

# STATE OF NEW JERSEY

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## Proposed Revised Constitution (1944)

*As legislated*  
pending before

Joint Legislative Committee to formulate a draft of a Proposed Revised Constitution for the State of New Jersey constituted under Senate Concurrent Resolution No. 1, adopted January 11, 1944.

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**Senate Concurrent Resolution No. 1**  
**Adopted January 11, 1944**

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# STATE OF NEW JERSEY

January, 1944

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## PROPOSED CONSTITUTION (1944)

PREAMBLE.—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 endeavors 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 pretense 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 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 compulsory process for obtaining witnesses in his favor, 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

### THE POWERS OF GOVERNMENT

1. The powers of the government of this State shall be divided among three distinct branches, the legislative, executive and judicial. No person belonging to or constituting one of these branches shall exercise any of the powers properly belonging to either of the others, except as expressly provided in this Constitution.

2. All powers of government which are not by this Constitution vested in the executive or judicial branches, or in conflict with rights reserved by the people, or specifically proscribed to the legislative branch, shall be embraced within the legislative power and may be exercised in such manner as may be provided by law.

## ARTICLE III

### 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 resident 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 resident of the State for two years, and of the county for which he shall be chosen one year next before his election; but 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. The two Houses of the Legislature shall meet separately, in regular session, annually on the second Tuesday in January, and shall adjourn sine die not exceeding ninety calendar days thereafter, except as provided in the Executive Article of this Constitution. The Senate shall, however, convene from time to time at the call of the President of the Senate or of the Governor but only for the purpose of receiving and acting upon nominations to office made by the Governor or for the purpose of the preferring and trial of charges against judicial officers or for both purposes.

4. Special sessions of the Legislature shall be called by the Governor upon petition of a majority of the members of each House and may be called by the Governor at such other times as in his opinion the public interest may require. In either event, the call for a special session shall specify the matter or matters to be considered and no other matter shall be considered at such session which is not specified in such call or in any other message from the Governor delivered during such session. No special session shall exceed fifteen calendar days in duration, except as provided in the Executive Article of this Constitution.

5. Legislative Committees created by Concurrent Resolution or Joint Resolution of the Legislature, or created by Resolution of either House of

the Legislature, shall continue with all powers delegated to them, notwithstanding any adjournment of the Legislature, unless restricted by the Legislature or House creating them.

## SECTION II

1. The Senate shall be composed of one Senator from each county in the State elected by the legally qualified voters of the counties, respectively, for a term beginning at noon on the second Tuesday in January next following his election, and ending at noon on the second Tuesday in January, four years thereafter.

2. The members of the Senate shall be elected in two classes so that, as nearly as may be, one-half of the total number shall be elected biennially. The first classification for the purposes of this section shall be effectuated as provided in the schedule of this Constitution.

3. The General Assembly shall be composed of members elected biennially by the legally qualified voters of the counties, respectively, each for a term beginning at noon on the second Tuesday in January next following his election, and ending at noon on the second Tuesday in January, two years thereafter. The members of the General Assembly 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 census, and when made, shall remain unaltered until another census 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.

4. Vacancies in the office of Senator or Assemblyman shall be filled by election for the remainder of the unexpired term only, as may be provided by law.

## SECTION III

1. Members of the Senate and General Assembly shall receive annually the sum of two thousand 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 General Assembly shall, by virtue of their offices, receive an additional compensation, equal to one-half of their allowance as members.

2. 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.

3. No member of the Senate or General Assembly shall during the time for which he was elected be eligible to hold any appointive civil office, or position, under the authority of this State which shall have been created or any appointive State civil office, or position, the emoluments whereof shall

have been increased during such term. No member of the Senate or General Assembly shall, during any regular ninety day session of the Legislature, qualify into any office, or position, under the government of this State.

4. The seat of any member of the Legislature shall be vacated by his acceptance of any State or Federal office, position, or appointment, of profit.

5. No person possessed of any State or Federal office, position, or appointment, of profit and no judge of any court shall be entitled to a seat in the Legislature.

6. 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.

7. 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 safekeeping by virtue of my office, and make such disposition of the same as may be required by law."

#### 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 behavior, 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. Members of the Legislature may be appointed by the Legislature or otherwise and may serve as members of any commission, committee or other body whose main purpose is to aid or assist in the performance of quasi-legislative functions or to aid or assist the Legislature in per-

forming its functions; provided that no compensation shall be paid to any member of the Legislature because of such membership.

7. Lobbying in the legislative chambers of either House shall be prohibited. The Legislature shall impose suitable penalties for violations of this provision.

## SECTION V

1. 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."

2. All bills for raising revenue shall originate in the General Assembly; but the Senate may propose or concur with amendments, as on other bills.

3. 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.

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. This paragraph, however, shall not be given effect to invalidate any law adopting or enacting a compilation, consolidation, revision or rearrangement of all or part of the statutory law, nor in any event to invalidate any law except in proceedings brought within two years from the effective date thereof.

5. 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.

6. 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, other than by inserting it in such act.

7. The statutory law shall be continuously revised by enactment from time to time of revisions of such parts thereof as need appears and the Legislature shall designate by law a permanent law revision agency to examine all of the statutory law, and to recommend to the Legislature such revisions thereof as are needed, from time to time, to the end that all the statutory law shall be completely revised where needed, upon recommendation of such agency or otherwise, at least once every ten years.

## SECTION VI

1. Neither the Legislature nor either House thereof shall elect or appoint any executive, administrative or judicial officers, except the State Treasurer, the State Comptroller and the State Auditor.

2. The right of labor to organize and bargain collectively shall not be impaired.

3. No divorce shall be granted by the Legislature.

4. 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.

5. It shall be lawful to hold, carry on, and operate in this State race meetings whereat the trotting, running or steeplechase racing of horses only may be conducted between the hours of sunrise and sunset on week days only and in duly legalized race tracks, at which the pari-mutuel system of betting shall be permitted. No lottery, roulette, or game of chance of any form shall be authorized by the Legislature in this State, and no ticket in any lottery shall be bought or sold within this State, or offered for sale; nor shall pool-selling, bookmaking, or gambling of any kind be authorized or allowed within this State, except pari-mutuel betting on the results of the racing of horses only, from which the State shall derive a reasonable revenue for the support of government, nor shall any gambling device, practice, or game of chance, or pari-mutuel betting thereon now prohibited by law, except as herein stated and otherwise provided, be legalized, or the remedy, penalty, or punishment now provided therefor be in any way diminished.

6. The Legislature may enact general laws under which municipalities, other than counties, may limit and restrict to specified districts and regulate therein, buildings and structures according to their construction, and the nature and extent of their use and the nature and extent of the uses of land. Such law shall be deemed to be within the police power of the State and shall be subject to repeal or alteration by the Legislature.

7. Any agency of the State or any political subdivision thereof, which is empowered to take or otherwise acquire private property for any public highway, parkway, other public improvement or public place, may be authorized by law to take or otherwise acquire the fee or any lesser interest, and may be authorized by law to take or otherwise acquire a fee in, easements upon, or the benefit of restrictions upon, abutting property to preserve and protect the public highway, parkway, other public improvement or public place, but no such taking shall be without just compensation.

8. The Legislature shall provide for the maintenance and support of a thorough and efficient system of public free schools for the instruction of all children in this State between the ages of five and eighteen years. The fund for the support of public 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 pretense whatever.

9. No general law shall embrace any provision of a private, special or local character. The Legislature shall not pass any private, special or local laws:

- (1) 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.

- (2) Creating, increasing or decreasing the emoluments, term, tenure or pension rights of public officers or employees.
- (3) Relating to taxation or exemption therefrom.
- (4) Laying out, opening, altering and working roads or highways.
- (5) Vacating any road, town plot, street, alley or public grounds.
- (6) Regulating the internal affairs of municipal corporations, formed for local government, and counties; appointing local offices or commissions to regulate municipal affairs.
- (7) Selecting, drawing, summoning or impaneling grand or petit jurors.
- (8) Changing the law of descent.
- (9) Granting to any corporation, association or individual any exclusive privilege, immunity or franchise whatever.
- (10) Granting to any corporation, association or individual the right to lay down railroad tracks.
- (11) Providing for changes of venue in civil or criminal cases.
- (12) Providing for the management and support of public free 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 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.

10. 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. Such public notice shall be given at such time and in such mode and shall be so evidenced and the evidence thereof shall be so preserved as may be provided by law.

## SECTION VII

1. The Legislature shall provide by law respecting the enrolling, organizing and arming of the militia, the appointment, terms of service, qualifications and removal of its officers other than its commander-in-chief and all other matters relating to the militia.

## ARTICLE IV

### EXECUTIVE

#### SECTION I

1. The executive power shall be vested in a Governor.

2. 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.

3. No 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 or appointed by the Legislature to any office during the term for which he shall have been elected Governor.

4. The Governor shall be elected by the legally qualified voters of this State at the general election held in the year one thousand nine hundred and forty-six and each fourth year thereafter. 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 elected Governor by the vote of a majority of the members of both houses in joint meeting at the regular legislative session next following the general election. Contested elections for the office of Governor shall be determined in such manner as may be provided by law.

5. The Governor when elected for a full term shall hold his office beginning at noon on the second Tuesday of January next following the election for Governor by the people and ending at noon on the second Tuesday of January four years thereafter, except that in case of an election for Governor resulting in a tie, his term shall begin immediately with his election by the Legislature. No Governor elected for a full term shall be capable of holding the office for four years next after the term shall have expired.

6. In case of the death, resignation or removal from office of the Governor, in case of the death of the Governor-elect before he is qualified into office, or in case of a vacancy in the office for any cause other than those herein enumerated, the powers, duties and emoluments of the office shall devolve upon the President of the Senate, for the time being, and in case of his death, resignation or removal, then upon the Speaker of the General Assembly, for the time being, until a Governor shall be elected and qualified.

7. 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 emoluments of the office shall devolve upon the President of the Senate, for the time being, and in case of his death, resignation or removal, then the Speaker of the General 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 Governor be elected and qualified.

8. In case of a vacancy in the office of Governor, a Governor shall be elected to fill the unexpired term at the next general election succeeding the vacancy unless the vacancy shall occur within sixty days immediately preceding a general election in which case he shall be elected at the second succeeding general election but no election to fill an unexpired term shall be held in the year one thousand nine hundred and forty-six or in any fourth year thereafter. If the election shall result in a tie the Governor shall be elected in the same manner as provided in this Constitution in the case of Governors elected for a full term. A Governor elected for an unexpired term shall hold his office beginning with his election by the people or by the Legislature, as the case may be.

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

10. He shall be the commander-in-chief of the militia and all the military and naval forces of the State; he shall communicate by message to the Legislature at the opening of each regular 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 officers elected or appointed pursuant to the provisions of this Constitution. All officers whose election or appointment shall not otherwise be provided for by this Constitution or 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.

11. The Senate shall either confirm, reject or return nominations to office within forty-five days after they are submitted to it by the Governor, or person administering the government; and upon its failure so to do, the nominee shall be deemed confirmed at the expiration of said forty-five days. The return of a nomination shall effect the withdrawal thereof from the consideration of the Senate. No appointment or nomination shall be made by the Governor during the last week of his term.

12. 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 on or after the third day following said return shall proceed to reconsider it; if, after such reconsideration, thirteen members of the Senate, if it shall be returned to the Senate, or thirty-six members of the General Assembly, if it shall be returned to the General Assembly, shall agree to pass the bill, it shall be sent, together with the objections, to the other House by which it shall be reconsidered and if approved of, in that House, by thirteen members of the Senate or thirty-six members of the General Assembly, as the case may be, it shall become a law; 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 ten days, Sundays excepted, after it shall have been presented to him, the same shall become a law on the tenth day if the Legislature is in session on a said day. If, on said tenth day, the Legislature is in adjournment in the course of a session, the bill shall become a law on the day on which the Legislature convenes after the adjournment unless the Governor shall return the bill to the Legislature on that day. If the Legislature is in adjournment sine die on said tenth day, the Governor shall have until the thirty-fifth day after the adjournment either to sign the bill or to return the bill to a special session of the Legislature called by him, to meet before said thirty-fifth day, for the reconsideration of the same; otherwise, the bill shall become a law on said thirty-fifth day. If the Governor shall return any bill to the Legislature less than three days prior to the adjournment sine die of any session, the bill shall become a law on the thirty-fifth day after the adjournment of said session unless the Governor shall call a special session of the

Legislature, to meet before said thirty-fifth day, for reconsideration of the bill. At any such special session any bills returned by the Governor with his objections thereto shall take the same course and be reconsidered by the Legislature in the same manner as in other cases of bills returned.

13. If any bill presented to the Governor shall contain one or more items of appropriation 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 each item to which he objects, and each item so objected to shall not take effect. A copy of such statement shall be transmitted by him to the House in which the bill originated, and each item objected to shall be separately reconsidered in both Houses of the Legislature, and may be made a part of the law notwithstanding the objections of the Governor, as in the case of bills. All the provisions of the preceding paragraph 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.

14. The Governor may cause an investigation to be made of the conduct in office of any State officer except a member of the Legislature or an officer appointed by the Legislature or a judicial officer. After notice, service of charges, and an opportunity to be heard at a public hearing, all as shall be provided for by law, the Governor may remove any such officer whenever in his opinion the hearing discloses misfeasance or malfeasance in office.

## SECTION II

1. There shall be a commission on parole in the executive branch of the government, which shall consist of the Governor or person administering the government and of four members who shall be nominated and appointed by the Governor by and with the advice and consent of the Senate for terms of four years and until their successors are qualified into office and who shall receive such annual salaries for their services as may be provided by law. At least one of said four members shall be an attorney-at-law of this State.

2. The commission on parole, by a majority of them of whom the Governor, or person administering the government, shall be one, may commute sentences and grant pardons, after conviction, in all cases except impeachment; and the commission, by a majority of them, with or without the participation of the Governor, or person administering the government, may remit fines and forfeitures, suspend collection of the same, grant paroles and supervise parolees.

3. The Governor, or person administering the government, shall have power to grant reprieves except in cases of impeachment.

## SECTION III

1. There shall be Principal Departments in the State Government, not more than twenty in number, created by the Governor by executive order; and among and within them shall be allocated by the Governor by executive order all the executive and administrative offices, departments and instru-

mentalities of the State Government, in such manner as to group the same according to major purposes.

2. The Governor by executive order from time to time may reorganize, merge, consolidate and divide offices, departments, instrumentalities and the Principal Departments, and may allocate and reallocate them, in whole or in part, and the functions, powers and duties of any of them among and within such offices, departments and instrumentalities and the Principal Departments, all in such manner as to promote efficiency and economy in the operation of the State Government.

3. The Governor in any executive order made under the preceding paragraphs of this Section may make provision to effect the purposes of said order, including the transfer of personnel, property and appropriation balances, and the abolition and creation, within the limits of available appropriations, of executive and administrative offices, positions and employments; provided that no person shall be deprived of any right or privilege which may be accorded him by civil service law.

4. Every such executive order shall be transmitted by the Governor to each House of the Legislature while it is in regular or special session and shall become effective on the twenty-eighth day after its transmittal unless prior to that day both Houses of the Legislature shall approve or disapprove the same by resolution. If so approved the order shall become effective upon approval; and if so disapproved it shall have no effect. The duration of regular and special sessions of the Legislature as prescribed by this Constitution shall be extended to allow consideration of an executive order within said period of twenty-eight days.

5. Such executive order shall remain unaltered and in full force except as may be provided by subsequent executive orders. The Legislature, however, may by law from time to time assign new functions, powers and duties to, and may increase or diminish the functions, powers and duties of, any office, department or instrumentality or Principal Department.

6. The Principal Departments shall be under the supervision and control of the Governor. The head of each Principal Department shall be a single executive unless otherwise provided by law; and all such single executives shall be nominated and appointed by the Governor by and with the advice and consent of the Senate and shall hold their offices until a new Governor shall be elected and qualified and until their successors shall be appointed and qualified, but they may be removed as shall be provided by law.

7. Whenever a board, commission or other body shall be the head of a Principal Department, the members thereof shall be appointed by the Governor by and with the advice and consent of the Senate and if said board, commission or other body shall have power to appoint an administrator, director or other chief executive, such appointment shall be made with the approval of the Governor.

8. The Governor may from time to time appoint such State officers as he may select, to serve at his pleasure as the members of his cabinet with whom he may consult relative to the affairs of the State.

9. No such executive order shall divest the State Treasurer, the State Comptroller or the State Auditor of any of the functions, powers and duties, conferred and imposed by law upon them, which relate to the receipt and disbursement of public moneys and to accounting, auditing and control.

## ARTICLE V

### JUDICIAL

#### SECTION I

1. The judicial power shall be vested in a Supreme Court and in a Superior Court and in inferior courts of original limited jurisdiction, which inferior courts may from time to time be established, altered and abolished by law. Such inferior courts may be integrated with the Superior Court in any manner and to any extent, not inconsistent with this Constitution, as may be provided by law.

2. In all matters in which there is any conflict or variance between equity and common law, equity shall prevail and, subject to rules of the Supreme Court, every controversy shall be fully determined by the justice hearing it.

3. The Supreme Court shall sit at the seat of the State government and the Superior Court shall sit in each county except the appellate divisions thereof which shall sit at the seat of the State government.

4. The Supreme Court and the appellate divisions of the Superior Court shall hold continuous yearly terms and the sections of the Superior Court exercising original jurisdiction shall hold such terms as may be fixed by rules of the Supreme Court.

#### SECTION II

1. The Supreme Court shall consist of seven justices, namely: one Chief Justice and six associate justices. Five members of the court shall constitute a quorum. The Chief Justice or, in his absence, the justice of the court presiding as provided by law shall designate a justice or justices of the Superior Court to serve temporarily when necessary to constitute a quorum.

2. The Supreme Court shall exercise appellate jurisdiction in the last resort in all cases designated in this Constitution. The court may, by certiorari allowed by the court or any justice thereof, review any indictment, before trial, according to law. The court shall also have jurisdiction of the admission and discipline of attorneys and counsellors at law.

3. The Supreme Court shall make rules governing the administration of all of the Courts in this State. It shall have power, also, to make rules as to pleading, practice and evidence, which may be applicable to all of the Courts in this State, and which shall have the force of law unless changed or abrogated by law.

#### SECTION III

1. The Superior Court shall consist of such number of justices as may be authorized by law, but not less than twenty-five, each of whom may exercise the original jurisdiction of the court subject to rules of the Supreme Court. There shall be at least one resident justice of the Superior Court for each county who shall be appointed from the residents of the county and who shall reside in, and shall annually be assigned by the Chief Justice to

sit in the law section of the Superior Court in said county, but who shall be subject to assignment, from time to time, to sit without the county, only, if and when his duties within the county shall not require his presence there.

2. The Superior Court shall have original general jurisdiction throughout the State in all cases.

3. The Superior Court shall be divided into

- (1) a law section, to exercise civil and criminal jurisdiction at law, and matrimonial jurisdiction and jurisdiction in cases involving the allowance of alimony and maintenance and the custody of children, and
- (2) an equity and probate section, to exercise all other jurisdiction of the court,

but either section shall exercise the jurisdiction of the other when the ends of justice so require. Each section of the Superior Court shall have such parts as may be provided by rules of the Supreme Court.

4. Any Justice of the Superior Court or an appellate division thereof may grant prerogative writs returnable in an appellate division which shall determine, in such manner as the rules of the Supreme Court may prescribe, and without a jury, questions of fact arising therein; or, when so prescribed by rules of the Supreme Court, the hearing may be in the first instance before a single Justice, whose decision, both as to law and fact, shall be reviewable by an appellate division.

#### SECTION IV

1. There shall be established in the Superior Court two or more appellate divisions as prescribed by rules of the Supreme Court. Each such appellate division shall consist of three Justices of the Superior Court who shall be assigned for that purpose by the Chief Justice of the Supreme Court and shall sit therein, solely, for three years. There may be established in the Superior Court, by rules of the Supreme Court, temporary appellate divisions as need appears. Each appellate division shall hear appeals from sections of the Superior Court designated by the rules of the Supreme Court. Appeals from the inferior courts shall be heard by an appellate division or in one of the sections of the Superior Court, as may be provided by law.

2. An appeal to an appellate division may be taken as a matter of right from any order, judgment or decree of the Superior Court. Appeals in cases involving restraints or the appointment of receivers shall, in whatever court pending, be preferred as to argument and disposition.

3. Appeals to the Supreme Court from any court may be taken only:

- (1) In capital cases and cases involving a question arising under the Constitution of the United States or of this State, which appeals shall be taken directly to the Supreme Court and shall be preferred as to argument and disposition;
- (2) In the event of a dissenting opinion in an appellate division;

- (3) On certification by an appellate division; or
- (4) On certification by the Supreme Court to any court.

In all other cases judgments and orders of an appellate division shall be final.

4. The Supreme Court and the appellate divisions of the Superior Court, in addition to considering questions of law, may also set aside judgments, wholly or in part, where the finding of fact was against the weight of evidence or the verdict excessive or inadequate and may exercise such original jurisdiction as may be incident to the complete determination of the controversy.

## SECTION V

1. The Governor shall nominate and appoint, by and with the advice and consent of the Senate, the Chief Justice and Associate Justices of the Supreme Court, the Justices of the Superior Court and the Judges of every court of inferior jurisdiction except Judges of inferior courts of civil and criminal jurisdiction elected in, or appointed by the governing body of, any county or municipality of the State, pursuant to law.

2. The Chief Justice and each Associate Justice of the Supreme Court and each Justice of the Superior Court shall, prior to his appointment, have been an attorney-at-law of this State in good standing for at least ten years.

3. The Justices of the Supreme Court shall be appointed to hold office during good behavior without limited terms except as to age as provided in this Constitution. The Justices of the Superior Court shall hold office during good behavior for terms of seven years and if reappointed shall thereafter hold office during good behavior without limited terms except as to age as provided in this Constitution.

4. The issue of good behavior of a Justice of the Supreme Court or of the Superior Court shall be triable by the Senate on charges preferred by the Senate without impeachment by the General Assembly and during the period between the time of the preferring of charges by the Senate against him and until his conviction or acquittal he shall be suspended from exercising the duties of his office. Judgment in case of conviction shall not extend further 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.

5. No Justice of the Supreme Court or of the Superior Court shall continue in office after he has attained the age of seventy years. Subject to law, the Chief Justice may assign any such judicial officer who has attained the age of seventy years to temporary service in the Supreme Court or in the Superior Court, as need appears.

6. The Chief Justice and the Associate Justices of the Supreme Court and the Justices of the Superior Court shall, at stated intervals, receive for their services such salaries as may be provided by law which shall not be diminished during the term of their appointment. They shall hold no other office, or position, of profit under the government of this State or of the

United States or of any instrumentality or political subdivision of either of them. Any Justice or Judge of any court in this State who shall become a candidate for an elective public office shall thereby forfeit his judicial office. The Justices of the Supreme Court and of the Superior Court shall not, while in office, engage in the practice of law or other gainful occupation.

7. A Justice of the Superior Court may exercise the powers of a judge of any court established by law in the county or counties to which he may be assigned and may hold any such court with like jurisdiction, powers and duties as a judge therein.

8. Judges of inferior courts may be removed from office without impeachment and in such manner as may be provided by law.

## SECTION VI

1. The Chief Justice of the Supreme Court shall be the administrative head of all of the courts in this State, and shall supervise their work. He shall appoint an executive director of the courts to serve at his pleasure.

2. The executive director shall:

- (1) Assist the Chief Justice in all matters related to the administration, finance and personnel of the courts;
- (2) Publish a statistical record of the judicial services of all the courts, justices and judges in the State, and of the cost thereof, at such times as shall be required by law;
- (3) Prescribe records, reports and audits for the inferior courts;
- (4) Have such other duties as may be delegated by the Chief Justice.

3. The Supreme Court shall appoint a Court Reporter, a Clerk of the Supreme Court and a State Clerk of the Superior Court, each of whom shall hold office at the pleasure of the Supreme Court. The appointment of the Clerk of the Supreme Court and of the State Clerk of the Superior Court shall be made with the approval of the Governor.

4. The State Clerk of the Superior Court shall act as clerk of the appellate divisions and he, the county clerks and surrogates shall be the clerks of the Superior Court and shall perform such duties as may be prescribed by rules of the Supreme Court subject to law.

5. Judgments may be docketed and notices of pendency of actions and other papers or documents may be filed or recorded in such offices, with such effect, and in such manner, as may be prescribed by law.

6. The Chief Justice, subject to the provisions of this Constitution, shall annually assign the Justices of the Superior Court to the counties and to the sections and the parts of the Superior Court, and may from time to time transfer Justices from one assignment to another, and make temporary assignments to the appellate divisions, as need appears.

7. Prior to each legislative session the Chief Justice shall file with the Governor and the Legislature a report of the work of the Courts as provided by law.

## ARTICLE VI

### PUBLIC OFFICERS AND EMPLOYEES

#### SECTION I

1. Every appointive officer of the State government shall, before entering upon the duties of his office, take and subscribe an oath or affirmation to support the Constitution of this State and of the United States and to perform the duties of his office faithfully, impartially and justly to the best of his ability.

2. In the civil service of the State and all of its civil divisions, all offices and positions shall be classified according to duties and responsibilities, salary ranges shall be established for the various classes, and all appointments and promotions shall be made according to merit and fitness to be ascertained, so far as practicable, by examinations, which, so far as practicable, shall be competitive.

3. Strikes by public employees are against public policy.

4. No person holding an appointive office or position under the government of this State shall receive any compensation for his services to the State, other than his annual salary, unless it be allowed or appropriated by the Legislature. Any moneys or fees received by any such person, contrary to the provisions of this paragraph, shall be forthwith paid by him into the State treasury.

5. Any person holding any public office, position or employment in this State may be required to give bond, as provided by law.

6. 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.

#### SECTION II

1. The State Comptroller, the State Treasurer and the State Auditor shall be appointed by the Senate and General Assembly in joint meeting for terms of four years and until their successors shall be qualified into office but the Governor may, whenever in his opinion it would be in the public interest, require from them written statements, under oath, of information on any matter relating to the conduct of their respective offices.

2. Prosecutors of the pleas shall be nominated by the Governor and appointed by him with the advice and consent of the Senate. They shall hold their offices for five years.

3. County clerks, surrogates, sheriffs and coroners shall be elected by the people of their respective counties at general elections. County clerks and surrogates shall hold office for terms of five years. Sheriffs and coroners shall hold office for terms of three years. Whenever a vacancy occurs in the office of county clerk, surrogate, sheriff or coroner in any county, it shall be filled in such manner as shall be provided by law.

### SECTION III

1. The Legislature or either House thereof may by resolution constitute and empower a committee thereof or any public officer or agency to investigate any and all phases of State and local government, or any part thereof, the fidelity of any public officer or employee, or the performance of any public office, employment or trust. No person shall be privileged from testifying in relation to any such matters and upon so testifying he shall be immune from criminal prosecution with respect to any matter to which such testimony may relate. Any public officer or employee who shall refuse or willfully fail to obey any subpoena lawfully issued by such investigating committee, officer or agency, or who shall refuse to testify or to answer any questions relating to any matter under investigation, or who shall refuse to waive immunity from prosecution with respect to any matter upon which he may testify, shall thereby become disqualified to continue in his office, position or employment, which shall forthwith be deemed vacant. Any such person shall not thereafter be eligible for any public office, position or employment.

### SECTION IV

1. The Governor and all other civil officers of the State government, except judicial officers, shall be liable to impeachment for misdemeanor in office during their continuance in office and for two years thereafter.

2. The General Assembly shall have the sole power of impeaching by a vote of a majority of all the members. All such impeachments shall be tried by the Senate, and members, when sitting for that purpose, shall 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. The presiding officer, respectively, of each House of the Legislature may call it into session for the purpose of impeachment proceedings.

3. Judgment in cases of impeachment shall not extend further 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.

## ARTICLE VII

### FINANCE

1. The credit of the State shall not be directly or indirectly loaned in any case.

2. All revenues of the State Government from whatever source derived, including revenues of all departments, agencies and offices, shall be paid into a single fund to be known as the General State Fund and shall be subject to appropriations for any public purpose; but this paragraph shall not apply to moneys which may be received or held in trust or under grant

or contract for restricted use or which must be received or held in a particular manner in order to receive a grant or which may be payable to any county, municipality, or school district, of the State. Nothing in this paragraph shall prevent or interfere with any payment of State revenues to, or any direct or indirect collection or retention of State revenues by, any county, municipality or school district which payment, collection, or retention, may be provided by law. Nothing in this paragraph shall abridge the right of the State to enter into contracts.

3. No money shall be drawn from the State Treasury but for appropriations made by law. So far as known or can be reasonably foreseen, all needs for the support of the State Government and for all other State purposes shall be provided for in one general appropriation bill covering one and the same fiscal year except that, when change in fiscal year is made, necessary provision may be made to effect the transition. No other bill appropriating money for any State purpose shall be enacted if the appropriation contained therein together with all appropriations made for the same fiscal period shall exceed the total amount of revenue on hand and anticipated which will be available to meet such appropriations during such fiscal period.

4. Property shall be assessed for taxes under general laws, and by uniform rules, according to fixed standards of value.

5. The Legislature shall not, in any manner, create any debt or debts, liability or liabilities, of this 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, or to meet an emergency caused by act of God or disaster; unless the same shall be authorized by 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 principal and interest of such debt or liability as it falls due. 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. Any such debt or liability thereby authorized shall be paid in annual installments, the first of which shall be payable not more than one year, and the last of which shall be payable not more than thirty-five years after such debt or liability shall have been contracted. In contracting any such debt or liability, however, the privilege of paying all or any part thereof prior to maturity may be reserved to the State in such manner and upon such terms as may be provided by law. All money to be raised by the authority of any such law shall be applied only to the specific object or work stated therein and to the payment of the debt or liability thereby created. No such law shall be repealable until such debt or liability, and the interest thereon, are fully paid and discharged or until equally secure provision is otherwise made for the payment of the remaining annual installments of the principal and interest of such debt or liability.

## ARTICLE VIII

### ELECTIONS AND SUFFRAGE

1. General elections shall be held annually on the first Tuesday after the first Monday in November; but the time of holding such elections may be altered by law. The Governor and members of the Legislature shall be chosen at general elections.

2. All questions which are to be submitted to a vote of the people of the entire State shall be submitted at general elections.

3. Subject to the provisions of this Article, every citizen of the United States who shall have attained the age of twenty-one years, been a resident of this State one year and of the county in which the vote is claimed five months, next before an election, and who shall have been duly registered as a voter pursuant to law, shall be entitled to vote therein for all officers that are now or hereafter may be elective by the people, and upon all questions which may be submitted to a vote of the people.

4. No pauper, idiot or insane person shall enjoy the right of an elector.

5. Persons may be deprived by law of the right of suffrage because of conviction of crime.

6. No person shall, for the purpose of suffrage, be deemed to have become a resident of, nor to have abandoned prior residence in this State or any county thereof by reason of his presence in or absence therefrom during active service in any branch of the military or naval forces of this State or the United States.

7. No elector in active service in any branch of the military or naval forces of this State or of the United States shall be deprived of his vote by reason of his absence from his election district.

8. The manner in which and the time and place at which ballots may be cast by electors absent during active service in any branch of the military or naval forces of this State or of the United States, and the manner of the return and canvass of such absentee votes, shall, at all times, be provided by law.

## ARTICLE IX

### AMENDMENTS

1. 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 two-thirds 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 shall be published once in at least one newspaper of each county, if any be published therein, not more than four months, and not less than three months, prior to its submission to the people.

2. Such amendment or amendments shall be submitted to the people at the general election next succeeding the publication, in such manner as the Legislature shall prescribe.

3. 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.

4. If at the election the people shall approve and ratify such amendment or amendments, or any of them, by a majority of the legally qualified voters of this State voting thereon, such amendment or amendments shall become part of the Constitution.

5. If at the election the people shall disapprove an amendment, no amendment seeking to effect the same or substantially the same change in the Constitution shall be submitted to them until at least five years thereafter.

## ARTICLE X

### GENERAL PROVISIONS

1. The provisions of this Constitution shall be self-executing, to the fullest extent that their respective natures permit. Legislation shall be enacted in furtherance of their purposes and to facilitate their operation.

2. Any recital of specific functions, powers or duties in this Constitution shall not be construed in any manner to restrict by implication any general functions, powers or duties of government not inconsistent therewith.

3. 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.

4. 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 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."

5. This Constitution shall take effect on the second Tuesday in January, one thousand nine hundred and forty-five, subject to the provisions of the schedule hereinafter set forth.

## ARTICLE XI

### SCHEDULE

#### SECTION I

1. This Constitution shall supersede the Constitution of 1844 as amended, and the Legislature shall enact all laws necessary to make this Constitution fully effective.

2. The adoption of this Constitution or the taking effect thereof or of any Articles thereof shall not of themselves affect the tenure, term or compensation of any person holding any civil office or any position or employ-

ment under the government of this State at the time when the same is adopted or takes effect, except as specifically provided with respect to the Governor, the members of the Legislature and the members and employees of the Courts hereby abolished.

3. All militia officers in office when this Constitution takes effect shall continue to exercise their respective commissions and powers until otherwise provided by law.

4. All law, statutory and otherwise, all rules and regulations of administrative bodies and all rules of Courts in force and effect at the time this Constitution or any Articles thereof take effect, shall remain in full force and effect until they expire by their own limitation or are altered or repealed by law, by the adoption of other rules or regulations, by the terms of this Constitution or by executive orders made pursuant to this Constitution, as the case may be. All writs, actions, causes of action, prosecutions, contracts, claims and rights of individuals and of bodies corporate, and of the State, and all charters and franchises shall continue unabated and unaffected notwithstanding the taking effect of any of the Articles of this Constitution, and all indictments which shall have been found or which may hereafter be found for any crime or offense committed before the adoption of this Constitution may be proceeded upon notwithstanding the adoption of any of the Articles of this Constitution. The Supreme Court shall make such general and special rules and orders as may be necessary for the transfer of all suits, proceedings and indictments to the appropriate Court and section thereof created by, and pursuant to, this Constitution. Indictments may be found and proceeded upon after the Judicial Article of this Constitution takes effect for crimes or offenses committed before said Article shall take effect in the Court succeeding to the jurisdiction of the Court in which they could have been found if such Article had not taken effect.

## SECTION II

1. The first session of the Legislature under this Constitution shall meet in regular session on the second Tuesday in January in the year one thousand nine hundred and forty-five.

2. Special sessions of the Legislature may be called by the Governor in the year one thousand nine hundred and forty-five for the enactment of laws necessary to make this Constitution fully effective and such special sessions shall not be subject to the provisions of this Constitution limiting their duration or the subject matter which may be considered thereat.

3. Each member of the General Assembly elected at the election in the year one thousand nine hundred and forty-four shall hold office for a term beginning at noon on the second Tuesday in January in the year one thousand nine hundred and forty-five and ending at noon on the second Tuesday in January in the year one thousand nine hundred and forty-seven. Each Member of the General Assembly elected thereafter shall hold office for the term provided by this Constitution.

4. Each member of the Senate elected in the years one thousand nine hundred and forty-two, one thousand nine hundred and forty-three and one thousand nine hundred and forty-four, shall hold office for the term for which he was elected except as follows:

The terms of the incumbents of those seats in the Senate that would become elective in the year one thousand nine hundred and forty-five, had this Constitution not been adopted, shall be extended for an additional year and of such seats, two seats, as chosen by the Senate in the year one thousand nine hundred and forty-five, shall be filled by election in the year one thousand nine hundred and forty-six for a two-year term and the balance of such seats shall be filled by election in the year one thousand nine hundred and forty-six for a four-year term. Seats in the Senate that, had this Constitution not been adopted, would be filled by election in the year one thousand nine hundred and forty-six, shall be filled by election in that year and every fourth year thereafter. The terms of the incumbents of those seats in the Senate that would become elective in the year one thousand nine hundred and forty-seven, had this Constitution not been adopted, shall be extended for an additional year and such seats, together with the two seats filled for a two-year term by election in one thousand nine hundred and forty-six, shall be filled by election in the year one thousand nine hundred and forty-eight and every fourth year thereafter.

5. The compensation provided by this Constitution for Members of the Legislature shall be paid from and after the effective date hereof.

### SECTION III

1. The Governor in office at the time this Constitution takes effect shall hold his office until noon on the second Tuesday in January, one thousand nine hundred and forty-seven.

2. If, on the second Tuesday in January one thousand nine hundred and forty-five, no Governor shall be in office the powers, duties and emoluments of the office shall devolve upon the President of the Senate for the time being, and, in case of his death, resignation or removal, upon the Speaker of the General Assembly for the time being, until a Governor shall be elected as required in this Constitution for the unexpired term and qualified.

3. The first members appointed to the commission on parole established under this Constitution shall be appointed, one for a term of one year, one for a term of two years, one for a term of three years and one for a term of four years and thereafter appointments shall be made for terms of four years.

4. On or before July first, one thousand nine hundred and forty-five, the Governor shall complete the first allocation of the executive and administrative offices, departments and instrumentalities of the State Government among and within the Principal Departments, required by Article IV, Section III of this Constitution.

### SECTION IV

1. On or before July first, one thousand nine hundred and forty-five, the Governor shall nominate and appoint, by and with the advice and consent of the Senate, a Chief Justice and six Associate Justices of the new Supreme Court from among the persons then being the Chancellor, the Chief Justice, the Justices of the Supreme Court, such Judges of the Court of Errors and

Appeals as are attorneys-at-law of this State of ten years' standing, the Vice-Chancellors, and the Circuit Court Judges. The remaining judicial officers above enumerated and the Judges of the Courts of Common Pleas, in office when the Judicial Article of this Constitution takes effect, shall constitute the Justices of the new Superior Court, each during good behavior for the period of his term as Chancellor, Chief Justice, Justice of the Supreme Court, Judge of the Court of Errors and Appeals, Vice-Chancellor, Circuit Court Judge or Judge of the Court of Common Pleas, as the case may be, which remains unexpired at the time said Article takes effect notwithstanding that he may then have attained the age of seventy years. Any such Justice of the Superior Court may be reappointed at the expiration of his said term if he shall then have been an attorney-at-law of this State in good standing for at least ten years and shall not have attained the age of seventy-five years and, if reappointed, any such Justice shall hold office during good behavior without limited term except that his term as Justice of the Superior Court shall terminate at the age of seventy-five years.

2. The compensation of any of the judicial officers named in the preceding paragraph, who is transferred to the new Superior Court pursuant to this Article, as fixed by law immediately prior to his said transfer, shall not be increased or diminished while he is serving out the term for which he was appointed as such judicial officer, except that the compensation of any Judge of the Court of Errors and Appeals or of any Common Pleas Judge, who was not required by law to devote his entire time to his judicial duties, who is transferred to the Superior Court, may be increased, as provided by law.

3. The Chief Justice shall annually assign a Common Pleas Judge, who is transferred to the Superior Court in accordance with this Article, to act as Resident Justice of the Superior Court, in the manner required by this Constitution, for the county of which he was Common Pleas Judge, so long as there shall be a Justice of the Superior Court in office who, prior to the taking effect of the Judicial Article of this Constitution, was a Common Pleas Judge of said county.

4. When the Judicial Article of this Constitution takes effect:

- (a) All causes pending in the Court of Errors and Appeals shall be transferred to the new Supreme Court for determination;
- (b) All causes pending on appeal in the present Supreme Court and in the Prerogative Court and all causes involving the Prerogative Writs shall be transferred to an appellate division of the Superior Court, to be designated by the Chief Justice;
- (c) All causes pending in the present Supreme Court sitting at circuit shall be transferred to the law section of the Superior Court of the appropriate county; and all causes pending in the Court of Chancery and all other causes pending in the Prerogative Court shall be transferred to the equity and probate section of the Superior Court of the appropriate county; but all pleadings, papers and documents filed and to be filed and all orders, judgments and decrees made and entered and to be made and

entered in any such cause shall be filed, and entered in, the office of the State Clerk of the Superior Court and shall have the same effect as though filed and entered in the office of the Clerk of the Court in which such cause was instituted; and

- (d) All causes pending in any other county or State Courts, which are superseded by the taking effect of the Judicial Article of this Constitution, shall be transferred to the Superior Court.
- (e) Causes shall be deemed to be pending for the purposes of this paragraph notwithstanding that a judgment or decree has been entered therein until the time limited for review has expired.

5. The files of all causes pending in the Court of Errors and Appeals shall be delivered by the Secretary of State to the Clerk of the new Supreme Court and the files of all causes pending in the present Supreme Court, in the Court of Chancery and the Prerogative Court shall be delivered by the Clerk of the Supreme Court, the Clerk in Chancery and the Register of the Prerogative Court, respectively, to the State Clerk of the Superior Court and all other files, books, papers, records and documents and all property of the Court of Errors and Appeals, of the present Supreme Court, of the Prerogative Court and of the Court of Chancery or in the custody of said Courts shall be disposed of as shall be provided by law.

6. The Court of Errors and Appeals, the present Supreme Court, the Court of Chancery and the Prerogative Court shall be abolished when the Judicial Article of this Constitution takes effect.

7. The Circuit Courts, Courts of Common Pleas, Courts of Oyer and Terminer, Courts of Quarter Sessions, Courts of Special Sessions and the Orphans' Courts shall be abolished when the Judicial Article of this Constitution takes effect, and all their jurisdiction, functions, powers and duties are transferred to the Superior Court. Causes pending in such superseded Courts shall be heard in the Superior Court sitting in the same county.

8. From and after the taking effect of the Judicial Article of this Constitution, all the functions, powers and duties conferred by statute or rule upon the Chancellor, the Ordinary and the Justices and Judges of Courts abolished by this Constitution, to the extent that such functions, powers and duties are not inconsistent herewith, shall be transferred to and may be exercised by Justices of the Superior Court until otherwise provided by law or rule of the Supreme Court.

9. Upon the taking effect of the Judicial Article of this Constitution, the Clerk of the Supreme Court shall become the Clerk of the new Supreme Court and shall serve as such Clerk until the expiration of the term for which he was appointed as Clerk of the Supreme Court and all employees of the Clerk of the Supreme Court and of the Supreme Court as previously constituted and of the Chief Justice and of the Justices thereof and of the Court of Errors and Appeals shall be transferred to appropriate similar positions with similar compensation and civil service status under the Clerk of the Supreme Court or the Supreme Court which shall be provided by law.

10. Upon the taking effect of the Judicial Article of this Constitution, the Clerk in Chancery shall become the State Clerk of the Superior Court and shall serve as such Clerk until the expiration of the term for which he was appointed as Clerk in Chancery and all employees of the Clerk in Chancery, the Court of Chancery, the Chancellor and the various Vice-Chancellors shall be transferred to appropriate similar positions with similar compensation and civil service status under the State Clerk of the Superior Court or the Superior Court which shall be provided by law.

11. Appropriations made by law for judicial expenditures during the fiscal year 1945-1946 may be transferred to similar objects and purposes required by the Judicial Article. Restrictions upon supplemental appropriations contained in this Constitution shall not apply to any appropriations which may be required to finance the new judicial system prior to the fiscal year 1946-1947.

12. The Judicial Article of this Constitution shall take effect on the first day of November, one thousand nine hundred and forty-five, except that any provision of this Constitution which may require any act to be done prior thereto or in preparation therefor shall take effect immediately upon its adoption.