1

In Convention

Assembly Chamber State Capitol

Sacramento Friday Oct. 11 1878

Convention met pursuant to adjournment President Hoge in the chair

Roll called and the following members were present

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	25		LAVIGNE	70		SHOEMAKER	1	
AYERS	2		FILCHER	36		LEWIS	1		SHURTLEFF	8	
BARBOUR	3		FINNEY	7		LINDOW	2		SMITH of Santa Clara.		
BARNES	4		FREEMAN	8		MANSFIELD	3		SMITH of Fourth District.	9	
BARRY	5		FREUD	9		MARTIN of Alameda.	4		SMITH of San Francisco.	100	
BARTON	6		GARVEY	40		MARTIN of Santa Cruz.	5		SOULE	1	
BEERSTECHER	7		GLASSCOCK	1		McCALLUM	6		STEDMAN	2	
BELCHER	8		GORMAN	129		McCOMAS	7		STEELE	3	
BELL	9		GRACE	2		McCONNELL	8		STEVENSON	4	
BERRY	10		GRAVES	3		McCOY	9		STRONG	5	
BIGGS	11		GREGG	4		McFARLAND			STUART	6	
BLACKMER	12		HAGER	5		McNUTT			SWEASEY	7	
BOGGS	13		HALE	131		MILLER			SWENSON	8	
BOUCHER	14		HALL	6		MILLS			SWING	9	
BROWN	15		HARRISON	7		MOFFAT	80		TERRY	110	
BURT	16		HARVEY	8		MORELAND	1		THOMPSON	1	
CAMPBELL	17		HEISKELL	9		MORSE	2		TINNIN		
CAPLES	18		HEROLD	50		MURPHY			TOWNSEND	2	
CASSERLY			HERRINGTON	1		NASON	3		TULLY	3	
CHAPMAN	19		HILBORN	2		NELSON	4		TURNER	4	
CHARLES	130		HITCHCOCK	3		NEUNABER	5		TUTTLE	5	
CONDON	20		HOLMES	4		NOEL	6		VACQUEREL	6	
COWDEN	21		HOWARD	5		O'DONNELL			VAN DYKE	7	
CROSS	22		HUESTIS	6		OHLEYER	7		VAN VOORHIES	8	
CROUCH	23		HUGHEY	7		O'SULLIVAN	8		WALKER of Marin.	9	
DAVIS	24		HUNTER	8		OVERTON	9		WALKER of Tuolumne.		
DEAN	25		INMAN	9		PORTER	90		WATERS	120	
DOWLING	26		JOHNSON	60		PROUTY			WEBSTER	1	
DOYLE	27		JONES			PULLIAM	1		WELLER		
DUDLEY of San Joaquin and Amador.	28		JOYCE	1		REDDY	2		WELLIN	2	
DUDLEY of Solano.	[illegible]		KELLY	2		REED	3		WEST	3	
DUNLAP	29		KENNY	3		REYNOLDS	132		WICKES	4	
EAGON	30		KEYS	4		RHODES	4		WHITE	5	
EDGERTON	31		KLEINE	5		RINGGOLD	5		WILSON of Tehama.	6	
ESTEY of Contra Costa and Marin.	32		LAINE	6		ROLFE	6		WILSON of First District.		
ESTEE of First District.			LAMPSON	7		SCHELL			WINANS		
EVEY	33		LARKIN	8		SCHOMP	7		WYATT	7	
FARRELL	34		LARUE	9		SHAFTER			Mr. PRESIDENT	128	

Ayes _____

Noes _____

~~129~~ 132

3

Messrs McFarland, Sewell, Zimmer, Willes and Hurley of San Joaquin were each granted two days leave of absence.

And Messrs Willes and ~~Zimmer~~ Smith of Santa Clara, for three days

And Mr. Jones for one day

On motion of Mr. Overton the reading of the journals was dispensed with and the same approved.

Mr. Kilburn moved to take from the table the report of the committee on Mileage and Contingent Expenses, presented Yesterday. The report was taken up.

And amended by substituting 1176 miles and 176 dollars for 1200 miles and 180 dollars, as the mileage of Mr. Rolf

and 360 miles and 53,00 dollars for

4) 256 miles and ~~$8.46~~ dollars as the mileage of Mr Fuller, and the report adopted.

Mr. Edgerton by leave presented the following Resolution

Resolved: that E. S. Crawford Minute Clerk, be, and he is hereby granted leave of absence on the 14th 15th and 16th of the present month, provided that he leave some competent person to discharge the duties of his office, without extra charge to the convention

adopted.

Mrs. Blackmer presented a petition for female suffrage

Referred to the Committee on Right of Suffrage

Mr. Campbell moved to suspend the rules to introduce a resolution to change rule 70. Lost.

Resolutions & Propositions

By Mr. Ayers - No 178
Regarding navigable waters.
Referred to the Committee on Harbors, tide waters and navigable streams

~~By Mr.~~ No 179
Relating to Homesteads
Referred to the Committee on Land and Homestead exemption

Mr. Noel moved to suspend further proceedings under the present order of business
Lost

6 By Mr. ~~Button~~ Barton No 180

Relative to the powers of Justices of the Peace.

Referred to the Committee on Judiciary and Judicial department

No 181

Relating to Taxation

Referred to the Committee on Revenue and Taxation

By Mr. Beardsley No 182

Relating to the right of the people to assemble.

Referred to the Committee on Preamble and Bill of Rights

No 183

Relative to Judicial or Mortgage Sales.

Referred to the

7 the committee on Judiciary and Judicial Department

By Mr. Bell, No 184

Relating to Malfeasance in office

Referred to the Committee on Leg. Department

By Mr Bluckmes - No 185

Relating to Education

Referred to the Committee on Education

By Mr. Boyce No 186

Relating to Suffrage

Referred to the Committee on Right of Suffrage

By Mr Capers, No 187
Concerning Revenue
and Taxation
Referred to the Committee on Revenue and Taxation
No 188
Relating to the Preamble
and Bill of Rights.
Referred to the Committee on Preamble and
Bill of Rights
By Mr Cross No 189
Relating to the Judiciary
By Mr. Dowling No 190
Relating to the Judicial
Department
Both referred to the
Committee on Judiciary

and Judiciary Department

No 184

Relating to Railroads

Referred to the Committee on Corporations other than Municipal

By Mr. Eagan. No 182

Concerning mining stocks and stock brokers.

Referred to the Committee on Corporations other than Municipal

By Mr. Edgerton - No 182

Concerning the Legislative Department.

Referred to the Committee on Legislative Department

No 195

Relating to the Judicial Department

By Mr. Every. No 196

Relating to the Salaries of Judges.

Referred to the Judiciary Committee

By Mr. Farrell No 196

In relation to the rights of Suffrage

Referred to the Committee on Right of Suffrage

No 197

In Relation to Revenue and Taxation

Referred to the Committee on Revenue and Taxation

11

By Mr Ferguson - No 198

Relating to representation

No 199

Relating to Elections

Referred to the committee on Preamble and Bill of Rights

By Mr. Grace. No 200

In relation to the article on Suffrage.

Referred to the Committee on Right of Suffrage

No 201

In Relation to corporations.

Referred to the Committee on Corporations other than Municipal

12

By Mr. Gregg No 202

Changing the declaration of Bill of Rights

By Mr. Huestiss No 203

Relating to the appropriation of moneys

Referred to the Committee on Preamble and Bill of Rights

By Mr. Johnson No 204

Relating to the Legislative department

Referred to the Committee on Legislative Department

By Mr. Joyce No 205

Relating to Banks

Referred to the Committee on Corporations other than Municipal

No 206

Relating to

13

Public offices

Referred to the Committee on Legislative Department

By Mr. Klein. No 207

Relating to Revenue and taxation.

Referred to the Committee on Revenue and taxation

By Mr. Laine. No 208

Relating to the Judiciary.

Referred to the Committee on Judiciary

No 209

Relating to the Legislative Department.

Referred to the Committee on Legislative Department

14)

By Mr. Lindow - No 210

Relating to the elective Franchise.

Referred to the Committee on Privileges and Elections

By Mr. Martin of Santa Cruz No 211

Relating to the executive Department

Referred to the Committee on Executive Department

No 212

Relating to amendments and revision

Referred to the Committee on Future amendments

By Mr. McCallum. No 213

Relating to Freights and Fares,

15

Referred to the Committee on Corporations other than Municipal

By Mr McCommas No 214

Relating to Education

Referred to the Committee on Education

No 215

Relating to Miscellaneous Provisions

Referred to the Committee on Miscellaneous Subjects

By Mr Noel No 216

Relating to Municipal Corporations

Referred to the Committee on City, County and Township Organizations

16

By Mr O'Sullivan No 217
Relating to Education
Referred to the Committee on Education

No 218
Concerning Road Law
to the Committee
on Revenue & Taxation

By Mr. Overton No 219
Concerning taxation
Referred to the Committee on Revenue and Taxation

By Mr Reddy No 220
Relating to Miscellaneous Provisions
Referred to the Committee on Miscellaneous Subjects

17

By Mr Shoemaker No 221

Relating to appropriations for orphans.

To committee on Legislative Department

No 222

Relating to the judiciary

To the committee on judiciary and judicial Department

By Mr Smith of San Francisco No 223

In relation to the salaries of officers

To Committee on Legislative Department

No 224

Relating to religious teaching in the Public Schools

18

To the Committee on Education

By Mr Steadman No 225

Relating to Municipal Corporations

By Mr Swenson No 226

Taxing Corporations

By Mr. Tulley No 227

Relating to Taxation

Referred to Committee on Revenue & Taxation

No 228

Relating to the Schedule

To Committee on Schedule

By Mr Tuttle, No 229

Declaration of Bill of Rights

(19)

To committee on Preamble and Bill of Rights

By Mr. Vacquerel, No 229

Miscellaneous Subjects

To Committee on Miscellaneous subjects

By Mr. Webster, No 230

Concerning common School Fund.

To Committee on Education

By Mr. Willis, No 231

Relating to wages of Laborers.

To committee on Labor and capital

By Mr. Wicks, No 232

Relating to Rice of

20

Rights

To Committee on Preamble and Bill of Rights

By No 233

Relating to Education

To Committee on Education

By Mr. White, No 234

Miscellaneous subjects

No 235

Miscellaneous subjects

To the Committee on Miscellaneous Subjects

By Mr. Wilson of Johnson No 236

Preamble

By Mr. Wright, No 237

121

Relating to sale of property.

To the Committee on Preamble and Bill of Rights

Resolutions

By Mr. Wyatt.

22

Resolved

That the Surveyor General of this State be and he is hereby requested to furnish to the President of this Convention for the information of the Members of the Convention at the earliest day compatable with his public duties the following information in a tabulated form

First

The whole number of acres of Land which has been certified or Listed by the Government of the United States to the State of California by reason of the following Land Grants and Donations of Land made by the Government of the United States to this state First the Grant Commonly Known as the Swamp and Overflowed Lands

Second the grant Commonly Known as the Five Hundred Thousand-acre grant

3d ~~Fourth~~ The grant of Seventy two Sections Commonly Known as the Seminary grant

4th ~~Fifth~~ The grant of ten Sections

Commonly Known as the Public building grant

5th ~~Sixth~~ The grant commonly known as the 16 and 36 Sections grant for Common School purposes and the Lieu Lands granted supplementary to said grant of School Lands

6th ~~Seventh~~ The grant commonly known as the Agriculture and Mechanics arts grant

7th ~~Eighth~~ The Yosemite valley grant

8th ~~Ninth~~ The Mariposa big tree Grove grant

9th ~~Tenth~~ The number of acres of Land so listed or certified to the state under each of said grants

10th ~~Eleventh~~ What number of acres of Land belonging to each of said grants have been sold or disposed of by the state

11th ~~Twelfth~~ What number of acres of Land does the state own and hold undisposed of under each of said grants

12th ~~Thirteenth~~ What ~~was~~ is the total

24

Chash value received by the state for the Lands which have been sold by her under said grants

Also what number of acres of Land has the state now in possession or sold and disposed of by virtue of her sovereignty as Salt marsh and tide Lands. Also the total amount received in cash by the state for the sale of said Land

Wyatt

adopted

25

By Mrs. Hughes

Resolved,—
That the Sargent at Arms be, and he is hereby instructed to supply the desks of Newspaper Correspondents with a Copy of all printed documents ordered by this Convention

adopted

By Mrs. Swenson.

Resolved
that
Jacob. R. Freud
of San Francisco be
and is hereby added to
the Committee on
Education

Ruled out of order

By Mrs. Campbell

Resolved that Rule 60 be and the same hereby is amended by striking out the words & figures "except Rules 50.51.52.53 and 55."

On the application of the amendment to rule the ayes and noes were demanded by the requisite number and the amendment was rejected by the following vote

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

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

Ayes 55

Noes 74

28

By Mrs Reynolds.

PAGE.

1 Resolved:—

2 That the Committee on Mileage

3 and Contingent Expenses shall ~~ascertain~~

4 ~~and~~ furnish the Secretary of State a list

5 of all the accredited newspaper correspondents

6 ~~who~~ who have been assigned seats on

7 the floor of this Convention, which list

8 shall contain the names of such cor-

9 respondents and the newspapers by which

10 they are accredited.

11 That the Secretary of State be and

12 he is hereby authorized to furnish to the ~~such~~

13 newspaper correspondents on such list

14 such stationery as they may require

15 for their newspaper correspondence,

16 exceeding ~~fifteen dollars~~ in amount

17 ~~fifteen dollars to each~~, ten dollars to

18 each

Ruled out of order

By Mrs. Reynolds.

29

Resolved, —

That each member of this Convention be and is hereby authorized to select and order not more than ——— daily newspapers, or their equivalent in cost in weeklies, to be furnished to such member or his order, and that he shall furnish the Committee on Mileage and Contingent expenses, with a list of the same.

Said Committee shall audit all bills for newspapers so furnished at the end of each four weeks of the session of the Convention and immediately report to the Convention.

Mr Larkin moved to lay on the table.

Carried

No. _____

Newspapers

Resolution

70

Reynolds

30

Notices

By Mr. Fred

Mr. President: I hereby give notice that I shall move at the next session of this Convention to amend ~~rule 8,~~ Rule 73, by amending ~~the Committee on Education~~ subdivision 8 to read: "On Education, to consist of thirteen members."

Laid over one day

By Mr. McCallum

Notice is hereby given that I will on tomorrow or as soon as the motion can be heard thereafter move to strike out Rule 60. and insert as follows

"~~Rule 60~~

60

No standing rule or Order of the Convention shall be rescinded changed without a vote ~~of two thirds~~ of a majority. and one days notice being given of the motion therefor: But a rule or order may be suspended temporarily by a vote of two thirds of the members present.

31

Laid over one day

Resolution

By Mr Reynolds.

PAGE.

Resolved, —

No member shall receive pay for any week-day on which he has not actually attended the Convention except in case of sickness, or when he is absent on Committee duty, or upon adjournment over of the Convention.

Ruled out of order.

Notice By Mr. Noel

Notice is hereby given that I will move on the 12th inst to amend Rule 8-2 so that it shall read

Propositions and resolutions mentioned in the last foregoing Rule shall embrace but one subject; they shall be read by title only when introduced, and then referred, without debate to an appropriate committee

32 Laid over one day.

Resolution By Mr Tulley

Resolved that any Gentleman on this floor wishing to donate his per diem may be allowed to do ~~so~~

notice By Mr. Winans

I hereby give notice that on the next day of session of this Convention I shall move the adoption of the following resolutions and the ~~modification~~ modification or if necessary the revocation of those rules which prevent their enforcement if adopted

Oct 11. 1878

Winans

33

Resolution. No. 40.

MADE SPECIAL ORDER FOR TUESDAY, OCTOBER FIFTEENTH, EIGHTEEN HUNDRED AND SEVENTY-EIGHT—TWO P. M.

Resolved, That the form and order of the present Constitution shall be adopted by this Convention, in the new Constitution formed by it, to the following extent: That the new Constitution shall consist of a preamble, to be followed by twelve consecutive articles, which shall be numbered, entitled, and have sequence, respectively, in the same manner and comprise the same subjects as the twelve articles of the present Constitution; that to these shall be added such new articles, numbered in proper order after said twelve, as this Convention shall adopt, after which shall follow the schedule as the final division of said new Constitution.

Resolved, That the said preamble and articles shall be considered and acted upon by this Convention in the order and sequence aforesaid, and no one of them, nor any subject matter belonging to any one of them, shall be adopted or discussed until all other articles and matter pertaining to them, having priority as aforesaid, shall have been disposed of in their order.

Resolved, That for the purpose of giving effect and enforcement to the resolutions aforesaid, the several committees having charge of the matters embraced in the said preamble and twelve articles shall make their reports in the order herein named, and none of said committees shall report upon the subject matter of any of said articles until all the articles having priority thereto, as aforesaid, shall have been considered and disposed of by this Convention, and that the other committees, having charge of matter not embraced in the said articles, shall report afterwards, and in such order as this Convention may determine.

Resolved, That all Rules inconsistent with the foregoing resolutions shall be modified, or, so far as necessary, revoked, to the extent of insuring conformity therewith.

35)

Said over one day.

at Eleven o'clock an fifty Seven Minutes A. M. Mrs. Edgerton moved to adjourn to Monday next at two o'clock P. M.

Lost

The hour of twelve M. having arrived the convention ~~at~~ took a recess for two hours.

afternoon session

Convention reassembled at two o'clock P. M. President ~~Hoge~~ pro tem ~~in the Chair~~ Belcher in the Chair.

Quorum present

Resolution's.

By Mrs Steadman

Resolved: That after Saturday, octobes 12th no certificate of pay of any

36

Officers or members, shall cover any period of absence, from any session, with or without leave of the convention; except in case of sickness or on committee duty or where any officer who may be absent shall provide a substitute

Mr. Roy moved to indefinitely postpone the resolution.

Mr. Steadman moved to refer to committee on rules. so ordered

By Mr. McLain

Resolved: That a fine of ten dollars be and is hereby imposed upon members for each case

37 every day's absence from the convention except in case of sickness or absence on committee duty

Mr. Wilborn presented the following report

38)

Mr President,

Your Committee on Mileage and Contingent Expenses to whom was referred ~~the~~ Resolution No 27 respecting the payment of $18.00 to W. F. Geimann for services as Page during the temporary organization of the Convention, have had the same under consideration and herewith report the same back with a recommendation that it be adopted,

Also Resolution No 35 respecting the payment of $15.00 to Edwin H. Morris ~~of the~~ for services as Page up to the date of the permanent organization and recommend that the same be adopted,

S. G. Hilborn
Chairman

~~which report was concurred in and the resolutions adopted~~

Report of the
Committee on
Mileage & Contingent
Expenses on Resolutions
No 27 & 35

3

Mr. Burnettes moved to recommit the report

Lost

The report was concurred in and the resolutions adopted

By Mr. Zeleher.

Resolved: That the name of William P. Grace of San Francisco be added to the Committee on State Institutions and Public Buildings

Referred to the Committee on Rules.

40

Mrs. Hilborn by leave presented the following report

Mr President

Your Committee on Mileage and Contingent Expenses to whom were referred Resolutions No's 23, 24 and 25 all relating to the employment of Phonographic Reporters for this Convention, have had the same under consideration, and herewith report the same back with a recommendation that they do not adopted.

On the opinion of this Committe it is not expedient to report the proceedings of this Convention at the expense of the State.

It is impossible to ascertain the exact cost of reporting and printing our proceedings, but the ~~same~~ sum would necessarily be very large.

If the Constitution which this body shall frame is rejected by the people, then the reports will be useless, and the money they have cost will be thrown away. If on the other hand we are successful in framing a Constitution which is adopted by the people, then private enterprise will produce a report of our proceedings, which is likely to be better than one produced under direction of this Convention, and without expense to the State.

S. G. Wilbour

for the Chairman

Report of the
Committee on Mileage
and Contingent Expenses

5

42 Mr. Larkin moved to adopt the report.

Mr. Rolf moved to refer the report to the committee on Reporting and Printing

Lost

~~By consent Mr. Eagan made the following~~

~~By leave.~~

Mr. Eagan (by general consent) moved that when the Convention adjourn this day it be to meet on Monday Oct 14th at 2 o'clock P.M.

upon which the ayes and noes were demanded, and the motion prevailed by the following vote

43

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

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

Ayes 91

Noes 40

44)

Mr. Edgerton in the chair.

The question being on the report of the committee on Mileage and Contingent expenses the ayes and noes were demanded.

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

AYES 55

NOES 64

46

Mr. Anderson moved to make the report the special order for Tuesday Oct 15th at two o'clock P.M. upon which the ayes & noes were demanded by the requisite number and the motion was lost 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		19	LAVIGNE		40	SHOEMAKER ✓	31	
AYERS ✓	2		FILCHER	11		LEWIS		41	SHURTLEFF ✓	32	
BARBOUR ✓		1	FINNEY		20	LINDOW		42	SMITH of Santa Clara.		
BARNES			FREEMAN			MANSFIELD		43	SMITH of Fourth District. ✓	33	
BARRY ✓	3		FREUD		21	MARTIN of Alameda.			SMITH of San Francisco. ✓		58
BARTON	4		GARVEY	12		MARTIN of Santa Cruz.	22		SOULE ✓		59
BEERSTECHER ✓		2	GLASSCOCK		22	McCALLUM	23		STEDMAN ✓		60
BELCHER			GORMAN		23	McCOMAS		44	STEELE ✓		61
BELL		3	GRACE		24	McCONNELL	24		STEVENSON ✓	34	
BERRY		4	GRAVES			McCOY	25		STRONG ✓	35	
BIGGS		5	GREGG	13		McFARLAND	26		STUART ✓	36	
BLACKMER ✓	5		HAGER			McNUTT		45	SWEASEY ✓		62
BOGGS			HALE ✓	14		MILLER			SWENSON ✓		63
BOUCHER		6	HALL		25	MILLS ✓	27		SWING ✓	37	
BROWN		7	HARRISON		26	MOFFAT		46	TERRY		
BURT		8	HARVEY ✓	15		MORELAND		47	THOMPSON ✓	38	
CAMPBELL			HEISKELL ✓	16		MORSE		48	TINNIN		
CAPLES ✓		9	HEROLD			MURPHY			TOWNSEND ✓	39	
CASSERLY			HERRINGTON		27	NASON		49	TULLY ✓		64
CHAPMAN		76	HILBORN ✓	17		NELSON		50	TURNER	0	
CHARLES ✓	6		HITCHCOCK		28	NEUNABER		51	TUTTLE ✓		65
CONDON		10	HOLMES		29	NOEL			VACQUEREL ✓		66
COWDEN		11	HOWARD		30	O'DONNELL			VAN DYKE	40	
CROSS	7		HUESTIS ✓	18		OHLEYER			VAN VOORHIES ✓		67
CROUCH		12	HUGHEY		31	O'SULLIVAN		52	WALKER of Marin.		
DAVIS		13	HUNTER		32	OVERTON			WALKER of Tuolumne.		
DEAN		14	INMAN ✓	19		PORTER		53	WATERS	41	
DOWLING		15	JOHNSON ✓	20		PROUTY		54	WEBSTER ✓		68
DOYLE		16	JONES			PULLIAM			WELLER		
DUDLEY of San Joaquin and Amador.			JOYCE		33	REDDY ✓	28		WELLIN		69
DUDLEY of Solano. ✓	8		KELLY		34	REED ✓	29		WEST		70
DUNLAP	9		KENNY		35	REYNOLDS			WICKES ✓		71
EAGON			KEYS			RHODES		55	WHITE ✓		72
EDGERTON	10		KLEINE		36	RINGGOLD		56	WILSON of Tehama. ✓		73
ESTEY of Contra Costa and Marin.			LAINE		37	ROLFE ✓	30		WILSON of First District.		
ESTEE of First District.			LAMPSON ✓	21		SCHELL			WINANS ✓		74
EVEY		17	LARKIN		38	SCHOMP		57	WYATT		75
FARRELL		18	LARUE		39	SHAFTER			MR. PRESIDENT		

AYES 41

NOES 76

At three o'clock and fourteen minutes P.M. Mr. McFarland moved to adjourn Lost.

Messrs Condon, Barrows, White Dulley and Lurne, demanded the previous question and it was ordered by the Convention,

The roll was then called on adopting the report, and the report was adopted by the following vote

49

n

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

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

AYES 75

NOES 43

Mr. Whestis gave notice of reconsideration

Resolutions

By Mr. Winans

Resolved: That it be referred to the Committee on Rules to enquire and report the expediency of adding Mr. S. B. Thompson to the Committee on Education

By Mr. Stromakes

Resolved, That Mr. McCoy of Nevada County be and he is hereby added to the Committee on Mines and Mining Rights

Both referred to the

57

R/ Mr Beusleithen

Notice is hereby given that I will on Monday October 14th or as soon thereafter as can be, move to reconsider the action of this Convention taken on Oct 10th upon the report of the Committee on Mileage & Contingent expenses upon the resolution of Mr Beusleithen, providing that the Journal of this Convention be printed each day and laid upon the desk of the members

C J Beusleithen

Oct 11th 1898

On motion of Mr. Gulley at four o'clock P. M. the Convention adjourned to meet on Monday Oct. 14th at 2 o'clock P. M.

10/11/78

(10/12-Did not convene
10/13-Sunday)

11 pgs