THE CONSTITUTION OF THE STATE OF NEW-YORK.

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. 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.

SEC. 2. The trial by jury in all cases in which it has heretofore been used shall remain inviolate forever; except that in suits in justices courts provision may be made by law for trial by a jury of less than twelve men; but a jury trial may be waived by the parties in all civil cases.

SEC. 3. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State; and no person shall be incompetent to be a witness on account of his 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 and safety of the State.

SEC. 4. 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.

SEC. 5. Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel or unusual punishment be inflicted, nor shall witnesses be unreasonably detained.

SEC. 6. No person shall be held to answer for a capital or otherwise infamous crime, unless on indictment by a grand jury, except in cases of impeachment, and in cases arising in the militia when in actual service, and in the land and naval forces in time of war, or in the forces which the State may keep with the consent of Congress, in time of peace, and in cases of petty larceny under the regulations of the Legislature. In any trial, in any court, the party accused shall be confronted with the witnesses against him, and shall be allowed to appear and defend in person and with counsel, as in civil actions. No person shall 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.

SEC. 7. When private property shall be taken for 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 damage to be sustained by the opening thereof shall be first determined by a jury of freeholders, and such amount, with the expenses of the proceeding, shall be paid by the person to be benefited. The fee of land taken for railroad tracks, without consent of the owners thereof, shall remain in such owners, subject to the sole possession of the railroad company, while used for such purposes. General laws may be passed, permitting the owners or occupants of lands to construct and maintain necessary drains and ditches for agricultural purposes across the lands of others, under proper restrictions and with just compensation; but no special laws shall be enacted for such purposes.

SEC. 8. 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 for libel, the truth may be given in evidence to the jury; and if it shall appear that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the accused shall be acquitted, and the jury shall have the right to determine the law and the fact.

SEC. 9. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable seizures and searches, shall not be violated; and no warrant shall issue without probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the persons and things to be seized.

SEC. 10. No law shall be passed abridging the right of the people peaceably to assemble and petition the Government or any department thereof.

SEC. 11. 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.

SEC. 12. 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.

SEC. 13. All lands within the 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.

SEC. 14. No lease or grant of agricultural land hereafter made for a longer period than twenty years, in which is reserved any rent or service, shall be valid.

SEC. 15. All fines, quarter sales, or other like restraints upon alienation, reserved in any grant of land hereafter to be made, shall be void.

SEC. 16. Such parts of the common law and of the acts of the Legislature of the colony of New-York as together did form the laws 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 as are now in force, shall be and continue the law, subject to repeal or to such alterations as the Legislature shall make. 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.

SEC. 17. Grants of land within the 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 void; but nothing in this Constitution shall affect any grants of land made by the authority of the said king or his predecessors, or shall annul any charters to bodies politic or corporate by him or them made before that day, or shall affect any such grants or charters since made by the State, or by persons acting under its authority, or shall impair the obligation of any debts contracted by the 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.

SEC. 18. No purchase of lands, or contract for the sale thereof, 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.

SEC. 19. The right to take fish, in any of the international waters bordering on this State, shall not be denied or restrained.

SEC. 20. No divorce shall be granted in this State, except by the judgment of a court of competent jurisdiction.

ARTICLE II.

SECTION 1. Every male inhabitant, of the age of twenty-one years, who shall have been a citizen for ten days, and a resident of the State for one year next preceding an 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 be at the time a resident, and not elsewhere, for all officers that now are, or hereafter may be elective by the people, and upon all questions which may be submitted to the vote of the people of the State; provided that such citizen shall have been for thirty days next preceding the election a resident of the town or ward, and for ten days of the election district he offers his vote.

SEC. 2. No person who shall receive, expect or offer to receive, or pay, offer or promise to pay, contribute, offer or promise to contribute to another, to be paid or used, any money or other valuable thing, or who shall make any promise to influence, or as a compensation or reward for the giving or withholding a vote at an election, shall vote at such election; and upon challenge for such cause, the person so challenged, before the inspectors or other officers, authorized for that purpose, receive his vote, shall swear or affirm before such inspectors or other officers, that he has not received nor offered, does not expect to receive, has not paid, offered or promised to pay, contributed, offered or promised to contribute to another to be paid or used, any money or other valuable thing, nor made any promise to influence, or as a compensation or reward for the giving or withholding a vote at such election. The Legislature, at the session thereof next after the adoption of this Constitution, shall, and from time to time thereafter may, enact laws excluding from the right of suffrage all persons convicted of bribery 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, of the right to vote at such election.

SEC. 3. For the purpose of voting, no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while employed in the service of the State or of the United States; nor while engaged in the navigation of the waters of the State or of the United States, or on the high seas; nor while a student of any seminary of learning; nor while kept in any alms-house or other asylum; nor while confined in any public prison. The Legislature shall prescribe the manner in which electors absent from their homes in time of war, in the actual military or naval service of the State or of the United States, may vote, and shall provide for the canvass and return of their votes.

SEC. 4. Laws shall be made for ascertaining by proper proofs, the citizens who are entitled to the right of suffrage hereby established. The Legislature shall provide for a registry of citizens entitled to vote in each election district, to be completed four days before each general and special State election, and charter election in cities. No person shall vote at such elections who is not registered according to law; and the mode of registration shall be uniform in all cities.

SEC. 5. All elections shall be by ballot, except for such town officers as may by law be directed to be otherwise chosen.

ARTICLE III.

SECTION 1. The Legislative power shall be vested in a Senate and Assembly. Any elector shall be eligible to the office of Senator and Member of Assembly.

SEC. 2. The State shall be divided into thirty-two Senate Districts, each of which shall choose one Senator; and the term of office shall be four years.

The Senate districts shall be as follows:

First District; the Counties of Suffolk, Queens, and Richmond.

Second District; the First, Second, Third, Fourth, Fifth, Seventh, Eleventh, Thirteenth, Fifteenth, Nineteenth, and Twentieth Wards of the City of Brooklyn, in the County of Kings.

Third District; the Sixth, Eighth, Ninth, Tenth, Twelfth, Fourteenth, Sixteenth, Seventeenth, and Eighteenth Wards of the City of Brooklyn, and the towns of Flatbush, Flatlands, Gravesend, New-Lotts, and New-Utrecht, in the County of Kings.

Fourth District; the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Thirteenth, and Fourteenth Wards of the City and County of New-York.

Fifth District; the Eighth, Ninth, Fifteenth, and Sixteenth Wards of the City and County of New-York.

Sixth District; the Tenth, Eleventh, and Seventeenth Wards of the City and County of New-York.

Seventh District; the Eighteenth, Twentieth, and Twenty-first Wards of the City and County of New-York.

Eighth District; the Twelfth, Nineteenth, and Twenty-second Wards of the City and County of New-York.

Ninth District; the Counties of Westchester, Putnam, and Rockland.

Tenth District; the Counties of Orange and Sullivan.

Eleventh District; the Counties of Dutchess and Columbia.

Twelfth District; the Counties of Rensselaer and Washington.

Thirteenth District; the County of Albany.

Fourteenth District; the Counties of Greene and Ulster.

Fifteenth District; the Counties of Saratoga, Montgomery, Fulton, Hamilton, and Schenectady.

Sixteenth District; the Counties of Warren, Essex, and Clinton.

Seventeenth District; the Counties of St. Lawrence and Franklin.

Eighteenth District; the Counties of Jefferson and Lewis.

Nineteenth District; the County of Oneida.

Twentieth District; the Counties of Herkimer and Otsego.

Twenty-first District; the Counties of Oswego and Madison.

Twenty-second District; the counties of Onondaga and Cortland.

Twenty-third District; the counties of Chenango, Delaware and Schoharie.

Twenty-fourth District; the counties of Broome, Tioga and Tompkins.

Twenty-fifth District; the counties of Cayuga and Wayne.

Twenty-sixth District; the counties of Ontario, Yates and Seneca.

Twenty-seventh District; the counties of Chemung, Schuyler and Steuben.

Twenty-eighth District; the county of Monroe.

Twenty-ninth District; the counties of Niagara, Orleans and Genesee.

Thirtieth District; the counties of Wyoming, Livingston and Allegany.

Thirty-first District; the county of Erie.

Thirty-second District; the counties of Chautauqua and Cattaraugus.

The Senators first elected under this Constitution, in Districts bearing odd numbers, shall vacate their office at the end of two years, and those elected in Districts bearing even numbers, at the end of four years; and vacancies occurring by the expiration of term shall be filled by the election of Senators for the full term.

SEC. 3. An enumeration of the inhabitants of the State shall be made, under the direction of the Legislature, in the year one thousand eight hundred and seventy-five, and in every tenth year thereafter; and the Senate Districts shall be so arranged by the Legislature at the first session after the return of every enumeration, that each District shall contain, as near as may be, an equal number of inhabitants of the State, excluding aliens, and shall consist of contiguous territory, and shall remain unaltered until another enumeration. No County shall be divided in the formation of Senate Districts, unless it shall be entitled to two or more Senators.

SEC. 4. The Assembly shall consist of one hundred and thirty-nine members, who shall be chosen by counties, and shall be apportioned among the several counties of the State, as nearly as may be, according to the number of inhabitants thereof, excluding aliens, and shall hold office for one year. Each county shall be entitled to at least one member, except that the counties of Fulton and Hamilton shall elect together, until the population of the county of Hamilton shall, according to the ratio, entitle it to a member. No new county shall be made, unless its population, according to the last preceding enumeration, shall entitle it to a member. The members of Assembly shall be apportioned by the Legislature, at its first session after the adoption of this Constitution, upon the enumeration of the inhabitants of the State, excluding aliens, made in the year one thousand eight hundred and sixty-five. A like apportionment shall be made by the Legislature at its first session after every such enumeration, and every apportionment shall remain unaltered until another enumeration.

SEC. 5. The members of the Legislature shall each receive an annual salary of one thousand dollars and ten cents for every mile they shall travel in once going and returning to their place of meeting, by the most usual route. The Speaker of the Assembly shall receive an additional salary of five hundred dollars; but the Legislature shall provide by law for a deduction from the salary of members for non-attendance.

SEC. 6. No member of the Legislature shall be appointed to any civil office within the State, by the Governor, the Governor and Senate, or by the Legislature, during the time for which he shall have been elected; and all such appointments and all votes given for any such member therefor shall be void. Nor shall any member of Congress or any judicial or military officer under the United States hold a seat in the Legislature. If any person, after his election to the Legislature, shall 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.

SEC. 7. The election of members of the Legislature shall be held on the Tuesday succeeding the first Monday in November, unless otherwise directed by law. The first election shall be held in the year one thousand eight hundred and sixty-nine. The 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 be appointed by law. The members of the Legislature who may be in office on the first day of January, one thousand eight hundred and sixty-nine, shall hold their offices until and including the thirty-first day of December of that year, and no longer.

SEC. 8. A majority of each House shall constitute a quorum. Each House shall determine the rules of its own proceedings, and be the judge of the election returns and qualifications of its members; shall choose its own officers; and the Senate shall choose a temporary President to preside when the Lieutenant-Governor shall not attend as President, or shall act as Governor. The Secretary of State shall call the Assembly to order at the opening of each new Assembly, and preside over it until a presiding officer thereof shall have been chosen and shall have taken his seat. No member shall be expelled by either House, except by a vote of a majority of all the members elected to that House, and no member shall be twice expelled for the same offense.

SEC. 9. 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.

SEC. 10. For any speech or debate in the Legislature the members shall not be questioned in any other place.

SEC. 11. Any bill may originate in either House of the Legislature; and bills passed by one House may be amended by the other.

SEC. 12. The enacting clause of 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 passed except by bill.

SEC. 13. No bill shall be passed unless by the assent of a majority of the members elected to each House. The question upon the final passage shall be taken immediately upon the last reading; and the Yeas and Nays shall be entered on the Journal.

SEC. 14. No law shall embrace more than one subject, which shall be named in the title; but if the title contain only one subject, the law shall be valid as to that, and void as to all other subjects. No law shall be revived, altered, or amended by reference to its title only; but the act revived, or the section or sections thereof, as altered or amended, shall be reënacted and published at length.

SEC. 15. On the day of its final adjournment, the Legislature shall adjourn at 12 o'clock at noon.

SEC. 16. The Legislature shall not audit or allow any private claim or account against the State, or pass any special law in relation thereto, but may appropriate money to pay such claims as shall have been audited and allowed according to law.

SEC. 17. The Legislature shall not grant any extra compensation to any public officer, servant, agent, or contractor, nor increase or diminish any compensation, except that of judicial officers, during the term of service.

SEC. 18. The cases in which any office shall be deemed vacant shall be defined by general laws, when no provision is made for that purpose in this Constitution; and the Legislature shall provide for filling vacancies in office. In case of elective offices, any person appointed to fill a vacancy shall hold the office until a successor shall be elected and duly qualified according to law.

SEC. 19. Provision shall be made by law for the removal, for misconduct 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 filling vacancies caused by such removal.

SEC. 20. When the term of any office is not prescribed 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.

SEC. 21. The political year and legislative term shall begin on the first day of January.

SEC. 22. No office shall be created for weighing, gauging, culling, or inspecting any merchandise, manufactures, produce, or commodity whatever; but nothing in this section shall affect 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 offices for such purposes.

SEC. 23. Lotteries and the sale of lottery tickets are prohibited.

SEC. 24. No local or private bills shall be passed unless notice of the intention to apply therefor shall have been given in the manner now, or hereafter to be provided by law; nor shall such notice ever be waived; and the fact, or omission of notice, shall always be open to inquiry.

SEC. 25. The Legislature shall not pass local or special laws:

Authorizing the sale, mortgaging or leasing of the real property of minors, or other persons under disability;

Changing the names of persons;

For laying out, working, or discontinuing public or private roads or highways;

For granting to any individual, association, or corporation the right to lay down railroad tracks;

Or in any case for which provision now exists or shall hereafter be made by any general law.

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

But no law shall be passed granting the right to construct and operate a street railroad within any city, town or incorporated village without the consent of the local authorities having the control and management of the street or highway proposed to be occupied, and also the consent of the owners of at least one-third in value of the property, according to the assessment roll of the previous year, bounded on that portion of each street or highway over which it is proposed to construct the same; or in case the consent of such property owners cannot be obtained, then without the consent of the general term of the Supreme Court of the district in which such road is proposed; such consent to be obtained and authenticated in such manner as the Legislature shall by general law for that purpose provide.

ARTICLE IV.

SECTION 1. 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.

SEC. 2. No person shall be eligible to the office of Governor or Lieutenant-Governor except a citizen of the United States, who shall have attained the age of thirty years, and have been five years next preceding his election a resident of the State.

SEC. 3. The Governor and Lieutenant-Governor shall be elected at the times and places of choosing members of the Assembly. The persons having the highest number of votes for Governor and Lieutenant-Governor shall be elected; but in case two or more shall have an equal vote and the highest number of votes for either of said offices, the Legislature at its next annual session shall forthwith, by joint ballot, elect one of the said persons to the office for which he shall have received said vote.

SEC. 4. The Governor shall be commander-in-chief of the military and naval forces of the State. He shall communicate, by message to the Legislature, at each annual session, the condition of the State, and recommend such measures 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, to be first fixed by the Legislature at its next session after the adoption of this Constitution, which compensation shall neither be increased nor diminished after his election or during his term of office.

SEC. 5. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of 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 or naval force thereof, he shall continue commander-in-chief of the forces of the State.

SEC. 6. The Governor may convene the Senate on extraordinary occasions, and may call special sessions of the Legislature by proclamation, in which shall be stated the particular object or objects for which they are called; and no law shall be enacted at any special session except such as shall relate to the objects stated in the proclamation.

SEC. 7. 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 as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason he shall have power to reprieve until the case can be reported to and acted upon by the Legislature, which shall at the same session either grant a reprieve, pardon, or commutation of the sentence, or direct its execution. He shall annually communicate to the Legislature each case of reprieve, commutation or pardon, stating the name of the convict, the sentence and its date, and the date of the commutation, pardon or reprieve.

SEC. 8. The Lieutenant-Governor shall be President of the Senate, but shall have only a casting vote. If, during a vacancy of the office of Governor, the Lieutenant-Governor shall be impeached, removed, resign, or die, or become incapable of performing the duties of his office, or be absent from the State, the President of the Senate shall act as Governor until the vacancy is filled or the disability cease.

SEC. 9. The Lieutenant-Governor shall receive for his services a compensation to be established by law, to be first fixed by the Legislature at its next session after the adoption of this Constitution, which shall neither be increased or diminished after his election or during his term of office; and he shall not receive or be entitled to any other compensation, fee, or perquisite, for any duty or service he may be required to perform by this Constitution or by law.

SEC. 10. Every bill before it becomes a law shall be presented to the Governor. If he approve, he shall sign it, but if not, he shall return it with his objections to the House in which it originated, which House shall enter the objections at large on its journal and proceed to reconsider it. If, after such reconsideration, two-thirds of the members elected to such House shall agree to pass the bill, it shall be sent, with the objections, to the other House, by which it shall also be reconsidered, and if approved by two-thirds of all the members elected to such House, it shall thereupon become a law. But in all such cases the votes in each House shall be determined by Yeas and Nays, and the names of the members voting for and against the bill shall be entered on its journal. If any bill is not returned by the Governor within ten days, Sundays excepted, after it has been presented to him it shall be a law, unless the Legislature, by its adjournment, prevent its return. No bill shall become a law by the approval of the Governor after the end of the session at which the same was passed, unless it shall be sent by him to the office of the Secretary of State within ten days (excluding Sundays) after the end of the session.

ARTICLE V.

SECTION 1. The Secretary of State, Comptroller, Treasurer, and Attorney-General, shall be chosen at the same time and for the same term as the Governor, except that the Secretary of State, Comptroller, Treasurer, and Attorney-General, elected at the general election held on the Tuesday succeeding the first Monday of November, one thousand eight hundred and sixty-nine, shall hold their respective offices until and including the thirty-first day of December, one thousand eight hundred and seventy, and no longer.

SEC. 2. The Treasurer may be suspended from office by the Governor, during the recess of the Legislature, and until thirty days after the commencement of its next annual session, whenever it shall appear to him that such Treasurer has violated his duty. The Governor shall appoint a competent person to discharge the duties of the office during such suspension.

SEC. 3. The officers named in this Article shall receive for their services a salary to be established by law, which shall not be increased or diminished during their official term. They shall not receive, to their own use, any fees, costs, perquisites of office, or other compensation. The moneys received by any such officers, except their salary, and all costs or allowances recovered by the Attorney-General in legal proceedings, shall be paid into the treasury.

SEC. 4. The Comptroller, Treasurer, and Attorney-General shall be the Commissioners of the Canal Fund. They shall have power to appoint and remove all officers intrusted with the ascertainment, collection, and safe keeping of the revenues derived from the tolls on the canals of the State; and, with the Superintendent of Public Works, shall determine the rates of toll, which shall not, except with the concurrence of the Legislature, be reduced below those for the year eighteen hundred and sixty-seven, until the canal debt, so called, shall be paid or provided for.

SEC. 5. The Governor shall nominate, and with the consent of the Senate, appoint a Superintendent of Public Works, who shall hold office for five years, and whose salary shall be determined by law. He shall be required by law to give security for the faithful execution of his office before entering on the duties thereof. He shall be charged with the execution of all laws relating to the construction, repair, and navigation of the canals, and of any improvement thereof which may be authorized by law; and, subject to the control of the Legislature, he shall make the rules and regulations for the navigation or use of the canals, feeders, and structures connected therewith. He may be suspended from office and removed by the Governor, for incompetency, neglect of duty, or malfeasance in office; but no such removal shall be made unless he shall have been served with a copy of the charges against him, and shall have had an opportunity of being heard in his defense. In case of a vacancy in the office of Superintendent of Public Works, or of his suspension, removal, or inability to serve from any cause, during the recess of the Senate, one of the Assistant Superintendents of Public Works, to be designated by the Commissioners of the Canal Fund, shall act in his stead, but not for a period beyond the end of the session of the Senate next after such vacancy, suspension, removal, or inability. The Governor, upon the recommendation of the Superintendent of Public Works, may nominate, and with the consent of the Senate appoint, four Assistant Superintendents of Public Works, who shall hold their office for five years, at an annual salary to be determined by law. The Assistant Superintendents shall be subject to the control of the Superintendent, and may be removed by him for cause; all other officers, except financial, and all persons employed in the care and management of the canals, shall be appointed by the Superintendent, subject to removal by him.

SEC. 6. No money shall be appropriated or paid by the State, or out of the canal revenues, for the construction or maintenance of any bridge, except for the use of the State, over any of the completed State canals or feeders, at any point where a bridge was not maintained at the expense of the State prior to the first day of January, eighteen hundred and sixty-seven; nor for any damages or injury sustained in the navigation or use of any of the canals, or of the feeders or structures connected therewith; nor as extra allowance or compensation to any person for the performance of any contract relating thereto. No claim for damages, growing out of the construction, maintenance or repair of the canals, feeders or structures connected therewith, shall be heard or allowed, unless made within two years after it shall arise, except claims for damages for appropriations of property, in which case it shall be made within two years after notice of such appropriations, as shall be provided by law; but if the claimant shall be under legal disability the claim may be made within two years after the removal of the disability.

SEC. 7. In all contracts for materials or work upon the canals, no bid shall be rejected for informality until the party or parties making it shall have had notice to correct such informality; and no alteration of the plan or of any specification shall be made before or after the execution of any contract, except with the consent of the Commissioners of the Canal Fund, and of the Superintendent of Public Works, or of a majority of them; but this section shall not be held to continue the contract systems, or prevent the Superintendent of Public Works or the Legislature from adopting any other mode of doing the public work.

SEC. 8. There shall be a Court of Claims, composed of three Judges appointed by the Governor with the consent of the Senate, in which shall be adjudicated such claims against the State as the Legislature shall by general laws direct. Such claims shall be tried without a jury; but the facts found by the court shall be stated in each adjudication. When claims for the value of or damages to real estate shall amount to five hundred dollars or more, the judges of said court shall, and in all other cases may, view the property in question, and in deciding thereon their estimate of such value or damages shall be taken in connection with the evidence. In other respects such court shall be governed by the rules of law heretofore applicable to cases between the State and the citizen. The laws of limitation, except as provided in the sixth section of this article, shall prevail in favor of the State, as in favor of individuals. The limitation shall begin to run from the adoption of this Constitution; but this shall not be construed to revive claims already barred by existing statutes. The jurisdiction of such court shall be exclusive; and its decisions may be reviewed on the law, on appeal to the Court of Appeals. The judges of said court shall hold their offices for five years, unless sooner removed according to law, and shall receive at stated times for their services a compensation to be established by law, which shall not be diminished during their continuation in office.

SEC. 9. There shall be a Solicitor of Claims appointed in the same manner and for the same term as the Judges of the Court of Claims, whose duty it shall be to take charge of the interests of the State in all matters depending in the Court of Claims; and who shall receive for his services a compensation to be established by law. He may be removed by the Governor for misconduct, incompetency, or neglect of duty, upon the recommendation of said court; and whenever, in the judgment of the Legislature, the office of Solicitor of Claims shall become unnecessary, it may be abolished.

SEC. 10. The Canal Board, the Contracting Board, and the office of Canal Commissioner and Canal Appraiser are abolished from and after the first day of January, eighteen hundred and sixty-nine; but until the appointment and qualification of a Superintendent of Public Works and the organization of a Court of Claims, as provided by this article, said Boards and officers shall discharge their duties as heretofore.

ARTICLE VI.

SECTION 1. The Assembly shall have the power of impeachment, by a 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 articles of impeachment against him shall have been preferred to the Senate, 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 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.

SEC. 2. There shall be a Court of Appeals, composed of a Chief Judge and six Associate Judges, who shall be chosen by the electors of the State, and shall hold their office for the term of fourteen years from and including the first day of January next after their election. At the first election of Judges under this Constitution, every elector may vote for the chief and only four of the Associate Judges. Any five members of the court shall form a quorum, and the concurrence of four shall be necessary to a decision. The court shall have the appointment, with the power of removal, of its reporter and clerk, and of such attendants as may be necessary.

SEC. 3. When a vacancy shall occur, otherwise than by expiration of term, in the office of Chief or Associate Judge of the Court of Appeals, the same shall be filled, for a full term, at the next general election, happening not less than three months after such vacancy occurs; and until the vacancy shall be so filled, the Governor, by and with the advice and consent of the Senate, if the Senate shall be in session, or if not, the Governor alone, may appoint to fill such vacancy. If any such appointment of Chief Justice shall be made from the Associate Judges, a temporary appointment of Associate Judge shall be made in like manner: but in such case the person appointed Chief Justice shall not be deemed to vacate his office of Associate Judge any longer than until the expiration of his appointment as Chief Judge. The powers and jurisdiction of the Court shall not be suspended for want of appointment or election, when the number of judges is sufficient to constitute a quorum. All appointments under this section shall continue until and including the last day of December next after the election at which the vacancy shall be filled.

SEC. 4. Upon the organization of the Court of Appeals under this Article, the causes then pending in the present Court of Appeals shall become vested in the Court of Appeals hereby established. Such of said causes as are pending on the first day of January, eighteen hundred and sixty-nine, shall be heard and determined by a commission, to be composed of five Commissioners of Appeals, four of whom shall be necessary to constitute a quorum; but the Court of Appeals hereby established may order any of said causes to be heard therein. Such commission shall be composed of the Judges of the present Court of Appeals, elected or appointed thereto, and a fifth Commissioner who shall be appointed by the Governor, by and with the advice and consent of the Senate, or if the Senate be not in session, by the Governor; but in such case, the appointment shall expire at the end of the next session.

SEC. 5. If any vacancy shall occur in the office of the said Commissioners, it shall be filled by appointment by the Governor, by and with the advice and consent of the Senate; or if the Senate is not in session, by the Governor; but in such case the appointment shall expire at the end of the next session. The Commissioners shall appoint, from their number, a Chief Commissioner; and may appoint and remove such attendants as may be necessary. The reporter of the Court of Appeals shall be the reporter of said Commission. The decisions of the Commission shall be certified to, and entered and enforced as the judgments of the Court of Appeals. The Commission shall continue until the causes committed to it are determined, but not exceeding three years; and all causes then undetermined shall be heard by the Court of Appeals.

SEC. 6. There shall be the existing Supreme Court, with general jurisdiction in law and equity, subject to such appellate jurisdiction of the Court of Appeals as now is or may be prescribed by law; and it shall be composed of the Justices now in office, who shall be continued during their respective terms, and of their successors. The existing Judicial Districts of the State are continued until changed pursuant to this section. Five of the Justices shall reside in the District in which is the City of New-York, and four in each of the other Districts. The Legislature may alter the Districts, without increasing the number, once after every enumeration, under this Constitution, of the inhabitants of the State.

SEC. 7. At the first session of the Legislature after the adoption of this Article, and from time to time thereafter as may be necessary, but not oftener than once in five years, provision shall be made for organizing, in the Supreme Court, not more than four general terms thereof, each to be composed of a Presiding Justice and not more than three other Justices, who shall be designated, according to law, from the whole number of Justices. Each Presiding Justice shall continue to act as such during his term of office. Provision shall be made by law for holding the general terms in each Judicial District. Any Justice of the Supreme Court may hold special terms and Circuit Courts, and may preside in Courts of Oyer and Terminer in any county.

SEC. 8. No Judge or Judges shall sit, at a general term of any court, or in the Court of Appeals, in review of a decision made by him or by any court of which he was at the time a sitting member. The testimony in equity cases shall be taken in like manner as in cases at law; and, except as herein otherwise provided, the Legislature shall have the same power to alter and regulate the jurisdiction and proceedings in law and equity that they have heretofore exercised.

SEC. 9. When a vacancy shall occur, otherwise than by expiration of term, in the office of Justice of the Supreme Court, the same shall be filled, for a full term, at the next general election happening not less than three months after such vacancy occurs; and until such vacancy shall be so filled, the Governor, by and with the advice and consent of the Senate, if the Senate shall be in session, or, if not in session, the Governor may appoint to fill such vacancy. Any such appointment shall continue until and including the last day of December next after the election at which the vacancy shall be filled.

SEC. 10. The Judges of the Court of Appeals, and the Justices of the Supreme Court, shall not hold any other office or public trust. All votes for any of them, for any other than a judicial office, given by the Legislature or the people, shall be void.

SEC. 11. Judges of the Court of Appeals and Justices of the Supreme Court may be removed by concurrent resolution of both houses of the Legislature, if two-thirds of all the members elected to each House 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, if two-thirds of all the members elected to the Senate concur therein. 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 charges against him, and shall have had an opportunity of being heard. On the question of removal the yeas and nays shall be entered on the journal.

SEC. 12. The Superior Court of the city of New-York, the Court of Common Pleas for the city and county of New-York, the Superior Court of Buffalo, and the City Court of Brooklyn, are continued with the powers and jurisdiction they now severally have, and such further civil and criminal jurisdiction as may be conferred by law. The Superior Court of New-York shall be composed of the six Judges in office at the adoption of this Article and their successors; the Court of Common Pleas of New-York, of the three Judges then in office, and their successors, and three additional Judges; the Superior Court of Buffalo, of the Judges now in office and their successors; and the City Court of Brooklyn, of such number of Judges, not exceeding three, as may be provided by law. The Judges of said courts, in office at the adoption of this Article, are continued until the expiration of their terms. A Chief Judge shall be appointed by the Judges of each of said courts, from their own number, who shall act as such during his official term. Vacancies in the offices of the Judges named in this section, occurring otherwise than by expiration of term, shall be filled in the same manner as vacancies in the Supreme Court. The Legislature may provide for detailing Judges of the Superior Court and Court of Common Pleas of New-York, to hold Circuits or Special Terms of the Supreme Court in that city, as the public interests may require.

SEC. 13. Justices of the Supreme Court shall be chosen by the electors of their respective judicial districts. Judges of all the courts mentioned in the last preceding section shall be chosen by the electors of the cities respectively in which the said courts are instituted. The official term of the said Justices and Judges who shall be elected after the adoption of this article, shall be fourteen years from and including the first day of January next after their election. But no person shall hold the office of Justice or Judge of any court longer than until and including the last day of December next after he shall be seventy years of age.

SEC. 14. The Judges and Justices hereinbefore mentioned shall receive for their services a compensation to be established by law, which shall not be diminished during their official terms. Except the Judges of the Court of Appeals and the Justices of the Supreme Court, they shall be paid, and the expenses of their courts defrayed, by the cities or counties in which such courts are instituted, as shall be provided by law.

SEC. 15. The existing County Courts are continued, and the Judges thereof in office at the adoption of this Article shall hold their offices until the expiration of their respective terms. Their successors shall be chosen by the electors of the counties for the term of six years. The County Courts shall have the powers and jurisdiction they now possess, until altered by the Legislature. They shall also have original jurisdiction in all cases where the defendants reside in the county and in which the damages claimed shall not exceed one thousand dollars; and also such appellate jurisdiction as shall be provided by law, subject, however, to such provision as shall be made by law for the removal of causes into the Supreme Court. They shall also have such other original jurisdiction as shall, from time to time, be conferred upon them by the Legislature. 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 he shall perform such other duties as may be required by law. His salary, and the salary of the Surrogate when elected as a separate officer, shall be established by law, payable out of the county treasury, and shall not be diminished during his term of office. The Justices of the Peace shall be paid, for services in courts of sessions, a per diem allowance out of the county treasury. The County Judge shall also be Surrogate of his county; but in counties having a population exceeding forty thousand, the Legislature may provide for the election of a separate officer to be Surrogate, whose term of office shall be the same as that of the County Judge. The County Judge of any county may preside at courts of sessions, or hold county courts in any other county, except New-York and Kings, when requested by the Judge of such other county.

SEC. 16. 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 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.

SEC. 17. The Legislature shall provide for submitting to the electors of the State at the general election in the year eighteen hundred and seventy-three, two questions, to be voted upon on separate ballots, as follows: *First*, "Shall the offices of Chief Judge and Associate Judge of the Court of Appeals, and of Justice of the Supreme Court, be hereafter filled by appointment?" If a majority of the votes upon the question shall be in the affirmative, the said offices shall not thereafter be elective, but, as vacancies occur, they shall be filled by appointment by the Governor by and with the advice and consent of the Senate, or if the Senate be not in session, by the Governor; but in such case he shall nominate to the Senate, when next convened, and such appointment by the Governor alone shall expire at the end of that session. *Second*, "Shall the offices of the Judges mentioned in sections twelve and fifteen of article six of the Constitution, be hereafter filled by appointment?" If a majority of the votes upon the question shall be in the affirmative, the said offices shall not thereafter be elective, but as vacancies occur, they shall be filled in the manner in this section above provided.

SEC. 18. 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 by such courts as may be prescribed by law, for causes to be assigned in the order of removal. Justices of the Peace and District Court Justices shall be elected in the different cities of this State, in such manner, and with such powers, and for such terms, respectively, as shall be prescribed by law; all other judicial officers in cities, whose election or appointment is not otherwise provided for in this article, shall be chosen by the electors of cities, or appointed by some local authorities thereof.

SEC. 19. Inferior local courts of civil and criminal jurisdiction may be established by the Legislature; and except as herein otherwise provided, all judicial officers shall be elected or appointed at such times and in such manner as the Legislature may direct.

SEC. 20. Clerks of the several counties shall be clerks of the Supreme Court, with such powers and duties as shall be prescribed by law. The Clerk of the Court of Appeals shall keep his office at the seat of government. His compensation shall be fixed by law and paid out of the public treasury.

SEC. 21. No judicial officer, except Justices of the Peace, shall receive to his own use any fees or perquisites of office; nor shall any Judge of the Court of Appeals, Justice of the Supreme Court, or Judge of a Court of Record in the cities of New-York, Brooklyn, or Buffalo, practice as an attorney or counsellor in any Court of Record in this State, or act as referee.

SEC. 22. The Legislature may authorize the judgments, decrees, and decisions of any Court of Record of original civil jurisdiction, established in a city, to be removed for review directly into the Court of Appeals.

SEC. 23. The Legislature shall provide for the speedy publication of all statutes, and also for the appointment by the Justices of the Supreme Court designated to hold General Terms, of a Reporter of the decisions of that Court. All laws and judicial decisions shall be free for publication by any person.

SEC. 24. The first election of Judges of the Court of Appeals, and of the three additional Judges of the Court of Common Pleas for the city and county of New-York, shall take place on such day, between the first Tuesday of April and second Tuesday in June, next after the adoption of this article, as may be provided by law. The Court of Appeals, the Commissioners of Appeals, and the additional Judges of the said Court of Common Pleas, shall respectively enter upon their duties on the first Monday of July thereafter.

SEC. 25. Surrogates, Justices of the Peace, and local judicial officers provided for in section sixteen, in office when this Article shall take effect, shall hold their respective offices until the expiration of their terms.

ART. 26. Courts of Special Sessions shall have such jurisdiction of offenses of the grade of misdemeanors as may be prescribed by law.

SEC. 27. For the relief of Surrogates' Courts, the Legislature may confer upon Courts of Record, in any county having a population exceeding four hundred thousand, the powers and jurisdiction of Surrogates, with authority to try issues of fact by jury in probate causes.

ARTICLE VII.

SECTION 1. Sheriffs, county treasurers, clerks of counties, the Register of the City and County of New-York, and the register of deeds in all the counties where such registers are or may be authorized by law, 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 shall be ineligible for the next three years after the end of their term. They may be required by law to renew their security, and in default of so doing, their offices shall be deemed vacant. Counties shall never be made responsible for the acts of their sheriffs. The Governor may remove any officer named in this section, after opportunity to be heard upon written charges.

SEC. 2. All county officers whose election or appointment is not provided for by this Constitution, shall be chosen by the electors of the counties or appointed by the Boards of Supervisors or other county authorities, as the Legislature shall direct.

SEC. 3. There shall be in each county a Board of Supervisors, to be composed of such members and elected in such manner and for such period as is or may be provided by law; such Boards shall have such power as are or may be conferred by law, until revoked or modified by the Legislature; and subject to the legislative modification, shall have exclusive jurisdiction in the following cases:

1. The location, erection, purchase, and repair of bridges, except over navigable streams, where the general or existing special laws of the State shall be insufficient to accomplish the object; but where such bridges shall be between adjoining counties, the concurrent actions of the Boards of Supervisors of such counties shall be necessary;
2. The purchase of real estate and the location, erection, and care of buildings, for county purposes; but no change of location of any county buildings shall be made unless by the vote of two-thirds of the whole number composing said boards, for two years successively, under such regulations as shall be established by law;
3. The erection of portions of public highways into separate road districts in the cases not provided for by general laws;
4. The use of abandoned, turnpike, plank, and macadamized roads as public highways;
5. The improvement of public highways laid out in pursuance of general laws, in cases where such laws may be insufficient for the purpose;
6. The legalization of informal acts of town meetings in raising moneys authorized to be raised by law, and the legalization of irregular acts of town officers on the recommendation of the County Court;
7. The regulation of the salaries of county officers, except as otherwise provided in this Constitution, and the number, grade, and pay of clerks and subordinates in county offices whose compensation may be a county charge;
8. The borrowing of money for town and county purposes in anticipation of taxation authorized by law;
9. But jurisdiction in the cases aforesaid shall not be exercised without the assent of a majority of all the members elected to such board, to be determined by yeas and nays, which shall be entered on its journal.

The Board of Supervisors of the County of New-York shall have no other power or jurisdiction than such as is now or shall hereafter be conferred upon it by law, subject to repeal or modification by the Legislature.

SEC. 4. There shall be chosen by the electors of every city a Mayor, who shall be the chief executive officer thereof, and who shall see that the duties of the various city officers are faithfully performed. He shall have power to investigate their acts, have access to all books and documents in their offices, and may examine them and their subordinates on oath. The evidence given by persons so examined shall not be used against them in any criminal proceedings. He shall also have power to suspend or remove such officers, whether they be elected or appointed, for misconduct in office or neglect of duty, to be specified in the order of suspension or removal; but no such removal shall be made without reasonable notice to the officer complained of, and an opportunity afforded him to be heard in his defense.

SEC. 5. 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 some division thereof, or appointed by such authorities thereof as the Legislature shall designate. 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. Members of Common Councils shall hold no other office in cities and no city officer shall hold a seat in the Legislature.

SEC. 6. The Legislature, at its first session after the adoption of this Constitution, shall pass such laws as may be necessary to give effect to the provisions of this Article. General laws shall be passed for the organization and government of cities; and no special act shall be passed, except in cases where, in the judgment of the Legislature, the object of such act cannot be attained under general laws.

SEC. 7. Nothing in this article shall affect the power of the Legislature over quarantine, or in regard to the port of New-York, or the interests of the State, in the lands under water and within the jurisdiction or boundaries of any city, or to regulate the wharves, piers, or slips in any city.

SEC. 8. The restrictions on the power of the Legislature, contained in section seventeen, article three, of this Constitution, shall apply to Common Councils of cities, and to Boards of Supervisors of counties.

ARTICLE VIII.

SECTION 1. The Canal debt of one thousand eight hundred and forty-six, amounting on the first day of October, one thousand eight hundred and sixty-seven, to three millions, two hundred and forty-seven thousand nine hundred dollars; the general fund debt, amounting at the same time to five millions six hundred and forty-two thousand six hundred and twenty-two dollars and twenty-two cents; the canal enlargement debt, amounting at the same time, to ten millions, seven hundred and eighty-five thousand dollars; and the floating debt loan, contracted under chapter two hundred and seventy-one, of the Laws of one thousand eight hundred and fifty-nine, amounting on the first day of October, one thousand eight hundred and sixty-seven, to one million, seven hundred thousand dollars, shall hereafter be known as the "Canal Debt," to the payment of which the canal revenues are hereby pledged, and the several sinking funds, applicable to the payment of the said debts, together with the contributions to be made thereto, and the income thereof, shall be known as the "Canal Debt Sinking Fund."

SEC. 2. In each fiscal year, commencing on the first day of October, one thousand eight hundred and sixty-nine, after paying the expenses of collection, superintendence, and ordinary repair, there shall be set apart and paid into the Canal Debt Sinking Fund, out of the revenues of the canals, the sum of two millions, four hundred and eighteen thousand dollars, to pay the interest as it shall become due, and redeem the principal of the several debts specified in section one of this Article, until the said several debts shall be fully paid or provided for; and the principal and income of said sinking fund shall be applied to no other purpose. If in any fiscal year there shall not be contributed from said revenue the sum of two millions four hundred and eighteen thousand dollars, the deficiency shall be supplied by taxation the next year. The remaining revenues of the canals, in each fiscal year, may be applied by law to the improvement and completion of the canals, but shall at no time be anticipated or pledged; if not so applied they shall be and remain a part of the Canal Debt Sinking Fund. The tax authorized to provide for the Sinking Fund to pay the floating canal debt, shall be suspended after the first day of October, one thousand eight hundred and sixty-eight.

SEC. 3. After the debts specified in section one are paid or provided for, according to the provisions of section two, the revenues of the canals, after paying the expenses of collection superintendence and ordinary repair, shall in each fiscal year be paid into the treasury of the State, to pay the amount advanced since the year one thousand eight hundred and forty-six for canal purposes by taxation, until the whole amount so advanced, with interest at five per cent per annum, shall be paid, and until any amount hereafter advanced for canal debts or other canal purposes, with interest thereon at five per cent per annum shall be paid; but the money so paid into the treasury from time to time, be appropriated by law for the improvement of the canals, or such other purposes as may be deemed proper. But the said moneys shall not be anticipated or pledged.

SEC. 4. After complying with the provisions of the second and third sections of this article, and after paying said expenses of collection, superintendence and ordinary repair, the surplus revenues of the canals may, in each fiscal year, be disposed of for the improvement of the canals, or for such other purposes as the Legislature may direct, but shall at no time be anticipated or pledged.

SEC. 5. 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 enforced, and not released or compromised; and the moneys arising from such claims shall be applied to the payment of said stock, or to repay the money which may be advanced to pay the same.

SEC. 6. The canals shall not be sold, leased, or otherwise disposed of, and shall remain under the management of the State forever.

SEC. 7. No moneys shall be paid out of the treasury of the State, or funds under its management, except in pursuance of an appropriation by law, nor unless such payment be made within two years after the passage of such appropriation; and every law making, continuing, or reviving an appropriation, shall specify the sum appropriated, and the objects to which it is to be applied, and it shall not be sufficient for such law to refer to any other law for that purpose.

SEC. 8. The credit of the State shall not be given or loaned to, in aid of any individual, corporation, or association. On the final passage in each House of the Legislature, of any act appropriating money or property, except for the purposes of Government, the question shall be taken by yeas and nays, which shall be entered on the journal, and two-thirds of all the members elected to each House shall be necessary to pass the same.

SEC. 9. The State may, to meet casual deficits or failures in revenues, or for unexpected expenses not provided for, temporarily contract debts; but such debts, direct and contingent, singly or in the aggregate, shall not at any time exceed one million dollars; and the moneys arising from the loans creating such debts, shall be applied to the purposes for which they were obtained, or to repay the debt so contracted, and to no other purpose whatever; and such temporary debts shall in all cases be provided for at the earliest practicable period, and shall be paid within two years after they are contracted.

SEC. 10. The State may also contract debts to repel invasion of the State or of the United States, to suppress insurrection in the State or the United States, or to defend the States or the United States in war: but the money so raised shall be applied to such purpose or to repay such debts, and to no other purpose.

SEC. 11. Except the debts specified in the ninth and tenth sections of this Article, no debt shall be contracted by or on behalf of the State unless it shall be authorized by law for some single work or object to be specified therein; and such law shall provide for a direct annual tax sufficient to pay the interest on such debt as it shall become due; and also to pay the principal of such debt within eighteen years from the time of the contracting thereof. No such law shall take effect until it shall have been submitted to the people at a general election, and shall have received a majority of all the votes cast for and against it at such election. On the final passage of such bill, in each House of the Legislature, the question shall be "Shall this bill pass and ought the same to receive the sanction of the people?" which shall be taken by yeas and nays to be entered on the journal. The Legislature may at any time repeal such law, if no debt shall have been contracted in pursuance thereof, and may at any time forbid the contracting of any further debts under such law; but if any debts shall have been contracted, the tax in proportion thereto shall be irrepealable, and be annually collected until the proceeds thereof shall be sufficient to pay such debt. The money, arising from any loan or stock creating such debt shall be applied to the work or object specified in the act authorizing such debt, or for the repayment of such debt, and for no other purpose. No such law shall be voted upon within three months after its passage, nor at any general election when any other law or any amendment to the Constitution shall be submitted to the people.

SEC. 12. 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.

SEC. 13. No deficiency loan shall be made for a longer period than is necessary to enable the sinking fund provided for its payment, to accumulate an amount sufficient to discharge it; and in no case shall such loan be made for more than six years.

SEC. 14. No money shall be drawn from the treasury, except in pursuance of an appropriation by law, and on the warrant of the Comptroller; and all bonds, stocks, and other securities issued by the State shall be signed by the Comptroller on behalf of the State.

SEC. 15. Real and personal property shall be subject to a uniform rule of assessment and taxation.

SEC. 16. The Comptroller is authorized to renew the bounty debt or any part thereof, by extending the time of its payment to the first day of October, one thousand eight hundred and eighty-six, and to issue stock for that purpose, which he may apply in exchange for the outstanding stock, or sell; and in case of sale the proceeds thereof shall be applied to the purchase of the outstanding stock. The rate of interest on said stock shall not exceed seven per cent per annum, payable semi-annually, and said stock shall be exchanged or negotiated on the best possible terms, and in no event at less than par, nor at a lower rate than the outstanding stock can be purchased for, at the time the sale or exchange shall be effected. The principal and interest of the stock hereby authorized shall be secured by a direct annual tax to pay, and sufficient to pay, the interest thereon as it shall become due, and also to pay the principal thereof within eighteen years from October first, eighteen hundred and sixty-eight. The Legislature may appropriate, from time to time, to the payment of the principal or interest of said stock, any funds of the State not otherwise appropriated; and in case of such appropriation the tax to supply the sinking fund shall be correspondingly reduced.

SEC. 17. The State shall not subscribe for, purchase, or in any way own, except by bequest, shares or stock, in any company or corporation, nor invest any portion of its funds in the same.

SEC. 18. The Legislature shall never sell or dispose of the salt springs. The lands of the State adjacent thereto 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 convenient for the manufacture of salt; but by such sale and purchase the aggregate quantity of such lands shall not be diminished.

ARTICLE IX.

SECTION 1. The capital of the common school fund; the capital of the literature fund; the capital of the United States deposit fund; the capital of the college land scrip fund, and the capital of the Cornell endowment fund as it shall be paid into the treasury, shall each be preserved inviolate. The revenue of the common school fund shall be applied to the support of common schools; the revenues of the literature fund shall be applied to the support of academies; and the sum of twenty-five thousand dollars of the revenue of the United States deposit fund shall each year be appropriated to, and made a part of, the capital of the common school fund; the revenues of the college landscrip fund shall each year be appropriated and applied to the support of the Cornell University, in the mode and for the purposes defined by the act of Congress donating public lands to the several States and Territories, approved July second, one thousand eight hundred and sixty-two, so long as the University shall fully comply with and perform the conditions of the act of the Legislature establishing it; and the revenues of the Cornell endowment fund shall each year be paid to the trustees of the Cornell University, for its use and benefit.

SEC. 2. The Legislature shall provide for the free instruction, in the common schools of this State, of all persons between seven and twenty years of age.

ARTICLE X.

SECTION 1. Corporations may be formed under general laws. They shall not be created nor their powers increased or diminished by special act, except for municipal, literary, scientific, charitable or benevolent purposes. All such laws may be altered or repealed. The Legislature shall not authorize the consolidation of railroad corporations owning parallel or competing lines of road.

SEC. 2. Dues from corporations shall be secured by such individual liability of the corporators, and other means, as may be prescribed by law.

SEC. 3. The term corporation, as used in this article, shall be construed to include all associations and joint stock companies having any of the privileges or powers of corporations, not possessed by partnerships or individuals. Corporations shall have the right to sue and may be sued in all courts by their corporate names.

SEC. 4. The Legislature shall provide for the registration of all bills or notes issued or put in circulation as money, by virtue of any law of this State, and shall require ample security for the redemption of the same in specie. No law shall be passed authorizing or sanctioning the suspension of specie payments. In case of the insolvency of any bank or banking association, the bill-holders thereof shall be entitled to preference in payment over all other creditors.

SEC. 5. The stockholders in every corporation and joint stock association for banking purposes issuing notes or any kind of credits to circulate as money shall be individually liable to the amount of their respective share or shares of stock for all its liabilities.

ARTICLE XI.

SECTION 1. There shall be a Board of Managers of Prisons, to be composed of five persons, appointed by the Governor, by and with the advice and consent of the Senate, who shall hold office for ten years, except that the five first appointed shall, as the Legislature may direct, be so classified that the term of one shall expire at the end of each two years during the first ten years. The Board shall have the charge and superintendence of the State Prisons, and shall have such powers and perform such duties in respect to the county jails, the local or district Penitentiaries and other penal or reformatory institutions as the Legislature may prescribe. The Board shall appoint a Secretary, who shall be removable at their pleasure, who shall perform such duties as the Legislature or the Board may direct, and shall receive a salary to be determined by law. The members of the Board shall receive no compensation other than reasonable traveling and other official expenses. The Legislature at its first session after the adoption of this Constitution shall limit the amount of such expenses, which limit shall not be changed, except at intervals of five years.

SEC. 2. The Board shall appoint the Warden, Clerk, Physician, and Chaplain of each State Prison, and shall have power to remove them for cause only, after opportunity to be heard, upon written charges. All other officers of each prison shall be appointed by the Warden, and be removable at his pleasure.

SEC. 3. The Governor may remove the managers of Prisons for misconduct or neglect of duty, after opportunity to be heard upon written charges.

ARTICLE XII.

SECTION 1. All able-bodied male citizens, between the ages of eighteen and forty-five years, shall be annually enrolled, under such regulations as shall be established by law, as a militia force, to repel invasion, suppress insurrection, and aid in the enforcement of the laws.

SEC. 2. The militia shall be divided into the active and reserve forces. The active militia shall be called the National Guard of the State of New-York, and its number determined by law; but shall not in time of peace, exceed thirty thousand. It shall be always armed, equipped, and disciplined. All enrolled persons not belonging to the National Guard shall constitute the reserve force. All persons who after one year's service, shall have been honorably discharged from the army navy or volunteer forces of the United States, shall be in time of peace exempt from service in the militia; and all citizens who from scruples of conscience may be averse to bearing arms, may be exempt therefrom upon conditions to be provided by law.

SEC. 3. The Governor shall appoint the chiefs of the several staff departments, his aids-de-camp and military secretary, all of whom shall hold office during his pleasure, their commissions to expire with the term for which the Governor shall have been elected; and he shall nominate, and with the consent of the Senate, appoint all major-generals. All officers responsible for the military property or funds of the State shall give such security for the faithful execution of the duties of their respective offices as the Legislature shall prescribe.

SEC. 4. General officers shall appoint their staff officers, who shall hold office during the pleasure of such general officers; but their commissions shall expire with the commissions of the officers appointing them. All officers of the militia shall be commissioned by the Governor, and no commissioned officers, except those who hold office during his pleasure, or that of the general officers, 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 sentence of a general court martial. All commissions shall expire in ten years from their dates, except those of the National Guard Reserves.

SEC. 5. The commissioned and non-commissioned officers of companies shall be chosen by the written votes of the members, and field officers of regiments and separate battalions, by the written votes of the commissioned officers of their respective regiments or separate battalions, and brigadier generals, by the field officers of their respective brigades; but whenever the militia shall be in active service, such right of election shall be suspended, and all commissioned officers shall be appointed by the Governor, and non-commissioned officers by the regimental or separate battalion commanders on the recommendation of their company commanders. Regimental and separate battalion commanders shall appoint their staff officers. All officers not specified in this Article shall be appointed as prescribed by law; and in case the election and appointment of militia officers, in the manner directed by this Article, shall not be found conducive to the improvement of the militia, the Legislature may change the same by law, provided two-thirds of the members elected to each House shall concur therein.

SEC. 6. In the organization of the National Guard, the Legislature shall provide for reserve officers, to be composed of officers of the National Guard of not less than ten years' service in the same grade, and of officers honorably discharged from the volunteer service of the United States who are citizens of this State. They may, upon application, be commissioned by the Governor, with rank equal to the highest held by them by brevet or otherwise, in the National Guard or United States Volunteers, and they may be assigned to such service, and be entitled to such military privileges and exemptions as the Legislature shall by law provide.

ARTICLE XIII.

SECTION 1. Any person holding office under the laws of this State, who, except in payment of his legal salary, fees or perquisites, receives or consents to receive, directly or indirectly, anything of value or of personal advantage, or the promise thereof, for performing or omitting to perform any official act, or with the express or implied understanding that his official action or omission to act is to be in any degree influenced thereby, shall be deemed