1

Ch Convention
Assembly Chamber
State Capitol

Sacramento
Monday Jan 27 1879

Convention met pursuant to adjournment.

In absence of President and President pro tem, the Convention was called to order by Secretary Smith.

Mr. McCullum in motion of Mr. Huestis was chosen to preside

2)

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

AYES 77

NOES 77

4)

Leave of absence

Leave of absence was granted for one day to Messrs Miles and Harvey and for three days to Mr. Boyle.

Mr. McFarland moved that the convention take a recess till one o'clock P.M.

Lost.

on motion of Mr. O'Sullivan the reading of the journal was dispensed with and the secretary

5)

approved.

Committee of the whole.

On motion of Mrs. O'Sullivan the convention resolved itself into committee of the whole. – Mrs. McCallum in the Chair – to further consider the section relating to Labor & Capital.

At 9 o'clock and 50 minutes am the committee arose.

In Convention

Mrs McCallum in the Chair.

The President directed the secretary to call the roll when the following members were found present.

6)

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

AYES

NOES

7) Same

Committee of the whole.

The ~~Section~~ consideration of the question of Labor & capital was again resumed.

At 9 o'Clock and 55 minutes a.m. the Committee arose reported the sections back and recommended their indefinite postponement.

In Convention.

Mr McCallum in the Chair.

Mr Wyatt rose to a question of privilege in regard to ~~his speech~~ an article in the Evening Bulletin, relating to University lands.

8)

Mr. Moreland moved that the convention proceed to the consideration of the Preamble and bill of rights.

At 10 o'Clock & 6 minutes a. m. Mr. McFarland moved that the convention take a recess till two o'Clock P. M.

Lost.

Upon the motion of Mr. Moreland the ayes and noes were demanded by Messrs Hunter, Larkin, Hilborn, Joyce and Barbour.

The roll was called and the motion prevailed by the following vote:

9)

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		13	SHAFTER		
AYERS	1		FILCHER	16		LAVIGNE	29		SHOEMAKER		
BARBOUR	2		FINNEY			LEWIS	30		SHURTLEFF		22
BARNES			FREEMAN			LINDOW			SMITH of Santa Clara.	41	
BARRY	3		FREUD			MANSFIELD		14	SMITH of Fourth District.	42	
BARTON	4		GARVEY	17		MARTIN of Alameda.			SMITH of San Francisco.	43	
BEERSTECHER		2	GLASSCOCK		6	MARTIN of Santa Cruz.		15	SOULE	44	
BELCHER			GORMAN		7	McCALLUM	31		STEDMAN	45	
BELL	5		GRACE			McCOMAS			STEELE		23
BERRY			GRAVES			McCONNELL	32		STEVENSON		24
BIGGS			GREGG			McCOY	33		STUART		25
BLACKMER		3	HAGER			McFARLAND		16	SWEASEY		
BOGGS			HALE			McNUTT		17	SWENSON	46	
BOUCHER			HALL			MILLER			SWING	47	
BROWN	6		HARRISON	18		MILLS			TERRY	48	
BURT	7		HARVEY			MOFFAT	34		THOMPSON		
CAMPBELL			HEISKELL	19		MORELAND	35		TINNIN	49	
CAPLES			HEROLD	20		MORSE	36		TOWNSEND		
CASSERLY			HERRINGTON	21		MURPHY	37		TULLY		26
CHAPMAN		4	HILBORN		8	NASON	38		TURNER		27
CHARLES	8		HITCHCOCK			NELSON			TUTTLE		
CONDON	9		HOLMES	22		NEUNABER	39		VACQUEREL		28
COWDEN			HOWARD of Los Angeles.			NOEL			VAN DYKE		
CROSS	10		HOWARD of Mariposa and Merced.		9	O'DONNELL			VAN VOORHIES		
CROUCH			HUESTIS		10	OHLEYER		18	WALKER of Marin.		
DAVIS	11		HUGHEY		11	O'SULLIVAN		19	WALKER of Tuolumne.	50	
DEAN	12		HUNTER	23		OVERTON			WATERS	51	
DOWLING	13		INMAN			PORTER			WEBSTER	52	
DOYLE	14		JOHNSON			PROUTY	40		WELLER	53	
DUDLEY of San Joaquin and Amador.			JONES		12	PULLIAM			WELLIN		
DUDLEY of Solano.			JOYCE	24		REDDY			WEST	54	
DUNLAP			KELLY	25		REED			WICKES		
EAGON			KENNY			REYNOLDS			WHITE	55	
EDGERTON		5	KEYS			RHODES		20	WILSON of Tehama.		29
ESTEY of Contra Costa and Marin.			KLEINE	26		RINGGOLD			WILSON of First District.		
ESTEE of First District.			LAINE			ROLFE		21	WINANS		
EVEY	15		LAMPSON	27		SCHELL			WYATT		30
FARRELL			LARKIN	28		SCHOMP			MR. PRESIDENT		

AYES 55

NOES 30

10/ Section one read.

Upon the adoption of Section one the roll was called ~~by the~~ and the section passed by the following vote.

11)

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

AYES 88

NOES —

12

Section two read.

Mrs. McFarland offered the following amendment:-

Amend sec. 2 by adding thereto as follows:

"But government can be altered or reformed only in accordance with previously established law"

At 10 o'clock and 30 minutes a.m. Ordered that the convention take a recess till two o'clock P.M.

Mrs. Ayers moved to amend by substituting one o'clock and 55 minutes P.M.

Lost

The motion of Mrs. Spence was lost.

Mrs. Jones offered the following amendment to Sec 2nd?

13)

Amend sec. 2 by inserting in line 3 between the words "same" and "whenever" the words "by proceeding in accordance with law."

Messrs West, Ayres, Hunter, Condon and Murphy demanded the previous question which was ordered by the convention.

The amendments of Messrs McFarland and Jones were rejected.

The roll was called and the section passed by the following vote.

14)

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

AYES 87

NOES 1

15

Mr. Hunter's gave notice of motion to reconsider the vote in adopting section two.

Section three read.

The following amendment was reported by the committee of the whole.

[SEC. 3. That this State shall ever remain a member of the American Union; that the people thereof are a part of the American nation; that there is no right on the part of this State to secede, and that all attempts, from whatever source or upon whatever pretext, to dissolve said Union, or sever said nation, shall be resisted by the whole power of the State.]

Mr. Pilchy moved to strike out sec. three. Messrs Simon, Joyce, Larkin, Hunter and Ready moved the previous question, which was ordered by the convention

When the question will the convention concur in the amendment reported by the committee of the whole the

(6)

~~Roll was called and the~~ ayes and noes were demanded by the requisite number.

The roll was called and the amendment was rejected by the following vote.

17

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		32	SHAFTER		
AYERS		2	FILCHER		14	LAVIGNE		33	SHOEMAKER		
BARBOUR		3	FINNEY			LEWIS	18		SHURTLEFF	29	
BARNES			FREEMAN	10		LINDOW			SMITH of Santa Clara.	1	41
BARRY	1		FREUD	11		MANSFIELD		32	SMITH of Fourth District.	30	
BARTON		4	GARVEY		15	MARTIN of Alameda.			SMITH of San Francisco.		42
BEERSTECHER		5	GLASSCOCK		16	MARTIN of Santa Cruz.		33	SOULE	31	
BELCHER	2		GORMAN	12		McCALLUM	19		STEDMAN		43
BELL	3		GRACE		17	McCOMAS			STEELE	32	
BERRY			GRAVES			McCONNELL	20		STEVENSON	33	
BIGGS		6	GREGG			McCOY		34	STUART		44
BLACKMER	4		HAGER			McFARLAND	21		SWEASEY		
BOGGS			HALE			McNUTT		35	SWENSON		45
BOUCHER	5		HALL			MILLER			SWING		46
BROWN		7	HARRISON		18	MILLS			TERRY		47
BURT		8	HARVEY			MOFFAT		36	THOMPSON		
CAMPBELL			HEISKELL		19	MORELAND		37	TINNIN		48
CAPLES			HEROLD		20	MORSE	22		TOWNSEND		
CASSERLY			HERRINGTON		21	MURPHY	23		TULLY		49
CHAPMAN	38		HILBORN	13		NASON	24		TURNER	34	
CHARLES	6		HITCHCOCK			NELSON			TUTTLE		
CONDON		9	HOLMES		22	NEUNABER	25		VACQUEREL		50
COWDEN			HOWARD of Los Angeles.			NOEL			VAN DYKE		
CROSS		10	HOWARD of Mariposa and Merced.		23	O'DONNELL			VAN VOORHIES		
CROUCH			HUESTIS	14		OHLEYER	26		WALKER of Marin.		
DAVIS		11	HUGHEY		24	O'SULLIVAN		38	WALKER of Tuolumne.		51
DEAN	7		HUNTER		25	OVERTON			WATERS		
DOWLING		12	INMAN			PORTER			WEBSTER		52
DOYLE		13	JOHNSON			PROUTY		39	WELLER	35	
DUDLEY of San Joaquin and Amador.			JONES	15		PULLIAM			WELLIN	36	
DUDLEY of Solano.			JOYCE		26	REDDY		40	WEST	37	
DUNLAP			KELLY		27	REED			WICKES		
EAGON			KENNY			REYNOLDS			WHITE		53
EDGERTON	8		KEYS	16		RHODES	27		WILSON of Tehama.		54
ESTEY of Contra Costa and Marin.			KLEINE		28	RINGGOLD			WILSON of First District.		
ESTEE of First District.			LAINE			ROLFE	28		WINANS		
EVEY	9		LAMPSON	17		SCHELL			WYATT		55
FARRELL			LARKIN		29	SCHOMP			Mr. PRESIDENT		

Ayes 38

Noes 55

38

18/ MONDAY

Upon the motion of Mr Filchis to strike out section three the ayes and noes were demanded by Messrs Baston, Larkin, Brown, Hunlis & Freeman

The roll was called and the motion ~~[illegible]~~ was lost by the following vote.

19)

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

Ayes 40

Noes 54

Mr. Fiches proposed to amend section three.

The Chair ruled it out of order as the convention was acting under the previous question.

Messrs. Steadman, Fiches and Blackmer, appealed from the decision of the Chair.

Mr. Murphy moved to lay the appeal on the table, upon which the ayes and noes were demanded by Messrs, Steadman, McFarland Gulley, Wyatt, and Glasscock

The roll was called ~~by~~ and the ~~ay~~ motion prevailed by the following vote.

21

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

AYES 66

NOES 23

22)

The roll was called on Section three and ~~the~~ it was ~~ado~~ passed by the following vote:

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

AYES 65

NOES 26

2

65

section four read.

Mr. O'Sullivan offered the following amendment

Strike out the word "allowed" in the second line, between the words "be" and "in" and insert the word, "guaranteed" in lieu thereof.

adopted.

The roll was called and the section as amended passed by the following vote:

25)

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

Ayes 82

Noes 3

26)

Notice

I give notice that on to-morrow I shall move to amend rule 35 by striking out the words in the last two lines: "and then upon the Main question."

Ayer.

By Mr. Linn

Amend rule 35 by striking out all after the word "amendments" in the sixth line" and insert the following words, ~~after which~~ and other amendments may then be made to the Section

Section first read

Mr. Ayer offered the following amendment:

27)

Substitute for the word "privilege" in the first line the word "right"

Lost

The roll was called on section five and it was passed by the following vote:

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

Ayes 92

Noes

at 12 o'clock and 10 minutes P.M.
Mr. Hilborn moved that the convention take a recess till two o'clock P.M.

Section six read.

The following amendment was reported by the committee of the whole

[SEC. 6. All persons shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed; nor shall cruel or unusual punishments be inflicted. But nothing herein contained shall be construed to prohibit the infliction of corporal punishment for crime. Witnesses shall not be unreasonably detained, or confined in any jail or room where criminals are actually imprisoned.]

Mr. Murfly moved to amend, by striking out the words "But nothing herein contained shall be construed to prohibit the infliction of corporal pun-

ishment for crime"
upon which amendment the
ayes and noes were demanded
by Messrs. Ayers, Felchs,
Shurtleff, O'Sullivan & Murphy.

The roll was called
and the amendment
adopted by the following
vote:

31)

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		20	SHAFTER		
AYERS	2		FILCHER		9	LAVIGNE	28		SHOEMAKER		
BARBOUR	3		FINNEY			LEWIS	29		SHURTLEFF	41	
BARNES			FREEMAN		10	LINDOW			SMITH of Santa Clara.	42	
BARRY	4		FREUD	16		MANSFIELD		21	SMITH of Fourth District.	43	
BARTON	5		GARVEY	17		MARTIN of Alameda.			SMITH of San Francisco.	44	
BEERSTECHER		1	GLASSCOCK	18		MARTIN of Santa Cruz.		22	SOULE	45	
BELCHER		2	GORMAN			McCALLUM	30		STEDMAN	46	
BELL	6		GRACE	19		McCOMAS			STEELE		28
BERRY			GRAVES			McCONNELL		23	STEVENSON	47	
BIGGS		3	GREGG			McCOY	31		STUART		29
BLACKMER	7		HAGER			McFARLAND			SWEASEY		
BOGGS			HALE			McNUTT		24	SWENSON	48	
BOUCHER		4	HALL			MILLER			SWING	49	
BROWN	8		HARRISON	20		MILLS			TERRY	50	
BURT	9	5	HARVEY			MOFFAT	32		THOMPSON		
CAMPBELL			HEISKELL		11	MORELAND		25	TINNIN		30
CAPLES			HEROLD	21		MORSE	33		TOWNSEND		
CASSERLY			HERRINGTON	22		MURPHY	34		TULLY	51	
CHAPMAN		6	HILBORN		12	NASON	35		TURNER		31
CHARLES		7	HITCHCOCK			NELSON			TUTTLE		
CONDON	9		HOLMES		13	NEUNABER	36		VACQUEREL	52	
COWDEN			HOWARD of Los Angeles.			NOEL			VAN DYKE		
CROSS	10		HOWARD of Mariposa and Merced.		14	O'DONNELL			VAN VOORHIES		
CROUCH			HUESTIS	23		OHLEYER		26	WALKER of Marin.		
DAVIS	11		HUGHEY		15	O'SULLIVAN	37		WALKER of Tuolumne.	53	
DEAN	12		HUNTER	24		OVERTON			WATERS	54	
DOWLING	13		INMAN			PORTER			WEBSTER		32
DOYLE		8	JOHNSON			PROUTY		29	WELLER	55	
DUDLEY of San Joaquin and Amador.			JONES		16	PULLIAM			WELLIN	56	
DUDLEY of Solano.			JOYCE	25		REDDY	38		WEST		33
DUNLAP			KELLY		17	REED			WICKES		
EAGON			KENNY			REYNOLDS			WHITE	57	
EDGERTON	14		KEYS		18	RHODES	39		WILSON of Tehama.	58	
ESTEY of Contra Costa and Marin.			KLEINE	26		RINGGOLD			WILSON of First District.		
ESTEE of First District.			LAINE			ROLFE	40		WINANS		
EVEY	15		LAMPSON		19	SCHELL			WYATT	59	
FARRELL			LARKIN	27		SCHOMP			Mr. PRESIDENT		

Ayes 59

Noes 33

32)

Mr. Reavy gave notice of reconsideration of the last vote.

Mr. Lewis offered the following amendment:

Strike out the words "daily" in sixth line"

adopted.

Mr Jones gave notice of motion to reconsider the last vote.

Mr. Rolf raised a point of that the section had not been read as required by rule. 49.

~~Ruled out of order~~

The President decided the

point not well taken

The ~~Substitute~~ amendment of the committee of the whole as amended was then adopted.

Mr. Burstedes gave notice of reconsideration of the vote on adopting the committee amendment.

Recess

The hour having arrived the convention took a recess till two o'clock P. M.

Afternoon Session

Convention met pursuant

34

to adjournment

President Pro tem Belcher in the Chair.

Quorum present.

Resolution

By Mr. Zimm.

Resolved: That the President of this Convention is hereby authorized to appoint a Committee of five members of this body, whose duty it ~~shall~~ be to draft and publish a memorial to the people of this state such recommendations as they may think proper in regard to the adoption of the Convention formed by this body.

Said memorial or recom-

35)

mendation to be ratified by this convention before publication

On motion of Mr Berry the resolution was laid on the table.

Notice

I hereby give notice that on the 28 instant I will move to reconsider the vote by which the Convention adopted Section 3 of Article one of the Constitution as reported by the Committee on preamble and bill of rights

Sacramento Jan 27th 1879

H C Wigan

35)

mendation to be ratified by this convention before publication

On motion of Mr Berry the resolution was laid on the table.

Notice

Notice

sider the vote by which the Convention adopted Section 3 of Article one of the Constitution as reported by the Committee on preamble and bill of rights

Sacramento Jan 27th 1879

H C Wilson

Pursuant to notice Mr Roy moved to reconsider the vote by which the convention on Saturday last refused to adopt amendment to rule 24.

Mr. Harrison raises a point of order that Mr Roy had not voted with the majority but sustained.

On motion of Mr. Waites the motion to reconsider was made the special order for Jan. 28th 1879 at 2 o'Clock P.M.

37)

Petition

Mr. Fickes

~~Messrs. Brown, Smith of Santa Clara, and Morse~~ 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.

Report

Mr. Milburn reported the resolution ~~recommending~~ authorizing the President to appoint an assistant journal clerk recommending its adoption.

Resolution adopted

Notices

Jan 27 I give notice that to-morrow (Jan 28.) I will move the Convention to reconsider the vote by which the Convention voted to strike out from Section 6. of Declaration of Rights the words "failure"

Jones

38)

Jan. 27. I give notice that to morrow (Jan. 28th) I will move the Convention to reconsider the vote by which the Convention has to day voted against the Amendment offered by me to Section 2 of Article on Declaration of rights, viz to Amend said Section by inserting in line between the words "same" and "whenever" the following words, "by proceedings in accordance with law."

Jones

Sec. 6

The roll was called on section six as amended and it was passed by the following vote:-

39)

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

Ayes 85

Noes 9

10)

Mr. Terry gave notice of reconsideration

Section seven reported by the committee of the whole as follows was read.

[SEC. 7. The right of trial by jury shall be secured to all, and remain
2 inviolate; but in civil actions, and in cases of misdemeanor where the punish-
3 ment does not exceed six months' imprisonment or a fine of five hundred dol-
4 lars, or both, three-fourths of the jury may render a verdict. A trial by jury
5 may be waived in all criminal cases not amounting to felony, by the consent
6 of both parties, in open Court expressed, and in civil cases by the consent of
7 the parties, signified in such manner as may be prescribed by law. In civil
8 cases, and cases of misdemeanor, the jury may consist of any number, less
9 than twelve, that the parties may agree upon in open Court.]

The President decided that the Section reported by the committee of the whole was the only thing before the Convention

41)

Mr. Herrington offered the following amendment:

Strike out all after the word "actions" in line 2 down to and including the word "both" in line 4.

Mr. Andrews offered the following amendment:

Sec. 7.

The right of trial by jury shall be secured to all, and remain inviolate forever; but a jury trial may be waived by the parties in all civil cases, in the manner to be prescribed by law."

42)

On the adoption of the amendment of Mr. Herrington the ayes and noes were demanded by Messrs. Wyatt, Keys, Herrington Steadman and Cross.

The roll was called and the amendment adopted by the following vote:

431

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

AYES 52

NOES 57

44)

Mr. Smith of 4th District offered the following amendment:

Amend section 7 so as to read as follows:

Sec. 7. The right of trial shall be secured to all, and remain inviolate: but in civil actions, ~~and in criminal cases where the punishment does not exceed six months imprisonment or a fine of five hundred dollars, or both~~, three fourths of the jury may render a verdict. A trial by jury may be waived in all criminal cases where the punishment does not exceed six months imprisonment or a fine of five hundred dollars or both, by the consent of both parties, in open court expressed, and in civil cases by the consent of the parties, signified in such manner as may be prescribed by law. In civil cases and in all criminal cases where the punishment does not exceed six months imprisonment or a fine of five hundred dollars or both, the jury may consist of any number, less than twelve that the parties may agree upon in open court.

By G. V. Smith.

Lost.

The amendment of Mr. Andrews was rejected.

Mr. Weller offered the following amendment.

Strike out all after the word "felony" in line five to the word "law" in line seven."

Mr. Herrington offered the following amendment:

Add and insert the word "in" after the word "and" in line 8."

Messrs Estes, Steadman, McConnell, Davis and Moreland demanded the previous question

which was ordered by the convention

The amendments of Mr Wells and Herrington were rejected.

The roll was called on the Section seven as amended and the Section was passed by the following vote:

47

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

Ayes 93

Noes 6

48

Notices

In Convention, Sacramento. Jan. 27th 1879.
I hereby give notice that I will on to-morrow Jan 28 move to reconsider the vote on section 1 whereby the words "between" "actions" and "both" in lines 2, 3 & 4 of the section were stricken out.

E. Barry

Mr President

I give notice that on tomorrow I will move to reconsider the vote whereby sec three as reported by the committee of the whole was rejected

J. F. McNutt

49)

The following reported by the committee of the whole for Section 8 was read

[SEC. 8. Offenses heretofore required to be prosecuted by indictment,
2 shall be prosecuted by indictment or by information, after commitment and
3 examination by a Magistrate, as may be prescribed by law; but a grand jury
4 shall be drawn and summoned, at least once a year, in each county.]

Mr Hurey offered the following amendment:

Amend Sec 8 of Article 1 as reported by the Committee of the whole by striking out all after the word "land" in line 3 of said Section

~~Lost~~ ~~Rejected~~ Lost.

Mr ~~Herrington~~ Jones offered the following amendment:

50)

SEC. 8. No person shall be held to answer for a crime, or other public offense, punishable by death or imprisonment in the State Prison (except in cases of impeachment, and in cases of militia when in actual service, and in the land or naval forces in time of war, or which this State may keep with the consent of Congress in time of peace), unless on presentment or indictment of a grand jury. In all other cases, offenses shall be prosecuted by indictment, information, accusation, or complaint, as concurrent remedies, as may be prescribed by law. A grand jury shall consist of not less than fifteen nor more than eighteen persons, two-thirds of whom may find an indictment or true bill. The Legislature, by a two-thirds vote of all the members elected to each House, may abolish and restore the grand jury system.

Mr. Herrington offered the following amendment:—

SEC. 8. No person shall be held to answer for a capital or otherwise infamous crime (except in cases of impeachment, and in cases of militia when in actual service, and the land and naval forces in time of war, or which this State may keep, with the consent of Congress, in time of peace, and in cases of petit larceny, under the regulation of the Legislature) unless on presentment or indictment of a Grand Jury; and, in any trial in any Court whatever, the party accused shall be allowed to appear and defend, in person and with counsel, as in civil actions. ~~No person~~

Lost

The upon the adoption of the amendment of Mr. Jones the ayes

and noes were demanded by messrs Ayers, Barton, Grace, Huestis and West.

The roll was called and the amendment rejected by the following vote:

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

AYES ~~[illegible]~~ 22

NOES ~~[illegible]~~ 78

53)

~~upon~~ +
The roll was called in Section 8 and it was passed by the following vote:

34

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

Ayes 95

Noes 9

355

The following reported by the committee of the whole as section 9, was read

[SEC. 9. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to find a general verdict, as in other criminal cases. Indictments found or information laid for publications in newspapers shall be tried in the county where such newspapers have their publication office, or in the county where the party alleged to be libeled resided at the time of the alleged publication, unless the place of trial shall be changed for good cause.]

Mr. Ayers offered the following amendment:

Strike out in lines 7 & 8 the words "the jury shall have the right to find a

general verdict as in other criminal cases" and insert "the jury shall have the right to determine the law and fact."

Messrs Barbour, Steadman, Grace Condon & Biggs demanded the previous question, which was ordered by the Convention

upon the amendment of Mr. Agers the ages and noes were demanded by Messrs Blackmer, Felches, Huestis Jones & O'Sullivan

The roll was called and the amendment adopted by the following vote:—

57

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

AYES 53

NOES 20

381.

The roll was called on Section 9 as amended and it was passed by the following vote.

59

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

Ayes 95

Noes 2

Section ten read.

The roll was called and the section passed by the following vote:

61)

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

AYES 98

NOES

62

Section eleven read.

Mr. Jones offered the following amendment

~~Sec. 11~~ Amend by adding the words "except criminal cases when a charge of libel is involved"

Rejected.

The roll was called and Section 11 passed by the following Vote:

63

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

Ayes 99

Noes

64)

At five o'clock and five minutes P.M. Mr. Binion moved to adjourn.

Lost.

Notice.

Jan 27. I give notice that I will tomorrow move the Convention to reconsider the vote by which Sec. 2 of the Declaration of Rights was adopted to day

Jones

Section 12 read.

The roll was called and the section passed by the following vote:

65

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

Ayes 99

Noes

at five o'clock and
ten minutes P.M. on
motion of Mrs. Cozzens
the Convention stood ad-
journed.

1/27/79

Jan '28
27