(1)

Con Convention

Assembly Chamber

State Capitol

Sacramento

Tuesday Feb. 18th 1879

Convention met pursuant to adjournment

President Hoge in the Chair

The Roll was 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	59		SHAFTER	85	
AYERS	2		FILCHER	28		LAVIGNE	58		SHOEMAKER	1	
BARBOUR	3		FINNEY			LEWIS	59		SHURTLEFF	86	
BARNES			FREEMAN			LINDOW			SMITH of Santa Clara.	87	
BARRY	4		FREUD	29		MANSFIELD	60		SMITH of Fourth District.	88	
BARTON	5		GARVEY	30		MARTIN of Alameda.	61		SMITH of San Francisco.	89	
BEERSTECHER	6		GLASSCOCK	31		MARTIN of Santa Cruz.	62		SOULE	90	
BELCHER	118		GORMAN	32		McCALLUM	63		STEDMAN	91	
BELL	7		GRACE			McCOMAS	64		STEELE	92	
BERRY			GRAVES	33		McCONNELL	65		STEVENSON	93	
BIGGS	8		GREGG			McCOY	1		STUART	94	
BLACKMER	9		HAGER	34		McFARLAND			SWEASEY	95	
BOGGS	10		HALE	3		McNUTT	66		SWENSON	96	
BOUCHER	11		HALL			MILLER			SWING	97	
BROWN	12		HARRISON	35		MILLS	67		TERRY		
BURT	13		HARVEY	36		MOFFAT	68		THOMPSON	98	
CAMPBELL	14		HEISKELL	37		MORELAND	69		TINNIN	99	
CAPLES	15		HEROLD	38		MORSE	70		TOWNSEND	100	
CASSERLY			HERRINGTON	39		MURPHY	122		TULLY	101	
CHAPMAN	119		HILBORN	40		NASON	71		TURNER	102	
CHARLES	16		HITCHCOCK	41		NELSON	1		TUTTLE	103	
CONDON	17		HOLMES	42		NEUNABER	72		VACQUEREL	104	
COWDEN			HOWARD of Los Angeles.			NOEL	73		VAN DYKE	1	
CROSS	18		HOWARD of Mariposa and Merced.	43		O'DONNELL			VAN VOORHIES	105	
CROUCH	19		HUESTIS	44		OHLEYER	74		WALKER of Marin.	106	
DAVIS	20		HUGHEY	45		O'SULLIVAN	75		WALKER of Tuolumne.	107	
DEAN	118		HUNTER	46		OVERTON			WATERS	108	
DOWLING	21		INMAN	47		PORTER	76		WEBSTER	109	
DOYLE	22		JOHNSON	48		PROUTY	77		WELLER	110	
DUDLEY of San Joaquin and Amador.			JONES	49		PULLIAM	78		WELLIN	111	
DUDLEY of Solano.	23		JOYCE	50		REDDY			WEST	112	
DUNLAP	122		KELLY	51		REED	79		WICKES	113	
EAGON			KENNY	52		REYNOLDS	111		WHITE	114	
EDGERTON			KEYS			RHODES	80		WILSON of Tehama.	120	
ESTEY of Contra Costa and Marin.	24		KLEINE	53		RINGGOLD	81		WILSON of First District.		
ESTEE of First District.	25		LAINE	54		ROLFE	82		WINANS		
EVEY	26		LAMPSON	55		SCHELL	83		WYATT	115	
FARRELL	27		LARKIN	56		SCHOMP	84		Mr. PRESIDENT	116	

116
119
2
1
2

Ayes_____

Noes_____

3)

Leave of absence.

Leave of absence for one day was granted to Mr. Hall. and indefinite leave to Messrs Linder and Finny. on account of Sickness

on motion of Mr. Barthéus the reading of the Journal was dispensed with and the same approved.

General File

Amendment No. 3-23. Relating to Education.

Committee amendments

4/

Sec. 4

The committee recommend the following:

[SEC. 4. The proceeds of all lands that have been or may be granted by the United States to this State for the support of common schools which may be, or may have been, sold or disposed of, and the five hundred thousand acres of land granted to the new States under an Act of Congress distributing the proceeds of the public lands among the several States of the Union, approved A. D. one thousand eight hundred and forty-one, and all estates of deceased persons who may have died without leaving a will or heir, and also such per cent. as may be granted, or have been granted, by Congress on the sale of lands in this State, shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, and such other means as the Legislature may provide, shall be inviolably appropriated to the support of common schools throughout the State.]

Concurred in

Sec. 5

The committee recommend the following.

[SEC. 5. The Legislature shall provide for a system of common schools by which a free school shall be kept up and supported in each district at least six months in every year, after the first year, in which a school has been established.]

Concurred in

57) Thomas

The committee recommend the following:

[SEC. 6. The public school system shall include primary and grammar schools, and such high schools, evening schools, normal schools, and technical schools, as may be established by the Legislature, or by municipal or district authority; but the entire revenue derived from the State School Fund, and the State school tax, shall be applied exclusively to the support of primary and grammar schools. In the primary and grammar schools no language but the English shall be taught.]

Mr. La Rue moved to strike out the words "In the primary and grammar schools no language but the English shall be taught"

Messrs. Hewitt, Wallis, Dunlap, Brown and Morse demanded the previous question which was ordered by the Convention.

Upon the ~~adoption of the~~

6/

Amendment of Mrs LaRue
the ayes and noes were
demanded by Messrs
Vaegneres, O'Sullivan, Brown,
Beerstecher and Hunter.

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

Wadham

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

Names.	Ayes.	Noes.	Names.	Ayes.	Noes.	Names.	Ayes.	Noes.	Names.	Ayes.	Noes.
ANDREWS	1		FAWCETT			LARUE	26		SHAFTER		45
AYERS	2		FILCHER	15		LAVIGNE	27		SHOEMAKER		
BARBOUR	55		FINNEY			LEWIS	28		SHURTLEFF	38	
BARNES			FREEMAN	16		LINDOW			SMITH of Santa Clara.		46
BARRY	3		FREUD	17		MANSFIELD		29	SMITH of Fourth District.	39	
BARTON	4		GARVEY		15	MARTIN of Alameda.	29		SMITH of San Francisco.	40	
BEERSTECHER	5		GLASSCOCK		16	MARTIN of Santa Cruz.		30	SOULE	41	
BELCHER			GORMAN	18		McCALLUM		31	STEDMAN	42	
BELL	6		GRACE			McCOMAS		32	STEELE		
BERRY			GRAVES		17	McCONNELL		33	STEVENSON	43	
BIGGS		1	GREGG			McCOY	30		STUART	44	
BLACKMER	7		HAGER		18	McFARLAND			SWEASEY	45	
BOGGS		2	HALE			McNUTT	31		SWENSON	46	
BOUCHER		3	HALL			MILLER			SWING		47
BROWN	8		HARRISON	19		MILLS		34	TERRY		
BURT		4	HARVEY	20		MOFFAT		35	THOMPSON	47	
CAMPBELL	9		HEISKELL		19	MORELAND		36	TINNIN		48
CAPLES		5	HEROLD	21		MORSE	32		TOWNSEND		49
CASSERLY			HERRINGTON		20	MURPHY			TULLY	48	
CHAPMAN		6	HILBORN		21	NASON		37	TURNER		50
CHARLES		7	HITCHCOCK		22	NELSON			TUTTLE		51
CONDON	10		HOLMES			NEUNABER	33		VACQUEREL	49	
COWDEN			HOWARD of Los Angeles.			NOEL		60	VAN DYKE		
CROSS	11		HOWARD of Mariposa and Merced.		23	O'DONNELL			VAN VOORHIES		
CROUCH		8	HUESTIS			OHLEYER		38	WALKER of Marin.	50	
DAVIS		9	HUGHEY	22		O'SULLIVAN	34		WALKER of Tuolumne.		52
DEAN			HUNTER		24	OVERTON			WATERS		53
DOWLING		10	INMAN			PORTER			WEBSTER	51	
DOYLE	12		JOHNSON		25	PROUTY		39	WELLER	52	
DUDLEY of San Joaquin and Amador.			JONES		26	PULLIAM		40	WELLIN	53	
DUDLEY of Solano.	0	11	JOYCE	524		REDDY			WEST		54
DUNLAP		12	KELLY		27	REED		41	WICKES		55
EAGON			KENNY	23		REYNOLDS		42	WHITE		56
EDGERTON			KEYS			RHODES		43	WILSON of Tehama.		57
ESTEY of Contra Costa and Marin.		13	KLEINE	24		RINGGOLD		44	WILSON of First District.		
ESTEE of First District.	13		LAINE		28	ROLFE	35		WINANS		
EVEY		14	LAMPSON	25		SCHELL	36		WYATT		58
FARRELL	14		LARKIN			SCHOMP	37		Mr. PRESIDENT		59

Ayes 55

Noes 60

8)

~~The amendment~~

Upon ~~the~~ concurring in the amendment of the Committee of the whole The ayes and noes were demanded by Messrs Herrington, Condon, Willis, Joyce and Beerstecher

The roll was called and the amendment was concurred in by the following vote:

91

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

AYES 60 64

NOES 53

(d) Mr. Chairman

Sec. 7

The committee recommended that section 7 be stricken out. Concurred in.

Sec. 8

The committee recommended the following amendment:—

[SEC. 8. The local Boards of Education, and the Boards of Supervisors, and County Superintendents of the several counties which may not have County Boards of Education, shall adopt a series of text-books for the use of the common schools within their respective jurisdictions; the text-books so adopted shall continue in use for not less than four years; they shall also have control of the examination of teachers, and the granting of teachers' certificates within their several jurisdictions.]

Mrs. Hallecock moved to strike out the words "and County Superintendents" in line two.

11) were

Lost.

Mr. McConnell offered the following:

add. "subject to general Legislative enactments"

Messrs Waters, Tully, Ohleyer, Brown and Biggs demanded the previous question which was ordered by the Convention

Upon the ~~adoption of the~~ amendment of Mr McConnell the ayes and noes were demanded by Messrs Beckmer, Brown, Condon, Barton and Stevenson

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

12) Squire

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

AYES [illegible] 34

NOES 38 65

32 1

13) Strickland

The amendment of the Committee Concurred in

Sec. 9.

The committee recommended the following amendment.

[SEC. 9. No public money shall ever be appropriated for the support of any sectarian or denominational school, or any school not under the exclusive control of the officers of the public schools; nor shall any sectarian or denominational doctrine be taught, or instruction thereon be permitted, directly or indirectly, in any of the common schools of this State.]

Concurred in.

Sec 10

The Committee recommended the following:

14) Remove

[SEC. 10. The University of California is hereby declared to be a perpetual institution of this State, organized to administer a great public trust, and the Legislature shall have no power to impair or divert any gift, grant, or donation made to it from the purposes or objects of those making such gift, grant, or donation. Its officers shall hold office for such time as the Legislature may prescribe. Instruction shall be therein given, in addition to other matters, in agriculture, metallurgy, the mechanic arts, and applied sciences. It shall be entirely independent of all political and sectarian influences.

Mrs. Webster offered the following amendment:—

15

Points

The University of California shall constitute a public trust, and its organization and government shall be perpetually continued in the form and character prescribed by the organic act creating the same, passed March 23d 1868, (and the several acts amendatory thereof) subject only to such Legislative control as may be necessary to insure compliance with the terms of its endowments, and the most proper investment and security of its funds. It shall be entirely independent of all political or sectarian influence, and kept free therefrom in the appointment of its Regents, and in the administration of its affairs.

Provided, That all the moneys derived from the sale of the Public Lands donated to this state by act of Congress, approved July 2d 1862 (and the several acts amendatory thereof) shall be invested

16)

as provided by said act of Congress; and the interest of said moneys shall be inviolably appropriated to the endowment, support and maintainance of at least One College of Agriculture where the leading objects shall be, (without excluding other scientific and classical studies, and including Military tactics,) to teach such branches of learning as are related to scientific and practical Agriculture, and the mechanic arts, in accordance with the requirements and conditions of said act of Congress; and the Legislature shall provide that if through neglect, misappropriation or any other contingency any portion of the fund so set apart, shall be diminished or lost, the state shall replace such portion so lost or misappropriated so that the principal thereof shall remain forever undiminished.

17) Ware

Messrs Waters, Murphy, Binnin, Biggs and Tilley demanded the previous question, which was ordered by the Convention

The amendment of Mr. Webster was rejected.

The amendment of the Committee was incurred in.

Mr. Laine offered the following new section:

18 Stirling

Amend the Article on Education by adding a Section thereto to read as follows, viz.

The Legislature shall cause to be published at the seat of the State a book of convenient size containing the Constitutions of the United States and of this State; the declaration of American Independence and Washington's farewell address; and shall cause the same to be distributed free of cost to the children in the Common Schools, and to be used therein as a text book."

Rejected.
Mon. O'Sullivan

19 Mr. O'Sullivan

Ware Offered the following new Section:

Section ~~4~~ The Legislature, at the first session after the adoption of this Constitution, shall provide for the appointment of a Commission to com=pile a series of school text=books, which, after prepara=tion, shall be printed in the State Printing Office. The text=books thus compiled and printed shall constitute a uniform series of text=books to be used in the public schools of this State on and after the first day of January, eighteen hundred and eighty=two, and shall be furnished to pupils at cost price. [redacted]

~~O'Sullivan~~

Messrs. Murphy, Bizzy, Mills, Dean and Brown demanded the previous question

20)

which was adopted by the Convention.

Later

upon the adoption of the amendment of Mrs. O'Sullivan the ayes and noes were demanded by Misses. O'Sullivan, White, Freud, Ayres and West.

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

21

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

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

AYES 42 — 73

NOES 43

Upon the engrossment of the articles of Messrs Hunter, LaRue, Dean, Watts and Brown demanded the previous question which was ordered by the convention.

Upon the engrossment the ayes and noes were demanded by Messrs Joyce, Doyle, Berry, Cross and Wicks.

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

Ayes 77

Noes 35

77 34

35

24

Notice

By Mrs Harrington

I hereby give notice that I will, on Wednesday February 19th move to reconsider the vote by which the Convention ordered to engrossment the article on Education, also to reconsider the vote by which the Convention adopted the Amendment of the Committee of the whole, to Section 6, of the Article on Education.

Harrington

Amendment. No. 5-24.

Relative to Lands and Homestead exemption.

Sec. 1.

The committee recom-

Moved the following amendment:

[SEC. —. The Legislature shall protect by law from forced sale a cer-
2 tain portion of the homestead and other property of all heads of families.]

Mr Downey offered the following amendment:

Mr Crouch offered the following amendment:-

Amend Sect - by striking out the words "Certain portion of" on lines 1 and 2

Crouch

Messrs Biggs, Tully, Waters, Kelly and Ohleyer demanded the previous question which was ordered by the Con-

26)

vention.

The amendment of Mr. Crouch was rejected

The amendment of the committee was concurred in.

The committee recommended the following

SECTION —. The holding of large tracts of land, uncultivated and unimproved, by individuals and corporations, is against the public interest, and should be discouraged by all means not inconsistent with the rights of private property.

Mr. Dowling offered the following amendment:

27)

Amend Sec. as follows.

After the adoption of this Constitution, the State shall never grant or patent any more than three hundred and twenty acres of land to any one person, Corporation, or association of persons,

The acquisition of large tracts of unimproved land for the purposes of speculation by any individuals and Corporations is dangerous to the well being and property of the state, and the legislature shall pass laws, abolishing ~~restrict~~ land monopoly, by defining ~~any such acquisition~~ the tenure thereof, and it shall empower the State Board of equalization to levy a graduated tax on the land of persons, Corporations and associations of persons in excess of Six hundred and forty acres, whether Cultivated or uncultivated in proportion to its productive Capacity—

Rejected.

[illegible]

28

Mr Barbour offered the following amendment:—

Land & Homestead Exemption.

Substitute for Sec 1, introduced by Mr VanDyke:

Sec. 1. The Legislature shall have power, and it is hereby made its duty to pass laws to prohibit and prevent the monopoly of land, by regulating the representation, use and occupation thereof; by restricting its tenure and possession, and to pass all necessary laws not in conflict with the constitution and laws of the United States to prevent the acquisition of large landed estates by persons or corporations

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.

President Hoge in the Chair

Quorum present.

On motion of Mr. Murphy the special order was continued till after the disposal of the article on Land and Homestead exemption

30)

Mr. Stewart asseets a question of privilege in regard to remarks upon his speech in the Chinese question as published in the Record-Union.

General Files-

Amendment- Nov 5-24 - resumed.

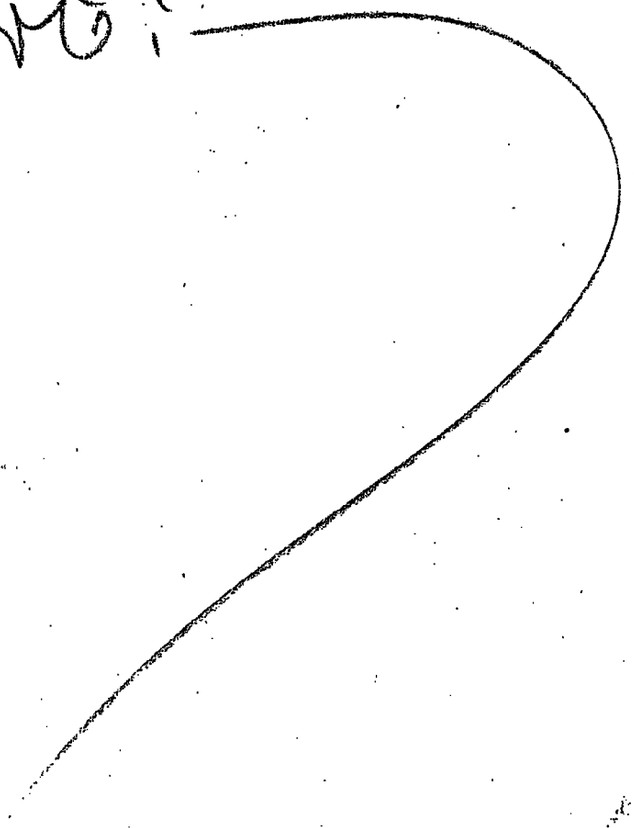
Messrs Murphy, Biggs, Townsend, Moreland and Prouty demanded the previous question which was ordered by the Convention

Messrs. White, Barbour, Condon, Joyce and Smith of 4th Dist demanded the ayes and noes on the adoption of the amendment of

31)

Mrs Burrows.

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



32)

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

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

AYES ~~3~~ ~~40~~ 39

NOES 71

1/40

Laurel Schell - Aye, - with Reynolds Aye

33)

The amendment of the Committee was concurred in on division Ayes 59 Noes 26.

The Committee recommended the following:

SEC. —. Hereafter lands belonging to this State, which are suitable for cultivation, shall be granted only to actual settlers, and in quantities not exceeding three hundred and twenty acres to each settler, under such conditions as shall be prescribed by law.

Mr. Wyatt offered the following amendment:

24)

Sec. The public lands of this state shall hereafter be granted only to actual settlers, and in quantities not to exceed three hundred and twenty acres to each settler and no land warrant, land certificate, or land scrip shall ever be issued or sold by this state or by authority thereof

Wyatt

~~Substitute~~ McCallum section

Upon the adoption of the amendment the ages and noes were demanded by Messrs. Wyatt, Barton, White Barbour and Condon.

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

Ayes 44

Noes 75

1 1

44 75

Mr. Webster moved to amend by striking out the words "which are suitable for cultivation"

Messrs. Moreland, Stewart, Sains, Kelly and Townsend demanded the previous question which was ordered by the convention.

The amendment of Mr. Webster was rejected.

The section proposed by the committee was concurred in.

The committee recommended the following

37)

SEC. —. No perpetuities shall be allowed except for eleemosynary
2 purposes.

~~Mr. Smith of 4th District~~
The Convention refused
to concur.

Messrs. Inman, Webster,
McConnell, Van Dyke and
Hentz demanded the
previous question, which
was ordered by the Con-
vention.

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

Special Orders.

38

~~Article~~

Amendment No. 521 resumed.

Sec. 9.

The committee recommended the following amendment:

39

Amend thus as follows:

[SEC. 9. Any city may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a Board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of such city, at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such Board, or a majority of them, and returned, one copy thereof to the Mayor, or other chief executive officer of such city, and the other to the Recorder of deeds of the county. Such proposed charter shall then be published in two daily papers of largest general circulation in such city for at least twenty days, and within not less than thirty days after such publication it shall be submitted to the qualified electors of such city at a general or special election, and if a majority of such qualified electors voting thereat shall ratify the same, it shall, at the end of sixty days thereafter, become the charter of such city, or if such city be consolidated with a county in government, then of such city and county, and shall become the organic law thereof, and supersede any existing charter and all amendments thereof, and all special laws inconsistent with such charter. A copy of such charter, certified by the Mayor, or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors and its ratification by them, shall be made in duplicate and deposited, one in the office of the Secretary of State, the other, after being recorded in the office of the Recorder of deeds of the county, among the archives of the city, and thereafter all Courts shall take judicial notice thereof. The charter so ratified may be amended at intervals of not less than two years, by proposals therefor, submitted by legislative authority of the city to the qualified voters thereof, at a general or special election held at least sixty days after the publication of such proposals, and ratified by at least three-fifths of the qualified electors voting thereat. In submitting any such charter, or amendment thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.]

40)

Mr. Barbour moved to strike out the word "Freeholders" in line 3 and insert "Electors."

Lost.

Mr. Hazen offered the following amendment:—

Strike out in line 14. "at the end of sixty days" and insert: "be submitted to the Legislature, and if approved by a majority vote of the members elected to each house, it shall"

Line 29, after "thereof" insert "and approved by the Legislature as herein provided for the approval of the

411)

#1

Charter"

Mr. Steadman proposed the following which was accepted by Mrs Hazen with the consent of the Convention

Insert after the word Legislature where it first occurs in the amendment of Mrs. Hayes the following:

"for its approval or rejection as a whole, without power of alteration or amendment"

Amendment as amended adopted.

At five o'Clock and five minutes P.M. Mr Murphy moved that the Convention take a recess till 7 o'Clock P.M.

Lost.

Mrs. Campbell offered the following amendment

add at the end of the Section

"The Legislature may at any time abrogate such charters or any part thereof"

Messrs Schell, Stewart,

Watts, Lamson and Tuttle demanded the previous question which was ordered by the convention. Upon the adoption of the amendment by Mr Campbell the ayes and noes were demanded by Messrs. Reynolds, Barbour, Condon, Joyce and Doyle. The roll was called and the amendment rejected by the following vote.

44)

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

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

AYES 52

NOES 69

45)

upon ~~the~~ concurring in
the amendment of the
Committee the eyes and
noes were demanded
by Messrs, Reynolds, Bell,
Bursteches, Farrell and
white.

The roll was called
and the [illegible] concur in
the amendment
~~concurred in~~ by the
following vote:

46)

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

AYES 63 60

NOES 57

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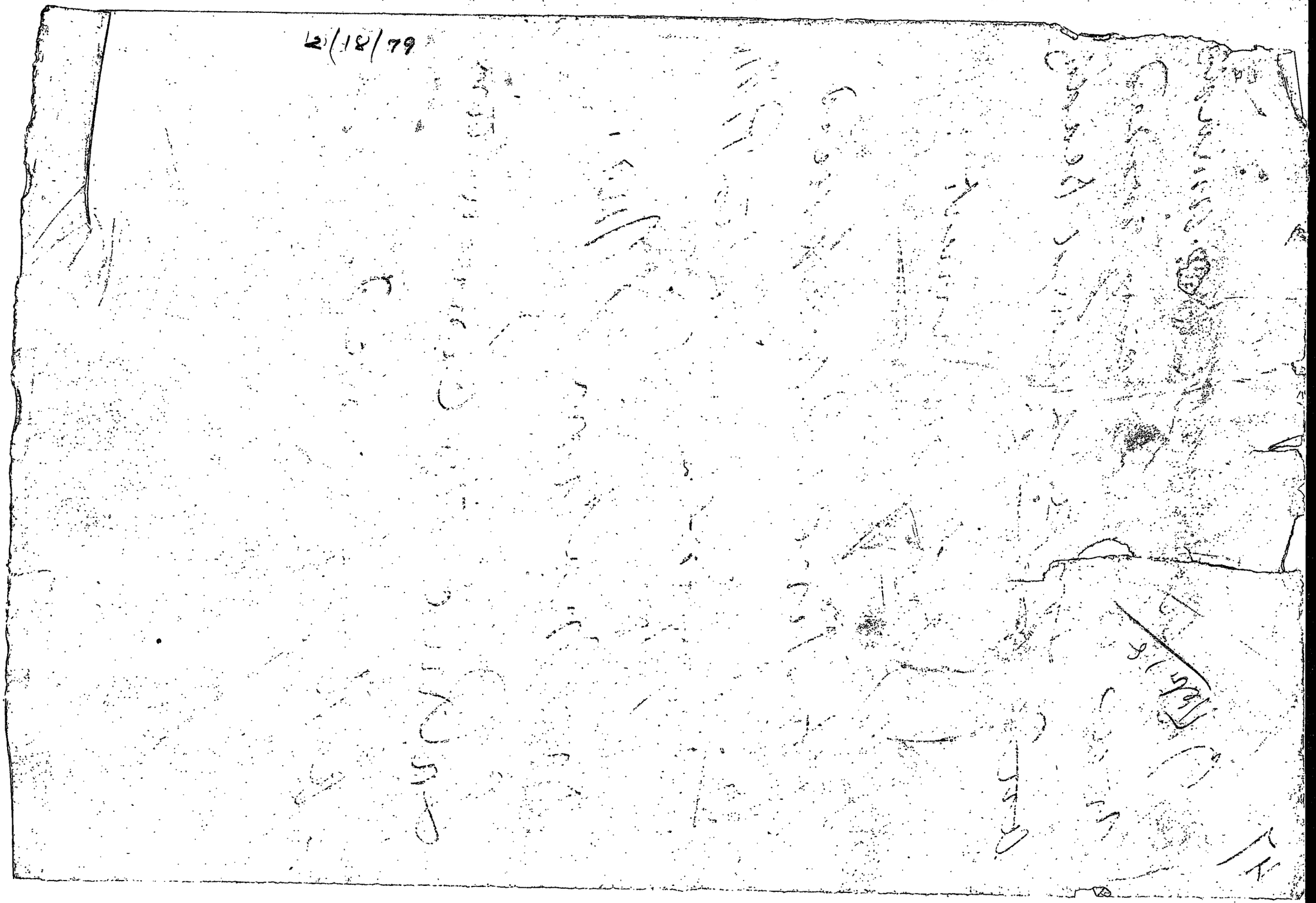
The article as amended was ordered engrossed for a second reading ~~and ordered~~

Adjournment.

at five o'clock and thirty five minutes P.M. on motion of Mr. LaRue this convention adjourned.