

1
In Convention
Assembly Chamber, State Capitol

Sacramento

Thursday Jan. 23^d 1878

Convention met pursuant
to adjournment

President Hoze in the chair

Roll called and the
following members
were absent:

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

NAMES.	Ayes	Noes	NAMES.	Ayes	Noes	NAMES.	Ayes	Noes	NAMES.	Ayes	Noes
ANDREWS	1	1	FAWCETT			LARUE	1		SHAFTER	1	
AYERS	2	2	FILCHER	4		LAVIGNE	2		SHOEMAKER	1	
BARBOUR	3		FINNEY			LEWIS	3		SHURTLEFF	2	
BARNES			FREEMAN			LINDOW	4		SMITH	3	
BARRY	122	3	FREUD	5		MANSFIELD	5		SMITH <small>of Santa Clara.</small>	4	
BARTON	4		GARVEY	6		MARTIN	121		SMITH <small>of Fourth District.</small>	5	
BEERSTECHEER	5		GLASSCOCK	7		MARTIN <small>of Alameda.</small>	6		SMITH <small>of San Francisco.</small>	6	
BELCHER	6	4	GORMAN	8		MARTIN <small>of Santa Cruz.</small>	6		SOULE	6	
BELL	7		GRACE	9		McCALLUM	7		STEDMAN	7	
BERRY	7	5	GRAVES			McCOMAS	8		STEELE	8	
BIGGS	8	7	GREGG			McCONNELL	9		STEVENSON	9	
BLACKMER	9	6	HAGER	30		McCOY	60		STUART	70	
BOGGS	10		HALE	1		McFARLAND	125		SWEASEY	1	
BOUCHER	1	8	HALL			McNUTT	1		SWENSON	2	
BROWN	2		HARRISON	2		MILLER	2		SWING	3	
BURT	3		HARVEY	3		MILLS	3		TERRY		
CAMPBELL			HEISKELL	4		MOFFAT	4		THOMPSON	4	
CAPLES	118		HEROLD	5		MORELAND	5		TINNIN	5	
CASSERLY	116	9	HERRINGTON	6		MORSE	6		TOWNSEND	6	
CHAPMAN	4	10	HILBORN			MURPHY	1		TULLY	1	
CHARLES	5	11	HITCHCOCK	7		NASON	7		TURNER	7	
CONDON	6		HOLMES	8		NELSON	8		TUTTLE	8	
COWDEN			HOWARD	117		NEUNABER	9		VACQUEREL	9	
CROSS			HOWARD <small>of Los Angeles.</small>	9		NOEL			VAN DYKE	100	
CROUCH			HOWARD <small>of Mariposa and Merced.</small>	9		O'DONNELL			VAN VOORHIES	1	
DAVIS	7		HUESTIS	120		OHLEYER	70		WALKER	2	
DEAN	8	12	HUGHEY	40		O'SULLIVAN	1		WALKER <small>of Marin.</small>	3	
DOWLING	9		HUNTER	1		OVERTON	1		WALKER <small>of Tuolumne.</small>	4	
DOYLE			INMAN	2		PORTER			WATERS	4	
DUDLEY			JOHNSON	3		PROUTY	2		WEBSTER	5	
DUDLEY <small>of San Joaquin and Amador.</small>			JONES	119		PULLIAM	3		WELLER	6	
DUDLEY <small>of Solano.</small>	20		JOYCE	4		REDDY	1		WELLIN	7	
DUNLAP	123	13	KELLY	124		REED	4		WEST	8	
EAGON			KENNY	5		REYNOLDS	5		WICKES	9	
EDGERTON			KEYS	6		RHODES	6		WHITE	110	
ESTEY			KLEINE	7		RINGGOLD	7		WILSON	1	
ESTEE <small>of Contra Costa and Marin.</small>	1	14	LAINÉ	8		ROLFE	8		WILSON <small>of Tehama.</small>	2	
EVEY <small>of First District.</small>	2		LAMPSON	0		SHELL	9		WILSON <small>of First District.</small>	3	
FARRELL	3		LARKIN	50		SCHOMP	50		WINANS	3	
									WYATT	4	
									Mr. PRESIDENT	11	

AYES.....

NOES.....

117
8
9
124

3)

Leave of absence.

Leave of absence was granted for two days to Mrs. ~~Estey~~^{Criss}, and indefinite leave to Mrs Estey.

Petitions

Misses Brown, Smith of Santa Clara and Morse.

~~Messrs. Graves, White, Van Dyke, Burt, and Nason~~ presented petitions, 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.

Mr. Van Dyke gave notice that after the disposal of the report of the committee on Land and Homestead exemption he should call up the General file in convention.

Committee of the Whole.

on motion of Mrs. Smith of Santa Clara. At convention

4)

resolved itself into committees
of the whole - President Hoge in the
Chair - to ^{finally} consider the Section
on Lands and Homestead Exemption

At 11 o'clock and 45 minutes
a.m. the committee arose, reported
the section back with an
amendment and recom-
mending the adoption of the
amendment.

In Convention
President Hoge in the Chair.

On motion of Mrs. Estes the
Section on Homestead Exemp-
tion as amended in committee
of the whole, was ordered printed

Committee of the Whole.

on motion of Mr. Howard
 of Los Angeles, the convention
 resolved itself into com-
 mittee of the whole. - President
 Hoze in the chair - to consider
 the following article as
 reported by the committee
 on Schedule:

Amendment.

No. 532.

SCHEDULE.

That no inconvenience may arise from the alterations and amendments in the Constitution of this State, and to carry the same into complete effect, it is hereby ordained and declared:

SECTION 1. That all laws in force at the adoption of this Constitution,
 2 not inconsistent therewith, shall remain in full force and effect until altered
 3 or repealed by the Legislature; and all rights, actions, prosecutions, claims,
 4 and contracts of the State, counties, individuals, or bodies corporate, not
 5 inconsistent therewith, shall continue to be as valid as if this Constitution
 6 had not been adopted. The provisions of all laws which are inconsistent
 7 with this Constitution shall cease upon the adoption thereof, except that all
 8 laws which are inconsistent with such provisions of this Constitution as
 9 require legislation to enforce them shall remain in full force until the first
 10 day of July, eighteen hundred and eighty, unless sooner altered or repealed
 11 by the Legislature.

SEC. 2. That all recognizances, obligations, and all other instruments
 2 entered into or executed before the adoption of this Constitution to this State,
 3 or to any subdivision thereof, or any municipality therein, and all fines, taxes,
 4 penalties, and forfeitures due or owing to this State, or any such subdivision
 5 or municipality, and all writs, prosecutions, actions, and causes of action,
 6 except as herein otherwise provided, shall continue and remain unaffected by
 7 the adoption of this Constitution. All indictments or informations which
 8 shall have been found, or may hereafter be found, for any crime or offense
 9 committed before this Constitution takes effect, may be proceeded upon as if
 10 no change had taken place, except as otherwise provided in this Constitution.

SEC. 3. The Legislature, at its first session after the adoption of this
 2 Constitution, shall provide for the transfer of all records, books, papers, and
 3 proceedings from such Courts as are abolished by this Constitution to the
 4 Courts provided herein; and the Courts to which the same are thus transferred
 5 shall have the same power and jurisdiction over them as if they had been in
 6 first instance commenced, filed, or lodged therein. No officer elected at the
 7 first election after the adoption of this Constitution shall be entitled to draw
 8 any salary until he shall have been duly installed as such either by provisions
 9 herein or by Act of the Legislature.

SEC. 4. The Secretary of State shall cause this Constitution to be
 2 published once a week for at least four consecutive weeks next before the first
 3 Wednesday in May, eighteen hundred and seventy-nine, in not more than six
 4 newspapers published in this State, one of which newspapers shall be pub-
 5 lished in the City and County of San Francisco, one in the County of Sacra-
 6 mento, one in the County of Los Angeles, one in the County of Nevada, one
 7 in the County of Santa Clara, and one in the County of Sonoma. The Gov-
 8 ernor shall issue his proclamation giving notice of the election for the adop-

9 tion or rejection of this Constitution at least one month before the said first
 10 Wednesday in May, eighteen hundred and seventy-nine, and the Boards of
 11 Supervisors of the several counties shall cause said proclamation to be made
 12 public in their respective counties, and general notice of said election to be
 13 given at least fifteen days next before said election.

SEC. 5. The Superintendent of Printing of the State of California
 2 shall, at least twenty days before said election, cause to be printed and deliv-
 3 ered to the Clerk of each county in this State five times the number of prop-
 4 erly prepared ballots for said election that there are voters in said respective
 5 counties, with the words printed thereon, "For the new Constitution." He
 6 shall likewise cause to be so printed and delivered to said Clerks five times
 7 the number of properly prepared ballots for said election that there are voters
 8 in said respective counties, with the words printed thereon, "Against the new
 9 Constitution."

SEC. 6. The Clerks of the several counties in the State shall, at least
 2 five days before said election, cause to be delivered to the Inspectors of Elec-
 3 tions, at each election precinct or polling place in their respective counties,
 4 suitable poll-books, forms of return, and an equal number of the aforesaid
 5 ballots, which number, in the aggregate, must be ten times greater than the
 6 number of voters in the said election precincts or polling places. The returns
 7 of the number of votes cast at the Presidential election in the year eighteen
 8 hundred and seventy-six shall serve as a basis of calculation for this and the
 9 preceding section.

SEC. 7. Every citizen of the United States, entitled by law to vote for
 2 members of the Assembly in this State, shall be entitled to vote for the adop-
 3 tion or rejection of this Constitution.

SEC. 8. The officers of the several counties of this State, whose duty
 2 it is, under the law, to receive and canvass the returns from the several pre-
 3 cincts of their respective counties, as well as the City and County of San
 4 Francisco, shall meet at the usual places of meeting for such purposes on
 5 the first Monday after said election. If, at the time of meeting, the returns
 6 from each precinct in the county in which the polls were opened have been
 7 received, the Board must then and there proceed to canvass the returns; but
 8 if all the returns have not been received, the canvass must be postponed from
 9 day to day until all the returns are received, or until six postponements have
 10 been had, when they shall proceed to make out returns of the votes cast for
 11 and against the new Constitution; and the proceedings of said Boards shall
 12 be the same as those prescribed for like Boards in the case of an election for
 13 Governor. Upon the completion of said canvass and returns, the said Board
 14 shall immediately certify the same, in the usual form, to the Governor of the
 15 State of California.

SEC. 9. The Governor of the State of California shall, as soon as the
 2 returns of said election shall be received by him, or within thirty days after
 3 said election, in the presence and with the assistance of the Controller, Treas-
 4 urer, and Secretary of State, open and compute all the returns received of
 5 votes cast for and against the new Constitution. If, by such examination and
 6 computation, it is ascertained that a majority of the whole number of votes
 7 cast at such election be in favor of such new Constitution, the Executive of
 8 this State shall, by his proclamation, declare such new Constitution to be the
 9 Constitution of the State of California, and that it shall take effect and be in
 10 force on the day hereinafter specified.

SEC. 10. In order that future elections in this State shall conform to
 2 the requirements of this Constitution, the term of all officers elected under

3 the same, and whose term of office is four years or over, shall be, respectively,
 4 one year shorter than the term provided for in this Constitution, and the term
 5 of all officers whose term of office is two years shall be, respectively, one year
 6 longer than the term provided for in this Constitution, except the members of
 7 the Assembly, whose first term of office shall be one year; and the successors
 8 of all such officers shall be elected at the last election before the expiration of
 9 the terms as in this section provided. The first officers chosen after the adop-
 10 tion of this Constitution shall be elected at the time and in the manner now
 11 provided by law.

SEC. 11. Should this Constitution be ratified at the election for the
 2 ratification and adoption thereof, it shall take effect and be in force on and
 3 after the fourth day of July, eighteen hundred and seventy-nine, at twelve
 4 o'clock meridian.

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

(10)

Mass till two o'clock
P.M.

Afternoon Session

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

President Hoop in the Chair.

Quorum present.

Petition

By Mrs. Johnson. presented petitions from
citizens of Sonoma County

Messrs. Graves, White, Van-Dyke, Burt, and Nason presented petitions 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.

Mr. Herrington moved that the report of the committee on land and homestead exemption be taken up and referred to the committee of the whole

11)

Ruled out of order.

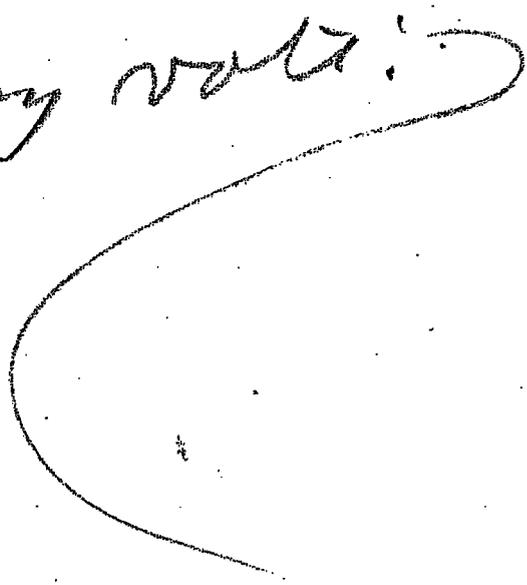
Messrs Herrington, Barton and Burdick appealed from the ruling of the Chair.

Messrs Stewart, Howard of Los Angeles Pulliam Inman and Hitchcock demanded the previous question which was ordered by the convention.

Upon the question, "shall the decision of the Chair stand as the judgment of the convention?" the yeas and nays were demanded by Messrs. Condon, Furrell, ~~and~~ Wyatt, Herrington and Joyce.

12)

The roll was ~~sustained~~
called and the decision
of the chair sustained
by the following vote:



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			LARUE	34		SHAFTER	58	
AYERS	2		FILCHER		9	LAVIGNE	38		SHOEMAKER	59	
BARBOUR		1	FINNEY			LEWIS			SHURTLEFF	60	
BARNES			FREEMAN			LINDOW	36		SMITH	61	
BARRY		2	FREUD		10	MANSFIELD	37		SMITH		
BARTON		3	GARVEY	17		MARTIN	38		SMITH		26
BEERSTECHEER		4	GLASSCOCK	18		MARTIN	39		SMITH		27
BELCHER			GORMAN		11	McCALLUM	40		SMITH		28
BELL		5	GRACE		12	McCOMAS	41		STEDMAN		
BERRY			GRAVES			McCONNELL	42		STEELE	62	
BIGGS	3		GREGG			McCOY		41	STEVENSON	63	
BLACKMER	4		HAGER	19		McFARLAND	42		STUART	64	
BOGGS	5		HALE			McNUTT	43		SWEASEY		
BOUCHER	6		HALL			MILLER	45		SWENSON		29
BROWN	7		HARRISON		13	MILLS	46		SWING	65	
BURT	8		HARVEY	20		MOFFAT			TERRY		
CAMPBELL			HEISKELL	21		MORELAND			THOMPSON	66	
CAPLES	9		HEROLD	14		MORSE			TINNIN	67	
CASSERLY	10		HERRINGTON	15		MURPHY	47		TOWNSEND	68	
CHAPMAN	11		HILBORN			NASON	48		TULLY	69	
CHARLES	12		HITCHCOCK	22		NELSON		22	TURNER	70	
CONDON		6	HOLMES	23		NEUNABER		23	TUTTLE	71	
COWDEN			HOWARD		16	NOEL			VACQUEREL	72	
CROSS			HOWARD	24		O'DONNELL			VAN DYKE	73	
CROUCH			HOWARD			OHLEYER	49		VAN VOORHIES	74	
DAVIS		7	HUESTIS	25		O'SULLIVAN		24	WALKER		30
DEAN	13		HUGHEY		17	OVERTON			WALKER		31
DOWLING	14		HUNTER	26		PORTER			WALKER		32
DOYLE			INMAN	27		PROUTY	50		WALKER		33
DUDLEY			JOHNSON			PULLIAM	51		WALKER		34
DUDLEY	15		JONES	28		REDDY	52		WALKER		35
DUNLAP	16		JOYCE		18	REED	53		WALKER		36
EAGON			KELLY	29		REYNOLDS		25	WALKER		37
EDGERTON			KENNY		19	RHODES	54		WALKER		38
ESTEY			KEYS	30		RINGGOLD	55		WALKER		39
ESTEE			KLEINE		20	ROLFE	56		WALKER		40
ESTEE			LAINÉ	31		SCHELL	57		WALKER		41
EVEY			LAMPSON	32		SCHOMP	58		WALKER		42
FARRELL		8	LARKIN	33					WALKER		43

AYES 82
 NOES 35

Mr. Barbons moved that
the convention resolve
itself into committee of
the whole to consider
the report of the minority
of the committee on Land
and Homestead Exemption.

Messrs Howard, Stewart, Webster,
Inman and Hueston, demanded
the previous question, which
was ordered by the convention.

The motion prevailed and
the convention resolved
itself into committee
of the whole to con-

15 sides the report of
the minority of the
Committee on
Land and Home-
stead Exemption

70

July

at 4 o'clock and
55 minutes P.M. the
committee arose,

In Convention - Adjournment

at 4 o'clock and 55
minutes P.M. on
motion of Mrs. ^{Barton} ~~Amely~~
the convention ad-
journed

1/23/79

11

12

13