260

Amendment 260

(By Herrington)

Relating to

Revenue & Taxation

Oct. 14/78

Ref. to Com. on

Revenue & Taxation

Geo. A. Thornton

Apt. Secy.

Nov. 18, 1878.

Reported back

with Substitute

Amendment No. 510.

J. M. Wright,

Asst. Secretary.

Harrington

Rev. & Tax

Mr President

I offer the following relating to Revenue and Taxation and suggest that it be incorporated as ~~a~~ sections of an article in the new constitution to be known as

Revenue and Taxation

Sec — The following property is exempt from Taxation

First The property of the widow and orphan to the value of one thousand Dollars when no greater amount in value is owned by such widow or orphan

Second Lands exclusively used as public cemeteries

Third Growing crops.

Fourth — The lands and improvements thereon belong to any person not exceeding six acres in any incorporated city town or village or fifty acres elsewhere constituting the foundation of any college or university at which the degree of Master or Bachelor of Arts or Science or its equivalent is authorized by law to be conferred on male or female graduates when used exclusively for educational purposes

Fifth The property of the United States and of this State and of any municipality or political subdivision of this State when used for public purposes

Sixth Money secured by mortgage on real

~~real~~ estate. But the mortgagor and his grantees of the lands mortgaged may rebate from the mortgage debt on settlement an amount for taxes paid upon said lands equal to the taxes which should have been paid or payable upon the amount secured thereby if the money so secured had been taxed as so much cash on hand; and the Legislature shall provide for the recovery by the mortgagor and his grantees of the lands mortgaged, and by the executors and administrators of each of them, from the mortgagee and his assigns, the amount of such taxes, with interest, when payment of the mortgage debt is made without rebate. also, for the recovery by them of all money and property that may have been given, paid, or transferred by the mortgagor other than interest, as a bonus or otherwise, to obtain the credit, security or loan; and no contract, law or obligation shall ever be a bar to such recovery or be valid or binding for any future payments or transfers of money or property for such loan, security or credit.

The Legislature shall provide a uniform rule for taxing all cash on hand, solvent debts and credits, all investments in stocks and bonds and shares in banks, joint stock companies and associations and all real and personal property except as otherwise

herein provided according to their true value in money provided investments in the bonds of the State or of any municipality or political subdivision thereof shall be taxed as the Legislature shall determine; and provided further that all improvements on real estate shall be assessed separately from the lands on which they are located; and all lands of the State shall be graded and regraded every four years into three or more grades as from time to time the Legislature shall determine. All lands of the same grade shall be taxed at the same valuation; and the valuation of each grade shall be determined by the State Board of Equalization by a general average from the aggregate true cash values of all the lands of the State belonging to such grade as returned by the assessors for each county or assessment district of the State and all assessments made for local purposes must be made upon the basis of the last preceding assessment of such lands for State and county purposes

Sec. No poll tax shall ever be imposed upon a citizen or one who can become a citizen of the United States

(Herrington)

261

Amendment, 261

By Herrington

Relates to Legislative Department Determining the nature and application of Laws concerning certain subjects

Oct. ~~18~~ 14/78

Ref. to Com. on Leg. Deptmt.

Nov 11. 78

Reported back with Substitute Am. No. 501

Thornton
Ass't Secy

Harrington
Leg. Dpmt.

Mr President

I offer the following, determining the nature and application of laws, to be enacted upon certain subjects, and suggest that it be incorporated as a Section of an Article of the new constitution to be known as

Legislative Department

Sec — Laws relating to the following subjects shall be general in their nature and application.
The succession to property.
The formation of private corporations, and defining and regulating their powers duties and responsibilities.
Courts of justice public boards and officers.
The election and appointment of State District County and Township officers filling vacancies in office and designating places of voting.
Rights and remedies afforded to litigants, and proceedings to enforce the same in courts of justice.
The management and disposition of estates of deceased persons, by executors and administrators, and of wards by their guardians.
Killing and taking game and fish.
Crimes and punishments.
Changing the boundaries of counties and the names of persons and places.
Granting divorces.
Compensating state officers.
The exercise of public rights franchises and privaliges.
Grand and petit juries and the formation thereof.

(D.W. Herrington)

262

Amendment 262

Judiciary & Judicial Dept

Relating

Public roads and

Highways Oct. ~~D~~ 14/78

Referred to Com.

on ~~Pub. Roads and~~ Judiciary

& Judicial Department

Highways

Geo. A. Thornton

Apt. Secy

Nov 13 1/8

Reported back with

substitute Am No 503

Thornton

asst sec

Holmes Holmes

Judiciary Dept

Resolved, That there be introduced a clause as follows in the new Constitution

Section - That whenever real Estate belonging to private persons or Corporation shall hereafter be taken for public roads or highways, the county in which such roads or highways shall be made shall pay the actual value of such real Estate so taken, the valuation of said land taken for such purposes to be ascertained by twelve disinterested electors of the county - and from and after such valuation has been paid or tendered to the Owner of such real Estate, or guardian of the same, the action shall be final and there shall be no appeal and the fee simple title of such real Estate shall become vested in such County

Refer to Judiciary Committee

263

Concerning
the
Judiciary

Amendment 263

Oct. 14/78

Ref. to Committee
on Judiciary &
Judicial Dptmt
Geo. A. Thornton
Apt. Secy.

Nov 13. 78
Reported back with
substitute Am No 503
Thornton
asst sec

Huey Hughey
Judiciary

By Hughey of San Francisco
Concerning the Judiciary

Resolved, that the following sections be incorporated in the New Constitution

Art — Sec —

There shall be, hereafter no voluntary transfer distribution or sale of real property unless all taxes thereon have been paid.

Sec —

The making of profit out of State County, City and County or other municipal Corporation money, or using the same for any purpose not authorized by law, is a felony and shall be punished as such.

Sec — The State shall never assume, pay or become responsible for the debts or liabilities of, or in any manner give loan or extend its credit to or in aid of any County City and County or other municipal corporation or to any quasi-public or private Corporation or individual, nor shall the State, or any County, City and County or other municipal Corporation thereof, grant any subsidy to any public, quasi public or private Corporation association or individual.

264.
Concerning
Amendment 364
Bill of Rights

Oct. ~~12~~ 14/78
Referred to Com-
on Preamble &
Bill of Rights
Geo. A. Thornton
Apt. Secy

Oct 24. 78
Reported back by the
Com. without recom-
mendation
Thornton
ass sec

Hughey
Re. N B. R
Hurey

By Hughey of San Francisco

Resolved that the following section be incorporated in the new Constitution

Bill of Rights

Art. — Sec. —

Each County, City and County or other municipal Corporation of this State shall be the sole judge and Controller of its local sanitary, moral and police government and each shall for itself determine whenever anything or things person or persons, are a nuisance or a menace and detrimental to the morals and rights of its citizens

Sec.

Each County, City and County or other municipal Corporation shall have the right to suppress and remove from its borders all things or persons, so declared to be nuisances or detrimental to the rights and morals of its citizens.

PAGE.

lieutenant governor secretary of State auditor of public accounts superintendent of public instruction nor attorney general shall be eligible to any other office commissionership or position of trust during the period for which they shall have been elected

By Joyce

365

Amendment 368

Amendment to Art 5 to take the place of Sect 1, 2, and 3 of present Constitution

Con Exp Ay Oct 14/78

Referred to Con Dept. on Executive Dept. Geo. A. Thornton Apr. 2 of 8

Reported back with substitute Am No 468 Thornton Joyce Joyce

PAGE.

Resolved

That the following amendments to Art 5 Sections 1, 2 & 3. of the present Constitution be incorporated in the new Constitution

Sect 1st

The executive department shall consist of a governor lieutenant governor Secretary of State auditor of public accounts treasurer superintendent of public instruction and attorney general who shall each hold his office for the term of two years from and after the first monday in December One thousand eight hundred and seventy nine and until their successors is elected and qualified

Sect 2

No person shall be eligible to the office of governor lieutenant governor Secretary of State Auditor of public accounts treasurer superintendent of public instruction and attorney general who shall not have attained the age of thirty years and been for five years next preceding their election a citizen of the United States and of this State Neither the governor

266

To the Com
Amendment 266
on

Chinese

Oct. ~~17~~ 14/78
Referred to Committee
on Chinese
Geo. A. Thornton
Apt. Secy

Oct 31. 78
Reported back with
Substituted Am No 454
Thornton
as see

Chas R. Kline
Oct 14 78

Kline

To the Committee on Chinese

Article

Sec 1

It shall be a criminal offense to send from this to any foreign country the bones of or remains of any alien after ~~they~~ the person has been interred for a period of two months or more

Submitted by
Chas R Klein
of
San Francisco Ca
Oct 14 78

267

No

Amendment 267

Amendment to Section 2. Article 9 of the Constitution relating a system of Common Schools

Education

Act 14/78

Referred to Com on Education

Geo. A. Thornton

Apt. Seq

Dec 13/78

Reported back ~~back~~ with Substitute Am 523

Mill

ass Sec

By Mr Lee Rice

~~Mr Sherman~~

Amend Section Two Article Nine of the Constitution so as to read as follows:

Section Two. The Legislature shall provide for a system of common schools by which a school shall be kept up and supported in each district at least six months in every year. No district shall be deprived of its portion of the interest in the public fund unless through wilful neglect to comply with the law.

No 268

Amendment 268

Amendment to Article 8 of the Constitution by adding a new section to be known as Section 2. relative power of legislature to contract in debts.

Leg. Dept.
Oct. 14/78

Referred to Com on Legislative Deptmt.
Geo. A. Thornton
Apt. Secy

Nov 11. of 8

Reported back with substitute Am No 501
Thornton
Asst Secy

By H. M. La Rue
~~Mr Thornton Secy~~

page 2 of 2

Amend Article Eight of the Constitution by adding a new section to be known and designated as Section Two and to read as follows.

Section Two. No debt shall be authorized to be created on any county, city and county, or town or municipal corporation in excess of five per cent of the assessed valuation of the property therein as equalized in pursuance of law; and no authority shall be given to donate, appropriate or devise any money, or to loan the credit of any such county, city and county, or town

or municipal corporation in aid of any private corporation association or person. The Legislature shall enforce this Article by appropriate legislation. All public debts heretofore authorized and contracted for in pursuance of law are hereby made binding upon the State County or Municipality contracting the same

No. 269
Amendment 269

To the Legislative
Committee
Oct. 14/78 ~~13~~
Referred to ~~Com-~~
~~on~~ Legislative
Committee
Geo. A. Thornton
Apt. Secy.

Nov 11. 78
Reported back with substitute
Am No 501. Thornton
asst secy

Submitted by
Jno F Lindon
Oct. 14, 78.

In relation to Divorces

Article

Sec 1 No person from whom a divorce has been obtained shall during the lifetime of the person obtaining the divorce be again allowed to again contract a marriage, such divorces to be obtained by civil action in the district courts, only, for causes provided by law,

No 270
Amendment 270
To the Committee

on.

Executive Department

Oct. ~~18~~ 14/78

Referred to Committee
on
Executive Deptmt
Geo. A. Thornton
Apt. Secy

Nov 2. 78
Reported back with substitute
Am No 468.
Thornton
as see

Submitted by

Jno F. Lindow

of

San Francisco

Oct 14 78.

To the Committee on Executive Department

Article —

Sec. 1 The Governor of this State shall receive an annual salary of Five Thousand Dollars ($5000) and shall be ineligable to hold any additional office of trust or profit in the gift of this Commonwealth during his term of office as Governor

By 271
Amendment 2.71
Mr Mansfield

To provide for exemption from sale for taxes all property exempt from forced sale on execution.

Rev. & Taxation
Oct. 24/78
Ref. to Committee on Revenue & Taxation
Geo. A. Thornton
Apt. Secy.

Nov. 18 1878
Reported back with Substitute Amendment, No. 510. J. M. Wright
Asst. Secretary.

Mansfield

Proposition to exempt from forced sale for taxes. the property exempt by law from sale on execution —

Resolved

That provision be made in the revised Constitution to exempt from forced sale for delinquent taxes, ~~all~~ all property exempt from sale by law on execution —

John Mansfield
Los Angeles

Nov 13 of 8

Reported back with substitute

273

By Amendment 273
Mr Mansfield

Am No. 503
Thornton
asst sec

To provide for the appointment of all judicial Officers except Justices of the Peace; and to fix their term of office during good behavior

Oct. 14/78

Referred to Com. on Judiciary & Judicial System
Geo. A. Thornton
Apt. Sec

(over)

Mansfield
Judiciary

Proposition to appoint all judicial Officers except Justices of the Peace — and fix their term of office —

Resolved

That Sec 3 of Article 6 of the present Constitution be so amended and revised in the new Constitution as to provide for the appointment of all judicial Officers except Justices of the Peace — and to fix their terms of Office during good behavior —

John Mansfield
Los Angeles