In Convention
Assembly Chamber. State Capitol.

Sacramento.

Saturday Dec. 14th 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 ✓			SHOEMAKER		
AYERS	2		FILCHER	9		LEWIS	7		SHURTLEFF	4	
BARBOUR	1		FINNEY	30		LINDOW	8		SMITH of Santa Clara.	5	
BARNES	3		FREEMAN	1		MANSFIELD	9		SMITH of Fourth District.	6	
BARRY	4		FREUD	1		MARTIN of Alameda.			SMITH of San Francisco.	7	
BARTON	5		GARVEY	2		MARTIN of Santa Cruz.	60		SOULE	8	
BEERSTECHER	6		GLASSCOCK			McCALLUM	1		STEDMAN	9	
BELCHER	7		GORMAN	4		McCOMAS	2		STEELE	90	
BELL	8		GRACE	1		McCONNELL	3		STEVENSON	1	
BERRY ✓			GRAVES			McCOY	4		~~STRONG~~		
BIGGS ✓			GREGG	5		McFARLAND			STUART	2	
BLACKMER	9		HAGER	118		McNUTT	5		SWEASEY	3	
BOGGS	10		HALE	1		MILLER	6		SWENSON	4	
BOUCHER	116		HALL	6		MILLS	7		SWING	5	
BROWN	115		HARRISON	7		MOFFAT	8		TERRY	6	
BURT	1		HARVEY	8		MORELAND	9		THOMPSON	7	
CAMPBELL			HEISKELL	9		MORSE	70		TINNIN	8	
CAPLES	2		HEROLD	40		MURPHY	1		TOWNSEND	9	
CASSERLY	3		HERRINGTON	1		NASON	1		TULLY	100	
CHAPMAN ✓			HILBORN			NELSON ✓	[redacted]		TURNER	1	
CHARLES	4		HITCHCOCK	2		NEUNABER	3		TUTTLE	2	
CONDON	5		HOLMES	3		NOEL	4		VACQUEREL		
COWDEN	6		HOWARD	4		O'DONNELL ✓			VAN DYKE		
CROSS	7		HUESTIS	1		OHLEYER ✓			VAN VOORHIES	3	
CROUCH	8		HUGHEY	5		O'SULLIVAN ✓			WALKER of Marin.	4	
DAVIS	9		HUNTER	6		OVERTON			WALKER of Tuolumne.	5	
DEAN	20		INMAN	117		PORTER	5		WATERS ✓		
DOWLING	1		JOHNSON	7		PROUTY	6		WEBSTER	6	
DOYLE	2		JONES	8		PULLIAM			WELLER	7	
DUDLEY of San Joaquin and Amador.	3		JOYCE	9		REDDY			WELLIN	8	
DUDLEY of Solano.	4		KELLY	50		REED	7		WEST	9	
DUNLAP	5		~~KENNY~~			REYNOLDS	8		WICKES	110	
EAGON			KEYS	1		RHODES	9		WHITE	1	
EDGERTON	6		KLEINE	2		RINGGOLD	80		WILSON of Tehama.		
ESTEY of Contra Costa and Marin.	7		LAINE	3		ROLFE	1		WILSON of First District.		
ESTEE ✓ of First District.			LAMPSON	4		SCHELL	2		WINANS	2	
EVEY	8		LARKIN	5		SCHOMP	3		WYATT	3	
FARRELL	119		LARUE	6		SHAFTER	1		MR. PRESIDENT	114	

Ayes _____

Noes _____

3)

Leave of absence.

Leave of absence was granted to Messrs ~~[illegible]~~ Ohleyer, Chapman, Nelson, Estes, O'Sullivan, Lavigne and O'Donnell for one day. and to Mr. Watts for six days.

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

Petition

By Mr. Condon, from the Carpenters and Millwrights association, against the employment of convict labor by contractors

4)

Referred to the Committee of the whole.

Reports.

By Mr. Smith of Santa Clara

DIGITIZED BY

5

Majority Report

Mr President.

Your Committee on Lands and Homestead Exemption to whom was referred Amendments No 6 by Mr Evey
No 90 " " Dowling
" 104 " " Freeman
" 179 " " Ayers
" 430 " " Barton
" 512 " " Davis have had the same under consideration, and recommend that no further action be taken thereon.
Also Amendment No 143 by Mr O'Sullivan No 511 by Mr E.O. Smith part of which has been reported by the Committee on Chinese, and on the part not reported we recommend that no further action be taken.
Amendment No 406 by Mr E O Smith the Committee have embodied in the accompanying article and recommend its adoption

E O Smith Chairman

Joseph C. Brown
George Ohleyer
S. Schomp
P W J Sweasey

Thomas McConnell
J. M. Charles

Majority Report
of Com on Lands &
Homestead Exemption

Dec 14. 78

Read & laid on table
until the Report of
the Minority is made

Thornton
Coal Reg

3

2

6)

Report received and the proposed amendment read and ordered to lay on the table until the minority report shall be presented.

By Mr. Barnes.

7

Dec 14. 1878

Mr. President.

Your Committee appointed to draft ~~petitions~~ memorial to be forwarded to the Governors of Oregon, Nevada and Washington territory most respectfully submit the following and recommend ~~their~~ its adoption — and also that it be printed in the Journal

for the Committee
W. H. L. Barnes
Volney E. Howard
P. T. Dowling

8)

Report received and the proposed petition ordered to lay on table and be printed.

R. J. Mills.

9/

Mr President

The Committee on Chinese to whom was referred the resolution of the Convention instructing the Committee to prepare and report memorials to the President, Senate and House of Representatives of the United States, praying for a modification of the treaty with China and the necessary national legislation for the prohibition of Chinese immigration, beg leave to submit herewith the draft of two memorials upon this subject, one to the President, and one to the Senate and House of Representatives of the United States, with the recommendation that these memorials, if approved by the Convention, be properly engrossed and prepared for the signatures of the members of this Convention, and that all ~~such~~ members be requested to sign the same.

Your Committee respectfully returns herewith the draft of a memorial on the same subject, which was referred to this Committee on the 12th inst, the Committee having failed to adopt the same.

Respectfully submitted

Jos. F. Miller

Chairman

Sacramento Dec 14. 1878

10

Report received, and the following memorials read.

11

To the President
of the United States

We the members
of the Constitutional
Convention of the State of California,
respectfully represent, that
the continued immigration of
Chinese to this coast, endanges
the health, peace and prosperity
of the people

This representation we
make upon our own knowledge
of the facts, and therefore
earnestly request such
Executive action in respect
to the existing treaty with
China, as will afford relief
from the evils of such
immigration

12)

To the Honorable the Senate and House of Representatives of the United States.

We the members of the Constitutional Convention of the State of California, respectfully represent, that the continued immigration of Chinese to this coast endangers the health, peace and prosperity of the people.

This representation we make upon our own knowledge of the facts, and therefore, earnestly ask, that the necessary national legislation be promptly ~~made~~ had to prohibit their further immigration

13)

Mr. Milly moved the adoption of the memorials

Mr Barnes moved that the memorials be recommitted to the committee on Chinese, with request that they insert a brief statement of facts.

~~Mr. M~~

Messrs Howard, Freud, Lindow McCommas and Herrington demanded the previous question which was ordered by the convention

14)

The question being taken on the motion of Mr. Barnes the Memorials were recommitted with instructions

Committee of the Whole.

On motion of Mrs Howard the Convention resolved itself into Committee of the whole — President Hoyt in the Chair — to further consider the article on Chinese.

At twelve o'Clock and forty 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 ~~recess~~ two o'Clock P. M.

Afternoon Session

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

President Protem Belcher in the chair.

Roll called and Quorum present.

~~On a Committee of the whole.~~

Messrs. Beersticher and Hilborn were granted one days leave of absence

16)

Committee of the Whole

On motion of Mr. Joyce the convention resolved itself into committee of the whole — Mr. Zimmin in the chair — to further consider the article on Chinese.

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

In Convention.

Mr. Zimmin in the chair.

Mr. Larkin moved a call of the House, which was ordered by the Convention.

The roll was called and the following members were found present.

17)

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			SHOEMAKER		
AYERS	2		FILCHER	20		LEWIS	1		SHURTLEFF	1	
BARBOUR	3		FINNEY	1		LINDOW			SMITH of Santa Clara.	2	
BARNES			FREEMAN			MANSFIELD	2		SMITH of Fourth District.	3	
BARRY	4		FREUD	2		MARTIN of Alameda.			SMITH of San Francisco.	4	
BARTON	5		GARVEY	3		MARTIN of Santa Cruz.	2		SOULE	5	
BEERSTECHER			GLASSCOCK			McCALLUM	4		STEDMAN	6	
BELCHER			GORMAN	4		McCOMAS	5		STEELE	7	
BELL	6		GRACE	1		McCONNELL	6		STEVENSON	8	
BERRY			GRAVES			McCOY	7		~~STRONG~~		
BIGGS			GREGG	6		McFARLAND			STUART	9	
BLACKMER	7		HAGER			McNUTT	8		SWEASEY	70	
BOGGS	8		HALE			MILLER	9		SWENSON	1	
BOUCHER			HALL	7		MILLS			SWING		
BROWN	9		HARRISON	8		MOFFAT	50		TERRY		
BURT	10		HARVEY	2		MORELAND	1		THOMPSON	2	
CAMPBELL			HEISKELL	9		MORSE	2		TINNIN	3	
CAPLES	84		HEROLD			MURPHY			TOWNSEND	4	
CASSERLY			HERRINGTON	10		NASON	3		TULLY	4	
CHAPMAN			HILBORN			NELSON			TURNER	5	
CHARLES	1		HITCHCOCK			NEUNABER	4		TUTTLE	6	
CONDON	2		HOLMES	1		NOEL	86		VACQUEREL		
COWDEN			HOWARD	2		O'DONNELL			VAN DYKE		
CROSS	3		HUESTIS	3		OHLEYER			VAN VOORHIES	7	
CROUCH			HUGHEY	1		O'SULLIVAN			WALKER of Marin.		
DAVIS	4		HUNTER			OVERTON			WALKER of Tuolumne.	8	
DEAN	5		INMAN			PORTER	5		WATERS		
DOWLING	6		JOHNSON			PROUTY	6		WEBSTER	9	
DOYLE			JONES	4		PULLIAM			WELLER	80	
DUDLEY of San Joaquin and Amador.			JOYCE	5		REDDY			WELLIN	1	
DUDLEY of Solano.			KELLY	6		REED	87		WEST	2	
DUNLAP	7		~~KENNY~~			REYNOLDS	4		WICKES		
EAGON			KEYS			RHODES	8		WHITE	3	
EDGERTON			KLEINE	7		RINGGOLD	9		WILSON of Tehama.		
ESTEY of Contra Costa and Marin.	8		LAINE	8		ROLFE	60		WILSON of First District.		
ESTEE of First District.			LAMPSON	69		SCHELL			WINANS		
EVEY	9		LARKIN	9		SCHOMP			WYATT		
FARRELL			LARUE	40		SHAFTER			MR. PRESIDENT		

Ayes 88

Noes 1

18)

Mr. Ayers moved that the Sergeant-at-arms be directed to arrest all absentees (without leave) and have them at the Bar of the Convention on Monday, Dec. 16th at 10 o'clock a. m.

Mr. Reynolds moved to dispense with further proceedings under the call.

at three o'clock and twenty minutes P. M.

Mr. Noel moved to adjourn

Lost

19)

Mr. Larkin moved to lay further proceedings under the call on the table, which motion prevailed.

Mr. Smith of Fourth district rose to a question on an article published in the San Francisco Chronicle.

Resolution

By Mr. Larkin

20)

Resolved - That the Sergeant-at-arms is hereby requested to furnish the convention the number of employes now employed by the convention, and to state if there are any that are not required for the performance of the work in future: Also if there are any employes that are not authorized by Law.

adopted.

21) Mrs. Larkin moved that the Convention resolved itself into committee of the whole.

at three o'Clock and thirty five minutes P.M. Mrs. Gregg moved to adjourn.

Lost.

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21) The Convention resolved itself into committee of the whole — Mrs Tinnin in the chair — to further consider the article on Chinese.

22)

at four o'clock and twenty minutes P.M the committee above, reported progress and asked leave to sit again

In convention.

Mr. Timmin in the chair.

at four o'clock and twenty five minutes P.M on motion of Mr. Bulley the convention adjourned.

12/14/78

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