1)

In Convention

Assembly Chamber State Capitol

Sacramento

Friday Jan. 17th 1879

The Convention met pursuant to adjournment

President Hoge in the Chair

Roll called and the following Members were absent:

A. Yes

Noes

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	7		LARUE	2		SHAFTER		
AYERS	2		FILCHER			LAVIGNE			SHOEMAKER	112	
BARBOUR	3		FINNEY			LEWIS			SHURTLEFF	3	
BARNES			FREEMAN	8		LINDOW	3		SMITH of Santa Clara.	4	
BARRY	4		FREUD	9		MANSFIELD	4		SMITH of Fourth District.	104	
BARTON	5		GARVEY			MARTIN of Alameda.	5		SMITH of San Francisco.	5	
BEERSTECHER			GLASSCOCK	30		MARTIN of Santa Cruz.	6		SOULE	6	
BELCHER	6		GORMAN	1		McCALLUM	103		STEDMAN	7	
BELL	7		GRACE	105		McCOMAS	7		STEELE	8	
BERRY			GRAVES			McCONNELL			STEVENSON	9	
BIGGS	8		GREGG			McCOY			STUART	80	
BLACKMER	9		HAGER	2		McFARLAND	8		SWEASEY	1	
BOGGS	10		HALE	107		McNUTT	9		SWENSON	2	
BOUCHER	1		HALL			MILLER			SWING	3	
BROWN	2		HARRISON	3		MILLS	60		TERRY		
BURT	3		HARVEY	4		MOFFAT	1		THOMPSON	4	
CAMPBELL	110		HEISKELL			MORELAND	2		TINNIN	5	
CAPLES	4		HEROLD	5		MORSE			TOWNSEND	6	
CASSERLY	5		HERRINGTON	6		MURPHY	109		TULLY	7	
CHAPMAN	0		HILBORN			NASON	3		TURNER	8	
CHARLES	6		HITCHCOCK	7		NELSON			TUTTLE	9	
CONDON	7		HOLMES	8		NEUNABER	4		VACQUEREL	113	
COWDEN			HOWARD of Los Angeles.	9		NOEL			VAN DYKE	90	
CROSS			HOWARD of Mariposa and Merced.	40		O'DONNELL			VAN VOORHIES	1	
CROUCH	8		HUESTIS	104		OHLEYER	5		WALKER of Marin.		
DAVIS	9		HUGHEY	1		O'SULLIVAN			WALKER of Tuolumne.	2	
DEAN			HUNTER	2		OVERTON			WATERS	5	
DOWLING	20		INMAN			PORTER	0		WEBSTER	4	
DOYLE	1		JOHNSON	3		PROUTY	6		WELLER	5	
DUDLEY of San Joaquin and Amador.			JONES	108		PULLIAM			WELLIN	6	
DUDLEY of Solano.	2		JOYCE	4		REDDY			WEST	7	
DUNLAP	111		KELLY	5		REED	7		WICKES	8	
EAGON			KENNY	6		REYNOLDS	8		WHITE	9	
EDGERTON	3		KEYS	7		RHODES	9		WILSON of Tehama.	114	
ESTEY of Contra Costa and Marin.	4		KLEINE	8		RINGGOLD	70		WILSON of First District.		
ESTEE of First District.			LAINE	9		ROLFE	1		WINANS	100	
EVEY	5		LAMPSON	50		SCHELL			WYATT	1	
FARRELL	6		LARKIN	1		SCHOMP	2		Mr. PRESIDENT	102	

Ayes _____

Noes _____

Leave of absence.

Leave of absence for one day was granted to Mrs. Garvey; for two days, to Messrs. McConnell and Lampson; for three days, to Mr. Morse; for one week to Mrs Hilborn.

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

Petitions

By Mr Herrington –

From business men of San Jose against special licenses on business

Referred to Committee to be considered with article on Revenue & Taxation

4)

By Mr. Van Voorhies—

~~The President presented~~ a petition from citizens of ~~Cowlsa~~ County, requesting the exemption of certain property, ~~and~~ for charitable, educational, and church purposes, from taxation. alameda used

Laid on the table, to be considered with the article on revenue and taxation.

~~On motion of Mr. Huestis, the reading of the Journal was dispensed with, and the same approved.~~

Committee of the Whole.

On motion of Mr Freud the Convention resolved itself into committee of the whole— President Hoge in the Chair— to further consider the article on Counties, Cities and towns.

At 12 o'Clock and 30 minutes P. M. the committee arose, reported progress, and asked leave to sit again

Recess.

5)

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

Afternoon Session

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

President protem Belcher in the Chair.

Quorum present.

The President presented the following: ~~resignation~~ Communication from Secretary Johnson:—

Sacramento, California,
Jan. 17th, 1878.

Col. J. P. Hoge,
Pres't Cons. Convention,

Sir: It becomes my duty, in obedience to obligations and duties taken upon myself prior to the meeting of this Convention, and which I cannot now shirk any longer, herewith most respectfully to tender my resignation as Secretary of this Constitutional Convention. I regret exceedingly the necessity which compels me to take this step, and have accordingly remained at my post a week after the close of the hundred days during which we all anticipated that the work of the Convention would be completed.

In this connection it may not be out of place for me to express my surprise at the

movement made yesterday in my absence to forestall my resignation and place a stigma upon me at the same time. I had arranged with my assistants to attend to the duties of my desk until my return, when I proposed to take proper and dignified leave of the Convention to whose courtesy I am indebted for honors conferred upon me.

Thanking the Convention with a full heart for all that I am indebted to them, both in the honorable position conferred upon me, and the warm courtesy at all times extended to me I am very truly yours

C. A. Johnson

8)

On motion of Mr. Hustiss the order of the convention made on yesterday making the resolution of Mr. Swing the special order for Monday Jan 20th was rescinded and Mr. Swing had leave to withdraw the resolution

Mr. Hustiss moved that the ~~resolution~~ resignation of Mrs. Johnson be accepted, and that convention proceed to fill the vacancy.

So ordered.

Then Election of Secretary

Mr. Edgerton nominated E. F. Smith
" Bigg " G. A. Thornton

The roll was called with the following result:—

9)

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

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

Ayes _____

Noes _____

Whole number of votes — 99
Necessary to a choice 50
E. F. Smith received 58
G. A. Thornton " 41

E. F. Smith having received a majority of all the votes was declared duly elected Secretary of the Convention.

Committee of the Whole.

On motion of Mr Hager the Convention resolved itself into Committee of the whole — President pro tem Belcher in the Chair — to further consider the articles on Counties, Cities and towns.

At 5 o'Clock and 15 Minutes P. M. the committee arose reported progress and asked leave to sit again

In Convention

President Pro Tem Belcher in the Chair

Mr Ed F. Smith filed his official bond and took the oath of office of Secretary of the Convention

At 5 o'Clock and 15 minutes P. M on motion of Ms. Lane the convention adjourned.

Jan 17

1/17/29