348-

Amendment 348

Proposed Amendments to the Judiciary Department
Geo. A. Thornton
Asst Secy

Nov 13 1/8

Reported back with substitute am No 503
Thornton
Asst. Sec

By Mr Hager
Judiciary

Page 3 of 3

By Mr Hager

Proposed amendments to the Judiciary Department to be added to those heretofore made in Amendments No. 10.

1. Whenever two justices of the Supreme Court are to be chosen for the same term of service each voter shall vote for one only, ~~and~~ when three or four are to be chosen he shall vote for no more than two, and when five or six are to be chosen he shall vote for no more than three: Candidates highest in vote shall be declared elected.

2. The justices of the Supreme Court, during their continuance in office shall reside within this State and the District & County judges during their continuance in office shall reside within the districts or counties ~~respectively~~ for which they may be respectively Elected.

Amendment #348, page 1 of 3

3. No duties shall be imposed by law upon the Supreme, District or County Courts or the justices or judges thereof except such as are judicial.

4 In case where a judicial district is composed of two or more Counties, the County Judges, in the District Courts of said respective Counties, may act for and in the place of a District Judge, when he may be absent from the County, and in such case shall have power in actions & proceedings in such District Court to issue orders and writs of mandamus, quo warranto, certiorari, prohibition, ne exeat, injunction & habeas corpus & to hear and determine the same.

5. Until otherwise directed by law the Justices' Courts and the County Courts shall continue as at present established, except as in this Constitution Changed

Am No 349

Counties & County Seats

Oct 16. 08
Read & referred to Com on City, County & Township Organizations.

Thornton
Ass Sec

Dec 7. 08
Reported back with substitute Am No 521.

Thornton
Asst Secy

Boucher

Am 349

Article

by
Josiah Boucher

Counties and County Seats
cita Co n d O

Boucher

Article.

Introduced by Josiah Boucher

Counties

Section 1. No new county shall be formed or established by the Legislature, from any county or counties, which will reduce the county or counties, or either of them, from which it shall be taken, to less contents than six hundred square miles; nor shall any county be formed of less contents; nor shall any line thereof pass in less than ten miles of any county seat of the county or counties proposed to be divided

Section 2. No county shall be divided or have any part stricken therefrom, without submitting the question to a vote of the people of the county, nor unless a majority of all the legal voters of the county, voting on the question shall vote for the same.

Section 3. No county shall be so formed unless the assessed value of the property contained therein shall amount to six millions of dollars.

Section 4. There shall be no territory stricken from any county unless a majority of the voters living in such territory shall petition for such division; and no territory shall be added to any county without the consent of the majority of the voters of the county to which it is proposed to be added, but the portion so stricken off and added to another county, or formed in whole or in part into a new county, shall be holden for, and obliged to pay its proportion of the indebtedness of the county, from which it has been taken. An equitable division of all county property, owned at the time of such division, shall be made between the old and new counties. ———

County Seats

No county seat shall be removed until the point to which it is to be removed has been determined by a majority of the voters of the county in such manner as shall have been prescribed by general law. ——

v Am to 350
Campbell

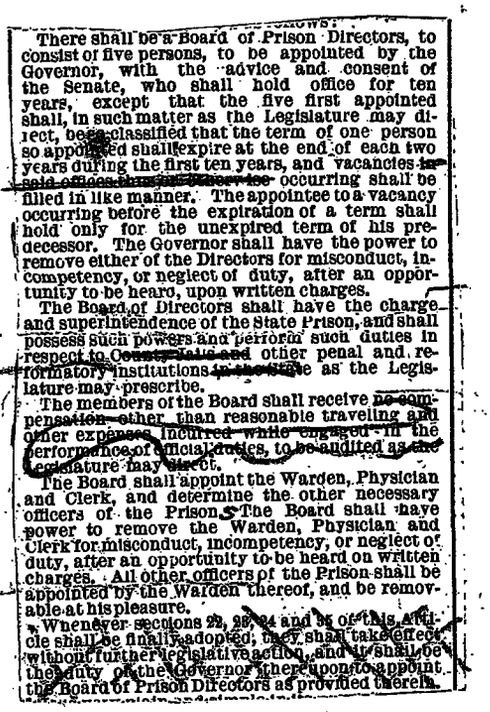
Relative to Board of
Prison Directors

Oct 17. 78
Read & referred to
Com on State Institu-
tions & Public Buildings
Thornton
Ass Sec

Dec 4. 78
Reported back with
Substitute Am to
515 State Institutions
Thornton
Asst Sec

Campbell

Proposition to establish a Board of Prison Directors



There shall be a Board of Prison Directors, to consist of five persons, to be appointed by the Governor, with the advice and consent of the Senate, who shall hold office for ten years, except that the five first appointed shall, in such matter as the Legislature may direct, be so classified that the term of one person so appointed shall expire at the end of each two years during the first ten years, and vacancies in ~~said offices thus for otherwise~~ occurring shall be filled in like manner. The appointee to a vacancy occurring before the expiration of a term shall hold only for the unexpired term of his predecessor. The Governor shall have the power to remove either of the Directors for misconduct, incompetency, or neglect of duty, after an opportunity to be heard, upon written charges.

The Board of Directors shall have the charge and superintendence of the State Prison, and shall possess such powers and perform such duties in respect to ~~County Jails and~~ other penal and reformatory institutions ~~in the State~~ as the Legislature may prescribe.

The members of the Board shall receive ~~no compensation other~~ than reasonable traveling and other expenses incurred while engaged in the performance of official duties, to be audited as the Legislature may direct.

The Board shall appoint the Warden, Physician and Clerk, and determine the other necessary officers of the Prison. The Board shall have power to remove the Warden, Physician and Clerk for misconduct, incompetency, or neglect of duty, after an opportunity to be heard on written charges. All other officers of the Prison shall be appointed by the Warden thereof, and be removable at his pleasure.

Whenever sections 22, 23, 24 and 25 of this Article shall be finally adopted, they shall take effect without further legislative action, and it shall be the duty of the Governor thereupon to appoint the Board of Prison Directors as provided therein.

State

and employees

Am No 357
357

Amendment to
Art XI. Sec 4. of the
Constitution
Creating County and
Town Government.

Oct 1 of 78
Read & referred to
Com on City, County
and Township Organi-
zations.
Thornton
ass sec

Dec 7 of 78
Reported back with
substitute Am No 521
Thornton
asst secy
City, Co. L.S. Or

Jno M. Shafter

I. This Chapter proposes the following amendment to Article XI Sec 4. of the existing Constitution

Sec 4. The Legislature shall establish a system of County and Town governments which shall be as nearly uniform as practicable throughout the state.

Each County of the state shall be divided into so many compactly located townships as may be deemed necessary, not less than three: Provided that after three have been formed, no additional township shall be made containing less than thirty six square miles. Each township shall be known as the Town of and may sue and be sued by such title.

In each township there shall be elected annually three one supervisor, one town clerk, one assessor, one overseer of highways, one overseer of the poor, one Constable who shall also be collector of taxes, and one Justice of the Peace. The supervisors of each town shall constitute a Board of Supervisors for that County, and shall assemble at the Court House thereof on the first in of each year.

and proceed to audit the accounts of said County, examine the books of the assessor, regulate and equalize the valuation of property, fix the county levies for the ensuing year, apportion the same among the various townships and perform such other duties as shall be prescribed by law.

It shall be the duty of each town to provide for the education of all its inhabitants by maintaining free schools, to provide for paupers resident therein, and for the building and maintenance of necessary bridges and highways, and all taxes paid in such town for these purposes shall be expended therein. The Legislature at the first session after the adoption of this Constitution shall provide for carrying into effect this article, and may thereafter give full effect to the same.

Amt No 352

Amendment

Relating to Chinese

Oct 17 '78

Read & referred to Com on Legislative Department

Thornton
Ass Sec

Oct 31 '78

Reported back with Substitute Amt No 454.

Thornton
Ass Sec

Leg. Dpmt

Miller

Mr. Miller

Relating to Chinese.

Amendment to the Constitution.

Sec — The legislature shall have power to enact all needful laws and to prescribe necessary regulations for the protection of the State and the Counties, Cities, and Towns thereof from the burdens and evils arising from the presence of alien vagrants, paupers, criminals and imbeciles afflicted with contagious or infectious diseases, and aliens otherwise dangerous to the well being and peace of the State, and to impose conditions upon which such persons may reside in the State and to provide the means and mode of their removal from the State upon failure to comply with such conditions.

59

Am No 35 353

Licensing

Corporations

Larkin

Oct 17. 78

Read & referred to
Com on Corporations
other than Municipal

Thornton
ass sec

Oct 30. 78

Reported back with
Substitute No 444

Thornton
ass sec
Corporations

License

Section 1. All corporations incorporated under the laws of this State or doing business in this State shall pay an annual license to the State in a sum not exceeding one per cent. upon their Capital Stock.

Sec 2. The Legislature shall pass laws to enforce the above section

Am No 354

~~Memorial~~

Weller

Memorial to the committee on Legislative Department

Presented by J. N. Weller

Oct 18. 78

Read & referred to Com on Legislative Department

Thornton

Ass Sec

Nov 11. 78

Reported back with Substitute Am No 501

Thornton

Ass Sec

(4)

Weller

On the committee on the Legislative department.

Senators and Assemblymen shall be qualified electors in the districts they represent and shall have been residents of the State three years previous to their election.

Weller

Am No 355

Oct 18. 78

Resolution with reference to School and University Endowments Funds.

Martin of Alameda,

Ed & Mun Ind

Read & referred to Com on State & Municipal Indebtedness

Thornton
Ass Sec

Martin of Alameda

not less than six per cent annual interest shall be paid.

With Reference to School and University endowments, Funds

Resolved: That all loses to the permanent School or University endowment Fund of this State, which shall have been occasioned by the defalcation, mismanagement or fraud of the Agents or officers, or officers of the State, Controlling or managing the same, Shall be audited by the proper Authorities of the State, The amount so Audited Shall be a permanent funded indebtedness against the State, in favor of the respective funds, Sustaining the loss. Upon which

Am No 356

No	Oct 18. 1878
Legislative Department	Read & referred to Com on Legislative Department Thornton Ass Sec
	Nov 11 1878 Reported back with substitute Am No 501 Thornton 14 Ass Sec

14

Cross

Legislative Department.

Proposed Addition to Sec 17. Article IX

Introduced by Mr Coos.

No Law shall take effect until 90 days, after the first General Election succeeding its passage. Every law shall be designated by a number. At any general election next succeeding any session of the legislature, any person voting at such election shall place upon his ballot the words "Against Law No (—) giving in figures the number of any law or laws passed at the session of the legislature next preceding such General Election. And if a majority of all the votes polled shall be against any law, so passed at the next preceding session of the legislature, then such law so voted against, shall not take effect at all.

Am to 354

Relative to Art 1. Section

Oct 18. 78
Read & referred to
Com on Preamble &
Bill of Rights
Thornton
asst Sec

Oct 24 78
Reported back by the
Com. without recom-
mendation
Thornton
Ass Sec

To Committee
on
Preamble and
Bill of Rights
Relative to
Article 1st
Sections 1st & 2nd

15
Pre & Bill of R

Wickes

J. T. Wickes.

Article 1. Section 1.

All men are endowed with an equal measure of liberty, subject to an equal provision of restraint. they are, in fact, equal before the law.

They many enjoy and defend life and liberty, - acquire, possess, and protect property; and seek security and happiness by all legitimate means.

Section 2.

The people are endowed with political power. Government is divinely instituted for the protection, security, and benefit of the people, and they have the right to alter or reform the same whenever the public good seems to require it.

Am No 358

fer to Committee
on
uffrage.

Van. Voorhies.

Suffrage.

Oct 18. of 8
Read & referred to
Com on Right of Suffrage
Thornton
ass sec

Nov 13. of 1
Reported back with
Substitute Am No 504
Thornton
ass sec

16
Suffrage

W. Van Voorhies.

Suffrage.

Sec — ~~No person~~ After the year 1880 no person who shall become a citizen of this State under the naturalization laws of the United States, and no minor who shall have attained his majority after that shall be entitled to exercise the right of suffrage at any election, State, County, or municipal, who is unable to read and write in one known language.

Ann No 359
Relative to all moneys
now made Legal Tender
Oct 19 /78

Read & referred to
Com on Legislative
Department

Thornton
Asst Sec

Nov 11. /78
Reported back with
Substitute Ann No 501

Thornton
Asst Sec

(4)

Leg. Dept

Wyatt

By N G Wyatt

Resolved That The following Proposition be inserted in the Constitution and numbered Section ——

Section —— All Money of the United States made a legal tender in the payment of private debts shall be received at its face value in payment of Taxes Salaries or other public dues authorized to be collected by the Laws of this State

Am No 360

No

Proposition regarding Taxation

Oct 19. 78

Read & referred to Com on Revenue & Taxation

Thornton

Ass Sec

Nov. 18, 1878.

Reported back with ~~Filed~~ Substitute Amendment No. 510. Wright

Asst. Secretary

By

A. C. FREEMAN,

(OFFICE IN FREEMAN'S BUILDING, Fifth Street, near J.)

~~Attorney for~~

Proposed Substitute for Sec 13 of Art XI of the present Constitution, on Taxation

Sec Taxation shall be equal and uniform throughout the state. All property in the state, including debts, credits and choses in action, & excluding growing crops, shall be taxed in proportion to its value to be ascertained as directed by law. Every mortgage, deed of trust or other contract, or agreement, whether oral or written, which secures any existing debt or liability shall, for the purposes of assessment and taxation, be deemed and treated as an estate or interest in the property affected by such mortgage, deed, or other contract and shall be assessed accordingly.

Oct 19/78

A.C. Beaman

his or its creditors or of so many of them, as he or it may determine, excluding all who are not residents and taxpayers of this State and may ask the assessor to deduct the amount of indebtedness as shown by such list from the assessed value of his property. The verification shall be by oath or affirmation, and to the effect that each item in said list, is a bona fide existing debt entitled to no abatement, by reason of the payment of any portion thereof - that it is not a contingent liability, nor a liability as endorser or guarrantor for any other person, company or association. If the assessor shall be satisfied that said list is in all respects correct, he shall deduct the amount of indebtedness therein shown, from the value of the property assessed to such person or corporation and the remainder shall be the sum upon which tax shall be levied, subject however, to revision by the Board of Supervisors, sitting as a Board of Equalization -

Am No. 361

In relation to Taxation

Oct. 19. 78

Read & referred to Com Revenue & Taxation

Thornton

Assn

Nov. 28, 1878

Reported back with substitute Amendment No. 510.

Wright

Asst. Secretary

Introduced by J. M. Rhodes

PAGE.

In relation to taxation.

Resolved, That the following sections be appropriately numbered and incorporated in the new Constitution

Section ——— Taxation shall be uniform throughout the State, All property in this State (money, bonds, mortgages and solvent debts included) other than property exempt under the laws of the United States and that belonging to the State and to the several Counties Municipal Corporations, public schools, and school districts therein shall be taxed in proportion to its value to be ascertained as directed by law, except as herein otherwise specially provided

Section ——— In assessing property for the purpose of taxation, small tracts of land under cultivation shall not be assessed at a higher value per acre, than Contiguous lands in large tracts of equal productive Capacity and Corresponding local advantages, Buildings and other like improvements shall be assessed separately from the land, The term property as used in this Section shall not be construed to embrace farm produce until the same is harvested, and susceptible of manual delivery, Every person and Every incorporated Company in this State may if he or it so elects, present to the Assessor, when he proceeds to assess the property of such person or incorporated Company a verified list of

Am No 362

To regulate

Water rights

Oct 19. 08

Read referred to
Com on Water & Water
Rights

Thornton
ass sec

Nov 22 08

Reported back
with substitute
Am No 864

W. H. R.
Thornton
asst sec

W J Timmins

Indep. Pass.

The right to divert the unappropriated waters for mining manufacturing agricultural or domestic purposes from any stream or lake in this State shall never be denied

Com to 363

To regulate
Water rents

Oct 19. 78
Read & referred to
Com on Water Water
Rights
Thornton
11 ass sec
Nov 22. 78
Reported back with
substitute am to 514
Thornton
ass sec

W. J. Tinnin

Public Park

Whenever any person, persons, or Corporation shall offer for rent or hire, any water for mining, Agricultural, Manufacturing, or domestic purposes, the Board of Supervisors in the County where it is offered, shall fix the maximum price for said water.

Ans to 364

To regulate
Water privileges

Oct 19 a/8
Read & referred to
Com on Water & Water
Rights
Thornton
ass sec

Nov 22 a/8
Reported back with
sub Ans to 514
Thornton
Asst sec

W J Tinnin

Judd Post.

For the purpose of making ditches, canals, flumes, tunnels, drains, reservoirs, or aqueducts, for mining agricultural domestic or manufacturing purposes, the right of eminent domain shall never be denied.

Am to 365-

A Resolution
Concerning the
Judicial Dep
-partment -

Oct 19 46
Read referred to
Com on Judiciary &
Judicial Department
Thornton
Asst Sec

Nov 13. 46
Reported back with
Substitute Am to 503
Thornton
Asst Sec

Edgerton -

A Resolution Concerning the Judicial Department

Sec. 1. There shall be one County Court for each County of the State, and there shall be at least one Justice of the County Court for each County, and in counties where more than one Justice is necessary to perform judicial duties, there shall be as many Justices as shall be sufficient, but each Justice shall try causes and questions at issue, and the Legislature shall direct the method of the distribution of business among the Justices.

Sec. 2. There shall be provided in each county as many (forums or) Court Rooms) as there are Justices of the County Court, and the forums shall be distinguished by enumeration. The assignment of particular Justices to the different forums shall be regulated by law, but nothing shall prevent the Justices from the freedom of interchange.

Sec. 3. In the City and County of

San Francisco a particular forum or forums shall be designated for Probate business exclusively, also one or more for criminal cases exclusively and the remainder for civil causes exclusively. The Legislature shall prescribe the manner of distributing the calendar of causes to the different forums, with full scope for redistribution and transfer. The Legislature shall have power to apply the provisions of this section to any other County whose growth and population shall render it necessary.

Am No 366

Relative to Change of
Seat of Government

Oct 19. 78

Read reference to E O Smith
Com on Miscellaneous
Subjects

Thornton
Asst Sec

Jan. 26 1879
Reported back with
substitute amend-
ment No. 635
J. M. Wright
Asst. Secretary

Recommend 14
Green

E O Smith
of Santa Clara

Provision for promoting the health of State officers and members of the Legislature And for securing the property and the archives of the State from destruction by floods

The committee on State institutions and Public Buildings be requested to enquire into the propriety of incorporating into the New Constitution Section 1 in Article 11 of the old constitution which reads as follows

The first session of the Legislature shall be held at the Pueblo de San Jose which place shall be the permanent seat of Government until removed by law provided, however that two thirds of all the members elected to each House of the Legislature shall concur in the passage of such Law

Ass. to 367

Proposed New Section, Concerning the Judicial Department.

Oct 19. 08

Read referred to Com on Judiciary & Judicial Department

Thornton

Asst Sec

Nov 13. 08

Reported back with Substituted Sen to 503

Thornton

Asst Sec

Geo. D. Schell

Concerning the Judicial Department

Resolved that the following be incorporated in the new Constitution:

Sec. — When a judgment or decree is reversed or affirmed by the Supreme Court, every point fairly arising upon the record of the case shall be considered and decided; and the reasons therefor shall be concisely stated in writing, and preserved with the record of the case; and it shall be the duty of the Court to prepare a syllabus of the points adjudicated in each case concurred in by three of the Judges thereof, which shall be prefixed to the published report of the case.

Schell

Delegate at Large

4th Cong. Dist.

Proposition No
Am No 368
Dowling

Legislative Depart

Oct 19 78
Read & referred to
Com on Legislative
Department
Thornton
Ass Sec

Nov 11. 78
Reported back with
substitute Am No 501
Thornton
Ass Sec

Dowling

To Committee on Legislative Department

To eradicate the horrible crime of abortion,

~~Sec~~ Article — 1 —

Sec — The crime of abortion is hereby considered a felony and punishable with State Prison for life.

Dowling I. J.

The above should be inserted in the new Constitution and the legislature should provide for its enforcement by appropriate legislation

Con Act No 369

Amendments to Article X. of present Constitution, relating to future amendments.

Offered by Blackmer & San Diego.

Oct 19 78

Read referred to Com on Future Amendments

Thornton

Dec 21 78

Reported back with substitute Act No 526

Thornton

Blackmer

Amend Section 1. of Article X. of present Constitution by striking out after the word "people" in the tenth line the words "in such manner" ~~and~~, and at such times as the Legislature ~~Legislature~~ shall ~~and after the word~~ prescribe, and in the eleventh line insert the following, "and such amendment, or amendments shall be so prepared and distinguished, by numbers, or otherwise, that they can be voted on separately, unless it shall be found impracticable to so distinguish them.

Amend Section 2. of Article IX. by striking out after the words "less than" in the eighth line the words "that of both branches of the Legislature". and insert the following. "eighty nor more than one hundred". Also strike out all after the word "rejection" in the eleventh line, to, and inclusive of the words "Against the New Constitution, in the 13th line, and insert the following. "The Constitution so submitted shall be voted on as a whole, but the Convention shall have power to submit separate

(over)

articles on any subject, to be voted on separately, and should such separate article or articles, or any portion thereof be approved by the people, they shall then be considered as a part of the Constitution of this State, and shall be incorporated therein in place of the article, section or sections in the then existing Constitution, which relate to the same subject matter".

At the close of ~~the~~ Sec. 2. add the following. "If however it is found that any article, section or sections submitted separately have been ratified by the people, the Executive of this State shall, by his proclamation, declare such article, section or sections to be a part of the then existing Constitution of the State of California".

~~To Legislative Com.~~

Am to 3 70

Against Lobbying
The
Legislature.

Oct 19. 78

Read & referred
To Committee
on Legislative
Dept.

Thornton
ass sec

Nov 11. 78

Reported back with
substitute Am to 5 01
Thornton
asst sec

Wickes

J. T. Wickes

Any agent, attorney, or person that, during the sitting of the Legislature, attempts to influence bias or induce any member of the Legislature to vote for or against any measure or bill pending before the members thereof, shall be adjudged guilty of contempt; and, on proof, shall be punished as the Legislature may direct.