1)

The Convention
Assembly Chamber
State Capitol
Sacramento
Friday Feb. 28 - 1879

Convention met
pursuant to adjournment
President Hoge in the
Chair

Roll called and
the following members
were absent:

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	56		SHAFTER	85	
AYERS	2		FILCHER	30		LAVIGNE	57		SHOEMAKER	1	
BARBOUR	3		FINNEY			LEWIS			SHURTLEFF	86	
BARNES			FREEMAN	31		LINDOW	58		SMITH of Santa Clara.	87	
BARRY	4		FREUD	32		MANSFIELD	59		SMITH of Fourth District.	88	
BARTON	5		GARVEY	33		MARTIN of Alameda.	1		SMITH of San Francisco.	89	
BEERSTECHER	6		GLASSCOCK			MARTIN of Santa Cruz.	60		SOULE	90	
BELCHER	7		GORMAN	34		McCALLUM	61		STEDMAN	91	
BELL	8		GRACE	1		McCOMAS	62		STEELE	92	
BERRY			GRAVES	35		McCONNELL	63		STEVENSON	93	
BIGGS	9		GREGG			McCOY	64		STUART	94	
BLACKMER	10		HAGER			McFARLAND			SWEASEY	95	
BOGGS			HALE			McNUTT	65		SWENSON	96	
BOUCHER	11		HALL	36		MILLER			SWING	1	
BROWN	12		HARRISON	37		MILLS	66		TERRY		
BURT	13		HARVEY	1		MOFFAT	67		THOMPSON	97	
CAMPBELL			HEISKELL	1		MORELAND	68		TINNIN	98	
CAPLES	14		HEROLD	38		MORSE	69		TOWNSEND	99	
CASSERLY	15		HERRINGTON	39		MURPHY	1		TULLY	100	
CHAPMAN	16		HILBORN			NASON	70		TURNER	101	
CHARLES	17		HITCHCOCK	40		NELSON	71		TUTTLE	102	
CONDON	18		HOLMES	41		NEUNABER	72		VACQUEREL	103	
COWDEN			HOWARD of Los Angeles.	42		NOEL	1		VAN DYKE	104	
CROSS			HOWARD of Mariposa and Merced.	43		O'DONNELL	73		VAN VOORHIES	105	
CROUCH	19		HUESTIS	44		OHLEYER	74		WALKER of Marin.		
DAVIS	20		HUGHEY	45		O'SULLIVAN	75		WALKER of Tuolumne.	106	
DEAN	21		HUNTER	46		OVERTON			WATERS	107	
DOWLING	22		INMAN	47		PORTER	76		WEBSTER	108	
DOYLE	23		JOHNSON	48		PROUTY	77		WELLER	109	
DUDLEY of San Joaquin and Amador.			JONES	49		PULLIAM	78		WELLIN	110	
DUDLEY of Solano.	24		JOYCE	50		REDDY	79		WEST	111	
DUNLAP	24		KELLY	51		REED	80		WICKES	112	
EAGON	25		KENNY	51		REYNOLDS	121		WHITE	113	
EDGERTON	26		KEYS	52		RHODES	81		WILSON of Tehama.	114	
ESTEY of Contra Costa and Marin.	29		KLEINE	53		RINGGOLD	120		WILSON of First District.	115	
ESTEE of First District.	27		LAINE			ROLFE	82		WINANS	116	
EVEY	28		LAMPSON	54		SCHELL	83		WYATT	117	
FARRELL	29		LARKIN	55		SCHOMP	84		Mr. PRESIDENT	118	

Ayes _____

Noes _____

3/

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

Resolutions

By Mr Jones.

Resolution

Whereas in Sections 4 and 5 of the Article Entitled "Schedule", of this Constitution, this Convention has provided for the printing in pamphlet form and stitching, mailing and distribution of copies of the Constitution, and for the printing and distribution of ballots, by the State Printer;

Resolved that the State Printer be and hereby is requested to inform this Convention as soon as practicable whether, and to what extent, he will undertake to execute the provisions of said sections 4 & 5; imposing

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duties upon him —
Resolved: that the Secretary of this Convention immediately furnish the State Printer with a Copy of this resolution, and of said Sections 4 and 5 —

were adopted,

By Mr Edgerton

Resolved that the Article on Chinese be and the same is hereby referred to the Committee on ~~Chinese~~ Revision and Adjustment, with special instructions to amend Section (4) six of said Article so as to make the same conform to the ~~recommendations~~ suggestions of said Committee reported to the convention on Thursday February the "27" Inst and to report said Article as so amended to this Convention without delay for its action thereon. Edgerton

Said temporarily on the table.

5)

The Report of committee on Revision and adjustment was taken up.

Preamble and Bill of Rights

Amendments to sections

three, six, seven, eight twelve, thirteen seventeen and twenty. concurred in and the article referred to the committee on Reporting and printing for Enrollment.

Executive Department.

6)

Meacham

Amendments to sections two, three ~~and~~ four, fifteen, sixteen, seventeen and nineteen ~~and the~~ concurred in.

The committee recommend that the article be numbered five.

Concurred in and referred to the Committee on Reporting and Printing for Enrollment

Pardoning Power.

Amendments concurred in

~~Mr. Rolf moved that the article on pardoning~~ to be numbered No 7 in the Constitution

7))

Referred to the committee on Reporting and Printing for enrollment.

Militia.

Amendments concurred in and the article numbered ~~8 in the Consti~~ article Eight.

Referred to the com-mittee on ~~Revision and adjustment~~ Reporting and printing for Enrollment.

Chinese

Amendments to sections one and three were concurred in.

8/

Mrs Edgerton called up ~~the~~ resolution offered by him.

Mrs Stewart moved to lay the resolution on the table.

Lost.

Mrs Edgerton asked ~~and~~ ~~was granted~~ leave to withdraw the resolution.

Mrs Howard of Los Angeles objected

The convention allowed the resolution to be withdrawn

9)

~~Resolution~~

By Mr. Burrows. moved

~~Mr President~~

I move that the portion of the report of the Committee on Revision and adjustment relating to the Article on Chinese be referred to the Committee on Chinese, with instructions to restore sections four and five of the original report.

Mr. Edgerton made a point of order that the article having been adopted as part of the constitution, was not subject to further amendment

by the convention.
The President decided the ~~point~~ ~~point~~ resolution out of order, and sustained the point of order made by Mr. Edgerton. stating that no amendments could be made except by unanimous consent.
Messrs. Larkin, Doyle, and Herrington appealed from the decission of the Chair.

11

Armstrong

upon the question "Shall the decision of the Chair stand as the judgment of the Convention." the ayes and noes were demanded by Messrs Steadman, Larkin, Grace, Shortliff and Smith of San Francisco.

Mr Howard of Los Angeles moved to lay the appeal on the table. upon which the ayes and noes were demanded by Messrs. Steadman, Larkin Schomp, McCoy and Harrison

The roll was called and the appeal laid on the table by the following vote.

12)

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

AYES 70

NOES 56

1/70 1/56

1/57 1/56

(13) Stickney

Mr. McCallum offered the following ~~resolution~~

I move to recommit the Article on Chinese to the Committee on revision with instruction to revise Section 4 as follows

In line 4 strike out the word "Asiatic" and insert "Chinese"

Strike out the sentence commencing with the word all in line 6 and ending with the word "prescribe" in line 8.

And insert:

"The organization of companies or corporations for the ~~purpose of~~ importation of Chinese Coolies is hereby declared to be a felony, and ~~all persons as guilty thereof should be punished~~ the Legislature shall provide ~~for the laws for~~ by law for the punishment ~~of such thereof~~ such crime."

~~W. Callum~~

Messrs Edgerton and Stewart made a point of order that the resolution, ~~was~~ ~~the same as that which~~ provided for amendments to the article, which could not be done, the same having been adopted.

The President decided

15 Thomas

the point of order were made and ruled the resolution out of order.

The amendments to Sec. four were concurred in and the article was referred to the Committee on Reporting and Printing for Enrollment.

Mr. Edgerton offered the following resolution

Resolved: that Mr Hiram Clock be allowed pay as night watchman of this chamber and

16)

adjoining rooms. at the rate of four dollars per day from the 28th day of October 1878 to the close of the session of this convention

Referred to the Committee on Mileage and contingent expenses.

Report.

Mr Shaffer from the Committee on Revision and adjustment, verbally reported sundry articles back.

The article on Boundary

17)

was taken up, and by unanimous consent — the word "thirtieth" was substituted for "thirteenth".

The article was referred to the committee on Reporting and Printing for Enrollment. and to be numbered article 21

Wates and Wates Rights was ordered to be numbered 14 and then referred to the committee on Reporting and Printing for Enrollment.

18)

480 copies of the report of the committee on revision and adjustment, in the same form as previous report, was ordered printed.

Recess.

At eleven o'clock and forty minutes a.m. on motion of Mr Van Dyke the convention took a recess till three o'clock P.M.

19

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Afternoon Session

Convention re-assembled at three o'clock P.M.

President Hoge in the Chair

Quorum present.

Question of privilege.

Mr. Murphy rose to a question of Privilege on an editorial in the Record-Union, of this date.

Report

By Mr. Walker of Volusia.

20)

Mr President

The Committee on Mileage and Contingent Expenses have had under consideration the resolution offered by Mr Beerstecher, to the effect that a warrant be issued to Wm. Galt, Porter, for the amount of $45.00 - paid by him to Wm Lewis for rear porterage; and after a full examination into its merits recommend that it be indefinitely postponed.

The Committee have also considered the Resolution to grant pay to Hiram Clock as Night Watchman of this Chamber, of $4.00 per day from the 18th day of October to close of session, and recommend that said Clock be allowed one ($1.00) dollar per night for his services as aforesaid.

Walker
Chairman
Pro tem

21-22-

The convention refused to concur in the report of the committee on the resolution of Mr Beenleicher, and adopted the resolution,

The convention adopted the report of the Committee to pay Mr Clerk one dollar per night

(23) stiam

The President announced the following as the committee on address as required by the resolution of the convention.

James E Murphy
Wm J. Graves
Marion Biggs
Wm Van Voorhies
Chas. S. Ringwood
Geo W. Schell
A. C. Freeman
Robert Crouch

D. C. Stevenson
Henry K Turner
Henry Larkin
Lucius J. Morse
J. A. Holmes
C. W. Cross
H. Mills
Patrick Reddy
Edward Every
H. C. Rolfe
Lucot. R Freed
Joseph R Weller
A. H. Chapman
G. A. Johnson
160
James S. Reynolds

25
Mr Reynolds moved that the committee be discharged from further service under the resolution calling for their appointment

So ordered.

The President presented the following communication from the Supt. of State Printing:

26)

Office of Supt. State Printing,
February 28th, 1879

To Hon. J. D. Hoge -
President Convention:

Sir:

In reply to resolution this day adopted by your Honorable body, respecting the duties imposed upon the Superintendent of State Printing by Secs. 4 and 5 of Schedule (the receipt of an official copy of which is hereby acknowledged), I will state it is my purpose to fully perform all the duties imposed upon me by the Convention, to the best of my ability.

F. D. Thompson,
Supt. State Printing.

27) Kunhardt-

Mr. Larkin offered the following resolution:

28)

Resolved That the Sergeant at Arms be and he is hereby authorized and directed ~~to take~~ immediately on the final adjournment of this Convention to take charge of and sell at public Auction all Spittoons and Stationary and other personal property furnished to and left by the members thereof and that he deliver the nett proceeds of such sale to the Treasurer of State taking his receipt therefor to be by ~~him~~ said Sergeant at Arms deposited with the Controller of State

~~Sa Rin~~

29)

Shewand

on motion of Mr. Lindow the resolution was laid on the table.

Adjournment

at three o'Clock and thirty five minutes P.M. on motion of Mr Edgerton the Convention adjourned.

2/28/79