1

In Convention.
Assembly Chamber
State Capitol

Sacramento.
Wednesday Feb. 26/79

Convention met
pursuant to ad-
journment

President Hoge in the Chair

Roll called and the
following members
were present.

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	59		SHAFTER	92	
AYERS	2		FILCHER	34		LAVIGNE	60		SHOEMAKER	130	
BARBOUR	3		FINNEY			LEWIS			SHURTLEFF	93	
BARNES			FREEMAN	35		LINDOW	61		SMITH of Santa Clara.	94	
BARRY	4		FREUD	36		MANSFIELD	62		SMITH of Fourth District.	95	
BARTON	5		GARVEY	37		MARTIN of Alameda.	63		SMITH of San Francisco.	96	
BEERSTECHER	6		GLASSCOCK			MARTIN of Santa Cruz.	64		SOULE	97	
BELCHER	7		GORMAN	38		McCALLUM	65		STEDMAN	98	
BELL	8		GRACE	132		McCOMAS	66		STEELE	99	
BERRY			GRAVES	39		McCONNELL	67		STEVENSON	100	
BIGGS	9		GREGG			McCOY	68		STUART	101	
BLACKMER	10		HAGER			McFARLAND	69		SWEASEY	102	
BOGGS	11		HALE	40		McNUTT	70		SWENSON	103	
BOUCHER	12		HALL	129		MILLER	127		SWING	104	
BROWN	13		HARRISON	41		MILLS	71		TERRY		
BURT	14		HARVEY	42		MOFFAT	72		THOMPSON	105	
CAMPBELL	15		HEISKELL	43		MORELAND	73		TINNIN	106	
CAPLES	16		HEROLD	44		MORSE	74		TOWNSEND	136	
CASSERLY	17		HERRINGTON	133		MURPHY	135		TULLY	107	
CHAPMAN	18		HILBORN	130		NASON	75		TURNER	108	
CHARLES	19		HITCHCOCK	45		NELSON	76		TUTTLE	109	
CONDON	20		HOLMES	46		NEUNABER	77		VACQUEREL	110	
COWDEN			HOWARD of Los Angeles.	131		NOEL			VAN DYKE	111	
CROSS	21		HOWARD of Mariposa and Merced.	47		O'DONNELL	78		VAN VOORHIES	112	
CROUCH	22		HUESTIS	48		OHLEYER	79		WALKER of Marin.	8	
DAVIS	23		HUGHEY	49		O'SULLIVAN	80		WALKER of Tuolumne.	113	
DEAN	24		HUNTER	50		OVERTON			WATERS	114	
DOWLING	25		INMAN	51		PORTER	81		WEBSTER	115	
DOYLE	26		JOHNSON	125		PROUTY	82		WELLER	116	
DUDLEY of San Joaquin and Amador.			JONES	52		PULLIAM	83		WELLIN	117	
DUDLEY of Solano.	27		JOYCE	53		REDDY	84		WEST	118	
DUNLAP	28		KELLY	134		REED	85		WICKES	119	
EAGON	29		KENNY	54		REYNOLDS	86		WHITE	120	
EDGERTON	128		KEYS	55		RHODES	87		WILSON of Tehama.	121	
ESTEY of Contra Costa and Marin.	30		KLEINE	56		RINGGOLD	88		WILSON of First District.	126	
ESTEE of First District.	31		LAINE			ROLFE	89		WINANS	122	
EVEY	32		LAMPSON	57		SCHELL	90		WYATT	123	
FARRELL	33		LARKIN	58		SCHOMP	91		MR. PRESIDENT	124	

130
1
2
3
4
5
6

AYES_____

NOES_____

32

Leave of absence

Leave of absence for one day was granted to Mr. Walker of Marin.

On motion of Mr. Beerstecher the reading of the Journal was dispensed with and the same approved.

Petition

By Mr. Steel

From citizens of San Luis Obispo County asking for the prohibition of the manufacture and sale of alcholic liquors.

Laid on the table.

4)

Little

Report

Mr Ayers from the committee on reporting and printing reported as correctly engrossed the article on Miscellaneous subjects.

Revenue and Taxation — consideration resumed.

~~resumed.~~

Section 3.

The motions of Mr Caples to strike out pending.

Mr Fischer offered the following amendment:

5)

Substitute for Sec. 3.

Every tract of land containing within its boundaries more than one government section, and which has been surveyed by the United States Government, shall be assessed for the purposes of taxation, by sections or fractions of sections. The Legislature shall provide by law for the assessment in small tracts of all lands not surveyed by the United States Government.

Messrs Estes, Wyatt, Biggs, Eason and Edgerton demanded the previous question which was ordered by

the Convention.
Upon the question to
strike out the section
3 the ayes and noes
were demanded by
Messrs. Larkin, Swenson,
Moore, Kelly and O'Sullivan,

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

AYES 58 ~~5~~ 61

NOES 68 66

1/59 1/60 1/61 1/67 1/66.

8)

Discussed The amendment of Mr. Filcher was adopted.

Mr. McCallum rose to a question of privilege in regard to an article in the S. F. Chronicle.

Messrs. Barbour, Biggs, Wyatt, Harrison and O'Sullivan, demanded the previous question on the adoption of the article.

The Convention

9)

refused to order the main question put.

Sect. 4

Mr. Moreland moved to strike out Section 4

Messrs Miles, Reddy, Hunter, Murphy and Freeman demanded the previous question, which was ordered by the Convention.

upon the motion to strike out Section four, the ayes and noes were demand-

10)

Aid by messrs Biggs Dean, Freeman, Grace and Hunter.

The roll was called and the convention refused to strike out Sec 4 by the following vote.

11) Kern.

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

Ayes 31

Noes 94

12) Thomas

Messrs. Estee, Reddy, Murphy, Mully and Hilborn demanded the previous question on the adoption of the article.

The convention refused to order the main question put.

~~Sec. 5.~~

Mr Wyatt. offered the following amendment to Sec. 3.

13)

add to Sec 5

And any Contract made or entered into in this State whereby the lender shall directly or indirectly by discount or otherwise receive a grater interest than ~~seven~~ Ten per centum per annum upon the dollar for the loan use hire or forbearance for the payment of money shall be null and void This section shall be enforced by appropiate legislation

~~out of order~~

Mr. Edgerton made a point of order that the amendment was not germane to the section and under rule 28 was out of order.

The President decided the point of ~~well~~ order well taken and ruled the amendment out of order

~~From the decision of the President~~ Messrs Wyatt, West and Every appealed from the decision of the Chair — From the question "Shall the decision of the Chair stand as the judgment of the convention" the ayes and noes were demanded by Messrs Reynolds, Wyatt, Every, West and Wilson of Johnson. Mr. McCallum moved to lay the appeal on

15)

the table, upon which the ayes and noes were demanded by Messrs. Reynolds, Wyatt, Evey, West and Wilson of Schaum

The roll was called and the ~~motion~~ appeal laid on the table by the following vote:

16 Ware

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

Ayes 90

Noes 30

Passed — Hale aye — with Filches — no

17)

Sec. 7

Mr Herrington offered the following amendment

"Taxes shall be paid by installments or otherwise as the legislature shall provide"

Messrs Edgerton, Brown, Dean, Keys and Caples demanded the previous question which was ordered by the Convention

The amendment of Mr. Herrington was rejected.

Sec. 9

Mrs. Rolf moved to strike out the word "County" where it first occurs in the 11th line before the word "taxation"

Messrs Edgerton, Brown Capps, Bigg and Burton, demanded the previous question, which was ordered by the convention.

The amendment of Mrs. Rolf was adopted.

19)

Little ~~Sec. 10~~

~~Mr. Barry~~

Sec. 11

Mr. Millis moved to strike out Sec. 11

Mr. McCallum offered the following amendment

Substitute for Section 11.

[Section 11] The Legislature may provide for the assessment and collection of a tax upon incomes derived from investments in bonds, credits, stocks, dues, ~~or any of~~ franchises or any of them ~~franchises~~ and other like property in lieu of a direct or ~~a~~ advolorum tax upon that class of property

~~them~~

Messrs. Murphy, Estes, Hunts. Reddy and Sundap demanded the previous question which was ordered by the Convention.

Upon the motion to strike out the ayes and noes were demanded by Messrs White, West, Burt, Ayers and Wyatt.

The roll was called and the Convention refused to strike out sec 11 by the following vote

21) Stickney

Roll-Call of Delegates to the Constitutional Convention, 1878.

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

Ayes 44

Noes 81

42 1 41 1 42 1 43 1 44

81 1 80 1 79 1 59 1 57

Upon the adoption of
this amendment Mr
Mr McCallum the
ayes and noes were
demanded by Messrs
McCallum, Howard of
Los Angeles, Sumpsn,
Wist and Nason
The roll was called
and the amendment
rejected by the
following vote:—

231

Kies

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

Ayes 37

Noes 91

24)

Mr Van Dyke moved to strike out Sec. 12.

Lost.

Mr Bronty offered the following new section:

[8-] The Legislature shall provide for the levy and collection of an annual poll tax of not less than two dollars, on every male inhabitant of this state over twenty-one and under sixty years of age, except paupers, idiots, insane persons,

and Indians not
taxed. Said tax shall
be paid into the State
School Fund.

Upon the adoption of the
section the ayes and
noes were demanded
by Messrs. Prouty, Estes,
West, McConnell and
Hitchcock

Messrs. Wilson, Wyatt,
Beckner, Jones and
Inman, demanded
the previous question

26) Kan.
which was ordered by
the Convention.

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

Counts

Roll-Call of Delegates to the Constitutional Convention, 1878.

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

Ayes 74

Noes 53

75-52

74 53

Paired - Edgerton aye - with Smith of 4th Dist. no

29 June

Messrs. Wyatt, McCommas, Wells, Hunter and Dean, demanded the previous question which was ordered by the convention.

The roll was called and the articles adopted as a part of the Constitution by the following vote:

29

Meacham

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

Ayes 81

Noes 47

80 46

81 47

30

Amended The article was referred to the committee on Revision and adjustment.

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 Hyde in the Chair

Quorum present.

31) Kun Article —

Waters and Waters Rights.

The Article was Read a second time by sections.

Mr. Waters offerred the following amendment:

Insert in line 3 after "Use" the words "in so far as the public has an interest in such use".

Messrs. Wyatt, West, Steadman Larkin and waters demanded the previous question which was ordered by the convention.

32) Ware

When the adoption of the amendment the ayes and noes were demanded by messrs Walters, West, Condon, Wyatt and Wilson of Johnson.

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

33

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

Ayes 53

Noes 67

Messrs. Barbour, Beekman, Herrington, West and White demanded the previous question on the adoption of the article, which was ordered by the convention.

The roll was called and the article adopted as a part of the constitution by the following vote:

35

Roll-Call of Delegates to the Constitutional Convention, 1878.

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

Ayes ~~87~~ 87

Noes ~~37~~ 37

82 / 83 / 84 / 85 / 36 / 35

36)

Referred to the committee on Revision and adjustment.

Article — Education. The Article was read a second time by sections.

Messrs. Steadman, Larkin, Barbour, Grace, and Farrell demanded the Previous question.

Upon the question, "shall the main question be now put" the ayes

37)

and noes were demanded by messrs. Bursteches, Grace, Doyle, O'Sullivan and Lindow.

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

387

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

Ayes 34

Noes 86

1/33 1/84
1/32 1/86
1/33 1/87
1/34 1/87

Mr. McFarland offered the following amendment to section one:—

Strike out "and agricultural" in line 4 and insert "and" before "Moral" in said line

Rejected.

Mr. Lavigne offered the following amendment to Sec. 5

Amend Section 5
of by adding to the section the following:

And it shall be the duty of the legislature, to provide for a system of Compulsory education, for all children under the age of 14 years.

Rejected

Mr Larkin moved to strike out sec. six

Messrs. Talley, Grace, Condon, Keys and Wyatt demanded the previous question which was ordered by the convention

Upon the motion of Mr. Larkin the ayes and noes were demanded by Messrs Beachmer, Larkin, Brown, Mason and White.

The roll was called and the convention refused to strike out by the following vote:—

41

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

Ayes 43

Noes 79

41 + 42 + 1 = 79

Mr. Martin of Santa Cruz moved to strike out section seven: upon which the ayes and noes were demanded by Messrs. Martin of Santa Cruz, West, Evey, Wicks and Brown

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

Ayes 37

Noes 92

37 92

92

Mr. McConnell offered the following amendment.

add at end of sec. 7 —

"Subject to general Legislative control."

Messrs. Murphy, Hunter, Dudley of Solano, Ohleyer and Moreland demanded the previous question, which was ordered by the Convention.

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

45

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

AYES 49

NOES 82

46

Messrs. Vacquerel, Larkin, Hunter, McConnell, and Harrington demanded the previous question. The Convention refused to order the previous question.

Mr. Wentz offered the following amendment to section nine:—

[SECTION 10.] The University of California shall constitute a public trust, and its organization and government shall be perpetually continued in the form and character prescribed by the organic Act creating the same, passed March twenty-third, eighteen hundred and sixty-eight, and the several Acts amendatory thereof, subject only to such legislative control as may be necessary to insure compliance with the terms of its endowments, and the proper investment and security of its funds. It shall be entirely independent of all political or sectarian influence, and kept free therefrom in the appointment of its Regents and in the administration of its affairs; *provided*, that all the moneys derived from the sale of the public lands donated to this State by Act of Congress, approved July second, eighteen hundred and sixty-two, and the several Acts amendatory thereof, shall be invested as provided by said Act of Congress, and the interest of said moneys shall be inviolably appropriated to the endowment, support, and maintenance of at least one college of agriculture, where the leading objects shall be (without excluding other scientific and classical studies, and including military tactics,) to teach such branches of learning as are related to scientific and practical agriculture and the mechanic arts, in accordance with the requirements and conditions of said Act of Congress; and the Legislature shall provide that if through neglect, misappropriation, or any other contingency, any portion of the fund so set apart shall be diminished or lost, the State shall replace such portion so lost or misappropriated, so that the principal thereof shall remain forever undiminished.

Mr. Ayers offered the following amendment to the amendment:—

Add. No person shall be debarred admission to any

of the collegiate departments of the University on account of sex."

Messrs. Walker of Tolumne, West, Stuart, Burstecher and Estee 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. Walker of Tolumne, O'Sullivan Grace. West

and Herrington

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

49

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	47		SHAFTER	67	
AYERS	1		FILCHER	22		LAVIGNE	48		SHOEMAKER	68	
BARBOUR	2		FINNEY			LEWIS			SHURTLEFF	69	
BARNES			FREEMAN	100		LINDOW	49		SMITH of Santa Clara.	70	
BARRY	3		FREUD	23		MANSFIELD		13	SMITH of Fourth District.	71	
BARTON	4		GARVEY	24		MARTIN of Alameda.	50		SMITH of San Francisco.	72	
BEERSTECHER	5		GLASSCOCK			MARTIN of Santa Cruz.	51		SOULE	73	
BELCHER	6		GORMAN	25		McCALLUM	52		STEDMAN	74	
BELL	7		GRACE	26		McCOMAS	53		STEELE	75	
BERRY			GRAVES	27		McCONNELL	54		STEVENSON	76	
BIGGS	99		GREGG			McCOY	55		STUART	77	
BLACKMER	8		HAGER			McFARLAND	56		SWEASEY	78	
BOGGS	9		HALE	28		McNUTT			SWENSON	79	
BOUCHER	10		HALL	29		MILLER			SWING		19
BROWN	11		HARRISON	30		MILLS	57		TERRY		
BURT	12		HARVEY	31		MOFFAT	58		THOMPSON	80	
CAMPBELL			HEISKELL	32		MORELAND		14	TINNIN		20
CAPLES		2	HEROLD	33		MORSE	59		TOWNSEND	81	
CASSERLY		3	HERRINGTON	34		MURPHY			TULLY	102	
CHAPMAN	13		HILBORN	35		NASON	98		TURNER	82	
CHARLES	14		HITCHCOCK		9	NELSON		15	TUTTLE	83	
CONDON		4	HOLMES		10	NEUNABER	60		VACQUEREL	84	
COWDEN			HOWARD of Los Angeles.	36		NOEL			VAN DYKE	85	
CROSS	15		HOWARD of Mariposa and Merced.	37		O'DONNELL		16	VAN VOORHIES	86	
CROUCH			HUESTIS	38		OHLEYER	61		WALKER of Marin.		
DAVIS		5	HUGHEY	39		O'SULLIVAN	62		WALKER of Tuolumne.	87	
DEAN	16		HUNTER		11	OVERTON			WATERS		21
DOWLING			INMAN	40		PORTER	63		WEBSTER	88	
DOYLE		6	JOHNSON	41		PROUTY			WELLER	89	
DUDLEY of San Joaquin and Amador.			JONES	42		PULLIAM		17	WELLIN	90	
DUDLEY of Solano.	17		JOYCE	43		REDDY		18	WEST	97	
DUNLAP	18		KELLY			REED	101		WICKES		
EAGON			KENNY	44		REYNOLDS	64		WHITE	91	
EDGERTON	99	7	KEYS	45		RHODES	65		WILSON of Tehama.	92	
ESTEY of Contra Costa and Marin.	19		KLEINE		12	RINGGOLD	66		WILSON of First District.	93	
ESTEE of First District.	20		LAINE			ROLFE			WINANS	94	
EVEY		8	LAMPSON	46		SCHELL	103		WYATT	95	
FARRELL	21		LARKIN			SCHOMP			MR. PRESIDENT	96	

20

Ayes 103

Noes 20

2
98

50)

upon the adoption of the amendment as amended the ayes and noes were demanded, by Messrs. Freud, Larue, Condon, Johnson and Blackmer.

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

351

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

Ayes 70

Noes 59

52)

Messrs. Burstiches, Estes, Tully, West and Barton, demanded the previous question which was ordered by the Convention.

The roll was called and the article adopted as a part of the Constitution by the following vote:—

53

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

AYES 85

NOES 45

1/85 1/43 1/44 1/45

The article was referred to the committee on revision and adjustment.

Notices.

By Mr. Barbour.

Mr. President:— I hereby give notice that I will on tomorrow move to reconsider the vote by which the Convention this day adopted ~~the~~ An bill an Ordinance

Mr. Reynolds moved to reconsider the vote by which the article on Judicial Dept. was adopted.

Mr. Edgerton made

a point of order that there had been no notice given of such motion.

The President decided the point well taken.

Mr. Reynolds rose to a question of Privilege and proceeded that it was in connection with the motion to reconsider.

The President decided it not to be a question of privilege.

Mrs. Reynolds desired to appeal but the Chair decided that there could be no appeal in such cases ~~from~~ under the rules.

Article —

State institutions and Public Buildings

The article was read a second time by sections

Messrs. Condon, Barton, Doyle, Grace and Bowman, demanded

57)

The previous question which was ordered by the Convention

The Roll was called and the article adopted as a part of the ~~Section~~ Constitution by the following vote:

5-8

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

AYES 93

NOES 35

1/34

1/35

59) The Article was Referred to the Committee on Revision and adjustment.

Article —

Harbors, Tide waters and navigable Streams

The article was read a second time by sections.

Mr Tinnin offered the following amendment to section two:

Add to Section 2

But nothing in this Section shall in any manner impair the rights of the owners of any lands covered with water, who have title thereto under the State of California

60)

upon the adoption of the amendment the ages and noes were demanded by Messrs. McCallum, Brown, Burstein Herrington and Walkes of Tolumne.

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

61

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

AYES 52 — 70 — 71

NOES 71 — 52

62) Mrs. Ayers offered the following amendment to section 3:

~~Harbors &c~~

~~Insert after the~~

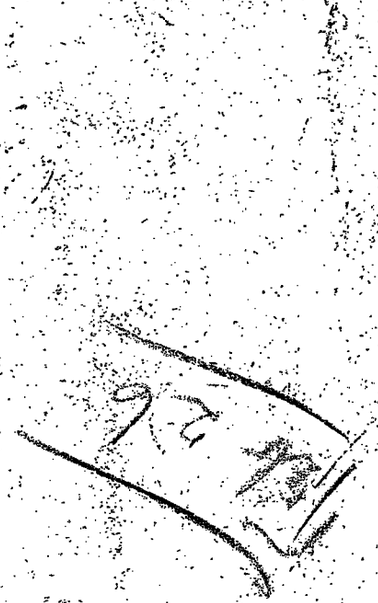
Add to section 3:

But sites for wharves, warehouses, or other necessary incidents to commerce, excepting on the waters of the Bay of San Francisco, may, upon application to the Board of Supervisors of the county 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 or less, under such regulations as may be prescribed by law.

~~Ayers~~

Mr. Estee moved to strike out section three.

Adjournment

at five o'Clock and thirty five minutes P.M. On motion of Mrs. Stuart the Convention adjourned

2/26/79