Amendment No 34

Relative to declaring Railways public highways

Oct 9 '98

Read & referred to Com on Corporations other than Municipal

Thornton

Ass Sec

Oct 30/28

Reported back with the recommendation that no further action be taken

Thornton
Asst Secy

E O Smith

Corporations

Smith E O
Author

Read in Com
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(52)

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dipient railroads in this state and enforce such laws by adequate penalties, to the extent, if necessary for that purpose, of forfeiture of their property and franchise

Declaring Railways publick highways requiring the legislature to establish maximum rates & charges for freight & carrying passengers the roling stock of Railroad company made personal property & liable to execution & sale prohibiting the consolidation of railroad companies majority of directors to be citizens or residents of state prohibit companies from inflating stock &c

Resolved that the omitter or other than municipal corporation be requested to enquire of the propriety of the following provisions for the "constitution

Railways heretofore constructed or that may hereafter be constructed in this State are hereby declared publick highways and shall be free to all persons for the transportation of there persons and property thereon under such regulations as may be prescribed by law, And the Legislature shall from time to time pass laws establishing reasonable maximum rates of charges for the transportation of Passengers and freight on the diferent rail ~~Roads~~ roads in this State

The roling stock, and all other movable property belonging to any Rail Road company or corporation in this State, shall be considered personal property and shall be liable to execution and sale in the same manner as the personal property of Individuals

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and the Legislature shall pass no law exempting any such property from execution and sale

No railroad corporation shall consolidate its stock property or franchise with any other railroad corporation owning a parallel or competing line A majority of ~~any~~ the directors of any railroad corporation now incorporated or hereafter to be incorporated by the laws of this state shall be citizens and residents of this State

No railroad corporation shall issue any stock or bonds except for money labour or property actually received and applied to the purposes for which such corporation was created, and all dividends and other fictitious increase of the capital stock or indebtedness of any such corporation shall be void

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The exercise of the power and the right of eminent domain shall never be so construed or abridged as to prevent the taking by the Legislature of the property and franchise of incorporated companies already organized and subjecting them to the publick necessity the same as of individuals. The right of trial by jury shall be held inviolate in all trials by jury shall be held inviolate in all trials of claims for compensation when in the exercise of the said right of eminent domain, any incorporated company shall be interested either for or against the exercise of said right.

The legislature shall pass laws to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the

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Article VIII.

Taxation

Sec. 1 Taxation shall be equal and uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and taxes shall be levied and collected under general laws. All private property in the State, not exempt herein or under the laws of the United States, shall be taxed in proportion to its value in money, to be ascertained as provided by law. The word property as used in this article and section is hereby declared to include choses in action, money at interest at hand or on deposit; credits whether evidenced by notes, mortgages or otherwise; goods chattels and effects wherever they are, ships and vessels at home or abroad; public stocks and securities; stocks in moneyed corporations, owned in the State, whether within or without the State; interest or increase on the Bonds of the Government of the United States when owned within the State, whether the same be within or without the State; Credits or money due on a debt at the time of assessment to be assessed to the debtor who shall have a lien on the debt and against the Creditor for the amount of the tax and to be deducted from the debt from the date of the payment of the tax. But when a debt is secured by mortgage and the debt is assessed against the debtor, who shall pay the tax thereon, the assessment of the land upon which such Mortgage rests, the amount of the Mortgage debt resting on said land shall

be deducted from the valuation of said lands or real property, when the same would without such deduction result in double taxation, by such land not being fully paid for by the owner thereof. But it shall not be considered double taxation when such real property is used for security purposes only by the mortgagee and in the assessment of credits their valuation shall be measured by the amount of assets of the debtor and the security of the credits.
Property owned by the United States, by this State or by municipal Corporations under the laws of this State, all necessary public school property, public Cemeteries in actual use, and growing Crops shall be Exempt from taxation.

Sec 2 There shall be a State Board of Equalization, Consisting of the Secretary of State, the Controller and the Attorney General; said Board shall equalize the valuation of the taxable property in the State for State purposes; shall have appellate jurisdiction from County Boards of Equalization and shall perform such other duties as may be prescribed by law.
The Boards of Supervisors of the various Counties of the State shall Constitute Boards of Equalization of their respective Counties

and for the purposes of Equalization shall have full power (subject to appeal) to review and to raise or lower any County assessment, either upon complaint or upon their own motion; and it shall be their duty at any convenient to be by such Board previously fixed, before the regular assessments in each County, to classify and grade the lands in their respective Counties subject to taxation, under such regulations as shall be provided by law and for the purpose of classifying and grading lands, said Boards may appoint deputies whose duties shall be subject to the control and revision by said Boards and said Boards shall perform such other duties in Equalizing grading and Classifying as the Legislature may prescribe.

Sec. 3. Before any agricultural, grazing mineral or wild lands shall be assessed they shall be so graded and classified by the Boards of Equalization of each County, that lands of the same kind and location shall be placed in a separate class, each class to be graded as to value in numerical order from ~~position~~ upwards. But cultivated lands shall not be graded as lands of a greater value than the same kind and class of lands uncultivated. Lands whether cultivated or not of the same kind and

quality shall be graded and classified in the same grade and class. The assessment of lands shall be based upon their grade and classification; but lands belonging to the Government of the United States upon which Preemption or United States Government Homestead Rights have not been perfected and possessory rights shall not be graded nor classified nor subject to taxation until such rights have been perfected into a fee simple ownership and in the taxation of lands the improvements shall be separately assessed.

Sec. 4. There shall never be levied or collected by general levy and Collection any special road tax. Where funds other than such as may come from County treasuries, are needed for the Construction and repair of County roads bridges and ferries, the same may be levied upon the owners of property adjacent to such proposed roads bridges and ferries or improvements, in proportion to the amount and value of such property and the convenience and value of such roads bridges and ferries to such property or the owners and inhabitants thereof.

Sec. 5 No Corporations, except for benevolent religious, Scientific or Education purposes

shall be hereafter formed under the laws of this State, unless the persons named as corporators shall at or before the filing of the articles of incorporation, pay into the State treasury one hundred dollars for the first fifty thousand dollars or less stock; and a further sum of twenty dollars for every additional ten thousand dollars of its Capital: and no such corporation shall hereafter increase its Capital Stock without first paying into the State treasury twenty dollars for every ten thousand dollars of increase and laws shall be passed to prevent and to punish by heavy penalties and forfeitures, evasions of any of the provisions of this Section.

Oct. 9 – 1878
Rep Gen Venable Smith

On Motion offered
By
Geo. T. Smith

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Amend 35

Resolved that the following be incorporated into the Constitution of this State as a part of the System of taxation and be known as article Eight Secs. 1. 2. 3. 4. of said Constitution

offered by Gen. Amable Smith

Oct. 9 – 1878

Amendment No 35 — No - 53

Relative to Taxation — Com - on

Oct 9/78

Read & referred to Com on Revenue & Taxation

Thornton

Ass Sec

Revenue and Taxation

Geo Venable Smith

Author

Nov. 18, 1878

Reported back with substitute Amendment No 510.

J. M. Wright

Asst. Secretary

G V Smith

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Amend 35