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REPORTED FROM COMMITTEE ON SCHEDULE.

JANUARY 18TH, 1879.

*As amended in Committee of the Whole*  
~~READ, ORDERED PRINTED, AND REFERRED TO COMMITTEE OF THE WHOLE.~~

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SCHEDULE.

That no inconvenience may arise from the alterations and amendments in the Constitution of this State, and to carry the same into complete effect, it is hereby ordained and declared:

SECTION 1. That all laws in force at the adoption of this Constitution,  
2 not inconsistent therewith, shall remain in full force and effect until altered  
3 or repealed by the Legislature; and all rights, actions, prosecutions, claims,  
4 and contracts of the State, counties, individuals, or bodies corporate, not  
5 inconsistent therewith, shall continue to be as valid as if this Constitution  
6 had not been adopted. The provisions of all laws which are inconsistent  
7 with this Constitution shall cease upon the adoption thereof, except that all  
8 laws which are inconsistent with such provisions of this Constitution as  
9 require legislation to enforce them shall remain in full force until the first  
10 day of July, eighteen hundred and eighty, unless sooner altered or repealed  
11 by the Legislature.

SEC. 2. That all recognizances, obligations, and all other instruments  
 2 entered into or executed before the adoption of this Constitution to this State,  
 3 or to any subdivision thereof, or any municipality therein, and all fines, taxes,  
 4 penalties, and forfeitures due or owing to this State, or any such subdivision  
 5 or municipality, and all writs, prosecutions, actions, and causes of action,  
 6 except as herein otherwise provided, shall continue and remain unaffected by  
 7 the adoption of this Constitution. All indictments or informations which  
 8 shall have been found, or may hereafter be found, for any crime or offense  
 9 committed before this Constitution takes effect, may be proceeded upon as if  
 10 no change had taken place, except as otherwise provided in this Constitution.

*The following is Sec 2 as amended  
 on motion of Mr Herrington and  
 adopted*

SEC. 2. That all recognizances, obligations, and all other instruments  
 2 entered into or executed before the adoption of this Constitution to this State,  
 3 or to any subdivision thereof, or any municipality therein, and all fines, taxes,  
 4 penalties, and forfeitures due or owing to this State, or any ~~sub~~ subdivision  
 5 or municipality, and all writs, prosecutions, actions, and causes of action,  
 6 except as herein otherwise provided, shall continue and remain unaffected by  
 7 the adoption of this Constitution. All indictments or informations which  
 8 shall have been found, or may hereafter be found, for any crime or offense  
 9 committed before this Constitution takes effect, may be proceeded upon as if  
 10 no change had taken place, except as otherwise provided in this Constitution.)

SEC. 3. The Legislature, at its first session after the adoption of this  
 2 Constitution, shall provide for the transfer of all records, books, papers, and  
 3 proceedings from such Courts as are abolished by this Constitution to the  
 4 Courts provided herein; and the Courts to which the same are thus transferred  
 5 shall have the same power and jurisdiction over them as if they had been in  
 6 first instance commenced, filed, or lodged therein. No officer elected at the  
 7 first election after the adoption of this Constitution shall be entitled to draw  
 8 any salary until he shall have been duly installed as such either by provisions  
 9 herein or by Act of the Legislature.

SEC. 4. The Secretary of State shall cause this Constitution to be  
 2 published once a week for at least four consecutive weeks next before the first  
 3 Wednesday in May, eighteen hundred and seventy-nine, in not more than six  
 4 newspapers published in this State, one of which newspapers shall be pub-  
 5 lished in the City and County of San Francisco, one in the County of Sacra-  
 6 mento, one in the County of Los Angeles, one in the County of Nevada, one  
 7 in the County of Santa Clara, and one in the County of Sonoma. The Gov-  
 8 ernor shall issue his proclamation giving notice of the election for the adop-  
 9 tion or rejection of this Constitution at least one month before the said first  
 10 Wednesday in May, eighteen hundred and seventy-nine, and the Boards of  
 11 Supervisors of the several counties shall cause said proclamation to be made  
 12 public in their respective counties, and general notice of said election to be  
 13 given at least fifteen days next before said election.

g.c.

The following is Sec 4 - as substituted on motion of Mr Worland and adopted.

(Sec 4 - The Superintendent of printing of the State of California, shall at least 30 days before the first Wednesday in May 1879 on such terms as may be reasonable select and contract with one news- paper proprietor in each County <sup>in</sup> ~~of~~ this State, in which a newspaper is published

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for the publication and issue  
-ance once a week for two  
successive weeks next before  
said election in their respective  
papers as a Supplement  
thereto. The printed Copies  
of this Constitution as herein  
after provided, the circulation  
of such papers shall be taken  
into consideration in making  
such Contracts and Selections,  
and the papers so selected shall  
issue a number of such  
supplements equal to the  
circulation of such papers  
in this State. In Counties  
containing property of an  
assessable valuation of  
ten Million Dollars or over

Not more than three such papers may be so selected. The Supt of printing shall cause to be printed and delivered to the newspapers so selected in due time for publication thereof a number of such Supplements equal to twice the State Circulation of such papers. The Governor shall issue his Proclamation giving notice of the election for the adoption or rejection of this Constitution at least thirty days before the said first Wednesday of May 1879, and the Boards of Supervisors of the several Counties shall

6  
Cause such proclamation to be  
made public in their respective  
counties and general notice  
of said election  
to be given at least fifteen  
days next before ~~the~~ said election.

SEC. 5. The Superintendent of Printing of the State of California  
2 shall, at least twenty days before said election, cause to be printed and deliv-  
3 ered to the Clerk of each county in this State five times the number of prop-  
4 erly prepared ballots for said election that there are voters in said respective  
5 counties, with the words printed thereon, "For the new Constitution." He  
6 shall likewise cause to be so printed and delivered to said Clerks five times  
7 the number of properly prepared ballots for said election that there are voters  
8 in said respective counties, with the words printed thereon, "Against the new  
9 Constitution."

SEC. 6. The Clerks of the several counties in the State shall, at least  
2 five days before said election, cause to be delivered to the Inspectors of Elec-  
3 tions, at each election precinct or polling place in their respective counties,  
4 suitable poll-books, forms of return, and an equal number of the aforesaid  
5 ballots, which number, in the aggregate, must be ten times greater than the  
6 number of voters in the said election precincts or polling places. The returns  
7 of the number of votes cast at the Presidential election in the year eighteen  
8 hundred and seventy-six shall serve as a basis of calculation for this and the  
9 preceding section.

The following is Sec 6 as  
amended on motion of  
Mr Reynolds and adopted

SEC. 6. The Clerks of the several counties in the State shall, at least  
 2 five days before said election, cause to be delivered to the Inspectors of Elec-  
 3 tions, at each election precinct or polling place in their respective counties,  
 4 suitable poll-books, forms of return, and an equal number of the aforesaid  
 5 ballots, which number, in the aggregate, must be ten times greater than the  
 6 number of voters in the said election precincts or polling places. The returns  
 7 of the number of votes cast at the Presidential election in the year eighteen  
 8 hundred and seventy-six shall serve as a basis of calculation for this and the  
 9 preceding section: *Provided, that the duties*

*in this and the preceding section  
 imposed upon the Clerks of the  
 respective Counties shall, in  
 the City and County of San  
 Francisco, be performed by  
 the Registrar of voters for  
 said City and County*

SEC. 7. Every citizen of the United States, entitled by law to vote for  
 2 members of the Assembly in this State, shall be entitled to vote for the adop-  
 3 tion or rejection of this Constitution.

SEC. 8. The officers of the several counties of this State, whose duty  
 2 it is, under the law, to receive and canvass the returns from the several pre-  
 3 cincts of their respective counties, as well as the City and County of San  
 4 Francisco, shall meet at the usual places of meeting for such purposes on  
 5 the first Monday after said election. If, at the time of meeting, the returns  
 6 from each precinct in the county in which the polls were opened have been  
 7 received, the Board must then and there proceed to canvass the returns; but  
 8 if all the returns have not been received, the canvass must be postponed from  
 9 day to day until all the returns are received, or until six postponements have  
 10 been had, when they shall proceed to make out returns of the votes cast for  
 11 and against the new Constitution; and the proceedings of said Boards shall  
 12 be the same as those prescribed for like Boards in the case of an election for  
 13 Governor. Upon the completion of said canvass and returns, the said Board  
 14 shall immediately certify the same, in the usual form, to the Governor of the  
 15 State of California.

8

The following is Sec 8 - as amended on motion of Mr. Shafter and adopted

( SEC. 8. The officers of the several counties of this State, whose duty  
2 it is, under the law, to receive and canvass the returns from the several pre-  
3 cincts of their respective counties, as well as <sup>of</sup> the City and County of San  
4 Francisco, shall meet at the usual places of meeting for such purposes on  
5 the first Monday after said election. If, at the time of meeting, the returns  
6 from each precinct in the county in which the polls were opened have been  
7 received, the Board must then and there proceed to canvass the returns; but  
8 if all the returns have not been received, the canvass must be postponed from  
9 day to day until all the returns are received, or until six postponements have  
10 been had, when they shall proceed to make out returns of the votes cast for  
11 and against the new Constitution; and the proceedings of said Boards shall  
12 be the same as those prescribed for like Boards in the case of an election for  
13 Governor. Upon the completion of said canvass and returns, the said Board  
14 shall immediately certify the same, in the usual form, to the Governor of the  
15 State of California. )

SEC. 9. The Governor of the State of California shall, as soon as the  
2 returns of said election shall be received by him, or within thirty days after  
3 said election, in the presence and with the assistance of the Controller, Treas-  
4 urer, and Secretary of State, open and compute all the returns received of  
5 votes cast for and against the new Constitution. If, by such examination and  
6 computation, it is ascertained that a majority of the whole number of votes  
7 cast at such election be in favor of such new Constitution, the Executive of  
8 this State shall, by his proclamation, declare such new Constitution to be the  
9 Constitution of the State of California, and that it shall take effect and be in  
10 force on the day hereinafter specified.

SEC. 10. In order that future elections in this State shall conform to  
 2 the requirements of this Constitution, the term of all officers elected under  
 3 the same, and whose term of office is four years or over, shall be, respectively,  
 4 one year shorter than the term provided for in this Constitution, and the term  
 5 of all officers whose term of office is two years shall be, respectively, one year  
 6 longer than the term provided for in this Constitution, except the members of  
 7 the Assembly, whose first term of office shall be one year; and the successors  
 8 of all such officers shall be elected at the last election before the expiration of  
 9 the terms as in this section provided. The first officers chosen after the adop-  
 10 tion of this Constitution shall be elected at the time and in the manner now  
 11 provided by law.

*Substitute for Sec 10 offered  
 by Mr Morland and adopted*

SEC. 10. In order that future elections in this State shall conform to  
 2 the requirements of this Constitution, the term of all officers elected ~~at~~  
 the first election under the same, shall  
 be respectively, one year shorter than the  
 terms as in this Constitution provided;  
 and the successors of all such officers  
 shall be elected at the last election  
 before the expiration of the terms as in  
 the section provided. The first officers  
 chosen after the adoption of this Con-  
 stitution shall be elected at the  
 time and in the manner now  
 provided by law

SEC. 11. Should this Constitution be ratified at the election for the  
2 ratification and adoption thereof, it shall take effect and be in force on and  
3 after the fourth day of July, eighteen hundred and seventy-nine, at twelve  
4 o'clock meridian.

*Sec 11 as amended by Mr. Shaffer  
and adopted*

SEC. 11. *1* this Constitution shall take effect and be in force on and  
3 after the fourth day of July, eighteen hundred and seventy-nine, at twelve  
4 o'clock meridian.



Copy Schedule

No.	Name	Age	Sex	Religion	Caste	Profession
1						
2						
3						
4						
5						
6						
7						
8						
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INTRODUCED BY COMMITTEE ON MISCELLANEOUS SUBJECTS.

JANUARY 25TH, 1879.

~~READ, ORDERED PRINTED, AND REFERRED TO COMMITTEE OF THE WHOLE.~~

As Amended in Course of the Whole

ARTICLE —

SECTION 1. The City of Sacramento is hereby declared to be the seat  
2 of government of this State, and shall so remain until changed by law ; but  
3 no law changing the seat of government shall be valid or binding, unless the  
4 same be approved and ratified by a majority of the qualified electors of the  
5 State voting therefor at a general State election, under such regulations and  
6 provisions as the Legislature by a two-thirds vote of each House may provide,  
7 submitting the question of change to the people.

SEC. 2. Any citizen of this State who shall, after the adoption of this  
2 Constitution, fight a duel with deadly weapons, or send or accept a challenge  
3 to fight a duel with deadly weapons, either within this State or out of it, or  
4 who shall act as second, or knowingly aid or assist in any manner those thus  
5 offending, shall not be allowed to hold any office of profit, or to enjoy the  
6 right of suffrage under this Constitution.

*Sec 2 as amended by  
Mr Morse and adopted*

SEC. 2. Any citizen of this State who shall, after the adoption of this  
2 Constitution, fight a duel with deadly weapons, or send or accept a challenge  
3 to fight a duel with deadly weapons, either within this State or out of it, or  
4 who shall act as second, or knowingly aid or assist in any manner those thus  
5 *or engage in a prize fight* offending, shall not be allowed to hold any office of profit, or to enjoy the  
6 right of suffrage under this Constitution.

(2)-a

SEC. 3. Members of the Legislature, and all officers, executive and  
2 judicial, except such inferior officers as may be by law exempted, shall, before  
3 they enter upon the duties of their respective offices, take and subscribe the  
4 following oath or affirmation :

5 "I do solemnly swear (or affirm, as the case may be,) that I will sup-  
6 port the Constitution of the United States and the Constitution of the State  
7 of California, and that I will faithfully discharge the duties of the office of  
8 —, according to the best of my ability."

9 And no other oath, declaration, or test, shall be required as a qualifica-  
10 tion for any office or public trust.

SEC. 4. All officers or Commissioners, whose election or appointment  
2 is not provided for by this Constitution, and all officers or Commissioners,  
3 whose office or duties may hereafter be created by law, shall be elected by the  
4 people, or appointed, as the Legislature may direct.

SEC. 5. The fiscal year shall commence on the first-day of July.

SEC. 6. Suits may be brought against the State in such manner and  
2 in such Courts as shall be directed by law.

SEC. 7. No contract of marriage shall be invalidated for want of con-  
2 formity to the requirements of any religious sect. But no marriage hereafter  
3 contracted in this State shall be valid between the parties thereto unless a  
4 public record thereof be made in such manner as may be provided by law.

*Substitute for Sec 7 offered by Mr  
Barry and adopted*

*(Sec 7 No contract of marriage, if otherwise  
duly made, shall be invalidated for want  
of conformity to the requirements of any  
religious sect*

(3) - a  
SEC. 8. All property, real and personal, owned by either husband or  
2 wife before marriage, and that acquired by either of them afterwards by gift,  
3 devise or descent, shall be their separate property.

SEC. 9. No perpetuities shall be allowed except for eleemosynary  
2 purposes.

SEC. 10. Every person shall be disqualified from holding any office  
2 of profit in this State who shall have been convicted of having given or offered  
3 a bribe to procure his election or appointment.

SEC. 11. Laws shall be made to exclude from office, serving on juries,  
2 and from the right of suffrage, those who shall hereafter be convicted of brib-  
3 ery, perjury, forgery, or other high crimes. The privilege of free suffrage  
4 shall be supported by laws regulating elections and prohibiting, under ade-  
5 quate penalties, all undue influence thereon from power, bribery, tumult or  
6 other improper practice.

*See 11 as amended by Mr Ayers  
and adopted*

SEC. 11. Laws shall be made to exclude from office, serving on juries,  
2 and from the right of suffrage, <sup>Persons</sup> ~~those who shall hereafter~~ be convicted of brib-  
3 ery, perjury, forgery, or other high crimes. The privilege of free suffrage  
4 shall be supported by laws regulating elections and prohibiting, under ade-  
5 quate penalties, all undue influence thereon from power, bribery, tumult or  
6 other improper practice.

SEC. 12. Absence from this State, on business of the State or of the  
2 United States, shall not affect the question of residence of any person.

SEC. 13. A plurality of the votes given at any election shall constitute  
2 a choice, where not otherwise directed in this Constitution.

SEC. 14. The Legislature shall provide, by law, for the maintenance  
2 and efficiency of a State Board of Health.

1.4 la

SEC. 15. Mechanics, material men, artisans, and laborers of every  
2 class, shall have a lien upon the property upon which they have bestowed  
3 labor or furnished material, for the value of such labor done and material  
4 furnished; and the Legislature shall provide, by law, for the speedy and effi-  
5 cient enforcement of said liens.

*Sec 15 as amended by Mr  
Barbour & adopted*

SECTION 15 Mechanics, artisans, laborers, material men, and  
miners shall have liens upon the building, structure, mine, or other  
improvement upon which they have performed labor or supplied  
material, for the value of the work done or material furnished. And  
the Legislature shall provide by law for the speedy and efficient  
enforcement of such liens, making such building, structure, mine, or  
other improvement, and the owner thereof, responsible for such liens  
notwithstanding any payment, settlement, or contract made by him  
with contractors or sub-contractors before such liens have been paid.

*Provided that such claims of lien  
shall be filed in the office of the  
County Recorder within sixty days  
after the completion of such building  
structure or work or the furnishing  
of such material*

SEC. 16. The amount named in either a fire or marine insurance  
2 policy shall be deemed to be the true value of the property insured for  
3 insurance purposes.

*Sec 16 was stricken out on motion  
of Mr Campbell*

SEC. 17. When the term of any officer or Commissioner is not pro-  
2 vided for in this Constitution, the term of such officer or Commissioner may  
3 be declared by law; and, if not so declared, such officer or Commissioner  
4 shall hold their position as such officer or Commissioner during the pleasure  
5 of the authority making the appointment; but in no case shall such term  
6 exceed four years.

5

Sec 17 as amended by Mr. Gilborn and adopted

SEC. 17. When the term of any officer or Commissioner is not provided for in this Constitution, the term of such officer or Commissioner may be declared by law; and, if not so declared, such officer or Commissioner shall hold <sup>his</sup> ~~their~~ position as such officer or Commissioner during the pleasure of the authority making the appointment; but in no case shall such term exceed four years.

SEC. 18. No persons other than citizens, or those who have declared their intentions to become such, shall hereafter acquire or own, either by purchase or otherwise, real property in this State contrary to this provision—such property shall escheat to the State; nor shall any lands in this State be held in trust for any alien; but the creation of any trust in lands for the benefit of an alien shall at once escheat the land to the State.

On motion of Mr. ... sec 18 was struck out

A new section added on motion Mr. ... & adopted

Sec 19 Eight hours shall constitute a legal day work on all public works

On motion of Mr. Ringgold the following new section was adopted

Sec 20. No person shall, on account of ... be disqualified to enter upon and pursue any lawful business, vocation or profession

(6) - The following new section was adopted on motion of Mr Deane  
Sec 21. Nothing in this Constitution shall prevent the Legislature from providing by law for the payment of the expenses of this Convention including the per diem of the delegates for the full term of said Convention

Wm. H. Deane  
J. H. Deane  
J. H. Deane  
J. H. Deane

The following is a list of the  
 names of the members of the  
 committee on the part of the  
 government and the names of the  
 members of the committee on the  
 part of the people.

Also contains  
 subjects

Report of  
 Committee  
 of the  
 Whole

Jan. 25, '79

Amendment.

No. 536.

Introduced by Mr. McCallum  
January 28<sup>th</sup>, 1899

As Amended in Committee of  
the Whole

Article —

Distribution of Powers.

Section 1. The powers of the government of the State of California shall be divided into three separate departments, the legislative, the executive and judicial; and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any functions appertaining to either of the others, except

2

in the cases hereinafter  
expressly directed or permitted.

Section 1 as amended by  
Mr. Cross and adopted in Com-  
mittee. [The powers of the gov-  
ernment of the state of Cali-  
fornia shall be divided into  
three separate departments,  
the legislative, the executive  
and judicial; and no person  
charged with the exercise  
of powers properly belonging  
to one of these departments  
shall exercise any func-  
tions appertaining to either  
of the others, except in the  
cases as in this constitution  
is expressly directed or  
permitted.]

Section 2. The Legislature  
may provide that cases

submitted in the courts<sup>3</sup>  
shall be decided within a  
limited time under such  
conditions as may be pro-  
vided by law.

Section has was on motion  
stricken out.



INTRODUCED BY COMMITTEE ON STATE AND MUNICIPAL INDEBTEDNESS.

JANUARY 22D, 1879.

~~READ, ORDERED PRINTED, AND REFERRED TO COMMITTEE OF THE WHOLE.~~

*As Amended in Com of the Whole*

ARTICLE —

STATE INDEBTEDNESS.

SECTION 1. The Legislature shall not, in any manner, create any debt  
2 or debts, liability or liabilities, which shall, singly or in the aggregate with  
3 any previous debts or liabilities, exceed the sum of three hundred thousand  
4 dollars, except in case of war to repel invasion or suppress insurrection, unless  
5 the same shall be authorized by some law for some single object or work to be  
6 distinctly specified therein, which law shall provide ways and means, exclu-  
7 sive of loans, for the payment of the interest of such debt or liability as it  
8 falls due, and also to pay and discharge the principal of such debt or liability  
9 within twenty years of the time of the contracting thereof, and shall be irre-  
10 pealable until the principal and interest thereon shall be paid and discharged;  
11 but no such law shall take effect until, at a general election, it shall have  
12 been submitted to the people and shall have received a majority of all the  
13 votes cast for and against it at such election; and all moneys raised by  
14 authority of such law shall be applied only to the specific object therein  
15 stated, or to the payment of the debt thereby created; and such law shall be  
16 published in at least one newspaper in each judicial district, if one be pub-  
17 lished therein, throughout the State for three months next preceding the elec-  
18 tion at which it is submitted to the people.

(2)

Sec 1 - as amended by Mr Laine  
and adopted

SECTION 1. The Legislature shall not, in any manner, create any debt  
2 or debts, liability or liabilities, which shall, singly or in the aggregate with  
3 any previous debts or liabilities, exceed the sum of three hundred thousand  
4 dollars, except in case of war to repel invasion or suppress insurrection, unless  
5 the same shall be authorized by some law for some single object or work to be  
6 distinctly specified therein, which law shall provide ways and means, exclu-  
7 sive of loans, for the payment of the interest of such debt or liability as it  
8 falls due, and also to pay and discharge the principal of such debt or liability  
9 within twenty years of the time of the contracting thereof, and shall be irre-  
10 pealable until the principal and interest thereon shall be paid and discharged;  
11 but no such law shall take effect until, at a general election, it shall have  
12 been submitted to the people and shall have received a majority of all the  
13 votes cast for and against it at such election; and all moneys raised by  
14 authority of such law shall be applied only to the specific object therein  
15 stated, or to the payment of the debt thereby created; and such law shall be  
16 published in at least one newspaper in each <sup>County or City and County</sup> ~~judicial district~~, if one be pub-  
17 lished therein, throughout the State for three months next preceding the elec-  
18 tion at which it is submitted to the people.

*[Handwritten signatures and scribbles]*

State  
and  
Municipal  
Industries  
Report  
Committee  
of the  
Whole

1911  
Baltimore  
City of Baltimore  
Maryland