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tered estimates of appropriations to meet the financial needs of such department, including a statement in detail of all moneys for which any general or special appropriation is desired at the ensuing session of the legislature, classified according to relative importance and in such form and with such explanation as the governor may require.

The governor, after public hearing thereon, at which he may require the attendance of heads of departments and their subordinates, shall revise such estimates according to his judgment.

Itemized estimates of the financial needs of the legislature certified by the presiding officer of each house and of the judiciary certified by the comptroller shall be transmitted to the governor before the fifteenth day of January next succeeding the election in the budget without revision but with such recommendation as he may think proper.

On or before the first day of February next succeeding he shall submit to the legislature a budget containing a complete plan of proposed expenditures and estimated revenues. It shall contain all the estimates so revised or certified and shall be accompanied by a bill or bills for all proposed appropriations and reappropriations (exclusive of those for the estimated revenues for the ensuing fiscal year and the estimated surplus or deficit of revenues at the end of the current fiscal year together with the measures of taxation, if any, which the governor may propose for the ensuing fiscal year. He shall be accompanied by a statement of the current assets, liabilities, reserves and surplus or deficit of the state; statements of the debts and funds of the state; an estimate of its financial condition as of the beginning and end of the fiscal year next ensuing; a statement of revenues and expenditures for the two fiscal years next preceding said year, in form suitable for comparison. The governor may, before final action by the legislature thereon, amend or supplement the budget.

A copy of the budget and of any amendments or additions thereto shall be forthwith transmitted by the governor to the comptroller.

The governor and the heads of such departments shall have the right, and it shall be their duty when requested by either house of the legislature, to appear and be heard in respect to the budget during the consideration thereof, and to answer inquiries relevant thereto. Such procedure for both appropriations and revenues shall be provided by law. The legislature may not alter an appropriation bill submitted by the governor except to strike out or reduce items therein, but this provision shall not apply to items in the legislative, judiciary, and other bills when passed by both houses shall be a law immediately without further action by the governor, except that appropriations for the legislature and judiciary shall be subject to his approval as provided in section nine of article four.

Neither house shall consider further appropriations until the appropriation bills proposed by the governor shall have been enacted by both houses, and neither shall such further appropriations be then made except by separate bills each for a single work or object, which bills shall be subject to the governor's approval as provided in section nine of article four. Nothing herein shall be construed to prevent the governor from recommending that one or more of his proposed bills be passed in advance of the others to supply the immediate needs of government.

Abstract.—This new article makes the following changes. At present no official budget or comprehensive financial program exists in this state, corresponding to everyday business practice. The financial needs of government are met by appropriations from different legislature from time to time, which are submitted to the governor for his approval or veto. The new article is intended to introduce businesslike methods into the state's affairs through an annual budget or comprehensive financial plan. The governor on or before the November session each year from each department estimates of the legislature and the judiciary itemized estimates showing the financial needs of the department for the ensuing year. After public hearings on such estimates and after revision thereof, and after receiving not more revising similar estimates of the legislature and judiciary, the governor on or before the first day of each February shall submit to the legislature all of such estimates together with proposed appropriation bills and any proposed new measures of taxation as part of a comprehensive financial plan for the state's business during the ensuing year. Such plan will show the estimated revenues for ensuing year, and will also particularize the state's financial condition for the preceding two years, for purposes of comparison in examining the budget. Provision is made for the governor and heads of departments appearing with the legislature in defense of the budget and also for public inquiries. The legislature may reduce or strike out but not increase budget items, and shall not consider special appropriation bills of its own until after the budget has been disposed of. The governor retains the veto power, and provisions as to all appropriations frame except as to those revised and approved by him referred hand as above specified.

ARTICLE IV | VI

[Section 1. The Secretary of State, Comptroller, Treasurer, Attorney-General, State Engineer and Surveyor shall be chosen at a general election at the times and places for electing the Lieutenant-Governor, and shall hold their offices for two years, except as provided in section two of this article. Each of the officers in this article named, excepting the Speaker of the Assembly, shall reside at the seat of government during his term of office, and shall not be ineligible to any office or employment during the period for which he shall have been elected, nor shall he be eligible to any office or employment during his term of office, other than his office, nor shall he be eligible to any office or employment for one year next after the termination of his term of office, except that the Secretary of State, Comptroller, Treasurer, Attorney-General, State Engineer and Surveyor, who is not a practising attorney-at-law, may be eligible to office as judge of the court of appeals.

Abstract.—This section makes the following changes: It is necessary to state one year after the term of office of the executive officers to be chosen in the new election. The term of the executive officers is changed from two years to four years. The first election of Secretary of State, Comptroller, Treasurer, Attorney-General and State Engineer and Surveyor is adjourned to the next general election after the adoption of this article, corresponding to the election of one thousand nine hundred and seventeen, and the term of such officers will begin on the first day of January following, and shall be for three years. The general election at the year one thousand nine hundred and ninety-eight and every four years thereafter, their successors shall be chosen for the term of four years.

Abstract.—The amendment under bracketed section one will also apply to the section above eliminated.

[§ 3. A Superintendent of Public Works shall be appointed by the governor, by and with the advice and consent of the Senate, and hold his office during the term of the governor by whom he was nominated, and until his successor is appointed and qualified. He shall receive the salary fixed by law. He shall be a person of ability and experience in the business of public works, subject to such rules and regulations as may be prescribed by law. He shall be required by law to give security for the faithful execution of his office before entering upon the duties thereof. He shall be liable to impeachment and removal from office by the governor for cause shown, after notice of and opportunity to be heard thereon, and upon such impeachment and removal the reasons therefor shall be stated in the order of removal. The superintendent of public works shall have charge of the construction, improvement, maintenance, operation and care of the state canals, highways, and all public buildings not under the care and management of other departments, and shall provide for the needs of the several state departments in engineering and architecture.

[§ 4. The head of the department of health shall be the commissioner of health.

[§ 5. The head of the department of agriculture shall be the commissioner of agriculture.

[§ 6. The head of the department of charities and corrections shall be the secretary of charities and corrections. He shall have power of inspection and supervision of all state charitable institutions, state hospitals for the insane, state prisons and other state correctional institutions.

[§ 7. The head of the department of banking shall be the superintendent of banks.

[§ 8. The head of the department of insurance shall be the superintendent of insurance.

[§ 9. The head of the department of labor and industry shall be an industrial commissioner or commissioner as may be provided by law. Commissioners shall be appointed by the governor by and with the advice and consent of the senate.

[§ 10. The department of education shall be administered by the university of the state of New York. The chief administrative officer of the department shall be appointed by regents of the university.

[§ 11. The department of public utilities shall consist of two public service commissioners, one of whom shall be appointed by the governor by and with the advice and consent of the senate. The governor may remove any commissioner for cause after notice and opportunity to be heard thereon, upon a written statement of the alleged cause. Until the vacancy be so filled by election, the governor, or if the senate be in session, the governor by and with the advice and consent of the senate may fill any such vacancy by appointment which shall continue until the next ensuing session of the legislature.

[§ 12. The department of public works shall be the department of canals and highways. The superintendent of public works shall be the chief executive officer of the department. The superintendent of public works shall be appointed by the governor by and with the advice and consent of the senate. The governor may remove any commissioner for cause after notice and opportunity to be heard thereon, upon a written statement of the alleged cause. Until the vacancy be so filled by election, the governor, or if the senate be in session, the governor by and with the advice and consent of the senate may fill any such vacancy by appointment which shall continue until the next ensuing session of the legislature.

[§ 13. The department of civil service shall be under the direction of a civil service commission consisting of three commissioners, who shall be appointed by the governor by and with the advice and consent of the senate. The terms of the commissioners shall be six years, and shall be so classified that one shall go out of office on the second of every two years. The governor may remove any commissioner for cause after notice and opportunity to be heard thereon, upon a written statement of the alleged cause. Until the vacancy be so filled by election, the governor, or if the senate be in session, the governor by and with the advice and consent of the senate may fill any such vacancy by appointment which shall continue until the next ensuing session of the legislature.

[§ 14. A Superintendent of State Prisons shall be appointed by the Governor, by and with the advice and consent of the Senate, and hold his office for five years, unless sooner removed by the Governor, who shall have power to remove him for cause after notice and opportunity to be heard thereon. The Superintendent of State Prisons shall give security in such amount, and with such sureties as shall be required by law for the faithful discharge of his duties. He shall have the superintendence, management and control of state prisons, subject to such laws as now exist or may hereafter be enacted. He shall appoint all the agents, wardens, physicians and chaplains of the prisons. The agent and warden of each prison shall appoint all other officers of such prison, except the clerk, subject to the approval of the agent of the Superintendent. The Comptroller shall appoint a clerk of the prisons. The Superintendent shall have all the powers and perform all the duties not inconsistent therewith which were formerly had and performed by the inspectors of State Prisons. The Governor may remove the Superintendent for cause at any time, giving to him a copy of the charges against him, and an opportunity to be heard in his defense.

Abstract.—The secretary of charities and corrections under new section 2, subdivision 10, gives supervision of the matters heretofore committed to the superintendent of state prisons under the above eliminated section. The office of superintendent of state prisons, as a constitutional office, is not continued after the expiration of the term of the present incumbent.

[§ 15. The Lieutenant-Governor, Speaker of the Assembly, Secretary of State, Comptroller, Treasurer, Attorney-General and State Engineer and Surveyor shall be the commissioners of the canal fund. The Lieutenant-Governor, Secretary of State, Comptroller, Treasurer and Attorney-General shall be the commissioners of the canal board. The canal board shall consist of the commissioners of the canal fund, the State Engineer and Surveyor, and the Superintendent of Public Works.

Abstract.—See substitute under new section 1, below.

[§ 16. The powers and duties of the respective boards, and of the several officers in this article mentioned, shall be such as now are or hereafter may be prescribed by law.

Abstract.—The provisions of this eliminated section are now covered by new section 3, below.

[§ 17. The Treasurer may be suspended from office by the governor, during the recess of the Legislature, and until thirty days after the commencement of the next session of the legislature, whenever it shall appear to him that such Treasurer has, in any particular, violated his duty. The Governor shall appoint a competent person to discharge the duties of the office during such suspension, of the treasurer.]

Abstract.—The removal of the treasurer is covered by new sections 4 and 6, below.

[Old secs. 8 and 9 are now sections 9 and 10 of article 13, without change.]

Section 1. There shall be the following civil departments in the state government: 1. Law, 2. Finance, 3. accounts, 4. treasury, 5. taxation, 6. state, 7. public works, 8. health, 9. agriculture, 10. charities and corrections, 11. banking, 12. insurance, 13. labor and industry, 14. education, 15. public utilities, 16. conservation, and 17. civil service.

Section 2. (1) The head of the department of law shall be the attorney general. He shall be elected at the same time and for the same term as the governor. He shall have the powers of examination, and visitation of all corporations, and the duties of the attorney-general as now or hereafter prescribed by law.

(2) The head of the department of finance shall be the comptroller. He shall be elected at the same time and for the same term as the governor. He shall have the powers of examination and visitation of all corporations, and the duties of the comptroller as now or hereafter prescribed by law.

(3) The head of the department of accounts shall be the commissioner of accounts. He shall have power to examine and verify all accounts showing the financial transactions of the state and its several departments and officers. He shall also make such special examinations and reports as from time to time may be required by the legislature or either house of the legislature.

(4) The head of the department of the treasury shall be the treasurer.

(5) The head of the department of taxation shall be a state tax commissioner.

(6) The head of the department of state shall be the secretary of state. He shall be the keeper of the great seal and of the records and archives of the state, shall issue writs of elections, and certify the results.

(7) The head of the department of public works shall be the superintendent of public works. He shall have the construction, care, maintenance and operation of the state's public works including canals, highways, and all public buildings not under the care and management of other departments, and shall provide for the needs of the several state departments in engineering and architecture.

(8) The head of the department of health shall be the commissioner of health.

(9) The head of the department of agriculture shall be the commissioner of agriculture.

(10) The head of the department of charities and corrections shall be the secretary of charities and corrections. He shall have power of inspection and supervision of all state charitable institutions, state hospitals for the insane, state prisons and other state correctional institutions.

(11) The head of the department of banking shall be the superintendent of banks.

(12) The head of the department of insurance shall be the superintendent of insurance.

(13) The head of the department of labor and industry shall be an industrial commissioner or commissioner as may be provided by law. Commissioners shall be appointed by the governor by and with the advice and consent of the senate.

(14) The department of education shall be administered by the university of the state of New York. The chief administrative officer of the department shall be appointed by regents of the university.

(15) The department of public utilities shall consist of two public service commissioners, one of whom shall be appointed by the governor by and with the advice and consent of the senate. The governor may remove any commissioner for cause after notice and opportunity to be heard thereon, upon a written statement of the alleged cause. Until the vacancy be so filled by election, the governor, or if the senate be in session, the governor by and with the advice and consent of the senate may fill any such vacancy by appointment which shall continue until the next ensuing session of the legislature.

(16) The department of public works shall be the department of canals and highways. The superintendent of public works shall be the chief executive officer of the department. The superintendent of public works shall be appointed by the governor by and with the advice and consent of the senate. The governor may remove any commissioner for cause after notice and opportunity to be heard thereon, upon a written statement of the alleged cause. Until the vacancy be so filled by election, the governor, or if the senate be in session, the governor by and with the advice and consent of the senate may fill any such vacancy by appointment which shall continue until the next ensuing session of the legislature.

(17) The department of civil service shall be under the direction of a civil service commission consisting of three commissioners, who shall be appointed by the governor by and with the advice and consent of the senate. The terms of the commissioners shall be six years, and shall be so classified that one shall go out of office on the second of every two years. The governor may remove any commissioner for cause after notice and opportunity to be heard thereon, upon a written statement of the alleged cause. Until the vacancy be so filled by election, the governor, or if the senate be in session, the governor by and with the advice and consent of the senate may fill any such vacancy by appointment which shall continue until the next ensuing session of the legislature.

(18) The powers and duties of the departments enumerated in this section shall be such as now or hereafter may be prescribed by law.

Section 3. At the session immediately following the adoption of this constitution, the legislature shall provide by law for the appropriate reorganization, to take effect on the first day of January, one thousand nine hundred and seventeen, of all the civil administrative and executive functions of the state government, except those of centralized in the office of the governor, to the several departments in this article provided for. Such laws shall conform to this constitution and to the limitations contained in this constitution as to the powers and functions to depart-ments, offices, boards, commissions and officers, and shall provide for the transfer to the departments created under this constitution, of such additional powers and functions as may from time to time under this constitution be assigned to departments, offices, boards, commissions and officers by the legislature. Such laws shall provide for the transfer to the departments created under this constitution of such other powers and functions of departments, offices, boards, commissions and officers as may be transferred to them by law. Such laws shall provide for the transfer to the departments created under this constitution of such other powers and functions of departments, offices, boards, commissions and officers as may be assigned to them by law. Such laws shall provide for the transfer to the departments created under this constitution of such other powers and functions of departments, offices, boards, commissions and officers as may be required to conform to the provisions of this constitution. The powers and duties of the several departments, boards, commissions and officers now existing are confirmed to the powers and duties of departments to be created by this constitution, officers, boards and commissions shall exercise the powers and duties of any existing office or department, and the officers exercising such offices shall continue in office in such department, and for the term of office that shall not be shortened by such assignment.

Section 4. The heads of the departments and the members of all commissions unless otherwise provided in this constitution shall be appointed by the governor, and may be removed by him in his discretion.

Section 5. The attorney-general and comptroller may be removed from office by impeachment in the same manner as the governor. A vacancy in the office of attorney-general or comptroller shall be filled by the governor, but such appointee shall hold office for the unexpired term of his predecessor if such vacancy occurs not less than three months after such vacancy occurs. Until the vacancy be so filled by election, the governor, or if the senate be in session, the governor by and with the advice and consent of the senate may fill any such vacancy by appointment which shall continue until the next ensuing session of the legislature.

Section 6. All appointed heads of departments shall be subject to impeachment in the same manner as the governor. They may be removed by the senate by vote of two-thirds of the members elected thereto. A vacancy occurring in a board or commission appointed by and with the advice and consent of the senate for a term of years shall be filled for the unexpired term in the same manner as an original appointment, except that a vacancy occurring in existing while the senate is not in session shall be filled by the governor by appointment which shall expire at the end of twenty days from the commencement of the next meeting of the senate.

Section 7. The lieutenant-governor, speaker of the assembly, secretary of state, attorney-general, comptroller, treasurer and state engineer and surveyor shall constitute the board of canal appraisers and be the commissioners of the land office and the commissioners of the canal fund.

Section 8. This article shall not apply to the military or naval affairs or forces and to property, civil or military, held for such purposes.

Abstract.—The foregoing new article is what is known as the "short ballot" amendment. It reduces the number of elective state officers from seven to four, leaving only the governor, lieutenant-governor, comptroller and attorney-general to be chosen by the voters of the state. The secretary of state and treasurer are to be appointed by the governor. After January 1, 1917, the office of state engineer and surveyor is abolished. All of the present electives will, however, be continued in office until that date, when their present terms expire. Aside from reducing the number of state officers and shortening the list of candidates with the consequent lessening of the ballot, the article makes the following important changes in existing conditions: Seventeen state departments, no more and no less, are created by the exercise of all the civil executive and administrative functions of the state now scattered through 150 bureaus, departments, commissions, boards, officers, and other agencies. Such functions are to be so classified that there shall be no duplication of activity by two or more departments relative to the same subject. Under the existing unsystematic arrangement, it often occurs that a number of different authorities have powers and duties respecting the same subject, with the result that the public is harassed by many inquisitions and requisitions, the public funds are wasted in the duplication of work and it is impossible to know who really takes what the function of one officer begins and of another leaves off. The amended article is to correct this evil. Section 2 defines the heads of the several departments and in some cases prescribes powers and duties. When the powers and duties of a department are not prescribed the legislature is directed to define them so as not to interfere therewith in its distribution of functions among the departments. An inspection of the text will show clearly the effect of provisions relating to removals from office and filling vacancies. It will be noted that the appointment of heads of departments having both legislative and administrative functions must receive the concurrence of the senate. Those departments are Labor and Industry, Public Utilities, Conservation and Civil Service. For the manner of appointing conservation commissioners see next article. New section 7 is a substitute for old section 2 of present article 5. It eliminates the state engineer and surveyor from membership in the canal board and from the office of commissioner of the canal fund and of the land office and substitutes the superintendent of public works.

ARTICLE VII

Section 1. The department of conservation shall consist of nine commissioners to serve without compensation and to be appointed by the governor by and with the advice and consent of the senate for terms which shall expire in nine successive years, the first ending on the first day of January, one thousand nine hundred and seventeen, and their successors shall be appointed for terms of nine years. Vacancies shall be filled for the unexpired term. One commissioner shall reside in each judicial district. No person shall be eligible to or shall continue to hold the office of commissioner, who is engaged in the business of lumbering or who is engaged in any business in the production of which hydraulic power is used or in which water is distributed or sold under any public franchise or who is an officer or holder of the stock or bonds of any corporation engaged in such business within the state. They shall be subject to removal by the governor on charges, after an opportunity to be heard. Subject to the limitations in this constitution contained, the department shall encourage the development and protection of the natural resources of the state, the encouragement of forestry and the suppression of forest fires throughout the state, the exclusive care, management and administration of the forest preserve, the conservation, prevention of pollution and regulation of the waters of the state, the protection and propagation of its fish, birds, game, shellfish and crustacea, except migratory fish, of the sea within the limits of the marine district, with the power, subject to the veto of the governor, to promulgate rules with respect to the taking, possession, sale and transportation thereof, which shall have the force of law, and to establish in the office of the department a state game and fish museum. The legislature may provide until and unless the legislature shall thereafter modify such regulations. The department shall also be entrusted with the enforcement of the general laws of the state respecting the subjects herein before enumerated and shall exercise such additional powers as defined by law, the reforestation of lands and the making of boundary and valuation surveys.

Section 5. [Last sentence of former section seven of former article seven.] A violation of any of the provisions of this [section] article may be restrained at the suit of the people or, with the consent of the supreme court in appellate division, on notice to the attorney general at least five days before such application, at the suit of any citizen.

Abstract.—This article is new, except as to existing section 1 of article 7, which is distributed through the new article as indicated in the text. The article provides for nine commissioners to serve without compensation and to be appointed for terms to expire in successive years, their successors to be appointed for terms of nine years each, one of whom shall reside in each judicial district. They constitute the head of the department of conservation. This department is charged with the development and protection of the natural resources of the state, the encouragement of forestry and the suppression of forest fires throughout the state, the exclusive care, maintenance and administration of the forest preserve, the conservation, prevention of pollution and regulation of the waters of the state, the protection and propagation of its fish, birds, game, shell-fish and crustacea, except migratory fish of the sea within the marine district. The department continues the provision that the forest preserve shall be forever kept as wild forest lands, provision is made however, for removing dead timber for purposes of reforestation and fire protection and for the construction of a state highway in such manner as may be necessary for public use. The legislature is required to provide annual provision for the purchase of real property within the Adirondack and Catskill parks, the reforestation of lands and the making of boundary and valuation surveys, and the violation of any of the provisions of the article may be restrained at the suit of the people or of any citizen.

ARTICLE [VI] VIII.

Section 1. The supreme court is continued with general jurisdiction in law and equity, subject to such appellate jurisdiction of the court of appeals as now is or may be prescribed by law not inconsistent with this article. The existing judicial districts of the state are continued until changed as herein-after provided. The supreme court shall consist of the justices [now] in office on the first day of January, one thousand nine hundred and sixteen, and successors of such justices transferred to the appellate divisions as provided, and of two additional justices who shall reside in and be chosen by the electors of the first judicial district, and their successors, together with the justices and justices so transferred, constituted by the legislature pursuant to the provisions of this article. [And of the judges transferred thereto by the fifth section of this article, all of whom shall continue to be justices of the supreme court, with their respective terms, and of twelve additional justices who shall reside in, and be chosen by the electors of, the several existing judicial districts, three in the first district, three in the second, and one in each of the other districts, and of their successors. The successors of such justices shall be chosen by the electors of their respective judicial districts. The legislature may alter the judicial districts once after every federal census or state enumeration, under the constitution, if the inhabitants of the state, and thereupon reapportion the justices to be thereafter elected in the districts so altered. The legislature may from time to time further increase the number of justices in any district, provided that the number of justices in the first, [and] second and ninth districts [or in any of the districts into which the second district may be divided,] shall not be thereby increased to exceed one justice for every forty thousand, or fraction thereof, as shown by the last [state, or] federal or state census or enumeration, and except that the number of justices in any other district shall not be increased to exceed one justice for every sixty thousand or fraction thereof, as shown by the last [state, or] federal or state census or enumeration. [The legislature may erect out of the second judicial district as now constituted, another judicial district and apportion the justices in the judicial districts and provide for the election of additional justices in the new district not exceeding the limit herein provided.]

Abstract.—This section is amended so as to provide for three supreme court justices to proceed that number, who, at present, are sitting in the court of appeals by designation of the governor, and who, by section 9, become judges of the court of appeals at the expiration of the terms for which they were elected judges of the supreme court, and for the election of two additional justices of the supreme court to be chosen in the first judicial district in order to supply the increased number of justices required for the appellate division in the first department. The insertion of the provisions of section 2. The insertion of the "federal census" is occasioned by the possible elimination of the state enumeration under section 4 of article 3. The other changes in section 1 are those involved in the elimination of the portions which have become obsolete by reason of the creation of the ninth judicial district out of the former second district.

Section 2. [The legislature shall divide the state] The present judicial districts of the state into four [five] departments is continued. [The first department shall consist of the county of New York; the others shall be bounded by county lines, and be compact and equal in population as nearly as may be.] Once every ten years the legislature may alter the judicial departments, but without increasing the number thereof. *They shall be bounded by county lines, and be compact and equal in population as nearly as may be.* [There shall be an] The appellate division of the supreme court are continued and shall consist of [seven] not less than ten or more than twelve justices in the first department, seven justices in the second department and [five] five justices in each of the other departments. *The justices heretofore designated shall continue to sit in the appellate divisions until the terms of their designations respectively expire. The appellate division in the first department may sit in two parts, in which case the presiding justice shall assign the justices who from time to time shall sit in each part. The presiding justice may preside in either part and he shall designate the justice to preside in either part when he is not present. In each appellate division or part thereof [department] four shall constitute a quorum, and the concurrence of three shall be necessary to a decision. No more than five justices shall sit in any case.* [From all the justices elected to the supreme court the governor shall designate those who shall constitute the appellate division in each department, and he]

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The governor shall designate the presiding justice of each department. [The presiding justice of each department shall be designated by the governor from all the justices elected to the supreme court for terms of nine years or the unexpired portions of their respective terms. From time to time as vacancies occur in the office of presiding justice, or in the terms of [such] the designations expire, or vacancies exist, the governor [he] shall make new designations. A majority of the justices so designated to sit in the appellate division in any department shall be residents of the department. Ten justices to be designated to sit in the appellate division in the first department, but in case the presiding justice thereof at any time shall certify to the governor that the interests of justice so require the governor shall designate one additional justice to sit therein.

[(2) In case of the absence or inability to act of any justice of any [the] appellate division, the presiding justice of the supreme court in the appellate division assigning the justice shall be designated to sit in such division for such time as the business of the appellate division shall require, but no justice shall be designated to sit for a longer time than four months in any year. [(3) In case the presiding justice shall certify to [claim] the governor that one or more additional justices are needed for the speedy disposition of the business before it, the governor shall designate such additional justice or justices. Whenever the appellate division in any department shall be unable to dispose of the business before it with a reasonable term, a majority of the presiding justices of the several departments at a meeting called by the presiding justice of the department in which the delay exists, shall transfer such number of the [any] pending appeals as may be necessary from justices to any other department for such department to sit and dispose of the hearing and determination. No justice of the appellate division shall within the department in which he may be the presiding justice, perform the duties or exercise any of the powers of a justice of the supreme court, other than those of a justice out of court, and those pertaining to the appellate division, or to the hearing and decision of motions submitted with consent of counsel, but any justice, when not actually engaged in performing the duties of such appellate justice in the department to which he is designated, may hold any term of the supreme court and exercise any of the powers of a justice of the supreme court in any county or judicial district in any other department of the state. *The appellate division, except as herein provided, shall have the jurisdiction now exercised by it.* [From the entry of judgment in any of the courts of the city of New York, the appellate division shall have the jurisdiction now exercised by the supreme court at its general terms and by the general terms of the court of common pleas for the city and county of New York, the superior court of the city of New York, the superior court of Buffalo and the city court of Brooklyn, are stricken out.

Section 3. There shall be an appellate term of the supreme court in the first and in the second department consisting of not less than three nor more than five justices of the supreme court to be designated annually by the appellate division of the supreme court in such departments respectively. Such appellate divisions respectively may designate justices to sit in the appellate term during the temporary disability of any of the justices previously designated. The appellate term shall have and the concurrence of a majority of the justices sitting shall be necessary to a decision. All appeals from judgments and orders in civil cases made by county courts within such departments, and all appeals from judgments and orders made by the city court of the city of New York, the municipal court of the city of New York, the court of special sessions of the city of New York, as such courts now exist, or as hereafter commended or reorganized pursuant to this article, and by all other courts in such departments except courts held by justices of the peace, city magistrates' courts, and courts of special sessions held by one city magistrate only, within such departments, shall be heard at the appellate term. The legislature may enlarge, restrict, or otherwise modify the appellate term. Appeals to the appellate division from judgments or orders of the appellate term may be taken as of right only when the appellate term on reversing or modifying a judgment makes new findings of fact and renders judgment thereon, or when the appellate division does not agree with the appellate term.

Abstract.—This new section provides that the appellate term of the supreme court in the first and in the second departments which now is composed of three justices, to be selected from month to month, in the future shall consist of not less than three, nor more than five justices, to be annually designated by the appellate division, thus giving it greater permanency and affording an opportunity to the members of the court to form a harmonious working body, than it is possible under the present system. The appellate division is also empowered to designate justices to sit in the appellate term during the temporary disability of any of those regularly designated. The appellate jurisdiction of the appellate term embraces, generally speaking, appeals from judgments and orders of inferior courts within such departments, subject to exceptions as to certain courts and limitations as to certain judgments and orders which clearly appear from the text, but the legislature may enlarge or restrict its jurisdiction. Appeals to the appellate division from judgments or orders of the appellate term are to be taken as of right only when the appellate term, on reversing or modifying a judgment makes new findings of fact and renders judgment thereon; but it is provided that appeals to the appellate division may be allowed by that court. This amendment is designed to relieve the appellate divisions of a large number of appeals which are generally of less importance than those arising in the supreme court, and on the other hand to make of the appellate term a dignified and efficient branch of the court.

Section 4. [The justices shall sit in the appellate terms, appellate division or in the court of appeals in review of a decision made by him or by any court of which he was at the time a sitting member. The testimony in equity cases shall be taken in like manner as in cases at law. Except as herein otherwise provided, the legislature shall have the same power to alter and regulate the jurisdiction and proceedings in law and in equity that it has heretofore exercised.

Abstract.—By this section as amended the present qualifications of a judge or justice sitting in the appellate division or in the court of appeals in review of a decision made by him or by any court of which he was at the time a sitting member, is extended to the appellate term, the only exception being induced the prohibition in the one case being equally applicable to the other.

Section [4]5. The official terms of the justices of the supreme court shall be fourteen years from and including the first day of January next after their election. When a vacancy shall occur in the office of justice of the supreme court the same shall be filled for a full term, at the next general election, happening not less than three months after such vacancy occurs, and, until the vacancy shall be filled, the governor, by and with the advice and consent of the senate, if the senate shall be in session, or if not in session the governor, may fill such vacancy by appointment, which shall continue until and including the last day of December next after the election at which the vacancy shall be filled.

Section 6. To secure a more simple, speedy and effective administration of justice, it shall be the duty of the legislature to act with all convenient speed upon the report of the board of statutory consolidation transmitted to the legislature by the governor on the twenty-first day of April, one thousand nine hundred and sixteen, and to enact a brief and simple civil practice act and to adopt a separate body of civil practice rules for the regulation of procedure in the court of appeals, supreme court and county courts. The legislature may alter the civil practice rules or any part thereof applicable to such other courts as it may provide. Thereafter, from time to time, at intervals of not less than five years, the legislature may appoint a commission to consider and report what changes should be made in the law and rules governing civil procedure and the legislature shall act on the report of each such commission by a single bill, and the legislature shall not otherwise, or at any other time, enact any law prescribing, regulating or changing the civil procedure in the court of appeals, supreme court or county courts, unless the judges of justice competent to make and amend civil practice rules shall certify that legislation is necessary.

After the adoption of the civil practice rules by the legislature under the requirements of the first paragraph of this section, the power to alter and amend such rules and to make, alter and amend civil practice rules shall vest and remain in the courts of the state to be exercised by the judges of the court of appeals and the justices of the appellate divisions of the supreme court, or by such judges or justices in the court of appeals, the supreme court and the county courts as the legislature shall prescribe.

Abstract.—This section is intended to remedy the existing evils of the uncertainty in the law and the expense and delay in the administration of justice by the legislature of a short practice act and a body of practice rules which should take the place of the practice now regulated by the code of civil procedure. Public opinion favors a uniform practice to be regulated by rules of court, leaving the legislature only the power of controlling legislation over any matters of procedure. If the provisions of this section are carried into effect the practice will be regulated by flexible court rules which will tend to remove all disputes over technicalities of practice. It places the responsibility for the administration of justice upon the courts rather than upon the legislature. The practice act and rules referred to in the section have been prepared by the board of statutory consolidation which has been engaged upon the task for over ten years, its attention, however, during the last two years being chiefly confined to the civil procedure in the courts. This board consolidated the general statutes of the state and prepared the statutory record of the special, private and local statutes of the state, which is at the present time in three volumes, which is referred to in this section. It now before the legislature and is being examined by a joint committee of the legislature and commissioner of the various bar associations of the state. This report will come before the legislature for action at its next session.

Section 7. The court of claims is continued and shall be a court of record. It shall consist of the three judges now in office, who shall hold their offices until the expiration of their respective terms, and three judges who shall be appointed by the governor by and with the advice and consent of the senate, and who shall hold office for nine years. The legislature may further increase the number of judges of the court of claims by permanent or temporary law, provided that not more than five in all. The additional judges herein-before provided for shall be appointed within the first ninety days of January, one thousand nine hundred and eighteen, or such earlier date as shall be determined pursuant to law. The court shall have power to appoint and remove a clerk and such court officers and attendants as the legislature may provide. The judges shall continue to receive from the state their present compensation and allowances until the legislature shall otherwise provide. The court shall have the jurisdiction exercised by it and such additional jurisdiction to hear and determine claims against the state or between contending claimants as the legislature may provide. The judges of the court may separately take testimony in any claim or matter pending before the court, and shall make and file a decision in each such matter. The court by a majority of the whole court. The court may establish rules to govern its own procedure.

Abstract.—This section makes the court of claims a permanent court of the state, subject to the provisions of the constitution, as are the other courts enumerated therein. The recent changes in this body for political purposes in the legislature have prompted the convention to establish the court as a constitutional tribunal, so as to give it permanence and to improve its efficiency. The language of the provision substantially conforms to the statutes relating to this court, except that the legislature may confer upon the court the power to hear and determine claims against a claimant, a jurisdiction which it does not now possess.

[§ 5. The superior court of the city of New York, the court of common pleas for the city and county of New York, the superior court of Buffalo, and the city court of Brooklyn, are abolished from and after the first day of January, one thousand eight hundred and ninety-six, and thereupon the seals, records, papers and documents of or belonging to such courts, shall be deposited in the offices of the clerks of the several counties in which such courts now exist, and the business pending in such courts shall be transferred to the supreme court for hearing and determination. The judges of said courts in office on the first day of January, one thousand eight hundred and ninety-six, shall, for the remainder of the terms for which they were respectively elected, be justices of the supreme court, but they shall sit only in the counties in which they were elected or appointed. Their salaries shall be paid by the said counties respectively, and shall be the same as the salaries of the other justices of the supreme court residing in the same counties. Their successors shall be elected as justices of the supreme court by the electors of the judicial districts in which they respectively reside.

The jurisdiction now exercised by the several courts hereby abolished shall be vested in the supreme court. Appeals from inferior and equity courts now heard in the court of common pleas for the city and county of New York and the superior court of Buffalo, shall be heard in the supreme court in such manner and by such justices as may be provided by law. The appellate divisions in the respective departments which include New York and Buffalo shall direct, unless otherwise provided by the legislature.]

Abstract.—This section is eliminated as being now obsolete.

[§ 6. Trial courts and courts of oyer and terminer are abolished from and after the last day of December, one thousand eight hundred and ninety-five. All their jurisdiction shall thereupon be vested in the supreme court, and all actions and proceedings then pending in such courts shall be transferred to the supreme court for hearing and determination. Any justice of the supreme court, except as otherwise provided in this article, may hold court in any county.]

Abstract.—The first two sentences of this eliminated section are obsolete. The last sentence is unnecessary. The supreme court is one court, composed of all the justices of the state, and there is no restriction as to the locality in which a justice may serve. This article makes provisions as to the transfer of justices from one county, district or department to another.

Section 8. Supreme court commissioners may be appointed as hereinafter provided, one or more of whom may be designated by the court to determine fixing compensation to be paid when any private property is taken for a public use as the judiciary appropriation bill, which they shall have been appointed, when such compensation is not made by the state, and who also may respectively be designated as referee whenever laws are properly referred for determination of report, and who shall perform such other duties as may be delegated to them by special order or rule of the court by the appellate division or by the civil practice rules. The respective appellate divisions in the first and second judicial departments from time to time may appoint for each of the counties therein within the city of New York such commissioners as they deem necessary, and, with the approval of the board of estimate and appportionment or the successors of its powers, shall determine the salaries and compensation, which shall in the aggregate not exceed the salaries and compensation of such courts shall be transferred to the supreme court for hearing and determination. The judges of said courts in office on the first day of January, one thousand eight hundred and ninety-six, shall, for the remainder of the terms for which they were respectively elected, be justices of the supreme court, but they shall sit only in the counties in which they were elected or appointed. Their salaries shall be paid by the said counties respectively, and shall be the same as the salaries of the other justices of the supreme court residing in the same counties. Their successors shall be elected as justices of the supreme court by the electors of the judicial districts in which they respectively reside.

The jurisdiction now exercised by the several courts hereby abolished shall be vested in the supreme court. Appeals from inferior and equity courts now heard in the court of common pleas for the city and county of New York and the superior court of Buffalo, shall be heard in the supreme court in such manner and by such justices as may be provided by law. The appellate divisions in the respective departments which include New York and Buffalo shall direct, unless otherwise provided by the legislature.]

Abstract.—This section is eliminated as being now obsolete.

[§ 7. All circuit courts and courts of oyer and terminer are abolished from and after the last day of December, one thousand eight hundred and ninety-five. All their jurisdiction shall thereupon be vested in the supreme court, and all actions and proceedings then pending in such courts shall be transferred to the supreme court for hearing and determination. Any justice of the supreme court, except as otherwise provided in this article, may hold court in any county.]

Abstract.—The first two sentences of this eliminated section are obsolete. The last sentence is unnecessary. The supreme court is one court, composed of all the justices of the state, and there is no restriction as to the locality in which a justice may serve. This article makes provisions as to the transfer of justices from one county, district or department to another.

Section 9. Supreme court commissioners may be appointed as hereinafter provided, one or more of whom may be designated by the court to determine fixing compensation to be paid when any private property is taken for a public use as the judiciary appropriation bill, which they shall have been appointed, when such compensation is not made by the state, and who also may respectively be designated as referee whenever laws are properly referred for determination of report, and who shall perform such other duties as may be delegated to them by special order or rule of the court by the appellate division or by the civil practice rules. The respective appellate divisions in the first and second judicial departments from time to time may appoint for each of the counties therein within the city of New York such commissioners as they deem necessary, and, with the approval of the board of estimate and appportionment or the successors of its powers, shall determine the salaries and compensation, which shall in the aggregate not exceed the salaries and compensation of such courts shall be transferred to the supreme court for hearing and determination. The judges of said courts in office on the first day of January, one thousand eight hundred and ninety-six, shall, for the remainder of the terms for which they were respectively elected, be justices of the supreme court, but they shall sit only in the counties in which