In Convention

Assembly Chamber
State Capitol

Sacramento
Oct 18th 1878

Convention met pursuant
to adjournment

President Hoge in the Chair

Roll called and the
following ministers were
found present

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

Names.	Ayes.	Noes.	Names.	Ayes.	Noes.	Names.	Ayes.	Noes.	Names.	Ayes.	Noes.
ANDREWS	/		FAWCETT			LAVIGNE	/		SHOEMAKER		
AYERS	/		FILCHER	/		LEWIS			SHURTLEFF	/	
BARBOUR	/		FINNEY	/		LINDOW	/		SMITH of Santa Clara.	/	
BARNES	/		FREEMAN	/		MANSFIELD	/		SMITH of Fourth District.	/	
BARRY	/		FREUD	/		MARTIN of Alameda.	/		SMITH of San Francisco.	0	
BARTON	/		GARVEY	/		MARTIN of Santa Cruz.	/		SOULE	/	
BEERSTECHER	/		GLASSCOCK	/		McCALLUM	/		STEDMAN	/	
BELCHER	/		GORMAN	/		McCOMAS	/		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			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	/		KENNY	/		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_____

Leave of absence.

Leave of absence was granted for one day to Mr. McFarland, for two days to Messrs Herrington and Smith of San Francisco, and for an indefinite time to Mr. Lewis.

Journal of yesterday read and approved

Memorials.

By Mr. Hunstiss, petitions relating to Local option.

Referred with similar petitions presented yesterday, to the Committee on City, County and Township Organizations

By Mr. Blackmer.

Petition for Female suffrage

Referred to the Committee on Right of suffrage

By Mr. Welles.

Memorial in relation to assessment and production of Quicksilver Mines of Cal.

To Committee on Revenue and Taxation

Proposed amendment

By Mrs. Willis No 354

Relating to residence of members of Legislature

To the committee on Legislative department

Resolutions

By Mrs. Thompson

Resolved: That the President, by the consent of the convention, appoint Porters, to take charge of the Committee Rooms.

Referred to committee on Mileage + Contingent Expenses

By Mrs. Smith of Santa Clara

Resolved That the Attorney General be requested to report to the convention a detailed statement of the expence of the Military department of the State for the last two years

Adopted

By Mr. Strong

Resolved: That P. McKeon be and he is

hereby allowed per diem from the 28th day of September to 17th day of October for services as clerk to the Sergeant-at-arms, to be paid out of the appropriation of expenses of the Convention

Referred to the Committee on Mileage and Contingent expenses

Proposed Amendment
By Mrs. Martin, of Alameda.
No 335
Relating to the School and University funds.

Referred to the Committee on State and municipal indebtedness

Reports

By Mr. Winans

61

To the President of the Convention

The Committee on Education report back to this Convention Amendment No. 163 introduced by Mr Dudley proposing an Educational qualification for the right of Suffrage and respectfully recommend its reference to the Committee on Right of Suffrage

Wirand
Chairman
of Committee on
Education

adopted and the resolution so referred

By Mr. Dean

7

Sacramento
October 18th 1878.

Mr President,

The Committee on Miscellaneous Subjects to whom was referred Proposed Amendment No. 147, introduced by Mr Rhodes, creating a Board of supervisors and prescribing the duties, powers, and liabilities of certain Corporations, and for other purposes, beg leave to report the same to the Convention and ask that it be referred to the Committee on Corporations other than Municipal

Respectfully
Jas. E. Dean,
Chairman.

adopted and proposed Resolution
amendment so referred

By Mr. Miller

Report of the
Committee on
Miscellaneous
Subjects

(16)

8

Mr. President.

The Committee on Chinese to whom was referred the proposed amendment to the Constitution, No 64, which is in these words to wit:- — "Sec. — All further immigration to this state of Chinese, is hereby prohibited. The municipal authorities of the Ports, in this state to which they are destined, shall have powers to prevent debarkation, and to re-embark them if landed."

Have had the same under consideration, and now beg leave to report it back to the convention with the recommendation that it be not adopted: for the reason that in the opinion of the Committee, the proposed amendment is in substance and intent a regulation of foreign commerce by the State, and therefore in conflict with the Constitution of the United States, which delegates to the National Government the exclusive power to regulate commerce.

Respectfully submitted

Jno F. Miller

Chairman

Sac. Oct 18-1878

Resolution
By Mrs. Edgerton

Be it resolved that M. A Cook
be appointed night Watchman for this
Convention at a per diem of five dollars

Ruled out of order

Mrs. Milburn moved to take
from the table the report of
the committee in regard
to night watchman
Lost

Report
By Mrs. Barbour

(10)

Report of Committee on Immigration

To the President &c

Your Committee on Immigration to whom was referred the Proposition No 131 beg leave to report the same back and recommend that it be not adopted, as in the opinion of your Committee the State has not such power

Clitus Barbour
Chairman

(11)

Proposed amendments

By Mrs. Crews (N 356

Relating to the

Legislative department

To the committee

on Legislative department

By Mr. Wicks (N 357

Relative to article

1st sections 1st & 2d

To the committee

on Preamble and Bill of

Rights

By Mrs Van Voorhies (No 358

Relating to Suffrage

To the committee on

Right of Suffrage

Resolution

By Mr. Wilson of 21st Dist

12)

Resolved - that the Judiciary committee be and it is hereby authorized to employ a Clerk at a compensation of five dollars per day for each day employed.

Referred to the committee on Military and contingent expenses

By Mr. Gorman.

Resolution

In regard to clerks for Committees

In order to give this Convention an idea of the expense of clerk hire for the several committees who may need them

Resolved

that all committees requiring the service of a clerk shall notify the Convention immediately

J. A. Gorman

Laid on the table

Mr Edgerton moved that

when the Convention ad-

journ this day it be

until Monday Oct. 21st

at 2 o'clock P. M.,

on which the ayes

and noes were de-

manded, and the

motion was lost

by the following

vote.

14)

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

AYES 42 + 42 = 84

NOES 9 + 4 = 13

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Adjournment
at ~~Eleven~~ twelve o'clock and
fifty three minutes a.m.
on Motion of Mrs
Larkin the Con-
vention adjourned

10/18/78