

Local Option (18th day)

1447

3

Mr. Hale presented the following petition, signed by D. Keeler and 150 other citizens of

Ophir, Placer Co., Cal.

PETITION.

To the Honorable Gentlemen, the Members of the Constitutional Convention now assembled:

We, the residents and taxpayers of the State of California, fully realizing the importance of this session and the arduous duties and responsibilities that necessarily rest upon each individual member of said body in the exercise of the powers vested in him, and realizing that many grave questions will present themselves to any body of men who shall assemble to consider such great facts as must necessarily arise in the framing of a Constitution to govern and direct the people of any Country, State or District, and especially our own loved and endeared State of California, where Nature has been so lavish, and Providence so wise.

And yet, with all our boasted advantages of climate, productions, mineral wealth, scenery, etc., we have observed with sorrow and pain the rapid and constant increase of crime and the alarming tendency toward idleness, with all its attendant elements of misery, wretchedness and want, and in vain to we try to blind ourselves to the frequent necessity of enlarging our State Prisons and lunatic asylums; for even now they are crowded to their utmost capacity. And believing that no greater question can present itself to your Honorable Body than the education and protection of society, and while we cheerfully submit to and pay the taxes levied upon us for educational and other purposes, we believe that it is unwise and inexpedient to spend millions of dollars for education and then admit of the manufacture and traffic of that which destroys the mental faculties and poisons and destroys the mind. While we have explicit confidence in the judgment and integrity of those we have chosen to represent us, and believing that it will be their highest aim to carry out the will of the people they represent when such will is made known, therefore we would petition your Honorable Body:

That you will insert in the Constitution a clause, granting to the people the right to say whether they will allow the sale of intoxicating liquors in their midst or not, (better known as Local Option), or a Civil Damage Law, or both.

And your petitioners will ever pray.

~~G. Keeler and 150 other citizens of Ophir Placer Co. Cal.~~

Ref to the Com. on Legislative

Department

Leave of Absence

19th Day
1496

(2)

One day's leave of absence was granted

Mr. Keyes.

Journal of yesterday read and ap-

proved.

Memorial

Mr. Hager presented the fol. memorial

signed by ~~large number~~ of citizens of Cal.

To the CONSTITUTIONAL CONVENTION, to meet at Sacramento, California, on the 28th day of September, 1878:

Believing that Almighty God is the source of all power and authority in civil government, that the Lord Jesus Christ is the Ruler of Nations, and that the revealed will of God is of supreme authority in civil affairs; Remembering that this country was settled by christian men, with christian ends in view, and that they gave a distinctly christian character to the institutions which they established;

Perceiving the persevering attempts which are made to prohibit the reading of the Bible in our Public Schools, to overthrow our Sabbath laws, to abolish the Oath, prayer in our State Legislature, and other christian features of our institutions, and so to divorce the government from all connection with the christian religion;

Viewing with grave apprehension the corruption of our politics, and the prevalent lack of moral and religious character in those who hold office in the State; and

Believing that a written Constitution should contain explicit evidence of the christian character and purpose of the State which frames it, and perceiving that the silence of the Constitution of the State, as well as of the United States, in this respect, is used as an argument against all that is christian in the usage and administration of the government;

We, the undersigned, citizens of the State of California, petition your honorable body to frame the Constitution so that it shall suitably express our acknowledgment of Almighty God as the source of all authority in civil government, of the Lord Jesus Christ as the Ruler of Nations, and of His revealed will as of supreme authority; and thus indicate that this is a christian commonwealth, and place all the christian laws, institutions and usages of the State on an undeniable legal basis in the fundamental law of the same.

The Observance of Sunday

Mr. Martin, of Alameda, presented

the fol. petition, signed by A. Elder, and many others:

~~11/11/11~~
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~~20~~

20

more

19th Day

1497

Schwartz

New York

The undersigned, Citizens of the State of California, respectfully and urgently request the delegates constituting the Convention authorized to prepare a Constitution for said State, to retain Sec 4, Art I of the same, and to add to said Section a provision declaring the Sabbath day or Sunday, a Day of Rest

Local Option

The President presented the fol. memorial signed by E. White and several hundred other citizens of Frembold Co.;

North

To the President and Members of the Constitutional Convention of the State of California.

The People of the State of California recognize the fact that it is the object and duty of the present Convention to promote the welfare of our people by the enactment of wise and just laws, and to advance their common interests by the encouragement of every legitimate, and the suppression of every pernicious traffic.

Your memorialists are of the opinion that a great portion of the more obstinate and painful moral disorders that afflict the human family are engendered by the use of spirituous and intoxicating liquors; that the common use of such intoxicating liquors is not only destructive to health and happiness, but also impairs the faculties of the mind, and thereby tends equally to dishonor our character as a nation as well as to lower us in the scale of civilization.

Your memorialists have no doubt but that the presence of the plague or any other pestilential disorder which might sweep away thousands of our fellow citizens, would elicit the most strenuous and energetic efforts on the part of our government to subdue it, and to guard against its possible occurrence.

Your memorialists can discern no just reason why the more certain and distressing ravages of intoxicating liquors upon the lives and happiness of our citizens, and the well-being and quiet of our community should not be guarded against with corresponding vigilance and anxiety by the present rulers of the United States, and more particularly by the present law-makers of our own fair State.

Your memorialists beg leave to add further that in their belief the use of spirituous and intoxicating liquors is in any case whatever wholly unnecessary; that they neither fortify the body against the influences of heat or cold nor render labor more easy or more productive; and that there are many other articles of diet and drink which are not only perfectly safe and salutary, but in every way superior and preferable to intoxicating liquors for any of the purposes above mentioned.

Your memorialists also believe that it is a grave defect in our present constitution, in that it denies to the people of the different counties, townships and districts the privilege of fairly determining at the ballot box whether liquor saloons shall continue to exist in their midst, with their attendant trains of evil, of vices, pollution, want and woe.

We are fully convinced that the law passed in March, 1874, and known as the "Local Option Law," was a proper and just law, and one meeting with the general approbation of our people, as was evidenced by the fact that, out of over one hundred elections held under its provisions, the success of Local Option was in the ratio of two and a half to one. We therefore commend it to your consideration.

Your memorialists have beheld with regret the hitherto feeble and ineffectual endeavors put forth to stop or impede this giant evil, and the proportionally barren results which have resulted therefrom.

They center their hopes, therefore, of an effectual remedy in the wisdom and power of your Honorable Body, and in behalf of our common humanity entreat of you, by all your obligations to protect the lives and comfort of our citizens, and by your regard for our national character, and respect for our land in the scale of intelligent and civilized beings, to impose such heavy duties on intoxicating liquors, or adopt such other remedial and preventive measures as shall in your sober judgment tend most efficiently to subdue and eradicate these evils.

Therefore, with an honest belief in the justice of our demand, and with a firm reliance in the honor, wisdom and sincerity of your Honorable Body, we humbly crave at your hands a prompt and impartial consideration of our request, and if possible, an ultimate exemption from this distressing evil.

Counties and County Seats

Mr. Boucher was granted leave to introduce out of order the fol. proposed amendment to the Constitution

By Com
L. Mend

MEMORIAL

To the *CONSTITUTIONAL CONVENTION*, to meet at Sacramento, California, on the 28th day of September, 1878:

Believing that Almighty God is the source of all power and authority in civil government, that the Lord Jesus Christ is the Ruler of Nations, and that the revealed will of God is of supreme authority in civil affairs;

Remembering that this country was settled by christian men, with christian ends in view, and that they gave a distinctly christian character to the institutions which they established;

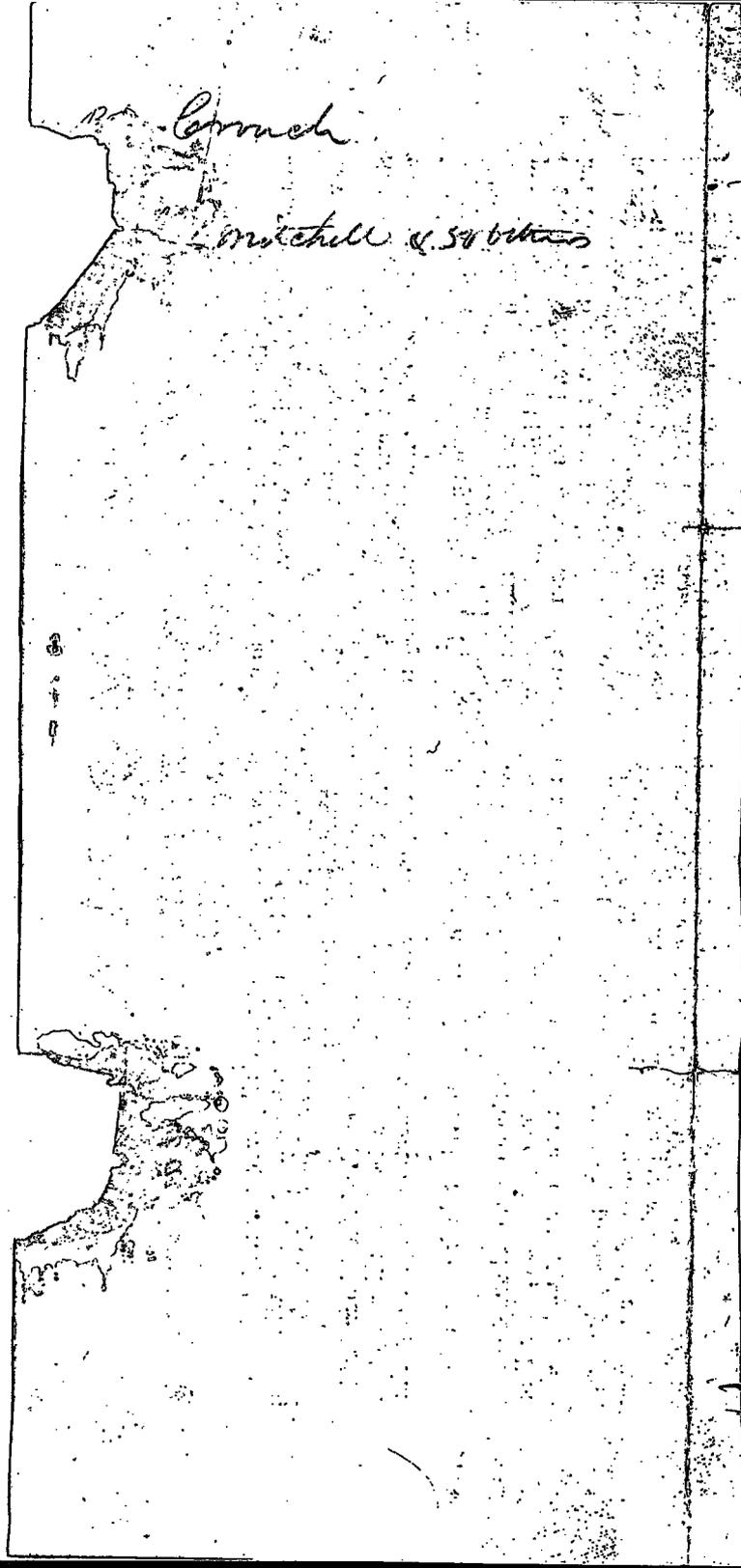
Perceiving the persevering attempts which are made to prohibit the reading of the Bible in our Public Schools, to overthrow our Sabbath laws, to abolish the Oath, prayer in our State Legislature, and other christian features of our institutions, and so to divorce the government from all connection with the christian religion;

Viewing with grave apprehension the corruption of our politics, and the prevalent lack of moral and religious character in those who hold office in the State; and

Believing that a written Constitution should contain explicit evidence of the christian character and purpose of the State which frames it, and perceiving that the silence of the Constitution of the State, as well as of the United States, in this respect, is used as an argument against all that is christian in the usage and administration of the government;

We, the undersigned, citizens of the State of California, petition your honorable body to frame the Constitution so that it shall suitably express our acknowledgment of Almighty God as the source of all authority in civil government, of the Lord Jesus Christ as the Ruler of Nations, and of His revealed will as of supreme authority; and thus indicate that this is a christian commonwealth, and place all the christian laws, institutions and usages of the State on an undeniable legal basis in the fundamental law of the same.

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Mitchell 4 billion

Practical 21st day 1552 3

Memor **Memorial Accompanying Local Option Petition.**

Memor
Ch
To the President and Members of the Constitutional Convention:

On behalf of the Petition accompanying this Memorial, transmitted herewith, your memorialists would most respectfully represent that the proposition embodied in the prayer of your petitioners, to wit: "The Legislature shall, at its first session, enact a law whereby the qualified voters of any county, voting precinct, town or city, by a majority vote, from time to time, may determine whether the sale of intoxicating liquors shall be prohibited within the prescribed limits," is identical with a clause presented by the Constitutional Convention of the State of Texas, and ratified by the people of that great commonwealth.

The proposition presented raises but a single issue before your honorable body, to wit: The expediency of the local prohibition of the traffic in intoxicating liquors. In this statement we assume that the inherent right of the people to regulate or to prohibit by law, the said traffic, will not be denied. The principle which commends the proposition brought before you by this petition is, that it refers the question of the expediency of prohibiting the traffic in intoxicating liquors to the people. This principle is in consonance with the very genius of republican institutions. The people of separate localities should have the right to determine for themselves, as to whether the sale of intoxicating drink is inimical to the best interests of their respective communities. This application of the principle of local sovereignty is not new, but extends already to other questions of local character. We assume that those citizens interested in the sale of intoxicating beverages, cannot reasonably object to the adoption of this proposition. No good citizen will demand protection in the right to engage in a business which, in the judgment of a majority of his neighbors, is demoralizing to the neighborhood; and if the traffic in liquors is not destructive of the morals and good order of a community, these separate communities may safely be trusted with such determination of the question as the facts warrant. In the opinion of your memorialists, any opposition to the proposition on the part of those engaged in the traffic in liquors, must be based upon the ground, that should the proposition be incorporated into the Constitution, many communities would decide against the continuation of the traffic. This is in effect an admission that in all such communities, the traffic is now carried on against the enlightened judgment and moral conscience of a majority of the people resident in such communities. The proposition herewith presented, if adopted, would relegate the whole question to the arbitration of the ballot box; and representing those who entertain the opinion that the traffic in intoxicating drinks is destructive of the best and highest interests of the commonwealth, we cheerfully submit the grave question involved to this high arbitrament. To deny the prayer of this petition will, in the opinion of your petitioners, be in effect a denial of a sacred right. The right to determine what is necessary and appropriate to accomplish the ends of government, establish order, and promote the general welfare of society, resides in the people, and all we ask is, that this right shall be recognized in the determination of the issues arising out of contending opinions concerning the character and moral tendencies of the unrestricted traffic in intoxicating liquors. The nature of the proposition herewith presented, is such as to absolve us from the necessity of presenting any considerations or arguments tending to establish the expediency of prohibiting the liquor traffic. We have no data upon which to found the assumption that in practice, the proposition presented would result in such prohibition; the result would be dependent upon the will of the majority of the voters in the local subdivisions named. But it is obvious that the perpetuity or prohibition of the traffic will depend upon the verdict of the people, in whom resides the right to determine the necessity or reasonableness of all prohibitory laws.

And as in duty bound, your petitioners will ever pray.

~~Direct~~

no. ~~of papers~~

~~Byrd's~~

~~no. 1~~

(Preserve Copy)
 Napa

21st day 1884
 Memorial from J. R. Udden being a

A Statement of the Assessed Valuation
 and production of the Principal
 Quicksilver mines in California during
 the three years last past.

To Com on Revenue & Taxation

NAME OF COUNTY.	NAME OF MINE.	Valuation of Mines and Lands.	Valuation of Improvements	Valuation of Per. Prop'y.	Tot. ls.	Quicksilver Produced Flasks.	Ass'd val per flask produced.
8 1/2	>	4	4	4	4	4	3
1876-77—Napa	Redington	\$ 41,240	\$ 95,000	\$ 14,950	\$151,190	9,183	\$16 46
1877-78—	"	36,240	80,000	8,875	125,115	9,447	13 24
1878-79—	"	36,240	80,000	12,657	128,897	6,864*	18 78
		\$113,720	\$255,000	\$ 36,482	\$405,202	25,494	\$15 89
1876-77—Lake	Sulphur Banks	\$ 56,278	\$ 3,292	\$ 25,000	\$ 84,570	8,732	\$ 9 68
1877-78—	"	50,750	62,800	9,235	122,785	11,649	10 54
1878-79—	"	50,487	38,000	15,176	103,663	10,468*	9 89
		\$157,515	\$104,092	\$ 49,411	\$311,018	30,849	10 08
1876-77—Lake	Great Western	\$ 27,000	\$ 20,000	\$ 2,615	\$ 49,615	4,495	\$11 04
1877-78—	"	27,000	20,000	2,615	49,615	5,877	8 44
1878-79—	"	20,800	20,000	395	41,195	3,894*	10 58
		\$ 74,800	\$ 60,000	\$ 5,625	\$140,425	14,266	\$ 9 84
1876-77—Sonoma	Oakland	\$ 5,000	\$ 5,000	\$ 1,050	\$ 11,050	2,150	\$ 5 14
1877-78—	"	5,000	5,000	2,740	12,740	1,395	9 13
1878-79—	"	5,000		4,550	9,550	1,142*	8 36
		\$ 15,000	\$ 10,000	\$ 8,340	\$ 33,340	4,687	\$ 7 11
1876-77—Fresno	New Idria	\$ 50,960	\$ 25,000	\$ 14,119	\$ 90,079	7,272	\$12 39
1877-78—	"	30,960	20,000	9,585	60,545	6,316	9 58
1878-79—	"	20,000	15,000	6,035	41,035	4,258*	9 64
		\$101,920	\$ 60,000	\$ 29,739	\$191,659	17,846	\$10 74
1876-77—Santa Clara	Guadalupe	\$ 19,910	\$ 20,890	\$ 10,950	\$ 51,750	7,381	\$ 7 01
1877-78—	"	26,350	63,500	10,900	100,750	6,241	16 14
1878-79—	"	26,350	63,500	10,900	100,750	5,330*	18 90
		\$ 72,610	\$147,890	\$ 32,750	\$253,250	18,952	\$13 36
1876-77—Total val. of above Mines		\$200,388	\$169,182	\$ 68,684	\$438,254	39,213	\$11 17
1877-78—		176,300	251,300	43,950	471,550	40,925	11 52
1878-79—		158,877	216,500	149,713	425,090	32,956*	13 30
		\$535,565	\$636,982	\$162,347	1334,894	112,094	\$11 90
1876-77—Santa Clara	New Almaden	\$150,000	\$150,000	\$ 91,115	\$391,115	20,631	\$18 96
1877-78—	"	150,000	100,000	51,820	301,820	24,079	12 53
1878-79—	"	0,000	100,000	54,710	304,710	11,778*	25 87
		\$450,000	\$350,000	\$197,645	\$997,645	56,488	\$17 66

* Known production for first six months 1878 doubled to make comparative yearly statement.

California Quicksilver Mines.—The County of Santa Clara, in addition to its naturally rich agricultural advantages, makes a very important show in the extensive product of quicksilver from the two mines within its limits. From these, the New Almaden and Guadalupe, are procured nearly one-half of the whole of this article manufactured in California; the other principal mines being the Redington in Napa County, Sulphur Bank and Great Western in Lake, Oakland in Sonoma, and New Idria in Fresno.

We have before us a tabulated statement of the actual number of flasks shipped from each of these mines during a period of two years, and an approximation of this current year's product, judging by the returns of the first six months, the result of which appears to be, that during that time the Redington produced 25,494 flasks, on which the average assessment is \$15.89 each; Sulphur Bank, 30,849 flasks; average assessment, \$10.08; Great Western, 14,266 flasks; average assessment, \$9.84; Oakland, 4,687 flasks; average assessment, \$7.11; New Idria, 17,846 flasks; average assessment, \$10.74; Guadalupe, 18,952 flasks; average assessment, \$13.36. So that the six mines produced 112,094 flasks in all, and were assessed on an average of \$11.90 per flask. The returns of the largest mine, the New Almaden, are for the same period, 56,488 flasks, on which the average assessment is \$17.66, forming rather more than one-half of the total production of the other mines named above. We notice, also, that the valuations of mines, lands, improvements and personal property on the first six named mines amount for three years to \$1,334,894 in all; whereas the similar valuations on the New Almaden are \$997,645. Now, with such figures before us, there is need of some satisfactory explanation as to the great disproportion which the burdens on the New Almaden show to those of the other six mines enumerated, in proportion to the product of each of them. According to our understanding of these returns in our possession, there is a clear over assessment on the sundry valuations for the three years against the New Almaden mine of about \$325,000, as compared with the other establishments, and of \$5.76 on the average assessment per flask. This appears to be discrimination against the former out of reason, and of course places it at the greatest disadvantage in the manufacture of quicksilver when compared with the lighter taxation imposed on its competitors. It seems, therefore, opposed not only to all sound sense, but to fair commercial policy, that such an unequal distribution of assessments should be allowed to continue. The public are also interested in guarding so important an industry from being impeded by an extortionate drain on its advantageous development.

Memorial in relation
to Assessment and
Production of Quick-
Silver mines of Cali-
fornia.

Oct 18, '78
Read & referred
To Com on Revenue
& Taxation.

Thomson
ass sec

Nov. 18, 1878
Reported back with
Substitute amendment
No. 510. Wright
Asst. Secretary

Presented by
J. R. Weller

Weller

The President presented the following petition,

22

2nd day

Preserve copy

1613

Barrett

To the Members of the Constitutional Convention.

Santa Barbara, Cal., October 11th, 1878.

Gentlemen:

The Santa Barbara League wish to call your attention to the Petitions now before your honorable Body on the right of suffrage. We ask that the Constitution be so constructed that there shall be no disfranchisement on account of sex. The following are our reasons:

Verob.

1st. Because "all just governments derive their powers from the consent of the governed." - Woman is governed by laws to which she gives no consent.

2nd. Because woman has the same inherent desire for and power of self-government as man, and the same natural right to exercise that power.

3rd. Because the ignorant and intemperate are enfranchised and entrusted with the privilege of making laws to govern her, and of employing their vested powers in restraining her from exercising a citizen's highest prerogative, the right of ballot.

4th. Because woman is taxed, and taxation without representation is as much tyranny in 1878 as in 1776.

5th. Because it is a citizen's right to be tried by a jury of his peers, and woman is not so tried, in California.

6th. Because the well-being of the State demands that thousands of hard working women, who add greatly to its wealth and its intellectual and moral worth, should not be crippled in their power of usefulness.

7th. Because, with the ballot in the hands of all good citizens, the honor of our State would be asserted and the perpetuity of our government assured; for a nation's injustice is a prelude to a nation's decay.

The right to vote we consider inherent. Webster defines inherent, "as naturally pertaining to; innate; as the inherent right of men to life, liberty and protection.

"To secure these rights, governments are instituted, deriving their just powers from the consent of the governed." The right to form governments is then an inherent right. To do this in our country it is necessary to vote; therefore the right to vote is inherent in every American citizen. If not from whom acquired? If the people acquire the right from themselves and delegate it to others, the right must be inherent in the first place or they have nothing to give, no powers to delegate. We earnestly entreat your Honorable Body so to frame the new Constitution that women may be empowered to exercise this inherent right the right of suffrage.

Yours Respectfully,

MARY A. ASHLEY,

President Santa Barbara League.

MARY F. HUNT, Sec.

Ref. to the Commission Right of Suffrage

Yonkers

26th May

16493

Observance of Sunday,

Mr. Hager presented the following petition signed by many citizens of Cali.

copy

The undersigned, Citizens of the State of California, respectfully and urgently request the Delegates constituting the Convention authorized to prepare a Constitution for said State, to retain in said Constitution Sec. 4 of the same, and to add to said Section a provision declaring the Sabbath day, or Sunday, a Day of Rest. + Article 1

Schwartz

Memorials

490

3

Mr. Bell presented the following memorial of the Representative Assembly of Trades and Labor Unions of the Pacific Coast on the following subjects;

First—The contract system, and praying for a law prohibiting the same on public works,

Second—A general the letting of State Prison ^{labor to} ~~work~~ contractors,

Third—To prohibit children under fourteen years of age from being employed in shops and factories.

And, also, urging the adoption of certain articles reported by the Com. on Chinese and on Corporations other than Municipal.

Representative Assembly of Trades and Labor Unions of the Pacific Coast do hereby memorialize the Constitutional Convention now in session, on the following subjects:

First—The contract system, as practiced by State and municipal authorities, in the letting and permitting the sub-letting of contracts without holding the sub-contractor responsible, as provided by the Consolidation Act passed by the Legislature in eighteen hundred and seventy-one, and thus defrauding the State, as well as its citizens, this all being done under the connivance of Commissioners appointed to guard the public's interest. We, therefore, would respectfully recommend the adoption of a law prohibiting the letting of any State, county, or municipal work, of any description, by contracts, so as to have all public work done by the day, and eight (8) hours to constitute a legal day's work. For illustration of the above evils see Stone Cutters' memorial.

Second—The State Prison labor. We indorse the clause introduced by John D. Condon and P. M. Wellin, as sufficient remedy for evils as now existing at our State Prison; to wit, the furnishing of prison labor, at forty cents per day, to unprincipled contractors, to the disadvantage of honest manufacturers and honest labor, particularly the cabinet, shoe, harness, sash and blind, door makers, and all other labor indirectly.

Third—We would most respectfully recommend the adoption of a clause prohibiting children under the age of fourteen years from working in any shops or factories.

Next, we indorse and respectfully recommend the adoption of the following sections:

By the Committee on Corporations other than Municipal—sections three, seven, eight, ten, eleven, twelve, and thirteen.

By Committee on Legislative Department—we unanimously indorse section thirty-three.

By Committee on Chinese—we indorse sections one, two, three, four, five, six, seven, eight, and nine.

E. WESTINE,
Secretary of the Representatives of Trades and Labor Unions.

Nonpa

Goal 60

Maloney

Petition 31st Day, 543

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Mr. Kelley - I hold in my hand a petition from several religious denominations signed by about 1500 persons protesting against the use of the word "Sunday" in the proposed Const. I believe the proper Committee to have it referred to has already made a report and desire to introduce it and have it referred to the Com. of the whole and laid on the table until the question shall come up.

Now

To the honorable delegates of the Constitutional Convention of the State of California, Sacramento.

At the annual meeting of the Conference of Seventh-day Adventists of the State of California, held at Yountville, Napa Co., Sept. 5th, 1878, the following preamble and resolutions were adopted:

Whereas, An effort is being made, by those who observe the first day of the week as the Sabbath, to have incorporated in the new constitution of the State of California a clause recognizing the said first day of the week as the Sabbath, and requiring the legislature to enforce its observance by legislative enactment, and,

Whereas, There is not in the entire Bible, either Old or New Testament, a single precept, requiring the observance of the first day of the week as a Sabbath or holy day, and,

Whereas, There is not in either the Old or New Testament a single record of the first day of the week ever having been observed as a Sabbath, or as a holy day by either Christ, the apostles, or early Christians, and,

Whereas, The seventh day of the week commonly called Saturday is the only weekly Sabbath referred to in either the Old or New Testament, and, Whereas, There is not to be found in the entire Bible any text of scripture from which even a reasonable inference can be drawn that the fourth commandment of the decalogue, which requires the observance of the seventh day, has been abrogated, and that the Sabbath therein named has been changed, and,

Whereas, There exists in this State a large body of Christians (the Seventh-day Adventists), who are good and law abiding citizens who observe the seventh day of the week as the Sabbath, as required in the Bible. Therefore,

Resolved, That this Conference appoint a committee to visit the convention and set before it the facts regarding the religious sentiments and practices of Seventh-day Adventists, and to endeavor if possible to induce the convention to abstain from incorporating in the said constitution any clause that shall in any way give preference to the religious opinions of any religious body, or that shall in any way bind the consciences of any person, or that shall in any way interfere with the religious opinions of any person.

Resolved, That said committee be authorized to circulate petitions relating hereto for signatures.

Now, therefore, we, the undersigned citizens of the State of California, in accordance with the principles set forth in the foregoing preamble and resolution, respectfully petition your honorable body that the Constitution of this State, in reference to the Sabbath-day, and all other religious questions, be framed in harmony with the principles of the Constitution of the United States, believing the free exercise of conscience in religious faith and practice to be the acme of Republican Government.

Oct 3

Petition Local Option

582 3

Halsted

34th Day

Mr. Hager presented the following petition from a signed by a large number of citizens of San Francisco, asking for a provision in the Const. for a local option law:

PETITION

To the Hon. the Constitutional Convention of the State of California:

We, the undersigned, respectfully petition your honorable body to insert in the new Constitution of this State a clause similar to that now in force in the State of Texas, to wit:

SECTION — The Legislature shall, at its first session, enact a law whereby the qualified voters of any county, voting precinct, town or city, by a majority vote, from time to time, may determine whether the sale of intoxicating liquors shall be prohibited within the prescribed limits.

Referred to Com. on ~~City, County and~~ ~~Township organizations~~ Legislative Department.

~~Richard~~

~~John~~

78 No

REFERRED TO COMMITTEE ON MISCELLANEOUS SUBJECTS.

Local Option Petition.

Mr Hager presented the following petition signed by a large number of citizens of San Francisco, asking for the insertion of a provision in the Const. for a local option law:

P E T I T I O N

Rank

To the Hon. the Constitutional Convention, of the State of California:

We, the undersigned, respectfully petition your honorable body to insert in the new Constitution of this State, a clause similar to that now in force in the State of Texas, to-wit:

SECTION— "The Legislature shall, at its first session enact a law whereby the qualified voters of any county, voting precinct, town, or city, by a majority vote, from time to time, may determine whether the sale of intoxicating liquors shall be prohibited within the prescribed limits."

Gal 48

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640
76

Woods

Fortieth Day.

577

14

*The following memorial accompanied the
petition:*

Memorial Accompanying Local Option Petition.

To the President and Members of the Constitutional Convention:

On behalf of the Petition accompanying this Memorial, transmitted herewith, your memorialists would most respectfully represent that the proposition embodied in the prayer of your petitioners, to wit: "The Legislature shall, at its first session, enact a law whereby the qualified voters of any county, voting precinct, town or city, by a majority vote, from time to time, may determine whether the sale of intoxicating liquors shall be prohibited within the prescribed limits," is identical with a clause presented by the Constitutional Convention of the State of Texas, and ratified by the people of that great commonwealth.

The proposition presented raises but a single issue before your honorable body, to wit: The expediency of the local prohibition of the traffic in intoxicating liquors. In this statement we assume that the inherent right of the people to regulate or to prohibit by law, the said traffic, will not be denied. The principle which commends the proposition brought before you by this petition is, that it refers the question of the expediency of prohibiting the traffic in intoxicating liquors to the people. This principle is in consonance with the very genius of republican institutions. The people of separate localities should have the right to determine for themselves, as to whether the sale of intoxicating drink is inimical to the best interests of their respective communities. This application of the principle of local sovereignty is not new, but extends already to other questions of local character. We assume that those citizens interested in the sale of intoxicating beverages, cannot reasonably object to the adoption of this proposition. No good citizen will demand protection in the right to engage in a business which, in the judgment of a majority of his neighbors, is demoralizing to the neighborhood; and if the traffic in liquors is not destructive of the morals and good order of a community, these separate communities may safely be trusted with such determination of the question as the facts warrant. In the opinion of your memorialists, any opposition to the proposition on the part of those engaged in the traffic in liquors, must be based upon the ground, that should the proposition be incorporated into the Constitution, many communities would decide against the continuation of the traffic. This is in effect an admission that in all such communities, the traffic is now carried on against the enlightened judgment and moral conscience of a majority of the people resident in such communities. The proposition herewith presented, if adopted, would relegate the whole question to the arbitration of the ballot box; and representing those who entertain the opinion that the traffic in intoxicating drinks is destructive of the best and highest interests of the commonwealth, we cheerfully submit the grave question involved to this high arbitrament. To deny the prayer of this petition will, in the opinion of your petitioners, be in effect a denial of a sacred right. The right to determine what is necessary and appropriate to accomplish the ends of government, establish order, and promote the general welfare of society, resides in the people, and all we ask is, that this right shall be recognized in the determination of the issues arising out of contending opinions concerning the character and moral tendencies of the unrestricted traffic in intoxicating liquors. The nature of the proposition herewith presented, is such as to absolve us from the necessity of presenting any considerations or arguments tending to establish the expediency of prohibiting the liquor traffic. We have no data upon which to found the assumption that in practice, the proposition presented would result in such prohibition; the result would be dependent upon the will of the majority of the voters in the local subdivisions named. But it is obvious that the perpetuity or prohibition of the traffic will depend upon the verdict of the people, in whom resides the right to determine the necessity or reasonableness of all prohibitory laws.

And as in duty bound, your petitioners will ever pray.

Woods

Referred to Com. on City, County and

Township Organization

Marion 42^{ed} day. Petition. 2124 16

Mr Blackmer presented the following petition, signed by more than a thousand citizens of Cal, asking for a provision in the Const. for female suffrage.

To the Constitutional Convention in Sacramento, California, assembled:

The undersigned citizens of California, respectfully petition your Honorable Body to so amend the Constitution that no citizen of the State shall be disfranchised on account of sex.

Nonp

Referred to the Com. on Rights of Suffrage.

Spaucher

46th Day the following 1366 6

Mr. Spaucher presented a petition signed by a large number of citizens of Cal., asking a provision in the Const. for female suffrage.

To the Constitutional Convention in Sacramento, California, assembled.

The undersigned citizens of California, respectfully petition your Honorable Body to so amend the Constitution that no citizen of the State shall be disfranchised on account of sex.

Verbo

Referred to Com. on Right of Suffrage.



46th Day

1967?

Mr Smith of Santa Clara presented
the following
petition from signed by a number of
citizens of Cal asking the insertion of a
section in the Const, providing for a local
option law.

To the Hon. the Constitutional Convention, of the State of California:

—We, the undersigned, respectfully petition your honorable body to insert in the new Constitution of this State, a clause similar to that now in force in the State of Texas, to-wit:

SECTION — "The Legislature shall, at its first session enact a law whereby the qualified voters of any county, voting precinct, town, or city, by a majority vote, from time to time, may determine whether the sale of intoxicating liquors shall be prohibited within the prescribed limits."

Referred to Com. on Legislative Department

6
Padre Gal. #1 Local Option Petition fortieth 571 / 8
Day

Mr. Prouty presented the following
petition in favor of provisions for local option
law signed by a number of citizens, asking
for a provision for a local option law:

To the President and Members of the Constitutional
Convention of the State of California:

The people of the State of California recognize
the fact that it is the object and duty of the present
Convention to promote the welfare of our
people by the enactment of wise and just laws,
and to advance their common interests by the
encouragement of every legitimate, and the sup-
pression of every pernicious traffic.

Your memorialists are of the opinion that a
great portion of the more obstinate, painful and
moral disorders that afflict the human family are
engendered by the use of spirituous and intoxi-
cating liquors; that the common use of such in-
toxicating liquors is not only destructive to health
and happiness, but also impairs the faculties of
the mind, and thereby tends equally to dishonor
our character as a nation as well as to lower us
in the scale of civilization.

Your memorialists have no doubt but that the
presence of the plague, or any other pestilential
disorder which might sweep away thousands of
our fellow citizens, would elicit the most stren-
uous and energetic efforts on the part of our gov-
ernment to subdue it, and to guard against its
possible occurrence.

Your memorialists can discern no just reason
why the more certain and distressing ravages of
intoxicating liquors upon the lives and happiness

of our citizens, and the well-being and quiet of
our community, should not be guarded against
with corresponding vigilance and anxiety by the
present rulers of the United States, and more par-
ticularly by the present law-makers of our own
fair State.

Your memorialists beg leave to add further that
in their belief the use of spirituous and intoxi-
cating liquors is in any case whatever wholly un-
necessary—that they neither fortify the body
against the influences of heat or cold, nor render
labor more easy or more productive; and that
there are many other articles of diet and drink
which are not only perfectly safe and salutary,
but in every way superior and preferable to in-
toxicating liquors, for any of the purposes above
mentioned.

Wants



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47th 25ry

~~Memorial relative to equal and proportional representation~~

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PETER

To the Constitutional Convention of the State of California:

The undersigned respectfully presents this petition, requesting the establishment of a more just, equal, proportional and ample system of representation, and respectfully represents:

1. That the present system does not represent the whole people.
2. That in its practical operations, it results in great injustice and inequality.

The Constitution, recognizing equality as the principle of apportionment, requires that representation shall be apportioned according to population, (Sec. 14, Art. 1), and that an enumeration of the inhabitants shall be taken, under the direction of the Legislature every ten years, and this enumeration, with the National Census, shall serve as the basis of representation in both Houses of the Legislature. The number of Assemblymen cannot be less than 30 nor more than 80, (Sec. 29, Art. 4). The number of Senators, not less than one-third, nor more than one-half of the members of the Assembly, (Sec. 6, Art. 4). The members of Assembly, and one-half the Senators are chosen biennially, at the same time and places, and by the qualified electors of their respective districts, (Secs. 3, 5 and 6, Art. 4). A plurality of votes constitutes a choice, (Sec. 20, Art. 11). The Legislature prescribes 80 as the number of Assemblymen, and 40 as the number of Senators, and divides the State into 48 Assembly Districts and 29 Senatorial Districts. (Statutes 1874-5, page 366, Act of March 16, 1874).

- 32 Assembly Districts elect 1 Assemblyman each.
- 5 Assembly Districts elect 2 Assemblymen each.
- 6 Assembly Districts elect 3 Assemblymen each.
- 5 Assembly Districts elect 4 Assemblymen each.
- 18 Senatorial Districts choose 1 Senator each.
- 11 Senatorial Districts choose 2 Senators each.

Assembly Districts are composed of 1 or 2 counties. Senatorial Districts are composed of 1, 2, 3, 4 or 5 counties. Senatorial Districts consist of 1, 2 or 3 Assembly Districts. One Senatorial District is formed of 1 Assembly District and 5 Senatorial Districts or of 6 Assembly Districts.

San Francisco County is divided into 5 Senatorial Districts which are also Assembly Districts. Each Senatorial District having 2 Senators, biennially chooses 1, except 3 Districts which quadrennially choose 2 each.

- 3 Senatorial Districts, return 1 Senator and 1 Assemblyman each.
- 9 Senatorial Districts, return 1 Senator and 2 Assemblymen each.
- 6 Senatorial Districts, return 1 Senator and 3 Assemblymen each.
- 4 Senatorial Districts, return 2 Senators and 3 Assemblymen each.
- 6 Senatorial Districts, return 2 Senators and 4 Assemblymen each.
- 1 Senatorial District, return 2 Senators and 5 Assemblymen each.
- 4 Assembly Districts, return 1 Assemblyman and 1 Senator each.
- 2 Assembly Districts, return 2 Assemblymen and 1 Senator each.
- 3 Assembly Districts, return 3 Assemblymen and 1 Senator each.
- 3 Assembly Districts, return 3 Assemblymen and 2 Senators each.
- 5 Assembly Districts, return 4 Assemblymen and 2 Senators each.

The Legislature is a Representative Body. The purposes it is intended to accomplish, is to represent the whole people—to lodge the sovereign power of the State, in the representatives of the entire constituency so that the majority of the people may govern. Let us see to what extent our present system accomplishes these purposes. For convenience of illustration, let us assume that there are 101,000 voters in the State, that the Legislature is composed of 101 members, *elected by the State at large*, and that there are two political parties. Each party nominates 101 representatives. The A party casts 51,000 votes, and secures all the representatives. The B party casts 50,000 votes, and is excluded from representation. 51,000 voters have 101 representatives. 50,000 voters are disfranchised and have not a single representative. Is this just or equal? Is it proportional or reasonable? Voters should have equal rights, equal advantages and equal representation in a representative government. The majority should receive all the representatives to which it is entitled. The minority should have its just share. Here the majority are exclusively represented. The minority are denied the right of representation. The whole people are not represented. Suffrage is not representation. It is the means of representation. It is sometimes urged that the successful candidate, in

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theory represents those who agree with and those who differ from him in political opinions. If there is some truth there is a great deal of falsehood in this theory. In all matters involving differences of sentiments or desires, a sincere political antagonist does not and cannot represent his political adversaries. He endeavors to mould the legislation, control the policy and direct the destinies of the State, in direct opposition to the views of his adversaries. In practical politics he does more. He seeks to exclude his opponents from ever again possessing a representative voice, or having a share or taking a part in the government of their common country, except the useless privilege or rather burden of casting ballots which count for nothing. Political antagonism, partizan animosity and party intolerance, are a sorry substitute for true representation.

The object of free government is not to exclude electors from representation, but to represent all. In this instance 51,000 voters are entitled to 51 representatives, and the 50,000 voters to 50 representatives. If that result could be accomplished, the Legislature would justly and equally represent the entire constituency.

In the Legislative Houses, the majority of the people, by their representatives, ought to have the right of decision, the right to rule and govern, but ought not to have the exclusive and sole right of representation. The right of decision and the right of representation are distinct, and should not be confounded. The exclusive representation of the majority afforded by the illustration, is a violation of the primary truths of the Republican Government. As 101 is the number of legislators, 51 possess the right of decision, that is a majority of the majority of the people may exercise the sovereign power of the State. A majority of the majority is commonly a minority of the people. Fifty-one representatives enact a law; 50 vote against it. The 51 represent 26,000 voters. The 50 represent 25,000 voters, and 50,000 voters are unrepresented. Thus by their representatives 26,000 voters, a minority of the people, will wield the powers of Government and subvert the first principles of democracy, which require that the majority of the State shall rule. To the validity of some legislative acts, a two-thirds vote is required by the Constitution, that is, that the representatives of two-thirds of the people must assent. All these representatives only represent a trifling over one-half of the people.

The division of the State into local subdivisions, or districts to elect representatives is a better system than to elect by the State at large. It is better because the minority of the State may be in the majority in some local subdivisions and thereby obtain some share of representation. This is one of the great advantages of representative Districts. They generally represent more of the people. Yet the District system sometimes yields similar results, disfranchising voters and enabling the minority to exercise the sovereign power of the community.

The following are some of the instructive examples presented by published returns of elections:

MARYLAND.

Governor's vote for 1867—
 Democratic, 63,602. Percentage of total vote, 74.38.
 Republican, 21,890. Percentage of total vote, 25.62.
 Legislature Senate House Total
 Democrats..... 24 86 110
 Republicans..... 0 0 0

DELAWARE.

Governor's vote for 1868—
 Democratic, 10,961. Percentage of total vote, 58.94.
 Republican, 7,636. Percentage of total vote, 41.06.
 Legislature Senate House Total
 Democrats..... 9 21 30
 Republicans..... 0 0 0

MARYLAND.

Votes for Members of Legislature—1868.
 Democratic, 62,356. Percentage of total vote, 67.20.
 Republican, 30,442. Percentage of total vote, 32.80.
 Legislature Senate House Total
 Democrats..... 24 86 110
 Republicans..... 0 0 0

TENNESSEE.

Presidential vote for 1868—
 Republican, 56,757. Percentage of total vote, 68.84.
 Democratic, 26,311. Percentage of total vote, 31.16.
 Legislature Senate House Total
 Republicans..... 25 83 108
 Democrats..... 0 0 0

DELAWARE.

Governor's vote for 1870—
 Democratic, 11,464. Percentage of total vote, 55.67.
 Republican, 9,130. Percentage of total vote, 44.33.
 Legislature Senate House Total
 Democrats..... 9 21 30
 Republicans..... 0 0 0

DELAWARE.

Presidential vote for 1876—
 Democratic, 13,381. Percentage of total vote, 55.44.
 Republican, 10,752. Percentage of total vote, 44.56.
 Legislature Senate House Total
 Democrats..... 9 21 30
 Republicans..... 0 0 0

VERMONT.

Governor's vote for 1865—
 Republican, 25,586. Percentage of total vote, 75.68.
 Democratic, 8,857. Percentage of total vote, 24.29.
 Legislature Senate House Total
 Republicans..... 30 213 243
 Democrats..... 0 11 11

MAINE.

Governor's vote for 1865—
 Republican, 53,444. Percentage of total vote, 63.20.
 Democratic, 31,117. Percentage of total vote, 36.80.
 Legislature Senate House Total
 Republicans..... 31 136 167
 Democrats..... 0 15 15

CONNECTICUT.

Governor's vote for 1865—
 Republican, 42,375. Percentage of total vote, 57.49.
 Democratic, 31,339. Percentage of total vote, 42.51.
 Legislature Senate House Total
 Republicans..... 21 161 182
 Democrats..... 0 76 76

MAINE.

Governor's vote for 1866—
 Republican, 69,626. Percentage of total vote, 62.41.
 Democratic, 41,939. Percentage of total vote, 37.59.
 Legislature Senate House Total
 Republicans..... 31 138 169
 Democrats..... 0 13 13

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MASSACHUSETTS.

Governor's vote for 1866—

Republican, 91,980.	Percentage of total vote, 77.46.
Democratic, 26,071.	Percentage of total vote, 22.46.

Legislature			
Senate	House	Total.	
Republicans.....	40	229	269
Democrats.....	0	11	11

VERMONT.

Governor's vote, 1866—

Republican, 34,117.	Percentage of total vote, 75.13
Democratic, 11,292.	Percentage of total vote, 24.87

Legislature			
Senate	House	Total.	
Republicans.....	30	224	254
Democrats.....	0	13	13

TENNESSEE.

Governor's vote for 1867—

Republican, 74,484.	Percentage of total vote, 76.76
Democratic, 22,548.	Percentage of total vote, 23.24

Legislature			
House	Senate	Total.	
Republicans.....	25	79	104
Democrats.....	0	4	4

VERMONT.

Governor's vote for 1868—

Republican, 42,615.	Percentage of total vote, 73.60
Democratic, 15,280.	Percentage of total vote, 26.40

Legislature			
Senate	House	Total.	
Republicans.....	30	224	254
Democrats.....	0	15	15

VERMONT.

Governor's vote for 1869—

Republican, 31,834.	Percentage of total vote, 73.54
Democratic, 11,435.	Percentage of total vote, 26.64

Legislature			
Senate	House	Total.	
Republicans.....	30	211	241
Democrats.....	0	14	14

MAINE.

Governor's vote for 1872—

Republican, 71,917.	Percentage of total vote, 56.80
Democratic, 54,701.	Percentage of total vote, 43.20

Legislature			
Senate	House	Total.	
Republicans.....	30	128	158
Democrats.....	0	23	23

VERMONT.

Governor's vote for 1873—

Republican, 41,946.	Percentage of total vote, 71.63
Democratic, 16,613.	Percentage of total vote, 28.37

Legislature			
Senate	House	Total.	
Republicans.....	30	216	246
Democrats.....	0	32	32

MAINE.

Governor's vote for 1873—

Republican, 45,074.	Percentage of total vote, 58.56
Democratic, 32,316.	Percentage of total vote, 41.44

Legislature			
Senate	House	Total.	
Republicans.....	30	106	136
Democrats.....	0	41	41
Independent.....	3		45
Reformer.....	1		

DELAWARE.

Governor's vote for 1874—

Democratic, 12,488.	Percentage of total vote, 52.58
Republican, 11,259.	Percentage of total vote, 47.42

Legislature			
Senate	House	Total.	
Democrats.....	8	21	29
Republican.....	1	0	1

VERMONT.

Governor's vote, 1876—

Republican, 41,723.	Percentage of total vote, 68.06
Democratic, 20,988.	Percentage of total vote, 31.94

Legislature			
Senate	House	Total.	
Republicans.....	30	205	235
Democrats.....	0	31	31

ALABAMA.

Governor's vote for 1876—

Democratic, 99,255.	Percentage of total vote, 64.10
Republican, 55,582.	Percentage of total vote, 35.90

Legislature			
Senate	House	Total.	
Democrats.....	33	80	113
Republicans.....	0	20	20

MASSACHUSETTS.

Governor's vote for 1865—

Republican, 69,912.	Percentage of total vote, 76.57
Democratic, 21,245.	Percentage of total vote, 23.26

Legislature			
Senate	House	Total.	
Republicans.....	39	221	260
Democrats.....	1	19	20

VERMONT.

Governor's vote for 1867—

Republican, 31,694.	Percentage of total vote, 73.32
Democratic, 11,510.	Percentage of total vote, 26.63

Legislature			
Senate	House	Total.	
Republicans.....	29	213	242
Democrats.....	1	15	16

KANSAS.

Governor's vote for 1868—

Republican, 29,795.	Percentage of total vote, 66.00
Democratic, 13,809.	Percentage of total vote, 34.00

Legislature			
Senate	House	Total.	
Republicans.....	24	84	108
Democrats.....	1	6	7

MASSACHUSETTS;

Governor's vote for 1872—

Republican, 133,900.	Percentage of total vote, 69.19
Democratic, 59,626.	Percentage of total vote, 30.81

Legislature			
Senate	House	Total.	
Republicans.....	39	212	251
Democrats.....	1	28	29

MICHIGAN.

Governor's vote for 1872—

Republican, 138,968.	Percentage of total vote, 69.92
Democratic, 81,880.	Percentage of total vote, 30.08

Legislature			
Senate	House	Total.	
Republicans.....	31	95	126
Democrats.....	1	5	6

MICHIGAN.

Governor's vote for 1866—

Republican, 95,746.	Percentage of total vote, 58.83
Democratic, 67,708.	Percentage of total vote, 41.17

Legislature			
Senate	House	Total.	
Republicans.....	30	85	115
Democrats.....	2	5	7

MAINE.

Governor's vote for 1868—

Republican, 75,834.	Percentage of total vote, 57.71
Democratic, 55,431.	Percentage of total vote, 42.29

Legislature			
Senate	House	Total.	
Republicans.....	29	119	148
Democrats.....	2	30	32

MASSACHUSETTS.

Governor's vote for 1868—

Republican, 132,121.	Percentage of total vote, 67.62
Democratic, 63,266.	Percentage of total vote, 32.28

Legislature			
Senate	House	Total.	
Republicans.....	38	224	262
Democrats.....	2	16	18

VERMONT.

Governor's vote for 1870—

Republican, 33,367.	Percentage of total vote, 73.46
Democratic, 12,058.	Percentage of total vote, 26.54

Legislature			
Senate	House	Total.	
Republicans.....	28	206	234
Democrats.....	2	29.	31

MAINE.

Governor's vote for 1876—

Republican, 75,867.	Percentage of total vote, 55.44
Democratic, 60,423.	Percentage of total vote, 44.16

Legislature			
Senate	House	Total.	
Republicans.....	29	120	149
Democrats.....	2	31	33

Notes.

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Ordinarily in an extended and fair election of representatives, not less than forty per cent. of the voters are unrepresented and it may amount to nearly one half. Two of every five, forty of every one hundred voters, are disfranchised. These unrepresented voters are the aggregate of the minorities irrespective of politics in the different districts. In State elections, the numbers rise into thousands, and in congressional elections throughout the Union, into millions. The following percentage of the total vote cast, received by candidates for President, fairly shows how near equally the voters commonly divide.

CANDIDATE.	Per C.	CANDIDATE.	Per C.	CANDIDATE.	Per C.
1828.		1844.		1860.	
Andrew Jackson.....	55.97	James K. Polk.....	49.55	Abraham Lincoln.....	39.91
John Q. Adams.....	44.03	Henry Clay.....	48.14	J. C. Breckenridge.....	18.08
1832.		James G. Birney.....	2.31	John Bell.....	12.61
Andrew Jackson.....	54.96	1848.		Stephen A. Douglass.....	29.40
Henry Clay.....	42.39	Zachary Taylor.....	47.36	1864.	
John Floyd.....	2.65	Lewis Cass.....	42.50	Abraham Lincoln.....	55.06
William Wirt.....		Martin Van Buren.....	10.14	George B. McClellan.....	44.94
1836.		1852.		1868.	
Martin Van Buren.....	50.83	Franklin Pierce.....	50.93	U. S. Grant.....	52.67
W. H. Harrison and others..	49.17	Winfield Scott.....	44.10	Horatio Seymour.....	47.33
1840.		John P. Hale.....	4.97	1872.	
W. H. Harrison.....	52.89	1856.		U. S. Grant.....	55.63
Martin Van Buren.....	46.82	James Buchanan.....	45.34	Horace Greeley.....	43.83
James G. Birney.....	29	J. C. Fremont.....	33.09	Chas. O. O'Connor.....	.45
		Millard Fillmore.....	21.57	J. R. Black.....	.09

The total popular vote at the Presidential election of 1876, was 8,412,733. In Congress and in the Legislatures, the unrepresented voters or 40 per cent of this vote, is 3,365,093. The population of our Country at the commencement of the Revolutionary War in 1776, is frequently estimated in round numbers, at 3,000,000. The Census of 1790, shows 3,929,214; of this population, the women, children and non-voters at the lowest reasonable estimate, must have composed two-thirds of it. Our Declaration of Independence asserts, that the People's right of representation in the Legislature is, "a right inestimable to them; and formidable, to tyrants only."

The vice of our present method of election denies more people the right of representation than could have been deprived of that right by the tyranny of the British King.

In the election of Legislators in Representative Districts, the results are unjust, unequal and a denial of representation to a large part of the electors of the District. It excessively over represents majorities and thereby an unsafe and undue proportion of power is accumulated in their hands. Let us assume that representation is apportioned equally according to voters.

- The District returning 1 Legislator has 1,000 voters.
- The District returning 2 Legislators has 2,000 voters.
- The District returning 3 Legislators has 3,000 voters.
- The District returning 4 Legislators has 4,000 voters.
- The District returning 5 Legislators has 5,000 voters.
- The District returning 6 Legislators has 6,000 voters.

The following may be the results of an election:

- 550 voters secure 1 representative. 450 voters have no representation.
- 1,050 voters secure 2 representatives. 950 voters have no representation.
- 1,550 voters secure 3 representatives. 1,450 voters have no representation.
- 2,050 voters secure 4 representatives. 1,950 voters have no representation.
- 2,550 voters secure 5 representatives. 2,450 voters have no representation.
- 3,050 voters secure 6 representatives. 2,950 voters have no representation.

The ratio of representation in this instance, is 1,000 voters; and when the minority consists of 1,000 or more voters, it is reasonable and equitable that the minority should receive some representation. 3,050 voters have 6 representatives; 2,950 not one. The 2,950 voters are interested as well as the 3,050 voters, in the happiness of free government, and, can any good reason be assigned, consistent with justice and equality, why they should not have some representation, for the general welfare, and their own security. The majority of a District should not be exclusively represented, unless it is substantially the entire people of the District.

When the minority is so large as to constitute a substantial part of the District constituency, it is entitled to some representation.

From these considerations, it seems obvious that to substantially represent the whole people, they must be represented in parts, and that every substantial part must be represented. To accomplish these results, some additional provision seems necessary to represent large minorities, irrespective of politics in legislative districts. It requires but little application of thought to satisfy the mind of the difficulties inherent in

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the very nature of the subject, and which in practice obstruct the application of the principles of justice and equality. If a perfect system cannot be devised, let us have representation as substantial and as equal as practical politics will permit.

Amendment

In this State, when the Election Board of a precinct, consisting of an inspector and two judges, was chosen by the people, a voter was not permitted to vote for the three. He could vote for the inspector and only one judge, and the three highest in votes were elected. By this method the majority and the minority of a precinct secured representation in the Board. It was more just to have both parties represented, and more useful to secure fairness and purity, than to have the majority elect all, because it was the majority. This mode of electing such boards exists in other States. The Act of March 1867, of New York, regulating the election of delegates to a Constitutional Convention provides for District Delegates, and also 32 delegates, to be chosen by the State at large; and that no elector shall vote for more than 16 of the delegates at large.

An Amendment of 1869, to the Constitution of New York provided for the election of 7 Judges of the Court of Appeals, and that every elector may vote for the chief and only four of the associate judges.

The act of April 1872 of Pennsylvania for the election of delegates to a Constitutional Convention, provides for the election of 28 delegates by the State at large and that an elector shall vote for not more than 14; that 28 Districts shall elect 3 delegates each, and no elector shall vote for more than 2; that one District shall elect 9, and no elector shall vote for more than 6; that one District shall elect 6, and no elector shall vote for more than 4, and that the City of Philadelphia shall elect at large, 6 additional delegates, and no elector shall vote for more than 3.

In England, in the election of members of the House of Commons, in a constituency which returns 3 members, an elector can only vote for two, and in a district which returns 4 members, an elector can only vote for three. Other means have been suggested and other modes adopted to lessen the imperfections of the present system: Of these may be mentioned, the "cumulative vote" in the election of Legislators in Illinois, and in town elections in Pennsylvania. In February 1878, in this State, our Civil Code, section 307 was amended, authorizing the "cumulative vote" in the selection of Directors of private corporations.

Notes

Your petitioner respectfully submits the following as embodying a plan which seems to your petitioner will secure better results than the existing method.

SECTION 1. The Legislature shall apportion the State every ten years, beginning with the year — by dividing the qualified electors of the State by the number of Assemblymen, and the quotient shall be the ratio of representation in the Assembly. The State shall be divided into a number of Assembly Districts, each of which shall contain as nearly as practicable three times the ratio of electors, and shall consist of contiguous and compact territory. Three members of the Assembly shall be elected in each Assembly District at each general legislative election.

SEC. 2 In the election of three members of the Assembly in an Assembly District, each qualified elector of the Assembly District, may vote for three persons as follows; two persons shall be designated, and voted for as "Assemblymen," and one person shall be designated and voted for as "Third Assemblyman." The three candidates highest in votes, who have been designated and voted for as "Assemblymen" (excluding in this case those candidates designated and voted for as "Third Assemblymen,") shall be declared elected in the event, that each of said highest candidates receives a number of votes equal to or more than one-third of the ballots cast. In all other cases in determining the result of the election, all the candidates shall be included, and the three candidate highest in votes, shall be declared elected. In the case of an equality of votes preventing an election, the Assembly of which the successful candidates will be members, shall in open public session select from those candidates whose equal votes prevent an election, the candidate or candidates who shall be declared elected.

SEC. 3. Each Senatorial District shall be formed of contiguous and compact territory and shall consist of two Assembly Districts, and shall elect three Senators. The Senatorial Districts shall be numbered in regular order, commencing with 1 at one end of the State and ending at the other. The Senators shall be divided into two classes so that one class shall be elected at each general legislative election. Those elected in Districts bearing odd numbers shall constitute a class, and those elected in districts bearing even members shall constitute a class. In the election of three members of the Senate in a Senatorial District, each qualified elector of the Senatorial District may vote for three persons as follows: two persons, shall be designated and voted for as "Senators," and one person shall be designated and voted for as "Third Senator." The same principles shall be applied in the election of three Senators in a Senatorial District, as prevails in the election of three members of the Assembly in an Assembly District, and the result of the election shall be determined in the same manner. In case of an equality of votes preventing an election, the Senate shall select the candidate or candidates to be declared elected in the same manner as the Assembly.

Ordinarily the minor part of a District forms, from one-third to nearly one-half of the voters. Three representatives are selected for a District, so that this one-third may equal the ratio of representation, and therefore be clearly, in justice, entitled to a representative. Assuming there are 3,000 voters in a District, the minority will elect one representative, when it consists of 1,000 voters or more, that is, from 1,000 to 1,499 voters. When there is one or two vacancies to be filled in a District, the present system prevails.

There are only two novelties in this plan and they are simple, easily understood and practicable. The first is the provision that the minority shall not be represented unless it constitutes a substantial part—one third—of the electors. If a minority of one or an insignificant or inconsiderable number of men had a representative, it would be unequal and unjust to the majority. There is another consideration which may be deemed entitled to some weight. In case no limitation is imposed, requiring the minority to consist of a certain proportion of the electors to obtain a representative, the majority when great, confident of its strength

Returned to Bureau in Legislative Dept.

and willing to risk the result on a division of its strength, may divide and secure all the representatives. For example, in the event of a minority of 1,200 voters, and each division vote for two different sets of candidates and thereby the 3 candidates highest in votes would be the candidates of the majority, and the majority would elect all the representatives. This provision avoids any necessity of thus dividing the second is the provision that in the event, that the minority is not entitled to a representative, the majority elects all.

Of the treasures of human experience, those political truths are of the greatest intrinsic value which teach mankind that the division of power and checks are the wisest expedients for the attainment of good government. This is illustrated in the division of the sovereign power into Executive, Legislative and Judiciary Departments; the division of the Legislative power into two Houses, each constituting a check and balance to the other; the requirement of Executive approval of the acts of Legislature, and a two-thirds vote to overturn the veto and the numerous divisions of power in the State. The plan herein submitted applies these principles. It divides power, and distributes it among the people throughout the State upon the principles of justice and equality, and supplies additional checks in the structure of the Legislature itself against its abuse of power. It is a common practice in both Houses to refer proposed local legislation to the local delegation which sometimes consists of one member. One man power is necessary and useful in a great many public trusts, but one man power in legislation is dangerous. If the delegation is composed of three we gain the advantages of the investigation of the subject by three independent minds, and secure the benefits and wisdom of deliberation and counsel. If one of the delegation represents the minority we have an additional check against abuse.

To represent fully the people, both Houses of the Legislature should consist of ample numbers. They should not be so large as to suffer from the confusion, passions and disadvantages of a multitude, nor so small as to be the mere skeleton of representation. The proper numbers to be designated for any particular State is a subject admitting of great diversities of opinion. The House of Representatives of Massachusetts, consists of 240 members; our National House of Representatives of 292, and the English House of Commons of 658. Under our present Constitution, the Assembly may consist of not less than 30 nor more than 80 members, and the Senate, of not less than 10, nor more than 40 members.

The abuses of Legislative power, in regard to the general welfare, are principally for two purposes, that is: to secure the passage of *injurious* legislation, and to prevent the enactment of *beneficial* legislation. To accomplish the first, both Houses must be controlled. To accomplish the second, one House only need be controlled. If our Senate consisted of 10 members, 6 could control it. As it now consists of 40 members, 21 men can rule it. Now it is easier to corrupt the integrity of 6 or 21 men than of 40 men. This observation evinces the resistance which numbers present to corruption. The larger the numbers, the greater the opportunities of disclosure, and the more powerful the fear of detection. Small bodies offer great temptations, solicit intrigue, and invite the bribes of unscrupulous greed and shameless ambition. When the inconveniences of a multitude are avoided, as we diminish the numbers, we destroy the substance, and approach the shadow of representation—we desert safety and approach insecurity.

There is no desire to cast reproach upon any Representative Body for the unfaithful administration of its high trust, but candor obliges us to admit that the lessons of experience afforded by the history of our State, instructs us that both Branches of the Legislature are too deficient in numbers for purity or sound Government. As these vile and infamous practices are evils to which small bodies are heirs, it would seem to be the part of wise patriotism in the organization of our Legislative Department, to apply the principle that numbers constitute a salutary check and barrier to these vices, and construct both Houses of ample numbers. It is true that increased numbers will augment the expenses of this department. A well constructed Legislature, is a matter of the first magnitude to society; its importance is so transcendent to the guardian-ship of the interests, the maintenance of the rights, the redress of the grievances and the promotion of the welfare of the community, that the increased expense of additional representatives, is a consideration entitled to little weight.

It would be preferable to lessen the compensation of Legislators or to permit the honor and services to one's country to be the reward than to have the Houses too small.

It would be worse than folly to disregard the admonitions of experience and permit the impulses of political parsimony to form Legislative Houses with such limited numbers as to be unsafe depositories of the interests of the people—Houses so deficient as to be the prey of ringleaders and corruptionists—the scourge and disgrace of the Commonwealth. Large numbers more fully represent the different interests general or local of the entire constituency and have more sympathy for the public welfare.

Your petitioner believes that the subject has just claims to your attention, and respectfully requests its consideration by the Convention, so that some plan may be devised to remedy or lessen the injustice, inequalities and vices of the present system.

DAVIS LOUDERBACK.

Memorial
Relative to
Equal and Proportional
Representation

Nov 13. 1878
Read and
Referred to Committee
on

Legislative Department

Thornton

and
Hays

12/18/78
Reported back with
Recommendation
that no further action
be taken
E. B. Smith
Clerk

48th Day
Leave of Absence

1679

Indefinite leave of absence was granted
to Mr. Strong on account of sickness; to
Mr. Walker of Maine for three days
& Mr. French = I move that the reading
of the journal be dispensed with
The President = there being no objection
the reading of the journal will be
dispensed with and the same approved.

Petitions and Memorials

Mr. Ayers = Mr. President: I have at
the request of the Grand Lodge, I. O. O. F.
I have the honor to present the fol-
lowing petition and Memorial
in favor of a section in the Con-
stitution relative to local options,
and move its reference to the
Com. on Miscellaneous Subjects;

~~The following is the Memorial and~~
~~the petition which~~

48th Day
Leave of Absence

1679

Indefinite leave of absence was granted to Mr. Strong on account of sickness; to Mr. Walker of Marin for three days & Mr. French - I move that the reading of the journal be dispensed with. The President - There being no objection the reading of the journal will be dispensed with and the same approved.

Petitions and Memorials

Mr. Ayers - Mr. President: I have at the request of the Grand Lodge, I. O. O. F. I have the honor to present the following petition and memorial in favor of a section in the Constitution relative to local options, and move its reference to the Com. on Miscellaneous Subjects;

To the Hon. the Constitutional Convention, of the State of California:

We, the undersigned, respectfully petition your honorable body to insert in the new Constitution of this State, a clause similar to that now in force in the State of Texas, to-wit:

SECTION - The Legislature shall, at its first session enact a law whereby the qualified voters of any county, voting precinct, town, or city, by a majority vote, from time to time, may determine whether the sale of intoxicating liquors shall be prohibited within the prescribed limits.

48th Law

Byham

1680

Following is the memorial which accompanied the petition: To the President and members of the Constitutional Convention: On behalf of the petition accompanying this memorial, transmitted herewith, your memorialists would respectfully represent that the proposition embodied in the prayer of your petitioners, to-wit: "The Legislature shall, at its first session, enact a law whereby the qualified voters of any county, voting precinct, town or city, by a majority vote, from time to time, may determine whether the sale of intoxicating liquors shall be prohibited within the prescribed limits," is identical with a clause presented by the Constitutional Convention of the State of Texas, and ratified by the people of that great Commonwealth.

The proposition presented raises but a single issue before your honorable body, to wit: The expediency of the local prohibition of the traffic in intoxicating liquors. In this statement we assume that the inherent right of the people to regulate or to prohibit by law the said traffic will not be denied. The principle which commends the proposition brought before you by this petition is that it refers the question of the expediency of prohibiting the traffic in intoxicating liquors to the people. This principle is in consonance with the very genius of republican institutions. The people of separate localities should have the right to determine for themselves as to whether the sale of intoxicating drink is inimical to the best interests of their respective communities. This application of the principle of local sovereignty is not new, but extends already to other questions of local character. We assume that those citizens interested in the sale of intoxicating beverages cannot reasonably object to the adoption of this proposition. No good citizen will demand protection in the right to engage in a business which, in the judgment of a majority of his neighbors, is demoralizing to the neighborhood; and if the traffic in liquors is not destructive of the morals and good order of a community these separate communities may safely be trusted with such determination of the question as the facts warrant. In the opinion of your memorialists any opposition to the proposition on the part of those engaged in the traffic in liquors must be based upon the ground that should the proposition be incorporated into the Constitution many communities would decide against the continuation of the traffic. This is in effect an admission that in all such communities the traffic is now carried on against the enlightened judgment and moral conscience of a majority of the people resident in such communities. The proposition herewith presented, if adopted, would relegate the whole question to the arbitration of the ballot box; and representing those who entertain the opinion that the traffic in intoxicating drinks is destructive of the best and highest interests of the commonwealth, we cheerfully submit the grave question involved to this high arbitration. To deny the prayer of this petition will, in the opinion of your petitioners, be in effect a denial of a sacred right. The right to determine what is necessary and appropriate to accomplish the ends of government, establish order and promote the general welfare of society, resides in the people, and all we ask is, that this right shall be recognized in the determination of the issues arising out of contending opinions concerning the character and moral tendencies of the unrestricted traffic in intoxicating liquors. The nature of the proposition herewith presented is such as to absolve us from the necessity of presenting any considerations or arguments tending to establish the expediency of prohibiting the liquor traffic. We have no data upon which to found the assumption that in practice the proposition presented would result in such prohibition; the result would be dependent upon the will of the majority of the voters in the local subdivisions named. But it is obvious that the perpetuity or prohibition of the traffic will depend upon the verdict of the people, in whom resides the right to determine the necessity or reasonableness of all prohibitory laws.

And as in duty bound, your petitioners will ever pray.

Mar. 5.

Ref. to the Com. on Miscellaneous Subjects

Mr. Kelly of Colo, presented signed copy of the following petition, signed by several thousand citizens of California requesting the insertion of a clause in the Constitution, providing for a local option law, or civil damage law, or both; Following is the memorial.

S. J. Quinn

48th day

1051

4

To the Honorable Gentlemen, the Members of the Constitutional Convention now assembled:

We, the residents and taxpayers of the State of California, fully realizing the importance of this session and the arduous duties and responsibilities that necessarily rest upon each individual member of said body in the exercise of the powers vested in him; and realizing that many grave questions will present themselves to any body of men who shall assemble to consider such great facts as must necessarily arise in the framing of a Constitution to govern and direct the people of any Country, State or District, and especially our own loved and endeared State of California, where Nature has been so lavish, and Providence so wise.

And yet, with all our boasted advantages of climate, productions, mineral wealth, scenery, etc., we have observed with sorrow and pain the rapid and constant increase of crime and the alarming tendency toward idleness, with all its attendant elements of misery, wretchedness and want, and in vain to we try to blind ourselves to the frequent necessity of enlarging our State Prisons and lunatic asylums, for even now they are crowded to their utmost capacity. And believing that no greater question can present itself to your Honorable Body than the education and protection of society, and while we cheerfully submit to and pay the taxes levied upon us for educational and other purposes, we believe that it is unwise and inexpedient to spend millions of dollars for education and then admit of the manufacture and traffic of that which destroys the mental faculties and poisons and destroys the mind. While we have explicit confidence in the judgment and integrity of those we have chosen to represent us, and believing that it will be their highest aim to carry out the will of the people they represent when such will is made known, therefore we would petition your Honorable Body:

That you will insert in the Constitution a clause, granting to the people the right to say whether they will allow the sale of intoxicating liquors in their midst or not, (better known as Local Option), or a Civil Damage Law, or both.

And your petitioners will ever pray.

Ref. to the Com. on Miscellaneous subjects

~~Report of the Minority~~
Minority Report of Com. on Suffrage.

Mr. Coeple = Mr. President; At my request the report of the Majority of the Com. on Right of Suffrage was ordered to be on the table until the minority report was received, I now present the minority report, and ask that it be printed with the other, following is the minority report;

Schmitt

49th day

1892 1/2

Mr. Smith of Santa Clara presented the following petition and memorial signed by a number of citizens of Cal., requesting that a provision be inserted in the Const. providing for a local option law:

Ways

To the Hon. the Constitutional Convention of the State of California:

We, the undersigned, respectfully petition your honorable body to insert in the new Constitution of this State a clause similar to that now in force in the State of Texas, to wit:

SECTION — The Legislature shall, at its first session, enact a law whereby the qualified voters of any county, voting precinct, town or city, by a majority vote, from time to time, may determine whether the sale of intoxicating liquors shall be prohibited within the prescribed limits.

Referred to the Com. on Education

54th day) The Journal 2209³

Mr. Freed - I move that the ~~journal~~
~~reading~~ reading of the journal be
dispensed with and the same
approved.

Carried.

Petition.

Mr. Beesstecher ~~of the same name~~ pre-
sented the fol. petition signed by a
large number of mechanics, material
men and laborers of S. F.:

Number

To the President and Members of the Constitutional Convention,

GENTLEMEN:

The undersigned respectfully represent that the practical
working of the present legislation, and decisions of Supreme Court
based thereon, regarding the rights of Mechanics, Material Men and
Laborers to a lien for their labor and material furnished is such that
those who in a measure depend upon such law for just protection
fail in nearly all cases to obtain it, because of the inefficient work-
ing of said law.

Wherefore we pray you to declare in our Organic Law the right
of every Mechanic, Material Man, and Laborer to a perfect lien on
the thing whereon his labor has been expended or for which his
materials have been furnished.

Moreover, we would state that we would be satisfied with
Amendment No. 167, introduced by Mr. Van Dyke on October 10th,
1878, and read and referred to Committee on Miscellaneous Subjects,
as follows:

Majamma

54th da

5

"MECHANICS' LIENS:

"ARTICLE —.

2210

Memor.

"SECTION —. Mechanics, Material Men, Artisans and Laborers of every class shall have a lien upon the property on which they have bestowed labor or furnished materials, for the value of such labor done and materials furnished, and the Legislature shall provide by law for the speedy and efficient enforcement of said liens."

And your Petitioners will ever pray.

Sept

Mr. Van Dyke off presented the following petition signed by a large number of mechanics, citizens of Cal, asking for the insertion of a clause in the Const, providing for a lien law.

To the President and Members of the Constitutional Convention,

GENTLEMEN :

The undersigned respectfully represent that the practical working of the present legislation, and decisions of Supreme Court based thereon, regarding the rights of Mechanics, Material Men and Laborers to a lien for their labor and material furnished is such that those who in a measure depend upon such law for just protection fail in nearly all cases to obtain it, because of the inefficient working of said law.

Wherefore we pray you to declare in our Organic Law the right of every Mechanic, Material Man, and Laborer to a perfect lien on the thing whereon his labor has been expended or for which his materials have been furnished.

Moreover, we would state that we would be satisfied with Amendment No. 167, introduced by Mr. Van Dyke on October 10th, 1878, and read and referred to Committee on Miscellaneous Subjects, as follows :

~~"MECHANICS' LIENS.~~

~~"ARTICLE~~

"SECTION —. Mechanics, Material Men, Artisans and Laborers of every class shall have a lien upon the property on which they have bestowed labor or furnished materials, for the value of such labor done and materials furnished, and the Legislature shall provide by law for the speedy and efficient enforcement of said liens."

And your Petitioners will ever pray.

W. Day

5
5th day.

2330

107

To the Honorable, the President
and members of the Constitutional
Convention of the State of California,

Whereas, propositions have been
offered in your honorable body,
to be engrafted in the new organic
law, making it mandatory upon the
Legislature to tax the Stock of
incorporations organized under the
laws of the State, and

Whereas, incorporations so organized
are mainly for the purpose of
opening and developing mines, which
as a rule have no certain or fixed
value until made so by an expenditure
of moneys derived by assessments upon
stockholders of said incorporations
and

Whereas, the development of
mining property, and the encourag-
-ment of mining industry is
largely dependent upon the coop-
-eration of individuals associated
together under the law governing
incorporations, and

Nonp.

Whereas, the taxing of the stock of incorporations of this character would have a tendency to discourage mining, and retard the growth of one of the most important interests of the State, and

Whereas, the property created by the expenditure of money upon the development of mines is the only legitimate subject of taxation of such incorporations, - the certificates of stock being but evidence of ownership therein - therefore, your petitioners, citizens of Amador County do hereby enter their earnest protest against the adoption of any clause in the constitution whereby the stock of incorporations shall be taxed, as wrong in principle, and calculated to discourage mining and other legitimate pursuits, and to cripple the efforts of those, who by their association in companies would otherwise add to the ^{material} wealth of the State,

Mr. Vanduyke presented the following petition ^{and others,} signed by a large number of mechanics, citizens of Cal, asking that ^a provision be inserted in the Const. for a lien law.

To the President and Members of the Constitutional Convention,

GENTLEMEN :

The undersigned respectfully represent that the practical working of the present legislation, and decisions of Supreme Court based thereon, regarding the rights of Mechanics, Material Men and Laborers to a lien for their labor and material furnished is such that those who in a measure depend upon such law for just protection fail in nearly all cases to obtain it, because of the inefficient working of said law.

Wherefore we pray you to declare in our Organic Law the right of every Mechanic, Material Man, and Laborer to a perfect lien on the thing whereon his labor has been expended or for which his materials have been furnished.

Moreover, we would state that we would be satisfied with Amendment No. 167, introduced by Mr. Van Dyke on October 10th, 1878, and read and referred to Committee on Miscellaneous Subjects, as follows :

~~"MECHANICS' LIENS."~~
~~"ARTICLE"~~

"SECTION —. Mechanics, Material Men, Artisans and Laborers of every class shall have a lien upon the property on which they have bestowed labor or furnished materials, for the value of such labor done and materials furnished, and the Legislature shall provide by law for the speedy and efficient enforcement of said liens."

And your Petitioners will ever pray.

Nov 10

(probably article 167)

Jul. 90 $\frac{1}{2}$

480
<u>6600</u>
288000
288000
<u>3168000</u>

Schwartz

Mr. Reynolds presented the following memorial from signed by a large number of mechanics and other citizens of Cal asking for a provision in the Const. for a lien law.

To the President and Members of the Constitutional Convention,

GENTLEMEN :

The undersigned respectfully represent that the practical working of the present legislation, and decisions of Supreme Court based thereon, regarding the rights of Mechanics, Material Men and Laborers to a lien for their labor and material furnished is such that those who in a measure depend upon such law for just protection, fail in nearly all cases to obtain it, because of the inefficient working of said law.

Wherefore we pray you to declare in our Organic Law the right of every Mechanic, Material Man, and Laborer to a perfect lien on the thing whereon his labor has been expended or for which his materials have been furnished.

Moreover, we would state that we would be satisfied with Amendment No. 167, introduced by Mr. Van Dyke on October 10th, 1878, and read and referred to Committee on Miscellaneous Subjects, as follows :

“MECHANICS’ LIENS.

“ARTICLE —.

“SECTION —. Mechanics, Material Men, Artisans and Laborers of every class shall have a lien upon the property on which they have bestowed labor or furnished materials, for the value of such labor done and materials furnished, and the Legislature shall provide by law for the speedy and efficient enforcement of said liens.”

And your Petitioners will ever pray.

Now probably attaching

57 day

491

491

Referred to the Com. on Misc. Subjects.

Also a the following memorial from the Journeymen Stone Cutters' Association of the Pacific Coast against the contract system of labor on public works:

Memorial of the Journeymen Stone Cutters' Association of the Pacific Coast

WHEREAS, There was a law passed at the session of the State Legislature of eighteen hundred and sixty-six and seven, enacting that all State work should be done by the day, but its effects is nullified by the passage of special Acts authorizing contract work, and, whereas, since the passage of said Act there has been the following public buildings constructed under the head of special legislation:

First—The Deaf and Dumb building, which was partially destroyed in eighteen hundred and sixty-eight, by the falling of the walls, they being constructed in such a manner that they could not support the roof; and two years after, the State, by relief Acts, paid the original contractor forty thousand dollars (\$40,000) to rebuild the same walls; and in the year eighteen hundred and seventy-five, when the building took fire through defective flues, the entire walls fell in complete mass of confusion, wherein, if said building had been constructed with half care, as to plans and specifications, the walls would stand for ages to testify to the solidity of their construction.

Second—The State Normal School, erected at San José, which has been a disgrace to this commonwealth since its first inception, and we believe it is to-day, after considerable expense to the State in patching up a bad job.

Third—The College of Letters building, of the University of California, which the public investigation of the building committee of the Legislature of seventy-four and seventy-five proved to be the poorest constructed building (both as to workmanship and material) that could possibly be constructed with any show of decency, and a personal inspection from your honorable body will show the most glaring proof of the foregoing.

Fourth—The Napa Insane Asylum which was also by special Act, at an estimated cost by the architects, whose plans were approved, six hundred thousand dollars, but the State was compelled to pay some one million four hundred thousand dollars, an excess over original cost of eight hundred thousand dollars; and to-day there is portions of the building which is fast decaying.

Fifth—Is the Branch State Prison building at Folsom, where the contractor gave bonds to finish said building, but finally collapsed, cheating all the poor workingmen and his creditors out of their hard earned money. When the State commenced suit against his bondsmen to perform the contract, they instituted a counter suit for damages in the sum of thirty-six thousand dollars, and was granted judgment in the Sixth District Court of Sacramento.

Sixth—Is the present contract for the same work, which is being carried on by just such said actions.

The memorialists could give a great many instances, in the contract work on the Pacific Coast, which is a living disgrace, of which your honorable body is perfectly cognizant, as they have been pretty thoroughly ventilated in the public press.

E. WESTINE,
Secretary Trade and Labor Unions.

Now

Referred to the Com. on Misc. Subjects

1-6
Jan 6

The Supreme Court, 57 day 1868 4 1/2

Mr Blackmer presented the following petition from members of the Bar of San Diego in regard to sessions of the Supreme Court at Los Angeles:

To the Honorable the President and Members of the Convention to amend the Constitution of the State of California:

The undersigned memorialists, as citizens and members of the bar of San Diego County, respectfully represent to your honorable body:

That we have been unable to discover any hardship in the operation of the law requiring the Supreme Court to hold certain of its sessions at points outside of the capital of the State. Nor have we been able to discover any good or even plausible reason, either from the arguments of the advocates of the proposed restrictive amendment, or from our own investigations, why a term or terms of the Supreme Court should not be profitably and conveniently held at points other than the capital.

That no popular discontent has been manifested on the part of the people of the State at the action of the Legislature in providing for the holding of certain terms of the Supreme Court in San Francisco and Los Angeles; and that the suggested change in limiting the sessions of the said Court exclusively at the capital by the organic law, is uncalled for by any public demand on the part of the people of the State.

That for ourselves, as citizens and members of the bar, and as far as public opinion has been manifested upon this subject within the sphere of our observation, we are convinced that the sentiment of the people of the State, and especially of the central and southern portions, is manifestly opposed to the adoption of any clause which would prevent the people of the State from legislating upon this subject as the future growing and changing interests of the people might demand.

Nonp.

That the rapid increase of population and wealth, involving a proportionate increase of business in the southern part of the State, requires that the Legislature should, at least, be left at liberty to give us such terms of the Supreme Court as our future exigencies shall demand. Even at the present time our Supreme Court business is very large, as shown by the fact that the term just held at the City of Los Angeles has consumed three weeks of constant and arduous labor on the part of the Court and counsel, and was yet insufficient to dispose of the business before the Court.

That, at the southern part of the State, sessions of the Supreme Court are required as a necessity, saving much time to counsel and litigants, besides the expense incident to more than a thousand miles of travel from points in the southern counties to the capital. And

169

Nonp.

upon these grounds, and because no rights or privileges of others are infringed upon, we would hereby ask your honorable body to take such action as may prevent the incorporation of any such restrictive provision in the amended Constitution:

LEVI CHASE
W. T. McNEALY
E. W. HENDRICK
WALLACE LEACH
WILL M. SMITH
W. J. WALKER
W. J. HUNSAKER
W. J. GATEWOOD

Spencer

Ordered to lay on the table, to be printed, and referred to the Com. of the Whole with the report of the Com. on Judicial Department,

matter

~~Simon~~
Mr. Burstecker presented the following memorial, signed by several hundred citizens of San Fran. on regards to land monopoly and equal taxation;

To the Constitutional Convention:

Your memorialists, believing that the monopoly of land is a denial of natural right which should not be tolerated in a republican state; believing that it inevitably produces an undue concentration of wealth on the one side and distress and pauperism on the other; that it is mainly responsible for the hard times, low wages and business depression that now prevail in California; that its abolition would give new life and vigor to every branch of trade and industry, and would cause an unprecedented increase in population, in wealth and in everything which constitutes real prosperity, respectfully recommend to and urge upon your honorable body that in framing a new Constitution to be submitted to the people no provision shall be included which shall in any way forbid or hamper the abolition of this monstrous injustice.

Conscious of the differences of opinion that exist, your memorialists do not ask that your honorable body shall pass upon the best method of getting rid of the evils of land monopoly, nor even that any effort to that end shall be enjoined, but simply that no obstacle shall be interposed between the will of the people and the carrying out of any plan of taxation which for this purpose the people may hereafter decide to adopt. They, therefore, ask that instead of prohibiting discrimination by requiring the equal taxation of all property—the new Constitution shall leave the matter of taxation to the discretion of the law making power, simply providing that all laws imposing taxation shall have uniform operation, and that whatever exemptions may be made, or whatever cumulative rates or increasing probate duties may be imposed, shall apply equally to all individuals under the same conditions.

Nonp

Referred to Com. on Land and Homestead Exemptions.



Petter

Mr. Gorman presented the following petition from signed by a number of mechanics and others from citizens of Cal. asking for a provision in the Const. for a lien law.

Nov 11 - Sec of the Co. - Pending

To the President and Members of the Constitutional Convention,

GENTLEMEN :

The undersigned respectfully represent that the practical working of the present legislation, and decisions of Supreme Court based thereon, regarding the rights of Mechanics, Material Men and Laborers to a lien for their labor and material furnished is such that those who in a measure depend upon such law for just protection fail in nearly all cases to obtain it, because of the inefficient working of said law.

Wherefore we pray you to declare in our Organic Law the right of every Mechanic, Material Man, and Laborer to a perfect lien on the thing whereon his labor has been expended or for which his materials have been furnished.

Moreover, we would state that we would be satisfied with Amendment No. 167, introduced by Mr. Van Dyke on October 10th, 1878, and read and referred to Committee on Miscellaneous Subjects, as follows :

~~"MECHANICS' LIENS."~~
~~"ARTICLE —."~~

"SECTION —. Mechanics, Material Men, Artisans and Laborers of every class shall have a lien upon the property on which they have bestowed labor or furnished materials, for the value of such labor done and materials furnished, and the Legislature shall provide by law for the speedy and efficient enforcement of said liens."

And your Petitioners will ever pray.

Referred to the Com. on Misc. Subjects.

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Petitioners - Mechanics' Liens
Mr. Van Dyke presented the following
petition
signed by a number of mechanics
and others, citizens of Cal., asking that provision
be made in the Const. for a lien law.

To the President and Members of the Constitutional Convention,

GENTLEMEN :

The undersigned respectfully represent that the practical working of the present legislation, and decisions of Supreme Court based thereon, regarding the rights of Mechanics, Material Men and Laborers to a lien for their labor and material furnished is such that those who in a measure depend upon such law for just protection fail in nearly all cases to obtain it, because of the inefficient working of said law.

Wherefore we pray you to declare in our Organic Law the right of every Mechanic, Material Man, and Laborer to a perfect lien on the thing whereon his labor has been expended or for which his materials have been furnished.

Moreover, we would state that we would be satisfied with Amendment No. 167, introduced by Mr. Van Dyke on October 10th, 1878, and read and referred to Committee on Miscellaneous Subjects, as follows :

"MECHANICS' LIENS.

"ARTICLE —

"SECTION — Mechanics, Material Men, Artisans and Laborers of every class shall have a lien upon the property on which they have bestowed labor or furnished materials, for the value of such labor done and materials furnished, and the Legislature shall provide by law for the speedy and efficient enforcement of said liens."

And your Petitioners will ever pray.

News - State, Aug 2 (R)

Referred to Com. on Misc. Subjects

the following

Mr Bondow presented a petition signed by a large number of mechanics and other citizens of Cal, asking that a provision be made in the Const for a lien law;

To the President and Members of the Constitutional Convention,

GENTLEMEN :

The undersigned respectfully represent that the practical working of the present legislation, and decisions of Supreme Court based thereon, regarding the rights of Mechanics, Material Men and Laborers to a lien for their labor and material furnished is such that those who in a measure depend upon such law for just protection fail in nearly all cases to obtain it, because of the inefficient working of said law.

Wherefore we pray you to declare in our Organic Law the right of every Mechanic, Material Man, and Laborer to a perfect lien on the thing whereon his labor has been expended or for which his materials have been furnished.

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~~MECHANICS LIENS.~~

~~ARTICLE~~

“SECTION —. Mechanics, Material Men, Artisans and Laborers of every class shall have a lien upon the property on which they have bestowed labor or furnished materials, for the value of such labor done and materials furnished, and the Legislature shall provide by law for the speedy and efficient enforcement of said liens.”

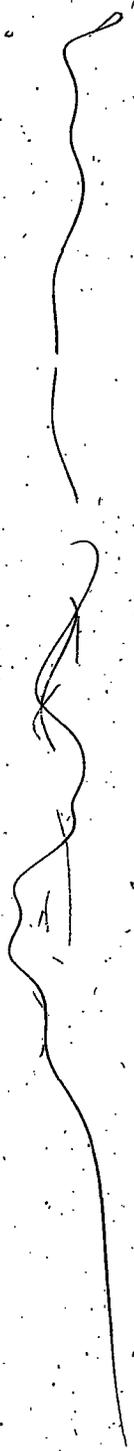
And your Petitioners will ever pray.

Notes.

Referred to Com. on Mis. Subjects

Mr. Nellin presented a similar petition.

Referred to Com. on Mis. Subjects



Memorials
and
Petitions

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