1)

Ch. Convention
Assembly Chamber. State Capitol

Sacramento

Saturday, Nov. 2d 1878

Convention met pursuant to adjournment

President Hoge in the Chair

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

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	5	
AYERS	2		FILCHER	6		LEWIS	9		SHURTLEFF	6	
BARBOUR			FINNEY	7		LINDOW			SMITH of Santa Clara.		
BARNES	3		FREEMAN	8		MANSFIELD	60		SMITH of Fourth District.	7	
BARRY	4		FREUD	9		MARTIN of Alameda.			SMITH of San Francisco.	8	
BARTON	5		GARVEY	30		MARTIN of Santa Cruz.	1		SOULE	9	
BEERSTECHER			GLASSCOCK	1		McCALLUM	2		STEDMAN	90	
BELCHER			GORMAN	2		McCOMAS			STEELE	1	
BELL	6		GRACE	3		McCONNELL	2		STEVENSON	2	
BERRY			GRAVES	4		McCOY	4		STRONG	3	
BIGGS	7		GREGG	5		McFARLAND	116		STUART		
BLACKMER	8		HAGER	6		McNUTT	5		SWEASEY	4	
BOGGS	9		HALE	1		MILLER			SWENSON	5	
BOUCHER	10		HALL	7		MILLS	6		SWING	6	
BROWN	1		HARRISON	8		MOFFAT	7		TERRY		
BURT	2		HARVEY	9		MORELAND	8		THOMPSON		
CAMPBELL	3		HEISKELL	40		MORSE	9		TINNIN	7	
CAPLES	115		HEROLD			MURPHY			TOWNSEND	8	
CASSERLY	4		HERRINGTON			NASON	70		TULLY	9	
CHAPMAN	5		HILBORN	1		NELSON			TURNER	100	
CHARLES	6		HITCHCOCK	2		NEUNABER	1		TUTTLE		
CONDON	7		HOLMES	3		NOEL	2		VACQUEREL	1	
COWDEN	8		HOWARD	114		O'DONNELL			VAN DYKE	2	
CROSS	9		HUESTIS	4		OHLEYER	3		VAN VOORHIES	3	
CROUCH	20		HUGHEY	5		O'SULLIVAN			WALKER of Marin.		
DAVIS	1		HUNTER	6		OVERTON	4		WALKER of Tuolumne.	4	
DEAN			INMAN	7		PORTER	5		WATERS	5	
DOWLING	2		JOHNSON	8		PROUTY	6		WEBSTER	6	
DOYLE	3		JONES	9		PULLIAM	7		WELLER		
DUDLEY of San Joaquin and Amador.			JOYCE	50		REDDY	8		WELLIN		
DUDLEY of Solano.	4		KELLY	1		REED	9		WEST	7	
DUNLAP			KENNY			REYNOLDS	80		WICKES	8	
EAGON	1		KEYS	2		RHODES			WHITE	117	
EDGERTON	112		KLEINE	3		RINGGOLD	1		WILSON of Tehama.	9	
ESTEY of Contra Costa and Marin.			LAINE	4		ROLFE	1		WILSON of First District.		
ESTEE of First District.			LAMPSON	5		SCHELL	2		WINANS		
EVEY	113		LARKIN	6		SCHOMP	3		WYATT	110	
FARRELL			LARUE	7		SHAFTER	4		Mr. PRESIDENT	111	

Ayes _____

Noes _____

3)

Leave of absence.

One days leave of absence was granted to Messrs. Dunlap, Burstecker O'Sullivan, Thompson, ~~Martin of Alameda~~ ~~Herrington~~ Winans, Terry, Weller Dudley of San Joaquin and Kenney.

and two days leave to Messrs Martin of Alameda and Herrington and one day days leave to Mr. Barbour on account of sickness

On motion of Mr Van Dyke the reading of the journal was dispensed with and the same approved.

Reports.

~~By~~ Mr. Campbell from the Committee on Executive Department presented

4)

a report and draft of an article in Executive Department, which were read, ordered printed, and made a special order for Monday Nov. 4th.

Proposed Amendments.

By Mr Hurstis. No 469

Providing for the support of the common Schools.

Referred to the Committee on Education

By Mr. Howard. No ~~467~~ 470

In relation to Irrigation

Referred to Committee on Waters and Water Rights

also No 471

Relating to capital and labor

Referred to the committee on Capital and Labor

By Mr. Reynolds. No 472

In relation to street assessments

Referred to committee on City, county and Township organizations

By Mr. Andrews. No 473

Concerning the registration of voters

Referred to the Committee on Right of Suffrage.

By Mr. Noel, No 474

In regard to Taxation

Referred to the committee on Revenue and Taxation

By Mrs. Emerson for Mrs O'Sullivan
No 475 - Illegality of Secret Tribunals Declared
Referred to Committee on Legislative Department

By Mrs. Harvey. No 476
In relation to Labor and Capital
Referred to the Committee on Labor and Capital

Motions and Resolutions

On motion of Mrs. Reynolds Resolution No 18 was taken from the table and referred to the committee on Legislative Department.

By Mrs Steadman.
Resolved: That Rule 1 be amended so as to read as follows:
Rule 1

7)

Hour of Meeting.

The Convention shall meet each day at 9 o'clock a. m., unless it shall adjourn to some other hour.

And be it further resolved that Rule 2 be amended so as to read as follows:

Rule 2

Recess

The convention shall take a recess each day from twelve o'clock M. to one and a half o'clock P. M.

Mrs. Grace moved to lay the resolution on the table.

Carried

By Mrs. Jinnin

Resolved. That the State Controller is hereby requested to furnish this Convention

with the cost of maintaining the Militia of this State, commencing with the years 1856, said report can be made either in gross amounts or in detail

adopted.

By Mr. Cussery.

Resolved: That the Superintendent of Streets of the city and county of San Francisco, be and he is requested to transmit to this convention the following information:

First - The amount of money paid by private owners for street assessments in the said city and county, within the last twelve years,

Second - The amount of money paid by said city and County for street work of every de-

scription, for the same period.

Third - any other information within his control bearing on the subject of this resolution

adopted

By Mr. Condon.

Resolved: That this Convention shall not Recognize the claims for pay of any person or persons, who is now or who may be hereafter working in or about this ~~Convention~~ capitol, and who has not been duly elected or appointed by said convention.

adopted

On motion of Mr Fletcher the following resolution was taken from the table.

10)

Amendment to Rule 64.

No leave of absence shall be granted until the reasons therefor shall have been fully stated, and approved by this convention.

Mr. Hnestiss moved to lay the resolution on the table carried.

Mr. Larkin gave notice that he should move an amendment to rule 52, on monday ~~next~~ Nov. 4.

Mr. Overton moved that the Committee on State Institutions and Public Buildings be granted four days leave of absence to visit the public institutions of the state.

The motion prevailed

11)

By Mr. Swing

Resolved: That the Adjutant General be requested to give the number of killed, wounded and missing of the Militia since the organization of the National Guard of this State

adopted.

Mr. McCallum moved to suspend the rules, that a motion to reconsider the vote on Mr. Overton's motion might be made.

The rules were suspended, and the motion of Mr. Kilbourn to reconsider the vote granting leave of absence to the committee on State Institutions and Public Buildings, was reconsidered

12) Mrs Huestiss moved to lay the whole subject on the table.

Carried.

By Mrs Steadman

Resolved: That the Secretary of State be requested to place on the desk of each member of this convention a copy of Report of Senate Committee of the Session of 1877-78 on Chinese: Provided they are on hand.

adopted

At Eleven o'Clock A.M. Mrs Waters moved to adjourn

Lost

on motion of Mrs. Shaftes the Convention resolved

itself into the committee of the whole, the President in the chair, to consider the following section reported by the Committee on Pardoning Power.

Amendment No 445

ARTICLE V.

SECTION 13. The Governor shall have the power to grant reprieves, and the Governor and the Chief Justice of the Supreme Court shall have power to grant pardons and commutations of sentence, after conviction, for all offenses, except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations, as they may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, the Governor shall have power to suspend the execution of the sentence until the case shall be reported to the Legislature, at its next meeting, when the Legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve. The Governor shall communicate to the Legislature, at the beginning of every session, every case of reprieve or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence, and its date, the date of the pardon and reprieve, and the reasons for granting the same. Neither the Governor and Chief Justice nor the Legislature shall have power to grant pardons, or commutations of sentence, in any case where the convict has been previously thrice convicted of felony.

at Eleven O'Clock and fifty eight minutes a. m. the Committee arose reported progress, and asked

leave to sit again

Recess

The hour of twelve 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 Mr. Huestiss the convention resolved itself into Committee of the whole to consider Amendment no 445 being the section on Pardoning power.

at three o'Clock P.M. the Committee rose, reported progress, and asked leave to sit again

Mr. Finnin in the Chair

15)

At three o'clock P.M. Mr. Tilley moved to adjourn

Lost

Mr. Huestis gave the following notice.

I hereby give notice that at the next regular session of the convention I will move to strike out in the standing rules, Rule 71, and insert the following:

Rule 71

In all cases where propositions or resolutions embodying matter proposed to be introduced into the constitution are printed, it must be by a majority vote of the convention; but reports

of Standing Committees shall be filled without any vote being had.

Laid over one day.

Resolution By Mr. Fecheu

Resolved: That it is the sense of this convention, that the Governor be divested of the exclusive power to pardon criminals

at three o'clock and three minutes P. M. Mr. McFarland moved to adjourn until Monday next at two o'clock P. M.

Mr. Bigg moved to

amend by substituting
Eleven o'clock a. m.

at three o'clock and six
minutes P. M. Mr. Watters
moved to adjourn
the motion prevailed
~~Carried~~. and the
Convention adjourned to
meet on Monday Nov
4th at ten o'clock a. m.

11/2/'78

(11/2 - Sunday)

Sat night