THE COURTS
OF THE
STATE OF NEW YORK

THEIR HISTORY, DEVELOPMENT AND JURISDICTION

Embracing a complete history of all the Courts and Tribunals of Justice, both Colonial and State, established from the first settlement of Manhattan Island and including the status and jurisdiction of all the Courts of the State as now constituted

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CHAPTER XXVII.

COURT FOR THE TRIAL OF IMPEACHMENTS AND THE CORRECTION OF ERRORS.

ONLY NEW COURT UNDER CONSTITUTION—IMPEACHMENT PROCEDURE—CORRECTION OF ERRORS.

ONLY NEW COURT UNDER CONSTITUTION.

A court officially designated as the Court for the Trial of Impeachments and Correction of Errors was the only new court established by the constitution of 1777. By the thirty-second section thereof, the constitution provided that such a court be instituted under regulations to be established by the Legislature, and to consist of the president of the senate pro tempore, senators, chancellor, and judges of the Supreme Court, or a majority of them.

IMPEACHMENT PROCEDURE.

Impeachment proceedings were regulated by sections 33 and 34, which provided that power to impeach all officers of the state for official malfeasance and corrupt conduct in their respective offices

be vested in representatives of the people in the assembly, upon a majority vote of two-thirds of the members present.

Before proceeding to sit as a Court of Impeachment, each member of the court was sworn under a prescribed oath, similar to that administered to jurors, to truly and impartially determine the charge in question, according to the evidence. No judgment of the court was valid unless assented to by two-thirds of the members then present. A judgment of impeachment worked as a forfeiture of office, and debarred the guilty person from again holding or enjoying any office, or place of honor, trust or profit, under the state. The party so convicted was liable to indictment, trial, judgment, and punishment according to the criminal and civil law of the land.

In every trial of impeachment or indictment for crime or misdemeanor, the party impeached or indicted was allowed counsel as in civil cases. Should an impeachment be prosecuted against the chancellor or any of the judges of the Supreme Court, the official so impeached was enjoined from exercising the functions of office, until his acquittal.

CORRECTION OF ERRORS.

In the Correction of Errors, the constitution provided that when an appeal from a decree in equity should be heard, the chancellor should inform the court of the reasons for the decree, but was not

vested with the right to vote at the trial or in the final sentence. If a judgment of the Supreme Court were under review, the judges were to assign reasons for the judgment, but have no voice in the final affirmance or reversal of their decision.

In pursuance of these articles of the constitution, the Legislature passed an act on November 23rd, 1784, organizing said court. It authorized sessions to be held during the meeting of the Legislature, and at such other times and places as might be ordered. It directed a seal to be prepared, and a clerk to be appointed, and prescribed the manner of trying impeachments.

In regard to the Correction of Errors, appeals were allowed to it from the Court of Chancery, Supreme Court, Court of Probates, and Admiralty Court, except in cases of capture. All appeals from probate or admiralty decisions, and decretal orders of chancery, were to be made in fifteen days. All appeals from final decrees in chancery, and writs of error upon judgments in the Supreme Court, were to be brought within five years after judgment rendered, or decree made. The president of the senate presided, and had a vote only in case of a tie.

Writs of error in civil cases and in criminal cases not capital, were writs of right and issued of course, but in capital cases they were writs of grace. The chancellor issued the writs in all cases, but in capital cases, only granted an order upon motion or petition, with notice to the attorney-general or state prosecutor.

Under the constitution of 1821, the court remained the same as previously, except that a majority of the members of assembly present at the session were sufficient to impeach.

This court ceased with the constitution of 1846, after an existence of nearly seventy years. Its powers in cases of impeachment were transferred to a new court, composed of the president of the senate, the senators or a majority of them, and the judges of the Court of Appeals or a majority of them. Its appellate jurisdiction was delegated to the Court of Appeals.