Am No 371

On Taxation
to provide
for annual
assessment
&c

L. Tuttle

Oct 19. 78
Read & referred to
Com on Revenue & Taxation
Thornton
Ass. Sec

19
Nov. 18 1878
Reported back with
substitute Am. No. 570
Wright
Asst Sec.

Tuttle

Legislative Department

Sec — The Legislature shall provide by law for only one annual assessment or valuation of property for taxation for State County, City, Township School or any other Municipal purposes.

Legislatures shall meet once in four years.

Am to 372
Proposition No 3

Oct 30 /78

Reported back with recommendation that no further action be taken

Thornton
asst sec

Relative to corporations other than Municipal

Oct 19 /78

Read & referred to Cen in Corporations other than municipal

Thornton
asst sec

Offered by
A Vacquerel

October 19/78

over

Resolved.

That in all elections for directors or managers of any incorporated company, each shareholder shall have the right to cast only one vote, either in person or by proxy, no matter how many shares he may possess; And that to have the right of voting said shareholder must have been in possession of one or more shares at least six months before election take place.

All elections in opposition to this section shall be unlawful.

~~Proposition~~ Am No 373

October 1878

In re. Legislative Dept

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

W. P. Grace

In reference to the Legislative Department.

Section 1 The members of the Legislature shall receive a fixed salary to be prescribed by law which shall be in full for their services, and no other allowance or perquisite either in payment of postage or otherwise shall be made. Nor shall any change be made in such compensation during their term of office, but the Legislature shall provide for ratable deductions therefrom on account of unnecessary absence during its sessions.

W P Grace
San Francisco

Am to 374

Relative to abolishing office of Lieut Gov

Oct 19. 98
Read and referred to Com on Executive Department

Thornton
Ass Sec

Oct 30. 98
Reported back with substitute No 4445

Thornton
Ass Sec

Stedman

24

Executive Committee

In relation to the abolishment of Lieutenant Governor,

Resolved That the following section be inserted in the Constitution in lieu of sections 16 & 17 of the present Constitution

Section – In case of the death or resignation of the Governor, or his removal from office the Speaker of the Senate shall exercise the office of Governor until another Governor shall be duly qualified; but in such case another Governor shall be elected at the next general election.

John C. Fledman
of San Francisco

Amendment No 375

Relative to the establishment of a Penal Colony

Oct 19. 78

Read & referred to Committee on Miscellaneous Subjects.

Thornton
Oso Sec

Recd & Com
Dean
2d

Jan. 25, 1879

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

Cross

Proposed Amendment to Constitution

Article – Section –
With regard to establishment of a penal colony
Introduced by Mr Cross.

Sec – The legislature shall have power, when it shall deem it best, to establish a penal colony upon any island adjacent to or included within the State of California, and to provide that all or any portion of the criminals of this state, may be confined to prescribed limits upon such island, under such rules, and under the supervision of such officers, as the legislature may, by statute, prescribe.

Amendment
No 376
Increasing the
Legislative powers of
Boards of Supervisors

Oct 21. 78
Read & referred to
Com on City. County
& Township Organizations
Thornton
Ass Sec

Dec 4. 78
Reported back with
C. C. & Township
substitute Amdt 521
Thornton
Asst Secy

Burt

Amendment No

Introduced by S B Burt

Article —

Section — The Boards of Supervisors of the several counties, municipal cities and towns shall have power to enact all laws relating to the local government of their respective counties and townships, and municipal cities and towns. Provided said laws shall not conflict with any general State laws. Also to fix the salaries, and manner of payment, of all officials, (except the Judiciary) of their several counties and townships and municipal cities and towns.

Am. No. 374

A Resolution

Concerning the
Bill of Rights

Oct 22. 98
Read & referred to
Com on Preamble &
Bill of Rights
Thornton
Ass Sec

Dec 21. 98
Reported back & recmd
that no further action be
taken
Thornton
Ass Secy

By request
Edgerton

A Resolution of Concerning the Bill of Rights — — —

SEC. 4. "The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State: and no person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief: but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practises inconsistent with the peace or safety of the State."

And to secure said rights, it is essential that one day in seven should be observed as a day of rest. The first day of the week, usually called the Sabbath, or Sunday, shall be observed as said day of rest.

~~To Committee On~~
~~Legislative Department~~

Am No 3 of 8

Against Office
Seeking,

Oct 22. 0/8

Read & referred to
Com on Legislative
Department

Thornton
Ass Sec

Nov 11. 0/8

Reported back with substitute
Am No 501. Thornton
Asst Secy
J. T. Wickes

Any candidate, who in any newspaper, print or writing, announces, or consents to announce his name as candidate for nomination to any public office, by any party, club, caucus, or convention — thereby disqualifies himself from holding the office for which he thereby is announced as a candidate, during the next term thereof.

On Revenue & Taxation.

Art. ——

Sec 1 Taxation shall be equal and uniform throughout the State of California.

Sec 2 For the purposes of taxation all property within the State shall be assessed at its full cash value, to be ascertained in such manner as the Legislature may direct; and property in the sense of this article shall be understood to include all rights, privileges or franchises that have been or may be granted by the State, or any subdivision thereof, to any individual, corporation or association, and every other conceivable thing that possesses any commercial or exchange value: Provided that the property of the State and the prop-

Amendment #379, page 1 of 4

erty of cometies and other municipal corporations may be exempted from taxation.

Sec 3. Land shall in all cases be assessed as an item separate and distinct from the improvements thereon, and in determining the value of land for the purposes of taxation, no discrimination shall ever be made ~~in~~ ~~cou~~ ~~st~~ between tracts of land possessing the same natural ~~natural~~ and other facilities and of the same productive capacity in consequence of any improvements that may have been made on one tract or piece of land more than on another

Sec 4 Any property of any individual, association or corporation may be seized and held for the amount of the taxes due from

said individual, association or corporation, but any party in possession of, and paying the taxes on, property that is encumbered by mortgage or other legal lien, shall recover, without legal process, from the holder of said mortgage or lien, an amount, in settlement, equal to the sum of the taxes on the amount of said mortgage or lien.

Sec 5 Nothing in the foregoing shall be construed as depriving the Legislature of the right to levy a special tax on peddlers, auctioneers, brokers, hawkers, merchants, commission merchants, showmen, jugglers, inn-keepers, grocery-keepers, liquor dealers, toll-bridges, toll roads, ferries, insurance, telegraph and express interests or business,

vendors of patents, and persons, companies or corporations owning or using franchises or privileges, in such manner as it may from time to time direct by general law, uniform in all cases as to the class upon which it operates.

Am. Ch. 379

Relating
to
Revenue & Taxation
by
J. A. Filcher

Oct. 22. /8.
Read & referred to
Com on Revenue and
Taxation
Thornton
Ass'ee

Nov. 18, 1878.
Reported back with
Substitute Amendment
No. 540. Wright
Asst. Secretary

J. A. Filcher

Page 4 of 4

Recd Oct 30th 1878

Amendment No 380

Relative to the University of California

Committee on Education

Oct 22. 78

Read & referred to Com on Education

Thornton
Ass Sec

Dec 13/78

Reported back with substitute and #523

Smith
Van Dyke Ass Sec

Kern

Art

Sec

Regarding the University of California —

Whereas the University of California is not, either in its origin or endowments, exclusively a State Institution, but derived its origin from the College of California, and has received large endowments from the Congress of the United States upon certain conditions connected therewith, affecting its organization, and also valuable endowments from individuals which were designed to preserve and develop it in its present form, and in order to attain the full benefit and proper use of said endowments and to give such stability to said University as will tend to acquire further endowments from private sources it is expedient that it should continue to exist in perpetuity under its present organization and government, and incapable of change — it is declared that said University shall constitute a public trust and that its organization and government shall be perpetually continued in their existing form, character and condition, subject only to such

legislative enactments as shall not be inconsistent therewith, and shall only pertain to its support and more complete development, And it is further declared that the Board of Regents in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise and enjoy all the powers, authorities, rights, liberties, privileges, immunities and franchises which they now have or are entitled to have, hold, use, exercise and enjoy, and the same are hereby ratified and confirmed unto them and to their successors, and to their officers and servants respectively forever. It shall be entirely independent of all party influences, and kept free therefrom in the appointment of its Regents, and the administration of its affairs.

Am No 381

Oct 30/78
Read

To the Com.

on

Education

Oct 22. 78
Read & referred to
Com on Education
Thornton
ass sec

Nov 6/78.
Reported back with recommendation that it
be not adopted
E F Smith
ass sec

H. W. Smith
San Francisco
Oct. 16/78.

Ed

2

To the Com. on
Education

Article,

Sec. 1 No Teacher, State, County, township or district school officer shall ever be interested in the sale proceeds or profits of any books apparatus or furniture, used or to be used in any school of this state, under such penalties as may be provided by the Legislature

Submitted Oct. 16. 78.
by
S. W. Smith of
San Francisco,

Nov 8. 1/8
Reported back. That it be not adopted and laid on table
Thornton
ass sec

Am No. 382
Concerning the Declaration of Rights

Proposed amendment to Sec. 9 Article I.

Oct 22. 1/8
Read & referred to Com on Preamble & Bill of Rights
Thornton
ass sec
20

Introduced out of Order by Schell
(Over)

Proposed amendment to Sec. 9
Article I

Declaration of Rights

Sec. – Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or the press. In all trials for libel, both civil and criminal, the truth of the matter alleged to be libelous, when published with good motives and for justifiable ends, shall be a sufficient defense to the person charged; ~~and the jury may determine the law and the fact~~.

Schell

383

Am to 38B

Additional Section to Article ~~XX~~ IX of present Constitution relating to the University.

Oct 22. 1878

Read & referred to Com on State Institutions & Public Buildings.

Thornton
Ass Sec

Dec 14 1878

Reported back with substitute Am to 515

Thornton
Ass Sec

Webster

Sec. — The University of this State shall be under the control of ~~the~~ a Board of Regents composed of fifteen members, two of which shall be elected from each congressional district, by the qualified electors thereof, in such manner, and for such time as the Legislature may by law provide.

The remaining seven shall be Ex Officio members and the Governor, Lieut. Governor, Supt. of Public Instruction, Speaker of the Assembly, Prest. of the State Board of Agriculture, Prest. of the Mechanics Institute, and Supt. of Public Instruction for the City of San Francisco shall ~~ex~~ ~~be~~, by virtue of their office, be the aforesaid Ex Officio members.

Am. to 384
On Revenue &
Taxation

Chas. V. Stuart

Oct 22. 78
Read & referred
to Com on Revenue
& Taxation
Thornton
Ass Sec

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

Stuart
Refer to Com on Taxation

The following provissions shall be included in the Constitution

1st Adopted H.E. Oct. 29/78

The state tax on property exclusive of tax necessary to pay any debt of the state now existing shall not exceed Forty Cents on the hundred dollars on the Valuation,

2nd Sent H.E. Oct. 29/78

No County, City and County, City, or municipal Corporation, shall impose any tax exceeding thirty Cents on the hundred dollars, exclusive of the tax necessary to pay any debt now existing in said County, City and County, City, or Municipal Corporation,

Am No 385

PAGE.

Nov 11 78

Reported back with substitute Am No 501
Thornton
Asst Sec

In relation to embezzlement of Officers &c

Oct 22 78
Read & referred to Com on Legislative Department
Thornton
Ass Sec

By Thompson

23
(Over)

In relation to Embezzlement

Sec 1st

PAGE.

Every person holding office in this State be it Township, Municipal, County, or State, shall be held amenable for all money or property that may come into his hands or under his control and in case of his appropriating or converting to his own use any amount under one hundred dollars shall be guilty of Misdemeanor and upon conviction thereof he shall be fined in the full amount so appropriated and imprisoned in the County jail for the term of six months And for any sum exceeding one hundred dollars and under one thousand dollars he shall be deemed guilty of felony and upon conviction thereof he shall be imprisoned in the State Prison not less than three nor more than five years. and in addition thereto pay a fine in the full sum so appropriated. And in all cases where the sum so appropriated shall exceed one thousand dollars in value the penalty shall be imprisonment in the State prison not less than ten nor more than thirty years and in addition thereto he shall be fined the full amount so embezzled or appropriated and he shall forever be disfranchised and ineligible to hold any office of profit or trust in this State. in each and every case above enumerated

PAGE.

Sec. 2d. Any person in the employ of any incorporation or individual in this State who shall control or receive any money or other valuables into his custody and shall appropriate any sum not exceeding one hundred dollars shall be deemed guilty of misdemenor and upon conviction thereof he shall be imprisoned in the County Jail not less than one month nor more than three months and he shall pay a fine in addition thereto of the full amount so taken. And for any amount exceeding one hundred dollars and less than one thousand dollars he shall be deemed guilty of felony and upon conviction thereof he shall be imprisoned in the State Prison not less than one nor more than three years and fined in the full amount so appropriated. And for any sum exceeding one thousand dollars he shall be imprisoned (upon conviction thereof) in the State Prison for not less than 3 nor more than Ten years and fined in the full sum so appropriated.

Sect. 3d. There shall be appropriate legislation to enforce the above provisions

Am to 386

Proposition

In regard to Juries

Judiciary Comm

Oct 22. 1878

Read & referred to Com on Judiciary & Judicial Department

Thornton
Ass Sec

Nov 13. 1878

Reported back with substitute Am to 503

Thornton
Asst Sec

Copies

By James Copeles

Proposition in regard to Juries

Article — Sec —

Grand Juries Shall be Composed of Seven Jurors and the Concurrence of five Jurors Shall be Sufficient for the finding of a presentment

Section —

Trial Juries in all cases whether Civil or Criminal Except in Cases where upon Conviction the Penalty would be death Shall be composed of five Jurors and the concurrence of three Jurors Shall be Sufficient for the finding of a Verdict —

Sect. —

Trial Juries in Cases where upon Conviction the Penalty would be death the Jury Shall be composed of Seven Persons and a concurrence of the whole number Shall be necessary to the finding of a Verdict

That all bills should be presented and printed within fifty days after the organization of the Legislature to the end that their provisions may be known, in the localities and among the interests to be affected by them — and an opportunity allowed by petition remonstrance and argument for presenting reasons for or against their enactment,

J R Weller

E. Moller

Amendment #387, page 1 of 4

That the legalization of the acts of local officers, changes of names of persons, and corporations, should be left to judicial inquiry in courts of record, with power to apply the relief suited to each case according to its merits —

J. R. Weller

Amendment #387, page 2 of 4

That the regulation of strictly local affairs of Counties should be intrusted within fixed limits, to boards of Supervisors, County Commissioners, or the County Courts, according as they are severally charged with County business.

That the internal and local affairs of towns and cities and villages under like restrictions should be left to the officers or boards elected for their government.

Subject to the approval of the people by an election upon questions involving taxation & expenditures

J. P. Weller

Pr

Amendment #387, page 3 of 4

That all Judges of Courts of record inferior to the Supreme Court, shall annually report in writing to the Judges of the Supreme Court, such defects and omissions in the laws, as their experience may suggest; and that the Judges of the Supreme Court shall on or before the first day of each regular session, report in writing to the Governor such defects and omissions as they may find to exist, together with appropriate forms of bills to cure such defects and omissions in the laws: These the Governor is required to lay before the Legislature. That general and local laws should not conflict.

J. R. Weller

Am to 38 of

P

Introduced by J. R. Weller

To Committee on Legislation

Relation to Legislature

Oct. 22. 48

Read & referred to Com on Legislative Department

Thornton
Ass. Sec

Nov. 11. 48

Reported back with substitute Am to 301

Thornton
Asst Sec

25

Weller

Am No 388

Relative to Chinese

Oct 22. of 8

Read & referred to Com on Chinese

Thornton
ass Sec

Oct 31. of 8

Reported back with substituted Am No 454

Thornton
ass Sec

Thos Donnell

Thos G Donnell

27

PAGE.

PAGE.

See

The right is hereby reserved to the State to protect its citizens from pestilence and plague, and, as a police regulations, to prohibit the entry of dangerous or criminal classes —

Am to 389 of
Committee of
Legislative
Department
in relation to Electors
by Condon

Oct 22 78
Read & referred to
Com on Legislative
Department
Thornton
Ass Sec

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

Condon

Legislative Department

Section -- Any Elector who shall receive any gift or reward for his Vote, in meat drink money or otherwise shall suffer such punishment as the law may direct and any Person who shall directly or indirectly give promise or bestow any such reward to be elected, shall thereby be rendered ineligable for any office within the gift of the People of this State for the term of six years and be subject to such further punishment as the Legislature shall direct

Section The Legislature may authorize the employment of a chaplain for the State Prisons but no money shall be appropriated for the payment of any religious services in either House of the Legislature

by - Condon

Am No ~~389~~ 390

Propositions relating to the Chinese subject By Joyce

Oct. 22. 78
Read & referred to Com on Chinese
Thornton
Ass Sec

~~Chinese~~
Oct. 31. 78
Reported back with substituted Am No 454
Thornton
Ass Sec
Joyce

PAGE.

Resolved

That the following be inserted in the new Constitution

Sect. All rents for use or occupation of any real estate or premises whatsoever in this State leased to or occupied by any alien who is ineligibility to become a citizen of the United States under the laws thereof shall escheat to and be collected by this State

Sect. An alien who has not declared his intention to become a citizen of the United States under the laws thereof shall not engage in any business in this State without been first licenced so to do in such manner and on such terms as the Legislature shall prescribe

By Joyce

Am No 392

Committee on Taxation.

Graduated, Progressive Taxation.

Oct 22 1878

Read & referred to Com on Revenue and Taxation

Thornton

31 ass Reg

O'Sullivan.

Nov. 18, 1878

Reported back with Substitute Amendment No. 610.

Wright
Sect Secretary

Graduated, Progressive Taxation.

Article —.

Section —. Taxation shall be equal and uniform. The State Board of Equalization shall classify all the lands of the State each second year into as many classes as by law shall be directed, each class to have its specific valu=ation per acre, and the said valuation to be the basis of the assessment. Provided that—

First— Whenever any one person shall, either in his own name or in the name of any other person or corporation, own over one thousand (1,000) acres, fifty per cent. shall be added to the valuation of his land for taxes.

Second— That where such ownership shall exceed two thousand (2,000) acres, seventy=five per cent. shall be added to the valu=ation for taxes.

Third— That where such ownership shall exceed three thousand (3,000) acres, one hundred per cent. shall be added to the valuation for taxes.

Fourth— That where such ownership shall exceed five thousand (5,000) acres, one hundred and fifty per cent. shall be added to the valuation for taxes. And

Fifth—That where such ownership shall exceed ~~five~~ eight thousand (8,000) acres, there shall be two hundred per cent. added to its valuation for taxes.

O'Sullivan