1)

On Convention

Assembly Chambers, State Capitol

Sacramento

Monday Dec. 9th 1878

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	/		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.	/	
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 _____

(3)

Leave of Absence.

Leave of absence was granted to Messrs Herrington, Harvey and Walker of Main for one day, and to Messrs Cross Casserly and Estee for two days, and to Mr. Fawcett for one week.

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

Resolution.

By Mr. Dowling.

Resolved. That a committee of three

4) be appointed by the chair to draft petitions to be forwarded by this convention to the Governors of Oregon, Nevada and Washington Territory requesting their Excellencies to memorialize the President of the United States and the Senate, on behalf of these States and territory for a modification of the Burlingame treaty now existing between the Chinese Empire and the Republic of the United States. of America

The resolution was adopted.

Committee of the whole.

On motion of Mr. Zimmin, the Convention resolved itself into committee of the whole — President Hoge in the chair — to consider the ~~articles to~~ following articles ~~in Chinese~~ as reported by the committee on Chinese:—

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Amendment. **No. 454.**

INTRODUCED BY COMMITTEE ON CHINESE.

OCTOBER 31st, 1878.

READ, ORDERED PRINTED AND LAID ON TABLE.

RELATIVE TO CHINESE.

ARTICLE —.

SECTION 1. The Legislature shall have and shall exercise the power
2 to enact all needful laws, and prescribe necessary regulations for the protec-
3 tion of the State, and the counties, cities, and towns thereof, from the burdens
4 and evils arising from the presence of aliens, who are or who may become
5 vagrants, paupers, mendicants, criminals, or invalids afflicted with contagious
6 or infectious diseases, and aliens otherwise dangerous or detrimental to the
7 well-being or peace of the State, and to impose conditions upon which such
8 persons may reside in the State, and to provide the means and mode of their
9 removal from the State upon failure or refusal to comply with such condi-
10 tions; *provided*, that nothing contained in the foregoing shall be construed to
11 impair or limit the power of the Legislature to pass such other police laws or
12 regulations as it may deem necessary.

SEC. 2. Any corporation incorporated by or under the laws of this
2 State, or doing business in this State, shall forfeit its franchises, and all legal

3 rights thereunder, if it ever employs, in any capacity whatever, foreigners
4 who are not eligible to become citizens of the United States under the laws
5 of Congress. This section shall be enforced by appropriate legislation.

SEC. 3. No alien ineligible to become a citizen of the United States
2 shall ever be employed on any State, county, municipal, or other public work
3 in this State after the adoption of this Constitution.

SEC. 4. All further immigration to this State of Chinese, and all
2 other persons ineligible to become citizens of the United States under the
3 naturalization laws thereof, is hereby prohibited. The Legislature shall pro-
4 vide for the enforcement of this section by appropriate legislation.

SEC. 5. No person who is not eligible to become a citizen of the
2 United States shall be permitted to settle in this State after the adoption of
3 this Constitution.

SEC. 6. Foreigners ineligible to become citizens of the United States
2 shall not have the right to sue or be sued in any of the Courts of this State,
3 and any lawyer appearing for or against them, or any of them, in a civil pro-
4 ceeding, shall forfeit his license to practice law. No such foreigner shall be
5 granted license to carry on any business, trade, or occupation in this State,
6 nor shall such license be granted to any person or corporation employing them.
7 No such foreigner shall have the right to catch fish in any of the waters under
8 the jurisdiction of the State; nor to purchase, own, or lease real property in
9 this State, and all contracts of conveyance or lease of real estate to any such
10 foreigner shall be void.

SEC. 7. The presence of foreigners ineligible to become citizens of the
2 United States is declared herein to be dangerous to the well-being of the State,

6 Sec. 7. The presence of foreigners ineligible to become citizens of the United States is declared hereby to be dangerous to the well-being of the State.

and the Legislature shall discourage their immigration by all the means within its power. It shall provide for their exclusion from residence or settlement in any portion of the State it may see fit, or from the State, and provide suitable methods, by their taxation or otherwise, for the expense of such exclusion. It shall prescribe suitable penalties for the punishment of persons convicted of introducing them within forbidden limits. It shall delegate all necessary power to the incorporated cities and towns of this State for their removal without the limits of such cities and towns.

SEC. 8. Public officers within this State are forbidden to employ Chinese in any capacity whatever. Violation of this provision shall be ground for removal from office; and no person shall be eligible to any office in this State who, at the time of election and for three months before, employed Chinese.

SEC. 9. The exercise of the right of suffrage shall be denied to any person employing Chinese in this State, and it shall be a sufficient challenge that the person offering to vote is employing Chinese, or has employed them within three months next preceding the election.

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

Recess

at twelve o'clock and twenty minutes P. M. on motion of Mrs Barbour 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. Ayers the Convention resolved itself into committee of the whole - President Hoge in the chair - to further consider the article on Chinese.

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

11)

In Convention.

at Four o'clock and Thirty six minutes P.M. Mr. Schell moved that Convention take a recess till seven o'clock P.M.

Mr. Milborn moved to adjourn.

Lost.

The motion of Mr. Schell prevailed and the convention took a

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recess until seven o'Clock P.M.

Evening Session

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

In the absence of the President and President Pro tem, the convention was called to order by the Secretary, and on motion Mr ~~Hennessy~~ Larkin called to the Chair was ~~elected Pres. pro tem~~.

Quorum present.

Questions of Privilege

Mr. Bartows rose to a question of privilege on an article published

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in the San Francisco Post reflecting upon the committee on Corporations other than municipal.

Mr White also ~~spoke to same subject~~ and

Mr Howard also spoke on the same subject.

Mr. O'Donnell rose to a question of privilege, in regard to certain publications ~~in regard to his~~ made in regard to him in the S. F. Chronicle

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Committee of the whole.

On motion of Mr Huestis the Convention resolved itself into Committee of the whole — Mr. Larkin in the chair — to further consider the article on Chinese

at Eight o'Clock and ~~4~~ 5 minutes P. M.

the Committee arose reported progress and asked leave to sit again

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at Eight-o'Clock
and forty five minutes
P.M. on motion of
Mr Barstechis the
Convention ad-
journed

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Inc. 9

12/9/78

D. Chigliotti