1)

Chi convention.
Assembly Chamber
State Capitol
Sacramento
Saturday Feb. 15th 1879

Convention met
pursuant to adjourn-
ment.
President Hoyt 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	113		SHAFTER		
AYERS	2		FILCHER	29		LAVIGNE	55		SHOEMAKER		
BARBOUR	3		FINNEY			LEWIS	56		SHURTLEFF	80	
BARNES			FREEMAN	117		LINDOW			SMITH of Santa Clara.	81	
BARRY	4		FREUD	30		MANSFIELD	57		SMITH of Fourth District.	82	
BARTON	5		GARVEY	31		MARTIN of Alameda.	58		SMITH of San Francisco.	83	
BEERSTECHER	6		GLASSCOCK	32		MARTIN of Santa Cruz.	59		SOULE	84	
BELCHER	116		GORMAN	33		McCALLUM			STEDMAN	85	
BELL	7		GRACE	109		McCOMAS	60		STEELE	86	
BERRY			GRAVES			McCONNELL	61		STEVENSON	87	
BIGGS			GREGG			McCOY	62		STUART		
BLACKMER			HAGER	34		McFARLAND			SWEASEY	88	
BOGGS	8		HALE			McNUTT	63		SWENSON	89	
BOUCHER	9		HALL	35		MILLER			SWING		
BROWN	10		HARRISON	36		MILLS	64		TERRY		
BURT	11		HARVEY	37		MOFFAT	65		THOMPSON	90	
CAMPBELL	12		HEISKELL	38		MORELAND	66		TINNIN	91	
CAPLES	13		HEROLD	39		MORSE	67		TOWNSEND	92	
CASSERLY			HERRINGTON	40		MURPHY			TULLY	93	
CHAPMAN	14		HILBORN	41		NASON	68		TURNER	94	
CHARLES	15		HITCHCOCK	42		NELSON			TUTTLE	95	
CONDON	16		HOLMES	43		NEUNABER	69		VACQUEREL	111	
COWDEN	17		HOWARD of Los Angeles.	128		NOEL	70		VAN DYKE		
CROSS	18		HOWARD of Mariposa and Merced.	44		O'DONNELL			VAN VOORHIES	96	
CROUCH	19		HUESTIS	45		OHLEYER	71		WALKER of Marin.		
DAVIS	20		HUGHEY	46		O'SULLIVAN	72		WALKER of Tuolumne.	97	
DEAN	21		HUNTER	47		OVERTON			WATERS	98	
DOWLING	22		INMAN	48		PORTER	73		WEBSTER	99	
DOYLE	23		JOHNSON			PROUTY			WELLER	100	
DUDLEY of San Joaquin and Amador.			JONES	108		PULLIAM	74		WELLIN	101	
DUDLEY of Solano.	24		JOYCE	49		REDDY			WEST	102	
DUNLAP	25		KELLY	50		REED	110		WICKES	103	
EAGON	115		KENNY	51		REYNOLDS	75		WHITE	104	
EDGERTON	26		KEYS			RHODES	76		WILSON of Tehama.		
ESTEY of Contra Costa and Marin.	112		KLEINE	52		RINGGOLD	77		WILSON of First District.		
ESTEE of First District.			LAINE	53		ROLFE	78		WINANS	105	
EVEY	27		LAMPSON			SCHELL	114		WYATT	106	
FARRELL	28		LARKIN	54		SCHOMP	79		Mr. PRESIDENT	107	

Ayes _____

Noes _____

114
5
6
7

Leave of absence

Leave of absence for one day was granted to Messrs Lindow, Biggs and Sampson.

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

Reconsideration

Mr. Zimmer moved to reconsider the vote by which the article on water and water rights was ordered engrossed.

Mr Zimmer moved to make the motion to reconsider

4)

the special order for Monday Feb. 18th 1879 at 2 o'clock P.M. to include all other notices of reconsideration of the articles.

Mr Tilley moved to lay the motion on the table, upon which the ayes and noes were demanded by messrs Binnie, Brown, Hayes, Pullman and Waters.

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

Ayes 61

Noes 53

61 50
60 57
61 50
60 57

6)

Resolved that the usual recess be dispensed with for this day and that the convention adjourn at two o'clock P.M.

adopted.

B)

General File

Amendment No. 5-21-
Cities, Counties and Towns

The committee amendments read.

Sec. two.

The committee recommended the following:

[SEC. 2. No county seat shall be removed unless two-thirds of the
2 qualified electors of the county, voting on the proposition at a general election,
3 shall vote in favor of such removal. A proposition of removal shall not be
4 submitted in the same county more than once in four years.]

Concurred in

Sec. 3

The committee recommended the following:

81

[SEC. 3. No new county shall be established which shall reduce any
2 county to a population of less than eight thousand; nor shall a new county
3 be formed containing a less population than five thousand; nor shall any line
4 thereof pass within five miles of the county seat of any county proposed to
5 be divided; nor shall a county be divided, or have any portion taken there-
6 from, unless a majority of all the qualified electors of each county affected,
7 voting at a general election, shall vote therefor. Portions of a county, when
8 added to another county, or new counties when created, shall be liable for their
9 just proportion of all debts and liabilities, then existing, of the county or
10 counties out of which they are respectively formed or taken.]

Mr Evey moved to strike out the words, "nor shall a county be divided, or have any portion taken therefrom, unless a majority of all the qualified electors of each county affected, voting at a general election, shall vote therefor."

adopted.

Mr. Rhodes offered the following amendment:

9)

Strike out all after "therefor" in line 7 and insert the following: "Every county which shall be enlarged or created from territory taken from any other county or counties shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken."

Messrs Steel, Wyatt, McConnell, Davis & Every, demanded the previous question which was ordered by the convention.

Upon the adoption of the amendment of Mr

10)

Rhodes, the ages and noes were demanded by Messrs Laine, McCommas, Hunter, La Rue and Herrington

The roll was called and the amendment adopted 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	45		SHAFTER		
AYERS	1		FILCHER	25		LAVIGNE	46		SHOEMAKER		
BARBOUR	2		FINNEY			LEWIS	47		SHURTLEFF	66	
BARNES			FREEMAN		3	LINDOW			SMITH of Santa Clara.	67	
BARRY			FREUD	26		MANSFIELD	48		SMITH of Fourth District.	68	
BARTON	3		GARVEY	27		MARTIN of Alameda.	49		SMITH of San Francisco.	69	
BEERSTECHER		2	GLASSCOCK	28		MARTIN of Santa Cruz.	50		SOULE	70	
BELCHER	4		GORMAN	29		McCALLUM			STEDMAN	71	
BELL	5		GRACE	30		McCOMAS		10	STEELE	72	
BERRY			GRAVES			McCONNELL	51		STEVENSON	73	
BIGGS			GREGG			McCOY	52		STUART		
BLACKMER			HAGER		4	McFARLAND			SWEASEY	74	
BOGGS	6		HALE			McNUTT	53		SWENSON	75	
BOUCHER	7		HALL	31		MILLER			SWING		
BROWN			HARRISON	32		MILLS	54		TERRY		
BURT	8		HARVEY	33		MOFFAT			THOMPSON	76	
CAMPBELL	9		HEISKELL	34		MORELAND	55		TINNIN		
CAPLES	10		HEROLD			MORSE			TOWNSEND	77	
CASSERLY			HERRINGTON		5	MURPHY			TULLY		
CHAPMAN	11		HILBORN	35		NASON	56		TURNER	78	
CHARLES	12		HITCHCOCK			NELSON			TUTTLE	79	
CONDON	13		HOLMES		6	NEUNABER			VACQUEREL	80	
COWDEN	14		HOWARD of Los Angeles.	36		NOEL			VAN DYKE		
CROSS	15		HOWARD of Mariposa and Merced.		7	O'DONNELL			VAN VOORHIES	81	
CROUCH			HUESTIS	37		OHLEYER	57		WALKER of Marin.		
DAVIS	16		HUGHEY			O'SULLIVAN	58		WALKER of Tuolumne.	82	
DEAN			HUNTER		8	OVERTON			WATERS		11
DOWLING	17		INMAN	38		PORTER	59		WEBSTER	83	
DOYLE	18		JOHNSON			PROUTY			WELLER	84	
DUDLEY of San Joaquin and Amador.			JONES	39		PULLIAM	60		WELLIN	85	
DUDLEY of Solano.	19		JOYCE	40		REDDY			WEST	86	
DUNLAP	20		KELLY	41		REED	61		WICKES		
EAGON			KENNY	42		REYNOLDS			WHITE	87	0
EDGERTON	21		KEYS			RHODES	62		WILSON of Tehama.		
ESTEY of Contra Costa and Marin.	22		KLEINE	43		RINGGOLD	63		WILSON of First District.		
ESTEE of First District.			LAINE		9	ROLFE	64		WINANS	88	
EVEY	23		LAMPSON			SCHELL	65		WYATT	89	
FARRELL	24		LARKIN	44		SCHOMP			MR. PRESIDENT		12

Ayes 89

Noes 12

12)

The ~~section~~ amendment as amended was concurred

Sec. 6.

The committee recommend the following:

[SEC. 6. The Legislature, by general laws, shall provide for the incor-
2 poration, organization, and classification, in proportion to population, of cities
3 and towns; and cities and towns heretofore organized or incorporated may
4 become organized under and subject to such general laws. Cities and towns
5 may become incorporated under general laws, whenever a majority of the
6 electors voting at a general election shall so determine, and shall organize in
7 conformity therewith.]

Concurred in

Sec 8

The committee recommended that sec 8 be stricken out.

Concurred in.

Section 9.

~~The committee recom-~~

13)

Temporarily passed on motion of Mr. Minnis

Section 12

The committee recommend the following

[SEC. 12. Any county, city, town, or township may make and enforce within its limits all such local, police, sanitary, and other regulations as are not in conflict with general laws.]

Mr Crouch offered the following amendment -

~~matter of the whole~~, by adding ~~thereto the~~ following:

"And may make appropriations of money for the detection, arrest and conviction of any person or persons committing offenses within their respective limits"

Rejected.

Committee amendment concurred in

Sec. 13

14) The committee recommended the ~~following~~ section be stricken out.

Concurred in.

Sec. 19

The committee recommended the following:

[SEC. 19. The making of profit out of county, city, town, or other
2 public money, or using the same for any purpose not authorized by law, by
3 any officer having the possession or control thereof, shall be a felony, and
4 shall be prosecuted and punished as prescribed by law.]

Concurred in.

Sec. 20

The committee recommended the following:

15

Wyatt:

[SEC. 20. No county, city, town, township, Board of Education, or
2 school district, shall incur any indebtedness or liability in any manner, or for
3 any purpose, exceeding in any year the income and revenue provided for them
4 respectively for such year, without the assent of two-thirds of the qualified
5 voters thereof voting at an election to be held for that purpose; and in cases
6 requiring such assent no indebtedness shall be incurred (except by a county
7 to erect a Court-house or Jail, or of a city or city and county for the construc-
8 tion of water-works or for their acquisition by means of condemnation), to an
9 amount, excluding existing indebtedness, in the aggregate exceeding two per
10 centum on the value of the taxable property therein, to be ascertained by the
11 assessment next before the last assessment for State and county purposes pre-
12 vious to the incurring such indebtedness, and unless, before or at the time of
13 incurring such indebtedness, provision shall be made for the collection of an
14 annual tax sufficient to pay the interest on such indebtedness as it falls due,
15 and also to constitute a sinking fund for the payment of the principal thereof
16 within twenty years from the time of contracting the same. Any indebted-
17 ness or liability incurred contrary to this provision shall be void.]

Mr Hayes offered the following amendment:

[SEC. 20. No county, city, town, township, Board of Education, or
2 school district, shall incur any indebtedness or liability in any manner, or for
3 any purpose, exceeding in any year the income and revenue provided for them
4 respectively for such year, without the assent of two-thirds of the qualified
5 voters thereof voting at an election to be held for that purpose; and in cases
6 requiring such assent no indebtedness shall be incurred (except by a county
7 to erect a Court-house or Jail,) to an amount, ex
cluding indebtedness existing at the adoption of this Constitution,

16)

in the aggregate exceeding in any county, city or town two per centum, or in any city and county with a consolidated government four per centum on the value of the taxable property therein respectively to be ascertained by the

11 assessment next before the last assessment for State and county purposes pre-
12 vious to the incurring such indebtedness, and unless, before or at the time of
13 incurring such indebtedness, provision shall be made for the collection of an
14 annual tax sufficient to pay the interest on such indebtedness as it falls due,
15 and also to constitute a sinking fund for the payment of the principal thereof
16 within twenty years from the time of contracting the same. Any indebted-
17 ness or liability incurred contrary to this provision shall be void.]

Upon the adoption of the Amendment the ayes and noes were demanded by Messrs. Ayers, Wyatt, Shurtz and Hale.

The roll was called

(7)

Another Amendment ~~adopted~~ rejected by the following Vote:—

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

Ayes ~~[illegible]~~ 46

Noes ~~[illegible]~~ 62

39 61
40
41
42

19)

Mr. Campbell offered the following:

insert after "of" in line 8 "purchase or"

Rejected

Mr. Lain offered the following -

strike out all after the word "purpose" in line 5, down to and including the word "and" in line 12 and insert "nor" before the word "unless" in said 12th line.

20)

Upon the adoption of the amendment the ayes & noes were demanded by Messrs. Capps, West, Wyatt, Hunter and Campbell.

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

Ayes 65

Noes 32 33

22)

The amendment of the Committee as amended was concurred in.

Sections 21-22-23 & 24

The committee recommended that sections twenty one, twenty two, twenty three, and twenty four be stricken out.

Concurred in.

Sec 25

The committee recommend the following amendment:

23)

[SEC. 25. No public work or improvement of any description what-
2 soever shall be done or made, in any city, in, upon, or about the streets thereof,
3 or otherwise, the cost and expense of which is made chargeable or may be
4 assessed upon private property by special assessment, unless an estimate of
5 such cost and expense shall be made, and an assessment in proportion to ben-
6 efits, on the property to be affected or benefited, shall be levied, collected, and
7 paid into the city treasury before such work or improvement shall be com-
8 menced, or any contract for letting or doing the same authorized or performed.
9 In any city where there are no public works owned and controlled by the
10 municipality, for supplying the same with water or artificial light, any indi-
11 vidual, or any company duly incorporated under the laws of this State, shall,
12 under the direction of the Superintendent of Streets, and under such regula-
13 tions as the municipality may prescribe, for damages and indemnity for dam-
14 ages, have the privilege of using the public streets and thoroughfares thereof,
15 and of laying down pipes and conduits therein, and connections therewith, so
16 far as may be necessary for introducing into and supplying such city and its
17 inhabitants either with gas-light or other illuminating light, or with fresh
18 water for domestic and all other purposes, upon the condition that the munic-
19 ipal government shall have the right to regulate the charges thereof.]

Mr. Freeman moved to strike out in lines 5 and 6 the words "collected and paid into the city treasury."
Lost

Mr. Winans moved to strike out all after

2/4)

the word "performed" in line 8.

Mr Hayes offered the following amendment.

In lines 11 strike out word "under" and insert "for such purpose under and by authority of"

Line 12 Before "regulations" insert "General"

adopted.

The amendment of Mr. Wimms was rejected.

Mr. Heirkell offered

257

the following amendment:

Amend the see as amended by Committee of the whole as follows
Strike out all after the word "performed" in line 8 and insert in lieu thereof
No exclusive right or privalige shall ever be granted to any ~~person~~ individual incorporated company or association ~~to use~~ of using the public streets or thoroughfares of any city and county or town for supplying the same or the inhabitants thereof with ~~water or the means~~ gas or ~~any~~ other commodity for illuminating purposes or with water for domestic or other ~~purposes~~ uses nor shall such privaliges ever be granted upon more favorable terms to one company or individual ~~upon or~~ ~~than~~ to another

rejected

Mr Hillborn offered the following amendment

add after word "Streets" in line 12 "or other office in control thereof"

adopted

The amendment of Committee as amended was concurred in.

Notice

By Mr Cross

I hereby give notice that I will, on Monday next, move to reconsider the vote by which the Convention refused to strike out of line 6 & 7 of Section 25 the words "collected and paid into the city treasury"

27/ The President appointed as additional members on the committee on revision and adjustment under the resolution adopted on the 10th inst.

Messrs. Shafroth.
Howard of Los Angeles
Graves
Reed
Winans
and Waters.

28)

Adjournment

At two o'Clock P.M.
The President in
accordance with
resolution this day
adopted, declared
the convention ad-
journed to Monday
Feb. 17th 1829 at
9 o'Clock and 30 Minutes
a. M.

2/15/79

(2/16 - Sunday)

File 19