1

In Convention
Assembly Chamber, State Capitol
Sacramento
Tuesday Nov. 5th 1878

Convention met pursuant to adjournment

President Hoge in the Chair

The Roll was 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	29		LAVIGNE	61		SHOEMAKER	134	
AYERS	2		FILCHER	30		LEWIS	62		SHURTLEFF	97	
BARBOUR	3		FINNEY	31		LINDOW	63		SMITH of Santa Clara.	98	
BARNES	4		FREEMAN			MANSFIELD	64		SMITH of Fourth District.	100	
BARRY	132		FREUD	32		MARTIN of Alameda.	65		SMITH of San Francisco.	101	
BARTON	5		GARVEY	33		MARTIN of Santa Cruz.	66		SOULE	102	
BEERSTECHER	6	✓	GLASSCOCK			McCALLUM	67		STEDMAN	103	
BELCHER	7		GORMAN	34		McCOMAS	68		STEELE	104	
BELL	7		GRACE	135		McCONNELL	69		STEVENSON		✓
BERRY		✓	GRAVES			McCOY	70		STRONG	1	
BIGGS			GREGG	35		McFARLAND	71		STUART	105	
BLACKMER	8		HAGER	1		McNUTT	72		SWEASEY	106	
BOGGS	9		HALE	36		MILLER	73		SWENSON	107	
BOUCHER	10		HALL	37		MILLS	74		SWING	108	
BROWN	130		HARRISON	38		MOFFAT	75		TERRY	109	
BURT	11		HARVEY	39		MORELAND	76		THOMPSON		✓
CAMPBELL	12		HEISKELL	40		MORSE	77		TINNIN	110	
CAPLES	13		HEROLD	41		MURPHY	78		TOWNSEND	111	
CASSERLY			HERRINGTON	42		NASON	79		TULLY	112	
CHAPMAN			HILBORN	43		NELSON	80		TURNER	113	
CHARLES	14		HITCHCOCK	44		NEUNABER	81		TUTTLE	114	
CONDON			HOLMES	45		NOEL	82		VACQUEREL	115	
COWDEN			HOWARD	46		O'DONNELL	83		VAN DYKE	116	
CROSS	131		HUESTIS	47		OHLEYER	84		VAN VOORHIES	117	
CROUCH	15		HUGHEY	48		O'SULLIVAN	85		WALKER of Marin.		✓
DAVIS	16		HUNTER	49		OVERTON	85		WALKER of Tuolumne.	118	
DEAN	17		INMAN	50		PORTER	86		WATERS	133	
DOWLING	18		JOHNSON	51		PROUTY	87		WEBSTER	119	
DOYLE	19		JONES	52		PULLIAM	88		WELLER	120	
DUDLEY of San Joaquin and Amador.	20		JOYCE	53		REDDY	89		WELLIN		✓
DUDLEY of Solano.	21		KELLY	54		REED	90		WEST	121	
DUNLAP	22	✓	KENNY			REYNOLDS	91		WICKES	122	
EAGON	23		KEYS	55		RHODES	92		WHITE	123	
EDGERTON	24		KLEINE	56		RINGGOLD	129		WILSON of Tehama.	124	
ESTEY of Contra Costa and Marin.	25		LAINE	57		ROLFE	93		WILSON of First District.	125	
ESTEE of First District.	26		LAMPSON	58		SCHELL	94		WINANS	126	
EVEY	27		LARKIN	59		SCHOMP	95		WYATT	127	
FARRELL	28		LARUE	60		SHAFTER	96		Mr. PRESIDENT	128	

Ayes ~~133~~

Noes

Leave of absence

Mr. Kenney was granted ~~leave~~ indefinite leave of absence on account of sickness.

and Messrs Belcher and Hager were granted leave of absence for one day.

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

DECENTRALI

Mr. Edgerton by leave presented the following resolution

Resolved: That the sum of thirty eight ~~dollars~~ + 30/100 dollars be and the same is hereby allowed to pay

the bill of Pacific Ice Company and Bill of Sacramento Post-Office, the same to be paid out of the appropriation for expenses of the convention, and drawn in favor of the Sergeant-at-arms.

Referred to the Committee on Mileage and Contingent Expenses

Proposed Amendment
By Mr Grace No 484

In relation to the Pardoning power.

Referred to the Committee on Pardoning Power

5)

On motion of Mr. Van Dyke the convention resolved itself into committee of the whole, President Hoge in the chair, to consider certain sections of the Preamble and Bill of Rights, reported by the committee on judiciary and judicial Department on the 1st of November.

At Eleven o'Clock and fifty-eight minutes a.m. the committee arose, reported progress and asked leave to sit again.

The Recess 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

The President presented a communications from the Controller of State regarding the cost of Militia of the State.

Ordered to lay on Table and be printed

Also presented a communication from the Adj. Gen. of State in response to a resolution of the convention.

Ordered to lay on table and be printed.

7

Mr. Mitchell gave the following notice

Page.	
1	I give notice on Tuesday next
2	to amend the Standing Rules
3	of the Convention by striking
4	out Rule Seventy one
5	

Mr. Steadman by leave made ~~the following~~ a report from a majority of the committee on Military Affairs, which was laid on the table and ordered printed

On motion of Mr Van Dyke the Convention resolved itself into Committee of the whole, President Hoge in the Chair - to further consider the amendments to the bill of Rights, reported by the Committee on the Judiciary and Judicial

Department.

At four o'clock and thirty minutes P. M. the committee rose and reported progress and asked leave to sit again

Mr. Burnes by leave made a report from the committee on Military affairs with draft of articles on Militia

~~Read~~ Read, ordered printed and laid on the table

at four o'clock and thirty five minutes Mr. Ayers moved to take a recess until seven o'clock P. M

11/5/78

9)

Mr. Hnestiss moved to adjourn. ~~which~~ the motion prevailed and at Four o'Clock and thirty thirty six minutes P.M. the convention adjourned