1

Ch Convention
Assembly Chamber. State Capitol

Sacramento
Saturday Oct. 26th 1878

Convention met pursuant to adjournment

President Hoge in the chair

Roll called and the following members were present

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

Names.	Ayes.	Noes.	Names.	Ayes.	Noes.	Names.	Ayes.	Noes.	Names.	Ayes.	Noes.
ANDREWS	1		FAWCETT	28		LAVIGNE	61		SHOEMAKER	91	
AYERS	2		FILCHER	29		LEWIS	62		SHURTLEFF	92	
BARBOUR	3		FINNEY	30		LINDOW	63		SMITH of Santa Clara.	93	
BARNES	a		FREEMAN	127		MANSFIELD	64		SMITH of Fourth District.	94	
BARRY			FREUD	31		MARTIN of Alameda.			SMITH of San Francisco.	95	
BARTON	4		GARVEY	32		MARTIN of Santa Cruz.	65		SOULE	96	
BEERSTECHER	5		GLASSCOCK	33		McCALLUM	66		STEDMAN	97	
BELCHER	6		GORMAN	34		McCOMAS	67		STEELE	98	
BELL	7		GRACE	35		McCONNELL	68		STEVENSON	99	
BERRY		a	GRAVES	36		McCOY			STRONG		a
BIGGS	8		GREGG	37		McFARLAND	69		STUART	100	
BLACKMER	9		HAGER	38		McNUTT	70		SWEASEY	101	
BOGGS		a	HALE	39		MILLER	71		SWENSON	102	
BOUCHER	10		HALL		a	MILLS		a	SWING	103	
BROWN	11		HARRISON	40		MOFFAT	72		TERRY	104	
BURT		a	HARVEY	41		MORELAND	73		THOMPSON	105	
CAMPBELL	12		HEISKELL	42		MORSE		a	TINNIN	106	
CAPLES	13		HEROLD	43		MURPHY		a	TOWNSEND	107	
CASSERLY	14		HERRINGTON	44		NASON	74		TULLY	108	
CHAPMAN		a	HILBORN	45		NELSON	75		TURNER	109	
CHARLES	15		HITCHCOCK	46		NEUNABER	76		TUTTLE	110	
CONDON	16		HOLMES	47		NOEL	77		VACQUEREL	111	
COWDEN		a	HOWARD	48		O'DONNELL		a	VAN DYKE	112	
CROSS		a	HUESTIS	49		OHLEYER	78		VAN VOORHIES	113	
CROUCH	17		HUGHEY	126		O'SULLIVAN	79		WALKER of Marin.	114	
DAVIS	18		HUNTER	50		OVERTON		a	WALKER of Tuolumne.	115	
DEAN	19		INMAN	125	a	PORTER	80		WATERS		a
DOWLING	20		JOHNSON	51		PROUTY	81		WEBSTER	116	
DOYLE	21		JONES	52		PULLIAM	82		WELLER	117	
DUDLEY of San Joaquin and Amador.		a	JOYCE	53		REDDY		a	WELLIN	118	
DUDLEY of Solano.	22		KELLY	54		REED	83		WEST	119	
DUNLAP	23		KENNY			REYNOLDS	84		WICKES	120	
EAGON		a	KEYS	55		RHODES	85		WHITE	121	
EDGERTON	24		KLEINE	56		RINGGOLD	86		WILSON of Tehama.	122	
ESTEY of Contra Costa and Marin.	25		LAINE	57		ROLFE	87		WILSON of First District.		a
ESTEE of First District.		a	LAMPSON	58		SCHELL	88		WINANS		a
EVEY	26		LARKIN	59		SCHOMP	89		WYATT	123	
FARRELL	27		LARUE	60		SHAFTER	90		Mr. PRESIDENT	124	

Ayes _____

Noes _____

Leave of absence was granted for one day to Messrs Burt, Cowden, Estee, Morse, O'Donnell and waters and to Mr. Dudley of San Joaquin for two days.

Mr. Van Dyke moved that the Preamble and Bill of Rights, reported by the Committee, be made the Special Order for Tuesday Oct. 29th, 1878

So ordered.

Journal of Yesterday read and corrected so as to show that Mr. Estey (Age) was paired with Mr. Mills (no) on the adoptions of the report of Judiciary Committee, and as thus corrected was approved.

Mr. Laine presented, by leave, a report from the ~~Judiciary~~ committee on Judiciary and Judicial Department, in regard to printing and stationery,

which was ordered printed and laid on the table.

Mr. Wicks presented a petition in regard to an acknowledgement of Almighty God as the source of civil authority in civic Government.

Referred to the committee on Preamble and Bill of Rights

The President presented the following from the Sec. of State.

D. GHIGLIOTTI

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State of California
Department of State
Sac. Oct. 23 1878

To the Hon. the President and
Members of the Constitutional
Convention.

Gentlemen.

In compliance
with a resolution adopted by your
Honorable body on the 16th inst. I have
the honor to furnish the following
statement of the amount of Stationery
issued from my office, upon requi-
sitions of the various members,
Officers and committees of the
Convention, from the opening of
the Session up to and including
Saturday the 14th inst. to wit:-

Amount issued to members	$1167.41
" " to Officers and attaches	212 24
" " to Committees	30.16
	1409.81

Thomas Beck
Sec. of State

Lais on the table.

The President also presented the following communication from the Surveyor General:

7)

Surveyor General's Office
Sacramento Cal. Oct. 24 1878

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

Sir,

In obedience to a resolution passed by your honorable body, I have the honor, herewith to submit the following statement

Wm Minis
Surveyor General.

The following shows the whole number of acres of land which have been certified or listed to the State of California by the Government of the United States, by reason of the following land grants and donations of land -

8/

	acres
Swamp & overflowed lands	1,588,768.85
Grant of 500,000 acres	487,376.93
Seminary or Seventy two (72) sections	40,445.06
Public Building or ten (10) sections	3,363.80
Grant in lieu of 16th & 36th sections	636,021.31
Agriculture or Mechanics Art Grant	140,759.92
Yosemite Valley Grant	36,111.14
Mariposa "Big Tree Grove Grant"	2,589.76

The following shows the total cash value received by the State for lands sold by her under the following grants, as appears from the records of the State controller

	Principal	Interest
Grant of 16th & 36th sections and lands in lieu thereof	$1,201,640.18	$736,914.60
Grant of 500,000 acres	389,432.35	407,811.98
total	1,591,072.53	1,144,726.58

Grant of 16th & 36th sections and lands in lieu thereof.

The area of the State is about 100,500,000 acres.

The area of Lakes, Islands, Bays, Rivers, swamp and tide Lands is about 3,357,451 acres, which taken from the area of the State leaves about 97,142,549 acres. This amount divided by eighteen (18) gives the area of the 16th & 36th sections and lands in lieu thereof, which amounts to about 5,396,808 acres.

About all the land listed to the state in lieu of 16th & 36th sections has been disposed of.

About 2,200,000 acres of this grant is unsurveyed

All the swamp land that is surveyed is either sold or applied for. The proceeds of the sales of this land is paid to the County Treasurer of the counties in which it is situated

---

The land held under

10

the grant of 500,000 acres has been wholly disposed of by the State

ordered printed

D CHICHOLM

4

Mr. McCallum asked to have his name recorded in the negative on the vote adopting the ~~report~~ resolution in regard to the case of Judge Fancett, and he had voted in the affirmative for the purpose of giving notice of reconsideration, but was ~~precluded~~ hindered from giving said notice by reason of adjournment. So ordered.

~~Mr. Shoemaker presented the~~

Reports

By Mr. Shoemaker.

12)

Mr. President — Your Committee on Reporting and Printing to whom was referred Resolution No. 6B concerning certain inquires as to the probable cost and the expediency of indexing and printing the Journal of this Convention, have had the same under consideration and herewith report the same back and recommend its adoption by the Convention.

R. Shoemaker
Chairman

(13)

Report ~~adopted~~ received and the Resolution (No. 63) ~~was~~ were adopted

Mr. Hilborn moved that the communication from the Supt. of State Printing be taken from the table and referred to the Committee on Reporting and Printing.

Report so ordered

By Mr. Hilborn

Mr President: Your Committee on Mileage and Contingent expenses to whom was referred Resolution No 52, to authorize the President to appoint Porters for the Committee Rooms beg leave to report:

Since the introduction of this Resolution we have taken occasion to examine into the whole question of the employment of the attaches of the Convention to see if some change could not be made in the interest of economy

To this end we addressed a note to the Sergeant at Arms asking him to communicate to us his views upon the subject and by his permission we ~~herewith~~ append his answer as a part of our report

15)

To the Committee on Mileage & Contingent Expenses.
Constitutional Convention.

Gentlemen.

In reply to your request for a statement of what additional help I deem necessary for the performance of the work now necessary to be done for the Convention; Also as to the advisability of dispensing with any of the present employes. I herewith respectfully present the following for your consideration;

First. that two additional porters is necessary to care for Committee rooms, and other work that they may be detailed to do.

Second. that there is one door keeper more and two pages more than is actually necessary for that branch of the service.

With the help arranged in this way and properly detailed, would in my opinion be more efficient and perform all the work necessary at the present time; and decrease instead of increasing expenses.

October 22d 1878.

F. J. Sherwood.
Sergt. at Arms.

16)

Your Committee fully concur in the views of the Sergeant at Arms. And since the Sergeant at Arms by reason of his having been charge of these attaches, has acquired a knowledge as to their qualifications and is able to judge as to who should be retained and who should be discharged we recommend that he be clothed with power to designate the persons whose services can best be dispensed with

We therefore recommend the adoption of the following Resolutions

1st Resolved that the President appoint two Porters for the Committee Rooms at a salalary of four dollars per day each, payable out of the appropriation for the expenses of this Convention,

2d Resolved that the services of our door keeper and two Pages be dispensed with and that the Sergeant at Arms designate the persons to be discharged.

We herewith lay before you a list of the attaches of the Convention with the salary each is drawing. It is in order that the Convention may be informed as to our daily expenses

S. G. Wilson
Chairman

17)

Name	Office	Per Diem
~~J. S. Belcher, Pres. Protem~~		
J. A. Johnson	Secretary	$8.
E. F. Smith	Asst.	$6.
G. A. Thornton	"	6.
E. L. Crawford	Minute clerk	8.
G. E. McStay	Journal	8.
T. J. Sherwood	Sergeant Arms	8.
B. F. Chambers	Asst.	6.
M. F. Moloney	Door Keeper	5.
W. H. H. Fellows	do	5.
Wm Flemming	do	5.
M. Barnes	Post Master	4.
Frank Laine	Mail Carrier	$100 per mo.
Henry Jones	Porter	4.
Wm Galt	do	4.
J. D. Ricks	Page	3.
H. Durner	do	3.
August Rose	do	3.
Mark Shipley	do	3.
W. Campbell	do	3.
J. E. Doak	do	3.
Cary Goods	do	3.
E. H. Morris	do	3.
		$101.00
		3.33
	Total	$104.33

$101.00 per day, excluding pay of Mail Carrier, which is $100. per month.

over

Brot forward	$104.33
Four Commission Clerks at $5.00 per day	20.00
Total daily expenses of attaches	$124.33

18)

Report received, and the ~~following~~ first resolution reported by the committee adopted.

Mr. O'Sullivan moved to amend the second resolution by striking out the words "two Pages", and amend by inserting "two" instead of "one Doorkeeper"

Lost

Mrs. Barbour offered the following

	Resolved That the Sergeant-at-arms be authorized to detail the two doorkeepers at the side door to take care of the Committee rooms, as the Porter

Ruled out of order

The resolution as reported by the committee was then

19

adopted

Resolutions

By Mr. Fuller

Whereas

As this Convention will be known to all future generations as a body, that in all their acts exercised the most rigid economy, even to discharging and refusing to pay a Night Watchman, who had faithfully toiled 21 nights, and

Whereas

Since his discharge the desks of our members are nightly robbed of pens, pencils, blotters, paper, and every thing of value left thereon, thus depriving the members of their use, and our glorious State of California of their value and

Whereas

It is necessary to maintain our future standing, that unborn generations will in memory of the past and this Convention, forget their religious duties and sing not "Te Deum Laudamus" but "Te Hominem Laudamus"

Therefore be it

Resolved

That the President of this Convention be requested, to commence in alphabetical order, as the names are now printed on the "roll call", and name one member, each night to act as Watchman in this Chamber and in the rooms adjoining thereto

Referred to the committee on ~~Contg~~ Mileage and contingent Expenses

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Cont. Ex

22

By Mr. Luckey

Resolved: That each member of this convention and each standing Committee shall be allowed, stationery to the value of ten dollars and no more.

Referred to the Committee on Mileage and Contingent Expenses

Proposed Amendments.

By Mr. Bell. No 403

Relating to selling goods under false pretenses.

Referred to the Committee on Legislative Department

By Mr. Burton. No 404

To amend sec. 16 art. 6

To committee on Judiciary and Judicial Department

By Mr Lindow No 405

Relating to School teachers

Referred to the committee on Education

By Mr Smith of Santa Clara. No 406

Prohibiting forced sale of Property.

To the committee on Land and Homestead exemption

By Mr. McCullum No 407

Relating to liens of Mechanics

Referred to the committee on Legislative Department.

24)

By Mr Shoemaker. No 408

Concerning revising and changing the Constitution

To committee on future amendments.

By Mr. Jones. No 409

Relating to representation of counties

To the committee on apportionment and representation.

also No 410

Relating to Public Schools.

To the committee on Education

By Mr. Moreland. No 411

Relating to city, county and township organizations.

~~Referred to the committee on city, county & township organizations~~

By Mr. O'Sullivan, No 412

To provide for a general system and irrigation

To committee on water and water rights

Also No 413

Relating to Public Offices

To committee on Legislative Department

By Mr. Harvey No 414

Relating to Miscellaneous Provisions

To the Committee on
Miscellaneous subjects

Also No 413
Relative to Militia
To the committee on
Military affairs

By Mr Condon, No 416
Relating to members of
the Legislature
Referred to the Committee
on Miscellaneous subjects

By Mr Herold No 417
Founding and regulating
an apprentice Law
To the committee on
Legislative Department

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By Mr. Murphy No 418

Substitute for Sec. 13 art XI

To the Committee on Revenue and Taxation

By Mr. Freeman. No 419

Rights of Foreigners

To Committee on Preamble and Bill of rights

By Mr. Mansfield No 420

To amend Sec 9 art 1

Referred to the Committee on Preamble and Bill of Rights

By Mr. Pringpool No 421

Relating to persons ineligible to become citizens

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Referred to the Committee on Preamble and Bill of Rights

at eleven o'clock and six minutes A. M. Mr. Noee moved to adjourn.

Lost

By Mr Hager. No 422

Relating to municipal corporations.

Referred to the Committee on City, County and township organizations

At eleven o'clock and ten minutes A. M. on motion of Mr. Edgerton the convention adjourned till Monday Oct. 28th 1878 at three o'clock P. M.

10/26/78

(10/27 - Sunday)