WELFARE

Report of the
Committee on
Legislative Department

Nov 11 1/8

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Thornton
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Mr. President:

The Committee on Legislative Department begleave to report that they have examined the various propositions submitted to them and report the same back with the following Substitute which they recommend may be adopted as Article IV of the proposed Constitution.

D. S. Terry Chairman
Jno Mansfield
T. D. Hiskell
J. D. Garvey
James Caples
Chas. G. Finney
J. A. Fitcher
W. J. Graves
D. H. Cowden
J. G. McCallum
S. A. Holmes

Annie No 501

Relative to Legislature Dept

Nov. 11. 78

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Asst Rec

Committee on Legislative Department

Amendment
Suggested by Committee on Legislative Department -

Article IV
Legislative Department.

Section 1

The Legislative power of this State shall be vested in a Senate and Assembly which shall be designated The Legislature of the State of California, and the enacting clause of Every law shall be as follows: "The People of the State of California, represented in Senate and Assembly, do enact as follows."

Section 2

The sessions of the Legislature shall be biennial and shall commence on the first monday after the first Tuesday in January next ensuing the election of its members, at twelve o'clock M. unless the Governor shall in the interim convene the Legislature by Proclamation. No session shall continue longer than sixty days except the first session called after the adoption of this Constitution which may continue Eighty days. And no bill shall be introduced in either House during the last ten days of the session without the consent of two thirds of the members of said House.

Section 3

The members of the Assembly shall be

chosen biannually by the qualified electors of their respective districts on the first Tuesday after the first monday in November and their term of office shall be two years.

Section 4

Senators shall be chosen for the term of four years, at the same time and place as members of the Assembly, and no person shall be a member of the Senate or Assembly who has not been a citizen and inhabitant of the State and of the District for which he shall be chosen, one year next before his election.

Section 5

The Senate shall consist of thirty members and the Assembly of sixty members to be elected by Districts as hereinafter provided. The seats of the fifteen Senators from the odd number districts chosen at the first election under this Constitution shall be vacated at the expiration of the second year so that one half of the Senate after the first election shall be chosen every two years.

Section 6

For the purpose of classing members of the Legislature the State shall be divided

into Sixty districts as nearly equal in population as may be, and composed of contiguous territory to be called Legislative Districts: Each district shall choose one Senator and two members of the Assembly. The Districts shall be numbered from one to Sixty inclusive in numerical order commencing at the Northern boundary of the State, and ending at the Southern boundary thereof. In the formation of said districts no County or City and County shall be divided unless it contain sufficient population within itself to form two or more districts, nor shall a part of any County or City and County be united with any other County or City and County in forming any district. The census taken under the direction of the Congress of the United States, in the year One thousand Eight hundred and Eighty, and every ten years thereafter, shall be the basis of fixing and adjusting the Legislative Districts and the Legislature shall at its first session after each census adjust said districts and apportion the representation so as to preserve them as near equal in population as may be. But in making such adjustment no persons who are not eligible to become citizens of the United States under the naturalization laws shall be counted as forming the population of any district.

until such adjustment shall be made the First District shall consist of the Counties of Del Norte, Siskiyou, Modoc, Lassen, Shasta and Trinity: the Second, of the Counties of Humboldt and Mendocino: the Third, of the Counties of Tehama and Butte: the Fourth of the Counties of Colusa, Lake and Sutter: the Fifth of the County of Sonoma: the Sixth of the Counties of Marin and Napa and Contra Costa: the Seventh of the Counties of Solano and Yolo: the Eighth of the Counties of Sierra, Yuba and Plumas: the Ninth, of the County of Nevada: the Tenth, of the Counties of Placer and El Dorado: the Eleventh of the County of Sacramento: the Twelfth of the Counties of Calaveras, Alpine, and Amador; the Thirteenth of the County of San Joaquin: the Fourteenth of that portion of the city and county of San Francisco, bounded and described as follows, to wit: Beginning at a point where Larkin street intersects the waters of the Bay of San Francisco; thence meandering along the shore of said Bay in an easterly and southeasterly direction to the point where market street intersects said bay: thence along market street to California street; thence along California street to Kearney

street: thence along Keaney street to Vallejo street; thence along Vallejo street to Larkin street and thence along Larkin street to the waters of the Bay of San Francisco, the place of beginning: the Fifteenth, of that portion of the City and County of San Francisco, bounded and described as follows, to wit: Beginning at the point where Larkin street intersects Vallejo street: thence along Vallejo street to Keaney street; thence along Keaney street to California street: thence along California street to market street; thence along market street to Keaney street; thence along Keaney street to Pine street; thence along Pine street to Larkin street and thence along Larkin street to Vallejo street, the place of beginning: the Sixteenth of that portion of the city and County of San Francisco, bounded and described as follows, to wit: Beginning at the point where Franklin street intersects Pine street; thence along Pine street to Keaney street; thence along Keaney street to market street; thence along market street to Van Ness Avenue; thence along Van Ness Avenue to Tyler street; thence along Tyler street to Gough street; thence along Gough street to Geary street;

thence along Geary street to Franklin street, and thence along Franklin street to Pine street, the place of beginning: the Seventeenth, of that portion of the city and County of San Francisco, bounded and described as follows, to wit: Beginning at the point where Larkin street intersects the waters of the Bay of San Francisco; thence along Larkin street to Pine street: thence along Pine street to Franklin street: thence along Franklin street to Geary street: thence along Geary street to Gough street: thence along Gough street to Tyler street: thence along Tyler street to Van Ness Avenue: thence along Van Ness Avenue to market street: thence along market street to Ridley street: thence along Ridley street and said Ridley street produced in a direct line Westerly to the Pacific Ocean; and thence meandering northerly and Easterly along the waters of the Pacific Ocean and the Bay of San Francisco to Larkin street, the place of beginning: the Eighteenth, of that portion of the City and County of San Francisco, bounded and described as follows, to wit: Beginning at the point where market street intersects the waters

of the Bay of San Francisco: thence meandering along the waters of said bay to the point where Channel street intersects the waters of said bay: thence along Channel street to Seventh street: thence along Seventh street to Harrison street: thence along Harrison street to Second street: thence along Second street to market street, and thence along market street to the waters of the Bay of San Francisco, the place of beginning: the Nineteenth, of that portion of the city and county of San Francisco bounded and described as follows, to wit: Beginning at the point where second street intersects market street: thence along second street to Harrison street: thence along Harrison street to Sixth street: thence along Sixth street to market street, and thence along market street to Second street, the place of beginning: the Twentieth of all that portion of the city and county of San Francisco bounded and described as follows. To wit: Beginning at the point where Sixth street intersects market street: thence along Sixth street to Harrison street: thence along

Harrison street to Seventh street; thence along Seventh street to Channel street; thence along Channel street to Harrison street; thence along Harrison street to Fifteenth street; thence along Fifteenth street to Howard street; thence along Howard street to Fourteenth street; thence along Fourteenth street to Mission street; thence along Mission street to Ridley street; thence along Ridley street to Market street, and thence along Market street to Sixth street, the place of beginning; the twenty-first, of that portion of the City and County of San Francisco bounded and described as follows, to-wit: Beginning at the point where Channel street intersects the Bay of San Francisco; thence along Channel street to Harrison street; thence along Harrison street to Fifteenth street; thence along Fifteenth street to Howard street; thence along Howard street to Fourteenth street; thence along Fourteenth street to Mission street; thence along Mission street to Ridley street; thence along Ridley street and the line of Ridley street projected westerly to the Pacific

Ocean: thence Southerly along the Pacific Ocean to the Southern boundary line of the city and County of San Francisco: thence along said Southern boundary line to the Bay of San Francisco, and thence meandering along the waters of the Bay of San Francisco to Channel street, the place of beginning: the twenty Second, of Oakland Township, County of Alameda: the twenty-third, of all that portion of the county of Alameda exclusive of Oakland Township: the twenty-fourth, of the County of Santa Clara; the twenty-fifth, of the Counties of Merced, Mariposa, Stanislaus and Tolumne; the twenty-sixth, of the Counties of Tulare, Inyo, Fresno and Mono: the twenty-Seventh, of the Counties of Santa Cruz, San Mateo, and San Benito: the twenty-eighth, of the Counties of Santa Barbara, San Luis Obispo and Monterey: the twenty-ninth, of the County of Los-Angles; the thirtieth, of the Counties of San Bernadino, San Diego, Kern and Ventura.—

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Section 7

Each House shall choose its own officers and judge of the qualifications elections and returns of its own members

Section 8.

A majority of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as each House may provide.

Section 9

Each House shall determine the rule of its own proceeding and may with the concurrence of two thirds of all the members elected expel a member

Section 10

Each House shall keep a Journal of its own proceedings and publish the same, and the yeas and nays of the members of either House on any question shall at the desire of any three members present be entered on the Journal

Section 11

Members of the Legislature shall in all cases, except treason, felony and breach of the peace be privileged from arrest, and shall not be subject to any civil process during the session of the Legislature, nor for

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fifteen days next before the Commencement
and after the termination of each session

Section 12

When a vacancy occurs in either House
from any Cause during the session of
the Legislature, the House in which
said vacancy occurs shall proceed
immediately to elect from the Constituency
deprived of representation a member to
fill said Vacancy for said Session
If the Legislature is not in session at the
time the vacancy occurs the Governor or
the person exercising the functions of Governor
shall issue writs of Election to fill such
Vacancy

Section 13

The doors of each House shall be open
except on such occasions as in the
opinion of the House may require
Secrecy

Section 14

Neither House shall without the consent
of the other adjourn for more than
three days nor to any other place
than that in which they may be sitting

Section 15

No Law shall be passed except by bill
Any bill may originate in either House, but
may be amended or rejected by the other: and
on the final passage of all bills they shall
be read at length and the vote shall be
by yeas and nays upon each bill

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seperately, and shall be entered on the journal; and no bill shall become a law without the Concurrence of a majority of the Members elected to each house.

Section 16

Every bill which may have passed the Legislature shall before it becomes a law be presented to the Governor. If he approve it he shall sign it but if not he shall return it with his objections to the House in which it originated, which shall enter the same upon the Journal and proceed to reconsider it. If after such reconsideration it again pass both Houses by yeas and nays by a majority of two thirds of the Members of each House it shall become a law notwithstanding the Governors objection. If any bill shall not be

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returned within ten days after it shall
have been presented to him (Sundays excepted)
the same shall become a law in like
manner as if he had signed it unless
the Legislature by adjournment prevent
such return in which case it shall
not become a law unless the Governor within
ten days after such adjournment (Sundays
Excepted) shall sign and deposit the
same in the office of the Secretary of
State, in which case it shall become
a law in like manner as if it had
been signed by him before adjournment
If any bill presented to the Governor
contains several items of appropriation
of money he may object to one or more
items while approving other portions of
the bill, in such case he shall
append to the bill at the time of
signing it a statement of the items
to which he objects and the reasons
therefor and the appropriations so
objected to shall not take effect
unless passed over the Governor's veto
as hereinbefore provided. If the Legisla-
ture be in session the Governor shall
transmit to the House in which the bill
originated a copy of such statement
and the items so objected to shall be
separately reconsidered in the same
manner as bills which have been
disapproved by the Governor

Section 17

The Assembly shall have the sole power of impeachment, and all impeachments shall be tried by the Senate. When sitting for that purpose the Senators shall be upon oath or affirmation and no person shall be convicted without the concurrence of two thirds of the members elected

Section 18

The Governor, Lieutenant Governor Secretary of State, Controller, Treasurer, Attorney General, Surveyor General, Justices of the Supreme Court and Judges of the Superior Courts shall be liable to impeachment for any misdemeanor in office but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor trust or profit under the state, but the party convicted or acquitted shall nevertheless be liable to indictment, trial and punishment according to law. All other Civil officers shall be tried for misdemeanor in office in such manner as the Legislature may provide

Section 19

No Senator or Member of Assembly shall during the term for which he shall have been elected be appointed to any Civil office of profit under this State, which shall have been Created or the emoluments of which have been increased during

such term except such offices as may be filled by election by the people

Section 20

No person holding any lucrative office under the United States or any other power shall be eligable to any civil office of profit under this State provided that officers in the Militia, to which there is attached no annual salary or local officers or post masters whose compensation does not exceed five hundred dollars per annum shall not be deemed lucrative

Section 21

No person who shall be convicted of the embezzlement or defalcation of the public funds of this State or of any County or municipality therein shall ever be eligable to any office of honor, trust or profit under this State, and the Legislature shall provide by law for the punishment of such embezzlement or defalcation as a felony

Section 22

No money shall be drawn from the Treasury, but in consequence of appropriations made by law and upon warrants duly drawn thereon by the Controller, and no money shall ever be appropriated or drawn from the State Treasury for the use or benefit of any Corporation, Association, Asylum, Hospital, or any

other institution not under the exclusive management and control of the State as a State institution, nor shall any grant or donation of property ever be made thereto by the State. An accurate statement of the receipts and expenditures of public money shall be attached to and published with the laws at every regular session of the Legislature

Section 23

The Members of the Legislature shall receive for their services a compensation, per diem and mileage to be fixed by law and paid out of the public treasury; but no increase of the compensation shall take effect during the term for which the members of either House shall have been elected

Section 24

Every law enacted by the Legislature shall embrace but one subject, which shall be expressed in the title and no law shall be revised or amended by reference to its title, but in such case the act revised or section amended shall be re-enacted and published at length as revised or amended.

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Section 25 -

The Legislature shall not pass local or special laws in any of the following enumerated cases, that is to say:

First Regulating the jurisdiction and duties of Justices of the Peace, Police Judges and of Constables

Second

For the punishment of crimes and misdemeanors

Third

Regulating the practice of Courts of Justice

Fourth

Providing for changing the venue in civil & criminal cases

Fifth

Granting Divorces

Sixth

Changing the names of persons or places

Seventh

Vacating roads, town plats, streets, alleys & public grounds not owned by the State

Eighth

Summoning and empanelling grand and petit juries and providing for their compensation -

Ninth

Regulating County and township business or the election of county

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and township officers.

Tenth

For the assessment or collection of taxes

Eleventh

Providing for conducting elections or designating the places of voting except on the organization of new Counties

Twelfth

Affecting estates belonging to minors or other persons under legal disabilities

Thirteenth

Extending the time for the collection of taxes

Fourteenth

Giving effect to invalid deeds, wills or other instruments

Fifteenth

Refunding money paid into the State Treasury

Sixteenth

Releasing or extinguishing in whole or in part the indebtedness, liability or obligation of any corporation or person to this State, or to any municipal Corporation therein

Seventeenth

Declaring any person of age or authorizing any minor to sell, lease or encumber his or her property

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Eighteenth

Legalizing acts as against the State, the unauthorized or invalid acts of any officer

Nineteenth

Granting to any Corporation, Association or individual any special or exclusive right, Privilege or immunity

Twentieth

Exempting property from taxation

Twenty-first

Changing County-seats

Twenty-second

Restoring to citizenship persons convicted of infamous crimes

Twenty-third

Regulating the rate of interest on money

Twenty-fourth

Authorizing the creation, extension or impairing of liens

Twenty-fifth

Chartering or licensing ferries, bridges or roads

Twenty-sixth

Remitting fines, penalties or forfeitures

Twenty-seventh

Providing for the management of common schools—

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Twenty-Eighth

Creating offices, or prescribing the powers and duties of officers in Counties, Cities, Cities and Counties, Townships, Election or School districts

Twenty-Ninth

Affecting the fees or salary of any officer

Thirtieth

Changing the law of descent or succession

Thirty-first

Authorizing the adoption or legitimation of children

Thirty-second

Authorizing the laying out, opening, altering or maintaining roads, highways, streets, alleys or public grounds.

Thirty-third

For limitation of civil or criminal actions.

Thirty-fourth

In all other cases where a general law can be made applicable no local or special law shall be enacted

Section 26

The Legislature shall have no power to authorize lotteries or gift enterprises for any purpose and shall pass laws to prohibit the sale of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery in this State.

The Legislature shall pass laws to regulate or prohibit the buying and selling of the shares of the capital stock of Corporations in any stock Board, Stock Exchange or stock market under the control of any Association. All contracts for the sale of shares of the Capital Stock of any Corporation or Association, on margin or to be delivered at a future day shall be void and any money paid on such Contracts may be recovered by the party paying it by suit in any Court of competent jurisdiction.

Section 27

When a Congressional District shall be composed of two or more Counties, it shall not be separated by any County belonging to another district. no county, or city and county shall be divided in forming a Congressional District so as to attach one portion of a County, or City and County to another County or City and County: but the Legislature may divide any County or City and County into as many Congressional Districts as it may be entitled to by law.

Section 28

The Legislature shall pass laws for the regulation and limitation of the

charges for services performed and commodities furnished by corporations, and who law shall provide for the election of any person or officer to regulate and limit such rates, no such person or officer shall be elected by any Corporation and no person shall be elected who is an officer or stockholder in any corporation".

Section 29

Dues from Corporations shall be secured by such individual liabilities of the corporators and other means as may be prescribed by law. The property of Corporations now existing, or hereafter created, shall forever be subject to taxation the same as the property of individuals, and the franchises of such corporations shall be assessed at their actual cash value and taxed accordingly

Section 30

The term Corporations as used in this article, shall be construed to include all associations and joint stock Companies having any of the powers or privileges of Corporations not possessed by individuals or partnerships. And all Corporations shall have the right to sue, and shall be subject to be sued in all Courts, in like cases as natural persons.

Section 31

The Legislature shall have no power to pass any Act granting any charter for banking purposes, but associations may be formed, under general laws, for the deposit of gold and silver and other lawful money of the United States: but no such associations shall make, issue, or put in circulation any bill, check, ticket, certificate, promissory note, or other paper, or the paper of any bank, to circulate as money.

Section 32

The Legislature of this State shall prohibit, by law, any person or persons, association, company, or Corporation, from exercising the privileges of banking or creating paper to circulate as money.

Section 33

Each stockholder of a corporation or joint stock association shall be individually and personally liable for his proportion of all its debts and liabilities contracted or incurred while he was a stockholder - and the trustees or directors of such corporation or association and each of them shall be responsible ~~individually for the misappropriations~~ by the officers thereof of the funds or deposits of such corporation or association

Section No. 344

It shall be the duty of the Legislature to provide by general laws for the organization of city, town and county governments and for assessing and collecting taxes and for the support of the same: Provided that no city, city and county, town or county shall ever incur a debt which together with existing indebtedness shall exceed two per cent of the assessed value of the property therein. Such value shall be ascertained from the Assessment Roll for State and County purposes made immediately previous to incurring such indebtedness: Provided, However, that a city, city and county, & town or County may borrow money under and in accordance with the following conditions and limitations in addition to any other conditions and limitations contained in the Constitution, namely: The debt must be for some single work or object only, and must be authorized by a resolution passed by a vote of three fourths of all the members elected to the Board of Supervisors, Common Council or local legislature. Such resolution shall also distinctly specify the single work or object for which the debt is to be created, and the amount of the debt authorized, and shall contain provisions for a sinking fund to meet the same at maturity, and requiring at least ten per

cent. of the principal to be annually raised by taxation and paid into the sinking fund. Such resolution shall not take effect until it shall be ratified at an election held in said city, city and county county or town at which no other matter is voted upon, and which shall be held within ___ days after the passage of said order or resolution. The Legislature shall make such laws as may be necessary to provide for holding such election and ascertaining the result thereof.

Section 35

In all elections by the Legislature the members thereof shall vote viva voce, and the vote shall be entered on the Journal

Section 36

The General appropriation bill shall contain no item or items of appropriation other than such as are required to pay the salaries of the State officers, the expenses of the government, and of the institutions under the exclusive control and management of the State.

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Section 37

Neither the Legislature, nor any County, City and County, Township, School-district or other municipal Corporation, shall ever make an appropriation, or pay from any public fund whatever, or grant anything to or in aid of any religious sect, church, creed, or sectarian purpose, or help to support or sustain any school, college, university, Hospital or other institution controlled by any religious creed, church, or sectarian denomination whatever; nor shall any grant or donation of personal property or real estate ever be made by the State, or any city, city and County, town or other municipal corporation, for any religious creed, church, or ~~other~~ sectarian purpose whatever.

Section 38

The Legislature shall have no power to give or to lend, or to authorize the giving or lending of the credit of the State, or of any county, city and county, city, township, or other political corporation or subdivision of the State now existing, or that may hereafter established, in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof in any manner whatever for the payment of the liabilities of any individual, association municipal or other corporation whatever, nor shall it have power to make any grant or authorize the making of any grant of any public money or thing of value to any individual, municipal or other corporation whatever; and it shall not have power to authorize the State, or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation whatever.

Section 39

The Legislature shall have no power to grant or authorize any County or municipality to grant, any extra Compensation or allowance to any public officer, agent, servant, or Contractor, after service has been rendered or a Contract has been entered into and performed in whole or in part, nor to pay or to authorize the payment of any claim hereafter created against the State, or any County or municipality of the State, under any agreement or Contract made without express authority of law; and all such unauthorized agreements or Contracts shall be null and void.

Sec 40

The Legislature shall not ratify any amendment to the Constitution of the United States which may be proposed by Congress except such as shall have been proposed and published at least thirty days next preceding the general election for members of the Legislature ratifying such amendment.

Sec 41

In case of a contested election in either branch of the Legislature, only the Claimant decided entitled to the seat shall receive from the State per diem [Compensation or mileage]

Section 472

In order that no inconvenience may result to the public service from the taking effect of this Constitution no officer shall be suspended or superseded thereby until the election and qualification of the several officers provided for in this Constitution.

Minority Report of the Legislative Committee To the Constitutional Convention

Minority Report of Com on Legislative Department

Nov 11. 48

Read & ordered printed

Thornton

Asst Sec

45th Day 1223-23

Meacham

Mr President:

The undersigned members of the committee on Legislative department dissent from the conclusions arrived at by a majority of the committee as to State aid to the various charitable and benevolent institutions that have hitherto cared for the orphaned wards of the State.

The State is the guardian, it stands in the place of parents towards the orphans within its limits. The trust is a high one and should be administered with a fidelity commensurate with its obligations.

It is the purpose of the majority of your committee to destroy existing institutions which as agents of the State perform a portion of the functions of government. Institutions which educate and rear these wards. Institutions from whose doors the orphan is discharged properly trained to take upon himself the obligations and discharge the duties of American

citizenship. Yet the majority have not pointed out any way in which the places of these institutions are to be filled in the economy of government.)

None will be so reckless as to assert that the State must not in some form or other care for them and the only alternative if the opinions of the majority of the committee should prevail with the Convention would be the creation of costly asylums and the multiplication of public offices and commissions to manage them.)

That such a course would be unwise and would result in a lower grade of service at an increased cost is a proposition which the undersigned believe cannot be successfully controverted.

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The Legislature of this State has appropriated for several years past annually, the sum of One hundred dollars for the support of each whole orphan, the sum of seventy five dollars for the support of each half orphan or abandoned child. An examination of the Controllers books will show that this is an average appropriation of about eighty four dollars per annum, the half orphaned and abandoned children being in excess of the whole orphans. That makes the cost twenty three cents per day for each child. Out of this twenty three cents should be taken, also, to start with, the cost of supporting some two hundred orphans of this State for which the asylums receive no compensation, but which would have to be supported in the State institutions. The asylums receive no compensation for orphans over fourteen years of age, while they receive within their doors many children twelve or thirteen years

Nov 15

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of age who have been brought up without any special training, whose habits are bad, and whom they dare not turn loose upon the world at that age. We will assume that we have twenty three cents as the cost of maintaining the orphans. Now, let us compare that with the cost of maintaining any other class of persons in State institutions. From the report of the Directors of the Insane Asylum at Napa, we find it costs one dollar and thirty one cents per day to maintain each person. At Stockton it costs under forty three cents, about, we think forty two cents. Now it is conceded, we believe on all hands that the Stockton Asylum is one of the best managed institutions in the United States if not the best in the world. It has been so for years, so that it will not do to take the Stockton Asylum as a standard. The cost at our State Prison is forty two and seven tenths: at the Deaf, Dumb and Blind Asylum

Nay

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ninety five cents. Now, to start with, we support the orphans at a less expense than any other class of people supported by the State, but that is not all. Besides supporting them we clothe them, and it costs more to clothe a boy or girl in an Asylum than it does a convict in the State Prison, or an inmate in the Insane Asylum. Besides that we educate them. The average cost of educating each child in the public schools of the State is twenty nine dollars and six cents. We furnish them with books, which the State would have to do if it had a State institution. The cost of books cannot be less than three dollars per annum, so before you compare the cost of supporting these orphans in the asylums with these other public institutions, you must at the very outset deduct from this eighty four dollars per annum that the State now pays to these different associations, the cost of education, twenty nine dollars and

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six cents, and the cost of books, three dollars per annum, which deducted from eighty four dollars, leaves fifty one dollars per annum to pay for the support and maintenance, leaving a charge to the State under the present system of but fourteen cents per day. In other words, it costs this State but fourteen cents per day more to support its orphans than it costs to maintain the other children of the State. ~~The children of either one of you~~ Each child is an expense of twenty nine dollars to the State, which the State has to pay every year in some form or other, and their books are an expense to you individually.

What will it cost ~~you~~ to maintain these orphans if you build a State asylum? In the first place you must ~~two~~ build asylums, and what will they cost this State? The money must be taken from the People, and the money is worth to the people of the State today not less

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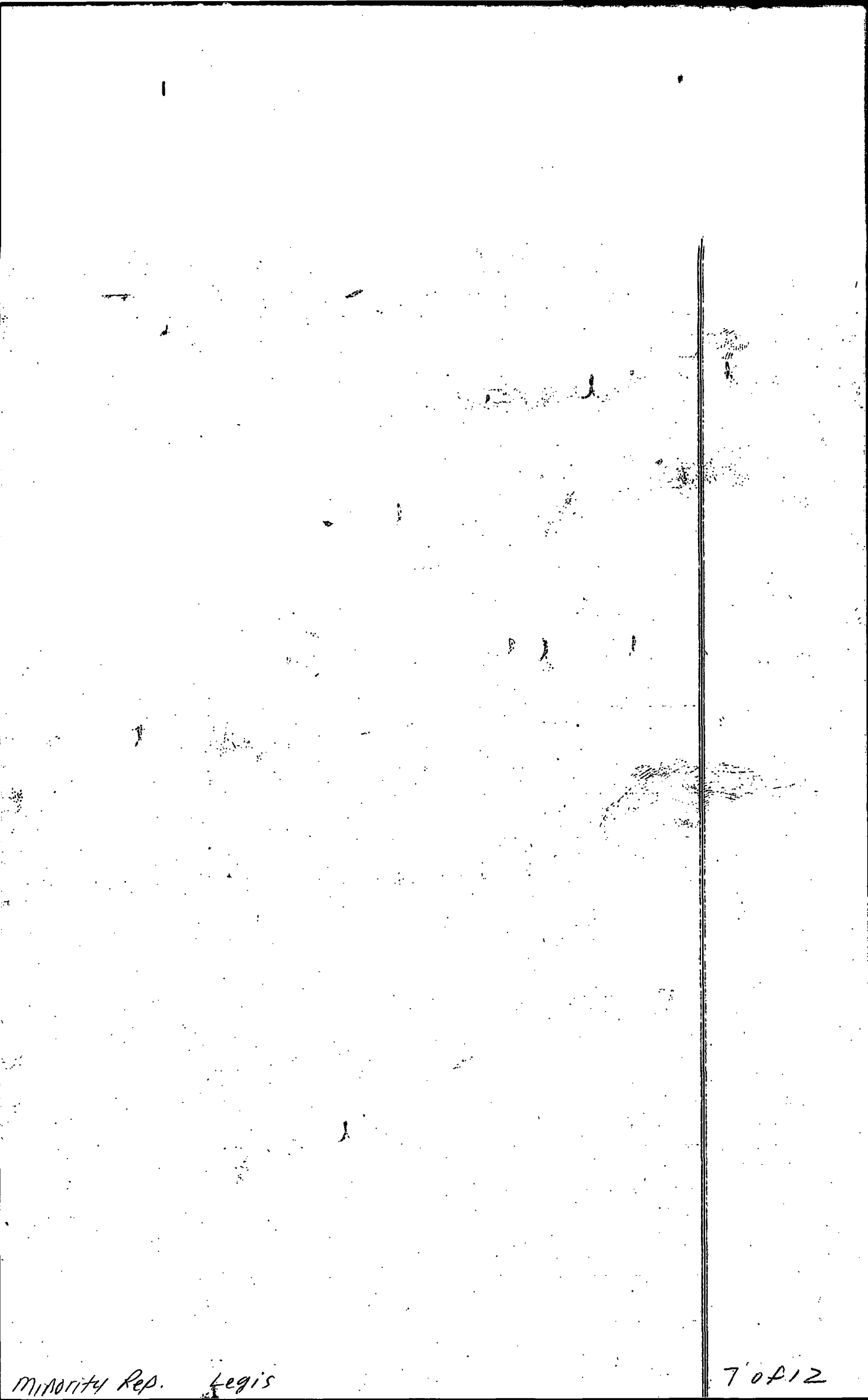
than ten per cent per annum - in fact that is below the average rate of interest in this State. ~~today~~ Nearly half the tax payers of the State borrow money and pay that rate of interest. What must you disburse at the very start for the orphans? If we turn to the report of the Board of Directors and officers of the Deaf, Dumb and Blind, ~~as I want~~ in order to state the cost of buildings in an authoritative manner, "The expense of of housing the Deaf, dumb and blind sick, and insane in combustible buildings ranges from one thousand dollars to three thousand dollars per capita. In our building it was about one thousand two hundred dollars. I am satisfied that in the cottage system, which can be constructed practically fire proof, they can be constructed for one thousand dollars". Let us start with the lowest estimate. The Napa Asylum cost three thousand dollars per capita and is not yet completed. But let us start with the lowest estimate, conceding that they will be as



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cheaply built and as economically managed as the Stockton institution, and we must expend for every child we maintain one thousand dollars to begin with. We must expend one thousand at the very outset. That is worth at ten per cent per annum one hundred dollars per annum, or sixteen dollars more per annum for interest on the cost of constructing the buildings alone than you now pay for the entire support of these orphans; At eight per cent, which is an ~~unusually~~ exceedingly low rate of interest it would be eighty dollars a year, and at seven per cent, and it is very hard to borrow money at that rate it would be seventy dollars. Here you have spent the entire amount which you now pay, and your expenditures are yet to come for maintenance.

Let us inquire what has been the success of reformatory schools controlled by the State. We tried this experiment at Marysville. We spent thousands of dollars there

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and we found it cost four hundred dollars per annum to take care of each boy, and at the end the whole system was abolished, and the buildings were given to the City of Marysville. In the State of Nevada they have a public Orphan Asylum. There it has cost about four hundred dollars per annum for each child. We may with propriety look at similar institutions in other States. We see from the report of the Board of State Charities of Massachusetts for 1875 that the average weekly expenses there in one set of hospitals was three dollars and eighty one cents. in another set, the almshouses schools etc. the weekly expense ranged all the way from one dollar and eighty cents to four dollars and eighty nine cents, but the general average of the State was two dollars and eighty nine cents per week. In the San Francisco Industrial School the average number of inmates

10 was one thousand eight hundred and fifteen; total annual cost thirty eight thousand and seventy dollars and three cents; per capita two hundred and sixty two dollars and twelve cents per annum. In the Wisconsin Industrial School the cost is one hundred and forty nine dollars and twenty nine cents per annum per capita. In Minnesota the average cost per capita is two dollars and seventy two and a half cents. In Maine the ~~State~~ ~~Re~~ reform School, average per capita cost per week is, boys three dollars and forty nine cents; girls, two dollars and thirteen cents; In Pennsylvania the average cost of the Philadelphia house of Refuge was two hundred and five dollars and thirty three cents per annum for each pupil, and in the reform School, one hundred and eighty five dollars and thirty three cents.

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No political party in this State has ever been charged with extravagance in making ~~its making~~ the usual appropriations for the orphans.

No demand comes up from the people for a change. No complaint has been made as to the manner in which these great charities have been maintained.

But above the question of cost there stands another as to the efficiency of the service and the undersigned have no hesitation in asserting that the destinies of the orphans are better placed in the hands of the good men and women of this State who perform the duty as a labor of love than they would be in the hands of officers chosen at random and paid with gold for their services.

We believe that under the present system the good of the orphans and ~~the good~~ of the State is best subserved. That under this system the ends of government have been fully met in the "best service at the

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12 least expense".

Respectfully submitted,

Marion Biggs
J. G. Arkey
T. D. Hiskell
S. H. Cowden.

Nonp

Report of the Committee on Legislative Department

Nov 18/28

Read & ordered printed

E. F. Smith
ass secty

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Mr. President

The committee on Legislative Department to whom were referred the following propositions

No. 459 by Mr. Barnes
No 462 by Mr. Dowling
No 475 by Mr. O'Sullivan
No 477 by Mr. E. O. Smith
No. 480 by Mr. Mills
No 483 by Mr. Tully
No 493 by Mr. Livingston
No. 496 by Mr. Barbour
No. 499 by Mr. Barlow
No by Mr. Farrell

And the memorial relating to equal and proportional representation presented by Mr Estee have duly considered said propositions and memorial and beg leave to report the same back to the Convention and recommend that no action be taken thereon. The committee further report that they have examined proposition No. 464 by Mr Cassidy and recommend that it be adopted as a section in Article four of the Constitution

The committee then with

report back to the Convention Several petitions on the Subject of Local Option and recommend that they be referred to the Committee on City, County, and Township organizations

D S Terry
Chairman