1

In Convention
Assembly Chamber, State Capitol

Sacramento
Thursday Oct. 31st 1878

Convention met pursuant to adjournment

President Hoge in the Chair

Roll called and the following members were ~~present~~ absent

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	57		LAVIGNE	70		SHOEMAKER	4	
AYERS	2		FILCHER	6		LEWIS	1		SHURTLEFF	5	
BARBOUR	3		FINNEY	7		LINDOW			SMITH of Santa Clara.	6	
BARNES	4		FREEMAN	104		MANSFIELD	2		SMITH of Fourth District.	7	
BARRY	5		FREUD	8		MARTIN of Alameda.	3		SMITH of San Francisco.	8	
BARTON	6		GARVEY	9		MARTIN of Santa Cruz.	4		SOULE	9	
BEERSTECHER	7		GLASSCOCK	40		McCALLUM	5		STEDMAN	110	
BELCHER	8		GORMAN	1		McCOMAS	6		STEELE	1	
BELL	9		GRACE	2		McCONNELL	7		STEVENSON	2	
BERRY			GRAVES	3		McCOY	8		STRONG	3	
BIGGS	10		GREGG	4		McFARLAND	9		STUART	4	
BLACKMER	1		HAGER	5		McNUTT	80		SWEASEY	5	
BOGGS	2		HALE	6		MILLER	1		SWENSON	6	
BOUCHER	3		HALL	7		MILLS	143		SWING	114	
BROWN	4		HARRISON	8		MOFFAT	2		TERRY	7	
BURT	5		HARVEY	9		MORELAND	3		THOMPSON	8	
CAMPBELL	6		HEISKELL	50		MORSE	4		TINNIN	9	
CAPLES	7		HEROLD	1		MURPHY	146		TOWNSEND	120	
CASSERLY	8		HERRINGTON	2		NASON	5		TULLY	1	
CHAPMAN	9		HILBORN	3		NELSON	6		TURNER	2	
CHARLES	20		HITCHCOCK	4		NEUNABER	7		TUTTLE	3	
CONDON	1		HOLMES	5		NOEL	1		VACQUEREL	4	
COWDEN	2		HOWARD	142		O'DONNELL	8		VAN DYKE	5	
CROSS			HUESTIS	6		OHLEYER	9		VAN VOORHIES	6	
CROUCH	3		HUGHEY	7		O'SULLIVAN	90		WALKER of Marin.	7	
DAVIS	4		HUNTER	8		OVERTON	1		WALKER of Tuolumne.	8	
DEAN			INMAN	9		PORTER	2		WATERS	9	
DOWLING	5		JOHNSON	60		PROUTY	3		WEBSTER	130	
DOYLE	6		JONES	145		PULLIAM	4		WELLER	1	
DUDLEY of San Joaquin and Amador.	7		JOYCE	1		REDDY	5		WELLIN	2	
DUDLEY of Solano.	8		KELLY	2		REED	6		WEST	3	
DUNLAP	9		KENNY	3		REYNOLDS	7		WICKES	4	
EAGON	40		KEYS	4		RHODES	8		WHITE	5	
EDGERTON	30		KLEINE	5		RINGGOLD	9		WILSON of Tehama.	6	
ESTEY of Contra Costa and Marin.	1		LAINE	6		ROLFE	100		WILSON of First District.	7	
ESTEE of First District.	2		LAMPSON	7		SCHELL	1		WINANS	8	
EVEY	3		LARKIN	8		SCHOMP	2		WYATT	9	
FARRELL	4		LARUE	9		SHAFTER	3		Mr. PRESIDENT	140	

Ayes_____

Noes_____

3

Leave of Absence

Messers Cross and Harwood were granted one days leave of absence.

On motion of Mr. Hilborn the reading of the journal was dispensed with, and the same approved.

Petitions &c.

Mr. Hager presented a petition for a Local option law

Referred to the Committee on Legislative Department

On motion of Mr Blackmer the Committee on future amendments was granted further time to report

4)

Reports of Standing Committees

By Mr. Miller

Sheldney

Mr President:

The Committee on Chinese to whom was referred certain proposed amendments to the Constitution relating to Chinese, beg leave to report back to the convention, the following propositions, with the recommendation, that no further action be taken thereon, viz:-

Proposition	No 1	introduced	by	Mr. Dowling
"	" 17	"	"	" Joyce
"	" 70	"	"	" Barry
"	" 130	"	"	" Kenney
"	" 266		"	" Kleine
"	18		"	" Joyce
	60	"	"	" O'Donnell
	17	"	"	" Murphy
	173	"	"	" Willin
	321	"	"	" O'Donnell
	390		"	" Joyce
	388		"	" O'Donnell
	423		"	" Estee

5

No 44 by Mrs Turner
131 " " Kleine

and the 2d and 3d sections of No 292 By Mrs Tuttle

The Committee has carefully considered the foregoing and adopted in substance, such portions as have been deemed of practical value, and included the same in the amendments to the Constitution herewith presented, for the action of the convention.

Your committee also begs leave to report back the amendment No 352 proposed by Mrs. Miller, amended, as the same appears in Sec. 1 of the draft of amendments accompanying this report, with the unanimous recommendation that ~~that~~ the same be adopted as amended

A majority of the Committee has agreed to, and instructed

6 me to report to the convention the 1st Section of proposition No 292, by Mr Tuttle, amended as the same appears in section 2 of the draft of amendments herewith, with the recommendation that the same be adopted as amended; also proposition No 23 by Mr Nelson which furnishes sec. 3 of the accompanying draft of amendments. with like recommendation; also proposition No 64 by Mr. Ayers. amended as the same appears in section 4 of the accompanying draft of amendments with the recommendation

7 that the same be adopted as amended. also the 1st section of proposition no. 19 by Mr Larkin, which forms Section 5 of the accompanying draft, with the recommendation that the same be adopted.

In addition to the foregoing a majority of the committee, have agreed to, and instructed me to present for the consideration of the convention, the four sections numbered 6. 7. 8 and 9 respectively in the draft of amendments herewith, with the recommendation that the same be adopted.

Your committee

begs to submit the result of its labors, without comment, it being reserved, by ~~the~~ common consent for each member of the Committee to sustain or oppose in convention, the whole or any portion of this report

Respectfully submitted

Jno F. Milles

Chairman

The Report was Recieved and the accompanying draft read.

Mr. Milles moved that the report and Draft lay on the table and be printed

So ordered.

Proposed amendments

Mr. Wilson at the request of the Committee on Judiciary and Judicial Department

9 No 455

presented an amendment to the article on Judicial Department, which was ordered printed out of order, and referred to the Committee on Judiciary and Judicial Department.

By Mr. Steadman for Mr. Lindon No 456

Relating to Elections

Referred to the Committee on Privileges and Elections

By Mr. Barbour. No 457

amending Sec. 16 Art. 6 of the constitution

Referred to the committee on Judiciary and Judicial Department

By Mr. McConnell. No 458

Relating to Corporations

10

Referred to the committee on Corporations other than Municipal

By Mrs. Barry, No 459

Relating to municipal corporations

Referred to the committee on Legislative Department

Mrs. Martin of Santa Cruz by leave introduced the following resolution; which was adopted

Resolved: That the President and secretary of the Board of Regents of the University of the State of California, be requested to furnish this convention with full information respecting the annual expenses paid for Salaries of all Officers, employees and attaches of said University, also all incidental expenses connected with said institution, also to give full detailed in-

formation of the amount of money received from the state, from individuals, and from all other sources for the maintenance of said institution, and the disposition made of such funds.

Proposed amendments

By Mr. ~~Martin of Santa Cruz~~ Wicks No 460

Relating to State Board of Education

Referred to the committee on Education

By Mr. ~~Wicks~~ Vacquerel No 461

Relating to corporations.

Referred to the committee on Corporations other than Municipal

By Mr. Dowling No 462

To Prohibit Bigamy and Polygamy

Referred to the committee on Legislative Department

On Motion of Mr Van Dyke the Convention Resolved itself into committee of the whole to consider Amendment No 402 the Preamble and Bill of Rights —President in the chair—

at eleven o'clock and fifty minutes a.m the committee rose, reported progress, and asked leave to sit again.

The hour of 12 o'clock M having arrived the convention took a recess for two hours.

Afternoon Session

Convention re-assembled at two o'clock P. M.

President Hoge in the chair

Quorum present.

On motion of Mrs. Estin the report of the committee on corporations other than Municipal, with the articles in Corporations reported by the committee were taken from the table and made the special order for Tuesday Nov 5th after reading the journal of the Preamble and Bill of Rights is disposed of at that time

On motion of Mrs. Van Dyke the Convention resolved itself into Committee of the whole President in the chair to Consider Amendment No 402 being the Preamble and Bill

D'CHICTIOLLI

Oct 31

of Rights

At three o'clock and thirty five minutes P. M. the committee rose, and recommended that section 7 of the Proposed Bill of Rights be referred to the committee on Judiciary and Judicial Department to be reported back tomorrow morning.

Mrs. Hayes moved that the recommendation of the committee of the whole be adopted.

Mrs. McCallum moved that the Convention resolve itself into Committee of the whole to consider Amendment no 402 being the Preamble and Bill of Rights

Lost.

The motion of Mrs Hayes prevailed, and the section was referred with instructions to report to-morrow

Mr. Barbour offered the following Resolution

Resolved: That it is the sense of this Convention that a Common Law jury in Criminal Cases of the grade of felony should not be denied or interfered with.

Mr. Caples moved to amend "that all juries be composed of seven"

at three o'clock and forty five minutes P. M. Mr. Howard moved to adjourn

Lost

Mrs. Turner moved to lay the resolution of Mrs. Barbour on the table

Agreed

On motion of Mrs. Estes the Convention resolved itself into the committee of the whole, to further consider Amendment No 2. (being the Preamble and Bill of Rights

at three o'clock and fifty minutes P. M. the committee rose and recommended that sections 8-9-13 and 14 be referred to the committee on the Judiciary and judicial Department

17

with instructions to report tomorrow morning

~~Mr. Freud moved~~

Mr. Edgerton moved to concur in the recommendation of the Committee of the whole.

Mr. Freud moved that they be referred to the Committee on Preamble and Bill of Rights Lost

The ~~question~~ vote being taken on the motion of Mr ~~Hayes~~ Edgerton it was carried

The President made the following appointments under resolution adopted by the Convention

as Porters for the Committee rooms

J. Van Praag
Hiram Clock

At four o'clock P.M on motion of Mr. Shoemaker the Convention adjourned

10/31/78

THE WHITE HOUSE
WASHINGTON

Oct-31