1

In Convention

Assembly Chamber, State Capitol

Sacramento

Thursday Jan 5 1878

Convention

met pursuant to adjournment

President Hoge in the chair

Roll called and the

following members

were absent.

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			LAVIGNE	7		SHOEMAKER	9	
AYERS	1		FILCHER	4		LEWIS	8		SHURTLEFF	100	
BARBOUR	2		FINNEY	5		LINDOW	9		SMITH of Santa Clara.	1	
BARNES	3		FREEMAN	1		MANSFIELD	70		SMITH of Fourth District.	2	
BARRY	4		FREUD	137		MARTIN of Alameda.	1		SMITH of San Francisco.	3	
BARTON	5		GARVEY	6		MARTIN of Santa Cruz.	2		SOULE	4	
BEERSTECHER	1		GLASSCOCK	7		McCALLUM	3		STEDMAN	5	
BELCHER	6		GORMAN	8		McCOMAS	4		STEELE	6	
BELL	7		GRACE	9		McCONNELL	1		STEVENSON	7	
BERRY			GRAVES	40		McCOY	5		~~STRONG~~		
BIGGS			GREGG	1		McFARLAND	6		STUART	8	
BLACKMER	8		HAGER	2		McNUTT	7		SWEASEY	9	
BOGGS	9		HALE	3		MILLER	8		SWENSON	110	
BOUCHER	10		HALL	4		MILLS			SWING	1	
BROWN	1		HARRISON	5		MOFFAT	9		TERRY	2	
BURT	2		HARVEY	6		MORELAND	80		THOMPSON	3	
CAMPBELL	3		HEISKELL	7		MORSE	1		TINNIN	4	
CAPLES	4		HEROLD	8		MURPHY			TOWNSEND	5	
CASSERLY	5		HERRINGTON	9		NASON	2		TULLY	6	
CHAPMAN	6		HILBORN	50		NELSON	3		TURNER	7	
CHARLES	7		HITCHCOCK	1		NEUNABER	4		TUTTLE	8	
CONDON	8		HOLMES	2		NOEL	1		VACQUEREL	9	
COWDEN	136		HOWARD	1		O'DONNELL	5		VAN DYKE	120	
CROSS	9		HUESTIS	3		OHLEYER	5		VAN VOORHIES	1	
CROUCH	20		HUGHEY	4		O'SULLIVAN	6		WALKER of Marin.	2	
DAVIS	1		HUNTER	5		OVERTON	7		WALKER of Tuolumne.	3	
DEAN	2		INMAN	6		PORTER	8		WATERS	4	
DOWLING	3		JOHNSON	7		PROUTY	9		WEBSTER	5	
DOYLE	4		JONES	8		PULLIAM	90		WELLER	6	
DUDLEY of San Joaquin and Amador.	5		JOYCE	9		REDDY	1		WELLIN	7	
DUDLEY of Solano.	6		KELLY	60		REED			WEST	8	
DUNLAP	7		~~KENNY~~			REYNOLDS	2		WICKES	9	
EAGON			KEYS	1		RHODES	3		WHITE	130	
EDGERTON	8		KLEINE	2		RINGGOLD	4		WILSON of Tehama.	1	
ESTEY of Contra Costa and Marin.	9		LAINE	3		ROLFE	5		WILSON of First District.	2	
ESTEE of First District.	30		LAMPSON	4		SCHELL	6		WINANS	3	
EVEY	1		LARKIN	5		SCHOMP	7		WYATT	4	
FARRELL	2		LARUE	6		SHAFTER	8		MR. PRESIDENT	135	

Ayes _____

Noes _____

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

Question of Privilege.

Mr. Martin of Santa Cruz rose to a question of privilege, and in connection therewith offered the following resolution,

Resolved. That the Sergeant-at-arms be requested to inform this convention by what authority, portions of this building, appropriated for use of this body, are used by other parties for unlawful purposes.

4)

The resolution was adopted.

The President presented the following communication from the Commissioner of Transportation;

5

B. F. TUTTLE,
COMMISSIONER.

ROBERT P. MAYNARD,
SECRETARY.

OFFICE OF THE

Commissioner of Transportation.

Sacramento, Cal., December 3, 1878

To the

Honorable the Members of the Constitutional Convention

Gentlemen:

In pursuance of a Resolution of your Honorable Body, passed on the 22nd of November, ult. requesting the "Commissioner of Transportation to furnish to this Convention, at as early a date as practicable, a compilation of all the General and special laws hitherto passed, under which Railroad Corporations have been formed or franchises granted, together with an abstract of Subsidies granted and subscriptions made to corporations by the State and the several Counties thereof, provided the expenses of the

B. F. TUTTLE,
COMMISSIONER.

ROBERT P. MAYNARD,
SECRETARY.

2

OFFICE OF THE

Commissioner of Transportation.

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of the printing thereof be not charged to the funds, provided for the expenses of this Convention." — I herewith transmit a compilation, by title only, of all the Acts relating to Railroads and Railroad Corporations (other than street railroads), from the year A.D. 1850 down to the year A.D. 1878, with marginal indices showing the year when enacted, date of passage, Chapter and page of Statutes containing them.

Stricken) It was not deemed essential to the attainment of the objects of the Convention to compile more than the titles of the Acts, with an abstract of the

B. F. TUTTLE,
COMMISSIONER.

ROBERT P. MAYNARD,
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Commissioner of Transportation.

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of the State, County and municipal liability incurred and outstanding.

I remain very respectfully
Your obedient Servant
B F Tuttle
Commissioner of Transportation

The communication and accompanying papers were laid on the table.

On motion of Mr. Thompson Proposed amendment No. 517 was ordered printed.

Committee of the Whole.

On motion of Mr. Estes the Convention resolved itself into committee of the whole, — President Hoge in the chair — to further consider the article on Corporations

9)

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

Recess.

At twelve o'Clock and forty Eight minutes P.M. the Convention took a recess till two o'Clock

Afternoon Session.

Convention re-assembled at two o'Clock President Hoge in the Chair.

10)

Quorum present.

Committee of the Whole.

On motion of Mr. Shafter 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 forty eight minutes P. M. the Committee arose reported progress and asked leave to sit again

11

In Convention.

Mr Curtis offered the following resolution

Resolved, That the debate in Committee of the whole, on ~~Section 20 of~~ the report of the Committee on Corporations other than Municipal shall be closed at ~~4~~ 12 O clock, Meridian ~~P.M.~~, on Friday Decr 6th 1878—

Curtis

Lost on division

Mr White moved that the convention take a recess until seven o'clock P.M.

12).

Lost for division

at four o'clock and fifty minutes P. M.

on motion of Mr. Walker of Volusia

the Convention

adjourned.

Dec. 5