Proposition No

Dowling P. T.

Oct 9. 1878

In relation to Mining Depart

Nov 26. a/s

Reported back with the recommendation that no further action be had

Thornton
Ass Sec

Mining

Am Sto 91

Relative to Mining

Oct 10 1878

Read & referred to Committee on Mining

Thornton
Ass Sec

Dowling

To the Committee on Mining,

Whereas a considerable portion of the most precious grounds in the State are owned and worked by a Class of Aliens who add nothing to our wealth or industry and are by nature and the law of our land ineligible to become good and respected Citizens of this Commonwealth, hence the following Article should and ought to be inserted in in the new Constitution,

Article No. — No alien ineligible to become a Citizen of the United States shall ever be permitted to hold, own or work any of the placers or any other gold bearing grounds in the State of California, nor shall any Citizen hold in trust, by proxy or otherwise any such lands for such Aliens,

P. T. Dowling

Amendment concerning Taxation.
Proposed to be incorporated in
the new Constitution
Proposed by J. M. Dudley

Am to 92

Relative to Taxation

Oct 10 1878
Read referred to
Com on Revenue &
Taxation
Thornton
Ass Sec

Nov. 18, 1878
Reported back
with substitute
Amendment, No. 570.
J. M. Wright
Asst. Secretary.

J. M. Dudley

Rev & Tax

Resolved, that the following proposition be incorporated in the new Constitution

Art —

Section 1 — Taxation shall be equal and uniform throughout the state. All property in this State not exempt under the laws of the United States, except property belonging to the State, County or other municipal corporations, shall be taxed in proportion to its value to be ascertained as provided by law. The word "property" as used in this article and section is hereby declared to include all moneys, credits, dues, franchises investments in bonds, stocks, joint stock companies, and all other matters and things capable of ownership and having "value in exchange.

Sec 2 The Legislature shall have power to provide by law for the assessment and collection of a tax upon incomes derived from bonds, notes, (whether secured by mortgage or not) or securities of any kind, other than shares, or stocks in joint stock companies, corporations, or associations formed for profit and doing business in this state. Provided, that if the income tax provided for in this section shall be levied, then the property from which such incomes

are derived shall be exempt from the payment of a direct or advolorum tax

Sec 3 The Legislature shall have power to provide for the assessment and collection of a tax upon the incomes of all railroad, navigation or banking corporations, bank and exchange agencies, and insurance companies, foreign or domestic, or any other corporations (other than Municipal) or associations whatever, formed for profit, and doing business in this state Provided that if the Legislature shall provide for the assessment of a tax upon incomes as set forth in this section, all property owned by and necessarily used by such corporation in producing such income, shall be exempt from an advolorum tax

Sect 4 If the Legislature shall provide for the payment of a tax upon incomes as provided in sections "two" and "three" of this article, such income tax shall be made to approximate as near as practicable to equality with the direct or advolorum tax on other classes of property

Sec 5 Should the Legislature deem it inadvisable to levy a tax upon incomes as provided in sections "Two" and "Three" of this article, then all property shall be taxed according to the true intent and meaning of section one of this article

Sec 6 Growing crops shall not be subject to taxation

An No 93

Relative to Water &
Water Rights

Oct 10 1878

Read & referred
to Com on Water &
Water Rights

Thornton
Ass see

Indef Post
Sec

Nov 22. 1878

Reported back
& recommend that
no further action
be taken 3 Sub Ann H 014
Water & Thornton
Ass see
Dunlap

Water and Water Rights.

Resolved. That there be introduced into the Constitution a clause as follows

Section. There shall be no further appropriation of the Waters ~~and~~ of the Streams and Lakes of the State by individuals, or Corporations

D. Littlefield

Ann No 94

Proposition No

Concerning License

Oct 10/78

Read & referred to Com on Revenue & Taxation

Thornton
Ass Sec

Nov. 18 1878

Reported back with substitute Amendment No. 510.

J. M. Wright
Asst. Secretary

Introduced by
John A. Eagon

Mr. President

I propose that the following be made a part of the Constitution of this State.

No License Tax, shall be assessed against, or Collected from, any person for Carrying on any business, trade or profession, in this State.

Am No 95

A Resolution

Concerning
the Legislative
Department

Oct 30/78

Read & referred
to Com on Legisla
tive Dept

Thornton

Ass Sec

Nov 11 /78

Reported back with
Substitute Am No 501

5 Thornton
Asst Secy

Edgerton

A Resolution concerning the Legislative Department

Resolved that the following provision be adopted in that article of the Constitution which relates to the legislative department.

Sec. 1. The Legislature shall have no power to pass retroactive laws, or laws impairing the obligation of contracts, provided however that the legislature may, by general laws, authorize the Courts to carry into effect the manifest intention of parties and officers, by curing omissions, defects, and errors in instruments, and proceedings, arising out of their want of conformity with the laws of this state, and upon such terms as shall be just and equitable.

Am No 96

A Resolution
concerning the
Legislative De-
-partment

Oct 10 78
Read & referred
to Com on Legis-
lative Department
Thornton
Ass Sec

Nov. 11. 78
Reported back with
substitute, Am No 501.
Thornton
Asst Sec
Edgerton
Leg Dep

A Resolution concerning the Legislative Department -

Resolved that the following provisions be adopted in that article of the constitution which relates to the legislative department -

~~A Resolution concerning the Legislative Department~~

~~Resolved that the following provisions be adopted in the article of the Constitution, concerning the Judicial Department~~

Sec. 1. The Legislature shall not pass any special or local law in the following cases—

Authorising the creation, extension, or impairing of liens;

Regulating the affairs of Counties, cities, townships, wards, or School districts;

Changing the names of persons or places

Changing the venue in civil or criminal cases;

Authorising the laying out, opening, altering or maintaining roads, highways, streets or alleys

Relating to ferries or —

bridges, except for the erection of bridges crossing streams which form ~~boundary~~ ~~lines~~ boundaries between this and any other state;

Vacating roads, townplats, streets or alleys;

Relating to cemeteries, or public grounds, not of the state;

Authorising the adoption or legitimation of children;

Locating or changing county seats;

Incorporating cities, towns, or villages, or changing their charters;

For the opening or changing conducting of elections, or fixing or changing the place of voting;

Granting divorces;

Erecting new townships, changing township lines, or

school districts

Creating offices, or prescribing the powers and duties of officers in Counties, Cities, townships, election or School districts;

Changing the law of descent or succession;

Regulating the practice or jurisdiction of, or changing the rules of evidence in, any judicial proceeding or inquiry before Courts, Sheriffs, Commissioners, arbitrators, referees, or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgments, or prescribing the effect of judicial sales of real estate;

Regulating the fees, or extending the powers or duties of any County, City or township officer;

Regulating the management

of public schools, the building or repairing of school houses, or the raising of money for such purpose;

Fixing the rate of interest;

Affecting the estates of minors or persons under disability;

Remitting fines, penalties, or forfeitures, or refunding moneys legally paid into the State treasury;

Exempting property from taxation;

Regulating labor, trade, mining, or manufacturing;

Granting to any corporation, association or individual, any special or exclusive privilege or immunity, or to any corporation association, or individual, the right to lay down a railroad track

Nor shall the legislature in-
-directly enact such special or
local law by the partial repeal
of a general law; but laws
repealing local or special laws
may be passed;

Nor shall any law be passed
granting powers or privileges
in any case where the granting
of such powers and privileges
shall have been provided for
by a ~~special law~~ general
law, nor where the Courts
have jurisdiction to grant
the same, or give the relief
asked for;

In all the cases above enu-
-merated, and in all other cases
where a general law can be
made applicable, all laws
shall be general and of a uni-
-form operation throughout the
state.

Am. No 97

Relative to right of Suffrage

Oct 10 1898

Read & referred to Com on Right of Suffrage

Thornton

Ass Sec

Nov 13 of 8

Reported back with substitute Am No 504

Thornton

Asst Sec

Every

Suffrage

57

Right of Suff

Proposition on —
The Right of Suffrage.
~~Presented by Edward de Coy~~

Every Citizen of the United States and of this State, who shall have resided within this State one year and within the County ninety days or thirty days within the District next before any election to be holden in compliance with any law of this State shall have the right and privilege to vote except he may have been convicted of felony by the laws of this State and is at the time uncommitted thereof — And Should such Citizen be deprived of such privilege by any person or persons holding such Election, upon any pretense or cause whatever, such Citizen shall have the right to sue the State in any Court thereof having jurisdiction free of cost and upon establishing the fact of his right to vote and prohibition of the exercise of that right by a jury shall recover of the State not less than five thousand dollars nor more than ten thousand.

Am to 98

Relative to right of Suffrage

Oct 10 of 8
Read & referred to Com on Right of Suffrage
Thornton
Ass Rec

Nov 13. of 8
Reported back with substitute Am to 504
Thornton
Ass Rec
Right

Copy

Proposition
refered to the Committee on
Suffrage

If any person shall give, or offer to give any bribe present or reward or any promise, or any security for the payment or the delivery of money or any other thing, to induce any Voter to refrain from casting his vote, or to prevent him in any way from voting, or to procure a vote for any candidate The person giving or offering to give And the person receiving the same And any person who shall give or cause to be given, an illegal vote knowing it to be such at any election hereafter held in this State shall on conviction in any of the courts of this State be forever disqualified to hold any office of profit, or trust, or to vote at any election in this State.

Am No 99

Relative to Labor & Capital

Oct 10 1878
Read & referred to Com on Labor & Capital
Thornton
Ass Sec

Nov 13 1878
Reported back and referred to Com on Legislative Department
Thornton
Ass Sec

Farrel (Cover)

Proposition No

S. J. Farrell

Oct 1878

In relation to Labor and Capital

Nov 18 1878
Reported back with recommendation that no further action be taken therein
Thornton
Ass Sec

3 4
Labor & Cap

To the Committee on Labor and Capital.

Sec— When the price of Labor is due and unpaid, any mechanic or laborer who is not so paid, shall be enabled to enter any Court of competent jurisdiction and upon his statement properly verified, without any further formality, upon proper notice thereof, and judgment, cause the appointment of a receiver, to take charge of the moneys and property of the employer and apply enough of the same to the payment of any Labor unpaid, before using the Estate or any portion thereof for any other purpose

Respectfully Submitted

S. J. Farrell

Am. No. 100

Relative to Bill of Rights

Oct. 10 1878

Read & referred to Committee on Preamble & Bill of Rights

Thornton

Ass Sec

Oct 24 78

Reported back without recommendation

Thornton

Ass Sec

Farrell

Proposition No

S. J. Farrell.

Oct 1878.

In Relation to Bill of Rights

Rec 60 B of R

Proposition No

For incorporation in the Bill of Rights in the proposed new Constitution

Sec No— No Foreigner who is, or may hereafter be entitled to become a Citizen of the United States under the Naturalization laws thereof, and who now is, or may hereafter become, a resident of this State, shall be entitled to the enjoyment of the same rights, in ~~regard~~ respect to the ownership, possession, enjoyment and inheritance of property, as are secured to Native born citizens under this Constitution, unless he shall have first declared his intention to become a citizen of the United States, and renounced his allegiance to the country of his nativity, in accordance with the naturalization laws of the United States.

Respectfully Submitted

S. J. Farrell
San Francisco

PAGE.

Pardoning Power

Insert the following in the Constitution:

Sec. —— The power to grant pardons shall be vested in the Governor; but shall be exercised only in cases where evidence is newly discovered, after judgment, clearly establishing the innocence of the convicted party.

(Proposed by Fawcett of Santa Barbara)

Am No 101

Pardoning Power

Relative to Pardoning Power

Oct 10 of 8

Read & referred to Com on Pardoning Power

Thornton

Ass Sec

Oct 30 of 8

Reported back that it be not adopted

Thornton

Ass Sec

61

Pardon Powers

Fawcett

Am No 102

Relative to time of
Session of Legislature

Oct 10/78

Read & referred
to Com on Legislative
Department

Thornton
Ass Sec

Nov 11. 78
Reported back with
substitute Am No 501
Thornton
62 Asst Secy

Dep

Leg
Filcher

Proposed amendment to Art. 4, Sec 2 of the Constitution of California as follows:

Article IV.

Sec 2 - The Sessions of the Legislature shall be biennial and shall commence on the first Monday after the first Tuesday of January next ensuing the election of its members, unless the Governor of the State shall, in the interim, convene the Legislature by proclamation. No Session shall continue longer than Ninety days, and no bill shall be introduced during the last ten days of the Session, unless by consent of three fourths of the ~~House~~ members of the House in which said bill is offered.

By J. A. Filcher
Oct 10, 1878.

Am No 103

Relative to

Vacancies in the Houses of the Legislature

Oct 10/78

Read & referred to Com on Legislative Department

Thornton

Ass Sec

Nov 11. 78

Reported back with substitute Am No 501

63

Thornton

Asst Secy

S. G. D.

Filcher

Proposed amendment to Art 4th, Sec 13, of the Constitution of California.

Article IV.

Sec 13. When a vacancy occurs in either House of the Legislature, from any cause, the House in which said vacancy occurs shall, if in session, proceed immediately to elect from the constituency deprived of representation a member to fill the said vacancy. If the Legislature is not in session at the time a vacancy occurs, it shall, on convening, proceed at once, as hereinafter provided, to fill said vacancy.

By J. A. Filcher
Oct 10. 1878

Am No 104

No

Land Monopolies

Relative to Land Monopolies

Read & referred to Com on Land & Homestead Exemptions.

Thornton

Ass Sec

Dec 14/78

Reported back with Substitute

Filed

Am #524 Smith

Ass Sec

By 64

Land & Homestead

A. C. FREEMAN,

(OFFICE IN FREEMAN'S BUILDING, Fifth Street, near J.)

~~Attorney for~~

Prohibition of Land Monopolies.

I propose that the following ~~section~~ matter be incorporated in the constitution to

Limit the monopolization of real estate

Article —

Sec That, after the adoption of this constitution, no person or corporation shall, except by inheritance, by direct grant from the United States, by a bona fide execution or judicial sale, or by proceedings in the exercise of the right of eminent domain, become the legal or equitable owner of more than one thousand acres of land situate in this state. All lands transferred, or attempted to be transferred in violation of this section thereby vest in the state. The legislature shall pass laws to more fully enforce the provisions of this section; and may, from time to time, impose additional limitations regarding the amount of lands which may be acquired by any person or corporation.

Freeman

Oct 10/78

Am No 105

No

Relative to Relations
Federal Relations

Oct 10 1878
Read & referred to
Com on Preamble
& Bill of Rights
Thornton
Ass Sec

~~Filed~~ Oct 24 78
Reported back by the
Com without recommen-
dation
By Thornton
Ass Sec

A. C. FREEMAN,
(OFFICE IN FREEMAN'S BUILDING,
Fifth Street, near J.)

~~Attorney for~~

Relations of the State to the United States

Resolved that the Committee on Preamble and bill of rights inquire into the expediency of inserting the following in the bill of rights

Article —

See This state shall ever remain a member of the American Union, and its people a part of the American nation, and the paramount allegiance of its citizens shall be due to the Constitution and Government of the United States

Oct 10/78

Freeman

Am to 106

Relative to Bill of Rights

Oct 10/78
Read & Referred to Com on Preamble & Bill of Rights
Thornton
Ass Sec

Oct 24. 78
Reported back by the Com without recommendation
Thornton
Ass Sec

Trend

Bill of Rights

J Richard Trend

6 6
Bill of R

Resolved That the following provisions be referred to the Committee on Bill of Rights for adoption in the Constitution:

Sec - No property qualification shall ever be required for any person to vote, hold office or to become a juror.

Sec - Chinese testimony, unless corroborated by testimony other than Chinese, shall never be ~~[illegible]~~ accepted by any Court under the jurisdiction of this State.

Sec - No money shall be appropriated for the payment of any religious services in either House of the Legislature.

J Richard Freud

Am to 107

Future Amendment

Oct 10. 78

Read & referred to Com on Future Amendment

Thornton

Ass Sec

Read in Com. Oct 21st 1878 —

Gorman

67

Future amd

(over)

Dec 21. 78

Reported back with substitute Am to 526

Thornton

Ass Sec

Future Amendments

Resolved that future amendments when submitted to the people shall be voted upon in separate articles and not as a whole and no amendment shall be submitted oftener than five years

J. J. Gorman

Proposition No

October 1878

Am Art 108

Privileges & Elections

On relation to Elective Franchise.

Oct 10 78

Read & referred to Com on Privileges & Elections.

Thornton

Ass Sec

Oct 29 78

Reported back and referred to Com on Suffrage

Thornton

& Ass Sec

Nov 13 78

Reported back with substitute Am to 5 of Thornton and Sec

Grace

W. P. Grace San Francisco

Proposition No

For incorporation in the proposed Constitution

Article —

Section 1 Every Male Citizen of the United States of the age of twenty one Years, who shall have been a resident of the State six months next preceding the election and of the County, township, Ward or precinct in which he resides fifteen days, shall have the qualifications of an Elector and be entitled to vote at all elections.

Section 2 All elections shall be by ballot.

Section 3 No idiot or insane person shall be entitled to the privileges of an elector, Nor shall any person who shall have been convicted of bribery, perjury, or other infamous crime, be entitled to said privileges, unless his disability shall have been removed by special act of the Legislature.

Section 4 Electors during their attendance at elections, and in going to, and returning therefrom, shall be privileged from arrest in all cases, except Treason felony and breach of the peace

Section 5 No person shall be

deemed to have gained or lost his residence as an elector by reason of his presence or absence in the service of the United States, or in the navigation of the high seas, or waters of the United States, or by reason of his presence or absence for any temporary purpose

Section 6. The exercise of the privilege of the elective franchise is hereby declared to be a duty of citizenship, and the Legislature shall have power to enforce the performance of said duty by appropriate legislation.

Section 7. The privileges of an Elector of the State of California shall never be extended to any person of the Asiatic or Mongolian race, regardless of the question of his nativity

W. F. Grace
San Francisco

Proposition No

October 1878

Am No 109

Female Suffrage

In relation to Franchise

Nov 13 78

Reported back with substitute Am No 504

Thornton

Ass Sec

Oct 10 78

Read & referred to Com on Future amendments

Thornton

Ass Sec

Oct 22 78

Reported back with recommendation that it be referred to Com on Right of Suffrage so ordered

Thornton

Ass Sec

Grace (over)

e.g. Future amd

W. P. Grace San Francisco

D32.01.29

Female Suffrage

Resolved that the following be referred to the Committee on ~~Privileges & Elections~~ Future Amendments

Strike out from the present Constitution wherever the same occurs the word

"Male"

and insert after the word "he" wherever the same occurs the words

"or she"

W P Grace
of San Francisco

Res No 110

Equal Taxation

Oct 10 78

Read & referred
to Com Revenue &
Taxation

Thornton

Ass Sec

Nov. 18, 1878
Reported back with
substitute Amendment
No 510. J. M. Wright
Asst. Secretary

Rev & Tax
Gregg

Proposed amendment to Miscellaneous Provisions of the Constitution

Suggested amendment to Sec. 13 of Article 11

"Taxation shall be equal and uniform throughout the State.

All property in this State shall be taxed in proportion to its value.

Assessments of lands shall be had separate and apart from the assessment of improvements thereon.

Lands of like quality in the same vicinity shall be assessed alike whether improved or not.

Growing crops - except tame grasses - shall not be taxed.

Assessments may be equalized as may be provided by law - but the State board of equallization shall consist of seven members appointed by the Governor. Such appointments to be made so that each congressional district shall be represented thereon"

Gregg

Am No 111

Liberty of speech & Press

Oct 10 78

Read & referred to Com on Preamble & Bill of Rights

Thornton

Ass Rec

Oct 24 78

Reported back without recommendation by Com

Thornton

71 Ass Rec

Rec & Bill of R

Gregg

Proposition to amend the "Declaration of rights"

Amendment suggested to Section 9 of the "Declaration of rights"

"Every citizen may freely speak and publish his sentiments on all subjects being responsible for the abuse of that right: And no law shall be passed to restrain or abridge the liberty of speech or of the press - In all criminal prosecutions on indictments for libels the truth may be given in evidence to the jury: And if it shall appear to the jury that the matter ~~to~~ charged as libelous is true; And being true was published with good motives and for justifiable ends the party shall be acquitted

The jury shall not determine the law of libel - Criminal prosecutions for libel must be had in the County of the first ~~[illegible]~~ ~~[illegible]~~ publication of the libel

(Gregg)