

# Civil Government for Common Schools eBook

## Civil Government for Common Schools

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# Page 1

## Title: Civil Government for Common Schools

Author: Henry C. Northam

Release Date: February, 2004 [EBook #5065] [Yes, we are more than one year ahead of schedule] [This file was first posted on April 12, 2002]

Edition: 10

Language: English

Character set encoding: ASCII

\*\*\* Start of the project gutenberg EBOOK, civil government for common schools \*\*\*

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## **CIVIL GOVERNMENT FOR COMMON SCHOOLS.**

*Prepared as A manual for public instruction in the state of new York.*

To which are appended the Constitution of the State of New York as amended at the election of 1880, the Constitution of the United States, and the Declaration of Independence.

*By Henry C. Northam,*

*Conductor of teachers' institutes.*

## **PREFACE TO THIRD EDITION.**

Instruction in Civil Government should be both theoretical and practical. Unfortunately the text-books in general use stop with the theory.

They deal with the science of government, but, being intended for use throughout the United States, they give no information as to the *art* of government as practiced in this State.

Our students learn what is the guaranty of Republican government, but not how that government is exercised in their own town.



They are drilled in Incorporeal Hereditaments, but do not learn what kind of causes can be tried before a Justice of the Peace.

To supply this deficiency, is the aim of the present manual. Beginning with the school district, the names, manner of election, duties, and salaries are given of all important officers from the school trustee to the President of the United States.

The rapid sale of the First and Second Editions of this book encourages the hope that, with the additions now made, this manual may be considered indispensable in every *progressive* school in the State of New York.

*Henry C. Northam. Lowville, April 22, 1878.*

## I.—INTRODUCTION.

Officers are elected to administer the government for

- I. The United State
- II. Each State
- III. Counties.
- IV. Cities
- V. Towns
- VI. Districts

The following are names given to some of the different kinds of districts in the State of N. York

- I. Road, School and Election Districts.
- II. School Commissioner Districts.
- III. Assembly districts
- IV. Senatorial districts
- V. Congressional districts
- VI. Judicial districts



## Page 2

*Question.* Which are the smallest districts named?

A. Road, School and Election districts.

Q. What is a road district?

A. A portion of a town placed under the charge of an officer, whose duty it is to see that the roads are kept in good condition.

Q. What is a school district?

A. A portion of a town or city, placed under the care of officers, whose duties are to maintain a public school in and for the district

Q. What is an Election district?

A. A whole or part of a town, in which all the voting is done at one poll.

Q. What is a School commissioner district?

A. A whole or a portion of a county, under the jurisdiction of a school commissioner.

Q. What is an Assembly district?

A. A whole or a portion of a county set off for the purpose of electing a "Member of the Assembly," except Fulton and Hamilton, which together form one district, and elect one member.

Q. What is a Senatorial district?

A. A portion of a county, a whole county, or several counties combined for the purpose of electing a Senator; the amount of territory depending upon population.

Q. What is a Congressional district?

A. A portion of a county, a whole county, or several counties combined for the purpose of electing a "Representative in Congress;" the amount of territory depending upon population.

Q. What is a Judicial district?

A. One county (as in the case of New York), or several counties united for the purpose of electing Supreme Court Judges.

Q. Name the civil divisions in regular order and tell what a combination of each forms?



A. Road and school districts form towns; towns when united form counties; counties when united form a State; and also in many instances, Senatorial, Congressional and Judicial districts. States when united form a Union.

Q. How many States are there?

A. Thirty-eight.

Q. How many counties in New York State?

A. Sixty.

Q. How many towns in New York State?

A. Nine hundred and forty; the number is changing from year to year; the exact number can be found by consulting the almanacs that give the election returns.

Q. How many cities in the State of New York?

A. Twenty.

Q. How many School Commissioner districts in New York State?

A One hundred and twelve.

Q. How many Assembly districts?

A. One hundred and twenty-eight.

Q. How many Senatorial districts?

A. Thirty two.

Q. How many Judicial districts?

A. Eight.

Q. How many Congressional districts?

A. Thirty-three.

Q. How many School districts in New York State?

A. About twelve thousand.

Q. By what authority are counties organized?



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A. By the State Legislature.

Q. How are Towns formed?

A. By an act of the board of supervisors.

Q. By whom are School districts formed?

A. Generally by the school commissioners, sometimes assisted by the supervisor and town clerk of the town; sometimes by special legislation.

Q. What power defines the number of Assembly, Senatorial and Judicial districts?

A. The State Constitution.

Q. What power decides upon the number of Congressional districts?

A. The Congress of the United States.

*Note*—The following table will be the guide for questioning through all the succeeding pages:

I. Name of office

II. Number of Officials holding the same office at the same time.

III. Term of office.

IV. Eligibility. V. Duties.

VI. Salary or how paid.

## II—THE SCHOOL DISTRICT.

Q. What is a school district?

Q. How many school districts in your town?

Q. How many school districts in your county?

Q. How many school districts in New York State?

Q. What are the names of the officers in a school district?



A. I. Trustee or trustees; or a board of education.

II. Clerk.

III. Collector.

IV. Librarian

Q. What is the number of officials holding the same office at the same time?

A. I. One or three trustees, as a district decides. If a board of education, it may be not less than three nor more than nine.

II. One clerk

III. One collector.

IV. One librarian.

Q. What are the names of those districts in which there is a board of education?

A. Union free school districts; and they are allowed to have an additional officer, called a treasurer.

Q. What is the term of office of each?

A. I. If there be only one trustee, his term is one year.

II. If there be three trustees, the term is three years, one being elected each year; if the board of education consists of six or nine members, the term is three years; one third of the number being elected each year.

III. Clerk, collector and librarian, each hold the office for one year.

Q. Who are eligible to school offices in this state?

A. None but males; they must be twenty-one years of age; and trustees can hold no other school office.

Q. What are some of the duties of school district officers?

*Trustees.*

A. I. To hold and keep district property for the use of the school.

II. To hire and pay a qualified teacher or teachers, and maintain a school for at least twenty-eight weeks during the school year.

III. To make to the school commissions an annual report between the first and second Tuesdays of August in each year.



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IV. To make out all district taxes and issue a warrant for their collection, *etc.*, *etc.*

*Clerk.*

I. To record the proceedings of the district.

II. To give notice according to law of annual and special meetings.

III. To notify each person elected or appointed to office, and also to report their names and post-office address to the town clerk.

IV. To notify the trustees of every resignation accepted by the supervisor.

V. To keep and preserve all books, records and papers belonging to his office, and to deliver the same to his successor, *etc.*, *etc.*

*Collector.*

I. To collect all district taxes made out by trustees and placed in his hands.

II To pay out the money as directed by their order.

*Librarian.*

To have charge and supervision of the school district library.

Q. What is the salary of these officers and how paid?

A. The collector only is entitled to pay; he receives one per cent. on all moneys collected during the first fourteen days after advertising; after that time five per cent.

Q. How shall we find hereafter that officers are paid?

A. Some are paid a salary; some by the day; some by a fee; some by a per cent.

Q. What is meant by a salary? a fee? a per cent?

Q. How can a school district having three trustees change to one trustee?

Q. Can a district having a sole trustee change back and legally elect three?

[*Note*—All questions unanswered here, should be studied by teachers very carefully, and the correct answers obtained. they should also introduce many others that will be suggested by the lesson.]



### III.—THE TOWN.

Q. What is a town?

Q. How many towns in your county?

Q. How many towns in New York State?

Q. What are the names of the officers in a town, the number of officials in each, and their terms of office?

A. I. One supervisor, elected for one year.

II. One town clerk, elected for one year.

III. Four justices of the peace, elected for four years.

IV. Three assessors, elected for three years.

V. One or three highway commissioners, as the electors may determine; if one be elected, the term is one year; if three, the term is three years.

VI. One or two overseers of the poor, as the electors may determine; term one year.

VII. One collector, elected for one year.

VIII. Constables, not to exceed five; term one year.

IX. One game constable; term one year.

X. Three town-auditors; term one year.

XI. Three excise commissioners; term three years.

XII. Three inspectors of election; term one year; and in some villages and cities a sealer of weights and measures.



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Q. What are some of their duties?

I. *Supervisors.*

I. To receive the school money belonging to the town, and pay it out by order of the trustees.

II. To receive other money belonging to the town, and disburse the same according to law.

III. To meet with the other supervisors of the county as a “board of county canvassers.”

IV. To meet with the other supervisors of the county as a “board of supervisors”; to audit all lawful accounts against the county, make out the tax lists and cause them to be collected; and perform such other acts of legislation as the constitution and statute laws have conferred upon them.

II. *Town clerk.*

I. To keep the records of the town.

II. To keep in his custody such books and papers as belong to the town.

III. To act as clerk of the town meetings,

IV. To file such papers as properly belong to his office; and to perform the general clerical duties for the town.

III. *Justices of the peace.*

I. To be the judicial officers for the town.

II. To issue warrants for the arrest of persons accused of committing crimes, and also summonses for the purpose of bringing before them persons for trial in civil actions.

III. To take acknowledgment of conveyances, administer oaths, act as inspectors at the town meeting, *etc.*

IV. *Assessors.*

I. To make an inventory of the real estate in the town, naming the number of acres owned by each person, and fixing upon the same a valuation in proportion to its worth.

II. To make an inventory of the personal property held by the several persons in town, such as notes, mortgages, &c., which with the real estate forms the basis for taxes.



V. *Highway commissioners.*

- I. To have the care and general supervision of the highways and bridges.
- II. To lay out new roads, when directed by a jury legally called for that purpose and discontinue others when directed by the same authority.
- III. To divide the town into districts, and appoint overseers for the same.

VI. *Overseers of the poor.*

To look after and provide for, either at home or in the county house, such as are in indigent circumstances.

VII. *Collector.*

- I. To give a bond to the supervisor for double the amount to be collected, with one or more sureties for the faithful performance of his duties.
- II. To receive the tax list and warrant, and collect the tax and pay it over as directed.

VIII. *Constables.*

- I. To serve summonses issued by the justices.
- II. To arrest and bring prisoners before a justice, and to have the custody of them.
- III. To collect moneys upon executions, and if necessary to sell property to satisfy the same.



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IV. To see that order is preserved in the community.

V. To attend the higher courts in their official capacity when directed by the sheriff.

IX. *Game constable.*

To look after and prosecute for the violation of the game laws.

X. *Town auditors.*

To examine the accounts of the town officers and pass upon the same.

XI. *Excise commissioners.*

To meet and act upon petitions asking for the privilege of selling spirituous liquors.

XII. *Inspectors of election.*

I. To preside at the annual election, receive the votes legally presented, and deposit them in boxes prepared for that purpose.

II. To count the ballots at the close of the election, make a true statement thereof and transmit it to the "board of canvassers."

Q. How are these officers paid?

A. I. Supervisors receive three dollars per day for county services, and two dollars per day for town services, and are entitled to extras for copying assessment roll and paying out school money.

II. Town clerks are paid by the day for services; also a fee for recording and filing papers.

III. Justices, mostly paid by fees; as officers of the town meeting they are paid by the day.

IV. Collectors receive a percentage for collecting the money.

V. Constables receive a fee, a percentage, and for some services are paid by the day.

VI. Game constables receive a portion of the fine money collected by reason of their prosecutions.

VII. All the remaining officers are paid for their services by the day.

Q. What must all these officers do before entering upon their duties?



A. They must qualify; that is, take the oath of office.

Q. What is the oath of office?

A. See state constitution, art. XII, sec. I.

Q. Who can administer the oath of office?

A. I. The county clerk administers the oath to the justices of the peace.

II. A justice of the peace administers the oath to all other town officers, except inspectors of election.

III. The chairman of the inspectors of election administers the oath to the other inspectors, and one of the others in turn administers it to the chairman.

Q. How many supervisors in the towns of the state?

Q. How many supervisors in the cities of the state?

Q. How many justices of the peace in the state?

#### **IV.—THE COUNTY.**

Q. What is a county?

Q. By what authority organized?

Q. How many counties in the state?

Q. When was the colony of New York first divided into counties?

A. In 1683.

Q. How many counties were established in 1683 and their names?

A. Ten: viz, Kings, Queens, Suffolk, New York, Richmond, Westchester, Dutchess, Albany, Ulster and Orange.



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Q. What are these counties called?

A. Original counties.

Q. What are the names of the county offices, the number of officials in the same office, and their term?

A. I. One sheriff, term is three years.

II. One county judge, term is six years: in a few counties there are special judges; same length of term.

III. In counties containing more than forty thousand inhabitants a surrogate may be elected; in counties containing less than forty thousand inhabitants, the county judge performs the duties of judge and surrogate; the term of surrogate is six years; in a few counties there are special surrogates.

IV. One county clerk; term is three years.

V. One treasurer; term is three years.

VI. One district attorney; term is three years.

VII. Four coroners; term is three years.

VIII. One or three superintendents of the poor; term is three years.

IX. Two justices of sessions; term is one year.

X. One school commissioner for each commissioner district; term is three years.

Q. What about the eligibility of these officers?

A. I. The sheriff is prohibited from holding the same office for a succeeding term, neither can he hold any other office at the same time. Const., Art. X, Sec. I.

II. No county judge can hold the office longer than the last day of December succeeding his seventieth birthday. Art VI, Sec. 13.

III. No person, except a counselor at law in the supreme court, can hold the office of district attorney, if there be such an one in the county; if there be none, then an attorney may be elected.

IV. Supervisors and county treasurers cannot hold the office of County superintendent of the poor.



V. No sheriff, under sheriff, deputy, sheriffs clerk or coroner can practice as counselor at law during his term of office.

VI. Justices of the sessions must be acting justices of the peace in their respective towns.

VII. There are no other prohibitions in regard to age or re-election of county officers.

Q. What are some of their duties?

I. *Sheriff.*

A. I. He is the executive officer of the county.

II. By himself or by his deputies, executes civil and criminal processes throughout the county.

III. Has charge of the jail and prisoners.

IV. Attends courts, and keeps the peace.

V. Must be present by himself or under-sheriff, at the drawing of jurors, and cause them to be legally summoned.

II. *Judge.*

I. He is the presiding officer in the county court.

II. He may with two justices of sessions, hold Courts of Sessions, with such criminal jurisdiction as the Legislature may prescribe,

III. The county judge of any county may preside at Courts of Sessions, or hold County Courts, in any other county except New York and Kings, when requested by the judge of such other county.

Art. VI, Sec. 15.



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III. *Surrogate.*

I. Takes proof of wills of real or personal property.

II. Grants letters testamentary of administrative.

III. Attends generally to the settlement of the estates of deceased persons.

### IV. COUNTY CLERK

I. He is the clerk of the courts held in and for the county, namely: Circuit, Oyer and Terminer, County Court and Court of Sessions, and the Special Term.

II. Administers the oath to jurors and witnesses.

III. Records the judgments of the courts.

IV. Draws the grand and petit juries and makes a return of the same.

V. Records mortgages, deeds, satisfaction papers, &c.

V. *Treasurer.*

I. Receives the moneys collected by the several town collectors for county and state taxes.

II. Pays over to the comptroller the amount going to the state.

III. Pays out the amount due the county, as directed by law.

IV. Receives from the comptroller the school money due the county, and pays the same over to the several supervisors, as directed by the school commissioner's certificate.

V. Makes a general statement of the financial affairs of his office to the board of supervisors, annually.

VI. *District attorney.*

I. He is the attorney for the county.

II. Presents complaints made to him accusing parties of crime, to the grand jury.

III. Draws "bills of indictment" when found by the grand jury.



IV. Tries indicted parties in the Oyer and Terminer, and Court of Sessions.

VII. *Coroners.*

I. Look after and inquire into all matters concerning persons slain, or who have died mysteriously.

II. Summon a jury, subpoena witnesses, and ascertain as far as possible all the facts in regard to the death.

III. In case of a vacancy in the office of sheriff, and there being no under sheriff, one of the coroners designated by the county judge, performs the duties of sheriff until said vacancy be filled by election or appointment.

IV. Have power to arrest the sheriff upon criminal processes.

VIII. *Superintendents of the poor.*

Have the general care of the county poor house; appoint persons to take charge of the same; and render an account annually to the "board of supervisors" of their doings.

IX. *Justices of sessions.*

I. Sit upon the bench with the county judge in the Court of Sessions and with the Supreme Court judge in the Oyer and Terminer, for the trial of such criminals as have been indicted by a grand jury.

II. The law gives them just as much power in the decision of questions as the judge.

X. *School commissioners.*

I. Apportion the school moneys among the several districts in the county.



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II. Make an annual report to the superintendent of public instruction, containing all the statistics embraced in the several reports from the trustees of his district.

III. Visit and examine all the schools and school districts within their districts as often in each year as shall be practicable; inquire into all matters relating to the management, the course of study and mode of instruction, the text books used and the discipline of such schools.

IV. Examine in regard to the "moral character," "learning" "and ability to teach," persons proposing to teach public schools in their districts; and if they find them, qualified, grant them certificates in the form prescribed by the superintendent.

V. Form new districts, or change the boundary lines of old ones.

VI. Organize at least once each year, or in concert with one or more commissioners in the same county, a "teachers' institute," and induce if possible all the teachers in their districts to be present and take part in its exercises.

Q. What are the salaries of each of these officers, or how paid?

I. *Sheriff.*

A. I. Receives a fee on all papers served

II. Receives a per cent on money collected on executions.

II. *Judge.*

Receives a salary established by the legislature, varying in different counties according to population and business.

III. *Surrogate.*

I. Receives a salary, varying in different counties, according to business.

II. When the judge performs the duties of surrogate the one salary suffices for all the duties performed.

III. The surrogate is entitled to a clerk.

IV. *County clerk.*

I. Receives a fee for all papers recorded.

II. Receives a fee for administering oaths in court.



III. Is paid extra for copying or re-indexing old records.

V. *Treasurer.*

I. The county treasurer shall receive an annual salary fixed by the “board of supervisors.”

II. The salary shall be established by the “board,” at least six months before his election.

III. The salary shall not be increased nor diminished during his term of office.

VI. *District attorney.*

I. A salary fixed by the board of supervisors, when they resolve so to do.

II. Can try civil causes, when not engaged officially, receiving as his own the fees for the same.

VII. *Coroners.*

I. For holding inquests they are entitled to a reasonable compensation to be audited and allowed by the board of supervisors.

II. For performing sheriff’s duties, they are entitled to same fees as sheriff.

VIII. *Superintendent of the poor.*

Paid by the day.

IX. *Justices of sessions.*



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Three dollars a day.

X. *School commissioners.*

I. A salary of eight hundred dollars a year, established by law.

II. Supervisors are required to audit and allow two hundred dollars extra for expenses.

III. A majority of the supervisors of any school commissioner district may increase the salary of said school commissioner; the increased salary must be levied upon the towns composing such commissioner district.

Q What must county officers do, before entering upon the duties of their office?

A. Take the oath prescribed by State Constitution in Art. XII, Sec. I.

Q. What county officers are required in addition to the oath prescribed to execute a bond for the faithful performance of their duties?

A. Sheriff, county treasurer, surrogate and county superintendents of the poor.

Q. Who administers the "oath of office" to the county officers?

A. The county clerk.

Q. In case of the re-election of the county clerk, before whom can he qualify?

A. The county judge.

Q. Where are these oaths of office and bonds recorded?

A. In the county clerk's office.

Q. Who is the sheriff of this county?

Q. Who is the present judge and what is his salary?

Q. Is there a separate officer as surrogate, and why?

Q. Who is the county clerk?

Q. Who is the county treasurer?

Q. Who is the district attorney?

Q. Who are the coroners?



Q. Who are the superintendents of the poor?

Q: Who are the justices of sessions?

Q. Who are the school commissioners?

*Town auditors.*

By laws of 1878, 1879 and 1880, the following-named counties are exempt from electing "town auditors," as prescribed on page 13: Wayne, Delaware, Allegany, Oneida, Cayuga, Erie, St. Lawrence, Schuyler, Rockland, Orange, Sullivan, Columbia, Broome, Lewis, Madison, Wyoming, Queens, Jefferson, Fulton, Oswego, Suffolk, Onondaga, Saratoga, Ontario, Yates, Rensselaer, Genesee, Schenectady, Monroe, Livingston, Otsego, Schoharie, Niagara and Orleans.

## A TABLE

Showing the salaries of the several county judges and surrogates of the State of New York at the present time, as established by the statutes of 1877 and 1880:

<i>Counties.</i>	<i>Judge.</i>	<i>Surrogate.</i>
New York,	-----	\$12,000
Kings,	\$10,000	10,000
Erie,	5,000	4,000
Albany,	4,500	4,000
Westchester,	4,500	4,000
Onondaga,	4,000	4,000
Oneida,	4,000	4,000
Monroe,	4,000	4,000
Rensselaer,	3,500	3,500
Saratoga,	3,000	2,500
Ulster,	3,000	3,000
Dutchess,	3,000	3,000
Queens,	2,500	3,000

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Chautauqua,	2,000	1,600
Cayuga,	2,000	2,000
Columbia,	2,000	2,500
Ontario,	2,000	1,500
Cattaraugus,	1,500	1,500
Oswego,	1,500	1,500
Jefferson,	1,500	1,500
Niagara,	1,500	1,500
Orange,	1,500	2,500
Otsego,	1,800	1,500
St. Lawrence,	1,750	1,750
Washington,	1,200	1,500
Suffolk,	1,000	1,500

The following are counties in which county judges act as surrogates, receiving the one salary for both offices;

## \$2,000 Salary

Franklin,  
Greene,  
Rockland,  
Schenectady,  
Warren,  
Wayne,  
Delaware  
Orleans,

## \$3,000 Salary

Broome,  
Chemung,  
Chenango,  
Herkimer,  
Livingston,  
Madison,  
Clinton,

## \$3,500 Salary



Richmond,  
Steuben,

\$2,500 Salary

Cortland,  
Essex,  
Genesee,  
Schoharie,

\$2,500 Salary

Tioga,  
Tompkins,  
Wyoming,  
Montgomery,

\$1,500 Salary

Putnam,  
Schuyler,  
Yates,

\$1,750 Salary

Allegany,

\$2,250 Salary

Fulton,

\$1,200 Salary

Sullivan,  
Lewis,

\$1,000 Salary

Seneca,

\$800 Salary

Hamilton,

## **V.—THE CITY.**

Q. What is a city?



Q. By what authority organized?

A. By an act of the legislative.

Q. What instrument defines its powers?

A. A charter.

Q. What are the divisions of a city called?

A. Wards.

Q. Name the cities in New York State, when incorporated, and the number of wards in each?

Answer:

Pop. in 1800

New York,	1680,	has 24 wards,	1,206,590
Brooklyn,	1834,	has 25 wards,	566,689
Buffalo,	1832,	has 13 wards,	155,137
Albany,	1832,	has 16 wards,	90,903
Rochester,	1686,	has 16 wards,	89,363
Troy,	1816,	has 13 wards,	56,747
Syracuse,	1847,	has 8 wards,	51,791
Utica,	1832,	has 12 wards,	33,913
Auburn,	1848,	has 7 wards,	21,924
Oswego,	1848,	has 8 wards,	21,117
Elmira,	1864,	has 7 wards,	20,541
Poughkeepsie	1854,	has 6 wards,	20,207
Cohoes,	1869,	has 4 wards,	19,417
Yonkers,	1872,	has 4 wards,	18,892
Kingston,	1872,	has 9 wards,	18,342
Newburg,	1865,	has 4 wards,	18,050
Binghamton,	1867,	has 5 wards,	17,315
L. I. City,	1870,	has 5 wards,	17,117
Schenectady,	1798,	has 5 wards,	13,675
Lockport,	1865,	has 4 wards,	13,522
Rome,	1870,	has 5 wards,	12,045
Watertown,	1869,	has 4 wards,	10,697
Ogdensburg,	1868,	has 4 wards,	10,340
Hudson,	1785,	has 4 wards,	8,828

The census for 1880 is not fully completed, but gives substantially the above figures.



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Q. How populous must a village be, before it can be incorporated as a city?

A. No definite number is required; whenever a large proportion of the inhabitant desire it, the legislature will grant a city charter.

Q. What is the executive officer of a city called?

A. The Mayor. His term of office is one year, unless otherwise ordered by the, charter, as in New York and Albany where it is two years.

Q. What other important officers are elected?

A. Aldermen and Supervisors; one each in every ward unless otherwise ordered by their charter.

Q. What officers form the common council?

A. Mayor and aldermen; and they are the legislative body of the city; they have authority to appoint police officers.

Q. What courts exist in cities in addition to those established for the State at large?

A I. The Superior Court of the city of New York.

II. The Court of Common Pleas for the city and county of New York.

III. The Superior Court of Buffalo.

IV. The City Court of Brooklyn. Const, Art. VI., Sec. 12.

*Juries.*

Q. What is a jury?

A. A body of men elected according to law, and sworn to inquire into and try any matter of fact, and declare the truth of it on the evidence given in the case.

Q. Name some juries?

A. I. One of six persons for the trial of causes in a Justice Court

II. One of twelve persons, summoned for the purpose of laying out new roads or discontinuing old ones.



III. One of not less than six nor more than fifteen persons, summoned by the coroner, to inquire into the cause of any violent death.

IV. One of twelve men, called a petit jury, whose duty it is to try causes, civil or criminal, in the county court and sessions, or circuit and oyer and terminer.

V. One called a grand jury of not less than sixteen nor more than twenty-three, whose duty it is to examine into accusations against persons charged with crime, and if they find sufficient testimony to warrant it, to find a bill of indictment against them to be presented to the court.

Q. Name some qualifications requisite for jurors?

A. They must be freeholders, twenty-one years old.

Q. Who are exempt from sitting on a jury?

A. Persons over sixty years of age, postmasters and many others.

Q. How many are summoned for a justice court and by whom?

A. Twelve, and by a constable; and from these twelve six are drawn.

Q. Who selects and notifies the jury for laying out roads,

A. By the coroner.

Q. How is the petit jury list obtained?

A. The supervisors, town clerk, and assessors of the several towns of the county make out a list of the names of those persons qualified, and the names in the several lists are written upon slips of paper of the same size and deposited in a box in the county clerk's office.



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Q. How is the grand jury list obtained?

A. The supervisors apportion the number (three hundred,) among the several towns in the county in proportion to population. Each supervisor selects from his town the number to which it is entitled; and these several lists are written upon slips of paper as before and deposited in a box in the county clerk's office.

Q. How frequently are the lists changed?

A. The petit jury list is changed once in three years; the grand jury list every year.

Q. When are these juries drawn?

A. Not more than twenty, nor less than fourteen days before the sitting of the court for which they are drawn.

Q. How many are drawn?

A. Thirty-six petit and twenty-four grand jurors.

Q. How is the jury for each individual case obtained?

A. The thirty-six petit jurors' names are put into a box and the names are drawn out until twelve satisfactory persons are obtained.

Q. How many of this jury must agree in a verdict?

A. The twelve must agree.

Q. Who is the officer authorized to report the verdict?

A. The person they have elected foreman.

Q. In case the twelve jurymen do not agree, what will be done?

A. When the judge is satisfied that the jury will not agree he will discharge them.

Q. What will be done with the case then?

A. Another trial will take place with a different jury, unless the suit be discontinued.

Q. Who is the presiding officer of the grand jury?

A. The foreman, and he is appointed by the judge who presides at that court.

Q. What other officer does this jury have?



A. A clerk, one of their number, who writes out the testimony as it is given.

Q. Who can be present with this jury? A. Only the witness who is being examined, and the district attorney, if desired by the jury; but none except jurors can be present when they ballot in regard to a bill.

Q. What is done with a bill of indictment when found?

A. It is handed over to the court, and the sheriff will cause the arrest of the person unless he be already in custody.

*Struck jury.*

Q. What courts may order a struck jury?

A. The Supreme Court and superior city courts.

Q. When may the above-named courts order a struck jury?

A. When it shall appear that an impartial trial cannot be had, or that the intricacy of the case requires such a jury.

Q. What time is required in the notice for striking a jury?

A. The party obtaining the order shall give notice eight days before the time for striking, that he will attend before the clerk of the county in which the venue is laid, for the purpose of having such jury struck.

I. The clerk shall select from the jury lists of the several towns the names of forty-eight persons, whom he shall deem most indifferent between the parties, and best qualified to try the cause.



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II. The party or his attorney, on whose application the order was granted, shall first strike one from the list, and then the opposing party or agent, alternating until twelve shall have been stricken from the list by each party.

III. The clerk shall certify the names of the twenty-four persons whose names have not been stricken off, who shall be summoned, and from which number a jury shall be impaneled as in other juries.

### **VII.—STATE.**

Q. Upon what is the state government based?

A. Upon a constitution adopted by the people.

Q. How many departments are provided for by the constitution?

A. Three; the Legislative, Executive, and Judicial.

Q. What are the divisions of the Legislative department?

A. The Assembly and the Senate.

Q. What is the number of members in each body, and their term of office?

A. One hundred and twenty-eight members of the Assembly, elected for one year. Thirty-two senators elected for two years. Art. III., Const.

Q. When, and how is the number of members of the Assembly apportioned among the several counties?

A. Once in ten years by the Legislature immediately after taking the state census, and as nearly as can be, according to population, excluding aliens, but giving to every county except Hamilton at least one member.

Q. When and how is the number of members of the Senate apportioned in the State?

A. At the same time, by the Legislature; and as nearly as possible according to population. A Senatorial district sometimes embraces a portion of a county, sometimes a whole county; at other times two or more counties; but no county can be divided, unless it can be equitably entitled to two or more members.

The following apportionment was made in 1879:

*Senate districts.*



I. Queens and Suffolk.

II. The First, Second, Fifth, Sixth, Eighth, Ninth, Tenth, Twelfth, and Twenty-second wards of Brooklyn, and the towns of Flatbush, Gravesend, and New Utrecht.

III. The Third, Fourth, Seventh, Eleventh, Thirteenth, Nineteenth, Twentieth, Twenty-first, and Twenty-third wards of Brooklyn.

IV. The Fourteenth, Fifteenth, Sixteenth, Seventeenth, Twenty-fourth, and Twenty-fifth wards of Brooklyn, and New Lots and Flatlands.

V. Richmond, First, Second, Third, Fifth, Sixth, Eighth, Fourteenth, and parts of the Fourth and Ninth wards of New York, and Governor's, Bedloes, and Ellis Islands.

VI. The Seventh, Eleventh, Thirteenth, and a part of the Fourth wards of New York.

VII. The Tenth, Seventeenth, and portions of the Fifteenth, Eighteenth, and Twenty-first wards of New York.

VIII. The Sixteenth, and parts of the Ninth, Fifteenth, Eighteenth, and Twentieth wards of New York.



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IX. The Eighteenth, Nineteenth, and Twenty-first wards, lying east of Third Avenue, New York, and Blackwell's Island.

X. Portions of Twentieth, Twenty-first, Nineteenth, Twelfth, and Twenty-second wards, New York, and Ward's and Randall's Islands.

XI. The Twenty-third, Twenty-fourth, and portions of the Twelfth, Twentieth, and Twenty-second wards of New York.

XII. Westchester and Rockland.

XIII. Orange and Sullivan.

XIV. Ulster, Schoharie, and Greene.

XV. Dutchess, Columbia, and Putnam.

XVI. Rensselaer and Washington.

XVII. Albany.

XVIII. Saratoga, Fulton, Hamilton, Montgomery, and Schenectady.

XIX. Clinton, Essex, and Warren.

XX. St. Lawrence, Franklin, and Lewis.

XXI. Oswego and Jefferson.

XXII. Oneida.

XXIII. Madison, Otsego, and Herkimer.

XXIV. Delaware, Chenango, and Broome.

XXV. Onondaga and Cortland.

XXVI. Cayuga, Tompkins, Seneca, and Tioga.

XXVII. Chemung, Steuben, Allegany.

XXVIII. Wayne, Ontario, Schuyler, and Yates.

XXIX. Monroe and Orleans.

XXX. Wyoming, Genesee, Livingston, and Niagara.



XXXI. Erie.

XXXII. Cattaraugus and Chautauqua.

*The assembly.*

Allegany, Broome, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Essex, Franklin, Fulton and Hamilton, Genesee, Greene, Herkimer, Lewis, Livingston, Madison, Montgomery, Ontario, Orleans, Putnam, Richmond, Rockland, Schenectady, Schoharie, Schuyler, Seneca, Suffolk, Sullivan, Tioga, Tompkins, Warren, Wyoming, Yates, have each one district, except Fulton and Hamilton which are united in one district.

Cattaraugus, Cayuga, Chautauqua, Dutchess, Jefferson, Niagara, Orange, Oswego, Otsego, Queens, Saratoga, Steuben, Wayne, Washington have each two districts.

Monroe, Oneida, Onondaga, Rensselaer, St. Lawrence, Ulster, and Westchester have each three districts.

Albany has four districts.

Erie has five districts.

Kings has twelve districts.

New York has twenty-four districts, or nearly one-fifth of the entire Assembly.

In all, there are one hundred and twenty-eight assembly districts, each electing one member of the assembly.

Q. What must be done in those counties that are entitled to two or more members?

A. The "boards of supervisors" of such counties, except the city and county of New York, must divide their respective counties into Assembly districts; the number of districts being equal to the number of members heretofore apportioned by the Legislature to these several counties; the territory must be contiguous, and no town can be divided in the formation of districts.

Q. By whom is the city and county of New York divided into districts?



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A. By the “board of aldermen”; they meet for that purpose at such time as the Legislature shall designate.

### *Eligibility.*

Q. Who are eligible to the Legislature?

A. The requirements are these.

I. The candidate must be twenty-one years of age.

II. He must not at the time of election, nor within one-hundred days previous thereto, have been a member of congress, a civil or military officer under the United States, or any officer under any city government.

III. Should any person after his election to the Legislature be elected or appointed to any of the offices just named, his acceptance thereof will vacate his seat in the Legislature.

### *Duties.*

Q. What are some of the duties of the members of the assembly?

I. To take the oath of office. Art. XII., Sec. I Const.

II. To organize by electing their presiding officer, who is called the speaker; and who must be one of their number.

III. To elect also the other officers, viz: a Clerk, Sergeant-at-Arms, Door-Keeper, and two assistant Door-Keepers; persons not members of their body.

IV. To have co-ordinate jurisdiction with the Senate in the enactment of laws.

V. To prefer charges against officers for misconduct in office; which is called impeachment.

### *Organization.*

Q. Who calls the Assembly to order for the purpose of organization?

A. The Clerk of the last Assembly.

Q. Who furnishes the Clerk with an official list of the members elect?

A. The Secretary of State



Q. By whom is the oath of office administered?

A Usually by the Secretary of State. The oath may, however, be taken previously, before any Justice of the Supreme Court, Attorney-General, the Lieutenant Governor, any Judge of a County Court, the Mayor or Recorder of any city, or the Clerk of any county or Court of Record. The oath whenever taken must be duly subscribed, certified, and filed in the office of the Secretary of State. Members who are absent at the organization, may be sworn by the Speaker, if they have not previously taken the oath.

Q. By whom are the other officers appointed?

A. By the Speaker, except those in the department of the Clerk; he having power to appoint his own deputies.

*The Senate.*

Q. Who is the presiding officer in the Senate?

A. The Lieutenant-Governor, and he is called the President of the Senate.

*Duties.*

Q. What are some of the duties of the State Senate?

I. To elect the remaining officers, whose names and duties are about the same as in the Assembly.

II. To have co-ordinate jurisdiction with the Assembly in enacting laws

III. To act as a court for the trial of impeachments, associated with the judges of the Court of Appeals, and the President of the Senate.



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IV. To confirm or reject appointments made by the Governor.

V. To elect a temporary president when the Lieutenant-Governor shall not attend as president, or shall be called to act as Governor.

Q. How many members must be present in each house to do business?

A. A majority, which is called a quorum.

*Bills.*

Q. Where may bills originate?

A. Any bill may originate in either house of the Legislature.

Q. What is the difference between the Legislature of this state and Congress in this respect?

A. In Congress all bills for raising revenues *must* originate in the House of Representatives.

Q. What may either house do with bills originating in the other house?

A. Amend them; but both houses must agree to the amendment or amendments, before they can become a law.

Q. What is required in order that a bill may become a law?

I. The assent of a majority of all the members elected to each branch of the Legislature, together with the approval of the Governor;

II. Or if he disapproves of it, that it be returned to the house in which it originated, with his objections; and, after reconsideration, if two-thirds of all the members elected to that house shall agree to pass the bill, it shall be sent to the other house by which it shall likewise be re-considered, and if two-thirds of all its members approve of it, it shall become a law notwithstanding the objections of the Governor.

III. If any bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, it shall become a law in like manner as if he had signed it, unless the Legislature, by adjourning, shall prevent its returning; in which case it shall not become a law without the signature of the Governor.

IV. No bill shall become a law after the final adjournment of the Legislature, unless approved by the Governor within thirty days after such adjournment.



*Impeachment.*

Q. What class of persons can be tried in the court of impeachment?

A. Public officers that have had charges preferred against them by the Assembly.

Q. Of whom is the court of impeachment composed?

A. Of the Senators, or a majority of them, the Judges of the Court of Appeals, or a majority of them, and the Lieutenant-Governor; and two-thirds of all present must concur in order to convict.

Q. When shall the Lieutenant-Governor not act as a member of this court?

A. When the Governor is being tried. He may be presumed to be an interested party, for if the Governor should be found guilty and be removed, the Lieutenant-Governor becomes Governor.

Q. What penalty can be inflicted by this court?

A. Removal from office, or removal from office and disqualification to hold and enjoy any office of honor, trust or profit, under this state.



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Q. Can such parties be further punished?

A. Yes; they may be indicted, tried and punished according to law, by fine or imprisonment, or both, according to the nature of the crime.

*Voting.*

Q Who are entitled to vote upon all questions in the Legislature?

A. All the members in the Assembly and Senate; and this includes the Speaker of the Assembly.

Q, When is the President of the Senate entitled to vote?

A. Upon questions on which the Senate is equally divided or tied.

Q. Why should not the President of the Senate have a vote upon all questions?

A. Because he has not been elected a member of that body; but becomes its presiding officer by virtue of the constitutional provision which makes the Lieutenant-Governor its president.

*Kinds of voting.*

Q. Name some of the kinds of voting practiced. I. By showing hands.

II. By Acclamation.

III. By dividing or separating the persons voting into two bodies.

IV. By Ballot.

V. By Ayes and Noes.

VI. By Viva Voce.

Q. Where are the first three kinds of voting usually practiced?

A. In conventions of different kinds, primary meetings,

Q. When and how is the sixth kind of voting used?

A. In the election of United States Senators, usually the Speaker of the Assembly and a few other officers, and in this way: as the names of those entitled to vote are called, they respond by naming their candidate.



*Salary.*

Q. How are Assemblymen and Senators paid?

I. By a salary fixed by the constitution, of one thousand five hundred dollars.

II. And one dollar for every ten miles travelled in going to and returning from the place of meeting, once in each session on the most usual route.

III. Senators when convened in extraordinary session, or when serving as members of the Court of Impeachment, and such members of the Assembly, not exceeding nine in number, as shall be appointed managers of an impeachment, shall receive ten dollars a day additional allowance.

*State.*

A tabular view of officers, showing the source from whence they derive their authority:

Elected by the People of the State

Executive

Governor.

Presiding Officer

Lieut. Governor.

Administrative

Secretary of State.

Comptroller.

Treasurer.

Attorney General.

State Engineer and Surveyor.

Judicial

Judges of the Court of Appeals.

Appointed by Governor and Senate.

Superintendent of Banking.

Superintendent of Insurance.

Canal Auditor.

Superintendent of Prisons.

Superintendent of Public Works.

Notaries Public.

State Assessors.

Loan Commissioners.

Canal Appraisers.

Quarantine Commissioners.

Trustees of State Institutions, and some others.



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Elected by joint bal.

Superintendent of Public Instruction.

Regents of the University.

United States Senators.

Q. What are the first seven offices called?

A. They are called elective offices.

Q. Why elective?

A. Because the officers are voted for directly by the people.

Q. Why are the Sec of State, Comp., Treasurer,

Supt. of Prisons and Public Works. A large number of Notaries, two Loan Commissioners for each County, three Canal Appraisers, one Superintendent of Public Instruction, nineteen Regents, and two United States Senators.

*Term of office.*

Q For how long a term are the Governor and Lieutenant Governor elected?

A. For three years each.

Q For how long a term are the Sec of State, Comp, Treas, Atty. Gen. and State Eng. and Surveyor elected?

A. For two years each.

Q For how long a term are the Superintendents of Banking, Insurance and Canal Auditor appointed?

A. For three years.

Q. For how long a term is the Supt. of Prisons appointed?

A. For five years.

Q. For how long a term is the Superintendent of Public Works appointed?

A. As long as the term of the Governor appointing him lasts.

Q. For how long a term is the Superintendent of Public Instruction elected?



A. For three years.

Q. For how long a term the Regents of the University?

A. For life.

*Eligibility.*

Q. What about the eligibility of these officers?

A. The Governor and Lieutenant Governor must be thirty years of age, and shall have been for the five years next preceding their election residents of the State.

Q. What are some of the duties of the Governor?

A. He is commander-in-chief of all the military and naval forces of the State, has power to convene the Legislature (or Senate only) on extraordinary occasions, communicates by message to the Legislature at every session the condition of the State, and recommends such measures as he deems expedient, transacts all necessary business with the officers of the government, civil and military, expedites all measures resolved upon by the Legislature, takes care that the laws are faithfully executed, and has the power of granting reprieves, commutations and pardons for crimes.

Q. What are some of the duties of the Lieutenant Governor?

A. He is President of the Senate and has the casting vote therein, is a member of the canal board, is one of the commissioners of the Land Office, is one of the commissioners of the Canal Fund, is one of the trustees of the Capitol, is one of the trustees of the Idiot Asylum, and, ex-officio, one of the Regents of the University and member of the State Board of Charities. If the Governor dies, resigns, is impeached, or otherwise becomes unable to discharge the powers and duties of his office, they devolve upon the Lieutenant Governor for the residue of the term.



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Q. What are some of the duties of the Secretary of State?

A. He is the keeper of the record books and papers belonging to the State, receives and records all pardons, and other executive and legislative acts, election returns, *etc.*, furnishes certified and printed copies to the United States, State and County officers, and other persons authorized to receive the same, supervises the printing of the laws passed each year, reports annually to the Legislature statistics of pauperism and crime, and other information which it may call for. He is a member of the Canal Board, a commissioner of the Land Office, a member of the Board of State Canvassers, a Regent of the University, a trustee of the Capitol, of the State Hall, of the Idiot Asylum, and of the Board of State Charities.

Q. What are some of the duties of the Comptroller?

A. Superintends and manages the fiscal concerns of the State, reports to the Legislature its annual revenues, expenditures and estimates, audits, examines and settles accounts due to or from the State, directs and superintends the collection of taxes and other moneys, draws warrants on the Treasurer for the payments of debts due by the State, negotiates temporary loans, if necessary to meet demands against the State, countersigns and registers all Treasurer's checks and receipts. He is a member of the Canal Board, a commissioner of the Land Office and of the Canal Fund, a member of the Board of State Canvassers, a trustee of the Capitol, the State Hall and the Idiot Asylum, and a member of the State Board of Charities.

Q. What are some of the duties of the Treasurer?

A. He has charge of all the moneys paid into the State Treasury, pays drafts upon the warrants of the Comptroller, the Auditor of the Canal Department and Superintendent of the Bank Department, and keeps the State's Bank account. He is commissioner of the Land Office, and of the Canal Fund, a member of the Canal Board, and Board of State Canvassers.

Q. What are some of the duties of the Attorney General?

A. He defends and prosecutes all suits in which the State is interested, receives costs adjudged to the State, prepares drafts of contracts, *etc.* for State officers, and prosecutes in their behalf persons violating the laws in regard to their departments, prosecutes criminals in the Oyer and Terminer when required by the Governor or Justices of the Supreme Court. He is commissioner of the Land Office and of the Canal Fund, a member of the Canal Board, the Board of State Canvassers, the Board of State Charities and a trustee of the Capitol and State Hall.

Q. What are some of the duties of the State Engineer and Surveyor?



A. He prescribes the duties of, and assigns divisions of canals to engineers, visits and inspects canals, prescribes surveys, maps, plans, estimates, *etc.*, in the construction and improvement of a canal, is a member of the Canal Board, of State Canvassers, a commissioner of the Land Office and a trustee of the State Hall.



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Q. What are some of the duties of the Superintendent of Banking?

A. He has the general supervision of the banks of the State, and reports their condition annually to the Legislature, issues circulating notes to banks on their depositing securities, holding their stocks and mortgage securities, and when a bank proves insolvent sells them and redeems its circulation.

Q. What are some of the duties of the Superintendent of Insurance?

A. He has the general supervision of all insurance companies transacting business in the State, and, reports their condition annually to the Legislature.

Q. What are some of the duties of the Canal Auditor?

A. He draws warrants on the Treasurer for all canal payments, audits all canal accounts, instructs canal collectors and disbursing officers, keeps account of canal receipts and expenditures, etc, is ex-officio secretary of the Canal Board and of the Commissioners of the Canal Fund.

Q. What are some of the duties of the Superintendent of Prisons?

A. He has general supervision of the prisons, appoints the keepers and other officers therein.

Q. What are some of the duties of the Superintendent of Public Works?

A. He has charge of the Public Works, of the construction of new canals, the certificate of the proper local authorities, and he visits and inquires into the condition and management of these institutions; is chairman of the committee of the State Normal Schools, and apportions among the counties the number of pupils which each is entitled; has charge of the Indian, schools; he is, ex-officio, a Regent of the University; compiles the commissioners' abstracts of school districts in the State setting forth their condition and the account of receipts and expenses for each year, and makes an annual report to the Legislature. Q. Of what officers is the Canal Board composed?

A. The Lieutenant Governor, Secretary of State, Comptroller, Treasurer, Attorney General, State Engineer and Surveyor, and Canal Superintendent.

*Salaries.*

Governor \$10,000

Lieutenant Governor 5,000

Secretary of State 5,000

Comptroller 6,000

Treasurer 5,000



State Engineer and Surveyor 5,000  
Superintendent of Banking 5,000  
Superintendent of Insurance 7,000  
Canal Auditor 5,000  
Superintendent of Prisons 6,000  
Superintendent of Public Works 6,000  
Canal Appraisers 5,000  
Superintendent of Public Instruc'n, 5,000

Q. Who are the State Canvassers?

A. Secretary of State, Comptroller, Treasurer, Attorney General and State Engineer and Surveyor.

Q. Who are the Regents at the present time, January 1, 1881, and when elected?

The Governor, ex-officio.

The Lieutenant-Governor, ex-offixo.

The Secretary of State, ex-officio.

The Superintendent of Public Instruction, ex officio.



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- 1856. George W. Clinton ..... Buffalo.
- 1858. Lorenzo Burrows ..... Albion.
- 1859. Robert S. Hale ..... Elizabethtown.
- 1861. Elias W. Leavenworth .... Syracuse.
- 1861. J. Carson Brevoort ..... Brooklyn.
- 1864. Geo. Wm. Curtis, W. New Brighton.
- 1870. Francis Kernan ..... Utica.
- 1871. John L. Lewis ..... Penn Yan.
- 1872. Henry R. Pierson ..... Albany.
- 1873. Martin I. Townsend ..... Troy.
- 1874. Anson J. Upson ..... Auburn.
- 1876. Wm. L. Bostwick ..... Ithaca.
- 1877. Orris H. Warren ..... Syracuse.
- 1877. Chauncey M. Depew ..... New York.
- 1877. Charles E. Fitch ..... Rochester.
- 1878. Whitelaw Reid ..... New York.
- 1878. Leslie W. Russell ..... Canton.
- 1881. Wm. H. Watson ..... Utica.
- 1881. Henry E. Turner ..... Lowville.

*Officers of the board.*

Henry R. Pierson, Chancellor. George W. Clinton, Vice-Chancellor.  
David Murray, Secretary. Daniel J. Pratt, Assistant Secretary.

## **IX.—JUDICIARY.**

A tabular view of the judiciary of the State, commencing with the lowest courts and showing them in their regular order, leaving out such as are established for particular localities.

I. Justice Court

II. County Court.

- 1. County Court
- 2. Sessions.

III. Supreme

- 1. Circuit.
- 2. Oyer and Terminer.



3. Special Term.
4. General Term.

IV. Court of Appeals.

*Justice court.*

Q. What is the lowest court in the State?

A. A Justice's Court, held in each town by one of the justices of the Peace.

Q. What jurisdiction has this court?

A. Original; that is, suits can be commenced in it, and tried in it.

Q. In a civil action how large a judgment can be obtained?

A. Not to exceed two hundred dollars.

Q. Can criminal suits be tried in a Justice Court?

A. Some can be tried in it; but usually the parties give bail for their appearance at a higher court to await the action of the Grand Jury.

*County court.*

Q. What is the next higher court?

A. The County Court.

Q. What are the divisions of the County Court?

A. County Court and Court of Sessions.

Q. For what causes are each designed?

A. The County Court is for the trial of civil causes, the Sessions for the trial of criminal causes, but not of the higher crimes.

Q. What jurisdiction has the County Court?

A. Original and Appellate, that is a suit may be commenced in it, or it may be appealed from a lower court.

Q. What jurisdiction has the Court of Sessions?

A. Original; no person can be tried in it, who is charged with a crime until he is indicted by a Grand Jury.



## Page 23

Q. Who presides in the County Court?

A. The County Judge.

Q. Who presides in the Court of Sessions?

A. The County Judge and the two Justices of Sessions.

Q. Can both of the Courts be held during the same term?

A. They can; as soon as a cause has been tried in one court the Judge may change to the other, and should it be the Sessions, the Justices of Sessions must be on the bench with the Judge; should it be the County Court, he alone is the court.

Q. What jury decides causes tried either in the Sessions or County Court?

A. The Petit Jury, consisting of twelve men.

*Supreme court.*

Q. What is the next higher court?

A. The Supreme Court.

Q. What are its divisions?

A. The Circuit, Oyer and Terminer, Special Term and General Term.

Q. For judicial convenience, the State has been divided into districts, and how many?

A. Into eight judicial districts, numbered from one to eight, inclusive.

Q. What are the officers called in this court?

A. Justices of the Supreme Court.

Q. How many are elected in each district?

A. Five each in the first and second districts, and four each in the other six.

Q. How many Supreme Court Justices in the State?

A. Thirty-four.

Q. For how long a term are these Justices elected?



A. For fourteen years. Salary, \$6,000, and an annual allowance for expenses.

Q. What constitutional provision in regard to eligibility?

A. They cannot hold the office longer than the last day of December next after they shall be seventy years of age.

Q. What are some of their duties?

A. To preside and try causes in the Circuit, Oyer and Terminer, and also hear appeals in the Special Term, and when appointed Judges of the General Term to hear and decide appeals there.

*Special term.*

Q. What is a Special Term?

A. A court held by one of the Supreme Court Judges in the district simply for hearing and deciding motions and appeals.

*General term.*

Q. What is a General Term Court; and how many are there in the State?

A. It is a court for hearing appeals, and consists of a single district, or a union of several districts; and there are four in the State, organized by an act of the Legislature.

Q. What is the territory embraced in the jurisdiction of a General Term called?

A. It is usually called a Department, and numbered First, Second, Third and Fourth.

The following table will give a view of Departments, Districts and Counties in the State:

I. Dep. consists of

I. Dist.

City and Co. of N. York.



## Page 24

II. Dep. consists of

II. Dist.

Richmond,  
Kings,  
Queens,  
Suffolk,  
Westchester,  
Putnam,  
Dutchess,  
Orange and Rockland Counties.

III. Dep. consists of

III. Dist.

Columbia,  
Rensselaer,  
Sullivan,  
Ulster,  
Albany,  
Greene and Schoharie Counties.

IV. Dist.

Warren,  
Saratoga,  
St. Lawr'nce,  
Washington,  
Essex,  
Franklin,  
Clinton,  
Montgom'ry,  
Hamilton,  
Fulton and Schenectady Counties.

VI. Dist.

Otsego,  
Delaware,  
Madison,  
Chenango,  
Tompkins,  
Broome,  
Chemung,  
Schuyler,  
Tioga and Cortland Counties.



IV. Dep. consists of

V. Dist.

Onondaga,  
Jefferson,  
Oneida,  
Oswego,  
Herkimer and Lewis Counties.

VII. Dist.

Livingston,  
Ontario,  
Wayne,  
Yates,  
Steuben,  
Seneca,  
Cayuga and Monroe Counties.

VIII. Dist.

Erie,  
Chautauqua,  
Cattaraugus,  
Orleans,  
Niagara,  
Genesee,  
Allegany and Wyoming Counties.

Q. How many counties in each of the districts?

A. One county in the First, nine in the Second, seven in the Third, eleven in the Fourth, six in the Fifth, ten in the Sixth, eight in the Seventh, eight in the Eighth district.

Q. How many counties in each of the departments?

A. One in the First, nine in the Second, twenty-eight in the Third, and twenty-two in the Fourth.

Q. How many Justices constitute the General Term Court, or the court held in and for the department?

A. Three in each Department.

Q. Where do these Justices come from?

A. They are appointed by the Governor from the Supreme Court Justices that have been previously elected by the people.

Q. Must these Justices be taken from their respective departments?



A. Not necessarily; they may be transferred from another department; as for instance, a Justice from Buffalo in the Fourth Department has been transferred to the First Department.

Q. How many Supreme Court Justices are elected in the territory known as the First Department?

A. Five.

Q. How many Supreme Court Justices are elected in the district known as the Second Department?

A. Five.

Q. How many Supreme Court Justices are elected in the districts known as the Third Department?

A. Twelve.

Q. How many Supreme Court Justices are elected in the districts known as the Fourth Department?

A. Twelve.

*Court of appeals.*

Q. Of what does the Court of Appeals Consist?

A. Of seven Judges, elected by the electors of the whole State for a term of fourteen years; one of their number is called a Chief Judge, the others are called Associate Judges; they cannot hold the office after they are seventy years old.



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Q. What jurisdiction has this court?

A. Appellate.

Q. State how appeals may be taken from one court to another?

A. The party aggrieved may appeal from a Justice Court to a County Court; from County or Supreme Courts to Special Term; from Special Term to General Term; from General Term to Court Of Appeals.

Q. What may these Courts do?

A. They may affirm decisions made by lower courts, or reverse decisions, or grant new trials. The salary of the Chief Judge of the Court of Appeals is \$7,500; of his Associates, \$7,000.

*Illustration.*

Q. In what court must a person charged with the crime of murder be tried?

A. In the Oyer and Terminer, or in some court having the same jurisdiction.

Q. What privilege has the prisoner if convicted?

A. He has the right to appeal to the Justice holding a special term, asking for a new trial.

Q. Should this Justice refuse to grant it, what further can he do?

A. Appeal to the General Term.

Q. If the General Term refuse, what then?

A. It can be taken to the Court of Appeals.

Q. If the Court of Appeals refuse to grant a new trial, what then?

A. The decision of the Oyer and Terminer must be carried out unless the Governor interferes.

Q. In case the penalty is death and the day for execution has passed, what then?

A. The prisoner must be re-sentenced by the judge that presided at the trial.

Q. In case either of the Appellate Courts grants a new trial, what is to be done?



A. The cause will be tried in the same court, or, in one having the same jurisdiction, but before a different jury.

Q. How are civil causes managed on appeal?

A. In the same way, only that the court may affirm or reverse decisions as well as grant new trials.

## **A FEW COMPARISONS BETWEEN THE STATE AND NATIONAL GOVERNMENTS.**

Q. Name one similarity between the State and National governments?

A. Each has three divisions, the Legislative, Executive and Judiciary.

Q. Name a similarity in the Legislative department?

A. Each has two branches. In the State they are called Assembly and Senate; in the National government they are called House of Representatives and Senate. The Assembly and House of Representatives each elect their own speaker; the State Senate is presided over by the Lieutenant Governor. The National Senate is presided over by the Vice-President.

Q. What is the number of members in each at the present time?

A. In the Assembly there are one hundred and twenty-eight, in the House of Representatives two hundred and ninety-three, in the State Senate thirty-two, in the National Senate seventy-six.

Q. How do their terms of office compare?



## Page 26

A. The members of the Assembly are elected for one year, of the House of Representatives for two years, of the State Senate for two years, of the National Senate for six years.

*Judiciary.*

Q. In what respect are the State Courts and National Courts similar?

A. Each has a Supreme and Circuit court.

Q. What are the names applied to United States Courts?

A. The Constitution of the United States calls them Inferior Courts, and one Supreme Court.

*A tabular view of united states courts.*

I. Inferior

1. District Courts.
2. Circuit Courts.

II. Supreme.

Q. How many District Courts are there at present?

A. Sixty-five; fifty-six of them being in the States, and nine of them in the Territories.

Q. What is the largest number of districts into which any State is divided?

A. Three; Alabama, New York and Tennessee have three districts each; Ark., Fla., Ill., Mich., Miss., Mo., N. C., Ohio, Penn, Texas, Va. and Wis. have two districts each, and the remaining States and Territories one each.

Q. What officers in the District Court?

A. One District Judge, a District Attorney, Assistant District Attorneys, a Marshal, a Clerk, and a large number of Deputy Marshals; and also Registers in Bankruptcy.

Q. What jurisdiction has a District Court?

A. Original jurisdiction.

Q. What are the salaries of the District Judges?

A. Four thousand dollars each.

Q. What does the territory of several districts constitute?



A. A Circuit.

Q. How many Circuits are there?

A. Nine, each presided over by a Circuit Judge; and their names are as follows:

1. Circuit consisting of Maine, N. H, Mass., R. I. John Sowell, Judge.
2. Circuit consisting of Conn., Vt. and N. Y. Samuel J. Blatchford, Judge.
3. Circuit consisting of Penn., N. J. and Del. Wm. McKennan, Judge.
4. Circuit consisting of N. C., S. C., Md. and Va. Hugh L. Bond, Judge.
5. Circuit consisting of Miss., La., Ala., Fla., Ga. and Texas. William B. Woods, Judge.
6. Circuit consisting of Ohio, Mich., Ky., Tenn. and W. Va. John Baxter, Judge.
7. Circuit consisting of Ind., Ill. and Wis. Thomas Drummond, Judge.
8. Circuit consisting of Minn, Iowa, Mo., Ark., Kan. and Nebraska. George W. McCrary, Judge.
9. Circuit consisting of Cal., Oregon, Nevada and Colorado. Lorenzo Sawyer, Judge.

Q. What jurisdiction has the Circuit Court?

A. Original. Salary of the Judges, \$6,000.

*Supreme court.*

Q. What territory is embraced in the jurisdiction of the Supreme Court?

A. The whole of the United States.

Q. How many judges constitute the Supreme Court?



## Page 27

A. Nine; corresponding with the number of the Circuits.

Q. What are the names of the Supreme Judges.

*Chief justice.*

Morrison R. Waite ... appointed 1874

*Associate justices.*

Nathan Clifford ... appointed 1858

Noah H. Swayne ... appointed 1862

John M. Harlan ... appointed 1877

Samuel F. Miller ... appointed 1862

Stephen J. Field ... appointed 1863

William Strong ... appointed 1870

Joseph P. Bradley ... appointed 1870

Ward Hunt ... appointed 1872

Q. When does the Supreme Court meet?

A. The first Monday in December, at Washington.

Q. What is its jurisdiction?

A. Principally Appellate; it has Original jurisdiction in a few cases, as mentioned in Constitution.

Q. By whom are all these judges appointed?

A. By the President and Senate.

Q. What is the salary of the Supreme Court Judges?

A. The Chief Justice receives ten thousand five hundred dollars.  
Associates receive ten thousand dollars.

Q. For how long a term are all these judges appointed?

A. They hold the office for life, or during good behavior, or until they resign. Election of a President and Vice-President of the United States.



## ELECTION OF A PRESIDENT AND VICE-PRESIDENT OF THE UNITED STATES

Q. Under how many heads may this topic be treated?

A. Two: the first being the manner pursued by the political parties for nominating candidates; the second, the constitutional provisions for electing them.

Preliminary action of political parties.

- I. Calling of a National Convention.
- II. Calling of State Conventions.
- III. Calling of County or Assembly District Conventions.
- IV. Calling of Town Caucuses.

Q. By whom is the National Convention called?

A. By a National Committee appointed at the last National Convention, or the one held four years before.

Q. By whom is the State Convention called?

A. By a State Committee, appointed at the State Convention held the year before.

Q. By whom is the County or Assembly District Convention called?

A. By a County or District Committee, appointed at a previous convention.

Q. By whom is a Town Caucus called?

A. By a Town Committee, appointed at a previous meeting. Q. Which meeting is held first?

A. The Town Caucus, and delegates are elected at this meeting to attend a County or Assembly District Convention,

Q. Which Convention is held next?

A. The County or Assembly District Convention, which elects delegates to attend the State Convention.

Q. Which Convention is held next?

A. The State Convention, which elects delegates to attend the National Convention.



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Q. What Convention is held next?

A. The National Convention. The delegates then and there assembled nominate candidates for the offices of President and Vice-President; and adopt their political platform.

Q. When do these conventions just named take place?

A. Once in four years, in the months of April, May and June, preceding the presidential election.

Further actions by political parties.

I. State Convention for nominating the Electors for President and Vice-President.

II. Voting for these Electors at the annual election.

Q. When does the State Convention for nominating the Electors meet?

A. At a time when it is convenient to nominate State officers: for instance, August or September.

Q. To how many Electors is each State entitled?

A. As many as it has Representatives and Senators. For instance, New York has thirty-three Representatives in the House, and two Senators; therefore New York is entitled to thirty-five electoral votes. Colorado has one Representative, and two Senators, and is entitled to three electoral votes.

Q. How are these Electors distributed about the State?

A. One Elector is elected for each Congressional District; the two others are called Electors at Large, and are selected from any part of the State.

Q. What must each political party do that it may get its candidates before the people?

A. It must have its conventions and nominate the required number of Electors.

Q. What are these Electors intended to represent?

A. The views of the party nominating them.

O. How frequently, and when is a Presidential election held?



A. Once in four years, on the Tuesday following the first Monday in November, throughout all the States.

Q. What must each voter do, in the State of New York, that he may cast a ballot for President and Vice-President?

A. He must hand to the inspectors of election a ballot upon, which is printed the names of the thirty-five Electors.

Q. By whom are these votes to be canvassed (or counted)?

A. By the same officers that canvass other votes. In New York State the inspectors of election canvass for their respective election districts, and certify the same to the Board of County Canvassers; the County Canvassers canvass for counties, and certify to the State Canvassers; the State Canvassers canvass for the State; and the Executive authority of each State causes three lists of the Electors of such State to be made and certified and delivered to the said Electors, on or before the first Wednesday in December.

*Meeting of presidential electors.*

Q. What must the Electors that have been declared elected then do?

A. I. They must meet on the first Wednesday in December succeeding their election, at such place in each State as the Legislature thereof shall designate (usually the capital), and vote for President and Vice-President, one of whom shall not be an inhabitant of the same State with themselves.



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II. The Electors must make and sign three certificates of all the votes by them given for President and Vice-President, annexing to each a certificate of the Electors furnished by the authority of the Executive.

III. These certificates must be sealed, certifying, on the outside of each, that there is contained therein a list of the votes of such State for President and Vice-President.

IV. A person duly appointed by the Electors, or a majority of them, must take charge of and deliver one of these certificates to the President of the Senate, at the seat of government

V. The second certificate must be forwarded through the mails to the President of the Senate, at the seat of government.

VI. The third certificate must be delivered to the Judge of the District Court in which the electors assemble.

*Opening and counting the electoral votes.*

Q. When and by whom must these certificates be opened?

A. On the second Wednesday in February the President of the Senate, in the presence of the Senate and House of Representatives, must open these certificates, and the votes must then be counted. The person having the greatest number of votes, if that number be a majority, shall be the President; and the person having the greatest number of votes for Vice-President, if that number be a majority, shall be the Vice-President

Q. Who must count the votes?

A. Tellers appointed for that purpose by the House and Senate.

Q. In case neither candidate for the presidency has a majority of all the electoral votes cast, what must be done?

A. The election goes to the House of Representatives.

*Election by the house of representatives.*

Q. How does this election take place?

A. I. Two-thirds of the States must be represented to constitute a quorum.

II. The candidates must be those already voted for, and must be confined to those receiving the highest number, not exceeding three.



III. Each State is entitled to only one vote: and it will be cast according to the wishes of a majority of the members in the House from that State. If, for instance, a State has fifteen members, eight belonging to one party and seven to another; the eight, being a majority, will, if agreed, cast the one vote, the minority having no voice in the election. Should there be an even number of members from any State, and should they be equally divided between two candidates, there might be one-half of a vote for each candidate.

Q, In case of a failure on the part of the House of Representatives to elect a President before the fourth of March, what then?

A. The Vice-President must act as President.

*Election of Vice-president by the Senate.*



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Q. Can the Senate ever elect a Vice-President?

A. Yes, when the people have failed to elect a Vice-President, then the Senate must elect.

Q. How is this done?

A. I. Two-thirds of all the Senators constitute a quorum.

II. The Senate must vote for the two persons who received the highest number of votes for Vice-President.

III. A majority of all the members elected to the Senate is necessary to a choice.

IV. Should there be a tie in the Senate, the Vice-President may give the casting vote.

V. Should the Vice-President have succeeded to the presidency, or have vacated his office, and the President pro tem, (a Senator), preside, in that case there might be a tie, and no election reached.

*The president pro tem.*

Q. What are the provisions for filling temporarily the office of President, when vacant?

A. I. In case of the removal, death, resignation, or inability, of both the President and Vice-President of the United States, the President of the Senate pro tem., and in case there be no President of the Senate, then the Speaker of the House of Representatives shall act as President of the United States for the time, until the disability be removed, or a President be elected.

II. In case of a vacancy in both the offices for President and Vice-President, the Secretary of State of the United States, shall notify the Governors of all the States, and cause the same to be printed in at least one newspaper in each State, ordering an election for electors of President and Vice-President: *Provided* there shall be a space of two months between the ordering of the same and the first Wednesday in December following.

*The electoral college.*

I. The term "Electoral College" means the presidential Electors when assembled as a body to cast the vote for President and Vice-President

II. Each State may provide by law for the filling of any vacancy which may exist in its college of electors, when such college meets to cast its electoral vote.



*Eligibility.*

I. No person shall hold the office, either of President or Vice-President, except native born citizens, or those who were in this country at the time of the adoption of the Constitution.

II. The candidate must have been a resident of the United States for fourteen years.

III. He must be at the time of his election thirty-five years of age.

*Duties.*

Q. What are some of the duties of the President?

A. I. He is Commander in Chief of the Army and Navy of the United States.

II. And of the Militia of the several States when called into the actual service of the United States.

III. He has power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

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IV. He has power to make treaties when two-thirds of the Senate present concur.

V. He nominates, and, by and with the consent of the Senate of the United States, appoints Ambassadors, Public Ministers, Consuls, Judges of the United States Courts, and all other United States officers not otherwise provided for.

VI. He may fill all vacancies that happen during recess of the Senate, by granting commissions that expire at the close of the next session.

VII. He must from time to time give to Congress information in regard to the condition of affairs in the United States, and recommend such measures as he deems expedient. For further duties, see Constitution of the United States, Art. II.

*Vice-president.*

I. The Vice-President is President of the United States Senate, and has a vote only in case of a tie.

II. In case he succeeds to the presidency, then he performs the duties of the President, and the President pro tem. (a Senator) performs the duties of Vice-President and Senator.

*Salaries.* [Footnote: The President's salary cannot be increased or diminished during his term of office.]

The President receives \$50,000. The Vice-President receives \$8,000.

A tabular view showing how some United States officers get their authority, and from whom.

From the people.

I. Electors

1. President.

2. Vice-President.

Members of the House of Rep's.

President sometimes. [Footnote: In 1801, and 1825. Who?]

From the State Legislatures

U. S. Senators

V. President sometimes.

[Footnote: Richard M. Johnson was elected Vice-President by the Senate in 1837. This is, thus far, the only instance.] Appointed by the President and confirmed by the Senate.



President's Cabinet consisting of:

1. Sec. of State. 2. Sec. of Treasury. 3. Sec. of War. 4. Sec. of Navy. 5. Sec. of Interior. 6. Postmaster Gen. 7. Attorney Gen.

Governors of territories.

Ambassadors.

Ministers to foreign countries.

Consuls.

Judges of the U. S. Supreme Court.

Judges of the U. S. Circuit Courts.

Judges of the District Courts.

Postmasters.

And many other officers.

Q. What class of officers in the State performs nearly the same duties as the Cabinet officers in the Nation?

A. Those classed as "Administrative," on page 55; in the State they are elected by the people; in the Nation they are appointed by the President.

## DUTIES

Q. What are some of the duties of the Cabinet officers?

A. I. *The secretary of state*, at the head, of the State Department, preserves the public archives, records, laws, arguments and treaties, and supervises their publication; conducts all business and correspondence arising out of foreign relations, makes out and records passports, commissions, *etc.*

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II. *The secretary of the treasury*, at the head of the Treasury Department, receives and has charge of all moneys paid into the United States Treasury, has general supervision of the fiscal transactions of the Government, the collection of revenue, the auditing and payment of accounts and other disbursements; supervises the execution of the laws relating to Commerce and Navigation, the Revenues and Currency, the Coast Survey, the Mint and Coinage, the Lighthouse Establishments, Custom Houses, *etc.*

III. *The secretary of War*, at the War Department, has charge of business growing out of military affairs, keeps the records of the army, issues commissions, directs the government of troops, superintends their payment, stores, clothing, arms, equipments and ordnance, constructs fortifications and conducts works of military engineering, river and harbor improvements.

IV. *The secretary of the Navy*, at the head of the Navy Department, has charge of the Naval establishments and all business connected therewith, issues Naval commissions, instructions and orders, supervises the enlistment and discharge of seamen, the construction of Navy Yards and Docks, the construction and equipment of vessels, Coast Surveys, *etc.*

V. *The secretary of the Interior*, at the head of the Department of the Interior, has charge of the survey, management, sales and grants of Public Lands, the examination of Pension and Bounty Land claims, the management of Indian affairs, the award of Patents, the distribution of Seeds and Plants, the taking of Censuses, the management of Government mines, *etc.* The Bureau of Education is a branch of this department.

VI. *The postmaster general*, at the head of the Post-office Department, has charge of the Postal System, the establishment and discontinuance of Post-offices, the appointment of Agents, the contracts for carrying the mails, *etc.*

VII. *The attorney general*, at the head of the Department of Justice, is the legal adviser of the President and members of the Cabinet, examines titles, applications for pardons and judicial and legal appointments, conducts and argues suits in which the Government is concerned, *etc.*

Q. Name the present Cabinet officers.

*Ambassadors, ministers and consuls.*

Q. What is an Ambassador?

A. An Ambassador is a minister of the highest rank, appointed to represent the interests of a country at the court, or seat of government of some other country.

Q. What is a Minister Plenipotentiary?



A. A Minister Plenipotentiary is an Ambassador or Envoy, invested with full powers to negotiate a treaty, or do some other special business, without being a permanent resident of such country. Under such circumstances, he is called Ambassador extraordinary.



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Q. What is a Consul?

A. A person commissioned to reside in a foreign country as an agent or representative of a government, to protect the rights, commerce, merchants and seamen of the country, and to aid in commercial, and sometimes in diplomatic transactions, with such foreign country; he is sometimes called Ambassador or Minister *Ordinary*.

*Salaries.*

Q. What are the salaries of the Cabinet officers?

A. Each member receives eight thousand dollars a year.

Q. What are the salaries of Senators, and Representatives in Congress?

A. Each receives an annual salary of five thousand dollars a year, and an allowance of twenty cents per mile for travel in going to and returning from Washington.

Q. Name a few of the highest salaries paid Ambassadors, Ministers and Consuls.

To London,  
To Paris,  
To Berlin,  
To St. Petersburg,

\$17,500 each.

To Vienna,  
To Madrid,  
To Pekin,  
To Rome,  
To Yeddo,  
To Mexico,  
To Rio Janerio,

\$12,000 each.

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