In Convention
Assembly Chamber
State Capitol
Sacramento
Friday June 22d 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	/		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 _____

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~~Leave of absence.~~

Leave of absence was granted for two days to Mr. Smith of Santa Clara.

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

Resolutions concerning ~~Resolutions concerning~~ the death of Hon. Bernard F. Kenny ~~the death of Hon. Bernard F. Kenny~~ ~~accommodation~~

Mr. Dowling offered the following Resolutions, which were unanimously adopted:—

4)

Whereas— It has pleased Almighty God to remove from our midst, by death, one of the delegates to this Convention, the Hon. Bernard F. Kenny, a native of the City and Co. of San Francisco, therefore

Resolved,

That it is with feelings of profound regret that we have heard of the death of the Hon. Bernard F. Kenny, a delegate to this Convention from the City and Co. of San Francisco, ~~therefore~~,

Resolved,

That in his death this Convention has lost an honest and faithful member, Society a useful, a moral, and intelligent citizen, and his Parents ~~and~~ fond and affectionate Son—

Resolved,

That in this hour of deep affliction and grief we sincerely tender his Parents our sincere Condolence and profound Sympathy

Resolved

That a Committee of six be appointed by the Chair to act as pall bearers and convey the remains of the deceased to the place of burial and to defray all necessary expenses in Connection with his funeral out of the funds of the Convention

Resolved ~~that the Sec~~ — be requested to forward a copy of these resolutions to the Parents of deceased

Resolved that this Convention do ~~now adjourn~~ adjourn at 12 o'clock on Saturday — Out of respect to the Memory of the deceased till 2 o'clock on Monday next —

~~Resolved~~

5)

The ~~committee~~ President appointed under the foregoing resolutions the following

	~~Names of~~ Committee to act as Wall bearers
	Mr – Beerstecher of San Francisco —
	Mr – Barnes " " "
	Mr – McCallum of Alameda
	Mr – Barbour of San Francisco
	Mr Larkin " El Dorado, and
	" Reddy of Inyo

Petitions

Messrs Van Dyke, Farrell, Wellin, Terry, Gorman, Larkin, Thompson, Herrold, and Smith of San Francisco, presented petitions praying for a Lien Law provision in the Constitution

Over

Referred to Committee on
Miscellaneous Subjects

4)

Proposed Amendment.

By Mr. Estes - No 513.

Relating to constructive fees of officers.

Ordered printed, and referred to the Committee on Legislative Department

~~Amendment~~ to rule.

~~By~~ Mr. Campbell: gave notice that on to-morrow he would move the following resolutions. Resolved: That rules one be amended so as to read as follows:

The convention shall meet each day of sitting at half-past nine o'clock a.m., unless it shall adjourn to some other hour.

7)

Resolved: That rule two be amended so as to read as follows:

The convention shall take a recess each day from half past twelve o'Clock P.M. to two o'Clock P.M. and from five o'Clock P.M. or such earlier hours as the convention may determine untill seven o'Clock P.M.

Laid over one day under the rules.

Report

By Mr Tinnin

The committee on Water and water Rights to

8) Whom were referred propositions Numbers 2-30-63-93-144-172-283-337-362-363-364-412 and 428 Some carefully considered said propositions and recommended that no further action be had thereon

The committee recommend that the following sections be made part of the constitution:

Sec. 1. All waters appropriated, or that may hereafter be appropriated for sale or rental is hereby declared public, and subject to the control of the State.

Sec. 2. The unappropriated waters of the Lakes and Rivers of this State, are declared to be public property, and may be

9) appropriation by individuals, associations, or corporations, subject to such conditions, and restrictions, as the Legislature may impose.

Section 3. The Legislature shall enact laws permitting the appropriation of waters, and the owners or occupants of land, to construct levees, ditches, canals, ~~flumes, and aqueducts~~, or run their waters through natural channels, for agriculture, mining, manufacturing, milling, domestic, drainage, reclamation or sanitary purposes across the

10)

land of others.

W. J. Tinnin

E. P. Soule

Thomas McConnell

M. R. C. Pulliam

Jno. Walker

G. W. Hunter

J. H. Estes

Ruth McCommas

Josiah Boucher

John McCoy

Daniel Lewis

J. A. Fletcher

J. H. Keys

Said on the table until

(11)

An minority report should be submitted.

Resolution

By Mr. Herrington.

Resolved

That the Board of Commissioners of Transportation be requested to furnish to this Commission at as early a day as practicable a compilation of all the general and special laws hitherto passed under which Rail Road corporations have been formed or franchises granted together with an abstract of subsidies granted and subscriptions made to corporations by the State and the several Counties thereof provided the expense of the printing thereof be not chargeable to the funds provided for the expenses of this Commission

adopted.

12)

~~Committee of the Whole.~~

On motion of Mr. Estee the Convention resolved itself into committee of the whole - President Hoge in the Chair - Yo Furthes consider the article on Corporations.

at " o'Clock and 5-9

Minutes a M. the Committee arose, reported progress and asked leave to sit again.

~~In Convention.~~

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.

~~Committee of the whole~~

On motion of Mr. Estee, the convention resolved itself into Committee of the whole — President Hoge in the chair — to further consider the article on Corporations.

at five o'clock ~~and~~ ~~[illegible]~~ P. M. the Committee arose, reported progress, and asked leave to sit again

(13)

~~The Convention~~ adjourned at five o'clock and thirty minutes P. M., on motion of Mrs Shoemaker, the Convention adjourned

D. CHIGIOTTI

D. GHIGLIOTTI

11/23/78

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