

THE THIRD CONSTITUTION OF NEW YORK, 1846. ^[1]

WE, THE PEOPLE of the state of New York, grateful to Almighty God for our freedom, in order to secure its blessings, DO ESTABLISH THIS CONSTITUTION.

ARTICLE I.

Section 1. [Rights of citizens.]—No member of this state shall be disfranchised or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land or the judgment of his peers.

§ 2. [Trial by jury preserved.]—The trial by jury, in all cases in which it has been heretofore used, shall remain inviolate forever. But a jury trial may be waived by the parties in all civil cases, in the manner to be prescribed by law.

§ 3. [Religious liberty.]—The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this state, to all mankind; and no person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this state.

§ 4. [When writ of habeas corpus not to be suspended.]—The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require its suspension.

§ 5. [Excessive bail, fines, and punishment prohibited; rights of witness.]—Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel and unusual punishments be inflicted, nor shall witnesses be unreasonably detained.

§ 6. [Rights of accused in criminal cases; taking private property for public use.]—No person shall be held to answer for a capital or otherwise infamous crime (except in cases of impeachment, and in cases of militia, when in actual service; and the land and naval forces in time of war, or which this state may keep with the consent of Congress in time of peace; and in cases of petit larceny under the regulation of the legislature) , unless on presentment or indictment of a grand jury; and in any trial in any court whatever, the party accused shall be allowed to appear and defend in person and with counsel, as in civil actions. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

§ 7. [Compensation for private property, how ascertained; private roads]—When private property shall

be taken for any public use, the compensation to be made therefor, when such compensation is not made by the state, shall be ascertained by a jury, or by not less than three commissioners appointed by a court of record, as shall be prescribed by law. Private roads may be opened in the manner to be prescribed by law; but in every case the necessity of the road, and the amount of all damage to be sustained by the opening thereof, shall be first determined by a jury of freeholders, and such amount, together with the expenses of the proceedings shall be paid by the person to be benefited.

§ 8. [Freedom of speech and press; evidence in libel cases.]— Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech, or of the press. In all criminal prosecutions or indictments for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

§ 9. [Two-thirds bills.]—The assent of two thirds of the members elected to each branch of the legislature shall be requisite to every bill appropriating the public moneys or property for local or private purposes.

§ 10. [Right to assemble and petition; divorces; lotteries prohibited.]—No law shall be passed abridging the right of the people peaceably to assemble, and to petition the government, or any department thereof; nor shall any divorce be granted otherwise than by due judicial proceedings; nor shall any lottery hereafter be authorized, or any sale of lottery tickets allowed within this state.

§ 11. [Sovereignty in real property; escheats.]—The people of this state, in their right of sovereignty, are deemed to possess the original and ultimate property in and to all lands within the jurisdiction of the state; and all lands, the title to which shall fail, from a defect of heirs, shall revert or escheat to the people.

§ 12. [Feudal tenures abolished.]—All feudal tenures of every description, with all their incidents, are declared to be abolished, saving, however, all rents and services certain, which at any time heretofore have been lawfully created or reserved.

§ 13. [Absolute ownership of estates.]—All lands within this state are declared to be allodial, so that, subject only to the liability to escheat, the entire and absolute property is vested in the owners, according to the nature of their respective estates.

§ 14. [Leases of agricultural lands limited.]—No lease or grant of agricultural land, for a longer period than twelve years, hereafter made, in which shall be reserved any rent or service of any kind, shall be valid.

§ 15. [Restraints on alienation prohibited.]—All fines, quarter sales, or other like restraints upon alienations, reserved in any grant of land hereafter to be made, shall be void.

§ 16. [Indian lands.]—No purchase or contract for the sale of lands in this state, made since the fourteenth day of October, one thousand seven hundred and seventy-five, or which may hereafter be made, of or with the Indians, shall be valid unless made under the authority and with the consent of the legislature.

§ 17. [Common law continued.]—Such parts of the common law, and of the acts of the legislature of the colony of New York, as together did form the law of the said colony on the nineteenth day of April, one thousand seven hundred and seventy-five, and the resolutions of the congress of the said colony, and of the convention of the state of New York, in force on the twentieth day of April, one thousand seven hundred and seventy-seven, which have not since expired, or been repealed, or altered, and such acts of the legislature of this state as are now in force, shall be and continue the law of this state, subject to such alterations as the legislature shall make concerning the same. But all such parts of the common law, and such of the said acts or parts thereof as are repugnant to this Constitution, are hereby abrogated; and the legislature, at its first session after the adoption of this Constitution, shall appoint three commissioners, whose duty it shall be to reduce into a written and systematic code the whole body of the law of this state, or so much and such parts thereof as to the said commissioners shall seem practicable and expedient. And the said commissioners shall specify such alterations and amendments therein as they shall deem proper, and they shall at all times make reports of their proceedings to the legislature, when called upon to do so; and the legislature shall pass laws regulating the tenure of office, the filling of vacancies therein, and the compensation of the said commissioners; and shall also provide for the publication of the said code, prior to its being presented to the legislature for adoption.

§ 18. [Royal grants and charters preserved.]—All grants of land within this state, made by the King of Great Britain, or persons acting under his authority, after the fourteenth day of October, one thousand seven hundred and seventy-five, shall be null and void; but nothing contained in this Constitution shall affect any grants of land within this state, made by the authority of the said King, or his predecessors, or shall annul any charters to bodies politic and corporate, by him or them made, before that day; or shall affect any such grants or charters since made by this state, or by persons acting under its authority, or shall impair the obligation of any debts contracted by this state, or individuals, or bodies corporate, or any other rights of property, or any suits, actions, rights of action, or other proceedings in courts of justice.

ARTICLE II.

Section 1. [Qualifications of voters.]—Every male citizen of the age of twenty-one years, who shall have been a citizen for ten days, and an inhabitant of this state one year next preceding any election, and for the last four months a resident of the county where he may offer his vote, shall be entitled to vote at such election in the election district of which he shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elected by the people; but such citizen shall have been, for thirty days next preceding the election, a resident of the district from which the officer is to be chosen for whom he offers his vote. But no man of color, unless he shall have been for three years a citizen of this state, and for one year next preceding any election shall have been seized and possessed of a

freehold estate of the value of two hundred and fifty dollars, over and above all debts and incumbrances charged thereon, and shall have been actually rated and paid a tax thereon, shall be entitled to vote at such election. And no person of color shall be subject to direct taxation unless he shall be seized and possessed of such real estate as aforesaid.

§ 2. [Exclusion from right of suffrage.]—Laws may be passed, excluding from the right of suffrage all persons who have been or may be convicted of bribery, larceny, or of any infamous crime; and for depriving every person who shall make, or become directly or indirectly interested in, any bet or wager depending upon the result of any election, from the right to vote at such election.

§ 3. [Right of suffrage not affected by certain occupations and conditions.]—For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence, while employed in the service of the United States; nor while engaged in the navigation of the waters of this state, or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any almshouse or other asylum, at public expense; nor while confined in any public prison.

§ 4. [Registration of voters.]—Laws shall be made for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage hereby established.

§ 5. [Elections to be by ballot.]—All elections by the citizens shall be by ballot, except for such town officers as may by law be directed to be otherwise chosen.

ARTICLE III.

Section 1. [Legislative power.]—The legislative power of this state shall be vested in a senate and assembly.

§ 2. [Senate and assembly, how constituted.]—The senate shall consist of thirty-two members, and the senators shall be chosen for two years.

The assembly shall consist of one hundred and twenty-eight members, who shall be annually elected.

§ 3. [Senate districts.]—The state shall be divided into thirty-two districts, to be called senate districts, each of which shall choose one senator. The districts shall be numbered from one to thirty-two, inclusive.

District number one (1) shall consist of the counties of Suffolk, Richmond, and Queens.

District number two (2) shall consist of the county of Kings.

District number three (3) , number four (4) , number five (5), and number six (6) , shall consist of the city and county of New York; and the board of supervisors of said city and county shall, on or before the

first day of May, one thousand eight hundred and forty-seven, divide the said city and county into the number of senate districts to which it is entitled, as near as may be of an equal number of inhabitants, excluding aliens and persons of color not taxed, and consisting of convenient and contiguous territory; and no assembly district shall be divided in the formation of a senate district. The board of supervisors, when they shall have completed such division, shall cause certificates thereof, stating the number and boundaries of each district and the population thereof, to be filed in the office of the secretary of state, and of the clerk of the said city and county.

District number seven (7) shall consist of the counties of Westchester, Putnam, and Rockland.

District number eight (8) shall consist of the counties of Dutchess and Columbia.

District number nine (9) shall consist of the counties of Orange and Sullivan.

District number ten (10) shall consist of the counties of Ulster and Greene.

District number eleven (11) shall consist of the counties of Albany and Schenectady.

District number twelve (12) shall consist of the county of Rensselaer.

District number thirteen (13) shall consist of the counties of Washington and Saratoga.

District number fourteen (14) shall consist of the counties of Warren, Essex, and Clinton.

District number fifteen (15) shall consist of the counties of St. Lawrence and Franklin.

District number sixteen, (16) shall consist of the counties of Herkimer, Hamilton, Fulton, and Montgomery.

District number seventeen (17) shall consist of the counties of Schoharie and Delaware.

District number eighteen (18) shall consist of the counties of Otsego and Chenango.

District number nineteen (19) shall consist of the county of Oneida.

District number twenty (20) shall consist of the counties of Madison and Oswego.

District number twenty-one (21) shall consist of the counties of Jefferson and Lewis.

District number twenty-two (22) shall consist of the county of Onondaga.

District number twenty-three (23) shall consist of the counties of Cortland, Broome, and Tioga.

District number twenty-four (24) shall consist of the counties of Cayuga and Wayne.

District number twenty-five (25) shall consist of the counties of Tompkins, Seneca, and Yates.

District number twenty-six (26) shall consist of the counties of Steuben and Chemung.

District number twenty-seven (27) shall consist of the county of Monroe.

District number twenty-eight (28) shall consist of the counties of Orleans, Genesee, and Niagara.

District number twenty-nine (29) shall consist of the counties of Ontario and Livingston.

District number thirty (30) shall consist of the counties of Allegany and Wyoming.

District number thirty-one (31) shall consist of the county of Erie.

District number thirty-two (32) shall consist of the counties of Chautauqua and Cattaraugus.

§ 4. [Census; reapportionment of senators.]—An enumeration of the inhabitants of the state shall be taken, under the direction of the legislature, in the year one thousand eight hundred and fifty-five, and at the end of every ten years thereafter; and the said districts shall be so altered by the legislature, at the first session after the return of every enumeration, that each senate district shall contain, as nearly as may be, an equal number of inhabitants, excluding aliens, and persons of color not taxed; and shall remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory; and no county shall be divided in the formation of a senate district, except such county shall be equitably entitled to two or more senators.

§ 5. [Apportionment of assembly.]—The members of assembly shall be apportioned among the several counties of this state, by the legislature, as nearly as may be, according to the number of their respective inhabitants, excluding aliens, and persons of color not taxed, and shall be chosen by single districts. The several boards of supervisors in such counties of this state as are now entitled to more than one member of assembly shall assemble on the first Tuesday of January next, and divide their respective counties into assembly districts, equal to the number of members of assembly to which such counties are now severally entitled by law, and shall cause to be filed in the offices of the secretary of state and the clerks of their respective counties, a description of such assembly districts, specifying the number of each district and the population thereof, according to the last preceding state enumeration, as near as can be ascertained. Each assembly district shall contain, as nearly as may be, an equal number of inhabitants, excluding aliens, and persons of color not taxed, and shall consist of convenient and contiguous territory; but no town shall be divided in the formation of assembly districts.

The legislature, at its first session after the return of every enumeration, shall reapportion the members of assembly among the several counties of this state, in manner aforesaid; and the boards of supervisors in such counties as may be entitled, under such reapportionment, to more than one member, shall assemble at such time as the legislature making such reapportionment shall prescribe, and divide such counties into assembly districts, in the manner herein directed; and the apportionment and districts so to be made shall remain unaltered until another enumeration shall be taken, under the provisions of the preceding section.

Every county heretofore established and separately organized, except the county of Hamilton, shall always be entitled to one member of the assembly, and no new county shall hereafter be erected, unless its population shall entitle it to a member. The county of Hamilton shall elect with the county of Fulton, until the population of the county of Hamilton shall, according to the ratio, be entitled to a member.

§ 6. [Compensation of members.]—The members of the legislature shall receive for their services a sum not exceeding three dollars per day, from the commencement of the session, but such pay shall not exceed in the aggregate three hundred dollars per diem allowance, except in proceedings for impeachment. The limitation as to the aggregate compensation shall not take effect until the year one thousand eight hundred and forty-eight. When convened in extra session by the governor, they shall receive three dollars per day. They shall also receive the sum of one dollar for every ten miles they shall travel, in going to and returning from their place of meeting on the most usual route.

The speaker of the assembly shall, in virtue of his office, receive an additional compensation equal to one-third of his per diem allowance as a member.

§ 7. [Members not to receive certain civil appointments.]—No member of the legislature shall receive any civil appointment within this state, or to the Senate of the United States, from the governor, the governor and senate, or from the legislature, during the term for which he shall have been elected; and all such appointments, and all votes given for any such member, for any such office or appointment, shall be void.

§ 8. [Certain Federal officers disqualified as members.]—No person being a member of Congress, or holding any judicial or military office under the United States, shall hold a seat in the legislature; and if any person shall, after his election as a member of the legislature, be elected to Congress, or appointed to any office, civil or military, under the government of the United States, his acceptance thereof shall vacate his seat.

§ 9. [Time of elections.]—The elections of senators and members of assembly, pursuant to the provisions of this Constitution, shall be held on the Tuesday succeeding the first Monday of November, unless otherwise directed by the legislature.

§ 10. [Quorum; special powers of each house.]—A majority of each house shall constitute a quorum to do business. Each house shall determine the rules of its own proceedings and be the judge of the

elections, returns, and qualifications of its own members; shall choose its own officers; and the senate shall choose a temporary president when the lieutenant governor shall not attend as president, or shall act as governor.

§ 11. [Journals; public sessions; adjournments.]—Each house shall keep a journal of its proceedings and publish the same, except such parts as may require secrecy. The doors of each house shall be kept open, except when the public welfare shall require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days.

§ 12. [Privileges of members.]—For any speech or debate in either house of the legislature the members shall not be questioned in any other place.

§ 13. [Bills may originate in either house.]—Any bill may originate in either house of the legislature, and all bills passed by one house may be amended by the other.

§ 14. [Enacting clause.]—The enacting clause of all bills shall be "The People of the state of New York, represented in senate and assembly, do enact as follows," and no law shall be enacted except by bill.

§ 15. [Manner of passing bills.]—No bill shall be passed unless by the assent of a majority of all the members elected to each branch of the legislature, and the question upon the final passage shall be taken immediately upon its last reading, and the yeas and nays entered on the journal.

§ 16. [Private and local bills limited to one subject.]—No private or local bill, which may be passed by the legislature, shall embrace more than one subject, and that shall be expressed in the title.

§ 17. [Boards of supervisors may be vested with legislative powers.]—The legislature may confer upon the boards of supervisors of the several counties of the state such further powers of local legislation and administration as they shall, from time to time, prescribe.

ARTICLE IV.

Section 1. [Governor and lieutenant governor; term of office.]—The executive power shall be vested in a governor, who shall hold his office for two years; a lieutenant governor shall be chosen at the same time and for the same term.

§ 2. [Qualifications of governor.]—No person, except a citizen of the United States, shall be eligible to the office of governor, nor shall any person be eligible to that office who shall not have attained the age of thirty years, and who shall not have been, five years next preceding his election, a resident within this state.

§ 3. [Election of governor and lieutenant governor.]—The governor and lieutenant governor shall be elected at the times and places of choosing members of the assembly. The persons respectively having

the highest number of votes for governor and lieutenant governor shall be elected; but in case two or more shall have an equal and the highest number of votes for governor, or for lieutenant governor, the two houses of the legislature, at its next annual session, shall forthwith, by joint ballot, choose one of the said persons so having an equal and the highest number of votes for governor, or lieutenant governor.

§ 4. [Governor's general powers.]—The governor shall be commander-in-chief of the military and naval forces of the state. He shall have power to convene the legislature (or the senate only) on extraordinary occasions. He shall communicate by message to the legislature, at every session, the condition of the state, and recommend such matters to them as he shall judge expedient. He shall transact all necessary business with the officers of government, civil and military. He shall expedite all such measures as may be resolved upon by the legislature, and shall take care that the laws are faithfully executed. He shall, at stated times, receive for his services a compensation, to be established by law, which shall neither be increased nor diminished after his election, or during his continuance in office.

§ 5; [Governor may grant pardons and reprieves.]—The governor shall have the power to grant reprieves, commutations, and pardons after conviction, for all offenses except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations, as he may think proper, subject to such regulation as may be provided by law relative to the manner of applying for pardons. Upon conviction of treason, he shall have power to suspend the execution of the sentence until the case shall be reported to the legislature at its next meeting, when the legislature shall either pardon or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall annually communicate to the legislature each case of reprieve, commutation, or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the commutation, pardon, or reprieve.

§ 6. [When lieutenant governor to act as governor.]—In case of the impeachment of the governor, or his removal from office, death, inability to discharge the powers and duties of the said office, resignation, or absence from the state, the powers and duties of the office shall devolve upon the lieutenant governor for the residue of the term, or until the disability shall cease. But when the governor shall, with the consent of the legislature, be out of the state in time of war, at the head of a military force thereof, he shall continue commander-in-chief of all the military force of the state.

§ 7. [Qualifications of lieutenant governor; when president pro tem. to act as governor.]—The lieutenant governor shall possess the same qualifications of eligibility for office as the governor. He shall be president of the senate, but shall have only a casting vote therein. If, during a vacancy of the office of governor, the lieutenant governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or he be absent from the state, the president of the senate shall act as governor until the vacancy be filled, or the disability shall cease.

§ 8. [Lieutenant governor's compensation.]—The lieutenant governor shall, while acting as such, receive a compensation which shall be fixed by law, and which shall not be increased or diminished during his continuance in office.

§ 9. [Legislature to present bills to governor for his action.]— Every bill which shall have passed the senate and assembly shall, before it becomes a law, be presented to the governor; if he approve he shall sign it; but if not, he shall return it with his objections to that house in which it shall have originated; who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two thirds of the members present shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by two thirds of all the members present, it shall become a law, notwithstanding the objections of the governor. But in all such cases, the votes of both houses shall be determined by ayes and nays, and the names of the members voting for and against the bill shall be entered on the journal of each house, respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the legislature shall, by their adjournment, prevent its return; in which case it shall not be a law.

ARTICLE V.

Section 1. [State officers; election and compensation.]—The secretary of state, comptroller, treasurer, and attorney-general, shall be chosen at a general election, and shall hold their offices for two years. Each of the officers in this article named (except the speaker of the assembly) shall, at stated times, during his continuance in office, receive for his services a compensation, which shall not be increased or diminished during the term for which he shall have been elected; nor shall he receive, to his use, any fees or perquisites of office, or other compensation.

§ 2. [State engineer and surveyor.]—A state engineer and surveyor shall be chosen at a general election, and shall hold his office two years, but no person shall be elected to said office who is not a practical engineer.

§ 3. [Canal commissioners.]—Three canal commissioners shall be chosen at the general election which shall be held next after the adoption of this Constitution, one of whom shall hold his office for one year, one for two years, and one for three years. The commissioners of the canal fund shall meet at the capitol on the first Monday of January next after such election, and determine by lot which of said commissioners shall hold his office for one year, which for two, and which for three years; and there shall be elected annually, thereafter, one canal commissioner, who shall hold his office for three years.

§ 4. [State prison inspectors.]—Three inspectors of state prisons shall be elected at the general election which shall be held next after the adoption of this Constitution, one of whom shall hold his office for one year, one for two years, and one for three years. The governor, secretary of state, and comptroller, shall meet at the capitol on the first Monday of January next succeeding such election, and determine by lot which of said inspectors shall hold his office for one year, which for two, and which for three years; and there shall be elected annually thereafter, one inspector of state prisons, who shall hold his office for three years; said inspectors shall have the charge and superintendence of the state prisons, and shall appoint all the officers therein. All vacancies in the office of such inspector shall be filled by the governor, till the next election.

§ 5. [Commissioners of land office and canal fund.]—The lieutenant governor, speaker of the assembly, secretary of state, comptroller, treasurer, attorney-general, and state engineer and surveyor shall be the commissioners of the land office.

The lieutenant governor, secretary of state, comptroller, treasurer, and attorney general shall be the commissioners of the canal fund.

The canal board shall consist of the commissioners of the canal fund, the state engineer and surveyor, and the canal commissioners.

§ 6. [Powers and duties of boards.]—The powers and duties of the respective boards, and of the several officers in this article mentioned, shall be such as now are or hereafter may be prescribed by law.

§ 7. [Suspension of treasurer.]—The treasurer may be suspended from office by the governor, during the recess of the legislature, and until thirty days after the commencement of the next session of the legislature, whenever it shall appear to him that such treasurer has, in any particular, violated his duty. The governor shall appoint a competent person to discharge the duties of the office, during such suspension of the treasurer.

§ 8. [Certain offices abolished.]—All offices for the weighing, gauging, measuring, culling, or inspecting any merchandise, produce, manufacture, or commodity whatever, are hereby abolished, and no such office shall hereafter be created by law; but nothing in this section contained shall abrogate any office created for the purpose of protecting the public health or the interests of the state in its property, revenue, tolls, or purchases, or of supplying the people with correct standards of weights and measures, or shall prevent the creation of any office for such purposes hereafter.

ARTICLE VI.

Section 1. [Assembly may impeach civil officers.]—The assembly shall have the power of impeachment, by the vote of the majority of all the members elected. The court for the trial of impeachments shall be composed of the president of the senate, the senators, or a major part of them, and the judges of the court of appeals, or the major part of them. On the trial of an impeachment against the governor, the lieutenant governor shall not act as a member of the court. No judicial officer shall exercise his office after he shall have been impeached, until he shall have been acquitted. Before the trial of an impeachment, the members of the court shall take an oath or affirmation, truly and impartially to try the impeachment, according to the evidence; and no person shall be convicted without the concurrence of two thirds of the members present. Judgment in cases of impeachment shall not extend further than to removal from office, or removal from office and disqualification to hold and enjoy any office of honor, trust, or profit, under this state; but the party impeached shall be liable to indictment and punishment according to law.

§ 2. [Court of appeals.]—There shall be a court of appeals, composed of eight judges, of whom four shall be elected by the electors of the state for eight years, and four selected from the class of justices of the supreme court having the shortest time to serve. Provision shall be made by law for designating one of the number elected as chief judge, and for selecting such justices of the supreme court, from time to time, and for so classifying those elected, that one shall be elected every second year.

§ 3. [Supreme court.]—There shall be a supreme court, having general jurisdiction in law and equity.

§ 4. [Judicial districts.]—The state shall be divided into eight judicial districts, of which the city of New York shall be one; the others to be bounded by county lines, and to be compact and equal in population, as nearly as may be. There shall be four justices of the supreme court in each district, and as many more in the district composed of the city of New York as may, from time to time, be authorized by law, but not to exceed in the whole such number in proportion to its population as shall be in conformity with the number of such judges in the residue of the state, in proportion to its population. They shall be classified so that one of the justices of each district shall go out of office at the end of every two years. After the expiration of their terms under such classification, the term of their office shall be eight years.

§ 5. [Legislature may alter jurisdiction and proceedings in law and equity.]—The legislature shall have the same powers to alter and regulate the jurisdiction and proceedings in law and equity as they have heretofore possessed.

§ 6. [General and special term; circuits; oyer and terminer.]—Provision may be made, by law, for designating, from time to time, one or more of the said justices, who is not a judge of the court of appeals, to preside at the general terms of the said court, to be held in the several districts. Any three or more of the said justices, of whom one of the said justices so designated shall always be one, may hold such general terms. Any one or more of the justices may hold special terms, and circuit courts, and any one of them may preside in courts of oyer and terminer in any county.

§ 7. [Compensation of judges.]—The judges of the court of appeals and justices of the supreme court shall severally receive, at stated times, for their services, a compensation, to be established by law, which shall not be increased or diminished during their continuance in office.

§ 8. [Judges to hold no other office.]—They shall not hold any other office or public trust. All votes for either of them for any elective office (except that of justice of the supreme court or judge of the court of appeals) given by the legislature or the people shall be void. They shall not exercise any power of appointment to public office. Any male citizen, of the age of twenty-one years, of good moral character, and who possesses the requisite qualifications of learning and ability, shall be entitled to admission to practice in all the courts of this state.

§ 9. [Legislature to classify judges and fix terms of court.]—The classification of the justices of the supreme court, the times and place of holding the terms of the court of appeals, and of the general and special terms of the supreme court, within the several districts, and the circuit courts and courts of oyer

and terminer, within the several counties, shall be provided for by law.

§ 10. [Testimony in equity cases.]—The testimony in equity cases shall be taken in like manner as in cases at law.

§ 11. [Removal of judges.]—Justices of the supreme court and judges of the court of appeals may be removed by concurrent resolution of both houses of the legislature, if two thirds of all the members elected to the assembly and a majority of all the members elected to the senate concur therein. All judicial officers, except those mentioned in this section, and except justices of the peace and judges and justices of inferior courts, not of record, may be removed by the senate on the recommendation of the governor; but no removal shall be made by virtue of this section, unless the cause thereof be entered on the journals, nor unless the party complained of shall have been served with a copy of the complaint against him, and shall have had an opportunity of being heard in his defense. On the question of removal the ayes and noes shall be entered on the journals.

§ 12. [Election of judges.]—The judges of the court of appeals shall be elected by the electors of the state, and the justices of the supreme court by the electors of the several judicial districts, at such times as may be prescribed by law.

§ 13. [Vacancies, how filled.]—In case the office of any judge of the court of appeals or justice of the supreme court shall become vacant before the expiration of the regular term for which he was elected, the vacancy may be filled by appointment by the governor until it shall be supplied at the next general election of judges, when it shall be filled by election, for the residue of the unexpired term.

§ 14. [County judges and surrogates.]—There shall be elected in each of the counties of this state, except the city and county of New York, one county judge, who shall hold his office for four years. He shall hold the county court and perform the duties of the office of surrogate. The county court shall have such jurisdiction, in cases arising in justices' courts, and in special cases, as the legislature may prescribe, but shall have no original civil jurisdiction except in such special cases.

The county judge, with two justices of the peace, to be designated according to law, may hold courts of sessions, with such criminal jurisdiction as the legislature shall prescribe, and perform such other duties as may be required by law.

The county judge shall receive an annual salary, to be fixed by the board of supervisors, which shall be neither increased nor diminished during his continuance in office. The justices of the peace, for services in courts of sessions, shall be paid a per diem allowance out of the county treasury.

In counties having a population exceeding forty thousand, the legislature may provide for the election of a separate officer to perform the duties of the office of surrogate.

The legislature may confer equity jurisdiction in special cases upon the county judge.

Inferior local courts of civil and criminal jurisdiction may be established by the legislature in cities; and such courts, except for the cities of New York and Buffalo, shall have an uniform organization and jurisdiction in such cities.

§ 15. [Special county judge and surrogate.]—The legislature may, on application of the board of supervisors, provide for the election of local officers, not to exceed two in any county, to discharge the duties of county judge and of surrogate, in cases of their inability, or of a vacancy, and to exercise such other powers in special cases as may be provided by law.

§ 16. [Reorganization of judicial districts.]—The legislature may reorganize the judicial districts at the first session after the return of every enumeration under this Constitution, in the manner provided for in the fourth section of this article, and at no other time; and they may, at such session, increase or diminish the number of districts; but such increase or diminution shall not be more than one district at any one time. Each district shall have four justices of the supreme court; but no diminution of the districts shall have the effect to remove a judge from office.

§ 17. [Justices of the peace.]—The electors of the several towns shall, at their annual town meeting, and in such manner as the legislature may direct, elect justices of the peace, whose term of office shall be four years. In case of an election to fill a vacancy occurring before the expiration of a full term, they shall hold for the residue of the unexpired term. Their number and classification may be regulated by law. Justices of the peace and judges or justices of inferior courts, not of record, and their clerks, may be removed after due notice, and an opportunity of being heard in their defense by such county, city, or state courts as may be prescribed by law, for causes to be assigned in the order of removal.

§ 18. [Local judicial officers.]—All judicial officers of cities and villages, and all such judicial officers as may be created therein by law, shall be elected at such times and in such manner as the legislature may direct.

§ 19. [Clerk of court of appeals; clerks of supreme court.]— Clerks of the several counties of this state shall be clerks of the supreme court, with such powers and duties as shall be prescribed by law. A clerk of the court of appeals, to be *ex-officio* clerk of the supreme court, and to keep his office at the seat of government, shall be chosen by the electors of the state; he shall hold his office for three years, and his compensation shall be fixed by law, and paid out of the public treasury.

§ 20. [Fees to judicial officers prohibited.]—No judicial officer, except justices of the peace, shall receive, to his own use, any fees or perquisites of office.

§ 21. [Judgments of inferior courts may be removed to court of appeals.]—The legislature may authorize the judgments, decrees, and decisions of any local inferior court of record, of original civil jurisdiction, established in a city, to be removed, for review, directly into the court of appeals.

§ 22. [Publication of statutes and decisions.]—The legislature shall provide for the speedy publication of all statute laws, and of such judicial decisions as it may deem expedient. And all laws and judicial decisions shall be free for publication by any person.

§ 23. [Tribunals of conciliation.]—Tribunals of conciliation may be established, with such powers and duties as may be prescribed by law; but such tribunals shall have no power to render judgment to be obligatory on the parties, except they voluntarily submit their matters in difference, and agree to abide the judgment, or assent thereto, in the presence of such tribunal, in such cases as shall be prescribed by law.

§ 24. [Commissioners to revise procedure.]—The legislature, at its first session after the adoption of this Constitution, shall provide for the appointment of three commissioners, whose duty it shall be to revise, reform, simplify, and abridge the rules of practice, pleadings, forms and proceedings of the courts of record of this state, and to report thereon to the legislature, subject to their adoption and modification from time to time.

§ 25. [Legislature to organize court of appeals; transfer of business of other courts.]—The legislature, at its first session after the adoption of this Constitution, shall provide for the organization of the court of appeals, and for transferring to it the business pending in the court for the correction of errors, and for the allowance of writs of error and appeals to the court of appeals from the judgments and decrees of the present court of chancery and supreme court, and of the courts that may be organized under this Constitution.

ARTICLE VII.

Section 1. [Canal sinking fund.]—After paying the expenses of collection, superintendence, and ordinary repairs, there shall be appropriated and set apart, in each fiscal year, out of the revenues of the state canals, in each year, commencing on the first day of June, one thousand eight hundred and forty-six, the sum of one million and three hundred thousand dollars, until the first day of June, one thousand eight hundred and fifty-five, and from that time, the sum of one million and seven hundred thousand dollars, in each fiscal year, as a sinking fund, to pay the interest and redeem the principal of that part of the state debt called the canal debt, as it existed at the time first aforesaid, and including three hundred thousand dollars, then to be borrowed, until the same shall be wholly paid; and the principal and income of the said sinking fund shall be sacredly applied to that purpose.

§ 2. [Canal appropriations; state debts.]—After complying with the provisions of the first section of this article there shall be appropriated and set apart out of the surplus revenues of the state canals in each fiscal year, commencing on the first day of June, one thousand eight hundred and forty-six, the sum of three hundred and fifty thousand dollars, until the time when a sufficient sum shall have been appropriated and set apart, under the said first section, to pay the interest and extinguish the entire principal of the canal debt; and after that period, then the sum of one million and five hundred thousand dollars in each fiscal year, as a sinking fund, to pay the interest and redeem the principal of that part of

the state debt called the general fund debt, including the debt for loans of the state credit to railroad companies, which have failed to pay the interest thereon, and also the contingent debt on state stocks loaned to incorporated companies which have hitherto paid the interest thereon, whenever, and as far as any part thereof may become a charge on the treasury or general fund until the same shall be wholly paid; and the principal and income of the said last-mentioned sinking fund shall be sacredly applied to the purpose aforesaid; and if the payment of any part of the moneys to the said sinking fund shall at any time be deferred, by reason of the priority recognized in the first section of this article, the sum so deferred, with quarterly interest thereon at the then current rate, shall be paid to the last-mentioned sinking fund as soon as it can be done consistently with the just rights of the creditors holding said canal debt.

§ 3. [Canal revenues.]—After paying the said expenses of superintendence and repairs of the canals, and the sums appropriated by the first and second sections of this article, there shall be paid out of the surplus revenues of the canals to the treasury of the state, on or before the thirtieth day of September in each year, for the use and benefit of the general fund, such sum, not exceeding two hundred thousand dollars, as may be required to defray the necessary expenses of the state; and the remainder of the revenues of the said canals shall, in each fiscal year, be applied in such manner as the legislature shall direct to the completion of the Erie canal enlargement and the Genesee Valley and Black River canals, until the said canals shall be completed.

If at any time after the period of eight years from the adoption of this Constitution, the revenues of the state, unappropriated by this article, shall not be sufficient to defray the necessary expenses of the government, without continuing or laying a direct tax, the legislature may, at its discretion, supply the deficiency in whole or in part from the surplus revenues of the canals, after complying with the provisions of the first two sections of this article for paying the interest and extinguishing the principal of the canal and general fund debt; but the sum thus appropriated from the surplus revenues of the canals shall not exceed annually three hundred and fifty thousand dollars, including the sum of two hundred thousand dollars provided for by this section for the expenses of the government, until the general fund debt shall be extinguished, or until the Erie canal enlargement and Genesee Valley and Black River canals shall be completed, and after that debt shall be paid, or the said canals shall be completed, then the sum of six hundred and seventy-two thousand five hundred dollars, or so much thereof as shall be necessary, may be annually appropriated to defray the expenses of the government.

§ 4. [Enforcement of state claims against corporations.]— The claims of the state against any incorporated company to pay the interest and redeem the principal of the stock of the state, loaned or advanced to such company, shall be fairly enforced, and not released or compromised; and the moneys arising from such claims shall be set apart and applied as part of the sinking fund provided in the second section of this article. But the time limited for the fulfillment of any condition of any release or compromise heretofore made or provided for may be extended by law.

§ 5. [Appropriations for deficiency in canal revenues.]—If the sinking funds, or either of them, provided in this article, shall prove insufficient to enable the state, on the credit of such fund, to procure the means to satisfy the claims of the creditors of the state, as they become payable, the legislature shall, by

equitable taxes, so increase the revenues of the said funds as to make them, respectively, sufficient perfectly to preserve the public faith. Every contribution or advance to the canals or their debt from any source other than their direct revenues shall, with quarterly interest, at the rates then current, be repaid into the treasury, for the use of the state, out of the canal revenues, as soon as it can be done consistently with the just rights of the creditors holding the said canal debt.

§ 6. [Canals not to be disposed of.]—The legislature shall not sell, lease, or otherwise dispose of, any of the canals of the state, but they shall remain the property of the state, and under its management forever.

§ 7. [Salt springs not to be disposed of.]—The legislature shall never sell or dispose of the salt springs belonging to this state. The lands contiguous thereto, and which may be necessary and convenient for the use of the salt springs, may be sold by authority of law, and under the direction of the commissioners of the land office, for the purpose of investing the moneys arising therefrom in other lands alike convenient; but by such sale and purchase 'the aggregate quantity of these lands shall not be diminished.

§ 8. [State moneys not to be expended without appropriation.]—No moneys shall ever be paid out of the treasury of this state or any of its funds, or any of the funds under its management, except in pursuance of an appropriation by law; nor unless such payment be made within two years next after the passage of such appropriation act; and every such law, making a new appropriation or continuing or reviving an appropriation, shall distinctly specify the sum appropriated and the object to which it is to be applied; and it shall not be sufficient for such law to refer to any other law to fix such sum.

§ 9. [No state aid to individuals or corporations.]—The credit of the state shall not, in any manner, be given or loaned to, or in aid of, any individual, association, or corporation.

§ 10. [When state may contract debt.]—The state may, to meet casual deficits or failures in revenues, or for expenses not provided for, contract debts; but such debts, direct and contingent, singly or in the aggregate, shall not at any time exceed one million of dollars; and the moneys arising from the loans creating such debts shall be applied to the purpose for which they were obtained, or to repay the debt so contracted, and to no other purpose whatever.

§ 11. [Debts for state defense.]—In addition to the above limited power to contract debts, the state may contract debts to repel invasion, suppress insurrection, or defend the state in war; but the money arising from the contracting of such debts shall be applied for the purpose for which it was raised, or to repay such debts, and to no other purpose whatever.

§ 12. [How other debts authorized.]—Except the debts specified in the tenth and eleventh sections of this article, no debt shall be hereafter contracted by or on behalf of this state unless such debt shall be authorized by a law for sonic single work or object, to be distinctly specified therein; and such law shall impose and provide for the collection of a direct annual tax to pay, and sufficient to pay, the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within eighteen years from the time of the contracting thereof.

No such law shall take effect until it shall, at a general election, have been submitted to the people, and have received a majority of all the votes cast for and against it at such election.

On the final passage of such bill in either house of the legislature, the question shall be taken by ayes and noes, to be duly entered on the journal thereof, and shall be: "Shall this bill pass, and ought the same to receive the sanction of the people?"

The legislature may, at any time after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same; and may at any time, by law, forbid the contracting of any further debt or liability under such law; but the tax imposed by such act, in proportion to the debt and liability, which may have been contracted in pursuance of such law, shall remain in force and be irrevocable, and be annually collected until the proceeds thereof shall have made the provisions hereinbefore specified to pay and discharge the interest and principal of such debt and liability.

The money arising from any loan or stock creating such debt or liability shall be applied to the work or object specified in the act authorizing such debt or liability, or for the repayment of such debt or liability, and for no other purpose whatever.

No such law shall be submitted to be voted on within three months after its passage, or at any general election when any other law, or any bill or any amendment to the Constitution, shall be submitted to be voted for or against.

§ 13. [Tax law to state amount and object of tax.]—Every law which imposes, continues, or revives a tax, shall distinctly state the tax and the object to which it is, to be applied, and it shall not be sufficient to refer to any other law to fix such tax or object.

§ 14. [Three-fifths bills.]—On the final passage, in either house of the legislature, of every act which imposes, continues, or revives a tax, or creates a debt or charge, or makes, continues, or revives any appropriation of public or trust money or property, or releases, discharges, or commutes any claim or demand of the state, the question shall be taken by ayes and noes, which shall be duly entered on the journals, and three fifths of all the members elected to either house shall, in all such cases, be necessary to constitute a quorum therein.

ARTICLE VIII.

Section 1. [Corporations, how formed.]—Corporations may be formed under general laws; but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the legislature, the objects of the corporation cannot be attained under general laws. All general laws and special acts passed pursuant to this section may be altered from time to time, or repealed.

§ 2. [Dues from corporations, how secured.]—Dues from corporations shall be secured by such

individual liability of the corporators and other means as may be prescribed by law.

§ 3. [Corporation defined.]—The term corporation, as used in this article, shall be construed to include all associations and joint-stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue, and shall be subject to be sued, in all courts, in like cases as natural persons.

§ 4. [Banking corporations.]—The legislature shall have no power to pass any act granting any special charter for banking purposes; but corporations or associations may be formed for such purposes under general laws.

§ 5. [Specie payments not to be suspended.]—The legislature shall have no power to pass any law sanctioning in any manner, directly or indirectly, the suspension of specie payments by any person, association, or corporation issuing bank notes of any description.

§ 6. [Registry of bills and notes.]—The legislature shall provide by law for the registry of all bills or notes issued or put in circulation as money, and shall require ample security for the redemption of the same in specie.

§ 7. [Liability of stockholders.]—The stockholders in every corporation and joint-stock association for banking purposes, issuing bank notes or any kind of paper credits, to circulate as money, after the first day of January, one thousand eight hundred and fifty, shall be individually responsible, to the amount of their respective share or shares of stock in any such corporation or association, for all its debts and liabilities of every kind contracted after said first day of January, one thousand eight hundred and fifty.

§ 8. [Preference of billholders.]—In case of the insolvency of any bank or banking association, the billholders thereof shall be entitled to preference in payment, over all other creditors of such bank or association.

§ 9. [Incorporation of cities and villages.]—It shall be the duty of the legislature to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments, and in contracting debt by such municipal corporations.

ARTICLE IX.

Section 1. [Education funds preserved; how applied.]—The capital of the common-school fund, the capital of the literature fund, and the capital of the United States deposit fund shall be respectively preserved inviolate. The revenues of the said common-school fund shall be applied to the support of common schools; the revenues of the said literature fund shall be applied to the support of academies; and the sum of twenty-five thousand dollars of the revenues of the United States deposit fund shall each year be appropriated to and made a part of the capital of the said common-school fund.

ARTICLE X.

Section 1. [Election and removal of certain county officers.]— Sheriffs, clerks of counties, including the register and clerk of the city and county of New York, coroners, and district attorneys shall be chosen by the electors of the respective counties once in every three years, and as often as vacancies shall happen. Sheriffs shall hold no other office, and be ineligible for the next three years after the termination of their offices. They may be required by law to renew their security from time to time; and in default of giving such new security, their offices shall be deemed vacant. But the county shall never be made responsible for the acts of the sheriff.

The governor may remove any officer in this section mentioned, within the term for which he shall have been elected; giving to such officer a copy of the charges against him, and an opportunity of being heard in his defense.

§ 2. [Local officers, how chosen.]—All county officers whose election or appointment is not provided for by this Constitution shall be elected by the electors of the respective counties, or appointed by the boards of supervisors or other county authorities, as the legislature shall direct. All city, town, and village officers whose election or appointment is not provided for by this Constitution shall be elected by the electors of such cities, towns, and villages, or of sonic division thereof, or appointed by such authorities thereof, as the legislature shall designate for that purpose. All other officers whose election or appointment is not provided for by this Constitution, and all officers whose offices may hereafter be created by law, shall be elected by the people, or appointed, as the legislature may direct.

§ 3. [Duration of certain offices, how fixed.]—When the duration of any office is not provided by this Constitution, it may be declared by law, and if not so declared, such office shall be held during the pleasure of the authority making the appointment.

§ 4. [Legislature to prescribe time of elections.]—The time of electing all officers named in this article shall be prescribed by law.

§ 5. [Vacancies.]—The legislature shall provide for filling vacancies in office, and, in case of elective officers, no person appointed to fill a vacancy shall hold his office by virtue of such appointment longer than the commencement of the political year next succeeding the first annual election after the happening of the vacancy.

§ 6. [Political year and legislative term; opening of legislature.]—The political year and legislative term shall begin on the first day of January, and the legislature shall, every year, assemble on the first Tuesday in January, unless a different day shall be appointed by law.

§ 7. [Removal of officers.]—Provision shall be made by law for the removal for misconduct or malversation in office, of all officers (except judicial) whose powers and duties are not local or

legislative, and who shall be elected at general elections, and also for supplying vacancies created by such removal.

§ 8. [Legislature may determine vacancies.]—The legislature may declare the cases in which any office shall be deemed vacant, when no provision is made for that purpose in this Constitution.

ARTICLE XI.

Section 1. [Militia.]—The militia of this state shall, at all times hereafter, be armed and disciplined and in readiness for service; but all such inhabitants of this state, of any religious denomination whatever, as, from scruples of conscience, may be adverse to bearing arms, shall be excused therefrom upon such conditions as shall be prescribed by law.

§ 2. [Militia officers, how chosen.]—Militia officers shall be chosen or appointed as follows: Captains, subalterns, and non-commissioned officers shall be chosen by the written votes of the members of their respective companies. Field officers of regiments and separate battalions by the written votes of the commissioned officers of the respective regiments and separate battalions; brigadier-generals and brigade inspectors by the field officers of their respective brigades; major-generals, brigadier-generals, and commanding officers of regiments or separate battalions shall appoint the staff officers to their respective divisions, brigades, regiments, or separate battalions.

§ 3. [Governor to appoint certain militia officers.]—The governor shall nominate, and, with the consent of the senate, appoint, all major-generals and the commissary-general. The adjutant-general and other chiefs of staff departments, and the aide-de-camp of the commander-in-chief shall be appointed by the governor, and their commissions shall expire with the time for which the governor shall have been elected. The commissary-general shall hold his office for two years. He shall give security for the faithful execution of the duties of his office, in such manner and amount as shall be prescribed by law.

§ 4. [Election of militia officers.]—The legislature shall, by law, direct the time and manner of electing militia officers, and of certifying their elections to the governor.

§ 5. [Commissioned officers; removal.]—The commissioned officers of the militia shall be commissioned by the governor; and no commissioned officer shall be removed from office unless by the senate, on the recommendation of the governor, stating the grounds on which such removal is recommended, or by the decision of a court-martial, pursuant to law. The present officers of the militia shall hold their commissions, subject to removal, as before provided.

§ 6. [Method of choosing militia officers may be changed.]—In case the mode Of election and appointment of militia officers hereby directed shall not be found conducive to the improvement of the militia the legislature may abolish the same and provide by law for their appointment and removal, if two thirds of the members present in each house shall concur therein.

ARTICLE XII.

Section 1. [Oath of office.]—Members of the legislature, and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the state of New York; and that I will faithfully discharge the duties of the office of _____, according to the best of my ability."

And no other oath, declaration, or test shall be required as a qualification for any office or public trust.

ARTICLE XIII.

Section 1. [Constitution, how amended.]—Any amendment or amendments to this Constitution may be proposed in the senate and assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon, and referred to the legislature to be chosen at the next general election of senators, and shall be published for three months previous to the time of making such choice; and if, in the legislature so next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the legislature to submit such proposed amendment or amendments to the people, in such manner and at such times as the legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the legislature voting thereon, such amendment or amendments shall become part of the Constitution.

§ 2. [Constitutional conventions.]—At the general election, to be held in the year eighteen hundred and sixty-six, and in each twentieth year thereafter, and also at such time as the legislature may by law provide, the question "Shall there be a convention to revise the Constitution, and amend the same?" shall be decided by the electors qualified to vote for members of the legislature; and in case a majority of the electors so qualified, voting at such election, shall decide in favor of a convention for such purpose, the legislature, at its next session, shall provide by law for the election of delegates to such convention.

ARTICLE XIV.

Section 1. [First election of legislature under this Constitution.]—The first election of senators and members of assembly, pursuant to the provisions of this Constitution, shall be held on the Tuesday succeeding the first Monday of November, one thousand eight hundred and forty-seven.

The senators and members of assembly who may be in office on the first day of January, one thousand eight hundred and forty-seven, shall hold their office until and including the thirty-first day of December following, and no longer.

§ 2. [First election of governor and lieutenant governor.]—The first election of governor and lieutenant governor, under this Constitution, shall be held on the Tuesday succeeding the first Monday of November, one thousand eight hundred and forty-eight; and the governor and lieutenant governor in office when this Constitution shall take effect, shall hold their respective offices until and including the thirty-first day of December of that year.

§ 3. [State officers continued until expiration of term.]—The secretary of state, comptroller, treasurer, attorney-general, district attorneys, surveyor-general, canal commissioners, and inspectors of state prisons in office when this Constitution shall take effect, shall hold their respective offices until and including the thirty-first day of December, one thousand eight hundred and forty-seven, and no longer.

§ 4. [First election of judges.]—The first election of judges and clerk of the court of appeals, justices of the supreme court, and county judges, shall take place at such time, between the first Tuesday of April and the second Tuesday of June, one thousand eight hundred and forty-seven, as may be prescribed by law. The said courts shall, respectively, enter upon their duties on the first Monday of July, next thereafter; but the term of office of said judges, clerk, and justices, as declared by this Constitution, shall be deemed to commence on the first day of January, one thousand eight hundred and forty-eight.

§ 5. ' [Transfer of business of , certain courts.]—On the first Monday of July, one thousand eight hundred and forty-seven, jurisdiction of all suits and proceedings then pending in the present supreme court and court of chancery, and all suits and proceedings originally commenced and then pending in any court of common pleas (except in the city and county of New York), shall become vested in the supreme court hereby established. Proceedings pending in courts of common pleas, and in suits originally commenced in justices' courts, shall be transferred to the county courts provided for in this Constitution, in such manner and form and under such regulations as shall be provided by law. The courts of oyer and terminer hereby established shall, in their respective counties, have jurisdiction ,on and after the day last mentioned of all indictments and proceedings then pending in the present courts of oyer and terminer, and also of all indictments and proceedings then pending in the present courts of general sessions of the peace, except in the city of New York, and except in cases of which the courts of sessions, hereby established, may lawfully take cognizance; and of such indictments and proceedings the courts of sessions, hereby established, shall have jurisdiction on and after the day last mentioned.

§ 6. [Chancellor and supreme court to complete certain business.]—The chancellor and the present supreme court shall, respectively, have power to hear and determine any of such suits and proceedings ready, on the first Monday of July, one thousand eight hundred and forty-seven, for hearing or decision, and shall, for their services therein, be entitled to their present rates of compensation until the first day of July, one thousand eight hundred and forty-eight, or until all such suits and proceedings shall be sooner heard and determined. Masters in chancery may continue to exercise the functions of their offices in the court of chancery, so long as the chancellor shall continue to exercise the functions of his office, under the provisions of this Constitution.

And the supreme court hereby established shall also have power to hear and determine such of said suits

and proceedings as may be prescribed by law.

§ 7. [Governor to fill vacancies.]—In case any vacancy shall occur in the office of chancellor or justice of the present supreme court previously to the first day of July, one thousand eight hundred and forty-eight, the governor may nominate, amid by and with the advice and consent of the senate appoint, a proper person to fill such vacancy. Any judge of the court of appeals or justice of the supreme court, elected under this Constitution, may receive and hold such appointment.

§ 8. [Certain judicial offices abolished.]—The offices of chancellor, justice of the existing supreme court, circuit judge, vice chancellor, assistant vice chancellor, judge of the existing county courts of each county, supreme court commissioner, master in chancery, examiner in chancery, and surrogate (except as herein otherwise provided) , are abolished from and after the first Monday of July, one thousand eight hundred and forty-seven (1847).

§ 9. [Incumbents of abolished offices eligible to new office.]—The chancellor, the justices of the present supreme court, and the circuit judges, are hereby declared to be severally eligible to any office at the first election under this Constitution.

§ 10. [County officers to continue until expiration of term.]—Sheriffs, clerks of counties (including the register and clerk of the city and county of New York) , and justices of the peace, and coroners, in office when this Constitution shall take effect, shall hold their respective offices until the expiration of the term for which they were respectively elected.

§ 11. [Judicial officers may continue to receive certain fees.]—Judicial officers in office when this Constitution shall take effect may continue to receive such fees and perquisites of office as are now authorized by law, until the first day of July, one thousand eight hundred and forty-seven, notwithstanding the provisions of the twentieth section of the sixth article of this Constitution.

§ 12. [Local courts continued.]—All local courts established in any city or village, including the superior court, common pleas, sessions, and surrogates' courts of the city and county of New York, shall remain until otherwise directed by the legislature, with their present powers and jurisdictions; and the judges of such courts and any clerks thereof, in office on the first day of January, one thousand eight hundred and forty-seven, shall continue in office until the expiration of their terms of office, or until the legislature shall otherwise direct.

§ 13. [When Constitution to take effect.]—This Constitution shall be in force from and including the first day of January, one thousand eight hundred and forty-seven, except as herein otherwise provided.

DONE in convention, at the capitol in the city of Albany, the ninth day of October, in the year one thousand eight hundred and forty-six, and of the independence of the United States of America the seventy-first.

In witness whereof, we have hereunto subscribed our names.

JOHN TRACEY, President and delegate from the county of Chenango.

James F. Starbuck,

H. W. Strong,

Fr. Seger, Secretaries.

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Footnotes

Footnote 1: This Constitution was framed by a Convention which met in Albany on June 1, 1846, and adjourned October 9 of the same year. It was submitted to the people and approved at an election held November 3, 1846. A history of this Constitution is to be found in Lincoln II:9-217. The section headings appearing in the above text in brackets are not in the original but have been derived mainly from Lincoln.
