
IN THE SENATE OF THE UNITED STATES.

JANUARY 30, 1866.—Ordered to be printed.

Mr. TRUMBULL submitted the following

REPORT.

The Committee on the Judiciary, to whom were referred the credentials of John P. Stockton, claiming to have been elected a senator from the State of New Jersey, for six years, from the fourth day of March, eighteen hundred and sixty-five, together with the protest of certain members of the legislature of said State against the validity of his election, submit the following report :

The only question involved in the decision of Mr. Stockton's right to a seat is whether an election, by a plurality of votes of the members of the legislature of New Jersey, in joint meeting assembled, in pursuance of a rule adopted by the joint meeting itself, is valid. The protestants insist that it is not, and they deny Mr. Stockton's right to a seat, because, as they say, he was not appointed by a majority of the votes of the joint meeting of the legislature.

The legislative power of the State of New Jersey is vested by the State constitution in a senate and general assembly, which are required, for legislative purposes, to meet separately ; but which, for the appointment of various officers, are required to assemble in joint meeting ; and when so assembled, are, by the constitution itself, styled the "legislature in joint meeting."

The constitution of New Jersey does not prescribe the manner of choosing United States senators ; as, indeed, it could not, the Constitution of the United States having vested that power, in the absence of any law of Congress, exclusively in the legislature ; but it does constitute the two houses one body for the purpose of appointing certain State officers. The statute of New Jersey declares that "United States senators, on the part of that State, shall be appointed by the senate and general assembly in joint meeting assembled ;" but it does not prescribe any rules for the government of the joint meeting, nor declare the manner of election.

The practice in New Jersey has been for the joint meeting to prescribe the rules for its own government.

In 1794 fifteen rules were adopted, the first two of which are as follows :

1. That the election of State officers during the present session be *visa voce*, unless when otherwise ordered ; and that all officers be put in nomination at least one day before their election.

2. That the chairman shall not be entitled to vote, except in case of a tie, and then to have a casting vote.

The other thirteen rules related chiefly to the method of conducting the proceedings. Each joint meeting which has since assembled has adopted its own rules, usually those of the preceding joint meeting, sometimes, however, with additions or exceptions.

In 1851 the following additional rule was adopted :

Resolved, That no person shall be elected to any office, at any joint meeting during the present session, unless there be a majority of all the members elected personally present, and agreeing thereto."

In 1855 the joint meeting, after adopting the fifteen rules of the preceding joint meeting, added the following:

"That all candidates for office, upon receiving a majority of the votes cast by this joint meeting, shall be declared duly elected."

The joint meeting of 1861 adopted the rules of the preceding joint meeting for its own government, among which were the following:

1. That the election of State officers during the present session be *viva voce*, unless when otherwise ordered.

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 the senate or assembly; but that he have no casting vote as chairman.

16. That all candidates for office, upon receiving a majority of the votes cast by this joint meeting, shall be declared to be duly elected.

The same rules were adopted by each joint meeting from 1861 to 1865.

The joint meeting which assembled February 15, 1865, and at an adjourned session, of which Mr. Stockton was appointed senator, adopted, at its first meeting, the rules of the preceding joint meeting, except the sixteenth rule, in lieu of which the following was adopted:

Resolved, That no candidate shall be declared elected unless upon receiving a majority of the votes of all the members elected to both houses of the legislature."

After having appointed various officers under the rules which had been adopted at the assembling of the joint meeting, the following rule was adopted:

Resolved, That the vote for county judges and commissioners of deeds be taken by acclamation, and that the counties in which vacancies exist be called in alphabetical order."

Acting under this rule, quite a number of officers were appointed by acclamation. Not completing its business, the joint meeting adjourned from time to time till March 15, when the following rule was adopted:

Resolved, That the resolution that no candidate shall be declared elected unless upon receiving a majority of the votes of all the members elected to both houses of the legislature be rescinded, and that any candidate receiving a plurality of votes of the members present shall be declared duly elected."

Every member of both houses, eighty-one in all, was present and voting when the above resolution was passed, and it was carried by a vote of forty-one in the affirmative, of whom eleven were senators and thirty representatives, to forty in the negative, of whom ten were senators and thirty representatives. The joint meeting then proceeded to the election of a United States senator, with the following result:

Hon. John P. Stockton forty votes; Hon. J. C. Ten Eyck thirty-seven votes; J. W. Wall one vote; P. D. Vroom one vote; F. T. Frelinghuysen one vote; H. S. Little one vote.

Whereupon John P. Stockton, having received a plurality of all the votes cast, was declared duly elected. The joint meeting then proceeded to the election of various other officers, having completed which, it rose.

The credentials of Mr. Stockton are under the great seal of State, signed by the governor and in due form. No objection appears to have been made at the time to the election. Its validity is now called in question by a protest dated March 20, 1865, and signed by eight senators and thirty members of the general assembly. The Constitution of the United States declares that the Senate of the United States "shall be composed of two senators from each State, chosen by the legislature thereof," and that "the times, places, and manner of holding election for senators and representatives shall be prescribed in each

State by the legislature thereof," but Congress may at any time by law make or alter such regulations, except as to the places of choosing senators."

The right to choose United States senators in a joint meeting of the two houses which compose the legislature of a State has been too long and too frequently exercised to be now brought in question. This has been the manner of election in some States from the beginning, and is now the manner in most of them.

For the purpose of choosing United States senators the joint meeting of the two houses is regarded as the legislature, and especially would this be so in New Jersey, where the joint meeting is by the constitution of the State denominated a legislature. It has uniformly been held that when the two branches of a legislature meet in joint convention to elect a United States senator they are merged into one, and act as one body, so that an election may be effected against the entire vote of the members of one house if the person voted for receive the requisite number of votes from members of the other. It being, then, settled that the two houses of a legislature in joint meeting assembled constitute the legislature, vested by the Constitution of the United States with authority, acting as one body, to elect a senator, the question is, Did the joint meeting of the senate and general assembly of New Jersey, duly convened, in pursuance of a resolution previously concurred in by each house separately, choose John P. Stockton United States senator?

That it was competent for a plurality to elect, if a law to that effect had been prescribed by competent authority, will hardly be questioned. This is the rule very generally, if not universally, adopted in the election of members of the house of representatives, who are "chosen every second year by the people of the several States," and no one questions the validity of the election of a representative by a plurality vote when the law authorizes a plurality to elect. It is however, insisted, and truly, that no law of New Jersey authorizes a plurality to elect. The laws of New Jersey are silent on this subject, but they do authorize a joint meeting of the two houses of the legislature to appoint a senator, and it has been the uniform practice of this joint meeting since the foundation of the government to prescribe the rules for its own government. These rules as to the number of votes necessary to effect an election have varied at different times, sometimes requiring a majority of all the members elected to both houses of the legislature, sometimes a majority only of those present, and in the case under consideration only a plurality.

Suppose, under the rule first stated, but seventy-nine members had been present in the joint meeting, and forty had voted for the same person, would he have been elected? and if not, why not? Seventy-nine out of eighty-one would have constituted a quorum, and forty would have been a majority of those present. The only reason why such a vote would not have made an election, would be the existence of the rule adopted by the joint meeting, declaring that "no candidate should be elected unless receiving a majority of the votes of all the members elected to both houses of the legislature." While that rule was in force, no presiding officer would have thought of declaring a candidate elected, nor would any candidate have supposed himself elected, because he received a majority of the votes cast, unless such majority was a majority of all the members elected to the legislature. Under the other rule, "that a person receiving a majority of the votes of those present should be declared elected," who would doubt the validity of an election by thirty-one out of sixty votes, if only so many had been cast? If the joint meeting had the right to prescribe, at one time, that it should require a majority of all elected to the legislature to elect, at another time that a majority of those present might elect, and at still another time that elections might be had by acclamation, it had the right to prescribe that a plurality should elect; and when any candidate received a plurality he thereupon became elected, not simply by the will of those who voted for him, but by the

will of the joint meeting, which had previously, by a majority vote, resolved that such plurality should elect.

It might be urged in this case, with much plausibility, that inasmuch as the constitution of New Jersey recognizes the two houses in joint meeting as a legislature, that such joint meeting was the very body on whom the Constitution of the United States had conferred the power to prescribe "the times, places, and manner of holding elections for senators;" but your committee prefer placing the authority of the joint meeting to prescribe the plurality rule on the broader ground, that in the absence of any law, either of Congress or the State on the subject, a joint meeting of the two houses of a legislature, duly assembled, and vested with authority to elect a United States senator, has a right to prescribe that a plurality may elect, on the principle that the adoption of such a rule by a majority vote in the first instance makes the act, subsequently done in pursuance of such majority vote, its own.

The committee recommend for adoption the following resolution:

Resolved, That John P. Stockton was duly elected, and is entitled to his seat, as a senator from the State of New Jersey, for the term of six years from the 4th day of March, 1865.

THIRTY-NINTH CONGRESS, FIRST SESSION.

Credentials of Hon. John P. Stockton, United States senator from the State of New Jersey.

DECEMBER 4, 1865.—Read.

JANUARY 8, 1866.—Referred, on the motion of Mr. COWAN, to the Committee on the Judiciary

JANUARY 30, 1866.—Resolution reported.

The State of New Jersey to John P. Stockton, esquire, greeting:

The senate and general assembly, reposing special trust and confidence in your integrity, prudence, and ability, have, at a joint meeting, appointed you, the said John P. Stockton, esq., to be senator of the United States, on the part of the State of New Jersey, for the term of six years from the fourth day of March, A. D. eighteen hundred and sixty-five, for the State of New Jersey. You are therefore, by these presents, commissioned to be senator of the United States on the part of the State of New Jersey. To have and to hold the same during the term limited by law.

In testimony whereof, the great seal of the State is hereunto affixed.

Witness Joel Parker, governor of the State of New Jersey, at Trenton, the fifteenth day of March, in the year of our Lord one thousand eight hundred and sixty-five, and of the independence of the United States the eighty-ninth.

JOEL PARKER

By the Governor:

W. S. JOHNSON, *Secretary of State.*

THIRTY NINTH CONGRESS, FIRST SESSION.

Memorial of members of the senate and house of assembly of the State of New Jersey, protesting against the admission of the Hon. John P. Stockton to a seat in the United States Senate as a senator from that State.

DECEMBER 4, 1865.—Ordered to lie on the table.

JANUARY 8, 1866.—Referred, on motion of Mr. Cowan, to the Committee on the Judiciary.

JANUARY 30, 1866.—Resolution reported.

TRENTON, N. J., *March 20, 1865.*

To the Senate of the United States :

The subscribers, members of the senate and house of assembly of the State of New Jersey, respectfully represent :

That they protest against the admission to the Senate of the United States, as senator from New Jersey, of the Hon. John P. Stockton, on the ground that he was not appointed thereto by a majority of the votes of the joint meeting of the legislature.

He was declared elected after the following vote :

For John P. Stockton, forty (40) votes; John C. Ten Eyck, thirty-seven (37) votes; James W. Wall, one (1) vote; Peter D. Vroom, one (1) vote; F. T. Frelinghuysen, one (1) vote; Henry S. Little, one (1) vote.

So that only forty (40) votes were cast in his favor, while forty-one (41) votes were given against his election.

Immediately previous to the election the joint meeting, by a majority of one vote, rescinded a resolution previously adopted, declaring that a majority of all the members of the legislature were required to elect any officer, and passed a resolution that only a plurality should be necessary to a choice. Hence Mr. Stockton, on the vote above given, was declared elected senator. That resolution, it is respectfully submitted, was unlawful.

The Constitution of the United States, the laws of New Jersey, and usage hitherto uninterrupted, require that no one shall represent a State in the United States Senate unless he be "chosen by its legislature," which means, we submit, at least a majority of what constituted the legislature as convened at the moment of the election.

These words, contained in the Constitution of the United States, article 1, section 3, really control the whole matter. Should a legislature make a different rule, it would be inoperative; much more, if such rule were no State law, but a simple resolution.

This being so, we submit that, in order that any particular person may be rightly spoken of as "chosen" senator, his name should have been designated as such by *all* the members of the legislature present in joint meeting, or by a majority of them. It is so in reference to all bodies of individuals, public or private. Partnerships rule by majority; so do boards of trustees, common councilmen, the legislature itself, in passing laws. The rule is universal whenever the creating power does not otherwise specify.

There can be no reason for a different rule in relation to this matter than that of the law as to corporations aggregate. The will of such corporations is that of all of the members or of a majority of them. The rule is founded on the law of nature, and it is settled that in such corporations where the principle of election is not specified in the charter, it requires a majority of the corporators; in elections of civil officers, it is sometimes otherwise; but that is in consequence of positive law, made by reason of the difficulties attending the

requisition of a full majority upon a popular vote. And the same law of nature which decides that a majority of a collective body shall express its will, decides, likewise, that half or less than half shall not.

That a majority agree that a minority may choose the senator is nothing. The act required is the concurrence of the mind of the body in the choice, *i. e.*, the designation of a particular individual as senator. The concurrence of a minority leaves the majority non-concurrent whether they formally dissent or not, and the man named is not the choice of the majority, which the Constitution says he shall be when it declares that he shall be "chosen by the legislature."

While this is the law, even should the legislature make a contrary one, the next point we urge is, that the legislature have by law required the same thing.

The Constitution of the United States provides (article 1, section 4) that "the times, places, and manner of holding elections for senators and representatives shall be prescribed in each State by the legislature thereof. Under this authority the legislature of New Jersey have passed laws in relation to the senators and representatives.

In the case of representatives, they have provided that the person having the greatest number of votes shall be elected. In the case of senators, that they "shall be appointed by the senate and general assembly of this State in joint meeting assembled."

They do not here declare that the person having the greatest number of votes simply shall be sent. They used words which imply the concurrence of the body, created from the senate and assembly, in the designation, a concurrence which can only be through unanimity or the vote of a majority. This difference is not unintentional. And the word appointed is one used in the ancient constitution of New Jersey, when it regulated the joint meeting. That instrument was adopted July 2, 1776. It provided that the council and assembly jointly, at their first meeting yearly, should elect by a majority of votes a governor, and that the justices of the supreme court and other officers "should be severally appointed by the council and assembly in manner aforesaid." The law already quoted was passed under the old constitution, and all appointments of State officers by joint meeting and of senators were made by a majority of all the members of joint meeting present. It has from time to time been re-enacted, but what has occurred to change its meaning? Under the old constitution it meant *election* by a majority of all votes. We submit that such is its meaning now.

The constitution of 1846 does not, in terms, require that appointments shall be "by a majority of votes;" it directs that specified officers shall be "appointed by the senate and general assembly in joint meeting;" but no change has ever before taken place, or been suggested as lawful, in the method of electing. The uniform usage has been to require a majority of all the members of a joint meeting to concur before there is any appointment. Severe contests have heretofore occurred in joint meetings, numerous ballots have been had, and candidates have owed their election to the absence of opponents reducing the number necessary to a majority. It cannot be said that because the joint meeting is composed of the legislature, they can alter or add to the law. The two houses together cannot make a law. It requires separate action and executive approval, and the meeting of members in joint meeting is for a specific purpose, and no other—to elect officers, not make laws. The consequences possible from admitting the right to select by a plurality vote furnish a conclusive argument against it. If two members vote for one person and every other member by himself for different individuals, the person having two votes would have a plurality. Can it be that in such a case he would be senator? This is, indeed, an extreme case; but such cases test the propriety of legal doctrine, and many equally unjust, but less extreme, may easily be offered.

Believing, therefore, that the honorable John P. Stockton is not elected senator from New Jersey, we respectfully pray that the Senate of the United States may so decide, and declare his seat vacant.

Members of the Senate.

W. W. WARE,
Cape May County.
PROVIDENCE LUDLAM,
Cumberland County.
JOS. L. REEVES,
Gloucester County.
GEORGE D. HORNER,
Ocean County.

GEORGE M. WRIGHT,
Bergen County.
JAMES M. SCOVILL,
Senator from Camden County.
B. BUCKLEY,
Senator from Passaic.
R. M. ACTON,
Senator from Salem.

Members of the Assembly.

P. C. BRINCK,
Camden County.
THOMAS BEESLEY,
Cape May County.
JAMES D. CLEAVER,
Essex County.
JOHN H. LANDELL,
Essex County.
RUFUS F. HARRISON,
Essex County.
J. B. J. ROBISON,
Essex County.
A. M. P. V. H. DICKESON,
2d Legislative Dist., Salem County.
WILLIAM CALLAHAN,
1st Legislative Dist., Salem County.
JAMES H. NIXON,
2d District, Cumberland County.
ROBERT MORE,
1st District, Cumberland County.
JOHN F. BODINE,
3d District, Camden County.
C. C. LATHROP,
2d District, Burlington County.
GARRET VAN WAGONER,
2d District, Passaic County.
N. S. ABBOTT,
1st District, Gloucester County.
SIMON LAKE,
Atlantic County.

SAMUEL FISHER,
3d District, Mercer County.
A. B. GLENN,
1st District, Mercer County.
RYNEER A. STAATS,
3d District, Somerset County.
JACOB BIRDSALL,
Ocean County.
WILLIAM C. WILSON,
2d District, Gloucester County.
HENRY J. IRICK,
4th District, Burlington County.
J. W. HEULINGS,
3d District, Burlington County.
J. W. NICHOLSON,
2d District, Camden County.
I. D. BLAUVELT,
3d District, Passaic County.
L. D. JARRARD,
1st District, Middlesex County.
SAMUEL STOCKTON,
1st District, Burlington County.
THOMAS B. PEDDIE,
Essex County.
C. A. LIGHTHIPE,
Essex County.
JOHN BATES,
2d District, Morris County.
JOS. T. CROWELL,
2d District, Union County.

Minutes of the proceedings of the several joint meetings of the senate and general assembly of the State of New Jersey, for the session of 1865.

STATE OF NEW JERSEY, ASSEMBLY CHAMBER,
Trenton, February 15, 1865.

At half-past 3 o'clock p. m. the senate and general assembly met in joint meeting in the assembly chamber, for the purpose of making sundry appointments of United States senator, State, county and township officers.

Hon. Joseph T. Crowell nominated Hon. Edward W. Scudder for chairman of the joint meeting, which was unanimously agreed to.

On motion of Mr. Holsman, John H. Meeker was appointed secretary of the joint meeting.

On motion of the same senator, George B. Cooper was appointed assistant secretary.

Under the direction of the chairman, the secretary called the joint meeting as follows :

Messrs. Abbett, L., Abbott, N. S., Acton, Allen, Anderson, Bates, Beesley, Birdsall, Blauvelt, Bodine, Boss, Brinck, Broking, Buckley, Callahan, Chandler, Clever, Corey, Coriell, Crowell, Culver, Demarest, Dickeson, Doughty, Dougherty, Duryea, Fisher, Goble, Green, Haring, Harrison, Heulings, Hoagland, Hoffman, Holmes, Holsman, Horner, Iliff, W. J., Iliff, W. M., Irick, Jarrad, Jenkins, Kearney, Kennedy, Kinter, Lake, Landell, Lathrop, Lighthripe, Little, Ludlam, Martin, Moore, Nicholson, Nixon, Peddie, Randolph, Reeves, Robins, Robison, Schenck, Scovel, Scudder, Seiffert, Staats, Stille, Stockton, Taylor, Treadwell, Trusdell, Van Buskirk, Van Vorst, Van Wagoner, Ware, Weart, Willever, Wilson, Wright, Wurts, Young—86.

Mr. Holsman moved that the rules of the last joint meeting be adopted for the government of this joint meeting, except the 16th rule, for which he offered the following resolution :

Resolved, That no candidate shall be declared elected unless upon receiving a majority of the votes of all the members elected to both houses of the legislature.

Which was agreed to.

On motion of Mr. Holsman, the resolution under which the joint meeting was called, was read as follows :

Resolved, That the secretary be directed to inform the house of assembly that the senate will be ready to go into joint meeting for the appointment of United States senator, State treasurer and such other State and county officers as may be necessary, on the 15th day of February instant, at 3 o'clock p. m., in the assembly.

In which the concurrence of the house of assembly is requested.

Mr. Ludlam moved to proceed to the election of a United States senator.

Mr. Holsman moved to amend by postponing the same until the 1st day of March next.

Mr. Scovel moved further to amend by postponing the same until the 7th day of March next; upon which the yeas and nays were taken as follows :

In the affirmative were Messrs. Abbott, N. S., Acton, Bates, Birdsall, Blauvelt, Bodine, Buckley, Callahan, Clever, Crowell, Dickeson, Fisher, Green, Jarrad, Lake, Robison, Scovel, Staats, Ware, Wright—20.

In the negative were Messrs. Abbett, L., Allen, Anderson, Boss, Brinck, Broking, Chandler, Corey, Coriell, Culver, Demarest, Doughty, Dougherty, Duryea, Goble, Haring, Harrison, Heulings, Hoagland, Hoffman, Holmes, Holsman, Horner, Iliff, W. J., Iliff, W. M., Irick, Jenkins, Kearney, Kennedy, Kinter, Landell, Lathrop, Lighthipe, Little, Ludlam, Martin, Moore, Nicholson, Nixon, Peddie, Randolph, Reeves, Robins, Schenck, Scudder, Seiffert, Stille, Stockton, Taylor, Treadwell, Trusdell, Van Buskirk, Van Vorst, Van Wagoner, Weart, Willever, Wilson, Wurts, Young—59.

So said amendment to the amendment was not agreed to.

The yeas and nays then being taken upon the amendment offered by Mr. Holsman, resulted as follows :

In the affirmative were Messrs. Abbett, L., Acton, Allen, Anderson, Boss, Broking, Chandler, Corey, Coriell, Culver, Demarest, Dickeson, Doughty, Dougherty, Duryea, Goble, Haring, Hoagland, Hoffman, Holmes, Holsman, Iliff, W. J., Iliff, W. M., Jenkins, Kearney, Kennedy, Kinter, Little, Martin,

Randolph, Robins, Schenck, Scudder, Seiffert, Stille, Taylor, Treadwell, Trusdell, Van Buskirk, Van Vorst, Ware, Weart, Willever, Wurts, Young—45.

In the negative were Messrs. Abbott, N. S., Bates, Birdsall, Blauvelt, Bodine, Brinck, Buckley, Callahan, Clever, Crowell, Fisher, Green, Heulings, Harrison, Horner, Irick, Jarrad, Lake, Landell, Lathrop, Lighthipe, Ludlam, Moore, Nicholson, Nixon, Peddie, Reeves, Robison, Scovel, Staats, Stockton, Van Wagoner, Wilson, Wright—34.

So said amendment was agreed to.

On motion of Mr. Holsman, it was

Resolved, That when this joint meeting adjourn, it adjourn to meet on Wednesday, March 1, at 3 p. m.

Mr. Ludlam moved to proceed to the election of State treasurer, which was agreed to.

Mr. Holsman nominated David Naar, of the county of Mercer. Mr. Ludlam nominated Thompson C. Munn, of the county of Essex.

Under the direction of the chairman, the secretary called the joint meeting, as follows :

For David Naar, were Messrs. Abbett, L., Allen, Anderson, Boss, Broking, Chandler, Corey, Coriell, Culver, Demarest, Doughty, Dougherty, Duryea, Goble, Haring, Hoagland, Hoffman, Holmes, Holsman, Iliff, W. J., Iliff, W. M., Jenkins, Kearney, Kennedy, Kinter, Little, Martin, Randolph, Robins, Schenck, Scudder, Seiffert, Stille, Taylor, Treadwell, Trusdell, Van Buskirk, Van Vorst, Weart, Willever, Wurts, Young—42.

For T. C. Munn, were Messrs. Abbott, N. S., Acton, Bates, Birdsall, Blauvelt, Bodine, Brinck, Buckley, Callahan, Clever, Crowell, Dickeson, Fisher, Green, Harrison, Heulings, Horner, Irick, Jarrard, Lake, Landell, Lathrop, Lighthipe, Ludlam, Moore, Nicholson, Nixon, Peddie, Reeves, Robison, Scovel, Staats, Stockton, Van Wagoner, Ware, Wilson, Wright—37.

David Naar having received a majority of all the votes cast, was declared duly elected State treasurer for the ensuing year.

The joint meeting then proceeded to the election of a State director of the Camden and Amboy Railroad Company.

Mr. Holsman nominated William Paterson, of Middlesex. Mr. Ludlam nominated Benjamin Acton, of Salem.

Under the direction of the chairman, the secretary called the joint meeting as follows :

For Mr. Paterson, were Messrs. Abbett, L., Allen, Anderson, Boss, Broking, Chandler, Corey, Coriell, Culver, Demarest, Doughty, Dougherty, Duryea, Goble, Haring, Hoagland, Hoffman, Holmes, Holsman, Iliff, W. J., Iliff, W. M., Jenkins, Kearney, Kennedy, Kinter, Little, Martin, Randolph, Robins, Schenck, Scudder, Seiffert, Stille, Taylor, Treadwell, Trusdell, Van Buskirk, Van Vorst, Weart, Willever, Wurts, Young—42.

For Mr. Acton, were Messrs. Abbott, N. S., Acton, Bates, Birdsall, Blauvelt, Bodine, Brinck, Buckley, Callahan, Clever, Crowell, Dickeson, Fisher, Green, Harrison, Heuling, Horner, Irick, Jarrard, Lake, Landell, Lathrop, Lighthipe, Ludlam, Moore, Nicholson, Nixon, Peddie, Reeves, Robison, Scovel, Staats, Stockton, Van Wagoner, Ware, Wilson, Wright—37.

William Paterson having received a majority of all the votes cast, was declared duly elected State director of the Camden and Amboy Railroad Company for the ensuing year.

The joint meeting then proceeded to the election of a State director of the Delaware and Raritan Canal Company.

Mr. Holsman nominated George Black, of Burlington county. Mr. Ludlam nominated Isaac Van Wagoner, of Passaic.

Under the direction of the chairman, the secretary called the joint meeting as follows :

For Mr. Black, were Messrs. Abbett, L., Allen, Anderson, Boss, Broking, Chandler, Corey, Coriell, Culver, Demarest, Doughty, Dougherty, Duryea, Goble, Haring, Hoagland, Hoffman, Holmes, Holsman, Iliff, W. J., Iliff, W. M., Jenkins, Kearney, Keenedy, Kinter, Little, Martin, Randolph, Robins, Schenck, Scudder, Seiffert, Stille, Taylor, Treadwell, Trusdell, Van Buskirk, Van Vorst, West, Willover, Wurts, Young—42.

For Mr. Van Wagoner, were Messrs. Abbott, N. S., Acton, Bates, Birdsall, Blauvelt, Bodine, Brinck, Buckley, Callahan, Clever, Crowell, Dickeson, Fisher, Green, Harrison, Heulings, Horner, Irick, Jarrard, Lake, Landell, Lathrop, Lighthipe, Ludlam, Moore, Nicholson, Nixon, Peddie, Reeves, Robison, Scovel, Staats, Stockton, Van Wagoner, Ware, Wilson, Wright—37.

George Black having received a majority of all the votes cast, was declared appointed State director of the Delaware and Raritan Canal Company for the ensuing year.

Mr. Lighthipe presented the resignation of Francis Larsonern, of Orange, as a commissioner for the third ward of Orange, which was accepted.

On motion of Mr. Holsman, it was

Resolved, That the vote for county judges and commissioners of deeds be taken by acclamation, and that the counties in which vacancies exist be called in alphabetical order.

Mr. Holsman moved that when districts are not ready, the vote be postponed in those districts until the adjourned joint meeting, which was agreed to.

On motion of Mr. Lake, the following persons were appointed commissioners for taking the proofs and acknowledgments of deeds in the various townships designated :

ATLANTIC COUNTY.

Atlantic city, Irvin Lee, Edward S. Reed, Joseph Barston; Egg Harbor township, Jesse Adams; Galloway, David S. Blackman; Mullica, Edward T. McKeon; Hamilton, Abraham Pancoast; Egg Harbor City, John J. Fritchey, Theodore Wieswede, William Darmstadt.

On motion of Mr. Holsman, the following persons were appointed commissioners for taking the acknowledgment and proof of deeds in the various townships designated, in the county of Bergen :

Hackensack, Maurice Fitzgerald; Hohokus, Peter A. L. Ackerman, Albert A. Lydecker; Franklin, John B. Wortendyke, Daniel D. Depew; New Barbadoes, Stephen S. Berdan, Thomas Voorhees; Washington, Benjamin T. Van Emburg.

BURLINGTON.

On motion of Mr. Irick, Joseph K. Hulme was duly appointed a judge of the court of common pleas for the county of Burlington; and the following persons were appointed commissioners for taking the acknowledgment and proof of deeds in the various townships designated :

Bordentown, William Biddle, Chesterfield, Thomas McIntyre, Hudson S. Ellis; Mansfield, Alfred Carty, Oliver H. Jeffery; Chester, Samuel Tatem; Evesham, Elnor Roberts, Charles Hugg; Northampton, Benjamin Kemble; Lumberton, Lorenzo D. Hammell, Albert Middleton; Burlington, James Watts, John C. Deacon; Beverly, Peter Powell, Thomas Fletcher; Springfield, Samuel H. Chambers; Willingboro', George B. Borton, James Hansell; Cinnaminson, John T. Pearson, Hewlings Lippincott, Edward Lippincott; Westampton, William R. Wills, Henry B. Burr, Joseph W. Emley; Shamong, Charles S. Kemble, Edward T. Thompson; Bass River, William J. Parmentier.

CAMDEN.

On motion of Mr. Brinck, the following persons were appointed commissioners for taking the acknowledgment and proof of deeds in the various townships designated, in Camden county :

Camden, North ward, Paul C. Bud, Edward H. Saunders, Eleazer J. Torain ; South ward, John J. Bundick ; Stockton, Joel Horner, John R. Shaw ; Delaware, David D. Burrough, Edward Burrough, John Peak ; Centre, Benjamin Shivers, George Brick ; Union, James L. Haines ; Newton, Abel Clement ; Washington, John W. Downs ; Waterford, Ezra Stokes ; Winslow, Andrew Ross, William Bishop ; Monroe, Imlay Gifford, Thomas W. Stanger.

CUMBERLAND.

On motion of Mr. Moore, the following persons were appointed commissioners for taking the acknowledgment and proof of deeds in the various townships of the county of Cumberland :

Bridgeton, James H. Trenchard ; Deerfield, Lucius Moore ; Landis, John W. Potter, William A. Horse ; Millville, James L. Wilson, George B. Cooper ; Maurice River, Samuel Wills, Ephraim P. Sharp ; Fairfield, Ephraim H. Whitaker, Franklin Lawrence ; Greenwich, Selby Shute, William Bacon, Jonathan Y. Leaming ; Hopewell, Joseph H. Ogden, Andrew J. Long ; Stoe Creek, Belford E. Davis, Benjamin C. West.

ESSEX.

On motion of Mr. Harrison, the following persons were duly appointed commissioners for taking the acknowledgment and proof of deeds in the various townships of the first assembly district of this county :

Bloomfield, William H. Harris ; Milburn, Albert D. Traphagen, Anzi Condit ; Livingston, Elias M. Condit.

On motion of Mr. Lighthipe, the following commissioners were appointed in the second assembly district of this county :

Orange, 3d ward, Daniel G. Smith, Walter E. Smith ; 1st ward, Leander Williams, William Pierson, A. H. Freeman ; 2d ward, Jesse Williams, Stephen T. Williams, Thomas Root ; West Orange, James M. Ward.

On motion of Mr. Robinson, the following persons were duly appointed commissioners in the third assembly district of Essex :

Newark, 8th ward, James Silvey ; Belleville, John Kennedy, John Speer.

On motion of Mr. Peddie, the following commissioners were duly appointed for the fourth assembly district of Essex :

Newark, 1st ward, William Bradshaw ; 4th ward, Garrit Sandford, David D. Duncan, John C. Peddie.

On motion of Mr. Landell, the following persons were duly appointed commissioners for the fifth assembly district of Essex :

Newark, 2d ward, Thomas C. Chancellor, Charles B. Thurston, George Taylor ; for police justice of the 6th ward, Newark, George K. Armstrong ; for police justice of the 2d ward of said city, Smith Halsey.

On motion of Mr. Cleaver, the following persons were duly appointed commissioners for the seventh assembly district of Essex :

Newark, 3d ward, Ernest E. Coe, David Ryerson, James W. Grover ; 9th ward, Aaron M. King, David Collins.

On motion of Mr. Anderson, James F. Bond, of the fifth ward, and Elisha B. Earl, of the tenth ward, of the city of Newark, were duly appointed commissioners for taking the proof and acknowledgment of deeds in Essex.

On motion of Mr. Kearney, Ernest Hedden was duly appointed a commissioner for taking the acknowledgment and proof of deeds in and for the county of Essex.

On motion of Mr. Ludlam, the appointment of George K. Armstrong, and Smith Halsey, as police justices of the second and sixth wards of the city of Newark, was reconsidered; and, on motion of Mr. Trusdell, Joseph Booth, of the first ward, Elias Kirkpatrick, of the second ward, Thomas B. Pierson, of the third ward, and John Medcraft, of the sixth ward, of the city of Newark, were duly appointed police justices of said city, from the said wards.

GLOUCESTER.

On motion of Mr. N. S. Abbott, the following persons were duly appointed commissioners for taking the acknowledgment and proof of deeds in and for the county of Gloucester :

Franklin township, Azariah D. Wilson ; Harrison, James P. Dunlap ; Woolwich, Charles S. Kinsell ; Greenwich, Samuel P. Loudenslager ; Mantua, John T. Ogden.

HUDSON.

On motion of Mr. L. Abbott, the following persons were duly appointed commissioners for taking the acknowledgment and proof of deeds in and for the county of Hudson :

Jersey City, first ward, Stephen L. Garretson, William Whitley ; second ward, Thomas Gaffney, Noah D. Taylor ; Bergen, William Brinkerhoff ; Hudson City, first ward, John H. Platt, John J. Gaffney ; second ward, Thomas Aldridge, Andrew Musch ; fourth ward, Michael McGee, Andrew Gaede ; Bayonne, F. J. Smith, N. Fowler ; Hoboken, first ward, William H. Havens ; second ward, Thomas Forster ; third ward, John Kennedy ; Weehawken, Joshua Benson, John Frost ; North Bergen, James McFarlane, Thomas G. Demott ; West Hoboken, William Sinclair ; Union, Otto Koeler.

MERCER.

On motion of Mr. Green, the following persons were duly appointed commissioners for taking the acknowledgment and proof of deeds in and for the county of Mercer, for the first assembly district :

Hopewell, Isaac S. Nevius, Philemon Waters ; Lawrence, Isaac B. Baker, Charles Hunt, Edward P. Brearley ; Ewing, Henry Krewson.

On motion of Mr. Weart, the following persons were duly appointed commissioners for taking the acknowledgment and proof of deeds in and for the county of Mercer, for the second assembly district :

Trenton, first ward, Wesley Creveling ; fourth ward, Charles Megill.

On motion of Mr. Fisher, the following persons were duly appointed commissioners for taking the acknowledgment and proof of deeds in and for the county of Mercer, for the third assembly district :

Washington, Firman Hutchinson ; East Windsor, Elias Riggs ; Hamilton, Samuel Vandegrift, Clark Hutchinson ; Trenton, sixth ward, William L. Ashmore, William S. Scott, William Howell.

MIDDLESEX.

On motion of Mr. Robins, the following persons were duly appointed commissioners for taking the acknowledgment and proof of deeds in and for the county of Middlesex :

North Brunswick, J. V. D. Christopher ; South Amboy, Charles Morgan, David Everett ; Woodbridge, Alexander A. Edgar ; Piscataway, Martin Lupardus ; Perth Amboy, S. V. R. Paterson ; East Brunswick, Alfred Stults, A. J. Disbrow ; New Brunswick, George Butler, Theodore B. Booraem, John Van Deventer.

MONMOUTH.

On motion of Mr. Little, the following persons were duly appointed commissioners for taking the acknowledgment and proof of deeds in and for the county of Monmouth :

Middletown, George C. Murray, William Thompson; Matavan, Daniel B. Strong; Holmdel, John V. Arrowsmith, Thomas Fardon; Ocean, Allen Cook, Thomas R. Woolley; Shrewsbury, Arthur Wilson; Raritan, Marcus B. Taylor; Atlantic, William Tilton; Marlborough, John M. Boice, George C. Beekman; Upper Freehold, Samuel Rogers; Howell, Simon F. Pyle; Millstone, Austin Rue, Hartshorn Tantum; Manalapan, James A. Perrine.

MORRIS.

On motion of Mr. Hoffman, the following persons were duly appointed commissioners for taking the acknowledgment and proof of deeds in and for the county of Morris :

Morris, Elias R. Williams; Washington, William Dellicker, Samuel C. Caskey, Edward Weise, Joseph C. Buck; Jefferson, Peter Dolan; Randolph, Moses Doty. Charles A. Gilon.

On motion of Mr. Bates, the following persons were duly appointed commissioners for taking the acknowledgment and proof of deeds in and for the county of Morris from the second assembly district :

Rockaway, John I. Dehart; Pequannac, John L. Kanouse; Hanover, William N. Henson.

OCEAN.

On motion of Mr. Birdsall, the following persons were duly appointed commissioners for taking the acknowledgment and proof of deeds in and for the county of Ocean :

Stafford, Joel Haywood; Union, James Edwards; Brick, Joseph H. Vanhise, Abram C. B. Havens; Plumstead, Thomas Hood, Amos Atkinson.

PASSAIC.

On motion of Mr. Van Wagoner, the following persons were duly appointed commissioners for taking the acknowledgment and proof of deeds in and for the county of Passaic :

West Milford, Benjamin Carey, William S. Courser; Wayne, Paul Ryerson, James D. Berdan; Pompton, Chandler D. Norton; Manchester, William K. Thompson, Richard De Gray, Elias Vreeland; Paterson, fifth ward, John Brush; west ward, John Arison; north ward, Benjamin Geroe; Acquackanonk, John T. Van Iderstine, David Dimmick.

SALEM.

On motion of Mr. Dickeson, Maskell Ware was duly appointed judge of the court of common pleas in and for the county of Salem; the following persons commissioners to take the acknowledgment and proof of deeds in and for said county :

Salem, John N. Cooper, Martin P. Gray; Elsinboro, John Holmes; Lower Alloways Creek, Luke S. Fogg; Upper Alloways Creek, Stephen Smith; Mannington, William Summeril; Pilesgrove, Mahlon D. Dickinson; Upper Penn's Neck, Clement Borden; Lower Penn's Neck, James Lindsay.

SOMERSET.

On motion of Mr. Doughty, the following persons were duly appointed commissioners to take the acknowledgment and proof of deeds in and for the county of Somerset :

Bridgewater, Nathaniel McCord, Jeremiah Whitenack, Robert S. Smith Bernards, Walter B. Alwood; Warren, Daniel Corey; Hillsborough, John L. Bellows; Branchburgh, John G. Schenck; Montgomery, Cornelius T. Stryker.

SUSSEX.

On motion of Mr. Martin, the following persons were duly appointed commissioners for taking the acknowledgment and proof of deeds in and for the county of Sussex:

Wantage, James Decker, G. Beekes Demning; Frankford, Zachariah H. Price, Guy Price.

UNION.

On motion of Mr. Crowell, the following persons were duly appointed commissioners for taking the acknowledgment and proof of deeds in the several townships named in the county of Union:

Rahway, third ward, Alfred C. Stone; fourth ward, John C. Coddington; Clark, Hugh H. Bowne, Robert A. Russell, William E. Bloodgood; Plainfield, Isaac E. Dunn; Westfield, Dr. Joseph Clark, William W. Connolly; New Providence, John T. Wilcox.

WARREN.

On motion of Mr. Young, the following persons were duly appointed commissioners for taking the acknowledgment and proof of deeds in and for the county of Warren from the second assembly district:

Washington, Philip Johnson; Independence, Paul Angle, Andrew J. Cummins.

On motion of Mr. Lathrop, it was

Resolved, That where vacancies occur by reason of any one appointed at this joint meeting declining to serve, the said vacancy may be filled at the adjourned joint meeting.

On motion of Mr. Holsman, the joint meeting adjourned.

ASSEMBLY CHAMBER, *Wednesday, March 1, 1865.*

At 3 o'clock p. m., the adjourned joint meeting came to order in the assembly chamber.

Under the direction of the chairman, the secretary called the joint meeting, when the following gentlemen answered to their names:

Messrs. Abbett, L., Abbott, N. S., Acton, Allen, Anderson, Bates, Beesley, Birdsall, Blauvelt, Bodine, Boss, Brinck, Broking, Buckley, Callahan, Chandler, Clever, Corey, Coriell, Crowell, Culver, Demarest, Dickeson, Doughty, Dougherty, Duryea, Edsall, Fisher, Goble, Green, Haring, Harrison, Heulings, Hoagland, Hoffman, Holmes, Holsman, Horner, Iliff, W. J., Iliff, W. M., Irick, Jarrard, Jenkins, Kearney, Kennedy, Kinter, Lake, Landell, Lathrop, Lighthipe, Little, Ludlam, Martin, Moore, Nicholson, Nixon, Peddie, Reeves, Robins, Robison, Schenck, Scovel, Scudder, Seiffert, Staats, Stille, Stockton, Taylor, Treadwell, Trusdell, Van Buskirk, Van Vorst, Van Wagoner, Ware, Weart, Willever, Wilson, Wright, Wurts, Young—80.

Mr. Holsman moved that the consideration of the election of United States senator be postponed until the 15th day of March instant.

The yeas and nays being demanded and ordered upon the question of agreeing thereto, were as follows:

