In Convention
Assembly Chamber. State Capitol

Sacramento
Monday Nov. 4th 1878

Convention met
pursuant to adjournment-

President pro tem Belcher in the Chair

Roll called and the
following members were
present & absent

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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	1		LAVIGNE	9		SHOEMAKER	1	
AYERS			FILCHER	17		LEWIS	40		SHURTLEFF	1	
BARBOUR	1		FINNEY	18		LINDOW			SMITH of Santa Clara.	2	
BARNES	1		FREEMAN	1		MANSFIELD	1		SMITH of Fourth District.	3	
BARRY	2		FREUD	19		MARTIN of Alameda.			SMITH of San Francisco.	4	
BARTON	3		GARVEY	20		MARTIN of Santa Cruz.	2		SOULE	5	
BEERSTECHER			GLASSCOCK			McCALLUM	3		STEDMAN	6	
BELCHER	1		GORMAN			McCOMAS	1		STEELE	7	
BELL			GRACE	1		McCONNELL	1		STEVENSON		
BERRY			GRAVES			McCOY	4		STRONG	1	
BIGGS			GREGG	2		McFARLAND	5		STUART	8	
BLACKMER	4		HAGER			McNUTT	1		SWEASEY	9	
BOGGS	5		HALE	11		MILLER	1		SWENSON	70	
BOUCHER	1		HALL			MILLS	6		SWING	1	
BROWN	6		HARRISON	3		MOFFAT	7		TERRY	2	
BURT	7		HARVEY	4		MORELAND	1		THOMPSON		
CAMPBELL			HEISKELL			MORSE	8		TINNIN	3	
CAPLES	1		HEROLD			MURPHY			TOWNSEND	4	
CASSERLY			HERRINGTON	1		NASON	9		TULLY	5	
CHAPMAN			HILBORN	1		NELSON			TURNER	6	
CHARLES	8		HITCHCOCK	1		NEUNABER			TUTTLE		
CONDON			HOLMES	5		NOEL	50		VACQUEREL	7	
COWDEN	9		HOWARD	6		O'DONNELL	1		VAN DYKE		
CROSS	10		HUESTIS	7		OHLEYER	2		VAN VOORHIES	8	
CROUCH	1		HUGHEY	8		O'SULLIVAN	1		WALKER of Marin.		
DAVIS	11		HUNTER	9		OVERTON			WALKER of Tuolumne.	9	
DEAN	89		INMAN	30		PORTER	3		WATERS	80	
DOWLING	12		JOHNSON	1		PROUTY	4		WEBSTER	1	
DOYLE	13		JONES	2		PULLIAM	5		WELLER	1	
DUDLEY of San Joaquin and Amador.	14		JOYCE	3		REDDY	1		WELLIN		
DUDLEY of Solano.	1		KELLY	4		REED	1		WEST	2	
DUNLAP			KENNY			REYNOLDS	6		WICKES	3	
EAGON	1		KEYS	1		RHODES	7		WHITE	4	
EDGERTON	15		KLEINE	88		RINGGOLD	8		WILSON of Tehama.	5	
ESTEY of Contra Costa and Marin.			LAINE	5		ROLFE	9		WILSON of First District.		
ESTEE of First District.	1		LAMPSON	6		SCHELL	60		WINANS		
EVEY	16		LARKIN	7		SCHOMP	1		WYATT	6	
FARRELL			LARUE	8		SHAFTER			MR. PRESIDENT	9	

AYES

NOES

Leave of absence.

Mr. Bigg was granted indefinite leave of absence on account of sickness.

~~Leave of absence was granted~~ ~~and~~ for one day to Messrs. Glasscock, McCommas, Wells, Stevenson, McNutt, Moreland, Suttle, Slager, Dunlap, O'Sullivan, ~~Hitchcock, Johnson,~~ Condon & Key.

On motion of Mr. ~~Key~~ Buckner the reading of the journal was dispensed with and the same approved.

The President presented a communication from the State Controller, in response to a resolution of this Convention, which was ordered printed.

At ten o'clock and ten minutes a. m. the

Gregg moved that the convention take a recess until two o'Clock P. M., upon which the ages and noes were demanded ~~by the requisite number.~~

~~The roll was called~~ and the motion was lost by the following vote

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

Names.	Ayes.	Noes.	Names.	Ayes.	Noes.	Names.	Ayes.	Noes.	Names.	Ayes.	Noes.
ANDREWS	1		FAWCETT			LAVIGNE	21		SHOEMAKER		
AYERS			FILCHER		8	LEWIS	22		SHURTLEFF	33	
BARBOUR			FINNEY		9	LINDOW			SMITH of Santa Clara.		21
BARNES			FREEMAN			MANSFIELD	23		SMITH of Fourth District.	34	
BARRY	2		FREUD		10	MARTIN of Alameda.			SMITH of San Francisco.	35	
BARTON		1	GARVEY	11		MARTIN of Santa Cruz.	24		SOULE		
BEERSTECHER			GLASSCOCK			McCALLUM		21	STEDMAN		33
BELCHER	3		GORMAN			McCOMAS			STEELE	36	32
BELL			GRACE		11	McCONNELL	25		STEVENSON		
BERRY			GRAVES			McCOY	26		STRONG		
BIGGS			GREGG	12		McFARLAND	27		STUART	36	
BLACKMER		2	HAGER			McNUTT			SWEASEY	37	
BOGGS	4		HALE			MILLER			SWENSON	38	
BOUCHER			HALL			MILLS		22	SWING	39	
BROWN		5	HARRISON	13		MOFFAT	28		TERRY	40	
BURT		4	HARVEY	14		MORELAND			THOMPSON		
CAMPBELL			HEISKELL			MORSE		23	TINNIN		34
CAPLES		46	HEROLD			MURPHY			TOWNSEND		35
CASSERLY			HERRINGTON			NASON		24	TULLY		36
CHAPMAN			HILBORN			NELSON			TURNER		37
CHARLES	5		HITCHCOCK			NEUNABER			TUTTLE		
CONDON			HOLMES	15		NOEL			VACQUEREL	41	
COWDEN	6		HOWARD		12	O'DONNELL		25	VAN DYKE		
CROSS	7		HUESTIS	16		OHLEYER		26	VAN VOORHIES	42	
CROUCH			HUGHEY	17		O'SULLIVAN			WALKER of Marin.		
DAVIS		3	HUNTER		13	OVERTON			WALKER of Tuolumne.		38
DEAN		6	INMAN		14	PORTER	29		WATERS		39
DOWLING	8		JOHNSON	18		PROUTY		27	WEBSTER		40
DOYLE	9		JONES	19		PULLIAM	30		WELLER		
DUDLEY of San Joaquin and Amador.			JOYCE		15	REDDY			WELLIN		
DUDLEY of Solano.			KELLY		16	REED			WEST		41
DUNLAP			KENNY			REYNOLDS	31		WICKES		
EAGON			KEYS			RHODES		28	WHITE		42
EDGERTON	10		KLEINE	20		RINGGOLD		29	WILSON of Tehama.		43
ESTEY of Contra Costa and Marin.			LAINE		17	ROLFE	32		WILSON of First District.		
ESTEE of First District.			LAMPSON		18	SCHELL		30	WINANS		
EVEY		45	LARKIN		19	SCHOMP			WYATT		44
FARRELL			LARUE		20	SHAFTER			MR. PRESIDENT		

AYES 43

NOES 45

Mr. Larkin offered the following in accordance with previous notice.

Amend Rule 52.

Third line, by striking out all after the word "to" and inserting "the committee of the whole."

On motion of Mrs. Martin of Santa Cruz laid on the table.

~~Proposed Amendments~~ Proposed Amendments

By Mrs. Smith of Santa Clara. No 477

Relating to exemption of Life Insurance Policies

Referred to the com-

7 Mittee on Miscellaneous subject

By Mr. O'Donnell No 478,

Relating to Bearing Arms,

Referred to the Committee on Chinese

By Mr. Mills, No 479

Amendment to art XI sec 4.

Referred to the Committee on City, County and Township organizations

Also No 480

Amendment to art. IV

Referred to the Committee on Legislative Department.

8) also No 481

Amendment to art. I

Referred to the committee on Preamble and Bill of Rights

By Mr. Freud. No 482

Relative to holding office D. CHICTIOLLI

Referred to the Committee on Miscellaneous subjects

Mr. Huestis, in accordance with previous notice moved to amend rule seventy-one as follows: vis.

RULE SEVENTY-ONE.

In all cases where propositions or resolutions embodying matters 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 printed without any vote being had.

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on motion of Mrs. Waters the proposed amendment was laid on the table

Proposition by Mrs. Dilly. No 483
Relating to U.S. Senators.
Referred to the committee on Legislative Department

at eleven o'clock and fifty five minutes a.m. Mrs. Ruef moved that the convention take a recess until two o'clock P.M.

Schell moved to amend by substituting three o'clock

Lost

on the motion of Mrs. Ruef the ayes and noes were demanded by the requisite number and the motion prevailed by the following vote

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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			LAVIGNE	7		SHOEMAKER		
AYERS			FILCHER			LEWIS	18		SHURTLEFF	2	
BARBOUR			FINNEY		7	LINDOW			SMITH of Santa Clara.	3	
BARNES			FREEMAN	13		MANSFIELD	9		SMITH of Fourth District.	4	
BARRY	2		FREUD		8	MARTIN of Alameda.			SMITH of San Francisco.	5	
BARTON		1	GARVEY	14		MARTIN of Santa Cruz.	30		SOULE		22
BEERSTECHER			GLASSCOCK			McCALLUM		16	STEDMAN		23
BELCHER	57		GORMAN			McCOMAS			STEELE	6	
BELL			GRACE		9	McCONNELL	1		STEVENSON		
BERRY			GRAVES			McCOY	2		STRONG		
BIGGS			GREGG			McFARLAND	3		STUART		
BLACKMER	3		HAGER			McNUTT	4		SWEASEY	7	
BOGGS		2	HALE	15		MILLER			SWENSON	8	
BOUCHER	4		HALL			MILLS		17	SWING		4
BROWN		3	HARRISON	16		MOFFAT			TERRY	9	
BURT		4	HARVEY	17		MORELAND			THOMPSON		
CAMPBELL			HEISKELL			MORSE	5		TINNIN		5
CAPLES		5	HEROLD			MURPHY			TOWNSEND		6
CASSERLY			HERRINGTON			NASON		18	TULLY	50	
CHAPMAN			HILBORN			NELSON			TURNER	1	
CHARLES	58		HITCHCOCK			NEUNABER			TUTTLE		
CONDON			HOLMES	18		NOEL			VACQUEREL	2	
COWDEN	5		HOWARD		10	O'DONNELL			VAN DYKE		
CROSS	6		HUESTIS	19		OHLEYER		19	VAN VOORHIES	3	
CROUCH			HUGHEY			O'SULLIVAN			WALKER of Marin.		7
DAVIS	7		HUNTER		11	OVERTON			WALKER of Tuolumne.		7
DEAN	1		INMAN		12	PORTER	6		WATERS		8
DOWLING	8		JOHNSON	20		PROUTY		20	WEBSTER		9
DOYLE	9		JONES	1		PULLIAM	7		WELLER		
DUDLEY of San Joaquin and Amador.	10		JOYCE		13	REDDY			WELLIN		
DUDLEY of Solano.			KELLY	2		REED			WEST	4	
DUNLAP			KENNY			REYNOLDS	8		WICKES	5	
EAGON	11		KEYS	3		RHODES	9		WHITE		30
EDGERTON	12		KLEINE	4		RINGGOLD		1	WILSON of Tehama.	6	
ESTEY of Contra Costa and Marin.			LAINE	5		ROLFE	100		WILSON of First District.		
ESTEE of First District.			LAMPSON		14	SCHELL	1		WINANS		
EVEY		6	LARKIN		15	SCHOMP			WYATT		31
FARRELL			LARUE	16		SHAFTER			MR. PRESIDENT	7	

Ayes 58

Noes 31

Copy of Journal

and the Convention took a recess until two o'clock P.M.

Afternoon Session

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

President pro tem Belcher in the Chair.

Roll called

Quorum present

On motion of Mr. [illegible] the Convention resolved itself into Committee of the whole President pro tem Belcher in the Chair to consider the special order for the day, being the following:

Report of the Committee on Executive Department — being Amendment No. 468.

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Amendment. **No. 468.**

ARTICLE V.

EXECUTIVE DEPARTMENT.

SECTION 1. The supreme executive power of this State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of California.

SEC. 2. The Governor shall be elected by the qualified electors, at the time and places of voting for members of the Assembly, and shall hold his office four years from and after the Monday after the first Tuesday in January subsequent to his election, and until his successor is elected and qualified.

SEC. 3. No person shall be eligible to the office of Governor who has not been a citizen of the United States and a resident of this State five years next preceding the election, and attained the age of thirty years at the time of said election.

SEC. 4. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the

Assembly, who shall, during the first week of the session, open and publish them in the presence of both Houses of the Legislature. The person having the highest number of votes shall be Governor; but, in case any two or more have an equal and the highest number of votes, the Legislature shall, by joint vote of both Houses, choose one of said persons so having an equal and the highest number of votes for Governor.

SEC. 5. The Governor shall be Commander-in-Chief of the militia, the army and navy of this State.

SEC. 6. He shall transact all executive business with the officers of government, civil and military, and may require information, in writing, from the officers of the executive department, upon any subject relating to the duties of their respective offices.

SEC. 7. He shall see that the laws are faithfully executed.

SEC. 8. When any office shall, from any cause, become vacant, and no mode is provided by the Constitution and law for filling such vacancy, the Governor shall have power to fill such vacancy by granting a commission, which shall expire at the end of the next session of the Legislature, or at the next election by the people.

SEC. 9. He may, on extraordinary occasions, convene the Legislature by proclamation, stating the purposes for which he has convened it, and when so convened it shall have no power to legislate on any subjects other than those specified in the proclamation, but may provide for the expenses of the session and other matters incidental thereto.

SEC. 10. He shall communicate by message to the Legislature, at

every session, the condition of the State, and recommend such matters as he shall deem expedient.

SEC. 11. In case of a disagreement between the two Houses with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper; *provided*, it be not beyond the time fixed for the meeting of the next Legislature.

SEC. 12. No person shall, while holding any office under the United States or this State, exercise the office of Governor except as hereinafter expressly provided.

SEC. 13. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called "The Great Seal of the State of California."

SEC. 14. All grants and commissions shall be in the name and by the authority of The People of the State of California, sealed with the great seal of the State, signed by the Governor, and countersigned by the Secretary of State.

SEC. 15. A Lieutenant-Governor shall be elected at the same time and places, and in the same manner, as the Governor; and his term of office and his qualifications of eligibility shall also be the same. He shall be President of the Senate, but shall only have a casting vote therein. If, during a vacancy of the office of Governor, the Lieutenant-Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the President pro tem. of the Senate shall act as Governor until the vacancy be filled or the disability shall cease. The Lieutenant-Governor shall be disqualified from holding any other office, except as

specially provided in this Constitution, during the term for which he shall have been elected.

SEC. 16. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of the said office, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant-Governor for the residue of the term, or until the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the State in time of war, at the head of any military force thereof, he shall continue Commander-in-Chief of all the military force of the State.

SEC. 17. A Secretary of State, a Controller, a Treasurer, an Attorney-General, and a Surveyor-General shall be elected at the same time and places, and in the same manner as the Governor and Lieutenant-Governor, and whose term of office shall be the same as the Governor.

SEC. 18. The Secretary of State shall keep a fair record of the official acts of the Legislative and Executive Departments of the Government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature, and shall perform such other duties as may be assigned him by law.

SEC. 19. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, and Surveyor-General shall each, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected, which compensation is hereby fixed for the following officers for the two terms next ensuing the adoption of this Constitution, as follows: Governor, six thousand dollars per annum; Lieutenant-

Governor, the same per diem as may be provided by law for the Speaker of the Assembly; the Secretary of State, Controller, and Treasurer, three thousand dollars each per annum, said compensation to be in full for all services by them respectively rendered in any official capacity or employment whatsoever during their respective terms of office; *provided, however*, that the Legislature, after the expiration of the terms hereinbefore mentioned, may by law diminish the compensation of any or all of said officers, but in no case shall have the power to increase the same above the sums hereby fixed by this Constitution. The Legislature shall by law fix the compensation of the Attorney-General and the Surveyor-General, and may, in its discretion, abolish the office of Surveyor-General; and none of the officers hereinbefore named shall receive for their own use any fees or perquisites for the performance of any official duty.

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At four o'clock and fifteen minutes P.M. the Committee arose, reported progress and asked leave to sit again

Mr. Zinnin in the Chair

Mr. Shoemaker resigned from the Committee on Wales & Wales rights, and Mr. McCoy was substituted

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At four o'clock and
Eighteen minutes P. M.
on motion of Mrs
Grace Mr Convention
adjourned

11/4/78

(11/2 - Sunday)