1

In Convention.

Assembly Chamber. State Capitol

Sacramento

Friday Dec. 13th 1878

Convention met pursuant to adjournment

President Hoge in the chair.

Roll called and

the following Members

were absent.

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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 ✓			LAVIGNE	1		SHOEMAKER ✓		
AYERS	2		FILCHER	70		LEWIS	2		SHURTLEFF	3	
BARBOUR	3		FINNEY	1		LINDOW	3		SMITH of Santa Clara.	4	
BARNES	1		FREEMAN	1		MANSFIELD	4		SMITH of Fourth District.	5	
BARRY	4		FREUD	2		MARTIN of Alameda.	5		SMITH of San Francisco.	6	
BARTON	5		GARVEY	3		MARTIN of Santa Cruz.	6		SOULE	7	
BEERSTECHER	1		GLASSCOCK ✓			McCALLUM	7		STEDMAN	8	
BELCHER	6		GORMAN	4		McCOMAS	8		STEELE	9	
BELL			GRACE	1		McCONNELL	9		STEVENSON	100	
BERRY ✓			GRAVES	5		McCOY	70		[redacted]		
BIGGS ✓			GREGG	6		McFARLAND	1		STUART	1	
BLACKMER	7		HAGER	7		McNUTT	2		SWEASEY	2	
BOGGS	8		HALE	8		MILLER	3		SWENSON	3	
BOUCHER	9		HALL	9		MILLS	4		SWING	4	
BROWN	10		HARRISON	40		MOFFAT	5		TERRY	5	
BURT	1		HARVEY	1		MORELAND	6		THOMPSON	6	
CAMPBELL			HEISKELL	2		MORSE	7		TINNIN	7	
CAPLES	2		HEROLD	5		MURPHY			TOWNSEND	1	
CASSERLY	3		HERRINGTON	4		NASON	8		TULLY	128	
CHAPMAN	4		HILBORN	5		NELSON	9		TURNER	8	
CHARLES	5		HITCHCOCK	6		NEUNABER	80		TUTTLE	9	
CONDON	6		HOLMES	125		NOEL	1		VACQUEREL ✓		
COWDEN	7		HOWARD	1		O'DONNELL	2		VAN DYKE	110	
CROSS	8		HUESTIS	7		OHLEYER	3		VAN VOORHIES	1	
CROUCH	9		HUGHEY	8		O'SULLIVAN	4		WALKER of Marin.	2	
DAVIS	20		HUNTER	9		OVERTON ✓			WALKER of Tuolumne.	3	
DEAN	1		INMAN	50		PORTER	4		WATERS ✓		
DOWLING	2		JOHNSON	1		PROUTY	5		WEBSTER	4	
DOYLE	126		JONES	2		PULLIAM			WELLER	5	
DUDLEY of San Joaquin and Amador.	3		JOYCE	3		REDDY	1		WELLIN	6	
DUDLEY of Solano.	1		KELLY	4		REED	127		WEST	7	
DUNLAP	4		[redacted]			REYNOLDS	6		WICKES	8	
EAGON	1		KEYS	5		RHODES	7		WHITE	9	
EDGERTON	5		KLEINE	6		RINGGOLD	8		WILSON of Tehama.	120	
ESTEY of Contra Costa and Marin.	6		LAINE	7		ROLFE	9		WILSON of First District.	1	
ESTEE of First District.	7		LAMPSON	8		SCHELL	90		WINANS	2	
EVEY	8		LARKIN	9		SCHOMP	1		WYATT	3	
FARRELL	9		LARUE	60		SHAFTER	5		MR. PRESIDENT	4	

AYES _____

NOES _____

3)

Leave of absence

Leave of absence was granted to Messrs Waters Glasscock and Vicquerie for one day, and to Messrs Shoemakes and Overton for two days.

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

Report

By Mr Winans

4

To the President of the Convention

Your Committee on Education to whom were referred Amendments No. 36, 53, 55, 67, 79, 185, 214, 217, 224, 242, 247, 254, 267, 297, 315, 380, 440, 449, 460, 469, and 500, having considered the same, respectfully report said Amendments back to the Convention with a recommendation that they be not adopted.

So much of such proposed Amendments as your Committee have approved is, either literally or in a modified form, Embraced in the Educational System which is proposed by your Committee, and accompanies this report.

Your Committee have the honor to submit and recommend the adoption of the same as Article IX. of the Constitution

December 12th 1878

Jos. W. Winans
Aug. H. Chapman
W. F. Huestis

— over —

5

Edward Martin
Jas. S. Reynolds
L. D. Morse
Jno Mansfield
R. M. Sompson
J. West Martin
E. T. Blackmer
S. B. Thompson
J Richard French

The report received the proposed articles read and ordered to lay on the tables and be printed

By Mr. Wilson.

From the committee on Mileage and Contingent Expenses, reported the following resolution, which was adopted.

Resolved: That the sum of Thirty three and 80/100 dollars be appropriated

7)

out of the fund for carrying on this convention to pay the bill of the Pacific Vee Company, for the month ending Dec. 1st 1878 and that the warrant be drawn in favor of the Sergeant-at-arms of this convention.

Petition

Mr. Swing presents a petition from citizens of San Bernardino County against any provision

8)

prohibiting appropriations for charitable purposes.
Referred to committee of the whole

Mr. Hilborn moved that the Sergeant-at-arms be instructed not to furnish any more ice to the Convention. —

So ordered.

Amendments to rules.

Mr. Webster called up the amendment to rule 43 offered by Sutin yesterday.

9)

Mr. Zimmin offered the following amendment, which was accepted.

Provided

That the Chairmen of the General Standing Committees may ~~shall~~ have one hour when their reports are first read in the Committee of the whole.

~~accepted~~

Zimmin

upon the adoption of the ~~amendment~~ Rule as amended the ayes and noes were demanded by Messrs. O'Sullivan, Steadman, Ringgold, Farrel and Harrison

10)

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

AYES 118

NOES 16

12)

Mr. Webster called up amendment to rule 5-6 offered by him on yesterday

Mr. Reynolds, offered the following amendment.

5-6.

The Rules of the Convention shall be observed in Committee of the Whole, so far as they may applicable, except that the ayes and noes shall not be taken and that the previous question shall not be moved.

13)

Upon the adoption of the amendment of Mr. Reynolds the ayes and noes were demanded by Messrs White Inman, Reynolds, Nelson and Farrell.

The roll was called and the amendment rejected by the following vote:—

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

AYES 49

NOES 76

15)

the Rule as proposed by Mr Webster was then adopted.

Mr. Barnes moved to take from the table the resolution offered by him on the 7th inst in regard to expenses of the convention.

Mr. Steadman moved to indifinitely postpone the motion to take from the table, which

16) motion prevailed.

Notice of amendment to sue.

By Mr O'Sullivan.

17

I give notice that I will, on Monday, December 16th, move an additional amend= =ment, or proviso, to Rule 43, so that a member who presents a minority report from a Standing Committee, shall also be permitted to speak for one hour.

O'Sullivan

~~On Mo~~ Laid over for one day.

Committee of the Whole

On motion of Mr. Miller the convention resolved itself into Committee of the Whole — President Hoge in the chair — to further consider the article on Chinese.

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

19

Recess.

The hour of ~~Recess~~ having arrived the Convention took a recess till two o'Clock P. M.

Afternoon Session.

Convention re-assembled at two o'Clock P. M. President Hoge in the Chair.

Quorum present.

Committee of the whole

On Motion of Mr Condon the convention resolved itself into Committee of the whole—President Hoge in the Chair—to further consider

20)

The article on Chinese:

at five o'clock and seven minutes P. M. the committee arose, reported.

Adjournment

at five o'clock and seven minutes P. M.

on motion of Mr. Greeg the convention adjourned

60
43
State

Dec 13

12/13/78