In Convention
Assembly Chamber State Capitol

Sacramento
Thursday Nov. 21st 1878

Convention met pursuant
to adjournment to
President Hoge in the Chair

Roll called and the
following members
were absent

D. CHICTOLLI

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

Ayes 50

Noes

3)

Leave of absence

Mr. Cross was granted one day's Leave of absence.

~~Petitions.~~

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

Petitions

Messrs. Van Dyke, Steadman, Wellin and Barbour presented petitions for a lien Law provision in the constitution

Referred to the Committee on Miscellaneous Subjects.

By Mr. Van Dyke a petion praying for a

4) provision in the Constitution
to suitably express our acknowl-
edgments to Almighty God as
the Source of all authority &c.

Petition laid on table

By Mr. Ewing,

a Petition from Amador
County against the taxing
of capital stock of Mining
Corporations

Laid on the table

The President presented
a communication from
the Superintendent of
Streets of the City and
County of San Fran-

circ in response to a resolution of the convention.

The communication was laid on the table. and ordered printed

Proposed Amendment

By Mr Davis. No 5-12

Relative to the acquisition and alienation of Land

Referred to the Committee on Land and Homestead Exemption

Mr. Estes moved that the Convention resolve itself into committee of the whole to consider the

6)

the article on corporations.
Lost.

Mr Tinnin called up the amendment to rule 56 ~~offered~~ offered by him, on yesterday

Amendment to rule 56.

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.

Mr. McGarland and others demanded the previous question which was ordered by the convention.

Mr. Reynolds raised a

7

point of order, "that the amendment to rule 56 providing that the previous question may be moved in committee of the whole" had never been adopted by a two thirds vote as required by rule. 60.

The President decided the point of order not well taken, from which decision Messrs Reynolds, Nelson and Smith of San Francisco appealed.

Upon the question, "Shall the decision of the Chair stand as the judgment of the Convention" the Chair was sustained upon a division. (The amendment to Rule 56 offered by Mr Dimmick was then adopted)

On motion of Mr. Estee the Convention resolved

itself into Committee of the whole — President Hoge in the Chair — to further consider the articles of Corporation.

At 12 o'Clock and 8 ~~Minutes~~ P. M. the Committee arose, reported progress and asked leave to sit again.

Recess.

The ~~United States~~ having arrived, the Convention took a recess for two hours.

Afternoon session.

Convention re-assembled at two o'Clock P. M.

President Hoge in the Chair

Quorum present.

Mr. Barnes offered the following Resolution:

Whereas the Gentleman from San Francisco, Mr Gaskill, has forcibly asserted in debate in this body, as follows: "I know that there are Gentlemen on this floor who have got retainers fees to stand up and try to gag down and defeat the will of the people in compelling the Railroad Corporations in this State to do legitimate, square, honest business," and, Whereas, the language above quoted amounts to the charge of an offence against

the law of the land, committed by some member or members of this body, and to a charge of giving or offering a bribe to a member, or by corrupt means or device, directly or indirectly, to control or influence a member in giving his vote,

Resolved: That the Gentleman from San Francisco, Mr. Grace be and he is hereby required to name the persons within or without this body

91)

~~Whereas the gentle~~

Whom he knows have entered into such corrupt agreement to gag down and defeat the will of the people to the end that the ~~powers of this~~ power of this convention to punish such offense may be exercised pursuant to law.

Mr. Beerstecher rose to a point of order that ~~the resolution was in conflict with rule 44~~ Mr Barnes had not complied with the requirements of Rule 44

The chair decided the point of order not well taken.

Messrs Beerstecher, Steadman and O'Sullivan appealed from the decision of the chair.

~~Upon the question shall the decision of the chair~~

12)

On motion of Mr. West the appeal was laid on the table

Mr. Burstecher moved to indefinitely postpone the resolution.

Mr. Smith of 4th District moved to lay the resolution on the table upon which the ayes and noes were demanded by Messrs Watts Graves Shoemaker, O'Donnell and Schell.

The roll was called and the motion lost by the following vote

D. GHIGHTOLLI

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		23	LAVIGNE		50	SHOEMAKER		96
AYERS	1		FILCHER		24	LEWIS		51	SHURTLEFF		97
BARBOUR	2		FINNEY		25	LINDOW	22		SMITH of Santa Clara.		98
BARNES		2	FREEMAN		26	MANSFIELD		52	SMITH of Fourth District.	31	
BARRY	3		FREUD	13		MARTIN of Alameda.		53	SMITH of San Francisco.	32	
BARTON	4		GARVEY	14		MARTIN of Santa Cruz.		54	SOULE		79
BEERSTECHER	5		GLASSCOCK		27	McCALLUM		55	STEDMAN	33	
BELCHER		3	GORMAN	15		McCOMAS		56	STEELE		80
BELL	6		GRACE		28	McCONNELL		57	STEVENSON		81
BERRY			GRAVES		29	McCOY		58	STRONG		
BIGGS			GREGG		30	McFARLAND		59	STUART		82
BLACKMER		4	HAGER		31	McNUTT		60	SWEASEY	34	
BOGGS		5	HALE		32	MILLER			SWENSON	35	
BOUCHER		6	HALL		33	MILLS		61	SWING		83
BROWN			HARRISON	16		MOFFAT		62	TERRY		84
BURT		7	HARVEY		34	MORELAND		63	THOMPSON		85
CAMPBELL		8	HEISKELL			MORSE	23		TINNIN		86
CAPLES		9	HEROLD	17		MURPHY		64	TOWNSEND		
CASSERLY		10	HERRINGTON	18		NASON		65	TULLY		87
CHAPMAN		11	HILBORN		35	NELSON	24		TURNER		88
CHARLES		12	HITCHCOCK		36	NEUNABER	25		TUTTLE	36	
CONDON	7		HOLMES		37	NOEL			VACQUEREL		89
COWDEN		13	HOWARD		38	O'DONNELL	26		VAN DYKE		90
CROSS			HUESTIS		39	OHLEYER	27		VAN VOORHIES		91
CROUCH		14	HUGHEY	19		O'SULLIVAN	28		WALKER of Marin.		92
DAVIS		15	HUNTER		40	OVERTON		66	WALKER of Tuolumne.		93
DEAN	8		INMAN		41	PORTER		67	WATERS		94
DOWLING	9		JOHNSON		42	PROUTY		68	WEBSTER		95
DOYLE	10		JONES		43	PULLIAM		69	WELLER		96
DUDLEY of San Joaquin and Amador.		16	JOYCE	20		REDDY		70	WELLIN	37	
DUDLEY of Solano.		17	KELLY		44	REED		71	WEST	38	
DUNLAP		18	KENNY			REYNOLDS	29		WICKES	39	
EAGON		19	KEYS		45	RHODES		72	WHITE	40	
EDGERTON		20	KLEINE	21		RINGGOLD	30		WILSON of Tehama.		97
ESTEY of Contra Costa and Marin.		21	LAINE		46	ROLFE		73	WILSON of First District.		98
ESTEE of First District.		22	LAMPSON		47	SCHELL		74	WINANS		
EVEY	11		LARKIN		48	SCHOMP			WYATT	41	
FARRELL	12		LARUE		49	SHAFTER		75	MR. PRESIDENT		99

AYES 41

NOES 99

Mr. Barbour offered the following substitute.

Resolved: That a committee of five be appointed by the Chair to investigate the facts of the matters stated by Mr. Bruce and any other matters impugning the integrity of members, with power to send for persons and papers.

Mr. Bruce made an explanation of the language used by him as stated in the resolution, when Mr. Barnes asked and obtained leave to withdraw the resolution.

On motion of Mr. Dudley of Solano, the Convention resolved itself into Com-

mitter of the whole-President. Haze in the chair - to further consider the article on corporations.

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

Mr. Beersteches announced to the convention the death of Hon Bernard F. Kenny a member ~~delegate from San Francisco~~ of this convention. and moved that the convention do now adjourn out of respect to his memory.

which motion carried unanimously ~~prevailed~~

and at three o'clock and forty five minutes P.M. the convention adjourned

Ann. 21

11/21/78