Resolved that the Constitution should embrace the following provisions in relation to railways:
Railroad ~~and Canal~~ corporations in this State are common carriers and their ways public highways; and such corporations subject to Legislative Control. They shall be chartered under general and uniform laws, each shall have the Remove right to connect with any other and transfer and receive freight and passengers without delay or discrimination, but no such corporation shall consolidate directly or indirectly with a parallel or competing line. The Railroad and Steamship corporations or companies in this State, under pain of forfeiture of charters, are prohibited from combining or pooling freights or fares, or in any manner combining or pooling with each other.

No railroad or canal company in this State shall charge more than cents per mile as fare for passengers for a distance over thirty miles, or more than cents per ton per mile for freight for any distance over thirty miles. Freight shall include delivery, wharfage and storage for 48 hours after notice to the consignee.

Rates never shall be higher from a given point to another on any such way than from the first point to one more

distant on the same way, except on excursion trains or commutation.

Discrimination in rates between individuals or corporations asking to be served is prohibited, and no railroad, canal, or steamship officer shall be permitted to become privately interested in transportation or furnishing supplies.

Common carrying corporations are forbidden to engage in mining or other business.

The Legislature of this State shall pass laws to more fully enforce the provisions of this Article, and to correct abuses and prevent discrimination and extortion in the rates of freights and fares on the public ways of this State, and fix from time to time, by proper enactments and laws, reasonable maximum rates of charges for transportation of passengers and freight on the different railroads and canals in this State, not inconsistent with the foregoing; and shall enforce such laws by adequate penalties to the extent, if necessary, of forfeiture of franchises held by any corporation offending against such laws.

Amendment No 11

Relation to Corporation

Oct 9 78

Read & referred to Committee on Corporations other than Municipal

Geo A Thornton
Asst Sec

Oct 30. 78

Reported back with substitute No 444

Geo A Thornton
Ass Sec

Read in Cam E

Howard

Revenue and Taxation

Resolved, That the Committee on Revenue and Taxation be requested to embody in their report the following propositions:

Sec — Every person and Corporation shall pay a tax in proportion to the value of his, her, or its property within this State. All Monies due and owing to any person, or to become due, by a Solvent debtor, whether secured by Mortgage or otherwise, are property within the meaning of this Constitution, and shall be taxed; Provided, that all property of the United State, of the State, of Counties, Cities and Counties, Cities or other Municipal Corporations, and all growing Crops, shall be exempt from taxation. The Legislature shall enact such laws as may be necessary to carry into effect the provisions of this Section.

Sec — For the purpose of preventing double taxation, the Legislature shall enact laws necessary to, authorize Assessors to deduct the just debts, evidenced by note, Mortgage, or other written instrument of the person taxed, from the estimated value of his, her, or its taxable property.
Solvent debts secured by Mortgage

owned or held by non-residents of the State shall be assessed to such nonresidents, and the tax so assessed shall be a lien upon, and collectable from the property described in the Mortgage, provided, that the amount of the tax so collected from such mortgaged property may be deducted by the Mortgagor from the debt secured by the Mortgage. All contracts by one party for the payment of taxes assessed to another are hereby prohibited and declared null and void.

Amendment No 12

Concerning

Revenue and Taxation

Oct 9 78

Read & referred to Com on Revenue & Taxation

G A Thornton
Asst Sec

Nov. 18, 1878

Reported back with substitute Amendment No. 510.

Wright
Asst. Secretary

Rev & Taxa

Introduced by

(Sen) W. F. Huestis

Committee on Corporations

Read in Com

E

J Richard Freud

Amendment No 13

Relative to Corporations

Oct 9/08

Read & referred to Committee on Corporations other than Municipal

Geo A Thornton
Asst Secy

Oct 30. 08.

Reported back with substitute No 444. and recommend that it be not adopted

Thornton
Ass Secy

J R Freud

Corporations

CORPORATIONS.

Section 1. No charter, contract, grant or subsidy shall be issued by this State to any railroad, mining or other corporation, unless it shall contain the express stipulation that no ~~Chinaman~~ Mongolian shall ever be used, hired or employed by such corporation in any capacity whatever.

Sec. 2. Violation of the foregoing provision shall work a forfeiture of said charter, contract, grant or subsidy.

Sec. 3. No railroad, mining or other corporation in existence at the time of the adoption of this Constitution shall have the benefit of any future legislation, except on condition of complete acceptance of all the provisions of this Constitution applicable to railroads, mines or other corporations.

J Richard French

[illegible]
Board

Amendment No 14

Relative to Legislative Department

Oct 9th 1918
Read & referred to Committee on Legislative Department
Geo A Thornton
Asst Sec

Nov 11 1918
Reported back with substitute Am No 301
Thornton
Asst Secy

J R Freed

Committee on Legislative Dep

J Richard Freed

23
Legislative

Resolved that the following sections be inserted in the new Constitution

LEGISLATIVE DEPARTMENT.

Sec. — The Legislature shall frame such laws for the regulation of franchises, privileges, permits, or licenses for the carrying on of any business or industry as shall prohibit the granting, issuing or use of any such franchise, privilege, permit or license to any alien resident of this State who by law is ineligible to citizenship.

Sec. — Violations of the foregoing provision shall be declared a felony punishable in accordance with the laws of this State.

J Richard Freund

Amendment No 15 –

Relative to excessive Bails & Fines

Oct 9/08
Read & referred to Committee on Judiciary & Judicial Department
Geo A Thomson
Asst Sec

Nov 13 08
Reported back with substitute Am No 503
Thomson
Asst Sec

Hughey

24
Hughey
Judiciary

By Hughey of San Francisco

Resolved, That the Judiciary Committee insert the following section in bill of rights in their draft of the New Constitution

Art ___ Sec ___

Excessive bail shall not be required nor excessive fines imposed, nor shall witnesses be imprisoned in default of bail as such.

Amendment No 16

Relation to Officers

Oct 9 a/8

Read & referred to Com on Privileges & Elections

Geo A Thornton
Asst Sec

Oct 29 a/8

Reported back & indefinitely postponed

Thornton
ass sec

26

Johnson
Priv & Elec

Johnson

A Proposition as to Offices and their terms of office

All offices of this State, County Offices, members of the Legislature and township offices shall be elected on the 1st Tuesday after the 1st Monday in November, 1880, and every four years thereafter and shall hold their offices until their successors are elected and qualified. Said officers so elected to enter upon the discharge of their duties on the 1st Wednesday in January next after their election, and officers holding office at the time of the adoption of this Constitution shall hold on till the 1st Wednesday in January, 1881.
Judges of Courts of Record are excepted from the operation of the foregoing proposition

1st

In Chinese

Sect. 1st No alien or aliens shall ever be
2 capable of taking holding transmitting
PAGE. 3 or transferring title to any real estate
4 within this State
5 or of acquiring or transferring any
6 right title or insterest in any
7 real estate in this State under
8 lease or otherwise
9
10 By Joyce

Amendment No 14

Relative to Chinese

Oct 9/78

Read & referred to
Committee on
Chinese

Geo A Thornton
Asst Sec

Oct 31. 78

Reported back with
substituted Am. No 454

Thornton
Ass Sec

Joyce

Chinese
Joyce

Amendment No 18

Relative to Chinese

Oct 9/78

Read & referred to
Committee on Chinese

Geo A Thornton
Asst Sec

Oct 31. 78

Reported back with
Substitute Am No 454

Joyce Thornton
Ass sec

28

Chinese
Joyce

2

On Chinese

Sect. 2nd

All real estate in this State which shall hereafter be conveyed or leased to any alien who does not first legitimately declare His intention to become a citizen of the United States under the laws thereof shall escheat to this State

By Joyce

Amendment No 20

Relative to

Woman suffrage

Right of Suffrage

Mr McFarland

Oct 9 /8

Read & referred to Comm on Right of Suffrage

Geo A Thornton

Asst Sec

35

Nov 13. /8

Reported back with Substitute Am No 504

Thornton

Asst Sec

Mr McFarland

20

Right of Suffrage

Resolved that the following provisions be inserted in the Constitution

Every unmarried woman having such qualifications of age residence and citizenship as are prescribed in this Constitution for male voters who is or may hereafter be the owner of property of the value of one thousand dollars shall be entitled to vote at all elections in this State. And every married woman having the said qualifications of age residence and citizenship who is, or shall be, the owner of separate property of the value of two thousand dollars shall be entitled to vote at all elections in this State. Provided that the Legislature shall

have the power to extend the elective franchise to any or all other women having the above named qualifications of age, residence and citizenship

stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the pardon or reprieve.

To be referred to Com. on Pardoning Power.

Amendment No 21

Relative to granting of pardon

D.E.

Oct 9 78

Read & referred to Committee on Pardoning Power

Leo A Thornton

Asst Sec

Oct 30 78

Reported back, not adopted

Thornton

Morefand Asst Sec

Committee on Pardoning Power

Suggested Amendment to Section 13. Article V. of the present Constitution

The power to grant pardons or reprieves after Conviction, for all offenses except treason and cases of impeachment, shall be lodged in a Commission to consist of three persons to be chosen as provided by law. They shall have power to grant such pardons and reprieves, upon such conditions and with such restrictions and limitations as they may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardon. Upon Conviction for treason, they shall have power to suspend the execution of sentence until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve. They shall communicate to the Legislature, at the beginning of every session, every case of reprieve, or pardon granted

Com on
Revenue and
Taxation

Amendment No 22

Relative to equal
taxation

Oct 9 of 8

Read & referred
to Com on Revenue
& Taxation

Geo A Thornton
Asst Sec

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

Murphy

(2)

(39)

Murphy
taxation

Resolved that the Committee on taxation and revenue insert the following amendment in the Constitution:

Proposed amendment to Section 13, Article Eleven of the present Constitution

Sec 13

Taxation shall be equal and uniform throughout the State. Mortgages, bonds, notes, Book accounts, and all other evidences of indebtedness shall be taxed to their full cash value. All property in this state shall be taxed in proportion to its value to be ascertained and directed by law, but assessors and collectors of town, County and state taxes shall be elected by the qualified electors of the District, County, or town in which the property taxed for State, County or town purposes is situated —

Amendment No 23

Com — on Chinese

Relative to employment of Aliens

Oct 9 78

Read & referred to Com Chinese

Thornton

ass see

Oct 31. 78

Reported back with Substitute Am No 454

Thornton

ass see

(40)

Nelson

To the Committee on Chinese.

Resolved that no alien ineligible to become a Citizen of the United States shall ever be employed on any State, County, Municipal or other public work in this State after the adoption of this Constitution

T. K. Nelson

Amendment No 24

Proposed Amendments to Declaration of Rights	Com on Preamble & Bill of Rights	Relative to Bill of Rights
A. E. Noel		Oct 9th 1/8 Read & referred to Com on Preamble & Bill of Rights Thornton Ass Sec
		Oct 24 1/8 Reported back without recommendation by Com Thornton Ass Sec
	(41)	Noel

Proposed Amendments to Declaration of Rights Article 1. Section 22.

The Legislature Shall not Grant to any citizen, or Class of citizens privileges, or immunities, which upon the same terms Shall not equally belong to all citizens.

Sec 23 Aliens who are, or who by the laws of the United States may become citizens of the United States and who are "bona fidi" residents of this State, Shall enjoy the same rights in respect to the possession enjoyment and inheritance of property as native born citizens.

Sec 24 The State by virtue of its Soverenty has the absolute right to control the police regulations within its limits.

Amendment No 25

Relative to Poll Tax Com on

Revenue & Taxation

Oct 9 1878

Resol referred to Com on Revenue & Taxation

Thornton

Asst Sec

Nov. 18, 1878

Reported back with substitute Amendment No. 510. Wright

Asst. Secretary

O'Sullivan

42

2

Revenue and Taxation.

Resolved, That the following provision should be inserted in the ~~[illegible]~~ Constitution:

A tax on human existence being an absurdity, antagonistic to free institutions, therefore taxes by the poll are forever prohibited in this State.

O'Sullivan

Amendment No 26

Relative Oath — Com on Suffrage

Oct 9 a/8

Read & referred to Com on Right of Suffrage

Thornton
Asst Sec

Nov 13. a/8

Reported back with Substitute Am No 504

Thornton
Ass Sec

(45)

Pinggold

Resolved

After the adoption of this Constitution no person shall ever be allowed to either vote at any State County Township or Municipal election in this State or the election of officers of any corporation for profit nor be allowed to prosecute or defend any civil action in any of the State County or Municipal Courts of this State who when challenged do to do by any citizen of the State shall refuse to take the following oath or affirmation.

I do solemnly swear (or affirm) that since the expiration of Ninety days after the adoption of the now existing Constitution of the State of California I have not directly or indirectly employed in this State or elsewhere to render service in this State any foreign born Mongolian nor any alien resident of this State who is not entitled under the laws of the United States to become a citizen thereof either as a laborer servant mechanic manufacturer or otherwise and I have not since the expiration of ninety days after the adoption of said Constitution knowingly bought sold or used either for food raiment or any other purpose any article manufactured produced or prepared in this State in whole or in part by the labor of any such Mongolian or other alien resident of this State who is not entitled under the laws of the United States to become a citizen thereof."

All Executive Legislative and Judicial officers of this State and all County Township and Municipal officers shall

before entering upon the discharge of the duties of their respective offices, take and subscribe the above oath (or affirmation) together with the following.

"And I will support the Constitution of the United States and the Constitution of the State of California and will faithfully discharge the duties of the office of according to the best of my ability."

Chas S Ringgold

Amendment No 24

Relative to Judiciary

Proposed amendment to the constitution relative to the Judiciary.

By
H. C. Rolfe

Judiciary

(46)

Oct 9 of 8

Read & referred to Cons on Judiciary & Judicial Department

Thornton
Asst Sec

Nov 13 of 8

Reported back with substitute Am No 503

Thornton
Ass Sec

Rolfe

Proposed Amendment to the Constitution, to take the place of secs. 1-2-3 & 4, of Art. VI.

Article VII

Judicial Department.

Sec. 1 The Judicial power of this State shall be vested in a Supreme Court, in District Courts, in County Courts, in Probate Courts, and in Justices of the Peace and in such Recorders' and other inferior Courts as the Legislature may establish in any incorporated city or town.

Sec. 2. The Supreme Court shall consist of a Chief Justice and five Associate Justices. The Justice having the shortest term to serve, shall be the Chief Justice. The Justices of the Supreme Court shall be elected by the qualified electors of the State at the general elections next after vacancies may occur in any of such offices respectively, either by expiration of term, death, resignation or otherwise. They shall hold their offices for the term of twelve years from the first day of January, next after their election.

Sec. 3 The Supreme Court shall have appellate jurisdiction in all cases in equity, also in all cases at law which involve the title or right to the possession of real property, or the legality of any tax, impost assessment, toll, or municipal fine, or in which the demand exclusive of interest, or the value of the property in controversy amounts to hundred dollars:

also in all cases arising in the Probate Courts and also in all criminal cases amounting to felony on questions of law alone. The Court shall also have power to issue writs of mandamus, certiorari, prohibition and habeas corpus, and all writs necessary or proper to the complete exercise of its appellate jurisdiction.

One Justice may issue writs of habeas corpus to any part of the State, upon petition and behalf of any person held in actual custody, and may make such writ returnable before himself, or the Supreme Court, or before any District Court, or any County Court in the State, or before any judge of said Courts.

Sec. 4. The Supreme Court shall be divided into two divisions, of three members each. The Justice of each division having the shortest term to serve shall be the Presiding Justice thereof. Such division shall be made by the Justices by mutual agreement among themselves or if in any case they cannot agree, then by the Chief Justice. One division shall be known as the Equity Division, and the other as the Law Division. The Equity Division shall hear and determine all appeals in equity cases, or in which questions of equity constitute the principal or important questions involved.

The Law Division shall hear and determine appeals, and have Jurisdiction in all other

cases. The Chief Justice shall allot to each division its appropriate cases, in accordance with the foregoing division, but his allotment of any case or cases shall be subject to revision and change by the full bench, on the application of any two Justices of the Division to which such allotments so asked to be changed, may be made by the Chief Justice, the decision thereon by the full bench to be made as in any other case of appeal.

Sec. 5. Terms of the full bench of the Supreme Court, shall be held by the Justices of both divisions, sitting together as one Court. The full bench of the Supreme Court shall have jurisdiction in all cases decided by either division, in which there shall not be a concurrence of all the Justices thereof, and in all cases which on account of their importance, may be transferred to the full bench by order of the division having the jurisdiction thereof, after judgment or decision by the division.

Sec. 6 Terms of the full bench and of each division of the Supreme Court, shall be held at such times and place or places as may be prescribed by law. The presence of four Justices shall be necessary to constitute a quorum of the full bench to transact

business, and the concurrence of a majority of Justices present shall be necessary to pronounce a judgment or decision of the full bench. The judgment or decision in all cases coming to the full bench from either division, in which the judgment or decision of the division shall have been concurred in by two of the Justices thereof, shall be considered as affirmed by the full bench, unless a majority of the Justices present, constituting a quorum of the full bench, shall concur in a reversal or modification. The presence of two Justices shall be necessary to constitute a quorum of either division, to transact business,

Amendment No 28

Relative to the introduction of Bills into the Assembly & Senate

Oct 9 78

Read & referred to Com on Legislative Department

Thornton

Asst Sec

Nov 11. 78

Reported back with substitute Am No 501

Thornton

Asst Secy

Schell

Resolution Concerning the Legislative Department.

Legislative Dept

(47)

Schell

PAGE.

A Resolution Concerning the Legislative Department.

Resolved: That the following provision be incorporated in the Constitution:

No new bill shall be introduced into either House of the Legislature during the last ten days of the Session thereof.

Amendment No 29
Relative to equal
taxation

Oct 9 1878
Read referred
to Com on
Revenue & Taxation
Thornton
Asst Sec

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

Schomp

Revenue and
Taxation

48

J. Schomp

J. Schomp

On Taxation

Resolved That All farming lands of equal producing capacity should be subject to equal taxation without reference to cultivation

~~No 19~~

Amendment No 30

Resolution

Relative to Water Rights

Oct 9 - 08

Read & referred to Com on Water & Water Rights

Thornton

Asst Sec

Indef Post Sec

Nov 22, 08

Reported back with Sub Am No 514

Thornton

Asst Sec

Ohleyer

Com on Water Rights

(44)

Resolved that all the waters of the State are the common property of the people and no individual or corporation shall be permitted to use the same to the injury of their neighbors

By George Ohlmyer

Amendment No 31
No

Amendment to Section Seventeen Article one of the Constitution relative to rights of foreign born residents

Oct 9 /8
Read & referred to Committee on Bill of Rights
Committee on Preamble and Bill of Rights
Thornton
Asst Sec

Oct 24 /8
Reported back without recommendation by Com
Thornton
Asst Sec

By
Wm Sherman Rec

Proposition
to
Amend Section Seventeen Article one of the Constitution so as to read as follows:

Section Seventeen. Foreigners (except Mongolians) who are or who may hereafter become bona fide residents of this State shall enjoy the same rights in respect to the possession enjoyment and inheritance of property as native born citizens, restricted only by such regulations as the Congress of the United States may impose.

Oct 24. 48
Reported back without recommendation by Com
Thornton
Ass sec

Amendment No 32
No. 32

Amendment to Section 16, Article one of the Constitution relative to Bills of attainder, ex-post-facto laws &c.

Oct 9 48
Read & referred to
Committee on Bill of Rights
Committee on
Preamble and
Bill of Rights
Thornton
Asst sec

(50)

Over

By
Mr Shoemaker

Proposition
to
Amend Section Sixteen Article II of the Constitution so that it will read as follows:

Section Sixteen. No bill of attainder, ex-post-facto law, or law impairing the obligation of contracts, or making irrevocable any grant of special privilege or immunities, shall ever be passed.