

AMENDMENTS TO THE CONSTITUTION OF 1777^[1]

IN CONVENTION OF DELEGATES.

ALBANY, October 27, 1801

Whereas the legislature of this State, by their act passed the sixth day of April last, did propose to the citizens of this State to elect by ballot delegates to meet in convention, "for the purpose of considering the parts of the constitution of this State respecting the number of senators and members of assembly in this State, and with power to reduce and limit the number of them as the said convention might deem proper ; and also for the purpose of considering and determining the true construction of. the twenty-third article of the constitution of this State, relative to the right of nomination to office;"

And whereas the people of this State have elected the members of this convention for the purpose above expressed ; and this convention having maturely considered the subjects thus submitted to their determination, do, in the name and by the authority of the people of this State, ordain, determine, and declare:

- I. That the number of the members of the assembly hereafter to be elected shall be one hundred, and shall never exceed one hundred and fifty.
- II. That the legislature at their next session shall apportion the said one hundred members of the assembly among the several counties of this State, as nearly as may be, according to the number of electors which shall be found to be in each county by the census directed to be taken in the present year.
- III. That from the first Monday in July next, the number of the senators shall be permanently thirty-two, and that the present number of senators shall be reduced to thirty-two in the following manner, that is to say: The seats of the eleven senators composing the first class, whose time of service will expire on the first Monday in July next, shall not be filled up; and out of the second class the seats of one senator from the middle district and of one senator from the southern district shall be vacated by the senators of those districts belonging to that class casting lots among themselves; out of the third class, the seats of two senators from the middle district and of one senator from the eastern district, shall be vacated in the same manner; out of the fourth class, the seats of one senator from the middle district, of one senator from the eastern district, and of one senator from the western district shall be vacated in the same manner; and if any of the said classes shall neglect to cast lots, the senate shall in such case proceed to cast lots for such class or classes so neglecting. And that eight senators shall be chosen at the next election in such districts as the legislature shall direct, for the purpose of apportioning the whole number of senators amongst the four great districts of this State, as nearly as may be, according to the number of electors qualified to vote for senators, which shall be found to be in each of the said districts by the census above mentioned; which eight senators so to be chosen shall form the first class.

IV. That from the first Monday in July next, and on the return of every census thereafter, the number of the assembly shall be increased at the rate of two members for every year, until the whole number shall amount to one hundred and fifty; and that upon the return of every such census, the legislature shall apportion the senators and members of the assembly amongst the great districts and counties of this State, as nearly as may be, according to the number of their respective electors: Provided, That the legislature shall not be prohibited by anything herein contained from allowing one member of assembly to each county heretofore erected within this State.

V. And this convention do further, in the name and by the authority of the people of this State, ordain, determine, and declare, that by the true construction of the twenty-third article of the constitution of this State, the right to nominate all officers, other than those who by the constitution are directed to be otherwise appointed, is vested concurrently in the person administering the government of this State for the time being and in each of the members of the council of appointment.

By order.

Attest:

A. BURR, *President.*

JAMES VAN INGEN,

JOSEPH CONSTANT,

Secretaries.

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Footnotes

Footnote 1: These amendments were framed by a convention which assembled at Albany October 13, 1801, and terminated its labors October 27, 1801. They were not submitted to the people for ratification.
