1

Con Convention
Assembly Chamber
State Capitol

Sacramento
Friday, November 15th 1878

Convention met
pursuant to adjournment

President Hoge in the chair.

Roll called and the
following members
were present

2)

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

Names.	Ayes.	Noes.	Names.	Ayes.	Noes.	Names.	Ayes.	Noes.	Names.	Ayes.	Noes.
ANDREWS	1		FAWCETT	143		LAVIGNE	70		SHOEMAKER	7	
AYERS	2		FILCHER	6		LEWIS	1		SHURTLEFF	8	
BARBOUR	3		FINNEY	7		LINDOW	2		SMITH of Santa Clara.	9	
BARNES	4		FREEMAN	8		MANSFIELD	3		SMITH of Fourth District.	110	
BARRY	5		FREUD	9		MARTIN of Alameda.	4		SMITH of San Francisco.	1	
BARTON	142		GARVEY	40		MARTIN of Santa Cruz.	5		SOULE	2	
BEERSTECHER	6		GLASSCOCK	1		McCALLUM	6		STEDMAN	1	
BELCHER	7		GORMAN	2		McCOMAS	7		STEELE	3	
BELL	8		GRACE	1		McCONNELL	8		STEVENSON	4	
BERRY			GRAVES	3		McCOY	9		STRONG		
BIGGS			GREGG	4		McFARLAND	80		STUART		
BLACKMER	9		HAGER	5		McNUTT	1		SWEASEY	5	
BOGGS	10		HALE	6		MILLER			SWENSON	6	
BOUCHER	1		HALL	7		MILLS	2		SWING	7	
BROWN	2		HARRISON	8		MOFFAT	3		TERRY	8	
BURT	3		HARVEY	9		MORELAND	4		THOMPSON	9	
CAMPBELL	4		HEISKELL	50		MORSE	5		TINNIN	120	
CAPLES	5		HEROLD	1		MURPHY	6		TOWNSEND	1	
CASSERLY	6		HERRINGTON	2		NASON	7		TULLY	2	
CHAPMAN	7		HILBORN	3		NELSON	8		TURNER	3	
CHARLES	8		HITCHCOCK	4		NEUNABER	9		TUTTLE	4	
CONDON	9		HOLMES	5		NOEL	90		VACQUEREL	5	
COWDEN	20		HOWARD	144		O'DONNELL	1		VAN DYKE	6	
CROSS	1		HUESTIS	6		OHLEYER	2		VAN VOORHIES	7	
CROUCH	2		HUGHEY	7		O'SULLIVAN	3		WALKER of Marin.	8	
DAVIS	3		HUNTER	8		OVERTON	4		WALKER of Tuolumne.	9	
DEAN	4		INMAN	9		PORTER	5		WATERS	130	
DOWLING	5		JOHNSON	60		PROUTY	6		WEBSTER	1	
DOYLE	6		JONES	1		PULLIAM	7		WELLER	2	
DUDLEY of San Joaquin and Amador.	7		JOYCE	2		REDDY	8		WELLIN	3	
DUDLEY of Solano.	8		KELLY	3		REED	9		WEST	4	
DUNLAP	9		KENNY			REYNOLDS	100		WICKES	5	
EAGON	30		KEYS	4		RHODES	1		WHITE	6	
EDGERTON	1		KLEINE	5		RINGGOLD	2		WILSON of Tehama.	7	
ESTEY of Contra Costa and Marin.	2		LAINE	6		ROLFE	3		WILSON of First District.	8	
ESTEE of First District.	3		LAMPSON	7		SCHELL	4		WINANS	9	
EVEY	4		LARKIN	8		SCHOMP	5		WYATT	140	
FARRELL	5		LARUE	9		SHAFTER	6		Mr. PRESIDENT	1	

Ayes 144

Noes

15

On motion of Mr. Caples the reading of the journal was dispensed with and the same approved.

Resolution.

By Mr. Hilborn.

Resolved: That five hundred copies of the journal be printed and bound in Book form, together with an appendix both to be properly indexed. Also that two hundred and forty copies of the daily journal be printed and placed on the desks of the members.

On motion of Mr. Reynolds the resolution was laid on the table.

Mr. Inman gave the following notice:

4)

Mr. President:

I give notice that I will move to ~~amendment~~ to amend Rule 3-a as follows:

Strike out in lines two and three the words "for limiting the times of speaking" and insert "that no member shall speak more than ten minutes in any one proposition, without leave of the committee"

Inman.

Laid over for one day.

On ~~Motion of Mr. Estes~~ the ~~Commit~~ Convention resolved itself into committee of the whole - President Hoge in the Chair - to further consider the article on Corporations

5)

At twelve o'Clock and fourteen minutes P.M. the committee arose, reported progress and asked leave to sit again.

Recess

At 12 o'Clock and fifteen minutes P.M. the Convention took a recess until two o'Clock P.M.

Afternoon Session

Convention reassembled at two o'Clock P.M.

President Vogel in the Chair.

Quorum present

46)

Report.

Pay Mr. Estee.

Sacramento Nov 15th 1878

Mr. President.

Your committee on Corporations other than Municipal to whom were referred proposed amendments

No 451 introduced by Mr Hale
" 461 " " " Vacquerel
" 498 " " " Hughey

have had the same under consideration, and report them back with a recommendation that the same be indefinitely postponed.

The committee recommend that section 6 of the article

7) on corporations submitted by the committee on October 30th be amended so as to read as follows:

"Sec. 6 All existing charters or grants of exclusive or special 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."

The committee also recommend that section 14 of the article proposed by the committee be amended to read as follows:

Sec. 14 Every corporation other than religious, Educational

8) or benevolent organized or doing business in this State, shall have and maintain an office or place

3 in this State for the transaction of its business, where transfers of stock shall
4 be made, and in which shall be kept, for public inspection, books in which
5 shall be recorded the amount of capital stock subscribed, and by whom; the
6 names of the owners of its stock, and the amounts owned by them respect-
7 ively; the amount of stock paid in, and by whom; the transfers of said stock;
8 the amount of its assets and liabilities, and the names and place of residence
9 of its officers.

The Committee also recommends that the following words be added to Section 12

Provided, that corporative societies may be formed under general laws, which may provide by by-laws of their own for limiting the representation of shareholders of their stock, and the number of shares that may be held, and the Legislature shall enact such laws as may be necessary for their faithful management and protection, and may limit the liabilities of their members.

9)

The committee further recommends the adoption of amendment No. 458 proposed by Mrs. McConnell to be known as section 13 and that the numbering of the sections following be changed to correspond therewith. The section proposed reads as follows:

No corporation organized outside the limits of this State shall be allowed to transact business within this State on more favorable conditions than are prescribed by law to similar corporations organized under the laws of this State.

The Legislature shall enforce this section by appropriate legislation.

Respectfully

M. M. Estee
Chairman

(10)

The report was received read, and ordered to lay on the table and be printed.

Mr. Hilborn presented the following communication from the Controller of State which was read and laid on the table

11)

Comptroller's Office
Nov. 15/78

To the Hon. S.S. Wilson,
Chairman committee
on Contingent Expenses.

Amount appropriated for Expenses
of Constitutional Convention $150.00
Cost of Convention up to and
including Nov. 16th as
shown by Controller's Books 92.645
$57.355
Bal. in appropriation

Per diem of Delegates and Attaches $1,651
Estimated expenses other than per diem 94
$1,745

Est. total Exps. per day —

$1745) $57355 (33 days
5235
5005
5235

From the above showing I would
estimate that the appropriation

for expenses of Constitutional Convention will last for 33 days from and including the 17th day of November.

The estimated expenses other than per diem of Members and attaches, is only an approximation made by taking the amts that have already been paid for printing, stationary etc and dividing it by the number of days up to date of payment that the Convention had been in session

W. B. C. Brown
Controller

UNCLASSIFIED

13)

on motion of Mr Estee the Convention resolved itself into Committee of the whole — President Hoge in the Chair — to further consider the article on Corporations.

at five o'clock and fifteen minutes P.M. the Committee arose, reported progress, and asked leave to sit again

~~at five o'c~~

Mr Shafter said leave of absence for one day

adjournment

at five o'clck and seventeen minutes P.M. on motion of Mr Heiskel the Convention adjourned

11/15/78

FILMED