

1)
In Convention
Assembly Chambers
State Capitol

Sacramento,

Monday Feb. 7th 1879

Convention met pursuant
to adjournment

On the absence of the President
and President pro tem the Con-
vention was called to order

by Secretary Smith

~~Mr. Murphy~~
on motion of Mr. Johnson, ~~Ad.~~
Murphy was ^{elected} ~~called~~ as
~~Chair~~ presiding officer.

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

AYES -----

NOES -----

29
20
1
2
4

Journal 04/11

Date	Time	Location	Observations
04/11/2011	08:00	Field Station	Clear sky, 15°C
04/11/2011	09:30	Field Station	Light rain, 12°C
04/11/2011	11:00	Field Station	Overcast, 10°C
04/11/2011	13:00	Field Station	Thunderstorm, 8°C
04/11/2011	15:00	Field Station	Heavy rain, 5°C
04/11/2011	17:00	Field Station	Thunder, 3°C
04/11/2011	19:00	Field Station	Clear, 1°C
04/11/2011	21:00	Field Station	Light snow, -1°C
04/11/2011	23:00	Field Station	Clear, -3°C
05/11/2011	06:00	Field Station	Clear, -5°C
05/11/2011	08:00	Field Station	Light snow, -7°C
05/11/2011	10:00	Field Station	Overcast, -8°C
05/11/2011	12:00	Field Station	Thunder, -9°C
05/11/2011	14:00	Field Station	Heavy rain, -10°C
05/11/2011	16:00	Field Station	Thunder, -11°C
05/11/2011	18:00	Field Station	Clear, -12°C
05/11/2011	20:00	Field Station	Light snow, -13°C
05/11/2011	22:00	Field Station	Clear, -14°C
05/11/2011	24:00	Field Station	Clear, -15°C

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1922

Leave of absence

Leave of absence was granted for one day to Messrs. McCoy, Keys, for two days to Mrs. Wilson of Rehama, and for three days to Messrs Sampson and Edgerton.

on motion of Mr. Beersstecher the reading of the journal was dispensed with and the same approved.

Resolution

By Mr. Beersstecher,

Whereas a bill for the restriction of Chinese immigration has passed both houses of Congress, therefore in view of the vital importance of such restriction measures to the citizens of this State, We the delegates of the people in Constitutional Convention assembled, do hereby on behalf of ourselves, and our constituents most respectfully ask the President of these United States to approve such bill.

Benton

Mr. Barton offered the following amendment

3
Resolved, That the Secretary of
this Convention be hereby
instructed to telegraph
our delegation in Congress
to send the President to the
absence of delegate Stuart's
name from the Memorial
to Congress on the Chinese question, which
lately passed this body, as
sufficient answer ^{from} ~~to~~ the
~~will of~~ the people of this
state to the injustice done
~~our people~~ ^{them} by the use of
that delegates speech
~~held~~ on the floor of the

6
2
United States Senate on
the passage of the bill
restricting Chinese immi-
gration, J. A. Poston

Myers, Water, Larkin,
Lumpkin, Boyle and
Smith of Santa Clara de-
manded the previous question
which was ordered by
the convention.

~~Poston~~

7
The amendment of Mrs. Barton was rejected and the original resolution of Mrs. Beustehus was unanimously adopted.

Mrs. Beustehus moved that the secretary be directed to immediately telegraph the resolution to the President.

So ordered.

General Files. -

(Amendment. No 5 21 - resumed.) -

41
Sep. 26.

The committee recom-
mended that Section
26 be stricken out.

Concurred in.

~~Mr. Schell moved that
the further consideration
of the article be made
the special order for
Monday Feb. 18th 1899 at
two o'clock P.M.~~

Section 9 was tempo-
rarily passed.

9/

Mr. Linn offered the following amendment:

Amend section one, by striking out all after the word, "Counties" in the first line and insert the following:

Cities and counties, Cities, towns, school districts and supervisor districts, and other municipal subdivisions of the various Counties are hereby recognized as legal subdivisions of the State

101
and shall so remain until
changed, modified or abo-
lished by law.

110
Mr. Turner made a point
of order that the amendment
was not in order, the amend-
ments of the committee of the
whole not having been dis-
posed of.

The chair sustained the point.

Mr. Schell moved that the
further consideration of the
article be made the spe-
cial order for Tuesday, Feb.
18th 1879 at two o'clock P.M.

So ordered.

11)
At ~~the~~ ten o'clock and thirty
minutes a.m. Mrs. Jolley
moved that the convention
take a recess till two o'clock
P.M.

Lost.

Committee of the whole.

On motion of Mrs. Cross the
convention resolved itself
into committee of the whole
to consider the following
amendment reported by
the committee on Mis-
cellaneous subjects.

12
Amendment.

No. 535.

INTRODUCED BY COMMITTEE ON MISCELLANEOUS SUBJECTS.

JANUARY 25TH, 1879.

READ, ORDERED PRINTED, AND REFERRED TO COMMITTEE OF THE WHOLE.

ARTICLE —.

SECTION 1. The City of Sacramento is hereby declared to be the seat
2 of government of this State, and shall so remain until changed by law ; but
3 no law changing the seat of government shall be valid or binding, unless the
4 same be approved and ratified by a majority of the qualified electors of the
5 State voting therefor at a general State election, under such regulations and
6 provisions as the Legislature by a two-thirds vote of each House may provide,
7 submitting the question of change to the people.

SEC. 2. Any citizen of this State who shall, after the adoption of this
2 Constitution, fight a duel with deadly weapons, or send or accept a challenge
3 to fight a duel with deadly weapons, either within this State or out of it, or
4 who shall act as second, or knowingly aid or assist in any manner those thus
5 offending, shall not be allowed to hold any office of profit, or to enjoy the
6 right of suffrage under this Constitution.

SEC. 3. Members of the Legislature, and all officers, executive and
2 judicial, except such inferior officers as may be by law exempted, shall, before

3 they enter upon the duties of their respective offices, take and subscribe the
4 following oath or affirmation :

5 "I do solemnly swear (or affirm, as the case may be,) that I will sup-
6 port the Constitution of the United States and the Constitution of the State
7 of California, and that I will faithfully discharge the duties of the office of
8 —, according to the best of my ability."

9 And no other oath, declaration, or test, shall be required as a qualifica-
10 tion for any office or public trust.

SEC. 4. All officers or Commissioners, whose election or appointment
2 is not provided for by this Constitution, and all officers or Commissioners,
3 whose office or duties may hereafter be created by law, shall be elected by the
4 people, or appointed, as the Legislature may direct.

SEC. 5. The fiscal year shall commence on the first day of July.

SEC. 6. Suits may be brought against the State in such manner and
2 in such Courts as shall be directed by law.

SEC. 7. No contract of marriage shall be invalidated for want of con-
2 formity to the requirements of any religious sect. But no marriage hereafter
3 contracted in this State shall be valid between the parties thereto unless a
4 public record thereof be made in such manner as may be provided by law.

SEC. 8. All property, real and personal, owned by either husband or
2 wife before marriage, and that acquired by either of them afterwards by gift,
3 devise or descent, shall be their separate property.

SEC. 9. No perpetuities shall be allowed except for eleemosynary
2 purposes.

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SEC. 10. Every person shall be disqualified from holding any office
2 of profit in this State who shall have been convicted of having given or offered
3 a bribe to procure his election or appointment.

SEC. 11. Laws shall be made to exclude from office, serving on juries,
2 and from the right of suffrage, those who shall hereafter be convicted of brib-
3 ery, perjury, forgery, or other high crimes. The privilege of free suffrage
4 shall be supported by laws regulating elections and prohibiting, under ade-
5 quate penalties, all undue influence thereon from power, bribery, tumult or
6 other improper practice.

SEC. 12. Absence from this State, on business of the State or of the
2 United States, shall not affect the question of residence of any person.

SEC. 13. A plurality of the votes given at any election shall constitute
2 a choice, where not otherwise directed in this Constitution.

SEC. 14. The Legislature shall provide, by law, for the maintenance
2 and efficiency of a State Board of Health.

SEC. 15. Mechanics, material men, artisans, and laborers of every
2 class, shall have a lien upon the property upon which they have bestowed
3 labor or furnished material, for the value of such labor done and material
4 furnished; and the Legislature shall provide, by law, for the speedy and effi-
5 cient enforcement of said liens.

SEC. 16. The amount named in either a fire or marine insurance
2 policy shall be deemed to be the true value of the property insured for
3 insurance purposes.

SEC. 17. When the term of any officer or Commissioner is not provided for in this Constitution, the term of such officer or Commissioner may be declared by law; and, if not so declared, such officer or Commissioner shall hold their position as such officer or Commissioner during the pleasure of the authority making the appointment; but in no case shall such term exceed four years.

SEC. 18. No persons other than citizens, or those who have declared their intentions to become such, shall hereafter acquire or own, either by purchase or otherwise, real property in this State contrary to this provision—such property shall escheat to the State; nor shall any lands in this State be held in trust for any alien; but the creation of any trust in lands for the benefit of an alien shall at once escheat the land to the State.

at twelve o'clock and
 thirty minutes P.M. the
 Committee arose
 reported progress
 and asked leave to
 sit again
 In Convention
 Mr. Murphy in the Chair.
Proceeds.
 The hour having arrived

The Convention took
a recess till two o'clock
P. M.

Afternoon Session.

Convention reassembled at
two o'clock P. M.

Mrs. Murphy in the Chair

Quorum present

Committee of the whole.

on motion of Mr. Dean the
Convention resolved itself
into committee of the whole -
Mrs. Murphy in the Chair - to fur-
ther consider the articles on

Miscellaneous subjects.

at four o'clock and thirty
minutes P.M. on ~~Motion of~~
The committee arose, reported
the article back with
amendments, and recom-
mended the adoption as
amended.
In Convention

Mr. Murphy in the chair.
on motion of Mr. Barstow
480 copies of the articles
on Miscellaneous subjects
was ordered printed as
amended.
at four o'clock and 30 minutes Mr. Mc
Farland moved to adjourn
Lost

18/

Committee of the whole,

on motion of Mr Ayres the
Convention resolved itself
into Committee of the whole -
Mrs Murphy in the Chair - to con-
sider Amendment No 536

Relative to distribution of powers,
as follows. Article 11

Sec. The powers of the Government
of the State of California shall
be divided into three separate
departments - the Legislative,
the Executive and Judicial; and
no person charged with the
exercise of powers properly
belonging to one of these
departments shall exercise

19/

any functions appertaining
to either of the others, except
in the cases hereinafter
expressly directed or
permitted.

Sec. 2 The Legislature
may provide that causes
submitted in the courts
shall be decided within
a limited time, under such
conditions as may be provided
by law.

at four o'clock and
forty five minutes P.M.
the committee arose

20)

reported the amendment
back with amendments
and recommended its
adoption as amended.

In Convention

Mr. Murphy in the chair
on motion of Mrs O'Sul-
livan 480 copies of the
article on distribution
of power, as amended
was ordered printed.

Committee of the whole

on motion of Mrs O'Connell
the convention resolved

21)
itself into committee
of the whole - Mrs. Murphy
in the chair - to consider
the following article
reported by the committee
on State and Municipal
indebtedness:

INTRODUCED BY COMMITTEE ON STATE AND MUNICIPAL INDEBTEDNESS.

JANUARY 22D, 1879.

READ, ORDERED PRINTED, AND REFERRED TO COMMITTEE OF THE WHOLE.

ARTICLE —

STATE INDEBTEDNESS.

SECTION 1. The Legislature shall not, in any manner, create any debt
2 or debts, liability or liabilities, which shall, singly or in the aggregate with
3 any previous debts or liabilities, exceed the sum of three hundred thousand
4 dollars, except in case of war to repel invasion or suppress insurrection, unless
5 the same shall be authorized by some law for some single object or work to be
6 distinctly specified therein, which law shall provide ways and means, exclu-
7 sive of loans, for the payment of the interest of such debt or liability as it
8 falls due, and also to pay and discharge the principal of such debt or liability
9 within twenty years of the time of the contracting thereof, and shall be irre-
10 pealable until the principal and interest thereon shall be paid and discharged;
11 but no such law shall take effect until, at a general election, it shall have
12 been submitted to the people and shall have received a majority of all the
13 votes cast for and against it at such election; and all moneys raised by
14 authority of such law shall be applied only to the specific object therein
15 stated, or to the payment of the debt thereby created; and such law shall be
16 published in at least one newspaper in each judicial district, if one be pub-
17 lished therein, throughout the State for three months next preceding the elec-
18 tion at which it is submitted to the people.

23) at five o'clock and
fifty minutes P.M. the
Committee arose and
reported the article back
with amendment and
recommended its adop-
tion as amended.

In Convention

Mr Murphy in the Chair,
at ~~four~~ five o'clock and
fifty minutes P.M. Mr.
Vaegnerel moved to
adjourn
Lost.

24)

Resolution

On motion of Mr. O'Sullivan
H80 copies of the
The article on State insur-
edness as amended was
ordered printed

Mr. Ayer moved to take
up the Resumable and bill
of rights.

Lost.

General File

Amendment No. 522

Local option

Mr. Walter moved that
the Section be indefi-
nitely postponed

23)

Carried.

Mr. Sarkin moved to
take up Amendment No

524

Adjournment

At four o'clock and
fifty five minutes P.M.

on motion of Mr.

LaQue the Conven-

tion adjourned.

2/17/49

(2/16 - Sunday)

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2/17/49
L. P. P.