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ted 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 explanations 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 for inclusion 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, clearly itemized, it shall show 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 tax action, if any, which the governor may propose for the increase of the revenues. It 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 preceding and end of the ensuing fiscal year; and 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. The procedure for such appearance and inquiries 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 it may add such items as shall be in furtherance of public policy. Such a bill 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 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 finally acted on by both houses. They shall deal with no other appropriations than those 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 contained shall be construed to prevent the governor from recommending to the legislature as part of his proposed bills he passed in advance of the others to supply the immediate needs of government.

ABSTRACT.—This new article makes the following changes: It provides a complete financial program exists in this state, corresponding to everyday business practice. The financial needs of government are met by appropriations passed by the legislature from time to time in different bills which are separately 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 fiscal plan. The governor is to receive the estimates from each department except the legislature and the judiciary. Itemized estimates showing the financial needs of each department for the ensuing year. After public hearings on such estimates, and after revising them, and after consulting but not revising those of the legislature and judiciary, the governor on or before the first of each February shall submit to the legislature all of such estimates, together with proposed appropriation bills to carry into effect the proposed expenditures, as part of a power of 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 such year, and will give particulars as to the state's financial condition for the preceding two fiscal years for purposes of comparison in examining the budget. Provision is made for the governor and heads of departments meeting with the legislature in discussion of the budget and answering inquiries. The legislature may reduce items in the governor's budget bill, but shall not consider certain budget items, and shall not consider special appropriation bills of its own until after the budget has been disposed of. The governor retains his veto power as heretofore as to all appropriation items, except as to those revised and approved by him beforehand as above set forth.

ARTICLE [V.] VI.

[Section 1. The Secretary of State, Comptroller, Treasurer, Attorney-General and State Engineer and Surveyor shall be chosen at a general election, at the times and places of electing the Governor and Lieutenant-Governor, and shall hold their offices for two years, except as provided in section [ ] of this article. Each of the officers in this article named, excepting the Speaker of the Assembly, shall at stated times during his continuance in office receive for his services a compensation which shall not be increased or diminished during the term for which he shall have been elected, nor shall he receive to his use any fees or perquisites of office or other compensation. No person shall be elected secretary of state, comptroller, treasurer, attorney-general or state engineer and surveyor who is not a practical civil engineer.]

ABSTRACT.—The elimination of this section is necessary on account of the reduction in the number of state officers who are to be chosen by election, as provided in new sections 1 and 2 of this article.

[§ 2. The first election of the Secretary of State, Comptroller, Treasurer, Attorney-General and State Engineer and Surveyor pursuant to this article shall be held in the year one thousand eight hundred and ninety-five, and their terms of office shall begin on the first day of January following, and shall be for three years. At the general election in the year one thousand eight hundred and ninety-eight, and every third year thereafter, there shall be chosen for the term of three years.]

ABSTRACT.—The abstract 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 until the end of the term of the Governor by whom he was nominated, and until his successor is appointed and qualified. He shall receive a compensation to be fixed 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 charged with the execution of all laws relating to the repair and navigation of the canals, and also of those relating to the construction and improvement of the canals, construction and improvement of the locks of the prisons. The Superintendent shall have all the powers and perform all the duties not inconsistent herewith, 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, is given supervision of the matters heretofore confided to the superintendent of state prisons under the above eliminated section, and the office of superintendent of state prisons, as a constitutional office, is not continued after the expiration of the term of the present incumbent.

[§ 5. 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 land office. The Lieutenant-Governor, Secretary of State, Comptroller, Treasurer and Attorney-General shall be the commissioners of the canal fund. 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 abstract under new section 8, below.

NOTE.—Matter in italics is new; matter in brackets [ ] is to be omitted.

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[§ 6. 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.

[§ 7. 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 trust. 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 III, 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) public health, (9) agriculture, (10) charities and correction, (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.

(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, excepting that the powers of examination and certification of accounts vested in the department of accounts, he shall have the present powers and duties of the comptroller, subject to the authority of the legislature to increase, modify or diminish the same.

(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 resolution of 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 commission.

(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 election 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 from time to time assigned by law to any other department, 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 commission consisting of three commissioners. 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 the regents of the university.

(15) The department of public utilities shall consist of five public service commissioners who 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 service upon him of a written statement of the alleged cause and an opportunity to be heard thereon.

(16) Until the legislature shall otherwise provide the existing commissions are continued with the jurisdiction and powers at present vested in them.

(16) The department of conservation shall be under the direction of the conservation commission.

(17) The department of civil service shall be under the direction of a civil service commission consisting of three commissioners. They shall be appointed by the governor by and with the advice and consent of the senate. The terms of six years, and shall be so classed that one shall go out of office at the end of every two years. The governor may remove any commissioner for cause after service upon him of a written statement of the alleged cause and an opportunity to be heard thereon. The commission shall take care that the provisions of this constitution relating to civil service and of laws enacted thereunder are faithfully observed and enforced.

Section 3. At the session immediately following the adoption of this constitution, the legislature shall provide by law for the appropriate assignment, to take effect not earlier than 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 functions in the office of the governor and in the several departments in this article provided. Subject to the limitations contained in this constitution the legislature may from time to time assign by law new powers and functions to departments, officers, boards or commissions continued or created under this constitution, and increase, modify or diminish their powers and functions. No new department shall prevent the legislature from conferring additional powers upon such department. No new departments shall be created hereafter. Any bureau, board, commission or office hereafter created except as provided in the office of the governor shall be in one of the departments enumerated in this article. The elective state officers in office at the time this constitution takes effect shall continue in office until the end of the terms for which they were elected. Pending the assignment of civil administrative and executive functions of the legislature pursuant to the direction of this section, the powers and duties of the several departments, boards, commissions and offices now existing are continued, subject to the power of the legislature to reduce the number of offices, abolish the powers and duties of any existing office are assigned to any department, the officers exercising such powers shall continue in office in such department, and their term of office shall not be shortened by such assignment.

Section 4. The heads of all the departments and the members of all boards and 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 or by concurrent resolution of the legislature. In vacancy in the office of attorney-general or of comptroller shall be filled for the remainder of the term of the next general election happening not less than three months after such vacancy occurs. Until the vacancy is filled by election, the governor, if the senate be in session, the governor by and with the advice and consent of the senate, may fill such vacancy by appointment which shall continue until the first day of the political year next succeeding the election at which such office may be filled. The compensation provided by law for such officers shall not be increased or diminished during the term for which he shall have been elected and he shall not receive to his use any fees or perquisites of office or other compensation.

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

Section 7. The lieutenant-governor, speaker of the assembly, secretary of state, attorney-general, comptroller, treasurer and superintendent of public works shall constitute the canal board and as the commissioners of the canal office and the commissioners of the canal fund.

Section 8. This article shall not apply to the military or naval affairs or forces nor to property held from time to time devoted to military or naval 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 elective state officers, however, are 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 which the voter is confronted on election day the article makes the following important changes in existing conditions: Seventeen state departments, no more and no less, are created for 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 subject of different authorities have powers and duties respecting the same subject, with the result that the public is harassed by many inquisitions and regulations, the public funds are wasted by duplication of work and it is impossible to know, in many cases, where 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 case prescribes powers and duties. When the powers and duties of a department are so defined, the legislature may not interfere therewith in its general 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 commissions consult section two of the new article. New section 3 is a substitute for and section 3 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

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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 in any forest preserve county or who is engaged in the business in the production of which lumber, pulpwood or pulp is a material factor or who is used 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 of this article the department of conservation shall be 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, shellfish and crustacea, except migratory fish of the sea within the limits of a marine district. The article continues the present policy 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 only, and the construction of a necessary highway is permitted. The legislature is required to make 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 subject to such jurisdiction in law and equity, and such appellate jurisdiction 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 hereinafter provided. The supreme court shall consist of justices [now] in office on the first day of January, one thousand nine hundred and sixteen, and successors of the three justices transferred to the court of appeals as in this article provided, and of such additional justices who shall reside in and be chosen by the electors of the first judicial district and their successors, together with such additional justices as may be authorized by the legislature pursuant to the provisions of this article. [and of the judges transferred thereto by the first division in this article, all of whom shall continue to be justices of the supreme court during 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 said justices shall be chosen by the electors of their respective judicial districts. The legislature may alter the judicial districts, but every alteration of the boundaries of any judicial district shall take effect only at the end of the term of the justices then in office in the district affected. The legislature may from time to time further provide for the number of justices of the supreme court in any judicial district [and 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 each eighty thousand, or fraction thereof, of the population of the district, 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 each one hundred thousand or fraction over thirty-five thousand of the population 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 office between the 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 exceed 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 until the expiration of the terms for which they were elected justices 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 under the provisions of section 2. The insertion of the "federal census" is occasioned by the possible elimination of the state enumeration under section 5 of article 3. The further changes in section 1 are of a verbal character striking out 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 division of the state into four judicial 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 divisions of the supreme court continued and shall consist [seven] not less than ten or more than twelve justices in the first department, seven justices in the second department and seven justices in each of the other [of] five justices in each of the other departments. The justices heretofore designated shall continue to sit in the appellate divisions with 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, but the presiding justice may preside in either part and so 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. The chief justice of the state to be elected to the judges of the court of appeals and the justices of the appellate divisions of the supreme court, or by such judges or justices of the court of appeals, the supreme court and

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The governor shall designate the presiding justice of each department [thereof], who shall act as such during his term of office [,] and shall be a resident of the department. The other justices shall be designated by the governor from all the justices elected to the supreme court for terms of five years or the unexpired portions of their respective terms thereof not less than five years. From time to time as the terms of [such] the designations expire, or vacancies occur, the governor [shall] shall make new designations. A majority of the justices so designated to sit in the appellate divisions in each department shall be residents of the department. Ten justices shall 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 require the governor shall designate two additional justices to sit therein. [He may also make temporary designations in] In case of the absence or inability to act of [any] a justice of any [in the] appellate division, the presiding justice thereof may request any justice of the supreme court to sit in the appellate division during such absence or inability, but no justice shall be so designated to sit longer than four months in any year. [nor] In case the presiding justice of any appellate division shall certify to [this] 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 its business within a reasonable time, a majority of the presiding justices of the several departments at a meeting called by the presiding justice of the department in which shall have the power so to do, shall direct to the office of the department of state such number of the [any] presiding justices as the meeting shall deem necessary to hear and determine such appeals. The presiding justice shall have the power to assign any justice of the supreme court in the department to sit in the appellate division in such department in place of any of the justices designated by the governor, or in the hearing and decision of motions submitted pursuant to section 6 of this article, 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, it may hear and determine any number, eighteen hundred and ninety-five, 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 of Syracuse,] and such additional jurisdiction as may be conferred by the legislature. On appeals from judgments of conviction in criminal cases, the appellate division may reduce the sentence imposed by the trial court or judge, but may not increase the sentence imposed by the court or judge appealed from. For the purpose of distribution of the judicial business of the department, the justices of the appellate division in each department are given power to fix the times and places for holding, but only at the city where the court of appeals court sat which equity cases only are triable, but also all other terms of the supreme court in that department, and to assign the justices in the departments to hold such terms. The complete provisions referring to 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 eliminated.

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. There shall constitute a quorum, 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 court of general sessions 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 constituted or reorganized pursuant to this article, and by all other inferior courts, except courts held by justices of the peace and courts of magistrates, 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 or restrict the jurisdiction of the appellate term. Appeals to 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. Appeals to the appellate division also may be allowed by the proper appellate division.

ABSTRACT.—This 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 changing from month to month, in the future shall consist of not less than three, nor more than five justices of the supreme court designated by the appellate division, thus giving it greater permanency and affording an opportunity to the members of the court to develop into a more harmonious working body than 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 continues, 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 in certain cases. The appellate division may, by rules, regulate the practice in the case may be, may reduce the sentence imposed by the trial court or judge. For the purpose of better distribution of the judicial business of the department, the justices of the appellate division in each department are given power to fix the times and places for holding, but only at the city where the court of appeals court sat which equity cases only are triable, but also all other terms of the supreme court in that department, and to assign the justices in the departments to hold such terms. The complete provisions referring to 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 eliminated.

Section 4. [Last sentence of former section seven of former article seven.] A violation of any of the provisions of this article or article may be restrained at the suit of the people or of any citizen. Appeals to the appellate division, on notice to the attorney-general at the suit of any citizen.

ABSTRACT.—This article is new, except as to existing section 7 of article 7, which is distributed through the new article as indicated by the text. The Article provides for nine commissioners to serve without compensation and to be appointed for terms to expire in nine 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, shellfish and crustacea, except migratory fish of the sea within the limits of a marine district. The article continues the present policy 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 only, and the construction of a necessary highway is permitted. The legislature is required to make 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 subject to such 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 hereinafter provided. The supreme court shall consist of justices [now] in office on the first day of January, one thousand nine hundred and sixteen, and successors of the three justices transferred to the court of appeals as in this article provided, and of such additional justices who shall reside in and be chosen by the electors of the first judicial district and their successors, together with such additional justices as may be authorized by the legislature pursuant to the provisions of this article. [and of the judges transferred thereto by the first division in this article, all of whom shall continue to be justices of the supreme court during 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 said justices shall be chosen by the electors of their respective judicial districts. The legislature may alter the judicial districts, but every alteration of the boundaries of any judicial district shall take effect only at the end of the term of the justices then in office in the district affected. The legislature may from time to time further provide for the number of justices of the supreme court in any judicial district [and 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 each eighty thousand, or fraction thereof, of the population of the district, 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 each one hundred and fraction over thirty-five thousand of the population 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 office between the 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 exceed 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 until the expiration of the terms for which they were elected justices 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 under the provisions of section 2. The insertion of the "federal census" is occasioned by the possible elimination of the state enumeration under section 5 of article 3. The further changes in section 1 are of a verbal character striking out 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 division of the state into four judicial 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 divisions of the supreme court continued and shall consist [seven] not less than ten or more than twelve justices in the first department, seven justices in the second department and seven justices in each of the other [of] five justices in each of the other departments. The justices heretofore designated shall continue to sit in the appellate divisions with 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, but the presiding justice may preside in either part and so 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. The chief justice of the state to be elected to the supreme court the governor shall designate those who shall constitute the appellate division in each department; and he]

NOTE.—Matter in italics is new; matter in brackets [ ] is to be omitted.

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the county courts as the legislature shall provide.

ABSTRACT.—This section is intended to remedy the existing evils of the civil practice in the courts of the state. It contemplates the adoption by the legislature of a short practice act and a body of practice rules which shall take the place of the practice now regulated by the code of civil procedure. The code at present provides that practice is regulated by rigid statutory rules which encourage controversies over mere 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 matters 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 two 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 state, all private and local statutes of the state as well as those of the general statutes. Its report upon procedure in three volumes, which is prepared to in this section, is now before the legislature and is being examined by a joint committee of the legislature and committees of the two houses of the bar associations of the state. The report will be 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 such successors as may 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 appointments as it may deem necessary to expedite the business of the court. The additional judges heretofore appointed shall continue to serve until the first day 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 reporter, clerk and such other 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 now exercised by it and such additional jurisdiction as may be given it pertaining to 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 determine conflicting claims between claimants, a jurisdiction which it does not now possess.

Section 8. The supreme 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 next ensuing, and 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 said courts now exist; and all actions and proceedings then pending in such courts shall be transferred to the supreme court in the county and judicial district in which such court is located and 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 elected or appointed, be justices of the supreme court in the county of New York, or in the county in which they were elected or appointed to be justices of the supreme court. 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 in the manner 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 local courts to be 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 justice or justices as 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. 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 then 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 county in which any justice may serve. This article in several provisions assumes 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 the compensation to be paid whenever private property is taken for a public use in the judicial department or district for which they shall have been appointed, when such compensation is to be paid by the state, and when designated may be designated to hear and report whenever issues are properly referred for determination or report, and who shall perform such other or further duties as may be devolved upon them by special order or rule of court by the appellate division in accordance with 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 consent of the board of estimate and apportionment of the city of New York, fix their compensation, which shall be uniform in such county and a charge against the city of New York. The legislature may at any time authorize the appointment of supreme court commissioners in the third and fourth judicial departments and in the counties in the second department and within the city of New York. Such commissioners shall be members of the bar of not less than ten years' standing. They shall not practice law during their tenure in any court of this state or of the United States. They shall hold office during the pleasure of the respective appellate divisions by which they shall have been appointed. Supreme court commissioners during their continuance in office shall not hold any other office or public trust.

ABSTRACT.—To remove the courts from the consideration of many property questions, furnish a means of conducting preliminary proceedings for the condemnation of land, where the compensation is not paid by the state, without the expense and delay of the present system, and to provide for the appointing by the competent masters or referees, section eight authorizes the appointment by the respective appellate divisions in the first and second departments, for each of the counties therein within the city of New York, of supreme court commissioners, to such number as they may deem necessary, and with the approval of the board of estimate and apportionment, to fix their compensation, which shall be uniform in each county, and a charge against the city. The legislature is empowered to authorize the appointment of such commissioners in the third and fourth judicial departments and in the counties in the second department not within the city of New York.

Section [7]9. The court of appeals is continued. It shall consist of the chief judge and associate judges now in office, who shall hold their offices until the expiration of their respective terms and their successors, who shall be chosen by the electors of the state [, and of the three justices of the supreme court now serving as associate judges of the court of appeals by designation by the governor, who shall be associate judges of the court of appeals until the expiration of the terms for which they respectively were elected justices of the supreme court, and their successors who shall be chosen by the electors of the state. The official terms of the chief judge and associate judges shall be fourteen years from and including the first day of January next after their election. No more than seven judges shall sit in any case. Five members of the court shall [form] constitute a quorum, and the concurrence of four shall be necessary to a decision. The court shall have power to appoint and remove a reporter, clerk and attendants. In case of the temporary absence or inability to act of any judge of the court of appeals, the court may designate any justice of the supreme court to serve as associate judge of the court of appeals during such absence or inability to act, but for no period not exceeding four months in any year. For the purpose of disposing with reasonable speed of the accumulation of causes now pending in the court of appeals, the court on or before the third day of March, one thousand nine hundred and sixteen, shall designate not less than four nor more than six justices of the supreme court to serve as associate judges of the court of appeals until the causes pending on the calendar shall be reduced to one hundred, but not later than the thirty-first day of December, one thousand nine hundred and seventeen, when they shall return to the supreme court. While serving in the court of appeals, the justices so designated shall be relieved of their duties as justices of the supreme court. During such period the court of appeals shall sit in two parts, each of which shall consist of not more than seven judges, five of whom shall constitute a quorum. The concurrence of four being necessary to a decision. The chief judge shall from time to time designate the associate judges of the court of appeals and the justices of the supreme court serving as associate judges of the court of appeals to sit in the respective parts of the court, in such manner that the justices of the supreme court so designated shall be distributed as equally as may be between the two parts. The chief judge may preside in either part, and he shall designate the judge who shall preside in either part when he is not present. The causes pending in the court of appeals shall be distributed by the chief judge as nearly equally as may be between the two parts of the court. The court of appeals shall cause a calendar of appeals pending therein to be made and published at least once in each calendar month. Whenever on the first day of January in any year after the present amendment shall become effective there shall be less than five causes in the court of appeals shall have been disposed of as above provided, there shall be the number thereof then pending designated upon the calendar, the court shall in the manner above provided designate justices of the supreme court to serve as associate judges of the court of appeals and shall set down such number of causes as shall be distributed between the parts for disposition until the number of causes pending on the calendar shall be reduced to one hundred, but not later

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than until the expiration of one year from the date of such designations, whereupon the justices so designated shall return to the supreme court.

In case of the death, resignation or other disability of any of the justices of the supreme court designated to serve as associate judges of the court of appeals as in this article provided, the court of appeals shall designate a justice of the supreme court to serve in his place in the manner as if originally so designated. The justices of the supreme court while serving as associate judge of the court of appeals as herein provided shall receive from the state the same compensation as the elected associate judges of the court of appeals receive. Upon the termination of the designation such a justice of the supreme court as associate judge of the court of appeals who when so designated was a justice of an appellate division, he shall return to such appellate division unless the term of his designation therein shall have expired and shall not have been renewed. The appellate division may designate other justices of the supreme court to sit in the appellate division during the absence of regularly assigned justices of such division serving as associate judges of the court of appeals, in case the business of the appellate division shall require such action. The court of appeals shall sit in two parts and as often as a majority of the judges of the court of appeals shall certify to the governor that said court is unable, by reason of the accumulation of causes pending therein, to hear and dispose of the same with reasonable speed, the governor shall designate not more than four justices of the supreme court to serve as associate judges of the court of appeals. The justices so designated shall be relieved from their duties as justices of the supreme court and shall serve as associate justices of the supreme court and shall serve until the causes pending in the court of appeals are reduced to two hundred, when they shall return to the supreme court. The governor may designate justices of the supreme court to fill vacancies. No justice sh