1)

1

In Convention

Assembly Chambers.
State Capitol

Sacramento
Thursday Jan 9th 1878

Convention met pursuant to adjournment

President Hoge in the Chair

Roll called and the following members were absent.

2)

Barnes
Berry
Boggs
Campbell
Charles
Cowden
Dean
Estee
Fawcett
Glasscock
Graves
Gregg
Hager
Jones
Kenny
Keys
Martin of Alameda
Murphy
O'Sullivan
Portes
Schmitz
~~Shoemaker~~
Van Voorhies
Weeks of Marin

3)

Leave of absence.

Leave of absence was granted for two days ~~for~~ to Messrs. Schimp and Walker of Marin. and indefinite leave to Mr. Keys.

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

Mr. McFarland rose to a question of privilege as to the report of a motion made by him in committee of the whole in yesterday.

Mr. Wyatt rose to a question of privilege as to a statement made by him in regard to the assessment of the Almeden mine in Santa Clara County

Committee of the Whole.

On motion of Mr. Wilson of 4th Dist the Convention resolved itself into Committee of the Whole — President Hoge in the Chair — to further consider the article on Judiciary Department.

At 12 o'Clock and 30 minutes P. M. the Committee arose reported progress and asked leave to sit again

Recess.

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

5)

Afternoon Session

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

President Hoge in the chair.

Quorum present.

Special order.

The report of Special Committee on the case of Mrs. O'Donnell.

Mr. Terry moved to lay the report and resolution on the table. upon which the ayes and noes were demanded by Messers. Fitcher, Lampson, Caples Shurtlief and Tulley

6)

The roll was called and the motion lost by the following vote:

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

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

~~Beer Teaker no~~ ~~paired with~~ ~~Ayes paired with~~

Noes

55 56

8/

Mr. Tully moved to indefinitely postpone the whole subject. upon which the ayes and noes were demanded, by Messrs. White, Wicks, Tully, Bursteth and Moreland.

The roll was called and the motion to indefinitely postpone prevailed by the following vote:

9)

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

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

Ayes 62

Noes 15

10)

Upon calling the name of Mr. Beerstecher he stated that he was paired with Mr. Biggs who would have voted aye. and that he should have voted no.

Committee of the Whole.

on motion of Mrs Edgerton the convention resolved itself into committee of the whole President Hoge in the Chair - to further consider the article on Judiciary Department.

at 4 o'Clock and 55 minutes P. M. the committee arose, reported progress and asked leave to sit again.

Mr Cox — Adjournment

at 4 o'Clock and 55 minutes P. M. on motion of Mrs. Townsend the convention adjourned

Item 9

1/9/79