1)

In Convention
Assembly Chamber
State Capitol

Sacramento
Saturday Nov 9th 1878

Convention met pur-
suant to adjournment

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

AYES ~~[illegible]~~

NOES

3)

Leave of absence

Leave of absence was granted to Messrs. Cross, Smith of Santa Clara O'Donnell, Gregg, and Chapman for one day.

to Mrs. Holmes for three days and to Mr Winans for two days.

on motion of Mr Hughes the reading of the journal was dispensed with and the same approved.

Proposed amendments.

By Mr. Hughey No 498
Relative to Rail roads

Referred to the committee on Corporations other than Municipal

By Mr. Barton, No 499

4)

Relating to United States currency.

Referred to the committee on Legislative Department

By Mr. Buery No 5-00

To amend sections one and two of article IX.

Referred to the committee on Education

Mr Zimmer gave the following notice.

To amend rule 56 by striking out the words "and that the previous question shall not be moved."

Report

5)

By Mr Stevenaks.

Mr. President:

Your Committee on Reporting and Printing to whom was referred the matter of the cost of printing for the convention up to and including the 19th day of October, last, beg leave to report that they have had the same under consideration and find the following facts:

Due to Employes in the composing and press rooms of the State Printing office, as per time book — $674.23

Cost of paper, estimated on each job — 488.90

Folding, sticking and binding (Contract Price) 226.50

Making a total of $1.389.63

Your Committee report

6)

that the estimates are correct and that the amount should be allowed as a proper charge

Respectfully submitted

Shoemaker

Chairman

Laid on the table.

Mr. Van Dyke moved that the Preamble and Bill of Rights be made the special order for Monday Oct 11th at 2 o'clock P.M.

Lost.

Mr. Van Dyke moved that the Bill of Rights be made the special order for Monday Oct 11th at 10 o'clock a.m.

Mr. Yager moved to substitute two o'clock and thirty minutes P.M. — Lost

7) and the question being on the motion of Mr Van Dyke ~~the~~ it was lost.

On Motion of Mr. Freeman the convention resolved itself into Committee of the whole to consider the the article on Pardoning Power.

at twelve o'Clock and five minutes P.M. the Committee arose and reported progress and asked leave to sit again.

Recess.

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

Afternoon Session

8)

The Convention re-assembled at two o'Clock P. M.

President Hoge in the Chair

Quorum present.

Mr. Schomp by leave offered the following resolution.

Resolved.

That the Committee on the Right of Suffrage, be allowed to employ a clerk for two (2) days only, at a compensation of Five (5) dollars per day.

Referred to the Committee on Mileage and Contingent Expenses.

Mr. Shaffer by leave made the following Report

9)

Mr President.

The Committee upon the Pendering Power, having considered the Proposition No 484, introduced by Mr Grace, report the same with a recommendation that the same be not adopted.

Shaft
for Committee

Laid on table.

Pardoning Power

Report of
Committee

7

Shafroth

10)

Mr. Larkin moved that the gross amounts of stationery received by each member, as reported by the Secretary of State be printed, upon which the ayes and noes were demanded by Messrs. Larkin, Murphy, Shoemaker, Lane and Gorman.

The Roll was called and the motion ~~was~~ prevailed by the following vote.

11)

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

AYES 69

NOES 42

12)

Resolution

By Mr. Reynolds.

Resolved - That those members who have drawn stationery of the Secretary of the State to any amount more than ten dollars, be and they are hereby instructed to pay the excess of such amount over ten dollars into the State Treasury for the benefit of the appropriation for expenses of this Convention

~~The resolution was~~ On motion of Mr Simms the resolution was laid on the table.

On motion of Mr McCallum the convention resolved itself into Committee of the whole. Mr Simms in the chair. to further consider the article on Pardoning Power.

At two o'clock and fifty minutes P.M. the committee arose reported progress and

and asked leave to set again.

Mr. Zimmin in the Chair.

Mr. Barbour by leave made ~~the following report~~ a minority report from the committee on corporations, which was ordered printed.

Leave of absence was granted to Messrs. Hoyt and Belcher for two days and to Mr. Mills for one day.

At two o'clock and fifty seven minutes Mr. Howard moved to adjourn. Lost.

Mr. Mansfield moved a call of the House which was ordered.

The roll was called and the following members answered to their names.

14)

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

AYES 87

NOES

Nov 9

Mr. Freeman moved to dispense with further proceedings under the call.

Lost

at three o'clock P. M. Mr. Murphy moved to adjourn

Lost.

* Mr. Noel moved that the Sergeant at arms be instructed arrest all absentees

on motion of Mr. Eagan at three o'clock and five minutes P. M. the convention adjourned

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* Mr. Noel moved that the Sergeant At Arms be instructed to arrest all absentees.

11/9/78

11/10 - Sunday

(Journal of 96)

(hopung - 01/11)

84/6/11