1)

In Convention
Assembly Chamber, State Capitol

Sacramento
Wednesday Nov. 13 1878

Convention met pursuant to adjournment

President Hoyt in the chair

Roll called and the following members were 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	1		LAVIGNE	6		SHOEMAKER	2	
AYERS	2		FILCHER	2		LEWIS			SHURTLEFF	3	
BARBOUR			FINNEY	3		LINDOW	7		SMITH of Santa Clara.	4	
BARNES	1		FREEMAN	129		MANSFIELD	8		SMITH of Fourth District.	5	
BARRY	140		FREUD	4		MARTIN of Alameda.	9		SMITH of San Francisco.	6	
BARTON	3		GARVEY	5		MARTIN of Santa Cruz.	70		SOULE	7	
BEERSTECHER	4		GLASSCOCK	6		McCALLUM	1		STEDMAN	8	
BELCHER	5		GORMAN	7		McCOMAS	2		STEELE	142	
BELL	6		GRACE	8		McCONNELL	3		STEVENSON	9	
BERRY			GRAVES	9		McCOY	4		STRONG	144	
BIGGS			GREGG	40		McFARLAND	5		STUART	110	
BLACKMER	138		HAGER	1		McNUTT	6		SWEASEY	1	
BOGGS	7		HALE	2		MILLER	7		SWENSON	2	
BOUCHER	8		HALL	3		MILLS	8		SWING	3	
BROWN	9		HARRISON	4		MOFFAT	9		TERRY	4	
BURT	10		HARVEY	5		MORELAND	80		THOMPSON	5	
CAMPBELL			HEISKELL	6		MORSE	1		TINNIN	6	
CAPLES	1		HEROLD	7		MURPHY	2		TOWNSEND	7	
CASSERLY	2		HERRINGTON	8		NASON	3		TULLY	8	
CHAPMAN	3		HILBORN	9		NELSON	4		TURNER	9	
CHARLES	4		HITCHCOCK	50		NEUNABER	5		TUTTLE	120	
CONDON	5		HOLMES	1		NOEL	6		VACQUEREL	1	
COWDEN	6		HOWARD	143		O'DONNELL	7		VAN DYKE	2	
CROSS	7		HUESTIS	2		OHLEYER	8		VAN VOORHIES	3	
CROUCH	8		HUGHEY	3		O'SULLIVAN	9		WALKER of Marin.	4	
DAVIS	9		HUNTER	4		OVERTON	90		WALKER of Tuolumne.	5	
DEAN	20		INMAN	5		PORTER	1		WATERS	6	
DOWLING	1		JOHNSON	6		PROUTY	2		WEBSTER	7	
DOYLE	2		JONES	7		PULLIAM	3		WELLER	8	
DUDLEY of San Joaquin and Amador.	3		JOYCE	8		REDDY	4		WELLIN	9	
DUDLEY of Solano.	4		KELLY	9		REED	141		WEST	130	
DUNLAP	5		KENNY			REYNOLDS	5		WICKES	1	
EAGON	1		KEYS	60		RHODES	6		WHITE	2	
EDGERTON	6		KLEINE	1		RINGGOLD	7		WILSON of Tehama.	3	
ESTEY of Contra Costa and Marin.	7		LAINE	2		ROLFE	8		WILSON of First District.	4	
ESTEE of First District.	8		LAMPSON	3		SCHELL	9		WINANS	5	
EVEY	9		LARKIN	4		SCHOMP	100		WYATT	6	
FARRELL	30		LARUE	5		SHAFTER	1		Mr. PRESIDENT	137	

Ayes _____

Noes _____

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

Petitions and Memorials.

By Mr. Estee presented a memorial relative to equal and proportionate Representation.

Referred to the Committee on Legislative Department

Reports

By Mr. Wilson of First District

Mr. President:

Your Committee on Judiciary and Judicial Department, to whom were

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referred Resolutions, amendments, Proposals & Nos. 3 - 9 - 10 (twice) 12 15 - 21 - 27 - 30 - 31 - 42 - 57 - 65 - 76 85 - 89 - 156 - 174 - 180 - 183 - 189 - 190 194 - 208 - 222 - 245 - 246 - 249 - 262 - 263 - 272 - 274 - 275 - 291 - 310 - 348 - 365 - 367 - 386 - 399 - 404 - 426 - 442 - 453 - 457 beg leave to report that they have considered the same and recommend that they be not adopted.

So much of such proposed amendments as your Committee have approved, are in a modified form contained in the judiciary system which accompanies this report.

We have the honor to submit and recommend

5) its adoption as article VI of the constitution and the judicial Department

S. M. Wilson
Chairman

Nov. 12 - 1878 -

Report received and the proposed articles read laid on the table and 960 copies ordered printed and five copies to placed on each member's Desk

By Mrs. Eagan

Mrs. President:

Your Committee on the Right of Suffrage to whom were referred proposed amendments, Nos. 20. 26. 39. 42 - 46 - 62 - 80 - 97 - 98 - 108 145 - 161 - 163 - 186 - 196 - 199 - 200

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277 - 295 - 306 - 331 - 343 - 358 and 473 and Resolutions Nos 13 and 20 have had the same under consideration and report them back, and recommend that the convention take no further action in the same

The committee herewith submit a draft for article II of the constitution on the Right of Suffrage and recommend its adoption. All the changes proposed will be found in section one.

The word "white" in the present constitution is omitted, as are also the words "and every white male citizen of Mexico who shall have elected to become a citizen of the United States, under the treaty of Peace exchanged and ratified at Queretaro on the thirteenth day of May 1848".

The following words are also

omitted, "provided that nothing herein contained shall be construed to prevent the Legislature by a two thirds concurrent vote from admitting to the right of suffrage Indians or the descendants of Indians in such special cases as such a proposition of the Legislative body may deem just and proper.

A clause has been inserted requiring Naturalized citizens to procure this Naturalization papers ninety days prior to an election before they can vote. All citizens are required to be residents of the State one year instead of six months as at present in the constitution and must reside in an election district ninety days instead of thirty days.

preceding an election before they can vote.

Section 5 of the present constitution has been incorporated in Section 1 of the draft herewith submitted. A provision has also been inserted to give the Legislature the power to remove all disabilities to exercise the elective franchise on account of sex

The remaining sections proposed are the same as in the present Constitution

John A Eagon
M. G. Wyatt
C. W Ceross

9)

W. J. Sweasey
J. B. Garvey
B. B. Glascock
F. O. Townsend
J. G. McCallum.

Report received, and the proposed article read.

Mr. Caples stated that the Minority desired to present a minority report and on this motion the foregoing report was laid on the table until the report of the minority shall be presented

By Mr. Belcher

Mr President

The committee on Labor and Capital respectfully report that they have had under consideration Resolution No 7, introduced by Mr Condon, and Propositions No 128 introduced by Mr Joyce, No 232 introduced by Mr Welles, No 396 introduced by Mr Condon, and No 471 introduced by Mr Howard, and they herewith report the same back and recommend that they be not accepted.

They have also had under consideration Proposition No 99 introduced by Mr Farrell, and herewith report the same back and recommend that it be referred to the Committee on Legislative Department.

Nov. 13 1878 J. S. Belcher
Chairman

Report Recieved and the reference made as recommended

Report of
Committee on
Labor and Capital

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~~By Mr. Belcher~~

Proposed amendments

By Mr. Reynolds. No 505

Concerning Gas & water Companies

Referred to the Committee on City, County and Township organization.

By Mr Smith of Santa Clara. No 506

Providing of assessments of property.

Referred to the Committee on Revenue and Taxation

Mr. McCallum moved

12)

Resolved that the report of the Committee on Mileage and Contingent Expenses relative to inquiring into the expediency of procuring an official report of the proceedings of this Convention be taken from the table and referred to the Committee on Reporting and printing to report thereon.

~~Motion lost~~

The convention refused to take up the report.

By Mr. Freed No 507

Concerning civil service Reform

Referred to the committee on Miscellaneous subjects

(13)

By Mr. Vacquerel - No 508

To facilitate the taxation of land and to prevent any fraud by the collector of such taxes.

Referred to the Committee on Revenue and taxation

Notices

Mr. Steadman gave the following notices of Amendments to the rules.

Amendment to Rule 21

Strike out all after the word "deemed" in the third line and add the following:

"divisible; and a motion to strike out on a division

14) being negatives or a motion to insert being decided in the affirmative, shall be equivalent to agreeing to the matter in that form, but shall not preclude further amendment, provided, that substitutes for pending propositions shall, for the purpose of amendment, be treated as original propositions

Amend Rule 32 to Read as follows:

Substitutes for pending propositions shall be in order, and for the purpose of

15) amendment shall be treated as original propositions.

~~Laid over one day.~~

By Mr. Rowe.

to amend Rule One by striking out the words ten o'clock and inserting the words 9 o'clock

also to amend Rule second by striking out "2 o'clock" and inserting "half past one o'clock"

Laid over for one day

16)

Mrs. Hilborn verbally reported favorable the following Resolution which was adopted.

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

~~By Mrs~~ Resolution By Mrs. Wicks.

Resolved: That this Convention authorize

17) the electors of the State in their vote upon the Ratification of the Constitution, - first Wednesday May 1879 - to vote for or against Chinese immigration; that the National Government may know the true temper of the people of this State toward such immigration, & the silence of misrepresentation

Referred to the committee on Judiciary and Judicial Department

Mr. Steadman gave the following notice

18) To amend Rule 56 by striking out the word but after the word taken in the fourth line also the word may in the fourth line after the word question in the fourth line and inserting in place of may the words shall not, and in place of the ~~words shall not~~ word but the words shall not and adding to the end of the rule after the word moved - But the convention at any time may decide by a majority vote when debate on any Report or pending amendment shall close; so that the rule will be as follows

Rule 56 The Rules of the Convention shall be observed in Committee of the whole, so far as they may be applicable, except for limiting the time of speaking, and except that the ayes and

19) noes shall not be taken, and that the previous question shall not be moved; but the convention at any time may decide by a majority vote when debate on any Report or pending amendment shall close.

Laid over one day

On motion of Mrs Esler the convention resolved itself into committee of the whole - President Hoge in the Chair - to further consider the article on Corporations.

At twelve o'Clock and twelve minutes P.M. the committee arose reported progress and asked leave to sit again.

Recess

at twelve o'Clock and thirteen minutes P.M. the Convention

20)

took a recess until two o' clock P. M.

Afternoon Session

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

President Hoge in the Chair

Journal present.

Mr. Dunlap offered the following resolution, which was adopted.

Resolved that the Sergeant-at-Arms, be and he is hereby directed to deposit with the State Librarian two copies of the daily proceedings of the Convention, and of each Committee Report which has been or may hereafter be printed by order of this Convention

21 In accordance with previous notice, Mr Condon ~~the following amendment to rule 52, by Mr. Condon was taken up, and on its~~ moved to

Amend rule 52 by striking out the words "by title" and add at the end, of rule, the words, "Unless reading be dispensed with by a two thirds vote" the motion was lost.

~~The question being on its adoption it was rejected.~~

on motion of Mr Freeman the convention resolved itself into Committee of the whole - President Hoge in the Chair - to further consider the article

in corporations

at five o'Clock and three minutes P.M. the committee arose, reported progress and asked leave to sit again.

Adjournment

At five o'clock and five minutes P.M. on motion of Mrs Howard the Convention adjourned

Journal Clerk Nov. 13

11/13/78