1)

Cn. Convention

Assembly Chamber
State Capitol.
Sacramento
Monday Mar. 3rd 1879

Convention met
pursuant to adjournment
President Hoge in the Chair

Role called and the
following members
were absent.

2)

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

Names.	Ayes.	Noes.	Names.	Ayes.	Noes.	Names.	Ayes.	Noes.	Names.	Ayes.	Noes.
ANDREWS	1		FAWCETT			LARUE	63		SHAFTER	97	
AYERS	2		FILCHER	31		LAVIGNE	64		SHOEMAKER	1	
BARBOUR	3		FINNEY			LEWIS	65		SHURTLEFF	98	
BARNES			FREEMAN	32		LINDOW	66		SMITH of Santa Clara.	99	
BARRY	4		FREUD	33		MANSFIELD	67		SMITH of Fourth District.	100	
BARTON	5		GARVEY	34		MARTIN of Alameda.	68		SMITH of San Francisco.	101	
BEERSTECHER	6		GLASSCOCK	134		MARTIN of Santa Cruz.	69		SOULE	102	
BELCHER	7		GORMAN	35		McCALLUM	70		STEDMAN	103	
BELL	8		GRACE	36		McCOMAS	71		STEELE	104	
BERRY			GRAVES	37		McCONNELL	72		STEVENSON	105	
BIGGS	9		GREGG			McCOY	73		STUART	106	
BLACKMER	10		HAGER	38		McFARLAND	74		SWEASEY	107	
BOGGS			HALE			McNUTT			SWENSON	108	
BOUCHER	11		HALL	39		MILLER			SWING	109	
BROWN	12		HARRISON	40		MILLS	75		TERRY	110	
BURT	13		HARVEY	41		MOFFAT	76		THOMPSON	111	
CAMPBELL			HEISKELL	42		MORELAND	77		TINNIN	112	
CAPLES	14		HEROLD	43		MORSE	78		TOWNSEND	113	
CASSERLY			HERRINGTON	130		MURPHY	79		TULLY	114	
CHAPMAN	15		HILBORN	44		NASON	80		TURNER	115	
CHARLES	16		HITCHCOCK	45		NELSON	81		TUTTLE	116	
CONDON	17		HOLMES	46		NEUNABER	82		VACQUEREL	117	
COWDEN			HOWARD of Los Angeles.	47		NOEL			VAN DYKE	118	
CROSS	18		HOWARD of Mariposa and Merced.	48		O'DONNELL	83		VAN VOORHIES	119	
CROUCH			HUESTIS	49		OHLEYER	84		WALKER of Marin.	120	
DAVIS	19		HUGHEY	50		O'SULLIVAN	85		WALKER of Tuolumne.	121	
DEAN	20		HUNTER	51		OVERTON			WATERS	131	
DOWLING	21		INMAN	52		PORTER	86		WEBSTER	122	
DOYLE	22		JOHNSON	53		PROUTY	87		WELLER	123	
DUDLEY of San Joaquin and Amador.	23		JONES	54		PULLIAM	88		WELLIN	124	
DUDLEY of Solano.	24		JOYCE	55		REDDY	89		WEST	133	
DUNLAP	25		KELLY	56		REED	90		WICKES	125	
EAGON			KENNY	57		REYNOLDS	91		WHITE	126	
EDGERTON	26		KEYS	58		RHODES	92		WILSON of Tehama.	127	
ESTEY of Contra Costa and Marin.	27		KLEINE	59		RINGGOLD	93		WILSON of First District.		
ESTEE of First District.	28		LAINE	60		ROLFE	94		WINANS	132	
EVEY	29		LAMPSON	61		SCHELL	95		WYATT	128	
FARRELL	30		LARKIN	62		SCHOMP	96		Mr. PRESIDENT	129	

AYES _____

NOES _____

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3

3

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

Mr. Shaftis presented the following written report of the committee on revision and adjustment: heretofore concurred in with ~~the~~ a few exceptions.

In Convention,

Sacramento, Feby 28th, 1879

To the Hon. Joseph P. Hoge, President of the Constitutional Convention, State of California.

The Committee upon Revision and Adjustment have had under consideration the articles on Preamble and Bill of Rights, Suffrage, Distribution of Powers, Legislative Department, Executive Department, Judicial Department, Pardoning Power, Militia, Education, State Institutions and Public Buildings, City, County and Township Organizations, ~~Corporations~~, Corporations, Revenue and Taxation, Water and Water Rights, Harbors, Tide Waters and Navigable Streams, State Indebtedness, Land and Homestead Exemptions, Mode of Amending and Revising the Constitution, Chinese, Miscellaneous Provisions, Boundary and Schedule; have revised and adjusted the various sections thereof and recommend the following changes of phraseology and amendments.

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The Committee recommend that the articles of the Constitution be arranged in the following order ~~and titles~~ ~~towit~~ titles and with the following

1. Preamble and Bill of Rights ✓
2. Suffrage ✓
3. Distribution of Powers ✓
4. Legislative Department ✓
5. Executive Department ✓
6. Judicial Department ✓
7. Pardoning Power ✓
8. Militia ✓
9. Education ✓
10. State Institutions and Public Buildings ✓
11. City, County and Township Organizations ✓
12. Corporations ✓
13. Revenue and Taxation ✓
14. Water and Water Rights ✓
15. Harbors, Tide Waters and Navigable Streams ✓
16. State Indebtedness ✓
17. Land and Homestead Exemption ✓
18. Mode of Amending and Revising the Constitution ✓
19. Chinese ✓
20. Miscellaneous Provisions ✓
21. Boundary ✓
22. Schedule ✓

No 1, —

Preamble and Bill of Rights

Sec three amended to read as follows."
"the State of California is an inseparable part of the American Union, and the Constitution of the United States is the supreme law of the land.

Sec. six amend by striking out the word "or" in line five and insert the word "nor".

Sec 7. amend by striking out the word "expressed" after the word court in fourth line and insert the word "expressed" after the word parties in same line; by striking out the word "cases" in fifth line and insert "actions", and by striking out the word "cases" in sixth line and insert the word "actions." and by striking out the word "that" in seventh line and inserting after the word "consists" the words "of twelve or", and after the word twelve the words "upon which" and by striking out the word "upon" in eighth line.

6)

Sec. 8. Amend by striking out the words "indictment or by", and insert the word "examination" after the word "after" in the second line; by striking out the words "commitment and" examination" where they occur in line three and insert the word "commitment" after the word "and", and after the word "Magistrate", insert the words "or by indictment with or without such examination and commitment", and by striking out the word "but" in fourth line.

Sec. 12. Amend by striking out the words "to be" in last line.

Sec 13. Amend by striking out the letter "s" after the word "causes" in last line.

Sec 17. Amend by inserting the word "acquisition" after the word "the" and the word "transmission" after the word "enjoyment" in the fourth line.

Sec. 20. Amend by striking out the word "or" and inserting the word "and" in second line.

5a

No. 2

Article on Suffrage -

Section 1 — Amend by striking out all after the words "provided" in eight line and insert the following "no native of China, no idiot, no insane person or persons convicted of any infamous crime and no person hereafter convicted of the embezzlement or misappropriation of public money shall ever exercise the privileges of an elector in this State."

8)

No 3

Distribution of Powers

Amend section 1 — on line 2 strike out word "the", and on fifth line strike out words "in the case"

9)

No 4
1

Legislative Dept —
Amend section Two = Strike out the words "shall be biennial and" ~~and~~ on line one, and on line two strike out word "Tuesday in", and after the word "members" on line three insert the words — "and after the election held in the year 1880 shall be biennial", and on line five after the word "except" insert the word "for", and on same line strike out word "called", and in line six after word "constitution" insert the word "for" and in same line after word "which" insert the word "they", and in line seven strike out the words "the expiration of", and in line eight, strike out the words "end of" and insert the words "for after", and at the end of same line strike out word "after" and insert word "from", and on line ten strike out words "of said house" and insert word "thereof" on line two after word first second occurring insert words "day of"

10) Sec 3 — Amend so as to read
Sec — 3 — Members of the Assembly shall be elected in the year 1879 at

No 4
Aug 2

the time and in the manner now provided by law — The second election of members of the Assembly after the adoption of this constitution shall be on the first Tuesday after the first Monday in November 1880 — Thereafter members of the Assembly shall be chosen biennially and their term of office shall be two years; and each election shall be on the first Tuesday after the first Monday in November, unless otherwise ordered by the legislature —

Amend Sec 6 — On line nine strike out word "said" and insert word "such", and on line twelve insert after the word "or" first occurring, ~~the~~ the words of any — and on line sixteen strike out word said and insert the word "such", and on line twenty after the word "pruning" insert the words "a part of"

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Sec 7 — In first line strike out word "over" and on line two

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page 3

strike out word "own"

Sec 9 — On line one change word "rule" to "rules", strike out word "own" and change word "proceedings" to read "proceedings"

Section 10 — On line one strike out word "own"

Sec 14 - On line two strike out word "other" and after word "place" insert word "other"

Sec 15 — On line six strike out words "deem it expedient to"

Sec - 18 — On line two after word "general" insert the words "Chief Justice and associate" &c

Sec 20 — Strike out all of the section after the word "malitia" in the third line and after said word insert the following words — "who receive no annual salary, local officers and postmasters whose compensation does not exceed five hundred dollars per

12)

No 4
page 4

an name shall not be deemed to hold lucrative offices"

Section 21 — On line two after word "funds" insert words "of the United States or"

Sec — 23 — On line two strike out word "compensation"

Sec — 25 On line seven strike out word "cases" — insert word a "ctions"

Sec 26 — On line two after word "sale" insert words "in this state" and on line four strike out such words —

Sec 30 — On line four strike out word "creed"

13) Sec 33 — At end of line two add word "and" and on line three strike out words "and water" and on line four after word storage insert word "and", and

No 4
page 5

after word "charges" strike out words "and water"

Sec 35 — On line five strike out words "proven to have been" and insert words "who shall be" and on line seven after word "be" and before "guilty" insert word "deemed", and on line nine strike out word "y" and insert word "or"

The committee recommend that section 34 be stricken out —

14)

Executive Department -

Amend Sec 2 on line 3 after word "the" insert word "first" and after the word "first" strike out words "Tuesday in" and insert in stead thereof the words - "day of"

Sec 3 - On line 3 strike out word "the" and insert word "his" and on line four strike out "said" and insert "such"

Sec 4 - On line eight to last strike out "said" and insert "such"

Sec 15 - On line four strike out words "only have" and insert "have only", and on line seven make pro. tem. read "pro tempore"

Sec 16 - On last line strike out "in" and insert "of"

Sec 17 - On line 3 strike out "whose" and insert "their" and change "term" to "terms" and on line four also insert after word "as" the words "that of"

15)

No 57
page 2

7

Sec 12 — On line two strike out word "each", and on line eleven strike out "said" and insert "such" and on line 13 after word office insert words "provided however", and on line 15 — strike out "said" and insert "such"

16)

No. 6.

Judicial Department
Amended as follows:—

Sec. 3.— In line three strike out the word "that" and insert in lieu thereof the words "at which". In line four, insert between the word "Monday" and the word "of", the words "after the first day."

Sec. 4. In line ten, strike out the word "also", and insert between the word "all" and the word "with", the word "others."

Sec. 5. In line seven, strike out the word "also" and insert in lieu thereof the word "of." In line eight, strike out the word "also". In line nine, strike out the words "and also", and insert between the word "and" and the word "all", the word "of."
In line thirteen, strike out the words "said Courts", and insert in lieu thereof the word "They."

17)

Sec. 6. In line six, strike out the word "provided."
Sec. 10. In line six, strike out the word "of" and insert in lieu

thereof the word "not".
Sec. 11, Tenth line, between the word "of" and the word "lieu", the word "the".
Sec. 14, Lines two and three, strike out the words "County Clerks, District Attorneys, Sheriffs, and other necessary officers". Line three, strike out the word "their" and insert in lieu thereof the word "his". Line four, strike out the word "they" and insert in lieu thereof the word "he". Line five, insert before the word "County" the word "the".
Sec. 17, ~~Second line from the last~~ Fourth line from the last, strike out the word "quarterly" and insert in lieu thereof the word "monthly".
Sec. 24, Line three, strike out the words "they shall severally" ~~[illegible]~~ and insert in lieu thereof the words "he shall". Line four, strike out the word "their" and insert in lieu thereof the word "his".

18)

No. 71.

Article on Pardoning Power.

Sec. 1. Amend by striking out the word "and" in line twelve after the word "sentence", and the word "pardon" and insert "or" before the word "reprieve" in same line.

19)

No. 8

Articles of Militia -

Section 1 — Amend by striking out on line two the word "they" and insert "it" instead.

20)

No 9

Article on Education

Amend section Two (2) on line one strike out words "the first", and insert in their stead the word "each", also, strike out on lines two and three, the words, "and every four years thereafter" and on line three strike out word "voters" and insert word "electors", also, insert on line five after word "Monday", the words "after the first day", and strike out all after the word "next" in last line, and insert the words "succeeding his election"

Amend Sec 3 —
On line 2 strike out word "voters" and insert word "electors" and on same line strike out words "the first" and insert word "each", and on lines two and three strike out the words "and every four years thereafter" and on last line of section strike out word "all"

21

Amend section 4
On line five from end of section by inserting between words "or" and "any"

No 8

2

the word "may"

Amend section 5 of
In line 3 strike out word "has"

Amend section 6 on line one strike out words "primary and grammar" and insert "common" and on line two strike out words "evening schools" and on 5th and 6th lines strike out words primary and grammar and insert "Common" where "Primary & Grammar" are stricken out.

~~Amend Sec 8 — on last line by striking out the word "common"~~

Amend Sec 8 on last line by striking out the word "common"

22

No. 10.

State Institutions and Public Buildings.

No amendments proposed by committee.

23

No. 11.

City, County and Township Organizations.

Amendments.

Sec. 6. Strike out the word "such" in the last line.
Sec. 7. Second line from the last, between the word "for" and the word "his" the words "the term of". Also strike out the word "casual", and insert between the word "vacancy" and the word "in", the word "occurring".
Sec. 8. Line ten, strike out the word "largest." Lines seventeen and eighteen, strike out the words "in government."
Line twenty five, strike out the words "and thereafter."
Sec. 9. Line one, strike out the words "or fees."
Sec. 10. Line three, strike out the word "their" and insert in lieu thereof the word "its". Also strike out the word its and insert in lieu thereof the word "their."

24)

Sec. 14. Lines four and five, strike out the words "and the public interest demands it."

Sec. 16. Lines three and four, strike out the words "on the receipt thereof."

Sec. 18. Lines three and four, strike out the words "their respectively" and insert in lieu thereof the word "it". Also strike out the word "voters" in line four and insert in lieu thereof "electors."

25

No 12

Corporations –

Sec 5 – Amend – on line 3 by striking out word "but" and inserting word "to", and on line four strike out word "make"

Sec 7 – On line one strike out word "or" last occurring and insert word "nor"

Sec 8 – On line eight to last one strike out word "equal"

Sec 9 – On line one afterword "in" insert word "any", and on line 3 strike out words "any real estate", and on line four after word "years" insert words "any real estate"

Sec 10 – On line three after word from insert word "the"

26)

Sec 11 On line four change word "law" to "laws" – On lines five and six strike out words "first obtained" and on line six strike out word "first"

No 1,2
page 2

Sec 12 – On lines one and two strike out words "incorporated companies" and on line three strike out word "or" – first occurring

Sec 13 – On lines one and two strike out words "subscribe to or be interested in the stock of or and also strike out all of the section after word "exist" on line two and insert after word exist the words – "nor shall it subscribe to or be interested in the stock of any company association or corporation"

Sec 14 Amend on right to last line by striking out word "said"

Sec 16 – On line one strike out word "at" and insert word "in" and on line three after word "or" insert word "the" and on same line after word "or" second occurring insert word "in" in lieu of word "at"

27

Sec 17 – On line one strike out word "shall" and insert words "are declared to "

No 12
page 3

Sec 19 — On last line of section change word "commissioners" to word "Commissioner"

Sec 20 — On last line of section strike out words — "authorizing such change"

Sec 21 — On line three afterword "transportation" insert words "of the same classes" —

Sec 22 — On line three strike out words "of their respective districts" and insert word "thereof" and on line five after word "years" insert words — "commencing on the first Monday after the 1st day of January next succeeding their election" and on lines 21 and 22 strike out words, "and they shall keep their accounts according to such system —

28)

26a

No. 13

Article on Revenue and Taxation

Section 1. Amend section one on line five by inserting after the word "things" the words "real, personal and mixed". On same line strike out the words "real, personal and mixed" after the word ownership.

Section 9. Amend section nine by striking out the word "State" before the word "Taxation" on line seven and insert on same line the word "the" for the word "said". On line eleven insert "such" for "said" before the word "State".

Section 10. Amend section ten by striking out all in the first and second lines down to the word "shall" and insert the following

"All property except as ~~hereafter~~ hereinafter in this section provided shall be assessed in the County, city or district wherein it is situated in the manner prescribed by law. The franchise, roadway, road-bed, tracks and rolling stock of all railroads operated in more than one county in this State". On last two lines strike out all after the word "districts"

29

over

30)

Section 12. This section becomes Sec. No. 13, the Committee having amended the article by adding another section to be known as section No. 12.

No. 14.

Article on Water and Water Rights.

The Committee recommend no amendments.

31

No. 15

Harbors, Tide Waters, and Navigable Streams.

Amendments.

Sec. 2. First and second lines from the last, strike out the words "and that the people shall not be shut out from the same," and insert in lieu thereof the words "for the people thereof."

32)

No. 16.

State and Municipal Indebtedness.

Amendments.

Sec. 1. Strike out the word "some" where it first occurs in line five.

33

No. 17.—

Land and Homestead Exemption Amendments.

Sec. 2. Line two, strike out the word "and" and insert the word "or."

Sec. 3. Line one, strike out the word "hereafter."

34)

No. 18.

Future Amendments.

Amendments.

Change the title of the Article from "Future Amendments" to "Mode of Amending and Revising the Constitution."

Sec. 1. Line five, strike out the word "said" and insert in lieu thereof the word "the". Strike out the word "amendment" where it occurs in line eight, and insert the ~~same at~~ # word "amendments" at the beginning of said line eight and between the word "more" and the word "than". Line nine, strike out the word "they" and insert in lieu thereof the word "each". Line eleven, ~~strike~~ insert the word "qualified" between the word "the" and the word "electors". Lines eleven and twelve, strike out the words "qualified to

35

vote for members of the legislature."
In line twelve, strike out the word "therefor" and insert in lieu thereof the word "thereon"

Sec. 2. In line two, strike out the word "think" and insert in lieu thereof the word "deem".
In fourth strike out the word "said" and insert in lieu thereof the word "such."
In six, strike out the word "said," and insert in lieu thereof the word "the."
In eight, strike out the word "which" and insert in lieu thereof the word "who."
Strike out the words, "The Constitution that may be agreed upon by such Convention shall be submitted to the people", where they occur in lines eleven and twelve, and insert the same words between the word "law" and the word "for" in line thirteen.

36)

No. 19

Article on Chinese.

Sec. 1. Amend by striking out the word "who" in third line, and the words "the foregoing" in ninth line, and by inserting the word "all" in the first line after the word "prescribe"; the word "from" in fifth line after the word "and"; the word "provided" after the word conditions in the eighth line, and the words "this section" after the word "in" in ninth line.

Sec. 3. Amend by changing the the number of the word crime ~~from the singular to the plural~~ to crime in last line.

Sec 4. Amend by striking out the word "herein" in second line; the word "being" in fourth line; the words "are null and" in fifth line and by inserting the word "is" after the word "coolieism" in fourth line, and the word "and" after the word "slavery" in same line; the words "shall be" after the word "labor" in fifth line and the word "for" after the word

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"or" in the tenth line.

38)

No. 20

Article on Miscellaneous Subjects

Sec. 4 Amend section four by striking out "office" in third line and inserting "offices" instead.

Section 15. Amend section fifteen by inserting in line five the word "such" for "said"

Section 19. Amend by striking out in Section nineteen, line five the word "this" before the word "Convention" and insert in lieu thereof the word "the"; also in same line after the word "Convention" insert the words "framing this Constitution". Strike out in line three "of said Convention" and insert "thereof".

Section 20. Amend by striking out in line four the word "Tuesday" & insert the word "Monday" and in last line strike out "Monday in" and insert ~~the~~ "day of" in lieu thereof.

39)

No. 21

Article on Boundary –

Section 1 – Amended section one by striking out the word "thirteenth" in line nine and insert "thirtieth" instead.

40)

No. 22.

Schedule.

Amendments.

Sec. 2, Line five, insert between the word "municipality" and the word "and", the word "thereof."

Sec. 3. Strike out all down to and including the word "herein" in line four, and insert in lieu thereof the following matter, "All courts now existing, save justices' and police courts, are hereby abolished, and all records, books, papers, and proceedings from such courts as are abolished by this constitution shall be transferred on the first day of January 1880 to the courts provided for in this constitution."

41

Sec. 9. Line seven, strike out the word "be" and insert in lieu thereof the word "is". Change "day" to "days" in second line from the last.

Sec. 10, Line four, strike out the words "as in" and insert in lieu

thereof the words "as fixed by law or by". Strike out on fourth line the word "provided"

Sec. 11. Strike out on sixth line the words "the terms of offices" and insert "their terms of office."

All of which amendments, corrections and alterations are ~~hereby~~ indicated and marked upon copies of said Articles and Proposed amendments herewith submitted

L. M. M. Shafter
for Committee

42

Report of Committee
on
Revision and Adjustment

43)

Recieved and ordered in the journal.

Mr. Ayers from the committee on Reporting and printing, reported the ~~Enrolled copy of the~~ Constitution as correctly enrolled on parchment:

The Secretary commenced reading.

Mr. Murphy moved to dispensewith the further reading, upon

which the ayes and noes were demanded by Messrs. Murphy, Bass, Cross, Barry and McFarland.

The roll was called and the motion was lost by the following vote.

45

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

Ayes 53

Noes 79

The reading was continued.

Mr. Edgerton moved to dispense with the further reading, upon which the ayes and noes were demanded by Messrs. Cross, Burt, Larkin, Steadman and Burton.

The roll was called and the motion prevailed by the following vote:

47)

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

AYES 74

NOES 58

73 58
74 57
58

The roll was called upon the adoption of the Constitution as enrolled, and it was adopted by the following vote:—

49

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	57		SHAFTER	Paired	
AYERS	2		FILCHER	27		LAVIGNE	58		SHOEMAKER		12
BARBOUR	3		FINNEY			LEWIS	59		SHURTLEFF	86	
BARNES			FREEMAN	28		LINDOW	60		SMITH of Santa Clara.	87	
BARRY	4		FREUD	29		MANSFIELD	61		SMITH of Fourth District.	88	
BARTON	5		GARVEY	30		MARTIN of Alameda.	1	7	SMITH of San Francisco.	89	
BEERSTECHER	6		GLASSCOCK	31		MARTIN of Santa Cruz.	62		SOULE	90	
BELCHER	7		GORMAN	32		McCALLUM	63		STEDMAN	91	
BELL	118		GRACE	33		McCOMAS	64		STEELE	92	
BERRY			GRAVES	34		McCONNELL	65		STEVENSON	93	
BIGGS	8		GREGG			McCOY	66		STUART	94	
BLACKMER	9		HAGER		4	McFARLAND		8	SWEASEY	95	
BOGGS			HALE	Paired		McNUTT	67		SWENSON	96	
BOUCHER	10		HALL		5	MILLER			SWING	97	
BROWN	11		HARRISON	35		MILLS	68		TERRY	98	
BURT	12		HARVEY	36		MOFFAT	69		THOMPSON	99	
CAMPBELL	Paired		HEISKELL	37		MORELAND	70		TINNIN	100	
CAPLES	13		HEROLD	38		MORSE	71		TOWNSEND	101	
CASSERLY			HERRINGTON	39		MURPHY	72		TULLY	102	
CHAPMAN	14		HILBORN		6	NASON	73		TURNER		13
CHARLES	15		HITCHCOCK	40		NELSON	74		TUTTLE	103	
CONDON	16		HOLMES	41		NEUNABER	75		VACQUEREL	104	
COWDEN			HOWARD of Los Angeles.	42		NOEL			VAN DYKE	105	
CROSS	17		HOWARD of Mariposa and Merced.	43		O'DONNELL	119		VAN VOORHIES	106	
CROUCH			HUESTIS	44		OHLEYER	76		WALKER of Marin.	107	
DAVIS	18		HUGHEY	45		O'SULLIVAN	77		WALKER of Tuolumne.	108	
DEAN	19		HUNTER	46		OVERTON			WATERS		14
DOWLING	20		INMAN	47		PORTER		9	WEBSTER	109	
DOYLE	21		JOHNSON	48		PROUTY	78		WELLER	110	
DUDLEY of San Joaquin and Amador.		1	JONES	49		PULLIAM		10	WELLIN	111	
DUDLEY of Solano.	22		JOYCE	50		REDDY		11	WEST	112	
DUNLAP	23		KELLY	51		REED	79		WICKES	120	
EAGON		2	KENNY	52		REYNOLDS	80		WHITE	113	
EDGERTON		3	KEYS	53		RHODES	81		WILSON of Tehama.	114	
ESTEY of Contra Costa and Marin.	24		KLEINE	54		RINGGOLD	82		WILSON of First District.		
ESTEE of First District.	25		LAINE	Paired		ROLFE	83		WINANS		15
EVEY	26		LAMPSON	55		SCHELL	84		WYATT	115	
FARRELL	117		LARKIN	56		SCHOMP	85		MR. PRESIDENT	116	

AYES 120

NOES 15

paired — Campbell — aye — with — Laine — no

Hale — aye — " Shafter — no

50)

The constitution as adopted was duly authenticated by the President and secretary.

The following members then came forward and affixed their signatures.

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

Names.	Ayes.	Noes.	Names.	Ayes.	Noes.	Names.	Ayes.	Noes.	Names.	Ayes.	Noes.
ANDREWS			~~LAWCETT~~			LARUE			SHAFTER		
AYERS			FILCHER			LAVIGNE			SHOEMAKER		
BARBOUR			~~FINNEY~~			LEWIS			SHURTLEFF		
~~BARNES~~			FREEMAN			LINDOW			SMITH of Santa Clara.		
BARRY			FREUD			MANSFIELD			SMITH of Fourth District.		
BARTON			GARVEY			MARTIN of Alameda.			SMITH of San Francisco.		
BEERSTECHER			GLASSCOCK			MARTIN of Santa Cruz.			SOULE		
BELCHER			GORMAN			McCALLUM			STEDMAN		
BELL			GRACE			McCOMAS			STEELE		
~~BERRY~~			GRAVES			McCONNELL			STEVENSON		
BIGGS			GREGG			McCOY			STUART		
BLACKMER			HAGER			McFARLAND			SWEASEY		
~~BOGGS~~			~~HALE~~			McNUTT			SWENSON		
BOUCHER			HALL			~~MILLER~~			SWING		
BROWN			HARRISON			MILLS			TERRY		
BURT			HARVEY			MOFFAT			THOMPSON		
~~CAMPBELL~~			HEISKELL			MORELAND			TINNIN		
CAPLES			HEROLD			MORSE			TOWNSEND		
~~CASSERLY~~			HERRINGTON			MURPHY			TULLY		
CHAPMAN			HILBORN			NASON			TURNER		
CHARLES			HITCHCOCK			NELSON			TUTTLE		
CONDON			HOLMES			NEUNABER			VACQUEREL		
~~COWDEN~~			HOWARD of Los Angeles.			~~NOEL~~			VAN DYKE		
CROSS			HOWARD of Mariposa and Merced.			O'DONNELL			VAN VOORHIES		
~~CROUCH~~			HUESTIS			OHLEYER			WALKER of Marin.		
DAVIS			HUGHEY			O'SULLIVAN			WALKER of Tuolumne.		
DEAN			HUNTER			~~OVERTON~~			WATERS		
DOWLING			INMAN			PORTER			WEBSTER		
DOYLE			JOHNSON			PROUTY			WELLER		
DUDLEY of San Joaquin and Amador.			JONES			PULLIAM			WELLIN		
DUDLEY of Solano.			JOYCE			REDDY			WEST		
DUNLAP			KELLY			REED			WICKES		
EAGON			KENNY			REYNOLDS			WHITE		
EDGERTON			~~KEYS~~			RHODES			WILSON of Tehama.		
ESTEY of Contra Costa and Marin.			KLEINE			RINGGOLD			~~WILSON~~ of First District.		
ESTEE of First District.			LAINE			ROLFE			WINANS		
EVEY			LAMPSON			SCHELL			WYATT		
FARRELL			LARKIN			SCHOMP			MR. PRESIDENT		

Ayes _____

Noes _____

82

The Following members were absent: ~~and that~~

Barnes.
Berry
Boggs
Campbell
Casserly
Cowden
Crouch
Fawcett
Finney
Hale
Miller
Noel
Overton and
Wilson of first District

The President then in ~~the~~ presence of the members of the Convention delivered the enrolled copy of the constitution as adopted and attested, ~~in~~ to the Hon Thomas Beck Secretary of State.

(55)

Mr Johnson presented the ~~following~~ address to accompany the printed copies of the Constitution, and moved its adoption.

~~Printed at the close of the Journal~~

~~pages 1 to 23~~

56)

Messrs Grace, Brown, Tully, Keys and Gorman demanded the previous question which was ordered by the Convention.

Upon the adoption of the resolution the ayes and noes were demanded by Messrs Shaftes, Brown, Tully, Lampson and Pulliam.

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

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

Names.	Ayes.	Noes.	Names.	Ayes.	Noes.	Names.	Ayes.	Noes.	Names.	Ayes.	Noes.
ANDREWS	1		FAWCETT			LARUE	53		SHAFTER		23
AYERS	2		FILCHER	25		LAVIGNE	54		SHOEMAKER		24
BARBOUR	3		FINNEY			LEWIS	102		SHURTLEFF	76	
BARNES			FREEMAN	26		LINDOW	55		SMITH of Santa Clara.	77	
BARRY	4		FREUD	27		MANSFIELD		10	SMITH of Fourth District.	78	
BARTON	5		GARVEY		8	MARTIN of Alameda.			SMITH of San Francisco.	79	
BEERSTECHER	6		GLASSCOCK	28		MARTIN of Santa Cruz.		15	SOULE		
BELCHER		1	GORMAN	29		McCALLUM	56		STEDMAN	80	
BELL	7		GRACE	30		McCOMAS	57		STEELE	81	
BERRY			GRAVES			McCONNELL	58		STEVENSON	82	
BIGGS	103	2	GREGG			McCOY	59		STUART		25
BLACKMER	8		HAGER	31		McFARLAND		16	SWEASEY	83	
BOGGS			HALE	32		McNUTT		17	SWENSON	84	
BOUCHER	9		HALL		9	MILLER			SWING	85	
BROWN	10		HARRISON	33		MILLS	60		TERRY	86	
BURT	11		HARVEY	34		MOFFAT	61		THOMPSON	87	
CAMPBELL			HEISKELL	35		MORELAND	62		TINNIN	88	
CAPLES	12		HEROLD	36		MORSE	63		TOWNSEND		26
CASSERLY			HERRINGTON	37		MURPHY		18	TULLY	89	
CHAPMAN		3	HILBORN		10	NASON	64		TURNER		27
CHARLES	13		HITCHCOCK	38		NELSON	65		TUTTLE	90	
CONDON	14		HOLMES	39		NEUNABER	66		VACQUEREL		28
COWDEN			HOWARD of Los Angeles.	40		NOEL			VAN DYKE	91	
CROSS	15		HOWARD of Mariposa and Merced.	41		O'DONNELL	67		VAN VOORHIES		29
CROUCH			HUESTIS	42		OHLEYER	68		WALKER of Marin.	92	
DAVIS	16		HUGHEY	43		O'SULLIVAN	69		WALKER of Tuolumne.		30
DEAN	17		HUNTER	44		OVERTON			WATERS		31
DOWLING	18		INMAN	45		PORTER			WEBSTER	93	
DOYLE	19		JOHNSON	46		PROUTY	70		WELLER	94	
DUDLEY of San Joaquin and Amador.		4	JONES			PULLIAM		19	WELLIN	95	
DUDLEY of Solano.		5	JOYCE	47		REDDY		20	WEST	96	
DUNLAP	20		KELLY	48		REED		21	WICKES	97	
EAGON		6	KENNY	49		REYNOLDS	71		WHITE	98	
EDGERTON		7	KEYS	50		RHODES	72		WILSON of Tehama.	99	
ESTEY of Contra Costa and Marin.	21		KLEINE	51		RINGGOLD	73		WILSON of First District.		
ESTEE of First District.	22		LAINE		11	ROLFE	74		WINANS		32
EVEY	23		LAMPSON	101	12	SCHELL		22	WYATT	100	
FARRELL	24		LARKIN	52		SCHOMP	75		Mr. PRESIDENT		33

Ayes 102

Noes 30

32
30
30

5-8

Resolutions

By Mr. Shaftis.

Resolved That the thanks of this Convention be presented to the Hon Joseph B. Hogg for the able and impartial manner in which he has performed the duties of presiding officer of this Convention and that following the dissolution of this Convention Col Hogg will be accompanied by its sincere wishes for his future health happiness and prosperity.

Shaftis

adopted

(59)

By Mr. Ayers:

Resolved, That the thanks of this Convention are hereby tendered to Mr. Frank P. Thompson, Superintendent of State Printing, for the prompt, efficient and thorough manner in which the work in his department for this convention has been done.

adopted

By Mr. O'Sullivan

Resolved, That the Superintendent of the State Printing Office is hereby authorized to print 960 copies of the Constitution, as correctly enrolled, for the use of Delegates.

adopted

60

By Mr Van Dyke

Resolved
That the address which has been adopted be published with the ~~New~~ proposed Constitution

Messrs Steadman, Wyatt, Gorman. Wicks and Huestiss demanded the previous question which was ordered by Convention.

The resolution was adopted.

61

By Mr Smith of Santa Clar.

Resolved that the thanks of this convention is hereby tendered ~~to the~~ to its several secretaries ~~& other offic~~ ~~&~~ and journal clerks for the efficient and faithful manner ~~which~~ ~~they~~ have discharged their several duties

adopted.

62)

By Mrs. Filches.

Resolved that the thanks of this Convention be and are hereby extended to the State Officers one and all for their promptness in responding to the demands of this body, and the uniform courtesy they have extended toward members.

Adopted.

By Mrs Schell

(63)

Resolved: That the thanks of this Convention are hereby tendered to Benj. Chambers, the Assistant Sergeant-at-Arms, for ~~his~~ the polite, efficient manner in which he has discharged the duties of his office.

adopted

By Mr. Hnestiss:

64))

Resolved, –

That the thanks of this Convention be and ~~they~~ are hereby tendered to the several members of the Committee on Revision and Adjustment for the prompt and ~~able~~ faithful manner in which they have performed the arduous duties incumbent upon them as members of such Committee –

H Curtis

adopted.

On motion of Mr. La Rue

~~Resolved~~ the thanks of the Convention ~~are~~ were tendered to the Pages of the Convention

Mr. Johnson rose to a question and presented the President in the name of the members of the convention, ~~a~~ ~~hundred volumes~~ a collection of works of standard authors. as a testimonial of their ~~as a~~ appreciation of ~~their~~ his services as Presiding Officer

The business of the Convention having been completed, at one o'Clock and fifteen minutes P. M. the President declared the Constitutional Convention adjourned Sine die.

732.01.37