1)

Ch Convention
assembly Chamber, State Capitol

Sacramento
Friday Nov. 8th 1878

Convention met pursuant
to adjournment

President Hoge in the Chair

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

Gr. 99
Kleino
Stuart

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	1		LAVIGNE	67		SHOEMAKER	137	
AYERS	2		FILCHER	35		LEWIS	68		SHURTLEFF	101	
BARBOUR	3		FINNEY	36		LINDOW	69		SMITH of Santa Clara.		
BARNES	4		FREEMAN	37		MANSFIELD	70		SMITH of Fourth District.	102	
BARRY	135		FREUD	38		MARTIN of Alameda.			SMITH of San Francisco.	103	
BARTON	5		GARVEY	39		MARTIN of Santa Cruz.	71		SOULE	104	
BEERSTECHER	6		GLASSCOCK	40		McCALLUM	72		STEDMAN	105	
BELCHER	7		GORMAN	41		McCOMAS	73		STEELE	106	
BELL	8		GRACE	136		McCONNELL	74		STEVENSON	107	
BERRY			GRAVES	42		McCOY	75		STRONG	108	
BIGGS			GREGG			McFARLAND	1		STUART		
BLACKMER	9		HAGER	43		McNUTT	76		SWEASEY	109	
BOGGS	10		HALE	44		MILLER	77		SWENSON	110	
BOUCHER	11		HALL	45		MILLS	78		SWING	111	
BROWN	12		HARRISON	46		MOFFAT	79		TERRY	112	
BURT	13		HARVEY	47		MORELAND	80		THOMPSON	113	
CAMPBELL	14		HEISKELL	48		MORSE	81		TINNIN	114	
CAPLES	15		HEROLD	49		MURPHY	1		TOWNSEND	115	
CASSERLY	16		HERRINGTON	50		NASON	82		TULLY	116	
CHAPMAN	17		HILBORN	51		NELSON	83		TURNER	117	
CHARLES	18		HITCHCOCK	52		NEUNABER	84		TUTTLE	118	
CONDON	19		HOLMES	53		NOEL	85		VACQUEREL	119	
COWDEN	20		HOWARD	54		O'DONNELL	86		VAN DYKE	120	
CROSS	21		HUESTIS	55		OHLEYER	87		VAN VOORHIES	121	
CROUCH	22		HUGHEY	56		O'SULLIVAN	88		WALKER of Marin.	122	
DAVIS	23		HUNTER	57		OVERTON			WALKER of Tuolumne.	123	
DEAN	24		INMAN	58		PORTER	89		WATERS	124	
DOWLING	25		JOHNSON	59		PROUTY	90		WEBSTER	125	
DOYLE	26		JONES	60		PULLIAM	91		WELLER	126	
DUDLEY of San Joaquin and Amador.	27		JOYCE	61		REDDY	92		WELLIN	127	
DUDLEY of Solano.	28		KELLY	62		REED	93		WEST	128	
DUNLAP	29		KENNY			REYNOLDS	94		WICKES	129	
EAGON	1		KEYS	63		RHODES	95		WHITE	130	
EDGERTON	30		KLEINE	1		RINGGOLD	96		WILSON of Tehama.	02	
ESTEY of Contra Costa and Marin.	31		LAINE	64		ROLFE	97		WILSON of First District.	131	
ESTEE of First District.	32		LAMPSON	65		SCHELL	98		WINANS	132	
EVEY	33		LARKIN	66		SCHOMP	99		WYATT	133	
FARRELL	34		LARUE	1		SHAFTER	100		MR. PRESIDENT	134	

Ayes 132

Noes 1

Leave of absence was granted to Mrs. Stewart for one day and to Mrs Wilson of Tehama for two days on account of sickness.

On motion of Mrs McCullum the reading of the journal was dispensed with and the same approved.

Reports of Standing Committees

By Mr Alleborn

Mr President:

Your Committee on Military and Contingent Expenses have been under consideration Resolution No. 78 to provide for the payment of certain expenses incurred by the Sergeant at Arms in the purchase of Ice &c for the Convention herewith report the same back and recommend that it be adopted.

We have also been under consideration Resolution No 67 presented by Mr Barnes to provide for the payment of Edward Wasen, and Resolution No 79 presented by Mr Easter to provide for the payment of Heinrich Block for work as Porters of the Committee Rooms and herewith report both Resolutions back and recommend that they be adopted. We have no doubt but these porters were absolutely necessary to the proper performance of the business of the Convention. The Convention neglected to authorize the employment of the Porters and the Sergeant at Arms seeing the necessity, assumed the responsibility of having the work done. In doing so he probably made a mistake. ~~He~~ We would have been wiser ~~for~~ had he permitted the Committee

5)

rooms

to remain in Clerkships and filled, in which case the several Committees would have moved in the matter, and authority to employ Porters would have been sooner granted. We hope, however, that this is the last case of the kind which will occur in the Convention.

S. G. Kelbow
Chairman

6) The Report was received and the resolutions taken up.

No 78.

Resolved that the sum of thirty eight $\frac{30}{100}$ 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.

Resolution adopted.

No 67

Resolved that Edward Wasson be and he is hereby allowed the sum of Eighty

7 eight dollars for services as Porter twenty two days in caring for Committee rooms, and that the same be paid out of the appropriation made for the convention

Mr. Joyce moved to lay on the table. Lost

The Resolution was then adopted.

No 79

Resolved: That the controller of State be and he is hereby directed to draw his warrant in favor of Hiram Clock for one hundred and eight dollars, for twenty seven days services as Porter, and the State Treasurer to pay the

same out of the appropriation for the convention.

"I hereby certify that Hiram Clock has been employed since the organization of the Convention in the capacity of Porter and watchman, and that he has performed all the duties faithfully."

J. J. Sherwood
Sergt at arms.

The Resolution was adopted

By Mr. Van Dyke.

Mr President

The Committee on Preamble and Bill of Rights to whom were referred the following propositions, to wit:

No 382, introduced by Mr. Schell,
" 393, " " Mr. Dudley, of Solano
" 397, " " Mr. Beerstecher,
" 419 " " Mr. Freeman,
" 420 " " Mr. Mansfield,
and " 421, " " Mr. Ringgold,

beg leave to report that the propositions relate to matters on which the Committee had already acted and had embodied their action in the draft of Article One of the revised Constitution.

The Committee therefore return said propositions and recommend that they be not adopted

Respectfully submitted
Walter Van Dyke
Chairman

Report of the Committee on Preamble & Bill of Rights

2

Report received and laid on the table.

Proposed amendments.

By Mr. Zimmer No 493,

To allow State officers to appear in certain cases before the Legislature

D. EDUCATION

Referred to the Committee on Legislative Department.

By Mr. Lavigne No 494,

Relating to the disposition of property.

Referred to the Committee on Miscellaneous ~~Provisions~~ subjects

By Mr. Smith of Santa Clara. No 495

Relating to extending the limits of towns.

Referred to the Committee on City, County and township organization

By Mr Burbons. No 496

Concerning fees and salaries of officers

Referred to the Committee on Legislative Department

By Mr. Mayer. No 497

In regard to counties, cities and towns.

Referred to the Com-

Written in City, County and Township organizations

On motion of Mr Van Dyke the Convention resolved itself into Committee of the whole — President Hoge in the Chair — for the further consideration of the Preamble and Bill of Rights

At ~~Eleven~~ twelve o'Clock and ~~fifty~~ five minutes P M the Committee rose, reported progress and asked leave to sit again

Recess

At twelve o'Clock and six minutes P. M. the Convention took a recess until two o'Clock P. M.

Afternoon Session

Convention re-assembled

at two o'Clock P. M.
President Hope in the chair
Quorum present.

Mr. Estee moved that the Report of the committee on Corporations other than Municipal be made the special order for Tuesday Nov. 12th immediately after reading the journal, to take precedence of all other business.

On which motion the ayes & noes were demanded by Messrs, Larkin, Lane Burbour, Steadman and Gorman.

D. GIGNOUX

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Roll called / ~~with the~~ ~~following~~ and the motion prevailed by the following vote:

D. CICCIOTTI

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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	20		LAVIGNE		30	SHOEMAKER		45
AYERS	2		FILCHER		14	LEWIS		31	SHURTLEFF	53	
BARBOUR		1	FINNEY	21		LINDOW	34		SMITH of Santa Clara.	54	
BARNES	3		FREEMAN	22		MANSFIELD	35		SMITH of Fourth District.	55	
BARRY	4		FREUD		15	MARTIN of Alameda.			SMITH of San Francisco.		46
BARTON		2	GARVEY	23		MARTIN of Santa Cruz.	36		SOULE		47
BEERSTECHER	5		GLASSCOCK		16	McCALLUM		32	STEDMAN		48
BELCHER	70		GORMAN		17	McCOMAS		33	STEELE	56	
BELL			GRACE		62	McCONNELL		34	STEVENSON	57	
BERRY			GRAVES			McCOY		35	STRONG		49
BIGGS			GREGG			McFARLAND	37		STUART		
BLACKMER	6		HAGER	24		McNUTT	38		SWEASEY	58	
BOGGS	7		HALE	25		MILLER	39		SWENSON		50
BOUCHER	8		HALL	26		MILLS	40		SWING	59	
BROWN		3	HARRISON		18	MOFFAT			TERRY		51
BURT		4	HARVEY	27		MORELAND		36	THOMPSON	60	
CAMPBELL			HEISKELL		19	MORSE		37	TINNIN		52
CAPLES		5	HEROLD	28		MURPHY	41		TOWNSEND		
CASSERLY	9		HERRINGTON	29		NASON	42		TULLY		53
CHAPMAN	10		HILBORN	30		NELSON		38	TURNER		54
CHARLES	11		HITCHCOCK		20	NEUNABER		39	TUTTLE		55
CONDON		6	HOLMES			NOEL	43		VACQUEREL	61	
COWDEN	12		HOWARD	31		O'DONNELL			VAN DYKE	62	
CROSS	13		HUESTIS	71		OHLEYER		40	VAN VOORHIES	63	
CROUCH		7	HUGHEY		21	O'SULLIVAN		41	WALKER of Marin.		56
DAVIS		8	HUNTER		22	OVERTON	44		WALKER of Tuolumne.	64	
DEAN		9	INMAN	32		PORTER	45		WATERS	65	
DOWLING	14		JOHNSON			PROUTY		42	WEBSTER		57
DOYLE		10	JONES		23	PULLIAM	46		WELLER		58
DUDLEY of San Joaquin and Amador.	15		JOYCE		24	REDDY			WELLIN		59
DUDLEY of Solano.		11	KELLY		25	REED	47		WEST	66	
DUNLAP			KENNY			REYNOLDS		43	WICKES	67	
EAGON	16		KEYS		26	RHODES	48		WHITE		60
EDGERTON	17		KLEINE	33		RINGGOLD	49		WILSON of Tehama.		
ESTEY of Contra Costa and Marin.	18		LAINE			ROLFE	50		WILSON of First District.	68	
ESTEE of First District.	19		LAMPSON		27	SCHELL	51		WINANS		
EVEY		12	LARKIN		28	SCHOMP		44	WYATT		61
FARRELL		13	LARUE		29	SHAFTER	52		MR. PRESIDENT	69	

AYES 71

NOES 62

71 62

Mr. McFarland in accordance with previous notice moved to amend rule 24 by adding after the word "require" the words. "whose names shall be entered upon the ~~journal~~ minutes"

The ~~amendment~~ motion prevailed, and the amendment was adopted.

On motion of Mr. Noel the following ~~resolution~~ amendment to the rules was taken from the table and adopted

Strike out in the standing Rules Rule 71 and insert in lieu thereof the following -

71

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

On motion of Mr. Edgerton 480 copies of amendment No 444 - article on Corporations were 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 Bill of Rights.

At four o'clock and fifty minutes P. M. the Committee rose and reported the Bill of Rights with amendments.

Mr. Van Dyke moved that the Bill of Rights and amendments made in Committee

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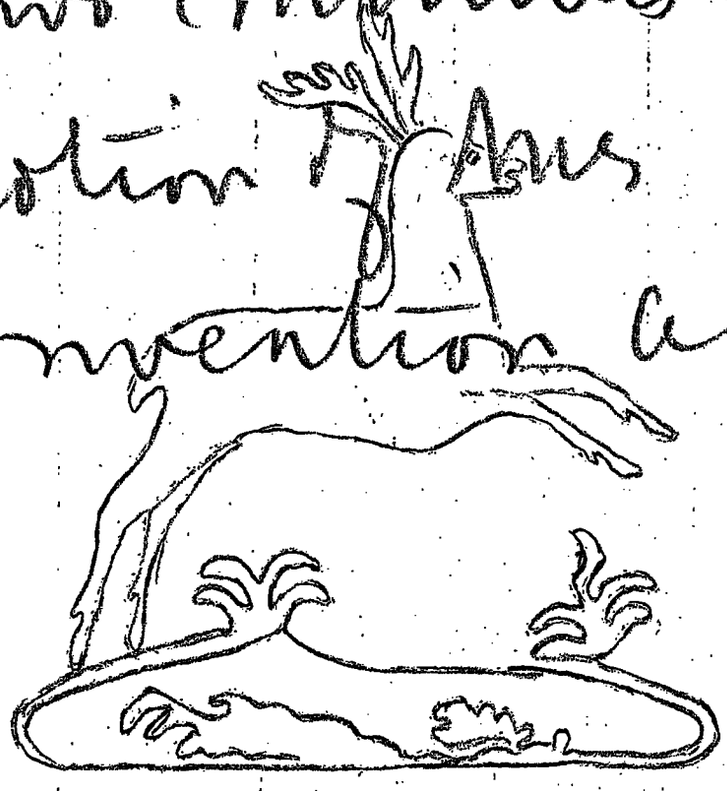
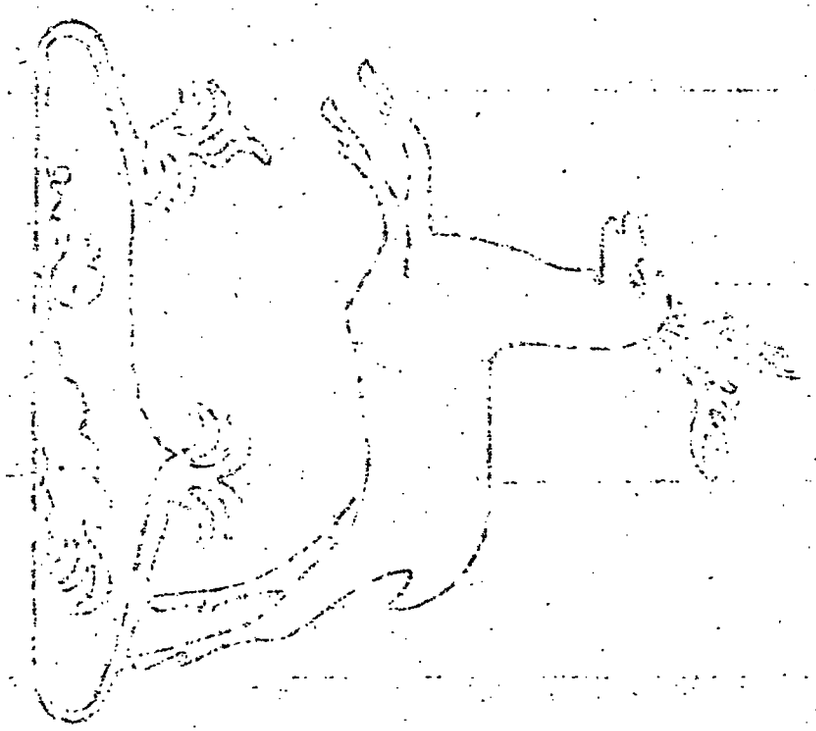
of the whole be printed so ordered.

At ~~four~~ four o'clock and fifty two minutes P. M. on motion of Mrs. Grace the Convention adjourned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