1)

In Convention

Assembly Chamber

State Capitol

Sacramento.

Monday Feb. 8th 1875

Convention met pursuant to adjournment

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

Mrs. Inman nominated for Presiding Officer Mrs. Murphy who was unanimously chosen. Roll called and the following Members answered to:—

2)

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

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

~~Ayes~~ 89

Noes

2

89

Leave of absence

Leave of absence for one day was granted to Messrs. Winans, Shremakes & Smith of Santa Clara, for two days to Mrs Harvey, and for three days to Mrs. Roly.

On motion of Mrs Burnett the reading of the journal was dispensed with and the same was approved.

Petitions

Messrs Bigg, Harvey, ~~and~~ Burt & Lane & McCommas

~~Messrs. Lane, Morse, and Burt~~ 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.

The President presents the following communication which was laid on the table.

4

Sole Manufacturers and Proprietors of the Celebrated
THALIA,
ARION,
TWILIGHT,
CENTENNIAL,
AND
PLANTATION
BRANDS.
P. O. BOX 1021.

DENICKE BROS.,

MANUFACTURERS OF CIGARS

AND

IMPORTERS OF LEAF TOBACCO.

310 AND 312 WASHINGTON STREET,
BET. FRONT AND BATTERY STREETS.

San Francisco, January 1879

To the Honorable Members
of the Con. Convention
Sacramento

Gent.

Why could not a provision be made whereby Mining Men would be debarred from working Hydraulic Claims one year out of two or two out three, thereby giving the Sacramento River a chance to lower its bed gradually.

I have the pleasure to be

Yours Very Respectfully,

M Denicke

57

Mr. Shurtliff presented the following Amendment which was ordered to lay on table and be printed in Journal.

6)

Proposed amendment to report of committee on Legislative Department as amended in Committee of the Whole

Amend Sec 27 by striking out all after the words "and County" in line 9 and insert the following: Unless such county or city and County to be devided shall contain a population greater than the number required to form one or more ~~Cong~~ Congressional districts. Any county or city and county containing a population greater than the number required for one Congressional district shall be formed into one or more Congressional districts according to the population thereof, and any residue after forming such district ~~or districts~~ shall be attached by compact adjoining ~~Cong~~ legislative districts to a contiguous County or Counties and form a Congressional district

Thornton

General File

Amendment No. 485

Relating to Militia.

Section one.

The committee of the whole reported the following amend-
ment to

[SECTION 1. Officers of the militia shall be elected or appointed in such manner as the Legislature shall from time to time direct, and shall be commissioned by the Governor. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrections, and repel invasions.]

Mr. Moffatt offered the following:

Except in case of war or insurrection, the amount appropriated for the support of the militia of the State shall not exceed twenty

8)

five thousand copies annually. The Secretary of the Adjutant General should be two thousand dollars per year.

Messrs Watkins, Milby, White Hunter and Dean demanded the previous question.

Upon ordering the main question the ayes and noes were demanded by Messrs Vaegneur, West, Ewing, Condon and Cross.

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

AYES 36

NOES 52

Upon the adoption of the amendment of Mr Moffatt the ayes and noes were demanded by Messrs Burtchess O'Sullivan, Fickes, Moffatt, and Joyce.

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

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

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

AYES 41

NOES 46

12/

The amendment of the committee concurred in.

Sec 2 - 3 - 4 - 5 - 6

The Committee recommended that sections two, three, four, five and six be stricken out.

The recommendations of the committee were concurred in and the sections stricken out.

Mr. Mansfield offered the following as a new section:

"all military organizations provided for by this Constitution or any law of this State, shall while under arms, either for ceremony or duty, carry no device, banner or flag of any State or nation except that of the United States or of the State of California.

Mr. Burtchis offered the following amendment:—

Add after the word state in 2d line

"and receiving State support."

14)

Messrs Bigg, Simpson, Wilson & Rehanna, Condon and Cowdin demanded the previous question which was ordered by the Convention upon the adoption of the amendment of Mess. Burtches & Ayer and was next demanded by Messrs Burtches Knee, Bell, Condon and ~~Connelly~~ Forman.

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

AYES 52

NOES 38

57 39

(6)

upon the adoption of the section as amended the ayes and noes were demanded by Meyer Holmes, Martin of Santa Cruz Townsend, Farrell and McFarland.

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

Ayes 68

Noes 22

68 & 22

(8) The article as amended was ordered engrossed for a second reading.

Proposed amendment:

Mrs. Barbour presented an amendment concerning women's rights, which was ordered printed and to be considered with article on the subject.

General File-resumed

Amendment-No 507:-

Relative to Legislative Department:

Amendments of Mr

19/ Committee of the whole
read.

Sec. 2.
amendment of Committee
of the whole:-

[SEC. 2. The sessions of the Legislature shall be biennial, and shall commence on the first Monday after the first Tuesday in January next ensuing the election of its members, at twelve o'clock M., unless the Governor shall, in the interim, convene the Legislature by proclamation. No pay shall be allowed to members for a longer time than sixty days, except the first session called after the adoption of this Constitution, which may be allowed pay for one hundred days. And no bill shall be introduced, in either House, during the last ten days of the session, without the consent of two-thirds of the members of said House.]

Mr. Barry offered the following:
Strike out "Sixty" in line five and insert "Eighty" and add after "hundred" in line seven the words "and twenty".

20

Mrs Andrews called for a division of the question.

Recess

The Convention then took a recess till two o'clock P. M.

Afternoon Session

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

Mrs. Murphy in the Chair

Quorum present.

Ken. Fid.

Convention resumed consideration of article on Legislative department.

When the question of Mr. Barry to strike out 60 and insert 80

21)

Lord:

When the motion to ~~strike~~ insert ~~out inclusive~~ "conspicuously" after the word "Summoned" the ayes and noes were demanded by Meyers, Burkett, Kinkel, McCommas, Lurkin and White.

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

Ayes 45

Noes 49

23) Mr. Sains offered the following:-

strike out the words

"during the last ten days of the"

and insert "after the expiration

of ninety days from the com-

mencement of the first session,

and of fifty days after the

commencement of each succeeding"

adopted.

Mr. Reynolds offered the following.

Strike out of Line 3 the words

"at twelve o'Clock Meridian"

And insert the same in line 2

after the word "commence"

adopted

24)

Mr. Fiehn moved to strike out the word "And" in 4th line last section as amended ~~adopted~~ and insert

En. concurred in

Sec. 3

The committee recommend ~~proposed~~ the following.

[SEC. 3. The members of the Assembly shall be chosen biennially, by the qualified electors of their respective districts, on the first Tuesday after the first Monday in November, unless otherwise ordered by the Legislature, and their term of office shall be two years.]

concurred in

Sec. 4

The committee ~~has~~ recommended the following.

[SEC. 4. Senators shall be chosen for the term of four years, at the same time and places as members of the Assembly, and no person shall be a member of the Senate or Assembly who has not been a citizen and inhabitant of the State three years, and of the district for which he shall be chosen one year, next before his election.]

25
1

Concurred in.

Sec. 5

The committee recommended the following:-

[SEC. 5. The Senate shall consist of forty members, and the Assembly of eighty members, to be elected by districts, as hereinafter provided. The seats of the twenty Senators from the odd number districts, chosen at the first election under this Constitution, shall be vacated at the expiration of the second year, so that one-half of the Senate, after the first election, shall be chosen every two years.]

Mr. Kelly offered the following ~~Concurred~~:

Add to Sec five

Provided, that no Apportionment shall ever be made in this State whereby any one County, or City and County shall have more than one third of the Members of the Senate and Assembly

Rejected.

Mr McFarland offered

26/

Mr Sharp offered the following:-

Strike out all after the word "provided" in line 2 and insert as follows: "Except that the persons who are elected to the Office of State Senator at the general Election in the year A.D. 1877 shall hold said Office until the expiration of the term for which they were elected"

Rejected.

Mr Smith of 4th District offered the following:-

Amendment to Sec. 5-
Strike out in line 2 the word "Eight" and insert in same place the word ~~four~~ "ninety"

Rejected

27

The amendment of the Committee of the Whole Concurred in.

Sec. 6

The Committee of the Whole recommended the following:

[SEC. 6. For the purpose of choosing members of the Legislature, the State shall be divided into forty districts, as nearly equal in population as may be, and composed of contiguous territory, to be called legislative districts. Each district shall choose one Senator and two members of the Assembly. The districts shall be numbered from one to forty, inclusive, in numerical order, commencing at the northern boundary of the State, and ending at the southern boundary thereof. In the formation of said districts, no county, or city and county, shall be divided, unless it contain sufficient population within itself to form two or more districts; nor shall a part of any county, or city and county, be united with any other county, or city and county, in forming any district. The census taken under the direction of the Congress of the United States, in the year one thousand eight hundred and eighty, and every ten years thereafter, shall be the basis of fixing and adjusting the legislative districts; and the Legislature shall, at its first session after each census, adjust said districts and re-apportion the representation so as to preserve them as near equal in population as may be. But in making such adjustment no persons who are not eligible to become citizens of the United States under the naturalization laws, shall be counted as forming the population of any district. Until such adjustment shall be made, the apportionment now provided by law shall continue in force.]

28)

Mr Mansfield offers the following:—

add to Sec 6—

Insert after the word "free" in line 20—

Excepting that in the meantime Los Angeles County shall be entitled to two Senators instead of one and three assemblymen instead of two—

Mansfield

29

Mr Howard of Los Angeles moved to refer sections 5 & 6 ~~to refer~~ to the committee on Legislative Department to reapportion the ~~State~~ into 40 Senatorial Districts.

Upon which motion the ayes and noes were demanded by messrs Howard of Los Angeles, Ayers, West, Hueston and Beckman.

The Roll was called and the motion lost by the following vote:—

29

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

AYES ~~64~~ 35 — 63

NOES ~~35~~ 64 — 64

31)

The amendment of Mrs. Mansfield was rejected.

Mr Sewell offered the following

Insert after the word forty in line 2 the words "Senatorial and Eighty assembly"

Also strike out the word "Legislative" and insert "Senatorial and assembly"

Insert after the word "Each" in line 4 the word "Senatorial" and strike out from same line

32

the words "two members of the assembly" and insert "each assembly district shall choose one member of Assembly"

also insert after the word "the" in line 5 the word "Senatorial" and after the word "dis" in line 6 insert the words "and the assembly districts shall be numbered from 1 to 80 in the same order"

(Mr. Minnin moved to postpone the section temporarily.

33) Sec. 14

Carried

Notice

I hereby give notice that I will on tomorrow February 4th 1879, move to reconsider the vote by which Section 5 was adopted

Inman.

Section 12.

The committee recommend the following

~~[Sec. 12. When vacancies occur in either House, the Governor, or the person exercising the functions of the Governor, shall issue writs of election to fill such vacancies.]~~

Concurred in

Section 14

The committee recommend the following

34

[SEC. 14. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting. Nor shall the members of either House draw pay for any recess or adjournment for a longer time than three days.]

2501

Amended in

Section 13

The committee recommended the following:

[SEC. 15. No law shall be passed except by bill. Nor shall any bill be put upon its final passage until the same, with the amendments thereto, shall have been printed for the use of the members; nor shall any bill become a law unless the same be read on three several days in each House, unless, in case of urgency, two-thirds of the House where such bill may be depending shall, by a vote of yeas and nays, deem it expedient to dispense with this rule. Any bill may originate in either House, but may be amended or rejected by the other; and on the final passage of all bills they shall be read at length, and the vote shall be by yeas and nays upon each bill separately, and shall be entered on the Journal; and no bill shall become a law without the concurrence of a majority of the members elected to each House.

Mr. Fleches moved to amend line 6 by striking out the word "Rule" and insert "Provision"

adopted.

35) amendment as amended engrossed in.

Sep. 16

The committee recommended the following

[SEC. 16. Every bill which may have passed the Legislature shall, before it becomes a law, be presented to the Governor. If he approve it, he shall sign it; but if not, he shall return it, with his objections, to the House in which it originated, which shall enter the same upon the Journal and proceed to reconsider it. If after such reconsideration, it again pass both Houses by yeas and nays, two-thirds of the members elected to each House voting therefor, it shall become a law notwithstanding the Governor's objections. If any bill shall not be returned within ten days after it shall have been presented to him (Sundays excepted), the same shall become a law in like manner as if he had signed it, unless the Legislature, by adjournment, prevents such return, in which case it shall not become a law, unless the Governor, within ten days after such adjournment (Sundays excepted), shall sign and deposit the same in the office of the Secretary of State, in which case it shall become a law in like manner as if it had been signed by him before adjournment. If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more items, while approving other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and the reasons therefor, and the appropriation so objected to shall not take effect unless passed over the Governor's veto, as hereinbefore provided. If the Legislature be in session, the Governor shall transmit to the House in which the bill originated a copy of such statement, and the items so objected to shall be separately reconsidered in the same manner as bills which have been disapproved by the Governor.

36 [illegible]

Mr Schell moved to amend by striking out in 16 & 17 lines the words "the same" and insert "such objections".

adopted.

The amendment as amended concurred in.

Sec. 21

The Committee recommended the following:

[SEC. 21. No person who shall be convicted of the embezzlement or defalcation of the public funds of any State, or of any county or municipality therein, shall ever be eligible to any office of honor, trust, or profit under this State, and the Legislature shall provide, by law, for the punishment of such embezzlement or defalcation as a felony.]

Mr Whitehead offered the following amendment strike out in line one

the words "who shall be" adopted.

The amendment as amended was concurred in.

Sec. 22.

The Committee recommended the following:

[SEC. 22. No money shall be drawn from the treasury but in consequence of appropriations made by law, and upon warrants duly drawn thereon by the Controller; and no money shall ever be appropriated or drawn from the State treasury for the use or benefit of any corporation, association, asylum, hospital, or any other institution, not under the exclusive management and control of the State as a State institution, nor shall any grant or donation of property ever be made thereto by the State; *provided*, that notwithstanding anything contained in this or any other section of this Constitution, the Legislature shall have the power to grant aid to institutions conducted for the support and maintenance of minor orphans, or half orphans, or abandoned children, or aged persons in indigent circumstances; such aid to be granted by a uniform rule, and proportioned to the number of inmates of such respective institutions; *provided, further*, that the State shall have, at any time, the right to inquire into the management of such institutions. An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at every regular session of the Legislature.

38)

Mrs. Reynolds moved to strike out all after the word "State" in line 7.

Upon which motion the ayes & noes were demanded by Messrs Reynolds, Reddy, Brennan, Condon, Smith & S.F.

The roll was called and the amendment rejected 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		38	SHAFTER		
AYERS		1	FILCHER	7		LAVIGNE		39	SHOEMAKER		
BARBOUR		2	FINNEY			LEWIS	23	40	SHURTLEFF		55
BARNES			FREEMAN			LINDOW			SMITH of Santa Clara.		
BARRY		3	FREUD			MANSFIELD	12		SMITH of Fourth District.		56
BARTON			GARVEY		21	MARTIN of Alameda.			SMITH of San Francisco.		57
BEERSTECHER		4	GLASSCOCK		22	MARTIN of Santa Cruz.	13		SOULE		58
BELCHER			GORMAN		23	McCALLUM			STEDMAN		
BELL		5	GRACE			McCOMAS	14		STEELE	17	
BERRY			GRAVES			McCONNELL		41	STEVENSON	18	
BIGGS		6	GREGG		24	McCOY		42	STUART		59
BLACKMER	2		HAGER			McFARLAND			SWEASEY		59
BOGGS		7	HALE			McNUTT		43	SWENSON		60
BOUCHER		8	HALL			MILLER			SWING		
BROWN		9	HARRISON		25	MILLS			TERRY		
BURT	3		HARVEY			MOFFAT		44	THOMPSON		61
CAMPBELL		10	HEISKELL		26	MORELAND			TINNIN		0
CAPLES		11	HEROLD			MORSE		45	TOWNSEND		62
CASSERLY			HERRINGTON			MURPHY		46	TULLY		63
CHAPMAN			HILBORN		27	NASON		47	TURNER		64
CHARLES	4		HITCHCOCK	8		NELSON			TUTTLE	19	
CONDON		12	HOLMES	9		NEUNABER		48	VACQUEREL	20	
COWDEN		13	HOWARD of Los Angeles.		28	NOEL			VAN DYKE		
CROSS		14	HOWARD of Mariposa and Merced.			O'DONNELL			VAN VOORHIES		65
CROUCH	5		HUESTIS		29	OHLEYER		49	WALKER of Marin.		
DAVIS		15	HUGHEY		30	O'SULLIVAN		50	WALKER of Tuolumne.		66
DEAN		16	HUNTER		31	OVERTON			WATERS		67
DOWLING		17	INMAN		32	PORTER			WEBSTER		68
DOYLE			JOHNSON		33	PROUTY			WELLER	21	
DUDLEY of San Joaquin and Amador.			JONES		34	PULLIAM			WELLIN		69
DUDLEY of Solano.		18	JOYCE		35	REDDY		51	WEST	22	1
DUNLAP		19	KELLY	10		REED			WICKES		70
EAGON			KENNY		36	REYNOLDS	15		WHITE		71
EDGERTON			KEYS		37	RHODES		52	WILSON of Tehama.		72
ESTEY of Contra Costa and Marin.		20	KLEINE		38	RINGGOLD		53	WILSON of First District.		
ESTEE of First District.			LAINE	11		ROLFE			WINANS		
EVEY	6		LAMPSON		77	SCHELL		54	WYATT		73
FARRELL		74	LARKIN		39	SCHOMP	16		MR. PRESIDENT		

AYES 23

NOES 77

74
75
6
7

40

Paired -

Mrs. Simmons aye. with Mrs Carrey - no;

Mr Hilborn moved to strike out all after the word "Controller" to and including the word "State" in line 7.

at five o'clock and ten minutes P.M. Mr. Walters moved adjourn

Seconded.

adjournment at five o'clock + 15 minutes P.M. on motion of Mr. Reddy, the Commission adjourned

2/3/79