1 Ware

Ohi Convention.

Assembly Chamber
Stati Capitol.
Sacramento
Thursday Feb. 13th 1879

Convention met
pursuant to adjournment
President Hoge in the Chair

The 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	60		SHAFTER	90	
AYERS	2		FILCHER	31		LAVIGNE	61		SHOEMAKER	127	
BARBOUR	3		FINNEY			LEWIS	62		SHURTLEFF	91	
BARNES			FREEMAN	32		LINDOW	63		SMITH of Santa Clara.	92	
BARRY	126		FREUD	33		MANSFIELD	64		SMITH of Fourth District.	93	
BARTON	4		GARVEY	34		MARTIN of Alameda.	65		SMITH of San Francisco.	94	
BEERSTECHER	5		GLASSCOCK	35		MARTIN of Santa Cruz.			SOULE	95	
BELCHER	6		GORMAN	36		McCALLUM	66		STEDMAN	96	
BELL	7		GRACE	122		McCOMAS	67		STEELE	97	
BERRY			GRAVES	37		McCONNELL			STEVENSON	98	
BIGGS	8		GREGG			McCOY	68		STUART		
BLACKMER			HAGER	38		McFARLAND	69		SWEASEY	99	
BOGGS	9		HALE			McNUTT	70		SWENSON	100	
BOUCHER	10		HALL	39		MILLER			SWING	125	
BROWN	11		HARRISON	40		MILLS	71		TERRY		
BURT	12		HARVEY	41		MOFFAT	72		THOMPSON	101	
CAMPBELL	13		HEISKELL	42		MORELAND	73		TINNIN	102	
CAPLES	14		HEROLD	43		MORSE	74		TOWNSEND	103	
CASSERLY	15		HERRINGTON	44		MURPHY			TULLY	124	
CHAPMAN	16		HILBORN	45		NASON	75		TURNER	104	
CHARLES	17		HITCHCOCK	46		NELSON	76		TUTTLE	105	
CONDON	18		HOLMES	47		NEUNABER	77		VACQUEREL	106	
COWDEN	19		HOWARD of Los Angeles.	127		NOEL	78		VAN DYKE	107	
CROSS	20		HOWARD of Mariposa and Merced.	48		O'DONNELL			VAN VOORHIES	108	
CROUCH	21		HUESTIS	49		OHLEYER	79		WALKER of Marin.		
DAVIS	22		HUGHEY	50		O'SULLIVAN	80		WALKER of Tuolumne.	109	
DEAN	23		HUNTER	51		OVERTON			WATERS	110	
DOWLING	24		INMAN	52		PORTER	81		WEBSTER		
DOYLE	25		JOHNSON			PROUTY			WELLER	111	
DUDLEY of San Joaquin and Amador.	[redacted]		JONES	123		PULLIAM	82		WELLIN	112	
DUDLEY of Solano.	26		JOYCE	53		REDDY			WEST	113	
DUNLAP			KELLY	54		REED	83		WICKES	114	
EAGON			KENNY	55		REYNOLDS	84		WHITE	116	
EDGERTON	27		KEYS	56		RHODES	85		WILSON of Tehama.	117	
ESTEY of Contra Costa and Marin.			KLEINE	57		RINGGOLD	86		WILSON of First District.	118	
ESTEE of First District.	28		LAINE	58		ROLFE	87		WINANS	119	
EVEY	29		LAMPSON			SCHELL	88		WYATT	120	
FARRELL	30		LARKIN	59		SCHOMP	89		MR. PRESIDENT	121	

AYES_____

NOES_____

123
4
5
6
7

3)

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

Special order.

~~Resolutions~~ Memorial by Mr. Reynolds relative to University lands.

Mr Wilson of 4th Dist offered the following resolution.

Resolved that the whole subject matter of the preamble and resolution introduced by Mr Reynolds of San Francisco ~~relating~~ concerning "a Memorial to Congress in relation to University lands," be referred to a special Committee of three to be appointed by the President to examine and report a Memorial to Congress on the subject.

Messrs Dudly of Solano, Hunter, McFarland, Brown and Gully

4) Kiles

demanded the previous question which was ordered by the convention.

Upon the adoption of the resolution of Mr. Wilson the ayes and noes were demanded by Messrs Wyatt, Barton, Brown, Condon and Huestiss.

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

AYES ~~60~~ 59

NOES ~~59~~ 60

59

6) Stanley

upon the adoption of the Memorial the ayes and noes were demanded by Messrs. Beerstecher, Wyatt, Lindow, White and Barton.

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

71

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		7	SHAFTER	73	
AYERS	2		FILCHER	30		LAVIGNE	54		SHOEMAKER		
BARBOUR	3		FINNEY			LEWIS	1	8	SHURTLEFF	74	
BARNES			FREEMAN			LINDOW	55		SMITH of Santa Clara.	75	
BARRY	4		FREUD	31		MANSFIELD		9	SMITH of Fourth District.	76	
BARTON	5		GARVEY	32		MARTIN of Alameda.	56		SMITH of San Francisco.	77	
BEERSTECHER	6		GLASSCOCK			MARTIN of Santa Cruz.			SOULE	78	
BELCHER		1	GORMAN	33		McCALLUM	57		STEDMAN	79	
BELL	7		GRACE	34		McCOMAS	58		STEELE	80	
BERRY			GRAVES	35		McCONNELL			STEVENSON		
BIGGS	8		GREGG			McCOY	59		STUART		
BLACKMER			HAGER		4	McFARLAND		10	SWEASEY	81	
BOGGS	9		HALE	36		McNUTT	60		SWENSON	82	
BOUCHER	10		HALL	37		MILLER			SWING	83	
BROWN	11		HARRISON	38		MILLS	61		TERRY		
BURT	12		HARVEY	39		MOFFAT	62		THOMPSON	84	
CAMPBELL	13		HEISKELL	40		MORELAND	63		TINNIN	85	
CAPLES	14		HEROLD	41		MORSE	64		TOWNSEND	86	
CASSERLY	15		HERRINGTON	42		MURPHY			TULLY	87	
CHAPMAN	16		HILBORN			NASON	65		TURNER	88	
CHARLES	17		HITCHCOCK	43		NELSON	66		TUTTLE	89	
CONDON	18		HOLMES	44		NEUNABER	67		VACQUEREL	90	
COWDEN	19		HOWARD of Los Angeles.			NOEL	68		VAN DYKE	91	
CROSS	20		HOWARD of Mariposa and Merced.	44		O'DONNELL			VAN VOORHIES		14
CROUCH		2	HUESTIS	46		OHLEYER		11	WALKER of Marin.		
DAVIS	21		HUGHEY	46		O'SULLIVAN			WALKER of Tuolumne.	92	
DEAN	22		HUNTER	47		OVERTON			WATERS	93	
DOWLING	23		INMAN	48		PORTER		12	WEBSTER		
DOYLE	24		JOHNSON			PROUTY			WELLER	94	
DUDLEY of San Joaquin and Amador.			JONES	50		PULLIAM	69		WELLIN	95	
DUDLEY of Solano.	25		JOYCE	51		REDDY			WEST	96	
DUNLAP	26		KELLY		5	REED			WICKES	97	
EAGON			KENNY	52		REYNOLDS	70		WHITE	98	
EDGERTON		3	KEYS			RHODES	71		WILSON of Tehama.	99	
ESTEY of Contra Costa and Marin.			KLEINE			RINGGOLD	72		WILSON of First District.		15
ESTEE of First District.	27		LAINE		6	ROLFE			WINANS	100	
EVEY	28		LAMPSON			SCHELL			WYATT	101	
FARRELL	29		LARKIN	53		SCHOMP		13	Mr. PRESIDENT	102	

Ayes 102

Noes 15

8/
Amsbury

Notice

I hereby give notice that I will on Tomorrow move to reconsider the vote by which the memorial to Congress introduced this day by Mr Reynolds was passed

W J Simms

Reconsideration

Mr McCallum, in accordance with notice moved to reconsider the vote by which the Convention refused to order engrossed for a second reading the article on Judiciary.

The ~~reconsideration~~ motion prevailed.

Mrs. Van Dyke moved

to reconsider the vote refusing to concur in the amendment of the Committee to section 17. The motion prevailed.

Mr Van Dyke offered the following resolution.

10

Line

Resolved That the Article on Judiciary Department be recommitted to the Committee on Judiciary and Judicial Department with instructions to amend and reconstruct the same so as to harmonize it with the following amendments and propositions to wit:

First ~~Justices of the Supreme Court five in number and hold their offices ten years.~~

Second First Judges of the Superior Court Salaries payable one half out of the State Treasury and one half by their respective counties

Third Second Ten Judges to the city and county of San Francisco - two each to Alameda, Sacramento Los Angeles and Santa Clara; and one to the counties of Yuba and Sutter jointly and one to each of the other counties in the State

~~Fourth~~ Third Salaries of Superior Court Judges as follows:

San Francisco and Alameda $5000.

Sacramento, Santa Clara, Los Angeles, San Joaquin Sonoma Nevada Solano, Butte Placer and Yuba and Sutter jointly $4000.

El Dorado, Humboldt, Amador, Santa Cruz, Monterey, Contra Costa, Napa, Mendocino, Colusa, Yolo, Calaveras, San Bernardino, San Diego, Santa Barbara, San Luis Obispo, San Mateo, Shasta, Siskiyou, Tulare, Tuolumne, Tehama, Sierra, Marin and Ventura Plumas Lake and Kern $3000.

All other counties in the State $2,500

Van Dyke

12)

Mr. M. Farland offered the following amendment:

Resolved

That the article on the judicial Department be recommitted to the Committee on judiciary and judicial Department with instructions to report to the Convention instead thereof the provisions of the present Constitution as contained in Article VI thereof

Rejected

Mr. Kelly offered the following amendment:

Resolved that the report of the Judiciary be referred back to the committee with instructions to classify the Superior court Judges in two or more classes with salaries, not to exceed four thousand dollars for the first class, ~~Salaries~~ to be paid out of the State treasury

~~Kelly~~

Rejected.

Mr. Holmes offered the following amendment:

Resolved that the report of the Committee on Judiciary and Judicial Department be referred back to the committee without instructions only to harmonize said report with the views of this body.

Mr. Watts moved to lay the resolutions on the table, upon which the ayes and noes were demanded by Messrs Van Dyke, Hall, Filcher, Hunter and Mason.

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

AYES 76

NOES 48

5

6

Recess

Nelson Lawing arrived
the Convention took a
recess till two o'clock P.M.

Afternoon Session

Convention reassembled
at two o'clock P.M.
President Hoge in the chair

Quorum present.

notice

I hereby give notice that I
withdraw the notice given by me this
day, to reconsider on tomorrow the vote
by which the Memorial to Congress
introduced by Mr Reynolds was passed.
W. J. Lemon

Mr. Lemon offered the
following Resolution

17

Resolved that the article on Judiciary be referred to the Judiciary Committee with the following instructions

1st

Substitute for section 2 the following viz

Sec 2 The Supreme Court shall consist of a Chief justice and four associate justices

The presence of three justices shall be necessary for the transaction of business excepting such business as may be done at Chambers and the presence of three justices shall be necessary to pronounce a judgment

2nd

Amend Section 3 by by Striking out all after the words " Sec 3 The " in the first line down to the words " an entry " in the 8th line and insert the following viz

Justices of the Supreme Court
Shall be elected by the
qualified electors of the
State at large at the
general State elections
at the times and places
that State officers are
elected and the term
of office Shall be ten
years from and after
the first Monday in January
next Succeeding their election
provided that the justices
elected at the first election
under this Constitution
Shall at their first
meeting So Classify
themselves by lot that
one of them Shall go
out of office at the end
of two years, one at the
end of four years, one
at the end of six years
one at the end of
eight years, and one
at the end of ten years"

Sec 24 Art VI Amend Section 17 to

read as follows viz

Sec 17 The justices of the Supreme
Court shall severally
receive from the State
treasury an annual salary
of five thousand dollars
payable monthly

Each judge of a Superior
Court of this State of Counties
and Cities and Counties of
the first class shall receive
an annual salary of
four thousand dollars
those of the second class
an annual salary of
three thousand dollars
and those of the third
class an annual salary
of two thousand dollars
all said salaries to
be paid out of the State
treasury monthly

The following Counties and
Cities and Counties shall
be counties of the first
class (naming them)

The following Counties
shall be Counties of the

Second Class (naming them)

The remainder of the Counties of the State shall be Counties of the third Class.

The Legislature may from time to time as speculation and the public interests require it change the above Classification and may by a two thirds vote of all the members elected to both branches of the Legislature abolish the third Class.

Laine

21)

Mr. Wilson of 4th Dist raised a point of order that the convention had refused to refer with instructions, and further that only section 17 was before the convention.

The President decided the point of order well taken. from which decision Messrs. Laine, Wyat, Steadman, West and Condon. appealed.

Upon the question "Shall the decision of the chair stand as the judgment of the convention, the ayes and noes were demanded by Messrs

22)

White, Durkin, Condon, Filchus and Wyatt.

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

AYES 63

NOES 54

Mr. Roff offered the
following amendment
to Sec. 17.

23
Ware

Amend Sec 17

Strike out all after the word "each" in line 7 and insert the following.

Each of the Superior Court judges shall receive an annual salary to be fixed by the legislature payable at stated times, which shall not be increased or diminished during the term for which he shall have been elected, one half of which shall be paid from the state treasury and the other half of ~~from the county treasury~~ such salaries from the treasuries of the respective counties for which such judges are elected.

20)

Until otherwise changed by the legislature the annual salary of each of the Superior court judges of the City and county of San Francisco and the counties of Alameda, Sacramento, San Joaquin Los Angeles, Santa Clara, Sonoma and Nevada and the counties of Sutter and Yuba jointly, shall be twenty five hundred dollars; of the counties of Amador, Butte, Calisa, Contra Costa, Calaveras, El Dorado, Fresno, Humboldt, Kern, ~~Lake~~, Marin, Merced, Mendocino, Monterey, Napa, Placer, Plumas ~~San Benito~~, San Bernardino, San Diego San Luis Obispo, San Matio Santa Barbara, Santa Cruz Shasta, Sierra, Siskiyou Solano, Stanislaus, Tehama, Tulare, Tuolumne, ~~Ventura~~ and Yolo, thirty-five hundred dollars, and of all the other counties twenty five hundred dollars.

Ralph

27)

Striking

Rejected.

Mr. West offered the following amendment:—

In line 8 strike out the words "thirty five hundred" and insert "three thousand"

In line 11 strike out the words "four thousand five hundred" and insert the words "four thousand".

adopted.

Mr. Biggs moved to reconsider

I ~~hereby give notice that I will on to-morrow, move to reconsider~~ the vote by which the McCallum amendment to section seventeen of the amended report of the Committee on Judiciary ~~was passed~~. Also the [illegible] was

adopted.

upon the motion to reconsider the ages

and noes were demanded by Messrs Barbour, Larkin, Burton, Doyle and Kneeland.

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

Ayes 57

Noes 70

1/57 1/70

30/

Mr Glasscock offers the following amendment:

Insert in line 11 after the "Nevada" the words "Butte, Colusa, Amador,"

Lost.

Insert after "diminishes" insert as follows.

"after this election, nor"

adopted.

The amendment as amended was concurred in.

31) sticking

Reconsiderations

Mr. Keys moved to reconsider the vote by which the convention concurred in committee amendment to sec. 24.

Mr Waters moved to lay

~~34~~)

the Motion to reconsider on the table.

Carried.

Mr. Campbell moved to reconsider the vote by which the convention refused to concur in the amendment to sec 19.

32)

Lost.

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

Sen. Fitz

Amendment No. 504 —

Right of Suffrage.

The Committee recommended the following amendment:

Ware

[SECTION 1. Every native male citizen of the United States, every male person who shall have acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every male naturalized citizen thereof, who shall

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have become such ninety days prior to any election, of the age of twenty-one years, who shall have been a resident of the State one year next preceding the election, and of the election precinct in which he claims his vote ninety days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; *provided*, that no native of China shall vote at any election; *provided further*, that no idiot, insane person, or person convicted of any infamous crime, shall be entitled to the privileges of an elector; *provided further*, that no person hereafter convicted of the embezzlement or misappropriation of public money while holding office or employed in the public service shall ever exercise the privileges of an elector, or hold any office whatever in this State.]

Mr. Burstiches offered the following amendment:

Strike out "the election Precinct" in line 6 and insert "County" also insert after "ninety days" in line 6 "and in the election precinct thirty days;"

upon the adoption of the amendment the ayes and noes were

34
Amendment

demanded by messrs
Condon, O'Sullivan, Doyle,
Brown and Larkin.

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

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

AYES 63 66

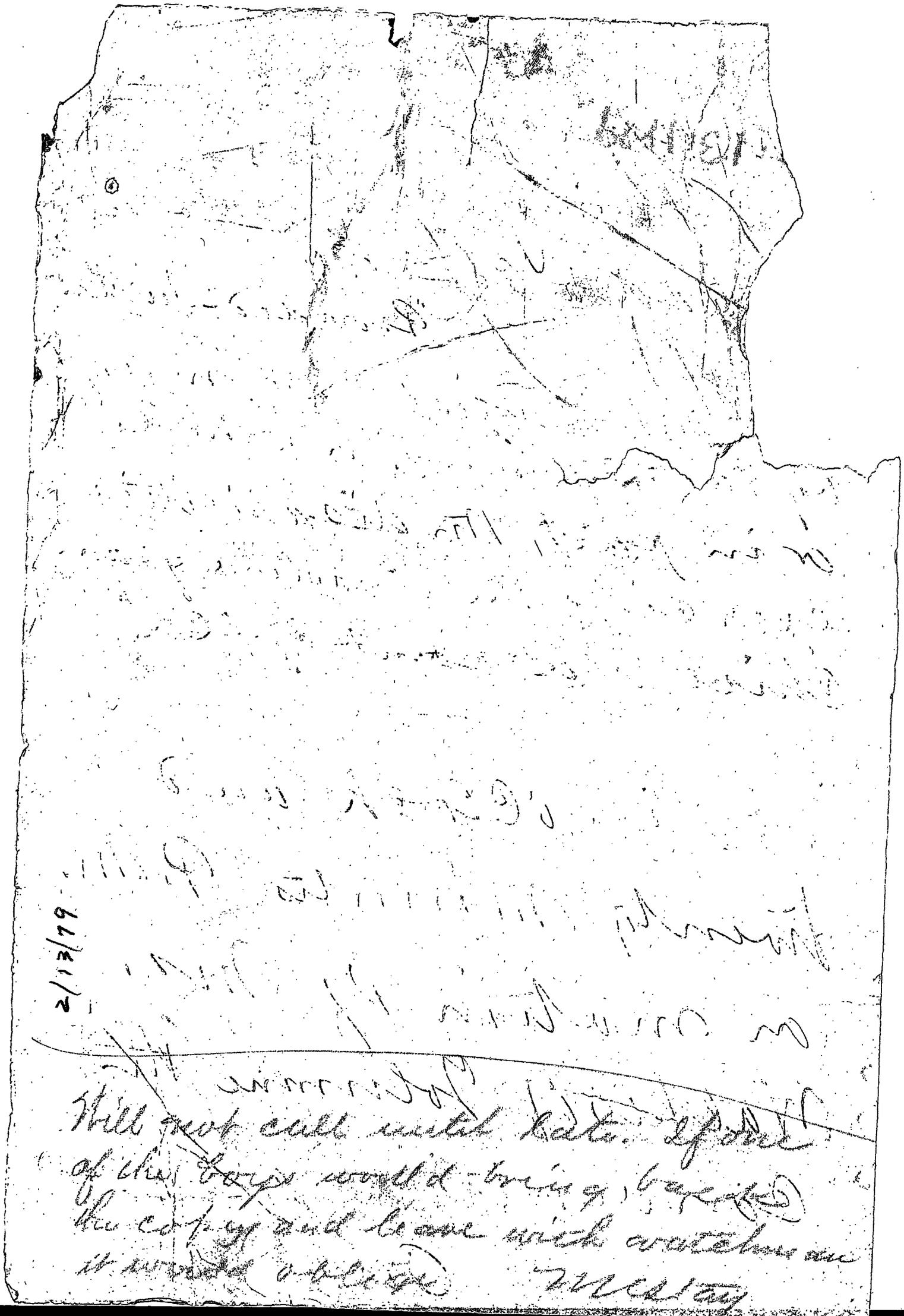
NOES 57

Mr. Myers offered the following

add to Section

"Provided - further,

- the Legislature may by law, remove in whole or in part, the disabilities to exercise the elective franchise on account of sex"

At five o'clock and twenty minutes P. M. on motion of Mr. Walker of Solano the Convention adjourned

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