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N. J. Manual of the Legislature  
of New Jersey

1836

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MANUAL  
OF  
LEGISLATIVE PRACTICE  
AND  
ORDER OF BUSINESS,  
IN THE  
LEGISLATURE  
OF THE  
STATE OF NEW JERSEY.

---

BY CHARLES SITGREAVES.

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TRENTON:  
B. DAVENPORT.

1836.

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Entered according to Act of Congress, in the year  
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the District Court of New Jersey.

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Printed by J. T. Sherman.

TO HIS EXCELLENCY PETER D. VROOM,  
GOVERNOR,

Hon. DANIEL B. RYALL,

*Speaker of the House of Assembly,*

Hon. Christian B. Zabriskie,

Hon. Stephen D. Day,

Hon. Jephtha B. Munn,

Hon. David Ryerson,

Hon. William Wilson,

Hon. William Thomson,

Hon. John Perrine, jr.

Hon. Thomas Arrowsmith,

Hon. Charles Stokes,

Hon. John W. Mickle,

Hon. Samuel Humphreys,

Hon. Joshua Brick,

Hon. Jeremiah Leaming.

Michael Saunier, Abraham Lydecker, John  
H. Hopper, James W. Wade, Jacob Flatt,  
Joseph N. Tuttle, Andrew Parsons, John  
J. Chetwood, Henry Hilliard, Isaac Quimby,  
James Cook, John D. Jackson, Joshua Shay,  
Joseph Linn, John Strader, George Flum-  
merfelt, John Young, Caleb H. Valentine,  
William Marshall, Wilson Bray, John Blane,  
Joseph Brown, John Hall, Nicholas C. Jobs,

William D. McKissack, William Cruser, Elias Runyon, Rolph M. Crowell, George P. Molleson, George T. McDowell, William Burtis, Ananiah Gifford, Thomas G. Haight, Anderson Lalor, Moses Wills, George Deacon, Thomas F. Budd, Benjamin Davis, Joseph Rogers, Samuel B. Lippincott, William R. Cooper, Joseph Endicott, Hudson A. Springer, Thomas J. Yorke, William Cook, Thomas E. Hunt, Isaac Newcomb, Ephraim Whitecar, and Richard Thompson, Esquires, *Members of the Sixtieth Legislature,*

The following pages are respectfully inscribed,

By their obedient servant,

and fellow citizen,

CHARLES SITGREAVES.

Phillipsburgh, New Jersey, }  
Jan. 7, 1836. }

STATE OF NEW JERSEY,

IN COUNCIL, Jan. 7th, A.D. 1836.

THE FOLLOWING COMMUNICATION WAS PRESENTED TO  
COUNCIL BY THE VICE PRESIDENT.

*To the members of the Legislative Council of the  
State of New Jersey.*

GENTLEMEN :

During the recess, I have compiled a manual of Legislative practice, which I herewith present to your consideration and acceptance.

The peculiarity of our State Constitution, in vesting almost unlimited powers in the Legislative Council and General Assembly ; the general character of our Legislative rules, and the peculiarity of our Legislative practice, in dispensing almost entirely with committees of the whole, render it difficult for a new member to acquire a knowledge of the practice and order of business in a whole session, and impossible to acquire that knowledge from any book of practice now extant. The manual I have compiled, embodies the Legislative practice of New Jersey

as settled by sixty successive Legislatures, the mode of business, rules and regulations of the Council, Assembly, Court of Appeals, Court of Pardons, and Joint-Meeting, and the duties of their respective officers, with an abstract of all laws connected with the proceedings of the Legislature, the mode of impeachments, and form of writs issued by either house, the whole so arranged, that a new Vice President or Speaker can have it as a book of reference, on any question which he may be called upon to decide, and new members can become at once conversant with the practice and order of business in the Legislature, which will thus tend to relieve the presiding officers of much labor and difficulty, and expedite the business of Legislation.

Should this manual, Gentlemen! meet with your approval, I shall feel amply repaid for the time, care and research, that I have devoted to its compilation.

Your obedient servant,  
and fellow citizen,  
CHARLES SITGREAVES.

The above communication was read and with the accompanying documents, referred to Messrs. Stokes, Munn and Leaming.

COUNCIL CHAMBER, Jan. 11th, A.D. 1836.

The Committee to whom was referred the communication from the Vice President, relating

to a manual of Legislative practice, presented to the Council, for their consideration and acceptance, by the Vice President, ask leave to report—

That they have had the manuscript of the proposed manual under consideration, and have spent some time, in reviewing the same, and hereby recommend its acceptance as a valuable compilation, and calculated to be very useful in effecting the objects set forth in the communication of the Vice President.

CHARLES STOKES,  
J. B. MUNN,  
JEREMIAH LEAMING.

*1st Month, 11th, A.D. 1836.*

HOUSE OF ASSEMBLY, Jan. 11. A.D. 1836.

Mr. HILLIARD presented the following resolution which passed the two houses unanimously.

*Resolved*, By the Council and General Assembly (Council concurring therein), that the Treasurer of this State be authorised to purchase one hundred and thirty copies of the manual of Legislative practice, compiled by the Vice President, and recommended for acceptance by a committee of Council.



# C O N S T I T U T I O N

OF THE

## UNITED STATES OF AMERICA.

WE, the People of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

### ARTICLE I.

#### SECTION I.

All legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

#### SECTION II.

The House of Representatives shall be composed of members chosen every second year by

the people of the several States ; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

No person shall be a Representative who shall not have attained to the age of twenty five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative ; and, until such enumeration shall be made, the State of *New Hampshire* shall be entitled to choose three, *Massachusetts* eight, *Rhode Island* and *Providence Plantations* one, *Connecticut* five, *New York* six, *New Jersey* four, *Pennsylvania* eight, *Delaware* one, *Maryland* six, *Virginia* ten,

*North Carolina* five, *South Carolina* five, and *Georgia* three.

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

### SECTION III.

The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments, until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who

shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments: when sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment, in cases of impeachment, shall not extend farther than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

#### SECTION IV.

The times, places, and manner, of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

## SECTION V.

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

Each House may determine the rules of its proceedings, punish its members for disorderly behavior and with the concurrence of two-thirds, expel a member.

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House on any question, shall, at the desire of one-fifth of those present, be entered on the Journal.

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

## SECTION VI.

The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time: and no person holding any office under the United States shall be a member of either House during his continuance in office.

## SECTION VII.

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

Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it:

but, if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on the journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and, if approved by two-thirds of that House, it shall become a law. But, in all such cases, the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President, within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law.

Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States, and, before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

## SECTION VIII.

The Congress shall have power—

To lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States:

To borrow money on the credit of the United States:

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes:

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States:

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

To provide for the punishment of counterfeiting the securities and current coin of the United States:

To establish post offices and post roads:

To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries:

To constitute tribunals inferior to the Supreme Court:

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations:

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water :

To raise and support armies : (but no appropriation of money to that use shall be for a longer term than two years :)

To provide and maintain a navy :

To make rules for the government and regulation of the land and naval forces :

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions :

To provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States ; reserving to the States, respectively, the appointment of the officers, and the authority of training the militia, according to the discipline prescribed by Congress :

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of Government of the United States, and to exercise like authority over all places purchased, by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings : and,

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by

this Constitution in the Government of the United States, or in any department or officer thereof.

#### SECTION IX.

The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

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

No bill of attainder or ex post facto law shall be passed.

No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any State. No preference shall be given, by any regulation of commerce or revenue, to the ports of one State over those of another; nor shall vessels bound to, or from, one state, be obliged to enter, clear, or pay duties, in another.

No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the

receipts and expenditures of all public money, shall be published from time to time.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

#### SECTION X.

No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts; or grant any title of nobility.

No State shall, without the consent of the Congress, lay any impost or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the nett produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of the Congress, lay any duty of tonnage, keep troops, or ships of war, in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless

actually invaded, or in such imminent danger as will not admit of delay.

## ARTICLE II.

### SECTION I.

The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as follows :

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress ; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each ; which list they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be count-

ed. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose, by ballot, one of them for President; and if no person have a majority, then from the five highest on the list, the said House shall, in like manner, choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office, who shall not have attained to the age of thirty-five years, and been

fourteen years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected; and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation:

“I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States.”

#### SECTION II.

The President shall be commander in chief of the army and navy of the United States, and

of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

### SECTION III.

He shall, from time to time, give to the Congress information of the state of the Union, and

recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and, in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

#### SECTION IV.

The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

### ARTICLE III.

#### SECTION I.

The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a com-

compensation, which shall not be diminished during their continuance in office.

## SECTION II.

The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and the treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign states, citizens, or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes

shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may, by law, have directed.

### SECTION III.

Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

## ARTICLE IV.

### SECTION I.

Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings, of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings, shall be proved, and the effect thereof.

## SECTION II.

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

## SECTION III.

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

The Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belong-

ing to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

#### SECTION IV.

The United States shall guaranty to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the Executive, (when the Legislature cannot be convened,) against domestic violence.

#### ARTICLE V.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment, which may be made prior to the year one thousand eight hundred and eight, shall, in any manner, affect the first and fourth clauses in the ninth section of the first article; and that

no State, without its consent, shall be deprived of its equal suffrage in the Senate.

## ARTICLE VI.

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges, in every State, shall be bound thereby, any thing in the constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before-mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution: but no religious test shall ever be required as a qualification to any office or public trust under the United States.

## ARTICLE VII.

The ratification of the conventions of nine States shall be sufficient for the establishment

of this Constitution between the States so ratifying the same.

Done in convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

GEO. WASHINGTON,  
*President, and Deputy from Virginia.*

*New Hampshire.*

John Langdon,  
Nicholas Gilman.

*Massachusetts.*

Nathaniel Gorham,  
Rufus King.

*Connecticut.*

William Samuel Johnson,  
Roger Sherman.

*New York.*

Alexander Hamilton.

*New Jersey.*

William Livingston,  
David Brearley,  
William Paterson,  
Jonathan Dayton.

*Pennsylvania.*

Benjamin Franklin,  
Thomas Mifflin,  
Robert Morris,  
George Clymer,  
Thomas Fitzsimmons,  
Jared Ingersoll,  
James Wilson,  
Gouverneur Morris.

*Delaware.*

George Reed,  
Gunning Bedford, jun.  
John Dickinson,  
Richard Bassett,  
Jacob Broom.

*Maryland.*

James M'Henry,  
Daniel of St. Thos. Jenifer,  
Daniel Carroll.

*Virginia.*

John Blair,  
James Madison, jun.

*North Carolina.*

William Blount,  
Richard Dobbs Spaight,  
Hugh Williamson.

*South Carolina.*

John Rutledge,  
Charles C. Pinckney,  
Charles Pinckney,  
Pierce Butler.

*Georgia.*

William Few,  
Abraham Baldwin.

*Attest :*

WILLIAM JACKSON, *Secretary.*

---

## IN CONVENTION.

MONDAY, SEPTEMBER 17, 1787.

*Resolved,* That the preceding Constitution be laid before the United States in Congress assembled; and that it is the opinion of this Convention that it should afterwards be submitted to a convention of delegates chosen in each State by the people thereof, under the recommendation of its Legislature, for their assent and ratification; and that each convention assenting to and ratifying the same should give notice thereof to the United States in Congress assembled.

*Resolved,* That it is the opinion of this Convention, that, as soon as the conventions of nine States shall have ratified this Constitution, the United States in Congress assembled should fix on a day on which electors should be appointed by the States which shall have ratified the same, and a day on which electors should assemble to vote for the President, and the time and place for commencing proceedings under this Consti-

tution. That, after such publication, the electors should be appointed, and the Senators and Representatives elected. That the electors should meet on the day fixed for the election of the President, and should transmit their votes, certified, signed, sealed, and directed, as the Constitution requires, to the Secretary of the United States, in Congress assembled; that the Senators and Representatives should convene at the time and place assigned; that the Senators should appoint a President of the Senate, for the sole purpose of receiving, opening, and counting the votes for President; and that, after he shall be chosen, the Congress, together with the President, should, without delay, proceed to execute this Constitution.

By the unanimous order of the Convention:

GEO. WASHINGTON, *President.*

WILLIAM JACKSON, *Secretary.*

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## IN CONVENTION.

SEPTEMBER 17, 1787.

SIR: We have now the honor to submit to the consideration of the United States in Congress assembled that Constitution which has appeared to us the most advisable.

The friends of our country have long seen and desired that the power of making war, peace, and treaties; that of levying money, and

regulating commerce, and the correspondent executive and judicial authorities, should be fully and effectually vested in the General Government of the Union; but the impropriety of delegating such extensive trusts to one body of men is evident; hence results the necessity of a different organization.

It is obviously impracticable, in the Federal Government of these States, to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all. Individuals entering into society must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance, as on the object to be obtained. It is at all times difficult to draw, with precision, the line between those rights which must be surrendered, and those which may be preserved; and, on the present occasion, this difficulty was increased by a difference among the several States, as to their situation, extent, habits and particular interests.

In all our deliberations on this subject, we kept steadily in our view that which appears to us the greatest interest of every true American, the consolidation of our Union; in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration seriously and deeply impressed our minds; and led each State in the Convention to be less rigid on points of inferior magnitude than might have been otherwise expected; and

thus the Constitution which we now present, is the result of a spirit of amity, and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable.

That it will meet the full and entire approbation of every State, is not perhaps to be expected; but each will doubtless consider, that, had her interest been alone consulted, the consequences might have been particularly disagreeable or injurious to others. That it is liable to as few exceptions as could reasonably have been expected, we hope and believe; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish. With great respect, we have the honor to be, sir, your excellency's most obedient and humble servants.

By unanimous order of the Convention:

GEO. WASHINGTON, *President.*

HIS EXCELLENCY *the President of Congress.*

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*The United States in Congress assembled :*

FRIDAY, SEPTEMBER 28, 1787.

Present—New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina, and Georgia; and from Maryland, Mr. Ross.

Congress having received the report of the Convention lately assembled in Philadelphia,

*Resolved, unanimously,* That the said report, with the resolutions and letter accompanying the same, be transmitted to the several Legislatures, in order to submit to a convention of delegates chosen in each State by the people thereof, in conformity to the resolves of the Convention, made and provided in that case.

CHARLES THOMSON, *Secretary.*

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## AMENDMENTS.

### *Article the First.*

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

### *Article the Second.*

A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

### *Article the Third.*

No soldier shall, in time of peace, be quartered in any house without the consent of the owner;

nor in time of war, but in a manner to be prescribed by law.

*Article the Fourth.*

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

*Article the Fifth.*

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger; nor shall any person be subject, for the same offence, to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

*Article the Sixth.*

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which dis-

trict shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him: to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

*Article the Seventh.*

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

*Article the Eighth.*

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

*Article the Ninth.*

The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

*Article the Tenth.*

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

*Article the Eleventh.*

The Judicial power of the United States shall not be construed to extend to any suit, in law or equity, commenced or prosecuted against one of the United States, by citizens of another State, or by citizens or subjects of any foreign State.

*Article the Twelfth.*

The electors shall meet in their respective States, and vote, by ballot, for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots, the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each; which lists they shall sign and certify, and transmit, sealed, to the seat of the Government of the United States, directed to the President of the Senate: the President of the Senate shall, in presence of the Senate, and House of Representatives, open all the certificates, and the votes shall then be counted: the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed: and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of

those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote: a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death, or other constitutional disability of the President.

The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then, from the two highest numbers on the list, the Senate shall choose the Vice President: a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

But no person constitutionally ineligible to the office of President, shall be eligible to that of Vice President of the United States.

*(The following article was proposed by Congress to the several states for their adoption as part of the Constitution, and has been ratified*

*by the State of Pennsylvania, and some of the other states, but had not, in March 1825, been ratified by the number of states required by the fifth article of the Constitution, and is therefore as yet, no part of the Constitution of the United States.)*

*Eleventh Congress, second Session, November 27th, 1809.*

ART. 13. If any citizen of the United States shall accept, claim, receive or retain any title of nobility or honour, or shall, without the consent of Congress, accept and retain any present, pension, office or emolument of any kind whatever, from any emperor, king, prince or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them. [*See Const. U. S. Art. 1. s. ix. p. 13.*]



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# R U L E S

FOR

CONDUCTING BUSINESS

IN THE

SENATE OF THE UNITED STATES.

1. The President having taken the chair, and a quorum being present, the journal of the preceding day shall be read, to the end that any mistake may be corrected that shall be made in the entries.

2. No member shall speak to another, or otherwise interrupt the business of the Senate, or read any newspaper, while the journals or public papers are reading, or when any member is speaking in any debate.

3. Every member when he speaks, shall address the Chair, standing in his place, and, when he has finished, shall sit down.

4. No member shall speak more than twice, in any one debate, on the same day, without leave of the Senate.

5. When two members rise at the same time, the President shall name the person to speak; but in all cases the member who shall first rise and address the Chair shall speak first.

6. When a member shall be called to order by the President, or a Senator, he shall sit down; and every question out of order shall be decided by the President without debate, subject to an appeal to the Senate; and the President may call for the sense of the Senate on any question of order.

7. If the member be called to order by a Senator for words spoken, the exceptionable words shall immediately be taken down in writing, that the President may be better enabled to judge of the matter.

8. No member shall absent himself from the service of the Senate, without leave of the Senate first obtained. And, in case a less number than a quorum of the Senate shall convene, they are hereby authorized to send the Sergeant-at-arms, or any other person or persons by them authorized, for any or all absent members, as the majority of such members present shall agree, at the expense of such absent members, respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient; and, in that case, the expense shall be paid out of the contingent fund. And this rule shall apply as well to the first convention of the Senate at the legal time of meeting, as to each day of the session, after the hour has arrived to which the Senate stood adjourned.

9. No motion shall be debated until the same shall be seconded.

10. When a motion shall be made and seconded, it shall be reduced to writing, if desired by the President, or any member, delivered in at the table, and read, before the same shall be debated.

11. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, to postpone indefinitely, to postpone to a day certain, to commit, or to amend; which several motions shall have precedence in the order they stand arranged, and the motion for adjournment shall always be in order, and be decided without debate.

12. If the question in debate contain several points, any member may have the same divided: but, on a motion to strike out and insert, it shall not be in order to move for a division of the question: but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor prevent a subsequent motion, simply to strike out: nor shall the rejection of a motion simply to strike out prevent a subsequent motion to strike out and insert.

13. In filling up blanks, the largest sum and longest time shall be first put.

14. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the Senate, and without debate.

15. The unfinished business in which the

Senate was engaged at the last preceding adjournment, shall have the preference in the special orders of the day.

16. When the yeas and nays shall be called for by one-fifth of the members present, each member called upon shall, unless for special reason he be excused by the Senate, declare openly, and without debate, his assent or dissent to the question. In taking the yeas and nays, and upon the call of the House, the names of the members shall be taken alphabetically.

17. When the yeas and nays shall be taken upon any question, in pursuance of the above rule, no member shall be permitted, under any circumstances whatever, to vote after the decision is announced from the Chair.

18. On a motion made and seconded to shut the doors of the Senate, on the discussion of any business, which may, in the opinion of a member, require secrecy, the President shall direct the gallery to be cleared; and, during the discussion of such motion, the doors shall remain shut.

19. No motion shall be deemed in order, to admit any person or persons whatsoever within the doors of the Senate chamber to present any petition, memorial, or address, or to hear any such read.

20. When a question has been once made and carried in the affirmative or negative, it shall be in order for any member of the majo-

urity to move for the reconsideration thereof: but no motion for the reconsideration of any vote shall be in order after a bill, resolution, message, report, amendment, or motion, upon which the vote was taken, shall have gone out of the possession of the Senate, announcing their decision; nor shall any motion for reconsideration be in order, unless made on the same day on which the vote was taken, or within the two next days of actual session of the Senate thereafter.

21. When the Senate are equally divided, the Secretary shall take the decision of the President.

22. All questions shall be put by the President of the Senate, either in the presence or absence of the President of the United States, and the Senators shall signify their assent or dissent, by answering, ay or no.

23. The Vice President, or President of the Senate pro tempore, shall have the right to name a member to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment.

24. After the journal is read, the President shall first call for petitions, and then for reports from standing committees; and every petition or memorial, or other paper, shall be referred of course, without putting a question for that purpose, unless the reference is objected to by a member at the time such petition, memorial, or other paper, is presented. And before any petition or memorial, addressed to the Senate, shall be received and read at the table, whether the

same shall be introduced by the President or a member, a brief statement of the contents of the petition or memorial shall verbally be made by the introducer.

25. One day's notice, at least, shall be given of an intended motion for leave to bring in a bill; and all bills reported by a committee, shall, after the first reading, be printed for the use of the Senate: but no other paper or document shall be printed for the use of the Senate, without special order.

26. Every bill shall receive three readings previous to its being passed; and the President shall give notice, at each, whether it be the first, second, or third; which readings shall be on three different days, unless the Senate unanimously direct otherwise. And all resolutions proposing amendments to the Constitution, or to which the approbation and signature of the President may be requisite, or which may grant money out of the contingent, or any other fund, shall be treated, in all respects, in the introduction and form of proceedings on them, in the Senate, in a similar manner with bills; and all other resolutions shall lie on the table one day for consideration, and also reports of committees.

27. No bill shall be committed or amended until it shall have been twice read, after which it may be referred to a committee.

28. All bills on a second reading shall first be considered by the Senate in the same manner as if the Senate were in committee of the whole,

before they shall be taken up and proceeded on by the Senate agreeably to the standing rules, unless otherwise ordered. And when the Senate shall consider a treaty, bill, or resolution, as in committee of the whole, the Vice President, or President pro tempore, may call a member to fill the chair, during the time the Senate shall remain in committee of the whole: and the chairman so called shall, during such time, have the powers of a President pro tempore.

29. The final question, upon the second reading of every bill, resolution, constitutional amendment, or motion, originating in the Senate, and requiring three readings previous to being passed, shall be, "Whether it shall be engrossed and read a third time?" and no amendment shall be received for discussion at the third reading of any bill, resolution, amendment, or motion, unless by unanimous consent of the members present: but it shall at all times be in order, before the final passage of any such bill, resolution, constitutional amendment, or motion, to move its commitment: and should such commitment take place, and any amendment be reported by the committee, the said bill, resolution, constitutional amendment, or motion, shall be again read a second time, and considered as in committee of the whole, and then the aforesaid question shall be again put.

30. The special orders of the day shall not be called by the Chair before one o'clock, unless otherwise directed by the Senate.

31. The titles of bills, and such parts thereof only as shall be affected by proposed amendments, shall be inserted on the journals.

32. The proceedings of the Senate, when not acting as in committee of the whole, shall be entered on the journal as concisely as possible, care being taken to detail a true and accurate account of the proceedings: but every vote of the Senate shall be entered on the journal, and a brief statement of the contents of each petition, memorial, or paper, presented to the Senate, shall also be inserted on the journal.

33. The following Standing Committees, to consist of five members each, shall be appointed at the commencement of each session, with leave to report by bill or otherwise:

A Committee on Foreign Relations,

A Committee on Finance,

A Committee on Commerce,

A Committee on Manufactures,

A Committee on Agriculture,

A Committee on Military Affairs,

A Committee on the Militia,

A Committee on Naval Affairs,

A Committee on Public Lands,

A Committee on Private Land Claims,

A Committee on Indian Affairs,

A Committee of Claims,

A Committee on Revolutionary Claims,

A Committee on the Judiciary,

A Committee on the Post Office and Post Roads,

A Committee on Roads and Canals,

A Committee on Pensions,

A Committee on the District of Columbia,

A Committee of three members, whose duty it shall be to audit and control the contingent expenses of the Senate, and

A Committee, consisting of three members, whose duty it shall be to examine all bills, amendments, resolutions, or motions, before they go out of possession of the Senate, and shall deliver the same to the Secretary of the Senate, who shall enter upon the journal that the same has been correctly engrossed.

34. In the appointment of the Standing Committees the Senate will proceed by ballot, severally, to appoint the chairman of each committee, and then, by one ballot, the other members necessary to complete the same; and a majority of the whole number of votes given, shall be necessary to the choice of a chairman of a standing committee. All other committees shall be appointed by ballot, and a plurality of votes shall make a choice. When any subject or matter shall have been referred to a committee, any other subject or matter of a similar nature, may, on motion, be referred to such committee.

35. When motions are made for reference of the same subject to a select committee, and to a standing committee, the question on reference to the standing committee shall be first put.

36. When nominations shall be made in writing by the President of the United States to

the Senate, a future day shall be assigned, unless the Senate unanimously direct otherwise, for taking them into consideration. When the President of the United States shall meet the Senate in the Senate Chamber, the President of the Senate shall have a chair on the floor, be considered as the head of the Senate, and his chair shall be assigned to the President of the United States. When the Senate shall be convened by the President of the United States to any other place, the President of the Senate and Senators shall attend at the place appointed. The Secretary of the Senate shall also attend to take the minutes of the Senate.

37. Whenever a treaty shall be laid before the Senate for ratification, it shall be read a first time for information only; when no motion to reject, ratify, or modify, the whole, or any part, shall be received. Its second reading shall be for consideration, and on a subsequent day; when it shall be taken up as in committee of the whole, and every one shall be free to move a question on any particular article, in this form: "Will the Senate advise and consent to the ratification of this article?" or to propose amendments thereto, either by inserting or by leaving out words; in which last case, the question shall be, "Shall these words stand as part of the article?" And in every of the said cases, the concurrence of two-thirds of the Senators present shall be requisite to decide affirmatively. And when through the whole, the proceedings shall be

stated to the House, and questions shall be again severally put thereon for confirmation, or new ones proposed, requiring, in like manner, a concurrence of two-thirds, for whatever is retained or inserted; the votes so confirmed shall, by the House, or a committee thereof, be reduced into the form of a ratification, with or without modifications, as may have been decided, and shall be proposed on a subsequent day, when every one shall again be free to move amendments, either by inserting or leaving out words; in which last case, the question shall be, "Shall these words stand as part of the resolution?" And in both cases, the concurrence of two-thirds shall be requisite to carry the affirmative, as well as, on the final question, to advise and consent to the ratification in the form agreed to.

38. All confidential communications, made by the President of the United States to the Senate, shall be by the members thereof kept secret; and all treaties which may be laid before the Senate, shall also be kept secret, until the Senate shall, by their resolution, take off the injunction of secrecy.

39. All information or remarks, touching or concerning the character or qualifications of any person nominated by the President to office, shall be kept secret.

40. When acting on confidential or executive business, the Senate shall be cleared of all persons, except the secretary, the principal or the

executive clerk, the sergeant-at-arms and door-keeper, and the assistant doorkeeper.

41. The legislative proceedings, the executive proceedings, and the confidential legislative proceedings, of the Senate, shall be kept in separate and distinct books.

42. The President of the United States shall, from time to time, be furnished with an authenticated transcript of the executive records of the Senate; and all nominations approved, or definitively acted on by the Senate, shall be returned by the Secretary from day to day, as such proceedings may occur; but no further extract from the executive journal shall be furnished, except by special order; and no paper, except original treaties transmitted to the Senate by the President of the United States, or any executive officer, shall be returned or delivered from the office of the Secretary, without an order of the Senate for that purpose.

43. When an amendment to be proposed to the Constitution is under consideration, the concurrence of two-thirds of the members present shall not be requisite to decide any question for amendments, or extending to the merits, being short of the final question.

44. When any question may have been decided by the Senate, in which two-thirds of the members present are necessary to carry the affirmative, any member who votes on that side which prevailed in the question may be at

liberty to move for a reconsideration; and a motion for reconsideration shall be decided by a majority of votes.

45. Messages shall be sent to the House of Representatives by the Secretary, who shall previously endorse the final determination of the Senate thereon.

46. Messengers are introduced in any state of business, except while a question is putting, while the yeas and nays are calling, or while the ballots are counting.

47. The reporters shall be placed on the floor of the Senate, under the direction of the secretary.

No person, except members of the House of Representatives, their clerk, Heads of Departments, Treasurer, Comptrollers, Register, Auditors, Postmaster General, President's secretary, Chaplains to Congress, Judges of the United States, Foreign Ministers and their secretaries, officers who, by name, have received or shall hereafter receive, the thanks of Congress for their gallantry and good conduct displayed in the service of their country, the Commissioners of the Navy Board, Governor, for the time being, of any State or Territory of the Union, such gentlemen as have been Heads of Departments, or members of either branch of the Legislature, and, at the discretion of the President of the Senate, persons who belong to such Legislatures of foreign Governments, as are in amity with the United States, shall be admitted on the floor of the Senate.

48. The presiding officer of the Senate shall have the regulation of such parts of the Capitol and of its passages, as are or may be set apart for the use of the Senate and its officers.

49. The Secretary of the Senate, the sergeant-at-arms and doorkeeper, and the assistant doorkeeper, shall be chosen on the second Monday of the first session of the twenty-first Congress, and on the same day of the first session of every succeeding Congress.

JOINT RULES  
AND  
ORDERS  
OF  
THE TWO HOUSES.

1. In every case of an amendment of a bill agreed to in one House, and dissented to in the other, if either House shall request a conference, and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, such committee shall, at a convenient hour, to be agreed on by their chairman, meet in the conference chamber, and state to each other, verbally or in writing, as either shall choose, the reasons of their respective Houses for and against the amendment, and confer freely thereon.

2. When a message shall be sent from the Senate to the House of Representatives, it shall be announced at the door of the House by the doorkeeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

3. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Senate.

4. Messages shall be sent by such persons as a sense of propriety, in each House, may determine to be proper.

5. While bills are on their passage between the two Houses, they shall be on paper, and under the signature of the Secretary or Clerk of each House respectively.

6. After a bill shall have passed both Houses, it shall be duly enrolled on parchment by the Clerk of the House of Representatives, or the Secretary of the Senate, as the bill may have originated in the one or the other House, before it shall be presented to the President of the United States.

7. When bills are enrolled, they shall be examined by a joint committee of two from the Senate and two from the House of Representatives, appointed as a standing committee for that purpose, who shall carefully compare the enrolment with the engrossed bills, as passed in the two Houses, and, correcting any errors that may be discovered in the enrolled bills, make their report forthwith to the respective Houses.

8. After examination, and report, each bill shall be signed in the respective Houses, first by the Speaker of the House of Representatives, then by the President of the Senate.

9. After a bill shall have been thus signed in each House, it shall be presented, by the said committee, to the President of the United States for his approbation, (it being first endorsed on the back of the roll, certifying in which House

the same originated ; which endorsement shall be signed by the Secretary or Clerk (as the case may be) of the House in which the same did originate,) and shall be entered on the Journal of each House. The said committee shall report the day of presentation to the President, which time shall also be carefully entered on the Journal of each House.

10. All orders, resolutions, and votes, which are to be presented to the President of the United States for his approbation, shall also, in the same manner, be previously enrolled, examined, and signed ; and shall be presented in the same manner, and by the same committee, as provided in cases of bills.

11. When the Senate and House of Representatives shall judge it proper to make a joint address to the President, it shall be presented to him in his audience chamber, by the President of the Senate, in the presence of the Speaker and both Houses.

12. When a bill or resolution, which shall have passed in one House, is rejected in the other, notice thereof is to be given to the House in which the same may have passed.

13. When a bill or resolution, which has been passed in one house, is rejected in the other, it is not brought in during the same session, without a notice of ten days, and leave of two-thirds of that House in which it shall be renewed.

14. Each House transmits to the other all papers on which any bill or resolution shall be founded.

15. After each House shall have adhered to their disagreement, a bill or resolution is lost.

16. No bill that shall have passed one House shall be sent for concurrence to the other, on either of the three last days of the session.

17. No bill or resolution that shall have passed the House of Representatives and the Senate shall be presented to the President of the United States, for his approbation, on the last day of the session.

18. When bills which have passed one House are ordered to be printed in the other, a greater number of copies shall not be printed than may be necessary for the use of the House making the order.

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R U L E S  
FOR CONDUCTING BUSINESS  
IN THE  
HOUSE OF REPRESENTATIVES  
OF THE  
UNITED STATES.

*Touching the duty of the Speaker.*

1. He shall take the chair every day precisely at the hour to which the House shall have adjourned on the preceding day; shall immediately call the members to order; and, on the appearance of a quorum, shall cause the Journal of the preceding day to be read.

2. He shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any two members; on which appeal no member shall speak more than once, unless by leave of the House.

3. He shall rise to put a question, but may state it sitting.

4. Questions shall be distinctly put in this form, to wit: "As many as are of opinion that

(as the question may be) say Ay ;” and after the affirmative voice is expressed, “As many as are of the contrary opinion, say No.” If the Speaker doubts, or a division be called for, the House shall divide : those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative. If the Speaker still doubts, or a count be required, the Speaker shall name two members, one from each side, to tell the members in the affirmative, which being reported, he shall then name two others, one from each side, to tell those in the negative, which being also reported, he shall rise, and state the decision to the House.

5. When any motion or proposition is made, the question, “Will the House now consider it ?” shall not be put, unless it is demanded by some member, or is deemed necessary by the Speaker.

6. The Speaker shall examine and correct the Journal before it is read. He shall have a general direction of the Hall. He shall have a right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

7. All committees shall be appointed by the Speaker, unless otherwise specially directed by the House, in which case they shall be appointed by ballot ; and if, upon such ballot, the number required shall not be elected by a majority of the votes given, the House shall proceed to a second ballot, in which a plurality of votes shall prevail ; and, in case a greater

number than is required to compose or complete a committee shall have an equal number of votes, the House shall proceed to a further ballot or ballots.

8. In all other cases of ballot than for committees, a majority of the votes given shall be necessary to an election; and where there shall not be such a majority on the first ballot, the ballot shall be repeated until a majority be obtained.

9. In all cases of ballot by the House, the Speaker shall vote: in other cases he shall not vote, unless the House be equally divided, or unless his vote, if given to the minority, will make the division equal; and in case of such equal division, the question shall be lost.

10. In all cases where other than members of the House may be eligible to an office by the election of the House, there shall be a previous nomination.

11. All acts, addresses, and joint resolutions, shall be signed by the Speaker; and all writs, warrants, and subpœnas, issued by order of the House, shall be under his hand and seal, attested by the Clerk.

12. In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker (or Chairman of the Committee of the Whole House) shall have power to order the same to be cleared.

13. No person, except members of the Senate, their Secretary, Heads of Departments, Treas-

urer, Comptroller, Register, Auditor, Postmaster General, President's Secretary, Chaplains to Congress, Judges of the United States, Foreign Ministers and their Secretaries, officers who, by name, have received, or shall hereafter receive, the thanks of Congress for their gallantry and good conduct displayed in the service of their country, the Commissioners of the Navy Board, Governor, for the time being, of any State or Territory of the Union, who may attend at the seat of the General Government during the session of Congress, and who may choose to avail himself of such privilege, such gentlemen as have been heads of Departments, or members of either branch of the Legislature, and, at the discretion of the Speaker, persons who belong to such Legislatures of Foreign Governments as are in amity with the United States, shall be admitted within the Hall of the House of Representatives.

14. Stenographers, wishing to take down the debates, may be admitted by the Speaker, who shall assign such places to them on the floor or elsewhere, to effect their object, as shall not interfere with the convenience of the House.

*Order of business of the Session.*

15. After six days from the commencement of a second or subsequent session of any Congress, all bills, resolutions, and reports, which originated in the House, and at the close of the next preceding session, remained undetermined, shall be resumed and acted on in the

same manner as if an adjournment had not taken place.

*Order of Business of the Day.*

16. As soon as the Journal is read, the Speaker shall call for petitions from the members of each State, and delegates from each Territory, beginning with Maine: and if, on any day, the whole of the States and Territories shall not be called, the Speaker shall begin on the next day where he left off the previous day; Provided, that, after the first thirty days of the session, petitions shall not be received except on the first day of the meeting of the House in each week.

17. The petitions having been presented and disposed of, reports, first from the standing, and then from the select committees, shall be called for and disposed of. Resolutions shall then be called for in the same order, and disposed of by the same rules, which apply to petitions: Provided, that no member shall offer more than one resolution, or one series of resolutions, all relating to the same subject, until all the States and Territories shall have been called. And after one hour shall have been devoted to reports from committees and resolutions, it shall be in order, pending the consideration or discussion thereof, to entertain a motion that the House do now proceed to dispose of the business on the Speaker's table, and to the orders of the day; which being decided in the affirma-

tive, the speaker shall dispose of the bills, messages, and communications on his table, and then proceed to call the orders of the day.

18. The business specified in the two preceding rules shall be done at no other part of the day, except by permission of the House.

*Local or private Business.*

19. Friday and Saturday in every week shall be set apart for the consideration of private bills and private business, in preference to any other.

*Of Decorum and Debate.*

20. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat, and respectfully address himself to "Mr. Speaker," and shall confine himself to the question under debate, and avoid personality.

21. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may call to order; in which case, the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate: if there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, he shall not be permitted to proceed without leave of the House; and

if the case require it, he shall be liable to the censure of the House.

— If a member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be taken down in writing at the Clerk's table; and no member shall be held to answer, or be subject to the censure of the House for words spoken in debate, if any other member has spoken, or other business has intervened, after the words spoken, and before exception to them, shall have been taken.

22. When two or more members happen to rise at once, the Speaker shall name the member who is first to speak.

23. No member shall speak more than twice to the same question, without leave of the House, nor more than once until every member choosing to speak, shall have spoken.

24. If a question depending be lost by an adjournment of the House, and revived on the succeeding day, no member who shall have spoken twice on the preceding day, shall be permitted again to speak without leave.

25. Whilst the Speaker is putting any question, or addressing the House, none shall walk out of, or across the House; nor, in such case, or when a member is speaking, shall entertain private discourse; nor, whilst a member is speaking, shall pass between him and the Chair.

26. No member shall vote on any question in the event of which he is immediately and par-

ticularly interested, or in any case where he was not present when the question was put.

27. Upon a division and count of the House on any question, no member without the bar shall be counted.

28. Every member who shall be in the House when the question is put, shall give his vote, unless the House, for special reasons, shall excuse him.

29. When a motion is made and seconded, it shall be stated by the Speaker; or, being in writing, it shall be handed to the Chair, and read aloud by the Clerk before debated.

30. Every motion shall be reduced to writing if the Speaker or any member desire it.

31. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in the possession of the House, but may be withdrawn at any time before a decision or amendment.

32. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition. A motion to strike out the enacting words of a bill shall have precedence of a

motion to amend, and, if carried, shall be considered equivalent to its rejection.

33. When a resolution shall be offered, or a motion made, to refer any subject, and different committees shall be proposed, the question shall be taken in the following order :

The Committee of the Whole House on the state of the Union ; the Committee of the Whole House ; a standing committee ; a select committee.

34. A motion to adjourn shall be always in order ; that and the motion to lie on the table, shall be decided without debate.

35. The previous question shall be in this form : " Shall the main question be now put ? " It shall only be admitted when demanded by a majority of the members present ; and, until it is decided, shall preclude all amendment, and further debate of the main question, as well as of pending amendments ; and the question shall be taken on the amendments, in order, if amendments be pending, and then on the main question.

36. On a previous question there shall be no debate.

37. When a question is postponed indefinitely, the same shall not be acted upon again during the session.

38. Any member may call for the division of a question which shall be divided if it comprehends questions so distinct, that, one being taken away, the rest may stand entire for the decision of the House : a motion to strike out and insert

shall be deemed indivisible. But a motion to strike out being lost, shall preclude neither amendment, nor a motion to strike out and insert.

39. Motions and reports may be committed at the pleasure of the House.

40. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

41. When a motion has been once made, and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof, on the same or the succeeding day; and such motion shall take precedence of all other questions, except a motion to adjourn.

42. When the reading of a paper is called for and the same is objected to by any member, it shall be determined by a vote of the House.

43. The unfinished business in which the House was engaged, at the last preceding adjournment, shall have the preference in the orders of the day: and no motion on any other business shall be received, without special leave of the House, until the former is disposed of.

44. Every order, resolution, or vote, to which the concurrence of the Senate shall be necessary, shall be read to the House, and laid on the table, on a day preceding that in which the same shall be moved, unless the House shall otherwise expressly allow.

45. Petitions, memorials, and other papers addressed to the House, shall be presented by

the Speaker, or by a member in his place: a brief statement of the contents thereof shall verbally be made by the introducer, and shall not be debated or decided on the day of their being first read, nor on any day assigned by the House for the receipt of petitions after the first thirty days of the session unless where the House shall direct otherwise, but shall lie on the table, to be taken up in the order they were read.

46. A proposition requesting information from the President of the United States, or directing it to be furnished by the head of either of the Executive Departments, or by the Postmaster General, or to print an extra number of any document or other matter, excepting messages of the President to both Houses at the commencement of each session of Congress, and the reports and documents connected with or referred to in it, shall lie on the table one day for consideration, unless otherwise ordered by the unanimous consent of the House; and all such propositions shall be taken up for consideration in the order they were presented, immediately after reports are called for from select committees; and when adopted, the Clerk shall cause the same to be delivered.

47. Any fifteen members (including the Speaker, if there be one) shall be authorized to compel the attendance of absent members.

48. Upon calls of the House or in taking the

yeas and nays on any question, the names of the members shall be called alphabetically.

49. Any member may excuse himself from serving on any committee at the time of his appointment, if he is then a member of two other committees.

50. No member shall absent himself from the service of the House unless he have leave, or be sick and unable to attend.

51. Upon the call of the House the names of the members shall be called over by the Clerk, and the absentees noted; after which, the names of the absentees shall again be called over, the doors shall then be shut, and those for whom no excuse, or insufficient excuses are made, may, by order of those present, if fifteen in number, be taken into custody as they appear, or may be sent for and taken into custody, wherever to be found, by special messengers to be appointed for that purpose.

52. When a member shall be discharged from custody and admitted to his seat, the House shall determine whether such discharge shall be with or without paying fees; and in like manner, whether a delinquent member, taken into custody by a special messenger, shall, or shall not, be liable to defray the expense of such special messenger.

53. A Sergeant-at-Arms shall be appointed, to hold his office during the pleasure of the House, whose duty it shall be to attend the

House during its sitting; to execute the commands of the House from time to time, together with all such process, issued by authority thereof, as shall be directed to him by the Speaker.

54. The fees of the Sergeant-at-Arms shall be, for every arrest, the sum of two dollars; for each day's custody and releasement, one dollar; and for travelling expenses for himself or a special messenger, going and returning, one tenth of a dollar per mile.

55. Twenty-one standing committees shall be appointed at the commencement of each session, viz.

A Committee of Elections,

A Committee of Ways and Means,

A Committee of Claims,

A Committee on Commerce,

A Committee on the Public Lands,

A Committee on the Post Office and Post Roads,

A Committee for the District of Columbia,

A Committee on the Judiciary,

A Committee on Revolutionary Claims,

A Committee on Public Expenditures,

A Committee on Private Land Claims,

A Committee on Manufactures,

A Committee on Agriculture,

A Committee on Indian Affairs,

A Committee on Military Affairs,

A Committee on Naval Affairs,

A Committee on Foreign Affairs,

A Committee on the Territories,

A Committee on Revolutionary Pensions,  
A Committee on Invalid Pensions,  
A Committee on Roads and Canals,  
(*To consist of nine members each.*)

A Committee of Revisal and unfinished Business, and

A Committee of accounts,  
(*To consist of five members each.*)

56. It shall be the duty of the Committee of Elections to examine and report upon the certificates of election, or other credentials, of the members returned to serve in this House; and to take into their consideration all such petitions, and other matters touching elections and returns, as shall or may be presented, or come into question, and be referred to them by the House.

57. It shall be the duty of the Committee of Ways and Means to take into consideration all such reports of the Treasury Department, and all such propositions relative to the revenue, as may be referred to them by the House; to inquire into the state of the public debt or the revenue, and of the expenditure; and to report from time to time, their opinion thereon; to examine into the state of the several public Departments, and particularly into the laws making appropriations of moneys; and to report whether the moneys have been disbursed conformably with such laws; and, also, to report, from time to time, such provisions and arrange-

ments as may be necessary to add to the economy of the Departments, and the accountability of their officers.

In preparing bills of appropriations for other objects, the Committee of Ways and Means shall not include appropriations for carrying into effect treaties made by the United States; and, where an appropriation bill shall be referred to them for their consideration, which contains appropriations for carrying a treaty into effect, and for other objects, they shall propose such amendments as shall prevent appropriations for carrying a treaty into effect being included in the same bill with appropriations for other objects.

58. At every session of Congress, commencing on the first Monday of December, it shall be the duty of the Committee of Ways and Means, within thirty days after their appointment, to report the General Appropriation bills—for the civil and diplomatic expenses of Government; for the army; the navy; and for the Indian department and Indian annuities; or in failure thereof, the reasons of such failure; and general appropriation bills shall be in order in preference to any other bills of a public nature, unless otherwise ordered by a majority of the House.

59. No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law.

60. It shall be the duty of the Committee of Claims to take into consideration all such peti-

tions and matters or things touching claims and demands on the United States, as shall be presented, or shall or may come in question, and be referred to them by the House; and to report their opinion thereupon, together with such propositions for relief therein as to them shall seem expedient.

61. It shall be the duty of the Committee on Commerce to take into consideration all such petitions and matters or things touching the commerce of the United States, as shall be presented, or shall or may come into question, and be referred to them by the House; and to report, from time to time, their opinion thereon.

62. It shall be the duty of the Committee on the Public Lands to take into consideration all such petitions and matters or things respecting the lands of the United States, as shall be presented, or shall or may come in question, and be referred to them by the House; and to report their opinion thereupon, together with such propositions for relief therein as to them shall seem expedient.

63. It shall be the duty of the Committee on the Post Office and Post Roads, to take into consideration all such petitions and matters or things touching the post office and post roads, as shall be presented, or may come in question, and be referred to them by the House; and to report their opinion thereupon, together with such propositions relative thereto as to them shall seem expedient.

64. It shall be the duty of the Committee for the District of Columbia, to take into consideration all such petitions, matters, or things, touching the said District, as shall be presented, or shall come in question, and be referred to them by the House; and to report their opinion thereon, together with such propositions relative thereto as to them shall seem expedient.

65. It shall be the duty of the Committee on the Judiciary, to take into consideration such petitions and matters, or things touching judicial proceedings, as shall be presented, or may come in question, and be referred to them by the House; and to report their opinion thereupon, together with such propositions relative thereto as to them shall seem expedient.

66. It shall be the duty of the Committee on Revolutionary Claims, to take into consideration all such petitions and matters or things touching claims and demands originating in the revolutionary war, or arising therefrom, as shall be presented, or shall or may come in question, and be referred to them by the House; and to report their opinion thereupon, together with such propositions for relief therein, as to them shall seem expedient.

67. It shall be the duty of the Committee on Public Expenditures, to examine into the state of the several public Departments, and particularly into laws making appropriations of moneys, and to report whether the moneys have been disbursed conformably with such laws; and, also,

to report, from time to time, such provisions and arrangements as may be necessary to add, to the economy of the Departments, and the accountability of their officers.

68. It shall be the duty of the Committee on Private Land Claims, to take into consideration all claims to land which may be referred to them, or shall or may come in question; and to report their opinion thereupon, together with such propositions for relief therein as to them shall seem expedient.

69. It shall be the duty of the Committee on Military Affairs, to take into consideration all subjects relating to the military establishment and public defence, which may be referred to them by the House, and to report their opinion thereupon; and, also, to report, from time to time, such measures as may contribute to economy and accountability in the said establishment.

70. It shall be the duty of the Committee on Naval Affairs, to take into consideration all matters which concern the naval establishment, and which shall be referred to them by the House, and to report their opinion thereupon; and, also, to report, from time to time, such measures as may contribute to economy and accountability in the said establishment.

71. It shall be the duty of the Committee on Foreign Affairs, to take into consideration all matters which concern the relations of the United States with foreign nations, and which shall

be referred to them by the House, and to report their opinion on the same.

72. It shall be the duty of the Committee on the Territories, to examine into their legislative, civil, and criminal proceedings, and to devise and report to the House such means as, in their opinion, may be necessary to secure the rights and privileges of residents and non-residents.

73. It shall be the duty of the Committee on Revolutionary Pensions, to take into consideration all such matters respecting pensions for services in the revolutionary war, other than invalid pensions, as shall be referred to them by the House.

74. It shall be the duty of the Committee on Invalid Pensions, to take into consideration all such matters respecting invalid pensions, as shall be referred to them by the House.

75. It shall be the duty of the Committee on Roads and Canals, to take into consideration all such petitions and matters or things relating to roads and canals, and the improvement of the navigation of rivers, as shall be presented, or may come in question, and be referred to them by the House; and to report thereupon, together with such propositions relative thereto as to them shall seem expedient.

76. It shall be the duty of the Committee of Revisal and Unfinished Business, to examine and report what laws have expired, or are near expiring, and require to be revived or further con-

tinued; also, to examine and report, from the Journal of the last session, all such matters as were then depending and undetermined.

77. It shall be the duty of the Committee of Accounts, to superintend and control the expenditures of the contingent fund of the House of Representatives, and to audit and settle all accounts which may be charged thereon; and, also, to audit the accounts of the members for their travel to and from the seat of Government, and their attendance in the House.

78. Six additional standing committees shall be appointed at the commencement of the first session in each Congress, whose duty shall continue until the first session of the ensuing Congress.

1. A committee on so much of the public accounts and expenditures as relate to the Department of State;

2. A committee on so much of the public accounts and expenditures as relate to the Treasury Department;

3. A committee on so much of the public accounts and expenditures as relate to the Department of War;

4. A committee on so much of the public accounts and expenditures as relate to the Department of the Navy;

5. A committee on so much of the public accounts and expenditures as relate to the Post Office; and

6. A committee on so much of the public accounts and expenditures as relate to the Public Buildings.

*(To consist of five members each.)*

79. It shall be the duty of the said committees to examine into the state of the accounts and expenditures respectively submitted to them, and to inquire and report particularly—

Whether the expenditures of the respective Departments are justified by law:

Whether the claims from time to time satisfied and discharged by the respective Departments are supported by sufficient vouchers, establishing their justness both as to their character and amount:

Whether such claims have been discharged out of funds appropriated therefor; and whether all moneys have been disbursed in conformity with appropriation laws: and

Whether any, and what, provisions are necessary to be adopted, to provide more perfectly for the proper application of the public moneys, and to secure the Government from demands unjust in their character, or extravagant in their amount.

And it shall be, moreover, the duty of the said committees to report, from time to time, whether any, and what, retrenchment can be made in the expenditures of the several Departments, without detriment to the public service; whether any, and what, abuses at any time exist, in

the failure to enforce the payment of moneys which may be due to the United States from public defaulters or others; and to report from time to time, such provisions and arrangements as may be necessary to add to the economy of the several Departments, and the accountability of their officers.

80. The several standing committees of the House shall have leave to report by bill or otherwise.

81. No committee shall sit during the sitting of the House, without special leave.

82. The Clerk of the House shall take an oath for the true and faithful discharge of the duties of his office, to the best of his knowledge and abilities, and shall be deemed to continue in office until another be appointed.

83. It shall be the duty of the Clerk to make, and cause to be printed and delivered to each member, at the commencement of every session of Congress, a list of the reports which it is the duty of any officer or Department of the Government to make to Congress; referring to the act or resolution, and page of the volume of the Laws or Journal in which it may be contained; and placing under the name of each officer the list of reports required of him to be made, and the time when the report may be expected.

84. It shall be the duty of the Clerk of the House, at the end of each session, to send a printed copy of the Journals thereof to the

Executive, and to each branch of the Legislature, of every State.

85. All questions of order shall be noted by the Clerk, with the decision, and put together at the end of the Journal of every session.

86. Whenever confidential communications are received from the President of the United States, the House shall be cleared of all persons, except the members, Clerk, Sergeant-at-Arms, and Doorkeeper, and so continue during the reading of such communications, and (unless otherwise directed by the House) during all debates and proceedings to be had thereon. And when the Speaker, or any other member, shall inform the House that he has communications to make, which he conceives ought to be kept secret, the House shall, in like manner, be cleared, till the communication be made; the House shall then determine whether the matter communicated requires secrecy or not, and take order accordingly.

87. The Sergeant-at-Arms and the Doorkeeper shall be sworn to keep the secrets of the House.

88. All questions relating to the priority of business to be acted on, shall be decided without debate.

### *Of Bills.*

89. Every bill shall be introduced by motion for leave, or by an order of the House, on the report of the committee; and in either case, a committee to prepare the same shall be appoint-

cd. In cases of a general nature, one day's notice at least shall be given of the motion to bring in a bill; and every such motion may be committed.

90. Every bill shall receive three several readings in the House previous to its passage; and bills shall be despatched in order as they were introduced, unless where the House shall direct otherwise; but no bill shall be twice read on the same day, without special order of the House.

91. The first reading of a bill shall be for information; and, if opposition be made to it, the question shall be, "Shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

92. Upon the second reading of a bill, the Speaker shall state it as ready for commitment or engrossment; and, if committed, then a question shall be, whether to a select or standing committee, or to a Committee of the Whole House: if to a Committee of the Whole House, the House shall determine on what day. But, if the bill be ordered to be engrossed, the House shall appoint the day when it shall be read the third time.

93. Not more than three bills, originating in the House, shall be committed to the same Committee of the Whole, and such bills shall be analogous in their nature, which analogy shall be determined by the Speaker.

94. After commitment and report thereof to the House, or at any time before its passage, a bill may be recommitted.

95. All bills ordered to be engrossed shall be executed in a fair round hand.

96. No amendment by way of *rider* shall be received to any bill on its third reading.

97. When a bill shall pass, it shall be certified by the Clerk, noting the day of its passage at the foot thereof.

*Of Committees of the Whole House.*

98. It shall be a standing order of the day, throughout the session, for the House to resolve itself into a Committee of the Whole House on the state of the Union.

99. In forming a Committee of the Whole House, the Speaker shall leave his chair, and a chairman, to preside in committee, shall be appointed by the Speaker.

100. Upon bills committed to a Committee of the Whole House, the bill shall be first read throughout by the Clerk, and then again read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined, but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the Committee, and so reported to the House. After report, the bill shall again be subject to be debated and amended by clauses, before a question to engross it be taken.

101. All amendments made to an original motion in committee shall be incorporated with the motion, and so reported.

102. All amendments made to a report committed to a Committee of the Whole House shall be noted and reported, as in the case of bills.

103. All questions, whether in committee or in the House, shall be propounded in the order in which they were moved, except that, in filling up blanks, the largest sum and longest time shall be first put.

104. No motion or proposition for a tax or charge upon the people shall be discussed the day in which it is made or offered; and every such proposition shall receive its first discussion in a Committee of the Whole House.

105. No sum or quantum of tax or duty, voted by a Committee of the Whole House, shall be increased in the House until the motion or proposition for such increase shall be first discussed and voted in a Committee of the Whole House; and so in respect to the time of its continuance.

106. All proceedings touching appropriations of money shall be first discussed in a Committee of the Whole House.

107. The rules of proceedings in the House, shall be observed in a Committee of the Whole House, so far as they may be applicable, except the rule limiting the time of speaking; but no member shall speak twice to any question, until

every member choosing to speak shall have spoken.

103. No standing rule or order of the House shall be rescinded or changed without one day's notice being given of the motion therefor. Nor shall any rule be suspended, except by a vote of least two-thirds of the members present. Nor shall the order of business, as established by the rules of the House, be postponed or changed, except by a vote of at least two-thirds of the members present.

109. It shall be in order for the Committee on Enrolled Bills, to report at any time.

110. No person shall be permitted to perform divine service in the chamber occupied by the House of Representatives, unless with the consent of the Speaker.

111. The rule for paying witnesses summoned to appear before this House, or either of its Committees, shall be as follows: for each day a witness shall attend, the sum of two dollars; for each mile he shall travel in coming to or going from the place of examination, the sum of ten cents each way; but nothing shall be paid for travelling home when the witness has been summoned at the place of trial.

112. The Clerk shall, within thirty days after the close of each session of Congress, cause to be completed the printing and primary distribution to members and delegates, of the Journal of the House, together with an accurate index to the same.



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# CONSTITUTION

OF THE

## STATE OF NEW JERSEY.

WHEREAS all the constitutional authority ever possessed by the kings of Great Britain over these colonies, or their other dominions, was, by compact, derived from the people, and held of them, for the common interest of the whole society; allegiance and protection are, in the nature of things, reciprocal ties, each equally depending upon the other, and liable to be dissolved by the others being refused or withdrawn: and whereas George the Third, king of Great Britain, has refused protection to the good people of these colonies; and by assenting to sundry acts of the British parliament, attempted to subject them to the absolute dominion of that body; and has also made war upon them, in the most cruel and unnatural manner, for no other cause than asserting their just rights—all civil authority under him is necessarily at an end, and a dissolution of government in each colony has consequently taken place.

And whereas, in the present deplorable situa-

tion of these colonies, exposed to the fury of a cruel and relentless enemy, some form of government is absolutely necessary, not only for the preservation of good order, but also the more effectually to unite the people, and enable them to exert their whole force in their own necessary defence: and as the honourable the continental congress, the supreme council of the American colonies, has advised such of the colonies as have not yet gone into measures, to adopt for themselves, respectively, such government as shall best conduce to their own happiness and safety, and the well being of America in general:—We, the representatives of the colony of New Jersey, having been elected by all the counties in the freest manner, and in congress assembled, have, after mature deliberation, agreed upon a set of charter rights, and the form of a constitution, in the manner following, viz.

1. That the government of this province shall be vested in a governor, legislative council, and general assembly.

2. That the said legislative council and general assembly shall be chosen, for the first time, on the second Tuesday of August next; the members whereof shall be the same in number and qualifications as is hereinafter mentioned; and shall be and remain vested with all the powers and authority to be held by any future legislative council and assembly of this colony until the second Tuesday in October, which shall be in

the year of our Lord one thousand seven hundred and seventy-seven.

3. That, on the second Tuesday in October yearly, and every year forever, (with the privilege of adjourning from day to day, as occasion may require,) the counties shall severally choose one person, to be a member of the legislative council of this colony, who shall be, and have been for one whole year next before the election, an inhabitant and freeholder in the county in which he is chosen, and worth at least one thousand pounds, proclamation money, of real and personal estate, within the same county; that, at the same time, each county shall also choose three members of assembly; provided, that no person shall be entitled to a seat in the said assembly, unless he be, and have been, for one whole year next before the election, an inhabitant of the county he is to represent, and worth five hundred pounds, proclamation money, in real and personal estate, in the same county; that, on the second Tuesday next after the day of election, the council and assembly shall separately meet, and that the consent of both houses shall be necessary to every law; provided, that seven shall be a quorum of the council for doing business, and that no law shall pass, unless there be a majority of all the representatives of each body personally present, and agreeing thereto: Provided, always, that if a majority of the representatives of this province, in council and general assembly convened, shall at any

time or times hereafter, judge it equitable and proper to add to or diminish the number or proportion of the members of assembly for any county or counties in this colony, then, and in such case, the same may, on the principles of more equal representation, be lawfully done, any thing in this charter to the contrary notwithstanding ; so that the whole number of representatives in assembly shall not, at any time, be less than thirty-nine.

4. That all inhabitants of this colony, of full age, who are worth fifty pounds, proclamation money, clear estate in the same, and have resided within the county in which they claim a vote for twelve months immediately preceding the election, shall be entitled to vote for representatives in council and assembly ; and also for all other public officers that shall be elected by the people of the county at large.

5. That the assembly, when met, shall have power to choose a speaker, and other their officers ; to be judges of the qualifications and elections of their own members ; sit upon their own adjournments ; prepare bills to be passed into laws ; and to empower their speaker to convene them whenever any extraordinary occurrence shall render it necessary.

6. That the council shall also have power to prepare bills to pass into laws, and have other like powers as the assembly, and in all respects be a free and independent branch of the legislature of this colony ; save only that they shall

not prepare or alter any money bill—which shall be the privilege of the assembly ; that the council shall, from time to time, be convened by the governor or vice-president, but must be convened at all times when the assembly sits ; for which purpose the speaker of the house of assembly shall always, immediately after an adjournment, give notice to the governor, or vice-president, of the time and place to which the house is adjourned.

7. That the council and assembly, jointly, at their first meeting after each annual election, shall, by a majority of votes, elect some fit person within the colony to be governor for one year, who shall be constant president of the council, and have a casting vote in their proceedings ; and that the council themselves shall choose a vice-president, who shall act as such in the absence of the governor.

8. That the governor, or, in his absence, the vice-president of the council, shall have the supreme executive power, be chancellor of the colony, and act as captain-general and commander in chief of all the militia, and other military force, in this colony ; and that any three or more of the council shall at all times be a privy council to advise the governor in all cases where he may find it necessary to consult them ; and that the governor be ordinary or surrogate-general.

9. That the governor and council (seven whereof shall be a quorum) be the court of appeals, in the last resort, in all causes of law, as

heretofore ; and that they possess the power of granting pardons to criminals, after condemnation, in all cases of treason, felony, or other offences.

10. That captains, and all other inferior officers of the militia, shall be chosen by the companies in the respective counties ; but field and general officers, by the council and assembly.

11. That the council and assembly shall have power to make the great seal of this colony, which shall be kept by the governor, or, in his absence, by the vice-president of the council, to be used by them as occasion may require ; and it shall be called *the great seal of the colony of New-Jersey*.

12. That the judges of the supreme court shall continue in office for seven years ; the judges of the inferior court of common pleas in the several counties, justices of the peace, clerks of the supreme court, clerks of the inferior court of common pleas and quarter sessions, the attorney-general, and provincial secretary, shall continue in office for five years, and the provincial treasurer shall continue in office for one year ; and that they shall be severally appointed by the council and assembly, in manner aforesaid, and commissioned by the governor, or, in his absence, by the vice-president of the council. Provided, always, that the said officers, severally, shall be capable of being reappointed, at the end of the terms severally before limited ; and that any of the said officers shall be liable to

be dismissed, when adjudged guilty of misbehaviour by the council, on an impeachment of the assembly.

13. That the inhabitants of each county, qualified to vote as aforesaid, shall, at the time and place of electing their representatives, annually elect one sheriff, and one or more coroners; and that they may re-elect the same person to such offices until he shall have served three years, but no longer; after which, three years must elapse before the same person is capable of being elected again. When the election is certified to the governor, or vice-president, under the hands of six freeholders of the county for which they were elected, they shall be immediately commissioned to serve in their respective offices.

14. That the townships, at their annual town meetings for electing other officers, shall choose constables for the districts respectively; and also three or more judicious freeholders, of good character, to hear and finally determine all appeals, relative to unjust assessments, in cases of public taxation; which commissioners of appeal shall, for that purpose, sit at some suitable time or times, to be by them appointed, and made known to the people by advertisements.

15. That the laws of this colony shall begin in the following style, viz.—“Be it enacted by the council and general assembly of this colony, and it is hereby enacted by the authority of the same:” that all commissions granted by the governor or vice-president, shall run thus: “The

colony of New-Jersey to A B, &c. greeting :” and that all writs shall likewise run in the name of the colony ; and that all indictments shall conclude in the following manner, viz. “ Against the peace of this colony, the government and dignity of the same.”

16. That all criminals shall be admitted to the same privileges of witnesses and counsel, as their prosecutors are or shall be entitled to.

17. That the estates of such persons as shall destroy their own lives, shall not, for that offence, be forfeited ; but shall descend in the same manner as they would have done had such persons died in a natural way : nor shall any article which may occasion accidentally the death of any one, be henceforth deemed a deodand, or in anywise forfeited, on account of such misfortune.

18. That no person shall ever, within this colony, be deprived of the inestimable privilege of worshipping Almighty God, in a manner agreeable to the dictates of his own conscience : nor, under any pretence whatever, be compelled to attend any place of worship, contrary to his own faith and judgment ; nor shall any person within this colony ever be obliged to pay tythes, taxes, or any other rates, for the purpose of building or repairing any other church or churches, place or places of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right, or has deliberately and voluntarily engaged himself to perform.

19. That there shall be no establishment of

any one religious sect in this province, in preference to another ; and that no protestant inhabitant of this colony shall be denied the enjoyment of any civil right, merely on account of his religious principles ; but that all persons, professing a belief in the faith of any protestant sect, who shall demean themselves peaceably under the government, as hereby established, shall be capable of being elected into any office of profit or trust, or being a member of either branch of the legislature, and shall fully and freely enjoy every privilege and immunity enjoyed by others their fellow subjects.

20. That the legislative department of this colony may, as much as possible, be preserved from all suspicion of corruption, none of the judges of the supreme or other court, sheriffs, or any other person or persons, possessed of any post of profit under the government, other than justices of the peace, shall be entitled to a seat in assembly ; but that, on his being elected, and taking his seat, his office or post shall be considered as vacant.

21. That all the laws of this province, contained in the edition lately published by Mr. Allison, shall be and remain in full force, until altered by the legislature of this colony, such only excepted, as are incompatible with this charter, and shall be, according as heretofore, regarded in all respects, by all civil officers and others, the good people of this province.

22. That the common law of England, as well

as so much of the statute law as has been heretofore practised in this colony, shall still remain in force, until they shall be altered by a future law of the legislature ; such parts only excepted, as are repugnant to the rights and privileges contained in this charter ; and that the inestimable right of trial by jury shall remain confirmed, as a part of the law of this colony, without repeal, forever.

23. That every person who shall be elected, as aforesaid, to be a member of the legislative council or house of assembly, shall, previous to his taking his seat in council or assembly, take the following oath or affirmation, viz.

“ I, A B, do solemnly declare, that, as a member of the legislative council (or assembly, as the case may be) of the colony of New-Jersey, I will not assent to any law, vote, or proceeding, which shall appear to me injurious to the public welfare of said colony, nor shall that annul or repeal that part of the third section, in the charter of this colony, which establishes that the elections of members of the legislative council and assembly shall be annual ; nor that part of the twenty-second section in said charter, respecting the trial by jury, nor that shall annul, repeal, or alter, any part or parts of the eighteenth or nineteenth sections of the same.”

And any person or persons who shall be elected as aforesaid, is hereby empowered to administer to the said members the said oath or affirmation.

Provided always, and it is the true intent and meaning of this congress, that, if a reconciliation between Great-Britain and these colonies should take place, and the latter be again taken under the protection and government of the crown of Great Britain, this charter shall be null and void, otherwise to remain firm and inviolable.

In Provincial Congress,            }  
    Burlington, July 2, 1776.    }

*By order of Congress :*

SAMUEL TUCKER, *President.*

Extract from the minutes.

WILLIAM PATTERSON, *Secretary.*



RULES AND ORDERS  
TO BE OBSERVED IN THE  
HOUSE OF ASSEMBLY  
OF THE  
STATE OF NEW JERSEY.

*Number necessary to compose the House for adjournment.*

1. That the Speaker and any two members, be a sufficient number to meet and adjourn the House from day to day, when necessary.

*Time of meeting and penalty for absence.*

2. That in adjournment, from day to day, every member attend precisely at the time to which the House was last adjourned, and for default of a quarter of an hour, in any case, he shall be subject to a reprimand from the Chair, unless the House admit his excuse.

That if any member, while the House is met, absent himself from the business thereof, for the space of a quarter of an hour, at any one time, without leave previously obtained, he shall be subject to the censure of the House, unless his excuse be admitted.

That when the House shall send their sergeant-at-arms for any absent member, the said member be answerable for the expense, to be deducted from his certificate of wages, unless the House allow his excuse of absence.

*Speaker's duty.*

3. That the Speaker take the chair from time to time, at the expiration of the last adjournment, and that he attend carefully to the preservation of order, and regularity in transacting the business of the House, but shall not engage in any debate, or propose his opinion on any question without leave of the House.

*Behaviour of Members and Clerk.*

4. That every member attend strictly and constantly to the business of the House; and that no member interrupt or disturb the House by speaking to his fellow members, entering into private conference, or removing from place to place while any member is speaking, or the clerk reading, by the direction of the House; and that whoever offends against this order, shall be subject to a public reprimand from the Chair.

That every member, when he speaks in the House, do stand up in his place, and address himself to the Chair, and that he be uncovered, unless he be of the people called Quakers.

That in all debates and proceedings, the members observe the strictest decorum, and particu-

larly that they treat the Speaker with all proper deference and respect; and that if any one use indecent expressions, or utter any personal reflections, or otherwise offend herein, he be censured, according to the nature and aggravation of the offence.

That the Clerk, when reading, or giving information upon any subject by order of the Speaker, do stand up in his place.

*The order of Business of the Day.*

5. That the business of the first meeting of each day be conducted in the following manner, to wit: 1. To read the minutes. 2. To receive memorials and petitions. 3. To receive the report of committees. 4. To proceed on the orders and promiscuous business of the day, giving preference to the unfinished business of the preceding sitting; and that the business of the second meeting be conducted in the same manner, except as to reading the minutes.

That all bills and special reports of the committees, be numbered by the Clerk as they are severally introduced, and a list made of the same, to lie on the table, and be called up for consideration, by the Speaker, according to their numerical orders; subject nevertheless to postponement on special motion, for the purpose of taking up any bill or report which the House may order to be taken up and considered in preference.

That all resolutions requiring the consent of Council, shall be read three times and engrossed.

*Motions, &c.*

6. That no debate ensue, or question be put on a motion, unless it be seconded; when it shall be opened to debate, and the same receive a determination by the question unless it be laid aside by the House, or a motion be made to amend it, to postpone it, or commit it, or for the previous question, or to adjourn.

A motion to adjourn or to postpone shall always be in order.

The previous question shall be put in this form:—"Shall the main question be now put?" It shall only be admitted when demanded by four members, and until decided, shall preclude all amendment and further debate on the main question.

That on motion for the previous question, no member shall speak more than once without leave of the House.

A motion for commitment, until it is decided, shall preclude all amendment of the main question.

If a motion contain more than one simple question, any member, upon application to the Chair, may have it divided into as many parts as there are distinct questions, if seconded on his motion.

That every motion shall, on application of any

member to the Chair for that purpose, be reduced to writing by the person moving the same.

That when any motion shall be made and seconded, the name of the person moving and seconding the same, shall be entered on the minutes therewith, if any two members require it.

That when a motion has been once made and carried in the affirmative or negative, it shall be in order for any member who voted with the majority on said question, to move for a re-consideration thereof, on the same or the succeeding day, which shall be determined by the assent of two-thirds of the members present.

#### *Order of Debate.*

7. That no member speak more than three times on the same subject, in the same debate, without the leave of the House.

That all questions of order be determined by the Speaker, subject to an appeal to the House when demanded by four members.

That when two or more members rise to speak nearly at the same time, the Speaker do decide who shall speak first, and call him by name, and that such member then proceed, unless the House interfere and adjudge otherwise.

#### *Freedom of Speech.*

8. That all due freedom of speech be supported and maintained in the House; that no member be called to answer with respect to any

thing spoken by him in debate, respecting any member, otherwise than in the House and before the next adjournment, except the member so spoken of shall be absent; and that the members consider themselves under the obligation of honor not to repeat out of the House any thing uttered in debate, which being known may be likely to involve injurious consequences to the public or any individual.

*Order of taking questions.*

9. That when any question is stated, and by the House agreed to be put, no member shall be at liberty to withhold his vote without the leave of the House.

That the yeas and nays be entered on the question for passing every original or re-engrossed bill, except the same be unanimous.

That upon the call of the House, or taking the yeas and nays on any question, the names of the members be called alphabetically; and that the Speaker's name be called in the alphabetical order with the other members.

That the yeas and nays be entered on every question taken in the House when moved for and seconded, and supported, by five members rising in its favor.

That unless the yeas and nays shall be required in the usual mode, on any question before the House, the sense of the House shall be taken, by the Speaker's stating the question and then saying, "As many as are in favor of the question,

will say *aye*, those of a contrary opinion, *no*." If there is any doubt of the determination, the members voting in the affirmative or negative, shall by the Speaker, be required to rise, that they may be counted, and if there be an equal number of votes, the Speaker to decide.

That in filling up all blanks relative to the appropriation of money, the question shall be first taken on the highest sum mentioned; and in like manner as to time, that the question be first taken on the most distant period.

*Commitments, Committees, &c.*

10. That all bills, previous to their being passed by this House, all petitions, motions and reports, may be committed at pleasure of the House.

That no bill or joint resolution shall be read more than once on the same day.

That all bills committed and reported, with amendment, to stand on a second reading.

That all committees be appointed by the Speaker.

That the rules and orders of the House shall be binding on committees of the Whole House, as far as they may be proper and applicable in any case.

That when the house order a petition or other paper to lie on the table, it shall be for the consideration of the members, and may be taken up and considered at a future time.

*Message to Council.*

11. That all messages be sent from this House to Council by the Clerk.

*Reading Rules, &c.*

12. That the rules and orders of the House be read over at the first meeting, and also, on qualifying a new member, if required.

That a title of a bill be subject to alteration, by the consent of a majority of the House, after the enacting clauses are agreed to, any time before the bill be engrossed.

13. That the consideration of the title of every bill be postponed until the enacting clauses are gone through.

14. Every member who shall present a petition, memorial, or other paper to be read in the House, shall state generally its nature and contents, before he hands it to the Chair, and shall, if called upon, declare that it does not contain, in his opinion, any indecent, or reproachful language, or expression of disrespect, to the House, or any committee of the same.

15. That in all cases when the House goes into a committee of the whole, the Speaker appoint the Chairman.

16. That upon an order for a second reading of any private bill, the applicants for said bill at their own expense shall furnish the usual number of copies for the use of the members, unless the same be dispensed with by the House.

17. That all committees appointed at the first

sitting shall continue during every subsequent sitting of the same legislature, or until they have reported on the business committed to them, or have been discharged.

18. That none of the foregoing rules shall be altered or dispensed with, unless by a vote of two-thirds of the whole House.



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# MANUAL

OF

## LEGISLATIVE PRACTICE

IN THE

### STATE OF NEW JERSEY.

#### Sec. 1. *Of the Legislature.*

That the government of this province shall be vested in a Governor, Legislative Council, and General Assembly. *Constitution, Article 1.*

#### Sec. 2. *Ratio of Representation.*

“That on the second Tuesday of October, yearly, and every year forever (with the privilege of adjourning from day to day, as occasion may require) the counties shall severally choose *one* person to be a member of the Legislative Council of this colony.”—*Const. Art. 3.*

“*Provided* always, that if a majority of the representatives of this province, in Council and General Assembly convened, shall at any time or times hereafter, judge it equitable and proper to add to, or diminish, the number or proportion of the members of the Assembly for any county or counties in this colony, then, and in such case, the same may, on the principles of more equal

representation, be lawfully done, any thing in this charter to the contrary notwithstanding, so that the whole number of representatives in Assembly shall not, at any time, be less than *thirty nine.*—*Const. Proviso of, Art. 3.*

By authority of the above proviso, the legislature have apportioned the number of representatives in Assembly as follows :

County of Bergen,	3
Essex,	5
Morris,	4
Sussex,	3
Warren,	3
Hunterdon,	5
Somerset,	3
Middlesex,	4
Monmouth,	4
Burlington,	5
Gloucester,	4
Salem,	3
Cumberland,	3
Cape May,	1
	<hr/>
Total,	50

*Members of Assembly in the Sixtieth Legislature.*

*County of Bergen*—Abraham Lydecker, John H. Hopper, Michael Saunier.

*County of Essex*—James W. Wade, Jacob Flatt, Joseph N. Tuttle, Andrew Parsons, John J. Chetwood.

*County of Morris*—Henry Hilliard, Isaac Quimby, James Cook, John D. Jackson.

*County of Sussex*—Joshua Shay, Joseph Linn, John Strader.

*County of Warren*—George Flummerfelt, John Young, Caleb H. Valentine.

*County of Hunterdon*—William Marshall, Wilson Bray, John Blane, Joseph Brown, John Hall.

*County of Somerset*—Nicholas C. Jobs, William D. M. Kissack, William Crusier.

*County of Middlesex*—Elias M. Runyon, Ralph M. Crowell, George P. Molleson, George T. McDowell.

*County of Monmouth*—Daniel B. Ryall, William Burtis, Annaniah Gifford, Thomas G. Haight.

*County of Burlington*—Anderson Lalor, Moses Wills, George Deacon, Thomas F. Budd, Benjamin Davis.

*County of Gloucester*—Joseph Rogers, Samuel B. Lippincott, William R. Cooper, Joseph Endicott.

*County of Salem*—Hudson A. Springer, Thomas Jones Yorke, William Cook.

*County of Cumberland*—Thomas E. Hunt, Isaac Newcomb, Ephraim Whitecar.

*County of Cape May*—Richard Thompson.

“ *And be it enacted*, That after the next census of this state shall be taken in pursuance of any law of the Congress of the United States, each county in this state shall be entitled to elect and send to the General Assembly one member for every six thousand free inhabitants, which such county shall contain at the time of taking

said census, as near as may be; *Provided always*, That no county shall have a less number of representatives than such county is now by law entitled to elect and send to the General Assembly; *And provided also*, That no county shall be entitled to more than five representatives in the House of Assembly." Sec. 2. of Act of Feb. 20th A. D. 1830.

*Total population in A. D. 1830.*

County of Bergen,	22,414
Essex,	41,928
Morris,	23,580
Warren,	18,634
Sussex,	20,349
Somerset,	17,689
Middlesex,	23,157
Hunterdon,	31,066
Monmouth,	29,233
Burlington,	31,107
Gloucester,	28,431
Salem,	14,155
Cumberland,	14,091
Cape May.	4,945

Sec. 3. *Of the election and term of service of Representatives in Assembly.*

The members of Assembly shall be chosen annually, on the second Tuesday of October, by the respective counties.—*Const. Art. 3.*

Sec. 4. *Qualifications of Representatives.*

“No person shall be entitled to a seat in the

Assembly, unless he be, and have been for one whole year next before the election, an inhabitant of the county he is to represent, and worth five hundred pounds proclamation money, in real and personal estate in the same county.”—*Const. Art. 3.*

*Sec. 5. Qualifications of electors of members of the Legislature.*

“All inhabitants of this colony, of full age, who are worth fifty pounds proclamation money, clear estate in the same, and have resided within the county in which they claim a vote, for twelve months immediately preceding the election.”—*Const. Art. 4.*

By the fourth section of the act of the 1st of June, A. D. 1820, it is declared that the word “*inhabitants*” extends only “to free, white, male, citizens of this state” and (by the fifth section) that every such citizen “who shall have paid a tax for the use of the county or the State, and whose name shall be enrolled on any duplicate list of the last state or county tax, shall be adjudged by the officers conducting the election, *to be worth fifty pounds money aforesaid clear estate.*” By the sixth section, citizens otherwise qualified, who have arrived to the age of twenty-one years since the date of the last duplicate, or who have removed from one township wherein they have paid a tax, to another township in the said county, or who have been inadvertently overlooked by the assessor, shall be admitted to

vote, and shall have their names entered on the tax list ; and by the seventh section, it is enacted, that no elector shall vote at any election, in any township of this state, except only the township in which he usually resides.

*Sec. 6. Of nomination of members of the Legislature and returns of election.*

“ The clerks of the Courts of Common Pleas of the several counties in this state, shall attend at the court-house of their respective counties on the first Monday in September in each and every year, and shall there receive, at any time between the hours of ten in the morning and five in the afternoon of the same day from any person qualified to vote for members of the Legislature of such county, a list of the persons proposed as candidates for members of the Legislative Council, members of the General Assembly, sheriff and coroners of such county ; which list, such person shall subscribe with his or their names, and may either deliver personally, or transmit by letter to said clerks.”—*Sec. 1. of act of Feb. 22d A. D. 1797.*

The election for members of the legislature shall be held on the second Tuesday of October, and shall continue open for two days.—*Act of Feb. 22d A. D. 1797.*

“ The Judge of election, or either of the inspectors, shall deliver, or safely transmit, the certificate of election to the clerk of the Court of Common Pleas, who shall attend at the court-

house of the county on the Saturday next after the day of election, for the purpose of receiving the same, and which certificate shall be delivered to him before three o'clock in the afternoon of said day, which said clerk shall then proceed in a public manner to make out a list of the votes for each candidate from the several certificates, and shall add the whole together, and shall thereby ascertain who are duly elected, by a plurality of votes, to the several offices for which an election shall have taken place, and shall thereupon file the said certificate, and the list of votes made thereupon, in his office ; certificates of which he shall prepare for the members of the Legislative Council and General Assembly, to be signed and sealed by himself."—*Act of Feb. 22d A. D. 1797.*

*Form of Certificate.*

*I, Daniel H. Ellis, clerk of the Common Pleas of the county of Monmouth, do hereby certify that Daniel B. Ryall is duly elected member of the General Assembly for the said county of Monmouth for the ensuing year. Witness my hand and seal this seventeenth day of October, in the year of our Lord, one thousand eight hundred and thirty-five.*

*ELLIS, Clerk.*

“ Which certificate the said clerk shall transmit to the person whose election is certified therein, and shall forward duplicate copies of all

such certificates, together with a copy of the list of votes filed in his office, under a sealed cover, to his Excellency the Governor of the state, or person administering the government for the time being, so that the same may be received by him within fourteen days thereafter."—*Act of Feb. 22d A. D. 1797.*

### Sec. 7. *Of Vacancies.*

"If any person chosen to represent any county in this state in Council or Assembly, shall neglect or refuse to take his seat pursuant to his election, or to send forward an excuse which shall be deemed satisfactory, within twenty days after the meeting of the Legislature, or shall die, or remove out of the state, or be expelled from his seat by a vote of the House to which he may belong, then, and in every such case, the Vice-President of Council, or Speaker of the House of Assembly, as the case may be, shall issue a warrant to the clerk of the county where the vacancy or vacancies may happen, who shall immediately advertise in five of the most public places in such county, setting forth that he will attend in the court-house of the county on a day by him named in said advertisements not less than five, to receive the nomination of persons to supply such vacancy or vacancies; which nomination and election shall be conducted, in every respect, in the mode herein prescribed for annual elections, except that the

nominations shall be made only fourteen days previous to the day appointed for the election to be held."—*Ibid.*

The following is the form of a warrant issued by the Speaker of the Fifty-eighth Assembly to supply a vacancy in the Assembly from the county of Warren.

“ House of Assembly of New-Jersey. }  
Of 22d Oct. A. D. 1833. }

“ Whereas it has this day been officially announced in the House of Assembly of New-Jersey, by Charles Sitgreaves, Esquire, one of the Representatives of the county of Warren, in the General Assembly now in session, that John Blair, junior, Esquire, a member duly elected to this House, by the electors of said county, departed this life on the twelfth day of October instant, whereby a vacancy has occurred in the representation of the said county of Warren :

Wherefore I, Daniel B. Ryall, Speaker of the House of Assembly of the state of New-Jersey, do hereby issue this my warrant to Phineas B. Kennedy, Esquire, clerk of the said county of Warren, agreeably to the provisions of the Act of the Legislature of the state of New-Jersey, entitled “ An Act to regulate the election of members of the Legislative Council and General Assembly, sheriffs and coroners in this state,” passed the 22d of February, A. D. 1797, commanding and requiring you immediately to advertise in five of the most public places in said county of Warren, that you will attend at the court-house

in said county on a day by you named in said advertisements, not less than five, from the date thereof, to receive nominations of persons to supply the said vacancy, and also to advertise an election thereafter to be held, and conducted agreeably to the requisitions of said act and supplement thereto.

Given under my hand and seal at Trenton, this twenty-second day of October, Anno Domini, eighteen hundred and thirty three."

DANIEL B. RYALL, Speaker. (SEAL.)

"To Phineas B. Kennedy, Esquire,  
Clerk of the County of Warren,  
at Belvidere." }

"In case of a vacancy in the office of Vice-President of Council, or Speaker of the House of Assembly, then and in that case, it shall be the duty of the Governor of the State, for the time being, to cause the vacancy or vacancies in the Council or House of Assembly, to be filled in the manner prescribed by this act, and the act to which this is a supplement, unless such vacancy shall happen under such circumstances as to induce a belief in said Governor, Vice-President, or Speaker, that the services of such member will not be called for during the remainder of the legislative year then unexpired; *Provided nevertheless*, That in case the board of chosen freeholders, of the county in which such vacancy shall happen, shall signify in writing to

the said Vice-President, Speaker, or Governor, as the case may be, the desire of said board, that the vacancy be filled, the said Vice-President, Speaker, or Governor shall, without delay, proceed as before directed, to cause such vacancy to be filled.—*Supplementary act of June 1st, A.D. 1820.*

Sec. 8. *What officers are excluded from holding seats in the Assembly.*

“That the Legislative department of this Colony may be preserved as much as possible from all suspicion of corruption, none of the judges of the Supreme Court or other court, sheriffs, or any other person or persons possessed of any post of profit under the government, other than justices of the peace, shall be entitled to a seat in the Assembly; but that on his being elected and taking his seat, his office or post shall be considered as vacant.”—*Const. Art. 20.*

Sec. 9. *Meeting of the Legislature.*

“On the second Tuesday, next after the day of election, the Council and Assembly shall separately meet; and the consent of both houses shall be necessary to every law, provided, that seven shall be a quorum of Council for doing business, and that no law shall pass, unless there be a majority of all the representatives of each body personally present and agreeing thereto.”—*Const. Art. 3.*

Sec. 10. *Powers of the Legislature.*

It would seem by the implication contained in the constitutional oath of a member of the Legislature, that the Legislature possess every power of legislation which the people could exercise in their primary sovereign capacity, as a simple democracy, and subject to the Constitution, treaties and laws of the United States, excepting an assent to any law, vote, or proceeding, that should annul or repeal that part of the Constitution which establishes, "that the elections of members of the Legislative Council and Assembly shall be annual, or that part respecting the trial by jury, and that shall annul, repeal or alter any part or parts of the eighteenth and nineteenth articles of the same."

The Legislature have in fact exercised this implied power by the act of June 1st, A. D. 1820, which virtually *repeals* the fourth article of the Constitution.

With this latitude of constitutional powers, the New Jersey legislator, therefore, in the conscientious discharge of his duties, will regulate his acts by the "*public welfare*," and the unquestioned incidental powers of legislation.

Sec. 11. *Limitation of the powers of the Legislature by the Federal Constitution.*

"Sec. 10. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money, emit bills of credit;

make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts; or grant any title of nobility.

“No State shall, without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the nett produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

“No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war, in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.”

Sec. 12. *Style of Laws, Commissions, Writs, &c.*

“The laws of this Colony shall begin in the following style, viz.: *Be it enacted by the Council and General Assembly of this Colony, and it is hereby enacted by the authority of the same;* that all commissions granted by the Governor or Vice President shall run thus: ‘The Colony of New Jersey, to A. B. &c. greeting:’ and that all writs shall likewise run in the name of the Colony: and that all indictments shall conclude

in the following manner, viz. ‘ against the peace of this Colony, the government and dignity of the same.’ ”—*Const. Art. 15.*

By an act passed September 20th, A. D. 1777. It is enacted that the word “State” shall be substituted for “Colony” directed in the fifteenth article of the Constitution.

### Sec. 13. *Privilege.*

Members of the Legislature, except in treason, felony and breach, or surety of the peace, are privileged from arrest during their attendance at a session of the Legislature.

A member is also privileged from arrest, summons, citation or other civil process during his attendance on the public business confided to him, and his suits cannot be forced on to trial during the session of the Legislature. *Geyers Less. vs. Irwin, 4 Dall. 107.*

The act of arrest is void *ab initio.* 2 *Stra.* 989.

The member arrested may be discharged on motion. 2 *Stra.* 990. Or by habeas corpus under the Federal or State authority as the case may be, or by a writ of privilege out of the Chancery, 2 *Stra.* 989, in those States which have adopted that part of the laws of England.

This privilege from arrest extends to all process, the disobedience of which is punishable by attachment of the person, as a subpœna ad respondendum or testificandum, summons on a jury, &c. because a member has superior duties

to perform. When a representative is withdrawn from his seat by summons, the six thousand people he represents lose their voice in debate and vote. *Jefferson's Manual*.

“Privilege from arrest takes place by force of the election, and before a return be made, as a member elected may be named of a Committee and is to every intent a member, except that he cannot vote until he is sworn.” *Lex Parl. c. 23. 2 Hats. 22, 62.*

“Every man must at his peril take notice who are members of either House returned of record.” *Lex Parl. 4 Inst. 24.*

If an offence be committed by a member in the House, of which the House has cognizance, it is an infringement upon their right, for any person or court to take notice of it, till the House has punished the offender, or referred him to a due course. *Lex Parl. 63.*

“No member shall be called to answer with respect to any thing spoken by him in debate, respecting any member otherwise than in the House, and before the next adjournment, except the member, so spoken of, shall be absent.”—*Rule 8th of Assembly.*

#### Sec. 14. *Freedom of Debate.*

“That all due freedom of speech be supported and maintained in the House, &c., and that the members consider themselves under the obligation of honor not to repeat out of the House, any

thing uttered in debate, which being known may be likely to involve injurious consequences to the public or any individual.”—*Rule 8th of Assembly.*

“The freedom of deliberation, speech and debate, in either House of the Legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint in any other court or place whatsoever.”—*Const. of Massachusetts, Art. 21. Const. of New Hampshire, Art. 30. Const. of Vermont, Art. 14.*

“Freedom of speech and debate, or proceedings in the Legislature, ought not to be impeached in any court of judicature.”—*Const. of Maryland, Art. 8.*

“For any speech or debate in either house the members of the General Assembly shall not be questioned in any other place.”—*Const. of Louisiana, Art. 2. Sec. 20.*

The Supreme Court of Massachusetts have ruled that a member of the Legislature can plead his privilege in bar to an action in slander for words spoken in the house. That members as representatives of the people, are entitled to freedom of speech in debate, even *against the will* of the house; and that a member is exempt from prosecution for any debate or proceeding, whether such debate or proceeding was according to the rules of the house or not, whether in committee or joint meeting.

Sec. 15. *Order of Debate.*

“That no member speak more than three times on the same subject, in the same debate, without leave of the House.”—*Rule 7 of Assembly.*

“That all questions of order be determined by the Speaker, subject to an appeal to the House, when demanded by four members.”—*Ibid.*

“That when two or more members rise to speak nearly at the same time, the Speaker to decide who shall speak first, and call him by name, and that such member then proceed, unless the House interfere and adjudge otherwise.” *Ibid.*

“On a motion for the previous question no one shall speak more than once without leave of the House.”—*Rule 6 of Assembly.*

“When a member stands up to speak, no question is to be put, but he is to be heard, unless the House overrule him.”—4 *Grey*, 390.

“When two members rise at the same time, the President shall name the person to speak; but in all cases the member who shall first rise and address the Chair, shall speak first.”—*Rule 5 of the U. S. Senate.*

If two or more rise at the same time—

“The Speaker shall determine who shall speak first; but sometimes the House does not acquiesce in the Speaker’s decision, in which case, the question is put, ‘*which member was first up.*’” 2 *Hats*. 76.

“A member may be permitted to speak,” (more

than three times) "to clear a matter of fact." 3 *Grey*, 357, 416. Or merely to explain himself, 2 *Hats*. 73, in some material part of his speech, *Ib.* 75, or to the manner or words of the question, keeping himself to that only, and not travelling into the merits of it, *Memorials in Hakew.* 29; or to the orders of the House if they be transgressed, keeping within that line, and not falling into the matter itself. *Mem. Hakew.* 30, 31.

"But if the Speaker rises to speak, the member standing up ought to sit down, that he may be first heard." *Mem. Hakew.* 30, 31. "Nevertheless, though the Speaker may, of right, speak to matters of order and be first heard, he is restrained from speaking on any other subject, except where the House have occasion for facts within his knowledge; then he may, with their leave, state the matter of fact." 3 *Grey*, 38.

"No one is to speak impertinently or beside the question, superfluously or tediously." *Scob.* 31—33; 2 *Hats*. 166—168; *Hale Parl.* 133.

"No person is to use indecent language against the proceedings of the House, no prior determination of which is to be reflected on by any member, unless he means to conclude with a motion to rescind it." 2 *Hats*. 169, 170. "But while a proposition under consideration is still in fieri, though it has even been reported by a committee, reflections on it are no reflections on the House." 9 *Grey*, 508.

"No person, in speaking, is to mention a mem-

ber then present by his name, but to describe him by his seat in the House, or ‘who spoke last,’ or ‘on the other side of the question,’” &c. *Smyth's Com.* lib. 2, ch. 3.

“Nor to digress from the matter to fall upon the person, *Scob.* 31, by speaking, reviling, nipping, or unmannerly words against a particular member.” *Smyth's Com.* lib. 2, ch. 3. “The consequence of a measure may be reprobated in strong terms, but to arraign the motives of those who propose to advocate it, is a personality, and against order. *Qui digreditur a materia ad personam*, Mr. Speaker ought to suppress.” *Ord. Com.* 1604.

“No one is to disturb another in his speech by hissing, coughing, spitting.” 6 *Grey*, 332.

“Nevertheless, if a member finds that it is not the inclination of the House to hear him, and that, by any kind of noise, they attempt to drown his voice, it is most prudent for him to submit to the pleasure of the House and sit down.” 2 *Hats.* 77, 78.

“If a member be called to order by a Senator for words spoken, the exceptionable words shall immediately be taken down in writing, that the president may be better enabled to judge of the matter.”—*Rule 7, of the U. S. Senate.*

“It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there; because the opinion of each House should be left to its own independency, not to

be influenced by the proceedings of the other : and the quoting them might beget reflections, leading to a misunderstanding between the two Houses." 8 *Grey*, 22.

"No member may be present when a bill, or any business concerning himself, is debating, nor is any member to speak to the merits of it till he withdraws. 2 *Hats*. 219."

"The rule is, that if a charge against a member arise out of a report of a committee, or examination of witnesses in the House, as the member knows from that, to what points he is to direct his exculpation, he may be heard to those points, before any question is moved or stated against him. He is then to be heard, and withdraw before any question is moved. But if the question itself is the charge, as for breach of order, or matter arising in the debate, there the charge must be stated, that is, the question must be moved, himself heard, and then to withdraw." 2 *Hats*. 121, 122.

"When the private interests of a member are concerned in a bill or question, he is to withdraw. And where such an interest has appeared, his voice has been disallowed even after a division. In a case so contrary, not only to the laws of decency, but to the fundamental principles of the social compact, which denies to any man to be a judge in his own case, it is for the honor of the House that this rule, of immemorial observance, should be strictly adhered to." 2 *Hats*. 119; 6 *Grey*, 368.

“ A question of order may be adjourned in order to give time to look into precedents.”  
*2 Hats.* 118.

“ In parliament all decisions of the Speaker may be controlled by the House.” *3 Grey*, 319.

### Sec. 16. *Opening of the Session.*

The members of the Legislature assemble in their respective chambers at the State House in the City of Trenton, on the second Tuesday next succeeding the day of the general election, usually at three o'clock P. M. Custom has appropriated certain seats to each county, in the hall of Assembly, (the entire delegation of each County sitting together.) In Council, the member who first comes, selects his seat by taking possession of the key of the desk, excepting the seat on the left of the President, which is appropriated to the oldest member.

“ The Assembly when met shall have power to choose their Speaker, and other officers, to be judges of the qualifications of their own members.”  
*Const. Art. 5.*

“ Any person or persons who shall be elected as aforesaid, is hereby empowered to administer to the said members, the said oath or affirmation.”  
*Const. Art. 23.*

The members elect of the Assembly having taken their seats, and the clerk of last year at his desk (or in case of his absence a Clerk *pro tem.*) with a list of the members arranged in alphabetical order, some member (usually one

of the old members) rises and remarks, "*As this is the day assigned by the Constitution for the meeting of the Legislature, I move that the Clerk read the several certificates of members elected from the respective Counties of this State.*" This motion being seconded, the Clerk states the motion and puts the question: "*As many as are in favor of this motion will say, aye!*" "*Those of a contrary opinion will say, no.*" If the affirmative has it, he will add: "The motion is agreed to." After the motion to read the certificates is agreed to, a member rises and moves, as "*that Daniel B. Ryall of the County of Monmouth be appointed to administer the oaths of membership to the members elect*" which being agreed to, it is moved "*that William Marshall, of the county of Hunterdon be appointed to administer the oaths of membership to Daniel B. Ryall of the County of Monmouth,*" which being agreed to the certificate of Daniel B. Ryall is read and Mr. Marshall puts the question, "Is this certificate satisfactory? As many as approve this certificate will say, *aye*; contrary opinion, *no!* the ayes have it—approved:" Mr. Marshall then advances to the table of the Clerk and administers the oath as follows: Mr. Marshall extends the book to the member from Monmouth, while the Clerk reads:

"You do sincerely profess and swear, that you do and will, bear true faith and allegiance of the government established in this State under the authority of the people." .

“ You do solemnly declare that, as a member of the Assembly, of the State of New Jersey, you will not assent to any law, vote, or proceeding, which shall appear to you injurious to the public welfare of said State, nor that shall annul or repeal that part of the third section in the charter of this State, which establishes that the elections of members of the Legislative Council and Assembly, shall be annual, nor that part of the twenty-second section in said charter, respecting the trial by jury ; nor that shall annul, repeal, or alter any part or parts of the eighteenth and nineteenth sections of the same.”

“ You do solemnly swear that you will support the Constitution of the United States.”

At the conclusion of each oath the member from Hunterdon will add “ *so help you God,*” and the member from Monmouth will give his assent by kissing the book.

If a member request it, the ceremony of touching and kissing the book will be dispensed with and the “ *oath of the uplifted hand*” will be administered as follows: the member to whom the oath is to be administered holds up his right hand towards Heaven, and lieu of “ *you do swear,*” the Clerk says, “ you do solemnly, sincerely and truly swear, by the ever living God ;” and at the conclusion of the oath the member administering will add “ *so help you God.*”

If the member is conscientiously scrupulous of taking an oath, he may *declare* or *affirm*.

If he *declares*, in lieu of "*you do swear*" the Clerk will say, "*you do declare in the presence of Almighty God, the witness of the truth of what you say*" and at the conclusion of the declaration, the member administering will add "*You will,*" instead of "*So help you God.*"

If he "*affirms,*" in lieu of "*you do swear,*" the Clerk will say "*you do solemnly, sincerely, and truly, declare and affirm,*" and at the conclusion of the affirmation the person administering will add, "*you will.*"

The oath, declaration, or affirmation, is enrolled on parchment, to which the member from Monmouth will sign his name; and then proceed, in like manner, to qualify the members elect, in the order of counties aforesaid, commencing with Bergen, and announcing, "The members elect from the county of Bergen will present their certificates of election"—when the members elect from Bergen will advance to the Clerk's table, and present their certificates, which are read as before. When the members are duly qualified, the Clerk calls the names of those present in alphabetical order, and announces the number present; a motion is then made, that "*the House proceed to the election of Speaker,*" and, if agreed to, nominations for Speaker will be made, and the names of the nominees entered by the Clerk.

The nominations being closed, the Clerk will mention the names of the nominees, and call the House, and each member, as his name is called,

will pronounce aloud the name of the nominee he wishes to be elected to the Chair. The Clerk will then call over the names of the members voting for the respective candidates, and announce the result: as, "for Daniel B. Ryall, 26 votes; for Caleb H. Valentine, 24 votes,—Mr. Ryall is elected Speaker." If but one nomination is made, the question is put, as, "Daniel B. Ryall is nominated for Speaker of this House; as many as are in favor of this appointment will say, Aye. Those of a contrary opinion will say, No. The Ayes have it. Mr. Ryall is appointed."

The Speaker, before taking his seat, usually returns his thanks to the House for the confidence they have reposed in him.

The House will then proceed, in like manner, to the election of Clerk and Doorkeeper, except that the motions are put, and announcements made by the Speaker, instead of by the Clerk, as heretofore,—who also administers the oaths of office to the Clerk.

The House being thus organized, a motion is made, "*that the Clerk inform the Council that the House of Assembly have this day met, formed a quorum, chosen Daniel B. Ryall, Esq., of Monmouth, Speaker, and Richard P. Thompson, Esq., Clerk, and have proceeded to business.*" This motion being seconded, the Speaker puts it, as follows: "*As many as are in favor of this motion will say, Aye.*" Having paused a moment, he reverses it, by saying, "*Those of a contrary opinion will say, No,*" or

“*As many as are against it will say, No;*” and will announce “*The Ayes have it,*” or “*It is agreed to,*” or (in case it is negatived) “*The motion is disagreed to.*” As this motion, however, uniformly carries, the Clerk immediately proceeds to the bar of the Council Chamber, where he finds the Sergeant-at-arms of that body, who, being notified of the message, announces in a loud and distinct voice, “*A message from the House of Assembly.*” The Clerk then advances within the bar, and announces:

“Mr. Vice President—I am directed to inform Council that the House of Assembly have this day met, formed a quorum, chosen the Hon. Daniel B. Ryall, Esq., of the county of Monmouth, Speaker, and Richard P. Thompson, Esq., Clerk, and have proceeded to business.”

This message he then delivers in writing to the Secretary of Council, and immediately retires to his seat in the Hall of Assembly.

A motion is then made, “*that a Committee be appointed to report rules and regulations for the government of the House, and until such report is made and adopted, that the rules of the last House be adopted.*”

The Speaker will then put the question as before, “*As many as are in favor of this motion will say, Aye;*” (and having paused) “*Those of a contrary opinion will say, No.*”—“*The ayes have it; the motion is agreed to,—Messrs. Lydecker, Hilliard and Parsons, are appointed that Committee.*”

It will be observed that the old members are usually appointed upon this Committee, upon the presumption that they are better acquainted with parliamentary forms and the legislative practice,—also, that the mover for the appointment of a committee is appointed first upon the committee moved for.

This Committee usually report the rules of the last House; experience having tested their utility as best adapted to our peculiar legislation, and to expedition of business.

A motion is then made (suppose by Mr. Molleson, of Middlesex) for the appointment of a Committee, as follows: “*Mr. Speaker, I move that a Committee be appointed to report the unfinished business of last Session.*” The Speaker puts the question, and makes the announcement as before, and adds, “*Messrs. Molleson, Haight and Cooper, are appointed that Committee.*”

After a message has been received from Council announcing their organization, a motion is then made, (suppose by Mr. Chetwood, of Essex)—

“*Mr. Speaker, I move that a Committee of Council and Assembly (Council concurring therein) be appointed to inform the Governor, that both Houses have met and organized, and are ready to receive any communication that he may be pleased to make.*” The Speaker puts the question, announces as before, and adds, “*Messrs. Chetwood, Whitecar and Cruser, are appointed upon that Committee,*” and adds, “*Is*

it the pleasure of the House that Council be informed of the appointment of this Committee, and requested that a corresponding Committee be appointed on their part."

*Note.*—That a distinction is taken between a *joint* and a *concurring* resolution. By the rules of both Houses, every joint resolution shall be "in writing, read three times and engrossed;" but as this time and formality are not necessary, and would produce unnecessary delay in the appointment of committees, similar to the last, they are dispensed with by "*the concurring resolution.*"

A Resolution was passed at the present session authorizing the appropriation of "two dollars to each member, for such newspaper or newspapers as he might order during the session."

This Resolution may be introduced at this time. It was adopted to curtail the bill of incidental expenses. Heretofore, publishers of newspapers in the State, have directed their papers to be laid on the desks of members, and have presented their bills for the same to the Committee on Incidental Expenses, without the authority or sanction of the House.

If such a resolution is presented, the Speaker will put the question, "As many as are in favor of this resolution will say, Aye;" and, after a momentary pause, "As many as are opposed will say, No;" and will announce, (if agreed to,) "The ayes have it. The resolution is agreed to."

*Note.*—On every question, as above, if the Speaker is doubtful whether the Ayes or Noes have it, he will order a division—or any member may call for “a division.” If a division is called for, the Speaker will state, “A division is called for,” and (rising from his seat) puts the question, “As many as are in favor of this resolution, will please to show their assent by rising.” He then counts the members standing up, commencing on his left, and announces the result—as, “Twenty-four gentlemen up.” The Speaker then says, “the gentlemen will please to take their seats;” and reverses the question, by saying, “As many as are opposed to this resolution will please to rise.” He then counts those in the negative, in like manner, and announces the result—as, “Twenty-three gentlemen up. The resolution is agreed to; the gentlemen will please to take their seats.” *Note.*—If *twenty-six* gentlemen rise in the affirmative, the Speaker will announce the result in the affirmative, without taking the negative; that number being a majority of the whole.

If the yeas and nays are called for, which ought to be done before the announcement, as aforesaid, the Speaker will say, “The ayes and noes are called for. As many as are in favor of this resolution, when their names are called, will say, Aye. Those of a contrary opinion will say, No.” The Clerk then calls the House, and first states the names of those who have voted in the affirmative, with the number of ayes; and,

in like manner, the names of those who have voted in the negative, with the number of noes; and the speaker announces, "The ayes have it. This resolution is agreed to, (or disagreed to.)"

A motion is then made and put, that "The Chair appoint the usual Standing Committees of the House."

The Speaker usually announces these appointments on the second day of the sitting.

A motion is then made and put, "That when the House adjourns, it adjourn till to-morrow morning at ten o'clock, and that that be the standing hour of meeting, unless otherwise ordered."

A motion is then made and put, "That the House adjourn;" and the Speaker announces the result, by stating, "The ayes have it. The House stands adjourned till to-morrow morning, ten o'clock. Adjourned."

*Sec. 17. Second day of the Session, first meeting.*

Precisely at the hour to which the House stands adjourned, the Speaker takes the chair and immediately says—"the House will come to order." He then casts his eye around the chamber to ascertain whether there is a quorum of members present, and in case there is no quorum will announce the same, and the House will adjourn. If there is a quorum, the Clerk rises and reads the minutes of yesterday.

"As soon as the journals are read, it is in order to correct any errors, or supply any omis-

sions in the proceeding. Errors seldom, if ever, occur, as the Clerks are gentlemen admirably qualified for their station.”

“An intelligent and industrious Clerk cannot be too highly prized by a legislative body. He expedites the proceedings of Assembly; saves members immense trouble; is of great service to a newly elected Speaker, and by a quickness of apprehension in taking down amendments, or moulding suggestions, made by members, into a proper shape to be introduced as alterations into bills which are under discussion, greatly economizes the time of the House.—*Sutherland*, 116.

The Speaker then will announce the standing committees, appointed agreeably to the resolution on that subject of yesterday, as follows :

“The following standing committees have been appointed by the Chair.

*To settle accounts of the Treasurer.* Messrs. Jackson, Chetwood, Bray, Burtis, and Lippincott.

*To settle accounts of State Prison.* Messrs. Thompson, Wills, Springer, Young, and Tuttle.

*To receive proposals for the current printing of the two Houses, Laws, Law Reports, &c.* Messrs. Rogers, Molleson, Blane, Davis, and Shay.

*To receive proposals for engrossing.* Messrs. Gifford, Linn, Yorke, Hunt, and Hall.

*On Support Bill.* Messrs. Hopper, Wade, and M'Kissack.

*On Incidental Bill.* Messrs. Newcomb, Lalor, and Flummerfelt.

*On Tax Bill.* Messrs. J. Cook, Crowell, and Endicott."

The four first committees being joint committees, the Speaker will say, "Is it the pleasure of the House that Council be informed of the appointment of the four first named committees, and request corresponding committees to be appointed on their part."

To which the invariable response from the House is "Aye."

The Speaker then announces the business in order, by saying, "It is now in order to present memorials and petitions;" which being disposed of, he will say, "It will now be in order to receive the reports of committees." In the progress of this business the door-keeper may announce, "A message from Council," when the Clerk and each member will immediately take their seats, unless a vote is being put, while the Secretary advances within the bar and *politely* bowing, says:

"Mr. Speaker, I am directed to inform the House of Assembly that Council have appointed the following joint committees:

*To inform his Excellency the Governor of the organization of both Houses, and their readiness to receive any communication he may be pleased to make;* Messrs. Mickle and Leaming.

*To settle the accounts of the Treasurer;*— Messrs. Munn and Stokes.

*To settle the accounts of the State Prison ; Messrs. Zabriskie and Humphreys.*

*On current printing &c. ; Messrs. Thompson and Brick.*

*On engrossing ; Messrs. Ryerson, and Per-rine."*

The Secretary advances with the message in writing and presents it to the Clerk and retires, and when the immediate business before the House, which was interrupted by the message, is disposed of, the Clerk will rise and read the message.

A motion is then made " that when the House adjourns, it adjourns to meet at three o'clock, P. M., and that that be the standing time of the second meeting of each day, during the session, unless otherwise ordered ;" which motion is always agreed to, and the Speaker announces, " The House stands adjourned till this afternoon, three o'clock. Adjourned."

#### Sec. 18. *Of the Speaker.*

" That the Speaker take the chair from time to time at the expiration of the last adjournment, and that he attend carefully to the preservation of order and regularity in transacting the business of the House, but shall not engage in any debate, or propose his opinion on any question, without leave of the House."—*Rule 3 of Assembly.*

" That all questions of order shall be determined by the Speaker, subject to an appeal to

the House, when demanded by four members.”  
—*Rule 7 of Assembly.*

The Speaker should, with firmness, dignity, and courtesy, maintain the rules ordained for the government of the House.

“It is always in the power of the Speaker to prevent, to a very great extent, personal reflections, by promptly, yet in a decorous manner, informing a member that he is out of order, and that such remarks cannot be tolerated. The great error consists in allowing a member to proceed *too far*, before he is checked, and then the gentleman to whom the remarks were intended to apply, demands it as a right to be heard. Mr. Speaker should stop without delay the first indication that may be evinced of the sort alluded to. By such conduct, he saves the time and preserves the dignity of the House, while he manifests his qualifications to preside over its deliberations. If it is understood that the Speaker will enforce this part of his duty, the most delicate, while it is the most important; members will be cautious in stepping across the threshold of propriety. The Speaker will always find himself sustained by the House if he enforce the rules “without fear, favor, or affection.” *Sutherland*, 117.

“On questions of order, there shall be no debate, except on an appeal from the decision of the Speaker, or a reference of a question by him to the House, when no member shall speak more than once, except by leave of the House, all de-

cisions upon questions of order, should be noted by the Clerk, and placed at the end of the Journal of each session, with a reference to the decision as stated in the Journal." *Ibid.* 118.

“ The Speaker should always decide questions of order himself. He is selected for his experience in legislative business, and ought not, therefore, to put aside a question, to be decided in the *first* instance by the House. The great probability will be, that he will decide correctly, and save a considerable time, which would otherwise be lost in useless debate. And what takes a great share of weight from a decision by the House, is, that, usually, a majority of the House is composed of *new* members, who are, therefore, for the *first* time called upon to settle a point of order, a matter to which they are almost total strangers. And as there is a praiseworthy disposition to support the Chair, it is most probable that its decisions will pass unquestioned. But if the Speaker submits the question to the House primarily, he admits that he is not master of it, and thus puts a subject afloat, for a tedious discussion, that will not be more likely to be decided correctly by them, than if he had decided it himself; besides which, calling upon the House to decide on points of order, begets a distrust in his judgment, and tends to encourage appeals, when he may decide what he feels confident is right. It is to the advantage of the House as well as the Speaker, that he should be

considered well skilled in his duties and need not be instructed." *Ibid.* 118, 119.

"That when two or more members rise to speak nearly at the same time, the Speaker to decide who shall speak first, and call him by name, and that such member then proceed, unless the House shall interfere and adjudge otherwise."—*Rule 7 of Assembly.*

The Speaker, in order to distribute the business equally among the members, should keep a *check roll*, noting the number of committees on which each member is appointed.

He should be careful in the selection of every committee, to appoint at least one member conversant with the subject matter referred.

He should call a member to order, who should entertain private discourse while a member is speaking, or pass between him and the Chair.

When he retires, (the House being in session,) he may nominate some member to take the Chair, but such substitution not to extend beyond adjournment.

He shall appoint all committees, unless otherwise ordered by the House.

He shall sign all bills, addresses, joint resolutions; also, all writs, warrants, and subpœnas, issued by the House.

He shall have a general direction of the Hall.

He is *ex officio* trustee of school fund.

"In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker

(or Chairman of the Committee of the Whole House) shall have power to order the same to be cleared."—*Rule 12 of the House of Representatives of the U. States.*

"Stenographers, wishing to take down debates, may be admitted by the Speaker, who shall assign such places to them, on the floor or elsewhere, to effect their object, as shall not interfere with the convenience of the House."—*Rule 13 of ibid.*

"That, in all cases, when the House goes into a Committee of the Whole, the Speaker appoint the Chairman.—*Rule 13 of Assembly.*

#### Sec. 19. *Of the Clerk.*

"That the Secretary of Council and Clerk of Assembly shall forthwith, on the passage of any bill into a law, deliver the same to the Secretary of State for the time being, to be filed in his office." *Act of May 27th A. D. 1820.*

"That the Clerk, when reading or giving information upon any subject, by order of the Speaker, shall stand up in his place." *Rule 4 of Assembly.*

"That all bills and special reports of the Committees be numbered by the Clerk as they are severally introduced, and a list made of the same to lie on the table and be called up for consideration, by the Speaker, according to their numerical order." *Rule 5 of Assembly.*

"That all messages be sent from this House to Council by the Clerk." *Rule 11 of Assembly.*

He should deliver all bills, petitions, &c. referred, to the Chairman of the respective Committees.

He should mould the suggestions and motions of members into proper form.

He should note all decisions upon questions of order, and enter them at the end of the minutes of the session with suitable references.

He should cause to be printed an accurate list of members, in the order of counties aforesaid, with their places of residence, in Trenton, and at home, during the session, together with a list of the standing Committees, and place the same in some conspicuous part of the hall.

He should read in a loud and distinct tone.

He shall attest all writs, warrants and subpoenas issued by the House.

### *His Oath.*

I do solemnly profess and swear, that I do and will, bear true faith and allegiance to the government established in this State, under the authority of the people.

I do solemnly promise and declare, that I will truly and faithfully discharge the duties of Clerk of the General Assembly, to the best of my understanding and ability; and that I will not intentionally divulge any thing done in the house, which being known, may involve injurious consequences to the public or any individual.

I do solemnly swear, that I will support the constitution of the United States.

Sec. 20. *Of the Doorkeeper.*

He should be particularly attentive to the cleanliness of the hall and furniture, and have the hall heated in proper time.

He shall distribute the printed bills, &c. on the desks of the members and Clerk, commencing at the Speaker's and Clerk's desks.

He shall announce messages from the Governor or Council, at any time when the house is in session, except when a question is being put, while the yeas and nays are calling, or while the ballots are being counted.

He shall attend to furnishing the members and Clerk with stationary, and the house with fuel.

He shall transmit all papers or documents, if required by the Speaker or Clerk, to the engrossing Clerk, or current printer of the House.

He shall carry the contents of the letter box at each adjournment to the Post Office.

He shall attend to preparing the hall for all conventions of members or meetings of committees by candle light in the Assembly chamber.

He shall maintain order in the lobbies.

He shall be under the direction of the Speaker in performing the duties of his office.

He is Sergeant-at-arms, during the pleasure of the House, to execute the commands of the House from time to time, together with all such process issued by authority thereof as shall be directed to him by the Speaker.

His pay is fixed in the support bill, and he draws it from the Treasury upon a certificate

signed by the Speaker, *two* days being added to the number of days that he has actually attended the House in Session.

Sec. 21. *Absence.*

“That if any member, while the House is met, absent himself from the business thereof, for the space of a quarter of an hour, at any one time, without leave previously obtained, he shall be subject to the censure of the House unless his excuse be admitted.”—*Rule 2 of Assembly.*

“That when the House shall send their Sergeant-at-arms for any absent member, the said member be answerable for the expense, to be deducted from his certificate of wages, unless the House allow his excuse of absence.”—*Ibid.*

“The following is the mode of asking leave of absence: ‘Mr. Speaker, I have been requested to ask leave of absence for Mr.—— of the county of—— for a few days from to-day:’ (sometimes he asks leave for himself)—the Speaker, rising, says, ‘Mr.—— from the county of—— asks leave of absence for his colleague Mr.—— for a few days from to-day. Shall the gentleman have leave?’ If the motion is agreed to, he says, ‘Mr.—— has leave.’”—*Suth. Manual, 127.*

“That in adjournment from day to day, every member attend precisely at the time to which the House was last adjourned, and for default of a quarter of an hour, in any case, he shall be subject to a reprimand from the Chair, unless the House admits his excuse.”—*Rule 2 of Assembly.*

*Quorum.*

A majority of the whole number of members shall be necessary to do business.

“That the Speaker and any two members, be a sufficient number to meet and adjourn the House from day to day when necessary.”—*Rule 1 of Assembly.*

*Sec. 22. Behavior of Members in the House.*

“That every member attend strictly and constantly to the business of the House, and that no member interrupt or disturb the House, by speaking to his fellow members, entering into private conference, or removing from place to place while any member is speaking, or the Clerk reading by direction of the House, and that whoever offends against this order, shall be subject to a public reprimand from the Chair.”—*Rule 4 of Assembly.*

“That every member, when he speaks in the House, do stand up in his place, and address himself to the Chair, and that he be uncovered, unless he be of the people called Quakers.”—*Ibid.*

“That in all debates and proceedings, the members observe the strictest decorum, and particularly that they treat the Speaker with all proper deference and respect, and that if any one use indecent expressions, or utter any personal reflections, or otherwise offend herein, he be censured, according to the nature and aggravation of the offence.”—*Ibid.*

Sec. 23. *Order of business.*

“That the business of the first meeting of each day be conducted in the following manner, to wit: 1. To read the minutes. 2. To receive memorials and petitions. 3. To receive the report of committees. 4. To proceed on the orders and promiscuous business of the day, giving preference to the unfinished business of the preceding sitting, and that the business of the second meeting be conducted in the same manner, except as to reading the minutes.”—*Rule 5 of Assembly.*

“That all bills and special reports of the committees be numbered by the Clerk as they are severally introduced, and a list made of the same, to lie on the table, and be called up for consideration by the Speaker, according to their numerical order; subject, nevertheless, to postponement on special motion, for the purpose of taking up any bill, or report, which the House may order to be taken up and considered in preference.”—*Ibid.*

Sec. 24. *Bills.*

“Every bill shall receive three several readings in the House previous to its passage, and all bills shall be despatched in order, as they were introduced, unless where the House shall direct otherwise; but no bill shall be read twice on the same day, without special order of the House.”  
*Rule 90, of H. of R. of U. States.*

“That no bill or joint resolution shall be read more than once on the same day.”—*Rule 10 of Assembly.*

The following has been the arrangement of business in the Assembly: 1. Reading the journal. 2. Presentation of memorials, petitions, letters, original resolutions, &c. 3. Reports of committees, reference of unfinished business, leave to withdraw documents, motions to reconsider, leave of absence, leave to introduce bills, and motions to appoint additional members to committees, &c. 4. Bills on final passage. 5. Bills on second reading.

The members will save themselves much trouble when bills accumulate on their desks, by dividing them into three or more parcels; first, labelled “*bills first reading;*” second, labelled “*bills second reading;*” third, labelled “*bills engrossed,*” &c.

#### Sec. 25. *Leave to bring in Bills.*

When a member desires to bring in a bill without the action of a committee, he may state if he chooses, his reasons for so doing, and conclude by asking leave to introduce the bill; for example, Mr. Strader, of the county of Sussex, desires to introduce a bill; he rises and says, “Mr. Speaker, I ask leave to introduce a bill entitled, ‘An act to amend the judicial system of this State.’” The Speaker puts the question, “shall the gentleman from Sussex have leave?” As many as are in favor of granting leave will

say, aye; contrary opinion, no. *The ayes have it. The gentleman from Sussex has leave to introduce the bill.*" He will then hand the bill to the Clerk, who will read it at length, unless the House agree to take the title, for the first reading, which is usually done upon motion.

"*Public Bills* are such as are general in their operation and relate to the whole State." *Sutherland*, 48.

"*Private Bills* are local in their nature and are such as are limited in their provisions to particular counties or districts. The Speaker most generally determines whether a bill is public or private, yet the House may determine a bill to be of either description, notwithstanding his opinion may be to the contrary." *Ibid* 48.

"That upon an order for a second reading of any private bill, the applicants for said bill at their own expense, shall furnish the usual number of copies, for the use of the members, unless the same be dispensed with by the House."—*Rule 16 of Assembly.*

"That when any association shall be formed, for any purpose whatever, after the fourth day of July next, or any person or persons shall be disposed to make application to the Legislature of this State, for an act of incorporation; or any company or association already incorporated, shall be disposed to make application for a renewal of their charter, or any alteration in the law so incorporating them, or when any application shall hereafter be made for the purpose of

obtaining a law authorizing the erection of a bridge over any navigable water in this State, it shall be the duty of such person or persons so applying or associated, or the directors or stockholders of such incorporation, or some of them, to signify his or their intention, by advertisement, to be inserted for at least six weeks successively, previous to making such application, in one or more of the newspapers published in the county where the objects of such incorporation are carried, or intended to be carried into effect, and if no newspaper be published in such county, then in the newspaper or newspapers published nearest to the same; and specify the objects of such incorporation or applications, the amount of capital stock requisite to carry their objects into effect, and in case of an application for any alteration in any charter already granted, it shall be the duty of the stockholders or directors of such incorporation to state in such notice specifically, the alteration so to be applied for, and that due proof shall be made of such notice having been published, previous to leave being given to bring in any bill to comply with such application."—*Act of Feb. 14, A. D. 1833. Com. Law, 445.*

*Sec. 26. Petitions, Memorials, and Remonstrances.*

"A petition prays something, a remonstrance has no prayer." 1 *Grey* 58.

"Every member who shall present a petition,

memorial, or other paper to be read in the House, shall state generally its nature and contents, before he hands it to the chair, and shall if called upon, declare that it does not contain, in his opinion, any indecent, or reproachful language, expression or disrespect, to the House, or any committee of the same."—*Rule 14 of Assembly.*

After the reading of the minutes, the Speaker will say, "*The presentation of petitions and memorials is in order;*" when a member who wishes to present a petition will proceed as follows: suppose Mr. Endicott, of Gloucester, desires to present a petition; he will rise in his place and say, "Mr. Speaker! I ask leave to present a petition from a number of the inhabitants of the county of Gloucester, praying for a law authorizing the taxation of bonds and mortgages." No objection being made, the Speaker rarely if every takes the question upon granting leave to present a petition, memorial, or remonstrance, but immediately replies, "*the gentleman has leave.*" Mr. Endicott then sends the petition to the Clerk, and after the reading, the Speaker asks, "*What order will the House take in relation to this petition?*" A member moves, that "it be referred to the committee on taxation."

The Speaker then says, "*It is moved that this petition be referred to the committee on taxation. As many as are in favor of that motion, will say*

*aye; contrary opinion, no. The ayes have it. Ordered to be referred to the Committee on taxation."*

If a petition is presented upon a subject matter whereon no committee has been appointed; as, Mr. Valentine, from the county of Warren, desires to present a petition for a bank, as follows: "Mr. Speaker, I ask leave to present a petition from a number of the inhabitants of the county of Warren, praying for the establishment of a bank at Hackettstown, to be called, 'the Warren County Bank,' with a capital of three hundred thousand dollars. A notice of this application has been published for six weeks successively, in the Warren Journal, a newspaper printed in the county of Warren, agreeably to law." The petition is then sent to the Clerk as above, and upon the question, "*what order will the House take in relation to this petition,*" a motion is made "*that it be referred.*" The Speaker then (if the ayes have it) will announce, "the ayes have it. Ordered to be referred to Messrs. Valentine, W. Cook, and McDowell." The Clerk will at the same time, mark with pencil the names of the committee in order, on the back of the petition. The person who presents the petition is always first named, and by matter of courtesy, is considered chairman of the committee.

*Note.*—In putting a motion by the Speaker, I have omitted the words "*and seconded.*" The

rule requires, in order to perfect a motion, that *it be seconded*, but no reason can be given that the Chairman should announce the motion as seconded, when the object in putting questions is brevity; the annunciation by the Speaker, "*it is moved*," is an annunciation that it is seconded, for he can put no motion until seconded.

Suppose a member, after the appointment of the above committees, should present a memorial or remonstrance, upon the subject referred to one of those committees. The question then would be upon "ordering it to be referred to the Committee on that subject."

Suppose these petitions should be presented after the Committee had reported a bill; the question would then be, "*to order it to lie upon table*," and it then could be called up at any time to aid, oppose, or explain the bill, either upon its second reading, or final passage.

The petitions are usually referred to a committee of *three*, unless the House order a greater number. Petitions and resolutions in relation to fixing the quota of taxes, have been referred to a committee of fourteen, by special resolution, consisting of one from each county.

"Petitions must be presented by a member—not by the petitioners—and must be opened by him, holding it in his hand." 10 *Grey*, 57.

"Regularly a motion for receiving it must be made and seconded, and question put, whether it shall be received? But, a cry from the House, of 'received,' or even its silence, dispenses with

the formality of this question; it is then to be read at the table and disposed of." *Jefferson's Manual*, 140.

"Letters are usually sent under cover to the Speaker. He announces them, as follows: 'A letter, addressed to the Speaker, signed A. B.; it will be read,' and hands it to the Clerk, who reads it. As soon as it is read, if it refers to a subject committed to a standing committee, the Speaker says, 'It will be referred to the committee entrusted with that subject.' If it is a special subject, and no motion is made to refer it, he says, '*It will be laid on the table.*'" *Sutherland*, 125.

Sec. 27.—*Bills, &c., in Committee.*

"The person first named is, as a matter of courtesy, permitted to act as Chairman, although every committee have a right to elect their own Chairman." 1 *Grey*, 122.

"That all committees appointed at the first sitting, shall continue during every subsequent sitting of the same Legislature, or until they have reported on the business committed to them, or have been discharged."—*Rule 17 of Assembly.*

"Committees cannot receive a petition but through the House." 9 *Grey*, 412.

"When a committee is charged with an inquiry, if a member prove to be involved, they cannot proceed against him, but must make a special report to the House, whereupon the member is heard in his place, or at the bar, or a

special authority is given to the committee to inquire concerning him," 9 *Grey*, 523.

"So soon as the House sits, and a committee is notified of it, the chairman is, in duty bound, to rise instantly, and the members to attend the service of the House." 2 *Hats*. 319.

In private bills, which might come fairly before the House, the majority of the committee usually permit their chairman to report a bill, as a matter of courtesy, although they might be opposed to its *merits*, reserving to themselves the right to oppose its passage in the House.

No one who speaks against the *whole* bill shall be appointed on the committee. The committee must report their amendments on a separate paper; and, when through, they will rise, upon motion, "to rise and report the paper to the House, with (or without) amendment."

Sec. 28.—*Bills. &c., in Committee of the Whole.*

"That, in all cases, where the House goes into a Committee of the Whole, the Speaker appoint the Chairman."—*Rule 15 of Assembly.*

"That the rules and orders of the House shall be binding on Committees of the whole House, as far as they may be proper and applicable in any case." *Rule 10 of Assembly.*

"A quorum in committee is the same as a quorum in the House." *Sutherland* 183.

The form of going into a Committee, is for the Speaker, upon motion, to put the question "that the House do now resolve itself into a

*Committee of the Whole to take into consideration,"* (such a matter, naming it,) and the question being agreed to, he nominates some member as Chairman, who takes the chair, and the Speaker seats himself in any vacant seat. If the Chairman is notified, or perceives that a quorum is not present, he stops further proceedings and says, "*there is not a quorum present;*" and if the absent members do not appear, the Committee rises and the Chairman reports the same to the house. The Speaker will then send the Sergeant-at-arms in quest of the absentees. If a quorum is present the Chairman will state the subject matter of reference, and the Committee will proceed to its consideration.

If a message is announced from the Governor or Council, during the sitting of the Committee, the Speaker will immediately take the Chair and receive it.

No previous question can be put in a Committee of the Whole. The yeas and nays are never called. A member has a right to speak as often as he chooses. Amendments made in Committee are not inserted in the journal. The Committee cannot adjourn but must rise, report, and ask leave to sit again. A Committee of the Whole cannot refer a matter to another committee. The Committee cannot punish a breach of order in the house or in the gallery. A member addressing the Committee, is not obliged to rise from his seat, and in discussion, can mention a member by name.

“Disorderly words spoken in Committee must be written down as in the House, but the Committee can only report them to the House for animadversion.” 6 *Grey*, 46.

“In a Committee of the Whole, the tellers in a division, differing as to numbers, great heats and confusion arose and danger of a decision by the sword. The Speaker took the chair; the mace was forcibly laid on the table; whereupon, the members retiring to their places, the Speaker told the House ‘*he had taken the Chair without an order, to bring the House into order.*’ Some excepted against it, but it was generally approved as the only expedient to suppress the disorder. And every member was required, standing up in his place, to engage that he would proceed no further, in consequence of what had happened in the grand Committee, which was done.” 3 *Grey*, 128.

“A Committee of the Whole being broken up in disorder, and the chair being resumed by the Speaker without an order, the House was adjourned. The next day the Committee was considered as thereby dissolved and the subject again before the House, and it was decided in the House without returning into Committee.” 3 *Grey*, 130.

The committee having finished the matter referred, or progressed therein, and not having time to proceed farther, or the discussion having become disorderly; a motion is made that the committee now rise and the Chairman report, &c.

If this motion is carried, the Speaker resumes the chair, calls the House to order, and the Chairman of the Committee, standing in his place reports "That the Committee of the whole having under consideration according to order the subject of the removal of certain obstructions to the navigation of the river Delaware, beg leave to report a bill entitled 'an Act &c.'" or "have made progress therein, but not having had time to go through the same, have directed me to ask leave to sit again." A motion is then made that "the Committee have leave to sit again," and the Speaker puts the question "*shall the committee have leave to sit again?*" &c. If the ayes have it, the Speaker asks, "*at what time,*" and if different days are named, the question is first taken upon the most distant period.

Sec. 29. *Bills &c. reported and first reading.*

"The first reading of a bill shall be for information, and if opposition be made to it, the question shall be 'shall this bill be rejected?' If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question." *Rule 91st of House of Rep.*

Bills may be introduced by leave (as before, page 201) or may be reported by the Committee. After the petitions and remonstrances are disposed of, the Speaker announces, "*It is now in order for Committees to report,*" or, "*reports of Committees are now in order.*" The Chairmen

of the respective Committees will then report; as, "the Committee to whom was referred the petition of A. B. for a pension, having duly examined the vouchers accompanying the petition, are of opinion that the facts set forth in the petition are not sustained," or "that he does not come within the class of persons entitled to legislative relief. They therefore offer the following:

"Resolved, that the petitioner have leave to withdraw his petition and documents, and that the committee be discharged from the further consideration of the subject."

The speaker will then ask, "*what order will the House take upon this Resolution.*" A motion is either made that "it be agreed to," or in case the member who has the petition in charge wishes delay, he will move "that the Report lie on the table."

If the chairman reports a bill, he will say, "Mr. Speaker, the Committee to whom was referred the petition from the county of Warren, for the establishment of a Bank, to be located at Hacketts-town, asks leave to report by bill." He then sends the bill to the Clerk, who reads it at length; but, in order to save time, a motion is usually made, after the Clerk has read the title, "that the title of the bill be taken for its first reading;" and the question is put by the Speaker, "It is moved that the title of this bill be taken for its first reading. As many as are in favor that the title of this bill be taken for its first reading, will say, Aye; contrary opinion, No." If the ayes have it, he will

say, "*The ayes have it. Ordered that the title of this bill be taken for its first reading.*" He then puts the question, "Shall this bill have a second reading? As many as are in favor of ordering this bill to a second reading, will say, Aye; contrary opinion, No. *The ayes have it. This bill is ordered to a second reading.*" The ordering a public bill to a second reading, in my opinion, is equivalent to ordering it to be printed, and no motion need be made to that effect. *Private* bills, by the sixteenth rule of Assembly, are required to be printed; and if a member desires to save the applicant the expense of furnishing printed copies of the bill, he will move "that the printing be dispensed with." Now is the proper time, when the bill is ordered to a second reading, to make that motion.

*Additional Members added to Committee.*

If the committee are so divided, that a majority cannot unite, a report may be made to that effect, accompanied with a motion, "that two more members be added to the committee." Additional members may be added to the committee, at any time, by order of the House.

*Amendment of Report.*—"When a committee report, accompanied by a resolution to be discharged from the further consideration of the subject, the report may be amended." *Sutherland*, 133.

The minority of the committee may report their reasons for dissenting.

A bill cannot be amended on its first reading.

When the committees have reported, it is the proper time to refer items of unfinished business, —to ask leave of absence; to ask leave to withdraw petitions or documents; and motions to reconsider may be made.

“ *Report of Bill with amendments.*—The chairman of the committee, standing in his place, informs the House that ‘the committee to whom was referred such a bill, have, according to order, had the same under consideration, and have directed him to report the same, with sundry amendments;’ and he, or any other member, may move that it now be received. But the cry of, ‘*now, now,*’ from the House, generally dispenses with the formality of a motion and question. He then reads the amendments, with the coherence in the bill, and opens the alterations, and the reasons of the committee for such amendments, until he has gone through the whole. He then delivers it to the Clerk, who reads the amendments without the coherence; whereupon the papers lie upon the table till the House, at its convenience, shall take up the report.” *Scob.* 52; *Hakew.* 148.

Sec. 30.—*Bills, &c., on Second Reading.*

According to rule 5 of Assembly, “all bills or special reports of committees are numbered as they are severally introduced, and a list made of the same, to lie upon table;” when the Speaker announces, “that bills upon a second reading

will be taken up." The Clerk commences with No. 1, reading its title. If the member, who has charge of the bill, does not desire it to be taken up, he will tell the Clerk to "Pass." This, of course, refers only to private bills. A public bill, when reported, is under the control of the House, and, when called up, in order, by the Clerk, will be acted upon, unless the House, upon motion, pass it. No. 1 being passed, or disposed of, No. 2 will next be called, in like manner, and the list proceeded in, until the House adjourns; and, at the next meeting of the House, when bills upon a second reading are called up, the Clerk will commence on the list at the place to which the House progressed at the previous meeting: for example; if the House, at one meeting, had progressed to, and disposed of, No. 13,—at the next meeting, the Clerk will commence with No. 14; and so, at every subsequent meeting, until the whole list is gone through.

When a bill is taken up upon a second reading, the Clerk reads the whole bill, commencing with the title. Having read the bill, he then reads the first section, and sits down. The Speaker will announce, "*This bill is on its second reading,*" (or if the bill is from Council, "This is a bill from Council, on its second reading,")—"the question will be on its first section." Now is the time to read petitions, remonstrances, and documents, in favor of, or against, the bill, and to offer amendments. The advocates of the

bill will endeavor to make its details as perfect as possible; and policy will dictate to them to adopt amendments, which are unimportant, if the non-adoption would prejudice the bill with the members who offer the amendments; they will, at the same time, guard against amendments, which are frequently offered by members *secretly* hostile to the bill, for the purpose of rendering it odious, or to destroy it on its final passage. A member may easily encumber a bill with such amendments, as would make it odious, or tend to destroy it on its final passage.

If the house wishes to express its signal disapprobation of the merits of a bill, a motion to strike out the first section, will now be made and carried, followed up by a motion to dismiss the bill from the files of the House.

The first section being under consideration, and an amendment offered, the question will be on the amendment. The Speaker will state the amendment and say, "*as many as are in favor of this amendment will say, aye; contrary opinion, will say, no. The ayes have it. The amendment is agreed to. The Clerk will read the section as amended.*" The Clerk having read the section as amended, the Speaker will put the question, "*First section of the Bill as amended, as many as are in favor of agreeing to the first section of the Bill, will say, aye; contrary opinion, no. The ayes have it. The section is agreed to.*"

"A motion to strike out the enacting words

of a bill shall have precedence of a motion to amend, and if carried, shall be considered equivalent to its rejection."—*Rule 32 of House of Rep. of the United States.*

The Clerk will then rise and read the second section, and the House will proceed to consider each section until the whole are gone through, when the preamble (if there is one) will be read, which is also subject to amendment. The Speaker will put the question, "*Preamble of the Bill. As many &c.*" Next, the title will be read, also subject to amendment. The Speaker will put the question, "*Title of the Bill. As many, &c.*" The title being agreed to, the Speaker will say, "*This bill has been read a second time, considered by sections, amended, and agreed to. The question will now be upon ordering it to be engrossed for a third reading.*" If the bill has come from Council, and has not been amended, it is already engrossed, and the question will be "*upon ordering it to a third reading.*" The opponents of the bill having failed to insert obnoxious amendments, or to destroy the object of the bill by striking out sections, can now make an attack upon the bill as an entirety; may call up remonstrances, state their reasons for opposing it, and rally their strength upon the question of its engrossing; in legislative bodies generally, the question of engrossing a bill, usually tests its strength; in the New Jersey Legislature, this demonstration of strength is seldom made until

the question of its final passage. The question in the Assembly, (unless the yeas and nays are called for,) is taken by rising. "*As many as are in favor of ordering this Bill, to be engrossed for a third reading, will rise.*" The Speaker rising, counts the members up, beginning at his left, and announces the number: as, "*twenty-four gentlemen up. The gentlemen will resume their seats. As many as are opposed to ordering this Bill to be engrossed for a third reading, will please to rise.*" Having counted as before, he announces, as, "*twenty-three gentlemen up. The ayes have it. The bill is ordered to be engrossed for a third reading.*" The Clerk will then send the bill as amended to the engrossing Clerk.

*Engrossing* is transcribing the bill as amended in a fair legible hand, without erasure or interlineation.

### Sec. 31. *Bills on third reading.*

The engrossed bills are placed, by the engrossing Clerk, on the Speaker's desk, and it is the practice to take them up, immediately before the list of bills upon a second reading. The Speaker calls over the title of a bill, according to its seniority, and it will be taken up, upon motion, without an objection is made; if no motion is made, the Speaker will call the next, and so in succession until he has gone through with the whole number. If the house take up an engrossed Bill, the Clerk will

read the Bill, commencing with the title, and the Speaker will compare it, at the same time, with the original bill and amendments, to see if it is correctly engrossed.

No amendments can now be offered. The Speaker will state the question, "This bill is on its third and last reading; the question will be on its final passage."

The advocates and opponents of the Bill are now to make their final efforts. The opponents of the Bill may move to postpone the Bill until the next session of the Legislature, (a motion which will sometimes carry, when the opposition could not defeat it on the final vote,) or to commit or recommit it, which motions, when carried, within a few days of the expiration of the session, would be equally fatal, if its friends could not number votes sufficient to dispense with the rules of the House. The discussion having ended, the Speaker will ask, "*Is the House ready for the question?*" And will put the question, "*As many as are in favor of the final passage of this Bill when their names are called, will say, aye. Those of a contrary opinion, will say, no. Shall this bill pass?*" The Clerk then calls the house in alphabetical order, and each gentleman, as his name is called, answers "Aye" or "No." The Clerk then announces, "In the affirmative, Mr. —, Mr. —, &c., 26. In the negative Mr. —, Mr. —, &c., 24."

The Speaker then announces, "This bill has passed; is it the pleasure of the House that this

bill be signed ; that Council be informed that the same has passed, and request their concurrence?" Or if it is a bill from Council which has passed, "that Council be informed that this bill has passed without amendment," or "that this bill has passed with sundry amendments, to which they request the concurrence of Council," to which the response from the House, is "Aye." The Speaker then signs the bill and the Clerk carries it, with the accompanying documents, to the bar of the Council, where the Serjeant-at-arms, (if no vote is being taken,) announces, "A message from the House of Assembly ;" the Clerk advances within the bar and says, "Mr. President, I am directed to inform Council that the House of Assembly have passed the following bill—'An Act, &c.,' to which they ask the concurrence of Council," or "have passed the bill from Council entitled 'An Act, &c.' without amendment," or "with certain amendments, to which amendments the assent of Council is requested." He then hands the message in writing, with the bill and accompanying documents, to the Secretary of Council, and retires.

### Sec. 32. *Bills from Council.*

Whenever a bill from Council is called up, upon its second reading or final passage, the Speaker will announce, before taking the question on the first section or final passage, "*This is a bill from Council.*"

Private bills from Council will be referred to a committee comprising one of the members from the county from which the bill originated, who is generally first named on the committee.

Sec. 33. *Bills from Council amended.*

Messages from Council are always sent by their Secretary.

When a message is received, announcing the passage of a bill from Council, and requesting the concurrence of the Assembly, as soon as the immediate business before the House is disposed of, the Clerk will read the message and bill. The title of the bill, to save time, is usually taken for its first reading, and a motion is made and carried to refer it. The committee report the bill either with or without amendment.

“All bills re-committed and reported *with amendment*, to stand on a second reading.”—*Rule 10 of Assembly.*

The committee have no right to reject the bill. If the bill is reported with amendments, the amendments must be in writing, and on a separate paper, and if adopted, or other amendments inserted, it is ordered “that Council be informed that the bill has passed with certain amendments to which the concurrence of Council is requested.” The Council will either “*concur or disagree.*” The question is taken in Council, “*will Council agree to this amendment,*” taking them up separately and in order. If Council concur, the

Assembly is informed by message "that Council have agreed to the amendments made by the House of Assembly to the bill, &c. and have caused the same to be re-engrossed," and when the bill so amended, has passed Council, it is a law without the further action of the Assembly. If Council disagree to the amendments, or any of them, the Assembly is informed thereof by message; as, "Mr. Speaker, I am directed to inform the House of Assembly that the Council disagree to the amendments made by the House of Assembly to the bill from Council, entitled 'An Act, &c.'" The question will then be taken to *insist* or *recede* from the amendments: should the House *recede*, the bill has passed into a law without the further legislation of either House: should they *insist*, Council are informed thereof, and the question is taken in Council either to *insist on*, or *recede from* their disagreement: should they *recede* from their disagreement, they will re-engross the bill as amended; put it on its final passage, and it is a law without further legislation: should they *insist*, they will appoint a committee of conference and inform the House of Assembly of the appointment of such committee.

Either House has a right to amend the amendments from the other House, but has no right to amend its own amendments.

"A motion to amend an amendment from the other House takes precedence of a motion to agree or disagree."—*Jefferson's Manual*, 187.

The same questions of agreeing, disagreeing, and insisting, are taken upon the amendments to the amendments.

The message from Council informing the Assembly of the appointment of a committee of conference on their part, being received, another motion is usually made to *recede*, and if that motion fails, a committee of conference, upon the part of the Assembly, is appointed to confer with the committee appointed by Council upon the amendments pending between the two Houses, and Council are informed thereof, or, a conference is denied.

Sec. 34.—*Committee of Conference.*

“The request for a conference must always be by the House, which is possessed of the papers.” 3 *Hats.* 31; 1 *Grey*, 425.

The committee is always composed of non-curring members.

“A conference may be asked, before the House asking it, has come to a resolution of disagreement, insisting or adhering.” 3 *Hats.* 269, 331.

Conferences are either *simple* or *free*.

“At a *simple conference*, written reasons are prepared by the House asking it, and they are read and delivered, without debate, to the conferees of the other House, but are not then to be answered.” 4 *Grey*, 144.

“The other House then, if satisfied, vote the reasons satisfactory, or say nothing; if not satisfied, they resolve them not satisfactory, and ask a con-

ference on the subject of the last conference, where they read and deliver, in like manner, written answers to those reasons." 3 *Grey*, 183.

"They are meant chiefly to record the justification of each House to the nation at large, and to posterity, and as a proof that the miscarriage of a necessary measure is not imputable to them." 3 *Grey*, 255.

At *free conferences*, the conferees discuss *viva voce*, and report in writing to their respective Houses, which reports are entered on the Journals.

"This report cannot be amended or altered." — *Journals of the U. S. Senate*, May 24, 1796.

"Conferences may be asked to inquire concerning an offence, or default, of a member of the other House." 6 *Grey*, 181.

"Or when the methods of parliament are thought by the one House to have been departed from by the other." 10 *Grey*, 141.

"Or when an unparliamentary message has been sent." 3 *Grey*, 155.

"In all cases of conference, asked after a vote of disagreement, the conferees of the House asking it, are to leave the papers with the conferees of the other House, and, in one case, where they refused to receive them, they were left on the table in the conference chamber." 3 *Hats*. 271, 317, 323, 354; 10 *Grey*, 146.

At the meeting of the conferees, *explanations* may be given by either House, which may prove satisfactory to the other. At the present session,

the Support Bill, from the House of Assembly, was amended in Council, by striking out the salary of the Chancery Reporter. The Chancery Reporter had been appointed by the Fifty-sixth Legislature, and the amendment was offered and sustained, avowedly upon the ground, that he had made no report of cases and decisions, agreeably to the requisitions of the act creating the office. Assembly disagreed to the amendments, and appointed a Committee of Conference. Council appointed a similar Committee; and, at a *free conference*, the conferees of the House of Assembly stated that a letter had been received from the Reporter, stating that a volume of decisions was almost completed, and would be ready for delivery at the next sitting of the Legislature. This explanation was reported to Council, and being deemed by them satisfactory they *receded* from their amendments.

The conferees should report, in writing, in every case, except where explanations simply are given.

The conferees may report accompanied with a resolution that the House *recede* from their amendments; in that case, the following will be the form:

“Whereas, &c., (stating the reasons)—they, therefore, recommend that the House of Assembly *recede* from their amendments to the bill, entitled ‘An act to incorporate the Lodi Mining Company,’ non-concurred in by Council, and offer the following resolution:—

“ Resolved, that the House recede from their amendments to the Bill, entitled ‘ An act to incorporate the Lodi Mining Company,’ non-concurred in by the Council.”

In some cases neither House appoints a Committee of conference, and the bill is either postponed or dismissed. In the Fifty-seventh General Assembly, (Journals, 468—9,) “ the Bill from Council, entitled, ‘ a supplement to the act, entitled an act, relative to the probate of wills, passed the 6th of March, A. D., 1828,’ was read a third time. On the question shall this bill pass? it was decided in the affirmative unanimously. Ordered that the Speaker sign said Bill. Ordered that the Clerk carry the same to Council and inform them that it has been passed by this House, with an amendment, to which amendment they request the concurrence of Council. A message from Council by Mr. Westcott, their Secretary, informed the House that Council have disagreed to the amendment made by the House of Assembly to the Bill, entitled ‘ A supplement to the act, entitled an act relative to the probate of wills.’ The House refused to *recede* from their amendment. Ordered that this bill be *postponed* to the next session of the Legislature.”

The conferees may *amend* the amendments, so as to obviate the objection of the non-concurring House.

In the Legislature of Pennsylvania, the conferees of the two houses reported a resolution,

“to adopt the 9th section with an amendment, and to *add a new section*, and both houses adopted the resolution.”—*Sutherland* 171.

Sec. 35. *Messages and Bills sent to the other House.*

“That all messages be sent from this House to Council by the Clerk.”—*Rule 11 of Assembly.*

“When bills passed in one House, and sent to the other House, are grounded on special facts requiring proof, it is usual, either by message, or at a conference, to ask the grounds and evidence, and this evidence, whether arising out of papers, or from the examination of witnesses is immediately communicated.”—3 *Hats.* 48.

“Messages are sent only while both Houses are sitting, 3 *Hats.* 15; they are received during a debate, without adjourning the debate.” 3 *Hats.* 22.

“A question is never asked by one house of another, by way of message, but only at a conference, for this is an interrogatory not a message.”—3 *Grey* 151.

“When a bill is sent from one House to another, and is neglected, they may send a message to remind them of it.” 3 *Hats.* 25.

“But if it is mere inattention, it is better to have it done informally, by communications between the Speakers, or members of the two houses.” *Jefferson's Manual*, 191.

“If messengers commit an error in delivering

their message, they may be admitted, or called in, to correct their message." 4 *Grey* 41.

Messages are not to be delivered—while a question is putting—while the yeas and nays are calling, or while the ballots are counting.

### Sec. 36. *Withdrawing Documents.*

"Mr. Speaker—I ask leave to withdraw the petition and documents of A— B— an applicant for a pension."

Speaker—"The gentleman from Burlington asks leave to withdraw the petition and documents of A— B—, an applicant for a pension? Shall the gentleman have leave? As many as are in favor of granting leave, will say, *aye*; contrary opinion, *no*. *The ayes have it. The gentleman has leave.*"

### Sec. 37. *Dismissing a Bill.*

"Mr. Speaker—The house having ordered the first section of the Bill, entitled 'an act to incorporate the Warren County Bank, at Hacketts-town,' to be stricken out, I move that the Bill be dismissed from the files of the House."

Speaker—"The House has heard the motion of the gentleman from Warren, as many as are in favor of that motion, say *aye*; contrary opinion, *no*. *The ayes have it. Ordered that the Bill be dismissed from the files of the House.*"

### Sec. 38. *Postponing a Bill to next session.*

"Mr. Speaker—I move that the further con-

sideration of this bill be postponed to the next session of the Legislature.”

Speaker—“It is moved to postpone the further consideration of this bill to the next session of the Legislature. As many as are in favor of that motion, will say, aye; contrary opinion, no. *The ayes have it. The bill is ordered to be postponed to the next session of the Legislature.*”

This is a polite mode of putting a bill to death.

Sec. 39.—*Additional Members to Committee.*

“Mr. Speaker—The Committee, to whom was referred the petitions from the County of Sussex, praying for a law to tax bonds and mortgages, have had that matter under consideration, and find it impossible to agree upon the details of a bill. I, therefore, move, that two additional members be added to that Committee.”

*Speaker.*—“The House has heard the motion of the gentleman from Sussex. As many as are in favor of that motion will say, Aye; contrary opinion, No. *The ayes have it.* Messrs. Deacon and Quimby, are added upon that Committee.”

Sec. 40.—*Annunciation of the Death of a Member.*

“Mr. Speaker—The melancholy duty is assigned to me, to announce the death of John R. Scull, Esq., a member of this House, from the county of Gloucester. He died, at his resi-

dence, on the 10th inst. I, therefore, submit to the House, the following resolution:

“Resolved, by the General Assembly of the State of New Jersey, that, in testimony of respect to the memory of our deceased fellow member, John R. Scull, Esq., of the county of Gloucester, the members of this House will wear the usual badge of mourning for thirty days from this day.”

The Clerk will then read the resolution, and the Speaker will put the question, “As many as are in favor of agreeing to the Resolution will say, Aye; contrary opinion, No. *The ayes have it. The Resolution is agreed to.*”

A motion is then made, put, and carried, that “the House now adjourn.”

#### Sec. 41.—*Examination of Witnesses.*

“Common fame is a good ground for the House to proceed by inquiry, and even to accusation.”—*Resolution of House of Commons, 1 Car. I. 1625.*

“When any person is examined before a committee, or at the bar of the House, any member wishing to ask the person a question, must address it to the Speaker, or Chairman, who repeats the question to the person, or says to him, ‘*you hear the question, answer it.*’ But if the propriety of the question be objected to, the Speaker directs the witness, counsel, and parties to withdraw; for no question can be moved, or put, or debated, while they are there.” *2 Hats. 108.*

“The question asked, must be entered on the Journals; but the testimony is not, (except when before a committee for the information of the House.)”

“If either House have occasion for the presence of a person in the custody of the other, they ask their leave.” 3 *Hats*. 52.

“A member, in his place, gives information to the House of what he knows of any matter under hearing at the bar.”—*Journal of Commons*, A. D. 1744-5.

“Either House may request, by message, the attendance of a member of the other House, but not command.” 10 *Grey*, 133.

“Counsel are to be heard only in private, not on public bills, and on such points of law only as the House shall direct.” 10 *Grey*, 61.

#### Sec. 42.—*Resolutions.*

*Joint.*—“That no bill, or joint resolution, shall be read more than once on the same day.”—*Rule 10 of Assembly.*

“That all resolutions requiring the consent of Council, shall be read three times and engrossed.”—*Rule 9 of Assembly.*

The proceedings upon joint resolutions are the same as before, on bills.

*Caption of Joint Resolutions.*—“Resolved, (or, Be it Resolved,) by the Council and General Assembly of this State.”

*Single Resolution* is read but once, and the caption is “*Resolved.*”

*Concurring Resolution* is read but once, but is not valid until concurred in by Council. Concurring resolutions are generally passed in relation to the appointment of joint committees, and are not engrossed; as, in the Fifty-eighth Legislature, it was

“Resolved, (Council concurring,) that a Joint Committee of the two Houses be appointed, for the purpose of considering the expediency of expressing the sense of this Legislature upon the important subjects now under discussion before the Congress of the United States.”

“When the House commands, it is by an ‘order,’ but facts, principles, their own opinions and purposes are expressed in the form of resolutions.” *Jefferson’s Manual*, 141.

#### Sec. 43. *Incidental powers of each House.*

Each house by single resolution can furnish its hall and committee rooms, may order fuel and stationary, may alter hall or passages leading to it, may purchase newspapers, pamphlets, and books, necessary for the use of its members.

#### Sec. 44. *Unfinished business.*

Unfinished business of the previous session is reported by the standing committee on that subject, and numbered in order; this report is printed and laid on the desk of each member: for example; No. 1, of unfinished business, may be “a Bill to incorporate the Farmers’ Bank at Medford, in the county of Burlington,” and Mr.

no State, without its consent, shall be deprived of its equal suffrage in the Senate.

## ARTICLE VI.

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges, in every State, shall be bound thereby, any thing in the constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before-mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution: but no religious test shall ever be required as a qualification to any office or public trust under the United States.

## ARTICLE VII.

The ratification of the conventions of nine States shall be sufficient for the establishment

of this Constitution between the States so ratifying the same.

Done in convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

GEO. WASHINGTON,  
*President, and Deputy from Virginia.*

*New Hampshire.*

John Langdon,  
Nicholas Gilman.

*Massachusetts.*

Nathaniel Gorham,  
Rufus King.

*Connecticut.*

William Samuel Johnson,  
Roger Sherman.

*New York.*

Alexander Hamilton.

*New Jersey.*

William Livingston,  
David Brearley,  
William Paterson,  
Jonathan Dayton.

*Pennsylvania.*

Benjamin Franklin,  
Thomas Mifflin,  
Robert Morris,  
George Clymer,  
Thomas Fitzsimmons,  
Jared Ingersoll,  
James Wilson,  
Gouverneur Morris.

*Delaware.*

George Reed,  
Gunning Bedford, jun.  
John Dickinson,  
Richard Bassett,  
Jacob Broom.

*Maryland.*

James M'Henry,  
Daniel of St. Thos. Jenifer,  
Daniel Carroll.

*Virginia.*

John Blair,  
James Madison, jun.

*North Carolina.*

William Blount,  
Richard Dobbs Spaight,  
Hugh Williamson.

*South Carolina.*

John Rutledge,  
Charles C. Pinckney,  
Charles Pinckney,  
Pierce Butler.

*Georgia.*

William Few,  
Abraham Baldwin.

*Attest :*

WILLIAM JACKSON, *Secretary.*

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IN CONVENTION.

MONDAY, SEPTEMBER 17, 1787.

*Resolved,* That the preceding Constitution be laid before the United States in Congress assembled; and that it is the opinion of this Convention that it should afterwards be submitted to a convention of delegates chosen in each State by the people thereof, under the recommendation of its Legislature, for their assent and ratification; and that each convention assenting to and ratifying the same should give notice thereof to the United States in Congress assembled.

*Resolved,* That it is the opinion of this Convention, that, as soon as the conventions of nine States shall have ratified this Constitution, the United States in Congress assembled should fix on a day on which electors should be appointed by the States which shall have ratified the same, and a day on which electors should assemble to vote for the President, and the time and place for commencing proceedings under this Consti-

on its second reading, and when the first section is under consideration.

*Filling Blanks.*

“ That in filling up all blanks relative to the appropriation of money, the question, shall be first taken on the highest sum mentioned ; and in like manner as to time, that the question be first taken on the most distant period.” *Rule 9 of Assembly.*

*Sec. 51. Amendments.*

“ A member who has spoken on the main question may speak again to the amendment.”—*Scob. 23.*

“ A *new* bill may be engrafted on the words ‘ *Be it enacted.* ’ ”—1 *Grey, 190.*

“ If it be proposed to amend, by leaving out certain words, it may be moved as an amendment to this amendment, to leave out part of the words of the amendment, which is equivalent to leaving them in the bill.” 2 *Hats. 80-9.* “ The parliamentary question is, always, whether the words shall stand as a part of the bill ? ”

“ When it is proposed to amend by inserting a paragraph, the friends of the paragraph may make it as perfect as possible, by amendments, before the question is put for inserting it ; in like manner, if it is proposed to amend, by striking out a paragraph, the friends of the paragraph may make it as perfect as they can by amendments

before the question is put for striking it out.”—*Jefferson's Manual*, 166.

“When it is moved to amend by striking out certain words and inserting others, the manner of stating the question is, first to read the whole passage to be amended, as it stands at present, then the words proposed to be struck out, next those to be inserted, and lastly the whole passage as it will be when amended. And the question, if desired, is then to be divided, and put first on striking out : if carried, it is next on inserting the words proposed : if that be lost, it may be moved to insert others.”—*2 Hats*. 80-7.

“If it is carried to strike out certain words and insert A, it could not afterwards be permitted to strike out A and insert B : after A is inserted, it may be moved to strike out a portion of the original paragraph, comprehending A, provided the coherence to be struck out be so substantial as to make this effectively a different proposition.”—*Jefferson's Manual*, 167.

“When the matter contained in two bills might be better put in one, the manner is to reject one, and incorporate its matter into another bill, by way of amendment. So if the matter of one bill would be better distributed into two, any part may be struck out by way of amendment, and put into a new bill. If a section is to be transposed, a question must be put on striking it out where it stands, and another for inserting it in the place desired.”—*Ibid.* 169.

“ A bill passed by the one House with blanks. These may be filled up, by the other, by way of amendments, returned to the first as such, and passed.”—3 *Hats*. 83.

It will not be permitted to amend an amendment to an amendment of a main question.

In the British parliament, when an essential feature of a bill has been omitted, after engrossing, rather than erase the bill, a clause is added on a separate paper, engrossed and called a *ri-der*. In the Assembly of New-Jersey an engrossed bill (except from the other House) is rarely committed, and never amended in the House.

It is the practice, when a bill is received from the other House, containing a manifest omission of a word by the engrossing Clerk, or an orthographical error, for a member upon motion or suggestion of the Speaker, with leave of the House, to carry the bill to the Secretary of Council and have the bill amended by the Secretary : this is called a *private amendment*.

#### Sec. 52. *Order of voting and taking questions.*

The question is to be put first on the affirmative and then on the negative side, and any member may speak before the negative is put.

“ That when any question is stated, and by the House agreed to be put, no member shall be at liberty to withhold his vote without the leave of the House.”—*Rule 9 of Assembly*.

“ That the yeas and nays be entered on the

question for passing every original, or re-engrossed bill, except the same be unanimous." *Ibid.*

"That, upon the call of the House, or taking the yeas and nays on any question, the names of the members be called alphabetically; and that the Speaker's name be called in the alphabetical order with the other members." *Ibid.*

"That the yeas and nays be entered on every question taken in the House, when moved for, and seconded, and supported, by five members rising in its favor." *Ibid.*

"That unless the yeas and nays shall be required in the usual mode, on any question before the House, the sense of the House shall be taken by the Speaker's stating the question, and then saying, 'As many as are in favor of the question will say, Aye; contrary opinion, No.' If there is any doubt of the determination, the members voting in the affirmative, or negative, shall, by the Speaker, be required to rise, that they may be counted; and, if there be an equal number of votes, the Speaker to decide." *Ibid.*

"That, in filling up all blanks, relative to the appropriation of money, the question shall be first taken on the highest sum mentioned; and, in like manner, as to *time*, that the question be first taken on the most distant period." *Ibid.*

Upon a count, no member, without the bar, shall be counted.

In Assembly, the Speaker takes the question by *rising*, on every engrossment.

Upon asking leave to present petitions, memo-

rials, and remonstrances, the Speaker, if there is no objection, grants leave, without putting the question,—likewise upon reporting a bill.

When the orders of the day are called for, the Speaker will put the question, “*Will the House now proceed to the orders of the day?*” When the previous question is called for, the Speaker will put the question, “*Shall the main question be now put?*”

It is a breach of order for the Speaker to refuse to put a question which is in order.

#### Sec. 53.—*Privileged Questions.*

“A motion to adjourn, or postpone, shall always be in order.”—*Rule 6 of Assembly.*

“A motion for commitment, until it is decided, shall preclude all amendment to the main question.” *Ibid.*

“When a motion is opened to debate, it shall receive a determination by the question, unless it be laid aside by the House, or a motion be made to amend it, to postpone it, or commit it, or for the previous question, or to adjourn.” *Ibid*; also, *Rule 8 of U. S. Senate.*

A motion for adjournment cannot be received while the House is engaged in voting.

Orders of the day are a privileged question, and may be called for, by any member, during any debate.

*The Privileged Questions.*—To adjourn. To postpone to the next session. To postpone to a day certain. To postpone for the present. Or-

ders of the day. To lie on table. To amend. To commit. For the previous question.

Sec. 54.—*Precedence of Motions.*

1. A motion to adjourn, or postpone, has precedence of all others. 2. Orders of the day. 3. To lie on the table. 4. To amend. 5. To commit. 6. Previous question.

“Amendment of the main question first moved, and afterwards the previous question,—the question of amendment shall be first put.” *Jeff.* 159.

A motion to postpone a motion for the previous question, commitment, or amendment, is not in order.

When two motions are made, the one to refer a matter to a standing committee, and the other to a special committee,—the motion to refer to a standing committee shall be first put.

An amendment of an amendment to an amendment is not in order.

Motions to amend a section have precedence of motions to strike out.

Questions of order, arising out of a question, must be decided before that question, whether that question is privileged or not.

Matters of privilege, arising out of any question, take precedence of the original question.

The question on reading papers connected with the question, must be put before the main question.

Sec. 55. *The Previous Question.*

“The previous question shall be put in this form, “*shall the main question be now put ?*” It shall only be admitted when demanded by four members, and until decided shall preclude all amendment, and further debate on the main question.” *Rule 6 of Assembly.*

When the previous question is called for, the four members demanding it will rise from their seats, and the Clerk will report the number of gentlemen up; when the Speaker will put the question, “*shall the main question be now put ?*” and, if decided in the affirmative, the main question must be put immediately, without debate and without amendment.

“A resolution had passed the House of Representatives of Pennsylvania, relative to the employment of counsel to attend a certain suit, in which the State was interested. The resolution was presented to the Senate, where it was so amended, as to direct that the Attorney General should thereafter reside at Harrisburg, &c. This amendment was sent to the House of Representatives for concurrence on the afternoon of the last day of the session, when motions to ‘non-concur,’ ‘amend,’ ‘postpone,’ &c., were severally made; and it being discovered that, if any further time should be allowed to the opposition, the amendment from the Senate would not be concurred in, as it was then late in the afternoon; the previous question was called and carried.

When the previous question was called, the motion *then* before the chair, was, 'to postpone the question of concurring.' It having, however, been decided that the main question should be put, and the 'main question, being to concur in the amendment from the Senate,' the Speaker asked, 'will the house concur in said amendment?' which was affirmatived." *Suth.* 179.

Sec. 56. *Division of Questions.*

If the motion or question in debate, contain more than one simple question, any member may have it divided into as many parts as there are distinct questions. For example: in the Senate of the United States there was a proviso that a certain bill "should not extend, 1. To any foreign minister; 2. To any person to whom the President should give a passport; 3. To any alien merchant, conforming himself to such regulations as the President should prescribe." A division of the question into its simple elements was called for, and it was divided into four parts, viz. 1. To any foreign minister. 2. To any person to whom the President should give a passport. 3. To any alien merchant. 4. Conforming himself to such regulations as the President should prescribe. It was ruled upon objection to the 4th, that in case the 3d was stricken out, the remainder of the sentence in No. 4, to wit: 'conforming,' &c., would attach to the first and second divisions.

Sec. 57. *Reconsideration.*

“That when a motion has been once made and carried in the affirmative or negative, it shall be in order for any member who voted with the majority on said question, to move for a reconsideration thereof, on the same or a succeeding day ; which shall be determined by the assent of two-thirds of the members present.”—

*Rule 6 of Assembly.*

The effect of a reconsideration, is to place the bill or question in precisely the same situation that it was, when the vote reconsidered was taken.

No vote of reconsideration can be taken when the bill, &c., to be reconsidered has gone out of possession of the House, announcing their decision.

The House of Assembly will generally reconsider, in cases where new documents and facts are discovered ; where the House was not full or majority small, at the time the reconsidered question was passed.

Sec. 58.—*Adjournment.*

A motion to adjourn simply, cannot be amended, as, by adding “to a particular day.” The mode is, by previous question, or resolution, that “when the House adjourns, it will adjourn to” a particular day.

“That the Speaker, and any two members, be a sufficient number to meet and adjourn, from day to day, when necessary.”—*Rule 1 of Assembly.*

“ The Council shall, from time to time, be convened by the Governor, or Vice President ; but must be at all times convened, when the Assembly sits : for which purpose, the Speaker of the House of Assembly shall, always, immediately after an adjournment, give notice to the Governor, or Vice President, of the time and place to which the House is adjourned.—*Const. Art. 6.*

After a question of adjournment is voted, it is no adjournment until the Speaker pronounces it.

The House fix upon the day of adjournment by resolve, some days previous. On the day of adjournment, the motion to adjourn having been put, carried, and pronounced, the House of Assembly, with the Speaker at their head, will proceed to the Hall of Council ; and when the Speaker arrives at the bar, the Sergeant-at-arms will announce, “ *The Speaker, and House of Assembly ;*” when the President, or Vice President of Council, will announce to the Council, “ *The Speaker, and House of Assembly ;*” who, at the annunciation, will rise from their seats, while the Speaker advances within the bar, and announces ;

“ Mr. President, (or Vice President,)—The House of Assembly have adjourned *sine die* ; of which adjournment, you are hereby apprised by constitutional notice.”

In case it is an adjournment of the first sitting, he will say, “ have adjourned to meet at the State House, on the 5th day of February

next ; of which time and place, you hereby have constitutional notice.”

The President, (or Vice President,) acknowledges the notice by an inclination of the head ; and the Speaker, and House of Assembly, immediately retires.

Sec. 59.—*Pay and Certificate.*

“ And be it enacted, that there shall be paid to the Vice President of Council, and Speaker of the House of Assembly, the sum of three dollars and fifty cents ; and to every member of Council and Assembly, the sum of three dollars, for each and every day they have respectively attended this, or shall attend any future sitting of the Legislature ; and to every member of Council, and Assembly, the additional sum of three dollars for every twenty miles of the estimated distance, by the most usual route, between his place of residence and the seat of government, in going and returning, on a certificate, to be produced to the Treasurer, expressing the sum due, and the number of days and miles, signed by the President, or Vice President, of Council, for the members of Council ; and by the Speaker of the House of Assembly, for the members of Assembly, or by Henry Hilliard, John J. Chetwood, John Young, Benjamin Davis, or any two of them, for the members of Assembly.”

The above section is usually introduced into the “ bill for the support of government.”

The following is the form of a certificate :

Nov. 12, A. D. 1835.

STATE OF NEW JERSEY.

*First sitting of the Sixtieth Legislature.*

This is to certify that Caleb H. Valentine, a member of the General Assembly, has attended sixteen days, this present sitting, for which he is entitled to receive forty-eight dollars, from the Treasury of this State. And the said Caleb H. Valentine is further entitled to receive fifteen dollars, his place of residence being fifty miles distant from the seat of Legislature.

Given under my hand, in Assembly, this twelfth day of November, in the year of our Lord one thousand eight hundred and thirty-five.

DANIEL B. RYALL, *Speaker.*

Attendance	-	-	-	-	\$ 48
Mileage	-	-	-	-	15
					<hr/>
				Total	\$ 63

Sec. 60. *Impeachment.*

“ That the judges of the Supreme Court shall continue in office for seven years, the judges of the inferior Court of Common Pleas in the several counties, justices of the peace, clerks of the Supreme Court, clerks of the Inferior Court of Common Pleas and Quarter Sessions, the attorney-general and provincial secretary shall con-

tinue in office for five years, and the provincial treasurer shall continue in office for one year, and that they shall severally be appointed by the Council and Assembly in manner aforesaid and commissioned by the Governor, or in his absence by the Vice-President of Council: *Provided always*, that they shall be capable of being re-appointed at the end of the terms severally before limited, and that any of the said officers shall be liable to be dismissed, when adjudged guilty of misbehaviour by the Council, on an impeachment of the Assembly.”—*Const. Art. 12.*

“ That from and after the passing this Act, no justice of the peace, judge of any of the Courts of this State, or any other officer, who is or may be, by the laws or Constitution of this State, subject to impeachment, shall, during the time in which articles of impeachment are pending against him or them, the same having been presented to the Council, do, or perform, any act relating to his or their said office, but every act done under color of such office, is hereby declared to be null and void.”—*Act of March 1st A. D. 1830.*

“ That any such justice, judge, or other officer, presuming to act under color, or pretence, of being authorized so to act, while such articles of impeachment are pending and undetermined, shall forfeit and pay, for each offence, the sum of fifty dollars, to be sued for and recovered in an action of debt with costs of suit, before any

court of competent jurisdiction, in any county where the offence shall be committed, for the benefit of the person who shall sue for the same.”

—*Ibid.*

*Proceedings.*—The committee to whom would be referred the petition complaining of the official misconduct of an officer, would be empowered to send for persons and papers: the committee sometimes give notice to the accused in order that he may be heard before the committee in person, or by counsel.

Should the facts substantiated before the committee, be of an impeachable character, they will report—

“ That they have examined the evidence produced in behalf of the complainants, from which the following facts appear to the committee to be supported, viz.

“ First,———&c.

“ It therefore appears to your Committee, that the said John Doe, Esq., in violation of the Constitution and laws of this State, regardless of his high station, has been guilty of misdemeanour in office, and that sufficient appears, wherefore he should be impeached by this House at the bar of the Council. They therefore offer the following resolution:

“ *Resolved*, That John Doe, Esq., a judge, &c., be impeached at the bar of the Council, and that a committee be appointed to prepare articles of impeachment against John Doe, Esq., for misdemeanour in office.

Should the House adopt this resolution, a committee will be appointed to prepare articles of impeachment in the following form.

Articles of impeachment exhibited by the House of Assembly, of the State of New Jersey, in their own name and in the name of the State of New Jersey, against John Doe, Esq., a judge of the Common Pleas, in and for the County of Monmouth.

#### ARTICLE I.

That the said John Doe, being duly commissioned a judge of the Inferior Court of Common Pleas, &c.

And the said House of Assembly, by protestation saving to themselves the liberty of exhibiting at any time hereafter, any other accusation or impeachment against the said John Doe, judge of the Common Pleas, as aforesaid, and also of replying to the answers, which he, the said John Doe, shall make unto the said articles, or to any or either of them, and of offering proof of the said premises or of any of them, or of any other accusation or impeachment, which shall or may be exhibited by them, as the case shall require, do demand that the said John Doe, judge &c. as aforesaid, may be put to answer all and every of the premises, and that such proceedings, examination, trial and judgment, may be, against and upon him, had, as are agreeable to the Con-

stitution and laws of the State of New Jersey; and the said House of Assembly are ready to offer proof of the premises, at such time as the Legislative Council of New Jersey shall appoint.

DANIEL B. RYALL,

*Speaker of the House of Assembly.*

These articles of impeachment are read twice; amended, engrossed, and signed by the Speaker; and managers are appointed on behalf of the Assembly, to exhibit the articles to Council, and to manage the trial thereof.

A resolution is then passed that "the Clerk inform Council, that certain articles of impeachment are passed in the Assembly, and that Messrs. Chetwood, Molleson, McKissack, Brown, and Hall are appointed managers on the part of the House of Assembly, to exhibit the same to Council, and manage the trial thereof; and requesting the Council to name the time when the same may be preferred."

At the appointed time, the Assembly resolve themselves into a Committee of the Whole and follow the managers to the Council chamber, where they are announced by the Sergeant-at-arms; as, "Committee of the House of Assembly." The managers advance within the bar, and their Chairman addresses the President as follows:

"Mr. President—We are appointed a Committee from the House of Assembly to exhibit arti-

cles of accusation and impeachment, against John Doe, Esq. a judge of the Common Pleas, in and for the County of Monmouth.”

[*Articles of Impeachment exhibited, &c.*]

And concludes by saying, “that the Committee are ready on the part of the House of Assembly, to support the charges, at such time and place, as the Council may appoint.”

The President receives the report standing, and when it is concluded, answers:

“Gentlemen of the House of Assembly.—The Council will, in due time, give notice to the House of Assembly, of the order that they may take on the articles of impeachment, now exhibited against John Doe, a judge of the Common Pleas, in and for the County of Monmouth.”

The Committee then withdraw, and the managers by their Chairman, make report to the House of Assembly, detailing what was done by them, and the answer of the Council.

The Council will then appoint a Committee, who will report a resolution of the following, or like form and substance.

“Resolved, that on the 9th day of January next, at 10 o’clock A. M. the Council will resolve itself into a Court of Impeachment, at which time the following oath (or affirmation) will be administered by the Secretary to the President of the Court, and then by him to each member.

“You do swear (or affirm) that in all things appertaining to the trial of the impeachment of

John Doe, a judge in and for the County of Monmouth, you will do impartial justice, according to law.

“ Which Court of Impeachment, thus formed, will at the time aforesaid, receive the House of Assembly, to exhibit and try articles of impeachment against John Doe, a judge of the Inferior Court of Common Pleas for the County of Monmouth, pursuant to the notice given this day by the House of Assembly.

“ Resolved, that a summons be issued to the said John Doe, to answer certain articles of impeachment exhibited against him this day, by the House of Assembly, and that the said summons be returnable here on the 9th day of January next, and be served by the Sergeant-at-arms, or some person to be deputed by him, at least three days before the return day thereof.

“ Resolved, that as well the managers of the House of Assembly, as the said judge, shall have process for their witnesses, and that the President shall issue such process, at the request of the parties.

“ That at ten o'clock in the forenoon of the same day, the trial shall commence in the Council Chamber, and if the said judge, on being called by the President of the Court, shall appear in person, or by attorney, the articles of impeachment shall be read by the Clerk.

“ That after proclamation shall be made, the President of the Court shall demand of the said

judge, what answer he has to make to the articles of impeachment.

“The President shall then demand of the managers, what replication they have to make to the said answer or answers.

“The President shall then demand of both parties if they are ready to proceed to trial, and if they answer in the affirmative, the trial shall proceed.

“All motions made shall be addressed to the President of the Court, and if he require it, shall be reduced to writing. All questions to a witness, by any member of the Court, shall be put by the President.

“If a member of the Court is called as a witness he shall be sworn or affirmed and give his testimony standing in his place.

“The order of proceedings on the trial shall be as follows :

“1. The opening of the accusation on the part of the managers.

2. The testimony on the part of the State.

3. The opening on behalf of the accused.

4. The testimony on the part of the accused.

5. The argument on the part of the managers.

6. The argument on the part of the accused.

7. The reply on behalf of the managers.”

On the day appointed, the President will adjourn the Council, and announce that the Court of Impeachment will now be organized, and will first take the oath before the Secretary, and then administer the oath to each member. The

Sergeant-at-arms will then make proclamation that the court is open. The Secretary is then directed to give notice to the House of Assembly, that the Council have organized themselves into a court of impeachment, and are ready to proceed on the trial of the impeachment of John Doe, judge, &c., and that seats are provided in the Council Chamber, for the accommodation of the members of the House of Assembly.

The House of Assembly will then resolve themselves into a committee of the whole, and preceded by the managers, will proceed to the bar of the Council, where, being announced by the Serjeant-at-arms to the President, and by the President to the members of Council who will rise from their seats, they will take the seats assigned to them. Seats will also be assigned to the managers, respondent, and his counsel.

The Serjeant-at-arms will then be called, and sworn to the return endorsed on the summons issued against John Doe, judge, &c.

The President will then direct the articles of impeachment to be read by the Secretary, and the Secretary having read the articles, the President will direct proclamation to be made as follows :

*“ Oyez ! Oyez ! Oyez !* John Doe, a judge of the Common Pleas, in and for the county of Monmouth, come forward and answer the articles of impeachment exhibited against you by the House of Assembly of the State of New-Jersey.”

The respondent will then come forward, and

the President will ask him, "what answer he has to make?" The respondent will then answer, and the President will demand of the managers "what reply they have to make to the pleas and answer of the respondent?"

It is usual, at this time, for the managers to request a day's delay, till they consult with the House of Assembly, as to the replication they may think proper to make. The Court grants the request, and adjourns to the hour appointed.

At the hour appointed, the Court is opened by proclamation, and the managers present the replication of the House of Assembly.

After the testimony and arguments are concluded, the Court will fix an hour for the delivery of their judgment, of which time the House of Assembly will be informed.

The Court will then resolve "to pronounce judgment in the case of John Doe, a judge of the Common Pleas, in and for the county of Monmouth."

The articles of impeachment will first be read through by the Secretary, and then the first article, upon which the question will be taken by the President from each member—"Mr. Zabriskie, how say you? Is the respondent guilty or not guilty of a high misdemeanour, as charged in the first article of impeachment?" And the Councillor will answer "guilty," or "not guilty."

The question will be taken on each article in like manner, and the President will an-

nounce the judgment upon each as handed him by the Clerk: as,

“*Article 1*—Seven members said ‘guilty;’ six members said ‘not guilty.’”

The President will then put the question, “shall John Doe be dismissed from his office as judge of the Common Pleas, in and for the county of Monmouth?”

If *Aye*, the President will pronounce the judgment of the Court, and the Court will then adjourn *sine die*.

*Form of Summons.*

STATE OF NEW JERSEY.

[*Seal.*] *The Legislative Council to John Doe,*  
*Greeting:*

Whereas, the House of Assembly of the State of New Jersey, did, on the first day of December, inst., exhibit to the Legislative Council of New Jersey, articles of impeachment against you, the said John Doe, in the words following:

[*Here insert the articles.*]

and did demand that you, the said John Doe, should be put to answer the accusations as set forth in the said articles, and that such proceedings, examinations, trials, and judgments, might be thereupon had, as are agreeable to law and justice. You, the said John Doe, are, therefore, hereby summoned to be and appear, before the Council of New Jersey, at their Chamber, in the city of Trenton, on the ninth day of January next, then and there to answer to the said arti-

cles of impeachment, and then and there to abide by, obey, and perform, such orders and judgments, as the Council shall make in the premises, according to the Constitution and laws of the State of New Jersey. Hereof, you are not to fail.

*Witness* Peter D. Vroom, President of the Legislative Council of the State of New Jersey, at the city of Trenton, this first day of December, in the year of our Lord one thousand eight hundred and thirty-five.

PETER D. VROOM.

(*Attested*) JAMES D. WESTCOTT, *Sec'y*.

*Precept to be endorsed on Summons.*

STATE OF NEW JERSEY.

[*Seal.*] *The Legislative Council to Samuel Woolley, Sergeant-at-arms, Greeting :*

You are hereby commanded to deliver to, and leave with, John Doe, if to be found, a true and attested copy of the within writ of summons, together with a like copy of this precept, showing him both ; or in case he cannot, with convenience be found, you are to leave true and attested copies of the said summons and precept, at his usual place of residence ; and, in whichever way you perform the service, let it be done at least *three* days before the appearance day, mentioned in said writ of summons.

Fail not, and make return of this writ of summons, and precept, with your proceedings there-

on endorsed, on or before the appearance day, mentioned in said writ of summons.

*Witness*, Peter D. Vroom, President of Council, at the city of Trenton, this first day of December, in the year of our Lord one thousand eight hundred and thirty-five.

PETER D. VROOM.

(*Attested*) JAMES D. WESTCOTT, *Sec'y*.

*Return, on back of Summons.*

Dec. 10, A. D. 1835.

I, Samuel Wooley, Sergeant-at-arms of the Legislative Council of New Jersey, in obedience to the within summons to me directed, did proceed to the residence of John Doe, in the county of Monmouth, on the fifth inst., and did then and there deliver to, and leave with, the within named John Doe, a true copy of the within writ of summons, and a like copy of the precept thereon endorsed, and did show him both.

SAMUEL WOOLEY.

*Subpœna.*

*To John S. Darcey, Esq., Greeting:*

You are hereby commanded to appear before the Legislative Council of the State of New Jersey, on the ninth day of January next, at the Council Chamber, in the city of Trenton, then and there to testify your knowledge in the cause which is before the Council, in which the House of Assembly have impeached John Doe, a judge

of the Common Pleas, in and for the county of Monmouth.

*Witness, &c.*

*Endorsement.*

*Dec. 1st. A. D. 1835.*

To ——— ———: You are hereby commanded to serve and return the within Subpœna, according to law.

*Witness, &c.*

“An impeachment is not discontinued by the dissolution of parliament, but may be resumed by the new parliament.” 2 *Woodd.* 618.

In the case of the impeachment of Henry Miller, which was tried before the Legislative Council of New Jersey, in May, 1830, the following rule was adopted:

“That the President shall have power to direct the Council Chamber to be closed, whenever the Council may wish to confer together in private.”

In the same case, the House of Assembly had resolved, “that during the trial of the impeachment of Henry Miller, now pending before the Legislative Council, this House *will attend said trial by their managers*, and the said managers are authorized to file said replication, and join issue, in such manner, and form, as to them may seem correct and proper.”

The House of Assembly, having adjourned

*sine die*, Henry Miller, the respondent, by his counsel, Garret D. Wall, Esq., submitted to the Court the following motion, viz :

“That the House of Assembly, having adjourned *sine die*, the powers of the managers of the impeachment against Henry Miller, a justice of the peace, of the county of Hunterdon, appointed by that body to prosecute said impeachment, have ceased, and that this Court cannot entertain jurisdiction of the cause.”

Which motion, upon argument, was negatived *nem. con.*—*Vide Minutes of the Impeachment of Henry Miller, attached to Journal of the Fifty-Fourth Session of Council.*

#### Sec. 61. *Rules of Council.*

1. The President for the time being, shall not engage in any public debate without leave of the house, except so far as shall be necessary for regulating the form of proceeding; but shall, on all occasions, support the strictest order agreeably to the rules here laid down.

2. No member shall interrupt the business of the house, by entering into private conversation, during a debate, or whilst any business is before the house that requires the general attention.

3. Every member who rises to speak, shall address himself to the chair, and when any two members shall rise at the same time, the president shall determine which shall speak first.

4. No member shall speak in any debate

without rising, nor more than three times on any one subject of debate, unless he first obtain the leave of the house.

5. The members, during a debate, shall all keep their seats, except the member who rises to speak.

6. That the consent of a majority of the members present, shall be necessary to engross or re-engross any bill. That on the final passing of any bill, the following question shall be taken, *shall this bill* (as engrossed or re-engrossed, as the case may be) *pass?* And if a constitutional majority vote in the affirmative, it shall be considered as having passed, and signed accordingly.

7. That on every question for the final passing of a bill, unless the same shall pass by the unanimous vote of all the members of Council, the names of all the members present, with the yeas and nays on such question, shall be entered on the journals of this house, and the like entry shall be made on every other question, if the same shall be moved for by any one member, previous to the call of the house.

8. That all committees shall be appointed by the president, or in his absence, by the vice-president.

9. That all motions entered on the journals of this house, shall be entered in the names of those who make them, provided the same shall be required by any one member.

10. That in all debates and proceedings, the

members shall keep themselves within the strictest rules of decency and decorum.

11. That when an amendment made in this house to a bill from the House of Assembly, is disagreed to by that house, and not adhered to in this, the bill shall be considered as standing on a third reading.

12. That no bill shall be committed or amended, until it shall have been twice read, except private bills as provided for in the twenty-fourth rule, after which it may be referred to a committee; and when reported, either with or without amendments, (which amendments shall always be on a separate paper,) the bill shall be considered as on a second reading. But when the committee think the bill cannot be made good by amendment, they shall not reject it, but report the bill back to the house, without amendment, and there make their opposition.

13. That no private bill be read a second time, unless a printed copy thereof be in possession of Council.

14. That no bill shall be read more than once on the same day. No standing rule or order of Council shall be dispensed with, unless by the assent of two-thirds of the members present; nor rescinded or amended, without one day's notice being given of the motion therefor.

15. No motion shall be debated until the same shall be seconded, and it shall be reduced to writing, if the presiding officer or any member desires it.

16. That when a question is under debate, no motion shall be received, but to adjourn, to lie on the table, for the previous question, to postpone to a time certain, or for the present, to commit or amend, or to postpone indefinitely, which several motions shall have precedence, in the order in which they are here arranged.

17. A motion to adjourn shall be always in order, except when a vote is taking, and shall be decided without debate.

18. The previous question shall be in this form, "*shall the main question be now put?*" And it shall only be admitted, when demanded by two-thirds of the members of Council present; and shall be decided without debate.

19. That no motion for the re-consideration of any vote shall be in order after a bill, resolution, report, or other subject upon which the vote was taken, shall have gone out of the possession of the Council, by a message to the House, announcing their decision; and no motion for re-consideration shall be in order, unless made on the same day the vote was taken, or upon the next day of actual session of the Council, and moved and seconded by members who voted in the majority.

20. Every joint-resolution, order, or vote, from the house, to which the concurrence of Council is necessary, shall lie on the table one day, before it is finally acted upon by Council.

21. The first business of each day, shall be

to read over the journal of the preceding day; then petitions, memorials, remonstrances, letters or other documents necessary or proper to be laid before Council; after which the reports of such committees as shall be ready to report the business to them committed, shall be received.

22. All bills may be made the order of a particular day, and public bills when called for, shall have the preference of private bills, which (whenever two or more private bills shall be called for by members) shall be taken up according to their seniority, reckoning from the date of their introduction into Council.

23. That all bills and special reports of Committees be numbered by the Secretary, as they are severally introduced; and a list made of the same, to lie on the table and be called up for consideration, by the presiding officer, according to their numerical order; subject nevertheless, to postponement on special motion, for the purpose of taking up any bill or report, which the house may order to be taken up and considered in preference.

24. That no private bill originating in the House of Assembly, shall pass to a second reading until the same shall have been committed.

25. That no bill for a divorce shall be taken up on a second reading, unless it shall be made to appear by oath or affirmation, that the other party is not, at the time of presenting the petition, a resident in the State of New Jersey, or

if a resident, that notice has been duly served on him or her, of the intended application for a divorce.

26. That the President of Council, when present, shall be called by the clerk, in all cases, when by the constitution, he has a casting vote.

27. No member shall be suffered to have his vote recorded on any question, when the yeas and nays are called, unless he be present to answer to his name; and no person shall be permitted to change his vote, without the unanimous consent of the members present, unless he, at that time, declares that he voted under a mistake of the question.

28. On filling up blanks, the question shall first be taken on the largest sum, greatest number, and most distant day.

29. A majority of members of Council shall constitute a quorum for legislation, and whenever a less number than a quorum of Council shall convene, at a regular meeting and shall adjourn, the names of those present may be entered on the journals.

30. When a less number than a quorum of Council, shall convene, at any regular meeting, they are hereby authorised to send their Sergeant-at-arms, or any other person or persons by them authorised, for any or all absent members.

Sec. 62.—*Council.*

The legislative practice of the Council, order

of business, election of officers, &c., are precisely similar to the practice of the House of Assembly, with a few unimportant exceptions, which are noted under the head of "Council."

"That the government of this province shall be vested in a Governor, Legislative Council, and General Assembly."—*Const. Art. 1.*

"That the Council shall also have power to prepare bills to pass into laws, and have other like powers as the Assembly; and, in all respects, be a free and independent branch of the Legislature, save only, that they shall not prepare, or alter, any money bill, which shall be the privilege of the Assembly: that the Council shall, from time to time, be convened by the Governor, or Vice President, but must, at all times, be convened when the Assembly sits."—*Const. Art. 6.*

"Any three or more members of Council, shall, at all times, be a privy council to advise the Governor, in all cases, where he may find it necessary to consult them."—*Const. Art. 8.*

"Any member of Council is authorized to administer the oath of allegiance to the Governor elect, and to his fellow members."—*Revised Laws, 441.*

#### *Qualification of Members of Council.*

"The counties shall severally choose one person to be a member of the Legislative Council of this Colony, who shall be, and have been, for one whole year next, before the election, an inhabitant and freeholder, in the county in which

he is chosen, and worth at least one thousand pounds, proclamation money, of real and personal estate, within the same county."—*Const. Art. 3.*

"The Governor and Privy Council to determine, in elections of representatives in Congress, and of President and Vice President of the United States, who have received the greatest number of votes."—*Revised Laws, 534, Act of Dec. A. D. 1807.*

*Members of Council in the Sixtieth Legislature.*

*County of Bergen*—Hon. Christian B. Zabriskie.

*County of Essex*—Hon. Stephen D. Day.

*County of Morris*—Hon. Jephtha B. Munn.

*County of Sussex*—Hon. David Ryerson.

*County of Warren*—Hon. Charles Sitgreaves.

*County of Hunterdon*—Hon. William Wilson.

*County of Somerset*—Hon. William Thompson.

*County of Middlesex*—Hon. John Perrine, Jr.

*County of Monmouth*—Hon. Thomas Arrow-smith.

*County of Burlington*—Hon. Charles Stokes.

*County of Gloucester*—Hon. John W. Mickle.

*County of Salem*—Hon. Samuel Humphreys.

*County of Cumberland*—Hon. Joshua Brick.

*County of Cape May*—Hon. Jeremiah Leaming.

Sec. 63.—*Of Vacancies in Council.*

(*Vide page 166, ante.*)

Sec. 64.—*Of the Vice President.*

“The Council themselves shall choose a Vice President, who shall act as such in the absence of the Governor.”—*Const. Art. 7.*

“That the Governor, or, in his absence, the Vice President of the Council, shall have the supreme executive power, be Chancellor of the Colony, and act as captain general and commander-in-chief, of all the militia, and other military force in this Colony.”—*Const. Art. 8.*

“The President, for the time being, shall not engage in any debate, without leave of the House, except so far as shall be necessary to regulate the form of proceeding: but shall, on all occasions, support the strictest order, agreeably to the rules here laid down.”—*Rule 1 of Council.*

“The Vice President of Council is a trustee of the school fund.”—*Act of Feb. 12th. A. D. 1818.*

(For his other duties, see title “Speaker,” *ante*, page 192.)

Vacancy in office of Vice President.—(*Vide* page 168.)

*Oath.*

“I, —— ———, do solemnly promise and swear, that I will faithfully, impartially, and justly, perform all the duties of the office of Vice President of Council, according to the best of my ability and understanding. So help me God.”

Sec. 65. *Secretary of Council.*

His duties. (*Vide* Clerk of Assembly *ante*, page 195.)

*Oath of Secretary.*

“I, James D. Westcott, do sincerely profess and swear, that I do and will, bear true faith and allegiance to the government established in this State, under the authority of the people. So help me God.”

“I, James D. Westcott, do solemnly promise and swear, that I will faithfully, impartially and justly, perform all the duties of the office of Secretary of Council, according to the best of my abilities and understanding. So help me God.”

Sec. 66. *Sergeant-at-Arms.*

He is styled Sergeant-at-Arms because he is designated Sergeant-at-Arms of the Court of Appeals.

His duties. (*Vide* Doorkeeper *ante* page 197.)

Sec. 67. *Commitments in Council.*

“That no bill shall be committed or amended until it shall have been twice read, after which it may be referred to a Committee.” *Rule 12 of Council.*

In Assembly a Bill may be committed at any stage of its progress.

Sec. 68. *Precedence of motions in Council.*

“That when a question is under debate, no

motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone for a time certain, or for the present, to commit or amend, or to postpone indefinitely, which several motions shall have precedence in the order in which they are here arranged." *Rule 16 of Council.*

*Sec. 69. Of voting and taking questions in Council.*

Whenever the yeas and nays are called in Council, the presiding officer will call the attention of Council by preceding the question with the word, "Councillors!" pronounced in a loud and distinct tone: as "this bill is on its third and last reading, the question will be on its final passage. Is Council ready for the question? Councillors! as many as are in favor of the final passage of this bill, when their names are called, will say aye. Those of a contrary opinion, will say, no. Shall this bill pass?"

This is invariably done in the Senate of the United States, the question, when the yeas and nays are called, being announced by the word, "Senators!" It is intended to call attention, and to inform members outside of the bar, that the house is about to be called.

Council vote on every question, *viva voce*, or on a call of the House. The members are never required to vote by rising, and their names are called in the order of Counties as aforesaid.

Sec. 70. *Committees in Council.*

Committees consist of but *two* members, unless otherwise specially ordered.

Sec. 71. *Previous Question in Council.*

“The previous question shall be in this form, ‘shall the main question be now put?’ and it shall only be admitted when demanded by *two thirds* of the members of Council present, and shall be decided without debate.” *Rule 18 of Council.*

Sec. 72. *Oaths of Members of Council.*

(*See Ante*, 180.)

Sec. 73. *Second day of the Session in Council.*

On this day it is usually announced to the Chair, by a member, that the Governor elect is present in the ante-chamber of the hall. The Vice President announces the fact to the Council and asks “is it the pleasure of Council that the oaths of office be now administered to the Governor elect?” If “aye,” he deposes a member to conduct the Governor elect to the Secretary’s table, and when the Governor elect advances to the bar, announces “*the Governor elect*?” when the members rise, and continue standing, until the oaths of office are administered by the Vice President.

The oaths being administered, the Governor will subscribe the same on a scroll prepared for

that purpose, and the Vice President will conduct him to the chair.

Sec. 74. *Bills from Assembly in Council.*

Private Bills from Assembly are referred without motion, under the 24th rule. Public bills are only referred on motion.

Sec. 75. *Yeas and Nays in Council.*

Shall be entered on the Journals, if required, by one member *previous* to the call of the house.—*Rule 7 of Council.*

Sec. 76. *Dispensing with rules in Council.*

“No standing rule or order of Council shall be dispensed with, unless by assent of two thirds of the members *present*,” “nor rescinded or amended without one day’s notice given thereof.”—*Rule 14 of Council.*

Sec. 77. *Preference of Bills in Council.*

Public bills shall have the preference of private bills, &c.—*Rule 22 of Council.*

Sec. 78. *Divorce Bills in Council.*

“That no bill for a divorce should be taken up on a second reading, unless it shall be made to appear by oath or affirmation, that the other party is not at the time of presenting the petition, a resident in the State of New Jersey, or, if a resident, that notice has been duly served

on him or her, of the intended application for a divorce.”—*Rule 25 of Council.*

Sec. 79.—*Court of Appeals.*

“ That the Governor and Council, (seven whereof shall be a quorum,) shall be the Court of Appeals, in the last resort, in all causes of law, as heretofore.”—*Const. Art. 9.*

*Terms, when and where held.*

“ That the Court of Appeals, in the last resort, in all causes of law, shall hold annually at Trenton, two terms, the one commencing the third Tuesday of May, and the other, the first Tuesday of November; but if the Legislature be elsewhere in session, at either of the said terms, the said Court shall, in such case, be held where the Legislature shall be so in session.”—*Revised Laws, 393, Act of Jan. 29th, A. D. 1799.*

“ That the Governor, for the time being, as often as the business of the said Court shall require, shall be, and hereby is, authorized, by and with the advice of the Council, or any three of them, to appoint one other time in every year, of holding the said Court: *Provided*, that previous notice, for at least *two*\* months, shall be given in one or more of the newspapers published in this State, of the time and place of holding said Court.”—*Ibid.*

\* Word “*one*” substituted for “*two*,” by Supplement, Nov. 30th, A. D. 1825.

“That the Governor, for the time being, shall be, and hereby is, authorized, by and with the advice of Council, and whenever they shall deem it expedient, to change the time of holding the then next term of the Court of Appeals, in the last resort in all causes of law or equity, from the first Tuesday of November, as now appointed by law, to such other time as they shall appoint, for holding the said then next regular term of the Court: *Provided always*, that the time, so to be appointed, shall be within three months from the time, as at present appointed by law, for holding the then next regular term: and such public notice shall be given by the Clerk of the Court, of such change of time for holding the then next regular term, as the Governor and Council shall direct.”—*Com. Laws*, 410, *Act of Oct. 31st, A. D. 1832*.

“That whenever the time for holding the said term of the Court shall be changed, as aforesaid, all writs and process issued, and all causes which shall then be set down for hearing and argument, and all writs, pleadings, notices, and other proceedings, shall be continued, of course, and stand adjourned to the time so to be appointed; and writs of error may be made returnable, and appeals taken, to the time so to be appointed; and all other business may then be done, the same as now may be done, at any stated term of said Court.”—*Ibid.*

“That if a sufficient number of the members of the Court of Appeals, to constitute the said

Court, shall not attend on the first day of the term, or time appointed for holding the same, it shall be lawful for the members attending, to adjourn the Court, from day to day, until a sufficient number shall attend; or to adjourn until the next term, in which case, the writs and process, then returnable, and all suits, pleadings, and proceedings, depending before the said Court, shall be continued, of course, till such subsequent term,"—*Revised Laws, Act of Feb. 1st, A. D. 1799.*

*Errors in Supreme Court.*

"That errors, happening in the Supreme Court of this State, shall be heard, rectified, and determined, in the Court of Appeals, in the last resort in all causes of law."—*Ibid.*

And proceedings thereon.—*Ibid.*

"That all persons aggrieved by any order or decree of the Court of Chancery, may appeal from the same, or any part thereof, to the Court of Appeals and Errors, before the Governor and Legislative Council of this State; and all appeals from the said Court of Chancery, except from final decrees, shall be made within thirty days, after making the order and decree complained of, and all appeal from final decrees, in the said Court, shall be made within three years after making such decree: *Provided*, that in cases where the person entitled to such appeal, from any final decree, be an infant, feme covert, or insane, he or she shall have three years to bring

such appeal, after such disability shall be removed."—*Revised Laws*, 707, *Act of Feb. 29th, A. D. 1820.*

Proceedings thereon.—*Revised Laws*, 574, *Act of Feb. 15th, A. D. 1815.*

#### *Fees.*

"That when an appeal is taken, from a decree, or order, of the Chancellor, to the Court of Appeals, the same fees shall be allowed to the same officers, and persons, as are allowed by law for like services in the Court of Chancery."—*Ibid.*

#### *Oaths of Members of Court.*

"I, Jephtha B. Munn, do solemnly promise and swear, that I will administer justice without respect to persons, and faithfully, and impartially, perform all the duties incumbent upon me, as a member of the Court of Appeals, in the last resort, according to the best of my abilities and understanding, agreeably to the Constitution and laws of the State of New Jersey. So help me God."

#### *Compensation of Members.*

"That the compensation of the members of the Council, who shall sit as judges in the said Court, shall be the same day by day, for every day they shall respectively attend the Court, and for travelling to and from the same, as the members of the Legislative Council are, or may be, entitled to by law; and that the Clerk of the

said Court, shall be allowed the same daily compensation, as the Clerk of the Legislative Council : *provided always*, that they shall not be entitled to any compensation, as members and Clerk of the Legislative Council, when sitting as a Court of Appeals.”—*Rev. Laws, 394, Act of Jan. 29th A. D. 1799.*

“That the compensation aforesaid, and the services of the Serjeant-at-arms, and all necessary expenses, shall be paid by the Treasurer of the State, upon a certificate signed by the Governor.”—*Ibid.*

*Clerk of the Court.*

“That the Secretary of the State, for the time being, shall be Clerk of the said Court of Appeals.”—*Ibid.*

*Oath of the Clerk.*

“I, James D. Westcott, appointed Clerk of the Court of Appeals, do solemnly promise and swear, that I will truly and faithfully, enter and record, all the orders, decrees, judgments, and proceedings, of the said Court ; that I will justly and honestly keep the records, parchments, papers, writings, and books, to me committed, and to be committed, by virtue of my said office ; and that I will, faithfully and impartially, perform all the duties of said office, according to the best of my abilities and understanding.

“So help me God.”

Sec. 80. *Rules of Court of Appeals.*

1. That hereafter, in all cases of appeals from any order or decree of the Court of Chancery, the party appealing shall file with the clerk of this court a petition of appeal, in which shall be briefly stated the order or decree complained of, and the grounds of the appeal ; and shall serve a copy thereof on the solicitor of the adverse party, if he has a solicitor ; or if he has not, then on the adverse party, if to be found in this state, within thirty days after filing the said petition ; and shall, also, within the same time, deposite with the clerk in chancery one hundred dollars, to answer the costs of the appeal, if the appellant shall not prosecute the same to effect ; and in default of serving a copy of the petition and making such deposite, as aforesaid, proceedings may be had on the order or decree appealed from, as if such appeal had not been made, and the said appeal may be dismissed by this court with costs.

2. That whenever a deposite shall be made as aforesaid with the clerk in chancery, he shall, with all convenient speed, cause copies of the several orders and decrees in the cause to be made at the expense of the appellant, who shall be liable for the same in the first instance ; and deliver the same with all the pleadings, depositions, exhibits and papers, which may have been filed in his office relating to the cause, to the clerk of this court ; and the said deposite shall

be subject, prior to any other lien, to the fees of the clerk in chancery, for the said copies.

3. That the respondent shall file an answer to the petition of appeal, within thirty days after service of a copy of the said petition, and making the deposit aforesaid; and in default thereof, the appellant may enter a rule as of course, in vacation or in term time, with the clerk of this court, for the hearing of the said appeal, and may bring on the same by giving and filing notice thereof, as hereafter mentioned.

4. That if the respondent shall file an answer to the petition of appeal, the cause shall then be considered at issue, and either party may enter a rule for the hearing, as of course, as mentioned in the last preceding rule.

5. That the party prosecuting a writ of error, shall procure the same to be returned on the day in term, or the day after, to which it is made returnable, or show good cause why it is not returned; or on failure thereof, the said writ may be declared, by this Court, null and void.

6. That the plaintiff in error shall assign and file errors, and serve a copy thereof on the attorney of the defendant in error, if he has an attorney, or if he has not, then on the defendant in error, if to be found in this state, in thirty days after the day in term to which the writ shall be returnable, or be non-prossed; unless the court shall grant further time, and, in such case, the plaintiff shall assign and file errors, and serve a copy of the same on the defendant, or his

attorney, within the time granted, or be non-prossed.

7. That the defendant shall join in error, within thirty days after the expiration of the time limited, or granted, for assigning, filing and serving errors; or the errors may be taken as confessed, and the plaintiff may enter a rule of course, either in vacation or in term time, with the clerk of this court, setting down the cause to be argued *ex parte*.

8. That, after joinder in error, either party may enter a rule for a concilium, with the clerk of this court as of course, as before mentioned, and notice the cause for argument.

9. That hereafter all causes which now are, or shall be, depending in this court and at issue, whether on appeal or writ of error, may be brought on and heard, on twenty days' notice thereof in writing being given, by either of the parties to the other, and filing a copy of the said notice in the office of the clerk of this court, six days prior to the time of hearing.

10. That all causes shall be noticed for hearing, for the first day of the term, if there be time for that purpose, or for as early a day in term as circumstances will permit, and not otherwise, without a previous order of this court for that purpose.

11. That all causes, set down for hearing or argument, shall have priority according to the age of the issue, and if issue be joined on the same day in two or more causes, they shall be

heard according to the time of filing the respective transcripts or records, in the office of the clerk of this court, whose duty it shall be to furnish the court, on the first day of every term, with a list of the causes to be heard, in their course and order.

12. That when a cause is regularly noticed for hearing, if the appellant or plaintiff in error, as the case may be, shall not appear to argue the appeal or error assigned, the decree or judgment of the court below shall be affirmed with costs : and if the respondent or defendant, fails to appear, the appellant or plaintiff may proceed *ex parte*.

*Order of Proceedings and Argument on Hearings, &c.*

1. The necessary papers in the case shall be read, without explanation or comment.

2. After which, one of the counsel for the appellant or plaintiff in error, shall open the cause, then two counsel for the opposite party may be heard in answer, and one counsel only for the opening party, shall be allowed to reply. But in case of an appeal, from an order or decree of the Court of Chancery, in a cause where there are several defendants, who have separate and distinct interests, and who have different counsel concerned for them, the counsel for the respective defendants shall be heard, in such order as the court may direct ; but not more than two counsel shall be allowed to argue for any

one defendant; and if more than two counsel answer for the defendants, in that case two counsel may be heard in reply.

3. That on all arguments arising incidentally before the court, or not before provided for, one counsel shall be heard in opening the matters in question, or points, then two counsel for the opposite party may answer, and one counsel only for the opening party shall be allowed to reply.

*(Rule—November 11th, 1820.)*

It is ordered, that from and after the present term of this court, each member of the court, shall, previous to the hearing of an appeal, or argument of a writ of error, be furnished with a state of the case, or an abridgment of the pleadings and proofs, and of the petition of appeal, or of the record and assignment of errors, (as the case may be) in the cause, to be mutually agreed upon by the parties, or their counsel, in case they can agree upon the same; and also, with the points upon which the parties respectively mean to rely. And that, in case the parties shall not agree upon a state of the case, or an abridgment as aforesaid, that then such case or abridgment shall be made out, by the party who sets down the cause for hearing or argument, and signed by at least one counsellor at law, and a copy thereof furnished to each member of the court, and to the adverse party; and in that case, each party shall furnish, as last aforesaid, the points upon which he means to rely.

Sec. 81. *Court of Pardons.*

“The Governor and Council (seven whereof shall be a quorum) be the Court of Appeals, in the last resort, in all causes of law as heretofore; and that they possess the powers of granting pardons to criminals after condemnation, in all cases of treason, felony, or other offences.”—*Const. Art. 9.*

“That the Governor and Council shall have power to liberate from imprisonment, any criminal, now confined in the prison of this State, or who shall hereafter be confined in said prison, after the time for which said criminal hath been sentenced shall have expired, or said criminal hath been pardoned; in cases wherein the said Governor and Council shall be satisfied, that the said criminal hath no property, and is unable, and will continue unable, to earn more than is sufficient to defray the expenses of his or her food and clothing: *Provided*, that nothing in this section, shall be construed to destroy or in any way to impair the right of the State, to the property of the said criminal so liberated, wherever any such property can be found.—*Com. Laws, 244, Act Feb. 17, A. D. 1829.*

“That from and after the passing of this act, it shall and may be lawful, for the Governor, or person administering the Government, by and with the advice of his privy Council, upon application, and reasonable grounds to him shewn, to suspend the execution of the sentence of death, of any criminal, hereafter to be sentenced in

any of the courts of criminal jurisdiction of this State ; and to grant a reprieve from such sentence, until the rising, or adjournment of the next meeting thereafter, of the Governor and Council of this State." *Revised Laws 796, Act Nov. 16th, 1820.*

"That when a reprieve shall be granted, under the act to which this is a supplement, and a pardon shall not be granted to the offender from the sentence of death, at the next meeting of the Governor and Council after such reprieve, it shall be lawful, and it is hereby made the duty for the Governor and Council, to appoint a day for the execution of such criminal, which shall be thereupon entered in the minutes of the Court of Pardons ; a copy whereof, duly certified by the Secretary of State, under his seal, it shall be the duty of the Governor for the time being, or person administering the Government, to cause to be transmitted by a special messenger to the sheriff of the county in which the criminal aforesaid was tried, at least twenty days before the day appointed, for said execution ; the expense of which shall be paid out of the Treasury of this State, upon an order of the Governor or person administering the Government ; and upon the receipt of such notice, and the time therein set forth, the said sheriff can, and he is hereby commanded to put the sentence aforesaid into execution, according to the time appointed as aforesaid, any thing in any law to

the contrary notwithstanding." *Com. Laws* 8, *Act Nov. 26 A. D.* 1821.

"That it shall be lawful for the Governor and Council, to annex to any pardon which they may hereafter grant to any person convicted of any offence against this State, a condition, that the said offender so pardoned shall leave this State or the United States, and remain absent therefrom forever thereafter." *Revised Laws, May 31, A. D.* 1820.

*Sec. 82. Rules of the Court of Pardons.*

1. The Court of Pardons, on motion, may be opened whenever the Governor and a quorum of Council are convened for business.

2. The Court of Pardons shall transact all its business with closed doors.

3. All applications by a prisoner for a pardon shall be made by petition.

4. No petition from a prisoner for a pardon, shall be read before the court, unless it is accompanied by a certificate from the keeper, or at least one of the inspectors.

5. No application for pardon shall be heard or considered more than once, during the same session of said court.

6. Pardon for the crime, and remission of costs shall be separate questions.

7. The vote of individual members in the Court of Pardons, shall not be divulged, at any time, by any member of the court or secretary.

8. The recent proceedings of every Court of

Pardons shall be read by the secretary before the court adjourns.

9. The secretary shall keep regular minutes of all proceedings in the Court of Pardons, which shall be entered in a book provided for that purpose, to which book no person, not a member of the said Court, shall have access.

10. That no prisoner after suffering one term of imprisonment for crime, or having been pardoned therefrom, shall have any part of any future term of his imprisonment pardoned.

11. The vote on a question of pardon shall be by ballot, if required by any member present.

12. The concurrence of two-thirds of the members present is required to abrogate or dispense with any of the preceding rules.

### *Sec. 83. Joint Meeting.*

The two Houses assemble in Joint Meeting, for the appointment of civil and military officers, by resolution.

The Assembly resolve, (usually on the first week of the session,) "That the Clerk inform Council that the House of Assembly is ready to go into Joint Meeting, for the purpose of appointing a Governor, and such other officers as may be thought necessary, and request Council to name a time and place."

The Council usually name the first Friday of the session, ten o'clock, A. M., in the Hall of Assembly, and inform the House of Assembly thereof, by message. Nominations for office are

made by the respective Houses, on Thursday afternoon, in the order of counties, as aforesaid; and when the nominations are closed, each House makes out a duplicate, and sends such duplicate to the other House.

At the hour appointed, the House of Assembly informs the Council, by message, that they are ready to go into Joint Meeting. The members of Council then proceed, two and two, preceded by the Vice President, to the bar of the House of Assembly, where the Doorkeeper announces to the Speaker, "*The Vice President and Council.*" The Speaker announces to the House of Assembly, "*The Vice President and Council:*" when the members of Assembly rise from their seats, and the members of Council advance to the seats prepared for them; and, when they are seated, the members of the House of Assembly resume their seats, and the Speaker retires from the Chair. A Chairman of the Joint Meeting of the session, is then appointed, upon motion. Either the Vice President or Speaker is appointed; according to usage, they preside alternately. The Secretary of Council is then, upon motion, appointed Secretary, and the Chairman puts the question. The Secretary will then request the assistance of the Clerk of the Assembly, in the performance of his duties.

The Chairman will then call the Joint Meeting to "come to order!" and state, "that the first business, in order, will be the adoption of rules, for the government of the Joint Meeting." A

motion is then made, that "the rules of the last Joint Meeting be read," which carries; and, upon motion, these rules are usually adopted.

The Chairman then announces, that "*resignations may now be presented.*" Resignations of commissions are then presented; as, "Mr. Chairman, I ask leave to present the resignation of Elijah Warne, Major of the 1st battalion, 1st regiment, Warren Brigade." He will then hand it to the Secretary, who will read it, and the Chairman will put the question, upon motion, "that the resignation be accepted." "As many as are in favor of that motion will say, Aye; contrary opinion, No. *The ayes have it. The resignation is accepted.*"

After the resignations are disposed of, (if there is no motion made to that effect,) the Chairman will enquire, "Is it the pleasure of the Joint Meeting to take up the list of nominations? If there is no objection, the list will be taken up."

The Secretary will then take up the list, (he having previously furnished the Chairman with a duplicate list,) and call over the nominations for Governor; as, "Nominations for Governor—Peter D. Vroom, Thomas C. Ryerson." At this time, a motion may be made to withdraw a nomination for Governor, by the member making it. If the name of Thomas C. Ryerson is withdrawn, the Chairman will say, "Peter D. Vroom is nominated for Governor; as many as are in favor of that nomination will say, Aye; contrary opinion, No. *The ayes have it. Appointed.*"

If more than one name remains, the Chairman will announce the names, and then say, "the Secretary will call the Joint Meeting on these nominations." The Secretary then calls the Joint Meeting, (he having previously prepared printed rolls for that purpose,) and each member, when called, will state distinctly the name of the nominee for whom he votes. The Secretary will then announce the names and numbers of the voters; and the Chairman will announce the appointment: as, "*Peter D. Vroom has thirty-three votes; Thomas C. Ryerson has thirty-one votes. Mr. Vroom is appointed.*"

The question is sometimes put, upon motion that one of the nominees be appointed.

If no nominee has a majority for the appointment of Governor, the Joint Meeting will proceed to ballot, until one is elected, agreeably to the seventh article of the Constitution, which requires, that the Council and Assembly, at their *first* Joint Meeting, shall elect a Governor.

When the nominations for the respective counties are taken up, the names of the nominees for the same office, will be read, and the question will be put on their appointment, *collectively*, unless a member request that they shall be taken *separately*.

The friends of a nominee may ask leave to withdraw the nomination, and the opponents may move to postpone, which amounts to a virtual rejection. When the yeas and nays are called, the Chairman orders the House to be called.

The Chairman will say—"Joseph Brown is nominated for Judge of the Common Pleas, of the county of Hunterdon. As many as are in favor of that appointment, when their names are called, will say, aye; those of a contrary opinion will say, no. *The ayes have it. Appointed.*"

When the list of nominations is disposed of, a resolution is passed, "that the Vice President of Council, and Speaker of the House of Assembly, be a committee to wait upon the Governor elect, and inform him of his appointment, and request his acceptance of the same."

A motion is then made that "the Joint Meeting now rise," which is carried, and the Council retire, while the members of Assembly, rise from their seats and remain standing until the Council have retired.

There are usually two or more Joint Meetings in a session, and a nomination may be postponed from one Joint Meeting to the next.

Remonstrances against an appointment may be read in Joint Meeting: but the member presenting them should state, if called upon, that they do not contain any indecent or reproachful language, or expression of disrespect to the Joint Meeting, or either house, or member, or committee of the same.

"That in every case in which any officer, holding an office under the appointment of Joint Meeting, shall be desirous of resigning such office, the resignation shall be made during the sitting of the Legislature, and to the members

thereof in Joint Meeting, by such officer in person attending for that purpose, or by letter or other writing, under his hand, addressed to the Joint Meeting; and that no resignation made in any other way, or pretended to be made, shall be taken or deemed as valid or authentic, or in any wise allowed as an application for a discharge from office."—*Rev. Laws, 53, Act Oct. 8, A. D. 1778.*

“That if any person who shall be elected to any office by the Council and Assembly in Joint Meeting, shall neglect or refuse to qualify into such office, for and during the space of two months, after being informed of his election by any member of the Council or Assembly for the county in which he resides, or by the clerk of the Court of Common Pleas of such county, his said election shall thenceforth be void.” *Rev. Laws, 443.*

The above act has resulted in a rule of Joint Meeting, that no appointments shall be made to office, where the term of office of the present incumbent does not expire within two months from the sitting of the Joint Meeting.

At the last Joint Meeting, appointments were made for Clerk in Chancery. It was considered that the term of the present incumbent did not expire within two months, and if a successor was now appointed, he could not be sworn into office while the term of the present incumbent was unexpired; and on the contrary, by the

above act the appointment would be void, unless he was qualified into the office, within two months. But Mr. Potts, the incumbent, resigned, and was thereupon re-appointed.

*Appointments in Joint Meeting.*

Governor,	for the term of	1 year.
Senators in Congress,	“ “	6 “
Attorney General,	“ “	5 “
Secretary of State,	“ “	5 “
Treasurer,	“ “	1 “
Librarian,	“ “	1 “
Judges of Supreme Court,	“ “	7 “
Reporter in Chancery,	“ “	5 “
Reporter of Supreme Court,	“ “	5 “
Clerks of Common Pleas and Quarter Sessions	“ “	5 “
Surrogates,	“ “	5 “
Justices of the Peace,	“ “	5 “
Commissioners to take Ac- knowledgment and Proof of Deeds,	“ “	5 “
Keeper and Inspectors of State Prison,	“ “	1 “
Director of Camden and Am- boy Rail Road,	“ “	5 “
General and Field Officers of Militia.		

The Treasurer of the State and Inspectors of State Prison are not appointed, until their respective accounts are settled and allowed.

Sec. 84. *Rules of Joint Meeting.*

1. That the election of State officers, during the present session, be *viva voce*, unless when otherwise ordered.

2. That the Chairman attend carefully to the preservation of order and regularity, in transacting the business of the Joint Meeting; and that he shall not engage in any debate, or propose his opinion on any question, without leave of the Joint Meeting.

3. That every member, when he speaks, shall stand up in his place, and address himself to the Chair.

4. That, in all debates and proceedings, the members observe the strictest decorum; and that if any one use indecent expressions, or utter any personal reflections, or otherwise offend herein, he be censured according to the nature and aggravation of the offence.

5. That no debate ensue, or question be put on a motion, unless it be seconded: when it shall be open to debate, and the same receive a determination by the question, unless it be laid aside by the Joint Meeting, or a motion be made to amend it, to postpone it, or for the previous question.

6. The previous question shall be in this form: —“ Shall the main question be now put ?” and, until decided, shall preclude all amendment and further debate on the main question.

7. If any motion contain more than one simple question, any member may have it divided

into as many parts as there are distinct questions, if seconded in his motion.

8. That no member speak more than twice on the same subject, in the same debate, without leave of the Joint Meeting.

9. That all questions of order be determined by the Chairman, subject to an appeal to the Joint Meeting, when demanded by four members.

10. That when two or more members rise to speak, nearly at the same time, the Chairman shall decide who shall speak first.

11. When any question is stated, and, by the Joint Meeting, agreed to be put, no member shall be at liberty to withhold his vote, without leave of the Joint Meeting.

12. The names of the members voting, and for whom they have voted, shall be entered on the minutes, if moved for and seconded; and that the Yeas and Nays shall be entered upon the Journal, on every question taken in the Joint Meeting, other than questions of appointment, when moved for and seconded by five members, except the vote be unanimous.

13. That the Joint Meeting may adjourn, when the list of nominations is not gone through with.

14. That appointments or re-appointments may be made without resignations, or the commissions being expired; if the commissions of the persons in office shall expire the same sitting, or within two months thereafter: *Provided*, that

where a new appointment is made, the person so appointed shall not be considered as in commission, until the expiration of the commission of the former person, whose place it is to supply.

15. That in all questions, the Chairman of the Joint Meeting be called upon to vote in his turn, as one of the Representatives in Council or Assembly, but that he have no casting vote as Chairman.

#### Sec. 85. *Governor.*

Holds his office for one year, and is capable of re-appointment; he shall be constant President of Council, and have a casting vote in their proceedings; shall have the supreme executive power; be Chancellor of the State, and Commander in chief of the militia, and other military force of the State; is Ordinary or Surrogate General, and President of the Courts of Appeals and Pardons; he is *ex officio* Trustee of College of New Jersey, Trustee of school fund, and Keeper of the great seal of the State: commissions Senators and Representatives in Congress, Electors of President, officers appointed by Joint Meeting, and brigade and regimental staff officers; orders suits on Sheriffs' bonds; grants licenses to pedlars; appoints notaries public, flour inspectors, and inspectors of herring; issues proclamation respecting infected vessels; orders out militia in case of invasion, or other emergency; distributes public laws to the Executives

and legislatures, of the respective states and territories; demands fugitives from justice: remits costs or debt of criminals in State Prison, in certain cases; grants permits to manufacture bank note paper; may offer reward for apprehension of criminals; may suspend sentence of death; shall issue warrant to fill vacancy, in the offices of Speaker of Assembly, or of Vice President in Council; shall receive and transmit lists of nominations, for electors of President and Representatives in Congress, to the clerks of the respective counties, and shall lay the return of such election before a privy council &c; shall fill vacancies in the electoral college, and issue warrant for election, to fill vacancies in the House of Representatives of the United States; may accept office from the United States for defence of state; shall appoint Treasurer to fill vacancy during recess; shall lay the annual abstract of the militia before the Legislature; shall furnish copies of his decisions in Chancery to the Reporter; may appoint Commissioners to take acknowledgment of deeds in other States; may draw money for the Deaf and Dumb Institution from the treasury; may organize companies for defence of frontiers, and furnish them with ordnance, arms, and ammunition; shall appoint director in Camden and Amboy Rail Road, and Delaware and Raritan Canal Companies; shall appoint surrogates in case of vacancies; may fill vacancy in the office of the inspectors of State Prison; shall make an annual message to

the Legislature, and recommend such measures in relation to the resources, finances, and polity of the State, as will in his opinion, promote the happiness and prosperity of the people.

*Oath of Governor.*

“ I, Peter D. Vroom, do sincerely profess and swear, that I do, and will, bear true faith and allegiance, to the government established in this State, under the authority of the people. So help me God.”

“ I, Peter D. Vroom, elected Governor of the State of New Jersey, do solemnly promise and swear, that I will diligently, faithfully, and to the best of my knowledge, execute the said office, in conformity with the powers delegated to me; and that I will, to the utmost of my skill and ability, promote the peace and prosperity, and maintain the lawful right of said State. So help me God.”

“ I, Peter D. Vroom, do solemnly swear, that I will support the Constitution of the United States. So help me God.”

*Governors of New Jersey, from the surrender of the Government by the Proprietors, in A. D. 1702, to the present time.*

*Edward, Viscount Cornbury, A.D. 1702 to 1708		
John, Lord Lovelane, Baron		
of Hurley, - - -	1708	1709
Lt. Gov. Richard Ingoldsby, -	1709	1710
*Brigadier Robert Hunter, -	1710	1720

*William Burnet, - - -	A.D. 1720 to 1727	
*John Montgomery, - - -	1728	1731
*William Cosby, - - -	1731	1736
John Anderson, <i>President of</i> <i>Council,</i> - - - -		1736
John Hamilton, <i>President of</i> <i>Council,</i> - - - -	1736	1738

Those marked thus (\*), were Governors of New York and New Jersey; but, from this time, New Jersey had a separate Governor.

Lewis Morris, - - -	A.D. 1738 to 1746	
John Hamilton, <i>President of</i> <i>Council,</i> - - - -		1746
John Reading, - - -	1746	1747
Jonathan Belcher, - - -	1747	1757
John Reading, <i>Pres. of Council,</i>	1757	1758
Francis Bernard, - - -	1758	1760
Thomas Boone, - - -	1760	1761
Josiah Hardy, - - -	1761	1763
William Franklin, ( <i>last of Co-</i> <i>lonial Governors,</i> ) - - -	1763	1776
William Livingston, - - -	1776	1790
William Patterson, - - -	1790	1793
Richard Howell, - - -	1793	1801
Joseph Bloomfield, - - -	1801	1802
John Lambert, <i>Pres. of Council,</i>	1802	1803
Joseph Bloomfield, - - -	1803	1812
Aaron Ogden, - - -	1812	1813
William S. Pennington, - - -	1813	1815
Mahlon Dickerson, - - -	1815	1817
Isaac H. Williamson, - - -	1817	1829

Peter D. Vroom,	-	-	A.D. 1829 to 1832
Samuel L. Southard,	{		Oct 26 Feb 27
			1832 1833
Elias P. Seely,	-	-	Feb. 27, 1833 1834
Peter D. Vroom,	-	-	1834

*Secretary of State.*

Holds his office for five years, and must reside at Trenton ; is Clerk of the Court of Appeals, and Register of Prerogative Court and Prerogative office, and Trustee of the school fund ; to give bond, with two sureties, in the sum of three thousand pounds, to be delivered to Treasurer of the State ; and take oath before one of the Justices of the Supreme Court ; shall test commissions issued at his office ; shall report business done in the Secretary of State's and Prerogative offices to the Governor, every three months, and a general statement of the same annually to the Legislature ; must put up fee bill in his office ; records bond of Keeper of State Prison ; keeps books and papers of the Auditor's office and records surveys of county lines ; shall prosecute delinquent clerks of courts ; shall record deeds ; shall record and endorse payments made to the Treasurer ; shall sue for money due to the State ; shall file bills passed by the Legislature ; deliver copy to the printer, compare proof sheets and make marginal notes, &c. ; shall record checks countersigned by him, and lay the same before the joint committee appointed to settle

accounts of State Treasurer; he shall have charge of the State House and lot.

*Present Secretary*—James D. Westcott.

Sec. 86. *Treasurer.*

Shall make oath before the Vice President of Council, or a Justice of the Supreme Court, in the following form:

“I, Charles Parker, appointed Treasurer of the State of New Jersey, do solemnly promise and swear, that I will, to the utmost of my knowledge and ability, well, honestly, and faithfully, perform the duties of the office of Treasurer of the said State; and that I will not, on any pretence, or occasion, apply any money, securities, or stocks, which shall come to my hands, as belonging to the said State, to any private use or purpose. So help me God.”

He shall give bond with sufficient sureties, to be approved of by the Legislature, in the sum of fifty thousand dollars, payable to the State of New Jersey; which bond shall be deposited in the office of the Secretary of State. The following is the condition of his bond:

“The condition of this obligation is such, that, if the above bounden Charles Parker shall, from time to time, and at all times, render a just and true account to the Legislature of the State of New Jersey, when by them thereunto required, of all the monies, securities, stocks, and other property of said State, which shall come to his hands, or be committed to his charge; and de-

liver the moneys, securities, stock, and other property of the said State, in his hands, together with all documents, instruments of writing, papers and books, belonging to, or for the use of the said State, to his successor in office; and shall well, honestly, and faithfully, perform all the duties of the office of Treasurer of the said State; and shall answer for all improper appropriations, waste, embezzlements, or destruction, of the said moneys, securities, stocks, property, documents, instruments of writing, papers, or books, which shall be done or committed by any person or persons, to be by him employed in the said office; then this obligation to be void, otherwise to be and remain in full force and virtue." Which bond shall be executed before the Vice President of Council, or one of the justices of the Supreme Court.—*Revised Laws, 427, Act of Feb. 16, A. D. 1799.*

“That it shall be the duty of said Treasurer to receive and keep the moneys of this State; to disburse the same, agreeably to law; to take receipts for all moneys which he shall pay; to keep accounts of the receipts and expenditures of the public moneys; to superintend the collection of the revenue; to direct prosecutions for delinquencies of officers of the revenue, and for debts which are, or shall be, due to this State; to make reports, and give information to either branch of the Legislature in person, or in writing, as he may be required, respecting all

matters which may be referred to him, by the Council or House of Assembly, or which shall appertain to his office; and generally to perform all such services relative to the finances, as he shall be directed to perform."—*Ibid.*

He shall receive from the clerks of the respective courts, an abstract of fines and amercements, and judgments on forfeited recognizances, for the use of the State, and he shall return names of delinquent officers thereon; shall receive tax money from county collectors, and sue delinquent collectors, and delinquent sheriffs, on tax warrant; shall add annual deficiency of the quota of taxes in any county to the next year's quota of such county; shall sue delinquent bank for tax; shall pay expenses for bringing back fugitives; shall sue for money due to the State; shall receive and distribute laws of the State; shall deposite all moneys in some chartered bank of the State, within three days after the same shall come into his hands, and shall not draw the same, unless by check, countersigned by the Secretary; shall pay orders drawn by keepers of State Prison, countersigned by two inspectors; he has charge of the school fund; he must make an annual statement of school fund to the Trustees; he must have his accounts ready for examination, or settlement, on the fourth Tuesday of October in every year, and is authorized to close his annual accounts on that day.

*Present Treasurer*—Charles Parker.

Sec. 87. *Attorney General.*

Shall exhibit information in the nature of a *quo warranto*, with leave of the Supreme Court, against any person or persons who shall usurp, intrude, or unlawfully hold, or execute any office or franchise within the State; shall prosecute forfeited recognizances; and is a Trustee of school fund; he shall cause a writ to be issued in chancery, to recover escheats to the State, &c.

*Present Attorney General*—John More White.

Sec. 88. *Keeper of State Prison.*

“That at the first Joint Meeting, in each and every year, after the accounts of the State Prison are settled, a suitable person shall be appointed to be the principal keeper of the said prison; who shall hold his said office for one year from the date of his appointment, and until a successor is chosen, and who shall reside, during his term of office, at the said prison; and shall receive, as a compensation for his services, eight hundred dollars, to be paid quarterly, by orders drawn on the Treasurer of this State, by any two inspectors.”—*Com. Laws, 251, Act of Feb. 23, A. D. 1829.*

He shall give bond to the Treasurer, with two sufficient sureties, in the sum of two thousand dollars, to be proved and certified before a justice of the Supreme Court, or judge of the Common Pleas, and recorded in the office of the Secretary of State; which bond shall be conditioned for the faithful performance of the trusts and duties

reposed in him and his deputies and assistants ; shall have his accounts ready for examination and settlement on the fourth Tuesday of October in every year, and is authorized to close his annual accounts on the fifteenth of October ; shall be accountable to the inspectors for all moneys he may receive, and shall pay so much of the same to the Treasurer of the State, as the said inspectors may direct.

*Present keeper*—Joseph A. Yard.

Sec. 89. *Inspectors of State Prison.*

“ That at the Joint Meeting aforesaid, in each and every year, five suitable persons shall be chosen as inspectors of said prison, who shall be entitled to receive the sum of one dollar and fifty cents per day, for every day necessarily employed in the duties of their appointments, out of any moneys in the funds of said prison, and who shall continue in office one year, and until others are chosen in their stead.”—*Com. Laws, 251, Act of Feb. 23d A. D. 1829.*

“ That it shall be the duty of the said board of inspectors, to keep minutes of their proceedings ; in which the reports of the acting inspectors, made from time to time, shall be recorded ; and to make a written report of the general concerns of the said prison, and of all such other information as they may deem important, accompanied by an account of the receipts and expenditures of the prison for the year ; all which shall be exhibited to the committee of the Legis-

lature, annually appointed to inspect the state of the prison, and settle its accounts.”—*Com. Laws, 254, Sec. 10. Ibid.*

The inspectors, keeper, his deputies and assistants, and the clerk of the prison, are required to take and subscribe the following oath of office, to be filed in the office of the Secretary of State.

“I do solemnly swear (or affirm) that I will, well, and faithfully, serve the State of New-Jersey in the office of ——— and will faithfully and diligently execute all the duties required of me as such officer, and carry into execution all the laws and regulations of said prison, so far as concerns my said office, according to the best of my ability. So help me God.”

*Present Inspectors*—John Titus, Anderson Lator, Jason H. Roe, John Aaronson, Moses Wills.

### Sec. 90. *Librarian.*

1. “That a suitable person shall be annually appointed, by the Council and General Assembly of this state in Joint Meeting, as a librarian of the two houses of the Legislature, to serve for one year, and until another be chosen in his stead.

2. “That the said librarian shall have the custody of the books and papers belonging to the Council and General Assembly, except the papers immediately appertaining to the business of the respective clerks; and that it shall be his duty to arrange the same, in proper cases, in one of the committee rooms of the state-house most convenient for that purpose; and to attend

daily, during the sitting of the Legislature and of the Court of Errors, and keep a regular catalogue of the books and papers, and give out the same agreeably to such regulations as may, from time to time, be established by the joint authority of the two houses ; and that he shall receive, for his services, a compensation of two dollars for every day he shall be necessarily employed in the said business, to be paid to him by the Treasurer, upon a certificate of the President, or Vice-President of the Council, and Speaker of the House of Assembly.—*Com. Laws, 22.*

*Present Librarian*—Peter Forman.

Sec. 91. *Adjutant General.*

Shall make an abstract of the situation of arms, accoutrements, and ammunition of the militia, their delinquencies, and every other thing relating to the general advancement of good order and discipline, with a report of the general state of the militia, magazines, and military stores ; and also such improvements in discipline as he may think necessary, and shall lay the same annually before the Commander in chief ; he shall lay his accounts annually before the Legislature.

Sec. 92. *Quarter Master General.*

Shall have charge of the public arms, and on the first week of every session of the Legislature, shall lay before them a particular return of all the arms and equipments belonging to the State, the number loaned out, in whose hands,

and whether they remain under proper responsibilities ; including in said return, all the camp equipage in his charge.

He shall annually lay before the Legislature a complete return of the situation and condition of the arms distributed under the act of Dec. 28th, A. D. 1824.

#### Sec. 93. *Brigade Board.*

“That it shall be the duty of the Brigade Board, to keep accounts of all sums by them received and expended, keeping a separate account of the fees and expenses attending the militia system, and the appropriations they may make for arms and other military implements, and make report thereof every year to the Legislature.”—*Rev. Laws, 712.*

#### Sec. 94. *Banks and Insurance Companies.*

##### INCORPORATED BANKS.

<i>Date.</i>	<i>Name.</i>	<i>Capital.</i>
1804	Newark Banking and Insurance Company,	\$800,000
do.	Trenton Banking Company,	600,000
1812	State Bank at Camden,	800,000
do.	State Bank at New Brunswick,	400,000
do.	State Bank at Elizabethtown,	200,000
do.	State Bank at Newark,	400,000
do.	State Bank at Morris,	200,000
1813	Paterson Bank,	200,000
do.	Cumberland Bank,	200,000

<i>Date.</i>	<i>Name.</i>	<i>Capital.</i>
1816	Farmers Bank at Mount Holly,	200,000
1818	Sussex Bank,	100,000
1822	Commercial Bank at Amboy,	100,000
do.	Salem Banking Company,	75,000
1824	People's Bank at Paterson,	150,000
1824	Morris Canal and Banking Com- pany, (Jersey City,)	1,000,000
1828	Farmers and Mechanics Bank at Rahway,	100,000
do.	Orange Bank, (Essex co.)	100,000
1830	Farmers and Mechanics Bank, at Middletown Point,	50,000
1830	Belvidere Bank,	50,000
1831	Mechanics Bank at Newark,	250,000
1832	Mechanics Bank at Paterson,	150,000
do.	Union Bank at Dover, (Morris co.)	100,000
1834	Mechanics and Manufacturers Bank at Trenton,	150,000
do.	Manufacturers Bank at Belleville,	150,000
do.	Farmers and Mechanics Bank at New Brunswick,	100,000
do.	Princeton Bank,	150,000

## INSURANCE COMPANIES.

<i>Date.</i>	<i>Names.</i>	<i>Capital.</i>
1811	Newark Fire Assurance Com- pany,	Mutual.
1812	Elizabethtown Assurance Com- pany,	do

<i>Date.</i>	<i>Name.</i>	<i>Capital.</i>
1821	Newark Banking Insurance Company,	800,000
1823	Burlington county Association,	Mutual
1824	Mechanics Fire Insurance, Company, (Essex,)	200,000
1826	New Brunswick Fire Insurance Company,	100,000
1828	Paterson Fire Insurance Company,	200,000
1831	Mount Holly Insurance Company,	50,000
1832	Camden Insurance Company,	100,000
1834	Plainfield Assurance Company,	Mutual.
1834	New Jersey Insurance Company, (Essex,)	300,000

Sec. 95. *Census and ratio of Representation in Congress.*

*Senate.*—“The Senate of the United States, shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.”

*Const. of U. S., Art. 1, Sec. 2.*

*Present Senators from New Jersey.* Samuel L. Southard, to March 4th, A. D. 1839. Garret D. Wall, to March 4th, A. D. 1842.

*House of Representatives.* “Representatives and direct taxes, shall be apportioned among the several States, which may be included within the Union, according to their respective numbers, which shall be determined, by adding to the

whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative." *Const. of the U. S., Art. 1, Sec. 2.*

*Electors.* "Each State shall appoint in such manner as the legislature thereof may direct, a number of Electors, equal to the whole number of Senators and Representatives, to which the State may be entitled in Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an Elector." *Const. of U. S., Art. 2, Sec. 1.*

"MAY 22d, A. D. 1832.

"*Be it enacted by the Senate and House of Representatives, of the United States of America, in Congress assembled, That from and after the third day of March, one thousand eight hundred and thirty-three, the House of Representatives, shall be composed of members, elected agreeably to a ratio of one Representative for every forty-one thousand and seven hundred persons, in each State, computed according to the rule rescribed by the Constitution of the United*

States, that is to say, within the State of Maine, eight ; within the State of New Hampshire, five ; within the State of Massachusetts, twelve ; within the State of Rhode Island, two ; within the State of Connecticut, six ; within the State of Vermont, five ; within the State of New York, forty ; within the State of New Jersey, six ; within the State of Pennsylvania, twenty-eight ; within the State of Delaware, one ; within the State of Maryland, eight ; within the State of Virginia, twenty-one ; within the State of North Carolina, thirteen ; within the State of South Carolina, nine ; within the State of Georgia, nine ; within the State of Kentucky, thirteen ; within the State of Tennessee, thirteen ; within the State of Ohio, nineteen ; within the State of Indiana, seven ; within the State of Mississippi, two ; within the State of Illinois, three ; within the State of Louisiana, three ; within the State of Missouri, two ; within the State of Alabama, five.

*Present Representation of New Jersey.*

Hon. Philemon Dickerson, Hon. Samuel Fowler, Hon. Thomas Lee, Hon. James Parker, Hon. Ferdinand S. Schenck, Hon. William N. Shinn.

The following table exhibits the population to be represented in each state, under the above article of the Constitution, viz. by adding to the " whole number of free persons, three-fifths of all other persons, excluding Indians not taxed."

	<i>Population.</i>	<i>Senators.</i>	<i>Rep.</i>
Maine,	399,454	2	8
New Hampshire,	269,327	2	5
Massachusetts,	610,408	2	12
Rhode Island,	97,192	2	2
Connecticut,	297,665	2	6
Vermont,	280,652	2	5
New York,	1,918,578	2	40
New Jersey,	319,921	2	6
Pennsylvania,	1,348,072	2	28
Delaware,	75,431	2	1
Maryland,	405,842	2	8
Virginia,	1,023,502	2	21
North Carolina,	639,747	2	13
South Carolina,	455,025	2	9
Georgia,	429,811	2	9
Kentucky,	621,832	2	13
Tennessee,	625,263	2	13
Ohio,	937,901	2	19
Louisiana,	171,904	2	3
Indiana,	343,030	2	7
Mississippi,	110,357	2	2
Illinois,	157,146	2	3
Alabama,	262,507	2	5
Missouri,	110,357	2	2
		<hr/>	<hr/>
Total,		48	240
<i>Delegates</i> , Territory of Michigan,			1
“ “ Arkansas,			1
“ “ Florida,			1
		<hr/>	<hr/>
Whole number,			243

*Total Population of the United States and Territories.*

Free White persons,	10,526,248
Slaves,	2,009,043
Free colored persons,	319,599
	<hr/>
	12,854,890
Add error in Census,	11,130
	<hr/>
Total,	12,866,020

Sec. 96. *Coat of Arms of New Jersey.*

“ *Legislature of New Jersey, 1st Session.*

“ *Council Chamber, Sept. 10, 1776.*

“ The house having taken into consideration, that it will necessarily take up some time to get a proper seal prepared for the sealing of such commissions, as have usually passed under the great seal, and that it will be necessary for the public good, that sundry commissions should issue before such great seal can be made; therefore,

“ Resolved, that the seal at arms of his Excellency, *William Livingston, Esquire*, shall be deemed, taken and used, as the great seal of this state, till another shall be made.”

“ *House of Assembly, Sept. 10, 1776.*

“ Resolved, that this House do concur with Council in their Resolution of this day respecting the great seal of the state.”

“*House of Assembly. Oct. 3, 1776.*

“The Joint Committee, appointed by both Houses, to prepare a great seal, beg leave to report:

“That they have considered the subject, and taken the sentiments of several gentlemen thereon, and are of opinion, that *Francis Hopkinson, Esq.*, should be immediately engaged to employ proper persons, at Philadelphia, to prepare a silver seal, which is to be round, of two and a half inches in diameter, and three eighths of an inch thick; and that the arms shall be three ploughs, in an escutcheon; the supporters Liberty and Ceres; and the crest a horse's head: these words to be engraved in large letters round the arms, viz: *The great seal of the State of New Jersey.*”

“The above report being read,

“Resolved, That the Joint Committee aforesaid, do engage Francis Hopkinson, Esq., accordingly; and that he be authorized to draw on the Treasurer of this State, for the expense of the great seal.”

“*Council Chamber, Oct. 3, 1776.*

“Resolved, That this house do concur in said resolution.”

### Sec. 97. *Cessions and Compacts.*

#### *Compact with Pennsylvania.*

“*First.* It is declared, that the river Delaware from the station point, or northwest corner of

New Jersey, northerly, to the place upon the said river, where the circular boundary of the State of Delaware toucheth upon the same, in the whole length and breadth thereof, is, and shall continue to be, and remain, a common highway, equally free and open for the use, benefit, and advantage, of the said contracting parties: *Provided nevertheless*, That each of the legislatures of said states, shall hold and exercise the right of regulating and guarding the fisheries, on the said river Delaware, annexed to their respective shores, in such manner, that the said fisheries may not be unnecessarily interrupted, during the season for catching shad, by vessels riding at anchor on the fishing ground, or by persons fishing under claim of a common right on said river.

“*Secondly*. That each state shall enjoy and exercise a concurrent jurisdiction, within and upon the water, and not upon the dry land, between the shores of said river; but in such sort, nevertheless, that every ship and other vessel, while riding at anchor, before any city or town, in either state, where she hath last laded or unladed, or where it is intended she shall first thereafter either lade or unlade, shall be considered, exclusively, within the jurisdiction of such state; and every vessel fastened to, or aground on, the shore of either state, shall, in like manner, be considered, exclusively, within the jurisdiction of such state; but that, all capital and other offences, trespasses, or damages, committed on

said river, the juridical investigation and determination thereof, shall be exclusively vested in the state wherein the offender, or person charged with such offence, shall be first apprehended, arrested, or prosecuted.

“ *Thirdly.* That all islands, islets, and dry land, within the bed, and between the shores of the said river, and between the said station point, northerly, and the falls of Trenton, southerly, shall, as to jurisdiction, be hereafter deemed and considered as parts and parcels of the state, to which such insulated dry land doth lie nearest, at the time of making and executing this agreement; and that from said falls of Trenton, to the State of Delaware, southerly, Biles’ island, near Trenton, Windmill island, opposite to Philadelphia, League island, Mud or Fort island, Hog island and Little Tinnicum islands, shall be annexed to the State of Pennsylvania, and considered as parts and parcels thereof; and that Biddle’s or Newbold’s island, Burlington island, Petty’s islands, Redbank island, Harmanus Helm’s island, Chester island and Shiverse’s island, shall be annexed to the State of New Jersey, and considered as parts and parcels thereof; and that all other islands within said river, between the falls of Trenton and the State of Delaware, which are not herein before particularly enumerated, shall be hereafter deemed and considered as parts and parcels of the state, to which such island doth lie nearest, at the date hereof; and that all islands which may hereafter

be formed within the said river, shall be classed and annexed to the jurisdiction of either state, according to the same principle." — *Revised Laws, 57, Act of May 27, 1783.*

“That from the said falls of Trenton, to the station point, or north-west corner of the State of New Jersey, aforesaid, the following islands, opposite to the county of Bucks, and the townships hereafter named, that is to say, opposite to the Falls township, Birds’ island; opposite to lower Makefield township, Slack’s three islands, Duer’s island, and Harvey’s lower island; opposite to Upper Makefield township, Harvey’s upper island, and Lowne’s island; opposite to Solebury township, Smith’s island and bar, and Paxton’s island and bar; opposite to Tinnicum township, Pratt’s two islands, Wall’s island, Resolution island, Marshall’s island, Wall’s two islands, Fishing island, and Pennington’s island; opposite to Nockamixon township, Loughley’s island; and opposite the county of Northampton, and the townships hereafter named, that is to say, William’s township, Pohatcung island, Shoemaker’s island, and Loor’s island; opposite to the Forks township, Easton island; opposite to Mount Bethel, Mason’s island and bar, Mason’s island, Foul Rift island, M’Elhany’s island, and Attin’s two islands; opposite to Lower Smithfield, Handy’s island and bar, Goodwin’s two islands, Shawanagh, or I. and B. Van Campen’s island, N. Depew’s island and two bars, Chambers’ island, and Van Oken’s island; opposite to

Delaware township, Swartwood's island, and Isaac Van Campen's island; opposite Upper Smithfield township, Punkey's island, and five bars; shall be annexed to the State of Pennsylvania, and considered as parts and parcels thereof.

“And that the following islands, opposite to the county of Hunterdon, in the State of New Jersey, and the townships hereafter named, that is to say, opposite to the township of Trenton, Yard's island, Mott's two islands, and Gould's two islands; opposite to the township of Hope-well, Stout's island; opposite to the township of Amwell, Smith's Mill island, Coryell's island, Holecombe's two islands, Eagle island, and Bull's island; opposite to the township of Kingwood, Rush island, Ridge's island, Shyhawk's three islands, Pinkerton's island, and Man of War island; opposite to the township of Alexandria, Stull's island, Lowrey's island, and Loughley's island and bar; and opposite to the county of Sussex, and the townships hereafter named, that is to say, opposite to the township of Greenwich, Rope's island, Champman's island, Stout's island and bar, and Bar island; opposite to the township of Oxford, Capush island, Foul Rift island, and Mack's island; opposite to the township of Knowlton, Mack's island and three bars, and Gap island; opposite to the township of Wal-pack, Hoops' two islands, Chambers' island, A. Van Campen's fishing island, Opaughanaugh island, and Necesses island; opposite to the

township of Sandyston, Nominack island, and Westfall's island; opposite to the township of Montague, Minisink island, Quick's two islands and bar, Shabbacung great island and bar, and Westfall's two islands; shall be annexed to the State of New Jersey, and hereafter be considered as parts and parcels thereof, agreeably to a map or chart of the said river, and description of the several islands and insulated dry land therein, made under our direction, by Mr. Reading Howell, surveyor, and herewith exhibited to each state.

“That all other islands, which may hereafter be formed within said river, between the falls of Trenton and the station point, or northwest corner of the State of New Jersey aforesaid, shall hereafter be deemed and considered as parts and parcels of the state, to which such islands may be nearest. *In witness whereof*, we, the commissioners of the states aforesaid, have set our hands and seals to two instruments of writing, one for each state, dated this second day of December, Anno Domini, one thousand seven hundred and eighty-five.”—*Revised Laws*, 78, *Act of Feb. 20, 1786.*

*Compact with New-York.*

*Art. 1.* The boundary line between the two states of New-York and New-Jersey, from a point in the middle of Hudson river, opposite the point on the west shore thereof, in the forty-first degree of north latitude, as heretofore ascertained and marked, to the main sea, shall be

the middle of the said river, of the bay of New-York, of the water between Staten Island and New-Jersey, and of Raritan bay, to the main sea, except as hereinafter otherwise particularly mentioned.

*Art. 2.* The State of New-York shall retain its present jurisdiction of and over Bedlow's and Ellis' Islands ; and shall also retain exclusive jurisdiction of, and over, the other islands lying in the waters above mentioned, and now under the jurisdiction of that state.

*Art. 3.* The State of New-York shall have and enjoy exclusive jurisdiction of and over all the waters of the Bay of New-York, and of and over all the waters of Hudson river, lying west of Manhattan island, and to the south of the mouth of Spuytenduyvel creek, and of and over the lands covered by the said waters, to the low water mark on the westerly or New-Jersey side thereof ; subject to the following rights of property and of jurisdiction, of the State of New-Jersey, that is to say :

1. The State of New-Jersey shall have the exclusive right of property, in and to the land under water, lying west of the middle of the bay of New-York, and west of the middle of that part of the Hudson river, which lies between Manhattan island and New-Jersey.

2. The State of New-Jersey shall have the exclusive jurisdiction of and over the wharves, docks, and improvements made and to be made on the shore of the said state, and of and over

all vessels aground on said shore, or fastened to any such wharf or dock ; except that the said vessels shall be subject to the quarantine or health laws, and laws in relation to passengers, of the State of New-York, which now exist, or which may hereafter be passed.

3. The State of New-Jersey shall have the exclusive right of regulating the fisheries on the westerly side of the middle of the said waters ; *Provided*, that the navigation be not obstructed or hindered.

*Art. 4.* The State of New-York shall have exclusive jurisdiction of and over the waters of the Kill Van Kull, between Staten Island and New-Jersey, to the westernmost end of Shooter's island, in respect to such quarantine laws and laws relating to passengers, as now exist, or may hereafter be passed, under the authority of that state, and for executing the same ; and the said state shall also have exclusive jurisdiction, for the like purposes, of and over the waters of the Sound, from the westernmost end of Shooter's island to Woodbridge creek, as to all vessels bound to any port in the said State of New-York.

*Art. 5.* The State of New-Jersey shall have and enjoy exclusive jurisdiction of and over all the waters of the Sound between Staten Island and New-Jersey, lying south of Woodbridge creek, and of and over all the waters of Raritan bay, lying westward of a line drawn from the light house at Prince's bay, to the mouth of Ma-

tavan creek; subject to the following rights of property and of jurisdiction of the State of New-York, that is to say:

1. The State of New-York shall have the exclusive right of property in and to the land under water, lying between the middle of the said waters and Staten Island.

2. The State of New-York shall have the exclusive jurisdiction of and over the wharves, docks and improvements made, and to be made, on the shore of Staten Island; and of and over all vessels aground on said shore, or fastened to any such wharf or dock, except that the said vessels shall be subject to the quarantine or health laws, and laws in relation to passengers of the State of New-Jersey, which now exist, or which may hereafter be passed.

3. The State of New-York shall have the exclusive right of regulating the fisheries between the shore of Staten Island and the middle of the said waters, provided that the navigation of the said waters be not obstructed or hindered.

*Art. 6.* Criminal process issued under the authority of the State of New Jersey, against any person accused of an offence committed within that state, or committed on board of any vessel, being under the exclusive jurisdiction of that state as aforesaid, or committed against the regulations made, or to be made, by that state, in relation to the fisheries mentioned in the third article; and also civil process issued under the authority of the State of New Jersey, against

any person domiciled in that state, or against property taken out of that state, to evade the laws thereof, may be served, upon any of the said waters, within the exclusive jurisdiction of the State of New York; unless such person or property shall be on board a vessel aground upon or fastened to the shore of the State of New York, or fastened to a wharf adjoining thereto; or unless such person shall be under arrest, or such property shall be under seizure, by virtue of process or authority of the State of New York.

*Art. 7.* Criminal process issued under the authority of the State of New York, against any person accused of an offence committed within that state, or committed on board of any vessel being under the exclusive jurisdiction of that state as aforesaid; or committed against the regulations made, or to be made, by that state, in relation to the fisheries mentioned in the fifth article; and also civil process issued under the authority of the State of New York, against any person domiciled in that state, or against property taken out of that state to evade the laws thereof, may be served, upon any of the said waters within the exclusive jurisdiction of the State of New Jersey; unless such person or property shall be on board a vessel aground, upon, or fastened to, the shore of the State of New Jersey, or fastened to a wharf adjoining thereto; or unless such person shall be under arrest, or such property shall be under seizure, by virtue

of process or authority of the State of New Jersey.

*Art. 8.* This agreement shall become binding on the two states, when confirmed by the legislatures thereof, respectively, and when approved by the Congress of the United States.

Done in four parts (two of which are retained by the commissioners of New York, to be delivered to the governor of that state, and the other two of which are retained by the commissioners of New Jersey, to be delivered to the governor of that state) at the city of New York, this sixteenth day of September, in the year of our Lord one thousand eight hundred and thirty-three, and of the Independence of the United States, the fifty-eighth.—*Act of Feb. 26, 1834.*

*Cession to United States.*

“That the jurisdiction of this state, in and over a lot of land, situate at the point of Sandy Hook, in the county of Monmouth, containing four acres, on which a light-house and other buildings are erected, shall be, and the same is hereby ceded to, and vested in, the United States of America, for ever hereafter.”—*Revised Laws, Act of Nov. 16, 1790.*

“That for the purpose of erecting a light-house, jurisdiction is hereby ceded to the United States, in and over the following tract or piece of land in the County of Cape May, to wit: beginning at a stone, for a corner, standing on the north-east side of a large ridge of sand hills, and on a

course from the light-house, at Cape Henlopen, north about thirty-four degrees east, distance about twenty miles by calculation, and on a course from Thomas H. Hughes' large house on Cape Island, due west, distance about two and a half miles, &c., within which bounds is contained one acre of land, be the same more or less.

“That this state shall, and hereby doth, retain concurrent jurisdiction with the United States, over the said tract or piece of land, so far that process, civil and criminal, issuing under the authority of said state, may be executed in any part of the said tract or piece of land, or in any building thereon to be erected.”—*Revised Laws, 20, Act of Oct. 29th A. D. 1822.*

“That the jurisdiction of the State of New-Jersey, in and over all that certain piece or parcel of land, situate, lying and being on the southerly point of the Highlands of Neversink, in the county of Monmouth, and State of New-Jersey, be, and the same is hereby ceded to the United States of America, for and during such period of time only, as the said property shall be used by the United States for the purposes expressed in this act: *Provided nevertheless*, that such jurisdiction, so ceded to the said United States, shall not extend, nor be construed to extend so far, as to prevent, or impede, the execution of any process of law, civil or criminal, under the authority of this state, except so far forth as any such process may affect the real or personal property of the United States of America, within the limits aforesaid.

“ That all the lands and tenements within the aforesaid boundaries, shall, during the continuance of the jurisdiction, so ceded to the United States, as aforesaid, be, and remain exempted from all taxes, assessments, and other charges, under and by virtue of any present or future law of this state.”—*Revised Laws*, 133, *Act of Nov. 23d* 1826.

Sec. 98. *County Collector.*

Shall lay an abstract of all the ratables in each township, in their respective counties, signed by the board of assessors, before the Legislature, annually, in the first week of their stated annual session.

Sec. 99. *Courts, when and where held.*

“ Courts of the United States may be held in that part appropriated to the Supreme Court room: *Provided*, that the session of the said Court, shall not interfere, with the regular terms of the Supreme Court.” *Com. Laws*, 58.

*United States Courts.*

*Circuit Courts* for the third circuit, are held at Trenton, for the district of New Jersey, the 1st April and the 1st October, except when these days fall on Sunday, then the court opens on the 2d.

*District Courts* are held, for the district of East Jersey, at New Brunswick, the 2d Tuesday of March and September ; at Burlington, for West Jersey, the 3d Tuesday of May and November.

*New Jersey Courts.*

*Courts of Error* (Governor and Council) are held at Trenton, on the 1st Tuesday in November and 3d in May.

*Stated Terms of the Court of Chancery.* 3d Tuesday of January, 1st do. of April, 2d do. of July, 2d do. of October.

*Supreme Court* is held at Trenton on the 2d Tuesday of May and November, 1st Tuesday in September, and last in February.

*Circuit Courts, and Sessions of Oyer and Terminer and General Jail Delivery,* are held in Cape May once, and in the other counties twice a year, at the times of holding the Common Pleas printed in italics in the following table.

*Courts of Common Pleas, Orphans and Quarter Sessions, are held in the several Counties on the following Tuesdays.*

BERGEN	4 Jan.	4 <i>March</i>	2 June	4 <i>Oct.</i>
ESSEX	1 Jan.	2 <i>April</i>	4 June	3 <i>Sept.</i>
SUSSEX	last Jan.	4 <i>May</i>	3 Aug.	4 <i>Nov.</i>
MORRIS	3 Dec.	3 <i>March</i>	1 July	4 <i>Sept.</i>
HUNTERDON	1 Feb.	1 <i>May</i>	1 Aug.	4 <i>Oct.</i>
SOMERSET	1 Jan.	3 <i>April</i>	3 June	1 <i>Oct.</i>
MIDDLESEX	2 March	2 <i>June</i>	2 Sept.	2 <i>Dec.</i>
MONMOUTH	4 Jan.	4 <i>April</i>	4 July	3 <i>Oct.</i>
BURLINGTON	2 Feb.	4 <i>May</i>	2 Aug.	1 <i>Nov.</i>
GLOUCESTER	2 Dec.	3 <i>March</i>	3 June	1 <i>Oct.</i>
SALEM	1 March	2 <i>June</i>	3 Sept.	1 <i>Dec.</i>
CUMBERLAND	3 Feb.	1 <i>June</i>	4 Sept.	last <i>Nov.</i>
CAPE-MAY	1 Feb.	last <i>May</i>	1 Aug.	4 <i>Oct.</i>
WARREN	2 Feb.	1 <i>June</i>	4 Aug.	and 1st Tuesday after the 4th in <i>November.</i>

The Courts of Errors and Appeals, Chance-

ry, Prerogative Court and Orphans Courts, hold *Special Terms* at such times and places as the Courts respectively appoint.

Sec. 100. *Deaf and Dumb.*

The directors shall make an annual statement in the month of November, to the Legislature, of the funds and expenses of the institution, the number of children received and educated during the year, and of the parts of the state whence they have come; distinguishing those who have been educated and supported gratuitously.

The Governor may appropriate any sum, not exceeding one hundred and sixty dollars per annum, for every indigent deaf and dumb child taught in the institution,

*Deaf and Dumb in New Jersey.*

Under fourteen,	69
Of fourteen, and under twenty-five,	73
Of twenty-five and upwards,	80

*Deaf and Dumb in the United States.*

Under fourteen,	1925
Of fourteen and under twenty-five,	2151
Of twenty-five and upwards,	2030

Sec. 101. *Election of Electors and Members of Congress.*

“The election for Representatives in Congress, is to be held at the same time and place

with the election for members of the Legislature, except when Electors are to be chosen, and then the election for members of Congress, and Electors, is to be held on the first Tuesday of November following the day of nomination."

Nominations are made on the first Monday of November.

Sec. 102. *Escheats.*

Lands and other property of an intestate, in case he leave no heirs capable of inheriting, escheats to the state, and the Attorney General is required to cause a writ to be issued by the Chancellor to recover the same.

Sec. 103. *Folio.*

"That a sheet or folio, shall contain one hundred words, and in all cases, where an entry of any writing or copy is to be paid for, the said sheet shall consist of one hundred words." *Revised Laws*, 481.

Sec. 104. *Government—seat of.*

"That Trenton, in the county of Hunterdon, shall henceforth be considered the seat of Government of this State." *Revised Laws*, 108.

Sec. 105. *Jurisdiction.*

(See *Cessions and Compacts.*)

Sec. 106. *Library.*

"1. That the sum of two hundred dollars, in each and every year, during the term of ten

years, be, and the same is hereby, appropriated for the gradual increase of the state library.

2. That the said sum of money shall be annually disbursed by the state Librarian, for the purpose aforesaid, under the direction of the Governor of the State, for the time being."—*Act of March 4th, A. D. 1835.*

The State Library is in a room of the State House, and contains at present about two thousand volumes.

#### *Sec. 107. Militia.*

A brigade is formed in each county of the state, (excepting the county of Cape May,) comprising all the militia of the county, with the exception of the cavalry. In the county of Cape May, the militia are organized into an independent regiment.

The brigades are formed into four divisions. The brigades of Burlington, Gloucester, Salem, Cumberland, and the regiment of Cape May, constitute the first division. The brigades of Bergen, Essex, and Morris, constitute the second division. The brigades of Somerset, Middlesex, and Monmouth, constitute the third division. The brigades of Hunterdon, Warren, and Sussex, constitute the fourth division.

#### *General Officers.*

Peter D. Vroom, Captain General.

Zachariah Rossell, Adjutant General.

Garret D. Wall, Quarter Master General.

FIRST DIVISION—Samuel J. Read, Maj. Gen.  
*Burlington*—William Irich, Brig. Gen.  
*Gloucester*—Enoch Doughty, Brig. Gen.  
*Salem*—Jonathan Richman, Brig. Gen.  
*Cumberland*—Isaac Titsworth, Brig. Gen.  
*Cape May*—Joshua Hildrith, Col. Com.

SECOND DIVISION—John S. Darcy, Maj. Gen.  
*Bergen*—George Kingsland, Brig. Gen.  
*Essex*—Isaac Andruss, Brig. Gen.  
*Morris*—Cornelius Mandeville, Brig. Gen.

THIRD DIVISION—Peter I. Stryker, Maj. Gen.  
*Somerset*—William D. McKissac, Brig. Gen.  
*Middlesex*—Obadiah Herbert, Brig. Gen.  
*Monmouth*—Rei Baird, Brig. Gen.

FOURTH DIVISION—Garret Vliet, Maj. Gen.  
*Hunterdon*—James S. Manners, Brig. Gen.  
*Warren*—James S. Williamson, Brig. Gen.  
*Sussex*—Lyman Edwards, Brig. Gen.

The cavalry of the state form one brigade, commanded by Thomas Ward, Brig. Gen.

The squadrons of cavalry are formed as follows, viz.:—

The troops of cavalry, in the county of Bergen, form one Squadron; of Essex, one; of Morris, one; of Sussex and Warren, one; of Middlesex, one; of Monmouth, one; of Hunterdon, one; of Somerset, one; of Burlington and Gloucester,

one; and of Salem, Cumberland and Cape May, one.

The regiments of cavalry are formed as follows, viz:—

The squadrons of Bergen and Essex, form one regiment; of Morris, Sussex and Warren, one; of Middlesex, and Monmouth, one; of Hunterdon and Somerset, one; and of Burlington, Gloucester, Salem, Cumberland and Cape May, one.

The following table exhibits the number of militia, in the respective brigades, as near as I could gather it, from the very imperfect returns of the brigade Inspectors, in the Adjutant General's office.

	<i>Cavalry.</i>	<i>Artillery.</i>	<i>Rifle.</i>	<i>Infantry.</i>
Burlington,	57	48	47	3288
Gloucester,	37	81		1948
Salem,	88	152	120	1508
Cumberland,	45	187		1746
Cape May,		124		424
Bergen,	93	153	21	2074
Essex,	250	422	51	4283
Morris,	155	123	227	2369
Middlesex,	238	93	37	1443
Monmouth,	124	50	213	3292
Somerset,	158	107	93	1304
Hunterdon,	418	510	127	2187
Warren,	110	168	142	1883
Sussex,	172	152	211	2310
	<hr/>	<hr/>	<hr/>	<hr/>
Total,	1946	2370	1289	20,059

Sec. 108. *Oaths.*

“That where the form of an official oath is not, or shall not be specially prescribed, then one shall be taken in the following words, to wit:

“I —— do solemnly promise and swear, that I will faithfully, impartially, and justly, perform all the duties of the office of —— according to the best of my abilities and understanding. So help me God.” *Revised Laws* 441.

*Oath of Allegiance.*

“I —— do sincerely profess, and swear, that I do and will bear true faith and allegiance to the Government established in this State, under the authority of the people. So help me God.”—*Revised Laws*, 441.

Sec. 109. *Postage.*

*Rates of Postage, as established by act of Congress, March 3d, 1825, and the amendatory act of March 2d, 1827.*

*Single letters, composed of one piece of paper,*  
 For any distance not exceeding 30 miles 6 cts.  
 Over 30, and not exceeding 80 10  
 Over 80, do 150 12 1-2  
 Over 150, do 400 18 1-2  
 Over 400, do 25

*Double Letters*, or those composed of two pieces of paper, are charged with double those rates.

*Triple Letters*, or those composed of three

pieces of paper, are charged with triple those rates.

*Quadruple letters*, or those composed of four pieces of paper, are charged with quadruple those rates.

One or more pieces of paper, mailed as a letter, and weighing one ounce, are charged with quadruple postage, and at the same rate should the weight be greater.

*Newspaper Postage*.—For each newspaper, not carried out of the state in which it is published; or if carried out of the state, but carried not over 100 miles, one cent; over 100 miles, and out of the state in which it is published, one and a half cents.

*Magazines and pamphlets*, if published *periodically*,

	miles,	cts. per. sheet.
Distance not exceeding	100	8 1-2
do over	100	2 1-2
Not <i>periodically</i> , not exc.	100	4
do over	100	6

*Small pamphlets*, printed on a half or quarter sheet of royal, or less size, are charged with half those rates. Eight pages quarto are rated as *one sheet* and all other sizes in the same proportion.

The number of sheets which it contains, must be printed or written on one of the outer pages of every pamphlet or magazine to be sent by mail. Where the number of sheets is not truly stated, double postage is charged.

Every thing not coming under the denomination of newspapers or pamphlets, is charged with letter postage.

Sec. 110. *Quo Warranto.*

“May be issued by Supreme Court, under the direction of the Attorney General, against intruders into office.”—*Revised Laws*, 206.

Sec. 111. *Reports of cases in Law and Chancery.*

“That from and after the passing of this act, there shall be appointed by the Joint Meeting of the Council and General Assembly of this State, and commissioned by the Governor of the same, *annually*,\* a fit and proper person, skilled in the laws of this State, to collect and compile, in regular order, all such cases as shall be adjudicated in the said Supreme Court, with the opinion of the justices of the said court thereon, as shall arise on causes removed from the several courts for the trial of small causes, in the several counties in this State, by certiorari, as he shall think will tend to promulgate useful information to the citizens of this State; and also to collect and compile as aforesaid, the cases on all other important and intricate subjects, with the opinions of the justices of the said court thereon; and to furnish the printer of the state laws, with such cases and opinions, regularly

\* Altered to five years, by Act of 1st of March, A. D., 1820.

digested, with a proper index to the same, yearly; and it shall be the duty of the said printer, to print the same with the said laws, at the end thereof, that they may be distributed in the same manner as the said laws are distributed, for which the said printer shall be compensated at the same rate, and in the same manner as for printing the laws of this State.”—*Revised Laws*, 528, *Act of March* 12, 1806.

*Present Reporter*—James S. Green.

“That from and after the passage of this act, there shall be appointed by the Joint Meeting of the Council and General Assembly of this State, a fit and proper person skilled in the law, as chancery reporter; who shall hold his office for the term of five years from the date of his appointment, and shall be commissioned accordingly by the Governor of this State, and receive such compensation, for his services as the Legislature shall provide.

“That it shall be the duty of the said chancery reporter, to collect, arrange, and compile, in regular order, all such cases as have been, or shall be, decided in the Court of Chancery, and in the Prerogative Court of this State, wherein the principles of law and equity, in important or intricate cases, may have been, or shall be, discussed and determined, or rules of proceeding and practice in said Courts, determined, or established, as will tend to promulgate information useful to the citizens of this State; with the opinions of the Chancellor, Ordinary or Surro-

gate-General, or officers sitting with or for the Chancellor, Ordinary or Surrogate-General, in said Courts thereon, together with such cases determined in the Court of Appeals, in the last resort in all causes of law, as shall be important and useful, to be generally known and understood."—*Com. Laws*, 400, *Act of March 13, 1832*.

*Present Reporter*—Nathaniel Saxton.

Sec. 112. *Common Schools.*

"That the Governor of this State, the Vice President of Council, the Speaker of the House of Assembly, the Attorney General, and the Secretary of State, and their successors in office, for the time being, be and they are hereby constituted and appointed trustees of the fund for the support of free schools, in this State, by the name, style, and title of, 'the Trustees for the support of Free Schools, &c.'"—*Revised Laws*, 649, *Act of Feb. 12, A. D. 1818*.

The Trustees are authorized to draw the sum of eight thousand dollars, in advance, from the treasury, per annum; which sum, the Treasurer must replace from the receipts of the school fund.

Trustees are authorized to invest the school fund in public stock, bank stock, or in private security.

"That all taxes, which may hereafter be received into the treasury of this State, from any of the banking, insurance, or other incor-

porated companies of this State, the capital stock of which, now is, or hereafter may be, liable, by law, to be taxed, shall be, and the same are hereby transferred to the fund for the support of free schools."—*Com. Laws, 189, Act of March 5, 1828.*

On the first day of April, in every year, the Trustees shall appropriate to, and apportion among, the respective counties, in the ratio of their taxes, the sum of twenty thousand dollars.

*Statement of Fund.*

Scrip for stock, chargeable to Walnut and Pine street Prison lot, at Philadelphia, at 5 per cent.,	\$50,000 00
Pennsylvania State stock, at 5 per cent.,	93,100 00
Due from State on loan for construction of new prison,	43,317 29
Loan to Sussex and Hunterdon counties,	16,000 00
Due on bond and mortgage, at 5 per cent.,	12,000 00
Cumberland and Sussex bank stock, at 6 per cent.,	3,000 00
Trenton Bank and East Jersey Rail Road stock, at 8 per cent.,	16,990 00
Balance in hand,	7,419 09
	<hr/>
	\$241,826 38

*Annual Income as follows:*

On stocks and property, at 5 per ct.,	\$10,720	89
“ “ at 6 per ct.,	180	00
“ “ at 8 per ct.,	989	40
Bank tax, annually to be received,	19,348	34
	<hr/>	
	\$31,238	63
Deduct annual appropriation for common schools,	20,000	00
	<hr/>	
	\$11,238	63

*Present Trustees*—Peter D. Vroom, Daniel B. Ryall, John More White, James D. Westcott, Charles Sitgreaves.

Sec. 113. *Seal.*

“ That the Council and Assembly shall have power to make the great seal of this Colony, which shall be kept by the Governor, or, in his absence, by the Vice President of Council, to be used by them as occasion may require, and it shall be called the great seal of the Colony of New Jersey.”—*Const. Art. 11. (Vide Coat of Arms, ante, page 315.)*

Sec. 114. *Title—State.*

A. D. 1663--4, March 12. King Charles the 2d, granted all that territory, called by the Dutch “ New Netherlands,” unto his brother, the Duke of York. A. D. 1664, June 24, the Duke granted that part now included within the limits of New Jersey, to Lord Berkley, of Stratton, and

Sir George Carteret, jointly. On the 4th of December, of the same year, Governor Nicholls, of New York, made a grant of Elizabeth Town, to sundry persons, before the Duke of York's grant was known. A. D. 1672, the Dutch reduced the country, and A. D. 1673--4, by the peace of Westminster, it was restored.

A. D. 1674, June 29. In consequence of the conquest made by the Dutch, and to obviate any objections that might arise on account thereof, against the former grant, a new patent issued to the Duke of York, for the same country. July 28, 29, of the same year, a partition having been agreed upon, between Sir George Carteret, and the assignees of Edward Bylinge, the Duke of York by deeds of lease and release, granted East Jersey to Sir George. A. D. 1675, Lord Berkley's half (West Jersey) was sold to John Fenwick, in trust for Edward Bylinge, who assigned his interest therein, to William Penn, Gawn Lawrie and Nicholas Lucas, as trustees, for the use of his creditors.

A. D. 1676, July 1. Mutual quit claims were executed between Sir George Carteret, and the trustees of Bylinge. This partition was confirmed, A. D. 1749, by act of General Assembly of the Jerseys.

A. D. 1677. This year the town of Bridlington, (now Burlington,) was laid out.

A. D. 1678, Dec. 10. The Duke of York, made a new grant of West Jersey, to the assignees of Lord Berkley.

A. D. 1681, Feb. 1, 2. In pursuance of Sir George Carteret's will, dated the 5th of December, A. D. 1678, East Jersey was sold and conveyed to twelve persons, who, by separate deeds, each took a partner. These, with the other twelve, are called the twenty-four proprietors.

A. D. 1682, March. The Duke of York made a new grant for East Jersey, to the said twenty four proprietors.

### *Extinguishment of Indian Title.*

Treaties were held with the Indians at Crosswicks, A. D. 1756, and A. D. 1758, and formal releases were executed by the Indians of all lands in New Jersey, (except those claimed by the Minesink and Pompton tribes,) reserving the right to hunt and fish on unenclosed lands.

A. D. 1758. Governor Bernard, met deputies of the Minesink and Pompton Indians at Burlington, for the purpose of making a treaty and purchase, but the meeting was adjourned by the request of a Mingo, "to the Council fire about to be lighted at Easton," in October of the same year. A special conference, was however had with the Minesinks, Wapings, and other tribes, when, in consideration of one thousand dollars, the Indians released all title to the soil of New Jersey.

In October 1832, Bartholomew Calvin, an aged and venerable chief of the remnant of the Lenni Lenape tribe located in the territory of Michigan, was deputed by his tribe to the Legislature of

New Jersey, with a memorial and petition, stating, that they had never ceded or relinquished their right of hunting and fishing in the waters and unenclosed lands of the state; praying the Legislature to grant some compensation therefore, and authorizing said chief to transfer the same.

Upon which memorial, the following bill was passed.

“ An act for the extinguishment of every right, title or claim, which the Delaware tribe of Indians, formerly residents of New Jersey, and now located at Green Bay, in the territory of Michigan, now have, or ever had, to any part of the territory of New Jersey, or its franchises.”—*Passed the 12th of March, A. D. 1832.*

“ Whereas, the Delaware tribe of Indians, formerly residents of New Jersey, and now located at Green Bay, in the territory of Michigan, have memorialized the Legislature of this state, setting forth, that in the respective treaties, deeds, and conveyances, whereby the lands south of the river Raritan, were ceded and transferred to the State of New Jersey, the right of the said tribe to the fisheries in the rivers and bays of said state, south of the river Raritan, was reserved, and has never been relinquished or alienated; which fisheries are now used and possessed by the citizens of this State; and have authorized Bartholomew S. Calvin, a chief and principal member of said tribe, resident at Green Bay aforesaid, to lease, sell, or transfer said fisheries,

and to receive such compensation for the same, as the Legislature may deem proper to grant.

“And whereas, it is represented, that the legal claims or title of said Indians, to said fisheries aforesaid, are barred by reason of their voluntary abandonment of the use and occupancy of the same ; but, that this Legislature, should grant a remuneration for the right to said fisheries, as an act of voluntary justice, as a memorial of kindness and compassion, to the remnant of a once powerful and friendly people, occupants and natives of this State, and as a consummation of a proud fact in the history of New Jersey, that every Indian’s claim, right, and title, to her soil and its franchises, have been acquired by fair and voluntary transfer—Therefore,

“ *Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the Treasurer of this State, for the time being, shall pay to the aforesaid Bartholomew S. Calvin, the sum of two thousand dollars, as soon as the said Bartholomew S. Calvin shall make and file in the office of the Secretary of this State, such deed or other instrument of transfer, which shall be approved by the Governor of this State as a good and valid conveyance and transfer in the law, to the State of New-Jersey, of all the soil, fisheries, or other right or reservations, which now are, or ever were, owned, or possessed, by the aforesaid Delaware tribe of Indians to any portion of the territory of New-Jersey.*”

*Title to State House lot.* Jan. 19th A. D. 1792. Joseph Brittain conveyed to commissioners appointed under the act entitled "an act to provide suitable buildings for the accommodation of the Legislature, passed Nov. 22d, A. D. 1791," one fourth of an acre of said lot, in trust for the use of the State of New-Jersey, in consideration of five shillings.

Feb. 4th A. D. 1792. The same conveyed to the same, for the same use, three fourths of an acre of said lot, in consideration of the sum of forty-seven pounds ten shillings.

Jan. 19th A. D. 1792. William Reeder conveyed to said commissioners, for the same use, one fourth of an acre of said lot, for the consideration of seventy-five pounds.

Jan. 19th A. D. 1792. George Ely conveyed to the same commissioners, for the same use, one half of an acre of said lot, for the consideration of one hundred and twenty pounds.

*Title to State Prison lot.* March 4th A. D. 1797. Peter Hunt and Moore Furman conveyed to his excellency Richard Howell, Governor of New-Jersey, and to his successors in office, in trust for the use of the State, eight acres, one quarter and twenty-two perches of land, for the consideration of three hundred and sixty-nine pounds one shilling.

*Title to government house.* March 12th A. D. 1798. Moore Furman conveyed to his excellency Richard Howell, and to his successors in office, to, and for, the use of the State of New-

Jersey, nine acres, three roods, twenty-three perches and four tenths of a perch of land situate on Second street, in the city of Trenton, for the consideration of ten thousand dollars.

Sec. 115. *Treasury.*

Trenton, January 26, 1836.

*New Jersey Treasury Office.*

CHARLES SITGREAVES, Esq.

Dear Sir,—In conformity with the request contained in your note of yesterday, I have the honor of forwarding to you the annexed statement of the fiscal condition of the State Treasury; the revenue subservient to it, with the amount of the State debt, if any; how soon it can be extinguished by the surplus revenue; and generally, a statement of the resources of the State, with the value of stocks, and other property belonging thereto, specifying each, and its value.

The fiscal condition of the State Treasury on the 27th day of October last, with the probable income, and expenditures for two successive years may be estimated as follows:

Amount in the Treasury, October 27, 1835,	\$8,866 76
State tax, for two years, from the respective counties,	80,000 00
From works of internal improvement,	72,000 00
From incidental sources,	3,000 00
	<hr/>
Aggregate	\$ 163,866 76

Disbursements in the same period, are as follows :

Expenses of government, &c., chargeable upon the Treasury by law, estimated at	\$ 77,000 00
State debt at this time,	63,317 29
Interest, before it can be liquidated,	4,000 00
Appropriation asked for, to complete prison,	17,000 00
	<hr/>
Aggregate,	\$161,317 29
	<hr/>
Balance,	\$2,549 47

By the foregoing estimate, it appears that if the revenue laws are continued, as at present, the receipts into the treasury, will be sufficient, on, or before the 27th day of October, A. D. 1837, to meet the expenses of the government, liquidate the State debt, and interest, and, at the same time, may be made applicable to an appropriation of \$17,000, to finish the new State penitentiary, and leave in the treasury, at the period mentioned, an unappropriated balance of \$2,549 47 cents.

The resources of the State, and State property, are as follows :

- 1000 shares of Camden and Amboy  
Rail Road and Trans. Co.
- 1000 shares Joint Stock of Canal  
and Rail Road,
- 400 shares of Milford and Owego  
Turnpike,

100 shares of Paterson and Ham- burgh Turnpike,	
Transit duty or guarantee on Canal and Rail Road, worth annually	\$30,000
Land and property in Trenton and Paterson, other than the State House and lot, estimated at	30,000
Bonds for debts due for land sold at Paterson,	300

All which is respectfully submitted.

Yours, Respectfully,

CHARLES PARKER, *Treas'r.*



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