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**JOURNAL**  
OF THE  
**PROCEEDINGS**  
OF THE  
**LEGISLATIVE COUNCIL,**  
OF THE  
**STATE OF NEW JERSEY,**

CONVENED

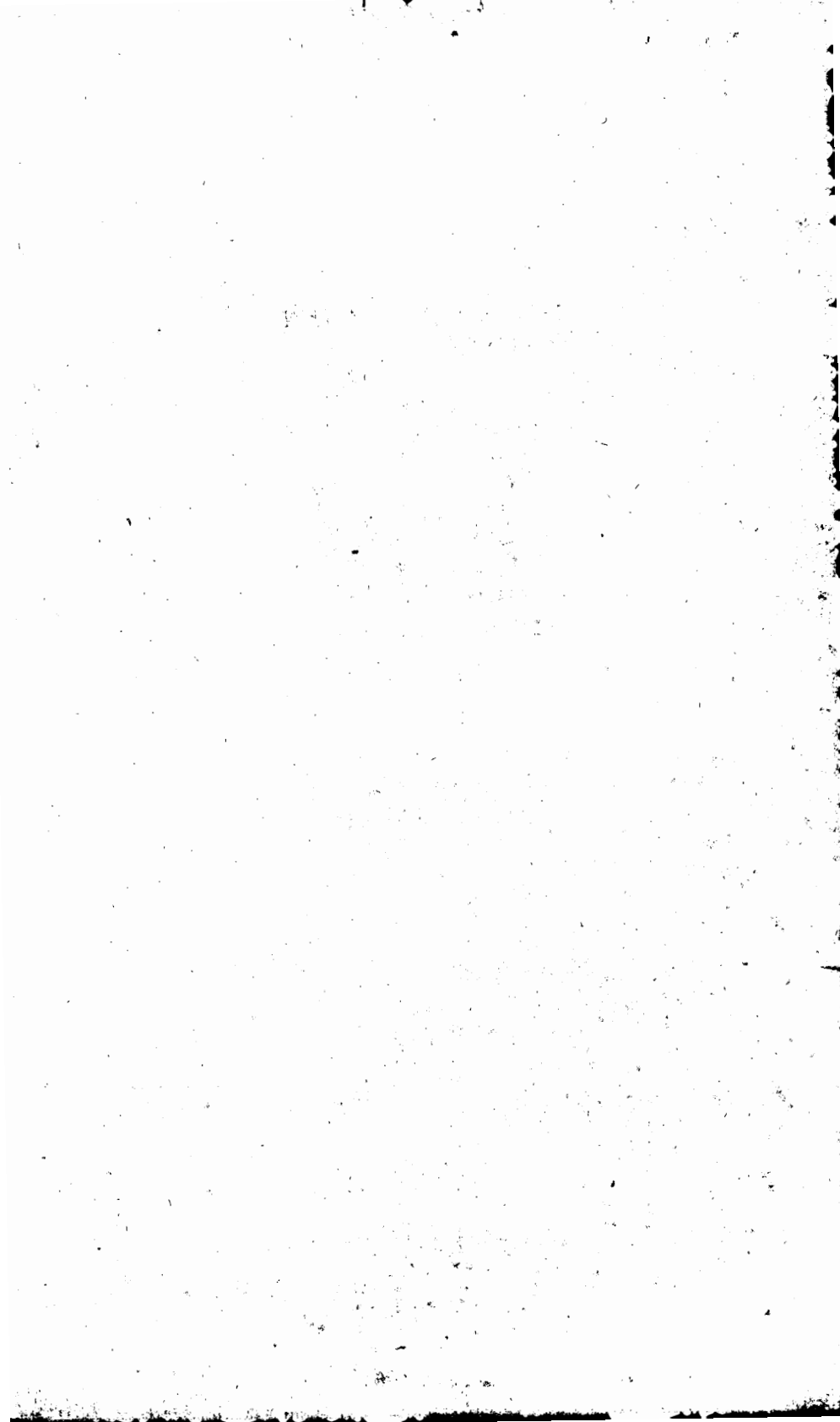
AT TRENTON,

ON THE TWENTY-SIXTH DAY OF OCTOBER, A. D. ONE THOUSAND  
EIGHT HUNDRED AND FORTY-ONE, AND OF THE  
INDEPENDENCE OF THE UNITED STATES  
THE SIXTY-SIXTH,  
BEING THE FIRST SITTING OF THE SIXTY-SIXTH SESSION.



BELVIDERE, N. J.  
PRINTED BY DANIEL G. FITCH.

1842.



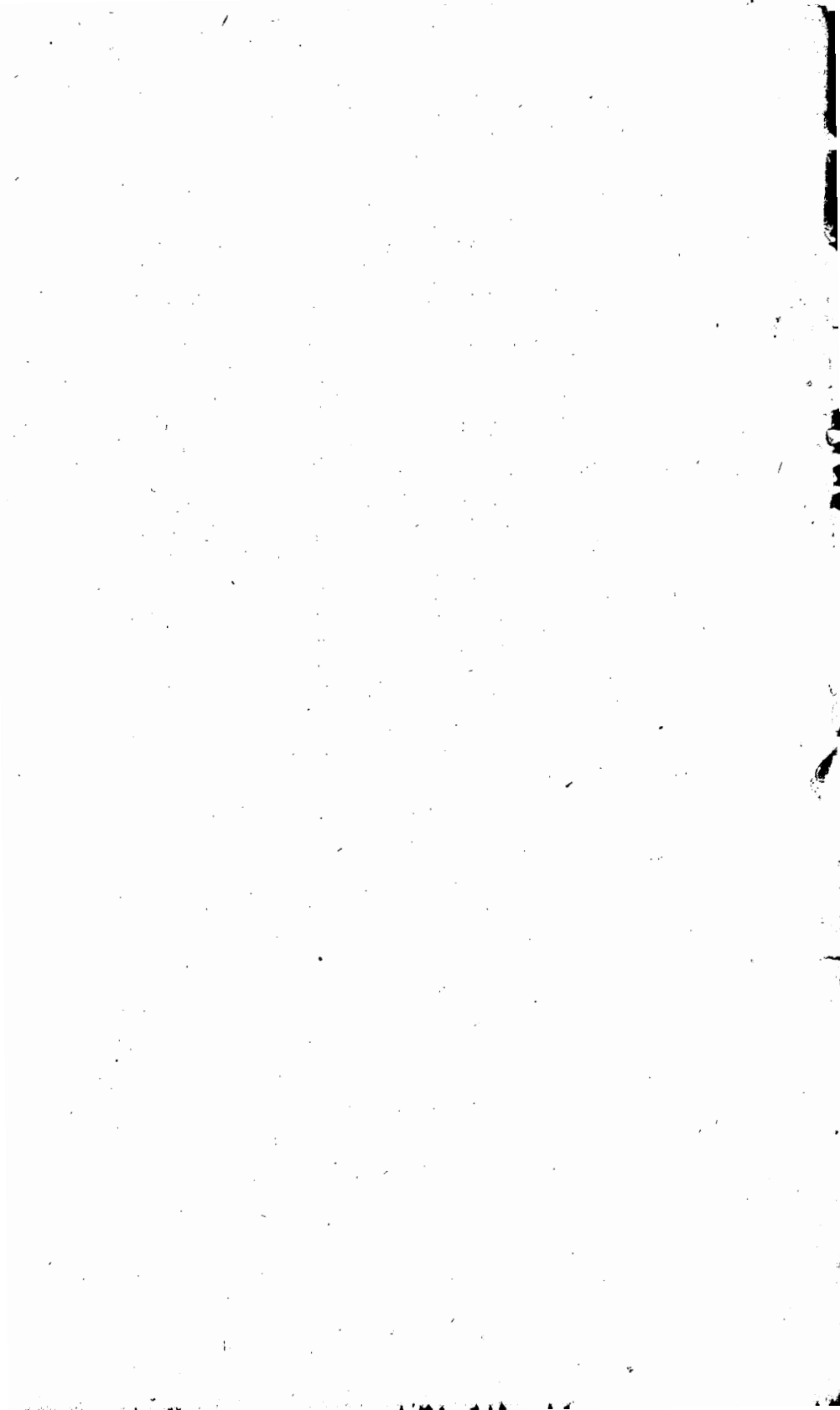
## LIST OF MEMBERS

OF THE

### LEGISLATIVE COUNCIL.

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Atlantic,	The Honourable	MAHLON D. CANFIELD,
Bergen,	"	JOHN CASSEDY.
Burlington,	"	WILLIAM IRICK.
Cape May,	"	THOMAS P. HUGHES.
Cumberland,	"	EPHRAIM H. WHITCAR,
Essex,	"	WILLIAM CHETWOOD.
Gloucester,	"	WILLIAM R. COOPER.
Hudson,	"	JOHN S. CONDIT.
Hunterdon,	"	JOHN LILLY.
Mercer,	"	JAMES WHITE.
Middlesex,	"	GEORGE T. McDOWELL.
Monmouth.	"	JAMES PATTERSON.
Morris,	"	JAMES WOOD.
Passaic,	"	SILAS D. CANFIELD.
Salem,	"	ROBERT NEWELL.
Somerset,	"	JOSEPH W. SCOTT.
Sussex,	"	ALEXANDER BOYLES.
Warren,	"	HENRY VAN NEST.



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LIST OF MEMBERS

OF THE

GENERAL ASSEMBLY.

*Bergen.*—John C. Zabriskie, James J. Demarest.

*Hudson.*—Abraham L. Vanbuskirk.

*Passaic.*—George M. Ryerson, Saml. A. Van Saun.

*Essex.*—William B. Baldwin, Jabez Cook, Stephen Congar, Benj. F. Brookfield, Jonas Smith, Alexander Wilson, David B. Lum.

*Morris.*—James G. Drake, Thomas C. Willis, Samuel B. Halsey, William Stephens.

*Sussex.*—David Hynard, Isaac Bonnell, Nathan Smith.

*Warren.*—John Moore, George W. Smyth, Jacob H. Winter.

*Middlesex.*—John Acken, Frazee Ayres, David Dunn, Aaron Gulick.

*Somerset.*—Daniel Cory, Henry W. Wilson, Arthur V. P. Sutphen.

*Mercer.*—Isaac Baker, Isaac W. Lanning, John B. Mount.

*Hunterdon.*—Isaac R. Srope, John B. Mattison, Jonathan Dawes, Leonard N. Flomerfelt.

*Burlington.*—John Emley, William Black, Isaac Stokes, Levi Borton, Thomas H. Richards.

*Monmouth.*—Thomas C. Throckmorton, John R. Conover, Joseph Brinley, Benj. L. Irons, Samuel M. Oliphant.

*Gloucester.*—Joseph Z. Pierson, Thomas H. Whitney, John B. Miller, Chas. Knight.

*Atlantic.*—Joseph S. Reid.

*Cumberland.*—William P. Seely, Benjamin F. Chew, Elmer Ogden.

*Salem.*—John G. Ballinger, William H. Nelson, Thomas Flanagan.

*Cape May.*—Maurice Beasley.

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JOURNAL OF THE PROCEEDINGS  
OF THE  
**LEGISLATIVE COUNCIL**

OF THE  
STATE OF NEW JERSEY.

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TRENTON, *Tuesday, October, 26th. 1841.*

This being the time and place for the annual meeting of the Legislature, the following members elect of the Legislative Council appeared, viz:

The Hon. Alexander Boyles, for the county of Sussex,	
" Mahlon D. Canfield,	" Atlantic,
" Silas D. Canfield,	" Passaic,
" John Cassidy,	" Bergen,
" William Chetwood,	" Essex,
" John S. Condict,	" Hudson,
" William R. Cooper,	" Gloucester,
" Thomas P. Hughes,	" Cape May,
" William Irick,	" Burlington,
" John Lilly,	" Hunterdon,
" George T. McDowell,	" Middlesex,
" Robert Newell,	" Salem,
" James Patterson,	" Monmouth,
" Joseph W. Scott,	" Somerset,
" Henry Van Nest,	" Warren,
" Ephraim H. Whiticar,	" Cumberland,
" James White,	" Mercer,
" James Wood,	" Morris.

John Cassedy, Esq. of the County of Bergen, produced a Certificate of Election, as a member of the Legislative Council for the County of Bergen,

Which certificate was read and approved.

Whereupon he took and subscribed the affirmation prescribed by the Constitution and Laws, before William Irick, Esq., one of the members of Council elect, and took his seat in Council.

Alexander Boyles, Mahlon D. Canfield, Silas D. Canfield, Wm. Chetwood, John S. Condit, William R. Cooper, Thomas P. Hughes, William Irick, John Lilly, George T. McDowell, Robert Newell, James Patterson, Joseph W. Scott, Henry Van Nest, Ephraim H. Whiticar, and James Wood, Esquires, severally produced certificates of their being elected members of the Legislative Council, from their respective Counties.

Which were read and approved.

Whereupon, they severally took and subscribed the oaths prescribed by the Constitution and the Laws, before John Cassedy, Esquire, and took their seats in Council.

James White, Esquire, produced his certificate of being elected a member of the Legislative Council, from the County of Mercer,

Which was read and approved.

Whereupon he took and subscribed the affirmation prescribed by the Constitution and the Laws, before John Cassedy, Esq. and took his seat in Council.

The members of Council being all sworn or affirmed, proceeded to elect a Vice President,

Whereupon, JOHN CASSEDY, Esquire, being nominated, was unanimously elected Vice President of Council, and having taken the affirmation prescribed by Law, was seated in the Chair.

The Vice President previous to taking his seat, addressed the Council as follows.

*Gentlemen*.—You will please to accept my thanks for the honor you have done me, in electing me to preside over the deliberations of so respectable a body as the Legislative Council of New Jersey.

I, however, fear that my lack of experience in Legislative practice may cause me to fall into errors, at least in the early stages of our session, but when I assure you that such errors as I commit shall be those of judgment only, and not of intention, I may hope for your indulgence.

We have been selected by the people of New Jersey from the mass of our fellow citizens, and very important and highly responsible pow-

ers confided to our hands, on the honest, able and patriotic exercise of which, the safety, prosperity and happiness of those whose representatives we are, in a great measure depend.

Thus situated, and with a full knowledge of the responsibility we have assumed, let us, one and all, firmly resolve so to exercise the powers with which we are invested, as to promote the reign of order, morality, and good government, in the land, and thereby meet the wishes, and fulfil the expectations of our enlightened constituents.

The Council then proceeded to elect a Secretary, whereupon, ROBERT E. HORNOR, being nominated, was unanimously elected Secretary, and having taken the affirmation prescribed by Law, took his seat at the table.

William Briest, was appointed Sergeant at Arms, and Door-Keeper. Council adjourned to ten o'clock to-morrow.

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WEDNESDAY, October 27th. 1841.

*At ten o'clock Council met.*

Mr. Lilly moved the adoption of the Rules of the last Council, until others were adopted.

Mr. Chetwood, moved to amend, by excepting the *thirtieth* Rule, and whilst the same was under consideration, the whole subject was postponed.

A Message from the House of Assembly, by Mr. Prior, their Clerk, informed Council,

That the House of Assembly had met, formed a quorum, appointed the Honourable JOHN EMLEY, of the County of Burlington, Speaker, and Samuel Prior, Junr. Clerk, and have proceeded to business.

Ordered. That the Secretary, inform the House of Assembly, that Council have met—have formed a quorum—have elected the Hon. John Cassidy, Vice President, and Robert E. Hornor, Secretary, and have proceeded to business.

Mr. Lilly offered the following:

Resolved, That the sum of Two Dollars be appropriated to each member of Council, and the Secretary, for such newspaper, or newspapers, as he shall order during the Session of the present Legislature, and that all postage be paid for each member of Council, and Secretary,

Which was read and adopted.

A Message from the House of Assembly, by Mr. Prior, their Clerk, informed Council, that the House of Assembly have adopted the following Resolution:

Resolved, (Council concurring,) That a committee of Council and Assembly, be appointed to wait on the Governor, and inform him that both Houses have met, and organized, and are ready to receive any communication he may be pleased to make,

And have appointed, Messrs. Baldwin, G. W. Smyth, and Black, a committee on their part, and request the appointment of a corresponding committee, on the part of Council.

Which concurrent Resolution, was read and adopted, and Messrs. Mc. Dowell, and Lilly, were appointed.

Ordered, That the Secretary inform the House of Assembly thereof.

A Message from the House of Assembly, by Mr. Prior, their Clerk, informed Council that the House of Assembly had appointed the following gentlemen, on the several joint committees, viz:

*On State Prison Accounts.*—Messrs. H. H. Wilson, Stokes, G. W. Smyth, Oliphant and Dunn.

*To Settle the Treasurer's Accounts.*—Messrs. Black, Winter, Sutphen, Throckmorton and Whitney.

*On Public Printing.*—Messrs. Brookfield, Richards, Flanagan, Zabriskie, and Whitney;

And request the appointment of corresponding committees on the part of Council.

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

Council adjourned to three o'clock this afternoon.

*At three o'clock Council met.*

The Vice President announced the following gentlemen as composing the Joint committees on the part of Council, as having been appointed by him, viz :

*On the Treasurer's Accounts.*—Messrs. Wood and Boyles.

*On the State Prison Accounts.*—Messrs. M. D. Canfield and Irick.

*On Public Printing.*—Messrs. Van Nest and Hughes.

Mr. Mc. Dowell, from the joint committee, appointed to wait on the Governor, reported that the committee had performed that duty, and that his Excellency informed them that he would make a communication to both Houses, this afternoon at three o'clock.

The following Message was received from the Governor, by the hands of Mercer Beesley Esqr. his private Secretary:

## M E S S A G E .

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*To the Legislative Council*

*and General Assembly of the State of New-Jersey.*

GENTLEMEN:

By the constitution of this state, the power of legislation resides exclusively in the legislature. To representatives elected annually, and coming directly from the people, with a full knowledge of their wants, it was wisely thought might most safely be deposited the great interests of society. While by the constitution of the United States, and of several of the states, a restraining power over legislation is conferred upon the executive, ours happily gives him no negative upon the acts of the legislature. The exercise of an authority by which the will of the people and their representatives may be defeated, must be at all times unwelcome, and considering the character of our institutions, it is matter of some surprise that such a prerogative should ever have been engrafted upon them. That a constitution like that of this state, framed amid the convulsions of a revolution, and intended only to serve in an emergency, should have proved so salutary, and

secured for so long a period the essential rights of the citizen, is a circumstance worthy of our especial regard. It contains but twenty-three short sections, one of which bears evidence of its having been designed only as a temporary measure, by providing that in case a reconciliation take place between Great Britain and the Colonies, the instrument shall be null and void. While it is perhaps less adapted to our present circumstances, and the advance of society, yet I am inclined to doubt whether a convention at this time would be likely to frame one more satisfactory or beneficial to the people. The simplicity of the instrument is commendable. The executive, legislative, and judicial departments, are sufficiently defined, and are generally, it may be said, advantageously arranged. Its worst feature is that which unites the offices of governor and chancellor in the same person. The chancellor, by reason of the nature of his functions, and the increase of the business of his court, should be a distinct and permanent officer, wholly withdrawn from political influences. This change, which I have no doubt, would be generally approved, might well be made by a public act, after its provisions should be ratified by a vote of the people. I feel no personal desire that even this change should be made, and merely suggested it on a former occasion from a sense of its obvious propriety. Although the subject met with favor from the legislature last year, it was then deemed most expedient not to act upon it, from a suggestion that there was a growing disposition, in some parts of the state, for a convention to frame a new constitution. Far be it from me to interpose any objection to such a course, if the people desire it, but yet for myself I believe it safer to submit to the inconveniences of our present charter, rather than to incur the hazards of a radical change. In some of the states where the experiment has been tried, it is no uncommon thing to hear the earnest wish that the old order of things were restored. It is confidently believed, that no community suffers less inconvenience from their state institutions than the people of New Jersey. They enjoy the protection of wholesome laws, made by representatives of their own choice, and administered in their respective counties by officers appointed by their authority, and that, too, at a small expense. The taxes are moderate, and the whole amount paid annually, in the form of salaries to the officers of the state government, as will be seen by the treasurer's statement last year, is only \$13,720. A change of constitution *might* better our condition, but it would be an experiment, and the result at least doubtful.

There are questions of some importance depending between the state and the Camden and Amboy Rail Road and Transportation Com-

pany, and also between the state and the New Jersey Rail Road and Transportation Company, which will require the attention of the legislature. They arise upon the extent of the claims of the state for transit duties, and per centage on the transportation of passengers, reserved in their respective charters. I do not call it a controversy, because it results from a difference in opinion between the officers of these companies, and the officers of the state, as to the true construction of those acts, and from no disposition, as I am assured, to avoid on the part of the companies a faithful discharge of their liabilities to the state. It is proper that the subject should be adjusted, and the right ascertained. The state can have no disposition to encroach upon the companies, but her just claims against them must be insisted on, and it will be your duty, representing her interests at this time, to see them maintained and recovered. The questions affect the revenue of the state, and should therefore not be passed by.

By the act of March, 1832, provision was made for securing to the Delaware and Raritan Canal and the Camden and Amboy Rail Road and Transportation Companies, (which companies had by an act of the preceding year been united into one,) the exclusive right, during the continuance of their charter, of transporting passengers and merchandise by rail road between the cities of New York and Philadelphia. The act declares that no other rail road should be built between those cities, to compete with the companies named, without their consent, reserving only to the state the right to grant a charter for a road between New Brunswick and the Hudson, which reservation was doubtless made from the fact that an application for such a charter was then pending, and which became a law in a few days thereafter. By this act great power was conferred, no less than the entire and exclusive right of way, by rail road, across that part of the state over which not only the travelling between the two great cities of New York and Philadelphia, but from all parts of our extended and rapidly growing country, must pass. The company, as a compensation for this important grant, agreed to transfer to the state one thousand shares of the capital stock of the companies, and further stipulated that the dividends on that stock, and the transit duties on the road, should amount to \$30,000 annually. The dividends and transit duty do not, of late years, amount to that sum, but there is a deficit of several thousand dollars; and yet under the guarantee the companies are bound to pay the full amount of \$30,000. This stock was transferred, and is still the property of the state, and the \$30,000 are annually paid into the state treasury.

Had no subsequent acts been passed, the present difficulty would

not have occurred: but the legislature, by the act of March, 1837, authorized these companies to erect a rail road from Trenton to intersect the New Jersey Rail Road and Transportation Company, and reserved to the state the same transit duties as were reserved on the road from Camden to Amboy. This transit duty the companies claim the right to carry to their account, to make up the \$30,000 for which they have given a guarantee to the state. The effect of this is to deprive the state of all transit duty under the act of 1837, until it shall amount to more than the deficiency under the first act required to make up the \$30,000. The loss to the state by this construction will be several thousand dollars annually.

I think this, from any view I can take of it, a perfectly plain question, and that the transit duty under the act of 1837 must be paid, independent of any provisions in the act of 1832. They have no connection with each other, and must stand on independent grounds. This would be the construction if there was nothing in this last act upon the subject, but the fifth section of that act decides the question by declaring, that nothing in that act shall impair the right of the state to the shares it then held in the companies, or the interest or dividends accruing thereon, and to the transit duties for the transportation of goods and passengers, but that the state shall be and remain entitled to their said rights, privileges, and emoluments, as fully as if this act had not been passed. This is the first question depending between the state and these companies.

The remaining question with the Camden and Amboy Company, is of much less consequence, yet it is right and proper that it should be adjusted and put to rest. The companies insist that by the twenty-third section of the original "act to incorporate the Camden and Amboy Rail Road and Transportation Company," passed 4th of February, 1830, the third section of the act of February 4th, 1831, and the third section of the act of 15th of March, 1837, they are bound to pay a transit duty only upon such goods and passengers as are brought from and destined to places beyond the bounds of this state. I do not perceive by a recurrence to those acts, that there is any thing to limit the transit duty to the decision of the question, where the goods or passengers come from or are going to, provided they pass over the road from South Amboy to Bordentown or Camden, or from New Brunswick to Trenton.

The questions with the New Jersey Rail Road and Transportation Company, are of a somewhat different and more doubtful character. The first refers to the time when, by the charter, they are bound to

pay a tax of one quarter of one per cent. upon their capital stock. The language of the 18th section is, "that from and after the completion of the said rail road, and *after the expiration of five years*, the said corporation shall pay into the treasury of this state, yearly and every year, a tax of one quarter of one per cent. upon their capital stock paid in," and after ten years the tax is increased to one half of one per cent. Is this tax of one quarter of one per cent. payable at the completion of the road, or in five years thereafter? It seems to me that the legislature intended to name five years for completing the road, and that the company should pay the tax at the end of that time. That no tax should be demanded while the road was in process of building was reasonable, and it was also proper that time for its completion should be allowed, but it is not so obvious that the state should wait five years after such completion, nor do I think such is the intention of the law. The remaining question arises under the same section which provides "that in addition to the tax, if at any time thereafter any rail road should intersect, or be attached to this rail road so as to make a continued line of rail roads carrying passengers across the state of New Jersey, between the states New York and Pennsylvania, then the treasurer of the company is required to make returns of the number of passengers, and the number of tons of goods transported over the *whole line of the road*, and to pay to the treasurer of the state at the rate of eight cents a passenger, and twelve cents for every ton of goods so transported thereon in *manner aforesaid*." The question is made upon the words "the whole line of the road." The company have a depot at the city of New Brunswick, but their road extends about two miles farther towards the city of Trenton, and it is contended that for goods carried from Jersey City to the city of New Brunswick, they are not bound to pay any transit duty, because that is not the whole line of the road. The charter of the company authorizes them to construct a road from Jersey City to the city of New Brunswick, and it is understood that the chartered limits of the city of New Brunswick extend as far south as the termination of the road, but in the case of goods unloaded at New Brunswick, they claim an exemption from the demands of the state. The words of the charter justify this construction, and I cannot but think such is the true spirit and intention of this section. In construing statutes we must look into their spirit and object. This tax was not to be imposed until a road should be built intersecting the New Jersey Rail road, and then only on goods passing over the whole line. I incline therefore to believe that the company is right in this particular, and that it is not bound to pay for goods and passengers

unless they go over the whole line. This exemption, it will be observed, is only claimed for the passengers and merchandize that stop at New Brunswick, and can affect only a minor portion of their business, for all the charges on passengers and goods that do pass over the whole line, which embraces the large amount of their business, the company have paid with promptness.

I commend this subject to your attention, from no desire to exact for the state any thing more than is her due. If my view of the questions be right, the state is losing a considerable income which belongs to her, and which if we did not enforce, we should be unfaithful to the high trust which is confided to us. This is not a new subject, for it has received more or less consideration from the legislature during the last and the preceding year, but as different views were taken of the rights of the state, I have thought it my duty distinctly to call your attention to the subject. The late attorney-general has expressed an opinion very much in accordance with those here given. I have been furnished with the views of the respective companies on these questions, and as it will enable you to see the grounds upon which they act, and may aid you in coming to a just decision, I subjoin the reports which they have made to me for your consideration. Having discharged my duty by presenting this subject, it will remain for you to take such action upon it, as shall in your discretion seem most wise and proper. The Morris Canal and Banking Company, I regret to learn from the treasurer, have not paid the tax due from that institution to the state. They insist that as they have not employed their capital in the business of banking, but have expended it in the canal, they should not be compelled to pay the tax. This is a subject on which the treasurer has no discretion, and he has therefore taken legal steps for its recovery, properly leaving the parties to make their application for any relief to the legislature, where alone it can be afforded, if it shall appear to be due.

The banking system has become incorporated with our institutions, and is deemed indispensable to any community where business is conducted upon credit. When confined to its legitimate objects, and in the hands of honest and prudent men, it subserves the best interests of society. But the usefulness of banks depends mainly on the integrity, circumspection and intelligence of the persons to whom their management is entrusted. The project of affording security by restrictions upon a charter, has proved fallacious; and experience has shown that we must look to other grounds for protection. While it is true that adversity may befall an institution in the best hands, the personal responsibilities referred to, constitute after all the surest source

of security. The past few years have proved disastrous to all the business interests of the country; the rich have been made poor, and the most prudent have been overtaken in their caution. These embarrassments have naturally and unavoidably affected the banks of the country. I feel a just pride, however, in saying that, considering the times through which we have passed, the banks in no state of the Union have sustained themselves better than those in New Jersey. As a general rule, there is no doubt the officers and directors do all in their power to maintain the credit of their respective institutions. Located as we are between the two largest cities of the Union, we cannot fail to be more or less affected by their course in money operations, and when that is opposite, it follows that the eastern and western sections of the state are placed in different positions. This is peculiarly the posture of affairs at present; the banks in the city of New York pay specie, while those in the city of Philadelphia do not, and the banks in this state plainly show the influence of their locality. It is obvious, therefore, that one rule applied to all the banks in the state, would operate somewhat unequally, though it is in the highest degree desirable that one rule, and one only, should prevail. In reflecting therefore, upon the relative position of our banks, I have felt it to be very difficult to decide on the true course to be pursued. On the one hand, a prompt return to the payment of specie is of the first consequence to the credit of the state and her institutions, as well as to the business of the country; and on the other, I cannot shut my eyes to the fact that a too precipitate action may, as we have seen by the experience of other states, retard rather than advance the time for resumption. No other idea can be entertained by any sober mind, than that of returning to specie payments. It is the basis on which the whole system rests, and there can be no security to the public in any other course. The only question is, whether the position of the banks is such as to justify further indulgence; and upon that subject I repose with great confidence in your discretion and prudence. By the returns which the banks are to make, you will be able to judge of their present condition and course of business, and from its acquaintance with the various districts of the state, the legislature can justly estimate whatever necessity exists for further indulgence to those which continue in a state of suspension. The end to be obtained by a resumption is so desirable, that it should be insisted on at the earliest day consistent with the ability and security of our institutions. Until such resumption shall take place, there is an obvious propriety in limiting the circulation of the non-specie paying banks to a reasonable amount, according to their capital. The

laws as they now stand, require from all the banks payment of their debts in specie, and the acquiescence of the public in a deviation from this rule, furnishes an assurance that hitherto its necessity has been appreciated.

The treasurer, under the act of 1838, will lay before you as soon as his accounts shall be audited by a committee, a particular statement showing the condition of the treasury, and of the School Fund. I do not suppose this statement will vary much from the one made last year, or that you will find in these accounts any thing beyond the ordinary disbursements provided for by law. The fiscal concerns of the state are happily simple and limited, and will require very little attention at your hands. While it would be gratifying to dispense with the ordinary state tax, (small as it is,) yet I am satisfied it cannot be prudently done at present. If the distribution of the proceeds of the sales of the public lands shall be made to the different states, as contemplated by the wise and just provisions of the Land Bill passed at the late session of Congress, I anticipate a sufficient receipt into the treasury after that time to dispense with further taxation, and if that course should then be approved, to carry into effect several objects of a humane and philanthropic character, which I know are much desired by our constituents. When the money shall be received, it will then be time to legislate on the subject.

I enclose a report from the keeper of the State Prison. It will be found very satisfactory, and exhibits on the part of the keeper a commendable enterprise in that arduous and responsible station. The number of prisoners now in confinement is 151, being one less than last year at this time. He reports the prison to be out of debt, with a surplus on hand of \$1,272 60 cents. He has adopted the true system of making all his purchases for cash, and his sales also, except to known and responsible contractors. I refer you to this report with pleasure, and with the expression of my conviction that the faithful and assiduous labors of the keeper have given him an honorable claim to your confidence and favor. The number of pardons during the past year is stated to be thirteen. It is proper to remark, that cases not unfrequently occur of convicts who come to the prison with broken constitutions, from previous habits of life, and the severity of continual solitary confinement is sometimes such as to require a pardon to save their lives. The keeper further reports, that during the eight months he has had charge of the prison, its operations have produced a nett profit, beyond its expenses, of more than five hundred dollars a month. This is the most favourable result that has as yet been attained, and

convinces me that its affairs have been administered with praiseworthy energy and economy. It should always be borne in mind that in none of the accounts which are exhibited of the prison, are the salaries of the officers included, or the repairs and alterations in the prison itself.

The trustees of the school fund will present their report during the session, when such suggestions will be made on that subject as may be deemed necessary. I trust that this most important interest will receive your fostering care, as it is certainly a subject of primary importance to the state and society at large.

I herewith transmit resolutions of the legislature of Massachusetts, in favor of restricting the eligibility of the President of the United States to a single term, and in favor of a law of Congress directing the election of electors of President and Vice President to be held on the same day in all the states, and also in favor of distributing the proceeds of the public lands among the several states. These resolutions were adopted in March last, but this is the first opportunity I have had of presenting them, and I do so now, although in the mean time Congress has acted upon the subject of the last named resolution, in conformity with the wishes therein expressed.

The quarter master general's report also accompanies this communication. The public arms will be found in good order and ready for use, though it is to be hoped that the day may be far distant when any necessity for such use shall arise. The recent disposition of the McLeod case has happily removed one of the irritating causes of dispute between this country and Great Britain, and we look with earnest hope to the pacific disposition of their respective governments, for an amicable and satisfactory adjustment of the long standing controversy concerning the North Eastern boundary. The feelings and the interests of both countries are alike opposed to a disturbance of the amicable relations which now happily exist between them, and a resort to arms for the adjustment of conflicting claims, which were better settled by negotiation, is, I am fully persuaded, strongly deprecated by the great body of the people in both.

There is a suit pending in the Supreme Court of the United States, to try the title of the proprietors of east New Jersey, to the lands covered by water, in this state. The proprietors claim to have the right of soil, in all the navigable rivers and in the bays and arms of the sea, and, as you will perceive, it is a case which reaches our oyster grounds, our fisheries, and our power to build wharves and docks. This cause is of the first importance to the people of the state, and the claim should be resisted in every legal and constitutional manner. I enclose a full

report on this subject, made to me by one of the counsel on the part of the state, which will explain the situation and character of the case.

It will be necessary that you make a suitable appropriation for the argument of the cause the present winter.

The report of the board of commissioners of pilotage for New Jersey, is herewith submitted. This report confirms the opinion I have heretofore expressed to you, that the business of the board is conducted with an energy and usefulness in the highest degree commendable.

As no subject of a political character seems likely to arise to disturb the harmony of your session, I cherish the hope that you will be able to discharge the responsible trust confided to you without any unnecessary delay, and bring your labors to a speedy close. I respectfully suggest that a return to the former usage of holding but one session is desirable, and in accordance with the wish of your constituents. It is my fervent desire, gentlemen, that your deliberations may result in promoting the best interests of the people and that the same kind Providence, whose protecting care has ever been over us since we became a free commonwealth, and in whom is all our hope, will still continue to bless and prosper our efforts for the security and advancement of our common country.

WM. PENNINGTON.

Trenton, October 26, 1841.

# DOCUMENTS

ACCOMPANYING THE

## GOVERNOR'S MESSAGE

SUBMITTED, OCTOBER 27TH, 1841.

[No. 1.]

OFFICE OF THE DELAWARE AND RARITAN CANAL AND  
CAMDEN AND AMBOY R. R. AND T. COMPANY, }  
Princeton, October 1st, 1841.

*To his Excellency William Pennington, Governor of the State of  
New Jersey.*

SIR:—The undersigned, in behalf of those they represent, beg leave to address to your Excellency the following communication, in reference to a diversity of opinion between them and the treasurer of the state, as to the construction of certain provisions in the charters of the canal and rail road companies, and the supplements thereto.

The subject of this difference has already been made a matter of communication and reference to the legislature at a former session, and a committee of that body was appointed to investigate it, but no final action has, as yet, been had on it. It is for the purpose of explaining the views of the canal and rail road companies, and of requesting that the attention of the next legislature may be directed to it, that we have presumed at this time to address your Excellency.

It is well known to the people of New Jersey that at the time when the acts incorporating the Delaware and Raritan Canal and the Camden and Amboy Rail Road and Transportation Companies were passed, the great advantages of rail roads over canals, both as regards cost of construction and profitableness of investment, had been well ascertained; and that hence the stock of the rail road was immediately subscribed, whilst few persons were found willing to risk their capital in so unpromising a scheme as a canal, running parallel to, and within a few miles of, a rail road, connecting almost the same points and calculated for the same kind of business. Yet it was held, and most *justly* too, that a canal of large dimensions, uniting the waters of the Delaware with the Raritan, and completing the chain of internal navigation between the southern and eastern states, was of paramount importance in a state and national point of view, and that those who engaged in so hazardous an undertaking were entitled to receive every encouragement from the state, to enable them to prosecute it to a speedy completion.

To this policy on the part of the state, to secure the construction of a canal on the largest scale, and the sentiment of the whole body of the people sustaining their representatives in the measures adopted for that purpose, may be traced all the subsequent acts uniting and protecting the canal and rail road companies. Owing to their wisdom and forecast this canal *has been made*, and of such proportions, and in so perfect a manner, as to challenge the admiration of strangers and justify the pride of our own citizens. And not only has this been done without the expenditure of a dollar on the part of the state, but an annual revenue has been derived from these companies nearly equal to the whole expenses of the administration of the government of New Jersey.

But to accomplish all this, an almost insupportable burthen has been imposed upon these companies. The construction of a canal, even of the limited capacity contemplated in the original act of incorporation, would have been of itself onerous enough. But that this canal should be a monument to future ages, of the enlarged views and public spirit of the present day, its dimensions and capacity were greatly increased by the subsequent acts of the legislature; and in consequence of these alterations from the original plan, an additional expenditure of more than one million of dollars became necessary. The cost of the canal exceeds \$2,800,000, and the whole of this large outlay is almost entirely unproductive; the annual revenue never having exceeded one and one-half per cent. And this has been done to meet the views of,

and in the discharge of their obligations and duties to the state. We speak it not in a vain spirit of boasting or self praise, for it is a matter so well known as to ensure immediate contradiction if untrue, that the officers and directors of these companies, (with but one exception Jersey men.) and the stockholders, owning seven-tenths of the whole stock, (also Jersey men) have united with the legislature and the people in desiring to give to these works a national and state character, without that steady and inflexible adherence to their own interest, which is supposed to control to so great a degree the management of corporations.

In the earnest desire, that the friendly relations in which these companies have heretofore stood in regard to the state, may suffer no interruption, and to avoid even the appearance of a collision of interest-feeling, or opinion with its authorities, the undersigned shall agree with deep reluctance, to a submission of any differences of opinion which may arise between them to a legal tribunal for adjudication. They prefer leaving the decision of all such questions to that sense of justice which has never been found wanting in a New Jersey legislature; with a perfect and abiding confidence that technical difficulties will not be allowed to interfere with the plain intentions of both parties to the contract of their charter, or to defeat the well known views and policy of that body, whose legislation gave existence to these corporations. With a view, then, to ascertain the intentions of that body, permit us to state, that it seems plain from the acts incorporating these companies and the testimony of those best conversant with the history of their incorporations, that it was the policy of the state, taking advantage of the geographical position of New Jersey, between the two largest states and cities of the Union, to create a revenue, by imposing a tax or transit duty upon every person who should pass on the rail road *across the state*, between these cities, from the Delaware river to the Raritan bay: but that it was not their design to impose any tax upon citizens of their own state for travelling between intermediate places. Thus the state was entitled, by the third section of the "act relative to the Camden and Amboy Rail Road and Transportation Company," passed Feb. 4th, 1831, to a transit duty of ten cents for each passenger carried on this road "*across the state between the Delaware river and Raritan bay*," and as this is the only provision in the above act, with reference to transit duties, it seems plain that if a passenger were transported on the road to any intermediate place, it was clearly the intention of the legislature that no transit duty in such cases should be levied on him. Again, the act of the 2nd of March 1832, entitled a

supplement to an act, entitled "an act relative to the Delaware and Raritan Canal and the Camden and Amboy Rail Road and Transportation Companies," authorizes the construction of a road from a suitable point on said road at or west of the village of Spottswood, to a suitable point or points in the city of New Brunswick, and are "entitled to all the powers and privileges, and subject to all the conditions and limitations contained in the act incorporating said company." In this section it will be perceived that no notice whatever is taken of a transit duty ; and had the companies under the authority of this act, constructed this road, as they might have done, from Bordentown, which is "a point west of the village of Spottswood," to New Brunswick by the most eligible route, viz. *via* Trenton, no transit duty whatever would have been payable : because the passenger in this case would not have been carried "across the state between the Delaware river and Raritan bay." Here again the policy and intention of the state is most clearly indicated in exempting her own citizens from the operation of this system of taxation. But it may be asked in this connexion, why the companies, having the authority under the above recited acts, to construct a road upon the same route as the one prescribed in the act subsequently passed, viz. on the 13th of March, 1837, should have applied for an act granting the same powers and no more than they *already* possessed. To an interrogatory so proper and obvious, it affords us pride and pleasure to reply : that although the power was undoubtedly conferred, and could not be questioned, yet *in the spirit* to which we now appeal to the legislature of the state, *for a construction of intentions and not of technicalities*, we could not proceed in it. We believed that it was not the intention of the legislature of 1837 and 1838, to give so broad and comprehensive a construction to the grant, and the companies disdained to take advantage of their generous confidence, by profiting by inadvertant or unguarded legislation in their favor. And surely it would be an unkind return for a voluntary surrender of most valuable rights on our part, to a principle of honor, if a construction (even should it be warranted by the language of the act,) shall be now enforced by the state to the deep and lasting injury of our constituents. In the construction of our charters, until within the past few years, both by the officers of the state government and the companies, there has been no diversity of opinion. The policy of the state, in raising revenue by a tax on strangers passing "through" the state, and of exempting from this tax their own citizens, was universally known and acknowledged to be reasonable and just.

The treasurer of the state has not only advanced a claim for a transit duty on our own citizens, passing from one part of the state to another, but has also held that the transit duties on passengers travelling over the branch road, are not to be included in the annual guarantee to the state of thirty thousand dollars.

We most respectfully submit, that no pretence whatever exists for this assumption. The third section of the act relative to the Delaware and Raritan Canal and Camden and Amboy Rail Road and Transportation Companies, passed on the 2nd day of March, 1832, provides that "if the transit duty reserved by the acts incorporating said companies, and the dividends on the stock hereby authorized to be transferred, (one thousand shares) shall not amount to thirty thousand dollars, it shall be the duty of the said companies to pay such deficiency to the treasurer of this state," &c.

The second section of the act of the 15th March, authorizing the construction of the branch road from New Brunswick to Bordentown, *via* Trenton, invests them with all the powers and authority *which they now possess*, and entitled to *all the privileges and emoluments* to which they are *now entitled*, under the act entitled "an act to incorporate the Delaware and Raritan Canal Company," passed February 4th, 1830, and the severa lacts supplementary to the said acts, or either of them, "and shall be subject to all the provisions, conditions, liabilities, limitations, and restrictions, to which they are now subject under said acts."

Of the "*liabilities*" to which the companies are by this act made subject, one is the guarantee of a payment of thirty thousand dollars per annum to the state. Of the powers, authority and privileges, secured in the same, *one* is that the transit duty and dividends on one thousand shares of stock, shall be included in the guarantee, and the deficiency only, if any, shall be made good by the companies.

The companies then hold that in the construction of this road they are entitled to all the powers and *privileges*, and subject to all the limitations, restrictions, and liabilities, which they were, previously to the passing of this act, entitled and subject. They hold that the portion of their road between Bordentown and New Brunswick is as much a part of the Camden and Amboy rail road, as that section between Bordentown and Camden, or any other point: and it could with as much propriety be insisted, that the passengers travelling across the state, from Bordentown to South Amboy, should not be included in the guarantee, as those travelling across the state by the way of Trenton and New Brunswick. We maintain that our rights have not been impaired by this supplement; but on the contrary, that the second section of

this very act was intended to be, and is, (as strongly and clearly as language can make it) a recognition and confirmation of all the powers and privileges, which the companies possessed previous to its enactment, and that hence they are entitled to equal and the same rights on the branch road from Bordentown to New Brunswick, as they are entitled to on the main road from Camden to Amboy.

But if the reverse of this be maintained, and the construction of the state treasurer be correct, that the transit duty is to be estimated and appropriated, in one way, on one section of their road, and in another and different mode upon another, then the company are not entitled to *equal rights* on the branch road with those enjoyed by them on the other divisions of their road, which strikes us as being obviously repugnant at once with the letter, as well as the spirit of their charters.

It seems manifest to us then from what has been set forth in this matter, that the object of the state was to secure a payment of a transit duty of ten cents on each passenger travelling across the state; and that it was entirely immaterial whether he passed across it on the upper or the lower route.

Nor can we believe it to have ever been, or that it is now the intention of the state to impose heavier burthens upon these companies than those under which they now labor. The state alone has hitherto profited by these great works. Without the expenditure of a dollar, she has received from them more than three hundred and twenty thousand dollars, and the transfer of two thousand shares of their stock—whilst, as is well known, the value of their stock is greatly depressed, realizing in the market, to the original subscriber, only eighty dollars, for what cost one hundred and twenty dollars a share. But not alone in this way has the state been benefitted. The canal so unproductive to its owners, has scattered blessings innumerable far and wide throughout the land. The value of property of every description in its vicinity, by being brought so near to the great markets of New York and Philadelphia, has been greatly enhanced, and thus millions have been added to the agricultural wealth of New Jersey. Whilst the facilities and cheapness with which the richest manures have been furnished by this means, have changed the whole appearance of the country in every direction along its course, and created productive farms from barren and uncultivated wastes. But we will not trespass further upon your Excellency's time by enlarging upon these topics. Our only object is to state the grounds of our opinion, not to discuss them, and to leave

them in the hands of the legislature, and await their decision upon them.

I have the honor to be very respectfully,

Your ob't serv't.

JOHN R. THOMSON, Sect'y.

By order of the Executive Committee of the Delaware and Raritan Canal and Camden and Amboy Rail Road and Transportation Companies.

[No. 2.]

OFFICE OF THE NEW JERSEY RAIL ROAD AND  
TRANSPORTATION COMPANY,  
October 11th, A. D. 1841. }

*To his Excellency William Pennington, Esq., Governor of the State  
of New Jersey :*

As the legislature of this state will soon again convene, "The New Jersey Rail Road and Transportation Company" respectfully submit to your Excellency, the following statement of the different views entertained by the state treasurer and this company, respecting the tax and transit duty, imposed by the eighteenth section of their charter.

The attention of the legislature to this subject is respectfully invited, through your Excellency, in order that a fair and amicable adjustment may be made of the matters in difference, in that spirit of equity and concord, which should ever prevail between the state and an institution of its own creation.

A brief history of the proceedings of the legislature will facilitate a full understanding of the subject, and exhibit its present position.

The treasurer of this state, in his report to the legislature, made on the fourth day of November, A. D. 1839, in the discharge of his official duty, called the attention of the legislature to this and other matters as follows:

"Some difference of opinion has existed between the officers of the Camden and Amboy Rail Road and Transportation Company, and those of the New Jersey Rail Road and Transportation Company, and myself, with regard to the construction of some of the provisions of their acts of incorporation, and the supplements thereto, respecting the amount of transit duties required to be paid to the state; and as the amount derived from those companies does, and must continue to, form a very material item in the permanent revenues of the state, it becomes important that a fair, liberal and equitable construction should be put upon these acts of incorporation.

It appears that Council alone referred this part of the treasurer's report to their standing committee on the Judiciary, on the seventh of November, A. D. 1839—the House of Assembly omitting to make any reference. The committee of Council, on the twenty-eighth day of February, A. D. 1841, unanimously agreed to the following report and resolutions, relative to the tax and transit duty, payable by the New Jersey Rail Road and Transportation Company, which report and resolution were concurred in by Council, without a dissenting voice. They will be found on pages 305 and 306 of the Journal of Council, and are as follows:

"The difference between the Treasurer and the officers of the New Jersey Rail Road and Transportation Company, has arisen upon the eighteenth section of their charter, which is as follows—'That from and after the completion of the rail road, and *after the expiration of five years*, the said corporation shall pay into the treasury of this state yearly and every year, a tax of one-quarter of one per cent. upon their capital stock, paid in; and after the expiration of ten years, a tax of one-half of one per cent. upon the true amount of the capital stock of said company, and that no other or further tax or imposition shall be levied, or imposed upon the said company: Provided, nevertheless, that in addition to the above, if at any time hereafter any rail road shall intersect or be attached to the rail road hereby established, so as to make a continued line of rail roads, carrying passengers across the state of New Jersey, between the states of New York and Pennsylvania, respectively, then it shall be the duty of the treasurer of the company, hereby chartered, under oath or affirmation, to make quarterly returns of the number of passengers, and the number of tons of goods, wares and merchandize, *transported over the whole line of the road hereby chartered*, to the treasurer of the state for the time being, and thereupon to pay the said treasurer of this state, at the rate of eight

cents for each and every passenger, and the sum of twelve cents for each and every ton of goods, wares and merchandize so transported thereon, in manner aforesaid. The road chartered by that act was to extend from a convenient point in the city of New Brunswick, to be determined upon by the company, with the consent of the corporation of the city, to a point not less than fifty feet from high water mark on the Hudson river, opposite New York. The point selected by the company, with the consent of the corporation of New Brunswick, for the commencement of their road, is at the extreme southern boundary of the chartered limits of said city, between two and three miles from the depot, at which their passengers travelling to and from that city, are received and deposited.

"As a rail road has since been constructed, from this southern termination of the road, to the Trenton Delaware bridge, on which passengers are carried across the state, the proviso of the section above quoted has become operative, and its true extent and meaning form one of the points of difference. The committee are clearly of opinion, that passengers and merchandize carried only from or to the depot at New Brunswick, and not 'over the *whole* line of the road,' are not liable to pay a transit duty. The act manifestly contemplates the imposition of this additional charge only on such passengers and freight, as shall be furnished to this road by an extension of the same mode of communication.

"The other question arising on this section, relates to the period of time at which the terms of five and ten years, mentioned in it, should commence running. It is to be regretted that language so ambiguous should have been employed; but on referring to the language of other provisions of the same nature in other charters, granted at about the same period, the committee have determined to recommend that both terms should be regarded as commencing at the same period, to wit, *the completion of road*. In this, as in the former case, the committee are disposed to resolve doubts in favor of works of internal improvement, and to aid in rendering them profitable to the stockholders, as well as beneficial to the public. The committee recommend the adoption of the following resolution:

"Resolved, (*the House of Assembly concurring*;) That the treasurer of this state be authorized and directed to receive from the New Jersey Rail Road and Transportation Company, the sum of eight cents for every passenger, and the sum of twelve cents for every ton of goods, wares or merchandize, transported, or to be transported on the said company's rail road, from the southern termination

thereof, in the city of New Brunswick, to Jersey City, or from Jersey City to the said southern termination, in full satisfaction of all claims of the state against said company, under and by virtue of the act incorporating the same, until the expiration of five years from the completion of said road." Which report was read and agreed to. Page 307.

Although the foregoing report and resolution received the entire concurrence of Council, yet the resolution did not reach the House of Assembly until the day prior to their adjournment, and that body, (not having had any committee charged with the subject, being without the benefit of the examination and report enjoyed by Council, and no time therefor afforded, amid the hurry and confusion incident to the close of the session,) deemed it advisable to substitute a resolution, authorizing the treasurer and attorney-general of this state, to submit to the decision of the Supreme Court of this state, all matters in difference, which have arisen between the said treasurer and the officers of the New Jersey Rail Road and Transportation Company, "respecting transit duties and taxes."

By reference to the report made to the legislature, by the treasurer and late attorney-general, on the ninth of February, A. D. 1841, it will be perceived that no action was had under the last mentioned resolution. This company were then and still are "of opinion that the matters in difference between them and the state, involved considerations of such a nature, as to require a legislative rather than a judicial decision." They deprecated particularly the attitude of controversy, which even an amicable suit would present, and entertained undoubting confidence, that a like patient investigation, with that made by the committee of Council before referred to, with a full examination of the various provisions of their charter, and the elucidation afforded by the obvious import of others coterminously granted, would lead the legislature to the adoption of a similar report and resolution, to those agreed to by Council in February, 1840.

Such conclusion was not attained by the last legislature. A difference of opinion as to the true legal construction of the charter prevailed in the committee and in the two houses, and no definite action was had on the subject. This disagreement, it appears to this company, renders it more manifest, that the difference should be adjusted by legislative action, and the attention of the legislature is therefore respectfully solicited. The company forbear, at this time, any amplification of argument or illustration by which they believe the positions maintained by them, and adopted by Council in 1840, can be abundantly vindicated

and established. Neither will they enumerate the many important obstacles and difficulties which they have encountered, in their successful establishment of improved facilities of travel to our principal cities and towns. They would, however, observe that an examination of the charter of this company exhibits the imposition of heavy burdens, without reciprocal benefits, and it is a fact of general publicity, that while large local advantages, and considerable state revenue have accrued, and are accruing from this company, a very inadequate return has hitherto been yielded to the stockholders. It should be remembered, too, that it never has been the policy of New Jersey legislation, to exact a transit duty from her own citizens, or from persons visiting her towns and villages. Such an imposition would operate not only as a restraint on commerce and social intercourse within our territory, but would expose our own people to greater burdens by compelling an increase of charge, corresponding to the amount paid to the state, and thus unequally tax the travelling portion of our citizens.

The company believe that a careful consideration of the whole matter, as well from the provisions of the charter as from a recurrence to the period when it was granted, will produce the conviction that the transit duty was intended to be levied only on citizens of other states, passing *through* New Jersey; and that the time for the payment of a tax was to commence *at the expiration of five years after the completion of the road*, in order to enable the stockholders to be in some measure indemnified for the loss on their unproductive investments, during the construction of the road.

This company, in the spirit of the recommendation of the treasurer, "that a fair, liberal, and equitable construction should be put upon their act of incorporation," referring with satisfaction to the trust reposed in them by former grants of the state, to her pecuniary interest in their work, and to the promptness and fidelity with which every duty has been performed on their part, will cheerfully present themselves before her constituted authorities, for the amicable adjustment of the foregoing matters in difference, and for the maintenance of that reciprocity of interests and kindly relations, which have hitherto so happily prevailed.

By order of the board of directors of the New Jersey Rail Road and Transportation Company.

JOHN S. DARCY,

*Pres't of the N. J. R. R. and T. Company.*

JOHN P. JACKSON,

*Sec'y of N. J. R. R. & T. Company.*

[No. 3.]

*To his Excellency William Pennington, Governor of New Jersey.*

The Keeper of the State Prison begs leave to make the following report:—

The number of prisoners in confinement on the 30th September, 1840, was 152. Since which time we have received 59, and discharged 60—to wit: pardoned by Governor and Council, 13: by expiration of sentence, 45: and by death, 2; leaving in confinement at this date, 151; being one less than at the same period last year. The average number throughout the year has been about 151; being 8 less than last year. Since I have had charge of the prison, we have had but one death, which occurred on the 30th of March last, of a prisoner who had been in confinement only seven months. The general health of the prison has been very good until within a few weeks past, when cases of sickness have been more frequent; but with the return of more favorable weather, we are regaining our wonted health. No prisoner has escaped during the year.

In regard to the business operations of the prison, I am happy to have it in my power to report them in a favorable condition. The institution is now entirely out of debt, with the exception of a few dollars in trifling balances on our books, standing to the credit of persons in some cases not to be found. We have a good stock of materials and provisions for present purposes on hand, entirely paid for, and a balance

of cash deposited in bank, of \$1,272 60. Purchases are made entirely for cash, and the system of credit for sales, except to regular and responsible contractors, has been almost entirely discontinued. This has been found to result greatly to the interest of the institution, and if adhered to, will prevent a recurrence of the embarrassments under which the prison has generally heretofore labored.

The operations of the last eight months, during which I have had charge, require a particular account. The appointment of Keeper was made in February last, a period much later than usual, one third of the fiscal year having expired. On entering upon the discharge of my duties, it appeared advisable to take a new inventory, in order to show the condition of the prison at that time. For this the consent of the Inspectors was promptly granted, with the spirit of liberality that has characterized them in all our intercourse.

There was at this time a considerable accumulation of stock and materials on hand, which had been regularly put into former inventories, at prices established years previous, and much above their merchantable or real value. A portion of this stock was refuse, old and unsaleable. It was necessary, therefore, to make a reduction in prices to what could be realized, so that it might be sold without showing a great loss in the operations of the prison. This reduction was made so as to make the prices conform as nearly as possible to actual sales, or the real value of materials on hand. Of this old stock, nearly all that was saleable has been disposed of, and sometimes fell short, but generally realized the prices fixed in the inventory, as will appear from the books. The reduction as above stated, amounted to \$2,077 00: the same prices established in February, have been adhered to in the inventory taken at this time.

During the last eight months, \$2,357 39 have been paid of outstanding liabilities of the prison, which did not appear on the books on the 10th of February last. Of this amount, \$359 49 was for prison repairs, which has since been refunded by the Treasurer, on the order of the Board of Inspectors. Of the balance, \$245 45 was for debts contracted between the 30th of September, 1840, and 10th of February, 1841, and \$1,752 35, was for liabilities of former years. On this last amount is the sum of \$989 97, paid the Marshal of the United States, being for fines and costs collected of two United States prisoners, in the years 1836 and 1838; and then improperly accredited to the earnings of the prison; a full statement of which appears in the report of the last joint-committee of the legislature, on prison accounts. Some of this large amount of debts not entered on the books,

originated in the practice of giving receipts for provisions and other articles delivered at the prison, without making any entry of them. On my taking charge, this practice was promptly discontinued.

The payment of so large an amount of old debts not included in former statements, and the apparent loss on stock by the reduction in the inventory, require some explanation, in order to a full understanding of the operations of the year. With this view the following statement is submitted:

A statement showing the operations of the New Jersey State Prison from the 1st of October, 1840, to the 10th of February, 1841.

EXPENSES.		EARNINGS.	
Chair making act.,	\$1,509 21	Weaving act.,	\$1,062 70
Furniture act.,	221 60	Cordwainers' act.,	517 42
Provision act.,	2,447 20	Sundry manufacturer's act.,	165 96
Hospital act.,	63 64	By amount of loss on the	
Fuel act.,	834 67	Inventory as taken in Fe-	
Incidental act.,	206 19	bruary, compared with	
Interest act.,	1 75	that taken in September	
Amount of debt contracted		previous,	<u>2,077 00</u>
and not charged to act's,			3,823 08
until after this period,	245 45	Loss in operations of prison	
	<u>        </u>	during this period,	<u>1,706 63</u>
	\$5,529 71		\$5,529 71

A statement showing the operations of the New Jersey State Prison from the 10th of February to the 30th of September, 1841.

EXPENSES.		EARNINGS.	
Furniture act.,	\$539 38	Weaving act.,	2,622 14
Provision act.,	3,539 39	Cordwainers' act.,	2,003 19
Hospital act.,	125 45	Chair making act.,	3,757 60
Fuel act.,	726 25	Sundry manufacturers' act.,	728 93
Incidental act.,	1,590 50	By amount of liabilities not	
Interest act.,	42 47	on books on the 10th Feb.	
	<u>        </u>	last, and since brought into	
	6,563 44	the accounts.	<u>1,997 80</u>
Gain during this period,	4,546 22		\$11,109 66
	<u>\$11,109 66</u>		

From this it will appear that the gain in the operations of the last eight months, amounts to \$4,546 22, or upwards of \$500 per month, above the expense of supporting the prisoners. It should be remarked that the first four months, during which so serious a loss occurred, was

far the most expensive and unfavorable season of the year, when the prison can scarcely be expected to pay expenses.

Most of the business is now under contract, the contractors furnishing the materials on which the men are employed, thus diminishing the risk and insuring a more certain return for their labor. A contract has also been made with a responsible person for the sale of all the chair seats manufactured, and this branch of business is now in a very prosperous condition. All the contractors have met their engagements with the utmost promptness, and it is believed that little or no loss can occur on the whole operations of the year. I am in no slight manner indebted to the deputy keepers for their efficient aid in conducting the operations of the prison to so favourable a result—their hearty co-operation is very essential to the success of the principal Keeper.

The same, if not greater difficulty, is apprehended in heating the prison than was experienced last winter. The new heating apparatus can not be used without taking nearly the whole power of our engine to drive the blower, and this is required for other purposes. During the severity of last winter, numbers of the men kept their beds from the cold, and this will in some measure account for the loss in the early part of the year. It is much to be desired that some method of heating may be speedily adopted, that will remove this the greatest difficulty in the arrangement of our prison.

The moral and religious instruction of the unfortunate inmates of this house, is of great moment, and it is to be regretted that some better provision is not made by law for this important matter. With the greatest deference I would venture the opinion that the appointment of a suitable moral and religious instructor would be of benefit to the institution. We have used our best endeavors to keep up suitable religious exercises on the Sabbath, and I am happy in the opportunity to acknowledge the obligations we are under to the clergymen of Trenton and vicinity, for their gratuitous services, on which we had entirely to depend. Through their kindness we have had preaching weekly, with very few interruptions, throughout the year. What is also much wanted is a supply of suitable books. If some provision were made for procuring a small library of religious and other books, it would not fail to add much to the comfort as well as the morals of the convict.

All which is respectfully submitted.

J. B. GADDIS, Keeper.

Office of the New Jersey State Prison, }  
September 30, 1841. }

[No. 4.]

*To his Excellency, William Pennington, Captain-General and  
Commander-in-Chief of all the militia, and other military force,  
in the State of New Jersey.*

The Quarter-Master-General of the state of New Jersey, respectfully presents the following, as his official report of the "number and condition of the arms and equipments, and camp equipage, belonging to the state of New Jersey, at present in the state arsenal," viz:

2 Brass six lb. guns, carriage and harness, &c.

7 " " " just received at the arsenal, but not acknowledged at the ordnance office, at Washington, on account of the imperfect condition of their delivery—requiring considerable expense and skill in mounting and adjusting.

3 Iron six lb. guns.

1 " " " belonging to Cumberland brigade.

7063 New Muskets.

350 " Rifles.

3293 Muskets, which have been used and in service, of which 2600 are in good condition and repair.

35 Boxes of strap and round shot, containing,

425 Canisters.

- 300 Pistols, with holsters and housing.
- 130 Dragoon sabres, belts, &c.
- 180 " Cartridge boxes, belts, &c.
- 2370 Antique " "
- 2137 " Bayonet scabbards.
- 1005 Knapsacks.
- 349 Rifle powder flasks and pouches.
- 106 Tents with fixtures, and 9 marquees.
- 102 Camp kettles, 17 mess pans, 450 canteens.

During the current year, since our last annual report, there have been dispensed upon usual terms of bonds under the statute, upon requisition for the use of sundry uniform corps, viz:

- 32 Muskets with accoutrements, June 24, 1841, to Captain Dunham and others, for the use of the "Clinton Greys," of Hunterdon brigade.
- 50 Pair pistols with holsters, and housing, &c. and
- 50 Dragoon sabres, cartridge boxes, belts, &c. August 30, 1841, to Captain Allen and others, for the use of the "Salem Cavalry," of Salem brigade.
- 40 Muskets with accoutrements, September 3, 1841, to Captain Griffith and others, for the use of the "Passaic Guards," of Passaic brigade.
- 40 Muskets with accoutrements, September 3, 1841, to Captain Kohl and others, for the use of the "Lambertsville Cadets," of Hunterdon Brigade.

There have been received into the state arsenal, May 20, 1841, from united States Government,

- 200 New cartridge boxes, belts, &c.
- 200 Bayonet scabbards, belts, &c.
- From Burlington brigade, March 5, 1841; received,
- 954 Old muskets, which are under repair,
- 2 Brass French four lb. are reported, and lie exposed somewhere in Cumberland county.
- 2 Do. are remaining in private hands, at New Brunswick; also,

One or more boxes of old muskets, sent from the Morris brigade,

remain at New Brunswick; besides very many other muskets in the hands of individuals, in different parts of the state.

I have the honor to be, Sir,

Your Excellency's ob't. Servant,

SAM'L. R. HAMILTON,

*Q. M. Gen. of New Jersey.*

Dated New Jersey State Arsenal, }  
Trenton, Oct. 18, 1841. }

[No. 5.]

BURLINGTON, October 13, 1841.

DEAR SIR:—Having, in conjunction with George Wood, Esq., been employed as counsel for the state of New Jersey, in the case of Merritt Martin, and others, against John Den *ex dem.* William C. H. Waddell, I conceive it to be my duty to report to you the situation of that cause.

In the session of April, 1835, William C. H. Waddell, a citizen of the state of New York, commenced an action of ejectment, in the third Circuit Court of the United States, in and for the district of New Jersey, in the name of John Den against Merritt Martin, Abraham Wells, Smith Martin, Abraham Bloodgood, Solomon Russ, Joseph W. Reckless and Lawrence Kearney, for a tract of land covered with water, lying below high water mark, in the Raritan bay, in the township of Perth Amboy, and within the district of New Jersey.

This land was leased by the state of New Jersey, in virtue of the several acts of the legislature passed for the purpose, to the said several defendants, being the owners of the land next to and adjacent to the navigable waters of the said bay, for the purpose of planting and growing oysters thereon, at a certain stipulated rent, and upon the terms, conditions and provisions of the said acts; and the said lots having been staked off by the commissioners thereby appointed for the purpose.

Issue being joined in the said cause, it came on to be tried before the Honourable Henry Baldwin and William Rossell, Esq's. the judges of the said court, at Trenton, in the session of April, 1837, when a special verdict was rendered by the jury.

That special verdict was argued at a special term, held at Trenton, in July, 1837, by Mr. Wood and myself, for the state of New Jersey, and on the second of October, in the same year, Judge Baldwin delivered a very learned and elaborate opinion deciding in favor of the plaintiff.

It is known to you, that the plaintiff in this case claimed title to the premises in question, under a warrant and survey from the proprietors of East New Jersey, dated October 7th, 1834, for five hundred acres of land, under water, surveyed and located in the Raritan bay, in front of the city of Perth Amboy, on the south-east and north.

He derived title from the proprietors of East New Jersey—the origin of whose title is the *letters patent* of king Charles the Second to his brother the Duke of York, dated March 12th, 1664, granting to the said Duke, his heirs and assigns, the land and government of “all that part of the main land of New England, beginning at a certain place called or known by the name of St. Croix; next adjoining to New Scotland, in America, and thence extending along the sea coast unto a certain place called Petnaquine, or Pemaquid; and so up the river thereof to the farthest head of the same, as it tendeth northward, and extending from thence to the river of Kenebeque; and so up by the shortest course to the river of Canada northward, and also all that island or islands, commonly called by the several names of Matowacks or Long Island, situate, lying and being towards the west of Cape Cod and the Narrow Higansetts, abutting upon the main land, between the two rivers, there called or known by the names of Connecticut or Hudson rivers, together also with the said Hudson river, and the land from the west side of Connecticut to the east side of Delaware bay. And also those several islands, called or known by the names of Martin's Vineyard, and Nantucks, or otherwise, Nantucket; together with all the lands, islands, soils, rivers, harbours, mines, minerals, quarries, woods, marshes, waters, lakes, fishings, hawkings, huntings, and fowlings, and all other royalties, profits, commodities, and hereditaments, to the said several islands, lands, and premises belonging and appertaining, with their and every of their appurtenances, and all our estate, right, title, interest, benefit, advantage, claim and demand, of, in and to the said land and premises, or any part or parcel thereof, and the reversion and reversions, remainder and remainders, together

*with all the yearly and other rents, revenues and profits, of all and singular the said premises, and of every part and parcel thereof: to have and to hold," &c. "as of our manor of East Greenwich, in our county of Kent, in free and common socage, and not in capite, as by knight service yielding and rendering."*

Judge Baldwin, in the opinion referred to, decided that the plaintiff "is invested with the full propriety of the premises in virtue of this deed from the proprietors, and all special royalties in and over them. That there was in him an exclusive right of fishery therein, at any time after the grant of the king in 1664, and that if such common right (alluding to common right of fishery,) did exist, the proprietors had, and the plaintiff has acquired an exclusive right which extinguishes it. Of consequence, the state had no right or title in the premises. Their lease is void, as their grant would be: the right of possession is in the plaintiff, and judgment must be entered in his favor."

The state of New Jersey having assumed the defence of the title of their lessees, and the management of the suit, caused a writ of error to be sued out, returnable before the Supreme Court of the United States, on the fourteenth of January, 1839, and the writ was in due form returned; error assigned, and issue joined, and the cause prepared and noticed for argument, at the term to which the writ was returned; and the counsel for the state, Mr. Wood and myself, attended at Washington at that time, prepared to argue it. It was not argued at that term, for reasons growing out of the state of the court, not necessary to detail.

In January term, 1840, the cause was again noticed, called for argument, and opened and argued by Mr. Wood, on behalf of the state, and by Mr. Sherwood, for Mr. Waddell; and I was prepared and ready to reply, when the cause was postponed to the next term, in consequence of the sickness of some of the judges of the Supreme Court. In January, 1841, the cause was again called for argument, when I opened and argued the cause on behalf of the state. Mr. Sherwood and the Hon. Samuel L. Southard answered on the part of Mr. Waddell, and Mr. Wood replied, closing the argument. It was understood that the court had formed and was ready to deliver judgment, when the counsel for Mr. Waddell applied for, and succeeded in obtaining a *re-argument*, to be had at the ensuing term. This re-argument was urged and understood to have been granted upon the ground that one of the judges of the Supreme Court had not been present at the argument, and another of them had died since the argument, and upon the further ground that it was the habit of that court not to decide important and

weighty causes, involving constitutional questions or the rights of states, without the presence of all the judges upon the argument.

It would be improper for me to attempt to anticipate the decision of the Supreme Court in this communication. I may, however, be permitted to remark, that the counsel of the state see no reason to change their conviction of the right of the state of New Jersey to the premises in controversy, and they repose entire confidence in the learning, impartiality, and wisdom of that high and exalted tribunal; and I cannot refrain from expressing my obligations for the patient attention and dignified courtesy with which that tribunal has listened to the arguments which have been had in this cause.

As this cause has recently attracted somewhat of the attention of the public, permit me to make a few remarks in relation to it, which may have the effect of presenting it fairly before the people of New Jersey.

The real parties in the cause, as you are aware, are the proprietors of East New Jersey, *in this instance*, on the one side, and the state of New Jersey on the other, claiming the right to the navigable rivers, bays and arms of the sea, within the chartered limits of the province, of East New Jersey, and of the sea which washes its shores to the extent of three maritime leagues, or whatever may be the limit assigned by the law of nations to the sovereign of the shore, *and the sub-aqueous soil thereof*, in absolute propriety, not only for fishing, for wharfing, for bridging, for ferrying, for building forts, beacons, light-houses, &c., but even for recreation, health, or enjoyment, so far as is connected with the ownership of the sea-shore. If the claim of the proprietors of East New Jersey should prevail, it lets in a similar claim, still in abeyance, of the proprietors of West Jersey; and thus the sub-aqueous soil of all the navigable rivers, bays, and arms of the sea, within the chartered limits of New Jersey, from the Hudson to the Delaware, will become the private property of the proprietors of East and West N. J.

The claim of the proprietors of New Jersey rests upon establishing the principle, that by the letters patent of king Charles the Second, to his brother the duke of York, and by the subsequent deeds made by the Duke of York to Sir George Carteret and Lord Berkeley, and by them to their several grantees, (the proprietors of East and West New Jersey) the sub-aqueous soil of the navigable rivers, bays, and arms of the sea, as well as the rivers, bays, and arms themselves, within the bounds of the grant, passed to the proprietors as matter of private, civil property, detached and separated from the simultaneous grant of the government, the *jura regalia* and prerogatives of sovereignty, and vested in them in individual propriety; in fact that the *solum et fundum* of the

navigable rivers, bays, and arms of the sea in New Jersey, became by such grant the *jus privatum*, or private property and franchise of the proprietors, exclusive of the rights of the king or his delegated sub-sovereigns therein as trustee of the public, for the common benefit of the citizen, for the conservation of the rights of navigation, fishing, commerce, &c., with which by the common law, such waters are charged, while in the hands of the king; and subject only to the *jus regium* or superintendency and prerogative for the safety of the realm, the benefit of commerce, and the security of customs. And the claim of the proprietors rests upon establishing the further principle, that by the letters patent, and deeds before referred to, all the *jura regalia* or prerogative rights of the crown of England, in the navigable waters within the chartered limits of New Jersey, which at the date of the letters patent, could, by any mode or terms then known in the English law, be detached and separated from the prerogative of the crown, and vested in a private subject as private property, were detached and separated from the prerogative of sovereignty by such patent and deeds and vested in the proprietors as private property, freed and exonerated from such public rights. It is obvious then that the principle on which the claim of Mr. Waddell rests, and which was sustained by the decision of the Circuit Court of the United States for this district, carried out to its legitimate results, will give to the proprietors of East and West New Jersey the key to lock and unlock all its ports, and will strip the state of New Jersey of all the prerogative of sovereignty over its own navigable waters, within its jurisdiction, which are essential to its existence as a free, sovereign, and independent state, that can in any way be considered as royalties or privileges, and will moreover vest them in the proprietors as matters of private property in a degree injurious and inconvenient, if not destructive not only of the navigation, commerce, improvement, and destinies of the state therein, but also of sustenance and luxury, either of public or private right belonging to the citizen, which the people derive from them.

This construction of the letters patent and deeds before mentioned, and the claim of Mr. Waddell founded thereon, my associate and myself opposed upon the following, among other grounds:

1. That the right of the king of England to the state of New Jersey, rested on the right of discovery, not conquest.
2. That the letters patent of King Charles the Second to the Duke of York, and his subsequent deeds to his grantees, Berkeley and Carteret, and their alienees, are to be considered in a two-fold aspect—to wit: private and public.

1. Private: The grant of the land or territory embraced within the boundary of New Jersey, and vesting the same in the Duke, as matter of private property, for his individual use.

2. Public: The grant of the powers of government and legislation subject only to the negative of the king, in council, and the general superintendency of Parliament, with an appeal to the king, in council, in judicial matters, in certain cases, to which is superadded all the privileges, franchises, royalties, and royal jurisdiction of a county palatine in England or Ireland, and all the prerogatives of sovereignty held by the king as trustee for the public, in the territory granted.

The first was granted to the Duke in his private capacity, and became private property. The second was granted to the Duke in his political capacity, as viceroy or subordinate governor, subrogated in that respect in the place of the king, clothed with the powers of government and the prerogatives of the king, or *jura regalia*, attached to the sovereignty, and were held by the Duke and his grantees, attached to, and as concomitants of the sovereignty until detached by special grant, in the same manner as when they were held by the king himself.

3. That by the common law, the navigable rivers, bays, and arms of the sea, were vested in the king for uses which are public, and are held by him as trustee of the public, for the conservation of the public, and common benefit therein—to wit: navigation, fishing, and commerce. His rights therein are prerogative rights *pre-eminently*, that is, such rights as he holds by way of preference over his subjects, or *private rights*, and includes all the rights which by law he hath as chief of the nation, and entrusted with the execution of the laws.

That although it be true that the king held both the land and the prerogative rights therein, in his political capacity, yet there is a plain distinction as to the purposes and uses for which he held them. He held the land for colonization and settlement of British subjects, as his private demesne, and he might grant it for a consideration paid *in presenti*; or for the extension of the British empire, and increase of its revenues *in futuro*, or on his own mere motion.

On its face, the object of the grant is declared to be, to encourage and settle the land with British subjects, in order to consummate the title and extend the British dominion; and to introduce English law, and the English constitution. To carry into effect those great objects, it was essential that all the regalia or prerogative rights should be held in New Jersey as they were held in England, annexed to the government, and in trust for the people. In England, navigable rivers are called royal rivers, because they are held by the king, by virtue of

his prerogative in trust for the public benefit, and for common use.

The prerogative rights or royalties, or *jura regalia*, were always held and possessed during the proprietary government, as attached to the sovereignty and exercised by the governor, and granted by him or by the legislature: such as corporations, game franchises, fisheries, fairs, markets, waifs, wrecks, estrays, treasure-trove, deodands, &c.

4. That there are no words in the grant which, by the rules of the common law, would pass the *jura regalia* as private property.

5. That franchises originally are prerogative rights, and do not become private property until detached by a special grant and appropriate words for the purpose. And all the rights in the navigable rivers, bays, and arms of the sea, which centered in the king of England as prerogative rights, at the time of the letters patent to the Duke of York, and which he held, not as matter of private property, but as the subordinate representative of the king in trust for the common use, were surrendered by the proprietors to the crown of Great Britain, (Queen Anne) by deed of surrender, 15th of April, 1702; and thereby became again annexed to the crown of England as prerogative rights, and were held by the king and the legislature, and granted by the legislature or the royal governor, until the revolution, by which event all the prerogative rights in the navigable rivers, bays, and arms of the sea within its limits, including the *jus privatum*, the *jus publicum*, and the *jus regium* not previously detached and specially granted, vested in the state sovereignty of New Jersey, and that the legislature of New Jersey had a right to lease the lands in question for an oystery or any other fishery.

6. If there could be any doubt about the true construction of the surrender, inasmuch as the people of New Jersey have possessed the waters of the navigable rivers from the first settlement of the country, in every way that the same could be possessed without claim or molestation of the proprietors, and all the royalties and prerogative rights therein have been exercised by the royal governors and the legislature since that time, the court will presume a surrender or grant, if necessary to support such possession, on the doctrine of prescription, the great conservative principle of property, which refers a long continued and peaceable possession to a valid grant to support it.

7. That the controversy in this case respects real estate, and that it is an acknowledged principle, that the title and disposition of real property, is exclusively subject to the laws of the country where it is situate, which alone can prescribe the mode by which the title from one person to another can pass; and that the Sup. Court of the U. States

adopts the local law of the several states, ascertained by the decisions of the State courts, whether those decisions are grounded on the constructions of the statutes of the states, or form a part of the unwritten law of the state, which has become a *fixed rule of property*. That in the decision made by the Circuit Court, that tribunal was acting in its character of a foreign court, coming into a foreign state, to administer the law between a foreigner and a citizen of the state into which it came, fairly and impartially as they found it; not to make or unmake, remodel, or alter it. That in New Jersey the law on the subject has been settled in every mode that a rule of property can be settled, and become a *fixed rule*:

1st, By the common law of the state in relation to the grant of franchises and all prerogative rights, which have always been granted by the sovereignty of that state as matter of prerogative, and not by the proprietors as matter of private property, such as bridges, wharves, ferries, fisheries, ports, havens, &c., in navigable rivers, and also corporations, wrecks, waifs, estrays, markets, fairs, the right to extinguish Indian titles, &c.

2d, By its courts fixing the rule of construction as to rivers, adopting the prerogative rule as to navigable rivers, holding them public, and applying the rule of property of the common law to rivers not navigable.

3d, By the constant usage of the people from the first settlement of the country to the present time, to fish and oyster in the waters of the navigable rivers; to fix stakes, pikes, &c., to have and possess shore fisheries adjacent to their respective possessions, to bathe and erect buildings on the shores; build wharves, ferry stairs, and other erections for their convenience beyond high water mark, without molestation or claim from the proprietors.

4th, The non-claim of the proprietors to the *jura regalia* or *prerogative rights* in the navigable waters as matter of property, since the letters patent, and more especially since the surrender.

5th, The usage of the legislature from the first settlement of the country, to authorize bridges to be built over the navigable streams without the consent of the proprietors, and without compensation for the sub-aqueous soil to any one.

6th, By the repeated decisions of the Supreme Court of New Jersey: in the case of *Shepherd and Layton vs. Leveson*, in 1st Pennington, 393, in the year 1803, and the case of *Arnold vs. Mundy*, 1st Halstead, 70, in 1821, in which last case the Supreme Court of New Jersey expressly decided this very point, declaring "that the

grant of Charles the Second to the Duke of York, was not only of territory but of government also. It was made, not with a view to give that territory and that government to the Duke, to be enjoyed as a private estate, but with a view to the settlement of it as a great colony—to the enlargement of the British empire, and the extension of its laws and dominions. In constructing this grant, therefore, we ought always to have our eye fixed upon these great objects. If we shall find some things contained in it, which, by the laws of England, as well as of all other civilized countries, and even by the very law of nature itself, are declared to be the common property of all men, then by every fair rule of construction, we are to consider these things as granted to him as the representatives of the sovereign, and as a trustee to support the title for the common use, and especially so, if we shall find that the King himself had no other diminion over them."

7th, The several acts of the legislature in respect to oysters in the navigable waters commencing in 1718, and coming down to the laws, under which the plaintiffs in error claim as lessees of the state, showing an open and continued assertion of right, without question, and also respecting the fisheries in the public rivers. Thus establishing a *local common law*, commencing with the first settlement of the country and continued for near two centuries, evidenced in every way that such a law can be proved, sanctioned by the courts unanimously without appeal, confirmed by the legislature, and establishing a *fixed rule of property* in respect to the public property in the navigable waters of New Jersey, by the concurrent acts and sanction as well of the people themselves, as of the legislative, executive and judicial branches of the state government, without question.

8th, But if the sub-aqueous soil of the navigable rivers, and the rivers themselves, were vested in the proprietors as matter of civil property, then they *ipso facto*, became private rivers, disrobed of the prerogative rule of construction, and the rule of property of the common law, as to the extent of a grant to the land of a private river applies to the river in question, and carries the riparian owner to the *filum aque*, or middle of the river. The special verdict shows that the plaintiffs in error were the riparian owners of the lands next to the lots in controversy, and judgment therefore must be given in their favor.

These are the principal points made by Mr. Wood and myself on behalf of the state, and I have purposely omitted all subsidiary points, or those which are merely technical involved in this case, or any

reference to the numerous authorities which we suppose support our positions.

I have thought proper to trouble you with this statement, in order that it may be submitted to the legislature if you deem proper. You, I am aware, understand the case in all its bearings; but the public have not been made acquainted with its great importance, both to the state of New Jersey and to the proprietors. If the proprietors succeed, and the judgment of the Circuit Court for the New Jersey district should be confirmed, the proprietors of East and West New Jersey will become entitled to all the soil and waters of the navigable rivers, bays and arms of the sea, from the Hudson to the Delaware, below high water mark. The value of this for fishing, wharfing, &c. every one will understand.

The Supreme Court Directed the *re-argument* to be had on the second day of the next January term, and in view of the importance of this case to the state of New Jersey and the people, it will rest with the wisdom of the legislature to determine whether the Executive of the state should take any further action in this matter.

I have the honor to be,

Sir, with respect,

Your ob't. servant,

GARRET D. WALL.

*To his Excellency William Pennington, Esq.,*

*Governor of the State of New Jersey.*

[No. 6.]

*To the Honorable the Legislature of the State of New Jersey:*

JERSEY CITY, October 6, 1841.

The board of Commissioners of Pilotage for New Jersey in compliance with the requisition of the statute of the state, respectfully report the legislature of the state, that during the year now just past, the pilots under their direction have fulfilled their duties with their accustomed zeal and energy. They have taken out 363 vessels, and have brought into port 420 vessels, most of which were boarded out of sight of land; giving thereby continued evidence of their alertness and devotion to the cause in which they are embarked, under the fostering aid of the laws of this state, and the general government.

The grand total of vessels thus far in charge of our pilots, is three thousand two hundred and thirty-seven, (3,237).

But one accident has been reported the past year to this board, and in that case the master of the vessel alluded to, promptly furnished the board with his certificate, wholly exonerating the pilot concerned, from any blame.

The interest which the commercial community still evinces in the prosperity of the Jersey system of pilotage, warrants us in the assertion, that the State of New Jersey has by her zealous efforts in the

cause of humanity, maintained her due standing among her sister states.

All which is respectfully submitted.

JOHN F. ELLIS,

President Commissioner of Pilotage, State of New Jersey.

Attest:

WILLIAM Z. RODGERS, Secretary.

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

Ordered, That one thousand copies of the Governor's Message, with the accompanying Documents, in relation to the affairs of this State, be printed for the use of Council.

A message from the House of Assembly, by Mr. Prior, their Clerk, informed Council, that the House of Assembly had adopted the following Resolution:

*Resolved*, That the Clerk be directed to inform Council, that this house is now ready to go into Joint Meeting, for the appointment of Governor, and such other State and County officers, as may be deemed necessary, and request Council, to name the time and place.

And also, the following concurrent Resolution:

*Resolved*, (Council concurring,) That the Quarter Master General be authorized to take charge of the several boxes of books, denominated an "Abstract of Infantry Tactics, &c." which are standing in the ante chamber of the Council Room in the State House, and have the same safely deposited in the State Armory, to be disposed of according to law.

To which concurrent resolution the assent of Council is requested.

Mr. Irick, offered the following:

*Resolved*, That the Secretary inform the House of Assembly that Council will be ready to go into Joint Meeting, for the appointment of Governor, and such other State and County officers, as may be deemed necessary, on Friday morning, at 10 o'clock, in the Assembly Room.

Which was read.

Mr. Patterson moved to amend the same, by striking out Friday, and inserting Monday next, and whilst the same was under consideration,

Council adjourned till ten o'clock to-morrow morning.

THURSDAY, October 28th, 1841.

*At ten o'clock Council met.*

Mr. Lilly moved that Council adopt the rules of the last Council. The President decided that the unfinished business of last evening, which was the consideration of the usual resolution to go into Joint Meeting on Friday next, for the Election of Governor, and such other State and County officer, as may be deemed necessary, took preference.

Mr. Lilly appealed from the decision of the chair; but before a vote was taken on that appeal,

Mr. Cooper moved that Council do now adjourn;

On which motion the yeas and nays being required to be entered on the Journal of Council, were as follows, viz:

YEAS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)  
Cooper,

Messrs. Lilly,  
Newell,  
Patterson,  
Scott,  
Van Nest.—10.

NAYS.

Messrs. Chetwood,  
Condit,  
Hughes,  
Irick,

Messrs. McDowell,  
Whiticar,  
White,  
Wood.—8.

So it was determined in the affirmative, and Council adjourned to three o'clock this afternoon.

*At three o'clock Council met.*

The Resolution for going into Joint Meeting, being under consideration,

Mr. Patterson moved that Council do now adjourn ;

On which motion the yeas and nays being required to be entered on the Journal, were as follows, viz :

YEAS.

Messrs. Boyles,

M. D. Canfield,

S. D. Canfield,

Cassedy, (V. P.)

Cooper,

Messrs. Lilly,

Newell,

Patterson,

Scott,

Van Nest.—10.

NAYS.

Messrs. Chetwood,

Condit,

Hughes,

Irick,

Messrs. McDowell,

Whitcar,

White,

Wood.—8.

So it was determined in the affirmative, and

Council adjourned till ten o'clock to-morrow morning.

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FRIDAY, October 29th, 1841.

*At ten o'clock Council met.*

On motion of Mr Newell,

Council adjourned till three o'clock this afternoon.

*At three o'clock Council met.*

Mr. Boyles moved that Council do now adjourn, until Monday afternoon three o'clock, but at the request of Mr. Chetwood he for the present withdrew it, but subsequently renewed it, on which the yeas and nays being required to be entered on the Journal of Council, were as follows, viz:

**YEAS.**

- |                  |                |
|------------------|----------------|
| Messrs. Boyles,  | Messrs. Lilly, |
| M. D. Canfield,  | Newell,        |
| S. D. Canfield,  | Patterson,     |
| Cassedy, (V. P.) | Scott,         |
| Cooper,          | Van Nest.—10.  |

**NAYS.**

- |                   |                     |
|-------------------|---------------------|
| Messrs. Chetwood, | Messrs. Mc. Dowell. |
| Condit,           | Whiticar,           |
| Hughes,           | White,              |
| Irick,            | Wood.—8.            |

So it was determined in the affirmative, and Council adjourned till Monday afternoon, at three o'clock.

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**MONDAY, November 1st, 1841.**

*At three o'clock Council met.*

Mr Lilly moved the adoption of the Rules of the last Council, for the government of this.

Mr. Chetwood called for the consideration of the Resolution for going into Joint Meeting, as being the unfinished business.

The Vice President decided that that Resolution was "dead by lapse of time."

An appeal from that decision was taken, and the decision reversed by the following vote:

For sustaining the decision of the Vice President.

YEAS.

Messrs. Boyles,	Messrs. Lilly,
M. D. Canfield,	Newell.
Cooper,	Patterson,
Van Nest.—7.	

Against sustaining his decision.

NAYS.

Messrs. S. D. Canfield.	Messrs. McDowell,
Chetwood,	Scott,
Condit,	Whiticar,
Hughes,	White,
Irick,	Wood.—10.

So it was determined in the negative.

Mr. Lilly moved the adoption of the Rules of the last Council.

Mr. Chetwood moved to except the 30th Rule—on which question the yeas and nays being required to be entered on the Journal of Council, were as follows:

YEAS.

Messrs. Chetwood,	Messrs. McDowell,
Condit,	Whiticar,
Irick,	White,
Hughes,	Wood.—8.

NAYS.

Messrs. Boyles,	Messrs. Lilly,
M. D. Canfield,	Newell,
S. D. Canfield,	Patterson,
Cassedy, (V. P.)	Scott,
Cooper,	Van Nest.—10.

So it was determined in the negative.

The question then recurred on the adoption of the Rules of the last Council, on which the yeas and nays being required to be entered on the Journal of Council were as follows, viz:

## YEAS.

Messrs. Boyles,	Messrs. Lilly,
M. D. Canfield,	Newell,
S. D. Canfield,	Patterson,
Cassedy, (V. P.)	Scott,
Cooper,	Van Nest.—10.

## NAYS.

Messrs. Chetwood,	Messrs. Condit,
Hughes,	Whiticar,
Irick,	White,
McDowell,	Wood.—8.

So it was determined in the affirmative, and the Rules of the last Council were adopted.

On motion of Mr. Chetwood, the Resolution to go into Joint Meeting for the appointment of Governor, and such other State and County officers, as may be deemed necessary, was taken up, and while the same was under consideration,

Mr. Van Nest moved that Council do now adjourn, on which motion the yeas and nays being required to be entered on the Journal of Council, were as follows:

## YEAS.

Messrs. Boyles,	Messrs. Lilly,
M. D. Canfield,	Newell,
S. D. Canfield,	Patterson,
Cassedy, (V. P.)	Scott,
Cooper.	Van Nest.—10.

## NAYS.

Messrs. Chetwood	Messrs. McDowell,
Condit,	Whiticar,
Hughes,	White,
Irick,	Wood.—8.

Which being determined in the affirmative,  
Council adjourned until ten o'clock to-morrow morning.

TUESDAY November, 2d, 1841.

*At ten o'clock Council met.*

The Vice President announced the following as the standing committees of Council, viz:

*On the Judiciary.*—Messrs. Scott, S. D. Canfield, and Lilly.

*On Agriculture.*—Messrs. Cooper, White, and Whitar.

*On Education.*—Messrs. Condit, Wood, and Boyles.

*On the Militia.*—Messrs. Irick, Patterson and Hughes.

*On Claims and Pensions.*—Messrs. Chetwood, M. D. Canfield and White.

*On Corporations.*—Messrs. S. D. Canfield, Condit, and Van Nest.

*On Unfinished Business.*—Messrs McDowell, Wood, and Newell.

Mr. Irick moved the following,

*Resolved,* That the Secretary, inform the House of Assembly, that Council will be ready to go into Joint Meeting, for the appointment of Governor, and such other State and County officers, as may be deemed necessary, this afternoon at 3 o'clock, in the Assembly room.

Which was read, and on the question of its adoption, the yeas and nays being required to be entered on the Journal of Council, were as follows, viz:

YEAS.

Messrs. M. D. Canfield,  
S. D. Canfield,  
Chetwood,  
Condit,  
Hughes,  
Irick,

Messrs. McDowell,  
Newell,  
Scott,  
Whitar,  
White,  
Wood.—12.

NAYS.

Messrs. Boyles,  
Cassedy, (V. P.)  
Cooper,

Messrs. Lilly,  
Patterson,  
Van Nest.—6.

So it was determined in the affirmative.

Mr. Scott offered the following,

Resolved, That the Secretary of Council, be authorized to furnish the requisite supply of stationery for the use of Council, at the expense of the State.

Which was read, and unanimously adopted.

A Message from the House of Assembly, by Mr. Prior, their Clerk, informed Council, that the House of Assembly have completed their list of nominations, and furnished Council with a copy.

Council then proceeded to make their nominations for Joint Meeting, after which,

Council adjourned to three o'clock this afternoon.

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*At three o'clock Council met.*

A message from the House of Assembly, by Mr. Prior their Clerk, informed Council, that the House of Assembly is now ready to go into Joint Meeting, and await the presence of Council, in the Assembly Room.

Whereupon, Council withdrew to attend Joint Meeting in the Assembly Room, and after some time spent therein, Council came to order, and took a recess of thirty minutes.

At the expiration of which time, Council came to order.

William Pennington, Esq., Governor elect, came into the Council and having taken and subscribed the usual oaths prescribed by law, he was conducted to the Chair, and took his seat as President of Council.

Council went into a Court of Appeals, and after some time spent therein, Council came to order, and

Adjourned till ten o'clock to-morrow morning.

WEDNESDAY, November, 3d 1841.

*At ten o'clock Council met.*

Mr. Van Nest offered the following :

" Resolved, That Justice and Mills be appointed to do the current printing of Council, during the Sessions of the present Legislature." Which was read and adopted.

Mr. Boyles with leave presented a bill entitled, " An act to provide for the Assessment and Collection of Taxes, in the Township of Newton, in the County of Sussex, in the year A. D. 1841.

Which bill was read by its title,

Ordered to have a second reading, and referred to the committee on the Judiciary.

Mr. Chetwood offered the following :

" Resolved, That such members of this Council, as have not been furnished with Sitgreaves' Manual, be furnished with the same, as far as there are copies in the Library."

A Message from the House of Assembly by Mr. Prior their Clerk, informed Council, that the House of Assembly waited the presence of Council, in the Assembly Room.

Whereupon, Council withdrew to attend Joint Meeting, and after some time spent therein, Council returned, and came to order.

Ordered, That the gentlemen who are on the Joint Committees on the part of Council, to settle with the Treasurer, and to inspect the affairs of the State Prison, have leave of absence to attend to the duties of said committees.

Council adjourned till three o'clock this afternoon.

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*At three o'clock Council met.*

Council went into a Court of Appeals, and after some time spent therein, Council came to order.

Ordered, That when Council adjourn, it adjourn to ten o'clock to-morrow morning, and that hereafter, Council will meet at that hour, until otherwise ordered.

Council adjourned till ten o'clock to-morrow morning.

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THURSDAY, November 4th, 1841.

*At ten o'clock Council met.*

Mr. S. D. Canfield, from the committee on the Judiciary, to whom had been referred the bill entitled,

"An act to provide for the Assessment and Collection of Taxes in the Township of Newton, in the County of Sussex, in the year, A. D. 1841,

Reported the same with an amendment.

Council went into a Court of Appeals and after some time spent therein, Council came to order, and

Adjourned until to-morrow morning at ten o'clock.

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FRIDAY, November 5th, 1841.

*At ten o'clock Council met.*

Mr. S. D. Canfield with leave, presented a bill entitled,

"An act for the preservation of oysters in the County of Atlantic,  
Which was read and ordered to have a second reading.

Council adjourned till three o'clock this afternoon.

*At three o'clock Council met.*

A message from the House of Assembly, by Mr. Prior, their Clerk, informed Council, that the House of Assembly had passed the following Bills, viz:

"An act to incorporate the Hardwick, Knowlton, and Independence Mutual Insurance Company, in the County of Warren, and

"A further supplement to the act passed February, 25th, 1820, entitled 'an act, securing to mechanics and others payment for their labor and Materials, in erecting any house or other building, within the limits therein mentioned,' and a supplement thereto, passed February nineteenth, eighteen hundred and thirty,

To which bills the concurrence of Council is requested.

The bill from the House of Assembly entitled,

"An act to incorporate the Hardwick, Knowlton, and Independence Mutual Insurance Company in the County of Warren,

Was read by its title, ordered to have a second reading and referred to the committee on Corporations.

The bill from the House of Assembly entitled,

"A further Supplement to the act passed February, 25th, 1820, entitled "an act securing to Mechanics and others, payment for their labor and materials, in erecting any house or other building, within the limits therein mentioned," and a supplement thereto, passed February nineteenth, eighteen hundred and thirty,

Was read by its title, ordered to have a second reading, and referred to the committee on the Judiciary.

The bill entitled,

An act to provide for the Assessment and Collection of Taxes in the Township of Newton, in the County of Sussex, in the year, A. D. 1841,

Was read a second time, considered by sections, and ordered to be engrossed for a third reading.

Council adjourned till ten o'clock to-morrow morning.

SATURDAY, November, 6th 1841.

*At ten o'clock Council met.*

The engrossed bill entitled,

An act to provide for the Assessment and Collection of Taxes in the Township of Newton, in the County of Sussex, in the year A. D. 1841,

Was read a third time and compared.

On the question, shall this bill pass?

It was determined in the affirmative, by the votes of all the members present, viz:

YEAS.

Messrs. Boyles,

S. D. Canfield,

Cassedy, (V. P.)

Chetwood,

Condit,

Cooper,

Hughes,

Lilly,

Messrs. McDowell,

Newell,

Patterson,

Scott,

Van Nest

Whiticar,

White,

Wood.—16.

Ordered, That the President sign said bill, and that the Secretary inform the House of Assembly, that Council have passed said bill and request their concurrence.

A message from the House of Assembly, by Mr. Prior, their Clerk, informed Council that the House of Assembly, had passed the following bill entitled,

“An act to divorce Phebe E. Rork, from her husband Jacob Rork.

To which bill the assent of Council is requested.

The bill from the House of Assembly entitled,

“An act to Divorce Phebe E. Rork, from her husband Jacob Rork,

Was read, and referred to Messrs. Newell, Whiticar and Cooper.

Mr. Condit offered the following :

Whereas, by reference to the acts of the Legislature of this State in past years, it appears that several charters have been granted for Banks in different parts of the State, which have never been put in operation, either from a change in the views of the applicants for the same or from other causes; and that there are also a number of other charters for Banks in existence, which have failed and therefore ceased to carry on business, but the charters are nevertheless in being and liable to be made an improper use of to the public prejudice, of which a recent instance has been published in the case of the Monmouth Bank.

Therefore, Resolved, that a Committee be appointed to enquire into and report to this House, what charters now stand in the Statute Book coming within either of the above stated descriptions, in which of them, if any, a power is reserved in terms by the charter to the Legislature to repeal the same, and that said Committee further report their opinion as to the course to be pursued respecting said Banks, with leave to report by bill or otherwise as they may deem right and proper.

Which was read, adopted, and the subject referred to Messrs. Condit, Patterson and McDowell.

Council went into a Court of Appeals, and after some time spent therein,

Council adjourned till three o'clock this afternoon.

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*At three o'clock Council met.*

No business being offered, Council went into a Court of Appeals, and after some time spent therein, Council came to order, and Adjourned till three o'clock on Monday next.

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MONDAY, November 8th, 1841.

*At three o'clock Council met.*

The following gentlemen were present and answered to their names, viz :

Messrs. S. D. Canfield,  
Cassedy, (V. P.)  
Condit,  
Cooper,

Messrs. Hughes,  
Lilly,  
Newell,  
Van Nest.

Whiticar.—9.

There being no quorum present,  
Council adjourned till ten o'clock to-morrow morning.

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TUESDAY, November 9th, 1841.

*At ten o'clock Council met.*

Mr. Wood, from the Joint Committee who had been appointed to settle with the Treasurer, made the following Report :

REPORT, &c.

*To the Honorable the Legislative Council and  
General Assembly of the State of New Jersey.*

GENTLEMEN:—By a law passed in 1838, it is made the duty of the Treasurer, immediately after his accounts shall be audited by the committee appointed for that purpose, to submit to the legislature a balance sheet exhibiting the general amount of expenditure, the amount of receipts, and the source whence they have been received; the indebtedness of the state, how and where; the amount of the school fund, and how invested; the amount of bank tax; and the sum applied to common schools, and how disposed, &c. In obedience to that act, I have the honor to present the accompanying statements.

By these it will appear that the receipts into the treasury, during the past year, amount to the sum of one hundred and sixteen thousand three hundred seventy-six dollars and ninety-four cents. Of this sum, twenty-seven thousand have been applied to the payment of temporary loans; twenty-two thousand four hundred and sixteen dollars have been paid on account of the State Prison—viz: seven thousand for salaries of the officers, ten thousand five hundred for repairs and improvements in the buildings, heating apparatus, &c., and five thousand for transportation and costs on convictions. (This last item it will be recollected, was formerly paid by the several counties in which the convictions were had, and is an increased burthen upon the treasury.) Sixty thousand dollars have been applied to the ordinary expenditures of the state government; leaving a balance in the treasury on deposit, of about seven thousand dollars.

The necessity of making temporary loans to meet the current expenses of the government, it will be recollected, arose from the omission to raise a tax during the year 1837—a matter much to be regretted, on account of the embarrassment occasioned to the treasury, and the consequent necessity of having recourse to such loans to meet the necessary expenditures of the year until the taxes are paid.

Should, however, the balance remaining in the treasury, together with the tax of thirty thousand dollars, which will be paid during the ensuing months of December and January, be applied to the payment of temporary loans, (the purpose for which the tax was ordered to be raised,) the difference between the receipts into the Treasury during the year, and the expenditures, will be about four thousand dollars, including interest on loan due school fund, which remains unpaid.

It will also be observed, that the balance of state funds after paying all claims, will be a little over eight hundred and ninety three thousand dollars, seven hundred and seventy-six thousand of which amount is unproductive to the state, being loaned to the several counties, the interest annually arising therefrom to be applied to their own use and benefit.

The proceeds of the school fund for the present year, will amount to about thirty-seven thousand dollars, thirty thousand of which has been distributed among the several counties of the state, in conformity with the apportionment made by the trustees of that fund. Two hundred and eighty-one dollars have been paid on account of incidental expenses; leaving the total balance of the school fund at about three hundred and thirty-six thousand dollars, including about six thousand

of taxes due from banks that may be considered as doubtful, and also eleven thousand on deposit in banks.

It is a subject of congratulation in the present embarrassed condition of the monetary affairs of the country, that we are free from a public debt; and that instead of imposing heavy taxes upon the people to meet the interest upon large public debts, and the annual support of our state government, as many of the other states are compelled to do, we have the satisfaction of knowing, that the revenues arising from our public funds, and other resources, are sufficient to support our common school system, and relieve the people from more than one half the annual expenses necessary for the support of the government.

All which is respectfully submitted.

ISAAC SOUTHARD,

*Treasurer of New Jersey.*

*Trenton, Nov. 8, 1841.*



**Dr. Balance Sheet, or General Statement of***Stocks.*

Amount of state funds invested in stocks:

1000 shares Camden and Amboy Rail Road and Transportation Company stock,	\$100,000 00	
1000 shares joint stock of Camden and Amboy Rail Road and Transportation Co. and Dela- ware and Raritan Canal Co.,	100,000 00	
	<hr/>	\$200,000 00

*On Bonds.*

Surplus revenue loaned to several counties,	\$764,670 60	
Bonds of Camden and Amboy Rail Road and Transportation Company and Delaware and Raritan Canal Company,	17,000 00	
	<hr/>	781,670 60
Balance on hand standing to credit of general charges,	\$9,633 38	
Amount of temporary loans from sundry banks,	41,000 00	
Interest on bonds received,	1,020 00	
Dividends, "	12,000 00	
Transit duties, "	32,076 28	
State tax, "	20,000 00	
Pedlar's licenses, "	625 54	
Forfeited recognizances,	46 74	
	<hr/>	116,401 94
		<hr/>
		\$1,098,072 54

*To balance of state funds, including  
surplus revenue,*

\$893,357 93

**the Condition of the Treasury, 1841. Cr.**

By the following disbursements :

Paid state account,	\$5,339 91
“ Legislative expenses,	23,412 47
“ Salaries state officers,	12,371 10
“ Incidental expenses,	4,218 32
“ State prison,	17,394 91
“ Transportations and costs,	5,022 50
“ State arsenal,	595 00
“ For instruction and support of deaf and dumb,	2,206 63
“ “ “ blind,	2,160 48
“ Revolutionary pensions,	2,055 00
“ Military officers,	270 00
“ Inquisitions,	1,268 47
“ Printing account,	2,263 24
“ Postage “	1,297 64
“ State library,	56 00
“ Constables attending Supreme Court,	56 75
“ Interest account,	1,990 60
“ Temporary loans,	27,000 00
	<hr/>
	\$108,979 38

*On deposit to the credit of Treasury :*

In State bank at Newark,	\$2,877 59
Newark Banking and Insurance Co.	643 57
Trenton Banking Company,	16 13
Mechanics and Manufacturers bank, Trenton,	3,450 02
Due from 1st Presbyterian and St. Paul's churches, Paterson, (in suit),	315 25
Cash in hand, in bills U. S. Bank, Pa.	120 00
	<hr/>
	7,422 56
	<hr/>
	\$116,401 94
Amount due school fund,	88,280 26
<i>By balance due,</i>	891,387 93
	<hr/>
	\$1,096,072 54

**Dr. Balance Sheet, or General Statement of**

<i>Stocks.</i>		
Amount of fund invested in stocks:		
40 shares Cumberland Bank,	\$2,000 00	
20 " Sussex Bank.	1,000 00	
159 " Trenton Banking Co.	4,770 00	
250 " New Jersey Rail Road and Transportation Company,	12,500 00	
	<hr/>	\$20,270 00
<i>Loans.</i>		
Loan to New Jersey Rail Road and Transportation Company,	\$100,000 00	
Loan to Morris and Essex Rail Road and Transportation Co.	30,000 00	
Loan to Newark city,	30,000 00	
" Sussex county,	8,000 00	
" Anderson Lalor,	12,000 00	
" State of New Jersey,	88,280 26	
	<hr/>	\$268,280 26
" Passaic county,	3,000 00	
" Donatian Bienssie,	3,000 00	
Bonds and interest due and unpaid for Paterson lands,	18,686 69	
	<hr/>	\$24,686 69
Amount of tax due from Morris Ca- nal and Banking Co., in suit,		5,000 00
<i>Amount received.</i>		
Balance on hand from last year,	11,687 73	
Bank tax,	24,344 32	
Dividends on stocks,	1,466 80	
Interest on loans,	10,828 64	
On bonds for Paterson lands,	2,785 52	
	<hr/>	51,113 01
Amount due for bank tax, con- sidered doubtful,	6,090 85	
Amount on deposit,	11,741 45	
	<hr/>	17,832 30
		<hr/>
		\$387,182 26
<i>Balance due, being total amount of school fund,</i>		<hr/> \$336,068 66

## The Condition of the School Fund, 1841. Cr.

By the following disbursements:

Paid for the support of common schools to the collector of			
"	"	Morris,	\$2,352 00
"	"	Warren,	1,639 00
"	"	Essex,	2,664 00
"	"	Middlesex,	2,049 00
"	"	Bergen,	1,000 00
"	"	Passaic	768 00
"	"	Hudson,	615 00
"	"	Gloucester,	2,184 00
"	"	Monmouth,	2,793 00
"	"	Salem,	1,617 00
"	"	Cape May,	484 50
"	"	Cumberland,	1,189 50
"	"	Atlantic,	350 00
"	"	Hunterdon,	2,326 50
"	"	Burlington,	2,857 00
"	"	Somerset,	1,882 50
"	"	Mercer,	1,710 00
"	"	Sussex,	1,519 00
			\$30,000 00
		Paid incidental account,	281 36
		Cash loaned to Donatian Bienssie,	3,000 00
		<i>Amount of bank tax due and unpaid:</i>	
		From Morris Canal and Banking Co.	\$5,000 00
		"    Belleville Bank,	749 75
		"    Farmers and Mechanics bank New Brunswick,	341 10
			6,090 85
		<i>Balance due from banks on deposit:</i>	
		Newark Banking and Ins. Co.	3,550 00
		State Bank at Newark,	2,238 52
		Mechanics and Manufacturers Bank, Trenton,	5,738 78
		Trenton Banking Company,	104 65
		Sussex Bank.	35 00
		Cumberland Bank,	60 00
		State Bank at Camden,	14 50
			11,741 45
		<i>Balance due,</i>	336,068 66
			\$387,182 33

We, the auditing committee, do hereby certify that the foregoing balance sheet is correct, as appears by the books and vouchers in the treasurer's office.

JAMES WOOD, }  
A. BOYLES, } *Com. of Council.*

WM. BLACK,  
JACOB H. WINTER,  
ARTHUR V. P. SUTPHEN, }  
THO. H. WHITNEY, } *Com. of Assembly.*

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

Mr. S. D. Canfield, from the committee on Corporations, to whom had been referred the bill from the House of Assembly, entitled  
"An act to incorporate the Hardwick, Knowlton and Independence Mutual Insurance Company, in the county of Warren,"

Reported the same,

Which was ordered to have a second reading.

Mr. Newell, from the committee to whom had been referred the bill from the House of Assembly, entitled

"An act to divorce Phebe E. Rork from her husband, Jacob Rork,

Reported the same,

Which bill was ordered to have a second reading.

Council went into a Court of Appeals, and after some time spent therein, Council came to order.

A message from the House of Assembly, by Mr. Prior, their Clerk, informed Council that the House of Assembly had adopted the following Preamble and Resolutions, which had been reported by the joint-committee on Public Printing :

Whereas, the prices heretofore paid for the current printing are unequal in each branch of the Legislature, without just cause, and a uniform price is proper and desirable :

Therefore, Resolved, (Council concurring,) That the following rates for the current printing be considered a just compensation, and the same be established in both Houses of the Legislature, to wit :

For the Bills, at the rate of three dollars and fifty cents per sheet, on pica type, of thirty-one lines per page, on the best foolscap paper that can be procured at the rate of three dollars per ream, a sufficient number of copies of each bill for the use of the Legislature : And for Pamphlet work, at the rate of fifty-five cents per one thousand *ems* for composition, and fifty-five cents per *token*, (two hundred and fifty copies) for press work, and on as good medium paper as can be procured

at three dollars per ream. The work to be done in a neat and expeditious manner.

The House of Assembly have also adopted the following :

Resolved, (Council concurring) That so much of the Governor's Message as relates to the distribution of the sale of the Public Lands to the different States, by bill passed at the late session of Congress, be referred to a joint-committee of the two Houses—and have appointed Messrs. Sutphen, Moore and Black on the part of the House,

To which concurrent resolution the assent of Council is requested.

The House of Assembly also furnished Council with the Report of the Treasurer of this State, together with the balance sheet accompanying the same, and also the report of the joint-committee on Treasurer's account, which had been approved by the House of Assembly; and they request the concurrence of Council thereto.

The report of the committee on the Treasurer's accounts was adopted, and the balance of the message ordered to lie on the table.

Council adjourned till three o'clock this afternoon.

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*At three o'clock Council met.*

Council went into a Court of Appeals, and after some time spent therein, Council came to order, and

The concurrent resolution from the House of Assembly, providing for a joint-committee in relation to that part of the Governor's Message relating to the distribution of the proceeds of the sales of the Public Lands,

Was read and agreed to, and Messrs. Chetwood and S. D. Canfield were appointed on said committee, on the part of Council.

Ordered, that the Secretary inform the House of Assembly thereof.

A Message from the House of Assembly by Mr. Prior, their Clerk, informed Council,

That the House of Assembly had passed the bill from Council entitled

"An act to provide for the assessment and collection of taxes in the Township of Newton, in the county of Sussex, for the year A. D. 1841," without amendment;

Also, that the House of Assembly had adopted the following:

Resolved, That the Clerk be directed to inform Council that this House is ready to go into Joint-meeting for the appointment of such State and County officers as may be deemed necessary, and request Council to name the time and place.

Ordered said resolution to lie on the table.

The bill from the House of Assembly entitled

"An act to incorporate the Hardwick, Knowlton and Independence Mutual Insurance Company, in the county of Warren,

Was read a second time, considered by sections, and ordered to have a third reading.

The rule being suspended, said bill was read a third time.

On the question, shall this bill pass?

It was determined in the affirmative, by the votes of all the members present, viz:

YEAS.

Messrs. S. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Condit,  
Cooper,  
Hughes,

Messrs. Lilly,  
Newell,  
Patterson,  
Scott,  
Van Nest  
Whiticar,

Wood.—13.

Ordered, that the President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, without amendment.

Council adjourned till ten o'clock to-morrow morning.

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WEDNESDAY, November, 10th, 1841.

*At ten o'clock Council met.*

The bill from the House of Assembly entitled,  
An act to divorce Phebe E. Rook, of the county of Salem, from her husband, Jacob Rook,

Was read a second time, and while the same was under consideration, it was postponed.

Mr. Irick offered the following :

Resolved, That Eli Morris be engrossing Clerk for Council, during the present session of the Legislature,

Which was read and agreed to.

Mr. Irick offered the following :

Resolved, That the Secretary inform the House of Assembly that Council will be ready to go into Joint Meeting for the appointment of such State and County officers as may be deemed necessary, this afternoon at five o'clock, in the Assembly room,

Which was read and agreed to.

The concurrent resolution from the House of Assembly, establishing the price of the current printing of the two Houses,

Was read and agreed to.

Mr. S. D. Canfield, with leave, presented a bill entitled

" An act to abolish imprisonment for debt,"

Which was read, ordered a second reading, and referred to the Committee on the Judiciary.

Mr. Irick, from the joint-committee on the affairs of the State Prison, made the following

## REPORT.

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Report of the Board of Inspectors of the State Prison, for the year ending 30th September, 1841.

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*To the Honorable the Legislature  
of the State of New Jersey.*

In conformity with the act of February, 1838, the Board of Inspectors of the Prison respectfully REPORT:

That at the commencement of the year there were in the prison one hundred and fifty-two criminals, and that fifty-nine have been received

since, making two hundred and eleven. Of these forty-five have been discharged upon the expiration of the terms of their sentences, thirteen have been pardoned by the governor and council, and two have died, amounting altogether to sixty; leaving in confinement on the 30th September, one hundred and fifty-one. Of these ninety-two are white males, fifty four colored males, two white females, and three colored females. When they were received at the prison, one was nine years old, eighteen were between ten and twenty, sixty-four between twenty and thirty, thirty-nine between thirty and forty, nineteen between forty and fifty, eight between fifty and sixty, and two between sixty and seventy.

Eighty-three are natives of New Jersey, eleven of Pennsylvania, five of Maryland, four of Virginia, four of Massachusetts, two of Vermont, three of Connecticut, ten of New York, seven of England, nine of Ireland, two of Germany, two of Scotland, one of Wales, four of Delaware, one of Kentucky, one of New Hampshire, one of Italy, and one of Spain. Two were received in the year 1831, one in 1832, two in 1833, two in 1834, three in 1835, one in 1836, thirteen in 1837, fourteen in 1838, thirty-six in 1839, thirty in 1840, and forty-seven in 1841.

Forty-six were committed for the crime of burglary, twelve for grand larceny, twelve for misdemeanors, twenty for larceny, one for attempt to commit a rape, two for assault and battery with intent to commit a rape, one for atrocious assault and battery with intent to commit a rape, four for rape, six for burning, three for forgery, one for assault and battery, six for atrocious assault and battery, two for assault and battery with intent to kill, five for passing counterfeit bills, one for selling counterfeit bills, one for uttering counterfeit bank notes, one for selling and having in possession counterfeit money, one for procuring, permitting, having in possession, and aiding to pass counterfeit money, one for receiving stolen goods, one for malicious mischief, two for entering shop by night with intent to steal, one for shooting with intent to kill, &c., one for assault with intent to commit a rape, one for atrocious assault and battery with intent to kill, four for breaking jail, five for horse stealing, two for robbery, one for attempt to poison, one for sodomy, four for manslaughter, and two for murder in the second degree.

One was sentenced for six months, two for seven months, one for nine months, ten for one year, one for one year and one day, seven for one year and six months, thirty for two years, three for two years and six months, twenty for three years, one for three years six months and two days, twelve for four years, twenty-six for five years, five for six years, one for six years and nine months, six for seven years, four for

eight years, thirteen for ten years, two for twelve years, two for fifteen years, two for twenty years, one for twenty-four years, and one for life.

One hundred and twenty-six were committed for the first offence twenty-one for the second, two for the third, and two for the fourth.

Thirty-five were sent from the county of Essex, ten from Bergen, three from Sussex, ten from Morris, three from Warren, five from Somerset, six from Middlesex, eight from Monmouth, one from Hunterdon, twelve from Mercer, thirteen from Burlington, eight from Gloucester, nine from Salem, four from Cumberland, one from Cape May, fifteen from Passaic, two from Atlantic, one from Hudson, four from the borough of Elizabethtown, and one from the city of Trenton.

There have been two deaths up to the date of this report. The general health of the convicts has been as good as usual heretofore. For further particulars respecting the same, we respectfully refer you to the physician's report, and will merely add, that in our opinion, the bad ventilation of the cells, and the want of sufficient warmth therein, require further attention and improvement.

In regard to the business operations of the prison, we are happy to be enabled to state, that there has been a decided improvement for the last eight months, the time that the present keeper has had charge of the prison. The stock of manufactured goods on hand, at the time of his coming into office, has mostly been disposed of on advantageous terms; most of the business is now done under contract, which is calculated to lessen the risk, and ensure a more certain return. The system of doing business on a credit, has been changed very considerably to a cash business, and strong efforts have been made to collect the outstanding debts due the institution, which had previously been suffered to accumulate on its books to a large amount, by which the institution will sustain a heavy loss. Debts to a very considerable amount, which do not appear on the books, have been presented and paid; and you will perceive from the keeper's report, that he has been and still is making strenuous efforts to pay off its liabilities, which he has very nearly accomplished.

We avail ourselves of the present opportunity to express our decided approbation of the plan adopted by the principal keeper, and of the efficient and praiseworthy course pursued by him in conducting the operations of the institution.

On the subject of solitary confinement, the board have few cases of reformation to record. Yet they are satisfied that the present system of confinement is the one best calculated for exemplary punishment, and perhaps more likely to produce a reformation in the morals and

character of the prisoner, than any other; but it is to be regretted that, too generally, the hearts of the convicts become so depraved and callous, before they become the inmates of the cells of a penitentiary, that there is little hope of a reformation being effected.

We believe there is a deficiency of moral and religious books in the prison, and are of the opinion that if the number and variety of them were increased, it might have a salutary effect.

It is very difficult to arrive at any certainty in the religious and moral character of the convicts, there being so great a difference in their professions while here, and their practices after their discharge from the walls of a prison.

The board would be extremely remiss, were they to neglect to notice the voluntary and constant attention of the clergy of Trenton, and its vicinity, and the zeal and interest they have manifested at all times, in endeavoring to inculcate principles of religion and morality, among the prisoners; and the readiness they have shown to point out and lead them in the paths of religion and virtue.

The committee appointed to procure, and put in operation, an apparatus for heating the cells, from a plan submitted to the legislature, have put the same in operation, and some of them are sanguine of success, but we regret to say, that we have doubts of the practicability of the same on the plan adopted. Another plan more simple in its details has been suggested, and measures are in progress to put it in operation; what the result thereof may be, we are at this time unable to say, but anxiously hope that so important and desirable an object may be attained; it being a subject that has received a large share of attention from the board for some time.

We have not considered it necessary to adopt any new rules for the government of the prison.

Respectfully submitted,

By order of the Board of Inspectors.

THOMAS HANCOCK,

*Secretary.*

INSPECTORS' ROOM,  
New Jersey Penitentiary House, }  
October 23th, 1841.

## PHYSICIAN'S REPORT.

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*Gentlemen of the Board of Inspectors:*

Since the last medical report was made to your board, there has been some change in the treatment of the prisoners when diseased, as well as slight alterations in the cells, which have proved beneficial. To prevent the evils of solitary confinement, especially those which grow out of *an abuse* common to this system of punishment; when prisoners have shown evidence of that abuse, other convicts have been put with them in their cells, and the evil, in many cases, remedied. Cases of derangement of the mind have been prevented by this course. Those suffering from want of air have been turned into the yard for a few hours each day, and gained in health and strength rapidly. More pains have been taken to ventilate the cells than heretofore, and in proportion to the change of air, have the prisoners improved in health. The ventilation has been effected by raising the windows of the cells, the only plan that could be adopted under the present arrangement.

Another cause of better health in the establishment, is the rigid exaction of the labor of each convict. No man who can work is

suffered to remain idle; and constant employment, occupying the mind and exercising the muscles, goes far to preserve the body in a state of vigor, that enables it to resist in a degree the influence of solitary confinement.

But two deaths have occurred during the past year—one from consumption of the lungs, caused by suffocation in smoke—the other from a diseased heart. Diarrhoeas and dysenteries have prevailed, in the house, as they have in the neighborhood. Many of the prisoners have been under treatment, some having these complaints in aggravated forms, but fortunately, none have died. I must here acknowledge the services of Mr. Campbell, who, as apothecary and nurse, shows a judgment in his branch, and an attention to the sick, which make him a most valuable officer in the institution: to his care are many of the cures to be attributed.

Perhaps more license has been taken in prescribing tobacco to the prisoners, than the literal construction of the law regulating this matter admits. As an article of the *materia medica*, and the best remedy for those suffering under despondency in solitary confinement, I do not think its use ought to be withheld in the institution. Many cases have come under the notice of the keepers and physician of its certain utility. Had the prisoner been denied its use, and other circumstances continued the same, derangement of the mind, as former experience has proved, would have been the consequence. The number of insane is less than at the time of the last report. The expiration of terms and pardons have relieved the institution in a measure of these convicts; and a better treatment, as before stated, has prevented the predisposed, in some instances, from losing their reason. Still there are five or six in the cells who ought to be transferred to a mad house. If the same interest were attached to petty offences, that attends the murderer, our county courts would as often find crimes of a trifling nature the result of insanity, as cases that call for capital punishment; and the accused, instead of being sent to a penitentiary, would be confined in an asylum.

The opinions expressed heretofore on the effects of solitary confinement upon the system, are strengthened by every year's experience. The more rigidly the plan is carried out, the more the spirit of the law is observed, the more its effects are visible upon the health of the convicts. A little more intercourse with each other, and a little more air in the yard, have the effect upon mind and body, that warmth has upon the thermometer, almost every degree of indulgence showing a corresponding rise in health of the individual. That

an opinion to the contrary should have been advocated at this time, when the influences that control the animal functions are so well understood; seems like a determination to disregard science in the support of a mistaken but favorite policy. The medical reports from this prison, have been read with an interest that nothing but a candid exposure of facts can explain. These facts are nothing more than what medical science unhesitatingly acknowledges, and what every man's daily experience teaches. They are in accordance with the views of one who is acknowledged to be the best living writer on a subject of which this is a part. Mr. Combe, in his recently published *Moral Philosophy*, says:

"A difference of opinion exists amongst intelligent persons, whether the system of solitary confinement, and solitary labor, pursued in the Eastern Penitentiary of Pennsylvania, or the system followed at Auburn, of social labor, in silence, enforced by inspectors, and solitary confinement after working hours, is more conducive to the end of criminal legislation. The principles now stated lead to the following conclusions:

"The system of entire solitude weakens the whole nervous system. It withdraws external excitement from the animal propensities, but it operates in the same manner on the organs of the moral and intellectual faculties. Social life is to these powers, what an open field is to the muscles; it is their theatre of action, and without action there can be no vigor. Solitude, even when combined with labor, and the use of books, and an occasional visit from a religious instructor, leaves the moral faculties still in a passive state, and without the means of vigorous active exercise. According to my views of the laws of physiology, the discipline of the Eastern Penitentiary reduces the tone of the *whole* nervous system to the level which is in harmony with solitude. The passions are weakened and subdued, but so are all the moral and intellectual powers. The susceptibility of the nervous system is increased, because all organs become susceptible of impressions in proportion to their feebleness. A weak eye is pained by light which is agreeable to a sound one. Hence it may be quite true, that religious admonitions will be more deeply felt by prisoners living in solitude than by those enjoying society: just as such instruction, when addressed to a patient recovering from a severe and debilitating illness, makes a more vivid impression than when delivered to the same individual in health; but the appearances of reformation, founded on such impressions, are deceitful. When the sentence is expired, the convict will return to society, with all his mental powers, animal, moral, and

intellectual, increased in *susceptibility*, but *lowered in strength*. The excitements that will then assail him, will have their influence doubled, by operating on an enfeebled system. If he meet old associates, and return to drinking and profanity, the animal propensities will be fearfully excited by the force of these temptations, while his enfeebled moral and intellectual powers will be capable of offering scarcely any resistance. If he be placed amid virtuous men, his higher faculties will feel acutely, but he still feeble in executing their own resolves. Convicts, after long confinement in solitude, shudder to encounter the turmoil of the world; they become excited as the day of liberation approaches, and feel bewildered when set at liberty. In short, this system is not founded on, or in harmony with a sound knowledge of the physiology of the brain, although it appeared to me to be well administered," He then adds. "These views are supported by the report of the physician to the New Jersey State Prison, (in which solitary confinement with labor, is enforced,) addressed to the board of inspectors, November, 1839." After quoting some passages from the report that accord with his views, he sums up by saying, "There are advantages that go far to compensate the evils of solitude, but none to remove them."

Respectfully submitted,

JAMES B. COLEMAN,

*Physician to N. J. State Prison.*

## JOINT COMMITTEE'S REPORT.

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The Joint Committee of Council and General Assembly, appointed to settle the accounts of the State Prison, respectfully report,

That in the discharge of the duty assigned them, they have carefully examined the books and vouchers, and found them to be correct, the books neatly and regularly kept, and the vouchers in all respects agreeing with the entries made.

They have also prepared and herewith transmit several tabular statements, calculated as they believe, to exhibit in a brief yet satisfactory manner, the business operations of the prison during the past year; and the balances of profit and loss in the different manufacturing departments conducted therein.

The committee, after the most careful examination, feel great satisfaction in being enabled to call the attention of the legislature to the fact that the institution is in a much more prosperous situation than at the date of the last annual report.

It will be recollected that the prison was therein exhibited as being in debt, and the proceeds of the labors of the convicts insufficient to meet its current expenses. Your committee are now happy to state

that those embarrassments no longer exist; the institution being at this time almost entirely free from debt, with a surplus fund on hand, (and still increasing) more than sufficient to meet any anticipated demands for the ordinary support of the convicts, and carrying on the usual mechanical operations. This favorable state of things has been produced in part by the increased productiveness of the labor of the convicts, under the management of the present keeper; and in part by the appropriation of \$5,000 made by the last legislature, to pay the old debts, and drawn from the treasury by the said keeper during the past year. There was also drawn by the inspectors from the state treasury the sum of \$3,000, on an appropriation for altering the heating apparatus; and \$2,502 36 for repairs and improvements to the prison building; and \$3,658 35 for taxed bills of costs; and \$931 55 for transportation of convicts; and \$6,778 93 for the salaries of the officers and inspectors of the prison. The whole amount thus drawn from the state treasury, on account of the state prison, being \$21,871 19; which, with the exception of the first sum of \$5,000, was applied to purposes not connected with the ordinary operations of the prison.

Your committee avail themselves of the present opportunity, to express their concurrence in the plan adopted in the fiscal operations of the prison, by the present principal keeper: the practice of making his purchases and sales for cash, and of selling upon running contracts to responsible contractors, is, in their opinion, a decided improvement: and they further feel that they would be doing an act of injustice to a faithful and meritorious officer, did they not thus publicly notice the economy, industry, and fidelity, with which, as they believe, he has discharged his various and responsible duties, and brought the pecuniary affairs of the prison to a result so flattering, at a season not peculiarly favorable to the manufacturing interests of the country.

Your committee likewise are constrained, as an act of justice, to express their obligations to Mr. Sutterlee, (the clerk of the prison) for the facilities afforded them in the investigation of the accounts of the institution; and especially to notice the neat, correct, and masterly manner in which he has discharged the laborious duties of his office—duties, which, as your committee are informed and believe, have been greatly increased within the last few years, without any increase of compensation. In the opinion of your committee his salary is not adequate to the amount of services rendered, and we would respectfully recommend that it be increased.

Your committee feel that they would be far from discharging their duties, did they not notice with commendation the several

views and sentiments as expressed in the report of the board of inspectors, lately made to the House of Assembly, (and by them referred to your committee.) particularly that part which speaks of solitary confinement as "the one best calculated for exemplary punishment, and perhaps more likely to produce a reformation in the morals and character of the prisoner than any other." In this opinion your committee fully concur. It is this belief which has ever afforded the friends of humanity and the lovers of social order the principal recommendation of this system of punishment. It is with great pleasure that your committee respond to that part of said report which recommends an increased supply of moral and religious books for the use of said prison, believing they would have a tendency to exercise the otherwise dormant energies of the minds of the convicts, and improve their morals. Your committee recommend that a small appropriation be made for the purpose of furnishing a library for the benefit of the prisoners, and herewith report the accompanying resolution.

*Resolved,* That the committee of ways and means be and they are hereby directed to bring in a bill making an appropriation of a sum not exceeding one hundred dollars, for the purpose of furnishing a library for the use of the prisoners, to be placed under the control and direction of the keeper.

M. D. CANFIELD, } Committee  
WM. IRICK, } of Council.

HENRY H. WILSON, }  
ISAAC STOKES, } Committee  
SAM. M. OLIPHANT, } of  
DAVID DUNN, } Assembly.  
GEO. W. SMYTH, }

November 9th, 1841.

A Statement showing the operations of the New Jersey State  
ing the remainder of the term belonging to this year of John

**Dr.**

## CHAIR MAKING

To amount of inventory on 1st October, 1840,	\$6,186 54
“ amount of charges up to 10th February, 1841,	504 76
	<hr/> \$6,691 30

## FURNITURE

To amount of its inventory on 1st October, 1840,	\$5,417 38
“ amount of charges to 10th February, 1841,	734 57
	<hr/> \$6,151 95

## PROVISION

To amount of inventory on 1st October, 1840,	\$553 90
“ amount of charges to 10th February, 1841,	3,206 94
	<hr/> \$3,760 84

## HOSPITAL

To amount of inventory on 1st October, 1840,	\$28 57
“ amount of charges to 10th February, 1841,	65 47
	<hr/> \$94 04

Prison, from 1st October, 1840, to 10th February, 1841, during the keeping of Voorhees, late keeper.

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ACCOUNT.

	<b>Cr.</b>
By amount of credits up to 10th February, 1841,	\$531 90
“ amount of inventory on 10th February, “	4,650 19
Amount of loss up to 10th February, “	<u>1,509 21</u>
	\$6,691 30

---

ACCOUNT.

By amount of credits up to 10th February, 1841,	\$15 09
“ amount of inventory on 10th February, “	5,915 26
Loss on this account up to 10th February, “	<u>221 60</u>
	\$6,151 95

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ACCOUNT.

By amount of credits up to 10th February, 1841,	\$218 45
“ amount of inventory on 10th February, “	1,095 18
Loss or expense on this acc't to 10th Feb., “	<u>2,447 20</u>
	\$3,760 84

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ACCOUNT.

By amount of credits up to 10th February, 1841,	\$00 40
“ amount of inventory on 10th February, “	30 00
Loss or expense up to 10th February, “	<u>63 64</u>
	\$94 04

**Dr.****FUEL**

To amount of inventory on 1st October, 1840,	\$534 20
“ amount of charges to 10th February, 1841,	649 92
	<hr/>
	\$1,184 12

**INCIDENTAL**

To amount of its charges up to 10th February, 1841,	\$206 19
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**INTEREST**

To amount of charges up to 10th February, 1841,	\$1 75
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**WEAVING**

To amount of inventory on 1st October, 1840,	\$1,757 07
“ amount of charges up to 10th February, 1841,	299 83
Gain on this account up to 10th February, “	1,062 70
	<hr/>
	\$3,119 60

**CORDWAINERS'**

To amount of inventory on 1st October, 1840,	\$2,288 01
“ amount of charges up to 10th February, 1841,	642 02
Gain on this account up to 10th February, “	517 42
	<hr/>
	\$3,447 45

**SUNDRY MANUFACTURES'**

To amount of inventory on 1st October, 1840,	\$183 76
“ amount of charges to 10th February, 1841,	57 69
Gain on this account up to 10th February, “	165 96
	<hr/>
	\$407 41

## ACCOUNT.

Cr.

By amount of credits up to 10th February, 1841,	\$14 45
“ amount of inventory on 10th February, “	335 00
Loss or expense up to 10th February, “	834 67
	<hr/>
	\$1,184 12

## ACCOUNT.

By balance, being the expense of this account up to 10th February, 1841,	<hr/>
	\$206 19

## ACCOUNT.

By balance, being the expense on this account,	<hr/>
	\$1 75

## ACCOUNT.

By amount of credits up to 10th February, 1841,	\$1,913 98
“ amount of inventory on 10th February, “	1,205 62
	<hr/>
	\$3,119 60

## ACCOUNT.

By amount of credits up to 10th February 1841,	\$1,541 53
“ amount of inventory on 10th February, “	1,905 92
	<hr/>
	\$3,447 45

## ACCOUNT.

By amount of credits up to 10th February, 1841,	\$253 85
“ amount of inventory on 10th February, “	153 56
	<hr/>
	\$407 41

**Dr.** RECAPITULATION.

Chair making account,	-	-	-	-	-	\$1,509	21	
Furniture	"	-	-	-	-	221	60	
Provision	"	-	-	-	-	2,447	20	
Hospital	"	-	-	-	-	63	64	
Fuel	"	-	-	-	-	834	67	
Incidental	"	-	-	-	-	206	19	
Interest	"	-	-	-	-	1	75	
Amount of debts contracted from 1st October, 1840, to 10th February, 1841, the articles being received without bills, &c., and not charged to the accounts until after the last named period,							245	45
							<hr/>	
							\$5,529	71

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CASH

To balance of cash on the 1st October, 1840, remaining in the hands of John Voorhees, then keeper,	-	-	-	-	-	\$741	82	
" amount of cash received by said keeper up to 10th February, 1841,	-	-	-	-	-	2,357	78	
							<hr/>	
							\$3,099	60

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JACOB B. GADDIS'S

To balance of cash received of John Voorhees, late keeper, 10th February, 1841,	-	-	-	-	-	\$417	24	
" amount of cash received since the 10th February, 1841, including the five thousand dollars received from the treasurer to pay the old standing debts of the prison,	-	-	-	-	-	17 003	89	
							<hr/>	
							\$17,421	13
							<hr/>	
To balance of cash brought down 1st Oct., 1841,						\$1,272	60	

## RECAPITULATION.

Cr.

Sundry Manufactures' account, - - -	\$165 96
Cordwainers' " - - - - -	517 42
Weaving " - - - - -	1,062 70
Amount of reduction on inventory as taken on 10th February, 1841, as compared with that taken on 30th September, 1840. - - -	2,077 00
Balance, being the loss on the operations of the prison from 1st October, 1840, until the 10th February, 1841, - - - - -	1,706 63
	<hr/>
	\$5,529 71

## ACCOUNT.

By amount of cash paid out by John Voorhees, when keeper, up to 10th February, 1841,	\$2,682 36
Balance, being the amount of cash paid over by John Voorhees, late keeper, to Jacob B Gad- dis, present keeper, on 10th February, 1841,	417 24
	<hr/>
	\$3,099 60

## CASH ACCOUNT.

By amount of cash paid since the 10th February, 1841, including the liabilities of former years settled and brought into the acc'ts of this year,	\$16,148 53
Balance of cash remaining in the hands of the present keeper, - - - - -	1,272 60
	<hr/>
	\$17,421 13

A Statement showing the operations of the New Jersey State  
lowing, being the remaining part of the year under the admin-

**Dr.**

**FURNITURE**

To amount of inventory on 10th February, 1841,	\$5,915 26
“ amount of charges since 10th February, “	1,501 27
	<hr/>
	\$7,416 53

**PROVISION**

To amount of inventory on 10th February, 1841,	1,095 19
“ amount of charges since 10th February, “	3,685 48
	<hr/>
	\$4,780 67

**HOSPITAL**

To amount of inventory on 10th February, 1841,	\$30 00
“ amount of charges since 10th February, “	258 68
	<hr/>
	\$288 68

**FUEL**

To amount of inventory on 10th February, 1841,	\$335 00
“ amount of charges since 10th February, “	677 86
	<hr/>
	\$1,012 86

Prison from the 10th February, 1841, to 30th September fol-  
 istration of Jacob B. Gaddis, the present keeper.

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ACCOUNT.

	Cr.
By amount of credits since 10th February, 1841,	\$28 35
“ amount of inventory on 30th September, “	6,848 80
Loss on this account since 10th February, “	539 38
	<hr/>
	\$7,416 53

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ACCOUNT.

By amount of credits since 10th February, 1841,	\$328 25
“ amount of inventory on 30th September “	913 03
Balance, being the expense on this account since 10th February, 1841, - - - - -	3,539 39
	<hr/>
	\$4,780 67

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ACCOUNT.

By amount of credits since 10th February, 1841,	\$10 43
“ amount of inventory on 30th September, “	92 80
Balance, being the expense on this account since 10th February, 1841, - - - - -	185 45
	<hr/>
	\$288 68

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ACCOUNT.

By amount of credits since 10th February, 1841,	\$13 61
“ amount of inventory on 30th September, “	273 00
Balance, being the expense on this account since 10th February, 1841, - - - - -	726 25
	<hr/>
	\$1,012 86

**Dr.****INCIDENTAL**

To amount of charges to this account since the 10th February, 1841,	\$1,590 50
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**INTEREST**

To amount of charges for interest allowed on ac- counts on settlement since 10th February, 1841,	\$105 29
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\$105 29

**WEAVING**

To amount of inventory on 10th February, 1841,	\$1,205 62
“ amount of charges since 10th February, “	1,620 87
Gain on this account since 10th February. “	2,622 14

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\$5,448 63

**CORDWAINERS'**

To amount of inventory on 10th February, 1841,	\$1,905 92
“ amount of charges since 10th February, “	706 87
Gain on this account since 10th February, “	2,003 19

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\$4,615 98

**CHAIR MAKING**

To amount of inventory on 10th February, 1841,	\$4,650 19
“ amount of charges since 10th February, “	2,338 05
Gain on this account since 10th February, “	3,757 60

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\$10,745 84

**SUNDRY MANUFACTURES'**

To amount of inventory on 10th February, 1841,	\$153 56
“ amount of charges since 10th February, “	66 40
Gain on this account since 10th February, “	728 93

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\$948 89

## ACCOUNT.

By balance, being the loss or expense of this account since 10th February, 1841,	\$1,590 50
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## ACCOUNT.

By amount of credits since 10th February, 1841,	\$62 82
Balance, being the loss since 10th February, "	42 47
	<hr/> \$105 29

## ACCOUNT.

By amount of credits since 10th February, 1841,	\$3,792 83
" amount of inventory taken 30th Sept., "	1,655 80
	<hr/> \$5,448 63

## ACCOUNT,

By amount of credits since 10th February, 1841,	\$3,475 50
" amount of inventory taken 30th Sept., "	1,140 48
	<hr/> \$4,615 98

## ACCOUNT.

By amount of credits since 10th February, 1841,	\$7,137 75
" amount of inventory taken 30th Sept., "	3,608 09
	<hr/> \$10,745 84

## ACCOUNT.

By amount of credits since 10th February, 1841,	\$745 89
" amount of inventory taken 30th Sept., "	203 00
	<hr/> \$948 89

**Dr.****RECAPITULATION.**

Eurniture account,	- - - - -	\$539 38
Provision " "	- - - - -	3,539 39
Hospital " "	- - - - -	185 45
Fuel " "	- - - - -	726 25
Incidental " "	- - - - -	1,590 50
Interest " "	- - - - -	42 47
Gain on the operations of the prison, from 10th February, 1841, until 30th September, 1841,		4,486 22

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 \$11,109 66

## RECAPITULATION.

	<b>Cr.</b>
Sundry Manufactures' account, . . . . .	\$728 93
Chair Making " . . . . .	3,757 60
Cordwainers' " . . . . .	2,003 19
Weaving " . . . . .	2,622 14
By amount of liabilities of former years, not presented, and not appearing on the books of the prison on 10th February, 1841, which have been settled and brought into the accounts of this year,	\$1,752 35
By amount of debts contracted from 1st October, 1840, to 10th February, 1841, the articles being received without bills, &c., and not charged to the accounts until after the last named period,	245 45
	\$11,109 66

Which Report and the accompanying Documents were  
Ordered to lie on the table, and five hundred copies thereof be printed for the use of Council.

Ordered, That Five Hundred copies of the Report of the committee on the treasurer's accounts together with his Report to the Legislature, and the accompanying Documents, be printed for the use of Council.

Council went into a Court of Appeals and after some time spent therein, Council came to order.

A message from the House of Assembly, by Mr. Prior, their Clerk, informed Council, that the House of Assembly had passed the following Bills, viz:

"An act to Incorporate the Musconetcong Manufacturing Company,"  
—and,

"An act for the relief of Robert Allen of the County of Somerset."  
To which bills the assent of Council is requested.

I am also directed to inform Council that the House of Assembly have completed their list of nominations preparatory to going into Joint Meeting, and have furnished Council with a copy.

The bill from the House of Assembly entitled,

"An act to Incorporate the Musconetcong Manufacturing Company,"  
Was read by its title and referred to the committee on corporations.

The bill from the House of Assembly entitled,

"An act for the relief of Robert Allen of the County of Somerset,"

Was read by its title, and referred to the committee on Claims, and Revolutionary Pensions.

Council proceeded to make nominations for Joint Meeting, and before the same was completed,

Council adjourned till three o'clock this afternoon.

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*At three o'clock Council met.*

Council proceeded to complete their list of nominations, after which Council went into a Court of Appeals, and after some time spent therein, Council came to order.

A message from the House of Assembly, by Mr. Prior, their Clerk, informed Council that the House of Assembly, had adopted the following concurrent Resolution, viz :

Resolved, (Council concurring,) That a copy of Elmer's Digest be furnished to the Assessor and Collector, of the Township of Van Voorst, in the County of Hudson, for their common use, and also a Copy for the overseers of the poor of said Township, for their common use.

To which Resolution the assent of Council is requested.

The House of Assembly had passed a bill entitled,

"An act for the support of the Government of this State,"

To which the concurrence of Council is requested—also,

That the House of Assembly is now ready to go into joint-meeting and await the presence of Council in the Assembly Room.

The bill from the House of Assembly entitled

"An act for the support of the Government of this State,"

Was read by its title and ordered to have a second reading.

Council proceeded to the Assembly Room to attend joint-meeting, and after some time spent therein, Council returned and came to order.

On motion of Mr. Lilly it was ordered,

That so much of the Governor's Message as relates to the non-resumption of Specie payments by the banks of this State, be referred to a special committee.

Messrs. Lilly, Condit and Van Nest, were appointed said committee.

A Message from the House of Assembly by Mr. Prior, their Clerk, informed Council, that the House of Assembly had approved of the Treasurer's Bond, and had transmitted it to Council for its approval by Council,

Whereupon, its being read in Council, was considered and approved.

Ordered, That the Secretary of Council, deposit said Bond with the Secretary of State, to be filed in his office.

Mr. Chetwood offered the following :

Resolved, That so much of the Governor's Message as relates to the Delaware and Raritan Canal, and the Camden and Amboy Rail Road and Transportation Companies, and the New Jersey Rail Road and Transportation Company, be referred to a select committee of three.

Was read and agreed to, and,

Messrs. Chetwood, Cooper and Whiticar, appointed said Committee.

Council adjourned till ten o'clock to-morrow morning.

THURSDAY, November 11th, 1841.

*At ten o'clock Council met.*

Mr. Chetwood from the committee on Claims and Revolutionary Pensions, to whom had been referred the bill from the House of Assembly entitled,

"An act for the relief of Robert Allen, of the County of Somerest," Reported the same without amendment.

Which bill was ordered to have a second reading.

The rule being suspended, said bill was read a second and third time.

On the question, shall this bill pass?

It was determined in the affirmative, by the votes of all the members present, viz:

## YEAS.

Messrs. Boyles,	Messrs. Hughes,
S. D. Canfield,	Irick,
Cassedy, (V. P.)	Lilly,
Chetwood,	McDowell,
Condit,	Newell,
Cooper,	Patterson,
Scott,	White,
Whiticar,	Wood.—16.

Ordered, that the President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, without amendment.

The bill from the House of Assembly entitled,  
 "An act for the support of the Government of this State,"  
 Was read a second time, and considered by sections.

On motion to amend said bill by striking out "twelve hundred," in the 4th clause of the first section, and inserting "one thousand."

The yeas and nays being required to be entered on the Journal, were as follows, viz:

## YEAS.

Messrs. Boyles,	Messrs. Lilly,
S. D. Canfield,	Newell,
Cassedy, (V. P.)	Patterson,
Cooper,	Van Nest.—8.

## NAYS.

Messrs. Chetwood,	Messrs. McDowell,
Condit,	Scott,
Hughes,	Whiticar,
Irick,	White,

Wood.—9.

So it was determined in the negative.

The rule being suspended, said bill was read a third time.

On the question shall this bill pass?

It was determined in the negative as follows, viz:

## YEAS.

Messrs. Chetwood,  
Condit,  
Hughes,  
Irick,

Messrs. McDowell,  
Scott,  
Whiticar,  
White.

Wood.—9.

## NAYS.

Messrs. Boyles,  
S. D. Canfield,  
Cassedy, (V. P.)  
Cooper,

Messrs. Lilly,  
Newell,  
Patterson,  
Van Nest.—8.

On motion of Mr Scott the vote on said bill was reconsidered, and it was placed on the second reading.

Council went into a Court of Appeals, and after some time spent herein, Council came to order.

The Chair laid before Council, the report of the Trustees of the School Fund.

Ordered, said Report be laid on the table, and 500 copies be printed under the direction of the said Trustees, for distribution.

Council adjourned till three o'clock this afternoon.

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*At three o'clock Council met.*

Mr. S. D. Canfield, presented the petition of C. S. Van Wagoner, praying to be released from a certain trust therein named.

Which was received and referred to the committee on the Judiciary.

Mr. McDowell, from the Committee on unfinished business, made the following REPORT:

The Committee to whom was referred the unfinished business, ask leave to REPORT as follows, viz. —

No. 1. A further supplement to the act entitled "An act concerning stray cattle, horses and sheep," passed the 7th day of March, 1797.

No. 2. An act for the relief of Philip Shimp, of the county of Cumberland.

No. 3. A supplement to an act entitled "An act to alter and amend the act entitled An act concerning Inns and Taverns," passed the first day of June, eighteen hundred and twenty.

No. 4. An act to regulate the draws in Bridges over Rancocus Creek.

No. 5. An act to repeal the act entitled "An act to regulate the fishing in the rivers Passaic, Pompton, Rockaway, and Whippany, in the counties of Morris, Essex and Passaic," passed February 6th, 1839.

No. 6. An act to extend the term of office of the Surveyors of the Highways of the county of Monmouth.

No. 7. An act to provide for a Convention.

No. 8. An act authorizing the Elizabethtown and Somerville Rail Road Company to borrow money, and for other purposes.

No. 9. A supplement to an act entitled "An act for the government and regulation of the State Prison," passed the 27th of February, A. D. 1838.

No. 10. Supplement to "An act constituting Courts of Oyer and Terminer and General Gaol Delivery."

No. 11. A further supplement to the act entitled "An act abolishing imprisonment for debt in certain cases."

No. 12. Joint Resolution.—Authorizing the Inspectors of the State Prison to employ a suitable financial agent.

No. 13. Joint Resolution.—Authorizing all payments into the Treasury of this State, to be made in specie, or in paper equivalent thereto.

Which Report was read and ordered to be printed.

Mr. S. D. Canfield, from the committee on corporations, to whom had been referred the bill from the House of Assembly, entitled,

"An act to Incorporate the Musconetcong Manufacturing Company, Reported the same, without amendment.

Which was read and ordered to have a second reading.

The bill from the House of Assembly entitled,  
 "An act for the support of the Government of this State,"  
 Was taken up, amended, and ordered to have a third reading.  
 The rule being suspended said bill was read a third time as amended.  
 On the question shall this bill pass?

It was determined in the affirmative by the votes of all the members present, viz:

## YEAS.

Messrs. Boyles,	Messrs. Mc.Dowell,
S. D. Canfield,	Newell,
Cassedy, (V. P.)	Patterson,
Chetwood,	Scott,
Condit,	Van Nest,
Cooper,	Whiticar,
Irick,	White,
Lilly,	Wood.—16.

Ordered, That the President sign said bill, and the Secretary inform the House of Assembly, that Council have passed the same,

With an amendment, to which amendment the assent of the House of Assembly is requested.

Council went into a Court of Appeals, and after some time spent therein, Council came to order.

A message from the House of Assembly by Mr. Prior their Clerk, informed Council that the House of Assembly had passed a bill entitled,

"An act to authorize the sale of the Real Estate whereof Daniel Bills, deceased, died siezed,"

To which Bill the concurrence of Council is requested.

And that the House of Assembly had agreed to the amendment made in Council to the bill entitled "An act for the support of the Government of this State,

And had ordered said Bill to be re-engrossed.

The bill from the House of Assembly entitled

"An act to authorize the Sale of the Real Estate whereof Daniel Bills, deceased, died seized."

Was read by its title, and referred to the committee on the judiciary.

The concurrent resolution from the House of Assembly for supply

ing the officers of Van Voorst Township, in the County of Hudson,  
with copies of Elmer's Digest,

Was read and agreed to.

Council adjourned till eight o'clock to-morrow morning.

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FRIDAY, November 12th, 1841.

*At eight o'clock Council met.*

Mr. Scott, from the judiciary committee, to whom had been referred  
the bill from the House of Assembly entitled,

"An act to authorize the sale of the Real Estate whereof Daniel  
Bills deceased, died seized,"

Reported the same without amendment.

Ordered, That said bill have a second reading.

The fifteenth rule being suspended,

Said bill was read a second and third times,

And on the question, shall this bill pass?

It was determined in the affirmative by the votes of the members  
present, viz:

YEAS.

Messrs. Boyles,

S. D. Canfield.

Cassedy, (V. P.)

Chetwood,

Condit,

Cooper,

Hughes,

Messrs. Irick,

McDowell,

Newell,

Patterson,

Scott,

Whiticar,

Wood,—14.

Ordered, That the Vice President said bill, and the Secretary in-  
form the House of Assembly, that Council have passed the same  
without amendment.

Mr. Scott presented the petition of William F. Piatt, the son of a soldier of the Revolution, praying for payment of arrearages, alleged to be due his father,

Which was read and referred to Messrs. Scott, Chetwood and S. D. Canfield.

No 4 of unfinished business, being a bill from the House of Assembly of last year, entitled,

“ An act to regulate the draws in bridges over Rancocus Creek,”

Was taken up, and referred to the committee on Corporations.

A message from the House of Assembly by Mr. Prior their Clerk, informed Council that the House of Assembly had adopted the following :

Resolved, (Council concurring) That Phillips and Boswell of Trenton, be employed to print the votes and proceedings of Assembly, and index the same ; and that they print thirteen hundred copies thereof, to correspond with those heretofore printed, and be paid therefor nineteen dollars per sheet ; *Provided*, that if they shall not inform the Treasurer of this State, on or before the fifteenth day of March next, that they will execute the printing as herein provided for, then the said Treasurer may procure the same to be done at his discretion ; the prices not to exceed those herein named :

To which concurrent Resolution, the concurrence of Council is requested.

The House of Assembly had also passed a Joint Resolution providing for the employment of Messrs. George D. Wood, and Garret D. Wall to argue the case of the State of New Jersey, in a suit now pending in the Supreme Court of the United States.

To which Joint Resolution the assent of Council is requested.

The concurrent Resolution from the House of Assembly, in relation to employing Phillips and Boswell to print the votes and proceedings,

Was read, and ordered to lie on the table.

The Joint Resolution from the House of Assembly, providing for the payment of Messrs. Wood and Wall was read ;

The fifteenth rule being suspended, said Joint Resolution,

Was read a second and third times.

On the question, shall this Joint Resolution pass ?

It was determined in the affirmative, by the votes of all the members present, viz :

## YEAS.

Messrs. Boyles,  
S. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Condit,  
Cooper,  
Hughes,  
Van Nest

Messrs. Irick,  
Lilly,  
McDowell,  
Newell,  
Patterson,  
Scott,  
Whiticar,  
White,

Wood.—17.

Ordered, That the President sign the same, and the Secretary inform the House of Assembly that Council have passed the same without amendment.

The Joint Resolution from the House of Assembly, authorizing the Treasurer to borrow money,

Was read, the fifteenth rule being suspended, said Joint Resolution was read a second and third times.

On the question, shall this Joint Resolution pass?

It was determined in the affirmative by the votes of all the members present, viz :

## YEAS.

Messrs. Boyles,  
S. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Condit,  
Cooper,  
Hughes,  
Irick,

Messrs. Lilly,  
McDowell,  
Newell,  
Patterson,  
Scott,  
Van Nest,  
Whiticar,  
White,

Wood.—17.

Ordered, That the President sign the same, and the Secretary inform the House of Assembly that Council have passed the said Joint Resolution,

Without amendment.

A message from the House of Assembly by Mr. Prior, their clerk, informed Council that the House of Assembly are now ready to adjourn.

The House of Assembly, preceded by their Speaker, John Emly,

Esquire, came into the Council Chamber, and informed Council that the House of Assembly had adjourned to meet on Tuesday the 11th day of January next, at three o'clock in the afternoon, at the State House in Trenton.

Whereupon, Council adjourned to Tuesday the 11th day of January next, at three o'clock in the afternoon, at the State House in Trenton.

JOURNAL OF THE PROCEEDINGS  
OF THE  
LEGISLATIVE COUNCIL  
OF THE  
STATE OF NEW JERSEY.

---

SECOND SITTING.

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TRENTON, *Tuesday, January 11th, 1842.*

This being the day to which Council was adjourned, several members appeared and a call of Council being ordered, the following members were present, and answered to their names, viz :

Messrs. S. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Condit,  
Cooper,

Messrs. Lilly,  
McDowell,  
Scott,  
Van Nest,  
Whiticar,

Wood.—11.

A quorum appearing, further proceeding in relation thereto, was suspended, and

Council proceeded to business.

A message was received from the House of Assembly, by Mr. Prior their Clerk, which informed Council that the House of Assembly have met—formed a quorum—and proceeded to business.

Mr. Whiticar offered the following Resolution :

*Resolved*, that the Secretary inform the House of Assembly that Council have met, formed a quorum, and proceeded to business.

Which was read, considered, and agreed to.

The Vice President laid before Council a letter which had been received by the Secretary of State, from the Secretary of State of the State of Maine, requesting on behalf of that State, a mutual exchange of the decisions of the Judicial Courts of the respective States,

Which was read and ordered to lie on the table.

Council adjourned till ten o'clock to-morrow morning.

WEDNESDAY, January, 12th, 1842.

*At ten o'clock Council met.*

Mr. Van Nest presented a petition from Abram O. Stiles, and Phebe Maria Stiles, his wife, for a Divorce,

Which was read and referred to Messrs. Van Nest, Wood and Hughes.

Mr. Irick presented a petition from Sarah Egbert, for a divorce from her husband Elisha Egbert.

Which was read and referred to Messrs. Irick, Whiticar and Newell.

Mr. Condit presented a petition from the citizens of Jersey City praying for the passage of a lien law,

Which was read and ordered to lie on the table.

Mr. Scott asked and obtained leave to withdraw the Will and Probate of John Frelinghuysen, deceased.

On motion, the following Bills of unfinished business were severally taken up, and referred as follows:

No. 7. Being a Bill entitled

"An act to provide for a Convention,"

Was taken up and referred to the committee on the Judiciary.

No. 8. Being a Bill entitled

"An act to authorize the Elizabethtown and Somerville Rail Road Company to borrow money, and for other purposes,"

Was taken up and referred to Messrs. Chetwood, White and Paterson.

No. 11. Being a Bill entitled

A further supplement to the act entitled "An act abolishing imprisonment for debt, in certain cases,"

Was taken up and referred to the committee on the Judiciary.

Council adjourned to three o'clock this afternoon.

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*At three o'clock Council met.*

Mr. Van Nest, from the committee to whom had been referred the petition of Abram O. Stiles and Phebe Maria, his wife, for a divorce, reported a Bill entitled

"An act to dissolve the marriage contract between Abram O. Stiles, of the township of Harmony, in the county of Warren, and Phebe Maria, his wife,"

Which was read, ordered to have a second reading, and the printing of the same dispensed with.

On motion of Mr. Chetwood, the vote taken this morning, by which the Bill entitled

"An act to authorize the Elizabethtown and Somerville Rail Road Company to borrow money, and for other purposes,"

Was referred to a special committee—was reconsidered, and said Bill was referred to the committee on the Judiciary,

Mr. Irick, from the committee to whom had been referred the petition of Sarah Egbert for a divorce from her husband Elisha Egbert,  
 Reported a bill entitled,  
 "An act to divorce Sarah Egbert, from her husband Elisha Egbert,"  
 Which was read by its title, and  
 Ordered to have a second reading.  
 Council adjourned till to-morrow morning at ten o'clock.

---

THURSDAY, January, 13th 1842.

*At ten o'clock Council met.*

Mr. Chetwood presented a memorial from the officers of the New Jersey Rail Road and Transportation Company, in relation to the regulation of the transit duties arising to the State from said Rail Road, and suggesting that an explanatory act should be passed, adjusting all matters in controversy by deferring the payment of transit duties, &c.

Which memorial was read, and referred to the committee raised on that part of the Governor's Message relating to this subject, consisting of Messrs. Chetwood, Cooper and Whitaker.

Council adjourned till three o'clock this afternoon.

---

*At three o'clock Council met.*

Mr. Patterson presented a petition of Leah Griggs for divorce from her husband Reuben Griggs:

Which was read and referred to Messrs. Patterson, Hughes and Whitaker.

The bill entitled,

"An act to dissolve the marriage contract between Abram O. Stiles, of the township of Harmony, in the county of Warren, and Phebe Maria, his wife,"

Was read a second time, considered and postponed.

Mr. Scott called up the letter from the Secretary of State, of Maine, requesting an interchange of Judicial Reports of the respective states,

Which letter was read and referred to Messrs. Scott, Chetwood and S. D. Canfield.

Council adjourned till ten o'clock to-morrow morning.

FRIDAY, January 14th, 1842.

*At ten o'clock Council met.*

Mr Lilly presented a petition from Henry H. Stout, of the County of Hunterdon, praying for an act authorizing the sale of certain Real Estate of Peter Stout, deceased, late of the Township of Kingwood, in said County of Hunterdon.

Which petition was read and refered to the committee on the Judiciary.

The Vice President presented a petition from Edward Suffern, of Ramipo, Rockland County, in the State of New York, praying for an act authorizing the Ordinary of this State to return a will of his late uncle, George Suffern, now on file in this State, to himself or the Executors of his said uncle, in the State of New York, to enable him to establish a title to certain Real Estate in that State.

Which petition was read and referred to the committee on the Judiciary.

Mr. Irick presented a memorial from the Vincent Town Beneficial Society, praying for an act of incorporation,

Which was read and referred to the committee on Corporations.

The bill entitled,

"An act to divorce Sarah Egbert, from her husband, Elisha Egbert,

Was read a second time, considered and ordered to be engrossed, and have a third reading.

The bill entitled,

"An act to dissolve the marriage contract between Abram O. Stiles, of the Township of Harmony, in the County of Warren, and Phebe Maria, his wife,

Was read, considered, and ordered to be engrossed, and have a third reading.

The bill from the House of Assembly entitled,

"An act to Incorporate the Musconetcong Manufacturing Company"

Was called up and re-committed to the committee on corporations for the purpose of amendment.

A message from the House of Assembly, by Mr. Prior, their Clerk, informed Council, that the House of Assembly had passed a Joint Resolution, appropriating one Hundred Dollars, to purchase books for the use of the prisoners in the State Prison,

To which Joint Resolution the assent of Council is requested.

Which Joint Resolution was read, and ordered to have a second reading.

The fifteenth rule was suspended, and said Joint Resolution was read a second time, and ordered to have a third reading.

On motion to further suspend the rule, the yeas and nays were required to be entered on the Journal, and were as follows, viz:

#### YEAS.

Messrs. S. D. Canfield.  
Cassedy, (V. P.)  
Cooper,  
Hughes,  
Newell,  
Whiticar,

Messrs. Chetwood,  
Condit.  
Irick,  
McDowell,  
White,  
Wood.—12.

#### NAYS.

Messrs. M. D. Canfield,  
Lilly,

Messrs. Patterson,  
Scott,

Van Nest.—5.

So it was determined in the affirmative, and  
Said Joint Resolution was read a third time, and passed by the following vote :

## YEAS.

Messrs, S. D. Canfield,  
Condit,  
Chetwood,  
Cooper,  
Hughes,  
Irick,  
Lilly,  
McDowell,

Messrs. Newell,  
M. D. Canfield,  
Scott,  
Van Nest.  
Whiticar,  
White.  
Wood,  
Cassedy, (V. P.)-16

## NAY.

Mr. Patterson.—1.

Ordered, That the Vice President sign the same, and the Secretary inform the House of Assembly, that Council have passed the same without amendment.

Council adjourned till three o'clock this afternoon.

---

*At three o'clock Council met.*

Mr. Chetwood presented a petition from the President of the Hackensack and Paterson Turnpike Company, praying for authority to borrow money, and for a further extension of time, to enable them to complete said road.

Which petition was read and referred to the committee on Corporations.

Mr. Van Nest presented the following Preamble and Resolution :

Whereas, it is represented to this Legislature, that several of the companies incorporated for the purpose of building bridges across the

Delaware river, have lately issued and circulated, and still do issue and circulate promissory notes of the form and character of Bank notes, contrary to the statute of this State, made and provided, therefore be it

Resolved, (the Assembly therein concurring,) That a joint committee of \_\_\_\_\_ members, be appointed to enquire and report whether said companies, or either of them, have issued and circulated notes of the form and character aforesaid, and by what authority the said companies, or either of them, issue and circulate such notes, and that said committee have power to send for persons and papers.

Which was read and agreed to, and,

Messrs. Van Nest, Lilly and Condit appointed the members of said committee, on the part of Council.

Ordered, That the Secretary inform the House of Assembly thereof, and request their concurrence.

Council adjourned till three o'clock on Monday afternoon.

MONDAY, January 17th, 1842.

*At three o'clock Council met.*

Mr. S. D. Canfield presented a petition numerously signed by citizens of Paterson praying for a Law to abolish imprisonment for Debt.

Mr. Condit also presented a similar petition from the inhabitants of Jersey City,

Which were read and ordered to lie on the table.

Mr. S. D. Canfield presented a petition from James Van Blarcom, and others, praying for an extension of the limits of the Paterson Fire Association,

Which was read and referred to the committee on Corporations.

Mr. S. D. Canfield, from the committee on the Judiciary, to whom had been referred the application of Cornelius S. Van Wagoner, Reported a bill entitled,

"An act to discharge Cornelius S. Van Wagoner, from the execution of certain trusts therein named,"

Which bill was read by its title, and

Ordered to have a second reading.

Mr. S. D. Canfield from the committee on Corporations, to whom had been referred the bill from the House of Assembly entitled,

"An act to Incorporate the Musconetcong Manufacturing Company,"

Reported the same with sundry amendments.

Ordered, said bill have a second reading.

Mr. Van Nest asked and obtained leave to present a bill entitled,

"An act to Incorporate the Township of Lafayette, in the County of Sussex."

Which was read by its title, and referred with a petition in favor of said bill to the committee on Corporations.

Council adjourned till ten o'clock to-morrow morning.

TUESDAY January, 18th 1842.

*At ten o'clock Council met.*

Mr. McDowell presented a memorial from the Joint Board of the Delaware and Raritan Canal and Camden and Amboy Rail Road and Transportation Companies, in relation to the payment of certain transit duties referred to at the opening session in the Governor's Message,

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

On motion of Mr. Condit, the petition offered by him some days since in relation to a Lien law in the County of Hudson, was taken up and referred to the committee on the Judiciary.

Mr. S. D. Canfield, from the committee on corporations to whom had been referred the memorial of the Vincent Town Beneficial Society,

Reported a bill entitled,

"An act to Incorporate the Beneficial Society of Vincent Town,"  
Which bill was read by its title and ordered to have a second reading.

Mr. S. D. Canfield from the committee on Corporations, to whom had been referred the application of the Paterson and Hackensack Turnpike Company,

Reported a bill entitled,

"A supplement to an act, entitled an act to incorporate a company to erect a Turnpike from the town of Paterson to the village of Hackensack,"

Which bill was read by its title and ordered to have a second reading.

Mr. S. D. Canfield, from the committee on Corporations, to whom had been referred the bill entitled,

"An act to incorporate the Township of Lafayette, in the County of Sussex,"

Reported the same.

The bill entitled,

"An act to divorce Sarah Egbert from her husband Elisha Egbert,"  
Was read a third time.

On the question shall this bill pass?

It was determined in the affirmative by the following vote :

#### YEAS.

Messrs. S. D. Canfield,  
Chetwood,  
Condit,  
Cooper,  
Hughes,  
Irick,  
Lilly,

Messrs. McDowell,  
Newell,  
Scott,  
Paterson,  
Van Nest,  
Whiticar,  
Wood.—14.

#### NAY.

Mr. Cassidy, (V. P.)—1.

Ordered, that the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

Mr. Scott from the Judiciary committee, to whom had been referred the petition of Edward Suffern,

Reported a bill entitled,

"An act concerning the last will and testament of George Suffern,  
late of the City of New York,  
Which was read, and ordered to have a second reading.  
Council adjourned till three o'clock this afternoon.

---

*At three o'clock Council met.*

Mr. Chetwood presented a petition from the Plainfield Assurance Fire Company, praying for an alteration of their Charter,

Which was read, and referred to the committee on Corporations.

Mr. S. D. Canfield presented a petition from William Scott, for a divorce from his wife.

Which was read and referred to Messrs. S. D. Canfield, Cooper and Hughes.

Mr. Patterson presented a petition from sundry citizens of Monmouth County, praying for a repeal of the charter of the Monmouth Bank.

Which was read and referred to the committee appointed at the last sitting, on the subject of suspended Banks, viz: Messrs. Condit, Patterson and McDowell.

The bill from the House of Assembly entitled,

"An act to Incorporate the Musconetcong Manufacturing Company;

Was read a second time, amended, and the further consideration thereof postponed.

A message from the House of Assembly by Mr. Prior their Clerk, informed Council that the House of Assembly had passed a bill entitled:

"An act to authorize the administrators of Abel F. Randolph, deceased, to execute a certain contract made by said deceased with one Simeon F. Randolph,

To which Bill the assent of Council is requested.

Said bill was read and referred to the committee on the Judiciary.

Council adjourned till ten o'clock to-morrow morning.

WEDNESDAY, January 19, 1842.

*At ten o'clock Council met.*

Mr. Lilly offered the following resolution :

Resolved, That Messrs. Justice and Mills, editors of the Emporium and True American, be permitted to send a Reporter into the Council Chamber, to report their proceedings, and that an appropriate seat be assigned to said Reporter, which

Was read and agreed to.

Mr. S. D. Canfield presented a petition from sundry citizens of Passaic, praying for a law authorizing a State Lunatic Asylum to be erected,

Which petition was read, and referred to Messrs. Lilly, Condit and McDowell.

Mr. Patterson presented a copy of the proceedings of a meeting of citizens, in Monmouth county, in favor of compelling "the Banks to redeem their bills in specie, or in default thereof, to forfeit their charters," and other purposes,

Which was read and ordered to lie on the table.

The bill entitled

"An act to discharge Cornelius S. Van Wagoner from the execution of certain trusts therein named,"

Was read a second time, considered and postponed.

The bill entitled

A supplement to the act entitled an act to incorporate a company to erect a Turnpike from the town of Paterson to the village of Hackensack,

Was read a second time, considered, and ordered to be engrossed, and have a third reading.

On motion of Mr. Irick, the Sergeant at Arms was ordered to distribute to Council the 500 copies of the Report of the Trustees of the School Fund, which had been ordered to be printed for the use of Council.

Council adjourned till three o'clock this afternoon.

*At three o'clock Council met.*

Mr. S. D. Canfield, with leave, presented a bill entitled

"A further supplement to an act entitled an act to incorporate the Paterson Fire Association,"

Which was read by its title and referred to the committee on Corporations.

The fifteenth rule was suspended, and the engrossed bill, entitled

"A supplement to an act entitled an act to incorporate a company to erect a Turnpike from the town of Paterson to the village of Hackensack,

Was read a third time and compared.

On the question, shall this bill pass?

It was determined in the affirmative, by the votes of all the members present, viz:

YEAS.

Messrs. S. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Condit,  
Cooper,  
Hughes,  
Irick,

Messrs. Lilly,  
McDowell,  
Newell,  
Patterson,  
Scott,  
Van Nest.  
Whiticar,

Wood.—15.

Ordered, that the Vice President sign said Bill, and the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

The bill from the House of Assembly entitled,

"An act to divorce Phebe E. Rork from her husband, Jacob Rork,"

Was read a second time, considered, and ordered to have a third reading.

A message from the House of Assembly, by Mr. Prior, their Clerk, informed Council that the House of Assembly had passed the following Bills, viz:

"A supplement to the act entitled an act to incorporate the Wash-

ington Beneficial Society of Salem, New Jersey," passed January 21st, 1834, and

"An act for the relief of Charles Labaw, of the county of Mercer,"

To which bills the assent of Council is requested.

The bill from the House of Assembly entitled,

"An act for the relief of Charles Labaw, of the county of Mercer,"

Was read and referred to the committee on Revolutionary pensions.

The bill from the House of Assembly entitled

"A supplement to the act entitled an act to incorporate the Washington Beneficial Society of Salem, New Jersey, passed January 21st, 1834.

Was read and referred to the committee on Corporations.

Council adjourned till ten o'clock to-morrow morning.

THURSDAY, January 20th, 1842.

*At ten o'clock Council met.*

Mr. Chetwood, from the committee on claims and Revolutionary Pensions, to whom had been referred the bill from the House of Assembly, entitled

"An act for the relief of Charles Labaw, of the county of Mercer,"

Reported the same, without amendment, which was

Ordered to have a second reading.

The bill entitled,

An act for the preservation of oysters in the county of Atlantic,

Was read a second time, considered by sections, and

Ordered to be engrossed and have a third reading.

The bill entitled,

"An act concerning the last will and testament of George Suffern, late of the city of New York,

Was read a second time, considered, and  
Ordered to be engrossed, and have a third reading.

The bill entitled,

“An act to incorporate the Vincent Town Beneficial Society,”

Was read a second time, considered by sections, and

Ordered to be engrossed, and have a third reading.

Mr. Scott gave notice that he should to morrow, introduce certain bills for the better regulation of the Orphans' Court System.

Mr. McDowell called up the memorial of the Delaware and Raritan Canal, and Camden and Amboy Rail Road and Transportation Companies.

Ordered, That said memorial be referred to the committee to whom that portion of the Governor's Message relating to the same subject had been referred.

Council adjourned till three o'clock this afternoon.

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*At three o'clock Council met.*

Mr. Chetwood presented a petition from Maria Scudder, Elizabeth Johnson and Martha Ann Loyd, daughters and heirs at Law, of Colonel Philip Johnson, formerly of the county of Hunterdon, who was killed at the head of his Battalion, at the battle of Long Island, on the 27th day of August, 1776, praying for relief,

Which petition was read, and referred to the committee on Claims and Revolutionary Pensions.

Mr. Condit presented a petition from Louisa Amelia Murray, praying to be divorced from her husband; James Murray,

Which was read, and referred to Messrs. Condit, Newell and Hughes.

Mr. Whiticar presented a memorial from the Secretary of State, the Treasurer of the State, the Clerk in Chancery, and the Clerk of the Supreme Court, setting forth the inconvenience and insecurity of the present offices of those officers.

Which was read and referred to Messrs. Whiticar, Lilly and Irick, on the part of Council.

Ordered, That the Secretary inform the House of Assembly thereof, and request the appointment of a similar committee on their part.

Mr. S. D. Canfield presented a petition from sundry citizens of Paterson, praying for an alteration in the Law for the Assessment and Collection of Taxes, so as to have it take place earlier in the season, Which was read and referred to the committee on the Judiciary.

The bill from the House of Assembly entitled

"An act to divorce Phebe E. Rork, from her husband Jacob Rork;"

Was read a third time,

On the question shall this bill pass?

It was determined in the affirmative as follows, viz:

## YEAS.

Messrs. M. D. Canfield.  
S. D. Canfield,  
Cooper,  
Hughes,  
Irick,  
Lilly,

Messrs. McDowell,  
Newell,  
Patterson,  
Scott,  
Van Nest,  
Whiticar,

Wood.—13.

## NAYS.

Messrs. Cassedy, (V. P.)

Messrs. Chetwood,

Condit.—3.

Ordered, That the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same without amendment.

On the motion of Mr. Chetwood, That the special committee to whom had been referred the memorial of the Delaware and Raritan Canal, and Camden and Amboy Rail Road and Transportation Companies, and so much of the Governor's Message as relates to the transit duties on said works; be discharged from the further consideration of the same.

The yeas and nays being required on the same, were as follows, viz:

## YEAS.

Messrs. S. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Condit,  
Cooper,

Messrs. Hughes,  
Irick,  
McDowell,  
Newell,  
Whiticar,

Wood.—11.

## NAYS.

Messrs. M. D. Canfield,  
Lilly.

Messrs. Patterson,  
Scott,

Van Nest.—5.

So it was determined in the affirmative.

Ordered, That the same be referred to the committee on the Judiciary.

A message from the House of Assembly, by Mr. Prior, their Clerk, informed Council that the House of Assembly, had passed the bill from Council, entitled

“An act to divorce Sarah Egbert from her husband Elisha Egbert,”  
Without amendment.

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

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FRIDAY, January 21st, 1842.

*At ten o'clock Council met.*

Mr. Van Nest presented a petition from Robert S. Kennedy, praying for a Law to authorize the Poor, whose goods are distrained by a Landlord's Warrant for rent, to retain the same articles that they were allowed to by the Law regulating the claim of creditors.

Which was read, and referred to the committee on the Judiciary.

Mr. Newell presented a petition from sundry citizens of Salem praying for a law to prohibit Steam Boats from travelling faster than three miles an hour in Salem Creek,

Which was read, and referred to Messrs. Newell, Patterson and Hughes.

Mr. Newell presented a petition from Robert G. Johnson, and James Vanmater, of the town of Salem, praying for a Law to authorize

certain persons to take possession of certain property in the county of Salem, said to belong to the Presbyterian Church of Salem,

Which was read and referred to the committee on Corporations.

Mr. Condit presented a petition from the Grand Jury of the county of Hudson, praying for the abolition of Imprisonment for Debt,

Which was read and ordered to lie on the table.

Mr. Condit presented a memorial from the Court, Bar and Grand Jury, praying for a Law authorizing an alteration of the time and place of holding certain Courts in the County of Hudson.

Which was read, and

Referred to the committee on the Judiciary.

Mr. Patterson presented a memorial from sundry citizens of Monmouth, against repealing the Charter of the Monmouth Bank,

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

Mr. Lilly from the majority of the committee to whom that portion of the Governor's Message on the subject of Bank resumption had been referred, submitted the following

#### REPORT:

The majority of the Committee to whom was referred that part of the Message of His Excellency the Governor, relating to Banks and the resumption of specie payments, beg leave to Report—

That they consider the subject one of intense interest, not as regards this, or that particular bank, but as coming home to every individual in society, and involving the future prosperity of the whole community. Thus impressed, they feel themselves constrained to examine,

1st. The nature and character of the currency anterior to the ratification of the Constitution.

2d. The charge thereby induced.

3d. The banking system as now constituted—its agreement with, or dissonance to fundamental republican principle; and finally, the justice, propriety, or expedience of compelling the banks of West Jersey to resume specie payments.

The primitive business transactions of this Western land were carried on by barter—Wampum, Corn, and Tobacco, being (from time to

time) assumed as standards of value, and ere the Colonies had increased sufficiently to require much coin, as a circulating medium—specie flowed in, in abundance from the West Indies and South America; but however abundant may have been its importation, it was soon discovered that its exportation was equally abundant, and that some plan was needed to restrain its outward flight. This was attempted by raising its official value. Thus, in 1645, Virginia proclaimed the dollar worth six shillings: North Carolina, four shillings and six-pence; South Carolina and New York, eight shillings; Maryland, Pennsylvania and New Jersey, seven shillings and six-pence—the residue fixing their estimate in accordance with the opinion respectively formed. These nominal distinctions have continued to this day—but the experiment failed. Merchants raised proportionately the price of their goods, confusion in dealing followed, and the laws of Nature counteracted the laws of the land, until at length, in 1690, paper money issues commenced—Massachusetts leading the van, the other Colonies following suit, as their wants and exigencies required. This must be considered as the origin of paper money in this country.

In the beginning, each issue was accompanied with the levy of an adequate tax for its redemption, the surplus (if any) loaned to individuals on equivalent landed or personal security, and when thus guarded, seldom deteriorated. But as time rolled on, and financial wants and difficulties increased, they expanded, and due precautionary measures for their liquidation not being always adopted, they depreciated, and before their conversion into public stock (1789,) sunk so low, that one dollar in specie, would purchase one thousand of this paper money circulation.

In 1774, a new fountain of issues opened, viz :—The confederated Congress—this, united to those of the individual colonies, increased materially the stream; but however vast its capacity, the requirement of the times rapidly absorbed it, and explains the cause of its vast extension.

From these data, it appears, that colonial and confederation governmental paper issues constituted the principal currency from 1690, to the revolution, and in fact to the organization of the present government: for altho' coin occasionally mingled in the circulation during the latter years of that contest, yet it was not in sufficient quantity to change materially its character, and domestic Banks were (comparatively speaking) unknown. For from the commencement of paper money currency, (1690 to 1789) three Government Banks only are noticed—one in

South Carolina, 1712—one in Massachusetts, 1740, and the Bank of North America, 1782; and altho' a few joint Companies may have existed, they were of little moment, in modifying the character of the circulation.

It has been said, that the Bank of North America afforded us essential aid in our day of trial; but the fact of its not commencing operations until 1782, months after the capture of Cornwallis, at York Town, the triumphant close of that glorious struggle refutes it. We must therefore conclude, that the main-circulating medium, anterior to the ratification of the Constitution, was government paper—paper based on public credit—public authorities amenable for its redemption. Yet if we can believe historic record, it was constantly fluctuating, constantly expanding and contracting, and constantly depreciating, and the calamity, distress and ruin, thence arising, extreme. The picture has been faithfully drawn by the historians of the day, and to that picture we refer for all necessary information. We pass on to a more pleasing task, a sketch of the plan pursued by the patriots of the period, to annihilate the evil, and restore prosperity and happiness to a suffering people.

Experience having shown the power of the confederation insufficient, to provide ways and means for the liquidation of the public debt, extinction of paper money, and removal of other existing evils: re-organization was called for and effected.

A Constitution based on the principles of the Declaration of Independence, was framed by State delegates—its provisions enacted by State votes, each State having one vote, and finally ratified by separate State Conventions. It was intended to regulate and govern foreign relations; cement the States in fraternal union, annihilate paper currency, establish a metallic circulation, restore lost credit; and afford protection from the ruinous effects of combinations, associations and monopolies.

It possessed no power to grant acts of incorporation, no authority to charter monied institutions; but it possessed both power and authority to declare nothing but gold or silver, legal tender in payment of debts; and to prohibit all and every State from issuing bills of credit—and in furtherance of these provisions, for the annihilation of paper money, restoration and permanent establishment of metallic currency. The first Congress convened under its auspices, directed the conversion of existing paper issues into public stock, at par, redeemable with interest, at a designated time, and specie the only kind of money receivable in payment of revenue, or debts due the government—thus affording evidence as strong, as "proof direct from Holy writ," of their conviction

of the ruinous effect of paper money, their fixed determination to annihilate it and prevent its revival.

Yet, on such fragile base does human judgment sometimes rest—on such minute points do law and equity sometimes separate—and so eager are wicked and designing men to seize every such separation, and turn it to their individual benefit, at the sacrifice of just and righteous principle, that a solitary aberration of judgment, a decision of law against equity, produced the most unpleasant result. The indiscriminate funding of the soldiers certificates—drawing no line of demarcation between the original holder and the purchaser, was, in our humble estimation, a case in point. Here, Sages, Philosophers and Statesmen, in their anxiety to fulfil the obligations of law, lost sight, it would seem, of equity, and became the blameless cause of much evil—evil, which might have been easily remedied, had it not been grasped by mischief, and made subservient to avaricious or iniquitous purposes.

This act thwarted materially the fulfilment of the wise and salutary measures antecedently enacted, to annihilate paper currency; and like a noxious weed, poisoned the harvest expected to be reaped from the growth of the genial seed, sowed broadcast over the land at the preceding session of Congress. By its malign influence, the war-worn veteran, who had risked health, wealth, and life, to fill the measure of his country's glory, was left to eke out the remainder of his days in penury and want; whilst those who had never bared their breasts to the storm, or ever heard a bullet whistle, were enabled "to dress in purple and fine linen, and fare sumptuously every day," on the fortunes realized by these unrighteous purchases.

The stratagem, intrigue and deception, used to effect the purpose cast a deep shade over the history of those days. The soldier sickening with hope deferred, despairing of his Country's justice—eager to prevent himself and his family being thrown on the world's cold charity for support, or compelled to seek parochial aid in an unguarded and desponding moment, parted with his evidence of debt for a song, thereby depriving himself of the means of obtaining that solid comfort his infirmities and declining years so imperiously demanded—enabling those, in whose bosoms philanthropy and patriotism never dwelt, to enjoy the reward and recompense, hallowed devotion so richly merited.

But the evil did not rest here, for these cormorants, not satisfied with the pillage thus obtained, in unison with others of similar stamp, who had likewise speculated (not in these certificates, but in depreciated paper issues) ceased not their importunities, until by bargaining, in-

trigue and management, misrepresentation and deception, they had embodied a phalanx that was essentially instrumental in obtaining the charter of the first United States Bank, three-fourths of whose capital was funded stock—thus bringing into immediate profitable use, the fruits of their unhallowed speculations.

We are fully aware of having assigned power to an association of speculators, far beyond what is believed they possessed. It may be so; but the unprejudiced investigator of the whole train of events connected with the procurement of that charter will discover, we will not say "a power behind the throne more powerful than the throne itself"—but a power that worked in season and out of season—a power, that by good report, and by evil report, effected more, much more, than superficial observation would conceive practicable, or posterity is disposed to grant it.

It has been triumphantly proclaimed as an offset to every suggestion of this Charter having been obtained by unrighteous combinations—that its creation was immensely advantageous to the Union, and its whole career one of unblemished integrity—that it was patronized and advocated by the Father of his Country, the immortal Washington, and a host of contemporary sages and statesmen. We yield cordial assent to the faithfulness of its administration, and to the fact, that very few losses or defalcations occurred, during its existence; but to the opinion of its creation being so immensely advantageous, we humbly demur: and to the assertion, that the immortal Washington was its patron and advocate, we must dissent. We admit that he signed the bill; but his conduct on that occasion evidences much doubt and uncertainty—the sanction was not given with his usual promptness and decision. He required from each of his Cabinet a written opinion, and some days elapsed after receiving their opinion, ere it received his final approbation. But whatever view he took, was patriotic—no sinister impulse ever moved him in hostility to his country's welfare.—His decision decided thousands—aye, tens of thousands followed directly in his wake, without investigating the subject, from the unbounded confidence they placed in him.—He and they looked with anxious eye to immediate anticipated benefit; they saw in its creation a vast engine, that might be brought into direct operation for the restoration of public credit; they saw not so vividly as others did, the injury, devastation and ruin, resuscitation of paper money would ultimately induce. But prophetic sages\* there were, even at that day, who foresaw and foretold the result, and who exerted their utmost power to prevent it,

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\*Jefferson and his co-patriots.

and who would probably have prevented it, had it not been for the mighty phalanx of speculators and stock-jobbers before named, who through the Bank and the Banking System, saw golden visions rise to their enraptured sight—splendid schemes of deception realized by its fallacious action. Of the thousands who upheld it from conscientious conviction of its public utility—and more especially of the Sage, Hero and Statesman, “first in war, first in peace, and first in the hearts of his countrymen,” who befriended it—we would ever speak with the most devoted respect, and treat his and their opinions with all due deference, and with every feeling of reverence they are entitled to, as opinions based upon enthusiastic anticipations of advantage, outweighing every future injury that could accrue from its adoption.

But we still believe, that if none but the honest friends of the measure had advocated its creation, its enemies could and would have satisfied them of the ultimate injury the revival of paper money, through its influence, must produce; and have frustrated its creation; but, as before remarked, we have every reason to believe that those who had the immediate management of its affairs were upright men—men that adhered strictly to their vested rights—and that during its existence few losses or defalcations occurred.

Our serious objections rest on other grounds. We condemn its creation, because it stood upon no direct constitutional power, but was called into being by inference, implication, and forced construction only; that its privileges were in direct contravention of fundamental republican doctrine—the very antipode of equality, of right and privilege, our boast and glory; that it casts to the winds the zealous efforts of antecedent statesmen to annihilate paper money, and establish a metallic circulation—opened the door for the re-entrance of paper currency, with its train of calamitous sequents, and established a precedent universally appealed to as authority and justification for the creation of the innumerable progeny now ramified through the land.

The chartering of the first Bank of the United States may be considered almost as much the origin of Banks and the Banking system in this country, as the issue of 1690 was the origin of governmental paper money in the respective colonies, and as constituting a new era in the currency of the land, deserving particular attention and investigation; for, although government paper issues, and joint stock company bank notes, stand on different basis, emanate from different grades of power, they have both proved disastrous and ruinous to the bulk of society.

Banks, as established in the United States, are Banks of both discount and deposit—temporary creations of legislative bodies—forming joint stock companies—they are intended to be based on specie capital, divided into shares—generally owned by individuals alone, but occasionally by individuals and governments combined; in such cases, the government stands in the same light as private stockholders. Of the immense number chartered since 1790, two only have been created by Congress, (both now defunct) the residue by the respective States.

That the United States Government possesses no direct power to grant bank charters, is indisputable. The most devoted friends of such institutions have never claimed it; it is from inference and implication alone they deduce the right. That the State Governments possess the power, may be conceded—although their relinquishment of the privilege of issuing bills of credit would seem to cast a deep shade over the spirit, if not the letter, of the right—but whether either or neither enjoy the right is immaterial. For it is notorious, every bank charter is a violation of fundamental republican doctrine—subversive of those sacred rights our forefathers risked “their lives, their fortunes, and their sacred honor,” to maintain.

Every bank charter bestows the privilege of issuing promissory notes, to twice or thrice the amount of its specie capital—loan those notes at legal interest, receive the interest in advance, protects the private property of the stockholders from liability for payment of the notes thus issued, and of any and all debts the Company may contract—allows them to prosecute any person owing them, sell his whole estate, and if that is not sufficient, seize and imprison his body, and permits them to refuse receiving their own notes in payment of debts due them. It is, therefore, evident, that every Bank charter is a violation of constitutional privilege, impairing the validity of contracts, destroying the inherent rights of man, raising up amongst us a distinct race—a nobility of wealth, that must, if permitted to progress unchanged, annihilate the principles acquired at the sacrifice of so much blood and treasure.

The power thus obtained, in our estimation, enables the few to rule the many, enrich themselves at the expense of the community, and undermine the real happiness of all.

Individuals are allowed to loan their surplus funds for 6 per cent. per annum only; if they attempt to obtain more, they risk the loss of both principal and interest. United by a bank charter, they can

realize 18 per centum with impunity. Individuals that have contracted debts, are obliged to give up the whole of their estates to pay them; and if that is not sufficient, their bodies are liable to seizure and imprisonment. United by a bank charter, they can contract debts indefinitely, and preserve not only their estates from sacrifice, but their bodies from captivity, and refuse to receive their own notes in liquidation of debts due them. These are legal privileges. The vast amount of speculation, swindling, and robbery, committed under this cloak, every day unfolds and almost every hour proclaims. The losses and defalcations caused by these fashionable financiers, are the theme of every tongue, the topic of universal conversation; and society is now tottering to its base, from the enormous losses sustained by bank explosions.

Our Constitution and Laws stand upon the broad foundation of equality of right and privilege; they announce to the world their intention to support and maintain the rights of man; yet in almost every village chartered institutions exist, prostrating in the dust democratic principle, enabling the few to govern the many, and destroying that independence of action and feeling that ought to characterize American citizens.

Yet thousands, ay tens of thousands, pronounce them the main cause of wealth and prosperity—the bulwark of arts, commerce, and manufactures, and the cause of the wilderness blossoming as the rose.

If compelling one portion of society to pay their just debts and exempting another, be the cause of wealth and prosperity, Banks are the cause. If permitting one portion of society to realize 18 per cent., and restricting the residue to 6 per cent., is the bulwark of arts, commerce, and manufactures, Banks are that bulwark. In fine, if encouragement and protection of institutions that destroy the political rights of man, is our policy and duty, then must we discard the advice and precepts of the sages that declared us free, sovereign, and independent States, and rally around the standard of bank speculators and modern financiers.

The opinion that Banks increase the wealth of a nation, is utterly fallacious; they may, and do, enrich the *few*, at the expense of the *many*; raise up certain locations on the destruction of others; build a palace here, and demolish cottages elsewhere. But the idea of their increasing general wealth is, and must be, discarded; they create a taste for speculation, extravagance, and luxury, incompatible with the durability of sound republican government, and are injurious to us as a free people.

We have thus, as concisely as the importance of the subject would admit, detailed the character of the circulating medium of this country from an early day to the present time. From that sketch it will be perceived that paper money has been predominant; that, anterior to the revolution, and, in fact, to the ratification of the present constitution, it was issued by the authority of government—and although protected by its power, was constantly fluctuating, constantly expanding, and contracting, and constantly depreciating, until its calamitous effects produced an almost universal bankruptcy. The wide-spread ruin produced by this inefficient currency, was one essential cause of the formation of the constitution.

In that instrument, the most effectual provisions were inserted to establish a metallic circulation and exterminate paper money. These provisions, together with the enactments of the first Congress, it was hoped would have completely annihilated it; but, in an unguarded moment, the door for its revival in another shape was opened, and bank notes have obtained universal sway—sweeping gold and silver from circulation.

That, in this “land of the free, and home of the brave,” a system should exist and flourish, deadly hostile to the rights of man, is a melancholy reflection; still more melancholy that it should have so amalgamated and entwined itself into all our business relations, and acquired such ascendancy over us, as to render any and every attempt to abridge its influence, or curtail its practised usages, dangerous. And what is still more melancholy, is the infatuation so generally prevailing: that it is the main cause of our rapid progress in internal improvement, the powerful adjuvant of civilization and refinement, and the efficient agent in enabling us to compete with the civilized world in many branches of arts and science, literature and manufactures. Does it not arise from the bias self-interest so often creates? preventing that deliberate examination the importance of the subject requires. For it seems almost incredible that any discerning, judicious patriot, after impartial investigation of the system, its direct and absolute contravention of fundamental republican doctrine, the disastrous effect resulting from its general operation, can laud its principles or uphold its extension.

We have been elaborate in detailing the ruinous effects of paper money, and the incompatibility of the banking system (as now constituted) with republican tenets, and we may be considered as having departed from our duty and discussed an irrelevant topic, but the analogy of ancient paper issues and modern bank notes, the intimate connection of paper currency with the welfare of our country, and the neces-

sity of analyzing the banking system, to detail the abuse of it, and judge correctly of the expediency of countenancing such abuse, (points allied to the question at issue,) must plead our apology (if any is needed,) for the course pursued.

When we speak of the injustice of the banking system, and the propriety of its essential modification, or ultimate annihilation, we wish to be expressly understood as giving an opinion in the abstract, without intending to devise the plan to effect it. This is not our province. We leave it for others better qualified to execute the requisite duty, merely remarking, that whatever mode may be adopted, it should be gradual—as all sudden changes in a commercial community are dangerous, and ought to be avoided if practicable.

We have the vanity to believe, that the Banks of New-Jersey stand on as firm foundation as any in the Union; and their departure from vested privilege has been as trivial as that of similar institutions, in other States. Their annual statements, the last three years, hereunto annexed, marked (A) disclose undoubted ability to redeem all their notes in circulation, and leave a handsome surplus.

We obtain from the whole of them the information that on

	Circulation.	Discount.	Specie
January 1, 1840,	1,415,706 06	4 836,837 43	415,997 59
January 1, 1841,	2,018,452 25	4,770,581 35	460,534 45
January 1, 1842,	1,499,144 50	5,001,585 68	479,149 38

The returns of 1840, include all the Banks in the State, at that day in operation, except the Morris Canal.

The returns of 1841, exclude the Morris Canal, and the Trenton Banking Company, who did not send their statements in time to be published with the rest.

The returns of 1842, include all the Banks, except the Morris Canal, and the Farmers' and Mechanics' Bank of New Brunswick.

From the above statements, it appears, that in 1840, the ratio of specie to notes in circulation, was 1 to  $3\frac{1}{2}$   
 Notes in circulation to discounts, 1 to  $3\frac{2}{3}$  or thereabouts.  
 1841, the ratio of specie to circulation, 1 to  $3\frac{1}{3}$  and a fraction.  
 Circulation to discounts, 1 to 2 and a fraction.  
 1842, specie to circulation, 1 to 3 and a fraction.  
 Circulation to discounts, 1 to 3 and a fraction.

There appears considerable difference in the relative condition of the specie and non-specie paying. [See document marked B.]

## NON-SPECIE PAYING.

	Circulation.	Discount.	Specie.
Jan. 1, 1840,	858,161 00	1,470,493 00	166,206 00
Jan. 1, 1841,	1,280,930 00	1,781,693 00	209,731 00
Jan. 1, 1842,	797,949 50	1,620,412 60	179,949 51

## SPECIE PAYING.

Jan. 1, 1840,	557,545 06	3,266,144 45	249,781 59
Jan. 1, 1841,	737,522 25	3,088,888 35	271,803 45
Jan. 1, 1842,	701,195 00	3,381,173 08	299,199 87

From these data, the non-specie paying—evidence the following ratio :

1840—Jan. 1, specie to circulation,	\$166,216, to 858,161
or about	1 to 5
Circulation to discount,	858,161 to 1,470,493
or about	1 to $1\frac{3}{4}$
1841—Jan. 1, specie to circulation,	209,731 to 1,280,930
or about	1 to 6 and a fraction.
Circulation to discount,	1,280,930 to 1,781,623
or about	1 to $1\frac{1}{3}$
1842—Jan. 1, specie to circulation,	179,949 51 to 797,949 50
or about	1 to $4\frac{1}{3}$
Circulation to discount,	797,949 56 to 1,620,412 60
or about	1 to 2 and a fraction.

From the specie paying, evidence the following, from the same data—

1840—Jan. 1, specie to circulation,	249,781 59 to 557,545
or about	1 to $2\frac{1}{4}$
Circulation to discount,	557,545 00 to 3,266,144 00
or about	1 to 5 4-5
1841—Jan. 1, specie to circulation,	271,803 45 to 737,522 25
or about	1 to $2\frac{3}{4}$
Circulation to discount,	737,522 25 to 3,088,888 34
or about	1 to 4 and a fraction.
1842—Jan. 1, specie to circulation,	299,199 87 to 701,196 00
or about	1 to $2\frac{1}{2}$
Circulation to discount,	701,195 00 to 3,381,173 08
or about	1 to $4\frac{1}{2}$

It is well known that the Banks in East Jersey, at this time, redeem their notes in specie—the West Jersey Banks refuse—governed, as they inform us, by the Banks of Pennsylvania. They say the moment they are compelled to redeem their notes in specie, their business must end, as every note they might issue would be immediately purchased by the Brokers, and returned to them; and that this state of things will continue until the Banks of Philadelphia resume. This may be, and probably is, perfectly correct; but is it sufficient reason for us to legalize this abuse of chartered privilege? What would we say to an individual asking us to release him from the payment of his debts because the citizens of another State did not pay theirs? Would he be tolerated one moment? Shall we sanction violation of law in Companies, and enforce it on individuals? We trust not. It is our duty to protect these institutions in the exercise of their vested rights, however unjust these rights may have been, or however incompatible with republican doctrine. Their exercise was guaranteed them on certain conditions, and so long as they fulfil these conditions they must be protected; but when they infringe them, they ought to suffer. To exonerate them from the payment of their debts, and permit individuals to be immolated for similar acts, would be the very acme of injustice, and ought not to be tolerated a moment; but “the safety of the people is the supreme law.” If a portion of the people, from their indebtedness to the banks, demand a different course, it becomes a matter of grave consideration whether we can relieve them without inflicting greater injury upon the residue differently circumstanced. It appears from their annual statements, before alluded to, marked A. and B. that the people of this State owe the Banks about four dollars for every dollar the Banks owe them: but in East Jersey, where this indebtedness of the people to the Banks is the heaviest, they and the Banks unite (so far as we can learn) in asking for general resumption; whereas, in West Jersey, where the indebtedness of the people is not near as great, there is much opposition to the measure. It may be difficult to solve this fact, or reconcile it with one of the most potent reasons given by the enemies of resumption against it; but to our minds it speaks volumes in favor of redemption, and so we must construe it. Your Committee believe, that both duty and justice demand a resumption of specie payment; but to prevent the evil sudden changes are apt to produce in a business community, and at the same time, enable the people to meet their engagements, they offer a bill, marked C., to Council, for their consideration and adoption, which proposes a gradual resumption.

leaving the respective periods of redemption for the wisdom of the Legislature to decide.

They would likewise suggest the expedience of a law, prohibiting the circulation of foreign Bank notes, under five dollars, to take effect simultaneously with the resumption, as it would prevent the influx of shin plasters, and worthless trash, so much dreaded by the enemies of the measure, as one of the indisputable results of the passage of the law.

Your Committee cannot close this report without most strenuously recommending the adoption of such measures as will gradually but effectually produce a radical change—a total annihilation of the present Banking System—resuscitate the patriotic design of the framers of the Constitution, and the representatives of the first Congress—to restore a metallic currency, the only safe and permanent circulating medium Republicans can consistently sanction.

JOHN LILLY.

HENRY VAN NEST.

COUNCIL CHAMBER, January 21, 1842.

[A]

## DOCUMENTS.

January 1, 1840.

	CIRCULATION.	DISCOUNT.	SPECIE.	CAPITAL.
Belvidere Bank, - - - - -	64,408 00	123,179 47	20464 21	85,450
Burlington County Bank, Medford, - - - - -	28,357	87,197 69	10731 84	70,000
Commercial Bank, Perth Amboy, - - - - -	10,122	43,088 65	1766 89	30,000
Cumberland Bank, Bridgeton, - - - - -	98,289	123,295 00	16241 00	52,025
Farmers' and Mechanics' Bank, Rahway, - - - - -	24,326	158,651 96	10873 78	130,000
Farmers' and Mechanics' Bank, Trenton, - - - - -	33,209	134,198 84	12836 85	124,000
Farmers' and Mechanics' Bank, New Brunswick, - - - - -	36,591	64,208 87	8393 90	68,220
Farmers' and Mechanics' Bank, Middletown Point, - - - - -	16,378	45,428 04	2685 71	25,000
Farmers' Bank, Mount Holly, - - - - -	63,725	140,314 00	14399 00	100,000
Mechanics' Bank, Newark, - - - - -	34,662	500,679 95	39725 77	500,000
Mechanics' Bank, Burlington, - - - - -	73,416	61,304 38	14474 64	40,000
Morris Canal Bank, Morristown, - - - - -	18,147	89,521 24	4843 78	80,250
Newark Bank and Insurance Company, - - - - -	80,376	627,261 40	42222 75	508,650
Orange Bank, Orange, - - - - -	12,187 50	109,615 21	4804 35	103,500
New Hope and Delaware Bridge Co, Lambertsville, - - - - -	40,215	231,677 00	10033 02	400,000
Peoples' Bank, Paterson, - - - - -	33,288 50	92,819 52	6109 62	75,000
Princeton Bank, Princeton, - - - - -	84,452 06	182,530 25	15338 93	90,000
State Bank, Elizabeth, - - - - -	46,302	253,107 06	15391 17	200,000
State Bank, Morris, - - - - -	28,030	149,958 07	2946 07	400,000
State Bank, Newark, - - - - -	31,079	420,571 64	33428 47	100,000
State Bank Camden, - - - - -	265,272	362,648 00	39152 00	118,125
State Bank, New Brunswick, - - - - -	62,915	124,827 00	17942 00	260,000
Sussex Bank, Newton, - - - - -	41,735	84,820 28	28925 55	67,500
Salem Bank, Salem, - - - - -	97,985	139,885 86	20694 29	75,000
Trenton Banking Company, - - - - -	56,000	264,375 00	21523 00	210,000
Union Bank, Dover, - - - - -	34,152	71,573 05	8049 00	50,000

\$415,706 06  
141590606

\$4,836,836 43

\$415,997 59

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## DOCUMENTS.

January 1, 1841.

	CIRCULATION.	DISCOUNT.	SPECIE.	CAPITAL.
Belvidere Bank,	19,159 00	98,693 30	19641 58	85,720
Burlington County Bank, Medford,	58,600	108,237 45	41790 21	70,000
Commercial Bank, Perth Amboy,	13,605	42,655 05	2375 99	30,000
Cumberland Bank Bridgeton,	163,814	136,534 00	15778 00	52,025
Farmers' and Mechanics' Bank, Rahway,	23,724	155,463 79	6906 17	130,000
Mechanics' and Manufacturers' Bank Trenton,	105,460	154,201 49	25204 26	124,686
Farmers' and Mechanics' Bank, New Brunswick,	95,641 50	103,472 42	11846 81	68,220
Farmers' and Mechanics' Bank, Middletown Point,	24,858	48,863 02	2652 60	25,000
Farmers' Bank, Mount Holly,	72,438 75	154,555 30	12673 79	100,000
Mechanics' Bank, Newark,	51,335	548,794 04	25968 46	500,000
Mechanics' Bank, Burlington,	91,079 50	82,253 44	16352 69	400,000
Morris Canal Bank, Morristown,	30,547	95,026 77	3927 20	51,000
Newark Bank and Insurance Company,	103,064 56	629,379 90	47228 50	508,650
Orange Bank, Orange,	17,022 59	106,538 82	5984 08	102,500
New Hope and Delaware Bridge Company, Lambertville,	166,640 50	345,501 63	8018 08	319,472
Peoples' Bank, Paterson,	50,609	105,668 91	10206 59	75,000
Princeton Bank, Princeton,	155,844	198,155 95	25640 76	90,000
State Bank, Elizabeth,	58,982	275,197 14	15945 20	200,000
State Bank, Morris,	47,115	127,682 69	4190 15	100,000
State Bank, Newark,	45,314	432,903 15	30866 72	400,000
State Bank, New Brunswick,	88,157	142,571	31326	118,250
State Bank, Camden,	350,902	410 525	40995	260,000
Sussex Bank, Newton,	69,861	86,835 54	33531 81	68,000
Trenton Banking Company, Trenton,				210,000
Union Bank, Dover,	32 525	66,417 94	6575 56	50,000
Salem Bank, Salem,	112,154	110,453 61	16910 26	78,000
	<u>\$2,018,452 25</u>	<u>\$4,770,581 35</u>	<u>\$460,534 46</u>	

[A]

## DOCUMENTS.

January 1, 1842.

	CIRCULATION.	DISCOUNT.	SPECIE.	CAPITAL
Belvidere Bank,	20,627	92,611 88	27264 20	85,720
Burlington County Bank, Medford,	29,220	106,253 71	14338	70,000
Commercial Bank, Perth Amboy,	18,109	45,558 44	3810 65	39,000
Cumberland Bank, Bridgeton,	64,606	98,598	21325 00	52,025
Farmers' and Mechanics' Bank, Rahway,	39,716	180,927 77	8577 37	130,000
Mechanics' and Manufacturers' Bank, Trenton,	69,996	154,061 86	22440 08	124,686
Farmers' and Mechanics' Bank, New Brunswick,				68,220
Farmers' and Mechanics' Bank, Middletown Point,	36,673	55,955 65	3872 60	25,000
Farmers' Bank, Mount Holly,	49,230 50	144,016 28	14424 06	100,000
Mechanics' Bank, Newark,	56,726	582,439 81	31038 78	500,000
Mechanics Bank, Burlington,	43,204	92,236 86	17411 89	400,000
Morris Canal Bank, Morristown,	29,156	96,897 79	6120 74	51,000
Newark Bank and Insurance Company,	94,595	624,992 91	41887 70	508,650
Orange Bank, Orange,	20,970 50	119,982 85	5120 94	102,500
New Hope and Delaware Bridge Company, Lambertville,	146,523 00	350,863 13	4180 28	319,472
Peoples' Bank, Paterson,	50,202	101,869 77	11426 71	75,000
Princeton Bank, Princeton,	97,944	167,887 76	23381 01	90,000
State Bank, Elizabeth,	55,618	280,483 32	21096 07	200,000
State Bank, Morris,	48,416	128,628 39	4082 81	100,000
State Bank, Newark,	49,558	462,607 61	29358 50	400,000
State Bank, New Brunswick,	121,637 50	164,390 18	30625 01	118,250
State Bank, Camden,	208,995	407,638	45861	260,000
Sussex Bank, Newton,	57,764	98,271 73	27503 85	68,000
Trenton Banking Company, Trenton,	67,293	270,456	33095 00	210,000
Union Bank, Dover,	34,134	75,667 99	7820 14	50,000
Salem Bank, Salem,	82,231	98,807 99	17087 59	78,000
	\$1,499,144 50	\$5,001,585 68	\$479149 38	

[B]  
WEST-JERSEY BANKS.

**January 1, 1840.**

	CIRCULATION.	DISCOUNT.	SPECIE.
Cumberland Bank, - - -	98,289	113,295	16,241
Burlington County Bank, - -	28,357	87,197	10,731
Farmers' Bank, Mount Holly,	63,715	140,314	14,399
Mechanics' Bank, Burlington,	73,416	61,304	14,474
New Hope Delaware Bridge Co. -	40,215	229,059	10,083
State Bank, Camden, - - -	265,272	362,548	39,162
Salem Bank, Salem, - - -	97,985	139,885	20,694
Princeton Bank, Princeton, -	84,452	182,530	15,238
Mech's & Manufac'res B'k, Trenton,	105,460	154,261	25,204
	<b>\$858,161 00</b>	<b>1,470,493 00</b>	<b>166,216 00</b>

**January 1, 1841.**

	CIRCULATION.	DISCOUNT.	SPECIE.
Cumberland Bank, - - -	163,814	136,534	15,778
Burlington County Bank, - -	58,600	108,237	40,736
Farmers' Bank, Mount Holly,	72,438	154,555	25,204
Mechanics' Bank, Burlington,	95,641	163,472	11,846
New Hope Delaware-Bridge Company,	166,040	346,501	8,118
State Bank, Camden, - - -	350,942	410,526	40,395
Salem Bank, Salem, - - -	112,154	110,453	16,910
Princeton Bank, Princeton, - -	155,841	198,155 09	23,640
Mech's & Manufac'res B'k, Trenton,	104,460	154,261	25,204
	<b>\$1,280,930</b>	<b>1,781,693</b>	<b>209,731</b>

**January 1, 1842.**

	CIRCULATION.	DISCOUNT.	SPECIE.
Cumberland Bank, - - -	64,606	98,598	21,325
Burlington County Bank, - - -	29,220	106,253 71	14,336
Farmers' Bank, Mount Holly,	49,230 50	144,016 28	14,424 06
Mechanics' Bank, Burlington,	49,204	92,236 86	17,411 89
New Hope Delaware Bridge Co. -	146,523	350,863 13	4,180 28
State Bank, Camden, - - -	208,995	407,688	45,861
Salem Bank, Salem, - - -	82,231	98,867	17,087 59
Princeton Bank, Princeton, - -	97,944	167,887 76	23,381 61
Mech's & Manufac'res B'k, Trenton,	69,996	154,061 86	22,240 08
	<b>\$797,949 50</b>	<b>1,620,412 60</b>	<b>179,949 51</b>

RECAPITULATION:

The West Jersey Banks, excluding the Trenton Banking Company.			
January 1, 1840,	858,161	1,470,493	166,216
January 1, 1841,	1,280,930	1,781,693	209,731
January 1, 1842,	797,949 50	1,620,412 60	179,949 51
East Jersey Banks, excluding the Morris Canal, and including the Trenton Banking Company—specie paying.			

	CIRCULATION.	DISCOUNT.	SPECIE.
January 1, 1840,	557,545 06	3,266,144 43	249,781 59

## DOCUMENTS CONTINUED.

Sixteen Specie Paying Banks, excluding Trenton Banking Company, not received.

	Circulation.	Discount.	Specie.
January 1, 1841,	737,522 25	3,088,888 35	271,803,45
Fifteen Specie Paying Banks, the Farmers' and Mechanics' Bank at New Brunswick, having closed its doors.			
January 1, 1842,	701,195 00	3,381,173 08	299,199 87

[C]

AN ACT to compel the Banks of this State to resume Specie Payments.

SEC. 1. BE IT ENACTED by the Legislative Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That all the Banks and Companies, exercising banking privileges in this State, shall, on or before the day of next ensuing, resume and continue the payment of all their promisory notes of the denomination of one, two, three, and four dollars, in gold or silver, on demand; and all the said Banks and Companies shall, on or before the day of next ensuing, resume and continue the payment of all their notes of the denomination of five dollars, in gold or silver, on demand; and shall, on or before the day of next ensuing, resume and continue the payment of all their notes of whatever denomination, and the payment of all their debts, in gold or silver, on demand.

Sec. 2. *And be it enacted,* That every such Bank or Company exercising banking powers, failing to comply with the terms designated in the foregoing section, and failing to forward to the Governor of this State, or the persons administering the government of the State, a certificate of compliance therewith, verified by the oath of the President or Cashier, within ten days of the time designated for each distinct resumption, especially set forth in the aforesaid section, shall go into liquidation; and it shall be the duty of the Chancellor of this State forthwith to issue an injunction against any such bank or company; and upon that notice to appoint Receivers, who shall have the same authority, and be subject to the same duties, as Receivers appointed under and by virtue of the Act, entitled, "An Act to prevent frauds by incorporated companies," passed 10th January, 1839.

Sec. 3. *And be it enacted,* That nothing in this act contained shall be construed to impair, or defeat any right, or remedy, of any

person or persons, or body corporate, having any demand against any such bank or company, to enforce the payment of the same, in as full and ample manner as though this act had not been passed.

Sec. 4. *And be it enacted*, That no such bank or company shall hereafter issue, or put in circulation, any note, bill, check, or draft, intended or calculated for circulation as a bank note, other than their own notes, and such as are payable on demand in gold or silver at the banking house of such bank or company.

Sec. 5. *And be it enacted*, That, notwithstanding this act, the Chancellor may proceed in all cases, not within the meaning and intent of this act, according to the provisions of an Act, entitled, "An Act to prevent frauds by incorporated companies," passed 10th February, 1839.

Sec. 6. *And be it enacted*, That it shall be the duty of the Governor of this State, immediately on the passage of this act, to issue his proclamation thereof, and deliver a copy of the same to the Secretary of this State; and it shall be the duty of the said Secretary to cause said proclamation to be published immediately in each of the counties of this State, in which a newspaper is printed and published; and a certified copy of said proclamation to be delivered to the President or Cashier of each such bank or company.

Sec. 7. *And be it enacted*, That this act shall go into operation on the \_\_\_\_\_ day of \_\_\_\_\_ next ensuing.

Which report was read, and

On motion of Mr. Patterson, it was

Ordered, to lie on the table and one thousand copies be printed.

Mr. S. D. Canfield, from the committee on Corporations, reported a Bill entitled

A further supplement to the Act entitled an Act to incorporate the Paterson Fire Association,

Which was read by its title, and ordered to have a second reading.

Mr. Condit from the committee to whom had been referred the petition of Louisa Amelia Murray for a Divorce,

Reported a bill entitled,

"An act to divorce Louisa Amelia Murray from her husband James Murray,"

Which bill was read by its title and ordered to have a second reading.

The engrossed bill entitled

An act for the preservation of oysters in the county of Atlantic,

Was read a third time and compared.

On the question, shall this bill pass?

It was determined in the affirmative, by the following vote:

## YEAS.

Messrs. M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Condit,  
Cooper,

Messrs. Hughes,  
Lilly,  
Newell,  
Patterson,  
Scott,  
Van Nest,

Wood.—13.

## NAYS.

Messrs. Irick,

Messrs. McDowell,

Whiticar.—3.

Ordered, that the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

A message from the House of Assembly, by Mr. Prior, their Clerk, informed Council that the House of Assembly, had adopted the following concurrent Resolution, viz:

Resolved, (Council concurring,) That the Librarian furnish a copy of Elmer's Digest, and also a bound copy of the Pamphlet Laws of this State, passed since the publication of said Digest, to the Keeper of the State Penitentiary, for the common use of the Keeper and Inspectors of said Prison,

To which the concurrence of Council is requested.

The House of Assembly had passed a bill entitled,

"A supplement to an act entitled a further supplement to the act entitled An act to establish and confirm the Charter rights and privileges of the Borough of Elizabeth,

To which Bill the assent of Council is requested.

The House of Assembly had also passed the Bill entitled "A supplement to the act entitled An act to incorporate a company to erect a Turnpike from the town of Paterson to the village of Hackensack,

Without amendment.

The bill from the House of Assembly entitled,

"A supplement to an act entitled a further supplement to the act entitled an act to establish and confirm the charters, rights and privileges of the Borough of Elizabeth,

Was read by its title and referred to the committee on the Judiciary.

The concurrent Resolution from the House of Assembly, in relation to supplying the State Prison with Elmer's digest and the Laws,

Was read and agreed to.

The engrossed bill entitled;

"An act concerning the last will and testament of George Suffern, late of the city of New York,"

Was read a third time, and compared.

On the question shall this bill pass?

It was determined in the affirmative by the votes of all the members present, viz:

YEAS.

Messrs. M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Condit,  
Cooper,  
Hughes,

Messrs. Irick,  
Lilly,  
McDowell,  
Newell,  
Patterson,  
Van Nest,  
Whiticar,

Wood.—15.

Ordered, that the Vice President sign said Bill, and the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

The engrossed bill entitled,

"An act to incorporate the Vincent Town Beneficial Society,"

Was read a third time, and compared.

On the question, shall this bill pass?

It was determined in the affirmative by the votes of all the members present, viz:

YEAS.

Messrs. M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Lilly,  
McDowell,  
Newell,

Messrs. Condit,  
Cooper,  
Hughes,  
Irick,  
Patterson,  
Van Nest,  
Whiticar,

Wood.—15.

Ordered, That the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

Mr. Scott, from the Committee on the Judiciary to whom had been referred the bill from the House of Assembly entitled,

"An act to authorize the Administrators of Abel F. Randolph, deceased, to execute a certain contract made by said deceased, with one Simeon F. Randolph, for the sale of Real Estate.

Reported the same without amendment.

The bill from the House of Assembly entitled

"An act to Incorporate the Musconetcong Manufacturing Company,  
Was again taken up on its second reading, and while the same was under consideration,

Council adjourned till three o'clock this afternoon.

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*At three o'clock Council met.*

Council went into a Court of Pardons, and after some time spent therein, Council came to order, and

Adjourned until three o'clock on Monday next.

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MONDAY, January 24th, 1842.

*At three o'clock Council met.*

Mr. Irick, presented a memorial from the New Jersey State Agricultural Society, praying for Legislative aid,

Which was read and referred to the committee on Agriculture.

Mr. Chetwood presented a petition for a Law to abolish Tavern License,

Which was read and referred to the committee on the Judiciary.

Mr. Chetwood presented a petition from sundry citizens of Essex County, praying for the passage of a Law to vacate all roads, that are not opened the full length, and completed within a definite period from the time they were surveyed and recorded,

Which was read and referred to Messrs. Chetwood, McDowell and M. D. Canfield.

Mr. Wood presented a petition from the Trustees of the First Presbyterian Church of Morris Town.

Which was read and referred to the committee on the Judiciary.

The Vice President, and Mr. S. D. Canfield, presented three several petitions from the citizens of the Counties of Sussex, Passaic, and Bergen, praying for an act to abolish Imprisonment for Debt,

Which were referred to the committee on the Judiciary,

Mr. S. D. Canfield presented a petition from sundry citizens of Passaic, praying for a Law to authorize the building of a Lunatic Asylum.

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

Mr. S. D. Canfield from the committee on the Judiciary,

Reported a bill entitled,

A supplement to an act entitled, "an act to relieve the Poor," passed the 10th of March, 1836.

Which was read by its title, and

Ordered to have a second reading.

A Message from the House of Assembly by Mr. Prior, their Clerk, informed Council that the House of Assembly had appointed Messrs. G. W. Smyth, Pierson, Sutphen, Seely and Zabriskie, a committee on their part, to unite with the committee of Council, upon the communication relative to the buildings occupied as public offices.

The bill from the House of Assembly entitled,

"An act for the relief of Charles Labaw, of the county of Mercer,"

Was read a second time, considered, and

Ordered to have a third reading.

Council adjourned till ten o'clock to-morrow morning.

TUESDAY January, 25th 1842.

*At ten o'clock Council met.*

Mr. Chetwood presented a petition from John Dunn of Essex County, praying for authority to confirm the sale of Real Estate therein mentioned.

Which petition was read and referred to the committee on the Judiciary.

Mr. Newell presented a petition of sundry citizens of the County of Salem, in relation to the Tilbury Causeway, in said county,

Which was read and referred to the committee on Corporations.

Mr. S. D. Canfield presented a petition from sundry citizens of Bergen, Hudson and Passaic, praying for an act requiring a wide draw in the Paterson and Hudson River Rail Road Bridge.

Which was read and referred to the committee on Corporations.

Mr. Irick presented a petition from Judith Helen Maria Souberbielle for a divorce from her husband, M. Leon Souberbielle,

Which was read and referred to Messrs. Irick, Whiticar and Cooper.

Mr. S. D. Canfield from the committee on the judiciary,

Reported a bill entitled,

"An act for the relief of the first Presbyterian Church of Morristown,

Which was read, and ordered to have a second reading.

Mr. S. D. Canfield from the committee on Corporations, to whom had been referred,

The bill from the House of Assembly entitled

"A supplement to the act entitled an act to incorporate the Washington Beneficial Society of Salem, New Jersey, passed January 21st, 1834.

Reported the same, without amendment,

Which was ordered to have a second reading.

The bill from the House of Assembly entitled,

"An act for the relief of Charles Labaw of the County of Mercer,"

Was read a third time,

On the question, shall this bill pass?

It was determined in the affirmative by the following vote:

YEAS.

Messrs. S. D. Canfield,

Cassedy, (V. P.)

Chetwood,

Irick,

Cooper,

Lilly,

Messrs. McDowell,

Newell

Van Nest,

Whiticar,

White,

Wood.—12.

NAY:

Condit.—1.

Ordered, That the Vice President sign said bill, and the Secretary inform the House of Assembly, that Council have passed the same, Without amendment.

The bill from the House of Assembly entitled,

"An act to authorize the administrators of Abel F. Randolph, deceased, to execute a certain contract made by said deceased, with one Simeona F. Randolph, for the sale of Real Estate,"

Was read a second time, considered.

Ordered. That said bill have a third reading.

The bill entitled

"An act to divorce Louisa Amelia Murray, from her husband James Murray,

Was read a second time, and considered,

Ordered, That said bill be engrossed and have a third reading.

Council adjourned till three o'clock this afternoon.

---

*At three o'clock Council met.*

A message from the House of Assembly by Mr. Prior their Clerk, informed Council, that the House of Assembly had passed the bill from Council entitled,

" An act concerning the last will and testament of George Suffern, late of the City of New York,

With sundry amendments, to which amendments the assent of Council is requested.

Which bill was taken up in Council, and the amendments made thereto in the House of Assembly, were severally read and disagreed to,

Ordered, That the Secretary inform the House of Assembly thereof, and return said bill.

The bill from the House of Assembly entitled,

" A supplement to the act entitled an act to Incorporate the Washington Beneficial Society, of Salem New Jersey, passed January 21st. A. D. 1834,

Was read a second time, and considered,

Ordered said bill have a third reading.

The bill entitled,

" An act to Incorporate the Township of Lafayette, in the County of Sussex,

Was read a second time, and considered by sections,

Ordered, said bill be engrossed, and have a third reading.

Mr. Newell with leave presented a bill entitled,

" An act to Incorporate the Relief Beneficial Association, of the Township of Lower Penns Neck, Salem County, New Jersey,"

Which was read by its title, ordered to have a second reading, and be referred to the committee on Corporations.

Mr. Condit with leave presented a bill entitled,

A further supplement to the act entitled an act, abolishing Imprisonment for Debt, in certain cases,"

Which was read, ordered to have a second reading, and be referred to Messrs. Condit, Chetwood and Lilly.

Council adjourned till ten o'clock to-morrow morning.

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WEDNESDAY, January 26th, 1842.

*At ten o'clock Council met.*

Mr. Chetwood presented a petition from sundry citizens of Elizabethtown, Essex County, praying for a further confirmation of their chartered rights.

Which was read and referred to the committee on the Judiciary.

Mr. Irick presented a petition from sundry citizens of Bordentown, praying for an act of Incorporation for their Beneficial Society.

Which was read and referred to the committee on Corporations.

Mr. Chetwood from the committee on Claims and Revolutionary Pensions, made the following:

### REPORT:

The committee to whom was referred the petition of the children and heirs of Col. Phillip Johnson, of the County of Monmouth, a Colonel in the Militia of the State of New Jersey, during the Revolutionary War, ask leave to report,

That while they are sensible of the services of the gallant father of the petitioners in the cause of his Country, yet to provide for the descendants of all those gallant Officers and Soldiers, attached to the Militia service, would not only exhaust the State Treasury, but all the ordinary sources relied upon to replenish it, your committee therefore feel bound to avoid a beginning, of what they cannot see the end.

By unanimous order of the the Committee.

WM. CHETWOOD, Ch'n.

M. D. CANFIELD,

JAMES WHITE.

Council Chamber,

January, 26, 1842.

Which report was read and agreed to unanimously.

Mr. Chetwood from the committee to whom had been referred the petition in relation to vacating roads,

Reported a bill entitled,

"A supplement to the act entitled an act concerning roads,"

Which was read, and ordered to have a second reading.

Mr. S. D. Canfield, from the judiciary committee,

Reported a bill entitled,

"A further supplement to the act entitled an act securing to Mechanics and others, payment for their Labor and Materials, in erecting any house or other building within the limits therein-mentioned, passed third of March, 1835,

Which was read, and ordered to have a second reading.

Mr. Condit from the select committee on that subject,

Reported a bill entitled,

" A further supplement to the act entitled an act for abolishing Imprisonment for Debt in certain cases,

Which was read and ordered to have a second reading.

The bill entitled,

" A supplement to an act entitled an act, to relieve the Poor, passed the 10th day of March, 1836,

Was read the second time, considered, and

Ordered to be engrossed, and have a third reading,

The bill entitled,

A further supplement to the Act entitled an Act to incorporate the Paterson Fire Association,

Was read a second time, and considered by sections,

Ordered said bill be engrossed and have a third reading.

Mr. Chetwood offered the following Resolution :

Resolved, that the committee on Corporations be, and they are hereby instructed to report a general law for all associations, as humane or beneficiary Societies, to become Incorporated under the same instance of applying to the Legislature, for special acts, in each particular case.

Which was read and agreed to unanimously.

Council adjourned till three o'clock this afternoon.

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*At three o'clock Council met.*

A message from the House of Assembly, by Mr. Prior, their Clerk, informed Council that the House of Assembly, had receded from their amendments to the bill from Council, entitled,

" An act concerning the last will and testament of George Suffern, late of the city of New York, deceased,"

And have passed said bill without amendment.

The bill from the House of Assembly entitled,

" A supplement to the act entitled an act, to Incorporate the Wash-

ington Beneficial Society of Salem, New Jersey, passed January 21st.  
A. D. 1834.

Was read a third time.

On the question, shall this bill pass?

It was determined in the affirmative, by the following vote:

YEAS.

Messrs. S. D. Canfield.

Cassedy, (V. P.)

Chetwood,

Cooper.

Irick,

Lilly;

Messrs. McDowell.

Newell,

Patterson,

Whiticar,

White,

Wood.—12.

NAY.

Mr. Condit.—1.

Ordered, that the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

The engrossed bill entitled

“An act to divorce Louisa Amelia Murray from her husband James Murray,”

Was read a third time and compared.

On the question, shall this bill pass?

It was determined in the affirmative by the following vote:

YEAS.

Messrs. S. D. Canfield,

Chetwood,

Condit,

Cooper,

Irick,

Lilly.—11.

Messrs. McDowell,

Newell,

Van Nest,

White,

Wood.

NAYS.

Messrs. Cassedy, (V. P.)

Messrs. Whiticar.—2.

Ordered, that the Vice President sign said bill and the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

The bill entitled,  
 "An act for the relief of the First Presbyterian Church of Morris-  
 town,"

Was read a second time, considered by sections, and  
 Ordered to be engrossed and have a third reading.

Mr. Irick from the Committee to whom had been referred the peti-  
 tion of Judith Helen Maria Souberbielle, for a divorce from her hus-  
 band,

Reported a bill entitled,

An act to dissolve the marriage contract between Leon Souberbielle,  
 and Judith Helen Maria Souberbielle his wife.

Which bill was read by its title and ordered to have a second reading.  
 Council adjourned till ten o'clock to-morrow morning.

THURSDAY, January, 27th 1842.

*At ten o'clock Council met.*

Mr Patterson presented a petition from Ann Ogden of the county  
 of Monmouth, praying for authority to procure a title to certain Real  
 Estate.

Which was read and referred to the committee on the Judiciary.

Mr Van Nest presented a petition from sundry citizens of the county  
 of Warren, praying for an act to protect the property of common drun-  
 kards.

Which was read, and referred to the committee on the Judiciary.

The engrossed bill entitled,

A further supplement to the act entitled an act to Incorporate the Pat-  
 erson Fire Association.

Was read a third time and compared.

On the question, shall this bill pass?

It was determined in the affirmative, by the vote of all the members  
 present, viz :

## YEAS.

Messrs. S. D. Canfield,	Messrs. Lilly,
Cassedy, (V. P.)	Newell,
Chetwood,	Patterson,
Cooper,	Van Nest,
Hughes,	Whiticar,
Irick,	White,

Wood.—13.

Ordered, that the Vice President sign said Bill, and the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

The engrossed bill entitled,

"An act to dissolve the marriage contract between Abram O. Stiles, of the Township of Harmony, in the County of Warren, and Phebe Maria his wife,

Was read a third time, and compared.

On the question, shall this bill pass?

It was determined in the affirmative by the following vote:

## YEAS.

Messrs. M. D. Canfield,	Messrs. Lilly,
S. D. Canfield,	Newell,
Cassedy, (V. P.)	Patterson,
Cooper,	Van Nest,
Hughes,	White,
Irick,	Wood.—12.

## NAYS.

Messrs. Chetwood,	Whiticar.—2.
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Ordered, That the Vice President sign said bill, and the Secretary inform the House of Assembly, that Council have passed the same, and request their concurrence.

The bill entitled,

"A supplement to the act entitled an act concerning roads,"

Was read the second time, considered, and

Ordered to be engrossed, and have a third reading.

Council adjourned till three o'clock this afternoon.

*At three o'clock Council met.*

Mr. Chetwood presented three petitions from sundry citizens of Essex county, praying for to have the right of the elective franchise restored to the colored population of this State, as it existed previous to the year 1804.

Mr. Condit presented three similar petitions from New Brunswick, Princeton and Trenton, and

Mr. S. D. Canfield one from Paterson on the same subject,

Which after being read was

Ordered, to lie on the table.

Mr. Paterson from the committee on that subject reported a bill entitled

"An act to divorce Leah Griggs from her husband Reuben Griggs,"

Which was read, and ordered to have a second reading.

Mr. Canfield from the committee on the judiciary, to whom had been referred the petition of John Dunn,

Reported a bill entitled,

An act to confirm the last will and testament of Stephen Mayers, late of the City of New York, deceased,

Which was read by its title, and ordered to have a second reading.

The bill from the House of Assembly entitled

"An act to authorize the Administrators of Abel F. Randolph, deceased, to execute a certain contract made by said deceased, with one Simeon F. Randolph, for the sale of Real Estate,

Was read a third time,

On the question, shall this bill pass?

It was determined in the affirmative by the votes of all the members present, viz :

YEAS.

Messrs. M. D. Canfield.  
S. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Condit,  
Cooper,  
Hughes,  
Irick,

Messrs. Lilly,  
Newell,  
Patterson,  
Scott,  
Van Nest,  
Whiticar,  
White,  
Wood.—16.

Ordered, That the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, without amendment.

The bill entitled,

" A supplement to an act entitled an act to relieve the Poor, passed the 10th day of March, 1836,

Was read a third time, and compared.

On the question shall this bill pass?

It was determined in the affirmative by the following vote:

YEAS.

Messrs. M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Condit,  
Irick,

Messrs. Lilly,  
Newell,  
Patterson,  
Scott,  
Van Nest,  
White,

Wood.—13.

NAYS.

Messrs. Cooper,

Messrs. Hughes,

Whiticar.—3.

Ordered, That the Vice President sign said bill and the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

The bill entitled,

" A further supplement to the act entitled an act securing to Mechanics and others, payment for their Labor and Materials, in erecting any house or other building within the limits therein-mentioned, passed third of March, 1835,

Was read a second time, considered, and

Ordered to be engrossed, and have a third reading.

The bill from the House of Assembly entitled,

" An act to Incorporate the Musconetcong Manufacturing Company,

Was again taken up—the consideration thereof progressed in, on, the question of inserting the following sections as an amendment, viz:

## STATE OF NEW-JERSEY

AMENDMENT to the Act to incorporate the Musconetcong Manufacturing Company.

Sec. 10. *And be it enacted*, That whenever any execution shall issue against the corporation created by this act, on any judgment rendered in any civil action, and the said corporation shall not within ten days after demand thereof made upon the President, Treasurer, or Clerk of said corporation, by the officer having such execution, pay the sum due upon the same, or if the said President, Treasurer, or Clerk, shall neglect or refuse, upon such demand, to shew and deliver to the same officer sufficient personal estate of the said corporation, to satisfy the said execution, in case the same issued out of the court for the trial of small causes, or sufficient real or personal estate of the said corporation to satisfy the said execution, in case it issued out of any other court in this state, then and upon such neglect and default, the officer holding the said execution shall serve and levy the same upon the personal estate, or upon the real and personal estate, as the case may be, of any person or persons who held any share or shares of the stock of said company at the time of making the contract, or contracting the debt upon or for which such judgment was rendered, and such officer shall proceed to sell such estate so levied upon in the same manner as if the said execution had originally issued against such person or persons.

Sec. 11. *And be it enacted*, That the book or books of the said company in which the transfer of stock shall be registered, and the books containing the names of the stockholders in said company, shall at all times during the usual hours of business be open to the examination of every sheriff, or other officer, having in his possession any execution against the said company, unsatisfied as aforesaid; and if any officer or clerk of said company, having charge of such books, shall upon demand of any sheriff, or other officer, having an execution as aforesaid, refuse or neglect to exhibit such books, or submit them to examination as aforesaid, he shall, for every such offence, forfeit, and pay the sum of one hundred dollars: the one half thereof to the use of the state of New-Jersey, and the other half to any person who will sue for the same, to be recovered by action of debt in any court of record together with costs of suit.

Sec. 12. *And be it enacted*, That any stockholder, or stockholders, who may voluntarily or by compulsion pay the sum due upon any such execution as aforesaid, or any part thereof, shall have a remedy either at law or in equity, for a contribution against any other stockholder or stockholders, for his or their due proportion of the sum or sums so paid; and shall also be entitled to an action against said company to recover the money so paid, in which action only the property of the company shall be liable to be taken, and not the property of any stockholder of said company.

Sec. 13. *And be it enacted*, That no persons holding Stock in said Company as executors, administrators, guardians and trustees, or persons holding stock as collateral security, shall be subject to the three preceding sections of this act; but the persons pledging such stock, shall be liable as stockholders, and such pledgors, executors, administrators, guardians and trustees, shall represent such shares, and vote thereon at all meetings of the company, and the estates of persons deceased, of persons under guardianship, and estate in trust, shall be liable in the hands of their executors, administrators, guardians and trustees, to the same extent as if the testator or intestate were living, and the persons under guardianship were competent to act, and such trust estate held by such trustees in their own right.

Sec. 14 *And be it enacted*, That no note or obligation, given by any stockholder of said company, whether secured by a pledge of the stock in said company or otherwise, shall be considered as payment of any part of the capital stock, until such note or obligations shall have been actually paid.

The yeas and nays being required to be entered on the Journal of Council, were as follows, viz:

## YEAS.

Messrs. M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)  
Cooper,

Messrs. Lilly,  
Newell,  
Patterson,  
Van Nest.—8.

## NAYS.

Messrs. Chetwood,  
Condit,  
Hughes,  
Irick,

Messrs. Scott,  
Whiticar,  
White,  
Wood.—8.

So it was determined in the negative.

The further consideration of said bill was postponed, and Council adjourned till ten o'clock to-morrow morning.

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FRIDAY, January 28th, 1842.

*At ten o'clock Council met.*

Mr. S. D. Canfield from the committee on Corporations, to whom had been referred the petition from sundry citizens of Bordentown, praying to have their Beneficial Society incorporated,

Reported a bill entitled,

"An act to incorporate the Bordentown Beneficial Society,"

Which bill was read by its title, and

Ordered to have a second reading.

The engrossed bill entitled,

"A supplement to the act entitled an act concerning Roads,"

Was read a third time and compared.

On the question, shall this bill pass?

It was determined in the affirmative by the votes of all the members present, viz:

YEAS.

Messrs. M. D. Canfield,  
S. D. Canfield.  
Cassedy, (V. P.)  
Chetwood,  
Condit,  
Cooper,  
Hughes,  
Irick,

Messrs. Lilly,  
McDowell,  
Newell,  
Patterson,  
Van Nest,  
Whiticar,  
White,  
Wood.—16.

Ordered, That the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

The engrossed bill entitled

A further supplement to the act entitled an act, securing to Mechanics and others payment for their Labor and Materials, in erecting any house, or other building within the limits therein-mentioned, passed March 3d, 1835.

Was read a third time and compared,

On the question, shall this bill pass?

It was determined in the affirmative by the following vote, viz:

YEAS.

Messrs. M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Condit,  
Cooper,  
Hughes,

Messrs. Irick,  
Lilly,  
McDowell,  
Newell,  
Patterson,  
Whiticar,  
White,

Wood.—15.

NAY.

Mr. Van Nest.—1.

Ordered, That the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

The bill entitled,

An act to divorce Leah Griggs, from her husband Reuben Griggs,  
Was read a second time, and considered,

Ordered, That said bill be engrossed and have a third reading.

The bill entitled,

"An act to dissolve the marriage contract between Leon Souberbelle, and Judith Helen Maria Souberbelle his wife,

Was read a second time, considered, and

Ordered to be engrossed and have a third reading.

Mr. Condit from the committee to whom the subject of broken banks had been referred, made the following Report:

## REPORT:

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The committee of Council, appointed at the last Session of the Legislature, directed to enquire what Charters remain upon the Statute Book granted for Banks, which have not gone into operation—what other Charters remain in existence, granted for Banks which have failed, and therefore ceased the transaction of business—in which of them, if any, a power is reserved in terms to the Legislature, to repeal the same, and to report their opinion as to the course to be pursued in regard to said Banks:

### REPORT,

That they have examined the Statutes of this State, and have found, that there now exist six Charters, granted for Banks, which have never been brought into use, viz:—

The Belvidere and Delaware R. R. Bank capital,	\$500,000
The Bergen Port Bank,	500,000
The Citizens' and Mechanics' Bank, at Elizabeth,	500,000
The Hamburg Bank,	100,000
The Plainfield Bank,	100,000
The Bank of New Jersey, at Newark,	1,000,000

In each of these instances the Legislature has reserved to itself the power to repeal the Charter whenever they may deem it expedient.

They also find the following Charters granted for Banks—the Institutions themselves having failed—but the time for which they were granted, yet unexpired, viz:

The Farmers' and Mechanics' Bank at New Brunswick,	Charter expires. January 1, 1855
The Franklin, at Jersey City,	January 1, 1845
The Manufacturing Bank at Belleville.	January 1, 1855
The Mechanics' at Paterson,	January 1, 1853
The Monmouth at Freehold,	Dec. 28, 1845
The Morris Canal and Banking Company,	Dec. 3, 1855

The New Jersey Manufacturing and Bank- ing Company, at Hoboken, - - - -	January 1, 1843
The Paterson, at Paterson, - - - -	April 30, 1855
The State Bank at Trenton, - - - -	1843
The Bank of New Brunswick, - - - -	Feb. 1, 1857
The Wehawk and Washington Bank, - - - -	Dec. 28, 1844

In the list thus enumerated, the Committee have ascertained that the Legislature retained the power of repeal in five Institutions:

The Franklin, at Jersey City,  
The Manufacturing Bank, at Belleville,  
The Mechanics', at Paterson,  
The Monmouth, at Freehold,  
The Wehawk, or Washington Bank in Bergen County.

In discharge of the remaining duty assigned to the Committee, the suggestion of a course proper to be pursued by the Legislature, in reference to the several Banking Institutions, both those which have not been brought into use, and those which having been, have since failed, they beg leave to express the opinion, that in every instance, in which the power of repeal is reserved, it should be promptly exercised; and in those instances where it has not been retained distinctly in terms that the Attorney-General be requested, without unnecessary delay, to advise the Legislature as to the mode of conduct most proper to be pursued—whether it is in their power to repeal these Charters—or, whether some other expedient will be more proper and consistent with law.

The Committee believe the Legislature is called upon to pursue the line of conduct thus marked out by their general obligation, to guard the honor and reputation of the State, which has been much tarnished by injudicious grants of Bank Charters, and their subsequent abuse by men, who, from the outset, had no purpose of subserving the public welfare,—by a like obligation to guard the interests, and preserve from unjust suspicion the character of our sound institutions, as well as by their abiding duty to watch over the purity of our State currency, and to protect our citizens from the impositions which experience proves may be practised under the imposing guise of a charter.

In pursuance of the opinions thus expressed, the Committee beg leave to present for your consideration the following bill and concurrent resolution:

### **An Act to Repeal the Charters of certain Banks.**

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 following Acts of the Council and General Assembly of this State, viz :

An act to incorporate the Citizens and Mechanics Bank, of Elizabeth, passed February 24th., 1837.

An Act to incorporate the Hamburgh Bank, passed March 9th., 1837.

An Act to incorporate the Bank of Plainfield, in the county of Essex, passed March 1st., 1837.

An Act to incorporate the Bank of New Jersey, passed February 24, 1837.

An Act to incorporate the Franklin Bank of New Jersey, passed 28th.———, 1824.

An Act to incorporate the Manufacturing Bank at Belleville, passed February 26, 1834.

An Act to incorporate the Mechanics Bank of Paterson, passed February 28th., 1832.

An Act to incorporate the Monmouth Bank, passed December 28, 1824.

An Act to incorporate the Wehawk Banking Company, passed December 28, 1824.

And so much of the following Acts as confer upon the Companies incorporated by them the privileges of Banking, to wit :—

An Act to incorporate the Belvidere and Delaware Rail Road Co. passed March 2nd, 1836.

An Act to incorporate the Bergen Port Company, passed March 7th, 1837, be, and the same are hereby repealed.

*Provided always*, That nothing herein contained shall prevent a recovery from any of the said Corporations, in legal form, of moneys due and owing (if any) from either of them, or to preclude the Directors from finally settling them up, if they have commenced business.

### **RESOLUTION.**

*Resolved*, (the House of Assembly concurring) That the Attorney General of this State be requested to state his opinion in writing,

without delay, to the Legislature, whether they have the power, by an Act, to repeal the Charters of those Banks which may have ceased to carry on business, and in which no provision is made for a repeal in the Charter itself; and if not, whether such power resides in any of the Courts of this State, and if so, in which of them.

The Committee also beg leave to suggest (believing it to be strictly within the spirit of the resolution under which they act) whether it is not proper, that notice should be taken of the long continued, open, and unreserved abuse of their Charter, by the unwarranted assumption of Banking privileges practised by the New Hope Bridge Company, believing themselves, that so great an infringement should not pass unheeded, they present the following :-

*Resolved*, (the Assembly concurring) That the Attorney General be requested to take such legal measures, as to him may seem proper, to ascertain by what authority "the Subscribers to the New Hope Delaware Bridge Company" carry on the business of Banking; and if they have no authority by law, for so doing, that he take legal steps to put an end to the exercise of such powers :

JNO. S. CONDIT,  
JAMES PATTERSON,  
GEO. McDOWELL.

COUNCIL CHAMBER, January 28, 1842.

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

The Bill accompanying said Report was read.

Ordered, said bill have a second reading.

The concurrent resolution in said Report, calling on the Attorney General for information in relation to the New Hope or Lambertville Bank,

Was read and agreed to.

Ordered that the Secretary inform the House of Assembly thereof.  
Council adjourned till three o'clock this afternoon.

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*At three o'clock Council met.*

The engrossed bill entitled,

An act to divorce Leah Griggs from her husband Reuben Griggs,

Was read a third time and compared.

On the question, shall this bill pass?

It was determined in the affirmative by the following vote:

YEAS.

Messrs. Chetwood,  
Condit,  
Cooper.  
Hughes,  
Irick,

Messrs. Lilly,  
McDowell,  
Newell,  
Patterson,  
Van Nest,

Mr. White—11.

NAYS.

Messrs. Cassedy, (V. P.)

Whiticar,

Mr. Scott—3.

Ordered, that the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

Mr. Condit presented a petition from sundry citizens of the county of Hudson, praying for an act to abolish an act which releases to Col. Aaron Ogden privileges to a certain ten acre lot of Oyster Beds, on the coast of said county,

Which petition was read and referred to the committee on the Judiciary.

Mr. Lilly, from the committee to whom had been referred the subject of erecting a State Lunatic Asylum, made the following

REPORT:

The Committee to whom was referred sundry memorials on the subject of Insanity, beg leave to report:

That every day presents the melancholy spectacle of portions of the human family, endowed with all their corporeal and intellectual faculties, suffering from disaster and disease, eliciting our commiseration, and requiring our aid and solace; yet how trivial is this claim in comparison with those whom an Omnipotent Providence, in his mysterious dispensation, has bereaved of the principle that places man midway from nothing to the Deity. Philanthropy

mourns and humanity weeps at this destitution; for it must be conceded that, of all the "ills flesh is heir to," insanity and idiocy are the most deplorable.

The blind, the maimed, the deaf, and the bodily diseased have their moments of ease, and periods of comfort and enjoyment, but the poor frail beings, from whom the light of knowledge is secluded and the faculties of discrimination and judgment withdrawn, are the most forlorn and destitute of all animal creation.

Their melancholy condition has engaged the attention of our most philanthropic and influential citizens, and the Journals of the Legislature; (the last few years) evidence a zeal and exertion in the cause commensurate with its importance.

Recapitulation of the laudable measures adopted, would be a work of supererogation, so recent has been their occurrence, and so notorious their enactment; but your committee would consider themselves recreant to both duty and feeling, did they not endorse every enacted measure and cordially sustain the views, sentiments, and expositions of every report made to the Legislative Council and General Assembly of this State, on this interesting topic, and they would still believe they had been deficient in the faithful execution of the task allotted them, did they not strenuously urge upon the Legislature to adopt the plans heretofore suggested for the comfort and amelioration of those humiliating specimens of frail human nature, at as early a period as our financial situation, and the circumstances of the people, will justify.

Your committee most sincerely regret that any causes should have occurred to cast even a momentary shade on the propriety of an immediate purchase of land, and commencement of the building of a Lunatic Asylum, but the present condition of monetary affairs, and the anticipation of the pressure that must temporarily follow a resumption of specie payments, (a measure, from present appearances, probable,) they candidly acknowledge have created a doubt of the propriety of incurring a heavy debt at this particular crisis, however laudable the object or imperative the motive; it is with extreme reluctance they enunciate the impression produced upon their minds by these adverse causes; could they, in accordance with duty, have evaded it, it would have gratified them extremely. A few, very few months may change the prospect, and the interval be advantageously employed in advancing the object.

They would, therefore, suggest the propriety of authorizing the Governor to appoint three Commissioners, whose duty it shall be to

make enquiries for a suitable lot of land in the vicinity of Trenton, or any other section of the State, that may be deemed eligible, for the erection of a Lunatic Asylum, not under 25 acres, or over 100, the cost, &c. To receive proposals for the erection of such asylum, of brick or stone, plain and substantial, of similar size, plan and dimensions as the one now in operation at Worcester Massachusetts, and of such other plan as the said Commissioners may suggest. To ascertain the probable annual cost of maintaining an institution of that kind in efficient operation with 200 patients, and to obtain all and every information they may consider instrumental in promoting the accomplishment of the object; to report the result of their labours to the Governor, or the person administering the government of the State, on or before the 1st of October, who shall be authorized to draw upon the Treasury, for such sum or sums of money, as he may deem sufficient remuneration for the services performed by said Commissioners, and liquidate the demand, and transmit a copy of their report to the Legislature, at as early a day of the next Session as convenient.

To carry out the aforesaid suggestion, your committee offer the following concurrent resolution, as the most advisable course the present peculiar condition of monetary affairs will permit, and altho' decidedly repugnant to their long cherished anticipation and desire, (they are constrained to believe,) more prudent than involving the State, in a heavy debt, at this unfortunate juncture.

Resolved, (the Assembly concurring,) That his Excellency the Governor be authorized to appoint three persons as commissioners, whose duty it shall be to make all necessary enquiries for a suitable lot of land, not under 25 acres, or over 100 acres, in the vicinity of Trenton, or any other eligible section of the State, the sum it can be purchased for, the terms &c. &c. for the erection of a Lunatic Asylum. To receive proposals for the building of said Asylum, in a plain substantial manner, of brick or stone, of the same plan, size and dimensions as the one now in operation in Worcester Massachusetts, &c. &c. and of any other plan the said commissioners may deem advisable; to ascertain the probable annual cost of maintaining such an institution with 200 inmates, in efficient operation, and, to obtain all and every information they may consider essential in attaining the anticipated object; to report the result of their enquiries and investigations, to the Governor, or the person administering the Government of the State, on or before the 1st. of October, next ensuing, to enable him to transmit the same to the Legislature, as soon after their organization as convenient, and that the Governor, or the

person administering the Government, be empowered to draw upon the Treasurer for such sum or sums of money, as he may consider sufficient to remunerate said Commissioners for their services, and liquidate their demand.

JOHN LILLY,  
JOHN S. CONDIT.  
GEORGE T. McDOWELL.

January 28th, 1842.

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

Mr. Scott with leave presented the following bills entitled,  
An act concerning the Ordinary and the Prerogative Court.

An act concerning Surrogates.

An act concerning Wills.

An act concerning Executors and Administrators.

Which were severally read, and

Ordered to have a second reading.

Ordered that the Printing of these four bills be suspended.

Mr. Lilly called up the bill entitled,

“An act to compel the Banks of this State to resume specie payments,

Which bill was read by its title, and

Ordered, to have a second reading.

On the motion that when Council do adjourn it adjourn until Monday at three o'clock, on which question,

The yeas and nays being required to be entered on the Journal of Council, were as follows, viz:

YEAS.

Messrs. M. D. Canfield,  
Chetwood,  
Condit,  
Hughes,  
Irick,

Messrs. Lilly,  
McDowell,  
Newell,  
Scott,  
Van Nest.—10.

NAYS.

Messrs. Cassedy, (V. P.)  
Cooper,

Messrs. Patterson,  
[Whiticar,

White.—5.

So it was determined in the affirmative.

Council adjourned until three o'clock on Monday next.

MONDAY, January 31st, 1842.

*At three o'clock Council met.*

Mr. Lilly presented the petition of George A. Koke, and sundry citizens of Hunterdon County, members of the Uniform Company, called the "Lambertville Cadets," praying to be set off into an Independent Battalion,

Which was read and referred to the committee on the Militia.

A Message from the House of Assembly by Mr. Prior, their Clerk, informed Council that the House of Assembly had passed the accompanying Joint Resolution relative to a revision of the Tariff Laws,

Also, a bill entitled;

"An act to incorporate the Hudson County Mutual Insurance Company.

To which Joint Resolution and Bill, the assent of Council is requested.

The House of Assembly have also adopted the concurrent Resolution from Council, in relation to the repeal of the charter of those Banks which may have ceased to carry on business,

Without amendment.

The bill from the House of Assembly entitled,

"An act to incorporate the Hudson County Mutual Insurance Company,

Was read and referred to the committee on Corporations.

The Joint Resolution from the House of Assembly relative to a revision of the Tariff Laws.

Was read, and ordered to have a second reading.

The bill entitled,

"An act concerning the Ordinary and Prerogative Court,"

Was taken up on its second reading,

The consideration thereof by sections, was progressed in as far as the 8th section, when

Council adjourned till ten o'clock to-morrow morning.

TUESDAY February, 1st 1842.

*At ten o'clock Council met.*

Mr. Condit presented a petition from Joseph Teiers and sundry other citizens of Hudson, similar to what had been previously presented, in relation to certain Oyster Lands, on the Coast of that County,

Which was ordered to lie on the table.

Mr. S. D. Canfield presented a petition from Charity Hopper, of the County of Passaic, for a divorce from her husband, David Hopper,

Which was referred to Messrs. S. D. Canfield, Cooper and Hughes. The consideration of the bill entitled,

"An act concerning the Ordinary and the Prerogative Court," was resumed and completed,

Ordered, That said bill be engrossed and have a third reading.

A message from the House of Assembly by Mr. Prior their Clerk, informed Council, that the House of Assembly had passed the bills entitled,

"An act for the relief of the Executors of Hannah Buzby, deceased.

"An act to incorporate the Centenary Fund and preachers aid Society, of the New Jersey Annual Conference of the Methodist Episcopal Church, and

An act to divorce Stephen Budd from his wife Susan Elizabeth, To which bills the assent of Council is requested.

The House of Assembly had also passed the bill from Council entitled,

"An act to incorporate the Vincent Town Beneficial Society,"

With an amendment, to which amendment the assent of Council is requested.

The bill from the House of Assembly entitled

"An act to incorporate the Centenary Fund, and preachers aid Society of the New Jersey Annual Conference of the Methodist Episcopal Church,

Was read by its title,

Ordered, That said bill be referred to the committee on Corporations.

The bill from the House of Assembly entitled,  
 "An act for the relief of the Executors of Hannah Buzby, deceased,  
 Was read by its title and referred to the committee on the Judiciary.  
 The bill from the House of Assembly entitled,  
 "An act to divorce Stephen Budd from his wife, Susan Elizabeth,"  
 Was read by its title, and referred to Messrs. Condit, Wood and Van  
 Nest.

The amendment made by the House of Assembly, to the bill from  
 Council entitled,

"An act to incorporate the Vincent Town Beneficial Society,"  
 Was read, and on the question, shall this amendment be agreed to  
 by Council,

The yeas and nays being required to be entered on the Journal,  
 were as follows, viz:

#### NAYS.

Messrs. S. D. Canfield,  
 Casedy, (V. P.)  
 Chetwood,  
 Condit,  
 Cooper,  
 Hughes,

Messrs. Lilly,  
 McDowell,  
 Patterson,  
 Scott,  
 Van Nest,  
 Whitar,

Wood.—13.

So it was determined in the negative by a unanimous vote.

Ordered, That the Secretary inform the House of Assembly that  
 Council have disagreed to the amendment, and return the bill to the  
 House of Assembly.

Mr. Lilly with leave presented a bill entitled,

"An act to regulate the voting by proxy,

Which was read and referred to the committee on Corporations.

Council adjourned till three o'clock this afternoon.

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*At three o'clock Council met.*

Mr. S. D. Canfield presented a petition of Joseph Northrup, of the  
 County of Sussex, praying for Legislative aid to make his Father's  
 will valid,

Which was referred to the committee on the Judiciary.

Mr Scott from the committee on the Judiciary to whom had been referred the bill from the House of Assembly entitled,

"A supplement to an act entitled a further supplement to the act entitled An act to establish and confirm the Charter rights and privileges of the Borough of Elizabeth,

Reported the same, without amendment,

Ordered, That said bill have a second reading.

Mr. S. D. Canfield from the Committee,

Reported a bill entitled,

An act to divorce Charity Hopper, from her husband David Hopper,

Which was read by its title, and ordered to have a second reading.

The bill entitled,

An act concerning Surrogates,

Was read a second time, and

Ordered to be engrossed, and have a third reading.

Ordered, That 500 copies of the Reports of the majority of the committee on the subject of Bank resumption, which had been printed, should be sent to the House of Assembly for distribution.

The bill entitled,

"An act concerning Wills,"

Was read through by sections, considered, and postponed.

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

WEDNESDAY, February 2nd, 1842.

*At ten o'clock Council met.*

A message from the House of Assembly, by Mr. Prior, their Clerk, informed Council that the House of Assembly, do adhere to their amendment made to the bill from Council entitled.

"An act to incorporate the Vincent Town Beneficial Society,"

And return the same to Council,

Ordered, That Messrs. Scott and Chetwood, be appointed a commit-

tee of conference on the part of Council, to meet a similar committee that may be appointed on the part of the House of Assembly, to confer in relation to the amendments of said bill,

Ordered, That the Secretary inform the House of Assembly thereof.

Mr. Irick presented two Petitions, from sundry citizens and the officers of the Temperance Society of Vincent Town, Burlington County, praying for a law to be passed requiring an alteration, or repeal of the License Law, in relation to Inns or Taverns,

Which were read and referred to the committee on the Judiciary.

Mr. Canfield from the committee on the Judiciary, to whom had been referred the petition of Joseph Northrup of the County of Sussex,

Reported a bill entitled,

"An act to confirm the last will and testament of Joseph Northrup, late of the County of Sussex, deceased, and to relieve the Executor, therein named,"

Which was read by its title and ordered to have a second reading.

Mr. Canfield from the same committee,

Reported a bill entitled,

"An act for the relief of Anna Ogborn, of the County of Monmouth,"

Which was read by its title, and

Ordered to have a second reading.

Mr. Canfield from the committee on Corporations, to whom had been referred the bill from the House of Assembly entitled,

"An act to incorporate the Centenary Fund, and Preachers aid Society of the New Jersey Annual Conference of the Methodist Episcopal Church,

Which was ordered to have a second reading.

The engrossed bill entitled,

An act to dissolve the marriage contract between Leon Souberbielle, and Judith Helen Maria Souberbielle his wife,

Was read a third time,

On the question, shall this bill pass?

It was determined in the affirmative as follows:

#### YEAS.

Messrs. M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)

Messrs. Lilly,  
McDowell,  
Newell,

Messrs. Chetwood,  
Cooper,  
Hughes,  
Irick,

Messrs. Patterson,  
Scott,  
Van Nest,  
White.—14.

## NAYS.

Messrs. Condit,

Whiticar.—2.

Ordered, that the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

The engrossed bill entitled,

An act concerning the Ordinary and the Prerogative Court.

Was read a third time,

On the question, shall this bill pass?

It was determined in the affirmative by the votes of all the members voting.

## YEAS.

Messrs. M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Cooper,  
Newell,

Messrs. Irick,  
Lilly,  
McDowell,  
Scott,  
Van Nest,  
Whiticar,

White.—13.

Ordered, that the Vice President sign said Bill, and the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

The engrossed bill entitled,

"An act concerning Surrogates,"

Was read a third time,

On the question, shall this bill pass?

It was determined in the affirmative, by the vote of all the members voting:

## YEAS.

Messrs. M. D. Canfield,  
S. D. Canfield,

Messrs. Irick,  
Lilly,

Messrs. Cassedy, (V. P.)  
 Chetwood,  
 Condit,  
 Cooper,

Messrs. McDowell,  
 Scott,  
 Van Nest,  
 Whitecar.—12.

Ordered, That the Vice President sign said bill, and the Secretary inform the House of Assembly, that Council have passed the same, and request their concurrence.

The consideration of the bill entitled,

“ An act concerning Wills,”

Was resumed and completed, and

Ordered to be engrossed, and have a third reading.

The bill entitled,

“ An act to incorporate the Bordentown Beneficial Society,”

Was taken up, the consideration thereof progressed in, and postponed,

The consideration of the bill entitled,

“ An act concerning Executors and Administrators,”

Was resumed and progressed in, when

Council adjourned till three o'clock this afternoon.

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*At three o'clock Council met.*

A Message from the House of Assembly by Mr. Prior their Clerk, informed Council, that the House of Assembly, had passed the bills entitled,

“ An act supplementary to an act entitled, An act to incorporate the Rockaway Manufacturing Company, passed the 15th day of February, A. D. 1837.

“ An act to legalize the sale of the Real Estate late of Nathan Stiger, deceased, and others, made by commissioners appointed by the Prerogative Court of this State; to make partition of said Real Estate, to authorize Deeds of Conveyance to be made therefor; and for other purposes therein mentioned,

“ An act authorizing the administrators of Anthony Woodward, deceased, to convey certain Real Estate, and

"An act authorizing the administrators of Anthony Woodward, deceased, to convey to Moses Ivins, certain Real Estate in the County of Monmouth."

To which bills the assent of Council is requested.

Which bills were severally read and committed.

Mr. Scott presented a petition from the citizens of Perth Amboy, and from the Officers of the Commercial Bank, of that place, asking to have the Institution re-chartered,

Which petitions were severally read and referred to the committee on Corporations.

Mr. Condit presented a petition from the Patent Bread Baking Company, asking for an alteration of their Charter,

Which petition was read, and referred to the committee on Corporations.

Mr. Chetwood from the committee to whom had been referred that portion of the Governor's Message, relating to the Tax and Transit duties, on the New Jersey Rail Road and Transportation Company, made the following.

#### REPORT:

The Committee to whom was referred that part of the Message of his Excellency, the Governor, which relates to the difference of opinion between the Treasurer of the State and the Officers of the New-Jersey Rail Road and Transportation Company, in relation to the transit duties and tax imposed on the Company by their act of incorporation, submit the following

#### REPORT.

The preference for Legislative adjustment, expressed by the Company in their communication to his Excellency, the Governor, has not lessened the solicitude of your Committee to arrive at a conclusion compatible with their own sense of duty, and just and satisfactory in itself.

A desire to have this unpleasant controversy settled by the Legislature rather than by a legal tribunal, implies no distrust of such tribunal, but is only expressive of a conviction that the body from which the

law emanated, and which represents the State as the grantor of the charter, is best qualified to interpret its provisions and settle justly and harmoniously all conflicting constructions.

The New-Jersey Rail Road, as well as the one with which it connects, has been left for its accomplishment to individual enterprise: and who will deny the benefits they confer upon the State, and those that may yet be derived to the nation! To illustrate this, your Committee need only place in contrast the present facilities of transportation with those of the period of the last war. Those portions of the State through which these Roads pass, were for months in the year almost in a condition of non-intercourse, and the transportation of munitions of war cost for every thirty miles more than the value of the articles transported. Then it was often a journey of two days from New-York to Philadelphia. Now it is accomplished in six hours, including the delays of stopping. Members of the Legislature, public officers, and all having business at the seat of Government, can now take their last meal in this city and be transported to remote parts of the State in time for a comfortable lodging at their homes. Your Committee merely recur to these among the other benefits conferred upon the State and the traveling community by our important public works; and while they are unwilling to yield to the claims of the Company in a case of clear construction on any part of their charter, yet, in matters of serious doubt, they feel justified in recommending that such doubt should be resolved favorably to the grantees of the charter—believing that such liberal construction is the more proper towards works of internal improvement, which, without being profitable to the stockholders, are highly beneficial to the public.

In respect to the first point of difference, to wit: the passengers and merchandize liable to transit duty, your Committee agree that such can only be claimed on such as pass over "*the whole line of the road*;" but if a further limitation was intended, restricting this duty to such only as pass over the State, the Legislature have been unfortunate in adopting language, which, by no such ordinary interpretation, can admit of this construction. The clear and manifest intention appears to have been to impose a transit duty upon such as pass over the whole line of the road, whenever, as the charter declares, it shall subsequently be connected with another rail road, *so as to make a continued line of rail roads across the State*, and without regard to the particular destination of passengers or freight after carrying them over the whole line of their road.

The other disagreement, which relates to the time when the tax is

made payable, seems involved in more doubt. Either construction contended for, may, in the opinion of your Committee, be insisted on with plausibility; but they incline to that which will fix the payment of the tax to commence in five years *after the completion of the road*. Your Committee are fortified in this construction by antecedent action in both Houses of the Legislature. On the 28th day of February, A. D. eighteen hundred and forty-one, the Judiciary Committee of Council, to whom the subject had been referred, made a report upon this point of the controversy, (which report was concurred in by Council without a dissenting voice,) in which they declare that the terms of five and ten years should be regarded as commencing *at the completion of the road*. In the House of Assembly, at a former period, to wit: on the tenth day of March, A. D. eighteen hundred and thirty-seven, the Committee appointed to introduce a tax bill, reported "that after a full examination of the resources of the State, they have unanimously concluded that it will not be necessary longer to resort to direct taxation for the support of Government." In which report, in enumerating the anticipated income of the State, this Committee declare, that "the State will be entitled to receive from the New-Jersey Rail Road and Transportation Company a yearly tax of one quarter per cent. upon their capital stock paid in, after five years—and one-half per cent. after ten years *from the completion of their road*." This report was agreed to by the House without dissent—and the basis upon which the recommendation was made, incidentally sanctioned.

But there are other considerations which have produced a disposition in your Committee, if it could be done with propriety, to relieve the Company from the burden of this tax until five years after the completion of the road. This Company now pays to the State in transit duties, and the guaranty of eight per cent. dividend upon their stock held by the State, about nine thousand dollars per annum; which is more than one-tenth of the annual nett income of their road; and which reduces the dividends to an average of less than four per centum per annum to the stockholders. This is a small return to them on so large an investment. In the case of many Corporations, where the capital invested has not produced the income anticipated, and has fallen short of legal interest, the Legislature has relieved them by a subsequent act, from the payment of the taxes imposed by their charters. In this spirit of legislation, is it more than common justice, in this case, to fix upon the latest period which a liberal construction of the charter will admit for the commencement of the tax in question? That will arrive early enough, and most probably before the

Company can realize a clear income of six per cent. upon its capital. Your Committee forbear enlarging on the merits of this public improvement, and its being undertaken at a time when such works were wholly experimental. It has fulfilled, we believe, every clear obligation required by its charter—and it is cause of congratulation to the State, that in these days of financial darkness and difficulty, New Jersey is not only free from any State debt, but her income from her public works contribute so largely to her permanent revenues—presenting a contrast, in this respect, with the condition of other Commonwealths, which strongly commends the wisdom of that policy, which has committed the construction of public works to individual enterprise and capital. In common with the business community, and many sovereign States, they have been struggling against the current of adversity, which for the last few years has been sweeping over the country.—Does it not therefore become the Legislature and the people of New Jersey, to exercise an enlightened liberality towards her public works?

In view of the foregoing considerations, your Committee unanimously recommend the adoption of the following Resolution as an amicable adjustment of the matters before referred to :—

RESOLVED, (the House of Assembly concurring) That the Treasurer of this State be authorized and directed to receive from the New Jersey Rail Road and Transportation Company, the sum of eight cents for every passenger, and the sum of twelve cents for every ton of goods, wares, or merchandize, transported, or to be transported on the said Company's Rail Road, from the southern termination thereof, in the city of New Brunswick to Jersey City, or from Jersey City to the said southern termination, in full satisfaction of all claims of the State against said Company, under and by virtue of the act incorporating the same, until the expiration of five years from the completion of said road.

All which is respectfully submitted.

WM. CHETWOOD,  
WILLIAM R. COOPER,  
EPHRAIM H. WHITICAR.

COUNCIL CHAMBER, Feb. 2, 1842.

Which report was read, ordered to lie on the table, and 500 copies thereof be printed, for the use of Council.

The consideration of the bill entitled,

"An act concerning Executors and Administrators,"

Was resumed, concluded, and

Ordered to be engrossed, and have a third reading.

The bill entitled,

"A further supplement to the act entitled an act for abolishing Imprisonment for Debt, in certain cases,"

Was taken up, the consideration thereof progressed in, and postponed,

The bill entitled;

"An act to incorporate the Bordentown Beneficial Society,"

Was taken up, the consideration thereof resumed, and said bill was

Ordered to be engrossed, and have a third reading.

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

THURSDAY, February 3d, 1842.

*At ten o'clock Council met.*

A message from the House of Assembly, by Mr. Prior, their Clerk, informed Council that the House of Assembly, had appointed Messrs. H. H. Wilson, G. W. Smyth, and Richards, a committee of conference on their part to unite with the committee on the part of Council relative to the disagreement of the two House to the Amendment to the bill entitled,

"An act to incorporate the Vincent Town Beneficial Society,"

The House of Assembly had disagreed to the bill from Council entitled,

"An act for the preservation of Oysters in the County of Atlantic,"

And have returned the same to Council.

Mr. S. D. Canfield from the Committee to whom had been referred the petition of William Scott for a divorce,

Reported a bill entitled,

"An act to divorce William Scott, of the County of Passaic, from his wife,

Which bill was read by its title, and  
 Ordered to have a second reading,  
 And the printing thereof be dispensed with.

Mr Scott from the committee on the Judiciary to whom had been  
 referred the bill from the House of Assembly entitled,

“An act for the relief of the Executors of Hannah Buzby, deceased,  
 Reported the same, without amendment,

Which bill was read and ordered to have a second reading.

The bill entitled,

“An act to confirm the last will and testament of Joseph North-  
 rup, late of the County of Sussex, and to relieve the Executor there-  
 in named,”

Was taken up and postponed for one week.

The engrossed bill entitled,

An act concerning Wills.

Was read a third time and compared.

On the question, shall this bill pass?

It was determined in the affirmative by the votes of all the members  
 who voted on the question.

#### YEAS.

Messrs. M. D. Canfield,  
 Cassedy, (V. P.)  
 Chetwood,  
 Condit,  
 Irick,  
 Lilly,

Messrs. S. D. Canfield,  
 McDowell,  
 Newell,  
 Scott,  
 Van Nest,  
 Whiticar.—12

Ordered, That the Vice President sign said bill and the Secretary in-  
 form the House of Assembly that Council have passed the same, and  
 request their concurrence.

The engrossed bill entitled

An act concerning Executors and Administrators,

Was read a third time, and compared.

On the question, shall this bill pass?

It was determined in the affirmative by the votes of all the mem-  
 bers who voted on the question, viz:

#### YEAS.

Messrs. M. D. Canfield,

Messrs. Irick,

Messrs. S. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Condit,  
Cooper,

Messrs. Lilly,  
McDowell,  
Newell,  
Scott,  
Van Nest,

Whiticar.—13.

Ordered, That the Vice President sign said bill, and the Secretary inform the House of Assembly, that Council have passed the same and request their concurrence.

The bill entitled,

An act to incorporate the Bordentown Beneficial Society,

Was taken up, the question of engrossment was reconsidered, said bill amended, and

Ordered, That said bill be engrossed and have a third reading.

The bill entitled,

An act to confirm the last will and testament of Stephen Mayers, late of the City of New York, deceased,

Was read a second time, considered, and

Ordered to be engrossed and have a third reading.

The bill entitled,

An act for the relief of Anna Ogburn of the County of Passaic,

Was read a second time, considered, and

Ordered to be engrossed and have a third reading.

The bill entitled,

"An act to compel the Banks of this State to resume specie payments,

Was taken up, read and postponed.

The bill from the House of Assembly entitled,

"An act to incorporate the Centenary Fund, and preachers aid Society of the New Jersey Annual Conference of the Methodist Episcopal Church,

Was read a second time, and considered by sections, and

Ordered said bill have a third reading.

The bill from the House of Assembly entitled

"A supplement to an act entitled A further supplement to the act entitled an Act to establish and confirm the charter rights and privileges of the Borough of Elizabeth,"

Was taken up, and the consideration thereof postponed for two weeks.

The bill entitled,

"An act to Repeal the Charter of certain Banks therein named,  
Was read a second time,

On the motion to amend said bill by striking out the words "An act to incorporate the Citizen's and Mechanic's Bank of Elizabeth passed February 24th, 1837,"

The yeas and nays being required to be entered on the Journal, were as follows, viz:

## YEAS.

Messrs. Chetwood,  
Hughes,

Messrs. Irick,  
Whiticar,—4.

## NAYS.

Messrs. M. D. Canfield,  
S. D. Canfield.  
Cassedy, (V. P.)  
Condit,  
Cooper,

Messrs. Lilly,  
McDowell,  
Newell,  
Patterson,  
Scott,

Van Nest.—11.

It was determined in the negative.

Said bill was postponed, and

Council adjourned until three o'clock this afternoon.

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*At three o'clock Council met.*

A message from the House of Assembly by Mr. Prior their Clerk, informed Council, that the House of Assembly had passed the following bills viz:

An act to incorporate "the Orange Lyceum, in the County of Essex."

"An act to divorce Anna W. Johnson, of the County of Gloucester, from her husband John Midgley Johnson, and

"An act to authorize the citizens or chosen Freeholders of the

County of Monmouth to build a Bridge over the North Branch of the Neversink River, at or near the house of Samuel Hubbard, Esq.

To which bills the assent of Council is requested.

The House of Assembly had also passed the bills from Council entitled,

An act to dissolve the marriage contract between Abram O. Stiles of the township of Harmony, in the County of Warren, and Phebe Maria his wife, and

An act to divorce Leah Griggs from her husband Reuben Griggs, Severally without amendment.

The bill from the House of Assembly entitled,

"An act to authorize the citizens or chosen Freeholders of the County of Monmouth, to build a bridge over the North Branch of the Neversink River, at or near the house of Samuel Hubbard, Esq.,

Was read by its title and referred to the committee on the Judiciary.

The bill from the House of Assembly entitled,

"An act to incorporate the Orange Lyceum in the County of Essex,"

Was read by its title and referred to the committee on Corporations.

The bill from the House of Assembly entitled,

An act to divorce Anna W. Johnson, of the County of Gloucester, from her husband, John Midgley Johnson,

Was read by its title, and referred to Messrs. Cooper, Whiticar and Patterson.

Mr. Chetwood presented the petition of Ezekiel Wilcox, of Rahway, for a divorce from his wife Mary Wilcox,

Which was read and referred to the committee on the Judiciary.

Mr. Patterson presented a Remonstrance against a law for building another bridge over the Neversink River, in the County of Monmouth,

Which was read and referred to the committee on the Judiciary, to whom the bill for that purpose had been referred.

The bill entitled,

'An act to compel the Banks of this State to resume specie Payments,

Was read a second time, and while the same was under consideration, a motion was made to postpone the same for one week, on which motion the yeas and nays being required to be entered on the Journal of Council, were as follows, viz:

#### YEAS.

Messrs. Chetwood,  
Condit,  
Hughes,  
Irick,

Messrs. McDowell,  
Scott,  
Whiticar,  
White.—8.

## NAYS.

Messrs. S. D. Canfield,  
Cassedy, (V. P.)  
Cooper,

Messrs. Lilly,  
Newell,  
Patterson,

Van Nest.—7.

So it was determined in the affirmative.

Council adjourned till ten o'clock to-morrow morning.

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FRIDAY, February 4th, 1842.

*At ten o'clock Council met.*

Mr Chetwood presented a remonstrance from sundry citizens of Sussex County, against setting off the Township of Lafayette,

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

Mr. S. D. Canfield from the Committee on Corporations, to whom had been referred the petitions for the re-charter of the Commercial Bank of Perth Amboy,

Reported a bill entitled,

“An act to renew the Charter of the Commercial Bank of New-Jersey,”

Which was read, and

Ordered to have a second reading.

Mr. S. D. Canfield from the Committee on Corporations, to whom had been referred the bill from the House of Assembly entitled,

“An act to Incorporate the Orange Lyceum in the County of Essex,”

Reported the same without amendment.

Ordered, That said bill have a second reading.

Mr. Scott from the committee on the Judiciary, to whom had been referred the bills from the House of Assembly, entitled,

"An act authorizing the administrators of Anthony Woodward, deceased, to convey certain Real Estate,"

"An act authorizing the administrators of Anthony Woodward deceased, to convey to Moses Ivins certain Real Estate in the County of Monmouth, and

"An act to authorize the citizens or chosen Freeholders of the County of Monmouth to build a bridge over the North Branch of the Neversink River, at or near the House of Samuel Hubbard, Esq.,

Reported the same, without amendment,

Which bills were severally ordered to have a second reading.

The bill from the House of Assembly entitled,

"An act to incorporate the Centenary Fund and preachers aid Society of the New Jersey Annual Conference of the Methodist Episcopal Church,

Was read a third time,

On the question, shall this bill pass?

It was determined in the affirmative, by the vote of all the members present:

#### YEAS.

Messrs. M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Condit,  
Cooper,  
Hughes,  
Irick,

Messrs. Lilly  
McDowell,  
Newell,  
Patterson,  
Scott,  
Van Nest,  
Whiticar,  
White.—16.

Ordered, That the President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, without amendment.

The engrossed bill entitled,

"An act to incorporate the Bordentown Beneficial Society,"

Was read a third time, and compared,

On the question, shall this bill pass?

It was determined in the affirmative, by the votes of the members present, viz:

## YEAS.

Messrs. M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)  
Hughes,  
Irick,  
Lilly,  
McDowell,

Messrs. Chetwood,  
Condit,  
Cooper,  
Newell,  
Patterson,  
Scott,  
Whiticar,

White.—15.

## NAY.

Mr. Van Nest—1.

Ordered, that the President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

The engrossed bill entitled,

An act for the relief of Anna Ogburn of the County of Monmouth,

Was read a third time, and compared.

On the question, shall this bill pass?

It was determined in the affirmative by the votes of all the members present, viz :

## YEAS.

Messrs. M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Condit,  
Cooper,  
Hughes,  
Irick,

Messrs. Lilly,  
McDowell,  
Newell,  
Patterson,  
Scott,  
Van Nest,  
Whiticar.  
White.—16.

Ordered, that the President sign said Bill, and the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

The engrossed bill entitled,

An act to confirm the last will and testament of Stephen Mayers late of the City of New York, deceased,

Was read a third time, and compared,  
On the question, shall this bill pass?

It was determined in the affirmative by the votes of all the members present, viz:

## YEAS.

Messrs. M. D. Canfield,  
S. D. Canfield.  
Cassedy, (V. P.)  
Chetwood,  
Condit,  
Cooper,  
Hughes,

Messrs. Irick,  
Lilly,  
McDowell,  
Newell,  
Patterson,  
Van Nest,  
Whiticar.

White.—15.

Ordered, That the President sign said bill, and the Secretary inform the House of Assembly, that Council have passed the same, and request their concurrence.

A Message from the House of Assembly by Mr. Prior their Clerk, informed Council, that the House of Assembly had adopted the Report of the Committee of conference, on the part of the House, in the difference of opinion upon the bill from Council entitled, 'An act to incorporate the Vincent Town Beneficial Society;' and the House of Assembly have receded from their former amendment and have passed said bill with the amendment recommended by the committee of conference.

The engrossed bill entitled,

"An act to incorporate the Vincent Town Beneficial Society,"

Was taken up with the amendments recommended by the committee of conference, and agreed to by the House of Assembly, were read, and agreed to, and said bill ordered to be re-engrossed.

The consideration was resumed of the bill entitled,

"An act to Repeal the Charter of certain Banks therein named.

On a motion to postpone the further consideration thereof, until Wednesday next,

The yeas and nays being required to be entered on the Journal, were as follows, viz:

## YEAS.

Messrs. Chetwood,  
Hughes,

Messrs. McDowell,  
Scott,

Messrs. Irick,

Messrs. Whiticar,  
White.—7.

## NAYS.

Messrs. M. D. Canfield,  
S. D. Canfield.  
Cassedy, (V. P.)  
Condit,Messrs. Cooper,  
Hughes,  
Lilly,  
Newell,

Van Nest.—9.

So it was determined in the negative.

On a motion to amend said bill by striking out the Hamburg  
Bank, from the list of those charters which were to be repealed,The yeas and nays being required to be entered on the Journal,  
were as follows, viz :

## YEAS.

Messrs. M. D. Canfield,

Messrs. S. D. Canfield.—2.

## NAYS.

Messrs. Cassedy, (V. P.)  
Chetwood,  
Condit,  
Hughes,  
Irick,  
Lilly,Messrs. McDowell,  
Newell,  
Patterson,  
Scott,  
Van Nest,  
Whiticar,

White.—13.

So it was determined in the negative.

On a motion to postpone said bill until Thursday next, the yeas and  
nays were required to be entered on the Journal, were as follows,  
viz :

## YEAS.

Messrs. Chetwood,

Messrs. Irick.  
McDowell.—3.

## NAYS.

Messrs. M. D. Canfield,  
S. D. Canfield,Messrs. Newell,  
Patterson,

Messrs. Cassedy, (V. P.)  
 Condit,  
 Cooper,  
 Lilly,

Messrs. Scott,  
 Van Nest,  
 Whiticar,  
 White.—12.

So it was determined in the negative.

Ordered, That said bill be engrossed and have a third reading.

The bill from the House of Assembly entitled,

"An act for the relief of the Executors of Hannah Buzby, deceased,

Was read a second time, considered, and

Ordered to have a third reading.

The fifteenth rule being suspended, said bill was read a third time.

On the question, shall this bill pass?

It was determined in the affirmative, by the following vote, viz :

#### YEAS.

Messrs. S. D. Canfield,  
 Cassedy, (V. P.)  
 Chetwood,  
 Condit,  
 Cooper,  
 Hughes,

Messrs. Irick,  
 Lilly,  
 McDowell,  
 Newell,  
 Patterson,  
 Scott,

White—13.

#### NAYS.

Messrs. Van Nest,

Whiticar,—2

Ordered, That the President sign said bill and the Secretary inform the House of Assembly that Council have passed the same, Without amendment.

Mr. Scott from the committee on the Judiciary, reported a bill entitled.

"An act to divorce William Scott, of the County of Passaic, from his wife,

Which was read, and ordered to have a second reading.

Council adjourned till three o'clock this afternoon.

*At three o'clock Council met.*

Mr. S. D. Canfield from the committee on Corporations, reported a bill entitled,

"An act for the better protection of the navigation of the Passaic River,

Which bill was read, and

Ordered to have a second reading:

Mr. Scott from the committee on the Judiciary,

Reported a bill entitled,

"An act to divorce Ezekiel Wilcox, from his wife, Mary Wilcox,"

Which bill was read, and ordered to have a second reading.

Council went into a Court of Pardons, and after some time spent therein, Council came to order, and

Adjourned till ten o'clock to-morrow morning.

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SATURDAY, February, 5th 1842.

*At ten o'clock Council met.*

Mr. Cooper from the committee on that subject,

Reported a bill entitled,

"An act to divorce Anna W. Johnson, of the County of Gloucester, from her husband John Midgley Johnson,

Which was read by its title, and ordered to have a second reading.

Mr. S. D. Canfield, from the committee to whom had been referred

The bill from the House of Assembly entitled

"An act to incorporate the Hudson County Mutual Insurance Company,

Reported the same, with an amendment,

Which was ordered to have a second reading.

A message from the House of Assembly by Mr. Prior their Clerk, informed Council, that the Speaker of the House of Assembly had asked and obtained the unanimous consent of the House for leave of absence until Monday afternoon next, the House have thereupon appointed Henry H. Wilson, Esquire, Speaker, *pro tem.*

Mr. Whiticar with leave presented a bill entitled;

"A supplement to the act entitled an act concerning Roads, passed February 9th, 1818."

Which was read and referred to the committee on the Judiciary.

Council adjourned until three o'clock on Monday next.

MONDAY, February 7th, 1842.

*At three o'clock Council met.*

Mr. Wood presented a petition from York Mulford, a colored man, praying for a Law to legalize certain contracts and his freedom,

Which was read and referred to Messrs. Wood, McDowell and Van Nest.

Mr. Wood from the committee to whom had been referred the bill from the House of Assembly, entitled

"An act to divorce Stephen Budd from his wife, Susan Elizabeth,"

Reported the same, which was

Ordered to have a second reading.

Mr. Scott from the judiciary committee to whom had been referred the bill entitled,

"A supplement to the act entitled an act concerning Roads, passed February 9th 1818,

Reported the same, which was

Ordered to have a second reading.

Mr. Scott with leave presented the following bills entitled,

"An act concerning the descent and distribution of the Estates of Intestates,"

"An act for the more just and equal distribution of the Estates of deceased Insolvents."

"An act relative to Dower."

"An act concerning Guardians"—and

"An act concerning the Orphan's Court."

Which bills were severally read by their titles, and

Ordered to have a second reading.

The bill entitled,

"A supplement to the act entitled an act to create the County of Hudson, passed February 22nd, 1840."

Was read a second time, and considered by sections,

Ordered that said bill be engrossed, and have a third reading.

A message was received from the House of Assembly by Daniel Dodd, Junr. their Clerk, pro tempore, which informed Council that Samuel Prior, Junr. the Clerk of the House, is temporarily absent, and that Daniel Dodd, Junr. has been chosen to fill his place, pro tempore.

The bill from the House of Assembly entitled,

"An act to authorize the citizens or Chosen Freeholders, of the County of Monmouth to build a bridge over the North Branch of the Neversink River, at or near the House of Samuel Hubbard, Esquire,"

Was read a second time, considered, and

Ordered, to have a third reading.

The bill from the House of Assembly entitled,

"An act to divorce Anna W. Johnson of the County of Gloucester, from her husband John Midgley Johnson,"

Was read a second time, considered, and

Ordered to have a third reading.

The Secretary of Council asked leave of absence for a few days, which request was granted and the Secretary of State was appointed Secretary of Council pro tempore, during his absence.

Council adjourned till ten o'clock to-morrow morning.

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TUESDAY February, 8th 1842.

*At ten o'clock Council met.*

Mr. Boyles presented a petition praying the passage of a Law to abolish or restrict Horse Racing,

Which was read and referred to Messrs. Boyles, Hughes and Van Nest.

The Vice President laid before Council a communication from the Attorney General, in answer to a concurrent Resolution, adopted on the 28th ultimo, requesting his opinion in writing to the Legislature, whether they have the power by an act, to repeal the charters of those Banks which may have ceased to carry on business, and in which no provision is made for a repeal in the charter itself, and if not, whether such power resides in any of the Courts of this State, and if so, which of them;

Which communication was read, ordered to be laid on the table, and 100 copies printed.

Mr. Wood from the committee to whom had been referred the petition of York Mulford, for relief as set forth in his petition,

Reported a bill entitled,

An act for the relief of York Mulford, a colored man of the County of Morris,

Which bill was read by its title, and ordered to have a second reading.

Council went into a Court of Pardons, after which

The bill from the House of Assembly entitled,

An act to divorce Anna W. Johnson, of the County of Gloucester, from her husband, John Midgly Johnson,

Was read a third time, and compared.

On the question, shall this bill pass?

It was determined in the affirmative by the following vote.

#### YEAS.

Messrs. Boyles,  
M. D. Canfield,  
Cassedy (V. P.)  
Cooper,  
Hughes,  
Lilly,

Messrs. McDowell,  
Patterson.  
Scott,  
Van Nest,  
White,  
Wood—12.

#### NAYS.

Messrs. Condit,

Whiticar.—2.

Ordered that the President sign said bill and the Secretary pro tem. inform the House of Assembly that Council have passed the same, without amendment.

The bill from the House of Assembly entitled,  
 An act to authorize the citizens or Chosen Freeholders of the County of Monmouth to build a bridge over the North Branch of the Never-sink River, at or near the house of Samuel Hubbard, Esqr.,

Was read a third time,

On the question, shall this bill pass?

It was determined in the affirmative by the following vote.

YEAS.

Messrs. Boyles,	Messrs. McDowell,
Cassedy, (V. P.)	Patterson,
Condit,	Scott,
Cooper,	Van Nest,
Hughes,	Whiticar,
Lilly,	Wood.—12.

NAY.

Mr. White,—1.

Ordered that the President sign said bill and the Secretary inform the House of Assembly that Council have passed the same without amendment.

The engrossed bill entitled

“An act to repeal the charters of certain Banks therein named,”

Was read a third time and compared,

When its further consideration was postponed.

A message from the House of Assembly by Mr Prior their Clerk, informed Council that the House of Assembly had passed the following bills from Council, without amendment, viz:

A further supplement to the act entitled an act to incorporate the Paterson Fire Association, passed Nov. 3d, 1821,—also,

A further supplement to an act entitled an act securing to Mechanics and others, payment for their Labor and Materials, in erecting any house or other building within the limits therein mentioned, passed March 3d, 1835.

The House of Assembly have also passed the following bill:

“A further supplement to an act entitled an act to enable the owners and possessors of certain salt meadows and marsh, lying in the townships of Woodbridge and Piscataway, in the Raritan Great Meadows, to make, and keep open the drains, build and repair bridges and gates, for the uses therein mentioned, passed June 12, 1799,”

Which bill was read by its title, ordered to have a second reading, and referred to the committee on Agriculture.

Council adjourned till three o'clock this afternoon.

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*At three o'clock Council met.*

Mr. Van Nest presented a remonstrance against creating the new Township of Lafayette in the County of Sussex,

Which was ordered to lie on the table.

Mr. Scott from the committee on the Judiciary, to whom had been referred the bill from the House of Assembly entitled,

"An act to legalize the sale of the Real Estate late of Nathan Stiger, deceased, and others, made by commissioners appointed by the Prerogative Court of this State, to make partition of said Real Estate, to authorize Deeds of Conveyance to be made therefor; and for other purposes therein mentioned;

Reported the same, without amendment,

Ordered, That said bill have a second reading.

The re-engrossed bill entitled,

An act to incorporate the Vincent Town Beneficial Society,

Was read a third time and compared,

On the question shall this re-engrossed bill pass?

It was determined in the affirmative by the following vote, viz:

**YEAS.**

Messrs. S. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Cooper,  
Hughes.  
Irick,

Messrs. Lilly,  
McDowell,  
Scott,  
Whiticar,  
White,  
Wood.—12.

**NAYS.**

Messrs. Condit,

Messrs. Patterson,  
Van Nest.—3.

Ordered that the President sign said bill and the Secretary inform the House of Assembly that Council have agreed to the amendments, and have caused the same to be re-engrossed.

The engrossed bill entitled,

"An act for the relief of the first Presbyterian Church of Morristown,

Was read a third time and compared,

On the question, shall this bill pass?

It was determined in the affirmative by all the members voting.

#### YEAS.

Messrs. S. D. Canfield,  
Cassedy (V. P.)  
Chetwood,  
Condit,  
Cooper,  
Hughes,  
Irick,

Messrs. Lilly,  
McDowell,  
Patterson,  
Scott,  
Van Nest,  
Whiticar,  
White,

Wood.—15.

Ordered, that the President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

The bill entitled,

A further supplement to the act entitled an act to abolish Imprisonment for debt in certain cases,

Was read a second time, and its further consideration postponed.

The bill entitled,

"An act to divorce William Scott, of the County of Passaic, from his wife,

Was read a second time and postponed.

The bill entitled,

"An act to renew the Charter of the Commercial Bank of New Jersey,"

Was read, a second time and postponed.

A Message from the House of Assembly by Mr. Prior their Clerk, informed Council, that the House of Assembly have passed the bill from Council entitled,

An act to dissolve the marriage contract between Leon Souberbielle, and Judith Helen Maria his wife,

Without amendment.

Mr. Chetwood asked and obtained leave to introduce a bill entitled, A further supplement to an act entitled an act to Incorporate the Elizabethtown and Somerville Rail Road Compaay,

Which bill was read by its title, and ordered to have a second reading.

Mr. Van Nest moved that the Sergeant at Arms be ordered to distribute 250 copies of the report of the select committee, relative to transit duty, &c., among the members of the House of Assembly, which was ordered.

Council adjourned till ten o'clock to-morrow morning.

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WEDNESDAY, February 9th, 1842.

*At ten o'clock Council met.*

Mr. Newell presented a petition from William Elwell of the County of Salem, for a divorce from his wife Elizabeth Ann Elwell,

Which was read and referred to Messrs. Newell, Hughes and S. D. Canfield.

The engrossed bill entitled,

"An act to Repeal the Charter of certain Banks therein named,

Was read a third time, and compared,

On the question, shall this bill pass?

A motion was made to have the further consideration of said bill postponed till Friday; on the question of postponement, the ayes and noes were asked, which resulted in the negative, as follows:

YEAS.

Messrs. Boyles,

M. D. Canfield,

S. D. Canfield,

Cassedy, (V. P.)

Messrs. Hughes,

Van Nest,

White,

Wood,

Chetwood.—9.

## NAYS.

Messrs. Condit,  
Cooper,  
Irick,  
Lilly,

Messrs. McDowell,  
Newell,  
Patterson,  
Scott,

Whiticar.—9.

On the question, shall this bill pass?

It was determined in the affirmative, by the following vote, viz :

## YEAS.

Messrs. M. D. Canfield,  
S. D. Canfield.  
Cooper,  
Irick,  
Lilly,  
McDowell,  
Newell,

Messrs. Cassidy, (V. P.)  
Condit,  
Patterson,  
Scott,  
Van Nest,  
Whiticar,  
White.—14.

## NAYS.

Messrs. Boyles,  
Chetwood,

Messrs. Hughes,  
Wood.—4.

Ordered, that the President sign said Bill, and the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

The bill from the House of Assembly entitled,

“An act to incorporate the Orange Lyceum in the County of Essex,”

Was read a second time, considered by sections, and

Ordered to have a third reading.

The bill from the House of Assembly entitled,

“An act to incorporate the Hudson County Mutual Insurance Company,

Was read a second time, and considered by sections, when its further consideration was postponed.

The bill from the House of Assembly entitled,

“An act to legalize the sale of the Real Estate late of Nathan Stiger, deceased, and others, made by commissioners appointed by the Prerogative Court of this State, to make partition of said Real Estate, to authorize Deeds of Conveyance to be made therefor, and for other purposes therein mentioned,”

Was read a second time, and ordered to have a third reading, and the amendments to be engrossed.

The bill entitled,

A further supplement to the act entitled an act to Incorporate the Elizabethtown and Somerville Rail Road Company,

Was read a second time, considered, and

Ordered to be engrossed and have a third reading.

The Joint Resolution from the House of Assembly, relative to the Tariff, was read a second time.

On the question ordering said Joint Resolution to a third reading, it was moved that the same be postponed; on which question the yeas and nays were ordered, which was decided in the affirmative by the following vote:

#### YEAS.

Messrs. Boyles,

S. D. Canfield,

Cassedy, (V. P.)

Cooper,

Messrs. Newell,

Patterson,

Scott,

Van Nest,

Lilly—9.

#### NAYS.

Messrs. Chetwood,

Condit,

Hughes,

Irick,

Messrs. McDowell,

Whiticar,

White.

Wood.—8.

Council adjourned till three o'clock this afternoon.

---

*At three o'clock Council met.*

Mr. Lilly presented a petition from Theadocia H. Cummings, for a divorce from her husband Samuel T. Cummings,

Which was read and referred to Messrs. Lilly, Irick and Van Nest.

Mr. Canfield from the Committee on Corporations, to whom had been referred the bill entitled,

"An act to regulate voting by proxy,  
Reported said bill with amendments,  
Which was ordered to have a second reading.

Mr. Irick from the committee to whom had been referred the petition  
of certain citizens of Lambertville, praying to be set off into an In-  
dependent Battalion,

Reported by bill,  
Which was read by its title, and ordered to have a second reading.  
The bill entitled,

An act for the relief of York Mulford, a colored man of the Coun-  
ty of Morris,

Was read a second time, considered by sections, and  
Ordered to be engrossed, for a third reading.

The bill from the House of Assembly entitled

"An act to incorporate the Hudson County Mutual Insurance Com-  
pany,

Was taken up, reconsidered, and amended, the amendments ordered  
to be engrossed, and the bill to have a third reading.

The following concurrent resolution :

*Resolved*, (the Assembly concurring) That the Attorney General  
be requested to take such legal measures, as to him may seem proper,  
to ascertain by what authority "the Subscribers to the New Hope  
Delaware Bridge Company" carry on the business of Banking ; and  
if they have no authority by law, for so doing, that he take legal steps  
to put an end to the exercise of such powers :

Was read, and on the question, shall it pass ?

It was adopted by the following vote :

## YEAS.

Messrs. Boyles,  
S. D. Canfield,  
Cassedy (V. P.)  
Chetwodd,  
Condit,  
Cooper,

Messrs. Lilly,  
McDowell,  
Patterson,  
Van Nest,  
Whiticar,  
Hughes.—12.

## NAYS.

Messrs. Irick,  
Scott,

Messrs. White,  
Wood.—4.

Ordered, That the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

The bill entitled,

An act to renew the charter of the Commercial Bank of New Jersey,

Was read a second time, and on the question of amendment, its further consideration was postponed.

Council adjourned till ten o'clock to-morrow morning.

THURSDAY, February 10th, 1842.

*At ten o'clock Council met.*

Mr. Newell presented a petition to repeal or modify the Medical Law.

Referred to Messrs. Newell, Whittier and Chetwood.

Mr. Lilly from the committee to whom had been referred the petition of Theadocia H. Cummings, for a divorce from her husband,

Reported by bill,

Which was read by its title, and ordered a second reading.

Mr. Cooper from the committee on agriculture to whom had been referred the bill entitled,

A further supplement to the act entitled an act to enable the owners and possessors of certain salt meadows and marsh, lying in the Township of Woodbridge and Piscataway, in the Raritan Great Meadows, to make and keep open the drains, build and repair bridges and gates, for the uses therein mentioned, passed June 12, 1799,

Reported said bill without amendment,

Which was read by its title, and

Ordered to have a second reading.

Mr. Newell to whom had been referred the petition of William Elwell, of the County of Salem, for a divorce from his wife Elizabeth Ann Elwell.

Reported by bill,

Which was read by its title, and ordered to have a second reading.  
Mr. S. D. Canfield from the committee on the Judiciary, to whom  
had been referred the bill from the House of Assembly, entitled,

" An act supplementary to an act entitled, An act to incorporate the  
Rockaway Manufacturing Company, passed the 15th day of February,  
A. D. 1837,

Which bill was read by its title and ordered to have a second reading.

The engrossed bill entitled,

A further supplement to an act entitled an act to Incorporate the  
Elizabeth Town and Somerville Rail Road Company,

Was read a third time, and compared,

On the question, shall this bill pass ?

It was determined in the affirmative, as follows :

## YEAS.

Messrs. Boyles.

S. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Condit,  
Cooper,  
Hughes,  
Irick,

Messrs. Lilly,

McDowell,  
Newell,  
Patterson,  
Van Nest,  
Whiticar,  
White,  
Wood.—16.

Being the votes of all the members present.

Ordered, That the President sign the same, and the Secretary inform  
the House of Assembly that Council have passed said bill, to which  
the assent of the House of Assembly is requested.

The engrossed bill entitled,

An act for the relief of York Mulford a colored man of the County  
of Morris,

Was read a third time, and compared.

On the question, shall this bill pass ?

It was determined in the affirmative, as follows :

## YEAS.

Messrs. Boyles.

M. D. Canfield,  
Chetwood,  
Condit,

Messrs. S. D. Canfield,

Cassedy, (V. P.)  
Newell,  
Patterson,

Messrs. Cooper,  
Hughes,  
Irick,  
Lilly,  
McDowell,

Messrs. Scott,  
Van Nest,  
Whiticar,  
White,  
Wood.—18.

Being a unanimous vote.

Ordered, That the President sign said bill and the Secretary inform the House of Assembly that Council have passed the same, to which bill the assent of the House of Assembly is requested.

The bill from the House of Assembly entitled,

An act to incorporate the Hudson County Mutual Insurance Company,

Was read a third time, as amended in council, and compared,  
On the question, shall this bill pass,

It was determined in the affirmative, as follows:

YEAS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield.  
Cassedy, (V. P.)  
Chetwood,  
Condit,  
Cooper,  
Hughes,  
Irick,

Messrs. Lilly,  
McDowell,  
Newell,  
Patterson,  
Scott,  
Van Nest,  
Whiticar,  
White;  
Wood.—18.

Ordered, That the President sign said bill, and the Secretary inform the House of Assembly, that Council have passed the same with amendments.

To which amendments the concurrence of the House of Assembly is requested.

The bill from the House of Assembly entitled,

An act to incorporate "the Orange Lyceum, in the County of Essex."

Was read a third time and compared,

On the question, shall this bill pass?

Its further consideration was postponed till this afternoon.

The bill entitled,

An act to renew the charter of the Commercial Bank of New Jersey,

Was read a second time, amended, and ordered to be engrossed for a third reading.

The bill entitled,

"An act to confirm the last will and testament of Joseph Northrup, late of the County of Sussex, deceased, and to relieve the Executors therein named,"

Was read a second time, and while under consideration, it was moved to strike out the first section, which was agreed to, and said bill ordered to be dismissed from the files of Council, and the petitioners have leave to withdraw the paper.

The Joint Resolution from the House of Assembly relative to the tariff, was read a second time, and a motion being made to amend the same, by inserting in the first line of the Resolution, the words "be and hereby are instructed" immediately after the word "Senators," so as to read "*Resolved that our Senators be and hereby are instructed,*"

On which amendment the yeas and nays were ordered,

Which was determined in the negative, as follows :

#### YEAS.

Messrs. Boyles,	Messrs. Lilly,
M. D. Canfield,	Newell,
S. D. Canfield,	Patterson.
Cassedy (V. P.)	Van Nest,

Cooper.—9.

#### NAYS.

Messrs. Chetwood,	Messrs. Scott,
Condit,	Whiticar,
Hughes,	White,
Irick,	Wood,

McDowell.—9.

So the amendment was not agreed to.

On the question shall this joint resolution be ordered to a third reading, on which question the yeas and nays were ordered,

Which was decided in the affirmative by the following vote.

#### YEAS.

Messrs. M. D. Canfield,	Messrs. McDowell,
S. D. Canfield.	Scott,

Messrs. Chetwood,  
Condit,  
Hughes,

Messrs. Whitar,  
White,  
Wood,

Irick.—11.

NAYS.

Messrs. Boyles,  
Cassedy, (V. P.)  
Cooper,

Messrs. Lilly,  
Newell.  
Patterson,

Van Nest.—7.

Which Joint Resolution was ordered to a third reading.  
Council adjourned to three o'clock this afternoon.

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*At three o'clock Council met.*

On motion Council proceeded to the appointment of the Commissioners of Pilotage, for the ensuing year.

Whereupon, the following gentlemen were all unanimously re-appointed:

John F. Ellis, of Jersey City, Hudson County.

William J. Hackstaff, Jersey City, Hudson County.

Lewis Bosworth, of Newark, Essex County,

Benjamin Beaston, Newark, Essex County,

Jonathan D. Williamson, U. S. Navy, Elizabethtown. Essex Co.,

Lawrence Kearney, U. S. Navy, Perth Amboy, Middlesex County.

William T. Rogers, of Nestor, Somerset County. Their commissions to bear date from the 15th inst.

Mr. S. D. Canfield from the committee to whom had been referred the petition of Maria Mercales, relative to the sale of Real Estate,  
Reported by bill,

Which was read by its title, and ordered to have a second reading.  
Mr. Cassedy (V. P.) with leave presented a bill entitled,

A further supplement to an act entitled an act constituting Courts, for the trial of small causes,

Which was read by its title, ordered a second reading and referred to the committee on the Judiciary.

The bill from the House of Assembly entitled,

"An act to legalize the sale of the Real Estate, late of Nathan Stinger, deceased, and others, made by commissioners appointed by the Prerogative Court of this State, to make partition of said Real Estate, to authorize Deeds of Conveyance to be made therefore, and for other purposes therein mentioned,

Was read a third time and compared.

On the question, shall this bill pass?

It was determined in the affirmative as follows:

YEAS.

Messrs. Boyles,

M. D. Canfield,

S. D. Canfield,

Cassedy, (V. P.)

Condit,

Cooper,

Irick,

Messrs. Lilly,

McDowell,

Newell,

Patterson,

Van Nest,

White,

Wood.—14.

NAYS.

Messrs. Chetwood,

Hughes.—2.

Ordered that the President sign said bill, and the Secretary inform the House of Assembly that Council have passed said bill without amendment.

The bill from the House of Assembly entitled,

"An act to incorporate the Orange Lyceum in the County of Essex,"

Having been read a third time,

On the question, shall this bill pass?

It was determined in the affirmative by the following vote:

YEAS.

Messrs. Boyles,

M. D. Canfield,

S. D. Canfield,

Cassedy, (V. P.)

Chetwood,

Condit,

Cooper,

Messrs. Irick,

Lilly,

McDowell,

Newell,

Van Nest,

White,

Wood,

Hughes.—15.

## NAY.

Mr. Patterson.—1.

Ordered that the President sign said bill and the Secretary pro tem. inform the House of Assembly that Council have passed the same, without amendment.

The bill entitled,

An act to compel the Banks of this State to resume Specie payments,  
Was taken up, read by sections, and amended, on the question to postpone the same, the yeas and nays were ordered,  
Which was determined in the negative, as follows.

## YEAS.

Messrs. Chetwood,  
Condit,  
Hughes,  
Irick,

Messrs. McDowell,  
Whiticar,  
White,  
Wood—8.

## NAYS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield,  
Cassedy (V. P.)

Messrs. Cooper,  
Lilly,  
Newell,  
Patterson,

Van Nest.—9.

On the question to amend said bill, that on and after the 4th day of July next, the said Banks should redeem all five dollar bills and under in specie; on which motion the yeas and nays were ordered,  
Which resulted in the negative as follows.

## YEAS.

Messrs. Chetwood,  
Condit,  
Hughes,  
Irick,

Messrs. McDowell,  
Whiticar,  
White,  
Wood,—8

## NAYS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield,

Messrs. Cassedy (V. P.)  
Cooper,  
Lilly,

Newell,

Patterson,

Van Nest.—9.

Which amendment was lost.

It was then moved to amend by inserting the first of October next.

On which question the yeas and nays were called,

It was determined in the negative, as follows:

## YEAS.

Messrs. Chetwood,  
Condit,  
Hughes,  
Irick,

Messrs. McDowell,  
Whiticar,  
White,  
Wood.—8.

## NAYS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)

Messrs. Lilly,  
Newell,  
Patterson,  
Van Nest,

Cooper.—9.

On the question of agreeing to the second section as amended, the yeas and nays were called,

Which was determined in the affirmative, as follows:

## YEAS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)

Messrs. Lilly,  
Newell,  
Patterson,  
Van Nest,

Cooper.—9.

## NAYS.

Messrs. Chetwood,  
Condit,  
Hughes,  
Irick,

Messrs. McDowell,  
Whiticar,  
White,  
Wood.—8.

And while said bill was under consideration,  
Council adjourned till ten o'clock to-morrow morning.

FRIDAY, February 11th, 1842.

*At ten o'clock Council met.*

The Joint Resolution from the House of Assembly, relative to the  
Tariff,

Was read a third time,

On the question, shall this Joint Resolution pass?

It was determined in the affirmative as follows:

YEAS.

Messrs. Boyles,

M. D. Canfield,

Chetwood,

Condit,

Cooper,

Hughes,

Messrs. Irick,

McDowell,

Newell,

Scott,

White,

Wood.—12.

NAYS.

Messrs. Cassidy, (V. P.)

Lilly,

Messrs. Patterson,

Van Nest.—4.

Ordered, that the President sign said Joint Resolution and the Secretary inform the House of Assembly that Council have passed the Joint Resolution from the House of Assembly, relative to the Tariff, without amendment.

The bill entitled,

An act to compel the Banks of this State to resume specie payments,

Was read a second time, considered by sections, and amended,

On the question of ordering said bill to be engrossed for a third reading, the yeas and nays were ordered,

Which was determined in the affirmative as follows:

YEAS.

Messrs. Boyles,

M. D. Canfield,

Cassidy, (V. P.)

Cooper,

Messrs. Lilly,

Newell,

Patterson,

Scott,

Van Nest.—9.

## NAYS.

Messrs. Chetwood,  
Condit,  
Hughes,

Messrs. Irick,  
McDowell,  
White,

Wood.—7.

Ordered, That said bill be engrossed and have a third reading.

The bill entitled;

An act to regulate voting by proxy,

Was read a second time, and ordered to be engrossed and have a third reading.

The bill entitled,

An act respecting the Volunteer Company of Cadets of Lambertville in the County of Hunterdon,

Was read a second time, and ordered to be engrossed and have a third reading.

After Council had spent some time in a Court of Pardons,

A Message from the House of Assembly by Mr. Prior their Clerk informed Council that the House of Assembly have passed the bills from Council entitled,

An act for the relief of Anna Ogburn of the County of Monmouth,

And an act to divorce Louisa Amelia Murray, from her husband James Murray,

Without amendment.

The House of Assembly have also agreed to the amendments made in Council, to the bill from the House of Assembly entitled,

“An act to incorporate the Hudson County Mutual Insurance Company,

And have ordered said bill to be re-engrossed.

The bill from the House of Assembly entitled,

A further supplement to the act entitled an act to enable the owners and possessors of certain Salt Meadows and Marsh, lying in the township of Woodbridge and Piscataway, in the Raritan Great Meadows, to make and keep open the drains, build and repair bridges and gates, for the uses therein mentioned, passed June 12th, 1799,”

Was read a second time, and on the question, ordering said bill to a third reading, its further consideration was postponed.

Council adjourned till three o'clock this afternoon.

*At three o'clock Council met.*

Mr. Condit presented a petition from Joseph Dodd, of Jersey City, relative to certain lots in said City,

Which was read and referred to the committee on the Judiciary.

Mr. Newell presented a petition from citizens of the County of Salem, relative to Steam Boats navigating Salem Creek,

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

Mr. White with leave presented a bill entitled,

An act to appoint a commissioner to settle up the business of Richard Jaques, late Sheriff of the County of Mercer, deceased,

Which was read by its title, ordered to have a second reading, and referred to the committee on the Judiciary.

The bill from the House of Assembly entitled,

A further supplement to the act entitled an act to enable the owners and possessors of certain salt meadows and marsh, lying in the Township of Woodbridge and Piscataway in the Raritan Great Meadows, to make and keep open the drains, build and repair bridges and gates, for the uses therein mentioned, passed June 12, 1799,

Was again taken up, its title taken for a second reading, and said bill ordered to have a third reading.

Mr. Van Nest moved that when Council adjourn, it adjourns to meet on Monday afternoon at three o'clock,

On which motion the yeas and nays were ordered,

Which motion was determined in the negative as follows.

YEAS.

Messrs. Condit,  
Hughes,

Messrs. Patterson,  
Van Nest,

Wood,—5.

NAYS.

Messrs. Boyles,  
Cassedy, (V. P.)  
Chetwood,  
Irick,

Messrs. Lilly,  
McDowell,  
Newell,  
White.—8.

Mr. Newell moved that when Council adjourns, it adjourn till half past two o'clock on Monday afternoon, which was agreed to.

Council adjourned till half past two o'clock on Monday afternoon.

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MONDAY, February 14th, 1842.

*At half past two o'clock Council met.*

Mr. Condit moved that leave be given to withdraw for this afternoon, the papers connected with the application of Stephen Budd of the County of Morris, for a divorce, which was granted.

Mr. S. D. Canfield presented a Remonstrance from the Township of Jefferson, in the County of Morris, against the setting off a part of said Township, to be attached to the Township of West Milford in the County of Passaic,

Which was read and ordered to lie on the table.

Mr. Scott from the committee on the judiciary to whom had been referred the bill entitled,

"An act to appoint a commissioner to settle up the business of Richard Japues, late Sheriff of the County of Mercer, deceased,

Reported said bill, which was

Ordered to have a second reading.

The Printing was dispensed with, and the fifteenth rule being suspended, said bill was read a second time, considered by sections, and

Ordered to be engrossed, and have a third reading.

The engrossed bill entitled,

"An act to regulate voting by proxy,

Was read a third time and postponed.

The concurrent Resolution in relation to the Taxes and transit duties on the New Jersey Rail Road Company, was taken up and postponed.

A message from the House of Assembly by Mr. Prior their Clerk, informed Council that the House of Assembly, had passed the bills entitled,

"An act to incorporate the Union Temperance Beneficial Association of Camden, New Jersey," and,

"An act to provide for the resumption and continuance of Specie payments, by the Banks in this State,"

To which bills the assent of Council is requested.

The House of Assembly have also agreed to the amendments made in Council, to the bill entitled,

"An act to legalize the sale of the Real Estate late of Nathan Stiger, deceased, made by commissioners appointed by the Prerogative Court of this State, to make partition of said Real Estate, to authorize Deeds of Conveyance to be made therefore, and for other purposes therein mentioned,

And have ordered said bill to be re-engrossed.

The bill from the House of Assembly entitled,

"An act to provide for the resumption and continuance of Specie Payments, by the Banks in this State,"

Was read by its title, ordered to have a second reading, and to be referred to the committee on the Judiciary.

The bill from the House of Assembly entitled,

"An act to incorporate the Union Temperance Beneficial Association of Camden, New Jersey,"

Was read by its title, ordered to have a second reading, and to be referred to the committee on Corporations.

The bill entitled,

"An act concerning the descent and distribution of the Estates of Intestates,"

Was read a second time, considered by sections, and

Ordered to be engrossed, and have a third reading.

The bill entitled,

"An act to divorce Theadocia H. Cummings, from her husband, Samuel T. Cummings,

Was read a second time, considered by sections, and

Ordered to be engrossed and have a third reading.

The fifteenth rule was suspended, and the engrossed bill entitled,

"An act to appoint a commissioner to settle up the business of Richard Jaques, late Sheriff of the County of Mercer, deceased,

Was read a third time, and compared,

On the question, shall this bill pass?

It was determined in the affirmative by the votes of all the members present, viz :

## YEAS.

Messrs. S. D. Canfield,  
Cassedy (V. P.)  
Chetwood,  
Condit,  
Hughes,

Messrs. Irick,  
Lilly,  
McDowell,  
Newell,  
Scott.—10.

Ordered that the President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence,

The vote by which the bill from the House of Assembly entitled, "An act to provide for the resumption and continuance of Specie Payments by the Banks of this State,"

Was referred to the Judiciary committee, was reconsidered, and after some consideration said bill was again referred to the committee on the Judiciary by the following vote.

## YEAS.

Messrs. S. D. Canfield,  
Cassedy, (V. P.)  
Condit,

Messrs. Lilly,  
Newell,  
Scott,—6.

## NAYS.

Messrs. Chetwood,  
Hughes,

Messrs. Irick,  
McDowell,—4.

Council adjourned till ten o'clock to-morrow morning.

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TUESDAY, February 15th, 1842.

*At ten o'clock Council met.*

Mr. White presented three petitions from Joshua Hollinshead and

other citizens of Trenton and its vicinity praying for the passage of a similar Law to the one recently passed by the Legislature of Pennsylvania, authorizing the building a Bridge over the River Delaware, at or near the head of Trenton Falls,

Which were read and referred to the committee on Corporations.

The Vice President presented a petition of Michael D. Vreeland, for a law authorizing the Executor therein named to pay portions &c.

Which was read and referred to the committee on the Judiciary.

Mr. Wood presented a petition from James Janes, praying for a divorce from his wife,

Which was read and referred to Messrs. Wood, Van Nest and Irick.

Mr. Wood presented a petition from the "Morris County Bank" praying to be released from the payment of a portion of the Tax required of them,

Which was read and referred to Messrs. Wood, S. D. Canfield and Condit.

Mr. S. D. Canfield from the committee on Corporations, to whom had been referred the bill from the House of Assembly entitled,

"An act to incorporate the Union Temperance Beneficial Association of Camden, New Jersey,"

Reported the same, without amendment.

The engrossed bill entitled,

An act respecting the Volunteer Company of Cadets of Lambertville in the County of Hunterdon,

Was read a third time and compared,

On the question, shall this bill pass?

It was determined in the affirmative by the votes of all the members present, viz :

#### YEAS.

Messrs. S. D. Canfield,  
Cassedy, (V. P.)  
Condit,  
Cooper,  
Hughes,  
Irick,

Messrs. Lilly,  
McDowell,  
Newell,  
Patterson,  
Scott,  
Van Nest,

Wood.—13.

Ordered that the President sign said bill, and the Secretary inform

the House of Assembly that Council have passed the same, and request their concurrence.

The bill entitled,

"An act to discharge Cornelieus S. Van Wagoner from the execution of certain trusts therein named,"

Was taken up and postponed for one week.

The bill entitled,

"An act to divorce William Scott, of the County of Passaic, from his wife,"

Was read a second time, considered, and

Ordered to be engrossed and have a third reading.

The bill from the House of Assembly entitled

"An act to divorce Stephen Budd from his wife, Susan Elizabeth,"

Was taken up and disagreed to.

Ordered, That the Secretary inform the House of Assembly thereof and return said bill with the accompanying papers to the House of Assembly.

The bill from the House of Assembly entitled,

"An act authorizing the administrators of Anthony Woodward, deceased, to convey to Moses Ivins, certain Real Estate in the County of Monmouth,

Was read a second time, considered by sections, and

Ordered, That said bill have a third reading.

The bill from the House of Assembly entitled,

"An act authorizing the administrators of Anthony Woodward, deceased, to convey certain Real Estate,"

Was read a second time, considered by sections, and

Ordered, That said bill and have a third reading.

Council adjourned to three o'clock this afternoon.

---

*At three o'clock Council met.*

A message from the House of Assembly by Mr. Prior their Clerk

informed Council that the House of Assembly, had passed the bills from Council entitled,

An act for the relief of the first Presbyterian Church at Morris Town.

An act to appoint a commissioner to settle up the business of Richard Jaques, late Sheriff of the County of Mercer,

Without amendment.

The House of Assembly had passed the following bills entitled,  
 "An act to regulate Fishing with Seines in Barnegat Bay."

"An act authorizing the County Courts in the several Counties in this State, to adjourn over in such manner as the public convenience may require."

"An act for the relief of the Executors and Legatees of Isaac Van Blarcom, late of the County of Bergen, deceased."

"An act to authorize John Dilts to sell certain Real Estate formerly occupied by Thomas Wilson.

"An act to authorize the administrators &c. of John Johnson, deceased, to execute a contract made by said deceased for the sale of a lot of Woodland in the County of Monmouth."

To which bills the assent of Council is requested.

Which bills were severally read and committed to the committee on the Judiciary, except the bill from the House of Assembly entitled,

"An act to regulate Fishing with Seines in Barnegat Bay,"

Which was read and referred to Messrs. Irick, Patterson and Hughes.

Mr. White presented a petition from Randall C. Robbins and other citizens of Mercer County praying for an alteration of the Poor Laws.

Which petition was read and referred to the committee on the Judiciary.

Mr. Wood from the committee to whom had been referred the petition of James Janes for a divorce,

Reported adverse to the prayer of said petitioner for want of sufficient evidence.

The Report was agreed to and leave given him to withdraw the papers of the applicant.

The bill from the House of Assembly entitled,

A further supplement to an act entitled an act to enable the owners and possessors of certain Salt Meadows and Marsh, lying in the town-

ship of Woodbridge and Piscataway, in the Raritan Great Meadows, to make and keep open the drains, build and repair bridges and gates for the uses therein mentioned, passed June 12th, 1799,"

Was read a third time.

On the question, shall this bill pass?

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

## YEAS.

Messrs. M. D. Canfield,	Messrs. Lilly,
Cassedy, (V. P.)	McDowell,
Condit,	Newell,
Cooper,	Patterson,
Hughes,	Scott,
Irick,	White,

Wood.—13.

Ordered, that the President sign said Bill, and the Secretary inform the House of Assembly that Council have passed the same, Without amendment.

The engrossed bill entitled,

" An act to divorce Theadocia H. Cummings, from her husband, Samuel T. Cummings,

Was read a third time and compared.

On the question, shall this bill pass?

It was determined in the affirmative as follows; viz :

## YEAS.

Messrs. M. D. Canfield,	Messrs. McDowell,
Cooper,	Newell,
Hughes,	Patterson,
Lilly,	Scott,
Van Nest,	White

Wood,—11.

## NAYS.

Messrs. Cassedy, (V. P.)	Messrs. Condit,
Irick,—3.	

Ordered, That the President sign said bill and the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

The bill entitled,

“An act to divorce Ezekiel Wilcox, from his wife, Mary Wilcox,”

Was read a second time, considered by sections, and ordered to have third reading.

The concurrent Resolution in relation to the Tax and transit duty imposed upon the New Jersey Rail Road and Transportation Company, was taken up, considered and postponed.

Mr. Wood from the committee to whom had been referred the petition of the Morris County Bank,

Reported a bill entitled,

“A bill for the relief of the Morris County Bank,

Which was read and ordered to have a second reading.

The bill from the House of Assembly entitled,

“An act supplementary to an act entitled An act to incorporate the Rockaway Manufacturing Company, passed the 15th day of February, A. D. 1837,

Was read a second time considered, and

Ordered, to have a third reading.

Council adjourned till ten o'clock to-morrow morning.

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WEDNESDAY, February 16th, 1842.

*At ten o'clock Council met.*

Mr. White, with leave, presented a bill entitled

“An act to Incorporate the New England Company of South Trenton,”

Which bill was read, and referred to the committee on Corporations.

Mr. S. D. Canfield from the committee on Corporations, to whom had been referred the petition for another Bridge over the Delaware at Trenton,

Reported a bill entitled,

An act to Incorporate the Trenton City Bridge Company,

Which bill was read by its title and ordered to have a second reading.

Mr. S. D. Canfield from the committee on the Judiciary, to whom had been referred

The bill entitled,

A further supplement to the act entitled an act to abolish Imprisonment for debt in certain cases,

Reported the same with sundry amendments.

Mr. Irick from the committee to whom had been referred the bill from the House of Assembly entitled,

"An act to regulate Fishing with Seines in Barnegat Bay,"

Reported the same without amendment,

Ordered said bill have a second reading.

The concurrent Resolution in relation to the taxes and transit duties on the New Jersey Rail Road and Transportation Companies was taken up and amended, so as to make it a Joint Resolution, which was read a first time, and

Ordered to have a second reading.

The fifteenth rule being suspended, said Joint Resolution was read a second time, considered, and

Ordered to be engrossed, and have a third reading.

The engrossed bill entitled,

"An act to renew the Charter of the Commercial Bank of New Jersey,"

Was read a third time, and on the question to postpone the same one week,

The yeas and nays being required to be entered on the Journal, were as follows :

#### YEAS.

Messrs. M. D. Canfield,  
S. D. Canfield,  
Chetwood,  
Condit,

Messrs. Hughes,  
Irick,  
McDowell,  
White,

Wood,—9.

## NAYS.

Messrs. Cassidy, ) V. P.)  
 Cooper,  
 Lilly,

Messrs. Newell,  
 Patterson,  
 Van Nest,—6.

So it was determined in the affirmative.

A Message from the House of Assembly by Mr. Prior their Clerk informed Council that the House of Assembly have passed the bills entitled,

“An act to divorce Harriet Rossell from her husband Joseph Rossell,” and

An act to divorce Rebecca D. Henry from her husband John Henry.

To which bills the assent of Council is requested.

The House of Assembly have also passed the bills from Council, entitled,

“A further supplement to an act entitled an act to Incorporate the Elizabeth Town and Somerville Rail Road Company,” and

“A supplement to the act entitled an act concerning Roads”,  
 Severally, without amendment.

The bill from the House of Assembly entitled,

“An act to divorce Rebecca D. Henry from her husband John Henry,

Was read by its title and referred to Messrs. M. D. Danfield, Hughes and Newell.

The bill from the House of Assembly entitled,

“An act to divorce Harriet Rossell from her husband Joseph Rossel,”

Was read by its title and referred to Messrs. Chetwood, Cooper and Condit.

The engrossed bill entitled,

“An act to regulate voting by proxy,

Was read a third time, and compared,

On the question, shall this bill pass?

It was determined in the affirmative, by the follows vote, viz :

## YEAS.

Messrs. M. D. Canfield,  
 S. D. Canfield,  
 Cassidy, (V. P.)

Messrs. Hughes,  
 Lilly,  
 Newell,

Messrs. Chetwood,  
Condit,  
Cooper,

Messrs. Patterson,  
Van Nest,  
White,—12.

## NAY.

Wood,—1

Ordered, That the President sign said bill and the Secretary inform the House of Assembly that Council have passed said bills, And requested their concurrence.

The bill from the House of Assembly entitled,

“An act authorizing the administrators of Anthony Woodward deceased, to convey to Moses Ivins certain Real Estate in the County of Monmouth,

Which was read a third time.

On the question, shall this bill pass?

It was determined in the affirmative, by the following vote:

## YEAS.

Messrs. M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)  
Condit,  
Cooper,  
Hughes,

Messrs. Irick,  
Lilly,  
McDowell,  
Newell,  
Patterson,  
Van Nest,

White.—13.

## NAYS.

Messrs. Chetwood,

Wood,—2.

Ordered that the President sign said bill and the Secretary inform the House of Assembly that Council have passed the same, without amendment.

The bill from the House of Assembly entitled,

“An act authorizing the administrators of Anthony Woodward deceased, to convey certain Real Estate,

Was read a third time and considered.

On the question, shall this bill pass?

It was determined in the affirmative, as follows:

## YEAS.

Messrs. M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)  
Condit,  
Cooper,  
Van Nest,

Messrs. Hughes,  
Irick,  
Lilly,  
McDowell,  
Newell,  
Patterson,

White,—13.

## NAY.

Mr. Chetwood,—1.

Ordered, that the President sign said Bill, and the Secretary inform the House of Assembly that Council have passed the same, Without amendment.

Council adjourned till three o'clock this afternoon.

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*At three o'clock Council met.*

Mr. S. D. Canfield presented a petition for the re-charter of the Paterson Bank,

Which was read and referred to the committee on Corporations.

Mr. Scott from the committee on the subject of the taxes and transit duties to be paid by the Camden and Amboy, and Delaware and Raritan Canal and Transportation Companies, made a verbal report accompanied with two Joint Resolutions in relation thereto,

Which Joint Resolutions were read, and

Ordered to have a second reading.

Mr. Condit presented a petition for the repeal of law releasing to Col. Aaron Ogden the privileges to certain Oyster lands on the coast of Hudson County,

Which was referred to Messes. Condit, Patterson and McDowell.  
 Ordered, that the former petitions presented on that subject which had been referred to the committee on the Judiciary, be referred to the committee just appointed, and that the Judiciary committee be released from the further consideration of that subject.

Mr. S. D. Canfield from the Judiciary committee, reported a bill entitled,

"A further supplement to the act entitled an act constituting Courts for the Trial of small causes,

Which was read by its title and ordered to have a second reading.

Mr. Scott from the committee on the Judiciary to whom had been referred the bill entitled,

An act to Incorporate the Trenton City Bridge Company,

Reported the same without amendment.

Which was ordered to have a second reading.

Mr. Wood, with leave, presented a bill entitled

"An act extending facilities for construction and repair of Rail Roads,

Which was read by its title and referred to the committee on the Judiciary.

Mr. Scott, from the committee to whom had been referred the petition of William F. Pyatt, for compensation supposed to be due his father for services in the war of the Revolution,

Reported adverse to said petition,

Which report was agreed to, and leave was granted the petitioner to withdraw his papers.

Mr. S. D. Canfield, from the committee on Corporations, reported a Bill entitled,

An act to incorporate the New England Company of South Trenton, With sundry amendments,

Which was read by its title, and ordered a second reading.

Mr. Scott from the committee on the Judiciary reported a bill entitled,

"An act to authorize Garret Sip, surviving Executor of Michael D. Vreeland, late of Bergen County, in this State, deceased, to divide certain personal Estate under the will of said Testator,

Which bill was read by its title, and

Ordered to have a second reading.

The bill from the House of Assembly entitled,

"An act to incorporate the Union Temperance Beneficial Association of Camden, New Jersey,"

Was taken up, considered, and postponed,  
 The fifteenth rule was suspended, and  
 The bill from the House of Assembly entitled,  
 "An act to regulate Fishing with Seines in Barnegat Bay,"  
 Was read a second time, considered, and  
 Ordered, to have a third reading.

The Governor laid before Council a printed communication from  
 sundry citizens of Illinois, in relation to the defences of the country.

Which was read and referred to the committee on Military affairs.

The engrossed bill entitled,

"An act to divorce William Scott, of the County of Passaic, from  
 from his wife,"

Was read a third time, and compared,

On the question, shall this bill pass?

It was determined in the affirmative, as follows:

## YEAS.

Messrs. M. D. Canfield,  
 S. D. Canfield,  
 Cassedy (V. P.)  
 Cooper,  
 Hughes,

Messrs. Irick,  
 Lilly,  
 Newell,  
 Patterson,  
 Van Nest,

Wood.—11.

## NAYS.

Messrs. Condit,

White.—2.

Ordered, That the President sign said bill, and the Secretary  
 inform the House of Assembly, that Council have passed the same  
 And request their concurrence.

Council adjourned till ten o'clock to-morrow morning.

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THURSDAY, February, 17th, 1842.

*At ten o'clock Council met.*

Mr. Chetwood presented a petition for the re-charter of the Pater-  
 son Bank,

Which was referred to the Committee on Corporations.

Mr. White presented a petition for changing the boundary line, between the Townships of Princeton and West Windsor, in the County of Mercer,

Which was read and referred to Messrs, White, M. D. Canfield and McDowell.

Mr. White presented a remonstrance against the building of another bridge over the Delaware, at the City of Trenton,

Which was ordered to lie on the table.

Mr. Whiticar presented a petition for the repeal or modification of the Law, creating the Medical Society of New Jersey,

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

A Message from the House of Assembly by Mr. Prior their Clerk, informed Council that the House of Assembly had passed the bill from Council, entitled

An act for the relief of York Mulford, a colored man of the County of Morris,

Without amendment.

Mr. Condit from the special committee on the application for repealing the Law, which released to Aaron Ogden, certain oyster lands on the coast of Hudson County,

Reported a bill entitled,

"An act to repeal an act therein named,"

Which bill was read, and ordered to have a second reading.

The bill from the House of Assembly entitled,

"An act to regulate Fishing with Seines in Barnegat Bay,"

Was read a third time,

On the question, shall this bill pass?

It was determined in the affirmative, by the following vote:

#### YEAS.

Messrs. M. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Condit,  
Cooper,  
Hughes,

Messrs. Irick,  
McDowell,  
Newell,  
Patterson,  
Whiticar,  
White,

Wood,—13.

#### NAY.

Van Nest.—1.

Ordered that the President sign said bill and the Secretary inform the House of Assembly that Council have passed the same, without amendment.

The engrossed Joint Resolution relative to the Tax and Transit duties due the State, from the New Jersey Rail Road and Transportation Company,

Was read a third time and compared,

On the question, shall this Joint Resolution pass?

It was determined in the affirmative, by the following vote:

## YEAS.

Messrs. M. D. Canfield,  
Chetwood,  
Condit,  
Cooper,  
Hughes,

Messrs. Irick,  
McDowell,  
Whiticar,  
White,  
Wood,—10.

## NAYS.

Messrs. Cassidy (V. P.)  
Newell,

Messrs. Patterson,  
Van Nest,—4.

Ordered, that the President sign said Joint Resolution and the Secretary inform the House of Assembly that Council have passed the Joint Resolution, and request their concurrence.

The bill entitled,

A bill for the relief of the Morris County Bank,

Was read a second time and considered.

On the question, shall this bill be engrossed and have a third reading,

It was determined in the negative as follows:

## YEAS.

Messrs. Chetwood,  
Hughes,

Messrs. McDowell,  
Scott,  
Wood,—5.

## NAYS.

Messrs. M. D. Canfield,  
Cassidy, (V. P.)  
Condit,  
Cooper,  
Lilly,

Messrs. Newell,  
Patterson,  
Van Nest,  
Whiticar,  
White,—10.

On motion of Mr. Wood, leave was given him to withdraw the papers of the applicants connected with said bill.

The bill entitled,

"An act to incorporate the Trenton City Bridge Company,"

Was taken up and recommitted to the committee on Corporations.

The bill from the House of Assembly entitled,

A supplement to an act entitled a further supplement to the act entitled an act to establish and confirm the charter rights and privileges of the Borough of Elizabeth,

Was read a second time, amended, and

Ordered to have a third reading.

The bill from the House of Assembly entitled

An act authorizing the County Courts in the several Counties in this State to adjourn over in such manner as the public convenience may require,

Was read a second time, considered, and

Ordered to have a third reading.

The bill entitled,

An act concerning the Orphans' Court,

Was read a third time and postponed.

Mr. S. D. Canfield from the Judiciary committee to whom had been referred the bill from the House of Assembly entitled

"An act to provide for the resumption and continuance of specie payments, by the Banks in this State,"

Reported the same with sundry amendments, which amendments were ordered to be printed.

Council adjourned till three o'clock this afternoon.

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*At three o'clock Council met.*

Mr. Cooper presented a petition from sundry citizens of Gloucester County praying for a law to prevent Tavern keepers and others, from selling intoxicating drinks on the Sabbath,

Which was read and referred to the committee on the Judiciary,

Mr. Boyles presented a remonstrance from sundry citizens of Sus-

sex County, against setting off the Township of Lafayette,

Which was laid on the table.

Mr. M. D. Canfield from the committee to whom had been referred the bill from the House of Assembly entitled,

An act to divorce Rebecca D. Henry from her husband John Henry,

Reported the same, without amendment.

Which was ordered to have a second reading,

Mr. Chetwood from the committee to whom had been referred the bill from the House of Assembly entitled,

"An act to divorce Harriet Rossell from her husband Joseph Rossel,"

Made the following Report:

The Committee to whom was referred Assembly Bill No. 63, entitled "An act to divorce Harriet Rossell from her husband Joseph Rossell," have agreed to report the said Bill from the House of Assembly without amendment. But they suggest that upon taking up the said bill upon its second reading, by the standing rule of Council, proof is required of a notice to the other party, if residing in the State, of such intended application, and no evidence of such notice appearing to your committee, nor any evidence of such notice having been given before the House of Assembly, where a similar rule exists, as your committee are informed, they submit the matter to the consideration of Council for their determination in the premises.

WM. CHETWOOD,  
WM. R. COOPER,  
JOHN S. CONDIT, } Committee.

Council Chamber, }  
Feb. 17th, 1842. }

Which report was read and agreed to.

Mr S. D. Canfield, from the committee on the Judiciary, to whom had been referred the bill entitled,

"An act extending facilities for the construction and repairs of Rail Roads,"

Reported the same, which was read by its title, and

Ordered to have a second reading.

A message from the House of Assembly by Mr. Prior their Clerk, informed Council that the House of Assembly had passed the following bills viz:

"An act to authorize the board of Chosen Freeholders of the County of Salem to build a Bridge over Salem Creek," and

An act to authorize Timothy Wiggins and William Hurry, Trustee of Adeline W. Torry, wife of William Torry, to make a Rail Road on their land in the County of Monmouth.

"A supplementary act to alter and amend the act entitled an act to incorporate the Port Colden Mutual Fire Insurance Company, passed February 26th 1838, and

"An act to extend the time limited for commencing and completing the road of the New Jersey Hudson and Delaware Rail Road Company,

To which bills the assent of Council is requested.

Which bills were severally read and committed.

The bill entitled,

"A supplement to an act entitled an Act to abolish Imprisonment for Debt, in certain cases,"

Was read a second time, and on a motion to postpone the same, the yeas and nays were as follows:

## YEAS.

Messrs. Boyles,

M. D. Canfield.

S. D. Canfield,

Cassedy, (V. P.)

Messrs. Lilly,

Newell,

Van Nest.

Patterson.—8.

## NAYS.

Messrs. Chetwood,

Condit,

Cooper,

Hughes,

Messrs. Irick,

McDowell,

Whiticar,

White,

Wood.—9.

So it was determined in the negative,

On the question of agreeing to the first and only section, the yeas and nays being required to be entered on the Journal, were as follows:

## YEAS.

Messrs. Chetwood,

Condit,

Cooper,

Messrs. Hughes,

McDowell,

Whiticar,

Wood.—7.

## NAYS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)  
Irick,

Messrs. Lilly,  
Newell,  
Patterson,  
Van Nest,  
White—10.

So it was disagreed to and said bill postponed.

The bill entitled,

An act to authorize Garret Sip, remaining Executor of Michael D. Vreeland, late of Bergen County in this State, deceased, to divide certain personal Estate, under the Will of said Testator,

Was read, and postponed.

The bill from the House of Assembly entitled,

"An act to incorporate the Union Temperance Beneficial Association of Camden, New Jersey,

Was read a second time, amended, and ordered to have a third reading.

Council adjourned till ten o'clock to-morrow morning.

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FRIDAY, February, 18th 1842.

*At ten o'clock Council met.*

Mr. Lilly from the minority of the judiciary committee to whom had been referred the subject of the Transit duties due the State, from the Delaware and Raritan Canal, and Camden and Amboy Rail Road and Transportation Companies, made the following Report:

MINORITY REPORT.

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A minority of the Committee on the Judiciary, to whom was referred that part of the message of His Excellency the Governor, re-

lating to the difference of opinion existing between the Treasurer of the State and the Delaware and Raritan Canal and Camden and Amboy Rail Road Companies, on the subject of transit duties—begs leave to REPORT—

That at the time these companies were incorporated, many of our most influential and patriotic citizens entertained serious doubts of the propriety of the measure; the immense influence such extensive corporations might attain in so small a State as New Jersey; the effect they might produce on her legislation; the incompatibility of exclusive privilege with republican tenets, combined in creating hostility to the plan; but experience has (in these cases at least) proved many of the anticipated results groundless, and at this day, we presume, every citizen feels gratified at the position New Jersey occupies in the confederation of states; that whilst many of her sister states, with their important internal improvements, unfinished, are overwhelmed with debt, New Jersey can point to her long lines of canal and rail road (unsurpassed, if equalled, by any in the Union) completely finished and in successful operation, as proud monuments of mechanical skill, energy, and enterprize; triumphant evidence of the wise policy that governed her sages and statesmen, in confiding their construction to individuals, instead of jeopardizing her resources by embarking directly in their execution; more especially, as we are able to proclaim to the world that not a single dollar has been drawn from the treasury in their formation, or the most trifling debt incurred in perfecting them, and that we are now enjoying an annual revenue of near forty thousand dollars from these two companies alone, in dividends and transit duties secured to the state, for the permission granted to erect them; but whilst exchanging congratulations on the issue of the adopted course, we certainly cannot feel anxious to press too rigidly, the present possessors of these magnificent works; or compel them (by too strict literal adherence to legal enactments) to pay the last cent our contracts demand, at the manifest risk of injuring, essentially, their property and usefulness; that although as guardians of the rights and interests of the state, we are solemnly bound to prevent every violation of contract, and see that the scales of law and justice are equally poised; we must not, we cannot dispense with the suggestions of the golden rule, of "doing unto others as we would they should do unto us" imposes, and treat them with the liberality and magnanimity the occasion demands.

To enable us to form an accurate opinion of the subject, it becomes

necessary to examine all the acts of the Legislature relating thereto. On the 4th of February, 1830, the Delaware and Raritan Canal and the Camden and Amboy Rail Road Companies were separately chartered. By the provisions of the latter, they were bound to pay to the state *at the rate* of ten cents for each passenger, and fifteen cents for each ton of merchandize transported upon their road.

On the 4th of February, 1831, an act relative to the Camden and Amboy Rail Road was passed. By the provisions of that act, the company is authorised to pay to the treasurer of this state ten cents for each passenger *transported on their road across the State, between Delaware River and Raritan Bay* instead of the ratable tax for passengers reserved in the original act of incorporation, the transit duties on goods and merchandize remaining unchanged. For this modification of transit duties and the promise that no rail road should be constructed by the authorities of this state or recognized by the United States, for the transportation of passengers and merchandize between New York and Philadelphia, the enactment that no rival road should be made within three miles of this route, anterior to the completion of their road, they transferred one thousand shares of their stock, secured the payment of the annual dividends thereon, and permitted the state to appoint one director to represent said stock, but not vote for the election of directors. In case the said rail road is constructed, the stock to revert to the company. These provisions not to interfere with a rail road from New Brunswick to Jersey City. On the 15th February, 1831, the Delaware and Raritan Canal and the Camden and Amboy Rail Road Companies were legally united, on condition that they should charge three dollars only for each passenger transported from New York to Philadelphia, and vice versa.

On the 2d March, 1832, a supplement was passed securing to the joint companies exclusive the right of way across the state; for this important privilege, they transferred one thousand shares of their joint stock, secured payment of the annual dividends thereon accruing, permitted the appointment of another director, consented to construct a spur or lateral road from New Brunswick, to or west of the village of Spotswood, and agreed to charge two dollars and fifty cents only for the transportation of passengers from New Brunswick to Philadelphia, and vice versa; and finally guaranteed that if within one year from the time the road from Bordentown to Amboy was so far completed as to enable them to transport passengers thereon, the transit duties accruing on said road, and the dividends on the

1000 shares of joint stock then transferred did not amount to thirty thousand dollars in each and every year thereafter, they would make up the deficiency. On the fifteenth March, 1837, another supplement was passed, abolishing the Spottswood spur or lateral road, and authorizing the companies, out of their joint funds, to construct a rail road from the southern termination of the New Jersey Rail Road at New Brunswick to the city of Trenton, Trenton Delaware Bridge and Bordentown, to connect with the Camden road at or south of the last named point, under the same rules and regulations, conditions, limitations, and liabilities as the Camden road; to pay to the state, (at the same stated periods,) the same transit duties from Bordentown, Trenton Delaware Bridge, City of Trenton to New Brunswick, or from the City of New Brunswick to Trenton, Trenton Delaware Bridge and Bordentown, as on the Camden road FROM CAMDEN TO AMBOY, provided they did not charge more than five cents per mile on either route, for way or through passengers on any of their roads. On the same day, March 15, 1837, another supplement was passed, authorizing them to charge four dollars for day and five dollars for night passengers on either route from New York to Philadelphia, and vice versa; provided they paid half the difference over three dollars to the Treasurer for each passenger so carried, and do not charge residents of the state more than three cents per mile; and provided also, that the transit duty be not less than ten cents for each passenger, thus confirming the repeal of the ratable or proportionate distance duty on passengers, as no sum less than the whole amount of transit duty charged for passing across the state, between Delaware river and Raritan Bay, was to be admitted in any case.

The Treasurer of the state, by virtue of these laws, claims from the companies—

1st. The annual dividends on the one thousand shares of the Camden and Amboy stock.

2d. The annual dividends on the one thousand shares of joint stock, the transit duties for passengers and merchandize transported on the Camden and Amboy Road, or in lieu thereof, the guarantee, i. e. thirty thousand dollars per annum, if the above items do not amount to that sum.

3d. The transit duties on way and through passengers and merchandize on the Trenton and New Brunswick road, distinct and separate from the guarantee; and from the annual dividends on the one thousand shares of the Camden and Amboy stock, and finally one

half the difference over three dollars, and the four and five dollars authorized by the supplement of March 15th, 1837, to be charged on passengers from New York to Philadelphia. and vice versa.

The companies consider the transit duties on way passengers on all their roads abolished, by the act of February 4th, 1830, and that the transit duties accruing on the Trenton and New Brunswick roads, ought to be united with the duties accruing on the Camden road to make up the guarantee.

On the 4th February, 1830, the Camden and Amboy Company agree to pay at the rate of ten cents for each passenger transported on their road.

On the 4th February, 1831, this ratable duty is repealed, and instead thereof, they agree to pay to the state ten cents for each passenger carried across the state from the Delaware river to Raritan bay; and for this release from the ratable duty provided for in the original act of incorporation, and this substitution, they gave the state one thousand shares of their stock, &c. Whatever may be our opinion of the propriety of this change, it appears to the minority of your committee to be too distinctly stated to leave a doubt on his mind, and that the Treasurer's view on this part of the subject (transit duties on way passengers) is not tenable; for the distinct language of the above act is, that the company shall pay to the state ten cents for each passenger carried across the state from the Delaware river to the Raritan bay, instead of at the rate of ten cents for each passenger transported on their road; but as regards merchandise, the original act of incorporation is still in force, and the Treasurer's view tenable.

On the 15th March, 1837, the companies are authorised to construct, out of their joint funds, a road from New Brunswick to the City of Trenton, Trenton Delaware Bridge, and Bordentown. They are commanded to pay the state the same transit duties for passengers carried on this road from Bordentown, Trenton Delaware Bridge, City of Trenton, to New Brunswick, as they would be commanded to pay if carried on the Camden road from CAMDEN TO AMBOY. What is that amount? The minority of your committee has examined the laws closely and deliberately, and he cannot discover any thing to compel the payment of transit duties from Camden to Amboy; if the laws designate the payment of any transit duty to the state on passengers from Camden to Amboy, it has escaped him. The companies are distinctly and definitely bound to pay the state a transit duty of ten cents for each passenger carried

across the state from the Delaware river to Raritan bay, not from Camden to Amboy, not from Bordentown to Amboy, not from Camden to Raritan bay, but across the state between the Delaware river and Raritan bay, and if there is any authority in the law to compel the companies to pay transit duties for passengers from Camden to Amboy, the minority of your committee, as before remarked, cannot discover it; if then there is no legal authority to compel the payment of a transit duty from Camden to Amboy, there is no legal authority to compel them to pay transit duties from Bordentown, Trenton Delaware Bridge, Trenton, to New Brunswick, for they are all based on this; and if this basis is deficient, the fabric thereon raised must fall to the ground. The above interpretation is a literal one, but it is the clearly defined letter of the law. We know and the companies know, that this was not the intention of the legislature in passing this law, it was an oversight, an omission, such a one as may happen at any time, and no doubt often does, but it was done, and registered, it became the law of the land; and if the spirit or intention was different (which we have every reason to believe was the fact) the phraseology was of that nature to vitiate and destroy it; but the companies never attempted to take advantage of it, and for that, if for no other cause, are entitled to a liberal decision at our hands, casting aside this interpretation of the law, or rather viewing it as an omission in the Legislature. Your committee admits and believes that the Treasurer's construction of the guarantee is sustainable; it refers to the Camden road alone, the Trenton road was a distinct road and not in existence at the time the guarantee was made, and as not a single word is uttered in the law of March 15th, 1837, authorising the construction of the Trenton road, on the subject of the guarantee, it is certainly unconnected therewith, and therefore distinct and separate, such would therefore seem to be a correct and literal interpretation of the laws as they stand, without noticing the Legislative omission before named. If, however, literal interpretation is to be the base of action in one case, it ought to be on the other, and as the companies were not disposed to take advantage of the wording of a law favoring themselves in one instance, justice and equity would require the same course from us in another; but suppose we cast aside the interpretation advantageous to them, and adopt the Treasurer's construction in every point, what would be the probable result? The companies would, (from the impulse of self-interest,) increase the facilities of travelling on the Camden route, diminish them on the Trenton route, in every practical mode,

without subjecting themselves to legal cognizance, and we should lose the transit duties accruing on the New Jersey Rail Road and Transportation Company's road from New Brunswick to Jersey City, and instead of receiving, as we now do, eighteen cents for each passenger, and twenty-seven cents for each ton of merchandise carried on the upper route, receive only ten cents for each passenger, and fifteen cents for each ton of merchandise carried from New York to Philadelphia. The minority of your committee taking every circumstance into deliberate consideration, with an eye directed to the future prosperity of New Jersey, and anxious to mete out equal and impartial justice to all, feels no hesitation in recommending the adoption of the resolutions hereunto annexed, being virtually the same as those offered by the honorable and respected Chairman of the Committee, as according strictly with the true interests of the state, conforming to the principles of justice, equity, magnanimity and patriotism, and calculated to settle, satisfactorily, the difference of opinion that has, for some years, agitated, not only the Legislature, but the whole community.

JOHN LILLY,

*One of the Judiciary Committee of Council.*

COUNCIL CHAMBER, February 18th, 1842.

## JOINT RESOLUTION.

COUNCIL No. 2.

*Be it Resolved by the Council and General Assembly of this State,* That the statutes heretofore passed in relation to the Delaware and Raritan Canal, and the Camden and Amboy Companies, shall be so construed by all courts, public officers, and others within this state, that the transit duties imposed upon the said companies for the transportation of passengers, shall be confined to the transportation of such passengers as are usually denominated "through passengers," whether the transportation be on the upper or lower road.

*Resolved,* That the transit duties for passengers travelling by the upper, usually called the Trenton route, shall be included, and computed as part and portion of the guarantee of the sum of thirty thousand dollars mentioned and provided for in the act of Assembly of second March, eighteen hundred and thirty-two.

Which report was read, ordered to lie on the table, and one hundred copies to be printed.

Mr S. D. Canfield, from the committee on Corporations to whom had been referred the bills from the House of Assembly, entitled,

"An act to authorize the board of Chosen Freeholders of the County of Salem to build a Bridge over Salem Creek,"

"A supplementary act to alter and amend the act entitled an act to incorporate the Port Colden Mutual Fire Insurance Company, passed February 26th, 1838, and

"An act to extend the time limited for commencing and completing the road of the New Jersey Hudson and Delaware Rail Road Company,

Reported the same, without amendment.

Which were severally ordered to have a second reading.

The bill from the House of Assembly entitled,

"An act authorizing the County Courts in the several Counties in this State, to adjourn over in such manner as the public convenience may require,"

Was read a third time and postponed for one week.

The bill from the House of Assembly entitled,

"An act supplementary to an act entitled An act to incorporate the Rockaway Manufacturing Company, passed the 15th day of February, 1837,"

Was read a third time.

On the question, shall this bill pass?

It was determined in the negative, as follows.

#### YEAS.

Messrs. Chetwood,  
Condit,  
Scott,  
McDowell,

Messrs. Hughes.  
Irick,  
Whiticar,  
White,

Wood.—9.

#### NAYS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield,  
Cassedy (V. P.)

Messrs. Cooper,  
Lilly,  
Newell,  
Patterson,

Van Nest.—9.

The engrossed bill entitled,  
 "An act to divorce Ezekiel Wilcox, from his wife, Mary Wilcox,"  
 Was read a third time and compared,  
 On the question, shall this bill pass?  
 It was determined in the affirmative, as follows:

## YEAS.

Messrs. Boyles,	Messrs. McDowell,
S. D. Canfield,	Newell,
Hughes,	Scott,
Irick,	Van Nest,
Lilly,	White,

Wood.—11.

## NAYS.

Messrs. M. D. Canfield,	Messrs. Condit,
Cassedy, (V. P.)	Cooper,
Chetwood,	Patterson,

Whiticar.—7.

Ordered, That the President sign said bill and the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

The engrossed bill entitled,  
 An act concerning the descent and distribution of the Estates of Intestates,

Was read a third time, and compared,

On the question, shall this bill pass?

It was determined in the affirmative, as follows:

## YEAS.

Messrs. Boyles,	Messrs. Lilly,
M. D. Canfield,	McDowell,
S. D. Canfield,	Newell,
Cassedy, (V. P.)	Patterson,
Chetwood,	Scott,
Condit,	Van Nest,
Cooper,	Wood.—14.

## NAYS.

Messrs. Hughes,	Messrs. Irick,
White,—3.	

Ordered, That the President sign said bill, and the Secretary inform the House of Assembly, that Council have passed the same, And request their concurrence.

A message from the House of Assembly by Mr. Prior their Clerk, informed Council that the House of Assembly had passed the bill from Council, entitled

“ An act to Incorporate the Bordentown Beneficial Society,”  
Without amendment.

And that the House of Assembly had also passed a bill entitled,

“ An act to authorize Elias Van Arsdale, junior, to pay certain monies therein mentioned to the Trustees of the Newark Fire Department.

To which bill the assent of Council is requested.

Which bill was read by its title and referred to the committee on the Judiciary.

The bill from the House of Assembly entitled,

A supplement to an act entitled a further supplement to the act entitled an act to establish and confirm the charter rights and privileges of the Borough of Elizabeth,

Was taken up, and postponed for one week.

The bill entitled,

An act to divorce Charity Hopper from her husband David Hopper.

Was taken up and postponed for one week.

The bill entitled,

An act for the better protection of the Navigation of the Passaic River,

Was taken up and re-committed to the judiciary committee.

The bill entitled,

A supplement to the act entitled an act concerning Roads, passed February 9th, 1818.

Was read a second time, considered by sections, and

Ordered to be engrossed, and have a third reading.

The bill entitled,

An act to incorporate the New England Manufacturing Company,

Was read and considered by sections as far as the seventh, when the further consideration thereof was postponed.

Council adjourned till three o'clock this afternoon.

*At three o'clock Council met.*

Mr. Irick presented a petition from the Presbyterian Church of Mt. Holly, praying for Legislative aid in relation to the title to certain Real Estate,

Which was referred to the Committee on the Judiciary.

Mr. Scott from the Judiciary committee to whom had been referred the bills from the House of Assembly entitled,

"An act to authorize Elias Van Arsdale, junior, to pay certain monies therein mentioned to the Trustees of the Newark Fire Department."

"An act for the relief of the Executors and Legatees of Isaac Van Blarcom, late of the County of Bergen, deceased."

"An act to authorize John Dilts to sell certain Real Estate formerly occupied by Thomas Wilson.

"An act to authorize the administrators &c. of John Johnson, deceased, to execute a contract made by said deceased for the sale of a lot of Woodland in the County of Monmouth."—And

An act to authorize Timothy Wiggins and William Hurry, Trustee of Adeline W. Torry, wife of William Torry, to make a Rail Road on their land in the County of Monmouth.

Reported the same, which were severally read by their titles, and Ordered to have a second reading.

Mr. Scott from the same committee to whom had been referred several petitions from Burlington and Essex Counties praying the Legislature to pass an act restricting the License of Taverns, in relation to intoxicating drinks,

Reported adverse to the prayer of said petitioners, and that they deem it inexpedient to legislate on this subject at this time.

Ordered that the same lie on the table.

Mr. White from the special committee in relation to the boundary line between Princeton and West Windsor Townships reported a bill entitled

"An act to alter a part of the boundary line between the Townships of Princeton and West Windsor in the County of Mercer."

Which bill was read by its title, and

Ordered to have a second reading.

The bill from the House of Assembly entitled,  
 "An act to incorporate the Union Temperance Beneficial Association of Camden, New Jersey,"

Was read a third time, as amended in Council.

On the question, shall this bill pass?

It was determined in the affirmative, as follows:

## YEAS.

Messrs. Boyles,	Messrs. Irick,
M. D. Canfield,	McDowell,
S. D. Canfield,	Newell,
Cooper,	Scott,
Hughes,	Whiticar,
	Wood,—11.

## NAYS.

Messrs. Cassidy, (V. P.)	Messrs. Patterson,
Condit,	Van Nest,
Lilly,	White,—6.

Ordered that the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same with an amendment,

To which amendment the assent of the House is requested.

The bill entitled,

"A further supplement to the act entitled an act constituting Courts for the trial of Small Causes,"

Was considered by sections.

On the motion to strike out the second section, the yeas and nays being required to be entered on the Journal, were as follows:

## YEAS.

Messrs. Boyles,	Messrs. Lilly,
S. D. Canfield,	Van Nest,
	Whiticar,—5.

## NAYS.

Messrs. Cassidy (V. P.)	Messrs. Patterson,
Condit,	Hughes,
Cooper,	White,
	Wood.—7.

So it was determined in the negative.

On the question, shall this bill be engrossed and read a third time, the yeas and nays being required to be entered on the Journal were as follows:

## YEAS.

Messrs. M. D. Canfield,  
S. D. Canfield.  
Cassedy, (V. P.)  
Condit,  
Hughes,  
Irick,

Messrs. McDowell,  
Newell,  
Patterson,  
Scott,  
Whiticar,  
White,

Wood.—13.

## NAYS.

Messrs. Boyles,  
Cooper,

Messrs. Lilly.  
Van Nest.—4.

So it was determined in the affirmative.

The bill entitled,

“An act to Incorporate the New England Company of South Trenton,”

Was taken up, the consideration thereof resumed by sections, and said bill ordered to be engrossed and have a third reading.

The bill entitled,

An act to authorize Garret Sip surviving Ezeucator of Michael D. Vreeland, late of Bergen County in this State, deceased, to divide certain personal Estate under the will of said Testator,

Was read a second time, considered, and

Ordered, to be engrossed and have a third reading.

The bill entitled,

“An act extending facilities for the construction and repairs of Rail Roads,”

Was considered by sections, and

Ordered, to be engrossed and have a third reading.

The bill from the House of Assembly entitled,

“An act for the resumption and continuance of Specie payments by the Banks of this State,

Was taken up, with the amendments made thereto by the committee on the Juiciary.

On the question of agreeing to the first section of said amendments,

which if adopted would make the first section of said bill. the yeas and nays were required, and were as follows:

## YEAS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)  
Cooper,

Messrs. Lilly,  
Newell  
Patterson,  
Scott,  
Van Nest.—10.

## NAYS.

Messrs. Condit,  
Hughes,  
Irick,

Messrs. McDowell,  
Whiticar,  
White,

Wood,—7.

So it was determined in the affirmative,

On agreeing to the second section of said bill, the yeas and nays were as follows:

## YEAS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)  
Condit,

Messrs. Cooper,  
Lilly,  
Newell,  
Patterson,  
Scott,

Van Nest.—11.

## NAYS.

Messrs. Hughes,  
Irick,  
McDowell,

Messrs. Whiticar,  
White:  
Wood.—6.

So it was determined in the affirmative.

Said bill being considered through by sections, was ordered to have a third reading, as amended.

A Message from the House of Assembly by Mr. Prior their Clerk, informed Council that the House of Assembly had passed the bill from Council, entitled

"An act to confirm the last will and testament of Stephen Mayers, late of the City of New York, deceased, without amendment,"

The House of Assembly has also passed a bill entitled,

"An act to incorporate the Carpentersville Delaware Bridge Company,

To which bill the assent of Council is requested,

Which bill was read by its title and referred to the committee on Corporations.

The vote by which the bill from the House of Assembly entitled

"An act supplementary to an act entitled an act, to incorporate the Rockaway Manufacturing Company, passed the 15th day of February, 1837,"

Was lost, was reconsidered by the following vote :

## YEAS.

Messrs. Boyles,  
S. D. Canfield,  
Condit,  
Hughes,  
Irick,

Messrs. McDowell,  
Scott,  
Whiticar,  
White,  
Wood,—10.

## NAYS.

Messrs. M. D. Canfield,  
Cassedy, (V. P.)  
Cooper,

Messrs. Lilly,  
Newell,  
Patterson,

Van Nest,—7.

And said bill placed on its second reading.

Mr. Patterson moved that Council adjourn until Monday next at three o'clock, on which the yeas and nays were as follows :

## YEAS.

Messrs. Patterson,

Wood,—3.

Messrs. Scott,

## NAYS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)

Messrs. Irick,  
Lilly,  
McDowell,  
Newell,

Messrs. Condit,  
Cooper,  
Hughes.

Messrs. Van Nest,  
Whiticar,  
White,—14.

Council adjourned until ten o'clock to-morrow morning.

SATURDAY, February 19th, 1842.

*At ten o'clock Council met.*

Mr. S. D. Canfield from the committee on Corporations, to whom the bill from the House of Assembly had been referred entitled,  
"An act to Incorporate the Carpentersville Delaware Bridge Company,

Reported the same, without amendment,  
Which was ordered to have a second reading.

Mr. S. D. Canfield from the same committee, reported a bill entitled,

"An act to extend an act entitled "An act to incorporate a Bank at Paterson, passed February sixteenth in the year of our Lord one thousand eight hundred and sixteen, and the supplements thereto,

Which was read by its title, and  
Ordered to have a second reading.

The engrossed bill entitled,

"A supplement to an act entitled an act concerning Roads, passed Feb. 9th 1818,

Was read a third time and compared.

On the question, shall this bill pass?

It was determined in the affirmative by the votes of all the members present viz. :

YEAS.

Messrs. Boyles.  
M. D. Canfield,  
S. D. Canfield,

Messrs. Lilly,  
McDowell,  
Newell,

Messrs. Cassedy, (V. P.)  
Condit,  
Hughes,

Messrs. Scott,  
Van Nest,  
White,

Whiticar,—13.

Ordered, that the Vice President sign said Bill, and the Secretary inform the House of Assembly that Council have passed the same, And request their concurrence.

The bill from the House of Assembly entitled,

“An act to authorize the Board of chosen Freeholders of the County of Salem, to build a Bridge over Salem Creek,”

Was read a second time, and amended,

Ordered said bill have a third reading.

The bill from the House of Assembly entitled,

“An act to extend the time limited for commencing and completing the road of the New Jersey Hudson and Delaware Rail Road Company,”

Was read a second time, and considered by sections,

Ordered said bill have a third reading.

The bill from the House of Assembly entitled

“An act to authorize John Dilts, to sell certain Real Estate formerly occupied by Thomas Wilson,”

Was read a second time, and considered by sections,

Ordered said bill have a third reading.

The bill from the House of Assembly entitled,

“An act for the relief of the Executors and Legatees of Isaac Van Blarcom, late of the County of Bergen, deceased,”

Was read a second time, considered, and

Ordered to have a third reading.

The bill from the House of Assembly entitled,

“A supplementary act to alter and amend the act entitled an act to incorporate the Port Colden Mutual Fire Insurance Company, passed February 26th, 1838, and

Was read a second time, considered, and

Ordered to have a third reading.

The fifteenth rule was suspended, and the bill from the House of Assembly entitled,

An act to incorporate the Carpentersville Delaware Bridge Company,

Was read a second time, considered by sections,

Ordered that said bill have a third reading.

Council adjourned till three o'clock on Monday afternoon.

MONDAY, February 21st, 1842.

*At three o'clock Council met.*

Mr. S. D. Canfield from the committee on the Judiciary, to whom had been referred the petition of the Presbyterian Church of Mount Holly,

Reported a bill entitled

"An act for the relief of the First Presbyterian Church of Mount Holly,"

Which bill was read by its title, and ordered to have a second reading.

Mr. S. D. Canfield from the same committee, reported a bill entitled,

"An act to provide for the Assessment and collection of Taxes in the Township of Paterson, in the County of Passaic,"

Which was read by its title, and ordered to have a second reading.

Mr. S. D. Canfield with leave presented a bill entitled,

"An act constituting an Independent Battalion in the County of Passaic,"

Which was read by its title, and ordered to have a second reading.

Mr. Newell from the committee to whom had been referred the petition for limiting the speed of Steam Boat travelling on the Salem Creek to rate not exceeding three miles an hour,

Reported adverse to said application,

Which report was agreed to.

Mr. Irick presented five petitions, from sundry citizens of the State, praying for a law to cause the Congressional and Legislative Election next fall, and every four years thereafter, to be held together on the same days, instead of 2 or 3 weeks apart, as is required by the present Law.

Which petition was read, and referred to Messrs. Irick, Van Nest and Whiticar:

The bill from the House of Assembly, entitled,

"A supplementary act to alter and amend the act entitled an act to incorporate the Port Colden Mutual Fire Insurance Company, passed February 26th, 1838,"

Was read a third time.

On the question, shall this bill pass?

It was determined in the affirmative, by the vote of all the members present, viz :

YEAS.

Messrs. Boyles,	Messrs. McDowell,
S. D. Canfield,	Newell,
Cassedy (V. P.)	Patterson,
Chetwood,	Scott,
Condit,	Van Nest,
Irick,	Whiticar,
Lilly,	White.—14.

Ordered, That the President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same,

Without amendment.

The bill from the House of Assembly entitled,

“An act to authorize the board of Chosen Freeholders of the County of Salem to build a Bridge over Salem Creek,”

Was read as amended in Council, and

On the question, shall this bill pass?

It was determined in the affirmative, by the vote of all the members present, viz :

YEAS.

Messrs. Boyles,	Messrs. Lilly,
S. D. Canfield,	McDowell,
Cassedy, (V. P.)	Patterson,
Chetwood,	Scott,
Condit,	Van Nest,
Irick,	Whiticar
	White.—13.

Ordered, that the President sign said bill, and the Secretary inform the House of Assembly that Council have passed said bill with an amendment, to which amendment the assent of the House of Assembly is requested.

The bill from the House of Assembly entitled,

An act to incorporate the Carpentersville Delaware Bridge Company,

Was read a third time.

On the question, shall this bill pass?

It was determined in the affirmative by the votes of all the members present, who voted, viz:

YEAS.

Messrs. Boyles,  
S. D. Canfield,  
Cassedy, (V. P.)  
Condit,  
Lilly,  
Whiticar,

Messrs. Newell,  
Patterson,  
Scott,  
Van Nest,  
Chetwood,  
White.—12.

Ordered, That the President sign said bill and the Secretary inform the House of Assembly, that Council have passed the same, without amendment.

The bill from the House of Assembly entitled,

"An act to authorize John Dilts, to sell certian Real Estate, formerly occupied by Thomas Wilson,"

Was read a third time.

On the question, shall this bill pass?

It was determined in the affirmative as follows.

YEAS.

Messrs. Boyles,  
S. D. Canfield,  
Cassedy, (V. P.)  
Condit,  
Erick,  
Lilly,

Messrs. McDowell,  
Newell  
Patterson,  
Scott,  
Van Nest,  
Whiticar,

White.—13.

NAY.

Mr. Chetwood.—1.

Ordered, That the President sign said bill, and the Secretary inform the House of Assembly, that Council have passed the same, without amendment.

The bill from the House of Assembly entitled,

An act to authorize Timothy Wiggins and William Hurry, trustees

of Adeline W. Torrey, wife of William Torrey, to make a Rail Road on their lands in the County of Monmouth,

Was read a second time, considered by sections, and  
Ordered to have a third reading.

The bill from the House of Assembly entitled,  
"An act to authorize Elias Van Arsdale, junior, to pay certain monies therein mentioned, to the Trustees of the Newark Fire Department,"

Was read a second time and considered.

Ordered, That said bill have a third reading:

The engrossed bill entitled,

"A further supplement to the act, entitled an act constituting Courts for the Trial of Small Causes,"

Was taken up, the vote ordering it to have a third reading, was reconsidered, and said bill re-committed to the committee on the judiciary.

The engrossed bill entitled,

An act to authorize Garret Sip surviving Ezeccutor of Michael D. Vreeland, late of Bergen County in this State, deceased, to divide certain personal Estate under the will of said Testator,

Was read a third time and compared,

On the question, shall this bill pass?

It was determined in the affirmative, as follows:

#### YEAS.

Messrs. Boyles,

S. D. Canfield,

Cassedy, (V. P.)

Condit,

Irick,

Lilly,

Messrs. McDowell,

Newell,

Patterson,

Scott,

Van Nest,

Whiticar,—12.

#### NAYS.

Messrs. Chetwood,

White.—2.

Ordered, That the President sign said bill and the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

Council adjourned until ten o'clock to-morrow morning.

TUESDAY, February, 22d, 1842.

*At ten o'clock Council met.*

Mr. White presented a remonstrance from the President of the Trenton Bridge Company against the building of another Bridge over the Delaware River at Trenton.

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

Mr. Boyles presented a petition from Jacob Kimble praying for a Divorce from his wife,

Which petition was read and referred to Messrs Boyles, Condit and Lilly.

Mr. S. D. Canfield from the committee on the Judiciary to whom had been recommitted the bill entitled,

"A further supplement to the act entitled an act constituting Courts for the trial of Small Causes,

Reported the same, which was

Ordered to have a second reading.

Mr. S. D. Canfield from the same committee,

Reported a bill entitled,

"An act to enable the administrators of Cornelius E. Mercelis deceased, to execute a contract made by him for the sale of real estate."

Which was read by its title, and

Ordered to have a second reading.

The engrossed bill entitled

"An act to renew the charter of the Commercial Bank of New Jersey,"

Was read a third time, and compared.

On motion to postpone said bill until the next session of the Legislature, the yeas and nays being required to be entered on the Journal, were as follows :

YEAS.

Messrs. Boyles,  
Cassedy (V. P.)  
Lilly,

Messrs. Newell,  
Patterson,  
Van Nest,—6.

## NAYS.

Messrs. M. D. Canfield,  
S. D. Canfield,  
Chetwood,  
Condit,  
Hughes,

Messrs. Irick  
McDowell,  
Scott,  
Whiticar,  
White,

Wood,—11.

So it was determined in the negative.

On the question, shall this bill pass ?

It was determined in the affirmative as follows.

## YEAS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield,  
Chetwood,  
Condit,  
Hughes,

Messrs. Irick,  
McDowell,  
Scott,  
Whiticar,  
White,  
Wood,—12.

## NAYS.

Messrs. Cassedy (V. P.)  
Lilly,

Messrs. Newell,  
Patterson,

Van Nest,—5.

Ordered, that the President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

The bill from the House of Assembly, entitled

“An act to authorize Elias Van Arsdale, Jr. to pay certain monies therein mentioned to the Trustees of the Newark Fire Department,”

Was read a third time.

On the question, shall this bill pass ?

It was determined in the affirmative as follows :

## YEAS.

Messrs. M. D. Canfield,  
S. D. Canfield,

Messrs. Lilly,  
McDowell,

Messrs. Cassedy (V. P.)  
Chetwood,  
Condit,  
Hughes,  
Irick,

Messrs. Newell,  
Scott,  
Whiticar,  
White,  
Wood,—14.

## NAYS.

Messrs. Patterson,

Van Nest,—2.

Ordered, that the President sign said bill and the Secretary inform the House of Assembly that Council have passed the same, Without amendment.

The bill from the House of Assembly entitled

An act to extend the time limited for commencing and completing the road of the New Jersey Hudson and Delaware Rail Road Company,

Was read a third time,

On the question, shall this bill pass?

It was determined in the affirmative as follows:

## YEAS.

Messrs. Boyles,  
M. D. Canfield,  
Cassedy (V. P.)  
Chetwood,  
Condit,  
Hughes,  
Wood,

Messrs. Lilly,  
McDowell,  
Newell,  
Scott,  
Van Nest,  
Whiticar,  
White,—14

## NAY.

Mr. Patterson,—1.

Ordered, That the President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same without amendment.

The bill from the House of Assembly entitled,

An act to authorize Timothy Wiggins and William Hurry, Trustee of Adeline W. Torry, wife of William Torry, to make a Rail Road on their land in the County of Monmouth,

Was read a third time.

On the question, shall this bill pass?

It was determined in the affirmative by the votes of all the members present viz. :

YEAS.

Messrs. Boyles,	Messrs. McDowell,
S. D. Canfield.	Newell,
Cassedy, (V. P.)	Scott,
Chetwood,	Van Nest,
Condit,	Whiticar,
Hughes,	Patterson,
Irick,	White,
Lilly,	Wood.—16

Ordered, That the President sign said bill, and the Secretary inform the House of Assembly, that Council have passed the same without amendment.

The bill entitled,

An act to divorce William Elwell of the County of Salem, from his wife, Elizabeth Ann Elwell,

Was read a second time, considered, and

Ordered to be engrossed and have a third reading.

The bill entitled,

"An act to alter a part of the boundary line between the Townships of Princeton and West Windsor, in the County of Mercer."

Was read, considered, and postponed.

The bill from the House of Assembly entitled,

An act to incorporate the Musconetcong Manufacturing Company, Was taken up, amended and postponed.

A message from the House of Assembly by Mr. Prior their Clerk, informed Council that the House of Assembly had disagreed to the concurrent Resolution from Council, relative to the right of the New Hope Delaware Bridge Company, to exercise Baking privileges, and have returned the same.

The House of Assembly had passed the following bills entitled,

An act to authorize William D. Forman, Guardian of Catharine Eliza Baird, Jacob Baird, Mary Baird, and Sarah Matilda Baird, minor children, and heirs at law of General Rei Baird, deceased, to sell certain Real Estate,—and

A further supplement to an act entitled an act concerning Inns and Taverns, passed the 24th of February, 1797,

To which bills the assent of Council is requested.

The House of Assembly had agreed to the amendments made in Council, to the bill entitled,

An act to authorize the Board of Chosen Freeholders of the County of Salem, to build a bridge over Salem Creek,

And have ordered said bill to be re-engrossed.

The bills from the House of Assembly entitled,

"An act to authorize William P. Forman, Guardian of Catharine Eliza Baird, Jacob Baird, Mary Baird, and Sarah Matilda Baird, minor children and heirs at law of General Rei Baird, deceased, to sell certain Real Estate,—and

A further supplement to the act entitled an act concerning Inns and Taverns, passed the 24th of February, 1797,

Were severally read, and referred to the committee on the Judiciary. Council adjourned till three o'clock this afternoon.

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*At three o'clock Council met.*

Mr. S. D. Canfield presented a memorial of the Paterson and Hudson River Rail Road Company, remonstrating against the passage of any Law, requiring a wider draw than at present exists in their Rail Road Bridge over the Passaic River,

Which was read and referred to the committee on the Judiciary.

Mr. S. D. Canfield presented the petition of Catharine Ryerson for a Divorce,

Which was read and referred to Messrs. S. D. Canfield, Boyles and White.

Mr. Irick from the select committee, reported a bill entitled,

"A further supplement to an act entitled an act to regulate Elections,

Which was read by its title, and ordered to have a second reading.

The engrossed bill entitled,

An act extending facilities for the construction and repair of Rail Roads,"

Was taken up, the question of engrossing was re-considered and said bill was recommitted to the committee on Corporations.

The bill entitled,

"An act to abolish Imprisonment for Debt, in certain cases,"

Was taken up, amended, postponed, and ordered to be re-printed.

The bill entitled,

An act for the relief of the first Presbyterian Church of Mt. Holly,

Was read a second time, considered, and

Ordered to be engrossed and have a third reading.

The bill entitled,

"An act constituting an Independent Battalion in the County of Passaic,

Was read a second time, considered by sections, as far as the fifth section and postponed.

A Message from the House of Assembly by Mr. Prior their Clerk, informed Council that the House of Assembly had passed a bill entitled

An act to divorce Nancy Vleit from her husband William Vleit,

To which bill the assent of Council is requested.

Which bill was read by its title and referred to Messrs. Van Nest, Whiticar and Lilly.

Council adjourned till ten o'clock to-morrow morning.

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WEDNESDAY, February 23d, 1842.

*At ten o'clock Council met.*

Mr. Condit presented a petition from sundry citizens of Hudson County praying for a change in times of holding certain Courts,

Which petition was read and referred to the Committee on the Judiciary.

Mr. McDowell presented a petition of John Outcalt, his wife and children, for authority to sell and convey Real Estate,

Which petition was read and referred to the committee on the Judiciary.

Mr. Van Nest from the committee to whom had been referred the bill from the House of Assembly entitled,

"An act to divorce Nancy Vleit from her husband William Vleit,"

Reported the same, without amendment.

Ordered that said bill have a second reading.

The engrossed bill entitled,

"An act to divorce William Elwell, of the County of Salem, from his wife Elizabeth Ann Elwell,"

Was read a third time, and compared,

On the question, shall this bill pass?

It was determined in the negative, as follows:

YEAS.

Messrs. S. D. Canfield,  
Hughes,

Messrs. Newell,  
Patterson,—4.

NAYS.

Messrs. Boyles,  
M. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Condit,  
Irick,

Messrs. Lilly,  
McDowell,  
Scott  
Van Nest,  
Whiticar,  
White:

Wood.—13.

The engrossed bill entitled,

"An act for the relief of the First Presbyterian Church of Mount Holly

Was read a third time and compared,

On the question, shall this bill pass?

It was determined in the affirmative, by the votes of all the members present, viz:

YEAS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield,

Messrs. Hughes,  
Irick,  
Lilly,

Messrs. Cassedy, (V. P.)  
 Chetwood,  
 Condit,  
 Scott,  
 Van Nest,

Messrs. McDowell,  
 Newell,  
 Patterson,  
 Whiticar,  
 White,

Wood,—17.

Ordered, that the President sign said bill and the Secretary inform the House of Assembly that Council have passed the same,  
 And request their concurrence.

Mr. Lilly with leave presented a bill entitled,  
 "An act to Incorporate the Fame Fire Company of Flemington,  
 Which was read by its title and referred to the committee on Corporations.

Mr. S. D. Canfield, reported a bill entitled  
 "An act to divorce Catharine Ryerson, from her husband John Ryerson,

Which was read by its title, and  
 Ordered to have a second reading.

Mr. S. D. Canfield from the committee on Corporations, to whom had been referred the bill entitled,

"An act extending facilities for the construction and repair of Rail Roads,"

Reported in lieu thereof a bill entitled,  
 "An act for the relief of the Morris and Essex Rail Road Company."  
 Which was read by its title, and  
 Ordered to have a second reading.

Mr. S. D. Canfield from the same committee, reported a bill entitled,  
 "An act giving the assent of this State to the act of the Legislature of Pennsylvania entitled

"An act to incorporate the Trenton City Bridge company,"

Which was read by its title, and  
 Ordered to have a second reading.

The bill entitled,

"An act constituting an Independent Battalion in the County of Passaic,

Was read through, considered by sections, and  
 Ordered to be engrossed, and have a third reading.

Mr. Patterson with leave presented a bill, entitled

"An act to ascertain the sense of the people in regard to the propriety of calling a Convention to alter or revise the Constitution of this State.

Which was read by its title, and  
Ordered to have a second reading.

The bill entitled

"An act to authorize the administrators &c. of John Johnson, deceased, to execute a contract made by said deceased for the sale of a lot of Woodland in the County of Monmouth,"

Was read a second time, considered by sections, and

Ordered to have a third reading.

The bill entitled

"An act for the relief of the stockholders of the Morris and Essex Rail Road Company,"

Was read a second time, considered by sections, and

Ordered to be engrossed and have a third reading.

Council adjourned till three o'clock this afternoon.

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*At three o'clock Council met.*

A message from the house of Assembly by Mr. Prior, the Clerk, informed Council that the House of Assembly had passed a bill entitled

"An act to incorporate the Trenton Insurance Company in the County of Mercer,

To which bill the assent of Council is requested.

The House of Assembly had agreed to the amendments made in Council to the Bill, entitled

"An act to incorporate the Union Temperance Beneficial Association of Camden, New Jersey,"

And have ordered said bill to be re-engrossed.

The bill from the House of Assembly entitled,

"An act to incorporate the Trenton Insurance Company in the County of Mercer."

Was read by its title, and referred to the committee on Corporations.

Mr. S. D. Canfield, from the committee on the Judiciary,

Reported a bill entitled,

"An act relative to habitual Drunkards,"

Which was read by its title, and

Ordered to have a second reading.

The fifteenth rule was suspended, and

The engrossed bill entitled,

"An act for the relief of the Stockholders of the Morris and Essex Rail Road Company,"

Was read a third time, and compared.

On the question, shall this bill pass?

It was determined in the affirmative, as follows:

YEAS.

Messrs. Boyles,

M. D. Canfield,

S. D. Canfield,

Cassedy, (V. P.)

Chetwood,

Condit,

Hughes.

Messrs, Lilly,

McDowell,

Newell,

Scott,

Van Nest,

Whiticar,

White,

Wood.—15.

NAY.

Mr. Patterson,—1.

Ordered, That the President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

The following Joint Resolutions:

BE IT RESOLVED, *By the Council and General Assembly of this State*, That the Statutes heretofore passed in relation to the Delaware and Raritan Canal and Camden and Amboy Rail Road and Transportation Companies, ought to be, and shall be, so construed by all courts, public officers, and others, within this State, that the transit duties imposed upon the said Companies for the transportation of passengers, shall be confined to the transportation of such passengers as are usually denominated "through passengers," whether the transportation be by the upper or the lower route.

*Resolved*, That the transit duties for passengers travelling by the upper usually called the Trenton route, ought to be, and shall be, included and computed as part and portion of the guarantee of the sum

of thirty thousand dollars mentioned and provided for in the Act of Assembly of fifteenth March, eighteen hundred and thirty-seven.

Were read a second time.

On the question to strike out the first Resolution, the yeas and nays being required to be entered on the Journal, were as follows :]

YEAS.

Messrs. Boyles,  
S. D. Canfield,  
Chetwood,  
Condit,

Messrs. Hughes,  
McDowell,  
Van Nest,  
White,

Wood.—9.

NAYS.

Messrs. M. D. Canfield,  
Cassedy, (V. P.)  
Lilly,

Messrs. Newell,  
Patterson,  
Scott,

Whiticar,—7.

So it was determined in the affirmative, and the further consideration thereof was postponed.

The bill entitled,

“ A further supplement to the act entitled an act constituting Courts for the trial of Small Causes,”

Was taken up, amended, and

Ordered to be engrossed and have a third reading.

The bill entitled,

An act to alter a part of the boundary line between the Townships of Princeton and West Windsor in the County of Mercer,”

Was taken up and postponed to the next sitting of the Legislature, in consequence of the omission to give the notice required by law.

The bill entitled

“An act to enable the administrators of Cornelius E. Mercelis, deceased, to execute the contract made by him for the sale of real estate,”

Was read a second time, considered, and

Ordered to be engrossed and have a third reading.

Mr. Newell with leave presented a bill entitled

“An act to Incorporate the Salem County Jefferson Total Abstinence Beneficial Society of Salem New Jersey,”

Which was read by its title, and

Ordered to have a second reading.

Mr. S. D. Canfield from the committee on corporations, to whom had been referred the bill entitled,

"An act to incorporate Relief Beneficial Association of the Township of Lower Penns Neck, Salem County, New Jersey,"

Reported the same, which was read, and

Ordered to have a second reading.

Council adjourned until ten o'clock to-morrow morning.

THURSDAY, February, 24th, 1842.

*At ten o'clock Council met.*

Mr. Condit presented several petitions from sundry citizens of the County of Hudson, in relation to the division of the Township of Bergen,

Which were ordered to lie on the table.

Mr. S. D. Canfield from the committee on corporations, to whom had been referred the bill from the House of Assembly entitled,

"An act to incorporate the Trenton Insurance Company, in the County of Mercer,"

Reported the same, without amendment.

Ordered that said bill have a second reading.

Mr. S. D. Canfield from the committee on the Judiciary to whom had been referred the bill from the House of Assembly entitled,

"An act to authorize William P. Forman, guardian of Catharine Eliza Baird, Jacob Baird, Mary Baird, and Sarah Matilda Baird, minor children and heirs at law of General Rei Baird, deceased, to sell Real Estate,"

Reported the same, without amendment.

Ordered that said bill have a second reading.

Mr. Chetwood with leave, presented the following Preamble and Joint Resolution, in relation to the Oyster Lands, belonging to the State of New Jersey.

WHEREAS, by a late decision of the Supreme Court of the United States, the right of this state to the lands covered with water, in the bays, inlets, and along the coast of this state has been settled and established; AND WHEREAS, the said lands, by proper and judicious management, may be made a source of large and increasing revenue to the state by leasing the same as planting grounds, for the propagation, growth and improvement of oysters, by means whereof the size and quality of that delicious shell fish may be greatly improved, as well as increased in quantity: AND WHEREAS, it is desirable to ascertain, not only the quantity of ground now owned by the state that can be devoted to this useful object, but also the best plan of letting the same, and the probable revenue the same may produce to the state—Therefore,

BE IT RESOLVED, *by the Council and General Assembly of this State, and it is hereby resolved by the authority of the same,* That the Governor be, and he is hereby authorised and empowered to appoint fit and suitable persons as commissioners, to ascertain and report to the next Legislature the several matters embraced in the preamble of this resolution, and that all necessary expenses arising therefrom be paid out of the treasury of this state.

Which were read, and the Joint Resolution ordered to have a second reading.

Mr. S. D. Canfield from the committee on Corporations, to whom had been referred the bill entitled,

An act to incorporate the Fame Fire Company, of Flemington,

Reported the same, without amendment,

Ordered, said bill have a second reading.

Mr. Van Nest, with leave presented a bill entitled,

A further supplement to the act entitled an act for the punishment of crimes,

Which bill was read by its title, and

Ordered to have a second reading, and be referred to the committee on the Judiciary.

The bill from the House of Assembly entitled,

An act to provide for the resumption and continuance of specie payments by the Banks of this State,

Was read a third time, as amended.

On the question, shall this bill pass?

It was determined in the affirmative as follows.

## YEAS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Cooper,

Messrs. Lilly,  
McDowell,  
Newell,  
Patterson,  
Scott,  
Van Nest.—12.

## NAYS.

Messrs. Condit,  
Hughes,

White,—5.

Messrs. Whiticar,  
Wood,

Ordered, that the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, with sundry amendments, to which amendments the assent of the House of Assembly is requested.

Mr. Scott from the Judiciary committee to whom had been referred the bill from the House of Assembly entitled,

“A further supplement to an act entitled an act concerning Inns and Taverns, passed the 24th of February, 1797,”

Reported the same, without amendment.

The bill from the House of Assembly entitled,

“An act to authorize the administrators &c. of John Johnson, deceased, to execute a contract made by said deceased, for the sale of a lot of woodland in the County of Monmouth,”

Was read a third time.

On the question, shall this bill pass?

It was determined in the affirmative, by the vote of all the members present, viz:

## YEAS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Condit,  
Cooper,  
Lilly,

Messrs. McDowell,  
Newell,  
Patterson,  
Scott,  
Van Nest,  
Whiticar,  
White,  
Wood,—16.

Ordered, that the Vice President sign said bill and the Secretary inform the House of Assembly that Council have passed the same, Without amendment.

The engrossed bill entitled,

"A further supplement to the act, entitled an act constituting Courts for the Trial of Small Causes,"

Was read a third time, and compared.

On the question, shall this bill pass?

It was determined in the affirmative by the votes of all the members present, viz:

## YEAS.

Messrs. Boyles,	Messrs. McDowell,
M. D. Canfield,	Newell,
S. D. Canfield,	Patterson,
Cassedy, (V. P.)	Scott,
Chetwood,	Van Nest,
Condit,	Whiticar,
Cooper,	White,
Lilly,	Wood.—16.

Ordered, That the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, And request their concurrence.

The engrossed bill entitled,

"An act constituting an Independent Battalion in the County of Passaic,"

Was read a third time and compared,

On the question, shall this bill pass?

It was determined in the affirmative, by the vote of all the members present, viz:

## YEAS.

Messrs. Boyles,	Messrs. McDowell,
M. D. Canfield,	Newell,
S. D. Canfield,	Patterson,
Cassedy, (V. P.)	Scott,
Chetwood,	Van Nest,
Condit,	Whiticar,
Cooper,	White,
Lilly,	Wood,—16.

Ordered, that the Vice President sign said Bill, and the Secretary inform the House of Assembly that Council have passed the same, And request their concurrence.

The engrossed bill entitled

“An act to enable the administrators of Cornelius E. Mercelis deceased, to execute a contract made by him for the sale of real estate.”

Was read a third time and compared,

On the question, shall this bill pass?

It was determined in the affirmative by the votes of all the members present, viz:

## YEAS.

Messrs. Boyles,

M. D. Canfield,

S. D. Canfield,

Cassedy, (V. P.)

Chetwood,

Condit,

Cooper,

Lilly,

Messrs. McDowell,

Newell

Patterson,

Scott,

Van Nest,

Hughes,

White,

Wood.—16.

Ordered, that the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same and request their concurrence.

The bill entitled

“An act to Incorporate the Township of Lafayette in the County of Sussex,

Was taken up and recommitted to the committee on Corporations,

The bill from the House of Assembly entitled,

“An act to divorce Nancy Vleit from her husband William Vleit,

Was read a second time, considered, and

Ordered to have a third reading.

The Joint Resolutions of Council in relation to the Transit duties due the State from the Camden and Amboy road,

Was considered, and ordered to be engrossed and have a third reading.

The bill entitled

“An act to Incorporate the Relief Beneficial Association of the Township of Lower Penns Neck, Salem County, New Jersey,

Was read a second time, considered, and

Ordered to be engrossed and have a third reading.

The bill entitled

"An act to provide for the assessment and collection of Taxes in the Township of Paterson, in the County of Passaic,"

Was read a second time, considered by sections, and

Ordered to have a third reading.

The bill entitled

"An act to Incorporate the Trenton City Bridge Company,

Was read a second time and postponed.

Council adjourned till three o'clock this afternoon.

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*At three o'clock Council met.*

A message from the House of Assembly by Mr. Prior their Clerk, informed Council that the House of Assembly have passed a bill entitled

"An act to divide the Township of Bergen in the County of Hudson, and to establish four new townships in the said county," and

"An act to divorce Catharine E. McLean from her husband Alexander Clinton McLean, and

A Joint Resolution awarding the public printing.

To which bills and Joint Resolution the assent of Council is requested.

The House of Assembly had also passed the bill from Council entitled

"An act to renew the Charter of the Commercial Bank of New Jersey,

Without amendment.

The bills entitled

An act to divide the Township of Bergen, in the County of Hudson, and to establish four new Townships in the said County.

"An act to divorce Catharine E. McLean from her husband Alexander Clinton McLean, and the Joint Resolutions in relation to the public printing.

Were severally read and referred.

Mr. Boyles reported a bill entitled

"An act to divorce Jacob Kimble from his wife Mary Kimble,

Which bill was read, and

Ordered a second reading.

Mr. Newell reported a bill entitled

"A supplement to the act entitled an act to Incorporate Medical Societies for the purpose of regulating the practice of physic and surgery in this state, passed Jan. 28, 1830.

Which was read and ordered to have a second reading.

Mr. S. D. Canfield reported a bill entitled

An act to authorize the sale of certain Real Estate of Samuel Van Fine, deceased,

Which bill was read, and ordered to have a second reading.

The 15th rule was suspended, and

The bill from the House of Assembly entitled,

An act to divorce Nancy Vliet from her husband William Vliet, Was read a third time.

On the question, shall this bill pass?

It was determined in the affirmative as follows :

#### YEAS.

Messrs. Boyles,

S. D. Canfield,

Cooper,

Hughes,

Lilly,

Messrs. Newell,

Patterson,

Van Nest,

Whiticar,

Wood,

White.—11.

#### NAYS.

Messrs. M. D. Canfield,

Cassedy (V. P.)

Messrs. Chetwood,

Condit.—4.

Ordered, That the President sign said bill and the Secretary inform the House of Assembly, that Council have passed the same, without amendment.

The Joint Resolutions in relation to transit duties on the Camden and Amboy Rail Road, and Delaware and Raritan Canal Companies, Was read a third time, and compared,

On the question, shall this Joint Resolution pass?

It was determined in the affirmative, as follows :

## YEAS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield,  
Chetwood,  
Condit,  
Whiticar,

Messrs. Cooper,  
Hughes,  
Lilly,  
Newell,  
McDowell,  
White,

Wood.—13.

## NAYS.

Messrs. Cassedy (V. P.)

Messrs. Patterson,

Van Nest,—3.

Ordered, That the President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

The bill entitled,

An act to incorporate the Trenton City Bridge Company,

Was read a second time, considered by sections, and

Ordered to be engrossed, and have a third reading.

The bill entitled,

An act to divorce Catharine Ryerson, from her husband John Ryerson.

Was read a second time, and considered,

Ordered that said bill be engrossed, and have a third reading.

The bill entitled,

An act giving the assent of this State to the act of the Legislature of Pennsylvania, entitled an act to incorporate the Trenton City Bridge Company,

Was read a second time, considered by sections, and

Ordered to be engrossed and have a third reading.

The bill entitled,

A supplement to an act entitled an act to incorporate the New Jersey Patent Ship Bread Company,

Was read a second time, considered by sections, and ordered to be engrossed, and have a third reading.

Council adjourned to ten o'clock to morrow morning.

FRIDAY, February 25th, 1842.

*At ten o'clock Council met.*

Mr. Whiticar from the committee to whom had been referred the bill from the House of Assembly entitled,

An act to divorce Catharine E. McLean, from her husband, Alexander Clinton McLean,

Reported the same, without amendment.

Mr. S. D. Canfield with leave presented a bill entitled,

"A supplement to the act entitled an act for the better regulation of the Banks in this State, and for other purposes, passed the 21st day February, 1838,

Which was read by its title, and ordered to have a second reading.

Mr. Chetwood with leave presented a bill entitled,

A further supplement to an act entitled, an act to incorporate the Elizabeth Town and Somerville Rail Road Company, passed the 9th day of February, A. D. 1831,

Which was read and referred to the committee on Corporations.

The bill from the House of Assembly entitled,

"A supplement to an act entitled a further supplement to the act entitled an act to establish the Charter rights of the Borough of Elizabeth,"

Was read a third time, as amended in Council,

On the question, shall this bill pass?

It was determined in the affirmative by the votes of all the members present viz. :

YEAS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)  
Condit.

Messrs. Hughes,  
Irick,  
Lilly,  
McDowell,  
Newell,

Messrs. Cooper,  
Scott,  
Van Nest,

Messrs. Patterson,  
Whiticar,  
White,

Wood,—17.

Ordered, that the President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, with an amendment,

To which amendment, the assent of the House of Assembly is requested.

The bill from the House of Assembly entitled,

◊ An act authorizing the County Courts in the several Counties in this State, to adjourn over in such manner as the public convenience may require,

Was read a third time,

On the question, shall this bill pass?

It was determined in the affirmative, by the unanimous vote of all the members of Council, viz :

YEAS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield.  
Cassedy, (V. P.)  
Chetwood,  
Condit,  
Cooper,  
Hughes,  
Irick,

Messrs. Lilly,  
McDowell,  
Newell,  
Patterson,  
Scott,  
Van Nest,  
Whiticar,  
White,  
Wood.—18.

Ordered, That the President sign said bill, and the Secretary inform the House of Assembly that Council have passed said bill, without amendment.

The engrossed bill entitled,

An act to Incorporate the Relief Beneficial Association of Lower Penns Neck, Salem County, New Jersey,

Was read a third time and compared,

On the question, shall this bill pass?

It was determined in the affirmative, as follows :

YEAS.

Messrs. Boyles,  
M. D. Canfield,

Messrs. Hughes,  
McDowell,

Messrs. S. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Cooper,

Messrs. Newell,  
Whiticar,  
White,  
Wood.—12.

## NAYS.

Messrs. Irick,  
Lilly,

Messrs. Patterson,  
Van Nest.—4.

Ordered, That the President sign said bill, and the Secretary inform the House of Assembly, that Council have passed the same, And request their concurrence.

The engrossed bill entitled,

“An act to divorce Catharine Ryerson, from her husband John Ryerson,

Was read a third time, and compared.

On the question, shall this bill pass?

It was determined in the affirmative, as follows:

## YEAS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield.  
Chetwood,  
Condit,  
Cooper,  
Hughes,  
Lilly,

Messrs. McDowell,  
Newell,  
Patterson,  
Scott,  
Van Nest,  
Whiticar.  
White,  
Wood,—16.

## NAYS.

Messrs. Cassedy, (V. P.)

Irick.—2.

Ordered, That the President sign said bill, and the Secretary inform the House of Assembly, that Council have passed the same, and request their concurrence.

The bill from the House of Assembly entitled,

An act to divorce Harriet Rossell, from her husband Joseph Rossell,

Was read a second time, and disagreed to.

Ordered that the Secretary inform the House of Assembly thereof.

The bill from the House of Assembly entitled,

"An act to divorce Rebecca D. Henry, from her husband, John Henry,"

Was read a second time, considered, and

Ordered to have a third reading.

The bill from the House of Assembly, entitled,

An act to authorize William P. Forman, Guardian of Catharine Eliza Baird, Jacob Baird, Mary Baird, and Sarah Matilda Baird, minor children, and heirs at law of General Rei Baird, deceased, to sell certain Real Estate,

Was read a second time, considered by sections.

Ordered said bill have a third reading.

The bill from the House of Assembly entitled,

"An act to incorporate the Trenton Insurance Company, in the County of Mercer,"

Was read a second time, considered, and postponed.

The bill entitled,

"An act to abolish Imprisonment for Debt, in certain cases,"

Was read, amended and while the same was under consideration, Council adjourned till three o'clock this afternoon.

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*At three o'clock Council met.*

The consideration of the bill entitled,

"An act to abolish Imprisonment for Debt, in certain cases,"

Was resumed.

On the question of striking out of the first section, the words, "to absent himself from this State, or"

The yeas and nays being demanded, were as follows :

YEAS.

Messrs. Boyles,  
M. D. Canfield.  
S. D. Canfield.  
Scott,  
Patterson,

Messrs. Cassedy, (V. P.)  
Cooper,  
Lilly,  
Van Nest,  
Wood.—10.

## NAYS.

Messrs. Chetwood,  
Condit,  
Hughes,

Messrs. Irick,  
Newell,  
Whiticar,

White.—7.

So it was determined in the affirmative.

On the motion of adding to the second section after the words Justices of the Supreme Court, the words "Judges of the Court of Common Pleas,"

The Yeas and Nays were as follows:

## YEAS.

Messrs. Condit,  
Hughes.

Messrs. Irick,  
Whiticar,

White.—5.

## NAYS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Cooper,

Messrs. Lilly,  
McDowell,  
Patterson,  
Scott,  
Van Nest,  
Wood.—12.

So it was determined in the negative.

The consideration of said bill having been gone through with, except the first and fifth sections, which were postponed—it was postponed.

A message from the house of Assembly by Mr. Prior the Clerk, informed Council that the House of Assembly had passed the following bills viz :

An act to appoint a Trustee to sell real estate of John W. Flatt,  
and

An act for the relief of Sebastian Broughner, of the County of Hunterdon, and

An act to Incorporate the Ryerson Iron Works, in the County of Passaic,

To which bills the assent of Council is requested.

The House of Assembly have disagreed to the amendment made by Council, to the first section of the bill entitled,

An act to provide for the resumption and continuance of specie payments by the Banks of this state,

And the House of Assembly have agreed to the other amendment made in Council to said bill.

The House of Assembly have also passed the bill from Council entitled

An act to divorce Theodocia H. Cummings, from her husband Samuel T. Cummings,

Without amendment.

The bill from the House of Assembly entitled,

"An act to appoint a Trustee to sell the Real Estate of John W. Flatt,"

Was read by its title, and referred to the committee on the Judiciary.

The bill from the House of Assembly entitled

"An act for the relief of Sebastian Broughner of the County of Hunterdon,

Was read by its title and referred to the committee on Claims and Revolutionary pensions.

The bill from the House of Assembly entitled

"An act to Incorporate the Ryerson Iron Works, in the County of Passaic,

Was read by its title and referred to the committee on Corporations.

The bill from the House of Assembly entitled

"An act to provide for the resumption and continuance of Specie Payments by the Banks of this State,

Was taken up, and on motion of Mr. Irick that Council do now recede from their amendments to the first section of said bill,

The Yeas and Nays being required were as follows:

#### YEAS.

Messrs. Chetwood,  
Hughes,  
Irick,

Messrs. Whiticar,  
White,  
Wood,—6.

#### NAYS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield,

Messrs. Lilly,  
McDowell,  
Patterson,

Messrs. Cooper,  
Condit,

Messrs. Scott,  
Van Nest,

Cassedy (V. P.)—11.

So it was determined in the negative.

Ordered, That the Secretary inform the House of Assembly that Council adhere to their amendment to the first section of said bill, and return the same.

Mr. Wood with leave presented a bill entitled

"An act to reduce the Capital Stock of the Morris County Bank,"

Which was read by its title and referred to Messrs. Wood, M. D. Canfield and McDowell.

Council adjourned till ten o'clock to-morrow morning.

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SATURDAY, February 26th, 1842.

*At ten o'clock Council met.*

Mr. Chetwood presented a petition from Harriet Rossell for a divorce from her husband,

Which petition was read and referred to Messrs. Chetwood, Patterson, and Hughes.

Mr. White presented two petitions from the citizens of Princeton, praying for the renewal of their Borough Charter,

Which petition was read and referred to Messrs White, Boyles and Scott.

Mr. Patterson presented a petition from Samuel C. Durham and wife for authority to transfer real estate,

Which was read and referred to Messrs. Patterson, Wood and Cooper.

Mr. Wood from the committee to whom had been referred the bill entitled

"An act to reduce the Capital Stock of the Morris County Bank,"

Reported the same, which was read by its title, and

Ordered to have a second reading.

Mr. Scott from the committee on the Judiciary, to whom had been referred the bill from the House of Assembly entitled

"An act to appoint a Trustee to sell real estate of John W. Flatt,  
Reported the same without amendment.

Ordered said bill have a second reading.

Mr. Patterson from the committee to whom had been referred the petition of Samuel C. Dunham &c. reported a bill entitled

"An act to authorize Samuel C. Dunham, and Angeline his wife, Guardians of Maria Robbins, Sarah Robbins and Charles Robbins, heirs at law of Elijah Robbins, late of the Township of Dover, to convey a certain lot of land situate in the said Township to the Trustees of the fourth Public School District in the Township of Dover, in the County of Monmouth, and State of New Jersey,

Which was read, and ordered to have a second reading.

The engrossed bill entitled,

An act giving the assent of this State, to the act of the Legislature of Pennsylvania, entitled,

"An act to incorporate the Trenton City Bridge company,"

Was read a third time and compared.

On the question, shall this bill pass?

It was determined in the affirmative by the votes of all the members present, viz:

#### YEAS.

Messrs. Boyles,

M. D. Canfield,

S. D. Canfield,

Cassedy, (V. P.)

Chetwood,

Condit,

Cooper,

Messrs. Hughes,

Irick,

Lilly,

Patterson,

Scott,

Van Nest,

Whiticar,

Wood.—15.

Ordered that the President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

The engrossed bill entitled,

"An act to provide for the assessment and collection of Taxes, in the Township of Patterson in the County of Passaic,"

Was read a third time and compared,

On the question, shall this bill pass?

It was determined in the affirmative by the votes of all the members present.

## YEAS.

Messrs. Boyles,	Messrs. Chetwood,
M. D. Canfield,	Condit,
S. D. Canfield,	Cooper,
Cassedy (V. P.),	Hughes
Irick,	Van Nest,
Lilly,	Whiticar,
Patterson,	White,
Scott,	Wood,—16

Ordered, That the President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

The engrossed bill entitled

An act to incorporate the New England Company of South Trenton,

Was read a third time and compared,

On the question, shall this bill pass?

It was determined in the affirmative as follows :

## YEAS.

Messrs. Boyles,	Messrs. Irick,
M. D. Canfield,	Lilly,
Chetwood,	Whiticar.
Condit,	Scott,
Cooper,	White,
Hughes,	Wood,—12.

## NAYS.

Messrs. Cassedy (V. P.)	Messrs. Patterson,
S. D. Canfield,	Van Nest.—4.

Ordered, that the President sign said Bill, and the Secretary inform the House of Assembly that Council have passed the same, And request their concurrence.

The engrossed bill entitled,

A supplement to an act entitled an act to incorporate the New Jersey Patent Ship Bread Company,

Was read a third time and compared,  
 On the question, shall this bill pass?  
 It was determined in the affirmative, as follows.

## YEAS.

Messrs. Boyles,  
 S. D. Canfield,  
 Cassedy, (V. P.)  
 Chetwood,  
 Condit,

Messrs. Cooper,  
 Hughes,  
 Irick,  
 Whitar,car,  
 White,

Wood.—11.

## NAYS.

Messrs. Lilly,

Messrs. Patterson,  
 Van Nest,—3.

Ordered, that the President sign said bill and the Secretary inform  
 the House of Assembly that Council have passed the same,  
 And request their concurrence.

The bill from the House of Assembly entitled,  
 "An act to divorce Rebecca D. Henry, from her husband John  
 Henry,

Was read a third time.

On the question, shall this bill pass?

It was determined in the affirmative, as follows :

## YEAS.

Messrs. Boyles,  
 S. D. Canfield,  
 M. D. Canfield,  
 Chetwood,  
 Condit,  
 Cooper,  
 Hughes,

Messrs. Irick,  
 Lilly,  
 Patterson,  
 Scott,  
 Van Nest,  
 Whitar,car,  
 Wood,—14.

## NAY.

Mr. Cassedy, (V. P.)—1.

Ordered, That the President sign said bill and the Secretary inform

the House of Assembly, that Council have passed the same, without amendment.

The bill from the House of Assembly entitled,

"An act to divorce Catharine E. McLean from her husband Alexander Clinton McLean,

Was read a second time, considered, and

Ordered to have a third reading.

The fifteenth rule being suspended, said bill was read a third time.

On the question, shall this bill pass ?

It was determined in the affirmative, as follows :

YEAS.

Messrs, M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Cooper,  
Hughes,  
Irick,

Messrs. Lilly,  
Patterson,  
Scott,  
Van Nest,  
Whiticar,  
White,  
Wood.—14.

NAY.

Mr. Condit.—1.

Ordered, That the President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, Without amendment.

The bill from the House of Assembly entitled,

"An act to incorporate the Trenton Insurance Company, in the County of Mercer,"

Was read a second time, amended, and

Ordered to have a third reading.

Council adjourned till ten minutes before three o'clock Monday afternoon.

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MONDAY, February 28th, 1842.

*At three o'clock Council met.*

Mr. White from the committee to whom had been referred the pe-

tion of sundry citizens of Princeton, praying for the extension of the Charter of that Borough, reported a bill entitled

"An act relative to the Borough of Princeton,"

Which was read by its title, and

Ordered to have a second reading.

The bill from the House of Assembly entitled,

"An act to authorize William P. Forman, guardian of Catharine Eliza Baird, Jacob Baird, Mary Baird, and Sarah Matilda Baird, minor children and heirs at law of General Rei Baird, deceased, to sell Real Estate,"

Was read a second time, and ordered to have a third reading.

The 15th rule was suspended, and said bill

Was read a third time.

On the question, shall this bill pass?

It was determined in the affirmative as follows.

#### YEAS.

Messrs. Boyles,

M. D. Canfield,

Cassedy, (V. P.)

Chetwood,

Condit,

Cooper,

Irick,

Messrs. Lilly,

McDowell,

Newell,

Patterson,

Scott.

White,

Wood.—14.

#### NAYS.

Messrs. Van Nest,

Whiticar.—2.

Ordered, that the President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, without amendment.

The bill from the House of Assembly entitled,

"An act to incorporate the Trenton Insurance Company, in the County of Mercer,"

Was read a third time, as amended in Council.

On the question, shall this bill pass?

It was determined in the affirmative by the votes of all the members present, viz :

## YEAS.

Messrs. Boyles,  
 M. D. Canfield,  
 Cassedy, (V. P.)  
 Chetwood,  
 Condit,  
 Cooper,  
 Irick,  
 Lilly,

Messrs. McDowell,  
 Newell,  
 Patterson,  
 Scott,  
 Van Nest,  
 Whiticar,  
 White,  
 Wood,—16.

Ordered, that the President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, with sundry amendments, to which amendments the assent of the House of Assembly is requested.

The bill entitled

An act to authorize the sale of certain Real Estate of Samuel Van Finè, deceased,

Was read a second time, considered by sections, amended, and ordered to be engrossed, and have a third reading.

The bill from the House of Assembly entitled,

An act to incorporate the Musconetcong Manufacturing Company,

Was taken up, amended, and recommitted to the committee on Corporations.

A message from the House of Assembly by Mr. Prior their Clerk, informed Council that the House of Assembly had passed the bill from Council entitled

"An act to Incorporate the Relief Beneficial Association of the Township of Lower Penns Neck, Salem County, New Jersey,

Without amendment.

The bill from the House of Assembly entitled,

"A further supplement to an act entitled an act concerning Inns and Taverns, passed the 24th of February, 1797,"

Was read a second time, considered by sections, and

Ordered to have a third reading.

The bill from the House of Assembly entitled,

"An act to appoint a Trustee, to sell real Estate of John W. Flatt,"

Was read a second time, considered, and

Ordered to have a third reading.

The fifteenth rule was suspended, and said bill was read a third time by its title, and, on the question, shall this bill pass?

It was determined in the affirmative, by the vote of all the members present, viz :

## YEAS.

Messrs. Boyles,  
Cassedy, (V. P.)  
Chetwood,  
Condit,  
Cooper,  
Irick,

Messrs. Lilly,  
McDowell,  
Newell,  
Patterson,  
Whiticar,  
White,

Wood.—13.

Ordered, that the President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, without amendment.

The bill entitled,

"An act to Incorporate the Fame Fire Company of Flemington,

Was read a second time, considered by sections, and

Ordered to be engrossed, and have a third reading.

The bill entitled,

An act to incorporate the Salem County Jefferson Total Abstinence Beneficial Society, of Salem, New Jersey,

Was read a second time, considered by sections, and ordered to be engrossed and have a third reading.

The bill entitled

"An act to authorize Samuel C. Dunham, and Angeline his wife, Guardians of Maria Robbins, Sarah Robbins, and Charles Robbins, heirs at law of Elijah Robbins, late of the Township of Dover, to convey a certain lot of land, situate in the said township, to the Trustees of the Fourth Public School District, in the township of Dover, in the County of Monmouth, and State of New Jersey,"

Was read a second time, considered, and

Ordered to be engrossed, and have a third reading.

Council adjourned to ten o'clock to morrow morning.

TUESDAY, March 1st, 1842.

*At ten o'clock Council met.*

Mr. Chetwood from the committee to whom had been referred the petition of Harriet Russell, praying for a Divorce,

Reported a bill entitled,

"An act to divorce Harriet Russell, from her husband, Joseph Russell,"

Which bill was read by its title, and

Ordered to have a second reading.

Mr. Chetwood from the committee on Claims and Pensions, to whom had been referred the bill from the House of Assembly entitled

"An act for the relief of Sebastian Broughner of the County of Hunterdon,

Reported the same, without amendment.

Which bill was ordered a second reading.

Mr. Condit with leave presented a bill entitled

"An act to limit the charges and other expenses in making searches of the Records of Deeds, Mortgages, Decrees and Judgments,

Which was read by its title,

Ordered to have a second reading, and referred to the committee on the Judiciary.

Mr. White presented a petition from sundry citizens of Princeton, praying for an extension of the time of their Borough Charter,

Which was read and ordered to lie on the table.

Mr. S. D. Canfield from the committee on the Judiciary, reported a bill entitled

A further supplement to the act entitled an act constituting courts of Oyer and Terminer and Jail Delivery. passed November 27th, 1794.

Which was read by its title and ordered to have a second reading.

The bill from the House of Assembly entitled

A further supplement to an act entitled an act concerning Inns and Taverns passed the 24th of February, 1797.

Was read a third time and postponed.

The engrossed bill entitled,

"An act to Incorporate the Fame Fire Company of Flemington,

Was read a third time, and compared,

On the question, shall this bill pass?

It was determined in the affirmative, by the unanimous vote of all the members of Council, viz:

## YEAS.

Messrs. Boyles,

M. D. Canfield,

S. D. Canfield.

Cassedy, (V. P.)

Chetwood,

Condit,

Cooper,

Hughes,

Irick,

Messrs. Lilly,

McDowell,

Newell,

Patterson,

Scott,

Van Nest,

Whiticar,

White,

Wood.—18.

Ordered, That the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

The engrossed bill entitled,

"An act to Incorporate the Salem County Jefferson Total Abstinence Beneficial Society, of Salem, New Jersey.

Was taken up and recommitted to the committee on Corporations.

The engrossed bill entitled

An act to authorize the sale of certain real estate of Samuel Van Fine deceased,"

Was read a third time, and compared.

On the question shall this bill pass?

It was determined in the affirmative, by the votes of all the members present viz:

## YEAS.

Messrs. Boyles,

M. D. Canfield,

S. D. Canfield,

Cassedy, (V. P.)

Chetwood,

Messrs. Irick,

Lilly,

McDowell,

Newell,

Patterson,

Messrs. Condit,  
Cooper,  
Hughes,

Messrs. Scott,  
Van Nest,  
White,

Wood.—17.

Ordered, That the Vice President sign said bill and the Secretary inform the House of Assembly that Council have passed the same,  
And request their concurrence.

Mr. S. D. Canfield from the committee to whom had been referred the bill entitled,

"An act to Incorporate the Salem County Jefferson Total Abstinence Beneficial Society, of Salem, New Jersey,"

Reported the same with sundry amendments.

The bill entitled

"An act to repeal an act therein named,"

Was read a second time, and considered.

On a motion to strike out the first and only section of said bill,

The yeas and nays being required were as follows :

#### YEAS.

Messrs. M. D. Canfield,  
S. D. Canfield,  
Chetwood,  
Hughes,  
Irick,

Messrs. McDowell,  
Scott,  
Whiticar,  
White,  
Wood,—10.

#### NAYS.

Messrs. Boyles,  
Cassedy, (V. P.)  
Condit,  
Cooper,

Messrs. Lilly,  
Newell,  
Patterson,  
Van Nest,—8.

So it was determined in the affirmative.

Council adjourned till three o'clock this afternoon.

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*At three o'clock Council met.*

The engrossed bill entitled,

"An act to authorize Samuel C. Dunham, and Angeline his wife,

Guardians of Maria Robbins, Sarah Robbins and Charles Robbins, heirs at law of Elijah Robbins, late of the Township of Dover, to convey a certain lot of land situate in the said Township to the Trustees of the fourth Public School District in the Township of Dover, in the County of Monmouth, and State of New Jersey,

Was read a third time, and compared.

On the question, shall this bill pass?

It was determined in the affirmative by the votes of all the members present viz. :

## YEAS.

Messrs. Boyles,

M. D. Canfield,

S. D. Canfield,

Cassedy, (V. P.)

Chetwood,

Cooper,

Hughes,

Messrs. Irick,

Lilly,

McDowell,

Newell,

Patterson,

Van Nest,

Whiticar,

Wood,—15.

Ordered, That the Vice President sign said bill, and the Secretary inform the House of Assembly, that Council have passed the same, And request their concurrence.

The Joint Resolution in relation to the appointment of Commissioners to examine and report to a future Legislature, the quantity of oyster Lands, owned by the State of New Jersey, with such other information in relation thereto, as they could obtain,

Was read a second time, considered, and postponed.

The bill entitled,

"A supplement to the act entitled an act to incorporate Medical Societies for the purpose of regulating the practice of physic and surgery in this state, passed Jan. 28, 1830,

Was read a second time, and on the question, shall the first and only section be agreed to?

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

## YEAS.

Messrs. Newell,

Messrs. Patterson,

Whiticar.—3.

## NAYS.

Messrs. Boyles,  
 M. D. Canfield,  
 S. D. Canfield.  
 Cassedy, (V. P.)  
 Chetwood,  
 Condit,  
 Cooper,

Messrs. Hughes,  
 Irick,  
 Lilly,  
 McDowell,  
 Van Nest,  
 White,  
 Wood.—14.

Ordered, said bill be dismissed from the files.

The bill entitled,

“A supplement to the act entitled an act for the better regulation of the Banks in this State, and for other purposes, passed the 21st day February, 1838,

Was read a second time, considered by sections, and

Ordered to be engrossed and have a third reading.

The bill entitled,

A further supplement to the act entitled an act for the punishment of crimes,

Was read a second time, considered, and

Ordered to be engrossed, and have a third reading.

The bill entitled,

An act relative to habitual Drunkards,

Was read a second time, considered by sections, and

Ordered to be engrossed and have a third reading.

The bill entitled,

A further supplement to an act entitled, an act to incorporate the Elizabeth Town and Somerville Rail Road Company, passed the 9th day of February, A. D. 1831,

Was read a second time, considered, and

Ordered to be engrossed, and have a third reading.

The bill entitled,

“An act to reduce the Capital Stock of the Morris County Bank,”

Was read a second time, considered, and

Ordered to be engrossed, and have a third reading.

The bill entitled,

An act to ascertain the sense of the people in regard to the propriety of calling a convention to alter or revise the constitution of this State,

Was taken up, and on the question shall the first section be agreed to.

The Yeas and Nays being required were as follows:

## YEAS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)  
Cooper,

Messrs. Lilly,  
Newell,  
Patterson,  
Van Nest,  
Whiticar,

White.—11.

## NAYS.

Messrs. Chetwood,  
Condit,

Messrs. Hughes,  
Irick

McDowell.—5.

So it was determined in the affirmative.

The bill having been considered by sections,  
Ordered that it be engrossed and have a third reading.

Mr. M. D. Canfield with leave presented a bill entitled,  
"An act to confirm the last Will and Testament of Samuel Richards deceased,"

Which was read by its title, ordered to have a second reading, and  
be referred to the committee on the Judiciary.

Council adjourned till ten o'clock to-morrow morning.

WEDNESDAY, March, 2nd, 1842.

*At ten o'clock Council met.*

Mr. S. D. Canfield from the committee on the Judiciary, to whom  
had been referred the bill entitled,

"An act to confirm the last Will and Testament, of Samuel Richards deceased,"

Reported the same, without amendment.

Mr. S. D. Canfield, from the committee on Corporations to whom  
had been referred the bill from the House of Assembly, entitled,

"An act to Incorporate the Ryerson Iron Works, in the County of Passaic,

Reported the same without amendment.

Which was ordered to have a second reading.

Mr. S. D. Canfield from the same committee, to whom had been referred the bill from the House of Assembly entitled,

"An act to divide the Township of Bergen, in the County of Hudson, and to establish four new townships in the said county,"

Reported the same, with sundry amendments.

The bill from the House of Assembly entitled

A further supplement to an act, entitled an act, concerning Inns and Taverns, passed the twenty-fourth of February, 1797,

Was read a third time,

On the question, shall this bill pass?

It was determined in the negative as follows:

#### YEAS.

Messrs. S. D. Canfield,  
Chetwood,  
Condit,

Messrs. Hughes,  
McDowell,  
White,

Wood.—7.

#### NAYS.

Messrs. Boyles,  
M. D. Canfield,  
Cassedy (V. P.)  
Cooper,

Messrs. Lilly,  
Newell,  
Patterson,  
Scott,

Whiticar,—9.

The engrossed bill entitled,

"A further supplement to an act entitled an act "for the regulation of the Banks in this State, and for other purposes, passed the 21st day of February, 1838.

Was read a third time and compared,

On the question, shall this bill pass?

It was determined in the affirmative by the votes of all the members present, viz:

## YEAS.

Messrs. Boyles,  
 M. D. Canfield,  
 S. D. Canfield,  
 Cassedy (V. P.)  
 Chetwood,  
 Condit,  
 Cooper,

Messrs. Hughes,  
 Lilly,  
 McDowell,  
 Newell,  
 Patterson,  
 Whiticar,  
 White,

Wood.—15.

Ordered, That the Vice President sign said bill, and the Secretary inform the House of Assembly, that Council have passed the same, and request their concurrence.

The engrossed bill entitled,

"A further supplement to an act entitled an act to incorporate the Elizabeth Town and Somerville Rail Road Company, passed the 9th Feb. 1831,

Was read a third time and considered,

On the question, shall this bill pass?

It was determined in the affirmative, as follows:

## YEAS.

Messrs. Boyles,  
 M. D. Canfield,  
 S. D. Canfield,  
 Cassedy (V. P.)  
 Lilly,  
 McDowell,  
 Newell,

Messrs. Chetwood,  
 Condit,  
 Cooper,  
 Hughes,  
 Scott,  
 Van Nest,  
 Whiticar,

Wood.—15.

## NAYS.

Messrs. Trick,

White.—3.

Messrs. Patterson,

Ordered that the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

The engrossed bill entitled,

"An act to reduce the Capital Stock of the Morris County Bank,"

Was read a third time and compared,

On the question, shall this bill pass?

It was determined in the affirmative, as follows :

## YEAS.

Messrs. Boyles,	Messrs. McDowell,
M. D. Canfield,	Newell,
S. D. Canfield,	Patterson,
Chetwood,	Scott,
Hughes,	Van Nest,
Irick,	Whiticar,
Lilly,	White,

Wood.—15.

## NAYS.

Messrs. Cassedy, (V. P.)	Cooper.—2.
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Ordered, that the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

Mr. Lilly with leave presented a bill entitled,

“ An act to repeal the third section of the act entitled an act to alter and amend the act entitled an act concerning Inns and Taverns, passed 1st of June, 1820,

Which was read by its title, and ordered to have a second reading, and referred to the committee on the Judiciary.

The engrossed bill entitled,

A further supplement to the act entitled an act for the punishment of crimes,

Was read a third time, and compared.

On the question, shall this bill pass?

It was determined in the affirmative, as follows :

## YEAS.

Messrs. M. D. Canfield,	Messrs. Newell,
S. D. Canfield,	Patterson,
Cassedy, (V. P.)	Scott,
Chetwood,	Van Nest,
Cooper,	Wood,
Lilly,	White,

McDowell.—13.

NAY.

Mr. Irick.—1.

Ordered, That the Vice President sign said bill and that the Secretary inform the House of Assembly, that Council have passed the same, and request their concurrence.

The bill from the House of Assembly, entitled,  
An act for the relief of Sebastian Broughner, of the County of Hunterdon,

Was read a second time, and considered.

Ordered, that said bill have a third reading.

The fifteenth rule was suspended, and said bill was read a third time,

On the question, shall this bill pass?

It was determined in the affirmative, by the votes of all the members present, viz :

YEAS.

Messrs. M. D. Canfield,  
S. D. Canfield,  
Cassedy (V. P.)  
Chetwood,  
Condit,  
Cooper,  
Hughes,  
Irick,

Messrs. Lilly,  
McDowell,  
Newell,  
Patterson  
Scott,  
Van Nest  
Whiticar,  
White,

Wood.—17.

Ordered, That the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same,

Without amendment.

The bill entitled,

“An act to abolish Imprisonment for Debt,”

Was taken up, and the consideration thereof resumed.

On a motion to postpone said bill, the yeas and nays being demanded, were as follows :

YEAS.

Messrs. Condit,  
Hughes,  
Irick,

Messrs. McDowell,  
White,  
Wood.—6.

## NAYS.

Messrs. M. D. Canfield,  
S. D. Canfield.  
Cassedy, (V. P.)  
Cooper,  
Lilly,

Messrs. Newell,  
Patterson,  
Scott.  
Van Nest,  
Whiticar.—10.

So it was determined in the negative.

Said bill was then ordered to be engrossed and have a third reading.

The bill entitled,

“An act to confirm the last Will and Testament of Samuel Richards, deceased,”

Was read a second time, considered, and

Ordered to be engrossed, and have a third reading.

Council adjourned to three o'clock this afternoon.

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*At three o'clock Council met.*

Mr. S. D. Canfield from the committee on the Judiciary, to whom had been referred the bill entitled,

An act to repeal the third section of the act entitled an act to alter and amend the act entitled an act, concerning Inns and Taverns, passed the 1st, of June, 1820,”

Reported the same, without amendment.

Mr. White asked and obtained leave to to withdraw the Deeds, &c., relating to the property of the late Thomas Wilson, deceased.”

The engrossed bill entitled,

“An act relative to habitual Drunkards,”

Was read a third time and considered.

On the question, shall this bill pass?

It was determined in the affirmative as follows.

## YEAS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Cooper,

Messrs. Newell,  
Scott,  
Van Nest,  
Whiticar,  
White,  
Wood,

Condit.—13.

## NAYS.

Messrs. Hughes,  
Irick,

Messrs. Lilly,  
McDowell,

Patterson,—5.

Ordered, that the President sign said Bill, and the Secretary inform the House of Assembly that Council have passed the same, And request their concurrence.

The engrossed bill entitled

An act to ascertain the sense of the people in regard to the propriety of calling a convention to alter or revise the constitution of this State,

Was read a third time and compared,

On the question, shall this bill pass?

It was determined in the negative, as follows :

## YEAS.

Messrs. Boyles,  
S. D. Canfield,  
Cassedy, (V. P.)  
Cooper,

Messrs. Lilly,  
Newell,  
Patterson,  
Scott,

Van Nest.—9.

## NAYS.

Messrs. M. D. Canfield,  
Chetwood,  
Condit,  
Hughes,

Messrs. Irick,  
McDowell,  
Whiticar,  
White,

Wood.—9.

Ordered that said bill be dismissed from the files of Council.

The engrossed bill entitled,  
An act to confirm the last will and testament of Samuel Richards,  
deceased,

Was read a third time and compared,  
On the question, shall this bill pass?

It was determined in the affirmative as follows:

## YEAS.

Messrs. Boyles,

M. D. Canfield,

S. D. Canfield,

Cassedy (V. P.)

Chetwood,

Cooper,

Hughes,

Irick,

Messrs. Lilly,

McDowell,

Newell,

Patterson,

Van Nest,

Whiticar,

White,

Wood,

Condit.—17.

Ordered, That the President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

A message from the House of Assembly, by Mr. Prior their Clerk, informed Council that the House of Assembly had adopted the following concurrent Resolution, viz:

Resolved, (Council concurring,) that two copies of Elmer's Digest, be furnished to the township of Clinton, in the County of Hunterdon, one copy for the Assessor and Collector of said township for their common use, and one copy for the overseers of the poor in said township, for their common use.

To which concurrent Resolution, the assent of Council is requested.

The House of Assembly have appointed Messrs. Lanning, Miller, Cook, Dawes and Seeley, a committee of conference on their part, to consider the matter in difference, between the two Houses, in the Council amendment, to the first section of the bill from the House of Assembly entitled,

An act to provide for the resumption and continuance of specie payments, by the Banks in this State,

And request the appointment of a similar committee on the part of Council.

The concurrent Resolution from the House of Assembly, for supplying Clinton Township with two copies of Elmer's Digest,

Was read and agreed to.

Messrs. Irick, S. D. Canfield and Condit, were appointed members of the committee of conference, on the part of Council, to meet those appointed by the House of Assembly, in relation to the amendments made in Council to the bill from the House of Assembly entitled,

"An act to provide for the resumption and continuance of Specie Payments by the Banks of this State.

Ordered, that the Secretary inform the House of Assembly thereof.

The bill from the House of Assembly entitled,

An act to incorporate the Musconetcong Manufacturing Company,  
Was taken up, amended, and

Ordered to be engrossed, and have a third reading.

The Joint Resolution of Council in relation to the survey of the Oyster Beds on the coast of New Jersey,

Was taken up, considered, and postponed.

The bill entitled

"An act relative to the Borough of Princeton,"

Was read a second time, considered, and postponed.

The bill entitled,

"An act to extend an act entitled an "an act to incorporate a Bank at Paterson, passed Feb. 16th 1816, and the supplement thereto,

Was read a second time, considered, and

Ordered to be engrossed, and have a third reading.

The bill entitled

"An act to divorce Harriet Rossell, from her husband, Joseph Rossell,"

Was read a second time, considered, and

Ordered to be engrossed and have a third reading.

The bill entitled,

"An act to incorporate the Jefferson Beneficial Society of the County of Salem,

Was taken up, amended, and

Ordered to be engrossed and have a third reading.

The vote of Council this morning on the passage of the bill from the House of Assembly, entitled

A further supplement to an act entitled an act concerning Inns and Taverns passed the 24th of February, 1797,

Was reconsidered and said bill placed on its second reading.

The bill entitled

A further supplement to an act, entitled an act to regulate elections

Was read a second time, considered and postponed.

Council adjourned till ten o'clock to-morrow morning.

THURSDAY, March 3d, 1842.

*At ten o'clock Council met.*

A message from the House of Assembly by Mr. Prior their Clerk, informed Council that the House of Assembly had passed the bills from Council entitled,

"An act for the relief of the Stockholders of the Morris and Essex Rail Road Company; and

"An act to divorce Ezekiel Wilcox from his wife Mary Wilcox, Severally without amendment.

That the House of Assembly had also passed the bill from Council entitled,

An act to incorporate the New England Manufacturing Company of South Trenton,

With several amendments, to which amendments the assent of Council is requested.

The House of Assembly had disagreed to the bill from Council entitled

"A supplement to the act entitled "an act for the better regulation of the Banks in this State and for other purposes,

And herewith return the same.

The House of Assembly have agreed to the amendments made in Council to the bill entitled

"An act to incorporate the Trenton Insurance Company, in the County of Mercer,"

And have ordered said bill to be re-engrossed.

The House of Assembly have passed the following bills, viz:

"An act to confirm certain acknowledgements of Deeds and other instruments taken by Josiah Atkinson, Esquire.

"An act further supplementary of "an act to regulate the Fisheries in the River Delaware and for other purposes," and

"An act to enable Henry Baker one of the Executors of the last Will and Testament of Joseph Quimby, deceased, to execute the trust created by said Will,"

To which bills the assent of Council is requested,

Said bills were severally read by their titles and referred to the committee on the Judiciary, except the one in relation to the Fisheries, which was referred to Messrs. Cooper, Van Nest and Newell.

The amendments made in the House of Assembly to the bill from Council, entitled

An "act to incorporate the New England Manufacturing Company of South Trenton,

Were read and agreed to.

Ordered that said bill be re-engrossed.

Mr. Scott presented a Memorial from sundry citizens of Princeton in relation to a renewal of their charter,

Which was read and ordered to lie on the table.

Mr. Condit presented a Memorial from Jersey City in relation to

Which was ordered to lie on the table.

Mr. Scott from the committee on the Judiciary to whom had been referred the bill entitled.

"An act for the better protection of the Navigation of the Passaic River,"

Reported the same, without amendment.

Mr. Canfield from the same committee reported the bill from the House of Assembly entitled

"An act to enable Henry Baker one of the Executors of the last Will and Testament of Joseph Quimby deceased, to execute the trust created by said Will,

Which was read by its title, and

Ordered, to have a second reading.

Mr. Scott from the Judiciary committee to whom had been referred the petition of Henry A. Stout, reported adverse to the prayer of the petitioner.

Ordered, that Mr. Lilly have leave to withdraw his papers.

The engrossed bill entitled,

"An act to incorporate the Jefferson Beneficial Society of Salem New Jersey,

Was read a third time, and compared.

On the question, shall this bill pass?

It was determined in the affirmative as follows:

YEAS.

Messrs. Boyles,  
S. D. Canfield,

Messrs. Cooper,  
McDowell,

Messrs. Cassedy, (V. P.)  
Chetwood,  
Condit,

Messrs. Newell,  
Whiticar,  
White,

Wood,—11.

#### NAYS.

Messrs. M. D. Canfield,  
Lilly,

Messrs. Patterson,  
Scott,

Van Nest,—5.

Ordered, That the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

The engrossed bill entitled,  
"An act to abolish Imprisonment for debt,  
Was read a third time, and compared.

On the question shall this bill pass ?

It was determined in the affirmative, by the votes of all the members present viz :

#### YEAS.

Messrs. Boyles,  
S. D. Canfield,  
M. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Condit,  
Cooper,  
White,

Messrs. Hughes,  
Irick,  
Lilly,  
McDowell,  
Newell,  
Van Nest,  
Whiticar,  
Wood,—16.

Ordered, that the President sign said bill and the Secretary inform the House of Assembly that Council have passed the same, And request their concurrence.

The engrossed bill entitled,  
An act to divorce Harriet Rossell, from her husband Joseph Rossell,  
Was read a third time, and compared.

On the question, shall this bill pass ?

It was determined in the negative, as follows :

## YEAS.

Messrs. Boyles,  
S. D. Canfield,  
Wood,—5.

Messrs. Hughes,  
Newell,

## NAYS.

Messrs. M. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Condit,  
Cooper,  
White,—11.

Messrs. Irick,  
Lilly,  
McDowell,  
Van Nest,  
Whiticar,

The bill from the House of Assembly entitled,  
An act to incorporate the Musconetcong Manufacturing Company,  
Was read a third time, as amended.  
On the question, shall this bill pass?  
It was determined in the affirmative as follows:

## YEAS.

Messrs. Boyles,  
M. D. Canfield,  
Chetwood,  
Cooper,  
Condit,  
Hughes,  
Wood.—13.

Messrs. Irick,  
Lilly,  
McDowell,  
Newell,  
Scott,  
Whiticar,

## NAYS.

Messrs. S. D. Canfield,  
Cassedy, (V. P.)  
Messrs. Van Nest,  
White,—4.

Ordered, that the President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, with sundry amendments, to which amendments the assent of the House of Assembly is requested.

The bill from the House of Assembly entitled,  
"A further supplement to an act entitled an act concerning Inns and Taverns passed the 24th day of February, 1797,  
Was read a second time, considered by sections, and  
Ordered to have a third reading.

The fifteenth rule was suspended, and said bill was read a third time, and compared,

On the question, shall this bill be postponed?

It was determined in the negative as follows:

## YEAS.

Messrs. Boyles,  
Lilly,  
Patterson,

Messrs. Scott,  
Van Nest,  
Whiticar.—6.

## NAYS.

Messrs. S. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Condit,  
Cooper,

Messrs. Hughes,  
Irick,  
McDowell,  
Newell,  
White,

Wood.—11.

On the question, shall this bill pass?

It was determined in the affirmative, as follows:

## YEAS.

Messrs. S. D. Canfield,  
Cassedy (V. P.)  
Cooper,  
Hughes,  
Irick,

Messrs. Chetwood,  
Condit,  
McDowell,  
Newell,  
White,

Wood.—11.

## NAYS.

Messrs. Boyles,  
Lilly,  
Patterson;

Messrs. Scott,  
Van Nest.  
Whiticar.—6.

Ordered, That the President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, Without amendment.

Council adjourned till three o'clock this afternoon.

*At three o'clock Council met.*

The bill from the House of Assembly, entitled,

"An act to divide the Township of Bergen, in the County of Hudson, and to establish four new townships in the said county,"

Was taken up, considered and postponed, to the next Legislature, by the following vote.

YEAS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield,  
Chetwood,  
Cooper,  
Lilly;

Messrs. McDowell,  
Newell,  
Patterson,  
Scott,  
Van Nest,  
Whiticar.—12.

NAYS.

Messrs. Cassidy, (V. P.)  
Condit,

Messrs. Hughes,  
Irick  
Wood.—5.

Ordered, that the applicants have leave to withdraw their papers.

A message from the House of Assembly, by Mr. Prior, their clerk, informed Council, that the House of Assembly had passed the bills from Council entitled

An act constituting an Independent Battallion in the County of Passaic, and

An act to divorce William Scott, of the County of Passaic, from his wife Mary Scott,

Severally without amendment.

The House of Assembly had passed the bill from Council entitled,

A supplement to an act entitled an act, concerning Roads, passed February, 9th, 1818.

With several amendments, to which amendments the assent of Council is requested.

The House of Assembly had agreed to the amendments made in Council to the bill entitled,

An act to incorporate the Trenton Insurance Company in the County of Mercer,

And have ordered said bill to be re-engrossed.

The House of Assembly had passed the following bills, viz:

An act to establish a new Township in the County of Mercer, to be called the Township of Hamilton, and

An act to divorce Ann Elizabeth Hand, from her husband, Richard Hand,

To which bills the assent of Council is requested.

The bill from the House of Assembly entitled,

An act to establish a New Township in the County of Mercer, to be called the Township of Hamilton,

Was read by its title, and referred to the committee on Corporations, and ordered to have a second reading.

The bill from the House of Assembly entitled,

An act to divorce Ann Elizabeth Hand, from her husband Richard Hand,

Was read by its title, and referred to Messrs. Whiticar, M. D. Canfield and Hughes.

The bill entitled

A further supplement to an act entitled an act to regulate elections,

Was read a second time, and while under consideration,

Mr. Patterson moved to postpone it until the next Legislature on the yeas and nays were as follows:

#### YEAS.

Messrs. Boyles,  
Cooper,

Messrs. Newell,  
Patterson,—4.

#### NAYS.

Messrs. M. D. Canfield,  
S. D. Canfield,  
Cassedy (V. P.)  
Chetwood,  
Condit,  
Hughes,  
Irick,

Messrs. Lilly,  
McDowell,  
Scott,  
Van Nest,  
White,  
Whiticar,  
Wood,—14.

So it was determined in the negative,

Ordered, that said bill be engrossed and have a third reading.

The Joint Resolution in relation to the survey of the oyster bed belonging to this State,

Was taken up and postponed to the next sitting of the Legislature.

The bill from the House of Assembly entitled

"An act to incorporate the Ryerson Iron Works in the County of Passaic,

Was read a second time, and considered by sections, and amended,

On a motion to amend the same by adding the following sections:

SECTION 10. And be it enacted,—That the amount of the capital stock, herein, before prescribed to be paid in before the company goes into operation, shall be paid *bona-fide*, and not in notes or obligations, whether secured by pledge of stock or otherwise; and so, of any increase of capital thereafter made; and no part of the capital stock shall be withdrawn or refunded to the stockholders, until all the liabilities of the said company are discharged; and in case of any violation of any of the provisions of this section, the stockholders in said company, shall be liable jointly and severally, for all debts previously contracted by said company.

The yeas and nays were as follows:

#### YEAS.

Messrs. S. D. Canfield,

Boyles,

Cassedy, (V. P.)

Cooper,

Messrs. Lilly,

Newell,

Patterson,

Scott,

Van Nest.—9.

#### NAYS.

Messrs. S. D. Canfield,

Chetwood,

Condit,

Hughes,

Messrs. Irick,

McDowell,

Whitcar,

White,

Wood.—9.

So it was determined in the negative.

On the question, shall this bill have a third reading as amended?

It was determined in the affirmative, as follows:

## YEAS.

Messrs. M. D. Canfield,  
Chetwood,  
Condit,  
Hughes,  
Irick,

Messrs. McDowell,  
Scott,  
Whiticar,  
White,  
Wood.—10.

## NAYS.

Messrs. Boyles,  
Cassedy (V. P.)  
Cooper,

Messrs. Lilly,  
Newell,  
Patterson,

Van Nest,—7.

The bill entitled,

“An act to repeal the third section of the act entitled an act to alter and amend the act entitled an act concerning Inns and Taverns.

Was read a second time, considered, and ordered to be engrossed and have a third reading.

The bill entitled,

A further supplement to an act entitled an act constituting Courts of Oyer and Terminer and General Jail Delivery passed November 27th 1794.

Was read a second time,

On a motion to amend the first section by adding “*Bergen*” to the list of Counties, the yeas and nays were as follows:

## YEAS.

Messrs. Chetwood,

Messrs. Condit,

Wood,—3.

## NAYS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)  
Hughes,  
Irick,

Messrs. Lilly,  
McDowell,  
Patterson,  
Scott,  
Whiticar,  
White,—12.

The further consideration of said bill was postponed.

Mr. S. D. Canfield with leave presented a bill entitled "A supplement to an act entitled an act to prevent frauds by incorporate Companies passed Feb. 16th 1839,

Was read by its title, ordered to have a second reading and referred to the committee on the Judiciary.

The bill from the House of Assembly entitled,

"An act to enable Henry Baker one of the Executors of the last Will and Testament of Joseph Quimby deceased to execute the trust created by said Will.

Was read a second time, considered, and

Ordered have a third reading.

Council adjourned till ten o'clock to-morrow morning.

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FRIDAY, March, 4th, 1842.

*At ten o'clock Council met.*

Mr. Newell presented a petition from the members of a Grand Jury in Salem County praying for a change of the law in relation to certain suits over one hundred dollars.

Which was read and referred to Messrs. Newell, Chetwood and M. D. Canfield.

Mr. Whiticar from the committee to whom had been referred the bill from the House of Assembly, entitled

"An act to divorce Ann Elizabeth Hand from her husband Richard Hand,

Reported the same without amendment,

Which was read by its title and ordered to have a second reading,

Mr. Cooper from the majority of the committee to whom had been referred the bill from the House of Assembly entitled

"A further supplement to an act, entitled an act to regulate the Fisheries on the River Delaware and for other purposes,

Made the following:

## REPORT.

The undersigned, a majority of the committee to whom was referred the bill from Assembly for regulating the fisheries in the Delaware, beg leave to REPORT :

That having had the bill under consideration, and bestowed upon it all the thought the limited time allowed them would permit, they are fully satisfied that it ought not to become a law:—that it would be unequal and oppressive, if not destructive, in its operations upon very important and valuable private interests, without effecting any public good, probably a public injury.

The professed object of the bill, is to restrict fishing in the river Delaware in such a way as to allow the fish to pass more uninterruptedly up the river into the clear water above the falls, where, it is said, they deposit their spawn, from which the succeeding generation of fish is produced. This it proposes to do, by limiting,

*First*, the right of fishing to *one* net at each pool, as far down as the mouth of Rancoos creek ;

*Second*, by taking away all right of fishing as far down as the Delaware line, from Friday evening to sunrise of Monday morning, of each week.

1. As to the restriction to one net.

Since 1822, each fishery above Newbold's island has been restricted to *one* net ; below that point, to *two* nets. That such a distinction between the *up* and *down* river fisheries, should exist, seems admitted by the bill ; and if so, the undersigned can discover no more appropriate line of division. Immediately below Newbold's island, the river suddenly becomes wider and deeper, so that the nets, generally, do not sweep more than one fourth or one half the way across it—leaving a greater portion of the river always unobstructed ; while above that point, the nets generally sweep from shore to shore. The fisheries, too, are much more numerous *above* than *below* that point. Take, for instance, from the island up to Lambertson (the highest tide fishery) in a distance of eight miles, there are seventeen fisheries, using as many nets—*two* nets to a mile. From the island down to Gloucester, thir-

ty miles, there are only eighteen fisheries, using thirty nets—one net to a mile. Below Gloucester to Chester, the lowest fishery upon the shore, in a distance of sixteen miles, there are only nine fisheries, and thirteen shore nets—not one to a mile.

The fisheries below, too, are much more exposed to interruption from storms and vessels.

The undersigned, therefore, see no good cause for taking away the distinction between up and down river fisheries; nor of changing the present line of division.

## 2. Restriction of time.

Such a regulation must bear oppressively on the owners of large fisheries below. They necessarily employ a large number of hands for the season, and must pay them whether they work or not. The restriction proposed—stopping fishing at sunset of Friday until sunrise of Monday—will, as the undersigned are informed, stop fishing one and a half days out of six, that is one fourth the whole time. The expenses of each hand at a fishery, is about \$1.10 per day. A fishery then employs fifty hands, would incur a certain loss of \$77.50 per week, and in a season of nine weeks \$700; equal in many instances, to the whole profit.

But a more serious difficulty press upon the minds of the undersigned. They cannot believe the Legislature has any power to impose such a restriction. These fisheries, attached to the shores of the Delaware, are *private property*. So recognized from the earliest settlement, of the province; by numerous acts of the legislation in this State and the State of Pennsylvania; by the compact between the two States in 1783; and by repeated decisions in the State and United States' Courts. If the right of fishing can be limited to four and a half days in each week, it may be taken away altogether: and thus this species of private property, valuable as it is admitted to be, may be taken from the respective owners, without a particle of compensation. This cannot be. Private property cannot, constitutionally, be taken, even for public use, without compensation.

Again—the restriction would be unequal. It is proposed to extend it only to the line of the State of Delaware. Below that, fishing at all times and seasons, is tolerated; and there, the undersigned are satisfied, the great source of the evil complained of exists. Thousands of persons, from almost every part of the country, without regard to latitude, are there, throughout the whole season, with gilling seines.

Before this mode of fishing was introduced, our fisheries had gone on for more than half a century, without complaint any where; and all having a bountiful supply of fish. Since then, although our fisheries are fished in the same way that they have always been, yet the fish are diminishing. The occasion of the evil then is in the unrestrained gill fishing. Could it be so regulated as to preserve the right of fishing to the citizens of the State, bordering upon the river, no doubt all would be benefitted, and our river again afford an abundant supply.

The undersigned, therefore, believe, that the bill would be not only oppressive and unconstitutional, but that it mistakes the great cause of the evil complained of; and they therefore, recommend its dismissal.

WILLIAM R. COOPER,  
ROBERT NEWELL.

COUNCIL CHAMBER, March 4, 1842.

Which report was read and ordered to be printed, and that Council will set this evening to hear Council, for and against the bill on that subject.

A message from the House of Assembly, by Mr. Prior their Clerk, informed Council that the House of Assembly had passed the bills from Council, entitled,

An act for the relief of the First Presbyterian Church of Mount Holly, and

An act to authorize the sale of certain Real Estate, formerly of Samuel Van Fine, deceased,

Severally without amendment.

The House of Assembly had passed the Joint Resolution from Council, relative to the Tax and Transit duties due the state, from the New Jersey Rail Road and Transportation Company,

With several amendments, to which amendments the assent of Council is requested.

Which amendments were read, agreed to, and said Resolution was ordered to be re-engrossed,

On the question, shall this re-engrossed Joint Resolution pass?

It was determined in the affirmative as follows:

YEAS.

Messrs. Boyles,

M. D. Canfield,

S. D. Canfield;

Chetwood,

Messrs. Irick,

Lilly,

McDowell,

Newell,

Messrs. Condit,  
Cooper,  
Hughes,

Messrs. Scott,  
Whiticar,  
White,

Wood,—15.

NAYS.

Messrs. Cassidy, (V. P.)

Messrs. Patterson,

Van Nest.—3.

Ordered, that the President sign said Joint Resolution, and the Secretary inform the House of Assembly that Council have agreed to the amendments made in the House of Assembly, and have

Ordered the same to be re-engrossed.

Mr. Van Nest from the committee to whom had been referred the Joint Resolutions from the House of Assembly, in relation to the distribution of the Printing of the Journal, Minutes, and Law Report,

Reported the same, with an amendment.

Mr. S. D. Canfield from the committee on the Judiciary, to whom whom had been referred the bill entitled,

“A supplement to an act entitled an act to prevent frauds by incorporated Companies, passed February, 16th 1829,

Reported the same.

The engrossed bill entitled,

A further supplement to an act, entitled an act to regulate elections,

Was read a third time and compared,

On the question, shall this bill pass?

It was determined in the affirmative as follows.

YEAS.

Messrs. Boyles,  
S. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Condit,  
Hughes,  
Irick,

Messrs. Lilly,  
McDowell,  
Newell,  
Patterson,  
Van Nest,  
Whiticar,  
White,

Wood.—15.

NAYS.

Messrs. Cooper,

Scott.—2.

Ordered, that the President sign said Bill, and the Secretary inform the House of Assembly that Council have passed the same, And request their concurrence.

The re-engrossed bill as amended in the House of Assembly, entitled, An act to incorporate the New England Manufacturing Company of South Trenton,

Was read a third-time, and compared.

On the question, shall this re-engrossed bill pass ?

It was determined in the affirmative as follows:

## YEAS.

Messrs. Boyles,

M. D. Canfield,

Chetwood,

Condit,

Cooper,

Hughes,

Messrs. Irick,

Lilly,

McDowell,

Scott,

Whiticar,

White,

Wood.—13.

## NAYS.

Messrs. S. D. Canfield,

Cassedy, (V. P.)

Messrs. Newell,

Patterson,

Van Nest.—5.

Ordered, that the President sign said bill, and the Secretary inform the House of Assembly that Council have agreed to the amendments, made in the House of Assembly to said bill, and have ordered said bill to be re-engrossed.

The vote by which the engrossed bill entitled,

"A supplement to the act entitled "an act to create the County of Hudson, passed Feb. 22, 1840,

Was ordered to have a third reading, was reconsidered, and re-committed to the committee on the Judiciary.

The bill from the House of Assembly entitled,

"An act to enable Henry Baker one of the Executors of the last Will and Testament of Joseph Quimby, deceased, to execute the trust created by said Will,"

Was read a third time,

On the question shall this bill pass ?

It was determined in the affirmative, by the votes of all the members present viz :

## YEAS.

Messrs. Boyles,  
S. D. Canfield,  
Chetwood,  
Cooper,  
Hughes,  
Irick,

Messrs. McDowell,  
Newell,  
Patterson,  
Whiticar,  
White,  
Wood,—12.

Ordered, That the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, Without Amendment.

The re-engrossed bill entitled,

“A supplement to the act entitled an act concerning Roads, passed Feb. 9th 1818,

Was read as amended in the House of Assembly.

On the question, shall this bill pass?

It was determined in the affirmative, as follows:

## YEAS.

Messrs. M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Condit,  
Cooper,  
Hughes,  
Irick,

Messrs. Lilly,  
McDowell,  
Newell,  
Scott,  
Van Nest,  
Whiticar,  
White,  
Wood,—16.

## NAY.

Mr. Patterson.—1.

Ordered, that the President sign said bill and the Secretary inform the House of Assembly that Council have agreed to the amendments made to said bill in the House of Assembly,

And have ordered said bill to be re-engrossed.

Mr. S. D. Canfield from the committee on the Judiciary, to whom had been referred the bill entitled,

“A supplement to the act entitled an act to create the County of Hudson passed Feb. 22, 1840,

Reported the same with an amendment.

The engrossed bill entitled,

"An act to repeal the third section of the act entitled an act to alter and amend the act entitled an act concerning Inns and Taverns, passed the 1st of June, 1820,

Was read a third time, and compared.

On the question, shall this bill pass?

It was determined in the negative, as follows viz :

## YEAS.

Messrs. Boyles,  
M. D. Canfield,  
Lilly,

Messrs. Patterson,  
Scott,  
Van Nest,—6.

## NAYS.

Messrs. S. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Condit,  
Cooper,  
Hughes,

Messrs. Irick,  
McDowell,  
Newell,  
Whiticar,  
White,  
Wood,—12.

Ordered, said bill be dismissed from the files of Council.

The bill entitled,

"An act for the better protection of the Navigation of the Passaic River,"

Was read a second time, and

Ordered to be engrossed and have a third reading.

Mr. Patterson with leave presented a bill entitled

"An act to repeal the Charter of the Monmouth Bank."

Which was read by its title, and referred to the committee on the Judiciary.

Council adjourned to three o'clock this afternoon.

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*At three o'clock Council met.*

Mr. Scott presented a petition from twenty-two residents of Prince-

ton, praying to have the Charter so altered, as to have the Mayor, Recorder and Aldermen elected annually by the citizens, instead of by the Legislature for five years, as it has been for the past thirty years.

Which petition was read, and

Ordered to lie on the table.

The bill from the House of Assembly entitled,

"An act to incorporate the Ryerson Iron Works in the County of Passaic.

Was read a third time, and considered.

On the question, shall this bill pass?

It was determined in the affirmative as follows:

YEAS.

Messrs. M. D. Canfield,

Chetwood,

Condit,

Cooper,

Hughes,

Messrs. Irick,

McDowell,

Scott,

Whiticar,

White,

Wood,—11.

NAYS.

Messrs. Boyles,

S. D. Canfield.

Newell,

Messrs. Cassidy, (V. P.)

Lilly,

Patterson,

Van Nest,—7.

Ordered, That the President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, without amendment.

A message from the House of Assembly by Mr. Prior their Clerk, informed Council that the House of Assembly had passed the following bills, viz:

An act to authorize the Board of Chosen Freeholders of the county of Atlantic to borrow money,

An act to divorce Walter Greacen, from his wife Fanny Greacen, To which bills the assent of Council is requested.

The bill from the House of Assembly entitled,

"An act to divorce Walter Greacen from his wife Fanny Greacen,"

Was read and referred to Messrs. Scott, Patterson and Hughes.

The bill from the House of Assembly, entitled

An act to authorize the Board of Chosen Freeholders of the County of Atlantic to borrow money,

Was read and ordered to have a second reading.

The engrossed bill entitled

“An act to extend an act entitled an “an act to incorporate a Bank at Paterson, passed Feb. 16th, 1816, and the supplements thereto,

Was read a third time and compared,

On the question, shall this bill pass?

It was determined in the negative, as follows :

#### YEAS.

Messrs. M. D. Canfield,  
S. D. Canfield,  
Chetwood,  
Hughes,

Messrs. Irick,  
McDowell,  
Whiticar,  
Wood,—8.

#### NAYS.

Messrs. Boyles,  
Cassedy (V. P.)  
Condit,  
Cooper,  
Lilly,

Messrs. Newell,  
Patterson,  
Scott,  
Van Nest,  
White.—10.

Mr. Scott from the committee on the Judiciary to whom had been referred the bill entitled

“An act to repeal the Charter of the Monmouth Bank,”

Reported said bill.

A message from the House of Assembly by Mr. Prior their Clerk, informed council that the House of Assembly have passed the bill from Council entitled,

An act to confirm the last will and testament of Samuel Richards, deceased,

Without amendment.

The House of Assembly have agreeably to the Report of the committee of Conference on their part, amended the amendment made in Council to the first section of the bill entitled

An act to provide for the resumption and continuance of specie payments, by the Banks in this State,

And request the assent of Council to the amendment made in the House to the said amendment of Council.

Mr. Irick from the Committee of Conference of the two houses made the following

REPORT.

The Committee of Conference of the two Houses, to whom was referred the act entitled "An act to provide for the resumption and continuance of specie payments by the Banks of this state," beg leave to Report, That your committee having had the matters in difference under consideration, have determined to fix on a single day for an entire resumption of specie payments by the Banks of this State, and have resolved to recommend to both branches of the Legislature such an alteration in the amended bill sent from Council to the House of Assembly, as will fix the period for an entire resumption on the fifteenth day of August next.

WM. IRICK,	}	Committee of Council.
S. D. CANFIELD,		
JNO. S. CONDIT,		
ISAAC W. LANNING,	}	Committee of Assembly.
JONATHAN DAWES,		
JOHN B. MILLER,		
WM. P. SEELEY,		
JABEZ COOK,		

Which was read and agreed to.

The bill from the House of Assembly, entitled  
An act to provide for the resumption and continuance of specie payments by the Banks of this State,

Was taken up, and the amendments made thereto, in the House of Assembly in accordance with the Report of the committee of conference were read and agreed to.

On the question, shall this bill pass ?

It was determined in the affirmative, as follows :

YEAS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Condit,  
Hughes,  
Irick,

Messrs. Lilly,  
McDowell,  
Newell,  
Scott,  
Van Nest,  
Whiticar,  
White,  
Wood.—16.

NAY.

Mr. Patterson,—1.

Ordered, That the President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same,

Without amendment.

The vote by which the bill entitled

“An act to extend an act entitled an act to incorporate a Bank at Paterson, passed Feb. 16th, 1816, and the supplements thereto had been lost,

Was reconsidered and said bill placed on its third reading.

The bill entitled,

A supplement to the act entitled an act to create the County of Hudson, passed Feb. 22d, 1840,

Was taken up, and ordered to be engrossed and have a third reading.

Mr. Whiticar asked and obtained leave to withdraw the papers relating to the divorce of Catharine E. McLean.

Mr. S. D. Canfield from the committee on the Judiciary to whom had been referred the communication from the State of Maine in relation to an interchange of Law Reports, &c. between all the States in the Union,

Reported a Joint Resolution in relation thereto,

Which was read and ordered to have a second reading.

The bill from the House of Assembly entitled

“An act to divorce Ann Elizabeth Hand from her husband Richard Hand,

Was read a second time, considered, and

Ordered to have a third reading.

The fifteenth rule was suspended, and said bill was read a third time.

On the question, shall this bill pass?

It was determined in the affirmative, as follows:

YEAS.

Messrs. S. D. Canfield,  
Cooper,  
Hughes,  
Irick,  
Lilly,

Messrs. McDowell,  
Newell,  
Patterson,  
Whiticar,  
White,

Wood.—11.

## NAYS.

Messrs. Cassedy (V. P.)

Condit.—3.

Messrs. Chetwood,

Ordered, That the Vice President sign said bill and the Secretary inform the House of Assembly that Council have passed said bill,  
Without amendment.

The bill entitled,

"An act relative to the Borough of Princeton,"

Was taken up, and on the motion to amend the same, by inserting a provision that the *people* should elect their Charter officers,

It was determined in the negative as follows:

## YEAS.

Messrs. Boyles,

M. D. Canfield,

Cassedy, (V. P.)

Cooper,

Messrs. Lilly,

Newell,

Patterson,

Scott,

Van Nest,—9.

## NAYS.

Messrs. S. D. Canfield,

Chetwood,

Condit,

Hughes,

Messrs. Irick,

McDowell,

Whitcar,

White,

Wood.—9.

Said bill being read through, and agreed to, was postponed.

The engrossed bill entitled

An act to extend an act entitled an act to incorporate a Bank at Paterson, passed, February 16th, 1816, and the supplement thereto,

Was again taken up.

On the question, shall this bill pass?

It was determined in the affirmative, as follows:

## YEAS.

Messrs. Boyles,

M. D. Canfield,

S. D. Canfield,

Chetwood,

White,

Messrs. Hughes,

McDowell,

Newell,

Whitcar,

Wood,—10.

## NAYS.

Messrs. Cassedy, (V. P.)  
 Cooper,  
 Irick,  
 Lilly,

Messrs. Condit,  
 Patterson,  
 Scott,  
 Van Nest.—8.

Ordered, that the President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

Council adjourned till ten o'clock to-morrow morning.

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SATURDAY, March, 5th, 1842.

*At ten o'clock Council met.*

Mr. Boyles presented a petition of John Hull, in relation to the title of certain Real Estate,

Which was read, and referred to the committee on the Judiciary.

Mr. Canfield from the committee on Corporations, to whom had been referred the bill from the House of Assembly, entitled

An act to establish a new Township in the County of Mercer, to be called the Township of Hamilton,

Reported the same without amendment,

Mr. Scott from the committee to whom had been referred the bill from the House of Assembly entitled,

An act to divorce Walter Greacen, from his wife, Fanny Greacen, Reported the same, without amendment.

Which bill was read, and ordered to have a second reading.

The bill from the House of Assembly entitled,

An act to authorize the Board of Chosen Freeholders in the County of Atlantic, to borrow money,

Was read a second time, amended, and ordered to have a third reading.

The engrossed bill entitled,

A supplement to the act entitled an act to create the County of Hudson, passed February, 22nd, 1840.

Was read a third time and compared.

On the question, shall this bill pass?

It was determined in the affirmative by the votes of all the members present, viz :

## YEAS.

Messrs. Boyles,	Messrs. Irick,
M. D. Canfield,	Lilly,
S. D. Canfield,	Newell,
Cassedy (V. P.)	Scott,
Condit,	Van Nest,
Hughes,	White,

Wood.—13.

Ordered, that the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

A message from the House of Assembly, by Mr. Prior, their clerk, informed Council, that the House of Assembly had agreed to the amendments made by the Committee of Conference of the two Houses, and passed in Council, to the first section of the bill entitled,

An act to provide for the resumption of specie payments, by the Banks in this State,

And have ordered said bill to be re-engrossed.

The House of Assembly had passed the bills entitled,

An act to divorce Sarah Tilyou, of the County of Somerset, from her husband Joseph F. Tilyou,

An act to authorize the erection of a Dam across Sooy's Creek, in the Township of Galloway, in the County of Atlantic.

An act to alter the corporate name of the Methodist Episcopal Church, at Milford,

An act for the relief of the Evangelical Reformed Church of the City of Trenton.

An act to authorize the enclosure of a certain tract of woodland in the Townships of Ewing, and Lawrence, in the County of Mercer.

An act explanatory of an act entitled, an act supplementary to an act for the punishment of crimes, passed the 17th day of March, A. D. 1839, and to repeal so much of the said act, entitled an act for the punishment of crimes, passed the 17th day of February, 1829, as authorizes punishment by whipping, on conviction of petit larceny.

A supplement to the act entitled an act to incorporate the Somerville

Manufacturing Company, passed the 1st day of March, 1837,—and,  
 “An act to incorporate the Moores Town, New Jersey, Beneficial  
 Society.

To which bills the assent of Council is requested.

Which bills were severally read by their titles, and committed.

The engrossed bill entitled,

An act for the better protection of the Navigation of the Passaic  
 River,

Was taken up, and re-committed.

Mr. Scott from the committee on the Judiciary, to whom had been  
 referred the petition of John Hull, of the County of Sussex,

Reported adverse to the prayer of the petitioner,

Which report was agreed to.

The Joint Resolution of Council providing for an interchange be-  
 tween the State of New Jersey, and other States, of the Judicial Re-  
 ports, &c.

Was read a second time, and

Ordered to be engrossed and have a third reading.

The bill entitled

“A supplement to an act entitled an act to prevent frauds by Incor-  
 porated Companies passed Feb. 16th, 1829.

Was read a second time, considered, and

Ordered to be engrossed, and have a third reading.

The bill entitled

“An act to repeal the Charter of the Monmouth Bank,”

Was read a second time, considered, and

Ordered to be engrossed and have a third reading.

The fifteenth rule was suspended and said bill was read a third time  
 and compared.

On the question shall this bill pass?

It was determined in the negative as follows:

YEAS.

Messrs. Boyles,

M. D. Canfield,

S. D. Canfield,

Cassedy, (V. P.)

Van Nest.—9.

Messrs. Condit,

Lilly,

Newell,

Scott.

NAYS.

Messrs. Hughes,

Wood.—3.

Messrs. White,

On motion of Mr. Newell said vote was reconsidered; and said bill was again placed on its third reading.

Council adjourned till three o'clock on Monday afternoon.

---

MONDAY, March 7th, 1842.

*At three o'clock Council met.*

Mr. Trick presented a Memorial from a large number of citizens of Burlington County praying for the passage of the bill now before the Legislature,

Which was ordered to lie on the table.

Mr. S. D. Canfield from the committee on Corporations to whom had been referred the bills from the House of Assembly entitled,

"An act to alter the corporate name of the Methodist Episcopal Church at Milford."

"An act to incorporate the Moorestown, New Jersey, Beneficial society."

"An act for the relief of the Evangelical Reformed Church of the City of Trenton."

Reported the same, without amendment,

Which were severally read by their titles, and

Ordered to have a second reading.

Mr. S. D. Canfield offered two concurrent Resolutions to relieve the Paterson and Hudson River Rail Road Company from paying certain taxes,

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

The bill from the House of Assembly, entitled,

"A supplement to an act entitled an act to incorporate the Rockaway Manufacturing Company,

Was read a third time, considered, and postponed.

The bill from the House of Assembly entitled,

"An act to authorize the Board of chosen Freeholders of the County of Atlantic to borrow money,"

Was read a third time and postponed.

The Joint Resolutions in relation to an interchange of the Law Reports and Legislative Journals with the different States,

Was read a third time, and compared.

On the question shall these Joint Resolutions pass?

It was determined in the affirmative by the votes of all the members present viz:

## YEAS.

Messrs. Boyles,

M. D. Canfield,

Cassedy (V. P.)

Chetwood,

Condit,

Irick,

Messrs. Lilly,

McDowell,

Newell,

Patterson,

Van Nest,

White,

Wood.—13.

Ordered, that the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

The bill from the House of Assembly entitled,

An act to establish a New Township in the County of Mercer, to be called the Township of Hamilton,

Was taken up, read and postponed.

The bill from the House of Assembly entitled,

An act to authorize the enclosure of a certain tract of Woodland in the Townships of Ewing and Lawrence, in the County of Mercer,

Was read a second time, considered by sections, and ordered to have a third reading.

The bill from the House of Assembly entitled,

An act to authorize the erection of a Dam across Sooy's Creek in the Township of Galloway, in the County of Atlantic,"

Was read a second time, considered by sections.

Ordered said bill have a third reading.

Mr. S. D. Canfield from the committee on Corporations,

Reported the bill entitled,

An act for the better protection of the navigation of the Passaic River, with an amendment,

Which was taken up, considered and postponed.

The grossed bill entitled,

A supplement to an act entitled an act to prevent frauds by incorporated Companies, passed Feb. 16th, 1829.

Was taken up and recommitted to the committee on Corporations.

Mr. S. D. Canfield from said committee, reported said bill with an amendment.

Which was read, agreed to, and said bill was again  
 Ordered to be engrossed and have a third reading.  
 The engrossed bill entitled,  
 "An act to repeal the Charter of the Monmouth Bank,  
 Was taken up, and read by its title,  
 On the question shall this bill pass?  
 It was determined in the affirmative as follows:

## YEAS.

Messrs. Boyles,	Messrs. McDowell,
M. D. Canfield,	Newell,
S. D. Canfield,	Patterson,
Cassedy, (V. P.)	Scott,
Condit,	Van Nest,
Lilly,	White.

Wood.—13.

## NAY.

Mr. Hughes,—1.

Ordered, that the Vice President sign said Bill, and the Secretary inform the House of Assembly that Council have passed the same, And request their concurrence.

A Message from the House of Assembly by Mr. Prior their Clerk, informed Council that the House of Assembly had passed a bill entitled,

"An act to enable the owners and possessors of the Meadows and Marsh lands, adjoining the Creek, commonly called Crom Kill, in the County of Hudson, to erect and maintain banks, dykes, dams and water works, sufficient to prevent the tide from overflowing the same,

To which bill the assent of Council is requested.

The House of Assembly have passed the bills from Council, entitled,

A supplement to an act entitled an act to incorporate the New Jersey Patent Ship Bread Company.

"An act to authorize Garret Sip, surviving Executor of Michael D. Vreeland, late of Bergen County, in this State, deceased, to divide certain personal estate, under the will of said Testator,"

Severally without amendment.

The bill from the House of Assembly entitled,

"An act to enable the owners and possessors of the Meadows and

Marsh lands, adjoining the Creek, commonly called Crom Kill, in the County of Hudson, to erect and maintain banks, dykes, dams and water works, sufficient to prevent the tide from overflowing the same,

Was read and referred to the committee on the Judiciary.

Council adjourned till ten o'clock to-morrow morning.

---

TUESDAY March, 8th, 1842.

*At ten o'clock Council met.*

Mr. S. D. Canfield presented two memorials in relation to the division line of the Township of Nottingham,

Which were laid on the table.

The engrossed bill entitled,

"A supplement to an act entitled an act to prevent frauds by incorporated Companies, passed February 16th, 1829,

Was read a third time, and compared.

On the question, shall this bill pass ?

It was determined in the affirmative as follows.

YEAS.

Messrs. S. D. Canfield,  
Cassedy, (V. P.)  
Condit,  
Cooper,  
Hughes,  
Irick,

Messrs. Lilly,  
McDowell,  
Newell,  
Scott,  
Van Nest,  
White,

Wood.—13.

NAY.

Mr. Patterson.—1.

Ordered, That the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, And request their concurrence.

The bill from the House of Assembly, entitled

An act for the relief of the Executors and Legatees of Isaac Van Blarcom, late of the County of Bergen, deceased,

Was taken up, considered, and postponed.

Mr. Boyles asked and obtained leave, to withdraw the papers of John Hull.

The bill from the House of Assembly entitled,

An act to divorce Walter Greacen, from his wife Fanny Greacen,

Was read a second time, and was disagreed to by the following vote:

YEAS.

Messrs. Boyles,

M. D. Canfield,

S. D. Canfield,

Cassedy, (V. P.)

Chetwood,

Condit,

Cooper,

Hughes,

Messrs. Irick,

Lilly,

McDowell,

Newell,

Patterson,

Scott,

Van Nest,

White,

Wood,—17.

Ordered, that the Secretary inform the House of Assembly thereof.

A message from the House of Assembly, by Mr. Prior their Clerk, informed Council that the House of Assembly had passed the bill from Council, entitled,

An act to enable the administrators of Cornelius E. Mercellis, deceased, to execute a contract made by him, for the sale of Real Estate, Without amendment.

The House of Assembly have disagreed to the bills from Council, entitled,

"An act to regulate voting by proxy,"—and

"A supplement to an act entitled an act to relieve the poor, passed the 10th day of March, 1836,"

And have returned the same.

The bill entitled,

"An act for the better protection of the Navigation of the Passaic River,"

Was read as amended, and

Ordered to be engrossed and have a third reading.

The bill from the House of Assembly entitled,  
An act for the relief of the Evangelical Reformed Church, of the City of Trenton,

Was read a second time, considered by sections,  
Ordered, said bill have a third reading.

The 15th rule was suspended, and said bill was read a third time.

On the question, shall this bill pass?

It was determined in the affirmative, as follows:

## YEAS.

Messrs. Boyles,  
S. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Condit,  
Cooper,  
Hughes,  
Irick,

Messrs. Lilly,  
McDowell,  
Newell,  
Patterson,  
Scott,  
Van Nest,  
White,  
Wood,—16.

Ordered, that the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, without amendment.

Council adjourned to three o'clock this afternoon.

---

*At three o'clock Council met.*

The engrossed bill entitled,  
An act for the better protection of the Navigation of the Passaic River,

Was read a third time and compared,

On the question, shall this bill pass?

It was determined in the affirmative by the votes of all the members present, viz:

## YEAS.

Messrs. M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Condit,  
Cooper,  
Hughes,  
Irick,

Messrs. Lilly,  
McDowell,  
Newell,  
Patterson,  
Scott,  
Van Nest,  
White,  
Wood.—16.

Ordered, That the President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

Mr. Scott from the committee to whom had been referred the bill from the House of Assembly entitled

“An act to divorce Sarah Tilyou of the County of Somerset from her husband Joseph F. Tilyou,

Reported the same without amendment.

Which was read a second time, considered, and

Ordered to have a third reading.

The fifteenth rule was suspended, and said bill was read a third time,

On the question shall this bill pass ?

It was determined in the affirmative, by the votes of all the members present viz :

## YEAS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Condit,  
Cooper,  
Hughes,

Messrs. Irick,  
Lilly,  
McDowell,  
Newell,  
Patterson,  
Scott,  
White,  
Wood,—16.

Ordered, that the President sign said bill and the Secretary inform the House of Assembly that Council have passed the same,

Without amendment.

Mr. Scott, from the committee on the Judiciary, to whom had been referred the bill from the House of Assembly entitled,

"An act to confirm certian acknowledgments of Deeds and other instruments taken by Josiah Atkinson, Esq."

Reported the same, without amendment.

Which was read and ordered a second reading.

Mr. Condit asked and obtained leave to withdraw certain papers in relation to the Oyster lands.

The bill from the House of Assembly, entitled

"An act supplementary to an act entitled an act to incorporate the Rockaway Manufacturing Company, passed the 15th day of Feb. 1837.

Was read a third time,

On the question, shall this bill pass?

It was determined in the negative, as follows :

#### YEAS.

Messrs. Chetwood,  
Condit,  
Hughes,  
Irick,

Messrs. McDowell,  
Scott,  
White,  
Wood,—8.

#### NAYS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield,  
Cassedy (V. P.)

Messrs. Cooper,  
Lilly,  
Newell,  
Patterson,

Van Nest.—9.

Ordered that the Secretary inform the House of Assembly that Council have disagreed to said bill.

Mr. Scott from the committee on the Judiciary to whom had been referred the bill from the House of Assembly entitled,

"An act to enable the owners and possessors of the Meadows and Marsh lands adjoining the Creek, commonly called Crom Kill in the County of Hudson, to erect and maintain banks, dykes, dams, and water works sufficient to prevent the tide from overflowing the same,"

Reported the same without amendment,

Which was read and ordered a second reading.

The bill from the House of Assembly entitled,

"An act further supplementary to an act entitled an act to regulate the Fisheries on the River Delaware and for other purposes,

Was taken, up and on the motion to amend the same by striking out Friday and inserting Saturday,

It was determined in the negative as follows:

## YEAS.

Messrs. M. D. Canfield,  
Chetwood,  
Condit,  
Cooper,

Messrs. Hughes,  
Irick,  
McDowell  
Newell,—8.

## NAYS.

Messrs. Boyles,  
S. D. Canfield,  
Cassedy (V. P.)  
Lilly,

Messrs. Patterson,  
Scott,  
Van Nest,  
White.

Wood.—9.

Said bill was then ordered to have a third reading.

The bill from the House of Assembly entitled,

“An act to alter the corporate name of the Methodist Episcopal Church at Milford,”

Was read a second time, considered, and

Ordered to have a third reading.

The bill from the House of Assembly, entitled

“An act to incorporate the Moorestown New Jersey Beneficial Society,

Was read a second time considered, and

Ordered a third reading.

Mr. Scott with leave presented a bill entitled,

“An act to provide for the revision of the Constitution of this State,”

“Which was read and ordered a second reading.

The Joint Resolutions from the House of Assembly in relation to the Public Printing,

Was read a second time, and

On the motion to amend the same by striking out the name of Augustus S. Barber, and inserting that of S. L. B. Baldwin as printer of the minutes of Council,

The yeas and nays being required thereon were as follows:

## YEAS.

Messrs. Condit,

Scott,—2.

## NAYS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Cooper,  
Hughes,

Messrs. Irick,  
Lilly,  
McDowell,  
Newell,  
Patterson,  
Van Nest,  
White,

Wood.—15.

So it was determined in the negative.

It was then moved to strike out the names of Calender & Johnson, and insert those of Justice & Mills as printers of the laws,

The yeas and nays being required thereon were as follows :

## YEAS.

Messrs. Boyles,  
M. D. Canfield,  
Cooper,  
Lilly,  
Newell,

Messrs. S. D. Canfield,  
Cassedy,  
Patterson,  
Scott,  
Van Nest.—10,

## NAYS.

Messrs. Chetwood,  
Condit,  
Hughes,

Messrs. Irick,  
McDowell,  
White,

Wood,—7.

So it was determined in the affirmative.

It was then moved further to amend the bill by striking out the name of Augustus S. Barber, and inserting that of Daniel G. Fitch, as printer of the Minutes of Council, which motion was agreed to as follows :

## YEAS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield.  
Cassedy, (V. P.)  
Cooper,

Messrs. Lilly,  
Newell,  
Patterson,  
Scott,  
Van Nest.—10.

## NAYS.

Messrs. Chetwood,  
Condit,  
Hughes,

Messrs. Irick,  
McDowell,  
White,

Wood,—7.

The bill having been gone through with, was ordered to have a third reading, and the amendments to be engrossed.

The Preamble, and concurrent Resolution, regulating and fixing the Tax to be paid by the Paterson and Hudson River Rail Road Company, to the State Treasurer,

Were read, considered, and postponed.

Council adjourned till ten o'clock to-morrow morning,

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WEDNESDAY, March, 9th, 1842.

*At ten o'clock Council met.*

Mr. Newell from the committee to whom had been referred the petition from a Grand Jury in Salem County, in relation to the collection of certain debts, amounting together to more than one hundred dollars, made the following

REPORT.

---

The undersigned, the committee to whom was referred the Petition of James Newell and others, Grand Jurors of the County of Salem, requesting a repeal of the law regulating costs and fees in the collection of money on promisory notes of more than one hundred dollars, and for the passage of a law that the costs on such notes, shall not exceed

the costs attending the collection of money on Judgment Bonds, beg leave to report that they have given the subject such reflection and deliberation as to their minds it seems to require, and are fully satisfied that great inequality and injustice exists in relation to the heavy burdens of costs which have to be paid by many of the citizens of our state, and those too who are in a situation least able to bear it. It is a fact known to this committee, that men often get two or more notes against the same individual, which separately would come within the jurisdiction of a Justice of the Peace; and if presented in such Courts, the costs would in few cases exceed the sum of one dollar; whereas the blending of such notes, to exceed the Jurisdiction of the Courts for the trial of small causes, subjects the Defendants to the onerous and enormous sum of from 28 to 30 dollars costs, which your committee think is grievous and unjust, and ought to receive the immediate attention of the Legislature. Your committee have long since become satisfied that some alteration ought to be made in relation to costs in the collection of monies in our higher Courts; and in view of these facts, they beg leave respectfully to submit that the same may receive the favorable consideration of this body—and they report by bill.

ROBERT NEWELL,  
M. D. CANFIELD.

March 9th, 1842.

Which report was read together with the bill on that subject,  
Which bill was ordered to have a second reading.

Mr. Chetwood from the minority of said committee, made the following

#### REPORT.

The minority of the committee to whom was referred the Petition of certain members of the Grand Inquest of the County of Salem, in this State, report, That he has given to the subject on which legislative action is sought by that Petition, all the consideration which a petition proceeding from so respectable a source is entitled to; and feels satisfied that to reduce the costs in the collection of debts to so inadequate a standard of compensation for the necessary services rendered, would be unwise as well as unjust, and would lead to no beneficial

results; action on this subject similar to that now asked for, has been tried by former legislatures of this state, but the experiment was short-lived. No debt could be collected without the creditor paying most of the expenses of collection, which proved so burdensome to the creditor, seeking the payment of an honest debt, and so in the case of the debtor refusing to pay it, that the law was soon repealed. Your Committee have, therefore, come to the conclusion, that another experiment would only meet the fate of the first.

WM. CHETWOOD.

Council Chamber, March 8th, 1842.

Which report was read, and with the other Report on the same subject,

Ordered to lie on the table.

A Message from the House of Assembly by Mr. Prior their Clerk, informed Council that the House of Assembly had passed the accompanying Joint Resolution, to authorize the Treasurer to borrow money,

To which Joint Resolution the assent of Council is requested.

The House of Assembly have passed the bills from Council, entitled,

An act to provide for the assessment and collection of Taxes in the Township of Paterson, in the County of Passaic,—and

An act to abolish Imprisonment for Debt,

With several amendments, to which amendments the assent of Council is requested.

The House of Assembly have also passed the bills from Council entitled,

An act to divorce Catharine Ryerson, from her husband John Ryerson,

“An act to incorporate the Trenton City Bridge Company,”

An act to incorporate the Fame Fire Company of Flemington,

A further supplement to the act entitled an act for the punishment of crimes,

“An act to reduce the Capital Stock, of the Morris County Bank,”

Severally, without amendment.

The House of Assembly have adopted the following concurrent Resolution,—

Resolved, (Council concurring,) That on and after the adjournment of the present session of the Legislature, the State House and Grounds be placed under the care of the Secretary of this State, and that the

keys of the several apartments, the Library excepted, be placed under his immediate care, until otherwise ordered by some future Legislature. And also, that he cause such repairs to be done to the State House, Government House, and public Offices belonging to the State, as are indispensably necessary for the preservation of the buildings.

To which concurrent resolution the assent of Council is requested.

The Joint Resolution from the House of Assembly authorizing the Treasurer to borrow money,

Was read, referred to the committee on the Judiciary, and

Ordered to have a second reading.

The engrossed bill entitled

An act to abolish Imprisonment for Debt,

Was taken up, the amendments made to said bill, in the House of Assembly, were read and agreed to, and said bill with amendments,

Ordered to be re-engrossed.

The engrossed bill entitled,

An act constituting an Independent Battallion, in the County of Passaic,

Was taken up, the amendments, made thereto in the House of Assembly, were read and agreed to, and said bill with the amendments,

Was ordered to be re-engrossed.

Mr. S. D. Canfield from the committee on the Judiciary, to whom had been referred the bill from the House of Assembly entitled,

An act explanatory of an act entitled, an act supplementary to an act for the punishment of crimes, passed the 17th day of March, A. D. 1839, and to repeal so much of the said act, entitled an act for the punishment of crimes, passed the 17th day of February, 1829, as authorizes punishment by whipping, on conviction of petit larceny,

Which was ordered to have a second reading.

The bill from the House of Assembly entitled,

"An act to incorporate the Moores Town, New Jersey, Beneficial Society.

Was read a third time.

On the question, shall this bill pass?

It was determined in the negative as follows:

YEAS.

Messrs. M. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Hughes,

Messrs. S. D. Canfield,  
Irick,  
McDowell,  
White,

Wood.—9.

## NAYS.

Messrs. Boyles,  
Condit,  
Cooper,  
Lilly,

Messrs. Newell,  
Patterson,  
Scott,  
Van Nest.—8.

Ordered, that the Secretary inform the House of Assembly that Council have disagreed to said bill, and return the same.

The bill from the House of Assembly entitled

“An act for the relief of the Executors and Legatees of Isaac Van Blarcom, late of the County of Bergen, deceased.

Was read a third time,

On the question shall this bill pass?

It was determined in the negative as follows:

## YEAS.

Messrs. S. D. Canfield,  
Cassedy, (V. P.)  
Van Nest.—5.

Messrs. Lilly,  
Patterson,

## NAYS.

Messrs. Boyles,  
Condit,  
Cooper,  
Hughes,  
Irick,

Messrs. Scott,  
Newell,  
Chetwood,  
White,  
Wood,

McDowell,—11.

Ordered, That the Secretary inform the House of Assembly that Council have disagreed to said bill and return the same.

The bill from the House of Assembly, entitled,

“An act to alter the corporate name of the Methodist Episcopal Church at Milford,”

Was read a third time.

On the question, shall this bill pass?

It was determined in the affirmative, as follows:

## YEAS.

Messrs. Boyles,  
S. D. Canfield,  
Cassedy (V. P.)

Messrs. Lilly,  
McDowell,  
Newell,

Messrs. Chetwood,  
Condit,  
Cooper,  
Hughes,  
Irick,

Messrs. Patterson,  
Scott,  
Van Nest,  
White,  
Wood,—16,

Ordered, That the Vice President sign said bill and the Secretary inform the House of Assembly that Council have passed said bill, Without amendment.

The bill from the House of Assembly entitled,

"An act further supplementary to an act entitled an act to regulate the Fisheries on the River Delaware and for other purposes,

Was read a third time,

On the question shall this bill pass?

It was determined in the negative as follows:

YEAS.

Messrs. Boyles,  
Cassedy (V. P.)  
Irick,  
Lilly,

Messrs. Patterson,  
Van Nest,  
White,  
Wood,—8.

NAYS.

Messrs. M. D. Canfield,  
S. D. Canfield,  
Chetwood,  
Condit,

Messrs. Cooper,  
Hughes,  
McDowell,  
Scott.

Newell.—9.

Ordered, that the Secretary inform the House of Assembly that Council have disagreed to said bill, and return the same.

The Joint Resolution from the House of Assembly in relation to the Public Printing was taken up, further amended, and postponed.

Council adjourned till three o'clock this afternoon.

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*At three o'clock Council met.*

The Joint Resolution in relation to the Public Printing was read as amended,

On the question shall this Joint Resolution pass?  
It was determined in the affirmative as follows:

## YEAS.

Messrs. Boyles,	Messrs. Lilly,
M. D. Canfield,	Newell,
S. D. Canfield,	Patterson,
Cassedy (V. P.)	Scott,
Cooper,	Van Nest,—10.

## NAYS.

Messrs. Chetwood,	Messrs. McDowell,
Condit,	White,
Hughes,	Wood,—6.

Ordered, that the President sign said Joint Resolution, and the Secretary inform the House of Assembly that Council have passed the same,

With sundry amendments, to which amendments the assent of the House of Assembly is requested.

The bill from the House of Assembly entitled,

“An act to authorize the erection of a Dam across Sooy's Creek in the Township of Galloway, in the County of Atlantic,”

Was read a third time.

On the question, shall this bill pass?

It was determined in the affirmative, as follows:

## YEAS.

Messrs. Boyles,	Messrs. Lilly,
M. D. Canfield,	McDowell,
S. D. Canfield,	Newell,
Cassedy, (V. P.)	Patterson,
Chetwood,	Van Nest,
Cooper,	White,
Hughes,	Wood,—14.

## NAYS.

Mr. Condit,	Mr. Scott,—2.
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Ordered, that the President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same,

Without amendment.

The fifteenth rule was suspended, and the re-engrossed bill entitled,

“An act to abolish imprisonment for debt,”

Was taken up, and

On the question shall this re-engrossed bill pass?

It was determined in the affirmative by the votes of all the members present, viz:

### YEAS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Condit,  
Hughes,  
Irick,

Messrs. Lilly,  
McDowell,  
Newell,  
Patterson,  
Scott,  
Van Nest,  
Cooper,  
White,

Wood.—17.

Ordered, that the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have agreed to the amendments made thereto in the House of Assembly, and have ordered said bill to be re-engrossed.

The bill from the House of Assembly entitled,

An act to confirm certain acknowledgements of deeds, and other instruments, taken by Josiah Atkinson, Esqr.,

Was read a second time, considered, and

Ordered to have a third reading.

The bill entitled,

“An act relative to the Borough of Princeton,”

Was taken up, and ordered to be engrossed and have a third reading.

The bill entitled

An act to provide for the revision of the Constitution of this State,

Was read a second time, considered by sections, and ordered to be engrossed, and have a third reading.

Mr. Scott from the committee on the Judiciary, to whom had been referred the Joint Resolution, authorizing the Treasurer to borrow money,

Reported the following Resolution :

Resolved by the Legislative Council of New Jersey, that the Treasurer of this State be, and he is hereby required, to furnish to this house (as soon as practicable,) a statement shewing the amount of money disbursed by him since his last annual report, and for what purposes the same has been disbursed, and also a statement of all his receipts, whether by loan, or otherwise, since his last annual report, and also the amount now in his hands, belonging to the State,

Which was read and agreed to.

The concurrent resolution from the House of Assembly authorizing the Secretary of State to take charge of the grounds and repair the public buildings of the State in the City of Trenton,

Was read and agreed to.

Ordered, that the Secretary inform the House of Assembly thereof. Mr. Van Nest offered the following resolution :

Resolved, That William Briest, Jr. be authorized to have charge of the Council Chamber and Committee Rooms during the recess of the Legislature, and until the next meeting thereof, and that he be allowed therefor the sum of *thirty dollars*,

Which was read and agreed to.

A message from the House of Assembly, by Mr. Prior, their clerk, informed Council, that the House of Assembly have adopted the following resolution, viz :

Resolved, That the Clerk be directed to inform Council that the House of Assembly is ready to go into Joint Meeting for the purpose of appointing such State and County officers as may be deemed expedient, and request Council to appoint the time and place; also that the House of Assembly had passed the bills entitled,

A further supplement to an act entitled "an act concerning Idiots and Lunatics,"

"An act for the relief of Aaron Camp, of the County of Essex," and

A Joint Resolution relative to the erection of a State Lunatic Asylum."

To which bills and Joint Resolution the assent of Council is requested.

The bill from the House of Assembly entitled,

"A further supplement to an act concerning Idiots and Lunatics,"

Was read by its title, and ordered to have a second reading.

The bill from the House of Assembly entitled,

An act for the relief of Aaron Camp, of the County of Essex,

Was read by its title, and referred to the committee on Claims and Revolutionary Pensions.

The Joint Resolution from the House of Assembly in relation to the erection of a State Lunatic Asylum,

Was read, ordered to have a second reading, and referred to Messrs. Lilly, Condit and McDowell.

Mr. Irick offered the following resolution :

Resolved, that the Secretary inform the House of Assembly, that Council will be ready to go into Joint Meeting, for the appointment of such State and County Officers, as may be deemed necessary, to-morrow afternoon, at five o'clock, in the Assembly Room,

Which was read, and on motion to postpone the same, the yeas and nays were required, and were as follows:

## YEAS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield.  
Cassedy, (V. P.)  
Cooper,

Messrs. Lilly,  
Newell,  
Patterson.  
Scott,  
Van Nest.—10.

## NAYS.

Messrs. Chetwood,  
Condit,  
Hughes,

Wood,—7.

Messrs. Irick,  
McDowell,  
White,

Mr. S. D. Canfield offered the following Resolution :

Resolved, (the Assembly concurring,) that the Secretary of this State, be authorized to assort and arrange the papers of the Legislative Council and Assembly, now on file, and cause the same to be properly labelled, under their appropriate heads, and remove such as properly belong to the files of his office :

Which was read and agreed to.

Ordered that the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

The following concurrent Resolution in relation to the Tax to be paid the State, by the Paterson and Hudson River Rail Road Company, viz :

WHEREAS, The Paterson and Hudson River Rail Road Company was chartered in January, eighteen hundred and thirty-one, with a capital of two hundred and fifty thousand dollars, and the costs of

constructing the road greatly exceeded the original estimates, and the company, after progressing with the work were compelled either to abandon the enterprise, or to increase their stock; AND WHEREAS, it is evident that the increased capital was virtually sunk in the creation of the road, and that the property, Rail Road and Franchises of the Company are not worth, in market, the amount of the original capital of two hundred and fifty thousand dollars; AND WHEREAS, be the terms of the said charter, an annual tax upon their capital stock becomes payable this year by the Company to the Treasurer of the state of New Jersey;—Therefore,

*Be it Resolved*, the House of Assembly concurring, That the Treasurer of this state be authorized and directed, in computing and collecting the annual taxes from "The Paterson and Hudson River Rail Road Company," to compute and estimate them upon the original capital stock of two hundred and fifty thousand dollars, until the company shall divide six per cent. per annum, and that payments of taxes made by the Company upon such computation, shall be esteemed and taken as a full compliance by them, with that requirement of their charter:

Was taken up and considered; on the motion to postpone the same,  
It was determined in the negative as follows:

## YEAS.

Messrs. Cassidy, (V. P.)	Messrs. Scott,
Lilly,	Van Nest,
Newell,	White.—6.

## NAYS.

Messrs. Boyles,	Messrs. Cooper,
M. D. Canfield,	Hughes.
S. D. Canfield,	McDowell,
Chetwood,	Patterson,
Condit,	Wood,—10.

The yeas and nays being required upon its passage,  
It was determined in the affirmative, as follows:

## YEAS.

Messrs. Boyles,	Messrs. Cooper,
M. D. Canfield,	Hughes,
S. D. Canfield,	McDowell,

Messrs. Chetwood,  
Condit,

Messrs. Scott,  
Wood.—10.

NAYS.

Messrs. Cassedy (V. P.)  
Lilly,  
Newell,

Messrs. Patterson,  
Van Nest,  
White.—6.

Ordered, That the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

Mr. Lilly from the committee to whom had been referred the Joint Resolution from the House of Assembly, in relation to the erection of a State Lunatic Asylum,

Reported the same, without amendment.

Mr. S. D. Canfield moved to reconsider the vote on the final passage of the bill from the House of Assembly entitled,

"An act further supplementary to an act entitled an act to regulate the Fisheries on the River Delaware, and for other purposes,

On which motion the yeas and nays were as follows, viz :

YEAS.

Messrs. Boyles,  
S. D. Canfield,  
Cassedy. (V. P.)  
Condit,  
Irick,  
Lilly,

Messrs. McDowell,  
Patterson,  
Scott,  
Van Nest,  
White,  
Wood.—12.

NAYS.

Messrs. M. D. Canfield,  
Chetwood,

Messrs. Cooper,  
Hughes,

Newell.—5.

So it was determined in the affirmative.

Said bill being called up, on motion to postpone the same, It was determined in the affirmative as follows.

YEAS.

Messrs. Boyles,  
S. D. Canfield,  
M. D. Canfield,

Messrs. Patterson,  
Scott,  
Van Nest,

Messrs. Irick,  
Lilly,

Messrs. Cassidy, (V. P.)  
White.

Wood.—11

NAYS.

Messrs. Chetwood,  
Condit,  
Cooper,

Messrs. Hughes,  
McDowell  
Newell,—6.

Mr. Boyles asked and obtained leave to withdraw the papers of Joseph Northrup, of the County of Sussex.

The vote on the final passage of the bill from the House of Assembly entitled,

"An act to incorporate the Moorestown New Jersey Beneficial Society,"

Was reconsidered and said bill placed on file.

Council adjourned till ten o'clock to-morrow morning.

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THURSDAY, March 10th, 1842.

*At ten o'clock Council met.*

Mr. Chetwood from the committee on Claims and Revolutionary Pensions, to whom had been referred the bill entitled

"An act for the relief of Aaron Camp of the County of Essex,"

Which was ordered to have a second reading.

Mr. S. D. Canfield from the committee on Corporations, to whom had been referred the bill entitled,

"An act to incorporate the Township of La Fayette in the County of Sussex."

Reported the same with an amendment.

Mr. S. D. Canfield from the committee on the Judiciary, to whom

had been referred the petition of the owners of the Tilbury Meadows, in the County of Salem,

Reported adverse to the prayer of said petitioners,

Which report was agreed to.

Mr. S. D. Canfield from the same committee, to whom had been referred the memorial of Robert G. Johnson and James Van Mater, Elders of the 1st Presbyterian Church in Salem,

Reported adverse to said memorial,

Which report was agreed to.

Mr. S. D. Canfield from the same committee, to whom had been referred the petition of Joseph Dodd, of Jersey City,

Reported adverse to the prayer of said petitioner,

Which report was agreed to.

The engrossed bill entitled,

"An act relative to the Borough of Princeton,"

Was read a third time, and compared.

On motion to postpone the same, the yeas and nays were as follows, viz :

YEAS.

Messrs. Boyles,  
M. D. Canfield,  
Cassedy, (V. P.)  
Cooper,

Messrs. Lilly,  
Newell,  
Patterson,  
Scott,

Van Nest.—9.

NAYS.

Messrs. S. D. Canfield,  
Chetwood,  
Condit,  
Hughes,

Messrs. Irick,  
McDowell,  
Whiticar,  
White,

Wood.—9.

So it was determined in the negative.

On the question, shall this bill pass?

It was determined in the negative as follows viz :

YEAS.

Messrs. S. D. Canfield,  
Chetwood,  
Condit,  
Hughes,

Messrs. Irick,  
McDowell,  
Whiticar,  
White,

Wood.—9.

## NAYS.

Messrs. Boyles,  
M. D. Canfield;  
Cassedy, (V. P.)  
Cooper,

Messrs. Lilly,  
Newell,  
Patterson,  
Scott,

Van Nest,—9.

The bill from the House of Assembly, entitled  
An act to incorporate the Moores Town, New Jersey, Beneficial So-  
ciety,

Was read a third time, and considered.

On the question shall this bill pass?

It was determined in the affirmative, as follows:

## YEAS.

\* Messrs. M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Condit,

Messrs. Hughes,  
Irick,  
McDowell,  
Whiticar,  
White,

Wood.—11.

## NAYS.

Messrs. Boyles,  
Cooper,  
Lilly,

Messrs. Newell,  
Patterson,  
Scott,

Van Nest.—7.

Ordered, that the President sign said bill and the Secretary inform  
the House of Assembly that Council have passed the same,  
Without amendment.

The bill from the House of Assembly, entitled

"An act to authorize the Board of Chosen Freeholders of the Coun-  
ty of Atlantic, to borrow money,"

Was read a third time and considered.

On the question, shall this bill pass?

It was determined in the negative, as follows:

## YEAS.

Messrs. Chetwood  
Condit,  
Hughes,

Messrs. Irick,  
McDowell,  
Whiticar,

Wood.—7.

## NAYS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)  
Cooper,

Messrs. Lilly,  
Newell,  
Patterson,  
Scott,  
Van Nest,

White.—11.

Ordered, that the Secretary inform the House of Assembly that Council have disagreed to said bill, and return the same.

The bill from the House of Assembly entitled,

An act to confirm certain acknowledgements of Deeds, and other Instruments, taken by Josiah Atkinson, Esqr.,

Was read a third time, and compared.

On the question, shall this bill pass?

It was determined in the affirmative, as follows:

## YEAS,

Messrs. Boyles,  
M. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Condit,  
Cooper,  
Hughes,

Messrs. Irick,  
McDowell,  
Newell,  
Patterson,  
Van Nest,  
Whiticar,  
White,

Wood.—15.

Ordered, That the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same,

Without amendment.

The engrossed bill entitled,

"An act to provide for the revision of the Constitution of this State,"

Was read and compared.

On the question, shall this bill pass?

It was determined in the negative, as follows:

## YEAS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)

Messrs. Cooper,  
Lilly,  
Newell,  
Scott,

Van Nest.—9.

## NAYS.

Messrs. Chetwood,  
Condit,  
Hughes,  
Irick.

Messrs. McDowell,  
Patterson,  
Whiticar,  
White,

Wood.—9.

The fifteenth rule was suspended.

The bill from the House of Assembly entitled,

“An act for the relief of Aaron Camp of the County of Essex;”

Was read the second and third times.

On the question, shall this bill pass?

It was determined in the affirmative as follows:

## YEAS.

Messrs. Boyles,  
M. D. Canfield  
Cassedy, (V. P.)  
Chetwood,  
Cooper,  
Hughes,

Messrs. Irick,  
McDowell,  
Newell,  
Patterson,  
Whiticar,  
White,

Wood.—13,

## NAY.

Mr. Condit.—1.

Ordered, that the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, without amendment.

The bill from the House of Assembly, entitled

“An act to authorize the enclosure of a certain tract of Woodland in the Townships of Ewing and Lawrence, in the County of Mercer.

Was read a third time and compared.

On the question shall this bill pass?

It was determined in the affirmative as follows:

## YEAS.

Messrs. Boyles,  
M. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Condit,  
Cooper,  
Hughes,

Messrs. Irick,  
McDowell,  
Newell,  
Patterson,  
Van Nest,  
White,  
Wood.—14.

Ordered, that the President sign said bill, and the Secretary inform the House of Assembly that Council have passed said bill

Without Amendment.

The re-engrossed bill entitled,

"An act to provide for the assement and collection of Taxes in the Township of Paterson, in the County of Passaic,

Was read and compared,

On the question, shall this bill pass?

It was determined in the affirmative, as follows:

YEAS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Condit,  
Cooper,  
Hughes,

Messrs. Irick,  
Lilly,  
Newell,  
Patterson,  
Scott,  
Van Nest,  
Whiticar,  
White,

Wood.—17.

Ordered, that the President sign said bill, and the Secretary inform the House of Assembly that Council have agreed to the amendments made thereto in the House of Assembly,

And have ordered the same to be re-engrossed.

The bill entitled

"An to regulate the collection of monies,"

Was read a second time, and considered, and

Ordered to be engrossed and have a third reading.

The bill entitled,

"An act to discharge Cornelius S. Van Wagoner from the execution of certain trusts therein named,"

Was read a second time and considered.

Ordered, that said bill be engrossed and have a third reading.

The Governor laid before Council a report from the Treasurer of the State in reply to a resolution passed yesterday.\*

Which report was read, and referred to the committee on the Judiciary.

\*Immediately after this report was read by the Secretary, it was requested by the Judiciary Committee, who took it in the committee room before it could be copied, and who did not return it to the Secretary—he has since endeavored to obtain it from them without success.

The bill from the House of Assembly entitled,

An act explanatory of an act entitled, an act supplementary to an act for the punishment of crimes, passed the 17th day of March, A. D. 1839, and to repeal so much of the said act, entitled an act for the punishment of crimes, passed the 17th day of February, 1829, as authorizes punishment by whipping, on conviction of petit larceny,

Was read a second time, considered, and

Ordered to have a third reading.

The bill from the House of Assembly entitled,

"A further supplement to an act concerning Idiots and Lunatics,"

Was read a second time, considered, and

Ordered to have a third reading.

The Joint Resolution from the House of Assembly for the appointment of Commissioners, for selecting a site, and making the necessary enquiries and estimates, for building a State Lunatic Asylum,

Was read a second time, and while the same was under consideration,

Council adjourned till three o'clock this afternoon.

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*At three o'clock Council met.*

The consideration of the Joint Resolution from the House of Assembly, in relation to the Commissioners of a State Lunatic Asylum, Was resumed.

On a motion to strike out the words, "one hundred dollars each," as the compensation for the commissioners, and insert in lieu thereof, "such reasonable compensation, as the next Legislature, may deem equitable and just," the yeas and nays being required,

It was determined in the affirmative, as follows :

YEAS.

Messrs. M. D. Canfield,  
S. D. Canfield,  
Cassedy (V. P.)  
Chetwood,  
Condit,

Messrs. Hughes,  
Irick,  
McDowell,  
Scott,  
White,

Wood.—11.

## NAYS.

Messrs. Boyles,  
Cooper,  
Lilly,

Messrs. Newell,  
Patterson,  
Van Nest.—6.

On the question of striking out "three," and inserting "one," Commissioner,

It was determined in the negative as follows:

## YEAS.

Messrs. Boyles,  
Cassedy (V. P.)  
Cooper,

Messrs. Lilly,  
Newell,  
Patterson,

Scott.—7.

## NAYS.

Messrs. M. D. Canfield,  
S. D. Canfield,  
Chetwood,  
Condit,  
Hughes,

Messrs. Irick,  
McDowell,  
Van Nest,  
Whitcar,  
White,

Wood,—11.

On the motion to insert, *two* Commissioners,

It was determined in the negative as follows:

## YEAS.

Messrs. M. D. Canfield,  
S. D. Canfield,  
Cooper,

Messrs. Newell,  
Patterson,  
Scott.—6.

## NAYS.

Messrs. Boyles,  
Cassedy (V. P.)  
Chetwood,  
Condit,  
Hughes,  
Irick,

Messrs. Lilly,  
McDowell,  
Van Nest,  
Whitcar,  
White,  
Wood,—12.

On the question shall this Joint Resolution, as amended, have a third reading.

It was determined in the affirmative as follows :

## YEAS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield,  
Chetwood,  
Condit,  
Hughes,

Messrs. Irick,  
McDowell,  
Scott,  
Whiticar,  
White,  
Wood,—12.

## NAYS.

Messrs. Cassedy, (V. P.)  
Cooper,  
Lilly,

Messrs. Newell,  
Patterson,  
Van Nest,—6.

Mr. Canfield from the committee on the Judiciary, to whom had been referred the Joint Resolution, from the House of Assembly, authorizing the Treasurer to borrow money,

Reported the same with an amendment.

Which was read and agreed to, and said Joint Resolution ordered to have a third reading.

The bill from the House of Assembly entitled,

“An act further supplementary to an act entitled an act to regulate the Fisheries on the River Delaware and for other purposes,

Was taken up on its final passage,

On the question, shall this bill pass ?

It was determined in the negative as follows :

## YEAS.

Messrs. Boyles,  
Cassedy, (V. P.)  
Irick,  
Lilly,

Messrs. Patterson,  
Van Nest,  
White,  
Wood,—8.

## NAYS.

Messrs. M. D. Canfield,  
S. D. Canfield,  
Chetwood.  
Condit,  
Cooper.

Messrs. Hughes,  
McDowell,  
Newell,  
Scott,  
Whiticar,—10.

Ordered, That the Secretary inform the House of Assembly that Council have disagreed to said bill and return the same.

The fifteenth rule was suspended, and the bill from the House of Assembly entitled,

A further supplement to an act entitled "an act concerning Idiots and Lunatics,"

Was read a third time.

On the question shall this bill pass?

It was determined in the affirmative as follows:

YEAS.

Messrs. Boyles,  
M. D. Canfield,  
Cassedy, (V, P.)  
Chetwood,  
Condit,  
Cooper,  
S. D. Canfield,  
Irick,

Messrs. Lilly,  
McDowell,  
Newell,  
Scott,  
Van Nest,  
Whiticar,  
White,  
Hughes,

Wood,—17.

NAY.

Mr. Patterson.—1.

Ordered, That the Vice President sign said bill and the Secretary inform the House of Assembly that Council have passed the same, Without amendment.

The Resolution for going into Joint Meeting, which was yesterday postponed, was taken up,

And on a motion to postpone the same, till next Tuesday, the yeas and nays being required to be entered on the Journal, were as follows, viz:

YEAS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V, P)  
Cooper,

Messrs. Lilly,  
Newell,  
Patterson,  
Scott,  
Van Nest.—10.

## NAYS.

Messrs. Chetwood,  
Condit,  
Hughes,  
Irick,

Messrs. McDowell,  
Whiticar,  
White,  
Wood.—8.

So it was determined in the affirmative.

The fifteenth rule was suspended, and the engrossed bill entitled,  
"An act to regulate the collection of Monies,"

Was read a third time and compared.

On the question, shall this bill pass?

It was determined in the affirmative as follows, viz:

## YEAS,

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)  
Cooper.  
Irick,  
Lilly,

Messrs. McDowell,  
Newell,  
Patterson,  
Scott,  
Van Nest,  
Whiticar,  
White.—14.

## NAYS.

Messrs. Chetwood,  
Condit,

Messrs. Hughes,  
Wood.—4.

Ordered, that the President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

The fifteenth rule was suspended, and the bill from the House of Assembly entitled,

An act explanatory of an act entitled an act supplementary to an act for the punishment of crimes, passed the 17th day of March, A. D. 1839, and to repeal so much of the said act entitled an act for the punishment of crimes, passed, the 17th day of February, 1829, as authorizes punishment by whipping, on conviction of petit larceny,

Was read a third time.

On the question, shall this bill pass?

It was determined in the affirmative as follows, viz:

## YEAS.

Messrs. Boyles,  
 M. D. Canfield,  
 S. D. Canfield,  
 Cassedy, (V. P.)  
 Chetwood,  
 Cooper,  
 Hughes,  
 Irick,

Messrs. Lilly,  
 McDowell,  
 Newell,  
 Patterson,  
 Scott,  
 Van Nest,  
 White,  
 Wood.—16.

Ordered that the President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, without amendment.

The fifteenth rule being suspended, the engrossed bill entitled,  
 An act to discharge Cornelius S. Van Wagoner, from the execution of certain trusts therein named,

Was read a third time and compared.

On the question, shall this bill pass?

It was determined in the affirmative as follows:

## YEAS.

Messrs. Boyles,  
 M. D. Canfield,  
 S. D. Canfield,  
 Cassedy, (V. P.)  
 Chetwood,  
 Cooper,  
 Hughes,

Messrs. Lilly,  
 McDowell,  
 Newell,  
 Patterson,  
 Scott,  
 Van Nest,  
 White,

Wood.—15.

## NAY.

Mr.-Condit.—1.

Ordered, that the President sign said bill and the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

The fifteenth rule being suspended, the Joint Resolution from the House of Assembly authorizing the Treasurer to borrow money,

Was read a third time.

On the question shall this Joint Resolution pass?

It was determined in the affirmative by the votes of all the members present viz :

## YEAS.

Messrs. Boyles,	Messrs. Lilly,
S. D. Canfield,	Newell,
Cassedy, (V. P.)	Patterson,
Chetwood,	Scott,
Condit,	Van Nest,
Cooper,	Whiticar,
Irick,	White,

Wood.—15.

Ordered, that the President sign said Joint Resolution, and the Secretary inform the House of Assembly that Council have passed the same, without amendment.

The vote by which the engrossed bill entitled,

“An act to provide for the revision of the Constitution of the Constitution of this State,

Was negatived, was reconsidered, and said bill again placed on the file.

The bill from the House of Assembly, entitled,

“An act to establish a new Township in the County of Mercer, to be called the Township of Hamilton.

Was read a second time, and

On the question shall this bill be postponed to the next session of the Legislature, it was determined in the negative as follows :

## YEAS.

Messrs. M. D. Canfield,	Messrs. Newell,
Cassedy, (V. P.)	Lilly,
Cooper,	Patterson,
Van Nest.—7.	

## NAYS.

Messrs. Boyles,	Messrs. Whiticar,
S. D. Canfield,	Irick,
Chetwood,	McDowell,
Condit,	Scott,
Hughes,	White,

Wood.—11.

A Message from the House of Assembly by Mr. Prior their Clerk, informed Council that the House of Assembly had passed the bill from Council entitled,

A further supplement to the act entitled an act to regulate Elections, Without Amendment.

The House of Assembly had also passed the Joint Resolutions from Council relative to transit duties &c due from the Camden and Amboy Rail Road and Delaware and Raritan Canal Company with sundry amendments.

To which amendments the assent of Council is requested.

The House of Assembly have passed the bill from Council entitled, A further supplement to the act entitled an act constituting Courts for the trial of small causes,

With sundry amendments, to which amendments the assent of Council is requested.

The Joint Resolution of Council, in relation to the Taxes and transit duties, due the State, from the Camden and Amboy Rail Road, and Delaware and Raritan Canal Company,

Was taken up and the amendments made thereto in the House of Assembly, were read and agreed to, and said Joint Resolution,

Ordered, to be re-engrossed and have a third reading.

The fifteenth rule being suspended, said re-engrossed Joint Resolution was read a third time.

On the question, shall this Joint Resolution pass?

It was determined in the affirmative, as follows:

#### YEAS.

Messrs. Boyles,

M. D. Canfield,

S. D. Canfield,

Chetwood,

Condit

Cooper,

Messrs. Hughes,

Irick,

Lilly,

McDowell,

Scott,

White,

Wood.—13.

#### NAYS.

Messrs. Cassidy (V. P.)

Newell,

Messrs. Patterson,

Whiticar,

Van Nest.—5.

Ordered, that the President sign said Joint Resolution and the Secretary inform the House of Assembly that Council have agreed to the amendments made thereto in the House of Assembly,

And have ordered the same to be re-engrossed.

Council adjourned till half-past eight o'clock to-morrow morning.

FRIDAY, March 11th, 1842.

*At half past eight o'clock Council met.*

Mr S. D. Canfield from the committee to whom had been referred the bill from the House of Assembly, entitled

A supplement to an act entitled "an act to incorporate the Somerville Manufacturing Company, passed March 1st, 1837,

Reported the same, which was ordered to have a second reading.

The engrossed bill entitled,

A further supplement to the act entitled an act constituting Courts for the trial of small causes,

Was taken up as amended in the House of Assembly, and postponed to the next Session of the Legislature.

A message from the House of Assembly, by Mr. Prior their Clerk, informed Council that the House of Assembly have passed the bills from Council entitled,

An act for the better protection of the Navigation of the passaic river, Without amendment.

And that the House of Assembly have agreed to the concurrent Resolution from Council for the relief of the Paterson and Hudson River Rail Road, and

Also the concurrent Resolution from Council, authorizing the Secretary of State, to assort and arrange the papers on file in Council and Assembly,

And, that the House of Assembly have disagreed to the amendment

made in Council to the Joint Resolution in relation to the Public Printing, in striking out "Callender & Johnson" and inserting Justice & Mills of Trenton.

The House have agreed to the amendment made in Council to said Joint Resolution, by striking out "S. L. Baldwin of Somerville" and inserting "Philips and Boswell of Trenton"—and have disagreed to the amendment striking out "Augustus S. Barber of Woodbury" and inserting Daniel G. Fitch, of Belvidere." The House have agreed to the amendment striking out the word "March and insert "April."

On the question do Council insist on its amendment to the Joint Resolution in relation to the public Printing in retaining the names of "Justice & Mills" as printers of the Laws.

The yeas and nays being required to be entered on the Journal were as follows viz :

## YEAS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield.  
Cassedy, (V. P.)  
Cooper,

Messrs. Lilly,  
Newell,  
Patterson.  
Scott,  
Van Nest.—10.

## NAYS.

Messrs. Chetwood,  
Condit,  
Hughes,  
Irick,

Messrs. McDowell,  
Whiticar,  
White,  
Wood,—8.

So it was determined in the affirmative.

On the question does Council insist on its further amendment to said Joint Resolution in retaining the name of "Daniel G. Fitch, of Belvidere" as printer of the Journal of Council.

The yeas and nays being required to be entered on the Journal were as follows viz :

## YEAS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)  
Cooper,

Messrs. Lilly,  
Newell,  
Patterson,  
Scott,  
Van Nest.—10.

## NAYS.

Messrs. Chetwood,  
Condit,  
Hughes,  
Irick,

Messrs. McDowell,  
Whiticar,  
White,  
Wood.—8.

So it was determined in the affirmative.

Ordered, that the Secretary inform the House of Assembly that Council insists on those amendments.

The engrossed bill entitled,

“An act to provide for the revision of the Constitution of this State,”

Was read a third time and compared.

On the question shall this bill pass?

It was determined in the affirmative as follows:

## YEAS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)  
Cooper,

Messrs. Lilly,  
Newell,  
Patterson,  
Scott,  
Van Nest,—10.

## NAYS.

Messrs. Chetwood,  
Condit,  
Hughes,  
Irick,

Messrs. McDowell,  
Whiticar,  
White,  
Wood.—8.

Ordered, that the President sign said bill and the Secretary inform the House of Assembly that Council have passed the same, and request their concurrence.

On motion to re-commit the bill from the House of Assembly entitled

“An act to establish a new Township in the County of Mercer, to be called the Township of Hamilton.

It was determined in the negative, as follows:

## YEAS.

Messrs. M. D. Canfield,  
Cassedy, (V. P.)  
Cooper,

Messrs. Lilly,  
Newell,  
Patterson,

Van Nest.—7.

## NAYS.

Messrs. Boyles,  
S. D. Canfield,  
Chetwood,  
Condit,  
Hughes,

Messrs. Irick,  
McDowell,  
Scott,  
Whitcar,  
White,

Wood,—11.

On the question, shall this bill pass ?

It was determined in the affirmative, as follows :

## YEAS.

Messrs. S. D. Canfield,  
Chetwood,  
Condit,  
Hughes,  
Irick,

Messrs. McDowell,  
Scott,  
Whitcar,  
White,  
Wood,—10.

## NAYS.

Messrs. M. D. Canfield,  
Cassedy, (V. P.)  
Cooper,

Messrs. Lilly,  
Newell,  
Patterson,

Van Nest.—7.

Ordered, That the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, Without amendment.

A message from the House of Assembly by Mr. Prior their Clerk, informed Council that the House of Assembly had passed the bills entitled,

An act to divorce Mary Jane Richards, of the County of Mercer, from her husband, John O. B. Richards.

An act to raise by Tax, the sum of Forty thousand dollars.

A supplement to the act, entitled an act to ascertain the power and authority, of the Ordinary and his Surrogates, to regulate the jurisdiction of the Prerogative Court, and to establish an Orphans Court in the several Counties of this State, passed, June 13th, 1820,

An act to authorize Nathan Auten of the County of Somerset, to sell certain Real Estate,

A supplement to the act entitled an act incorporating Townships, designating their powers, and regulating their meetings, passed, February, 21st, 1798.

An act to defray incidental expenses.

A supplement to the act entitled an act concerning Sheriffs, passed 18th March, 1796,

To which bills the assent of Council is requested.

The House of Assembly had passed the bill from Council entitled, "A further supplement to the act entitled an act to incorporate the Elizabeth Town and Somerville Rail Road Company, passed February, 9th, 1831,"

With an amendment, to which amendment the assent of Council is requested,

The House have agreed to the amendment made in Council to the Joint Resolution to authorize the Treasurer to borrow Money, and have

Ordered said Joint Resolution to be re-engrossed.

The House have passed the bill from Council entitled,

"An act to authorize Samuel C. Dunham and Angeline his wife, guardians of Maria Robbins, Sarah Robbins and Charles Robbins, heirs at law of Elijah Robbins, late of the Township of Dover, to convey a certain lot of land situate in the said Township, to the Trustees of the Fourth Public School District, in the Township of Dover in the County of Monmouth and State of New Jersey.

"An act to incorporate the Jefferson Beneficial Society of the County of Salem New Jersey,—also,

A Joint Resolution from Council relative to an exchange of Public Documents with the several States of the Union,

Severally without amendment.

The engrossed bill entitled,

A further supplement to an act entitled an act to incorporate the Elizabeth Town and Somerville Rail Road Company, passed Feb, 9th 1831,

Was taken up, the amendments made in the House of Assembly were read and agreed to and said bill

Ordered to be re-engrossed.

The fifteenth rule being suspended, the re-engrossed bill was read and compared.

On the question, shall this bill pass ?

It was determined in the affirmative as follows :

## YEAS.

Messrs. S. D. Canfield,  
Cassedy, (V. P.)  
Chetwood,  
Condit,  
Cooper,  
Hughes,

Messrs. Irick,  
Lilly,  
McDowell,  
Scott,  
Van Nest,  
Whiticar,

Wood.—13.

## NAYS.

Messrs. Newell,

Messrs. Patterson,—2.

Ordered, that the President sign said bill and the Secretary inform the House of Assembly that Council have agreed to the amendments made thereto by the House of Assembly, and have ordered the same to be re-engrossed.

The bill from the House of Assembly entitled,

“An act to divorce Mary Jane Richards of the County of Mercer from her husband John O. B. Richards,

Was read by its title, and referred to Messrs. White, Hughes and Boyles.

The bill from the House of Assembly, entitled,

“A supplement to the act entitled an act concerning Sheriffs passed the 18th day of March 1796,

Was read by its title, ordered to have a second reading and was referred to the committee on the Judiciary.

The bill from the House of Assembly entitled,

A bill to defray Incidental Expenses,

Was read by its title, and

Ordered to have a second reading:

The bill from the House of Assembly entitled,

A supplement to an act entitled an act incorporating Townships, designating their powers, and regulating their meetings, passed Feb. 21st 1798.

Was read by its title, and

Ordered to have a second reading.

The bills from the House of Assembly, entitled

“An act to authorize Nathan Auten, of the County of Somerset, to sell certain Real Estate,—and

“A supplement to the act entitled an act to ascertain the power and authority of the Ordinary, and his Surrogates, to regulate the Jurisdic-

tion of the Prerogative Courts, and to establish an Orphans Court, in the several Counties of this State, passed June 13th, 1820,

Were severally read by their titles, and referred to the committee on the Judiciary.

The bill from the House of Assembly entitled,

“An act to raise by tax, the sum of forty thousand dollars,”

Was read by its title, and

Ordered to have a second reading.

The bill from the House of Assembly entitled,

An act to enable the owners and possessors of the Meadows and Marsh Lands, adjoining the Creek, commonly called Crom Kill in the County of Hudson, to erect and maintain banks, dykes, dams and water works, sufficient to prevent the tide from overflowing the same,

Was read a second time, considered, and

Ordered to have a third reading.

The fifteenth rule was suspended, and said bill

Was read a third time.

On the question shall this bill pass?

It was determined in the affirmative by the votes of all the members present viz :

YEAS.

Messrs. Boyles,

M. D. Canfield,

Chetwood,

Condit,

Cooper,

Hughes,

Messrs. S. D. Canfield,

Cassedy, (V. P.)

Irick,

McDowell,

Whiticar,

White,

Wood.—13.

Ordered, That the Vice President sign said bill and the Secretary inform the House of Assembly that Council have passed the same, Without amendment.

A message from the House of Assembly, by Mr. Prior their Clerk informed Council that the House of Assembly insisted upon their disagreement to the amendment of Council, to the Joint Resolution in relation to the Public Printing, and have appointed Messrs. Sutphen, Irons, Pierson, Lanning and Flomerfelt, a committee of conference on their part, in reference thereto, and request the appointment of a similar committee on the part of Council.

The House of Assembly had passed the bill from Council entitled  
An act to discharge Cornelius S. Van Wagoner, from the execution  
of certain trusts therein named,

Without amendment.

Mr. Scott from the committee on the Judiciary, to whom had been  
referred the bill from the House of Assembly entitled,

An act to authorize Nathan Auten of the County of Somerset, to  
sell certain Real Estate,

Reported the same, without amendment.

Which was ordered to have a second reading.

Mr. Scott from the same committee, reported *adverse* to the bills  
from the House of Assembly, entitled

"A supplement to the act entitled an act concerning Sheriffs, passed  
March 18th, 1796,—and

A supplement to the act entitled "An act to ascertain the power and  
authority of the Ordinary and his Surrogates, to regulate the Jurisdic-  
tion of the Prerogative Court, and to establish an Orphan's Court, in  
the several counties of this State, passed June 20th, 1820.

Which reports were agreed to.

Ordered, That the Secretary inform the House of Assembly that  
Council have disagreed to said bills and return the same.

The Message from the House of Assembly was taken up in rela-  
tion to the disagreement between the two Houses about the Public  
Printing,

And Messrs. Scott, Van Nest and McDowell were appointed a com-  
mittee of conference on the part of Council.

The Joint Resolution from the House of Assembly providing for  
the appointment of Commissioners for a State Lunatic Asylum was  
read a third time and amended in Council.

On the question, shall this Joint Resolution pass?

It was determined in the affirmative, as follows viz :

YEAS.

Messrs. M. D. Canfield,

S. D. Canfield;

Chetwood.

Condit;

Hughes;

Messrs. Irick,

McDowell;

Scott,

Whitcar,

Wood.—10.

## NAYS.

Messrs. Boyles,  
Cassedy, (V. P.)  
Cooper,  
Lilly,

Messrs. Newell,  
Patterson,  
Van Nest,  
White,—8.

Ordered, that the Vice President sign said Joint Resolution, and the Secretary inform the House of Assembly that Council have passed the said Joint Resolution with sundry amendments, to which amendments the assent of the House of Assembly is requested.

On motion of Mr. Scott, the vote by which the bill entitled, "An act relative to the Borough of Princeton, had been determined in the negative, was reconsidered and said bill was again placed on file.

Ordered, that said bill be postponed to the next Session of the Legislature.

Mr. Boyles called up the bill entitled, "An act to Incorporate the Township of La Fayette in the County of Sussex," and on his motion,

Ordered, that said bill be postponed to the next Session of the Legislature.

The fifteenth rule was suspended, and the bill from the House of Assembly entitled,

"An act to raise by tax the sum of forty thousand dollars,"

Was read a second time and while the same was under consideration,

Council adjourned till two o'clock this afternoon.

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*At two o'clock Council met.*

The consideration of said bill was resumed and concluded, and it was

Ordered to have a third reading.

The fifteenth rule was again suspended, and said bill was read a third time.

On the question, shall this bill pass?  
It was determined in the affirmative as follows, viz:

## YEAS.

Messrs. Boyles,	Messrs. Condit,
M. D. Canfield,	Cooper,
S. D. Canfield,	Hughes,
Cassedy (V. P.)	Irick,
Chetwood,	Lilly,
Newell,	Whiticar,
White,	Wood.—14.

## NAY.

Mr. Patterson.—1.

Ordered that the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, without amendment.

A message from the House of Assembly by Mr. Prior their Clerk, informed Council that the House of Assembly had passed the bill from Council, entitled,

Supplement to an act entitled an act to prevent frauds by incorporated Companies, passed February 16th, 1829,

With sundry amendments, to which amendments the assent of Council is requested.

The House of Assembly had passed the bill from Council entitled, "An act to regulate the collection of Monies,"

Without amendment.

The engrossed bill entitled,

"Supplement to an act entitled an act to prevent frauds by incorporated Companies, passed February 16th, 1829,

Was taken up, the amendments made thereto in the House of Assembly were read and agreed to, and said bill was

Ordered to be re-engrossed.

The bill from the House of Assembly entitled,

An act to divorce Mary Jane Richards, of the County of Mercer, from her husband, John O. B. Richards,

Was read a third time.

On the question, shall this bill pass?

It was determined in the affirmative as follows:

## YEAS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield,  
Lilly,  
Newell,

Messrs. Cooper,  
Hughes,  
Irick,  
White,  
Wood,—10.

## NAYS.

Messrs. Chetwood,  
Condit,

Messrs. Cassedy, (V. P.)  
Patterson.—4.

Ordered, that the President sign said bill and the Secretary inform the House of Assembly that Council have passed the same,

Without amendment.

A message from the House of Assembly by Mr. Prior their Clerk, informed Council that the House of Assembly have passed a bill entitled,

An act to compel the owners and proprietors of lands lying upon Manalapan Brook, in the Township of Freehold, in the County of Monmouth, and in the Township of Monroe, in the County of Middlesex, to clear out the same, within the limits therein mentioned,

To which bill the assent of Council is requested.

The House of Assembly had agreed to the amendments made in Council to the bill Incorporating the Musconetcong Manufacturing Company,—and also, to the amendments made in Council, to the

Joint Resolution relative to a Lunatic Asylum,

And have ordered the same, to be re-engrossed.

The House of Assembly have disagreed to the bill from Council entitled,

“An act relative to habitual Drunkards,”

And have returned the same.

They had passed the bill from Council entitled,

“A supplement to the act entitled an act to create the County of Hudson, passed, February 22nd, 1840,

Without amendment.

The bill from the House of Assembly entitled,

An act to compel the owners and proprietors of Lands, lying upon Manalapan Brook, in the Township of Freehold, in the County of Monmouth, and in the Township of Monroe, in the County of Middlesex, to clear out the same, within the limits therein mentioned,

Was read and referred to the committee on the Judiciary.

The bill from the House of Assembly entitled,

A supplement to an act entitled an act, incorporating Townships, designating their powers, and regulating their meetings, passed the 21st of February, 1798,

Was read a second time, considered, and

Ordered to have a third reading.

The 15th rule was suspended, and said bill was read a third time,

On the question shall this bill pass?

It was determined in the affirmative by the votes of all the members present, viz:

## YEAS.

Messrs. Boyles,

M. D. Canfield

S. D. Canfield,

Cassedy (V. P.)

Chetwood,

Messrs. Condit,

Cooper,

Lilly,

Newell,

Patterson,

Wood.—11.

Ordered, that the Vice President sign said bill, and the Secretary inform the House of Assembly that Council have passed the same, Without amendment.

The bill from the House of Assembly entitled,

"An act to defray Incidental Expenses,"

Was read a second and third times.

On the question, shall this bill pass?

It was determined in the affirmative by the votes of all the members present, viz:

## YEAS.

Messrs. Boyles,

M. D. Canfield,

S. D. Canfield,

Cassedy, (V. P.)

Chetwood,

Condit,

Messrs. Cooper,

Lilly,

Hughes,

Irick,

Newell,

Whiticar,

Wood.—13.

Ordered, that the Vice President sign said bill, and the Secretary inform the House of Assembly, that Council have passed the same, Without amendment,

The bill from the House of Assembly entitled,  
A supplement to the act entitled an act to Incorporate the Somerville  
Manufacturing Company, passed March 1st, 1837,

Was read a second time, considered, and postponed.

The re-engrossed bill entitled,

Supplement to the act, entitled an act, to prevent frauds by incorpo-  
rated Companies, passed February 16th, 1829,

Was read a third time.

On the question, shall this bill pass?

It was determined in the affirmative as follows:

## YEAS.

Messrs. Boyles,

M. D. Canfield,

S. D. Canfield,

Cassedy, (V. P.)

Chetwood,

Messrs. Condit,

Lilly,

Newell,

Patterson,

Scott,

White.—11.

## NAYS.

Messrs. Cooper,

Wood.—2.

Ordered that the Vice President sign said bill, and the Secretary in-  
form the House of Assembly that Council have agreed to the amend-  
ments made thereto in the House of Assembly,

And have ordered the same to be re-engrossed,

The bill from the House of Assembly entitled,

“An act to authorize Nathan Auten of the County of Somerset, to  
sell certain Real Estate,”

Was read a second and third times.

On the question, shall this bill pass?

It was determined in the affirmative by the unanimous vote of all  
the members of Council, viz :

## YEAS.

Messrs. Boyles,

M. D. Canfield,

S. D. Canfield,

Cassedy, (V. P.)

Messrs. Lilly,

McDowell,

Newell,

Patterson,

Messrs. Chetwood,	Messrs. Scott,
Condit,	Van Nest,
Cooper,	Whiticar,
Hughes,	White,
Irick,	Wood.—18.

Ordered, That the Vice President sign said bill and the Secretary inform the House of Assembly that Council have same,

Without amendment.

Mr. Scott asked and obtained leave to withdraw from the files of Council the papers connected with the application of Nathan Auten, and also the papers of —— Tilyou.

Mr. Scott from the committee on the Judiciary, to whom had been referred the bill from the House of Assembly, entitled

“An act to compel the owners and proprietors of lands lying upon Manalapan Brook in the Township of Freehold in the County of Monmouth, and in the Township of Monroe, in the County of Middlesex, to clear out the same;

Reported the same, without amendment.

Ordered, said bill have a second reading,

The fifteenth rule being suspended said bill was read a second and third times, considered, and

On the question, shall this bill pass?

It was determined in the affirmative by the votes of all the members present viz:

YEAS.

Messrs. S. D. Canfield,	Messrs. McDowell,
Cassedy, (V. P.)	Newell,
Condit,	Patterson,
Cooper,	Scott,
Irick,	White,

Wood.—11.

Ordered, that the Vice President sign said bill and the Secretary inform the House of Assembly that Council have passed the same without amendment.

Mr. S. D. Canfield with leave reported a bill in relation to the Orphans Courts, (No. 89.) which was read.

The fifteenth rule was suspended and said bill was read a second time and postponed.

Council adjourned till eight o'clock to-morrow morning.

SATURDAY, March 12th, 1842.

*At eight o'clock Council met.*

Mr. Patterson presented the following Preamble and Resolution, viz :

**WHEREAS**, A bill entitled an act to repeal the charter of the Monmouth Bank passed the Legislative Council of New Jersey on Monday last, and on the same day was sent to the House of Assembly for their concurrence, and was there referred to the committee on the Judiciary;

**AND WHEREAS**, The public good imperiously demands that the said acts should be passed at the present session of the Legislature, therefore

*Resolved*, That the foregoing preamble together with this resolution be sent to the House of Assembly respectfully to remind them of the situation of said bill, and to request immediate action upon it.

Which were read and agreed to.

Ordered, that the Secretary inform the House of Assembly thereof.

A message from the House of Assembly by Mr. Prior their Clerk, informed Council that the House of Assembly had passed a bill entitled

"An act to authorize the sale of certain Real Estate, whereof Ann White late of the County of Monmouth, deceased, died seized,

To which bill the assent of Council is requested.

The House of Assembly have disagreed to the bill from Council entitled

"An act to extend an act entitled an act to incorporate a Bank at Paterson," passed Feb. 6th, 1816.

And have returned the same.

The House of Assembly have adopted the following concurrent Resolution :

"Resolved, (Council concurring,) That the Treasurer be authorized to pay to the Governor of this State for his expenses in attending at Washington, on the part of this State, to the arguments of the suit of *Den ex Dem.*, Wm. E. H. Waddell vs. Merrit, Martin and others, in compliance with a resolution of the House of Assembly, the sum of Fifty Dollars,"

To which Resolution the assent of Council is requested.

Which concurrent Resolution was read and agreed to.

Ordered, that the Secretary inform the House of Assembly thereof.

The bill from the House of Assembly entitled,

"An act to authorize the sale of certain Real Estate whereof Ann White late of the County of Monmouth, deceased, died seized,"

Was read and referred to the committee on the Judiciary.

Mr. S. D. Canfield, for that committee, reported said bill without amendment.

Which bill was ordered to have a second reading.

The fifteenth rule was suspended, and said bill was read a second and third times and considered.

On the question shall this bill pass ?

It was determined in the affirmative by the votes of all the members present viz :

YEAS.

Messrs. Boyles,

M. D. Canfield,

S. D. Canfield,

Cassedy, (V. P.)

McDowell,

Newell,

Patterson,

Messrs. Chetwood,

Cooper,

Irick,

Lilly,

Scott,

Van Nest,

White,

Wood,—15.

Ordered, That the Vice President sign said bill and the Secretary inform the House of Assembly that Council have passed the same Without amendment.

A verbal message was received from the House of Assembly by Mr. Prior their Clerk, as follows viz :

"*Mr. Vice President*, I am directed by the House of Assembly, to return this paper to Council," and at the same time he placed on the Desk of the Secretary of Council a paper, which on examination proved to be the same Preamble and Resolution which Council had passed and sent to the House of Assembly about half an hour previous.

Some conversation passed on the subject in Council, and after a short time another message from the House of Assembly by Mr. Prior their Clerk, informed Council that the House of Assembly had disagreed to the bill from Council, entitled

"An act to repeal the Charter of the Monmouth Bank,"

And returned the same.

Mr. Van Nest presented the following Resolution, viz :

*Resolved*, By the Legislative Council of this State that Daniel G. Fitch, of Belvidere, be employed to print the Journal of the proceedings of the Legislative Council and of Joint Meetings, and that he print thirteen hundred copies thereof to correspond with those heretofore printed; and he be paid therefor, by the Treasurer of this State, nineteen dollars per sheet: **PROVIDED**, That if the said Daniel G. Fitch, shall not inform the Treasurer of this State on, or before, the first day of May next, that he will execute the printing as herein provided for, then the said Treasurer may procure the same to be done at his discretion, at a price not to exceed that herein named.

Which was read and agreed to.

The concurrent Resolution of a similar kind, for the appointment of Phillips and Boswell, to print the minutes of the House of Assembly, and which had passed the House of Assembly in November last, was taken up,

Read and agreed to.

Mr. Irick offered the following Resolution :

*Resolved*, That this Council tender their grateful acknowledgments to the Honorable John Cassidy, their Vice President, for the urbanity and courtesy uniformly manifested towards them, individually, and return him their cordial thanks for the assiduous attention and faithful discharge of the duties of the office he has so satisfactorily filled,

Which was read, and unanimously agreed to.

To which the Vice President, replied :

**GENTLEMEN** :—After a protracted and laborious session, in which a large amount of business has been transacted, we have at length reached the termination of our Legislative labours, are about to descend from the elevation, to which the people of New Jersey, for cer-

tain purposes, and a limited time, have advanced us, and to return again to the general level of society, there to meet, and account to our constituents for our conduct as their representatives.

Whether we have promoted the "reign of order, morality, and good government" or not, by the course of our Legislation, remains to be tested by the light of experience, and decided by the discriminating judgment of public opinion, a judgment by which ample justice will without doubt, be done to us; let us hope, therefore, that it may be pronounced in our favor.

With respect to myself, permit me to say, that to have received a vote of thanks, from the Legislative Council of New Jersey, as I have on this occasion, for the course pursued by me as presiding officer, I shall ever estimate as one, amongst the most pleasing recollections of my life, and in return, I request you to accept of my sincere thanks, for the attentions and gentlemanly courtesies, with which you have honored me throughout the session; and an assurance that you have my best wishes for your present and future happiness.

GENTLEMEN:—I wish you all a safe return to your several places of abode, and a happy meeting with your friends and families.

Mr. S. D. Canfield offered the following Resolution:

Resolved, that Robert E. Horner, Esquire, have the thanks of this House, for the accuracy and faithfulness with which he has discharged the duties devolving upon him as Secretary, during the sittings of Council.

Which was read and unanimously agreed to.

To which the Secretary replied:

GENTLEMEN:—Having received this renewed and flattering testimonial of your kindness and approbation for the manner in which I have performed my official duties as Secretary of Council, permit me to return you my sincere thanks.

Having by the unanimous vote of yourselves and your predecessors, been elected to the responsible station of Secretary of this honorable and important branch of our State Legislature, for five successive years, during which time having received repeated expressions of strong approbation for the manner in which I have performed the important duties placed in my charge—it is with emotions of no ordinary kind, that I am again thus called upon to respond, perhaps, for the last time, to this renewed expression of your approbation.

GENTLEMEN:—Permit me to here tender you my kindest wishes for your safe return to your respective homes, and may you there long

enjoy that peace of mind which always arises from following the dictates of an approving conscience.

Mr. Van Nest offered the following Resolution:

Resolved, that the Secretary of Council be requested to inform Daniel G. Fitch, of Belvidere, that he is appointed to print the Journal of Council, and that he, the said Secretary, be directed to deliver the Journal or a copy, to the said Daniel G. Fitch.

Which was read and agreed to.

Mr. Van Nest offered the following Resolution:

Resolved, that Justice and Mills be authorized to print the laws of the State of New Jersey, passed by the present Legislature, and that the Treasurer be authorized to pay for the same, at the same prices paid for the printing of the Laws the last year.

Which was read.

On a motion to postpone the consideration thereof,

It was determined in the negative, as follows:

#### YEAS.

Messrs. Chetwood,  
Condit,  
Irick,

Messrs. McDowell,  
Whiticar,  
White,

Wood.—7.

#### NAYS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)  
Cooper,

Messrs. Lilly,  
Newell,  
Patterson,  
Scott,  
Van Nest.—10.

On the adoption of the Resolution, the yeas and nays being required to be entered on the Journal were as follows viz:

#### YEAS.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield,  
Cassedy, (V. P.)  
Lilly,

Messrs. Cooper,  
Newell,  
Patterson,  
Scott,  
Van Nest.—10.

## NAYS.

Messrs. Chetwood,  
Condit,  
Irick.

Messrs. McDowell,  
Whiticar,  
White,

Wood.—7.

So it was determined in the affirmative.

A message from the House of Assembly informed Council that the House of Assembly had completed their business, and are ready to adjourn *sine die*.

The House of Assembly preceded by their Speaker, John Emley, Esq. came into the Council Chamber and informed Council that the House of Assembly had adjourned without day, until constitutionally called together.

Whereupon Council adjourned without day, until constitutionally called together.

ROBERT E. HORNER, *Secretary*.



**MINUTES**  
OF THE  
**PROCEEDINGS**  
OF THE  
**JOINT MEETING,**  
OF THE  
**Council and General Assembly,**  
OF THE  
**STATE OF NEW JERSEY.**

1841—42.



1842.

SECRET

CONFIDENTIAL

SECRET

SECRET

## MINUTES

OF

## JOINT MEETING.

---

IN JOINT MEETING, October 2nd, 1841.

The Council and Assembly met in the Assembly Room, and proceeded to the choice of Chairman, for the present session, when JOHN CASSEBY, Esq. was unanimously chosen, and took the Chair.

SAMUEL PRIOR Jr. was appointed Secretary of the Joint Meeting.

The rules of Joint Meeting as adopted at the last session of the Legislature, were read and adopted as the rules of the Joint Meeting during the present session, viz :

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 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 the 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.”

James Wood requested leave in writing, to resign his commission of Judge of the Common Pleas of the County of Morris,

Which was, on motion accepted.

Samuel Swayze requested leave in writing, to resign his commission of Justice of the Peace, in and for the County of Morris.

Which was, on motion accepted.

The list of nominations were then taken up, when the following appointments were made :

### GOVERNOR.

The names of William Pennington and Peter D. Vroom, Jr., being on nomination for Governor, the Secretary by direction of the Chairman, proceeded to call the Joint Meeting, when the votes were as follows :

#### For WILLIAM PENNINGTON.

Messrs. Chetwood,  
 Condit,  
 Hughes,  
 Whiticar,  
 White,  
 Wood,  
 Van Boskerck,  
 Baldwin,  
 Brookfield,  
 Cook,  
 Congar,  
 Lum,  
 J. Smith,  
 A. Wilson  
 Drake,  
 Halsey,  
 Stephens,  
 Willis,  
 Cory,  
 Sutphen,  
 H. H. Wilson,  
 Acken,

Messrs. Irick,  
 McDowell,  
 Scott,  
 Ayres,  
 Dunn,  
 Gulick,  
 Baker,  
 Lanning,  
 Mount,  
 Black,  
 Borton,  
 Emley, (Sp'r.)  
 Richards.  
 Stokes,  
 Chew,  
 Ogden,  
 Seely,  
 Beesley.  
 Ballinger,  
 Pierson,  
 Whitney,  
 Van Saun.—44,

## For PETER D. VROOM, Jr.

Messrs. Boyles,  
 M. D. Canfield,  
 S. D. Canfield,  
 Cassidy, (V. P.)  
 Cooper,  
 Lilly,  
 Newell,  
 Patterson,  
 Zabriskie,  
 Brinley,  
 Conover,  
 G. W. Smyth,  
 Winter,  
 Flanagan,  
 Nelson,

Messrs. Irons,  
 Oliphant,  
 Throckmorton,  
 Dawes,  
 Flomerfelt,  
 Mattison,  
 Srope,  
 Bonnell,  
 Hynard,  
 N. Smith,  
 Moore,  
 Knight,  
 Miller,  
 Ryerson,  
 Read.—30

Whereupon it appearing that William Pennington had received a majority of the votes of the members present, he was declared duly elected Governor of the State of New Jersey, for the ensuing year.

## LIBRARIAN.

The names of Charles C. Yard, and William A. Benjamin, being on nomination for Librarian, the Secretary by direction of the Chairman, proceeded to call the Joint Meeting, when the votes were as follows:

## For CHARLES C. YARD.

Messrs. Chetwood,  
 Condit  
 Hughes,  
 Irick,  
 McDowell,  
 Scott,  
 Whiticar,  
 White,  
 Wood,  
 Van Boskerck,

Messrs. Lum,  
 J. Smith  
 A. Wilson,  
 Drake,  
 Halsey,  
 Stephens,  
 Willis,  
 Cory,  
 Sutphen,  
 H. H. Wilson,

Messrs. Baldwin,  
Brookfield,  
Cook,  
Congar,  
Baker,  
Lanning,  
Mount,  
Black.  
Borton,  
Emley, (Sp'r.)  
Richards,  
Stokes,  
Chew,

Messrs. Acken,  
Ayres,  
Dunn,  
Gulick.  
Ogden,  
Seely,  
Eeesley,  
Ballinger,  
Knight,  
Miller,  
Pierson,  
Whitney,  
Ryerson,

Van Saun.—47.

For WILLIAM A. BENJAMIN.

Messrs. Boyles,  
M. D. Canfield,  
S. D. Canfield,  
Cooper,  
Lilly,  
Newell,  
Patterson,  
Zabriskie,  
Brinley,  
Conover,  
Irons,  
Oliphant,  
Throckmorton,

Messrs. Dawes,  
Flomerfelt,  
Mattison,  
Srope,  
Bonnell,  
Hynard,  
N. Smith,  
Moore,  
G. W. Smyth.  
Winter,  
Flanagan,  
Nelson,  
Read.—26.

Whereupon it appearing that Charles C. Yard, had received a majority of all the members present, he was declared duly elected Librarian for the ensuing year.

On motion of Mr. H. H. Wilson,

Ordered, that the Vice President and Speaker, be a Committee to wait on William Pennington, Esquire, and inform him of his Election as Governor of this State.

On motion, the Joint Meeting then adjourned to to-morrow morning ten o'clock.

WEDNESDAY, November, 3d, 1842.

At 10 o'clock Joint Meeting again assembled.

Mr. Prior then resigned the office of Secretary of Joint Meeting, and

ROBERT E. HORNER, was unanimously elected Secretary of Joint Meeting.

William R. Allen requested leave in writing to resign his commission as Recorder of the City of Burlington.

*Resolved,* That the same be accepted.

Charles M. Smith requested leave in writing to resign his commission as one of the Aldermen of the City of Perth Amboy.

*Resolved,* That the same be accepted.

The Vice President, from the committee to inform William Pennington, of his election as Governor for the ensuing year,

Reported, that they had performed that duty and that he had accepted the appointment.

The names of Ira C. Whitehead, Oliver S. Halsted, Gabriel H. Ford, and Henry A. Ford being on nomination,

Mr. Irick asked leave to withdraw the name of Oliver S. Halsted, which was granted.

Mr. Chetwood asked and obtained leave to withdraw the name of Gabriel H. Ford from the list of nominations.

The names of Ira C. Whitehead and Henry A. Ford being on nomination for Associate Justice of the Supreme Court, the Secretary by direction of the Chairman proceeded to call the Joint Meeting; when the votes were as follows, viz :

## For IRA C. WHITEHEAD.

Messrs. Chetwood,	Messrs. Beesley,
Condit,	Ballinger,
Hughes,	Stephens,
Irick,	Willis,
McDowell,	Cory,
Whiticar,	Sutphen,
White,	H. H. Wilson,
Wood,	Acken,
Van Boskerck,	Ayres,
Baldwin,	Dunn,
Brookfield,	Gulick,
Cook,	Baker,
Congar,	Lanning,
Lum,	Mount,
J. Smith,	Black,
A. Wilson,	Borton,
Drake,	Emley, (Sp'r.)
Halsey,	Richards,
Chew,	Stokes,
Ogden,	Pierson,
Seely,	Whitney,

Van Saun.—43.

## For HENRY A. FORD.

Messrs. Boyles,	Messrs. Flomerfelt,
S. D. Canfield,	Mattison,
Cassedy, (V. P.)	Srope,
Cooper,	Bonnell,
Lilly,	Hynard,
Newell,	G. W. Smyth.
Patterson,	N. Smith,
Demerest,	Moore,
Zabriskie,	Winter,
Brinley,	Flanagan,
Conover,	Nelson,
Irons,	Knight,
Oliphant,	Miller,
Throckmorton,	Ryerson,
Dawes,	Read.—30.

Whereupon it appearing that Ira C. Whitehead had received a majority of the votes given of the members present, he was declared duly elected one of the Associate Justices of the Supreme Court, for the ensuing seven years.

ATLANTIC COUNTY.

JUDGE.

Robert B. Risley.

BERGEN COUNTY.

JUDGE.

Albert G. Doremus.

JUSTICE.

Albert G. Doremus.

BURLINGTON COUNTY.

Mayor of the City of Burlington.

William R. Allen.

Recorder of the City of Burlington.

Charles Ellis, Junior.

JUSTICE.

George H. Dubison.

CAPE MAY COUNTY.

SURROGATE.

Humphrey Leaming.

## CUMBERLAND COUNTY.

## JUSTICE.

Isaac Whitkar.

## ESSEX COUNTY.

## SPECIAL JUSTICE OF THE CITY OF NEWARK,

Caleb H. Andruss.

## JUSTICES.

Caleb H. Andruss,

Ashbel F. Cook,

Israel Day,

William Lee,

Levi Clark,

Rufus Harrison,

Stephen D. Day,

Parker Teed,

Zenus S. Crane,

Stephen Dod,

William Stiles.

## COMMISSIONERS, &amp;c.

Gideon Ross, of Westfield.

Israel Day, of Springfield.

The names of Jacob K. Mead and John I. Plume being on nomination for Justices of the Peace for the County of Essex, it was moved and seconded that the consideration thereof be postponed, and the yeas and nays being required thereon, the Secretary by direction of the Chairman proceeded to call the Joint Meeting, when the votes were as follows, viz :

*In the Affirmative.*

Messrs. Chetwood,  
Condit,  
Hughes,  
Irick,

Messrs. Drake,  
Halsey,  
Stephens,  
Willis,

Messrs. McDowell,  
Whiticar,  
White,  
Wood,  
Van Boskerck,  
Baldwin,  
Brookfield,  
Cook,  
Congar,  
Lum,  
J. Smith,  
A. Wilson,  
Emley, (Sp'r.)  
Richards,  
Stokes,  
Chew,  
Ogden,

Messrs. Cory,  
Sutphen,  
H. H. Wilson,  
Acken,  
Ayres,  
Dunn,  
Gulick  
Baker,  
Lanning,  
Mount,  
Black,  
Borton,  
Seely,  
Beesley,  
Ballinger,  
Whitney,  
Pierson

Van Saun.—43.

*In the Negative.*

Messrs. Boyles,  
S. D. Canfield,  
Cassedy, (V. P.)  
Cooper.  
Lilly,  
Newell,  
Patterson,  
Demarest,  
Zabriskie,  
Brinley,  
Conover,  
Irons,  
Oliphant,  
Throckmorton,  
Ryerson,

Messrs. Dawes,  
Flomerfelt,  
Mattison,  
Srope,  
Bonnell,  
Hynard,  
N. Smith,  
Moore,  
G. W. Smyth,  
Winter,  
Flanagan,  
Nelson,  
Knight,  
Miller,  
Read.—30.

So it was determined in the affirmative.

## GLOUCESTER COUNTY.

## JUSTICES.

Edmond Brewer,  
Jacob S. Bender,

Josiah Atkinson,  
John B. Hilyard.

## HUDSON COUNTY.

## JUDGES.

Gilbert Merrit,

Richard Outwater.

## JUSTICES.

Cornelius C. Jeralomon Jr.

Gilbert Merritt,

## HUNTERDON COUNTY.

The names of Peter H. Dilts, Philip F. Hawk, Daniel Stires, Joseph Johnson, Abraham Stiger, Frederick Apgur, James Snyder, John Stires, John Barten, Emley Holcombe, being on nomination for Justices of the Peace for the County of Hunterdon, and the names of Nathan Vannoy and Morris Stiger, for Commissioners &c. On the question of their appointment, the yeas and nays being required thereon, the Secretary, by direction of the Chairman, proceeded to call the Joint Meeting, when the votes were as follows, viz:

*In the Affirmative.*

Messrs. Boyles,

S. D. Canfield,

Cassedy (V. P.)

Cooper,

Lilly,

Newell,

Patterson,

Demarest,

Zabriskie,

Brinley,

Messrs. Throckmorton,

Dawes,

Flomerfelt,

Mattison,

Srope,

Bonnell,

Hynard,

N. Smith,

Moore,

G. W. Smyth,

Messrs. Conover,  
Irons,  
Oliphant,  
Knight,  
Miller,

Messrs. Winter,  
Flanagan,  
Nelson,  
Ryerson,  
Read.—30.

*In the Negative.*

Messrs. Chetwood,  
Condit,  
Hughes,  
Irick,  
McDowell,  
Whiticar,  
White,  
Wood,  
Van Boskerck,  
Baldwin,  
Brookfield,  
Cook,  
Congar,  
Lum,  
J. Smith,  
A. Wilson,  
Drake,  
Halsey,  
Stevens,  
Willis,  
Cory.

Messrs. Sutphen,  
H. H. Wilson,  
Acken,  
Ayres,  
Dunn,  
Gulick,  
Baker,  
Lanning,  
Mount,  
Black,  
Borton,  
Emley, (Sp'r.)  
Richards,  
Stokes,  
Chew,  
Ogden,  
Seely,  
Beesley,  
Ballinger,  
Peirson,  
Whitney,

Van Saun.—43.

So it was determined in the negative.

MERCER COUNTY.

*Prosecutor of the Pleas.*

James Wilson.

## MIDDLESEX COUNTY.

## SURROGATE.

The names of Simeon Mundy, James G. McDowell and David Mercereau being on nomination for Surrogate, of the County of Middlesex, leave was asked and given to withdraw the same.

The names of Josiah Ford and James C. Zabriskie being on nomination for Surrogate, the Secretary by the direction of the Chairman, proceeded to call the Joint meeting when the votes were as follows viz:

## For JOSIAH FORD.

Messrs. Chetwood,	Messrs. Stephens,
Condit,	Willis.
Hughes,	Cory,
Irick,	Sutphen,
McDowell,	H. H. Wilson,
Whiticar,	Acken,
White,	Ayres,
Wood,	Dunn,
Van Boskerck,	Gulick,
Baldwin,	Baker,
Brookfield,	Lanning,
Cook,	Mount,
Congar,	Black,
Lum,	Borton,
J. Smith,	Emley, (Sp'r.)
A. Wilson,	Richards,
Drake,	Stokes,
Halsey,	Chew,
Ogden,	Ballinger,
Seely,	Peirson,
Beesley,	Whitney,

Van Saun.—43.

## For JAMES C. ZABRISKIE.

Messrs. Boyles,	Messrs. Flomerfelt,
S. D. Canfield,	Mattison,

Messrs. Cassidy, (V. P.)	Messrs. Srope,
Cooper,	Bonnell,
Lilly,	Hynard,
Newell,	N. Smith,
Patterson,	Moore,
Demarest,	G. W. Smyth,
Zabriskie,	Winter,
Brinley,	Flanagan,
Conover,	Nelson,
Irons,	Knight,
Oliphant,	Miller,
Throckmorton,	Ryerson,
Dawes,	Read.—30.

Whereupon, it appearing that Josiah Ford had received a majority of the votes of all the members present, he was declared duly elected Surrogate of the County of Burlington for five years.

*Alderman of Perth Amboy.*

David Crowell.

### MONMOUTH COUNTY.

#### JUSTICES.

Joseph Barkley,

Wade Little.

#### COMMISSIONER, &c.

Thomas S. Field, of Middletown Township.

### MORRIS COUNTY.

#### JUDGE.

Joseph Lovell.

## JUSTICES.

Joseph Jackson,  
John Garrigus, Jr.  
William Nichols,

Joseph Lovell,  
Benjamin P. Lum,  
William Brittin.

## COMMISSIONER, &amp;c.

Benjamin Roome, of Pequannock.

## PASSAIC COUNTY,

## JUDGE.

John Parke.

## JUSTICE.

John R. Speer.

## SALEM COUNTY.

## JUDGE.

John Armstrong.

## JUSTICES.

Charles Elwell,

William Sumerill.

## COMMISSIONERS. &amp;c.

William Harrison, of Lower Alloways Creek.  
Daniel Vanneman, of Upper Penns Neck.

## WARREN COUNTY.

The name of Peter W. Blair being on nomination for Judge of the Court of Common Pleas, it was moved and seconded that he be appointed; the Secretary by order of the Chairman proceeded to call the Joint Meeting, when the votes were as follows, viz:

*In the Affirmative.*

Messrs. Boyles,	Messrs. Mattison,
M. D. Canfield,	Srope,
S. D. Canfield,	Bonnell,
Cassedy, (V. P.)	Hynard,
Cooper,	N. Smith,
Lilly,	Moore,
Newell,	G. W. Smyth,
Patterson,	Winter,
White,	Mount,
Demarest,	Stokes,
Zabriskie,	Flanagan,
Brinley,	Nelson,
Conover,	Knight,
Irons,	Miller,
Oliphant,	Pierson,
Throckmorton,	Whitney,
Dawes,	Ryerson,
Flomerfelt,	Read.—36.

*In the Negative.*

Messrs. Chetwood,	Messrs. Cook,
Condit,	Congar,
Hughes,	Lum,
Irick,	J. Smith,
McDowell,	A. Wilson,
Whiticar,	Drake,
Wood,	Halsey,
Van Boskerck,	Stephens,
Baldwin,	Willis,
Brookfield,	Cory,
Sutphen,	Black,
H. H. Wilson,	Borton,
Acken,	Emley, (Sp'r.)
Ayres,	Richards,
Dunn,	Chew,
Gulick,	Ogden,
Baker,	Seely,
Lanning,	Beesley,
Van Saun,	Ballinger.—38.

So it was determined in the negative.

## CUMBERLAND COUNTY.

## JUSTICE.

Isaac Whitkar.

## ESSEX COUNTY.

## SPECIAL JUSTICE OF THE CITY OF NEWARK.

Caleb H. Andruss.

## JUSTICES.

Caleb H. Andruss,

Ashbel F. Cook,

Israel Day,

William Lee,

Levi Clark,

Rufus Harrison,

Stephen D. Day,

Parker Teed,

Zenus S. Crane,

Stephen Dod,

William Stiles.

## COMMISSIONERS, &amp;c.

Gideon Ross, of Westfield.

Israel Day, of Springfield.

The names of Jacob K. Mead and John I. Plume being on nomination for Justices of the Peace for the County of Essex, it was moved and seconded that the consideration thereof be postponed, and the yeas and nays being required thereon, the Secretary by direction of the Chairman proceeded to call the Joint Meeting, when the votes were as follows, viz :

*In the Affirmative.*

Messrs. Chetwood,  
Condit,  
Hughes,  
Irick,

Messrs. Drake,  
Halsey,  
Stephens,  
Willis,

Messrs. McDowell,  
Whiticar,  
White,  
Wood,  
Van Boskerck,  
Baldwin,  
Brookfield,  
Cook,  
Congar,  
Lum,  
J. Smith,  
A. Wilson,  
Emley, (Sp'r.)  
Richards,  
Stokes,  
Chew,  
Ogden,

Messrs. Cory,  
Sutphen,  
H. H. Wilson,  
Acken,  
Ayres,  
Dunn,  
Gulick  
Baker,  
Lanning,  
Mount,  
Black,  
Borton,  
Seely,  
Beesley,  
Ballinger,  
Whitney,  
Pierson

Van Saun.—43.

*In the Negative.*

Messrs. Boyles,  
S. D. Canfield,  
Cassedy, (V. P.)  
Cooper.  
Lilly,  
Newell,  
Patterson,  
Demarest,  
Zabriskie,  
Brinley,  
Conover,  
Irons,  
Oliphant,  
Throckmorton,  
Ryerson,

Messrs. Dawes,  
Flomerfelt,  
Mattison,  
Srope,  
Bonnell,  
Hynard,  
N. Smith,  
Moore,  
G. W. Smyth,  
Winter,  
Flanagan,  
Nelson,  
Knight,  
Miller,  
Read.—30.

So it was determined in the affirmative.

## GLOUCESTER COUNTY.

## JUSTICES.

Edmond Brewer,  
Jacob S. Bender,

Josiah Atkinson,  
John B. Hilyard.

## HUDSON COUNTY.

## JUDGES.

Gilbert Merrit,

Richard Outwater.

## JUSTICES.

Cornelius C. Jeralomon Jr.

Gilbert Merritt,

## HUNTERDON COUNTY.

The names of Peter H. Dilts, Philip F. Hawk, Daniel Stires, Joseph Johnson, Abraham Stiger, Frederick Apgur, James Snyder, John Stires, John Barten, Emley Holcombe, being on nomination for Justices of the Peace for the County of Hunterdon, and the names of Nathan Vannoy and Morris Stiger, for Commissioners &c. On the question of their appointment, the yeas and nays being required thereon, the Secretary, by direction of the Chairman, proceeded to call the Joint Meeting, when the votes were as follows, viz:

*In the Affirmative.*

Messrs. Boyles,

S. D. Canfield,

Cassedy (V. P.)

Cooper,

Lilly,

Newell,

Patterson,

Demarest,

Zabriskie,

Brinley,

Messrs. Throckmorton,

Dawes,

Flomerfelt,

Mattison,

Srope,

Bonnell,

Hynard,

N. Smith,

Moore,

G. W. Smyth,

Messrs. Conover,  
Irons,  
Oliphant,  
Knight,  
Miller,

Messrs. Winter,  
Flanagan,  
Nelson,  
Ryerson,  
Read.—30.

*In the Negative.*

Messrs. Chetwood,  
Condit,  
Hughes,  
Irick,  
McDowell,  
Whiticar,  
White,  
Wood,  
Van Boskerck,  
Baldwin,  
Brookfield,  
Cook,  
Congar,  
Lum,  
J. Smith,  
A. Wilson,  
Drake,  
Halsey,  
Stevens,  
Willis,  
Cory.

Messrs. Sutphen,  
H. H. Wilson,  
Aeken,  
Ayres,  
Dunn,  
Gulick,  
Baker,  
Lanning,  
Mount,  
Black,  
Borton,  
Emley, (Sp'r.)  
Richards,  
Stokes,  
Chew,  
Ogden,  
Seely,  
Beesley,  
Ballinger,  
Peirson,  
Whitney,

Van Saun.—43.

So it was determined in the negative.

MERCER COUNTY.

*Prosecutor of the Pleas.*

James Wilson.

## MIDDLESEX COUNTY.

## SURROGATE.

The names of Simeon Mundy, James G. McDowell and David Mercereau being on nomination for Surrogate, of the County of Middlesex, leave was asked and given to withdraw the same.

The names of Josiah Ford and James C. Zabriskie being on nomination for Surrogate, the Secretary by the direction of the Chairman, proceeded to call the Joint meeting when the votes were as follows viz:

## For JOSIAH FORD.

Messrs. Chetwood,	Messrs. Stephens,
Condit,	Willis.
Hughes,	Cory,
Irick,	Sutphen,
McDowell,	H. H. Wilson,
Whiticar,	Acken,
White,	Ayres,
Wood,	Dunn,
Van Boskerck,	Gulick,
Baldwin,	Baker,
Brookfield,	Lanning,
Cook,	Mount,
Congar,	Black,
Lum,	Borton,
J. Smith,	Emley, (Sp'r.)
A. Wilson,	Richards,
Drake,	Stokes,
Halsey,	Chew,
Ogden,	Ballinger,
Seely,	Peirson,
Beesley,	Whitney,

Van Saun.—43.

## For JAMES C. ZABRISKIE.

Messrs. Boyles,	Messrs. Flomerfelt,
S. D. Canfield,	Mattison,

Messrs. Cassidy, (V. P.)

Cooper,

Lilly,

Newell,

Patterson,

Demarest,

Zabriskie,

Brinley,

Conover,

Irons,

Oliphant,

Throckmorton,

Dawes,

Messrs. Srope,

Bonnell,

Hynard,

N. Smith,

Moore,

G. W. Smyth,

Winter,

Flanagan,

Nelson,

Knight,

Miller,

Ryerson,

Read.—30.

Whereupon, it appearing that Josiah Ford had received a majority of the votes of all the members present, he was declared duly elected Surrogate of the County of Burlington for five years.

*Alderman of Perth Amboy.*

David Crowell.

MONMOUTH COUNTY.

JUSTICES.

Joseph Barkley,

Wade Little.

COMMISSIONER, &c.

Thomas S. Field, of Middletown Township.

MORRIS COUNTY.

JUDGE.

Joseph Lovell.

## JUSTICES.

Joseph Jackson,  
John Garrigus, Jr.  
William Nichols,

Joseph Lovell,  
Benjamin P. Lum,  
William Brittin.

## COMMISSIONER, &amp;c.

Benjamin Roome, of Pequanaek.

## PASSAIC COUNTY,

## JUDGE.

John Parke.

## JUSTICE.

John R. Speer.

## SALEM COUNTY.

## JUDGE.

John Armstrong.

## JUSTICES.

Charles Elwell,

William Sumeril

## COMMISSIONERS. &amp;c.

William Harrison, of Lower Alloways Creek.

Daniel Vanneman, of Upper Penns Neck.

## WARREN COUNTY.

The name of Peter W. Blair being on nomination for Judge of the Court of Common Pleas, it was moved and seconded that he be appointed; the Secretary by order of the Chairman proceeded to call the Joint Meeting, when the votes were as follows, viz:

*In the Affirmative.*

Messrs. Boyles,	Messrs. Mattison,
M. D. Canfield,	Srope,
S. D. Canfield,	Bonnell,
Cassedy, (V. P.)	Hynard,
Cooper,	N. Smith,
Lilly,	Moore,
Newell,	G. W. Smyth,
Patterson,	Winter,
White,	Mount,
Demarest,	Stokes,
Zabriskie,	Flanagan,
Brinley,	Nelson,
Conover,	Knight,
Irons,	Miller.
Oliphant,	Pierson,
Throckmorton,	Whitney,
Dawes,	Ryerson,
Flomerfelt,	Read.—36.

*In the Negative.*

Messrs. Chetwood,	Messrs. Cook,
Condit,	Congar,
Hughes,	Lum,
Irick,	J. Smith,
McDowell,	A. Wilson,
Whiticar,	Drake,
Wood,	Halsey,
Van Boskerck.	Stephens,
Baldwin,	Willis.
Brookfield,	Cory,
Sutphen,	Black,
H. H. Wilson,	Borton,
Acken,	Emley, (Sp'r.)
Ayres,	Richards,
Dunn,	Chew,
Gulick,	Ogden,
Baker,	Seely,
Lanning,	Beesley,
Van Saun,	Ballinger.—38.

So it was determined in the negative.

## JUSTICE.

John P. Weller.

The consideration of all the other names on nomination, was postponed.

The Joint Meeting rose.

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IN JOINT MEETING, November 10, 1841.

HON. JOHN CASSEDY, *Chairman.*

ROBERT E. HORNER, *Secretary,*

Gilbert B. Taylor requested leave in writing to resign his commission and office, as one of the Justices of the Peace, in and for the County of Somerset.

*Resolved,* That the same be accepted.

Isaac Barnes requested leave in writing to resign his commission and office as Commissioner for taking the acknowledgement and proof of Deeds, within the County of Mercer.

*Resolved,* That the same be accepted.

The following appointments were then made.

TREASURER.

Isaac Southard.

*Keeper of the State Prison.*

Jacob B. Gaddis.

*Inspectors of the State Prison.*

John S. McCully,

Thomas Hancock,

Joshua Wright,

Emley Olden,

James Skirm.

## ATLANTIC COUNTY.

The name of David B. Somers of Egg Harbor, being on nomination for Judge of the Court of Common Pleas of the County of Atlantic,

*Resolved*, That the further consideration thereof, be postponed.

## BERGEN COUNTY.

The name of Samuel H. Berry being on nomination for Judge of the Court of Common Pleas, of the County of Bergen, it was moved and seconded, that the further consideration thereof be postponed; the yeas and nays being required thereon, the Secretary by direction of the Chairman, proceeded to call the Joint Meeting, when the votes were as follows:

*In the affirmative.*

Messrs. Chetwood,

Condit,

Hughes,

Irick,

McDowell,

Whiticar,

Wood,

Emley, (Sp'r.)

Van Boskerck,

Baldwin,

Messrs. Lum,

J. Smith,

A. Wilson,

Drake,

Halsey,

Stephens,

Willis,

Cory,

Sutphen,

H. H. Wilson,

Messrs. Brookfield,  
Cook,  
Congar,  
Dunn,  
Gulick,  
Baker,  
Lanning,  
Mount,  
Black,  
Borton,

Messrs. Acken,  
Ayres,  
Stokes,  
Ogden,  
Seely,  
Beesley,  
Ballinger,  
Pierson,  
Whitney,  
Richards,

Van Saun.—41.

*In the Negative.*

Messrs. Boyles,  
S. D. Canfield,  
Cassedy, (V. P.)  
Cooper,  
Lilly,  
Newell,  
Patterson,  
Van Nest  
Zabriskie,  
Brialey,  
Conover,  
Irons,  
Oliphant,  
Throckmorton,  
Dawes,

Messrs. Flomerfelt,  
Mattison,  
Srope,  
Bonnell,  
Hynard,  
G. W. Smyth.  
N. Smith,  
Møore,  
Winter,  
Demerest,  
Nelson,  
Knight,  
Miller,  
Ryerson,  
Read.—30.

So it was determined in the affirmative.

CUMBERLAND COUNTY.

JUDGES.

The names of Joshua Brick, Joel S. Robison, Josiah Shaw, Jeremiah Statton and Enoch Mulford being on nomination for Judges, and the names of Joseph E. Oliver and Jeremiah Statton being on nomination for Justices of the Peace for the County of Cumberland,

On motion to postpone the consideration of the same, the yeas and nays being required thereon, the Secretary by direction of the Chairman proceeded to call the Joint Meeting, when the votes were as follows, viz :

*In the Affirmative.*

Messrs. Boyles,	Messrs. Irons,
Van Nest,	Oliphant,
S. D. Canfield,	Throckmorton,
Cassedy, (V. P.)	Dawes,
Cooper,	Flomerfelt,
Lilly,	Mattison,
Newell,	Srope,
Patterson,	Bonnell,
Zabriskie,	Hynard,
Brinley,	N. Smith,
Conover,	Moore.
G. W. Smyth,	Knight,
Winter,	Nelson,
Demerest,	Ryerson,
	Read.—29.

*In the Negative.*

Messrs. Chetwood,	Messrs. Irick,
Condit,	McDowell,
Hughes,	Duan,
Whiticar,	Ayres,
Wood,	Gulick,
Van Boskerck,	Baker,
Baldwin,	Lanning,
Brookfield,	Mount,
Cook,	Black,
Congar,	Borton,
Lum,	Emley, (Sp'r.)
J. Smith,	Richards.
A. Wilson	Stokes,
Drake,	Ogden,
Stephens,	Seely,
Willis,	Beesley.

Messrs. Cory,  
Sutphen,  
H. H. Wilson,  
Acken,

Messrs. Ballinger,  
Pierson,  
Whitney,  
Van Saun.—40.

So it was determined in the negative.

The question was then taken on their appointment collectively and agreed to without a division.

So they were appointed accordingly.

### GLOUCESTER COUNTY.

*Commissioner for taking the acknowledgement and proof of Deeds.*

Josiah Atkinson, of Camden Township.

### HUDSON COUNTY.

#### JUDGE.

Stephen H. Lutkins.

#### JUSTICE.

Stephen H. Lutkins.

### HUNTERDON COUNTY.

#### COMMISSIONERS, &c.

David B. Huffman, for Clinton Township.

David Neighbor, for Lebanon Township.

### MERCER COUNTY.

#### COMMISSIONER, &c.

William C. Howell, of Trenton Township.

Henry C. Boswell being on nomination for Justice of the County of Mercer, it was moved and seconded that the further consideration thereof be postponed; and the yeas and nays being required, the Secretary by direction of the Chairman proceeded to call the Joint Meeting when the votes were as follows, viz:

*In the Affirmative.*

Messrs. Chetwood,	Messrs. Lum,
Condit	J. Smith
Irick,	A. Wilson,
McDowell,	Drake,
Whitcar,	Halsey,
Wood,	Stephens,
Richards,	Willis,
Pierson,	Cory,
Stokes,	Sutphen,
Van Boskerck,	H. H. Wilson,
Baldwin,	Acken,
Brookfield,	Ayres,
Cook,	Dunn,
Congar,	Gulick.
Baker,	Ogden,
Lanning,	Seely,
Mount,	Beesley,
Black.	Ballinger,
Borton,	Whitney,
Emley, (Sp'r.)	Ryerson,
Van Saun.—41.	

*In the Negative.*

Messrs. Boyles,	Messrs. Dawes,
Cassedy, (V. P.)	Flomerfelt,
S. D. Canfield,	Mattison,
Cooper,	Srope,
Lilly,	Bonnell,
Newell,	Hynard,
Patterson,	N. Smith,

Messrs. Zabriskie,  
 Van Nest,  
 Demarest,  
 Brinley,  
 Conover,  
 Irons,  
 Oliphant,  
 Throckmorton,

Messrs. Moore,  
 Knight,  
 Miller,  
 G. W. Smyth.  
 Winter,  
 Hughes,  
 Nelson,  
 Read.—30.

So it was determined in the affirmative.

### MIDDLESEX COUNTY.

The name of Jackson Freeman being on nomination for Judge of the Court of Common Pleas for the County of Middlesex, it was moved and seconded that the consideration thereof be postponed, and the yeas and nays being required, the Secretary by direction of the Chairman, proceeded to call the Joint Meeting, when the votes were as follows, viz:

#### *In the Affirmative.*

Messrs. Chetwood,  
 Condit,  
 Hughes,  
 Irick,  
 McDowell,  
 Whiticar,  
 Wood,  
 Cory,  
 Van Boskerck,  
 Baldwin,  
 Brookfield,  
 Cook,  
 Congar,  
 Lum,  
 J. Smith,  
 A. Wilson,  
 Drake,  
 Halsey,  
 Stevens,  
 Willis,  
 Whitney,

Messrs. Sutphen,  
 H. H. Wilson,  
 Acken,  
 Ayres,  
 Dunn,  
 Gulick,  
 Baker,  
 Lanning,  
 Mount,  
 Black,  
 Borton,  
 Emley, (Sp'r.)  
 Richards,  
 Stokes,  
 Ryerson,  
 Ogden,  
 Seely,  
 Beesley,  
 Ballinger,  
 Peirson,  
 Van Saun.—42.

*In the Negative.*

Messrs. Boyles,	Messrs. Dawes,
S. D. Canfield,	Flomerfelt,
Cassedy, (V. P.)	Mattison,
Cooper.	Srope,
Lilly,	Bonnell,
Newell,	Hynard,
Patterson,	N. Smith,
Van Nest,	Moore,
Zabriskie,	G. W. Smyth,
Brinley,	Winter,
Conover,	Nelson,
Irons,	Oliphant,
Demarest,	Throckmorton,

Read.—27.

So it was determined in the affirmative.

## MONMOUTH COUNTY.

## JUSTICE.

John W. Burtis.

The names of Francis Murphy and Edward Burrows being on nomination for Judges, and Francis Murphy and Elijah Stout for Justices of the Peace of the County of Monmouth,

It was moved and seconded, that the consideration thereof be postponed; and the yeas and nays being required, the Secretary by direction of the Chairman, proceeded to call the Joint Meeting, when the votes were as follows, viz :

*In the Affirmative.*

Messrs. Chetwood,	Messrs. Stephens,
Condit,	Willis,
Hughes,	Cory,
Irick,	Sutphen,
McDowell,	H. H. Wilson,
Whiticar,	Acken,

Wilson,  
 Wood,  
 Van Boskerck,  
 Baldwin.  
 Brookfield,  
 Cook,  
 Congar,  
 Lum,  
 J. Smith,  
 A. Wilson,  
 Drake,  
 Ogden,  
 Seely,  
 Beesley,

Ayres,  
 Dunn,  
 Gulick,  
 Baker,  
 Lanning,  
 Mount,  
 Black,  
 Borton,  
 Emley, (Sp'r.)  
 Richards,  
 Stokes,  
 Ballinger,  
 Peirson,  
 Whitney,

Van Saun.—41.

*In the Negative.*

Messrs. Boyles,  
 Throckmorton,  
 S. D. Canfield,  
 Cassedy, (V. P.)  
 Cooper,  
 Lilly,  
 Newell,  
 Patterson,  
 Van Nest,  
 Zabriskie,  
 Brinley,  
 Conover,  
 Flomerfelt,  
 Dawes,

Messrs. Mattison,  
 Srope,  
 Bonnell,  
 Hynard,  
 N. Smith,  
 Moore,  
 G. W. Smyth,  
 Winter,  
 Irons,  
 Demarest,  
 Nelson,  
 Knight,  
 Oliphant,  
 Ryerson,

Read.—29.

So it was determined in the affirmative.

The name of John M. Mead being the only remaining name on nomination for Justice of the Peace of the County of Monmouth, it was moved and seconded that the consideration thereof be postponed, and

the yeas and nays being required thereon, the Secretary by direction of the Chairman proceeded to call the Joint Meeting, when the votes were as follows, viz :

*In the Affirmative.*

Messrs. Chetwood,  
Condit,  
Hughes,  
McDowell,  
Whiticar,  
Irick,  
Wood,  
Van Nest,  
Baldwin,  
Brookfield,  
Cook,  
Congar,  
Lum,  
J. Smith,  
A. Wilson,  
Emley, (Sp'r.)  
Richards,  
Stokes,  
Van Boskerck,  
Ogden,

Messrs. Drake,  
Willis,  
Stephens,  
Cory,  
Sutphen,  
H. H. Wilson,  
Acken,  
Ayres,  
Dunn,  
Gulick  
Baker,  
Lanning,  
Mount,  
Black,  
Borton,  
Seely,  
Beesley,  
Ballinger,  
Whitney,  
Pierson—40.

*In the Negative.*

Messrs. Boyles,  
S. D. Canfield,  
Cassedy (V. P.)  
Cooper,  
Lilly,  
Newell,  
Patterson,

Messrs. Throckmorton,  
Dawes,  
Flomerfelt,  
Mattison,  
Strope,  
Bonnell,  
Hynard,

Messrs. Demarest,  
Zabriskie,  
Brinley,  
Conover,  
Irons,  
Oliphant,  
Van Saun,

Messrs. N. Smith,  
Moore,  
G. W. Smyth,  
Winter,  
Nelson,  
Ryerson,  
Read.—28.

So it was determined in the affirmative.

Mr. Flomerfelt moved that Joint Meeting do now adjourn, on which question the yeas and nays being required, the Secretary, by direction of the Chairman, proceeded to call the Joint Meeting, when the votes were as follows, viz:

*In the Affirmative.*

Messrs. Flomerfelt,

Demerest.—2.

*In the Negative.*

Messrs. Boyles,  
Condit,  
Hughes,  
Irick,  
McDowell,  
Whiticar,  
Wood,  
Chetwood,  
Baldwin,  
Brookfield,  
Sutphen,  
H. H. Wilson,  
Acken,  
Ayes,  
Dunn,  
Baker,  
Lanning,  
Van Saun,  
Cassedy, (V. P.)

Messrs. Lilly,  
Congar,  
Lum,  
J. Smith,  
A. Wilson,  
Drake,  
Gulick,  
Stephens,  
Willis.  
Cory,  
Black,  
Borton,  
Emley, (Sp'r.)  
Richards,  
Seely,  
Ogden,  
Beesley,  
Ballinger,  
Srope,

Messrs. Cooper,  
 Irons,  
 Newell,  
 Patterson,  
 Zabriskie,  
 Conover,  
 Throckmorton,  
 Brinley,  
 Stokes,  
 Van Boskerck,  
 Whitney,  
 Cook,

Messrs. Bonnell,  
 Hynard,  
 N. Smith,  
 Dawes,  
 Winter,  
 Nelson,  
 Ryerson,  
 Mattison,  
 Oliphant,  
 Pierson,  
 Mount,  
 Read.—62.

So it was determined in the negative.

PASSAIC COUNTY,

COMMISSIONER, &c.

William A. Pullis, of West Millford Township.

SOMERSET COUNTY.

JUSTICE.

John E. Van Nest.

SUSSEX COUNTY.

JUSTICE.

Samuel S. White.

WARREN COUNTY.

JUSTICE.

Isaac Young.

The name of William Larrison being on nomination for the office of Justice of the Peace, of the County of Warren, it was moved and seconded that the consideration thereof be postponed, and the yeas and nays being required, the Secretary by order of the Chairman proceeded to call the Joint Meeting, when the votes were as follows, viz :

*In the Affirmative.*

Messrs. Chetwood.  
 Condit,  
 Hughes,  
 Irick,  
 McDowell.  
 Whiticar,  
 Wood,  
 Van Boskerck,  
 Baldwin.  
 Brookfield,  
 Cook,  
 Congar,  
 Lanning,  
 Mount,  
 Black,  
 Borton,  
 Emley, (Sp'r.)  
 Richards,

Messrs. Lum,  
 J. Smith,  
 A. Wilson,  
 Drake,  
 Willis,  
 Cory,  
 Sutphen,  
 Acken.  
 Ayres,  
 Dunn,  
 Gulick,  
 Baker,  
 Ogden,  
 Seely,  
 Beesley,  
 Ballinger,  
 Pierson,  
 Stokes,

Whitney.—37.

*In the Negative.*

Messrs. Boyles,  
 Cassedy (V. P.)  
 Cooper,  
 Lilly,  
 Van Nest,  
 Demerest,

Messrs. Dawes,  
 Flomerfelt,  
 Mattison,  
 Srope,  
 Bonnell,  
 Hynard,

Messrs. Zabriskie,  
Stephens,  
Brinley,  
Conover,  
Irons,  
Oliphant,

Messrs. N. Smith,  
Moore,  
G. W. Smyth,  
Winter,  
Nelson,  
Ryerson,

Read.—25.

So it was determined in the affirmative.

The Joint Meeting rose.

ROBERT E. HORNER, *Secretary.*



