In Convention.

Assembly Chamber. State Capitol

Sacramento

Thursday Dec. 12th 1878

Convention met pursuant to adjournment

President Hoge 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	58		SHOEMAKER	89	
AYERS	1		FILCHER	30		LEWIS	59		SHURTLEFF	90	
BARBOUR	2		FINNEY	31		LINDOW	60		SMITH ✓ of Santa Clara.	-	
BARNES	3		FREEMAN	1		MANSFIELD	61		SMITH of Fourth District.	91	
BARRY	4		FREUD	32		MARTIN of Alameda.	62		SMITH of San Francisco.	92	
BARTON ✓			GARVEY	33		MARTIN of Santa Cruz.	63		SOULE	93	
BEERSTECHER	5		GLASSCOCK			McCALLUM	64		STEDMAN	94	
BELCHER	6		GORMAN	34		McCOMAS	65		STEELE	95	
BELL			GRACE	1		McCONNELL			STEVENSON	96	
BERRY ✓			GRAVES	123		McCOY	66		[illegible]		
BIGGS ✓			GREGG	35		McFARLAND	67		STUART	97	
BLACKMER	7		HAGER			McNUTT	68		SWEASEY	98	
BOGGS			HALE	1		MILLER	69		SWENSON	99	
BOUCHER	8		HALL	36		MILLS	70		SWING	x	
BROWN	9		HARRISON	37		MOFFAT	71		TERRY	126	
BURT	10		HARVEY	38		MORELAND	72		THOMPSON	100	
CAMPBELL ✓			HEISKELL	39		MORSE	73		TINNIN	101	
CAPLES	11		HEROLD			MURPHY	1		TOWNSEND	102	
CASSERLY	12		HERRINGTON	40		NASON	74		TULLY	103	
CHAPMAN	13		HILBORN	41		NELSON	75		TURNER	104	
CHARLES	14		HITCHCOCK	42		NEUNABER	76		TUTTLE	105	
CONDON	15		HOLMES	43		NOEL	125		VACQUEREL	106	
COWDEN	16		HOWARD	124		O'DONNELL			VAN DYKE	107	
CROSS	17		HUESTIS	44		OHLEYER	77		VAN VOORHIES	108	
CROUCH	18		HUGHEY	45		O'SULLIVAN	78		WALKER of Marin.	109	
DAVIS	19		HUNTER	46		OVERTON	1		WALKER of Tuolumne.	110	
DEAN	20		INMAN	47		PORTER	79		WATERS	127	
DOWLING	21		JOHNSON	48		PROUTY	80		WEBSTER	111	
DOYLE	22		JONES	49		PULLIAM ✓			WELLER	112	
DUDLEY of San Joaquin and Amador.	23		JOYCE	50		REDDY			WELLIN	113	
DUDLEY of Solano.	24		KELLY	51		REED	81		WEST	114	
DUNLAP	25		[illegible]			REYNOLDS	82		WICKES	115	
EAGON			KEYS	52		RHODES	83		WHITE	116	
EDGERTON	26		KLEINE	53		RINGGOLD	84		WILSON of Tehama.	117	
ESTEY of Contra Costa and Marin.	27		LAINE	54		ROLFE	85		WILSON of First District.	118	
ESTEE of First District.	28		LAMPSON	55		SCHELL	86		WINANS	119	
EVEY	29		LARKIN	57		SCHOMP	87		WYATT	120	
FARRELL	122		LARUE	57		SHAFTER	84		MR. PRESIDENT	121	

AYES 127

NOES 17

Leave of absence

Leave of absence was granted to Mrs. Campbell for three days, and indefinite leave to Messrs. Pullman and Smith of Santa Clara, on account of Sickness.

On motion of Mrs. Caples the reading of the journal was dispensed with, and the same approved.

Petitions

Mr. Gorman presented a petition from citizens of San Francisco for a declaration in favor of a Mechanics Lien Law.

Referred.

By Mr. Morrison

Referred to the committee on Miscellaneous subjects

Resolutions.

By Mr. Harrison.

5)

Resolved.

That the Committee on Chinese to whom was referred a resolution submitted by the gentleman from San Francisco Mr Barbour providing for a memorial to Congress asking for the abrogation of the Burlingame Treaty are hereby directed to report the same together with the memorial contemplated at their earliest convenience

Thomas Harris

(6)

Resolution adopted.

By Mrs. O'Sullivan:

Resolved;

That the committee on Land and Homestead Exemption, are required to report to this convention immediately, or give sufficient reasons for not doing so.

Mrs Andrews moved to lay on ~~the~~ the table.

Carried.

7.

Mr. Shaffer rose to a question of privilege, relative to a report of his remarks on the Chinese question as published in the Record Union.

By Mrs. Barnes.

IN CIRCULATION

(6)

Whereas the Expenses incurred in the funeral obsequies of Hon. J.M. Strong and Hon B. F. Kenny amount to the sum of $651.00 and the Controller of State has declared to allow the same to be drawn from the appropriation for the Expenses of the Convention;

Resolved; That an assessment of $4.40 be levied upon each of the members of this Body to pay said Expenses and that the Sergeant at Arms be and is hereby authorized to collect from the State Treasurer all the warrants to be issued by the State Controller for the per diem of members for the current week and deduct therefrom the sum of $4.40 per member and apply the same to the payment of ~~such~~ said funeral expenses.

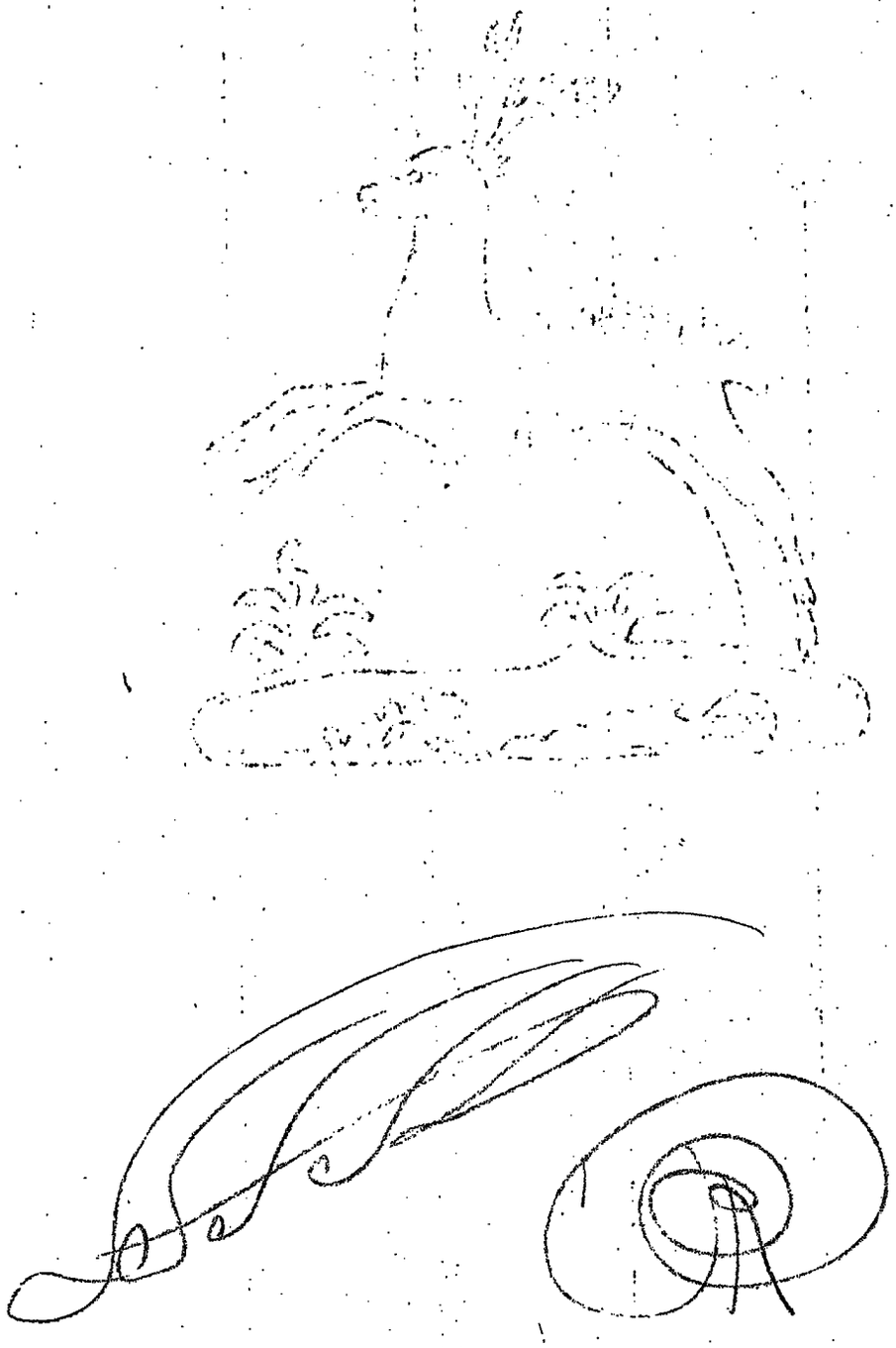
adopted.

~~Resolution offered by Barnes~~

9)

Amendments to Rules.

Mrs. Webster gave notice of amendments to rules 43 and 56 as follows:



10)

Amend Rule 43. So as to Read as follows

"43.

Times a Member may Speak

No Member shall Speak more than twice on any one question, nor more than Fifteen Minutes at any one time, without first obtaining leave of the Convention, nor more than once, untill other Members who have not Spoken, Shall Speak if they so desire.

14)

Amend Rule No 56. So as to Read as follows

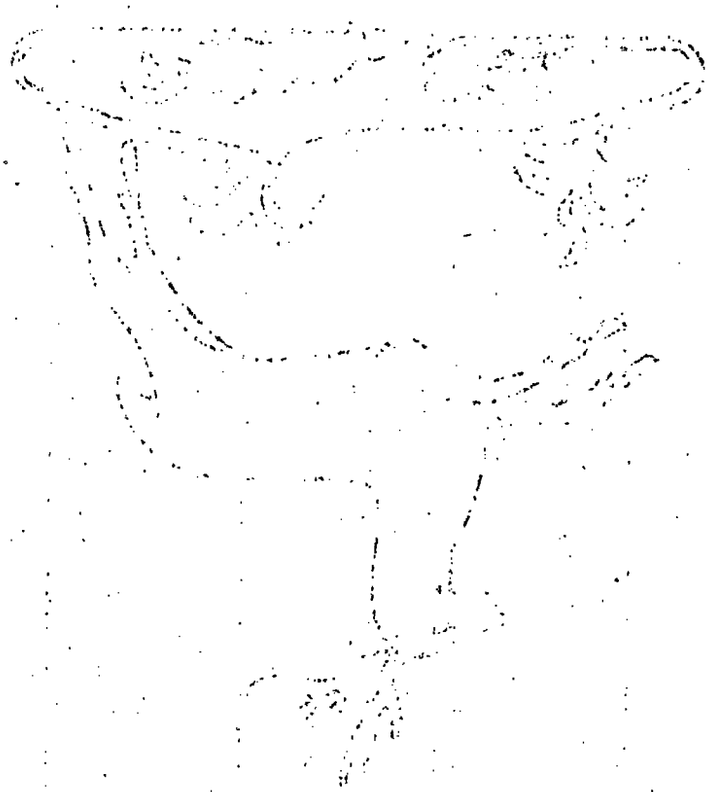
56.

The Rules of the Convention shall be observed in Committee of the Whole, so far as they may be applicable, except that the ayes and noes shall not be taken, but the previous question may be moved. Provided that when the previous question is sustained, it shall only apply to the amendments then pending, and other amendments may be offered to the section

121 Laid over for one day.

In memoriam

B/Ms. Estes.



To the President of the United States
The Senate
and House of Representatives

The Constitutional
Convention of the State of
California duly assembled
and now in session by
authority of law by the
unanimous vote of said
Convention the names
of whose members are
by themselves signed to
this memorial respectfully
represent that for many
years last Large numbers
of Chinese have come into
our State. That the numbers

of adult male mongolian
Now here exceeds one hundred
and twenty thousand.
That they are an inferior
race of men incapable of
assimilation with the Am-
-erican people, or of becoming
Citizens of the American
Nation, That their laws
and Customs which they
~~bring~~ bring with them,
and ever retain differ
from those of any Civilized
people. That they have no
families ~~that~~ ~~It~~ that they
are the pauper element

of a nation where work is the rule, and Plenty the exception, and where the Chief aim is to obtain food. That the Presence in such large numbers of so many servile laborers to clearing every avenue to white free labor and rendering it impossible for white laborers who Love Freedom to live in this State. That Civilization is more expensive than

barbarism and hence civilized white men cannot compete with mongolian labor.

That the chinese are semi nomadic living in the open air, in tents and out houses (except in large cities) and they have few of the expenses to which white men are subject. That in most instances the chinese come sure under contract with some of their own people who control their labor while here

That very many of the males and criminal ~~class~~ and at least nine tenths of their women here are prostitute. That every ship coming into our ports from China is freighted with this class of laborers. That its further import of this plague is viewed with profound alarm by every class of our people and if allowed to continue will cast a blight upon

ne of the fairest portions of
our country. That the
benefits, the peace and the
general prosperity of our
people depends in a great
degree, upon the early
restriction of this class
of immigration.

We therefore most ear-
nestly pray that the present
treaty with China be
so modified as to prohibit
the further immigration
of this class of Chinese
laborers, or, that such
laws be passed as will re-
strict such immigration

19

~~Referred to the committee~~

Mr. Barbour moved to dispense with the reading

Lost

Referred to committee in Chinese.

Committee of the Whole.

On Motion of Mr. Baillie the Convention resolved itself into Committee of the whole. President Hoge in the Chair — & further considered the articles in 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 until two o'clock P. M.

Afternoon Session.

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

President Hoge in the Chair

Quorum present.

21

Committee of the whole.

On motion of Mrs. Miller the Convention resolved itself into Committee of the whole — President Scoggin in the Chair — to further consider the articles in Chinese.

at four o'clock and forty Minutes P.M. the Committee arose, reported progress and asked leave to sit again.

In Convention.

Mr. Burnes. offered the following Preamble and articles in Chinese (which was ordered printed in the journal)

(4) 22

Article —

In relation to Mongolians

The People of California while recognizing the paramount authority of the United States of America to regulate commerce and intercourse with foreign nations and all treaty obligations demand, as they possess the inalienable privilege of controlling their domestic affairs to the end that serfdom in every form may be abolished and themselves protected from a vicious, non-assimilating population incapable of the duties of American citizenship. As intelligent citizenship must be the reliance of Representative

23) Government of a limited
presence of large numbers of persons
in capable of each citizen
to the peaceful manner. &
to the maintenance
& the danger and threatened
attack requiring emergency
-ance; - a contingency not
expressly and thereupon
not contemplated in the
taxing power to regulate
Commerce making the
people & the Congress of the
United States, the possible use
authorizes and necessary to
following Constitutional
Provisions.

Second.
All Engagements
now within the Limits

(3) (24)

shall be required to remove therefrom within four years from the time this Constitution takes effect. At the first session of the Legislature oft convened hereunder provision shall be made for judicial proceedings to compel such removal and for the seizure and sale of so much of any property of such ~~aliens~~ Mongolians who may not therefore have voluntarily departed within the period herein limited, ~~in the same manner that the collection of poll taxes is enforced~~, as may be necessary to pay the necessary cost of their removal from this State to their native Country.

II.

All the Journeymen Taylors that shall Carry on a Clandestine Trade, or Combination themselves, or any Journeymen, Occupation, Journeyman or Mechanick Taken for Them, or Perform any Manner of Work of the Taylor Trade, which Have not Served Seven Years Apprenticeship, Lawfully Made, or Contracted with a Master Taylor, or Journeyman Taylor for Any Other Time, or Shall Not Be Allowed by Two Masters Taylors, or Journeymen Taylors, to Be Sufficient Workmen,

III.

All Persons who Shall Use or Exercise the Trade of a Taylor, Not Having Served Seven Years Apprenticeship, or Not Having Obtained a Certificate from Two Masters Taylors, or Journeymen Taylors, that He is a Sufficient Workman, and Shall Have Served Such Apprenticeship, Lawfully Made, or Contracted for as Aforesaid,

26 Jemand die Genehmigung
zu Pfeifer Setzung entzieht
so verliert er auch
allen Anspruch auf Entschädigung
für die Zeit, wo ihm
Erlaubniß entzogen
war.

IV.

Alle Gesuche, welche
innerhalb sechs Monaten
nach Publikation dieses Gesetzes
eingereicht werden, sollen
ohne Rücksicht auf
etwaige Einsprachen
Effect.

27 & The Captain of the
Mongolian Steamship Empress
Court & Purser of the Steamer
Empress of China to-
gether with the Chief Officer
of the Mongolian when within
County Jail shall be
Mongolians the
custody & Transportation Thereof
from thence to and
Jailer of said Mongolians who
may be imprisoned in any
State Prison, County Jail
or other place of confine-
ment pursuant to Con-
viction of Crime. and
the Jailer of said Mongolians
or Officer in charge

28

Kaboczyn Barbara
z Cimafej z Janotek
herbitaf akuszerka w
Wlaczy z Wygo Pom
Mariabrink ausder Tuke

Allenstein Ostpr.

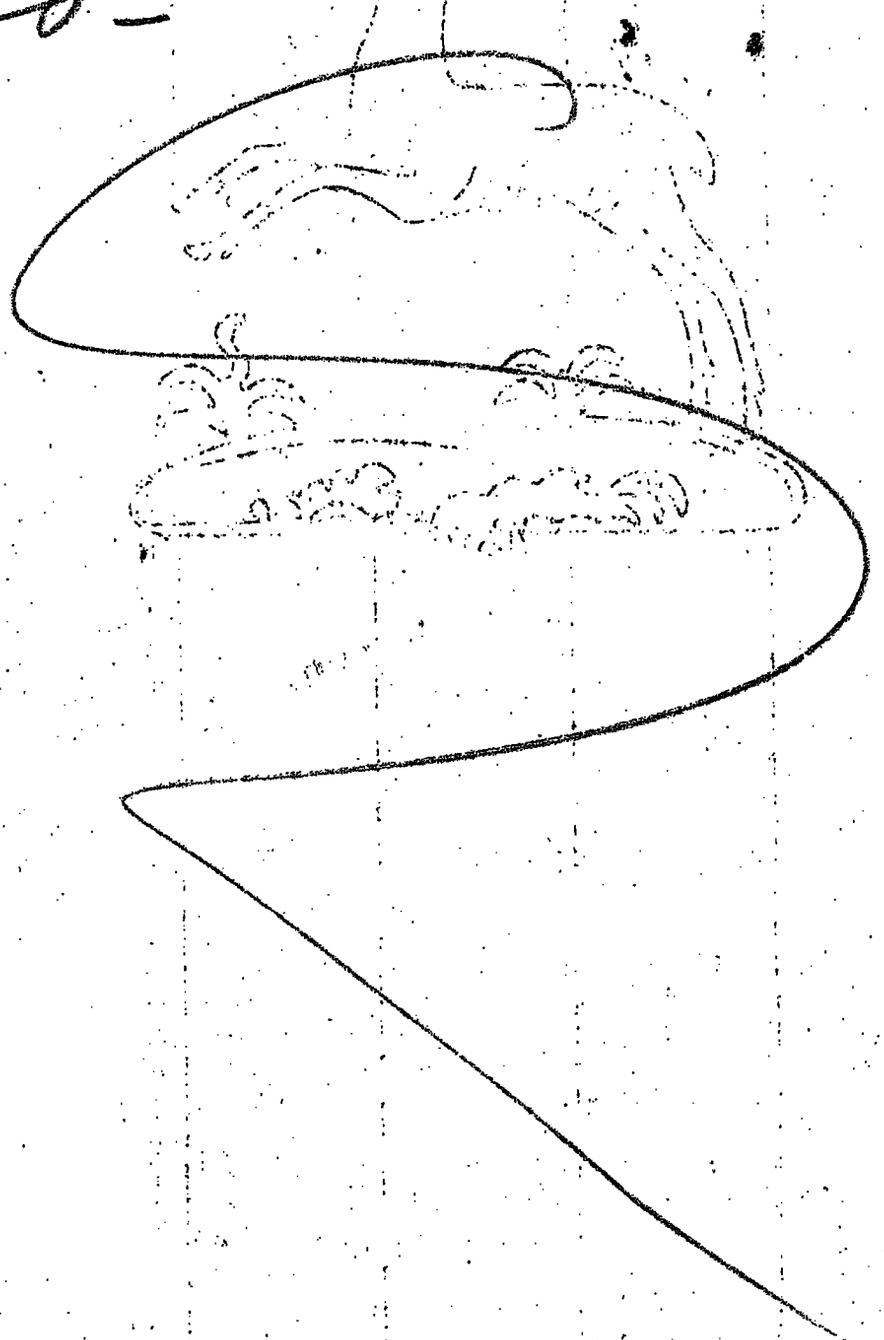
Ofenmaurermeister
Ofen Ofen Centralheizung
u. Herdbau

be convicted of any crime or offence against the laws of the land, except capital offences shall, in lieu of fine or imprisonment or both, shall be sentenced to deportation from this State to the country of their nativity; and the Legislature shall make due appropriations of public monies for the purposes of this section to supply any deficiency in the fund to be provided by Section 3 of this Article.

Section 6. The Legislature shall provide by law for the enforcement of the Provision of this Article.

30 adjournment

at four o'clock and forty five minutes P.M. ~~closed~~ on Motion of Mr Steadman the Convention adjourned -



Dep. 12

12/12/78

Journal Clerk