DEC. RD.
AMENDS

By Mr Hagen

Resolved

That the following proposed amendments ~~be adopted~~ to the Preamble and Declaration of Rights be adopted in the new Constitution.

By Wm Hager

Amendments to the Preamble & declaration of rights proposed to be incorporated in the new constitution

To the Preamble

We the People of the State of California, grateful to Almighty God for our freedom, in order to perpetuate its blessings, and promote our common welfare, do establish this constitution.

To the Declaration of Rights

Sec. 1. The right of trial by jury shall be secured to all and remain inviolate: But hereafter the concurrence of only three fourths of the jury shall be necessary to render a verdict. In criminal cases, where the punishment may be death or imprisonment in the state prison, the jury shall consist of twelve persons; In all other actions, either criminal or civil, the jury shall consist of twelve persons; but by the agreement of the parties the jury in a civil action, may consist of eight persons, or a trial by jury may be waived.

Sec. 2. No person shall be held to answer for a crime, or other public offense, punishable by death or imprisonment in the state prison (except in cases of ~~impeachment~~ impeachment, or in cases arising in the militia, when in actual service, or in the land or naval forces in time of war, or which this state may keep, with the consent of congress, in time of peace) unless on presentment or indictment of a Grand Jury: In all other cases offenses shall be prosecuted criminally by indictment, information, accusation or complaint as shall be prescribed by law; and in any trial, in any court whatever, the party accused shall be allowed to appear & defend, in person and with counsel as in civil ~~cases~~ actions. Hereafter a Grand Jury shall consist of sixteen men, any ten (10) of whom concurring may find an indictment or true bill.

The Legislature, by a two thirds vote of all the members, elected to each house, may abolish, or establish and restore, the Grand Jury system in all or any county of the state.

Sec. 3. No person shall be compelled in any criminal case to be a witness against ~~his will~~ himself, but if he voluntarily becomes a witness he may be fully cross examined; nor shall any person, after being once acquitted by a jury, be again, for the same offense, put in jeopardy of life or liberty; but if the jury fail to render a verdict, or if judgment after verdict be arrested or reversed nothing herein contained shall prevent a new trial.

Sec. 4. No person shall be deprived of life liberty or property without due process of law; nor shall private property be taken or damaged for public use without just compensation. Such compensation shall be ascertained by a jury in such manner as may be prescribed by law; and until the same shall be paid to the owner, or into court for the owner, the property shall not be disturbed or the proprietary rights of the owner therein divested. The fee of lands taken for rail road tracks or for canals, without the consent of the

owner thereof, shall remain in such owner, subject to the use for which it is taken.

Sec. 5 That no person elected or appointed to any state county or municipal office or employment of trust or profit, under the laws of this state, or any ordinance of any municipality therein, shall hold such office, unless during his continuance therein, he shall personally devote his entire time, or so much thereof as may be necessary, to the performance of the duties thereof.

Sec 6 No public officer, nor any person who has held a position of trust, & as such been the collector or receiver of public money, shall be eligible to any office of trust or profit in this state, under the laws thereof, or of any municipality therein, until he shall have accounted for & paid over all public money for which he may be accountable.

Sec. 7. The provisions of this constitution are mandatory & prohibitory unless by express words it is declared otherwise.

Am No 112

Declaration 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

72 -
P & B of R

By Mr Hager

Sections relative to forfeitures of Franchises of Corporations and the exercise of the right of Eminent Domain.

Section 1. All existing charters, grants franchises special or exclusive privileges under which an actual and bona fide organization shall not have taken place and business been commenced in good faith at the time of the adoption of this Constitution, shall thereafter have no validity.

Sect 2. The Legislature shall not remit the forfeiture of the charter of any Corporation now existing or which shall hereafter exist under the laws of this State, or alter, or amend the same or pass any other general or special law for the benefit of such Corporation except upon the condition that such Corporation shall thereafter hold its charter subject to the provisions of this Constitution.

Sec 3. The exercise of the right of Eminent domain shall never be abridged or so construed as to prevent the Legislature from taking the property and franchises of incorporated

Companies and subject them to public use the same as the property of individuals and the exercise of the Police Power of the State shall never be abridged or so construed as to permit Corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well being of the State.

Oct 30. 1/8

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

Thornton
Ass Sec

Read in Com

Am No 113

Sections

relative to forfeitures of franchises of Corporations and Exercise of right of Eminent Domain

Oct 10/78

Read & referred to Com on Corporations other than Municipal

Thornton
Ass Sec

Introduced by

73
Corp

M. M. Estee Over