In Convention

Assembly Chamber, State Capitol

Sacramento

Monday, Nov. 18th 1878

Convention met pursuant to adjournment

President Hoge 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	8		LAVIGNE	8		SHOEMAKER		
AYERS	2		FILCHER	9		LEWIS	9		SHURTLEFF	8	
BARBOUR	3		FINNEY	30		LINDOW	60		SMITH of Santa Clara.	9	
BARNES			FREEMAN			MANSFIELD	1		SMITH of Fourth District.	90	
BARRY	4		FREUD	1		MARTIN of Alameda.			SMITH of San Francisco.	1	
BARTON	5		GARVEY	2		MARTIN of Santa Cruz.			SOULE	2	
BEERSTECHER			GLASSCOCK	3		McCALLUM	1		STEDMAN	3	
BELCHER	6		GORMAN	4		McCOMAS	2		STEELE	4	
BELL			GRACE	5		McCONNELL	3		STEVENSON	5	
BERRY			GRAVES	6		McCOY	4		STRONG		
BIGGS			GREGG	7		McFARLAND	5		STUART		
BLACKMER	7		HAGER			McNUTT	6		SWEASEY	6	
BOGGS	8		HALE	8		MILLER			SWENSON		
BOUCHER	11		HALL			MILLS	7		SWING		
BROWN	9		HARRISON	9		MOFFAT	8		TERRY	7	
BURT	10		HARVEY	40		MORELAND	9		THOMPSON	8	
CAMPBELL	1		HEISKELL	1		MORSE	70		TINNIN	9	
CAPLES	2		HEROLD			MURPHY			TOWNSEND	100	
CASSERLY			HERRINGTON	2		NASON	1		TULLY	1	
CHAPMAN	3		HILBORN	3		NELSON	2		TURNER	2	
CHARLES	4		HITCHCOCK	1		NEUNABER	3		TUTTLE	3	
CONDON	5		HOLMES	4		NOEL			VACQUEREL	4	
COWDEN	6		HOWARD	116		O'DONNELL	4		VAN DYKE		
CROSS			HUESTIS	5		OHLEYER	5		VAN VOORHIES	5	
CROUCH	7		HUGHEY	6		O'SULLIVAN	6		WALKER of Marin.	6	
DAVIS	8		HUNTER	7		OVERTON			WALKER of Tuolumne.	7	
DEAN			INMAN	8		PORTER	9		WATERS	8	
DOWLING	9		JOHNSON	9		PROUTY	8		WEBSTER		
DOYLE	20		JONES	30		PULLIAM	9		WELLER	1	
DUDLEY of San Joaquin and Amador.			JOYCE	1		REDDY	80		WELLIN	9	
DUDLEY of Solano.	1		KELLY	2		REED			WEST	110	
DUNLAP			KENNY			REYNOLDS	1		WICKES	1	
EAGON	2		KEYS			RHODES	2		WHITE	2	
EDGERTON	3		KLEINE	3		RINGGOLD	3		WILSON of Tehama.	3	
ESTEY of Contra Costa and Marin.	4		LAINE	4		ROLFE	4		WILSON of First District.		
ESTEE of First District.	5		LAMPSON	5		SCHELL	5		WINANS		
EVEY	6		LARKIN	6		SCHOMP	6		WYATT	4	
FARRELL	7		LARUE	7		SHAFTER	7		MR. PRESIDENT	115	

AYES _____

NOES _____

Leave of absence.

Mr ~~Messrs~~ - ~~Mills~~ - ~~Wells~~ ~~and~~ ~~Noel~~ ~~were~~ Noel was granted two days leave of absence, and Messrs Keys, Cross, Hitchcock and Dunlap leave for one day.

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

Resolution

Mr. Larkin offered the following resolution which was laid over for one day.

Resolved: That this Convention meet for evening session, on and after November 19th at 7 o'clock P.M.

On motion of Mr. Reynolds the resolution in regard to printing the journal

D. Chiclotti

was taken from the table.

Mr. Reynolds offered the following substitute

Resolved. That five hundred copies of the Journal be printed and bound in book form, together with an appendix, both to be properly indexed. Also, that two hundred and forty copies of the Daily Journal be printed and placed on the desks of the members.

The object of this resolution is to give effect to the report of the Committee on Reporting and Printing and the motion by which the same was received on October 30th 1878,

Mr Wilson moved to indefinitely postpone the whole subject which Motion prevailed on a division

On Motion of Mr. West the petition presented by Mr Smith of Santa Clara

57

on November 16th relating to
local option, was referred to the
committee on City, County and
Township organizations

Resolution by Mr. Inman

Resolved, That the
Hon. J. Montgomery
have the use of this
Chamber on Wednesday
evening Nov. 20th for
the purpose of delivering
a lecture on the School
Question.

Objection being made the
President declared the Res-
olution lost under rule
68

6

Mrs. Blackmer presented a petition for woman suffrage

Referred to the committee on Rights of Suffrage

Reports.

By Mr. Terry.

Mr. President.

The Committee on Legislative Department to whom were referred the following propositions:

No 459	by	Mrs.	Barnes
" 462	"	"	Dowling
" 475	"	"	O'Sullivan
" 477	"	"	E O Smith
" 480	"	"	Mills
" 483	"	"	Tully
" 493	"	"	Timmin
" 496	"	"	Barbour
" 499	"	"	Barton
" ___	"	"	Farrell

and the memorial relating

7)

to equal and proportional representation presented by Mrs Eaton, have duly considered the said propositions and memorial and beg leave to report the same back to the convention and recommend that no action be taken thereon.

The committee further report that they have examined proposition No 464 by Mrs Causey and recommend that it be adopted as a section to article four of the constitution.

The committee herewith report back to the convention several petitions in the subject of local option and recommend that they be referred to the committee on City, County and Township organization

L L Levy
Chairman

8)

The report was received and the petitions referred as recommended by the Committee.

By Mrs Edgerton.

Mr. President,

Your Committee on Revenue and Taxation to whom were referred Resolutions numbered 12-22-25-29-35-40-48-54-70-75-77-92-94-111-126-138-150-155-158-168-181-187-197-207-218-219-226-227-241-248-260-271-276-287-289-293-296-312-319-325-330-338-346-360-361-371-379-392-395-398-400-319 and 38- together with two memorials have had the same under consideration, and herewith report the same back, and recommend that no further action be taken thereon, for the reason, that such propositions and suggestions therein contained, as your

9) Committee deem it expedient to adopt, have been incorporated in the plan agreed upon, and herewith reported and recommended to the Convention, by a majority ~~vo~~ of your Committee, for adoption.

Messrs. Casserly, Cross, Prouty, Turner and Edgerton dissent from section two (2) of the plan.

Messrs. Biggs and Tully from Section Four (4)

Messrs Dudley, Overton, Prouty, Tully and Turner from Section Five (5).

Mr. Overton from Section six (6)

Messrs Cross and Turner from section seven (7)

10/

Messrs. Dudley, Overton, Bulley, Burnes and Edgerton from Section Nine (9)

Messrs Dudley, Overton, Bradly Bulley and Burnes from Section Eleven (11)

Messrs Cross, Overton and Edgerton from Section fourteen (14)

Messrs. Cross and Turner from section sixteen (16) and Messrs Cross, Overton, Shafter, Wilson and Edgerton from Section seventeen (17)

Your committee recommend that such plan in reference to the subject referred to them,

11) as the Convention shall adopt by ~~section~~ inserted in the new constitution in the form of a separate article and designated

Article —

Revenue and Taxation.

Henry Edgerton
Chairman.

The report was received and ordered printed.

The proposed Article on Revenue and Taxation was read and 960 copies ordered printed.

Resolution

By Mr. Ringgold

12)

Resolved: That the San Francisco Gas Light Company of the City and County of San Francisco be and is hereby directed to furnish to this Convention a statement setting forth the number of Meters which said company has furnished to consumers of Gas, since the organization of the Company, the amount of Money deposited with the Company for Meters furnished, the amount of Money refunded for Meters taken back by the Company, and the amount of Money the Company still retains as deposits for Meters.

Resolved: That the Secretary of this Convention be and he is hereby directed to

13) forward immediately a copy of the above Resolution to the President and Secretary of the San Francisco Exclusion Company.

The resolution was adopted.

A motion of Mrs. Buckley of Solano, the following amendment to Rule 56 was taken up.

Amend rule 56 to read 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 that the ayes and noes shall not be taken, and that the previous question shall not be moved

14)

Mr. Timmins moved to lay the amendment on the table, upon which the ayes and noes were demanded by Messrs. Reynolds, Heinkel, Tully, Joyce and Dudly of Solano.

The Roll was called and the ~~convention~~ motion ~~to lay~~ refused to lay the amendment on table was lost by the following vote

DECLASSIFIED

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

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

AYES 58

NOES 58

Upon the adoption of the amendment to the rule the ayes and noes were demanded by Messrs Burt, Zimmer, Kelly, Wellin and Huestis.

The roll was called and the amendment ~~declared~~ lost by the following vote, not being two thirds as required by the rules.

17)

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

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

AYES 63

NOES 52

(18) ~~Mr Reynolds~~

Mr Reynolds, gave notice of a motion to reconsider the vote by which the resolution for printing Journal was indefinitely postponed.

On Motion of Mr. Estes the Convention resolved itself into Committee of the whole - President Hoge in the Chair - to further consider articles on Corporations

at five o'clock and nine minutes P.M. the Committee arose, reported progress and asked leave to sit again

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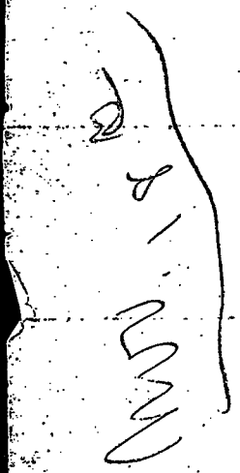
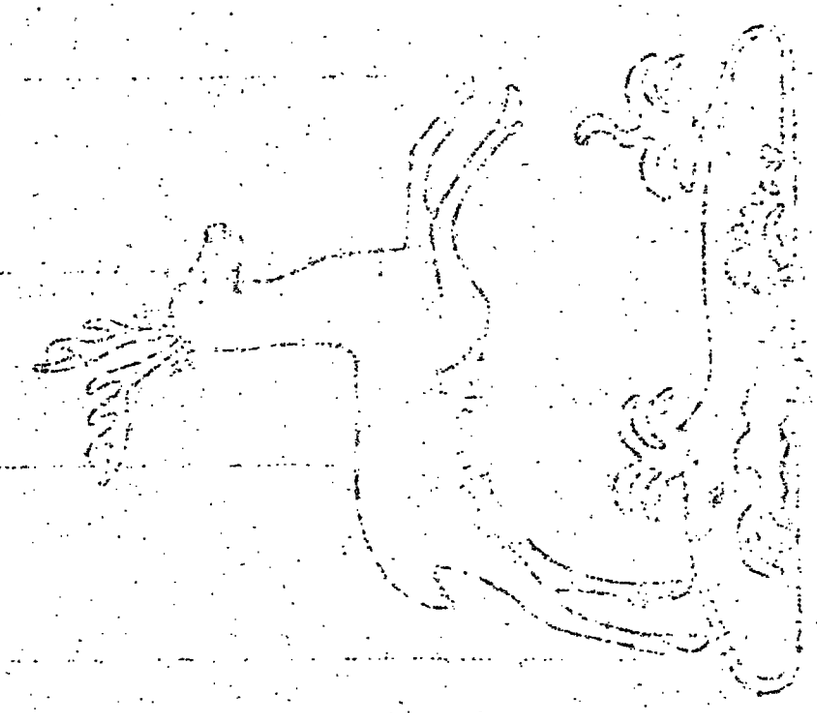
At five o'clock and
ten minutes P. M. on
Motion of Mrs. McCullum
the Convention adjourned

11/18/78

(11/17 · Sunday)