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In Convention
Assembly Chamber, State Capitol

Sacramento
Wednesday, Oct 30 1878

Convention met pursuant to adjournment

President Hoge in the Chair

Roll called and the following members were ~~present~~ absent

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Roll-Call of Delegates to the Constitutional Convention, 1878.

Names.	Ayes.	Noes.	Names.	Ayes.	Noes.	Names.	Ayes.	Noes.	Names.	Ayes.	Noes.
ANDREWS	1		FAWCETT	4		LAVIGNE	70		SHOEMAKER	16	
AYERS	2		FILCHER	5		LEWIS	1		SHURTLEFF	7	
BARBOUR	2		FINNEY	6		LINDOW	2		SMITH of Santa Clara.	8	
BARNES	4		FREEMAN	7		MANSFIELD	3		SMITH of Fourth District.	9	
BARRY	142		FREUD	8		MARTIN of Alameda.	4		SMITH of San Francisco.	110	
BARTON	5		GARVEY	9		MARTIN of Santa Cruz.	5		SOULE		
BEERSTECHER	6		GLASSCOCK	100		McCALLUM	6		STEDMAN	1	
BELCHER	7		GORMAN	1		McCOMAS	7		STEELE	2	
BELL	8		GRACE			McCONNELL	8		STEVENSON	2	
BERRY			GRAVES	2		McCOY	9		STRONG		
BIGGS	9		GREGG	3		McFARLAND	80		STUART	4	
BLACKMER	10		HAGER	4		McNUTT	1		SWEASEY	5	
BOGGS	1		HALE	141		MILLER	2		SWENSON	6	
BOUCHER	2		HALL	5		MILLS	3		SWING	7	
BROWN	3		HARRISON	6		MOFFAT	4		TERRY	8	
BURT	4		HARVEY	7		MORELAND	5		THOMPSON	9	
CAMPBELL	5		HEISKELL	8		MORSE	6		TINNIN	120	
CAPLES	6		HEROLD	9		MURPHY			TOWNSEND	1	
CASSERLY	7		HERRINGTON	50		NASON	7		TULLY		
CHAPMAN	8		HILBORN	1		NELSON	8		TURNER	2	
CHARLES	9		HITCHCOCK	2		NEUNABER	9		TUTTLE	3	
CONDON	20		HOLMES	3		NOEL	90		VACQUEREL	4	
COWDEN			HOWARD	4		O'DONNELL	1		VAN DYKE	5	
CROSS	1		HUESTIS	5		OHLEYER	2		VAN VOORHIES	6	
CROUCH	2		HUGHEY	6		O'SULLIVAN	2		WALKER of Marin.	7	
DAVIS	3		HUNTER	7		OVERTON	4		WALKER of Tuolumne.	8	
DEAN	1		INMAN	8		PORTER	5		WATERS	9	
DOWLING	4		JOHNSON	9		PROUTY	6		WEBSTER	130	
DOYLE	5		JONES	60		PULLIAM	7		WELLER	1	
DUDLEY of San Joaquin and Amador.	6		JOYCE	1		REDDY			WELLIN	143	
DUDLEY of Solano.	140		KELLY	2		REED	8		WEST	2	
DUNLAP	7		KENNY	3		REYNOLDS	9		WICKES	3	
EAGON	8		KEYS	4		RHODES	102		WHITE	4	
EDGERTON	9		KLEINE	5		RINGGOLD	1		WILSON of Tehama.	5	
ESTEY of Contra Costa and Marin.	30		LAINE	6		ROLFE	2		WILSON of First District.	6	
ESTEE of First District.	1		LAMPSON	7		SCHELL	3		WINANS	7	
EVEY	2		LARKIN	8		SCHOMP	4		WYATT	8	
FARRELL	3		LARUE	9		SHAFTER	5		Mr. PRESIDENT	139	

Ayes _____

Noes _____

Mr. Dean was granted two days leave of absence.

Journal of yesterday read and approved.

The President, presented the following communication from the assessor of the City & County of San Francisco:

Office of the City and County assessor
San Francisco Oct-25. 1878

To the Constitutional Convention
Gentlemen:

In compliance with the Resolution passed by your Convention on the 22d inst. Calling for information in regard to certain assessments; I beg to submit the following.

The amount assessed on Mining stocks, in this City and County, according to the last assessment Roll is

4) is nine hundred thousand dolls.
($900.000)

The amount assessed on churches, in this city and county, according to the last assessment Roll, is three hundred and twelve thousand, three hundred and fifty dollars ($312,250), and the land on which the said churches are erected, are assessed at one million three hundred and forty seven thousand and seventy dolls. (1,347,070)

The assessment on Mining stocks, though small, was deemed necessary so because in most instances the claim of double taxation, and claim of ~~and~~ non-taxability of solvent debts were interposed to prevent the separate assessment of this species of property

The instances however, in which I have been able to make such assessments, will suffice to enable your Convention to determine whether more effectual modes cannot be devised for reaching this species of property for the purpose of taxation, if, in your judgment, this should be expedient

All of which is respectfully submitted

A. Badlam Assessor
by R. P. Johnson Chief Deputy

The above communication was ordered printed and referred to the Committee on Revenue and Taxation

Reports of Standing Committees

6/ By Mr Estee.

Sacramento, Cal
October 30th 1878

Mr. President:

Your committee on Corporations other than Municipal, respectfully report:

That Resolutions and propositions, Nos. 201, 191, 192, 175, 314, 122, 340, 344, 279, 213, 168, 114, 47, 41, 34, 139, 157, 13, 50, 113, 5, 11, 82, 298, 58, 11, 374, 353, 147 and 372 have been duly considered by your committee and the same are reported back to the convention with the recommendation that no further action be taken.

thereon as such portions of the above propositions deemed of value will be found in the article on Corporations accompanying this report.

Your Committee recommend that a separate article on "Corporations other than Municipal" be embodied in the Constitution to be subdivided into "Corporations in general" and Rail Road Corporations."

Your Committee respectfully submit twenty three sections forming an article on the subject of Corporations other than Municipal and recommend this adoption

M. M. Estee

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Jno. M. Rhodes
V. E. Howard
Jos W. Winans
P. Dunlap
John P. West
Geo. W. Schell
V. A. Gregg
J. V. Webster
Chas. F. Reed
Geo Steel
H. C. Boggs
Patrick Reddy

The proposed article reported by the committee was read and on motion of Mr. Estee the report and proposed article were laid on the table and ordered printed.

By Mr. Belcher

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Mr President

Your Committee on Labor and Capital beg leave to report back to the Convention Proposition No 84, introduced by Mr Conelon, and ask that it be referred to the Committee on State Institutions and Public Buildings.

Oct 30 1878

F. S. Belcher
Chairman

Report recieved and the proposition referred

By Mr. Ayers.

Mr. President: Your committee on Reporting and printing, to whom were referred the resolution of inquiry, adopted Oct 26th requiring them to inquire into and report the expediency and probable cost of transcribing, indexing and printing the journal of this convention; beg leave to submit the following.

As to the expediency of printing the journal, we consider it urgent that each member of this convention should be placed in possession of a printed copy of the minutes of each day's proceedings. We believe it would facilitate business, give members a clearer view of the work in hand, and economize the time of the convention. Besides the journal, when in its bound form, would afford a record of the proceedings of the body, only less valuable for reference than a verbatim printed report of the same.

Your committee have taken the figures made up by the State Printer at an early ~~day~~ stage of this session, to determine the cost of printing the journal both in its transcient and permanent form and find that it will cost for five hundred (printers count) bound copies of the

" Journal if it make 500 pages, the sum of $1,039. Should the convention require an appendix, in which would be printed the various reports from State Officers, and other matter not pertaining to the body of the journal, such an addition estimated at 250 pages would cost $519.50.

The probable cost of indexing the journal would be about $150, and the extra expense for 240 slips of the daily journal for the use of the members, would not exceed $200.

These items summarized would present the following total:

For 500 copies of Journal in book form -	$1,039.00
" addition of 250 pages appendix	519.50
Estimated cost of indexing	150.00
For 240 copies of Daily Journal	200.00
total cost -	$1,908.50

Your committee would further report that there need be no expense for transcription of the journal, as the minutes of the Minute Clerk can be used as copy by the printers.

This we are assured has been done in setting up the journal of the Senate, and there is no reason why it cannot be done in setting up the journal of this convention.

Respectfully

Ayres
for the Committee

Report the above was recieved, and on motion of Mr. Ayers the journal was ordered printed as recommended by the Committee

By Mr. Shaftes

Mr. President

The Committee upon the Pardoning power to whom were referred proposed amendment

No 13 introduced by Mr. Vacquerel
" 19 " " " H.W. Smith
" 21 " " " Moreland
" 69 " " " Barry
" 101 " " " Fawcett
" 121 " " " Herold

have had the same under consideration, and recommend that they be not adopted.

The Committee have retained the right of reprieve in the Governor, but yielding

to an apparent public desire. have joined the Chief Justice of the Supreme Court to the Governor as a commission of pardons and commutations, We have recommended that neither pardons nor reprieves shall be extended to persons thrice convicted of felony, and we have further required the reasons for pardon or commutation to be given

We herewith report a draft of the proposed sec. 13 art v

J. McM. Shaftes
for the Committee

The proposed section was read, and on motion the report and proposed section were laid on the table and ordered printed

14)

On motion of Mr. Schump the Committee on Miscellaneous subjects was granted further time to report.

~~Report of~~ Mr. Hilborn

Mr President – Your Committee on Mileage and Contingent expenses to whom was referred Resolution No 62, introduced by Mr Larkin, limiting the amount of Stationery each Member might draw, have had the same under consideration and herewith report back a substitute therefor and recommend the adoption of the substitute.

S. G. Hilborn
Chairman

The report was recieved and the following substitute reported by the Committee was taken up and adopted.

Resolved: That each standing committee and each member of this convention be allowed all needful stationery, not exceeding the value of ten dollars.

Resolution

By Mr. Miller

Resolved: That proposition No. 64 by Mrs. Ayers, together with the report of the Committee on Chinese Question, be taken from the general file and recommitted to the Committee on Chinese

adopted.

Proposed amendments

By Mr. Beerstecher No 446,

Providing that the father shall support and educate his illegitimate children

Referred to the committee on Miscellaneous Subjects

By Mr. Jinnin - No 447

To add three sections to article 8. creating a "Court of Claims".

Referred to the committee on State and municipal indebtedness,

By Mr. Freund, No 448

Concerning Public contracts

Referred to the committee on State ~~institution~~ institutions

(14)

and public Buildings

By Mr. Weeks No 449

Relating to State Board of Education

Referred to the Committee on Education

By Mr. Dowling. No 450

To Encourage Mining

Referred to the Committee on Mining

By Mr. Hale. No 451

Concerning the duties of Railroad Commissioners

Referred to the Committee on Corporations other than Municipal

By Mr. Winans - No. 452,

Respecting the taxation of corporations

Referred to the committee on Revenue and Taxation

By Mr Harrington - No 453,

Relative to local governments.

Referred to the committee on City, County and Township organization.

Resolution By

By Mr. Cassidy.

Resolved:

That the Controller of State be and he is hereby requested to transmit to this Convention the following information, namely:-

19)

First:— The amount of the debt due by the State, and how the same is held and at what rate of interest, and the annual amount of interest payable by the State, on what account, and for what purpose or purposes, and how the interest bearing debt is held, and if said debt is funded, how it is funded: and what have been the expenses of the State Government for the past ten years, including the present year.

Second— The amount of the debt funded or floating, due by the cities of the State, including San Francisco, for the years 1875-6 and 1876-7, and the average rate of interest paid thereon, and what was the taxable property

of San Francisco for the years above mentioned.

Third.— The total debt due by the cities and counties of the State in the years above named and the total taxable property of such cities and counties in said years.

Fourth — The amount of taxable property in the city of San Francisco, also the amount of tax ~~levy~~ levy thereon, including the special taxes for the current fiscal year.

Together with any other information, within his control, bearing upon

The objects of this resolution.

adopted

On motion of Mr. Noel the following resolution was taken from the table and adopted

Resolved: That the committee on Enrollment and Engrossment be authorized and empowered to employ a clerk at a salary of five dollars per day whenever necessary

On motion of Mr Van Dyke the Convention went into committee of the whole President in the chair

to consider amendment No 402, relating to preamble and bill of rights,

At twelve o'clock M. the Committee rose and reported progress.

The hour of twelve o'clock M. having arrived the Convention took a recess for two hours,

Afternoon Session.

Convention reassembled at two o'clock P. M.

President Hoge in the chair

Quorum present

On Motion of Mr. Van Dyke the Convention went into Committee of the whole, the President in the Chair, to consider Amendment No 402, being the proposed Preamble and Bill

23) of Rights

P at four o'clock and fifty five minutes P. M. the committee rose and reported progress, and asked leave to sit again

at four o'clock and fifty eight minutes on motion of Mr Larkin the convention adjourned

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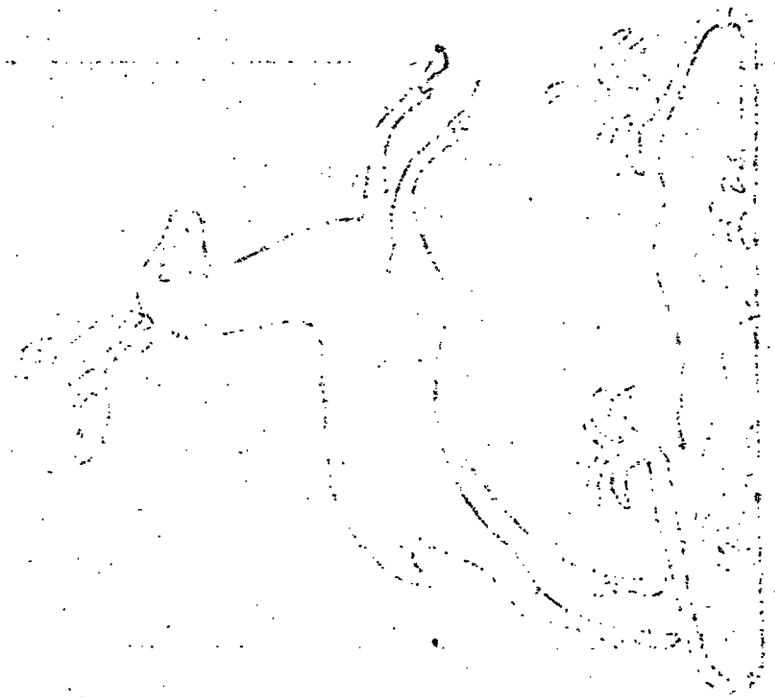
10/30/78



Oct. 30