330

Resolution
Amendment 330
on
Revenue and Taxation

~~Parity~~

Oct. 15
Referred to
Committee on
Revenue & Taxation
Geo. A Thornton
Asst. Sec.

Rev. & Tax

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

Grace
Grace

Taxation

Taxation shall be equal and uniform throughout the State. all property in the State not exempt under the laws of the United States shall be taxed in proportion to its value to be ascertained as provided by law The word ("property") as used in this article and section is hereby declared to include Moneys. Notes Secured by Mortgage or otherwise, Credits. bonds. Stocks dues franchises. and all other matters and things capable of being converted into money either Real or personal

331

Amendment 331

Amendment to

Article two

of the present

Constitution

On Sufferage

Right of Suffrage

W J Sweasey

Oct. 15

Referred to Committee

on

Right of Suffrage

Geo. A. Thornton

Opt Geo

Nov 13. 1878

Reported back with

Substitute Am No 504

Thornton

asst sec

Sweasey

Substitute for Section one
Article two of the present Constitution

Every Citizen of the United States
of the age of twenty one years who
shall have been a resident of this
State one year next preceeding the
election and the County or District
in which he or she resides for the
term of ninety days shall be entitled
to vote at all elections which are
now or may be hereafter authorised
by law. Provided that no court in
this State shall issue any natu-
ralisation papers within Thirty
days of any General Election

Sec 7

That the Legislature shall pass
and amend from time to time such
laws as may be necessary to preserve
the purity of elections and the free exercise
of the vote by ballot

W J Sweeney

332

Com-on Legislation
Amendment 332
J. A. Gorman

Act 15
Referred to Committee
on Legislative Department
Geo. A. Thornton
Asst Secy
Leg. Dept.

Nov 11. 78
Reported back with
substitute Am No 501
Thornton
Asst Secy

Gorman
Gorman

Referred to Legislative Committee

The Legislature shall pass such laws governing Counties Cities Towns and other corporations as will restrict their powers of taxation borrowing money and contracting debts and loaning their credit so as to prevent abuses in taxation and all provisions for extraordinary depts shall be by consent of the people expressed through the ballot box

J. J. Gorman

Proposition No 333

October 1878

Amendment 333

In relation to Legislative Department

Oct. 15

Referred to Committee on Legislative Department

Geo. A. Thornton
asst Secy

Leg. Dept.

Nov 11. 78

Reported back with substitute Am to 501

Thornton
asst secy

W. P. Grace

Proposition No

In relation to Legislative Department

Section — It shall be the duty of the legislature to provide for all future elections of United States Senators from this state to be by direct vote of the people

W. P. Grace
San Francisco

Amendment 334
To Abolish
Grand Juries

Oct. 15
Referred to Committee on Preamble & Bill of Rights
Ope & A. Thornton
Apt Secy

Oct 24. 1/8
Reported back by the Com. without recommendation

Thornton
Ass Sec

Huestis

Abolishing

~~Indictments~~ Grand Juries.

Resolved,- That the following provision be adopted in that Article of the Constitution, which relates to Grand Juries -

Sec — The Grand Jury System is hereby abolished; and in lieu thereof the Legislature shall devise and provide by Legislative enactment, a more economical and expeditious system of Criminal procedure -

335

Amendment 335
Concerning
the Jury System

Oct 15

Referred to
Committee on Preamble
&
Bill of Rights
Geo. A Thornton
Asst Secy

Oct 24. 08
Reported back by the
Com. without recom-
mendation
Thornton
Asso Sec

Austin

Concerning the Jury System.

Resolved,- That the following provision be adopted in that Article of the Constitution, which relates to the Jury System:

Sec — The right of trial by Jury shall be inviolate in all cases of felony, in such cases of Misdemeanor as the Legislature may determine, in all civil actions sounding in tort, and in all cases arising from breach of Contract where punitory or exemplary damages are sought to be recovered. In all actions civil and Criminal, six persons shall constitute a a full Jury. The Legislature shall fix and determine the character and qualifications of Jurors, and the number whose concurrence shall be necessary to render a verdict in civil actions. Juries may be waived in all cases Civil or Criminal -

336

Resolution #

Amendment 336

In relation to

Privileges and Elections

Oct. 15

Referred to Committee on Privileges & Elections

Ges. A Thornton

Asst Secy

Oct 22. 78

Reported back & referred to Com. on Legislative Department

Thornton

ass Sec

offered by

Raymond Lavigne

Oct 15/78 (over)

Nov 11 a/8

Reported back with substitute am to 501

Thornton

asst sec

Resolved

That no person shall be elected or appointed to any office in this State, civil or military, who is not a citizen of the United States, and who shall not have resided in this State one year next preceding ~~the~~ the election or appointment

337

Resolution N.

Amendment 337

In relation to Water wrights.

Oct 15

Referred to Committee on Water Rights.

Geo. A Thornton
Asst Secy

Water Rights

Indef Post.

Nov 22. /8

Reported back out & recommendation that no further action be had. Substitute AM #514 Thornton offered by asst sec

Raymond Lavigne

Oct 15th /78.

Resolved

That the Legislature shall provide for reasonable rates, to be charged, for the use of the water taken from natural Lakes and Streams, by individuals or Corporations.

The Execution
Amendment 338

Indemnity Capital Stock of Corporations from taxation.

J. West Martin

Oct 19 78
Reported back & referred to Com on Revenue & Taxation
Thornton
Asst Sec
Oct 18, 1878
Reported back with substitute amendment No. 519
Wright
Asst Secretary

Oct 15
Referred to Committee on Corporations
Geo A Thornton
Asst Sec
J. West Martin

Resolved:

That the Capital Stock of Savings Bank Corporations, where the same constitutes a guaranteed Capital, that cannot be with= =drawn or diminished, until all trusts, and deposits are fully paid and discharged, shall not be taxed,

339

Amendment 339

Oct. 15

Referred to Committee on Legislative Department
Geo A Thornton
Apt Secy

Nov 11. 78

Reported back with substitute Am No 501
Thornton
Asst Sec

Legislative

~~Corporations~~

Pennell

PAGE.

Sec

The Legislature shall provide by law for the exclusion of aliens of Asiatic descent from this State - and for that purpose may impose such taxes upon the Chinese population as they may deem expedient and may provide such other measures as they may deem necessary to discourage Asiatic immigration

340

Amendment 340

Miscellaneous

Oct. 15

Oct. 30. 08

Reported back & recommend that no further action be taken

Thornton

Ass Sec

Referred to Counsellor on Corporations other than Municipal

Geo. A. Thornton

Dept Sec

Geo. C. O'Donnell

Corporation

Corporation

O'Donnell Over

PAGE.

Sec ~~15~~

Every association or corporation doing an insurance business or issuing policies of insurance upon real estate shall be required by law to pay to the insured the full amount of losses sustained by him upon any property insured - not exceeding the full amount mentioned in policy of insurance

341

Resolution relative to Contents, and order of the Articles of the Constitution

~~Amendment 341~~

By Thomas McConnell

Oct. 15

Referred to Committee on Preamble & Bill of Rights

Geo A Thornton
Apt Sec
Pres. & B.R.

Oct 24. 78

Reported back without recommendation

Thornton
ass sec

McConnell

Resolved.

That the Constitution framed by this Coventun when complete shall consist of fourteen Articles entitled as follows:

Article One.
Bill of Rights;

Article Two.
Right of Suffrage and Election

Article Three
Distribution of Powers

Article Four.
Legislative Department

Article Five.
Executive Department

Article Six.
Judicial Department

Article Seven.
Militia

Article Eight
Taxation and Finance.

Article Nine
Municipal Corporations.

Article Ten
Private Corporations.

Article Eleven
Education.

Article Twelve
Mode of Amending and Revising the Constitution

Article Thirteen
Miscellaneous Provisions.

Article Fourteen
Schedule.

And that any proposition reported to this Convention from a Committee shall be marked by such Committee to take its place as a section in an appropriate Article.

343
Relation to Suffrage

Amendment 343

Oct 15
Referred to Committee on Rights of Suffrage
Geo. A Thornton
Asst Sec

Nov 13. 78
Reported back
Right of Suffrage
with substitute
Am to 5 of
Thornton
Asst Sec

McComas
McComas

Proposing a new Section for the Constitution in relation to Suffrage

Section ~~1~~ Suffrage is hereby declared to be a duty of Citizenship which shall be enforced by ~~proper~~ legislation

McConnell

Proposition No 344
Amendment 344
October 1878
Dowling P. T.

In relation to Corporations other than municipal

Oct. 15 [illegible]
Referred to committee on Corporations
Geo. A. Thornton
Ass Secy

Oct 30 a/8
Reported back & recommend that Corporations no further action be taken
Thornton
Ass Sec

P. T. Dowling

To authorize the State to bridle Stock swindling

Section — All mining, railroad, water, gas, bank, or other incorporated company's stock incorporated under and in compliance with the incorporation laws of this State shall be considered negotiable paper.

Section — All stockholders of any incorporated company under the laws of this State, shall be entitled to a vote or voice in the management of the same, and shall also be permitted to examine the condition of the property.

Dowling Pt

Proposition No 345

To appoint a Mining bureau —

Amendment 345

Dowling —

Legislative Depart

Oct. 15

Referred to Committee on Mining

Agen. A Thornton

Asst Secy

Nov 26. 1878

Reported back with recommendation that no further action be taken

Thornton

Asst Secy

Dowling

Dowling

Legislative Dept

For the appointment of a Mining bureau

See — The legislature shall provide for the creation of a Mining bureau — whose duty it shall be to give true and authentic information to the public concerning the Condition and merit of Mines incorporated under the Mining laws of Cal —

Dowling

346

Amendment 346

Taxation

Article providing for an Income Tax on the Interest on United States, State and Municipal Bonds, and on Money Loaned. &c.

— " —

Oct. 15

Referred to Committee on Revenue & Taxation

Geo. A. Thornton

Apt. Sec.

Rev. & Tax

Nov. 18, 1878

Reported back with substitute Amendment No 510.

Jull Wright

Asst. Secretary

V. E. Howard

Taxation.

Whereas it is estimated that nearly one sixth of the value of the entire property of the United States is invested in United States Bonds or evidences of debt, Exempt from taxation by an Act of Congress, but as the Exemption does not extend to the profits accruing on the Bonds; Therefore

Art.

Section 1. The Legislature shall impose an income tax on all United States Bonds, held or owned by Citizens or residents of the State

Section 2. The Legislature shall provide for an income tax on money loaned on mortgage, or other evidence of debt, to be paid by the creditor only, but the owner of the property mortgaged shall be assessed on the same on the value, after deduction of the amount of the mortgage.

Section 3. The Legislature shall impose an income tax on all State, County and municipal Bonds.

Section 4. The Legislature shall provide for a tax upon corporations on the franchise and the income received and the separate property of the corporation.

Section 5. On all lands not necessary for the business of the corporation, which have been received from the Federal or State Governments as subsidies the Legislature shall impose an increased or progressive tax of _____ per cent

347

Amendment 347

~~Oct. 15~~

Proposed Amendments to Bill of Rights

Oct. 15

Referred to Committee on Preamble & Bill Rights

Geo. Thornton
Apt Secy

Oct 24 78

Reported back by the Com, without recommendation

Thornton
Ass Sec

By Mr Hager
Re-r B. R

By Mr Hager

Proposed —

Amendments to the Declaration of Rights

1. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience; no man can of right be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent; no human authority can, in any case whatever, control or interfere with the rights of conscience, & no preference shall ever be given by law to any religious establishments or modes of worship.

2. No power of suspending laws shall be exercised, unless by the Legislature or by its authority

3. No ex post facto law, nor any law impairing the obligation of contracts, or making irrevocable any grant of exclusive or special privileges or immunities, shall be passed.

4. The printing press shall be free to every person who may undertake to examine the proceedings of the Legislature or any branch of government, and no law shall ever be made to restrain the right thereof. The free communication of thoughts & opinions is one of the invaluable rights of man, and every citizen may freely speak write and print on any subject, being responsible for the abuse of that liberty. No conviction shall be had in any prosecution for the publication of papers relating to the official conduct of officers or men in public ~~life~~ capacity, or to any other matter proper for public investigation or information, where the fact that such publication was not malicious or negligently made shall be established to the satisfaction of the jury; and in all indictments for libels the jury shall have the right to determine the law and the facts under the direction of the Court as in other cases.

5. The Citizens have a right in a peaceable manner to assemble together for their common good, and to apply to those invested with the Powers of government for redress of grievances or other proper purposes, by Petition address or remonstrance.

6. The Legislature shall not grant any title of nobility, hereditary distinction or exclusive privilege, nor create any office the appointment to which shall be for a longer term than during good behavior.

7. The courts of justice shall be open to all, and every man for an injury done him in his property person or reputation shall have remedy by due course of law and right and justice administered without sale denial or delay. No law can ~~be passed to~~ limit the amount to be recovered for injuries resulting in death or for injuries to persons or property, and in case of death from such injuries the right of action shall survive and the Legislature shall prescribe for whose benefit such actions shall be prosecuted. No law shall prescribe any limitations of time within which suits may be

brought against corporations for injuries to persons or property or for other causes different from those fixed by general laws regulating actions against natural persons.