In Convention.
Assembly Chamber.
State Capitol

Sacramento
Monday Feb. 10th 1879

Convention met pursuant to adjournment.

In absence of the President and President Protem, the Convention was called to order by Secretary Smith.

Mr. Waters, on motion of Mr. Wyatt, was chosen as Presiding Officer.

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

AYES

NOES

87
8
91
2

3)

Leave of absence.

Leave of absence was granted for one day to Mr. Morse; for two days, to Mr. Sweazey; for three days, to Messrs. Winans and Martin of Santa Cruz.

The reading of the journal was dispensed with, and the same approved.

General File.-

Amendment No 510 - resumed.-

See 9.

The Committee recommend that Sec. 9 be stricken out.

Messrs. Moreland, Stewart, Lampson, Wyatt and Wilson of Tehama demanded the previous question,

which was ordered by the Convention.

Upon concurring in the report of the committee, the ayes and nays were demanded by Messrs. Barbour, Swinson, Lindsay, Wyatt, and Lampson.

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

AYES 54

NOES 35

1/53 1/36

1/54 1/35

6)

Paired – Davis – aye – Holmes – no.

Sec. 11.

The committee recommended the following:

SEC. 11. The Legislature shall have the power to provide by law for the payment of all taxes on real property by installments.

~~Mr. Ayers moved to amend by striking out the words "State the power to".~~

Messrs Wyatt, Huestis, Nason Gray and West demanded the previous question, which was ordered by the convention.

The question concerning the amendment of the committee, the ayes and noes were demanded

7) by mesprs. Bigg, Ayers
West, Grey and Nash.

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

8)

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

Ayes 52

Noes 41

~~1~~ 58
~~53~~
52
~~54~~
~~55~~
~~56~~
37
~~57~~
~~58~~
38
~~59~~
39
~~41~~
49

9)

Sec. ~~12~~ 13

The committee recommended that section thirteen be stricken out.

Concurred in.

Sec. 14

The committee recommended that Sec. 14 be stricken out.

Upon concurring, the ayes and noes were demanded by Messrs. White, Brown, Freud, West, and Biggs

The roll was called, and the recommendation of the committee concurred in by the following vote:—

10

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

Ayes 50

Noes 39

39

Feb 10

11 Paired - Schell - aye - with Ayers - no.

Sec. 15

The committee of the Whole recommended the following:-

[SEC. 15. A State Board of Equalization, consisting of two members from each Congressional District in this State, shall be elected by the qualified electors of their respective districts, at the general election to be held in the year one thousand eight hundred and seventy-nine, and every four years thereafter, whose duty it shall be to equalize the valuation of the taxable property of the several counties in the State for the purposes of State taxation; *provided*, that the Legislature shall have power to reduce the number to one from each Congressional District, when said districts shall have been increased in number. The Controller of State shall be ex oficio a member of said Board. The Boards of Supervisors of the several counties of the State shall constitute Boards of Equalization for their respective counties, whose duty it shall be to equalize the valuation of the taxable property in the county for the purpose of county taxation; *provided*, said State and County Boards of Equalization are hereby authorized and empowered, under such rules of notice as the County Boards may prescribe, as to the county assessments, and under such rules of notice as the State Board may prescribe, as to the action of the State Board, to increase or lower the entire assessment roll, or any assessment contained therein, so as to equalize the assessment of the property contained in said assessment roll, and make the assessment conform to the true value in money of the property contained in said roll. The members of said Board, except the Controller of State, shall, at their first meeting after their election, so arrange, by lot, that one of their number from each Congressional District shall go out of office at the end of two years, and their successors shall be elected at the next general election thereafter to be holden by the qualified electors of each of said districts.

12) Kim.

Mr. McCommas offered the following:

Strike out in lines 4 and 5 the words "and every four years thereafter" and insert "whose term of office, after those first elected, shall be four years".

adopted.

Mr. White offered the following:

Strike out in first line the words "two members" and insert "one member" also strike out the following: provided, that the Legislature shall have power to reduce the number to one from each congressional

13)

District, when said districts shall have been increased in numbers."

~~Also strike out all after "roll" in 8th 20th line.~~

Lugdam

Recess,

The Rome Saving assured the convention took a recess till two o'clock P. M.

Afternoon Session

Convention reassembled at two o'clock P. M.

Mr. Watkins in the chair.

Quorum present.

Mr. Reynolds moved to suspend the rules to enable him to introduce certain resolutions

14)

Upon the question of suspending the rules the ayes and noes were demanded by Messrs Steadman, Wyatt, Vacquerel, Stuart and Blackmer.

The roll was called and the rules were suspended by the following vote.

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

AYES 75

NOES 16

1/73 1/17

1/74 1/16

1/75

165

Mr. Raymond offered the following resolutions which were made the special order for Wednesday, Feb. 12th 1879 at 2 o'Clock P.M.

16)

Remine

Memorial to Congress in relation to University Lands.

Reynolds

Whereas, a certain bill is now pending before Congress purporting to grant 45,000 acres of land to the University of California in excess of the 150,000 acres granted to endow a College of Agriculture; and

Whereas, the Regents, members of this Convention, assert that the Regents have asked for the passage of no such bill, and that it is neither directly nor indirectly in the interest of the University; and

Whereas, grants of land made in the manner proposed by said bill only afford land monopolists opportunities to rob the public domain of of lands which ought to be granted only to actual settlers and in limited quantities; therefore

Resolved, by this Constitutional Convention of the State of California, now in session, that Congress be and is hereby respectfully but earnestly memorialized to refuse to pass said bill, to the end that whatever remains of the public domain may be

retained for the use of those who will settle upon and improve it.

Resolved, That these resolutions be printed and a copy, signed by the President and Secretary, be sent without delay to each of our Senators and Representatives in Congress.

18)

Merchant

Notice

I give notice that on Tuesday February 11th I will move to reconsider the vote by which the convention concurred in the action of the committee of the Whole by striking out section 9 of the report of the committee on revenue and taxation

A. Vacquerel

Report.

Mr Ayers from the committee on Reporting and printing, reported amendments no 485. militia — amendment 434 — dissent. amendment 45 no 444 — corporations other than municipal, as being correctly engrossed

19) Rumm

General File.—

Amendment No 510 — resumed.

Messrs. West, Evey, Hunter, Luskin, and McCommas demanded the previous question which was ordered by the Convention.

Upon the adoption of the amendment of Mrs. White, the ayes and noes were demanded by Messrs, Brown, Doyle, Blackmur Ayers and West.

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

20) Kim.

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

Ayes 66

Noes 32

1/66 1/32

21 Meacham

paired - Herrington aye - with - Burstehus no.

The amendment of the committee as amended was concurred in.

Notice

I hereby give notice that I will on tomorrow morn to reconsider the policy which the Convention concurred in the report of the Committee of the whole striking out Section fourteen (14) of the article relating to Revenue and taxation

J. T. Hale

February 10th 1879

22)

I give notice that I will on to morrow move to amend rule thirty five as follows;

"That the main question shall only apply to the amendment to such section or ~~such~~ such substitute as may be then under consideration

La Rue

Sec. 16

The committee recommended the following.

[SEC. 16. The franchise, roadway, road-bed, rails, and rolling stock of all railroads in this State, operated in more than one county, shall be assessed by the State Board of Equalization, at their actual value, and the same shall be apportioned to the counties, cities and counties, cities, townships, and districts in which such railroads are located, in proportion to the number of miles of railway laid in such counties; and all other property of railroads shall be assessed by the counties in which such property is situated.]

23) Stickney

Mr. Ayers offered the following amendment:

Insert before the word "townships" in line 4 the word "towns", and insert after "counties" in line 6 the additional words, "cities and counties, cities, towns, townships and districts"

adopted.

The amendment of the committee as amended was concurred in.

Dec. 17

The committee recom-

24) Moved that Sec 17 be stricken out.

The recommendation of the Committee concurred in

The Committee recommended the following:—

[SEC. —. Income taxes may be assessed to and collected from persons,
2 corporations, joint-stock associations, or companies resident or doing business
3 in this State, or any one or more of them, in such cases and amounts, and in
4 such manner, as shall be prescribed by law.

Mr. Cross offered the following:

Add to last section,
"provided that no tax shall be assessed upon incomes directly derived from property taxed."

Rejected.

Mr Jones offered the following:—

25) Kum

Sec. Amend by inserting next after the word "taxes" in line 1. the words "upon net incomes"
Also by striking out the words "or any one or more of them" in line 3.

Messrs. Kelly, Hunter, Jenkins, Shoemaker and Kelley, demanded the previous question, which was ordered by the convention. The amendment of Mr. Jones was rejected.

When concerning in the amendment of

the committee the ayes and noes were demanded by Messrs, Hastings Shoemaker, Hunter, Lindow and Kelly.

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

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

Ayes 69

Noes 30

28) Km.

At four o'clock and fifty minutes P.M. Mrs. Reynolds moved to adjourn Lost.

Mrs. Freeman moved to strike out section one. Carried.

adjourn

at four o'Clock and fifty five minutes P.M. on motion of Mrs. Bizzy the convention adjourned.

2/10/79

Feb. 10

(Lepung - 6/2)

2/10/79