CONCURRENT RESOLUTIONS.

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY PROPOSING AN AMENDMENT TO ARTICLE FOUR OF THE CONSTITUTION, IN RELATION TO THE TIME AND PLACE AT WHICH, QUALIFIED VOTERS WHO ARE ABSENT FROM 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 FIX THE RETURN AND CANVASS OF THEIR VOTES IN THE ELECTION DISTRICT IN WHICH THEY RESPECTIVELY RESIDE.

Section 1. Resolved (if the Senate concur), That the following 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 ASSEMBLY,
Feb. 27, 1922.

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

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, } ss.:
OFFICE OF THE SECRETARY OF STATE, }

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 article five 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 and twenty-two.

JOHN J. LYONS,
Secretary of State.

AMENDMENT NUMBER FOUR

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

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 become 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 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 unless signed by 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 such adjournment. 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 item or 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 members elected to the Assembly voting in favor thereof.

By order of the Assembly,

H. E. MACHOLD,
Speaker.

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

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.

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 article five 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 and twenty-two.

JOHN J. LYONS,
Secretary of State.

AMENDMENT NUMBER FIVE

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY PROPOSING AN AMENDMENT TO SECTION NINE OF ARTICLE FOUR OF THE CONSTITUTION, IN RELATION TO THE APPOINTMENT OF THE SUPERINTENDENT OF PUBLIC WORKS.

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 become 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 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 unless signed by 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 such adjournment. 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 item or 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 members elected to the Assembly voting in favor thereof.

By order of the Assembly,

H. E. MACHOLD,
Speaker.

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

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.

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 article three 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 and twenty-two.

JOHN J. LYONS,
Secretary of State.

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 are absent on the occurrence of any general election by unavoidable 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 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 members elected to the Assembly voting in favor thereof, three-fifths being present.

By order of the Assembly,

H. E. MACHOLD,
Speaker.

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

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 and 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 APPOINTMENT OF THE 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. 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 as prescribed by the legislature. If either of such offices be abolished, the legislature may vest in another officer, by the same or different name, the statutory powers and duties of the officer whose office shall be thus abolished, subject to modification of such powers and duties by the legislature. If the office of state engineer and surveyor or the office of superintendent of public works be abolished, 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 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,
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 members elected to the Assembly voting in favor thereof, three-fifths being present.

By order of the Assembly,

H. E. MACHOLD,
Speaker.

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

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.

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 article five 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 and 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 APPOINTMENT OF THE 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. 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 as prescribed by the legislature. If either of such offices be abolished, the legislature may vest in another officer, by the same or different name, the statutory powers and duties of the officer whose office shall be thus abolished, subject to modification of such powers and duties by the legislature. If the office of state engineer and surveyor or the office of superintendent of public works be abolished, 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 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,
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 members elected to the Assembly voting in favor thereof, three-fifths being present.

By order of the Assembly,

H. E. MACHOLD,
Speaker.

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

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 article six 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 AMENDMENTS GENERALLY TO ARTICLE SIX OF THE CONSTITUTION.

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

ARTICLE VI.

Section 1. The judicial power of the state shall be vested in the courts which are in this article severally continued and established and in such inferior local courts as may, from time to time, be created under and by virtue of the provisions of this article.

[NOTE.—New. 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 with general jurisdiction in law and equity, subject to such appellate jurisdiction of the court of appeals as is or *hereafter* 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 the justices now in office and *their successors, together with such additional justices as may be authorized by* law. The judges of the county courts, referred to in the fifth section of this article, shall not hereafter 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 remaining 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 comprising *existing federal* courts or state enumeration, *each district being bounded by county lines* [under the constitution, of the inhabitants of the state] 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 judicial 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, and except that the number of justices in any judicial district shall not be increased to exceed one justice for each sixty thousand, or fraction over thirty-five thousand, of the population thereof as shown by the last [state or] federal census or *state* enumeration. *Any justice of the supreme court, except as otherwise provided by law, or any judge may perform the duties of his office or hold court in any county.* [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.]

[NOTE.—Present section one amended. Second last sentence is from present section six, present [6].] The legislature shall divide the state into four judicial departments *as constituted as now constituted by law.* [The first department shall consist of the county of New York; the second department of the first county three, 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 lines* from *law 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. [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]

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 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 therefore 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 designated to sit in the appellate division, in each department shall be residents of the department.] He may also, on request of any appellate division, designate a justice of the supreme court to act in place of a justice in [the] *such* appellate division, *for service only during such absence or inability to act.* [If, at any time, the justices presiding justice of] any appellate division shall certify to [him] *the governor* that one or more additional justices are needed for the due and speedy disposition of the business before it, *the governor* shall designate *as additional justice or additional justices* [for such purpose a sufficient number of justices of the supreme court. Such additional justices shall no longer exist, *the appellate division shall so certify to the governor, and such additional 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 with reasonable dispatch, the trustees of the presiding justices of the several departments, at a meeting called 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 and exercise such original or appellate jurisdiction as is 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 sit in the department to which he may be designated to perform the duties of an appellate justice, exercise any of the powers of a justice of the court, other than those of a justice of such appellate division, or to hear or decide any cause submitted by consent of counsel, but any such justice, when not actually engaged in performing the duties of such appellate division, 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 in any court in any other department of the state. From and after the last day of December, eighteen hundred and ninety-five the jurisdiction now exercised by the supreme court at its general terms and by the general terms of the court of common pleas of 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 Brooklyn, and such additional jurisdiction as may be conferred by the legislature. It shall have power to appoint and remove reporters. The [justices of the] appellate divisions of each department shall have power to fix the times and places for holding [special] all terms of *the supreme court* held therein, to appoint the *presiding justice and* to assign the justices in the departments to hold such terms[; or to make rules therefor]. *actually in any department, and to hold any extraordinary term appointed by the governor provided, however, that, if the appellate division be not then in session, the governor may designate any justice of the supreme court to hold such extraordinary term.*

No justice of the appellate division shall exercise the jurisdiction of which he may be designated to perform the duties of an appellate justice, exercise any of the powers of justice of the supreme court, and those pertaining to the appellate division; but any such justice, when not actually engaged in performing the duties of an appellate justice to 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 of the judicial district in any other department of the state.

NOTE.—Present section two amended. The division of the state into four judicial departments is continued as now constituted by law. [The first department shall consist of the county of New York; the second department of the first county three, 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 lines* from *law 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. [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]

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 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 therefore 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 designated to sit in the appellate division, in each department shall be residents of the department.] He may also, on request of any appellate division, designate a justice of the supreme court to act in place of a justice in [the] *such* appellate division, *for service only during such absence or inability to act.* [If, at any time, the justices presiding justice of] any appellate division shall certify to [him] *the governor* that one or more additional justices are needed for the due and speedy disposition of the business before it, *the governor* shall designate *as additional justice or additional justices* [for such purpose a sufficient number of justices of the supreme court. Such additional justices shall no longer exist, *the appellate division shall so certify to the governor, and such additional 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 with reasonable dispatch, the trustees of the presiding justices of the several departments, at a meeting called 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 and exercise such original or appellate jurisdiction as is 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 sit in the department to which he may be designated to perform the duties of an appellate justice, exercise any of the powers of a justice of the court, other than those of a justice of such appellate division, or to hear or decide any cause submitted by consent of counsel, but any such justice, when not actually engaged in performing the duties of such appellate division, 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 in any court in any other department of the state. From and after the last day of December, eighteen hundred and ninety-five the jurisdiction now exercised by the supreme court at its general terms and by the general terms of the court of common pleas of 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 Brooklyn, and such additional jurisdiction as may be conferred by the legislature. It shall have power to appoint and remove reporters. The [justices of the] appellate divisions of each department shall have power to fix the times and places for holding [special] all terms of *the supreme court* held therein, to appoint the *presiding justice and* to assign the justices in the departments to hold such terms[; or to make rules therefor]. *actually in any department, and to hold any extraordinary term appointed by the governor provided, however, that, if the appellate division be not then in session, the governor may designate any justice of the supreme court to hold such extraordinary term.*

No justice of the appellate division shall exercise the jurisdiction of which he may be designated to perform the duties of an appellate justice, exercise any of the powers of justice of the supreme court, and those pertaining to the appellate division; but any such justice, when not actually engaged in performing the duties of an appellate justice to 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 of the judicial district in any other department of the state.

NOTE.—Present section two amended. The appellate terms are abolished from and after the expiration of the terms of office of the justices now in office. The justices of the supreme court in the first department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the second department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the second department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the third department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the fourth department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the fifth department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the sixth department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the seventh department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the eighth department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the ninth department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the tenth department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the eleventh department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the twelfth department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the thirteenth department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the fourteenth department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the fifteenth department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the sixteenth department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the seventeenth department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the eighteenth department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the nineteenth department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the twentieth department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the twenty-first department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the twenty-second department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the twenty-third department shall continue to hold the terms of court now held by them, 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terms of court now held by them, and the justices of the supreme court in the thirty-second department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the thirty-third department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the thirty-fourth department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the thirty-fifth department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the thirty-sixth department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the thirty-seventh department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the thirty-eighth department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the thirty-ninth department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the fortieth department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the forty-first department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the forty-second department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the forty-third department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the forty-fourth department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the forty-fifth department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the forty-sixth department shall continue to hold the terms of court now held by them, and the justices of the supreme 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hundred and first department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the one hundred and second department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the one hundred and third department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the one hundred and fourth department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the one hundred and fifth department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the one hundred and sixth department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the one hundred and seventh department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the one hundred and eighth department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the one hundred and ninth department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the one hundred and tenth department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the one hundred and eleventh department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the one hundred and twelfth department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the one hundred and thirteenth department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the one hundred and fourteenth department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the one hundred and fifteenth department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the one hundred and sixteenth department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the one hundred and seventeenth department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the one hundred and eighteenth department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the one hundred and nineteenth department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the one hundred and twentieth department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the one hundred and twenty-first department shall continue to hold the terms of court now held by them, and the justices of the supreme court in the one hundred and twenty-second department shall 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