

Electron Proclamation
Constitutional Amend
April 12 1887

PROCLAMATION.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,)
SACRAMENTO, March 15, 1887.)

WHEREAS, the Legislature of the State of California, at its twenty-seventh session, beginning on the third day of January, A. D. eighteen hundred and eighty-seven, two thirds of all the members elected to each of the two Houses of said Legislature voting in favor thereof, proposed the following described amendments to the Constitution of the State of California, to wit:

AMENDMENT NUMBER ONE.

To propose to the people of the State an amendment to the Constitution of the State, relative to the Judiciary Department.

Resolved, That the Legislature of the State of California, at its regular session, commencing on the third day of January, A. D. eighteen hundred and eighty-seven, two thirds of all the members elected to each of the two Houses of said Legislature voting in favor thereof, hereby propose that sections two and three, of Article VI, of the Constitution of said State, be amended so as to read as follows:

Section 2. The Supreme Court shall consist of seven Justices. The Associate Justices of the Supreme Court, in office at the time of the adoption of this amendment to the Constitution, are hereby continued in office as Justices of the Supreme Court for the remainder of the terms to which they were respectively elected. The Justices shall elect one of their number to be Chief Justice, and he shall hold the office of Chief Justice of said Court for a term of two years. At the expiration of the term of the Chief Justice first elected, and every two years thereafter, the Justices shall elect a Chief Justice for a like term of two years. An entry of the election of such Chief Justice shall be made in the minutes of the Court and signed by four Justices. Whenever thereafter a vacancy occurs in the office of Chief Justice, a like election shall be had to fill such office for the unexpired term. The Supreme Court may sit in departments or in bank, and shall always be open for the transaction of business. There shall be two departments, denominated, respectively, Department One and Department Two. The Chief Justice shall assign three of the Justices to each department, and such assignment may be changed by him from time to time. The Justices shall be

competent to sit in either department, and may interchange with each other by agreement among themselves or as ordered by the Chief Justice. Each of the departments shall have the power to hear and determine causes and all questions arising therein, subject to the provisions hereinafter contained in relation to the Court in bank. The presence of three Justices shall be necessary to transact any business in either of the departments, except such as may be done at chambers, and the concurrence of two Justices shall be necessary to pronounce a judgment. The Chief Justice shall apportion the business to the departments, and may, in his discretion, order any cause pending before the Court to be heard and decided by the Court in bank. The order may be made before or after judgment pronounced by a department; but where a cause has been allotted to one of the departments, and a judgment pronounced thereon, the order must be made within thirty days after such judgment, and concurred in by two Justices, and if so made it shall have the effect to vacate and set aside the judgment. Any four Justices may, either before or after judgment by a department, order a case to be heard in bank. If the order be not made within the time above limited, the judgment shall be final. No judgment by a department shall become final until the expiration of the period of thirty days aforesaid, unless approved by the Chief Justice, in writing, with the concurrence of two Justices. The Chief Justice may convene the Court in bank at any time, and shall be the presiding Justice of the Court when so convened. The concurrence of four Justices present at the argument shall be necessary to pronounce a judgment in bank; but if four Justices, so present, do not concur in a judgment, then all the Justices qualified to sit in the cause shall hear the argument; but to render a judgment a concurrence of four Judges shall be necessary. In the determination of causes all decisions of the Court in bank, or in departments, shall be given in writing, and the grounds of the decision shall be stated. The Chief Justice may sit in either department, and shall preside when so sitting, but the Justices assigned to each department shall select one of their number as presiding Justice. In case of the absence of the Chief Justice from the place at which the Court is held, or his inability to act, the Associate Justices shall select one of their own number to perform the duties and exercise the powers of the Chief Justice during such absence or inability to act. The Supreme Court Commission, created by the Act of the Legislature approved March twelfth, eighteen hundred and eighty-five, shall continue and be a Supreme Court Commission for four years after the adoption of this amendment. Said Commission may be continued for such time thereafter as may be fixed by an Act passed by a vote of two thirds of the elected members of each House of the Legislature, and approved by the Governor. The members thereof and Secretary shall be appointed as in said Act provided; and such Commissioners shall be subject to removal in like manner as Judges of the Supreme Court. Said Commission shall have the same power to hear and determine causes possessed by a department of the Supreme Court; and causes may be assigned to the Commission in the same manner they are assigned to a department, and after decision they may be ordered heard in bank in the same way, and with like restrictions as if decided in department. The judgments of the Commission shall be entered as the judgments of the Court. The Commission shall sit at such times and places as may be designated by the Court, but such Commissioners shall not exercise any judicial functions except when assembled as a Commission, and then they

shall only have power to hear and determine such causes as may have been assigned to them.

Section 3. The Justices of the Supreme Court shall be elected by the qualified electors of the State at large, at the general State elections, and the times and places at which State officers are elected; and the term of office shall be twelve years from and after the first Monday after the first day of January next succeeding their election. Three Justices shall be elected for the full term at the general State election held in eighteen hundred and ninety; and at the general election held every fourth year thereafter, two Justices shall be elected for full terms of twelve years, except that in every twelfth year thereafter, three Justices shall be elected for full terms. If the Chief Justice, or any Justice, becomes permanently disqualified, either mentally or physically, to perform the duties of his office, and such fact is certified to the Governor by five Justices, one of whom may be the Chief Justice in case of the disability of a Justice, the office of such disqualified person becomes immediately vacant, and he shall be paid a retiring salary of two hundred and fifty (250) dollars per month for the remainder of his term. If a vacancy exist or occur in the office of a Justice, the Governor shall appoint a person to hold the office for the remainder of the unexpired term. The Governor shall appoint a Justice to hold office as Justice for the unexpired term of the late Chief Justice.

AMENDMENT NUMBER TWO.

To propose to the people of the State an amendment to the Constitution of the State, relative to the salaries of the Judiciary Department.

Resolved, That the Legislature of the State of California, at its regular session, commencing on the third day of January, A. D. eighteen hundred and eighty-seven, two thirds of all members elected to each of the two Houses of said Legislature voting in favor thereof, hereby propose that section seventeen, of Article VI, of the Constitution of said State, be amended so as to read as follows:

Section 17. The Justices of the Supreme Court, and Judges of the Superior Court, shall severally, at stated times during their continuance in office, receive for their services, compensation which shall not be increased or diminished after their election, nor during the term for which they shall have been elected. The salary of the Justices of the Supreme Court shall be paid by the State. One half of the salary of each Superior Court Judge shall be paid by the State; the other half thereof shall be paid by the county for which he is elected. The annual salaries of the Justices of the Supreme Court shall be seven thousand five hundred dollars (\$7,500) each, and the Supreme Court Commissioners six thousand (\$6,000) dollars each. Until otherwise changed by the Legislature, the Superior Court Judges shall receive an annual salary of three thousand dollars each, payable monthly, except the Judges of the City and County of San Francisco, and the Counties of Alameda, Los Angeles, Santa Clara, Yuba and Sutter combined, Sacramento, Butte, Nevada, San Diego, San Bernardino, Colusa, and Tehama, who shall receive five thousand dollars, and the Judges of the Counties of Tulare, Monterey, Sonoma, and San Joaquin, shall receive four thousand dollars each.

AMENDMENT NUMBER THREE.

A Resolution to propose an amendment to section eight, of Article XI, of the Constitution of the State of California, relating to the framing of a charter for cities of more than one hundred thousand inhabitants, and for cities of over ten thousand and less than one hundred thousand inhabitants.

Resolved, That the Legislature of the State of California, at its regular session, commencing on the third day of January, eighteen hundred and eighty seven, two thirds of all the members elected to each of the two Houses of said Legislature voting in favor thereof, hereby propose that section eight, of Article XI, of the Constitution of said State, be amended so as to read as as follows:

Section 8. Any city containing a population of more than one hundred thousand inhabitants may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a Board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of such city, at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such Board, or a majority of them, and returned, one copy thereof to the Mayor, or other chief executive officer of such city, and the other to the Recorder of Deeds of the county. Such proposed charter shall then be published in two daily papers of general circulation in such city, for a least twenty days; and within not less than thirty days after such publication it shall be submitted to the qualified electors of such city, at a general or special election, and if a majority of such qualified electors voting thereat shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment; and if approved by a majority vote of the members elected to each House, it shall become the charter of such city, or if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and supersede any existing charter, and all amendments thereof, and all special laws inconsistent with such charter. A copy of such charter, certified by the Mayor, or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors, and its ratification by them, shall be made in duplicate, and deposited, one in the office of the Secretary of State, the other, after being recorded in the office of the Recorder of Deeds of the county, among the archives of the city. All Courts shall take judicial notice thereof. The charter so ratified may be amended at intervals of not less than two years, by proposals therefor, submitted by legislative authority of the city to the qualified voters thereof, at a general or special election held at least sixty days after the publication of such proposals, and ratified by at least three fifths of the qualified electors voting thereat, and approved by the Legislature as herein provided for the approval of the charter. In submitting any such charter, or amendment thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others. Any city containing a population of more than ten thousand and not

more than one hundred thousand inhabitants may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a Board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of said city, at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such Board, or a majority of them, and returned, one copy thereof to the Mayor, or other chief executive of said city, and the other to the Recorder of the county. Such proposed charter shall then be published in two daily papers of general circulation in such city, for at least twenty days; and the first publication shall be made within twenty days after the completion of the charter; and within not less than thirty days after such publication it shall be submitted to the qualified electors of said city, at a general or special election. and if a majority of such qualified electors voting thereat shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment, and if approved by a majority vote of the members elected to each House it shall become the charter of such city and the organic law thereof, and shall supersede any existing charter, and any amendments thereof, and all special laws inconsistent with such charter. A copy of such charter, certified by the Mayor, or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors, and its ratification by them, shall, be made in duplicate, and deposited, one in the office of the Secretary of State, and the other, after being recorded in said Recorder's office, shall be deposited in the archives of the city; and thereafter all Courts shall take judicial notice of said charter. The charter so ratified may be amended, at intervals of not less than two years, by proposals therefor, submitted by the legislative authority of the city to the qualified electors thereof, at a general or special election held at least sixty days after the publication of such proposals, and ratified by at least three fifths of the qualified electors voting thereat, and approved by the Legislature as herein provided for the approval of the charter. In submitting any such charter, or amendment thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

Now, therefore, pursuant to the provisions of the Constitution and an Act of the Legislature, entitled "An Act to provide for the submission of certain proposed amendments to the Constitution of the State, hereinafter named, and which have been proposed and adopted by the Legislature of the State of California, at the session beginning on January third, eighteen hundred and eighty-seven, to the qualified voters of said State, at a special election to be called by the Governor for the twelfth day of April, eighteen hundred and eighty-seven," approved March ~~10~~¹⁵, 1887, the said amend-

ments are submitted to be separately voted upon, by ballot, by the qualified electors of the State, on

TUESDAY, APRIL 12, 1887.

The said amendments are respectively designated:

"Amendment Number One."

"Amendment Number Two."

"Amendment Number Three."

And will, if adopted, be respectively designated amendments numbers four, five, and six, in the order of their submission; and the ballots used at such election must contain the words:

"For the Amendment Number One."

"For the Amendment Number Two."

"For the Amendment Number Three."

Or the words:

"Against the Amendment Number One."

"Against the Amendment Number Two."

"Against the Amendment Number Three."

Written or printed thereon.

And the Boards of Supervisors of each of the respective counties of the State are hereby directed to appoint officers of election and cause the polls to be opened, by proclamation, on said

TUESDAY, APRIL 12, 1887,

At each of the election precincts of their respective counties, pursuant to the statutes of the State in such case made and provided; said election to be conducted, and the returns thereof duly certified to the Secretary of State, at the State Capitol, Sacramento, in like manner as is provided by law in the election of State officers (other than Governor and Lieutenant-Governor).

And I do hereby offer a reward of one hundred dollars for the arrest and conviction of any and every person violating any of the provisions of Title IV, Part I, of the Penal Code; such rewards to be paid until the total amount expended hereafter for the purpose reaches the sum of ten thousand dollars.

Witness my hand and the great seal of the State, the day and year first written.

Washington Bartlett,
~~WASHINGTON BARTLETT,~~
 Governor.

[Seal.]

Attest: WM. C. HENDRICKS, Secretary of State.

By H. B. Davidson
Deputy