1

In Convention

Assembly Chamber State Capitol

Sacramento

Monday Dec. 2nd 1878

Convention met pursuant to adjournment

President Protem Belcher in the Chair.

Roll called and the following members

were present

2)

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

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

Ayes _____

Noes _____

3

Leave of Absence.

Leave of absence was granted to Mr. Andrews for one day, to Mr. Cassidy for two days, and indefinite leave to Mr. Agers in account of sickness.

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

The President presented the following communication from the Controller of State.

Controller's Office
Dec. 2d 1878

The Hon. The President
and
Members of the Constitutional Convention.
Gentlemen:

4)

The Convention having adjourned from November 27th to December 2nd — which adjournment seems to be a "recess longer than three days" and as under the Convention act for such recess, the members and officers all to recieve no pay. I have in accordance with the law and my duty in the premises; issued per diem warrants, for members and officers, for four days ending Wednesday Nov. 27th, instead of for the seven days as claimed in the pay roll furnished by Gens Han Brody.

I have the honor to add, that I am in receipt of the following resolutions. to wit.

Sacramento Nov. 26-1878

Hon W. B. C Brown, Controller

5)

Controller.

Sir.

The following resolutions were this day unanimously adopted:

> *Resolved*, That the Controller be and he is hereby authorized to draw his warrant in favor of the Sergeant-at-Arms for the amount of two hundred and ninety dollars and fifty cents, to pay the expenses of the obsequies of the late Honorable J. M. Strong, a member of this Convention, and that the State Treasurer be and he is hereby authorized to pay said warrant out of the funds appropriated to this Convention.
>
> *Resolved*, That the per diem for the remainder of the session of this Convention, which the late Honorable J. M. Strong would have been entitled to as a member of this Convention, be paid to the family of the deceased.

J. P. Hoge — President

I cannot find any authority under the law for drawing a warrant for the payment of either the funeral expenses of a deceased member, or an after death per diem to his family, and am therefore constrained to decline a compliance with the Resolutions above set forth.

Yours Respectfully
M. B. C. Brown
Controller

6) Journal

Mr. Barnes moved that the communication be referred to the committee on judiciary and judicial department, to report what steps were necessary to bring before the Supreme Court for settlement the differences existing between the convention and the controllers of state in regard to the disposition of the money appropriated for the use of this convention, to include also the expenses of printing and stationary.

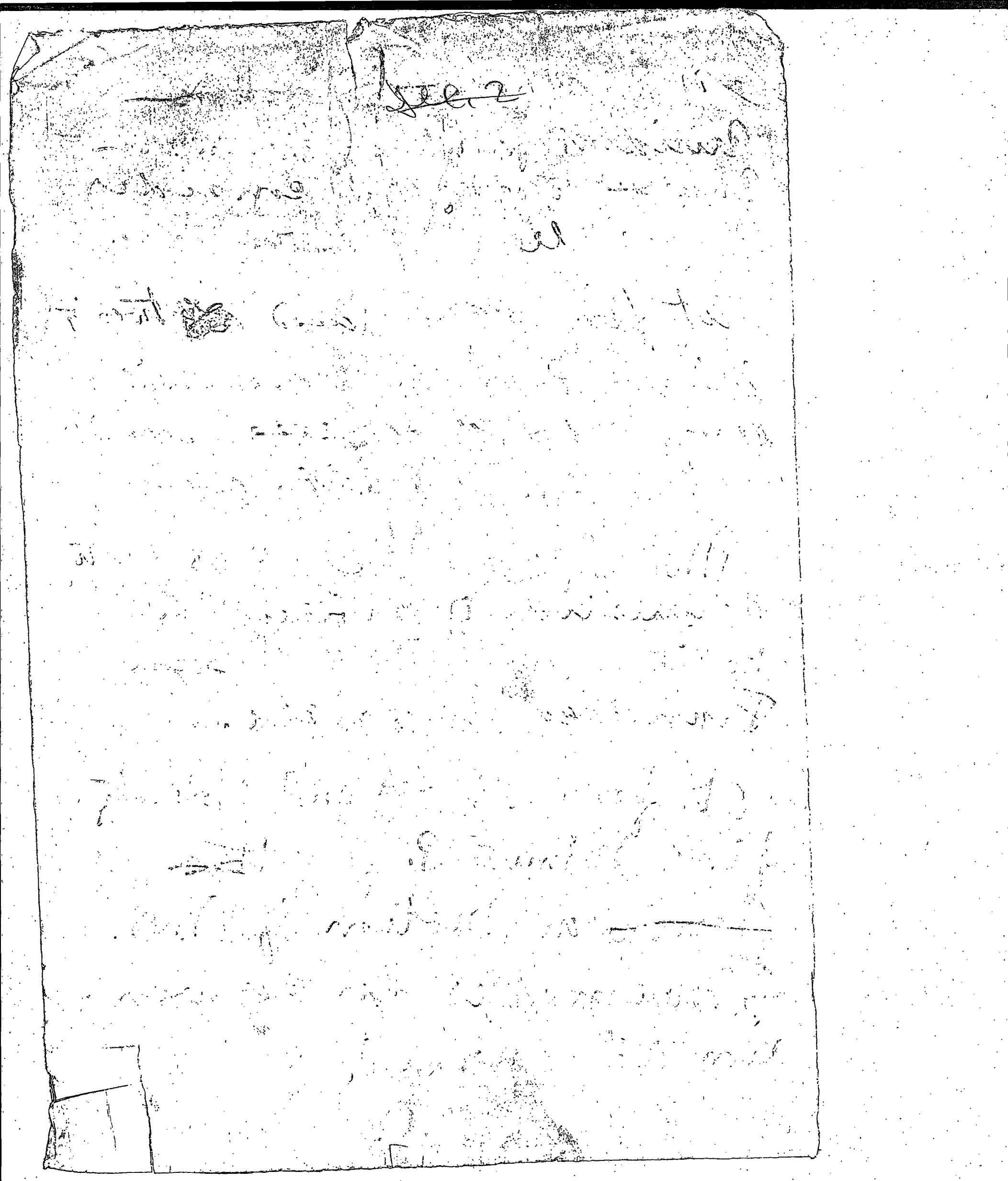
So ordered.

On motion of Mr Estes the convention resolved itself into committee

2)

of the whole — ~~to further~~ President protem Belcher in the Chair — to further consider An article on Corporations.

At four o'clock and twenty minutes P.M. the Committee arose, reported progress. and asked leave to sit again

Mr. O'Donnell rose to a question of privilege in relation to an article in the San Francisco Chronicle.

At four o'clock and twenty five minutes P.M. ~~the~~ ~~Comm~~ on motion of Mr. Shoemaker the Convention was adjourned.