1)

In Convention
Assembly Chamber
State Capitol
Sacramento
Friday Feb. 14th 1879

Convention met
pursuant to ad-
journment
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			LARUE	57		SHAFTER	86	
AYERS	2		FILCHER	27		LAVIGNE	58		SHOEMAKER		
BARBOUR	3		FINNEY			LEWIS	59		SHURTLEFF	87	
BARNES			FREEMAN	28		LINDOW	60		SMITH of Santa Clara.	88	
BARRY	4		FREUD	29		MANSFIELD	61		SMITH of Fourth District.	89	
BARTON	5		GARVEY	30		MARTIN of Alameda.	62		SMITH of San Francisco.	90	
BEERSTECHER	6		GLASSCOCK	31		MARTIN of Santa Cruz.	63		SOULE	12	-121
BELCHER			GORMAN	32		McCALLUM			STEDMAN	91	
BELL	7		GRACE	124		McCOMAS	64		STEELE	92	
BERRY			GRAVES	33		McCONNELL	65		STEVENSON	93	
BIGGS	8		GREGG			McCOY	120		STUART		
BLACKMER			HAGER	34		McFARLAND	66		SWEASEY	94	
BOGGS	9		HALE			McNUTT	67		SWENSON	95	
BOUCHER	10		HALL	35		MILLER			SWING	96	
BROWN	11		HARRISON	36		MILLS	68		TERRY		
BURT	12		HARVEY	37		MOFFAT	69		THOMPSON	97	
CAMPBELL	14		HEISKELL	38		MORELAND	70		TINNIN	98	
CAPLES	13		HEROLD	39		MORSE	71		TOWNSEND	99	
CASSERLY			HERRINGTON	40		MURPHY			TULLY	100	
CHAPMAN			HILBORN	41		NASON	72		TURNER	101	
CHARLES	14		HITCHCOCK	42		NELSON	73		TUTTLE	102	
CONDON	15		HOLMES	43		NEUNABER	74		VACQUEREL	103	
COWDEN	16		HOWARD of Los Angeles.	125		NOEL	75		VAN DYKE	104	
CROSS	17		HOWARD of Mariposa and Merced.	44		O'DONNELL	76		VAN VOORHIES	105	
CROUCH	18		HUESTIS	45		OHLEYER	77		WALKER of Marin.		
DAVIS	19		HUGHEY	46		O'SULLIVAN	78		WALKER of Tuolumne.	106	
DEAN	20		HUNTER	47		OVERTON			WATERS	122	
DOWLING	21		INMAN	48		PORTER	79		WEBSTER	107	
DOYLE	22		JOHNSON			PROUTY	9		WELLER	108	
DUDLEY of San Joaquin and Amador.			JONES	49		PULLIAM	80		WELLIN	109	
DUDLEY of Solano.	123		JOYCE	50		REDDY			WEST	110	
DUNLAP	119		KELLY	51		REED	81		WICKES	111	
EAGON	126		KENNY	52		REYNOLDS			WHITE	112	
EDGERTON	23		KEYS	53		RHODES	82		WILSON of Tehama.	113	
ESTEY of Contra Costa and Marin.	24		KLEINE	54		RINGGOLD	83		WILSON of First District.		
ESTEE of First District.			LAINE	55		ROLFE	84		WINANS	114	
EVEY	25		LAMPSON			SCHELL	118		WYATT	115	
FARRELL	26		LARKIN	56		SCHOMP	85		Mr. PRESIDENT	116	

122
124
5
6

Ayes _____

Noes _____

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

Resolution

By Mr. O'Sullivan

Resolved, That no scrip for per diem, shall be issued to Delegates who absent themselves ~~from~~ seven days from the sittings of the Convention.

Mr. Ringgold moved to lay the resolution on the table upon which the ayes and noes were demanded

4)

by messrs. O'Sullivan, Beersteches, White, Lindow and Freud.

stationary

The roll was called and the motion was lost by the following vote:

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	17		SHAFTER	31	
AYERS		2	FILCHER		23	LAVIGNE		39	SHOEMAKER		
BARBOUR			FINNEY			LEWIS	18		SHURTLEFF		55
BARNES			FREEMAN		24	LINDOW		40	SMITH of Santa Clara.	32	
BARRY		3	FREUD		25	MANSFIELD		41	SMITH of Fourth District.		56
BARTON	1		GARVEY		26	MARTIN of Alameda.		42	SMITH of San Francisco.		57
BEERSTECHER		4	GLASSCOCK	3		MARTIN of Santa Cruz.		43	SOULE		58
BELCHER			GORMAN		27	McCALLUM			STEDMAN		59
BELL		5	GRACE	43		McCOMAS		44	STEELE		60
BERRY			GRAVES	4		McCONNELL		45	STEVENSON	33	
BIGGS	45		GREGG			McCOY			STUART		
BLACKMER			HAGER	5		McFARLAND	19		SWEASEY		61
BOGGS		6	HALE			McNUTT	20		SWENSON		62
BOUCHER		7	HALL	6		MILLER			SWING	44	~~63~~
BROWN		8	HARRISON		28	MILLS	21		TERRY		
BURT		9	HARVEY		29	MOFFAT		46	THOMPSON		64
CAMPBELL			HEISKELL	7		MORELAND	22		TINNIN		65
CAPLES		10	HEROLD	8		MORSE		47	TOWNSEND		66
CASSERLY			HERRINGTON	9		MURPHY			TULLY	34	
CHAPMAN			HILBORN	10		NASON		48	TURNER		
CHARLES			HITCHCOCK	11		NELSON		49	TUTTLE		67
CONDON		11	HOLMES	12		NEUNABER		50	VACQUEREL		68
COWDEN		12	HOWARD of Los Angeles.			NOEL		51	VAN DYKE		69
CROSS		13	HOWARD of Mariposa and Merced.	13		O'DONNELL	23		VAN VOORHIES		70
CROUCH			HUESTIS		30	OHLEYER	24		WALKER of Marin.		
DAVIS		14	HUGHEY	14		O'SULLIVAN		52	WALKER of Tuolumne.	35	
DEAN		15	HUNTER	15		OVERTON			WATERS	36	
DOWLING		16	INMAN		31	PORTER	25		WEBSTER		71
DOYLE		17	JOHNSON			PROUTY			WELLER	37	
DUDLEY of San Joaquin and Amador.			JONES		32	PULLIAM	26		WELLIN		72
DUDLEY of Solano.	2		JOYCE		33	REDDY			WEST		73
DUNLAP	41	18	KELLY		34	REED	27		WICKES		74
EAGON			KENNY		35	REYNOLDS			WHITE		75
EDGERTON	42	18	KEYS		36	RHODES		53	WILSON of Tehama.	38	
ESTEY of Contra Costa and Marin.		20	KLEINE		37	RINGGOLD	28		WILSON of First District.		
ESTEE of First District.		19	LAINE	16		ROLFE		54	WINANS	39	
EVEY		21	LAMPSON			SCHELL	29		WYATT		76
FARRELL		22	LARKIN		38	SCHOMP	30		Mr. PRESIDENT	40	

Ayes 45

Noes 73

41 75
42 74
43 73
44
45

6)

Mr. Rolf offered the following amendment.

add to resolution

"for the time of ~~drawing~~ such absence."

Mr. Reynolds raised a point of order that the resolution was in conflict with the act of the Legislature.

The President decided the point well taken and ruled this resolution out of order.

By Mr. Kelley.

Resolved, That the Secretary of State, be requested to furnish to this Convention the amount of Stationary drawn by each member of this body,

7)

adopted.

By Mr Laine.

~~I move~~ Resolved, that ~~800~~ 960 copies of the article on Judicial Department as ordered engrossed be ~~ordered~~ printed.

~~Laine~~

adopted.

Notice.

Mr. President:
Notice is hereby given that on to-morrow, I will move to amend rule Forty-three of the Standing Rules of this Body by striking out from line one the word "ten" and inserting in lieu thereof the word "five".

~~Feby 14th 1870~~

~~Schell~~

(8)

General File

Amendment No. 304 – resumd.

Messrs Larkin, Dunlap, Waters, Condon, and Swenson demanded the previous question.

2 Upon ordering the main question the ayes and noes were demanded by messrs. Ayers, O'Sullivan Steel, Wicks and Grace.

The roll was called and the convention refused to order the main question put by the following vote:—

9/

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		38	SHAFTER		55
AYERS		2	FILCHER	12		LAVIGNE		39	SHOEMAKER		
BARBOUR	1		FINNEY			LEWIS		40	SHURTLEFF		58
BARNES			FREEMAN		17	LINDOW	22		SMITH of Santa Clara.		59
BARRY		3	FREUD		18	MANSFIELD		41	SMITH of Fourth District.		58
BARTON		4	GARVEY		19	MARTIN of Alameda.	23		SMITH of San Francisco.		59
BEERSTECHER		5	GLASSCOCK		20	MARTIN of Santa Cruz.	24		SOULE		60
BELCHER			GORMAN	13		McCALLUM			STEDMAN		61
BELL		6	GRACE		21	McCOMAS		42	STEELE		62
BERRY			GRAVES			McCONNELL		43	STEVENSON		63
BIGGS			GREGG			McCOY		44	STUART		
BLACKMER			HAGER		22	McFARLAND		45	SWEASEY		64
BOGGS	2		HALE			McNUTT	25		SWENSON	36	
BOUCHER	3		HALL		23	MILLER			SWING		65
BROWN		7	HARRISON	14		MILLS	26		TERRY		
BURT		8	HARVEY		24	MOFFAT	27		THOMPSON	37	
CAMPBELL			HEISKELL	15		MORELAND	28		TINNIN		
CAPLES	4		HEROLD	16		MORSE	29		TOWNSEND		66
CASSERLY			HERRINGTON		25	MURPHY			TULLY	38	
CHAPMAN			HILBORN		26	NASON		46	TURNER		67
CHARLES	5		HITCHCOCK		27	NELSON	30		TUTTLE	39	
CONDON		9	HOLMES		28	NEUNABER	31		VACQUEREL		68
COWDEN		10	HOWARD of Los Angeles.	17		NOEL	32		VAN DYKE		69
CROSS		11	HOWARD of Mariposa and Merced.	18	29	O'DONNELL	33		VAN VOORHIES	40	
CROUCH		12	HUESTIS	18		OHLEYER	34		WALKER of Marin.		
DAVIS	6		HUGHEY		30	O'SULLIVAN		47	WALKER of Tuolumne.		70
DEAN	7		HUNTER	19		OVERTON			WATERS	41	
DOWLING		13	INMAN		31	PORTER	35		WEBSTER		71
DOYLE		14	JOHNSON			PROUTY			WELLER		72
DUDLEY of San Joaquin and Amador.			JONES		32	PULLIAM			WELLIN		
DUDLEY of Solano.		15	JOYCE		33	REDDY			WEST		73
DUNLAP	8		KELLY	20		REED		48	WICKES		74
EAGON		16	KENNY		34	REYNOLDS		49	WHITE	42	75
EDGERTON		16	KEYS		35	RHODES		50	WILSON of Tehama.	43	
ESTEY of Contra Costa and Marin.	9		KLEINE		36	RINGGOLD		51	WILSON of First District.		
ESTEE of First District.			LAINE		37	ROLFE		52	WINANS		75
EVEY	10		LAMPSON			SCHELL		53	WYATT	44	
FARRELL	11		LARKIN	21	35	SCHOMP		54	MR. PRESIDENT	45	

AYES 45

NOES 76

76

10)

Messrs Campbell, Hustiss Dean, White and Lindow, demanded the previous question, which was ordered by the Convention.

Upon the adoption of the amendment of Mr Ayers the ayes and noes were demanded by Messrs Ayers, Freeman, Barton, Brown and Grace.

The roll was called and the amendment rejected by the following vote:

11)

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		32	SHAFTER	37	
AYERS	1		FILCHER		13	LAVIGNE		33	SHOEMAKER		
BARBOUR	2		FINNEY			LEWIS	25		SHURTLEFF		48
BARNES			FREEMAN	16		LINDOW		34	SMITH of Santa Clara.	38	
BARRY	55	2	FREUD			MANSFIELD			SMITH of Fourth District.	39	
BARTON	3		GARVEY		14	MARTIN of Alameda.		35	SMITH of San Francisco.		49
BEERSTECHER	1		GLASSCOCK		15	MARTIN of Santa Cruz.		36	SOULE	40	
BELCHER			GORMAN	17		McCALLUM			STEDMAN	41	
BELL	4		GRACE	18		McCOMAS	26		STEELE		1
BERRY			GRAVES		16	McCONNELL		37	STEVENSON	43	
BIGGS			GREGG			McCOY	27		STUART		
BLACKMER			HAGER		17	McFARLAND	28		SWEASEY	44	
BOGGS	5		HALE			McNUTT		38	SWENSON		1
BOUCHER	6		HALL		1	MILLER			SWING		50
BROWN	7		HARRISON		18	MILLS	29		TERRY		
BURT		3	HARVEY		19	MOFFAT	30		THOMPSON		51
CAMPBELL		4	HEISKELL		20	MORELAND			TINNIN		52
CAPLES		5	HEROLD		21	MORSE		39	TOWNSEND	45	
CASSERLY			HERRINGTON	19		MURPHY			TULLY		53
CHAPMAN			HILBORN	20		NASON		40	TURNER	46	
CHARLES	8		HITCHCOCK		22	NELSON		41	TUTTLE	47	
CONDON		6	HOLMES	21	63	NEUNABER		42	VACQUEREL	48	
COWDEN	9		HOWARD of Los Angeles.		23	NOEL	31		VAN DYKE		54
CROSS	10		HOWARD of Mariposa and Merced.		24	O'DONNELL	32		VAN VOORHIES	49	
CROUCH	11		HUESTIS	22		OHLEYER		43	WALKER of Marin.		
DAVIS		7	HUGHEY	23		O'SULLIVAN	33		WALKER of Tuolumne.	50	
DEAN		8	HUNTER		25	OVERTON			WATERS		55
DOWLING	12		INMAN		1	PORTER			WEBSTER		56
DOYLE		9	JOHNSON			PROUTY			WELLER	51	
DUDLEY of San Joaquin and Amador.			JONES		26	RULLIAM		44	WELLIN		57
DUDLEY of Solano.	13		JOYCE		27	REDDY			WEST	52	
DUNLAP		10	KELLY		28	REED		63	WICKES	53	
EAGON	14		KENNY	24		REYNOLDS	34		WHITE		58
EDGERTON	15		KEYS	1		RHODES		45	WILSON of Tehama.		59
ESTEY of Contra Costa and Marin.		11	KLEINE		29	RINGGOLD	35		WILSON of First District.		
ESTEE of First District.			LAINE		30	ROLFE		46	WINANS		60
EVEY		12	LAMPSON			SCHELL		47	WYATT	54	
FARRELL		62	LARKIN		31	SCHOMP	36		MR. PRESIDENT		61

Ayes 55

Noes 67

62
63

12)

The amendment of the Committee as amended was concurred in.

Mr Lainé offered the following amendment to section 5:—

(3)

Amend section 5 of the article on Right of Suffrage by adding at the end thereof the following viz

"Every ballot voted shall be numbered in the order in which it shall be received and the number recorded by the election officers on the list of voters, opposite the name of the voter who presents the ballot. The election officers shall be sworn or affirmed not to disclose how any voter shall have voted, unless required to do so as a witness in a judicial proceeding. In all cases of contested elections the ballots cast may be counted, compared with the list of voters and examined under such safeguards and regulations as may be prescribed by law."

Laws

Messrs Van Dyke, Barton, Larkin, Dean and Hunkins demanded the previous question which was ordered by the convention.

Upon the adoption of the amendment of Mr. Lane the ayes and nays were demanded by Messrs. Lane, Beardsley, Brown, Gorman & Grace.

The roll was called and the amendment rejected by the following vote:—

157

(3)

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	12		SHAFTER	23	
AYERS		2	FILCHER		27	LAVIGNE		49	SHOEMAKER		
BARBOUR		3	FINNEY			LEWIS	13		SHURTLEFF		70
BARNES			FREEMAN		28	LINDOW		50	SMITH of Santa Clara.	18	
BARRY		4	FREUD		29	MANSFIELD			SMITH of Fourth District.		71
BARTON		5	GARVEY		30	MARTIN of Alameda.	14		SMITH of San Francisco.		72
BEERSTECHER		6	GLASSCOCK	3		MARTIN of Santa Cruz.		51	SOULE		73
BELCHER			GORMAN		31	McCALLUM			STEDMAN		74
BELL		7	GRACE		32	McCOMAS		52	STEELE		75
BERRY			GRAVES		33	McCONNELL		53	STEVENSON		76
BIGGS		8	GREGG			McCOY		54	STUART		
BLACKMER			HAGER	4		McFARLAND			SWEASEY		77
BOGGS	1		HALE		34	McNUTT		55	SWENSON		78
BOUCHER	2		HALL		35	MILLER			SWING		79
BROWN		9	HARRISON		36	MILLS	15		TERRY		
BURT		10	HARVEY		37	MOFFAT		56	THOMPSON	19	
CAMPBELL		11	HEISKELL	5		MORELAND		57	TINNIN		80
CAPLES		12	HEROLD		38	MORSE	16		TOWNSEND	20	
CASSERLY			HERRINGTON		39	MURPHY			TULLY		81
CHAPMAN			HILBORN			NASON		58	TURNER		
CHARLES		13	HITCHCOCK	6		NELSON		59	TUTTLE		82
CONDON		14	HOLMES	7		NEUNABER		60	VACQUEREL		83
COWDEN		15	HOWARD of Los Angeles.		40	NOEL		61	VAN DYKE		84
CROSS		16	HOWARD of Mariposa and Merced.	8		O'DONNELL			VAN VOORHIES		85
CROUCH			HUESTIS		41	OHLEYER	17		WALKER of Marin.		
DAVIS		17	HUGHEY			O'SULLIVAN		62	WALKER of Tuolumne.		86
DEAN		18	HUNTER		42	OVERTON			WATERS		87
DOWLING		19	INMAN		43	PORTER		63	WEBSTER		88
DOYLE		20	JOHNSON			PROUTY			WELLER	21	
DUDLEY of San Joaquin and Amador.			JONES	9		PULLIAM		64	WELLIN		89
DUDLEY of Solano.		21	JOYCE		44	REDDY			WEST		90
DUNLAP		22	KELLY	10		REED		65	WICKES		91
EAGON			KENNY		45	REYNOLDS			WHITE		92
EDGERTON		23	KEYS		46	RHODES		66	WILSON of Tehama.		93
ESTEY of Contra Costa and Marin.		24	KLEINE		47	RINGGOLD		67	WILSON of First District.		
ESTEE of First District.			LAINE	11		ROLFE		68	WINANS	22	
EVEY		25	LAMPSON			SCHELL		69	WYATT		94
FARRELL		26	LARKIN		48	SCHOMP			MR. PRESIDENT		95

AYES 23

NOES 95

1/23

(16)

Mr Steel offered the following new Section:—

> Sec — Women, having the requisite qualifications of age and citizenship as prescribed in section one of this article, shall have the right to vote at all elections for School officers, and shall be eligible to any educational office within the State.
>
> E. T. Blackmer

Messrs. Moreland, Hunter, Glasscock Doyle and Pullium demanded the previous question which was ordered by the convention.

Upon the adoption of the amendment of Mr Steel the ayes and nays were demanded

17)

by messrs Ayers, Burton, Brown, Grace and Sweazy.

The roll was called and the amendment rejected by the following vote:—

00 18

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		38	SHAFTER	26	
AYERS	1		FILCHER		17	LAVIGNE		39	SHOEMAKER		
BARBOUR		2	FINNEY			LEWIS	20		SHURTLEFF		
BARNES			FREEMAN	10		LINDOW		40	SMITH of Santa Clara.		
BARRY	2		FREUD	11		MANSFIELD			SMITH of Fourth District.	42	
BARTON	3		GARVEY		18	MARTIN of Alameda.		41	SMITH of San Francisco.		61
BEERSTECHER	4		GLASSCOCK		19	MARTIN of Santa Cruz.		42	SOULE	27	
BELCHER			GORMAN	12		McCALLUM			STEDMAN	28	
BELL	5		GRACE	13		McCOMAS		43	STEELE	29	
BERRY			GRAVES		20	McCONNELL		44	STEVENSON	30	
BIGGS		3	GREGG			McCOY	21		STUART		
BLACKMER			HAGER		21	McFARLAND	22		SWEASEY	31	
BOGGS			HALE			McNUTT			SWENSON		62
BOUCHER			HALL		22	MILLER			SWING		63
BROWN		4	HARRISON		23	MILLS	23		TERRY		
BURT		5	HARVEY		24	MOFFAT			THOMPSON		64
CAMPBELL			HEISKELL		25	MORELAND		45	TINNIN		65
CAPLES		6	HEROLD		26	MORSE		46	TOWNSEND		
CASSERLY			HERRINGTON		27	MURPHY		47	TULLY		66
CHAPMAN			HILBORN	14		NASON		48	TURNER	32	
CHARLES			HITCHCOCK		28	NELSON		49	TUTTLE	33	
CONDON		7	HOLMES		29	NEUNABER		50	VACQUEREL	34	
COWDEN	6		HOWARD of Los Angeles.		30	NOEL		51	VAN DYKE		67
CROSS	7		HOWARD of Mariposa and Merced.		31	O'DONNELL	24		VAN VOORHIES	35	
CROUCH		8	HUESTIS	15		OHLEYER		52	WALKER of Marin.		
DAVIS		9	HUGHEY			O'SULLIVAN	25		WALKER of Tuolumne.	36	
DEAN		10	HUNTER		32	OVERTON			WATERS		68
DOWLING		11	INMAN		33	PORTER		53	WEBSTER		69
DOYLE		12	JOHNSON			PROUTY			WELLER		
DUDLEY of San Joaquin and Amador.	8		JONES		34	PULLIAM		54	WELLIN	37	
DUDLEY of Solano.			JOYCE		35	REDDY			WEST	38	
DUNLAP		13	KELLY	16		REED		55	WICKES	39	
EAGON		14	KENNY	17		REYNOLDS			WHITE		70
EDGERTON	9		KEYS	18		RHODES		56	WILSON of Tehama.	40	
ESTEY of Contra Costa and Marin.		15	KLEINE	19		RINGGOLD		57	WILSON of First District.		
ESTEE of First District.			LAINE		36	ROLFE		58	WINANS		71
EVEY		16	LAMPSON			SCHELL		59	WYATT	41	
FARRELL		73	LARKIN		37	SCHOMP		60	Mr. PRESIDENT		72

Ayes 42

Noes 73

Upon the engrossment of the article Messrs McCommas, Larue, Lane, White and Brown demanded the previous question, which was ordered by the convention.

The article on Suffrage was ordered engrossed for a secon reading:

Notice

I hereby give notice that I will to morrow move to reconsider the vote by which the convention refused to concur in the amendment to Sec. one offered by Mr Ayers

Geo Steele

Resolution

Resolved
That the President of this Convention be is hereby directed not to sign or issue any more scrip or other evidence of claim to any member of this Convention

Mr. Grace moved to lay the resolution on the table, upon which motion the ayes and noes were demanded by Messrs Shaftis, Murphy, Hayes, Burt and Fitches.

The roll was called and the motion prevailed by the following vote:

21

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	49		SHAFTER		21
AYERS	2		FILCHER	25		LAVIGNE		11	SHOEMAKER		
BARBOUR	3		FINNEY			LEWIS		12	SHURTLEFF	67	
BARNES			FREEMAN	26		LINDOW	50		SMITH of Santa Clara.		
BARRY	4		FREUD	27		MANSFIELD		13	SMITH of Fourth District.	68	
BARTON	5		GARVEY	28		MARTIN of Alameda.		14	SMITH of San Francisco.	69	
BEERSTECHER	6		GLASSCOCK	29		MARTIN of Santa Cruz.	51		SOULE	70	
BELCHER			GORMAN	30		McCALLUM			STEDMAN	71	22
BELL	7		GRACE	31		McCOMAS	52		STEELE	72	
BERRY			GRAVES		5	McCONNELL		15	STEVENSON	73	
BIGGS		1	GREGG			McCOY	53		STUART		
BLACKMER			HAGER		6	McFARLAND			SWEASEY	74	
BOGGS		2	HALE			McNUTT	54		SWENSON	75	
BOUCHER	8		HALL	32		MILLER			SWING		
BROWN	9		HARRISON	33		MILLS		16	TERRY		
BURT	10		HARVEY	34		MOFFAT	55		THOMPSON	76	
CAMPBELL		3	HEISKELL	35		MORELAND	56		TINNIN	77	
CAPLES	11		HEROLD	36		MORSE	57		TOWNSEND		22
CASSERLY			HERRINGTON	37		MURPHY		17	TULLY	78	
CHAPMAN			HILBORN		7	NASON	58		TURNER		23
CHARLES		4	HITCHCOCK			NELSON	59		TUTTLE	79	
CONDON	12		HOLMES	38		NEUNABER			VACQUEREL		24
COWDEN		24	HOWARD of Los Angeles.	39		NOEL			VAN DYKE	80	
CROSS	13		HOWARD of Mariposa and Merced.	40		O'DONNELL	60		VAN VOORHIES	81	
CROUCH	14		HUESTIS	41		OHLEYER		18	WALKER of Marin.		
DAVIS	15		HUGHEY			O'SULLIVAN	61		WALKER of Tuolumne.	82	
DEAN	16		HUNTER	42		OVERTON			WATERS	83	
DOWLING			INMAN	43		PORTER	62		WEBSTER	84	
DOYLE	17		JOHNSON			PROUTY			WELLER	85	
DUDLEY of San Joaquin and Amador.			JONES	44		PULLIAM		18	WELLIN	86	
DUDLEY of Solano.	18		JOYCE	93	8	REDDY			WEST	87	
DUNLAP	19		KELLY		9	REED	63		WICKES		
EAGON	20		KENNY	45		REYNOLDS			WHITE	88	
EDGERTON	21		KEYS		10	RHODES	64		WILSON of Tehama.	89	
ESTEY of Contra Costa and Marin.	22		KLEINE	46		RINGGOLD		19	WILSON of First District.		
ESTEE of First District.			LAINE	47		ROLFE	65		WINANS	90	
EVEY	23		LAMPSON			SCHELL	66		WYATT	91	
FARRELL	24		LARKIN	48		SCHOMP		20	Mr. PRESIDENT	92	

Ayes 93

Noes 24

1 24 / 1 / 23

22)

(4) Amendment No. 5-14 - Waters and water rights.

Sec. 1

The Committee of the whole recommended the following:-

[SEC. 1. The use of all water now appropriated, or that may hereafter be appropriated, for sale, rental, or distribution, is hereby declared to be a public use, and subject to the regulation and control of the State in the manner to be prescribed by law.]

Mr. Burbons offered the following amendment to be added to and of Committee amendment:

23) Provided that—

The rates or compensation to be collected by any person, company or corporation in this State, for the use of water supplied to any ~~county~~, city and county, or city or town, or the inhabitants thereof, shall be fixed annually by the Board of Supervisors, or city and county, or City or Town Council, or other governing body of such ~~county, or~~ city and county, or city or town, by ordinance or otherwise, in the manner that other ordinances or legislative acts or resolutions are passed by such body, and shall continue in force for one year and no longer. Such ordinances or resolutions shall be passed in the month of February of each year, and take effect on the first day of July thereafter. Any Board or body failing to pass the necessary ordinances or resolutions fixing water-rates, when necessary, within such time, shall be subject to peremptory process, to compel action at the suit of any party interested, and shall be liable to such further processes and penalties as the Legislature may prescribe. Any person, company or corporation, collecting water-rates in any ~~county~~, city and county, or city or town in this State, otherwise than as so established, shall forfeit the franchises and water-works of such person, company or corporation, to the ~~county or city~~, city and county, or city or town where the same are collected, for the public use.

Recess

The hour having arrived the Convention took a recess till two o'Clock P. M.

Afternoon Session

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

President Hoge in the chair

Quorum present.

The President presented the following communication from the Secretary of State.

25

State of California

DEPARTMENT OF STATE

Sacramento, Feby 14th 1879

To the Hon: the President and Members of the Constitutional Convention.

In compliance with a Resolution this day adopted by the Convention, I have the honor to transmit the accompanying "Statement" of the amount of "Stationery" furnished by me, to "Each" member of the Convention, from the commencement of the Session (Sept 28th 1878) up to and including the 13th day of February 1879.

Very Respectfully
Thomas Beck
Secretary of State

H.

26) A Statement of the Amount of Stationery drawn by each member of the Constitutional Convention, from the Office of the Secretary of State, from the commencement of the Session, up to, and including the 13th day of February AD 1879.

Andrews, A. R.	$6	77	Fawcett, Eugene	$7	10	Larue, Hugh M.	$10	92	Shoemaker, Rufus	$7	86
Ayers, James J.	10	98	Filcher, J. A.	16	76	Lavigne, Raymond	18	34	Shurtleff, Benjamin	7	80
Barbour, Clitus	7	92	Finney, Chas. G.	13	40	Lewis, David	10	93	Smith, E. O. (Santa Clara.)	10	27
Barnes, Wm. H. L.	9	31	Freeman, Abraham C.	5	60	Lindow, John F.	21	44	Smith, George V. (Fourth District.)	24	02
Barry, Edward	8	47	Freud, Jacob R.	9	93	Mansfield, John	10	50	Smith, Henry W. (San Francisco.)	15	35
Barton, James N.	9	45	Garvey, J. B.	9	68	Martin, Edward	15	54	Soule, Ezra P.	3	52
Beerstecher, Chas. J.	20	16	Glasscock, B. B.	8	73	Martin J West	3	70	Stedman, John C.	16	39
Belcher, Isaac S.	8	10	Gorman, Joseph C.	8	88	McCallum, John G.	12	84	Steele, George	16	36
Bell, Peter	16	06	Grace, Wm. P.	16	68	McComas, Rush	9	27	Stevenson, David C.	8	78
Berry, J.	4	05	Graves, Wm. J.	12	65	McConnell, Thomas	10	62	Strong J.M.	5	06
Biggs, Marion	6	85	Gregg, V. A.	18	33	McCoy, John	9	06	Stuart, C. V.	8	86
Blackmer, Eli T.	10	00	Hager, John S.	8	71	McFarland, Thos. B.	7	11	Sweasey, W. J.	8	10
Boggs, H. C.	5	38	Hale, James E.	20	22	McNutt, John F.	8	97	Swenson, Charles	11	86
Boucher, Josiah	16	61	Hall, J. B.	5	02	Miller, John F.	6	40	Swing, Randolph S.	9	98
Brown, Joseph C.	9	09	Harrison, Thomas	15	47	Mills, Hiram	10	14	Terry, David S.	6	27
Burt, Samuel B.	9	72	Harvey, Joel A.	9	43	Moffat, Wm. S.	2	72	Thompson S.B	1	33
Campbell, A., Jr.	5	19	Heiskell, Tyler D.	7	16	Moreland, W. W.	13	16	Tinnin, W. J.	6	70
Caples, James	7	71	Herold, Conrad	6	60	Morse, Lucius D.	7	12	Townsend, F. O.	7	38
Casserly, Eugene	9	95	Herrington, Dennis W.	10	27	Murphy, James E.	4	86	Tully, P. B.	11	78
Chapman, Augustus H.	10	42	Hilborn, S. G.	5	13	Nason, Edmund	11	87	Turner, Henry K.	2	97
Charles, J. M.	5	38	Hitchcock, John R. W.	15	44	Nelson, Thorwald	10	54	Tuttle, Daniel	11	85
Condon, John D.	11	11	Hoge, Joseph P.	5	58	Neunaber, Henry	9	06	Vacquerel, Alphonse	20	71
Cowden, D. H.	8	07	Holmes, Samuel A.	9	16	Noel, Alonzo E.	12	36	Van Dyke, Walter	9	72
Cross, C. W.	14	95	Howard, Volney E.	9	76	O'Donnell, Chas. C.	13	37	Van Voorhies, Wm.	11	79
Crouch, Robert	4	84	Howard Wm J.	13	33	Ohleyer, George	10	34	Walker, Hugh (Marin.)	11	27
Davis, Hamlet	5	30	Huestis, W. F.	13	40	O'Sullivan, James	16	24	Walker, John (Tuolumne.)	9	94
Dean, J. E.	10	34	Hughey, Wm. P.	9	47	Overton, A. P.	8	91	Waters, Byron	10	85
Dowling, Patrick T.	16	28	Hunter, G. W.	10	86	Porter, J. M.	4	77	Webster, Jonathan V.	9	21
Doyle, Luke	12	24	Inman, Daniel	6	67	Prouty, Wm. H.	10	83	Weller, Joseph R.	9	20
Dudley, James M. (Solano.)	9	99	Johnson, G. A.	7	21	Pulliam, Mark R. C.	7	86	Wellin, Patrick M.	18	56
Dudley, W. L. (San Joaquin and Amador.)	11	55	Jones, L. F.	9	59	Reddy, Patrick	8	55	West, John P.	12	33
Dunlap, Presley	7	98	Joyce, Peter J.	15	69	Reed, Charles F.	15	72	Wickes, John T.	9	03
Eagan, John A.	10	95	Kelly, John M.	9	16	Reynolds, James S.	13	22	White, Wm. F.	14	23
Edgerton, Henry	13	26	Kenny, Bernard F.	9	85	Rhodes, John M.	3	77	Wilson, H. C. (Tehama.)	10	04
Estee, Morris M.	16	63	Kenny John J	11	08	Ringold, Charles S.	13	93	Wilson, Samuel M. (First District.)	10	40
Estey, Thomas H.	7	70	Keys, James H.	8	44	Rolfe, Horace C.	13	40	Winans, Joseph W.	15	57
Evey, Edward	11	69	Kleine, Charles R.	8	97	Schell, Geo. W.	10	10	Wyatt, N. G.	11	27
Farrell, Simon J.	12	94	Lampson, R. M.	12	74	Schomp, Justus	15	39	(4)	396	59
			Larkin, Henry	8	61	Shafter, James McM.	13	49	(3)	417	36
									(2)	415	98
									(1)	383	39
1	$383	39	2	$415	98	3	417	36	4	$1613	32

Ayes.

Noes.

Absent

Respectfully Submitted.

Thomas Beck.

Secretary of State

H.

271

General File.

Amendment No 514 - resumed

The amendment of Mr. Barbour was adopted.

Mr. Watters offered the following amendment:

add in line 2 after the word "distribution" the words "to the public."

Upon the adoption of the amendment the ayes and nays were demanded by Messrs Brown, Condon, Fully, Swing and Watters.

28)

The roll was called and this amendment rejected by the following vote:

291

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	16		SHAFTER		
AYERS		2	FILCHER		21	LAVIGNE		41	SHOEMAKER	33	
BARBOUR		3	FINNEY			LEWIS	17		SHURTLEFF	34	
BARNES			FREEMAN			LINDOW		42	SMITH of Santa Clara.	35	
BARRY		4	FREUD		22	MANSFIELD	18		SMITH of Fourth District.		53
BARTON		5	GARVEY	9		MARTIN of Alameda.	19		SMITH of San Francisco.		54
BEERSTECHER		6	GLASSCOCK	10		MARTIN of Santa Cruz.			SOULE		55
BELCHER			GORMAN		23	McCALLUM			STEDMAN		56
BELL		7	GRACE		24	McCOMAS		43	STEELE		57
BERRY			GRAVES			McCONNELL		44	STEVENSON	36	
BIGGS			GREGG			McCOY		45	STUART		
BLACKMER			HAGER		25	McFARLAND	20		SWEASEY		58
BOGGS			HALE		26	McNUTT	21		SWENSON		59
BOUCHER		8	HALL	11		MILLER			SWING	37	
BROWN	1		HARRISON		27	MILLS	22		TERRY		
BURT		9	HARVEY		28	MOFFAT	23		THOMPSON	38	
CAMPBELL		10	HEISKELL			MORELAND			TINNIN	39	
CAPLES	2		HEROLD		29	MORSE	24		TOWNSEND		60
CASSERLY			HERRINGTON		30	MURPHY	25		TULLY	40	
CHAPMAN			HILBORN		31	NASON		46	TURNER		61
CHARLES		11	HITCHCOCK		32	NELSON			TUTTLE		62
CONDON		12	HOLMES		33	NEUNABER		47	VACQUEREL		63
COWDEN	3		HOWARD of Los Angeles.	46		NOEL	26		VAN DYKE		
CROSS		13	HOWARD of Mariposa and Merced.		34	O'DONNELL		48	VAN VOORHIES		64
CROUCH		14	HUESTIS		35	OHLEYER	27		WALKER of Marin.		
DAVIS		15	HUGHEY		36	O'SULLIVAN		49	WALKER of Tuolumne.	41	
DEAN	4		HUNTER	12		OVERTON			WATERS	42	
DOWLING		16	INMAN		37	PORTER	28		WEBSTER		65
DOYLE		17	JOHNSON			PROUTY			WELLER	43	
DUDLEY of San Joaquin and Amador.			JONES	13		PULLIAM	29		WELLIN		66
DUDLEY of Solano.		18	JOYCE		38	REDDY			WEST		67
DUNLAP	5		KELLY	14		REED	30		WICKES	44	
EAGON	6		KENNY		39	REYNOLDS		50	WHITE		68
EDGERTON	7		KEYS			RHODES	31		WILSON of Tehama.		
ESTEY of Contra Costa and Marin.	8		KLEINE		40	RINGGOLD		51	WILSON of First District.		69
ESTEE of First District.			LAINE	15		ROLFE	32		WINANS		70
EVEY		19	LAMPSON			SCHELL			WYATT		
FARRELL		20	LARKIN			SCHOMP		52	MR. PRESIDENT	45	

AYES 45

NOES 70

1

146

30)

Mr. Hitchcock offered the following amendment:

Amend by adding to Section 1 Line (4) four provided that the Legislature may by general laws authorize the taking of private property on just compensation made therefor when necessary to the construction or maintenance of water ditches or canals for the drainage or reclamation of lands, and may on like conditions authorize the taking of private property when necessary to secure rights of way to or for drainage of mines -

Messrs McCoy, Steadman, Schump, Davis, and Lewis, demanded the yea-

31)

vious question, which was ordered by the Convention

Upon adopting the amendment of Mr. Hitchcock the ayes and noes were demanded by messrs. Schomp, & Lewis; Hitchcock McConnell and Lewis.

The roll was called and the amendment rejected by the following vote.

32)

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		28	SHAFTER		
AYERS		1	FILCHER	14		LAVIGNE	27		SHOEMAKER		45
BARBOUR	2		FINNEY			LEWIS	28		SHURTLEFF		46
BARNES			FREEMAN			LINDOW	29		SMITH of Santa Clara.		47
BARRY	3		FREUD		13	MANSFIELD		29	SMITH of Fourth District.	41	
BARTON	4		GARVEY		14	MARTIN of Alameda.		30	SMITH of San Francisco.		48
BEERSTECHER		2	GLASSCOCK		15	MARTIN of Santa Cruz.		31	SOULE	42	
BELCHER			GORMAN	15		McCALLUM			STEDMAN	43	
BELL	5		GRACE		16	McCOMAS		32	STEELE		49
BERRY			GRAVES			McCONNELL	30		STEVENSON		50
BIGGS			GREGG			McCOY	31		STUART		
BLACKMER			HAGER			McFARLAND		33	SWEASEY		37
BOGGS			HALE	16		McNUTT	32		SWENSON	44	
BOUCHER	6		HALL	17		MILLER			SWING		52
BROWN	7		HARRISON	18		MILLS		34	TERRY		
BURT	8		HARVEY		17	MOFFAT	33		THOMPSON		53
CAMPBELL	9		HEISKELL		18	MORELAND		35	TINNIN	45	
CAPLES		3	HEROLD	19		MORSE	34		TOWNSEND	46	
CASSERLY			HERRINGTON	20		MURPHY		36	TULLY		54
CHAPMAN			HILBORN		19	NASON		37	TURNER	47	
CHARLES		4	HITCHCOCK	21		NELSON			TUTTLE		55
CONDON	56		HOLMES		20	NEUNABER	35		VACQUEREL	48	
COWDEN	10		HOWARD of Los Angeles.		21	NOEL		38	VAN DYKE		
CROSS	11		HOWARD of Mariposa and Merced.			O'DONNELL	36		VAN VOORHIES		
CROUCH		5	HUESTIS		22	OHLEYER	37		WALKER of Marin.		
DAVIS	12		HUGHEY		23	O'SULLIVAN		39	WALKER of Tuolumne.		56
DEAN		6	HUNTER		24	OVERTON			WATERS		57
DOWLING		7	INMAN		25	PORTER		40	WEBSTER		58
DOYLE	13		JOHNSON			PROUTY			WELLER	49	
DUDLEY of San Joaquin and Amador.	57		JONES		26	PULLIAM	38		WELLIN	50	
DUDLEY of Solano.			JOYCE	22		REDDY			WEST		59
DUNLAP		8	KELLY	23		REED		41	WICKES	51	
EAGON			KENNY	24		REYNOLDS			WHITE	52	
EDGERTON		9	KEYS			RHODES		42	WILSON of Tehama.		
ESTEY of Contra Costa and Marin.		10	KLEINE	25		RINGGOLD	39		WILSON of First District.		
ESTEE of First District.			LAINE		27	ROLFE		43	WINANS	53	
EVEY		11	LAMPSON			SCHELL		44	WYATT	54	
FARRELL	55	12	LARKIN	26		SCHOMP	40		MR. PRESIDENT		60

AYES 57

NOES 59

55 56 57 59

33)

The committee recommended that sections two and three be stricken out.

Concurred in.

The committee recommended the following new section.

[SEC. —. The right to collect rates or compensation for the use of water supplied to any county, city and county, or town, or the inhabitants thereof, is a franchise, and cannot be exercised except by authority of and in the manner prescribed by law.

Concurred in.

Mr. Waters offered the following

34)

new section

Section —

Rights to the use of water, heretofore acquired by appropriation and use of the same according to law which have vested and accrued are private property — except in so far as the use may be for a purpose in which the public has an interest —

Rejected.

Mr. Smith of San Francisco offered the following:

357

Sec — Water for the use of any city or county, or city and county or town, in this State or the inhabitants thereof can only be appropriated by the lawfully constituted authorities of such city or county or city and county or town. Any appropriation of water heretofore made by any person association or corporation for the purpose of supplying any city or county or city and county or town or the inhabitants thereof, not actually evidenced, and carried into operation, by the construction of water-works and the furnishing of water at the time of the adoption of this constitution shall be void.

[illegible]

upon the adoption of the amendment the ayes and noes were demanded by Messrs White, Farrell, O'Sullivan, Smith of San Francisco and Barstow.

The roll was called and the amendment rejected by the following vote:—

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		29	SHAFTER		
AYERS		2	FILCHER	9		LAVIGNE	18		SHOEMAKER		
BARBOUR	1		FINNEY			LEWIS		30	SHURTLEFF		47
BARNES			FREEMAN			LINDOW	19		SMITH of Santa Clara.		48
BARRY		3	FREUD	10		MANSFIELD			SMITH of Fourth District.	24	
BARTON	2		GARVEY		17	MARTIN of Alameda.			SMITH of San Francisco.	25	
BEERSTECHER	3		GLASSCOCK		18	MARTIN of Santa Cruz.		31	SOULE	26	
BELCHER			GORMAN	11		McCALLUM			STEDMAN	27	
BELL	4		GRACE	12		McCOMAS		32	STEELE		49
BERRY			GRAVES			McCONNELL		33	STEVENSON		50
BIGGS			GREGG			McCOY		34	STUART		
BLACKMER			HAGER		19	McFARLAND			SWEASEY	28	
BOGGS			HALE			McNUTT		35	SWENSON	29	
BOUCHER		4	HALL		20	MILLER			SWING		51
BROWN		5	HARRISON	13		MILLS		36	TERRY		
BURT		6	HARVEY			MOFFAT		37	THOMPSON	30	
CAMPBELL		7	HEISKELL		21	MORELAND		38	TINNIN		52
CAPLES		8	HEROLD			MORSE			TOWNSEND		
CASSERLY			HERRINGTON	14	61	MURPHY		39	TULLY		62
CHAPMAN			HILBORN			NASON		40	TURNER		53
CHARLES		9	HITCHCOCK			NELSON			TUTTLE	31	
CONDON	5		HOLMES		22	NEUNABER	20		VACQUEREL	32	
COWDEN		66	HOWARD of Los Angeles.			NOEL		64	VAN DYKE		
CROSS		10	HOWARD of Mariposa and Merced.			O'DONNELL	21		VAN VOORHIES		54
CROUCH		11	HUESTIS		23	OHLEYER		41	WALKER of Marin.		
DAVIS		12	HUGHEY			O'SULLIVAN	22		WALKER of Tuolumne.		55
DEAN		13	HUNTER		24	OVERTON			WATERS		63
DOWLING	35		INMAN		25	PORTER		42	WEBSTER		56
DOYLE	6		JOHNSON			PROUTY			WELLER		67
DUDLEY of San Joaquin and Amador.			JONES		26	PULLIAM		43	WELLIN	33	
DUDLEY of Solano.			JOYCE	15		REDDY			WEST	34	
DUNLAP		14	KELLY		27	REED		44	WICKES		57
EAGON			KENNY	16		REYNOLDS			WHITE	35	
EDGERTON		15	KEYS			RHODES		45	WILSON of Tehama.		
ESTEY of Contra Costa and Marin.		16	KLEINE	17		RINGGOLD	23		WILSON of First District.		
ESTEE of First District.			LAINE		28	ROLFE		46	WINANS		58
EVEY	7		LAMPSON			SCHELL		65	WYATT		59
FARRELL	8		LARKIN			SCHOMP			MR. PRESIDENT		60

AYES ~~67~~ 35

NOES ~~35~~ 67

34 61
35 2
3
4
5
6
7

38)

Upon the question of engrossing the article Messrs Murphy, Dean Larue, Laine and Ewing demanded the previous question, which was ordered by the convention.

The article was ordered engrossed for a second reading.

Notices

By Mr. Andrews.

39

Mr President

I hereby give notice, that, on tomorrow, I will move to reconsider the vote, by which Sec-, added in the Committee of the Whole to the article on Water and Water Rights, on motion of Mr Herrington, was adopted.

Do

By Mr Timmins

I hereby give notice that I will on tomorrow move to reconsider the vote by which the Convention ordered to engrossment the Article on Water and Water Rights

By Mr Thompson.

Mr President, I hereby give notice that I will on tomorrow Feb 15th, 79, move to reconsider the vote whereby the amendment of Mr Hitcock to section 1 was rejected.

48)

I give notice that on to-morrow I will move to reconsider the vote by which the Article on Water & Water rights was ordered engrossed and read a second time

Amendment No 515

The Committee recommended the following new section

SEC. 6. After the first day of January, eighteen hundred and eighty-two, the labor of convicts shall not be let out by contract to any person, copartnership, company, or corporation, and the Legislature shall, by law, provide for the working of convicts for the benefit of the State.

Amended in

The article was ordered engrossed for a second reading

44

Amendment No. 178

Harbor Frontages, etc.

The committee recommended the following amendment

[SEC. 2. No individual, partnership, or corporation, claiming or possessing the frontage or tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this State, shall be permitted to exclude the right of way to such water whenever it is required for any public purpose, nor to destroy or obstruct the free navigation of such water; and the Legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this State shall be always attainable, and that the people shall not be shut out from the same.]

Concurred in.

The committee recommended the following amendment

42

[SEC. 3. All tide lands within two miles of any incorporated city or town in this State, and fronting on the waters of any harbor, estuary, bay, or inlet used for the purposes of navigation, shall be withheld from grant or sale to private persons, partnerships, or corporations; but sites for wharves, warehouses, or other necessary incidents to commerce, may, upon application to the Board of Supervisors of the counties in which such sites are situated, and after due public notice of such application, be leased by such Boards for a term of twenty years to such persons, partnerships, or corporations; *provided*, that nothing in this section shall apply to the tide lands of the Bay of San

apply to the tide lands of the Bay of San Francisco

Mr Beerstecher offered the following amendment:—

Strike out all after the word "Corporations" in line four.

Adopted.

Section as amended concurred in.

The article was ordered engrossed for a second

reading.

adjournment

at five o'clock and five minutes P.M.

The convention, on motion of Mr. Edgerton, a adjourn

Feb 14 1979

Feb 14

Feb. 14th 1979

2/14/79