CONSTITUTION
OF THE
STATE OF NEW JERSEY,
AS AMENDED.

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, anno domini one thousand eight hundred and forty-four, and amended at a special election held on the seventh day of September, anno domini one thousand eight hundred and seventy-five.

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. (a)

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 worshiping 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

(a) No person can be deprived of the right to manage his own affairs, of his personal liberty, without the intervention of a jury. In re Dep. 1 Stock. 1st. The declaration in the constitution that "all men are by nature free and independent," etc., did not abolish slavery in New Jersey, or affect the laws existing on that subject at the time of its adoption. State v. Post, 20 N.J. 26, 426. The grant to one of the powers to manage and improve the property of another without his consent, and contrary to his judgment, even if exclusively for his benefit, is an infringement of the right of acquiring, possessing and enjoying property, guaranteed to everyone by the constitution. Cofer v. Yale Water Co., 4 C. E. Gr. 34, 616. The destruction of property of another in chasing a public nuisance, is justifiable and constitutional. Mokhotile v. Van Keuren, 8 C. E. Gr. 251. The right of offense is not an absolute right. No such right exists, unless specifically conferred by a constitution or a statute. It is a political right, and does not flow from the declaratory clauses of the bill of rights. Eason v. Black, 29 N.J. 468.

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Liberty of speech and of the press.

Rights of jury.

Security of persons and property.

Search warrant.

Trial by jury.

Rights of persons accused.

Criminal offenses, how charged.

(a) The fact that a party does not believe that God will punish perjury, does not render such party incompetent as a witness, when offered in his own behalf. "Perjury v. Paterson," 23 Yr. 482. The statutory right of a party to testify in his own behalf, is the civil right, the enjoyment of which cannot, under our constitutional provision, be denied to any person merely on account of his religious profession.

(b) In a prosecution for libel, the jury can, on the case being submitted to them, lawfully disregard the instruction of the judge, and acquit the defendant, notwithstanding the fact that he was not acting in an official capacity, and did not act with malice nor to defame the character of the plaintiff; for the jury is the exclusive judge of the facts, and of the credibility of the witnesses, and the law prohibits any instruction tending to prejudice them in the discharge of their duty. "Perjury v. Paterson," 23 Yr. 482.

(c) Where an act of the legislature requires a board of finance to select arbitrators to fix the compensation of a contractor whose contract is superseded by such act, the board cannot object that the right of trial by jury has been violated. "Perjury v. Paterson," 23 Yr. 482. The court is not bound to instruct the jury to consider the provisions of the statute in fixing the amount of the compensation, but is bound to consider the evidence in all its bearings. "Perjury v. Paterson," 23 Yr. 482.

(d) Where a person is indicted for forgery, the evidence adduced before the grand jury was not sufficient to sustain the indictment, and the defendant was discharged, the prosecution is a nullity, and he cannot be deprived of his life or liberty or property by a trial on the indictment. "Perjury v. Paterson," 23 Yr. 482.
army or navy, or in the militia, when in actual service in time of war or public danger. (a)

10. No person shall, after acquittal, be tried for the same offense. (b)

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. (c)

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. (d)

(a) The filing of an information by the attorney-general on behalf of the state, in the nature of a quo warranto, is not unconstitutional. State v. Knox, 40 Va. 566. State v. Edwards, 9 Va. 368. "Without a legal presentment, no man can be tried for any heinous offense in the ordinary course of justice. State v. Reed, 201 N. C. 77. Section 4, art. 2. The legislature shall not pass an act authorizing the sale of the penal arts without a provision, for the sale of the penal arts without a license, Nor shall the legislature authorize the sale of the penal arts without a provision, for the sale of the penal arts without a license.

(b) In a statute authorizing the proposition of an offense, committed by a city court, without an indictment found by a grand jury, is unconstitutional. State v. Clark, 174 N. C. 212. The grand jury is the body competent to find an indictment. State v. Clark, 174 N. C. 212.

(c) Under a statute authorizing a prosecution for the sale of the penal arts without a license, the power to authorize such acts should be vested in the legislature. State v. Edwards, 9 Va. 368. The courts are without authority to authorize such acts.

(d) The constitutional rights of an accused are not infringed where two modes of proving a criminal act and two modes of trial are provided by law—by indictment and trial by the jury, and when the other mode of trial is not provided by law. State v. Edwards, 9 Va. 368. See also State v. Knox, 40 Va. 566.

17. If, after the jury are sworn in a criminal case, and depart from the bar, one of the jurors separates from his fellows, whereby the court is compelled to discharge the jury, without the consent of the defendant, he may be again put upon his trial on the same indictment. State v. Hill, 40 Va. 778. It is not necessary that the defendant be liable for his libel for malicious prosecution upon an indictment, that he cannot, afterwards be liable for an arraigned or tried indictment, but such discharge is no bar to a subsequent indictment or trial thereon. State v. Edwards, 9 Va. 368. A conviction obtained by reason of a variance caused by the clerk, the court having failed to find the defendant to appear to answer the original indictment. State v. Jones, 6 Va. 798. In cases where the trial court would have required a defendant, a former conviction would have the same effect. State v. Cooper, 1 Or. 481.

The court shall not order a new trial, where there has been a verdict in favor of the defendant. State v. De Hart, 2 Hal. 172. State v. Jones, 6 Va. 798. If a judgment in a criminal case is reversed on error, in consequence of an error committed by the trial court in charging the jury, the first trial will not be a bar to a subsequent trial on the same indictment. Smith v. Wrenn v. State, 24 Va. 358. The constitution of this state does not go further than to forbid the retrial of a person who had been acquitted. (b)

18. In great emergencies, where cities or districts are declared to be under martial law, and subject to all the rules of war, the power of the civil courts is wholly superseded. State v. Daniels, 1 South. 821. State v. Kirkpatrick, 1 Or. 481. The court is constituted by statute, acting against a private citizen by way of fines for neglect of military duty, and not upon the person to compel obedience, is a civil court, and its proceedings are subject to review by the supreme court. (b) Definition of martial law.

19. Private property cannot be taken for public use. The legislature have no right to take the property of one man and give it to another, even upon just compensation made. Sunders v. Weston, Del. Ch. C., 626. The right of the state to take private property for public use, making just compensation, is a high degree of dependence on sovereignty, which the state may freely exercise on all proper occasions, and which a jury has no power to control. It is right was originally fixed by the state constitution, and is subject to the limitations and restrictions of that instrument. In process of time the right has been more widely construed, and it may be said that the private property has been used for public purposes, and what shall be considered as public use, is under the decision of the federal court. What shall be public use, or benefit may depend somewhat on the situation and wants of the community for the time being. (b) This right is not limited to the actual use of the property by the state; for private property is taken, in many instances, where there is no public use, and the public benefit is something different. In all cases it is limited to public political corporations, or for the benefit of individuals without compensation. State v. Evans, 3 Mo. 265. The legislature may authorize the sale of its property for public use as is contemplated by this provision. State v. Evans, 3 Mo. 265. A declaration in a charter, or by the legislature, does not make the use a public one, if it be really private. Cooper v. Tyler Water Co., 2 Or. 427, 430. The legislature may authorize the sale of the penal arts without a license, but only on adequate compensation. (b) The use for which property may be sold is immaterial, provided it is not the use of the property itself by the government, or by the general public, or some individual, or individuals, or for the benefit of certain estates. (b) For the purpose of the penal arts without a license, and of taxation may be employed. (b) The commonalty of the inhabitants of the penal arts without a license; nor any compensation for the penal arts without a license be made, the owner thereof.

20. Excessive bail.

21. Private property cannot 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. (d)
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Indemnity for debt or militia fine.

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.

amount of such valuation, in money shall be paid before the property is appropriated. If the legislature does not provide a mode of compensation, the owner may fix it himself, and it must be paid without delay, and in the full amount of the damage ascertained by assessment. An assessment directing a dam to be taken down, without providing compensation, is void. An act authorizing the taking of a dam so as to overflow lands to a greater height, when that height exceeds the limit prescribed by the grant under which the first dam overflowed them, is unconstitutional. The legislature cannot authorize a company to build a turnpike or public highway, after getting such highway vacated according to law, and providing that the company should pay all owners of land over which the road passed, all damages, sustained by the construction of such turnpike road, also for all damages done to adjoining lands, and all material expenses of the assessment for the value of the soil occupied by the road, in re Constitutional. Wm. Gorger. A water company cannot condemn the plaintiff’s right to the flow of water. Water Co. v. Aquacoma Co., 7 Vt. 196. The right to use certain lands of a certain character, such as contemplated in the grant of lands, is not a property right for the purpose of providing for the drainage of lands, cannot now be questioned in this court. The legislature cannot authorize the public to exercise the right of eminent domain over the drainage of large tracts of lowland land, the property of various individuals or the property of the State. The legislature cannot assess the owner of land, when the damage is small, a just proportion of the cost of the work. Wm. Gorger v. Aquacoma Co., 7 Vt. 196. The legislature cannot control by its courts only when it is clear that the purpose is not of a public nature. In 1st. Act by the charter of the Thistle Water Company the commissioners were appointed to be authorized, who were appointed to make no assessment for destruction or for compensation, upon which laws, and the drainage of lands, and the property of various individuals, and the property of the State. The legislature cannot assess the owner of property to bear the expense of an improvement, except to the extent of the loss which the property owner or damage by the public right, unless the law in question so provides for the public use without compensation. When, by a special act of legislature, the property owner is required to construct or to map the lands of the township of Greenville, in the county of Windham, in which case the owner, by a special act of legislature, may be required to submit to the assessment only which is appropriated, and no right or title of the owner interfered with. If the legislature authorizes the public to take the highways, and appropriate it to its own use, when the legal duty is to the extent of the loss which the property owner or damage by the public right, unless the law in question so provides for the public use without compensation.

This content is a mixture of legal text and a description of a court case. It appears to be discussing the constitutionality of certain actions by the state legislature, particularly regarding compensation for public works like turnpikes and highways. The text mentions cases such as "Wm. Gorger v. Aquacoma Co." and "State v. Aquacoma Co." which involve the constitutionality of taking property for public use and the compensation due to the property owners. It also references the "Constitutional" act by Gorger, and "Thistle Water Company" as examples of legislative actions that may or may not be constitutional. The text seems to be a legal analysis of the constitutionality of these actions, with a focus on the rights of property owners and the compensation they should receive. The text is written in a formal, legal style, typical of constitutional law. The content is dense and requires a good understanding of legal principles and constitutional law.
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18. The people have the right freely to assemble together, to consult for the common good, to make known their opiiions to their representatives, and to petition for the redress of grievances. (a)

19. No county, city, borough, town, 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 the 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, barracks, 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.

United States, soldier, &c., not a resident.

Paupers, Idiots, and criminals.

(a) The expense of improving a public street, to be assessed in the proportion of two-thirds on the property abutting on such street, and the remaining third on the public at large, is unconstitutional. State, Agnew v. Newbury, 9 Pr. 418. The state is the absolute owner of the land under all navigable water within its territorial limits, and such land can be granted to anyone, either public or private, without making compensation to the owner of the shore. Stevens v. Patterson, 31 R. I. O., 5 Pr. 636. The bridges belonging to a county are public property, held for public use, and are not within the protection of the constitutional provision which forbids private property to be taken for public use without compensation. Proctor's Mill v. Real Bank Co., 3 C. E. Gr. 91. The legislature has the right to authorize the construction of a public work, which will interfere with the enjoyment of a public right of navigation, and that without compensation. Super Building Co. v. Jersey City, 11 C. E. Gr. 347. The constitutional provision that private property shall not be taken for public use without compensation being first made, does not apply to the property of individuals. State v. Pierce, 22 N. J. L. 12 (1870), 8 Pr. 418. The constitutional restriction on taking private property without compensation, is confined to a single branch of the legislative authority—the right of eminent domain—and has no application to an assessment made under the police power of the legislature. State v. Jones, 7 N. J. L. 440. Double taxation is not unconstitutional. State v. Brann, 9 Zob. 488. 494. State v. Curnell, 9 Zob. 523. State v. Naves, 9 N. J. L. 1; Dutch, 81; 2 Dutch, 81. State, Farmers Bank v. Cook, 2 Zob. 347. 353. A tax upon the owners or property of A., B. and C. individually, whether designated by name or in any other way, which is in excess of an equal apportionment among the persons or property of the class of persons or kind of property subject to such taxation, is, to the extent of such excess, the taking of private property for public use without compensation. State, Trustees v. Railroad, 7 Pr. 68. State, Trenton Water Power Co. v. Parker, 64 Pr. 428. By force of the constitution, a public corporation, excelling in any manner the state's right of eminent domain, is not required, unless the legislature so ordained, to pay for the land taken, before taking possession of it; and, when taken by a private corporation, Wheeler v. Union Railroad, 10 Pr. 281, Lanman v. New Jersey, 10 Zob. 9. 101. There is no power in the legislature to provide for the payment of the award in anything but money, nor to require the right of the landowner to receive the same after the award becomes a finality. Butler v. Town Commissioners, 10 N. J. L. 362. When the ratification of an assessment of damages by the landowner rests in the city, a right, at the will, to enter the land and possess it as a street, such a right constitutes a taking, within the sense of the constitutional provision fixing the taking of private property for public use without compensation. Piek v. Newark, 11 N. J. L. 11. When land is to be taken for a street, a provision must be made for the payment of the damages within a reasonable limit. If, when lands are to be taken for a public purpose, the public authorities, in the absence of any statutory provision to the contrary, have a reasonable time given them, after the ascertaining of the expense of the scheme, to decide whether to accept or refuse the land at the price fixed. O'Neill v. Freightmen of Hudson, 12 Pr. 181. The constitutional provision requiring compensation to be made for private property taken for public use, does not apply to lands taken for streets within municipalities, except to the extent that such compensation is required by their respective charters. Simmons v. Passaic, 18 Pr. 418. The compensation as prescribed is the measure of the landowner's legal right, whether it be just or unjust. Th. see Crane v. City of Elizabeth, 9 Zob. 332. The portion of the forty-fifth section of the general road act which authorizes the overseer to enter upon private property and cut and make a trial, is void as being inconsistent with the constitutional provision. Ward v. Peck, 20 Pr. 41. The statute does not confer upon the justices and surveyors of the highways the right to take lands in the alteration or laying out of roads. Lands for such purpose can only be taken by the public upon compensation made to the owner. Amerson v. Briggs, 21 Pr. 114. Under the provision that "private property shall not be taken for public use without just compensation," the question is whether the land was taken for a public purpose. There is no such purpose until the legislature shall direct compensation to be made, and the land is taken for a public purpose. Even then, until after the adoption of the constitution in 1844, not to lay out roads in greater width than four rods, is a limitation of the legislative power to take lands for highways without compensation. Simmons v. Cheer Freightmen, 28 Pr. 85. The legislature may constitutionally provide, that the public, in laying land for highways, may take the building of the lands absolutely, or may take no interest whatever in the buildings. Th. An appeal to the circuit court in condemnation proceedings, in virtue of the statute entitled, "An act to authorize a board of chosen freethinkers of any of the several counties of the state to lay out, open, construct, improve and maintain a public road therein" (P. L. 1888, p. 807), proceeded to conclusions, is a new means for the ascertaining of the amount to be paid for land taken and damage sustained, which surpasses the provisions of the constitution. Singlet v. Freightmen, 37 Pr. 681. The appeal is in all cases to be determined by a judgment upon the verdict of a jury, and not, in any case, upon the award of the commissioners. Th. The construction of a horse railroad across a public street, as a legitimate use of the street, and not a taking of private property for public use, within the meaning of the constitution. West Jersey R. R. Co. v. Cape May Co., 15 B. O., 7 ls. 164. Until what is just compensation has been given in condemnation proceedings, and the condemnation money paid, either actually or constructively, it is not within the power of the landowner to restrain the landlord and put another person in possession of his land. Johnson v. Baltimore and New York R. R., 18 Zob. 440. 445. (6) What constitutes fraud so as to authorize an arrest, see Ex parte Clark, Supreme Court of New Jersey, 1887, 27 N. J. 172. Von Wagen v. Oster, 2 Zob. 357. Von Kirk v. Swan, 4 Zob. 121. McKean v. Senior, 13 Zob. 225. Perry v. O'Grady, 4 Dutch, 129. Th. see Adams, 1 Zob. 179. Perry v. Orr, 6 Zob. 99. (a) A court in equity, in deciding, or a court in chancery, in granting, a decree to restrain any citizen from petitioning either branch of the legislature upon any subject, in which he is interested. Such restraint would be an unauthorized abridgment of his political rights. Story v. Jersey City Freight Road Co., 1 C. E. Gr. 18.
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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; (1) 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. (a)

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. (b)

ARTICLE IV.

LEGISLATIVE.

Section I.

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

(1) The statute disqualifying witnesses, in force at the time of the adoption of the constitution, provided "that no person who shall be convicted of blasphemy, treason, murder, piracy, arson, rape, sodomy or the infamous crimes against nature, committed with mankind or with bestiality, or by3 or 4 or more together in conspiracy, forgery, robbery, larceny, burglary, unless he or she be first pardoned; and no person who shall be convicted of perjury, or of subornation of perjury, although pardoned for the same, shall be admitted as a witness in any case."

(b) The right to vote, secured by the constitution, can only become operative by legislation; and any reasonable legislative regulation for the purpose of securing an enforced secrecy of the ballot, is not a deprivation of a right to vote. *Eaton v. Blake*, 26 Vt. 466. School trustees are officers, within the meaning of the constitution, so that if the trustees, or any of them, by their act, prevent the exercise of the right to vote by the people, only male citizens can vote for them. *Rhinelir v. Lowen*, 26 Vt. 807. A statute cannot confer the right to vote for road commissioners to the freeholders of the district nor extend it to residents or non-residents of the district. *Allen v. Blake*, 26 Vt. 9.

(b) So far as legislative judges are concerned, it is expressly put an end to by this section. After all, the operation of the plain circumscription of its sphere of action, there can be no pretense for a charge of a judicial function whatsoever, except such as, in terms, allowed it by the constitution. *V. C., 11 Vt. 885. An act of the legislature purporting to validate a sale made on partition proceedings by commissioners in a court having no jurisdiction either over the property or the owners, is reguularto, and such sale void. *Th. v. *Colin v. McKeen*, 4 Rob. 486. State, *V. v. Banks*, *v. Crane*, 7 Vt. 394. State v. *V. v. Walworth*, *v. Dutton*, 186. When questions involving private interests have been settled by the final sentence of a judicial tribunal, the power of re-opening them is by our constitution confided to the judiciary and denied to the legislature. *Albright v. Evans Road Board*, 22 Vt. 166. A law which provides for a vote in each county on the application of certain legal voters, to determine whether or not any intoxicating or beverage shall be sold within the county, and further provides that the circuit judge shall determine whether the circumstances have arisen which require an election and appoint the day for the election—*Hold*, that the last provision was not a violation of this clause of the constitution. *Fune v. Goulston County*, 21 Vt. 883. A statute authorized the mayors of the respective cities to appoint, if such grant of power should have been annexed to the mayor, to municipal office, with a further provision, that if a controversy should arise between the mayor's appointees and the old incumbents with respect to the title to the office, such controversy should upon application be decided in a summary way by the oldest judicial officer in the city, to the extent of designating which of the parties shall hold the office respectively during the pending of the controversy. *Holl v. City*, 12 Vt. 492. A statute conferring a judicial power was a judicial one, but that such power could not be vested in any officer, as the jurisdiction respecting the right to public office was lodged in the supreme court, and could not be legislatively alienated; *further held*, that if the power in question was to be regarded as executive, it could not be imparted to a judicial officer, under the constitution. *In re Cheeseman*, 21 Vt. 411. The power of deciding questions of public policy which relate to the organization and extent of municipal corporations is one property belonging, under our constitution, to the legislative department of the government, and therefore it cannot be exercised by any person or persons belonging to or constituting either the executive or the judicial department. *In re Ridgefield Purch*, 25 Vt. 286. A justice of the supreme court cannot settle within what territory the resident voters should be permitted to assume municipal existence and authority. *Th.*

(c) The legislative power in all representative governments, and in New Jersey by the express words of the constitution, is vested in the legislature, and cannot be exercised directly by the people, or in any other mode than that prescribed by the constitution, and an act passed in any other way is void. *City of Patterson v. Society*, 4 Rob. 384. The power of the legislature is not omnipotent; it has boundaries beyond which it may not pass. It cannot authorize private property to be taken for public use, without providing for just remuneration; and in regard to those public rights which pertain to the citizens generally—a common property—it cannot make such disposition of them as entirely to defeat the citizens of their common property. *Attorney General v. Salem*, 6 Barn. 289. The legislature cannot divest itself or its successors, of its sovereignty, or extinguish the trusts committed to its custody for the public welfare. It not only may, but must, determine in what manner that sovereignty shall be exercised. *Del. v. Bar. Co., v. Bar. and Del. Bay Rd. Co.*, 2 C. B. 49. *Gerry*—Has the legislature the power to make a man a judge in his own case? *Schoeder v. Eichers*, 2 Vt. 41. See *Patterson v. Fleishend-burgher of Salem*, 1 Rob. 216. State, *V. v. Crane*, 7 Vt. 394. How far a private act of the legislature can settle a title, all the parties in the court of vacation acting thereon. *Scheu v. V. v. Crane*, 8 Bank. 289. A statute simply granting to B. land of A., to which the title has no title, is void, because this is no part of the legislative power, which is the only power vested in the legislature. *Egan v. McKeen*, 4 Rob. 367. *Delegation of power,—The grant of power to a state to a railroad or turnpike company to the public road to their use, upon obtaining the consent of the majority of the voters of the township, is not a delegation by the legislature of the law-making power to the people. *Morgan v. Millen*, 2 Dutton. 89. *Churchof Board of Freeholders; or other body, the power to fix rates of forage is not a delegation of the legislative power, vested by the constitution in the legislature. *Freeholders v. Brown*, 4 Rob. 714. A provision that a municipal charter shall not take effect until
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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. (a)

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

approved by a majority of the inhabitants in the district incorporated, is not a delegation of legislative power. Peterson v. Society, 6th, 2 Selw. 368. The unlawful retailing of intoxicating drinks or the keeping of boarding houses, is not included in the category of criminal offenses, the punishment of which cannot be by the legislature constitutionally, delegated to a municipal corporation, as offenses cognizable by it under the powers of police. In re Ross, 4 Ross, 58, 146. The legislature has the right to delegate to the board of managers of the geological survey, the discretion of determining the purpose for which the right of eminent domain should be exercised. In re Lower Chatham, 6 Selw. 472. The legislature cannot leave it to the board of commissioners to determine in what proportion the expense of laying out and opening a public avenue shall be imposed on the townships of a county of wards or a city. State v. Guins v. Hudson Co. Commissioners, 8 Selw. 12. The Chatham local option law declares the retailing of ardent spirits without license to be unlawful, and provides no license shall be granted if a majority vote of the townships is for "no license." Held, that the act is constitutional. State v. Common Council of the City of New York, 7 Selw. 72. Discretionary power.—Whether a scheme of improvement be of such public utility as to justify its foundation, a resort to the power of taxation and eminent domain, is a matter to be decided by the legislature. State v. Water Co., 4 Gl. 4 Ch. 39. Whether the construction of a railroad in the street of a city, would operate beneficially or injuriously to the public right of way; whether it would prove public benefit or a public nuisance, are questions to be determined by the legislature and by the city council. Hinchman v. Peterson Horse R. R. Co., 9 Selw. 136. Boroughs, 9 Selw. 326. Whether the interest of the people of the state would be best promoted by suffering a defaulter, or a levy and paying bounties to volunteer and substitute soldiers, is a question of which the legislature is the sole judge, and which, under the constitution, they have full power and authority to decide. State v. Buckman v. Stevens, 5 Selw. 326. The mode of appraising a tax for local improvements and the extent of territory that may be embraced within it, are necessarily matters of legislative discretion. State v. Piper v. Miller, 5 Selw. 326. The legislature is the sole judge and arbiter to decide when streams within the boundaries of the state, in which the title is in the state, shall be considered navigable, and maintained and protected as such. Hovden v. Rose, 2 Selw. 326. There are no limitations on the legislative power of the power of an act, State v. Doyle v. New York, 5 Selw. 326. The legislature alone has the power to authorize and regulate the public service in a street. Hoboken Lead Co. v. Hoboken, 7 Selw. 411. The severance of a franchise before it has been accepted, and rights acquired under it, State v. Bristol, 7 Selw. 411. The legislature may, from time to time, give additional powers to corporations, and acts of the corporation. In pursuance of such authority, are binding, unless they conflict with vested rights or impair the obligation of contracts. Wiffen v. New Jersey R. R. Co., 2 Selw. 171. Hoboken v. Hinkenbaek v. New Jersey R. R. Co., 8 Selw. 538. Wiffen v. New Jersey R. R. Co. v. Irish, 3 Selw. 311. Black v. Del., Lack. & Nov. Canal Co., 6 Selw. 404. The authority of the legislature to convert the property of an infant from real to personal, cannot be questioned; and where there is no breach of trust, or violation of good faith, or slander design on the part of the guardian who applies for the law, the act cannot be impeached. Snowhill v. Snowhill, 2 Selw. 30. [Now prohibited by Const., Art. IV., Sec. 7, Par. 7.] The commissioners appointed under the act of 1854 (P. L. p. 298), were authorized by the act of 1854 (P. L. p. 379) to proceed and make the assessments. The assessments under the act of 1854 were annulled and made void by the act of 1858, and the commissioners were directed to proceed anew to discharge the duties imposed upon them by the said act. Held, that they should be newy commissioned for the purpose. Without legislative authority they were not authorized, but it was competent for the legislature to clothe them with all the authority they could derive from a new appointment. Miller v. Craig, 3 Selw. 152. Municipalities.—The grant of powers of local government, to a municipal corporation is not a contract, but an exercise of legislative power; and the legislature may, at any time, take away the grant of such powers as it may think proper. State v. States v. Brown v. Zab. 485. Peterson v. Society, 4 Selw. 385. Rader v. Bond District Board of Trustees v. J. S. and Jersey R. R. Co., 5 Selw. 385. Assessments for local improvements are a part of the general legislative power of taxation. Napier v. States v. States v. States, 5 Selw. 435. State v. Ripley v. Fuller, 5 Selw. 433. State v. Apodaca v. Crockett v. Crockett v. Crockett v. Crockett, 5 Selw. 418. State v. Brown v. German v. German v. German, 9 Selw. 418. The laws regulating partition fences, parties walls, the inclosure of woodlands, the ditching and embankment of meadows, and other like public regulations, whether general, or special, laws, are an ancient branch of legislation. Their object is to regulate the management and enjoyment of property by the owners, or a majority of them, at their common expense, and they are a proper and constitutional exercise of legislative power. State v. Thule Water Co., 4 Selw. 435. Miller v. Cities v. Cities v. Cities v. Cities, 5 Selw. 435. Self v. State v. State v. State v. State, 5 Selw. 435. The law granting a new license to a public house would be constitutional. State v. Smith v. Smith v. Smith v. Smith, 5 Selw. 435. The legislature has the power to pass an act directing the removal of mill-dams, on the ground that they are detrimental to the health of the surrounding country; and they may provide compensation by assessment upon property located within the country, or land, which shall be assessed for the purpose. Miller v. Craig, 3 Selw. 176. The legislature may, by a law granting new regulations, may prohibit the retail of alcoholic stimulants. State v. Smith v. Smith v. Smith v. Smith, 3 Selw. 176. (a) Whether the senate of the state be a continuous body or one to be organized after the expiration of a legislative term, and after a constitutional question, and therefore as to be held by the courts. State v. Rogers v. Rogers v. Rogers v. Rogers, 2 Selw. 326. The power of the legislature to legislate in pursuance of the constitution is not continuous, but it expires annually, in the same sense that the general assembly of the majority of the entire body of senators proceed to organize themselves into a senate, their methods and proceedings are not subject to judicial supervision. Id.
CONSTITUTION OF THE STATE

Vacancies.

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.

Assembly.

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. (a)

Section IV.

Vacancies.

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.

Membership, how determined.

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; (b) 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.

Quorum.

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.

Officers and preservation of order.

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.

Journals.

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.

Adjournments.

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. (c)

Passage of bills.

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.

Recording votes.

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.

(a) The members of assembly apportioned to any county are required to be elected by the legal voters of the county, and an act of the legislature providing for the election of members apportioned to any county in assembly districts, whereby each qualified voter residing in an assembly district is allowed to vote for only one of the members apportioned to the county, is unconstitutional. State v. Wrightson, 27 W. 126. See Gardner v. Record, 11 W. 207.

(b) The constitution provides that each house shall be the judge of the election, qualification and return of its own members. It is not competent for the legislature to confer the authority to make a judicial determination of these questions upon the courts. Reeves v. Rice, 44 N. J. L. 51.

(c) See Schervenhorst v. Jersey City, 84 W. 116.
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 irrepealable 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 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, (a) or law impairing the obligation of contracts, (b) or depriving a party...
Laws to embrace but one object.

Amendments, how made.

Hockenock v. Bacon, 4 C. E. C. R. 178. If certain rates of toll and fare be fixed by the charter of a company, subsequent acts of legislature altering the rates is not violation of the charter, and not subject to alteration, amendment, or repeal by the power granting it. In re Smith, 6 C. E. C. R. 98. The reservation in a charter, that the state may, at any time, alter, amend, or repeal the charter, does not afford a basis for suits brought by the state for its own benefit, and is not intended to affect or change the rights of corporations as between each other. State v. Hockenock, 4 C. E. C. R. 178. A grant of an additional franchise to a corporation, not affecting or impairing those before granted, does not alter or modify the charter, if it does not compel the corporation to exercise such franchise. Starr v. Jackson, 1 C. E. C. R. 99, 100, 103. The class in the charter of the proprietors of the bridges over the river, the system of tolls upon the bridges, and the right to fix the tolls thereon, is in the hands of the state alone, and any system of tolls adopted by the state for its own benefit, and not intended to affect or change the rights of corporations as between each other, is not subject to alteration, amendment, or repeal by any act of the legislature, but is in the hands of the state alone. State v. Hockenock, 4 C. E. C. R. 178.

The proper use of the bridges over the rivers Eno and Hackensack have, by contract with the state, the exclusive franchise of maintaining said bridges, and the tolls thereon, and such contract is within the purpose of the constitution. In re Society, 6 C. E. C. R. 164. The clause in the charters of the proprietors of the bridges over the river, the system of tolls upon the bridges, and the right to fix the tolls thereon, is in the hands of the state alone, and any system of tolls adopted by the state for its own benefit, and not intended to affect or change the rights of corporations as between each other, is not subject to alteration, amendment, or repeal by any act of the legislature, but is in the hands of the state alone. State v. Hockenock, 4 C. E. C. R. 178.

The regulations of insurance laws are not within the power of the legislature, nor can they impede or impair the contracts made in violation of them, or at least so far as concerns the right of the person against whom the insurance is made. In re Young, 1 C. E. C. R. 164.

The act of March 14th, 1867, investing the court of chancery with the power to order the property of an insolvent to be begged, mortgages or other liens, the legality of which is brought into question, does not make any new or additional violation of the constitution. It neither impairs the obligation of contracts nor deprives the mortgagor of the benefit of the doubtful mortgage. Potter v. Barlow, 4 C. E. C. R. 168.

The act of March 17th, 1867, creating the county board of assessors, does not impair the obligation of contracts. In re Young, 1 C. E. C. R. 164.

The act of March 18th, 1867, investing the court of chancery with the power to order the property of an insolvent to be begged, mortgages or other liens, the legality of which is brought into question, does not make any new or additional violation of the constitution. It neither impairs the obligation of contracts nor deprives the mortgagor of the benefit of the doubtful mortgage. Potter v. Barlow, 4 C. E. C. R. 168.

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title only, but the act revived, or the section or sections amended, shall be inserted at length. (a) 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. (b) General laws. Act to be incorporated in full in supplement.

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. (c) Free public schools.

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Constitution of the State

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 manner 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 in 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:

(a) Laying out, opening, altering and working roads or highways.
(b) Regulating the internal affairs of towns and counties; appointing local officers or commissions to regulate municipal affairs.
(c) Selecting, drawing, summoning or impaneling grand or petit juries.

The provision as to the enactment of special and local laws in certain cases, applies to laws regulating the internal affairs of cities, as well as of counties.

12. No act of the legislature passed without the approval of the governor, shall operate as a law until it shall have been signed by the governor.

13. No act of the legislature shall be passed regulating the police departments in all the cities of the state as a general law and is unconstitutional. New Brunswick v. Fitzgerald, 19 N J. 452, affirming S. C. 18 N J. 475. A statute declared unconstitutional is a special and local law regulating the internal affairs of two cities, and as it appears that it applied only to such two cities, and that it never could apply to any other. State v. Howard, 11 N J. 631, 4 N E. 11, 17 N J. 423. A city charter may be repealed by a special law of the legislature; such repeal does not regulate the internal affairs of a city; it extinguishes it, leaving no jurisdiction over it. Highfield v. Moore, 15 N J. 663, 23 N J. 461. A law giving the courts of common pleas power to grant limited licenses and restricted to cities, towns and counties by populations which indicate that the city shall be divided into two or more towns, without any apparent distinction which will account for such restrictions, is unconstitutional. Hoag v. Godfrey, 19 N J. 651. An act which provides that in boroughs of the third class, the licensing power shall rest in the council of each city of common pleas, is unconstitutional. Hightman v. Glenn, 15 N J. 665. See Tigar v. Morris Plains, 13 N J. 655. An act regulating the police for the police of one councilman in three, in cities of less than 2,500 inhabitants, divided into not less than two nor more than three wards, and which now, by law, have twelve councilmen, is a special law regulating the internal affairs of cities, and unconstitutional.

The three instances on which a classification is attempted to be made are too unimportant and restrictive to form the basis for a general law. Stone ut. Hoot, 24 N J. 85. A provision in an act, that "it shall not apply in nor to cities commonly known as seaside and summer resorts," within the constitutional prohibition against local and special laws, Clark v. Oakey May, 21 N J. 594. The office of the classification act of 1852, dividing cities into classes on the basis of population, is to provide a rule for the classification of municipal legislation. A statute framed in compliance with that act will be construed accordingly, and upon such a construction the question will arise whether the classification adopted is such as to bring the statute within the category of general laws. Roodut v. Hoppin, 29 N J. 62.

Population may be made the basis of classification in statutes relating to municipal bodies and their police powers, but not of inordinate importance as to bring the statute with the category of general laws. Stone ut. Hoot, 24 N J. 85. Population may be made the basis of classification in statutes relating to municipal bodies and their police powers, but not of inordinate importance as to bring the statute with the category of general laws. Stone ut. Hoot, 24 N J. 85.
OF NEW JERSEY, AS AMENDED.

Creating, increasing or decreasing the percentage or allowances of public officers during the term for which said officers were elected or appointed. (c)

Changing the law of descent.

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

Granting to any corporation, association or individual 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. (c)

was not a delegation of legislative power, and (2) that the law was not repugnant to any existent enactments. 604

A statute giving to the mayor, respectively, the power to appoint the principal officers of the government, and providing that such act should go into effect on the day in which it was accepted at a popular election, held to be constitutional. 621

Treasurer, 25, 224. See also, State v. Blaine, 36, 624. See also, State v. Blaine, 36, 624.

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Treasurer, 25, 224. See also, State v. Blaine, 36, 624.

Taxation.

Acts declared special and local, and therefore unconstitutional in Township of Leeds, 32, 226. See also, Township of Pascack, 32, 226. See also, Township of Pascack, 32, 226.

The act of the legislature of March 14th, 1798, (P. L. p. 340), which authorizes that a tax shall be laid upon all persons who shall be registered as having property in the state, and upon all persons who shall have property therein, and upon all persons who shall be registered as having property in the state, is declared unconstitutional. 212


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CONSTITUTION OF THE STATE

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. (a)

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 and place 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.

(a) The governor, as the supreme executive of the state, alone hath authority to the recess of the legislature, to fill a vacancy in the office of clerk of the inferior court of common pleas, State v. Parkhurst, 4 Hol. 487. The right to remove a state officer for misconduct in office does not appertain to the executive office. Such act is judicial, and belongs to the court of common pleas. State, Board of Commissioners v. Proctor, 7 Pr. 101. Certain police commissioners of Jersey City, appointed by statute, having been convicted of conspiracy to cheat the city, and the governor having declared their offices to be thereby vacated, and having appointed their successors—Hold, that such executive action was illegal and void. 7b. The governor will not be compelled to produce in court any paper or document in his possession; he will be allowed to withhold it, or any part of it, if, in his opinion, his official duty requires him to do so. Thompson v. German Valley R. R. Co., 7 C. E. (v. 11). The governor cannot be examined as to his reasons for not signing an act of the legislature, nor as to his action in any respect regarding it. But he is bound to appear and testify as to the time an act was delivered to him. 7b. Where the governor is required by law to issue a commission, in accordance with the determination of the board of county commissioners, the court will not award a mandamus directing the commission to be issued in conflict with such determination, although it affirmatively appears that the decision of the board of county commissioners was based upon illegal evidence, and is contrary to the public interests. State v. The Governor, 1 Dutch, 321. The court has no power to award a mandamus, either in cases or cases before the executive by the constitution, or to direct the manner of its performance. 7b. A president or governor, under the constitution, can not set him to a return of it, the constitution of this state, not having given such power to the governor, and those acting with him. Cook v. Proctor's Executors of Middendorf, 3 Dutch, 327.
OF NEW JERSEY, AS AMENDED.

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

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 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 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 cases as herefore; 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. (b)
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 each 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 by 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 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

C. E. Gr. 153. It will restrain such corporation from turning the landowner out of possession while the question of assessment is pending in another court. Matter v. Boston and Andover E. R. Co., 11, C. E. Gr. 314. See Morris and Hess E. R. Co. v. Hudson Power Co., 11 C. E. Gr. 254. Ross v. Elizabeth, etc., 11 C. E. R. Co., 1 C. R. 485. McAvoy v. Boston and Andover E. R. Co., 11 C. E. Gr. 455. Under this constitutional guarantee, the powers which were vested in the supreme court at the formation of the constitution must be unimpaired by legislation. Scales v. Traction Co. of West Roxbury, 13 V. 431. District courts are inferior courts, which the legislature is empowered to establish, alter or abolish, at its discretion, as the public good may require; and its legislative discretion, the court is abolished, the term of service of its officers will thereby be terminated. Scales v. New Brunswick, 13 V. 149. A writ of error will not go directly from the court of errors to the eye and term, and the legislature cannot sanction a proceeding, as it is one of the prerogatives of the supreme court to exercise, in the first instance, jurisdiction in such cases. C. E. Gr. 143. The legislature having the right under the title of the constitution to abolish the orphans' court, may authorize or extend the jurisdiction of the court to include the jurisdiction of the county court for trials. Embrey v. Race, 2 Stew. 840.
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the supreme court, or circuit court, if the subject-matter thereof be within
the jurisdiction of the orphans' court. (a)

Register.
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.

num. court.
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.

circuit courts.
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. (b)

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

Section VI.

Common pleas.
1. There shall be no more than five judges of the inferior court of com-
mon 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. (d)

term.
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 commis-
sions to fill vacancies, which shall bear date and take effect when issued.

Section VII.

Justices of peace.
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.

(0) General creditors of an estate are not "agrieved," within
the meaning of the constitution, and hence have no right to
appeal from an order of the orphans' court directing a sale
of the estate or sale of the land, to pay debts of the estate. Parson v. Reynolds, 9 S.C. 290. Ferrell v. Plant, 14 W.C. 767. There is no
evidence to the contrary, under the rules of the orphans' court, that any
creditor is "agrieved." In that case, the order of sale is not conclusive, and
the finding, as to the sale of the property, or the payment of the debt, or the
right to the lien, or the claim against the estate, is made in the court of com-
"person aggrieved" under the constitution of this state is a person aggrieved;
the term being used in a constitutional provision for appeal from the orphans' court to the supreme court, is one whose pecuniary interest is directly affected by the order
or decree, and whose right or property may be established or disentitled by the order or decree. Stoneburner v. Kinney's Admin-
istrator, 10 C. & G. 460. Davis v. Pate, 11 S.C. 464. (0) The legislature cannot confer upon the circuit courts the power to order
the proceedings of inferior tribunals by certif-
icate. Frazier v. Flaschfeld, 15 S.C. 115. The circuit courts of
this state are constitutional courts, and are unsuanaizable by legis-
lation in the jurisdiction which they exercised at the adoption
of the constitution. Central E. R. Co. v. Bunton, 20 S.C. 561. These courts have always exercised the right to dispose finally of a case to show cause why a new trial should not be granted
and to order judgment final upon verdict rendered. 16. The act
of 1890 (P. L. p. 83), authorizing a review by the supreme court
of the order of the circuit court either granting or refusing a
new trial, is unconstitutional. 16. (c) No proceeding of the circuit court, except a final judgment,
may be transferred directly to the court of errors and appeals by
writ of error. Dodd v. Lyon, 20 S.C. 259. (d) A single judge of the common pleas may, under the law
generally applicable in this state, hold that court and perform
S.C. 257.
OF NEW JERSEY, AS AMENDED.

2. The population of the townships in the several counties of the state and of the several wards shall be ascertained by the last preceding 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. (a)
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. (b)
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.
2. Judges of the courts of common pleas shall be appointed by the senate and general assembly, in joint meeting.

(a) The state may, in time of peace, condemn lands in fee-simple for its use as a military encampment for the military forces of the state. Morris v. Cogswell, 25 P. 268. Commissioners to appraise the value of land to be taken for such use may be constitutionally appointed by the governor of the state, without notice to the landowners. 7th.
(b) The disbanding of a company for mutinous conduct, by the division commander, relates to the organization of the militia, and is constitutionally enjoined by the military authorities. Grove v. Hintz, 17 P. 298. The provision of the national guard act, directing that officers of a disbanded company shall be placed on the retired list, is not in violation of the constitution. 7th.
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Term.

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

3. 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.

4. The attorney-general, prosecutors of the peace, clerk of the supreme court, clerk of the court of chancery, secretary of state, and the keeper of the state prison, 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.

5. 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.

6. 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.

7. 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. (a)

8. 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. (b)

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.

9. 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.

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

11. 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.

Auditor of treasurer's accounts.

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.
OF NEW JERSEY, AS AMENDED.

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." (a)

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 inconvenience 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 offense 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 other-

(a) The provision that all writs shall be in the name of the state of New Jersey, applies only to such writs as at common law were required to run in the name of the sovereign. Leasing v. Shaw, 7 N. J. L. 37.
CONSTITUTION OF THE STATE OF NEW JERSEY.

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.

Note.—The amendments of the constitution went into effect September 28th, 1875. See proclamation of governor, P. L. 1876, p. 433.

(d) Chancery has no jurisdiction. In the absence of specific equities, over an assessment made in the course of municipal improvements. Jersey City v. Leimbach, 4 S. 189.