1)

In Convention
Assembly Chamber. State Capital
Sacramento
Monday Dec 16th 1878

In absence of President and President Protem the Convention was called to order by assistant Secretary Thornton.

Mr. Larkin ~~nominated~~ moved that Mr Linnin act as Temporary President. carried.

Mr Linnin in the Chair

Roll called and the following Members were absent —

Please correct the roll call to correspond with this.

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

Names.	Ayes.	Noes.	Names.	Ayes.	Noes.	Names.	Ayes.	Noes.	Names.	Ayes.	Noes.
ANDREWS	/		FAWCETT	/		LAVIGNE	0		SHOEMAKER	/	
AYERS	/		FILCHER	/		LEWIS	/		SHURTLEFF	/	
BARBOUR	/		FINNEY	/		LINDOW	0		SMITH of Santa Clara.	/	
BARNES	/		FREEMAN	/		MANSFIELD	/		SMITH of Fourth District.	/	
BARRY	/		FREUD	/		MARTIN of Alameda.			SMITH of San Francisco.	/	
BARTON	/		GARVEY	/		MARTIN of Santa Cruz.	/		SOULE	/	
BEERSTECHER	/		GLASSCOCK	/		McCALLUM	/		STEDMAN	/	
BELCHER	/		GORMAN	/		McCOMAS	0		STEELE	/	
BELL	/		GRACE	/		McCONNELL	/		STEVENSON	/	
BERRY			GRAVES			McCOY	/		~~STRONG~~		
BIGGS	/		GREGG	/		McFARLAND			STUART	/	
BLACKMER	/		HAGER			McNUTT	/		SWEASEY	/	
BOGGS	/		HALE	/		MILLER	/		SWENSON	/	
BOUCHER			HALL			MILLS			SWING		
BROWN	/		HARRISON	/		MOFFAT	/		TERRY	/	
BURT	/		HARVEY	/		MORELAND	/		THOMPSON	/	
CAMPBELL	/		HEISKELL	/		MORSE	/		TINNIN	/	
CAPLES	/		HEROLD	/		MURPHY			TOWNSEND	/	
CASSERLY			HERRINGTON	0		NASON	/		TULLY	/	
CHAPMAN	/		HILBORN	/		NELSON			TURNER	/	
CHARLES	/		HITCHCOCK	/		NEUNABER	/		TUTTLE	/	
CONDON	/		HOLMES	/		NOEL	/		VACQUEREL	/	
COWDEN	/		HOWARD	/		O'DONNELL	/		VAN DYKE		
CROSS	/		HUESTIS	/		OHLEYER	/		VAN VOORHIES	/	
CROUCH	/		HUGHEY	/		O'SULLIVAN	/		WALKER of Marin.		
DAVIS	/		HUNTER	/		OVERTON			WALKER of Tuolumne.	/	
DEAN	/		INMAN	/		PORTER	/		WATERS		
DOWLING	/		JOHNSON	/		PROUTY	/		WEBSTER	/	
DOYLE	/		JONES	/		PULLIAM			WELLER	/	
DUDLEY of San Joaquin and Amador.			JOYCE	/		REDDY	/		WELLIN	/	
DUDLEY of Solano.	/		KELLY	/		REED	/		WEST	/	
DUNLAP	/		~~LENNY~~			REYNOLDS	/		WICKES	/	
EAGON			KEYS	/		RHODES	/		WHITE	/	
EDGERTON	/		KLEINE	/		RINGGOLD	/		WILSON of Tehama.		
ESTEY of Contra Costa and Marin.	/		LAINE	/		ROLFE	/		WILSON of First District.		
ESTEE of First District.			LAMPSON	/		SCHELL	/		WINANS	/	
EVEY	/		LARKIN	/		SCHOMP	/		WYATT	/	
FARRELL			LARUE	/		SHAFTER			MR. PRESIDENT		

AYES _____

NOES _____

(3)

Leave of absence.

Leave of absence was granted for one day to Messrs O'Sullivan, Hall, McFarland, Lindow, Farrell and Nelson. and for three days to Mrs. Bonches. for one week to Mr Irving and indefinite ~~leave~~ leave, to Messrs. Herrington and McCommas on acount of sickness.

On motion of Mr. Smith of Santa Clara. the reading of the journal was dispensed with and the same approved.

Petitions.

Mr. Jones presented petitions

from citizens of Mariposa and Merced counties praying for the appointment of W. J. Howard to fill the vacancy caused by the death of Hon. J M Strong.

Mr. Larkin moved to suspend the rules and consider the petitions at this time.

so ordered

Mr. Jones moved that the convention proceed to the election of a delegate to fill the vacancy caused by the death of Hon J M Strong

5)

Mr. Martin of Santa Cruz moved to make the election the special order for Tuesday Dec. 17th at two o'clock P. M.

Mr. Grace moved to lay the motion on the table

Lost.

~~Mr. Grace moved to amend~~

~~the~~ Mr. Jones accepted the amendment of Mr. Martin of Santa Cruz.

Mr. Grace moved to amend, "also to fill the vacancy caused by the

death of Mr B. F Kenny of San Francisco.

Mr. Heirkell offered the following amendment.

Resolved That the convention on Tuesday at 2 o'clk proceed to fill the vacancies caused by the death of J. M. Stray of Merced & Monafoso — and B F Kenny of San Francisco — ~~[illegible]~~

Mr. Wicks moved to indefinitely postpone the whole subject

Last

7)

Messrs Wolf, Howard, Smith of Santa Clara, Every and Rhodes demanded the previous question, which was ordered by the question.

The amendment of Mrs. Heirkell was adopted and the subject made the special order for tomorrow at two o'Clock P.M.

Resolution.

By Mr. Beerstecher

8)

Resolved, That speakers shall confine themselves to the immediate subject under consideration. The report of standing committees shall be considered by sections, and the speaking shall be confined to the immediate section under consideration.

Beerstecher

Mr. Steel moved to amend "except that Chairmen of Committees may speak to the whole subject."

Mr. Noel made a point of order that the amendment was already in rules. The chair sustained the point of order.

9/

The resolution was then adopted.

Committee of the whole.

On Motion of Mrs Miller the Convention resolved itself into committee of the whole — Mrs Zimin in the Chair — to further consider the article on Chinese.

At Twelve o'Clock and Twenty two Minutes P. M. the committee arose,

10)

Reported the articles in Chinese back with amendments and recommend that it ~~be~~ on the table ~~adopted as amended~~, and 900 copies be ordered printed.

In Convention.

The report of the committee was concurred in ~~and the~~

Recess.

The hour of recess having arrived the convention took a recess till two o' clock P. M.

11)

Afternoon Session.

Convention re-assembled at two o'clock P. M. President Pro tem Belcher in the chair.

Quorum present.

Committee of the Whole.

On motion of Mr. Barnes the Convention resolved itself into committee of the whole - President pro tem Belcher in the chair - to consider the following article on Militia

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Amendment Number Four hundred and Eighty Five

~~No. 485.~~

INTRODUCED BY COMMITTEE ON MILITARY AFFAIRS.

NOVEMBER 5TH, 1878.

READ, ORDERED TO LAY ON TABLE, AND BE PRINTED.

ARTICLE VII.

MILITIA.

SECTION 1. Organizing and disciplining the militia.
2. Officers, how elected or appointed.
3. Removal of general officers.
4. Governor to be Commander-in-Chief, and to call out the militia.
5. Exemptions.
6. Provision to be made for wounded and disabled members of militia.

SECTION 1. The Legislature shall provide by law for organizing and
2 disciplining the militia, in such manner as they may deem expedient, not
3 incompatible with the Constitution and laws of the United States.

SEC. 2. Officers of the militia shall be elected or appointed in such
2 manner as the Legislature shall, from time to time, direct, and shall be com-
3 missioned by the Governor.

SEC. 3. No general officer shall be removed from office except by the
2 Senate, on the recommendation of the Governor, stating the grounds on which
3 removal is recommended, or by a decision of a Court-martial in accordance

with military custom. No officer of the militia shall ever be removed from office for political reasons.

SEC. 4. The Governor shall be Commander-in-Chief of the militia of the State. He shall have power to call them forth to execute the laws of the State, to suppress insurrections, and repel invasions.

SEC. 5. The officers, musicians, and members of the State militia, who comply with all military duties as provided by law, shall be entitled to the following privileges and exemptions, viz.: Exemption from payment of poll tax, road tax, and head tax of every description; exemption from jury duty and exemption from serving on any posse comitatus. All officers, non-commissioned officers, musicians, and privates, who have faithfully served in the military service of the State for seven consecutive years, and received the certificate of the Adjutant-General certifying the same, shall thereafter be exempted from further military or jury service, except in time of war.

SEC. 6. Every officer or member of the State militia, wounded or disabled in the service of the State, shall have reasonable expenses paid him; and the widows and children of members killed in the service of the State shall be provided for by the Legislature.

at Five o'Clock and sixteen minutes P. M. the Committee arose reported the article with amendments and recommends that it be adopted, printed and placed on general file.

In Convention.

Mr Casseply ~~Leave of absence~~ was granted four days leave of absence.

at Five o'Clock and sixteen minutes P. M. on motion of Mr. Huertis the convention adjourned

12/16/78

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