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

STATE OF NEW YORK
DEPARTMENT OF STATE
ALBANY, July 16, 1934.

PURSUANT to the provisions of section ten of article fourteen of the Constitution of the State of New York, and section sixty-eight of the Election Law, I hereby give that the following proposed amendments numbers one to seven inclusive to 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 sixth day of November, nineteen hundred thirty-four.

EDWARD J. FLYNN,
Secretary of State.

PROPOSED AMENDMENT NUMBER ONE

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

PROPOSING AN AMENDMENT TO SECTION TWO OF ARTICLE ONE OF THE CONSTITUTION, IN RELATION TO NON-UNANIMOUS JURY VERDICTS IN CIVIL CASES.

Section 1. Resolved, That section two article one of the constitution be amended to read as follows:

§ 2. The trial by jury in all cases in which it has been heretofore used shall remain inviolate forever; but a jury trial may be waived by the parties in all civil cases in the manner to be prescribed by *law; the legislature may provide, however, by law, that a verdict may be rendered by not less than five-sixths of the jurymen constituting a jury in any civil case.*

PROPOSED AMENDMENT NUMBER TWO

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

PROPOSING AN AMENDMENT TO SECTION NINE OF ARTICLE ONE OF THE CONSTITUTION, IN RELATION TO ADMITTING THE LEGISLATURE TO PRESCRIBE CERTAIN ADDITIONAL REPRESENTATIVES IN STATE

Section 1. Resolved, That section nine of article one of the constitution be amended to read as follows:

§ 9. No law shall be passed abridging the right of the people peaceably to assemble and to petition the government, or any department thereof; nor shall any divorce be granted otherwise than by judicial proceedings; nor shall any lottery or the sale of lottery tickets, policy selling, book-making, or any other kind of gambling, except pari-mutuel *betting on horse races as may be prescribed by the legislature, and from which the state shall derive a reasonable revenue to the support of government shall* hereafter be authorized or shall be allowed within this state; the legislature shall pass appropriate laws to prevent offenses against the preceding clauses of this section.

PROPOSED AMENDMENT NUMBER THREE

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

PROPOSING AN AMENDMENT TO SECTION SEVEN OF ARTICLE SIX OF THE CONSTITUTION, IN RELATION TO APPEALS TO THE COURT OF APPEALS FROM QUASI-JUDICIAL DECISIONS OF LAW

Section 1. Resolved, That section seven of article six of the constitution be amended to read as follows:

§ 7. The jurisdiction of the court of appeals, except where the judgment is of death, or where the appeal is taken from a reversing or modifying a final judgment in an action or a final order in a special proceeding, makes new findings of fact and renders a judgment or final order thereon, shall be limited to the review of questions of law, but the right to appeal shall not depend upon the amount involved.

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

In criminal cases, directly from a court of original jurisdiction where the judgment is of death, and in other criminal cases from an appellate division, upon a unanimous or the legislature may from time to time ordain.

In civil cases and proceedings on following:

(1) An order, from a judgment or order entered upon the decision of an appellate division of the supreme court which finally determines an action or special proceeding but which is not appealable under subdivision one of this section, where the appellate division shall certify that in its opinion a question of law is involved which ought to be reviewed by the court of appeals, or where, in case of refusal so to certify, an appeal is allowed by the court of appeals. Such an appeal shall be allowed when so allowed in the interest of substantial justice. The legislature may further restrict the jurisdiction of the court of appeals and the right of appeal thereto. No appeal shall be taken to said court of appeals from a final judgment or order of the appellate division in any civil case or proceeding originally commenced in any court other than the supreme court, a county court, a surrogate's court, or a court of claims or board of audit unless the appellate division of the supreme court shall certify that in its opinion a question of law is involved which ought to be reviewed by the court of appeals.

(2) The legislature may provide for appeal direct to the court of appeals upon questions of law from the special term or trial term of the supreme court, the county court, or the surrogate's court, and may further specify the circumstances and conditions under which such appeal shall be permitted.

PROPOSED AMENDMENT NUMBER FOUR

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

PROPOSING AN AMENDMENT TO SECTION NINE OF ARTICLE SEVEN OF THE CONSTITUTION, IN RELATION TO THE IMPORTING OF TOLLS ON PERSONS AND PROPERTY TRANSPORTED ON THE CANALS OF THIS STATE.

Section 1. Resolved, That section nine of article seven of the constitution be amended to read as follows:

§ 9. [No tolls shall hereafter be imposed on persons or property transported on the canals, but all] *All* boats navigating the canals and the owners and masters thereof[,] shall be subject to such laws and regulations as have been or may hereafter be enacted concerning the navigation of the canals by the legislature shall annual[ly, by equitable taxes,] make provision for the expenses of the superintendence and repairs of the canals. All contracts for work or materials on any canal shall be made with the persons who shall offer to do or provide the same at the lowest price, with adequate security for their performance. No extra compensation shall be made to any contractor; but if, from any unforeseen cause, the terms of any contract shall prove to be unjust and oppressive, the canal board may, upon the application of the contractor, cancel such contract.

PROPOSED AMENDMENT NUMBER FIVE

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

PROPOSING AN AMENDMENT TO THE CONSTITUTION BY REPEALING SECTION SEVEN OF ARTICLE EIGHT THEREOF, RELATING TO THE LIABILITY OF STOCKHOLDERS OF BANKS

Section 1. Resolved, That the constitution be amended by repealing section seven of article eight thereof.

PROPOSED AMENDMENT NUMBER SIX

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

PROPOSING AN AMENDMENT TO SECTIONS TEN AND TEN-A OF ARTICLE EIGHT OF THE CONSTITUTION, IN RELATION TO THE LIMITATION OF INDEBTEDNESS OF CITIES

Section 1. Resolved, That sections ten and ten-a of article eight of the constitution be amended to read, respectively, as follows:

§ 10. No county, city, town or village shall hereafter give any money or property, or loan its money or credit to or in aid of any individual, association or corporation, or become directly or indirectly the owner of stock in, or bonds of, any association or corporation; nor shall any such county, city, town or village be allowed to incur any indebtedness except for county, city, town or village purposes. This section shall not prevent any county, city, town or village from making such provision for the aid or support of its poor as may be authorized by law. No county, city or town shall be allowed to become indebted for any purpose or in any manner to an amount, which including existing indebtedness, shall exceed ten per centum of the assessed valuation of the real estate of such county or city subject to taxation, nor in an amount which shall with any other amount until such indebtedness shall be reduced within such limit. This section shall not be construed to prevent the issuing of certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes for amounts actually contained or to be contained in the taxes for the year when such certificates or revenue bonds are issued and payable out of such taxes; nor to prevent [the] any city of New York from issuing bonds or *other obligations* to be redeemed out of the tax levy for the year next succeeding the year of their issue, provided that the amount of such bonds or *other obligations* which may be issued shall not exceed in excess of the limitations herein contained shall not exceed one-tenth of one per centum of the assessed valuation of the real estate of said city subject to taxation. All certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes for amounts actually contained or to be contained in the taxes for the year when such certificates or revenue bonds are issued and payable out of such taxes; nor to prevent [the] any city from issuing bonds or *other obligations* to be redeemed out of the tax levy for the year next succeeding the year of their issue, provided that the amount of such bonds or *other obligations* which may be issued shall not exceed in excess of the limitations herein contained shall not exceed one-tenth of one per centum of the assessed valuation of the real estate of said city subject to taxation. All certificates of indebtedness or revenue bonds or *other obligations* issued in anticipation of the collection of taxes or to be *redeemed out of taxes*, which are not paid within five years after their date of issue, and any debt hereafter incurred by any portion of any city, if there shall be any such debt, shall be included in ascertaining the power of the city to become otherwise indebted; except that debts heretofore or hereafter incurred by any city to provide for the supply of water, shall not be so included; and except that debts not exceeding in the aggregate the sum of ten million dollars, heretofore or hereafter incurred by any city with a population of not less than two hundred and fifty thousand and not more than one million, and except that debts not exceeding in the aggregate the sum of five million dollars heretofore or hereafter incurred by any city with a population of not less than one hundred and twenty-five thousand and not more than two hundred and fifty thousand, for or on account of the cost and expense of any public improvement as may be required by the ordinances or other local legislative law therein assessing the *annual obligations not exceeding in the aggregate two per centum of the assessed valuation of the real estate subject to taxation therefore or hereafter to be issued by the city of New York and resting on only part or portion of, or issued to the sole purpose of paying or financing in part, the cost of local improvements as is or may be required to be raised by assessment, or upon local property or territory, shall not be so included*[; and except further that any debt hereafter incurred by the city of New York for a public improvement owned or to be owned by the city, which yields to the city current or revenue, after making any necessary allowance for repairs and maintenance for which the city is liable, in excess of the interest on said debt and of the annual installments necessary for its amortization may be excluded in ascertaining the power of said city to become otherwise indebted under the provisions of section ten of this article; *ing fund for its amortization shall have been established and maintained and that the indebtedness shall not be so excluded when the current revenue shall not be sufficient to equal the said interest and amortization installments. Any indebtedness incurred prior to January first, nineteen hundred ten, by the city of New York for any rapid transit or dock investment may be so excluded proportionately to the extent to which the current net revenue received by said city therefrom shall equal the said interest and amortization installments thereof, provided that any increase in the debt incurring power of the city of New York which shall result from the exclusion of debts heretofore incurred shall be available only for the acquisition or construction of properties to be used for rapid transit or dock purposes. The legislature shall prescribe any other provisions of law which, in its opinion, ought to be reviewed by the court of appeals, but in such case the appeal shall bring up for review only the question or questions so certified, and the court of appeals shall certify to the appellate division the determination upon such question or questions.*

(3) From a judgment or order entered upon the decision of an appellate division of the supreme court which finally determines an action or special proceeding but which is not appealable under subdivision one of this section, where the appellate division shall certify that in its opinion a question of law is involved which ought to be reviewed by the court of appeals, or where, in case of refusal so to certify, an appeal is allowed by the court of appeals. Such an appeal shall be allowed when so allowed in the interest of substantial justice. The legislature may further restrict the jurisdiction of the court of appeals and the right of appeal thereto. No appeal shall be taken to said court of appeals from a final judgment or order of the appellate division in any civil case or proceeding originally commenced in any court other than the supreme court, a county court, a surrogate's court, or a court of claims or board of audit unless the appellate division of the supreme court shall certify that in its opinion a question of law is involved which ought to be reviewed by the court of appeals.

(4) The legislature may provide for appeal direct to the court of appeals upon questions of law from the special term or trial term of the supreme court, the county court, or the surrogate's court, and may further specify the circumstances and conditions under which such appeal shall be permitted.

PROPOSED AMENDMENT NUMBER FOUR

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

PROPOSING AN AMENDMENT TO SECTION NINE OF ARTICLE SEVEN OF THE CONSTITUTION, IN RELATION TO APPEALS TO THE COURT OF APPEALS FROM QUASI-JUDICIAL DECISIONS OF LAW

Section 1. Resolved, That section seven of article six of the constitution be amended to read as follows:

§ 7. The jurisdiction of the court of appeals, except where the judgment is of death, or where the appeal is taken from a reversing or modifying a final judgment in an action or a final order in a special proceeding, makes new findings of fact and renders a judgment or final order thereon, shall be limited to the review of questions of law, but the right to appeal shall not depend upon the amount involved.

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

In criminal cases, directly from a court of original jurisdiction where the judgment is of death, and in other criminal cases from an appellate division, upon a unanimous or the legislature may from time to time ordain.

In civil cases and proceedings on following:

(1) An order, from a judgment or order entered upon the decision of an appellate division of the supreme court which finally determines an action or special proceeding but which is not appealable under subdivision one of this section, where the appellate division shall certify that in its opinion a question of law is involved which ought to be reviewed by the court of appeals, or where, in case of refusal so to certify, an appeal is allowed by the court of appeals. Such an appeal shall be allowed when so allowed in the interest of substantial justice. The legislature may further restrict the jurisdiction of the court of appeals and the right of appeal thereto. No appeal shall be taken to said court of appeals from a final judgment or order of the appellate division in any civil case or proceeding originally commenced in any court other than the supreme court, a county court, a surrogate's court, or a court of claims or board of audit unless the appellate division of the supreme court shall certify that in its opinion a question of law is involved which ought to be reviewed by the court of appeals.

(2) The legislature may provide for appeal direct to the court of appeals upon questions of law from the special term or trial term of the supreme court, the county court, or the surrogate's court, and may further specify the circumstances and conditions under which such appeal shall be permitted.

PROPOSED AMENDMENT NUMBER FIVE

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

PROPOSING AN AMENDMENT TO THE CONSTITUTION BY REPEALING SECTION SEVEN OF ARTICLE EIGHT THEREOF, RELATING TO THE LIABILITY OF STOCKHOLDERS OF BANKS

Section 1. Resolved, That the constitution be amended by repealing section seven of article eight thereof.

PROPOSED AMENDMENT NUMBER SIX

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

PROPOSING AN AMENDMENT TO SECTIONS TEN AND TEN-A OF ARTICLE EIGHT OF THE CONSTITUTION, IN RELATION TO THE LIMITATION OF INDEBTEDNESS OF CITIES

Section 1. Resolved, That sections ten and ten-a of article eight of the constitution be amended to read, respectively, as follows:

§ 10. No county, city, town or village shall hereafter give any money or property, or loan its money or credit to or in aid of any individual, association or corporation, or become directly or indirectly the owner of stock in, or bonds of, any association or corporation; nor shall any such county, city, town or village be allowed to incur any indebtedness except for county, city, town or village purposes. This section shall not prevent any county, city, town or village from making such provision for the aid or support of its poor as may be authorized by law. No county or city shall be allowed to become indebted for any purpose or in any manner to an amount which including existing indebtedness, shall exceed ten per centum of the assessed valuation of the real estate of such county or city subject to taxation, nor in an amount which shall with any other amount until such indebtedness shall be reduced within such limit. This section shall not be construed to prevent the issuing of certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes for amounts actually contained or to be contained in the taxes for the year when such certificates or revenue bonds are issued and payable out of such taxes; nor to prevent [the] any city of New York from issuing bonds or *other obligations* to be redeemed out of the tax levy for the year next succeeding the year of their issue, provided that the amount of such bonds or *other obligations* which may be issued shall not exceed in excess of the limitations herein contained shall not exceed one-tenth of one per centum of the assessed valuation of the real estate of said city subject to taxation. All certificates of indebtedness or revenue bonds or *other obligations* issued in anticipation of the collection of taxes or to *be redeemed out of taxes*, which are not paid within five years after their date of issue, and any debt hereafter incurred by any portion of any city, if there shall be any such debt, shall be included in ascertaining the power of the city to become otherwise indebted; except that debts heretofore or hereafter incurred by any city to provide for the supply of water, shall not be so included; and except that debts not exceeding in the aggregate the sum of ten million dollars, heretofore or hereafter incurred by any city with a population of not less than one hundred and twenty-five thousand and not more than two hundred and fifty thousand, for or on account of the cost and expense of any public improvement as may be required by the ordinances or other local legislative law therein assessing the *annual obligations not exceeding in the aggregate two per centum of the assessed valuation of the real estate subject to taxation therefore or hereafter to be issued by the city of New York and resting on only part or portion of, or issued to the sole purpose of paying or financing in part, the cost of local improvements as is or may be required to be raised by assessment, or upon local property or territory, shall not be so included*[; and except further that any debt hereafter incurred by the city of New York for a public improvement owned or to be owned by the city, which yields to the city current or revenue, after making any necessary allowance for repairs and maintenance for which the city is liable, in excess of the interest on said debt and of the annual installments necessary for its amortization may be excluded in ascertaining the power of said city to become otherwise indebted under the provisions of section ten of this article; *the indebtedness shall not be so excluded when the current revenue shall not be sufficient to equal the said interest and amortization installments. Any indebtedness incurred prior to January first, nineteen hundred ten, by the city of New York for any rapid transit or dock investment may be so excluded proportionately to the extent to which the current net revenue received by said city therefrom shall equal the said interest and amortization installments thereof, provided that any increase in the debt incurring power of the city of New York which shall result from the exclusion of such debt so incurred shall be available only for the acquisition or construction of properties to be used for rapid transit or dock purposes. Any indebtedness heretofore or hereafter incurred by the city of New York for rapid transit construction or acquisition may be so excluded proportionately to the extent to which the current net revenue received by said city therefrom shall equal the said interest and amortization installments thereof, provided that any increase in the debt incurring power of the city of New York which shall result from the exclusion of such debt so incurred shall be available only for the acquisition or construction of properties to be used for rapid transit purposes. The legislature shall prescribe any other provisions of law which, in its opinion, ought to be reviewed by the court of appeals, but in such case the appeal shall bring up for review only the question or questions so certified, and the court of appeals shall certify to the appellate division the determination upon such question or questions.*

(5) From a judgment or order entered upon the decision of an appellate division of the supreme court which finally determines an action or special proceeding but which is not appealable under subdivision one of this section, where the appellate division shall certify that in its opinion a question of law is involved which ought to be reviewed by the court of appeals, or where, in case of refusal so to certify, an appeal is allowed by the court of appeals. Such an appeal shall be allowed when so allowed in the interest of substantial justice. The legislature may further restrict the jurisdiction of the court of appeals and the right of appeal thereto. No appeal shall be taken to said court of appeals from a final judgment or order of the appellate division in any civil case or proceeding originally commenced in any court other than the supreme court, a county court, a surrogate's court, or a court of claims or board of audit unless the appellate division of the supreme court shall certify that in its opinion a question of law is involved which ought to be reviewed by the court of appeals.

(6) The legislature may provide for appeal direct to the court of appeals upon questions of law from the special term or trial term of the supreme court, the county court, or the surrogate's court, and may further specify the circumstances and conditions under which such appeal shall be permitted.

PROPOSED AMENDMENT NUMBER SEVEN

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

Proposing amendments to section twenty-six of article three and sections one and two of article ten of the constitution, in relation to the organization, government and officers of counties.

Section 1. Resolved, That section twenty-six of article three of the constitution be amended to read as follows:

*§ 26. Subdivision 1. There shall be in each county, except in a county wholly included in a city, a board of supervisors, or other *elective body*, to be composed of such members, and such powers and duties for such period as is or may be provided by law.*

*2. The legislature [may] shall provide by law for the reorganization of [county government (for the) of counties and shall provide by law alternative forms of government for such counties, except those wholly included in a city and for the submission of the question of the adoption of government to the electors residing in such counties, upon a petition of ten per centum of the electors of such counties, or upon resolution of the board of supervisors or other elective body of such county, and shall provide that if one or more such forms of government be submitted at such election, such form of government shall become operative in any such county unless a majority of the electors voting thereon and Nassau, or either, subject to adoption and approval by the electors of any such county) at a general election held in such county [in an odd-numbered year] by receiving a majority of the total votes cast thereon in (1) the county, (2) every city containing more than twenty-five centum of the population of the county according to the last preceding federal census, and (3) that part of the county, if any, outside of such cities, by such form of government [may included] shall set forth the structure of the county government and the manner in which it is to function. Any such form of government may provide for the appointment of any county officers or their selection by any method of nomination and election, or the abolition of their offices, and may also provide for the exercise by the board of supervisors or other elective body of powers of local legislation and administration and for transfer to the county of such powers, officers of any functions now exercised by towns or town officers] *of any or all of the functions and duties of the county and the cities, towns, villages, districts and other units of government contained in such county to each other or to the state, and for the abolition of offices, departments, agencies and units of government when all of their functions are so transferred without regard to the provisions of article ten of this constitution or other constitution inconsistent herewith. The boards of supervisors or other elective bodies of any two or more such counties may by agreement provide for the discharge within the territorial limits of such counties or part thereof of one or more governmental functions.*

Nothing herein contained shall be deemed to impair or restrict the existing power of the legislature to enact laws relating to the government of a county or the cities, towns, villages, districts or other units of government therein contained until the adoption of a form of government by such county pursuant to the provisions of this section.

After the adoption of [such] a form of government by [the] a county pursuant *to subdivision two of this section, the legislature shall not pass any law relating to the property, affairs or government of such county, which shall be special or local either in its terms or in its effect, but shall act in relation to the property, affairs or government of any such county only by general laws which shall in terms or in effect apply alike to all such counties except on message from the governor declaring that an emergency exists and the concurrent action of two-thirds of the members of each house of the legislature and no law, special or local in its terms or in its effect, which abolishes or creates an elective office or changes the voting or vote power of or the method of removing an elective officer, changes the term of office or reduces the salary of an elective incumbent or transfers any power of an elective officer, changes the form or composition of [a legislative] *the elective body of such county, or provides a new [charter] form of government for such county, shall become effective without adoption* [and approval] by the electors of such county in the manner prescribed in subdivision *two of this section for the adoption of a form of government for such county pursuant thereto. Nothing herein contained shall impair or restrict the power of the legislature to enact laws relating to matters other than the property, affairs or government of such county.*

(No other special or local law affecting the counties of Westchester or Nassau, or either, shall be passed by the legislature except in conformity with the provisions of this section. After any such bill has been passed by both branches of the legislature, the house in which it originated shall immediately transmit a certified copy thereof to the clerk of the board of supervisors or other governing elective body of such county, and within fifteen days thereafter such clerk shall return such bill to the clerk of the house from which it was sent, or if the session of the legislature at which such bill was passed has terminated, to the governor, with the clerk's certificate thereon, stating whether the county has or has not accepted the same. The legislature shall provide for a public notice and opportunity for public hearing concerning any such bill before the board of supervisors or other governing elective body of the county before action thereon, and the board of supervisors or other governing elective body shall act for the county not later than twenty days after