Ch. Convention
Assembly Chamber,
State Capitol.
Sacramento, Wednesday, Oct. 23/78

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	3		LAVIGNE	9		SHOEMAKER	3	
AYERS	2		FILCHER	4		LEWIS	10		SHURTLEFF	4	
BARBOUR	3		FINNEY	5		LINDOW	1		SMITH of Santa Clara.	5	
BARNES			FREEMAN	139		MANSFIELD	2		SMITH of Fourth District.	6	
BARRY	4		FREUD	6		MARTIN of Alameda.	3		SMITH of San Francisco.	7	
BARTON	5		GARVEY	7		MARTIN of Santa Cruz.	138		SOULE	8	
BEERSTECHER	6		GLASSCOCK	8		McCALLUM	4		STEDMAN	9	
BELCHER	7		GORMAN	9		McCOMAS	5		STEELE	110	
BELL	8		GRACE	40		McCONNELL	6		STEVENSON	1	
BERRY			GRAVES	1		McCOY			STRONG		
BIGGS	9		GREGG	2		McFARLAND	1		STUART	2	
BLACKMER	10		HAGER	3		McNUTT	7		SWEASEY	3	
BOGGS	1		HALE	4		MILLER	8		SWENSON		
BOUCHER	2		HALL	5		MILLS	9		SWING	4	
BROWN	3		HARRISON	6		MOFFAT	80		TERRY	5	
BURT	4		HARVEY	7		MORELAND	1		THOMPSON	6	
CAMPBELL	5		HEISKELL	8		MORSE	2		TINNIN	7	
CAPLES	6		HEROLD	9		MURPHY	3		TOWNSEND	8	
CASSERLY	7		HERRINGTON	50		NASON	4		TULLY	9	
CHAPMAN	8		HILBORN	1		NELSON	5		TURNER	120	
CHARLES	9		HITCHCOCK	2		NEUNABER	6		TUTTLE	1	
CONDON	20		HOLMES	3		NOEL	7		VACQUEREL	2	
COWDEN			HOWARD	4		O'DONNELL	8		VAN DYKE	3	
CROSS			HUESTIS	1		OHLEYER	9		VAN VOORHIES	4	
CROUCH			HUGHEY	5		O'SULLIVAN	90		WALKER of Marin.	5	
DAVIS	1		HUNTER	6		OVERTON	1		WALKER of Tuolumne.	6	
DEAN	2		INMAN	7		PORTER	2		WATERS		
DOWLING	3		JOHNSON	8		PROUTY	3		WEBSTER	7	
DOYLE	4		JONES	9		PULLIAM	4		WELLER	8	
DUDLEY of San Joaquin and Amador.	5		JOYCE	60		REDDY	5		WELLIN	9	
DUDLEY of Solano.	6		KELLY	1		REED	6		WEST	130	
DUNLAP	7		KENNY	2		REYNOLDS	7		WICKES	1	
EAGON	1		KEYS	3		RHODES	8		WHITE	2	
EDGERTON	8		KLEINE	4		RINGGOLD	9		WILSON of Tehama.	3	
ESTEY of Contra Costa and Marin.	9		LAINE	5		ROLFE			WILSON of First District.	4	
ESTEE of First District.	30		LAMPSON	6		SCHELL	100		WINANS	5	
EVEY	1		LARKIN	7		SCHOMP	1		WYATT	6	
FARRELL	2		LARUE	8		SHAFTER	2		Mr. PRESIDENT	137	

Ayes _____

Noes _____

Messrs Crouch and Berry were granted indefinite leave of absence on account of sickness.

Mr. Strong was granted leave of absence for five days.

Journal of yesterday read and approved.

Petitions

By Mr. Schell, petition for a local option provision in the Constitution

Referred to the Committee on Legislative Department

By Mr. Hazen.

Petition for a section to declare the Sabbath day, or Sunday, a Day of Rest

4) Referred to the committee on Preamble and Bill of Rights

Communications.

The President presented the following from the Supt. of State Printing.

Office of Supt. of State Printing. Oct 23 1878

Mr. President

In compliance with a resolution passed by your Honorable body, requesting a statement as to the cost of printing ordered by the Convention, I have the honor to report that the total cost up to and including the 19th inst, amounts to $1.389.68

Respectfully submitted
J. P. Thompson
Supt State Printing

(5)

Laid on the table.

The President presented the following communication from the Secretary of State —

State of California
Dep't of State } Sac Oct 22d 1878.

To Hon J. P. Hoge,
President of Constitutional Convention

Dear Sir

Recently the honorable Convention over which you have the honor to preside, passed a Resolution asking for information as follows, to wit-

First, The number and classification of Corporations other than municipal now existing in the State of California, and formed under the laws of this State. 2d The aggregate amount of the Capital stock of all said Corporations, and the aggregate amount of the Capital stock of each class thereof. 3d A detailed statement of the principal places of business, and location of principal offices of all said Corporations. 4th A detailed statement of the amount of Capital stock actually paid up by all said Corporations-

I most respectfully call your attention to the obvious fact that the foregoing Resolution calls for all the information contained in the Record and also for information not in the Records of this office

In response to the Resolution, and without intending any disrespect to the Convention or any evasion of its demands, I had the honor to forward as the only adequate compliance, the full record of the information asked for. I most respectfully represent that this action was the only course left me, since the clerical force at my disposal was not adequate to the task of making a complete transcript of the Record in time to be of any service to the Convention.* In view of this fact the original record was courteously placed at the disposal of the Convention.

It is a matter of most sincere regret to me, that this action has been misconstrued by the honorable gentleman who offered the resolution of inquiry and that he and two others have seen fit to charge me before the Convention

I most respectfully call your attention to the obvious fact that the foregoing Resolution calls for all the information contained in the Record and also for information not in the Records of this office.

In response to the Resolution, and without intending any disrespect to the Convention or any evasion of its demands, I had the honor to forward as the only adequate compliance, the full record of the information asked for. I most respectfully represent that this action was the only course left me, since the clerical force at my disposal was not adequate to the task of making a complete transcript of the Record in time to be of any service to the Convention,*

* even if by so doing the information sought could be obtained.

It is a matter of most sincere regret to me, that this action has been misconstrued by the honorable gentleman who offered the resolution of inquiry and that he and two others have seen fit to charge me before the Convention

when I had no opportunity to reply — with an intentional disrespect to that honorable body. I beg leave to assure you that no such disrespect was intended, nor can I see in the action had any justification of the charge.

The Convention asked for all the information in a certain Record; the original of that Record was promptly and courteously forwarded. I fail to see how the transmission of any record in this office can be tortured into an intentional insult to the Convention, and since this action is the full extent of my offending, I most respectfully protest against this gross misconstruction of my motives.

If the response made by me was not sufficient, or if through any misapprehension of the request by the Convention I erred in forwarding the original record, I should ~~have~~ most gladly have received any information of my error, and then, as now, would have been most happy to facilitate the deliberations of that honorable body with any official information desirable from this office, or any official courtesy

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or personal service within my power to bestow. Until otherwise informed or convinced, I most respectfully but firmly maintain the adequacy of the respected grade by me, and as respectfully and firmly disclaim any intention of disrespect to the Convention

As to the charge that my action was an indignity to the people of California I have only to say, that I am of opinion when an officer does his duty to the best of his ability and preserves his own dignity the people of California will find but little fault with him. Hoping this will receive at your hands that consideration which by reason of its candor it is entitled to.

I have the honor to Remain
Your obt Servant

Thomas Beck
Sect of State

Over

I have the honor to acknowledge the receipt of another Resolution upon the same subject as the former, passed by the Convention on yesterday to which I shall be most happy to reply at as early a moment as possible —

11)

Laid on the table

Reports

Mr. Beardsley from the minority of the Judiciary Committee presented a report in the case of Judge Fawcett

The report was made the special order with the majority report on same subject, and 240 copies ordered printed out of order.

By Mr. Reed

12)

Mr President

The Committee on Agriculture, Manufactures & Commerce to whom was referred Amendment No 38, "Relative to taxation of vessels", report the same back and ask that it be referred to the Committee on Revenue & Taxation.

Also Amendment No 63 Relative to Irrigation, and ask that it be referred to the Committee on Water & Water rights.

Respectfully Yours

Chas F. Rice
Chairman

Report adopted and reference made

Report of
Committee on
Agriculture, Manufactures & Commerce

(6)

13)

Motions.

On motion of Mr. Edgerton the committee on Revenue and Taxation were granted further time.

On motion of Mr Van Dyke the Committee on Preamble and Bill of Rights were granted until tomorrow to report.

On motion of Mr. Estee the Committee on Corporations other than Municipal were granted five days to report.

Mr. Zinnin moved that all the committees have one week further time

14) in which to report,

so ordered.

Mr Estee from the committee on Corporations verbally reported Amendment No 37 and moved its reference to the committee on Miscellaneous subjects

so referred.

Resolution

By Mr. Barbour.

Resolved: That the sum of five dollars be and is hereby appropriated for postage for the Secretary of this Convention, on correspondence which has been or may be ordered

by this Convention

Referred to the Committee on Mileage and Contingent expenses

By Mr. Holmes.

Resolved:- That the Committee on Reporting and Printing be and it is hereby instructed and required to inquire into and report at an early day to this Convention, by resolution or otherwise, the expediency and probable cost of transcribing indexing and printing the journal of this Convention

Referred to the Committee on Reporting and Printing

16 Proposed amendments.

By Mr. Dudley No 393

Relative to Officers

Referred to Committee on Preamble and bill of rights

Also No 394

Relative to the manner of filling public offices and the tenure thereof.

Referred to the Committee on Executive Department

By Mr. Ayers No 395

Proposition to collect taxes in installments

Referred to the Committee on Revenue and Taxation.

17)

By Mr. Condon No 396

Relating to capital and Labor.

Referred to the committee on Labor & Capital

By Mr. Burkhes No 397

Relating to Taxation

Referred to the committee on Revenue and Taxation

also No 398

Amendment to Bill of Rights

Referred to the committee on Preamble and Bill of Rights

By Mr. Smith of Santa Clara. No 399

Relating to appropriations of money by the Legislature

Referred to the committee

on Revenue and Taxation

By Mr. Martin, of Alameda No 400

For adjudication of Claims against the State

Referred to the ~~Judiciary~~ Committee on Judiciary and Judicial Department

By Mr Hayes. No 401

Concerning Revenue and Taxation.

Referred to the Committee on Revenue & Taxation

At ten o'clock and forty five minutes a.m. the President declared the Convention under the rule adjourned until to-morrow at ten o'clock a.m.

Oct. 23