1

In Convention
Assembly Chambers.
State Capitol
Sacramento.
Thursday Feb 6 1879

Convention met pursuant
to adjournment
President Pro tem in
the Chair.

Roll called and
the following members
were absent:—

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

| Names. | Ayes. | Noes. | Names. | Ayes. | Noes. | Names. | Ayes. | Noes. | Names. | Ayes. | Noes. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| ANDREWS | 1 | | FAWCETT | | | LARUE | 124 | | SHAFTER | 133 | |
| AYERS | 2 | | FILCHER | 31 | | LAVIGNE | 60 | | SHOEMAKER | 134 | |
| BARBOUR | 3 | | FINNEY | | | LEWIS | 61 | | SHURTLEFF | 91 | |
| BARNES | | | FREEMAN | 32 | | LINDOW | 62 | | SMITH of Santa Clara. | 92 | |
| BARRY | 4 | | FREUD | 33 | | MANSFIELD | 63 | | SMITH of Fourth District. | 93 | |
| BARTON | | | GARVEY | 34 | | MARTIN of Alameda. | 64 | | SMITH of San Francisco. | 94 | |
| BEERSTECHER | 5 | | GLASSCOCK | 35 | | MARTIN of Santa Cruz. | 65 | | SOULE | 95 | |
| BELCHER | 6 | | GORMAN | 36 | | McCALLUM | 66 | | STEDMAN | 96 | |
| BELL | 7 | | GRACE | 121 | | McCOMAS | 67 | | STEELE | 97 | |
| BERRY | | | GRAVES | | | McCONNELL | 68 | | STEVENSON | 98 | |
| BIGGS | 8 | | GREGG | 37 | | McCOY | 125 | | STUART | 99 | |
| BLACKMER | 9 | | HAGER | 38 | | McFARLAND | 69 | | SWEASEY | 100 | |
| BOGGS | 10 | | HALE | 39 | | McNUTT | 70 | | SWENSON | 101 | |
| BOUCHER | 11 | | HALL | 140 | | MILLER | 71 | | SWING | 124 | |
| BROWN | 12 | | HARRISON | 41 | | MILLS | 72 | | TERRY | | |
| BURT | 13 | | HARVEY | 42 | | MOFFAT | 73 | | THOMPSON | 102 | |
| CAMPBELL | 14 | | HEISKELL | 43 | | MORELAND | 74 | | TINNIN | 103 | |
| CAPLES | 15 | | HEROLD | 138 | | MORSE | 75 | | TOWNSEND | 104 | |
| CASSERLY | 16 | | HERRINGTON | 131 | | MURPHY | 136 | | TULLY | 105 | |
| CHAPMAN | 17 | | HILBORN | 44 | | NASON | 76 | | TURNER | 130 | |
| CHARLES | 18 | | HITCHCOCK | 45 | | NELSON | 77 | | TUTTLE | 132 | |
| CONDON | 19 | | HOLMES | 46 | | NEUNABER | 78 | | VACQUEREL | 106 | |
| COWDEN | 20 | | HOWARD of Los Angeles. | 129 | | NOEL | 135 | | VAN DYKE | 107 | |
| CROSS | 21 | | HOWARD of Mariposa and Merced. | 47 | | O'DONNELL | 79 | | VAN VOORHIES | 108 | |
| CROUCH | 22 | | HUESTIS | 48 | | OHLEYER | 80 | | WALKER of Marin. | | |
| DAVIS | 23 | | HUGHEY | 49 | | O'SULLIVAN | 81 | | WALKER of Tuolumne. | 109 | |
| DEAN | | | HUNTER | 50 | | OVERTON | | | WATERS | 110 | |
| DOWLING | 24 | | INMAN | 51 | | PORTER | | | WEBSTER | 111 | |
| DOYLE | 25 | | JOHNSON | 52 | | PROUTY | | | WELLER | 112 | |
| DUDLEY of San Joaquin and Amador. | | | JONES | 122 | | PULLIAM | 82 | | WELLIN | 113 | |
| DUDLEY of Solano. | 26 | | JOYCE | 53 | | REDDY | 83 | | WEST | 114 | |
| DUNLAP | 27 | | KELLY | 54 | | REED | 84 | | WICKES | 115 | |
| EAGON | | | KENNY | 55 | | REYNOLDS | 85 | | WHITE | 116 | |
| EDGERTON | | | KEYS | 126 | | RHODES | 86 | | WILSON of Tehama. | 117 | |
| ESTEY of Contra Costa and Marin. | 28 | | KLEINE | 57 | | RINGGOLD | 87 | | WILSON of First District. | 127 | |
| ESTEE of First District. | 29 | | LAINE | 58 | | ROLFE | 88 | | WINANS | 118 | |
| EVEY | | | LAMPSON | 59 | | SCHELL | 89 | | WYATT | 119 | |
| FARRELL | 30 | | LARKIN | 123 | | SCHOMP | 90 | | Mr. PRESIDENT | 120 | |

AYES_____

NOES_____

3)

## Leave of absence

Leave of absence for one day was granted to Mrs Evey, and for three days to Mrs. Dean.

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

## Reports

Mr. Ayers from the Committee on Reporting and printing reported as-certy engrossed.

Amendment No 402 - Preamble and Bill of rights

Amendment No. 468 - Executive Department

4)

Amendment No. 445 — Pardoning Lewis.

Petitions

Mayors Moffett, Nettis, Cross, Simon, Howard & Marifian and

Key

Messrs. Caples, Townsend, and 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.

Resolution

By Mr. Larkin

Resolved that the Committee on Revision and Adjustment shall be composed of fifteen members, and that the President is directed to fill all vacancies.

By unanimous consent

35 Amt

The resolution was
put upon its passage, and
adopted.

amendment to Rule.

Mr. McCleary in pursuance
to notice offered the following.

I 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 the Section
then under consideration and
the amendments to such Section
then pending."

Motion

adopted.

Mr. Estes in record under

6/

with notice given yesterday moved to recommend the draft ordering the article in Legislative Department engrossed for a second reading:

Mrs. Barbour moved to lay the motion to re-consider on the table. upon which the ayes and noes were demanded by Myers Howard of Los Angeles, Brown Dudley of Solano. Smith of San Francisco no which.

The roll was called and the motion to lay on the table lost 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 | | 43 | SHAFTER | | 71 |
| AYERS | 1 | | FILCHER | | 17 | LAVIGNE | | 44 | SHOEMAKER | | 72 |
| BARBOUR | 2 | | FINNEY | | | LEWIS | | 45 | SHURTLEFF | | 73 |
| BARNES | | | FREEMAN | | 18 | LINDOW | 22 | | SMITH of Santa Clara. | | 74 |
| BARRY | 3 | | FREUD | 14 | | MANSFIELD | | 46 | SMITH of Fourth District. | 28 | |
| BARTON | | | GARVEY | | 19 | MARTIN of Alameda. | | 47 | SMITH of San Francisco. | 29 | |
| BEERSTECHER | 4 | | GLASSCOCK | | 20 | MARTIN of Santa Cruz. | | 48 | SOULE | 1 | 75 |
| BELCHER | | 2 | GORMAN | 15 | | McCALLUM | | 49 | STEDMAN | | 76 |
| BELL | 5 | | GRACE | | 21 | McCOMAS | | 50 | STEELE | | 77 |
| BERRY | | | GRAVES | | | McCONNELL | | 51 | STEVENSON | | 78 |
| BIGGS | | 3 | GREGG | | 22 | McCOY | 36 | | STUART | | 79 |
| BLACKMER | | 4 | HAGER | | 23 | McFARLAND | | 52 | SWEASEY | 30 | |
| BOGGS | | 5 | HALE | | 24 | McNUTT | | 53 | SWENSON | 31 | |
| BOUCHER | | 6 | HALL | | 25 | MILLER | | 54 | SWING | | 80 |
| BROWN | 6 | 98 | HARRISON | 16 | | MILLS | | 55 | TERRY | | |
| BURT | | 7 | HARVEY | | 26 | MOFFAT | | 56 | THOMPSON | | 81 |
| CAMPBELL | | 8 | HEISKELL | | 99 | MORELAND | | 57 | TINNIN | | 82 |
| CAPLES | | 9 | HEROLD | 17 | | MORSE | | 58 | TOWNSEND | | 83 |
| CASSERLY | | 101 | HERRINGTON | | 27 | MURPHY | | 59 | TULLY | | 84 |
| CHAPMAN | | 10 | HILBORN | | 28 | NASON | | 60 | TURNER | | 85 |
| CHARLES | | 11 | HITCHCOCK | | 29 | NELSON | 23 | | TUTTLE | 32 | |
| CONDON | 7 | | HOLMES | 18 | 100 | NEUNABER | 24 | | VACQUEREL | | 86 |
| COWDEN | | 12 | HOWARD of Los Angeles. | | 30 | NOEL | | 61 | VAN DYKE | | 87 |
| CROSS | 8 | | HOWARD of Mariposa and Merced. | | 31 | O'DONNELL | | 62 | VAN VOORHIES | | 88 |
| CROUCH | 9 | | HUESTIS | | 32 | OHLEYER | | 63 | WALKER of Marin. | | |
| DAVIS | 10 | | HUGHEY | | 33 | O'SULLIVAN | 25 | | WALKER of Tuolumne. | | 89 |
| DEAN | | | HUNTER | | 34 | OVERTON | | | WATERS | | 90 |
| DOWLING | 11 | | INMAN | | 35 | PORTER | | | WEBSTER | | 91 |
| DOYLE | 12 | | JOHNSON | | 36 | PROUTY | | | WELLER | | 92 |
| DUDLEY of San Joaquin and Amador. | | | JONES | | 37 | PULLIAM | | 64 | WELLIN | | 93 |
| DUDLEY of Solano. | | 13 | JOYCE | 19 | | REDDY | | 65 | WEST | 33 | |
| DUNLAP | | 14 | KELLY | 1 | 38 | REED | | 66 | WICKES | 34 | |
| EAGON | | | KENNY | 20 | | REYNOLDS | 26 | | WHITE | 35 | |
| EDGERTON | | | KEYS | | 39 | RHODES | | 67 | WILSON of Tehama. | | 94 |
| ESTEY of Contra Costa and Marin. | | 15 | KLEINE | 21 | | RINGGOLD | | 68 | WILSON of First District. | 38 | 95 |
| ESTEE of First District. | | 16 | LAINE | | 40 | ROLFE | | 69 | WINANS | | 96 |
| EVEY | | | LAMPSON | | 41 | SCHELL | | 70 | WYATT | 36 | |
| FARRELL | 13 | | LARKIN | | 42 | SCHOMP | 27 | | MR. PRESIDENT | | 97 |

Ayes 36

Noes 100

1/35 1/98

1/34 1/99

1/35 1/100

1/36

8) June

Messrs. Hunstis, West, Inman, Hitchcock and Ohleyer. demanded the previous question. which was ordered by the ~~Convention~~

The motion to reconsider prevailed.

Mrs Hunstis moved to re-consider the vote by which the convention on yesterday adopted the section proposed by Mrs. O'Sullivan.

Messrs. Ringgold, Doyle, Andrews, Van Voohries and Ohleyer. demanded the previous question, which was ordered by the Convention.

9/

Mr. O'Sullivan moved to amend the amendment by striking out the words:

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

adopted.

Mr. Barbour offered the following amendment:

Add to section the following:

Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or with having been influenced in his vote or action as a member of the Legislature by reward

or promise of future secrecy
who shall not be permitted to
withdrawed his testimony upon
the ground that it may
criminate himself or subject
him to public infamy; but
such testimony shall not afte-
ward be used against him
in any judicial proceeding,
except for perjury in giving
such testimony.

~~A motion~~ adopted.

Messrs. Wilkes of Tolumne, Ayers,
West, White and O'Sullivan
demanded the previous question
which was ordered by
the Convention

upon the adoption of the section as amended the ayes and noes were demanded by Messrs Barbour, Condon, Gorel. Doyle & White.

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

12/ Ware

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

Ayes 95

Noes 33

13)

Mr. Reynolds offered the following amendment to Sec. 26.

14) - [illegible]

~~Substitute for Sec. 26~~

PAGE.

~~Reynolds~~

[Sec. 26] No lottery nor any gift enterprise nor any scheme in the nature of such shall be permitted in this State, nor shall the ~~and the~~ sale of lottery tickets, gift enterprise tickets, or tickets in any scheme of the nature of a lottery or gift enterprise be permitted in this State; Nor shall any stock board, or stock exchange or other association or stock market for the buying or selling of the shares of the capital stock of corporations be permitted to exist or to transact such business in this State. All contracts for the sale of shares of the capital stock of any corporation or association ~~or~~ margin or to be delivered at a future day shall be void.

All contracts made in violation of or evasive of the foregoing provisions shall be void.

It is hereby made the duty of the legislature to enforce this section by appropriate legislation.

16

Messrs Hayes, West, Van Voorhis, Sullivan and Van Dyke, demanded the previous question which was ordered by the convention.

Upon the adoption of the amendment by Mr. Reynolds the ayes and noes were demanded by Messrs. Farrell, Hayes, Smith of San Francisco, Bee and Dowling.

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

16 Little

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

Ayes 49

Noes 84

1/49 83 1/84

17 Amendment

Mrs. O'Sullivan offered the following new section:

Section ____. No money shall be appropriated for the payment of any religious service in any institutions controlled by the State, or in either House of the Legislature.

upon which the roll was called and the ayes and noes were demanded by Messrs. O'Sullivan, Bierstecker, Lindow, Freed and Brown.

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

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# 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 | | 49 | SHAFTER | | 76 |
| AYERS | | 2 | FILCHER | | 23 | LAVIGNE | 13 | | SHOEMAKER | | 77 |
| BARBOUR | 1 | | FINNEY | | | LEWIS | | 52 | SHURTLEFF | | 78 |
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| BARRY | | 3 | FREUD | 7 | | MANSFIELD | | 51 | SMITH of Fourth District. | | 79 |
| BARTON | | | GARVEY | | 25 | MARTIN of Alameda. | | 53 | SMITH of San Francisco. | 20 | |
| BEERSTECHER | 2 | | GLASSCOCK | | 26 | MARTIN of Santa Cruz. | | 53 | SOULE | | 80 |
| BELCHER | | 4 | GORMAN | | 27 | McCALLUM | | 54 | STEDMAN | | 81 |
| BELL | 3 | | GRACE | 8 | | McCOMAS | | 55 | STEELE | | |
| BERRY | | | GRAVES | | | McCONNELL | | 56 | STEVENSON | | 82 |
| BIGGS | | 5 | GREGG | | 28 | McCOY | | 57 | STUART | | 83 |
| BLACKMER | 26 | | HAGER | | 29 | McFARLAND | | 58 | SWEASEY | 21 | |
| BOGGS | | 7 | HALE | | 30 | McNUTT | | 59 | SWENSON | 22 | |
| BOUCHER | | 8 | HALL | | 31 | MILLER | | 60 | SWING | | |
| BROWN | | | HARRISON | | 32 | MILLS | | 61 | TERRY | | |
| BURT | | 9 | HARVEY | | 33 | MOFFAT | | 62 | THOMPSON | | 84 |
| CAMPBELL | | 10 | HEISKELL | | 34 | MORELAND | | 63 | TINNIN | 23 | |
| CAPLES | 4 | | HEROLD | | | MORSE | | 64 | TOWNSEND | | 85 |
| CASSERLY | | 11 | HERRINGTON | 9 | | MURPHY | | 65 | TULLY | | 86 |
| CHAPMAN | | 12 | HILBORN | | 35 | NASON | | 66 | TURNER | | 87 |
| CHARLES | | 13 | HITCHCOCK | | 36 | NELSON | 15 | | TUTTLE | | 88 |
| CONDON | 5 | | HOLMES | | 37 | NEUNABER | 16 | | VACQUEREL | | 89 |
| COWDEN | | 14 | HOWARD of Los Angeles. | | 38 | NOEL | | | VAN DYKE | | 90 |
| CROSS | | 15 | HOWARD of Mariposa and Merced. | | 39 | O'DONNELL | | 67 | VAN VOORHIES | | 91 |
| CROUCH | | 16 | HUESTIS | | 40 | OHLEYER | | 68 | WALKER of Marin. | | |
| DAVIS | | 17 | HUGHEY | | 41 | O'SULLIVAN | 17 | | WALKER of Tuolumne. | 24 | 0 |
| DEAN | | | HUNTER | 10 | | OVERTON | | | WATERS | | 92 |
| DOWLING | | 18 | INMAN | | 42 | PORTER | | | WEBSTER | | 93 |
| DOYLE | | | JOHNSON | | 43 | PROUTY | | | WELLER | | 94 |
| DUDLEY of San Joaquin and Amador. | | | JONES | | 44 | PULLIAM | | 69 | WELLIN | | 95 |
| DUDLEY of Solano. | | 19 | JOYCE | 11 | | REDDY | | 70 | WEST | | 96 |
| DUNLAP | | 20 | KELLY | | 45 | REED | | 71 | WICKES | | 97 |
| EAGON | | | KENNY | 12 | | REYNOLDS | 18 | | WHITE | 25 | 0 |
| EDGERTON | | | KEYS | | 46 | RHODES | | 72 | WILSON of Tehama. | | 98 |
| ESTEY of Contra Costa and Marin. | | 21 | KLEINE | | | RINGGOLD | 19 | | WILSON of First District. | | |
| ESTEE of First District. | | 22 | LAINE | | 47 | ROLFE | | 73 | WINANS | | 99 |
| EVEY | | | LAMPSON | | 48 | SCHELL | | 74 | WYATT | | 100 |
| FARRELL | 6 | | LARKIN | | 27 | SCHOMP | | 70 | MR. PRESIDENT | | 101 |

AYES 27

NOES 101

I
27

19/ Runne

Mr Shafter offered the following amendment to Sec, 38 lines 8 + 9 strike out "grant" and insert "gift" adopted.

Mr. Van Dyke moved that the Article be ordered engrossed for a second reading.

Messrs. Van Dyke, White, Larkin, Lindow and Dunlap demanded the previous Question.

The convention refused to order the main question.

The article was ordered engrossed for a second reading.

20)

Notice

Mr Prest

I hereby give notice that on tomorrow ~~Jany~~ Feby 7, 1879 ~~the~~ I will move to amend Rule 24 of the Standing Rules of this Body, by striking out the word "five" in line two, and inserting in lieu thereof, the word "fifteen" –

Huestiss

General Fill.

Amendment. No 510 - resumed.

Recess.

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

(21)

Afternoon Session

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

President Hoyt in the Chair.

Quorum present.

General Fill

Amendment No 510 resumed.

Messrs Campbell, Stewart, Estee Boucher, and Huestiss, demanded the previous question which was ordered by the convention.

The amendment of Mr Dadly was rejected

upon concurring in the amendment of the committee the ayes and noes were deman-

ded by Messrs. White, Smith
of San Francisco, Pullium,
Schmitz and Whitehead

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

Ayes 36

Noes 83

24

Committee

Sec. 2

We recommended the following Amendment.

[Sec. 2. Laws shall be passed taxing all moneys, credits secured by mortgage or trust-deed, or unsecured, investments in bonds, franchises, and all other property, real and personal, according to its true value in money, except as hereafter provided; but the Legislature may authorize, except in the case of credits secured by mortgage or trust-deed, a deduction from credits of debts due to bona fide residents of this State. Growing crops, and such property as may be used exclusively for public schools, and such as may belong to the United States, this State, any county or municipal corporation within this State, shall be exempt from taxation.]

Mr. Johnson offered the following:-

"Sec. 2 - Laws shall be passed taxing all moneys, credits secured by mortgage, deed of trust, contract or other obligation affecting property, and credits not so secured, investments in bonds, franchises, and

25)

all other property, real, personal or mixed, according to their true value in money; except as hereafter provided; but the Legislature may authorize a deduction of debts due to bona fide residents of this State from credits, except in the case of debts or credits secured by mortgage, deed of trust, contract or other obligation affecting property.

Growing crops, and such property as may be used exclusively

* for public schools, and such as may belong to the United States, this State, any County, or municipal corporation within this State shall be exempt from taxation".

Mr. Mitchell

Mr President. I give notice that I will on tomorrow, move to reconsider the vote by which the Convention refused to concur in the Section one of Amendment No 510 as recommended by the Committee of the whole.

Briggs

Mr Chairman

27/ Meacham.

Upon the amendment of Mr Johnson the ayes and noes were demanded by Messrs. Johnson, Hale, Bigg, Kelly and Trent.

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

Ayes 34

Noes 89

34 89

24) Mrs. Moreland offered the following!

"Sec. 2 all property in this state shall be taxed in proportion to its value to be ascertained as provided by law. For the purpose of taxation investments in Bonds, Franchises, Solvent credits, secured or unsecured and every thing of value subject of transfer or ownership shall be considered property. Growing crops, property belonging to the United States, or to this state or any

political subdivision thereof shall be exempt from taxation upon which the ayes and noes were demanded by Messrs. Wyatt, Morland, Kelly, Glasscock and Brown.

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

AYES 54

NOES 72

32 Recess

Mr. Mills offered the following:

Sec 2.

Taxation shall be equal and uniform throughout the state. All property in this state shall be taxed in proportion to its value to be ascertained as directed by law. except growing crops and such property as may be used exclusively for public schools and such as may belong to the United States, this state, any County or municipal corporation within this state

Adjournment

at five o'Clock P.

M. ~~Mrs.~~ Ho on motion of Mr Howard of Los Angeles

Convention adjourned

2/6/79