1)

In Convention
Assembly Chamber.
State Capitol.

Sacramento
Wednesday Nov. 20th 1878

At nine o'clock and forty five minutes A.M. A Quorum being present. The Presidents called the convention to order and Mr. Larkin offered the following Resolution which was unanimously adopted:

2

Resolved; That a Recess be taken until one o'clock this day to enable members to participate in the funeral obsequies of Honorable J. M. Strong.

~~Adopted~~.

Afternoon Session

Convention re-assembled at one o'clock P. M.

President Hoge in the Chair

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

3

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

Names.	Ayes.	Noes.	Names.	Ayes.	Noes.	Names.	Ayes.	Noes.	Names.	Ayes.	Noes.
ANDREWS	1		FAWCETT	5		LAVIGNE	7		SHOEMAKER	9	
AYERS	2		FILCHER	6		LEWIS	8		SHURTLEFF	100	
BARBOUR	3		FINNEY	7		LINDOW	9		SMITH of Santa Clara.	1	
BARNES	4		FREEMAN	1		MANSFIELD	10		SMITH of Fourth District.	2	
BARRY	5		FREUD	8		MARTIN of Alameda.	1		SMITH of San Francisco.	3	
BARTON	6		GARVEY	9		MARTIN of Santa Cruz.	2		SOULE	4	
BEERSTECHER	7		GLASSCOCK	40		McCALLUM	3		STEDMAN	5	
BELCHER	8		GORMAN	1		McCOMAS	4		STEELE	6	
BELL	9		GRACE	2		McCONNELL	1		STEVENSON	7	
BERRY			GRAVES	3		McCOY	5		~~STRONG~~		
BIGGS	10		GREGG	4		McFARLAND	1		STUART		
BLACKMER	1		HAGER	5		McNUTT	6		SWEASEY	8	
BOGGS	2		HALE	1		MILLER			SWENSON	9	
BOUCHER	3		HALL	6		MILLS	7		SWING	110	
BROWN			HARRISON	7		MOFFAT	8		TERRY	1	
BURT	4		HARVEY	8		MORELAND	9		THOMPSON	2	
CAMPBELL	5		HEISKELL			MORSE	155		TINNIN	3	
CAPLES	1		HEROLD	9		MURPHY	80		TOWNSEND	4	
CASSERLY	6		HERRINGTON	50		NASON	1		TULLY	5	
CHAPMAN	7		HILBORN	1		NELSON	2		TURNER	6	
CHARLES	8		HITCHCOCK	2		NEUNABER	3		TUTTLE	7	
CONDON	9		HOLMES	3		NOEL			VACQUEREL	8	
COWDEN			HOWARD	4		O'DONNELL	4		VAN DYKE	9	
CROSS	20		HUESTIS	4		OHLEYER	5		VAN VOORHIES	120	
CROUCH	1		HUGHEY	5		O'SULLIVAN	6		WALKER of Marin.	1	
DAVIS	2		HUNTER	6		OVERTON	7		WALKER of Tuolumne.	2	
DEAN	3		INMAN	7		PORTER	8		WATERS	3	
DOWLING	4		JOHNSON	8		PROUTY	9		WEBSTER	4	
DOYLE	5		JONES	9		PULLIAM	90		WELLER	5	
DUDLEY of San Joaquin and Amador.	6		JOYCE	60		REDDY	1		WELLIN	6	
DUDLEY of Solano.	7		KELLY	1		REED	2		WEST	7	
DUNLAP	8		KENNY			REYNOLDS	3		WICKES	8	
EAGON	9		KEYS			RHODES	4		WHITE	9	
EDGERTON	50		KLEINE	2		RINGGOLD	4		WILSON of Tehama.	130	
ESTEY of Contra Costa and Marin.	1		LAINE	3		ROLFE	5		WILSON of First District.	1	
ESTEE of First District.	2		LAMPSON	4		SCHELL	6		WINANS	2	
EVEY	3		LARKIN	5		SCHOMP	7		WYATT	3	
FARRELL	4		LARUE	6		SHAFTER	8		MR. PRESIDENT	15	4

AYES

NOES

4)

on motion of Mr Freud the reading of the journal was dispensed with, and the same approved.

Petitions

Mr. Beersticher presented a petition for mechanics' Lien clause in the constitution.

Referred to the Committee on Legislative Department

Mr. Crouch presented a ~~similar~~ petition on same subject, which was referred to the Committee on Miscellaneous subjects

Report.

Pr/Mr. Estee.

Sacramento Nov. 19/78

Mr. President.

Your Committee on Corporations other than Municipal to whom were referred several amendments to Sections 12 and 13 of the article on Corporations, reported by the Committee, beg leave to report that they have considered the same and recommend the adoption of the following as a substitute for pending amendments.

6)

Add to section 12 - Except that members of cooperative societies formed for agricultural, mercantile and manufacturing purposes may vote on all questions affecting such societies in manner prescribed by law.

The committee recommend that no alteration be made in section 13 as reported by the committee and which reads as follows.

Sec. 13. The state shall not subscribe to or be interested in the stock of, or in any manner loan its credit to, any person, company,

7) association v Corporation

M. M. Estee
Chairman

Ordered to lay on the table,
and be printed.

Resolutions.

By Mr. Williams

Resolved that the Secretary of the Board of Regents of the University be authorized to arrange the Report of the financial affairs of that Institution hitherto presented to this Convention and now in the hands of the Printer so as to segregate the several funds therein set forth and also to add to said Report, to be printed therewith, the separate Report of the President of said University respecting the donations thereto

8

also:

Resolved that the letter of E. W. Hilgard Agricultural Professor of the University of California respecting the condition and future prospects of the Agricultural department of said University, submitted to the Committee on Education be printed and copies thereof furnished to the members of this Convention

Both of which resolutions were adopted.

Proposed amendment

By Mr Smith of Santa Clara - No 512

Directing what land shall escheat to the State

Referred to the Com.

9) Mitter on Lands and Homestead Exemption.

Mr. Inman called up the following amendment to rule 56 (Fifty six) offered by Sim on Friday, Nov. 15th.

Amend Rule 56 as follows: Strike out, in lines two & three, the words, "for limiting the times of speaking", and insert, that no member shall speak more than ten minutes on any one proposition, without leave of the convention."

Mr. Beersteches moved to lay the amendment on the table, upon which the ayes and noes were demanded by Messrs

10) Inman, Hunter, Dean, Smith of Santa Clara and Okeyer.

The Roll was called and the motion lost by the following vote:

D° CHICTIOLLI

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

Names.	Ayes.	Noes.	Names.	Ayes.	Noes.	Names.	Ayes.	Noes.	Names.	Ayes.	Noes.
ANDREWS		1	FAWCETT	17		LAVIGNE		33	SHOEMAKER		55
AYERS	1		FILCHER			LEWIS		34	SHURTLEFF	45	
BARBOUR	2		FINNEY		16	LINDOW	31		SMITH of Santa Clara.		56
BARNES			FREEMAN			MANSFIELD		35	SMITH of Fourth District.		57
BARRY	3		FREUD	18		MARTIN of Alameda.		36	SMITH of San Francisco.	45	
BARTON	4		GARVEY	19		MARTIN of Santa Cruz.	32		SOULE		58
BEERSTECHER	5		GLASSCOCK	20		McCALLUM		37	STEDMAN		59
BELCHER	6		GORMAN	21		McCOMAS	33		STEELE		60
BELL	7		GRACE	22		McCONNELL	34		STEVENSON	44	
BERRY			GRAVES		17	McCOY		38	STRONG		
BIGGS			GREGG		18	McFARLAND			STUART		
BLACKMER	8		HAGER		19	McNUTT			SWEASEY	45	
BOGGS		2	HALE	23		MILLER			SWENSON	46	
BOUCHER	9		HALL		20	MILLS		39	SWING		61
BROWN			HARRISON			MOFFAT		40	TERRY	47	
BURT		3	HARVEY		21	MORELAND		41	THOMPSON	48	
CAMPBELL		4	HEISKELL			MORSE		42	TINNIN		62
CAPLES			HEROLD		22	MURPHY		43	TOWNSEND	49	
CASSERLY	10		HERRINGTON	24		NASON		44	TULLY		63
CHAPMAN			HILBORN	25		NELSON	35		TURNER		64
CHARLES	11		HITCHCOCK		23	NEUNABER		45	TUTTLE		65
CONDON	12		HOLMES			NOEL			VACQUEREL	50	
COWDEN			HOWARD	26		O'DONNELL	36		VAN DYKE		66
CROSS		5	HUESTIS		24	OHLEYER		46	VAN VOORHIES		67
CROUCH		6	HUGHEY	27		O'SULLIVAN	37		WALKER of Marin.		68
DAVIS		7	HUNTER		25	OVERTON		47	WALKER of Tuolumne.	51	
DEAN		8	INMAN		26	PORTER		48	WATERS		69
DOWLING		9	JOHNSON	28		PROUTY		49	WEBSTER		70
DOYLE	13		JONES		27	PULLIAM		50	WELLER		71
DUDLEY of San Joaquin and Amador.	14		JOYCE	29		REDDY	38		WELLIN		72
DUDLEY of Solano.		10	KELLY		28	REED		51	WEST		73
DUNLAP		11	KENNY			REYNOLDS	39		WICKES	52	
EAGON	15		KEYS			RHODES			WHITE	53	
EDGERTON		12	KLEINE	30		RINGGOLD	40		WILSON of Tehama.	54	
ESTEY of Contra Costa and Marin.		13	LAINE		29	ROLFE		52	WILSON of First District.	55	
ESTEE of First District.	16		LAMPSON		30	SCHELL	41		WINANS	56	
EVEY		14	LARKIN		31	SCHOMP		53	WYATT	57	
FARRELL		15	LARUE		32	SHAFTER		54	MR. PRESIDENT	58	

AYES 58

NOES 73

Mr. Smith of 4th Dist. moved to amend by striking out "ten" and inserting "fifteen" before the word minutes.

Messrs. Cerous, Schell, Barnes West and Van Voorhies demanded the previous question which was ordered by the Convention.

On the amendment of Mr. Smith the ayes and noes were demanded by Messrs Beerstecker, Dean Grace, O'Donnell and O'Sullivan

The roll was called and the amendment rejected by the following vote:

13

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

Names.	Ayes.	Noes.	Names.	Ayes.	Noes.	Names.	Ayes.	Noes.	Names.	Ayes.	Noes.
ANDREWS		1	FAWCETT		20	LAVIGNE		43	SHOEMAKER		67
AYERS	1		FILCHER		21	LEWIS		44	SHURTLEFF	34	
BARBOUR	2		FINNEY		22	LINDOW		45	SMITH of Santa Clara.		68
BARNES	3		FREEMAN	18		MANSFIELD		46	SMITH of Fourth District.	35	
BARRY	4		FREUD		23	MARTIN of Alameda.			SMITH of San Francisco.	36	
BARTON		2	GARVEY		24	MARTIN of Santa Cruz.		47	SOULE	37	
BEERSTECHER		3	GLASSCOCK		25	McCALLUM		48	STEDMAN	38	
BELCHER	5		GORMAN	16		McCOMAS	26		STEELE		69
BELL	6		GRACE		26	McCONNELL		49	STEVENSON	39	
BERRY			GRAVES		27	McCOY	29		STRONG		
BIGGS			GREGG		28	McFARLAND			STUART		
BLACKMER	4		HAGER		29	McNUTT			SWEASEY		70
BOGGS		5	HALE	17		MILLER			SWENSON		71
BOUCHER		6	HALL		30	MILLS		50	SWING		72
BROWN			HARRISON		31	MOFFAT	28		TERRY	40	
BURT		7	HARVEY		32	MORELAND		51	THOMPSON		73
CAMPBELL		8	HEISKELL			MORSE		52	TINNIN		74
CAPLES	7		HEROLD		33	MURPHY	29		TOWNSEND	41	
CASSERLY	8		HERRINGTON	18		NASON		53	TULLY		75
CHAPMAN			HILBORN	19		NELSON		54	TURNER		76
CHARLES	9		HITCHCOCK		34	NEUNABER		55	TUTTLE		77
CONDON		9	HOLMES			NOEL			VACQUEREL		78
COWDEN			HOWARD	20		O'DONNELL	30		VAN DYKE		79
CROSS	10		HUESTIS		35	OHLEYER	31		VAN VOORHIES	42	
CROUCH		10	HUGHEY		36	O'SULLIVAN		57	WALKER of Marin.	43	
DAVIS		11	HUNTER		37	OVERTON		58	WALKER of Tuolumne.		80
DEAN	11		INMAN		38	PORTER		59	WATERS		81
DOWLING	12		JOHNSON	21		PROUTY		59	WEBSTER		82
DOYLE		12	JONES		39	PULLIAM		60	WELLER	44	
DUDLEY of San Joaquin and Amador.		13	JOYCE	22		REDDY		61	WELLIN	45	
DUDLEY of Solano.	13		KELLY		40	REED	32		WEST		83
DUNLAP		14	KENNY			REYNOLDS	33		WICKES	46	
EAGON	14		KEYS			RHODES			WHITE	47	
EDGERTON		15	KLEINE	23		RINGGOLD		62	WILSON of Tehama.		84
ESTEY of Contra Costa and Marin.		16	LAINE	24		ROLFE		63	WILSON of First District.	48	
ESTEE of First District.		17	LAMPSON		41	SCHELL		64	WINANS		85
EVEY		18	LARKIN	25		SCHOMP		65	WYATT	49	
FARRELL		19	LARUE		42	SHAFTER		66	Mr. PRESIDENT	50	

Ayes 50

Noes 85

Upon the adoption of the amendment to the rule by Mr. Inman. The ayes and noes were demanded by Messrs. Beersteches, White Grace, O'Donnell and Lindow.

The rolls ~~were~~ was called and the amendment to the rule was lost by the following vote.

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

Names.	Ayes.	Noes.	Names.	Ayes.	Noes.	Names.	Ayes.	Noes.	Names.	Ayes.	Noes.
ANDREWS	1		FAWCETT		20	LAVIGNE		32	SHOEMAKER	49	
AYERS		1	FILCHER	15		LEWIS	33		SHURTLEFF		53
BARBOUR		2	FINNEY	16		LINDOW		27	SMITH of Santa Clara.	50	
BARNES		3	FREEMAN	17		MANSFIELD	34		SMITH of Fourth District.		54
BARRY	2		FREUD		21	MARTIN of Alameda.			SMITH of San Francisco.		55
BARTON		4	GARVEY		22	MARTIN of Santa Cruz.		38	SOULE	51	
BEERSTECHER		5	GLASSCOCK		23	McCALLUM	35		STEDMAN	52	
BELCHER		6	GORMAN	18		McCOMAS	36		STEELE	53	
BELL		7	GRACE		24	McCONNELL		39	STEVENSON		56
BERRY			GRAVES	19		McCOY		40	STRONG		
BIGGS			GREGG		25	McFARLAND			STUART		
BLACKMER		8	HAGER	20		McNUTT			SWEASEY		57
BOGGS	3		HALE		26	MILLER			SWENSON		58
BOUCHER		9	HALL	21		MILLS	66		SWING	54	
BROWN			HARRISON		27	MOFFAT		42	TERRY		59
BURT	4		HARVEY	22		MORELAND	37		THOMPSON	55	
CAMPBELL	5		HEISKELL			MORSE	38		TINNIN	56	
CAPLES		10	HEROLD	23		MURPHY	39		TOWNSEND		60
CASSERLY		11	HERRINGTON		28	NASON	40		TULLY	57	
CHAPMAN	72		HILBORN		29	NELSON		43	TURNER		62
CHARLES		12	HITCHCOCK	24		NEUNABER		44	TUTTLE	58	
CONDON		13	HOLMES			NOEL			VACQUEREL		63
COWDEN			HOWARD		30	O'DONNELL	41		VAN DYKE	59	
CROSS	6		HUESTIS		31	OHLEYER	42		VAN VOORHIES	60	
CROUCH	7		HUGHEY		32	O'SULLIVAN		45	WALKER of Marin.	61	
DAVIS	8		HUNTER	25		OVERTON		46	WALKER of Tuolumne.		64
DEAN	9		INMAN	26		PORTER	43		WATERS	62	
DOWLING	~~16~~	72	JOHNSON		33	PROUTY	44		WEBSTER	63	
DOYLE		14	JONES	27		PULLIAM	45		WELLER	64	
DUDLEY of San Joaquin and Amador.		15	JOYCE		34	REDDY		47	WELLIN		65
DUDLEY of Solano.	11		KELLY	28		REED		48	WEST	65	
DUNLAP	12		KENNY			REYNOLDS		49	WICKES		66
EAGON		16	KEYS			RHODES		50	WHITE		67
EDGERTON		17	KLEINE		35	RINGGOLD		51	WILSON of Tehama.	66	
ESTEY of Contra Costa and Marin.	13		LAINE	29		ROLFE	46		WILSON of First District.		68
ESTEE of First District.		18	LAMPSON	30		SCHELL		52	WINANS		69
EVEY	14		LARKIN	31		SCHOMP	47		WYATT		70
FARRELL		19	LARUE	32		SHAFTER	48		MR. PRESIDENT		71

AYES 66

NOES 72

66 71
1 1
65 72
1 1
66 71
72

16)

Mr. Zimpin gave the following notice

To amend rule 56. to read as follows:—

Provided: that when the previous question is sustained it shall only apply to the amendments then pending, and other amendments may be offered to the section

Laid over for one day.

Resolution.

Mr. Huestis offered the

17

following resolution:

Resolved: That the Committee on Miscellaneous subjects be instructed to report to the convention a section providing in effect that members of this convention shall not be eligible to any office under the constitution at the first general election after its adoption

Mr. Edgerton moved to amend by striking out the words "at the first general election after its adoption".

Mr Burnes moved to lay

Mr Barnes moved to lay

18) the whole subject on the table upon which the ayes and noes were demanded by Messrs. Fawcett, Huestis, Winans, Cassidy and Condon.

The roll was called and the motion prevailed by the following vote.

19)

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

Names.	Ayes.	Noes.	Names.	Ayes.	Noes.	Names.	Ayes.	Noes.	Names.	Ayes.	Noes.
ANDREWS	1		FAWCETT		41	LAVIGNE	38		SHOEMAKER		46
AYERS	2		FILCHER	33		LEWIS	39		SHURTLEFF	61	
BARBOUR		1	FINNEY		15	LINDOW	40		SMITH of Santa Clara.		47
BARNES	3		FREEMAN	34		MANSFIELD		43	SMITH of Fourth District.		48
BARRY	4		FREUD	35		MARTIN of Alameda.			SMITH of San Francisco.		49
BARTON	5		GARVEY		16	MARTIN of Santa Cruz.	41		SOULE		50
BEERSTECHER	6		GLASSCOCK	36		McCALLUM	42		STEDMAN	62	
BELCHER		2	GORMAN	37		McCOMAS		44	STEELE	63	
BELL		8	GRACE		17	McCONNELL	43		STEVENSON	64	
BERRY			GRAVES	38		McCOY	44		STRONG		
BIGGS			GREGG		18	McFARLAND			STUART		
BLACKMER	7		HAGER		19	McNUTT			SWEASEY	65	
BOGGS		4	HALE	39		MILLER			SWENSON		51
BOUCHER	8		HALL		20	MILLS	45		SWING		52
BROWN			HARRISON	40		MOFFAT		39	TERRY	66	
BURT	9		HARVEY	41		MORELAND		28	THOMPSON		53
CAMPBELL	10		HEISKELL			MORSE	46		TINNIN	67	
CAPLES	11		HEROLD	42		MURPHY		29	TOWNSEND		54
CASSERLY		5	HERRINGTON	43		NASON	47		TULLY		55
CHAPMAN	12		HILBORN		21	NELSON		30	TURNER	68	
CHARLES	13		HITCHCOCK		22	NEUNABER	48		TUTTLE	69	
CONDON		6	HOLMES			NOEL			VACQUEREL		56
COWDEN		7	HOWARD		23	O'DONNELL	49		VAN DYKE	70	
CROSS		8	HUESTIS		24	OHLEYER	50		VAN VOORHIES		57
CROUCH	14		HUGHEY		25	O'SULLIVAN	51		WALKER of Marin.	71	
DAVIS		9	HUNTER	44		OVERTON		41	WALKER of Tuolumne.	72	
DEAN	15		INMAN		26	PORTER	52		WATERS		58
DOWLING	16		JOHNSON	35		PROUTY		42	WEBSTER		59
DOYLE		10	JONES		27	PULLIAM		43	WELLER		60
DUDLEY of San Joaquin and Amador.	17		JOYCE		28	REDDY		44	WELLIN	73	
DUDLEY of Solano.	18		KELLY		29	REED	53		WEST		61
DUNLAP		11	KENNY			REYNOLDS	54		WICKES	74	
EAGON	19		KEYS			RHODES	55		WHITE		62
EDGERTON	20		KLEINE	36		RINGGOLD		45	WILSON of Tehama.		
ESTEY of Contra Costa and Marin.	21		LAINE		30	ROLFE	56		WILSON of First District.		63
ESTEE of First District.		12	LAMPSON	37		SCHELL	57		WINANS		64
EVEY	22		LARKIN		31	SCHOMP	57		WYATT	75	
FARRELL		13	LARUE		32	SHAFTER	58		Mr. PRESIDENT	76	

Ayes 70

Noes 64

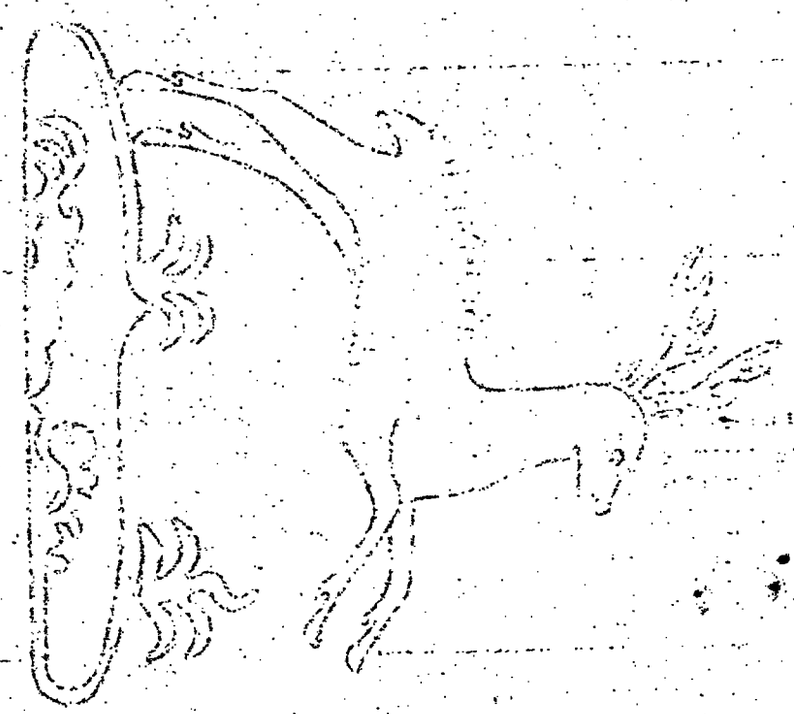
Mr. Reynolds in accordance with previous notice, moved to reconsider the vote by which the resolution to limit the journal was indefinitely postponed.

~~Mr Howard moved to lay the motion to reconsider on the table.~~

On motion of Mr Howard the motion to reconsider was laid on the table.

On motion of Mr Howard the Convention resolved itself into committee of the whole - President Hoge in the Chair - to further consider the Article on Corporations

At four O'Clock and ~~Min~~ forty five minutes P. M. The committee arose, reported progress and asked leave to sit again.

At four adjournment O'Clock and forty six minutes on motion of Mr. Gregg the Convention adjourned

11/20/78