(1)

City Convention
Assembly Chamber, State Capitol.
~~[illegible]~~ Sacramento
Tuesday Oct-22nd 1878

Convention met pursuant to adjournment
President Hoge in the chair

Roll called and the following members were present

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

Names.	Ayes	Noes	Names.	Ayes	Noes	Names.	Ayes	Noes	Names.	Ayes	Noes
ANDREWS	1		FAWCETT	5		LAVIGNE	8		SHOEMAKER	8	
AYERS	2		FILCHER	6		LEWIS			SHURTLEFF	9	
BARBOUR	3		FINNEY	7		LINDOW	9		SMITH of Santa Clara.		
BARNES			FREEMAN			MANSFIELD	70		SMITH of Fourth District.	100	
BARRY	4		FREUD	8		MARTIN of Alameda.			SMITH of San Francisco.	1	
BARTON	5		GARVEY	9		MARTIN of Santa Cruz.	1		SOULE	2	
BEERSTECHER	6		GLASSCOCK	40		McCALLUM	2		STEDMAN	3	
BELCHER	7		GORMAN	1		McCOMAS	1		STEELE	4	
BELL	8		GRACE	132		McCONNELL	131		STEVENSON	5	
BERRY			GRAVES	2		McCOY	3		STRONG	6	
BIGGS	9		GREGG	3		McFARLAND	4		STUART	7	
BLACKMER	10		HAGER			McNUTT	5		SWEASEY	8	
BOGGS	1		HALE	4		MILLER	6		SWENSON		
BOUCHER	2		HALL	5		MILLS	7		SWING	9	
BROWN	3		HARRISON	6		MOFFAT	8		TERRY	110	
BURT	4		HARVEY	7		MORELAND	9		THOMPSON	1	
CAMPBELL	5		HEISKELL	8		MORSE	80		TINNIN	1	
CAPLES	6		HEROLD	9		MURPHY	1		TOWNSEND	2	
CASSERLY	7		HERRINGTON	50		NASON	2		TULLY	3	
CHAPMAN	8		HILBORN	1		NELSON	3		TURNER	4	
CHARLES	9		HITCHCOCK	2		NEUNABER	4		TUTTLE	5	
CONDON	20		HOLMES	1		NOEL	1		VACQUEREL	6	
COWDEN	1		HOWARD	3		O'DONNELL	5		VAN DYKE	7	
CROSS			HUESTIS	4		OHLEYER	6		VAN VOORHIES	8	
CROUCH	2		HUGHEY	5		O'SULLIVAN	7		WALKER of Marin.	9	
DAVIS	3		HUNTER	6		OVERTON	1		WALKER of Tuolumne.	120	
DEAN	4		INMAN	7		PORTER	8		WATERS		
DOWLING	5		JOHNSON	8		PROUTY	9		WEBSTER	1	
DOYLE	6		JONES	9		PULLIAM	90		WELLER	2	
DUDLEY of San Joaquin and Amador.	7		JOYCE	60		REDDY	0		WELLIN	3	
DUDLEY of Solano.	8		KELLY	1		REED	1		WEST	4	
DUNLAP	9		KENNY	1		REYNOLDS	2		WICKES	5	
EAGON	1		KEYS	2		RHODES	3		WHITE	6	
EDGERTON	30		KLEINE	3		RINGGOLD	4		WILSON of Tehama.	1	
ESTEY of Contra Costa and Marin.	1		LAINE	4		ROLFE			WILSON of First District.	7	
ESTEE of First District.	2		LAMPSON	5		SCHELL	5		WINANS	8	
EVEY	3		LARKIN	6		SCHOMP	6		WYATT	9	
FARRELL	4		LARUE	7		SHAFTER	7		Mr. PRESIDENT	130	

Ayes 133 [illegible]

Noes

9) Leave of absence was granted for three days to Mrs. Cross, to Mrs. McCoy for two days, and to Mrs McConnas for one day in account of sickness.

Journal of yesterday read and approved.

Resolution

By Mrs. Hale.

4)

Resolution.

Whereas hereto, to wit: on the 17th inst. this Convention by resolution duly requested of the Honorable the Secretary of State of California who is the lawful custodian of the records of all Corporations, other than municipal which have been formed under the laws of this State to be informed by a detailed statement to be made to the Convention, embracing the following points of inquiry, to wit:

the total number and a classification of all such Corporations; the aggregate amount of the Capital stock of all — and the aggregate amount of the capital stock of each class of said Corporations; — A statement in detail of the places of business, and a like statement of the locations of the principal offices of such Corporations; — also a like statement of the amount of the capital stock actually paid up by all said Corporations.

And whereas said Secretary of State did subsequently, to wit: on

the 19th inst in nominal compliance with the requests contained in said resolution place on the desk of the Secretary of this Convention a large and cumbrous mass of books from his office said to contain the record evidence of all the corporations mentioned in said resolution of inquiry, and by his accompanying reply to said resolution proffered said record books to this convention as the most condensed and adequate reply he could make thereto.

And whereas both by reason of the existing legal necessity that said books ~~of record~~ should be kept and maintained exclusively in the office of said Secretary of State as public records — and the utter want of reasonable facilities on the part of this convention to make the abstracts thereof covering and embracing the matters of inquiry specified in said resolution, it is the sense of this convention that the Secretary of State has not complied

in letter or spirit with the requests contained in said resolution — also that it is still his reasonable duty to make such compliance to the extent of his ability: therefore,

Resolved.

That said Secretary of State have leave of this Convention to remove all said record books to their said proper place and custody — and that he is hereby respectfully requested to furnish to this Convention by statement in writing the said requested information touching said Corporations as expressed in said resolution of this Convention, adopted as aforesaid, or so much thereof as he shall be reasonably able to so furnish — and if from any cause not able — in whole or in part to make such compliance — then to report to this Convention the causes of such desability.

7)

Mr. Wicks offered the following substitute.

That a Committee be appointed to make such cursory examination of the Books in question as will determine whether the demand was inconsiderately made and whether such examination of the said Books by a Committee detailed, to procure such information, jointly would be feasible and practicable.

To Report to this Body at the earliest moment.

Mr. Luine offered the following.

8)

Resolved that the whole Subject Matter of the two Resolutions introduced by the Member from the Second Congressional District Calling on the Secretary of State for information Concerning Corporations be referred to the Committee, on Corporations other than Municipal, with instructions to investigate the Matter and report to this Convention Such course of action as in their judgment it is best for ~~this~~ the Convention to take in the premises at as an early a day as practical.

8)

Mr. O'Donnell moved to lay the whole subject on the table.

Lost.

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

Ayes 42

Noes 94

The amendment of Mr. Wicks was rejected and the resolutions of Mr Hale were then adopted.

Mr. Beardsley had leave to withdraw Amendment No 319, presented by him, for correction.

Mr. Edgerton presented a petition from Saml Jelley and others, concerning the sabbath day.

Also an amendment No 377 concerning the Bill of Rights.

Referred to the Committee on Preamble and Bill

of rights.

The President presented a petition of the Santa Barbara League. relative to woman suffrage.

Referred to committee on Right of Suffrage

Proposed amendments.

By Mrs. Wicks - No. 378
against office seeking
Referred to committee on Legislative Department

By Mrs. Fletcher. No 379
Concerning Taxation
Referred to the com-

13) Militia in Riverside and Napa Counties

The President presented the following communication from the Adjutant General.

General Headquarters,
State of California

Adjutant Generals Office.
Sacramento Cal. Oct. 21/78

To the President and
Members of the
Constitutional Convention

Gentlemen,

In compliance with the resolution adopted by your Hon. Body on the 18th inst. I have the honor to

14)

Submit the following, embracing the expenditures out of the respective appropriations for military purposes for the 28th and 29th fiscal years, ending June 30th 1878

Armory rent & other Expenses 1st Brigade		$1363.00
" " " " " 2	"	44195.85
" " " " " 3	"	1572.00
" " " " " 4	"	9852.00
" " " " " 5	"	1924.00
		$59,106.85
Salary of Adjutant General	6000 —	
" " Asst. " "	4000	
Pay of Porters	1600	
Portage & Expressage —	200 =	10.800.00
Cleaning and transportation of arms		1131.20
Total		$71.038.05

In addition to the foregoing a special appropriation of five thousand ~~dollars~~ two hundred

15)

and two dollars ($5202.00) was made at the last session of the Legislature, for payment for Guard and other military duty, performed in San Francisco in November 1877 and Jan 1878 and expended as follows:

To Headquarters 2d Brigade		$148.00
" " 1st Infty. Regt. 2d	"	1316.00
" " 2d " " "	"	1490.00
" " 3 " " "	"	1416.00
" First California Guard " "		832.00
		$5202.00

I deem it proper to state that the last Legislature increased the appropriation for armory rents and other expenses of the National Guard for the 30th and 31st

fiscal years - to ninety thousand five hundred and twenty eight dollars ($90,528.00) against sixty thousand dollars ($60,000.00) the amount appropriated for the 24th and 25th fiscal years.

I have the honor to remain very respectfully

Your obedient Servant

P. F. Walsh.

Adjutant-General.

On motion of Mr. Finnin - 240 copies of the above communication was ordered printed

17)

Reports

By Mr. Wilson

A report from the majority of the ~~judic~~ committee on Judiciary and Judicial Department on the question of the eligibility of Judge Fawcet member from Santa Barbara, and his right to a seat in this convention.

(For report see apendix)

On motion of Mr. Wilson 240 copies of the report were ordered printed, and the same made special order for Thursday Oct. 24th 1878 after the reading of the Journal.

(18)

By Mr. Blackmer.

Mr. President.

Your committee on Future Amendments beg leave to return document No. 109, relating to Female Suffrage, and to suggest that the same be referred to the Committee on "Right of Suffrage.

Yours Respectfully.

E. T. Blackmer,
Chairman.

Report adopted and the amendment referred

By Mr. Lawton

14)

Mr President

Your Committee on Privileges and Elections have had the following propositions under consideration and do report as follows

That Proposition No 44 introduced by Mr Turner be indefinitly postponed

Also proposition No 20 by Mr Steel and recommend that it be refered to the Committee on Suffrage

Proposition No 198 by Mr Freeman recommend that it be refered to the Committee on apportionment and representation

Proposition No 336 by Mr Lavigne and recommend that it be refered to the Committee on Legislative department

20)

Proposition No 145 by Mr Reed
report back and recommend
that it be referred to the Com-
mittee on Suffrage

Larkin
Chairman

Report adopted and
the recommendations of
the committee con-
curred in

Resolution

By Mrs. Campbell

Resolved: That the President of the Convention be requested to appoint two copying clerks, whose duty it shall be to copy such papers and documents as may be required to be copied by the Committee of the Convention, which are not authorized to employ clerks: and that said copying clerks receive as compensation the sum of five dollars each per diem, while so employed, payable out of the appropriation for the

22)

Expenses of this convention,

Referred to the committee on Mileage and Contingent expenses

By Mr Zimmin

Resolved

That the resolution now on the table in regard to the pay of James Santry be taken up and referred to the Committee on Mileage and Contingent Expenses

adopted

Proposed amendments.

By Mr. Van Dyke No 380

2-5

Relative to the University of California

By Mr. Smith of San Francisco No 380
381

Relative to School Teachers

Both of above referred to the Committee on Education

Notice of amendment to rules

By Mr. McFarland

Notice is hereby given that I intend to move to amend ~~Standing~~ Rule no 24. by adding to the end thereof as follows:-

"and provided further that the names of the members requiring the ages & nos shall be ~~entered~~ entered on the minutes of the convention

Laid over for one day

25

Proposed amendments.

By Mr. Schell no 382

Amendment to Sec. 9 art. 1

Referred to committee on Preamble and Bill of Rights

By Mr. Webster No 383

Additional section to article 9 - relating to the University

Referred to the Committee on Public Buildings

By Mr. Stewart No 384

Relating to Taxation

Referred to the Committee on Revenue & Taxation

By Mr Thompson No 385

Relating to embezzlement of Officers.

Referred to the Committee on Legislative Department

By Mr. Caples. No 386

Relating to the Judiciary

Referred to the Committee on Judiciary and Judicial Department

By Mr. Weller No 387

Relating to the Legislative Department

Referred to the Com-

27) Committee on Legislative Department—

Resolution

By Mr. O'Donnell

Resolved: That the sense of this Convention that under the Federal Constitution the judiciary power of the United States extends to all cases affecting the validity of treaties with foreign nations;

Resolved— That the Attorney General be requested to institute proceedings necessary to obtain from the United States a decision in respect to the validity of the fifth, sixth and seventh articles of the Barlow

28 of your treaty, or so much of said articles as recognizes or concedes the eligibility of Chinese subjects to American citizenship

also amendment No 388
Relating to Chinese.
Both referred to the Committee on Chinese

By Mr. Cowdon No 389
Relating to electors
Referred to the Committee on Legislative Department

By Mr. Joyce No 390
Relating to Chinese subjects

29

Referred to the committee on Chinese

By Mr Puttle No 391

Fixing the time of holding elections

Referred to the committee on Privileges and Elections

By Mr. O'Sullivan, No 392

Graduated, Progressive Taxation.

Referred to the committee on Revenue and Taxation

30

Resolution

By Mrs. Burrows.

31

Resolved

That the Assessor of the City and County of San Francisco be requested to furnish this Convention with ~~with~~ information on the following points;

1st

What was the amount of the assessment of mining stocks in said City and County for the last fiscal year

2d

What was the amount of assessment of Churches and the land on which erected in said city and County for the last fiscal year.

By Barbour.

adopted

Resolution No

For
Information
from
Assessor of San
Francisco

32
adopted

32)

at Eleven o'clock and fifty minutes a.m. the President declared the convention adjourned under the rule, until tomorrow at 10 o'clock a.m.

10/22/78