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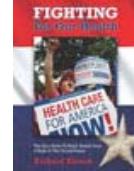
The 1777 Constitution was written and adopted in the midst of a Revolutionary War by a government literally on the run. It created an electorate in which nearly 60 percent of adult males and 70 percent of heads of families could vote for members of the Assembly, but only roughly 29 percent could vote for senators and the governor. No distinction was made between white and black males for purposes of voting. A tripartite structure was established with a bicameral legislature. The veto power resided in a Council of Revision.

The 1777 Constitution provided for the strongest executive in the American states, giving him the longest term (three years), as well as providing for direct popular election and eligibility for reelection. These measures gave the office of governor in New York stability and independence.

The judiciary was given a degree of independence, with judges serving "during good behavior." A court of impeachment made up of the president of the Senate, senators, the chancellor, and judges of the Supreme Court was established; otherwise the court system at the lower levels remained essentially unchanged.

Although no formal bill of rights was included in the document, there were provisions establishing the right of property owners to vote, religious freedom, a right to trial by jury, a due process clause, right to counsel, a conscientious objector clause for Quakers, and protection against bills of attainder. Additionally, the Constitution provided for continuation of the common law, which afforded important protections. The religious liberty provision ended the tradition of multiple religious establishments in the state, defusing the potentially explosive church-state issue.

The Constitution was approved on April 20, 1777, at Kingston, New York, marking that day as the birth of New York as a constitutional state. In forty-two sections and fewer than 7,000 words, the 1777 Constitution embodied the great ideas and institutions for which it is justly praised. Its preamble incorporated the Declaration of Independence, and the document directly influenced the work of the 1787 Constitutional Convention in Philadelphia. Just as important are the issues that were not addressed. John Jay lamented the fact that no clause prohibiting domestic slavery was included. No provision mentions education and, most surprisingly, no method of amendment was included. Among the reasons for the success of the document was the fact that the convention did not alter those aspects of the governing process that had proven effective. That continuity, combined with the moderate character of the document, enabled it to achieve legitimacy; which, in turn, accounted for the relatively smooth transition from colony to constitutional republic.

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