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**Amendment.**

**No. 521.**

INTRODUCED BY COMMITTEE ON CITY, COUNTY, AND TOWNSHIP ORGANIZATIONS.

DECEMBER 7TH, 1878.

~~READ AND ORDERED PRINTED, AND PLACED ON GENERAL FILE.~~

As amended in Committee of the Whole

**ARTICLE —**

**CITIES, COUNTIES, AND TOWNS.**

SECTION 1. The several counties, as they now exist, are hereby recognized as legal subdivisions of this State.

SEC. 2. County seats shall not be removed by special law, but such removals shall be provided for by general law. No county seat shall be removed unless two-thirds of the qualified electors of the county, voting on the proposition at a general election, shall vote in favor of such removal. A proposition of removal shall not be submitted in the same county more than once in four years.

*Sec 2 as amended by Mr. Harrington  
has been adopted*

*(Sec 2)*

No county seat shall be

removed unless two-thirds of the qualified electors of the county, voting on the proposition at a general election, shall vote in favor of such removal. A proposition of removal shall not be submitted in the same county more than once in four years.

SEC. 3. No new county shall be established which shall reduce any  
 2 county to a population of less than eight thousand; nor shall a new county be  
 3 formed containing a less population than five thousand; nor shall any line  
 4 thereof pass within five miles of the county seat of any county proposed to  
 5 be divided; nor shall a county be divided, or have any portion taken there-  
 6 from, unless a majority of all the qualified electors of the county or counties  
 7 affected, voting at a general election, shall vote therefor. New counties, when  
 8 created, or portions of a county, when added to another county, shall be liable  
 9 for their just proportion of all debts and liabilities, then existing, of the county  
 10 or counties out of which they are respectively formed or taken.

*Sec 3 as amended by Messrs  
 Stedman & Harrington and adapted*

SEC. 3. No new county shall be established which shall reduce any  
 2 county to a population of less than eight thousand; nor shall a new county be  
 3 formed containing a less population than five thousand; nor shall any line  
 4 thereof pass within five miles of the county seat of any county proposed to  
 5 be divided; nor shall a county be divided, or have any portion taken there-  
 6 from, unless a majority of all the qualified electors of <sup>each</sup> ~~the~~ county ~~respective~~

7 affected, voting at a general election, shall vote therefor.  
 8 portions of a county, when added to another county, or new  
counties when created shall be liable

9 for their just proportion of all debts and liabilities, then existing, of the county  
 10 or counties out of which they are respectively formed or taken.

SEC. 4. The Legislature shall establish a system of county govern-  
 2 ments which shall be uniform throughout the State; and by general laws shall  
 3 provide for township organization, under which any county may organize  
 4 whenever a majority of the qualified electors of such county, voting at a gen-  
 5 eral election, shall so determine; and, whenever a county shall adopt township  
 6 organization, the assessment and collection of the revenue shall be made, and  
 7 the business of such county and the local affairs of the several townships  
 8 therein shall be managed and transacted in the manner prescribed by such  
 9 general laws.

SEC. 5. The Legislature, by general and uniform laws, shall provide  
 2 for the election or appointment, in the several counties, of Boards of Super-  
 3 visors, Sheriffs, County Clerks, District Attorneys, and such other county,  
 4 township, and municipal officers as public convenience may require, and shall  
 5 prescribe their duties and fix their compensation. It shall regulate the sala-  
 6 ries and fees of all county officers, in proportion to duties, and for this pur-  
 7 pose may classify the counties by population; and it shall provide for the  
 8 strict accountability of county and township officers for all fees which may  
 9 be collected by them, and for all public and municipal moneys which may be  
 10 paid to them or officially come into their possession.

SEC. 6. Corporations, for municipal purposes, shall not be created by  
 2 special laws, but the Legislature, by general laws, shall provide for the incor-  
 3 poration, organization, and classification, in proportion to population, of cities  
 4 and towns; and cities and towns heretofore organized or incorporated may  
 5 become organized under and subject to such general laws. Cities and towns  
 6 may become incorporated under general laws, whenever a majority of the  
 7 electors voting at a general election shall so determine, and shall organize in  
 8 conformity therewith.

*Sec 6, as amended by  
 Mr Herrington, and adopted  
 (Sec 6)*

the Legislature, by general laws, shall provide for the incor-  
 3 poration, organization, and classification, in proportion to population, of cities  
 4 and towns; and cities and towns heretofore organized or incorporated may  
 5 become organized under and subject to such general laws. Cities and towns  
 6 may become incorporated under general laws, whenever a majority of the  
 7 electors voting at a general election shall so determine, and shall organize in  
 8 conformity therewith.

SEC. 7. City and county governments may be merged and consolidated into one municipal government, with one set of officers, and may be incorporated under general laws providing for the incorporation and organization of corporations for municipal purposes. The provisions of this Constitution applicable to cities, and also those applicable to counties, so far as not inconsistent or not prohibited to cities, shall be applicable to such consolidated government. In consolidated city and county governments, of more than one hundred thousand population, there shall be two Boards of Supervisors or Houses of Legislation—one of which, to consist of twelve persons, shall be elected by general ticket from the city and county at large, and shall hold office for the term of four years, but shall be so classified that after the first election only six shall be elected every two years; the other, to consist of twelve persons, shall be elected every two years, and shall hold office for two years. Any casual vacancy in the office of Supervisor in either Board shall be filled by the Mayor.

SEC. 8. No person shall be eligible to a county or city office unless he has been a citizen and resident within such county or city for two years next preceding his election or appointment to an office therein.

*Sec 8 was stricken out on motion of Mr. Sarkin*

SEC. 9. Any city having a population of more than one hundred thousand inhabitants may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a Board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of such city, at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such Board, or a majority of them, and returned, one copy thereof to the Mayor, or other chief executive officer of such city, and the other to the Recorder of deeds of the county. Such proposed charter shall then be published in two daily papers of largest general circulation in such city for at least twenty days, and within not less than thirty days after

13 such publication it shall be submitted to the qualified electors of such city at  
 14 a general or special election, and if a majority of such qualified electors voting  
 15 thereat shall ratify the same, it shall, at the end of sixty days thereafter,  
 16 become the charter of such city, or if such city be consolidated with a county  
 17 in government, then of such city and county, and shall become the organic  
 18 law thereof, and supersede any existing charter and all amendments thereof,  
 19 and all special laws inconsistent with such charter. A copy of such charter,  
 20 certified by the Mayor, or chief executive officer, and authenticated by the  
 21 seal of such city, setting forth the submission of such charter to the electors,  
 22 and its ratification by them, shall be made in duplicate and deposited, one in  
 23 the office of the Secretary of State, the other, after being recorded in the office  
 24 of the Recorder of deeds of the county, among the archives of the city, and  
 25 thereafter all Courts shall take judicial notice thereof. The charter so ratified  
 26 may be amended at intervals of not less than two years, by proposals therefor,  
 27 submitted by the legislative authority of the city to the qualified voters thereof,  
 28 at a general or special election held at least sixty days after the publication of  
 29 such proposals, and ratified by at least three-fifths of the qualified electors  
 30 voting thereat. In submitting any such charter, or amendment thereto, any

31 alternative article or proposition may be presented for the choice of the voters,  
 32 and may be voted on separately without prejudice to others.

*Sec 9 as amended by Mr M Callum  
and adopted*

3 **SEC 9.** Any city may frame a charter for its own government, consistent  
 with and subject to the Constitution and laws of this State, by causing a Board

4 of fifteen freeholders, who shall have been for at least five years qualified  
 5 electors thereof, to be elected by the qualified voters of such city, at any gen-  
 6 eral or special election, whose duty it shall be, within ninety days after such  
 7 election, to prepare and propose a charter for such city, which shall be signed  
 8 in duplicate by the members of such Board, or a majority of them, and returned,  
 9 one copy thereof to the Mayor, or other chief executive officer of such city,

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10 and the other to the Recorder of deeds of the county. Such proposed charter  
11 shall then be published in two daily papers of largest general circulation in  
12 such city for at least twenty days, and within not less than thirty days after  
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14 a general or special election, and if a majority of such qualified electors voting  
15 thereat shall ratify the same, it shall, at the end of sixty days thereafter,  
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18 law thereof, and supersede any existing charter and all amendments thereof,  
19 and all special laws inconsistent with such charter. A copy of such charter,  
20 certified by the Mayor, or chief executive officer, and authenticated by the  
21 seal of such city, setting forth the submission of such charter to the electors,  
22 and its ratification by them, shall be made in duplicate and deposited, one in  
23 the office of the Secretary of State, the other, after being recorded in the office  
24 of the Recorder of deeds of the county, among the archives of the city, and  
25 thereafter all Courts shall take judicial notice thereof. The charter so ratified  
26 may be amended at intervals of not less than two years, by proposals therefor,  
27 submitted by the legislative authority of the city to the qualified voters thereof,  
28 at a general or special election held at least sixty days after the publication of  
29 such proposals, and ratified by at least three-fifths of the qualified electors  
30 voting thereat. In submitting any such charter, or amendment thereto, any  
31 alternative article or proposition may be presented for the choice of the voters,  
32 and may be voted on separately without prejudice to others.

SEC. 10. The compensation or fees of any county, city, town, or muni-  
2 cipal officer shall not be increased after his election or during his term of  
3 office; nor shall the term of any such officer be extended beyond the period  
4 for which he is elected or appointed.

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SEC. 11. No county, city, town, or other public or municipal corporation, nor the inhabitants thereof, nor the property therein, shall be released or discharged from their or its proportionate share of taxes to be levied for State purposes, nor shall commutation for such taxes be authorized in any form whatsoever.

SEC. 12. Any county, city, town, or township may make and enforce within their respective limits all such local, police, sanitary, and other regulations as are not in conflict with general laws.

*Sec 12. as amended by Mr Herrington  
and adopted*

(SEC. 12.) Any county, city, town, or township may make and enforce within ~~its~~ limits all such local, police, sanitary, and other regulations as are not in conflict with general laws.

SEC. 13. Taxes for county, city, town, school, and other local purposes must be levied on all subjects and objects of taxation. In addition to that which may be levied for the payment of the principal and interest of existing indebtedness, the annual rate on property shall not exceed the following: For county purposes, in counties having two million dollars or less, shall not exceed — cents on the one hundred dollars' valuation; in counties having six million dollars, and under ten million dollars, such rate shall not exceed — cents on the one hundred dollars' valuation; and in counties having ten million dollars or more such rate shall not exceed — cents on the one hundred dollars' valuation. For city and town purposes such annual rate on property in incorporated cities and towns shall not exceed — cents on the one hundred dollars' valuation; and in any city and county with consolidated government, such rate shall not exceed — cents on the one hundred dollars' valuation.

*Sec 13 was stricken out on  
motion of Mr Jones*

SEC. 14. The Legislature shall have no power to impose taxes upon  
2 counties, cities, towns, or other public or municipal corporations, or upon the  
3 inhabitants or property thereof, for county, city, town, or other municipal  
4 purposes, but may, by general laws, vest in the corporate authorities thereof  
5 the power to assess and collect taxes for such purposes.

SEC. 15. The Legislature shall not delegate to any special commission,  
2 private corporation, company, association, or individual, any power to make,  
3 control, appropriate, supervise, or in any way interfere with, any county, city,  
4 town, or municipal improvement, money, property, or effects, whether held in  
5 trust or otherwise, or to levy taxes or assessments, or perform any municipal  
6 functions whatever.

SEC. 16. No State office shall be continued or created in any county,  
2 city, town, or other municipality, for the inspection, measurement, or gradua-  
3 tion of any merchandise, manufacture, or commodity; but such county, city,  
4 town, or municipality may, when authorized by general law, and the public  
5 interest demands it, appoint such officers.

SEC. 17. Private property shall not be taken or sold for the payment  
2 of the corporate debt of any political or municipal corporation.

SEC. 18. All moneys, assessments, and taxes belonging to or collected  
2 for the use of any county, city, town, or other public or municipal corpora-  
3 tion, coming into the hands of any officer thereof, shall, immediately on the  
4 receipt thereof, be deposited with the Treasurer, or other legal depository, to  
5 the credit of such city, town, or other corporation respectively, for the benefit  
6 of the funds to which they respectively belong.

SEC. 19. The making of profit out of county, city, town, or public  
2 school money, or using the same for any purpose not authorized by law, by  
3 any officer having the possession or control thereof, shall be a felony, and  
4 shall be prosecuted and punished as prescribed by law.

Sec 19 as amended ~~and by~~ Messrs  
Capers & McCallum

SEC. 19. The making of profit out of county, city, town, <sup>other</sup> or public  
2 ~~school~~ money, or using the same for any purpose not authorized by law, by  
3 any officer having the possession or control thereof, shall be a felony, and  
4 shall be prosecuted and punished as prescribed by law.

SEC. 20. No county, city, town, township, Board of Education, or  
2 school district, shall incur any indebtedness or liability in any manner, or for  
3 any purpose, exceeding in any year the income and revenue provided for them  
4 respectively for such year, without the assent of two-thirds of the voters  
5 thereof voting at an election to be held for that purpose; and in cases requir-  
6 ing such assent no indebtedness shall be incurred (except by a county to erect  
7 a Court-house or Jail) to an amount, excluding existing indebtedness, in the  
8 aggregate exceeding five per centum on the value of the taxable property  
9 therein, to be ascertained by the assessment next before the last assessment  
10 for State and county purposes previous to the incurring such indebtedness,  
11 and unless, before or at the time of incurring such indebtedness, provision  
12 shall be made for the collection of an annual tax sufficient to pay the interest  
13 on such indebtedness as it falls due, and also to constitute a sinking fund for  
14 the payment of the principal thereof within forty years from the time of con-  
15 tracting the same.

Sec 20 as amended by  
Messrs Caples, Ceter Hager & Wyatt

SEC. 20. No county, city, town, township, Board of Education, or  
2 school district, shall incur any indebtedness or liability in any manner, or for  
3 any purpose, exceeding in any year the income and revenue provided for them  
4 respectively for such year, without the assent of two-thirds of the <sup>qualified</sup> voters  
5 thereof voting at an election, to be held for that purpose; and in cases requir-

6 ing such assent no indebtedness shall be incurred (except by a county to erect

7 a Court-house or Jail

or of a city or town and township  
for the construction of water works or  
for their acquisition by means of  
condemnation)

8 aggregate exceeding ~~five~~<sup>two</sup> per centum on the value of the taxable property  
9 therein, to be ascertained by the assessment next before the last assessment  
10 for State and county purposes previous to the incurring such indebtedness,  
11 and unless, before or at the time of incurring such indebtedness, provision  
12 shall be made for the collection of an annual tax sufficient to pay the interest  
13 on such indebtedness as it falls due, and also to constitute a sinking fund for  
14 the payment of the principal thereof within ~~forty~~<sup>twenty</sup> years from the time of con-  
15 tracting the same. ~~any indebtedness or~~

liability incurred contrary to  
this provision shall be void

SEC. 21. No county, city, town, or other public or municipal corpora-  
2 tion, by a vote of its citizens or otherwise, shall become a subscriber to the  
3 capital stock, or a stockholder in any corporation, association, or company, or  
4 make any appropriation, or donation, or loan its credit to, or in aid of, any  
5 person, corporation, association, company, or institution.

Sec 21 was stricken out on motion of Mr Sarkis

SEC. 22. No law shall be passed by the Legislature granting the right  
2 to construct and operate a railroad within any city, town, village, or on any  
3 public street or highway thereof, without the consent of the municipal or other  
4 proper local authorities having the control of such street or highway proposed  
5 to be occupied by such railroad.

Sec 22 was stricken out on  
motion of Mr Caples

SEC. 23. In any city where there are no public works owned and controlled by the municipality for supplying the same with artificial light and water, any company duly incorporated by the laws of this State shall, under the direction of the Superintendent of Streets of said city, have the privilege of disturbing and using the public streets and thoroughfares thereof, and of laying down pipes and conduits therein, and of making connections therewith, so far as may be necessary for introducing into and supplying such city and its inhabitants either with gaslight or other illuminating light, or with fresh water for domestic and all other purposes, for which the same or either may be used, upon the conditions following: Such company shall make good all damages to such streets and thoroughfares, except necessarily occasioned by the reasonable use thereof, and be liable to such city and its inhabitants therefor. Such company introducing and supplying gaslight or other light, and fresh water, or either, shall furnish the same, so far as necessary and required, free and without charge, to all public buildings, institutions, and school houses belonging to such city, and used for municipal purposes; and such company introducing and supplying water shall also furnish the same, free and without charge, to the Fire Department, and for the extinguishment of fires. Each company, its property and franchise, shall be liable to such city and its inhabitants for the performance of these conditions.

*Sec 23 was stricken out on motion of Mr. Hinman*

SEC. 24. In counties or cities having more than one hundred thousand inhabitants no person shall, at the same time, be a State officer and a city or county officer, nor hold two city or county offices.

*Sec 24 was stricken out on motion of Mr. Sartain*

SEC. 25. No public work or improvement of any description whatsoever shall be made or done, in any city, in, upon, or about the streets thereof, or otherwise, the cost and expense of which is made chargeable or may be assessed upon private property by special assessment, unless an estimate of such cost and expense shall be made, and an assessment in proportion to benefits, on the property to be affected or benefited, and shall be collected and paid into the city treasury before such work or improvement shall be commenced, or any contract for letting or doing the same authorized or performed.

*Sec 25- as amended by Messrs Hager, Howard, Blackmer & Barbour*

SEC. 25. No public work or improvement of any description whatsoever shall be <sup>done</sup> ~~made~~ or <sup>made</sup> ~~done~~, in any city, in, upon, or about the streets thereof, or otherwise, the cost and expense of which is made chargeable or may be assessed upon private property by special assessment, unless an estimate of such cost and expense shall be made, and an assessment in proportion to benefits, on the property to be affected or benefited, ~~and~~ shall be <sup>levied</sup> collected and paid into the city treasury before such work or improvement shall be commenced, or any contract for letting or doing the same authorized or performed.

*In any city where there are no public works owned and controlled by the municipality, for supplying the same with water or artificial light, any individual, or any company duly incorporated under the laws of this State, shall under the*

direction of the superintendent of streets and under such regulations as the municipality may prescribe, for damages and indemnity for damages, have the privilege of using the public streets and thoroughfares thereof and of laying down pipes and conduits therein and connections therewith, so far as may be necessary for introducing into and supplying such city and its inhabitants either <sup>of other illuminating light</sup> with gas or light or with fresh water for domestic and all other purposes, upon the condition that the municipal government shall have the right to regulate the charges thereof.

*Review 124*

2        SEC. 26. The Legislature shall not pass any local or special law in  
3 the cases following:

4        1. Regulating the affairs of counties, cities, towns, townships, wards, city or  
5 county Boards of Education, school districts, or other political or municipal  
6 corporation or subdivision of the State;

7        2. Authorizing the laying out, opening, altering, maintaining, or vacating  
8 roads, highways, streets, alleys, town plats, or parks;

9        3. Relating to cemeteries, graveyards, or public grounds not of the State;

10       4. Locating or changing county seats;

11       5. Incorporating cities, towns, or villages, or changing their charters;

12       6. Creating offices, or prescribing the powers and duties of officers in  
13 counties, cities, towns, townships, or school districts;

14       7. Regulating the fees or extending the powers and duties of county or  
15 municipal officers;

16       8. Regulating the management and maintenance of public schools, the  
17 building or repairing of school or Court-houses, and raising of money for such  
18 purposes;

19       9. Extending the time for the assessment or collection of county, city, or  
20 other municipal taxes, or otherwise relieving any Assessor or Collector of  
21 county or city taxes from the due performance of the official duties, or their  
22 securities from liability;

23       10. Legalizing the unauthorized or invalid acts of any officer or agent of  
24 any county or municipality thereof;

25       11. Directing the payment of money out of the treasury, or by any officer, of  
26 any county, city, or town, without the consent of such county, city, and town.

27       12. Directing the payment of money from out of the treasury, or by any  
28 officer of, or creating any liability against, a county, city, town, or any public  
or municipal corporation, without its consent.

*Sec 26 was stricken out on  
order of Mr Caples*

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INTRODUCED BY COMMITTEE ON EDUCATION.

DECEMBER 13TH, 1878.

*As Amended in Committee of the whole*  
~~READ, LAID ON TABLE, AND ORDERED PRINTED.~~

RELATIVE TO EDUCATION.

ARTICLE IX.

EDUCATION.

SECTION 1. A general diffusion of knowledge and intelligence being  
2 essential to the preservation of the rights and liberties of the people, the  
3 Legislature shall encourage, by all suitable means, the promotion of intellect-  
4 ual, scientific, moral, and agricultural improvement.

SEC. 2. A Superintendent of Public Instruction shall, at the first  
2 gubernatorial election after the adoption of this Constitution, and every four  
3 years thereafter, be elected by the qualified voters of the State. He shall  
4 receive a salary equal to that of the Secretary of State, and shall enter upon  
5 the duties of his office on the first Monday of January next after his election.

SEC. 3. A Superintendent of Schools for each county shall be elected  
2 by the qualified voters thereof at the first gubernatorial election, and every  
3 four years thereafter; *provided*, that the Legislature may authorize two or  
4 more counties to unite and elect one Superintendent for all the counties so  
5 uniting.

SEC. 4. The proceeds of all lands that have been or may be granted  
 2 by the United States to this State for the support of common schools which  
 3 may be, or may have been, sold or disposed of, and the five hundred thousand  
 4 acres of land granted to the new States under an Act of Congress distribu-  
 5 ting the proceeds of the public lands among the several States of the Union,  
 6 approved A. D. one thousand eight hundred and forty-one, and all estates of  
 7 deceased persons who may have died without leaving a will or heir, and also  
 8 such per cent. as may be granted, or have been granted, by Congress on the  
 9 sale of lands in this State, shall be and remain a perpetual fund, the interest  
 10 of which, together with all the rents of the unsold lands, and such other  
 11 means as the Legislature may provide, shall be inviolably appropriated to the  
 12 support of common schools throughout the State, subject to the provisions of  
 13 section six of this article.

*The following is Sec 4 as amended  
 on motion of Mr Laine and adopted*

( SEC. 4. The proceeds of all lands that have been or may be granted  
 2 by the United States to this State for the support of common schools which  
 3 may be, or may have been, sold or disposed of, and the five hundred thousand  
 4 acres of land granted to the new States under an Act of Congress distribu-  
 5 ting the proceeds of the public lands among the several States of the Union,  
 6 approved A. D. one thousand eight hundred and forty-one, and all estates of  
 7 deceased persons who may have died without leaving a will or heir, and also  
 8 such per cent. as may be granted, or have been granted, by Congress on the  
 9 sale of lands in this State, shall be and remain a perpetual fund, the interest  
 10 of which, together with all the rents of the unsold lands, and such other  
 11 means as the Legislature may provide, shall be inviolably appropriated to the  
 12 support of common schools throughout the State.)

SEC. 5. The Legislature shall provide for a system of common schools  
2 by which a free school shall be kept up and supported in each district at least  
3 six months in every year, after the first year, in which a school has been  
4 established; and any school district neglecting to keep up and support such  
5 a school shall be deprived of its proportion of the interest of the public fund  
6 during such neglect.

*The following is Sec 5 as amended  
on motion of Mr Larkin and adopted*

( SEC. 5. The Legislature shall provide for a system of common schools  
2 by which a free school shall be kept up and supported in each district at least  
3 six months in every year; after the first year, in which a school has been  
4 established )

SEC. 6. The public school system shall include primary and gram-  
2 mar schools, and such high schools, evening schools, normal schools, and  
3 technical schools, as may be established by the Legislature, or by municipal  
4 or district authority; but the entire revenue derived from the State School  
5 Fund, and the State school tax, shall be applied exclusively to the support of  
6 primary and grammar schools.

*The following is Sec 6 as amended  
on motion of Mr Howard of Los Angeles  
and adopted*

( SEC. 6. The public school system shall include primary and gram-  
2 mar schools, and such high schools, evening schools, normal schools, and  
3 technical schools, as may be established by the Legislature, or by municipal  
4 or district authority; but the entire revenue derived from the State School  
5 Fund, and the State school tax, shall be applied exclusively to the support of  
6 primary and grammar schools, *in the primary and*

*grammar schools, no language but the  
English shall be taught.*

SEC. 7. A State Board of Education, consisting of two members from

2 each Congressional district, shall be elected by the qualified voters of the dis-  
3 trict at the first gubernatorial election after the adoption of this Constitution,  
4 who shall hold their office for the term of four years, and enter upon the  
5 duties thereof on the first Monday of January next after their election; *pro-*  
6 *vided*, that such members first so elected shall be divided into two equal  
7 classes—each class consisting of one member from each district—and that the  
8 first class shall go out of office at the expiration of two years from the com-  
9 mencement of their term of office; and at each general biennial election, after  
10 such gubernatorial election, one member of such Board shall be elected from  
11 each Congressional district, so that one-half thereof shall be elected bien-  
12 nially. The Superintendent of Public Instruction shall be ex officio a mem-  
13 ber of such Board, and President thereof.

*The above section 7 - was on motion of Mr Caples, Stricken out.*

SEC. 8. The State Board of Education shall recommend a series of  
2 text-books for adoption by the local Boards of Education, or by the Boards of  
3 Supervisors, and County Superintendents of the several counties where such  
4 local Boards do not exist, but such recommendation shall not be compulsory.  
5 After the adoption of a series of text-books by said Boards, or any of them,  
6 such books must be continued in use for not less than four years. The State  
7 Board of Education shall also have control of the examination of teachers  
8 and the granting of certificates. They shall possess such further powers and  
9 perform such further duties as may be prescribed by law.

*The following is sec 8 as amended on motion of Mr Laine and adopted*

5

(Sec 8 - The local Boards of Education and the Boards of Supervisors and County Superintendents of the several Counties which may not have County Boards of Education, shall adopt a ~~series~~ series of text books for the use of the common schools within their respective jurisdictions, the text books so adopted shall continue in use for not less than four years; they shall also have control of the examination of teachers and the granting of teachers certificates within their several jurisdictions.)

SEC. 9. No public money shall ever be appropriated for the support  
2 of any sectarian or denominational school, or any school not under the exclu-  
3 sive control of the officers of the public schools.

The following is Sec 9 as amended  
on motion of Mr Ringgold & adopted

[ SEC. 9. No public money shall ever be appropriated for the support  
2 of any sectarian or denominational school, or any school not under the exclu-  
3 sive control of the officers of the public schools.

*Nor shall any  
Sectarian or denominational  
doctrines be taught or instruction  
thereon be permitted directly  
or indirectly in any of the  
Common Schools of this State ]*

SEC. 10. The University of California shall constitute a public trust,  
2 and its organization and government shall be perpetually continued in their  
3 existing form and character, subject only to such legislative control as may  
4 be necessary to insure compliance with the terms of its endowments, and of  
5 the several Acts of the Legislature of this State, and of the Congress of the  
6 United States, donating lands or money for its support. It shall be entirely  
7 independent of all political or sectarian influences, and kept free therefrom  
8 in the appointment of its Regents, and in the administration of its affairs.

*Substitute for Sec 10 offered  
by Mr. Larnes and a duplicate*

Section 10.) The University of California is hereby declared to be a perpetual institution of this State, organized to administer a great public trust, and the Legislature shall have no power to impair or divert any gift grant or donation made to it, from the purposes or objects of those making such gift grant or donation. Its officers shall hold office for such time as the legislature may prescribe.

Instruction shall be therein given, in addition to other matters, in agriculture, metallurgy, the mechanic arts, and ~~the~~ applied sciences; it shall be entirely ~~independent~~ independent of all political and sectarian influences.

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*Copies of Education*

INTRODUCED BY COMMITTEE ON LANDS AND HOMESTEAD EXEMPTION.

DECEMBER 14TH, 1878.

*No Amendment on Grant of Whole*  
TAKEN FROM TABLE, AND ORDERED PRINTED.

RELATIVE TO LANDS AND HOMESTEAD EXEMPTION.

SECTION — Hereafter the homestead, consisting of the family dwell-  
 2 ing house, out-buildings, improvements, and lands appurtenant thereto, of  
 3 each head of a family resident in this State, of the value not exceeding five  
 4 thousand dollars, shall not be alienated or encumbered, except by the consent,  
 5 in manner to be prescribed by law, of both husband and wife where that  
 6 relation exists, and such homestead shall be exempt from seizure or sale for  
 7 the payment of any debt or liability, except for the purchase money and the  
 8 payment of taxes, laborers' and mechanics' liens, and obligations contracted for  
 9 the improvement of such homestead, and for debts incurred before the adoption  
 10 of this Constitution. And in case of the death of the husband and wife, the  
 11 surviving member or members of the family, if any, shall succeed to the title  
 12 and possession of such homestead with the like exemption herein prescribed  
 13 in favor of such head of the family. And the Legislature shall by general  
 14 law, not inconsistent with this section, effectually secure the benefits of such  
 15 homestead exemption.

*The following is Act  
 Relative to Lands & Homestead Exemption  
 as amended on motion of  
 Mr Rolfe and adopted*

*(See the Legislature shall protect  
 by law from forced sale a  
 certain portion of the  
 Homestead and other property  
 of all heads of families.)*

Copy Household Samples

Supplement to Amendment No 524

Relative to Lands + Homestead Exemption  
additional Sections

as adopted in Committee of the Whole  
Jan'y 24 1879

See - The holding of large tracts of  
land, uncultivated and unimproved,  
by individuals and corporations, is  
against the public interest and should  
be discouraged by all means not  
inconsistent with the rights of private  
property.

Introduced by Mr Van Dyke.

See - Hereafter lands belonging  
to this State which are suitable for  
cultivation shall be granted only to  
actual settlers and in quantities

(21)

not exceeding 320 acres to each  
settler under such conditions as  
shall be prescribed by law

Introduced by Mr McCallum

See to perpetuities shall be  
allowed except for eleemosynary  
purposes.

Introduced by Mr Rolfe