(1)

In Convention
Assembly Chamber, State Capitol
Sacramento
Friday Dec. 10th 1878

Convention met pursuant to adjournment President Pope in the Chair

Roll called and the following members were absent:

2)

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	6		SHOEMAKER	125	
AYERS	1		FILCHER	7		LEWIS	7		SHURTLEFF	9	
BARBOUR	2		FINNEY	8		LINDOW	8		SMITH of Santa Clara.		
BARNES	1		FREEMAN	1		MANSFIELD	9		SMITH of Fourth District.	8	
BARRY	1		FREUD	9		MARTIN of Alameda.			SMITH of San Francisco.	8	
BARTON	3		GARVEY	30		MARTIN of Santa Cruz.	60		SOULE	90	
BEERSTECHER	4		GLASSCOCK	1		McCALLUM	1		STEDMAN	1	
BELCHER	5		GORMAN	2		McCOMAS	2		STEELE	2	
BELL	6		GRACE	1		McCONNELL			STEVENSON	3	
BERRY			GRAVES	3		McCOY	3		[redacted]		
BIGGS			GREGG	4		McFARLAND			STUART	4	
BLACKMER	7		HAGER			McNUTT	4		SWEASEY		
BOGGS	8		HALE	1		MILLER	5		SWENSON	5	
BOUCHER	1		HALL	1		MILLS	1		SWING	6	
BROWN	9		HARRISON	5		MOFFAT	6		TERRY	7	
BURT	10		HARVEY	6		MORELAND	7		THOMPSON	8	
CAMPBELL	1		HEISKELL	7		MORSE	8		TINNIN	9	
CAPLES	2		HEROLD	8		MURPHY	9		TOWNSEND	100	
CASSERLY			HERRINGTON	9		NASON	70		TULLY	1	
CHAPMAN	3		HILBORN	40		NELSON	1		TURNER	2	
CHARLES	4		HITCHCOCK	1		NEUNABER	2		TUTTLE	3	
CONDON	5		HOLMES	2		NOEL	3		VACQUEREL	4	
COWDEN	6		HOWARD	3		O'DONNELL	4		VAN DYKE	5	
CROSS			HUESTIS	1		OHLEYER	5		VAN VOORHIES	6	
CROUCH	7		HUGHEY	4		O'SULLIVAN			WALKER of Marin.	7	
DAVIS	8		HUNTER	5		OVERTON	6		WALKER of Tuolumne.	8	
DEAN	9		INMAN	6		PORTER	7		WATERS	9	
DOWLING	20		JOHNSON	7		PROUTY	8		WEBSTER	110	
DOYLE	1		JONES	8		PULLIAM	9		WELLER	1	
DUDLEY of San Joaquin and Amador.			JOYCE	9		REDDY	80		WELLIN	2	
DUDLEY of Solano.	2		KELLY	1		REED	9		WEST	3	
DUNLAP	3		[redacted]			REYNOLDS			WICKES	4	
EAGON			KEYS	50		RHODES	2		WHITE	5	
EDGERTON	4		KLEINE	1		RINGGOLD	3		WILSON of Tehama.	6	
ESTEY of Contra Costa and Marin.	1		LAINE	2		ROLFE	4		WILSON of First District.	7	
ESTEE of First District.	1		LAMPSON	3		SCHELL	5		WINANS	8	
EVEY	5		LARKIN	4		SCHOMP	6		WYATT	9	
FARRELL	6		LARUE	5		SHAFTER	–		MR. PRESIDENT	120	

Ayes _____

Noes _____

3)

Leave of absence

Leave of absence was granted to ~~Mr.~~ Mr. O'Sullivan for one day, to Mrs. McConnell for two days.

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

Messrs. Condon and Wellin presented petitions from citizens of San Francisco praying for a Lien Law provision in the Constitution

4)

Referred to the committee on Miscellaneous Subjects

Resolutions.

By Mr. Dowling

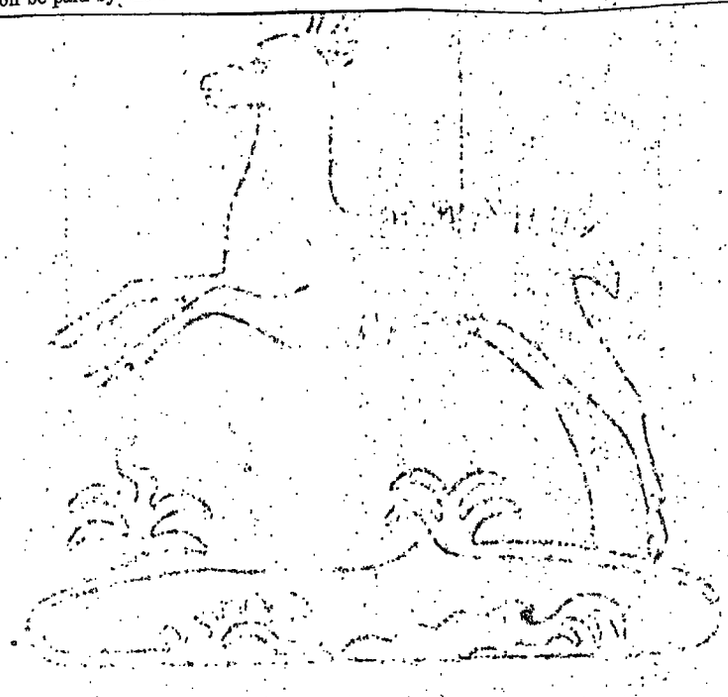
DOWLING

5)

Resolved, That a committee of three be chosen by the Convention, whose duty it shall be to proceed to Washington at once and present a memorial to the President of the United States, the Senate and House of Representatives, requesting an immediate modification of the Burlingame treaty, so that Congress will be enabled to enact a law prohibiting the further immigration of Chinese to the United States of America.

Resolved, That the said committee place the Chinese question in its true light before Congress, and make the necessary arguments regarding this Mongolian plague, setting forth the grievances of the Pacific States and Territories on this subject.

Resolved, That this Convention provide in the Constitution so that the expenses incident to the occasion be paid by the State.



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~~Refers~~

On motion of Mr. Crouch the resolution was laid on the table.

By Mr. Wyatt.

DIGESTION

Resolved, First—That we, the Delegates of the people of the State of California, in Convention assembled, do most respectfully request our Senators and Representatives in Congress to use their influence to have passed a law reducing the price of the public lands in this State, within the limits of any railroad grants, to one dollar and twenty-five cents per acre, and to enable bona fide settlers upon said lands to homestead one hundred and sixty acres thereof—the lands belonging to the United States Government being the refuse or third rate lands, and

mostly embraced within the foothills or mountains, and in most instances much subject to drouth and scarcity of water, making it necessarily expensive to improve and utilize said lands.

Resolved, Second—That we respectfully request our Senators and Representatives to use their influence to have passed a law restoring to preëmption and homestead all the lands within the limits of forfeited railroad grants in this State upon the same terms and conditions as before said grants were made.

Resolved, Third—That a copy of these resolutions be sent to each of our Senators and Representatives in Congress,

8/ Kimbrell

Laid on the table until tomorrow

By Mr. Overton.

To pay J. J. Flynn for services rendered committee on State Institutions and Public Buildings

Resolution referred to the Committee on Mileage and contingent expenses

9)

Committee of the Whole

On motion of Mr. Miller the convention resolved itself into Committee of the Whole — President Hoge in the chair — to further consider the article on Chinese.

At twelve o'clock and thirty 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.

Afternoon Session.

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

President Moze in the Chair.

Quorum present.

Committee of the Whole.

On Motion of Mr. Miller the Convention resolved itself into Committee of the Whole. — President Moze in the Chair — to further consider the articles on Chinese

at four o'clock and ~~Minutes~~ fifty five minutes P. M. the Committee arose reported progress and asked Leave to sit again.

In Convention

at Four o'clock and fifty six minutes Mr. Inman moved to take a recess until seven o'clock P. M.

Mr. O'Donnell moved to adjourn.

Lost.

The motion of Mr. Inman prevailed

12/10/78

12)

and the convention took a recess till seven o'clock P.M.

Evening Session.

Convention ~~met pursuant to adjournment~~ re-assembled at seven o'clock P.M.

In the absence of the President and President pro tem. the Secretary called the convention to order.

Mrs. Hustis was ~~elected~~ chosen President pro tem. for the evening. Roll called and a Quorum present

Messrs Burnes, Boggs ~~and~~ and O'Sullivan Holmes, were granted leave of absence for the

13)

Evening.

Committee of the Whole.

On Motion of Mr. Tinnin the Convention resolved itself into Committee of the whole - Mr. Huestiss in the Chair - to further consider the article on corporations.

At Eight o'Clock and thirty Minutes P. M. the Committee arose, reported progress and asked leave to sit again.

Adjournment

at Eight o'Clock and thirty minutes P. M. on motion of Mr. Tinnin the convention adjourned