1

On Convention
Assembly Chamber
State Capitol

Sacramento
Wednesday Jan. 15 — 1879

Convention met pursuant
to adjournment.
President Hoge in the Chair

Roll called and the
following Members
were absent:

24

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

Names.	Ayes.	Noes.	Names.	Ayes.	Noes.	Names.	Ayes.	Noes.	Names.	Ayes.	Noes.
ANDREWS	1		FAWCETT	6		LARUE	9		SHAFTER	3	
AYERS	2		FILCHER	7		LAVIGNE	50		SHOEMAKER		
BARBOUR			FINNEY			LEWIS	2		SHURTLEFF	4	
BARNES			FREEMAN	106		LINDOW	1		SMITH of Santa Clara.	5	
BARRY	3		FREUD	8		MANSFIELD	2		SMITH of Fourth District.	6	
BARTON	102		GARVEY	9		MARTIN of Alameda.			SMITH of San Francisco.	7	
BEERSTECHER	4		GLASSCOCK	30		MARTIN of Santa Cruz.	3		SOULE	105	
BELCHER			GORMAN	1		McCALLUM	4		STEDMAN	8	
BELL	104		GRACE	1		McCOMAS	5		STEELE	9	
BERRY			GRAVES			McCONNELL	6		STEVENSON	80	
BIGGS	5		GREGG			McCOY			STUART	1	
BLACKMER	6		HAGER			McFARLAND			SWEASEY	2	
BOGGS	7		HALE	2		McNUTT	7		SWENSON	3	
BOUCHER	8		HALL			MILLER	8		SWING	4	
BROWN	9		HARRISON	3		MILLS	104		TERRY		
BURT	10		HARVEY	4		MOFFAT	9		THOMPSON	5	
CAMPBELL			HEISKELL			MORELAND	60		TINNIN	6	
CAPLES	1		HEROLD			MORSE	1		TOWNSEND		
CASSERLY	2		HERRINGTON	5		MURPHY			TULLY	7	
CHAPMAN			HILBORN	6		NASON	2		TURNER	8	
CHARLES	3		HITCHCOCK	7		NELSON	6		TUTTLE	9	
CONDON	4		HOLMES	8		NEUNABER	4		VACQUEREL	90	
COWDEN			HOWARD of Los Angeles.	9		NOEL			VAN DYKE	1	
CROSS			HOWARD of Mariposa and Merced.			O'DONNELL			VAN VOORHIES	2	
CROUCH	5		HUESTIS	107		OHLEYER	5		WALKER of Marin.		
DAVIS	6		HUGHEY	40		O'SULLIVAN			WALKER of Tuolumne.	3	
DEAN			HUNTER	1		OVERTON			WATERS	4	
DOWLING	7		INMAN			PORTER			WEBSTER		
DOYLE	8		JOHNSON	2		PROUTY			WELLER	5	
DUDLEY of San Joaquin and Amador.			JONES	1		PULLIAM	6		WELLIN	6	
DUDLEY of Solano.	9		JOYCE	3		REDDY			WEST	7	
DUNLAP	20		KELLY	108		REED	7		WICKES	8	
EAGON			KENNY	4		REYNOLDS	8		WHITE	9	
EDGERTON	1		KEYS	5		RHODES	9		WILSON of Tehama.		
ESTEY of Contra Costa and Marin.	2		KLEINE			RINGGOLD	70		WILSON of First District.		
ESTEE of First District.	3		LAINE	6		ROLFE	1		WINANS	100	
EVEY	4		LAMPSON	7		SCHELL			WYATT	1	
FARRELL	5		LARKIN	8		SCHOMP	2		MR. PRESIDENT	101	

105

Ayes _____

Noes _____

Leave of absence

Leave of absence for one day was granted to Mr. Shoemaker, and for seven days to Messrs Barbour and Nelson.

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

DOCUMENTO

Petition

Mr. Holmes presented a petition from citizens of Fresno County, requesting the exemption of certain property used for charitable, Educational and Church purposes, from taxation

Laid on the table to be considered with the article on revenue and Taxation

Amendment to rule.

Mr. Wyatt called up the following amendment to rule 2 presented by him on yesterday ~~after~~

The Convention shall take a recess each day from half-after twelve o'clock M. to two o'clock P. M., and on Tuesdays, Wednesdays, and Fridays, from five o'clock P. M. to seven o'clock P. M.

Mr. Howard of Los Angeles moved to amend by inserting after the word "Fridays" the words "for discussion ~~and~~ without taking votes."

Messrs. McCommas, Dunlap, Keys, Sampson and Lindow demanded the previous

question, which was ordered by the convention.

The amendment of Mrs. Howard was rejected.

Upon the adoption of the amendment to rule, the ayes and noes were demanded by Messrs Whitt, Wellin, Condon, Davis Wyatt.

The roll was called and the proposed amendment ~~rejected~~ was lost by the following vote, not being two thirds, in the affirmative

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

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

Ayes 54

Noes 51

7)

Committee of the whole.

On motion of Mr Timmin, the Convention resolved itself into Committee of the whole - President Hoge in the Chair - to further consider the article on wates & Wates rights

at 12 o'Clock and 30 minutes P. M. the Committee arose - reported progress, and asked Leave to sit again

Recess.

The Hour having arrived, the Convention took a recess till two o'Clock P. M.

Afternoon Session.

The Convention did assembled at two o'Clock P. M.

President Hoge in the chair

Quorum present

Report

Mr. Ayers, from the Committee on Harbors, Tide-waters and Navigable Streams, presented an additional section to the article ~~on Harbors, Tide waters &c.~~ reported by said Committee

Referred to the Committee of the whole.

Committee of the whole.

On motion of Mr. Timmins, the Convention resolved itself into Committee of the whole—

President Hoge in the Chair — the further consider the article on Water and Water rights

At 2 o'clock and 20 minutes P. M. the Committee arose, and reported the article back with amendments.

On Convention

Mr. Timm moved that 480 copies of the article on Water and Water rights with the amendments of Committee of the whole, be printed.

So ordered.

Proposed amendment

By Mr. Howard —

Relative to banking

Referred to the Committee

on corporations other than Municipal.

Committee of the whole.

On motion of Mr. Van Dyke, the convention resolved itself into committee of the whole — President Hoge in the chair to consider the following article, reported by the committee on State institutions and Public Buildings:—

DOCUMENT

(11)

Amendment. **No. 515.**

MAJORITY REPORT OF COMMITTEE ON STATE INSTITUTIONS AND PUBLIC BUILDINGS.

NOVEMBER 23D, 1878.

TAKEN FROM THE TABLE, PRINTED, AND REFERRED TO COMMITTEE OF THE WHOLE.

ARTICLE —.

SECTION 1. There shall be a State Board of Prison Directors, to consist of five persons, to be appointed by the Governor, with the advice and consent of the Senate, who shall hold office for ten years, except that the first appointed shall, in such manner as the Legislature may direct, be so classified that the term of one person so appointed shall expire at the end of each two years during the first ten years, and vacancies occurring shall be filled in like manner. The appointee to a vacancy, occurring before the expiration of a term, shall hold only for the unexpired term of his predecessor. The Governor shall have the power to remove either of the directors for misconduct, incompetency, or neglect of duty, after an opportunity to be heard upon written charges.

SEC. 2. The Board of Directors shall have the charge and superintendence of the State Prisons, and shall possess such powers, and perform

3 such duties, in respect to other penal and reformatory institutions of the State,
4 as the Legislature may prescribe.

SEC. 3. The Board shall appoint the Warden and Clerk, and deter-
2 mine the other necessary officers of the Prisons. The Board shall have power
3 to remove the Wardens and Clerks for misconduct, incompetency, or neglect
4 of duty; all other officers and employes of the Prisons shall be appointed by
5 the Warden thereof, and be removed at his pleasure.

SEC. 4. The members of the Board shall receive no compensation other
2 than reasonable traveling and other expenses incurred while engaged in the
3 performance of official duties, to be audited as the Legislature may direct.

SEC. 5. The Legislature shall pass such laws as may be necessary to
2 further define and regulate the powers and duties of the Board, Wardens, and
3 Clerks, and to carry into effect the provisions of this Article.

St Prison

At ~~4~~ 5 o'Clock and ~~minutes~~ P.M. the committee arose, and reported the article back with amendment.

In Convention

On motion of Mr. ~~Hunters~~ Van Dyke, 480 copies of the article as amended were ordered printed

At five o'Clock and five minutes P.M., on motion of Mr. Hunter, the convention adjourned

Bm

1/15/79