1)

In Convention

Assembly Chamber, State Capitol.

Sacramento

Saturday Jan 4th 1879

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			LARUE			SHAFTER		
AYERS	2		FILCHER	17		LAVIGNE	42		SHOEMAKER	1	
BARBOUR	105		FINNEY	18		LEWIS	43		SHURTLEFF	72	
BARNES			FREEMAN	115		LINDOW	44		SMITH of Santa Clara.	73	
BARRY	3		FREUD	19		MANSFIELD	45		SMITH of Fourth District.	74	
BARTON	108		GARVEY	20		MARTIN of Alameda.			SMITH of San Francisco.	75	
BEERSTECHER	4		GLASSCOCK			MARTIN of Santa Cruz.	46		SOULE	76	
BELCHER			GORMAN	21		McCALLUM	47		STEDMAN		
BELL	5		GRACE	114		McCOMAS	48		STEELE	77	
BERRY			GRAVES	1		McCONNELL	49		STEVENSON	78	
BIGGS	6		GREGG	111		McCOY	50		STUART	79	
BLACKMER	7		HAGER			McFARLAND	51		SWEASEY	80	
BOGGS	8		HALE	1		McNUTT	52		SWENSON	81	
BOUCHER	108		HALL	103		MILLER			SWING	1	
BROWN	101		HARRISON	22		MILLS	53		TERRY	82	
BURT	9		HARVEY	23		MOFFAT	54		THOMPSON	83	
CAMPBELL			HEISKELL	24		MORELAND	55		TINNIN	84	
CAPLES	10		HEROLD	25		MORSE	56		TOWNSEND	85	
CASSERLY			HERRINGTON	26		MURPHY			TULLY	86	
CHAPMAN	104		HILBORN			NASON	57		TURNER	87	
CHARLES			HITCHCOCK	27		NELSON	58		TUTTLE	88	
CONDON	102		HOLMES	28		NEUNABER	59		VACQUEREL	89	
COWDEN			HOWARD of Los Angeles.	29		NOEL	60		VAN DYKE		
CROSS	106		HOWARD of Mariposa and Merced.	30		O'DONNELL			VAN VOORHIES	90	
CROUCH	11		HUESTIS	31		OHLEYER			WALKER of Marin.	91	
DAVIS	12		HUGHEY	32		O'SULLIVAN			WALKER of Tuolumne.	92	
DEAN			HUNTER	33		OVERTON	61		WATERS		
DOWLING	109		INMAN	34		PORTER	62		WEBSTER	93	
DOYLE	13		JOHNSON	35		PROUTY	63		WELLER	94	
DUDLEY of San Joaquin and Amador.			JONES	36		PULLIAM	64		WELLIN	95	
DUDLEY of Solano.	110		JOYCE	37		REDDY	113		WEST	96	
DUNLAP			KELLY	38		REED	65		WICKES	97	
EAGON	1		KENNY	39		REYNOLDS	66		WHITE	98	
EDGERTON	14		KEYS			RHODES	67		WILSON of Tehama.	99	
ESTEY of Contra Costa and Marin.	15		KLEINE	1		RINGGOLD	68		WILSON of First District.		
ESTEE of First District.			LAINE			ROLFE	69		WINANS	112	
EVEY	16		LAMPSON	40		SCHELL	70		WYATT	107	
FARRELL			LARKIN	41		SCHOMP	71		MR. PRESIDENT	100	

AYES _____

NOES _____

Leave of absence

Leave of absence for two days was granted to Mr. Charles.

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

Resolution.

By Mr. Finney

WHEREAS, This Constitutional Convention was ordered by a small majority of the people of the State, showing that they were unprepared for any radical change in the organic law; and

WHEREAS, This Convention was called by a hostile Legislature, which so framed the calling Act as to render impossible the completion of its work in any such thoughtful and finished manner as to make it acceptable to the people, or a credit to the State; and

WHEREAS, The time fixed by the Legislature for the session of this Convention has now expired, and the State authorities seem disposed to construe against it every technicality of the law; and

WHEREAS, It is now evident that only a doubtful quorum can be kept together, which will not fully represent the various interests of the State; and

WHEREAS, It seems to us desirable to re-submit the whole matter to the people of the State, that they may take such action therein as may to them appear best; therefore,

Resolved, That the President appoint a committee of five, whose duty it shall be to prepare an address to the people of the State, setting forth briefly the various causes and circumstances which have prevented the Convention from completing its labors, and requesting them to elect a Legislature which shall make the necessary appropriations for the completion of the work of the Convention, if, on full consideration, they desire it to be completed; the address to be reported on or before the 6th day of January, instant.

Resolved, That when this Convention adjourns on the 6th day of January, it stands adjourned to the first Monday in September, A. D. 1880, at which time it shall convene and proceed with its work, provided the Legislature shall have made the appropriations necessary for the expenses of the Convention.

Upon the adoption of the resolutions the ayes and noes were demanded

4)

ded by Messrs. Burstechis, Brown Inman, White and Heiskell.

The roll was called and the ~~resolutions rejected~~ Convention refused to adopt the resolutions by the following vote:

5)

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

Names.	Ayes.	Noes.	Names.	Ayes.	Noes.	Names.	Ayes.	Noes.	Names.	Ayes.	Noes.
ANDREWS		1	FAWCETT			LARUE		54	SHAFTER		
AYERS		2	FILCHER		25	LAVIGNE		55	SHOEMAKER		
BARBOUR		3	FINNEY	2		LEWIS		56	SHURTLEFF		85
BARNES			FREEMAN		26	LINDOW		57	SMITH of Santa Clara.		86
BARRY		4	FREUD		27	MANSFIELD		58	SMITH of Fourth District.		87
BARTON		5	GARVEY		28	MARTIN of Alameda.			SMITH of San Francisco.		88
BEERSTECHER		6	GLASSCOCK			MARTIN of Santa Cruz.		59	SOULE		89
BELCHER			GORMAN		29	McCALLUM		60	STEDMAN		
BELL		7	GRACE		30	McCOMAS		61	STEELE		90
BERRY			GRAVES			McCONNELL		62	STEVENSON		91
BIGGS		8	GREGG		31	McCOY		63	STUART		92
BLACKMER		9	HAGER			McFARLAND		64	SWEASEY		93
BOGGS		10	HALE		32	McNUTT		65	SWENSON		94
BOUCHER		11	HALL		33	MILLER			SWING		95
BROWN		12	HARRISON		34	MILLS		66	TERRY		96
BURT		13	HARVEY		35	MOFFAT		67	THOMPSON		97
CAMPBELL			HEISKELL		36	MORELAND		68	TINNIN		98
CAPLES		14	HEROLD		37	MORSE		69	TOWNSEND	4	
CASSERLY			HERRINGTON		38	MURPHY			TULLY	8	99
CHAPMAN		15	HILBORN			NASON		70	TURNER	5	
CHARLES			HITCHCOCK			NELSON		71	TUTTLE		100
CONDON		16	HOLMES		39	NEUNABER		72	VACQUEREL		101
COWDEN			HOWARD of Los Angeles.		40	NOEL		73	VAN DYKE		
CROSS		17	HOWARD of Mariposa and Merced.		41	O'DONNELL			VAN VOORHIES		102
CROUCH		18	HUESTIS		42	OHLEYER			WALKER of Marin.		103
DAVIS		19	HUGHEY		43	O'SULLIVAN			WALKER of Tuolumne.		104
DEAN			HUNTER		44	OVERTON		74	WATERS		
DOWLING		20	INMAN		45	PORTER	3		WEBSTER		105
DOYLE		21	JOHNSON		46	PROUTY		75	WELLER		106
DUDLEY of San Joaquin and Amador.			JONES		47	PULLIAM		76	WELLIN		107
DUDLEY of Solano.		22	JOYCE		48	REDDY		77	WEST		108
DUNLAP			KELLY		49	REED		78	WICKES		109
EAGON			KENNY		50	REYNOLDS		79	WHITE		110
EDGERTON	1		KEYS			RHODES		80	WILSON of Tehama.		111
ESTEY of Contra Costa and Marin.		23	KLEINE		51	RINGGOLD		81	WILSON of First District.		
ESTEE of First District.			LAINE			ROLFE		82	WINANS		112
EVEY		24	LAMPSON		52	SCHELL		83	WYATT		113
FARRELL			LARKIN		53	SCHOMP		84	Mr. PRESIDENT		114

Ayes ~~[illegible]~~ 5

Noes ~~[illegible]~~ 114

Committee of the Whole.

On Motion of Mr. Ayers the Convention resolved itself into committee of the Whole — President Hoge in the chair — to further consider the article on Revenue and Taxation

at 12 o'clock and 25 Minutes P.M. the Committee arose, reported progress and asked leave to sit again

Recess

The hour of recess having arrived the Convention

took a recess till two o'clock P. M.

Afternoon Session.

The Convention re-assembled at two o'clock P. M.

President Hoge in the chair

Quorum present.

Mr. Edgerton presented a bill from Sacramento Port Office, which was referred to the committee on Mileage and contingent Expenses.

Amendment to Rules.

Mr. Noel gave notice to amend rule 43 as follows

8

Rule 43

No member shall speak more than once on one question nor more than ten minutes at a time. Except the Chairman of a Standing Committee who may speak twice on the same question and shall be allowed thirty minutes each time. This rule shall not be suspended except by unanimous consent

Laid over for one day

9)

Mr. Lindsay was granted leave of absence for three days.

Proposed amendment

By Mr Wellin.

Trade marks shall be deemed property.

Referred to the Committee on Miscellaneous provisions

Committee of the Whole

On Motion of Mr.

Edgerton the Convention resolved itself into committee of the whole - President Hoge in the chair - to further consider the article on Revenue and taxation.

At 5 o'clock and 7 minutes P. M. the committee arose, reported progress and asked leave to sit again.

Adjournment

At five o'clock and seven minutes P. M. on motion of Mr. Simms the Convention adjourned

1/4/79

<1/5 - Sunday