1

In Convention
Assembly Chamber
State Capitol
Sacramento
Wednesday Feb. 5th 1879.
Convention met pur-
suant to adjournment
President Hoge in the chair
Roll called and
the following members
were absent —

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	60		SHAFTER	89	
AYERS	2		FILCHER	30		LAVIGNE	61		SHOEMAKER		
BARBOUR	3		FINNEY			LEWIS	62		SHURTLEFF	90	
BARNES			FREEMAN	31		LINDOW	128		SMITH of Santa Clara.	91	
BARRY	4		FREUD	32		MANSFIELD	63		SMITH of Fourth District.	92	
BARTON			GARVEY	33		MARTIN of Alameda.	64		SMITH of San Francisco.	93	
BEERSTECHER	5		GLASSCOCK	34		MARTIN of Santa Cruz.	65		SOULE	94	
BELCHER	6		GORMAN	35		McCALLUM	66		STEDMAN	95	
BELL	129		GRACE	36		McCOMAS	67		STEELE	96	
BERRY			GRAVES			McCONNELL	68		STEVENSON	97	
BIGGS	7		GREGG	37		McCOY	69		STUART	98	
BLACKMER	8		HAGER	38		McFARLAND	126		SWEASEY	99	
BOGGS	9		HALE	134		McNUTT	70		SWENSON	100	
BOUCHER	10		HALL	39		MILLER	131		SWING	101	
BROWN	11		HARRISON	40		MILLS	71		TERRY		
BURT	12		HARVEY	41		MOFFAT	72		THOMPSON	102	
CAMPBELL			HEISKELL	42		MORELAND	73		TINNIN	103	
CAPLES	13		HEROLD	43		MORSE	74		TOWNSEND	104	
CASSERLY	123		HERRINGTON	44		MURPHY	132		TULLY	105	
CHAPMAN	14		HILBORN	45		NASON	75		TURNER	106	
CHARLES	15		HITCHCOCK	46		NELSON	76		TUTTLE	107	
CONDON	16		HOLMES	127		NEUNABER	77		VACQUEREL	108	
COWDEN	17		HOWARD of Los Angeles.	47		NOEL			VAN DYKE	110	
CROSS	18		HOWARD of Mariposa and Merced.	48		O'DONNELL	78		VAN VOORHIES	111	
CROUCH	19		HUESTIS	124		OHLEYER	79		WALKER of Marin.		
DAVIS	20		HUGHEY	49		O'SULLIVAN	80		WALKER of Tuolumne.	112	
DEAN	21		HUNTER	50		OVERTON			WATERS	133	
DOWLING	22		INMAN	51		PORTER			WEBSTER	113	
DOYLE	23		JOHNSON	52		PROUTY			WELLER	114	
DUDLEY of San Joaquin and Amador.			JONES			PULLIAM	81		WELLIN	115	
DUDLEY of Solano.	24		JOYCE	53		REDDY	82		WEST	116	
DUNLAP	25		KELLY	54		REED	83		WICKES	117	
EAGON			KENNY	55		REYNOLDS	84		WHITE	118	
EDGERTON			KEYS	56		RHODES	85		WILSON of Tehama.	119	
ESTEY of Contra Costa and Marin.	26		KLEINE	57		RINGGOLD	86		WILSON of First District.	130	
ESTEE of First District.	27		LAINE	125		ROLFE			WINANS	120	
EVEY	28		LAMPSON	58		SCHELL	87		WYATT	121	
FARRELL	29		LARKIN	59		SCHOMP	88		Mr. PRESIDENT	122	

AYES 133

NOES

3)

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

Petitions

Messrs Carles, Townsend & Hall 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.

General File.

Amendment: 301- resumed.

Sec. 22

Mr. Webster offered the following:

Insert between the words "Mile" and "No" in line 4.

"and for contingent expenses not exceeding twenty five dollars for each session"

4)

adopted

Mr. Huestis offered the following strike out the word "per day" at end of 3d charge.

adopted.

Mr. Smith of Santa Clara offered the following.

Strike out "eight" in third line, and insert "seven" upon which the ayes and noes were demanded by Messrs. White, Freud, Butts Harrison & Huestis.

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

5)

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

Ayes ~~47~~ 46

Noes 76

2

78

(6)

The amendment of the committee of the whole as amended was concurred in.

Sec. 24

The committee recommended the following:

SEC. 24. Every Act shall embrace but one subject, and matter properly connected therewith, which subject shall be expressed in its title. But if any subject shall be embraced in an Act which shall not be expressed in its title, such Act shall be void only as to so much thereof as shall not be expressed in its title. No law shall be revised or amended by reference to its title; but in such case the Act revised or section amended shall be re-enacted and published at length as revised or amended; and all laws of the State of California, and all official writings, and the Executive, Legislative, and Judicial proceedings shall be conducted, preserved, and published in no other than the English language.

Mr. Ayers offered the following:-

Insert after the word proceedings in line 8 "excepting in the courts of Justices of the Peace."

Rejected.

7)

Mr. Dudley offered the following:

strike out the words "only as to so much thereof as shall not be expressed in the title"

Rejected

Mr. Barbour moved to strike out the words "and matters properly connected therewith"

Adopted

Mr. Schell offered the following.

strike out the words, after "title" in line 2 up to and including "title" in line 5

Rejected

8/

Mr. McCallum offered the following:-

Strike out to the word "All" and insert "Every law enacted by the Legislature shall embrace but one subject which shall be expressed in the title, and no law shall be revised or amended by reference to its title, but in such case the act revised or section amended shall be re-enacted and published at length as revised or amended"

Upon which the ayes and noes were demanded by Messrs McCallum, Freeman, Schell, Keys and Divezey.

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

Ayes 56

Noes 57

1/55 - 1/59

1/56 1/58

1/57

10)

Amendment of Committee as amended concurred in Notice.

Mr President

I give notice that I will on tomorrow move to reconsider the vote by which the amendment striking out in Section 24, Legislative department, the words: "And matters properly connected therewith" was adopted

Sec. 25

The committee recommended the following:

11)

SEC. 25. The Legislature shall not pass local or special laws in any of the following enumerated cases, that is to say:

First—Regulating the jurisdiction and duties of Justices of the Peace, Police Judges, and of Constables.

Second—For the punishment of crimes and misdemeanors.

Third—Regulating the practice of Courts of justice.

Fourth—Providing for changing the venue in civil or criminal cases.

Fifth—Granting divorces.

Sixth—Changing the names of persons or places.

Seventh—Authorizing the laying out, opening, altering, maintaining, or vacating roads, highways, streets, alleys, town plats, parks, cemeteries, graveyards, or public grounds not owned by the State.

Eighth—Summoning and impaneling grand and petit juries, and providing for their compensation.

Ninth—Regulating county and township business, or the election of county and township officers.

Tenth—For the assessment or collection of taxes.

Eleventh—Providing for conducting elections, or designating the places of voting, except on the organization of new counties.

Twelfth—Affecting estates of deceased persons, minors, or other persons under legal disabilities.

Thirteenth—Extending the time for the collection of taxes.

Fourteenth—Giving effect to invalid deeds, wills, or other instruments.

Fifteenth—Refunding money paid into the State treasury.

Sixteenth—Releasing or extinguishing, in whole or in part, the indebtedness, liability, or obligation of any corporation or person to this State, or to any municipal corporation therein.

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Seventeenth—Declaring any person of age, or authorizing any minor to sell, lease, or encumber his or her property.

Eighteenth—Legalizing, except as against the State, the unauthorized or invalid act of any officer.

Nineteenth—Granting to any corporation, association, or individual any special or exclusive right, privilege, or immunity.

Twentieth—Exempting property from taxation.

Twenty-first—Changing county seats.

Twenty-second—Restoring to citizenship persons convicted of infamous crimes.

Twenty-third—Regulating the rate of interest on money.

Twenty-fourth—Authorizing the creation, extension, or impairing of liens.

Twenty-fifth—Chartering or licensing ferries, bridges, or roads.

Twenty-sixth—Remitting fines, penalties, or forfeitures.

Twenty-seventh—Providing for the management of common schools.

Twenty-eighth—Creating offices, or prescribing the powers and duties of officers in counties, cities, cities and counties, townships, election or school districts.

Twenty-ninth—Affecting the fees or salary of any officer.

Thirtieth—Changing the law of descent or succession.

Thirty-first—Authorizing the adoption or legitimation of children.

Thirty-second—For limitation of civil or criminal actions.

Thirty-third—In all other cases where a general law can be made applicable.

Mr Schell offered the following:

Amend Subdivision 21, Sec 25, by inserting before the word "Changing", the words "locating or"

Rejected

~~Schell~~

13)

Mr. Burstein offered the following:

Add to subdivision 8 of Section 25, the following

"Except in Cities of over 30 000 inhabitants,

Rejected.

Mr. Zaine offered the following:

amend 7th subdivision of sec 25 - by striking out the words "roads, highways" in line 11

~~Lost~~

Rejected

14)

Mr. Laine moved to strike out the 28th subdivision

Lost.

Mr. Reynolds offered the following.

Amendment — Line 46 of Sec. 25 (§ 28) add following at the end of the paragraph —

"or Directing the payment of money from out of the treasury, or by any officer of, or creating any liability against, a county, city, town, or any public or municipal corporation, without its consent."

Rejected

Mr. McFarland ~~offered~~ moved to ~~the following~~ - strike out the 33d subdivision.

Lost.

151

Amendment of the Committee concurred in.

Sec. 28-29-30-31-32-33-34-40-41-42

The Committee recommended that sections 28-29-30-31-32-33-34 40-41-42 be stricken out

~~Concur~~ The recommendations of the Committee concurred.

The Committee recommended the following new section.

(16)

SEC. —. The Legislature shall pass laws for the regulation and limitation of the charges for services performed and commodities furnished by telegraph, gas, and water corporations, and the charges by corporations or individuals for storage, wharfage, and water, in which there is a public use, and where laws shall provide for the selection of any person or officer to regulate and limit such rates, no such person or officer shall be selected by any corporation or individual interested in the business to be regulated, and no person shall be selected who is an officer or stockholder in any such corporation.

Concurred in.

Mr. Beerstecher offered the following amendment to section 37.

add to section -

"Provided - That nothing in this section shall prevent the Legislature granting aid pursuant to section 22 of this article"

17)

Messrs Watts, Grigg, Every Justices & West demanded the previous question.

The Convention refused to order the main question upon the ~~adoption of the~~ amendment of Mr Burstow the ayes and noes were demanded by messrs Burstehus, Brown, Nulty, Doyle and O'Sullivan.

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

18)

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

Ayes 94

Noes 33

1/33

19)

Mr. Wilson of first Dist. offered the following amendment to Sect. 28

Add at end of Section,

"Provided - That nothing herein contained shall prevent the granting of aid to private institutions such as are referred to in Sec. 22 of this article

Recess

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

Afternoon Session

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

+

20)

President Hoyt in the Chair.

Quorum present.

Notice

I give notice that I will ~~on~~ tomorrow move to amend Rule 35 by adding thereto as follows:

"but when an article of the Constitution is being considered in Convention the main question shall only apply to ~~each~~ the section then under consideration and to all amendments to such section."

McCallum

General File

Amendment No 501 - resumed.

Mr. Beerstecher offered the following as a substitute

21)

for Mr. Wilson's amendment which was accepted.

add after the word "whatever" line 10:

"Provided - that nothing in section shall prevent the Legislature granting aid pursuant to sec. 22 of this article adopted.

Mr. Laine offered the following new section:

Sec. - No bill making an appropriation of money except the general appropriation bill shall contain more than one item

22) of appropriation and that for one single and certain purpose to be therein expressed adopted.

Mr. Shutting offered the following amendment to Sec. 27:

to strike out all after the words "and County" in line 5 and insert the following:

unless such county or city and county to be divided shall contain a population greater than the number required to form one congressional District. Any county, or City

23)

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 contract adjoining assembly districts to a contiguous county or counties and form a congressional district. On dividing a county or city and county into congressional districts, no assembly district shall be divided

24)

so as to form a part of more than one congressional district, and every such congressional district shall be composed of compact contiguous assembly districts

Mr. Burbons offered the following substitute for the amendment:

Amend sect 27 by inserting after the word "county" second occurring in line 5 the following - "except in cases where one county or city and county has more

population than the ratio required for more than one Congressman."

The substitute of Mr. O'Barrow was adopted, and as amended was adopted.

Mr. O'Sullivan offered the following:

Section - Any person who seeks to influence the vote of a member of the Legislature by bribery, promise of reward, intimidation, or any other

26

dishonest means shall be guilty of lobbying, which is hereby declared a felony; and it shall be the duty of the Legislature to provide, by law for the punishment of this crime. Any member of the Legislature proven to have been influenced in his vote or action upon any matter pending before the Legislature, by any reward or promise

27/

of future reward shall be guilty of a felony and upon conviction thereof, in addition to such punishment as may be provided by law shall be disfranchised and forever, disqualified from holding any office of public trust. Any act passed by the Legislature the passage of which can be proved to have been influenced by pursuade

28)

solicitation of members or ~~the~~ on the part of any person or persons interested in the same shall be void

Mr Murphy ~~Buttons~~ offered the following amendment.

add the following

and any candidate for any office either legislative or otherwise who shall solicit the vote of any delegate to any political convention for a nomination in any political party shall be forever disqualified from holding any office of profit and trust

29)

Mesers Inman, Wyatt, Schmitz, Bonchus, & Vandyke demanded the previous question which was seconded by the Commissioners

Upon the amendment of Mrs Murphy the ayes and noes were demanded by Messrs French, Grace Barbour, Forman and Swenson.

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

AYES 39 - 40

NOES 81

upon the amendment of Mr. O'Sullivan the ayes and noes were demanded by Messrs. Hayes, O'Sullivan, Beeshlitho, Lindow and Condon.

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

33)

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

Ayes 60

Noes 58

1/60 1/55 1/56 1/57 1/58

2

Upon the question of ordering the article engrossed for a second reading the ayes and noes were demanded by messrs Grace, Glasscock, Lampson, Tilley and Keyes.

The roll was called and the article ordered engrossed by the following vote:

35

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	60	
AYERS	2		FILCHER	26		LAVIGNE		20	SHOEMAKER		
BARBOUR	3		FINNEY			LEWIS		21	SHURTLEFF	61	
BARNES			FREEMAN	27		LINDOW	43		SMITH of Santa Clara.		33
BARRY	4		FREUD	28		MANSFIELD		22	SMITH of Fourth District.	62	
BARTON			GARVEY	29	4	MARTIN of Alameda.		23	SMITH of San Francisco.	63	
BEERSTECHER	5		GLASSCOCK		5	MARTIN of Santa Cruz.		24	SOULE	64	
BELCHER	6		GORMAN	29		McCALLUM	44		STEDMAN	65	
BELL	7		GRACE	30		McCOMAS	45		STEELE		34
BERRY			GRAVES			McCONNELL	46		STEVENSON		35
BIGGS	8		GREGG			McCOY			STUART	66	
BLACKMER		1	HAGER		6	McFARLAND			SWEASEY	67	
BOGGS	9		HALE		7	McNUTT	47		SWENSON		
BOUCHER	10		HALL	31		MILLER	48		SWING		36
BROWN	11		HARRISON	32		MILLS		25	TERRY		
BURT	12		HARVEY		8	MOFFAT			THOMPSON		37
CAMPBELL			HEISKELL	33		MORELAND	49		TINNIN		38
CAPLES	0	2	HEROLD	34		MORSE		26	TOWNSEND		39
CASSERLY		3	HERRINGTON	35		MURPHY	50		TULLY		40
CHAPMAN			HILBORN		9	NASON	51		TURNER		
CHARLES	13		HITCHCOCK		10	NELSON	52		TUTTLE	68	
CONDON	14		HOLMES		11	NEUNABER	53		VACQUEREL		41
COWDEN			HOWARD of Los Angeles.	36		NOEL			VAN DYKE		42
CROSS	15		HOWARD of Mariposa and Merced.	37		O'DONNELL		27	VAN VOORHIES		43
CROUCH	16		HUESTIS		12	OHLEYER		28	WALKER of Marin.		
DAVIS	17		HUGHEY		13	O'SULLIVAN	55		WALKER of Tuolumne.	69	
DEAN	18		HUNTER	38		OVERTON			WATERS	70	
DOWLING	19		INMAN		14	PORTER			WEBSTER		44
DOYLE	20		JOHNSON	39		PROUTY			WELLER		45
DUDLEY of San Joaquin and Amador.			JONES			PULLIAM	68	29	WELLIN	71	
DUDLEY of Solano.	21		JOYCE	77		REDDY	56		WEST		
DUNLAP	22		KELLY		15	REED	57		WICKES	72	
EAGON			KENNY	40		REYNOLDS		30	WHITE	73	
EDGERTON			KEYS		16	RHODES		31	WILSON of Tehama.	74	
ESTEY of Contra Costa and Marin.			KLEINE		17	RINGGOLD	58		WILSON of First District.		
ESTEE of First District.	23		LAINE		18	ROLFE	59		WINANS		46
EVEY	24		LAMPSON		19	SCHELL			WYATT	75	
FARRELL	25		LARKIN	41		SCHOMP		32	Mr. PRESIDENT	76	

Ayes 77

Noes 46

77

3

36)

Notices

I hereby give notice that on to morrow Feb 6th, I will move a reconsideration of the vote by which the Amendment of Mr O'Sullivan to Sect relative to Lotteries and consequently the vote by which the whole Article was ordered Engrossed.

J. Wickes.

I hereby give notice that I will on tomorrow move to reconsider the vote on the Amendment this day offered by Mr McCallum to Section 24 of the Article on Legislative Department.
Feby 5th 1879

White

37

I hereby give notice that I will on to-morrow move to reconsider the vote by which the Amendment ~~to section~~ of the Committee, the whole to Section 24, was adopted.

Also to reconsider the vote by which the Convention refused to strike out from said Amended Section the following "But if any subject shall be embraced in an Act which shall not be expressed in its title such Act shall be void only as to so much thereof as shall not be expressed in the title"

Schell

Amendment no 526 –
Future amendments.

Mr Laine offered the following amendment:

Sec. 1.
~~strike out the words~~
~~"two thirds" in line 2 – and~~
~~insert "a majority" and~~

1 ~~Future Amendments~~ ~~Same~~

amend section 1 by striking out the words "two thirds" in line 2 and insert "a majority" and strike out the words "of the two houses" in line 3 and insert the words "house"

Rejected

Mr. VanDyke offered the following:

Section one. strike out from the words "Expedient" in line seven to the word "Should" line 10.

adopted.

139)

Mr Belcher offered the following:

Insert after the word "time" in line 7 the words "and after such publication."

adopted.

Mr. Zimmin offered the following amendment to sec. two:

	Amend Section 2 lines 7 and 8 by striking out the words "of both branches of the Legislature which" and insert the following words "of the State ~~Senate~~ Assembly who"

Rejected

Mr. McCullum offered the following:

In Sec. 2, strike out, in line 5, the words, "on the proposition for a Convention"

Rejected

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

Amendment No. 510 -

Reconsideration

(Amendments of the Committee of the whole read)

41)

(Sec. 1.)

The committee recommend the following:

[SECTION 1. Taxation shall be equal and uniform throughout this

2 State.]

Mr. Johnson moved to strike out the words "equal and" Mr. Dudley of Solano moved the following:

Strike out all of sec 1 and insert the following, viz:—

Sec 1 All property shall be taxed in proportion to its value which shall be ascertained as provided by law

Dudley of Solano

42)

Notices

I hereby give notice that on to morrow I will move to reconsider the vote whereby Section 27, of the Report of the Committe of the whole on legislative department was adopted,

Brown

Mr President: — I give notice that on tomorrow I will move to reconsider the vote adopting Article IV relative to Legislative Department,

Andrews

Adjournment

At five o'clock and ten minutes P. M. on motion of Mr. Ringgold the Convention adjourned

2/5/79