(1)

— In Convention —

Assembly Chamber
State Capitol
Sacramento
Thursday Oct 7th 1878

Convention met pursuant
to adjournment —
President Hoge in the chair

The Roll was called and
the following members
were present —

(2) Roll call Oct. 7th 1878.

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

Names.	Ayes.	Noes.	Names.	Ayes.	Noes.	Names.	Ayes.	Noes.	Names.	Ayes.	Noes.
ANDREWS	1		FAWCETT	3		LAVIGNE	8		SHOEMAKER		
AYERS	2		FILCHER	4		LEWIS	9		SHURTLEFF	3	
BARBOUR	3		FINNEY	5		LINDOW			SMITH of Santa Clara.	4	
BARNES			FREEMAN			MANSFIELD	1		SMITH of Fourth District.	5	
BARRY	4		FREUD	6		MARTIN of Alameda.	2		SMITH of San Francisco.	6	
BARTON	5		GARVEY	7		MARTIN of Santa Cruz.	3		SOULE	7	
BEERSTECHER	6		GLASSCOCK	8		McCALLUM	4		STEDMAN	8	
BELCHER	7		GORMAN	9		McCOMAS	5		STEELE	9	
BELL	8		GRACE	40		McCONNELL	6		STEVENSON	110	
BERRY			GRAVES	1		McCOY	7		STRONG	1	
BIGGS	9		GREGG	2		McFARLAND	8		STUART	2	
BLACKMER	10		HAGER	3		McNUTT	9		SWEASEY	3	
BOGGS	1		HALE	4		MILLER	5		SWENSON	4	
BOUCHER	2		HALL	5		MILLS	80		SWING	5	
BROWN	3		HARRISON	6		MOFFAT	1		TERRY	6	
BURT	4		HARVEY	7		MORELAND	2		THOMPSON	7	
CAMPBELL	5		HEISKELL	8		MORSE	2		TINNIN	8	
CAPLES	6		HEROLD	9		MURPHY			TOWNSEND	9	
CASSERLY			HERRINGTON	50		NASON	4		TULLY	120	
CHAPMAN	7		HILBORN	1		NELSON	5		TURNER	1	
CHARLES	8		HITCHCOCK	2		NEUNABER	6		TUTTLE	2	
CONDON	9		HOLMES	3		NOEL	7		VACQUEREL	3	
COWDEN			HOWARD	4		O'DONNELL	8		VAN DYKE	4	
CROSS	20		HUESTIS	5		OHLEYER	9		VAN VOORHIES	5	
CROUCH	1		HUGHEY	6		O'SULLIVAN	90		WALKER of Marin.	6	
DAVIS	2		HUNTER	7		OVERTON	1		WALKER of Tuolumne.	7	
DEAN	3		INMAN	8		PORTER	2		WATERS		
DOWLING	4		JOHNSON	9		PROUTY	3		WEBSTER	8	
DOYLE	5		JONES	60		PULLIAM	4		WELLER	9	
DUDLEY of San Joaquin and Amador.	6		JOYCE			REDDY	5		WELLIN	130	
DUDLEY of Solano.			KELLY	1		REED			WEST	1	
DUNLAP	122		KENNY	2		REYNOLDS	6		WICKES	2	
EAGON	7		KEYS			RHODES	9		WHITE	3	
EDGERTON	8		KLEINE	3		RINGGOLD	8		WILSON of Tehama.	4	
ESTEY of Contra Costa and Marin.	9		LAINE	4		ROLFE	9		WILSON of First District.		
ESTEE of First District.	30		LAMPSON	5		SCHELL	100		WINANS	5	
EVEY	1		LARKIN	6		SCHOMP	1		WYATT	6	
FARRELL	2		LARUE	7		SHAFTER	2		MR. PRESIDENT	131	

Ayes_____

Noes_____

Leave of absence

(3) Leave of absence was granted to Messrs Shumaker, Joyce, Reed - Keughey, and O'Donnell for one day each and to Mr. Coulon for two days -

The Journal of yesterday was read and approved -

Petitions and Memorials:

Mr. Smith of Santa Clara presented a memorial from citizens of California relative to reclaimed lands

Referred to Com. on Agriculture -

4.

(Blank)

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Resolutions were introduced by leave as follows:

By Mr. Dimmick

Whereas

Great inconvenience exists to the members of this Convention, in consequence of some of its attaches failing to perform their duty:

Therefore be it,

Resolved

That the Sergeant at Arms is hereby directed, to assume control of all attaches other than those acting as clerks, and he is further authorized to detail any of the attaches under his control to perform any duties required in this building. He shall report any negligence on the part of said attaches to the Committee on Mileage and Contingent

6

Expenses. who may take such action as they may think proper

adopted

By Mr. Derry - No. 49 -

Resolved that the committee on legislative expenditures be and is hereby authorized to employ a clerk at a compensation of five dollars per day for each day that he is actually employed

Referred to Com on Mileage and Contingent Expenses -

3. Limin

adopted

7

By mr. ayers

Resolved, That the Judiciary Committee be instructed to report to this Convention whether, in their opinion, the expenses of Printing and Stationery ordered by the Convention and members for their use, ~~are~~ are legally chargeable to the ~~Revenue~~ Fund, appropriated in the Act under the authority of which this Convention has ~~been elected~~ met.

adopted

adopted

agus

By Mr. Hall

Resolved, That the Secretary of State be requested to furnish to the convention all information in his possession upon the subjects, to wit:—

1 - The number and classification of all corporations, other than municipal, now existing in the state of California, and formed under the laws of this state

2 - The aggregate amount of the capital stock of all said corporations, and the aggregate amount of said capital stock of each class thereof

3 - A detailed statement of the principal places of business, and locations of principal offices of all said corporations;

and 4 A detailed statement of the amounts of capital stock actually paid up of all said corporations

adopted

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The President proceeded to read the following communication from the Secretary of State

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State of California
Dept of State

Sac oct 16th 1848.

To the Hon Presidt and Members of the Constitutional Convention.

Gentlemen; I have the honor to acknowledge the receipt of a Copy of Resolution No- adopted by your body to-day, requesting me to furnish a statement of the amount of Stationery furnished to members thereof up to date. In reply to the same I would say that just at this time, when the full force of my office is required to perform the usual routine of business and such extra labor as has been created by the Convention, it has been impossible to keep the many requisitions for Stationery, etc., properly entered up to each members account, so that the Amount delivered to each or in aggregate, could be ascertained on short notice.

The law of the Legislature under which Stationery is disbursed, makes the manner of keeping Stationery accounts very complex and tedious, as every item - even as to the different qualities or kinds of pens and

pencils &c - must be carried out in full and charged at exactly cost-price, rendering a constant reference to bills of purchase, and shifting averages when the same vary with the times, and I would respectfully say to your honorable body that it will be impossible for me to comply with the request contained in said resolution as such special labor must be secondary to the regular business of the office, At the earliest opportunity, however, Consistent with official duties, I shall be pleased to afford the information desired

I have the honor to be
Your obedient Servt
Thomas Beck
Sec of State

Received and lie on Table

7

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Which was received and
laid on the table.

~~Reports of Standing Committee~~

Reports By Mr. Kidson -

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Mr President.

Your Committe on Mileage and Contingent Expenses to whom was referred Resolution No 43 introduced by Mr Estes providing for the payment of J. Steffacher for services as Clerk of the Committe on Rules have had the same under consideration and find the following facts:

The Committe while preparing the Rules for this Convention found it necessary to employ a Clerk who was promptly discharged when the Rules were completed

Mr Steffacher served in that Capacity thirteen days and we think five dollars per day a reasonable Compensation

We therefore recommend the adoption of the Resolution.

Your Committe have also had under consideration Resolution No 44 introduced by Mr Edgerton, authorizing the Committe on Revenue and Taxation to employ a Clerk, and herewith report the same back to the House and recommend that it be adopted.

Your Committe are of the opinion that this is one of the very few Committes who will need the services of a Clerk,

Your Committee have also had under consideration Resolution No 29 introduced by Mr Beerstecher, providing for the payment of two dollars per day to Patrick Sloey for lighting up the Rooms in this Building, used by the Convention.

There is no person in the service of the State whose especial duty it is to ~~look after~~ light the gas and extinguish the same.

The duty is performed by Mr Sloey, who is one of the regular Porters employed about the building at Seventy five dollars per month and under the law his day's work ends at 5 o'clock P.M.

He receives no additional pay from the State for attendance at night to look after the Gas.

It is unjust to expect him to remain about the Capitol building until late at night to extinguish the lights without extra compensation.

The Board of Examiners claim that there is no fund at their disposal out of which the extra compensation can be paid and we see no alternative but for the Convention to pay it out of their appropriation.

We therefore recommend the adoption of the Resolution

We have also had under consideration Resolution No 26 introduced by Mr Eagan which provides for paying G. E. McStay $40.00 for printing of the Journal prior to the election of the Journal Clerk, and herewith report the same back and recommend its adoption.

We have also had under consideration Resolution No 45 offered by Mr Estes providing for the payment of $18.00 to Willie Campbell for services as Page prior to his appointment and herewith report the same back and recommend that it be indefinitely postponed.

We have also had under consideration Resolution No 47 introduced by Mr Garvey providing for the appointment of a Clerk to the Sergeant at Arms herewith report the same back and recommend that it be indefinitely postponed

S. G. Kilbourn
Chairman

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On the adoption of Res.
No. 29 Mr. White moved
to ~~strike out~~ amend by
striking out ~~the~~ $2.00 Lost
The Resolution was adopted -

Resolutions Nos. 43 and 44 above reported ~~adopted~~ were each taken up and adopted -

The convention refused to adopt. Resolutions Nos. 45, and 47 and nonconcurred in Report of com. on Res. No. 26

By Mr. Estes

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Sacramento Oct 17th 1878.

Mr President.

Your Committee on "Corporations other than Municipal" report back to this Convention Resolution No 285 introduced by Mr Joyce and respectfully request the same be referred to the Committee on Legislative Department.

Respectfully

W M Gill

Chairman

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~~By Mr. Estee~~ -

The same was so referred.

Also the following Resolution No. 50 -

Resolved that a clerk or copyist is necessary for the "Committee on Corporations other than Municipal" and the Convention is requested to allow said committee to elect a clerk who shall receive a Compensation of Five Dollars per day for each day when actually employed by said Committee

Mr. M. Estee
Chairman

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Refined to Com. on Mileage and Contgt. Expenses –

Mr. Campbell by leave introduced a proposition stating that the same had been prepared by Elson Haight prior to his death -

No. 350

Relative to Board of Prison Directors

Referred to ~~Boar~~ Com on State Institutions and Public Buildings

By Mr. Shafter No. 357.

Relative to County and Town Governments

Referred to Com on City County and Township organization

No. 352

By Mr. Miller

Relative to the Chinese

Refused to com on Chinese

No. 353

By Mr. Larkin

Relative to Corporations

Refused to com. on Corporations

Mr. Barbour announced his resignation from the Com. on Revenue and Taxation which was accepted and Mr. Cross was appointed in his place -

(211)

at Eleven o'clock and
twenty minutes a.m. on
motion of Mr. Edgerton
the convention adjourned

- Minutes -

- Wednesday - 1 Oct 78

10/17/78