

WHEREAS the present Government of this Colony by Congress and Committees, w<sup>h</sup> instituted while the former Government under the Crown of Great-Britain existed in Force; and was established for the sole Purpose of opposing the Usurpation of the British Parliament, and was intended to expire on a Reconciliation with Great-Britain, which it was the apprehended would soon take place, but is now considered as remote and uncertain.

AND whereas many and great Inconveniences attend the said Mode of Government by Congress and Committees, as of Necessity in many Instances Legislative, Judicial, and Executive Powers have been vested therein, especially since the Dissolution of the former Government by the Abdication of the late Governor, and the Exclusion of this Colony from the Protection of the King of Great-Britain.

AND whereas the Continental Congress did resolve as followeth; *to wit.*

" WHEREAS his Britannic Majesty, in Conjunction with the Lords and Commons of Great-Britain, has, by a late Act of Parliament, excluded the Inhabitants of these United Colonies from the Protection of his Crown.—And whereas no Answers whatever, to the humble Petition of the Colonies for Redress of Grievances and Reconciliation with Great-Britain, has been, or is likely to be given, but the whole Force of that Kingdom, aided by Foreign Mercenaries, is to be exerted for the Destruction of the good People of these Colonies.—And whereas it appears absolutely irreconcilable to Reason and good Conscience, for the People of these Colonies ~~now~~ to take the Oaths and Affirmations necessary for the Support of any Government under the Crown of Great-Britain; and it is necessary that the Exercise of every Kind of Authority under the said Crown should be totally suppressed, and all the Powers of Government exerted under the Authority of the People of the Colonies, for the Preservation of internal Peace, Virtue, and good Order, as well as for the Defence of our Lives, Liberties, and Properties, against the hostile Invasions, and cruel Depredations of our Enemies. " Therefore, Resolved, That it be recommended to the respective Assemblies and Conventions of the United Colonies, where no Government sufficient to the Exigencies of their Affairs has been hitherto established, to adopt such Government as shall, in the Opinion of the Representatives of the People, best conduce to the Happiness and Safety of their Constituents in particular, and America in general."

AND whereas Doubts have arisen whether this Congress are invested with sufficient Power and Authority to deliberate and determine on so important a Subject as the Necessity of erecting and constituting a new Form of Government and internal Police, to the Exclusion of all Foreign Jurisdiction, Dominion and Controul whatever.—And whereas it appears of Right solely to the People of this Colony to determine the said Doubts, Therefore

RESOLVED, That it be recommended to the Electors in the several Counties in this Colony, by Election in the Manner and Form prescribed for the Election of the present Congress, either to authorize (in Addition to the Powers vested in this Congress) their present Deputies, or others in the Stead of their present Deputies, or either of them, to take into Consideration the Necessity and Propriety of instituting such new Government as in and by the said Resolution of the Continental Congress is described and recommended: And if the Majority of the Counties, by their Deputies in Provincial Congress, shall be of Opinion that such new Government ought to be instituted and established; then to institute and establish such a Government as they shall deem best calculated to secure the Rights, Liberties and Happiness of the good People of this Colony; and to continue in Force until a future Peace with Great-Britain shall render the same unnecessary. And

RESOLVED, That the said Elections in the several Counties, ought to be had on such Day and at such Place or Places, as by the Committee of each County respectively shall be determined.—And it is recommended to the said Committees to fix such early Days for the said Elections as that all the Deputies to be elected have sufficient Time to repair to the City of New-York by the second Monday in July next; on which Day all the said Deputies ought punctually to give their Attendance.

AND whereas the Object of the foregoing Resolutions is of the utmost Importance to the good People of this Colony,—

RESOLVED, That it be, and it is hereby earnestly recommended to the Committees, Freeholders, and other Electors in the several Counties in this Colony, diligently to carry the same into Execution.

*And*



51. This Convention therefore in the Name & by the Authority of the Good People of this State doth ordain determine and declare that no Authority shall on any Pretence whatever be exercised over the People or Members of this State but such as shall be derived from and granted by them. &

[illegible]

together with the Objections be sent <sup>to the other Branch of the Legislature</sup> ~~down to the Senate~~ <sup>to the Senate</sup> ~~Assembly~~ where it shall also be reconsidered, and if approved by two thirds of the Members present shall be a Law.

And in order to prevent any unnecessary delays Be it further Ordained, that if any Bill shall not be returned by the Council to the Senate, within ten days after it shall have been presented to the Council, the same shall be a Law, unless the Legislature shall by their Adjournment render a return of the said Bill within ten days impracticable; in which case the Bill shall be returned to the Senate on the first day of the Meeting of the Legislature after the Expiration of the said Ten days.

§4 That the Assembly shall consist of at least seventy Members to be <sup>annually</sup> chosen in the several Counties in the Proportions following viz:

|                                     |                                                       |                 |                |              |
|-------------------------------------|-------------------------------------------------------|-----------------|----------------|--------------|
| for the City and County of New York | <sup>thirty</sup> <del>thirty</del> <del>thirty</del> | Fry on County   | Six            | 6            |
| the City & County of Albany         | Ten <sup>seven</sup> <del>ten</del>                   | Orange County   | four           | 4            |
| the Dutchess County of Dutchy       | Seven <sup>seven</sup> <del>seven</del>               | Charlotte       | four           | 4            |
| the County of West Chester          | Six                                                   | Cumberland      | three          | 3            |
| the County of <del>Wester</del>     | Six                                                   | Gloucester      | two            | 2            |
| the County of Suffolk               | five                                                  | <del>King</del> | <del>two</del> | <del>2</del> |
| the County of Queens                | four                                                  | Richmond        | two            | 2            |
| the County of Orange                | four                                                  |                 |                |              |
| the County of Kings                 | two                                                   |                 |                |              |
| the County of Richmond              | two                                                   |                 |                |              |

§5 That as soon after the Expiration of seven years subsequent to the Termination of the present War as may be, a Census of the Electors & Inhabitants in this State be taken under the Direction of the Legislature

Legislature— And if on such Census it shall appear that the Number of Representatives in Assembly from the said Counties is not justly proportioned to the Number of Electors in the said Counties respectively that the Legislature do adjust & apportion the same by that Rule And further that once in every Seven Years after the taking of the said first Census a just Account of the Electors resident in each County shall be taken; and if it shall thereupon Appear that the Number of Electors in any County shall have increased or diminished one or more Seventieth part, ~~or~~ parts of the whole Number of Electors which on the said first Census shall be found in this State, the Number of Representatives for such County shall be increased or diminished Accordingly, that is to say one Representative for every Seventieth part <sup>or</sup> afore said.

§ 6. And whereas an Opinion hath long prevailed among divers of the Good People of this State, that Voting at Elections by Ballot would tend more to preserve the Liberty & Equal Freedom of the People, than voting Viva Voce To the end therefore that a fair Experiment be made which of these two Methods of Voting is to be preferred

Be it Ordained that as soon as may be after the Termination of the present War between the United States of America & Great Britain, An Act or Acts be passed by the Legislature of

State for causing all Elections thereafter to be held in this State for Senators & Representatives in Assembly, to be ~~held~~ by Ballot and directing the manner in which the same shall be conducted. And whereas it is possible that after all the care of the Legislature in framing the said Act or Acts certain Inconveniences & mischiefs unforeseen at this Day may be found to attend the said mode of electing by Ballot.

It is further Ordained that if after a full and fair Experiment shall be made of Voting by Ballot aforesaid the same shall be found less conducive to the safety or Interest of the State then the method of Voting Viva Voce it shall be lawful & constitutional for the Legislature to ~~Abolish~~ the same; Provided two thirds of the Members present in each House respectively shall concur therein; And further that during the continuance of the present War aforesaid and untill the Legislature of this State shall provide for the Election of Senators and Representatives in Assembly by Ballot the said Elections shall be made Viva Voce.

17. That every male Inhabitant of full Age who shall have personally resided within one of the Counties of this State for six Months immediately preceeding the day of Election —  
shall

shall at such Election be entitled to vote for Representatives of the said County in ~~General~~ Assembly if during the time aforesaid he shall have been a Freeholder possessing a Freehold of the Value of twenty pounds within the said County, or have rented a Tenement therein of the yearly Value of forty Shillings, and been rated and actually paid Taxes to this State; Provided always that every Person who now is a freeman of the City of ~~New York~~ Albany or who was made a freeman of the City of New York on or before the fourteenth Day of October in the year of our Lord one thousand seven hundred and Seventy five, and <sup>shall be</sup> ~~is~~ actually and usually resident in the said Cities respectively, shall be entitled to vote for Representatives in Assembly within <sup>his</sup> ~~the~~ said Places of Residence.

88. That every Elector before he is admitted to Vote shall if required by the Returning Officer or either of the Inspectors take an Oath, or if of the People call Quakers an Affirmation of Allegiance to the St.

89. That the Assembly thus constituted shall chuse their own Speaker be judges of their own Members and enjoy the same Privileges & Rights

in doing Business in like Manner as the Assemblies of the Colony of New York of Right formerly did, and that a Majority of the said Members shall from time to time constitute a House to proceed upon Business. —

§10 And this Convention doth further in the Name & by the Authority of the good People of this State Ordain determine and declare that the Senate of the State of New York shall consist of twenty four Freeholders to be chosen out of the Body of the Freeholders and that they be chosen by the Freeholders of this State possessed of Freeholds of the Value of one hundred pounds over and above all Debts charged thereon

§11. That the members of the Senate be elected for four Years & immediately after the first Election they be divided by lot into four classes, six in each class, and numbered one, two, three & four. That the seats of the members of the first class shall be vacated at the expiration of the first year, the second class the second year, and so on continually, to the end that the fourth Part of the Senate as nearley as possible may be annually chosen. —

§12 That the Election of Senators shall be after this manner <sup>That so much of this State as is now parcelled into four</sup> ~~The State~~ <sup>shall</sup> be divided into four

State an Additional Senator shall be chosen by the Electors of such District. That a Majority of the Number of Senators to be chosen as aforesaid, shall be necessary to constitute a Senate sufficient to proceed upon Business, &

# And be it Ordained that that the Senate shall in like manner with the  
it shall be in the power  
of the future Legislatures of this Assembly, be the Judges of its own members.  
State for the convenience  
& advantage of the ~~State~~ good  
People thereof, to divide the  
same into such further &  
other Counties & Districts  
as shall to them appear  
necessary —

1813 And this Convention doth further in the Name  
and by the Authority of the good People of this  
State Ordain determine and declare, That no  
Member of this State shall be disfranchised or  
deprived of any of the Rights or Privileges se-  
cured to the Subjects of this State, by this Con-  
stitution, unless by the Law of the Land, <sup>or</sup> ~~the~~  
the Judgment of his Peers. —

517A That neither the Assembly or the Senate shall have Power to Adjourn themselves for any longer Time than two Days without the mutual Consent of both. —

P. 15. That whenever the Assembly & Senate disagree, a Conference shall be held in the Presence of both & be managed by Committees to be by them respectively chosen by Ballot. That the Doors both of the Senate & Assembly shall at all times be kept open to all Persons except when the

four great Districts; the Southern District to com-  
prehend the City and County of New York, Suffolk,  
Westchester, Kings, Queens, & Richmond Counties—  
the Middle District to comprehend the Counties of  
Dutchess, Ulster and Orange; the Western District  
the City and County of Albany and Tryon Coun-  
ty; and the Eastern District the Counties of  
Charlottesville, Cumberland and Gloucester. That  
the Senators shall be elected by the Freeholders  
of the said Districts qualified as aforesaid in  
the Proportions following to wit, in the Southern  
District nine, in the Middle District six in  
the Western District six, and in the Eastern  
District three. And be it Ordained that  
a Census shall be taken as soon as may be  
after the Expiration of seven years from the  
Termination of the present War, under the  
direction of the Legislature; And if on such  
Census it shall appear that the Number of  
Senators is not justly proportioned to the se-  
veral Districts, that the Legislature adjust  
the proportion as near as may be to the Num-  
ber of Freeholders qualified as aforesaid in  
each District. That when the Number of  
Electors within any of the said Districts  
shall have increased one twenty fourth Part  
of the whole Number of Electors which by  
the said Census shall be found to be in this

the Welfare of the State shall require their Debates to be kept secret. And the Journals of all their Proceedings shall be kept in the manner heretofore accustomed by the General Assembly of the Colony of New York, and except such parts as they shall as aforesaid respectively determine not to make Public, be from day to day (if the Business of the Legislature will permit) — published. —

§ 16. It is Nevertheless Provided that the Number of Senators shall never exceed one hundred nor the ~~Representatives~~ Number of the Assembly three hundred, but that whenever the Number of Senators shall Amount to one hundred, or of the Assembly to three hundred, then and in such case the Legislature shall from time to time thereafter by Laws for that Purpose Apportion & distribute the said one hundred Senators & three hundred Representatives among the great Districts & Counties of this State in proportion to the Number of their respective Electors, so that the Representation of the good People of this State both in the Senate & ~~General~~ Assembly shall forever remain proportionate and adequate

§ 17. And this Convention doth farther in the  
name

name and by the Authority of the good —  
People of this State Ordain determine &  
declare, that the Supreme executive Power  
and Authority of this State shall be vested in  
a Governor; and that Statedly once in every  
three years, and as often as the seat of Govern-  
ment shall become Vacant, a Wise and —  
discreet Freeholder of this State, shall be by  
Ballot elected Governor by the Freeholders of  
this State, Qualified as before described to elect  
Senators, which Elections shall be always held  
at the times & Places of choosing Representa-  
tives in ~~General~~ Assembly for each respective  
County; and that the Person who hath the great-  
est Number of Votes within the said State shall  
be the Governor thereof. —

- S. 18. That the Governor shall continue in Office —  
three years, & shall by Virtue of his Office be  
General and Commander in Chief of all the  
Militia, and Admiral of the Navy of this —  
State; that he shall have Power to convene  
the Assembly & Senate on Extraordinary Oc-  
casions to prorogue them from time to time  
Provided such Prorogations shall not exceed  
Sixty days in the Space of any one Year, &  
at his discretion to grant Reprieves & Pardons

to Persons convicted of Crimes other than Treason or Murder in which he may suspend the Execution of the Sentence untill it shall be reported to the Legislature at their Subsequent Meeting, and they shall either Pardon or direct the Execution of the Criminal or grant a further Reprieve. —

§ 19. That it shall be the Duty of the Governor to inform the Legislature at every Session of the Condition of the State so far as may respect his Department, to recommend such Matters to their Consideration as shall appear to him to concern its Good Government Welfare & Prosperity, to correspond with the Continental Congress, and other States, to transact all necessary Business with the Officers of Government civil and Military, to take care that the Laws are faithfully executed to the best of his Ability, and to expedite <sup>it</sup> all such Measures as may be resolved upon by the Legislature. —

§ 20. That a Lieutenant Governor shall at every Election of a Governor and as often as the Lieutenant Governor shall die resign or be removed from Office be elected in the same manner with the Governor, to continue in Office until the next Election of a Governor; And such Lieutenant Governor

Governor shall by Virtue of his Office be President of the Senate and upon an equal Division have a casting <sup>voice</sup> ~~vote~~ in their Decisions, but not vote on any other Occasion.

And in Case of the Impeachment of the Governor, or his removal from Office, death, Resignation or absence from the State, the Lieutenant Governor shall Exercise all the power and Authority appertaining to the Office of Governor, until another be chosen, or the Governor absent or impeached shall return or be acquitted. Provided that where the Governor shall with the Consent of the Legislature be out of the State in Time of War, at the Head of a Military Force, thereof, he shall still continue in his Command of all the Military Force of this State both by Sea and Land—

§ 21. That whenever the Government shall be administered by the Lieutenant Governor or he shall be unable to attend as president of the Senate, the Senators shall have power to elect one of their own Members to the Office of President of the Senate, which he shall Exercise pro hac vice. And if  
during—

during such vacancy of the Office of Governor,  
the Lieutenant Governor shall be impeached,  
displaced, resign, die, or be absent from the  
State, the President of the Senate shall in  
like manner as the Lieutenant Governor  
administer the Government, until others  
shall be elected by the suffrage of the people  
at the succeeding Election. —

§ 22. And this Convention doth farther in  
the Name and by the Authority of the good  
People of this State ordain determine and  
declare that the Treasurer of this State shall be  
appointed by Act of the Legislature, to originate  
with the Assembly, Provided that he shall not  
be elected out of either Branch of the Legislature

§ 23. That all Officers other than those who by this  
Constitution are directed to be otherwise  
appointed shall be appointed in the Manner  
following to wit: The General Assembly shall  
once in every year openly nominate and appoint  
one of the Senators from each great District,  
which Senators together with the Speaker of the  
Assembly for the Time being shall form a  
Council for the Appointment of the said Officers  
of which the Governor for the Time being, or the  
Lieutenant Governor, or the President of the  
Senate, when they shall respectively administer  
the Government, shall be President, & have a  
casting Voice, but no other Vote; and with  
the Advice and Consent of the said Council shall ap-  
point all the said Officers; and that a Majority of the  
said Council be a Quorum. And further the said Se-  
nators shall not be eligible to the said Council for  
two Years Successively. —

§ 24. That all military Officers be appointed during  
Prima Pleasure. That all commissioned Officers Civil &  
25 D — Military be commissioned by the Governor and  
that the Chancellor, the Judges of the Supreme  
Court, And first Judge of the County Court in  
every

every County hold their Offices during good Behaviour, or untill they shall have respectively attained the Age of Sixty Years. —

§ 25 That the Chancellor & Judges of the Supreme Court shall not at the same time hold any other Office excepting that of Delegate to the General Congress, upon special Occasions; And that the first Judges of the County Courts in the several Counties, shall not at the same time hold any other Office, excepting that of Senator or Delegate to the General Congress; But if the Chancellor or either of the said Judges be elected or appointed to any other Office, excepting as is before excepted, it shall be at his option in which to Serve. —

§ 26 That Sheriffs and Coronors be annually appointed and that no Person shall be capable of holding either of the said Offices more than four Years successively nor the Sheriff of holding any other Office at the same time. — X<sup>o</sup>

§ 29 That Town Clerks, Supervisors, Assessors, Constables and Collectors and all other Officers heretofore eligible by the People shall always continue to be

to be so eligible in the Manner directed by the present or future Acts of Legislature. —

That Loan Officers County Treasurers and Clerks of the Supervisors, continue to be appointed in the Manner directed by the present or future Acts of the Legislature. —

§ 30. That Delegates to represent this State in the General Congress of the United States of America be Annually Appointed, as follows to wit, the Senate and Assembly shall each openly Nominate as many persons as shall be equal to the whole Number of Delegates to be appointed, after which Nomination they shall meet together, and those persons named in both Lists shall be delegates, and one of those persons whose Names are not on both Lists one half shall be chosen by the joint Ballot of the Senators & members of Assembly so met together as aforesaid

§ 31. That the Style of all Laws shall be as follows to wit To be it enacted by the People of the State of New York represented in Senate and Assembly. And that all writs and other Proceedings shall run in the Name of the People of the State of New

of New York and be tested in the Name of the Chancellor or chief Judge of the Court from whence they shall issue. —

132 And this Convention doth further in the Name and by the Authority of the good People of this State Ordain determine and declare that a Court shall be instituted for the Tryal of Impeachments and the Correction of Errors under the Regulations — which shall be established by the Legislature & to consist of the President of the Senate for the Time being and the Senators Chancellor and Judges of the Supreme Court or the Major part of them, except that when an Impeachment shall be prosecuted against the Chancellor or either of the Judges of the Supreme Court the person so impeached shall be suspended from exercising his Office untill his Acquittal. And in like Manner when an Appeal from a Decree in Equity shall be heard, the Chancellor shall inform the Court of the Reasons of his Decree, but shall not have a Voice in the final Sentence. And if the Cause to be determined shall be brought up by Writ of Error on a Question of Law on a Judgement in the Supreme Court, the Judges of that Court shall assign the Reasons of such <sup>the</sup>

their Judgment, but shall not have a Voice for its Affirmance or Reversal. —

§ 33. That the Power of Impeaching all Officers of the State for mal & corrupt Conduct in their respective Offices be vested in the Representatives of the People in ~~the~~ Assembly; but that it shall always be necessary that two Thirdparts of the members present shall consent to & agree in such Impeachment —

That previous to the Trial of every Impeachment the members of the said Court shall respectively be sworn truly & impartially to try and determine the charge in Question according to Evidence, and that no Judgment of the said Court shall be valid unless it shall be assented to by two third parts of the members then present, nor shall it extend farther than to Removal from Office, and Disqualification to hold or enjoy any Place of Honour, Trust or Profit, under this State. But the Party so convicted, shall be nevertheless liable and Subject to Indictment, Trial, Judgment and Punishment, according to the Laws of the Land.

§ 34 And it is further Ordained that in every

Trial

Trial on Impeachment or Indictments for —  
Crimes or Misdemeanors, the party impeached  
or Indicted shall be Allowed Council, as in civil  
Actions. —

§ 35 And this Convention doth further in the Name  
and by the Authority of the Good People of this —  
State Ordain determine and declare that —  
such parts of the Common Law of England & of  
the Statute Law of England & Great Britain, &  
of the Acts of the Legislature of the Colony of New  
York, as together did form the Law of the said —  
Colony on the nineteenth day of April in the  
year of our Lord one thousand seven hundred  
and seventy five, shall be and continue the  
Law of this State, Subject to such alterations  
and provisions, as the Legislature of this  
State shall from Time to Time make —  
concerning the same — That such of the said  
Acts as are temporary shall expire at the  
Times limited for their Duration respective-  
ly — That all such parts of the said common  
Law, and all such of the said Statute &  
Acts aforesaid, or parts thereof, as may be  
construed to establish or maintain any  
particular Denomination of Christians,  
or their Ministers, or concern the Allegiance  
heretofore

heretofore yielded to, and the Supremacy  
Sovereignty, Government or Prerogatives  
claimed or exercised by the King of Great  
= Britain & his predecessors, over the Colony  
of New York and its Inhabitants, or are  
repugnant to this Constitution, be, &  
they hereby are abrogated and rejected.

And this Convention doth farther ordain,  
that the Resolves or Resolutions of the  
<sup>and of the Convention of the State of New York</sup>  
Congreges of the Colony of New York, now  
in force, and not repugnant to the Govern=  
=ment established by this Constitution,  
shall be considered as making part of  
the Laws of this State; Subject Neverthe=  
=less to such alterations & Provisions as  
the Legislature of this State may from  
Time to Time make concerning the same.

§36 And be it further ordained that all Grants  
of Land within this State made by the  
King of Great Britain or persons acting  
under his Authority after the fourteenth  
Day of October One thousand seven  
Hundred and seventy five shall be  
null & Void: But that nothing in this  
Constitution

Constitution contained shall be construed  
to affect any Grants of Land within this  
State made by the Authority of the said  
King or his predecessors; or to annul any  
Charters to Bodies politic by him or them  
or any of them made by the Authority of the  
said King prior to that day. And that  
none of the said Charters shall be adjudg-  
ed to be void by reason of any non user  
or misuser of any of their respective rights  
or privileges between the nineteenth day  
of April in the year of our Lord One Thousand  
seven hundred & seventy five, and the  
publication of this Constitution. And  
<sup>hereafter</sup> that all such of the officers described in  
the said Charters respectively as by the  
Terms of the said Charters were to be  
appointed by the Governor of the Colony  
of New York, with or without the Advice  
and Consent of the Council of the said  
King in the said Colony, shall henceforth  
be ~~established~~ appointed by the Council  
established by this Constitution for  
the appointment of Officers in this  
State, until otherwise directed by the Legislature  
And

And whereas it is of great Importance  
to the Safety of this State, that Peace & Amity  
with the Indians within this ~~State~~ same  
be at all Times supported and maintained  
And whereas the Frauds too often  
practised towards the said Indians, in  
Contracts made for their Lands, have in  
divers Instances been productive of danger-  
ous discontents & animosities. Be it  
Ordained that no purchases or Contracts  
for the Sale of Lands made since the fourteenth  
day of October in the year of our Lord One  
Thousand seven hundred & seventy five  
or which may hereafter be made with or of the  
said Indians within the Limits of this State,  
shall be binding on the said Indians, or deemed  
Valid, unless made under the Authority and  
with the Consent of the Legislature of this State

And whereas we are required by the Venero-  
lent Principles of rational Liberty not only to  
expel civil Tyranny but also to guard against  
that Spiritual oppression & Intolerance whow-  
with the Bigotry & Ambition of weak & Wicked  
Priests & Princes have scourged Mankind This  
Convention

Convention doth further in the Name and by  
the Authority of the Good People of this State  
Ordain determine and declare that the  
free <sup>Exercise & Enjoyment</sup> ~~Liberty~~ of Religious Profession and  
<sup>without discrimination or preference</sup> Worship shall forever hereafter be allowed  
within this State to all mankind. Provided  
that the Liberty of Conscience hereby granted  
shall not be so construed as to excuse Acts  
of Licentiousness, or justify Practices inconsis-  
-tant with the Peace or Safety of this State.

139. And Whereas the Ministers of the Gospel are  
by their Profession dedicated to the Service of  
God & the Cure of Souls, & ought not to be diverted  
from the great Duties of their Function, therefore  
no Minister of the Gospel or ~~Presb~~ Priest of any  
denomination whatsoever shall at any time  
hereafter under any Pretence or Discription  
whatever, be eligible to, or capable of holding any  
civil or military Office or place within this  
State. —

140 And whereas it is of the utmost Importance  
to the Safety of every State that it ~~should~~ should  
always be in a Condition of Defence and it is  
the

the Duty of every Man who enjoys the Protection  
of Society to be prepared and willing to defend it;  
This Convention therefore in the Name and by  
the Authority of the Good People of this State doth  
Ordain determine and declare, that the ~~whole~~  
militia of this State at all Times hereafter, as  
well in Peace as in War, shall be armed and  
disciplined, and in Readiness for Service. That  
all such of the Inhabitants of this State <sup>being of the proper age</sup> as from  
Scruples of Conscience may be averse to the  
bearing of Arms, be therefrom excused by the  
Legislature, and do pay to the State such sum  
of Money in Lieu of their personal Service, as  
the same may in the Judgment of the Legisla-  
ture be worth, ~~so as to put all the members of~~  
~~this State on an equal footing.~~ And that —  
And that a proper Magazine of Warlike Stores  
proportionate to the Number of Inhabitants be  
forever hereafter at the Expence of this State  
and by Acts of the Legislature established —  
maintained and continued in every County  
in this State. —

PAI. And this Convention doth further Ordain de-  
termine and declare in the Name and by the  
authority

Prima 83. &

Authority of the Good People of this State that  
Trial by Jury in all cases in which it hath here-  
-tofore been used in the Colony of New York shall  
be established and remain inviolate forever.

And that no Acts of Attainder shall be passed by  
the Legislature of this State for crimes other than  
those committed before the Termination of the  
present War; And that such Acts shall not  
work a Corruption of Blood. And further  
that the Legislature of this State shall at  
no Time hereafter institute any new Court  
or Courts but such as shall proceed Accord-  
-ing to the Course of the Common Law. —

42. And this Convention doth further in the  
Name & by the Authority of the Good People  
of this State, Order determine and De-  
-clare that it shall be in the discretion of  
the Legislature to Naturalize all <sup>such</sup> persons and  
in such Manner as they shall think proper  
Provided all such of the persons so to be by  
them Naturalized, as they being born in  
parts beyond sea, & out of the United States  
of America, shall come to settle in & become  
Subjects

Subjects of this State, shall take an Oath of  
Allegiance to this State, and Abjure and renounce  
all Allegiance and Subjection to all & every foreign  
King, Prince, Potentate and State in all matters  
ecclesiastical as well as civil. —

By Order

Leonard Ganswoort Secy. S. S.

State of New York  
Secretary's office }

I hereby Certify that the pending Original  
Constitution of this State was this day &  
Received from John Mt. Kesson Esquire  
accompanied by the Annexed Letter —

Albany August 30. 1821.

L. M. M. A. S.  
Secretary of State

New York August 29<sup>th</sup> 1821.

In your Letter of the 30<sup>th</sup> of June last was duly Received. The Original Constitution of the State in the Condition it came to my hands, I have delivered pursuant to your Instructions to J. B. Yates Esquire to be forwarded to you to be deposited in the Office of the Secretary of State — you will observe that part of the Preamble and the 27<sup>th</sup> and 28<sup>th</sup> Sections are wanting in the Manuscript, doubtless they were written on detached Slips of Paper and may yet be recovered, and I will certainly use the greatest diligence for that purpose, so that the venerable instrument may be rendered entire.

I possess the Original Drafts of Resolutions and Papers of the Provincial Congress, Committee of Safety and Convention in the early part of The

Revolution, which came to my possession on the  
decease of my late uncle, and have been at  
much labour and expence in arranging them  
and transcribing the Minutes - under the laws of  
1804 to which you allude I was employed to  
perform that duty - The task is in a state of  
forwardness but some impediments arose to  
prevent or retard its immediate accomplish-  
ment. — The completion of the work, <sup>requires the assistance</sup> of a  
skilfull and diligent Clerk and it is not  
convenient for me to make the necessary  
advances — It has always been my wish to  
serve the public faithfully, and I only request  
that the means may be placed in my hands

If you have Authority to furnish the means  
of employing a competent Clerk the work shall  
be completed with the utmost diligence

I am Sir respectfully  
your obed<sup>t</sup>. Serv<sup>t</sup>

J. A. N. Yates Esq

John W. Gifford

John V. N. Yates Esquire  
Secretary of State  
Albany—