Amendment 310

Oct. 14
Referred to
Judiciary Committee
Geo. A. Thornton
Asst. Secy

Nov 13. 08
Reported back with
substitute Amn to 503
Thornton
Asst Secy

Reserve copy

McConnell

125

Article Six

Judicial Department

Introduced by Mr. Connell

Preserve copy

Article ~~Six~~ VI.
Judicial Department.

Section ~~One~~ 1.

The judicial power of this State shall be vested in a Supreme Court, District Courts, Courts of Justices of the Peace, and in such Municipal Courts as shall be established by statute in cities, consolidated cities and counties.

Section ~~Two~~ 2.

The Supreme Court shall consist of a chief Justice and six Associate Justices. The presence of four Justices shall be necessary in the transaction of business in Court, and the concurrence of four Justices shall be necessary to pronounce a judgement.

Section Three 3.

The Justices of the Supreme Court shall be elected by the qualified electors of the State at the general election next after the adoption of this Constitution and each shall take his seat on the first Tuesday after the first Monday in January next after his election. The full term of Justice of the Supreme Court is fourteen years. At the meeting of each Justice on the said Tuesday next after the first Monday of January, they shall so classify themselves by lot that the term of one Justice shall expire every two years, and his successor shall be elected at the general election next preceding the expiration of such term or at an election for Congressmen.

Section Four 4.

At the election for Justices of the Supreme Court next after the adoption of this Constitution, no elector shall vote for more than four persons for Justices of the Supreme Court.

1258

~~Section Two~~ 5.

If a vacancy occur in the office of Justice of the Supreme Court from other cause than the expiration of a full term, the Governor shall fill such vacancy by appointment, and the appointee shall hold until the election and qualification of his successor. At the next general election after such vacancy, it shall be filled by election, and the person so elected shall hold office from the first Tuesday after the first Monday in January next ensuing until the expiration of the unexpired term.

~~Section Six~~ 6.

No Justice appointed or elected to fill an unexpired term shall be Chief Justice. The Justice not so appointed or elected having the shortest term to serve, shall be Chief Justice.

1256

~~Section Seven.~~ 7.

The jurisdiction of the Supreme Court is of two kinds.

First - Original
and
Second - appellate.

~~Section Eight.~~ 8.

The original jurisdiction of the Supreme Court extends to the issuance of writs of mandate, review, prohibition, and habeas corpus.

~~Section Nine.~~ 9.

The appellate jurisdiction of the Supreme Court extends;

First - To all civil cases and special proceedings arising in the District Courts;

Second. To all criminal actions amounting to a felony.

Third. To the issuance of all writs necessary to the exercise of its appellate jurisdiction; and

Fourth. To such other cases and proceedings as the Legislature may by general statute prescribe.

1257

~~Section Ten 10~~

Each County is a judicial District. District Judge shall be elected by the qualified electors of their respective districts, at the general election next after the adop=tion of this Constitution and shall hold their respective office for the term of six years and until their successors shall be elected and qualified.

~~Section Eleven 11.~~

If a vacancy occur in the office of District Judge from cause other than the expiration of a full term, the Governor shall fill such vacancy by appointment, and the appointee shall hold until the election and qualifica=tion of his successor. At the next general election after such vacancy it shall be filled by election and the person so elected shall hold office from the Tuesday after the first Monday in January next ensuing, for the term of six years.

Indian

1258

Section Twelve 12.

Every County, containing less than twenty thousand inhabitants shall elect one District Judge; Counties containing more than twenty thousand inhabitants may elect such further number of District Judges as shall be prescribed by statute, not exceeding one pr every twenty thousand inhabitants and one pr such fraction as shall exceed ten thousand.

Section Thirteen 13.

In districts where there shall be more than one, a presiding Judge shall be elected by lot, who shall distribute the labor to be performed by each.

Section Fourteen 14.

Each District Court shall be held by one District Judge; and when two or more Judges are elected pr one County, Courts shall be held separate, but the judgements and orders of each shall be entered and enforced, as of the District Court of such County

1259

~~Section Fifteen~~ 15.)

The jurisdiction of the District Courts is of two kinds.

First. Appellate and

Second. Original.

~~Section Sixteen~~ 16.)

The appellate jurisdiction of the District Courts extends:

First - To all cases arising in Justices' Courts

Second To such cases and proceedings arising in Municipal Courts as the Legislature may prescribe.

~~Section Seventeen~~ 17.)

The original jurisdiction of District Courts extends:

First - To all civil actions for relief formerly given in Courts of equity:

Second - To all civil actions in which the subject of litigation is not capable of pecuniary estimation

Third - To all civil actions in which the subject of litigation is capable of pecuniary estimation, which involve the title or possession of

real estate, or the legality of any tax, impost, assessment, toll or municipal fine, or in which the demand exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars.

Fourth - To actions to prevent or abate a nuisance;

Fifth - To actions of forcible entry and detainer;

Sixth - To proceedings in insolvency;

Seventh - To probate cases and proceedings;

Eighth - To all other special proceedings;

Ninth - To inquiring, by the intervention of a Grand Jury, of all public offences committed or triable within the district.

Tenth - To the trial of all indictments.

Eleventh. To such other cases and proceedings as the Legislature may prescribe.

1261

Section Eighteen 18.

The Legislature shall de-
=termine the number of Justices
of the Peace to be elected in each
City and Township of the State,
and fix by law their powers,
duties, and responsibilities: but
such powers shall not, in any
case, trench upon the jurisdic-
=tion of the several Courts of record.
The Supreme Court, and District
Courts, and such other Courts as
the Legislature shall prescribe,
shall be Courts of record.

Section Nineteen 19.

The jurisdiction of mu-
=nicipal Courts established by
statute for cities, and consolida-
=ted cities and counties, shall
extend only to the trial of mis-
=demeanors, and to the trial of
cases arising under ordinances
of such cities, or cities and Counties

1262

Section ~~Twenty~~ 20.

The Legislature shall provide for the election of a clerk of the Supreme Court, of County Clerks, District Attorneys, Sheriffs and other necessary officers, and shall fix by law their duties and compensation. County Clerks shall be ex-officio Clerks of the Courts of Record in and for their respective Counties. The Legislature may also provide for the appointment, by the several Courts of record, of one or more Commissioners, with authority to perform chamber business, and also to take depositions, and to perform such other business connected with the administration of justice as may be prescribed by statute.

Section ~~Twenty One~~ 21.

The time and place of holding the terms of the Supreme Court shall be provided for by statute. The District Courts shall always be open for the transaction of business.

Rodriguez

~~Section Twenty Two.~~ 22.

No judicial officer, except Justices of the Peace and Commissioners, shall receive to his own use any fee or perquisite of office.

~~Section Twenty Three.~~ 23.

The Legislature shall provide for the speedy publication of such opinions of the Supreme Court as it may deem expedient; and all opinions shall be free for publication by any person.

~~Section Twenty Four.~~ 24.

The Justices of the Supreme Court and District Judges, shall severally, at stated times during their continuance in office, receive for their services out of the State Treasury a compensation which shall not be increased or diminished after their election, or during the term for which they shall have been elected.

Barnett

1264

~~Section Twenty Five 25.~~

The Justices of the Supreme Court and the District Judges shall be ineligible to any other office than a judicial office during the term for which they shall have been elected, and shall, before entering upon their offices, in addition to the oath of office, take and subscribe an oath that they will not, during such term, accept any Federal office.

~~Section Twenty Six. 26.~~

Judges shall not charge juries with respect to matters of fact, but they may state the testimony and declare the law.

~~Section Twenty Seven 27.~~

The style of all process shall be "The People of the State of California" and all prosecutions shall be conducted in their name and by their authority.

1265

~~Section Twenty Eight~~ 28.

The Supreme Court now in existence is continued until the first Monday in July Eighteen hundred and Eighty: but after the first Monday in January Eighteen hundred and Eighty its power shall only extend to the determination of such cases & proceedings pending therein as may have been submitted for decision prior to that time.

~~Section Twenty~~ Nine 29.

The Justices of said Court in commission at the time this Constitution takes effect may hold their offices as Justices thereof until the first Monday in July Eighteen hundred and Eighty.

1266

Section ~~Thirty~~ 30.

If any Justice of said Court is elected a Justice of the Supreme Court created by this Article, his office as a Justice of the Supreme Court now in existence shall become vacant on the first Monday in January, Eighteen hundred and Eighty and the Governor shall by appointment, fill the vacancy.

Amendment 311

Oct. 14

Referred to Committee on Military Affairs.
Geo. A. Thornton
Apt. Secy

Nov 5. 1/8

Reported back with Substitute Am No 485
Thornton
Ass Sec

McConnell

Article ~~Seven~~ VII. 1267

Militia

Section ~~One~~ 1.

The Legislature shall provide by law for organizing and disciplining the militia, in such manner as they shall deem expedient, not incompatible with the Constitution and laws of the United States

Section ~~Two~~ 2.

Officers of the Militia shall be elected or appointed in such a manner as the Legislature shall from time to time direct, and shall be commissioned by the Governor

Section ~~Three~~ 3.

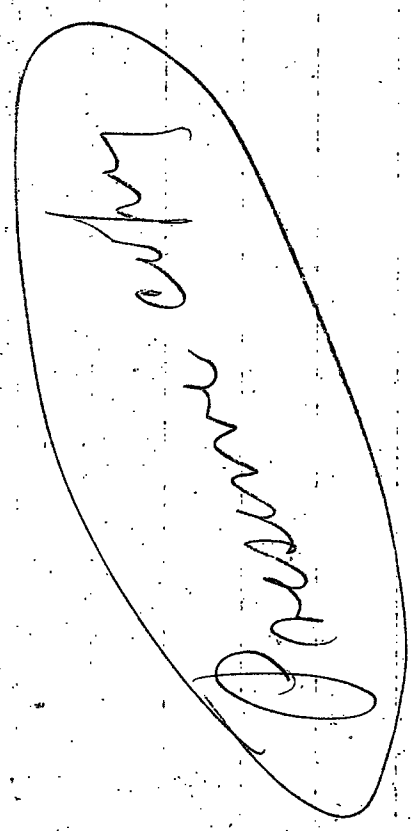
The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrections and repel invasions.

Amendment 812

Oct. 14

Referred to
Committee on
Revenue & Taxation
Geo. A Thompson
Asst. Secy.

Nov. 18, 1878
Reported back
with Substitute
Amendment No. 570.
J. M. Wright
Asst. Secretary



M Connell

1268

Article Eight

Taxation and Finance.

Introduced by Mc Connell.

Senate copy

1269

Whitwell

Article ~~Eight~~ VIII
Taxatun and Finance.

Section ~~One~~ 1.

Taxatun shall be equal and uniform upon the same clase of subjects within the territorial limits of the authority levying the tax, and taxes shall be levied and collected under general laws. All property shall be taxed in proportun to its value.

All property subject to taxatun shall be listed in that purpose at its cash value, to be ascertained as provided by statute. All things, and choses in action, subject to ownership, sale devise, descent, distributun or assignment shall be deemed property for purposes of taxatun. Property owned by the United States, by this State, or by a municipal corporatun under the laws of this State, growing crops and stock under six months of age shall be exempt from taxatun.

1270

Section Two 2.

The present bonded debt of this State is valid and the Legislature shall provide by Statute for the payment thereof.

Section Three 3.

The Legislature shall not, in any manner, create any debt or debts, liability or liabilities, which shall singly or in the aggregate, with all previous debts and liabilities, exceed the sum of three hundred thousand dollars, except in case of war to repel invasion or suppress insurrection.

Section Four 4.

The Governor, Controller, and Treasurer, shall jointly during the first week after the organization of the Legislature exhibit to the Assembly detailed estimates of the sums of money necessary to be raised and expended during the four years next after the first day of July of that year.

77
Squire

1271

~~Section Five~~ 5.

The Controller shall determine and publish when the limit of the public debt, allowed by this Constitution, has been reached and all other or further obligations of the State shall be void.

~~Section Six~~ 6.

Neither the credit of the State, nor of any municipal Corporation authorized under the laws thereof, shall be pledged or loaned to any individual, company, Corporation or association: nor shall the State or any municipal Corporation become a joint owner of or a stockholder in any company association or corporation; nor shall the State or any Municipal Corporation, become bound to pay any bond, or interest on any bond or other obligation, of any individual, association or corporation; and no County or other Municipal Corporation under the laws of this State shall incur any obligation to raise money for the construction of any work not exclusively under the control of public officers.

1272

~~Section Seven 7~~

The Legislature must at its first session after the adoption of this constitution, by statute, provide for a State Board of Equalization, and fix its powers and duties.

Amendment 313

Oct. 14

Referred to Com=
mittee on Cities
Township & County
Organization
Geo. A Thornton
Apt-Secy

Dec. of. of 8
Reported back with
Substitute Am. No 521
Thornton
Asst Secy

McConnell

Preserve copy

1273

Article Nine

Municipal Corporations

Introduced by Mr. Connell

Preserve copy

79.

1274

Real

Article ~~Nine~~ IX.

Municipal Corporations

Section ~~One~~ 1.

Municipal corporations under the laws of this State are:

First - Counties.

Second - Cities, and

Third - Consolidated Cities and Counties

Section ~~Two~~ 2.

The Legislature shall establish a system of County and City government, which shall be as nearly uniform as practicable

Section ~~Three~~ 3.

The boundaries of Counties shall be established by statute, and no statutes shall be passed changing a county boundary, until it be shown to the Legislature that a notice was published in some newspaper of general circulation in the Counties to be affected by such change,

at least thirty days before the last general election, stating that application would be made to the Legislature for such change

~~Section Four.~~ 4.

The compensation of county officers shall be regulated by law. Salaries of County officers and pay allowed by law shall not be increased or diminished during the time for which they shall be elected.

~~Section Five.~~ 5.

The Legislature shall provide by statute for a strict accountability of all County, township, and city officers for all public moneys coming into their hands.

~~Section Six.~~ 6.

Township officers are Justices of the Peace and Constables and each shall have such powers and be subject to such duties and obligations as are prescribed in this Constitution or by Statute

1276

~~Section Seven 7~~

The Legislature shall provide by statute for such offices as may be necessary in administering the affairs of school Districts, road districts, swamp land districts, or other divisions created by statute.

~~Section Eight 8~~

Cities with charters already given, shall remain such under their present charter, subject to amendment or shall become incorporate under general laws.

~~Section Nine 9~~

No debt shall be incurred by any municipal corporation, except in pursuance of an ordinance previously made therefor, by the municipal authorities which ordinance shall provide for the payment thereof.

Sandy

1277

Section Ten 10.

Private property shall not be liable to be taken & sold in the payment of the corporate debts of a municipal corporation.

Section Eleven 11.

The Legislature may vest the corporate authorities of cities & consolidated cities and counties, with power to make local improvements, by special assessment & by special taxation of contiguous property & otherwise. For all other corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes; but such taxes shall be uniform, in respect to persons and property within the jurisdiction of the body imposing the same.

Amendment 314

Oct. 14

Referred to Committee on Corporations other than Municipal

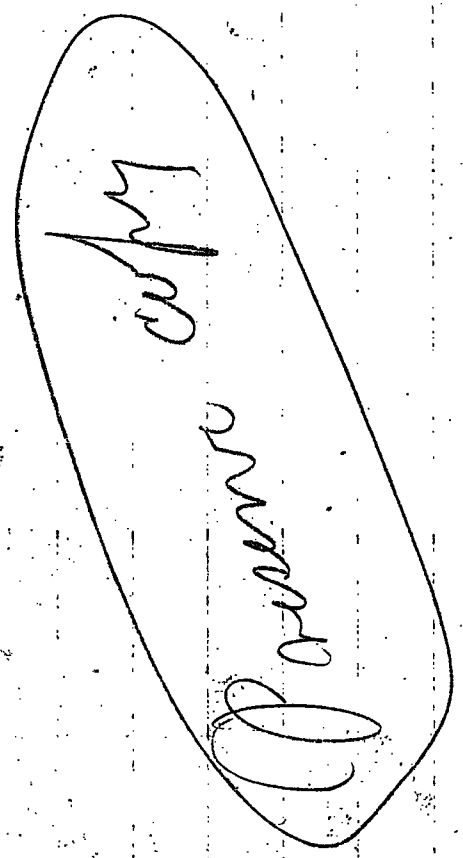
Geo. A. Thornton
Asst Sec

Oct 30. of 8

Reported back with the recommendation that no further action be taken

Thornton
Ass Sec

Passed copy



McConnell

1278

Article Ten

Private Corporations

Introduced by Mr. Connell

Please copy

1279

Article ~~Ten~~ X.

Private Corporations

Section ~~One~~ 1.

Corporations may be formed under general laws, but shall not be created by special Act. All general laws passed pur=suant to this section may be altered from time to time or repealed

Section ~~Two~~ 2.

Each stockholder shall be individually and personally liable for all debts and liabilities of a corporation created or incurred while he remains such stockholder

Section ~~Three~~ 3.

The exercise of the right of eminent domain shall never be abridged, or so construed as to prevent the Legislature from taking the property and fran=chises of corporations, and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of the State

shall never be abridged, or so construed as to permit Corporations to conduct their business in such manner as to infringe the equal rights of individuals, or the general well being of the State.

~~Section Four.~~ 4.

In all elections for Directors or Managers of a Corporation, each member or share holder may cast the whole number of his votes for one candidate, or distribute them upon two or more candidates, as he may prefer.

~~Section Five.~~ 5.

No Corporation shall engage in any business other than that expressly authorized in its charter; nor shall it take or hold any real estate, except such as may be necessary and proper for its legitimate business.

Reinson Jul. 12

1281

~~Section Six~~ 6.

No corporation shall issue stocks or bonds except for money, labor done, or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock of Corporations shall not be increased, except in pursuance of general law nor without the consent of the persons holding the two thirds in value of the stock first obtained at a meeting to be held after sixty days' notice given in pursuance of law.

~~Section Seven~~ 7.

No railroad or telegraph company shall consolidate with or hold an interest in the stock or bonds of any other railroad or telegraph company, nor shall the same persons be officers in Corporations owning competing lines of railroads or telegraphs

1282

Section Eight. 8.

No railroad a telegraph company shall lease or in any manner manage or control, the railroad or telegraph line of another company.

Section Nine. 9.

All individuals associations and corporations shall have equal right to have persons and property transported over railroads; and no undue or unreasonable discrimination shall be made in charges for, or in facilities for transportation of freight or passengers within the State or coming from or going to any other State. Persons and property transported over any railroad shall be delivered at any station, at charges not exceeding the charges for transportation of persons and property of the same class in the same direction to any more distant station; but excursion and com-

mutation tickets may be issued at special rates.

words

~~Section Ten. 10.~~

The Legislature shall pass statutes to correct abuses, and prevent unjust discrimination and extortion in the rates of freights and fares on the railroads in this State, and provide for the enforcement of such statutes by adequate penalties, to the extent, if necessary for that purpose, of forfeiture of property and franchises.

~~Section Eleven. 11.~~

Every railroad, corporation organized in this State shall maintain an office therein where transfers of its stock shall be made, and where its book shall be kept for inspection by any stockholder or creditor of such corporation in which books shall be recorded the amount of capital stock subscribed or paid in

and by whom, the names of the owners of its stock, and the amounts owned by them re=spectively, the transfer of said stock, and the names and places of residence of its officers

~~Section Twelve~~ 12.

All railroads shall be public highways and all railroad companies shall be common carriers. Any cor=poration organized for the pur=pose, shall have the right to construct and operate a railroad between any points within this State and to con=nect at the State line with railroads in other States. Every railroad company shall have the right with its road to intersect, connect with, or cross any other railroad; and shall receive and transport each other's passengers, tonnage, and cars loaded or empty without delay or discrimination, in such manner as may be prescribed by general Statute

1285 1

Section Thirteen 13.

No President, Director, officer, or employe of any railroad company shall be interested directly or indirectly, in the furnishing of material or supplies to such company, or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled or worked by such company.

Section Fourteen 14.

Any public officer of a in this State, Legislative Executive or Judicial, who shall accept or use a free pass or free ticket or a pass or a ticket paying thereon life than the usual ratie from any Railroad Company or other transportation company or who shall ride on or over any railroad for life than the usual rate of fare shall be ineligible to all office of honor or trust in this State and shall lose his said office and the Legislature shall provide for the punishment of such act as a felony.

Section Fifteen. 15.

The Legislature shall pro-
-vide by statute for the punish-
-ment as a felony of any offic-
-er or employe of any Railroad
Company or other transporta-
-tion company who shall give
or offer to give to any public
officer of or in this State Leg-
-islative, Executive or Judicial
a free pass or free ticket or
a pass or ticket for a less
price than the usual rate or
who shall knowingly permit
such officer to ride in or over such
railroad without paying there-
-for the usual rates.

Section Sixteen. 16.

No foreign corporation
shall do any business in this
State without having one or
more known places of bus-
-iness, and an authorized agent
or agents in the same, upon
whom process may be served.

Amendment 318

Oct. 14

Referred to Committee on Education

Geo. A. Thurston
Apt. Secy.

Dec 13/78

Reported back with substitute Am #523 - Smith assoc

Cancel Copy

McConnell

page 4 of 4

to each school district pro rata, according to the number of school census children.

~~Section Six~~ 6.

No public moneys shall ever be appropriated for the support, directly or indirectly, of any religious sect or denomination whatever, nor for any school not under the direct and entire control of public school officers.

~~Section Seven~~ 7.

The revenue derived from the State School fund and from the State School tax, shall be applied exclusively to the support of primary and grammar schools

1291

Article Twelve

Mode of Amending & Revising the Constitution

Introduced by Mr. Connell

Reserve Copy

1791 - 1797

Thomas

Article Twelve XII.

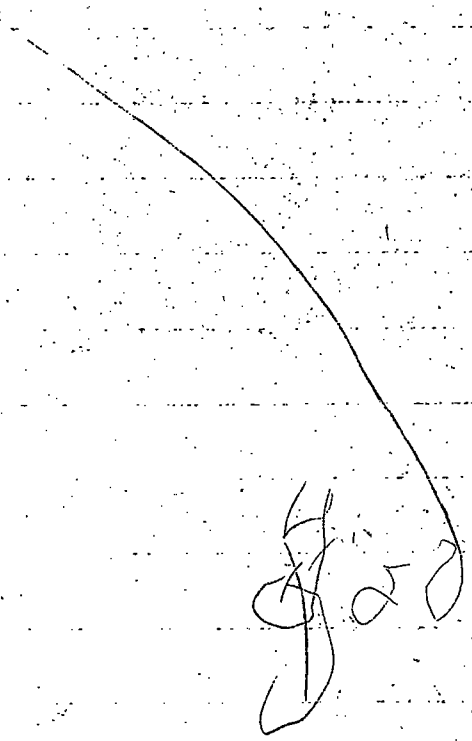
Mode of Amending and Revising the Constitution

Section One 1.

Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly, and if the same are agreed to by a majority of the members elected to each of the two Houses, such proposed amendment or amendments shall be entered on their Journals with the Ayes and Noes taken thereon, and shall be published for three months before the next general election. In the proclamation calling such election, the Governor shall submit such proposed amendments to the qualified electors of the State for adoption or rejection, and if a majority of the votes cast shall be for the adoption of such amendment or amendments, it or they shall become part of this Constitution.

Section ~~Two~~ 2.

And if, at any time, two thirds of the Senate and Assembly shall think it necessary to revise and change this entire Constitution, they shall recommend to the electors, at the next election for members of the Legislature, to vote for or against a Convention; and if it shall appear that a majority of the electors voting at such election have voted in favor of calling a Convention, the Legislature shall, at its next session, provide by law for calling a convention, to be holden within six months after the passage of such law; and such Convention shall consist of a number of members not less than that of both branches of the Legislature. The Constitution that may have been agreed upon and adopted by such Convention shall be submitted to the People, at a special election to be provided for by law, for their ratification or rejection. Each voter shall express his opinion by depositing in the



ballot box a ticket, wherein shall be written or printed the words "For the new Constitution" or "against the new Constitution". The returns of such election shall, in such manner as the Convention shall direct, be certified to the Executive of the State, who shall call to his assistance the Controller, Treasurer and Secretary of State and compare the votes so certified to him. If, by such examination, it be ascertained that a majority of the whole number of votes cast at such election, be in favor of such new Constitution, the Executive of the State shall, by his proclamation, declare such new Constitution to be the Constitution of the State of California.

Amendment 316

Oct. 14.

Referred to Committee on Preamble and Bill of Rights
Geo. A. Thornton
Apt. Secy

Oct 24. 78
Reported back by the Com, without recommendation
Thornton
Ass Sec

McCrowell

Preamble copy

page 4 of 4

1287

Article Eleven.

Education

Introduced by Mr. Connell

Printer copy

1288

Article ~~Eleven~~ XI.

Education

Section ~~One~~ 1.

A Superintendent of Public Instruction shall be elected by the qualified electors at the same time and place and in the same manner and for the same term of office as the Governor. He shall receive a salary equal to that of Secretary of State.

Section ~~Two~~ 2.

A County Superintendent of schools for each County in the State shall be elected at the general election of Governor and Superintendent of Public Instruction, by a vote of the qualified electors of each County and shall hold office for the term of four years.

Section ~~Three~~ 3.

The Legislature shall provide for a system of public schools by which a free public school shall be maintained for at least six months in each school district in every year

after the first year in which a school is established

~~Section Four.~~ 4.

There shall be a State Board of Education, consisting of two members from each Congressional district, who shall be nominated by the Governor and confirmed by the Senate, for a term of four years. The State Superintendent shall be ex officio, a member of this Board.

~~Section Five.~~ 5.

The Legislature shall encourage, by all suitable means, the promotion of Education among the people. The proceeds of the sale of the 500,000 acres of land granted to the new States under an act of Congress approved A.D. 1841, and of the sale of 16th and 36th sections of township lands reserved for school purposes shall constitute an inviolable school fund, the income from which shall be appropriated by the Superintendent of Public Instruction

Amendment 317

Oct. 14

Referred to Committee on Miscellaneous Subjects
Geo. A. Thornton
Apt. Secy.

Recd in Com.
Dean

Jan. 25, 1879
Reported back with substitute amendment No. 535, J. M. Wright
Asst. Secretary

McConnell

Concurrence

1295

Article Thirteen

Miscellaneous

Introduced by Mr. Connell.

Preserve copy

97

Potter

1296

Article Thirteen. XIII.

Section One 1.)

Any citizen of this State, who shall after the adoption of this Constitution fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it or who shall act as second, or knowingly aid or assist in any manner those thus offending, shall not be allowed to hold any office of profit, or to enjoy the right of suffrage under this Constitution.

Section Two 2.)

Members of the Legislature, and all officers executive and judicial, except such inferior officers as may be by law exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm as the case may be,) that I will support the Constitution of the

United States and the Constitution of the State of California, and that I will faithfully discharge the duties of _____ according to the best of my ability."

And no other oath, declaration or test, shall be required as a qualification for any office or public trust.

~~Section Three~~ 3.

All officers whose election or appointment is not provided for by this Constitution, and all officers whose office may hereafter be created by law, shall be elected by the people or appointed, as the Legislature may direct.

~~Section Four~~ 4.

No person shall be elected or appointed to, or hold any office created by this Constitution, who is not an electn and resident of this State. No person shall be elected or appointed to, or hold any district, county or local office created by this Constitution,

1298

unless he is an Elector and resident of the district, county, or other political division for which he is elected or appointed. And every judicial officer must reside at the place where the sessions of the Court of which he is a member are held.

~~Section Five.~~ 5.

When the duration of any office is not provided for by this Constitution, it may be declared by law; and if not so declared, such office shall be held during the pleasure of the authority making the appointment; nor shall the duration of any office ~~not~~ fixed ~~by this~~ by this Constitution ever exceed four years.

~~Section Six.~~ 6.

The fiscal year shall commence on the first day of July.

100.
Meacham

Gal 130

1299

~~Section Seven~~ 7.

Each County, city, and incorporated town, shall make provision for the support of its own officers, subject to such restrictions and regulations as the Legislature may prescribe.

~~Section Eight~~ 8.

Suits may be brought against the State in such manner and in such Courts as shall be directed by law.

~~Section Nine~~ 9.

The seat of government shall not be removed from Sacramento except by operation of a statute enacted for that purpose and ratified by a majority of the votes cast at the next general election after the passage of such statute.

Section ~~Ten~~ 10.

All property both real and personal, of the wife owned or claimed by her before marriage, and that acquired afterward by gift, devise, or descent, shall be her separate property, and laws shall be passed more clearly defining the rights of the wife in relation as well to her separate property as to that held in common with her husband. Laws shall also be passed providing for the registration of the wife's separate property.

Section ~~Eleven~~ 11.

No contract of marriage, if otherwise duly made, shall be invalidated for want of conformity to the requirements of any religious sect.

Section ~~Twelve~~ 12.

No perpetuities shall be allowed except for eleemosynary purposes.

1301

~~Section Thirteen.~~ 13.

Every person shall be dis=
=qualified from holding any office
of profit in this State, who shall
have been convicted of having
given or offered a bribe to procure
his election or appointment.

~~Section Fourteen~~ 14.

No person holding lucra=
=tive office under the United States,
or any other power, shall be eli=
=gible to any office of honor, trust,
or profit in this State; but officers
in the militia who receive no
annual salary, and local
officers and Postmasters whose
compensation does not exceed
five hundred dollars per annum,
shall not be deemed persons
holding lucrative offices.

Donovan

Section ~~Fifteen~~ 15.

Law shall be made to exclude from office, serving on juries, and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting under adequate penalties all undue influences thereon from power, bribery, tumult, or other improper practice.

Section ~~Sixteen~~ 16.

Absence from this State, on business of the State or of the United States, shall not affect the question of residence of any person

Section ~~Seventeen~~ 17.

If this Constitution is adopted by the People, the Legislature of which the members of the Assembly are elected at the general election in the year 1879 shall meet on Monday after the first Monday in January 1880.

~~Section Eighteen~~ 18.

The Legislature at its first session, as soon as may be after the adoption of this Constitution, shall pass such laws as may be necessary to carry the same into full force and effect.

~~Section Nineteen~~ 19.

All persons in office in this State, at the time of the adoption of this Constitution shall hold their respective office until the term for which they have been elected or appointed shall expire, and until their successors shall be duly qualified, unless otherwise provided in this Constitution.

~~Section Twenty~~ 20.

At the general election next after the adoption of this Constitution, there shall be elected, in the City and County of San Francisco, seven Judges of the District Court of said City and County

1304

Section Twenty One 21.

The Legislature, at the first session after the adoption of this Constitution shall fix and determine the compensation of the Justices of the Supreme Court and of the Judges of the several Judicial Districts of the State and the provisions of Section Twenty Two of Article Six shall not be deemed inconsistent herewith.

Section Twenty Two 22.

All existing Courts shall continue in existence until the first Monday in July Eighteen hundred and eighty without abridgement of their present jurisdiction and power, unless otherwise provided in this Constitution

Section Twenty Three 23.

All actions and proceedings pending in the District, County, and Probate Courts of the several Counties of this State, and in the Municipal Criminal Court of San Francisco on the first Monday in July Eighteen hundred and eighty

Rodrigues

shall be transferred to, and tried and determined in the District Court of the County in which such actions or proceedings are pending.

~~Section Twenty Four.~~ 24.

All actions or proceedings pending and undetermined in the Supreme Court now in existence, on the first Monday in July eighteen hundred and eighty must be transferred for determination to the Supreme Court created by this Constitution

~~Section Twenty Five.~~ 25.

All rights, prosecutions, claims and contracts existing and all laws in force, at the time of the adoption of this Constitution, and not inconsistent therewith, until altered or repealed by the Legislature, shall continue as if this Constitution had not been adopted.

Section ~~Twenty-Six~~. 26.

In all laws which shall be in force on the first Monday in July Eighteen hundred and eighty and in which the words "Probate Court" "Probate Judge" "County Court" "County Judge" "Municipal Criminal ~~Court~~ Court of San Francisco" and "Judge of the Municipal Criminal Court of San Francisco" appear, such words shall have the same effect as if written "District Court" and "Judge of the District Court" respectively.

Section ~~Twenty-Seven~~. 27.

The Legislature shall provide for establishing and opening public and private roads; and in awarding damages for private property taken for such purpose, the benefits that shall accrue, to the owners of land so taken, from the establishing of such roads shall be considered in estimating such damages.

~~Section Twenty Eight~~ 28.

The Legislature may pass laws permitting the owners or occupants of land to construct drains and ditches, for agricultural and sanitary purposes across the lands of others.

~~Section Twenty Nine~~ 29.

No money collected by taxation in this State shall be placed in the hands of or be controlled by any religious sect or by any person other than an officer duly elected or appointed under the laws thereof.

~~Section Thirty~~ 30.

Neither this State nor any Municipal Corporation under the laws thereof shall hereafter issue any bonds with coupons or other evidence of debt bearing interest except that the State may issue such evidence of debt only pursuant to Section three of Article Eight of this Constitution

Section Thirty One. 31.

The salary of any public officer in this State shall not exceed Five Thousand Dollars per annum.