CONCURRENT RESOLUTIONS.

THREE*

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is old law to be omitted.

STATE OF NEW YORK,
OFFICE OF THE SECRETARY OF STATE
ALBANY, *July 1*, 1922.

Pursuant to the provisions of section one of article fourteen of the Constitution of the State of New York, and section sixty-eight of the Election Law, notice is hereby given that the following proposed amendment to section one-a of article two of the Constitution of the State of New York is referred to the legislature to be chosen at the next general election of Senators in this State to be held on the seventh day of November, nineteen hundred twenty-two.

JOHN J. LYONS,
Secretary of State.

*Amendments number one and two will be submitted to the voters NOV. 7, 1922.

AMENDMENT NUMBER THREE

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY PROPOSING AN AMENDMENT TO SECTION ONE-A OF ARTICLE TWO OF THE CONSTITUTION, IN RELATION TO ABSENT VOTERS.

Section 1. Resolved (if the Senate concur), That section one-a of article two of the constitution be amended to read as follows:

§ 1-a. The legislature may, by general law, provide a manner in which, and the time and place at which, qualified voters who may, on the occurrence of any general election be unavoidably absent from the state or county of their residence because *they are inmates of a soldiers' and sailors' home, or* because their duties, occupation or business require them to be elsewhere within the United States may vote, and for the return and canvass of their votes in the election district in which they respectively reside.

§ 2. Resolved (if the Senate concur), That the foregoing amendment be entitled and the legislature to be chosen at the next general election of senators, and in conformity with section one of article fourteen of the constitution be published for three months previous to the time of such election.

STATE OF NEW YORK,
IN SENATE,
April 13, 1921.

The foregoing resolution was duly passed, a majority of all the Senators elected voting in favor thereof.

By order of the Senate,
JEREMIAH WOOD,
President.

STATE OF NEW YORK,
IN ASSEMBLY,
April 15, 1921.

The foregoing resolution was duly passed, a majority of all the Assembly elected to the Assembly voting in favor thereof.

By order of the Assembly,
H. E. MACHOLD,
Speaker.

STATE OF NEW YORK,
IN SENATE,
Mar. 17, 1922.

This bill was duly passed, a majority of all the Senators elected voting in favor thereof, three-fifths being present.

By order of the Senate,
JEREMIAH WOOD,
President.

STATE OF NEW YORK,
OFFICE OF THE SECRETARY OF STATE, } *ss.:*

I hereby certify that this act was filed in the office of the Secretary of State, on the 20th day of March, 1922.

JOHN J. LYONS,
Secretary of State.

FOUR

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is old law to be omitted.

STATE OF NEW YORK,
OFFICE OF THE SECRETARY OF STATE
ALBANY, *July 1*, 1922.

Pursuant to the provisions of section one of article fourteen of the Constitution of the State of New York, and section sixty-eight of the Election Law, notice is hereby given that the following proposed amendment to section nine of article four of the Constitution of the State of New York is referred to the legislature to be chosen at the next general election of Senators in this State to be held on the seventh day of November, nineteen hundred twenty-two.

JOHN J. LYONS,
Secretary of State.

AMENDMENT NUMBER FOUR

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY PROPOSING AN AMENDMENT TO SECTION NINE OF ARTICLE FOUR OF THE CONSTITUTION, IN RELATION TO THE POWERS OF THE GOVERNOR WITH RESPECT TO SPECIAL, PRIVATE OR LOCAL BILLS.

Section 1. Resolved (if the Assembly concur), That section nine of article four of the constitution be amended to read as follows:

§ 9. Every bill which shall have passed the senate and assembly shall, before it becomes a law, be presented to the governor; if he approve, he shall sign it; but if not, he shall return it with his objections to the house in which it shall have originated, which shall enter the objections at large on the journal, and proceed to reconsider it. If after such reconsideration, two-thirds of the members elected to that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by two-thirds of the members elected to that house, it shall become a law notwithstanding the objections of the governor. In all such cases the votes in both houses shall be determined by yeas and nays, and the names of the members voting shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature shall, by their adjournment, prevent its return, in which case it shall not become a law without the approval of the governor. *No private or local bill, and no special city bill as defined in section two of article twelve, shall become a law after the final adjournment of the legislature unless approved by the governor within forty days after such adjournment.* No other bill shall become a law after the final adjournment of the legislature, unless approved by the governor within thirty days after the end of the session. If any bill presented to the governor contains several items of appropriation of money, he may object to one or more of such items while approving of the other portion of the bill. In such case, he shall append to the bill, at the time of signing it, a statement of the items to which he objects; and the appropriation so objected to shall not take effect. If the legislature be in session, he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separately reconsidered. If on reconsideration one or more of such items be approved by two-thirds of the members elected to each house, the same shall be part of the law, notwithstanding the objections of the governor. All the provisions of this section, in relation to bills not approved by the governor, shall apply in cases in which he shall withhold his approval from any bill or from items contained in a bill appropriating money.

§ 2. Resolved (if the Assembly concur), That the foregoing amendment be referred to the legislature to be chosen at the next general election of senators, and in conformity with section one of article fourteen of the constitution be published for three months previous to the time of such election.

STATE OF NEW YORK,
IN SENATE,
April 13, 1921.

The foregoing resolution was duly passed, a majority of all the Senators elected voting in favor thereof.

By order of the Senate,
JEREMIAH WOOD,
President.

STATE OF NEW YORK,
IN ASSEMBLY,
April 15, 1921.

The foregoing resolution was duly passed, a majority of all the Assembly elected to the Assembly voting in favor thereof.

By order of the Assembly,
H. E. MACHOLD,
Speaker.

STATE OF NEW YORK,
IN SENATE,
Mar. 17, 1922.

This bill was duly passed, a majority of all the Senators elected voting in favor thereof, three-fifths being present.

By order of the Senate,
JEREMIAH WOOD,
President.

STATE OF NEW YORK,
OFFICE OF THE SECRETARY OF STATE, } *ss.:*

I hereby certify that this act was filed in the office of the Secretary of State, on the 20th day of March, 1922.

JOHN J. LYONS,
Secretary of State.

FIVE

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is old law to be omitted.

STATE OF NEW YORK,
OFFICE OF THE SECRETARY OF STATE
ALBANY, *July 1*, 1922.

Pursuant to the provisions of section one of article fourteen of the Constitution of the State of New York, and section sixty-eight of the Election Law, notice is hereby given that the following proposed amendment to section one of article four of the Constitution of the State of New York is referred to the legislature to be chosen at the next general election of Senators in this State to be held on the seventh day of November, nineteen hundred twenty-two.

JOHN J. LYONS,
Secretary of State.

AMENDMENT NUMBER FIVE

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY PROPOSING AN AMENDMENT TO ARTICLE FIVE OF THE CONSTITUTION, IN RELATION TO THE OFFICES OF STATE ENGINEER AND SURVEYOR AND SUPERINTENDENT OF PUBLIC WORKS.

Section 1. Resolved (if the Assembly concur), That article five of the constitution be amended by inserting therein a new section to be section two, to read as follows:

§ 2-a. The legislature may abolish the office of state engineer and surveyor to take effect upon the expiration of the term of the then incumbent. The legislature may also abolish the office of superintendent of public works and assistant superintendent of public works to take effect at a time prescribed by the legislature. If either of such offices be so abolished, the legislature may vest the powers, duties by the same or different name, the statutory powers and duties of the officer whose office shall be thus abolished, in the remaining officer or officers, the legislature shall designate a state officer, or shall provide for the appointment or designation by the governor of a state officer, to serve as commissioner of the land office or as member of the canal board, in place of the officer whose office shall be so abolished.

§ 2. Resolved, (if the Assembly concur), That the foregoing amendment be referred to the legislature to be chosen at the next general election of senators, and in conformity with section one of article fourteen of the constitution be published for three months previous to the time of such election.

STATE OF NEW YORK,
IN SENATE,

The foregoing resolution was duly passed, a majority of all the Senators elected voting in favor thereof.

By order of the Senate,
JEREMIAH WOOD,
President.

STATE OF NEW YORK,
IN ASSEMBLY,

The foregoing resolution was duly passed, a majority of all the Assembly elected voting in favor thereof.

By order of the Assembly,
H. E. MACHOLD,
Speaker.

STATE OF NEW YORK,
OFFICE OF THE SECRETARY OF STATE, } *ss.:*

I hereby certify that this act was filed in the office of the Secretary of State, on the 19th day of April, 1921.

JOHN J. LYONS,
Secretary of State.

SIX

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is old law to be omitted.

STATE OF NEW YORK,
OFFICE OF THE SECRETARY OF STATE
ALBANY, *July 1*, 1922.

Pursuant to the provisions of section one of article fourteen of the Constitution of the State of New York, and section sixty-eight of the Election Law, notice is hereby given that the following proposed amendment to section nine of article four of the Constitution of the State of New York is referred to the legislature to be chosen at the next general election of Senators in this State to be held on the seventh day of November, nineteen hundred twenty-two.

JOHN J. LYONS,
Secretary of State.

AMENDMENT NUMBER SIX

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY PROPOSING AN AMENDMENT RELATIVE TO SUPREME COURT JUSTICES OF THE SECOND JUDICIAL DEPARTMENT.

Section 1. Resolved (if the Assembly concur), That the following proposed amendment to section six of the constitution be submitted to the people for their approval at the general election to be held in the year nineteen hundred twenty-two:

ARTICLE VI.

Section 1. The judicial power of the state shall be vested in the courts which are in this article expressly continued and established and in such other inferior local courts as now or hereafter may exist under authority by virtue of the provisions of this article.

[Section 1.] The legislative power of the state is vested in the Senate and Assembly (article III, section one); the executive power in the governor (article IV, section one). This section for the first time, specifically vests the judicial power.]

SECTION [1] 2. The supreme court is continued in existence as a court of law and equity, subject to such appellate jurisdiction of the court of appeals as now is or *hereafter* may be prescribed by law, and 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 the justices now in office and such additional justices as may *from time to time be necessary, together with such additional justices as may be authorized by the* [law, and of the judges transferred thereto by the first general election after this article shall take effect, and of twelve additional judges to be elected at such election, and of their successors.] The successors of said justices shall be chosen by the electors of their respective districts. The legislature may alter the judicial districts once every *federal* census *or state* enumeration, *such districts shall be bounded by county lines* [under the constitution of the state as now existing] as the same and thereupon re-apportion the justices to be thereafter elected in the district so altered.

The legislature may from time to time increase the number of justices in any judicial district, except that the number of justices in the first and second districts [or any of such districts into which the second district may be divided,] shall not be increased to exceed one justice for each eighty thousand, or fraction over forty thousand, of the population] thereof, as shown by the last [state, or] federal census or state enumeration. The number of justices in any other district shall not be increased to exceed one justice for each [eighty thousand, or fraction over thirty-five thousand, of the population as shown by the last [state or] federal census *or state enumeration. Any justice of the supreme court, except as otherwise provided in this article, may hold court in any county.* [The legislature may elect one of the justices of the supreme court in each district to be the presiding justice thereof, and to assign the justices in the department to such terms of court as to make rules thereof. *Including the assignment of justices to hold any extraordinary term appointed by the governor, provided, however, that, if the appointing officer does not make such assignment the governor may assign any justice of the supreme court to hold such extraordinary term.*

No justice of the appellate division shall, within the department to which he may be designated to perform the duties of the appellate justice, exercise any of the powers of a justice of the supreme court, other than those of a justice of the appellate division, nor shall he, unless specially assigned by the governor, exercise any of the powers of a justice of the supreme court in any department of the state.

[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 boundaries of the judicial districts,* but without increasing the number thereof, *and each department shall be bounded by the lines of judicial districts.* [There shall be an] The appellate divisions of the supreme court *are continued, and shall* consist[ing] of seven justices of the supreme court in each of the first and second departments, and [of] five justices in each of the other departments. In each *appellate division* [department] four *justices* 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. [For all the justices elected to the supreme court the governor shall designate those who shall constitute the appellate division in each department; and he]

The governor shall designate the presiding justice of *each appellate division* [thereof], who shall act as such during his term of office[,] and shall be a resident of the department. The other justices *of the appellate divisions* 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 of office, if less than five years. *The justices heretofore designated shall continue to sit in the appellate divisions until the terms of their respective designations shall expire.* From time to time, as the terms of [such] designations expire, or vacancies occur, *the governor* [he] shall make new designations. [A majority of the justices *hereof* of the supreme court in each appellate division, of each department shall be residents of the department.] He may also, on request of any *appellate division,* designate *additional justices;* but *when the need for such additional justice or justices shall no longer exist, the appellate division shall* forthwith *notify the governor, and thereupon service under such designation or designations shall cease. A majority of the justices designated to sit in any appellate division shall at all times be residents of the department.*

Whenever the appellate division in any department shall be unable to dispose of its business within a reasonable time, a majority of the presiding justice of the several departments, as certified by the presiding justice of the department in arrears, may transfer any pending appeals from such department to any other department for hearing and determination.

The several appellate divisions, except as hereinafter provided, shall have power to appoint such original or appellate jurisdiction as to now or may hereafter be prescribed by law. Each appellate division shall have power to appoint and remove its clerk and attendants.

No justice of the appellate division shall, within the department designated by the governor to perform the duties of an appellate justice, 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 by counsel, but any such justice, when not actually engaged in performing the duties of such appellate justice to the department designated, may hold any term of the supreme court, 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.

After the last day of December, eighteen hundred and eighty-nine, 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, and such additional jurisdiction as may be conferred by the legislature. It shall have power to appoint and remove a reporter.] The [justices of the] appellate division in each department shall have power to fix the times and [places for holding special] all terms of *the supreme court* held in such department, and to assign the justices in the department to such terms[, or to make rules thereof]. *Including the assignment of justices to hold any extraordinary term appointed by the governor, provided, however, that, if the appointing officer does not make such assignment the governor may assign any justice of the supreme court to hold such extraordinary term.*

No justice of the appellate division shall, within the department to which he may be designated to perform the duties of the appellate justice, exercise any of the powers of a justice of the supreme court, other than those of a justice of the appellate division, nor shall he, unless specially assigned by the governor, exercise any of the powers of a justice of the supreme court in any department of the state.

[The appellate division shall consist of the chief judge and seven associate judges, but without increasing the number thereof, *and each department shall be bounded by the lines of judicial districts.* [There shall be an] The appellate divisions of the supreme court *are continued, and shall* consist[ing] of seven justices of the supreme court in each of the first and second departments, and [of] five justices in each of the other departments. In each *appellate division* [department] four *justices* 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. [For all the justices elected to the supreme court the governor shall designate those who shall constitute the appellate division in each department; and he]

The governor shall designate the presiding justice of *each appellate division* [thereof], who shall act as such during his term of office[,] and shall be a resident of the department. The other justices *of the appellate divisions* 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 of office, if less than five years. *The justices heretofore designated shall continue to sit in the appellate divisions until the terms of their respective designations shall expire.* From time to time, as the terms of [such] designations expire, or vacancies occur, *the governor* [he] shall make new designations. [A majority of the justices *hereof* of the supreme court in each appellate division, of each department shall be residents of the department.] He may also, on request of any *appellate division,* designate *additional justices;* but *when the need for such additional justice or justices shall no longer exist, the appellate division shall* forthwith *notify the governor, and thereupon service under such designation or designations shall cease. A majority of the justices designated to sit in any appellate division shall at all times be residents of the department.*

Whenever the appellate division in any department shall be unable to dispose of its business within a reasonable time, a majority of the presiding justice of the several departments, as certified by the presiding justice of the department in arrears, may transfer any pending appeals from such department to any other department for hearing and determination.

The several appellate divisions, except as hereinafter provided, shall have power to appoint such original or appellate jurisdiction as to now or may hereafter be prescribed by law. Each appellate division shall have power to appoint and remove its clerk and attendants.

No justice of the appellate division shall, within the department designated by the governor to perform the duties of an appellate justice, 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 by counsel, but any such justice, when not actually engaged in performing the duties of such appellate justice to the department designated, may hold any term of the supreme court, 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.

After the last day of December, eighteen hundred and eighty-nine, 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, and such additional jurisdiction as may be conferred by the legislature. It shall have power to appoint and remove a reporter.] The [justices of the] appellate division in each department shall have power to fix the times and [places for holding special] all terms of *the supreme court* held in such department, and to assign the justices in the department to such terms[, or to make rules thereof]. *Including the assignment of justices to hold any extraordinary term appointed by the governor, provided, however, that, if the appointing officer does not make such assignment the governor may assign any justice of the supreme court to hold such extraordinary term.*

No justice of the appellate division shall, within the department to which he may be designated to perform the duties of the appellate justice, exercise any of the powers of a justice of the supreme court, other than those of a justice of the appellate division, nor shall he, unless specially assigned by the governor, exercise any of the powers of a justice of the supreme court in any department of the state.

[The Legislature may further restrict the jurisdiction of the Court of Appeals, and the right of appeal thereto, but the right to appeal shall not depend upon the amount involved.]

[The provisions of this section shall not apply to orders made or judgments rendered by any General Term before the first day of January, one thousand eight hundred and ninety-two, but appeals therefrom may be taken under existing laws.]

Appeals may be taken to the court of appeals in the classes of cases enumerated in this section.

SEC. [2] 3. [The Legislature shall divide the counties of the state into four judicial departments as constituted and existing by law.] [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 boundaries of the judicial departments, but without increasing the number thereof, *and each department shall be bounded by the lines of judicial districts.* [There shall be an] The appellate divisions of the supreme court *are continued, and shall* consist[ing] of seven justices of the supreme court in each of the first and second departments, and [of] five justices in each of the other departments. In each *appellate division* [department] four *justices* 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. [For all the justices elected to the supreme court the governor shall designate those who shall constitute the appellate division in each department; and he]

The governor shall designate the presiding justice of *each appellate division* [thereof], who shall act as such during his term of office[,] and shall be a resident of the department. The other justices *of the appellate divisions* 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 of office, if less than five years. *The justices heretofore designated shall continue to sit in the appellate divisions until the terms of their respective designations shall expire.* From time to time, as the terms of [such] designations expire, or vacancies occur, *the governor* [he] shall make new designations. [A majority of the justices *hereof* of the supreme court in each appellate division, of each department shall be residents of the department.] He may also, on request of any *appellate division,* designate *additional justices;* but *when the need for such additional justice or justices shall no longer exist, the appellate division shall* forthwith *notify the governor, and thereupon service under such designation or designations shall cease. A majority of the justices designated to sit in any appellate division shall at all times be residents of the department.*

Whenever the appellate division in any department shall be unable to dispose of its business within a reasonable time, a majority of the presiding justice of the several departments, as certified by the presiding justice of the department in arrears, may transfer any pending appeals from such department to any other department for hearing and determination.

The several appellate divisions, except as hereinafter provided, shall have power to appoint such original or appellate jurisdiction as to now or may hereafter be prescribed by law. Each appellate division shall have power to appoint and remove its clerk and attendants.

No justice of the appellate division shall, within the department designated by the governor to perform the duties of an appellate justice, 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 by counsel, but any such justice, when not actually engaged in performing the duties of such appellate justice to the department designated, may hold any term of the supreme court, 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.

After the last day of December, eighteen hundred and eighty-nine, 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, and such additional jurisdiction as may be conferred by the legislature. It shall have power to appoint and remove a reporter.] The [justices of the] appellate division in each department shall have power to fix the times and [places for holding special] all terms of *the supreme court* held in such department, and to assign the justices in the department to such terms[, or to make rules thereof]. *Including the assignment of justices to hold any extraordinary term appointed by the governor, provided, however, that, if the appointing officer does not make such assignment the governor may assign any justice of the supreme court to hold such extraordinary term.*

No justice of the appellate division shall, within the department to which he may be designated to perform the duties of the appellate justice, exercise any of the powers of a justice of the supreme court, other than those of a justice of the appellate division, nor shall he, unless specially assigned by the governor, exercise any of the powers of a justice of the supreme court in any department of the state.

[The appellate division shall consist of the chief judge and seven associate judges