







60

THE  
CONSTITUTION

OF THE



STATE OF NEW JERSEY.



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# CONSTITUTION.

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*A CONSTITUTION agreed upon by the delegates of the people of New Jersey, in convention, begun at Trenton on the fourteenth day of May, and continued to the twenty-ninth day of June in the year of our Lord one thousand eight hundred and forty-four, ratified by the people at an election held on the thirteenth day of August, A. D. 1844, and amended at a special election held on the seventh day of September, A. D. 1875.*

We, the people of the State of New Jersey, grateful to Almighty God for the civil and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavours to secure and transmit the same unimpaired to succeeding generations, do ordain and establish this CONSTITUTION

## ARTICLE I.

### RIGHTS AND PRIVILEGES.

1. All men are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.

2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right at all times to alter or reform the same, whenever the public good may require it.

3. No person shall be deprived of the inestimable privilege of worshipping Almighty God in a manner agreeable to the dictates of his own conscience; nor under any pre-

tense whatever be compelled to attend any place of worship contrary to his faith and judgment; nor shall any person be obliged to pay tithes, taxes, or other rates for building or repairing any church or churches, place or places of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right, or has deliberately and voluntarily engaged to perform.

4. There shall be no establishment of one religious sect in preference to another; no religious test shall be required as a qualification for any office or public trust; and no person shall be denied the enjoyment of any civil right merely on account of his religious principles.

5. Every person may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libellous 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.

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

7. The right of a trial by jury shall remain inviolate: but the legislature may authorize the trial of civil suits, when the matter in dispute does not exceed fifty dollars, by a jury of six men.

8. In all criminal prosecutions the accused shall have the right to a speedy and public trial by an impartial jury; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compul-

sory process for obtaining witnesses in his favour, and to have the assistance of counsel in his defense.

9. No person shall be held to answer for a criminal offense, unless on the presentment or indictment of a grand jury, except in cases of impeachment, or in cases cognizable by justices of the peace, or arising in the army or navy; or in the militia, when in actual service in time of war or public danger.

10. No person shall after acquittal, be tried for the same offense. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, when the proof is evident or presumption great.

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

12. The military shall be in strict subordination to the civil power.

13. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war except in a manner prescribed by law.

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

15. Excessive bail shall not be required, excessive fines shall not be imposed, and cruel and unusual punishments shall not be inflicted.

16. Private property shall not be taken for public use without just compensation; but land may be taken for public highways as heretofore until the legislature shall direct compensation to be made.

17. No person shall be imprisoned for debt in any action, or on any judgment founded upon contract, unless in cases of fraud; nor shall any person be imprisoned for a militia fine in time of peace.

18. The people have the right freely to assemble together, to consult for the common good, to make known their opinions to their representatives, and to petition for redress of grievances.

19. No county, city, borough, town, township or village shall hereafter give any money or property, or loan its money or credit, to or in aid of any individual association or corporation, or become security for or be directly or indirectly the owner of any stock or bonds of any association or corporation.

20. No donation of land or appropriation of money shall be made by the State or any municipal corporation to or for the use of any society, association or corporation whatever.

21. This enumeration of rights and privileges shall not be construed to impair or deny others retained by the people.

## ARTICLE II.

### RIGHT OF SUFFRAGE.

1. Every male citizen of the United States, of the age of twenty-one years, who shall have been a resident of this state one year, and of the county in which he claims his vote five months, next before the election, shall be entitled to vote for all officers that now are, or hereafter may be elective by the people; *provided*, that no person in the military, naval, or marine service of the United States shall be considered a resident in this state, by being stationed in any garrison, barrack, or military or naval place or station within this state; and no pauper, idiot, insane person, or person convicted of a crime which now excludes him from being a witness unless pardoned or restored by law to the right of suffrage, shall enjoy the right of an elector; *and provided further*, that in time of war no elector in the actual military service of the state, or of the United States, in the army or

navy thereof, shall be deprived of his vote by reason of his absence from such election district; and the legislature shall have power to provide the manner in which, and the time and place at which, such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside.

2. The legislature may pass laws to deprive persons of the right of suffrage who shall be convicted of bribery.

## ARTICLE III.

### DISTRIBUTION OF THE POWERS OF GOVERNMENT.

1. The powers of the government shall be divided into three distinct departments—the legislative, executive, and judicial; and no person or persons belonging to, or constituting one of these departments, shall exercise any of the powers properly belonging to either of the others, except as herein expressly provided.

## ARTICLE IV.

### LEGISLATIVE.

#### *Section I.*

1. The legislative power shall be vested in a senate and general assembly.

2. No person shall be a member of the senate who shall not have attained the age of thirty years, and have been a citizen and inhabitant of the state for four years, and of the county for which he shall be chosen one year, next before his election; and no person shall be a member of the general assembly who shall not have attained the age of twenty-one years, and have been a citizen and inhabitant of the state for two years, and of the county for which he

shall be chosen one year next before his election; *provided*, that no person shall be eligible as a member of either house of the legislature, who shall not be entitled to the right of suffrage.

3. Members of the senate and general assembly shall be elected yearly and every year, on the first Tuesday after the first Monday in November; and the two houses shall meet separately on the second Tuesday in January next after the said day of election, at which time of meeting, the legislative year shall commence; but the time of holding such election may be altered by the legislature.

*Section II.*

1. The senate shall be composed of one senator from each county in the state, elected by the legal voters of the counties, respectively, for three years.

2. As soon as the senate shall meet after the first election to be held in pursuance of this constitution, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the first year; of the second class at the expiration of the second year; and of the third class at the expiration of the third year, so that one class may be elected every year: and if vacancies happen, by resignation or otherwise, the persons elected to supply such vacancies shall be elected for the unexpired terms only.

*Section III.*

1. The general assembly shall be composed of members annually elected by the legal voters of the counties, respectively, who shall be apportioned among the said counties as nearly as may be according to the number of their inhabitants. The present apportionment shall continue until the next census of the United States shall have been taken, and an apportionment of members of the general assembly shall

be made by the legislature at its first session after the next and every subsequent enumeration or census, and when made shall remain unaltered until another enumeration shall have been taken; *provided*, that each county shall at all times be entitled to one member: and the whole number of members shall never exceed sixty.

*Section IV.*

1. Each house shall direct writs of election for supplying vacancies, occasioned by death, resignation, or otherwise; but if vacancies occur during the recess of the legislature, the writs may be issued by the governor, under such regulations as may be prescribed by law.

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

3. Each house shall choose its own officers, determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, may expel a member.

4. Each house shall keep a journal of its proceedings, and from time to time publish the same; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

5. Neither house, during the session of the legislature, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

6. All bills and joint resolutions shall be read three times in each house, before the final passage thereof; and

no bill or joint resolution shall pass, unless there be a majority of all the members of each body personally present and agreeing thereto; and the yeas and nays of the members voting on such final passage shall be entered on the journal.

7. Members of the senate and general assembly shall receive annually the sum of five hundred dollars during the time for which they shall have been elected, and while they shall hold their office, and no other allowance or emolument, directly or indirectly, for any purpose whatever. The president of the senate, and the speaker of the house of assembly shall, in virtue of their offices, receive an additional compensation, equal to one-third of their allowance as members.

8. Members of the senate and general assembly shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the sitting of their respective houses, and in going to and returning from the same: and for any speech or debate, in either house, they shall not be questioned in any other place.

#### *Section V.*

1. No member of the senate or general assembly shall, during the time for which he was elected, be nominated or appointed by the governor or by the legislature in joint meeting, to any civil office under the authority of this state, which shall have been created, or the emoluments whereof shall have been increased, during such time.

2. If any member of the senate or general assembly shall be elected to represent this state in the senate or house of representatives of the United States, and shall accept thereof, or shall accept of any office or appointment under the government of the United States, his seat in the legislature of this state shall thereby be vacated.

3. No justice of the supreme court, nor judge of any

other court, sheriff, justice of the peace, nor any person or persons possessed of any office of profit under the government of this state shall be entitled to a seat either in the senate or in the general assembly; but on being elected and taking his seat his office shall be considered vacant: and no person holding any office of profit under the government of the United States shall be entitled to a seat in either house.

#### *Section VI.*

1. All bills for raising revenue shall originate in the house of assembly; but the senate may propose or concur with amendments, as on other bills.

2. No money shall be drawn from the treasury but for appropriations made by law.

3. The credit of the state shall not be directly or indirectly loaned in any case.

4. The legislature shall not, in any manner, create any debt or debts, liability or liabilities, of the state, which shall singly or in the aggregate with any previous debts or liabilities at any time exceed one hundred thousand dollars, except for purposes of war, or to repel invasion, or to suppress insurrection, unless the same shall be authorized by a law for some single object or work, to be distinctly specified therein; which law shall provide the ways and means, exclusive of loans, to pay the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within thirty-five years from the time of the contracting thereof, and shall be irrevocable until such debt or liability, and the interest thereon, are fully paid and discharged: and no such law shall take effect until it shall, at a general election, have been submitted to the people, and have received the sanction of a majority of all the votes cast for and against it at such election: and all money to be raised by the authority of

such law shall be applied only to the specific object stated therein, and to the payment of the debt thereby created. This section shall not be construed to refer to any money that has been, or may be, deposited with this state by the government of the United States.

*Section VII.*

1. No divorce shall be granted by the legislature.
2. No lottery shall be authorized by this state; and no ticket in any lottery not authorized by a law of this state shall be bought or sold within the state.
3. The legislature shall not pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or depriving a party of any remedy for enforcing a contract which existed when the contract was made.
4. To avoid improper influences which may result from intermixing in one and the same act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title. No law shall be revived or amended by reference to its title only, but the act revived, or the section or sections amended, shall be inserted at length. No general law shall embrace any provision of a private, special or local character. No act shall be passed which shall provide that any existing law, or any part thereof, shall be made or deemed a part of the act, or which shall enact that any existing law, or any part thereof, shall be applicable, except by inserting it in such act.
5. The laws of this state shall begin in the following style, "Be it enacted by the Senate and General Assembly of the State of New Jersey."
6. The fund for the support of free schools, and all money, stock, and other property, which may hereafter be appropriated for that purpose, or received into the treasury under the provision of any law heretofore passed to augment the

said fund, shall be securely invested, and remain a perpetual fund; and the income thereof, except so much as it may be judged expedient to apply to an increase of the capital, shall be annually appropriated to the support of public free schools, for the equal benefit of all the people of the state; and it shall not be competent for the legislature to borrow, appropriate, or use the said fund or any part thereof, for any other purpose, under any pretence whatever. The legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all the children in this state between the ages of five and eighteen years.

7. No private or special law shall be passed authorizing the sale of any lands belonging in whole or in part to a minor or minors, or other persons who may at the time be under any legal disability to act for themselves.

8. Individuals or private corporations shall not be authorized to take private property for public use, without just compensation first made to the owners.

9. No private, special, or local bill shall be passed, unless public notice of the intention to apply therefor, and of the general object thereof, shall have been previously given. The legislature, at the next session after the adoption hereof, and from time to time thereafter, shall prescribe the time and mode of giving such notice, the evidence thereof, and how such evidence shall be preserved.

10. The legislature may vest in the circuit courts, or courts of common pleas within the several counties of this state chancery powers, so far as relates to the foreclosure of mortgages, and sale of mortgaged premises.

11. The legislature shall not pass private, local or special laws in any of the following enumerated cases, that is to say:

Laying out, opening, altering and working roads or highways.

Vacating any road, town plot, street, alley or public grounds.

Regulating the internal affairs of towns and counties; appointing local offices or commissions to regulate municipal affairs.

Selecting, drawing, summoning or empaneling grand or petit jurors.

Creating, increasing or decreasing the per centage or allowance of public officers during the term for which said officers were elected or appointed.

Changing the law of descent.

Granting to any corporation, association or individual any exclusive privilege, immunity or franchise whatever.

Granting to any corporation, association or individual the right to lay down railroad tracks.

Providing for changes of venue in civil or criminal cases.

Providing for the management and support of free public schools.

The legislature shall pass general laws providing for the cases enumerated in this paragraph, and for all other cases which, in its judgment, may be provided for by general laws. The legislature shall pass no special act conferring corporate powers, but they shall pass general laws under which corporations may be organized and corporate powers of every nature obtained, subject, nevertheless, to repeal or alteration at the will of the legislature.

12. Property shall be assessed for taxes under general laws, and by uniform rules, according to its true value.

#### *Section VIII.*

1. Members of the legislature, 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 Jersey, and that I will faithfully discharge the duties of senator (or member of the general assembly, as the case may be) according to the best of my ability."

And members elect of the senate or general assembly are hereby empowered to administer to each other the said oath or affirmation.

2. Every officer of the legislature shall, before he enters upon his duties, take and subscribe the following oath or affirmation: "I do solemnly promise and swear (or affirm) that I will faithfully, impartially and justly perform all the duties of the office of \_\_\_\_\_, to the best of my ability and understanding; that I will carefully preserve all records, papers, writings or property entrusted to me for safe keeping by virtue of my office, and make such disposition of the same as may be required by law."

#### ARTICLE V.

##### EXECUTIVE.

1. The executive power shall be vested in a governor.
2. The governor shall be elected by the legal voters of this state. The person having the highest number of votes shall be the governor: but if two or more shall be equal and highest in votes, one of them shall be chosen governor by the vote of a majority of the members of both houses in joint meeting. Contested elections for the office of governor shall be determined in such manner as the legislature shall direct by law. When a governor is to be elected by the people, such election shall be held at the time when and at the places where the people shall respectively vote for members of the legislature.
3. The governor shall hold his office for three years, to commence on the third Tuesday of January next ensuing

the election for governor by the people, and to end on the Monday preceding the third Tuesday of January, three years thereafter: and he shall be incapable of holding that office for three years next after his term of service shall have expired: and no appointment or nomination to office shall be made by the governor during the last week of his said term.

4. The governor shall be not less than thirty years of age, and shall have been for twenty years, at least, a citizen of the United States, and a resident of this state seven years next before his election, unless he shall have been absent during that time on the public business of the United States or of this state.

5. The governor shall, at stated times, receive for his services a compensation which shall be neither increased nor diminished during the period for which he shall have been elected.

6. He shall be the commander-in-chief of all the military and naval forces of the state; he shall have power to convene the legislature, or the senate alone, whenever in his opinion public necessity requires it; he shall communicate by message to the legislature at the opening of each session, and at such other times as he may deem necessary, the condition of the state, and recommend such measures as he may deem expedient; he shall take care that the laws be faithfully executed, and grant, under the great seal of the state, commissions to all such officers as shall be required to be commissioned.

7. Every bill which shall have passed both houses 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 shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it; if, after such reconsideration, a majority of the whole number of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by

which it shall likewise be reconsidered, and if approved of by a majority of the whole number of that house, it shall become a law; but, in neither house shall the vote be taken on the same day on which the bill shall be returned to it: and in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor, within five days (Sunday 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 by their adjournment, prevent its return in which case it shall not be a law. If any bill presented to the governor contain several items of appropriations of money, he may object to one or more of such items while approving of the other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and the appropriation so objected to shall not take effect. If the legislature be in session he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separately reconsidered. If, on reconsideration, one or more of such items be approved by a majority of the members elected to each house, the same shall be a part of the law, notwithstanding the objections of the governor. All the provisions of this section in relation to bills not approved by the governor shall apply to cases in which he shall withhold his approval from any item or items contained in a bill appropriating money.

8. No member of congress, or person holding an office under the United States, or this state, shall exercise the office of governor; and in case the governor, or person administering the government shall accept any office under the United States or this state, his office of governor shall thereupon be vacant. Nor shall he be elected by the legislature to any office under the government of this state or

of the United States, during the term for which he shall have been elected governor.

9. The governor or person administering the government, shall have power to suspend the collection of fines and forfeitures, and to grant reprieves, to extend until the expiration of a time not exceeding ninety days after conviction; but this power shall not extend to cases of impeachment.

10. The governor, or person administering the government, the chancellor, and the six judges of the court of errors and appeals, or a major part of them, of whom the governor, or person administering the government, shall be one, may remit fines and forfeitures, and grant pardons, after conviction, in all cases except impeachment.

11. The governor and all other civil officers under this state shall be liable to impeachment for misdemeanor in office during their continuance in office and for two years thereafter.

12. In case of the death, resignation, or removal from office of the governor, the powers, duties, and emoluments of the office, shall devolve upon the president of the senate, and in case of his death, resignation or removal, then upon the speaker of the house of assembly, for the time being until another governor shall be elected and qualified; but in such case another governor shall be chosen at the next election for members of the legislature, unless such death, resignation, or removal, shall occur within thirty days immediately preceeding such next election, in which case a governor shall be chosen at the second succeeding election for members of the legislature. When a vacancy happens, during the recess of the legislature in any office which is to be filled by the governor and senate, or by the legislature in joint meeting, the governor shall fill such vacancy and the commission shall expire at the end of the next session of the legislature, unless a successor shall be sooner appointed: when a vacancy happens in the office of clerk or surrogate

of any county, the governor shall fill such vacancy, and the commission shall expire when a successor is elected and qualified.

13. In case of the impeachment of the governor, his absence from the state or inability to discharge the duties of his office, the powers, duties and immoluments of the office shall devolve upon the president of the senate; and in case of his death, resignation or removal, then upon the speaker of the house of assembly for the time being, until the governor absent, or impeached shall return or be acquitted, or until the disqualification or inability shall cease, or until a new governor be elected and qualified.

14. In case of a vacancy in the office of governor from any other cause than those herein enumerated, or in case of the death of the governor elect before he is qualified into office, the powers, duties and emoluments of the office shall devolve upon the president of the senate, or speaker of the house of assembly, as above provided for, until a new governor be elected and qualified.

## ARTICLE VI.

### JUDICIARY.

#### *Section I.*

1. The judicial power shall be vested in a court of errors and appeals in the last resort in all causes as heretofore; a court for the trial of impeachments; a court of chancery; a prerogative court; a supreme court; circuit courts, and such inferior courts as now exist, and as may be hereafter ordained and established by law; which inferior courts the legislature may alter or abolish, as the public good shall require.

#### *Section II.*

1. The court of errors and appeals shall consist of the

chancellor, the justices of the supreme court, and six judges, or a major part of them; which judges are to be appointed for six years.

2. Immediately after the court shall first assemble, the six judges shall arrange themselves in such manner that the seat of one of them shall be vacated every year, in order that thereafter one judge may be annually appointed.

3. Such of the six judges as shall attend the court shall receive, respectively, a per diem compensation, to be provided by law.

4. The secretary of state shall be the clerk of this court.

5. When an appeal from an order or decree shall be heard the chancellor shall inform the court, in writing, of the reasons for his order or decree; but he shall not sit as a member, or have a voice in the hearing or final sentence.

6. When a writ of error shall be brought, no justice who has given a judicial opinion in the cause in favor of or against any error complained of, shall sit as a member, or have a voice on the hearing, or for its affirmance or reversal; but the reasons for such opinion shall be assigned to the court in writing.

#### *Section III.*

1. The house of assembly shall have the sole power of impeaching by a vote of a majority of all the members; and all impeachments shall be tried by the senate: the members, when sitting for that purpose, to be on oath or affirmation "truly and impartially to try and determine the charge in question according to evidence:" and no person shall be convicted without the concurrence of two-thirds of all the members of the senate.

2. Any judicial officer impeached shall be suspended from exercising his office until his acquittal.

3. Judgment in cases of impeachment shall not extend farther than to removal from office, and to disqualification

to hold and enjoy any office of honor, profit or trust under this state: but the party convicted shall nevertheless be liable to indictment, trial and punishment according to law.

4. The secretary of state shall be the clerk of this court.

#### *Section IV.*

1. The court of chancery shall consist of a chancellor.

2. The chancellor shall be the ordinary or surrogate general, and judge of the prerogative court.

3. All persons aggrieved by any order, sentence, or decree of the orphans court, may appeal from the same, or from any part thereof to the prerogative court; but such order, sentence, or decree shall not be removed into the supreme court, or circuit court if the subject matter thereof be within the jurisdiction of the orphans court.

4. The secretary of state shall be the register of the prerogative court, and shall perform the duties required of him by law in that respect.

#### *Section V.*

1. The supreme court shall consist of a chief justice and four associate justices. The number of associate justices may be increased or decreased by law, but shall never be less than two.

2. The circuit courts shall be held in every county of this state, by one or more of the justices of the supreme court, or a judge appointed for that purpose; and shall in all cases within the county, except in those of a criminal nature, have common law jurisdiction, concurrent with the supreme court; and any final judgment of a circuit court may be docketed in the supreme court and shall operate as a judgment obtained in the supreme court from the time of such docketing.

3. Final judgments in any circuit court may be brought by writ of error into the supreme court, or directly into the court of errors and appeals.

*Section VI.*

1. There shall be no more than five judges of the inferior court of common pleas in each of the counties in this state after the terms of the judges of said court now in office shall terminate. One judge for each county shall be appointed every year, and no more, except to fill vacancies which shall be for the unexpired term only.

2. The commissions for the first appointments of judges of said court shall bear date and take effect on the first day of April next; and all subsequent commissions for judges of said court shall bear date and take effect on the first day of April in every successive year, except commissions to fill vacancies which shall bear date and take effect when issued

*Section VII.*

1. There may be elected under this constitution, two, and not more than five, justices of the peace in each of the townships of the several counties of this state, and in each of the wards, in cities that may vote in wards. When a township or ward contains two thousand inhabitants or less, it may have two justices: when it contains more than two thousand inhabitants, and not more than four thousand, it may have four justices: and when it contains more than four thousand inhabitants, it may have five justices: *provided*, that whenever any township not voting in wards contains more than seven thousand inhabitants, such township may have an additional justice for each additional three thousand inhabitants above four thousand.

2. The population of the townships in the several counties of the state and of the several wards shall be ascertained by the last preceeding census of the United States, until the

legislature shall provide, by law, some other mode of ascertaining it.

ARTICLE VII.

APPOINTING POWER AND TENURE OF OFFICE.

*Section I.*

MILITIA OFFICERS.

1. The legislature shall provide by law for enrolling, organizing and arming the militia.

2. Captains, subalterns, and non-commissioned officers, shall be elected by the members of their respective companies.

3. Field officers of regiments, independent battalions, and squadrons, shall be elected by the commissioned officers of their respective regiments, battalions or squadrons.

4. Brigadier generals, shall be elected by the field officers of their respective brigades.

5. Major generals, the adjutant general and quartermaster general shall be nominated by the governor, and appointed by him, with the advice and consent of the senate.

6. The legislature shall provide, by law, the time and manner of electing militia officers, and of certifying their elections to the governor, who shall grant their commissions, and determine their rank, when not determined by law; and no commissioned officer shall be removed from office, but by the sentence of a court martial, pursuant to law.

7. In case the electors of subalterns, captains, or field officers, shall refuse or neglect to make such elections, the governor shall have power, to appoint such officers, and to fill all vacancies caused by such refusal or neglect.

8. Brigade inspectors shall be chosen by the field officers, of their respective brigades.

9. The governor shall appoint all militia officers, whose

appointment is not otherwise provided for in this constitution.

10. Major generals, brigadier generals and commanding officers of regiments, independent battalions, and squadrons, shall appoint the staff officers of their divisions, brigades, regiments, independent battalions, and squadrons respectively.

### Section II.

#### CIVIL OFFICERS.

1. Justices of the supreme court, chancellor, judges of the court of errors and appeals, and judges of the inferior court of common pleas, shall be nominated by the governor, and appointed by him, with the advice and consent of the senate.

The justices of the supreme court and chancellor, shall hold their offices for the term of seven years: shall at stated times receive for their services a compensation which shall not be diminished during the term of their appointments; and they shall hold no other office under the government of this state or of the United States.

*Clerical*  
~~2. Judges of the courts of common pleas shall be appointed by the senate and general assembly, in joint meeting.~~

*Error*  
~~They shall hold their offices for five years; but when appointed to fill vacancies they shall hold for the unexpired term only.~~

2. The state treasurer and comptroller shall be appointed by the senate and general assembly in joint meeting.

They shall hold their offices for three years, and until their successors shall be qualified into office.

3. The attorney general, prosecutors of the pleas, clerk of the supreme court, clerk of the court of chancery, secretary of state, and the keeper of the state prison, shall be nomi-

nated by the governor and appointed by him with the advice and consent of the senate.

They shall hold their offices for five years.

4. The law reporter shall be appointed by the justices of the supreme court or a majority of them; and the chancery reporter shall be appointed by the chancellor.

They shall hold their offices for five years.

5. Clerks and surrogates of counties shall be elected by the people of their respective counties, at the annual elections for members of the general assembly.

They shall hold their offices for five years.

6. Sheriffs and coroners shall be elected by the people of their respective counties at the elections for members of the general assembly, and they shall hold their offices for three years, after which, three years must elapse, before they can be again capable of serving. Sheriffs shall annually renew their bonds.

7. Justices of the peace shall be elected by ballot at the annual meetings of the townships in the several counties of the state, and of the wards in cities that may vote in wards, in such manner and under such regulations as may be hereafter provided by law.

They shall be commissioned for the county, and their commissions, shall bear date and take effect on the first day of May next after their election.

They shall hold their offices for five years; but when elected to fill vacancies, they shall hold for the unexpired term only; *provided*, that the commission of any justice of the peace shall become vacant upon his ceasing to reside in the township in which he was elected.

The first election for justices of the peace, shall take place at the next annual town-meetings of the townships in the several counties of the state, and of the wards in cities, that may vote in wards.

8. All other officers, whose appointments are not otherwise provided for by law, shall be nominated by the

governor and appointed by him with the advice and consent of the senate; and shall hold their offices for the time prescribed by law.

9. All civil officers elected or appointed, pursuant to the provisions of this constitution shall be commissioned by the governor.

10. The term of office of all officers elected or appointed pursuant to the provisions of this constitution, except when herein otherwise directed, shall commence on the day of the date of their respective commissions; but no commission for any office shall bear date prior to the expiration of the term of the incumbent of said office.

## ARTICLE VIII.

### GENERAL PROVISIONS.

1. The secretary of state shall be ex-officio an auditor of the accounts of the treasurer, and as such, it shall be his duty to assist the legislature in the annual examination and settlement of said accounts, until otherwise provided by law.

2. The seal of the state shall be kept by the governor or person administering the government, and used by him officially, and shall be called the great seal of the State of New Jersey.

3. All grants and commissions shall be in the name and by the authority of the State of New Jersey, sealed with the great seal, signed by the governor or person administering the government, and countersigned by the secretary of state, and it shall run thus: "The State of New Jersey, to \_\_\_\_\_, greeting." All writs shall be in the name of the state; and all indictments shall conclude in the following manner, *viz.*: "against the peace of this state the government and dignity of the same."

4. This constitution shall take effect and go into operation

on the second day of September in the year of our Lord one thousand eight hundred and forty-four.

## ARTICLE IX.

### AMENDMENTS.

Any specific amendment or amendments, to the constitution may be proposed in the senate or general 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 then next to be chosen, and shall be published for three months previous to making such choice, in at least one newspaper of each county, if any be published therein; and if in the legislature, next chosen, as aforesaid, such proposed amendment or amendments, or any of them, 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, or such of them as may have been agreed to as aforesaid by the two legislatures, to the people, in such manner and at such time, at least four months after the adjournment of the legislature, as the legislature shall prescribe; and if the people at a special election to be held for that purpose only, shall approve and ratify such amendment or amendments, or any of them by a majority of the electors qualified to vote for members of the legislature voting thereon, such amendment or amendments so approved and ratified shall become part of the constitution: *provided* that if more than one amendment be submitted, they shall be submitted in such manner and form that the people may vote for, or against each amendment separately and distinctly; but no amendment or amendments shall be submitted to the people by the legislature oftener than once in five years.

## ARTICLE X.

## SCHEDULE.

That no inconvenienc may arise from the change in the constitution of this state, and in order to carry the same into complete operation, it is hereby declared and ordained, that—

1. The common law and statute laws now in force not repugnant to this constitution, shall remain in force until they expire by their own limitation, or be altered or repealed by the legislature; and all writs, actions, causes of action, prosecutions, contracts, claims and rights of individuals and of bodies corporate, and of the state, and all charters of incorporation, shall continue, and all indictments, which shall have been found, or which may hereafter be found, for any crime or offence committed before the adoption of this constitution, may be proceeded upon as if no change had taken place. The several courts of law and equity, except as herein otherwise provided, shall continue with the like powers and jurisdiction as if this constitution had not been adopted.

2. All officers now filling any office or appointment, shall continue in the exercise of the duties thereof, according to their respective commissions or appointments, unless, by this constitution it is otherwise directed.

3. The present governor, chancellor and ordinary or surrogate general, and treasurer shall continue in office until successors elected or appointed under this constitution shall be sworn or affirmed into office.

4. In case of the death, resignation, or disability of the present governor, the person who may be vice president of council at the time of the adoption of this constitution shall continue in office and administer the government until a governor shall have been elected and sworn or affirmed into office under this constitution.

5. The present governor, or in case of his death or inability to act, the vice president of council, together, with the present members of the legislative council and secretary of state shall constitute a board of state canvassers, in the manner now provided by law, for the purpose of ascertaining and declaring the result of the next ensuing election for governor, members of the house of representatives, and electors of president and vice president.

6. The returns of the votes for governor, at the said next ensuing election shall be transmitted to the secretary of state, the votes counted, and the election declared, in the manner now provided by law in the case of the election of electors of president and vice president.

7. The election of clerks and surrogates, in those counties where the term of office of the present incumbent shall expire previous to the general election of eighteen hundred and forty-five, shall be held at the general election next ensuing the adoption of this constitution; the result of which election shall be ascertained in the manner now provided by law for the election of sheriffs.

8. The elections for the year eighteen hundred and forty-four shall take place as now provided by law.

9. It shall be the duty of the governor to fill all vacancies in office happening between the adoption of this constitution and the first session of the senate, and not otherwise provided for and the commissions shall expire at the end of the first session of the senate or when successors shall be elected or appointed and qualified.

10. The restriction of the pay of members of the legislature, after forty days from the commencement of the session, shall not be applied to the first legislature convened under this constitution.

11. Clerks of counties shall be clerks of the inferior courts of common pleas and quarter sessions of the several counties, and perform the duties, and be subject to the regulations

now required of them by law until otherwise ordained by the legislature.

12. The legislature shall pass all laws necessary to carry into effect the provisions of this constitution.

STATE OF NEW JERSEY:

I, HENRY C. KELSEY, Secretary of State of the State of New Jersey, do hereby certify the foregoing to be a true copy of the Constitution of the State of New Jersey as amended, as the same is taken from and compared with the original Constitution and Amendments thereto, now remaining on file in my office.

In testimony whereof I have hereunto set my  
[L. s.] hand and affixed my official seal, this ninth day  
of October, A. D. eighteen hundred and seventy-  
five.

HENRY C. KELSEY.

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INDEX.

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# INDEX.

## A

- Absent electors, in military service in time of war, not to be deprived of right to vote, Article II., paragraph 1, page 6.
- Accused persons, rights of—Article I., paragraphs 8, 9, and 10, pages 4 and 5.
- Acquittal, to prevent trial for same offense—Article I., paragraph 10, page 5.
- Acts, Legislative, containing appropriations, how vetoed—Article V., paragraph 7, page 16.
- enacting clause of—Article IV., section 7, paragraph 5, page 12.
- general, not to contain special provisions—Article IV., section 7, paragraph 4, page 12.
- shall be passed, under which corporate powers may be obtained, Article IV., section 7, paragraph 11, page 13.
- how acted on when vetoed by the Governor—Article V., paragraph 7, page 16.
- not to be revived or amended by reference to title only—Article IV., section 7, paragraph 4, page 12.
- object of, to be expressed in title—Article IV., section 7, paragraph 4, page 12.
- special, not to be passed in certain cases—Article IV., section 7, paragraph 11, page 13.
- to embrace but one object—Article IV., section 7, paragraph 4, page 12.
- Adjournment of either House of the Legislature, how effected—Article IV., section 4, paragraphs 2 and 5, page 9.
- Adjutant General, how appointed—Article VII., section 1, paragraph 3, page 23.
- Allowance of public officers, not to be changed by laws passed during term of—Article IV., section 7, paragraph 11, page 13.
- Almighty God, acknowledgment of and dependence on, page 3.
- Amendments to the Constitution, modes of proposing and submitting to the people—Article 9, page 27.

Appeals from Orphans' Court, to what court made—Article VI., section 4, paragraph 3, page 21.

APPOINTING POWER AND TENURE OF OFFICE—Article VII., page 23.

Appointment of Attorney General, Prosecutors of the Pleas, Clerks of the Supreme Court and Court of Chancery, Secretary of State and Keeper of the State Prison—Article VII., section 2, paragraph 3, page 24.

Justices of the Supreme Court, Chancellor, Judges of the Court of Errors and Courts of Common Pleas—Article VII., section 2, paragraph 1, page 24.

Law and Chancery Reporters—Article VII., section 2, paragraph 4, page 24.

Militia Officers—Article VII., section 1, page 23.

State Treasurer and Comptroller—Article VII., section 2, paragraph 2, page 24.

Appointments, by whom made when not provided for by law—Article VII., section 2, paragraph 8, page 25.

shall not be made by Governor during last week of term—Article V., paragraph 3, page 15.

Apportionment of members of General Assembly, how and when made—Article IV., section 3, paragraph 1, page 8.

Appropriations of public money, when forbidden—Article I., paragraphs 19 and 20, page 6.

Governor may veto separate items of bills making—Article V., paragraph 7, page 16.

money not to be drawn from the treasury without—Article IV., section 6, paragraph 2, page 11.

Arming of militia, Legislature to provide for—Article VII., section 1, paragraph 1, page 23.

Arrest, members of Legislature privileged from during sessions—Article IV., section 4, paragraph 8, page 10.

Assemble, right of the people to—Article I., paragraph 18, page 6.

Assembly, House of—(see General Assembly).

Assessments for taxes shall be made under general laws—Article IV., section 7, paragraph 12, page 14.

Attainder, bills of, shall not be passed—Article IV., section 7, paragraph 3, page 12.

Attendance of members of Legislature, how compelled—Article IV., section 4, paragraph 2, page 9.

Attorney General, appointment and term of office—Article VII., section 2, paragraph 3, page 24.

## B

Bail, when to be allowed—Article I., paragraph 10, page 5.  
excessive, forbidden—Article I., paragraph 15, page 5.

Bills and Joint Resolutions, how passed by Legislature—Article IV., section 4, paragraph 6, page 9.

for raising revenue must originate in House of Assembly—Article IV., section 6, paragraph 1, page 11.

Bribery, persons convicted of, may be deprived of right of suffrage—Article II., paragraph 2, page 7.

Brigadier Generals, how appointed—Article VII., section 1, paragraph 4, page 23.

## C

Capital offenses, when not bailable—Article I., paragraph 10, page 5.

Chancellor, appointment, term of office and compensation of—Article VII., section 2, paragraph 1, page 24.

to appoint Chancery Reporter—Article VII., section 2, paragraph 4, page 25.

to be Surrogate General and Judge of the Prerogative Court—Article VI., section 4, paragraph 2, page 21.

to constitute Court of Chancery—Article VI., section 4, paragraph 1, page 21.

when not to sit as member of Court of Errors and Appeals—Article VI., section 2, paragraph 5, page 20.

Chancery, appointment of Clerk of Court of—Article VII., section 2, paragraph 3, page 24.

Court of—see Court of Chancery.

powers, when vested in Common Pleas and Circuit Courts—Article IV., section 7, paragraph 10, page 13.

reporter, appointment and term of office of—Article VII., section 2, paragraph 4, page 25.

Changes of venue, not to be provided for by special act—Article IV., section 7, paragraph 11, page 13.

Chief Justice—see Supreme Court.

Circuit Courts, how final judgment of taken to Court of Errors and Appeals—Article VI., section 5, paragraph 3, page 22.

jurisdiction of—Article VI., section 5, paragraph 2, page 21.

when and how to be held—Article VI., section 5, paragraph 2, page 21.

- Credit, of the State, not to be loaned—Article IV., section 6, paragraph 3, page 11.  
 or money, of municipal corporations not to be given or loaned—Article I., paragraphs 19 and 20, page 6.
- Criminal offences, trial after acquittal forbidden—Article I., paragraph 10, page 5.  
 when bailable—Article I., paragraph 10, page 5.
- prosecutions, rights of persons accused—Article I., paragraphs 8, 9 and 10, pages 4 and 5.  
 how instituted—Article I., paragraph 9, page 5.
- Cruel and unusual punishments forbidden—Article I., paragraph 15, page 5.

## D

- Debt, imprisonment for—Article I., paragraph 17, page 5.
- Debts, when and how Legislature may create—Article IV, section 6, paragraph 4, page 11.
- Departments of Government—Article III., paragraph 1, page 7.
- Descent, law of, not to be changed by special act—Article IV., section 7, paragraph 11, page 13.
- DISTRIBUTION OF POWERS OF GOVERNMENT—Article III., page 7.
- Divorce, not to be granted by Legislature—Article IV., section 7, paragraph 1, page 12.
- Donations of land by State or municipal corporations forbidden—Article I., paragraph 20, page 6.

## E

- Education—(see Public Schools).
- Election by the people, when required to sanction laws creating debt—Article IV., section 6, paragraph 4, page 11.  
 of County Clerk and Surrogates—Article VII., section 2, paragraph 5, page 25.  
 Governor, how effected—Article V., paragraph 2, page 15.  
 in case of tie, joint meeting to determine—Article V., paragraph 2, page 15.
- Justices of the Peace—Article VII., section 2, paragraph 7, page 25.
- Militia Officers—Article VII., section 1, page 23.
- Sheriffs and Coroners—Article VII., section 2, paragraph 6, page 25.

- Elections for members of Senate and General Assembly, when to be held—Article IV., section 1, paragraph 3, page 8.  
 of members of Senate and General Assembly, each House the judge of—Article IV., section 4, paragraph 2, page 9.  
 to fill vacancies in Legislature, how ordered—Article IV., section 4, paragraph 1, page 9.
- Electors, in military service in time of war, not to be deprived of right to vote—Article II., paragraph 1, page 6.  
 qualifications of—Article II., paragraph 1, page 6.
- Enacting clause of laws prescribed—Article IV., section 7, paragraph 5, page 12.
- Errors and Appeals, Court of, appointment of judges of—Article VII., section 11, paragraph 1, page 24.  
 arrangement of terms of judges—Article VI., section 2, paragraph 2, page 20.  
 compensation of judges of—Article VI., section 2, paragraph 3, page 20.  
 final judgment of Circuit Court may be brought to—Article VI., section 9, paragraph 3, page 22.  
 how constituted—Article VI., section 2, paragraph 1, page 19.
- Secretary of State to be Clerk of—Article VI., section 2, paragraph 4, page 20.
- term of office of judges—Article VI., section 2, paragraph 1, page 19.
- when Chancellor not to sit as member of—Article VI., section 2, paragraph 5, page 20.
- when Justices of Supreme Court not to sit as members of—Article VI., section 2, paragraph 6, page 20.
- Excessive bail forbidden—Article I., paragraph 15, page 5.
- Exclusive privileges not to be granted—Article IV., section 7, paragraph 11, page 13.
- EXECUTIVE—Article V., page 15.

power vested in Governor—Article V., paragraph 1, page 15.  
 (See Governor).

- Existing laws not to be made part of new acts, unless inserted at length—Article IV., section 7, paragraph 4, page 12.
- Ex-post facto laws not to be passed—Article IV., section 7, paragraph 3, page 12.
- Expulsion of members of Legislature, how effected—Article IV., section 4, paragraph 3, page 9.
- Extra sessions of Legislature or of Senate may be convened by Governor—Article V., paragraph 6, page 16.

## F

- Fines and forfeitures may be suspended or remitted by Governor—Article V., paragraphs 9 and 10, page 18.
- excessive, forbidden—Article I., paragraph 15, page 5.
- militia, imprisonment for—Article I., paragraph 17, page 5.
- Franchises, exclusive, not to be granted—Article IV., section 7, paragraph 11, page 13.
- Free Schools—(see Public Schools).

## G

- General Assembly, adjournments of, how effected—Article IV., section 4, paragraphs 2 and 5, page 9.
- and Senate, Legislative power vested in—Article IV., section 1, paragraph 1, page 7.
- compensation of members of—Article IV., section 4, paragraph 7, page 10.
- compensation of speaker of—Article IV., section 4, paragraph 7, page 10.
- how and when members shall be apportioned among the several counties—Article IV., section 3, paragraph 1, page 8.
- how composed—Article IV., section 3, paragraph 1, page 8.
- members of, election to what offices shall vacate seat of—Article IV., section 5, paragraph 2, page 10.
- privileged from arrest during session—Article IV., section 4, paragraph 6, page 10.
- to what offices shall not be appointed—Article IV., section 5, paragraph 1, page 10.

- General Assembly, number of members restricted to sixty—Article IV., section 3, paragraph 1, page 8.
- persons not electors ineligible to seat in—Article IV., section 1, paragraph 2, page 7.
- powers of—Article IV., section 4, paragraphs 1, 2, 3, 4 and 5, page 9.
- qualifications of members of—Article IV., section 1, paragraph 2, page 7.
- to choose its own officers and make its own rules—Article IV., section 4, paragraph 3, page 9.
- to have sole power of impeaching—Article VI., section 3, paragraph 1, page 20.
- to judge of the election of its own members—Article IV., section 4, paragraph 2, page 9.
- to keep journal of proceedings—Article IV., section 4, paragraph 4, page 9.
- to originate bills for raising revenue—Article IV., section 6, paragraph 1, page 11.
- what offices shall be vacated by election of incumbent to—Article IV., section 5, paragraph 3, page 10.
- when members of to be elected—Article IV., section 1, paragraph 3, page 7.
- when Speaker of, to act as Governor—Article V., paragraphs 12, 13 and 14, pages 18 and 19.
- who not entitled to seats in—Article IV., section 5, paragraph 3, page 10.
- Laws, not to embrace special, private or local provisions—Article IV., section 7, paragraph 4, page 12.
- property to be assessed for taxes under—Article IV., section 7, paragraph 12, page 14.
- shall be passed, under which corporate powers may be obtained—Article IV., section 7, paragraph 11, page 13.
- shall be passed providing for cases in which special acts are forbidden—Article IV., section 7, paragraph 11, page 13.

GENERAL PROVISIONS—Article VIII., page 26.

GOD, acknowledgment of, and dependence upon—Page 3.

GOVERNMENT, DISTRIBUTION OF POWERS OF—Article III., page 7.

Government, for what instituted—Article I., paragraph 2, page 3.  
 may be changed by the people—Article I., paragraph 2, page 3.

Governor, compensation of—Article V., paragraph 5, page 16.  
 executive power vested in—Article V., paragraph 1, page 15.  
 how and when elected—Article V., paragraph 2, page 15.  
 no appointment to be made by, during last week of term—  
 Article V., paragraph 3, page 15.  
 qualifications for office of—Article V., paragraph 4, page 16.  
 term of office—Article V., paragraph 3, page 15.  
 to be Commander-in-Chief; may convene special sessions of  
 Legislature or Senate; shall inform Legislature of condi-  
 tion of State, and make recommendations to them; shall  
 execute the laws, and issue commissions—Article V.,  
 paragraph 6, page 16.  
 duties and powers of, respecting bills passed by Legislature  
 —Article V., paragraph 7, page 16.  
 who shall not hold office of; acceptance of what offices shall  
 vacate office of; to what offices he shall not be elected—  
 Article V., paragraph 8, page 17.  
 in certain cases, may suspend collection of fines and grant  
 reprieves — Article V., paragraph 9,  
 page 18.  
     with other officers, may remit fines and  
     grant pardons—Article V., paragraph  
     10, page 18.  
 shall be liable to impeachment for two years after expiration  
 of term—Article V., paragraph 11, page 18.  
 in case of death, resignation or removal from office, who to  
 act as; power of to fill vacancies in offices—  
 Article V., paragraph 12, page 18.  
 impeachment, absence from State, or inability,  
 who to act as—Article V., paragraph 13, page  
 19.  
     vacancy from other causes, who to serve as—  
     Article V., paragraph 14, page 19.  
 to grant commissions to militia officers—Article VII., sec-  
 tion 1, paragraph 6, page 23.  
 appoint all officers whose appointment is not otherwise  
 provided for—Article VII., section 2, para-  
 graph 8, page 25.

Governor to appoint Attorney General, Prosecutors of the Pleas,  
 Clerks of the Supreme Court and Court of  
 Chancery, Secretary of State and Keeper of  
 the State Prison—Article VII., section 2,  
 paragraph 3, page 24.  
 Justices of Supreme Court, Chancellor and  
 Judges of the Court of Errors and Courts of  
 Common Pleas—Article VII., section 2, para-  
 graph 1, page 24.  
 Major Generals, Adjutant and Quartermaster  
 Generals—Article VII., section 1, paragraph  
 5, page 23.  
     commission all civil officers — Article VII., section 2,  
     paragraph 9, page 26.  
     have official custody of the Great Seal—Article VIII.,  
     paragraph 2, page 26.  
 Grants and commissions, stipulations concerning form of—Article  
 VIII., paragraph 3, page 26.  
 Great Seal, commissions issued by Governor to bear—Article V., para-  
 graph 6, page 16.  
     official custody, and title of—Article VIII., paragraph 2,  
     page 26.  
 Grievances, right to petition for redress of—Article I., paragraph 18,  
 page 6.

## H

Habeas Corpus, when privilege of may be suspended—Article I., para-  
 graph 11, page 5.  
 Highways, cases in which special acts respecting shall not be passed—  
 Article IV., section 7, paragraph 11, page 13.  
     how land may be taken for—Article I., paragraph 16,  
     page 5.  
 House of Assembly—(see General Assembly).

## I

Idiots and insane persons not electors—Article II., paragraph 1, page 6.  
 Impeachment, by whom presented and tried—Article VI., section 3,  
 paragraph 1, page 20.  
     effect of judgment in cases of—Article VI., section 3,  
     paragraph 3, page 20.

- Impeachment, Governor and other civil officers liable to, for two years after expiration of term—Article V., paragraph 11, page 18.  
 judicial officers to be suspended during trial of—Article VI., section 3, paragraph 2, page 20.  
 pardons not to be granted in cases of—Article V., paragraphs 9 and 10, page 18.  
 Secretary of State to be Clerk of Court of—Article VI., section 3, paragraph 4, page 21.
- Imprisonment for debt not allowed, except in certain cases—Article I., paragraph 17, page 5.
- Indictments and writs, stipulations concerning form of—Article VIII., paragraph 3, page 26.
- Inferior courts may be created or abolished by law—Article VI., section 1, paragraph 1, page 19.
- Instruction, public—(see Public Schools).

## J

- Joint meeting, in case of tie, Governor to be elected in—Article V., paragraph 2, page 15.  
 Judges of Courts of Common Pleas to be appointed in—Article VII., section 2, paragraph 2, page 24.  
 Treasurer and Comptroller to be appointed in—Article VII., section 2, paragraph 2, page 24.
- Joint resolutions and bills, how passed by Legislature—Article IV., section 4, paragraph 6, page 9.
- Journals of the Legislature, by whom kept and published—Article IV., section 4, paragraph 4, page 9.  
 yeas and nays, on passage of bills, to be entered in—Article IV., section 4, paragraph 6, page 9.
- Judges of Court of Common Pleas, how appointed and term of office—Article VII., section 2, paragraph 1 ~~and 2~~, page 24.  
 number and appointment of—Article VI., section 6, paragraphs 1 and 2, page 22.
- Errors and Appeals, appointment of—Article VII., section 2, paragraph 1, page 24.

- Judges of Court of Errors and Appeals, compensation of—Article VI., section 2, paragraph 1, page 20.  
 how terms to be arranged—Article VI., section 2, paragraph 2, page 20.  
 term of office—Article VI., section 2, paragraph 1, page 19.
- Courts, offices vacated by election of incumbents to the Legislature—Article IV., section 5, paragraph 3, page 10.
- Judgment in cases of impeachment, effect of—Article VI., section 3, paragraph 3, page 20.
- Judicial officers to be suspended during trial by impeachment—Article VI., section 3, paragraph 2, page 20.
- powers, in what courts vested—Article VI., section 1, paragraph 1, page 19.

## JUDICIARY—Article VI., page 19.

- Juries, special acts providing for selection of, not to be passed—Article IV., section 7, paragraph 11, page 13.
- Jury, right of trial by, to be inviolate—Article I., paragraph 7, page 4.  
 when may consist of six men—Article I., paragraph 7, page 4.
- Justices of the Peace, election and term of office; how commissioned, and when office vacated—Article VII., section 2, paragraph 7, page 25.  
 number to be elected—Article VI., section 7, paragraph 1, page 22.  
 office vacated by election of incumbent to the Legislature—Article IV., section 5, paragraph 3, page 10.
- Supreme Court, how appointed, term of office and compensation—Article VII., section 2, paragraph 1, page 24.  
 number of—Article VI., section 5, paragraph 1, page 21.  
 office vacated by election of incumbent to the Legislature—Article IV., section 5, paragraph 3, page 10.  
 to appoint law reporter—Article VII., section 2, paragraph 4, page 25.

Justices of the Supreme Court to hold Circuit Courts—Article VI., section 5, paragraph 2, page 21.  
when not to sit as members of Court of Errors and Appeals—Article VI., section 2, paragraph 6, page 20.

## L

Lands, donations of by State or municipal corporations forbidden—Article I., paragraph 20, page 6.  
may be taken for highways—Article I., paragraph 16, page 5.  
of minors, special acts authorizing sale of forbidden—Article IV., section 7, paragraph 7, page 13.

Law Reporter, appointment and term of office of—Article VII., section 2, paragraph 4, page 25.  
of descent, not to be changed by special acts—Article IV., section 7, paragraph 11, page 13.

Laws, creating debt, when required to be ratified by the people—Article IV., section 6, paragraph 4, page 11.  
enacting clause of prescribed—Article IV., section 7, paragraph 5, page 12.  
existing, not to be made part of new acts unless recited at length—Article IV., section 7, paragraph 4, page 12.  
ex post facto, shall not be passed—Article IV., section 7, paragraph 3, page 12.  
general—(see General Laws.)  
not to be revived or amended by reference to title—Article IV., section 7, paragraph 4, page 12.  
special—(see Special Laws.)  
to embrace but one object, which shall be expressed in title—Article IV., section 7, paragraph 4, page 12.

Legislation, special—(see Special Laws.)

Legislative power, in what vested—Article IV., section 1, paragraph 1, page 7.

Legislature, cases in which shall not pass special acts—Article IV., section 7, paragraph 13, page 11.  
each house the judge of the election of its members—Article IV., section 4, paragraph 2, page 9.  
to choose its own officers and make its own rules—Article IV., section 4, paragraph 3, page 9.

Legislature, each house to keep and publish a journal of its proceedings—Article IV., section 4, paragraph 4, page 9.

forbidden to pass certain laws—Article IV., section 7, paragraph 3, page 12.

how to act on bills vetoed by Governor—Article V., paragraph 7, page 16.  
pass bills and joint resolutions—Article IV., section 4, paragraph 6, page 9.

may alter time of general election—Article IV., section 1, paragraph 3, page 8.  
be convened in extra session by the Governor—Article V., paragraph 6, page 16.  
deny right of suffrage to persons convicted of bribery—Article II., paragraph 2, page 7.  
provide for canvass and return of votes of absent electors—Article II., paragraph 1, page 7.  
vest in certain courts chancery powers—Article IV., section 7, paragraph 10, page 13.

members of, an election to what offices shall vacate seat of—Article IV., section 5, paragraph 2, page 10.  
may administer official oath to each other—Article IV., section 8, paragraph 1, page 14.  
official oath of—Article IV., section 8, paragraph 1, page 14.  
pay of—Article IV., section 4, paragraph 7, page 10.  
to what offices shall not be appointed—Article IV., section 5, paragraph 1, page 10.  
when privileged from arrest—Article IV., section 4, paragraph 8, page 10.  
to be elected—Article IV., section 1, paragraph 3, page 8.

not to grant divorce—Article IV., section 7, paragraph 1, page 12.

official oath of officers—Article IV., section 8, paragraph 2, page 15.

powers of the two houses—Article IV., section 4, paragraphs 1, 2, 3, 4 and 5, page 9.

- Legislature shall not appropriate school fund to any other purpose—  
Article IV., section 7, paragraph 6, page 12.
- elect Governor to any State or United States  
office during term—Article V., paragraph 8,  
page 17.
- provide manner of giving notice of intention to in-  
troduce private bills—Article IV., section  
7, paragraph 9, page 13.
- system of free public schools—Article IV.,  
section 7, paragraph 6, page 12.
- to choose Governor in case of tie, and provide mode of de-  
termining contested elections—Article V., paragraph  
2, page 15.
- provide for organization of militia—Article VII., sec-  
tion 1, paragraph 1, page 23.
- time and manner of electing militia officers—  
Article VII., section 1, paragraph 6, page 23.
- vacancies in how filled—Article IV., section 4, paragraph  
1, page 9.
- what offices shall be vacated by election of incumbent to  
—Article IV., section 5, paragraph 3, page 10.
- when and how debts may be created by—Article IV., sec-  
tion 6, paragraph 4, page 11.
- Libel, trials for—Article I., paragraph 5, page 4.
- Liberty, of press and speech—Article I., paragraph 5, page 4.  
religious—Article I., paragraphs 3 and 4, pages 3 and 4.
- Loan of the credit of the State forbidden—Article IV., section 6, para-  
graph 3, page 11.
- or money of municipalities forbidden—Article I.,  
paragraph 19, page 6.
- Lotteries not to be authorized by the State—Article IV., section 7,  
paragraph 2, page 12.
- Lottery tickets, sale of, forbidden—Article IV., section 7, paragraph 2,  
page 12.
- Lunatics not electors—Article II., paragraph 1, page 6.

## M

- Major Generals of Militia, how appointed—Article VII., section 1,  
paragraph 5, page 23.

- Members of General Assembly, how and when apportioned among the  
several counties—Article IV., sec-  
tion 3, paragraph 1, page 8.
- number of, restricted to sixty—Article  
IV., section 3, paragraph 1, page 8.
- Legislature, an election to what offices shall vacate seat  
of—Article IV., section 5, paragraph 2,  
page 10.
- compensation of—Article IV., section 4,  
paragraph 7, page 10.
- oath of office, and how administered—Article  
IV., section 8, paragraph 1, page 14.
- to what offices shall not be appointed—Ar-  
ticle IV., section 5, paragraph 1, page 10.
- when privileged from arrest—Article IV.,  
section 4, paragraph 8, page 10.
- the Senate and General Assembly, qualifications for—Ar-  
ticle IV., section 1,  
paragraph 2, page 7.
- when to be elected—  
Article IV., section 1,  
paragraph 3, page 8.
- Military, Governor to be Commander in Chief of—Article V., paragraph  
6, page 16.
- power subordinate to civil power—Article I., paragraph 12,  
page 5.
- quartering of—Article I., paragraph 13, page 5.
- Militia, commissioned officers of, not to be removed, except by court  
martial—Article VII., section 1, paragraph 6, page 23.
- fine, when imprisonment for forbidden—Article I., paragraph  
17, page 5.
- Legislature to provide for organization of—Article VII., sec-  
tion 1, paragraph 1, page 23.
- officers, how chosen—Article VII., section 1, page 23.
- Minors, special laws authorizing sale of lands of, not to be passed—  
Article IV., section 7, paragraph 7, page 13.
- Money or credit of municipal corporations not to be given or loaned—  
Article I., paragraphs 19 and 20, page 6.
- of the State not to be drawn from treasury, except on appro-  
priations—Article IV., section 6, paragraph 2, page 11.
- of State or Municipal Corporations, when appropriations for-  
bidden—Article I., paragraph 20, page 6.

- Mortgages, in foreclosure of, Common Pleas and Circuit Courts may be invested with Chancery powers—Article IV., section 7, paragraph 10, page 13.
- Municipal Affairs, special acts appointing commissioners to regulate, not to be passed—Article IV., section 7, paragraph 11, page 13.
- corporations shall not loan or give money or credit—Article I., paragraphs 19 and 20, page 6.

## N

- Natural rights—Article I., paragraph 1, page 3.
- Nominations by Governor shall not be made during last week of his term—Article V., paragraph 3, page 15.
- Notice of intention to apply for private acts, how to be given—Article IV., section 7, paragraph 9, page 13.
- Number of members of the General Assembly limited to sixty—Article IV., section 3, paragraph 1, page 8.

## O

- Oath, official, of members of Legislature—Article IV., section 8, paragraph 1, page 14.
- officials of Legislature—Article IV., section 8, paragraph 2, page 15.
- of Senators in impeachment trials—Article VI., section 3, paragraph 1, page 20.
- Objects of government—Article I., paragraph 2, page 3.
- Office, religious test not required as qualification for—Article I., paragraph 4, page 4.
- OFFICE, TENURE OF—Article VII., page 23.
- Officers of Legislature, how chosen—Article IV., section 4, paragraph 3, page 9.
- shall take oath—Article IV., section 8, paragraph 2, page 15.
- militia, how chosen—Article VII., section 1, page 23.
- under State, or United States, shall not exercise office of Governor—Article V., paragraph 8, page 17.
- OFFICERS, CIVIL—Article VII., section 2, page 24.

- Offices, an election to which shall vacate seat in Legislature—Article IV., section 5, paragraph 2, page 10.
- the incumbents of which shall not be entitled, to seats in Legislature—Article IV., section 5, paragraph 3, page 10.
- to which members of the Legislature shall not be elected—Article IV., section 5, paragraph 1, page 9.
- vacated on election of incumbents to Legislature—Article IV., section 5, paragraph 3, page 10.
- Organization of militia, Legislature to provide for—Article VII., section 1, paragraph 1, page 23.
- Orphans' Courts, appeals from may be made to Prerogative Court—Article VI., section 4, paragraph 3, page 21.
- when appeals from not to be made to Supreme or Circuit Courts—Article VI., section 4, paragraph 3, page 21.

## P

- Pardons, how and by whom granted—Article V., paragraph 10, page 18.
- Paupers not electors—Article II., paragraph 1, page 6.
- Pay of members of Legislature—Article IV., section 4, paragraph 7, page 10.
- People, political power inherent in; government instituted for and may be altered by—Article I., paragraph 2, page 3.
- right of to assemble and petition—Article I., paragraph 18, page 6.
- Persons accused of crimes, right of—Article I., paragraphs 8, 9 and 10, pages 4 and 5.
- treason, rights of—Article I., paragraph 14, page 5.
- and property secure against unreasonable search—Article I., paragraph 6, page 4.
- Petition, right of—Article I., paragraph 18, page 6.
- Political powers inherent in people—Article I., paragraph 2, page 3.
- Population of townships and wards, how to be ascertained—Article VI., section 7, paragraph 2, page 22.
- Power, judicial, in what courts vested—Article VI., section 1, paragraph 1, page 19.
- legislative, in what vested—Article IV., section 1, paragraph 1, page 7.
- military, subordinate to the civil—Article I., paragraph 12, page 5.

- POWERS OF GOVERNMENT, DISTRIBUTION OF—Article III., page 7.
- the two Houses of the Legislature—Article IV., section 4, paragraphs 1, 2, 3, 4 and 5, page 9.
- Preamble—page 3.
- Prerogative Court, appeals from Orphans' Courts may be made to—  
Article VI., section 4, paragraph 3, page 21.  
Chancellor to be Judge of—Article VI., section 4, paragraph 2, page 21.  
Secretary of State to be Register of—Article VIII., section 4, paragraph 4, page 21.
- President of Senate, compensation of—Article IV., section 4, paragraph 7, page 10.  
to act as Governor in case of vacancy—Article V., paragraphs 12, 13 and 14, pages 18 and 19.
- Press, liberty of—Article I., paragraph 5, page 4.
- Prison Keeper, State, appointment and term of office of—Article VII., section 2, paragraph 3, page 24.
- Private Acts—(see Special Acts.)  
property, how taken for public use—Article IV., section 7, paragraph 8, page 13.
- Privilege of writ of habeas corpus—Article I., paragraph 11, page 5.
- Proceedings of Legislature, by whom journal of kept and published—  
Article IV., section 4, paragraph 4, page 9.  
yeas and nays on passage of bills to be entered on journal of—Article IV., section 4, paragraph 6, page 9.
- Property, how to be assessed for taxes—Article IV., section 7, paragraph 12, page 14.  
of municipal corporations, not to be given or loaned—Article I., paragraphs 19 and 20, page 6.  
private, how taken for public use—Article I., paragraph 16, page 5.
- Prosecutors of the Pleas, appointment and term of office of—Article VII., section 2, paragraph 3, page 24.
- Public money, when not to be appropriated—Article I., paragraphs 19 and 20, page 6.  
schools, how fund for support of shall be invested and income appropriated—Article IV., section 7, paragraph 6, page 12.

- Public schools, Legislature to provide for support and management of—  
Article IV., section 7, paragraphs 6 and 11, pages 12 and 13.  
special acts for management of not to be passed—Article IV., section 7, paragraph 11, page 13.

## Q

- Qualification for electors—Article II., paragraph 1, page 6.  
Governor—Article V., paragraph 4, page 16.  
members of the Legislature—Article IV., section 1, paragraph 2, page 7.  
office, religious test not required—Article I., paragraph 4, page 4.
- Quartering of soldiers in time of peace forbidden—Article I., paragraph 13, page 5.
- Quartermaster-General, how appointed—Article VII., section 1, paragraph 5, page 23.

## R

- Railroad tracks, right to lay not to be granted by special acts—Article IV., section 7, paragraph 11, page 13.
- Reconsideration of acts vetoed by Governor, how effected—Article V., paragraph 7, page 16.
- Redress of grievances, right to petition for—Article I., paragraph 18, page 6.
- Religious liberty—Article I., paragraphs 3 and 4, pages 3 and 4.  
tests, not required as qualifications for office—Article I., paragraph 4, page 4.
- Reprieves, when may be granted by Governor—Article V., paragraph 9, page 18.
- Resignation of Governor, in case of, how vacancy filled—Article V., paragraph 12, page 18.
- Revenue, bills for raising must originate in House of Assembly—Article IV., section 6, paragraph 1, page 11.
- RIGHT OF SUFFRAGE—Article II., page 6.  
of convicts may be restored by law—Article II., paragraph 1, page 6.  
persons convicted of bribery may be deprived of—Article II., paragraph 2, page 7.

Right of suffrage, who entitled to—Article II., paragraph 1, page 6.  
 trial by jury—Article I., paragraph 7, page 4.  
 to assemble and petition—Article I., paragraph 18, page 6.

RIGHTS AND PRIVILEGES—Article I., page 3.

enumeration of, not to impair rights retained  
 —Article I., paragraph 21, page 6.  
 natural—Article I., paragraph 1, page 3.  
 of accused persons—Article I., paragraphs 8, 9 and 10, pages  
 4 and 5.  
 conscience—Article I., paragraph 3, page 3.  
 persons accused of treason—Article I., paragraph 14, page 5.  
 Roads, cases in which special acts respecting shall not be passed—Arti-  
 cle IV., section 7, paragraph 11, page 13.  
 Rules of Senate and General Assembly, how made—Article IV., section  
 4, paragraph 3, page 9.

## S

Salaries of public officers, special acts changing during term of office  
 shall not be passed—Article IV., section 7, paragraph 11,  
 page 13.  
 Salary of Governor shall not be changed during his term—Article V.,  
 paragraph 5, page 16.  
 Sale of lottery tickets forbidden—Article IV., section 7, paragraph 2,  
 page 12.  
 School Fund, how invested and income appropriated—Article IV., sec-  
 tion 7, paragraph 6, page 12.  
 Schools—(see Public Schools.)  
 SCHEDULE—Article X., page 28.  
 Seal of the State, official custody and title of—Article VIII., paragraph  
 2, page 26.  
 Search, unreasonable forbidden—Article I., paragraph 6, page 4.  
 warrants, when shall not issue—Article I., paragraph 6, page 4.  
 Secretary of State, appointment and term of office of—Article VII.,  
 section 2, paragraph 3, page 24.  
 to be Clerk of Court of Errors and Appeals—Arti-  
 cle VI., section 2, paragraph 4,  
 page 20.

Secretary of State to be clerk of courts of impeachment—Article VI.  
 section 3, paragraph 4, page 21.  
 Register of Prerogative Court—Article VI.,  
 section 4, paragraph 4, page 21.  
 when to be auditor of Treasurer's accounts—Arti-  
 cle VIII., paragraph 1, page 26.  
 Senate, adjournment of, how effected—Article IV., section 4, para-  
 graphs 2 and 5, page 9.  
 compensation of members of—Article IV., section 4, paragraph  
 7, page 10.  
 president of—Article IV., section 4, paragraph  
 7, page 10.  
 election to what offices shall vacate seat of member of—Article  
 IV., section 5, paragraph 2, page 10.  
 how composed—Article IV., section 2, paragraph 1, page 8.  
 may be convened in extra session by Governor—Article V.,  
 paragraph 6, page 16.  
 oath of members of—Article VI., section 3, paragraph 1, page  
 20, and Article IV., section 8, paragraph 1, page 14.  
 official terms of members of—Article IV., section 2, paragraph  
 2, page 8.  
 persons not entitled to right of suffrage ineligible for member-  
 ship in—Article IV., section 1, paragraph 2, page 7.  
 powers of—Article IV., section 4, paragraphs 1, 2, 3, 4 and 5,  
 page 9.  
 President of to act as Governor in case of vacancy—Article  
 V., paragraphs 12, 13 and 14, pages 18 and 19.  
 qualifications of members of—Article IV., section 1, paragraph  
 2, page 7.  
 shall try all impeachments—Article VI., section 3, paragraph  
 1, page 20.  
 to choose its own officers and make its own rules—Article IV.,  
 section 4, paragraph 3, page 9.  
 to judge of election of its members—Article IV., section 4,  
 paragraph 2, page 9.  
 to keep a journal of its proceedings—Article IV., section 4,  
 paragraph 4, page 9.  
 to what offices members of shall not be appointed—Article IV.,  
 section 5, paragraph 1, page 10.  
 what offices shall be vacated by election of incumbent to—  
 Article IV., section 5, paragraph 3, page 10.

- Senate, when members of privileged from arrest—Article IV., section 4, paragraph 8, page 10.  
to be elected—Article IV., section 1, paragraph 3, page 8.  
who not entitled to seats in — Article IV., section 5, paragraph 3, page 10.
- Senate and General Assembly, Legislative power vested in — Article IV., section 1, paragraph 1, page 7.
- Sect, preference by law forbidden—Article I., paragraph 4, page 4.
- Security of persons and property—Article I., paragraph 6, page 4.
- Sessions, extra, of Legislature or Senate alone, how called—Article V., paragraph 6, page 16.
- Sheriff, election and term of office—Article VII., section 2, paragraph 6, page 25.  
office of vacated by election of incumbent to the Legislature—Article IV., section 5, paragraph 3, page 10.
- Soldiers, when quartering of forbidden—Article I., paragraph 13, page 5.  
and Sailors not deprived of right of suffrage by absence in military service in time of war—Article II., paragraph 1, page 6.  
to be considered residents, because stationed in the State — Article II., paragraph 1, page 6.
- Speaker of the General Assembly, pay of—Article IV., section 4, paragraph 7, page 10.  
when to act as Governor — Article V., paragraphs 12, 13 and 14, pages 18 and 19.
- Special laws, authorizing sales of lands of minors, not to be passed — Article IV., section 7, paragraph 7, page 13.  
not to be passed, unless public notice of intention to apply for has been given—Article IV., section 7, paragraph 9, page 13.  
shall not be passed in certain cases — Article IV., section 7, paragraph 9, page 13.  
provisions not to be inserted in general laws—Article IV., section 7, paragraph 4, page 12.
- Speech, liberty of—Article I., paragraph 5, page 4.
- State, credit of, not to be loaned—Article IV., section 6, paragraph 3, page 11.  
Prison Keeper, appointment and term of office of—Article VII., section 2, paragraph 3, page 24.

- State shall not make donation of land or money—Article I., paragraph 20, page 6.  
Treasurer, appointment and term of office of—Article VII., section 2, paragraph 2, page 24.
- SUFFRAGE, RIGHT OF—Article II., page 6.  
electors absent in army or navy in time of war to retain—Article II., paragraph 1, page 6.  
of convicts may be restored by law—Article II., paragraph 1, page 6.  
persons convicted of bribery may be deprived of—Article II., paragraph 2, page 7.  
who entitled to—Article II., paragraph 1, page 6.
- Subordination of military to civil power—Article I., paragraph 12, page 5.
- Support of ministry, taxation for forbidden—Article I., paragraphs 3 and 4, pages 3 and 4.
- Supreme Court, appointment and term of office of Clerk of—Article VII., section 2, paragraph 3, page 24.  
compensation and terms of office of Justices of—Article VII., section 2, paragraph 1, page 24.  
how to be composed—Article VI., section 5, paragraph 1, page 21.  
when appeal from Orphan's Court not to be made to—Article VI., section 4, paragraph 3, page 21.  
Justices of not to sit as members of Court of Errors and Appeals—Article VI., section 2, paragraph 6, page 20.  
writs of error from Circuit Courts to—Article VI., section 5, paragraph 3, page 22.
- Surrogate, election and official term—Article VII., section 2, paragraph 5, page 25.  
General, Chancellor to be—Article VI., section 4, paragraph 2, page 21.  
how vacancies in office filled—Article V., paragraph 12, page 18.
- Suspension of writ of habeas corpus—Article I., paragraph 11, page 5.

## T

Taxes, how property to be assessed for—Article IV., section 7, paragraph 12, page 14.

TENURE OF OFFICE—Article VII., page 23.

Term, official, of Attorney General, Prosecutors of the Pleas, Clerks of Supreme Court and Court of Chancery, Secretary of State and Keeper of State Prison—Article VII., section 2, paragraph 4, page 24.

civil officers, when to commence—Article VII., section 2, paragraph 10, page 26.

Clerks and Surrogates—Article VII., section 2, paragraph 5, page 25.

Governor—Article V., paragraph 3, page 15.

Judges of Court of Errors—Article V., section 2, paragraph 1, page 19.

Courts of Common Pleas—Article VII., section 2, paragraph 2, page 24.

Justices of Supreme Court and Chancellor—Article VII., section 2, paragraph 1, page 24.

Justices of the Peace—Article VII., section 2, paragraph 7, page 25.

Law and Chancery Reporters—Article VII., section 2, paragraph 4, page 25.

Senators—Article IV., section 2, paragraphs 1 and 2, page 8.

Sheriffs and Coroners—Article VII., section 2, paragraph 6, page 25.

State Treasurer and Comptroller—Article VII., section 2, paragraph 2, page 24.

Title of Legislative acts to express object—Article IV., section 7, paragraph 4, page 12.

Towns, special act regulating affairs of not to be passed—Article IV., section 7, paragraph 11, page 13.

Treason, what constitutes and how proven—Article I., paragraph 14, page 5.

Treasurer, State, appointment and official term—Article VII., section 2, paragraph 2, page 24.

when accounts to be audited by Secretary of State—Article VIII., paragraph 1, page 26.

Treasury, State, money to be drawn from only on appropriations—Article IV., section 6, paragraph 2, page 11.

Trial after acquittal forbidden—Article I., paragraph 10, page 5.  
by jury, right to remain inviolate—Article I., paragraph 7, page 4.

## U

Unalienable rights—Article I., paragraph 1, page 3.

United States, officers of, shall not be entitled to seats in Legislature—Article IV., section 5, paragraph 3, page 10.

Unusual and cruel punishments forbidden—Article I., paragraph 15, page 5.

## V

Vacancies in Legislature, how filled—Article IV., section 4, paragraph 1, page 9.

office of Governor, how filled—Article V., paragraphs 12, 13, and 14, pages 18 and 19.

offices, how filled during recess of Legislature—Article V., paragraph 12, page 18.

Venue, special acts providing for change of not to be passed—Article IV., section 7, paragraph 11, page 13.

Veto power—Article V., paragraph 7, page 16.

Vote, who entitled to—Article II., paragraph 1, page 6.

## W

War, debt exceeding one hundred thousand dollars, not to be created, except for purposes of—Article IV., section 6, paragraph 4, page 11.

Warrants, search, when shall not issue—Article I., paragraph 6, page 4.

Writs and indictments, stipulations concerning form of—Article VIII., paragraph 3, page 26.

of error to Court of Appeals—Article VI., section 2, paragraph 6, page 20; Article VI., section 5, paragraph 3, page 22.

Prerogative Court—Article VI., section 4, paragraph 3, page 21.

Supreme Court—Article VI., section 5, paragraph 3, page 22.

habeas corpus, when may be suspended—Article I., paragraph 11, page 5.



