JOURNAL

OF THE

FOURTH SESSION

OF THE

LEGISLATURE

OF THE

STATE OF CALIFORNIA,

BEGUN

ON THE THIRD DAY OF JANUARY, 1853, AND ENDED ON THE NINETEENTH DAY OF MAY, 1853, AT THE CITIES OF VALLEJO AND BENICIA.

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OF THE

PROCEEDINGS OF THE ASSEMBLY.

JOURNAL OF THE ASSEMBLY.

HOUSE OF ASSEMBLY.

CITY OF VALLEJO,
Monday, January 3, 1853.

According to the requirements of the Constitution, the House was called to order this day, at 12 o'clock, M., by B. McAlpin, late Clerk.

On motion of Mr. Canney, Mr. McMeans was chosen Speaker, *pro tem.*

The Clerk then proceeded to called the counties, and the following members appeared, were qualified and took their seats:

County of Butte—Messrs. Thomas, Irwin and Wells.
" Contra Costa—Mr. Carpentier.
" Calaveras—Messrs. Leake, Rogers and Oliver.
" Colusi—Mr. Carhart.
" El Dorado—Messrs. Garfield, Conness and McMeans.
" Klamath—Mr. Van Dyke.
" Los Angeles—Mr. McFarland.
" Monterey—Mr. Wall.
" Napa—Mr. McKany.
" Nevada—Messrs. Crenshaw and Bostwick.
" Placer—Messrs. Canney and Myres.
" Sacramento—Messrs. Johnson, Robertson and Estep.
" San Joaquin—Messrs. Yeiser, Knight and Hally.
" San Luis Obispo—Mr. Pacheco.
" Santa Barbara—Messrs. Covarrubias and Lee.
" San Francisco—Messrs. Flower, Sime, Snyder and Taylor.
" Shasta—Mr. Cabaniss.
" Sonoma—Mr. Ewing.
" Solano—Mr. Owen.
" Sutter—Mr. McCandless.
" Trinity—Messrs. Martin and Reading.
" Tuolumne—Messrs. Wilson, Hoff, Mandeville and Brush.
" Yolo—Mr. Caldwell.
Counties of Yuba and Sierra—Messrs. Fairfax, Gardner and Redding.

When the county of Santa Barbara was called, Mr. Covarrubias presented the following protest, which was read:

To the Honorable Assembly of California:

GENTLEMEN—

Understanding that C. V. R. Lee intends to present himself to the Honorable Body as one of the members of the county of Santa Barbara, I deem it my duty to protest against his admission in that capacity. The county of Santa Barbara, at the recent election, selected as its representatives, J. M. Covarrubias and Charles Huse, who received in the time, and in the manner required by law, the certificate from the County Clerk. It is with sincere regret, gentlemen of the Assembly, that I allude to this contest between citizens of the same interest and by the same national ideas.

In the recent election, Mr. Lee received so small a number of the votes cast, it is a matter of surprise, as well as of regret to me, that notwithstanding the immense majority by which he was defeated, that he should desire to represent a county which has given its authority and confidence to others.

In fulfilment of my duties to my constituents, I request that Mr. Lee may not be admitted to a seat as representative of Santa Barbara, as Mr. Huse, now absent, holds the proper credential as my colleague.

If in any contingency, however, which I cannot suppose, the illegal certificate by which Mr. Lee claims to represent the county of Santa Barbara, receives your favorable consideration, in the most solemn and formal manner I protest, and will protest forever against the injustice done in this matter to the people of Santa Barbara, as also against a decision violating the principles of representation, which we Californians have learned to believe were the birthright of every American citizen.

With high consideration, I have the honor to be your obedient servant,

J M. COVARRUBIAS.

On motion of Mr. Carpentier, the House adjourned until 12 o'clock tomorrow.

HOUSE OF ASSEMBLY.

TUESDAY, January 4, 1853.

The House met pursuant to adjournment.

The following members appeared, were qualified and took their seats: county of El Dorado, Mr. Wing; Sacramento, Mr. Harrison; Santa Cruz, Mr. Kittridge; Santa Clara, Mr. Letcher; San Francisco, Messrs. Blake, Cardozo and Heydenfeldt; Nevada, Mr. Moore; Tuolumne, Mr. Meredith; Marin, Mr. Walker.

On motion of Mr. Heydenfeldt, the House adjourned until 11 o'clock, to-morrow.

HOUSE OF ASSEMBLY.

WEDNESDAY, January 5, 1853.

The House met pursuant to adjournment, and proceeded to the election of a Speaker.

Mr. Gardner nominated J. B. Wall, and Mr. Flower nominated J. Neely Johnson.

Those who voted for Mr. Wall were—Messrs. Blake, Bostwick, Brush, Canney, Carpentier, Conness, Cardozo, Covarrubius, Crenshaw, Ewing, Fairfax, Gardner, Garfield, Hoff, Hunt, Irwin, Kittredge, Lee, Leake, Mandeville, Meredith, McFarland, McMeans, Moore, Myers, Oliver, Owen, Reading, Rogers, Snyder, Thomas, Wells, Wilson, Wing and Yeiser—35.

Those who voted for Mr. Johnson were—Messrs. Cabaniss, Caldwell, Carhart, Estep, Flower, Hally, Harrison, Heydenfeldt, Knight, Letcher, Martin, McCandless, McGarry, Redding, Robinson, Sime, Taylor, Van Dyke and Walker—19.

Mr. Johnson voted for Mr. Pacheco.

Mr. Wall voted for Mr. Brush.

Mr. Wall, having received a majority of all the votes cast, was declared

duly elected Speaker, and upon taking the chair delivered the following address:

Gentlemen of the Assembly:

By selecting me to preside over this Legislative body, of one of the most remarkable States in the world, you have conferred an honor upon me personally, for which I return you my most grateful and sincere thanks. But I am not forgetful that position confers no honor upon a man, unless he himself rise up equal to his task, and fulfil the obligation of his office. This I shall exert my utmost power to accomplish. But, gentlemen, without your considerate and earnest co-operation, my success must be impossible. I shall, therefore, rely upon your assistance and support in maintaining a proper conduct in our deliberations, in order that we may transact the business with which we are intrusted, without trifling or selfish considerations, but with dignity, fidelity and dispatch; that our acts may be creditable to us as the agents of others, for certainly we are not here to act for ourselves. but to fulfil the most responsible duty and the most sacred confidence with which man can ever be intrusted. Indeed, so important is the duty of enacting laws for one's country, that no one, feeling the real dignity and responsibility of such an office, can fail to sympathize with those ancient legislators who never essayed to enact a law, or issue a decree, without first calling upon the gods to witness the justice and necessity of their undertaking; and in truth, gentlemen, that legislator who can so far forget his duty and his honor as to convert the sacred confidence of such a trust into a mere effort to promote selfish schemes by speculative legislation, is morally a criminal, whose violation of the covenant which he makes with the people is more disastrous than the crime of the felon; for the felon's stab strikes down but one, whilst the dishonest legislator stabs the great heart of society, and you, and I, and all of us fall down beneath the hidden stroke of his success. It is idle, nay, gentlemen, it is wrong, for us to remain indifferent to the fact that each of our preceding Legislatures has been accused by the people of assenting to speculative laws. I do not acknowledge the truth of such assertions; but if we can do no act to render our session memorable for good, in the name of God, let us at least suffer nothing to be done which will render it odious to the people. Most of us are young men, and have our fortunes to achieve, and we must not suffer ourselves to forget that age adds nothing to the strength of patriotism; that nothing dishonest ever enures to the noblest success; and that every dollar wrongfully wrested from one's country is like a jewel robbed from one's own mother, which may be possessed but never can be enjoyed. We have sufficient years to know our duty, and it is our good fortune to live in a period of our country when great political experience may be acquired without the expense of age. Let us, therefore, only do those things which we have strictly undertaken to perform, and ours may be the honorable distinction of rendering this session of our Legislature not merely advantageous to the State, but really an epoch in its early political history, for the integrity and carefulness of its legislation, and for the devotion of its members to the real welfare and lasting prosperity of this new, wonderful and magnificent country.

Messrs. Hubbard, Bell and Hunt appeared, were qualified and took their seats.

The House next proceeded to elect a principal clerk. Mr. Blake put in nomination Blanton McAlpin.

Those who voted for Mr. McAlpin were—Messrs. Bell, Blake, Bostwick, Brush, Cabaniss, Caldwell, Canny, Carhart, Carpentier, Conness, Cardozo, Covarrubias, Crenshaw, Estep, Ewing, Fairfax, Flower, Gardner, Garfield, Hally, Harrison, Heydenfeldt, Hoff, Hunt, Irwin, Johnson, Kittredge, Knight, Lee, Leake, Letcher, Mandeville, Martin, Meredith, McCandless, McFarland, McGarry, McMeans, Moore, Myres, Oliver, Owen, Redding, Robinson, Rogers, Sime, Snyder, Smith, Taylor, Thomas, Van Dyke, Wall, Walker, Wells, Wilson, Wing and Yeiser—57.

Mr. McAlpin having received all the votes cast, was declared duly elected Chief Clerk.

The House next proceeded to elect one Assistant Clerk.

Mr. Canney nominated J. W. Scobey.

Those who voted for J. W. Scobey were—Messrs. Blake, Bostwick, Brush, Cabaniss, Caldwell, Canney, Carhart, Carpentier, Conness, Cardozo, Covarrubias, Crenshaw, Estep, Ewing, Fairfax, Flower, Gardner, Garfield, Hally, Harrison, Herbert, Heydenfeldt, Hoff, Hunt, Irwin, Johnson, Kittredge, Knight, Lee, Leake, Letcher, Mandeville, Martin, Meredith, McCandless, McFarland, McGarry, McMeans, Moore, Myres, Oliver, Owen, Redding, Robinson, Rogers, Sime, Snyder, Taylor, Thomas, Van Dyke, Wall, Walker, Wells, Wilson, Wing and Yeiser—57.

Mr. Scobey having received all the votes cast, was declared duly elected Assistant Clerk.

The House next proceeded to elect an Enrolling Clerk.

Mr. Crenshaw nominated A. G. Kimball.

Those who voted for Mr. Kimball were—Messrs. Blake, Bostwick, Brush, Cabaniss, Caldwell, Canney, Carhart, Carpentier, Conness, Cardozo, Covarrubias, Crenshaw, Estep, Ewing, Fairfax, Flower, Gardner, Garfield, Hally, Harrison, Herbert, Heydenfeldt, Hoff, Hunt, Irwin, Johnson, Kittredge, Knight, Lee, Leake, Letcher, Mandeville, Martin, Meredith, McCandless, McFarland, McGarry, McMeans, Moore, Myres, Oliver, Owen, Redding, Reading, Robinson, Rogers, Sime, Snyder, Taylor, Thomas, Van Dyke, Wall, Walker, Wells, Wilson, Wing and Yeiser—57.

Mr. Kimball, having received all the votes cast, was declared duly elected Enrolling Clerk.

The House then proceeded to elect an Engrossing Clerk.

Mr. Fairfax nominated Wm. Zabriskie.

Those who voted for Mr. Zabriskie were—Messrs. Blake, Bostwick, Brush, Cabaniss, Caldwell, Canney, Carhart, Carpentier, Conness, Cardozo, Covarrubias, Crenshaw, Estep, Ewing, Fairfax, Flower, Gardner, Garfield, Hally, Harrison, Herbert, Heydenfeldt, Hoff, Hunt, Irwin, Johnson, Kittredge, Knight, Lee, Leake, Letcher, Mandeville, Martin, Meredith, McCandless, McFarland, McGarry, McMeans, Moore, Myres, Oliver, Owen, Reading, Redding, Robinson, Rogers, Sime, Snyder, Taylor, Thomas, Van Dyke, Wall, Walker, Wells, Wilson, Wing and Yeiser—57.

Mr. Zabriskie having received all the votes cast, was declared duly elected Engrossing Clerk.

The House next proceeded to the election of Sergeant-at-Arms.

Mr. Thomas nominated G. W. Coffee.

Those who voted for Mr. Coffee were—Messrs. Blake, Bostwick, Brush, Cabaniss, Caldwell, Canney, Carhart, Carpentier, Conness, Cardozo, Covarrubias, Crenshaw, Estep, Ewing, Fairfax, Flower, Gardner, Garfield, Hally, Harrison, Herbert, Heydenfeldt, Hoff, Hunt, Irwin, Johnson, Kittredge, Knight, Lee, Leake, Letcher, Mandeville, Martin, Meredith, McCandless, McFarland, McGarry, McMeans, Moore, Myres, Oliver, Owen, Reading, Redding, Robinson, Rogers, Sime, Snyder, Taylor, Thomas, Van Dyke, Wall, Walker, Wells, Wilson, Wing and Yeiser—57.

Mr. Coffee having received all the votes cast, was declared duly elected Sergeant-at-Arms.

The House next proceeded to the election of Door-Keeper.

Mr. Covarrubias put in nomination John Warrington.

Those who voted for Mr. Warrington were—Messrs. Blake, Bostwick, Brush, Cabaniss, Caldwell, Canney, Carhart, Carpentier, Conness, Cardozo, Covarrubias, Crenshaw, Estep, Ewing, Fairfax, Flower, Gardner, Garfield, Hally, Harrison, Herbert, Heydenfeldt, Hoff, Hunt, Irwin, Johnson, Kittredge, Knight, Lee, Leake, Letcher, Mandeville, Martin, Meredith, McCandless, McFarland, McGarry, McMeans, Moore, Myres, Oliver, Reading, Redding, Robinson, Rogers, Sime, Snyder, Taylor, Thomas, Van Dyke, Wall, Walker, Wells, Wilson, Wing and Yeiser—56.

Mr. Warrington having received all the votes cast, was declared duly elected.

The Speaker appointed Charles Hubbs as principal Page, and Henry Fossbender as Assistant Page.

Mr. Carpentier introduced a Joint Resolution, which was adopted, ap-

pointing a committee of two from each House to wait upon the Governor and inform him that the two Houses had organized, and were ready to receive any communication he might see proper to submit.

Messrs. Carpentier and McMeans were appointed, on the part of the House, as said committee.

The following communication was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate has organized by electing

A. C. Bradford,	Secretary.
John S. Love,	Assistant Secretary.
James L. Trask,	Enrolling Clerk.
Wm. G. Marcy,	Engrossing Clerk.
G. W. Ten Broeck,	Sergeant-at-Arms.
E. C. Dowdigan,	Door-Keeper.

And is now ready to proceed with the business of the Session.

A. C. BRADFORD, Secretary.

Mr. Wing moved that the Rules of the House for the last session be adopted for the present session temporarily.

Agreed to.

On motion of Mr. Canney, a committee of five was appointed to draft Rules for the government of the House.

Messrs. Canney, Snyder, Moore, Thomas and Wing were appointed said committee.

The following was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate this day concurred in Assembly Joint Resolution creating a committee to wait upon the Governor; and has appointed, on the part of the Senate, Messrs. Keene and Foster.

A. C. BRADFORD, Secretary.

Mr. Carpentier reported that the committee had waited upon His Excellency, according to their instructions, and had received for answer that he would in a short time communicate to the Houses in writing.

The following message was received from the Governor by his Secretary:

FELLOW CITIZENS OF THE

SENATE AND ASSEMBLY:

The duty again devolves upon me to communicate with the People's Representatives on the condition of the State, and recommend such measures as I may deem expedient.

Permit me, then, to welcome you to the scene of your legislative labors, and to express the hope, that all the measures matured by you, may not only be promotive of the interests, but meet the warm approval of our common constituents, who have confided to you the most important trust which can be delegated to public agents. I need hardly assure you of my sincere desire to co-operate with you in all your efforts to exalt the character, establish the credit, and advance the general interests of the State.

You have assembled at an interesting period in the history of our public affairs. Our interests have acquired a more permanent and solid character; the people have generally yielded a willing obedience to the laws; our commerce is rapidly diversifying and expanding; the sources of our wealth have been immensely augmented; agriculture and the mechanic arts are more generally engaging the attention of our people; institutions of learning are springing up in our midst; and, in fact, all the arts of peace are beginning to progress and flourish throughout the State. We have entered upon our career of freedom and civilization with prospects the most flattering. Uninterrupted and surprising as has been the progress of those sister States from which we are divided—not by feeling, but by geographical position—astonishing as have been the achievements of science, and astounding the political events which have distinguished the past history of our country, the settlement and partial developement of the resources of California by the American people, is by no means the least amongst the great achievements which have been consummated. The importance of events is estimated by their influence upon the destinies of mankind; that of the settlement and developement of California, to which I have above alluded, possesses a peculiar interest, since it evidently hastens the period when a more considerable portion of this continent—including, perhaps, some of the proximate islands of the seas—may be in subjection to the enterprising and enlightened policy of the Government of the United States. The settlement of California has developed in the public mind a strong bias favorable to other peaceful acquisitions, and has proved, that, while in accordance with the uniform policy of the Government, we have ever been ready to welcome emigrant foreigners to our soil, who can, consistently with the Constitution and Laws of the United States, become citizens by naturalization, they are, at the same time, disposed to make the soil itself, peacefully, a portion of the Republic. Despotisms forcibly subdue and subject foreign territory in violation of the laws of nations, while it is the policy of our Government to extend the "area of freedom" only when it can be done consistently with the rights of others, and by a due observance of the laws governing national intercourse.

Pursuing the path of peaceful progress, we have advanced in all the elements of national greatness, and enjoyed a degree of individual prosperity under the operations of our civil institutions, unexampled in the history of governments.

Amongst the most important duties which will devolve on you at your present session, is that of regulating the finances of the State, and fixing them upon a basis at once permanent and sure; which shall, at the same time, serve to secure us against the embarrassments of an overdrawn treasury, as well as against the burdens of oppressive taxation. It cannot be disguised, that for the past three years, we have not devoted that advised and well informed attention to this subject which its great importance demands. Year after year, since the organization of the State, we have been steadily contracting heavy liabilities, until at length, the burden is onerously felt, and the embarrassments thus occasioned begin to seriously affect our standing and credit, and retard our progress. That measures must now be adopted, immediate, if practicable, in their effect, and radical in their nature, would seem to admit of no question. We have pursued a system heretofore, the practical results of which, as exhibited by the present financial condition of the State, are certainly not such as will commend it to further adhesion. A system which produces such results, must be defective, and should be abandoned. To sustain the credit of the State, to avoid the burdens of embarrassing liabilities, and to expend no more than the annual revenues derived from easily borne taxation, are amongst the first and great objects of legislation. But we have signally failed to do either up to this time, and must, therefore, have pursued a system neither well founded nor wisely practical, considered with reference to the objects intended to be secured thereby. A debt has been already contracted, which, under existing arrangements, will continue to accumulate to a disastrous extent. Fortunately, however, it rests with you to check this growing evil, by a suspension of the existing, and the adoption of another system, which, while it avoids the errors into which we have heretofore fallen, shall introduce such salutary reforms, as past experience demonstrates to be indispensable.

With this in view, it is my purpose to present, generally, for your consideration, a few of the leading reforms which have occurred to my mind as important and necessary.

The existing debt of the State on the 15th December, 1852, is set forth as follows in the Report of the Comptroller of State.

CIVIL DEBT.

Amount of	3 per cent. Bonds outstanding,	$63,750 00	
"	Interest on same to date,	63,700 00	
			$127,450 00
"	7 per cent. Bonds of 1851,	$397,000 00	
"	Interest on same,	3,218 58	
			$400,218 58

Amount of 7 per cent. Bonds of 1852,	$790,500 00		
" Interest on same,	281 41		
			$790,781 41
" Civil Warrants outstanding,			69,763 79
			$1,388,213 78

WAR DEBT.

Amount of 12 per cent. War Bonds of 1851,	$200,000 00		
" Interest on same,	39,812 20		
			$239,812 20
" 7 per cent. War Bonds of 1852,	$478,000 00		
" Estimated interest on same,	10,850 00		
			$489,850 00
" War Warrants outstanding,			41,727 85
Total War Debt,			$771,190 05
Amount of School Land Warrants,	$190,080 00		

WHOLE DEBT OF THE STATE.

Amount of Civil Debt on the 15th December, 1852,	$1,388,213 78
" War Debt " "	771,190 05
	$2,159,403 83
Making the entire Debt of the State, Civil and War,	$2,159,403 83

And if we include the $190,080 00 received for School Land Warrants, $2,349,483 83. On the amount received for School Land Warrants, the State is pledged to pay an annual interest of seven per cent. to the School Fund, but the principal I do not regard as legitimately a debt of the State: so that, excluding this item, it will be found to be $2,159,403 83, to which should be added $5,412 31, the interest which has accrued upon the amount realized from the sale of School Land Warrants. Besides this, the debt contracted by reason of Indian expeditions, amounting to the sum of $771,190 05, should be regarded rather as an apparent than actual indebtedness. The reasons for this opinion are contained in a special message transmitted to the Legislature at its last session, and are as follows:

"The General Government owed us protection which was not adequately afforded. Our frontier citizens were exposed to Indian depredations, and hostile Indian incursions were not only threatened, but actually commenced. No sufficient United States forces could be mustered for the protection of our people, their lives and property, and we were compelled, therefore, to protect ourselves. To do this, it became necessary, in the opinion of the Executive, to extend that protection which the General Government should have secured. The amount expended on these expeditions, for a part of which the bonds and warrants of the State are now outstanding, I have reason to believe, will be promptly assumed by the General Government. Our situation in this respect is not at all peculiar, for there are abundant precedents to be found in the proceedings of Congress, of appropriations having been made in similar cases. By Act of Congress, approved March 3, 1841, provision is made for the payment of troops called out by the Governor of Alabama to suppress Indian hostilities. By an Act approved August 11, 1842, an appropriation of $175,000 is made to the State of Georgia, for expenses incurred in the Seminole, Cherokee and Creek campaigns; and the suppression of Indian hostilities in Florida and Alabama. By an Act approved August 29, 1842, the sum of $61,378 15 is appropriated to the State of Louisiana for the troops employed in the Seminole war; and by Act approved May 14, 1834, an appropriation of $35,000 is made to Missouri for similar purposes. These precedents indicate, that where it is made to appear that a State has been required to call out forces and incur expenses in its defence, the Congress of the United States will make such appropriations as justice, and an observance of the relations existing between the General and State Governments require. Besides these precedents, there are to be found numerous appropriations made to individuals, for services rendered by order of the several State authorities, and for property stolen and destroyed by hostile Indians, where insufficient protection had been extended by the General Government."

Should this amount, then, be assumed by the General Government, the debt of the State is reduced to $1,388 213 78. It should be borne in mind, however, that until an assumption by the General Government, we are pledged to the redemption of the bonds issued to secure the payment of these liabilities, and whatever financial measures are adopted, should be with a view to the contingent probability of their ultimate payment by the State.

Having thus exhibited our present financial condition, it remains to devise means by which the large indebtedness we have incurred may be discharged, and the affairs of the State hereafter administered so that its expenditures shall not exceed its income. It is perfectly apparent that we cannot proceed as heretofore, without destroying our credit and deeply involving our interests. Wisdom would therefore dictate reforms, and experience demonstrates that in many cases they are required to be radical.

The estimated receipts and expenditures for the ensuing fiscal year, are estimated by the Comptroller as follows:

Receipts, - - - -	$434,150 00
Expenditures, - - - -	1,093,213 68

By reference to the table of estimated expenditures, it will be seen, however, that many of the items mentioned are of special character, and do not enter into the general annual expenditures; amounting in the aggregate to upwards of $220,000.

With a view to lessen the expenditures of government, I would invite your attention first to several reforms in our State Constitution.

When we consider the period and circumstances of the adoption of our present Constitution, it is not matter of astonishment that experience should have disclosed its imperfections. Coming into existence at an early and unsettled stage of our political history, when our population was sparse, unstable, and possessed little or no identity with the permanent interests of the State—when our wants and resources were as yet undefined and undeveloped—when the diversified adaptations and necessities of the various portions of the whole were unknown, and all was confusion and excitement, it would, indeed, present an instance of almost superhuman sagacity, should its provisions be found to afford a solution for all the exigencies of the future. The immense augmentation of our population; the rapid and mighty changes in our habits and pursuits; the more matured and staid condition of society, independent of its intrinsic defects, would seem to demand that the basis of our system should be remodeled, and adapted to present emergencies.

It is but justice, too, that that large and intelligent accession to our numbers which has accumulated since the adoption of our existing Constitution, should be permitted to speak and have its influence in shaping the character of our institutions.

I am not an advocate of frequent and sudden changes in that system of law and policy by which a people are governed. But when a State exhibits the spectacle which is presented by ours, of having grown up from infancy to manhood, as it were in a day—when in the short space of three years, we have risen from a wandering and adventurous population of not more than fifty thousand, devoting themselves rather to the acquisition of wealth than the formation of a plain, free, and frugal government—to some three hundred thousand orderly, moral, industrious, intelligent, and permanent citizens, who are indissolubly associated with the welfare and prosperity of the State; and especially when radical and serious defects exist, duty, wisdom and prudence dictate that an effort be made to remedy those deficiencies and errors, and that alterations in our earlier organization, comporting with the change of circumstances, be effected. But by far the most material consideration which influences me in this recommendation is that of economy.

In the present embarrassed condition of our State finances, it becomes us to search out every avenue to economy which does not entrench on principle or justice. It is believed that provisions exist in our Constitution which might be dispensed with, without inconvenience, and thereby, if not entirely relieve, at least greatly assist in reducing our burdens and embarrassments. Such being my convictions, I feel it my duty to recommend that steps be taken in accordance with the first section of the tenth Article of the Constitution: First, for amending the second section of Article fourth of that instrument in such a manner as to provide for biennial instead of annual sessions of the Legislature, and those sessions not to exceed ninety days in duration. When the advantages and disadvantages of annual and biennial sessions of legislative bodies are impartially compared, the preponderance of

benefit will be found to be clearly on the side of the latter. It is true, that by way of speedily curing existing defects in our laws and of applying a remedy to cases of pressing and importunate demand, the yearly assembling of the Legislature may afford advantages; but on the other hand, when we reflect on the expenditures of public money necessarily attendant on these sessions; on the evils of that government whose laws are undergoing continual and rapid changes; and that in cases of absolute necessity, it is in the power of the Executive to call extra sessions, the argument must be admitted to be in consonance with the proposed amendment.

Such an alteration in our Constitution will effect a saving to our Treasury of two hundred thousand dollars, annually. An item of such importance in our present condition must command the most careful investigation of the Legislature, and to it I invoke your most serious deliberations. It is a fact of no slight importance, that many of our sister States, after having tested the system of annual sessions, amended their Constitutions as now recommended; but no instance can be found in which the reverse is the case. The States of Missouri, Illinois, Georgia, Alabama, Mississippi, and Kentucky, have, of late years, amended their Constitutions in this respect.

Second: That the twenty-eighth section of the fourth Article of the Constitution be repealed, and the taking of the census of the State be left to be regulated by law, or that it be so amended as not to require that work to be done in the year 1855.

The taking of the census of a State so extended as ours, is a weighty and expensive operation, requiring much time and labor, and a great outlay of money, and should not be required more frequently than actual necessity demands. During the past year it has cost some one hundred thousand dollars: and, as it is an affair of questionable utility, it is to be hoped that it will not be so soon repeated as the Constitution requires. The census will be again taken by the Government of the United States in the year 1860, and that which has just been completed, may without inconvenience be acted upon until that period.

Third: That the first section of the ninth Article of the Constitution be repealed, and the duties of the Superintendent of Public Instruction devolve upon the Secretary of State, or upon Commissioners to be chosen by the people of each school district or township.

The office of Superintendent of Public Instruction, as a distinct department, is of very doubtful necessity, as an original question; and if, under any circumstances, it were desirable, can now, with propriety, be dispensed with, and thus relieve the Treasury annually to the amount of the salary and contingencies of that office. In adopting the policy proposed, we follow the example of a large majority of our sister States on this interesting subject. On examination, it will be found that more than two-thirds of the members of the Confederacy have, after mature experience, in some of them, finally settled down on the measure advocated by this amendment. The States of Vermont and Wisconsin are the only ones which have constituted this a separate and independent office; New York, Massachusetts, Illinois, and Pennsylvania have merged the duties of this office in that of the Secretary of State; Indiana has placed them in the hands of the State Treasurer; Connecticut, with the State Auditor; and Maine, New Hampshire, Louisiana, Mississippi, Alabama, Florida, Georgia, and Missouri, have divided

them out among Commissioners elected by the people of the various school districts. Such commanding precedents should not be disregarded by us.

The fundamental law of government, which can only be changed after long and strenuous effort, it would seem, should be confined to provisions for great and admitted principles and measures, and leave the ways and means of carrying those great truths into effect to the wisdom and patriotism of the legislative power, acting under a knowledge of the peculiar circumstances of the times.

Fourth: The twenty-fifth section of the fourth Article is equivocal and doubtful in its construction, and would seem to impose a novel, unnecessary, expensive, and—as it has been sometimes acted on—inoperative duty. It provides that, in order to revise or amend an Act or section, the Act or section proposed to be amended, must be re-enacted and re-published at length. This requisition increases considerably our printing expenditures, and from the useless labor required, is frequently disregarded in practice. Thus, at one and the same time teaching us to evade the solemn injunctions of the Constitution which we have sworn to support, and uselessly enhancing the demands upon the Treasury.

I therefore recommend that the portion of this section liable to these objections be repealed, and that the section be left to read, "Every law enacted by the Legislature shall embrace but one object, and that shall be expressed in its title."

Fifth: That the 18th section of the 5th Article of the Constitution, providing for the election of Surveyor-General, be amended, and that the whole matter of the necessity of appointment or election of such officer be confided to the Legislature. The reasons for this recommendation are the same as those which obtain in the case of the Superintendent of Public Instruction.

Sixth: The 8th section of the 11th Article provides that the Fiscal year shall commence on the first day of July. I recommend that this section be so amended as to make the commencement of the fiscal year on the fifteenth of December. The reasons for this change will readily present themselves. Under the existing provision, the Legislature which assembles on the first Monday of January, cannot obtain satisfactory information from the Annual Reports of the Comptroller and Treasurer as to the condition of the State finances, after the first day of July preceding. And, consequently, it becomes necessary for this information to be obtained by special resolution, always at great expense of time and labor to those officers. If the change suggested, however, were made, the reports of these officers would display the condition of our finances up to the fifteenth of December, and much more satisfactory.

These alterations are suggested under a solemn sense of duty, believing them not only conducive to the interests of the State, but absolutely essential to our prosperity and welfare. By adopting the method of amendment pointed out by the section of the Constitution to which I have referred, you will avoid the expense and agitation of calling a Convention of the State, and it is hoped that this course will commend itself to your judgment as the most prudent and desirable.

The office of Superintendent of Public Buildings is believed to be unnecessary, and a useless burden to the Treasury. I recommend, therefore, that the law creating that office, unless it expired by limitation on

the first of January, as is believed to be the case, be repealed, and that the duties thereof be required to be performed by some one, or all of the State officers, without additional compensation; or that some other disposition be made of those duties which will relieve the Treasury of the expenditures incident to that office. In this, too, we follow the example of most of our sister States. New York vests these duties in the Governor, Lieutenant Governor, Speaker of Assembly, Secretary of State, Attorney General, and Comptroller, by right of office. Mississippi vests them in the Auditor and Treasurer of State. Illinois places them with the Secretary of State. Wisconsin with the Governor alone. In no State of the Union, save that of Missouri, can I find this constituted a separate and distinct office.

Our Judicial Districts are much more numerous than our necessities seem to demand. We now have eleven District Judges, with salaries ranging from three thousand to seven thousand five hundred dollars each. These might well be curtailed to eight, and thus effect a considerable saving to the Treasury. I recommend that this be done, and that the County Attorney system be also changed to that of the election of one Attorney for each Judicial District, to be compensated by the fees of office. This latter provision will relieve the county treasuries of the salaries of these officers, and invest the office with more importance and dignity, besides saving to the State the annual sum of five thousand dollars now paid to the District Attorney of San Francisco County.

The State Prison Inspecctors, authorized by the Act of April 25th, 1851, are not required, and are an unnecessary charge upon the State, their salaries amounting to $2,000 per annum, each. These may be dispensed with without detriment to this particular branch of the public service, and their duties devolved on a board composed of any three of the State officers, without additional compensation. By adopting this suggestion, a saving would be effected to the State of $6,000 annually.

In pursuance of the system of retrenchment and reform proposed, I come now to consider the propriety of a further reduction of the salaries of officers of State and pay of members of the Legislature. The general object is to reduce both to *a cash basis*, and thus to provide for their payment in cash instead of, as heretofore, depreciated evidences of State indebtedness, from which has been realized little if any more, than the sum at which it is now proposed to fix them. It is well understood that these salaries and pay, practically, have been and are, to the extent of at least thirty three per cent., nominal, so far as the recipients of them are concerned; while on the other hand, the effect is to burden the State with extravagant expenditures. The State must ultimately pay at the rate of $16 or $12 per diem, while the member receives in fact but $8 or $10. The reason of this is obvious. So long as we continue to exceed in our annual expenses our annuel revenue, the credit of the State must continue to be impaired, and its bonds, warrants, or other obligations depreciated; and while the pay of members or salaries of officers are received in such depreciated evidences, a proportionate nominal increase of both is in justice required. I feel it my duty, therefore, to earnestly present this important subject for your attentive consideration.

The expenses of the Legislature, as well as the Executive Department of

the State Government, considered with reference to their ultimate payment, and in *cash*, instead of fictitious amounts, have been undeniably exorbitant. The mileage and per diem of members, alone, have annually averaged over $220,000 since our organization as a State Government. This amount is exclusive of Legislative printing—the printing of the laws and journals, and the contingent expenses of the two houses, which amount in the aggregate for the same period to $365,555 06, an average of over $121,000 annually. These exorbitant expenditures may and ought to be greatly reduced. So also with the Executive Department. The salaries paid officers of State, if fixed upon a cash basis, are unnecessarily large, and with proper discriminations may be reduced without practically diminishing the amount now received by them.

The expenses incurred in the support and maintenance of our State Hospitals, too, are excessive and unwarranted by our present financial condition. Much as we may regret the necessity, still it is certain, that as one of the means to restore the credit of the State and preserve it, the very large annual expenditures consequent upon the support of this system must needs be avoided. It appears from the Comptroller's Report that appropriations for our hospitals for the present fiscal year exceed the sum of $238,000. So great an outlay we are in no condition to sustain, even were the necessity for it greater than at present is believed to exist. I can do no less, therefore, than earnestly recommend that some measure be adopted, which, while it provides for the care of the indigent sick in such manner as the means and resources of the State justify, shall relieve the Treasury of the burdens of the existing hospital system.

By adopting the suggestions which have been thus imperfectly submitted, it is estimated that an annual saving may be effected to the State of $512,700, which consists of the following items:

Surveyor General,	$2,000 00
Superintendent of Public Instruction,	4,500 00
Superintendent of Public Buildings,	4,000 00
Prison Inspectors,	6,000 00
Biennial Sessions,	171,000 00
Reduction of pay and mileage—pay to $8 per diem, mileage one-half,	110,000 00
Limiting Sessions to ninety days,	43,200 00
Reducing transportation of Prisoners from one dollar to fifty cents per mile, which is recommended,	8,000 00
State Hospitals. (See Report of Comptroller,)	140,000 00
Reducing Salary of Governor to $7,000,	3,000 00
" " Supreme Court Judges, $7,000,	3,000 00
Reducing number of District Judges from 11 to 8, about,	12,000 00
Salary of District Attorney of San Francisco,	5,000 00

It is not pretended, of course, that these estimates are entirely accurate, but by reference to the Report of the Comptroller they will be found to be very nearly correct; sufficiently so, to show the necessity for immediate

legislative action on the subject. When it is considered, that the amount thus saved exceeds the annual revenue of the State, no other or further reason, it would seem, need be assigned to induce you to adopt the system of retrenchment from which such results must follow.

Although the gentlemen now discharging the duties of the various offices proposed to be dispensed with, as distinct offices, have been efficient, and rendered important service, still, believing that the duties appertaining to the said offices can be performed by others, without detriment to the public interest, I have, as a measure of economy, deemed it my duty to recommend their abolishment, and the duties thereof transferred to other officers of State.

It will be seen that the enormous sum of $157,093 89, has been paid as interest on our three per cent. bonds, and that on the 15th of December last, the amount outstanding was $ 53,750, on which, interest to the amount of $63,700 had accrued. By adopting the reforms suggested—and relieving the State from the onerous interest, accruing on these three per cent. bonds, we may certainly calculate, especially when it is considered that objects of taxation must annually increase, to defray, as they accrue, and in cash, all the expenses of an economical administration of the State Government.

The interest upon our civil bonds is well secured, and their ultimate redemption provided for by the Sinking Fund.

In this connection it is submitted that the revenue laws of the State will require revision and important alterations.

The provisions of the Revenue Act of the 23d of April, 1852, which imposes a tax upon the sale of consigned goods, has met with much resistance in the city of San Francisco. This measure is too important in its bearings upon the interests of the State to be neglected, and no means should be left untried, consistent with the Constitution, to enforce its provisions. I have been advised by the District Attorney of San Francisco County, (whose Report is herewith submitted) that in July last he submitted to the Grand Jury, on application of the Collector of the County, some two hundred indictments against parties charged with violating this Act, and that though informed by the County Judge, that the legal presumption was in favor of the constitutionality of the Act, the Grand Jury ignored the several bills presented under it. The reasons for the action of the Grand Jury are not expressly assigned, but in the opinion of the District Attorney, as well as the counsel employed to assist him, "the evident hostility which it manifested to the act," made it advisable not to institute any civil proceeding under it, but to await the action of the Legislature. I know of no better suggestion to make than that contained in the report of the Counsel employed to assist the District Attorney—that "proceedings both civil and criminal be authorized to be instituted in some other county to enforce compliance with its provisions." It is also further suggested that the clause of section seventy-seven, which gives to the vendor a lien on the owner of the goods, be repealed.

I have to renew the recommendation contained in my special message of last winter, in relation to the receipt of Comptroller's Warrants for all State dues;—a measure which it is believed will tend to secure an increased col-

lection of revenue, and at the same time serve to improve the credit of the State, not only in proportion as it diminishes the amount of her indebtedness, but as it also evidences an intention on the part of the State to deal justly with its creditors. The hardship and injustice done to the holders of adjusted civil demands against the State, in refusing to receive these demands in payment of claims held by the State against them, is too obvious to be dwelt upon for a moment. Equity and good faith require that this shall not longer continue to be the case.

In a financial point of view, too, it cannot be doubted that the system now in force operates injuriously upon the pecuniary affairs of the State. The injustice of the requirement to receive nothing but gold and silver, notwithstanding the tax payer may hold an ascertained and adjusted indebtedness of the State, is by many deemed so flagrant, that even well disposed persons, in view of it, are inclined to resist what they very naturally regard an illegal and burdensome exaction, and seek to avoid the payment of taxes, which, under other circumstances, would be cheerfully contributed. I cannot do less, therefore, than to earnestly recommend that the law be so changed as to authorize and direct collectors of taxes to receive these warrants.

By an Act of the Legislature approved March 26th, 1851, certain property of the State known as the "Beach and Water Lot Property," was released to the city of San Francisco for the term of ninety nine years—the city to pay into the State Treasury twenty-five per cent. upon all moneys arising from the disposition made of the property after the passage of the Act. On the 1st day of May, 1851, another Act was passed, relinquishing to the city certain Beach and Water Lot Property, upon the express condition that the titles which had been theretofore granted by any Justice of the Peace, should be confirmed. The conditions of neither Act have been complied with. The requirement to confirm grants made by Justices of the Peace has been wholly neglected, and but one thousand dollars have been paid into the State Treasury under provisions of the second Section of the Act of March 26th, 1851.

The whole property it is understood, however, has been sold under execution to satisfy judgments obtained against the city. It is unnecessary to present a full history of the proceedings which resulted in the sale of this property and the litigation which has consequently ensued. The duty is now devolved on the agents of the State to adopt measures to secure, as far as possible, its legal and just rights in the premises. The Attorney General has instituted suit for the whole of the property thus relinquished, but some time must necessarily elapse, before a decision of the questions involved can be had. I would recommend, therefore, that a Joint Committee be appointed, early in the session, charged with the duty of investigating the whole subject, and that they further examine and report whether the present limits of the city may not, without injury to the harbor, be extended, and if so, it is recommended that the addition be divided into lots of suitable size and leased for a term of years, under the direction of the Comptroller and Treasurer: the proceeds to be paid into the State Treasury. The right of the State to the use of this property, without injury to commerce, cannot be questioned: and the money arising therefrom would constitute an annual income which would form

an important item in the amount required to defray the necessary expenses of government.

I would also commend to your early consideration, that additional measures be adopted to secure escheated estates. It is believed that immensely valuable estates, which justly belong to California, are in the hands of, and held by, individuals. By the Constitution, this species of property is set apart for educational purposes; it is, in fact, the inheritance of the children of the State, and should be in all cases secured, and the proceeds appropriated as designed by the Constitution.

By an act of the last session, I was required to employ counsel to conduct certain suits in San Francisco, arising under the revenue laws. In pursuance of this requisition, counsel were employed in the following cases in which injunctions had been sued out by the parties to restrain the sale of certain property levied on by the sheriffs of San Francisco and Solano counties, to satisfy the revenue assessments of the State: Minturn, Mezzie & Co., Pacific Wharf, Charles L. Wilson, Pacific Mail Steamship Co., and Cornelius Vanderbilt, against the Sheriff of San Francisco, and the Pacific Mail Steamship Co., against the Sheriff of Solano county. The above cases were all instituted to restrain the collection of the State (and County) tax, assessed under the revenue act of 1851. The first, fourth, fifth and sixth, upon complainants' property in vessels; the second, upon complainants' property or franchise on Pacific Street Wharf; the third, upon complainants' property or franchise in the Mission Plank Road. The two first have been decided in favor of the State, upon appeal, by the Supreme Court; and the third in consequence of the decision of the two first, has been dismissed. The fourth, fifth and sixth, are still pending in the Federal Court. The result of these suits is of vast importance to the State, since the sum of perhaps $100,000 depends directly on it. The parties complainant are large capitalists interested in some of the heaviest business enterprises conducted in the State, and are realizing immense profits from them. They resist the payment of taxes on the ground that the owners of the property sought to be taxed, are citizens of other States of the Union, and subject to taxation on the same property in the place of their residence. The fact, however, is indisputable that the parties who are thus seeking to avoid a not unreasonable contribution towards the support of our State Government, are operating under the protection of its laws in immense enterprises, and amassing fortunes from its citizens, who unlike them, cheerfully contribute to the support of that government whose protection they enjoy.

The subject of the future disposition of the lands within the State is daily assuming an increased importance. The unsettled condition of titles to this species of property has ever been, and still continues, a serious obstacle to our prosperity. Thousands of our fellow citizens stand ready to invest their means, and bend their energies to the development of the agricultural resources of our rich and inviting soil, laying broad and deep the foundations of future prosperity, on that surest basis of State greatness and independence; and thousands more of our most industrious and enterprising population are anxiously awaiting the action of Congress, which is to secure to themselves and families comfortable and permanent homesteads.

Perhaps two-thirds of the most valuable agricultural lands of the State

are claimed under Mexican or Spanish grants, the validity of which is yet undetermined. This is a subject which commands the immediate consideration of the Legislature. Some plan should be devised by which these claims may be more speedily and satisfactorily disposed of than by that which now exists. The present law of Congress on this subject is conceded to be defective. The circuitous and irregular proceedings required under it, through a Board of Commissioners, might be well and beneficially dispensed with, and these claims brought directly into the District Court of the United States, where the rules of legal evidence are observed; where witnesses are brought into court, examined and cross-examined, and where all the parties interested can be heard by counsel. Commissioners acting under the existing law, defective as it is conceded to be, have made or will hereafter make, few decisions which will not be appealed to the District Court. It must, therefore, be readily perceived how it will operate a great saving of time and expense to require them, in the first instance, to be brought before this judicial tribunal. I recommend that Congress be memorialized on the subject, with a view to the repeal of the present law, and the passage of an Act prescribing the mode of bringing these claims for adjudication and settlement at once before the United States District Court.

The superior importance of agriculture in promoting the prosperity of States is too well understood, and too universally conceded, to require extended comment. For the encouragement of this interest, and as an inducement to diversity of pursuits amongst the people of the State, I respectfully call your attention to the propriety of again exerting the influence of the Legislature in an effort to obtain the passage of a law by Congress donating the public lands in limited quantities to actual settlers.

The interests of both State and nation will unquestionably be best subserved by thus donating the public domain in small tracts. It will induce emigration to the State; greatly increase the amount of taxable property; and, above all, secure to us an abundance of the necessaries of life produced at home; and thus retain amongst ourselves, to be applied in extending agricultural operations, the millions now expended annually for products of foreign growth.

An additional argument to enforce prompt and energetic action on this interesting subject, is found in the fact, that in consequence of the inadequate cultivation of the vast and productive lands of the State, it is now and will hereafter be in the power of unscrupulous capitalists and speculators to monopolize the very necessaries of life, and thus reduce the laboring classes of our citizens, in many cases, to the verge of starvation.

It has been customary, also, for Congress to donate to the different States on their admission into the Union, lands for schools, universities and seminaries of learning.

This was not done in the case of California. It is true that by our admission, under the present Constitution, the diversion which that instrument makes of the 500,000 acres, donated for internal improvements to school purposes, was sanctioned by Congress; but this leaves our Internal Improvement Fund vacant. Other States have received both the internal improvement and school lands, besides special donations for universities, capitol buildings, and other objects.

Your attention is again respectfully directed to an Act of Congress passed

September 28th, 1851, entitled "An Act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits." Under the provisions of this Act the State of California will be entitled to many thousands of acres of very valuable lands; some practical disposition of which it will be necessary to make. When the Secretary of the Interior shall have made out accurate lists or plats of said lands, it is made my duty to apply for a patent to the State: on the issuance of which, the fee simple to said lands vests in the State, subject to the disposal of the Legislature. To avail ourselves of the benefits of this Act, steps should at once be taken and an economical plan of operations devised, to effect the early reclamation of the lands thereby donated. During the past two years, hundreds of our enterprising citizens have located upon these lands, and, at considerable expense and labor, made valuable improvements thereon. Justice and sound policy requires that they should be secured in their possessions on the most reasonable terms. The more liberal the terms, the more certain and prompt will be the reclamation of these lands and their improvement. Their speedy settlement and cultivation is a matter of great moment to the State, because it will add immensely to the amount of taxable property; and thus of course greatly increase our revenue. A partial knowledge of the location of these lands, as well as careful reflection, has satisfied me that their reclamation can be best effected by donating them to actual settlers, in fixed quantities, upon the same terms that we have received them from the General Government. The State must either reclaim each tract as sold, or devise a general plan of operations, which, by means of drains or levees, will reclaim the whole. Such a work will not only require years of labor, and much more treasure than will ever be realized from their sale, but will delay their improvement and greatly retard the prosperity of the State. I therefore recommend the passage of an Act donating these lands to actual settlers, in quantities not exceeding three hundred and twenty acres, if such limitation is considered judicious as a means of reclamation, upon condition that the settler shall defray the expense of selection, and within a stated period reclaim the land occupied; the land to be subject to taxation from and after the day of location.

I still adhere to the opinion expressed in my special message of the 30th January last, that the sale or lease of the mineral lands by the General Government, would exert a blighting influence upon the advancing prosperity of our growing State, and paralyze the energies of the enterprising body of men now engaged in developing the mineral resources of California. At present there are no exactions upon labor in the mines. All that can be gathered from the bed sands of our rivers, or dug from the deep recesses of our hills, belongs to the industrious and adventurous miner; and the knowledge that such is the fact, encourages to perseverance in well directed efforts to secure the hidden treasure. The reasons are indeed numerous and cogent why the National Government, in common justice, should make no additional exactions upon the industry and enterprise of our people, nor pursue a course of policy favored by none except those interested in the establishment of powerful monopolies, against the domination of which Government should assiduously guard.

By recent decisions of the Board of Land Commissioners, extensive

tracts of mineral lands have been confirmed to the claimants. In this important matter, I conceive it to be your duty to interpose so far as to secure, through our Representatives in Congress, an appeal of those cases to the highest judicial tribunal in the country. In this connection it may be proper to state, that the Secretary of the Interior, in a communication to Congress, contended, and rightfully as I believe, that the minerals within every grant of land made by Spain and Mexico were reserved, and that such had ever been the policy of both governments. In view, therefore, of the immense importance of this question to the people of California, I would respectfully recommend your prompt interposition—that you express the will of the State in the form of respectful resolutions, instructing our Senators and Representatives in Congress to adopt the necessary measures to secure an appeal, of these cases, to the Supreme Court of the United States.

The claim of the State against the General Government for revenue collected from our people before the laws and Constitution of the United States had been extended over us, should not be neglected. We are justly entitled to it, because we were contributing to the support of a Government which extended us no protection, and levied its burdens without securing to us the corresponding benefits which we had a right to expect. This subject has been so frequently presented, that it is not now considered necessary to do more than direct your attention to it.

Under the provisions of an act entitled an "Act providing for the erection of a State Prison," the Prison Commissioners selected San Quentin Point, in the County of Marin, as a suitable location, and purchased twenty acres of land for this purpose. They also, as authorized by the fourth and fifth sections of said Act, prepared and adopted a plan for a State Prison, and after giving the notice required by law, awarded the contract for the erection of the same. Under the proviso to the sixth section of the Act, I examined the proposals and approved the award—the contract having been awarded to the lowest responsible bidder.

It is proper here to remark in explanation, that in my opinion, the law does not require the Governor in the first instance to examine the plan of the building, nor to decide whether its erection, in accordance with the plan adopted by the Commissioners, would require too great an expenditure of public money. His only duty under the proviso to the sixth section was conceived to be, to consider and decide whether the contract had been awarded to the lowest responsible bidder. In this opinion I was sustained by the Attorney General. The work having been awarded by the Commissioners to the lowest responsible bidder, the award was approved by me on the sixth day of October. By reference to the law it will be observed, that the seventh section distinctly designates the Prison Commissioners as the parties to sign the contract on the part of the State. On the ninth of October the Prison Commissioners entered into a contract, which contract was placed on file in the office of the Secretary of State on the thirteenth of the same month. It is proper here to state, that different constructions are given to the eighth section, under which as yet, however, no official act has been performed; and, indeed, the incongruities and conflicting provisions of the entire act are apparent, and render official action under it difficult and doubtful in the extreme.

I have therefore considered it proper to transmit for your examination

a copy of the contract, (See Senate Appendix No. 7,) as well as direct your attention to the imperfections of the law, and commend the whole subject to your careful consideration.

The amount appropriated by the last Legislature for the relief of the Overland Emigration to this State, has been devoted to the object designed by that body, and has served to mitigate the sufferings and save the lives of numbers of valuable citizens. The report of the agents herewith submitted, will more fully and in detail exhibit their operations. (See Senate Appendix No. 8.)

The report of the Superintendent of Public Instruction contains many valuable suggestions on the interesting subject of Education. California will, probably, as soon as it can be judiciously expended, possess ample means to foster and sustain a system of common school education, which must in time give a high character to our civil institutions. The fund applicable to this object, the interest on which is to be annually appropriated for the exclusive support of Common Schools, is now nearly two hundred thousand dollars, and when the residue of the school lands are sold, will amount to one million. This considerable sum is still not the full extent of our means, or the only resource upon which our Common School system rests its future prospects and hopes. The last Legislature, alive to the great interests of education, and regarding its permanent and liberal support as intimately interwoven with the first duties of the representatives of a government which has derived form and vitality, and the future existence of which may be said to depend upon the intelligence of the people, wisely made provision for an additional sum pledged to the extension of the blessings and bounties of knowledge and science to every family within this, the youngest State of the confederacy. The additional means relied upon, consists in an annual tax of five cents of the thirty imposed on each one hundred dollars of valuation, which has already commenced flowing into the treasury, and on the 15th of December last, amounted to $10,687 16; and the amount of interest due on the School Land Fund on the first day of January, $5,412 31; making a total of $16,099 46, now in the treasury. The amount of assessment, deducting expenses of collection, $22,696 26, of which sum $12,009 10 is still due from the several County Treasuries.

The amount realized annually from taxation, as well as the interest accruing on the amount derived from the sale of school lands, has been set apart for the sustenance of this ennobling system, from which, in a few years, the children of the State will reap the rich reward it promises, and participate in the blessings of mental culture and improvement dispensed by it.

The project of connecting the Pacific with the Atlantic Ocean by means of a railroad, may be said to have already been favorably considered by Congress, an appropriation having been made at its last session to defray the expenses of examining the several routes represented as practicable. Regarding it as a well understood and conceded fact, that the people of California are at least as deeply interested in this great work as those of any other section of the Union, an expression in its favor from their immediate representatives is expected by its advocates, and must have an influence with the representatives of the nation at large. It is not my pur-

pose, however, at this time to point out the great commercial advantages to be derived from it, nor to spread before you facts demonstrative of its practicability; for in truth, at this time, but few question its feasibility, and all here concede that in common with the people of the Union, the citizens of California must derive incalculable benefits from its construction. I would therefore recommend that you again press the subject upon the attention of Congress in the manner you may deem best calculated to accomplish the object desired.

By reference to the compilation of the census of the State, received from the Secretary of State, to be transmitted in a few days, you will perceive that in the space of two years, our population has, not unexpectedly, however, greatly increased. Your attention is particularly invited to an examination of the statistics which this document contains; affording as they do, the most valuable and interesting information in relation to the wealth and resources of the State. The progress we have made, as exhibited by these returns, in all the arts and pursuits which identify a people with the permanent interests of their State, and affording assurances of continued advancement, is matter of high gratulation and just pride. Rich in minerals, prolific of other resources, possessing a population unequalled in enterprise and fearless energy, and holding, as it were, the key to the incalculable commerce of the Eastern World, the most dreaming visionary can scarcely paint too extravagantly the picture of the future greatness of our adopted State. Prudence, wisdom, and vigilance, in the management of her affairs, with the natural advantages possessed, cannot fail to work out a destiny at once the wonder and admiration of the world, and more than realize the hopes and expectations of those distinguished patriots and statesmen who so efficiently labored to acquire it.

The inadequacy of the numerical force of the United States attached to the Pacific Division of the Army for the protection of our citizens against Indian depredations, has unfortunately hitherto been too apparent, and continues to be a subject of just complaint. The number of regular troops detailed for service in California, has not, at any time, been proportionate to the demands of the service. The Indians upon our frontier are still hostile, and collisions between them and the whites have, during the past summer, been of frequent occurrence, and many of our most estimable and useful citizens been sacrificed in consequence of the neglect of the General Government to make adequate military provision for our protection. The defence of the frontier has already made our State responsible for a debt of more than $800,000. This subject should be earnestly presented, and the strong and decisive interposition of the General Government, if possible, secured.

The annual Reports of the Comptroller of State, (see Senate Appendix No. 1,) Treasurer of State, (see Senate Appendix No. 2,) Surveyor General, (see Senate Appendix No. 3,) and Quarter-Master General, (see Senate Appendix No. 4,) are herewith transmitted. They will be found to contain reliable and important statistics and many well matured suggestions, to which you will find it necessary to make frequent reference, in the performance of your legislative labors. I also herewith transmit a communication from Brigadier-General Hitchcock, the officer in command of the Pacific Division of the United States Army, exhibiting the number of troops under

his command, and desigating the points where stationed within the State. (See Senate Appendix No. 5.)

The report of the committee appointed by the Senate at the last session to examine the books and accounts of the Comptroller and Treasurer of State is herewith transmitted. (See Senate Appendix No. 6.)

By an Act passed at the last session, the Governor was authorized to procure a suitable block of marble and transmit it to the Washington Monument Society. Following the plan understood to have been adopted by the other States, I made arrangements for three pieces of different shades and differently variegated, which were intended to represent the three important events in our history—the acquisition of California by treaty, adoption of the Constitution, and admission of the State into the Union. Two of these were delivered at Sacramento city, but were destroyed by the great fire of November last, and before the delivery of the third. The block secured is four feet in length and twenty-two inches square. It is now in Sacramento city, and will be shipped without unnecessary delay.

It will be recollected that the block of quartz transmitted in 1850, though perhaps not formally rejected by the Washington Monument Society, was by our Representatives in Congress and other citizens at Washington decided to be unworthy the State, and the Legislature was memorialized to procure and furnish another. I have endeavored to procure a block which should reflect honor on the State; and although the original design has been defeated by the destruction of two of the pieces, that remaining is very beautiful, and I doubt not will compare favorably with any of the various specimens of marble presented by the other States.

I will be pardoned the suggestion, that whatever measures you may find it necessary to adopt, should be acted upon with promptness and dispatch, so far as it can be done consistently with due deliberation, and delivered to me for approval a sufficient length of time before adjournment, to enable me to give them proper consideration. The propriety of this suggestion will be appreciated, when it is understood that over one-third of the whole number of Acts passed by the last Legislature, and at least one-half of the most important, were presented for my approval within the three last days of the session.

In conclusion, allow me to express the hope, that whatever measures you shall mature, with the single object of promoting the well being of the State, whose interests you represent, may fully realize your most sanguine expectations, and result in attaining those blessings, civil and political, which it is the grand design of all well regulated and wisely administered governments to secure; and to renew the assurance that it will at all times be my highest pleasure to co-operate with you.

Under the guidance and protecting care of that Divine Goodness which has nurtured and preserved us heretofore, let us enter with cheerful confidence upon the labors awaiting us in the future.

JOHN BIGLER.

CITY OF VALLEJO, January 3, 1853.

Mr. Canney moved to print 5000 copies of the message in English, 2500 in Spanish, and 2000 in German.

Not agreed to.

Mr. Covarrubias moved to print 1000 copies in Spanish.

Agreed to.

Mr. Carpentier moved to print 1000 copies in German.

Not agreed to.

The Speaker laid before the House sundry documents which accompanied the Governor's message; which, on motion of Mr. McMeans, were laid on the table.

The Speaker also laid before the House, papers in reference to the contest of the seat of Mr. Carpentier.

Which were also laid upon the table.

On motion of Mr. Heydenfeldt, the House adjourned until to-morrow at 10 o'clock, A. M.

HOUSE OF ASSEMBLY.

THURSDAY, January 6, 1853.

The House met pursuant to adjournment.

The roll was called by the Clerk, and the following members were absent: Messrs. Blake, Bostwick, Covarrubias, Fairfax, Gardner, Irwin, Lee, McFarland, Thomas and Yeiser.

The Journal of yesterday was read, amended and approved.

The Speaker announced the House ready to proceed to business.

Mr. McMeans introduced a bill to fix the times of holding courts in the eleventh Judicial District.

Which was read a first and second time and referred to a special committee; Messrs. McMeans, Myres, Carpentier, Hydenfeldt, Garfield and Caldwell were appointed said committee.

Mr. Robinson gave notice that at an early day he would introduce the following bills:

An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April 29th, 1851.

An Act to amend an Act entitled an Act concerning the Courts of Justice of this State, and Judicial Officers, passed March 11, 1851.

An Act to amend an Act entitled an Act to amend an Act entitled an Act concerning Crimes and Punishments, passed April 22, 1851.

An Act to provide a method of supplying public records that have been lost or destroyed.

An Act to amend an Act entitled an Act prescribing the mode of maintaining and defending possessory actions on public lands in this State, approved April 20, 1852.

Mr. Wing gave notice that he would on Monday next, or some day thereafter, introduce a bill entitled

An Act to suppress Gambling.

Mr. Carpentier introduced a bill to authorize certain officers to qualify and enter upon their official duties.

Read a first and second time and ordered to a third reading on to-morrow.

Mr. Canney, Chairman, made the following report:

The select committee appointed to draft standing rules and orders for the House of Assembly of the State of California, have had the same under consideration, and beg leave to make the following report, and recommend its adoption.

Pending the reading of the report, on motion of Mr. Heydenfeldt, the House took a recess of one hour.

The House re assembled.

Mr. McMeans moved to strike out fifty cents, where it occurs for mileage to witnesses, and insert thirty cents.

Agreed to.

Mr. Johnson moved to strike out fifty cents, where it occurs for mileage to the Sergeant-at-Arms, and insert thirty cents.

Agreed to.

Mr. Snyder moved to strike out the standing committee on Indian Reservations.

Agreed to.

Mr. Johnson moved to strike out "canals," in the fifty ninth rule, and insert "highways."

Agreed to.

Mr. Hoff moved to strike out standing committee on Indian Affairs, and devolve their duties upon the Committee on Military Affairs.

Not agreed to.

Mr. McMeans moved to adopt the rules reported by the Committee, as amended.

Agreed to. (See Appendix No 1.)

Mr. Johnson gave notice that he would, at an early day, introduce the following bills:

To amend An Act to regulate fees of Public Officers.

To amend An Act to provide for levying, assessing and collecting Public Revenue.

To amend An Act to create a Board of Supervisors for the counties of this State, and to define their duties.

To amend An Act to incorporate the City of Sacramento.

An Act to provide for funding the Public Debt of Sacramento County.

An Act to regulate the salaries of Officers and pay of Members of the Legislature.

An Act to regulate Elections.

Mr. McMeans offered the following resolution:

Resolved, By the Assembly, the Senate concurring, that the Public Printers for the State be and are hereby required to execute so much of the public printing as may be necessary for the dispatch of business during the present session of the Legislature, at the city of Vallejo.

Mr. Canney moved to lay the resolution on the table.

Agreed to.

Mr. Hoff introduced a Joint Resolution creating a committee to investigate the passage of the State Prison Bill last session.

Adopted.

Messrs. Hoff, McCandless, Snyder, Conness and Canney were appointed on the part of the House.

Mr. Wing offered the following, which was adopted.

Resolved, That the Sergeant-at-Arms have leave of absence for two days, for the purpose of procuring articles necessary for the use of the Assembly.

Mr. Conness moved that two hundred copies of the Rules of the House be printed, and that one hundred copies be for the use of the House, and one hundred copies deposited with the Secretary of State.

Agreed to.

Mr. Johnston moved to reconsider the vote just taken.

Agreed to.

Mr. Crenshaw moved to amend the motion made by Mr. Conness, by printing one hundred copies of the rules, for the use of the House.

Agreed to.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform the Assembly, that the Senate this day passed a bill entitled an Act to fix the time of holding Court in the Eleventh Judicial District, and also, a Joint Resolution adopting the Joint Rules and Orders of the last Legislature.

A. C. BRADFORD, Secretary.

Mr. Robinson offered the following, which on motion of Mr. Canney, was laid upon the table.

Resolved, That the Sergeant-at-Arms be instructed to procure a clock, to be placed in some conspicuous place in the Assembly Room, by which to regulate adjournment.

On motion made by Mr. Moore, leave of absence was granted to Mr. Gardner for three days.

Mr. Wing moved to reconsider the vote of yesterday, which refused to print one thousand copies of the Governor's Message in German.

Upon which, Mr. Canney demanded the ayes and nays, seconded by two other members.

Those who voted to reconsider were—

Messrs. Blake,	Messrs. McMeans,
Brush,	Moore,
Canney,	Myres,
Carpentier,	Oliver,
Cardozo,	Redding,
Fairfax,	Robinson,
Garfield,	Rogers,
Herbert,	Snyder,
Irwin,	Thomas,
Johnson,	Van Dyke,
Lee,	Wall,
Leake,	Wells,
Meredith,	Wilson,
McGarry,	Wing—28.

Those who voted against reconsideration, were—

Messrs. Bostwick,	Messrs. Hoff,
Cabaniss,	Hunt,
Caldwell,	Kittredge,
Carhart,	Knight,
Conness,	Letcher,
Covarrubias,	Mandeville,
Crenshaw,	Martin,
Estep,	McFarland,
Ewing,	Owen,
Flower,	Reading,
Hally,	Sime,
Harrison,	Taylor,
Heydenfeldt,	Walker—26.

So the vote was reconsidered.

Mr. Wing moved to print one thousand copies in the German language.

Mr. Fairfax offered the following as an amendment:

Resolved, That one thousand copies of the Governor's Message be printed in German, *Provided*, the cost of such publication does not exceed the cost of publication in English, of the same number of copies.

Adopted.

Mr. Canney moved that four thousand additional copies of the Governor's Message be printed in English, *Provided*, there be no additional expense for composition.

Not agreed to.

Senate Joint Resolution to adopt Joint Rules and Orders of the last Legislature, read first time.

Mr. Carpentier moved its reference to a committee of three.
Not agreed to.
A motion was made, and carried, to have the Joint Rules read.
After which, the Joint Resolution of the Senate was adopted.
Mr. McCandless offered the following:

Resolved, The Senate concurring, That the Legislature will hold its present session in the city of Benicia.

Laid upon the table.
Mr. Brush moved to adjourn.
Not agreed to.
Mr. Snyder introduced the following:

Resolved, That a special committee of five be appointed to inquire and report to this House, what disposition was made of the furniture in possession of the Assembly at its last session, and also, by what authority the furniture now in use, was purchased.

On motion of Mr. Heydenfelt, the Resolution was indefinitely postponed.
Mr. Crenshaw moved to take from the table, the resolution in reference to removal to the city of Benicia, and make it the special order for to morrow, at 12 o'clock.
Agreed to.
On motion of Mr. Brush, the House adjourned until 10 o'clock, to morrow.

HOUSE OF ASSEMBLY.

FRIDAY, January 7, 1853.

The House met pursuant to adjournment.
The roll was called by the Clerk, and the following members were absent:—Messrs. Heydenfeldt, McCandless and Yeiser.
The Journal of yesterday was read, amended, and approved.
The Speaker announced the following Standing Committees:

On Elections—Messrs. Brush, Flower, Herbert, Walker and Fairfax.

On Corporations—Owen, Wells and McCandless.

On Claims—Crenshaw, Conness and McGarry.

On Ways and Means—McMeans, Bell, Irwin, Hally, Heydenfeldt, Smith and Kittredge.

On Judiciary—Yeiser, Moore, Heydenfeldt, Oliver, Garfield, Carpentier, Flower, Hoff and Johnson.

On Federal Relations—Garfield, Flower, Crenshaw, Thomas, Van Dyke, Robinson and Oliver.

On Military Affairs—Covarrubias, Herbert and Robinson.

On Counties and County Boundaries—Ewing, Cabaniss and Hunt.

On Commerce—Cardozo, Bostwick, Johnson, Wilson, Blake, Taylor and Moore.

On Agriculture—Kittredge, Letcher and Lee.

On Roads and Highways—Mandeville, Knight and Pacheco.

On Indian Affairs—Canney, Reading and Rogers.

On Education—Fairfax, Bell and Cardozo.

On Public Buildings—Sime, Meredith and Carhart.

On Public Expenditure—Wing, Caldwell and Snyder.

On Public Printing—Snyder, Mandeville, Harrison, Brush and Hally.

On Accounts—Conness, McKamy and Taylor.

On Engrossed Bills—Thomas, Blake and Wing.

On Enrolled Bills—Wilson and Bostwick.

On Mines and Mining Interests—Gardner, Myres, Redding, Hoff, Reading, Canney, Brush, Cabaniss and Wilson.

On State Prison—Moore, Leake, Martin, Myres and Proctor.

On Mileage—Blake, Ewing and Estep.

On Public Lands—Cardozo, Owen, Wells, McFarland and Knight.

On Missions and Mission Lands—Tighlman, Meredith, Rogers, Pacheco and Covarrubias.

On State Hospitals—McFarland, Sime, McMeans, Wing and Estep.

Mr. McMeans made the following report:

The special committee, to whom was referred the bill for An Act to fix the time of holding the Courts in the Eleventh Judicial District, have had the subject under consideration and beg leave to submit the following bill as a substitute, and recommend its passage.

Report adopted.

The bill was then considered as engrossed, read a third time and passed.

Mr. Myres offered the following:

Resolved, That so much of the Governor's message as relates to changes in the Constitution, be referred to a committee of thirteen.

Mr. Brush moved to refer the resolution to the Judiciary Committee.

Not agreed to.

The resolution was then adopted; and Messrs. Myres, Canney, Bell, Pacheco, Moore, Heydenfeldt, Kittredge, Tighlman, Hally, McCandless, McMeans, Leake and Fairfax were appointed said committee.

Mr. Leake gave notice that at an early day he would introduce a bill to amend An Act concerning the Courts of Justice in this State and Judicial Officers, passed March 11th, 1851.

Also, An Act to amend an Act to provide for the protection of Foreigners, and to define their liabilities and privileges;

Also, An Act to Fund the Debt of Calaveras County, and provide for the payment thereof.

Mr. Wing gave notice that he would, at an early day, introduce a bill entitled An Act to amend an act entitled an Act to provide for the protection of Foreigners, and to define their liabilities and privileges, approved May 4, 1852.

Mr. Knight gave notice that on some future day, he would introduce an amendment to the act entitled An Act defining the time for commencing Civil Actions.

Mr. Hally gave notice that on some future day, he would introduce a bill to be entitled An Act to protect the Settler in the value of all improvements put upon unimproved and on unsurveyed lands, which may prove to be on Mexican or Spanish grants of land.

Mr. Flower gave notice that he would, on Monday next or some future day, introduce the following bills:

An Act to repeal an act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, approved March 27, 1852;

An Act to provide for the more perfect indexing and classification of the Land Records of the City and County of San Francisco.

Mr. Carpentier introduced a bill for An Act to fix the Terms of the District Court for the third judicial district.

Read first and second time, and referred to the delegation named in the bill.

Mr. Van Dyke gave notice that at an early day he would introduce the following bills:

A bill entitled An Act to change and define the Boundaries of Trinity and Klamath counties; also,

A bill to establish a new County, to be called Washington county.

Mr. Cardozo gave notice that he would, at an early day, introduce a bill for An Act to exempt all active Firemen of the State of California from jury duty.

Also, an Act fixing the time they shall serve to be forever exempt.

Mr. Johnson offered the following resolution, which was adopted:

Resolved, That the various matters contained in the Governor's message, to which the attention of the Legislature is especially directed, be referred as follows:

To the Committee on the Judiciary, so much thereof as relates to District Judges and District Attorneys; to the tax on consigned goods; beach and water lots, and escheated estates.

To the Committee on Ways and Means, so much thereof as relates to the revenue laws, and finances of the State.

To the Committee on Finance, so much thereof as relates to the receipts of Comptroller's warrants for public dues.

To the Committee on State Prison, so much thereof as relates to the offices of State Prison Inspectors and State Prison.

To the Committee on Public Lands, so much thereof as relates to public and swamp lands in this State.

To the Committee on Federal Relations, so much thereof as relates to private land claims and land titles, war debt of the State, and revenue collected within the State prior to admission into the Union.

To the Committee on Education, so much thereof as relates to the report of Superintendent of Public Instruction and Education.

To the Committee on Public Buildings and Grounds, so much thereof as relates to the office of Superintendent of Public Buildings.

To the Committee on Public Expenditures, so much thereof as relates to the salaries of public officers and members of the legislature, and public expenditures.

To the Committee on Roads and Highways, so much thereof as relates to the Atlantic and Pacific railroad.

Mr. Cabaniss gave notice that on a future day he would introduce a bill entitled An Act to prevent irresponsible men availing themselves of the general Corporation Act, and thereby monopolizing water privileges in the mining counties to the detriment of the mining interests.

Mr. Canney gave notice that on Monday, or some convenient day thereafter, he would introduce a bill to apportion the Senatorial and Assembly Districts throughout the State.

Mr. Myres gave notice that at some early day he would introduce a bill to recommend the call of a convention to revise and amend the Constitution.

Senate bill for An Act to fix the times of holding Court in the Eleventh Judicial District, on motion of Mr. Myres, was indefinitely postponed.

Mr. Johnson gave notice, that on Monday next, he would move to amend the Standing Rules, so as to create a Committee on State Hospitals, and define their duties.

Mr. Crenshaw moved to take up the special order of the day, which was a resolution to hold the present session of the Legislature at Benicia.

Not agreed to.

Mr. Canney offered the following:

Resolved, That the Sergeant-at-Arms be ordered to furnish to the order of each member, two daily and one weekly paper.

Mr. Brush moved to lay the resolution on the table.

Agreed to.

Mr. Heydenfeldt moved a call of the House, which was sustained.

The Clerk called the roll, and the following members were absent: Mr. McCandless and Mr. Speaker.

On motion of Mr. Canney, the Sergeant-at-Arms was dispatched after the absent members.

Mr. Canney moved to dispense with further proceedings under the call.

Agreed to.

Mr. Van Dyke introduced a Joint Resolution of instructions to our Senators in reference to Mail Routes in the northern part of the State,

Which was read and referred to the Committee on Federal Relations, with instructions to report promptly.

The special order, being a resolution in reference to removal to Benicia, came up for consideration.

Mr. Van Dyke offered a Concurrent Resolution as a substitute, proposing to create a joint committee to investigate the matters connected with the seat of government, &c.

Upon which Mr. McCandless, demanded the ayes and nays, which was seconded by two other members.

Those who voted in favor of the substitute, were—

Messrs.	Canney,	Messrs.	Martin,
	Cardozo,		McGarry,
	Covarrubias,		Owen,
	Ewing,		Pacheco,
	Hoff,		Van Dyke,
	Irwin,		Wells—13.
	Mandeville,		

Those who voted against the substitute, were—

Messrs.	Blake,	Messrs.	Leake,
	Bostwick,		Letcher,
	Brush,		Meredith,
	Cabaniss,		McCandless,
	Caldwell,		McFarland,

Messrs. Carhart,
Carpentier,
Conness,
Crenshaw,
Estep,
Fairfax,
Flower,
Garfield,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Hunt,
Johnson,
Kittredge,
Knight,
Lee,
Messrs. McMeans,
Moore,
Myres,
Oliver,
Reading,
Redding,
Robinson,
Rogers,
Sime,
Snyder,
Taylor,
Thomas,
Walker,
Wilson,
Wing,
Yeiser—43.

So the substitute did not pass.

Mr. Johnson moved to postpone the subject until Monday next, and make it the special order.

Not agreed to.

Mr. Mandeville moved to reconsider the vote which refused to postpone until Monday next.

The vote was reconsidered.

Mr. Johnson then withdrew his motion to postpone until Monday next, and moved to reconsider the vote which refused to adopt the substitute offered by Mr. Van Dyke.

The vote was reconsidered.

The substitute offered by Mr. Van Dyke was then adopted, and Messrs. Van Dyke, Crenshaw and Conness were appointed on the part of the House.

Mr. Crenshaw presented sundry documents relating to a contested election in Klamath county, which by order were referred to the Committee on Elections, and power given to the committee to send for persons and papers.

Mr. Myres offered the following, which was adopted:

Resolved, That in consideration of to-morrow being the eight day of January, the anniversary of the Battle of New Orleans, that when we adjourn, we adjourn to meet on Monday next, at 12 o'clock.

Mr. Irwin moved that the Judiciary Committee, the Committee on Ways and Means, and the Committee on Elections, be authorized, each, to employ a clerk; which, on motion of Mr. Canney, was laid on the table.

On motion of Mr. Moore, the House adjourned.

HOUSE OF ASSEMBLY.

MONDAY, January 10, 1853.

The House met pursuant to adjournment.
There being no quorum present,
On motion of Mr. McMeans, the House adjourned until 2 o'clock, P. M.

2 o'CLOCK, P. M.

The House met pursuant to adjournment.
The roll was called, and the following members were absent: Messrs. Covarrubias, Crenshaw, Flower, Gardner, Hunt, McCandless, Moore and Yeiser.
The Journal of Friday was read and approved.
The Speaker announced the House ready to proceed to business.
Mr. Smith, member elect from Santa Clara county, appeared, was qualified, and took his seat.
Mr. Garfield, chairman, made the following report:

The Committee on Federal Relations, to whom was referred the Joint Resolution in relation to the establishment of Post Offices and Post Roads in the northern section of the State, have had the same under consideration, and beg leave to report them back to the House with but slight verbal amendments.

The report of the committee was adopted and the resolutions passed.

On motion, leave of absence for one day was granted to Messrs. Gardner and Yeiser.
According to previous notice given, Mr. Johnson moved to create a committee on State Hospitals, with the following instructions: It shall be the duty of the Committee on State Hospitals, to take into consideration all such matters pertaining to the Public Hospitals of this State, as shall be referred to them by the House, and when the same shall become necessary, to report thereon, together with such propositions relating thereto as they may deem expedient.
Adopted.

Mr. Mandeville offered the following:

Resolved, That the Speaker of the House be, and he is hereby authorized to appoint one or more porters for this body, when, in his judgment it

is necessary, and to discharge them when he may think their services are no longer required.

Adopted.

Mr. Heydenfeldt introduced a bill for An Act to establish a permanent Seat of Government.

Read first time.

Mr. Canney moved to reject the bill, and demanded the ayes and nays:

Those who voted to reject, were—

Messrs. Bell, Blake, Brush, Cabaniss, Caldwell, Canney, Carhart, Carpentier, Covarrubias, Estep, Ewing, Hally, Harrison, Herbert, Hoff, Johnson, Knight, Leake, Mandeville, McGarry, McMeans, Oliver, Owen, Pacheco, Reading, Robinson, Rogers, Van Dyke, Walker, Wells—30.

Those who voted against rejection, were—

Messrs. Bostwick, Conness, Cardozo, Crenshaw, Fairfax, Flower, Garfield, Heydenfeldt, Irwin, Kittredge, Lee, Letcher, Martin, Meredith, McCandless, McFarland, Moore, Myres, Redding, Sime, Snyder, Smith, Taylor, Thomas, Wilson, Wing, Speaker—27

So the bill was rejected.

Mr. Cardozo introduced a bill for An Act to repeal the fourteenth section of an Act entitled an Act to Fund the indebtedness of the State, which has accrued or may accrue from April 29, 1851, to December 31, 1852, inclusive, and to provide for the payment of the three per cent. bonds.

Read first and second time, and referred to Committee on Ways and Means.

Mr. Carpentier introduced a bill for An Act to repeal an Act entitled an Act concerning Crimes and Punishments, passed April 22, 1851.

Read first time, and ordered to a second reading to-morrow.

Mr. Carpentier gave notice that, at an early day, he would introduce the following bills:

To abolish the office of State Prison Inspectors.

To repeal An Act creating the office of Superintendent of Public Buildings and Property, and defining the duties of that office.

To amend the Charter of the town of Oakland.

To provide for the immediate Publication of the Laws.

To provide for an equal distribution of the School Moneys, and to protect the Improvements of Settlers upon Lands presumptively Public Lands.

Also, that he will at a late day of the session, introduce bills to be entitled the Revised Statutes of the State of California.

Mr. McMeans introduced a bill for An Act to set apart five thousand dollars to meet the current Contingent Expenses of the Assembly.

Read first time and ordered to a second reading on to-morrow.

Mr. McMeans also introduced a bill for An Act requiring the Comptroller to audit certain bills of the members of the present Legislature.

Read first and second time, and referred to Committee on Ways and Means.

Mr. Brush offered the following:

Resolved, That the Committee on Elections be empowered to employ a clerk.

Agreed to.

Mr. Owen gave notice that, at an early day, he would introduce a bill to attach the Island called Signor or Mare Islan to Solano county.

Also a bill to amend An Act to authorize William Moody and Morgan Hart to build a Wharf in the county of Solano.

Mr. Wing gave notice that, at an early day, he would introduce a bill for An Act supplemental to an Act entitled an Act to establish a System of Common Schools, approved May 3, 1852.

Also a bill for An Act to amend an Act entitled an Act to regulate Fees in Office, passed May 1, 1851.

Mr. Conness moved to reconsider the vote which gave to the Committee on Elections power to appoint a clerk, and demanded the ayes and nays:

Those who voted to reconsider, were—

Messrs.	Canney,	Messrs.	Garfield,
	Carpentier,		Sime,
	Conness,		Snyder,
	Ewing,		Taylor—8.

Those who voted against reconsideration, were—

Messrs. Bell,
Blake,
Bostwick,
Brush,
Cabaniss,
Caldwell,
Carhart,
Cardozo,
Covarrubias,
Crenshaw,
Estep,
Fairfax,
Flower,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Hoff,
Irwin,
Johnson,
Kittredge,
Knight,
Lee,
Leake,
Letcher,
Mandeville,
Martin,
Meredith,
McCandless,
McFarland,
McGarry,
McMeans,
Moore,
Myres,
Oliver,
Owen,
Pacheco,
Reading,
Redding,
Robinson,
Rogers,
Smith,
Thomas,
Van Dyke,
Walker,
Wells,
Wilson,
Wing,
Speaker—49.

So the vote was not reconsidered.

Mr. Robinson moved to take from the table a resolution proposing to furnish each member with two daily papers and one weekly.

Agreed to.

Mr. Van Dyke moved to amend by saying four dailies, or papers equal to that number.

Mr. Garfield moved to amend the amendment by inserting a copy of each paper published in this State.

Not agreed to.

The motion of Mr. Van Dyke was then adopted.

Mr. Canney moved to reconsider the vote which adopted the amendment offered by Mr. Van Dyke.

Mr. Wing moved to indefinitely postpone the motion to reconsider.

Motion carried.

On the final passage of the resolution as amended, Mr. Conness demanded the ayes and nays:

Those who voted for the passage of the resolution, were—

Messrs. Bell,
Bostwick,
Brush,
Cabaniss,
Mandeville,
Meredith,
McCandless,
McFarland,

Messrs. Canney,
Carhart,
Cardozo,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Fairfax,
Harrison,
Herbert,
Irwin,
Johnson,
Kittredge,
Knight,
Lee,
Leake,
Letcher,
Martin,
McGarry,
McMeans,
Moore,
Myres,
Oliver,
Pacheco,
Reading,
Redding,
Robinson,
Rogers,
Smith,
Thomas,
Van Dyke,
Walker,
Wells,
Wilson,
Wing
Speaker—44.

Those who voted against the resolution, were—

Messrs. Blake,
Caldwell,
Carpentier,
Conness,
Flower,
Garfield,
Hally,
Heydenfeldt,
Hoff,
Owen,
Sime,
Snyder,
Taylor—13.

So the resolution was passed.

Mr. Robinson moved to reconsider the vote just taken.
Mr. McCandless moved to indefinitely postpone the motion to reconsider.
Mr. Garfield demanded the ayes and nays:

Those who voted to postpone, were—

Messrs. Bell,
Bostwick,
Brush,
Cabaniss,
Canney,
Carhart,
Carpentier,
Cardozo,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Fairfax,
Mandeville,
Martin,
Meredith,
McCandless,
McFarland,
McGarry,
McMeans,
Moore,
Myres,
Oliver,
Pacheco,
Reading,
Redding,

Messrs. Flower,	Messrs. Robinson,
Harrison,	Rogers,
Herbert,	Smith,
Heydenfeldt,	Thomas,
Irwin,	Van Dyke,
Johnson,	Wilson,
Kittredge,	Wells,
Knight,	Walker,
Lee,	Wing,
Leake,	Speaker—47.
Letcher,	

Those who voted against postponement, were—

Messrs. Blake,	Messrs. Hoff,
Caldwell,	Owen,
Canness,	Sime,
Garfield,	Snyder,
Hally,	Taylor—10.

So the motion was indefinitely postponed.

Mr. Robinson moved to adjourn until 10 o'clock to-morrow.
Not agreed to.
Mr. Carpentier moved to adjourn.
Not agreed to.
Mr. McMeans moved that the committee appointed to consider the question of the Capitol, &c., have until 12 o'clock to-morrow to report.
Agreed to.
Mr. Redding moved to adjourn until 10 o'clock to-morrow.
Agreed to.

HOUSE OF ASSEMBLY,

TUESDAY, January 11, 1853.

House met pursuant to adjournment.

The roll was called, and the following members were absent:—Messrs. Bell, Carpentier, Estep, Fairfax, Herbert, Hunt, Kittredge, Lee, Moore, Redding and Walker.

The Journal of yesterday was read and approved.

The Speaker announced the House ready to proceed to business.

On motion, leave of absence was granted to Mr. Carpentier for one day.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate on the 7th inst., passed a Joint Resolution, herewith transmitted, granting four months' leave of absence to John C. Hays, Sheriff of San Francisco:

And passed this day Assembly bill for An Act to fix the times of holding Courts in the Seventh Judicial District.

A. C. BRADFORD,
Secretary Senate.

Mr. McMeans, Chairman, made the following report:

The Committee on Ways and Means, to whom was referred An Act to repeal the fourteenth section of an Act entitled an Act to fund the indebtedness of the State, which has accrued or may accrue from April 29, 1851, to December 31, 1852, inclusive; and to provide for the payment of the three per cent. Bonds, approved May 1, 1852; have had the same under consideration, and beg leave to report it back to the House without amendment, and recommend its passage.

On motion of Mr. Wing, the House resolved itself into committee of the whole, Mr. Wing in the chair, to consider a bill to repeal the 14th section of the Act to fund the indebtedness of the State.

After spending some time in consideration of the bill, on motion of Mr. McMeans, the committee rose, reported the bill back to the House without amendment, and asked leave to be discharged from its further consideration.

The committee was discharged.

The bill was then considered as engrossed, read a third time and passed.

Mr. McMeans made the following report:

The Committee on Ways and Means, to whom was referred a bill entitled An Act requiring the Comptroller to audit certain bills of the members of the present Legislature, have had the same under consideration, and beg leave to report it back without amendment, and recommend its passage.

On motion of Mr. McMeans, the House resolved itself into committee of the whole, Mr. Heydenfeldt in the chair, to consider a bill for An Act requiring the Comptroller to audit certain bills of the members of the present Legislature.

After spending some time in its consideration, on motion of Mr. McMeans, the Committee rose, reported the bill back, and asked to be discharged.

The Committee were discharged.

The bill was then considered as engrossed, and upon its final passage Mr. Robinson demanded the ayes and nays.

Those who voted for the passage of the bill were—

Messrs. Bell,
Bostwick,
Brush,
Cabaniss,
Canney,
Carhart,
Cardozo,
Crenshaw,
Estep,
Ewing,
Fairfax,
Hally,
Herbert,
Heydenfeldt,
Hoff,
Irwin,
Kittredge,
Knight,
Leake,
Letcher,
Mandeville,
Meredith,
McCandless,
McGarry,
McMeans,
Moore,
Myres,
Oliver,
Owen,
Reading,
Redding,
Rogers,
Smith,
Thomas,
Walker,
Wells,
Wilson,
Wing—38.

Those who voted against the passage of the bill were—

Messrs. Blake,
Caldwell,
Conness,
Covarrubias,
Flower,
Garfield,
Harrison,
Johnson,
Martin,
McFarland,
Pacheco,
Robinson,
Sime,
Snyder,
Taylor,
Van Dyke,
Speaker—17.

So the bill passed.

Mr. Heydenfeldt gave notice, that at an early day he would introduce a bill to repeal An Act entitled an Act to incorporate the town of Oakland, and to provide for the construction of Wharves thereat.

Mr. Crenshaw introduced a Concurrent Resolution to remove the present session to Benicia.

Mr. Wing offered a Concurrent Resolution as a substitute, to remove to Sacramento.

On motion of Mr. Taylor, it was laid upon the table.

Mr. Cabaniss offered a substitute to the resolution offered by Mr. Crenshaw, to remain at Vallejo

Mr. Johnston moved to strike out the preamble to the resolution offered by Mr. Cabaniss.

Not agreed to.

Mr. Moore moved to lay the resolution offered by Mr. Cabaniss on the table.

Agreed to.

Mr. Heydenfeldt moved a call of the House.

The call was sustained.

The Clerk then called the roll and the following members were absent: Messrs. Hunt, Lee, and McCandless.

On motion, the Sergeant at Arms was dispatched for absent members.

On motion, Messrs. McCandless and Lee were admitted within the bar of the House, and excused.

Mr. Johnson moved to dispense with further proceedings under the call.

Agreed to.

Mr. Heydenfeldt demanded the previous question.

The Speaker put the question, "Shall the main question now be put?"

Upon which, Mr. Johnson demanded the ayes and nays.

Mr. Heydenfeldt withdrew the demand for the previous question.

Mr. Moore renewed the motion.

Those who voted to sustain the previous question were—

Messrs.	Bell,	Messrs.	Oliver,
	Bostwick,		Owen,
	Carhart,		Redding,
	Ewing,		Rogers,
	Herbert,		Sime,
	Hoff,		Snyder,
	Irwin,		Taylor,
	Leake,		Thomas,
	Mandeville,		Van Dyke,
	McCandless,		Walker,
	McFarland,		Wells,
	McMeans,		Speaker—25.
	Moore,		

Those who voted against the previous question, were—

Messrs. Blake,
Brush,
Cabaniss,
Caldwell,
Canney,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Estep,
Fairfax,
Flower,
Garfield,
Hally,
Harrison,
Heydenfeldt,
Johnson,
Kittredge,
Knight,
Lee,
Letcher,
Martin,
Meredith,
McGarry,
Myres,
Pacheco,
Reading,
Robinson,
Smith,
Wilson,
Wing—31.

So the previous question was not sustained.

Mr. Johnson moved to strike out Benicia.

Mr. Moore moved a call of the House.

The call was sustained.

The Clerk called the roll, and it appeared that all the members were present, but those absent by leave granted.

Mr. Canney moved to dispense with further proceedings under the call.

Agreed to.

The motion to strike out Benicia was then put to the House, and lost.

Mr. Wing moved the indefinite postponement of the original resolution.

Mr. Canney demanded the ayes and nays.

Upon inquiry made by a member, the Speaker decided that the indefinite postponement of the resolution did not prevent the subject being presented to the House in some other form.

From which decision Mr. McMeans appealed.

The Speaker put the question, "Shall the decision of the Speaker be the judgment of the House?" the House sustained the Speaker.

The question then came up for indefinite postponement.

Those who voted for indefinite postponement were—

Messrs. Bell,
Blake,
Caldwell,
Covarrubias,
Estep,
Ewing,
Harrison,
Herbert,
Heydenfeldt,
Mandeville,
Meredith,
McGarry,
McMeans,
Myres,
Oliver,
Pacheco,
Reading,
Robinson,

Messrs. Hoff,
Hunt,
Johnson,
Lee,
Leake,
Messrs. Rogers,
Walker,
Wells,
Wing—27.

Those who voted against the indefinite postponement were—

Messrs. Bostwick,
Brush,
Cabaniss,
Canney,
Carhart,
Conness,
Cardoza,
Crenshaw,
Fairfax,
Flower,
Garfield,
Hally,
Irwin,
Kittredge,
Knight,
Messrs. Letcher,
Martin,
McCandless,
McFarland,
Moore,
Owen,
Redding,
Sime,
Snyder,
Smith,
Taylor,
Thomas,
Van Dyke,
Wilson,
Speaker—30.

So the resolution was not indefinitely postponed.

Mr. Johnson moved to strike out Benicia and insert Vallejo, and demanded the ayes and nays, and also demanded the previous question.

The House sustained the previous question.

Mr. Johnson moved to reconsider the vote for the previous question.

Carried.

Mr. Johnson then withdrew the demand for the previous question.

The question then came up to strike out "Benicia" and insert "Vallejo."

Those who voted to strike out and insert were—

Messrs. Bell,
Cabaniss,
Caldwell,
Covarrubias,
Estep,
Ewing,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Hoff,
Irwin,
Johnson,
Lee,
Messrs. Leake,
Mandeville,
McGarry,
McMeans,
Myres,
Oliver,
Pacheco,
Reading,
Robinson,
Rogers,
Van Dyke,
Walker,
Wells—27.

Those who voted against striking out and inserting were—

Messrs.	Blake,	Messrs.	Martin,
	Bostwick,		Meredith,
	Brush,		McCandless,
	Canney,		McFarland,
	Carhart,		Moore,
	Conness,		Owen,
	Cardozo,		Redding,
	Crenshaw,		Sime,
	Fairfax,		Snyder,
	Flower,		Smith,
	Garfield,		Taylor,
	Hunt,		Thomas,
	Kittredge,		Wilson,
	Knight,		Wing,
	Letcher,		Speaker—30.

So the motion to strike out was lost.

Mr. Johnson offered the following:

Resolved, By the Assembly, the Senate concurring, that the Legislature adjourn from this place to meet at the city of Sacramento, on at 12 o'clock, M.; and demanded the ayes and nays.

Those who voted in favor of Sacramento were—

Messrs.	Blake,	Messrs.	Meredith,
	Brush,		Myres,
	Caldwell,		Reading,
	Canney,		Walker,
	Estep,		Wing—11.
	Harrison,		

Those who voted against Sacramento were—

Messrs.	Bell,	Messrs.	Letcher,
	Bostwick,		Mandeville,
	Cabaniss,		Martin,
	Carhart		McCandless,
	Conness,		McFarland,
	Cardozo,		McGarry,
	Covarrubias,		McMeans,
	Crenshaw,		Moore,
	Ewing,		Oliver,
	Fairfax,		Owen,
	Flower,		Pacheco,
	Garfield,		Redding,
	Hally,		Robinson,

Messrs.	Herbert,	Messrs.	Rogers,
	Heydenfeldt,		Sime,
	Hoff,		Snyder,
	Hunt,		Smith,
	Irwin,		Taylor,
	Johnson,		Thomas,
	Kittredge,		Van Dyke,
	Knight,		Wells,
	Lee,		Wilson,
	Leake,		Speaker—46.

So the substitute did not pass.

The House then proceeded to take the final vote upon the resolution offered by Mr. Crenshaw, whereupon Mr. Canney demanded the ayes and nays.

Those who voted in favor of Benicia were—

Messrs.	Bostwick,	Messrs.	Martin,
	Brush,		McCandless,
	Canney,		McFarland,
	Carhart,		Moore,
	Conness,		Owen,
	Cardozo,		Redding,
	Crenshaw,		Sime,
	Fairfax,		Snyder,
	Flower,		Smith,
	Garfield,		Taylor,
	Hunt,		Thomas,
	Kittredge,		Wilson,
	Knight,		Wing,
	Letcher,		Speaker—28.

Those who voted in the negative were—

Messrs.	Bell,	Messrs.	Leake,
	Blake,		Mandeville,
	Cabaniss,		Meredith,
	Caldwell,		McGarry,
	Covarrubias,		McMeans,
	Estep,		Myres,
	Ewing,		Oliver,
	Hally,		Pacheco,
	Harrison,		Reading,
	Herbert,		Robinson,
	Heydenfeldt,		Rogers,
	Hoff,		Van Dyke,

Messrs. Irwin, Messrs. Walker,
Johnson, Wells—29.
Lee,

So the resolution was lost.

Mr. McMeans moved to take up Assembly bill to set apart funds for contingent purposes.

Agreed to.

On motion of Mr. McMeans, the House resolved itself into committee of the whole, Mr. Wing in the chair, to consider a bill for An Act to set apart five thousand dollars for contingent purposes.

After spending some time in its consideration, on motion of Mr. McMeans the Committee rose, reported the bill back without amendment, and asked to be discharged from its further consideration.

The Committee was discharged.

The bill was then considered as engrossed, read a third time, and passed.

Mr. Robinson offered the following:

Resolved, That the Sergeant-at-Arms be, and he is hereby authorized to contract with the Postmaster at the city of Vallejo for the payment of postage and delivery of postal matter to and from members and officers of the Assembly.

Adopted.

On motion, the House adjourned until 10 o'clock to-morrow.

HOUSE OF ASSEMBLY,

WEDNESDAY, January 12, 1853.

House met pursuant to adjournment.

The roll was called, and the following members were absent:—Messrs. Smith, and those absent on leave.

The Journal of yesterday was read and approved.

The Speaker announced the House ready to proceed to business.

Mr. Meredith presented a petition from the citizens of Columbia, Tuolumne County, praying the Legislature to authorize, by law, the election of an additional Justice of the Peace for that township.

Which was read, and referred to the Judiciary Committee.

Mr. Blake made a report from the Committee on Mileage, which was read, and on motion, recommitted to the committee for alteration.

Mr. Hoff gave notice that, at an early day, he would introduce a bill to amend An Act creating a Board of Supervisors for the counties of this State, and defining their duties and powers;

Also, An Act to Fund the Debt of Tuolumne County, and to provide for the payment of the same.

Mr. Snyder gave notice that he would, at some future day, introduce a bill entitled An Act to amend an Act to re-incorporate the City of San Francisco.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate passed, on yesterday,

Assembly Joint Resolution of instructions to our Senators, in reference to Mail Routes in the northern part of this State;

And on the 7th instant, An Act to authorize certain Officers and other persons to administer Oaths;

And on the 10th inst., An Act authorizing the purchase of a Press for the Seal of State.

Which are herewith transmitted.

A. C. BRADFORD,
Secretary of the Senate.

January 12, 1853.

Mr. Canney offered the following:

Resolved, That the Committee on Public Printing be instructed to inquire into the cause of the delay in furnishing the Journals of the last session, and by what authority the Joint Resolution, which was passed at the last session of the Legislature, removing the session to Sacramento, is not printed in the Statutes of 1852.

On motion, the resolution was referred to the Committee on Public Printing.

Mr. Martin gave notice that he would, in a few days, introduce a bill for An Act for the better regulation of Pilots for the Bay and Harbor of Humboldt, and to repeal an Act in relation to Pilots for the same, passed April 5th, 1851;

Also a bill for An Act to prohibit persons from throwing overboard or discharging Ballast in the channels of Humboldt Bay.

Mr. Myres gave notice that, at an early day of the session, he would introduce a bill to amend An Act to exempt the Homestead and other property from forced sale in certain cases;

Also, a bill to amend An Act to provide for the protection of Foreigners, and to define their liabilities and privileges, approved May 4th, 1852.

Mr. Bostwick gave notice that, at an early day during the session, he would introduce a Bill entitled An Act for the better observance of the Sabbath day.

Mr. Owen gave notice that, at an early day, he would introduce a bill in relation to lawful Fences.

Mr. Crenshaw presented a petition from J. S. Pitzer, claiming a seat in the Assembly as Member from Trinity County.

Read and referred to the Committee on Elections.

The certificate of election of Mr. Martin and Mr. Pitzer, was also referred to the Committee on Elections.

Mr. Flower introduced a bill for An Act to repeal an act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, approved March 27th, 1852.

Read first and second time, and referred to the Judiciary Committee.

Mr. McMeans moved that the Committee on Ways and Means be empowered to appoint a Clerk.

Agreed to.

Mr. McMeans introduced a bill to amend an act entitled An Act for the protection of Foreigners, and to define their liabilities and privileges.

Read first and second time, and referred to the Committee on Mines and Mining Interests.

Mr. Wing introduced a bill for An Act to amend an act entitled an Act to provide for the protection of Foreigners, and define their liabilities and privileges, approved May 4th, 1852.

Read first and second time, and referred to the Committee on Mines and mining Interests.

Senate Joint Resolution to allow four months' leave of absence to John C. Hays, Sheriff of San Francisco, was read first and second time.

Mr. Robinson moved to refer the resolution to the delegation from San Francisco.

Not agreed to.

Upon the final passage of the resolution, Mr. Robinson demanded the ayes and nays.

Those who voted for the final passage of the resolution were—

Messrs.	Bell,	Messrs.	Martin,
	Cabaniss,		Meredith,
	Canney,		McCandless,
	Carhart,		McFarland,
	Cardozo,		McGarry,
	Covarrubias,		McMeans,
	Ewing,		Moore,
	Fairfax,		Myres,
	Flower,		Oliver,
	Garfield,		Owen,
	Hally,		Pacheco,
	Harrison,		Reading,
	Herbert,		Redding,
	Heydenfeldt,		Robinson,
	Hoff,		Sime,
	Hunt,		Snyder,
	Irwin,		Taylor,
	Johnson,		Thomas,

Messrs. Kittredge, Knight, Lee, Leake, Mandeville, Van Dyke, Walker, Wells, Wing—45.

Those who voted against the resolution were—

Messrs. Blake, Bostwick, Brush, Caldwell, Conness, Crenshaw, Estep, Letcher, Rogers, Wilson, Speaker—11.

So the resolution was adopted.

Senate bill No. 11, An Act authorizing the purchase of a Press for the Seal of State, was read first and second time.

On motion of Mr. McMeans, the House resolved itself into committee of the whole, Mr. McMeans in the chair, to consider the above bill. After spending some time in its consideration and amending the same,

On motion of Mr. Canney, the committee rose, reported the bill back as amended, and asked to be discharged from its further consideration.

The committee was discharged.

The amendment made in committee of the whole was then concurred in, and the bill read a third time and passed.

Senate bill for An Act to authorize certain officers and other persons to administer Oaths.

Read a first time and ordered to a second reading to-morrow.

Assembly bill for An Act to repeal an Act entitled an Act concerning Crimes and Punishments, passed April 22, 1851.

Read a second time and referred to Judiciary Committee.

Mr. McMeans gave notice that he would on to morrow, or at some future day, introduce a bill to amend An Act to create a Board of Supervisors for the counties of this State, and to define their duties and powers.

Mr. Crenshaw offered the following:

Resolved, That Committee on Commerce be instructed to inquire into the causes of the present high price of provisions in this State, and ascertain, if possible, whether it is the effect of monopoly, or from other causes and report as soon as practicable, by bill or otherwise.

Adopted.

Mr. Mandeville, moved to take a recess for one hour.

Not agreed to.

Mr. Canney moved a call of the House.

The call was sustained.

The Clerk then called the roll, and the following members were absent: Messrs. Carpentier, Covarrubias, Smith, and Yeiser.

On motion, the Sergeant-at-Arms was dispatched after absent members.

On motion, Mr. Covarrubias was admitted within the bar of the House and excused.

On motion, Messrs. Yeiser, and Carpentier were excused.

On motion of Mr. Wing, further proceedings under the call were dispensed with.

On motion, at half-past 12 o'clock, the House took a recess for two hours.

At half-past two o'clock the House met pursuant to adjournment.

Mr. Blake moved to reconsider the vote which refused to remove to Benicia.

Mr. Canney moved a call of the House.

The call was sustained.

The Clerk called the roll, and it appeared that all the members were present, except Mr. Smith.

On motion, further proceedings under the call were dispensed with.

On motion of Mr. Blake, Mr. Smith was excused.

Upon the vote to reconsider, Mr. Mandeville demanded the ayes and nays.

Those who voted to reconsider were—

Messrs. Blake,
Bostwick,
Brush,
Canney,
Carhart,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Fairfax,
Flower,
Garfield,
Hunt,
Kittredge,
Knight,
Letcher,
McFarland,
Moore,
Redding,
Sime,
Snyder,
Taylor,
Thomas,
Wilson,
Wing,
Speaker—26.

Those who voted against reconsideration were—

Messrs. Bell,
Cabaniss,
Caldwell,
Estep,
Ewing,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Hoff,
Martin,
McCandless,
McGarry,
McMeans,
Myres,
Oliver,
Owen,
Pacheco,
Reading,
Robinson,

Messrs. Irwin,
Johnson,
Lee,
Leake,
Mandeville,
Messrs. Rogers,
Van Dyke,
Walker,
Wells,
Yeiser—30.

So the vote was not reconsidered.

Mr. Robinson moved to reconsider the vote, which refused to adjourn to meet at Sacramento.

Upon which, the ayes and nays were demanded.

Those who voted to reconsider were—

Messrs. Brush,
Canney,
Carhart,
Conness,
Cardozo,
Covarrubias,
Estep,
Fairfax,
Garfield,
Harrison,
Johnson,
Messrs. Kittredge,
Knight,
Meredith,
Moore,
Myres,
Reading,
Robinson,
Snyder,
Wilson,
Wing—21.

Those who voted against reconsideration were—

Messrs. Bell,
Blake,
Bostwick,
Cabaniss,
Caldwell,
Crenshaw,
Ewing,
Flower,
Hally,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Irwin,
Lee,
Leake,
Letcher,
Mandeville,
Messrs. Martin,
McCandless,
McFarland,
McGarry,
McMeans,
Oliver,
Owen,
Pacheco,
Redding,
Rogers,
Sime,
Taylor,
Thomas,
Van Dyke,
Walker,
Wells,
Yeiser,
Speaker—36.

So the vote was not reconsidered.

Mr. Taylor offered a Concurrent Resolution to appoint a committee to

proceed to San Francisco, to ascertain if accommodations could be procurred at that place to hold the remainder of this session.

Mr. Heydenfeldt moved to lay the resolution on the table.

Agreed to.

Mr. Hally offered the following :

Resolved, That the whole subject matter about removal, be laid on the table for the balance of the session.

Mr. Hoff moved to lay the resolution on the table.

Agreed to.

Mr. Heydenfeldt gave notice that at the expiration of five days, he would introduce a bill to permanently locate the Seat of Government.

On motion of Mr. Canney, at half past three o'clock, the House adjourned until ten o'clock to-morrow.

HOUSE OF ASSEMBLY.

THURSDAY, January 13, 1853.

House met pursuant to adjournment.

The roll was called, and the following members were absent: Messrs. Fairfax, Heydenfeldt, McCandless, McGarry, Moore, Redding, Thomas, and Wing.

The Journal of yesterday was read, amended, and adopted.

The Speaker announced the House ready to proceed to business.

On motion, leave of absence was granted to Messrs. Fairfax and McCandless for three days.

Mr. Redding asked further leave of absence for Mr. Gardner for one day.

Granted.

Mr. Thomas made the following report :

The Committee on Engrossed Bills have examined and found correctly engrossed the following bills—

An Act requiring the Comptroller to audit certain bills of the members of the present Legislature.

An Act to set apart five thousand dollars to meet the current contingent expenses of the Assembly.

An Act to repeal the fourteenth section of an Act entitled an Act to fund the indebtedness of the State which has accrued or may accrue from April

29, 1851, to December 31, 1852, inclusive, and to provide for the payment of the three per cent. bonds.

Mr. Wilson made the following report:

The Joint Committee on Enrollment have examined and found correctly enrolled—

An Act to fix the times of holding Court in the Eleventh Judicial District; also,

Joint Resolution of instruction to our Senators in reference to Mail Routes in the northern part of this State.

Mr. Snyder made the following report: (See Appendix No. 2.)

Mr. Canney offered the following:

Resolved, That four thousand additional copies of the Governor's message be ordered printed in English, provided there be no additional charge for composition.

Mr. Crenshaw moved to amend by striking out four thousand and insert two thousand.

Mr. Garfield moved to lay the resolution and the amendment on the table.

Mr. Canney demanded the ayes and nays.

Those who voted to lay upon the table were—

Messrs. Blake,	Messrs. Hally,
Bostwick,	Harrison,
Brush,	Hoff,
Cabaniss,	Knight,
Caldwell,	Reading,
Carhart,	Sime,
Conness,	Snyder,
Cardozo,	Taylor,
Estep,	Walker,
Flower,	Wing,
Garfield,	Yeiser—22.

Those who voted against laying on the table were—

Messrs. Bell,	Messrs. McGarry,
Canney,	McMeans,
Crenshaw,	Moore,
Ewing,	Myres,
Herbert,	Oliver,
Heydenfeldt,	Owen,
Hunt,	Pacheco,
Irwin,	Redding,
Johnson,	Robinson,

Messrs. Kittredge,
Lee,
Letcher,
Mandeville,
Martin,
Meredith,
McFarland,
Messrs. Rogers,
Thomas,
Van Dyke,
Wells,
Wilson,
Speaker—31.

So the resolution was not laid upon the table.

The amendment offered by Mr. Crenshaw, to strike out four thousand and insert two thousand, was adopted.

The resolution as amended was then adopted.

Mr. Speaker presented the annual report of the Comptroller of State, which, on motion, was referred to the Committee of Ways and Means, and one thousand copies ordered printed.

Mr. Cabaness offered the following:

Resolved, That one thousand copies of the Governor's message be printed in French.

Mr. Garfield moved to strike out one thousand and insert five thousand copies.

Lost.

Mr. Robinson moved to amend by adding—

Provided, The printing will not cost more than the printing in English.

Agreed to.

The resolution, as amended, was put to vote and lost.

Mr. Canney introduced a bill for an Act to take the sense of the people of the State of California upon the subject of the permanent location of the Seat of Government.

Read first and second time, and referred to Committee on Public Buildings and Grounds.

Mr. Knight introduced a bill for an Act to amend an Act defining the time for commencing civil actions.

Read first and second time, and referred to Judiciary Committee.

Mr. Wing introduced a bill for an Act to repeal an Act entitled an Act to authorize the funding of the debt of the county of El Dorado, and to provide for the payment of the same, approved May 1st, 1852.

Read first and second time, and referred to the delegation from El Dorado county.

Senate bill for an Act to authorize certain officers and other persons to administer oaths,

Was read a second time, and referred to Judiciary Committee.

Mr. Myres introduced a bill to be entitled An Act recommending to the Electors to vote for or against calling a Convention.

Read first and second time, and referred to the Judiciary Committee.

Mr. Heydenfeldt moved that all papers upon the Clerk's table referring to contested elections, be referred to the Committee on Elections.

Agreed to.

Mr. Crenshaw moved to refer the matter contained in the Governor's message, relating to a national highway, &c., be referred to the Committee on Federal Relations, instead of the Committee on Roads and Highways.

Agreed to.

On motion of Mr. Canney, Messrs. Crenshaw, Heydenfeldt, Garfield, Brush and Johnson were added to the Committee on Indian Affairs.

Mr. Wing gave notice that at an early day he would introduce a bill for An Act supplementary to an Act concerning Corporations, approved April 22d, 1850.

On motion of Mr. Heydenfeldt, at 12 o'clock, M., the House took a recess for two hours.

2 O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Bell offered the following, which was adopted:

Resolved, That the Speaker be, and he is hereby authorized to assign the unappropriated rooms in that part of the Capitol assigned to the use of this House.

Mr. Irwin moved that two additional members be appointed upon the Committee on Elections.

Mr. Robinson demanded the ayes and nays.

Those who voted in favor of the motion were—

Messrs. Blake,
Bostwick,
Brush,
Canney,
Carpentier,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Garfield,
Hoff,
Hunt,
Irwin,
Kittredge,
Lee,
Leake,
Mandeville,
Meredith,
McFarland,
Moore,
Myres,
Oliver,
Rogers,
Wells,
Wilson,
Wing,
Speaker—27

Those who voted against the motion were—

Messrs. Bell,
Cabaniss,
Caldwell,
Carhart,
Estep,
Ewing,
Flower,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Johnson,
Knight,
Letcher,
Martin,
McGarry,
McMeans,
Owen,
Pacheco,
Reading,
Robinson,
Sime,
Snyder,
Taylor,
Thomas,
Van Dyke,
Walker,
Yeiser—28.

So the motion was not adopted.

Mr. Brush asked to be excused from serving as Chairman of the Committee on Elections.

The House refused to excuse him.

Mr. Thomas moved to reconsider the vote which refused to add two additional members to the Committee on Elections.

Mr. Canney demanded the ayes and nays.

Those who voted to reconsider were—

Messrs. Blake,
Bostwick,
Brush,
Canney,
Carpentier,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Garfield,
Hoff,
Hunt,
Irwin,
Kittredge,
Lee,
Leake,
Mandeville,
Meredith,
McFarland,
McMeans,
Moore,
Myres,
Oliver,
Owen,
Rogers,
Snyder,
Smith,
Thomas,
Van Dyke,
Wells,
Wilson,
Wing,
Speaker—33.

Those who voted in the negative were—

Messrs. Bell,
Cabaniss,
Caldwell,
Carhart,
Estep,
Knight,
Letcher,
Martin,
McGarry,
Pacheco,

Messrs. Ewing,
Flower,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Johnson,
Messrs. Reading,
Robinson,
Sime,
Taylor,
Walker,
Yciser—23.

So the motion was reconsidered.

The original motion to add two members to the Committee on Elections, was then adopted; and Messrs. Canney and Blake were appointed.

Mr. Herbert asked to be excused from serving on the Committee on Elections.

He was excused, and Mr. Irwin was appointed in his place.

Mr. Carpentier offered the following, which was adopted:

Resolved, That the Chairman of the Judiciary Committee be authorized to appoint a clerk.

On motion of Mr. Blake, at 4 o'clock the House adjourned until 10 o'clock, to-morrow.

HOUSE OF ASSEMBLY.

FRIDAY, January 14, 1853.

The House met pursuant to adjournment.

The roll was called, and the following members were absent:—Messrs. Bostwick, Cardozo, Garfield, Irwin and Leake.

The Journal of yesterday was read and approved.

The Speaker then announced the House ready to proceed to business.

Mr. Brush presented a petition from sundry citizens of Tuolumne county, praying for the passage of a law in reference to towns and roads.

Read and referred to Committee on Mines and Mining Interests.

Mr. Garfield, from the Judiciary Committee, read the following majority report:

The undersigned, a majority of the Judiciary Committee, to whom was referred Assembly bill to repeal An Act to amend an Act concerning crimes and punishments, passed April 22d, 1851, ask leave to report the bill without amendment, and recommend its passage.

Mr. Yeiser made the following minority report:

The undersigned, a minority of the committee, to whom was referred An Act to repeal an Act to amend an Act entitled an Act concerning crimes and punishments, passed April 22d, 1851, beg leave to report, that they believe it inexpedient to pass the above entitled bill, and recommend that the same be indefinitely postponed.

Mr. Blake made the following report on mileage. (See Appendix No. 3.)

Mr. Yeiser made a further report:

Mr. Speaker:

The Judiciary Committee have had under consideration An Act to repeal an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, approved March 27th, 1852, and have instructed me to report the bill back and to recommend its passage; also,

A petition of the citizens of Columbia, Tuolumne county, praying for an additional Justice of the Peace in that township, and recommend that the petition be referred to the Tuolumne Delegation; also,

An Act to authorize certain officers and other persons to administer oaths, and recommend its passage with the following amendment, to wit: Strike out, in section one, the word "new," and strike out section three. Also,

An Act to authorize certain officers to qualify and enter upon their official duties, recommending its passage with the following amendments: Insert, as section two, the following:—"Any person so elected, who has, heretofore, taken the oath and filed his bond of office, shall be deemed to have qualified according to law." Second: Change section two to section three, and change three to section four; and add to the last section the words "and forward certified copies of the same to the County Clerk of each county."

Mr. Wing, Chairman, made the following report:

The El Dorado Delegation, to whom was referred a bill for An Act to repeal an Act to authorize the Funding of the Debt of the county of El Dorado, and to provide for the payment of the same, have the honor to report, that they have had the same under consideration, and report the bill back to the House, recommending its passage.

The bill was then considered as engrossed, read a third time and passed.

Assembly bill No. 10: to repeal An Act entitled an Act concerning the

Courts of Justice of this State and Judicial Officers, approved March 27th, 1852, was considered as engrossed, read a third time and passed.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate passed, yesterday, Assembly Joint Resolution to appoint a committee to investigate the circumstances of the passage of the Act authorizing the erection of a State Prison, and appointed Messrs. Coffroth, Snyder, McKibben, Kurtz and Roach on the part of the Senate;

And concurred in Assembly amendment to Senate bill for An Act authorizing the purchase of a Press for the Seal of State;

Also passed on same day a bill for "An Act to repeal the Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, approved March 27th, 1852;

Also, Joint Resolution granting leave of absence to Hon. Hugh C. Murray.

A. C. BRADFORD,
Secretary of the Senate.

January 14, 1853.

Senate bill No. 13, An Act to authorize certain officers and other persons to administer oaths, reported back from Judiciary Committee, and the amendments made by the committee adopted by the House.

The bill was then read a third time and passed.

House bill No. 1, A bill for an Act to authorize certain officers to qualify and enter upon their official duties, reported by the Judiciary Committee with sundry amendments.

On motion of Mr. Crenshaw, the bill was recommitted to the committee with special instructions.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate passed, on the 11th inst., a bill for An Act in relation to the supplies of fuel, and other contingent expenses of the Legislature.

In accordance with the recommendation of the Judiciary Committee, a petition from the citizens of Columbia, Tuolumne county, praying for an additional Justice of the Peace in that township, was referred to the delegation from Tuolumne county.

Mr. Canney offered the following:

Resolved, That the Sergeant-at Arms be directed to make an equal distribution of all public documents provided by order of the House among the members of Assembly

Adopted.

The following communication was received from His Excellency the Governor:

I have the honor herewith to transmit the annual report of the Attorney General of the State of California.

JOHN BIGLER.

The report of the Attorney General, (See Senate Appendix No. 74,) by order, was referred to the Judiciary Committee.

Senate bill No. 12, Bill for an Act in relation to the supplying of fuel, and other contingent expenses of the Legislature.

Read first time, and ordered to second reading on to-morrow.

Senate Joint Resolution, granting leave of absence to Hon. Hugh C. Murray.

Read first time, and ordered to second reading on to-morrow.

Senate bill No. 16, a bill for an Act to repeal the Act entitled an Act concerning Courts of Justice of this State and Judicial Officers, approved March 27, 1852.

Read first time, and ordered to a second reading to-morrow.

Mr. Letcher introduced a bill for an Act to provide for the removal in certain cases of criminal prosecutions from the Courts of Sessions to the District Courts.

Read first and second time, and referred to Judiciary Committee.

Mr. Wells gave notice that he would, at an early day, introduce a bill for an Act to amend the thirty-eighth section of an Act entitled an Act to provide for levying, assessing, and collecting public revenue, approved April 23, 1852.

Assembly bill for an Act to repeal an Act to amend an Act entitled an Act concerning crimes and punishments, passed April 22, 1851.

Reported back from Judiciary Committee, and made the special order for Tuesday next at 12 o'clock.

Mr. Wing introduced a bill for an Act to amend the third section of an Act entitled an Act to regulate fees in office, passed May 1, 1851.

Read first and second time, and referred to Judiciary Committee.

On motion of Mr. Brush, one hundred and fifty copies of a bill for an Act to amend an Act entitled an Act defining the time for commencing civil actions, passed April 22, 1850, were ordered to be printed.

On motion of Mr. Wing, at half past 12 o'clock, the House took a recess until half past 2 o'clock.

At half past 2 o'clock the House met pursuant to adjournment.

Mr. McCandless moved to adjourn until Monday next at 12 o'clock.

Agreed to.

HOUSE OF ASSEMBLY.

MONDAY, January 17, 1853.

House met pursuant to adjournment, and,

On motion, Mr. Crabb was called to the chair.

There being no quorum present, on motion of Mr. Blake, the House adjourned until ten o'clock to morrow.

HOUSE OF ASSEMBLY.

TUESDAY, January 18, 1853.

House met pursuant to adjournment.

The roll was called, and the following members were absent:—Messrs. Carhart, Covarrubias, Ewing, Fairfax, Garfield, Johnson, Knight, Leake, McCandless, McMeans, Moore, Smith, Taylor and Yeiser.

The Journals of Friday and Monday were read and approved.

The Speaker announced the House ready to proceed to business.

On motion, leave of absence was granted for one day to the absentees.

Mr. Tighlman, member elect from the County of San Diego, appeared, was qualified, and took his seat.

Mr. Flower presented a petition from Smith Brothers & Co., of San Francisco, for a re-issue of lost Bonds.

Read, and referred to the Committee on Claims.

Mr. Sime presented a petition from sundry citizens of San Francisco, protesting against a repeal of the Act in relation to Capital Punishment.

Read, and laid upon the table.

Mr. Carpentier, from the Judiciary Committee, made a report on Assembly bill for An Act to authorize certain Officers to qualify and enter upon their official duties, proposing sundry amendments.

Which, upon motion, was recommitted to the committee, with instructions.

Mr. Brush gave notice that, on to morrow or some future day, he would

introduce a bill to amend section four of An Act to provide for the Inspection of Flour.

Mr. Wilson, from the Joint Committee on Enrollment, made the following report:

The Joint Committee on Enrollment report that, they have examined and found correctly enrolled, a Joint Resolution to allow four months' leave of absence to John C. Hays, Sheriff of San Francisco County;

Also, An Act authorizing the purchase of a Press for the Seal of State.

Mr. Garfield gave notice that he would, on to-morrow, introduce a bill for An Act to provide for the redemption of Comptroller's Warrants drawn payable out of the General Fund.

Mr. Snyder offered the following, which was adopted:

Resolved, That the Committee on Ways and Means be instructed to report to-morrow morning, the per diem allowance of the Clerks, Sergeant-at-Arms, and other officers and employees of this House.

Mr. Hally introduced a bill for An Act for the protection of persons who may settle upon private lands in this State.

Read first and second time and referred to Judiciary Committee, and 150 copies ordered to be printed.

Mr. Myres introduced a bill for An Act to revise the Act to provide for the protection of Foreigners, and to define their liabilities and privileges, approved May 4th, 1852.

Read first and second time, and referred to Committee on Mines and Mining Interests, and 150 copies ordered to be printed.

Mr. Owen introduced a bill for An Act to attach Signor or Mare Island to Solano County.

Read first and second time, and referred to Committee on Counties and County Boundaries.

Mr. Owen introduced the following bill, for An Act to amend an act entitled an Act to authorize Wm. Moody and Morgan Hart to build a Wharf in the County of Solano.

Read first time, and ordered to a second reading on to-morrow.

Mr. Letcher introduced a bill, An Act to authorize the Probate Courts of this State to lease for a term of years, the unimproved lands belonging to the estates of deceased persons and minors.

Read first and second time, and referred to the Judiciary Committee.

The following message was received from the Secretary of State:

The Secretary of State has the honor herewith to transmit the papers in the two contested seats in the House of Assembly. Said papers were received at this office on Saturday, the 15th inst.

On motion, the papers were referred to the Committee on Elections.

The following message was received from the Governor:

In compliance with the requirements of law, I herewith transmit a report of the vacancies filled by me since the last session of the Legislature.

Also, the following offices to be filled by the Legislature at its present session:

First. Resident and Visiting Physicians, and Trustees for the several State Hospitals.

Second. A Quartermaster General of the State.

JOHN BIGLER.

Vacancies filled by the Executive since the last adjournment of the Legislature:

A. C. Monson, Judge 6th District, *vice* Lewis Aldrich, resigned.

Robert B. Sherrard, Judge of Sutter county, *vice* T. B. Ravidees, resigned.

O. C. Emory, Judge of San Joaquin county, *vice* W. A. Root, deceased.

E. W. Roberts, Judge of Nevada county, *vice* ——— Caswell, absent.

O. M. Brown, Judge San Luis Obispo, *vice* W. J. Graves, resigned.

A. C. Palmer, F. D. Kohler, J. McDougal, H. H. Byrne and Alexander Campbell, Trustees of State Marine Hospital at San Francisco.

William C. Kibbee, Quartermaster-General, the Legislature having failed to elect.

Mr. Pacheco presented a certificate of election for Mr. Hughes, of Santa Barbara.

Which was read and referred to Committee on Elections.

Senate bill No. 12, for An Act in relation to the supplies of Fuel, and other contingent expenses of the Legislature, on its third reading

On motion of Mr. Heydenfeldt, the House resolved itself into committee of the whole, Mr. Owen in the chair, to consider the above bill, after spending some time in its consideration,

On motion of Mr. Robinson, the Committee rose, reported the bill back without amendment, and asked to be discharged.

The Committee was discharged.

The bill was then read a third time and passed.

Special order of the day—

A bill for An Act to repeal an Act to amend an Act entitled an Act concerning Crimes and Punishments, passed April 22, 1851; on its third reading.

On motion of Mr. Heydenfeldt, was laid upon the table.

Senate bill for An Act to repeal the Act entitled an Act concerning Courts of Justice of this State, and Judicial Officers, approved March 27, 1852.

Read a second time, ordered to a third reading on to-morrow.

Senate Joint Resolution, granting leave of absence to Hon. Hugh C. Murray; on its third reading.

Mr. Brush moved its indefinite postponement, upon which Mr. Conness demanded the ayes and nays.

Those who voted to postpone were—

Messrs.	Blake,	Messrs.	Letcher,
	Bostwick,		Mandeville,
	Brush,		Martin,
	Cabaniss,		Meredith,
	Caldwell,		McGarry,
	Canney,		Oliver,
	Carpentier,		Owen,
	Conness,		Redding,
	Cardozo,		Robinson,
	Crenshaw,		Rogers,
	Estep,		Sime,
	Garfield,		Thomas,
	Harrison,		Van Dyke,
	Hoff,		Wells,
	Irwin,		Wilson,
	Kittredge,		Wing—32.

Those who voted against postponement were—

Messrs.	Flower,	Messrs.	Lee,
	Gardner,		Myres,
	Hally,		Pacheco,
	Herbert,		Reading,
	Heydenfeldt,		Snyder,
	Hunt,		Tighlman,
	Johnson,		Walker,
	Knight,		Speaker—16.

So the motion to indefinitely postpone was adopted.

Mr. Canny gave notice that he would move a reconsideration of the vote just taken on to-morrow.

Mr. Wing moved to take a recess until half past two.

Not agreed to.

On motion of Mr. Brush, at one o'clock, the House adjourned until ten o'clock to-morrow.

HOUSE OF ASSEMBLY.

WEDNESDAY, Jan. 19, 1853.

House met pursuant to adjournment.

The roll was called, and the following members were absent:

Messrs. Ewing, Fairfax Gardner, Kittridge, Knight, Moore, and Smith.

The Journal of yesterday was read and approved.

The Speaker announced the House ready to proceed to business.

On motion, leave of absence for one day was granted to Messrs. Ewing, Hunt, Smith, and Knight, and for three days, to Mr. Kittridge.

Mr Thomas made the following report:

The Committee on Engrossment, beg leave to report that they have examined and found correctly engrossed, the following bills:

An Act concerning the Courts of Justice of this State, and Judicial Officers, approved March 27, 1852.

A bill for An Act entitled an Act to authorize the funding of the Debt of the county of El Dorado, and to provide for the payment of the same, approved May 1st, 1852.

Mr. McMeans asked and obtained leave for further time to report upon the pay of clerks, &c., until to morrow.

Mr. Heydenfeldt introduced a bill for An Act to authorize the redemption of Real Estate sold for the non payment of Taxes.

Read first and second time, and referred to Judiciary Committee.

Mr. Brush made the following report:

(Contested Election Case of Martin vs. Pitzer. See Appendix No. 4.)

Mr. Irwin made the following minority report: (See Appendix, No. 5.)

Mr. Canney moved the adoption of the majority report, and also moved a call of the House.

The call was sustained.

The Clerk called the roll, and it appeared that all the members were present.

Mr Canney moved that further proceedings under the call be dispensed with.

Agreed to.

Mr. Canney then demanded the ayes and nays upon the adoption of the majority report.

Those who voted in favor of the report were—

Messrs. Bell,	Messrs. McCandless,
Blake,	McFarland,
Bostwick,	McMeans,
Brush,	Moore,

Messrs. Canney,
Carpentier,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Fairfax,
Gardner,
Garfield,
Herbert,
Hoff,
Lee,
Leake,
Mandeville,
Meredith,
Myres,
Oliver,
Owen,
Pacheco,
Redding,
Rogers,
Snyder,
Thomas,
Tighlman,
Walker,
Wells,
Wilson,
Wing,
Yeiser—37.

Those who voted against the report were—

Messrs. Cabaniss,
Caldwell,
Carhart,
Estep,
Flower,
Hally,
Harrison,
Heydenfeldt,
Irwin,
Johnson,
Letcher,
McGarry,
Reading,
Robinson,
Sime,
Taylor,
Van Dyke,
Speaker—18.

So the report was adopted.

Mr. Oliver moved the adoption of the resolution declaring the seat of Mr. Martin vacant.

Upon which, Mr. Heydenfeldt demanded the ayes and nays.

Those voting for the resolution were—

Messrs. Bell,
Blake,
Bostwick,
Brush,
Canney,
Carpentier,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Fairfax,
Gardner,
Garfield,
Herbert,
Meredith,
McCandless,
McFarland,
McMeans,
Moore,
Myres,
Oliver,
Owen,
Pacheco,
Redding,
Rogers,
Snyder,
Thomas,
Tighlman,

Messrs. Hoff,	Messrs. Walker,
Lee,	Wells,
Leake,	Wing,
Mandeville,	Yeiser—36.

Those who voted against the resolution were—

Messrs. Cabaniss,	Messrs. Johnson,
Caldwell,	Letcher,
Carhart,	McGarry,
Estep,	Reading,
Flower,	Robinson,
Hally,	Sime,
Harrison,	Taylor,
Heydenfeldt,	Van Dyke,
Irwin,	Speaker—18.

So the resolution was adopted.

On motion, Mr. Pittser, member elect from the county of Trinity, came forward was qualified and took his seat.

Mr. McMeans introduced a bill for An Act explanatory of the duties of Sheriffs under the 37th section of the Act to provide for levying, assessing, and collecting Public Revenue, passed April 23, 1852.

Read first and second time, and referred to Judiciary Committee.

Mr. Garfield introduced a bill for An Act to provide for the redemption of Comptroller's Warrants drawn payable out of the General Fund.

Read first and second time, and referred to Committee of Ways and Means.

Mr. Heydenfeldt presented to the Legislature in the name of Mr. Gibbs a map of the State of California, and also, a map of the San Joaquin Valley.

On motion of Mr. Van Dyke, the maps were accepted, and the thanks of the Legislature tendered to Mr. Gibbs.

Mr. McMeans introduced a bill for An Act entitled an Act to repeal an Act entitled an Act in relation to actions wherein the State is a party, approved May 3d, 1852.

Read first and second time, and referred to Judiciary Committee.

Mr. Canney, in accordance with notice given, moved a reconsideration of the vote which indefinitely postponed a resolution granting leave of absence to Judge Hugh C. Murray.

Mr. Bell moved a call of the House.

The call was sustained.

The Clerk called the roll, and Mr. Blake was found to be absent.

Mr. Canney moved to dispense with further proceedings under the call.

The vote was then taken upon reconsideration, by ayes and nays.

Those who voted for reconsideration were—

Messrs. Bell,
Canney,
Carhart,
Carpentier,
Cardozo,
Covarrubias,
Estep,
Fairfax,
Flower,
Gardner,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Johnson,
Lee,
Leake,
Meredith,
McCandless,
Messrs. McGarry,
McMeans,
Moore,
Myres,
Owen,
Pacheco,
Pittser,
Reading,
Sime,
Snyder,
Taylor,
Thomas,
Tighlman,
Walker,
Wells,
Wilson,
Wing,
Yeiser,
Speaker—38.

Those voting against reconsideration were—

Messrs. Bostwick,
Brush,
Cabaniss,
Caldwell,
Conness,
Crenshaw,
Garfield,
Hoff,
Irwin,
Messrs. Letcher,
Mandeville,
McFarland,
Oliver,
Redding,
Robinson,
Rogers,
Van Dyke—17.

So the vote was reconsidered.

Mr. Brush withdrew the motion to indefinitely postpone.

Mr. Carpentier moved to refer the resolution to the Judiciary Committee, with special instructions, that leave of absence should not commence before the 14th day of February.

Not agreed to.

The final vote upon the Senate's resolution granting leave of absence to Judge Murray, was then taken by ayes and nays.

Those who voted for the resolution were—

Messrs. Bell,
Canney,
Carhart,
Cardozo,
Covarrubias,
Estep,
Messrs. McCandless,
McGarry,
McMeans,
Moore,
Myres,
Owen,

Messrs. Fairfax,
Flower,
Gardner,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Johnson,
Lee,
Leake,
Meredith,
Pacheco,
Pittser,
Reading,
Sime,
Snyder,
Taylor,
Tighlman,
Walker,
Wells,
Wilson,
Yeiser—34.

Those voting against the resolution were—

Messrs. Bostwick,
Brush,
Cabaniss,
Caldwell,
Carpentier,
Conness,
Crenshaw,
Garfield,
Hoff,
Irwin,
Letcher,
Mandeville,
McFarland,
Oliver,
Redding,
Robinson,
Rogers,
Thomas,
Van Dyke,
Wing,
Speaker—21.

So the resolution passed.

Mr. Pacheco moved to take a recess until 2 o'clock P. M.
Not agreed to.
Mr. McMeans offered the following, which was referred to Judicary Committee.

Resolved, In the opinion of the Assembly, that it is not necessary for the Clerk of the House to spread at large upon the Journals, the annual reports of the State Officers and that the Secretary of State be instructed to preserve one hundred copies of each of said reports for the use of the State.

Mr. Wilson, Chairman, made the following report:
The Joint Committee on Enrollment, report that they have this day, presented to the Governor for his approval,
Joint Resolution granting four months' leave of absence to J. C. Hays, Sheriff of San Francisco.
Also, An Act authorizing the purchase of a press for the Seal of State.
The following message was received from the Governor:

I have the Honor herewith, to transmit the Annual Report of the State Librarian. (See Appendix No. 6.)

JOHN BIGLER.

Report by order, was referred to Committee on Education.

On motion, leave of absence was granted to Mr. Kittridge for one week, and to Mr. Tighlman for two days.

Mr. Gardner gave notice that, at an early day, he would introduce a bill require the Comptroller to draw his warrant in favor of Beverly C. Saunders.

Mr. Canney offered the following, which was adopted:

Resolved, That the Committee on Elections be instructed to examine and report without delay, in the case of Martin and Pittser.

Mr. Heydenfeldt gave notice that on to-morrow he would move to amend the Standing Rules of this House, so as to create a Committee on the State Library.

The following message was received from the Senate.

Mr. Speaker:

I am directed to inform the Assembly that the Senate passed on 12th inst., a substitute for Assembly Resolution to appoint a Joint Committee to confer with M. G. Vallejo, in reference to the location of the capital, &c.

And amended, yesterday, Assembly amendment No. 1, to Senate bill for An Act to authorize certain officers and other persons to administer oaths.

And concurred in Assembly amendment No. 2, to same bill.

A. C. BRADFORD, Secretary Senate.

19th January, 1853.

On motion of Mr. Brush, at 1 o'clock the House adjourned until 10 o'clock to-morrow.

HOUSE OF ASSEMBLY.

THURSDAY, January 20, 1853.

House met pursuant to adjournment.

The roll was called, and the following members were absent: Messrs. Covarrubias, Herbert, McCandless, McGarry and Moore.

The Journal of yesterday was read and approved.

On motion, Messrs. Herbert and Covarrubias were granted leave of absence for one day, and Mr. McCandless for two days.

The Speaker announced the House ready to proceed to business.

Mr. Blake presented a petition from the Mayor and Council of the city of San Francisco, praying the passage of a law to exempt Firemen from Jury duty.

Mr. Flower presented a petition from the bench and members of the bar of San Francisco, praying the passage of a law to exempt Firemen from Jury duty.

Mr. Cardozo presented a petition, numerously signed by citizens of San Francisco, praying the passage of a law exempting Firemen from Jury duty.

Which petitions were severally read and referred to Judiciary Committee.

Mr. Yeiser gave notice that, on to-morrow, or some early day thereafter, he would introduce a bill directing the Comptroller of State to audit the drafts of the Treasurer of the Stockton State Hospital.

Mr. McMeans made the following report relative to per diem of Clerks. (See Appendix, No. 7.)

On motion, the report of the committee with the per diem allowance to the Clerks and other attachees was laid upon the table.

Mr. Crenshaw gave notice that, on to-morrow, or on some convenient day thereafter, he would introduce a bill requiring the Governor of this State to demand of M. G. Vallejo the performance of his contract, as entered into with this State on the 4th day of February, 1851, as soon as the said bond becomes due.

Mr. Owen offered the following, which was adopted:

Resolved, by the Assembly, the Senate concurring herein, That a Joint Select Committee of three on the part of the Assembly, and two on the part of the Senate, be appointed to draft a memorial to Congress for the establishment of mail routes that are wanting in different parts of this State.

Messrs. Owen, Garfield, and Myres were appointed committee on the part of the House.

A communication was received from the Secretary of State, transmitting partial returns of the census.

The communication was read, and, by order of the House, it was referred to a special committee of nine, with instructions to report a bill affixing the apportionment of Senators and Representatives.

Messrs. Redding, Canney, Hoff, Flower, Herbert, Tighlman, Smith, McFarland and Wing were appointed said committee.

Mr. Yeiser made the following report:

Mr. Speaker:

The Judiciary Committee to whom was referred "A resolution in relation to the Journals of this House," have had the same under consideration, and instruct me to report it back, with a recommendation that the resolution be indefinitely postponed.

FRED. YEISER,
Chairman.

On motion, the resolution was indefinitely postponed.

Mr. Carpentier made the following report:

The Judiciary Committee, to whom was recommitted an Act to authorize certain officers to qualify and enter upon their official duties with special instructions, have instructed me to report the bill back in conformity with said instructions.

Bill recommitted with special instructions to exclude Contra Costa from the operations of the bill, and to strike Trinity from among the counties exempted.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Governor approved, yesterday, An Act authorizing the purchase of a Press for the Seal of State.

And that the Senate passed, on the 18th instant, An Act relating to the Pilots of San Diego.

And rejected, yesterday, Assembly bill for An Act to repeal the fourteenth section of an Act entitled an Act to Fund the Indebtedness of the State, which has accrued or may accrue from April 29th, 1851, to December 31st, 1852, inclusive, and to provide for the payment of the three per cent. Bonds.

A. C. BRADFORD,
Secretary Senate.

January 20, 1853.

Mr. Johnson made the following report:

The Judiciary Committee, to whom was referred An Act to authorize the redemption of real estate sold for the non-payment of taxes; also,

An Act explanatory of the duties of Sheriffs under the thirty-seventh section of the Act to provide for levying, assessing and collecting Public Revenue, passed April 23d, 1852, beg leave to report the accompanying bill, as a substitute for the bills before referred to, and recommend its passage.

JOHNSON,
On behalf of Committee.

The substitute submitted by the committee was then taken up for consideration.

On motion of Mr. Heydenfeldt, the House resolved itself into committee of the whole, Mr. Heydenfeldt in the chair, to consider the above substitute.

After spending some time in its consideration and making sundry amendments thereto,

On motion of Mr. Thomas, the committee rose, reported the bill as amended, and asked to be discharged from its further consideration.

The committee was discharged.

On motion of Mr. Heydenfeldt, the amendments made in committee of the whole were adopted by the House.

The bill was then considered as engrossed, read a third time, and passed.

The following message was received from the Governor:

In compliance with law, I herewith transmit a list of pardons granted by me since January, 1852.

JOHN BIGLER.

(See Appendix No. 8.)

Senate bill for An Act to repeal the Act entitled an Act concerning Courts of Justice of this State and Judicial Officers, approved March 27th, 1852, on its third reading.

On motion, laid upon the table.

Senate substitute for Assembly resolution to appoint a committee to confer with M. G. Vallejo, in reference to the location of the capital, on motion, was laid upon the table.

A bill, an Act to amend an Act entitled an Act to authorize Wm. Moody and Morgan Hart to build a wharf in the county of Solano.

Read second time, and referred to Committee on Commerce and Navigation.

Mr. Cardozo introduced a bill for an Act to exempt Firemen from serving on militia or jury duty.

Read first and second time, and referred to Judiciary Committee.

Mr. Redding introduced a bill to be entitled an Act requiring the Comptroller to draw his warrant in favor of Beverly C. Saunders.

Read first and second time, and referred to Committee on Claims.

Senate bill, an Act to authorize certain officers and other persons to administer oaths, amended in the Assembly, and the Assembly amendment amended in the Senate.

The House concurred in the amendment of the Senate.

Mr. Myres introduced a bill for an Act to amend an Act to exempt the Homestead and other property from forced sales in certain cases.

Read first and second time, and referred to Judiciary Committee.

Mr. Owen introduced a bill for an Act to amend an Act entitled an Act for the permanent location of the Seat of Government, passed February 4, 1851.

Read first and second time, and referred to Judiciary Committee.

Mr. Crenshaw introduced a bill for an Act to provide for the payment of Z. L. Eastham, for work done on the State House.

Read first and second time, and referred to Committee on Claims.

Mr. Bostwick introduced a bill entitled an Act to amend the fourth section of an Act entitled an Act concerning Divorces.

Read first and second time, and referred to Judiciary Committee.

Mr. Heydenfeldt introduced a bill for an Act to repeal an Act entitled an Act concerning Divorces.

Read first and second time, and referred to Judiciary Committee.

Mr. Carpentier introduced a bill for an Act concerning school moneys.

Read first time, and ordered to a second reading on to-morrow.

On motion of Mr. Cardozo, the report of the Surveyor General was taken from the table, and one thousand copies ordered to be printed.

According to previous notice, Mr. Heydenfeldt moved to amend the standing rules, so as to have a standing committee upon Public Library.

Agreed to.

On motion of Mr. Heydenfeldt, the Clerk was instructed to report the bill, an Act explanatory of the duties of Sheriffs, and rights of Redemptioners under the 37th section of the Act to provide for the levying, assessing, and collecting public revenue, passed April 23, 1852, and sent forthwith to the Senate.

Mr. Heydenfeldt moved to take a recess until 3 o'clock.

Mr. Gardner moved to adjourn until 10 to-morrow.

Agreed to.

HOUSE OF ASSEMBLY.

FRIDAY, January 21, 1853.

House met pursuant to adjournment.

The roll was called, and the following members were absent: Messrs. Bell, Bostwick, Carhart, Carpentier, Fairfax, Gardner, Meredith, Moore and Robinson.

The Journal of yesterday was read and approved.

The speaker announced the House ready to proceed to business.

On motion, leave of absence was granted to Messrs. Bell and Moore for one day.

The Speaker announced the following members to compose the standing committee on Public Library: Messrs. Fairfax, Leake and Bostwick.

Mr. Canney asked to be excused from serving on the special committee of nine.

He was excused, and Mr. Johnson was appointed in his place.

The speaker laid before the House a report of the agents of Emigrant Relief Expedition.

Which was read and referred to Committee on Public Expenditures, and three thousad copies ordered to be printed. (See Senate Appendix No. 8.)

The Speaker also laid before the House the report of the Superintendent of Public Buildings,

Which was read and referred to Committee on Public Buildings. (See Appendix No. 9.)

Mr. Brush, Chairman, made the following report: (See Appendix No. 10.)

The following resolution, reported by Committee on Elections, was adopted:

Resolved, That W. C. Martin is entitled to a seat in this Assembly, as a representative from Trinity county, in place of J. S. Pittser.

Mr. Brush, offered the following, which was adopted.

Resolved, That J. S. Pittser be allowed mileage and per diem of a member, from the commencement of the present session to this day.

Mr. Martin, member elect from Trinity county, then came forward, was qualified, and took his seat.

Mr. Ewing, Chairman, made the following report:

The Committee on Counties and County Boundaries, to whom was referred a bill for An Act to attach Signor or Mare Island to Solano county, have had the same under consideration, and have instructed me to report the bill back without amendment, and recommend its passage.

The bill was then considered as engrossed, read a third time, and passed.

The Speaker laid before the House a communication from the Board of Education in reference to the amount of school fund and its distribution.

Which was read, and, on motion, referred to Committee on Education.

Mr. Crenshaw made the following report, relative to petition of Smith, Brothers & Co. (See Appendix No. 11.)

On motion, the report was adopted.

Mr. McMeans made the following report:

The Committee on Ways and Means, to whom was referred a bill to be entitled An Act to provide for the redemption of Comptroller's Warrants, drawn payable out of the General Fund, have had the same under consideration, and beg leave to report it back with amendments, and respectfully recommend its passage.

S. A. McMEANS,
Chairman.

The amendments by the Committee were adopted by the House.

The bill considered as engrossed, read a third time and passed.

Assembly bill, An Act requiring the Comptroller to audit certain bills of the members of the present Legislature, was amended in the Senate, and the amendments concurred in by the House.

Senate bill No. 22, An Act to amend the 37th section of the Act to provide for levying, assessing and collecting Public Revenue; read first and second time.

On motion, the rule was further suspended, and the bill read a third time, and on its final passage, was defeated

Senate bill No. 9, for An Act relating to San Diego Pilots; read second time, and ordered to a third reading on to morrow.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate passed yesterday,
Assembly bill for An Act requiring the Comptroller to audit certain bills of the members of the present Legislature, with amendments;
And An Act to amend the 37th section of the Act to provide for levying, assessing and collecting Public Revenue.

A. C. BRADFORD,
Secretary Senate.

Jan. 21, 1853.

Senate bill for An Act to repeal the Act concerning Courts of Justice of this State, and Judicial Officers, approved March 27, 1853.
Read a third time and passed.
Assembly bill for An Act concerning School Monies, on its third reading, on motion of Mr. Carpentier, was indefinitely postponed.
Mr. Fairfax introduced a Joint Resolution concerning the Historical Society of the State of California, formed under the law concerning Corporations.
Read first and second time, and referred to Committee on Education.
Mr. Flower offered the following, which was adopted:

Resolved, That the Attorney-General of the State be requested to lay before this House his opinion in writing, as to the power of the Legislature, under the first section of article eleventh of the Constitution, to remove the permanent Seat of Government from Vallejo to some other point, and if such a power exists, whether it requires a vote of two-thirds of all the members elected, or simply a majority, to effect the passage of such a law.

Mr. Ewing offered the following:

Resolved, That the use of this hall be tendered to any Minister of the Gospel for the performance of divine worship, each Sabbath during the present session of the Legislature.

Adopted.
Mr. Wing offered the following, which was adopted:

Resolved, That the Clerk of the Assembly be empowered to employ such number of Clerks as may be necessary, from time to time, to copy and record for the use of the House: *Provided*, the number shall not exceed four: *And further provided*, that they only receive pay for the time actually employed, which shall be certified to by the Clerk of the House.

On motion, leave of absence was granted to Mr. Robinson, for the balance of this week.
On motion of Mr. Heydenfeldt, the House took a recess until half-past two.

2½ o'CLOCK.

House met pursuant to adjournment.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Assembly passed, yesterday, Joint Resolution in relation to the Public Lands, and appointed as a committee on the part of the Senate, as required by the resolution, Messrs. Ralston, Sprague and Estill.

And passed this day, a bill for An Act to legalize certain Records of Deeds in the County of Sacramento.

And concurred in Assembly Resolution to appoint a joint select committee, to draft a memorial to Congress for the establishment of Mail Routes in different parts of this State; and have appointed Messrs. Wombough and Baird, on the part of the Senate.

And passed with amendments, Assembly bill, An Act explanatory of the duties of Sheriffs and Rights of Redemptioners, under the thirty-seventh section of the Act to provide for levying, assessing and collecting, public revenue, passed April 23d, 1852.

And passed this day, a bill for An Act to amend an Act concerning Crimes and Punishments, passed April 16th, 1850.

A. C. BRADFORD,
Secretary of the Senate.

21st of January, 1853.

Assembly bill, An Act explanatory of the duties of Sheriffs and Rights of Redemptioners, under the thirty-seventh section of the Act to provide for the levying, assessing and collecting public revenue, passed April 23, 1852, amended in the Senate. The Senate's amendment concurred in by the House.

On motion, the Clerk was instructed to notify the Senate of the concurrence of the Assembly to Senate amendment to the above bill.

Mr. Cabaniss offered the following, which was adopted:

Resolved, That the resolution granting to Ministers of the Gospel the use of this hall, be construed as allowing them to preach in said hall but once a day.

On motion of Mr. Thomas, the House took up for consideration, a resolution fixing the pay of the Clerks and other attaches of the Assembly.

On motion of Mr. Canney, the House resolved itself into committee of the whole, Mr. Heydenfeldt in the chair, to consider the above resolution. After spending some time in its consideration, and making sundry amendments thereto,

On motion of Mr. McMeans, the committee rose, reported the resolution as amended, and asked to be discharged.

The committee was discharged.

The amendments made in the committee of the whole, were adopted by the House.

The following is the pay fixed for the Clerks and other attaches of the Assembly:

For the Chief Clerk,	- -	$18 00	per day.
" Assistant Clerk,	- -	16 00	"
" Enrolling Clerk,	- -	14 00	"
" Engrossing Clerk,	- -	14 00	"
" Sergeant-at-Arms,	- -	16 00	"
" Door-Keeper,	- -	14 00	"
" Committee, and other Clerks,	-	14 00	"
" Pages, each,	- - -	8 00	"
" Chief Porter,	- -	14 00	"
" Other Porters, each,	- -	10 00	"

On motion of Mr. Irwin, at 4 o'clock, the House adjourned until 10 o'clock, to morrow.

HOUSE OF ASSEMBLY.

SATURDAY, January 22, 1853.

House met pursuant to adjournment.

The roll was called, and the following members were absent:—Messrs. Carpentier, Covarrubias, Fairfax, Harrison, Lee, Martin, Meredith, McGarry, Owen, Reading, Redding, Taylor, Wilson, Wing and Yeiser.

The Journal of yesterday was read, amended and approved.

The Speaker announced the House ready to proceed to business.

On motion, leave of absence was granted to Messrs. Covarrubias, Martin, Moore, Meredith, McGarry, Carpentier, Harrison, Reading, Redding, Taylor, Wing and Yeiser, for one day; to Mr. Owen, for two days; and to Mr. Johnson, until next Thursday.

Mr. Van Dyke moved to strike from the Journal the proceedings had on yesterday in reference to a bill which had passed both Houses.

Agreed to.

Mr. McMeans moved to reconsider the vote of yesterday, which concurred in the amendments made by the Senate to Assembly bill, explanatory of the duties of Sheriffs and redemptioners under tax sales.

The vote was reconsidered; and,

On motion, the the House refused to concur in Senate amendments.

On motion of Mr. Heydenfeldt, a committee of conference was asked, and Messrs. Heydenfeldt and McMeans appointed on the part of the Assembly.

Mr. Canney presented a petition from members of the Assembly, asking the appointment of Virgil C. Bartlett, as one of the Pages of this House, and offered the following, which was adopted:

Resolved, That Virgil C. Bartlett is hereby appointed Assistant Page of the Assembly, and that his appointment shall date back to the 4th day of January, 1853.

Mr. Wilson made the following report:

The Joint Committee on Enrolled Bills have examined and find correctly enrolled Joint Resolution granting leave of absence to Hon. Hugh C. Murray.

The Act requiring the Comptroller to audit certain bills of the members of the present Legislature.

Mr. Letcher offered the following:

Resolved, That no contestant for a seat in this House shall be allowed any pay, either for mileage or per diem, unless his claim is founded on some reasonable grounds.

Which, on motion, was laid upon the table.

Senate Joint Resolution in relation the Public Lands.

Read first time and laid upon the table.

Senate bill for An Act relating to San Diego Pilots.

Read a third time and passed.

Senate bill for An Act to legalize certain Records of Deeds in the county of Sacramento.

Read first time and ordered to a second reading on to-morrow.

Senate bill, An Act to amend an Act concerning Crimes and Punishments, passed April 16th, 1850.

Read first time and ordered to a second reading on to-morrow.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate have appointed on their part, Messrs. Hager and Crabb, as a committee of conference on the disagreeing vote of the two Houses on Assembly bill for an Act explanatory of the duties of Sheriffs and rights of Redemptioners, under the 37th section of the Act to provide for levying, assessing, and collecting public revenue, passed April 23, 1852.

And passed yesterday a Concurrent Resolution, herewith presented.

And an Act to provide for the redemption of lands sold for taxes.

A. C. BRADFORD,
Secretary Senate.

January 22, 1853.

Senate bill, an Act to provide for the redemption of lands sold for Taxes.

Read first time, and ordered to a second reading on to-morrow.

Senate concurrent resolution to authorize the members of the Senate and Assembly to appear before the Joint Committee investigating the State Prison bill,

Was, on motion, indefinitely postponed by ayes and nays, as follows—

AYES.

Messrs.	Blake,	Hally,
	Bostwick,	Hoff,
	Cabaniss,	Knight,
	Caldwell,	Leake,
	Carhart	Mandeville,
	Conness,	Myres,
	Crenshaw,	Oliver,
	Estep,	Sime,
	Ewing,	Snyder,
	Flower,	Smith,
	Gardner,	Thomas,
	Garfield,	Van Dyke—24.

NAYS.

Messrs.	Brush,	Messrs.	McFarland,
	Canney,		Pacheco,
	Cardozo,		Rogers,
	Herbert,		Wells,
	Irwin,		Wilson,
	Letcher,		Speaker—12.

Mr. Wells introduced a bill for An Act to amend an Act entitled an Act to provide for the disposition of the five hundred thousand acres of land granted to this State by Act of Congress, April, 1841.

Read first and second time, and referred to Committee on Public Lands.

Mr. Thomas made the following report:

The Committee on Engrossment have examined and found correctly engrossed the following bills:

A bill for an Act to attach Signor or Mare Island to Solano, county and an Act to provide for the redemption of comptroller's warrants, payable out of the general fund.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly, that the Senate this day concurred in the report of the Committee of Conference on the disagreeing vote of the two Houses in Assembly bill for

"An Act explanatory of the duties of sheriffs and rights of redemptioners

under an 'Act to provide for levying, assessing and collecting public revenue, approved, April 23, 1852."

A. C. BRADFORD,
Secretary Senate.

January 22d, 1853.

Mr. Flower offered the following, which was adopted:

Resolved, That the Governor be requested to lay before this House the last annual report of the State Treasurer.

On motion of Mr. Cardozo, the Clerk was instructed to notify the Senate forthwith, that the House refused to concur in Senate's Concurrent Resolution, admitting members to go before the joint committee in reference to State Prison bill.

Mr. Heydenfeldt, from the committee of conference, made the following report.

The committee of conference, to whom was referred Assembly bill entitled an Act explanatory of the duties of Sheriffs' and rights of Redemptioners under the thirty-seventh section of the Act to provide for the levying, assessing and collecting Public Revenue, passed April 23, 1852, have had the same under consideration, and beg leave to make the following report:

Amend by inserting the enacting clause. Third section, amend by inserting the words, " and deed" after the word certificate. Strike out " fourth and fifth and seventh sections." Strike out all after the word " thereon" in sixth section; make the number of sections correspond.

All of which is respectfully submitted.

HEYDENFELDT, Chairman.
HAGER, Chairman Senate.

The report of the committee was adopted, and the amendments concurred in.

Mr. Flower moved to reconsider the vote which adopted a resolution requesting the Governor to furnish the last annual report of the State Treasurer to this House.

The vote was reconsidered.

The resolution was then, on motion, laid upon the table.

Mr. Wilson made the following report:

The Joint Committee on Enrolled Bills, have examined and found correctly enrolled, An Act explanatory of the duties of Sheriffs and rights of Redemptioners under the thirty-seventh section of the Act to provide for the levying, assessing and collecting Revenue, passed April 23, 1852.

J. M. WILSON,
Assembly Committee.
PHILIP A. ROACH,
Senate.

January 22, 1853.

Mr. Blake offered the following:

Resolved, That the Speaker of the Assembly is hereby requested to offer to Miss Catharine Hayes the free use of this Hall on any evening she may desire it.

Mr. Gardner moved to lay the resolution on the table.
Agreed to.
The following message was received from the Governor:

I have this day approved an Act entitled an Act explanatory of the duties of Sheriffs, and rights of Redemptioners under the thirty-seventh section of the Act to provide for the levying, assessing and collecting of Public Revenue, passed April 23, 1852.

JOHN BIGLER.

On motion of Mr. Heydenfeldt, the clerk was instructed to notify the Senate, that the Governor had approved the Act explanatory of the duties of Sheriffs and rights of Redemptioners under tax sales.
On motion of Mr. Sime, at 3 o'clock the House adjourned until 2 o'clock on Monday next.

HOUSE OF ASSEMBLY.

MONDAY, January 24, 1853.

House met pursuant to adjournment.
The roll was called, and the following members were absent:
Messrs. Blake, Caldwell, Carhart, Carpentier, Cardozo, Fairfax, Gardner, Hally, Heydenfeldt, Irwin, Knight, Lee, Leake, McCandless, McFarland, Moore, Pacheco, Robinson, Smith, Thomas, Wilson, Wing, and Yeiser.
The Journal of Saturday was read and approved.
The Speaker announced the House ready to proceed to business.
On motion, leave of absence was granted for one day, to Messrs. Smith, Wing, Carhart, McFarland, Moore, Leake, Carpentier, Wilson, McCandless, Fairfax, Cardozo, Blake, Gardner, Robinson, Heydenfeldt, Pacheco, and Yeiser. Messrs. Hally and Lee, for two days.

Mr. Hoff presented a petition from sundry citizens of Tuolumne county, praying for the passage of a law authorizing the funding of the County Debt.

Petition was read and referred to the Delegation from Tuolomne county.

Senate bill for An Act to legalize certain Records of Deeds in the county of Sacramento.

Read a second time, and ordered to a third reading on to-morrow.

Senate bill for An Act to provide for the redemption of Lands sold for Taxes.

Read second time, and referred to Judiciary Committee.

Senate bill, An Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850,

Read second time, and referred to Committee on Mines and Mining Interests.

On motion of Mr. Mandeville, the House adjourned until 10 o'clock, to-morrow.

HOUSE OF ASSEMBLY.

TUESDAY, January 25, 1853.

The House met pursuant to adjournment.

The roll was called, and the following members were absent:—Messrs. Bell, Covarrubias, Rogers and Thomas.

The Journal of yesterday was read and approved.

The Speaker announced the House ready to proceed to business.

Mr. Martin presented a petition from citizens of Trinity county, praying for a division of the county.

Read and referred to Committee on County and County Boundaries.

Senate bill for an Act to legalize certain record of deeds in the county of Sacramento.

Read a third time; and

On motion, laid upon the table.

Senate bill for an Act to amend an Act appropriating moneys to meet the Contingent Expenses of Government, approved May 4, 1852.

Read first and second time, and referred to Committee of Ways and Means.

Senate bill for an Act to repeal an Act creating the office of Superintendent of Public Buildings.

Read first and second time, and referred to Committee on Public Buildings and Grounds.

Mr. Flower introduced a bill for an Act to provide for the more perfect indexing and classification of the Land Records of the city and county of San Francisco.

Read first and second time, and referred to the San Francisco delegation.

Mr. Letcher introduced a bill for An Act concerning Roads and Highways.

Read first and second time, and referred to Committee on Roads and Highways.

The following message was received from the Senate:

I am directed to inform the Assembly, that the Senate passed, on the 22d instant, An Act to amend an Act appropriating money to meet the Contingent Expenses of Government, approved May 4, 1852;

And a bill for An Act to repeal an Act creating the office of Superintendent of Public Buildings.

A. C. BRADFORD,
Secretary of the Senate.

January 24, 1853.

Mr. Snyder offered the following, which was adopted:

Resolved, That the regular hour of meeting of the Assembly shall be at 10 A. M., unless otherwise ordered.

Mr. Brush gave notice that he would, on some future day, introduce a bill for the regulation of salaries of officers.

The following message was received from His Excellency the Governor:

I have this day approved an Act entitled An Act requiring the Comptroller to audit certain bills of the members of the present Legislature.

JOHN BIGLER.

Mr. Brush offered the following, which was, on motion, laid upon the table:

Resolved, by the Assembly, (the Senate concurring,) That the two Houses meet in the Assembly chamber on Thursday, the 27th instant, to elect a Superintendent of Public Buildings.

Mr. Crenshaw offered the following, which was adopted:

Resolved, That the Governor of this State be requested to inform this House, whether M. G. Vallejo has granted to this State the lands mentioned

in his proposition submitted to the Legislature of this State on the third day of April, 1850, respecting the permanent Seat of Government.

Mr. Wells introduced a bill for An Act to amend an Act entitled an Act to provide for levying, assessing, and collecting public revenue, approved April 23, 1852.

Read first and second time, and referred to Committee of Ways and Means.

Mr. Kittredge gave notice that he would, at an early day, introduce a bill to amend an Act entitled An Act concerning Roads and Highways.

Mr. Van Dyke gave notice that on to-morrow, or soon thereafter, he would introduce a bill for an Act to amend the eighty-seventh section of an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed March 11, 1851.

Mr. McMeans gave notice that on to-morrow, or at an early day, he would introduce a bill to establish an Asylum for the Insane of the State of California.

Also, a bill to repeal the existing laws creating Hospitals in this State, and for other purposes connected therewith.

Mr. Brush gave notice that on to-morrow, or some future day, he would introduce a bill to abolish all laws for the collection of debts.

Mr. Canney gave notice, that on to-morrow, or soon thereafter, he would introduce a bill for the appropriation of the sum of $370,000, which will be due this State on the 4th of February next.

On motion of Mr. Mandeville, the House adjourned until 10 o'clock, to-morrow.

HOUSE OF ASSEMBLY.

WEDNESDAY, January 26, 1853.

House met pursuant to adjournment.

The roll was called, and the following members were absent:—Messrs. Canney, Carhart, Fairfax, Gardner, Kittredge, McMeans, Oliver, Pacheco, Reading, Rogers, Smith, Tighlman, Walker, Wilson and Yciser.

The Journal of yesterday was read and approved.

The Speaker announced the House ready to proceed to business.

On motion, leave of absence was granted to Messrs. Fairfax and Smith for one day; and to Messrs. Carhart, Rogers and Pacheco for three days.

Mr. Heydenfeldt presented a petition for the relief of Clark and Craine.

Read, and referred to Committee on Public Buildings.

Mr. Heydenfeldt presented, also, an account of George T. Rigby,

Which was referred to Committee on Claims.

Mr. Meredith presented a petition of sundry citizens of Tuolumne county, praying for the passage of an Act to fund the debt of Tuolumne county.

Referred to the Delegation from that county.

Mr. Owen presented a petition from sundry citizens of Solano county, praying for the passage of a law in reference to settlers upon public lands in this State.

Read and referred to Judiciary Committee.

Mr. Yeiser made the following report:

The Judiciary Committee, to whom was referred back An Act to authorize certain officers to qualify and enter upon their official duties, with instructions, ask that they be instructed to prepare a new bill as a substitute for said bill.

Also, that they have carefully considered An Act to amend an Act entitled an Act for the permanent location of the Seat of Government, passed February 4th, 1851, and respectfully recommend that it be rejected.

Chairman.

January 26, 1853.

The bill, in accordance with the suggestion of the committee, was referred, with instructions to prepare a substitute.

Assembly bill, An Act to amend an Act entitled an Act for the permanent location of the Seat of Government,

On its third reading was lost by a vote of the House.

Mr. Heydenfeldt offered the following, which was adopted:

Resolved, That the Treasurer be requested to inform the Assembly what amount has been paid into the State Treasury by the Commissioners of the Funded Debt of the city of San Francisco, and at what time the same was paid.

Mr. Covarrubias offered the following:

Resolved, That a joint committee of three from the Assembly, and a like number of the Senate, be appointed for the purpose of carrying into effect provisions of the Act providing for the translation of the Laws into the Spanish language, passed March 18th, 1851.

Mr. Heydenfeldt moved to amend the resolutions by inserting "the Senate concurring."

Agreed to.

Resolution as amended was then adopted.

Messrs. Covarrubias, McFarland and Pacheco were appointed said committee.

Mr. McMeans introduced a bill for An Act fixing the Seat of Government permanently.

Read first and second time, and ordered to a third reading on to-morrow.

Mr. Leake introduced a bill for An Act to amend an Act concerning Courts of Justice of this State and Judicial Officers, passed March 11th, 1851.

Read first and second time, and referred to the Judiciary Committee.

On motion of Mr. Heydenfeldt, Senate bill for An Act to legalize certain Records of Deeds in the county of Sacramento, was taken from the table; and,

On motion of Mr. Conness, the vote which read the bill the third time on yesterday, was reconsidered, and the bill referred to the Judiciary Committee.

The Speaker laid before the House papers in reference to the contest of the seat of Mr. McCandless;

Which were read and referred to Committee on Elections.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate passed, yesterday, a Concurrent Resolution for the organization of a joint select committee of the two Houses on the subject of apportioning the Senatorial and Assembly Districts of the State; and

Assembly bill for An Act to attach Mare Island to Solano county;

And that the Governor approved, yesterday, Joint Resolution to allow four months' leave of absence to John C. Hays, Sheriff of San Francisco county; and

Joint Resolution granting leave of absence to Hon. Hugh C. Murray.

A. C. BRADFORD,
Secretary of the Senate.

January 26, 1853.

Senate Concurrent Resolution, appointing a Joint Committee to apportion the Senators and Members of the Legislature under the Census of 1852, was amended.

Read and adopted.

Mr. Wilson, chairman, made the following report:

The Joint Committee on Enrollment respectfully report, that they have examined, and found correctly enrolled, An Act to repeal an Act entitled an Act concerning Courts of Justice of this State and Judicial Officers, approved March 29, 1852.

An Act relating to San Diego Pilots.

Also An Act in relation to the supplies of Fuel and other Contingent Expenses of the Legislature.

Mr. Owen introduced a bill in reference to Lawful Fences and Animals Trespassing.

Read first and second time, and referred to Committee on Agriculture, and one hundred copies ordered to be printed.

Mr. Van Dyke, introduced a bill to change and define the Boundaries of Trinity and Klamath counties, and to establish a new county to be called the county of Humboldt.

Read first and second time, and referred to Committee on Counties and County Boundaries.

He also introduced a bill for An Act to amend the eighty-seventh section of an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, from March 11, 1851, and to repeal an Act amendatory thereof, approved May 3, 1852.

Read first and second time, and referred to Judiciary Committee.

Mr. Brush offered the following, which was,

On motion, laid upon the table.

Resolved, That the members of this Assembly draw for their seats in this House. The lowest number being entitled to the first choice.

Mr. Owen moved to adjourn.

Not agreed to.

Mr. Heydenfeldt moved to take a recess until ½ past 2 o'clock.

Not agreed to.

Mr. McFarland gave notice that he would, on to-morrow, or at an early day, introduce a bill for an Act for the Government and Protection of Indians.

Mr. McCandless gave notice that he would, at an early day, introduce a bill to Fund the Debt of Sutter county.

Mr. Carpentier gave notice that, on to-morrow, he would introduce proposed amendments to the second and third sections of article sixth of the Constitution of the State of California.

On motion, at half past 12, the house adjourned until 10 o'clock to-morrow morning.

HOUSE OF ASSEMBLY.

THURSDAY, January 27, 1853.

House met pursuant to adjournment.

The roll was called, and the following members were absent: Messrs. Covarrubias, Irwin, Leake, McCandless, Rogers and Wilson.

The Journal of yesterday was read and approved.

The Speaker announced the House ready to proceed to business.

Mr. Heydenfeldt presented a petition from Andrew J. Price, with an account annexed.

Read and referred to Committee on Claims.

Mr. Wilson, Chairman, made the following report:

The Joint Committee on Enrollment have examined and found correctly enrolled An Act to attach Signor or Mare Island to Solano county.

Also, An Act to authorize certain officers and other persons to administer oaths.

Mr. McCandless offered the following, which was laid upon the table:

Resolved, That a Committee of three members of Assembly be appointed, for the purpose of examining the condition and affairs of the State Marine Hospital at San Francisco, and that said Committee have power to examine persons and papers, and that they report as soon as practicable.

Mr. Wing offered the following, which was adopted:

Resolved, That the Committee on Public Buildings and Grounds be and are hereby instructed to report to morrow on a bill for An Act to provide for the permanent location of the Seat of Government, referred to said Committee.

Mr. Cardozo made the following report;

The Committee on Public Lands, to whom was referred a bill for An Act for the disposal of the five hundred thousand acres of land, granted to this State by Act of Congress, approved 4th April, A. D. 1851; have had the same under consideration, and have made the following amendments thereto:

Change section "one" to section "two."

Change section "two" to section "three."

Change section "three" to section "four."

And read for section one the amendment thereto added.

They beg to return said bill with the amendments to the House, and most respectfully recommend their adoption, and the passage of the bill.

All of which is submitted.

J. N. CARDOZO.
Chairman of Committee on Public Lands.

The bill and amendments, by order, were laid upon the table.

Mr. Yeiser introduced a bill for An Act to authorize the Comptroller to audit the accounts of the Board of Trustees of the Stockton State Hospital.

Read first and second time, and referred to Committee on Claims.

Mr. McMeans introduced a bill for An Act to establish an Asylum for the Insane.

Read first and second time and referred to Commitee on Hospitals, and five hundred copies ordered to be printed.

Mr. Hally introduced a bill for An Act to amend the 9th section of an Act concerning Judges of the Plains, and defining their duties, passed April 25, 1851.

Read first and second time, and referred to Judiciary Committee.

The Committee on Commerce, to whom was referred a bill for An Act to amend an Act entitled an Act to authorize William Moody and Morgan Hart to build a wharf in the county of Solano, have had the same under consideration, beg leave to return said bill to the House as defective, report a substitute for the same, and respectfully recommend its passage.

All of which is submitted.

J. N. CARDOZA,
Chairman Committee on Commerce.

The substitute, an Act amendatory of an Act to authorize William Moody, and Morgan Hart, to build a Wharf in the county of Solano, considered as engrossed, read a third time, and passed.

Mr. Owen offered the following:

Resolved, By the Assembly, (the Senate concurring,) That this legislature will hold its present session at the city of Vallejo.

Mr. ——— moved to lay the resolution on the table.

Upon which, Mr. Owen demanded the ayes and nays.

Those voting aye were—

Messrs. Blake,
Bostwick,
Brush,
Caldwell,
Conness,
Cardozo,
Crenshaw,
Hally,
Harrison,
Hoff,
Meredith,
McFarland,
Thomas,
Van Dyke,

Messrs. Ewing,
Fairfax,
Flower,
Messrs. Wilson,
Wing,
Speaker—20.

Those voting nay were—

Messrs. Bell,
Cabaniss,
Canney,
Carhart,
Estep,
Gardner,
Garfield,
Herbert,
Heydenfeldt,
Johnson,
Kittredge,
Knight,
Lee,
Leake,
Letcher,
Messrs. Mandeville,
Martin,
Oliver,
Owen,
Reading,
Redding,
Robinson,
Sime,
Snyder,
Smith,
Taylor,
Walker,
Wells,
Yeiser—29.

So the resolution was not laid upon the table.

Mr. Canney moved to indefinitely postpone the resolution.

Mr. Mandeville demanded a call of the House.

The call was sustained.

The Clerk called the roll, and the following members were absent:—Messrs. Irwin, Leake, McGarry and Tighlman.

On motion, the Sergeant-at-Arms was despatched after the absentees.

On motion, Messrs. Leake and Tighlman were admitted within the bar of the House, and excused.

On motion of Mr. Canney, Messrs. Irwin and McGarry were excused.

On motion of Mr. Taylor, further proceedings under the call was dispensed with,

Mr. Canney then withdrew the motion to indefinitely postpone.

The resolution was then put on its final passage, and Mr. Canney demanded the ayes and nays.

Those who voted aye were—

Messrs. Bell,
Cabaniss,
Caldwell,
Covarrubias,
Ewing,
Hally,
Herbert,
Heydenfeldt,
Messrs. Leake,
Mandeville,
McGarry,
McMeans,
Myres,
Oliver,
Owen,
Robinson,

Messrs. Hoff,
Johnson,
Kittredge,
Messrs. Walker,
Yeiser—21.

Those voting nay were—

Messrs. Blake,
Bostwick,
Brush,
Canney,
Carhart,
Connese,
Cardozo,
Crenshaw,
Estep,
Fairfax,
Flower,
Gardner,
Garfield,
Harrison,
Knight,
Lee,
Letcher,
Messrs. Meredith,
McCandless,
McFarland,
Moore,
Reading,
Redding,
Sime,
Snyder,
Smith,
Taylor,
Thomas,
Tighlman,
Van Dyke,
Wells,
Wilson,
Wing,
Speaker—34.

So the resolution did not pass.

Mr. Halley introduced a bill for an Act for the relief of E. J. Osborn.

Read first and second time, and referred to the Committee on Claims.

Mr. Wells introduced a bill for an Act to amend an act entitled an Act to regulate proceedings in Criminal cases, passed May 1st, 1851.

Read first and second time, and referred to Judiciary Committee.

On motion of Mr. Heydenfeldt, the Committee on Education was instructed to report immediately, upon a Joint Resolution in relation to a Historical Society in San Francisco.

And on his motion, leave of absence was granted to Speaker Wall for two days.

Mr. Yeiser offered a resolution asking the President of the United States to appoint Edmund Randolph Commissioner to China.

Mr. Canney demanded the previous question, upon the resolution.

The Speaker put the question, "Shall the main question be now put?"

And Mr. Robinson demanded the ayes and nays.

Those who voted for the main question were—

Messrs. Bell,
Bostwick,
Cabaniss,
Canney,
Cardozo,
Covarrubias,
McFarland,
McGarry,
McMeans,
Moore,
Owen,
Reading,

Messrs. Crenshaw,
Ewing,
Fairfax,
Flower,
Gardner,
Garfield,
Herbert,
Heydenfeldt,
Johnson,
Lee,
Leake,
Meredith,
McCandless,
Redding,
Sime,
Snyder,
Smith,
Taylor,
Thomas,
Tighlman,
Walker,
Wells,
Wilson,
Wing,
Yeiser—37.

Those who voted nay were—

Messrs. Blake,
Brush,
Caldwell,
Carhart,
Conness,
Estep,
Hally,
Harrison,
Hoff,
Kittredge,
Knight,
Letcher,
Mandeville,
Oliver,
Robinson,
Van Dyke,
Speaker—17.

So the previous question was sustained.

The main question was the passage of the resolution.
Mr. Van Dyke demanded the ayes and nays.

Those who voted for the resolution were—

Messrs. Bell,
Cabaniss,
Canney,
Covarrubias,
Crenshaw,
Ewing,
Fairfax,
Flower,
Gardner,
Garfield,
Herbert,
Heydenfeldt,
Johnson,
Lee,
Leake,
Meredith,
McCandless,
McFarland,
McGarry,
McMeans,
Moore,
Owen,
Reading,
Redding,
Sime,
Snyder,
Smith,
Taylor,
Thomas,
Tighlman,
Van Dyke,
Walker,
Wells,
Wilson,
Wing,
Yeiser—36.

Those who voted against the passage of the resolution were—

Messrs. Blake,	Messrs. Harrison,
Bostwick,	Hoff,
Brush,	Kittredge,
Caldwell,	Knight,
Carhart,	Letcher,
Conness,	Mandeville,
Cardozo,	Myres,
Estep,	Robinson,
Hally,	Speaker—18.

So the resolution passed.

Mr. Brush introduced a Joint Resolution asking the appointment of Jesse Brush to be Minister to Chilé.

Read first and second time, and ordered to a third reading on to-morrow.

The following message was received from the Senate:

Mr. Speaker—

I am directed to inform the Assembly that the Senate passed yesterday, a Concurrent Resolution authorizing the Governor to receive any and all moneys that may be due from Gen. M. G. Vallejo to the State;

And a Joint Resolution in relation to the harbor of Santa Cruz.

A. C. BRADFORD,
Secretary of Senate.

Senate Concurrent Resolution authorizing the Governor to receive of M. G. Vallejo, any and all moneys that may be due from him to the State.

Read and referred to Committee on Public Buildings and Grounds.

Senate Joint Resolution in relation to the Harbor of Santa Cruz.

Read first and second time, and referred to Committee on Federal Relations.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
City of Vallejo, Jan. 26, 1853.

To Hon. I. B. WALL,

Speaker, &c.,

SIR:—In compliance with a resolution of the Assembly adopted on yesterday, requesting me to inform the Assembly whether M. G. Vallejo had granted to this State, the lands mentioned in his proposition, &c.

I have the honor to report that the only evidence of his having done so, to be found on file in this Department, is a communication from my predecessor to the Assembly, to be found on page 1083 of Assembly Journals of 1851, advising that body, that on the 4th day of February, "M. G. Vallejo deposited a deed for ——— acres of land, to be selected by agents or commissioners of the State, in such portions as they may deem proper for the interests of the State in the erection of Public Buildings." The deed, however, cannot be found, but it is understood, has been recorded in the Recorder's Office of this county.

Respectfully,
JOHN BIGLER.

The following message was received from the State Treasurer.

STATE TREASURER'S OFFICE,
Vallejo, Jan. 27, 1853.

To the Hon. ISAAC B. WALL,

Speaker of the Assembly,

SIR:—In answer to the resolution of your honorable body, passed on the 26th instant, requesting me "to inform the Assembly what amount has been paid into the State Treasury, by the Commissioners of the Funded Debt of the city of San Francisco, and at what time the same was paid," I have to inform you that the sum of one thousand dollars has been paid, which payment was made on the 26th day of January 1852, by John W. Geary, President of the Board of Commissioners.

Very Respectfully,
Your ob't Servant,
RICHARD ROMAN,
State Treasurer.

The following message was also received from His Excellency the Governor, relative to the Census of the State. (See Senate Appendix No. 14.)

Three thousand copies of the report of the Secretary of State was ordered to be printed.

On motion of Mr. Owen, at two o'clock the House adjourned until ten o'clock to morrow.

HOUSE OF ASSEMBLY.

FRIDAY, January 28, 1853.

House met pursuant to adjournment.

The roll was called, and the following members were absent: Messrs. Canney, Gardner, Garfield, Irwin, Lee, Leake, Martin, Meredith, Moore, Tighlman, Van Dyke, and Walker.

The Journal of yesterday was read and approved.

The Speaker (Mr. Wing in the chair) announced the House ready to proceed to business.

On motion, leave of absence was granted to Mr. Irwin for one day, and to Mr. Martin for five days.

Mr. Carhart presented a petition from numerous citizens of Colusi county, praying a removal of the seat of justice of said county to the town of Colusi.

Read, and referred to the delegate from Colusi county, with instructions to prepare a bill.

Mr Heydenfeldt presented a claim from steamboat S. B. Wheeler.

Referred to Committee on Claims.

Mr. Brush offered a Joint Resolution requesting our Representatives and instructing our Senators in Congress to use all proper means to obtain the repayment of the money paid into the federal treasury by citizens of California prior to her admission into the Union.

Read first and second time, and referred to Committee on Federal Relations.

Mr. Sime made the following report:

The Committee on Public Buildings and Grounds, to whom was referred "Senate Concurrent Resolution No. 8, authorizing the Governor to receive of M. G. Vallejo any and all moneys that may be due from him to the State," have had the same under consideration, and beg leave to report it back, and recommend its passage, with the following addition to the first clause: "Provided, that the entire amount of three hundred and seventy thousand dollars, due under said proposition, be tendered at the same time."

All of which is respectfully submitted.

JOHN SIME,
Chairman.

Senate Concurrent Resolution, "authorizing the Governor to receive of M. G. Vallejo any and all moneys that may be due from him to the State," was then taken up, the amendment submitted by the Committee on Public Buildings and Grounds agreed to, and the resolution, as amended, adopted.

Mr. Fairfax made the following report:

The Committee to whom was referred the Joint Resolution concerning the Historical Society of the State of California, have examined the same, and respectfully report it back to the House without amendment, and recommend its passage.

The Joint Resolution concerning the Historical Society of the State of California, formed under the law concerning Corporations, was then adopted.

Mr. McMeans made the following report:

The Committee on Ways and Means, to whom was referred a bill for an Act to amend "an Act appropriating moneys to meet the Contingent Expenses of Government, approved May 4th, 1852," have had the same under consideration, and beg leave to report it back without amendment, and recommend its passage.

S. A. McMEANS,
Chairman.

Senate bill, an Act to amend an Act appropriating money to meet the Contingent Expenses of Government, approved May 4, 1852, was then read a third time and passed.

Mr. Carhart introduced a bill for an Act for the location of the Seat of Justice of the county of Colusi.

Read first and second time, considered as engrossed, read a third time, and passed.

Mr. Hoff, Chairman of select committee to whom had been referred sundry petitions from citizens of Tuolumne county for that purpose, reported a bill for an Act to authorize the Funding of the Debt of the county of Tuolumne, and to provide for the payment of the same, which was read first and second time, considered as engrossed, read a third time, and passed.

The following communication was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate non-concurred, yesterday, in Assembly amendment to Senate Concurrent Resolution on the subject of apportioning the Senatorial and Assembly Districts of the State.

And have appointed, as a committee of conference, on the disagreeing vote of the two Houses, Messrs. Lott, Sprague and Foster.

And passed, yesterday, a Joint Resolution relative to the Public Printing; and

An Act in relation to Water Companies.

A. C. BRADFORD,
Secretary Senate.

January 28, 1853.

The Speaker appointed Messrs. Redding, Garfield and Hoff committee of conference on the disagreeing vote of the two Houses upon the subject of apportioning the Senatorial and Assembly Districts of the State.

Senate Joint Resolution relative to the Public Printing, was read a first

and second time, considered in committee of the whole,—Mr. McMeans in the chair,—read a third time and passed.

Senate bill, An Act in relation to Water Companies.

Read first and second time, and referred to Judiciary Committee.

Mr. Cabaniss introduced a bill for An Act to regulate the practice of medicine and surgery in the State of California.

Read first and second time, and referred to Committee on State Hospitals.

Mr. Hally introduced a bill for An Act to amend an Act entitled an Act for the protection of Game.

Read first and second time, and referred to Committee on Agriculture.

Mr. Smith presented a petition, with an accompanying bill for An Act for the relief of Jacob D. Hoppe.

Read first and second time and referred, with the petition, to Committee on Claims.

Mr. McMeans offered the following resolution, which was adopted:

Resolved, That the Sergeant-at-Arms be instructed to procure four tables for the use of the Engrossing and Copying Clerks of the Assembly.

The following message was received from the Governor:

I have this day approved An Act entitled an Act to attach Signor or Mare Island to Solano county.

JOHN BIGLER.

Mr. Meredith made a majority report of the Committee on Public Buildings and Grounds, to whom had been referred Senate bill for An Act to repeal an Act creating the office of Superintendent of Public Buildings.

Mr. Sime made a minority report upon the same bill.

On motion, the bill, together with the reports, was recommitted to the Judiciary Committee.

The Committee on Public Buildings and Grounds also reported back House bill, An Act fixing the Seat of Government permanently, with a substitute.

Mr. Canney moved to lay the bill and substitute upon the table.

Upon which Mr. Conness demanded the ayes and nays.

Those who voted to lay the bill upon the table were—

Messrs. Bell,	Messrs. Knight,
Cabaniss,	Leake,
Canney,	Letcher,
Covarrubias,	Mandeville,
Estep,	McGarry,
Ewing,	Myres,
Flower,	Oliver,
Gardner,	Owen,
Hally,	Pacheco,
Harrison,	Reading,

Messrs. Herbert,
Heydenfeldt,
Hoff,
Johnson,
Kittredge,
Robinson,
Smith,
Walker,
Wells,
Yeiser—30.

Those who voted not to lay upon the table were—

Messrs. Blake,
Bostwick,
Brush,
Caldwell,
Carhart,
Conness,
Cardozo,
Crenshaw,
Fairfax,
Garfield,
Lee,
Meredith,
McCandless,
McFarland,
McMeans,
Moore,
Redding,
Sime,
Snyder,
Thomas,
Tighlman,
Wilson,
Wing—23.

So the bill was laid upon the table.

Mr. Robinson presented sundry Hospital reports from Sacramento, which were referred to Committee on State Hospitals.

Mr. Owen moved to reconsider the vote which adopted the resolution recommending Edmond Randolph as Commissioner to China.

Mr. Canney moved to indefinitely postpone the motion to reconsider.

Mr. Conness moved a call of the House.

The call was sustained.

The Clerk called the roll, and the following members were absent:—Messrs. Crenshaw, Garfield, Leake, Van Dyke and Walker.

On motion, the Sergeant-at-Arms was dispatched for the absentees.

On motion, Messrs. Crenshaw, Garfield and Leake were admitted within the bar and excused.

On motion of Mr. Conness, further proceedings under the call were dispensed with.

Mr. Canney demanded the ayes and nays.

Those who voted to indefinitely postpone were—

Messrs. Cabaniss,
Canney,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Flower,
Gardner,
McFarland,
McGarry,
Moore,
Pacheco,
Reading,
Redding,
Sime,
Snyder,
Smith,

Messrs. Garfield,
Herbert,
Heydenfeldt,
Johnson,
Lee,
Meredith,
McCandless,
Taylor,
Thomas,
Tighlman,
Wilson,
Wing,
Yeiser—31.

Those who voted against indefinite postponement were—

Messrs. Bell,
Blake,
Bostwick,
Brush,
Caldwell,
Carhart,
Conness,
Crenshaw,
Hally,
Harrison,
Hoff,
Kittredge,
Knight,
Letcher,
Mandeville,
McMeans,
Myres,
Oliver,
Owen,
Robinson,
Wells—21.

So the motion to reconsider was indefinitely postponed.

The Joint Resolution, asking the appointment of Jesse Brush as Minister to Chili, was read a third time; and on the question being put, Mr. Blake demanded the ayes and nays.

Mr. Conness moved a call of the House.

The call was sustained.

The roll was called, and the following members were absent:—Messrs. Gardner, Garfield, Owen, Van Dyke and Walker.

On motion, further proceedings under the call were dispensed with.

Pending the vote, the Speaker decided that any member had the right to change his vote at any time before the result was announced by the chair, from which decision Mr. Brush appealed.

Upon which appeal, the chair was sustained by the House.

Upon the final passage of the resolution,

Those who voted in the affirmative were—

Messrs. Bell,
Blake,
Cabaniss,
Canney,
Carhart,
Covarrubias,
Estep,
Gardner,
Hally,
Hoff,
Johnson,
Kittredge,
Lee,
McGarry,
Myres,
Reading,
Redding,
Robinson,

Messrs. Harrison,
Herbert,
Heydenfeldt,
Smith,
Wilson,
Wing—24.

Those who voted in the negative were—

Messrs. Bostwick,
Conness,
Cardozo,
Crenshaw,
Ewing,
Fairfax,
Flower,
Leake,
Letcher,
Mandeville,
Meredith,
McCandless,
McFarland,
McMeans,
Moore,
Oliver,
Owen,
Sime,
Snyder,
Taylor,
Thomas,
Tighlman,
Wells,
Yeiser—24.

So the resolution was lost.

On motion, leave of absence was granted to Messrs. Hoff, Cabaniss, Gardner Reading, Redding, Knight, and the Clerk for two days.

On motion, Mr. Caldwell was granted indefinite leave of absence.

The following message was received from the Governor, together with the communication referred to:

I have the honor, herewith, to transmit a communication, received this day, from Gen. M. G. Vallejo, in relation to a bond heretofore executed by him to the State of California.

JOHN BIGLER.

(See Senate Appendix, No. 15.)

Mr. Fairfax moved at half past one o'clock, to adjourn until Monday, 2 o'clock, P. M.

On which motion, Mr. Blake demanded the ayes and nays.

Mr. Canney moved a call of the House, which was sustained.

The Clerk called the roll, and the following members were absent:—Messrs. Ewing, Mandeville and McFarland.

On motion, further proceedings under the call were dispensed with.

Those who voted in the affirmative were—

Messrs. Bell,
Blake,
Canney,
Carhart,
Cardozo,
McCandless,
McGarry,
Moore,
Myres,
Redding,

Messrs. Covarrubias,
Crenshaw,
Estep,
Fairfax,
Herbert,
Lee,
Letcher,
Messrs. Sime,
Smith,
Taylor,
Tighlman,
Van Dyke,
Wilson,
Yeiser—24.

Those who voted in the negative were—

Messrs. Bostwick,
Brush,
Conness,
Flower,
Garfield,
Hally,
Harrison,
Heydenfeldt,
Johnson,
Kittredge,
Leake,
Messrs. Meredith,
McMeans,
Oliver,
Owen,
Robinson,
Snyder,
Thomas,
Walker,
Wells,
Wing—21.

So the House adjourned until Monday, 2 o'clock, P. M.

HOUSE OF ASSEMBLY,

MONDAY, January 31, 1853.

House met pursuant to adjournment.
Mr. Wing in the chair.
There being no quorum present,
On motion of Mr. Heydenfeldt, the House adjourned until 10 o'clock, to-morrow.

HOUSE OF ASSEMBLY.

TUESDAY, February 1, 1853.

House met pursuant to adjournment.

Mr. Wing in the chair.

On motion made by Mr. Conness, the roll was called, and the following members were absent:—Messrs. Bell, Blake, Bostwick, Brush, Cabaniss, Canney, Carhart, Cardozo, Covarrubias, Crenshaw, Fairfax, Flower, Gardner, Herbert, Hoff, Johnson, Knight, Lee, Leake, Meredith, McCandless, McGarry, Moore, Myres, Pacheco, Reading, Sime, Smith, Thomas, Tighlman, Van Dyke, Walker, Wilson, Yeiser and Mr. Speaker.

There being no quorum,

On motion of Mr. Rogers, at 12 o'clock the House adjourned until 10 to-morrow.

HOUSE OF ASSEMBLY,

WEDNESDAY, Feb. 2d, 1853.

House met pursuant to adjournment.

The roll was called, and the following members were absent:

Messrs. Cabaniss, Fairfax, Gardner, Garfield, Hoff, Lee, Leake, McGarry, Thomas, Tighlman, and Walker.

The Journals of Friday, Monday, and Tuesday, were read and approved.

The Speaker announced the House ready to proceed to business.

On motion, leave of absence was granted to Messrs. Cabaniss, Fairfax, Hoff, Lee, Tighlman, and Thomas, for one day, and to Mr. McGarry, for two days, and Mr. Walker, for one week.

Mr. Johnson offered the following, which was adopted.:

Resolved, That the Comptroller of this State is hereby requested to communicate to this Assembly at the earliest practicable period, information whether any Comptroller's warrants have been issued in favor of the State Prison Contractors, or on account of such contract. If so, the amount of the same, and the time such warrants were so issued.

Mr. Heydenfeldt introduced a bill for An Act for the mutual release of the State of California and M. G. Vallejo.

Read first and second time, and referred to Committee on Public Buildings with instructions to report this day.

Mr. Oliver offered the following, which was laid upon the table:

Resolved, That the Sergeant-at Arms be, and is hereby authorized to purchase all the stationery necessary for the use of the Assembly.

Mr. Speaker laid before the House the report of the Attorney-General, in reference to the location of the Capital. (See Appendix No. 12.)

The report was read, and, on motion, made the special order for to-morrow, at 11 o'clock.

Mr. McMeans introduced a bill, An Act to provide for enforcing the collection of taxes on consigned goods.

Read first and second time, and referred to Committee on Commerce.

He also introduced a bill, An Act to provide a change of venue in certain cases.

Read first and second time, and referred to Judiciary Committee.

Mr. Robinson introduced a bill, An Act for the relief of the city of Sacramento

Read first and second time and referred to Committee on Claims.

Mr. Kittredge introduced a bill to amend An Act concerning Roads and Highways.

Read first time and ordered to a second reading on to morrow.

The following message was received from the Governor:

I have the honor herewith to transmit copies of communications received from the Department of the Interior.

JOHN BIGLER.

(See Appendix No. 13.)

A communication from M. G. Vallejo, (See Senate Appendix No. 15,) proposing a general release from the State to him and from him to the State, was read, and the following resolution, offered by Mr. Heydenfeldt, was adopted,

Resolved, That the communication of M. G. Vallejo to his Excellency the Governor, dated January 27, 1853, requesting release from his bond, approved under An Act entitled An Act for the permanent location of the Seat of Government, be returned to the Executive office, with a request that it be filed among the archives of the State.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Governor approved, on the 28th January—

An Act relating to San Diego Pilots;

An Act to authorize certain officers and other persons to administer oaths;

An Act in relation to the supplies of Fuel, and other contingent expenses of the Legislature.

A. C. BRADFORD,
Secretary Senate.

February 2, 1853.

Mr. Carpentier presented a proposition to alter and amend the Constitution of the State; which was read, and on his motion laid upon the table.

Mr. Carpentier moved to have one hundred and fifty copies printed.

Not agreed to.

Mr. Owen presented a memorial from the citizens of Vallejo, in reference to the removal of the Capital, and asking remuneration for their losses.

The memorial was read, and laid upon the table.

On motion of Mr. Redding, the bill establishing the permanent Seat of Government at Benicia, and the opinion of the Attorney General, together with the communication from M. G. Vallejo, and the memorial of citizens of Vallejo, was taken from the table, and made the special order for 11 o'clock to morrow.

Mr. Meredith gave notice that he would, on to-morrow, or at an early day, introduce a bill for the adoption of the ten hour system of labor on the public works of the State.

Mr. Blake gave notice that on some future day he would introduce a bill for the abolishment of certain officers, known as Commissioners of the Funded Debt of San Francisco.

Mr. Sime made the following report:

The Committee on Public Buildings, to whom was referred An Act for the mutual release of the State of California and M. G. Vallejo, have had the same under consideration, and beg leave to report it back without amendment, and recommend its passage.

The bill was made the special order for to morrow, at 11 o'clock.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate passed, on the

27th inst., An Act to fix the compensation of all County Judges, where not otherwise provided for, and the Associate Justices of the Courts of Session, and to repeal so much of a like Act, passed April 22, 1850, as relates to the county of Monterey:

And a Concurrent Resolution appointing Trustees to the Stockton Hospitals:

And passed, 1st February, An Act to prevent monopolies that tend to produce famine.

A. C. BRADFORD,
Secretary Senate.

February 2, 1853.

Senate bill for An Act to fix the compensation of all County Judges where not otherwise provided for, and the Associate Justices of the Courts of Sessions, and to repeal so much of a like Act passed April 22d, 1850, as relates to the County of Monterey, read first time, and ordered to a second reading on to-morrow.

Senate bill for An Act to prevent monopolies that tend to produce famine, read first and second time.

Mr. Johnson moved to have 300 copies printed.

And Mr. Canney demanded the ayes and nays.

Those who voted to print were—

Messrs. Bostwick,
Carhart,
Carpentier,
Crenshaw,
Ewing,
Garfield,
Hally,
Harrison,
Irwin,
Johnson,
Kittredge,
Knight,
Leake,
Mandeville,
Meredith,
McMeans,
Oliver,
Owen,
Reading,
Robinson,
Taylor,
Van Dyke,
Wells,
Wing,
Speaker—25.

Those who voted against printing were—

Messrs. Bell,
Blake,
Brush,
Canney,
Conness,
Cardoza,
Covarrubias,
Estep,
Heydenfeldt,
Letcher,
McCandless,
McFarland,
Myres,
Pacheco,
Redding,
Rogers,

Messrs. Flower,
Gardner,
Herbert,
Sime,
Snyder,
Wilson—22.

So the House decided to print 300 copies.

Mr. Canney moved to refer the bill to committee of the whole House, and demanded a call of the House.
Call not sustained.
Mr. Heydenfeldt demanded the previous question.
The Speaker put the question, "Shall the main question be now put?"
The House decided in the affirmative.
The main question was a reference to committee of the whole.
Upon which Mr. Blake demanded the ayes and nays.

Those who voted to refer the bill to committee of the whole House were—

Messrs. Blake,
Brush,
Canney,
Carhart,
Conness,
Cardozo,
Covarrubias,
Estep,
Flower,
Heydenfeldt,
Johnson,
Letcher,
McCandless,
Myres,
Redding,
Sime,
Snyder,
Smith,
Taylor,
Speaker—20.

Those who voted nay were—

Messrs. Bell,
Bostwick,
Carpentier,
Crenshaw,
Ewing,
Gardner,
Garfield,
Hally,
Harrison,
Herbert,
Irwin,
Kittredge,
Knight,
Leake,
Mandeville,
Meredith,
McFarland,
McMeans,
Moore,
Oliver,
Owen,
Pacheco,
Reading,
Robinson,
Rogers,
Van Dyke,
Wells,
Wilson,
Wing,
Yeiser—30.

So the House refused to refer to committee of the whole.

Mr. Oliver moved to refer the bill to Judiciary Committee.

Mr. Brush moved to amend by referring to Committee on Commerce.

Not agreed to.

The motion was then put to refer to Judiciary Committee, and decided in the affirmative.

Senate Concurrent Resolution appointing Trustees to Stockton Hospital, read first time,

And on motion of Mr. Yelser, was laid upon the table.

Mr. Cardozo introduced a bill for An Act to abolish special terms of the Supreme, District and County Courts of this State.

Read first time, and ordered to a second reading on to-morrow.

Mr. Wells moved to take from the table a bill to amend the Act to dispose of the 500,000 acres of land.

No quorum voted.

A motion was made to adjourn.

Not agreed to.

Mr. Crenshaw renewed the motion to take from the table a bill to amend the Act to sell 500,000 acres of land.

No quorum voted.

Mr. Cardozo introduced a bill for An Act to amend the twelfth, fourteenth, and sixteenth sections of an act entitled an Act concerning County Recorders, passed March 26th, 1851.

Read first and second time, and 240 copies ordered printed.

Mr. Blake offered the following preamble and resolutions:

Whereas, We have noticed proceedings which have gone forth to the world, that Federal, State, and Municipal Officers of California, have given a banquet to Louis Napoleon III, in honor of his accession to the throne of France; therefore,

Resolved, That we have noticed with regret persons holding high official station in the gift of a free and independent people, exulting over the downfall of republicanism and the triumph of monarchy.

Resolved, That we, the representatives of the people of California assembled, do disclaim any sympathy whatever with Louis Napoleon III, and can only view him as an enemy to France and republican institutions.

Mr. Reading moved to lay the resolutions on the table.

Not agreed to.

Mr. McMeans moved to refer the resolutions to Committee on Federal Relations.

Not agreed to.

Mr. Blake then withdrew the preamble and the first resolution.

Mr. Canney moved to amend by inserting the preamble and the first resolution.

Not agreed to.

The vote was then taken upon the remaining resolution, and was decided in the negative.

On motion of Mr. Wilson, at 2 o'clock, P. M., the House adjourned until 10 o'clock to-morrow.

HOUSE OF ASSEMBLY.

THURSDAY, February 3, 1853.

House met pursuant to adjournment.

The roll was called, and the following members were absent:—Messrs. Gardner, Irwin, and Tighlman.

The Journal of yesterday was read, and approved.

The Speaker announced the House ready to proceed to business.

On motion, leave of absence was granted to Messrs. Cabaniss and Hoff for one day.

Mr. Thomas made the following report:

The Committee on Engrossment report that they have examined and found correctly engrossed, An Act amendatory of an Act to authorize William Moody and Morgan Hart to build a wharf in the county of Solano.

Also, a Joint Resolution concerning the Historical Society of the State of California, formed under the law concerning Corporations.

Mr. Bostwick made the following report:

The Joint Committee on Enrolled Bills report that they have examined and find correctly enrolled, a Joint Resolution relating to the Public Printing.

BOSTWICK,
Chairman.
ROACH,
Chairman Senate.

Mr. Crenshaw made the following report:

The Committee on Claims, to whom was referred the petition of Andrew J. Price, asking an appropriation of $338 for taking the census of Marin county, would respectfully represent, that they have taken the same under consideration, and are of opinion, that if he is entitled to any relief, it should be granted by the Board of Supervisors or Court of Sessions of Marin county, and not by the Legislature. They therefore respectfully submit that the prayer of the petitioner should not be granted.

CRENSHAW,
Chairman.

The report of Committee was adopted.

Mr. Johnson offered the following:

Whereas, a bill has been introduced in this body, providing for the removal of the State Capital from the city of Vallejo, and the permanent location of the Seat of Government elsewhere: And whereas, the written opinion of the present Attorney-General of this State in reference thereto, does not coincide with the opinion of this Legislature; Therefore, for the purpose of giving expression of the views we entertain in reference thereto,

Be it resolved, That it requires a two-thirds vote of all the members elected to each house of the Legislature of this State, to provide for the removal and permanent location of the Seat of Government.

Mr. Conness moved to lay the resolution on the table, and demanded the ayes and nays.

Those who voted to lay on the table, were—

Messrs.	Bostwick,	Messrs.	Redding,
	Conness,		Snyder,
	Gardner,		Taylor,
	Heydenfeldt,		Thomas,
	Lee,		Wells,
	McFarland,		Wilson,
	McGarry,		Wing,
	Owen,		Speaker—16.

Those who voted against laying on the table were

Messrs.	Bell,	Messrs.	Knight,
	Blake,		Leake,
	Canney,		Letcher,
	Carhart,		Mandeville,
	Carpentier,		Meredith,
	Cardozo,		McCandless,
	Estep,		McMeans,
	Ewing,		Myres,
	Garfield,		Oliver,
	Hally,		Pacheco,
	Harrison,		Robinson,
	Herbert,		Rogers,
	Johnson,		Smith,
	Kittredge,		Van Dyke—28.

So the House refused to lay upon the table.

Mr. Heydenfeldt demanded a call of the House.

The call was sustained.

The roll was called, and the following members were absent: Messrs. Irwin and Moore.

On motion of Mr. McCandless, the Sergeant-at-Arms was dispatched after absent members.

On motion, Mr. Moore was admitted within the bar of the House, and excused.

On motion of Mr. Canney, further proceedings under the call was dispensed with.

On the passage of the resolution, Mr. Blake demanded the ayes and nays.

Those who voted for the resolution, were—

Messrs.	Blake,	Messrs.	Letcher,
	Cabaniss,		Mandeville,
	Canney,		Meredith,
	Carpentier,		McMeans,
	Covarrubias,		Myres,
	Estep,		Oliver,
	Harrison,		Pacheco,
	Herbert,		Reading,
	Johnson,		Robinson,
	Kittredge,		Rogers,
	Knight,		Smith—22.

Those who voted against the resolution were

Messrs.	Bell,	Messrs.	McCandless,
	Bostwick,		McFarland,
	Brush,		McGarry,
	Carhart		Moore,
	Conness,		Owen,
	Cardozo,		Redding,
	Crenshaw,		Sime,
	Ewing,		Snyder,
	Flower,		Taylor,
	Gardner,		Thomas,
	Garfield,		Van Dyke,
	Hally,		Wells,
	Heydenfeldt,		Wilson,
	Irwin,		Wing,
	Lee,		Yeiser,
	Leake,		Speaker—32.

So the resolution did not pass.

Mr. Brush presented a petition from citizens of the county of Tuolumne upon the subject of the appointment of an additional Justice of the Peace for Columbia.

Read, and referred to Tuolumne delegation.

Mr. McMeans offered the following, which was adopted:

Resolved, That the State Treasurer be, and he is hereby requested to inform this House, whether there are any moneys in the State Treasury provided to meet the Contingent Expenses of the Assembly.

Mr. Blake introduced a Concurrent Resolution condemning the action of Federal and Municipal Officers in the banquet given to Mr. Dillon.

Mr. Canney demanded a call of the House.

The call was sustained.

The roll was called, and the following members were absent:—Messrs. Carhart, Reading and Yeiser.

The Sergeant-at-Arms was dispatched after absentees.

On motion, Messrs. Carhart, McFarland and Yeiser were admitted within the bar of the House and excused.

On motion of Mr. Taylor, further proceedings under the call were dispensed with.

The resolution then came up on its final passage, and Mr. Robinson demanded the ayes and nays.

Those who voted for the passage of the resolution were—

Messrs. Bell,
Blake,
Bostwick,
Brush,
Canney,
Carpentier,
Conness,
Crenshaw,
Ewing,
Garfield,
Herbert,
Hoff,
Irwin,
Johnson,
Kittredge,
Lee,
Leake,
Letcher,
Messrs. Mandeville,
Meredith,
McCandless,
McFarland,
Myres,
Oliver,
Owen,
Rogers,
Snyder,
Smith,
Thomas,
Van Dyke,
Wells,
Wilson,
Wing,
Yeiser,
Speaker—35.

Those who voted against the resolution were—

Messrs. Cabaniss,
Carhart,
Cardozo,
Covarrubias,
Estep,
Flower,
Gardner,
Hally,
Harrison,
Heydenfeldt,
Messrs. Knight,
McGarry,
McMeans,
Moore,
Pacheco,
Reading,
Redding,
Robinson,
Sime,
Taylor—20.

So the resolution passed.

Mr. McMeans moved to indefinitely postpone the preamble to the resolution.

Mr. Conness moved to lay the motion to indefinitely postpone upon the table.

Agreed to.

The question was then taken upon the adoption of the preamble, and Mr. Heydenfeldt demanded the ayes and nays.

Those who voted for the preamble were—

Messrs. Bell,
Blake,
Bostwick,
Brush,
Canney,
Carpentier,
Conness,
Crenshaw,
Ewing,
Garfield,
Herbert,
Hoff,
Irwin,
Kittredge,
Lee,
Leake,
Mandeville,
Meredith,
Myres,
Oliver,
Owen,
Rogers,
Snyder,
Smith,
Thomas,
Van Dyke,
Wells,
Wilson,
Wing,
Yeiser,
Speaker—31.

In the negative were—

Messrs. Cabaniss,
Carhart,
Cardozo,
Estep,
Flower,
Gardner,
Hally,
Harrison,
Heydenfeldt,
Johnson,
Knight,
Letcher,
McFarland,
McGarry,
McMeans,
Moore,
Pacheco,
Reading,
Redding,
Robinson,
Sime,
Taylor—22.

So the preamble was adopted.

The following message was received from the Senate:

Mr. Speaker:

I am directed to respectfully request that the Assembly return to the Senate, a bill entitled An Act to prevent Monopolies that tend to produce Famine.

I am also directed to inform the Assembly, that the Senate concurred yesterday, in Assembly amendment to Concurrent Resolution authorizing the Governor to receive any and all moneys that may be due from M. G. Vallejo to the State.

And passed a bill entitled An Act for the permanent location of the Seat of Government.

A. C. BRADFORD,
Secretary of the Senate.

February 3, 1853.

A motion was made to return to the Senate the bill requested by that body.

Not agreed to.

Mr. Taylor moved to reconsider the vote just taken.

The vote was reconsidered, and the Clerk ordered to return the bill to the Senate.

Senate bill for An Act to provide for the permanent location of the Seat of Government.

Read first and second time, and referred to committee of the whole House.

Mr. Taylor moved to reconsider the vote which ordered three hundred copies of Senate bill in reference to Monopolies in Provisions to be printed.

The vote was reconsidered, and the House refused to print the bill.

On motion of Mr. Crenshaw, the House resolved itself into committee of the whole, Mr. Wing in the chair, to consider Senate bill and other bills upon the subject of the removal of the Capital. After spending some time in the consideration of the subject, the committee adopted the Senate bill, and,

On motion of Mr. Crenshaw, the committee rose, reported the bill without amendment, and recommended its passage, and asked to be discharged from further consideration of the subject.

The committee was discharged.

Mr. Taylor moved to suspend the rules and read the bill a third time.

Upon which Mr. Johnson demanded the ayes and nays.

Those who voted to suspend the rules were—

Messrs.	Bell,	Messrs.	McGarry,
	Blake,		McMeans,
	Bostwick,		Moore,
	Brush,		Oliver,
	Cabaniss,		Owen,
	Carhart,		Redding,
	Conness,		Sime,
	Cardozo,		Snyder,
	Crenshaw,		Taylor,
	Ewing,		Thomas,
	Flower,		Van Dyke,
	Garfield,		Wells,

Messrs. Hally,
Heydenfeldt,
Irwin,
McCandless,
McFarland,
Wilson,
Wing,
Yeiser,
Speaker—33.

Those opposed to suspension were—

Messrs. Canney,
Carpentier,
Covarrubias,
Estep,
Harrison,
Herbert,
Johnson,
Kittredge,
Knight,
Lee,
Leake,
Letcher,
Mandeville,
Meredith,
Myres,
Pacheco,
Reading,
Robinson,
Rogers,
Smith—20.

So the House refused to suspend by a two-thirds vote.

Mr. Carpentier moved to take from the table a bill to amend the Act to sell 500,000 acres of land.

Not agreed to.

Mr. Brush moved to adjourn.

Not agreed to.

Mr. Leake moved to reconsider the vote which refused to suspend the rules to read Senate bill, to fix the Seat of Government, a third time.

The vote was reconsidered.

Mr. Heydenfeldt moved a call of the House.

The call was sustained.

The roll was called, and the following members were absent:—Messrs. McCandless, McFarland, Pacheco and Rogers.

On motion, the Sergeant-at-Arms was dispatched for absent members.

On motion of Mr. Estep, Mr. Pacheco was excused.

On motion, Messrs. McFarland, Rogers and McCandless were admitted within the bar of the House and excused.

Mr. Wing moved to dispense with further proceedings under the call.

Agreed to.

Upon the motion to suspend the rule to read Senate bill, fixing the Seat of Government, a third time, Mr. Johnson demanded the ayes and nays.

Those who voted to suspend were—

Messrs. Bell,
Bostwick,
Brush,
Cabaniss,
Carhart,
Leake,
McFarland,
McGarry,
Moore,
Oliver,

Messrs.	Carpentier,	Messrs.	Owen,
	Conness,		Redding,
	Cardozo,		Snyder,
	Crenshaw,		Taylor,
	Ewing,		Thomas,
	Flower,		Van Dyke,
	Gardner,		Wells,
	Garfield,		Wilson,
	Herbert,		Wing,
	Heydenfeldt,		Yeiser,
	Irwin,		Speaker—32.

Those opposed to suspension were—

Messrs.	Blake,	Messrs.	Letcher,
	Canney,		Mandeville,
	Covarrubias,		Meredith,
	Estep,		McCandless,
	Hally,		McMeans,
	Harrison,		Myres,
	Hoff,		Reading,
	Johnson,		Robinson,
	Kittredge,		Rogers,
	Knight,		Sime,
	Lee,		Smith—22.

So the House refused, by a two-thirds vote, to suspend the rule.

On motion of Mr. Robinson, at 2 o'clock, P. M., the House adjourned until 10 o'clock, to-morrow.

HOUSE OF ASSEMBLY.

FRIDAY, February 4, 1853.

House met pursuant to adjournment.

The roll was called, and the following members were absent: Messrs. Bell, Bostwick, Carhart, Carpentier, Covarrubias, Gardner, Herbert, Meredith, McMeans and Tighlman.

The Journal of yesterday was read and approved.

The Speaker announced the House ready to proceed to business.

On motion, leave of absence was granted to Mr. Covarrubias for one day.

Mr. Conness moved to strike from the Journal of yesterday a resolution offered by Mr. Flower.

Agreed to.

Mr. Bostwick made the following report:

Mr. Speaker:

The Joint Committee on Enrolled Bills report that, they have examined and find correctly enrolled a concurrent resolution authorizing the Governor to receive from M. G. Vallejo, any and all moneys that may be due from him to the State;

Also, An Act to amend an Act appropriating moneys to meet the Contingent Expenses of Government, approved May 4th, 1852.

BOSTWICK,
Ch. House Committee.
ROACH,
Ch. Senate Committee.

A communication was received from the Comptroller of State, in reference to a resolution of inquiry concerning the State Prison Contractors.

Communication was read. (See Appendix No. 14.)

Senate bill to fix the permanent Seat of Government, on its third reading, was taken up for consideration.

Mr. Heydenfeldt moved a call of the House.

The call was sustained.

The roll was called, and the following member was absent:—Mr. Gardner.

On motion, the Sergeant-at-Arms was dispatched for Mr. Gardner.

On motion, Mr. Gardner was admitted within the bar of the House, and excused.

On motion of Mr.Heydenfeldt, further proceedings under the call were dispensed with.

Mr. Johnson offered a substitute to Senate bill, An Act to take the

sense of the people of the State of California upon the subject of the permanent location of the Seat of Government.

Upon which substitute Mr. Myres demanded the ayes and nays.

Those who voted for the substitute were—

Messrs. Blake,
Canney,
Estep,
Hally,
Harrison,
Herbert,
Hoff,
Johnson,
Kittredge,
Knight,
Leake,
Letcher,
Mandeville,
Meredith,
McCandless,
McMeans,
Myres,
Reading,
Robinson,
Rogers,
Smith—21.

Those who voted against the substitute were—

Messrs. Bell,
Bostwick,
Brush,
Cabaniss,
Carhart,
Conness,
Cardozo,
Crenshaw,
Ewing,
Flower,
Gardner,
Garfield,
Heydenfeldt,
Irwin,
Lee,
McFarland,
McGarry,
Moore,
Oliver,
Owen,
Pacheco,
Redding,
Sime,
Snyder,
Taylor,
Thomas,
Van Dyke,
Wells,
Wilson,
Wing,
Yeiser,
Speaker—32.

So the House refused to adopt the substitute.

Mr. Johnson moved to strike out all after the first section in the bill.

Mr. Taylor demanded the previous question.

The Speaker stated the question, "Shall the main question be now put?"

Which was decided in the affirmative.

The vote was then taken upon Mr. Johnson's motion to strike out;

And Mr. Canney demanded the ayes and nays.

Those who voted to strike out were—

Messrs. Blake,
Cabaniss,
Canney,
Estep,
Flower,
Hally,
Harrison,
Herbert,
Hoff,
Johnson,
Kittredge,
Knight,
Leake,
Letcher,
Mandeville,
Meredith,
McMeans,
Myres,
Reading,
Robinson,
Rogers,
Smith—22.

Those who voted against striking out were—

Messrs. Bell,
Bostwick,
Brush,
Carhart,
Conness,
Cardozo,
Crenshaw,
Ewing,
Gardner,
Garfield,
Heydenfeldt,
Irwin,
Lee,
McCandless,
McFarland,
McGarry,
Moore,
Oliver,
Owen,
Pacheco,
Redding,
Sime,
Snyder,
Taylor,
Thomas,
Van Dyke,
Wells,
Wilson,
Wing,
Yeiser,
Speaker—31.

So the House refused to strike out.

Mr. Thomas demanded the previous question.

The Speaker stated the question, "Shall the main question be now put?"

The House decided in the affirmative.

The bill was then read a third time.

Mr. Johnson then moved to refer the bill to Committee on Public Buildings and Grounds, with special instructions.

The Speaker decided the motion to be out of order, from which decision Mr. Johnson appealed.

The Speaker put the question, Shall the decision of the Chair be the judgment of the House?

The House sustained the Chair.

The bill then came up upon its final passage, and Mr. Wing demanded the ayes and nays.

Those who voted for the passage of the bill were—

Messrs. Bell,
Blake,
Bostwick,
Brush,
Carhart,
Conness,
Cardozo,
Crenshaw,
Ewing,
Flower,
Gardner,
Garfield,
Heydenfeldt,
Irwin,
Lee,
McFarland,
McGarry,
Moore,
Oliver,
Owen,
Redding,
Sime,
Snyder,
Taylor,
Thomas,
Van Dyke,
Wells,
Wilson,
Wing,
Yeiser,
Speaker—31.

Those who voted against the bill were—

Messrs. Cabaniss,
Canney,
Covarrubias,
Estep,
Hally,
Harrison,
Herbert,
Hoff,
Johnson,
Kittredge,
Knight,
Leake,
Letcher,
Mandeville,
Meredith,
McCandless,
McMeans,
Myres,
Pacheco,
Reading,
Robinson,
Rogers,
Smith—23.

So the bill passed.

Mr. Johnson offered a substitute for the title of the bill.

The Speaker decided the substitute out of order, from which decision Mr. Johnson appealed.

The Speaker put the question, Shall the decision of the Chair be the judgment of the House? and Mr. Robinson demanded the ayes and nays.

Those who sustained the Chair were—

Messrs. Bell,
Bostwick,
Brush,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
McFarland,
McGarry,
Moore,
Oliver,
Owen,
Redding,
Rogers,

Messrs. Ewing,
Flower,
Gardner,
Garfield,
Hally,
Heydenfeldt,
Irwin,
Kittredge,
Leake,
Sime,
Snyder,
Taylor,
Thomas,
Van Dyke,
Wells,
Wing,
Yeiser—31.

Those who opposed the decision of the Chair were—

Messrs. Blake,
Cabaniss,
Canney,
Estep,
Harrison,
Herbert,
Hoff,
Johnson,
Knight,
Letcher,
Mandeville,
Meredith,
McCandless,
McMeans,
Myres,
Pacheco,
Reading,
Robinson,
Smith—19.

So the decision of the Chair was sustained.
The question was then put, shall the title of the bill stand?
Upon which Mr. Myres demanded the ayes and nays.

Those who were in favor of the title of the bill were—

Messrs. Bell,
Bostwick,
Brush,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Ewing,
Flower,
Gardner,
Garfield,
Heydenfeldt,
Irwin,
Lee,
McFarland,
McGarry,
Moore,
Oliver,
Owen,
Redding,
Sime,
Snyder,
Taylor,
Thomas,
Van Dyke,
Wells,
Wilson,
Wing,
Yeiser,
Speaker—30.

Those who opposed the title were—

Messrs. Blake,
Cabaniss,
Canney,
Letcher,
Mandeville,
Meredith,

Messrs. Estep,	Messrs. McCandless,
Hally,	McMeans,
Harrison,	Myres,
Herbert,	Pacheco,
Hoff,	Reading,
Johnson,	Robinson,
Kittredge,	Rogers,
Knight,	Smith—22.

So the House decided to let the title to the bill stand.

On motion of Mr. Wing, the Clerk was instructed to inform the Senate forthwith of the passage of the bill.

On motion, leave of absence was granted to Messrs. Tilghman and Carpentier for one day, and to Fairfax for ten days.

Mr. Myres offered the following: which was read and laid upon the table.

Resolved, the Senate concurring, that the Legislature do now adjourn, *sine die*.

Mr. Canney offered a concurrent resolution to adjourn, to meet at Benicia on the 11th inst.

Mr. Myres offered the following as a substitute:

Resolved, the Senate concurring, that when we adjourn, we adjourn to meet at the landing, opposite Martinez, on the day of the present month.

Mr. Crenshaw moved to lay the resolution offered by Mr. Myres on the table.

Agreed to.

The resolution offered by Mr. Canney was then adopted.

Mr. Cabaniss offered the following:

Whereas, The Constitution of this State declares that every law enacted by the Legislature shall embrace but one object, and,

Whereas, Two objects are embraced in the bill just passed, therefore be it

Resolved, That in the opinion of this House the bill just passed is unconstitutional.

Mr. Heydenfeldt moved to indefinitely postpone the resolution, upon which Mr. Myres demanded the ayes and nays, and,

On motion of Mr. Conness, the whole subject was laid upon the table.

On motion of Mr. Van Dyke, at half past 12 o'clock, the House took a recess until half past 2 o'clock.

Half past 2 o'clock, the House met pursuant to adjournment.

Mr. Heydenfeldt asked to be excused from serving on the Committee of Ways and Means.

He was excused.

The Speaker appointed Mr. Robinson in place of Mr. Heydenfeldt, on the Committee of Ways and Means.

Mr. Johnson offered the following, which was adopted:

Resolved, That two thousand copies of the Report of the State Comptroller be printed for the use of this House, provided there be no extra charge for composition.

Mr. Crenshaw offered the following, which was adopted:

Resolved, That the Speaker appoint a Committee of five members of this House to visit the city of San Francisco, and examine whether the extension of the city front of said city would materialy injure the harbor thereof, and report to this House at an early day: *Provided*, said Committee shall receive no extra compensation for their services on such Commission.

Messrs. Crenshaw, Heydenfeldt, Thomas, Brush and Blake were appointed said Committee.

Mr. Bostwick made the following report:

The Joint Committee on Enrolled Bills report, that they have examined and found correctly enrolled, An Act to provide for the permanent location of the Seat of Government.

BOSTWICK, Chairman,

ROACH, Chairman Senate.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate passed, yesterday, with an amendment, Assembly bill for An Act to repeal an Act entitled an Act to authorize the Funding of the Debt of the County of El Dorado, and to provide for the payment of the same, approved May 1st, 1852;

And a bill for An Act concerning the Securities of the late John H. Phillips, deceased, County Treasurer of El Dorado County.

A. C. BRADFORD,
Secretary of the Senate.

4th February, 1853.

Senate bill, An Act concerning the securities of the late John H. Phillips, deceased, County Treasurer of El Dorado County, read first and second time, and referred to Judiciary Committee.

The House concurred in the Senate amendment to Assembly bill for An Act to Fund the Debt of the County of El Dorado.

The following message was received from the Senate :

Mr. Speaker:

I am directed to inform the Assembly that the Senate this day concurred in Assembly resolution to adjourn to meet at the City of Benicia, on Friday, 11th day of February, at 12 o'clock ;

And that the Senate this day passed a Concurrent Resolution in reference to the removal of the Archives and property of State ;

And to return to the Assembly, Senate bill for An Act to prevent Monopolies that tend to produce famine.

A. C. BRADFORD,
Secretary of the Senate.

The House adopted the Senate Concurrent Resolution in reference to the Archives of State.

And the Clerk was instructed to notify the Senate of the same.

Mr. Johnson moved to take from the table a report from the Judiciary Committee, submitted some days since.

Agreed to.

Mr. Speaker:

The Judiciary Committee, to whom was referred An Act to repeal an Act creating the office of Superintendent of Public Buildings, beg leave to report the same back, with a recommendation that the minority report of the Committee on Public Buildings be adopted ;

Also, that they recommend the passage of An Act to amend the ninth section of an Act concerning Judges of the Plains, and defining their duty, passed April 25, 1851 ;

Also, that they have examined Senate bill entitled An Act to provide for the redemption of Lands sold for Taxes, and recommend the indefinite postponement of the same ;

Also, that they recommend the passage of An Act to repeal an act entitled an Act in relation to Actions wherein the State is a party, approved May 3d, 1852 ;

Also, that they have considered An Act to amend the fourth section of an Act concerning Divorces, and they beg leave to report it back without recomendation, and ask to be discharged from the further consideration of the same ;

Also that they have had under consideration the Annual Report of the Attorney General, and the same containing subject matter of material importance, your committee beg leave to report it back, with the recommendation that two thousand copies be printed ,

Also, that they have considered the petition of James Dorland and others, which they report back, recommending its reference to the Committee on Public Lands.

FRED. YEISER,
Chairman.

Mr. Meredith made the following majority report, which, together with a minority report, was referred to the Judiciary Committee, and returned with the above report from that committee.

The Committee on Public Buildings, to whom was referred Senate bill for An Act to repeal an Act creating the office of Superintendent of Public Buildings, and defining the duties of that officer, have had the same under consideration, and beg leave to report it back without amendment, and recommend its passage.

Respectfully submitted,

THOS. C. MEREDITH,
GEO. M. CARHARTT.

Mr. Sime made the following minority report:

Mr. Speaker:

The Committee on Public Buildings and Grounds, to whom was referred Senate bill entitled An Act to repeal an Act creating the office of Superintendent of Public Buildings, have had the same under consideration, and beg leave to report the same back, recommending its passage, with the following amendment: Strike out the third section.

All of which is respectfully submitted.

JOHN SIME.

The report of the minority was adopted.

The bill amended, read a third time, and passed.

Assembly bill, An Act to amend the ninth section of an Act concerning Judges of the Plains, and defining their duties, was read a third time, and, on motion of Mr. Robinson, was recommitted to the Judiciary Committee, with special instructions.

Mr. Bostwick made the following report:

The Joint Committee on Enrolled Bills report that they have this day presented to the Governor for his approval, An Act for the permanent location of the Seat of Government.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Governor this day approved An Act to provide for the permanent location of the Seat of Government.

A. C. BRADFORD,
Secretary Senate.

On motion of Mr. Lee, at 5 o'clock, P. M., the House adjourned to meet at Benicia on the 11th day of this month, at 12 o'clock, noon.

HOUSE OF ASSEMBLY.

FRIDAY, February 11, 1853.

House met pursuant to adjournment.

On motion of Mr. McMeans, Mr. Wing was called to the chair, the Speaker being absent.

There being no quorum,

On motion of Mr. McMeans, the House adjourned until 10 o'clock, tomorrow.

HOUSE OF ASSEMBLY.

SATURDAY, February 12, 1853.

House met pursuant to adjournment.

The roll was called, and there being no quorum present,

On motion of Mr. McMeans, the House adjourned until 10 o'clock, on Monday next.

HOUSE OF ASSEMBLY.

MONDAY, February 14, 1853.

The House met pursuant to adjournment.

Mr. Wing in the chair.

On motion, leave of absence was granted to Messrs. Bell, Flower, Martin, Cardozo, Heydenfeldt, Kittredge, Meredith, Tighlman, McCandless, McFarland, Sime, Letcher, Hunt, Lee, Canney, Gardner, Moore, Harrison, Irwin, Taylor, Wilson and Mr Speaker for one day.

Mr. Robinson moved a call of the House.

Which was sustained.

The roll was called, and the following members were absent:—Messrs. Carhart, Carpentier, Harrison, Knight, McGarry, Covarrubias and Pacheco, and those absent on leave.

The Sergeant-at-Arms was dispatched for the absentees.

On motion of Mr. Oliver, further proceedings under the call were dispensed with.

There being no quorum present,

On motion of Mr. McMeans, at 11 o'clock, the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, February 15, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent: Messrs. Cabaniss, Carhart, Covarrubias, Harrison, Lee, Martin, McFarland, Smith, Walker, and Wilson.

The Journals of the 4th, 11th, 12th, and 14th instant were read and approved.

On motion, leave of absence was granted for two days each to Messrs. Carpentier, Walker, Harrison, Carhart, and Letcher; and one day each, to

Messrs. Cabaniss, Meredith, and Covarrubias, and the remainder of this week to Mr. Wilson.

Mr. Proctor, member from Siskiyou, appeared, was sworn by the Speaker, and took his seat.

A communication was received from Blanton M'Alpin, tendering his resignation as Clerk of this House.

Which was read and accepted.

Mr. Crenshaw moved that the House proceed to elect a Clerk.

Which was agreed to.

Mr. Gardner nominated James G. Stebbins.

Whole number of votes cast, 50; necessary to a choice, 26.

James G. Stebbins received	-	-	49 votes,
J. W. Scobey "	-	-	1 vote.

Those who voted for Mr. Stebbins, were Messrs. Bell, Blake, Bostwick, Brush, Canney, Cardozo, Crenshaw, Estep, Ewing, Flower, Gardner, Garfield, Hally, Herbert, Heydenfeldt, Hoff, Hunt, Irwin, Johnson, Kittredge, Knight, Leake, Martin, Mandeville, Meredith, McCandless, McFarland, McGarry, McMeans, Moore, Myres, Oliver, Owen, Pacheco, Proctor, Reading, Redding, Robinson, Rogers, Sime, Snyder, Taylor, Thomas, Tighlman, Van Dyke, Wells, Wing, Yeiser, and Mr. Speaker.

Mr. Conness voted for Mr. Scobey.

Mr. Stebbins having received a majority of all the votes cast, was declared duly elected Clerk. He was then sworn by the Speaker, and entered upon the duties of the office.

Mr. Martin presented a petition from citizens of Humboldt Bay, praying this Legislature to create a new county out of certain territory belonging to the counties of Trinity and Klamath.

Which was read, and referred to the Committee on Counties and County Boundaries.

Mr. Blake presented a petition from the members of the Independent Order of Odd Fellows, and citizens of the city of San Francisco, setting forth that they and their associates are about to purchase a lot and erect a building thereon, for charitable purposes, and praying this Legislature to pass an Act relating to Corporations, to enable the petitioners and others to incorporate such associations.

Which was read and laid on the table.

Mr. Brush, from the majority of the Committee on Elections, submitted the following report. (Contested seat of Van Dyke and McMahon. See Appendix No. 15.)

Which was read, and on motion of Mr. Canney, made the special order for to-morrow at 12 o'clock.

Mr. Crenshaw, from the Committee on Claims, to whom was referred the account of the steamer S. B. Wheeler, for $125, for freight on furniture, reported the same back with a bill for An Act for the relief of the steamer S. B. Wheeler, and recommended its passage.

The bill was read a first time and laid over.

Mr. Bostwick from the Joint Committee on Enrollment, reported as cor-

rectly enrolled An Act to repeal an Act entitled an Act to authorize the Funding of the Debt of the county of El Dorado, and to provide for the payment of the same, approved May 1st, 1852.

The Speaker presented a communication from James W. Robinson, in relation to the contested seat of James W. Robinson *vs.* T. W. Tighlman, which was read; and, on motion of Mr. Johnson, laid on the table.

Mr. Kittredge submitted the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to number the desks; and that at 12 o'clock, M., to-morrow, the members proceed to draw for seats as their names are called in alphabetical order by the clerk.

Mr. Canney moved to lay the resolution upon the table.

Which was agreed to.

Mr. Heydenfeldt, on leave, introduced a bill for An Act to provide for the contingent expenses of the Supreme Court and State Officers.

Which was read a first time, and the rules suspended; it was then read a second time and referred to a select committee of three.

The Chair appointed Messrs. Heydenfeldt, McMeans and Crenshaw as such committee.

Mr. McMeans submitted the following resolution, which was adopted:

Whereas, Col. Blanton McAlpin, late chief Clerk of the Assembly, has communicated to this House his resignation of the same, that he might return to the Atlantic States, where business of a private and important nature requires his presence: *And whereas*, this House is desirous of tendering him a token of the high regard we individually and collectively cherish for him, as a worthy citizen and faithful and efficient public officer: Therefore,

Resolved, That the thanks of the Assembly are due to Col. Blanton McAlpin, for the prompt, faithful and satisfactory manner in which he has discharged the multifarious and arduous duties of chief Clerk of the House.

Mr. Redding submitted the following resolution:

Resolved, That a committee, to consist of one from each of the counties of Klamath, Siskiyou, Trinity, Shasta, Butte, Sierra, Yuba, Nevada, Placer, El Dorado, Tuolumne, Calaveras, Mariposa and Sacramento, be appointed to take into consideration and report as to the expediency of calling a Miners' State Convention.

Mr. Leake moved to amend by inserting San Joaquin, which was agreed to; and the resolution, as amended, was adopted.

The Chair appointed as such committee, Messrs. Redding of Yuba, Wells, Canney, Estep, Knight, Oliver, Hoff, Herbert, Wing, Moore, Gardner, Cabiness, Proctor, Reading of Trinity, and Van Dyke.

Mr. Herbert gave notice that he would, on to-morrow, or at an early day thereafter, introduce a bill to submit to the legally qualified voters of Cali-

fornia, at the next general election, the permanent location of the Capital of this State.

Mr. Blake gave notice that he would, on to-morrow, or some future day, introduce a bill for the incorporation of a charitable institution, known as Odd Fellows' Hall, to be located in the city of San Francisco.

A message was received from the Senate, informing the Assembly that they did, on the 4th instant, pass Assembly bill for An Act to authorize the Funding of the Debt of the county of Tuolumne, and to provide for the payment of the same, with an amendment.

Also, a Joint Resolution to grant four months' leave of absence to Delos Lake, Judge of the Fourth Judicial District.

And that they passed, on yesterday, a Concurrent Resolution requesting the Governor to confer upon Capt. John A. Sutter the rank of Major General.

The amendment of the Senate to the bill for An Act to authorize the Funding of the Debt of the county of Tuolumne, and to provide for the payment of the same, was then taken up and concurred in.

Senate Joint Resolution to grant four months' leave of absence to Delos Lake, Judge of Fourth Judicial District, was then taken up, read a first time, and laid over under the rule.

Senate Resolution, requesting the Governor to confer upon Capt. John A. Sutter the rank of Major General, was then taken up, read and adopted.

Mr. McMeans submitted the following resolution, which was read and adopted:

Resolved, That the Comptroller of State is hereby requested to furnish to the Assembly a statement of the whole amount of money paid to Hospitals since the first day of January last; also, the whole amount of revenue paid into the State Treasury during the same period.

Mr. Wing submitted the following resolution, which was read and adopted.

Resolved, That the Committee on Mines and Mining Interests be, and are hereby instructed to report, during the present week, on a bill for An Act to revise the Act to provide for the Protection of Foreigners, and to define their liabilities and privileges, approved May 4, 1852; also, on several bills amendatory of the above named Act, all of which have been referred to said committee, or a substitute for the same.

On motion of Mr. Canney, leave of absence was granted to Mr. McCandless for three days.

The petition of James Dorland, and eighty-one others, citizens of Solano county praying for relief, was taken up, and referred to the Committee on Public Lands.

Assembly bill for An Act to repeal an Act entitled an Act in relation to Actions wherein the State is party, approved May 3, 1852, was taken up, read a third time,

And on the question "Shall the bill pass?" the ayes and nays were demanded by Messrs. Redding and Canney, and the House refused to pass the bill by the following vote:

AYES.

Messrs. Ewing,
Flower,
Gardner,
Hoff,
Kittredge,
Leake,
Mandeville,
Meredith,
McMeans,
Oliver,
Owen,
Sime,
Snyder,
Van Dyke,
Wells,
Wing—16.

NAYS.

Messrs. Blake,
Brush,
Canney,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Estep,
Garfield,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Hunt,
Johnson,
Knight,
Lee,
Martin,
McFarland,
Myres,
Proctor,
Reading,
Redding,
Robinson,
Rogers,
Taylor,
Thomas,
Speaker—28.

So the house refused to pass the bill.

Mr. Heydenfelt gave notice that he would, on to-morrow, move a reconsideration of the vote just taken.

Senate bill for An Act to provide for the Redemption of Lands sold for Taxes, was taken up and indefinitely postponed.

Assembly bill for An Act to abolish Special Terms of the Supreme, District and County Courts of this State, was taken from the table, read a second time, and,

On motion of Mr. Flower, referred to the Judiciary Committee, with instructions to report the same back on to-morrow.

Senate Joint Resolution to grant four months' leave of absence to Delos Lake, Judge of Fourth Judicial District, was then taken up and read a second time.

Mr. Conness moved that the resolution be indefinitely postponed.

Mr. Canney moved a call of the House, which was sustained.

And on the roll being called, the following members were absent:—Messrs. Bell, Irwin, Pacheco, Smith, Van Dyke and Yeiser.

On motion, Mr. Irwin was excused from the action of the call.

Messrs. Yeiser and Van Dyke appeared at the bar of the House, and were admitted to their seats.

Mr. Mandeville moved to dispense with further proceedings under the call. Which was not agreed to.

Mr. Bell appeared and was admitted within the bar, and took his seat.

On motion of Mr. Conness, further proceedings under the call were dispensed with.

The question then recurring on the indefinite postponement of the resolution.

The ayes and nays were demanded by Messrs. Mandeville and Conness, and the House refused to indefinitely postpone by the following vote:

AYES.

Messrs. Bell,	Messrs. McMeans,
Blake,	Moore,
Bostwick,	Oliver,
Brush,	Redding,
Conness,	Rogers,
Crenshaw,	Snyder,
Estep,	Thomas,
Hoff,	Van Dyke,
Kittredge,	Wells,
Mandeville,	Wing,
Meredith,	Speaker—23.
McFarland,	

NAYS.

Messrs. Canney,	Messrs. Leake,
Cardozo,	Martin,
Ewing,	McGarry,
Fairfax,	Myres,
Flower,	Owen,
Gardner,	Pacheco,
Haily,	Proctor,
Herbert,	Reading,
Heydenfeldt,	Robinson,
Irwin,	Sime,
Johnson,	Taylor,
Knight,	Tighlman,
Lee,	Yeiser—26.

So the House refused to indefinitely postpone.

The following message and communications were received from the Governor:

EXECUTIVE DEPARTMENT,
Benicia, February 15, 1853.

To the Senate and Assembly:

I have the honor to transmit herewith copies of the correspondence with Gen. M. G. Vallejo, in accordance with the Joint Resolution of February 4th, 1853.

JOHN BIGLER.

[COPY.]

EXECUTIVE DEPARTMENT,
City of Vallejo, Cal., Feb. 4, 1853.

M. G. VALLEJO,

Sir:

By a concurrent resolution of the Legislature, I am directed to demand and receive from you all moneys that may be now due, or hereafter become due the State from you, under your proposition to pay to the State certain sums of money for specific objects, or for any other purpose, submitted to the Legislature of this State at its first session, and presented in the Senate April the 3d, 1850, in the form of a memorial of yourself and others, relative to the permanent seat of Government, subsequently acted on by both houses, and formally accepted in the passage of a law approved February 4th, 1851, entitled "An Act for the permanent location of the seat of Government."

In pursuance of said resolution (a copy of which is herewith transmitted), I hereby demand of and from you, on the part of the State, the payment of the following amounts, according to the terms and stipulations of a bond executed by you to the Governor of the State, on the 3d day of April, A. D. 1850, to wit:—

1st.	For building State Capitol, - -	$125,000
2d.	For furnishing State Capitol, - -	10,000
3d.	For building Governor's House, - -	10,000
4th.	For furnishing Governor's House, -	5,000
5th.	For State Library and Translator's Office,	5,000
6th.	For State Library, - - -	5,000
7th.	Building Offices of Secretary of State, Comptroller, Attorney-General, Surveyor-General, and Treasurer, should the Commissioners deem it proper to separate them from the State House,	20,000
8th.	Building Orphan Asylum, - -	20,000
9th.	Building Female Charity Hospital, -	20,000
10th.	Building Male Charity Hospital, - -	20,000
11th.	Building Asylum for the Blind, - -	20,000

12th. Building Deaf and Dumb Asylum,	20,000
13th. Building State University,	20,000
14th. For University Library,	5,000
15th. For Scientific Apparatus therefor,	5,000
16th. For Chemical Laboratory,	3,000
17th. For Mineral Cabinet,	3,000
18th. Building Common School Edifices,	10,000
19th. Purchasing Books for the same,	1,000
20th. Building Lunatic Asylum,	20,000
21st. State Penitentiary,	20,000
22d. State Botanical Collection,	3,000
	$370,000

You will please advise me without delay of your intention in relation to this matter, and whether you are prepared to make the payments as above specified, and according to the stipulations and agreements in your said bond.

I have the honor to be,
Your obedient servant,
JOHN BIGLER.

[COPY.]

SONOMA, February 4th, 1853.

To his Excellency
JOHN BIGLER,
Sir—

I have the honor to acknowledge the receipt of your communication enclosing a concurrent resolution of the Legislature, directing you to demand from me the payment of the sum of three hundred and seventy thousand dollars. In a recent communication addressed to your Excellency, as well as in others addressed to the Legislature at its last session, I petitioned to be released from my bond to the State; and it is still my desire that this bond and the contract between the State and myself be canceled. Before replying to your demand for the payment of the several sums of money specified in your letter, I must beg the indulgence of time to confer with my legal advisers before I can inform you fully of my intentions in the premises.

I have the honor to be, sir,
Your obedient servant,
M. G. VALLEJO.

The following communication from the Treasurer of State was received and read:

STATE TREASURER'S OFFICE,
Benicia, February 15, 1853.

To the Hon. ISAAC B. WALL,
Speaker of the Assembly:

SIR—

In reply to a resolution of your Honorable body of the 3d instant, requiring me "to inform this House whether there are any moneys in the State Treasury provided to meet the contingent expense of the Assembly," I have to state that there is none in the Treasury which can be applied to that purpose.

Respectfully,
Your ob't serv't,
RICHARD ROMAN,
State Treasurer.

Assembly bill for An Act to amend an Act concerning Roads and Highways, was taken up and read a second time.

Senate bill for An Act to fix the compensation of all County Judges, where not otherwise provided for, and the Associate Justices of the Courts of Sessions, and to repeal so much of a like Act, passed April 22d, 1850, as relates to the county of Monterey, was taken up, read a second time, and referred to the Judiciary Committee.

On motion, the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, February 16, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent:—Messrs. Crenshaw, Heydenfeldt, Irwin, Lee, Letcher, McGarry, Reading, Redding, Smith, and Tighlman.

The Journal of Tuesday last was read, and approved.

On motion, leave of absence was granted for one day to Messrs. McGarry and Tighlman.

Mr. Brush, from the Committee on Elections, submitted the following report. (Contested seat of McCandless and Hastings. See Appendix No. 17.)

Which was read, and, on motion, laid on the table, and made the special order for to-morrow at 12 o'clock, M.

Mr. Flower, from the minority of the Committee on Elections, submitted the following report. (Contested seat of Van Dyke and McMahon. See Appendix No. 16.)

Which was read, and laid on the table.

On motion of Mr. Gardner, the Chairman of the Committee on Mines and Mining Interests was empowered to employ a clerk.

Mr. Bostwick, from the Joint Committee on Enrollment, reported that they had this day presented to the Governor for his approval, An Act to repeal an Act entitled an Act to authorize the funding of the debt of the county of El Dorado, and to provide for the payment of the same," approved May 1, 1852.

Mr. Knight submitted the following resolution, which was read and adopted:

Resolved, That the Clerk be requested to procure from the Senate a copy of the report of the Treasurer of the Stockton State Hospital, for the use of this House.

Assembly bill for An Act for the relief of the steamer S. B. Wheeler, was taken up and read a second time, when,

On motion of Mr. Crenshaw, the House went into committee of the whole on the bill, (Mr. Johnson in the chair,) and having considered the same, rose and reported it back without amendment, and recommended its passage.

The bill was then read a third time, and passed.

A message was received from the Governor, informing the Assembly that he had this day approved An Act to repeal an Act entitled an Act to authorize the funding of the debt of the county of El Dorado, and to provide for the payment of the same, approved May 1, 1852.

Senate Joint Resolution to grant four months' leave of absence to Delos Lake, Judge of Fourth Judicial District, was then taken up, read a third time, and on the question, "Shall the resolution pass?"

The ayes and nays were demanded by Mr. Brush, and the resolution was passed by the following vote:

AYES.

Messrs.	Blake,	Messrs.	Knight,
	Brush,		Leake,
	Cabaniss,		Martin,
	Canney,		McMeans,
	Carhart		Moore,
	Carpentier,		Myres,
	Cardozo,		Owen,
	Covarrubias,		Pacheco,

Messrs. Estep,
Fairfax,
Flower,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Johnson,
Messrs. Proctor,
Reading,
Robinson,
Sime,
Taylor,
Wing,
Yeiser—31.

NAYS.

Messrs. Bell,
Bostwick,
Conness,
Ewing,
Garfield,
Hoff,
Hunt,
Irwin,
Kittredge,
Mandeville,
Meredith,
Messrs. McFarland,
Oliver,
Redding,
Rogers,
Snyder,
Thomas,
Van Dyke,
Walker,
Wells,
Speaker—21.

Mr. Johnson moved a reconsideration of the vote just taken.

Mr. Conness moved to lay the motion to reconsider on the table.

On which the ayes and nays were demanded by Messrs. Johnson and Conness, and it was decided in the negative by the following vote:

AYES.

Messrs. Bell,
Blake,
Bostwick,
Cabaniss,
Carpentier,
Conness,
Ewing,
Garfield,
Hoff,
Messrs. Irwin,
Kittredge,
Mandeville,
Meredith,
McFarland,
Redding,
Rogers,
Speaker—17.

NAYS.

Messrs. Brush,
Canney,
Caldwell,
Carhart,
Cardozo,
Covarrubias,
Crenshaw,
Estep,
Messrs. Martin,
McMeans,
Moore,
Myres,
Oliver,
Owen,
Pacheco,
Proctor,

Messrs. Fairfax,
Flower,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Hunt,
Johnson,
Knight,
Leake,
Messrs. Reading,
Robinson,
Sime,
Snyder,
Taylor,
Thomas,
Tighlman,
Walker,
Wells,
Wing—38.

Mr. Heydenfeldt moved to indefinitely postpone the motion to reconsider. On which the ayes and nays were demanded, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Cabaniss,
Canney,
Carhart,
Cardozo,
Covarrubias,
Estep,
Flower,
Gardner,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Hunt,
Johnson,
Messrs. Knight,
Leake,
Martin,
McMeans,
Moore,
Myres,
Owen,
Pacheco,
Proctor,
Reading,
Robinson,
Sime,
Taylor,
Wing—28.

NAYS.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Carpentier,
Conness,
Crenshaw,
Ewing,
Fairfax,
Hoff,
Irwin,
Kittredge,
Messrs. Mandeville,
Meredith,
McFarland,
Oliver,
Redding,
Rogers,
Snyder,
Thomas,
Van Dyke,
Walker,
Wells,
Speaker—24.

Mr. Conness submitted the following resolution, which was read:

Resolved, (the Senate concurring), That the entire Judicial Department of this State have, and are hereby granted an indefinite leave of absence.

Mr. Carpentier submitted, as a substitute, a Joint Resolution granting leave of absence to the Judges of the State of California.

Mr. Wing moved to lay the resolution and substitute on the table.

Which was agreed to.

Mr. McMeans introduced a bill for An Act to repeal the first section of an Act entitled an Act concerning the salary of the District Attorney of San Francisco county.

Which was read a first time, and the rules suspended; it was then read a second time, and referred to the Judiciary Committee.

Mr. McMeans introduced a bill for An Act amendatory of an Act entitled an Act concerning passengers arriving in the Ports of California, approved May 3, 1852.

Which was read a first time, the rules suspended; it was then read a second time, referred to the Committee on Ways and Means, and two hundred and forty copies ordered printed.

Mr. McMeans introduced a bill for An Act to provide for the Indigent Sick.

Which was read a first time, and two hundred and forty copies ordered printed.

Mr. Wing submitted the following resolution, which was read and adopted:

Resolved, That the Attorney General be, and is hereby requested to inform this body, as soon as practicable, whether the San Francisco Beach and Water Lots, conveyed to the city of San Francisco, by the Legislature of 1851, in an Act entitled An Act to provide for the disposition of certain Property of the State of California, passed March 26th, 1851, have yet been disposed of, and if so, whether any or all of the twenty-five per cent. of the proceeds of the sale of the above named Beach and Water Lots due the State by the provisions of the aforesaid "Act" have been paid over to the credit of the State.

Mr. Kittredge introduced a bill for An Act for the punishment of the crime of Adultery and Polygamy.

Which was read a first time and laid over.

Mr. Myres introduced the following resolution, which was read:

Resolved, That that part of the Committee on Mines and Mining Interests, who sometime since asked for and obtained leave to confer with the Chinese at San Francisco, be requested to report to this House at an early day.

Mr. Redding of Yuba, submitted the following as a substitute, which was read and adopted:

Resolved, That the Committee on Mines and Mining Interests be requested to report to the House such information as they may have in relation to the Chinese population of this State.

Mr. Wing introduced a bill for An Act to repeal an Act entitled an Act to create a Board of Supervisors for the counties of this State and to define their duties and powers, so far as applies to the county of El Dorado.

Which was read a first time and laid over under the rules.

Mr. Hally requested to be excused from serving on the committee of thirteen on the revision of the Constitution, which was granted; and the Chair appointed Mr. Reading to fill the vacancy.

On motion of Mr. Crenshaw, the matter of the contested seat of McMahon *vs.* Van Dyke made the special order of this day at 12, M., was taken up, and the contestant and the counsel of the parties were invited to take seats within the bar of the House during the consideration of the matter.

When Mr. McMahon, with Mr. Pittser, his counsel, appeared and took seats.

Mr. Garfield submitted the following resolution, which was read:

Whereas, Walter Van Dyke, the sitting member from Klamath county, has reason to believe that he can now adduce other and important testimony bearing upon the merits of the controversy between himself and James McMahon, contestant, which he has not been able, heretofore, to procure: therefore,

Resolved, That the whole matter of controversy between the said parties be recommitted to the Committee on Elections, with instructions to receive whatever new testimony may be offered by the parties, and report anew to this House.

Mr. Leake moved a call of the House.

Which was not sustained.

The question recurring on the adoption of the resolution, the ayes and nays were demanded by Mr. Blake, and it was decided in the negative by the following tie vote:

AYES.

Messrs. Cabaniss,
Carhart,
Carpentier,
Conness,
Estep,
Ewing,
Flower,
Garfield,
Hally,
Harrison,
Heydenfeldt,
Hunt,
Knight,
Martin,
Owen,
Pacheco,
Proctor,
Reading,
Robinson,
Sime,
Snyder,
Taylor,
Wells,
Wing,
Speaker—25.

NAYS.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Canney,
Cardozo,
Crenshaw,
Gardner,
Herbert,
Hoff,
Irwin,
Johnson,
Kittredge,
Leake,
Mandeville,
Meredith,
McFarland,
McMeans,
Moore,
Oliver,
Redding,
Rogers,
Tighlman,
Walker,
Yeiser—25.

Mr. Redding moved a reconsideration of the vote just taken.

Mr. Canney moved a call of the House, which was sustained; and,

On the roll being called, the following members were absent:—Messrs. Fairfax, Smith and Thomas.

Messrs. Thomas and Fairfax appeared and took their seats; when,

On motion of Mr. Gardner, further proceedings under the call were dispensed with.

The question then recurring on reconsidering the vote on the resolution, the ayes and nays were demanded by Mr. Canney, and resulted as follows:

AYES.

Messrs. Cabaniss,
Carhart,
Carpentier,
Conness,
Estep,
Flower,
Garfield,
Harrison,
Heydenfeldt,
Hunt,
Knight,
Martin,
Owen,
Pacheco,
Proctor,
Reading,
Redding,
Robinson,
Sime,
Snyder,
Taylor,
Walker,
Wells,
Wing,
Speaker—25.

NAYS.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Canney,
Cardozo,
Johnson,
Kittredge,
Leake,
Meredith,
McFarland,
McMeans,

Messrs. Covarrubias,	Messrs. Moore,
Crenshaw,	Myres,
Fairfax,	Oliver,
Gardner,	Rogers,
Hally,	Thomas,
Herbert,	Tighlman,
Hoff,	Wilson,
Irwin,	Yeiser—28.

So the House refused to reconsider.

On motion of Mr. Canney, the House took a recess until 4 o'clock, P. M.

4 O'clock, P. M.

House re-assembled, and,

On motion of Mr. Canney, resolved itself into committee of the whole, Mr. Robinson in the chair, on the special order of the day, the contested case of McMahon *vs.* Van Dyke.

After a consideration of the subject, the committee rose, reported it back, and were discharged.

Mr. Canney moved a reconsideration of the vote which rejected a bill for An Act in relation to Actions in which the State is a party.

Which was agreed to.

The bill was then, on motion of Mr. Heydenfeldt, laid upon the table.

The House, on motion of Mr. Blake, at half past 5, P. M., took a recess until half past 7, P. M.

7½ O'clock, P. M.

House re-assembled.

Mr. Crenshaw moved the adoption of the majority report of the Committee on Elections, upon the contested case of McMahon *vs.* Van Dyke.

Mr. Canney moved a call of the House, which was sustained.

And on the roll being called, the following members were absent:—Messrs. Gardner and Heydenfeldt, who immediately appeared and took their seats.

On motion of Mr. Blake, further proceedings under the call were dispensed with.

The question then recurring on the adoption of the majority report of the Committee on Elections in the case of contest between McMahon *vs.* Van Dyke.

On which the ayes and nays were demanded by Mr. Hoff, and resulted as follows:

AYES.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Canney,
Cardozo,
Covarrubias,
Crenshaw,
Fairfax,
Gardner,
Herbert,
Hoff,
Irwin,
Kittredge,
Lee,
Leake,
Mandeville,
Meredith,
McFarland,
McMeans,
Moore,
Myres,
Oliver,
Owen,
Rogers,
Snyder,
Smith,
Thomas,
Tilghman,
Wells,
Wing,
Yeiser,
Speaker—33.

NAYS.

Messrs. Cabaniss,
Carhart,
Carpentier,
Conness,
Estep,
Ewing,
Flower,
Garfield,
Hally,
Harrison,
Heydenfeldt,
Hunt,
Johnson,
Knight,
Letcher,
Martin,
McGarry,
Pacheco,
Proctor,
Redding,
Robinson,
Sime,
Taylor,
Walker—24.

So the report was adopted.

The question then recurring on the adoption of the resolution annexed to the majority report.

On which the ayes and nays were demanded, and resulted as follows:

AYES.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Canney,
Cardozo,
Meredith,
McFarland,
McMeans,
Moore,
Myres,
Oliver,

Messrs. Covarrubias,
Crenshaw,
Fairfax,
Gardner,
Herbert,
Hoff,
Irwin,
Kittredge,
Lee,
Leake,
Mandeville,
Messrs. Owen,
Rogers,
Snyder,
Smith,
Thomas,
Tilghman,
Wells,
Wing,
Yeiser,
Speaker—33.

NAYS.

Messrs. Cabaniss,
Carhart,
Carpentier,
Conness,
Estep,
Ewing,
Flower,
Garfield,
Hally,
Harrison,
Heydenfeldt,
Hunt,
Messrs. Johnson,
Knight,
Letcher,
Martin,
McGarry,
Pacheco,
Proctor,
Redding,
Robinson,
Sime,
Taylor,
Walker—24.

So the resolution was adopted, and the seat of Mr. Van Dyke was declared vacant, and that James McMahon was entitled to the same.

On motion, the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, Feb. 17, 1853.

House met pursuant to adjournment.

The Speaker in the chair

The roll was called and the following members were absent: Messrs. Carhart, Ewing, Knight, Proctor, Reading, Redding, Rogers and Smith.

On motion, leave of absence for two days was granted to Messrs. Covarrubias and Redding of Yuba.

On motion of Mr. Oliver, Mr. McMahon came forward, was sworn by the Speaker, and took his seat as a member of this House.

Mr. Fairfax presented the petition of citizens of Yuba county, praying for the passage of a law exempting firemen from a certain amount of taxation and jury duty.

Which was read and referred to the Judiciary Committee.

Mr. Flower presented the petition of Orrin Bailey, praying for relief.

Which was read and referred to the Committee on Claims.

Mr. Yeiser, from the Judiciary Committee, submitted the following report, which was read:

Mr. Speaker:

The Judiciary Committee have had under consideration Senate bill entitled An Act to fix the compensation of all County Judges, where not otherwise provided for, and the Associate Justices of the Courts of Sessions, and to repeal so much of a like Act, passed April 22, 1850, as relates to the county of Monterey; and recommend that the same do not pass.

Also, they have examined Senate bill entitled An Act to prevent Monopolies that tend to produce Famine.

Which they report back without recommendation, and ask to be discharged from the further consideration of the same.

Also, they report back An Act to amend the 9th section of an Act concerning Judges of the Plains, and defining their duties, passed April 25, 1851; and recommend that the bill be passed without amendment.

Your Committee are of opinion that this Act is in proper form, and that it is only necessary in amending a section of an Act to re-enact a section as amended, not to recite the original section.

The Committee have had under consideration An Act to provide for the removal, in certain cases, of Criminal Prosecutions from the Courts of Sessions to the District Courts, and recommend the passage of the same.

Also, that they have considered An Act to abolish Special Terms of the Supreme, District and County Courts of this State.

Which they report back, recommending the passage of the accompanying substitute.

FREDERICK YEISER,
Chairman.

Senate bill for An Act to fix the compensation of all County Judges, when not otherwise provided for, and Associate Justices of the Court of Sessions, and to repeal so much of a like Act, passed April 22, 1850, as relates to the county of Monterey, was then taken up, read a third time, and on the question of its final passage was lost.

Senate bill for An Act to prevent Monopolies that tend to produce Famine, was then taken up and referred to the committee of the whole, and made the special order for to morrow at 12 o'clock, M.

Assembly bill for An Act to amend the ninth section of an Act concerning Judges of the Plains, and defining their duties, passed April 25, 1851, was then taken up and considered engrossed for a third reading.

Assembly bill for An Act to provide for the removal, in certain cases, of criminal prosecutions from the Courts of Sessions to the District Courts, was taken up and laid over.

Assembly bill for An Act to abolish special terms of the Supreme, District and County Courts of this State, and the substitute reported for the same by the Judiciary Committee, were then taken up and laid over until to-morrow.

The following message was received from the Senate and read:

Mr. Speaker:

I am directed to inform the Assembly that the Senate yesterday refused to concur in Assembly amendment to Senate bill for An Act to repeal an Act creating the office of Superintendent of Public Buildings;

And passed An Act in relation to certain contingent expenses of the Legislature;

And An Act to prevent the establishment of Pest Houses in any town or city in this State.

A. C. BRADFORD,
Secretary Senate.

February 16, 1853.

The House refused to recede from their amendment to Senate bill for An Act to repeal an Act creating the office of Superintendent of Public Buildings.

Mr. Heydenfeldt moved that a committee of conference be appointed to confer with a like committee on the part of the Senate, on the disagreeing vote of the two Houses on the bill.

Which was agreed to.

And the Chair appointed as such committee, Messrs. Heydenfeldt, Moore and Fairfax.

Senate bill for An Act in relation to certain Contingent Expenses of the Legislature, was then read a first time, and laid on the table.

Senate bill for An Act to prevent the establishment of Pest Houses in

any town or city in this State. was then read a first time and laid over until to-morrow.

A communication was received from Beverley C. Saunders, asking for remuneration for damages sustained by him in fitting out the Steamer Quickstep, in the month of December, 1851, in accordance with a contract made with the Governor of this State, for the transportation of troops and munitions of war from San Francisco and San Diego and back, for the suppression of Indian hostilities.

Which was read, and, on motion of Mr. Heydenfeldt, referred to the Committee on Claims.

Assembly bill for An Act to repeal an act entitled an Act to create a Board of Supervisors for the counties of this State, and to define their duties and powers, so far as it applies to the County of El Dorado, was read a second time, and referred to the Judiciary Committee.

Assembly bill for An Act for the Punishment of the crimes of Adultery and Polygamy, was read a second time, and referred to the Judiciary Committee.

Assembly bill for An Act to provide for the Indigent Sick, was read a second time, and referred to the Committee on State Hospitals.

Mr. McMeans, on leave, introduced a bill for An Act in relation to supplies of Fuel, and other contingent expenses of the Legislature.

Which was read a first and second time under a suspension of the rules.

On motion of Mr. McMeans, the House then went into committee of the whole on the bill, (Mr. Wing in the chair,) and having considered the same, rose and reported it back without amendment, and asked to be discharged from a further consideration of the matter.

Which was agreed to.

And the bill was then ordered engrossed for a third reading.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act for the relief of the steamer S. B. Wheeler.

Mr. Owen gave notice that he would, at an early day, introduce bills of the following titles:

A bill for An Act to suppress Gambling;

A bill for An Act for a State Road, from the City of Benicia to the City of Sacramento;

A bill for An Act to prohibit Hogs and Sheep running at large in the farming settlements.

Mr. McFarland introduced a bill for An Act to define the jurisdiction of the District Court of the First Judicial District.

Which was read a first time, and the rules suspended. It was then read a second time, and,

On motion of Mr. Thomas, referred to the Judiciary Committee.

Mr. Snyder gave notice that he would, on to-morrow, introduce a bill to provide for the Measurement of Goods.

Mr. Heydenfeldt submitted the following report, which was read:

Mr. Speaker:

The select committee to whom was referred An Act to provide for the Contingent Expenses of the Supreme Court and State Officers, have had the same under consideration, and have visited the State offices as in-

structed by the House. Your committee find them in very bad condition, and the Archives of State almost entirely exposed to destruction from the want of proper furniture. The bill is therefore returned with the recommendation that it be passed.

Respectfully submitted,

E. HEYDENFELDT, Chairman.
JNO. T. CRENSHAW,
S. A. McMEANS.

On motion of Mr. McMeans, the House went into committee of the whole, Mr. Canney in the chair, on the bill for An Act to provide for the Contingent Expenses of the Supreme Court and State Officers, and having considered the same, reported it back without amendment, and recommended its passage.

The bill was then read a third time, and passed.

On motion of Mr. Canney, the House went into committee of the whole, (Mr. Robinson in the chair,) in the matter of the contested seat of Hastings vs. McCandless, made the special order for this day, at twelve o'clock, and having considered the same, rose and reported it back, and asked to be discharged from further consideration of the matter.

Which request was granted.

On motion of Mr. Gardner, the report of the Committee on Elections in relation to the above matter, was adopted.

Mr. Canney submitted the following resolution, which was read:

Resolved, That in the opinion of this House, A. G. McCandless is legally entitled to the seat now occupied by him as a member of the Assembly from Sutter County.

Mr. Garfield submitted the following as a substitute, which was read:

Resolved, That the seat occupied by A. G. McCandless in this House, is hereby declared vacant, preparatory to ordering a new election for Assemblyman in the County of Sutter.

Mr. Heydenfeldt moved to lay the substitute on the table.

Mr. Taylor moved a call of the House.

Which was sustained.

The roll was called, when, on motion of Mr. Wells, further proceedings under the call were dispensed with.

The question then recurring on laying the substitute on the table, the ayes and nays were demanded by Mr. Hoff, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Bell,	Messrs. Lee,
Blake,	Letcher,
Bostwick,	Meredith,

Messrs. Brush,
Cabaniss,
Canney,
Carhart,
Carpentier,
Conness,
Cardozo,
Crenshaw,
Estep,
Ewing,
Fairfax,
Flower,
Gardner,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Irwin,
Johnson,
Kittredge,
Knight,
Messrs. McFarland,
McGarry,
McMeans,
McMahon,
Moore,
Myres,
Oliver,
Owen,
Pacheco,
Proctor,
Reading,
Robinson,
Rogers,
Snyder,
Smith,
Taylor,
Thomas,
Tilghman,
Walker,
Wells,
Wing,
Yeiser,
Speaker—52.

NAYS.

Messrs. Garfield,
Mandeville,
Messrs. Martin,
Sime—4.

Mr. Garfield then submitted the following as a substitute to the original resolution:

Resolved, That the whole matter in controversy in the contested election between McCandless and Hastings, be recommitted to the Committee on Elections.

On the adoption of which, the ayes and nays were demanded by Mr. Hoff, and the House refused to adopt the resolution by the following vote:

AYES.

Messrs. Blake,
Estep,
Fairfax,
Garfield,
Hoff,
Irwin,
Letcher,
Mandeville,
Messrs. Martin,
Owen,
Taylor,
Thomas,
Wells,
Wing,
Yeiser—15.

NAYS.

Messrs. Bell,
Bostwick,
Brush,
Cabaniss,
Canney,
Carhart,
Carpentier,
Conness,
Cardozo,
Crenshaw,
Ewing,
Flower,
Gardner,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Hunt,
Johnson,
Kittredge,
Knight,
Lee,
Meredith,
McFarland,
McGarry,
McMeans,
McMahon,
Moore,
Myres,
Oliver,
Pacheco,
Proctor,
Reading,
Robinson,
Rogers,
Sime,
Snyder,
Smith,
Tilghman,
Walker,
Speaker—41.

The question then recurring on the adoption of the resolution submitted by Mr. Canney, declaring Mr. McCandless entitled to his seat.

On which, the ayes and nays were demanded, it was decided in the affirmative by the following vote:

AYES.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Cabaniss,
Canney,
Carhart,
Conness,
Cardozo,
Crenshaw,
Ewing,
Fairfax,
Flower,
Gardner,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Hunt,
Martin,
Meredith,
McFarland,
McGarry,
McMeans,
McMahon,
Moore,
Myres,
Oliver,
Owen,
Pacheco,
Proctor,
Reading,
Robinson,
Rogers,
Sime,
Snyder,
Smith,
Taylor,

Messrs. Irwin,
Johnson,
Kittredge,
Knight,
Lee,
Letcher,
Messrs. Thomas,
Tilghman,
Walker,
Wells,
Yeiser,
Speaker—50.

NAYS.

Messrs. Estep,
Garfield,
Hoff,
Messrs. Mandeville,
Wing—5.

Mr. Blake submitted the following resolution, which was adopted:

Resolved, That E. O. F. Hastings be allowed his mileage and *per diem*, from the 3d of January, to 17th of February, 1853.

A message was received from the Governor transmitting a copy of a release executed by M. G. Vallejo, and approved by the Attorney-General of the State, in accordance with the requirements of An Act for the permanent location of the Seat of Government, approved Feb. 4th, 1853. (See Senate Appendix No. 25.)

Which was read and laid on the table.

Mr. Herbert introduced a bill for An Act to determine by the vote of the people the permanent location of the Seat of Government.

Which was read a first time, the rules being suspended, it was then read a second time and referred to the Committee on Public Buildings.

Mr. Fairfax introduced the following, resolution which was adopted:

Resolved, That the regular hour of meeting of this House be changed from the present hour, (ten o'clock A. M.,) to the hour of eleven o'clock A. M.

Mr. Blake introduced a bill for An Act for the relief of Calvin Valpey.

Which was read a first time, and laid over under the rules.

Mr. Heydenfeldt submitted the following resolution, which was adopted:

Resolved, That the Chairman of the Committee on Public Buildings, be requested to obtain from the Commissioners on Public Buildings, the plans and specifications of State Prison, now in their possession, for the purpose of investigating a claim now before this House.

On motion the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, February 18, 1853.

The House met pursuant to adjournment.

The Speaker in the Chair.

The roll was called by the Clerk, and the following members were found absent: Messrs. Fairfax and McGarry.

On motion, Messrs. Fairfax and McGarry were granted leave of absence for one day.

The Journal of Wednesday last was read and approved.

Mr. Heydenfeldt presented the petition of S. C. Hastings, praying for relief, which was read and referred to the Judiciary Committee.

Mr. Blake presented the petition of citizens of the City of San Francisco, praying for the repeal of a law appointing Commissioners to fund the floating debt of San Francisco, which was read, and referred to the Committee on Corporations.

Mr. Mandeville presented the petition of Phebe W. Street and sixty-seven other ladies of Sonora, Tuolumne county, praying for the passage of a law for the better observance of the Sabbath.

Also, a petition of Samuel H. Smith and others, citizens of the same place, praying for the same object, which was read, and, on motion of Mr. Bostwick, referred to select committee of three.

The Chair appointed as such committee, Messrs. Bostwick, Mandeville, and Conness.

On motion of Mr. Oliver, Mr. Blake was added to the above Committee.

Mr. Hunt presented the petition of Powell Wever, praying for relief.

Which was read, and on motion of Mr. Crenshaw, referred to the Committee on Indian Affairs.

Mr. Yeiser submitted the following report, which was read:

Mr. Speaker:

The Judiciary Committee have had under consideration An Act to amend the third section of an Act entitled an Act to regulate fees in office, passed May 1, 1851, and they recommend the passage of the same without amendment.

Also, that they have considered Senate bill entitled An Act concerning the securities of the late John H. Phillips, deceased, County Treasurer of El Dorado county, and recommend the passage of the same;

Also, they report back without recommendation An Act to amend the eighty-seventh section of an Act entitled an Act concerning the Courts of Justice of this State, and Judicial Officers, passed March 11, 1851, and to repeal An Act amendatory thereof, approved May 3, 1852.

Also, that they have considered An Act to repeal the first section of an Act entitled an Act concerning the salary of the District Attorney of San Francisco county, which they report back with a recommendation that the bill be indefinitely postponed.

FRED. YEISER,
Chairman.

February 18, 1853.

Assembly bill for An Act to amend the third section of an Act entitled an Act to regulate fees in office, passed May 1, 1851, was then taken up, and laid over.

Senate bill for An Act concerning the securities of the late John H. Phillips, deceased, Treasurer of El Dorado county, was taken up, and, on motion of Mr. McMeans, laid on the table.

Assembly bill for An Act to amend the eighty-seventh section of an Act concerning the Courts of Justice of this State and Judicial Officers, approved March 11, 1851, and to repeal An Act amendatory thereof, approved May 3, 1852, was then taken up and laid over.

Assembly bill for An Act to repeal the first section of an Act concerning the salary of the District Attorney of San Francisco county, was then taken up, read a third time, and laid on the table.

Mr. Thomas, from the Committee on Engrossed Bills, submitted the following report:

Mr. Speaker:

The Committee on Engrossment have examined and found correctly engrossed the following bills, viz:

A bill entitled An Act in relation to the supplies of fuel, and other contingent expenses of the Legislature.

An Act to amend the ninth section of an Act concerning the Judges of the Plains, and defining their duties, passed April 25th, 1851.

An Act to provide for the contingent expenses of the Supreme Court and State Officers.

An Act to regulate the business of the general and special terms of the Supreme and District Courts of this State, and the Superior Court of San Francisco.

CHAS. C. THOMAS,
Chairman Committee.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled a Joint Resolution granting leave of absence to Delos Lake.

Mr. Heydenfeldt submitted the following resolution, which was adopted:

Resolved, That the Secretary of State be requested to transmit to this House the unfinished business of the last session of the Assembly.

Mr. Johnson submitted the following resolution, which was read and adopted:

Resolved, That one thousand copies of the Report of the Trustees of the Sacramento State Hospital be printed for the use of the Assembly.

Mr. Carhart submitted a Concurrent Resolution authorizing the Secretary of State to purchase two hundred copies of the Statutes of eighteen hundred and fifty-two.

Which was read, and laid on the table.

Mr. Tilghman submitted a resolution authorizing the Chairman of the Committee on Missions and Mission Lands to employ a clerk for a certain period.

Which was read and adopted.

Mr. Herbert gave notice that he would, at an early day, introduce a bill for An Act to leave to the vote of the legal and qualified voters of Tulare, at the next general election, the permanent location of the county seat of said county.

Mr. Canney gave notice that he would, at an early day, introduce a bill providing for the sale at public auction of all right, title and interest of the State to certain property in the city of Benicia, now occupied by the Pacific Mail Steamship Company.

On motion of Mr. Leake, the House took up the bill for An Act to abolish special terms of the Supreme, District and County Courts of this State.

When Mr. Leake further moved the adoption of the substitute reported by the Judicary Committee, entitled An Act to regulate the business of the general and special terms of the Supreme and District Courts of this State.

Which was agreed to; and the House went into consideration of the substitute.

Mr. Flower moved to amend the second section by inserting, "and the Superior Court of the city of San Francisco."

Which was adopted.

The bill was then read a third time and passed.

And on the question, "Shall the title stand?" Mr. Flower moved to add "and the Superior Court of the city of San Francisco."

Which was adopted; and the title, as amended, agreed to.

On motion of Mr. Leake, the Clerk was instructed to report the bill immediately to the Senate.

Mr. Johnson introduced a bill for An Act amendatory of an Act entitled an Act to incorporate the city of Sacramento, passed 1851.

Which was read a first and second time, and referred to the members from Sacramento.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported that they had, this day, presented to the Governor for his approval, a Joint Resolution granting four months leave of absence to Delos Lake, Judge of the Fourth Judicial District.

And the report was adopted.

On motion of Mr. Johnson, the House went into committee of the whole, Mr. Heydenfeldt in the chair, on Senate bill for An Act to prevent Monopolies that tend to produce Famine, made the special order for this day, at 12 o'clock, and having considered the same, rose and reported the same back to the House, with the following amendments, recommending their passage, viz:

Sec. 6. Be it further enacted, that in case of the arrival of excessive supplies of the articles mentioned in this Act, and in consequence of such excess, the holders or owners of the same are unable to dispose of them at their actual cost in the Port of San Francisco, then the said holders or owners of such articles may tender the same to the State of California, through the Comptroller thereof, who shall receive the same at their full costs, to the time of such tender, and shall issue his warrants at their cash market value for the amount of the goods tendered: said warrants shall be paid out of the first moneys received into the Treasury, not otherwise appropriated.

Sec. 7. The Comptroller of State is hereby authorized to rent the building, situated at Vallejo, known as the capital building, (if the same can be done at a fair rate,) for the purpose of storing such goods as may be tendered under the provisions of this Act.

Sec. 8. All such articles of provisions that may be on hand, in said storage building, three days previous to the next election for Governor of this State, shall be distributed as the author of this bill may direct, free from any charge whatever.

Mr. Canney moved that the House take up the amendments of the committee by sections.

Which was agreed to.

Mr. Mandeville moved a call of the House, which was sustained.

And on the roll being called, the following members were absent:—Messrs. Heydenfeldt, Leake, Moore and Tilghman, they severally appeared, were admitted within the bar of the House, excused, and took their seats.

On motion of Mr. Blake, further proceedings under the call were dispensed with.

The question then recurring on the adoption of "Sec. 6," of the amendments, the ayes and nays were demanded by Messrs. Mandeville and Oliver.

And the House refused to adopt by the following vote:

AYES.

Messrs. Cabaniss,
Canney,
Carhart,
Cardozo,
Flower,
Heydenfeldt,
Johnson,
Knight,
Letcher,
Martin,
McCandless,
Proctor,
Reading,
Sime,
Snyder,
Taylor,
Walker—17.

NAYS.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Carpentier,
Leake,
Mandeville,
Meredith,
McFarland,
McMeans,

Messrs. Conness,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Gardner,
Garfield,
Hally,
Harrison,
Herbert,
Hoff,
Hunt,
Irwin,
Kittredge,
Lee,
McMahon,
Moore,
Myres,
Oliver,
Owen,
Pacheco,
Robinson,
Rogers,
Smith,
Thomas,
Tilghman,
Wells,
Wing,
Speaker—39.

"Sec. 7" of the amendments was then taken up and lost.

The remainder of the amendments were then taken up and lost; and pending further consideration of the bill,

On motion, the House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, February 19, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called, by the Clerk and the following members were absent:

Messrs. [illegible]enfeldt, Myres, Oliver, Reading, Smith, and Yeiser.

On motion, [illegible]ve of absence was granted Mr. Carhart for two days.

The Journal of Friday last, was read and approved.

Mr. Wilson presented the petition of citizens of Tuolumne county, remonstrating against the passage of a law for the better observance of the Sabbath.

Which was read and referred to the select committee, to whom that subject had been referred.

Mr. Ewing presented the petition of L. A. Hilton, praying for relief.

Which was read and referred to the Committee on Claims.

Mr. Hunt presented the petition of Samuel Whiting, praying for relief.

Which was read and referred to the Committee on Indian Affairs.

Mr. Reading presented the petition of citizens of Trinity county, asking certain boundaries for a new county, if erected out of the counties of Trinity and Klamath.

Which was read and referred to the Committee on Counties and County Boundaries.

Mr. Cardozo submitted the following resolution:

Resolved, That the Committee on Indian Affairs be empowered to employ a clerk whose office shall expire when the Committee transmit their report to the House.

Adopted.

Mr. Hoff submitted a resolution tendering the thanks of this House to Messrs. Wells, Fargo & Co., for supplying the House with files of various newspapers.

Which was read and adopted.

Mr. Heydenfeldt introduced a bill for An Act to authorize the State Treasurer to issue a duplicate School Land Warrant.

Which was read a first and second time, and referred to the Judiciary Committee.

Mr. Conness submitted the following resolution, which was read and adopted.

Resolved, That the Secretary of State be requested to communicate to this House the number of copies of the Statutes of 1852, that have been distributed to the several counties, and also the number of copies, if any, that are now in possession of the State Department.

Mr. Hally submitted the following resolution, which was adopted:

Resolved, That 480 copies of the annual report of the Trustees of the Stockton State Hospital be printed for the use of this House. (See Appendix No. 18.)

Mr. Bostwick, from the Committee on Enrolled Bills, reported as correctly enrolled, An Act to authorize the Funding of the Debt of the County of Tuolumne, and to provide for the payment of the same.

Mr. Crenshaw submitted a Joint Resolution relative to the Civil Fund.

Which was read a first and second time, and referred to the Committee on Federal Relations.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate passed, yesterday, An Act to authorize a transfer of causes from the Superior Court of San Francisco;

And Joint Resolution relative to Mail Routes in California;

And transmit herewith, pursuant to request of the Assembly, the Annual Report of the Trustees of the Stockton State Hospital.

A. C. BRADFORD,
Secretary of the Senate.

18th February, 1853.

Senate bill for An Act to authorize a transfer of causes from the Superior Court of San Francisco, was then read a first and second time, and referred to the Judiciary Committee.

Senate Joint Resolution relative to Mail Routes in California, was then read a first and second time, and referred to the Committee on Federal Relations.

Mr. Myres submitted a resolution requesting the Judiciary Committee to report as to the expediency of Codifying certain Laws.

Which was read and adopted.

Mr. Blake introduced a bill for An Act to amend an Act relating to Corporations.

Which was read a first and second time, and referred to the Committee on Corporations.

Mr. Wing introduced a bill for An Act to authorize County Recorders to administer Oaths.

Which was read a first and second time, and referred to the Judiciary Committee.

Mr. Canney submitted the following resolution, which was adopted:

Resolved, That the several State officers are hereby required to furnish to the committee of this House on Indian Affairs, any and all papers in their possession relative to Indian affairs, for the purpose of enabling said committee to correctly discharge the duties devolving on them.

Mr. Hoff moved that one additional member be added to the Judiciary Committee.

Which was agreed to.

The Chair appointed Mr. Snyder.

A communication was received from the Secretary of State transmitting the unfinished business of the last session of the Assembly.

Which was read and laid on the table.

On motion of Mr. Oliver, the bill for An Act to prevent Monopolies that tend to produce famine, was taken up, and made the special order for Saturday next, at 12 o'clock, M.

The bill for An Act for the relief of Calvin Valpey, was taken up, read a second time, and referred to the Committee on Claims.

Assembly bill for An Act to amend the ninth section of an Act concerning the Judges of the Plains, and defining their duties, passed April 25th, 1851, was taken up, read a third time and passed.

Assembly bill for An Act in relation to the supplies of Fuel, and other expenses of the Legislature, was then taken up, and on motion of Mr. Wing laid on the table.

Mr. Oliver introduced a bill for An Act requiring the Comptroller to audit certain bills of the members of the present Legislature.

Which was read a first and second time.

On motion of Mr. Wing, the House then went into committee of the whole on the bill, and having considered the same, rose and reported it back to the House without amendment, and recommended its passage.

Mr. Crenshaw moved to suspend the rules, and that the bill be now read a third time.

Mr. Canney objected to the third reading of the bill this day.

Mr. Oliver moved a call of the House.

Which was sustained.

And on the roll being called, the following members were absent:

Messrs. Gardner, Heydenfeldt, Leake, and Moore.

Messrs. Heydenfeldt, and Moore appeared and took their seats.

On motion of Mr. Heydenfeldt further proceedings under the call were dispensed with.

Mr. Taylor moved to amend the bill by striking out the words "five," where it occurs in the first section, and inserting the word "four."

On which, the ayes and nays were demanded, and was decided in the negative by the following vote:

AYES.

Messrs.	Blake,	Messrs.	Heydenfeldt,
	Brush,		Hunt,
	Cabaniss,		Martin,
	Carpentier,		Pacheco,
	Conness,		Sime,
	Cardozo,		Snyder,
	Covarrubias,		Taylor,
	Fairfax,		Thomas,
	Flower,		Wells,
	Harrison,		Yeiser—20.

NAYS

Messrs.	Bostwick,	Messrs.	McFarland,
	Canney,		McMeans,
	Crenshaw,		McMahon,
	Estep,		Moore,
	Ewing,		Myres,
	Gardner,		Oliver,
	Hally,		Owen,
	Herbert,		Proctor,
	Hoff,		Reading,
	Irwin,		Rogers,
	Kittredge,		Smith,
	Lee,		Tilghman,
	Letcher,		Walker,
	Mandeville,		Wilson,
	Meredith,		Wing—31.
	McCandless,		

Mr. Wall moved to amend by striking out the first and second sections of the bill, and demanded the ayes and nays, and the amendment was lost by the following vote:

AYES.

Messrs. Brush,
Cabaniss,
Carpentier,
Conness,
Covarrubias,
Fairfax,
Flower,
Harrison,
Heydenfeldt,
Martin,
McFarland,
Myres,
Pacheco,
Sime,
Snyder,
Taylor,
Thomas,
Wells,
Speaker—19.

NAYS.

Messrs. Blake,
Bostwick,
Canney,
Cardozo,
Crenshaw,
Estep,
Ewing,
Gardner,
Hally,
Herbert,
Hoff,
Hunt,
Irwin,
Kittredge,
Lee,
Letcher,
Mandeville,
Meredith,
McCandless,
McMeans,
McMahon,
Moore,
Oliver,
Owen,
Proctor,
Reading,
Rogers,
Smith,
Tilghman,
Walker,
Wilson,
Wing—32.

The question then recurring on suspending the rules for a third reading of the bill,

On which the ayes and nays were demanded by Mr. Conness.

It was decided in the affirmative by the following vote:

AYES.

Messrs. Blake,
Bostwick,
Brush,
Cabaniss,
Canney,
Cardozo,
Covarrubias,
Lee,
Letcher,
Mandeville,
Martin,
Meredith,
McCandless,
McMeans,

Messrs. Crenshaw,
Estep,
Ewing,
Fairfax,
Gardner,
Hally,
Harrison,
Herbert,
Hoff,
Hunt,
Irwin,
Kittredge,
McMahon,
Moore,
Myres,
Oliver,
Owen,
Proctor,
Reading,
Smith,
Tilghman,
Walker,
Wing—37.

NAYS.

Messrs. Carpentier,
Conness,
Flower,
Heydenfeldt,
Pacheco,
Rogers,
Sime,
Snyder,
Taylor,
Thomas,
Wells,
Speaker—12.

The bill was then read a third time, and on the question "Shall the bill now be passed?" the ayes and nays were demanded, and the bill passed by the following vote:

AYES.

Messrs. Bostwick,
Canney,
Cardozo,
Crenshaw,
Estep,
Ewing,
Gardner,
Hally,
Herbert,
Hoff,
Hunt,
Irwin,
Kittredge,
Lee,
Letcher,
Mandeville,
Meredith,
McCandless,
McMeans,
McMahon,
Moore,
Oliver,
Owen,
Proctor,
Reading,
Rogers,
Smith,
Walker,
Wing—29.

NAYS.

Messrs. Blake,
Brush,
Cabaniss
McFarland,
Myres,
Pacheco,

Messrs. Carpentier, Conness, Covarrubias, Fairfax, Flower, Harrison, Heydenfeldt, Martin, Sime, Snyder, Taylor, Thomas, Tilghman, Wells, Speaker—21.

On motion of Mr. Crenshaw, the Clerk was ordered to report the bill immediately to the Senate.

The following message from the Senate was received:

Mr. Speaker:

I am directed to inform the Assembly that the Senate passed, on the 17th inst., An Act to create an Historical Society for the State of California, as a substitute for Assembly Joint Resolution concerning the Historical Society of the State of California, formed under the law concerning Corporations;

And passed yesterday An Act to order a Special Election in the county of Colusi;

And Assembly bill for An Act amendatory of an Act to authorize William Moody and Morgan Hart to build a Wharf in the county of Solano, passed May 3, 1852;

And An Act to prevent the use of false Stamps and Labels;

And passed this day a bill for An Act for the relief of W. Neil Walton.

A. C. BRADFORD,
Secretary Senate.

February 19, 1853.

Senate bill for An Act to create a Historical Society for the State of California, as a substitute for Assembly Joint Resolution on the same subject, was then read a first and second time and referred to the Committee on Education.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled An Act to authorize the Funding of the Debt of Tuolumne county, and to provide for the payment of the same.

Senate bill for An Act to authorize a Special Election in the county of Colusi, was read a first time and laid on the table.

Senate bill for An Act to prevent the use of false Stamps and Labels, was then read a first and second time and referred to the Judiciary Committee.

Senate bill for An Act for the relief of W. Neil Walton, was then read a first and second time and referred to the Committee on Claims.

A message was received from the Governor informing the Assembly that he had this day approved An Act to authorize the Funding the Debt of the county of Tuolumne, and to provide for the payment of the same.

Mr. Crenshaw gave notice that he would, on Wednesday next, or at an

early day thereafter, introduce a bill appointing a Commissioner, to perform certain acts in relation to the Pacific Railroad.

On motion of Mr. Wing, the bill for An Act to amend the third section of an act entitled an Act to regulate Fees in Office, passed May 1, 1851, was taken up, read a third time and passed.

Mr. McCandless gave notice that he would, at an early day, introduce a bill for the Maine Liquor Law.

Mr. Wells introduced a Joint Resolution instructing our Senators, and requesting our Representatives in Congress, in relation to the Donation of the Public Lands.

Which was read a first and second time, and referred to the Committee on Federal Relations.

Mr. Cabaniss submitted a Concurrent Resolution in relation to the Boundary Line between this State and Oregon.

Which was read, and, on motion of Mr. Cardozo, laid on the table.

Mr. Conness moved to adjourn until Monday, at 2 o'clock, P. M.

Mr. Heydenfeldt moved to amend by striking out "Monday," and inserting "Wednesday."

On which, the ayes and nays were demanded, and the House refused to strike out and insert, by the following vote:

AYES.

Messrs.	Canney,	Messrs.	Meredith,
	Carpentier,		McMahon,
	Cardozo,		Myres,
	Crenshaw,		Pacheco,
	Estep,		Proctor,
	Herbert,		Reading,
	Heydenfeldt,		Sime,
	Hunt,		Smith,
	Martin,		Taylor—18.

NAYS.

Messrs.	Blake,	Messrs.	Letcher,
	Bostwick,		Mandeville,
	Brush,		McCandless,
	Cabaniss,		McFarland,
	Conness,		McMeans,
	Covarrubias,		Owen,
	Flower,		Rogers,
	Gardner,		Snyder,
	Hally,		Thomas,
	Harrison,		Wells,
	Hoff,		Wilson,
	Irwin,		Wing—25.
	Kittredge,		

Mr. Pacheco moved a call of the House.

Which was sustained, and, on the roll being called, the following members were absent:

Messrs. Ewing, Fairfax, Knight, Lee, Leake, Moore, Oliver, Tilghman, Walker, Yeiser, and Mr. Speaker.

Messrs. Moore, Ewing, Oliver, Fairfax, Speaker, and Lee, appeared, and were admitted to take their seats.

Mr. Reading moved to adjourn until Wednesday, at 12 o'clock, M.

On which the ayes and nays were demanded, and were decided in the negative by the following vote:

AYES.

Messrs.	Canney,	Messrs.	Meredith,
	Carpentier,		McMahon,
	Cardozo,		Myres,
	Crenshaw,		Pacheco,
	Estep,		Proctor,
	Ewing,		Reading,
	Fairfax,		Sime,
	Herbert,		Smith,
	Heydenfeldt,		Taylor,
	Hunt,		Tilghman,
	Lee,		Wing—23.
	Martin,		

NAYS.

Messrs.	Blake,	Messrs.	Mandeville,
	Bostwick,		McCandless,
	Brush,		McFarland,
	Cabaniss,		McMeans,
	Conness,		Moore,
	Covarrubias,		Oliver,
	Flower,		Owen,
	Gardner,		Rogers,
	Hally,		Snyder,
	Harrison,		Thomas,
	Hoff,		Wells,
	Irwin,		Wilson,
	Kittredge,		Speaker—27.
	Letcher,		

Mr. Reading moved to adjourn until Wednesday, at 11 o'clock, A. M.

On which the ayes and nays were demanded, and decided in the negative by the following vote:

AYES.

Messrs. Blake,
Canney,
Carpentier,
Cardozo,
Crenshaw,
Ewing,
Fairfax,
Herbert,
Heydenfeldt,
Hunt,
Lee,
Martin,
Meredith,
McMahon,
Myres,
Pacheco,
Proctor,
Reading,
Sime,
Smith,
Taylor,
Tilghman,
Wing—23.

NAYS.

Messrs. Bostwick,
Brush,
Conness,
Covarrubias,
Flower,
Gardner,
Hally,
Harrison,
Hoff,
Irwin,
Kittredge,
Letcher,
Mandeville,
McCandless,
McMeans,
Moore,
Oliver,
Owen,
Rogers,
Snyder,
Thomas,
Wells,
Wilson,
Speaker—24.

Mr. Blake moved to adjourn.
On which the ayes and nays were demanded, and resulted as follows:

AYES.

Messrs. Blake,
Bostwick,
Brush,
Conness,
Covarrubias,
Flower,
Gardner,
Hally,
Heydenfeldt,
Hoff,
Irwin,
Kittredge,
Lee,
Letcher,
Mandeville,
McCandless,
McMeans,
Moore,
Oliver,
Owen,
Pacheco,
Rogers,
Snyder,
Thomas,
Wells,
Wilson,
Speaker—27.

NAYS.

Messrs. Canney,	Messrs. McMahon,
Carpentier,	Myres,
Crenshaw,	Reading,
Fairfax,	Sime,
Harrison,	Smith,
Herbert,	Taylor,
Hunt,	Tilghman,
Martin,	Wing—17.
Meredith,	

So the House adjourned until Monday next, at 11 o'clock, A. M.

HOUSE OF ASSEMBLY.

MONDAY, February 21, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent:—Messrs. Blake, Carpentier, Cardozo, Ewing, Fairfax, Garfield, Hunt, Irwin, Johnson, Knight, Martin, Meredith, McMahon, Pacheco, Proctor, Reading, Robinson, Sime, Smith, Taylor, Tilghman and Wing.

The Journal of Saturday last was read and approved.

On motion, leave of absence was granted to Mr. Meredith for one day.

Leave of absence was also granted to Mr. Smith for one day.

Mr. McCandless moved that Mr. Proctor have leave of absence for one day.

Which was not agreed to.

Mr. Canney moved that no member be allowed to go without the bar without leave of the House.

The Speaker decided the motion to be out of order.

Mr. Canney appealed from the decision.

The question was then, "Shall the decision of the Chair stand as the opinion of this House?" and the decision was sustained.

Mr. Brush asked leave of absence for one day for Mr. McMahon.

Which was not granted.

Mr. Canney moved a call of the House, which was sustained; and,

On the roll being called, the following members were absent:—Messrs. Blake, Carpentier, Cardozo, Ewing, Fairfax, Hunt, Irwin, Johnson, Knight, Martin, McCandless, McMahon, Pacheco, Proctor, Reading, Robinson, Sime, Smith, Taylor, Tilghman and Wing.

On motion, further proceedings under the call were dispensed with.

Mr. Crenshaw, from the Committee on Claims, to whom was referred Assembly bill for An Act for the relief of E. J. Osborne, reported the same back with a substitute, and recommended its passage.

The House then adopted the substitute; and,

On motion, went into committee of the whole, (Mr. Canney in the chair,) on the bill; and having considered the same, rose, reported it back without amendment, and recommended its passage.

The bill was then read a third time and passed.

Mr. Conness submitted the following resolution, which was read:

Resolved, That hereafter the regular meeting of this House shall be 10 o'clock, A. M., until otherwise ordered.

Mr. Canney moved to lay the resolution on the table.

On which the ayes and nays were demanded, and it was decided in the affirmative by the following vote:

AYES.

Messrs.	Brush,	Messrs.	Heydenfeldt,
	Canney,		Lee,
	Covarrubias,		McMahon,
	Crenshaw,		McMeans,
	Estep,		Moore,
	Flower,		Myres,
	Gardner,		Rogers,
	Harrison,		Wells,
	Herbert,		Yeiser—18.

NAYS.

Messrs.	Bostwick,	Messrs.	Oliver,
	Cabaniss,		Owen,
	Conness,		Redding,
	Hally,		Snyder,
	Hoff,		Thomas,
	Kittredge,		Walker,
	Letcher,		Speaker—15.
	Mandeville,		

Senate bill for An Act to prevent the establishment of Pest Houses in any town or city in this State, was then read a second time and referred to the Committee on Corporations.

Mr. Heydenfeldt submitted the following resolution:

Resolved, That when the House adjourn this day, it adjourn to meet at the usual hour on Wednesday next.

Which was adopted.

Assembly bill for An Act to provide for the removal, in certain cases of criminal prosecution, from the Courts of Sessions to the District Courts, was taken up, and, on motion of Mr. Conness, recommitted to the Judiciary Committee.

Assembly bill for An Act to amend the eighty-seventh section of an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, approved March 11th, 1851;

And to repeal An Act amendatory thereof, approved May 3d, 1852,

Was then taken up, and, on motion of Mr. Crenshaw, recommitted to the Judiciary Committee.

Mr. Snyder, agreeably to notice, introduced a bill for An Act to provide for the measurement of Goods.

Which was read a first and second time, and referred to the Committee on Commerce.

A communication was received from the Attorney-General of this State, in answer to a resolution of this House requesting certain information of that officer in relation to the Beach and Water Property of San Francisco. (See Appendix No. 19.)

Which was read and laid on the table.

Mr. Herbert, agreeably to notice, introduced a bill for An Act to submit to the legal and qualified voters of Tulare county, at the next general election, the permanent location of the seat of justice of said county:

Which was read a first time, the rules suspended, it was then read a third time, and referred to the members from Mariposa and Tulare counties.

Mr. Oliver submitted the following resolution, which was read:

Resolved, That the Clerk of the Assembly be, and is hereby authorized to employ such additional assistance as may be necessary to transact the accumulating business of this House.

Mr. Wells submitted the following as a substitute:

Resolved, That when the Chief Clerk of the House is aware that any of the clerks employed by him are absent, and their services are needed, he be allowed to employ other or others in their place; and that the fees of office be not allowed to absent clerk during their absence. Further, that when all the clerks employed by the Chief Clerk are present, and others are needed, in consequence of the press of business, the Chief Clerk be allowed to employ others in addition.

Mr. Cabaniss submitted the following as a substitute:

Resolved, That the Chief Clerk be authorized to demand the services of any clerk or clerks of the several committees for at least three hours during the day, when the said committee clerk is not employed by committee business.

On motion of Mr. Brush, the whole matter was laid on the table.

On motion of Mr. Oliver, the House adjourned until Wednesday, at 11 o'clock, A. M.

HOUSE OF ASSEMBLY.

WEDNESDAY, February 23, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent without leave: Messrs. Bell, Canney, Carhart, Carpentier, Ewing, Fairfax, Flower, Gardner, Herbert, Heydenfeldt, Hoff, Irwin, Johnson, Knight, Lee, Leake, McCandless, McGarry, McMeans, Moore, Myres, Pacheco, Reading of Trinity, Smith, Tilghman, Wilson, Wing, and Yeiser.

On motion, Messrs. Ewing, Irwin, Johnson, Leake, McMeans, and Smith, each were granted leave of absence for one day.

Mr. Crenshaw, from the Committee on Claims, to whom was referred Assembly bill for An Act requiring the Comptroller to draw his warrant in favor of Beverly C. Saunders, reported the same back with a substitute, entitled An Act for the relief of Beverly C. Saunders.

On motion, the substitute was adopted, and laid on the table.

Mr. Conness moved a call of the House, which was sustained, and on the roll being called, the following members were absent without leave: Messrs. Bell, Canney, Carhart, Carpentier, Fairfax, Flower, Gardner, Herbert, Heydenfeldt, Hoff, Knight, Lee, McCandless, McGarry, Moore, Myres, Pacheco, Reading of Trinity, Tilghman, Wilson, Wing, and Yeiser.

On motion, the Sergeant-at-Arms was dispatched to bring in the absentees.

Mr. Reading appeared at the bar of the House, was admitted, and took his seat.

On motion of Mr. Wells, further proceedings under the call were dispensed with.

A message was received from the Governor, transmitting a copy of a communication from J. C. G. Kennedy, Superintendent of United States Census, in reference to the embodiment and publication of the census returns of California.

Which, with the copy of the communication, (see Senate Appendix, No.

26,) was read, and, on motion of Mr. Crenshaw, referred to the Committee on Federal Relations.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act for the relief of E. J. Osborn.

Also, An Act to amend the third section of an Act entitled an Act to regulate fees in office, passed May 1, 1851; and the report was adopted.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act amendatory of an Act to authorize Wm. Moody and Morgan Hart to build a wharf in the county of Solano, passed May 3, 1852, and the report was adopted.

Mr. McFarland, from the Committee on State Hospitals, to whom was referred Assembly bill for An Act to establish an Asylum for the Insane, reported the same back with a substitute, under a similar title, and recommended its passage.

On motion, the substitute was adopted, laid on the table, and two hundred and forty copies ordered printed.

Mr. Blake submitted the following resolution, which was read:

Resolved, That two thousand copies of the speech delivered by General Lewis Cass in the United States Senate, December 23, 1852, on the Tripartite Cuban Convention, be printed for the use of the members of the Assembly.

Mr. Conness moved to lay the resolution on the table, and demanded the ayes and nays, with the following result:

AYES.

Messrs.	Blake,	Messrs.	Meredith,
	Bostwick,		McFarland,
	Brush,		McMahon,
	Cabaniss,		Oliver,
	Conness,		Owen,
	Covarrubias,		Reading,
	Crenshaw,		Redding,
	Estep,		Robinson,
	Hally,		Rogers,
	Harrison,		Sime,
	Hunt,		Taylor,
	Letcher,		Thomas,
	Mandeville,		Walker,
	Martin,		Speaker—28.

NAYS.

Messrs.	Cardozo,	Messrs.	Snyder,
	Kittredge,		Wells—4.

So the resolution was laid on the table.

Mr. Thomas presented the petition of citizens of Butte county, praying for the removal of the seat of justice of said county from its present location to Bidwell's Bar in said county.

Which was read, and on motion, referred to the members from that county.

On motion, the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, February 24, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk and the following members were absent: Messrs. Carhart, Estep, Fairfax, Irwin, Leake, McCandless, McGarry, McMeans, Oliver and Smith.

The Journal of Wednesday last was read, and approved.

Mr. Heydenfeldt presented the petition of O. S. Wetherby praying for relief.

Which was read and referred to the Committee on Claims.

Mr. Johnson presented the petition of citizens of Sacramento, praying that certain moneys forfeited on the bond of Fanny Smith or Seymour be paid to Albert Putnam.

Which was read and referred to the Judiciary Committee.

Mr. Wing presented the memorial of certain citizens purchasers of certain water lot property in the city of San Francisco. (See Senate Appendix, No. 28.)

Which was read and referred to the special committee of five, appointed to examine and report as to the expediency of extending the city front of San Francisco, and two hundred and forty copies ordered printed.

Mr. Knight presented the petition of certain citizens of Stockton, praying the Legislature to fix by law, the head of Navigation of Stockton Channel, in said city, at Hunter Street.

Which was read and referred to the Committee on Commerce.

Mr. Sime presented the petition of citizens of San Francisco, remonstrating against the passage of a law compelling the Measurement of Goods.

Which was read and referred to the Committee on Commerce.

Mr. Proctor presented the petition of James P. Goodall, and others, praying for a charter for the "Greenhorn Race and Water Company."

Which was read and referred to the Committee on Mines and Mining Interests.

Mr. Martin presented the petition of citizens of Eureka, praying for a law confirming certain deeds executed by Isaac Wilson.

Which was read, and referred to the Committee on Public Lands.

Mr. Martin presented the petition of citizens of the town of Union, praying for a law confirming certain deeds executed by the proprietors of said town.

Which was read, and referred to the Committee on Public Lands.

Mr. Hunt presented the petition of citizens of Los Angeles, praying for the erection of a new county out of certain territory now belonging to that county.

Which was read, and referred to the Committee on Counties and County Boundaries.

Mr. Crenshaw, from the Committee on Claims, to whom was referred the petition of J. D. Hoppe and, also the bill for An Act for the relief of J. D. Hoppe, reported the same back, with a substitute for the bill under a similar title.

Which was adopted and laid over.

Mr. McMeans, from the Committee on Ways and Means, submitted the following report.

Which was read, and two hundred and forty copies printed. (State Finances. See Appendix, No. 20.)

Assembly bill for An Act to amend an Act entitled an Act to Fund the Indebtedness of the State, which has accrued or may accrue, from April the twenty-ninth, eighteen hundred and fifty-one, to December thirty-first, eighteen hundred and fifty-two, inclusive, and to provide for the payment of three per cent. Bonds, was then read a first time, and two hundred and forty copies ordered printed.

Assembly bill for An Act to amend an Act entitled an Act to provide for the assessing and collecting the Public Revenue, approved April 23, 1852; was then read a first time, and two hundred and forty copies ordered to be printed.

A communication was received from the Secretary of the Senate, transmitting all the papers in the contested election case of J. W. Robinson *vs.* D. B. Kurtz of the Senate, and J. W. Robinson *vs.* W. F. Tilghman of the Assembly.

Which was read, and with the accompanying papers, referred to the Committee on Elections.

A message was received from the Senate, informing the Assembly that they did, on the 19th instant, indefinitely postpone Assembly Concurrent Resolution condemning the proceeding of the Federal and Municipal Officers of San Francisco, in reference to a banquet given to the French Consul, and passed

Assembly bill for An Act for the relief of the steamer S. B. Wheeler.

And did, on the 21st instant, pass An Act concerning repealed Statutes.

And on the 23d instant, passed An Act to prevent Extortion under color of Office and to enforce Official Duty.

Senate bill for An Act concerning repealed Statutes, was then read a first and second time, and referred to the Judiciary Committee.

Senate bill for an Act to prevent Extortion under color of Office and to enforce Official Duty, was then read a first and second time, and referred to the Judiciary Committee.

Mr. Kittredge, from the Committee on Agriculture, to whom was referred An Act to amend an Act entitled an Act for the Protection of Game, reported the same back, recommending its indefinite postponement.

The report and bill were laid on the table.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported that they had, this day, presented to the Governor for his approval, An Act to amend an Act entitled an Act to authorize William Moody and Morgan Hart to build a Wharf in the county of Solano, passed May 3, 1852.

Mr. Flower presented the Annual Report of the Trustees of the State Marine Hospital of San Francisco. (See Appendix, No. 21.)

Which was read, and one thousand copies ordered printed.

Mr. Brush submitted the following resolution, which was adopted:

Resolved, That two hundred and forty copies of all bills introduced in this House shall be printed, unless otherwise ordered by the Assembly.

Mr. Brush submitted the following resolution, which was adopted:

Resolved, That the Committee on Claims be instructed to wait upon the Governor, and inquire whether there is any record of an order issued by the late Gov. J. McDougal, for fitting up a steamer, to take troops down the coast to quell Indian insurrections, upon which is based the claim of Beverly C. Saunders.

Mr. Taylor submitted the following resolution:

Resolved, That the regular hour for meeting of this House, shall be at 10 o'clock, A. M., until otherwise ordered.

Mr. Canney moved to lay the resolution on the table.

On which the ayes and nays were demanded, and the resolution was lost by the following vote:

AYES.

Messrs. Blake,
Canney,
Cardozo,
Fairfax,
Gardner,
Heydenfeldt,
Johnson,
Kittredge,
Lee,
Martin,
Meredith,
Moore,
Oliver,
Proctor,
Reading,
Robinson,
Rogers,
Tilghman,
Wells,
Wing,
Yeiser—21.

NAYS.

Messrs. Bostwick,
Brush,
Cabaniss,
Conness,
Covarrubias,
Crenshaw,
Ewing,
Hally,
Harrison,
Hoff,
Hunt,
Knight,
Letcher,
Mandeville,
McFarland,
McMahon,
Myres,
Owen,
Pacheco,
Redding,
Sime,
Snyder,
Taylor,
Thomas—24.

The question then being on the adoption of the resolution.

The ayes and nays were demanded, and the House refused to adopt by the following vote:

AYES.

Messrs. Bostwick,
Brush,
Cabaniss,
Conness,
Ewing,
Hally,
Harrison,
Hoff,
Hunt,
Kittredge,
Letcher,
Mandeville,
McFarland,
Owen,
Pacheco,
Redding,
Rogers,
Sime,
Snyder,
Taylor,
Walker,
Speaker—22.

NAYS.

Messrs. Bell,
Blake,
Canney,
Cardozo,
Covarrubias,
Crenshaw,
Fairfax,
Flower,
Gardner,
Herbert,
Heydenfeldt,
Johnson,
Knight,
Lee,
Martin,
Meredith,
McMahon,
Moore,
Myres,
Oliver,
Proctor,
Reading,
Robinson,
Thomas,
Tilghman,
Wells,
Wing,
Yeiser—28.

Mr. Herbert, from the select committee to whom was referred the bill for An Act to submit to the legal and qualified voters of Tulare county, at the next general election, the permanent location of the seat of justice of said county, reported the same back without amendment, and recommended its passage.

The bill was then considered engrossed, read a third time, and passed.

Mr. Snyder introduced a bill for An Act to abolish the Superior Court of the City of San Francisco, to repeal certain laws relative thereto, and to provide for the transfer of the records and proceedings of the said Courts;

Which was read a first and second time, and referred to the members from San Francisco.

Mr. Redding submitted the following report, which was adopted:

Mr. Speaker:

The Committee of Conference, appointed for the purpose of conferring with the Senate Committee, on the disagreeing vote of the Senate to the resolution appointing a committee of nine on the apportionment of the Senatorial and Representative Districts, respectfully beg leave to report:

The Joint Committee would recommend that the present Committee on Apportionment be excused from further service, and that a committee of six be appointed on the part of the House.

B. B. REDDING,
JOHN J. HOFF.

Mr. Blake gave notice that he would, on to-morrow, or at an early day thereafter, introduce a bill for the creation of an officer for the inspection of lumber.

Mr. Meredith introduced a bill for An Act to limit the hours of labor;

Which was read a first and second time, and referred to a select committee of five.

The Chair appointed Messrs. Thomas, Meredith, Sime, Owen, and McMahon, as such committee.

Mr. Heydenfeldt introduced a bill for An Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers, passed March 11, 1851;

Which was read a first and second time, and referred to the Committee on Roads and Highways.

Mr. Herbert gave notice that he would, on to-morrow, or an early day thereafter, introduce a bill to regulate and establish the fees of jurors in and for Mariposa county.

Mr. Hally gave notice that he would, on to-morrow, or an early day thereafter, introduce a bill to suppress certain species of gaming known as A B C game; also, all games played with dice, French monte, the strap game, &c.

On motion of Mr. Canney, Mr. Bell was added to the Joint Committee on the apportionment of the Senatorial and Assembly districts of this State.

On motion of Mr. Johnson, Mr. Canney was also added to the same committee.

Mr. Johnson moved to reconsider the vote concurring in the report of the

committee of conference on the disagreeing vote of the two Houses on the resolution to appoint a joint committee for the purpose of apportioning the State into Senatorial and Assembly Districts.

Which was agreed to.

The question then again recurring on concurring in the report of the committee, the House refused to concur.

Mr. Bostwick introduced a bill for An Act to amend the Act to regulate proceedings in civil cases in Courts of Justice of the State of California, in respect to appeals from Justice Courts in certain cases.

Which was read a first and second time, and referred to the Judiciary Committee.

On motion of Mr. Oliver, the Assembly resolution empowering the Clerk to employ assistance, was taken from the table.

Mr. Cabaniss submitted, as a substitute, a resolution empowering the Clerk to employ clerk of committee of this House.

And on the question of its adoption, the ayes and nays were demanded, and the House refused to adopt the substitute by the following vote:

AYES.

Messrs.	Blake,	Messrs.	Mandeville,
	Cabaniss,		Martin,
	Covarrubias,		Owen,
	Ewing,		Pacheco,
	Hally,		Reading,
	Hoff,		Robinson,
	Johnson,		Sime,
	Knight,		Taylor,
	Letcher,		Speaker—18.

NAYS.

Messrs.	Bell,	Messrs.	McFarland,
	Brush,		McMahon,
	Canney,		Moore,
	Conness,		Myres,
	Cardozo,		Oliver,
	Crenshaw,		Proctor,
	Fairfax,		Redding,
	Gardner,		Rogers,
	Harrison,		Thomas,
	Herbert,		Tilghman,
	Heydenfeldt,		Walker,
	Hunt,		Wells,
	Kittredge,		Wing,
	Lee,		Yeiser—20.
	Meredith,		

Mr. McFarland then submitted a substitute, which was laid on the table.

The question then recurring on the adoption of the original resolution,

the ayes and nays were demanded, and the House refused to adopt by the following vote:

AYES.

Messrs. Bell,	Messrs. Meredith,
Canney,	McMahon,
Cardozo,	Moore,
Crenshaw,	Myres,
Fairfax,	Oliver,
Gardner,	Proctor,
Harrison,	Rogers,
Herbert,	Thomas,
Heydenfeldt,	Tilghman,
Hunt,	Walker,
Kittredge,	Wells,
Lee,	Yeiser—24.

NAYS.

Messrs. Blake,	Messrs. Martin,
Bostwick,	McFarland,
Brush,	Owen,
Cabaniss,	Pacheco,
Conness,	Reading,
Covarrubias,	Redding,
Ewing,	Robinson,
Hally,	Sime,
Hoff,	Snyder,
Johnson,	Taylor,
Knight,	Wing,
Letcher,	Speaker—25.
Mandeville,	

Mr. Canney submitted a resolution requiring the Speaker to close the doors during a call of the House.

Which was decided to be not in order.

A message was received from the Governor, informing the Assembly that he had this day approved An Act amendatory of an Act to authorize Wm. Moody and Morgan Hart to build a Wharf in the county of Solano.

On motion, the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, February 25, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent: Messrs. Cathart, Heydenfeldt, Irwin, Leake, Meredith, McGerry, Myres, Smith, Tilghman and Wilson.

On motion, Messrs. Myres and Estep were each granted leave for one day.

The Journal of Thursday last was read and approved.

Mr. Yeiser presented the petition of citizens of the city of Stockton, praying for the amendment of a law entitled An Act declaring certain rivers or creeks navigable, by substituting the west side of El Dorado street, as the head of navigation in the Stockton slough.

Which was read and referred to the Committee on Commerce.

Mr. Wells, from the Committee on Corporations, to whom was referred Senate bill for An Act to prevent the establishment of Pest Houses in any town or city in this State, reported the same back, and recommended its passage.

The bill was then read a third time, and on motion of Mr. Johnson, laid on the table.

Mr. Crenshaw, from the Committee on Claims, reported that they had, in compliance with a resolution passed this House on the 24th instant, waited upon the Governor, and had been informed by him that no order is to be found recorded in the archives of the Executive Department of this State, for fitting out a steamer to convey troops down the coast to quell Indian insurrections.

Mr. Yeiser, from the Judiciary Committee, to whom was referred An Act to exempt the Homestead and other property from forced sale in certain cases, reported the same back, and recommended its indefinite postponement.

The bill was then read a third time, and on motion of Mr. Johnson, indefinitely postponed.

Mr. Yeiser, from the same committee, reported back Assembly bill for An Act to define the jurisdiction of the District Court of the First Judicial District, with amendments, and recommended its passage.

The amendments were adopted, and the bill ordered engrossed on tomorrow.

Mr. Yeiser, from the same committee, also reported back Senate bill for An Act to authorize a transfer of causes from the Superior Court of San Francisco, without amendment, and recommended its passage.

The bill was then considered engrossed, read a third time and passed.

On motion of Mr. Taylor the Clerk was ordered to report the bill immediately to the Senate.

Mr. Gardner, from the Committee on Mines and Mining Interests, reported back the petition of James P. Goodall and others, for the incorporation of the Greenhorn Race and Water Company, and recommended that the prayer of petitioners be denied.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled An Act for the relief of steamer S. B. Wheeler.

Mr. Snyder, from a majority of the San Francisco delegation, reported back the bill for An Act to be entitled an Act to abolish the Superior Court of the city of San Francisco, and recommended its passage.

Mr. Flower moved to lay the report on the table.

On which the ayes and nays were demanded, and it was decided in the negative by the following vote:

AYES.

Messrs.	Cabaniss,	Messrs.	Martin,
	Canney,		McFarland,
	Covarrubias,		Proctor,
	Flower,		Reading,
	Hally,		Robinson,
	Harrison,		Sime,
	Johnson,		Taylor,
	Knight,		Walker,
	Letcher,		Wells,
	Mandeville,		Wing—20.

NAYS.

Messrs.	Bell,	Messrs.	Kittredge,
	Bostwick,		Lee,
	Brush,		Meredith,
	Carpentier,		McCandless,
	Conness,		McMahon,
	Cardozo,		Owen,
	Crenshaw,		Pacheco,
	Ewing,		Redding,
	Herbert,		Snyder,
	Heydenfeldt,		Yeiser,
	Hoff,		Speaker—23.
	Hunt,		

The bill was then amended, read a third time and passed.

A communication was received from the Governor, transmitting a copy of a deed, executed on yesterday by the Mayor of the city of Benicia, conveying to the State of California a conditional title to the building now occupied by the Legislature, and the lot on which it is erected. (See Senate Appendix No. 27.)

Which was read, and on motion referred to the Committee on Public Buildings and Grounds.

Mr. Canney submitted the following resolution, which was adopted:

Resolved, That the Comptroller of State is hereby required to transmit to this House a statement of the amount of revenue received since the end of the last fiscal year, and the amount paid by each county.

Mr. Conness submitted the following resolution, which was adopted:

Resolved, That the thanks of this House be tendered to the agent of Adams & Co., for faithful and courteous attention in the early delivery of express matter, newspapers, &c.

Mr. Kittredge submitted a resolution ordering five thousand copies of the Governor's message, and the Report of the Secretary of State on the census of 1852, which the House refused to adopt.

On motion of Mr Johnson, the House went into committee of the whole, Mr. Wing in the chair, on the consideration of An Act for the relief of Jacob D. Hoppe, and having considered the same, rose and reported the same back, and asked to be discharged from further consideration of the matter.

Which was granted.

The bill was then read a third time, and on the question "Shall the bill now be passed?"

The ayes and nays were demanded, and the bill was passed by the following vote:

AYES.

Messrs. Bostwick,
Cabaniss,
Carpentier,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Ewing,
Flower,
Gardner,
Hally,
Herbert,
Heydenfeldt,
Hoff,
Johnson,
Knight,
Lee,
Letcher,
Mandeville,
Martin,
McCandless,
McFarland,
McMahon,
McMeans,
Owen,
Proctor,
Reading,
Robinson,
Sime,
Taylor,
Thomas,
Walker—32.

NAYS.

Messrs. Blake,
Brush,
Canney,
Hunt,
Pacheco,
Redding,
Rogers,
Snyder,

Messrs. Kittredge, Meredith, Moore, Oliver, Wells, Wing, Yeiser, Speaker—16.

The following communication from the Secretary of State was received, relative to the printed copy of Statutes of 1852. (See Appendix No. 22.)

Mr. Conness gave notice that he would, on to-morrow, offer an amendment to the Forty-fourth Rule.

Mr. Blake gave notice that, on a future day, he would introduce a bill to provide for Proceedings by Attachment against the property of non-residents and absconding debtors. for debts that accrued previous to the passage of the Act of April 29th, 1851.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act to submit to the legal and qualified Voters of Tulare County, at the next general election, the permanent location of the Seat of Justice of said County.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported, that they had this day presented to the Governor for his approval, An Act for the relief of the steamer S B. Wheeler.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate, yesterday, concurred in the report of the committee of conference on the organization of a joint select committee of the two Houses, on the apportionment of the Senatorial and Assembly Districts;

And passed, on the 24th inst., a Joint Resolution on the subject of the distribution, by Congress, of the Maps and Charts of Capt. Cadwallader Ringgold;

And on the 24th inst., a Joint Resolution in relation to the War Debt.

A. C. BRADFORD,
Secretary of the Senate.

25th February, 1853.

Senate Joint Resolution on the subject of the distribution by Congress, of the Maps and Charts of Capt. Cadwallader Ringgold, was then read a first and second time, the rules suspended, it was read a third time and passed.

Senate Joint Resolution in relation to the War Debt was then taken up, read a first and second time, the rules suspended, it was then read a third time and passed.

Mr. Robinson introduced a bill for An Act to amend the act entitled an Act concerning the Salary of Officers and Pay of Members of the Legislature, approved May 4th, 1852.

Which was read a first time, and laid over under the rules.

Mr. Wing introduced a bill for An Act to repeal the first section of an

Act entitled an Act appropriating moneys to meet the Contingent Expenses of Government, approved May 4th, 1852.

Which was read a first time, and laid over under the rules.

Mr. Kittredge introduced a bill for An Act for the destruction of certain noxious Animals.

Which was read a first and second time, and referred to the committee of the whole House, and made the special order of the day for to-morrow at one o'clock, P. M.

Mr Heydenfeldt moved that a committee of free conference be appointed, to consist of three members, to confer with a similar committee of the Senate on the subject of apportioning the State into Assembly and Senatorial Districts.

Which was agreed to.

The Chair appointed as such committee, Messrs. Heydenfeldt, Redding of Yuba, and Hoff.

Mr. Owen introduced a bill for An Act to prevent hogs running at large, in this State.

Which was read a first and second time and refered to the Committee on Agriculture.

On motion of Mr. Robinson the two last bills introduced were ordered not to be printed.

Mr. Hally moved a reconsideration of the vote of yesterday on the adoption of the resolution ordering the printing of all bills introduced into this House.

On which, the ayes and nays were demanded and the House refused to reconsider by the following vote:

AYES.

Messrs. Bostwick,
Cabaniss,
Canney,
Carpentier,
Crenshaw,
Estep,
Hally,
McFarland,
Owen,
Wing,
Speaker—11.

NAYS.

Messrs. Bell,
Blake,
Brush,
Conness,
Cardozo,
Covarrubias,
Ewing,
Fairfax,
Flower,
Gardner,
Harrison,
Herbert,
Martin,
Meredith,
McCandless,
McMeans,
Oliver,
Proctor,
Reading,
Redding,
Robinson,
Rogers,
Sime,
Snyder,

Messrs. Heydenfeldt,	Messrs. Taylor,
Hoff,	Thomas,
Johnson,	Tilghman,
Kittredge,	Walker,
Lee,	Wells,
Mandeville,	Yeiser—36.

Assembly bill for An Act to amend an Act entitled an Act for the protection of game, was then taken up, considered and ordered engrossed for a third reading.

Mr. Hunt introduced a bill for An Act to regulate appeals from county Courts, Justices', Mayors' and Recorders' Courts, in the First Judicial Districts.

Which was read a first time, and laid over under the rule.

Mr. Redding introduced a bill for An Act prescribing the time at which County and Township Officers shall enter upon the duties of their offices.

Which was read a first time and laid over under the rule.

On motion, at two o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, February 26, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent: Messrs. Cabaniss, Carhart, Estep, Heydenfeldt, Irwin, Lee, Leake, Meredith, McMeans, Moore, Smith, Thomas, Wilson, and Yeiser.

On motion, leave of absence was granted for one day each to Messrs. Estep, Irwin, McMeans, Smith, and Wilson.

The Journal of Friday last was read and approved.

Mr. Snyder presented a Joint Resolution of the Common Council of San Francisco, protesting against the extension of the city front of that city;

Which was read, and referred to the select committee to whom was referred the subject of extending the front of said city.

Mr. Crenshaw, from the Committee on Claims, reported back the petition and claim of O. S. Wetherby, and recommended that they be referred to the Committee on Indian Affairs.

The report was adopted, and the petition and claim referred to the Committee on Indian Affairs.

Mr. Yeiser, from the Judiciary Committee, reported back Assembly bill for An Act to authorize County Recorders to administer oaths, with a recommendation that the second section be stricken out, and the bill passed.

The bill was then amended, as recommended, and considered engrossed, read a third time, and passed.

Mr. Yeiser, from the same committee, also reported back Assembly bill for An Act to authorize the State Treasurer to issue a duplicate school land warrant, and recommended its passage.

The report was adopted, and the bill considered engrossed, read a third time, and passed.

Mr. Yeiser, from the same committee, also reported back Assembly bill for An Act to repeal an Act entitled an Act to create a Board of Supervisors for the counties of this State, and to define their duties and powers so far as it applies to the county of El Dorado, and recommended that it be referred to the El Dorado delegation.

The report was adopted, and the bill so referred.

The same committee, through Mr. Yeiser their chairman, reported back Senate bill for An Act to prevent the use of false stamps and labels, with a recommendation that the same be passed without amendment.

The report was adopted, and the bill read a third time and passed.

Mr. Yeiser, from the same committee, reported back Senate bill for An Act in relation to water companies, with a substitute, entitled An Act amendatory of an Act entitled an Act concerning corporations, passed April 22, 1850, and recommended its passage.

The substitute was adopted, and on motion of Mr. Canney, laid on the table, and two hundred and forty copies ordered to be printed.

Mr. Cardozo, from the Committee on Commerce, reported back Assembly bill for An Act to provide for enforcing the collection of taxes on consigned goods, with a recommendation that it be laid on the table.

The report was adopted, and the bill laid on the table.

Mr. Gardner, from the Committee on Mines and Mining Interests, reported back Senate bill for An Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850, and recommended its passage without amendment.

The report was adopted, and the bill read a third time and passed.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act to define the jurisdiction of the District Court of the First Judicial District.

Also, An Act to abolish the Superior Court of the city of San Francisco, to repeal certain laws relative thereto, and to provide for the transfer of the records and proceedings of said Court.

The report was adopted.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act to authorize the transfer of causes from the Superior Court of San Francisco.

The report was adopted.

Mr. Kittredge, from the Committee on Agriculture, reported back Assembly bill for An Act concerning lawful fences, and animals trespassing on

premises lawfully enclosed, with an amendment, and recommended its passage.

The report was adopted, and the bill laid on the table.

On motion of Mr. Johnson Senate bill for An Act to prevent Monopolies that tend to produce famine, made the special order of this day at 12 o'clock, M., was taken up, and made the special order of the day for Saturday next, March 5, 1853, at 12 o'clock, M., and two hundred and forty copies ordered printed.

Mr. Herbert gave notice that he would, on Monday next, or on an early day thereafter, introduce a bill to amend An Act prescribing the mode of maintaining and defending possessory actions on public lands in this State.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act to amend an Act entitled an Act for the protection of Game.

Also, An Act for the relief of Jacob D. Hoppe.

The report was adopted.

On motion of Mr. Crenshaw, Assembly bill for An Act to amend an Act entitled an Act to provide for the disposal of the five hundred thousand acres of land granted to this State by Act of Congress, was taken from the table; and,

On motion of Mr. Canney, the House went into committee of the whole, (Mr. Thomas in the chair,) on the consideration of the bill; and having made some progress thereon, rose, and reported it back to the House, and asked leave to sit again.

Which was granted.

On motion of Mr. Redding, the bill was laid on the table, and made the special order for Tuesday next, at 12 o'clock, M., and 240 copies ordered to be printed.

Mr. Hoff introduced a Joint Resolution in regard to the New York Industrial Exhibition.

Which was read a first time and laid over, under the rule.

The Speaker presented the report of the Commissioners of State Prison, in relation to the contract made for the erection of a State Prison, and the purchase of a lot of ground for the location of the same. (See Appendix No. 23.)

Which was read and referred to the Committee on State Prisons, and four hundred and eighty copies ordered to be printed.

The House then went into committee of the whole, (Mr. Heydenfeldt in the chair,) on the bill for An Act for the destruction of certain noxious animals, made the special order of the day for this day at 1 o'clock; and having made some progress thereon, rose, and reported it back with sundry amendments, and asked leave to sit again, which was granted, and the bill laid on the table.

On motion of Mr. Wells, Senate bill for An Act to prevent the establishment of Pest Houses in any town or city in this State, was taken from the table, amended, read a third time and passed.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported that they had this day presented to the Governor for his approval, An Act to authorize the transfer of causes from the Superior Court of San Francisco.

The report was adopted.

Mr. Johnson introduced a bill for An Act authorizing the Attorney-Gen-

eral of the State of California to employ counsel in certain cases, and fixing a compensation therefor.

Which was read a first time, the rules suspended; it was then read a second time, and referred to the Judiciary Committee.

A message was received from the Senate, informing the Assembly that the Senate did, on the 16th inst., appoint Messrs. Keene, Smith and Wombough a committee of conference on the disagreeing votes of the two Houses on Senate bill to repeal An Act creating the office of Superintendent of Public Buildings.

And passed, on yesterday, An Act granting to Sheriffs further time for final settlement; and An Act authorizing the appointment of Book-Keeper to the Comptroller of State, and temporary clerk in the department of Treasurer of State, and to provide for their payment.

Senate bill for An Act authorizing the appointment of Book-Keeper to the Comptroller of State, and temporary clerk in the department of Treasurer of State, and to provide for their payment, was read a first time, the rules suspended, it was then read a second time, and referred to the Committee on Claims.

Senate bill for An Act granting to Sheriffs further time for final settlement, was then read a first and second time, the rules suspended; it was then read a third time; and on the question, "Shall the bill now be passed?" the ayes and nays were demanded, and the bill passed by the following vote:

AYES.

Messrs.	Bell,	Messrs.	Letcher,
	Blake,		Martin,
	Bostwick,		McCandless,
	Cabaniss,		McMahon
	Canney,		McMeans,
	Conness,		Myres,
	Covarrubias,		Oliver,
	Crenshaw,		Owen,
	Flower,		Pacheco,
	Gardner,		Proctor,
	Hally,		Reading,
	Harrison,		Redding,
	Herbert,		Robinson,
	Hoff,		Rogers,
	Hunt,		Taylor,
	Johnson,		Walker,
	Knight,		Yeiser,
	Lee,		Speaker—36.

NAYS.

Messrs.	Brush,	Messrs.	McGarry,
	Cardozo,		Sime,
	Fairfax,		Snyder,

Messrs. Heydenfeldt, Kittredge, McFarland, Thomas, Wells, Wing—12.

On motion of Mr. Hoff, Senate bill for An Act concerning the securities of the late John H. Phillips, deceased, County Treasurer of El Dorado county, was taken from the table, amended, read a third time, and passed.

Mr. Cabaniss submitted the following resolution, which was adopted:

Resolved, That the Sergeant-at-Arms be required and directed to have removed from the immediate vicinity of the Capitol, the lumber, shavings, and other nuisances that now surround this house.

On motion, at 3 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

MONDAY, February 28, 1853.

The House met pursuant to adjournment.

On motion of Mr Heydenfeldt, Mr. Oliver took the chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Blake, Conness, Carpentier, Cardozo, Estep, Ewing, Fairfax, Hally, Irwin, Johnson, Knight, Mandeville, Martin, McCandless, McGarry, Moore, Proctor, Reading, Sime, Smith, Thomas, Tilghman, Wilson, Yeiser, and Mr. Speaker.

On motion, leave of absence for one day each, was granted to Messrs. Blake, Conness, Cardozo, Estep, Ewing, Fairfax, Hally, Johnson, Knight, Mandeville, McCandless, Sime, and Smith, and to Mr. Wilson, three day's leave was granted, and an indefinite leave to Mr. Irwin.

The Journal of Saturday last was read and approved.

Mr. Crenshaw, from the Committee on Claims, reported back, Senate bill for An Act authorizing the appointment of book-keeper to the Comptroller of State, and temporary clerk in the department of Treasurer of State, and to provide for their payment, without amendment, and recommended its passage.

The report was adopted.

Mr. Hoff moved to lay the bill on the table.

On which the ayes and nays were demanded, and was decided in the negative, by the following vote:

AYES.

Messrs. Brush,
Covarrubias,
Harrison,
Hoff,
Hunt,
Kittredge,
Letcher,
Meredith,
McMeans,
Owen,
Pacheco,
Rogers,
Snyder,
Taylor—14.

NAYS.

Messrs. Bell,
Bostwick,
Cabaniss,
Canney,
Carhart,
Crenshaw,
Flower,
Gardner,
Herbert,
Heydenfeldt,
Lee,
Leake,
McFarland,
McMahon,
Myres,
Oliver,
Redding,
Robinson,
Walker,
Wells,
Wing—21.

On motion of Mr. Canney, the bill was then recommitted to the Committee on Claims, with special instructions to bring in a bill authorizing the payment of the Clerk of the Board of Examiners of the War Debt.

Also, a bill authorizing the Comptroller and Treasurer to employ clerks.

Mr. Wing, from the Committee on Engrossed Bills, reported as correctly engrossed,

An Act to authorize County Recorders to administer oaths;

An Act authorizing the State Treasurer to issue a duplicate School Land Warrant.

And the report was adopted.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled,

A Joint Resolution on the subject of the distribution by Congress of the Maps and Charts of Capt. Cadwallader Ringgold;

An Act granting to sheriffs further time for final settlement.

Mr. Brush, on leave, introduced a bill for An Act concerning the salaries of Officers and pay of Members of the Legislature.

Which was read a first time, the rules suspended; it was then read a second time, and referred to the Committee of Ways and Means.

Mr. Redding of Yuba, on leave, introduced a bill for An Act to amend the third section of the Act entitled an Act to license Gaming, passed March 3th, 1851.

Which was read a first and second time, and referred to the Committee on Claims, and ordered not to be printed.

Mr. McMahon gave notice that he would on to-morrow, or at an early day thereafter, introduce a bill for An Act supplemental to An Act providing a fund for the use of a State Library.

Mr. Owen introduced a bill for An Act to suppress Gambling.

Which was read a first time, the rules suspended; it was then read a second time, and on motion of Mr. Heydenfeldt, referred to a select committee of five.

The Chair appointed Messrs. Heydenfeldt, Bostwick, Kittredge, McMeans, and Canney, as such committee.

A message was received from the Senate, informing the Assembly that they did on yesterday, appoint Messrs. Lott, Foster, and Walton, a committee of free conference in reference to the organization of a Joint Committee on the apportionment of Senatorial and Assembly Districts of this State.

Assembly Joint Resolution in regard to the New York Industrial Exhibition,

Was then read a second time, the rules suspended; it was read a third time, and passed.

Assembly bill for An Act to repeal the first section of an Act entitled an Act appropriating moneys to meet the contingent expenses of Government, approved May 4th, 1852.

Was then read a second time, and referred to the Committee on Public Expenditures.

Assembly bill for An Act prescribing the time at which County and Township Officers shall enter upon the duties of their offices, was then read a second time, and referred to the Judiciary Committee.

Assembly bill for An Act to regulate Appeals from County Courts, Justices', Mayors' and Recorders' Courts, was then read a second time, and referred to the Judiciary Committee.

Mr. Heydenfeldt submitted the following resolution, which was adopted :—

Resolved, That the use of this hall be granted to Mr. Miska Hauser for two evening Concerts.

Assembly bill for An Act to amend the act entitled an Act concerning the Salary of Officers and Pay of the Members of the Legislature, approved May 4th, 1852, was then read a second time, and referred to the Committee of Ways and Means.

Assembly bill for An Act to amend an Act to Fund the Indebtedness of the State, which has accrued or may accrue from April 29, 1851, to December 31, 1852, inclusive, and to provide for the payment of Three per cent. Bonds, was then read a second time, and laid on the table.

Assembly bill for An Act to amend an act entitled an Act to provide for the levying, assessing, and collecting Public Revenue, approved April 23d, 1852, was then read a second time, and laid on the table.

Assembly bill for An Act to amend an act entitled an Act for the protection of Game, was then taken up for a third reading, and laid on the table.

Assembly bill for An Act to define the jurisdiction of the District Court of the First Judicial District, was then taken up, and pending the consideration of the same.

On motion, at 2 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, March 1, 1853.

The House met pursuant to adjournment.

The Speaker in the Chair.

The roll was called by the Clerk, and the following members were absent: Messrs. Bell, Blake, Fairfax, McMeans, Moore, Myres, Reading of Trinity, and Yeiser.

On motion, leave of absence was granted, one day, to Messrs. Bell, Fairfax, McMeans and Moore; and to Mr. McMahon, three days; and to Mr. Irwin, indefinite leave was granted.

The Journal of Monday last was read and approved.

Mr. Canney presented the petition of Henry T. Weatherwax, praying the Legislature to pass a law allowing him to change his name to Henry Thomas Holmes.

Which was read, and laid on the table.

Mr. Snyder presented the petition of citizens, merchants of San Francisco, praying for the passage of a law to regulate the measurement of goods arriving at the Port of San Francisco.

Which was read, and referred to the Committee on Commerce.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, Joint Resolution in relation to the War Debt, and the report was adopted.

Mr. Canney, on leave introduced a bill for An Act to change the name of Henry Thomas Weatherwax.

Which was read a first time; the rules suspended, it was read a second time; the rules further suspended, it was then read a third time, and passed.

Mr. McCandless submitted a resolution which was adopted, requesting the chairman of the Committee on Ways and Means to correspond with the authorized mail agent for the State of California, and ascertain, if possible, the cause of the non-transmission of papers and public documents from the post office at Benicia.

A communication was received from the Comptroller, transmitting a statement of the receipts into the State Treasury, from July 1, 1852, to February 26, 1853. (See Appendix, No. 24.)

Which was read, and,

On motion of Mr. McMeans, one thousand copies ordered to be printed.

Assembly bill for An Act to define the jurisdiction of the District Court of the First Judicial District, was then taken up, and,

On motion of Mr. Robinson, recommitted to the Judiciary Committee, with special instructions to amend the eighth section, by adding the words, "so far as they apply to the first Judicial District."

Mr. McGarry presented the claim of the schooner Toccuo for $224 43, for freight on furniture, &c., from San Francisco to Vallejo.

Which was read, and referred to the Committee on Claims.

Mr. McMahon introduced a bill for An Act supplemental to an Act providing a Fund for a State Library.

Which was read a first and second time, and,

On motion of Mr. Canney, referred to the Committee on Claims.

On motion of Mr. Heydenfeldt, the House went into committee of the whole, Mr. Oliver in the chair, on Assembly bill for An Act for the destruction of certain Noxious Animals, and having considered the same, rose, and reported it back with sundry amendments, and asked to be discharged from further consideration of the subject.

Which was granted.

Mr. Oliver moved that the House non-concur in the amendments reported by the committee.

Which was agreed to.

Mr. Crenshaw moved to indefinitely postpone the bill.

Upon which the ayes and nays were demanded, and the House refused to indefinitely postpone by the following vote:

AYES.

Messrs. Bostwick,	Messrs. McCandless,
Conness,	Owen,
Covarrubias,	Pacheco,
Crenshaw,	Snyder,
Gardner,	Taylor,
Hally,	Thomas,
Mandeville,	Wells—14.

NAYS

Messrs. Blake,	Messrs. Martin,
Brush,	Meredith,
Cabaniss,	McFarland,
Canney,	McGarry,
Carhart,	McMahon,
Carpentier,	McMeans,
Cardozo,	Myres,
Ewing,	Oliver,

Messrs. Flower,
Harrison,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Johnson,
Kittredge,
Knight,
Lee,
Leake,
Letcher,
Messrs. Proctor,
Reading,
Redding,
Robinson,
Rogers,
Sime,
Tilghman,
Walker,
Wing,
Yeiser,
Speaker—39.

Mr. McCandless moved to lay the bill on the table.

Which was not agreed to.

On motion of Mr. Heydenfeldt, the bill was then referred to the Committee on Agriculture.

The House then went into committee of the whole, Mr. Canney in the chair, on Assembly bill for An Act to amend an Act entitled an Act to provide for the disposal of the five hundred thousand acres of land granted this State by Act of Congress, made the special order for this day, at 12 o'clock, M., and having made some progress thereon, rose, and reported the same back, and asked leave to sit again.

Which was granted, and the bill laid on the table.

A communication was received from the Governor, transmitting a communication from the Comptroller of State, (See Appendix, No. 25,) in relation to issuing warrants for the payment of the State Prison Contractor.

Which was read, and referred to the Committee on State Prisons, with instructions to report on Thursday next.

A message was received from the Senate, informing the Assembly that they had concurred in Assembly amendment to Senate bill for An Act concerning the securities of Mr. John H. Phillips, deceased, late County Treasurer of El Dorado county.

And passed an Act to amend an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, passed April 22, 1850.

Senate bill for An Act to amend an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, passed April 22, 1850, was then read a first and second time, and referred to the Judiciary Committee.

On motion of Mr. Blake, the House then went into committee of the whole, (Mr. Canney in the chair), to consider Assembly bill for An Act concerning Fences, and Animals trespassing on premises lawfully enclosed; and having considered the same, rose, and reported it back, with a recommendation that the bill be referred to a select committee of five.

The recommendation of the Committee was adopted, and the Chair appointed Messrs. Owen, Smith, Hally, Harrison and Kittredge, as such committee.

Mr. Hally introduced a bill for An Act to amend the seventh section of

an Act to prohibit the erection of weirs or other obstructions to the use of Salmon;

Which was read a first and second time, and referred to the Committee on Agriculture.

On motion of Mr. Canney, Assembly bill for an Act amendatory of an Act entitled an Act concerning corporations, passed April 22, 1850, was taken from the table.

Mr. Conness moved a call of the House, which was sustained, and on the roll being called, the following members were absent:—Messrs. Ewing, Gardner, Mandeville, McCandless and Tilghman.

On motion, the Sergeant at Arms was dispatched to bring in absentees.

Messrs. Ewing, Gardner, Mandeville and McCandless, severally appeared, were admitted within the bar, and took their seats.

On motion of Mr. Canney, further proceedings on the rule were dispensed with.

Mr. Myers moved to lay the bill on the table, which was agreed to.

On motion, at 3 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, March 2, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were found absent:—Messrs. Carpentier, Fairfax, Flower, Heydenfeldt, Myres, Pacheco, Smith and Wing.

The Journal of Tuesday last was read and approved.

Mr. Blake presented the petition of certain citizens of San Francisco, asking for a law appointing an Inspector of Lumber for the Port of San Francisco, which was read, and referred to the Committee on Commerce.

Mr. McMeans, from the Committee on Ways and Means, reported back Assembly bill for An Act to amend the third section of an Act to license Gaming, passed March 14th, 1851, and recommended its passage.

The report was adopted, and the bill laid on the table.

Mr. McMeans, from the same committee, reported back Assembly bill fo

An Act concerning the salaries of officers and pay of members of the Legisture, and recommended it to the favorable consideration of the House.

The report was adopted, and the bill laid on the table.

Mr. Sime, from the Committee on Public Buildings and Grounds, reported back the petition of Clark and Craine, and recommended that the prayer of the petitioners be granted.

The report was adopted, and the petition recommitted to the Committee on Claims.

Mr. Carhart, from the Committee on Public Buildings and Grounds, reported back the bill for An Act to take the sense of the people of California upon the subject of the permanent location of the Seat of Government; also,

An Act to determine, by the vote of the people of the State, the permanent location of the Seat of Government, with a substitute, and recommended its passage.

The report and bills were laid on the table.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed An Act to change the name of Henry Thomas Weatherwax, and the report was adopted.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported that they had this day presented to the Governor, for his approval, Joint Resolution in relation to the War Debt;

Joint Resolution in reference to the distribution of the Maps and Charts of Capt. Cadwallader Ringgold; and

An Act granting Sheriffs further time for final settlement.

And the report was adopted.

Mr. Wilson, from the same committee, reported as correctly enrolled An Act to prevent the use of false stamps and labels;

An Act concerning the securities of the late John H. Phillips, deceased, County Treasurer of El Dorado county; also,

An Act to amend an Act concerning crimes and punishments, passed April 16th, 1850.

Mr. Myres, from the select committee of thirteen, to whom was referred that portion of the annual message of the Governor, relating to the calling of a Convention to revise and change the entire Constitution of this State, submitted the following report. (See Appendix, No. 26.)

Which was read, laid on the table, and two thousand copies ordered to be printed.

The bill, reported by the select committee of thirteen, for An Act recommending to the Electors to vote for or against calling a Convention to revise and change the entire Constitution of the State, was then read a first time, and laid over under the rules.

Mr. McMeans, from the Committee on Ways and Means, submitted the following report, which was read:

Mr. Speaker:

Agreeably to the Assembly resolution, requiring the Chairman of the Committee on Ways and Means to confer immediately with James M. Goggins, United States Mail Agent, (or the authorized Mail Agent of the General

Government.) in relation to the detention of public documents, papers, and letters, in the Post Office at Benicia, I have the honor to report:

That upon inquiry, neither Mr. Goggins, nor any other mail agent known to the public, acting under the authority of the United States, is known to be in this State.

Respectfully submitted,

S. A. McMEANS,
Chairman Committee Ways and Means.

Mr. Robinson introduced a bill for An Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers, passed March 11, 1851;

Which was read a first and second time, and referred to the Judiciary Committee.

Mr. Wells introduced a bill for An Act to amend an Act entitled an Act prescribing the mode of maintaining and defending possessory actions on public lands in this State, approved April 20, 1852;

Which was read a first and second time, and referred to the Committee on Public Lands.

Mr. Bell introduced a bill for An Act to ascertain the indebtedness of Mariposa county;

Which was read a first and second time, and referred to the delegation from Mariposa county.

Mr. Snyder introduced a bill for An Act to amend an Act entitled an Act to re-incorporate the city of San Francisco," passed April 15, 1851;

Which was read a first and second time, and referred to the members from San Francisco county.

On motion of Mr. Gardner, Assembly bill for An Act for the relief of Beverley C. Saunders was taken from the table, and the House then went into committee of the whole (Mr. Cabaniss in the Chair) on the consideration of the bill, and having considered the same, rose and reported it back without amendment, and recommended its passage, and asked to be discharged from further consideration of the subject.

Which was granted.

The bill was then read a third time, and on the question, "Shall the bill now be passed?" the ayes and nays were demanded, and the House passed the bill by the following vote:

AYES.

Messrs. Cabaniss,	Messrs. McCandless,
Canney,	McGarry,
Carhart,	McMahon,
Carpentier,	McMeans,
Conness,	Moore,
Cardozo,	Myres,
Covarrubias,	Oliver,
Crenshaw,	Owen,
Estep,	Proctor,
Ewing,	Redding,

Messrs. Flower,
Gardner,
Hally,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Johnson,
Knight,
Lee,
Leake,
Martin,
Robinson,
Rogers,
Sime,
Snyder,
Taylor,
Thomas,
Tilghman,
Wells,
Wing,
Yeiser,
Speaker—43.

NAYS.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Harrison,
Kittredge,
Letcher,
Mandeville,
Walker—9.

A message was received from the Senate, informing the Assembly that the Governor did, on yesterday, approve An Act granting to Sheriffs' further time for final settlement.

Also Joint Resolution in reference to the distribution of the Maps and Charts of Capt. Cadwallader Ringgold.

And Joint Resolution in relation to the War Debt.

And that the Senate passed, on yesterday, An Act relative to Port Wardens in San Francisco, Sacramento, and other Ports of California.

Senate bill for An Act relative to Port Wardens in San Francisco, Sacramento, and other Ports of California, was then read a first and second time, and referred to the Committee on Commerce, and two hundred and forty copies ordered printed.

Mr. Bell gave notice that he would, at an early day, introduce a bill to provide for the construction of a Wagon Road from the town of Stockton through the Counties of Tuolumne, Mariposa, Tulare and Los Angeles, across the Sierra Nevada Mountains at some suitable point.

Mr. Sime presented the petition of citizens of San Francisco, remonstrating against the creation of an officer for inspecting lumber at the Port of San Francisco.

Which was read, and referred to the Committee on Commerce.

Mr. Blake introduced a bill for An Act to abolish the offices of Commissioners of the Funded Debt of San Francisco.

Which was read a first and second time, and referred to the Committee on Corporations.

Mr. Blake introduced a bill for An Act to provide for the Inspection of Lumber.

Which was read a first and second time, and referred to the Committee on Commerce.

Mr. Oliver submitted a resolution to increase the pay of the Clerks and employees of the Assembly.

Mr. Conness moved to indefinitely postpone the resolution.

And after some discussion, Mr. Bostwick moved the previous question.

Which was sustained.

The question then being on the indefinite postponement of the resolution.

The ayes and nays were demanded, and the House refused to indefinitely postpone by the following vote:

AYES.

Messrs.	Bostwick,	Messrs.	Letcher,
	Brush,		Mandeville,
	Cabaniss,		McCandless,
	Conness,		Owen,
	Estep,		Robinson,
	Ewing,		Sime,
	Garfield,		Snyder,
	Hally,		Taylor,
	Harrison,		Thomas—19.
	Johnson,		

NAYS.

Messrs.	Blake,	Messrs.	McGarry,
	Canney,		McMahon,
	Carhart,		McMeans,
	Cardozo,		Moore,
	Covarrubias,		Myres,
	Crenshaw,		Oliver,
	Flower,		Proctor,
	Herbert,		Reading,
	Heydenfeldt,		Redding,
	Hoff,		Rogers,
	Hunt,		Tilghman,
	Kittredge,		Walker,
	Knight,		Wells,
	Lee,		Wilson,
	Leake,		Wing,
	Martin,		Yeiser,
	Meredith,		Speaker—35.
	McFarland,		

Mr. Canney moved to lay the resolution on the table.

Which was agreed to.

Mr. Heydenfeldt introduced a bill for An Act for the relief of James McKamy.

Which was read a first and second time.

The House then went into committee of the whole, (Mr. Tilghman in the chair,) on the consideration of the bill; and having considered the same,

rose, and reported it back without amendment, and recommended its passage, and asked to be discharged from further consideration of the subject.

Which was granted.

The bill was then read a third time and passed.

Mr. Yeiser, from the Committee on Judiciary, reported back Assembly bill for An Act to define the jurisdiction of the District Court of the first Judicial District, with amendments, which were adopted, and the bill recommitted to the Judiciary Committee with instruction to make such amendments as they may deem proper.

Mr. Wing, from the Committee on Public Expenditures, reported back Assembly bill for An Act to repeal the first section of An Act entitled an Act appropriating moneys to meet the contingent expenses of Government, passed May 4th, 1852, without amendment, and recommended its passage.

The report was adopted, and the bill read a third time and passed.

Mr. Johnson, from the Sacramento Delegation, reported back Assembly bill for An Act amendatory of an Act to incorporate the city of Sacramento, with a substitute under a similar title, and recommended its passage.

The substitute was adopted, read a third time and passed.

On motion of Mr. Johnson, the Clerk was ordered to report the bill immediately to the Senate.

On motion of Mr. Sime, Assembly bill for An Act amendatory of an Act entitled an Act concerning Corporations, passed April 22d, 1850, was then taken from the table.

Mr. Canney moved to amend by inserting, after the word "trust," the words "to be subject to a lien of mechanics and laborers."

Mr. Sime moved to indefinitely postpone the amendment.

On which the ayes and nays were demanded by Mr. Blake, and the House refused to indefinitely postpone by the following vote:

AYES.

Messrs. Brush,	Messrs. Mandeville,
Canney,	McMahon,
Conness,	McMeans,
Gardner,	Myres,
Garfield,	Oliver,
Herbert,	Redding,
Hoff,	Rogers,
Hunt,	Sime,
Kittredge,	Thomas,
Lee,	Wells,
Leake,	Speaker—22.

NAYS.

Messrs. Blake,	Messrs. Martin,
Bostwick,	McFarland,
Cabaniss,	McGarry,
Carhart,	Moore,
Cardozo,	Owen,

Messrs. Estep,
Flower,
Hally,
Harrison,
Heydenfeldt,
Johnson,
Knight,
Letcher,
Messrs. Proctor,
Reading,
Robinson,
Snyder,
Taylor,
Tilghman,
Wing—25.

On motion of Mr. Brush, the bill was laid on the table.

Mr. Heydenfeldt submitted a resolution referring so much of the unfinished business of the last session, as relates to the memorial of W. W. Shepard, to the Committee on Claims, and the resolution was adopted.

Mr. Garfield, from the Committee on Federal Relations, to whom was referred the Governor's message, with a copy of a communication from the Superintendent of United States Census, submitted concurrent resolution authorizing the Governor to forward to J. C. Kennedy, Superintendent of Census, at Washington City, the original census abstracts and reports of the census of this State; and the resolution was read and adopted.

On motion, at 2 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, March 3, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent: Messrs. Covarrubias, McFarland and Pacheco.

On motion, leave of absence for two days was granted to Mr. McFarland, and indefinite leave to Mr. Pacheco.

Mr. Cardozo, from the Committee on Commerce, submitted a report, accompanied by a map, in relation to the extension of the city front of San Francisco. (See Appendix, No. 27.)

Which was read, laid on the table, and one thousand copies ordered printed.

Mr. Garfield, from the Committee on Federal Relations, reported back

Senate Joint Resolution in relation to the Harbor of Santa Cruz, without amendment, and recommended its passage.

The report was adopted, and the resolution was then read a third time and passed.

Mr. Moore, from the Committee on State Prison, reported back several communications of His Excellency the Governor, the Comptroller of State, and the report of the State Prison Commissioners, and recommended that they be referred to a special committee.

The report was adopted, and the communications and report were laid on the table.

Mr. Bell, from the Mariposa delegation, reported back Assembly bill for An Act to ascertain the indebtedness of Mariposa county, without amendment, and recommended its passage.

The report was adopted, and the bill read a third time and passed.

Mr. Thomas, from the Committee on Engrossed bills, reported as correctly engrossed, An Act for the relief of Beverly C. Saunders;

An Act to repeal the first section of an Act entitled an Act appropriating moneys to meet the contingent expenses of Government, approved May 4, 1852; and the report was adopted.

A message was received from the Senate, informing the Assembly that they did, on yesterday, pass Assembly Joint Resolution in regard to the World's Industrial Exhibition, with an amendment;

And Assembly bill for An Act to change the name of Henry Thomas Weatherwax.

The Senate amendment to Assembly Joint Resolution in regard to the World's Industrial Exhibition, was then concurred in.

Assembly bill for An Act recommending to the Electors to vote for or against calling a Convention, to revise and change the entire Constitution of this State, was then read a second time and laid on the table.

Mr. Snyder presented the petition of certain merchants of San Francisco, protesting against the passage of An Act to provide for the Measurement of Goods.

Which was read, and referred to the Committee on Commerce.

Mr. Robinson submitted a Concurrent Resolution, instructing the Comptroller of State not to issue Warrants for paying State Prison contracts.

Which was read and adopted.

On motion, the Clerk was directed to report the Resolution to the Senate immediately.

Mr. Shore presented the petition of certain citizens of the city of San Francisco, praying for the passage of a law to provide for the better observance of the Sabbath.

Which was read, and referred to the select committee of five appointed to consider that subject.

Mr. Johnson, from the Committee on Commerce, to whom was referred so much of the Governor's annual message as relates to the extension of the city front of San Francisco, submitted a report;

Which was read and laid on the table.

Mr. Johnson submitted the following resolution, which was adopted:

Resolved, That so much of the Governor's Message as relates to the extension of the water front of the city of San Francisco—also the various documents, memorials and petitions, heretofore referred to the Committee on Commerce and Navigation, be referred to the special committee appointed by this House to examine into that subject.

On motion of Mr. Wing, Assembly bill for An Act to establish an Asylum for the Insane, was taken from the table.

On motion of Mr. McMeans, the House then went into committee of the whole, (Mr. Owen in the chair,) on the consideration of the bill, and having made some progress thereon, rose and reported it back to the House, and asked leave to sit again.

Which was granted.

On motion of Mr. Johnson the bill was then referred to the Committee on Public Buildings, with instructions to report the same back on or before Thursday next.

And the bill was made the special order for that day, at one o'clock, P. M.

Mr Bostwick, from the Committee on Enrolled Bills, reported that they had this day presented to the Governor for his approval, An Act supplementary to an Act concerning Crimes and Punishments, passed April 16, 1850.

Also, An Act concerning the Securities of the late John H. Phillips, deceased, County Treasurer of El Dorado County;

And An Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850.

Mr. Martin introduced a bill for an act entitled An Act for the better regulation of Pilots for the Bay and Harbor of Humboldt Bay.

Which was read a first and second time, and referred to the Committee on Commerce, and ordered not to be printed.

Mr. Crenshaw, from the Committee on Claims, reported back Senate bill for An Act authorizing the appointment of Book-Keeper to the Comptroller of State, and temporary Clerk in the Department of Treasurer of State, and to provide for their payment, with An Act to authorize the appointment of Book-Keeper to the Comptroller of State, and temporary Clerk in the Department of Treasurer, and to provide for their payment;

Also, An Act to provide for the payment of Clerks employed by the Comptroller and Treasurer.

The report was adopted, and the Senate bill laid on the table.

The bill for An Act to authorize the appointment of Book Keeper to the Comptroller of State, and temporary Clerk in the Department of Treasurer, and to provide for their payment, was then read a first and second time, the rules having been suspended for that purpose.

On motion of Mr. Conness, the House then went into committee of the whole, (Mr. Flower in the chair,) on the consideration of the bill, and having considered the same, rose and reported it back, with an amendment, and recommended its passage, and asked to be discharged from further consideration of the subject.

Which was granted.

On motion, (Mr. Canney in the chair,) the amendment reported by the committee was concurred in.

Mr. McMeans moved to indefinitely postpone the bill.

Mr. Conness moved to lay the motion to indefinitely postpone on the table.

On which the ayes and days were demanded.

And the House laid the motion on the table by the following vote:

AYES.

Messrs. Bell,
Blake,
Bostwick,
Cabaniss,
Canney,
Carhart,
Carpentier,
Conness,
Crenshaw,
Flower,
Gardner,
Garfield,
Hally,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Knight,
Lee,
Martin,
Meredith,
McCandless,
McGarry,
Moore,
Myres,
Oliver,
Owen,
Redding,
Rogers,
Sime,
Snyder,
Taylor,
Thomas,
Walker,
Wells,
Yeiser,
Speaker—37.

NAYS.

Messrs. Brush,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Harrison,
Johnson,
Kittredge,
Leake,
Letcher,
Mandeville,
McMeans,
Reading,
Robinson,
Wing—16.

Mr. Robinson raising the question, the Chair decided that the motion to lay the motion to indefinitely postpone on the table, being carried, did not lay the subject matter on the table also, from which decision, Mr. Robinson appealed to the House.

The question then being, "Shall the decision of the Chair stand as the opinion of this House?"

Mr. Heydenfeldt demanded the ayes and nays, and the House refused to sustain the decision of the Chair, by the following vote:

AYES.

Messrs. Bell,
Carbart,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Gardner,
Herbert,
Heydenfeldt,
Hoff,
Lee,
Mandeville,
McCandless,
McGarry,
Moore,
Oliver,
Owen,
Redding,
Rogers,
Sime,
Snyder,
Thomas,
Walker,
Yeiser—24.

NAYS.

Messrs. Blake,
Brush,
Carpentier,
Estep,
Ewing,
Fairfax,
Flower,
Hally,
Harrison,
Hunt,
Johnson,
Kittredge,
Knight,
Leake,
Letcher,
Martin,
Meredith,
McMeans,
Myres,
Proctor,
Reading,
Robinson,
Taylor,
Wells,
Wing—25.

Mr. Heydenfeldt moved to reconsider the vote by which the motion to indefinitely postpone the bill was laid on the table.

Which was agreed to.

And the motion to indefinitely postpone was then withdrawn.

Mr. Johnson moved to amend by striking out in the second section of the bill the words "two hundred and seventy dollars per month," and inserting "twenty-five hundred dollars per annum."

On which, Mr. Robinson demanded the ayes and nays, and the House refused to adopt the amendment, by the following vote:

AYES.

Messrs. Bell,
Brush,
Cardozo,
Covarrubias,
Estep,
Ewing,
Gardner,
Kittredge,
Knight,
Letcher,
Mandeville,
Martin,
Meredith,
McCandless,

Messrs. Hally,
Harrison,
Hunt,
Johnson,
Messrs. McMeans,
Robinson,
Taylor,
Wells—22.

NAYS.

Messrs. Blake,
Canney,
Conness,
Crenshaw,
Fairfax,
Flower,
Herbert,
Heydenfeldt,
Hoff,
Lee,
Leake,
McGarry,
Moore,
Oliver,
Messrs. Owen,
Proctor,
Reading,
Redding,
Rogers,
Sime,
Snyder,
Smith,
Thomas,
Walker,
Wing,
Yeiser,
Speaker—27.

Mr. Leake moved to amend the second section of the bill by striking out "two hundred and seveniy," and inserting "two hundred and fifty;"

On which, the ayes and nays were demanded, and the House refused to adopt the amendment by the following vote:

AYES.

Messrs. Bell,
Brush,
Caldwell,
Cardozo,
Covarrubias,
Estep,
Ewing,
Gardner,
Harrison,
Messrs. Hunt,
Kittredge,
Leake,
Letcher,
Mandeville,
Martin,
Meredith,
McMeans,
Taylor—18.

NAYS.

Messrs. Blake,
Canney,
Conness,
Crenshaw,
Fairfax,
Flower,
Hally,
Herbert,
Heydenfeldt,
Messrs. Oliver,
Owen,
Proctor,
Reading,
Redding,
Robinson,
Rogers,
Sime,
Snyder,

Messrs. Hoff,
Johnson,
Knight,
Lee,
McCandless,
McGarry,
Moore,
Smith,
Thomas,
Walker,
Wells,
Wing,
Yeiser,
Speaker—32.

On motion, the rules were then suspended, and the bill was read a third time, and on the question "Shall the bill now be passed?" the ayes and nays were demanded by Mr. Johnson, and the bill was passed by the following vote:

AYES.

Messrs. Bell,
Blake,
Canney,
Conness,
Crenshaw,
Fairfax,
Flower,
Gardner,
Hally,
Herbert,
Heydenfeldt,
Hoff,
Lee,
McGarry,
Moore,
Myres,
Oliver,
Owen,
Reading,
Redding,
Rogers,
Sime,
Snyder,
Smith,
Thomas,
Walker,
Wing,
Yeiser,
Speaker—29.

NAYS.

Brush,
Caldwell,
Cardozo,
Covarrubias,
Estep,
Ewing,
Harrison,
Hunt,
Johnson,
Kittredge,
Knight,
Messrs. Leake,
Letcher,
Mandeville,
Martin,
Meredith,
McCandless,
McMeans,
Proctor,
Robinson,
Taylor,
Wells—22.

On the question, shall the title stand? it was amended by adding "of clerks in the State offices," and the title as amended, was agreed to.

The bill reported by Mr. Crenshaw, for An Act to provide for the payment of clerks employed by the Comptroller, and Treasurer," was then read a first time, the rules suspended.

It was then read a second time and laid over under the rules.

Mr. McCandless, on leave, introduced a bill for An Act creating a Sabbath day in Tuolumne county, and to provide that the same shall be kept holy.

Which was read a first time, and laid over under the rules.

Mr. McCandless introduced a bill for An Act for the suppression of Drinking Houses and Tippling Shops.

Which was read a first time, the rules suspended.

It was then read a second time, and on motion, referred to select committee of five.

The Chair appointed as such committee, Messrs. McCandless, Fairfax, Oliver, Meredith, and Lee.

Mr. Blake introduced a bill for An Act to provide for the more perfect indexing and classifying of the Land Records of San Francisco.

Which was read a first and second time, and referred to the delegation from San Francisco county.

Mr. Proctor gave notice that he would at some future day, introduce a bill for An Act to abolish houses of ill fame, within the incorporated limits of any town or city in this State.

On motion, at 3 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, March 4, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent: Messrs. Carhart, Flower, Heydenfeldt, McFarland, and Tilghman.

The Journal of Thursday last was read, and approved.

On motion, leave of absence was granted for one day to Messrs. Carhart, Flower, and McFarland; and Mr. Wilson had indefinite leave granted.

Mr. Blake presented the memorial of G. M. Bourne, remonstrating against the passage of a law disqualifying all persons from practising medicine and surgery within the limits of this State, who are not possessed of a medical diploma granted by a regularly constituted medical board;

Which was read, and referred to the Committee on State Hospitals.

Mr. Bostwick presented the petition of H. Davis and others, of Nevada

city, praying for the passage of a law to protect building lots on the public lands;

Which was read, and referred to the Committee on Mines and Mining Interests.

Mr. Crenshaw presented the petition of James Walsh and others, of Grass Valley, praying for the passage of a law to protect building lots on the public lands;

Which was read, and referred to the Committee on Mines and Mining Interests.

A message was received from the Governor, transmitting a communication from the Surveyor General, in relation to the compilation of the State Map, and asking for a further appropriation of five thousand dollars. (See Senate Appendix, No. 35.)

Which was read, and laid on the table.

A message was received from the Senate, informing the Assembly that they did, on the third instant, pass a substitute for Assembly bill for An Act entitled an Act amendatory of an Act entitled an Act to incorporate the city of Sacramento, passed 1851.

Senate bill for An Act entitled an Act amendatory of an Act entitled an Act to incorporate the city of Sacramento, passed 1851, was then read a first and second time, the rules suspended, it was then read a third time, and passed.

Assembly bill for An Act creating a Sabbath Day in Tuolumne county, and providing that the same be kept holy, was then read a second time, and referred to the Tuolumne delegation.

Mr. Knight submitted the following resolution:

Resolved, That a select committee of three be appointed, with instructions to visit Stockton, for the purpose of examining the site selected by the Trustees of the Stockton State Hospital for the erection of the State Insane Asylum at that place, and that they be requested to report upon the same on Thursday next.

On motion, the House then went into committee of the whole (Mr. Wing in the chair) on the consideration of the resolution, and having considered the same, rose and reported it back with an amendment, and recommended its passage.

The amendment reported by the committee was then concurred in.

Mr. Canney moved to indefinitely postpone the resolution, on which the ayes and nays were demanded, and the House refused to indefinitely postpone the resolution by the following vote:

AYES.

Messrs. Bell,	Messrs. Lee,
Canney,	Mandeville,
Fairfax,	McGarry,
Flower,	Myres,
Gardner,	Redding,

Messrs. Garfield,
Herbert,
Heydenfeldt,
Messrs. Snyder,
Smith,
Speaker—16.

NAYS.

Messrs. Blake,
Bostwick,
Cabaniss,
Caldwell,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Hally,
Harrison,
Hunt,
Johnson,
Kittredge,
Knight,
Messrs. Leake,
Letcher,
Martin,
McCandless,
McMeans,
Oliver,
Owen,
Proctor,
Robinson,
Sime,
Taylor,
Thomas,
Walker,
Wing,
Yeiser—31.

The question being on the adoption of the resolution, the ayes and nays were demanded, and the resolution was adopted by the following vote:

AYES.

Messrs. Blake,
Bostwick,
Cabaniss,
Caldwell,
Conness,
Cardozo,
Crenshaw,
Estep,
Ewing,
Hally,
Harrison,
Johnson,
Kittredge,
Knight,
Lee,
Messrs. Leake,
Martin,
McCandless,
McMeans,
Oliver,
Owen,
Proctor,
Redding,
Robinson,
Rogers,
Smith,
Thomas,
Walker,
Yeiser—29.

NAYS.

Messrs. Bell,
Canney,
Covarrubias,
Fairfax,
Messrs. Letcher,
Mandeville,
McGarry,
Moore,

Messrs. Flower,	Messrs. Myres,
Gardner,	Sime,
Garfield,	Snyder,
Herbert,	Taylor,
Hunt,	Speaker—18.

Mr. Hoff asked as a right to have his vote recorded; he being absent at the commencement of the calling of the roll.

The Chair decided that under the rules his vote could not be recorded.

Mr. Hoff appealed from the decision.

The question then being "Shall the decision of the Chair stand as the opinion of this House?"

And the decision was sustained.

The Chair appointed as such committee, Messrs. Wing, Cabaniss, and Sime.

Mr. McCandless submitted the following resolution; which was adopted:

Resolved, That the use of this Hall be tendered to the Governor for the convenience of the entertainment given by him in honor of the inauguration of the President of the United States.

Mr. Robinson submitted a Concurrent Resolution, requesting the Governor to report the amount expended by the relief expedition;

Which was read and lost.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed—

An Act to ascertain the indebtedness of Mariposa county;

An Act to authorize the appointment of Book-keeper to the Comptroller of State, and temporary Clerk in the department of Treasurer, and to provide for the payment of Clerks in the State offices.

And the report was adopted.

Mr. Heydenfeldt gave notice that he would move to amend the twenty-first Rule, so as to read as follows:

"No member shall vote on any subject in which he is immediately or particularly interested, or in any case when he was not within the bar of the House when his name was called.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act to change the name of Henry Thomas Weatherwax.

Also, Joint Resolution in regard to the World's Industrial Exhibition; and the report was adopted.

On motion, the bill for An Act creating a Sabbath day in Tuolumne county, and providing that the same shall be kept holy, was ordered not to be printed.

On motion the House then went into committee of the whole, Mr. Tilghman in the chair, on the consideration of Assembly bill for An Act to provide for the payment of Clerks employed by the Comptroller and Treasurer,

and having considered the same, rose, and reported it back, and asked to be discharged from further consideration of the subject.

Which was granted.

On motion, the bill was then laid on the table.

Mr. Canney introduced a bill for An Act to be entitled an Act amendatory of, and supplementary to sections fourth and eighth of an Act entitled an Act concerning Divorces, passed March 25, 1851.

Which was read a first and second time, and referred to the Judiciary Committee.

Mr. Bell introduced a bill for An Act to improve Tule Lands, and to encourage the cultivation of sugar, rice and cotton.

Which was read a first and second time, and on motion of Mr. Hally, referred to a select committee of seven.

The chair appointed as such committee, Messrs. Hally, Kittredge, Harrison, Bell, Smith, Carhart and Owen.

On motion, at 2 o'clock, the House adjourned until Monday next, at 2 o'clock, P. M.

HOUSE OF ASSEMBLY.

MONDAY, March 7, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

Mr. McKamy, of Sonoma county, appeared, was sworn, and took his seat.

The roll was called by the Clerk, and the following members were absent: Messrs. Bell, Cabaniss, Carhart, Conness, Cardozo, Covarrubias, Crenshaw, Ewing, Fairfax, Gardner, Garfield, Hally, Heibert, Heydenfeldt, Hoff, Knight, Lee, Leake, Martin, McGarry, McMeans, Moore, Myres, Owen, Robinson, Snyder, Thomas, Tilghman and Wells.

No quorum present.

Mr. Canney moved a call of the House.

Which was sustained.

Messrs. Conness, Crenshaw and Covarrubias appeared and took their seats.

On motion of Mr. Flower, further proceedings under the call were dispensed with.

On motion, leave of absence was granted for one day to Messrs. Hoff, Robinson, Knight, Martin, Bell, Herbert, Thomas, Snyder, Heydenfeldt, Gardner, Fairfax, Hunt, Leake, Myres, Cardozo, McMeans, Cabaniss, Ewing, Carhart and Owen, and two days to Messrs Brush and Hally, and to Mr. Pacheco three days

The Journal of Friday last was read and approved:

Mr. Harrison asked to be discharged from the select committee, to whom was referred the bill in reference to the Tule Lands, and that Mr. Robinson be appointed in his stead.

Which was agreed to.

Mr. Proctor presented the claim of Elijah Steele, for $2,183 00, for expenses incurred in suppressing Indian hostilities in the northern part of the State.

Which was read, and referred to the Committee on Indian Affairs.

Mr. Canney presented the petition of the Trustees of the Benicia Female Seminary

Which was read, and referred to the Committee on Education.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported that they had this day presented to the Governor, for his approval, Joint Resolution in regard to the World's Industrial Exhibition.

Also, An Act to change the name of Henry Thomas Weatherwax.

And the report was adopted.

Mr. Wing, from the El Dorado delegation, reported back Assembly bill for An Act to repeal an Act entitled an Act to create a Board of Supervisors for the counties of this State, and to define their duties and powers, so far as it applies to the county of El Dorado, with a substitute entitled An Act to amend an Act entitled an Act to create a Board of Supervisors for the counties of this State, and to define their duties and powers, approved May 3 1852; and recommended its passage.

The substitute was adopted, and laid on the table.

Mr. Brush, from the Tuolumne delegation, reported back Assembly bill for An Act creating a Sabbath day in Tuolumne county, and to provide that the same shall be kept holy, without amendment, and recommended that it be laid on the table.

The report was adopted, and the bill laid on the table.

A message was received from the Senate, informing the Assembly that they had passed Assembly Concurrent Resolution instructing the Comptroller of State not to issue Warrants on State Prison Contracts.

And had concurred in Assembly amendments to Senate bill for An Act to prevent the establishment of Pest Houses in any town or city in this State.

Mr. Yeiser submitted the following report, which was adopted:

Mr. Speaker:

The Judiciary Committee, to whom was referred An Act to amend an Act defining the time for commencing Civil Actions and An Act to prevent Extortion under color of office, and to enforce official duty, report the same back, and recommend their passage.

They have also considered An Act concerning Repealed Statutes, the passage of which is recommended, with the following amendment to the same: Add at close of the bill, the words "or part of an act."

Also, that they report back An Act to authorize the Probate Courts of this State to Lease for a term of years, the unimproved lands belonging to the estates of deceased persons, and minors, and An Act prescribing the time at which County and Township Officers shall enter upon the the duties of their offices, which your committee recommend be not passed.

Also, the majority of the committee have instructed me to report back An Act to provide for the removal, in certain cases, of Criminal Prosecutions, from the Courts of Sessions to the District Courts, and to recommend its passage.

Assembly bill for An Act to amend an Act defining the time for commencing Civil Actions was then taken up, and laid upon the table.

Senate bill for An Act to prevent Extortion under the color of office, and to enforce official duty, was then read a third time and passed.

And on the question, "Shall the title stand?" the title was so amended as to read, "An Act to prevent Extortion in office, and to enforce official duty."

Senate bill for An Act concerning Repealed Statutes, was then taken taken up, amended, read a third time and passed.

Assembly bill for An Act to authorize the Probate Courts of this State to Lease for a term of years the unimproved lands belonging to the estates of deceased persons and minors, was then read a third time, and on the question of its passage, it was lost.

Assembly bill for An Act prescribing the time at which County and Township Officers shall enter upon the duties of their offices, was then taken up and laid on the table.

Assembly bill for An Act to provide for the removal in certain cases of Criminal Prosecutions, from the Courts of Sessions to the District Courts, was then taken up, and laid on the table.

Mr. Mandeville, from the Committee on Roads and Highways, reported back Assembly bill for An Act concerning Roads and Highways, with an amendment, and recommended its passsage.

The report was adopted, and the bill laid on the table.

Mr. Conness submitted a resolution discharging committee clerks, and authorizing the Chief Clerk to employ two additional Clerks.

Which was read, and laid on the table.

A message was received from the Governor, informing the Assembly that he had this day approved An Act to change the name of Henry Thomas Weatherwax;

Also, Joint Resolution in regard to the World's Industrial Exhibition.

Mr. Redding submitted a resolution authorizing the Clerk of this House to rent a room for Recording the Journal, &c.

Which was read and laid on the table.

Mr. Tilghman introduced a bill for An Act amendatory of an Act entitled an Act to provide for the Inspection of Flour, passed May 3d, 1853.

Which was read a first time, and laid over under the rules.

Mr. Flower moved to adjourn.

On which, the ayes and nays were demanded, and the House refused to adjourn, by the following vote:

AYES.

Messrs. Brush,	Messrs. Kittredge,
Carpentier,	Mandeville,
Covarrubias,	Meredith,
Crenshaw,	McKamy,
Flower,	McMahon,
Harrison,	Proctor—12.

NAYS.

Messrs. Blake,	Messrs. McFarland,
Bostwick,	Oliver,
Cabaniss,	Pacheco,
Canney,	Reading,
Conness,	Redding,
Estep,	Rogers,
Garfield,	Smith,
Irwin,	Tilghman,
Johnson,	Walker,
Lee,	Wing,
Letcher,	Yeiser,
McCandless,	Speaker—24.

Mr. McCandless submitted a resolution to rescind the resolution tendering the use of this Hall to Miska Hauser for giving two concerts.

Which was read.

Mr Canney moved the indefinite postponement of the resolution.

On which, the ayes and nays were demanded, and the resolution was indefinitely postponed by the following vote:

AYES.

Messrs. Brush,	Messrs. McKamy,
Canney,	Proctor,
Carpentier,	Reading,
Covarrubias,	Redding,
Crenshaw,	Sime,
Flower,	Taylor,
Garfield,	Tilghman,
Harrison,	Walker,
Lee,	Wing,
Mandeville,	Yeiser—20.

NAYS.

Messrs. Blake,
Bostwick,
Cabaniss,
Conness,
Estep,
Irwin,
Johnson,
Kittredge,
Letcher,
Meredith,
McCandless,
McMahon
Oliver,
Pacheco,
Rogers,
Smith,
Speaker—17.

Mr. Cabaniss submitted the following resolution, which was adopted:

Resolved, That the seats and desks of the members of the Assembly shall not be removed except by their consent.

Mr. Irwin submitted the following resolution:

Resolved, That the Sergeant-at-Arms be requested to call on the Mayor, and request him to furnish a room for the use of the Clerk of this House.

Mr. Redding moved to lay the resolution on the table.

On which, the ayes and nays were demanded, and the resolution was laid on the table, by the following vote:

AYES.

Messrs. Blake,
Bostwick,
Brush,
Carpentier,
Conness,
Covarrubias,
Crenshaw,
Flower,
Garfield,
Kittredge,
Lee,
McFarland,
McKamy,
Redding,
Rogers,
Sime,
Taylor,
Wing,
Speaker—19.

NAYS.

Messrs. Canney,
Estep,
Harrison,
Irwin,
Johnson,
Letcher,
Mandeville,
Meredith,
McCandless,
Oliver,
Proctor,
Reading,
Smith,
Tilghman,
Walker,
Yeiser—16.

Mr. Carpentier moved to adjourn.

On which, the ayes and nays were demanded, and the House, at 5 o'clock, P. M., adjourned by the following vote:

AYES.

Messrs. Bostwick,
Brush,
Carpentier,
Conness,
Crenshaw,
Flower,
Garfield,
Irwin,
Kittredge,
Lee,
Mandeville,
McKamy,
McMahon,
Redding,
Rogers,
Sime,
Taylor,
Walker,
Wing,
Yeiser,
Speaker—21.

NAYS.

Messrs. Blake,
Canney,
Covarrubias,
Estep,
Harrison,
Johnson,
Letcher,
Meredith,
McCandless,
McFarland,
Oliver,
Proctor,
Reading,
Tilghman—14.

HOUSE OF ASSEBMLY.

TUESDAY, March 8th, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Bell, Cabaniss, Fairfax, Gardner, Herbert, Knight, Leake, McCandless, McFarland, McGarry, McKamy, McMahon, McMeans, Moore, Owen, Robinson, Sime, Wells, Wing and Yeiser.

On motion, leave of absence for one day was granted to Messrs. Wells, Robinson, Gardner and Fairfax; and to Mr. McCandless two days, and to Mr. McKamy indefinite leave was granted.

The Journal of Monday last was read and approved.

Mr. Kittredge, from the Committee on Agriculture, reported back Assembly bill for An Act to amend the seventh section of an Act to prohibit the erection of weirs and other obstructions to the run of salmon, without amendment, and recommended its pass ge.

The report was adopted;

And the bill was then read a third time and passed.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Benicia, March 7, 1853.

To the Senate and Assembly of California:

I deem it my duty again to invite your attention to the necessity of presenting to Congress a full history, if attainable, of the collection and disbursement of the "Civil Fund."

It is true that joint resolutions, asserting the justness of the claim of the State of California to the proceeds of the customs collected before her admission into the Union, have heretofore been presented to Congress; but I am now assured that we will certainly fail in obtaining all that is justly due, if we neglect to forward a full and correct history of the character of this claim.

The bill pending in Congress provides only for the re-imbursement of expenditures made by the State prior to her admission into the Union,—a sum much less than the amount collected from her citizens before ports of entry were established, or the appointment of Collectors authorized by Act of Congress.

The erroneous impression prevails that nearly the whole amount of the "Civil Fund" collected before the admission of this State into the Union, was expended by Governor Riley in the civil administration of the then existing Government. So far, however, from this being the case, the Civil Treasurer himself, in a report, dated December 17th, 1849, states that the whole amount of this "Civil Fund" received by him between the 1st of July and the 17th of December, 1849, was a little more than one million and four thousand dollars, loaned or transferred to the military departments of the General Government, leaving in his hands over over two hundred and fifty thousand dollars; which sum, by order of the Secretary of War, in the month of January, 1850, was turned over to the proper officers of the Treasury Department, to be held subject to the final action of Congress.

And Capt. W. H. Halleck, who for some time officiated as Secretary of State under Gov. Riley, not only corroborates this statement of the Civil Treasurer in relation to the amount and disposition made of this fund, but presents additional facts of much importance.

Capt. Halleck, in a letter dated Monterey, January 23, 1850, states, that although "most of the disbursements made from this fund were for the expenses of the Civil Government, large sums were loaned to different officers

and departments of the Army and Navy; that all such transfers of money from this fund to military and naval officers were directed to be made as *loans;* and as evidences of these loans, and as security for their payment, drafts on the heads of corresponding Departments in Washington were directed to be taken, and deposited in the place of the money so transferred.

The Civil Treasurer complied with these instructions; and it is believed that the books and papers in his possession contain a correct exhibit of the several sums so loaned or transferred from this fund to officers of the army and navy, and for which drafts were given on the proper Departments.

This fund, having been collected, as before remarked, prior to the extension of the United States Revenue Laws over California, and of course without authority of law, the head of the Treasury Department, it is understood has declined making any disposition of it until specially directed by Act of Congress.

The unexpended balance—amounting to some two hundred and fifty thousand dollars, as well as the several drafts drawn by officers of the army and navy, it is presumed, are still on deposit in the Treasury Department, subject to the action of Congress. In the opinion that the whole of this fund rightfully belongs to the State of California, we are sustained by that of Gov. Riley, during whose administration much of it accumulated, and who was familiar with the circumstances of its collection and disbursement.

In a communication to Major General R. Jones, Adjutant General U. S. Army, Washington City, dated October 1st, 1849, Gov. Riley thus speaks in reference to this fund: "Many have expressed the opinion that these funds should be turned over to the new Government to enable it to go immediately into successful operation. However strongly of the opinion that this money belongs, in justice, to the people of California, I nevertheless shall not deem myself authorized to turn over this money until instructed to do so by direct orders from Washington."

It is therefore conceived to be the duty of the agents of the people of California now to adopt such measures as may be necessary to secure the recognition in full of their rights in this respect. With the view, therefore, of obtaining the information necessary to secure the favorable action of Congress in this matter, I would respectfully recommend the appointment of a joint committee of the Senate and Assembly to make such an investigation of the subject as its great importance demands.

JOHN BIGLER.

On motion of Mr. Redding, the resolution discharging certain committee Clerks, and authorizing the Chief Clerk to employ two additional Clerks, was taken from table.

Mr. Oliver moved a call of the House.

Which was sustained.

The roll was then called, and the following members were absent: Messrs. Bell, Herbert, McGarry, McMeans and Owen.

On motion, the Sergeant-at-Arms was dispatched to bring in the absentees.

On motion of Mr. Heydenfeldt, further proceedings under the call were dispensed with.

Mr. Garfield moved to lay the resolution on the table.

Which was agreed to.

Mr. Canney submitted a Concurrent Resolution constituting the Committees on Federal Relations of both Houses as a Joint Committee on the Governor's message relating to the Civil Fund.

Which was read, and adopted.

Mr. McMahon gave notice that he would, on to-morrow, or at an early day thereafter, introduce a joint Resolution relative to Public Lands and Internal Improvements.

Mr. Fairfax gave notice that he would, at an early day, introduce a bill for An Act to incorporate and provide for the permanent support of High Schools and Academies.

Also, a bill for securing the payment of wages to Cooks, Waiters, &c., of Public Houses.

On motion of Mr. Canney, Assembly bill for An Act to prevent Monopolies that tend to produce Famine, was taken from the table.

On motion of Mr. Heydenfeldt, the House then went into committee of the whole, Mr. Mandeville in the chair, on the consideration of the bill, and having considered the same, rose, and reported it back without amendment, and asked to be discharged from a further consideration of the matter.

Which was granted.

Mr. Mandeville moved to lay the bill on the table.

On which motion the ayes and nays were demanded, and it was decided in the negative by the following vote:

AYES.

Messrs.	Blake,	Messrs.	Leake,
	Bostwick,		Mandeville,
	Carpentier,		Meredith,
	Crenshaw,		McKamy,
	Flower,		McMahon,
	Garfield,		Myres,
	Hoff,		Oliver,
	Irwin,		Rogers,
	Kittredge,		Thomas,
	Lee,		Speaker—20.

NAYS

Messrs.	Canney,	Messrs.	Letcher,
	Carhart,		Martin,
	Conness,		Moore,
	Cardozo,		Proctor,
	Covarrubias,		Reading,
	Estep,		Smith,
	Ewing,		Taylor,
	Harrison,		Tilghman,

Heydenfeldt,
Hunt,
Johnson,
Walker,
Yeiser—21.

Mr. Mandeville moved a call of the House.

Which was sustained.

The roll was called, and the following members were absent: Messrs. Bell, Herbert, Heydenfeldt, McGarry, Owen, Redding and Snyder.

On motion, the Sergeant-at-Arms was dispatched to bring in the absentees.

On motion of Mr. Reading, further proceedings under the call were dispensed with.

Mr. Johnson submitted as a substitute for the bill, An Act to require the owners and consignees, agents and importers of Flour, arriving within this State, to report the same to the Board of Port Wardens of the city of San Francisco, and moved its adoption.

On which the ayes and nays were demanded by Mr. Oliver, and the substitute was adopted by the following vote:

AYES.

Messrs. Blake,
Bostwick,
Canney,
Carhart,
Cardozo,
Covarrubias,
Estep,
Ewing,
Garfield,
Harrison,
Heydenfeldt,
Johnson,
Letcher,
Martin,
Meredith,
Moore,
Oliver,
Owen,
Proctor,
Reading,
Redding,
Smith,
Taylor,
Walker,
Yeiser,
Speaker—26.

NAYS.

Messrs. Carpentier,
Conness,
Crenshaw,
Flower,
Hoff,
Irwin,
Kittredge,
Lee,
Mandeville,
McGarry,
McKamy,
McMahon,
Myres,
Rogers,
Thomas,
Tilghman—16.

Mr. Heydenfeldt moved to reconsider the vote just taken.

Mr. Johnson moved to indefinitely postpone the motion to reconsider.

On which the ayes and nays were demanded, and the motion was indefinitely postponed by the following vote:

AYES.

Messrs. Blake,
Canney,
Carhart,
Conness,
Cardozo,
Covarrubias,
Estep,
Ewing,
Harrison,
Heydenfeldt,
Johnson,
Letcher,
Martin,
Owen,
Proctor,
Reading,
Redding,
Smith,
Taylor,
Walker,
Yeiser,
Speaker—22.

NAYS.

Messrs. Bostwick,
Carpentier,
Crenshaw,
Flower,
Hoff,
Irwin,
Kittredge,
Lee,
Mandeville,
Meredith,
McGarry,
McKamy,
McMahon,
Moore,
Myres,
Oliver,
Rogers,
Thomas,
Tilghman—19.

Mr. Flower submitted an amendment to the bill.

Which was adopted.

Mr. Crenshaw moved to lay the bill on the table.

On which the ayes and nays were demanded, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Bostwick,
Carpentier,
Crenshaw,
Ewing,
Heydenfeldt,
Hoff,
Irwin,
Johnson,
Kittredge,
Lee,
Mandeville,
Meredith,
McGarry,
McKamy,
McMahon,
Moore,
Myres,
Oliver,
Owen,
Rogers,
Thomas—21.

NAYS.

Messrs. Blake,
Canney,
Carhart,
Conness,
Cardozo,
Covarrubias,
Flower,
Harrison,
Hunt,
Letcher,
Martin,
Proctor,
Reading,
Redding,
Smith,
Taylor,
Walker,
Yeiser—18.

Mr. Johnson moved to reconsider the vote just taken.

Mr. Johnson moved a call of the House.

On which the ayes and nays were demanded, and the call was sustained by the following vote:

AYES.

Messrs. Canney,
Carhart,
Conness,
Cardozo,
Covarrubias,
Estep,
Flower,
Harrison,
Heydenfeldt,
Hunt,
Johnson,
Letcher,
Mandeville,
Martin,
Myres,
Owen,
Proctor,
Reading,
Redding,
Rogers,
Smith,
Taylor,
Walker—23.

NAYS.

Messrs. Blake,
Carpentier,
Crenshaw,
Ewing,
Hoff,
Irwin,
Kittredge,
Lee,
Meredith,
McKamy,
McMahon,
Moore,
Oliver,
Thomas,
Yeiser—15.

Mr. Mandeville moved to reconsider the vote just taken.

Mr. Johnson moved to indefinitely postpone the motion to reconsider.

Mr. Myres moved to lay the motion to indefinitely postpone on the table.

On which the ayes and nays were demanded, and it was decided in the affirmative by the following vote:

AYES.

Messrs.	Blake,	Messrs.	Mandeville,
	Canney,		Martin,
	Carhart,		Meredith,
	Conness,		McGarry,
	Cardozo,		McMahon,
	Covarrubias,		Myres,
	Crenshaw,		Oliver,
	Estep,		Owen,
	Ewing,		Proctor,
	Flower,		Reading,
	Hoff,		Redding,
	Hunt,		Taylor,
	Johnson,		Walker—27.
	Letcher,		

NAYS.

Messrs.	Carpentier,	Messrs.	Lee,
	Harrison,		McKamy,
	Heydenfeldt,		Moore,
	Irwin,		Rogers,
	Kittredge,		Thomas—10.

Pending further consideration of the bill, on motion, at 3 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

Wednesday, March 9, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Heydenfeldt, Knight, McMahon, Reading of Trinity, and Robinson.

On motion, leave of absence was granted for two days to Mr. Hally, and for four days to Mr. Robinson, and indefinite leave was granted to Mr. Wells.

The Journal of Tuesday last was read and approved.

Mr. Bostwick from the Committee on Enrolled Bills reported as correctly enrolled,

A Joint Resolution in relation to the Harbor of Santa Cruz;

Also, An Act to prevent the establishment of Pest Houses in any town, city, or village, in this State;

Also, Concurrent Resolution instructing the Comptroller of State not to issue warrants on State Prison Contract.

And the report was adopted.

Mr. Fairfax, from the Committee on Education, reported back Senate bill for An Act to create an Historical Society for the State of California.

The bill was then read a third time, and on the question, "Shall the bill now be passed?" it was lost.

The following message was received from the Governor, was read, and with the accompanying documents referred to the Judiciary Committee.

EXECUTIVE DEPARTMENT,
Benicia, March 9, 1853.

To the Senate and Assembly of California:

I have the honor herewith to transmit a communication received on the 8th instant, from Hon. S. C. Hastings, Attorney-General of the State, enclosing copies of leases executed on the 27th day of November, 1849, by Capt. E. W. Keyes, of the U. S. army, commanding at San Francisco.

It appears from the communication of the Attorney-General that the District Attorney of the United States has instituted proceedings to recover rents stipulated to be paid, and to cancel these leases, the same having become void, in consequence of the failure of the lessees to pay the rent, and that he is willing, with the consent of the Attorney-General, to make the State a party in order that her rights in the premises may be adjudicated upon and definitely ascertained.

The property described in these leases is known as the "Government Reservation," and in relation to which the second section of the Water Lot Act of March 26, 1851: *Provided*, that any estate held by virtue of any lease or leases executed or confirmed by any officer of the United States, in behalf of the same, shall be and are hereby granted and confirmed to the lessees thereof.

In this connection it is proper to state that it is the opinion of the Attorney-General, and in which opinion he assures me the District Attorney of the United States concurs, that no officer of the United States army had authority to make such leases, and, therefore, that no estate was originally granted or created by them; and furthermore, that there was no estate held by the lessees at the time of the passage of the Act of 1851.

If, however, the Act of 1851 is construed to be a lease on the part of the State, the lessees remain subject to the terms, conditions and forfeitures specified in the said leases. Both the leases accompanying the com-

munication of the Attorney-General, it will be seen on examination, provide, in express terms, that "in default of the payment of the rent stipulated within the year for which it shall become due, the lease to become null and void." With the knowledge that these leases contain this provision, it is not probable that the District Attorney of the United States would institute proceedings for the recovery of back rents, and to cancel the leases, if the lessees had not failed to comply with their requirements.

It is the opinion of the Attorney-General, who has carefully examined the question involved, that if these leases are declared forfeited, the property described in them will at once be subject to the control and disposition of the Legislature. And if these leases are void in their inception from want of authority in the lessor, as maintained by the Attorney-General, it is the duty of the agents of the State to adopt measures to secure and protect her rights.

The property in question is very valuable, and if it justly belongs to the State, it is time it was placed under the control of her agents, and the revenues accruing therefrom paid into the State Treasury.

I would therefore respectfully recommend that the Attorney-General be authorized, by special act, to take all necessary steps to secure the rights of the State in the premises.

JOHN BIGLER.

(See Senate Appendix, No. 36.)

The following message was received from the Senate:

Mr. Speaker:

The Senate this day concurred in Assembly amendment to Senate bill for An Act to prevent Extortion in office, and to enforce official duty;

And passed on 3d inst., An Act for the relief J. D. Monnett, M. D., for services rendered Sick Emigrants;

And a bill for An Act to amend an Act, passed 15th March, 1851 entitled an Act to provide for the Translation of the Laws into the Spanish language, and also, to amend an Act passed April 24, 1852, of the same title.

The Governor approved on the 3d inst., An Act supplementary to an Act concerning Crimes and Punishments, passed April 16th, 1850;

An Act to amend an Act concerning Crimes and Punishments, passed April 16th, 1850;

And An Act concerning the Securities of the late John H. Phillips, deceased, County Treasurer of El Dorado County.

The Senate passed, on the 4th inst., Assembly bill, An Act to provide for the Contingent Expenses of the Supreme Court and State Officers, with an amendment;

And passed, on the 3d inst., a bill for An Act to authorize the State Treasurer to issue five duplicate School Land Warrants, as a substitute to Assembly bill authorizing the State Treasurer to issue a duplicate School Land Warrant to S. C. Hastings;

And passed on 2d inst., An Act to Fund the Debt of Los Angeles County, and to provide for the payment thereof;

And on the 4th inst., An Act to unite the offices of County Clerk and Recorder of Tulare County;

And on the 5th inst., An Act for the relief of Taaffe & McCahill, for carpeting, &c.

By order of the Senate:

A. C. BRADFORD,
Secretary of the Senate.

8th March, 1853.

Senate amendment to Assembly bill for An Act to provide for the Contingent Expenses of the Supreme Court and State Officers, was then taken up, and non-concurred in.

Senate bill for An Act to authorize the State Treasurer to issue five duplicate School Land Warrants, was then read a first and second time, and referred to the Judiciary Committee.

Senate bill for An Act to Fund the Debt of Los Angeles County, and provide for the payment thereof, was then read a first and second time, and referred to the delegation from Los Angeles County.

Senate bill for An Act to be entitled An Act to unite the offices of County Clerk and Recorder of Tulare County, was then read a first and second time, and referred to the Mariposa and Tulare delegation.

Senate bill for An Act for the relief of Taaffe, McCahill & Co., for carpeting, &c., was then read a first and second time, and referred to the Committee on Claims.

Senate bill for An Act for the relief of J. D. Monnett, M. D., for services rendered Sick Emigrants, was then read a first time, and laid over under the rules.

Senate bill for An Act to amend an Act passed 15th March, 1851, entitled an Act to provide for the Translation of the Laws into the Spanish language, and also to amend an Act passed April 24, 1852, of the same title, was then read a first and second time, and referred to Messrs. McFarland, Covarrubias and Pacheco.

Mr. Canney introduced a bill for An Act providing for the disposition of certain property.

Which was read a first and second time, and on motion, referred to a select committee of three.

The Chair appointed as such committtee, Messrs. Canney, Garfield and Heydenfeldt.

Mr. McFarland introduced a bill for An Act supplementary to an Act to Incorporate the City of Los Angeles, passed April 4, 1850.

Which was read a first and second time, and referred to the Committee on Corporations.

Mr. McMahon, agreeably to notice, introduced a Joint Resolution relative to Public Lands and Internal Improvements.

Which was read a first and second time, and referred to the Committee on Public Lands.

Mr. Smith, on leave, introduced a bill for An Act to legalize certain official acts of William J. Lewis, County Surveyor for the County of Santa Clara.

Which was read a first and second time, and referred to the Judiciary Committee.

Mr. Gardner, from the Committee on Mines and Mining Interests, submitted the following report. (See Appendix, No. 28.)

Which was adopted, and 3,600 ordered to be printed.

Assembly bill for An Act to provide for the protection of Foreigners and to define their liabilities and privileges, reported by the Committee on Mines and Mining Interests, was then read a first and second time and laid on the table.

Mr. Gardner from the Committee on Mines and Mining Interests submitted the following report. (See Appendix, No. 28.)

Which was read, laid on the table, and subsequently thirty-six hundred copies ordered printed.

Mr. Hoff, from the minority of the Committee on Mines and Mining Interests, submitted the following report. (See Appendix, No. 28.)

Which was laid on the table, and three thousand six hundred copies ordered printed.

Mr. Cabaniss, from a minority of the Committee on Mines and Mining Interests, submitted the following report. (See Appendix, No. 28.)

Which was laid on the table, and thirty-six hundred copies ordered printed.

Mr. Yeiser introduced a bill for An Act declaratory of the effect of the repeal of criminal laws.

Which was read a first and second time, and referred to the Judiciary Committee.

Assembly bill for An Act to require the owners, consignees, agents, and importers of Flour arriving within this State, to report the same to the the Board of Port Wardens of the city of San Francisco, was then taken up.

Mr. Mandeville moved to amend by adding the following:

SEC. 4. All or any combination or combinations of persons in this State, for the purpose of monopolizing Flour, Meal, Pork, Beef, Beef Cattle, or any other article or thing ordinarily used for the sustenance of man, so as to cause any or either of such articles to command an exorbitant price or prices from the consumers, shall be deemed conspirators against the public good; and any and all persons entering into or being engaged or interested in such combination or association, knowing the object of the same, their agents or abettors, associates or confederates, shall be deemed conspirators against the public good; and upon conviction before a Court of competent jurisdiction, be deemed guilty of felony, and be punished by sentence to hard labor in the penitentiary for a term not less than one nor more than five years; and every person so offending shall be fined not less than one thousand dollars for each offence.

SEC. 5. Every person or persons acting within this State, as agent or agents for any capitalist, association or combination without this State, their sub-agents or abettors, who shall monopolize Flour, Meal Pork, Beef, or Beef Cattle, or any other article or thing ordinarily useful for the sustenance of man, so as to cause any or either of such articles to command an exorbitant price or prices from the consumer, shall be deemed a conspirator or conspirators against the public good, and upon conviction

thereof, before a Court of competent jurisdiction, be deemed guilty of a felony and be punished by sentence to hard labor in the Penitentiary for a term not less than one nor more than five years, and every person so offending shall be fined not less than one thousand dollars for each offence.

The question then being on the adoption of the amendments, the ayes and nays were demanded.

And the House refused to adopt by the following vote:

AYES.

Messrs. Crenshaw,	Messrs. McMahon,
Hoff,	McMeans,
Kittredge,	Myres,
Leake,	Rogers,
Mandeville,	Thomas,
Meredith,	Yeiser—12.

NAYS.

Messrs. Blake,	Messrs. Hunt,
Bostwick,	Johnson,
Cabaniss,	Lee,
Caldwell,	Letcher,
Canney,	Martin,
Carhart,	McFarland,
Carpentier,	McGarry,
Conness,	Moore,
Cardozo,	Owen,
Covarrubias,	Proctor,
Estep,	Reading,
Ewing,	Redding,
Fairfax,	Sime,
Flower,	Snyder,
Gardner,	Smith,
Harrison,	Taylor,
Herbert,	Walker,
Heydenfeldt,	Speaker—36.

The question then being, "Shall the bill be read a third time now?"

The ayes and nays were demanded, and decided in the affirmative by the following vote:

AYES.

Messrs. Bell,	Messrs. Letcher,
Bostwick,	Martin,
Cabaniss,	McFarland,
Caldwell,	McMeans,
Canney,	Moore,

Messrs. Carhart,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Fairfax,
Gardner,
Harrison,
Herbert,
Heydenfeldt,
Hunt,
Johnson,
Myres,
Owen,
Proctor,
Reading,
Redding,
Rogers,
Sime,
Smith,
Thomas,
Tilghman,
Walker,
Yeiser,
Speaker—37.

NAYS.

Messrs. Blake,
Carpentier,
Flower,
Hoff,
Kittredge,
Lee,
Leake,
Mandeville,
Meredith,
McGarry,
McMahon,
Oliver,
Snyder,
Taylor—14.

Mr. Oliver moved to lay the bill on the table.

Which was not agreed to.

Mr. Sime moved to indefinitely postpone the bill.

On which the ayes and nays were demanded, and decided in the negative by the following vote:

AYES.

Messrs. Blake,
Cabaniss,
Cardozo,
Covarrubias,
Flower,
Garfield,
Harrison,
Lee,
Letcher,
Martin,
McGarry,
Proctor,
Reading,
Sime,
Snyder,
Smith,
Taylor—17.

NAYS.

Messrs. Bostwick,
Canney,
Carhart
Carpentier,
Conness,
Mandeville,
Meredith,
McFarland,
McKamy,
McMahon,

Messrs. Crenshaw,
Estep,
Ewing,
Fairfax,
Gardner,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Johnson,
Kittredge,
Leake,
McMeans,
Moore,
Myres,
Oliver,
Owen,
Redding,
Rogers,
Thomas,
Tilghman,
Yeiser,
Speaker—33.

The bill was then read a third time, and on the question, "Shall the bill now be passed?"

The ayes and nays were demanded, and the House refused to pass the bill by the following vote:

AYES.

Messrs. Bostwick,
Crenshaw,
Ewing,
Herbert,
Hoff,
Hunt,
Johnson,
Kittredge,
Lee,
Leake,
Martin,
McFarland,
McKamy,
McMahon
Moore,
Myres,
Oliver,
Owen,
Proctor,
Redding,
Rogers,
Thomas,
Yeiser,
Speaker—24.

NAYS.

Messrs. Blake,
Cabaniss,
Canney,
Carhart,
Carpentier,
Conness,
Cardozo,
Covarrubias,
Estep,
Fairfax,
Flower,
Gardner,
Garfield,
Harrison,
Heydenfeldt,
Letcher,
Mandeville,
Meredith,
McGarry,
McMeans,
Reading,
Sime,
Snyder,
Smith,
Taylor,
Tilghman,
Walker—27.

The following message was received from the Senate:

Mr. Speaker:

The Senate concurred yesterday in Assembly amendments to Senate bill for An Act concerning repealed statutes.

And passed, An Act to amend an Act to provide for the protection of Foreigners, and to define their liabilities and privileges.

And on 7th inst., a bill for the payment of certain persons therein named, for services rendered and material furnished.

And on the 8th inst., a Concurrent Resolution to appoint a Joint Committee on the Civil Fund, and have appointed on the part of the Senate Messrs. Estill, Catlin, Foster, Wombough, and Snyder.

By order of the Senate.

A. C. BRADFORD,
Secretary.

March 9th, 1853.

Senate Concurrent Resolution to appoint a Joint Committee on the Civil Fund, was then read, and concurred in.

The Chair appointed as the committee on the part of the House, Messrs. McMeans, Heydenfeldt, Canney, Thomas, and McMahon.

Senate bill for An Act to amend an Act to provide for the protection of Foreigners and to define their liabilities and privileges, was then read a first and second time, and referred to the Committee on Mines and Mining Interests.

Senate bill for An Act for the payment of Certain Persons therein named, for services rendered and materials furnished, was then read a first time, and laid over under the rules.

Mr. Heydenfeldt agreeably to notice, moved to amend the 21st rule of this House so as to read as follows:

No member shall vote on any question in the event of which he is immediately or particularly interested, or in any case when he was not within the bar of the House when his name was called.

And the amendment was adopted.

Mr. Johnson submitted a resolution requesting the Committee on Counties and County Boundaries to report as to the expediency of revising the laws defining County Boundaries.

Assembly bill for An Act amendatory of an Act entitled an Act to provide for the Inspection of Flour, passed May 3d, 1852, was then read a second time, and referred to the Committee on Commerce.

On motion, at 3 o'clock P. M., the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, March 10, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent:—Messrs. Myres and Tilghman.

On motion, leave of absence was granted to Mr. Myres for two days.

The Journal of Wednesday last was read and approved.

Mr. Smith presented the petition of citizens of Santa Clara and Contra Costa counties, praying for the erection of a new county, to be called Alameda, out of territory now belonging to those counties.

Which was read, and referred to the Committee on Counties and County Boundaries.

Mr. Snyder presented the memorial of the merchants of San Francisco against the passage of An Act relative to Port Wardens in San Francisco and Sacramento, and other Ports of California.

Which was referred to the Committee on Commerce.

Mr. Brush, from a majority of the Committee on Elections, submitted the following report. (See Appendix, No. 29.)

Which was read.

Mr. Flower, from a minority of the Committee on Elections, submitted the following report. (See Appendix, No. 30.)

Which was read.

On motion of Mr. Johnson, the foregoing reports, together with the testimony in the case, were referred to the committee of the whole, and made the special order for 7 o'clock, this evening.

Mr. Crenshaw, from the Committee on Claims, reported back Assembly bill for An Act for the relief of Calvin Valpey, with a substitute under a similar title, and recommended that it be passed.

The substitute was adopted, and laid on the table.

Mr. Crenshaw, from the same committee, reported back Senate bill for An Act for the relief of Taaffe, McCahill & Co., for carpeting, &c., with a recommendation that the same be passed.

The House then went into committee of the whole, (Mr. Wing in the chair,) on the consideration of the bill; and having considered the same, rose, and reported it back, recommended its passage, and asked to be discharged from further consideration of the subject.

Which was granted.

The bill was then read a third time and passed.

Mr. Yeiser, from the Judiciary Committee, submitted the following report, which was read:

Mr. Speaker:

The Judiciary Committee have had under consideration Senate bill No. 86, entitled An Act to authorize the State Treasurer to issue five duplicate School Land Warrants. Said bill is a substitute for an Assembly bill, and the rejection of the bill is recommended.

They have also considered An Act to be entitled an Act amendatory of and supplementary to sections 4 and 8 of an Act entitled an Act concerning Divorces, passed March 25, 1851, and recommended its passage.

Also, they have examined An Act to legalize certain official acts of William J. Lewis, County Surveyor for the county of Santa Clara, the passage of which is recommended, with the following amendment:

Add as Section 2.—The said William J. Lewis shall qualify as County Surveyor of said county within twenty days after the passage of this Act.

Also, that they have considered An Act for the punishment of the crimes of Adultery and Polygamy, and report the same back, with the recommendation that it be referred to a committee of the whole house.

FRED. YEISER,
Chairman.

March 9, 1853.

Senate bill for An Act to authorize the State Treasurer to issue five duplicate School Land Warrants, was then taken up, read a third time, and, on the question of its final passage, was lost.

Assembly bill for An Act to be entitled an Act amendatory of and supplementary to sections fourth and eighth of an Act entitled an Act concerning Divorces, passed March 25, 1851, was then taken up, read a third time, and passed.

Assembly bill for An Act to legalize certain official acts of Wm. J. Lewis, County Surveyor of the county of Santa Clara, was then taken up, amended, read a third time, and re-committed, with special instruction, to the Judiciary Committee.

Assembly bill for An Act for the punishment of the crimes of Adultery and Polygamy, was then taken up, and, on motion of Mr. Canney, laid on the table.

Mr. Ewing, from the Committee on Counties and County Boundaries, to whom was referred Assembly bill "to change and define the boundaries of Trinity and Klamath counties, and to establish a new county to be called the county of Humboldt, reported back as a substitute a bill for An Act to divide the county of Trinity, and form a new county out of the western portion of the same, to be called Humboldt, and recommended its passage.

The substitute was adopted, and, on motion of Mr. Redding of Yuba, referred to a select committee of five, and ordered not to be printed.

The Chair appointed as such committee, Messrs. Redding of Yuba, Cabaniss, Reading of Trinity, Hoff, and Rogers.

Mr. Ewing, from the Committee on Counties and County Boundaries, submitted the following report, which was read, and adopted.

Mr. Speaker:

The undersigned, the Committee on Counties and County Boundaries, have examined the subject matter embraced within the accompanying resolution, which passed this House yesterday, and beg leave to report, that in the opinion of your committee, the suggestions embraced within the resolution should be complied with.

Your committee believe that if the various legislative enactments, defining the limits of the several counties of this State, were revised under the supervision of the committee and the Surveyor-General, that much good would result to the State and the people of the counties.

Your committee would remark, that the Surveyor-General is now preparing a map of this State, and it is his especial desire that the above should be complied with.

W. P. EWING,
T. T. CABANISS,
JEFFERSON HUNT.

Mr. Fairfax, from the Committee on Education, to whom was referred the memorial of the Trustees of the Benicia Female Seminary, reported the same back, with a recommendation that a bill be passed in compliance with the prayer of the memorialists.

The report and memorial was re-committed to the Committee on Education, with instruction to report a bill.

Mr. Heydenfeldt submitted the following report, which was adopted, and the committee discharged:

Mr. Speaker:

The Committee of Free Conference, appointed by the House to confer with a similar committee on the part of the Senate, with regard to the appointment of a joint committee on the apportionment bill, beg leave to report that they have at different times met such committee of the Senate, and that they cannot agree in any particular.

Your committee, therefore, ask to be discharged from the further consideration of the subject, and recommend that the Committee of Conference, so far as the House is concerned, be dissolved.

Respectfully submitted,

E. HEYDENFELDT,
Chairman.
B. B. REDDING,
JOHN T. HOFF.

Mr. Cardozo, from the Committee on Commerce, reported back Assembly bill for An Act entitled an Act for the better regulation of Pilots for the Bar and Harbor of Humboldt Bay, and recommended that the same be passed.

The bill was then considered, and ordered engrossed for a third reading.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as

correctly enrolled An Act for the relief of Taaffe, McCahill & Co., for carpeting, &c.

And that they had this day presented to the Governor, for his approval, Joint Resolution in relation to the Harbor of Santa Cruz; also,

An Act to prevent the establishment of Pest Houses within the limits of any town or city in this State.

And the report was adopted.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed An Act to amend the seventh section of an Act to prohibit the erection of weirs or other obstruction, to the run of Salmon, approved April 12th, 1852.

Mr. Herbert, from the Mariposa and Tulare Delegation, to whom was referred Senate bill for An Act to be entitled an Act to unite the offices of County Clerk and Recorder of Tulare county, reported the same back, with a recommendation that it be passed.

The report was adopted, and the bill read a third time and passed.

Mr. McCandless presented the petition of citizens of San Joaquin county, praying for a law to prevent hogs running at large.

Which was read, and referred to the Committee on Agriculture.

Mr. McFarland, from the Delegation from Los Angeles, to whom was referred Senate bill for An Act to Fund the Debt of Los Angeles county and provide for the payment thereof, reported the same back, and recommended its passage.

The report was adopted, and the bill read a third time and passed.

Mr. Canney submitted a Concurrent Resolution to appoint a Joint Committee of the two Houses to draft and report a bill apportioning the State into Senatorial and Assembly Districts.

Which was read and adopted.

And the Chair appointed, as the committee on the part of the House, Messrs. Canney, Redding of Yuba, Garfield, Snyder, Cabaniss and McFarland.

Mr. Cabaniss submitted a resolution authorizing the Committee on Counties and County Boundaries to employ a clerk.

Which was read and adopted.

On motion of Mr. Redding, the resolution empowering the Chief Clerk to rent a room for recording Journals, &c., was taken from the table, read, and adopted.

Mr. Fairfax moved to reconsider the vote of yesterday, by which the House refused to pass Assembly bill for An Act to require the owners and consignees, agents and importers of Flour arriving within this State, to report the same to the Board of Port Wardens of the city of San Francisco.

On which the ayes and nays were demanded, and the vote was reconsidered by the following vote.

AYES.

Messrs. Bell,	Messrs. Mandeville,
Blake,	Meredith,
Bostwick,	McCandless,
Canney,	McGarry,

Messrs. Crenshaw,
Estep,
Fairfax,
Harrison,
Herbert,
Hoff,
Johnson,
Kittredge,
Lee,
Leake,
McMahon,
Moore,
Oliver,
Owen,
Redding,
Rogers,
Smith,
Thomas,
Wing,
Yeiser—28.

NAYS.

Messrs. Brush,
Cabaniss,
Caldwell,
Carhart,
Conness,
Cardozo,
Flower,
Gardner,
Heydenfeldt,
Hunt,
Letcher,
Martin,
Proctor,
Reading,
Sime,
Snyder,
Taylor,
Tilghman—18.

Mr. Crenshaw moved to lay the bill on the table, and make it the special order for Saturday next, at two o'clock, P. M.

On which the ayes and nays were demanded, and it was decided in the negative by the following vote:

AYES.

Messrs. Blake,
Flower,
Harrison,
Heydenfeldt,
McCandless,
McMeans,
Sime,
Snyder,
Smith—9.

NAYS.

Messrs. Bell,
Bostwick,
Brush,
Cabaniss,
Caldwell,
Canney,
Carhart,
Conness,
Cardozo,
Crenshaw,
Ewing,
Fairfax,
Letcher,
Mandeville,
Martin,
Meredith,
McFarland,
McGarry,
McMahon,
Moore,
Oliver,
Owen,
Proctor,
Reading,

Messrs. Herbert,
Hoff,
Hunt,
Johnson,
Kittredge,
Leake,
Redding,
Rogers,
Taylor,
Thomas,
Tilghman,
Wing—36.

Mr. McMeans moved the previous question.

On which the ayes and nays were demanded, and it was sustained by the following vote:

AYES.

Messrs. Bell,
Blake,
Brush,
Cabaniss,
Caldwell,
Carhart,
Cardozo,
Crenshaw,
Estep,
Ewing,
Fairfax,
Gardner,
Herbert,
Hoff,
Kittredge,
Lee,
Leake,
Mandeville,
Meredith,
McFarland,
McMahon,
McMeans,
Oliver,
Owen,
Redding,
Rogers,
Thomas,
Tilghman,
Yeiser,
Speaker—30.

NAYS.

Messrs. Canney,
Conness,
Flower,
Harrison,
Hunt,
Johnson,
Letcher,
Martin,
McCandless,
McGarry,
Moore,
Proctor,
Reading,
Sime,
Snyder,
Smith,
Taylor,
Wing—18.

The main question was then put by the chair.

On which the ayes and nays were demanded, and the bill passed by the following vote:

AYES.

Messrs. Bell,
Blake,
Canney,
Meredith,
McFarland,
McGarry,

Messrs. Crenshaw,
Estep,
Ewing,
Fairfax,
Herbert,
Hoff,
Hunt,
Johnson,
Kittredge,
Leake,
Mandeville,
Meredith,
McMahon,
McMeans,
Moore,
Oliver,
Owen,
Redding,
Rogers,
Thomas,
Yeiser,
Speaker—28.

NAYS.

Messrs. Brush,
Cabaniss,
Caldwell,
Carhart,
Conness,
Cardozo,
Flower,
Gardner,
Harrison,
Heydenfeldt,
Letcher,
Martin,
McCandless,
Proctor,
Reading,
Sime,
Snyder,
Smith,
Taylor,
Tilghman,
Wing—21.

Mr. Oliver moved to reconsider the vote just taken.

Mr. Conness moved to lay that motion on the table.

On which the ayes and nays were demanded, and it was decided in the negative by the following vote:

AYES.

Messrs. Canney,
Conness,
Cardozo,
Flower,
Gardner,
Heydenfeldt,
Letcher,
Martin,
McCandless,
Reading,
Sime,
Snyder,
Smith,
Taylor,
Tilghman,
Wing—16.

NAYS.

Messrs. Bell,
Blake,
Brush,
Cabaniss,
Caldwell,
Carhart,
Lee,
Leake,
Mandeville,
Meredith,
McFarland,
McGarry,

Messrs. Crenshaw,
Estep,
Ewing,
Fairfax,
Harrison,
Herbert,
Hoff,
Hunt,
Johnson,
Kittredge,
McMahon,
McMeans,
Oliver,
Owen,
Proctor,
Redding,
Rogers,
Thomas,
Yeiser—31.

Mr. Canney gave notice that he would, at an early day, introduce a bill in relation to contested election cases.

Mr. McMahon gave notice that he would, at an early day, introduce a bill to provide for the more effectual distribution of the Laws, Journals and Public Documents of the State of California.

Mr. Smith, on leave, introduced a bill for An Act to create the County of Alameda and establish the Seat of Justice therein, to define its boundaries and provide for its organization.

Which was read a first and second time, and referred to the Committee on Counties and County Boundaries, and ordered not to be printed.

Mr. Reading, of Trinity, gave notice that he would, at an early day, introduce a bill to provide for the construction of a Wagon Road from Clear Creek, in Shasta County, to Weaverville, Trinity county.

The following message was received from the Senate:

Mr. Speaker:

The Senate concurred, yesterday, in Assembly Concurrent Resolution to appoint a Joint Committee on the Translation of Laws into Spanish, and have appointed on the part of the Senate, Messrs. Foster, Roach and De la Guerra.

And passed Assembly bill for An Act to repeal the first section of an Act entitled an Act appropriating moneys to meet the Contingent Expenses of Government, approved May 4, 1852.

And indefinitely postponed Assembly bill for An Act to abolish the Superior Court of the city of San Francisco, to repeal certain laws relative thereto, and to provide for the transfer of the records and proceedings of the said Court.

And passed on the 8th inst., An Act to repeal an Act in relation to the city of San Francisco, passed May 1, 1851.

That the Senate, this day, appointed as committee of Conference on the disagreeing vote of the two Houses on Assembly bill for An Act to provide for the Contingent Expenses of the Supreme Court and State Officers, Messrs. Walton, Smith and Walkup.

By order of the Senate,
A. C. BRADFORD,
Secretary Senate.

March 10, 1853.

Senate bill for an Act to repeal an Act in relation to the city of San Francisco, was then taken up, read a first and second time; and on further consideration of the same,

Mr. Flower moved the following as an amendment: strike out all after the enacting clause, and insert "that the second section of the Act entitled an Act in relation to the city of San Francisco, passed May 1, 1851, be, and the same is hereby repealed.

On which the ayes and nays were demanded, and the House refused to adopt the amendment by the following vote:

AYES.

Messrs.	Cabaniss,	Messrs.	Martin,
	Conness,		McCandless,
	Crenshaw,		McGarry,
	Estep,		Proctor,
	Fairfax,		Sime,
	Flower,		Snyder,
	Harrison,		Taylor,
	Johnson,		Thomas,
	Letcher,		Yoiser—18.

NAYS.

Messrs.	Bell,	Messrs.	Mandeville,
	Blake,		Meredith,
	Bostwick,		McFarland,
	Brush,		McKamy,
	Canney,		McMahon,
	Cardozo,		McMeans,
	Covarrubias,		Oliver,
	Ewing,		Owen,
	Gardner,		Redding,
	Herbert,		Rogers,
	Heydenfeldt,		Smith,
	Hoff,		Tilghman,
	Kittredge,		Walker,
	Lee,		Wing,
	Leake,		Speaker—30.

Mr. Sime moved to commit the bill to the Judiciary Committee.

On which the ayes and nays were demanded, and decided in the negative by the following vote:

AYES.

Messrs.	Cabaniss,	Messrs.	Fairfax,
	Conness,		Flower,
	Crenshaw,		Harrison,
	Estep,		Johnson,

Messrs. Letcher,
Martin,
McCandless,
McGarry,
Proctor,
Sime,
Snyder,
Taylor,
Thomas,
Yeiser—18.

NAYS.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Canney,
Cardozo,
Covarrubias,
Ewing,
Gardner,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Kittredge,
Lee,
Leake,
Mandeville,
Meredith,
McFarland,
McKamy,
McMahon,
McMeans,
Oliver,
Owen,
Redding,
Rogers,
Smith,
Tilghman,
Walker,
Wing,
Speaker—31.

Mr. McMeans moved that the rules be suspended, and that the bill be read a third time now.

On which the ayes and nays were demanded, and decided in the affirmative by the following vote:

AYES.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Canney,
Carhart,
Cardozo,
Covarrubias,
Ewing,
Fairfax,
Gardner,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Kittredge,
Lee,
Leake,
Mandeville,
Meredith,
McFarland,
McKamy,
McMahon,
McMeans,
Oliver,
Owen,
Reading,
Redding,
Rogers,
Smith,
Thomas,
Tilghman,
Walker,
Wing,
Speaker—35.

NAYS.

Messrs. Cabaniss,
Conness,
Crenshaw,
Estep,
Flower,
Harrison,
Johnson,
Letcher,
Martin,
McCandless,
McGarry,
Proctor,
Sime,
Snyder,
Taylor,
Yeiser—16.

Mr. Taylor moved a call of the House.

On which the ayes and nays were demanded, and decided in the negative by the following vote:

AYES.

Messrs. Cabaniss,
Canney,
Carhart,
Conness,
Crenshaw,
Estep,
Flower,
Harrison,
Johnson,
Letcher,
Mandeville,
Martin,
McCandless,
McFarland,
McGarry,
Proctor,
Reading,
Redding,
Sime,
Snyder,
Taylor,
Yeiser—22.

NAYS.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Cardozo,
Covarrubias,
Ewing,
Fairfax,
Gardner,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Kittredge,
Leake,
Meredith,
McKamy,
McMahon,
McMeans,
Oliver,
Owen,
Rogers,
Smith,
Thomas,
Tilghman,
Walker,
Wing,
Speaker—28.

The bill was then read a third time.

And on the question "shall the bill now be passed?" the ayes and nays were demanded, and the bill passed by the following vote:

AYES.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Canney,
Carhart,
Cardozo,
Covarrubias,
Ewing,
Fairfax,
Gardner,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Kittredge,
Leake,
Mandeville,
Meredith,
McCandless,
McFarland,
McKamy,
McMahon
McMeans,
Oliver,
Owen,
Reading,
Redding,
Rogers,
Smith,
Thomas,
Tilghman,
Walker,
Wing,
Speaker—35.

NAYS.

Messrs. Cabaniss,
Conness,
Crenshaw,
Estep,
Flower,
Harrison,
Johnson,
Letcher,
Martin,
McGarry,
Proctor,
Sime,
Snyder,
Taylor,
Yeiser—15.

Mr. Wall moved to reconsider the vote just taken.

Mr. Brush moved to indefinitely postpone the motion to reconsider.

On which the ayes and nays were demanded, and decided in the affirmative by the following vote:

AYES.

Messrs. Bell,
Blake,
Brush,
Canney,
Cardozo,
Covarrubias,
Ewing,
Fairfax,
Gardner,
Herbert,
Heydenfeldt,
Mandeville,
Meredith,
McFarland,
McKamy,
McMahon,
McMeans,
Oliver,
Owen,
Redding,
Rogers,
Sime,

Messrs. Hoff,
Hunt,
Johnson,
Kittredge,
Leake,
Smith,
Tilghman,
Walker,
Wing,
Speaker—32.

NAYS.

Messrs. Bostwick,
Cabaniss,
Carhart
Conness,
Crenshaw,
Estep,
Flower,
Harrison,
Letcher,
Martin,
McCandless,
McGarry,
Proctor,
Reading,
Snyder,
Taylor,
Thomas,
Yeiser—18.

Mr. Heydenfeldt moved to reconsider the vote just taken.

Mr. Conness moved to lay the motion on the table.

Mr. Wall moved to indefinitely postpone the motion to lay on the table.

On which the ayes and nays were demanded, and decided in the affirmative by the following vote:

AYES.

Messrs. Bell,
Blake,
Brush,
Canney,
Carhart,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Kittredge,
Leake,
Mandeville,
Meredith,
McFarland,
McKamy,
McMeans,
McMahon,
Oliver,
Owen,
Redding,
Rogers,
Smith,
Walker,
Wing,
Speaker—30.

NAYS.

Messrs. Bostwick,
Cabaniss,
Conness,
Flower,
Harrison,
McGarry,
Proctor,
Reading,
Sime,
Taylor,

Messrs. Johnson,
Letcher,
Martin,
Messrs. Thomas,
Yeiser—15.

On motion, at 5 o'clock, P. M., the House took a recess until half-past seven, P. M.

HALF-PAST 7, P. M.

The House re-assembled.

Mr. Fairfax moved that a committee of three be appointed, on the part of the Assembly, to confer with a similar committee on the part of the Senate, on the disagreeing vote of the two Houses on the Assembly Joint Resolution concerning the Historical Society of the State of California.

Which was agreed to.

The Chair appointed, as such committee, Messrs. Fairfax, Heydenfeldt and Garfield.

Mr. Wing moved that a committee of three be appointed to confer with a similar committee on the part of the Senate, on the disagreeing vote of the two Houses on Assembly bill for An Act to provide for the contingent expenses of the Supreme Court and State Officers.

Which was agreed to.

The Chair appointed Messrs. Wing, Canney and Conness as such committee.

On motion of Mr. Sime, the House then went into committee of the whole, (Mr. Canney in the chair,) on the case of contested seat of Clark *vs.* Carpentier; and having considered the same, rose, and reported it back to the House, and asked to be discharged from further consideration of the subject.

Which was granted.

On motion of Mr. Crenshaw, the contestant and the counsel of the parties were admitted to take seats within the bar of the House.

Mr. Crenshaw, at 11 o'clock, P. M., moved to adjourn.

On which the ayes and nays were demanded, and the House adjourned by the following vote:

AYES.

Messrs. Cabaniss,
Carhart,
Conness,
Covarrubias,
Crenshaw,
Estep,
Fairfax,
Flower,
Gardner,
Harrison,
Herbert,
Messrs. Leake,
Letcher,
Mandeville,
Martin,
McFarland,
McGarry,
McKamy,
McMeans,
Reading,
Rogers,
Sime,

Messrs. Heydenfeldt,
Hoff,
Hunt,
Kittredge,
Lee,
Messrs. Smith,
Thomas,
Tilghman,
Walker,
Yeiser—32.

NAYS.

Messrs. Bell,
Blake,
Brush,
Canney,
Cardozo,
Ewing,
Meredith,
Messrs. McCandless,
Oliver,
Proctor,
Redding,
Taylor,
Wing,
Speaker—14.

HOUSE OF ASSEMBLY.

FRIDAY, March 11, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent: Messrs. Covarrubias, Gardner, Heydenfeldt, Lee, McCandless, McGarry and Moore.

On motion, leave of absence was granted to Messrs. Hally and Myers for two days each.

The Journal of Thursday last was read and approved.

Mr. Ewing, from the Committee on Counties and County Boundaries, reported back Assembly bill for An Act to create the County of Alameda, and establish the seat of Justice therein—to define its boundaries and provide for its organization, and recommended that the same be passed.

The report was adopted, and the bill considered and amended.

Mr. Canney moved a suspension of the rules, and that the bill be considered engrossed, and read a third time now, and put upon its passage.

On which the ayes and nays were demanded, and the House suspended the rules by the following vote:

AYES.

Messrs. Bell,
Blake,
Bostwick,
Cabaniss,
Caldwell,
Canney,
Carhart,
Cardozo,
Covarrubias,
Crenshaw,
Ewing,
Gardner,
Harrison,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Irwin,
Kittredge,
Lee,
Letcher,
Martin,
McCandless,
McFarland,
McGarry,
McKamy,
McMeans,
Moore,
Oliver,
Pacheco,
Proctor,
Reading,
Snyder,
Smith,
Walker,
Wing,
Yeiser—37.

NAYS.

Messrs. Brush,
Carpentier,
Conness,
Estep,
Flower,
Leake,
Mandeville,
Meredith,
McMahon,
Owen,
Redding,
Rogers,
Taylor,
Thomas,
Speaker—15.

The bill was then read a third time and passed.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act concerning Repealed Statutes;

Also, An Act to prevent Extortion in Office, and to enforce Official Duty; and the report was adopted.

Mr. Estep, from the Committee on State Hospitals, reported back the memorial of G. M. Bourne, without recommendation, and the report, with the memorial was laid on the table.

The House then went into consideration of the case of the contested seat of Clark *vs.* Carpentier.

Mr. Crenshaw moved that the resolution submitted by the minority of the Committee on Elections, be adopted.

Mr. Brush moved to amend the motion by striking out the word "minority," and inserting the word "majority."

Mr. Clark, the contestant, then addressed the House at some length in opposition to the right of Mr. Cpentier to hold a seat in this House.

On motion, at 2 o'clock, P. M, the House took a recess until 4 o'clock, P. M.

The House re-assembled, at 4 o'clock, P. M.

The question before the House was then temporarily withdrawn.

The following message was received from the Senate:

Mr. Speaker:

The Senate Committee on Engrossment this day reported as correctly engrossed, An Act amendatory of an Act entitled an Act to incorporate the City of Sacramento, passed 1851, and that the Committee had added in the twenty-seventh line of second page, after the words "expiration of," the words "six months from," to which I am directed to ask the concurrence of the Assembly.

The Senate passed, on the 9th instant, An Act to amend an Act entitled an Act prescribing the mode of assessing and collecting Public Revenue, passed May 1st, 1851.

And on the 10th instant, An Act to change the name of Alfred Morgan, to Alfred Gray Morgan;

And passed this day An Act for the payment of the claim of the "Pioneer Upholstery."

By order of the Senate.

A. C. BRADFORD,
Secretary Senate.

March 11th, 1853.

The House then concurred in Senate amendment reported by their Committee on Engrossed Bills, to the bill for An Act amendatory of an Act entitled an Act to incorporate the City of Sacramento, passed 1851.

Senate bill for An Act to change the name of Alfred Morgan to Alfred Gray Morgan, was then read a first time, and laid over under the rules.

Senate bill for An Act to provide for the payment of the claim of the "Pioneer Upholstery," was then read a third time, and laid over under the rules.

Senate bill for An Act to amend an Act entitled an Act prescribing the the mode of assessing and collecting Public Revenue, passed May 1st, 1851, was then read a first time, and laid over under the rules.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act entitled an Act for the better regulation of Pilots for the Bar and Harbor of Humboldt Bay;

Also, An Act to be entitled an Act amendatory of, and supplementary to sections fourth and eighth of an Act entitled an Act concerning Divorces, passed March 25th, 1851;

Also, An Act to require the owners, consignees, agents and importers of Flour arriving within this State, to report the same to the Board of Port Wardens of the City of San Francisco.

And, also, a Concurrent Resolution to appoint a committee of the two Houses to draft and report a bill apportioning the State into Senatorial and Assembly districts.

And the report was adopted.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act to repeal an Act in relation to the city of San Francisco, passed May 1, 1851.

The question of the case of contested seat of Clark *vs.* Carpentier, temporarily suspended to admit the transacting of the foregoing business, was again resumed.

Gen. James A. McDougal, counsel for Mr. Carpentier, then addressed the House at some length, in defence of the right of Mr. Carpentier to retain his seat in this House.

Mr. Crenshaw, on behalf of the contestant, rejoined.

Mr. Smith moved a call of the House, which was sustained, and on the roll being called, Mr. Leake was absent.

The Sergeant-at-Arms was then dispatched to bring in the absentee.

Mr. Leake appeared at the bar of the House, was admitted, and took his seat.

On motion of Mr. Mandeville, further proceedings under the call were dispensed with.

Mr. Crenshaw then withdrew his motion, to adopt the resolution reported by the minority of the Committee on Elections.

Mr. Brush then moved the adoption of the resolution submitted by the majority of the Committee on Elections.

On which the ayes and nays were demanded, and the House refused to adopt the resolution by the following vote:

AYES.

Messrs. Blake,
Brush,
Canney,
Fairfax,
Heydenfeldt,
Hunt,
Kittredge,
Lee,
Mandeville,
McCandless,
McFarland,
Redding,
Rogers,
Thomas,
Wing—15.

NAYS.

Messrs. Bell,
Bostwick,
Cabaniss,
Carhart,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Estep,
Martin,
Meredith,
McGarry,
McKamy,
McMeans,
Moore,
Myres,
Oliver,
Pacheco,

Messrs. Ewing,
Flower,
Garfield,
Harrison,
Herbert,
Hoff,
Irwin,
Leake,
Letcher,
Messrs. Proctor,
Reading,
Sime,
Snyder,
Smith,
Taylor,
Walker,
Yeiser,
Speaker—36.

Mr. Crenshaw moved to adopt the resolution submitted by the minority of the committee.

On which the ayes and nays were demanded, and the resolution was adopted by the following vote:

AYES.

Messrs. Bell,
Blake,
Bostwick,
Cabaniss,
Canney,
Carhart,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Fairfax,
Flower,
Garfield,
Harrison,
Herbert,
Hoff,
Hunt,
Irwin,
Kittredge,
Lee,
Messrs. Leake,
Letcher,
Martin,
Meredith,
McFarland,
McGarry,
McKamy,
McMeans,
Moore,
Myres,
Oliver,
Pacheco,
Proctor,
Reading,
Redding,
Sime,
Snyder,
Smith,
Taylor,
Walker,
Yeiser,
Speaker—42.

NAYS.

Messrs. Brush,
Heydenfeldt,
Mandeville,
McCandless,
Messrs. Rogers,
Thomas,
Wing—7.

The following message from the Governor was received, and, with the accompanying documents, laid on the table:

EXECUTIVE DEPARTMENT,
Benicia, March 11, 1853.

To the Senate and Assembly of California:

I have the honor herewith to transmit a copy of a communication received from the late Secretary of State of the United States, enclosing one from Señor Osma, Charge d'Affaires of Peru. The communication of Señor Osma is in relation to a decree rendered in the District Court of the United States for the Northern District of California, on the 24th day of July, 1851, in favor of José Fernando Santiago, and against David B. Morgan and others, pilots of the port of San Francisco, for the sum of $24,151 29, for the alleged negligent loss of the Peruvian bark Eliza, on the 5th of January, 1851.

The subject is one of some importance, and I have, therefore, deemed it my duty not only to transmit the papers above referred to, but to state that I dissent from the views expressed.

Señor Osma, in his communication, informs the Secretary of State that he has been instructed by the Peruvian Government to apply to the United States, to obtain from it the reparation deemed due to a Peruvian citizen for the loss complained of. The United States Government can answer for itself, as to the responsibility it incurs for an alleged dereliction of duty on the part of a State officer, or rather an individual not representing any department of the State Government, but acting as an individual in a special capacity under its authority.

Señor Osma assumes the position, that if the Pilots' Association was established by authority of the State, and foreign vessels required to provide themselves with pilots belonging to such association, then is the State responsible for the conduct of those composing the company or association. Señor Osma assumes what the law does not impose. The law of this State regulating pilotage, so far as respects the port of San Francisco, leaves it optional with the masters or owners of vessels to take on board a pilot or not, whether inward or outward bound. In this regulation there is no distinction made between national and foreign vessels. In case a pilot offers his services, and such service is refused, half pilotage is demanded, and this, as a matter of State police, gives character to the regulation, and is in fact a port charge. The system established by this State is analogous to that of the principal commercial States of the Union, without the introduction of any new principle. And, indeed, if whole pilotage were demanded in such cases, the consequence, as it regards the private parties concerned, or the authority of the State to enact such regulation, would be the same. The State laws regulating pilotage are not absolute, though the authority of the State is sufficient for that purpose.

The several acts of Congress recognising the validity of these laws may be treated as a part of the revenue system of the United States, or more generally as a recognition of an international rule based upon the necessity of general intercommunication between nations, under the respective States or Governments adopting them, with such modifications as local circumstances require. No civilized government at this day, it is believed, dispenses with such regulations. The Peruvian Government is certainly not

an exception. Long established usage respecting the law of insurance having rendered a resort to the advantages of this system indispensable throughout the world.

Señor Osma calls upon the Secretary of State to see that the decree of the District Court is carried into effect, and suggests that the Marshal has failed to satisfy the execution issued thereon. Upon an examination of the records, it appears, however, that the legal remedy upon the decree was not exhausted. The Marshal states in his return upon the execution, that he levied upon property, which he would not sell, until he was indemnified by the libellants. The inference, therefore, is, that the property was claimed by third parties, and where personal property levied upon, is thus claimed, no sale can be made unless an indemnity is given, if demanded. In this case it was demanded and refused. The Marshal had, therefore, no alternative but to make the return he did upon the execution, and nothing further was done in Court; hence, it does not appear that if the plaintiffs had resorted to a complete remedy that their decree would not have been satisfied. The law establishing pilotage, moreover, requires that each pilot shall, before the granting of his license, give a bond in a certain penalty for the faithful discharge of his duty. This bond is required as security for those injured by the misconduct of any individual Pilot. No attempt has been made to secure the amount of this penalty upon Morgan's bond, thus presenting another instance in which the libellant has failed to exhaust the plain and adequate remedy afforded by law, in cases of misfeasance.

The State, it is maintained, is not responsible for the misconduct of a pilot, because a pilot is not an officer of the State in any sense. A Board of Commissioners is created by law, to grant licenses to competent persons to act as pilots, but no revenue is derived to the State from these licenses. The establishment of pilotage is not necessary for the administration of the State government, though by the law regulating pilotage, the State acquiesces in the universal system adopted by governments. The State is no more responsible for the conduct of a pilot acting under a license from the commissioned officers of the State, than for any other person performing a public duty under a license, or under a commission. Auctioneers, commission merchants, retail dealers, &c., &c., act under statutory regulations, and even pay a revenue to the State; but a citizen of Peru dealing with them, acts upon the law of contract, determined by the existing local law, and the State is not the insurer of their fidelity in business transactions. So, also, with the contract for pilotage. There is an option to make the contract or refuse. By the refusal, the vessel subjects itself to an additional port charge of half pilotage. If, however, the contract is made, it is entirely private. It is, in fact, simply a contract between individuals of two governments, with which the governments have no connection.

If the recognition of the general system of pilotage by this State, establishes its responsibility for all pilotage contracts, the government of the United States could not escape from an equal responsibility, for the reason, that the United States have adopted the pilotage laws of the several States, by Acts of Congress, either as a part of the revenue laws, necessary to their complete enforcement, or by an express acquiescence in the international usages of the world.

Without further remark, the subject is commended to your careful con-

sideration, with the suggestion that such instructions be given in the premises as you may deem proper.

JOHN BIGLER.

(See Senate Appendix, No. 38.)

On motion, at 8 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, March 12, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Carhart, Covarrubias, and Reading, of Trinity.

On motion, leave of absence for one day each was granted to Messrs. Gardner and Johnson.

The Journal of Friday last was read and approved.

Mr Meredith presented a memorial, purporting to be signed by persons of color, asking for an amendment to the Act to regulate proceedings in civil cases, in the Courts of Justice of this State, so as to allow colored persons to testify in Courts of Justice of this State.

Mr. Carhart moved that the petition be rejected by throwing the same out of the window.

The Chair (Mr. Canney in the chair,) decided the motion to be out of order, and stated that the Chair would entertain a motion to reject.

Mr. Carhart appealed from the decision.

The question then being, "Shall the decision of the Chair stand as the opinion of the House?"

And the decision was sustained.

Mr. McFarland moved that the memorial be rejected.

Mr. McCandless moved, as an amendment, that it be burnt.

The Chair decided the amendment to be out of order.

Mr. Leake appealed from the decision of the Chair, and on the question, "Shall the decision of the Chair stand as the opinion of this House?"

The ayes and nays were demanded, and the decision was sustained by the following vote:

AYES.

Messrs. Blake,
Bostwick,
Brush,
Cabaniss,
Conness,
Covarrubias,
Estep,
Garfield,
Hoff,
Hunt,
Irwin,
Kittredge,
Letcher,
Martin,
Messrs. Meredith,
McFarland,
McCarry,
McKamy,
Moore,
Oliver,
Owen,
Pacheco,
Redding,
Rogers,
Snyder,
Taylor,
Tilghman,
Wing—28.

NAYS.

Messrs. Bell,
Caldwell,
Carhart,
Cardozo,
Crenshaw,
Ewing,
Fairfax,
Flower,
Harrison,
Herbert,
Heydenfeldt,
Lee,
Messrs. Leake,
Mandeville,
McCandless,
McMahon,
McMeans,
Myres,
Proctor,
Reading,
Thomas,
Walker,
Yeiser—23.

The question then being on the rejection of the memorial—

The ayes and nays were demanded, and it was rejected by the following vote:

AYES.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Cabaniss,
Caldwell,
Canney,
Carhart,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Messrs. Mandeville,
Martin,
Meredith,
McCandless,
McFarland,
McGarry,
McKamy,
McMahon,
McMeans,
Moore,
Myres,
Oliver,

Messrs. Estep,
Ewing,
Fairfax,
Flower,
Garfield,
Harrison,
Herbert,
Heydenfeldt,
Hoff,
Hunt.
Irwin,
Kittredge,
Lee,
Leake,
Letcher,
Owen,
Pacheco,
Proctor,
Reading,
Redding,
Rogers,
Sime,
Snyder,
Taylor,
Thomas,
Tilghman,
Walker,
Wing,
Yeiser—53.

NAYS—none.

On motion of Mr. Heydenfeldt, the Clerk was directed not to file the memorial amongst the papers of this House.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled An Act to repeal the first section of an Act entitled an Act appropriating moneys to meet the contingent expenses of Government, approved May 4. 1852;

Also, Concurrent Resolution to appoint a Joint Committee in translation of laws into Spanish;

Also, An Act to unite the offices of Clerk and Recorder of Tulare county;

And also, An Act amendatory of an Act entitled an Act to incorporate the city of Sacramento, passed 1851.

And the report was adopted.

Mr. Yeiser, from the Judiciary Committee, submitted the following report:

Mr. Speaker:

The Judiciary Committee have had under consideration An Act to amend the Act to regulate proceedings in civil cases in Courts of Justice of the State of California, in respect to appeals from Justices' Courts, in certain cases, and recommended that the bill be not passed.

They also report back An Act to legalize certain official acts of William J. Lewis, County Surveyor for the county of Santa Clara, in accordance with instructions, and recommend that the bill be passed with the proposed amendments, as section 2.

Your Committee have also carefully considered a resolution instructing the Judiciary Committee to inquire into the expediency or inexpediency of revising, amending and codifying certain Acts.

And submit the accompanying bill entitled An Act to provide for the

compilation and publication of the Laws of the State of California, and the payment thereof, as the result of their deliberations.

FREDERICK YEISER,
Chairman.

Assembly bill for An Act to amend the Act to regulate proceedings in civil cases in Courts of Justice of the State of California in respect to appeals from Justices' Courts in certain cases, was then taken up and laid on the table.

Assembly bill for An Act to legalize certain official acts of Wm. J. Lewis, County Surveyor of the county of Santa Clara, was then taken up amended, read a third time and passed.

Assembly bill for An Act to provide for the compilation and publication of the Laws of the State of California, and the payment thereof, introduced by Mr. Yeiser from the Judiciary Committee, was then read a first and second time, and referred to the Judiciary Committee.

Mr. Cardozo, from the Committee on Commerce, reported back Senate bill for An Act relative to Port Wardens in San Francisco and Sacramento, and other Ports of California, with amendments, and recommended its passage.

The bill was laid on the table, and made the special order for Tuesday March 15, at 12 o'clock, M.

Mr. Mandeville, from the Committee on Roads and Highways, reported back, Assembly bill for An Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers, passed March 11, 1851, with a recommendation that the bill be laid on the table.

The report was adopted and the bill laid on the table.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act to create the County of Alameda and establish the Seat of Justice therein, to define its boundaries, and provide for its organization.

And the report was adopted.

Mr. Wing submitted the following report, which was concurred in:

Mr. Speaker:

The joint committee of conference upon the disagreeing vote of the two Houses, on the bill entitled An Act to provide for the contingent expenses of the Supreme Court and State Officers, have had the same under consideration, and report:

Amend Assembly bill by inserting after the word "of," in line two, the words "Governor's Office."

Amend the title, so that it will read "An Act to provide for the contingent expenses of the offices of Governor, Treasurer, Comptroller, and Secretary of State, and of the Supreme Court."

Your committee also recommend that the Assembly recede from its disagreement to Senate amendment.

Respectfully submitted,

AUSTIN WING,
Ch. Assembly Committee.

J. WALTON,
Ch. Senate Committee.

Mr. Thomas, from the delegation from Butte County, to whom was referred a petition of citizens of that county relating to the county seat, reported the same back, with a bill for An Act establishing the Seat of Justice of the County of Butte, and amending the 21st section of an Act dividing the State into Counties, and establishing Seats of Justice therein, passed April 25th, 1851, and recommendad the passage of the same.

The bill was then read a first and second time, the rules suspended, it was then read a third time, and passed.

Mr. Redding, of Yuba, from the select committee, reported back Assembly bill for An Act to divide the County of Trinity, and form a new county out of the western portion of the same, to be called "Humboldt," with amendments, and recommended the passage of the same.

The amendments were then adopted, and the bill read a third time, and passed.

Mr. McFarland, from the select committee to whom was referred Senate bill for An Act to amend an act passed 15th March, 1851, entitled an Act to provide for the Translation of the Laws into the Spanish language, and also to amend an Act passed April 24, 1852, of the same title, reported the same back, and recommended that it be passed.

The report was adopted, and the bill read a third time and passed.

Mr Heydenfeldt introduced a Joint Resolution relative to the Law Library at the City of San Francisco.

Which was read a first and second time, amended, and referred to the Judiciary Committee.

Mr. Blake submitted the following resolution, which was adopted:

Resolved, That the Governor be informed that, on yesterday, the Assembly adopted a resolution declaring the seat heretofore occupied by Horace W. Carpentier, vacant.

Mr. Martin introduced a bill for An Act to amend an act entitled an Act to authorize the construction of a Wagon Road from Humboldt Bay to the Sacramento Valley, approved April 28, 1852.

Which was read a first and second time, and referred to the Committee on Roads and Highways.

Mr. Garfield introduced a bill for An Act to enforce the payment of Licenses in this State

Which was read a first and second time, and referred to the Judiciary Committee.

Mr. Reading, of Trinity, introduced a bill for An Act to authorize the construction of a Wagon Road from the Free Bridge House, on Clear Creek, in Shasta County, to Weaverville, in Trinity County.

Which was read a first and second time, and referred to the Committee on Roads and Highways.

Mr. McMahon introduced a bill for An Act for the more effectual distribution of the Laws, Journals, and Public Documents of the State of California.

Which was read a first and second time, and referred to the Committee on Education.

On motion of Mr. Myres, Assembly bill for An Act to provide for the protection of Foreigners, and to define their liabilities and privileges, was

taken from the table, and made the special order for Wednesday, March 16, at 12 o'clock M.

Mr. Ewing introduced a bill for An Act for the relief of Wm. Waldo.

Which was read a first time, and laid over under the rules.

Mr. Redding introduced a bill for An Act to ascertain and provide for the payment of the debt due from Sierra county to Yuba county.

Which was read a first time, and laid over under the rules.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported that they had this day presented to the Governor for his approval, An Act concerning repealed Statutes;

An Act to prevent extortion in office and to enforce official duty;

An Act to repeal an Act in relation to the city of San Francisco, passed May 1st, 1851;

And the report was adopted.

Mr. Reading of Trinity presented the claim of M. C. Dougherty, for $25 for services rendered the State.

Which was read, and referred to the Committee on Claims.

On motion of Mr. [illegible], Assembly bill for An Act recommending to the electors to vote for or against calling a convention to revise and change the entire constitution of this State; was taken from the table, and made the special order for Friday, March 18, at 12 o'clock M.

The following message was received from the Senate:

Mr. Speaker:

The Senate yesterday passed An Act to amend an Act entitled an Act declaring certain rivers and creeks navigable, passed February 18, 1851.

And this day refused to recede from the vote adopting a substitute to Assembly Joint Resolution concerning the Historical Society of the State of California.

And appointed Messrs. McKibben, Crabb, and Lyons as a Committee of conference on the disagreeing vote of the two Houses.

By order of the Senate:

[illegible]
Secretary of the Senate.

10th March, 1853.

Senate bill for An Act to amend an Act entitled an Act declaring certain rivers and Creeks navigable, passed Feb. 18, 1851, was then read a first time, and laid over under the rules.

Senate bill for An Act to amend an Act entitled an Act prescribing the mode of assessing and collecting Public Revenue, passed May 1st, 1851, was then read a second time, and referred to the Committee on Ways and Means.

Senate bill for An Act to provide for the payment of the claim of the "Pioneer Upholstery," was then read a second time and referred to the Committee on Claims.

Senate bill for An Act to change the name of Alfred Morgan, to Alfred Grey Morgan, was then read a second time, and laid on the table.

Senate bill for An Act for the relief of J. D. Monnett, M. D., for services rendered sick emigrants, was then read a second time, and referred to to the Committee on State Hospitals.

Senate bill for An Act for the payment of Certain Persons therein named, for services rendered and materials furnished, was then read a second time and referred to the Committee on Claims.

Assembly bill for An Act entitled an Act for the better regulation of Pilots for the Bar and Harbor of Humboldt Bay, was then taken up, read a third time and passed.

The following message was received from the Senate:

Mr. Speaker:

The Governor approved, on the 10th inst., An Act to prevent the establishment of Pest Houses within the limit of any town or city in this State;

And Joint Resolution in relation to the Harbor of Santa Cruz;

And An Act entitled an Act for the relief of Taaffe, McCahill & Co., for carpeting, &c.;

The Senate this day adopted the report of the joint committee upon the disagreeing vote of the two Houses, on the bill for An Act to provide for the contingent expenses of the Supreme Court and State Offices;

And passed this day, An Act to authorize the Comptroller to issue, and the Treasurer to register, a Warrant in lieu of one destroyed by fire.

By order of the Senate:

A. C. BRADFORD,
Secretary of the Senate.

March 12, 1853.

Senate bill for An Act to authorize the Comptroller to issue, and the Treasurer to register, a Warrant in lieu of one destroyed by fire, was then read a first and second time, the rules suspended, it was then read a third time, and passed.

The Governor's message transmitted to this House, yesterday, relating to the claim of the Peruvian bark Eliza, was then taken up, and two hundred and forty copies ordered printed, together with the accompanying documents.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported that they had this day presented to the Governor for his approval, An Act to unite the offices of Clerk and Recorder of Tulare County;

An Act amendatory of an act entitled an Act to Incorporate the City of Sacramento, passed 1851;

And An Act to repeal the first section of an Act entitled an Act appropriating moneys to meet the Contingent Expenses of Government, approved May 4, 1852.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act to legalize certain official acts of William J. Lewis, County Surveyor for the County of Santa Clara;

Also, An Act establishing the Seat of Justice of the County of Butte, and amending the twenty-first section of an Act entitled an Act dividing the State into Counties, and establishing Seats of Justice therein, passed April 25, 1851.

And the report was adopted.

On motion, at three o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

MONDAY, March 14, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent:—Messrs. Blake, Canney, Carhart, Conness, Cardozo, Covarrubias, Crenshaw, Ewing, Fairfax, Flower, Johnson, Lee, Leake, Martin, Meredith, McFarland, McGarry, Moore, Myres, Pacheco, Proctor, Robinson, Sime, Taylor, Tilghman and Yeiser.

On motion, leave of absence for one day each, was granted to Messrs. Crenshaw, Moore, McFarland, Robinson, Martin, Meredith, Lee, Yeiser, Fairfax, Blake, Conness, Ewing and Proctor; to Mr. Johnson one week was granted.

The Journal of Saturday last was read and approved.

Mr. McMeans submitted a resolution, requesting the Governor to transmit to this House all papers on file in his Department relating to the sale of Beach and Water Lot Property in the year 1850.

Which was read and adopted.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled An Act to provide for the contingent expenses of the offices of Governor, Treasurer, Comptroller and Secretary of State, and of the Supreme Court.

And the report was adopted.

Mr. Thomas submitted a Joint Resolution in relation to the establishment of Post Offices and Mail Routes in the northern part of the State.

Which was read a first and second time, and referred to the Committee on Federal Relations.

A message was received from the Governor, informing the Assembly that

he had this day approved An Act to repeal the first section of an Act appropriating moneys to meet the contingent expenses of Government, approved March 4th, 1852.

Senate bill for An Act to amend an Act entitled an Act declaring certain rivers and creeks navigable, passed February 18th, 1851, was then read a second time, laid on the table, and two hundred and forty copies ordered to be printed.

On motion of Mr. Hoff, Assembly bill for An Act for the punishment of the crimes of Adultery and Polygamy, was taken from the table and referred to a select committee of three.

The Chair appointed, as such committee, Messrs. Kittredge, Hoff and Heydenfeldt.

On motion of Mr. Kittredge, Assembly bill for An Act concerning Roads and Highways, was ordered to be printed.

Mr. Cabaniss, at 2 o'clock, P. M., moved to adjourn.

On which the ayes and nays were demanded, and the House adjourned by the following vote:

AYES.

Messrs. Bostwick,
Brush,
Cabaniss,
Estep,
Gardner,
Harrison,
Irwin,
Kittredge,
Knight,
Letcher,
Mandeville,
McKamy,
McMahon,
McMeans,
Reading,
Redding,
Rogers,
Snyder,
Smith,
Wing—20.

NAYS.

Messrs. Bell,
Caldwell,
Garfield,
Hally,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
McCandless,
Oliver,
Owen,
Thomas,
Walker,
Wells,
Speaker—15.

HOUSE OF ASSEBMLY.

TUESDAY, March 15, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Leake, Martin, McKamy, Moore, Proctor, Rogers, Smith, Tilghman and Yeiser.

On motion, leave of absence was granted to Messrs. Proctor and Martin for one day, and to Mr. Pacheco for three days.

The Journal of Monday last was read and approved.

Mr. Owen, from the Committee on Corporations, reported back Assembly bill for An Act supplementary to an Act to incorporate the city of Los Angeles, passed April 4th, 1850, without amendment, and recommended its passage.

The report was adopted, and the bill considered, and ordered engrossed for a third reading.

Mr. Crenshaw, from the Committee on Claims, reported back the petition of Clark and Craine, with a bill for An Act for the relief of Reuben Clark and Wm. Craine.

Which was read a first and second time, considered in committee of the whole, reported back without amendment; the rules suspended, it was considered engrossed, read a third time and passed.

Mr. Yeiser, from the Judiciary Committee, submitted the following report:

Mr. Speaker:

The Judiciary Committee to whom was referred a joint resolution relative to the Law Library at the City of San Francisco, beg leave to report it back, recommending its passage, with an amendment, viz:

Add following proviso: Provided the same shall not interfere with the number of copies required by law to be kept in the State Library.

They have also considered An Act to enforce the Payment of Licenses in this State, the passage of which is recommended without amendment.

Your Committee also unanimously recommend the passage of An Act to provide for the compilation and publication of the Laws of the State of California, and the payment thereof, with the following amendment: Insert after the word "laws," in second line of section 3, the words "of a public and general nature."

And report back An Act to amend an Act entitled an Act concerning the

the Courts of Justice of this State and Judicial Officers, passed March 11, 1851, and

An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May 1st, 1851, and recommended that they be not passed.

Also, An Act to amend an Act concerning the Courts Justice of this State and Judicial Officers, passed March 11th, 1851, and recommend that the bill be not passed, for the reason that the House has passed an Act of similar nature during the present session.

FRED. YEISER,
Chairman.

The report was read, and,

On motion of Mr. Canney, laid on the table, together with the accompanying bills.

On motion of Mr. Heydenfeldt, Assembly Joint Resolution relative to the Law Library at the city of San Francisco, was taken from the table, the amendments reported by the Judiciary Committee adopted.

The resolutions was then considered engrossed, read a third time, and passed.

Assembly bill for An Act for the relief of William Waldo, was then read a second time, and referred to the Committee on Claims.

On motion of Mr. Canney, Senate bill for An Act authorizing the appointment of Book-Keeper to the Comptroller of State, and temporary Clerk in the department of Treasurer of State, and to provide for their payment, was taken from the table.

On motion of Mr. Canney, the House then went into committee of the whole, (Mr. Heydenfeldt in the chair,) on the consideration of the bill, and having considered the same, rose, and reported it back without amendment, and recommended its passage, and asked to be discharged from further consideration of the subject.

Which was granted.

The bill was then read a third time, and on the question, "Shall the bill now be passed?" the ayes and nays were demanded, and the bill was passed by the following vote:

AYES.

Messrs. Bell,	Messrs. Mandeville,
Blake,	McFarland,
Caldwell,	McGarry,
Canney,	McMahon,
Conness,	Myres,
Cardozo,	Oliver,
Covarrubias,	Owen,
Crenshaw,	Reading,
Estep,	Redding,
Flower,	Snyder,
Gardner,	Smith,
Heydenfeldt,	Thomas,
Hoff,	Tilghman,

Messrs. Knight,
Lee,
Leake,
Messrs. Walker,
Yciser,
Speaker—32.

NAYS.

Messrs. Bostwick,
Brush,
Cabaniss,
Ewing,
Hally,
Harrison,
Herbert,
Hunt,
Kittredge,
Messrs. Letcher,
McMeans,
Robinson,
Rogers,
Sime,
Taylor,
Wells,
Wing—17.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled An Act to authorize the Comptroller to issue, and the Treasurer to register, a Warrant in lieu of one destroyed by fire.

And the report was adopted.

On motion of Mr. McCandless, Senate bill for An Act relative to Port Wardens in San Francisco and Sacramento, and other Ports of California, made the special order for this day, at 12 o'clock, was taken from the table.

On motion of Mr. Canney, the House went into committee of the whole, (Mr. Heydenfeldt in the chair,) on the consideration of the bill; and having rejected the amendments reported by the Committee on Commerce, rose, and reported the bill back without amendment, and asked to be discharged from further consideration of the subject.

Which was granted.

Mr. Flower moved to amend the third section by adding the following:

"*Provided*, Nothing in this bill shall be so construed as to prevent owners, consignees, or other parties interested in goods and merchandise, from calling in competent judges to ascertain the amount of damage to said goods and merchandize, after the same may have been declared damaged by a Port Warden's survey."

The question then being on the adoption of the amendment, the ayes and nays were demanded, and the House refused to adopt by the following vote:

AYES.

Messrs. Conness,
Estep,
Flower,
Hally,
Harrison,
Hoff,
Messrs. Reading,
Redding,
Robinson,
Rogers,
Sime,
Taylor,

Messrs. Knight,
Letcher,
Mandeville,
Messrs. Walker,
Speaker—17.

NAYS.

Messrs. Bell,
Blake,
Bostwick,
Canney,
Carhart,
Cardozo,
Covarrubias,
Crenshaw,
Ewing,
Garfield,
Herbert,
Heydenfeldt,
Hunt,
Irwin,
Kittredge,
Lee,
Leake,
Meredith,
Messrs. McCandless,
McFarland,
McGarry,
McKamy,
McMahon,
McMeans,
Moore,
Myres,
Oliver,
Owen,
Snyder,
Smith,
Thomas,
Tilghman,
Wells,
Wing,
Yeiser—35.

Mr. Taylor moved the following as an amendment:

Add to section 10, the words, "on sales over five hundred dollars, and five dollars on all sales under five hundred dollars: *Provided*, that they shall not charge for more than one order of sale to each owner, agent, or consignee."

On the question of the adoption of the amendment, the ayes and nays were demanded, and the House refused to adopt by the following vote:

AYES.

Messrs. Bostwick,
Conness,
Estep,
Ewing,
Flower,
Hally,
Harrison,
Heydenfeldt,
Hoff,
Knight,
Messrs. Letcher,
Mandeville,
Reading,
Redding,
Robinson,
Rogers,
Sime,
Taylor,
Walker,
Speaker—20.

NAYS.

Messrs. Bell,
Blake,
Canney,
Carhart,
Cardozo,
Covarrubias,
Crenshaw,
Garfield,
Herbert,
Irwin,
Kittredge,
Lee,
Leake,
Meredith,
McCandless,
McFarland,
McGarry,
McKamy,
McMahon,
McMeans,
Moore,
Myres,
Oliver,
Owen,
Snyder,
Smith,
Thomas,
Tilghman,
Wells,
Wing,
Yeiser—31.

Mr. Robinson moved to amend as follows:

Amend section eleven, by striking out the word "section," and insert the word "Act."

The question then being on the adoption of the amendment.

The ayes and nays were demanded, and it was lost by the following vote:

AYES.

Messrs. Conness,
Estep,
Ewing,
Flower,
Hally,
Harrison,
Hoff,
Knight,
Letcher,
Mandeville,
Reading,
Redding,
Robinson,
Taylor,
Walker,
Speaker—16.

NAYS.

Messrs. Bell,
Blake,
Bostwick,
Canney,
Cardozo,
Covarrubias,
Crenshaw,
Garfield,
Herbert,
Heydenfeldt,
Irwin,
Kittredge,
McGarry,
McKamy,
McMahon
McMeans,
Moore,
Myres,
Oliver,
Owen,
Rogers,
Snyder,
Smith,
Thomas,

Messrs. Lee,
Leake,
Meredith,
McCandless,
McFarland,
Tilghman,
Wells,
Wing,
Yeiser—33.

On motion of Mr. McMeans, the bill was then read a third time.

Mr. Moore moved the previous question.

And on the question, "Shall the main question now be put?" the ayes and nays were demanded, and the motion was sustained by the following vote:

AYES.

Messrs. Bell,
Blake,
Bostwick,
Cardozo,
Covarrubias,
Crenshaw,
Herbert,
Irwin,
Kittredge,
Lee,
Leake,
Mandeville,
Meredith,
McCandless,
McFarland,
McGarry,
McKamy,
McMahon,
McMeans,
Moore,
Oliver,
Owen,
Rogers,
Snyder,
Smith,
Thomas,
Tilghman,
Wells,
Wing,
Yeiser—30.

NAYS.

Messrs. Canney,
Conness,
Estep,
Ewing,
Flower,
Garfield,
Hally,
Harrison,
Heydenfeldt,
Hoff,
Knight,
Letcher,
Myres,
Reading,
Redding,
Robinson,
Sime,
Taylor,
Speaker—19.

The main question was then put.

On which the ayes and nays were demanded, and the bill was passed by the following vote:

AYES.

Messrs.	Bell,	Messrs.	McFarland,
	Blake,		McGarry,
	Bostwick,		McKamy,
	Canney,		McMahon,
	Cardozo,		McMeans,
	Covarrubias,		Moore,
	Crenshaw,		Myres,
	Garfield,		Oliver,
	Herbert,		Owen,
	Heydenfeldt,		Rogers,
	Irwin,		Snyder,
	Kittredge,		Smith,
	Lee,		Thomas,
	Leake,		Tilghman,
	Mandeville,		Wells,
	Meredith,		Wing,
	McCandless,		Yeiser—34.

NAYS.

Messrs.	Conness,	Messrs.	Letcher,
	Estep,		Reading,
	Ewing,		Redding,
	Flower,		Robinson,
	Hally,		Sime,
	Harrison,		Taylor,
	Hoff,		Walker,
	Knight,		Speaker—16.

Mr. Heydenfeldt gave notice that he would, on to-morrow, move to reconsider the vote just taken by which the bill was passed.

Mr. Cardozo moved that the vote be now reconsidered.

Mr. Crenshaw moved to indefinitely postpone the motion to reconsider.

Mr. Canney moved to lay the motion to indefinitely postpone on the table.

Which was not agreed to.

The question then being on the motion to indefinitely postpone the motion to reconsider.

On which the ayes and nays were demanded, and decided in the affirmative by the following vote:

AYES.

Messrs.	Bell,	Messrs.	McMahon,
	Blake,		McMeans,
	Cardozo,		Moore,
	Covarrubias,		Myres,
	Crenshaw,		Oliver,
	Herbert,		Owen,

Messrs. Irwin,
Kittredge,
Lee,
Leake,
Mandeville,
Meredith,
McCandless,
McGarry,
Messrs. Sime,
Smith,
Thomas,
Tilghman,
Wells,
Wing,
Yeiser—27.

NAYS.

Messrs. Bostwick,
Canney,
Caldwell,
Carhart,
Conness,
Estep,
Ewing,
Flower,
Hally,
Harrison,
Heydenfeldt,
Hoff,
Messrs. Hunt,
Knight,
Letcher,
McFarland,
McKamy,
Reading,
Redding,
Robinson,
Rogers,
Taylor,
Walker,
Speaker—24.

On motion, at 3 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, March 16, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent: Messrs. Bell, McCandless, Moore, Proctor, Reading of Trinity, Smith, Tilghman and Walker.

On motion, leave of absence was granted for one day each to Messrs. Cardozo, Fairfax, Flower, Heydenfeldt, Moore and Proctor, and for two days each to Messrs. Estep and Harrison.

The Journal of Tuesday last was read and approved.

Mr. Hunt presented the petition of certain citizens of this State, in relation to the translation of the Laws into the Spanish Language.

Which was referred to the committee on that subject.

On motion, the report submitted by the Judiciary Committee on yesterday was taken from the table.

Assembly bill for An Act to enforce the payment of Licenses in this State, was then taken up, considered engrossed, read a third time and passed.

Assembly bill for An Act to provide for the compilation and publication of the Laws of the State of California, and the payment thereof, was then taken up, and,

On motion of Mr. Wing, the House went into committee of the whole, Mr. Oliver in the chair, on the consideration of the bill, and having considered the same rose and reported it back with amendments, and asked to be discharged from further consideration of the subject.

Which was granted.

On motion of Mr. Canney, the amendments reported by the committee of the whole were concurred in.

Mr. Bostwick moved an amendment to the fifth section of the bill.

Which was adopted.

The bill was then ordered engrossed for a third reading

Assembly bill for An Act to amend an Act entitled an Act concerning the Courts of Justice of this State, and Judicial Officers, passed March 11, 1851, was laid on the table

Assembly bill for An Act to amend an Act concerning the Courts of Justice of this State, and Judicial Officers, passed March 11, 1851, was also laid on the table.

Assembly bill for An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May 1, 1851, was also laid on the table.

The following message was received from the Senate:

Mr. Speaker:

The Governor approved, on the 12th inst., An Act to repeal An Act in relation to the city of San Francisco, passed May 1, 1851;

And the Senate passed, on the 12th inst, Joint Resolution in relation to Postal Arrangements;

And Assembly Concurrent Resolution to appoint a joint committee of the two Houses to draft and report a bill apportioning the State into Senatorial and Assembly Districts, and have named the same committee on the part of the Senate that was previously appointed on this same subject;

And passed yesterday, with amendments, Assembly bill for An Act to authorize the appointment of Book-Keeper to the Comptroller of State, and temporary Clerk in the department of Treasurer, and to provide for the payment of clerks in the State offices.

And passed yesterday, also, An Act to explain an Act entitled an Act in relation to the supplies of Fuel, and other contingent expenses of the Legislature, approved January 27, 1853, as a substitute for Assembly

bill for An Act requiring the Comptroller to audit certain bills of the members of the present Legislature.

By order of the Senate.

A. C. BRADFORD,
Secretary.

March 15, 1853.

Senate Joint Resolution in relation to postal arrangements, was then read a first time, and laid over under the rules.

Assembly bill for An Act to authorize the appointment of book-keeper to the Comptroller of State, and temporary clerk in the Department of Treasurer, and to provide for the payment of clerks in the State offices, as amended by the Senate, was then taken up and laid on the table.

Senate bill for An Act to explain an Act entitled an Act in relation to the supplies of fuel and other contingent expenses of the Legislature, approved Jan. 27, 1853, was then read a first time, and laid over under the rules.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled,

An Act to authorize the appointment of book-keeper to the Comptroller of State, and temporary clerk in the Department of Treasurer of State, and to provide for their payment.

Mr. Bostwick from the same Committee reported that they did on yesterday present to the Governor for his approval,

An Act to provide for the contingent expenses of the offices of Governor, Treasurer, Comptroller, and Secretary of State, and of the Supreme Court;

Also, An Act to authorize the Comptroller to issue, and the Treasurer to register, a warrant in lieu of one destroyed by fire;

And also, An Act to authorize the appointment of book-keeper to the Comptroller of State, and temporary clerk in the Department of Treasurer of State, and to provided for their payment.

And the report was adopted.

A message was received from the Governor, informing the Assembly that he did on the 15th inst., approve,

An Act entitled an Act to provide for the contingent expenses of the offices of Governor, Treasurer, Comptroller, and Secretary of State, and of the Supreme Court.

A message was received from the Senate informing the Assembly that they did on the 11th inst., pass,

An Act to amend an Act to re-incorporate the city of Stockton, approved April 21, 1852.

The bill was then taken up, read a first and second time, and referred to the members from San Joaquin county.

Assembly bill for An Act to ascertain and provide for the payment of the debt due from Sierra county to Yuba county, was then read a second time, and referred to the members from Yuba and Sierra counties.

Mr. Thomas submitted the following report which was read and adopted:

Mr. Speaker:

The Committee on Engrossment have examined and found correctly Engrossed, the following bills, viz:

A bill for An Act supplementary to An Act to incorporate the city of Los Angeles, passed April 4th, 1850;

Also, a bill for an Act for the relief of Reuben Clark and William Craine;

And also, Assembly Joint Resolution relative to the Law Library at the city of San Francisco;

Also, An Act to divide the county of Trinity, and form a new county out of the western portion of the same, to be called Humbolt.

CHAS. C. THOMAS,
Chairman.

Assembly bill for An Act supplementary to an Act to Incorporate the City of Los Angeles, passed April 4, 1850, was then read a third time and passed.

Mr. Redding, of Yuba, from the Committee on Mines and Mining Interests, reported back Senate bill for An Act to amend an Act to provide for the Protection of Foreigners, and to define their liabilities and privileges, and recommended that it be made the special order of this day, and considered with Assembly bill on the same subject.

The report was adopted, and the bill made special order for 12 o'clock.

Mr. Crenshaw, from the Committee on Claims, to whom was referred the claim of Lawrence McMahon, reported the same back, with a bill for An Act for the relief of Lawrence McMahon.

Which was read a first time, and laid over under the rules.

Mr. Garfield, from the Committee on Federal Relations, reported back Assembly Joint Resolution in relation to the establishment of Post Offices and Mail Routes in the northern part of the State, with verbal amendments, and recommended its possage.

The report and bill were laid on the table.

The hour of twelve having arrived, on motion of Mr. McCandless, the House went into committee of the whole, (Mr. Robinson in the chair,) on the consideration of Senate bill for An Act to amend an Act to provide for the Protection of Foreigners, and to define their liabilities and privileges, and having made some progress on the bills, rose and reported them back, and asked leave to sit again.

Which was granted.

Mr. Canney moved that the bills be made the special order for to-morrow, immediately after the calling of committees.

Which was agreed to.

Mr. Blake introduced a bill for An Act prescribing the mode of appointing Auctioneers, and defining their duties.

Which was read a first time, and laid over under the rules.

Mr. Brush, agreeably to notice, introduced a bill for An Act to limit the application of an Act to regulate proceedings in Civil cases, in the Courts of Justice of this State, passed April 29th, 1851.

Which was read a first and second time, and referred to the Judiciary Committee.

On motion, at 3 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, March 17, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent:—

Messrs. Cardozo, Covarrubias, Fairfax, Gardner, Heydenfeldt, Irwin, Leake, McCandless, Moore, Tilghman, Walker, and Yeiser.

The Journal of Wednesday last was read and approved.

Mr. Conness, from the Committee on Claims, to whom was referred Senate bill for An Act to provide for the payment of the claim of the "Pioneer Upholstery," reported the same back, and recommended that it be laid on the table.

The report was adopted, and the bill laid on the table.

Mr. Conness, from the same committee, reported a bill for An Act for the relief of E. G. Baker, tinsmith of San Francisco;

Which was read a first and second time, and laid over under the rules.

On motion of Mr. Redding of Yuba, Assembly bill for An Act to amend the third section of the Act entitled an Act to license gaming, passed March 14, 1851, was taken from the table.

Mr. Thomas moved that the bill be considered engrossed, and read a third time, with a view of putting it on its final passage;

On which the ayes and nays were demanded, and the question was decided in the negative by the following vote:

AYES.

Messrs. Blake,	Messrs. Redding,
Brush,	Snyder,
Canney,	Smith,
Carhart,	Thomas,
Covarrubias,	Tilghman,

Messrs. Letcher,
McMeans,
Oliver,
Reading,
Messrs. Wells,
Wing,
Yeiser—17.

NAYS.

Messrs. Bostwick,
Cabaniss,
Conress,
Crenshaw,
Ewing,
Flower,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Irwin,
Kittredge,
Messrs. Knight,
Lee,
Mandeville,
Meredith,
McCandless,
McFarland,
McGarry,
McKamy,
Owen,
Proctor,
Robinson,
Sime,
Taylor,
Speaker—28.

On motion of Mr. Heydenfeldt, the bill was laid on the table.

Mr. McCandless presented the petition of three hundred and four citizens of this State, praying for the passage of the "Maine Liquor Law;"

Which was read, and referred to the select committee on that subject.

Mr. Covarrubias submitted a resolution, requesting the Committee on Elections to report on Monday next on the case of contested election of Lee and Vidall *vs.* Hughes and Covarrubias;

Which was adopted.

Mr. Yeiser, from the Judiciary Committee, reported back Assembly bill for An Act to exempt Firemen from serving on Militia or Jury duty, with a substitute for An Act to exempt Firemen from Militia service and Jury duty;

Which, with the report and bill, was laid on the table.

Mr. Canney, from the Committee on Indian Affairs, submitted the following report: (Relative to claim of O. S. Weatherby. See Appendix, No. 31.)

Mr. Proctor moved to lay the report on the table.

On which the ayes and nays were demanded, and it was not agreed to by the following vote:

AYES.

Messrs. Cabaniss,
Caldwell,
Flower,
Hally,
Harrison,
Hoff,
Messrs. Oliver,
Proctor,
Robinson,
Sime,
Snyder,
Taylor,

Messrs. Irwin,
Letcher,
Mandeville,
Messrs. Thomas,
Tilghman,
Walker—18.

NAYS.

Messrs. Bell,
Blake,
Brush,
Canney,
Conness,
Covarrubias,
Crenshaw,
Herbert,
Heydenfeldt,
Hunt,
Knight,
Lee,
Leake,
Messrs. Martin,
McCandless,
McFarland,
McGarry,
McMahon,
McMeans,
Myres,
Owen,
Reading,
Rogers,
Smith,
Wing,
Speaker—26.

Mr. Canney moved the adoption of the report.

On which the ayes and nays were demanded, and the report was adopted by the following vote:

AYES.

Messrs Bell,
Blake,
Brush,
Caldwell,
Canney,
Carhart,
Conness,
Covarrubias,
Crenshaw,
Ewing,
Flower,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Irwin,
Knight,
Lee,
Leake,
Messrs. Letcher,
Mandeville,
Martin,
McFarland,
McGarry,
McMahon,
McMeans,
Myres,
Oliver,
Owen,
Proctor,
Reading,
Redding,
Rogers,
Snyder,
Smith,
Thomas,
Tilghman,
Walker,
Wing,
Speaker—42.

NAYS.

Messrs. Cabaniss, McCandless, Robinson, Messrs. Sime, Taylor—5.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported that they had examined An Act to Fund the Debt of the county of Los Angeles and provide for the payment thereof, and found it correctly enrolled, except an omission in the third line of section 9th, of the words, "of the assessment," which words they have inserted.

And the report was adopted.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed An Act to enforce the payment of Licenses in this State; also,

An Act to provide for the compilation and publication of the Laws of the State of California, and the payment thereof.

And the report was adopted.

Mr. Kittredge, from the Committee on Agriculture, reported back Assembly bill for An Act to prevent Hogs running at large in this State, and recommended its passage.

The report was read, and, with the bill, laid on the table.

Mr. McFarland, from the Committee on State Hospitals, reported back Senate bill for An Act for the relief of J. D. Monnett, M. D., for service rendered sick emigrants, and recommended that the same be referred to the Committee on Claims.

The report was adopted, and the bill referred to the Committee on Claims.

Mr. Brush, from the select committee, to whom was referred so much of the Governor's message as relates to the extension of the Water Front of the city of San Francisco, submitted the following report. (See Appendix, No. 32.)

Which was read, and laid on the table, with a view to ordering it to be printed.

Mr. Brush, from the same committee, introduced a bill for An Act to dispose of the interest of the State to certain property, and quiet the title thereto.

Which was read a first and second time, and referred to the Committee on Ways and Means.

Mr. Cabaniss, from a majority of the select committee appointed to visit the city of Stockton for the purpose of examining the site of the State Asylum for the Insane, submitted the following report. (See Appendix, No. 33.)

Which was read, laid on the table, and two hundred and forty copies ordered to be printed.

Mr. Wing, from a minority of the same committee, submitted the follow- report, which was read, laid on the table, and two hundred and forty copies ordered to be printed in connection with the report of the majority of the committee. (See Appendix, No. 33.)

Mr. Harrison, from the select committee to whom was referred Assembly

bill for An Act concerning lawful Fences, and Animals trespassing on premises lawfully enclosed, reported the same back with a substitute, under a similar title, and recommended its passage. The substitute and bill were laid on the table.

Mr. Hally, from the San Joaquin delegation, to whom was referred the Senate bill for An Act to amend an Act to re-incorporate the City of Stockton, approved April 21, 1852, reported the same back, with a recommendation that the bill be passed without amendment.

The bill was adopted, and the report laid on the table.

On motion, the House then went into committee of the whole (Mr. Robinson in the chair), on the consideration of Assembly bill for An Act to provide for the protection of Foreigners, and to define their liabilities and privileges;

And Senate bill for An Act to amend an Act to provide for the protection of Foreigners, and to define their liabilittes and privileges, made the special order for this day, and having made some progress thereon, rose, reported the bill back, and asked leave to sit again, which was granted.

On motion of Mr. Canney, at 5 o'clock, P. M., the House took a recess until half past seven o'clock, P. M.

7½ O'CLOCK, P. M.

The House re-assembled, and again went into committee of the whole, (Mr. Robinson in the chair), on the consideration of the subject had under consideration at the time of taking a recess, and having considered the same, rose, and reported back the same, with sundry amendments to the Assembly bill, and recommended the passage of the same, and asked to be discharged from the further consideration of the subject, which was granted, and the bill laid on the table.

A message was received from the Senate, and laid on the table.

On motion, at 11 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, March 18, 1853.

The House met pursuant to adjournment.

The Speaker in the Chair.

The roll was called by the Clerk, and the following members were absent: Messrs. Gardner, McCandless, Reading of Trinity, and Tilghman.

On motion of Mr. Heydenfeldt, Mr. Gardner was granted indefinite leave of absence.

The Journal of Thursday last was read and approved.

Mr. Hoff presented the petition of citizens of Tuolumne county, praying for the passage of a law to prohibit Gambling.

Which was read, and referred to the select committee on that subject.

Mr. Johnson presented the petition of the Trustees of the Fire Department of the city of Sacramento, praying for a law to exempt Firemen from jury duty.

Which was read and laid on the table.

The following message, received from the Senate on yesterday, and laid on the table, was taken up and read:

Mr. Speaker:

The Governor approved, on the 15th instant, An Act amendatory of an Act entitled an Act to incorporate the city of Sacramento, passed in 1851.

An Act to unite the offices of Clerk and Recorder of Tulare County.

An Act concerning repealed Statutes.

An Act to prevent extortion in office and to enforce official duty.

The Senate passed on the 15th instant, Assembly bill for An Act establishing the Seat of Justice of the County of Butte, and amending the 21st section of An Act entitled an Act dividing the State into Counties and establishing Seats of Justice therein, passed April 25, 1851, with an amendment.

And Senate bill for An Act to provide a Sinking Fund for the County of Monterey.

The Governor approved, on the 15th instant, also, An Act to authorize the Comptroller to issue, and the Treasurer to register, a warrant in lieu of one destroyed by fire.

And the Senate passed, on the 16th instant, with an amendment, Assembly bill for An Act to amend the seventh section of an Act to prohibit the creation of Weirs or other obstruction to the run of Salmon.

And Assembly bill for An Act to create the county of Alameda and to

establish the Seat of Justice therein, to define its boundaries, and to provide for its organization, with amendments.

By order of the Senate,

A. C. BRADFORD,
Secretary Senate.

March 17, 1853.

Assembly bill, as amended by the Senate, for An Act establishing the Seat of Justice of the county of Butte, and amending the twenty-first section of An Act entitled an Act dividing the State into counties, and establishing Seats of Justice therein, passed April 25, 1851, was then taken up and the Senate amendment concurred in.

Senate bill for An Act to provide a Sinking Fund for the county of Monterey, was then read a first time and laid over under the rules.

Assembly bill, as amended by the Senate for An Act to amend the seventh section of an Act to prohibit the erection of Weirs, or other obstructions to the run of Salmon, was then taken up and the Senate amendment concurred in.

Assembly bill, as amended by the Senate, for An Act to create the county of Alameda and establish the Seat of Justice therein, to define its boundaries, and to provide for its organization, was then taken up, and the Senate amendments concurred in.

Assembly bill for An Act to provide for the compilation and publication of the Laws of the State of California, and the payment thereof, was then read a third time, and on the question, "Shall the bill now be passed?" the ayes and nays were demanded, and the bill passed by the following vote:

AYES.

Messrs. Bell,
Blake,
Brush,
Caldwell,
Canney,
Conness,
Cardozo,
Ewing,
Flower,
Heydenfeldt,
Hoff,
Irwin,
Kittredge,
Knight,
Lee,
Leake,
Meredith,
McFarland,
McGarry,
Myres,
Oliver,
Proctor,
Redding,
Snyder,
Smith,
Thomas,
Wells,
Wing,
Yeiser—29.

NAYS.

Messrs.	Cabaniss,	Messrs.	Mandeville,
	Carhart,		McKamy,
	Covarrubias,		McMeans,
	Crenshaw,		Owen,
	Estep,		Robinson,
	Hally,		Rogers,
	Herbert,		Sime,
	Hunt,		Taylor,
	Johnson,		Speaker—18.

Assembly bill for An Act to exempt Firemen from serving on militia, or jury duty, with the substitute therefor, was taken up, and made the special order for Tuesday next, March 22d, 1853, at 12 o'clock, M.

On motion of Mr. Johnson, Assembly bill for An Act recommending to the Electors to vote for or against calling a Convention to revise and change the entire Constitution of this State, was taken up and made the further special order for Wednesday, March 23d, 1853, at 12 o'clock, M.

Senate bill for An Act to explain an Act entitled an Act in relation to the supplies of Fuel and other contingent expenses of the Legislature, approved January 27th, 1853, was then read a second time, the rules suspended; it was then read a third time and passed.

On motion of Mr. Leake, Assembly bill for An Act to amend an Act entitled an Act to create a Board of Supervisors for the Counties of this State, and to define their duties and powers, passed May 3d, 1852, was taken from the table, and referred to the Judiciary Committee.

On motion of Mr. Thomas, Assembly joint resolution in relation to the establishment of Post Offices and Mail Routes in the northern part of the State, was taken from the table, read a third time, and passed.

Mr. Hally introduced a joint resolution instructing our Senators and Representatives in Congress, in relation to an Act of Congress to settle private land claims in California;

Which was read a first time, and laid over under the rules.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act to explain an Act entitled an Act in relation to the Supplies of Fuel and other Contingent Expenses of the Legislature, approved January 27th, 1853;

Also, An Act relative to Port Wardens in San Francisco and Sacramento, and other Ports of California;

Also, An Act to amend an Act, passed 15th March, 1851, entitled an Act to provide for the translation of the Laws into the Spanish language;

And also, to amend An Act, passed April 24th, 1852, of the same title.

And the report was adopted.

On motion of Mr. Canney, Assembly bill for An Act to provide for the protection of Foreigners, and to define their liabilities and privileges, was then taken up.

Mr. Hally moved a call of the House, which was sustained, and on the roll being called, the following members were absent:

Messrs. Cabaniss, Bell, Kittredge, McGarry, McMahon, Rogers, and Tilghman.

Mr. Tilghman appeared, was admitted, excused, and took his seat.

On motion of Mr. Leake, further proceedings under the call were dispensed with.

The amendments reported by the committee of the whole to the bill were then taken up separately, and severally concurred in, so far as the 18th section.

On the question of striking out the whole of the 18th section, and inserting the following words:

"On all sums collected under the provisions of this Act, there shall be allowed twenty-seven per cent. to the Collector, and to the Recorder, three per cent."

The ayes and nays were demanded, and the amendment was adopted by the following vote:

AYES.

Messrs. Bostwick,
Canney,
Carhart,
Covarrubias,
Crenshaw,
Flower,
Harrison,
Herbert,
Heydenfeldt,
Irwin,
Lee,
Leake,
Mandeville,
Martin,
Meredith,
McCandless,
McKamy,
McMeans,
Myres,
Oliver,
Proctor,
Snyder,
Thomas,
Tilghman,
Walker,
Yeiser—26.

NAYS.

Messrs. Blake,
Brush,
Cabaniss,
Caldwell,
Conness,
Cardozo,
Estep,
Ewing,
Garfield,
Hally,
Hoff,
Hunt,
Kittredge,
Knight,
Letcher,
Owen,
Reading,
Redding,
Robinson,
Rogers,
Sime,
Taylor,
Wells,
Wing,
Speaker—25.

The remaining amendments to the bill were then considered, and severally concurred in.

Mr. Leake submitted an amendment to section 10; which was adopted.

Mr. Myres submitted an amendment; which was lost.

Mr. Wing moved to amend the first section, by striking out the words, "or not having lawfully and in good faith declared his intention to become such."

Mr. McMeans submitted the following as a substitute to the amendment:

"*Provided*, That no person who is ineligible to citizenship under the provisions of the naturalization laws of the United States, shall be permitted to work in any of the mines of this State.

"*And provided further*, If any person shall violate the provisions of this Act, he shall, on conviction thereof, before any court of competent jurisdiction, be fined in any sum not exceeding one thousand dollars, nor less than one hundred dollars; one half of which fine shall go to the informer, and the other half to the use of the county in which such conviction is had."

Mr. Canney moved that the substitute be rejected.

On which the ayes and nays were demanded, and it was rejected by the following vote:

AYES.

Messrs.	Brush,	Messrs.	Leake,
	Canney,		Martin,
	Caldwell,		McFarland,
	Carhart,		McGarry,
	Cardozo,		Myres,
	Covarrubias,		Oliver,
	Crenshaw,		Owen,
	Estep,		Proctor,
	Flower,		Reading,
	Harrison,		Redding,
	Herbert,		Rogers,
	Heydenfeldt,		Sime,
	Hunt,		Taylor,
	Kittredge,		Wells,
	Knight,		Wing—31.
	Lee,		

NAYS.

Messrs.	Ewing,	Messrs.	Mandeville,
	Hally,		Meredith,
	Hoff,		McKamy,
	Irwin,		McMeans,
	Johnson,		Tilghman—10.

The question then recurring on the adoption of the amendment submitted by Mr. Wing.

On which the ayes and nays were demanded, and it was adopted by the following vote:

AYES.

Messrs. Brush,
Caldwell,
Carhart,
Estep,
Ewing,
Harrison,
Heydenfeldt,
Hoff,
Hunt,
Irwin,
Kittredge,
Lee,
Mandeville,
Martin,
Meredith,
McFarland,
McKamy,
Oliver,
Owen,
Reading,
Wells,
Wing—22.

NAYS.

Messrs. Canney,
Cardozo,
Covarrubias,
Crenshaw,
Flower,
Herbert,
Johnson,
Leake,
Letcher,
McGarry,
McMeans,
Myres,
Proctor,
Redding,
Rogers,
Taylor—16.

On motion of Mr. Johnson, at 4 o'clock, P. M., the House took a recess until half past seven o'clock, P. M., by the following vote:

AYES.

Messrs. Bostwick,
Brush,
Canney,
Conness,
Cardozo,
Estep,
Ewing,
Flower,
Garfield,
Hally,
Heydenfeldt,
Johnson,
Knight,
Lee,
Letcher,
McFarland,
McKamy,
Myres,
Oliver,
Proctor,
Redding,
Robinson,
Rogers,
Sime,
Snyder,
Smith,
Taylor—27.

NAYS.

Messrs. Blake,
Cabaniss,
Caldwell,
Kittredge,
Leake,
Meredith,

Messrs. Carhart,
Covarrubias,
Crenshaw,
Harrison,
Hoff,
Hunt,
Irwin,
Messrs. McGarry,
McMahon,
McMeans,
Owen,
Reading,
Wells,
Wing—20.

Half past seven o'clock, P. M.

The House re-assembled.

On motion of Mr. Bell, Mr. Heydenfeldt was called to the chair.

Mr. Blake submitted a resolution, requesting the Attorney-General to give his legal opinion in relation to the extension of the city front of San Francisco.

Which was read, and adopted.

Mr. Canney submitted the following resolution, which was adopted.

Resolved, That the Clerk of this House be directed to transmit a copy of the report of the Committee on Indian Affairs on the claim of O. S. Weatherby, and also the original papers accompanying the report to the Board of Examiners of the War Debt.

Mr. Bostwick submitted a resolution, fixing the hour of meeting of this House at ten o'clock, A. M.

Which was read, and on the question of its adoption, the ayes and nays were demanded, and the resolution was adopted by the following vote:

AYES.

Messrs. Bell,
Bostwick,
Brush,
Cabaniss,
Canney,
Conness,
Crenshaw,
Estep,
Ewing,
Garfield,
Hally,
Harrison,
Hoff,
Irwin,
Johnson,
Kittredge,
Knight,
Lee,
Messrs. Mandeville,
Martin,
Meredith,
McFarland,
McKamy,
McMahon,
Oliver,
Owen,
Proctor,
Redding,
Robinson,
Rogers,
Sime,
Smith,
Taylor,
Wells,
Speaker—35.

NAYS.

Messrs. Cardozo, Covarrubias, Flower, Herbert, Heydenfeldt, Leake, McGarry, McMeans, Myres, Yeiser—10.

Mr. McMeans moved to adjourn.

On which the ayes and nays were demanded by Mr. Canney, and it was decided in the negative by the following vote:

AYES.

Messrs. Brush, Cabaniss, Estep, Flower, Heydenfeldt, Hoff, Kittredge, Lee, Leake, Mandeville, McGarry, McKamy, McMahon, McMeans, Proctor, Rogers, Yeiser—17.

NAYS.

Messrs. Bostwick, Canney, Conness, Cardozo, Covarrubias, Crenshaw, Ewing, Garfield, Hally, Herbert, Johnson, Knight, Martin, Meredith, McFarland, Myres, Oliver, Owen, Redding, Robinson, Sime, Smith, Taylor, Thomas, Wells—25.

Mr. Garfield moved to strike out the eighteenth section, and insert a substitute.

Which was agreed to.

Mr. Hoff submitted the following as a new section to the bill:

"The provisions of this Act shall not be so construed as to prevent the miners in any mining district, from adopting and enforcing rules and regulations preventing foreigners ineligible to the rights of citizenship from working the mines in said mining district. *Provided*, That no rules and regulations, so established, shall exclude such foreign miner from working out any

claim he may be engaged on; and in no case, shall such rules or regulations exclude any person or persons from working at any place or locality, at which he or they may be engaged during the term for which such license may be granted."

The question being on the adoption of the amendment.

On which the ayes and nays were demanded by Mr. Canney, and the House refused to adopt by the following vote:

AYES.

Messrs.	Blake,	Messrs.	Meredith,
	Heydenfeldt,		McMeans,
	Hoff,		Oliver,
	Kittredge,		Smith,
	Mandeville,		Yeiser—10.

NAYS.

Messrs.	Bell,	Messrs.	Knight,
	Bostwick,		Leake,
	Brush,		Martin,
	Cabaniss,		McFarland,
	Canney,		McGarry,
	Conness,		McMahon,
	Cardozo,		Myres,
	Covarrubias,		Proctor,
	Crenshaw,		Redding,
	Estep,		Robinson,
	Garfield,		Rogers,
	Hally,		Taylor,
	Harrison,		Thomas,
	Herbert,		Tilghman,
	Irwin,		Wells—31.
	Johnson,		

On motion of Mr. Crenshaw, the bill was then ordered engrossed for a third reading on to-morrow.

On motion, at 11 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, March 19, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Caldwell, Canney, Carhart, Fairfax, Heydenfeldt, Hunt, Kittredge, Lee, Letcher, McCandless, McMahon, Myres, Proctor, Reading of Trinity, Tilghman, and Walker.

The Journal of yesterday was read and approved.

Mr. Rogers presented the petition of citizens of Calaveras county, praying for the passage of a law to divide that county and to create a new county therefrom.

Which was read, and referred to the delegations from Calaveras and El Dorado counties.

Mr. Oliver presented a petition from the same source, and upon the same subject.

Which was read, and referred same as above.

Mr. Crenshaw submitted the following report, which was read and adopted. (Relative to the accounts of Stockton State Hospital. See Appendix, No. 34.)

The bill and substitute was then laid on the table, and made the special order for Monday next, March 21, 1853, at seven and a-half o'clock, P. M.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed,

An Act to provide for the protection of Foreigners, and to define their liabilities and privileges;

Also, Joint Resolution in relation to the establishment of Post Offices and Mail Routes, in the northern part of the State.

And the report was adopted.

Assembly bill for An Act to provide for the protection of Foreigners and to define their liabilities and privileges, was then read a third time, and on the question, "Shall the bill now be passed?" the ayes and nays were demanded, and the bill was passed by the following vote:

AYES.

Messrs.	Bell,	Messrs.	Kittredge,
	Blake,		Knight,
	Bostwick,		Leake,
	Brush,		McFarland,
	Cabaniss,		McKamy,

Messrs. Canney,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Garfield,
Hally,
Harrison,
Herbert,
Irwin,
McMahon,
Myres,
Oliver,
Owen,
Redding,
Rogers,
Sime,
Snyder,
Thomas,
Wells,
Wing—33.

NAYS.

Messrs. Flower,
Heydenfeldt,
Hoff,
Johnson,
Mandeville,
Meredith,
McMeans,
Proctor,
Robinson,
Taylor,
Speaker—11.

Mr. Bostwick submitted the following report, which was read and adopted:

BENICIA, March 19, 1853.

Mr. Speaker:

The Joint Committee on Enrollment report that they have examined and found correctly enrolled,

An Act to amend the 7th section of an Act to prohibit the erection of Weirs or other obstructions to the run of Salmon, approved April 12, 1852.

Also, An Act establishing the Seat of Justice of the county of Butte, and amending the 21st section of An Act entitled an Act dividing the State into Counties, and establishing the Seat of Justice therein, passed April 25, 1851.

JOHN H. BOSTWICK,
Ch. Assembly Committee.

JOHN Y. LIND,
Ch. Senate Committee.

Mr. Redding, of Yuba, from the select committee to whom was referred the subject of calling a Miners' State Convention, submitted the following report: (See Appendix, No. 35.)

Which was read and four thousand eight hundred copies ordered printed.

Mr. Crenshaw, from the portion of the select committee to whom was referred so much of the Annual Message of the Governor as relates to the

extension of the Water Front of the city of San Francisco, submitted the following report: (See Appendix, No. 32)

Which was read, and four thousand eight hundred copies ordered printed, together with the report submitted by Mr. Brush on the same subject, March 17, 1853.

Mr. Canney introduced a bill for An Act to provide for the payment of the per diem and expenses of the Legislature, during the year 1854.

Which was read the first and second time, and referred to the Committee on Ways and Means, and ordered not to be printed.

On motion of Mr. Hally, Assembly Joint Resolution instructing our Senators and Representatives in Congress in relation to an Act of Congress to settle private land claims in California, was taken from the table, and two hundred and forty copies ordered printed.

Mr. Redding, of Yuba, introduced a bill for An Act supplementary to the Act incorporating the city of Marysville.

Which was read a first and second time, and referred to the Committee on Corporations.

Mr. McFarland introduced a bill for An Act for the government and protection of Indians.

Which was read a first and second time, and referred to the Committee on Indian Affairs.

Mr. Martin introduced a bill for An Act to authorize the State Treasurer to issue four duplicate School Land Warrants.

Which was read a first and second time, and referred to the Judiciary Committee, and ordered not to be printed.

Mr. Johnson, agreeably to notice, introduced a bill for an Act to fund the floating debt of the county of Sacramento, and to provide for the payment of the same.

Which was read a first and second time, and referred to the Committee on Ways and Means.

On motion of Mr. Conness, Messrs. Wells and Letcher were added to the Committee on Claims.

Mr. Lee introduced a Joint Resolution in relation to the Harbor of Santa Barbara.

Which was read a first and second time, and referred to the Committee on Commerce.

Mr. McMeans introduced a bill for An Act to repeal an Act entitled An Act for the relief of the Indigent Sick, approved April 16, 1852.

Which was read a first and second time, and referred to the Committee on Ways and Means.

On motion of Mr. Taylor, Assembly bill for An Act for the relief of E. G. Baker, tinsmith, of San Francisco, was taken from the table.

The House then went into committee of the whole, (Mr. Wing in the chair,) on the consideration of the bill, and having considered the same, rose and reported it back, without amendment, and recommended its passage, and asked to be discharged from the further consideration of the subject.

Which was granted.

The bill was then read a third time and passed.

Mr. Owen presented the petition of Henry Hook, asking for relief.

Which was read, and referred to the Committee on Claims.

Mr. Proctor introduced, a bill for An Act to fix the compensation of certain officers in the County of Siskiyou.

Which was read a first and second time, and referred to the Judiciary Committee.

On motion of Mr. McFarland, Assembly bill for An Act to amend an Act entitled an Act to provide for the disposal of the 500,000 acres of Land granted this State by Act of Congress, was taken from the table.

The House then went into committee of the whole, (Mr. Mandeville in the chair,) on the consideration of the bill, and having considered the same, rose and reported it back, with amendments, and asked to be discharged from the further consideration of the subject.

Which was granted.

On motion of Mr. Robinson, the House then concurred in the amendments of the committee of the whole, and the bill was laid on the table.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act for the relief of E. G. Baker, tinsmith, of San Francisco.

And the report was adopted.

Mr. Crenshaw introduced a bill for An Act for the relief of John C. Cremony.

Which was read a first and second time, and referred to the Committee on Claims.

Mr. Blake gave notice that he would, on Monday next, or at an early day thereafter, introduce a bill for an Act entitled An Act explanatory of an Act in relation to Port Wardens in San Francisco and Sacramento, and other Ports of California.

Mr. Crenshaw moved to adjourn until Monday next at 7½ o'clock, P. M.

On which the ayes and nays were demanded.

And it was decided in the affirmative by the following vote:

AYES.

Messrs.	Bell,	Messrs.	Martin,
	Blake,		McFarland,
	Bostwick,		McKamy,
	Cabaniss,		McMeans,
	Caldwell,		Myres,
	Cardozo,		Redding,
	Crenshaw,		Robinson,
	Estep,		Rogers,
	Flower,		Sime,
	Hally,		Taylor,
	Heydenfeldt,		Walker,
	Johnson,		Speaker—25.
	Mandeville,		

NAYS.

Messrs.	Brush,	Messrs.	McCandless,
	Canney,		McMahon,

Messrs. Conness,
Covarrubias,
Harrison,
Kittredge,
Lee,
Leake,
Messrs. Oliver,
Thomas,
Wells,
Wing,
Yeiser—15.

HOUSE OF ASSEMBLY.

MONDAY, March 21, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Brush, Cabaniss, Caldwell, Ewing, Leake, Letcher, Owen and Smith.

On motion, leave of absence was granted to Mr. Ewing for one day, and to Mr. Letcher for two days, and to Messrs. Brush and Smith each three days.

On motion of Mr. Crenshaw, the reading of the Journal was laid over until to-morrow.

The following message was received from the Senate:

Mr. Speaker:

The Senate, yesterday, passed a Concurrent Resolution instructing the select committee to report a bill for the districting of the State;

And Concurrent Resolution in relation to the Deed of the Mayor of the city of Benicia to the State of California;

And An Act to define the jurisdiction of Counties separated by rivers and water courses.

By order of the Senate.

A. C. BRADFORD,
Secretary of the Senate.

March 19, 1853.

Senate Concurrent Resolution instructing the select committee to report

a bill for the districting of the State, was then taken up and laid on the table.

Senate Concurrent Resolution in relation to the Deed of the Mayor of the city of Benicia to the State of California, of a certain lot of ground in the city of Benicia, was then taken up, and laid on the table.

Senate *bill* for An Act to define the jurisdiction of Counties separated by rivers and water courses, was then read a first time, and laid over under the rules.

On motion of Mr. Heydenfeldt, Assembly bill for An Act to authorize the Comptroller to audit the accounts of the President of the Board of Trustees of the Stockton State Hospital, and the substitute reported therefor, and made the special order this day, was taken up.

Mr. Canney moved that the whole matter be laid on the table, and that 240 copies of the bill, substitute, and accompanying papers, be printed.

Which was agreed to.

A message was received from the Senate informing the Assembly that they did, on the 19th instant, pass, with an amendment, Assembly bill for An Act to ascertain the Indebtedness of Mariposa county.

The bill was then taken up, and the amendments of the Senate concurred in.

Mr. Knight, on leave, introduced a bill for An Act to amend an Act concerning Corporations.

Which was read a first and second time, and referred to the Judiciary Committee.

On motion, at 10 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, March 22, 1853.

The House met pursuant to adjournment.

On motion of Mr. Myres, Mr. Oliver took the chair.

The roll was called by the Clerk, and the following members were absent:

Messrs Bell, Caldwell, Carhart, Cardozo, Ewing, Fairfax, Heydenfeldt, Lee, Leake, Martin, Meredith, McCandless, McMahon, McMeans, Moore, Owen, Thomas, Tilghman, Walker, Yeiser, and Mr. Speaker.

Mr. Canney moved a call of the House.

Which was sustained, and on the roll being called, the following members were found absent:

Messrs. Bell, Cabaniss, Caldwell, Fairfax, Heydenfeldt, Leake, Martin, McCandless, McMeans, Moore, Owen, Thomas, Tilghman, Walker, Yeiser, and Mr. Speaker.

The Sergeant-at-Arms was dispatched to bring in the absentees.

Messrs. Fairfax, Leake, McMeans and Yeiser, appeared, were admitted, excused, and took their seats.

Messrs. Martin, McCandless and Thomas also appeared, were admitted, and took their seats, without being excused.

The Journal of Saturday and Monday last was read and approved.

Mr. Wing, from the committee on Public Expenditures, to whom was referred the Report of the Agents of the California Relief Expedition, submitted the following report, (See Appendix, No. 36,) which was read, laid on the table, and one thousand copies ordered printed.

Mr. Canney submitted the following resolution, which was read and adopted:

Resolved, That Friday and Saturday of each week be set apart for the purpose of disposing of unfinished business, to the exclusion of all new business.

Mr. Kittredge submitted a resolution instructing the Superintendent of Public Instruction to make his annual report within one week.

Mr. Wells submitted the following resolution, which was read and adopted:

Resolved, That from and after the present date, the costs accruing to the Sergeant-at-Arms for arrests of absentees, made pursuant to calls of the House, be paid by the absentees so arrested.

On motion of Mr. Canney, Assembly bill for An Act to exempt Firemen from serving on Militia or Jury duty, and the substitute therefor, made the special order for this day, was taken up.

On motion of Mr. Canney, the substitute was adopted.

The House then went into committee of the whole, (Mr. Canney in the chair,) on the consideration of the substitute, and having considered the same, rose and reported it back, without amendment, and recommended its passage, and asked to be discharged from further consideration of the subject.

Which was granted.

The bill was then, on motion, considered engrossed, read a third time, and passed.

A message was received from the Governor, informing the Assembly that he did, on the 19th inst., approve An Act to amend the seventh section of an Act to prohibit the erection of Weirs, or other obstructions to the run of Salmon, approved April 12, 1852;

An Act establishing the Seat of Justice of the County of Butte, and amending the twenty-first section of an Act entitled an Act dividing the State into Counties, and establishing the Seats of Justice therein, passed April 25th, 1851.

The following message was received from the Senate:

Mr. Speaker:

The Senate passed yesterday An Act to amend an Act concerning Foreigners arriving in the ports of the State of California,

And passed this day An Act to provide for the publication and distribution of the Official Map of the State, as compiled by the Surveyor-General.

By order of the Senate.

A. C. BRADFORD,
Secretary Senate.

March 22, 1853.

Senate bill for An Act to amend an Act entitled an Act concerning Foreigners arriving in the ports of the State of California, was then read a first and second time, and referred to the Committee on State Hospitals.

Senate bill for An Act to provide for the publication and distribution of the Official Map of the State, as compiled by the Surveyor-General, was then read a first and second time and referred to the Committee on Public Grounds.

On motion of Mr. McMeans, Assembly bill for An Act to amend an Act to provide for the levying, assessing and collecting Public Revenue, approved April 23, 1852, was then taken up and made the special order for Monday next, March 28, 1853, at 12 o'clock, M.

On motion of Mr. McFarland, Assembly bill for An Act to amend an Act entitled an Act to provide for the disposition of the five hundred thousand acres of Land granted to this State by Act of Congress, April, 1851, was taken from the table.

Mr. Canney moved a call of the House, which was sustained, and on the roll being called, the following members were absent: Messrs. Carhart, Heydenfeldt, Meredith, McCandless, McKamy, McMahon, Moore, Myres, Proctor, Reading of Trinity, Tilghman, Walker and Mr. Speaker.

Messrs. Heydenfeldt and Tilghman appeared at the bar of the House, were admitted, and without being excused took their seats.

Messrs. Proctor and McKamy appeared, were admitted, excused and took their seats.

Mr. Blake moved to adjourn.

On which the ayes and nays were demanded, and it was decided in the negative by the following vote:

AYES.

Messrs. Bell,	Messrs. Mandeville,
Blake,	McGarry,
Conness,	McKamy,
Cardozo,	Pacheco,
Flower,	Rogers,
Hoff,	Wells—13.
Kittredge,	

NAYS.

Messrs. Covarrubias,
Crenshaw,
Estep,
Gardner,
Garfield,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Hunt,
Irwin,
Johnson,
Knight,
Lee,
Martin,
McFarland,
Oliver,
Reading,
Redding,
Robinson,
Sime,
Snyder,
Taylor,
Thomas,
Tilghman,
Wing,
Yeiser—27.

Mr. Robinson submitted an amendment, as the fifth section of the bill; Which was adopted.

On motion the bill was then ordered engrossed for a third reading on to-morrow.

Mr. Heydenfeldt submitted the following resolution:

Resolved, the Senate concurring, that the two Houses do adjourn, *sine die*, on Saturday the ninth day of April next.

Assembly bill for An Act to amend an Act defining the time for commencing civil actions, was then taken from the table, read a third time, and passed.

Mr. Herbert from a minority of the select committee, to whom was referred the subject of calling a Miners' State Convention, submitted the following report. (See Appendix, No. 35.)

Which was read, and four thousand eight hundred copies ordered printed in connection with the majority report of the same committee.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, submitted the following report, which was adopted:

BENICIA, March 19, 1853.

Mr. Speaker:

The Joint Committee on Enrolled Bills, report that they have this day presented to the Governor for his approval,

An Act to fund the debt of the county of Los Angeles, and provide for the payment thereof;

Also, An Act relative to Port Wardens in San Francisco and Sacramento, and other ports of California;

Also, An Act to explain an Act entitled an Act in relation to the supplies of fuel and other contingent expenses of the Legislature, approved Jan. 27, 1853;

Also, An Act to amend an Act passed 15th March, 1851, entitled an

Act to provide for the translation of the Laws into the Spanish language, and also, to amend An Act passed April 24, 1852, of the same title;

Also, An Act to amend the 7th section of An Act to prohibit the erection of Weirs or other obstruction to the run of Salmon, approved April 13, 1852;

And An Act establishing the Seat of Justice of the county of Butte, and amending the 21st section of An Act entitled an Act dividing the State into counties and establishing the Seat of Justice therein, passed April 25th, 1851.

JOHN H. BOSTWICK,
Assembly Committee.

JOHN Y. LIND,
Senate Committee.

On motion, at 3 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, March 23, 1853.

The House met pursuant to adjournment.

On motion of Mr. Blake, Mr. Wing took the chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Bell, Caldwell, Conness, Ewing, Herbert, Knight, Leake, McMeans, Moore, Owen, Smith, Tilghman, Walker, Yeiser, and Mr. Speaker.

On motion, leave of absence for one day each was granted to Messrs. Conness, Ewing, and Owen.

The Journal of Tuesday was read and approved.

Mr. Irwin, from the Committee on Elections, submitted the following report:

Mr. Speaker:

The Committee on Elections beg leave to report, that they find in the case of the contested seat of Santa Barbara county, that Mr. C. E. Hughes has

the regular and formal certificate of election, and, as appears by the papers on file, Mr. Lee more properly occupies the position of contestant.

They, therefore, in accordance with the precedent established by the Assembly, in the case of M[redacted]er, recommend that the seat now occupied by Mr. Lee be declared vacant, and that Mr. Hughes be permitted to qualify as a representative from Santa Barbara county.

RICHARD IRWIN,
Chairman *pro tem.*

Benicia, March 22, 1853.

On motion of Mr. Crenshaw, Mr. Hughes was admitted within the bar of the House.

Mr. Leake moved to recommit the report to the committee, and after some discussion,

Mr. Blake moved the previous question; which was sustained.

The main question was then put,

On which the ayes and nays were demanded, and the House refused to recommit by the following vote:

AYES.

Messrs.	Bell,	Messrs.	McMeans,
	Blake,		Myres,
	Herbert,		Oliver,
	Heydenfeldt,		Reading,
	Johnson,		Robinson,
	Leake,		Rogers,
	Martin,		Sime,
	Meredith,		Wing,
	McCandless,		Speaker—19.
	McKamy,		

NAYS.

Messrs.	Bostwick,	Messrs.	Irwin,
	Cabaniss,		Kittredge,
	Canney,		Knight,
	Cardozo,		Mandeville,
	Covarrubias,		McFarland,
	Crenshaw,		McMahon,
	Estep,		Pacheco,
	Fairfax,		Proctor,
	Flower,		Redding,
	Gardner,		Snyder,
	Garfield,		Taylor,
	Hally,		Thomas,
	Hoff,		Walker,
	Hunt,		Wells 28.

The question then being on the adoption of the report.

On which the ayes and nays were demanded, and the report was adopted by the following vote:

AYES.

Messrs.	Bostwick,	Messrs.	Irwin,
	Cabaniss,		Kittredge,
	Canney,		Knight,
	Cardozo,		Mandeville,
	Covarrubias,		McFarland,
	Crenshaw,		McMahon,
	Estep,		Pacheco,
	Fairfax,		Redding,
	Flower,		Sime,
	Gardner,		Snyder,
	Garfield,		Thomas,
	Hally,		Walker,
	Hoff,		Wells—27.
	Hunt,		

NAYS.

Messrs	Bell,	Messrs.	McMeans,
	Carhart,		Myres,
	Herbert,		Oliver,
	Heydenfeldt,		Reading,
	Johnson,		Robinson,
	Leake,		Rogers,
	Meredith,		Taylor,
	McCandless,		Wing,
	McGarry,		Speaker—19.
	McKamy,		

Mr. Crenshaw, from the Committee on Claims reported a bill for An Act for the relief of James M. Cronstone;

Which was read a first and second time, and laid over under the rules.

Mr. Crenshaw, from the same committee, reported back the petition of Henry Hook, praying for relief, with a recommendation that the prayer of the petitioner be denied.

And the report was adopted.

Mr. Crenshaw, from the same committee, reported back Senate bill for An Act for the relief of J. D. Monnett, M. D., for services rendered Sick Emigrants, and recommended its passage.

The House then went into committee of the whole, (Mr. Heydenfeldt in the chair,) on the consideration of the bill, and having considered the same, rose and reported it back, and recommended its passage, and asked to be discharged from further consideration of the subject.

Which was granted.

The bill was then read a third time, and passed.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, a bill for An Act to exempt Firemen from Militia service and Jury duty.

And the report was adopted.

Assembly bill for An Act recommending to the Electors to vote for or against calling a Convention to revise and change the entire Constitution of this State, made the special order for this day, at 12 o'clock, was taken up.

The House then went into committee of the whole, (Mr. Robinson in the chair,) on the consideration of the bill, and having considered the same, rose, and reported it back, with amendments, and recommended its passage, and asked to be discharged from further consideration of the subject.

Which was granted, and the amendments concurred in.

The bill was then ordered engrossed for a third reading on to-morrow.

Mr. McMeans submitted the following report relative to the Water Lot property of the State. (See Appendix, No. 37.)

Mr. Robinson submitted the following report. (See Appendix, No. 38.)

Mr. Johnson moved to lay the reports and the accompanying bill on the table.

On which the ayes and nays were demanded, and decided in the affirmative by the following vote:

AYES.

Messrs.	Cabaniss,	Messrs.	McKamy,
	Canney,		Pacheco,
	Carhart,		Proctor,
	Crenshaw,		Reading,
	Estep,		Robinson,
	Flower,		Sime,
	Gardner,		Snyder,
	Garfield,		Taylor,
	Hally,		Thomas,
	Heydenfeldt,		Wells,
	Johnson,		Yeiser,
	Knight,		Speaker—25.
	McFarland,		

NAYS.

Messrs.	Bell,	Messrs.	Martin,
	Blake,		Meredith,
	Cardozo,		McCandless,
	Covarrubias,		McMahon,
	Herbert,		McMeans,
	Hoff,		Myres,
	Hunt,		Oliver,
	Kittredge,		Rogers,
	Lee,		Tilghman,
	Leake,		Wing—21.
	Mandeville,		

Mr. Cardozo, from the Committee on Public Lands, reported back Senate bill for An Act to provide for the publication and distribution of the official Map of the State, as compiled by the Surveyor General, with amendments, and recommended its passage.

The amendments were then adopted, and the bill read a third time and passed.

Mr. Johnson moved to reconsider the vote by which the bill was passed.

On which the ayes and nays were demanded and decided in the negative by the following vote:

AYES.

Messrs.	Cabaniss,	Messrs.	McGarry,
	Flower,		Proctor,
	Hally,		Robinson,
	Harrison,		Snyder,
	Johnson,		Taylor—11.
	Knight,		

NAYS.

Messrs.	Bell,	Messrs.	Martin,
	Canney,		Meredith,
	Cardozo,		McFarland,
	Covarrubias,		McMahon,
	Crenshaw,		McMeans,
	Estep,		Myres,
	Fairfax,		Oliver,
	Gardner,		Pacheco,
	Garfield,		Reading,
	Herbert,		Redding,
	Heydenfeldt,		Rogers,
	Hoff,		Thomas,
	Irwin,		Tilghman,
	Kittredge,		Wells,
	Lee,		Wing,
	Leake,		Yeiser—32.

Mr. Speaker:

The Committee on State Hospitals, to whom was referred a bill for An Act to regulate the practice of Medicine and Surgery in the State of California, have had the same under consideration, and beg leave to report. (See Appendix, No. 39.)

The report was then adopted, and the bill read a third time, and on the question, "Shall the bill now be passed?" it was lost.

Mr. Bostwick submitted the following report:

Mr. Speaker:

The Joint Committee on Enrolled Bills have examined an enrolled bill, entitled An Act to create the County of Alameda and establish the seat of Justice therein, to define its boundaries, and provide for its organization. The Committee, upon an examination of the enrolled bill, find that it differs in some unimportant particulars with the bill as it passed, to wit:

In section six there is in the bill as passed a repetition of the preposition "of," which is left out of the enrolled bill.

Also, section thirteen, which was evidently intended to have been stricken out, is retained in the bill as passed, but is left out in the enrolled copy.

The Committee having no power over the bill, report it back to the Assembly, where it originated, and ask leave to make the alterations suggested.

Respectfully submitted,

JOHN WALTON,
Senate Committee.

JOHN H. BOSTWICK,
Assembly Committee.

On motion of Mr. Heydenfeldt, the Committee on Enrolled Bills were ordered to have the bill enrolled in accordance with the original bill.

Mr. Flower submitted the following resolution:

Resolved, That the seat now held by Mr. Lee, as a Representative from Santa Barbara county, be declared vacant.

Mr. Leake moved to lay the resolution on the table.

On which the ayes and nays were demanded, and the House refused to lay on the table by the following vote:

AYES.

Messrs. Blake, Harrison, Herbert, Johnson, Leake, Meredith, McCandless, McGarry, McKamy, McMeans, Myres, Oliver, Robinson, Rogers, Tilghman, Wing, Yeiser—17.

NAYS.

Messrs. Bell, Bostwick, Cabaniss, Canney, Kittredge, Knight, Mandeville Martin,

Messrs. Cardozo,
Covarrubias,
Estep,
Flower,
Gardner,
Hally,
Heydenfeldt,
Hunt,
Pacheco,
Proctor,
Redding,
Sime,
Taylor,
Walker,
Wells—23.

Mr. McCandless moved to adjourn.

On which the ayes and nays were demanded, and the House refused to adjourn by the following vote:

AYES.

Messrs. Bell,
Blake,
Carhart,
Cardozo,
Fairfax,
Herbert,
Heydenfeldt,
Lee,
Leake,
Mandeville,
Meredith,
McCandless,
McFarland,
McKamy,
McMahon,
McMeans,
Myres,
Proctor,
Reading,
Rogers,
Wells—21.

NAYS.

Messrs. Bostwick,
Cabaniss,
Canney,
Covarrubias,
Crenshaw,
Estep,
Flower,
Gardner,
Hally,
Harrison,
Hunt,
Johnson,
Kittredge,
Knight,
Martin,
McGarry,
Oliver,
Pacheco,
Redding,
Robinson,
Sime,
Taylor,
Thomas,
Tilghman,
Walker,
Wing,
Yeiser—27.

Mr. Taylor moved a call of the House.

Which was sustained.

And on the roll being called, the following members were found absent: Messrs. Garfield, Hoff, Irwin, Snyder, and Mr. Speaker.

The Sergeant-at-Arms was dispatched to bring in the absentees.

Mr. Heydenfeldt moved to adjourn.

On which the ayes and nays were demanded, and the House refused to adjourn by the following vote:

AYES.

Messrs. Bell,
Blake,
Carhart,
Cardozo,
Gardner,
Harrison,
Heydenfeldt,
Hoff,
Leake,
Mandeville,
Meredith,
McCandless,
McFarland,
McKamy,
McMahon,
McMeans,
Myres,
Proctor,
Reading,
Rogers,
Wells—21.

NAYS.

Messrs. Bostwick,
Cabaniss,
Canney,
Covarrubias,
Crenshaw,
Estep,
Fairfax,
Flower,
Hally,
Hunt,
Johnson,
Kittredge,
Knight,
Martin,
McGarry,
Moore,
Oliver,
Pacheco,
Redding,
Robinson,
Sime,
Taylor,
Thomas,
Tilghman,
Walker,
Wing,
Yeiser—27.

Messrs. Snyder, Garfield and Irwin appeared at the bar of the House, were admitted, excused, and took their seats.

On motion, further proceedings under the call were dispensed with.

Mr. McMeans moved to adjourn.

On which the ayes and nays were demanded, and the House refused to adjourn by the following vote:

AYES.

Messrs. Blake,
Carhart,
Cardozo,
Flower,
Gardner,
Garfield,
Harrison,
Meredith,
McCandless,
McFarland,
McKamy,
McMahon,
McMeans,
Moore,

Messrs. Heydenfeldt,
Hoff,
Lee,
Leake,
Mandeville,
Messrs. Myres,
Proctor,
Rogers,
Snyder,
Wells—24.

NAYS.

Messrs. Bell,
Bostwick,
Cabaniss,
Canney,
Covarrubias,
Crenshaw,
Estep,
Fairfax,
Hally,
Herbert,
Hunt,
Irwin,
Johnson,
Kittredge,
Knight,
Messrs. Martin,
McGarry,
Oliver,
Pacheco,
Reading,
Redding,
Robinson,
Sime,
Taylor,
Thomas,
Tilghman,
Walker,
Wing,
Yeiser—29.

Mr. Leake moved to lay the resolution on the table.

On which the ayes and nays were demanded, and it was decided in the negative by the following vote:

AYES.

Messrs. Bell,
Blake,
Harrison,
Herbert,
Heydenfeldt,
Hunt,
Leake,
Meredith,
Messrs. McGarry,
McKamy,
Myres,
Oliver,
Rogers,
Tilghman,
Wing—15.

NAYS.

Messrs. Cabaniss,
Canney,
Covarrubias,
Crenshaw,
Estep,
Flower,
Gardner,
Garfield,
Hally,
Messrs. Mandeville,
Martin,
Pacheco,
Proctor,
Reading,
Redding,
Robinson,
Sime,
Snyder,

Messrs. Irwin,
Johnson,
Kittredge,
Knight,
Messrs. Taylor,
Thomas,
Walker,
Wells—26.

Mr. Oliver moved a call of the House.
Which was sustained.
On motion, proceedings under the call were dispensed with.
On motion of Mr. Fairfax, the resolution was laid on the table.
The following message was received from the Senate:

Mr. Speaker:

The Governor approved, on the 19th instant, An Act to Fund the Debt of the county of Los Angeles, and to provide for the payment thereof.

An Act to explain an Act in relation to the supplies of fuel and other contingent expenses of the Legislasure, approved January 27, 1853.

An Act to amend an Act, passed March 15, 1851, entitled an Act to provide for the Translation of the Laws into the Spanish Language, and also to amend an Act, passed 24th April, 1852, of the same title.

And An Act relative to the Port Wardens of San Francisco, Sacramento, and other Ports of California.

The Senate passed, on the 18th March, An Act to enforce the collection of Taxes in certain cases.

The Senate passed, this day, Senate bill for An Act authorizing the Treasurer of State to issue bonds for the payment of the expenses of Volunteer Rangers under Capt. B. Wright and Charles McDermitt, in protecting the overland emigration on the north-eastern frontier.

And passed, with amendments, Assembly bill for An Act to provide for the Protection of Foreigners and to define their liabilities and privileges.

By order of the Senate:

A. C. BRADFORD,
Secretary.

23d March, 1853.

Assembly bill, as amended by the Senate, for An Act to provide for the Protection of Foreigners, and to define their liabilities and privileges, was then taken up, and laid on the table.

Senate bill for An Act to enforce the collection of Taxes in certain cases, was read a first time and laid over under the rules.

Senate bill for An Act authorizing the Treasurer of the State to issue bonds for the payment of the expenses of Volunteer Rangers under Capt. B. Wright and Charles McDermitt, in protecting the overland emigration on the north eastern Frontier, was then read a first time and laid over under the rules.

On motion, at 3 o'clock, P. M., the House adjourned by the following vote:

AYES.

Messrs. Bell,
Fairfax,
Flower,
Harrison,
Hoff,
Hunt,
Irwin,
Kittredge,
Mandeville,
Meredith,
McGarry,
McKamy,
McMahon,
Moore,
Oliver,
Pacheco,
Reading,
Robinson,
Rogers,
Thomas,
Tilghman,
Wells,
Yeiser—23.

NAYS.

Messrs. Blake,
Bostwick,
Canney,
Cardozo,
Crenshaw,
Gardner,
Garfield,
Herbert,
Heydenfeldt,
Johnson,
Leake,
McFarland,
McMeans,
Myres,
Proctor,
Redding,
Snyder,
Taylor,
Wing—19.

HOUSE OF ASSEMBLY.

THURSDAY, March 24, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent: Messrs. Bell, Canney, Carhart, Covarrubias, Fairfax, Herbert, Heydenfeldt, Irwin, Johnson, Lee, McCandless, McMahon, Moore, Thomas, Tilghman and Walker

The Journal of Wednesday last was read and approved.

Mr. Covarrubias presented the petition of Horace Hawes, praying for relief.

Which was read, and referred to the Committee on Claims.

Mr. Leake presented the petition of certain Citizens of Calaveras county, praying for relief.

Which was read, and referred to the Committee on Claims.

Mr Leake also presented the petition of citizens of Calaveras county, remonstrating against the division of that county.

Which was read, and referred to the members from the counties of Calaveras and El Dorado.

Mr. McMeans, from the Committee on Ways and Means, reported back the Assembly bill for An Act to repeal an Act entitled an Act for relief of the Indigent Sick, approved April 16, 1852, without amendment, and recommended its passage.

The report was adopted, the bill considered, and ordered engrossed for a third reading on to-morrow.

Mr. Robinson, from the Committee on Ways and Means, reported back Assembly bill for An Act to fund the Floating Debt of the county of Sacramento, and to provide for the payment of the same, with a recommendation that it be passed

The report was adopted, and the bill laid on the table.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act to amend an Act entitled an Act to provide for the disposition of the five hundred thousand acres of Land, granted this State by Act of Congress.

Also, An Act recommending to the electors to vote for or against calling a Convention to revise and change the entire Constitution of this State.

Mr. Oliver submitted the following resolution, which was read and laid on the table:

Resolved, That the Sergeant-at-Arms be instructed to procure from the California Guards the painting of Washington, which belongs to the State, to be placed upon the wall of the Assembly.

Mr. Hally, on leave, introduced a bill for An Act to secure to Settlers a pre-emption right to the Overflowed and Swamp Lands of this State.

Which was read a first and second time, and referred to the select committee on the subject of Tule Lands.

Mr. Martin, on leave, introduced a bill for An Act to prevent persons from obstructing the channels of Humboldt bay and harbor.

Which was read a first and second time, referred to the Committee on Commerce and ordered not to be printed.

Mr. Ewing, from the Committee on Counties and County Boundaries, reported a bill for An Act for dividing the county of Los Angeles, and making a new county therefrom.

Which was read a first and second time, and referred to the members from that county.

Mr. McFarland, from the Committee on State Hospitals, reported back Senate bill for An Act to amend an Act entitled an Act concerning pas-

[redacted] State of California, and recommended

The report was a[redacted]

On motion, the Ho[redacted] into committee of the whole, Mr. Canney in the chair, on the [redacted] on of the bill, and having considered the same rose, reported it back, recommended its passage, and asked to be discharged from further consideration of the subject.

Which was agreed to.

Mr. Canney moved that the bill be read a third time now, with a view of putting it upon its final passage.

On which the ayes and nays were demanded.

And the bill was ordered to a third reading by the following vote:

AYES.

Messrs.	Bell,	Messrs.	Hunt,
	Blake,		Irwin,
	Bostwick,		Johnson,
	Brush,		Kittredge,
	Canney,		Knight,
	Carhart,		Mandeville,
	Cardozo,		McCandless,
	Covarrubias,		McFarland,
	Crenshaw,		McMeans,
	Estep,		Myres,
	Ewing,		Oliver,
	Hally,		Proctor,
	Harrison,		Tilghman,
	Herbert,		Wing,
	Heydenfeldt,		Yeiser—31.
	Hoff,		

NAYS.

Messrs.	Cabaniss,	Messrs.	Robinson,
	Conness,		Sime,
	Letcher,		Taylor,
	Meredith,		Thomas,
	McGarry,		Wells,
	McKamy,		Speaker—13.
	Redding,		

The bill was then read a third time, and on the question, "Shall the bill now be passed?"

The ayes and nays were demanded.

And the bill was passed by the following vote:

AYES.

Messrs.	Bell,	Messrs.	Hunt,
	Blake,		Kittredge,
	Bostwick,		Knight,
	Brush,		Leake,
	Canney,		Mandeville,
	Carhart		Martin,
	Cardozo,		McCandless,
	Covarrubias,		McFarland,
	Crenshaw,		McKamy,
	Estep,		McMeans,
	Ewing,		Myres,
	Fairfax,		Proctor,
	Gardner,		Thomas,
	Hally,		Tilghman,
	Harrison,		Wells,
	Herbert,		Wing,
	Heydenfeldt,		Yeiser—35.
	Hoff,		

NAYS.

Messrs.	Cabaniss,	Messrs.	McGarry,
	Conness,		Redding,
	Flower,		Robinson,
	Johnson,		Rogers,
	Letcher,		Taylor,
	Meredith,		Speaker—12.

Senate bill for An Act authorizing the Treasurer of State to issue Bonds for the payment of the expenses of Volunteer Rangers under Capt. B. Wright and Charles McDermott, in protecting the overland emigration on the north-eastern frontier, was then read a second time, and referred to the Committee on Indian Affairs.

On motion of Mr. Myres, Assembly bill for An Act recommending to the electors to vote for or against calling a Convention to revise and change the entire Constitution of this State, was then taken from the table, and read a third time.

Mr. Conness moved a call of the House.

Which was sustained, and on the roll being called, the following members were absent:

Messrs. McGarry, McMahon, Moore, Reading of Trinity, and Walker.

On motion of Mr. Crenshaw, Mr. McMahon was excused from the action of the call.

Messrs. McGarry and Walker appeared at the bar of the House, were admitted, excused, and took their seats.

On motion, further proceedings under the call were dispensed with.

Mr. Crenshaw moved to recommit the bill, with instructions to the Committee to propose amendments to the Constitution in accordance with Art. X, Sec. 1, of the Constitution, requiring biennial instead of annual

sessions of the Legislature, and with amendments abolishing the office of Superintendent of Public Instruction; together with such other amendments as to the committee may seem proper. Such amendments to be proposed each in separate propositions; each proposed amendment to contain all the necessary amendments to make the Constitution harmonize with said proposed amendments; with a view of submitting such proposed amendments to the next Legislature, according to provisions of Sec. 1, Art. X, of the Constitution.

The question then being to recommit the bill with special instructions, the ayes and nays were demanded.

And it was decided in the negative by the following vote:

AYES.

Messrs. Bostwick,
Cabaniss,
Covarrubias,
Crenshaw,
Hally,
Irwin,
Knight,
Mandeville,
Oliver,
Redding
Robinson,
Rogers,
Thomas—13.

NAYS.

Messrs. Bell,
Blake,
Brush,
Canney,
Carhart,
Conness,
Cardozo,
Estep,
Ewing,
Fairfax,
Flower,
Gardner,
Garfield,
Harrison,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Johnson,
Kittredge,
Lee,
Leake,
Letcher,
Martin,
Meredith,
McCandless,
McFarland,
McGarry,
McMahon,
McMeans,
Moore,
Myres,
Owen,
Pacheco,
Proctor,
Reading,
Sime,
Snyder,
Taylor,
Tilghman,
Walker,
Wells,
Wing,
Yeiser,
Speaker—45.

Mr. Heydenfeldt moved a call of the House.
Which was sustained.

And on the roll being called, the following members were Messrs. Cabaniss and Knight.

Mr. Knight appeared, was admitted, and took his seat.

On motion, further proceedings under the call were dispensed with

The question then being, "Shall the bill now be passed?"

On which the ayes and nays were demanded.

The bill was passed by the following vote:

AYES.

Messrs.	Bell,	Messrs.	Mandeville,
	Bostwick,		Martin,
	Canney,		McCandless,
	Carhart,		McFarland,
	Cardozo,		McGarry,
	Covarrubias,		McKamy,
	Estep,		McMahon,
	Ewing,		McMeans,
	Fairfax,		Moore,
	Flower,		Myres,
	Gardner,		Owen,
	Garfield,		Pacheco,
	Hally,		Proctor,
	Harrison,		Reading,
	Herbert,		Robinson,
	Heydenfeldt,		Sime,
	Hunt,		Snyder,
	Johnson,		Taylor,
	Kittredge,		Tilghman,
	Knight,		Walker,
	Lee,		Wing,
	Leake,		Yeiser,
	Letcher,		Speaker—46.

NAYS.

Messrs.	Blake,	Messrs.	Meredith,
	Brush,		Oliver,
	Conness,		Redding,
	Crenshaw,		Rogers,
	Hoff,		Thomas,
	Irwin,		Wells—12.

ABSENT.

Messrs.	Cabaniss,	Messrs.	Smith,
	Caldwell,		Wilson—4.

On motion, at 4 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, March 25, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Fairfax, Heydenfeldt, Irwin, Johnson, Lee, McCandless, McMahon and Moore.

On motion, leave of absence was granted to Mr. Johnson for two days, and to Mr. Canney until Wednesday next.

The Journal of Thursday last was read and approved.

Mr. Brush, from the Committee on Elections, submitted the following report and resolution. (Contested seat of Lee *vs.* Hughes. See Appendix, No. 40.)

On motion of Mr. Canney, the House then went into committee of the whole, (Mr. Canney in the chair,) on the consideration of the report and resolution; and having considered the same, rose, reported them back, and asked to be discharged from further consideration of the matter.

Which was granted.

The Speaker then presented the following communication, which was read:

ASSEMBLY ROOM,
March 25, 1853.

To the Hon. Speaker of Assembly:

SIR:—I herewith tender my resignation as member of the Assembly from Santa Barbara, business of importance requiring my immediate attendance elsewhere.

Very respectfully,

C. V. R. LEE.

Mr. Conness moved to lay the communication on the table.

The Chair decided the motion to be out of order: that the House had no control in the matter of the resignation of one of its members.

Mr. Heydenfeldt moved the previous question.

Which was sustained.

The main question was then put.

On which the ayes and nays were demanded, and the resolution was adopted by the following vote:

AYES.

Messrs Bell,
Blake,
Bostwick,
Brush,
Cabaniss,
Canney,
Conness,
Cardozo,
Crenshaw,
Estep,
Ewing,
Fairfax,
Flower,
Hally,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Irwin,
Kittredge,
Letcher,
Mandeville,
Martin,
Messrs. McCandless,
McFarland,
McGarry,
McKamy,
McMeans,
Myres,
Oliver,
Owen,
Pacheco,
Proctor,
Reading,
Redding,
Robinson,
Rogers,
Sime,
Snyder,
Taylor,
Thomas,
Tilghman,
Wells,
Wing,
Speaker—45.

NAYS.

Mr. Leake,
Mr. Meredith—2.

Mr. Hughes then came forward, was sworn in by the Speaker and took his seat as a member of this House.

Mr. Owen, from the Committee on Corporations, reported back Assembly bill for An Act to abolish the offices of Commissioners of the Funded Debt of San Francisco, without amendment, and recommended its passage.

The report was adopted, and the bill laid on the table.

Mr. Crenshaw, from the Committee on Claims, to whom was referred the claim of Thomas A. Hilton, reported the same back, with a bill for An Act for the relief of Thomas A. Hilton, M. D.

Which was read a first time, and laid over under the rules.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act to exempt Firemen from militia service and jury duty;

An Act for the relief of J. D. Monnett, M. D., for services rendered sick emigrants;

An Act to create the county of Alameda and establish the Seat of Justice therein, to define its boundaries and provide for its organization; also,

An Act to ascertain the indebtedness of Mariposa and El Dorado counties; also,

An Act to provide for the publication and distribution of the official Map of the State, as compiled by the Surveyor-General; also,

Joint Resolution in relation to the establishment of Post Offices and Mail Routes in the northern part ot the State.

And the report was adopted.

Mr. Bostwick, from the same committee, reported that they had this day presented to the Governor, for his approval, An Act to create the county of Alameda and establish the Seat of Justice therein, to define its boundaries and provide for its organization; also,

An Act to ascertain the indebtedness of Mariposa and El Dorado counties; also,

An Act to provide for the publication and distribution of the official Map of the State, as compiled by the Surveyor-General; and also,

An Act for the relief of J. D. Monnett, M. D., for services rendered sick emigrants; also,

An Act to exempt Firemen from militia service and jury duty.

And the report was adopted.

The following communication was received from the Attorney-General, read, and laid on the table. (Relative to the extension of the Water Front of San Francisco. See Appendix, No. 41.)

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act to repeal an Act entitled an Act for the relief of the Indigent Sick, approved April 16th, 1852.

And the report was adopted.

Mr. McFarland, from the Los Angeles Delegation, reported back Assembly bill for An Act for dividing the county of Los Angeles and making a new county therefrom, and recommended its passage.

The report was adopted, and the bill considered, and ordered engrossed.

The following message and communication of the Comptroller of State were received, read, and two thousand copies ordered printed.

EXECUTIVE DEPARTMENT,
Benicia, March 24, 1853.

To the Senate and Assembly of California:

In my Annual Message, at the commencement of the present session, the financial condition of the State was carefully presented, and your efforts invoked to relieve its embarrassments. As in duty bound, I recommended certain measures deemed essential to the preservation of the faith and credit of the State, and the diminution of that burden of taxation which now weighs so heavily on the energy and industry of the people. These embarrassments are daily increasing, and I am the more firmly convinced of the necessity and importance of the measures then earnestly urged upon your consideration.

Under existing circumstances, however, I feel it my duty again to invite your attention to the condition of the finances of the State, and to make further suggestions which are regarded as important

It is believed that the State is possessed of Beach and Water property sufficient, at least, if judiciously disposed of, to liquidate her entire civil indebtedness—a result much desired and loudly demanded by our common constituents.

As it will be necessary in this communication to make frequent reference to the actual condition of the finances of the State at the present time, an official statement of the same has been obtained from the Comptroller of State, which is herewith submitted. (See Appendix, No. 42.)

It will be seen, therefore, that the debt of the State has accrued since the organization of our State Government, at an average rate exceeding six hundred and seventy-one thousand dollars per annum, and must continue to increase at about the same rate, until provision is made for the reduction of our expenditures, and the payment of all our liabilities in cash, instead of depreciated State paper.

Such being the actual condition of things, we are called upon by every consideration of honor, patriotism, and fidelity to our constituents, to use the means legitimately at our disposal, for the purpose of saving the sinking credit of the State, and rendering justice to the people whom we represent.

The Attorney-General of the State, in a communication dated February 18, 1853, addressed to the Assembly, makes the following statement:

"I think I may safely estimate the value of Beach and Water property, in the city of San Francisco, which has not been disposed of according to the provisions of the statutes, and which rightfully belongs to the State, at the sum of five millions of dollars: a great part of which property is now held and claimed by persons who have no legal or equitable right to it."

Here we have the deliberate and unequivocal opinion of the legal adviser of the State, in which, so far as the United States is concerned, he is fully sustained by numerous decisions of the highest judicial tribunal of the country.

The Supreme Court of the United States, at the January term, 1845, in the case of Pollard's Lessees *vs.* Hogan, decided that "the right of eminent domain over the shores and the soils under the navigable waters, for all municipal purposes, belongs exclusively to the States within their respective territorial jurisdictions; and they, and they only, have the constitutional power to exercise it.

"To give to the United States the right to transfer to a citizen the title to the shores and the soils under the navigable waters, would be placing in their hands a weapon which might be wielded greatly to the injury of State sovereignty, and deprive the States of the power to exercise a numerous and important class of police powers. But, in the hands of the States, this power can never be used so as to affect the exercise of any material right of eminent domain or jurisdiction with which the United States has been invested by the Constitution."

The Court declare, "that by the preceding course of reasoning, we have arrived at these general conclusions: First, The shores of navigable waters and the soils under them, were not granted by the Constitution of the United States, but were reserved to the States respectively. Secondly, The new States have the same rights, sovereignty, and jurisdiction over the subject, as the original States. Thirdly, The right of the United States to the public lands, and the power of Congress to make all needful rules and regulations

for the sale and disposition thereof, conferred no power over the shores of navigable waters, and the soils under them." (See 3 Howard, 212.)

At the January term, 1850, the Supreme Court of the United States, reaffirmed the above case, and the opinion of the Court was delivered by Chief Justice Taney as follows:

"This is an action of ejectment, brought by the plaintiff in error to recover a lot of ground in the town of Mobile, in the State of Alabama. He claimed title under an inchoate Spanish grant, dated December 12, 1809; and an Act of Congress confirming this title, passed July 2, 1836; and a patent from the United States, dated March 15, 1837, which issued in pursuance of the act of Congress. The validity of this title was disputed by the defendant, upon the ground that the premises were a part of the shore of a navigable tide-water river, lying below high water mark, when the State of Alabama was admitted into the Union, in 1819; and that, therefore, at the time of the passage of the act of Congress, the sovereignty and dominion over the place in question were in the State, and not in the United States; and the Court instructed the jury, that if the land described in the plaintiff's declaration was below ordinary high water mark, at the time Alabama was admitted into the Union, the confirming act of Congress, and the patent, conveyed no title to the patentee. The same question upon the same act of Congress and patent, was brought before this Court in the case of Pollard *vs.* Hogan, at the January term, 1845, reported in 3d Howard, 212. That case was fully and deliberately considered, as will appear by the Report; and the Court then decided that the act of Congress and patent conveyed no title." (See 9 Howard, pp. 477, 478.)

These decisions, as well as many others which might be cited, to say nothing of the universally admitted general principle of law, clearly establish the right of the State of California to dispose of the "Shores of all navigable waters and the soils under them," within her limits; and that the State alone has the dominion and control of this property.

It is also well settled by numerous decisions, that no separate or exclusive right, adverse to the State or public right, is acquired by a city or town to the tide waters or soils under them, by virtue of an act of the Legislature extending the limits of such city or town over such waters.

"The Supervisor of the town of Flushing, in the State of New York, brought an action of debt for a penalty prescribed by a regulation of the town, by which it was ordered that no person should rake clams within the boundary of said town, and the decision of the Court was, that the town had no right to pass the law in question. The town of Flushing," the Court said, "must show *a right of property* to the lands in the bay, in order to entitle them to make rules and regulate the use of these lands. The Act extending the bounds of the town over the bay and into the Sound or East river, so as to include the islands southward to the main channel, was merely for the purpose of jurisdiction, and is no evidence of a grant of property in the soil covered by the water. All the ground under the navigable waters of the Hudson river is within the boundaries of some town, for the purposes of civil and criminal jurisdiction; but it does not follow that the lands under the water belong to the towns situated on the river." (See Angell on Tide Waters, pp. 46, 47.)

It is not deemed necessary, in this communication, to notice the adverse

claims, originating under certain acts passed by the Legislature of this State of 1851, which it is presumed will be set up to this property by individuals. That such claims exist, is well understood, however; and the sooner the questions involved are adjudicated upon and definitely settled, the better for all concerned. This property, though immensely valuable, so long as the question of title is unsettled, will remain, as at present, unproductive to the State. Its speedy improvement is certainly a matter of great importance to the city of San Francisco, as well as to the State; because it will add millions to the amount of taxable property, and of course greatly increase the revnues of both. In addition to the amount of property which will be then subjected annually to taxation, I have no doubt that, by a judicious disposition of it, the State will directly realize a sum more than sufficient, under the provisions of the Supplementary Funding Act of 1852, to liquidate the Civil Debt of the State.

The opinion is expressed, and I doubt not by many honestly entertained, that the proposed extension of the Water Front of the city of San Francisco must render the harbor less safe than at present. To demonstrate the error of this opinion, it is only necessary, it is believed, to direct your attention to the existing state of things at that point.

It is a well known fact that, at this time, full one half of the more valuable vessels in the harbor of San Francisco are anchored out in the Bay, more than half a mile from the end of Long Wharf. These vessels, it is understood, have suffered no injury, though constantly exposed to all the dangers which can possibly exist, even if the Water Front was extended double the distance contemplated. The owners of these vessels, to say nothing of the duties enjoined on the Harbor Master, it is fair to presume, are prudent as well as experienced men, who would not permit their ships, laden with immensely valuable cargoes, to be moored in a dangerous position.

To assume that the Water Front of the city of San Francisco will not be extended, is to presume that the immense commerce now rapidly concentrating at that point, can be transacted within its present comparatively contracted limits, or that its operations will recede from, instead of encroach upon the water. The construction of the contemplated railroad from the Pacific to the Atlantic Ocean, will undoubtedly concentrate at San Francisco an amount of commercial business which will require for its safe, convenient and cheap transaction, more than fives times the area at present occupied. The correctness of this opinion, it is assumed, will not be questioned by those who have given the subject proper consideration.

The finances of the State, as exhibited in the special report of the Comptroller, are now in such a condition as to render efficient action by the present Legislature absolutely necessary.

The duty has now devolved upon the agents of the State to devise means to maintain her credit, prevent a further accumulation of State indebtedness, and to effect as great a reduction of expenditures as possible, consistent with the public good.

In my annual message, I pointed out the reforms deemed practical and prudent, and it is not deemed necessary here to reiterate them.

To relieve existing embarrassments and maintain the credit of the State, the present Legislature must either dispose of the Beach and Water pro-

perty over which the State has exclusive control, or provide the means required by increased taxation.

The Beach and Water property at San Francisco, if advantageously disposed of, it is confidently believed, will yield an amount amply sufficient to place the credit of the State upon a permanent basis. The other mode of providing the required means, as above remarked, is increased taxation upon our constituents—at a time, too, when a large portion of them cannot meet additional demands without serious inconvenience. The fires and floods of the past year have swept from thousands of our most valuable and enterprising citizens nearly all their available means, leaving them little else than naked lots, and farms without herds. To burden the people with the increased taxation necessary to relieve the wants of the Treasury, in my judgment, would not only be exceedingly oppressive, but greatly retard the prosperity of the State. It is a well known fact that onerous taxation for years greatly retarded the settlement and growth of several of the other new States of the Confederacy, and will have the same blighting influence upon the interests of California, unless avoided.

No good reason has been or can be assigned, why the Legislature, in preference to increasing taxation upon the people, should not dispose of the Beach and Water property, and at once provide the means necessary to sustain the State's credit, and render unnecessary a further increase of indebtedness. It is true that objections have been urged to the measure; but inquiry and investigation have satisfied me that, although it may interfere with ndividual speculations, no injury to great public interests can possibly result from it.

The Debt of the State must continue to increase, and its evidences of indebtedness depreciate annually, until means are provided to meet, as they accrue, and in cash, the necessary expenses of government. At this time, every article purchased for State use, as well as every service rendered, costs the State, owing to the fact that her evidences of indebtedness are greatly depreciated, nearly forty per cent. more than if paid on demand and in cash. It is clear, then, that by providing the means necessary to meet, in cash, accruing demands, you at once reduce State expenditures more than one third. This desirable object, as well as the liquidation of at least the Civil Debt of the State, as before remarked, it is confidently believed, can be attained by disposing, under the provisions of a carefully guarded Legislative enactment, of the Beach and Water property held by the State.

Adopt the measures now proposed, and mature as speedily as possible the several reforms recommended in my annual message, and I fully believe that the credit of the State will be so well established, that nothing short of the most gross mismanagement of her financial affairs, can hereafter affect any material change.

Having thus candidly expressed my own views, I commend the whole subject to your careful consideration, with the assurance of my entire willingness to co-operate with you in the important work of relieving, by judicious legislation, the present embarrassed condition of our State finances, reducing public expenditures, and arresting a rapid accumulation of State indebtedness.

JOHN BIGLER.

Mr. Wing moved to take from the table Assembly bill for An Act to dispose of the interests of the State of California in certain property, and quiet the title thereto.

On which the ayes and nays were demanded, and the bill was taken from the table by the following vote:

AYES.

Messrs. Bell,	Messrs. Meredith,
Blake,	McCandless,
Brush,	McKamy,
Carhart,	McMahon,
Cardozo,	McMeans,
Covarrubias,	Myres,
Fairfax,	Oliver,
Harrison,	Proctor,
Herbert,	Redding,
Hoff,	Rogers,
Hunt,	Tilghman,
Irwin,	Wells,
Kittredge,	Wing—26.

NAYS.

Messrs. Cabaniss,	Messrs. McFarland,
Canney,	McGarry,
Conness,	Owen,
Crenshaw,	Reading,
Estep,	Robinson,
Ewing,	Sime,
Flower,	Taylor,
Hally,	Thomas,
Huse,	Walker,
Letcher,	Yeiser,
Mandeville,	Speaker—22.

Mr. Wall moved to make the bill the special order for Wednesday next, March 30th, 18..3, at 12 o'clock, M., on which the ayes and nays were demanded, and the bill was so made the special order by the following vote:

AYES.

Messrs. Cabaniss,	Messrs. McKamy,
Conness,	Owen,
Crenshaw,	Proctor,
Estep,	Reading,
Ewing,	Robinson,
Flower,	Sime,
Gardner,	Snyder,

Messrs. Hally,
Huse,
Letcher,
Mandeville,
McFarland,
McGarry,
Messrs. Taylor,
Thomas,
Walker,
Wells,
Yeiser,
Speaker—26.

NAYS.

Messrs. Bell,
Blake,
Brush,
Canney,
Carhart,
Cardozo,
Covarrubias,
Fairfax,
Harrison,
Herbert,
Hoff,
Hunt,
Messrs. Irwin,
Kittredge,
Meredith,
McCandless,
McMahon,
McMeans,
Myres,
Oliver,
Redding,
Rogers,
Tilghman,
Wing—24.

On motion of Mr. Myers, Assembly bill as amended by the Senate, for An Act to provide for the protection of Foreigners, and to define their liabilities and privileges, was then taken up, and the Senate amendments concurred in, and one thousand copies of the bill ordered printed.

On motion of Mr. Hally, Senate bill for An Act to amend an Act to reincorporate the city of Stockton, approved April 21st, 1852, was taken from the table, considered, read a third time, and passed.

On motion, at 3 o'clock, P. M., the House adjourned by the following vote:

AYES.

Messrs. Bostwick,
Cabaniss,
Carhart,
Crenshaw,
Flower,
Gardner,
Harrison,
Hunt,
Knight,
Letcher,
Mandeville,
McGarry,
Messrs. McKamy,
Moore,
Proctor,
Reading,
Redding,
Rogers,
Sime,
Taylor,
Thomas,
Wells,
Yeiser—23.

NAYS.

Messrs. Bell,	Messrs. Leake,
Blake,	Meredith,
Canney,	McMahon,
Cardozo,	McMeans,
Fairfax,	Myres,
Hally,	Oliver,
Herbert,	Owen,
Hoff,	Tilghman,
Irwin,	Wing—18.

HOUSE OF ASSEBMLY.

SATURDAY, March 26, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Gardner, Garfield. Hoff, Knight, McCandless, Proctor, Reading of Trinity, Redding of Yuba, Robinson, Thomas, Tilghman, Walker, and Yeiser.

On motion, leave of absence was granted for one day, to Messrs. Garfield, Reading of Trinity, Redding of Yuba, Robinson, Gardner, and Knight.

The Journal of Friday last was read and approved.

Mr. Owen presented the petition of J. S. Dean for a grant of certain property in the city of Benicia for the purpose of locating a United States Government Floating Dry Dock.

Which was read and referred to Committee on Commerce.

Mr. Letcher presented the petition of the Directors of the Pacific and Atlantic Railroad Company, praying for an extension of time for constructing their road.

Which was read and referred to the Committee on Corporations.

Mr. Cardozo, from the Committee on Commerce, reported back Assembly bill for An Act to prevent persons from obstructing the channels of Humbolt Bay and Harbor, and recommended its passage.

The report was adopted and the bill ordered engrossed for a third reading.

Mr. Cardozo, from the Committee on Public Lands, reported back Assemly Joint Resolution relative to Public Lands, and Internal Improvements, and recommended its passage.

The report was adopted, and the resolution laid on the table

Mr. Bostwick, from the select committee to whom was referred the subject of passing a law for the better observance of the Sabbath, submitted the following report. (See Appendix, No. 43)

Which was read, laid on the table, and two hundred and forty copies ordered to be printed.

Mr. Bostwick, from the same committee, introduced a bill for An Act respecting the first day of the week, commonly called Sunday.

Which was read a first and second time, and laid over under the rules.

Assembly substitute for Assembly bill for An Act to authorize the Comptroller to audit the accounts of the President of the Board of Trustees of the Stockton State Hospital, together with the bill, was then taken up, and the substitute was adopted by the following vote :

AYES.

Messrs.	Bell,	Messrs.	Martin,
	Bostwick,		Meredith,
	Cabaniss,		McGarry,
	Carhart,		McKamy,
	Cardozo,		McMahon,
	Crenshaw,		McMeans,
	Estep,		Moore,
	Ewing,		Myres,
	Fairfax,		Oliver,
	Flower,		Owen,
	Hally,		Rogers,
	Harrison,		Sime,
	Herbert,		Taylor,
	Heydenfeldt,		Thomas,
	Hoff,		Tilghman,
	Huse,		Walker,
	Kittredge,		Wells,
	Leake,		Wing,
	Letcher,		Yeiser—38.

NAYS.

Mr. Conness—1.

The House went into committee of whole, (Mr. Taylor in the chair,) on the consideration of the substitute, and having considered the same, rose and reported it back, with amendments, recommended their adoption and asked to be discharged from further consideration of the subject.

Which was granted.

On the question of concurring in the amendments, the ayes and nays were demanded, and the amendments were concurred in by the following vote:

AYES.

Messrs. Bell,	Messrs. Meredith,
Blake,	McMahon,
Carhart,	McMeans,
Cardozo,	Moore,
Ewing,	Oliver,
Flower,	Owen,
Hally,	Rogers,
Herbert,	Sime,
Heydenfeldt,	Taylor,
Hoff,	Tilghman,
Leake,	Walker,
Mandeville,	Wing,
Martin,	Yeiser—26.

NAYS.

Messrs. Bostwick,	Messrs. Kittredge,
Brush,	Letcher,
Cabaniss,	McFarland,
Conness,	McGarry,
Crenshaw,	McKamy,
Estep,	Thomas,
Hunt,	Wells,
Irwin,	Speaker—16.

Mr. Hally moved that the bill be read a third time now.

On which the ayes and nays were demanded, and it was ordered to a third reading, by the following vote:

AYES.

Messrs. Bell,	Messrs. Meredith,
Blake,	McKamy,
Brush,	McMahon,
Carhart,	McMeans,
Cardozo,	Moore,
Covarrubias,	Myres,
Ewing,	Oliver,
Flower,	Owen,
Hally,	Rogers,
Harrison,	Snyder,
Herbert,	Taylor,
Heydenfeldt,	Thomas,
Hoff,	Tilghman,

Messrs. Hunt,
Leake,
Mandeville,
Martin,
Messrs. Walker,
Wells,
Wing,
Yeiser—34.

NAYS.

Messrs. Bostwick,
Cabaniss,
Conness,
Crenshaw,
Estep,
Irwin,
Messrs. Kittredge,
Letcher,
McFarland,
McGarry,
Sime,
Speaker—12.

The bill was then read a third time, and on the question, "Shall the bill now be passed?" the ayes and nays were demanded, and the bill passed by the following vote:

AYES.

Messrs. Bell,
Blake,
Cardozo,
Covarrubias,
Ewing,
Flower,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Hoff,
Leake,
Mandeville,
Meredith,
Messrs. McKamy,
McMahon,
McMeans,
Moore,
Myres,
Oliver,
Rogers,
Sime,
Snyder,
Taylor,
Tilghman,
Walker,
Wing,
Yeiser—28.

NAYS.

Messrs. Bostwick,
Brush,
Cabaniss,
Conness,
Crenshaw,
Estep,
Hunt,
Irwin,
Messrs. Kittredge,
Letcher,
McFarland,
Owen,
Thomas,
Wells,
Speaker—15.

Mr. Wall, (Mr. Heydenfeldt in the chair,) moved to adjourn.

On which the ayes and nays were demanded and the House refused to adjourn by the following vote:

AYES.

Messrs. Cabaniss,	Messrs. Oliver,
Conness,	Rogers,
Crenshaw,	Sime,
Flower,	Snyder,
Leake,	Taylor,
Letcher,	Thomas,
McFarland,	Wells,
McGarry,	Yeiser,
Moore,	Speaker—18.

NAYS.

Messrs. Bell,	Messrs. Hunt,
Blake,	Irwin,
Bostwick,	Kittredge,
Brush,	Mandeville,
Carhart,	Meredith,
Cardozo,	McCandless,
Covarrubias,	McKamy,
Estep,	McMahon,
Ewing,	McMeans,
Fairfax,	Myres,
Harrison,	Owen,
Herbert,	Tilghman,
Heydenfeldt,	Walker,
Hoff,	Wing—28.

Mr. Ewing moved to reconsider the vote of yesterday, by which Assembly bill for An Act to dispose of the interests of the State of California in certain property and quiet the title thereto, was made the special order for Wednesday next at 12 o'clock, M.

Mr. Owen in the chair.

Mr. Wall moved a call of the House.

On which the ayes and nays were demanded, and the House refused to sustain the call by the following vote:

AYES.

Messrs. Cabaniss,	Messrs. Oliver,
Conness,	Owen,
Crenshaw,	Sime,
Flower,	Snyder,
Hoff,	Taylor,
Letcher,	Thomas,
Mandeville,	Wells,

Messrs. McFarland,
McGarry,
Moore,
Messrs. Yeiser,
Speaker—19.

NAYS.

Messrs Bell,
Blake,
Bostwick,
Brush,
Carhart,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Messrs. Hunt,
Irwin,
Kittredge,
Leake,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Tilghman,
Walker,
Wing—27.

Mr. Taylor moved to lay the motion to reconsider, on the table.

On which the ayes and nays were demanded, and the House refused to lay on the table, by the following vote:

AYES.

Messrs. Bostwick,
Cabaniss,
Conness,
Crenshaw,
Flower,
Letcher,
McFarland,
McGarry,
Moore,
Oliver,
Messrs. Owen,
Sime,
Snyder,
Taylor,
Thomas,
Walker,
Wells,
Yeiser,
Speaker—19.

NAYS.

Messrs. Bell,
Blake,
Brush,
Carhart,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Hally,
Messrs. Hunt,
Irwin,
Kittredge,
Leake,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,

Messrs. Harrison,
Herbert,
Heydenfeldt,
Hoff,
Messrs. Rogers,
Tilghman,
Wing—27.

Mr. Herbert moved that the "previous question," be now put.

On which, the ayes and nays were demanded, and the motion was sustained by the following vote:

AYES.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Carhart,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Hally,
Harrison,
Herbert,
Hunt,
Messrs. Irwin,
Kittredge,
Leake,
Mandeville,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Rogers,
Tilghman,
Wing—27.

NAYS.

Messrs. Conness,
Crenshaw,
Flower,
Heydenfeldt,
Hoff,
McFarland,
McGarry,
Moore,
Oliver,
Messrs. Owen,
Sime,
Snyder,
Taylor,
Thomas,
Walker,
Wells,
Yeiser,
Speaker—18.

The main question was then put.

On which the ayes and nays were demanded, and the vote was reconsidered by the following vote:

AYES.

Messrs. Bell,
Blake,
Brush,
Carhart,
Cardozo,
Covarrubias,
Messrs. Hoff,
Hunt,
Irwin,
Kittredge,
Meredith,
McCandless,

Estep,
Ewing,
Fairfax,
Hally,
Harrison,
Herbert,
Heydenfeldt,
McKamy,
McMahon,
McMeans,
Myres,
Rogers,
Tilghman,
Wing—26.

NAYS.

Messrs. Bostwick,
Cabaniss,
Conness,
Crenshaw,
Flower,
Leake,
Letcher,
Mandeville,
McFarland,
McGarry,
Moore,
Messrs. Oliver,
Owen,
Proctor,
Sime,
Snyder,
Taylor,
Thomas,
Walker,
Wells,
Yeiser,
Speaker—22.

The question then being on making the bill the special order for Wednesday next at 12 o'clock, M.

The ayes and nays were demanded, and it was decided in the negative, by the following vote:

AYES.

Messrs. Bostwick,
Cabaniss,
Conness,
Crenshaw,
Flower,
Hally,
Leake,
Letcher,
Mandeville,
McFarland,
McGarry,
Moore,
Messrs. Oliver,
Owen,
Proctor,
Sime,
Snyder,
Taylor,
Thomas,
Walker,
Wells,
Yeiser,
Speaker—23.

NAYS.

Messrs. Bell,
Blake,
Brush,
Carhart
Cardozo,
Covarrubias,
Messrs. Hunt,
Irwin,
Kittredge,
Meredith,
McCandless,
McKamy,

Messrs. Estep,	Messrs. Hoff,
Ewing,	McMahon,
Fairfax,	McMeans,
Harrison,	Rogers,
Herbert,	Tilghman,
Heydenfeldt,	Wing—25.

Mr. Wall moved that the bill be made the special order for Wednesday next, at half past eleven o'clock, A. M.

On which, the ayes and nays were demanded, and it was decided in the negative by the following vote:

AYES.

Messrs. Bostwick,	Messrs. Oliver,
Cabaniss,	Owen,
Conness,	Sime,
Crenshaw,	Snyder,
Flower,	Taylor,
Hally,	Thomas,
Letcher,	Walker,
Mandeville,	Wells,
McFarland,	Yciser,
McGarry,	Speaker—21.
Moore,	

NAYS.

Messrs. Bell,	Messrs. Hunt,
Blake,	Irwin,
Brush,	Kittredge,
Carhart,	Meredith,
Cardozo,	McCandless,
Covarrubias,	McKamy,
Estep,	McMahon,
Ewing,	McMeans,
Fairfax,	Myres,
Harrison,	Rogers,
Herbert,	Tilghman,
Hoff,	Wing—24.

Mr. Wall moved that the bill be made the special order for Wednesday next at eleven o'clock, A. M

On which, the ayes and nays were demanded, and it was decided in the negative by the following vote:

AYES.

Messrs. Cabaniss,
Conness,
Crenshaw,
Flower,
Hally,
Heydenfeldt,
Letcher,
Mandeville,
McGarry,
Moore,
Oliver,
Owen,
Sime,
Snyder,
Taylor,
Thomas,
Walker,
Wells,
Yeiser,
Speaker—20.

NAYS.

Messrs. Bell,
Blake,
Brush,
Carhart,
Cardozo,
Covarrubias,
Ewing,
Fairfax,
Harrison,
Herbert,
Hoff,
Hunt,
Irwin,
Kittredge,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Rogers,
Tilghman,
Wing—23.

Mr. Wing moved that the House now go into committee of the whole on the consideration of the bill.

Mr. Crenshaw moved as an amendment that the House go into committee of the whole on the consideration of the bill, on Tuesday next at 12 o'clock M.

On which the ayes and nays were demanded and decided in the negative by the following vote:

AYES.

Messrs. Cabaniss,
Conness,
Crenshaw,
Flower,
Hally,
Heydenfeldt,
Letcher,
Mandeville,
McFarland,
McGarry,
Moore,
Oliver,
Owen,
Sime,
Snyder,
Taylor,
Thomas,
Walker,
Wells—26.
Yeiser,
Speaker—21.

NAYS.

Messrs. Bell,
Blake,
Brush,
Carhart,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Herbert,
Hoff,
Hunt,
Irwin,
Kittredge,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Rogers,
Tilghman,
Wing—23.

Mr. Oliver moved to adjourn.

On which the ayes and nays were demanded, and the House refused to adjourn by the following vote:

AYES.

Messrs. Bostwick,
Cabaniss,
Conness,
Crenshaw,
Flower,
Letcher,
McFarland,
McGarry,
Moore,
Oliver,
Owen,
Sime,
Snyder,
Taylor,
Thomas,
Walker,
Wells,
Yeiser,
Speaker—19.

NAYS.

Messrs. Bell,
Blake,
Brush,
Carhart,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Irwin,
Kittredge,
Leake,
Mandeville,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Rogers,
Tilghman,
Wing—28.

Mr. Wing moved that the previous question be now put.

On which, the ayes and nays were demanded, and it was decided in the affirmative, by the following vote:

AYES.

Messrs.	Bell,	Messrs.	Hunt,
	Blake,		Irwin,
	Brush,		Kittredge,
	Carhart,		Mandeville,
	Cardozo,		Meredith,
	Covarrubias,		McCandless,
	Estep,		McKamy,
	Ewing,		McMahon,
	Fairfax,		McMeans,
	Hally,		Myres,
	Harrison,		Rogers,
	Herbert,		Tilghman,
	Hoff,		Wing—26.

NAYS.

Messrs.	Bostwick,	Messrs.	Owen,
	Cabaniss,		Sime,
	Conness,		Snyder,
	Crenshaw,		Taylor,
	Flower,		Thomas,
	Heydenfeldt,		Wells,
	Letcher,		Yeiser,
	Moore,		Speaker—17.
	Oliver,		

The main question was then put.

On which the ayes and nays were demanded and the House agreed to go into committee of the whole, by the following vote:

AYES.

Messrs.	Bell,	Messrs.	Hunt,
	Blake,		Irwin,
	Brush,		Kittredge,
	Carhart,		Mandeville,
	Cardozo,		Meredith,
	Covarrubias,		McCandless,
	Estep,		McKamy,
	Ewing,		McMahon,
	Fairfax,		McMeans,
	Hally,		Myres,
	Harrison,		Rogers,
	Herbert,		Tilghman,
	Hoff,		Wing—26

NAYS.

Messrs. Bostwick, Cabaniss, Conness, Crenshaw, Flower, Heydenfeldt, Letcher, Moore, Oliver, Sime, Snyder, Taylor, Wells, Yeiser, Speaker—15.

The House then went into committee of the whole, (Mr. Wing in the chair,) on the consideration of the bill, and having considered the same, rose and reported it back with amendments, and asked to be discharged from the further consideration of the subject.

Which was granted.

Mr. Herbert moved a call of the House.

On which the ayes and nays were demanded.

And the call was sustained by the following vote:

AYES.

Messrs. Bell, Blake, Brush, Carhart, Cardozo, Covarrubias, Estep, Ewing, Fairfax, Hally, Harrison, Herbert, Heydenfeldt, Hoff, Hunt, Huse, Irwin, Kittredge, Mandeville, Meredith, McKamy, McMahon, McMeans, Myres, Owen, Rogers, Tilghman, Wells, Wing—29.

NAYS.

Messrs. Flower, McGarry, Oliver, Sime, Snyder, Taylor, Speaker—7.

The roll was then called by the Clerk, and the following members were found absent:

Messrs. Bostwick, Cabaniss, Crenshaw, Knight, Martin, McFarland, Moore, Pacheco, Robinson and Walker.

Mr. Myres moved that further proceedings under the call be dispensed with.

Which was agreed to.

Mr. Myres moved that the House concur in the amendments reported by the committee of the whole.

Mr. Wing moved the previous question.

On which the ayes and nays were demanded, and resulted as follows:

AYES.

Messrs Bell,
Blake,
Brush,
Carhart,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Harrison,
Herbert,
Hoff,
Hunt,
Huse.
Messrs. Irwin,
Kittredge,
Mandeville,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Owen,
Rogers,
Tilghman,
Wells,
Wing—28.

NAYS.

Messrs. Hally,
Heydenfeldt.
Mr. Leake—3.

No quorum voting,

Mr. Rogers moved a call of the House.

On which the ayes and nays were demanded.

And the call was sustained by the following vote:

AYES.

Messrs. Bell,
Blake,
Brush,
Carhart,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Messrs. Huse,
Irwin,
Kittredge,
Mandeville
Meredith,
McFarland,
McKamy,
McMahon,
McMeans,
Myres,
Owen,
Proctor,
Rogers,
Tilghman,
Wing—30.

NAYS.

Messrs. Conness, McGarry, Oliver, Taylor, Thomas—5.

The roll was then called by the Clerk, and the following members were found absent:

Messrs. Blake, Bostwick, Cabaniss, Crenshaw, Martin, Moore, Pacheco Snyder, Walker and Yeiser.

On motion of Mr. Herbert, further proceedings under the call were dispensed with.

Mr. Wing, on leave, withdrew the motion for the previous question.

Mr. Crenshaw moved that the bill be made the special order for Tuesday next, at 12 o'clock, M.

On which the ayes and nays were demanded.

And it was decided in the negative by the following vote:

AYES.

Messrs. Conness, Crenshaw, Flower, Hally, Heydenfeldt, Huse, Leake, Letcher, Mandeville, McFarland, McGarry, Oliver, Owen, Proctor, Sime, Snyder, Taylor, Thomas, Wells, Yeiser, Speaker—23.

NAYS.

Messrs. Bell, Blake, Brush, Carhart, Cardozo, Covarrubias, Estep, Ewing, Fairfax, Harrison, Herbert, Hoff, Hunt, Irwin, Kittredge, Meredith, McCandless, McKamy, McMahon, McMeans, Myres, Rogers, Tilghman, Wing—24.

On motion of Mr. Brush, the bill was then made the special order of the day for Tuesday next, immediately after roll call.

A message was received from the Senate, informing the Assembly that,

they passed, on the 23d inst., An Act supplementary to an Act creating and regulating Public Ferries, passed March 18th, 1850;

Also, Assembly Joint Resolution in relation to the establishment of Post Offices and Mail Routes in the northern part of the State;

Also, Assembly bill for An Act to exempt Firemen from Militia service and Jury duty.

Senate bill for An Act supplementary to an Act creating and regulating Public Ferries, passed March 18, 1850, was read a first time, and laid over under the rules.

A message was received from the Governor, informing the Assembly that he did, on the 25th inst., approve An Act to create the County of Alameda and establish the Seat of Justice therein, to define its boundaries and to provide for its organization;

Also, An Act to ascertain the Indebtedness of Mariposa and El Dorado Counties;

And An Act to exempt Firemen from Militia service and Jury duty.

On motion, at 9 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

MONDAY, March 28, 1853.

The House met pursuant to adjournment.

The Speaker in the Chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Blake, Carhart, Covarrubias, Estep, Fairfax, Gardner, Garfield, Huse, Irwin, Leake, Martin, McCandless, McMeans, Myres, Pacheco, Reading of Trinity, Robinson, Sime, Thomas, Tilghman, Wing and Mr. Speaker.

On motion, leave of absence was granted for one day each to the absentees.

On motion of Mr. Cardozo, the reading of the of the Journal was dispensed with.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act to provide for the Protection of Foreigners, and to define their liabilities and privileges, and the report was adopted.

Mr. Meredith gave notice that he would, at an early day, introduce a bill for An Act to amend an Act to provide for levying, assessing and collecting the Public Revenue.

Mr. Hally submitted the following resolution, which was read and adopted:

Resolved, That the Rev. Bishop Soule be, and he is hereby invited to preach in the capitol, at Benicia, at such time as may suit his convenience.

Mr. McMeans introduced a Joint Resolution for the relief of C. H. Veeder.

Which was read a first and second time, and referred to the Committee on Claims.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act to prevent persons from obstructing the channels of Humboldt Bay and Harbor.

Also, An Act for dividing the county of Los Angeles, and making a new county therefrom, and the report was adopted.

On motion of Mr. Crenshaw, Assembly bill for An Act for the relief of Thomas A. Hilton, M.D., was taken from the table, and read a second time.

The House then went into committee of the whole, (Mr. Heydenfeldt in the chair,) on the consideration of the bill, and having considered the same, rose, and reported it back with an amendment, recommended its passage, and asked to be discharged from further consideration of the subject.

Which was granted.

The amendment was then concurred in by the House, and the bill as amended was then read a third time, and passed.

Mr. McMeans submitted a resolution, authorizing the chairman of the Committee on State Hospitals to employ a Clerk.

Which was read and adopted.

Mr. Myres, on leave, introduced a bill for An Act to amend the fourth section of an Act respecting Fugitives from labor, and Slaves brought to this State prior to her admission into the Union, approved April 15, 1852.

Which was read a first and second time, and referred to the Judiciary Committee.

Assembly bill for An Act dividing the county of Los Angeles, and making a new county therefrom, was then taken up, read a third time and passed.

Mr. McMeans, from the Committee on Ways and Means, reported back Assembly bill for An Act to provide for the payment of the per diem and expenses of the Legislature during the year 1854, with an amendment.

Which was adopted, and the bill laid on the table.

A message was received from the Senate, informing the Assembly that they did, on the 20th instant, pass An Act for the relief of Wm. Akenhead, County Treasurer of Santa Clara county.

And An Act for the relief of Capt. Joseph Walker.

Senate bill for An Act for the relief of Wm. Akenhead, County Treasurer of the county of Santa Clara, was then taken up, read a first and second time, and referred to the Committee on Claims.

Senate bill for An Act for the relief of Capt. Joseph Walker, was then taken up, read a first and second time, when the House went into committee of the whole, (Mr. Myres in the chair,) on the consideration of the bill; and having considered the same, rose, and reported it back without amendment, and recommended its passage, and asked to be discharged from further consideration of the subject.

Which was granted.

The bill was then read a third time, under a suspension of the rules, and passed.

The following message was received from the Senate:

Mr. Speaker:

The Senate passed, on the 25th instant, An Act to provide for the Incorporation of Railroad Companies.

And passed An Act to provide for the formation of Corporations for certain purposes.

And passed, this day, An Act in relation to Clerks in the office of Secretary of State, and to provide for their pay.

By order of the Senate.

A. C. BRADFORD,
Secretary.

March 26, 1853.

Senate bill for An Act to provide for the Incorporation of Railroad Companies, was then taken up, read a first and second time, and referred to the Committee on Corporations, and two hundred and forty copies ordered to be printed.

Senate bill for An Act to provide for the formation of Corporations for certain purposes, was then taken up, read a first and second time, and referred to the Committee on Corporations, and two hundred and forty copies ordered to be printed.

Senate bill for An Act in relation to Clerks in the office of Secretary of State, and to provide for their pay, was then taken up, read a first and second time, and referred to the Committee on Claims.

On motion of Mr. Proctor, Senate bill for An Act to amend an Act entitled an Act declaring certain rivers and creeks navigable, passed February 18th, 1853, was taken from the table, and referred to the Committee on Commerce.

Mr. Herbert introduced a Joint Resolution requiring the Comptroller to draw his warrant for the arrest or killing of the robber Joaquin.

Which was read a first and second time, and referred to the Committee on Military Affairs.

Mr. Crenshaw presented the account of George Drugley, for $171 33, for furniture furnished the Assembly Chamber.

Which was read and ordered to be paid.

On motion of Mr. Heydenfeldt, Mr. Redding of Yuba, and Mr. Estep, were added to the Committee on Corporations.

Mr. Crenshaw, from the Committee on Claims, reported back Senate bill for An Act for the payment of certain persons therein named, for services rendered and materials furnished; with amendments, and recommended its passage.

The amendments were adopted, and the House then went into committee of the whole, (Mr. Hoff in the chair,) on the consideration of the bill; and

having considered the same, rose, and reported it back, and asked to be discharged from further consideration of the subject.

Which was granted.

The bill, as amended, was then read a third time and passed.

Assembly bill for An Act to provide for enforcing the collection of taxes on consigned goods, was then taken from the table, and referred to the Judiciary Committee, with instructions to report on Monday next.

On motion of Mr. McGarry, Assembly bill for An Act for the relief of James M. Cranston, was taken up.

The House then went into committee of the whole, (Mr. Redding in the chair,) on the consideration of the bill, and having considered the same, rose, reported it back, recommended its passage, and asked to be discharged from further consideration of the subject.

Which was granted.

The bill was then read a third time, and passed.

Mr. Letcher, on leave, introduced a bill for An Act to amend the thirtieth section of an Act entitled an Act to provide for the incorporation of Railroad Companies, approved April 28, 1851.

Which was read a first and second time, and referred to the Committee on Corporations.

Assembly bill for An Act to amend an Act entitled an Act to provide for the levying, assessing and collecting Public Revenue, approved April 23, 1852, made the special order for to-day, at 12 o'clock, M., was then taken up.

Mr. Hoff moved that the bill be made the special order for Wednesday next, at 12 o'clock, M.

On which the ayes and nays were demanded, and it was decided in the negative by the following vote.

AYES.

Messrs.	Brush,	Messrs.	McGarry,
	Conness,		McMahon,
	Covarrubias,		Moore,
	Flower,		Myres,
	Hally,		Rogers,
	Hoff,		Thomas,
	Letcher,		Tilghman,
	McFarland.		Yeiser—16.

NAYS.

Messrs.	Bell,	Messrs.	Meredith,
	Bostwick,		McKamy,
	Cabaniss,		McMeans,
	Cardozo,		Oliver,
	Ewing,		Owen,
	Herbert,		Proctor,
	Heydenfeldt,		Redding,
	Hunt,		Snyder,
	Kittredge,		Wells—19.
	Knight,		

Mr. McCandless, at 2 o'clock, P. M., moved to adjourn.

On which the ayes and nays were demanded, and the House adjourned by the following vote:

AYES.

Messrs.	Brush,	Messrs.	McCandless,
	Conness,		McFarland,
	Covarrubias,		McGarry,
	Flower,		McKamy,
	Hally,		McMahon,
	Harrison,		Moore,
	Herbert,		Oliver,
	Hoff,		Taylor,
	Hunt,		Thomas,
	Kittredge,		Tilghman,
	Letcher,		Yeiser—23.
	Meredith,		

NAYS

Messrs.	Bell,	Messrs.	McMeans,
	Bostwick,		Myres,
	Cabaniss,		Owen,
	Cardozo,		Proctor,
	Ewing,		Redding,
	Heydenfeldt,		Rogers,
	Knight,		Snyder,
	Leake,		Wells—16.

HOUSE OF ASSEMBLY.

TUESDAY, March 29, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent: Messrs. Conness, Estep, Knight, Martin, Walker and Yeiser.

The Journal of Saturday and Monday last were read and approved.

Assembly bill for An Act to amend an Act entitled an Act to provide for the levying, assessing and collecting Public Revenue, approved April 23, 1852, pending at the time of adjournment on yesterday, was then taken up and laid on the table.

The following message was received from the Governor, read, and with the accompanying documents, laid on the table: (Information in regard to water lots of San Francisco, see Appendix, No. 44)

Assembly bill for An Act to dispose of the interest of the State of California in certain property, and quiet the title thereto, was then taken up.

On motion of McMeans, the House then went into committee of the whole, Mr. Redding, of Yuba, in the chair, on the consideration of the bill, and having made some progress thereon, rose and reported the same to the House, and asked leave to sit again.

Which was granted.

Pending the consideration of the bill, a message was received from the Senate and laid on the table.

On motion, at 4 o'clock P. M., the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, March 30, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Blake, Heydenfeldt, McCandles, Moore, Tilghman and Yeiser.

The Journal of Tuesday last was read and approved.

The following message, received from the Senate on yesterday, and laid on the table, was taken up.

Mr. Speaker:

The Governor approved, on the 25th inst., An Act for the relief of J. D. Monnett, M. D., for services rendered sick Emigrants;

And An Act to provide for the publication and distribution of the Map of the State, as compiled by the Surveyor-General.

The Senate passed on the 26th inst., with amendments, Assembly bill for An Act to provide for the redemption of Comptroller's Warrants drawn payable out of the General Fund;

And with amendments, Assembly bills for An Act to enforce the payments of Licences in this State;

And for An Act amendatory of and supplementary to sections four and eight of An Act concerning Divorces, passed March 25, 1851;

And passed without amendment Assembly bills for An Act to submit to the legal and qualified voters of Tulare county, at the next general election, the permanent location of the Seat of Justice of said county;

And for An Act to legalize certain official acts of William J. Lewis, County Surveyor of the county of Santa Clara;

And passed on the 25th inst., Senate bills for An Act to provide a Library for the Supreme Court;

And An Act prescribing the time of holding the District Court in the 5th Judicial District.

And passed this day, Senate bills for An Act to authorize poor persons, in certain cases, to prosecute suits without the payment of costs;

An Act concerning Sureties on Official Bonds;

An Act to amend an Act defining the right of Husband and Wife, passed on April 17, 1850;

And An Act in relation to Personal Mortgages in certain cases;

And refused to concur in Assembly amendments to Senate bill for the payment of certain persons therein named, for services rendered and materials furnished; and have appointed as a committee of conference on the part of the Senate, upon the disagreeing vote of the two Houses, Messrs. Coffroth, Lyons and Snyder;

And passed also this day, An Act to authorize the Pacific Mail Steamship Company to hold, use and occupy certain lands in the city of Benicia.

By order of the Senate.

A. C. BRADFORD,
Secretary.

March 29, 1853.

Assembly bill as amended by the Senate, for An Act to provide for the redemption of Comptroller's Warrants, drawn payable ont of the General Fund, was then taken up, and the Senate amendments concurred in.

Assembly bill, as amended by the Senate, for An Act to enforce the payment of Licenses in this State, was then taken up, and the Senate amendments concurred in.

Assembly bill, as amended by the Senate, for An Act amendatory of and supplementary to sections four and eight of An Act concerning Divorces, passed March 25, 1853, was then taken up, and the Senate amendments concurred in.

Senate bill for An Act to provide a Library for the Supreme Court, was then taken up, read a first time, and laid over under the rules.

Senate bill for An Act prescribing the time of holding the District Court in the Fifth Judicial District, was then read a first time and laid over, under the rules.

Senate bill for An Act to authorize poor persons, in certain cases, to prosecute suits without the payment of costs, was then read a first time, and laid over under the rules.

Senate bill for An Act concerning sureties on Official Bonds, was then read a first time and laid over under the rules.

Senate bill for An Act to amend an Act defining the rights of husband and wife, passed April 17, 1850, was then read a first and second time, and referred to the Judiciary Committee.

Senate bill for An Act in relation to personal mortgages in certain cases, was then read a first time, and laid over under the rules.

Senate bill for An Act to authorize the Pacific Mail Steamship Company, to hold, use, and occupy certain lands in the city of Benicia, was then read a first and second time, and referred to the Judiciary Committee.

Mr. Sime moved that a committee of three be appointed on the part of the Assembly to confer with a similar committee on the part of the Senate, on the disagreeing vote of the two Houses on Senate bill for An Act for the payment of certain persons therein named, for services rendered and materials furnished.

Which was agreed to, and the chair appointed as such committee,

Messrs. Sime, Crenshaw, and Leake.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed,

An Act to authorize the Comptroller to audit the accounts of the President of the Board of Trustees of the Stockton State Hospital.

Also, An Act for the relief of James M. Cranston.

Also, An Act for the relief Thomas A. Hilton, M. D.

And the report was adopted.

Mr. Johnson presented the petition of six hundred citizens of Sacramento, praying for the passage of a law for the better observance of the Sabbath.

Which was read and laid on the table.

Mr. Sime, on leave, introduced a bill for An Act securing to mechanics and others, a lien for work done, and materials furnished.

Which was read a first and second time, and referred to the Judiciary Committee.

Assembly bill for An Act to prevent persons from obstructing the channels of Humboldt Bay and Harbor, was then taken up, read a third time, and passed.

Assembly bill for An Act to amend an Act entitled an Act to provide for the disposal of the five hundred thousand acres of land granted this State by Act of Congress, was then taken up, read a third time and passed.

Assembly bill for An Act respecting the first day of the week commonly called Sunday, was then taken up.

On motion of Mr. Heydenfeldt, the House then went into committee of the whole, (Mr. Heydenfeldt in the chair,) on the consideration of the bill, and having made some progress thereon, rose, and reported it back, and asked leave to sit again.

Which was granted, and the bill was laid on the table.

Assembly bill for An Act to dispose of the interest of the State of California in certain property and quiet the title thereto, was then taken up.

On motion of Mr. McMeans, the House then went into committee of the whole, (Mr. Redding of Yuba, in the chair,) on the consideration of the bill, and having considered the same, rose and reported it back with amendments recommending their adoption and the passage of the bill, and asked to be discharged from further consideration of the subject.

Which was granted.

On motion, at 6 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, March 31, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent:—

Messrs. Carhart, Heydenfeldt, Leake, Mandeville, Martin, McCandless, Reading of Trinity, Wells and Yeiser.

On motion, leave of absence was granted for one day each to Messrs. Garfield, Canney, Knight, and Wells.

The Journal of Wednesday last was read and approved.

Mr. Wilson, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act for the relief of Capt. Joseph Walker;

An Act to amend an act entitled an Act concerning Passengers arriving in the Ports of the State of California;

An Act for the submission to the people of the location of the permanent Seat of Justice of Tulare County;

And also, An Act to legalize certain official acts of Wm. J. Lewis, County Surveyor of Santa Clara County.

And the report was adopted.

Mr. Bostwick, from the same committee, reported as correctly enrolled, An Act to provide for the redemption of Comptroller's Warrants drawn payable out of the General Fund.

And the report was adopted.

Mr. Redding of Yuba, from the select committee, reported back Assembly bill for An Act to ascertain and provide for the payment of the Debt due from Sierra County to Yuba County, without amendment, and recommended its passage.

The report was adopted, and the bill considered engrossed, read a third time, and passed.

Mr. Rogers, from the select committee to whom was referred the petitions of citizens of Calaveras and El Dorado Counties, praying for the creation of a new county, reported Assembly bill for An Act to create the County of Mokelumne, and provide for the organization of the same.

Which was read a first and second time, and referred to the Committee on Counties and County Boundaries.

Mr. Blake introduced a resolution tendering the use of this room to Miss Catherine Hayes, on Friday evening next, for a musical entertainment.

Which was adopted.

Mr. Covarrubias, from the Committee on Military Affairs, reported back Assembly Joint Resolution requiring the Comptroller to draw his Warrant for five thousand dollars, in favor of any person or persons arresting or capturing the robber Joaquin, with amendments, and recommended its passage.

The amendments were then adopted.

And the House went into committee of the whole, (Mr. Redding, of Yuba, in the chair,) on the consideration of the resolution, and having considered the same, rose and reported it back, and recommended that it be recommitted to the Committee on Military Affairs with instructions to bring in a bill, and asked to be discharged from the further consideration of the subject.

Which was granted.

The resolution was then recommitted to the Committee on Military Affairs, with instructions to bring in a bill embodying the subject of the resolution.

A message was received from the Senate, informing the Assembly that they did, on the 30th inst., pass Senate bill for An Act to amend an act entitled an Act to provide for levying, assessing and collecting the Public Revenue, approved April 23d, 1852.

The bill accompanying the message was then read a first and second time, and referred to the Committee on Ways and Means.

Senate bill for An Act prescribing the time of holding the District Court in the fifth judicial district, was then read a second time, and referred to the Judiciary Committee.

Mr. McFarland, on leave, introduced a bill for An Act for the relief of Manuel Garfus.

Which was read a first and second time, and referred to the Committee on Claims, and ordered not to be printed.

Mr. Smith, on leave, introduced a bill for An Act amendatory of an Act entitled an Act to create the County of Alameda and establish the Seat of Justice therein, to define its boundaries and to provide for its organization, passed March 25, 1853.

Which was read a first and second time, the rules being suspended; it was then read a third time and passed.

On motion of Mr Brush, Assembly bill for An Act to dispose of the interest of the State of California in certain Property, and quiet the Title thereto, with the amendments reported by the committee of the whole, was then taken up.

Mr. Robinson moved a call of the House.

Which was sustained, and on the roll being called, the following members were found absent:

Messrs. Carhart, Fairfax, Martin, Oliver and Yeiser.

On motion, the Sergeant-at-Arms was dispatched to bring in the absentees.

Messrs. Fairfax, Oliver, McCandless, Yeiser and Carhart appeared at the bar of the House, were admitted, excused, and took their seats.

On motion of Mr. Rogers, further proceedings under the call were dispensed with.

Mr. Johnson submitted the following resolution:

Resolved, That the bill entitled An Act to dispose of the Interest of of the State of California in certain property and quiet the title thereto, be recommitted to the Committee on Ways and Means, with instructions to report a bill providing for the adjudication of conflicting claims to such property, between the State and parties claiming adversely thereto; such adjudication to be conducted before the District and Superior Courts of the County and City of San Francisco, with the right of appeal therefrom to the Supreme Court of the State, by any party interested.

On the question of the adoption of the resolution, the ayes and nays were demanded.

And the House refused to adopt by the following vote:

AYES.

Messrs.	Bostwick,	Messrs.	McGarry,
	Cabaniss,		Moore,
	Caldwell,		Pacheco,
	Conness,		Proctor,
	Crenshaw,		Reading,
	Flower,		Robinson,

Messrs. Gardner,
Hally,
Heydenfeldt,
Johnson,
Letcher,
McFarland,
Messrs. Sime,
Snyder,
Taylor,
Thomas,
Yeiser,
Speaker—24.

NAYS.

Messrs. Bell,
Blake,
Brush,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Harrison,
Herbert,
Hoff,
Hunt,
Huse,
Irwin,
Kittredge,
Messrs. Leake,
Mandeville,
Meredith,
McKamy,
McMahon,
McMeans,
Myres,
Oliver,
Owen,
Redding,
Rogers,
Tilghman,
Walker,
Wilson,
Wing—30.

The question then being on the adoption of the amendments reported by the committee of the whole,

Mr. Brush moved that the amendments be considered separately.

Which was agreed to.

The following amendment, as a substitute for the first section, was then taken up and read:

SECTION 1. All the right, title, and interest of the State of California, in and to the following tract, or parcel of land, covered with water, lying and being in the city and county of San Francisco, and bounded as follows:

Commencing at a point where Larkin street intersects Jefferson street, as designated on the official map of the city of San Francisco of January 15th, 1851, by Wm. M. Eddy; thence on a line parallel with Larkin street, six hundred feet northerly; thence easterly, southerly, south, and south-westerly, by a continuous line parallel with the water front of said city, as defined in the first section of An Act of the Legislature of the State of California, entitled An Act to dispose of certain property of the State of California, passed March 26th. 1851, at a distance of six hundred feet at all points from said line as established by said Act, to a point opposite the south-western terminus of Simmons street, six hundred feet in a direct line with said street, from the terminus thereof, when extended six hundred feet; thence, northerly, to a point where Simmons street intersects South street; thence, by a continuous line along the water front of said City as designated by said Act, back to the place of beginning; and also, all the right, title, and interest of the State of California in and to

any and all property within the limits of said city of San Francisco, is hereby confided to the charge of a Board of five Commissioners with power to dispose of the same on behalf of the State; which Board of Commissioners shall be appointed, empowered and directed, as described and specified in subsequent sections of this Act.

The question then being on the adoption of the amendment.

On which, the ayes and nays were demanded, it was adopted by the following vote:

AYES.

Messrs. Bell,
Brush,
Caldwell,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Harrison,
Herbert,
Hoff,
Hunt,
Huse,
Irwin,
Kittredge,
Mandeville,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Owen,
Redding,
Rogers,
Walker,
Wilson,
Wing—28.

NAYS.

Messrs. Bostwick,
Cabaniss,
Conness,
Crenshaw,
Flower,
Gardner,
Hally,
Heydenfeldt,
Johnson,
Letcher,
McFarland,
McGarry,
Moore,
Pacheco,
Proctor,
Reading,
Robinson,
Sime,
Snyder,
Taylor,
Thomas,
Yeiser,
Speaker—23.

The first amendment to section second, to strike out the words "tract or parcel," and insert "tracts and parcels," was then taken up and adopted.

The second amendment to section second to strike out the words "as near in conformity to the present plan of the survey of beach and water lots in said city," was then taken up, and on the question of its adoption the ayes and nays were demanded by Messrs. Robinson, Hally, and Johnson.

The amendment was adopted by the following vote:

AYES.

Messrs. Bell,
Blake,
Brush,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Harrison,
Herbert,
Hoff,
Hunt,
Huse,
Irwin,
Kittredge,
Mandeville,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Owen,
Rogers,
Smith,
Tilghman,
Walker,
Wells,
Wing—29.

NAYS.

Messrs. Bostwick,
Cabaniss,
Caldwell,
Conness,
Crenshaw,
Flower,
Gardner,
Hally,
Heydenfeldt,
Johnson,
Letcher,
McFarland,
McGarry,
Moore,
Pacheco,
Proctor,
Reading,
Redding,
Robinson,
Sime,
Snyder,
Taylor,
Thomas,
Yeiser,
Speaker—25.

The third amendment to the second section, to insert after the word "Act" in the 8th line the following words "or any or all lands belonging to the State in said city of San Francisco," was then taken up and on the question of its adoption, the ayes and nays were demanded and the House refused to adopt by the following vote:

AYES.

Messrs. Bell,
Blake,
Caldwell,
Cardozo,
Covarrubias,
Estep,
Ewing,
Hoff,
Hunt,
Irwin,
Kittredge,
Meredith,

Messrs. McCandless,
McKamy,
Redding,
Messrs. Rogers,
Tilghman,
Wilson—18.

NAYS.

Messrs. Bostwick,
Brush,
Cabaniss,
Conness,
Crenshaw,
Fairfax,
Flower,
Gardner,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Huse,
Johnson,
Letcher,
Mandeville,
McFarland,
McGarry,
Messrs. McMahon,
McMeans,
Moore,
Myres,
Owen,
Pacheco,
Proctor,
Robinson,
Sime,
Snyder,
Smith,
Taylor,
Thomas,
Walker,
Wing,
Yeiser,
Speaker—35.

Amendment to section three, to " strike out the whole of section three," was then taken up, and,

On the question of its adoption, the ayes and nays were demanded, and the House refused to strike out the section by the following vote:

AYES.

Messrs. Bostwick,
Cabaniss,
Caldwell,
Conness,
Crenshaw,
Flower,
Gardner,
Hally,
Heydenfeldt,
Johnson,
Letcher,
McFarland,
Messrs. McGarry,
Moore,
Pacheco,
Proctor,
Reading,
Robinson,
Sime,
Snyder,
Thomas,
Yeiser,
Speaker—23.

NAYS.

Messrs. Bell,
Blake,
Brush,
Messrs. Cardozo,
Covarrubias,
Crenshaw,

Messrs. Ewing,
Fairfax,
Harrison,
Herbert,
Hoff,
Hunt,
Huse,
Irwin,
Kittredge,
Leake,
Mandeville,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Oliver,
Owen,
Redding,
Rogers,
Smith,
Taylor,
Tilghman,
Walker,
Wilson,
Wing—33.

Amendment to section three to insert after the words "that the," the word "water," was then taken up, and adopted by the following vote:

AYES.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Harrison,
Hoff,
Hunt,
Irwin,
Kittredge,
Leake,
Mandeville,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Owen,
Redding,
Rogers,
Smith,
Taylor,
Tilghman,
Wilson,
Wing—29.

NAYS.

Messrs. Cabaniss,
Caldwell,
Conness,
Crenshaw,
Flower,
Hally,
Herbert,
Heydenfeldt,
Huse,
Johnson,
Letcher,
McFarland,
McGarry,
Moore,
Myres,
Oliver,
Pacheco,
Proctor,
Reading,
Robinson,
Snyder,
Thomas,
Walker,
Yeiser,
Speaker—25.

Amendment to section four, to strike out the words "tract or parcel," and insert the words "tracts or parcels," was then taken up, and on the question of its adoption, the ayes and nays were demanded, and the amendment was adopted by the following vote:

AYES.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Harrison,
Herbert,
Hoff,
Hunt,
Huse,
Kittredge,
Leake,
Mandeville,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Oliver,
Owen,
Redding,
Rogers,
Smith,
Tilghman,
Wing—30.

NAYS.

Messrs. Cabaniss,
Caldwell,
Conness,
Crenshaw,
Gardner,
Hally,
Johnson,
Letcher,
McFarland,
McGarry,
Moore,
Robinson,
Sime,
Snyder,
Taylor,
Thomas,
Speaker—17.

Amendment to fourth section, to insert after the word settle, the word "with," and to strike out the words "at once," was then taken up, and adopted by the following vote:

AYES.

Messrs. Bell,
Blake,
Brush,
Cardozo,
Covarrubias,
Estep,
Ewing,
Harrison,
Herbert,
Mandeville,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Owen,
Redding,

Messrs. Hoff,
Hunt,
Huse,
Irwin,
Kittredge,
Leake,
Messrs. Rogers,
Smith,
Tilghman,
Walker,
Wing—29.

NAYS.

Messrs. Cabaniss,
Caldwell,
Conness,
Hally,
Heydenfeldt,
Johnson,
Letcher,
McFarland,
Messrs. McGarry,
Moore,
Reading,
Robinson,
Snyder,
Taylor,
Thomas—15.

Amendment to section seven, to fill first blanks with the word "sixty," was then taken up and adopted.

The following as an amendment to section seven, strike out the words "at least —— of the daily newspapers printed in the said city and the city of Sacramento," and insert the following, "the daily papers of San Francisco and Sacramento, and the papers of Stockton, Marysville, and Nevada, and the paper published in San Diego, and by printed handbills in the principal cities and towns in the State," was then taken up, and,

On the question of its adoption, the ayes and nays were demanded, and the House refused to adopt the amendment by the following vote:

AYES.

Messrs. Bostwick,
Crenshaw,
Flower,
Gardner,
Hally,
Heydenfeldt,
McFarland,
McGarry,
Moore,
Pacheco,
Messrs. Proctor,
Reading,
Redding,
Robinson,
Sime,
Snyder,
Taylor,
Thomas,
Yeiser,
Speaker—20.

NAYS.

Messrs. Bell,
Brush,
Cabaniss,
Caldwell,
Cardozo,
Covarrubias,
Messrs. Kittredge,
Leake,
Letcher,
Mandeville,
Meredith,
McKamy,

Messrs. Estep,
Ewing,
Harrison,
Herbert,
Hoff,
Hunt,
Huse,
Irwin,
Johnson,
McMahon,
McMeans,
Myres,
Oliver,
Owen,
Rogers,
Tilghman,
Wilson,
Wing—30.

Amendment to the tenth section was then taken up and adopted.

Amendment to strike out the whole of the fourteenth section was then taken up and adopted.

Amendment to make section fifteen section fourteen of the bill, was then adopted.

Amendment to make section sixteen section fifteen was also adopted.

First amendment to section fifteen to strike out the word "ten," and insert the word "fifteen," was then taken up and adopted.

Amendment to add to section fifteen the following words, "Provided such amount shall include in full the compensation of such Commissioners," was then taken up.

And on the question of its adoption, the ayes and nays were demanded.

And the amendment was adopted by the following vote:

AYES.

Messrs. Blake,
Caldwell,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Gardner,
Hally,
Harrison,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Huse,
Irwin,
Johnson,
Leake,
Letcher,
Meredith,
McGarry,
McMeans,
Moore,
Myres,
Oliver,
Owen,
Pacheco,
Proctor,
Reading,
Redding,
Robinson,
Rogers,
Sime,
Smith,
Taylor,
Thomas,
Tilghman,
Walker,
Wilson,
Wing,
Yeiser,
Speaker—42.

NAYS.

Messrs. Bell,	Messrs. Mandeville
Bostwick,	McCandless,
Brush,	McKamy,
Flower,	McMahon,
Kittredge,	Snyder—10.

Mr. Heydenfeldt moved a call of the House.

Which was sustained, and on the roll being called, the following members were found absent:

Messrs. Bostwick, Carhart and McMahon.

Messrs. Bostwick, Carhart and McMahon, appeared at the bar of the House, were admitted, excused, and took their seats.

On motion of Mr. Conness, further proceedings under the call were dispensed with.

On motion, at two o'clock, P. M. the House took a recess until 4 o'clock.

4 O'CLOCK, P. M.

The House re-assembled, and resumed the consideration of the amendments to the bill.

Mr. Myres moved a call of the House.

Which was sustained, and on the roll being called, the following members were found absent:

Messrs Bostwick, Gardner and Proctor.

Messrs. Bostwick, Gardner and Proctor appeared at the bar of the House, were admitted, took their seats, and were excused.

Amendment to section fifteen, to add to section as amended by the following: "*And further provided*, That said Commissioners shall each receive the sum of two thousand dollars per annum, in full for their services," was then taken up.

And on the question of its adoption, the ayes and nays were demanded.

And it was adopted by the following vote:

AYES.

Messrs. Bostwick,	Messrs. Moore,
Cabaniss,	Oliver,
Caldwell,	Owen,
Conness,	Pacheco,
Crenshaw,	Proctor,
Fairfax,	Reading,
Flower,	Robinson,
Gardner,	Sime,
Hally,	Snyder,
Heydenfeldt,	Smith,
Hoff,	Taylor,

Messrs. Huse,
Johnson,
Letcher,
McFarland,
McGarry,
Thomas,
Tilghman,
Walker,
Yeiser,
Speaker—32.

NAYS.

Messrs. Bell,
Blake,
Brush,
Carhart,
Cardozo,
Covarrubias,
Estep,
Ewing,
Harrison,
Herbert,
Hunt,
Irwin,
Kittredge,
Leake,
Mandeville,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Rogers,
Wilson,
Wing—24.

Amendment as a new section, to be section sixteen of the bill, was then taken up and adopted.

Mr. Johnson moved to amend section four, by striking out the word "one" and inserting the word "two," so as to read "*two*-thirds."

On which the ayes and nays were demanded.

And the House refused to adopt the amendment by the following vote:

AYES.

Messrs. Bostwick,
Cabaniss,
Caldwell,
Conness,
Crenshaw,
Flower,
Gardner,
Hally,
Heydenfeldt,
Johnson,
Letcher,
McFarland,
McGarry,
Moore,
Oliver,
Pacheco,
Proctor,
Reading,
Robinson,
Sime,
Snyder,
Smith,
Taylor,
Thomas,
Yeiser,
Speaker—26.

NAYS.

Messrs. Bell,
Blake,
Brush,
Carhart,
Leake,
Mandeville,
Meredith,
McCandless,

Messrs. Cardozo,
Estep,
Ewing,
Fairfax,
Harrison,
Herbert,
Hoff,
Hunt,
Huse,
Irwin,
Kittredge,
McKamy,
McMahon,
McMeans,
Myres,
Owen,
Redding,
Rogers,
Tilghman,
Walker,
Wilson,
Wing—30.

Mr. Johnson submitted the following as an amendment, to be added after the last word in section four: "*And further provided*, That either the State or any party interested in such decision, and claiming adversely thereto, at any time within one year from the date of such decision, shall have the right to appeal from any decision so made to the Supreme Court of this State; such appeal to be, as nearly as practicable, governed by the same rules and laws regulating appeals to such court from the District Courts of the State."

On the adoption of which, the ayes and nays were demanded.

And the House refused to adopt by the following vote:

AYES.

Messrs. Cabaniss,
Caldwell,
Conness,
Crenshaw,
Flower,
Gardner,
Hally,
Heydenfeldt,
Johnson,
Letcher,
McGarry,
Moore,
Proctor,
Reading,
Robinson,
Sime,
Taylor,
Thomas,
Yeiser,
Speaker—20.

NAYS.

Messrs. Bell,
Blake,
Brush,
Carhart,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Harrison,
Herbert,
Hoff,
Mandeville,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Owen,
Redding,
Rogers,
Smith,
Tilghman,

Messrs. Hunt,
Huse,
Irwin,
Kittredge,
Messrs. Walker,
Wilson,
Wing—31.

Mr. Wing moved to amend the seventh section, by filling blanks with the word "three," and after the word "and" insert the words "two in."

Which was agreed to.

Mr. Brush moved to amend 4th section, second line, by striking out the word "has" and inserting the word "have."

Which was agreed to.

Mr. Sime moved to amend the 4th section by striking out all after the word "them" in the sixth line, and inserting the following—"to accept a bid for all the right, title and interest of the State in the said tracts or parcels of land from any party or parties, and give a quit claim deed for the same: *Provided*, the amount paid for all the right, title and interest of the State shall not be less than three million of dollars."

On the adoption of which the ayes and nays were demanded, and the House refused to adopt by the following vote:

AYES.

Messrs. Bostwick,
Cabaniss,
Conness,
Crenshaw,
Flower,
Gardner,
Hally,
Heydenfeldt,
Letcher,
McFarland,
McGarry,
Messrs. Moore,
Oliver,
Pacheco,
Proctor,
Reading,
Robinson,
Sime,
Snyder,
Taylor,
Yeiser,
Speaker—22.

NAYS.

Messrs. Bell,
Blake,
Brush,
Caldwell,
Carhart,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Harrison,
Herbert,
Hoff,
Hunt,
Messrs. Leake,
Mandeville,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Owen,
Redding,
Rogers,
Smith,
Thomas,
Tilghman,

Messrs. Huse,	Messrs. Walker,
Irwin,	Wilson,
Kittredge,	Wing—34.

Mr. Taylor moved to amend by adding the following words to the first section: "*Provided*, the water front of the said city shall not be extended beyond any point where there is a depth of water of more than forty feet."

On the adoption of which the ayes and nays were demanded, and the House refused to adopt by the following vote:

AYES.

Messrs. Bostwick,	Messrs. Moore,
Cabaniss,	Pacheco,
Conness,	Proctor,
Crenshaw,	Reading,
Flower,	Robinson,
Gardner,	Sime,
Hally,	Snyder,
Heydenfeldt,	Taylor,
Letcher,	Thomas,
McFarland,	Yeiser,
McGarry,	Speaker—22.

NAYS.

Messrs. Bell,	Messrs. Leake,
Blake,	Mandeville,
Brush,	Meredith,
Carhart,	McCandless,
Cardozo,	McKamy,
Covarrubias,	McMahon,
Estep,	McMeans,
Ewing,	Myres,
Fairfax,	Oliver,
Harrison,	Owen,
Herbert,	Redding,
Hoff,	Rogers,
Hunt,	Tilghman,
Huse,	Walker,
Irwin,	Wilson,
Kittredge,	Wing—32.

Mr. Flower moved to amend by striking out section four and inserting the following words:

"After said tract or parcel of land has been mapped or plotted, and the same filed in the proper office, it shall be the duty of the commissioners appointed under the provisions of this Act to proceed and sell, or cause to be sold, at public auction, to the highest bidder, for cash in hand or Comp-

troller's Warrants at par, issued on account of the civil indebtedness of the State, all of the aforesaid property, and to pay the proceeds thereof into the State Treasury, in the manner provided for by this Act."

The question then being on the adoption of the amendment, the ayes and nays were demanded, and the House refused to adopt by the following vote:

AYES.

Messrs.	Bostwick,	Messrs.	McGarry,
	Cabaniss,		Moore,
	Caldwell,		Pacheco,
	Conness,		Proctor,
	Crenshaw,		Reading,
	Flower,		Robinson,
	Gardner,		Sime,
	Hally,		Snyder,
	Heydenfeldt,		Taylor,
	Johnson,		Thomas,
	Letcher,		Yeiser,
	McFarland,		Speaker—24.

NAYS.

Messrs.	Bell,	Messrs.	Leake,
	Blake,		Mandeville,
	Brush,		Meredith,
	Carhart,		McCandless,
	Cardozo,		McKamy,
	Covarrubias,		McMahon,
	Estep,		McMeans,
	Ewing,		Myres,
	Fairfax,		Owen,
	Harrison,		Redding,
	Herbert,		Rogers,
	Hoff,		Smith,
	Hunt,		Tilghman,
	Huse,		Walker,
	Irwin,		Wilson,
	Kittredge,		Wing—32.

Mr. Irwin then moved that the bill be ordered engrossed for a third reading.

On which the ayes and nays were demanded, and the bill was ordered to be engrossed by the following vote:

AYES.

Messrs.	Bell,	Messrs.	Letcher,
	Blake,		Mandeville,

Messrs. Brush,	Messrs. Meredith,
Cabaniss,	McCandless,
Carhart,	McKamy,
Cardozo,	McMahon,
Covarrubias,	McMeans,
Crenshaw,	Moore,
Estep,	Myres,
Ewing,	Owen,
Fairfax,	Proctor,
Harrison,	Redding,
Herbert,	Robinson,
Hoff,	Rogers,
Hunt,	Snyder,
Huse,	Smith,
Irwin,	Tilghman,
Johnson,	Walker,
Kittredge,	Wilson,
Leake,	Wing—40.

NAYS.

Messrs. Bostwick,	Messrs. Pacheco,
Conness,	Reading,
Flower,	Sime,
Gardner,	Taylor,
Hally,	Thomas,
Heydenfeldt,	Yeiser,
McFarland,	Speaker—15.
McGarry,	

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed An Act amendatory of an Act to create the county of Alameda, and establish the Seat of Justice therein, to define its boundaries and to provide for its organization, passed March 25, 1853.

And the report was adopted.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled An Act to enforce the payment of Licenses in this State;

An Act amendatory of section four of an Act concerning Divorces, passed March 25, 1851;

And the report was adopted.

A message was received from the Governor informing the Assembly that he had, on this day, approved an Act to submit to the legal and qualified voters of Tulare county, at the next general election, the permanent location of the Seat of Justice of said county.

Also, An Act to legalize certain official acts of William J. Lewis, County Surveyor of Santa Clara.

On motion, at 8 o'clock P. M., the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, April 1, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Carhart, Covarrubias, Crenshaw, Fairfax, Garfield, Knight, Leake, McCandless, Moore, Myres, Smith and Wells.

On motion, leave of absence for one day each was granted to Messrs. Garfield, Wells and Knight.

The Journal of Thursday last was read and approved.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act to dispose of the interest of the State of California in certain property and quiet the title thereto; also,

An Act to ascertain and provide for the payment of the debt due from Sierra county to Yuba county.

And the report was adopted.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act to amend an Act entitled an Act concerning passengers arriving in the ports of the State of California; and

An Act to amend an Act to re-incorporate the city of Stockton, approved April 21st, 1852.

And the report was adopted.

Mr. Hoff, from the joint select committee, to whom was referred a resolution directing an investigation into the passage, through the last Legislature, of An Act for the erection of a State Prison; and a contract between F. Vassault and the State of California, based upon said law, submitted the following report. (See Senate Appendix, No. 52.)

Which was read, and three thousand copies, together with the testimony taken before the committee, ordered to be printed.

On motion, the Clerk was directed to withhold the copy of the foregoing report from the Printer for a few days.

A message was received from the Governor, informing the Assembly that he did, on the 30th March last, approve An Act to provide for the protection of Foreigners and to define their liabilities and privileges.

Assembly bill for An Act to repeal an Act entitled an Act for the relief of the Indigent Sick, approved April 16th, 1852, was taken up, and again laid on the table.

On motion of Mr. Conness, Senate bill for An Act to provide for the payment of the claim of the "Pioneer Upholstery," was taken from the table, read a third time; and on the question, "Shall the bill now be passed?" it was lost.

Mr. Fairfax, on leave, introduced a bill for An Act to separate the office of County Recorder from the office of County Clerk in the county of Yuba.

Which was read a first and second time, and referred to the members from Yuba county.

Mr. Yeiser, from the Judiciary Committee, submitted the following report:

Mr. Speaker:

The Judiciary Committee, to whom was referred Senate bill entitled An Act prescribing the time of holding the District Court in the Fifth Judicial District, beg leave to report the same back with the following amendment:

Strike out all after the enacting clause, and insert the accompanying; and recommend the passage of the bill as amended.

FRED. YEISER, Chairman.

Senate bill for An Act prescribing the time of holding the District Court in the Fifth Judicial District, was then taken up, amended, read a third time, and passed.

Mr. Johnson, on leave, introduced a bill for An Act amendatory of an Act entitled an Act to incorporate the city of Sacramento, passed 1851.

Which was read a first and second time, and referred to the Delegation from Sacramento county.

Senate bill for An Act to enforce the collection of Taxes in certain cases, was then taken up, read a second time, and referred to the Committee on Ways and Means.

Senate bill for An Act to define the jurisdiction of counties separated by rivers and water courses, was then taken up, read a second time, and referred to the Committee on Judiciary.

Senate bill for An Act to provide a Sinking Fund for the county of Monterey, was then taken up, read a second time, and referred to the member from Monterey county.

Senate bill for An Act supplementary to an Act creating and regulating Public Ferries, passed March 18th, 1850, was then taken up, read a second time, and referred to the Committee on Corporations.

Assembly Joint Resolution instructing our Senators and Representatives in Congress in relation to an Act of Congress to settle private Land Claims in California, was then taken up, read a second time, and referred to the Committee on Federal Relations.

Senate bill for An Act to provide a Library for the Supreme Court, was then taken up, read a second time, and referred to the Committee on Judiciary.

Senate bill for An Act in relation to Personal Mortgages in certain cases, was then taken up, read a second time, and referred to the Committee on Judiciary.

Senate bill for An Act to authorize poor persons, in certain cases, to prosecute Suits without the payment of Costs, was then read a second time, and referred to the Judiciary Committee.

Senate bill for An Act concerning Sureties on Official Bonds, was then taken up, read a second time, and referred to the Committee on Judiciary.

Senate Joint Resolution in relation to Postal arrangements, was then

taken up, read a second time, and referred to the Committee on Federal Relations.

Assembly bill for An Act for the relief of Lawrence McMahon, was then taken up, read a second time, considered in committee of the whole, reported back without amendment, the committee discharged, the rules suspended, and the bill read a third time and passed.

Assembly bill for An Act prescribing the mode of appointing Auctioneers and defining their duties, was then taken up, read a second time, and referred to the Judiciary Committee.

On motion of Mr. Johnson, Assembly bill for An Act to Fund the floating debt of the County of Sacramento, and to provide for the payment of the same, was taken from the table, amended, and ordered engrossed for a third reading.

Assembly bill for An Act to dispose of the interest of the State of California in certain property, and quiet the title thereto, was then taken up.

Mr. Canney then moved a call of the House, which was sustained.

And on the roll being called, the following members were absent:

Messrs. Carhart, Irwin and Meredith.

Mr. Irwin appeared, was admitted, excused, and took his seat.

On motion, further proceedings under the call were dispensed with.

Mr. Canney again moved a call of the House, which was sustained.

And on the roll being called, the following members were absent:

Messrs. Irwin and Thomas.

Mr. Irwin and Thomas appeared at the bar of the House, were admitted, excused, and took their seats.

On motion of Mr. Rogers, further proceedings under the call were dispesed with.

Mr. Wing moved, that the bill be read a third time now.

On which the ayes and nays were demanded, and the bill was ordered to a third reading by the following vote:

AYES.

Messrs. Bell,
Blake,
Brush,
Cabaniss,
Caldwell,
Carhart,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Harrison,
Herbert,
Hoff,
Hunt,
Huse,
Irwin.

Messrs. Kittredge,
Leake,
Mandeville,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Owen,
Redding,
Rogers,
Tilghman,
Walker,
Wilson,
Wing—33.

NAYS.

Messrs. Bostwick,	Messrs. Moore,
Canney,	Oliver,
Conness,	Pacheco,
Crenshaw,	Proctor,
Flower,	Reading,
Gardner,	Robinson,
Hally,	Sime,
Heydenfeldt,	Snyder,
Johnson,	Smith,
Knight,	Taylor,
Letcher,	Thomas,
McFarland,	Yeiser,
McGarry,	Speaker—26.

The bill was then read a third time.

Mr. Heydenfeldt moved to recommit the bill to the Committee on Ways and Means, with instructions to report the following as a substitute:

An Act to provide for examining certain property of the State of California, with the view to raise revenue from the sale thereof.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be elected, by a joint convention of the two Houses of the present Legislature, within fifteen days after the passage of this Act, a Board of Commissioners, to be composed of three competent Hydrographical Engineers, whose duty it shall be to carefully and thoroughly examine and sound the present Water Front of the city of San Francisco as now defined by law; and also to examine the entire Bay and Harbor of San Francisco, the prevailing influences of the winds and tides, and likewise the effect upon the safety of the Harbor and conveniences of shipping an extension of the present City Front would have.

SEC. 2. In the event such Board shall conclude that an extension of said Front can be made without injury to the Harbor, and with benefit to the State, then it shall be their duty to carefully prepare and compile a complete Map or Chart of the same; with full information, by report, how far into the Bay the said extension can with safety be made: the said report and Map or Chart to be made in time to present the same to the next session of the Legislature.

SEC. 3. Said Commissioners, after having satisfactorily performed the duties herein enjoined, shall receive for compensation the sum of fifteen hundred dollars each.

The question then being on recommitting, with special instructions, the ayes and nays were demanded, and the House refused to re-commit by the following vote:

AYES.

Messrs. Bostwick,
Cabaniss,
Canney,
Conness,
Crenshaw,
Flower,
Gardner,
Hally,
Heydenfeldt,
Johnson,
Knight,
Letcher,
McFarland,
McGarry,
Moore,
Oliver,
Pacheco,
Proctor,
Reading,
Robinson,
Sime,
Snyder,
Taylor,
Thomas,
Yeiser,
Speaker—26.

NAYS.

Messrs. Bell,
Blake,
Brush,
Caldwell,
Carhart,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Harrison,
Herbert,
Hoff,
Hunt,
Huse,
Irwin,
Kittredge,
Leake,
Mandeville,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Owen,
Redding,
Rogers,
Smith,
Tilghman,
Walker,
Wilson,
Wing—33.

Mr. Canney moved a call of the House, which was sustained, and on the roll being called, Mr. Conness was found absent.

Mr. Conness appeared at the bar of the House, was admitted, excused, and took his seat.

On motion, further proceedings under the call were dispensed with.

Mr. McCandless moved the previous question, and on the question, "Shall the main question now be put?"

The ayes and nays were demanded, and the House refused to sustain the motion by the following vote:

AYES.

Messrs. Bell,
Blake,
Kittredge,
Mandeville,

Messrs. Brush,
Carhart,
Covarrubias,
Ewing,
Harrison,
Herbert,
Hoff,
Hunt,
Huse,
Irwin,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Tilghman,
Walker,
Wilson,
Wing—23.

NAYS.

Messrs. Bostwick,
Cabaniss,
Caldwell,
Canney,
Conness,
Cardozo,
Crenshaw,
Estep,
Fairfax,
Flower,
Gardner,
Hally,
Heydenfeldt,
Johnson,
Knight,
Leake,
Letcher,
McFarland,
McGarry,
Moore,
Myres,
Oliver,
Owen,
Pacheco,
Proctor,
Reading,
Redding,
Robinson,
Rogers,
Sime,
Snyder,
Smith,
Taylor,
Thomas,
Yeiser,
Speaker—36.

The question then being "Shall the bill now be passed?"

On which the ayes and nays were demanded, and the bill was passed by the following vote:

Messrs. Bell,
Blake,
Brush,
Carhart,
Cardozo,
Covarrubias,
Estep,
Ewing,
Fairfax,
Harrison,
Herbert,
Hoff,
Hunt,
Leake,
Mandeville,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Owen,
Redding,
Rogers,
Smith,
Tilghman,

Messrs. Huse,
Irwin,
Kittredge,
Messrs. Wilson,
Wing—31.

NAYS.

Messrs. Bostwick,
Cabaniss,
Caldwell,
Canney,
Conness,
Crenshaw,
Flower,
Gardner,
Hally,
Heydenfeldt,
Johnson,
Knight,
Letcher,
McFarland,
Messrs. McGarry,
Moore,
Oliver,
Pacheco,
Proctor,
Reading,
Robinson,
Sime,
Snyder,
Taylor,
Thomas,
Yeiser,
Speaker—27.

On the question, "Shall the title of this bill stand?"

Mr. Johnson moved to amend the same by striking out the words, "and quiet the title thereto."

On which the ayes and nays were demanded, and the House refused to adopt the amendment by the following vote:

AYES.

Messrs. Cabaniss,
Caldwell,
Canney,
Conness,
Flower,
Gardner,
Hally,
Johnson,
Letcher,
McFarland,
McGarry,
Moore,
Messrs. Pacheco,
Proctor,
Reading,
Robinson,
Sime,
Snyder,
Smith,
Taylor,
Thomas,
Yeiser,
Speaker—23.

NAYS.

Messrs. Bell,
Blake,
Brush,
Carhart
Cardozo,
Covarrubias,
Messrs. Leake,
Mandeville,
Meredith,
McCandless,
McKamy,
McMahon,

Messrs. Estep,
Ewing,
Harrison,
Herbert,
Hoff,
Hunt,
Huse,
Irwin,
Kittredge,
McMeans,
Myres,
Owen,
Redding,
Rogers,
Tilghman,
Wilson,
Wing—29.

There being no further objections made to the title, it was agreed to.

Mr. Blake then moved to reconsider the vote by which the bill was passed.

Mr. McCandless moved to indefinitely postpone the motion to reconsider.

On which the ayes and nays were demanded, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Bell,
Blake,
Brush,
Carhart,
Cardozo,
Covarrubias,
Estep,
Ewing,
Harrison,
Herbert,
Hoff,
Hunt,
Huse,
Irwin,
Kittredge,
Leake,
Mandeville,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Owen,
Redding,
Rogers,
Tilghman,
Wilson,
Wing—29.

NAYS.

Messrs. Cabaniss,
Canney,
Conness,
Flower,
Gardner,
Hally,
Johnson,
Letcher,
McGarry,
Moore,
Oliver,
Pacheco,
Proctor,
Reading,
Robinson,
Snyder,
Taylor,
Thomas,
Yeiser,
Speaker—20.

A message was received from the Senate, informing the Assembly that they this day concurred in Assembly amendment to Senate bill for An Act

prescribing the time of holding the District Court in the Fifth Judicial District.

A message was received from the Governor, informing the Assembly that he did, on the 1st instant, approve

An Act to provide for the redemption of Comptroller's warrants, payable out of the General Fund.

Also, An Act to enforce the payment of licenses in this State; and

An Act amendatory of the 4th section of an Act concerning Divorces, passed March 25, 1851.

On motion, at 3 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, April 2, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent: Messrs. Cabaniss, Estep, Ewing, Flower, Gardner, Garfield, Herbert, Johnson, Knight, Martin, McFarland, Proctor, Robinson, Smith, Thomas, Walker, Wells and Wilson.

On motion, leave of absence was granted for one day to Messrs. Estep, Ewing, Flower, Gardner, Herbert, Johnson, Knight, McFarland, Proctor, Robinson and Wells.

Mr. Crenshaw presented the following communication, which was read, and ordered to be spread upon the Journal:

ASSEMBLY CHAMBER,
BENICIA, April 1, 1853.

Sir:—

We hereby tender you our respective resignations as members of Assembly from the county of San Francisco.

Respectfully,

E. HEYDENFELDT,
JOHN SIME,
JAMES M. TAYLOR,
FRED. A. SNYDER,
SAM'L FLOWER.

To the Hon. Speaker of Assembly.

Mr Leake presented the petition of James Austin praying for relief.

Which was read, and referred to the Committee on Claims.

Mr. Yeiser, from the Committee on Judiciary, reported back Senate bill for An Act to authorize the Pacific Mail Steamship Company to hold, use, and occupy certain Lands in the city of Benicia, without amendment, and recommended its passage.

The report was adopted, the bill laid on the table, and two hundred and forty copies ordered to be printed.

Mr. Canney, from the Committee on Indian Affairs, reported back the claim of Elijah Steele, and recommended that it be referred to the Committee on Claims. The report was adopted and the claim referred as recommended.

Mr. Canney from the Joint Committee on Apportionment of Senatorial and Assembly Districts, submitted the following report. (See Senate Appendix, No. 54).

Which was read, laid on the table, and two hundred and forty copies ordered printed.

Mr. Canney, from the same Committee, introduced a bill for An Act to apportion the Senatorial and Assembly Districts of this State, which was read a first and second time, and made the special order for Thursday next, April 7, 1853, at 12 o'clock, M.

Mr. Leake submitted the following report, which was read and concurred in:—

Mr. Speaker:

The Committee of Conference of the Senate and Assembly upon a bill appropriating money for labor performed by certain persons,

Report that the Senate shall agree to the two first amendments of the Assembly, and that the Assembly will recede from its last amendment, and agree to insert ten hundred and sixty-two dollars and seventy-five cents.

Respectfully,

CHAS. A. LEAKE,
Of Assembly.

J. W. COFFROTH,
Of Senate.

On motion of Mr. Conness, leave of absence was granted to the Speaker for ten days.

Mr. Conness then submitted the following resolution, which was read and unanimously adopted.

Resolved, That the Hon. P. Canney be and is hereby declared Speaker pro tem., during the absence of the Speaker of this House.

On motion of Mr. Letcher, Mr. Hunt was authorized to withdraw the claim of S. Whiting and others.

Mr. Fairfax, from the Yuba county delegation, reported back Assembly

bill for An Act to separate the office of County Recorder from the office of County Clerk in the County of Yuba, and recommended its passage.

The report was adopted, and the bill considered engrossed, read a third time, and passed.

Mr. Owen gave notice that he would on an early day submit an amendment to the forty-fourth rule of this House

Mr. Brush submitted the following resolution, which was read and adopted:

Resolved, That the Sergeant-at-Arms be authorized to draw for the per diem of Mr. Huse, from the third of January last.

Mr. Owen, from the Committee on Corporations, reported back Senate bill for An Act for the formation of Corporations for certain purposes, without amendment, and recommended its passage.

The report was adopted, and the bill laid upon the table, and made the special order for Wednesday, April 6th, 1853, at 12 o'clock, M.

On motion of Mr. Redding of Yuba, Assembly bill for an Act prescribing the time at which County and Township Officers shall enter upon the duties of their offices, was taken from the table, and referred to a select committee of five.

The Chair appointed Messrs. Redding of Yuba, Moore, Hoff, Myres and Conness.

The following message was received from the Senate:

Mr. Speaker:

The Senate passed on the 31st March, Assembly bill for An Act for the relief of Thomas A. Hilton, M. D.;

And Senate bill for An Act authorizing the Treasurer of the State of California to issue bonds for the payment of the Fitzgerald Volunteers, serving under Major Fitzgerald, in the county of San Diego.

And passed this day Senate bill for An Act for the relief of A. G. Hart, M. D.

By order of the Senate,

A. C. BRADFORD,
Secretary.

April 1, 1853.

Senate bill for An Act for the relief of A. G. Hart, M. D., was then read a first and second time, and referred to the Committee on Claims.

Senate bill for An Act authorizing the State of California to issue bonds for the payment of the Fitzgerald Volunteers serving under Major Fitzgerald, in the county of San Diego, was then read a first time, and laid over under the rules.

On motion of Mr. Oliver, Messrs. Thomas, Blake and Myres were added to the Judiciary Committee.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act prescribing the time of holding the District Court in the Fifth Judicial District.

Also, An Act for the relief of Thomas A. Hilton, M. D.

And the report was adopted.

On motion, at 3 o'clock, P. M. the House adjourned until Monday next at half past seven o'clock, P. M.

HOUSE OF ASSEMBLY.

MONDAY, April 4, 1853.

House met pursuant to adjournment.
The Hon. P. Canney, Speaker, *pro tem.*, in the chair.
The roll was called by the Clerk.
No quorum present.
On motion of Mr. McCandless, the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, April 5, 1853.

The House met pursuant to adjournment.
The Speaker, *pro tem.*, in the chair.
The roll was called by the Clerk, and the following members were absent:
Messrs. Bell, Blake, Caldwell, Carhart, Cardozo, Covarrubias, Crenshaw, Estep, Ewing, Garfield, Hally, Hoff, Johnson, Knight, Meredith, McCandless, McMahon, McMeans, Myres, Pacheco, Robinson, Smith, Thomas, Tilghman, Walker, Wilson and Yeiser.
On motion, leave of absence for one day each was granted to Messrs. Knight, Tilghman, Hoff, Meredith, Blake, Thomas, McMahon, Crenshaw, Cardozo and Hally; to Mr. Smith five days' leave was granted; to Mr. Pacheco three days; to Messrs. Johnson and Robinson two days each.

The Journals of Saturday and Monday last were read and approved.

Mr. McCandless moved that Mr. Carpentier be admitted upon the floor of this House, and that he be sworn and allowed to take his seat as a member of this House from Contra Costa county.

Mr. Irwin moved, as an amendment, that Mr. Carpentier be admitted upon the floor of this House, and allowed to make a statement in relation to the late special election for a member of Assembly in Contra Costa county.

Mr. Leake moved to lay the motion on the table.

On which the ayes and nays were demanded, and the House refused to lay on the table by the following vote:

AYES.

Messrs.	Bostwick,	Messrs.	Huse,
	Brush,		Leake,
	Cabaniss,		McGarry,
	Conness,		McKamy,
	Ewing,		Oliver,
	Gardner,		Proctor,
	Harrison,		Wells—15.
	Herbert,		

NAYS.

Messrs.	Canney,	Messrs.	McFarland,
	Fairfax,		McMeans,
	Hunt,		Moore,
	Irwin,		Owen,
	Kittredge,		Reading,
	Letcher,		Redding,
	Mandeville,		Rogers,
	Martin,		Wing—17.
	McCandless,		

The question then recurring on the motion of Mr. Irwin, the ayes and nays were demanded, and it was decided in the affirmative by the following vote:

AYES.

Messrs.	Brush,	Messrs.	Mandeville,
	Canney,		Martin,
	Conness,		McCandless,
	Ewing,		McFarland,
	Fairfax,		McKamy,
	Hunt,		McMeans,
	Irwin,		Redding,
	Kittredge,		Rogers,
	Letcher,		Wing—18.

NAYS.

Messrs. Bostwick,	Messrs. McGarry,
Cabaniss,	Moore,
Covarrubias,	Oliver,
Gardner,	Owen,
Harrison,	Proctor,
Herbert,	Reading,
Huse,	Wells—15.
Leake,	

Mr. McMeans presented the memorial of certain citizens of El Dorado county, praying that the jurisdiction of Justices' Courts in and for El Dorado county, may be fixed, and continue as now established by law.

Which was read, and referred to the Judiciary Committee.

Mr. Mandeville, from the Committee on Roads and Highways, reported back Assembly bill for An Act to authorize the construction of a Wagon Road from the Free Bridge House, on Clear Creek, in Shasta county, to Weaverville, in Trinity county, with amendments, and recommended its passage.

The report was adopted, and the bill laid on the table.

Mr. Irwin, for Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act for the relief of Lawrence McMahon;

An Act to Fund the Floating Debt of the county of Sacramento, and to provide for the payment of the same.

And the report was adopted.

Mr. Moore submitted a resolution, requiring a statement of the unfinished business of the House to be printed.

Which was read and adopted.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act for the payment of certain persons therein named, and for services rendered and materials furnished.

And the report was adopted.

A message was received from the Governor, informing the Assembly that he did, on the 2d instant, approve An Act for the relief of Thomas A. Hilton, M. D.

The following message was received from the Senate.

Mr. Speaker:

The Senate refused, on 1st instant, to pass Assembly bill for An Act for the relief of Jacob D. Hoppe.

And passed Assembly bill for An Act amendatory of An Act to create the County of Alameda, and to establish the Seat of Justice therein, to define its boundaries and to provide for its organization, passed March 25, 1853.

And concurred in the report of the committee of conference on the disagreeing vote of the two Houses upon Senate bill for An Act to pay certain persons therein named for services rendered and materials furnished.

And passed, on the 2d instant, with amendments, Assembly bills for An Act for relief of E. G. Baker, Tinsmith of San Francisco, and An Act for the relief of James M. Cranston.

And also, on the 2d instant, Senate bill for An Act to define the rights of persons to Public Lands in mining localities.

By order of the Senate:

A. C. BRADFORD,
Secretary.

5th April, 1853.

Senate bill for An Act to define the rights of persons to Public Lands in mining localities, was then read a first and second time, and referred to the Committee on Mines and Mining Interests, and two hundred and forty copies ordered to be printed.

Assembly bill as amended by the Senate, for An Act to pay freight to James M. Cranston on State furniture in 1853, was then taken up, and the Senate amendment concurred in.

Assembly bill, as amended by the Senate, for An Act to provide for the payment of E. G. Baker for Iron and Tinware furnished the Legislature, was then taken up, and the Senate amendment concurred in.

Mr. Redding of Yuba, on leave, introduced a bill for An Act to provide for the better publication of Official Notices, which was read a first and second time, and referred to the Judiciary Committee.

Mr. McMeans moved a call of the House.

Which was sustained.

And on the roll being called, the following members were absent:

Messrs. Bell, Caldwell, Leake, McFarland, Moore, Rogers, Walker, Wilson and Weiser.

On motion, further proceedings under the call were dispensed with.

Mr. Bostwick gave notice that he would, on to-morrow, move to amend the forty-fourth rule of this House, so as to require the Door-Keeper to close the door before the calling of the roll, when a call of the House is ordered.

On motion, at one o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

Wednesday, April 6, 1853.

The House met pursuant to adjournment.

The Speaker *pro tem.* in the chair.

The roll was called by the Clerk, and the following members were found absent:

Messrs. Caldwell, Carhart, Covarrubias, Estep, Fairfax, Garfield, Hoff, Irwin, Knight, McFarland, McMahon, McMeans, Myres, Thomas, Tilghman, Walker, Wilson, and Yeiser.

On motion, leave of absence for one day was granted to Messrs. McMeans, Hoff, Fairfax, Thomas and Johnson; for three days, to Mr. Estep; and for an indefinite time to Mr. Caldwell.

The Journal of Tuesday last was read and approved.

Mr. Harrison presented the petition of Jefferson Lake of the city of Sacramento, praying for a law granting him the privilege of constructing a boom across the American River.

Which was read and referred to the Committee on Commerce.

Mr. Rogers submitted the following report, which was read and adopted.

Mr. Speaker:

The Committee on Indian Affairs, to whom was referred the claim of Samuel Whiting for the sum of thirteen hundred and forty-five dollars with interest, have had the same under consideration, and report the same back to the House, recommending that he be allowed the amount asked for, without interest, to be paid out of the War Loan Fund.

Respectfully submitted,

WM. M. ROGERS,
R. G. READING,
JESSE BRUSH,
P. CANNEY.

Senate bill for An Act authorizing the Treasurer of the State of California to issue bonds for the payment of the Fitzgerald Volunteers, serving under Major Fitzgerald in the county of San Diego, was then read a second time, and referred to the Committee on Military Affairs.

Mr. Brush submitted the following resolution, which was read and adopted:

Resolved, That the Sergeant-at-Arms be required to purchase a suitable

case for the purpose of keeping papers, documents, &c., safely, and that the same be paid out of the Contingent Fund of the Assembly.

Mr. Owen, agreeably to notice, moved to amend the forty-fourth rule of this House, by inserting in the first line after the word House, the words, "the doors shall be closed, and no member permitted to go out during the call, without leave, and"—and strike out in the third line, the words, "the doors shall then be shut."

And the amendment was agreed to.

Assembly bill, with substitute, for An Act concerning Lawful Fences and animals trespassing on premises lawfully enclosed," was then taken up, the substitute adopted, and two hundred and forty copies ordered to be printed.

Assembly bill for An Act to amend an Act entitled an Act to provide for the levying, assessing and collecting Public Revenue, approved April 23, 1853, was then taken up, and made the special order for Monday next, April 11, 1852, at 12 o'clock, M.

On motion of Mr. Cabaniss, Assembly bill for An Act to authorize the construction of a Wagon Road from the Free Bridge House on Clear Creek, in Shasta County, to Weaverville, in Trinity County, was taken from the table, amended, considered engrossed, read a third time, and on the question, "Shall the bill now be passed?" the ayes and nays were demanded, and the House refused to pass the bill by the following vote:

AYES.

Messrs. Bell,
Canney,
Ewing,
Harrison,
Herbert,
Hunt,
Letcher,
Mandeville,
Martin,
McCandless,
McFarland,
Proctor,
Reading,
Rogers,
Wing—15.

NAYS.

Messrs. Bostwick,
Brush,
Cabaniss,
Conness,
Cardozo,
Crenshaw,
Hally,
Huse,
Kittredge,
Leake,
Meredith,
McGarry,
McKamy,
Moore,
Oliver,
Owen,
Redding,
Robinson,
Wells—19.

On motion of Mr. Letcher, Assembly bill for An Act concerning Roads and Highways, was then taken from the table, amended, considered engrossed, read a third time and passed.

On motion of Mr. McCandless, Assembly bill for An Act to provide for the formation of Corporations for certain purposes, made the special order for this day at 12 o'clock, M., was taken up.

The House then went into committee of the whole, (Mr. Redding of Yuba in the chair,) on the consideration of the bill; and having considered the same, rose, reported it back with amendments, recommended its passage, and asked to be discharged from a further consideration of the subject.

Which was granted.

And the bill was laid on the table.

Mr. McCandless, on leave, introduced a bill for An Act to Fund the Debt of the county of Sutter, and provide for the payment of the interest thereof.

Which was read a first and second time, and referred to a select committee, consisting of Messrs. Redding of Yuba, Myres, Moore and McCandless.

Mr. Ewing, on leave, introduced a bill for An Act to amend an Act entitled an Act dividing the State into counties and establishing the Seats of Justice therein, passed April 25th, 1851.

Which was read a first and second time, and referred to the Judiciary Committee.

Mr. Owen, from the Committee on Corporations, reported back Senate bill for An Act to provide for the Incorporation of Railroad Companies, with amendments, and recommended its passage.

The House then went into committee of the whole, (Mr. Mandeville in the chair,) on the consideration of the bill; and having made some progress thereon, rose, and reported the same, and asked leave to sit again.

Which was granted.

Mr. Knight moved a call of the House, which was sustained; and,

On the roll being called, the following members were found absent:—Messrs. Bell, Blake, Conness, Cardozo, Ewing, Gardner, Hunt, Kittredge, Meredith, McCandless, McMahon, Moore, Myres, Tilghman, Walker and Wilson.

On motion, the Sergeant-at-Arms was dispatched to bring in the absentees.

Messrs. Blake, Cardozo, Bell, Gardner and McCandless appeared at the bar of the House, were admitted, excused, and took their seats.

On motion, further proceedings under the call were dispensed with.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported that they had this day presented to the Governor for his approval, An Act for the payment of certain persons therein named, for services rendered and materials furnished.

And the report was adopted.

Mr. Bostwick, from the same committee, reported as correctly enrolled, An Act amendatory of an Act entitled an Act to create the county of Alameda and establish the Seat of Justice therein, to define its boundaries and to provide for its organization, passed March 25th, 1853; also,

An Act to pay freight to James M. Cranston, on State furniture, in 1853; also,

An Act to provide for the payment of E. G. Baker, for iron and tin ware furnished the Legislature.

And the report was adopted.

Mr. Bell submitted a resolution, appointing a committee of three to visit and examine the location of the State Prison, and also the condition and discipline of the Prisoners.

Mr. Wells submitted, as a substitute, a resolution requiring the Committee on State Prisons to perform that duty.

Pending the consideration of the substitute,

On motion, at 3 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, April 7, 1853.

The House met pursuant to adjournment.

The Speaker *pro tem.*, in the chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Bell, Conness, Fairfax, Garfield, McCandless, Moore, Wilson and Yeiser.

On motion, leave of absence for one day was granted to Mr. Johnson, and indefinite leave to Messrs. Wilson and Yeiser.

The Journal of Wednesday last was read and approved.

Mr. Crenshaw submitted the following report, which was read and adopted:

The Committee on Claims, to whom was referred the petition of Horace Hawes, asking an appropriation to pay him his salary, for the office of Prefect for the County of San Francisco, in the years 1849–50, have had the same under consideration, and are of the opinion that the prayer of said petitioner should not be allowed.

CRENSHAW,
Chairman.

Mr. Crenshaw also submitted the following report, which was read and adopted:

The Committee on Claims, to whom was referred the petition of Drs.

Whitmore and Gibbs, asking compensation for certain services rendered the citizens of Calaveras County who were diseased with the small pox, have had the same under consideration, and are of the opinion that the conduct of those gentlemen in rendering aid to the afflicted under such circumstances, is praiseworthy in a high degree, and that they are entitled to the thanks of the citizens of said county for their services above referred to. But the committee are of the opinion that the State should not establish the precedent asked for in said petition. They therefore return the petition, with the opinion that the prayer of said petitioners should not be granted.

CRENSHAW,
Chairman.

Mr. Crenshaw, from the same committee, reported back Senate bill for An Act for the relief of A. G. Hart, M. D., and recommended its passage.

The report was adopted.

And the House went into committee of the whole (Mr. McMeans in the chair) on the consideration of the bill, and having considered the same, rose and reported it back, and recommended its passage, and asked to be discharged from further consideration of the subject.

Which was granted.

The bill was then read a third time and passed.

Mr. Cardozo, from the Committee on Commerce, reported back Assembly Joint Resolution in relation to the Harbor of Santa Barbara, and recommended its passage.

The report was adopted, and the resolution read a third time and passed.

Mr. Cardozo submitted the following report, which was read and adopted:

Mr. Speaker:

The Committee on Public Lands, to whom was referred the petition of citizens of Union and Trinity Counties, praying for a law to protect the titles to lots in said towns, have had the same under consideration, beg leave to return the same to the House, and recommend its reference to the Judiciary Committee.

Respectfully submitted,
CARDOZO,
Chairman.

On motion of Mr. Wing, the Clerk was directed to transmit a copy of the report of the Committee on Indian Affairs, on the petition of Samuel Whiting, together with the original papers upon which the report was based, to the Board of Examiners of the War Debt.

Mr. Brush moved that the Judiciary Committee be instructed to report upon the bill for An Act to limit the application of an Act to regulate proceedings in civil cases in Courts of Justice of this State, passed April 29, 1851.

Which was agreed to.

Mr. McMeans, on leave introduced a bill for An Act amendatory of An

Act entitled an Act to provide for the lien of mechanics and others, passed April 12, 1850.

Which was read a first and second time, and referred to the Judiciary Committee.

The following message was received from the Senate:

Mr. Speaker:

The Senate passed on the 5th inst., Assembly bill for An Act to separate the office of County Recorder from the office of County Clerk, in the county of Yuba.

And An Act to provide for the payment of Beverly C. Saunders' expenses incurred by order of the Governor in Dec., 1851, for the suppression of Indian hostilities in the county of San Diego, as a substitute to Assembly bill for An Act for the relief of Beverly C. Saunders;

And Senate bill for An Act revising and amending an Act concerning the Courts of Justice of this State and Judicial Officers.

By order of the Senate,

A. C. BRADFORD,
Secretary.

6th April, 1853.

Senate bill for An Act to provide for the payment to Beverly C. Saunders' Expenses incurred by order of the Governor, in Dec., 1851, for the suppression of Indian hostilities in the county of San Diego, was then read a first time, and laid over under the rules.

Senate bill for An Act revising and amending the Act concerning the Courts of Justice of this State and Judicial officers, was then read a first and second time, and referred to the Judiciary Committee, and two hundred and forty copies ordered to be printed.

Mr. Leake, on leave, introduced a bill for An Act to provide for the reporting and publishing the decisions of the Supreme Court.

Which was read a first and second time, and referred to the Judiciary Committee

Mr. McFarland submitted the following communication, which was read, and referred to the Committee on State Hospitals.

MARTINEZ, April 4, 1853.

To the Honorable, the Senate and Assembly of the State of California:

Gentlemen:—In the event of this place being deemed a desirable location for the proposed State Lunatic Asylum, and shall be selected for that purpose by Legislative enactment, the undersigned, on behalf of themselves and the citizens of Martinez, will donate fifty acres of land for the same.

Very respectfully,
Your ob't servants,

E. S. LATHROP,
J. FORD,
N. B. SMITH.

Mr. Wells submitted a resolution requiring the Committee on State Prisons to visit and report upon the site of the State Prison, and discipline of the convicts on or before the 14th inst.

Which was read and adopted.

On motion of Mr. Moore, Mr. Bell was added to the Committee on State Prisons.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed,

An Act concerning Roads and Highways.

And the report was adopted.

On motion of Mr. Leake, the Governor's message in answer to a resolution of the Assembly requesting information in relation to water lots in the city of San Francisco, sold in 1850, was taken from the table, and twenty-five hundred copies, together with the accompanying documents, ordered to be printed.

On motion of Mr. Wells, Senate bill for An Act to provide for the incorporation of Railroad Companies, was taken from the table.

The House then went into Committee of the whole, Mr Hally in the chair, on the consideration of the bill, and having made some progress thereon, rose and reported the same, and asked leave to sit again.

Which was granted, and the bill laid on the table.

Assembly bill for An Act to apportion the Senatorial and Assembly Districts in this State, made the special order for this day at 12 o'clock, M., was then taken up.

The House went into committee of the whole, Mr. McFarland in the chair, on the consideration of the bill, and having made some progress thereon, rose, reported the same and asked leave to sit again.

Which was granted, and the bill made the special order for Wednesday next, at 12 o'clock, M., to the exclusion of all other business.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported that they had this day presented to the Governor for his approval, An Act to provide for the payment of E. G. Baker, for iron and tinware furnished the Legislature;

Also, An Act to pay James M. Cranston, for freight on State furniture in 1853;

Also, An Act amendatory of an Act entitled an Act to create the county of Alameda and establish the Seat of Justice therein, to define its boundaries, and to provide for its organization, passed March 25, 1853.

And the report was adopted.

Mr. Moore moved to reconsider the vote by which the Assembly refused, on yesterday, to pass Assembly bill for An Act to authorize the construction of a Wagon Road from the Free Bridge House, on Clear Creek, in Shasta county, to Weaverville, in Trinity county.

On which motion the ayes and nays were demanded, and the House refused to reconsider by the following vote:

AYES.

Messrs. Canney,	Messrs. Martin,
Carhart,	McFarland,
Gardner,	McMahon,

Messrs. Hally,
Herbert,
Hunt,
Knight,
Messrs. Moore,
Proctor,
Reading,
Wing—14.

NAYS.

Messrs. Blake,
Bostwick,
Brush,
Cabaniss,
Covarrubias,
Crenshaw,
Garfield,
Hoff,
Huse,
Irwin,
Kittredge,
Leake,
Messrs. Letcher,
Meredith,
McKamy,
Myres,
Oliver,
Owen,
Redding,
Robinson,
Rogers,
Thomas,
Wells—23.

Mr. Redding, of Yuba, on leave, introduced a bill for An Act to provide for the incorporation of Wagon Road Companies.

Which was read a first and second time, and referred to the Committee on Corporations.

Mr. Yeiser, from the Juciary Committee, reported back Assembly bill for An Act to provide for the better publication of Official and Legal Notices, and recommended its passage.

The report was adopted, and the bill amended and read a third time.

Mr. Brush moved to recommit the bill, with special instructions to strike out "Columbia Gazette," and insert "Sonora Herald."

Which was agreed to.

Mr. Leake moved to reconsider the vote to recommit.

On which the ayes and nays were demanded, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Ewing,
Gardner,
Garfield,
Harrison,
Irwin,
Knight,
Leake,
Martin,
Meredith,
McCandless,
Moore,
Messrs. Myres,
Oliver,
Owen,
Proctor,
Reading,
Robinson,
Thomas,
Tilghman,
Walker,
Yeiser—21.

NAYS.

Messrs. Bell, Blake, Brush, Cabaniss, Canney, Conness, Cardozo, Herbert, Hoff, Kittredge, Mandeville, McGarry, McKamy, Redding, Wells, Wing—16.

The question then recurring on the motion to recommit, with special instructions—

The ayes and nays were demanded, and the House refused to recommit by the following vote:

AYES.

Messrs. Blake, Brush, Canney, Conness, Cardozo, Crenshaw, Hoff, Irwin, Kittredge, Knight, Mandeville, McGarry, McKamy, Owen, Redding, Wells, Wing—17.

NAYS.

Messrs. Bell, Ewing, Gardner, Garfield, Harrison, Herbert, Hunt, Leake, Letcher, Martin, Meredith, McCandless, McFarland, McMahon, Moore, Myres, Oliver, Proctor, Reading, Robinson, Rogers, Thomas, Tilghman, Walker, Yeiser—25.

Mr. Thomas moved the previous question, and on the question, "Shall the main question be now put?"

The ayes and nays were demanded, and decided in the affirmative by the following vote:

AYES.

Messrs. Covarrubias,
Ewing,
Gardner,
Garfield,
Irwin,
Leake,
Mandeville,
Martin,
Meredith,
McCandless,
McGarry,
McKamy,
McMahon,
Moore,
Oliver,
Proctor,
Reading,
Rogers,
Thomas,
Tilghman,
Walker,
Wells,
Yeiser—23.

NAYS.

Messrs. Bell,
Blake,
Brush,
Canney,
Conness,
Cardozo,
Harrison,
Herbert,
Hoff,
Hunt,
Kittredge,
Knight,
Letcher,
McFarland,
Myres,
Owen,
Redding,
Robinson,
Wing—19.

The main question was now, "Shall the bill now be passed?"

On which the ayes and nays were demanded, and the bill was passed by the following vote:

AYES.

Messrs. Bell,
Blake,
Brush,
Canney,
Cardozo,
Covarrubias,
Crenshaw,
Ewing,
Gardner,
Herbert,
Hunt,
Irwin,
Leake,
Letcher,
Mandeville,
Martin,
Meredith,
McCandless,
McFarland,
McGarry,
McKamy,
McMahon,
Moore,
Myres,
Oliver,
Owen,
Rogers,
Thomas,
Tilghman,
Walker,
Wells,
Wing,
Yeiser—33.

NAYS.

Messrs. Cabaniss, Harrison, Hoff, Kittredge, Knight, Proctor, Reading, Robinson—8.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Benicia, April 6, 1853.

To the Assembly of California:

I have this day approved the following Acts, viz:

An Act amendatory of an Act entitled an Act to create the county of Alameda and establish the Seat of Justice therein, to define its boundaries and provide for its organization, passed March 25, 1853;

An Act to pay freight to James M. Cranston, on State furniture, in 1853;

And An Act to provide for the payment of E. G. Baker, for iron and tinware furnished the Legislature.

JOHN BIGLER.

A message was received from the Senate, informing the Assembly that they had this day passed Assembly Concurrent Resolution to change the date of the Act to pay freight to James M. Cranston.

The resolution was then taken up, read and concurred in.

On motion, at 3 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, April 8, 1853.

The House met pursuant to adjournment.

The Speaker *pro tem.* in the chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Fairfax and Martin.

On motion of Mr. Moore, leave of absence for two days was granted to Mr. Fairfax.

The Journal of Thursday last was read and approved.

Mr. Owen, from the Committee on Corporations, reported back Assembly bill for An Act to provide for the incorporation of wagon-road companies, with an amendment, and recommended its passage.

The amendment reported by the committee was then amended and adopted, and the bill read a third time and passed.

Mr. Owen, from the Committee on Corporations, reported back Senate bill for An Act supplementary to an Act creating and regulating public Ferries, passed March 18, 1853, and recommending its passage.

The report was adopted, and the bill was then read a third time and passed.

Mr. Rogers, from the Committee on Indian Affairs, reported back Assembly bill for An Act for the government and protection of Indians, without amendment, and recommended it to the consideration of the House.

The House then went into committee of the whole, Mr. Leake in the chair, on the consideration of the bill, and having made some progress thereon, rose and reported the same, and asked leave to sit again, which was granted, and the bill made the special order for Tuesday next, April 12, 1853, at 12 o'clock, M.

Mr. Cardozo, from the Committee on Commerce, reported back Senate bill for An Act to amend an Act entitled an Act declaring certain rivers and creeks navigable, passed February 18, 1851, without recommendation.

The report was adopted, and the bill laid on the table.

Mr. Cardozo, from the same committee, reported back Assembly bill for An Act to provide for the measurement of lumber, with a substitute, which was adopted, laid on the table, and made the special order for Thursday next, April 14th, at 12 oclock, M.

Mr. Moore, from the Judiciary Committee, reported back Assembly bill for An Act to amend the fourth section of an Act respecting fugitives from labor, and slaves brought to this State prior to her admission into the Union, approved April 15, 1852, without amendment, and recommended its passage.

The report was adopted, and the bill considered engrossed; it was then read a third time, and on the question, "Shall the bill now be passed?"

The ayes and nays were demanded, and the bill was passed by the following vote:

AYES.

Messrs.	Bell,	Messrs.	Leake,
	Blake,		Mandeville,
	Bostwick,		McCandless,
	Cabaniss,		McFarland,
	Canney,		McGarry,
	Covarrubias,		McKamy,
	Crenshaw,		McMeans,
	Ewing,		Moore,
	Hally,		Myres,

Messrs. Harrison, Herbert, Hoff, Hunt, Huse, Irwin, Johnson, Kittredge, Knight, Oliver, Owen, Proctor, Reading, Robinson, Thomas, Tilghman, Walker—35.

NAYS.

Messrs. Brush, Conness, Letcher, Meredith, Redding, Rogers, Wells—7.

Mr. Robinson gave notice that he would, on to-morrow, move to reconsider the vote by which the bill was passed.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act to separate the office of County Recorder from the office of County Clerk in the county of Yuba.

And the report was adopted.

Mr. Crenshaw submitted the following report, which was read and adopted:

Mr. Speaker:

The Committee on Claims, to whom was referred Senate bill for the relief of William Aikenhead, County Treasurer of Santa Clara county, have considered the same, and beg leave to report: That they find from the testimony, that on the night of the 9th of January last, the said County Treasurer was robbed of the sum of $7,601 99, belonging to the State, and the further sum of $2,215 belonging to said county; that at the first meeting of the Board of Supervisors of said county, after the robbery was committed, the said Board released the said Treasurer from all legal responsibility, so far as the county was concerned, and acquitted him of all blame in the premises.

The committee find but one point of exception in the case, and that is, that the Treasurer had in his hands at the time of the robbery, funds that should have been paid over by requirement of law some days prior to that time; but the committee have had satisfactory testimony to show, that in consequence of the inability of the Sheriff, by reason of his illness to make a settlement with the Treasurer, and the impassable condition of the roads, that the said Treasurer cannot, in their opinion, be justly held amenable to the law for apparent negligence only.

Your committee had had before them abundant testimony to show that the said Aikenhead is a faithful and efficient officer, and that no blame or legal responsibility should, in their opinion, attach to him in the premises.

We therefore recommend the passage of the said Senate bill.
All of which is respectfully submitted.

(Signed) CRENSHAW, Chairman.

Senate bill for An Act for the relief of Wm. Aikenhead, County Treasurer of the county of Santa Clara, was then read a third time and passed.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act to provide for the better publication of Official and Legal Notices.

Also, a Joint Resolution in relation to the harbor of Santa Barbara; and the report was adopted.

Mr. Robinson, from the delegation from Sacramento county, reported back Assembly bill for An Act amendatory of an Act entitled an Act to incorporate the city of Sacramento, passed 1851, with an amendment, and recommended its passage. The report was adopted, the bill amended, and ordered engrossed for a third reading.

Mr. Leake submitted the following report, which was read and adopted:

Mr. Speaker:

The undersigned, a portion of the delegation of El Dorado and Calaveras county, to whom was referred the petition of many of the citizens of Calaveras county relative to the division of said county, beg leave to report, that the subject be referred to the people of said county at the next general election.

And the Committee on Counties and County Boundaries be instructed to report a bill to that effect.

CHARLES A. LEAKE,
AUSTIN WING,
S. A. McMEANS.

Mr. Robinson, on leave, introduced a bill for An Act to provide for the erection of a Jail in Sacramento county.

Which was read a first and second time, and referred to the members from Sacramento county.

The following message was received from the Senate:

Mr. Speaker:

The Senate passed, on the 6th instant, An Act in relation to the interest on the Funded Debt of 1852.

And on the 7th instant, An Act to authorize the Secretary of State to to procure the Translation and Lithographing into the Chinese Language of the Act to provide for the Protection of Foreigners and to define their liabilities and privileges.

And with an amendment, Assembly bill for An Act to authorize the

Comptroller to audit the accounts of the President of the Board of Trustees of the Stockton State Hospital.

Also, Senate bill for An Act for the relief of Charles E. Pickett.

By order of the Senate.

A. C. BRADFORD,
Secretary.

April 8, 1853.

Senate bill for An Act to authorize the Secretary of State to procure a translation and lithographing, into the Chinese language, of the Act to provide for the protection of Foreigners and to define their liabilities and privileges, was then taken up, and read a first and second time; the House then went into committee of the whole (Mr. Herbert in the chair) on the consideration of the bill; and having considered the same, rose, and reported it back without amendment, recommended its passage, and asked to be discharged from further consideration of the subject.

Which was granted.

The rules were then suspended, and the bill was read a third time and passed.

Senate bill for An Act for the relief of Charles E. Pickett, was then read a first and second time, and referred to the Committee on Claims.

Assembly bill, as amended by the Senate, for An Act to authorize the Comptroller to audit the accounts of the President of the Board of Trustees of the Stockton State Hospital, was then taken up, and the Senate amendment was concurred in.

Senate bill for An Act in relation to the interest on the Funded Debt of 1852, was then read a first and second time.

The House then went into committee of the whole (Mr. Wing in the chair) on the consideration of the bill; and having considered the same, rose, and reported it back, and asked to be discharged from further consideration of the subject, which was granted, and the bill laid on the table.

On motion of Mr. Hoff, Senate bill for An Act to provide for the formation of Corporations for certain purposes, was taken from the table, read a third time and passed.

On motion of Mr. Garfield, Senate bill for An Act to authorize the Pacific Mail Steamship Company to hold and occupy certain lands in the city of Benicia, was taken from the table, considered, and again laid on the table.

Mr. Bostwick submitted the following report, which was read and adopted:

BENICIA, April 8, 1853.

Mr. President:

In accordance with the provisions of a joint resolution passed April 7th, 1853, the Joint Committee on Enrollment have called upon the Governor, to whom he has returned An Act to pay freight to James M. Crauston, on State furniture, in 1853.

And in furtherance of the object of the resolution, the committee have changed "1853" to "1852."

Respectfully submitted.

JOHN H. BOSTWICK,
Assembly Committee.

JOHN WALTON,
Of Senate Committee.

Mr. Hally submitted a resolution appointing Mr. Boon as Sergeant-at-Arms *pro tem.*

Which was read and adopted.

Mr. Crenshaw submitted the following report, which was read, and, with the accompanying bill, laid on the table. (Relative to claim of William Waldo—see Appendix, No. 45.)

Mr. Oliver submitted a resolution directing the Comptroller to draw his warrant on the Treasurer in favor of Lyman Leslie, for sixty-five dollars, for extra services rendered to members of the Assembly in opening and distributing the Vallejo mails at Benicia during a period of twenty-five days, payable out of the contingent Fund of the Assembly.

Which was read and adopted.

Mr. Myres submitted the following resolution:

Resolved, That Horace W. Carpentier is *prima facie* entitled to a seat in this House, as member of Assembly for Contra Costa county.

Mr. Johnson moved to adjourn until Monday next, at half-past 7 o'clock, P. M.

On which the ayes and nays were demanded, and the House refused to adjourn by the following vote:

AYES.

Messrs. Canney,	Messrs. Knight,
Ewing,	McGarry,
Harrison,	McKamy,
Huse,	Myres,
Johnson,	Redding—10.

NAYS.

Messrs. Bell,	Messrs. Kittredge,
Blake,	Letcher,
Bostwick,	Meredith,
Brush,	McCandless,
Comness,	McFarland,
Covarrubias,	McMahon,
Crenshaw,	McMeans,

Messrs. Gardner,
Hally,
Herbert,
Hoff,
Hunt,
Irwin,
Messrs. Owen,
Robinson,
Rogers,
Thomas,
Wells,
Wing—26.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act for the relief of A. G. Hartt, M. D.

And the report was adopted.

On motion, at 5 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

Saturday, April 9, 1853.

The House met pursuant to adjournment.

The Speaker *pro tem.* in the Chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Bell, Cabaniss, Cardozo, Covarrubias, Ewing, Gardner, Garfield, Huse, Johnson, Martin, McCandless, Moore, Myres, Proctor, Redding of Yuba, Rogers, Walker, and Yeiser.

On motion, leave of absence was granted to all the members composing the Committee on State Prisons, until Wednesday next, to Mr. Walker, for the same time, and to Mr. Mandeville for one week, to Mr. Ewing two days, and to all other absentees, one day.

The Journal of Friday last was read and approved.

Mr. Crenshaw, from the Committee on Claims, reported back Assembly bill for An Act supplementary to an Act providing a fund for a State Library, and recommended its passage.

The report was adopted, and the bill laid on the table.

Mr. Crenshaw, from the same Committee, reported back Senate bill for An Act in relation to clerks in the office of Secretary of State, and to provide for their pay, and recommended that it be passed.

The report was adopted, and

The House went into committee of the whole, (Mr. Hoff in the chair,) on the consideration of the bill, and having considered the same, rose and reported it back, and recommended that it be passed, and asked to be discharged from further consideration of the subject.

Which was granted.

The bill was then read a third time and passed.

Mr. Robinson, from the Sacramento county delegation, reported back Assembly bill for An Act to provide for the erection of a jail in Sacramento county, and recommended that it be passed.

The report was adopted, and the bill was read a third time and passed.

Mr. Halley, from the select committee to whom was referred Assembly bill for An Act to secure to settlers a pre-emption right to the overflowed and swamp lands of the State, reported the same back, and recommended that it be passed.

The report was adopted, and the bill laid on the table.

On motion of Mr. Knight, Assembly bill for An Act to provide for the incorporation of Railroad Companies, was taken from the table.

The House then went into committee of the whole (Mr. Robinson in the chair) on the consideration of the bill, and having considered the same, rose and reported it back with sundry amendments, recommending their adoption and the passage of the bill, and asked to be discharged from further consideration of the subject.

Which was granted.

The amendments reported by the committee of the whole were then concurred in by the House.

Mr. Wells moved to amend the forty-first section, by striking out the word "two" and inserting the word "three."

On which the ayes and nays were demanded.

And the amendment was lost by the following vote:

AYES.

Messrs. Blake,	Messrs. Mandeville,
Crenshaw,	McKamy,
Herbert,	Owen,
Hoff,	Rogers,
Hunt,	Thomas,
Kittredge,	Tilghman,
Knight,	Wells—15.
Letcher,	

NAYS.

Messrs. Bostwick,	Messrs. Hally,
Brush,	Harrison,
Cabaniss,	Irwin,
Canney,	Meredith,
Carhart,	Reading,
Conness,	Robinson,
Estep,	Wing—15.
Garfield,	

The bill was then read a third time and passed.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act to provide for the Incorporation of Wagon-Road Companies;

An Act to amend the Fourth Section of an Act respecting fugitives

from labor, and slaves brought to this State prior to her admission into the Union, approved April 15, 1852;

Also, An Act amendatory of an Act etitled an Act to Incorporate the City of Sacramento, passed 1851.

And the report was adopted.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act to authorize the Comptroller to audit the accounts of the President of the Board of Trustees of the Stockton State Hospital.

And the report was adopted.

Mr. Crenshaw, on leave, introduced a bill for An Act amendatory of an Act entitled an Act authorizing the Treasurer of State to issue Bonds for the payment of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath, Trinity and Monterey Expeditions against the Indians, passed May 3d, 1852.

Which was read a first and second time, and referred to the Committee on Indian Affairs.

On motion of Mr. Garfield, Senate bill for An Act to authorize the Pacific Mail Steamship Company to hold, use and occupy, certain lands in the City of Benicia, was taken from the table and made the special order for Tuesday, April 19, 1853, at 12 o'clock, M.

Mr. McCandless submitted the following report relative to the Maine Liquor Law. (See Appendix, No 46.)

Which was read, and, with the accompanying bill, laid on the table.

On motion of Mr. Robinson, the Judiciary Committee was instructed to report back to this House the bill for An Act to legalize certain Records in the County of Sacramento.

Mr. Hally moved that the Judiciary Committee be instructed to report back the bill in relation to Settlers on Private Lands.

Which was agreed to.

On motion, at 3 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

MONDAY, April 11, 1853.

The House met pursuant to adjournment.

Mr. Canney, Speaker *pro tem.* in the chair.

The roll was called by the Clerk, and the following members were absent: Messrs. Bell, Blake, Bostwick, Cabaniss, Cardozo, Fairfax, Gardner, Hally, Herbert, Hunt, McCandless, McMeans, Rogers, Smith, Walker, Wing and Yeiser.

On motion, leave of absence was granted for one day each, to Messrs. Fairfax, Bell, Hally, Blake, Pacheco, Cardozo and Bostwick.

The Journal of Saturday last was read and approved.

Mr. Tilghman submitted a Concurrent Resolution, directing the Secretary of State to deliver to each member of the Legislature, one copy of the Journals of the Assembly and Senate of 1852.

Which was read and adopted.

Mr. Letcher submitted a resolution granting the use of this Assembly room, on to-morrow evening, to Bishop Ames, for the purpose of holding divine worship.

Which was read and adopted.

On motion of Mr. Crenshaw, Assembly bill for An Act to amend an Act entitled an Act to provide for the levying, assessing and collecting Public Revenue, approved April 23, 1852, made the special order for this day was taken up.

The House then went into committee of the whole (Mr. Wells in the chair) on the consideration of the bill, and having made some progress thereon, rose, and reported the same, and asked leave to sit again.

Which was granted, and the bill laid on the table.

On motion of Mr. Conness, the Resolution declaring Horace W. Carpentier entitled to a seat as a member of Assembly from the county of Contra Costa, was taken from the table.

The following testimony in the case was then read. (See Appendix, No. 47.)

Mr. Proctor then submitted the following as a substitute for the original resolution:

Resolved, That Mr. Carpentier be now requested to come forward and take his seat as member of this Assembly.

Mr. Crenshaw then submitted the following testimony, which was read. (See Appendix, No. 48.)

Mr. Crenshaw moved that the papers relative to the seat of H. W. Carpentier be referred to the Committee on Elections, with instructions to examine into the whole facts of the case, and ascertain if possible, why the

Clerk of the county of Contra Costa has not issued the certificate of election in the case.

Which was not agreed to.

The question then recurring on the adoption of the resolution submitted by Mr. Proctor.

On which the ayes and nays were demanded, and the resolution was adopted by the following vote:

AYES.

Messrs. Brush,	Messrs. Letcher,
Canney,	Martin,
Carhart,	McFarland,
Conness,	McKamy,
Estep,	McMahon,
Ewing,	Oliver,
Garfield,	Owen,
Harrison,	Proctor,
Hoff,	Redding,
Irwin,	Robinson,
Johnson,	Thomas,
Kittredge,	Tilghman,
Knight,	Wells—26.

NAYS.

Messrs. Covarrubias,	Messrs. McGarry,
Crenshaw,	Reading—5.
Meredith,	

Mr. Carpentier then came forward, was sworn by the Speaker *pro tem.*, and took his seat as a member of this House.

On motion, at 10 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, April 12, 1853.

The House met pursuant to adjournment.

Mr. McCanney, Speaker *pro tem.*, in the chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Blake, Carhart, Cardozo, Covarrubias, Fairfax, Gardner, Hally, Hunt, Knight, McCandless, McMeans, Tilghman, Walker, Wing and Yeiser.

On motion, leave of absence for one day was granted to Messrs. Blake and Cardozo, to Mr. Hunt three days, and to Messrs. Smith, Wing and Pacheco indefinite leave was granted.

The Journal of Monday last was read and approved.

Mr. Meredith presented the petition of J. H. Purdy, relative to legalizing certain deeds made by Isaac Wilson and J. H. Van Houten, in the town of Eureka.

Which was read, and referred to the Judiciary Committee.

Mr. Rogers, from the Committee on Indian Affairs, reported back Senate bill for An Act authorizing the Treasurer of the State to issue Bonds for the payment of the expenses of Volunteer Rangers under Capt. B. Wright and Charles McDermitt, in protecting the overland emigration on the north-eastern frontier, and recommended that it be passed.

The House then went into committee on the whole, (Mr. Oliver in the chair,) on the consideration of the bill, and having considered the same rose and reported it back without amendment, and asked to be discharged from further consideration of the subject.

Which was granted.

Mr. Brush moved to amend the fourth section by striking out "March 17, 1851," and insert the words "May 1, 1852."

On which the ayes and nays were demanded, and the amendment was lost by the following vote:

AYES.

Messrs. Bostwick,	Messrs. Irwin,
Brush,	Letcher,
Canney,	Meredith,
Carpentier,	McGarry,
Conness,	Owen,
Covarrubias,	Thomas,
Hoff,	Wells—14.

NAYS.

Messrs. Cabaniss, Carhart, Crenshaw, Estep, Ewing, Harrison, Herbert, Huse, Johnson, Knight, Martin, McFarland, McMahon, McMeans, Oliver, Proctor, Reading, Robinson, Rogers—19.

The bill was then read a third time, and passed by the following vote:

AYES.

Messrs. Cabaniss, Carhart, Crenshaw, Estep, Ewing, Harrison, Herbert, Huse, Johnson, Knight, Martin, McFarland, McMahon, McMeans, Oliver, Proctor, Reading, Robinson, Rogers, Tilghman—20.

NAYS.

Messrs. Bostwick, Brush, Canney, Carpentier, Conness, Covarrubias, Garfield, Hoff, Irwin, Kittredge, Letcher, Meredith, McGarry, Owen, Redding, Thomas, Wells—17.

Mr. Redding, of Yuba, from the select committee, reported back Assembly bill for An Act prescribing the time at which county and township officers shall enter upon the duties of their offices, with amendments, and recommended that it be passed.

The report was adopted, and the bill laid on the table.

Mr. Rogers moved that the Committee on Counties and County Boundaries be instructed to report back, on to morrow, the bill for An Act to create the county of Mokelumne, and provide for the organization of the same.

Which was agreed to.

Mr. McMeans, on leave, introduced a bill for An Act to provide for the inspection of Beef and Pork.

Which was read a first and second time, and referred to the committee of the whole House, and laid on the table.

Mr. Bostwick submitted the following report, which was read and adopted:

Mr. Speaker:

The Joint Committee on Enrolled Bills report that they have examined and find correctly enrolled, An Act to authorize the Secretary of State to procure the translation and lithographing into the Chinese language of the Act to provide for the protection of Foreigners, and to define their liabilities and privileges.

JOHN H. BOSTWICK,
Assembly Committee.

Mr. Bostwick submitted the following report:

Mr. Speaker:

The Joint Committee on Enrolled Bills, report that they have this day presented to the Governor for his approval,

An Act for the relief of A. G. Hartt, M. D.;

Also An Act to authorize the Comptroller to audit the accounts of the President of the Board of Trustees of the Stockton State Hospital;

Also, An Act to separate the office of County Recorder, from the office of County Clerk in the county of Yuba;

And, An Act to authorize the Secretary of State to procure the translation and lithographing into the Chinese language, of the Act to provide for the protection of Foreigners, and to define their liabilities and privileges.

JOHN H. BOSTWICK,
Assembly Committee.

Mr. Conness, on leave, introduced a bill for An Act to amend an Act concerning the office of County Assessor, passed March 27, 1850.

Which was read a first and second time, and referred to the Committee on Ways and Means.

The following message was received from the Senate:

Mr. Speaker:

The Senate, on the 6th inst., refused to pass Assembly bill for An Act recommending to the electors to vote for or against calling a convention to revise and change the entire constitution of this State;

And passed on the 8th inst.,

An Act to amend to an Act to establish a standard of Weights and Measures, passed March 30, 1850;

And passed this day,

An Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, and to repeal a like Act, passed April 22, 1850.

By order of the Senate.

A. C. BRADFORD,
Secretary.

April 22, 1853.

Senate bill for An Act to amend an act entitled an Act to establish a standard of Weights and Measures, passed March 30, 1850, was then read a first time, and laid over under the rules.

Senate bill for An Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions and to repeal a like Act passed April 22, 1850, was then read a first and second time, and referred to the Judiciary Committee, with instructions to report on Thursday next.

The following Annual Report of the Superintendent of Public Instructions, was presented by the Speaker; read, laid on the table, and two thousand copies ordered to be printed. (See Senate Appendix, No. 61.)

On motion of Mr. Ewing, Assembly bill for An Act for the relief of Wm. Waldo, was taken from the table, considered in committee of the whole, reported back without amendment, and the committee discharged.

The bill was then considered engrossed, read a third time, and passed.

Assembly bill for An Act for the government and protection of Indians, made the special order for this day, was then taken up, and laid on the table.

On motion, at 3 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, April 13, 1853.

The House met pursuant to adjournment.

Mr. Canney, Speaker *pro tem.*, in the chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Blake, Cabaniss, Carpentier, Cardozo, Fairfax, Hally, Johnson, and Walker.

On motion, leave of absence for three days was granted to Mr. Johnson

to Mr. Cabaniss for one week, and to Messrs. Blake and Cardozo for the remainder of this week.

The Journal of Tuesday last was read and approved.

Mr. Robinson presented the petition of the Common Council of the city of Sacramento, praying for certain amendments to the charter of that city.

Which was read, and referred to the members from Sacramento county.

Mr. Conness, from the Committee on Claims, reported a bill for An Act to provide for the payment of certain persons therein named, for work done and materials furnished.

Which was read a first and second time, considered in committee of the whole, reported back without amendment, the committee discharged, and the rules suspended.

The bill was then read a third time and passed.

Mr. Letcher gave notice that he would, on to-morrow, move to change the hour of meeting of this House.

Assembly bill for An Act amendatory of an Act entitled an Act to incorporate the city of Sacramento, passed 1851, was then taken up, read a third time, and passed.

Senate bill for An Act to amend an Act entitled an Act to establish a standard of Weights and Measures, passed March 30, 1850, was then read a second time, and laid over under the rules.

Senate bill for An Act to provide for the payment to Beverly C. Sanders, of expenses incurred by order of the Governor in December, 1851, for the suppression of Indian hostilities in the county of San Diego, was then taken up, read a second time, considered in committee of the whole, the committee discharged, the rules suspended, and the bill read a third time, and on the question, "Shall the bill now be passed?"

The ayes and nays demanded, and the House passed the bill by the following vote:

AYES.

Messrs. Bostwick,
Canney,
Carhart,
Conness,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Gardner,
Hoff,
Huse,
Knight,
Letcher,
Martin,
McCandless,
McKamy,
McMahon,
Myres,
Oliver,
Reading,
Redding,
Robinson,
Wilson—23.

NAYS.

Messrs. Bell,
Brush,
Meredith,
Owen,

Messrs. Harrison,
Herbert,
Kittredge,
Messrs. Rogers,
Wells—9.

Assembly bill for An Act to fund the floating debt of the county of Sacramento, and to provide for the payment of the same, was then taken up, read a third time, and passed.

The vote by which the bill was passed was subsequently reconsidered, and the bill laid on the table.

Mr. Redding, of Yuba, from the select committee of one from each of the mining counties, introduced a bill for An Act to provide for the enactment and preservation of local mining laws.

Which was read a first and second time, and referred to the Committee on Mines and Mining Interests.

On motion of Mr. McMeans, Assembly bill for An Act entitled an Act to provide for the levying, assessing, and collecting of the public revenue, approved April 23, 1852, was taken from the table.

The House then went into committee of the whole, (Mr. Herbert in the chair,) on the consideration of the bill, and having considered the same, rose and reported the same back with amendments, and asked to be discharged from further consideration of the subject.

Which was granted.

The bill was then laid on the table, and made the special order for Friday next, at 11 o'clock, A. M.

Mr. McCandless submitted a Concurrent Resolution, fixing a time for the election of Physicians for the State Hospitals at San Francisco, Sacramento, and Stockton.

Which was read and laid on the table.

Mr. Owen submitted the following resolution, which was read, and laid on the table:

Resolved, That no new business be received into this House after the 19th day of this month.

Assembly bill for An Act to apportion the Senatorial and Assembly Districts of this State, made the special order for this day, was then taken up, and made the special order for Wednesday next, April 20, 1853, at 12 o'clock, M.

On motion of Mr. Crenshaw, Senate bill for An Act in relation to the interest on the funded debt of 1852, was taken from the table, and referred to the Committee on Ways and Means.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act for the relief of William Waldo.

And the report was adopted.

On motion of Mr. McMeans, the Committee on Public Buildings and Grounds were instructed to report back to this House on Monday next, Assembly bill for An Act to establish an Asylum for the Insane.

On motion of Mr. Brush, Assembly bill for An Act concerning the Salaries of Officers and Pay of Members of the Legislature, was taken from the table.

The House then went into committee of the whole, (Mr. Rogers in the chair,) on the consideration of the bill, and having considered the same, rose and reported it back with amendments, and asked to be discharged from further consideration of the subject, which was granted.

Mr. Redding of Yuba, moved a call of the House, which was sustained, and on the roll being called, the following members were absent: Messrs. Carhart, Conness, Estep, Garfield, McMahon, and Robinson.

On motion, further proceedings under the call were dispensed with.

Mr. Thomas moved to adjourn, on which the ayes and nays were demanded, and the House refused to adjourn by the following vote:

AYES.

Messrs.	Bell,	Messrs.	Proctor,
	Gardner,		Reading,
	Leake,		Thomas,
	McCandless,		Wells,
	McGarry,		Wilson,
	McKamy,		Yeiser—13.
	McMeans,		

NAYS.

Messrs.	Brush,	Messrs.	Knight,
	Canney,		Letcher,
	Covarrubias,		Martin,
	Crenshaw,		Meredith,
	Estep,		Myres,
	Ewing,		Oliver,
	Harrison,		Owen,
	Herbert,		Redding,
	Hoff,		Robinson,
	Huse,		Rogers,
	Kittredge,		Tilghman—22.

Mr. Proctor moved to lay the bill on the table.

Which was not agreed to.

On motion, at 4 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, April 14, 1853.

The House met pursuant to adjournment.

Mr. Canney, Speaker *pro tem.*, in the chair.

The roll was called by the Clerk, and the following members were found absent:

Messrs. Carpentier, Covarrubias, Fairfax, Irwin, Leake, Meredith, McMahon, Moore, Tilghman and Walker.

On motion, leave of absence for one day each was granted to Messrs. Meredith, Tilghman, Irwin and Hally; to Mr. Hunt for three days.

The Journal of Wednesday last was read and approved.

Mr. Yeiser submitted the following report:

Mr. Speaker:

The Judiciary Committee beg leave to report back An Act to limit the application of an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April 29th, 1851;

An Act to amend an Act concerning Corporations; and

A Bill for An Act for the protection of persons who may settle upon private lands in this State, without recommendation.

The committee recommend the passage, without amendment, of a bill to be entitled An Act to provide a Library for the Supreme Court; also,

An Act to provide for enforcing the collection of taxes on consigned goods; and

An Act to amend an Act entitled an Act dividing the State into counties and establishing the Seats of Justice therein, passed April 25th, 1851.

They also recommend the passage of An Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions; and to repeal a like Act, passed April 22d, 1851. with the following amendments thereto:

First: Amend third division of Section 1, by inserting, after "Mariposa," the words "Placer, San Joaquin."

Second: Strike out the fourth division of Section 1.

Third: Strike out the word "Placer," in the fifth division of Section 1.

Fourth: Amend the numbers of the sub-divisions of Section 1.

Fifth: Amend Section 3, by striking out "five," in the second line, and inserting "eight." Also, strike out "San Bernardino," in same section.

Sixth: Amend Section 4, by inserting, after the word "office," in second line, the words "except the County Judge of the county of Placer, who shall, from and after the passage of this Act, receive the amount as provided in this Act."

Your committee have also carefully considered, An Act to fix the compensation of certain officers in the county of Siskiyou;

An Act to amend an Act to fix the compensation of County Judges and Associate Judges of the Court of Sessions, passed 22d April, 1850.

An Act to provide for a change of venue in certain cases;

An Act in relation to personal mortgages in certain cases;

A bill for An Act to authorize poor persons, in certain cases, to prosecute suits without the payment of costs; and

A bill for An Act to define the jurisdiction of counties separated by rivers and water courses.

And report the same back, with a recommendation that they be not passed.

All of which is very respectfully submitted,

FRED. YEISER, Chairman.

Assembly bill for An Act to limit the application of an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April 29th, 1851, was then read a third time; and,

On the question, "Shall the bill now be passed?" the ayes and nays were demanded, and the House refused to pass the bill by the following vote:

AYES.

Messrs. Bell,
Brush,
Hoff,
Kittredge,
McGarry,
McMeans,
Myres,
Rogers,
Smith,
Wilson—10.

NAYS.

Messrs. Canney,
Carhart
Conness,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Gardner,
Garfield,
Harrison,
Herbert,
Huse,
Knight,
Letcher,
Martin,
McCandless,
McFarland,
McKamy,
Oliver,
Owen,
Proctor,
Reading,
Robinson,
Thomas,
Wells,
Wing,
Yeiser—27.

Assembly bill for An Act to amend an Act concerning Corporations, was then taken up, and laid on the table.

Assembly bill for An Act for the protection of persons who may settle upon private lands in this State, was then taken up, and laid on the table.

Senate bill for An Act to provide a Library for the Supreme Court, was then taken up, and laid on the table.

Assembly bill for An Act for enforcing the collection of Taxes on consigned goods, was then taken up; it was considered engrossed, read a third time, and passed.

Assembly bill for an Act to amend an Act entitled an Act dividing the State into counties and establishing the Seats of Justice therein, passed April 25th, 1851, was then taken up, considered engrossed, read a third time, and passed.

Senate bill for An Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions; and to repeal a like Act passed April 22d, 1850, was then taken up, amended, read a third time and passed.

Assembly bill for An Act to fix the compensation of certain officers in the county of Siskiyou, was then taken up, and laid on the table.

Senate bill for An Act to amend an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, passed April 22, 1850, was then taken up, and indefinitely postponed.

Assembly bill for An Act to provide for a change of venue in certain cases, was then taken up, and indefinitely postponed.

Senate bill for An Act in relation to personal mortgages in certain cases, was then taken up, and indefinitely postponed.

Senate bill for An Act to authorize poor persons in certain cases to prosecute Suits without the payment of costs, was then taken up and indefinitely postponed.

Senate bill for An Act to define the jurisdiction of counties separated by rivers and water courses, was then taken up and indefinitely postponed.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act supplementary to an Act regulating Public Ferries, passed March 18, 1850.

Also An Act for the relief of Wm. Aikenhead, County Treasurer of Santa Clara county.

Also An Act to provide for the formation of Corporations for certain purposes.

And also An Act in relation to Clerks in the office of Secretary of State, and to provide for their pay, and the report was adopted.

Mr. Covarrubias, from the Committee on Military Affairs, reported back Senate bill for An Act authorizing the Treasurer of the State of California to issue bonds for the payment of the Fitzgerald Volunteers, serving under Major Fitzgerald in the county of San Diego, with a recommendation that it be referred to the Committee on Claims.

The report was adopted, and the bill referred as recommended.

Mr. Herbert, from the Committee on Military Affairs, submitted the following Report:

Mr. Speaker:

The Committee on Military Affairs, to whom was referred a Joint Reso-

lution requiring the Comptroller to draw his warrant for five thousand dollars in favor of any person or persons capturing the Robber Joaquin, with instructions to present a bill, have had the same under consideration, and ask leave to report the following bill and recommend its passage.

Assembly bill for An Act requiring the Comptroller of State to draw his warrant for a certain sum in favor of any person or persons arresting or capturing the Robber Joaquin, was then read a first time, and laid on the table.

Mr. Covarrubias, from the Committee on Military Affairs, submitted the following report, relative to the resolution for the capture of Joaquin. (See Appendix, No. 49.)

Which was read, and with the bill, laid on the table.

Mr. Gardner, from the Committee on Mines and Mining Interests, reported back Assembly bill for An Act to provide for the enactment and preservation of local Mining Laws, and recommended its passage.

The House then went into committee of the whole (Mr. Proctor in the chair,) on the consideration of the bill, and having made some progress thereon, rose, and reported the same and asked leave to sit again.

Which was granted and the bill laid on the table.

Mr. McMeans, from the Committee on Ways and Means, reported back Senate bill for an Act in relation to the interest on the Funded debt of 1853, with an amendment and recommended its passage.

The bill was then considered, amended, read a third time, and passed.

Mr. Robinson submitted the following report:

Mr. Speaker:

The Representatives from Sacramento, to whom was referred the petition of the Mayor and Common Council of the city of Sacramento, ask leave to report back the said petition, and a bill in accordance with the prayer thereof, and recommended the passage of the bill.

All of which is respectfully submitted.

R. ROBINSON,
For the Committee.

Assembly bill for An Act supplementary to an Act to incorporate the city of Sacramento, passed 1851, was then read a first and second time, the rules suspended, it was then considered engrossed, read a third time and passed.

Mr. Bostwick submitted the following report:

Mr. Speaker:

The Joint Committee on Enrolled Bills report that they have, this day,

presented to the Governor for his approval, An Act supplementary to an Act regulating Public Ferries, passed March 18, 1850 ; also

An Act for the relief of Wm. Aikenhead, County Treasurer of the county of Santa Clara ; also

An Act to provide for the formation of Corporations for certain purposes; and

An Act in relation to Clerks in the office of Secretary of State, and to provide for their pay.

JOHN H. BOSTWICK,
One of Assembly Committee.

Mr. McCandless, from the Select Committee, reported back Assembly bill for An Act to Fund the debt of the county of Sutter, and provide for the payment thereof, and recommended its passage.

The report was adopted, and pending the consideration of the bill,

On motion, at 3 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, April 15, 1853.

The House met pursuant to adjournment.

Mr. Canney, Speaker, *pro tem.*, in the chair.

The roll was called by the Clerk, and the following members were absent :

Messrs. Bell, Bostwick, Carhart, Carpentier, Covarrubias, Crenshaw, Fairfax, Gardner, Garfield, Knight, Meredith, McCandless, Moore, Myres, Oliver, Reading of Trinity, Smith, Tilghman, Walker and Yeiser.

On motion, leave of absence for the remainder of this week was granted to Messrs. Walker and Tilghman ; to Mr. Wing, for three days, and to Mr. Wall until Tuesday next.

The Journal of Thursday last was read and approved.

Mr. McMeans, from the Committee on Ways and Means, reported back Assembly bill for An Act to amend an Act concerning the office of County Assessor, passed March 27th, 1850, with amendments, and recommended that it be passed.

The report was adopted.

And bill was then amended, considered engrossed, read a third and passed.

Mr. Letcher, agreeably to previous notice, submitted the following resolution, which was read and adopted:

Resolved, That there shall be held, for the remainder of the present session of the Legislature, a forenoon session, from ten o'clock, A. M. to one o'clock, P. M,; and an afternoon session, commencing at three, o'clock P. M.

Mr. Ewing, from the Committee on Counties and County Boundaries, to whom was referred Assembly bill for An Act to create the County of Mokelumne, and provide for the organization of the same, reported the same back with amendments, recommending their adoption and the passage of the bill.

On motion of Mr. Oliver, the report was adopted, and the House proceeded to consider the bill.

The first amendment to section one, to insert after the word "Calaveras," the words "and the County of El Dorado," reported by the committee, was agreed to.

Mr. Rogers then moved to adopt the second amendment to the first section, to insert in the twelfth line after the word "to," the words "a point directly east of the source of the south fork of the Cossumne River, thence west to the source of said river, thence down said river to."

On which the ayes and nays were demanded.

And the amendment was adopted by the following vote:

AYES.

Messrs. Brush,	Messrs. Letcher,
Canney,	Martin,
Covarrubias,	McFarland,
Crenshaw,	Myres,
Estep,	Oliver,
Gardner,	Owen,
Garfield,	Proctor,
Harrison,	Redding,
Herbert,	Robinson,
Hoff,	Rogers,
Huse,	Thomas,
Irwin,	Wells,
Johnson,	Wilson—27.
Kittredge,	

NAYS.

Messrs. Bostwick,	Messrs. McMeans,
Conness,	Yeiser—5.
Leake,	

On motion of Mr. Leake, the House then went into committee of the whole (Mr. Hoff in the chair) on the further consideration of the bill, and

having made some progress thereon, the committee rose, reported the same, and asked leave to sit again.

Which was granted, and the bill was laid on the table.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act to amend an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 25, 1851;

Also, An Act supplementary to an Act to Incorporate the City of Sacramento, passed 1851;

Also, An Act to provide for enforcing the collection of Taxes on Consigned Goods.

And the report was adopted.

Mr. Robinson presented the memorial of the Mayor and Common Council of the City of Sacramento, praying for the re-erection of a State Hospital in that city, on the site of the one destroyed by the conflagration of 1852.

Which was read, and referred to the Committee on State Hospitals.

Mr. Bostwick submitted the following report, which was read and adopted:

Mr. Speaker:

The Joint Committee on Enrollment report that, they have examined and found correctly enrolled, An Act to provide for the payment of Beverly C Saunders' expenses incurred by order of the Governor, in December, 1851, for the suppression of Indian hostilities in the County of San Diego;

And also, An Act authorizing the Treasurer of the State to issue Bonds for the payment of the expenses of Volunteer Rangers and Captain B. Wright and Charles McDermitt, in protecting the Overland Immigration on the north-eastern frontier. (An erasure having been made in the third line of section three, of the words "again examined," and these words again re-written.

J. H. BOSTWICK,
Assembly Committee.

A message was received from the Governer informing the Assembly that he did on the 12th inst., approve An Act to separate the office of County Recorder from the office of County Clerk in the county of Yuba.

A message was received from the Senate informing the Assembly that they did on yesterday pass Assembly bill for An Act amendatory of an Act to incorporate the city of Sacramento;

And that they had passed with an amendment,

Assembly bill for An Act to amend an Act respecting fugitives from labor, and slaves brought to this State prior to her admission into the Union, approved April 15th, 1852;

Assembly bill for An Act to amend an Act respecting fugitives from labor, and slaves brought to this State prior to her admission into the Union, approved April 15th, 1852, as amended by the Senate was then taken up, and the Senate amendments concurred in.

The following message was received from the Senate:

Mr. Speaker:

The Senate passed yesterday, An Act to provide for the payment of certain persons therein named, for services rendered and material furnished;

An Act to amend an Act concerning Toll Bridges;

And Assembly bill for An Act to ascertain and provide for the payment of the debt due from Sierra county to Yuba county;

And postponed indefinitely, this day, Assembly bill for An Act for the relief of Lawrence McMahon.

By order of the Senate,

A. C. BRADFORD,
Secretary.

April 14, 1853.

Senate bill for An Act to provide for the payment of certain persons therein named, for services rendered and material furnished, was then taken up, and read a first and second time, and referred to the Committee on Claims.

Senate bill for An to amend an Act entitled an Act concerning Toll Bridges, was then taken up, read twice, and referred to the Committee on Roads and Highways.

A message was received from the Senate requesting the Assembly to return to the Senate Assembly bill for An Act to ascertain and provide for the payment of the debt due from Sierra county to Yuba county.

The following message was received from the Senate on yesterday and laid on the Speaker's table.

Mr. Speaker:

The Senate passed yesterday with an amendment, Assembly bill for An Act concerning Roads and Highways;

And Assembly Joint Resolution in relation to the Harbor of Santa Barbara;

And concurred this day, in Assembly amendments to Senate bill for An Act to provide for the incorporation of Railroad Companies.

By order of the Senate,

A. C. BRADFORD,
Secretary.

13th April, 1853.

Assembly bill for An Act concerning Roads and Highways, as amended by the Senate, was then taken up, and the amendment concurred in.

Assembly bill for An Act to provide for the measurement of Lumber, was then taken up and laid on the table.

On motion of Mr. Hoff, the vote by which Senate bill for An Act in relation to Personal Mortgages in certain cases, was indefinitely postponed,

was reconsidered and recommitted to the Judiciary Committee, with instructions to strike out from the bill everything relating to mining claims.

The Speaker pro tem. then stated the hour for the taking up of the special order had arrived.

When Mr. McMeans moved that Assembly bill for An Act to amend an Act entitled an Act to provide for the levying, assessing and collecting Public Revenue, approved April 23, 1852, made the special order for this day, be now taken up and considered.

Which was agreed to, and the House proceeded to consider the bill by sections.

Mr. Robinson moved to amend the first section by striking out the word "forty" and inserting the word "eighty."

Which was agreed to.

The Speaker pro tem. stated that the hour of 1 o'clock, P. M, had arrived, and the House took a recess until 3 o'clock, P. M.

The House re-assembled at 3 o'clock, P. M.

Mr. Canney in the chair.

The Chair stated that there was no quorum present.

Mr. Hoff moved a call of the House, which was sustained, and on the roll being called the following members were absent:

Messrs Carhart, Covarrubias, Fairfax, Garfield, Irwin, Leake, Meredith, McCandless, Reading of Trinity, Redding of Yuba, Rogers, Smith, Thomas and Wilson.

The Sergeant-at-Arms was dispatched to bring the absentees to the bar of the House.

Messrs. Reading of Trinity, Redding of Yuba, and Rogers appeared at the bar of the House, were admitted, excused, and took their seats.

Mr. Rogers moved that further proceedings under the call be dispensed with.

Which was agreed to.

A message was received from the Senate, requesting the Assembly to return Assembly bill for An Act amendatory of an Act to incorporate the city of Sacramento, passed 1851.

Mr. Johnson moved that the request of the Senate be complied with, and that the Clerk be directed to return the bill to the Senate

Which was agreed to.

Mr. Gardner moved that Assembly bill for An Act to ascertain and provide for the payment of the debt due from Sierra county to Yuba county be also returned to the Senate, in compliance with the request of the Senate.

Which was agreed to.

The bill pending at the time of taking a recess was again taken under consideration.

Mr. Johnson submitted an amendment to the first section.

Which was adopted.

On motion of Mr. McMeans, the House then went into committee of the whole, (Mr. Owen in the chair,) on the further consideration of the bill, and having made some progress thereon, the Committee rose and reported the same to the House, and asked leave to sit again.

Which was granted.

Mr. Brush submitted the following resolution, which was read and adopted:

Resolved, That the Clerk of the Assembly be requested to return the papers that belong to Mr. Warner, that the Committee on Claims had before them.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act to amend an Act respecting Fugitives from Labor, and Slaves brought to this State prior to her admission into the Union.

And the report was adopted.

Mr. Bostwick, from the same committee, reported that they had this day presented to the Governor, for his approval, An Act to amend an Act respecting Fugitives from Labor, and Slaves brought to this State prior to her admission into the Union, approved April 15, 1852.

And the report was adopted.

A message was received from the Governor, informing the Assembly that he had this day approved An Act to amend an Act respecting Fugitives from Labor, and Slaves brought to this State prior to her admission into the Union, approved April 15, 1852.

On motion, at 5 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, April 16, 1853.

The House met pursuant to adjournment.

Mr. Canney, Speaker *pro tem.*, in the chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Fairfax, Gardner, Martin, Moore, Robinson, Smith, Tilghman, and Yeiser.

On motion, leave of absence was granted to Messrs. Robinson and Yeiser, for one day each.

The Journal of Friday last was read and approved.

Mr. Bell presented the petition of ten citizens of Mariposa, praying for a certain change of the boundary line of said county.

Which was read and referred to the Committee on Counties and County Boundaries.

Mr. Carpentier presented the memorial of citizens of Contra Costa

county, relating to the late division of said county, and for the creation of a new county.

Which was read, and referred to the Committee on Counties and County Boundaries.

Mr. Carpentier also presented a petition of citizens of San Pablo in Contra Costa county, praying for another division of said county.

Which was read, and referred to the Committee on Counties and County Boundaries.

Mr. Carpentier also presented the petition of certain citizens of Contra Costa and Santa Clara counties, praying for the creation of a new county.

Which was read and referred to the Committee on Counties and County Boundaries.

Mr. Johnson presented the memorial of F. W Thayer, Attorney and Counsellor-at Law, in relation to the codification of the Laws of this State.

Which was read and laid on the table.

Mr. Crenshaw submitted the following report, which was read and adopted :

Mr. Speaker :

The Committee on Claims. to whom was referred a bill for An Act for the relief of Manuel Garfias, have had the same under consideration, and find upon examination, that the said Garfias, was formerly County Treasurer of the county of Los Angeles, that he went to the city of Sacramento, to make his settlement with the proper officer ; that he proposed to pay the money into the Treasury, and the State Treasurer informed him that he could not receive the money in consequence of the fact that the Treasury safe was being moved from Vallejo to Sacramento, (at that time it was on the wharf at Sacramento city,) that when the safe was in a condition to receive the funds, he got his money out and had it upon the counter of the house at which it was deposited, and some person stepped up and stole $1000, of the money.

Upon these facts the claim is based.

Your Committee are satisfied that if the Treasury had been in a condition to receive the money at the time he first offered it to the Treasurer, it would not have been lost.

Your Committee therefore recommend the passage of the bill.

CRENSHAW,
Chairman.

Mr. Crenshaw moved that Assembly bill for An Act for the relief of Manuel Garfias be considered now.

Which was agreed to, and,

On motion of Mr. McFarland, the House then went into committee of the whole, (Mr. McCandless in the chair,) on the consideration of the bill, and having considered the same, the committee rose and reported the bill to the House without amendment, and asked to be discharged from further consideration of the subject.

Which was granted.

On motion of Mr. McFarland, the bill was considered engrossed.

The bill was then read a third time and passed.

A message was received from the Governor informing the Assembly that he had this day approved An Act to authorize the Comptroller of State to audit the accounts of the President of the Board of Trustees of the Stockton State Hospitals.

On motion of Mr. McCandless, Assembly bill for An Act to fund the debt of the county of Sutter and provide for the payment thereof, was taken up, considered, read a third time and passed.

Mr. Carpentier, on leave, introduced a bill for An Act to change the name of Contra Costa county and to create a new county therefrom.

Which was read twice, and referred to the Committee on Counties and County Boundaries.

Mr. McMeans, on leave introduced a bill for An Act to repeal the fifth section of An Act to Fund the Indebtedness of the State, &c., passed May 1, 1852.

Which was read twice, and referred to the Committee on Ways and Means.

Mr. Crenshaw gave notice that he would, on Tuesday next, introduce a bill for An Act to provide for the Incorporation of Companies for the construction of Plank or Turnpike Roads.

Mr. Covarrubias gave notice that he would, on to-morrow, move to reconsider the vote by which the House passed the bill for An Act to Fund the Debt of the County of Sutter, and provide for the payment thereof.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, a Joint Resolution in Relation to the Harbor of Santa Barbara.

And the report was adopted.

On motion of Mr. Wells, the House then went into committee of the whole, (Mr. Herbert in the chair,) on the consideration of Assembly bill for An Act to amend an Act entitled an Act to provide for the levying, assessing and collecting Public Revenue, approved April 23d, 1852, and having made some progress thereon, the committee rose and reported the same to the House, and asked leave to sit again.

Which was granted, and the hour of one o'clock having arrived, the House took a recess until three o'clock, P. M.

The House re-assembled at three o'clock, P. M.

Mr. Reading, of Trinity, gave notice that he would, on Monday next, move to amend the rule of this House in relation to forenoon and afternoon sessions.

The following message was received from the Senate:

Mr. Speaker:

The Senate passed, on the 14th inst., An Act to amend the sixteenth section of an Act to provide for Funding the Debt of San Joaquin County, for the payment of the interest thereon, and for the gradual liquidation of the debt, passed April 20, 1852;

And on the 15th inst., An Act concerning Estrays;

And with an amendment, Assembly bill for An Act to provide for the Incorporation of Wagon Road Companies;

And refused to concur in Assembly amendments to Senate bill for An Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, and to repeal a like Act passed April 22, 1850;

And An Act to authorize the Board of Supervisors of Los Angeles County, to lay a special tax for the erection of County Buildings;

And passed also, a Concurrent Resolution to adjourn *sine die* on Wednesday, 11th day of May, at 2 o'clock, P. M.

By order of the Senate:

A. C. BRADFORD,
Secretary of the Senate.

April 16, 1853.

Senate bill for An Act to amend the sixteenth section of an Act entitled An Act to provide for the Funding of the Debt of San Joaquin County, for the payment of the interest thereon, and for the gradual liquidation of the debt, passed April 20, 1852, was then taken up, read twice, and referred to the members from San Joaquin County.

Senate bill for An Act concerning Estrays, was then taken up, read twice, and referred to the Committee on Agriculture.

Assembly bill, as amended by the Senate, for An Act to provide for the Incorporation of Wagon Road Companies, was then taken up, and laid on the table.

The House then refused to recede from their amendments to Senate bill, for An Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, and to repeal a like Act passed April 22, 1850.

And the Speaker appointed Messrs. Wells, Myres and Mandeville, as a committee of conference on the disagreeing vote of the two Houses on the bill.

Senate bill for An Act to authorize the Board of Supervisors of Los Angeles county to levy a special tax for the erection of County Buildings, was then taken up, read twice and the rules suspended.

It was then read a third time and passed.

Senate Concurrent Resolution to adjourn *sine die*, on Wednesday, 11th day of May, at 2 o'clock P. M., was then taken up and laid on the table.

A message was received from the Senate informing the Assembly that they had refused to concur in Assembly amendments to Senate bill, for An Act in relation to the interest on the Funded Debt of 1852.

When Mr. McMeans moved that the House refuse to recede from their amendments.

Which was agreed to, and the Speaker appointed Messrs. McMeans, Crenshaw and Johnson as a committee of conference on the disagreeing vote of the two Houses on the bill.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled An Act concerning Roads and Highways.

And the report was adopted.

Mr. Bostwick submitted the following report:

BENICIA, April 16, 1853.

Mr. Speaker:

The Joint Committee on Enrolled Bills, report that they have this day presented to the Governor, for his approval—

An Act to provide for the payment of Beverly C. Saunders' expenses, incurred by order of the Governor, in December, 1851, for the suppression of Indian hostilities in the county of San Diego;

Also, An Act authorizing the Treasurer of State to issue Bonds for the payment of the expenses of Volunteer Rangers under Capt. B. Wright and Charles McDermitt, in protecting the overland Emigration on the northeastern frontier;

And that they have deposited in Secretary of State's office Joint Resolution in relation to the Harbor of Santa Barbara.

J. H. BOSTWICK,
Assembly Committee.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed An Act to amend an Act concerning the office of County Assessor.

Mr. Redding, of Yuba, moved that when this House adjourn that it adjourn until Monday next, at 7 o'clock, P. M.

On which the ayes and nays were demanded, and the motion was lost by the following vote:

AYES.

Messrs. Bell,
Canney,
Crenshaw,
Ewing,
Herbert,
Huse,
Johnson,
Knight,
McKamy,
Myres,
Proctor,
Reading,
Redding—13.

NAYS.

Messrs. Bostwick,
Brush,
Carpentier,
Conness,
Covarrubias,
Estep,
Garfield,
Harrison,
Hoff,
Irwin,
Kittredge,
Letcher,
Mandeville,
Meredith,
McCandless,
McFarland,
McMeans,
Rogers,
Thomas,
Wells—20.

Mr. Reading, of Trinity, asked for leave of absence until Tuesday next.

Which was granted.

Mr. Crenshaw moved to adjourn until Monday next, at 7½ o'clock, P.M.

On which the ayes and nays were demanded, and the House adjourned by the following vote:

AYES.

Messrs. Bell,	Messrs. Knight,
Canney,	Letcher,
Carpentier,	Meredith,
Conness,	McKamy,
Crenshaw,	Proctor,
Ewing,	Reading,
Herbert,	Redding,
Huse,	Smith—17.
Johnson,	

NAYS.

Messrs. Bostwick,	Messrs. McCandless,
Brush,	McFarland,
Covarrubias,	McMahon,
Estep,	McMeans,
Harrison,	Oliver,
Hoff,	Rogers,
Kittredge,	Thomas,
Mandeville,	Wells—16.

HOUSE OF ASSEMBLY.

MONDAY, April 18, 1853.

House met pursuant to adjournment.

Mr. Canney, Speaker *pro tem.*, in the chair.

The roll was called by the Clerk, and the following members were absent: Messrs. Bell, Carhart, Conness, Gardner, Hally, Martin, McMahon, Smith, Tilghman and Wing.

On motion, leave of absence was granted to Messrs. Conness and Hally

for two days each; and to Messrs. Wing, Bell, Proctor and Tilghman one day each; and to Mr. Cabaniss indefinite leave was granted.

The Journal of Saturday last was read and approved.

Mr. Crenshaw then stated that Messrs. Heydenfeldt, Flower, Saunders and Sime, the members elect from the county of San Francisco were present, and moved that they be requested to now come forward, be sworn, and take their seats.

Which was agreed to.

Messrs. Flower, Heydenfeldt, Saunders and Sime then came forward, presented their certificates, which were read.

They were then severally sworn by the Speaker *pro tem.*, (Mr. Canney,) and took their seats as members of this House.

The Speaker *pro tem.* then appointed Mr. Saunders as a member of the Committees on Commerce, Judiciary, and Corporations.

A message was received from the Senate, informing the Assembly that they did, on the 15th instant, pass An Act to provide for the compilation and publication of the Laws of the State of California and the payment thereof, as a substitute for Assembly bill of the same title.

And that they did, on the 16th instant, pass Assembly bill for An Act to provide for the payment of certain persons, therein named, for work done and materials furnished.

Senate bill for An Act to provide for the compilation and publication of the Laws of the State of California and the payment thereof, was then taken up, read a first and second time; when,

On motion of Mr. Myres, the House went into committee of the whole (Mr. Mandeville in the chair) on the consideration of the bill; and having considered the same, the committee rose, and reported back the bill without amendment, and recommended that it be passed, and asked to be discharged from further consideration of the subject.

Which was granted.

Mr. Myres moved that the rules be suspended, and that the bill be read a third time now.

Which was agreed to.

The bill was then read a third time.

And on the question, "Shall the bill now be passed?" the ayes and nays were demanded, and the bill was passed by the following vote:

AYES.

Messrs. Blake,	Messrs. Letcher,
Bostwick,	Mandeville,
Brush,	Meredith,
Canney,	McGarry,
Crenshaw,	McKamy,
Ewing,	Moore,
Fairfax,	Myres,
Flower,	Oliver,
Harrison,	Owen,
Herbert,	Proctor,
Hoff,	Reading,

Messrs. Hunt,
Irwin,
Johnson,
Kittredge,
Knight,
Leake,
Redding,
Rogers,
Thomas,
Wells,
Yeiser—33.

NAYS.

Messrs. Cardozo,
Estep,
Heydenfeldt,
Huse,
Martin,
McMeans,
Robinson—7.

Mr. Bostwick submitted the following report, which was read and adopted. (See Appendix, No. 50.)

Assembly bill for An Act to suppress Gambling, was then taken up.

Mr. Proctor moved that the bill be indefinitely postponed.

On which the ayes and nays were demanded, and the House refused to indefinitely postpone by the following vote:

AYES.

Messrs. Blake,
Cardozo,
Heydenfeldt,
Proctor,
Yeiser—5.

NAYS.

Messrs. Bostwick,
Brush,
Canney,
Carpentier,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Fairfax,
Garfield,
Harrison,
Herbert,
Hoff,
Hunt,
Huse,
Irwin,
Johnson,
Kittredge,
Knight,
Letcher,
Mandeville,
Martin,
Meredith,
McCandless,
McGarry,
McKamy,
McMeans,
Moore,
Oliver,
Owen,
Reading,
Redding,
Robinson,
Rogers,
Thomas,
Wells—36.

Mr. Crenshaw submitted the following amendments to the Constitution of

this State, which were read, laid on the table, and two hundred and forty copies ordered to be printed:

PROPOSED AMENDMENTS TO THE CONSTITUTION OF THE STATE OF CALIFORNIA.

The Legislature of the State of California, at its Fourth Session, commenced on the third day of January, A. D. 1853, propose, as amendments to the present Constitution of this State, the following:

Amendment I.

Section 2, of Art. IV., is amended so as to read as follows:

Section 2. The sessions of the Legislature shall be biennial, and shall commence on the first Monday of December next after the election of its members, unless the Governor of the State shall in the interim convene the Legislature by proclamation.

Amendment II.

Section 3, of Art. IV., is amended so as to read as follows:

Section 3. The members of the Assembly shall be chosen by the qualified electors of their respective districts on the first Wednesday of September, one thousand eight hundred and fifty-four, and biennially thereafter, unless otherwise ordered by the Legislature, and their term of office shall be two years.

Amendment III.

Section 5, of Art. IV., is amended so as to read as follows:

Section 5. Senators shall be chosen for the term of four years, at the same time and place as members of the Assembly; and no person shall be a member of the Senate or Assembly who has not been a citizen and inhabitant of the State two years, and of the county or district for which he shall be chosen, one year next preceding his election.

Amendment IV.

Section 6, of Art. IV., is amended so as to read as follows:

Section 6. The number of Senators shall not be less than one-third, nor more than one-half, of that of members of Assembly; and at the first session of the Legislature after this amendment takes effect, the Senators shall be divided by lot, as equally as can be, into two classes; the seats of the

Senators of the first class shall be vacated at the expiration of two years, so that one-half, as nearly as may be, shall be chosen biennially.

Amendment V.

Section 25, of Art. IV., is amended so as to read as follows:

Section 25. No law enacted by the Legislature shall embrace more than one object, and that shall be expressed in the title.

Amendment VI.

Section 28, of Art. IV., is amended so as to read as follows:

Section 28. The enumeration of the inhabitants of this State shall be taken at such times and in such manner as the Legislature may by law prescribe; and the number of the European race, as ascertained by such enumeration, together with the census that may be taken under the direction of the Congress of the United States in the year one thousand eight hundred and sixty, and every subsequent ten years thereafter, shall serve as the basis of representation in both branches of the Legislature.

Amendment VII.

Section 2, of Art. X., is hereby amended so as to read as follows:

And if at any time two-thirds of the Senate and Assembly shall think it necessary to revise and change this entire Constitution, they shall recommend to the electors, at the next election for members of the Legislature, to vote for or against the Convention; and if it shall appear that a majority of the electors voting at such election have voted in favor of calling a Convention, the Legislature shall, at its next session, provide by law for calling a Convention, to be holden within six months after the passage of such law; and such Convention shall consist of a number of members not less than that of both branches of the Legislature. The Constitution that may have been agreed upon and adopted by such Convention, shall be submitted to the people at the next general election, for their ratification or rejection. Each voter shall express his opinion by depositing in the ballot box a ticket whereon shall be written or printed, "For the New Constitution," or "Against the New Constitution." The returns of such election shall, in such manner as the Convention shall direct, be certified to the Executive of this State, who shall call to his assistance the Comptroller, Treasurer, and Secretary of State, and compare the votes so certified to him. If by such examination it be ascertained that a majority of the whole number of votes cast at such election be in favor of such new Constitution, then the Executive of this State shall, by his proclamation, declare such new Constitution to be the Constitution of the State of California.

The following message and communication of the Comptroller of State was received from the Governor, read, and referred to the Committee on Ways and Means, and two hundred and forty copies ordered to be printed.

EXECUTIVE DEPARTMENT,
Benicia, April 18, 1853.

To the Senate and Assembly of California:

I have the honor, herewith, to transmit a highly important communication from the Hon. W. S. Pierce, Comptroller of State, (See Senate Appendix, No. 66,) in reply to a note addressed him on the 13th inst.

This communication discloses the fact, that to sustain the credit of the State it is now necessary to obtain the sum of twenty thousand two hundred and nine dollars and seventeen cents, being the amount required in addition to that on hand, to pay the interest due on the funded debt on the first day of July next.

On the 14th inst. the amount of State debt funded at an interest of seven per cent., under the Acts of 1851 and 1852, was $1,376,000; annual interest on the same, $96,320.

The amount realized from the sale of School Land Warrants, chargeable with an interest of seven per cent. per annum, $285,760; annual interest on same, $20,003 20. Total annual interest on the Funded Debt and School Fund, $116,323 20.

To this sum must be added the amount of interest accruing monthly on the thirty-nine thousand one hundred and twenty-five dollars of three per cent. bonds unredeemed.

The above statement establishes the alarming fact, that it will require all of one hundred and twenty thousand dollars the present year, to pay the accruing interest on the indebtedness of the State. The interest on the Funded debt is fully due in the city of New York on the first of July next, and ought to be in the hands of the agent of the State in that city on or before the 20th of June, so as to give full time to notify bond holders of his readiness to pay, as well as the precise time and place of payment. A failure to pay when due the interest on the Civil Bonds of the State, now held by capitalists in the Atlantic cities, cannot fail to have a blighting influence on the credit of California abroad, and at home must greatly depreciate the evidences of State indebtedness which have been or may hereafter be issued by authority of law. To meet the present deficiency in the interest fund, as well as to provide for the future, I would respectfully recommend, that the Funding Act of 1852 be so amended as to authorize a Board of Commissioners, consisting of three or more of the State officers, to make such contracts or arrangements as may be necessary; in this respect, to protect the credit of the State.

Deeply impressed with the great importance of sustaining the credit and liquidating the entire civil debt of the State as speedily as possible, I have deemed it my duty, in this connection, again to direct your attention to the recommendations contained in my special message of the 24th of March.

The beach and water property at San Francisco, which is believed to be worth man millions of dollars, rightfully belongs to the State of California,

and no good reason has been assigned why it should not be disposed of under the provisions of a carefully guarded legislative enactment, and the proceeds applied to the payment of the common debt.

This subject has received my most careful consideration, and I can think of no other mode by which the credit of the State can be sustained and the debt liquidated, unless you resort to more than treble the present rates of taxation; an imposition entirely too onerous to be borne by the people at this time.

JOHN BIGLER.

The following message was received from the Governor, which was read and referred to the Judiciary Committee, and four hundred and eighty copies ordered to be printed.

Executive Department,
Benicia, April 18, 1853.

To the Senate and Assembly of California:

I deem it my duty to inform you that the Sheriff of San Francisco county has levied upon, and offered for sale on the 29th instant, to satisfy a judgment obtained against the city of San Francisco in favor of L. D. Brown—"all those pieces or parcels of ground covered with water, situated on each side of Central wharf, within the space bounded by Sacramento, Davis and Clay Streets, and the unnamed Street next beyond Drum Street, and laid out as water lots on the Map on record in the office of the Recorder of the county of San Francisco, mentioned and made official in the first water lot bill, and are those numbered 520, 521, 522, 524, 525, 526, 528, 529, 530, 531, 532, 533, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, and 564."

By the provisions of the water lot Act of March 26th, 1851, twenty-five per cent. of the proceeds of all sales is reserved to the State. If this property is permitted to be sacrificed at a forced sale, but a fraction of its real value will be obtained, and of course the State will be greatly the loser. I would, therefore, recommend that measures be at once adopted to enjoin these proceedings, and to secure the entire right of the State in the premises.

By the former sales of this description of property, little or nothing has been received by the State, and in fact, none of the conditions required by the water lot bills heretofore passed, have been fully complied with on the part of the city of San Francisco. A repetition of these sales will be but a continuation of the means by which California has been deprived of so much valuable property, and prompt measures should therefore be taken to arrest them before it becomes so inextricably involved as to place it beyond the reach of the State, without a resort to ruinous litigations.

JOHN BIGLER.

Mr. Redding of Trinity, gave notice that he would, on to-morrow, move to amend the rule of this House in relation to the hours of meeting.

Mr. Herbert moved to reconsider the vote, by which the Governor's message, just read, was referred to the Judiciary Committee.

On which the ayes and nays were demanded by Messrs. Oliver, Herbert and Robinson, and the House reconsidered by the following vote:

AYES.

Messrs.	Brush,	Messrs.	Meredith,
	Ewing,		McKamy,
	Garfield,		McMeans,
	Herbert,		Moore,
	Hoff,		Myres,
	Hunt,		Oliver,
	Johnson,		Owen,
	Kittredge,		Redding,
	Leake,		Thomas,
	Mandeville,		Yeiser—20.

NAYS.

Messrs.	Canney,	Messrs.	Knight,
	Carpentier,		Letcher,
	Covarrubias,		Martin,
	Estep,		McGarry,
	Flower,		Proctor,
	Harrison,		Reading,
	Heydenfeldt,		Robinson,
	Huse,		Rogers,
	Irwin,		Wells—18.

Mr. Garfield moved to amend the original by referring the message to the Committee on Ways and Means.

Which was not agreed to.

The question was then taken, on again referring to the Judiciary Committee and lost.

Mr. Herbert then moved that it be referred to a special committee of five.

Which was agreed to, and the chair appointed Messrs. Herbert, Johnson, Heydenfeldt, Myres and Garfield as such committee.

On motion, at 11 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, April 19, 1853.

The House met pursuant to adjournment.

The Speaker *pro tem.*, in the chair.

The roll was called by the Clerk, and the following members were found absent:

Messrs. Blake, Carhart, Carpentier, Covarrubias, Gardner, Garfield, Heydenfeldt, Knight, Reading of Trinity, Smith, Thomas, Tilghman, and Yeiser.

The Journal of Monday last was read and approved.

Mr. Mandeville, from the Committee on Roads and Highways, reported back Senate bill for An Act to amend an Act entitled an Act concerning Toll Bridges, with a recommendation that it be passed.

The report was adopted, and the bill laid on the table.

Mr. Mandeville, from the Committee on Roads and Highways, reported back Assembly bill for An Act to amend an Act entitled an Act to authorize the construction of a Wagon Road from Humboldt Bay to the Sacramento Valley, approved April 28, 1852, with a recommendation that it be passed.

The report was adopted, when Mr. Redding of Yuba, moved to lay the report on the table.

Which was not agreed to.

Mr. Martin moved that the bill be considered now.

On which the ayes and nays were demanded, and the House refused to suspend the rules and consider the bill by the following vote:

AYES.

Messrs.	Canney,	Messrs.	McCandless,
	Crenshaw,		McFarland,
	Estep,		McGarry,
	Ewing,		Moore,
	Flower,		Proctor,
	Hally,		Reading,
	Harrison,		Robinson,
	Irwin,		Saunders,
	Johnson,		Sime,
	Letcher,		Wells,
	Mandeville,		Yeiser—23.
	Martin,		

NAYS.

Messrs. Brush,	Messrs. Meredith,
Cardozo,	McMeans,
Heydenfeldt,	Oliver,
Hoff,	Owen,
Hunt,	Redding,
Huse,	Rogers,
Kittredge,	Wing—14.

Mr. Heydenfeldt moved that the bill be ordered engrossed.

Which was agreed to.

Mr. Johnson asked to be excused from serving on the select committee to whom was referred the special message of the Governor, relating to certain water lots advertised to be sold on the 29th of April, 1853, by the sheriff of the county San Francisco.

Which was granted.

And the chair appointed Mr. Leake in place of Mr. Johnson.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled An Act to provide for the payment of certain persons therein named for work done and material furnished.

And the report was adopted.

Mr. McFarland submitted the following report, which was read, and adopted. (Relative to the reports of the several State Hospitals, see Appendix, No. 51.)

Assembly bill for An Act to provide for the indigent sick, was then read a first and second time, when

Mr. McMeans moved that the House go into committee of the whole on the consideration of the bill.

On which the ayes and nays were demanded, and the House refused to go into committee, by the following vote:

AYES.

Messrs. Blake,	Messrs. Mandeville,
Brush,	Martin,
Estep,	Meredith,
Ewing,	McFarland,
Fairfax,	McKamy,
Harrison,	McMeans,
Hoff,	Owen,
Hunt,	Redding,
Kittredge,	Wing—18.

NAYS.

Messrs. Bostwick,	Messrs. McCandless,
Canney,	McGarry,
Cardozo,	McMahon,
Crenshaw,	Moore,

Messrs.	Flower,	Messrs.	Oliver,
	Hally,		Proctor,
	Herbert,		Robinson,
	Huse,		Rogers,
	Irwin,		Saunders,
	Johnson,		Sime,
	Knight,		Wells,
	Letcher,		Yeiser—24.

Mr. McFarland moved that the bill be laid on the table and made the special order for Friday next, April 22, at 12 o'clock, M.,

Which was agreed to.

Mr. McCandless submitted a resolution to appoint a select committee of three to examine the affairs and condition of the State Marine Hospital, and to report thereon to this House.

Mr. Wells submitted as an amendment to the resolution to strike out "select committee of three," and insert "Committee on State Hospitals."

On which the ayes and nays were demanded, and the amendment was lost by the following vote:

AYES.

Messrs.	Bostwick,	Messrs.	Martin,
	Harrison,		Myres,
	Letcher,		Owen,
	Mandeville.		Wells—8.

NAYS.

Messrs.	Blake,	Messrs.	Meredith,
	Brush,		McCandless,
	Canney,		McFarland,
	Crenshaw,		McGarry,
	Estep,		McKamy,
	Ewing,		McMeans,
	Fairfax,		Moore,
	Flower,		Oliver,
	Garfield,		Proctor,
	Hally,		Reading,
	Hoff,		Redding,
	Hunt,		Robinson,
	Huse,		Rogers,
	Irwin,		Saunders,
	Johnson,		Sime,
	Kittredge,		Wing,
	Knight,		Yeiser—34.

The question then being on the adoption of the original resolution.

On which the ayes and nays were demanded, it was adopted by the following vote:

AYES.

Messrs. Blake,
Brush,
Canney,
Cardozo,
Ewing,
Fairfax,
Flower,
Hally,
Hoff,
Irwin,
Johnson,
Kittredge,
Knight,
Leake,
Meredith,
McCandless,
McGarry,
Moore,
Myres,
Oliver,
Proctor,
Reading,
Redding,
Robinson,
Rogers,
Saunders,
Sime,
Wells,
Yeiser—29.

NAYS.

Messrs. Bostwick,
Crenshaw,
Estep,
Garfield,
Harrison,
Hunt,
Huse,
Letcher,
Mandeville,
Martin,
McFarland,
McKamy,
McMeans,
Owen,
Wing—15.

The Chair then appointed as the committee, Messrs. McCandless, Fairfax, and Proctor.

Mr. McMeans submitted a resolution requiring the Treasurer and Comptroller of State to inform Assembly in relation to the money received into the Treasury under the Act of March 26, 1851, providing for the disposition of certain property of the State of California.

Which was read and adopted.

On motion of Mr. McFarland, the committee appointed to visit the State Marine Hospital, was ordered to report on Friday next.

Mr. McFarland submitted the following resolution, which was read and adopted:

Resolved, That a committee of three be appointed to ascertain what interest the State of California has in the entire water lot property of the city of San Francisco and that they be instructed to report to this House as early as possible.

The Chair appointed as such committee, Messrs. McFarland, Flower and Leake.

On motion of Mr. Leake, Mr. Myres was added to the committee, and the committee instructed to report to this House on Saturday next.

A message was received from the Governor, informing the Assembly

that he had this day approved An Act to provide for the payment of certain persons therein named, for work done and materials furnished;

Also, An Act concerning Roads and Highways.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported that they did this day present to the Governor for his approval, An Act to provide for the payment of certain persons therein named, for work done and materials furnished.

And the report was adopted.

On motion of Mr. Owen, Assembly bill for An Act to provide for the Incorporation of Wagon Road Companies, as amended by the Senate, was taken from the table, and the Senate amendments concurred in.

On motion of Mr. Blake, Assembly bill for An Act for the Measurement of Lumber, was taken up, and made the special order for Tuesday next, April 25, 1853, at 12 o'clock, M.

On motion of Mr. Proctor, Mr. Heydenfeldt was granted leave of absence for one week.

On motion of Mr. Garfield, the House went into committee of the whole, (Mr. Myres in the chair,) on the consideration of Senate bill for An Act to authorize the Pacific Mail Steamship Company to hold, use and occupy, certain lands in the City of Benicia, and having made some progress thereon, the committee rose and reported the same, and asked leave to sit again.

Which was granted.

And the House, at 1 o'clock, P. M., took a recess until 3 o'clock.

The House re-assembled at 3 o'clock.

On motion of Mr. Crenshaw, the House again went into committee of the whole. (Mr. Myres in the chair,) on the consideration of Senate bill for An Act to authorize the Pacific Mail Steamship Company to hold, use and occupy, certain lands in the City of Benicia, and having considered the same, the committee rose and reported the bill back to the House with amendments, and asked to be discharged from further consideration of the subject.

Which was granted.

On motion of Mr. Garfield, the amendments were then concurred in generally.

Mr. Brush moved to amend the first section of the bill, by adding at the end of the section the following:

"*Provided*, That the said Steamship Company, their agents and assigns, shall always pay to the State of California, the taxes and assessments imposed upon their property within this State; otherwise this Act shall be void."

On the adoption of which, the ayes and nays were demanded.

And the amendment was lost by the following vote:

AYES.

Messrs. Brush,	Messrs. Meredith,
Canney,	McKamy,
Carpentier,	McMeans,
Ewing,	Oliver,
Hunt,	Rogers,
Kittredge,	Thomas—13.
Leake,	

NAYS.

Messrs. Blake,	Messrs. Mandeville,
Bostwick,	Martin,
Cardozo,	McFarland,
Crenshaw,	McGarry,
Estep,	Myres,
Fairfax,	Owen,
Garfield,	Proctor,
Hally,	Reading,
Harrison,	Redding,
Hoff,	Robinson,
Huse,	Smith,
Johnson,	Wells,
Knight,	Wing,
Letcher,	Yeiser—28.

Mr. Brush moved the following as an amendment:—

Amend section three by striking out the State officers, as the Board of Commissioners, and insert, "That the said Board of Commissioners shall consist of three persons, appointed by the Governor, by and with the advice and consent of the Senate, who shall each take an oath that he is not, nor will he be in any wise, interested in such property or the proceeds thereof."

On the adoption of which, the ayes and nays were demanded.
And the amendment was lost by the following vote:

AYES.

Messrs. Brush,	Messrs. Meredith,
Canney,	McKamy,
Ewing,	McMeans,
Hally,	Oliver,
Hunt,	Robinson,
Kittredge,	Rogers,
Leake,	Wing—14.

NAYS.

Messrs. Blake,
Bostwick,
Carpentier,
Cardozo,
Crenshaw,
Estep,
Fairfax,
Garfield,
Harrison,
Hoff,
Huse,
Johnson,
Knight,
Letcher,
Mandeville,
McCandless,
McFarland,
McGarry,
Moore,
Owen,
Proctor,
Redding,
Sime,
Smith,
Thomas,
Wells,
Yeiser—27.

Mr. Brush then moved to strike out all after the word "Act," in third section of the bill, and insert, "cause to be sold at public auction to the highest bidder, all the above described property, after having first given thirty days notice in three public papers in the city of San Francisco."

On which the ayes and nays were demanded.

And the amendment was lost by the following vote:

AYES.

Messrs. Brush,
Canney,
Hunt,
Kittredge,
Meredith,
McFarland,
Oliver,
Rogers—8.

NAYS.

Messrs. Blake,
Bostwick,
Carpentier,
Cardozo,
Crenshaw,
Estep,
Fairfax,
Garfield,
Hally,
Harrison,
Hoff,
Huse,
Johnson,
Knight,
Leake,
Letcher,
Mandeville,
Martin,
McCandless,
McKamy,
McMahon,
McMeans,
Moore,
Owen,
Proctor,
Reading,
Redding,
Robinson,
Smith,
Thomas,
Wells,
Wing,
Yeiser—33.

Mr. Oliver moved to amend the third section, by inserting the words, "which shall not be less than $22,738 18."

On which the ayes and nays were demanded.

And the amendment was lost by the following vote:

AYES.

Messrs. Brush,	Messrs. Meredith,
Canney,	McFarland,
Carpentier,	Oliver,
Fairfax,	Reading,
Hunt,	Rogers,
Kittredge,	Thomas—12.

NAYS.

Messrs. Blake,	Messrs. Mandeville,
Bostwick,	Martin,
Cardozo,	McKamy,
Crenshaw,	McMahon,
Estep,	McMeans,
Ewing,	Moore,
Garfield,	Owen,
Hally,	Proctor,
Harrison,	Redding,
Hoff,	Robinson,
Huse,	Sime,
Johnson,	Smith,
Knight,	Wells,
Leake,	Wing—29.
Letcher,	

Mr. Fairfax moved to amend the bill by adding, after the last word in section three, the following words:

"*And provided,* That the Commissioners herein mentioned shall, prior to entering upon the duties herein prescribed, make oath before some person authorized to administer oaths, that they are not, nor will not be interested in any way in the property described in this Act."

Which was read and adopted.

Mr. Redding, of Yuba, moved as an amendment, to strike out in second section, line fourth, all after the word "Company."

On which the ayes and nays were demanded.

And the amendment was lost by the following vote:

AYES.

Messrs. Brush,	Messrs. Leake,
Canney,	McFarland,
Carpentier,	McMahon,

Messrs. Fairfax,
Harrison,
Herbert,
Hunt,
Kittredge,
Messrs. Moore,
Oliver,
Redding,
Smith,
Thomas—16.

NAYS.

Messrs. Blake,
Bostwick,
Cardozo,
Estep,
Ewing,
Garfield,
Hally,
Hoff,
Huse,
Johnson,
Knight,
Letcher,
Messrs. Mandeville
Martin,
McKamy,
McMeans,
Owen,
Reading,
Robinson,
Rogers,
Sime,
Wells,
Wing,
Yeiser—24.

Mr. Brush moved the following, as an amendment:

"Section 6. Nothing in this Act contained shall be so construed as to permit the said company, their successors or assigns to make any other use or disposition of said property than may be necessary in prosecuting the business for which said company is incorporated."

On the adoption of which the ayes and nays were demanded, and the amendment was lost by the following vote:

AYES.

Messrs. Brush,
Canney,
Herbert,
Hunt,
Kittredge,
Leake,
Messrs. Mandeville,
McFarland,
McMahon,
Oliver,
Rogers—11.

NAYS.

Messrs. Blake,
Bostwick,
Cardozo,
Estep,
Fairfax,
Garfield,
Hally,
Harrison,
Messrs. McKamy,
McMeans,
Moore,
Owen,
Proctor,
Reading,
Redding,
Robinson,

Messrs. Hoff,
Huse,
Johnson,
Knight,
Letcher,
Martin,
McGarry,
Sime,
Smith,
Thomas,
Wells,
Wing,
Yeiser—29.

Messrs. Garfield and Herbert at this time having risen from their seats, each claimed the floor.

The chair decided that Mr. Herbert was entitled to the floor.

Mr. Garfield appealed from the decision, and on the question, "Shall the decision of the Chair stand as the decision of this House?"

The ayes and nays were demanded, and the House refused to sustain the decision by the following vote:

AYES.

Messrs. Brush,
Carpentier,
Herbert,
Hunt,
Irwin,
Kittredge,
Leake,
Mandeville,
Meredith,
McMahon,
McMeans,
Moore,
Myres,
Redding,
Rogers—15.

NAYS.

Messrs. Blake,
Bostwick,
Cardozo,
Estep,
Fairfax,
Garfield,
Hally,
Harrison,
Hoff,
Huse,
Johnson,
Knight,
Letcher,
Martin,
McFarland,
McKamy,
Owen,
Proctor,
Reading,
Robinson,
Sime,
Wing,
Yeiser—23.

Mr. Herbert moved to adjourn.

On which the ayes and nays were demanded, and the House refused to adjourn by the following vote:

AYES.

Messrs. Brush,
Canney,
Carpentier,
Meredith,
McMahon,
McMeans,

Messrs. Herbert,
Hunt,
Irwin,
Kittredge,
Leake,
Mandeville,
Messrs. Moore,
Oliver,
Rogers,
Smith,
Wells—17.

NAYS.

Messrs. Blake,
Bostwick,
Cardozo,
Estep,
Fairfax,
Garfield,
Hally,
Harrison,
Hoff,
Huse,
Johnson,
Knight,
Letcher,
Messrs. Martin,
McFarland,
McKamy,
Myres,
Owen,
Proctor,
Reading,
Redding,
Robinson,
Sime,
Thomas,
Wing,
Yeiser—26.

Mr. Brush moved that the bill be read a third time now.

Mr. Cardozo moved the previous question.

Mr. Herbert moved to lay the motion for the previous question on the table.

Mr. Johnson rose to a point of order—that the House could not entertain a motion to lay a motion for the previous question, on the table.

The Chair decided the motion to lay the motion for the previous question on the table to be in order.

Mr. Johnson appealed from the decision, and on the question "Shall the decision of the Chair stand as the opinion of the House?"

The ayes and nays were demanded, and the decision was sustained by the following vote:

AYES.

Messrs. Bostwick,
Brush,
Carpentier,
Cardozo,
Fairfax,
Garfield,
Hally,
Harrison,
Herbert,
Hoff,
Hunt,
Huse,
Messrs. Mandeville,
Martin,
Meredith,
McFarland,
McKamy,
McMahon,
McMeans,
Oliver,
Reading,
Redding,
Rogers,
Thomas,

Messrs. Irwin,
Kittredge,
Leake,
Messrs. Wells,
Yeiser—29.

NA

Messrs. Estep,
Johnson,
Letcher,
Moore,
Owen,
Messrs. Proctor,
Robinson,
Sime,
Wing—9.

Mr. Wells then moved to adjourn.

On which the ayes and nays were demanded, and the motion was lost by the following vote:

AYES.

Messrs. Brush,
Canney,
Carpentier,
Hunt,
Irwin,
Johnson,
Kittredge,
Leake,
Mardeville,
Meredith,
Messrs. McKamy,
McMeans,
Moore,
Oliver,
Proctor,
Robinson,
Rogers,
Wells,
Wing—19.

NAYS.

Messrs. Blake,
Bostwick,
Cardozo,
Crenshaw,
Estep,
Ewing,
Fairfax,
Garfield,
Hally,
Harrison,
Herbert,
Hoff,
Messrs. Huse,
Letcher,
Martin,
McFarland,
Myres,
Owen,
Reading,
Redding,
Sime,
Thomas,
Yeiser—23.

The question then recurring on the motion of Mr. Herbert, to lay the motion for the previous question on the table, on which the ayes and nays were demanded.

The motion was lost by the following vote:

AYES.

Messrs. Brush,
Canney,
Herbert,
Hunt,
Kittredge,
Leake,
Meredith,
Myres,
Oliver,
Rogers—10.

NAYS.

Messrs. Blake,
Bostwick,
Carpentier,
Cardozo,
Crenshaw,
Estep,
Ewing,
Fairfax,
Garfield,
Hally,
Harrison,
Hoff,
Huse,
Irwin,
Johnson,
Letcher,
Mandeville,
Martin,
McFarland,
McKamy,
McMeans,
Moore,
Owen,
Proctor,
Reading,
Redding,
Robinson,
Sime,
Thomas,
Wells,
Yeiser—31.

Mr. Herbert moved a call of the House.

On which motion the ayes and nays were demanded, and the House refused to sustain the call, by the following vote:

AYES.

Messrs. Brush,
Canney,
Carpentier,
Cardozo,
Herbert,
Hoff,
Irwin,
Johnson,
Leake,
Mandeville,
Martin,
Meredith,
McMahon,
McMeans,
Oliver,
Redding,
Thomas—17.

NAYS.

Messrs. Blake,
Bostwick,
Conness,
Crenshaw,
Estep,
Huse,
Kittredge,
Letcher,
McFarland,
McKamy,

Messrs. Ewing,
Fairfax,
Flower,
Garfield,
Hally,
Harrison,
Hunt,
Myres,
Owen,
Proctor,
Reading,
Robinson,
Sime,
Wells—24.

Mr. Carpentier moved to adjourn.

On which the ayes and nays were demanded, and the House adjourned by the following vote:

AYES.

Messrs. Bostwick,
Brush,
Canney,
Carpentier,
Ewing,
Garfield,
Harrison,
Herbert,
Hunt,
Irwin,
Johnson,
Kittredge,
Leake,
Mandeville,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Oliver,
Proctor,
Reading,
Robinson,
Rogers,
Sime,
Thomas,
Wells,
Yeiser—29.

NAYS.

Messrs. Blake,
Conness,
Cardozo,
Crenshaw,
Estep,
Fairfax,
Flower,
Hally,
Hoff,
Huse,
Knight,
Letcher,
Martin,
Owen,
Redding—15.

HOUSE OF ASSEMBLY.

WEDNESDAY, April 20, 1853.

The House met pursuant to adjournment.

The Hon. Mr. Wall, Speaker, in the chair.

The roll was called by the Clerk, and the following members were absent: Messrs. Carhart, Gardner, Herbert, Saunders, Walker and Yeiser.

On motion of Mr. Irwin, leave of absence was granted to Mr. Thomas for four days.

Mr. Conness presented the petition of citizens of the City of Monterey, praying for amendments to the Charter of that city.

Which was read, and referred to the Committee on Corporations.

Mr. McMeans submitted the following report, which was read and concurred in:

Mr. Speaker:

The committee of conference, who were appointed on the part of the Assembly to meet a similar committee from the Senate, and confer with them on the disagreeing vote of the two Houses on Senate bill No. 129, to be entitled An Act in relation to the Interest on the Funded Debt of 1852, have performed that duty, and beg leave to report:

That the two committees have agreed to sustain the House amendments, with the accompanying amendment, and respectfully recommend its adoption and the passage of the bill: strike out "on demand," in eleventh line, first section.

S. A. McMEANS,
Chairman.

Mr. Cardozo, on leave, introduced a bill for An Act concerning Conveyances of Real Estate.

Which was read twice, and referred to the Judiciary Committee.

Mr. Conness, on leave, introduced a bill for An Act to Incorporate the City of Monterey.

Which was read twice, and referred to the Committee on Corporations.

Mr. Smith presented the memorial of certain citizens of Contra Costa County, remonstrating against changing the name of said county and the creation of a new county.

Which was read, and referred to a select committee of five.

The Chair appointed as such committee, Messrs. Kittredge, Redding, of Yuba, Crenshaw, Johnson and Conness.

Mr. Ewing, from the Committee on Counties and County Boundaries, reported back Assembly bill for An Act to change the name of Contra

Costa County and to create a new county to be called Contra Costa, without amendment, and recommended that the bill be passed.

The report was laid on the table, and the bill referred to the above-mentioned select committee.

On motion of Mr. Hally, Assembly bill for An Act for the protection of persons who may settle upon Private Lands in this State, was taken from the table, and referred to the select committee to whom was referred the subject of the Settlement of the Tulé Lands.

Mr. Cardozo, on leave, introduced a bill for An Act for the relief of David W. Jenkins.

Which was read a first time and laid over, under the rules.

The following message was received from the Senate:

Mr. Speaker:

The Senate this day appointed Messrs. Lott, Foster and Coffroth as a committee of conference on the disagreeing vote of the two Houses, upon Senate bill for An Act to fix the compensation of County Judges and Associate Justices of the Courts of Sessions, and to repeal a like Act passed April 22, 1850; and appointed Messrs. Hubbs, Crabb and Ralston as a committee of conference on the disagreeing vote of the two Houses on Senate bill for An Act in relation to the interest on the the Funded Debt of 1852.

By order of the Senate.

A. C. BRADFORD,
Secretary.

April 19, 1853.

On motion of Mr. McMeans, the House went into committee of the whole, (Mr. Robinson in the chair,) on the consideration of Assembly bill for An Act to amend an Act entitled an Act to provide for the levying, assessing and collecting Public Revenue, approved April 23, 1852, and having made some progress thereon, the Committee rose and reported the same to the House, and asked leave to sit again.

Which was granted.

The hour of 1 o'clock, P. M., having arrived, the House took a recess until 3 o'clock, P. M.

The House reassembled at 3 o'clock, P. M.

Mr. Garfield moved that Assembly bill for An Act to apportion the Senatorial and Assembly Districts of this State, made the special order for this day, be laid over, for the purpose of taking up Senate bill for An Act to authorize the Pacific Mail Steamship Company to hold, use and occupy certain lands in the city of Benicia.

On which the ayes and nays were demanded, and it was decided in the affirmative by the following vote.

AYES.

Messrs. Blake,
Bostwick,
Conness,
Covarrubias,
Crenshaw,
Estep,
Garfield,
Hally,
Hoff,
Hunt,
Huse,
Irwin,
Johnson,
Letcher,
Messrs. Martin,
McGarry,
McKamy,
McMeans,
Owen,
Proctor,
Reading,
Robinson,
Saunders,
Sime,
Smith,
Wells,
Wing,
Speaker—28.

NAYS.

Messrs. Brush,
Canney,
Carpentier,
Ewing,
Kittredge,
Messrs. Myres,
Oliver,
Redding,
Rogers,
Yeiser—10.

Senate bill for An Act to authorize the Pacific Mail Steamship Company to hold, use and occupy certain lands in the city of Benicia, was then taken up.

Mr. Garfield moved that the bill be read a third time now, with a view of putting it upon its final passage.

Mr. Canney moved, as an amendment, to add as a proviso the following words: "This Act shall not be in force until the Governor shall ratify the action and decision of the Board of Commissioners, appointed under the provisions of this Act."

Mr. Owen moved the previous question, and on the question, "Shall the main question now be put?"

The ayes and nays were demanded, and the motion was lost by the following vote:

AYES.

Messrs. Blake,
Bostwick,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Gardner,
Garfield,
Messrs. Hally,
Hoff,
Huse,
Knight,
Letcher,
Martin,
McKamy,
Owen,
Proctor,
Wing—20.

NAYS.

Messrs. Bell,
Brush,
Canney,
Carpentier,
Fairfax,
Flower,
Herbert,
Hunt,
Johnson,
Kittredge,
Mandeville,
McCandless,
McGarry,
McMeans,
Moore,
Myres,
Oliver,
Reading,
Redding,
Robinson,
Rogers,
Saunders,
Sime,
Wells,
Yeiser,
Speaker—26.

The question then recurring on the amendment submitted by Mr. Canney—

On which the ayes and nays were demanded, and the amendment was lost by the following vote:

AYES.

Messrs. Bell,
Brush,
Canney,
Herbert,
Hunt,
Kittredge,
Mandeville,
McKamy,
Oliver,
Rogers—10.

NAYS.

Messrs. Blake,
Bostwick,
Carpentier,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Fairfax,
Flower,
Gardner,
Garfield,
Hally,
Hoff,
Huse,
Johnson,
Knight,
Letcher,
Martin,
McCandless,
McGarry,
McMeans,
Moore,
Myres,
Owen,
Proctor,
Reading,
Redding,
Robinson,
Saunders,
Sime,
Wells,
Wing,
Yeiser,
Speaker—36.

Mr. Herbert submitted the following, as an amendment to section first:

Provided, The said property shall not include more than one hundred and fifty varas running up and down the shore, and the extension shall not exceed one hundred and fifty feet into the straits.

Mr. Hally moved the previous question, and on the question "Shall the main question now be put?"

The ayes and nays were demanded, and the previous question was sustained by the following vote:

AYES.

Messrs. Blake, Conness, Cardozo, Covarrubias, Crenshaw, Estep, Ewing, Fairfax, Gardner, Garfield, Hally, Hoff, Huse, Knight, Letcher, Mandeville, McCandless, McKamy, Owen, Proctor, Reading, Saunders, Sime, Yeiser—24.

NAYS.

Messrs. Johnson, McGarry, McMeans, Redding, Robinson, Smith, Wells, Speaker—8.

The question then recurring on the amendment submitted by Mr. Herbert—

On which the ayes and nays were demanded, and the amendment was lost by the following vote:

AYES.

Messrs. Bell, Ewing, Leake, McMahon—4.

NAYS.

Messrs. Blake, Bostwick, Carpentier, Conness, Cardozo, Covarrubias, Mandeville, McCandless, McGarry, McKamy, McMeans, Moore,

Messrs. Crenshaw,
Estep,
Fairfax,
Gardner,
Garfield,
Hally,
Hoff,
Huse,
Johnson,
Knight,
Letcher,
Owen,
Proctor,
Reading,
Redding,
Robinson,
Saunders,
Sime,
Wing,
Yeiser,
Speaker—33.

The Speaker then stated that the previous question having been sustained, the main question was the third reading of the bill.

Mr. Herbert appealed from the decision, and on the question, "Shall the decision of the Chair stand as the opinion of the House?"

The ayes and nays were demanded, and the decision was sustained by the following vote:

Messrs. Blake,
Bostwick,
Brush,
Carpentier,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Fairfax,
Gardner,
Garfield,
Hally,
Hoff,
Hunt,
Huse,
Kittredge,
Knight,
Letcher,
Mandeville,
McCandless,
McGarry,
McKamy,
McMahon,
McMeans,
Oliver,
Owen,
Proctor,
Reading,
Robinson,
Sime,
Wing,
Yeiser—34.

NAYS.

Messrs. Bell,
Canney,
Herbert,
Johnson,
Leake,
Moore,
Redding,
Rogers,
Saunders,
Wells—10.

The question then being, "Shall the bill be now read a third time?"

On which the ayes and nays were demanded, and the bill was ordered to a third reading by the following vote:

AYES.

Messrs. Blake,
Bostwick,
Carpentier,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Fairfax,
Flower,
Gardner,
Garfield,
Hally,
Hoff,
Huse,
Johnson,
Knight,
Letcher,
Mandeville,
McGarry,
McKamy,
Owen,
Proctor,
Reading,
Redding,
Robinson,
Smith,
Wing—29.

NAYS.

Messrs. Bell,
Brush,
Canney,
Herbert,
Hunt,
Irwin,
Kittredge,
Leake,
McFarland,
McMahon,
McMeans,
Moore,
Oliver,
Rogers,
Saunders,
Sime,
Wells,
Speaker—18.

The bill was then read a third time.

Mr. McCandless moved to adjourn.

On which the ayes and nays were demanded, and the House refused to adjourn by the following vote:

AYES.

Messrs. Bell,
Brush,
Canney,
Carpentier,
Herbert,
Kittredge,
Leake,
Meredith,
McCandless,
McGarry,
McMahon,
McMeans,
Oliver,
Proctor,
Rogers,
Saunders,
Smith,
Wells,
Yeiser,
Speaker—20.

NAYS.

Messrs. Blake,	Messrs. Irwin,
Bostwick,	Johnson,
Conner,	Knight,
Cardozo,	Letcher,
Covarrubias,	Mandeville,
Crenshaw,	McFarland,
Estep,	McKamy,
Fairfax,	Owen,
Gardner,	Reading,
Hally,	Redding,
Hoff,	Robinson,
Hunt,	Sime,
Huse,	Wing—26.

The Speaker then stated the question to be, "Shall the bill now be passed?"

Mr. Conness moved the previous question, and on the question, "Shall the main question now be put?"

The ayes and nays were demanded, and the motion was sustained by the following vote:

AYES.

Messrs. Blake,	Messrs. Huse,
Bostwick,	Johnson,
Conness,	Letcher,
Cardozo,	Mandeville,
Covarrubias,	Owen,
Crenshaw,	Proctor,
Estep,	Reading,
Ewing,	Redding,
Fairfax,	Robinson,
Gardner,	Sime,
Garfield,	Smith,
Hally,	Wing—25.
Hoff,	

NAYS.

Messrs. Bell,	Messrs. Meredith,
Brush,	McFarland,
Canney,	McGarry,
Carpentier,	McMeans,
Flower,	Moore,
Herbert,	Oliver,
Hunt,	Rogers,
Kittredge,	Wells,
Leake,	Speaker—18.

The main question was then put, and on the question, "Shall the bill now be passed?"

The ayes and nays were demanded, and the bill was passed by the following vote:

AYES.

Messrs.	Blake,	Messrs.	Huse,
	Bostwick,		Johnson,
	Conness,		Knight,
	Cardozo,		Letcher,
	Covarrubias,		Mandeville,
	Crenshaw,		McGarry,
	Estep,		McMeans,
	Fairfax,		Moore,
	Flower,		Owen,
	Gardner,		Proctor,
	Garfield,		Reading,
	Hally,		Redding,
	Harrison,		Robinson,
	Hoff,		Smith—28.

NAYS.

Messrs.	Bell,	Messrs.	Meredith,
	Brush,		McFarland,
	Canney,		McKamy,
	Carpentier,		Myres,
	Ewing,		Oliver,
	Herbert,		Rogers,
	Hunt,		Sime,
	Kittredge,		Speaker—16.

Mr. Bostwick submitted the following report:

Mr. Speaker:

The Joint Committee on Enrollment report that,

They have this day examined and found correctly enrolled, An Act to provide for the Incorporation of Wagon Road Companies.

JOHN H. BOSTWICK,
Assembly Committee.

On motion, at 6 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, April 21, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Irwin, Martin Moore, Reading of Trinity, Wing and Yeiser.

On motion of Mr. Thomas, leave of absence was granted for one day to Mr. Irwin.

The Journals of Tuesday and Wednesday last were read and approved.

Mr. Sime moved that Mr. Taylor, one of the members elect from San Francisco, be requested to come forward, be sworn, and take his seat as a member of this House.

Which was agreed to.

And Mr. Taylor then came forward, presented his certificate of election, was sworn, and took his seat as a member of this House.

Mr. Fairfax presented the memorial of the Common Council of the city of Marysville, relating to certain amedments to the charter of that city.

Which was read, and referred to the Committee on Corporations.

Mr. Fairfax also presented the petion of citizens of the city of Marysville praying for certain amendments to the charter of that city.

Which was read, and referred to the Committee on Corporations.

Mr. Mandeville, from the Committee on Roads and Highways, reported back Assembly bill for An Act concerning Roads and Highways, without recommendation.

The report was adopted, and the bill laid on the table, and ordered to be printed.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act to authorize the construction of a Wagon Road from Humboldt Bay to the Sacramento valley, approved April 28, 1852, and the report was adopted.

The bill was then taken up, read a third time, and passed.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled An Act to provide for the incorporation of Railroad Companies, and the report was adopted.

Mr. Flower, from the San Francisco delegation, reported back Assembly bill for An Act to provide for the more perfect indexing and classifying of the Land Records of the county of San Francisco; also, An Act to provide for the more perfect indexing and classification of the Land Records of the city and county of San Francisco, with a substitute and recommended its adoption.

The report was adopted, and the substitute, with the bills, was laid on the table.

A message was received from the Senate, informing the Assembly that they did, on the 18th instant, pass an Act to amend the fourteenth section of an Act concerning the office of County Treasurer, passed March 27, 1850;

Also, An Act concerning Notaries Public;

And Assembly bill for an Act to provide for the erection of a Jail in Sacramento county.

Senate bill for An Act to amend the fourteenth section of an Act concerning the office of County Treasurers, passed March 27, 1850, was then read a first time, and laid over under the rules.

Senate bill for An Act concerning Notaries Public, was then read twice, and referred to the Judiciary Committee.

Senate bill for An Act to amend an Act entitled an Act to establish a standard of Weights and Measures, passed March 30, 1850, was then taken up, and referred to the Committee on Commerce.

Assembly bill for An Act for the relief of David W. Jenkins, was then taken up, read a second time, and referred to the Committee on Claims.

Mr. Bostwick presented a communication from A. G. Kimball, tendering his resignation as Enrolling Clerk of this House; which was read, and accepted.

Mr. Bostwick moved that the House now proceed to elect an Enrolling Clerk in place of Mr. Kimball; which was agreed to.

Mr. Bostwick nominated R. H. Dearing.

The House then proceeded to elect an Enrolling Clerk. Whole number of votes, 42; Necessary to a choice, 22.

Those who voted for Mr. Dearing were:

Messrs. Bell, Blake, Bostwick, Canney, Conness, Cardozo, Covarrubias, Crenshaw, Estep, Ewing, Fairfax, Flower, Gardner, Garfield, Hally, Harrison, Herbert, Hoff, Hunt, Huse, Johnson, Leake, Letcher, Mandeville, McFarland, McGarry, McKamy, McMeans, Oliver, Owen, Proctor, Robinson, Rogers, Saunders, Sime, Smith, Taylor, Thomas, Tilghman, Walker, Wells, and Mr. Speaker—42.

Mr. Dearing having received a majority of all the votes cast, was declared duly elected.

Mr. Dearing came forward, was sworn by the Speaker, and entered upon his duties.

Mr. Owen, on leave, introduced a bill for An Act in relation to the division of Counties and the removal of County Seats.

Which was read a first time, and laid over under the rules.

Mr. Fairfax, on leave, introduced a bill for An Act to amend an Act entitled an Act to establish a system of Common Schools.

Which was read twice, and referred to the Committee on Education.

On motion of Mr. McMeans, Assembly bill for An Act to suppress gambling, made the special order for this day, was taken up, and laid on the table.

On motion of Mr. McMeans, the House then went into committee of the whole (Mr. Mandeville in the chair,) on the consideration of Assembly bill for An Act to amend an Act entitled an Act to provide for the levying,

assessing, and collecting public revenue, approved April 23d, 1852; and having made some progress thereon, the committee rose and reported the same, and asked leave to sit again, which was granted.

The hour of one o'clock having arrived, the House took a recess until 3 o'clock.

The House re-assembled at 3 o'clock, P. M.

A message was received, informing the Assembly that the Senate concurred on the 20th instant in the report of the committee of conference, on the disagreeing vote of the two Houses upon Assembly bill for An Act in relation to the interest on the funded debt of 1852.

And passed, on the 19th instant, An Act supplemental to an Act to regulate Elections, passed March 23, 1850.

And passed this day a bill for An Act to extend and better define the powers and duties of the City Council of the city of Sacramento, to authorize the establishment of free schools in said city, as a substitute to Assembly bills Nos. 164 and 179.

Senate bill for An Act to extend and to better define the powers and duties of the City Council of the city of Sacramento, and to authorize the establishment of free schools in said city, was then taken up, read twice, the rules suspended; it was then read a third time and passed.

Senate bill for An Act supplemental to an Act to regulate Elections, passed March 23, 1850, was then read a first time, and laid over under the rules.

Mr. Carpentier, on leave, introduced a bill for An Act to amend an Act to create the county of Alameda, and establish the seat of Justice therein, to define its boundaries, and provide for its organization.

Which was read twice, and referred to the select committee on that subject appointed on yesterday.

On motion of Mr. Conness, Assembly bill for An Act for the relief of Calvin Valpey, was taken from the table, and the House went into committee of whole, (Mr. Redding of Yuba in the chair,) on the consideration of the bill, and having considered the same, the committee rose and reported the bill back to the House, with an amendment, recommended the passage of the bill, and asked to be discharged from further consideration of the subject.

Which was granted.

The House then concurred in the amendment, and the bill was read a third time and passed.

On motion of Mr. Yeiser, Senate bill for An Act to amend an Act entitled an Act declaring certain rivers and creeks navigable, passed February 18th, 1851, was taken from the table, and referred to the committee of the whole House.

Mr. Robinson moved that the House now go into committee of the whole on the bill.

Which was not agreed to.

Mr. Conness moved to reconsider the vote by which the House refused to go into committee of the whole.

On which the ayes and nays were demanded, and the vote was reconsidered by the following vote:

AYES.

Messrs.	Bell,	Messrs.	Kittredge,
	Blake,		Leake,
	Brush,		Letcher,
	Canney,		McFarland,
	Conness,		McGarry,
	Ewing,		McMeans,
	Fairfax,		Moore,
	Garfield,		Oliver,
	Hally,		Thomas,
	Hoff,		Tilghman,
	Hunt,		Wells,
	Huse,		Yeiser—24.

NAYS.

Messrs.	Carpentier,	Messrs.	McKamy,
	Cardozo,		Owen,
	Crenshaw,		Proctor,
	Estep,		Reading,
	Flower,		Redding,
	Gardner,		Robinson,
	Johnson,		Rogers,
	Knight,		Speaker—16.

On motion of Mr. Canney, the House then went into committee of the whole (Mr. Taylor in the chair) on the consideration of the bill; and having considered the same, the committee rose, reported the bill back with amendments, recommended that it be passed, and asked to be discharged from further consideration of the subject.

Which was granted.

The amendments were then concurred in, and the bill read a third time and passed.

Mr. Johnson submitted the following report, which was read, and, with the accompanying papers, laid on the table:

To the Honorable the Assembly
of the State of California:

The Select Committee, to whom was referred the bill entitled An Act to change the name of Contra Costa County, and to create a new county to be called Contra Costa; also,

An Act to amend an Act to create the county of Alameda and establish

the Seat of Justice therein, to define its boundaries and provide for its organization;

Together with sundry accompanying petitions, etc.:

Would respectfully report back the first mentioned bill, and recommend its indefinite postponement.

Also report back the amendatory Act, so amended as to designate the elections therein mentioned, on the third Monday of May, and, as amended, recommend its passage.

All of which is respectfully submitted.

F. M. KITTREDGE, Chairman;
J. CONNESS,
B. B. REDDING,
J. NEELY JOHNSON.

Mr. Leake gave notice that he would, on to-morrow, move to reconsider the vote by which the House passed, on the 20th instant, Senate bill for An Act to authorize the Pacific Mail Steamship Company to hold, use, and occupy certain lands in the city of Benicia.

On motion, at 6 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, April 22, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were found absent:

Messrs. Bell, Carhart, Covarrubias, Fairfax, Gardner, Garfield, Hally, Irwin, Leake, Martin, Meredith, McMeans, Moore, Redding of Yuba, Smith, Thomas and Yeiser.

On motion, leave of absence was granted to Mr. McCandless for one week, and to Messrs. Irwin and Thomas two days each.

Mr. Kittredge presented the petition of certain citizens of Santa Cruz County, praying for a reduction of the salary of the County Judge of that county.

Which was read, and laid on the table.

Mr. Owen, from the Committee on Corporations, reported back Assem-

bly bill for An Act supplementary to the Act incorporating the City of Marysville, with an amendment, as a substitute for all after the enacting clause.

On motion of Mr. Redding of Yuba, the House then went into consideration of the bill.

The amendment was then adopted, and the bill considered engrossed, read a third time, and passed.

Mr. Cardozo, from the Committee on Commerce, reported back Senate bill for An Act to amend an Act entitled an Act to establish a standard of Weights and Measures, passed March 30, 1850, without amendment, and recommended that the bill be passed.

The report was adopted, and the bill was then read a third time, and passed.

Mr. Blake submitted a resolution rescinding the rule whereby this House holds two daily sessions.

Mr. Conness moved that the resolution be laid on the table.

On which the ayes and nays were demanded.

And the motion to lay on the table was lost by a tie vote:

AYES.

Messrs.	Bostwick,	Messrs.	Knight,
	Conness,		Letcher,
	Crenshaw,		Mandeville,
	Estep,		McFarland,
	Ewing,		McMahon,
	Garfield,		Owen,
	Hally,		Robinson,
	Harrison,		Sime,
	Herbert,		Taylor,
	Hunt,		Wells,
	Huse,		Speaker—23.
	Kittredge,		

NAYS.

Messrs,	Blake,	Messrs.	Moore,
	Canney,		Myres,
	Carpentier,		Proctor,
	Cardozo,		Reading,
	Flower,		Redding,
	Gardner,		Rogers,
	Hoff,		Saunders,
	Johnson,		Tilghman,
	Leake,		Walker,
	McGarry,		Wing,
	McKamy,		Yeiser—23.
	McMeans,		

The question then recurring on the adoption of the resolution, the ayes and nays were demanded.

And the resolution was lost by the following vote:

AYES.

Messrs. Blake,	Messrs. Moore,
Canney,	Myres,
Carpentier,	Proctor,
Cardozo,	Reading,
Flower,	Rogers,
Gardner,	Saunders,
Johnson,	Smith,
Leake,	Tilghman,
Meredith,	Walker,
McGarry,	Wing,
McMeans,	Yeiser—22.

NAYS.

Messrs. Bostwick,	Messrs. Knight,
Conness,	Letcher,
Covarrubias,	Mandeville,
Crenshaw,	McFarland,
Estep,	McKamy,
Ewing,	McMahon,
Garfield,	Oliver,
Hally,	Owen,
Harrison,	Redding,
Herbert,	Robinson,
Hoff,	Sime,
Hunt,	Taylor,
Huse,	Wells,
Kittredge,	Speaker—28.

Mr. Garfield, on leave, introduced a Joint Resolution instructing the Secretary of State to furnish F. A. Snyder with two copies of the Statutes of each of the preceding sessions of the Legislature.

Which was read a first time, the rules suspended, it was then read a second time, the rules were then further suspended, and the resolution was read a third time and passed.

Mr. Canney gave notice that he would, on to morrow, move to amend the rule of this House whereby it holds two sessions daily.

Mr. Moore, from the Committee on State Prisons, submitted the following report, which was read and adopted:

Mr. Speaker:

The committee appointed to visit the State's Prison, and to report on its site and the condition and discipline of its inmates, respectfully submit:

That we consider the site most eligible for health, salubrity of climate, safety of prisoners, proximity and abundance of materials to furnish the inmates with appropriate occupation.

They found the Prison in most admirable condition, considering the limited facilities possessed at the present time. The prisoners enjoy excellent health, are comfortably clad, apparently under good discipline, cheerful, and express themselves well pleased with their general treatment.

They cannot too strongly urge the necessity that exists for the erection of a State's Prison of some description, at any rate such portion of it as will tend to the greater security of the prisoners. The ship in which the prisoners are at present confined, is totally inadequate for such purpose. But we refrain from recommending any particular plan, as the whole matter will shortly be fully presented for the consideration of this House, a bill having been introduced into the Senate embracing the entire subject.

PHIL. MOORE,
Chairman.

A message was received from the Senate, informing the Assembly that they passed, on yesterday, with an amendment, Assembly bill for An Act for dividing the County of Los Angeles, and making a new county therefrom to be called San Bernardino County.

The bill was then taken up by the House, and the Senate amendment concurred in.

Mr. Conness introduced a resolution prohibiting the introduction of any new business into this House, after the 28th day of April, 1853.

Mr. Rogers moved that the resolution be laid on the table.

On which the ayes and nays were demanded, and the House refused to lay on the table by the following vote:

AYES.

Messrs. Carpentier,
Crenshaw,
Herbert,
Johnson,
Leake,
Mandeville,
Meredith,
McFarland,
McMahon,
Moore,
Proctor,
Reading,
Rogers,
Wing—14.

NAYS.

Messrs. Blake,
Bostwick,
Brush,
Canney,
Conness,
Cardozo,
Ewing,
Flower,
Gardner,
Garfield,
Hally,
Letcher,
McGarry,
McKamy,
McMeans,
Oliver,
Owen,
Redding,
Robinson,
Saunders,
Sime,
Smith,

Messrs. Harrison,
Hoff,
Hunt,
Huse,
Kittredge,
Knight,
Taylor,
Tilghman,
Walker,
Wells,
Speaker—33.

Mr. Robinson submitted a resolution, as a substitute, "that no new business shall be introduced into this House after Wednesday next, without the consent of three-fourths of all the members present."

Which was read, and laid on the table.

The question then recurring on the adoption of the original resolution.

On which the ayes and nays were demanded, the resolution was lost by the following vote:

AYES.

Messrs. Bell,
Canney,
Conness,
Ewing,
Flower,
Gardner,
Garfield,
Harrison,
Hoff,
Hunt,
Huse,
Letcher,
McGarry,
Oliver,
Owen,
Redding,
Sime,
Taylor,
Walker—19.

NAYS.

Messrs. Bostwick,
Brush,
Carpentier,
Cardozo,
Covarrubias,
Estep,
Hally,
Herbert,
Johnson,
Kittredge,
Knight,
Leake,
Mandeville
Meredith,
McFarland,
McKamy,
McMahon,
Moore,
Proctor,
Reading,
Robinson,
Rogers,
Smith,
Tilghman,
Wells,
Wing—26.

Mr. Wells submitted the following resolution, which was read and adopted:

Resolved, That the Senate be respectfully requested to take action upon Assembly bill entitled An Act to ascertain and provide for the payment of the debt due from Sierra county to Yuba county.

Mr. Leake submitted a resolution to appoint a committee of five to investigate the matters connected with the late election in the county of San Francisco for five members of Assembly.

Mr. Conness moved that the resolution be laid on the table.

Mr. Johnson moved a call of the House, which was sustained.

And on the roll being called, the following members were absent:

Messrs. Carhart, Fairfax, Leake, Martin, McMahon, Myres. Redding of Yuba, Yeiser and Mr. Speaker.

On motion of Mr. Wells, the Sergeant-at-Arms was dispatched to bring in the absentees.

Messrs. Yeiser and Leake appeared, were admitted, excused, and took their seats.

The question then recurring on the motion to lay the resolution on the table.

The ayes and nays were demanded, and the House refused to lay on the table by the following vote:

AYES.

Messrs.	Canney,	Messrs.	Moore,
	Conness,		Reading,
	Gardner.		Redding.
	Hally,		Smith,
	Huse,		Tilghman,
	Knight,		Wells,
	McFarland,		Yeiser—15.
	McGarry,		

NAYS.

Messrs.	Bell,	Messrs.	Kittredge.
	Blake.		Leake,
	Bostwick,		Letcher,
	Brush,		Mandeville.
	Carpentier,		Meredith,
	Cardozo,		McKamy,
	Covarrubias,		McMahon,
	Crenshaw,		McMeans,
	Estep,		Oliver,
	Ewing,		Owen,
	Harrison,		Proctor,
	Herbert,		Robinson,
	Hoff,		Rogers,
	Hunt,		Wing—29.
	Johnson,		

Mr. Bostwick moved that the resolution be indefinitely postponed.

On which the ayes and nays were demanded, and it was decided in the affirmative by the following vote:

AYES.

Messrs.	Bostwick,	Messrs.	McGarry,
	Canney,		Moore,
	Carpentier,		Myres,
	Conness,		Owen,
	Garfield,		Proctor,
	Hally,		Reading,
	Hoff,		Redding,
	Huse,		Smith,
	Knight,		Tilghman,
	Letcher,		Wells—21.
	McFarland,		

NAYS.

Messrs.	Bell,	Messrs.	Leake,
	Brush,		Mandeville,
	Cardozo,		Meredith,
	Crenshaw,		McKamy,
	Estep,		McMahon,
	Ewing,		McMeans,
	Harrison,		Robinson,
	Hunt,		Rogers,
	Johnson,		Walker,
	Kittredge,		Wing—20.

Mr. Wing, from the Committee on Engrossed Bills, reported as correctly engrossed An Act for the relief of Calvin Valpey; also

An Act supplementary to the Act incorporating the city of Marysville, and the report was adopted.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act to provide for the compilation and publication of the Laws of the State of California and the payment thereof; and also

An Act to authorize the Board of Supervisors of Los Angeles county to levy a special tax for the erection of County Buildings; also

An Act to provide for the erection of a Jail in Sacramento county, and the report was adopted.

Mr. Bostwick, from the same committee, reported that they had, this day, presented to the Governor for his approval, An Act to provide for the incorporation of Wagon Road Companies; also

An Act to provide for the incorporation of Railroad Companies, and the report was adopted.

The following communication was received from the Treasurer of State.

Which was read, laid on the table, and two hundred and forty copies ordered to be printed.

STATE TREASURER'S OFFICE,
Benicia, April 22, 1853.

To the Hon. Isaac B. Wall,
Speaker of the Assembly:

SIR:

In reply to a resolution of your honorable body, passed the 19th instant, I submit the following statement of receipts:

From the Commissioners of the Funded Debt of the city of San Francisco, January 26, 1852, per John W. Geary, President, - - - - - - -	$1,000 00
February 1, 1853, - - - - -	10,000 00
April 7, per D. W. Connely, - - - -	212 50
" 8, " Wm. Hooper, Secretary, - - -	7,000 00
	$18,212 50
From the city of San Francisco, March 26, 1853, per Hiram Pierson, - - - - -	$1,312 50
	$19,525 00

All of which has been received by me upon orders from the Comptroller of State according to section seven of An Act prescribing the mode of receiving, keeping and paying out the Public Funds, passed January 31, 1850, (page 52 Statutes of 1850.)

Respectfully yours,

RICHARD ROMAN,
State Treasurer.

Mr. Hally, on leave, introduced a bill for An Act to establish Public Pounds for the safe keeping of Stray Animals in this State.

Which was read a first time, and laid over under the rules.

The hour of one o'clock having arrived, the house took a recess until 3 o'clock, P. M.

The House re-assembled at 3 o'clock, P. M.

Mr. Conness submitted a resolution to prevent the introduction of any new bills into this House after Thursday next, without the consent of two thirds of the members present.

On the adoption of which, the ayes and nays were demanded, and the resolution was lost by the following vote:

AYES.

Messrs. Canney,
Conness,
Ewing,
Gardner,
Garfield,
Letcher,
McGarry,
McKamy,
Owen,
Redding,
Robinson,
Saunders,
Sime,
Smith,
Taylor,
Wells,
Speaker—17.

NAYS.

Messrs. Bell,
Brush,
Carpentier,
Crenshaw,
Estep,
Hally,
Harrison,
Herbert,
Hunt,
Kittredge,
Mandeville,
McFarland,
McMeans,
Moore,
Myres,
Proctor,
Reading,
Rogers,
Wing—19.

Mr. McFarland moved to take up Assembly bill for An Act to provide for the Indigent Sick, made the special order for this day.

Which was agreed to.

On motion of Mr. Mandeville, the House then went into committee of the whole, (Mr. Canney in the chair,) on the consideration of the bill, and having made some progress thereon, the committee rose, and reported the same, and asked leave to sit again.

Which was granted.

On motion, at 6 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, April 23, 1853.

The House met pursuant to adjournment.

The Speaker in the Chair.

The roll was called by the Clerk, and the following members were absent: Messrs. Carhart, Conness, Ewing, Gardner, Garfield, Hunt, Letcher, Mandeville, Martin, McGarry, McMahon, Moore, Reading of Trinity, Redding of Yuba, Walker, Wing and Yeiser.

On motion, leave of absence was granted to Messrs. Ewing and Mandeville until Tuesday next; and to Mr. McMahon for two days; and to Messrs. Hunt and Letcher each one day.

The Journal of Friday last was read and approved.

Mr. Owen, from the Committee on Corporations, reported back Assembly bill for An Act to incorporate the city of Monterey, without amendment, and recommended that it be passed.

The report was adopted, and the bill considered engrossed, read a third time, and passed.

Mr. Crenshaw, from the Committee on Claims, reported back Senate bill for An Act to provide for the payment of certain persons, therein named, for services rendered and materials furnished, with a recommendation that the same be passed.

The report was adopted, and the bill was then considered in committee of the whole, reported back without amendment, and the committee discharged from further consideration of the subject; when the bill was read a third time and passed.

Mr. Hally submitted the following report, which was read and adopted. (Relative to Tule Lands—see Appendix, No. 52.)

Assembly bill for An Act to improve the Tule Lands, and to encourage the cultivation of Sugar, Rice and Cotton, was laid on the table.

Mr. Wells submitted the following report, which was read and concurred in:

Mr. President:

The committee of conference on the disagreeing votes of the two Houses on the Act to fix the compensation of the County Judges and Associate Justices of the Court of Sessions, have had the subject under consideration, and beg leave to submit the following amended list of the classes and compensation of County Judges, together with amendments to sections 3 and 4, and recommend their adoption, and the passage of the bill thus amended.

April 21, 1853.

1st.—Of the county of San Francisco,	$7,500
2d.—Of the counties of Sacramento, San Joaquin and Mariposa, each,	5,000
3d.—Of the counties of Calaveras, Tuolumne, El Dorado, Yuba, Nevada and Placer, each,	4,000
4th.—Of the county of Solano,	3,000
5th.—Of the counties of Butte, Sutter, Shasta, Sierra, Trinity, Alameda, Contra Costa and Yolo, each,	2,500
6th.—Of the counties of Tulare, Napa, Sonoma, Colusi, Marin, Santa Clara, and Humboldt, (when organized,) each,	2,000
7th.—Of the counties of Los Angeles, Siskiyou, Klamath and Monterey, each,	1,500
8th.—Of the counties of Santa Barbara and Santa Cruz, each,	1,200
9th.—Of the counties of San Diego and San Luis Obispo, each,	1,000

Section 3. Strike out the word "five," in second line—insert, instead, "eight." Strike out word "two," in fifth line—insert, instead, "three."

Section 4. Insert after the word "hereafter," in the third line, the following: "*Provided*, that the County Judges of Placer, Nevada, Trinity and Klamath shall be entitled to receive, during their term of office, the salaries fixed by this Act—deducting therefrom the amount of moneys they have already received for their compensation as such Judges."

C. F. LOTT,
J. W. COFFROTH,
S. C. FOSTER,
Senate Committee.

T. WELLS,
J. W. MANDEVILLE,
B. F. MYRES,
Assembly Committee.

A message was received, informing the Assembly that the Senate did, on the 20th instant, pass An Act to provide Aaron D. Blanchard and Samuel Stephens with duplicate warrants in lieu of certain warrants lost or destroyed; and

An Act to provide for the pay and compensation of Maj. James Birney, as paymaster to troops called into service of this State in defending our eastern frontier from the hostilities of Indians under an Act passed March 17, 1851.

Senate bill for An Act to provide Aaron D. Blanchard and Samuel Stephens with duplicate warrants in lieu of certain warrants lost or destroyed, was then read a first and second time, and referred to the Committee on Indian Affairs.

Senate bill for An Act to provide for the pay and compensation of Major James Birney, as paymaster to troops called into the service of this State in defending our eastern frontier from the hostilities of Indians under an Act

passed March 17, 1851, was then read a first and second time, and referred to the Committee on Indian Affairs.

Senate bill for An Act supplemental to An Act to regulate Elections, passed March 23, 1850, was then taken up, read a second time and referred to the Judiciary Committee.

Assembly bill for An Act in relation to the division of Counties and the removal of County Seats, was then taken up, read a second time, and referred to the Committee on Counties and County Boundaries.

Senate bill for An Act to amend the fourteenth section of An Act concerning the office of County Treasurer, passed March 27, 1850, was read a second time and laid over under under the rules.

Mr. Carpentier moved to take from the table Assembly bill for An Act to amend an Act to create the county of Alameda and establish the Seat of Justice therein, to define its boundaries and provide for its organization.

On which the ayes and nays were demanded, and the motion was lost by the following vote:

AYES.

Messrs. Blake,	Messrs. Knight,
Brush,	Proctor,
Canney,	Redding,
Carpentier,	Rogers,
Conness,	Sime,
Cardozo,	Taylor,
Hally,	Tilghman,
Johnson,	Speaker—17.
Kittredge,	

NAYS.

Messrs. Covarrubias,	Messrs. Myres,
Crenshaw,	Oliver,
Estep,	Owen,
Harrison,	Reading,
Herbert,	Robinson,
Hoff,	Saunders,
Huse,	Smith,
Meredith,	Wells,
McKamy,	Wing—19.
McMeans,	

Mr. Hoff, from the Judiciary Committee, reported back Senate bill for An Act concerning Notaries Public, with amendments, and recommended that it be passed.

The report was adopted, and the bill amended, read a third time and passed.

On motion of Mr. Blake, Assembly bill for An Act to abolish the offices of Commissioners of the Funded Debt of San Francisco, was taken from the

table, and made the special order for Wednesday next, April 27, 1853, at 12 o'clock, M.

Mr. Carpentier moved that the "proposed amendments to the Constitution," submitted by him to this House, on the second day of February last, be taken from the table and ordered to be printed.

On which the ayes and nays were demanded, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Blake,	Messrs. Johnson,
Bostwick,	Kittredge,
Brush,	Meredith,
Carpentier,	McKamy,
Conness,	Myres,
Crenshaw,	Oliver,
Flower,	Owen,
Hally,	Redding,
Harrison,	Taylor,
Hoff,	Wing,
Huse,	Speaker—22.

NAYS.

Messrs. Bell,	Messrs. Reading,
Estep,	Robinson,
Herbert,	Saunders,
Knight,	Sime,
Leake,	Smith,
McMeans,	Wells—13.
Proctor,	

On motion of Mr. McMeans, the House then went into committee of the whole (Mr. Heydenfelt in the chair,) on the consideration of Assembly bill for An Act to amend an Act entitled an Act to provide for the levying, assessing and collecting of the Public Revenue, approved April 23, 1852, and having considered the same, rose, and reported it back, and asked to be discharged from further consideration of the subject.

Which was granted.

Mr. McMeans moved that the House now proceed to consider the amendments to the bill.

Which was agreed to.

The question then being on the adoption of the first amendment to section second,

Mr. Canney moved a call of the House, which was sustained, and on the roll being called, the following members were found absent:

Messrs. Blake, Cardozo, Covarrubias, Ewing, Fairfax, Gardner, Herbert, Hoff, Meredith, McFarland, McGarry, McMahon, Oliver, Saunders, Sime, and Smith.

The Sergeant-at-Arms was dispatched to bring in the absentees.

On motion, further proceedings under the call were dispensed with.

Mr. Bostwick submitted the following report, which was read and adopted:

Mr. Speaker:

The Joint Committee on Enrollment report, that they have this day presented to the Governor, for his approval, An Act to provide for the erection of a Jail in Sacramento county.

And An Act to provide for the compilation and publication of the Laws of the State of California, and the payment thereof.

And An Act to authorize the Board of Supervisors of Los Angeles county to levy a special tax for the erection of County Buildings.

JOHN H. BOSTWICK,
Assembly Committee.

A message was received from the Governor, informing the Assembly that he did, on the 22d instant, approve An Act to provide for the incorporation of Wagon Road Companies;

Also, An Act to provide for the erection of a Jail in Sacramento county.

Mr. McGarry, at 12½ o'clock, P. M., moved to take a recess until 3 o'clock, P. M.

On which the ayes and nays were demanded, and the House took a recess by the following vote:

AYES.

Messrs.	Brush,	Messrs.	Leake,
	Canney,		McGarry,
	Conness,		McKamy,
	Covarrubias,		McMeans,
	Estep,		Owen,
	Garfield,		Rogers,
	Harrison,		Taylor,
	Heydenfeldt,		Wells,
	Johnson,		Speaker—19.
	Kittredge,		

NAYS.

Messrs.	Carpentier,	Messrs.	Reading,
	Crenshaw,		Redding,
	Flower,		Robinson,
	Hally,		Saunders,
	Huse,		Sime,
	Knight,		Walker,
	Proctor,		Wing—14.

The House re-assembled at 3 o'clock, P. M.

On motion of Mr. McMeans, the House resumed the consideration of the amendments to Assembly bill for An Act to amend an Act entitled an Act to provide for the levying, assessing, and collecting public revenue, approved April 23, 1852.

The first amendment to section 2, to strike out the word "forty," and insert the word *eighty*, was then read, when Mr. Canney moved that the House adopt the same.

On which the ayes and nays were demanded, and the amendment was lost by the following vote:

AYES.

Messrs.	Bell,	Messrs.	Meredith,
	Brush,		McMeans,
	Canney,		Myres,
	Carpentier,		Oliver,
	Conness,		Redding,
	Crenshaw,		Robinson,
	Estep,		Rogers,
	Heydenfeldt,		Wells—17
	Hoff,		

NAYS.

Messrs.	Cardozo,	Messrs.	Owen,
	Covarrubias,		Proctor,
	Garfield,		Saunders,
	Hally,		Sime,
	Herbert,		Smith,
	Huse,		Taylor,
	Johnson,		Tilghman,
	Kittredge,		Walker,
	Knight,		Wing,
	McKamy,		Speaker—21.
	Moore,		

Mr. Hoff moved to lay the bill on the table.

On which the ayes and nays were demanded, and the bill was laid on the table by the following vote:

AYES.

Messrs.	Bell,	Messrs.	McKamy,
	Blake,		McMeans,

Messrs. Brush,
Canney,
Conness,
Cardozo,
Estep,
Herbert,
Hoff,
Huse,
Johnson,
Leake,
Meredith,
Moore,
Myres,
Oliver,
Proctor,
Reading,
Redding,
Robinson,
Tilghman,
Wells,
Wing—25.

NAYS.

Messrs. Bostwick,
Carpentier,
Covarrubias,
Crenshaw,
Flower,
Garfield,
Hally,
Heydenfeldt,
Kittredge,
Knight,
Owen,
Rogers,
Saunders,
Sime,
Smith,
Taylor,
Walker,
Speaker—18.

On motion of Mr. McMeans, the House went into committee of the whole (Mr. Tilghman in the chair) on the consideration of Assembly bill for An Act to provide for the indigent sick, and having made some progress thereon, the committee rose, reported the same, and asked leave to sit again.

Which was granted, and the bill laid on the table.

Mr. Herbert moved to reconsider the vote by which the House, on yesterday, indefinitely postponed a resolution to appoint a Committee of five to investigate the matters connected with the late election in San Francisco county for five members of Assembly.

Mr. Moore moved to lay the motion to reconsider on the table.

On which the ayes and nays were demanded, and the House refused to lay the motion on the table by the following vote:

AYES.

Messrs. Conness,
Estep,
Hally,
Knight,
Moore,
Oliver,
Reading,
Redding,
Wells,
Speaker—10.

NAYS.

Messrs. Bell,
Blake,
Brush,
Kittredge,
Leake,
Meredith,

Messrs. Canney,
Carpentier,
Cardozo,
Covarrubias,
Crenshaw,
Herbert,
Hoff,
Huse,
Irwin,
Johnson,
McKamy,
McMeans,
Myres,
Owen,
Proctor,
Rogers,
Smith,
Tilghman,
Walker,
Wing—26.

Mr. Leake moved the previous question—and on the question, "Shall the main question now be put?" the ayes and nays were demanded, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Bell,
Blake,
Brush,
Cardozo,
Covarrubias,
Herbert,
Hoff,
Huse,
Johnson,
Kittredge,
Leake,
Meredith,
McKamy,
McMeans,
Owen,
Rogers,
Tilghman,
Walker,
Wing—19.

NAYS.

Messrs. Canney,
Carpentier,
Conness,
Flower,
Hally,
Heydenfeldt,
Myres,
Oliver,
Reading,
Redding,
Smith,
Wells,
Speaker—13.

The main question was then put.
On which the ayes and nays were demanded, and resulted as follows:

AYES.

Messrs. Bell,
Blake,
Brush,
Carpentier,
Cardozo,
Covarrubias,
Herbert,
Meredith,
McKamy,
McMeans,
Myres,
Owen,
Rogers,
Tilghman,

Messrs. Hoff,
Kittredge,
Leake,
Messrs. Walker,
Wing—19.

NAYS.

Messrs. Canney,
Estep,
Hally,
Huse,
Messrs. Oliver,
Wells,
Speaker—7.

No quorum voting.

Mr. Bostwick submitted the following report, which was read and adopted:

Assembly, April 23, 1852.

Mr. Speaker:

The Joint Committee on Enrolled Bills, report that they have examined, and find correctly enrolled, An Act to extend and to better define the powers and duties of the City Council of the city of Sacramento, and to authorize the establishment of Free Schools in said city; also,

An Act to authorize the Pacific Mail Steamship Company to hold, use, and occupy certain lands in the city of Benicia; and also,

An Act in relation to the interest on the Funded Debt of 1852.

JOHN H. BOSTWICK,
Chairman of Assembly Committee.

Mr. Canney, at 6 o'clock, P. M., moved that the House adjourn until Monday next, at 7½ o'clock, P. M.

On which the ayes and nays were demanded, and the House adjourned until 7½ o'clock, P. M., on Monday next by the following vote:

AYES.

Messrs. Blake,
Canney,
Cardozo,
Covarrubias,
Estep,
Flower,
Hally,
Heydenfeldt,
Huse,
Myres,
Messrs. Oliver,
Reading,
Redding,
Robinson,
Saunders,
Sime,
Smith,
Taylor,
Wells—19.

NAYS.

Messrs.	Bell,	Messrs.	Meredith,
	Brush,		McKamy,
	Conness,		McMeans,
	Herbert,		Owen,
	Hoff,		Rogers,
	Kittredge,		Walker,
	Knight,		Wing,
	Leake,		Speaker—16.

HOUSE OF ASSEMBLY.

MONDAY, April 25, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Canney, Carhart, Carpentier, Covarrubias, Fairfax, Garfield, Harrison, Herbert, Hoff, Hunt, Johnson, Leake, Letcher, McMahon, Rogers, Smith, and Wing.

The Journal of Saturday last was read and approved.

The following message was received from the Senate:

Mr. Speaker:

The Senate passed, on the 21st instant, An Act supplementary to an Act to provide for the appointment and prescribe the duties of Guardians, passed April 19, 1850.

And on the 22d, An Act authorizing the Board of Supervisors of San Diego county to levy a special tax for the erection of a County Jail.

And a Concurrent Resolution authorizing Dr. John B. Trask to report more fully upon the unoccupied mineral lands upon the eastern borders of the Sacramento and San Joaquin valleys.

And on the 23d instant, An Act to authorize the issue of a duplicate twelve per cent. war bond to John C. Johnson.

And on the 25th instant, An Act amendatory of and supplementary to the Act to regulate proceedings in civil cases in the courts of justice of this State.

And the Senate respectfully requests that the Assembly will recede from its vote adopting the report of the committee of conference on the disagreeing vote of the two Houses on An Act to fix the compensation of County Judges and Associate Justices of the Courts of Session, and to repeal a like Act passed 22d April, 1852; and that the delegations from Placer and San Francisco counties, in the Assembly, be appointed as a committee of free conference, to act with a similar committee of the Senate, to agree upon the compensation of the County Judges of their respective counties.

By order of the Senate.

A. C. BRADFORD,
Secretary.

25th April, 1853.

Senate bill for An Act supplementary to an Act to provide for the appointment and prescribe the duties of Guardians, passed April 19, 1850, was then read twice, and referred to the Judiciary Committee.

Senate bill for "An Act authorizing the Board of Supervisors of San Diego county to levy a special tax for the erection of a County Jail, was then taken up, read twice, and referred to the delegation from San Diego county.

Senate Concurrent Resolution authorizing Dr. John B. Trask to report more fully upon the unoccupied mineral lands upon the eastern borders of the Sacramento and San Joaquin valleys, was then taken up, read, and referred to the Committee on Mines and Mining Interests.

Senate bill for An Act to authorize the issue of a duplicate twelve per cent. war loan bond to John C. Johnson, was then read twice, and referred to the Committee on Claims.

Senate bill for An Act amendatory of and supplementary to the Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, was then read twice, and referred to the Judiciary Committee, and two hundred and forty copies ordered to be printed.

On motion of Mr. Sime, the House reconsidered the vote by which the report of the committee of conference on the disagreeing vote of the two Houses on Senate bill for An Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, and to repeal a like Act passed April 22, 1850, was adopted.

The Chair then appointed the delegations from the counties of Placer and San Francisco as a committee of free conference on the disagreeing vote of the two Houses on the bill.

Mr. Redding of Yuba presented the following report of Professor John B. Trask, on the Geology of the Sierra Nevada or California Range. (See Senate Appendix, No. 59.)

Mr. Redding submitted the following resolution; which was laid over under the rules:

Resolved, That 2000 copies of the Geological Report of Professor Trask be printed for the use of the Assembly.

Mr. McCandless moved to take from the table Assembly bill for An Act for the suppression of drinking houses and tippling shops.

Which was agreed to.

Mr. Meredith then submitted a report adverse to the passage of the bill.

Which was read, and laid on the table.

Mr. Proctor moved to strike out the enacting clause of the bill.

On which the ayes and nays were demanded, and the motion was lost by the following vote:

AYES.

Messrs. Crenshaw,	Messrs. Oliver,
Estep,	Proctor,
Flower,	Saunders,
Knight,	Sime,
Meredith,	Wells,
McGarry,	Yeiser,
Myres,	Speaker—14.

NAYS.

Messrs. Bell,	Messrs. Martin,
Blake,	McCandless,
Brush,	McFarland,
Caldwell,	McKamy,
Cardozo,	McMeans,
Ewing,	Moore,
Hally,	Owen,
Heydenfeldt,	Reading,
Huse,	Redding,
Irwin,	Robinson,
Kittredge,	Taylor,
Mandeville,	Walker—24.

Mr. Proctor moved that the bill be indefinitely postponed.

On which the ayes and nays were demanded, and the House refused to indefinitely postpone by the following vote:

AYES.

Crenshaw,	Messrs. Myres,
Estep,	Oliver,
Flower,	Proctor,
Knight,	Sime,
Meredith,	Speaker—11.
McGarry,	

NAYS.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Caldwell,
Ewing,
Hally,
Heydenfeldt,
Huse,
Irwin,
Kittredge,
Mandeville,
McCandless,
McFarland,
McKamy,
McMeans,
Moore,
Reading,
Redding,
Robinson,
Taylor,
Walker,
Wells—23.

Mr. Redding of Yuba moved that the bill be considered engrossed, and read a third time now.

Which was agreed to.

The bill was then read a third time, and on the question, "Shall the bill now be passed?"

The ayes and nays were demanded, and the bill was lost by the following vote:

AYES.

Messrs. Bell,
Blake,
Estep,
Ewing,
Irwin,
Kittredge,
Martin,
McCandless,
McKamy,
McMeans,
Reading,
Robinson,
Taylor,
Walker,
Wells—15.

NAYS.

Messrs. Bostwick,
Brush,
Caldwell,
Crenshaw,
Flower,
Hally,
Heydenfeldt,
Huse,
Knight,
Mandeville,
Meredith,
McFarland,
McGarry,
Moore,
Myres,
Oliver,
Proctor,
Redding,
Sime,
Thomas,
Yeiser,
Speaker—22.

Mr. Crenshaw, agreeably to notice, introduced a bill for An Act to pro-

vide for the incorporation of Companies for the construction of Plank or Turnpike Roads.

Which was read twice, and referred to the Committee on Corporations.

Mr. Owen, agreeable to notice, introduced a bill for An Act to locate a State road from the city of Benicia to the city of Sacramento.

Which was read a first time, and laid over under the rules.

Mr. Proctor, on leave, introduced a bill for An Act explanatory and supplementary to an Act providing an additional War Fund, approved April 16, 1853..

Which was read twice, and referred to the Judiciary Committee.

Mr. Redding of Yuba gave notice, that he would, on to-morrow, introduce a bill for the protection of persons owning timber, logs, and lumber floating upon water or carried upon adjoining lands.

On motion, at 10 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, April 26, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Canney, Carhart, Carpentier, Gardner, Harrison, Hoff, Hunt, Johnson, Leake, Letcher, McCandless, McMahon, Rogers, Smith and Walker.

On motion, leave of absence for one day was granted to Messrs. Leake, Rogers, Hoff, Hunt, Johnson, Harrison, Canney and Letcher.

The Journal of Monday last was read and approved.

Mr. McMeans submitted the following report. (Relative to the accruing interest on the Debt of the State—see Appendix, No. 53.)

Which was read, and two thousand copies ordered to be printed.

Mr. McMeans introduced, with the foregoing report, a bill for An Act concerning the civil indebtedness of the State.

Which was read a first and second time, when

Mr. Flower moved that the bill be referred to the Judiciary Committee.

On which the ayes and nays were demanded, and the motion was lost by the following vote:

AYES.

Messrs. Conness,	Messrs. Proctor,
Covarrubias,	Robinson,
Crenshaw,	Saunders,
Estep,	Sime,
Flower,	Taylor,
Heydenfeldt,	Thomas,
McGarry,	Speaker—14.

NAYS.

Messrs. Blake,	Messrs. Knight,
Brush,	Mandeville,
Cardozo,	Martin,
Ewing,	Meredith,
Garfield,	McFarland,
Hally,	McKamy,
Herbert,	Owen,
Huse,	Redding,
Irwin,	Wells,
Kittredge,	Wing—20.

Mr. Herbert moved that the bill be referred to a select committee of five.

Which was agreed to.

The Chair appointed, as such committee, Messrs. Herbert, McMeans, Reading of Trinity, Robinson and Crenshaw.

Mr. Heydenfeldt gave notice that on to-morrow he would introduce a bill to provide for the construction of a Canal from Tulare Lake to the waters of the San Joaquin.

Also, a bill to fix the term of office of Public Administrators.

Also, a bill amendatory of An Act to create a Board of Supervisors for the counties of this State and to define their duties and powers, passed May 3d, 1852.

On motion of Mr. Redding of Yuba, the resolution to print 2000 copies of the Geological Report of Prof. Trask, was taken from the table and adopted.

Mr. Garfield, on leave, introduced a bill for An Act to authorize County Recorders to administer oaths in certain cases.

Which was read a first and second time, and referred to the Judiciary Committee.

On motion of Mr. Sime, Senate Concurrent Resolution to adjourn *sine die* on Wednesday, the eleventh day of May, at 2 o'clock, P. M., was taken from the table.

Mr. Herbert moved to amend the resolution by striking out the word "eleventh," and insert, in lieu thereof, the word "fourth."

Which was not agreed to.

Mr. Sime moved that the resolution be adopted.

On which the ayes and nays were demanded, and the House adopted the resolution by the following vote:

AYES.

Messrs. Bostwick,	Messrs. McCandless,
Caldwell,	McFarland,
Conness,	McGarry,
Covarrubias,	McKamy,
Crenshaw,	McMeans,
Estep,	Owen,
Ewing,	Proctor,
Flower,	Robinson,
Garfield,	Saunders,
Hally,	Sime,
Herbert,	Taylor,
Heydenfeldt,	Thomas,
Huse,	Wells,
Kittredge,	Yeiser,
Knight,	Speaker—31.
Martin,	

NAYS.

Messrs. Blake,	Messrs. Meredith,
Brush,	Moore,
Cardozo,	Oliver,
Irwin,	Redding,
Mandeville,	Wing—10.

Mr. McMeans gave notice that he would, on to-morrow, move to reconsider the vote just taken.

Mr. Conness submitted the following resolution, which was read and adopted.

Resolved, That until otherwise ordered by two-thirds of this House, no member shall be allowed to speak for a longer period than five minutes, either in the House or in the committee of the whole.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act for dividing the county of Los Angeles and making a new county therefrom, to be called San Bernardino county.

And the report was adopted.

Mr. Crenshaw moved to take from the table Assembly bill for An Act to amend an Act entitled an Act to provide for the levying, assessing and collecting Public Revenue, approved April 23d, 1852, as amended in com-committee of the whole.

Which was agreed to.

The House then proceeded to consider the amendments reported by the committee of the whole House, commencing with the second amendment to the 2d section.

Which was adopted.

The amendments to section three, to stike out the word "forty," and insert the word "eighty," were rejected.

All other amendments to the third section were then adopted.

All the amendments to the fourth section, with the exception of the proviso at the end of section, were also adopted.

The question then being on the adoption of the following amendment to be added to the fourth section:

"*Provided*, that under the provisions of this Act, mining claims shall not be considered property,"

Mr. Conness moved a call of the House.

On which the ayes and nays were demanded, and the call was sustained by the following vote:

AYES.

Messrs. Blake,	Messrs. McMeans,
Brush,	Myres,
Caldwell,	Oliver,
Conness,	Owen,
Cardozo,	Proctor,
Crenshaw,	Reading,
Flower,	Redding,
Hally,	Saunders,
Herbert,	Sime,
Irwin,	Taylor,
Knight,	Thomas,
Mandeville	Wells,
Meredith,	Wing—26.

NAYS.

Messrs. Estep,	Messrs. McKamy,
Ewing,	Yeiser,
Huse,	Speaker—7.
Kittredge,	

The roll was then called by the Clerk, and the following members were absent:—Messrs. Bell, Carpentier, Covarrubias, Fairfax, Gardner, Harrison, Heydenfeldt, McCandless, McGarry, Moore, Smith and Walker.

Messrs. Moore, McCandless, McGarry and Fairfax appeared at the bar of the House, were admitted, excused, and took their seats.

The question then recurring on the amendment as a proviso to be added to the fourth section of the bill.

On which the ayes and nays were demanded, the amendment was adopted by the following vote:

AYES.

Messrs. Blake,	Messrs. Mandeville,
Bostwick,	Meredith,
Brush,	McCandless,
Caldwell,	McFarland,
Conness,	McMeans,
Cardozo,	Moore,
Crenshaw,	Myres,
Estep,	Oliver,
Fairfax,	Owen,
Flower,	Reading,
Garfield,	Redding,
Hally,	Thomas,
Herbert,	Wells,
Heydenfeldt,	Wing,
Irwin,	Yeiser,
Knight,	Speaker—32.

NAYS.

Messrs. Covarrubias,	Messrs. McKamy,
Ewing,	Proctor.
Huse,	Saunders,
Kittredge,	Sime,
Martin,	Taylor—10.

Mr. Bostwick submitted the following report, which was adopted:

Mr. Speaker:

The Joint Committee on Enrolled Bills report that they have this day presented to the Governor for his approval—

An Act to extend and to better define the powers and duties of the City Council of the city of Sacramento, and to authorize the establishment of Free Schools in said city; also,

An Act in relation to the interest on the Funded Debt of eighteen hundred and fifty-two; and

An Act to authorize the Pacific Mail Steamship Company to hold, use and occupy certain lands in the city of Benicia; and

An Act for dividing the county of Los Angeles and making a new county therefrom to be called San Bernardino county.

JOHN H. BOSTWICK,
Assembly Committee.

The hour of one o'clock having arrived, the House took a recess until 3 o'clock.

The House re-assembled at 3 o'clock, P. M.

On motion of Mr. McMeans, Assembly bill for An Act to provide for the measurement of Lumber, was taken up.

The House went into committee of the whole (Mr. Myres in the chair) on the consideration of the bill; and having considered the same, the committee rose, and reported it back to the House with amendments, and recommended that it be passed, and asked to be discharged from further consideration of the subject.

Which was granted.

The amendments to the bill reported by the committee of the whole, were then concurred in, and the bill was ordered engrossed for a third reading on to-morrow.

Mr. Irwin submitted a resolution authorizing the Clerk of Assembly to employ additional assistance.

Which was read and adopted.

A message was received from the Governor, informing the Assembly that he this day approved An Act dividing the county of Los Angeles, and making a new county therefrom, to be called San Bernardino county.

Mr. Conness submitted a resolution discharging all the clerks employed by the committees of this House.

Which was read and adopted.

Mr. Conness asked to be excused from serving on the select committee, to whom was referred Assembly bill for An Act concerning the civil indebtedness of the State.

Which was granted.

And the Chair appointed Mr. Redding of Yuba to fill the vacancy.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act to incorporate the city of Monterey.

And the report was adopted.

On motion, at 6 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, April 27, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Bell, Harrison, Leake, Letcher, McCandless, McMahon, Moore, and Smith.

On motion, leave of absence for two days was granted to Mr. Harrison.

The Journal of Tuesday last was read and approved.

Mr Saunders presented the memorial of the Board of Supervisors of the County of San Francisco, praying for certain amendments in the Act creating a Board of Supervisors in the Counties of this State, and defining their duties, &c.

Which was read, and referred to the Judiciary Committee.

Mr. Crenshaw, from the Committee on Claims, reported back Senate bill for An Act to authorize the issue of a duplicate twelve per cent. War Loan Bond to John C. Johnson, without amendment, and recommended its passage.

The report was adopted, and the bill read a third time and passed.

Mr. Crenshaw submitted the following report, relative to claim of P. A. Brinsmade. (See Appendix, No. 54.)

Which was read and adopted.

Mr. Johnson, from the Judiciary Committee, reported back the petition of citizens of Sacramento City, praying that the moneys due on the forfeited recognizance of Fanny Smith alias Seymour, be paid to Albert Putnam, with a bill for An Act for the relief of Albert Putnam.

Which was read a first time, when

Mr. Conness moved that the bill be rejected.

On which the ayes and nays were demanded.

And the House refused to reject by the following vote:

AYES.

Messrs.	Conness,	Messrs.	Wing,
	Meredith,		Speaker—5.
	Sime,		

NAYS.

Messrs. Blake,
Bostwick,
Brush,
Caldwell,
Canney,
Carpentier,
Cardozo,
Crenshaw,
Estep,
Gardner,
Hally,
Hoff,
Huse,
Irwin,
Johnson,
Kittredge,
Knight,
Leake,
Martin,
McFarland,
McKamy,
McMeans,
Myres,
Oliver,
Owen,
Proctor,
Robinson,
Rogers,
Saunders,
Taylor,
Tilghman,
Wells—32.

Mr. Canney moved that the rules be suspended, and that the bill be read a second time now.

Which was agreed to, and the bill was then read a second time.

Mr. Proctor moved that the bill be referred to the committee of the whole House.

Which was agreed to.

On motion of Mr. Proctor, the House then went into committee of the whole (Mr. Mandeville in the chair) on the consideration of the bill, and having considered the same, the committee rose and reported the same back, recommending that it be passed, and asked to be discharged from further consideration of the subject.

Which was granted.

Mr. Canney then moved that the rules be further suspended, and that the bill be read a third time now, with a view of putting it upon its final passage.

Which was agreed to.

The bill was then read a third time, and on the question, "Shall the bill now be passed?"

The ayes and nays were demanded.

And the bill was passed by the following vote:

AYES.

Messrs. Blake,
Canney,
Carpentier,
Cardozo,
Covarrubias,
Estep,
Fairfax,
Flower,
Kittredge,
Knight,
Martin,
McGarry,
McMeans,
Myres,
Oliver,
Owen,

Hally,
Herbert,
Heydenfeldt,
Hunt,
Huse,
Johnson,
Proctor,
Robinson,
Saunders,
Thomas,
Tilghman,
Walker—28.

NAYS.

Messrs. Bostwick,
Brush,
Caldwell,
Conness,
Crenshaw,
Gardner,
Garfield,
Hoff,
Irwin,
Mandeville,
Meredith,
McCandless,
Taylor,
Wells,
Wing,
Speaker—16.

Mr. Yeiser, from the Judiciary Committee, reported back Senate bill for An Act supplementary to an Act to provide for the appointment, and prescribe the duties, of Guardians, passed April 19, 1850, and recommended that it be passed.

The report was adopted, and the bill was read a third time and passed.

Mr. Yeiser, from the Judiciary Committee, reported back Assembly bill for An Act to authorize County Recorders to administer Oaths in certain cases, and recommended that the same be passed.

The report was adopted, and the bill was read a third time under a suspension of the rules, and passed.

Mr. Yeiser, from the Judiciary Committee, reported back Assembly bill for An Act explanatory and supplementary to an Act providing an additional War Fund, approved April 16, 1853, and recommended that the same be passed.

The report was adopted, and the bill was then considered engrossed, read a third time and passed.

Mr. Kittredge, from the Committee on Agriculture, reported back Assembly bill for An Act for the destruction of certain noxious Animals, and recommended that the same be indefinitely postponed.

The report was adopted, and the bill was then indefinitely postponed.

Mr. Gardner, from the Committee on Mines and Mining Interests, reported back Senate Concurrent Resolution authorizing Dr. John B. Trask to report more fully upon the unoccupied mineral lands of the Sacramento and San Joaquin Valleys, with a recommendation that the same be passed.

The question was then taken upon the adoption of the resolution, and it was lost.

Mr. Yeiser, from the Judiciary Committee, reported back Assembly bill for An Act to authorize the Treasurer to issue four duplicate School Land Warrants, and recommended that it be indefinitely postponed.

The report was adopted, and the bill indefinitely postponed.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act to provide for the Measurement of Lumber.

And the report was adopted.

The bill was then taken up, amended, read a third time, and on the question, "Shall the bill now be passed?"

The ayes and nays were demanded.

And the bill passed by the following vote:

AYES.

Messrs. Bell,	Messrs. Meredith,
Blake,	McGarry,
Brush,	McMeans,
Cardozo,	Moore,
Covarrubias,	Oliver,
Estep,	Owen,
Herbert,	Proctor,
Hoff,	Rogers,
Hunt,	Saunders,
Huse,	Sime,
Irwin,	Thomas,
Johnson,	Walker,
Kittredge,	Wells,
Knight,	Wing—29.
Martin,	

NAYS.

Messrs. Bostwick,	Messrs. Heydenfeldt,
Caldwell,	Mandeville,
Carpentier,	McFarland,
Conness,	Myres,
Flower,	Robinson,
Garfield,	Taylor,
Hally,	Speaker—14.

Mr. Heydenfeldt, agreeable to notice, introduced a bill for An Act to amend an Act entitled an Act concerning the office of Public Administrator, and making it elective, passed April 15, 1851.

Which was read twice, and referred to the Judiciary Committee.

Mr. Fanfax, on leave, introduced a bill for An Act to allow private parties to file information in the nature of quo warranto.

Which was read a first and second time, and referred to the Judiciary Committee.

Mr. Heydenfeldt, agreeable to notice, introduced a bill for An Act to provide for the construction of a Canal from Tulare Lake to the waters of the San Joaquin.

Which was read twice, and referred to a select committee of five, consisting of Messrs. Heydenfeldt, Hally, Herbert, Bell and Yeiser.

Mr. Myres, on leave, introduced a bill for An Act to amend an Act to regulate proceedings in Criminal cases, passed May 1, 1851.

Which was read a first and second time, and referred to the Judiciary Committee.

Mr. Carpentier, on leave, introduced a bill for An Act to provide for the appointment of Commissioners of Deeds, and to define their duties.

Which was read a first and second time, and referred to the Judiciary Committee.

On motion of Mr. Johnson, Assembly bill for An Act prescribing the time at which County and Township Officers shall enter upon the duties of their offices, was taken from the table, considered, amended, read a third time, and passed.

The hour of one o'clock, P. M., having arrived, the House took a recess until 3 o'clock, P. M.

The House re-assembled at 3 o'clock, P. M.

On motion of Mr. Sime, Assembly bill *for An Act to provide for the* more perfect indexing and classification of the Land Records of the City and County of San Francisco, as a substitute for two bills of a similar nature, was taken from the table, and read a first and second time.

On motion of Mr. Taylor, the House then went into committee of the whole (Mr. Canney in the chair) on the consideration of the bill, and having considered the same, the committee rose and reported the bill back with amendments, and recommended that the bill be passed, and asked to be discharged from further consideration of the subject.

Which was granted.

The amendments were then concurred in by the House, the rules were suspended, and the bill was read a third time and passed.

Mr. McCandless submitted the following report. (Relative to Marine Hospital—see Appendix, No. 55.)

Which was read, and two hundred and forty copies ordered to be printed.

Mr. Yeiser submitted the following resolution, which was read and adopted:

Resolved, That the Judiciary Committee and the Committee on Ways and Means be allowed to employ a Clerk.

Mr. Ewing, from the Committee on Counties and County Boundaries, agreeable to instructions, reported a bill for An Act dividing the State into Counties, and establishing the Seats of Justice therein

Which was read a first time, the rules suspended, it was then read a second time, and laid over under the rules.

On motion of Mr. Crenshaw, the House went into consideration of Assembly bill for An Act to amend an Act entitled an Act to provide for levying, assessing and collecting, Public Revenue, approved April 23, 1852.

The amendments reported by the committee of the whole to the bill, were then taken up and adopted.

The bill was then further amended, and pending the consideration, the House, at 6 o'clock, P. M., adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, April 28, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Bell, Blake, Covarrubias, Fairfax, Flower, Garfield, Harrison, Herbert, Reading of Trinity, Robinson, Taylor, Tilghman, Yeiser.

The Journal of Wednesday last was read and approved.

Mr. Smith presented the petition of citizens of Contra Costa county, praying for reduction of the salary of the County Judge of that county.

Which was read, and referred to the Committee of Conference.

Mr. McMeans, from the Committee of Ways and Means, to whom was referred the petition of the Board of Supervisors of San Francisco county, reported back the same, and recommended that it be referred to the delegation from that county.

Which was agreed to.

Mr. Yeiser, from the Judiciary Committee, reported back Assembly bill for An Act to amend an Act to regulate proceedings in Criminal Cases, passed May 1, 1851, without amendment, and recommended its passage.

Report was adopted, the bill considered, amended, and laid on the table.

Mr. Yeiser, from the same committee, introduced a bill to be entitled An Act to authorize the State Treasurer to issue a duplicate School Land warrant.

Read first time, and laid over under the rules.

Mr. Canney, from the Committee on Indian Affairs, reported back Assembly bill for An Act amendatory of an Act entitled an Act authorizing the Treasurer of the State to issue bonds for the payment of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath, and Trinity and Monterey expeditions against the Indians, passed May 3, 1852, without amendment, and recommended its passage.

Report adopted, and bill laid on the table.

Mr. Ewing, from the Committee on Counties and County Boundaries, re-

ported back Assembly bill for An Act in relation to the division of Counties and the removal of County Seats, with amendments, and recommended its passage.

The report was adopted, and bill laid on the table.

Mr. Hally, from the San Joaquin delegation, reported back Senate bill for An Act to amend the sixteenth section of an Act entitled an Act to provide for the funding of the debt of San Joaquin county, for the payment of the interest thereon, and for the gradual liquidation of the debt, passed April 20, 1852, without amendments, and recommended its passage.

The report was adopted, and the bill read a third time and passed.

Mr. Redding of Yuba, on leave, introduced a bill for An Act to authorize the formation of corporations for the construction of Plank or Turnpike roads.

Which was read twice, and referred to the Committee on Corporations.

Mr. Saunders, on leave, introduced a bill for An Act concerning certain courts in the county of San Francisco.

Which was read a first and second time, and referred to the Judiciary Committee.

Mr. Hunt, on leave, introduced a bill for An Act to regulate appeals from County Courts, Justices', Mayors', and Recorders' Courts in the State of California.

Which was read twice, and referred to the Judiciary Committee.

Mr. Redding of Yuba, agreeable to notice, introduced a bill for An Act for the protection of persons owning timber, logs, and lumber, floating upon water, or carried upon adjoining lands.

Which was read twice, and referred to the Committee on Mines and Mining Interests.

A message was received, informing the Assembly that the Senate passed, on the 25th instant, An Act to provide for the translation of the laws into the Spanish language for the year 1853.

And passed, on the 26th instant, An Act concerning the auditing of accounts by the Court of Sessions and Board of Supervisors.

Also, An Act to compensate Dr. John B. Trask for his report on the Geology of the Mineral Districts, and to enable him to make further examinations.

And also, An Act providing for the erection of a State Prison, and declaring null and void the existing State Prison contract.

And that they this day non-concurred in Assembly amendments to Senate bill for An Act concerning Notaries Public.

Senate bill for An Act to provide for the translation of the laws into the Spanish language for the year 1853, was then read twice, and referred to the select committee on translation.

Senate bill for An Act concerning the auditing of accounts by the Court of Sessions and Board of Supervisors, was then taken up, read a first and second time, and referred to the Judiciary Committee.

Senate bill for An Act to compensate Dr. John B. Trask, for his report on the Geology of the mineral districts, and to enable him to make further examinations, was then read twice, and referred to the Committee on Public Expenditures.

Senate bill for An Act providing for the erection of a State Prison, and

declaring null and void the existing State Prison contract, was then taken up, read a first and second time, and referred to the Committee on State Prisons.

Mr. Johnson moved that the House refuse to recede from their amendments to Senate bill for An Act concerning Notaries Public.

Which was agreed to, and the Chair announced Messrs. Johnson, Conness, and Saunders, as a committee of conference on the disagreeing vote on the bill.

Mr. Martin, on leave, introduced a Joint Resolution in relation to estab lishing a Land Office in the northern part of California.

Which was read a first time, the rules were then suspended, and it was then read a second time, when the rules were further suspended, and the Resolution was read a third time and passed.

Mr. Hoff, from the Judiciary Committee, reported back Assembly bill for an Act to amend an Act entitled an Act to create a Board of Supervisors for the counties of this State, and to define their duties and powers, approved May 3, 1852, with a substitute, entitled An Act to create a Board of Supervisors for the counties of this State, and to define their duties and powers, and recommended its passage.

The report was then adopted, and the original bill was laid on the table.

The substitute was then read a first and second time, and referred to the committee of the whole house, and laid on the table.

Mr. Smith, on leave, introduced a bill for An Act to protect the settlers upon the unoccupied lands of this State.

Which was read twice, and referred to the Judiciary Committee.

On motion of Mr. McMeans, Assembly bill for An Act to amend an Act entitled an Act to provide for the levying, assessing, and collecting public revenue, approved April 23d, 1852, was taken up for consideration, when

Mr. Carpentier moved to amend the fourth line of second section of the bill by striking out the word "forty," and inserting in lieu thereof the word "seventy."

Mr. Wall moved to amend the amendment by striking out the word "seventy," and inserting in lieu thereof the word "thirty."

On which the ayes and nays were demanded, and the amendment to the amendment was lost by the following vote :

AYES.

Messrs.	Covarrubias,	Messrs.	McGarry,
	Ewing,		McKamy,
	Hally,		McMeans,
	Herbert,		Proctor,
	Hunt,		Smith,
	Huse,		Taylor,
	Knight,		Wing,
	Letcher,		Yeiser,
	McFarland,		Speaker—18.

NAYS.

Messrs. Blake,	Messrs. Kittredge,
Bostwick,	Leake,
Brush,	Mandeville,
Caldwell,	Meredith,
Canney,	Moore,
Carpentier,	Myres,
Conness,	Oliver,
Crenshaw,	Owen,
Estep,	Reading,
Fairfax,	Redding,
Flower,	Rogers,
Gardner,	Saunders,
Heydenfeldt,	Sime,
Hoff,	Walker,
Johnson,	Wells—30.

Mr. Crenshaw then moved to amend the amendment by striking out the word "seventy," and inserting in lieu thereof the word "sixty," and pending the consideration of the same, the hour of one o'clock, P. M., having arrived, the House took a recess until 3 o'clock, P. M.

The House re-assembled at 3 o'clock, P. M.

Mr. Canney moved a call of the House.

Which was sustained.

And on the roll being called, the following members were absent:—Messrs. Bell, Brush, Conness, Covarrubias, Fairfax, Garfield, Letcher, McCandless, Moore, Robinson and Walker.

On motion of Mr. Canney, further proceedings under the call were dispensed with.

The House then resumed the consideration of the subject it had under consideration at the time the House took a recess.

The question being on the adoption of the amendment to the amendment submitted by Mr. Crenshaw, to strike out the word "seventy," and insert in lieu thereof, the word "sixty."

The yeas and nays were demanded, and the amendment was adopted by the following vote:

AYES.

Messrs. Blake,	Messrs. Mandeville,
Bostwick,	Meredith,
Canney,	McCandless,
Conness,	McMahon,
Cardozo,	Myres,

Messrs. Crenshaw,
Estep,
Gardner,
Garfield,
Hally,
Heydenfeldt,
Irwin,
Leake,
Oliver,
Reading,
Redding,
Saunders,
Sime,
Taylor,
Thomas,
Wells—26.

NAYS.

Messrs. Carpentier,
Covarrubias,
Ewing,
Flower,
Herbert,
Hoff,
Hunt,
Huse,
Johnson,
Kittredge,
Knight,
Martin,
McFarland,
McGarry,
McKamy,
McMeans,
Owen,
Proctor,
Rogers,
Smith,
Wing,
Speaker—22.

Mr. Crenshaw moved to amend the bill by striking out the word "forty," wherever it occurs in the third section, and insert, in lieu thereof, the word "sixty."

On which the ayes and nays were demanded, and the amendment was agreed to by the following vote:

AYES.

Messrs. Bell,
Blake,
Bostwick,
Canney,
Carpentier,
Conness,
Crenshaw,
Estep,
Fairfax,
Flower,
Gardner,
Hally,
Heydenfeldt,
Hoff,
Irwin,
Knight,
Martin,
Meredith,
McCandless,
McMahon,
Myres,
Oliver,
Owen,
Proctor,
Reading,
Redding,
Rogers,
Saunders,
Sime,
Taylor,
Thomas,
Wells—32.

NAYS.

Messrs.	Covarrubias,	Messrs.	McFarland,
	Ewing,		McGarry,
	Herbert,		McKamy,
	Hunt,		McMeans,
	Huse,		Smith,
	Johnson,		Wing,
	Kittredge,		Yeiser,
	Mandeville,		Speaker—16.

Mr. Canney moved that the bill be ordered engrossed for a third reading on to-morrow.

Mr. Canney then moved the previous question.

And on the question, "Shall the main question now be put?" the ayes and nays were demanded, and the House refused to sustain the call for the previous question by the following vote:

AYES.

Messrs.	Blake,	Messrs.	Mandeville,
	Bostwick,		Meredith,
	Canney,		McCandless,
	Crenshaw,		McMahon,
	Estep,		Oliver,
	Fairfax,		Redding,
	Hally,		Thomas,
	Irwin,		Wells,
	Knight,		Wing—18.

NAYS.

Messrs.	Bell,	Messrs.	McFarland,
	Caldwell,		McGarry,
	Carpentier,		McKamy,
	Conness,		McMeans,
	Covarrubias,		Myres,
	Ewing,		Owen,
	Flower,		Proctor,
	Gardner,		Reading,
	Herbert,		Rogers,
	Heydenfeldt,		Saunders,
	Hoff,		Sime,
	Hunt,		Smith,
	Huse,		Taylor,
	Johnson,		Walker,
	Kittredge,		Yeiser,
	Martin,		Speaker—32.

The question then being on ordering the bill to be engrossed for a third reading.

On which the ayes and nays were demanded; it was decided in the negative by the following vote:

AYES.

Messrs.	Blake,	Messrs.	McCandless,
	Bostwick,		McMahon,
	Canney,		Myres,
	Conness,		Oliver,
	Crenshaw,		Reading,
	Estep,		Redding,
	Fairfax,		Rogers,
	Flower,		Saunders,
	Gardner,		Sime,
	Irwin,		Taylor,
	Leake,		Thomas,
	Mandeville,		Wells,
	Meredith,		Wing—26.

NAYS.

Messrs.	Bell,	Messrs.	Knight,
	Caldwell,		Letcher,
	Carpentier,		Martin,
	Covarrubias,		McFarland,
	Ewing,		McGarry,
	Hally,		McKamy,
	Herbert,		McMeans,
	Heydenfeldt,		Owen,
	Hoff,		Proctor,
	Hunt,		Smith,
	Huse,		Walker,
	Johnson,		Yeiser,
	Kittredge,		Speaker—26.

Mr. Bell moved that the bill be indefinitely postponed.

On which the ayes and nays were demanded, and the motion was lost by the following vote:

AYES.

Messrs.	Bell,	Messrs.	McFarland,
	Covarrubias,		McGarry,
	Herbert,		McKamy,
	Heydenfeldt,		Proctor,
	Hunt,		Smith—11.
	Kittredge,		

NAYS.

Messrs. Blake,
Bostwick,
Caldwell,
Canney,
Carpentier,
Conness,
Crenshaw,
Estep,
Ewing,
Fairfax,
Flower,
Gardner,
Garfield,
Hally,
Hoff,
Huse,
Irwin,
Johnson,
Knight,
Leake,
Letcher,
Mandeville,
Messrs. Martin,
Meredith,
McCandless,
McMahon,
McMeans,
Moore,
Myres,
Oliver,
Owen,
Reading,
Redding,
Rogers,
Saunders,
Sime,
Taylor,
Thomas,
Tilghman,
Walker,
Wells,
Wing,
Yeiser,
Speaker—44.

Mr. Canney moved that the bill be now ordered engrossed for a third reading.

On which the ayes and nays were demanded, and the bill was ordered to be engrossed by the following vote:

AYES.

Messrs. Blake,
Bostwick,
Canney,
Conness,
Crenshaw,
Estep,
Fairfax,
Flower,
Gardner,
Garfield,
Hally,
Heydenfeldt,
Hoff,
Irwin,
Johnson,
Kittredge,
Knight,
Leake,
Mandeville,
Messrs. Martin,
Meredith,
McCandless,
McMahon,
McMeans,
Moore,
Myres,
Oliver,
Reading,
Redding,
Rogers,
Saunders,
Sime,
Taylor,
Thomas,
Tilghman,
Wells,
Wing—37.

NAYS.

Messrs. Bell,	Messrs. McFarland,
Caldwell,	McGarry,
Carpentier,	McKamy,
Covarrubias,	Owen,
Ewing,	Proctor,
Herbert,	Smith,
Hunt,	Walker,
Huse,	Yeiser,
Letcher,	Speaker—18.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act for the relief of Albert Putnam; also

An Act Act prescribing the time at which County and Township Officers shall enter upon the duties of their offices; also

An Act to authorize County Recorders to administer oaths in certain cases; also

An Act explanatory and supplementary to an Act providing an additional War Fund, approved April 16th, 1853; also

A bill for An Act to provide for the more perfect indexing and classification of the Land Records of the city and county of San Francisco.

The report was adopted.

Mr. Heydenfeldt moved to reconsider the vote by which the House, on yesterday, refused to adopt the Senate Concurrent Resolution, authorizing Dr. John B. Trask to report more fully upon the unoccupied mineral lands upon the eastern borders of the Sacramento and San Joaquin valleys.

Which was agreed to.

The resolution was again read, and adopted.

On motion of Mr. McMeans, leave of absence was granted to Mr. Garfield for the remainder of the session.

Mr. Canney moved to rescind the rule whereby this House holds morning and afternoon sessions.

The ayes and nayes were demanded, and the motion was carried by the following vote:

AYES.

Messrs. Bell,	Messrs. Irwin,
Blake,	Martin,
Canney,	Meredith,
Carpentier,	McGarry,
Cardozo,	McMeans,
Covarrubias,	Moore,
Fairfax,	Myres,
Flower,	Proctor,
Gardner,	Reading,
Hally,	Rogers,
Heydenfeldt,	Walker,
Huse,	Wells—24.

NAYS.

Messrs. Bostwick,	Messrs. McFarland,
Caldwell,	McKamy,
Conness,	Oliver,
Crenshaw,	Owen,
Estep,	Redding,
Herbert,	Saunders,
Hoff,	Sime,
Hunt,	Taylor,
Kittredge,	Thomas,
Letcher,	Wing—21.
Mandeville,	

Mr. Bell presented the claim of James McLamar.

Which was read and referred to the Committee on Claims.

Mr. Canney presented a petition from citizens of Auburn, Placer county, praying for the passage of a law for the better observance of the Sabbath.

Which was read, and on motion of Mr. Canney, referred to a select committee of three, Messrs. Canney, Meredith and McCandless, who were appointed by the Chair.

Mr. Canney submitted the following resolution, which was read and laid upon the table.

Resolved, That all the bills which have been laid upon the table, be taken up daily during the session until disposed of, immediately after the reports of the committees.

On motion of Mr. Hally, Assembly bill for An Act to amend an Act entitled an Act for the Protection of Game, was taken from the table, read a third time and passed.

A message was received, informing the Assembly that the Senate, this day, concurred in the report of the committee of free conference on the disagreeing vote of the two Houses, upon an Act to fix the compensation of County Judges, and Associate Justices of the Court of Sessions, and to repeal a like Act, passed April 22, 1850.

On motion, at 6 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, April 29, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Bell, Blake, Caldwell, Canney, Conness, Covarrubias, Fairfax, Flower, Gardner, Harrison, Herbert, Irwin, McGarry, McMahon, Moore, Myres, Proctor, Reading of Trinity, Robinson, Saunders, Smith, Thomas, Tilghman, Walker and Yeiser.

On motion, leave of absence was granted to Messs. Robinson and Johnson, for two days each.

The Journal of Thursday last was read and approved.

Mr. Cardozo, from the Committee on Commerce, reported back the petition of J. T. Dean praying for a grant of certain land in the city of Benicia, for the purpose of locating a United States Dry Dock, with a bill for An Act to authorize J. T. Dean to hold, use and occupy certain lands in the city of Benicia.

Which was read a first time, and laid over under the rules.

Mr. Wing, from the Committee on Public Expenditures, submitted the following report relative to compensating J. B. Trask. (See Appendix, No. 56.)

Which was read and adopted.

On motion of Mr. Redding of Yuba, the House then went into Committee of the whole (Mr. Kittredge in the chair,) on the consideration of Senate bill for An Act to compensate Dr. John B. Trask for his report on the Geology of the mineral districts, and to enable him to make further examinations, and having considered the same, the committee rose, reported the bill back to the House without amendment, recommended that it be passed, and asked to be discharged from further consideration of the subject.

Which request was granted.

The bill was then read a third time and passed.

Mr. Yeiser, from the Judiciary Committee, reported back three petitions from citizens of the towns of Union and Eureka, praying for a law to legalize the titles to certain lots in said towns, with a bill for An Act for the relief of the claimants of lots or blocks of land in the towns of Union and Eureka, in Trinity county.

Which was read a first and second time, and laid over under the rules.

Mr. Yeiser, from the Judiciary Committee, reported back Assembly bill for An Act prescribing the mode of appointing Auctioneers and defining

their duties, with a recommendation that it be considered in committee of the whole house.

The report was adopted, and the bill was made the special order for Tuesday next, May 3, 1853, at 12 o'clock, M.

Mr. Yeiser, from the same committee, reported back Assembly bill for An Act to provide for the appointment of Commissioners of Deeds and to define their duties, with a recommendation that it be passed.

The report was adopted, the bill considered, and ordered to be engrossed for a third reading.

Mr. McMeans moved that the House take up Assembly bill for An Act to provide for the Indigent Sick.

Which was agreed to.

Mr. McCandless moved that the bill be made the special order for Wednesday next.

On which the ayes and nays were demanded, and the motion was lost by the following vote:

AYES.

Messrs. Blake,
Bostwick,
Cardozo,
Covarrubias,
Fairfax,
Flower,
Hally,
Huse,
Irwin,
Knight,
McCandless,
McGarry,
Moore,
Reading,
Rogers,
Saunders,
Sime,
Taylor,
Thomas,
Wells,
Yeiser—21.

NAYS.

Messrs. Bell,
Brush,
Caldwell,
Carpentier,
Conness,
Crenshaw,
Estep,
Ewing,
Harrison,
Herbert,
Hoff,
Hunt,
Kittredge,
Leake,
Letcher,
Mandeville,
Martin,
Meredith,
McFarland,
McKamy,
McMahon,
McMeans,
Myres,
Oliver,
Owen,
Proctor,
Redding,
Smith,
Walker,
Wing,
Speaker—31.

On motion of Mr. Moore, the bill was [illegible] laid o[illegible]

Mr. Carpentier moved that the vote by which the [illegible] refused to recede from their amendments to Senate bill for An Act concerning Notaries Public.

On which the ayes and nays were demanded, and the House reconsidered by the following vote :

AYES.

Messrs.	Bell,	Messrs.	Meredith,
	Blake,		McGarry,
	Brush,		McKamy,
	Carpentier,		McMahon,
	Cardozo,		McMeans.
	Ewing,		Moore,
	Flower,		Myres,
	Harrison,		Owen,
	Herbert,		Reading,
	Hoff,		Redding,
	Hunt,		Rogers,
	Huse,		Smith,
	Irwin,		Thomas,
	Kittredge,		Walker,
	Knight,		Wing—31.
	Leake,		

NAYS.

Messrs.	Bostwick,	Messrs.	Letcher,
	Caldwell,		Martin,
	Conness,		McCandless,
	Covarrubias,		Oliver,
	Crenshaw,		Sime,
	Estep,		Wells,
	Hally,		Speaker—14.

The question then being, " Will the House refuse to recede from their amendments to the bill?"

On which the ayes and nays were demanded, the question was lost by the following vote :

AYES.

Messrs.	Bostwick,	Messrs.	Martin,
	Conness,		McFarland,
	Crenshaw,		McKamy,
	Estep,		Oliver,
	Ewing,		Taylor,
	Hally,		Wells,
	Hoff,		Wing,
	Letcher,		Speaker—16.

NAYS.

Messrs. Bell,
Blake,
Brush,
Caldwell,
Carpentier,
Cardozo,
Covarrubias,
Flower,
Harrison,
Herbert,
Hunt,
Huse,
Irwin,
Kittredge,
Knight,
Leake,
Mandeville,
Meredith,
McGarry,
McMahon,
Moore,
Myres,
Owen,
Proctor,
Reading,
Rogers,
Smith,
Thomas,
Walker—29.

The House then receded from the amendments to the bill.

On motion of Mr. Myres, Assembly bill for An Act supplemental to an Act entitled an Act providing a Fund for a State Library, passed May 1, 1852, was taken from the table and considered, the rules were then suspended, and the bill was considered engrossed, read a third time and passed.

Mr. Wells, from the Committee on Claims, reported back the petitions of Orrin Baily and others, praying for relief, with a bill for An Act for the relief of Orrin Baily, and other persons therein mentioned for services rendered in behalf of the State.

Which was read a first and second time, the rules suspended.

The bill was then read a third time and passed.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act to provide for the payment of certain persons therein named, for services rendered and materials furnished; and also

An Act to amend an Act to establish a standard of Weights and Measures, passed March 30, 1850. Having corrected a grammatical error in the fifth line of the fourth section of the last named bill, by changing the word "conflict" into "conflicts," and the word "are" into "is."

On motion of Mr. McFarland, Assembly bill for an Act to apportion the Senatorial and Assembly Districts of this State, was taken up.

Mr. McGarry moved a call of the House.

On which the ayes and nays were demanded, and the call was sustained by the following vote:

AYES.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Conness,
Cardozo,
Leake,
Meredith,
McMeans,
Myres,
Oliver,
Owen,

Messrs. Crenshaw,
Estep,
Fairfax,
Flower,
Hally,
Hoff,
Irwin,
Messrs. Saunders,
Taylor,
Thomas,
Walker,
Wells,
Wing,
Yeiser—26.

NAYS.

Messrs. Caldwell,
Carpentier,
Covarrubias,
Ewing,
Hunt,
Huse,
Kittredge,
Knight,
Letcher,
Messrs. Martin,
McCandless,
McGarry,
McKamy,
Proctor,
Reading,
Smith,
Speaker—17.

The roll was then called by the Clerk, and the following members were absent:

Messrs. Gardner, Heydenfeldt, Irwin, Mandeville, Moore, Rogers and Tilghman.

Messrs. Mandeville, Moore, Rogers and Heydenfeldt, appeared at the bar of the House, were admitted, excused and took their seats.

On motion of Mr. Blake, further proceedings under the call were dispensed with.

Mr. Ewing moved that the bill be made the special order for Friday next. On which the ayes and nays were demanded, and the motion was lost by the following vote:

AYES.

Messrs. Bell,
Carpentier,
Covarrubias,
Ewing,
Flower,
Hally,
Heydenfeldt,
Hunt,
Huse,
Kittredge,
Knight,
Messrs. Martin,
McCandless,
McFarland,
McGarry,
McKamy,
Proctor,
Reading,
Sime,
Smith,
Walker—21.

NAYS.

Messrs. Blake,
Bostwick,
Messrs. McMahon,
McMeans,

Messrs. Brush,
Conness,
Cardozo,
Crenshaw,
Estep,
Fairfax,
Herbert,
Irwin,
Leake,
Letcher,
Mandeville
Meredith,
Messrs. Moore,
Myres,
Oliver,
Owen,
Redding,
Rogers,
Saunders,
Taylor,
Thomas,
Wing,
Speaker—27.

Mr. Myres moved that the House now go into committee of the whole for the purpose of considering the bill.

On which the ayes and nays were demanded, and the motion was lost by the following vote:

AYES.

Messrs. Blake,
Bostwick,
Brush,
Conness,
Cardozo,
Crenshaw,
Estep,
Fairfax,
Herbert,
Hoff,
Irwin,
Leake,
Messrs. Mandeville,
Meredith,
McMeans,
Moore,
Myres,
Oliver,
Redding,
Rogers,
Thomas,
Wells,
Wing,
Speaker—24.

NAYS.

Messrs. Bell,
Caldwell,
Carpentier,
Covarrubias,
Ewing,
Flower,
Hally,
Heydenfeldt,
Hunt,
Huse,
Kittredge,
Knight,
Letcher,
Messrs. Martin,
McCandless,
McFarland,
McGarry,
McKamy,
Owen,
Proctor,
Reading,
Saunders,
Sime,
Smith,
Taylor,
Yeiser—27.

On motion of Mr. McGarry, the bill was then referred to a select com-

mittee of seven, with instructions to report the same back to the House on Tuesday next.

The Chair announced as such committee, Messrs. McGarry, Heydenfeldt, McFarland, Hally, Wing, Irwin and Proctor.

A message was received informing the Assembly that the Senate, this day, passed, with amendments, Assembly bill for An Act to provide for the measurement of Lumber.

The bill was then taken up, and the Senate amendments were concurred in by the House.

Mr. Thomas, from the Committee on Engrossed bills, reported as correctly engrossed, An Act to amend an Act entitled an Act to provide for the levying, assessing and collecting Public Revenue, approved April 23, 1853, and the report was adopted.

On motion, at 5 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, April 30, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Bell, Blake, Canney, Carhart, Carpentier, Fairfax, Flower, Herbert, Huse, Leake, Martin, Meredith, McGarry, McKamy, Moore, Proctor, Tilghman and Walker.

On motion, leave of absence was granted to Mr. McGarry until Tuesday next.

The Journal of Friday last was read and approved.

Mr. Conness presented the petition of citizens of El Dorado county, that the poll tax now collected may be applied to the improvements of public roads.

Which was read, and referred to the Committee on Roads and Highways.

Mr. Smith presented the claims of certain citizens of Contra Costa county.

Which was read, and referred to the Committee on Claims.

Mr. Owen, from the Committee on Corporations, reported back Assembly bill for An Act to provide for the incorporation of Companies for the construction of Plank or Turnpike Roads; also,

An Act to authorize the formation of Corporations for the construction of Plank or Turnpike Roads, and recommended the passage of the last mentioned bill, and the rejection of the bill first mentioned in the report.

On motion of Mr. Redding of Yuba, the House then went into committee of the whole (Mr. Mandeville in the chair) on the consideration of the bill for An Act to authorize the formation of Corporations for the construction of Plank or Turnpike Roads; and having considered the same, the committee rose, reported the bill back to the House with amendments, recommended that they be adopted and that the bill be passed, and asked to be discharged from further consideration of the subject.

Which was granted.

The amendments were then concurred in by the House; the rules suspended, the bill was then read a third time and passed.

On motion of Mr. Sime, Assembly bill for An Act to provide the incorporation of Companies for the construction of Plank or Turnpike Roads, was taken up, and indefinitely postponed.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled An Act to authorize the issue of a duplicate twelve per cent. War Loan Bond to John C. Johnson; also.

An Act supplementary to an Act to provide for the appointment and prescribe the duties of Guardians, passed April 19, 1850.

Mr. Heydenfeldt, from the select committee, reported back Assembly bill for An Act to provide for the construction of a Canal from Tulare Lake to the waters of the San Joaquin, with amendments, and recommended that the bill be passed.

On motion of Mr. Herbert, the House then went into committee of the whole (Mr. Hoff in the chair) on the consideration of the bill; and having considered the same, the committee rose, and reported the bill back to the House with amendments, and recommended their adoption and the passage of the bill, and asked to be discharged from further consideration of the subject.

Which was granted.

The House then concurred in the amendments, and the bill was considered engrossed, read a third time; and

On the question, "Shall the bill now be passed?" the ayes and nays were demanded, and the bill was passed by the following vote:

AYES.

Messrs.	Bell,	Messrs.	Martin,
	Blake,		McCandless,
	Cardozo,		McKamy,
	Covarrubias,		McMahon,
	Ewing,		Owen,
	Fairfax,		Reading,
	Hally,		Redding,
	Herbert,		Smith,
	Heydenfeldt,		Walker,
	Hunt,		Yeiser—21.
	Knight,		

NAYS.

Messrs. Bostwick,	Messrs. Rogers,
Brush,	Sime,
Conness,	Taylor,
Crenshaw,	Thomas,
Gardner,	Wells,
Letcher,	Wing,
McFarland,	Speaker—15.
McMeans,	

The following message, and accompanying communications of Theodore Payne & Co. and the Attorney-General. were received from the Governor, read, and referred to the Judiciary Committee:

EXECUTIVE DEPARTMENT,
Benicia, April 30, 1853.

To the Senate and Assembly of California:

I have the honor herewith to transmit a copy of a communication received on yesterday from the Hon. S. C. Hastings, Attorney-General, enclosing a note addressed him by Theodore Payne & Co, auctioneers, residing in the city of San Francisco. (See Senate Appendix, No. 68.)

The Attorney General, it will be seen, states that certain merchants and auctioneers of San Francisco have "confederated together" to resist the payment of the tax upon consigned goods; and also the provisions of the law relative to auctioneers, so far as it pertains to the payment to the State of any duties collected by them upon personal and real property sold at auction.

It will be recollected that I directed the attention of the Legislature to this important subject in my annual message, at the commencement of the session; but, at that time, was not apprized of the fact that, notwithstanding parties had "confederated together" to resist, in our courts, and on constitutional grounds, this provision of our revenue system, "State duties" were regularly collected on every sale made by them.

It would seem, from the acts of the parties "confederated together," that they regard the law so far constitutional as to authorize the collection of "State duties," but unconstitutional in the requirement to pay the amount, after collected, into the State Treasury.

The amount of "State duties" thus collected and now due by auctioneers in the city of San Francisco, in the opinion of Messrs. Theodore Payne & Co., as will be seen by reference to their statement herewith transmitted, "is probably not less than fifty thousand dollars." The Attorney-General has also given this subject careful investigation, and he believes that the amount is nearly, if not quite, one hundred thousand dollars.

The sum so collected, however—be it more or less—rightfully belongs to the State of California.

The amount refused to be paid over has been collected from various persons who have availed themselves of the services of auctioneers, and

who were no doubt informed, at the time of its payment, that it was "State duties." The item of revenue is too large, and the question involved too important, in its bearings upon the interests of the State, to be neglected; and, in my opinion, every means, consistent with the Constitution, should be employed to compel the payment of the money collected as "State duties" into the Treasury of the State.

It is true that I have directed the Attorney General to institute proceedings to compel the payment of the money, thus collected, into the State Treasury; but in view of the fact that, heretofore, successful resistance has been made to the execution of the provisions of the law in question, I deem it my duty to commend the subject to your consideration.

In this connection I would also respectfully recommend that in all cases of organized resistance to the Revenue Laws of the State,—such, for instance, as is stated to exist at present,—the Attorney-General be empowered to designate the county in which such cases, whether civil or criminal, shall be adjudicated.

JOHN BIGLER.

Mr. Covarrubias, from the select committee on Translations, reported back Senate bill for An Act to provide for the Translation of the Laws into the Spanish language, with a recommendation that the same be passed.

And the report was adopted.

The House then went into committee of the whole (Mr. Hoff in the chair) on the consideration of the bill; and having considered the same, the committee rose, reported it back to the House, and recommended that it be passed, and asked to be discharged from further consideration of the subject.

Which was granted.

The bill was then read a third time and passed.

Mr. Conness, on leave, introduced a bill for An Act concerning Licenses.

Which was read a first and second time, and referred to the Committee on Ways and Means.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act concerning Notaries Public.

And the report was adopted.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act supplemental to an Act entitled an Act providing a Fund for a State Library; also,

An Act for the relief of Orrin Baily, and other persons therein mentioned, for services rendered in behalf of the State; also,

An Act to provide for the appointment of Commissioners of Deeds, and to define their duties.

And the report was adopted.

Mr. Hally, from the select committee, reported back Assembly bill for An Act for the protection of persons who may settle upon private lands in this State, with amendments, and recommended their adoption and the passage of the bill.

The report was adopted, and, with the bill, referred to the Judiciary

Committee, with instructions to report on Wednesday next, and the bill was made the special order for that day.

The following message was received from the Senate:

Mr. Speaker:

The Senate passed, on the 28th, An Act to define rights of claimants to the waters of streams in the mining districts of this State for mining purposes.

And on the 29th, with amendments, Assembly bill for An Act to provide for the better publication of official and legal notices.

And also, on the 29th, An Act explanatory and supplementary to An Act providing an additional War Fund, approved April 16th, 1853.

And on the 26th instant, An Act to amend an Act concerning Corporations, passed April 22d, 1850.

By order of the Senate.

A. C. BRADFORD,
Secretary.

April 30, 1853.

Senate bill for An Act to define the rights of claimants to the waters of of streams in the mining districts of this State, for mining purposes, was then read twice, and referred to the Committee on Mines and Mining Interests.

Assembly bill for An Act to provide for the better publication of official and legal notices, as amended by the Senate, was then taken up, and the amendments concurred in.

Senate bill for An Act to amend an Act entitled an Act concerning Corporations, passed April 22d, 1850, was then read twice, and referred to the Committee on Corporations.

The following message was received from the Senate:

Mr. Speaker:

The Senate passed, this day, with an amendment, Assembly bill for An Act to amend an Act concerning the office of County Assessor, passed March 27th, 1850.

And a bill for An Act for the payment of certain persons, therein named, for labor performed and materials furnished.

By order of the Senate.

A. C. BRADFORD,
Secretary.

April 30, 1853.

Assembly bill for An Act to amend an Act concerning the office of County Assessor, passed March 27th, 1850, as amended by the Senate, was then taken up, and the amendments concurred in by the House.

Senate bill for An Act for the payment of certain persons, therein

named, for labor performed and materials furnished, was then read twice and referred to the Committee on Claims.

On motion of Mr. Carpentier, Assembly bill for An Act to amend an Act to regulate proceedings in criminal cases, passed May 1st, 1851, was taken from the table, amended, read a third time and passed.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled,

An Act to amend the sixteenth section of an Act entitled an Act to provide for Funding the Debt of San Joaquin county, for the payment of the interest thereon, and for the gradual liquidation of the debt; passed April 20th, 1852. Also,

An Act to provide for the measurement of Lumber.

And the report was adopted.

On motion of Mr. Heydenfeldt, Assembly bill for An Act for the relief of the claimants of lots or blocks of lands in the towns of Union and Eureka, in Trinity county, was taken up, read a third time; and

On the question, "Shall the bill now be passed?" the yeas and nays were demanded, and the bill was passed by the following vote:

AYES.

Messrs.	Bell,	Messrs.	McMeans,
	Blake,		Owen,
	Cardozo,		Proctor,
	Ewing,		Reading,
	Hally,		Sime,
	Herbert,		Smith,
	Heydenfeldt,		Taylor,
	Hoff,		Walker,
	Hunt,		Yeiser,
	Knight,		Speaker—21.
	Meredith,		

NAYS.

Messrs.	Brush,	Messrs.	Kittredge,
	Caldwell,		Letcher,
	Carpentier,		Mandeville,
	Conness,		Myres,
	Crenshaw,		Redding,
	Estep,		Thomas,
	Fairfax,		Wells,
	Gardner,		Wing—16.

Mr. Wall moved to reconsider the vote just taken.

On which the ayes and nays were demanded, and the House refused to reconsider by the following vote:

AYES.

Messrs. Brush,
Caldwell,
Carpentier,
Conness,
Covarrubias,
Crenshaw,
Estep,
Fairfax,
Gardner,
Kittredge,
Letcher,
Mandeville,
Meredith,
Myres,
Redding,
Thomas,
Wells,
Wing,
Speaker—16.

NAYS.

Messrs. Bell,
Blake,
Cardozo,
Ewing,
Hally,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Knight,
McFarland,
McMeans,
Owen,
Proctor,
Reading,
Sime,
Smith,
Taylor,
Yeiser—19.

Mr. Reading, of Trinity, moved that the House adjourn until Monday next, at 7½ o'clock, P. M.

On which the ayes and nays were demanded, and the motion was lost by the following vote:

AYES.

Mr. Carpentier,
Myres—2.

NAYS.

Messrs. Bell,
Blake,
Brush,
Caldwell,
Conness,
Cardozo,
Crenshaw,
Estep,
Ewing,
Fairfax,
Hally,
Herbert,
Heydenfeldt,
Mandeville,
Meredith,
McKamy,
McMahon,
McMeans,
Owen,
Reading,
Redding,
Saunders,
Smith,
Taylor,
Thomas,
Wells,

Messrs. Hoff, Kittredge, Knight, Letcher, Messrs. Wing, Yeiser, Speaker—33.

On motion, at 5 o'clock, P. M., the House adjourned.

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HOUSE OF ASSEMBLY.

MONDAY, May 2, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent: Messrs. Blake, Carpentier, Conness, Cardozo, Covarrubias, Fairfax, Flower, Gardner, Herbert, Heydenfeldt, Huse, Irwin, Johnson, Knight, Leake, Martin, McGarry, Moore, Oliver, Proctor, Reading of Trinity, Robinson, Rogers, Sime, Smith, Taylor, Tilghman, Walker, Wing and Yeiser.

No quorum present.

Mr. McFarland moved a call of the House.

Which was sustained, and on the roll being called all the above nineteen members were absent.

The Sergeant-at-Arms was dispatched to bring in the absentees.

Messrs. Wing and Gardner, appeared at the bar of the House, were admitted and took their seats.

On motion of Mr. Canney, further proceedings under the call were dispensed with.

The Journal of Saturday last was read and approved.

Mr. Wing presented the petition of certain citizens of Contra Costa county, remonstrating against being set off into Alameda county.

Which was read and laid on the table.

Mr. Crenshaw, from the Committee on Claims, reported back Senate bill for An Act for the relief of C. E. Pickett, with a recommendation that the same be referred to the Committee on State Hospitals.

The report was adopted, and the bill referred as recommended.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act to provide for the construction of a Canal from Tulare Lake to the waters of the San Joaquin, and the report was adopted.

Mr. McMeans submitted a resolution in relation to a prospective war with Mexico.

Which was read and laid on the table.

Mr. Brush submitted a Joint Resolution concerning Elections.

Which was read a first and second time, and amended.

When Mr. Hoff moved a call of the House, which was sustained.

And on the roll being called, the following members were absent:

Messrs. Blake, Canney, Carhart, Carpentier, Conness, Cardozo, Covarrubias, Fairfax, Flower, Herbert, Heydenfeldt, Huse, Irwin, Johnson, Knight, Leake, Martin, Meredith, McMahon, Moore, Oliver, Proctor, Reading of Trinity, Robinson, Rogers, Sime, Smith, Taylor, Tilghman, Walker, and Yeiser.

On motion, further proceedings under the call were dispensed with.

The Joint Resolution was then read a third time and passed.

Mr. Gardiner, from the Committee on Mines and Mining Interests, reported back Assembly bill for An Act for the protection of persons owning timber logs, and lumber floating upon waters, or carried upon adjoining lands, with a recommendation that the same be passed.

The report was adopted, and the bill was then considered, amended, and laid on the table.

On motion, at one o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, May 3, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were found absent:

Messrs. Blake, Bostwick, Cabaniss, Carhart, Covarrubias, Gardner, Reading of Trinity, and Smith.

On motion, leave of absence for one day was granted to Mr. Blake.

The Journal of Monday last was read and approved.

The following communication was received from the Comptroller of State. (See Appendix, No. 59.)

Which was read, laid on the table, and two hundred and forty copies ordered printed.

Mr. McCandless presented the petition of certain citizens of Coloma, El Dorado county, praying for the passage of a law which shall combine the essential principles of the Maine Liquor Law.

Which was read, and referred to Mr. McCandless.

Mr. McMeans, from the Committee on Ways and Means, reported back Assembly bill for An Act concerning Licenses, with a recommendation that the same be passed.

On motion of Mr. McMeans, the House then went into committee of the whole, Mr. Owen in the chair, on the consideration of the bill, and having considered the same, the committee rose and reported the bill back to the House, and asked leave to sit again.

Which was granted, and the bill was then laid on the table.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed An Act to authorize the formation of Corporations for the construction of Plank or Turnpike Roads;

Also, a Joint Resolution concerning Elections.

And the report was adopted.

Mr. Owen moved that the select committee to whom was referred Assembly bill, An Act to apportion the Senatorial and Assembly Districts of the State, have until Thursday next to make their report.

On which the ayes and nays were demanded, and it was decided in the affirmative, by the following vote:

AYES.

Messrs. Brush,
Caldwell,
Carpentier,
Cardozo,
Ewing,
Fairfax,
Hally,
Herbert,
Heydenfeldt,
Hunt,
Huse,
Johnson,
Kittredge,
Knight,
Martin,
McCandless,
McFarland,
McKamy,
McMeans,
Owen,
Proctor,
Sime,
Taylor,
Thomas,
Walker—25.

NAYS.

Messrs. Bell,
Cabaniss,
Canney,
Conness,
Crenshaw,
Flower,
Hoff,
Leake,
Letcher,
Mandeville,
Meredith,
McMahon,
Moore,
Myres,
Oliver,
Redding,
Rogers,
Wells,
Wing,
Speaker—20.

Mr. Canney then moved that the bill be made the special order for Thursday, immediately after the calling of the committees.

Which was agreed to.

Mr. Canney, from the Committee of Free Conference, on the disagreeing vote of the two Houses on Senate bill for An Act to fix the compensation of County Judges and of Associate Justices of the Courts of Sessions, and to repeal a like Act passed April 1850, submitted a report.

Which was laid on the table.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled An Act explanatory and supplementary to an Act approved April 16, 1853, providing an additional War Fund.

Also, An Act to provide for the better publication of Official and Legal Notices.

And the report was adopted.

Mr. Owen, from the Committee on Corporations, reported back An Act to amend an Act entitled an Act concerning Corporations, passed April 22, 1850, with a recommendation that the same be passed.

The report was adopted, and the bill was read a third time and passed.

A message was received from the Governor, informing the Assembly that he this day approved An Act to provide for the Measurement of Lumber;

Also, An Act to provide for the better publication of Official and Legal Notices;

Also, An Act explanatory and supplementary to an Act approved April 16, 1853, providing an additional War Fund.

Mr. McCandless submitted a resolution, authorizing the Committee on Indian Affairs to employ a Clerk.

Which was read and laid on the table.

Mr. Kittredge submitted a resolution, fixing the compensation of the Clerk and Assistant Clerk of this House.

Which was read, when Mr. McConness moved that it be indefinitely postponed.

On which Messrs. Conness, Cabaniss and Robinson demanded the ayes and nays, and the motion was lost by the following vote:

AYES.

Messrs. Caldwell,	Messrs. Letcher,
Conness,	Mandeville,
Estep,	Martin,
Ewing,	Meredith,
Flower,	Owen,
Gardner,	Robinson,
Hoff,	Sime,
Johnson,	Wing—16.

NAYS.

Messrs. Bell,	Messrs. McKamy,
Bostwick,	McMahon,
Brush,	McMeans,

Messrs. Cabaniss,
Cardozo,
Harrison,
Herbert,
Heydenfeldt,
Hunt,
Huse,
Irwin,
Kittredge,
Knight,
Leake,
McCandless,
McFarland,
Moore,
Myres,
Oliver,
Proctor,
Redding,
Rogers,
Saunders,
Taylor,
Thomas,
Walker,
Wells,
Yeiser—31.

Mr. Canney then moved that the resolution be laid on the table.

On which the ayes and nays were demanded by Messrs. Conness, Cabaniss and Robinson, and the motion was lost by the following vote:

AYES.

Messrs. Brush,
Canney,
Crenshaw,
Estep,
Ewing,
Flower,
Harrison,
Hoff,
Hunt,
Knight,
Martin,
Meredith,
McKamy,
McMeans,
Oliver,
Owen,
Proctor,
Redding,
Saunders,
Wilson,
Wing—21.

NAYS.

Messrs. Bell,
Caldwell,
Carpentier,
Conness,
Cardozo,
Gardner,
Herbert,
Heydenfeldt,
Huse,
Irwin,
Johnson,
Kittredge,
Leake,
Letcher,
Mandeville,
McCandless,
McMahon,
Myres,
Robinson,
Rogers,
Sime,
Taylor,
Thomas,
Walker,
Wells,
Yeiser—26.

The question then recurring on the adoption of the resolution.

On which the ayes and nays were demanded by Mr. Conness, Cabaniss, and Robinson.

The resolution was lost by the following vote:

AYES.

Messrs. Bell,	Messrs. Myres,
Carpentier,	Oliver,
Cardozo,	Proctor,
Herbert,	Redding,
Heydenfeldt,	Rogers,
Huse,	Saunders,
Irwin,	Thomas,
Knight,	Wells,
Leake,	Wilson,
McMahon,	Yeiser—21.
McMeans,	

NAYS.

Messrs. Bostwick,	Messrs. Johnson,
Brush,	Kittredge,
Caldwell,	Letcher,
Canney,	Mandeville,
Conness,	Martin,
Crenshaw,	Meredith,
Estep,	McFarland,
Ewing,	McKamy,
Flower,	Owen,
Gardner,	Robinson,
Hally,	Sime,
Harrison,	Taylor,
Hoff,	Walker,
Hunt,	Wing—28.

Mr. Leake, on leave, introduced a bill for An Act to authorize the County Surveyor of the county of Calaveras, to rent an Office.

Which was read a first and second time, the rules were suspended, it was then read a third time, and passed.

Mr. Canney from the select committee to whom was referred Assembly bill for An Act providing for the disposition of certain property, with a verbal recommendation that the same be indefinitely postponed.

The report was adopted, and the bill was indefinitely postponed.

On motion of Mr. Mandeville, Senate bill for An Act to amend an Act entitled an Act concerning Toll Bridges, was taken from the table and referred to the Judiciary Committee.

Mr. Thomas from the Committee on Engrossed Bills, reported as correctly engrossed,

An Act for the relief of the claimants of lots or blocks of land in the towns of Union and Eureka, in Trinity county;

Also, An Act to amend an Act to regulate proceedings in criminal cases, passed May 1st, 1851.

And the report was adopted.

On motion of Mr. Brush, Assembly bill for An Act to provide for the indigent sick, was taken from the table, and the House went into committee of the whole, (Mr. Canney in the chair,) on the consideration of the bill, and having considered the same, the committee rose, reported the bill back to the House with amendments, recommended that the bill be passed, and asked to be discharged from further consideration of the subject.

Which request was granted.

Mr. Leake then moved to recommit the bill to the Committee on State Hospitals, with instructions to report an amendment giving to the city of San Francisco a sufficient portion of the passenger tax to compensate said city for taking care of the insane portion of indigent sick existing in said city in consequence of that being the principal port at which the immigration arrives in this State.

And the motion was agreed to.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled,

An Act to provide for the better publication of official and legal notices;

Also, An Act explanatory and supplementary to an Act approved April 16, 1853, providing an additional War Fund.

Mr. Bostwick submitted the following report, which was read and adopted.

Mr. Speaker:

The Joint Committee on Enrolled Bills, report that they have this day presented to the Governor for his approval:

An Act to amend an Act entitled an Act to establish a standard of weights and measures, passed March 30, 1850;

Also, An Act to provide for the payment of certain persons therein named, for services rendered and material furnished;

Also, An Act to authorize the issue of a duplicate 12 per cent. War Loan Bond, to John C. Johnston;

Also, An Act supplementary to an Act to provide for the appointment and prescribe the duties of Guardians, passed April 19, 1850;

Also, An Act concerning Notaries Public;

Also, An Act to provide for the measurement of Lumber;

And An Act to amend the sixteenth section of an Act entitled an Act to provide for funding the debt of San Joaquin county, for the payment of the interest thereon and for the gradual liquidation of the debt, passed April 20, 1852.

JOHN H. BOSTWICK,
Ch. of Assembly Committee.

Assembly bill for An Act prescribing the mode of appointing auctioneers and defining their duties, made the special order for this day, was taken up and laid on the table.

Assembly bill for An Act to amend an Act entitled an Act to provide for the levying, assesssing, and collecting Public Revenue, approved April 23, 1852, was then taken up and read a third time, when,

Mr. Carpentier moved that the bill be recommitted to the Committee on Ways and Means, with instructions to report an amendment to section three by inserting after the figures "1852," in line twenty one, the following words:

"And five cents of the said sixty cents for the support of common schools."

On which, the ayes and nays were demanded and the motion was lost by the following vote:

AYES.

Messrs. Brush,	Messrs. Kittredge,
Carpentier,	Letcher,
Cardozo,	McKamy,
Covarrubias,	Robinson,
Flower,	Taylor,
Heydenfeldt,	Walker,
Hoff,	Wing,
Hunt,	Yeiser,
Huse,	Speaker—18.

NAYS.

Messrs. Bostwick,	Messrs. Johnson,
Cabaniss,	Meredith,
Caldwell,	Moore,
Canney,	Myres,
Comess,	Oliver,
Crenshaw,	Owen,
Estep,	Proctor,
Gardner,	Redding,
Hally,	Thomas,
Herbert,	Wells—21.
Irwin,	

Mr. Canney moved a call of the House.

Which was sustained.

And on the roll being called, the following members were found absent:

Messrs. Bostwick, Carhart, Ewing, Fairfax, Herbert, Heydenfeldt, Martin, McFarland, Robinson, Rogers, Smith, and Tilghman.

Messrs. Bostwick, Fairfax and Herbert, appeared at the bar of the House, were admitted, excused, and took their seats.

On motion, further proceedings under the call were dispensed with.

Mr. Canney then moved that the bill now be passed.

On which the ayes and nays were demanded.

And the bill was passed by the following vote:

AYES.

Messrs. Brush,	Messrs. Mandeville,
Cabaniss,	Martin,
Caldwell,	Meredith,
Canney,	Moore,
Carpentier,	Myres,
Conness,	Oliver,
Cardozo,	Owen,
Crenshaw,	Reading,
Estep,	Redding,
Fairfax,	Saunders,
Gardner,	Sime,
Harrison,	Thomas,
Hoff,	Walker,
Irwin,	Wells,
Kittredge,	Wilson,
Leake,	Wing—32.

NAYS.

Messrs. Covarrubias,	Messrs. Letcher,
Flower,	McCandless,
Hally,	McKamy,
Herbert,	McMeans,
Heydenfeldt,	Proctor,
Hunt,	Taylor,
Huse,	Yeiser,
Johnson,	Speaker—17.
Knight,	

Mr. Crenshaw, on leave, introduced a bill for An Act in relation to Clerks in the office of Comptroller of State, and to provide for their pay.

Which was read a first and second time, and referred to the Committee on Ways and means.

On motion of Mr. McCandless, Assembly Resolution in relation to a prospective war with Mexico, was taken from the table, when,

On leave, Mr. McMeans withdrew the resolution.

On motion of Mr. Owen, Assembly bill for An Act to suppress Gambling was taken from the table, and the House went into committee of the whole (Mr. Fairfax in the chair) on the consideration of the bill, and having considered the same, the committee rose and reported it back to the House, with amendments, and asked to be discharged from further consideration of the subject

Which was granted.

On motion of Mr. Owen, the amendments to the bill, made in committee of the whole, were then concurred in, and the bill was referred to a select committee of five.

The chair announced as such committee, Messrs. Owen, Bostwick, Conness, Johnson, and Heydenfeldt.

A message was received from the Senate, informing the Assembly that the Senate this day passed An Act for the relief of William Waldo.

On motion of Mr. Leake, Assembly bill for An Act to create a Board of Supervisors for the Counties of this State, and to define their duties and powers, was taken from the table, and the House went into committee of the whole (Mr. Moore in the chair) on the consideration of the bill, and having made some progress thereon, the committee rose and reported the same to the House, and asked leave to sit again.

Which was granted, and the bill was laid on the table.

Mr. McMahon, on leave, introduced a bill for An Act to allow the people of Klamath County to vote for a County Seat.

Which was read a first and second time, the rules suspended, it was then read a third time and passed.

Mr. Carpentier, on leave, introduced a bill for An Act to amend an Act to regulate proceedings in criminal cases.

Which was read a first time, and laid over under the rules.

Mr. Heydenfeldt gave notice that, at the expiration of five days, he would introduce a bill to provide for calling a Convention to amend and revise the entire Constitution of the State; also, that he would, at an early day, introduce a bill for An Act to provide for raising Volunteer Companies for the protection of the southern frontier.

On motion of Mr. Hally, Assembly bill for An Act to secure to settlers a pre-emption right to the overflowed and swamp lands of this State, was taken from the table, and referred to the Select Committee on Swamp Lands.

On motion of Mr. Hally, Assembly bill for An Act concerning Animals, was taken up, read a second time, and referred to the same as above.

On motion, at 5 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, May 4, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent: Messrs. Bell, Conness, Flower, Gardner, Heydenfeldt, Irwin, Proctor, Reading of Trinity, Smith, and Walker.

On motion, leave of absence, for one day each, was granted to Messrs. Heydenfeldt and Irwin.

The Journal of Tuesday last was read and approved.

Mr. Cardozo presented the memorial of certain citizens of San Francisco, in relation to a Railroad from the Pacific to the valley of the Mississippi.

Which was read, laid on the table, and two thousand copies ordered to be printed. (See Appendix 58.)

Mr. Canney presented the petition of Mrs. Silvey Miller, praying for relief.

Which was read, and referred to the Committee on Claims.

Mr. Crenshaw, from the Committee on Claims, submitted the following report, which was read, and concurred in by the House.

Mr. Speaker:

The Committee on Claims, to whom was referred the petition of James Austin, have considered the same, and ask leave to submit the following report:

We find the petitioner grounding his claim to the relief asked for upon the following facts. In April, 1850, he alleges he bought bonds of the State endorsed by Governor Burnett, and placed them in the safe of Berford & Co,, to the amount of $1,050, that said bonds were consumed by fire on the 4th of May, 1850.

We find that said Austin applied for relief at the next session of the Legislature, 1851. The claim was referred to a select committee, who reported back the petition, with a resolution referring it to Committee on Public Expenditures; report and resolution laid on the table; afterwards referred to Committee on Claims, who reported back, referring it to Committee on Public Expenditures; Committee on Public Expenditures, under instructions, reported back a bill for his relief, which bill was indefinitely postponed. At the last session of the Legislature we can find no trace of said claim.

Your committee find that said petitioner is unable to identify said bonds in any way, either by date, name or number, so that it is impossible for us to ascertain whether said bonds have ever been redeemed or not. We are

of the opinion, that the precedent established by the payment of such a claim would be injurious to the interest of the State.

We think, therefore, the prayer of the petitioner should not be granted.

CRENSHAW,
Chairman.

Mr. Crenshaw, from the Committee on Claims, reported back Assembly Joint Resolution for the relief of C. H. Veeder, with an amendment, and recommended that the resolution be passed.

The report was adopted, and the resolution was recommitted with instructions to report a bill.

Mr. McMeans, from the Committee on Ways and Means, reported back Assembly bill for An Act in relation to Clerks in the office of Comptroller of State, and to provide for their pay, without recommendation.

On motion of Mr. Crenshaw, the House then went into committee of the whole, Mr. Canney in the chair, on the consideration of the bill, and having considered the same the committee rose, reported the bill back to the House and recommended that the same be passed, and asked to be discharged from further consideration of the subject.

The bill was then considered engrossed, read a third time, and on the question, "Shall the bill now be passed?"

The ayes and nays were demanded by Messrs. Conness, Brush and Robinson, and the bill was passed by the following vote:

AYES.

Messrs. Blake, Bostwick, Brush, Cabaniss, Canney, Cardozo, Crenshaw, Estep, Ewing, Harrison, Herbert, Hunt, Huse, Kittredge, Knight, Letcher, Meredith, McCandless, McFarland, McKamy, McMeans, Myres, Oliver, Owen, Proctor, Reading, Robinson, Rogers, Saunders, Sime, Thomas, Walker, Wells, Wilson, Wing, Speaker—36.

NAYS.

Messrs. Caldwell, Conness, Hally, Johnson, Martin—5.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled An Act for the relief of Mr. Waldo.

Mr. Bostwick, from the same Committee, reported that they had this day presented to the Governor, for his approval, An Act for the relief of William Waldo.

Mr. Cardozo, from the Committee on Commerce, reported back Assembly bill for An Act to provide for the Measurement of Goods, with a substitute entitled An Act for the Measurement of Merchandise arriving in the port of San Francisco, with a recommendation that it be adopted and passed.

The report was adopted, and the substitute, with the bill, was laid on the table.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed An Act to authorize the County Surveyor of the county of Calaveras to rent an Office;

Also, An Act to allow the people of Klamath county to vote for a County Seat.

And the report was adopted.

Mr. McFarland, from the Committee on State Hospitals, to whom was recommitted Assembly bill for An Act to provide for the Indigent Sick, reported the same back with amendments, in accordance with the special instructions, and recommended their adoption and the passage of the bill.

The amendments were then adopted by the House.

Mr. Johnson moved that the bill be again recommitted, with special instructions to report an amendment striking out "Court of Sessions," wherever it occurs in the bill and insert as follows: "The Board of Supervisors, or if there shall be no Board of Supervisors then the Court of Sessions."

On which the ayes and nays were demanded, and the House refused to recommit, by the following vote:

AYES.

Messrs. Blake,
Brush,
Carhart,
Carpentier,
Covarrubias,
Ewing,
Fairfax,
Flower,
Gardner,
Hally,
Hoff,
Huse,
Johnson,
Kittredge,
Knight,
Letcher,
Meredith,
McCandless,
McMahon,
Moore,
Robinson,
Saunders,
Sime,
Taylor,
Walker—25.

NAYS.

Messrs. Cabaniss,
Caldwell,
Canney,
Conness,
Cardozo,
Crenshaw,
Estep,
Harrison,
Herbert,
Hunt,
Leake,
Martin,
McFarland,
McKamy,
McMeans.
Myres,
Owen,
Proctor,
Redding,
Rogers,
Thomas,
Wells,
Wing,
Yeiser,
Speaker—25.

Mr. Crenshaw moved that the bill be ordered engrossed.

On which the ayes and nays were demanded, and the motion was lost by the following vote:

AYES.

Messrs. Blake,
Conness,
Cardozo,
Crenshaw,
Estep,
Ewing,
Harrison,
Herbert,
Hunt,
Leake,
Martin,
McFarland,
McKamy,
McMahon,
McMeans,
Myres,
Oliver,
Owen,
Redding,
Wells,
Wilson,
Wing,
Yeiser—23.

NAYS.

Messrs. Bostwick,
Brush,
Cabaniss,
Caldwell,
Canney,
Carhart,
Carpentier,
Covarrubias,
Fairfax,
Flower,
Gardner,
Hally,
Kittredge,
Knight,
Letcher,
Meredith,
McCandless,
Moore,
Proctor,
Reading,
Robinson,
Sime,
Taylor,
Thomas,

Messrs. Hoff,	Messrs. Tilghman,
Huse,	Walker,
Johnson,	Speaker—30.

Mr. Redding of Yuba moved to reconsider the vote by which the House refused to recommit, with the instructions submitted by Mr. Johnson.

Which was agreed to, and the bill was then recommitted in accordance with those instructions.

Mr. Moore, from the Judiciary Committee, reported back Assembly bill for An Act for the protection of persons who may settle upon private lands in this State, without recommendation.

The bill was laid on the table.

Mr. Moore, from the same committee, reported back Assembly bill, An Act to protect the settlers upon unoccupied lands of this State, without recommendation.

The bill was laid on the table.

Mr. Estep from the Committee on State Hospitals, reported back Senate bill for An Act for the relief of C. E. Pickett, without amendment, and recommended its passage.

The report was adopted and the House went into committee of the whole, Mr. Fairfax in the chair, on the consideration of the bill, and having considered the same, the committee rose and reported the bill back to the House without amendment, and asked to be discharged from further consideration of the subject.

Which was granted.

The bill was then read a third time, and on the question, "Shall the bill now be passed?"

The ayes and nays were demanded, and the bill was lost by the following vote:

AYES.

Messrs. Brush,	Messrs. McKamy,
Canney,	Myres,
Carpentier,	Proctor,
Ewing,	Reading,
Gardner,	Redding,
Huse,	Tilghman,
Kittredge,	Wing,
Leake,	Speaker—16.

NAYS.

Messrs. Blake,	Messrs. Owen,
Crenshaw,	Robinson,
Flower,	Rogers,
Hally,	Sime,
Hoff,	Taylor,
Johnson,	Thomas,
Letcher,	Walker,

Messrs. Martin,
McCandless,
McMeans,
Oliver,
Messrs. Wells,
Wilson,
Yeiser—21.

Mr. McMeans moved to reconsider the vote just taken, by which the House refused to pass the bill.

On which the ayes and nays were demanded, and the vote was reconsidered by the following vote:

AYES.

Messrs. Bell,
Brush,
Canney,
Carpentier,
Cardozo,
Estep,
Ewing,
Gardner,
Hally,
Hunt,
Huse,
Kittredge,
Leake,
McFarland,
Messrs. McKamy,
McMahon,
McMeans,
Myres,
Proctor,
Redding,
Rogers,
Thomas,
Tilghman,
Walker,
Wilson,
Wing,
Yeiser,
Speaker—28.

NAYS.

Messrs. Blake,
Bostwick,
Cabaniss,
Conness,
Crenshaw,
Flower,
Hoff,
Johnson,
Letcher,
Martin,
Messrs. McCandless,
Oliver,
Owen,
Reading,
Robinson,
Saunders,
Sime,
Taylor,
Wells—19.

On motion of Mr. McMeans, the vote by which the bill was read a third time was then reconsidered, and on leave the motion to read the bill a third time was withdrawn.

Mr. McMeans then moved to amend by striking out in the last line of the bill the words "Hospital Fund," and inserting the words "General Fund."

On which the ayes and nays were demanded, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Bell,
Brush,
Canney,
Carpentier,
Cardozo,
Estep,
Ewing,
Flower,
Gardner,
Hunt,
Huse,
Kittredge,
Leake,
McFarland,
McKamy,
McMahon,
McMeans,
Proctor,
Redding,
Rogers,
Saunders,
Taylor,
Thomas,
Walker,
Wing,
Yeiser,
Speaker—27.

NAYS.

Messrs. Blake,
Bostwick,
Cabaniss,
Conness,
Crenshaw,
Hally,
Hoff,
Johnson,
Letcher,
Oliver,
Owen,
Robinson,
Sime,
Tilghman,
Wells,
Wilson—16.

Mr. Leake moved that the bill be now read a third time.

Which was agreed to, and the bill was then read a third time.

Mr. Johnson moved a call of the House.

On which the ayes and nays were demanded, and the call was sustained by the following vote:

AYES.

Messrs. Blake,
Bostwick,
Brush,
Cabaniss,
Carpentier,
Conness,
Cardozo,
Crenshaw,
Flower,
Hally,
Hoff,
Hunt,
Johnson,
Letcher,
McMeans,
Oliver,
Owen,
Redding,
Rogers,
Robinson,
Saunders,
Sime,
Taylor,
Thomas,
Walker,
Wells,
Wilson,
Wing,
Yeiser—29.

NAYS.

Messrs. Bell,
Canney,
Estep,
Ewing,
Huse,
Kittredge,
Leake,
McFarland,
McKamy,
McMahon,
Proctor,
Tilghman,
Speaker—13.

The roll was called by the Clerk, and the following members were absent:

Messrs. Caldwell, Carhart, Covarrubias, Fairfax, Harrison, Herbert, Knight, Martin, Meredith, McCandless, Moore and Smith.

Mr. McCandless appeared at the bar of the House, was admitted, excused, and took his seat.

The call was then dispensed with.

The question recurring on the question, "Shall the bill now be passed?"

The ayes and nays were demanded.

And the bill was passed by the following vote:

AYES.

Messrs. Bell,
Brush,
Canney,
Carpentier,
Cardozo,
Estep,
Ewing,
Gardner,
Hunt,
Huse,
Kittredge,
Leake,
McCandless,
McFarland,
McKamy,
McMahon,
McMeans,
Myres,
Proctor,
Redding,
Rogers,
Tilghman,
Walker,
Wing,
Yeiser,
Speaker—26.

NAYS.

Messrs. Blake,
Bostwick,
Cabaniss,
Conness,
Crenshaw,
Flower,
Hally,
Hoff,
Johnson,
Letcher,
Mandeville,
Oliver,
Owen,
Robinson,
Saunders,
Sime,
Taylor,
Thomas,
Wells,
Wilson—20.

Mr. McFarland, from the Committee on State Hospitals, to whom was recommitted Assembly bill for An Act to provide for the Indigent Sick, with special instructions, reported the same back, with the following amendment, to be inserted as section eighteen.

"Sec. 18. In all counties where a Board of Supervisors is or may be established by law, and shall not be abolished by this Legislature, said Board shall perform exclusively all the duties imposed by this Act upon the Court of Sessions."

On the adoption of which, the ayes and nays were demanded.
And the amendment was agreed to by the following vote:

AYES.

Messrs.	Bell,	Messrs.	Mandeville,
	Blake,		McFarland,
	Bostwick,		McKamy,
	Brush,		McMahon,
	Cabaniss,		McMeans,
	Canney,		Moore,
	Carpentier,		Oliver,
	Conness,		Owen,
	Crenshaw,		Proctor,
	Estep,		Redding,
	Ewing,		Rogers,
	Fairfax,		Saunders,
	Hoff,		Taylor,
	Hunt,		Wells,
	Huse,		Wilson,
	Kittredge,		Wing—33.
	Leake,		

NAYS.

Messrs.	Hally,	Messrs.	Reading,
	Johnson,		Robinson,
	Letcher,		Sime—6.

Mr. Johnson then moved to amend the section just adopted, by the following words:

"*Provided,* In the Counties of Sacramento and Santa Clara, the Board of Supervisors shall perform the duties as provided in this Act, whilst the same are in office."

On the adoption of which, the ayes and nays were demanded.
And the amendment was agreed to by the following vote:

AYES.

Messrs. Carpentier,
Conness,
Covarrubias,
Crenshaw,
Fairfax,
Flower,
Hally,
Hoff,
Huse,
Johnson,
Letcher,
Moore,
Oliver,
Owen,
Proctor,
Reading,
Redding,
Robinson,
Rogers,
Saunders,
Sime,
Taylor,
Wing,
Speaker—24.

NAYS.

Messrs. Bell,
Blake,
Bostwick,
Cabaniss,
Canney,
Estep,
Ewing,
Hunt,
Kittredge,
Leake,
Mandeville,
Martin,
McCandless,
McFarland,
McKamy,
McMahon,
McMeans,
Tilghman,
Walker,
Wells,
Wilson—21.

Mr. McMeans moved that the bill now be ordered engrossed.
On which the ayes and nays were demanded.
And it was decided in the affirmative by the following vote:

AYES.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Cabaniss,
Carpentier,
Conness,
Crenshaw,
Estep,
Ewing,
Fairfax,
Flower,
Hoff,
Hunt,
Huse,
Letcher,
Mandeville,
Martin,
McFarland,
McKamy,
McMahon,
McMeans,
Oliver,
Owen,
Redding,
Rogers,
Saunders,
Sime,
Taylor,
Wells,

Messrs. Kittredge, Leake, Messrs. Wilson, Wing—34.

NAYS.

Messrs. Canney, Cardozo, Covarrubias, Hally, Johnson, McCandless, Moore, Messrs. Proctor, Reading, Robinson, Tilghman, Walker, Speaker—13.

Mr. Bell gave notice that he would, on to-morrow, move a reconsideration of the vote just taken.

Mr. Saunders, from the San Francisco delegation, reported back the petition of the Board of Supervisors of the County of San Francisco, praying for certain amendments to the Act creating a Board of Supervisors in the various counties, and defining their duties and powers, with a bill for An Act to amend an act entitled an Act to create a Board of Supervisors, for the Counties of this State, and to define their duties and powers.

Which was read a first time, laid over under the rules, and ordered not to be printed.

Mr. Tilghman, from the San Diego delegation, reported back Senate bill for An Act authorizing the Board of Supervisors of San Diego County to levy a special tax for the erection of a County Jail, without amendment, and recommended that it be passed.

The report was adopted, and the bill was then read a third time and passed.

Mr. Hally, from the select committee to whom was referred Assembly bill for An Act concerning Stray Animals, reported the same back, with a verbal report recommending that it be passed.

The House then went into committee of the whole (Mr. Moore in the chair) on the consideration of the bill, and having made some progress thereon, the committee rose and reported the same back to the House, and asked leave to sit again.

Which was granted, and the bill was referred to a select committee of five.

The Chair announced as such committee, Messrs. Ewing, Letcher, Brush, Cabaniss and Tilghman.

On motion of Mr. Leake, Assembly bill for An Act amendatory of an act entitled an Act authorizing the Treasurer of State to issue Bonds for the payment of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath and Trinity, and Monterey Expeditions against the Indians, passed May 3d, 1852, was taken from the table, considered engrossed, read a third time and passed.

Mr. Johnson presented the memorial of citizens of Sacramento County, praying for a repeal of the Act concerning lawful Fences, and animals trespassing on premises lawfully enclosed.

Which was read, and referred to the Committee on Agriculture.

Mr. Moore moved that the House do now adjourn.
On which the ayes and nays were demanded.
And the House adjourned by the following vote:

AYES.

Messrs. Bostwick,
Brush,
Cabaniss,
Canney,
Conness,
Cardozo,
Flower,
Leake,
Mandeville,
McKamy,
McMahon,
McMeans,
Moore,
Myres,
Proctor,
Reading,
Redding,
Sime,
Taylor,
Thomas,
Yeiser,
Speaker—22.

NAYS.

Messrs. Carpentier,
Covarrubias,
Crenshaw,
Estep,
Hoff,
Hunt,
Huse,
Johnson,
Kittredge,
Letcher,
Martin,
McCandless,
McFarland,
Oliver,
Owen,
Rogers,
Tilghman,
Wells—18.

HOUSE OF ASSEMBLY.

THURSDAY, May 5, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Bell, Bostwick, Covarrubias, Fairfax, Herbert, Leake, McGarry, McMeans, Oliver, Smith, Tilghman and Walker.

On motion, leave of absence for one day each was granted to Messrs. McMeans and McGarry.

The Journal of Wednesday last was read and approved.

Mr. Canney reported back the petition of citizens of Contra Costa, praying for a reduction of the salary of the County Judge of that county, with a recommendation that it be laid on the table.

The report was then adopted, and the petition laid on the table.

Mr. Heydenfeldt, from the Judiciary Committee, reported back Assembly bill for An Act to amend an Act entitled an Act concerning the office of Public Administrator and making it elective, passed April 15, 1851, with an amendment, and recommended that the bill be passed.

The report was adopted, and the bill laid on the table.

Mr. Canney, from the Committee on Indian Affairs, reported back Senate bill for An Act to provide Aaron D. Blanchard and Samuel Stephens with duplicate Warrants in lieu of certain Warrants lost or destroyed, without amendment, and recommended the passage of the bill.

The report was adopted, and the bill was read a third time and passed.

Mr. Canney, from the same committee, reported back Senate bill for An Act to provide for the pay and compensation of Major James Birney, as Paymaster to Troops called into the service of this State, in defending our eastern frontier from the hostilities of Indians, under an Act passed March 17th, 1851, without amendment, and recommending its passage.

The report was adopted, and the bill laid on the table.

Mr. Moore, from the Committee on State Prisons, reported back Senate bill for An Act providing for the erection of a State Prison, and declaring null and void the existing State Prison Contract, with amendments, and recommending their adoption and the passage of the bill.

The House then went into committee of the whole (Mr. Canney in the chair) on the consideration of the bill; and having made some progress thereon, the committee rose, reported the same to the House, and asked leave to sit again.

Which was granted

Mr. Hoff then moved that the bill be laid on the table, and that two hundred and forty copies be ordered to be printed.

On which the ayes and nays were demanded, and the motion was lost by the following vote:

AYES.

Messrs. Bostwick,
Cabaniss,
Carhart,
Conness,
Crenshaw,
Estep,
Flower,
Gardner,
Hally,
Harrison,
Hoff,
Hunt,
Irwin,
Knight,
Letcher,
McFarland,
Redding,
Robinson,
Sime,
Taylor,
Thomas,
Wells,
Wilson,
Wing—24.

NAYS.

Messrs. Bell,
Blake,
Canney,
Carpentier,
Cardozo,
Ewing,
Fairfax,
Heydenfeldt,
Huse,
Kittredge,
Mandeville,
Martin,
McCandless,
McKamy,
McMahon,
Moore,
Myres,
Owen,
Proctor,
Rogers,
Saunders,
Tilghman,
Walker,
Speaker—24.

Mr. Mandeville moved that the bill be referred to a select committee of three.

Mr. Canney moved, as an amendment to the motion to refer to a select committee, that it be referred to the Judiciary Committee.

Mr. Fairfax moved that the bill be referred to the committee of the whole.

Which was agreed to.

The House then went into committee of the whole (Mr. Canney in the chair) on the consideration of the bill; and having considered the same, the committee rose, and reported the bill back to the House with amendments, recommending their adoption and the passage of the bill, and asked to be discharged from further consideration of the subject

Which was granted.

The House then went into consideration of the bill as amended in committee of the whole when,

Mr. Moore moved a call of the House.

Which was sustained, and

On the roll being called, the following members were found absent:

Messrs. Bostwick, Cabaniss, Crenshaw, Gardner, Herbert, Irwin, Meredith, McCandless, Oliver, Redding of Yuba, and Smith.

On motion, further proceedings under the call were dispensed with.

The question then being on the adoption of the first amendment strike out "Secretary of State, and" and insert in section 1st, 2d line after the word "State," the words "and a practical mechanic, or architect, to be appointed by the Governor, with the consent of the Senate, and whose salary shall be four thousand dollars per annum."

On which the ayes and nays were demanded; the amendment was lost by the following vote:

AYES.

Messrs. Blake,
Brush,
Cabaniss,
Conness,
Hally,
Harrison,
Hoff,
Hunt,
Kittredge,
Letcher,
Mandeville,
McMeans,
Owen,
Redding,
Sime,
Wells,
Wilson,
Wing—18.

NAYS.

Messrs. Bell,
Caldwell,
Canney,
Carhart,
Carpentier,
Cardozo,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Fairfax,
Flower,
Heydenfeldt,
Huse,
Johnson,
Knight,
Leake,
Martin,
McCandless,
McFarland,
McKamy,
Moore,
Myres,
Proctor,
Reading,
Robinson,
Rogers,
Taylor,
Thomas,
Tilghman,
Walker,
Yeiser,
Speaker—33.

The amendment to the fourth section to strike out the words "twenty days," and insert "forty days," was then adopted by the House.

The amendments to the ninth section were then severally adopted.

The question then being on the adoption of the amendment to be added,

At the close of the section ten "which sum shall be paid out of the General Fund and in fundable scrip, and is an additional appropriation to the one hundred and thirty-five thousand dollars, appropriated by this Act."

On which the ayes and nays were demanded and the amendment was adopted by the following vote:

AYES.

Messrs. Bell, Blake, Carhart, Carpentier, Cardozo, Covarrubias, Ewing, Gardner, Heydenfeldt, Huse, Kittredge, Leake, Letcher, Martin, McKamy, McMahon, Moore, Myres, Owen, Proctor, Redding, Robinson, Rogers, Saunders, Taylor, Thomas, Tilghman, Walker, Wells, Wilson, Wing, Yeiser—32.

NAYS.

Messrs. Bostwick, Brush, Cabaniss, Caldwell, Conness, Crenshaw, Estep, Hally, Hoff, Hunt, Johnson, Knight, Mandeville, McFarland, Reading, Speaker—16.

The question then being on the adoption of the following amendment as a new section, to be section nineteenth.

"SECTION. 19. The Commissioners are hereby empowered to contract with F. Vassault under the provisions of this Act for the performance of the work mentioned in this Act; *Provided*, they believe it to be the interest of the State so to do; and said Vassault will sign a release to said Commissioners of the contract entered into between the former Board of Commissioners, on the part of the State and said Vassault for building the State Prison, bearing date the ninth day of October 1852."

On which the ayes and nays were demanded and the amendment was lost by the following vote:

AYES.

Messrs. Bell, Blake, Canney, Carhart, Cardozo, Martin, McCandless, McKamy, McMahon, Myres,

Messrs. Covarrubias,
Ewing,
Fairfax,
Heydenfeldt,
Huse,
Leake,
Messrs. Owen,
Proctor,
Tilghman,
Walker,
Wells—21.

NAYS.

Messrs. Bostwick,
Brush,
Cabaniss,
Caldwell,
Carpentier,
Conness,
Crenshaw,
Estep,
Flower,
Gardner,
Hally,
Harrison,
Hoff,
Hunt,
Irwin,
Johnson,
Messrs. Kittredge,
Letcher,
Mandeville,
McFarland,
Moore,
Reading,
Redding,
Robinson,
Sime,
Taylor,
Thomas,
Wilson,
Wing,
Yeiser,
Speaker—31.

The amendments reported by the committee of the whole having been disposed of, Mr. Brush submitted the following as an amendment, to be section 19th:

"With the consent of the Senate, the Governor shall appoint a superintendent of the State Prison who shall be a practical mechanic and architect whose duty it shall be to take entire charge of the erection and construction of the building provided to be erected by this Act. He shall superintend the same, and determine whether the material used in the erection of the building is in accordance with the specification and contract, and whenever the said superintendent shall determine that the material used in the erection of the building is insufficient, the Board of Commissioners are hereby empowered to compel the use of proper materials or to order a suspension of operations upon the work until such alterations are made as are deemed necessary by the Board, and the said superintendent shall reside at the place where the building shall be erected, and he shall receive a salary of $4000, per year."

On the adoption of which the ayes and nays were demanded, and the amendment was lost by the following vote:

AYES.

Messrs. Blake,
Brush,
Messrs. Letcher,
Mandeville

Messrs. Cabaniss,
Carpentier,
Conness,
Estep,
Gardner,
Hally,
Harrison,
Hoff,
Kittredge,
McKamy,
McMahon,
Owen,
Proctor,
Redding,
Sime,
Thomas,
Wells,
Wing—22.

NAYS.

Messrs. Bell,
Bostwick,
Caldwell,
Canney,
Cardozo,
Covarrubias,
Crenshaw,
Ewing,
Fairfax,
Flower,
Heydenfeldt,
Hunt,
Huse,
Irwin,
Johnson,
Leake,
Martin,
McCandless,
Moore,
Myres,
Reading,
Robinson,
Rogers,
Taylor,
Tilghman,
Walker,
Wilson,
Yeiser,
Speaker—29.

Mr Hoff then moved to amend the bill by striking out the words "one hundred and thirty-five thousand," where they occur in the bill, and insert in lieu thereof the words "one hundred and seventeen thousand."

On which the ayes and nays were demanded, and the amendment was lost by the following vote:

AYES.

Messrs. Bostwick,
Cabaniss,
Caldwell,
Conness,
Crenshaw,
Estep,
Flower,
Hally,
Harrison,
Hoff,
Letcher,
McFarland,
Redding,
Robinson,
Sime,
Taylor,
Wing—17.

NAYS.

Messrs. Bell,
Blake,
Brush,
Canney,
Carhart,
Carpentier,
Cardozo,
Covarrubias,
Ewing,
Fairfax,
Heydenfeldt,
Hunt,
Huse,
Irwin,
Kittredge,
Leake,
Mandeville,
Messrs. Martin,
McCandless,
McKamy,
McMahon,
Moore,
Myres,
Owen,
Proctor,
Reading,
Rogers,
Thomas,
Tilghman,
Walker,
Wells,
Wilson,
Yeiser,
Speaker—34.

Mr. Canney moved that the bill be read a third time now.

Which was agreed to, and the bill was then read a third time.

The question then being, "Shall the bill now be passed?"

On which the ayes and nays were demanded, and the bill was passed by the following vote:

AYES.

Messrs. Bell,
Blake,
Canney,
Carhart,
Carpentier,
Conness,
Cardozo,
Covarrubias,
Ewing,
Fairfax,
Gardner,
Heydenfeldt,
Hunt,
Huse,
Messrs. Leake,
Martin,
McCandless,
McKamy,
McMahon,
Moore,
Myres,
Owen,
Proctor,
Reading,
Rogers,
Tilghman,
Walker,
Yeiser—28.

NAYS.

Messrs. Bostwick,
Brush,
Cabaniss,
Caldwell,
Crenshaw,
Messrs. Letcher,
Mandeville,
McFarland,
Redding,
Robinson,

Messrs. Estep,
Flower,
Hally,
Harrison,
Hoff,
Irwin,
Kittredge,
Messrs. Sime,
Taylor,
Thomas,
Wells,
Wing,
Speaker—23.

Mr. Owen, from the select committee, reported back Assembly bill for An Act to prohibit Gaming, with amendments, and recommended their adoption and the passage of the bill.

The amendments reported by the select committee were then adopted, and the bill was ordered to be engrossed.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act to compensate Dr. John B. Trask for his report on the Geology of the Mineral Districts, and to enable him to make further examinations;

Also, An Act to provide for the translation of the Laws into the Spanish Language, for the year 1853;

Also, Joint Resolution authorizing Dr. John B. Trask to report more fully upon the unoccupied Mineral Lands upon the eastern borders of the Sacramento and San Joaquin valleys.

And the report was adopted.

Mr. Bostwick, from the same committee, reported that they had this day presented to the Governor for his approval, An Act entitled an Act concerning the office of County Assessor, passed March 27, 1850.

And the report was adopted.

A message was received from the Governor, informing the assembly that he this day approved An Act to amend an Act concerning the office of County Assessor, passed March 27, 1850.

Mr. Conness, from the select committee to whom was referred assembly bill for An Act to apportion the Senatorial and Assembly Districts of this State, reported the same back, with an amendment to all after the enacting clause.

The report was adopted and the bill laid on the table, and made the special order for to-morrow, at 11 o'clock, A. M.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act amendatory of An Act entitled an Act authorizing the Treasurer of the State to issue Bonds for the payment of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath and Trinity, and Monterey Expeditions against the Indians, passed May 3, 1852;

Also, An Act in relation to clerks in the office of Comptroller of State, and to provide for their pay;

Also, a bill for An Act to provide for the Indigent Sick.

And the report was adopted.

On motion of Mr. Robinson, Assembly bill for An Act for the relief of the city of Sacramento, was taken from the Committee on Claims, and referred to the Committee on State Hospitals.

Mr. Bell moved that the vote by which the House ordered Assembly

bill for An Act to provide for the Indigent Sick to be engrossed be reconsidered.

On which the ayes and nays were demanded, and the vote was reconsidered by the following vote:

AYES.

Messrs. Bell,
Blake,
Brush,
Canney,
Estep,
Flower,
Gardner,
Hally,
Harrison,
Heydenfeldt,
Huse,
Irwin,
McKamy,
McMahon,
Moore,
Proctor,
Reading,
Thomas,
Tilghman,
Yeiser,
Speaker—21.

NAYS.

Messrs. Bostwick,
Cabaniss,
Caldwell,
Carhart,
Carpentier,
Conness,
Crenshaw,
Hunt,
Johnson,
Kittredge,
Letcher,
Mandeville,
McFarland,
Owen,
Redding,
Robinson,
Rogers,
Walker,
Wing—19.

The question then being on ordering the bill to be engrossed.

On which the ayes and nays were demanded, and it was decided in the negative by the following vote:

AYES.

Messrs. Bostwick,
Cabaniss,
Carpentier,
Conness,
Crenshaw,
Ewing,
Hunt,
Kittredge,
Letcher,
Mandeville,
Martin,
McFarland,
Owen,
Redding,
Sime,
Walker,
Wells,
Wing—18.

NAYS.

Messrs. Bell,	Messrs. Johnson,
Blake,	Knight,
Brush,	Meredith,
Caldwell,	McKamy,
Canney,	McMahon,
Carhart,	Moore,
Estep,	Proctor,
Fairfax,	Reading,
Flower,	Robinson,
Gardner,	Taylor,
Hally,	Thomas,
Harrison,	Tilghman,
Heydenfeldt,	Wilson,
Hoff,	Yeiser,
Huse,	Speaker—31.
Irwin,	

On motion of Mr. Bell, the bill was then laid on the table.

A message was received informing the Assembly that the Senate passed yesterday, with an amendment, Assembly bill for An Act for the relief of Calvin Valpey;

And Assembly bill for An Act supplementary to the Act incorporating the city of Marysville:

And refused this day to concur in Assembly amendment to Senate bill for An Act for the relief of C. E. Pickett.

Assembly bill for An Act for the relief of Calvin Valpey, with the title amended by the Senate so as to read, "An Act to provide for the payment of freight on State furniture to Calvin Valpey," was then taken up, and the amendment concurred in.

Senate bill for An Act for the relief of Charles E. Picket, returned from the Senate, with Assembly amendment non-concurred in, was then taken up, and on the question, "Will the House recede from their amendment to the bill?"

The ayes and nays were demanded, and the House refused to recede by the following vote:

AYES.

Messrs. Heydenfeldt,	Messrs. Redding,
Mandeville,	Tilghman—5.
McMahon,	

NAYS.

Messrs. Bell,	Messrs. Hunt,
Blake,	Huse,
Bostwick,	Irwin,
Brush,	Johnson,

Messrs. Cabaniss,
Canney,
Carhart,
Carpentier,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Fairfax,
Flower,
Gardner,
Hally,
Harrison,
Hoff,
Kittredge,
Knight,
Letcher,
Martin,
Meredith,
McFarland,
McKamy,
Owen,
Proctor,
Robinson,
Taylor,
Wells,
Wilson,
Wing,
Speaker—39.

Mr. Heydenfeldt moved that a committee of conference be appointed by the House, to meet a similar committee on the part of the Senate, on the disagreeing vote of the two Houses on the bill.

Which was agreed to.

The chair announced as such committee Messrs. Heydenfeldt, Canney and Ewing.

Assembly bill for An Act to locate a State Road from the city of Benicia to the city of Sacramento, was then taken up, read a second time and referred to the Committee on roads and highways.

Assembly bill for An Act to amend an Act entitled an Act to create a Board of Supervisors for the counties of this State, and to define their duties and powers, was then read a second time and laid on the table.

Assembly bill for An Act to authorize the State Treasurer to issue a duplicate School Land Warrant, was then read a second time and referred to the Committee on Claims.

Assembly bill for An Act to amend an Act to regulate proceedings in Criminal Cases, was then read a second time and referred to the Judiciary Committee.

Assembly bill for An Act to authorize J. T. Dean to hold, use and use and occupy certain lands in the city of Benicia, was then read a second time and laid on the table.

Mr. Crenshaw, from the Committee on Claims, to whom was referred Assembly Joint Resolution for the relief of C. H. Veeder, with instructions to bring in a bill, reported the same back, with a bill for An Act for the relief of C. H. Veeder.

Which was read a first and second time and laid on the table.

Mr. Canney, on leave, introduced a bill for An Act to regulate the election of Municipal Officers in the city of San Francisco, and the time of their taking office.

Which was read a first and second time, and referred to the Delegation from San Francisco.

On motion of Mr. Heydenfeldt, Assembly bill for An Act to change the name of Contra Costa County and to create a new county to be called Contra Costa, was taken from the table and ordered to be engrossed.

Mr. Letcher, on leave, introduced a bill for An Act amendatory of the fifth section of an Act entitled an Act to incorporate the city of San Jose, approved March 27, 1850.

Which was read twice and referred to the Committee on Corporations.

On motion, at 6 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, May 6, 1853.

The House met pursuant to adjournment.

The Speaker in the Chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Bell, Covarrubias, Gardner, Irwin, Martin, McMeans, Reading of Trinity, and Smith.

The Journal of Thursday last was read and approved.

Mr. McGarry presented the petition of citizens of the county of Napa, praying for the passage of a law authorizing the Board of Supervisors of that county to levy a tax for the improvement of Roads and Highways.

Which was read, and referred to the Committee on Roads and Highways.

Mr. Crenshaw, from the Committee on Claims, reported back the petition of George T. Rigley, with a bill for An Act for the relief of George T. Rigley.

Which was read a first and second time, and laid on the table.

Mr. Crenshaw, from the Committee on Claims, reported back the petition of Mrs. Silvey Miller, for relief, with a recommendation that it be considered in committee of the whole.

The report was adopted, and the petition laid on the table.

Mr. Canney, from the Committee on Indian Affairs, reported back the petition of Powell Wever, praying for relief, with a recommendation that the same be laid on the table.

The report was adopted, and the petition laid on the table.

Mr. Yeiser, from the Judiciary Committee, reported back Assembly bill for An Act amendatory of an Act entitled an Act to provide for the lien of mechanics and others, passed April 12, 1850; also,

An Act securing to mechanics and others a lien for work done and materials furnished, with a substitute, entitled An Act securing to mechanics and others a lien for work done and materials furnished.

Which was read a first and second time; the rules suspended, the bill was then considered engrossed, read a third time and passed.

Assembly bill for An Act securing to mechanics and others a lien for work done and materials furnished, was then taken up and indefinitely postponed.

Assembly bill for An Act amendatory of an Act entitled an Act to provide for the lien of mechanics and others, passed April 12, 1850, was then taken up, and indefinitely postponed.

Mr. Heydenfeldt, from the Judiciary Committee, reported a bill for An Act to amend an Act to fix the times of holding court in the Eleventh Judicial District in this State.

Which was read a first and second time; the rules suspended, and the bill was then read a third time and passed.

Mr. Owen, from the Committee on Corporations, reported back Assembly bill for An Act amendatory of the fifth section of an Act entitled an Act to incorporate the city of San Jose, approved March 27th, 1850, without amendment, and recommending that it be passed.

The report was adopted, and the rules suspended, when the bill was read a third time and passed.

Mr. Heydenfeldt, on leave, introduced a Joint Resolution granting leave of absence to S. C. Austin, Sheriff of Placer county.

Which was read a first and second time; the rules were then suspended, and the resolution read a third time.

And on the question, "Shall the resolution now be passed?" the ayes and nays were demanded, and the resolution passed by the following vote:

AYES.

Messrs. Cabaniss,
Canney,
Carhart,
Carpentier,
Estep,
Ewing,
Fairfax,
Flower,
Gardner,
Hally,
Harrison,
Heydenfeldt,
Hunt,
Huse,
Irwin,
Johnson,
Leake,
Mandeville,
Martin,
McCandless,
McFarland,
McGarry,
McMahon,
Myres,
Oliver,
Proctor,
Robinson,
Rogers,
Taylor,
Walker,
Wells,
Wing,
Yeiser—33.

NAYS.

Messrs. Blake,	Messrs. Kittredge,
Bostwick,	Letcher,
Caldwell,	Meredith,
Conness,	Redding,
Cardozo,	Saunders,
Crenshaw,	Thomas—13.
Hoff,	

On motion of Mr. Kittredge, Assembly bill for An Act to amend an Act concerning Roads and Highways, was taken from the table, and referred to the Committee on Roads and Highways.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act to change the name of Contra Costa county, and to create a new county to be called Contra Costa.

The report was adopted, and the bill was then laid on the table.

A message was received, informing the Assembly that the Senate passed on the 5th instant, Assembly bill for An Act for the relief of Orrin Bailey and other persons therein mentioned, for services rendered in behalf of the State.

Assembly bill for An Act in relation to Clerks in the office of Comptroller of State, and to provide for their pay.

Assembly bill for An Act to authorize the County Surveyor of the county of Calaveras to rent an office.

And, with an amendment, Assembly bill for An Act supplemental to an Act providing a Fund for a State Library, passed May 1st, 1852.

And also, with amendments, Assembly bill for An Act to divide the county of Trinity, and form a new county out of the western portion of the same, to be called Humboldt.

And Senate bill for An Act to provide for compensation to owners of private property, appropriated to the use of Corporations.

Assembly bill for An Act supplemental to an Act entitled an Act providing a Fund for the State Library, passed May 1, 1852, as amended by the Senate, was then taken up, and the Senate amendment was concurred in by the House.

Assembly bill for An Act to divide the county of Trinity and form a new county out of the western portion of the same, to be called Humboldt, as amended by the Senate, was taken up, and the Senate amendment was concurred in by the House.

Senate bill for An Act to provide for compensation to owners of private property, appropriated to the use of Corporations, was then taken up, read a first and second time, and referred to the Committee on Corporations.

On motion of Mr. Canney, the House went into committee of the whole (Mr. Heydenfeldt in the chair) on the consideration of Assembly bill for An Act to apportion the Senatorial and Assembly Districts of this State; and having made some progress thereon, the committee rose, and reported the same to the House, and asked leave to sit again.

Which was granted.

On motion of Mr. Robinson, at 1 o'clock, P. M., the House took a recess until 3 o'clock, P. M.

The House re-assembled at 3 o'clock, P. M., and again went into committee of the whole (Mr. Redding, of Yuba, in the chair) on the consideration of Assembly bill for An Act to apportion the Senatorial and Assembly Districts of this State; and having considered the same, the committee rose, reported the bill back to the House with amendments, and recommended their adoption and the passage of the bill, and asked to be discharged from further consideration of the subject.

Which was granted.

On motion of Mr. McFarland, the amendments reported by the committee of the whole, were concurred in.

Mr. McFarland moved to amend the forty-first section, by inserting after the words "the," in the second line, the word "first."

On which the ayes and nays were demanded, and the amendment was lost by the following vote:

AYES.

Messrs. Brush,
Cabaniss,
Carpentier,
Conness,
Covarrubias,
Ewing,
Harrison,
Herbert,
Hoff,
Hunt,
Huse,
Johnson,
Kittredge,
Mandeville,
Meredith,
McFarland,
McGarry,
McKamy,
McMahon,
Owen,
Wells,
Wing,
Yeiser—23.

NAYS.

Messrs. Blake,
Bostwick,
Caldwell,
Canney,
Cardozo,
Crenshaw,
Estep,
Flower,
Hally,
Heydenfeldt,
Leake,
Letcher,
Martin,
Moore,
Myres,
Oliver,
Proctor,
Robinson,
Rogers,
Saunders,
Sime,
Taylor,
Walker—23.

Mr. Crenshaw moved that the bill be ordered engrossed.

On which the ayes and nays were demanded, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Blake,
Bostwick,
Brush,
Cabaniss,
Caldwell,
Canney,
Carhart,
Cardozo,
Crenshaw,
Estep,
Ewing,
Flower,
Hally,
Heydenfeldt,
Kittredge,
Knight,
Leake,
Letcher,
Mandeville,
Martin,
McKamy,
McMahon,
Moore,
Oliver,
Owen,
Proctor,
Saunders,
Sime,
Taylor,
Walker,
Wells—31.

NAYS.

Messrs. Carpentier,
Covarrubias,
Harrison,
Hoff,
Hunt,
Huse,
Johnson,
Meredith,
McFarland,
McGarry,
Redding,
Robinson,
Rogers,
Wing,
Yeiser—15.

The following report, submitted by Mr. Canney on the 3d instant, and laid on the table, was, on motion of Mr. Myres, taken up, and concurred in by the House.

Mr. Speaker:

The committee of free conference, on the disagreeing votes of the two Houses, on Senate bill entitled An Act to fix the compensation of County Judges and of Associate Justices of the Courts of Sessions, and to repeal a like Act passed April, 1850, have had the same under consideration, and report that they have agreed upon the following amended lists of classes and compensation of County Judges, as also amendments to sections 3 and 4, and recommend that the amendments be concurred in, and the bill passed.

Amendment to Secion First.

1st.—Of the county of San Francisco, - - -	$6,000
2d.—Of the counties of Sacramento, San Joaquin and Mariposa, each, - - - - - - -	5,000
3d.—Of the counties of Calaveras, Tuolumne, El Dorado, Yuba and Nevada, each, - - - - - -	4,000
4th.—Of the county of Placer, - - - -	3,500
5th.—Of the counties of Butte, Shasta, Sutter, Trinity, Alameda, Contra Costa and Yolo, each, - - -	2,500
6th.—Of the counties of Tulare, Napa, Sonoma, Colusi, Marin, Santa Clara, and of Humboldt, (when organized,) each,	2,000
7th.—Of the counties of Los Angeles, Klamath, Siskiyou and Monterey, each, - - - - - -	1,500
8th.—Of the counties of Santa Barbara and Santa Cruz, each,	1,200
9th.—Of the counties of San Diego and San Luis Obispo, each,	1,000

Amend Section 3d. Strike out the word "five," in second line, and insert "eight." Also, strike out the word "two," in seventh line, and insert "three."

Amend Section 4. Insert after the word "hereafter," "*Provided*, that the County Judges of the counties of Placer, Nevada, Trinity and Klamath shall be entitled to receive during the remainder of their term of the salaries fixed by this Act."

JOHN S. HAGER,
J. R. SNYDER,
JOS. WALKUP,
J. H. BAIRD,
Senate Committee.

E. HEYDENFELDT,
JOHN SIME,
JOHN H. SAUNDERS,
JAS. M. TAYLOR,
J. N. CARDOZO,
SAM'L FLOWER,
P. CANNEY,
B. F. MYRES,
GEO. BLAKE,
Assembly Committee.

Mr. Myres, on leave, introduced a bill for An Act to fix the salary of the County Judge of Placer county.

Which was read a first and second time; the rules supended, it was then read a third time and passed.

Mr. Yeiser submitted the following report, which was read and adopted:

Mr. Speaker:

The Judiciary Committee, to whom was referred An Act concerning securities on official bonds, beg leave to report the same back, and recommend its passage.

They also, in obedience to Assembly instructions, report back An Act in relation to personal mortgages in certain cases, with an amendment to strike out the word "mining," in first section, fourth line.

And report back An Act for the relief of Jno. C. Cremony, with a recommendation that it be referred to the Committee on Claims.

FRED. YEISER, Chairman.

Senate bill for An Act in relation to personal mortgages in certain cases, was then taken up, amended, read a third time and passed.

Assembly bill for An Act for the relief of Jno. C. Cremony, was then laid on the table.

Senate bill for An Act concerning sureties on official bonds, was then laid on the table.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as having examined, and found correctly enrolled, An Act to amend an Act entitled an Act concerning Corporations, passed April 22, 1850; also,

An Act authorizing the Board of Supervisors of San Diego county to levy a special tax for the erection of a County Jail; also,

An Act supplementary to the Act incorporating the city of Marysville.

And the report was adopted.

On motion, at 6 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, May 7, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Bell, Covarrubias, Fairfax, Flower, Gardner, Harrison, Herbert, Heydenfeldt, Hunt, Johnson, Knight, Leake, Martin, Meredith, McFarland, McMeans, Smith, Tilghman and Wing.

The Journal of Friday last was read and approved.

Mr. Crenshaw, from the Committee on Claims, reported back Senate bill for An Act authorizing the Treasurer of the State of California to issue Bonds for the payment of the Fitzgerald Volunteers, serving under Major Fitzgerald in the County of San Diego, with a recommendation that it be referred to the Committee on Indian Affairs.

The report was adopted, and the bill referred as recommended.

Mr. Crenshaw, from the same Committee, reported back Senate bill for An Act for the payment of certain persons therein named, for labor performed and materials furnished, without amendment, and recommended that it be passed.

The report was then adopted, and the bill was considered in committee of the whole, reported back, the committee discharged, and the bill read a third time and passed.

Mr. Mandeville, from the Committee on Roads and Highways, reported back Assembly bill for An Act to amend an Act concerning Roads and Highways, with amendments, recommending that they be adopted and the bill passed.

The report was adopted, the bill amended and ordered to be engrossed.

Mr. Heydenfeldt submitted the following report, which was read and adopted:

Mr. Speaker:

The committee of conference, to whom was referred the disagreeing vote of the two Houses upon Assembly amendment to Senate bill, entitled An Act for the relief of Charles E. Pickett, beg leave to report, that they have had the same under consideration, and unanimously recommend that the Senate concur in the amendment of the Assembly.

Respectfully submitted,

E. HEYDENFELDT,
Ch. Assembly Committee.

J. M. ESTILL,
Ch. Senate Committee.

Mr. Crenshaw, on leave, introduced a bill for An Act appropriating money to defray the expenses of the Government of this State.

Which was read a first and second time, considered in committee of the whole, reported back without amendment, its passage recommended, and the committee discharged.

The rules were then suspended, and the bill was read a third time and passed.

Mr. Yeiser, from the Judiciary Committee, reported back Senate bill for An Act revising and amending the Act concerning the Courts of Justice in this State and Judicial Officers, with amendments, recommending their adoption and the passage of the bill.

On motion of Mr. Myres, the House then went into committee of the whole (Mr. Canney in the chair) on the consideration of the bill, and having considered the same, the committee rose and reported the bill back to the House with amendments, recommending their adoption and the

passage of the bill, and asked to be discharged from further consideration of the subject.

Which was granted.

The amendments reported by the committee of the whole were then concurred in by the House.

Mr. Brush moved to amend section one hundred and seven, in the fifth line, by inserting after the word "counties," the words "except the County of San Francisco."

On which the ayes and nays were demanded.

And the amendment was lost by the following vote:

AYES.

Messrs.	Blake,	Messrs.	Meredith,
	Brush,		McMahon,
	Carpentier,		Moore,
	Conness,		Myres,
	Covarrubias,		Oliver,
	Huse,		Owen,
	Irwin,		Redding,
	Kittredge,		Rogers,
	Leake,		Wing—18.

NAYS.

Messrs.	Cabaniss,	Messrs.	Letcher,
	Caldwell,		McCandless,
	Canney,		McKamy,
	Carhart,		Proctor,
	Crenshaw,		Reading,
	Estep,		Saunders,
	Ewing,		Sime,
	Flower,		Taylor,
	Hally,		Wells,
	Heydenfeldt,		Speaker—20.

Mr. Wells moved to reconsider the vote just taken.

On which the ayes and nays were demanded.

And the House refused to reconsider by the following vote:

AYES.

Messrs.	Blake,	Messrs.	McKamy,
	Brush,		McMahon,
	Carpentier,		Oliver,
	Conness,		Owen,
	Covarrubias,		Redding,
	Hoff,		Rogers,
	Irwin,		Thomas,

Messrs. Kittredge,
Leake,
Meredith,
Messrs. Wells,
Wing—19.

NAYS.

Messrs. Cabaniss,
Caldwell,
Canney,
Carhart,
Crenshaw,
Estep,
Flower,
Gardner,
Hally,
Heydenfeldt,
Huse,
Messrs. Letcher,
McCandless,
Moore,
Myres,
Proctor,
Robinson,
Saunders,
Sime,
Taylor,
Tilghman,
Speaker—22.

Mr. Carpentier moved to amend the thirty-fifth section as follows:—strike out from "State," in third line, to "second," in eighth line, and insert "shall have power to take and certify the proof or acknowledgment of a conveyance of real property, or of any other written instrument; and said Judges in any part of the State, and Justices of the Peace within their respective counties, and Mayors and Recorders within their respective cities, shall have power to take and certify."

On the adoption of which, the ayes and nays were demanded.

And the amendment was lost by the following vote:

AYES.

Messrs. Brush,
Carpentier,
Hoff,
Kittredge,
Leake,
Meredith,
Messrs. McKamy,
McMahon,
Moore,
Oliver,
Redding—11.

NAYS.

Messrs. Bostwick,
Cabaniss,
Caldwell,
Canney,
Carhart,
Crenshaw,
Estep,
Flower,
Gardner,
Hally,
Letcher,
Messrs. McCandless,
Myres,
Owen,
Proctor,
Reading,
Robinson,
Saunders,
Sime,
Taylor,
Tilghman,
Speaker—22.

The bill was then read a third time and passed.

And on the question, "Shall the title stand?" it was amended so as to read, "An Act Concerning the Courts of Justice of this State and Judicial Officers."

The title as amended, was then agreed to.

A message was received, informing the Assembly that the Senate this day passed Senate bill for An Act to abolish the Boards of Supervisors in the counties of Calaveras, Sacramento and Colusi.

The bill was then taken up, read a first and second time, the rules suspended, and then read a third time and passed.

A message was received informing the Assembly that the Senate passed, on the 6th inst., An Act to be entitled An Act amendatory to an Act entitled an Act to establish a system of Common Schools, approved May 3d, 1852;

Also, Assembly bill for An Act for the relief of Reuben Clark and Wm. Crane;

And also, passed Senate bill for An Act supplementary to an Act to Fund the Debt of Los Angeles County, and provide for the payment thereof, passed March 19, 1853.

Senate bill for An Act to be entitled an Act amendatory of and supplementary to an Act entitled an Act to establish a system of Common Schools, approved May 3d, 1852, was then taken up, read a first and second time, and referred to the Committee on Education.

Senate bill for An Act supplementary to an Act to Fund the Debt of Los Angeles County, and provide for the payment thereof, passed March 19, 1853, was then taken up, read a first and second time, and the rules suspended; it was then read a third time and passed.

Mr. Moore, on leave, introduced a bill for An Act providing for the location of the County Seat of Colusi County.

Which was read a first and second time, and the rules suspended; it was then read a third time and passed.

A message was received informing the Assembly that the Senate passed, on the 4th inst., An Act to establish an Asylum for the Insane of the State of California;

And on the 6th inst., An Act to abolish the present State Hospitals;

And Assembly bill for An Act to Incorporate the City of Monterey;

Senate Joint Resolution in relation to grants of land by the General Government in Utah Territory;

And Assembly bill for An Act to amend an Act to fix the times of holding Court in the Eleventh Judicial District in this State;

And Assembly Joint Resolution granting leave of absence to S. C. Austin, Sheriff of Placer County;

And also, Senate bill for An Act to provide for the establishment of a State Marine Hospital at San Francisco.

Senate bill for An Act to establish an Asylum for the Insane of the State of California, was then taken up, read a first and second time, and referred to the Committee on State Hospitals.

Senate bill for An Act to abolish the present State Hospitals, was then taken up, read a first and second time, and referred to the Committee on State Hospitals, with instructions to report on Tuesday next.

Senate Joint Resolution in relation to grants of land by the General Government in Utah Territory, was then taken up, read a first and second time, and referred to the Committee on Federal Relations.

Senate bill for An Act to provide for the establishment of a State Marine Hospital at San Francisco, was then taken up, read a first and second time, and referred to the Committee on State Hospitals, with instructions to report on Tuesday next.

A message was received, informing the Assembly that the Senate this day passed a Concurrent Resolution rescinding a resolution to adjourn on the 11th inst., and providing for an adjournment on the 18th inst.

The resolution was then taken up, and on the question, "Will the House concur in the resolution?"

The ayes and nays were demanded, and resulted as follows:

AYES.

Messrs.	Blake,	Messrs.	McCandless,
	Bostwick,		McKamy,
	Brush,		McMahon,
	Cabaniss,		Moore,
	Carhart		Myres,
	Cardozo,		Oliver,
	Crenshaw,		Owen,
	Ewing,		Redding,
	Gardner,		Rogers,
	Hoff,		Tilghman,
	Huse,		Wells,
	Kittredge,		Wilson,
	Leake,		Wing—27.
	Meredith,		

NAYS.

Messrs.	Caldwell,	Messrs.	Proctor,
	Canney,		Reading,
	Carpentier,		Robinson,
	Conness,		Saunders,
	Covarrubias,		Sime,
	Estep,		Taylor,
	Flower,		Thomas,
	Hally,		Yeiser,
	Heydenfeldt,		Speaker—19.
	McGarry,		

The Chair decided that the vote of two-thirds was requisite to pass the resolution, and declared the resolution lost.

Mr. Moore appealed from the decision, and on the question, "Shall the decision of the Chair stand as the opinion of the House?"

The ayes and nays were demanded.

And the decision was reversed by the following vote:

AYES.

Messrs. Cabaniss,
Caldwell,
Canney,
Covarrubias,
Estep,
Flower,
Hally,
Heydenfeldt,
McGarry,
Proctor,
Reading,
Robinson,
Saunders,
Sime,
Taylor,
Thomas,
Tilghman—17.

NAYS.

Messrs. Blake,
Bostwick,
Brush,
Carhart,
Carpentier,
Cardozo,
Crenshaw,
Ewing,
Gardner,
Hoff,
Huse,
Irwin,
Kittredge,
Leake,
Meredith,
McCandless,
McKamy,
McMahon,
Moore,
Myres,
Oliver,
Owen,
Redding,
Rogers,
Wells,
Wilson,
Wing—27.

The Speaker then declared that the House had concurred in the resolution.

Mr. Myres, on leave, introduced a bill for An Act to provide means for paying the Civil Debt of this State.

Which was read a first and second time, and referred to the Committee on Ways and means.

Mr. Wilson, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act for the relief of Charles E. Pickett.

And the report was adopted.

Mr. Gardner, on leave, introduced a bill for An Act for the permanent location of the Seat of Government.

Which was read a first time, and laid over under the rules.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act for the relief of Reuben Clark and Wm. Crane;

An Act to provide for the payment of Freight on State Furniture to Calvin Valpey;

Also, An Act for the relief of Orrin Bailey, and other persons therein mentioned, for services rendered in behalf of the State;

Also, An Act to authorize the County Surveyor of Calaveras County to rent an office;

Also, An Act in relation to Clerks in the office of the Comptroller of State, and to provide for their pay.

And the report was adopted.

Mr. Bostwick, from the same committee, reported that they had presented to the Governor for his approval, An Act for the relief of Reuben Clark and William Crane;

Also, An Act to compensate Dr. John B. Trask for his report on the Geology of the Mineral Districts, and to enable him to make further examinations;

Also, An Act to provide for the Translation of the Laws into the Spanish language, for the year 1853;

Also, An Act supplementary to the Act Incorporating the City of Marysville;

Also, An Act to amend an Act entitled an Act concerning Corporations, passed April 22d, 1850;

Also, An Act authorizing the Board of Supervisors of San Diego County to levy a special tax for the erection of a County Jail;

Also, An Act to provide for the payment of Freights on State Furniture to Calvin Valpey;

Also, An Act for the relief of Orrin Bailey, and other persons therein mentioned, for services rendered in behalf of the State;

Also, An Act to authorize the County Surveyor of Calaveras to rent an office;

And, An Act in relation to Clerks in the office of the Comptroller of State, and to provide for their pay.

And the report was adopted.

Mr. Hoff, on leave, introduced a bill for An Act explanatory of the thirty-ninth section of an Act entitled an Act concerning Sheriffs, passed April 29, 1851.

Which was read a first and second time, and referred to the Judiciary Committee.

Mr. Hally, from the select committee to whom was referred Assembly bill for An Act to secure to Settlers a Pre emption right to the Swamp and Overflowed Lands of this State, reported the same back, and recommended that it be passed.

The report was adopted, and the bill laid on the table.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act to apportion the Senatorial and Assembly Districts of this State;

Also, An Act amendatory of the fifth section of An act entitled an Act to Incorporate the City of San José, approved March 27, 1850;

Also, An Act appropriating moneys to defray the expenses of the Government of this State;

Also, An Act to fix the Salary of the County Judge of Placer County;

Also, An Act securing to Mechanics and others a Lien for work done and materials furnished;

And also. An Act to amend an Act concerning Roads and Highways.

And the report was adopted.

On motion, at 6 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

MONDAY, May 9, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Carpentier, Cardozo, Ewing, Fairfax, Flower, Gardner, Hally, Harrison, Herbert, Heydenfeldt, Hunt, Irwin, Johnson, Martin, McCandless, McFarland, McMahon, McMeans, Moore, Myres, Proctor, Reading of Trinity, Saunders, Smith, Taylor, and Wing.

On motion, leave of absence was granted to Messrs. Taylor, Saunders, Kittredge, McCandless, Fairfax, and Myres, for one day each; and to Messrs. McFarland, Johnson, Ewing, McGarry, and Harrison, two days each.

The Journal of Saturday last was read and approved.

Mr. Canney presented the claim of the Stockton State Hospital for $2,128 08.

Which was read, and referred to the Committee on Claims.

Mr. Brush submitted the following report; which was read, and adopted. (See Appendix No. 57.)

Mr. Cardozo, from the Committee on Education, reported back Senate bill for An Act to be entitled an Act amendatory of and supplementary to an Act entitled an Act to establish a system of Common Schools, approved May 3, 1852, without amendment, and recommended that it be passed.

The report was adopted, and the bill laid on the table and ordered to be printed.

Mr. Huse, from the Committee on Agriculture, reported back Senate bill for An Act concerning Estrays, with amendments, recommending their adoption, and the passage of the bill.

Mr. Heydenfeldt moved that the bill be recommitted to the same committee.

Which was agreed to.

Mr. Crenshaw, from the Committee on Federal Relations, reported back Assembly Joint Resolution instructing our Senators and requesting our Representatives in Congress in relation to the donation of the public lands, without amendment, and recommended that the same be passed.

The report was adopted, and the rules suspended; the resolution was then read a third time and passed.

Mr. Crenshaw, from the same committee, reported back Assembly Joint Resolution, relative to the Civil Fund, with a recommendation that the same be passed.

The report was adopted, the rules suspended, and the resolution was then read a third time, and passed.

Mr. McMeans, from the Committee on Ways and Means, reported back

Senate bill for An Act to abolish the present State Hospitals, without amendment, and recommended that the same be passed

The report was adopted, and the bill laid on the table.

Mr. Mandeville, from the Committee on Roads and Highways, reported back Assembly bill for An Act to locate a State Road from the city of Benicia to the city of Sacramento, without amendment, and recommended that the same be passed.

Mr. Robinson moved that the bill be indefinitely postponed.

On which the ayes and nays were demanded, and resulted as follows:

AYES.

Messrs. Cabaniss,	Messrs. Hoff,
Caldwell,	Proctor
Carhart,	Reading,
Conness,	Redding,
Estep,	Robinson,
Heydenfeldt,	Sime—12.

NAYS.

Messrs. Bell,	Messrs. Mandeville,
Blake,	Meredith,
Bostwick,	McKamy,
Brush,	McMeans,
Canney,	Owen,
Cardozo,	Smith,
Crenshaw,	Walker,
Letcher,	Speaker—16.

No quorum voting.

Mr. Canney then moved that the bill be laid on the table,

Which was agreed to.

A message was received from the Governor, informing the Assembly that he approved, on the 7th instant,

An Act supplementary to an Act incorporating the city of Marysville;

Also, An Act to compensate John B. Trask for his report on the Geology of the Mineral Districts, and to enable him to make further examinations;

Also, An Act to provide for the Translation of the Laws into the Spanish Language, for the year 1853;

Also, An Act to provide for the payment of freight on State furniture to Calvin Valpey;

Also, An Act in relation to Clerks in the office of Comptroller of State, and to provide for their pay;

Also, An Act for the relief of Orrin Bailey, and other persons therein mentioned, for services rendered in behalf of the State;

Also, An Act to authorize the County Surveyor of Calaveras to rent an office;

And An Act for the relief of Reuben Clark and William Crane.

A message was received, informing the Assembly that the Senate, on the

6th instant, appointed Messrs. Smith, Wombough, and Estill, a committee of conference on the disagreeing vote of the two Houses on Senate bill for An Act for the relief of Charles E. Pickett;

And concurred in Assembly amendment to Senate bill for An Act providing for the erection of a State Prison, and declaring null and void the existing State Prison contract;

And passed, on the 7th instant, with amendments, Assembly Joint Resolution relative to the Law Library, at the city of San Francisco;

And passed Assembly bill for An Act for the relief of certain claimants of lots or blocks of land in the towns of Union and Eureka, in Trinity county;

Assembly bill for An Act amendatory of the fifth section of an Act to incorporate the city of San Jose, approved March 27, 1850;

Assembly bill for An Act appropriating money to defray the expenses of the Government of this State;

Assembly bill for An Act to fix the salary of the County Judge of Placer county;

Assembly bill for An Act for the relief of Albert Putnam;

And Senate bill for An Act to amend an Act to provide for the redemption of Comptroller's Warrants drawn on the General Fund, passed April 1, 1853;

And concurred in Assembly amendment to Senate bill for An Act in relation to personal mortgages in certain cases;

And non-concurred, on the same day, in Assembly amendments to Senate bill for An Act to amend an Act declaring certain rivers and creeks navigable, passed February 18, 1851.

Assembly Joint Resolution relative to the Law Library at the city of San Francisco, as amended by the Senate, was then taken up, and the amendments concurred in.

Senate bill for An Act to amend an Act to provide for the redemption of Comptroller's Warrants drawn on the General Fund, passed April 1, 1853, was then read a first and second time, and referred to the Committee of Ways and Means.

Senate bill for An Act to amend an Act entitled an Act declaring certain rivers and creeks navigable, passed February 18, 1851, as returned from the Senate, with Assembly amendments non-concurred in, was then taken up, and the House insisted upon their amendments.

Mr. Robinson moved that a committee of three be appointed as a committee of conference to meet a similar committee on the part of the Senate on the disagreeing vote of the two Houses on the bill, which was agreed to, and the Chair announced as such committee, Messrs. Robinson, Yeiser, and Ewing.

On motion of Mr. Leake, Senate bill for An Act to provide for the pay and compensation of Major James Birney, as paymaster to troops called into the service of this State in defending our eastern frontier from the hostilities of Indians, under an Act passed March 17, 1853, was taken from the table, and the House then went into committee of the whole (Mr. Redding of Yuba in the chair) on the consideration of the bill, and having considered the same, the committee rose, reported it back to the House without

amendment, recommended that it be passed, and asked to be discharged from further consideration of the subject.

Which was granted.

The bill was then read a third time, when

Mr. Leake moved a call of the House, which was sustained, and on the roll being called, the following members were found absent:

Messrs. Caldwell, Carpentier, Ewing, Fairfax, Hoff, Martin, McMahon, Moore, Redding of Yuba, Smith, and Taylor.

Messrs. McMahon, Redding of Yuba, and Smith, appeared at the bar of the House, were admitted, excused, and took their seats.

On motion of Mr. Leake, further proceedings under the call were dispensed with.

The question then being, "Shall the bill now be passed?"

On which the ayes and nays were demanded, the bill passed by the following vote:

AYES.

Messrs. Bell,	Messrs. Mandeville,
Blake,	Meredith,
Cabaniss,	McKamy,
Canney,	McMahon,
Carhart,	McMeans,
Cardozo,	Owen,
Covarrubias,	Proctor,
Estep,	Reading,
Flower,	Robinson,
Gardner,	Rogers,
Hally,	Sime,
Herbert,	Smith,
Heydenfeldt,	Tilghman,
Huse,	Walker,
Knight,	Wells,
Leake,	Wing—32.

NAYS.

Messrs. Bostwick,	Messrs. Oliver,
Brush,	Redding,
Conness,	Wilson,
Crenshaw,	Yeiser,
Irwin,	Speaker—11.
Letcher,	

Mr. McMahon, on leave, introduced a bill for An Act for the relief of the claimants of lots or blocks of land in the town of Trinidad, in the county of Klamath.

Which was read twice, and referred to the Judiciary Committee.

Mr. Heydenfeldt introduced a bill for An Act to provide for the defence of the frontier of the State.

Which was read twice, and referred to the Committee on Military Affairs.

Mr. Heydenfeldt, agreeable to notice, introduced a bill for An Act recommending to the electors to vote for or against calling a convention to revise and change the entire Constitution of the State.

Which was read twice, and referred to the Judiciary Committee.

On motion of Mr. Crenshaw, at 2 o'clock, P. M., the House took a recess until 3 o'clock, P. M.

The House re-assembled at 3 o'clock, P. M.

Mr. Hoff submitted the following resolution, which was read and adopted:

Resolved, That the standing committees of this House be and are hereby instructed to report before the 12th day of this month, upon all matters referred to them.

Mr. Wilson, from the Joint Committee on Enrolled Bills, reported as correctly enrolled An Act to divide the county of Trinity, and form a new county out of the western portion of the same, to be called Humboldt;

Also, Joint Resolution granting leave of absence to S. C. Astin, Sheriff of Placer county;

Also, An Act to amend an Act to fix the times of holding court in the Eleventh Judicial District in this State, approved January 14, 1853;

Also, An Act supplemental to an Act entitled an Act providing a fund for the use of a State Library, passed May 1, 1852;

Also, An Act to incorporate the city of Monterey;

Also, An Act providing for the erection of a State Prison, and declaring null and void the existing State Prison contract.

And the report was adopted.

Assembly bill for An Act to abolish the offices of Commissioners of the Funded Debt of San Francisco, was then taken up, and made the special order for to-morrow at 12 o'clock, M.

Assembly bill for An Act to apportion the Senatorial and Assembly Districts of this State, was then taken up, when

Mr. Redding of Yuba moved to re-commit the bill, with special instructions.

Which was not agreed to.

Mr. Redding of Yuba then moved to lay the bill on the table.

On which the ayes and nays were demanded, and the House refused to lay the bill on the table by the following vote:

AYES.

Messrs.	Bell,	Messrs.	McKamy,
	Cabaniss,		Owen,
	Caldwell,		Proctor,
	Covarrubias,		Reading,
	Estep,		Robinson,

Messrs. Hally,
Hoff,
Huse,
Letcher,
Messrs. Smith,
Yeiser,
Speaker—17.

NAYS.

Messrs. Blake,
Bostwick,
Brush,
Canney,
Conness,
Cardozo,
Crenshaw,
Flower,
Heydenfeldt,
Leake,
Mandeville,
Messrs. Meredith,
McMahon,
Oliver,
Redding,
Rogers,
Sime,
Thomas,
Tilghman,
Wells,
Wilson,
Wing—22.

Mr. Bell moved a call of the House, which was sustained, and on the roll being called, the following members were found absent:

Messrs. Carhart, Gardner, Herbert, Martin, and Wilson.

On motion, further proceedings under the call were dispensed with.

Mr. Canney moved that the bill be read a third time now, which was agreed to, and the bill was read a third time.

The question then being, "Shall the bill now be passed?"

On which the ayes and nays were demanded, the bill was passed by the following vote:

AYES.

Messrs. Bell,
Blake,
Caldwell,
Canney,
Cardozo,
Crenshaw,
Estep,
Flower,
Hally,
Heydenfeldt,
Huse,
Knight,
Leake,
Letcher,
Messrs. McKamy,
McMahon,
Oliver,
Owen,
Proctor,
Reading,
Rogers,
Sime,
Smith,
Thomas,
Tilghman,
Walker,
Wells—27.

NAYS.

Messrs. Brush,
Cabaniss,
Messrs. Moore,
Redding,

Messrs. Conness,
Covarrubias,
Hoff,
Mandeville,
Meredith,
Messrs. Robinson,
Wilson,
Wing,
Yeiser,
Speaker—14.

Mr. Reading of Trinity gave notice, that he would, on to-morrow, move to reconsider the vote just taken.

Mr. Canney moved that the vote be now reconsidered.

On which the ayes and nays were demanded, and resulted as follows:

AYES.

Messrs. Bostwick,
Covarrubias,
Estep,
Heydenfeldt,
Messrs. Leake,
Robinson,
Smith,
Speaker—8.

NAYS.

Messrs. Bell,
Blake,
Cabaniss,
Caldwell,
Canney,
Cardozo,
Crenshaw,
Flower,
Hally,
Huse,
Knight,
Letcher,
Messrs. Mandeville,
McKamy,
McMahon,
Oliver,
Owen,
Proctor,
Rogers,
Sime,
Thomas,
Walker,
Wells—23.

No quorum voting.

Mr. Canney then, on leave, withdrew the motion to reconsider the vote.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act providing for the location of the County Seat of Colusi county;

And also, An Act to prohibit Gaming.

And the report was adopted.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act to amend an Act to incorporate the city of San Jose, passed March 27, 1850; also,

An Act for the relief of Albert Putnam; also,

An Act to fix the salary of the County Judge of Placer county; also,

An Act for the relief of the claimants of lots or blocks of land in the towns of Union and Eureka, in Trinity county; also,

An Act appropriating money to defray the expenses of the government of this State.

And the report was adopted.

A message was received, informing the Assembly that the Senate passed, on the 7th instant—

An Act to amend an Act concerning Divorces, passed March 25, 1851; also,

An Act to provide for granting Passports; also,

An Act to repeal an Act to provide for the payment of State Prison Inspectors, approved May 3, 1852;

And passed this day An Act to repeal an Act creating the office of Superintendent of Public Buildings and Property, and defining the duties of that office, passed April 25, 1851;

And Assembly bill for An Act authorizing the Treasurer of the State to issue bonds for the payment of the Mariposa, second Eldorado, Utah, Los Angeles, Clear Lake, Klamath and Trinity, and Monterey expeditions against the Indians, passed May 3, 1852;

And with amendments, Assembly bill for An Act to authorize the formation of Corporations for the construction of Plank or Turnpike Roads;

And concurred, on the 7th inst., in the report of the committee of conference, on the disagreeing vote of the two Houses on Senate bill for An Act for the relief of Charles E. Pickett.

Senate bill for An Act to amend an Act concerning Divorces, passed March 25, 1851, was then read twice, and referred to the Judiciary Committee.

Senate bill for An Act to provide for granting Passports, was then read twice, and referred to the Committee on Federal Relations.

Senate bill for An Act to repeal an Act to provide for the payment of State Prison Inspectors, approved May 3, 1852, was then read a first and second time, the rules suspended, the bill was then read a third time and passed.

Senate bill for An Act to repeal an Act creating the office of Superintendent of Public Buildings and Property, and defining the duties of that office, passed April 25, 1851, was then read a first and second time, the rule suspended, and the bill was read a third time, and passed.

Assembly bill for An Act to authorize the formation of corporations for the construction of Plank or Turnpike Roads, as amended by the Senate, was then taken up, and the amendments made by the Senate were concurred in by the House.

Assembly bill for An Act to prohibit Gaming, was then taken up, read a third time, and on the question, "Shall the bill now be passed?"

The ayes and nays were demanded, and the bill was passed by the following vote:

AYES.

Messrs. Bostwick,	Messrs. Letcher,
Brush,	Mandeville,
Cabaniss,	Meredith,
Canney,	McKamy,
Conness,	Owen,
Covarrubias,	Redding,
Estep,	Robinson,

Messrs. Gardner,
Hally,
Herbert,
Hoff,
Knight,
Messrs. Rogers,
Sime,
Wells,
Wing—23.

NAYS.

Messrs. Blake,
Carhart,
Cardozo,
Crenshaw,
Flower,
Heydenfeldt,
Huse,
Irwin,
Leake,
Messrs. Oliver,
Proctor,
Reading,
Smith,
Thomas,
Tilghman,
Walker,
Speaker—17.

Mr. Gardner gave notice that he would, on to-morrow, move to reconsider the vote just taken.

On motion of Mr. Flower, Senate bill for An Act to change the name of Alfred Morgan to Alfred Grey Morgan, was taken up, read a third time, and passed.

On motion of Mr. Canney, all the bills in relation to the location of the Seat of Government of this State, was made the special order for Thursday next at 12 o'clock.

On motion of Mr. Brush, Assembly bill for An Act concerning the salaries of officers and pay of members of the Legislature, was taken up, and the House then went into committee of the whole, Mr. Thomas in the chair, on the consideration of the bill, and having made some progress thereon, the committee rose and reported the same to the House, and asked leave to sit again, which was granted, and the bill laid on the table.

On motion, at 6 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, May 10, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Caldwell, Carhart, Carpentier, Fairfax, Gardner, Harrison, Martin, McCandless, Moore, Myres, Smith, Taylor and Wing.

On motion, leave of absence for one day each was granted to Messrs. Caldwell and McFarland.

The Journal of Monday last was read and approved.

Mr. Brush, from the Committee on Elections, reported back the papers and testimony in the case of contested seat of Robinson *vs.* Tilghman, without recommendation.

The report, with the accompanying papers, were then laid on the table.

Mr. Owen, from the Committee on Corporations, reported back Senate bill for An Act to provide for compensation to owners of private property appropriated to the use of Corporations, with a recommendation that the same be not passed.

The report was adopted, and the bill was then read a third time and lost.

Mr. Yeiser submitted the following report, which was read and adopted:

Mr. Speaker:

The Judiciary Committee have had under consideration An Act to allow private parties to file informations in the nature of quo warranto, and recommend that the same be not passed;

And have also considered An Act to amend an Act entitled an Act concerning Toll Bridges;

An Act concerning certain Courts in the county of San Francisco;

An Act concerning the auditing of accounts by the Court of Sessions and Board of Supervisors;

An Act declaratory of the effect of the repeal of Criminal Laws; and

An Act to amend an Act defining the rights of husband and wife, passed 17th April, 1850,—that they be passed.

Your committee also recommend that An Act to define the jurisdiction of the District Court of the First Judicial District;

An Act to regulate appeals from County Courts, Justices', Mayors' and Recorders' Courts in the State of California;

An Act to amend the eighty-seventh section of an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, approved March 18, 1851, and to repeal an Act amendatory thereof, approved May 3, 1852,—be not passed.

FRED. YEISER, Chairman.

Assembly bill for An Act to allow private parties to file information in the nature of quo warranto, was then taken up, read a third time and lost.

Senate bill for An Act to amend an Act entitled an Act concerning Toll Bridges, was then taken up, and laid on the table.

Assembly bill for An Act concerning certain Courts in the county of San Francisco, was then taken up, and laid on the table.

Senate bill for An Act concerning the auditing of accounts by the Court of Sessions and the Board of Supervisors, was then taken up, read a third time and passed.

Assembly bill for An Act declaratory of the effect of the repeal of Criminal Laws, was then taken up, read a third time, under a suspension of the rules, and passed.

Senate bill for An Act to amend an Act defining the rights of husband and wife, passed on 17th April, 1850, was then taken up, read a third time and passed.

Assembly bill for An Act to define the jurisdiction of the District Court of the First Judicial District, was then taken up, read a third time and lost.

Assembly bill for An Act to regulate appeals from County Courts, Justices', Mayors' and Recorders' Courts in the State of California, was then taken up, read a third time and lost.

Assembly bill for An Act to amend the eighty-seventh section of an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, approved March 11th, 1851, and to repeal an Act amendatory thereof, approved May 3d, 1852, was then taken up, read a third time and lost.

Mr. McMeans, from the Committee on State Hospitals, reported back Senate bill for An Act to provide for the establishment of a State Marine Hospital at San Francisco, with a recommendation that the bill be not passed.

The report and bill were laid on the table, and made the special order for 3 o'clock, this afternoon.

Mr. McMeans, from the same committee, reported back Senate bill for An Act to establish an Asylum for the Insane of the State of California, with a recommendation that the bill be not passed.

The report and bill were laid on the table, and made the special order for 3 o'clock, P. M., on to-morrow.

Mr. Thomas, from the select committee, to whom was referred Assembly bill for An Act to limit the hours of labor, reported the same back without amendment, and recommended that the same be passed.

The report was adopted, and the bill amended, considered engrossed, read a third time and passed.

Mr. Conness, on leave, introduced a bill for An Act to amend an Act providing for securing State Prison convicts.

Which was read a first and second time, and referred to the Judiciary Committee.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act for the payment of certain persons, therein named, for labor performed and materials furnished; also,

An Act to provide Aaron D. Blanchard and Samuel Stephens with duplicate Warrants lost or destroyed; also,

An Act to abolish the Board of Supervisors in the counties of Calaveras, Sacramento and Colusi; also,

An Act supplementary to an Act to Fund the Debt of Los Angeles county and provide for the payment thereof, passed March 19, 1853; also,

An Act in relation to personal mortgages in certain cases.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, a Joint Resolution relative to the Civil Funds; also,

Joint Resolution instructing our Senators and requesting our Representatives in Congress in relation to the donation of the Public Lands.

And the report was adopted.

Mr. Herbert, on leave, introduced a bill for An Act to authorize the raising a company of Rangers.

Which was read a first and second time, and referred to a select committee of three.

The Chair announced as such committee, Messrs. Herbert, Thomas and Yeiser.

Mr. Conness, on leave, introduced a bill for An Act to abolish the office of Quarter-Master-General in this State and to provide for the performance of the duties thereof.

Which was read a first and second time, and referred to the Committee on Military Affairs.

Mr. Canney, on leave, introduced a bill for An Act for the relief of Mrs. Sylvia Miller.

Which was read a first and second time, and referred to the Committee on Claims.

Mr. Canney presented the bond—a specification for building the Stockton State Hospital.

Which was referred to the Committee on Claims.

The House then went into committee of the whole (Mr. Crenshaw in the chair) on the consideration of Assembly bill for An Act to abolish the office of Commissioners of the Funded Debt of San Francisco, made the special order for this day at 12 o'clock, M.; and having considered the same, the committee rose, and reported it back to the House with amendments, and recommended their adoption and the passage of the bill, and asked to be discharged from further consideration of the subject.

Which was granted.

Mr. Blake then moved a call of the House, which was sustained; and

On the roll being called, the following members were found absent:—Messrs. Carhart, Carpentier, Conness, Crenshaw, Harrison, Irwin, McMahon, McMeans, Moore, Myres, Smith, Taylor, Thomas, Walker, Wells, Wing and Yeiser.

Messrs. Moore, Myres and Thomas appeared at the bar of the House, were admitted, excused, and took their seats.

Mr. Blake moved that the bill be ordered engrossed.

On which the ayes and nays were demanded, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Canney,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Herbert,
Hoff,
Hunt,
Huse,
Kittredge,
Mandeville,
Meredith,
McKamy,
McMahon,
Oliver,
Owen,
Redding,
Rogers,
Tilghman,
Wilson—24.

NAYS.

Messrs. Cabaniss,
Fairfax,
Flower,
Gardner,
Hally,
Heydenfeldt,
Johnson,
Knight,
Letcher,
McCandless,
Moore,
Proctor,
Reading,
Robinson,
Saunders,
Sime,
Thomas,
Walker,
Speaker—19.

A message was received, informing the Assembly that the Senate passed, on yesterday, An Act concerning the decisions of the Supreme Court.

And passed, this day, An Act to ratify and confirm an Ordinance passed by the city of San Francisco on the 7th March, 1853, authorizing the building of a Plank Road along Folsom street, in said city, from First street to Centre street.

Senate bill for An Act concerning the decisions of the Supreme Court, was then taken up, read a first and second time, and referred to the Committee on Public Printing.

Senate bill for An Act to ratify and confirm an Ordinance passed by the city of San Francisco on the 7th day of March, 1853, authorizing the building of a Plank Road along Folsom street, in said city, from First street to Centre street, was then taken up, read a first and second time, and referred to the Committee on Corporations.

A message was received, informing the Assembly that the Senate passed, yesterday, An Act to provide Revenue for the support of the Government of this State; and a

Joint Resolution in relation to claims against the General Government for supplies of Indian Agents.

Senate bill for An Act to provide Revenue for the support of the Government of this State, was then taken up, read a first and second time, and referred to the Committee on ways and Means.

Senate Joint Resolution in relation to claims against the General Government for supplies to Indian Agents, was then read a first and second time, and referred to the Committee on Federal Relations.

Mr. McMeans, from the Committee on Ways and Means, reported back Senate bill for An Act to amend an Act to provide for the redemption of Comptroller's Warrants drawn on the General Fund, passed April 1, 1853, with an amendment, and recommended that the bill be passed.

The report was adopted.

The bill was then amended, read a third time and passed.

On motion of Mr. Crenshaw, Assembly bill for An Act for the relief of C. H. Veeder, was taken from the table, considered in committee of the whole, reported back without amendments, the committee discharged, and the bill read a third time and passed.

Mr. Johnson, on leave, introduced a bill for An Act explanatory of an Act entitled an Act defining the time within which actions shall be commenced in certain cases.

Which was read a first and second time, and referred to the Judiciary Committee.

On motion of Mr. Sime, at 2 o'clock, P. M., the House took a recess until half-past 3 o'clock, P. M.

The House re-assembled at half-past 3 o'clock, P. M.

On motion of Mr. Saunders, Senate bill for An Act to provide for a Library for the Supreme Court, was taken from the table, read a third time and passed.

Senate bill for An Act to provide for the establishment of a State Marine Hospital at San Francisco, made the special order for 3 o'clock this day, was taken up, and laid on the table.

On motion of Mr. Blake, Assembly bill for An Act to provide for the Measurement of Goods, was taken from the table, amended by substitute for all after the enacting clause, and recommitted to the Committee on Commerce.

Mr. Herbert moved to reconsider the vote by which the House passed Assembly bill for An Act to prohibit Gaming.

Which was agreed to, and the bill laid on the table.

Mr. Reading, of Trinity, moved to reconsider the vote by which the House passed, yesterday, Assembly bill for An Act to apportion the Senatorial and Assembly Districts of this State.

On which the ayes and nays were demanded, and the motion was lost by the following vote:

AYES.

Messrs. Bostwick,	Messrs. Meredith,
Brush,	Reading,
Cabaniss,	Redding,

Messrs. Conness,
Hoff,
Irwin,
Mandeville,
Messrs. Robinson,
Wilson,
Yeiser,
Speaker—14.

NAYS.

Messrs. Bell,
Blake,
Canney,
Cardozo,
Crenshaw,
Estep,
Flower,
Gardner,
Hally,
Herbert,
Heydenfeldt,
Hunt,
Johnson,
Kittredge,
Leake,
Letcher,
Messrs. Martin,
McCandless,
McGarry,
McKamy,
McMahon,
McMeans,
Oliver,
Owen,
Proctor,
Rogers,
Saunders,
Sime,
Tilghman,
Walker,
Wells—31.

Mr. Crenshaw moved to take from the table the "Proposed amendments to the Constitution of this State."

On which the ayes and nays were demanded, and the motion was carried by the following vote:

AYES.

Messrs. Blake,
Bostwick,
Brush,
Cabaniss,
Canney,
Conness,
Covarrubias,
Crenshaw,
Estep,
Hally,
Hoff,
Kittredge,
Messrs. Letcher,
Meredith,
McGarry,
McKamy,
Oliver,
Owen,
Redding,
Robinson,
Rogers,
Sime,
Wells,
Wilson—24.

NAYS.

Messrs. Cardozo,
Flower,
Gardner,
Herbert,
Messrs. McCandless,
McMahon,
McMeans,
Moore,

Messrs. Heydenfeldt,	Messrs. Proctor,
Hunt,	Reading,
Irwin,	Saunders,
Johnson,	Teghman,
Leake,	Walker,
Mandeville,	Yeiser,
Martin,	Speaker—22.

Mr. Reading of Trinity moved that the amendments be laid on the table.

On which the ayes and nays were demanded, and the motion was carried by the following vote:

AYES.

Messrs. Bell,	Messrs. Martin,
Cardozo,	McCandless,
Flower,	McKamy,
Gardner,	McMahon,
Hally,	McMeans,
Herbert,	Moore,
Heydenfeldt,	Proctor,
Hunt,	Reading,
Huse,	Robinson,
Johnson,	Saunders,
Knight,	Sime,
Leake,	Yeiser,
Letcher,	Speaker—27.
Mandeville,	

NAYS.

Messrs. Blake,	Messrs. Meredith,
Bostwick,	Myres,
Brush,	Oliver,
Cabaniss,	Owen,
Canney,	Redding,
Conness,	Rogers,
Covarrubias,	Walker,
Crenshaw,	Wells,
Hoff,	Wilson—19.
Kittredge,	

On motion of Mr. Heydenfeldt, Assembly bill for An Act to amend an Act entitled an Act concerning the office of Public Administrator and making it elective, passed May 15, 1851, was taken from the table, amended, and referred to a select committee of two.

The Chair announced, as such committee, Messrs. Heydenfeldt and Johnson.

Mr. Myres, on leave, introduced a bill for An Act to provide for security

to be given by County Officers acting under appointments, and to amend the fifty-fifth section of the Act concerning Sheriffs, passed April 29, 1851.

Which was read a first and second time, and referred to the Judiciary Committee.

A message was received, informing the Assembly that the Senate the day passed Senate bill for An Act to abolish the Board of Supervisors in the county of Yolo.

The bill was then taken up, read a first and second time, and laid on the table.

On motion of Mr. Herbert, Assembly bill for An Act to improve the Tule Lands, and to encourage the cultivation of sugar, rice and cotton, was taken from the table and made the special order for to-morrow, at 11 o'clock, A. M.

On motion, at 7 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, May 11, 1853.

House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were found absent:

Messrs. Bell, Caldwell, Carhart, Covarrubias, Ewing, Fairfax, Gardner, Harrison, Irwin, Knight, Leake, Moore, Smith and Yeiser.

On motion. leave of absence was granted for one day each to Messrs. Harrison, Caldwell and Ewing, and to Mr. Knight for the remainder of the session.

The Journal of Tuesday last was read and approved.

Mr. Crenshaw, from the Committee on Claims, reported back Assembly bill for An Act for the relief of David W. Jenkins, with a recommendation that the same be indefinitely postponed.

The report was adopted, and the bill indefinitely postponed.

Mr. Crenshaw, from the same committee, reported back Assembly bill for the relief of Mrs. Sylvia Miller, with a recommendation that the same be indefinitely postponed

The report was adopted, and the bill indefinitely postponed.

Mr. Cardozo, from the Committee on Commerce, reported back the

petition of Jefferson Hunt, praying for a law authorizing him to construct a Boom across the American River, with a recommendation that the same be laid on the table.

The report was adopted, and the petition laid on the table.

Mr. Cardozo, from the same committee, reported back Assembly bill for An Act amendatory of an Act entitled an Act to provide for the Inspection of Flour, passed May 3d, 1852, with a recommendation that the same be passed.

The report was adopted, and the bill laid on the table.

Mr. Yeiser submitted the following report, which was read and adopted:

Mr. Speaker:

The Judiciary Committee have had under consideration An Act to provide for Security to be given by County Officers acting under appointments, and to amend the fifty-fifth section of the Act concerning Sheriffs, passed April 29, 1851;

Also, An Act explanatory of an Act entitled an Act defining the time within which Actions shall be commenced in certain cases;

And An Act recommending to the Electors to vote for or against calling a Convention to revise and change the entire Constitution of this State.

Which they beg leave to report back, with the recommendation that they be passed.

The committee also report back An Act for the relief of the Claimants of lots or blocks in the Town of Trinidad, in the County of Klamath, for the consideration of the House.

They also recommend that the following bills be not passed, viz:

An Act concerning Conveyances of Real Estate;

An Act to amend an Act concerning Divorces, passed March 25, 1851;

An Act to repeal an Act entitled an Act concerning Divorces;

An Act to amend an Act to regulate Proceedings in Criminal cases;

And An Act explanatory of the duties of Sheriffs, under the thirty-seventh section of the Act to provide for levying, assessing and collecting, Public Revenue, passed April 23d, 1852.

FRED. YEISER,
Chairman.

Assembly bill for An Act to provide for Security to be given by County Officers acting under appointments, and to amend the fifty-fifth section of the Act concerning Sheriffs, passed April 29, 1851, was then taken up, considered engrossed, read a third time, and passed.

Assembly bill for An Act explanatory of an Act entitled an Act defining the time within which Actions shall be commenced in certain cases, was then taken up, considered engrossed, read a third time, and passed.

Assembly bill for An Act recommending to the Electors to vote for or against calling a Convention to revise and change the entire Constitution of this State, was then taken up, and laid on the table.

Assembly bill for An Act for the relief of the Claimants of lots or blocks of land in the Town of Trinidad, in the County of Klamath, was then taken up, and laid on the table.

Assembly bill for An Act concerning Conveyances of Real Estate, was then taken up, read a third time, and lost.

Senate bill for An Act to amend an Act concerning Divorces, passed March 25, 1851, was then taken up, and laid on the table.

Assembly bill for An Act to repeal an Act entitled an Act concerning Divorces, was then taken up, read a third time, and lost.

Assembly bill for An Act explanatory of the duties of Sheriffs under the thirty-seventh section of the Act to provide for levying, assessing and collecting Public Revenue, passed April 23d, 1852, was then taken up, and laid on the table.

Assembly bill for An Act to amend an Act to regulate Proceedings in Criminal cases, was then taken up, read a third time, and lost.

Mr. Cardozo, from the Committee on Public Lands, reported back Assembly bill for An Act to amend an Act entitled an Act prescribing the mode of maintaining and defending Possessory Actions on Public Lands in this State, approved April 20, 1852, with a recommendation that it be considered in committee of the whole House.

The report was adopted, and the bill laid on the table.

Mr. Cardozo, from the same committee, reported back the petition of James Dorland, and eighty-one other citizens of Solano County, praying for relief, with a recommendation that it be laid on the table.

The report was adopted, and the petition laid on the table.

Mr. Herbert, from the select committee to whom was referred An Act to authorize the raising of a Company of Rangers, reported the same back, and recommended that the same be passed.

The report was adopted, the bill considered engrossed, read a third time, and on the question, "Shall the bill now be passed?"

The ayes and nays were demanded.

And the bill was lost by the following vote:

AYES.

Messrs.	Blake,	Messrs.	McMahon,
	Canney,		Reading,
	Herbert,		Thomas,
	Heydenfeldt,		Tilghman,
	Hunt,		Walker,
	Kittredge,		Wells,
	Leake,		Yeiser,
	Martin,		Speaker—17.
	McCandless,		

NAYS.

Messrs.	Bostwick,	Messrs.	McFarland,
	Brush,		McGarry,
	Cabaniss,		Oliver,
	Crenshaw,		Proctor,
	Estep,		Robinson,
	Flower,		Rogers,
	Hoff,		Saunders,

Messrs. Huse,
Johnson,
Letcher,
Meredith,
Messrs. Sime,
Taylor,
Wing—21.

Mr. Proctor gave notice that he would, on to-morrow, move to reconsider the vote just taken.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act declaratory of the effect of the repeal of Criminal Laws;

Also, An Act to limit the Hours of Labor;

Also, An Act for the relief of C. H. Veeder;

Also, An Act to abolish the offices of Commissoners of the Funded Debt of San Francisco.

And the report was adopted.

Mr. Bostwick, from the Joint Committee on Enrolled bills, reported that they had this day presented to the Governor, for his approval, An Act to provide Aaron Blanchard and Samuel Stephens with duplicate Warrants in lieu of certain Warrants lost or destroyed;

An Act for the payment of certain persons therein named, for Labor performed and Materials furnished;

An Act in relation to Personal Mortgages, in certain cases;

An Act to abolish the Board of Supervisors in the counties of Calaveras, Sacramento and Colusi;

An Act supplementary to an Act to fund the debt of Los Angeles county and provide for the payment thereof, passed March 19, 1853;

An Act for the relief of the claimants of lots or blocks of land in the towns of Union and Eureka, in Trinity county;

An Act for the relief of Albert Putnam;

An Act to amend an Act to incorporate the city of San Jose, passed March 27, 1850;

An Act to fix the salary of the County Judge of Placer county;

An Act appropriating money to defray the expenses of the government of this State;

An Act to divide the county of Trinity, and form a new county out of the western portion of the same to be called Humboldt;

An Act to incorporate the city of Monterey;

An Act providing for the erection of a State Prison, and declaring null and void the existing State Prison contract;

An Act to amend an Act to fix the times of holding Court in the Eleventh Judicial District in this State, approved January 14, 1853;

An Act supplemental to an Act entitled an Act providing a fund for the use of a State Library, passed May 1, 1852;

Joint Resolution granting leave of absence to S. C. Astin, Sheriff of Placer county.

And the report was adopted.

Mr. Bostwick, from the same committee, reported as correctly enrolled An Act amendatory of an Act entitled an Act authorizing the Treasurer of the State to issue Bonds for the payment of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath and Trinity, and Monterey Expeditions against the Indians, passed May 3, 1852;

Also, Joint Resolution relative to the Law Lib[illegible] the city of San Francisco.

And the report was adopted;

On motion of Mr. Owen, Assembly bill for An Act to prohibit Gaming, was taken from the table and recommitted to the select committee to whom was previously referred the bill, with instructions to report an amendment striking out the 18th section, and change section 18 to 19 and 20 to 19.

Assembly bill for An Act to abolish the offices of Commissioners of the Funded Debt of San Francisco, was then taken up, when

Mr. Blake moved a call of the House, which was sustained, and on the roll being called the following members were found absent: Messrs. Bell, Cardozo, Covarrubias, Fairfax, Flower, Gardner, Hally, Irwin, McMeans, Moore, Myres, Redding of Yuba, Smith and Wilson.

Messrs. Cardozo, Fairfax and Hally appeared at the bar of the House, were admitted, excused and took their seats.

On motion of Mr. Sime, further proceedings under the call were dispensed with.

Mr. Blake then moved that the bill be now read a third time.

Which was agreed to, and the bill had its third reading, and on the question, "Shall the bill now be passed?"

The ayes and nays were demanded, and the bill was passed by the following vote:

AYES.

Messrs.	Bell,	Messrs.	Leake,
	Blake,		Mandeville,
	Brush,		Martin,
	Canney,		Meredith,
	Carpentier,		McFarland,
	Conness,		McKamy,
	Cardozo,		McMahon,
	Herbert,		Owen,
	Hoff,		Rogers,
	Hunt,		Tilghman,
	Huse,		Walker,
	Johnson,		Wing—25.
	Kittredge,		

NAYS.

Messrs.	Bostwick,	Messrs.	Proctor,
	Cabaniss,		Reading,
	Crenshaw,		Robinson,
	Fairfax,		Saunders,
	Flower,		Sime,
	Hally,		Taylor,
	Heydenfeldt,		Thomas,
	Letcher,		Wilson,
	McCandless,		Yeiser,
	McGarry,		Speaker—20.

Mr. Fairfax, from the Committee on Education, reported back Assembly bill, An Act for the more effectual distribution of the Laws, Journals and Public Documents of the State of California, with amendments, and recommended the passage of the bill.

The amendments to the bill reported by the Committee were then adopted by the House.

Mr. Johnson then submitted the following amendment, as a proviso to the third section · "*Provided*, the compensation of such agents shall not exceed to each person twelve dollars per day."

On which the ayes and nays were demanded, and the amendment was adopted by the following vote:

AYES.

Messrs.	Brush,	Messrs.	Letcher,
	Canney,		Mandeville,
	Conness,		Martin,
	Covarrubias,		McGarry,
	Estep,		Oliver,
	Flower,		Proctor,
	Hally,		Robinson,
	Hoff,		Saunders,
	Hunt,		Sime,
	Huse,		Taylor,
	Johnson,		Wing,
	Kittredge,		Yeiser—24.

NAYS.

Messrs.	Bell,	Messrs.	Reading,
	Crenshaw,		Rogers,
	Fairfax,		Thomas,
	Leake,		Wells,
	McMahon,		Wilson—11.
	Myres,		

The bill as amended was then considered engrossed, read a third time and passed.

A message was received from the Governor, informing the Assembly that he approved this day An Act supplementary to an Act entitled an Act providing a fund for the use of the State Library, passed May 1, 1852;

An Act to amend an Act to fix the time of holding Court in the 11th Judicial District in this State;

An Act appropriating money to defray the expenses of the Government of this State;

An Act to amend an Act to incorporate the city of San Jose, passed March 27, 1850;

And An Act for the relief of the claimants of lots or blocks of land in the towns of Union and Eureka, in Trinity county.

Assembly bill for An Act to amend an Act concerning Roads and Highways, was then taken up, read a third time and passed.

On motion of Mr. Leake, Assembly bill for An Act to create the County of Mokelumne and provide for the organization of the same, was taken from the table.

The House then went into committee of the whole, Mr. Thomas in the chair, to consider the bill, and having made some progress thereon the committee rose and reported the same to the House, and asked leave to sit again.

Which was granted.

Mr. Conness moved to amend the first section so as to read as follows:

"Section 1. The county of Calaveras shall be and is hereby divided as follows:—Beginning in the middle of Molelumne river on the eastern boundary of San Joaquin county, thence up said river to the source of the south fork of the same, thence due east to the eastern boundary of the State, thence north-westerly to the south-east corner of El Dorado county, thence along the southern boundary of El Dorado county to the eastern line of Sacramento county, thence southerly along the eastern boundary of Sacramento and San Joaquin counties to the place of beginning. The northern portion of Calaveras county so cut off shall be called Mokelumne county, and the Seat of Justice shall be established by the qualified electors of Mokelumne county, at the first election hereinafter provided for.

On the adoption of which the ayes and nays were demanded, and the amendment was adopted by the following vote:

AYES.

Messrs.	Bostwick,	Messrs.	Huse,
	Brush,		Letcher,
	Cabaniss,		McCandless,
	Canney,		McFarland,
	Conness,		McGarry,
	Cardozo,		McMeans,
	Estep,		Myres,
	Ewing,		Owen,
	Flower,		Proctor,
	Hally,		Reading,
	Herbert,		Saunders,
	Hoff,		Wing—24.

NAYS.

Messrs.	Bell,	Messrs.	Meredith,
	Carpentier,		McKamy,
	Heydenfeldt,		Oliver,
	Hunt,		Rogers,
	Irwin,		Thomas,

Messrs. Johnson, Kittredge, Martin, Messrs. Tilghman, Walker, Wells—16.

Mr. Leake then submitted several amendments to the bill, which were adopted.

Mr. Leake then moved that the bill be referred to the members from Calaveras county.

Which was agreed to.

A message was received informing the Assembly that the Senate yesterday postponed indefinitely Assembly Joint Resolution instructing the Secretary of State to furnish F. A. Snyder, with two copies of the Statutes of each of the preceding sessions of the Legislature.

And indefinitely postponed the following Assembly bills:

An Act to repeal an Act concerning the Courts of Justice of this State and Judicial Officers, approved March 27th, 1852;

Assembly bill for An Act to amend an Act defining the time of commencing civil actions; and

Assembly bill for An Act to regulate the business of the General and Special Terms of the Supreme and District Courts of this State and the Superior Court of the city of San Francisco;

And passed, yesterday, with amendments, Assembly bill for An Act to provide for the construction of a Canal from Tulare Lake to the waters of the San Joaquin;

And this day appointed Messrs. Catlin, Lyons and Lind as a committee of conference on the disagreeing vote of the two Houses on Senate bill for An Act to amend an Act declaring certain rivers and creeks navigable.

Assembly bill for An Act to provide for the construction of a Canal from Tulare Lake to the waters of the San Joaquin, as amended by the Senate, was then taken up, and the Senate amendments concurred in.

A message was received, informing the Assembly that the Senate, on the 7th instant, passed Senate bill for An Act to establish a Female Branch of a State University, to be located at the city of Benicia.

The bill was then taken up, read a first and second time, and referred to a select committee, composed of the Committee on Education and the Committee on Ways and Means, and two hundred and forty copies ordered to be printed.

Mr. Hoff submitted the following resolution, which was read and adopted:

Resolved, That no bills shall be printed except by the special order of the House.

On motion of Mr. Myres, Assembly bill for An Act to secure to settlers a pre-emption right to the overflowed and swamp Lands of this State, was taken from the table, and made the special order immediately after the disposition of the Hospital bill.

Assembly bill for An Act to improve the Tule Lands and to encourage the cultivation of sugar, rice and cotton, was taken up, and laid on the table.

Mr. Hoff, on leave, introduced a bill for An Act supplementary to an Act entitled an Act to create the county of Alameda and establish the Seat of Justice therein, and to define its boundaries, and to provide for its organization.

Which was read a first and second time, and referred to the Judiciary Committee.

Mr. Carpentier, on leave, introduced a bill for An Act to amend an Act entitled an Act to regulate the settlement of the Estates of deceased persons.

Which was read a first and second time, and referred to the Judiciary Committee.

On motion of Mr. Sime, at 2 o'clock, P. M., the House took a recess until half past three.

The House re-assembled at half-past three o'clock, P. M.

Mr. Johnson, from the Judiciary Committee, reported back Senate bill for An Act to legalize certain Records of Deeds in the county of Sacramento, with an amendment to be substituted for all after the enacting clause in the bill.

On motion of Mr. Robinson, the bill and amendment were laid on the table.

Mr. Owen, from the select committee, to whom was referred Assembly bill for An Act to prohibit Gaming, with special instructions, reported the same back with amendments, to strike out section eighteenth, and change section nineteenth to section eighteenth, and section twentieth to section nineteenth.

Mr. Heydenfeldt moved to again recommit the bill, with instructions to the committee to report against striking out the eighteenth section.

On which the ayes and nays were demanded.

And the motion was lost by the following vote:

AYES.

Messrs.	Bell,	Messrs.	McMeans,
	Blake,		Myres,
	Cardozo,		Oliver,
	Crenshaw,		Proctor,
	Fairfax,		Reading,
	Flower,		Saunders,
	Herbert,		Tilghman,
	Heydenfeldt,		Walker,
	McGarry,		Yeiser—19.
	McMahon,		

NAYS.

Messrs.	Bostwick,	Messrs.	Letcher,
	Brush,		Mandeville,
	Cabaniss,		Martin,
	Canney,		Meredith,
	Carpentier,		McCandless,

Messrs. Conness,
Covarrubias,
Estep,
Ewing,
Hally,
Hoff,
Hunt,
Huse,
Johnson,
Kittredge,
McFarland,
McKamy,
Owen,
Redding,
Robinson,
Sime,
Taylor,
Wells,
Wing,
Speaker—30.

Mr. Conness moved that the amendments reported by the select committee be concurred in by the House.

Mr. Heydenfeldt moved to lay that motion on the table.

On which the ayes and nays were demanded.

And the motion was lost by the following vote:

AYES.

Messrs. Bell,
Blake,
Canney,
Cardozo,
Crenshaw,
Fairfax,
Flower,
Herbert,
Heydenfeldt,
McGarry,
McMahon,
Moore,
Myres,
Oliver,
Proctor,
Reading,
Thomas,
Tilghman,
Walker,
Yeiser—20.

NAYS.

Messrs. Bostwick,
Brush,
Cabaniss,
Carpentier,
Conness,
Covarrubias,
Estep,
Ewing,
Hally,
Hoff,
Hunt,
Huse,
Johnson,
Kittredge,
Letcher,
Mandeville,
Martin,
Meredith,
McCandless,
McFarland,
McKamy,
McMeans,
Owen,
Redding,
Robinson,
Saunders,
Sime,
Taylor,
Wells,
Wilson,
Wing,
Speaker—32.

The question then recurring on the adoption of the amendments reported by the committee.

On which the ayes and nays were demanded.

And the amendments were adopted by the following vote:

AYES.

Messrs. Bostwick, Brush, Cabaniss, Canney, Conness, Covarrubias, Estep, Ewing, Hally, Hoff, Hunt, Huse, Johnson, Kittredge, Letcher, Mandeville, Martin, Meredith, McCandless, McFarland, McKamy, McMeans, Owen, Redding, Robinson, Sime, Taylor, Thomas, Wells, Wilson, Wing, Speaker—32.

NAYS.

Messrs. Bell, Blake, Cardozo, Crenshaw, Fairfax, Flower, Herbert, Heydenfeldt, McGarry, McMahon, Moore, Myres, Oliver, Proctor, Reading, Saunders, Tilghman, Walker, Yeiser—19.

Mr. Mandeville moved that the bill be now put upon its final passage.

Mr. Heydenfeldt moved to lay the motion upon the table.

On which the ayes and nays were demanded.

And the motion to lay on the table was lost by the following vote:

AYES.

Messrs. Cardozo, Herbert, Heydenfeldt, McGarry, McMahon, Moore, Myres, Oliver, Proctor, Reading, Thomas, Tilghman, Walker, Wells—14.

NAYS.

Messrs. Bell,
Blake,
Bostwick,
Brush,
Cabaniss,
Carpentier,
Conness,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Fairfax,
Flower,
Hally,
Hoff,
Hunt,
Huse,
Irwin,
Johnson,
Kittredge,
Letcher,
Mandeville,
Martin,
Meredith,
McCandless,
McFarland,
McKamy,
McMeans,
Owen,
Redding,
Robinson,
Saunders,
Sime,
Taylor,
Wilson,
Wing,
Yeiser,
Speaker—38.

Mr. Myres then moved to recommit the bill, with special instructions to exempt Placer County from its operation.

Mr. Heydenfeldt moved to amend the instructions, by inserting the words "San Francisco" after the word "Placer."

Mr. Mandeville then moved the previous question; and on the question, "Shall the main question now be put?"

The ayes and nays were demanded.

And the House refused to sustain the motion by the following vote:

AYES.

Messrs. Bostwick,
Brush,
Cabaniss,
Conness,
Covarrubias,
Estep,
Ewing,
Hoff,
Hunt,
Huse,
Kittredge,
Letcher,
Mandeville,
Martin,
Meredith,
McCandless,
McFarland,
McKamy,
Owen,
Redding,
Robinson,
Sime,
Taylor,
Wilson,
Wing,
Speaker—26.

NAYS.

Messrs. Bell,
Blake,
Carhart,
Carpentier,
Cardozo,
Crenshaw,
Fairfax,
Flower,
Hally,
Herbert,
Heydenfeldt,
Irwin,
Johnson,
McGarry,
McMahon,
McMeans,
Moore,
Myres,
Oliver,
Proctor,
Reading,
Saunders,
Thomas,
Tilghman,
Walker,
Wells,
Yeiser—27.

Mr. Bell then moved to lay the whole matter on the table. On which the ayes and nays were demanded.

And the motion was lost by the following vote:

AYES.

Messrs. Bell,
Blake,
Carhart,
Cardozo,
Crenshaw,
Fairfax,
Flower,
Herbert,
Heydenfeldt,
Irwin,
McGarry,
McMahon,
Moore,
Myres,
Oliver,
Proctor,
Reading,
Thomas,
Tilghman,
Walker,
Yeiser,
Speaker—22.

NAYS.

Messrs. Bostwick,
Brush,
Cabaniss,
Carpentier,
Conness,
Covarrubias,
Estep,
Ewing,
Hally,
Hoff,
Hunt,
Huse,
Mandeville,
Martin,
Meredith,
McCandless,
McFarland,
McKamy,
McMeans,
Owen,
Redding,
Robinson,
Saunders,
Sime,

Messrs. Johnson,
Kittredge,
Letcher,
Messrs. Taylor,
Wilson,
Wing—30.

Mr. Mandeville then moved the previous question.

Which was sustained.

The question then recurring on the adoption of the amendment to the motion to recommit, with special instructions.

On which the ayes and nays were demanded, and the amendment was lost by the following vote:

AYES.

Messrs. Bell,
Blake,
Carhart
Carpentier,
Cardozo,
Crenshaw,
Fairfax,
Flower,
Herbert,
Heydenfeldt,
Irwin,
Messrs. McMahon,
McGarry,
Moore,
Myres,
Oliver,
Proctor,
Reading,
Thomas,
Tilghman,
Walker,
Yeiser—22.

NAYS.

Messrs. Bostwick,
Brush,
Cabaniss,
Conness,
Covarrubias,
Estep,
Ewing,
Hally,
Hoff,
Hunt,
Huse,
Johnson,
Kittredge,
Letcher,
Mandeville,
Messrs. Martin,
Meredith,
McCandless,
McFarland,
McKamy,
McMeans,
Owen,
Redding,
Robinson,
Saunders,
Sime,
Taylor,
Wilson,
Wing,
Speaker—30.

The question then recurring on the motion to recommit, with special instructions.

On which the ayes and nays were demanded, and the House refused to recommit by the following vote:

AYES.

Messrs. Bell,
Blake,
Carhart,
Cardozo,
Crenshaw,
Fairfax,
Flower,
Herbert,
Heydenfeldt,
Irwin,
McGarry,
McMahon,
Moore,
Myres,
Oliver,
Proctor,
Reading,
Thomas,
Tilghman,
Walker,
Yeiser—21.

NAYS.

Messrs. Bostwick,
Brush,
Cabaniss,
Canney,
Carpentier,
Conness,
Covarrubias,
Estep,
Ewing,
Hally,
Hoff,
Hunt,
Huse,
Johnson,
Kittredge,
Letcher,
Mandeville,
Martin,
Meredith,
McCandless,
McFarland,
McKamy,
McMeans,
Owen,
Reading,
Robinson,
Saunders,
Sime,
Taylor,
Wilson,
Wing,
Speaker—32.

The question then recurring, on the question, "Shall the bill now be passed ?"

On which the ayes and nays were demanded, and the bill passed by the following vote:

AYES.

Messrs. Bostwick,
Brush,
Cabaniss,
Canney,
Conness,
Cardozo,
Covarrubias,
Estep,
Ewing,
Hally,
Martin,
Meredith,
McCandless,
McFarland,
McGarry,
McKamy,
McMeans,
Owen,
Redding,
Robinson,

Messrs. Hoff,
Hunt,
Johnson,
Kittredge,
Letcher,
Mandeville,
Messrs. Saunders,
Sime,
Taylor,
Wilson,
Wing—31.

NAYS.

Messrs. Bell,
Blake,
Carhart,
Carpentier,
Crenshaw,
Fairfax,
Flower,
Herbert,
Heydenfeldt,
Huse,
Irwin,
Messrs. McMahon,
Moore,
Myres,
Oliver,
Proctor,
Reading,
Thomas,
Tilghman,
Walker,
Yeiser,
Speaker—22.

Mr. Cardozo gave notice that he would, on to-morrow, move to reconsider the vote just taken.

Mr. Mandeville moved that the vote be now reconsidered.

Mr. Heydenfelt moved to lay that motion on the table.

On which the ayes and nays were demanded.

And the motion to lay on the table was lost by the following vote:

AYES.

Messrs. Canney,
Carpentier,
Huse,
Messrs. McGarry,
Saunders—5.

NAYS.

Messrs. Bostwick,
Brush,
Cabaniss,
Conness,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Hally,
Hoff,
Hunt,
Johnson,
Kittredge,
Letcher,
Mandeville,
Messrs. Martin,
Meredith,
McFarland,
McKamy,
McMeans,
Owen,
Redding,
Robinson,
Sime,
Taylor,
Thomas,
Wilson,
Wing,
Speaker—29.

The question then recurring on the motion to reconsider, the ayes and nays were demanded, and resulted as follows:

AYES.

Messrs. Canney, Crenshaw, Johnson, Speaker—4.

NAYS.

Messrs. Bostwick, Brush, Cabaniss, Carpentier, Conness, Covarrubias, Estep, Ewing, Hally, Hoff, Hunt, Kittredge, Letcher, Mandeville, Martin, Meredith, McFarland, McKamy, McMeans, Owen, Redding, Robinson, Sime, Taylor, Wilson, Wing—26.

No quorum voting.
On motion, at 6 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, May 12, 1853.

The House met pursuant to adjournment.
The Speaker in the chair.
The roll was called by the Clerk, and the following members were absent:
Messrs. Caldwell, Carhart, Reading of Trinity, Smith and Wells.
On motion, leave of absence was granted to Messrs. Estep and Carhart for the remainder of the session, and to Messrs. Caldwell and Wells each one day.
The Journal of Wednesday last was read and approved.

Mr. Estep presented the petition of certain citizens of Sacramento county, relative to overflowed lands in this State.

Which was read, and referred to the Committee on Agriculture.

Mr. Crenshaw, from the Committee on Claims, reported back the claim of James M. Warren, for extra work done on the Stockton State Hospital, with a recommendation that the same be not paid.

The report was adopted, and the claim laid on the table, and ordered not to be paid.

Mr. Crenshaw, from the same committee, reported back the claim of Elijah Steele, with a recommendation that it be not paid.

The report was adopted, and the claim laid on the table and ordered not to be paid.

Mr. Crenshaw, from the same committee, reported back the claims of certain citizens of Contra Costa county against the State, as witnesses in the case of the contested seat of Clark *vs.* Carpentier, with a recommendation that the same be laid on the table.

The report was adopted, and the claims were laid on the table.

Mr. Crenshaw, from the same committee, reported back Senate bill for An Act for the relief of W. Neil Walton, with a recommendation that it be laid on the table. The report was adopted, and the bill laid on the table.

Mr. Crenshaw, from the same committee, also reported back Assembly bill for An Act to authorize the State Treasurer to issue a duplicate School Land Warrants, with a recommendation that it be laid on the table.

The report was laid on the table; when,

On motion of Mr. Johnson, the bill was referred to the Judiciary Committee.

Mr. McMeans, from the Committee on Ways and Means, reported back Assembly bill for An Act to provide means for paying the civil debt of this State, with amendments, recommending their adoption and the passage of the bill.

The report was adopted, and, with the bill, laid on the table.

Mr. McMeans, from the same committee, reported back Senate bill for An Act to provide Revenue for the support of the Government of this State, with amendments, recommending their adoption and the passage of the bill.

The report was adopted, and, with the bill, laid on the table, and made the special order for to-morrow, at 1 o'clock, P. M.

Mr. Herbert, from the Committee on Military Affairs, reported back Assembly bill for An Act to abolish the office of Quarter-Master General in this State and to provide for the performance of the duties thereof, with a recommendation that it be passed.

The report was adopted, the bill was then considered engrossed, read a third time and passed.

Mr. Cardozo, from the Committee on Commerce, to whom was recommitted Assembly bill for An Act to provide for the Measurement of Goods, reported the same back with amendments, recommending their adoption and the passage of the bill.

The report was adopted, and the bill was then amended, and ordered to be engrossed.

Mr. Yeiser, from the Judiciary Committee, reported back Assembly bill

for An Act explanatory of the 39th section of an Act entitled an Act concerning Sheriffs, passed April 29th, 1851, and recommended its passage.

The report was adopted, and the bill laid on the table.

Mr. Owen, from the Committee on Corporations, reported back Senate bill for An Act to ratify and confirm an Ordinance passed by the city of San Francisco on the 7th day of March, 1853, authorizing the building of a Plank Road along Folsom street, in said city, from First street to Centre street, without amendment or recommendation.

The report was adopted, and the bill laid on the table.

Mr. Crenshaw, from the Committee on Federal Relations, reported back Senate Joint Resolution in relation to Postal arrangements, with a recommendation that it be indefinitely postponed.

The report was adopted, and the resolution indefinitely postponed.

Mr. Crenshaw, from the same committee, reported back Senate bill for An Act to provide for granting Passports, with a recommendation that the same be passed.

The report was accepted, and the bill was then read a third time and lost.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act explanatory of an Act entitled an Act defining the time in which actions shall be commenced in certain cases;

Also, a bill for An Act to provide for security to be given by County Officers acting under appointments, and to amend the fifty-fifth section of the Act concerning Sheriffs, passed April 29th, 1851; also,

An Act for the more effectual distribution of the Laws, Journals and Public Documents of the State of California.

And the report was adopted.

Mr. Wilson, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act to repeal an Act to provide for the payment of State Prison Inspectors, approved May 3d, 1852;

An Act to repeal an Act creating the office of Superintendent of Public Buildings and Property, and defining the duties of that office, passed April 25, 1851;

An Act to provide a Library for the Supreme Court;

An Act to change the name of Alfred Morgan to Alfred Grey Morgan;

An Act to provide for the pay and compensation of Major James Binney, as Paymaster to Troops called into the service of this State in defending our eastern frontier from the hostilities of Indians, under an Act passed March 17th, 1851;

An Act to amend an Act defining the rights of husband and wife, passed on 17th April, 1850;

An Act concerning the auditing of Accounts by the Court of Sessions and Board of Supervisors.

And the report was adopted.

Mr. Wilson, from the same committee, reported that they had this day presented to the Governor for his approval An Act for the relief of Charles E. Pickett.

And the report was adopted.

The business of the committee having been gone through with, the Chair announced the question of the reconsideration of the vote by which

the House passed Assembly bill for An Act to prohibit Gaming, pending at the time of adjournment on yesterday, to be now in order.

And on the question, the ayes and nays were demanded.

And the House refused to reconsider by the following vote:

AYES.

Messrs.	Bell,	Messrs.	McMahon,
	Blake,		Myres,
	Cardozo,		Proctor,
	Crenshaw,		Reading,
	Fairfax,		Thomas,
	Flower,		Tilghman,
	Herbert,		Walker,
	Heydenfeldt,		Yeiser—17.
	Huse,		

NAYS.

Messrs.	Bostwick,	Messrs.	Martin,
	Brush,		Meredith,
	Cabaniss,		McCandless,
	Canney,		McFarland,
	Carpentier,		McGarry,
	Conness,		McKamy,
	Covarrubias,		McMeans,
	Estep,		Owen,
	Ewing,		Redding,
	Hally,		Robinson,
	Harrison,		Rogers,
	Hoff,		Saunders,
	Hunt,		Sime,
	Johnson,		Taylor,
	Kittredge,		Wilson,
	Letcher,		Wing—32.

Mr. Herbert moved to reconsider the vote by which the House refused to pass Assembly bill for An Act to authorize the raising of a Company of Rangers.

Which was agreed to.

The question then recurring on the question, "shall the bill now be passed?" the ayes and nays were demanded, and the bill passed by the following vote:

AYES.

Messrs.	Bell,	Messrs.	Martin,
	Blake,		McCandless,
	Cabaniss,		McKamy,
	Canney,		McMahon,
	Cardozo,		McMeans,

Messrs. Estep,
Ewing,
Fairfax,
Flower,
Hally,
Herbert,
Heydenfeldt,
Hunt,
Johnson,
Leake,
Messrs. Myres,
Proctor,
Reading,
Redding,
Rogers,
Thomas,
Tilghman,
Walker,
Wilson,
Yeiser—30.

NAYS.

Messrs. Bostwick,
Brush,
Carpentier,
Covarrubias,
Crenshaw,
Harrison,
Hoff,
Huse,
Kittredge,
Letcher,
Messrs. Mandeville,
Meredith,
McFarland,
McGarry,
Owen,
Robinson,
Saunders,
Taylor,
Wing—19.

On motion of Mr. McFarland, Senate bill for An Act to abolish the present State Hospitals, was taken from the table.

Mr. McCandless moved that the bill be again laid on the table.

On which the ayes and nays were demanded, and the motion was lost by the following vote:

AYES.

Messrs. Blake,
Canney,
Cardozo,
Flower,
Hally,
Heydenfeldt,
Johnson,
McCandless,
Moore,
Messrs. Reading,
Robinson,
Saunders,
Sime,
Taylor,
Tilghman,
Wilson,
Yeiser,
Speaker—18.

NAYS.

Messrs. Bell,
Brush,
Cabaniss,
Carpentier,
Conness,
Covarrubias,
Messrs. Mandeville,
Martin,
Meredith,
McFarland,
McGarry,
McKamy,

Messrs. Crenshaw,
Estep,
Ewing,
Gardner,
Harrison,
Herbert,
Hunt,
Huse,
Kittredge,
Leake,
Letcher,
McMahon,
McMeans,
Myres,
Oliver,
Owen,
Proctor,
Redding,
Rogers,
Walker,
Wing—33.

Mr. Johnson moved to recommit the bill, with instructions to report an amendment, striking out all after the enacting clause and inserting all after the enacting clause of Assembly bill for An Act to provide for the Indigent Sick.

Mr. Fairfax then moved that the House go into committee of the whole to consider the bill.

Mr. Johnson insisted that the motion to go into committee of the whole, embraced his motion to recommit, with instructions, and that the committee of the whole would be specially instructed.

The Chair decided that the committee of the whole would not be specially instructed; that they were competing motions; and that the motion to go into committee of the whole, took precedence of all motions to recommit, with instructions, to any other committee.

Mr. Johnson appealed from the decision.

And on the question, "Shall the decision of the Chair stand as the decision of this House?" the ayes and nays were demanded, and the decision was sustained by the following vote:

AYES.

Messrs. Bell,
Bostwick,
Brush,
Cabaniss,
Canney,
Conness,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Fairfax,
Flower,
Gardner,
Harrison,
Herbert,
Heydenfeldt,
Hunt,
Kittredge,
Martin,
Meredith,
McCandless,
McFarland,
McGarry,
McKamy,
McMahon,
McMeans,
Myres,
Oliver,
Owen,
Proctor,
Rogers,
Saunders,
Taylor,
Thomas,
Tilghman,
Walker,
Wing—37.

NAYS.

Messrs. Blake, Cardozo, Hally, Irwin, Johnson, Letcher, Mandeville, Robinson, Yeiser—9.

Mr. Johnson then moved to amend the motion to go into committee of the whole, by adding, with instructions to report as an amendment, strike out all after the enacting clause and insert all after the enacting clause of Assembly bill for An Act to provide for the Indigent Sick.

On which the ayes and nays were demanded, and the motion was lost by the following vote:

AYES.

Messrs. Canney, Fairfax, Flower, Hally, Harrison, Heydenfeldt, Johnson, Letcher, Moore, Reading, Robinson, Saunders, Sime, Taylor, Wilson, Yeiser, Speaker—17.

NAYS.

Messrs. Bell, Bostwick, Brush, Cabaniss, Conness, Crenshaw, Estep, Ewing, Herbert, Hunt, Irwin, Kittredge, Mandeville, Martin, Meredith, McFarland, McKamy, McMahon, McMeans, Myres, Oliver, Owen, Proctor, Rogers, Thomas, Walker, Wing—27.

Mr. Oliver moved the previous question, and on the question, "Shall the main question now be put?"

On which the ayes and nays were demanded, and the motion was lost by the following vote:

AYES.

Messrs. Bell,
Bostwick,
Brush,
Conness,
Ewing,
Harrison,
Herbert,
Hunt,
Mandeville,
Meredith,
McFarland,
McKamy,
McMahon,
McMeans,
Oliver,
Owen,
Rogers—17.

NAYS.

Messrs. Cabaniss,
Canney,
Carpentier,
Cardozo,
Fairfax,
Flower,
Hally,
Hoff,
Irwin,
Johnson,
Letcher,
McCandless,
Moore,
Myres,
Proctor,
Reading,
Robinson,
Sime,
Taylor,
Thomas,
Tilghman,
Wilson,
Wing,
Yeiser,
Speaker—25.

The House then went into committee of the whole, Mr. Heydenfeldt in the chair, to consider the bill; and having considered the same, the committee rose, and reported the bill back to the House, recommending its passage, and asked to be discharged from further consideration of the subject.

Which was granted.

Mr. Johnson then submitted the following amendment, to be inserted as the third section of the bill:

"Section 3. The Comptroller and Treasurer of State, together with the Attorney-General, respectively, are hereby constituted a Board of Examiners of the accounts and demands owing by each of their respective State Hospitals, and the accounts and indebtedness of the Hospitals up to the period when, by the provisions of this Act, the same are abolished, and so much thereof as found to be just and equitable by such Board of Examiners, or a majority thereof, shall by them be certified to the State Comptroller, who shall thereupon draw his warrant on the State Treasurer in favor of the President of each Board of Trustees respectively, to be paid out of the fund provided for the support of State Hospitals, by the several Acts now in force or repealed by this Act: *Provided*, if such fund shall be insufficient to pay and discharge the full amount of such indebtedness so audited, the Treasurer of State shall and he is hereby

authorized to pay to the President of the respective Boards, as aforesaid, the amount of such balance out of any moneys in the General Fund not otherwise specially appropriated by law: *And further provided*, if upon the examination of such accounts, and the payment and discharge of all the debts of each State Hospital respectively, there shall exist any surplus funds belonging to such Hospital, the same shall be paid into the Hospital Fund of the State: *Provided further*, that no power is hereby given to the Trustees of said Hospitals to contract for any thing which is not intended for the temporary support of the sick only."

On the adoption of which, the ayes and nays were demanded, and the amendment was adopted by the following vote:

AYES.

Messrs. Blake,
Carpentier,
Covarrubias,
Crenshaw,
Fairfax,
Flower,
Hally,
Heydenfeldt,
Hoff,
Huse,
Irwin,
Johnson,
Letcher,
Martin,
McCandless,
Moore,
Proctor,
Reading,
Robinson,
Saunders,
Sime,
Taylor,
Thomas,
Tilghman,
Yeiser,
Speaker—26.

NAYS.

Messrs. Bell,
Brush,
Canney,
Conness,
Ewing,
Herbert,
Hunt,
Kittredge,
Leake,
Mandeville,
Meredith,
McFarland,
McKamy,
McMahon,
McMeans,
Myres,
Oliver,
Owen,
Redding,
Rogers,
Walker,
Wells,
Wing—23.

Mr. Johnson then submitted the following amendment, to be inserted as section four of the bill:

"Section 4. Such Board of Examiners, consisting of the Treasurer, Comptroller, and Attorney General of State, shall also examine into the condition of all State patients remaining in each of the State Hospitals on

the abolishment of the same, by the provisions of this Act, and make all needful arrangements with the Court of Sessions or Board of Supervisors, as it may be, or with the corporate authorities of either of said cities wherein is situated a State Hospital, for the medical attendance, support and necessary care of all such patients, for such time, as such care and attendance shall be absolutely necessary: *Provided*, the same shall not exceed for each patient, four dollars *per diem*, in full for all such expense, and the same shall be certified monthly by such Board of Examiners, and upon such certificate the Comptroller of State shall draw his warrant in behalf of the person or persons to whom the same shall be owing, on the Treasurer of State, to be paid out of any moneys in the General Fund not otherwise specifically appropriated by law."

On the adoption of which, the ayes and nays were demanded, and the amendment was lost by the following vote:

AYES.

Messrs. Blake,
Covarrubias,
Flower,
Hally,
Heydenfeldt,
Hoff,
Huse,
Irwin,
Johnson,
Letcher,
McCandless,
Moore,
Proctor,
Reading,
Robinson,
Saunders,
Sime,
Taylor,
Thomas,
Tilghman,
Yeiser,
Speaker—22.

NAYS.

Messrs. Bell,
Brush,
Canney,
Carpentier,
Conness,
Crenshaw,
Ewing,
Fairfax,
Herbert,
Hunt,
Kittredge,
Leake,
Mandeville,
Martin,
Meredith,
McFarland,
McGarry,
McKamy,
McMahon,
McMeans,
Myres,
Oliver,
Owen,
Rogers,
Walker,
Wells,
Wing—27.

Mr. Oliver moved that the bill be read a third time now.
Which was agreed to.
And the bill was read a third time.

Mr. Heydenfeldt then moved to recommit the bill, with instructions to add a clause protecting the interest of the State in any suits at law brought in the name of said Hospitals.

On which the ayes and nays were demanded, and the House refused to recommit by the following vote:

AYES.

Messrs. Blake,
Canney,
Cardozo,
Fairfax,
Flower,
Hally,
Heydenfeldt,
Irwin,
Johnson,
Moore,
Proctor,
Reading,
Robinson,
Saunders,
Sime,
Taylor,
Thomas,
Tilghman,
Yeiser,
Speaker—20.

NAYS.

Messrs. Bell,
Brush,
Cabaniss,
Carpentier,
Conness,
Covarrubias,
Crenshaw,
Ewing,
Herbert,
Hoff,
Hunt,
Huse,
Kittredge,
Leake,
Letcher,
Mandeville,
Martin,
Meredith,
McFarland,
McGarry,
McKamy,
McMahon,
McMeans,
Myres,
Oliver,
Owen,
Redding,
Rogers,
Walker,
Wells,
Wing—31.

The question then being, "Shall the bill now be passed?" the ayes and nays were demanded, and the bill was passed by the following vote:

AYES.

Messrs. Bell,
Brush,
Cabaniss,
Carpentier,
Conness,
Crenshaw,
Ewing,
Meredith,
McFarland,
McGarry,
McKamy,
McMahon,
McMeans,
Myres,

Messrs. Herbert,	Messrs. Oliver,
Hoff,	Owen,
Hunt,	Redding,
Kittredge,	Rogers,
Leake,	Walker,
Letcher,	Wells,
Mandeville,	Wing—29.
Martin,	

NAYS.

Blake,	Messrs. Moore,
Canney,	Reading,
Cardozo,	Robinson,
Covarrubias,	Saunders,
Fairfax,	Sime,
Flower,	Taylor,
Hally,	Thomas,
Heydenfeldt,	Tilghman,
Huse,	Yeiser,
Irwin,	Speaker—21.
Johnson,	

On the question, "Shall the title stand?" it was amended so as to read, An Act to abolish the present State Hospitals and provide for liquidating the indebtedness of the same.

And the title, as amended, was agreed to.

Mr. Wilson, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act to provide for the construction of a Canal from Tulare Lake to the waters of the San Joaquin.

And the report was adopted.

A message was received, informing the Assembly that the Governor this day approved An Act to divide the county of Trinity and form a new county out of the western portion of the same, to be called Humboldt;

And on yesterday approved An Act for the relief of Albert Putnam; also,

An Act to incorporate the city of Monterey.

On motion of Mr. Oliver, at 4 o'clock, P. M., the House took a recess until 7½ o'clock.

EVENING SESSION.

The House re-assembled at 7½ o'clock, P. M.

A message was received, informing the Assembly that the Senate, yesterday, refused to concur in certain Assembly amendments to Senate bill

for An Act revising and amending an Act concerning the Courts of Justice of this State and Judicial Officers;

And refused to concur in Assembly amendment to Senate bills for An Act to amend an Act to provide for the redemption of Comproller's warrants drawn on the General Fund;

And refused to concur in the report of the committee of conference on the disagreeing vote of the two Houses upon Senate bill for An Act to amend an Act declaring certain rivers and creeks navigable, passed February, 1851.

And appointed Messrs. Walton, Lind and Crabb as a committee of free conference on the disagreeing votes.

And passed, yesterday, with an amendment, Assembly bill for An Act to prevent persons from obstructing the channels of Humboldt Bay and Harbor;

And passed An Act prohibiting certain violations of Sunday;

An Act to prevent persons from enticing seamen to desert; and

An Act to Fund the Debt of the County of Yolo, and provide for the payment thereof.

Senate bill for An Act revising and amending the Act concerning the Courts of Justice of this State and Judicial Officers, as returned from the Senate with Assembly amendments non concurred in, was taken up.

The House insisted upon their amendments, and appointed, as a committee of conference, Messrs. Carpentier, Johnson and Myres on the disagreeing vote of the two Houses.

Senate bill for An Act to amend an Act to provide for the redemption of Comptroller's Warrants drawn on the General Fund, passed April 1st, 1853, as amended by the Assembly and non-concurred in by the Senate, was taken up, when the House insisted on their amendment, and appointed, as a committee of conference, Messrs. Taylor, Heydenfeldt and McMeans on the disagreeing vote.

Senate bill for An Act to amend an Act entitled an Act declaring certain rivers and creeks navigable, passed February 18th, 1851, as amended, was then taken up, and the House insisted upon their amendments, and appointed, as a committee of free conference, Messrs. Heydenfeldt, Yeiser and Johnson on the disagreeing votes of the two Houses.

Assembly bill for An Act to prevent persons from obstructing the channels of Humboldt Bay and Harbor, as amended by the Senate, was then taken up, and Senate amendments concurred in.

Senate bill for An Act prohibiting certain violations of Sunday, was then taken up, read a first and second time, and referred to a select committee of three.

The Chair announced, as such committee, Messrs. Conness, Tilghman and Meredith.

Senate bill for An Act entitled an Act to prevent persons from enticing seamen to desert, was then taken up, read a first and second time; the rules suspended, it was then read a third time and passed.

Senate bill for An Act to Fund the Debt of the county of Yolo and provide for the payment thereof, was then taken up, read a first and second time; the rules suspended, it was then read a third time and passed,

On motion of Mr. Sime, Assembly bill for An Act to amend an Act

entitled an Act to create a Board of Supervisors for the counties of this State and to define their duties and powers, was taken from the table, considered engrossed, read a third time and passed.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, submitted the following report, which was read and adopted.

The Joint Committee on Enrolled Bills report that they have examined An Act to authorize the formation of Corporations for the construction of Plank or Turnpike Roads, and have made the following corrections in the enrolled bills:

In section 4, after the second word "the," have inserted the word "time;" and in the third line, in section 20, have erased the word "not."

On motion of Mr. Mandeville, the House then went into committee of the whole (Mr. Canney in the chair) on the consideration of Senate bill for An Act to establish an Asylum for the Insane of the State of California; and having considered the same, the committee rose, and reported the bill back with amendments, and recommended that it be passed, and asked to be discharged from further consideration of the subject.

Which was granted.

The two first amendments reported by the committee of the whole, were then concurred in by the House.

The amendment to strike out the word "two," and insert "four," in fourth line of section 5, was then taken up.

And on the question of its adoption, the ayes and nays were demanded and the amendment was lost by the following vote:

AYES.

Messrs.	Bell,	Messrs.	McMeans,
	Cabaniss,		Myres,
	Estep,		Oliver,
	Harrison,		Owen,
	Heydenfeldt,		Thomas,
	Leake,		Walker,
	Mandeville,		Wells,
	McFarland,		Yeiser—17.
	McMahon,		

NAYS.

Messrs.	Blake,	Messrs.	Kittredge,
	Brush,		Letcher,
	Canney,		Meredith,
	Carpentier,		McCandless,
	Conness,		McGarry,
	Covarrubias,		McKamy,
	Crenshaw,		Moore,
	Ewing,		Reading,
	Fairfax,		Redding,
	Flower,		Robinson,
	Hally,		Rogers,
	Hoff,		Saunders,

Messrs. Hunt,
Huse,
Irwin,
Johnson,
Messrs. Sime,
Taylor,
Tilghman,
Wilson—32.

The remaining amendments reported by the committee of the whole, were then taken up and adopted.

A message was received, informing the Assembly that the Senate this day passed a bill for An Act supplementary to an Act to provide for the Incorporation of Railroad Companies, approved April 22, 1853; and

An Act supplementary to an Act to abolish the Boards of Supervisors in the counties of Calaveras, Sacramento and Colusi, passed May 11th, 1853;

And a substitute to Assembly bill for An Act for the relief of Manuel Garfias;

And Assembly bill for An Act providing for the location of the County Seat of Colusi county;

And Assembly bill for An Act to provide for the security to be given by County Officers acting under appointments, and to amend the fifty-fifth section of the Act concerning Sheriffs, passed April 29th, 1851.

Senate bill for An Act supplementary to an Act to provide for the Incorporation of Railroad Companies, approved April 22, 1853, was then read a first time, and laid over under the rules.

Senate bill for An Act supplementary to an Act entitled an Act to abolish the Boards of Supervisors in the counties of Calaveras, Sacramento and Colusi, passed May 11th, 1853, was then taken up, read a first and second time; the rules suspended, it was then read a third time and passed

Senate bill, substitute for Assembly bill for An Act for the relief of Manuel Garfias, was taken up, read a first and second time; the rules suspended, it was then read a third time.

And on the question, "Shall the bill now be passed?" the ayes and nays were demanded, and the bill was passed by the following vote:

AYES.

Messrs. Cabaniss,
Canney,
Conness,
Covarrubias,
Crenshaw,
Estep,
Ewing,
Flower,
Hally,
Harrison,
Heydenfeldt,
Hoff,
Hunt,
Messrs. Letcher,
McFarland,
McGarry,
McMahon,
McMeans,
Moore,
Proctor,
Reading,
Redding,
Robinson,
Rogers,
Saunders,
Taylor,

Messrs. Huse, Johnson, Kittredge, Tilghman, Walker, Wells—32.

NAYS.

Messrs. Blake, Brush, Carpentier, Fairfax, Irwin, Meredith, McCandless, McKamy, Myres, Oliver, Thomas, Wilson, Yeiser—13.

On motion, at 11 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, May 13, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Bell, Covarrubias, Fairfax, Gardner, Herbert, Irwin, Leake, Martin, McMeans, Rogers, Smith, and Walker.

On motion, leave of absence was granted to Mr. Gardner for the remainder of the session.

The Journal of Thursday last was read and approved.

Mr. Crenshaw, from the Committee on Federal Relations, reported back Assembly Joint Resolution instructing our Senators and Representatives in Congress in relation to an Act of Congress to settle private land claims in California, with a recommendation that it be considered by the House.

The report was adopted, the resolution was then considered engrossed, and read a third time, and on the question of its passage,

The ayes and nays were demanded, and the resolution was passed by the following vote:

AYES.

Messrs. Bostwick,
Brush,
Cabaniss,
Caldwell,
Carpentier,
Conness,
Crenshaw,
Hally,
Harrison,
Hoff,
Leake,
Meredith,
McCandless,
McKamy,
McMahon,
McMeans,
Myres,
Owen,
Redding,
Robinson,
Rogers,
Wing—22.

NAYS.

Messrs. Canney,
Flower,
Heydenfeldt,
Hunt,
Huse,
Johnson,
Kittredge,
Letcher,
McFarland,
McGarry,
Saunders,
Sime,
Taylor,
Wells,
Wilson,
Yeiser,
Speaker—17.

Mr. Crenshaw, from the same committee, reported back Senate Joint Resolution in relation to grants of land by the General Government in Utah Territory, with a recommendation that the same be passed.

The report was adopted, and the resolution was then read a third time.

Mr. Bostwick moved that the resolution be indefinitely postponed.

On which the ayes and nays were demanded, and the resolution was indefinitely postponed by the following vote:

AYES.

Messrs. Blake,
Bostwick,
Brush,
Cabaniss,
Caldwell,
Conness,
Fairfax,
Flower,
Hally,
Harrison,
Heydenfeldt,
Hoff,
Hunt,
Huse,
Mandeville,
McCandless,
McFarland,
McGarry,
Moore,
Oliver,
Owen,
Proctor,
Reading,
Robinson,
Rogers,
Saunders,
Sime,
Taylor,

Messrs. Irwin,
Johnson,
Kittredge,
Letcher,
Messrs. Tilghman,
Walker,
Wells—35.

NAYS.

Messrs. Bell,
Canney,
Carpentier,
Cardozo,
Covarrubias,
Crenshaw,
Herbert,
Leake,
Messrs. Meredith,
McKamy,
McMahon,
McMeans,
Myres,
Redding,
Thomas,
Wing—16.

Mr. Crenshaw, from the same committee, reported back Senate Joint Resolution in relation to claims against the General Government for supplies to Indian agents, with a recommendation that it be passed.

The report was adopted, the resolution was then read a third time, and on the question of its passage,

The ayes and nays were demanded, and it was lost by the following vote:

AYES.

Messrs. Bell,
Bostwick,
Brush,
Canney,
Cardozo,
Crenshaw,
Ewing,
Fairfax,
Hally,
McKamy,
Messrs. McMahon,
Moore,
Owen,
Taylor,
Thomas,
Tilghman,
Walker,
Wilson,
Yeiser—19.

NAYS.

Messrs. Blake,
Cabaniss,
Caldwell,
Carpentier,
Conness,
Covarrubias,
Harrison,
Heydenfeldt,
Hoff,
Hunt,
Huse,
Messrs. Letcher,
Mandeville,
Meredith,
McCandless,
McFarland,
McGarry,
McMeans,
Oliver,
Proctor,
Reading,
Redding,

Messrs. Irwin, Messrs. Sime,
Johnson, Wells,
Kittredge, Wing—29.
Leake,

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed An Act to create a Board of Supervisors for the counties of this State, and to define their duties and powers; also,

An Act to provide for the Measurement of Goods.

And the report was adopted.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported that they had this day presented to the Governor for his approval, An Act to repeal an Act to provide for the payment of State Prison Inspectors, approved May 3, 1853;

An Act to repeal an Act creating the office of Superintendent of Public Buildings and Property, and defining the duties of that office, passed April 25, 1851:

An Act to provide a Library for the Supreme Court;

An Act to change the name of Alfred Morgan to Alfred Grey Morgan;

An Act to provide for the pay and compensation of Major James Birney as paymaster to troops called into the service of this State in defending our Eastern frontier from the hostilities of Indians, under an Act passed March 17, 1851;

An Act to amend an Act defining the rights of Husband and Wife, passed on 17th April, 1850;

An Act concerning the auditing of accounts by the Court of Sessions and Board of Supervisors;

An Act amendatory of an Act entitled an Act authorizing the Treasurer of State to issue Bonds for the payment of the Mariposa, second Eldorado, Utah, Los Angeles, Clear Lake, Klamath and Trinity, and Monterey expeditions against the Indians, passed May 3d, 1852;

An Act to provide for the construction of a Canal from Tulare lake to the waters of the San Joaquin; and

An Act to authorize the formation of Corporations for the construction of Plank or Turnpike Roads;

And have deposited with the Secretary of State, Joint Resolution relative to the Law Library at the city of San Francisco.

Mr. Conness, from the select committee to whom was referred Senate bill for An Act prohibiting certain violations of Sunday, reported the same back, with a recommendation that it be passed.

And the report was adopted.

Mr. Wall moved to amend by striking out in section 1, line 4, the words "rope or wire dancing."

On which the ayes and nays were demanded, and the amendment was lost by the following vote:

AYES.

Messrs. Bell,
Blake,
Cabaniss,
Cardozo,
Covarrubias,
Flower,
Herbert,
Heydenfeldt,
Hunt,
Huse,
Meredith,
McCandless,
McGarry,
Moore,
Proctor,
Reading,
Thomas,
Wing,
Yeiser,
Speaker—20.

NAYS.

Messrs. Bostwick,
Brush,
Caldwell,
Canney,
Carpentier,
Conness,
Crenshaw,
Ewing,
Hally,
Harrison,
Hoff,
Irwin,
Johnson,
Kittredge,
Letcher,
Mandeville,
McKamy,
Oliver,
Owen,
Redding,
Robinson,
Rogers,
Saunders,
Sime,
Taylor,
Walker,
Wells—27.

Mr. Herbert moved to lay the bill on the table.

On which the ayes and nays were demanded, and the motion was lost by the following vote:

AYES.

Messrs. Bell,
Blake,
Cabaniss,
Caldwell,
Carpentier,
Cardozo,
Covarrubias,
Herbert,
Heydenfeldt,
Huse,
Leake,
McCandless,
Myres,
Proctor,
Reading,
Thomas,
Tilghman,
Walker,
Speaker—19.

NAYS.

Messrs. Bostwick,
Brush,
Canney,
Conness,
Ewing,
Hally,
Harrison,
Hoff,
Hunt,
Kittredge,
Letcher,
Mandeville,
Meredith,
McFarland,
McKamy,
Moore,
Oliver,
Owen,
Redding,
Robinson,
Rogers,
Sime,
Taylor,
Wells—24.

Mr. Wall then submitted an amendment to the first section.

Which was adopted.

The bill was then read a third time, and on the question, "Shall the bill now be passed?"

The ayes and nays were demanded, and the House refused to pass the bill by the following vote:

AYES.

Messrs. Bostwick,
Brush,
Canney,
Ewing,
Harrison,
Hoff,
Hunt,
Johnson,
Kittredge,
Letcher,
Mandeville,
McCandless,
McFarland,
McKamy,
Owen,
Redding,
Robinson,
Saunders,
Sime,
Taylor,
Wilson—21.

NAYS.

Messrs. Bell,
Blake,
Cabaniss,
Caldwell,
Carpentier,
Conness,
Cardozo,
Covarrubias,
Hally,
Herbert,
Heydenfeldt,
Huse,
Leake,
Meredith,
McMeans,
Moore,
Myres,
Oliver,
Proctor,
Reading,
Rogers,
Tilghman,
Walker,
Wells,
Wing,
Yeiser,
Speaker—27.

Mr. Conness moved to reconsider the vote just taken.

Mr. Herbert moved to indefinitely postpone the motion to reconsider.

On which the ayes and nays were demanded, and the motion was lost by the following vote:

AYES.

Messrs. Bell,	Messrs. McCandless,
Blake,	Moore,
Cardozo,	Myres,
Covarrubias,	Oliver,
Herbert,	Proctor,
Heydenfeldt,	Tilghman,
Huse,	Walker,
Leake,	Yeiser—16.

NAYS.

Messrs. Bostwick,	Messrs. Mandeville,
Brush,	Meredith,
Cabaniss,	McFarland,
Caldwell,	McKamy,
Canney,	McMeans,
Carpentier,	Owen,
Conness,	Redding,
Ewing,	Robinson,
Hally,	Rogers,
Harrison,	Saunders,
Hoff,	Sime,
Hunt,	Taylor,
Johnson,	Wells,
Kittredge,	Wilson,
Letcher,	Wing—30.

The vote by which the House refused to pass the bill was then reconsidered.

Mr. Conness moved that the bill be recommitted to a select committee of three, with instructions to strike out the words "rope and wire dancing."

Which was agreed to.

The Chair announced as such committee, Messrs. Conness, Tilghman, and Heydenfeldt.

Senate bill for An Act to provide revenue for the support of the government of this State, made the special order of this day at 1 o'clock, was taken up.

The House then went into committee of the whole, Mr. Heydenfeldt in the chair, on the consideration of the bill, and having made some progress thereon, the committee rose and reported the same to the House, and asked leave to sit again.

Which was granted.

On motion of Mr. Myres, Assembly bill for An Act to provide means for paying the civil debt of this State, was taken from the table and made the special order for Monday next, at 12 o'clock, M.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act to prevent persons from obstructing the channels of Humboldt Bay and Harbor;

Also, An Act to limit the hours of labor.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, Joint Resolution instructing our Senators and Representatives in Congress in relation to an Act of Congress to settle private land claims in California.

And the report was adopted.

Mr. Carpentier, on leave, introduced An Act relative to Weights and Measures, and to provide Standards thereof for the State of California,

Which was read a first time, and laid over under the rules.

On motion, at 6 o'clock, P. M., the House took a recess until half past 7 o'clock.

EVENING SESSION.

The House re-assembled at half past 7 o'clock, P. M.

Mr. Fairfax, on leave, introduced a bill for An Act to regulate the election of Trustees and other town officers for the town of Oakland;

Which was read twice, and referred to the Judiciary Committee.

Mr. Brush, on leave, introduced a bill for An Act granting permission to the Clay street Wharf Company to change the direction of the same;

Which was read twice, and referred to the members from San Francisco county.

Three messages were received from the Senate, and laid over until to-morrow.

On motion, at 11 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, May 14, 1853.

The House met pursuant to adjournment.

The Speaker in the Chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Caldwell, Carpentier, Cardozo, Covarrubias, Fairfax, Flower, Hally, Irwin, Johnson, Leake, Martin, McGarry, Moore, Smith, Thomas, Walker, and Wilson.

On motion of Mr. Robinson, leave of absence was granted to Mr. Harrison for the remainder of the session.

On motion of Mr. Heydenfeldt, the rules were suspended and the reading of the Journal was dispensed with for the present.

The House then went into committee of the whole, Mr. Heydenfeldt in the chair, on the consideration of Senate bill for An Act to provide revenue for the support of the government of this State, and having considered the same, the committee rose, and reported the bill back to the House with amendments, recommending their adoption and the passage of the bill, and asked to be discharged from further consideration of the subject.

Which was granted.

The amendments to the bill reported by the committee of the whole were then concurred in by the House.

Mr. Mandeville moved to amend article eight, section first, line five, by striking out the word "three," and inserting the word "two," and in line fifteen, strike out the word "five," and insert three."

On which the ayes and nays were demanded, and the amendment were lost by the following vote:

AYES.

Messrs. Brush,	Messrs. McMeans,
Carpentier,	Oliver,
Mandeville,	Rogers,
Meredith,	Thomas—9.
McMahon,	

NAYS.

Messrs. Bell,	Messrs. Letcher,
Blake,	McCandless,
Bostwick,	McFarland,
Cabaniss,	McGarry,
Caldwell,	McKamy,

Messrs. Canney,
Conness,
Covarrubias,
Crenshaw,
Ewing,
Fairfax,
Hally,
Harrison,
Heydenfeldt,
Hoff,
Huse,
Irwin,
Johnson,
Kittredge,
Owen,
Proctor,
Reading,
Redding,
Robinson,
Saunders,
Sime,
Taylor,
Tilghman,
Walker,
Wells,
Wing,
Yeiser—37.

Mr. Conness moved that the bill be read a third time now.
on which the ayes and nays were demanded, and the motion was carried by the following vote:

AYES.

Messrs. Bell,
Blake,
Bostwick,
Cabaniss,
Caldwell,
Canney,
Conness,
Covarrubias,
Crenshaw,
Fairfax,
Flower,
Hally,
Harrison,
Hoff,
Huse,
Kittredge,
Mandeville,
Meredith,
McCandless,
McFarland,
McMahon,
Myres,
Oliver,
Proctor,
Robinson,
Saunders,
Sime,
Thomas,
Tilghman,
Walker—30.

NAYS.

Messrs. Carpentier,
Ewing,
Heydenfeldt,
Johnson,
Letcher,
McGarry,
McKamy,
McMeans,
Rogers,
Taylor,
Wells,
Yeiser—12.

The bill was then read a third time, and on the question, "Shall the bill now be passed?" the ayes and nays were demanded, and the bill passed by by the following vote:

AYES.

Messrs.	Bell,	Messrs.	McFarland,
	Bostwick,		McMahon,
	Brush,		Myres,
	Cabaniss,		Oliver,
	Canney,		Proctor,
	Conness,		Redding,
	Crenshaw,		Saunders,
	Fairfax,		Sime,
	Harrison.		Thomas,
	Hoff,		Tilghman,
	Kittredge,		Walker,
	Meredith,		Wells,
	McCandless,		Wing—26.

NAYS.

Messrs.	Blake,	Messrs.	Letcher,
	Carpentier.		Mandeville,
	Covarrubias.		McGarry,
	Ewing,		McKamy,
	Flower,		McMeans,
	Hally,		Robinson,
	Heydenfeldt,		Rogers,
	Huse,		Taylor,
	Johnson,		Yeiser—18.

Mr. Myres submitted the following report, which was read and concurred in by the House.

The committee of conference of both Houses, to whom was referred disagreeing vote in amendments to Senate bill for An Act revising and amending an Act concerning Courts of Justice of this State and Judicial Officers, submit the following report:

That they refuse to recede from House amendment to title and preamble.
That they recede from House amendment to section 7.
Refuse to recede from House amendment to section 11.
Recede from portion of amendment to third division of section 12; striking therefrom the words "Contra Costa."
Recede from amendment to seventh division, section 12.
Recede from amendment to second division, section 21.
Recede from amendment to section 28.

Do	do	do	do	38.
Do	do	do	do	39.
Do	do	do	do	43.
Do	do	amendments	do	44.
Do	do	amendments	do	56.
Do	do	do	do	89.
Do	do	do	do	93.

Amend the amendment to section 94, by striking out of line five, the words " the action specified in this," and in line 6, the words " section of" and " other."

Recede from amendment to section 110.

All of which is respectfully submitted.

SAM. B. SMITH,
J. M. ESTILL,
JOHN S. HAGER,
Senate Committee.

B. S. MYRES,
J. NEELY JOHNSON,
Assembly Committee.

On motion of Mr. Robinson, at 2 o'clock, P. M., the House took a recess until half past three o'clock, P. M.

House re-assembled at half past three o'clock, P. M.

A message was received from the Governor, informing the Assembly that he approved, on the 12th instant, An Act to provide for the construction of a Canal from Tulare Lake to the waters of the San Joaquin.

An Act to authorize the formation of Corporations for the construction of Plank or Turnpike Roads.

An Act amendatory of an Act entitled an Act authorizing the Treasurer of State to issue bonds for the payment of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath and Trinity, and Monterey Expeditions against the Indians, passed May 3, 1852.

And on the 13th instant, An Act for the relief of William Waldo.

A message was received, informing the Assembly that the Senate, on yesterday, passed An Act to provide for the sale of the interest of the State of California in the property within the water line front of the city of San Francisco, as defined in and by the Act to provide for the disposition of certain property of the State of California, passed March 26th, 1851.

And appointed Messrs. Smith, Hager and Estill, a committee of conference, on the disagreeing vote of the two Houses on Senate bill for An Act revising and amending an Act concerning the Courts of Justice of this State and Judicial Officers.

Senate bill for An Act to provide for the sale of the interest of the State of California in the property within the water line front of the city of San Francisco, as defined in and by the Act entitled an Act to provide for the disposition of certain property of the State of California, passed March 26, 1851, was then taken up, read a first and second time, and referred to the Committee on Ways and Means, with instructions to report on Monday next.

A message was received from the Senate, informing the Assembly that they passed on the 12th instant, Assembly bill for An Act to limit the hours of Labor; and

Senate bill for An Act amendatory and explanatory of an Act for the relief of William Waldo, approved May 1853; also of

An Act for the relief of Charles E. Pickett.

And a Concurrent Resolution in relation to European Colonization on the Continent of America.

Senate bill for An Act amendatory and explanatory of an Act for the relief of William Waldo, approved May 1853; and also

An Act for the relief of Charles E. Pickett, was then taken up, read a first and second time, the rules suspended, it was read a third time and passed.

Senate Concurrent Resolution in relation to European Colonization on the Continent of America, was then taken up, read and adopted.

A message was received from the Senate, informing the Assembly that they, on yesterday, concurred in the report of the committee of free conference on the disagreeing vote of the two Houses, on Senate bill for An Act to amend an Act declaring certain Rivers and Creeks navigable, passed February 18, 1851.

And passed yesterday An Act to limit the compensation of the Board of Supervisors of the county of San Francisco.

An Act supplementary to an Act to fund the indebtedness of the State which has accrued, or may accrue from April 29th, 1851, to Dec. 31st, 1852, inclusive, to provide for the payment of the three per cent. Bonds, approved May 1, 1852.

An Act for the permanent location of the Seat of Government of the State of California.

An Act to define the fees to be charged by Clerks of Courts for the Naturalization of Foreigners.

And a Joint Resolution in relation to a Railroad from the Mississippi Valley to the Pacific Ocean.

Senate bill for An Act to limit the compensation of the Board of Supervisors of the county of San Francisco, was then taken up, read a first and second time, and referred to the members from the county of San Francisco.

Senate bill for An Act supplementary to an Act to fund the indebtedness of the State, which has accrued, or may accrue, from April 29, 1851, to December 31, 1852, inclusive, to provide for the payment of the three per cent. Bonds, approved May 1, 1852, was then taken up, read a first and second time, and referred to the Committee on Ways and Means.

Senate bill for An Act for the permanent location of the Seat of Government of the State of California, was then taken up, read twice, and referred to the Committee on Public Buildings and Grounds.

Senate bill for An Act to define the fees to be charged by Clerks of Courts for the Naturalization of Foreigners, was then taken up, read twice, and referred to the Judiciary Committee.

Senate Joint Resolution in relation to a Railroad from the Mississippi Valley to the Pacific Ocean, was then taken up, read twice, and referred to the Committee on Federal Relations.

A message was received from the Senate, informing the Assembly that

they passed, this day, Assembly bill for An Act declaratory of the effect of the repeal of Criminal Laws, and passed, also, with amendments,

Assembly bill for An Act to authorize the raising of a Company of Rangers.

Assembly bill for An Act to authorize the raising of a Company of Rangers, as amended by the Senate, was then taken up, and the Senate amendments concurred in by the House.

Mr. Johnson, from the Judiciary Committee, reported a bill for An Act to authorize the State Treasurer to issue a duplicate land warrant to S. C. Hastings.

Which was read a first and second second time, the rules suspended, it was then read a third time and passed.

Mr. Yeiser, from the Judiciary Committee, reported back Assembly bill for An Act to regulate the election of Trustees and other Town Officers for the Town of Oakland, with a recommendation that it be passed.

The report was adopted, and the bill read a third time and passed.

On motion of Mr. Thomas, the House went into committee of the whole, Mr. Myres in the chair, on the consideration of Senate bill for An Act for the establishment of a State Marine Hospital at San Francisco, and having considered the same, the committee rose, and reported the bill back with amendments, recommending their adoption, and the passage of the bill.

The amendments to the bill reported by the committee of the whole were then taken up, and concurred in by the House.

Mr. McCandless then moved that the bill be read a third time now.

Mr. McFarland moved to lay that motion on the table.

On which the ayes and nays were demanded, and the motion was lost by the following vote:

AYES.

Messrs.	Bostwick,	Messrs.	Myres,
	Brush,		Oliver,
	Conness,		Owen,
	Kittredge,		Redding,
	Mandeville,		Robinson,
	McKamy,		Rogers,
	McMahon,		Wells—15.
	McMeans,		

NAYS.

Messrs.	Bell,	Messrs.	Moore,
	Cabaniss,		Proctor,
	Canney,		Reading,
	Fairfax,		Saunders,
	Flower,		Sime,
	Hally,		Taylor,
	Heydenfeldt,		Thomas,
	Irwin,		Walker,
	Letcher,		Yeiser,
	McCandless,		Speaker—20.

On motion, at 6 o'clock, P. M., the House took a recess until 8 o'clock, P. M.

The House re-assembled at 8 o'clock, P. M.

Mr. McFarland moved a call of the House, which was sustained, and on the roll being called, the following members were found absent:

Messrs. Bostwick, Brush, Covarrubias, Fairfax, Herbert, Huse, Irwin, Leake, Martin, Meredith, McGarry, McKamy, Moore, Thomas, Tilghman, Walker, Wilson and Yeiser.

On motion of Mr. Moore, further proceedings under the call were dispensed with.

The House then resumed the consideration of Senate bill for An Act to provide for the establishment of a State Marine Hospital at San Francisco.

Mr. McFarland moved to amend the bill by striking out all after the enacting clause, and inserting all after the enacting clause of Assembly bill for An Act to provide for the Indigent Sick.

On which the ayes and nays were demanded, and the amendment was lost by the following vote:

AYES.

Messrs. Brush,	Messrs. McMeans,
Caldwell,	Myres,
Conness,	Owen,
Kittredge,	Redding,
Mandeville,	Robinson,
Meredith,	Rogers,
McFarland,	Wells—15.
McMahon,	

NAYS.

Messrs. Bell,	Messrs. McCandless,
Blake,	Moore,
Cabaniss,	Proctor,
Canney,	Reading,
Ewing,	Saunders,
Fairfax,	Sime,
Flower,	Taylor,
Hally,	Thomas,
Heydenfeldt,	Walker,
Hoff,	Yeiser,
Irwin,	Speaker—23.
Letcher,	

Mr. Conness moved to recommit to the Committee of Ways and Means,

with instructions to report a bill making provision for the indigent sick in the several counties of this State, having due regard to the requirements of the counties of San Francisco, Sacramento and Stockton, in the distribution of the hospital moneys of the State.

On which the ayes and nays were demanded, and the House refused to recommit by the following vote:

AYES.

Messrs. Brush, Caldwell, Conness, Ewing, Hoff, Kittredge, Mandeville, Meredith, McFarland, McKamy, McMeans, Myres, Owen, Redding, Robinson, Wells, Yeiser—17.

NAYS.

Messrs. Bell, Blake, Cabaniss, Canney, Flower, Hally, Heydenfeldt, Irwin, Letcher, McCandless, Moore, Proctor, Reading, Saunders, Sime, Taylor, Thomas, Walker—18.

Mr. Canney moved that the bill be read a third time now.

Mr. McCandless moved the previous question, and on the question, "Shall the main question now be put?" the ayes and nays were demanded, and resulted as follows:

AYES.

Messrs. Blake, Cabaniss, Canney, Hally, McCandless, Moore, Proctor, Reading, Taylor, Thomas, Walker—11.

NAYS.

Messrs. Bell, Brush, Caldwell, Letcher, McFarland, McKamy,

Messrs. Ewing,
Fairfax,
Flower,
Heydenfeldt,
Hoff,
Irwin,
Myres,
Owen,
Redding,
Saunders,
Wells,
Yeiser—18.

No quorum voting.

Mr. McMeans moved to adjourn.

On which the ayes and nays were demanded, and the motion was lost by the following vote:

AYES.

Messrs. Brush,
Letcher,
Mandeville,
McFarland,
Myres,
Owen,
Redding,
Robinson—8.

NAYS.

Messrs. Bell,
Blake,
Cabaniss,
Caldwell,
Canney,
Conness,
Ewing,
Fairfax,
Flower,
Hally,
Heydenfeldt,
Hoff,
Irwin,
McCandless,
McKamy,
Moore,
Proctor,
Reading,
Saunders,
Thomas,
Wells,
Yeiser—22.

Mr. Mandeville moved to recommit the bill to the Committee on Ways and Means, with instructions to report a bill embracing substantially within its provision the bill under consideration, and Assembly bill for An Act to provide for the Indigent Sick.

On which the ayes and nays were demanded, and the House refused to recommit by the following vote:

AYES.

Messrs. Bostwick,
Brush,
Caldwell,
Conness,
Ewing,
Hoff,
Kittredge,
McFarland,
McKamy,
McMeans,
Myres,
Owen,
Redding,
Robinson.

Messrs. Leake,
Mandeville,
Meredith,
Messrs. Rogers,
Walker,
Wells—20.

NAYS.

Messrs. Bell,
Blake,
Cabaniss,
Canney,
Fairfax,
Flower,
Hally,
Heydenfeldt,
Irwin,
Letcher,
Messrs. McCandless,
Moore,
Proctor,
Reading,
Saunders,
Sime,
Taylor,
Thomas,
Yeiser,
Speaker—20.

Mr. Ewing moved to adjourn.

On which the ayes and nays were demanded, and the House refused to adjourn by the following vote:

AYES.

Messrs. Bostwick,
Brush,
Caldwell,
Ewing,
Irwin,
Kittredge,
Leake,
Mandeville.
Messrs. McFarland,
McKamy,
Myres,
Owen,
Redding,
Robinson,
Rogers,
Wells—16.

NAYS

Messrs. Bell,
Blake,
Cabaniss,
Canney,
Conness,
Fairfax,
Flower,
Hally,
Heydenfeldt.
Hoff,
Letcher,
Messrs. McCandless,
Moore,
Proctor,
Reading.
Saunders,
Sime,
Taylor,
Thomas,
Walker,
Yeiser,
Speaker—22.

Mr. Proctor submitted an amendment to the amendment to the twentieth section.

Mr. Myres moved to lay the amendment on the table.

On which the ayes and nays were demanded, and the House refused to lay the amendment on the table by the following vote:

AYES.

Messrs. Ewing,
Hoff,
Leake,
Mandeville,
Meredith,
McFarland,
McKamy,
McMeans,
Myres,
Owen,
Robinson,
Walker,
Wells—13.

NAYS.

Messrs. Bell,
Blake,
Cabaniss,
Caldwell,
Canney,
Conness,
Fairfax,
Flower,
Hally,
Heydenfeldt,
Irwin,
Letcher,
McCandless,
Moore,
Proctor,
Reading,
Redding,
Saunders,
Taylor,
Thomas,
Yeiser—21.

The amendment submitted by Mr. Proctor was then adopted.

Mr. Brush submitted the following as an amendment to section twentieth: *Provided*, That fifty per cent. of all the revenue derived under the provisions of this Act shall be set apart and divided by the Treasurer of State among the several counties of this State, *pro rata*, according to the population, to be paid into the several Courts of Sessions, and to be used exclusively for the care of the indigent sick of said counties.

Mr. Robinson submitted the following as a substitute for the amendment:

All expenses attending the removal of sick or infirm persons from any county in this State to the State Marine Hospital, shall be a charge upon and paid out of the funds of said Hospital, upon presentation of the account thereof, verified by the oath of the officer having charge of said removal.

On which the ayes and nays were demanded, and the substitute was lost by the following vote:

AYES.

Messrs. Brush,
Hally,
Kittredge,
Leake,
Mandeville,
Meredith,
McFarland,
McKamy,
McMeans,
Robinson,
Thomas,
Wells—12.

NAYS.

Messrs.	Bell,	Messrs.	Letcher,
	Blake,		McCandless,
	Cabaniss,		Moore,
	Canney,		Myres,
	Conness,		Proctor,
	Ewing,		Reading,
	Fairfax,		Redding,
	Flower,		Rogers,
	Heydenfeldt,		Saunders,
	Hoff,		Sime,
	Irwin,		Taylor—22.

The question then recurring on the adoption of the amendment submitted by Mr. Brush.

On which the ayes and nays were demanded, and the amendment was lost by the following vote:

AYES.

Messrs.	Brush,	Messrs.	McKamy,
	Caldwell,		McMeans,
	Ewing,		Myres,
	Fairfax,		Redding,
	Kittredge,		Robinson,
	Mandeville,		Rogers,
	Meredith,		Wells—15.
	McFarland,		

NAYS.

Messrs.	Bell,	Messrs.	Moore,
	Blake,		Proctor,
	Cabaniss,		Reading,
	Conness,		Saunders,
	Flower,		Sime,
	Hally,		Taylor,
	Heydenfeldt,		Thomas,
	Hoff,		Walker,
	Letcher,		Yeiser—19.
	McCandless,		

Mr. Leake moved to recommit the bill to a select committee of five, with instructions to report on Monday next, a bill to provide for the protection of the indigent sick.

On which the ayes and nays were demanded, and the House refused to recommit by the following vote:

AYES.

Messrs. Brush;
Caldwell,
Conness,
Ewing,
Hoff,
Kittredge,
Leake,
Mandeville,
Meredith,
McFarland,
McKamy,
McMeans,
Myres,
Redding,
Robinson,
Rogers,
Wells—17.

NAYS.

Messrs. Bell,
Blake,
Cabaniss,
Canney,
Fairfax,
Flower,
Hally,
Heydenfeldt,
Letcher,
McCandless,
Moore,
Proctor,
Reading,
Saunders,
Sime,
Taylor,
Thomas,
Walker,
Yeiser,
Speaker—20.

Mr. Mandeville moved to amend by inserting the following at the end of section twenty:

"*Provided*, That this Act shall not go into effect until after a bill shall have passed the present Legislature making proper provisions for the indigent sick in all the counties of this State."

On which the ayes and nays were demanded, and the amendment was lost by the following vote:

AYES.

Messrs. Brush,
Caldwell,
Conness,
Ewing,
Kittredge,
Leake,
Mandeville,
Meredith,
McFarland,
McKamy,
McMeans,
Myres,
Redding,
Robinson,
Rogers,
Wells,
Yeiser—17.

NAYS.

Messrs. Bell,
Blake,
Cabaniss,
Letcher,
McCandless,
Moore,

Messrs. Canney,
Fairfax,
Flower,
Hally,
Herbert,
Heydenfeldt,
Hoff,
Irwin,
Proctor,
Reading,
Saunders,
Sime,
Taylor,
Thomas,
Walker—21.

Mr. Hoff submitted an amendment, which was adopted.
Mr. Canney moved that the bill be read a third time now.
On which the ayes and nays were demanded, and resulted as follows:

AYES.

Messrs. Bell,
Blake,
Cabaniss,
Caldwell,
Canney,
Fairfax,
Flower,
Hally,
Herbert,
Heydenfeldt,
Hoff,
Irwin,
McCandless,
Moore,
Proctor,
Reading,
Saunders,
Sime,
Taylor,
Thomas,
Walker,
Speaker—22.

NAYS.

Mr. Letcher—1.

No quorum voting.

Mr. Canney then moved that members who did not vote be expelled the House.
On motion of Mr. Myres, at 12 o'clock, P. M., the House adjourned by the following vote:

AYES.

Messrs. Brush,
Cabaniss,
Conness,
Ewing,
Hally,
Kittredge,
Leake,
Letcher,
Mandeville,
Meredith,
McMeans,
Myr
Oliver,
Redding,
Saunders,
Taylor,
Thomas—17.

NAYS.

Messrs. Bell,
Blake,
Canney,
Fairfax,
Flower,
Herbert,
Heydenfeldt,
Hoff,
Irwin,
McCandless,
McKamy,
Moore,
Proctor,
Reading,
Walker,
Yeiser—16.

HOUSE OF ASSEMBLY.

MONDAY, May 16, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Covarrubias, Crenshaw, Huse, Martin, McCandless, Reading of Trinity, Smith, Tilghman, Wilson, and Yeiser.

On motion, leave of absence was granted for one day each to Messrs. Crenshaw and Huse.

The Journal of Friday last was read and approved.

On motion of Mr. Heydenfeldt, the reading of the Journal of Saturday last was dispensed with.

Mr Meredith, from the Committee on Public Buildings and Grounds, reported back Senate bill for An Act for the permanent location of the Seat of Government of the State of California, with a recommendation that it be passed.

Mr. Sime, from the same committee, reported an amendment to be substituted for all after the enacting clause of the bill.

Mr. Robinson moved that the amendment be adopted.

On which the ayes and nays were demanded, and the amendment was lost by the following vote:

AYES.

Messrs. Bell,
Blake,
Bostwick,
Caldwell,
Conness,
Cardozo,
Hally,
Herbert,
Johnson,
Letcher,
Myres,
Proctor,
Robinson,
Saunders,
Sime,
Taylor,
Yeiser—17.

NAYS.

Messrs. Brush,
Cabaniss,
Canney,
Carpentier,
Ewing,
Fairfax,
Heydenfeldt,
Hoff,
Hunt,
Irwin,
Kittredge,
Leake,
Mandeville,
Meredith,
McFarland,
McKamy,
Moore,
Oliver,
Owen,
Redding,
Thomas,
Walker,
Wells,
Speaker—24.

Mr. Canney moved to reconsider the vote by which the House refused to adopt the amendment.

On which the ayes and nays were demanded, and the House refused to reconsider by the following vote:

AYES.

Messrs. Blake,
Bostwick,
Caldwell,
Canney,
Conness,
Hally,
Herbert,
Johnson,
Letcher,
McMahon,
McMeans,
Myres,
Proctor,
Robinson,
Saunders,
Sime,
Taylor,
Walker,
Wing,
Yeiser,
Speaker—21.

NAYS.

Messrs. Brush,
Cabaniss,
Leake,
Mandeville,

Messrs.	Carpentier,	Messrs.	Meredith,
	Cardozo,		McFarland,
	Ewing,		McKamy,
	Fairfax,		Moore,
	Heydenfeldt,		Oliver,
	Hoff,		Owen,
	Hunt,		Redding,
	Irwin,		Thomas,
	Kittredge,		Wells—22.

Mr. Owen moved that the bill be read a third time now; which was agreed to, and the bill was read a third time, and on the question, "Shall the bill pass?"

The ayes and nays were demanded, and the bill was passed by the following vote:

AYES.

Messrs.	Bostwick,	Messrs.	Leake,
	Brush,		Mandeville,
	Cabaniss,		Meredith,
	Carpentier,		McFarland,
	Cardozo,		McKamy,
	Ewing,		Moore,
	Fairfax,		Myres,
	Hally,		Oliver,
	Heydenfeldt,		Owen,
	Hoff,		Redding,
	Hunt,		Taylor,
	Irwin,		Thomas,
	Kittredge,		Wells—26.

NAYS.

Messrs.	Bell,	Messrs.	Proctor,
	Blake,		Reading,
	Caldwell,		Robinson,
	Canney,		Saunders,
	Conness,		Sime,
	Herbert,		Walker,
	Johnson,		Wing,
	Letcher,		Yeiser,
	McMahon,		Speaker—19.
	McMeans,		

The following message was received from the Senate:

Mr. Speaker:

The Senate respectfully requests that the Assembly will appoint a com-

mittee of free conference on Senate bill for An Act to establish an Asylum for the Insane of the State of California.

Messrs. Keene, Lind and Sprague, were this day appointed as the committee on the part of the Senate.

The Senate passed, on the 13th instant, An Act in relation to joint tenancies and tenancies in common.

And on the 14th instant, Joint Resolution recommending that Luther Wright be paid the sum of $966 80, for services rendered.

An Act for the relief of John W. Jackson.

An Act in relation to resistance of payment of the revenue due the State.

An Assembly bill for An Act to Fund the Debt of the county of Sutter, and provide for the payment thereof.

And with amendments, Assembly bill for An Act to amend an Act for the protection of Game.

And with amendments also, Assembly bill for An Act for the more effectual distribution of the Laws, Journals, and Public Documents of the State of California.

And the Senate respectfully requests that a committee of free conference be appointed on the part of the Assembly, to act with a corresponding committee of the Senate, to consider the revenue bill, and the amendments made thereto by the Assembly; and that Messrs. Walton, Smith, and Hubbs, are the Committee on the part of the Senate.

By order of the Senate.

A. C. BRADFORD,
Secretary.

May 16, 1853.

On motion of Mr. Leake, a committee of three, as a committee of free conference, was appointed to confer with a similar committee on the part of the Senate, on Senate bill for an Act to establish an Asylum for the Insane of the State of California.

The Chair announced as such committee, Messrs. Yeiser, Herbert, and McMeans.

Senate bill for An Act in relation to joint tenancies and tenancies in common, was then taken up, read a first and second time, and referred to the Judiciary Committee.

Senate Joint Resolution, recommending that Luther Wright be paid the sum of nine hundred and sixty-six dollars and eighty cents, for services rendered, out of the reserved part of the civil fund, as set forth in section 8 of the funding act of 1852, approved May 1, was then taken up, read a first and second time, and laid on the table.

Senate bill for An Act for the relief of John W. Jackson, was then taken up, read twice, and referred to the Committee on Claims.

Senate bill for An Act in relation to resistance of payment of the revenue due the State, was then taken up, read a first and second time, considered in committee of the whole, reported back with a recommendation that it be passed, and the committee discharged.

The bill was then read a third time, and on the question, "Shall the bill now be passed?"

The ayes and nays were demanded, and the bill was passed by the following vote:

AYES.

Messrs. Bell,
Brush,
Caldwell,
Canney,
Conness,
Ewing,
Fairfax,
Hally,
Herbert,
Hoff,
Hunt,
Kittredge,
Leake,
Mandeville,
Meredith,
McCandless,
McFarland,
McKamy,
McMahon,
McMeans,
Myres,
Oliver,
Owen,
Redding,
Robinson,
Thomas,
Wells,
Wing,
Yeiser—29.

NAYS.

Messrs. Blake,
Bostwick,
Cabaniss,
Carpentier,
Flower,
Heydenfeldt,
Irwin,
Johnson,
Letcher,
McGarry,
Proctor,
Reading,
Rogers,
Saunders,
Sime,
Taylor,
Speaker—17.

Assembly bill for An Act to amend an Act entitled an Act for the protection of Game, as amended by the Senate, was then taken up, and the Senate amendment concurred in by the House.

Assembly bill for An Act for the more effectual distribution of the Laws, Journals, and Public Documents of the State of California, as amended by the Senate, was then taken up, and the Senate amendments concurred in by the House.

On motion of Mr. Hoff, a committee of three was appointed as a committee of free conference on the part of the House, on Senate bill for An Act to provide revenue for the support of the Government of this State.

The Chair announced as such committee Messrs. Hoff, Bell, and Canney.

Mr. Owen, from the Committee on Corporations, reported back Assembly bill for An Act to amend an Act relating to Corporations, with an amendment, and recommended the passage of the bill.

The report was adopted, the bill amended, read a third time, and passed.

A message was received, informing the Assembly that the Senate concurred, on the 14th instant, in the report of the committee of conference on the

disagreeing vote of the two Houses on Senate bill for An Act revising and amending the Act concerning Courts of Justice of this State and Judicial Officers.

And passed, on the 14th instant, An Act to authorize S. G. Whipple, J. F. Wendell, and others, to build a wharf at Crescent City, in the county of Klamath.

Senate bill for An Act to authorize S. G. Whipple, J. F. Wendell, and others, to build a wharf at Crescent City, in the county of Klamath, was then taken up, read twice, and referred to the Committee on Commerce.

Mr. McMeans, from the Committee on Ways and Means, reported back Senate bill for An Act supplementary to an Act to fund the indebtedness of the State which has accrued, or may accrue, from April 29, 1851, to December 31, 1852, inclusive, to provide for the payment of the three per cent. bonds, approved May 1, 1852, with a recommendation that it be passed.

The report was adopted, the bill considered in committee of the whole, reported back, its passage recommended, and the committee discharged.

The bill was then read a third time and passed.

Mr. Robinson, from the Committee on Ways and Means, reported back Senate bill for An Act to amend an Act entitled an Act prescribing the mode of assessing and collecting public revenue, passed May 1, 1851, with a recommendation that it be not passed.

The report was adopted, and the bill was read a third time, and lost.

Mr. Yeiser, from the Judiciary Committee, reported back Assembly bill for An Act to regulate the settlement of the estates of deceased persons, with a recommendation that it be passed.

The report was adopted, and the bill read a third time and passed.

Mr. Thomas, from the Committee on Federal Relations, reported back Senate Joint Resolution in relation to a Railroad from the Mississippi Valley to the Pacific Ocean, with a recommendation that it pass.

The report was adopted, and the resolution was read a third time and passed.

Mr. Conness, from the select committee to whom was referred Senate bill for An Act prohibiting certain violations of Sunday, reported the same back with amendments, and recommended the passage of the bill.

The report was adopted, the bill amended, read a third time, and on the question, "Shall the bill now be passed?"

The ayes and nays were demanded, and the bill was lost by the following vote:

AYES.

Messrs. Brush,	Messrs. McCandless,
Cabaniss,	McFarland,
Carpentier,	McKamy,
Conness,	Owen,
Ewing,	Redding,
Hally,	Robinson,
Johnson,	Saunders,
Kittredge,	Sime,
Letcher,	Taylor,
Mandeville.	Wing—20.

NAYS.

Messrs. Blake,
Caldwell,
Cardozo,
Fairfax,
Flower,
Herbert,
Heydenfeldt,
Irwin,
McGarry,
McMahon,
McMeans,
Moore,
Myres,
Proctor,
Reading,
Rogers,
Thomas,
Walker,
Wells,
Yeiser—20.

Mr. Taylor, from the San Francisco delegation, reported back Senate bill for An Act to limit the compensation of the Board of Supervisors of the county of San Francisco, with a recommendation that it be passed.

The report was adopted, and the bill read a third time, and passed.

Mr. Rogers, from the Calaveras delegation, reported back Assembly bill for An Act to create the county of Mokelumne, and provide for the organization of the same, without recommendation.

The report was adopted, and the bill was laid on the table.

On motion of Mr. Herbert. Assembly bill for An Act to improve the Tule lands, and to encourage the cultivation of Sugar, Rice and Cotton, was taken from the table, read a third time, and on the question, "Shall the bill now be passed?"

The ayes and nays were demanded, and the bill was lost by the following vote:

AYES.

Messrs. Blake,
Canney,
Cardozo,
Ewing,
Hally,
Herbert,
Heydenfeldt,
Hunt,
Kittredge,
Mandeville,
McCandless,
Moore,
Myres,
Proctor,
Reading,
Rogers,
Sime,
Walker,
Yeiser—19.

NAYS.

Messrs. Brush,
Cabaniss,
Caldwell,
Carpentier,
Conness,
Fairfax,
Flower,
McKamy,
McMeans,
Owen,
Redding,
Robinson,
Saunders,
Taylor,

Messrs. Irwin,
Johnson,
Letcher,
McGarry,
Thomas,
Wells,
Wing—21.

Mr. Wing, on leave, introduced a bill for An Act to abolish the Board of Supervisors of the county of El Dorado, which was read a first and second time, the rules suspended, it was then read a third time, and passed.

On motion of Mr. McCandless, Senate bill for An Act to ratify and confirm an ordinance passed by the city of San Francisco on the seventh day of March, 1853, authorizing the building of a plank road along Folsom street in said city, from First street to Centre street, was taken from the table, read a third time, and on the question, "Shall the bill pass?"

The ayes and nays were demanded, and the bill was passed by the following vote:

AYES.

Messrs. Blake,
Canney,
Carpentier,
Conness,
Cardozo,
Ewing,
Fairfax,
Flower,
Hally,
Heydenfeldt,
Johnson,
Letcher,
McCandless,
McGarry,
McKamy,
Moore,
Owen,
Proctor,
Reading,
Saunders,
Sime,
Taylor,
Wells,
Wing—24.

NAYS.

Messrs. Brush,
Cabaniss,
Caldwell,
Hunt,
Irwin,
Meredith,
McMahon,
Redding,
Robinson,
Thomas—10.

Mr. Heydenfeldt, from the select committee to whom was referred Assembly bill for An Act to regulate the election of municipal officers in the city of San Francisco, and the time of their taking office, reported the same back with a recommendation that it be passed.

The report was adopted, and the bill read a third time and passed.

Assembly bill for An Act explanatory of the 39th section of An Act entitled an Act concerning Sheriffs, passed April 29, 1853, was taken up, read a third time, and passed.

Assembly bill for An Act to amend an Act to create the county of Alameda, and to establish the seat of justice therein, to define its boundaries, and provide for its organization, was taken from the table, and indefinitely ostponed.

Assembly bill for An Act requiring the Comptroller of State to draw his warrant for a certain sum in favor of any person or persons arresting or capturing the robber Joaquin, was taken up, and indefinitely postponed.

Senate bill for An Act to be entitled an Act amendatory of and supplementary to an Act entitled an Act to establish a system of Common Schools, approved May 3, 1852, was taken up, considered in committee of the whole, reported back with amendments, and the committee discharged.

The amendments reported by the committee of the whole were then concurred in by the House, and the bill was read a third time, and passed.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled An Act to authorize the raising of a company of Rangers;

Also, An Act declaratory of the effect of the repeal of Criminal Laws;

Also, An Act to provide for security to be given by county officers acting under appointments, and to amend the fifty-fifth section of the Act concerning Sheriffs, passed April 29th, 1851;

Also, An Act providing for the location of the county seat of Colusi county;

Also, An Act to amend an Act entitled an Act declaring certain rivers and creeks navigable, passed February 18, 1851;

Also, An Act for the relief of Manuel Garfias, former Treasurer of Los Angeles county;

Also, An Act entitled an Act to prevent persons from enticing Seamen to desert;

Also, An Act supplementary to an Act entitled an Act to abolish the Boards of Supervisors in the counties of Calaveras, Sacramento, and Colusi;

Also, An Act to fund the debt of the county of Yolo, and provide for the payment thereof.

Mr. Bostwick submitted the following report, which was read and adopted:

Mr. Speaker:

The Joint Committee on Enrolled Bills have had presented to them for Enrollment, An Act to fix the compensation of County Judges, and Associate Justices of the Courts of Sessions, and to repeal a like Act passed April 22, 1850;

The engrossed bill, as passed by the Senate, has been lost, and the one presented with the accompanying enrolled bill and this report, has been engrossed by the Senate Clerk of the Committee on Engrossment from the original, with Senate amendments, and the amendments agreed upon by the joint committee of conference of the two Houses, as recorded upon the journal.

The limited time of the session remaining, precludes any other method of correcting the difficulty, and your committee submit the accompanying bill, enrolled as above stated, for the consideration of the Senate and Assembly, and recommend its adoption.

JOHN H. BOSTWICK,
Assembly Committee.
JOHN Y. LIND,
Chairman Senate Com.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act to amend an Act relating to Corporations.

And the report was adopted.

On motion of Mr. Conness, the House took a recess until half past three o'clock, P. M.

The House re-assembled at half past three o'clock, P. M.

Assembly bill for An Act to provide for the Measurement of Goods, was then taken up, read a third time, and passed.

Assembly bill for An Act to locate a State road from the city of Benicia to the city of Sacramento, was taken up and indefinitely postponed.

Assembly bill for An Act to provide for the payment of the per diem and expenses of the Legislature during the year 1854, was then taken up, and indefinitely postponed.

Mr. Canney, from the Committee on Indian Affairs, reported back Senate bill for An Act authorizing the Treasurer of the State of California to issue bonds for the payment of the Fitzgerald Volunteers, serving under Major Fitzgerald in the county of San Diego, with a recommendation that the same be passed.

The report was adopted, and the bill referred to the Committee on Claims.

Assembly bill for An Act creating a Sabbath day in Tuolumne county, and providing that the same shall be kept holy, was taken up, and indefinitely postponed.

Assembly bill for An Act to provide for the removal in certain cases of criminal prosecutions from the Courts of Sessions in the District Court, was then taken up, read a third time, and passed.

Senate bill for An Act in relation to certain contingent expenses of the Legislature, was taken up, read a second time, and referred to the Committee on Claims.

Assembly bill for An Act to amend the Act to regulate proceedings in civil cases in courts of justice of the State of California, in respect to appeals from Justices' Courts in certain cases, was then taken up, and indefinitely postponed.

Assembly bill for An Act in relation to the division of counties, and the removal of county seats, was then taken up, amended, read a third time, and passed.

Mr. Herbert, from the select committee to whom was referred Assembly bill for An Act concerning the civil indebtedness of the State, without recommendation, and the bill was laid on the table.

Assembly bill for An Act in relation to the supplies of fuel, and other contingent expenses of the Legislature, was then taken up, read a third time, and lost.

Assembly bill for An Act to repeal the first section of an Act entitled an Act concerning the salary of the District Attorney of San Francisco county, was taken up and indefinitely postponed.

Senate Concurrent Resolution, instructing the select committee to report a bill for districting of the State, was then taken up, and indefinitely postponed.

Assembly bill for An Act for the relief of John C. Cremony, was then taken up, considered in committee of the whole, reported back, with a recommendation that it be passed.

The committee was then discharged, and the bill read a third time, and passed.

Assembly bill for An Act to fund the floating debt of the county of Sacramento, and to provide for the payment of the same, was then taken up, amended, read a third time, and passed.

Assembly bill for An Act concerning the salaries of officers, and pay of members of the Legislature, was then taken up, when Mr. Myres moved to strike out after "Attorney-General" the words "fifteen hundred," and insert "four thousand."

On which the ayes and nays were demanded, and the amendment was adopted by the following vote:

AYES.

Messrs.	Blake,	Messrs.	Owen,
	Cabaniss,		Proctor,
	Caldwell,		Reading,
	Conness,		Robinson,
	Cardozo,		Rogers,
	Hally,		Saunders,
	Herbert,		Smith,
	Johnson,		Thomas,
	Leake,		Walker,
	McFarland,		Wells,
	McMahon,		Wing,
	Moore,		Yeiser—25.
	Myres,		

NAYS.

	Bostwick,	Messrs.	Mandeville,
	Brush,		McCandless,
	Canney,		McGarry,
	Carpentier,		McKamy,
	Ewing,		McMeans,
	Hunt,		Redding,
	Irwin,		Sime,
	Kittredge,		Taylor—17.
	Letcher,		

The bill was then considered engrossed, read a third time and passed.

Assembly bill for An Act for the relief of George S. Rigley, was then taken up, considered in committee of the whole, reported back, with a recommendation that it be passed.

The committee was discharged, and the bill read a third time and passed.

Assembly bill for An Act concerning the Courts of Justice of this State and Judicial Officers, passed March 11th, 1851, was then taken up, and indefinitely postponed.

Senate Concurrent Resolution in relation to the Deed of the Mayor of the city of Benicia to the State of California, of a certain lot of ground in the city of Benicia, was then taken up, and concurred in by the House.

Senate bill for An Act for the relief of W. Neil Walton, was then taken up, and indefinitely postponed.

Assembly bill for An Act to provide for the payment of Clerks employed by the Comptroller and Treasurer, was then taken up, and indefinitely postponed.

Assembly bill for An Act amendatory of an Act entitled an Act concerning Corporations, passed April 22, 1850, was then taken up, and indefinitely postponed by the following vote:

AYES.

Messrs.	Bostwick,	Messrs.	McFarland,
	Brush,		McMeans,
	Cabaniss,		Moore,
	Caldwell,		Myres,
	Carpentier,		Owen,
	Cardozo,		Redding,
	Ewing,		Rogers,
	Hunt,		Sime,
	Irwin,		Smith,
	Kittredge,		Thomas,
	Letcher,		Walker,
	Mandeville,		Wing—24.

NAYS.

Messrs.	Canney,	Messrs.	Reading,
	Flower,		Robinson,
	Heydenfeldt,		Saunders,
	Johnson,		Taylor,
	McGarry,		Wells,
	Proctor,		Yeiser—12.

Assembly bill for An Act to provide for the Inspection of Beef and Pork, was then taken up, and indefinitely postponed.

Assembly bill for An Act for the protection of persons owning timber, logs and lumber floating upon waters or carried upon adjoining lands, was then taken up, and indefinitely postponed.

Assembly bill for An Act for the protection of persons who may settle upon private lands in this State, was then taken up, and indefinitely postponed by the following vote:

AYES.

Messrs. Bostwick,	Messrs. McFarland,
Brush,	Moore,
Canney,	Proctor,
Cardozo,	Reading,
Flower,	Saunders,
Hunt,	Sime,
Johnson,	Smith,
Kittredge,	Taylor,
Letcher,	Thomas,
Mandeville,	Walker—20.

NAYS.

Messrs. Cabaniss,	Messrs. Myres,
Caldwell,	Owen,
Carpentier,	Redding,
Ewing,	Robinson,
Heydenfeldt,	Rogers,
Irwin,	Wells,
McGarry,	Wing—15.
McMeans,	

A message was received from the Senate, informing the Assembly that they this day passed, with amendments, Assembly bill for An Act to apportion the Senatorial and Assembly Districts of this State;

And postponed indefinitely, Assembly bill for An Act to amend the ninth section of an Act concerning the Judges of the Plains and defining their duties, passed April 25, 1851;

And passed An Act supplementary to an Act to provide for the Lien of Mechanics and others, passed April 12, 1850.

Assembly bill for An Act to apportion the Senatorial and Assembly Districts of this State, as amended by the Senate, was then taken up.

Mr. Heydenfeldt moved that the House non-concur in the Senate amendments.

Which was agreed to.

Mr. Heydenfeldt moved that a committee of free conference, to consist of seven, be appointed on the disagreeing vote of the two Houses on the bill.

Which was agreed to.

The Chair announced, as such committee, Messrs. Myres, Oliver, Redding of Yuba, Yeiser, Carpentier, Reading of Trinity, and Letcher.

Mr. Mandeville moved to reconsider the vote by which the committee of conference was appointed.

On which the ayes and nays were demanded, and the House refused to reconsider by the following vote:

AYES.

Messrs. Bell,
Bostwick,
Cabaniss,
Canney,
Cardozo,
Flower,
Kittredge,
Moore,
Myres,
Oliver,
Redding,
Sime,
Thomas,
Speaker—14.

NAYS.

Messrs. Brush,
Carpentier,
Conness,
Ewing,
Fairfax,
Hally,
Herbert,
Heydenfeldt,
Hoff,
Johnson,
Knight,
Letcher,
McKamy,
McMeans,
Owen,
Reading,
Rogers,
Smith,
Taylor,
Wells,
Yeiser—21.

Senate bill for An Act supplementary to an Act to provide for the Lien of Mechanics and others, passed April 12, 1850, was then taken up, read a first and second time; the rules suspended, read a third time and passed.

Senate bill for An Act concerning sureties on Official Bonds, was then taken up, amended, read a third time and passed.

A message was received, informing the Assembly that the Senate passed this day An Act for the relief of John Brown;

And Assembly bill for An Act to authorize the State Treasurer to issue a duplicate Land Warrant to S. C. Hastings.

Senate bill for An Act for the relief of John Brown, was then taken up, read a first and second time, considered in committee of the whole, reported back, with a recommendation that it be passed.

The committee was discharged, and the bill read a third time and passed.

Senate bill for An Act to authorize a Special Election in the county of Colusi, was then taken up, and indefinitely postponed.

Assembly bill for An Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers, passed March 11, 1851, was then taken up, and indefinitely postponed.

Assembly bill, substitute for Senate bill for An Act to legalize certain Records of Deeds, and other instruments, in the county of Sacramento, was then taken up, and read a first and second time; the rules suspended, it was then read a third time and passed.

Senate bill for An Act to legalize certain Records of Deeds in the county of Sacramento, was then taken up, and postponed indefinitely.

Senate bill for An Act to amend an Act to provide for the Protection of

Foreigners and to define their liabilities and privileges, was then taken up, and indefinitely postponed

Assembly bill for An Act to authorize the appointment of Book Keeper to the Comptroller of State, and temporary Clerk in the department of Treasurer, and to provide for the payment of Clerks in the State Offices, was then taken up, and postponed indefinitely.

Proposed amendments to the Constitution of this State, were then taken up, and laid on the table by the following vote:

AYES.

Messrs. Caldwell,	Messrs. Letcher,
Canney,	Martin,
Carpentier,	McCandless,
Conness,	McFarland,
Cardozo,	McGarry,
Ewing,	McMahon,
Fairfax,	McMeans,
Flower,	Moore,
Hally,	Myres,
Herbert,	Proctor,
Heydenfeldt,	Reading,
Hunt,	Saunders,
Huse,	Tilghman,
Kittredge,	Walker,
Leake,	Speaker—30.

NAYS.

Messrs. Blake,	Messrs. Owen,
Brush,	Redding,
Crenshaw,	Robinson,
Hoff,	Rogers,
Johnson,	Taylor,
Mandeville,	Thomas,
Meredith,	Wells,
Oliver,	Wilson—16.

Senate bill for An Act to abolish the Board of Supervisors in the county of Yolo, was then taken up, and postponed indefinitely.

Assembly bill for An Act to amend the third section of the Act entitled an Act to License Gaming, passed March 14, 1851, was then taken up, considered engrossed, read a third time and passed.

Assembly bill for An Act concerning certain Courts in the county of San Francisco, was then taken up, and postponed indefinitely.

Assembly bill for An Act to prevent Hogs running at large in this State, was taken up, and postponed indefinitely.

Assembly bill for An Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers, passed March 11, 1851, was then taken up, and postponed indefinitely.

Assembly Joint Resolution relative to Public Lands and Internal Im-

provements, was then taken up, considered engrossed, read a third time and passed.

Assembly bill for An Act respecting the first day of the week, commonly called Sunday, was then taken up, and postponed indefinitely.

Senate bill for An Act to amend an Act entitled an Act concerning Toll Bridges, was then taken up, and postponed indefinitely.

Assembly bill for An Act to repeal an Act entitled an Act in relation to Actions wherein the State is a party, approved May 3, 1852, was then taken up, considered engrossed, read a third time and passed.

Senate bill for An Act in relation to Water Companies, was then taken up, and postponed indefinitely.

Assembly bill for An Act prescribing the mode of appointing Auctioneers and defining their duties, was then taken up, and postponed indefinitely.

Assembly bill for An Act to amend an Act entitled an Act to Fund the Indebtedness of the State which has accrued or may accrue from April 29th, 1851, to December 31st, 1852, inclusive, and to provide for the payment of three per cent. Bonds, was then taken up, and postponed indefinitely.

Assembly bill for An Act to repeal an Act entitled an Act for the relief of the Indigent Sick, approved April 16, 1852, was then taken up, and postponed indefinitely.

Assembly bill for An Act for the relief of the claimants of Lots or Blocks of Land in the town of Trinidad, in the county of Klamath, was then taken up, and postponed indefinitely.

Senate bill for An Act to amend an Act concerning Divorces, passed March 25, 1851, was then taken up, and postponed indefinitely.

Assembly bill for An Act concerning lawful Fences, and Animals trespassing on premises lawfully enclosed, was then taken up, considered engrossed, read a third time and passed.

Assembly bill for An Act amendatory of an Act entitled an Act to provide for the Inspection of Flour, passed May 3d, 1852, was then taken up, considered engrossed, read a third time, and on the question, "Shall the bill now be passed?"

The ayes and nays were demanded.

And the bill was passed by the following vote:

AYES.

Messrs. Bell,	Messrs. McKamy,
Blake,	McMahon,
Canney,	McMeans,
Cardozo,	Moore,
Fairfax,	Myres,
Hally,	Oliver,
Herbert,	Owen,
Hoff,	Proctor,
Hunt,	Robinson,
Johnson,	Rogers,
Leake,	Thomas,
Mandeville,	Tilghman,

Messrs. Meredith, McCandless, Messrs. Walker, Wilson—28.

NAYS.

Messrs. Brush, Caldwell, Conness, Crenshaw, Ewing, Flower, Heydenfeldt, Huse, Kittredge, Letcher, Messrs. Martin, McGarry, Reading, Redding, Saunders, Sime, Smith, Taylor, Speaker—19.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act concerning lawful Fences, and Animals trespassing on premises lawfully enclosed;

Also, An Act amendatory of an Act entitled and Act to provide for the Inspection of Flour, passed May 3d, 1852.

Mr. Wilson, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act amendatory and explanatory of an Act for the relief of William Waldo, approved ——;

And also, An Act for the relief of Charles E. Pickett.

Assembly bill for An Act to amend an Act entitled an Act prescribing the mode of maintaining and defending Possessory Actions on Public Lands in this State, approved April 20, 1852, was then taken up, and postponed indefinitely.

Senate bill for An Act for the establishment of a State Marine Hospital at San Francisco, was then taken up.

And the House went into committee of the whole, (Mr. Moore in the chair,) on the consideration of the bill, and having considered the same, the committee rose and reported the bill back to the House, with an amendment as a substitute for all after the enacting clause, and asked to be discharged from the further consideration of the subject.

Which was granted.

The House then concurred in the amendment reported by the commitee of the whole.

Mr. Leake moved to amend the eighth section by striking out the word "one," before "Resident Physician," and inserting the word "two."

On which the ayes and nays were demanded.

And the amendment was adopted by the following vote:

AYES.

Messrs. Brush, Cabaniss, Conness, Cardozo, Ewing, Messrs. Meredith, McGarry, McKamy, McMahon, McMeans,

Messrs. Fairfax,
Hoff,
Hunt,
Johnson,
Kittredge,
Letcher,
Mandeville,
Martin,
Messrs. Myres,
Oliver,
Owen,
Redding,
Robinson,
Rogers,
Sime,
Thomas—26.

NAYS.

Messrs. Bell,
Blake,
Canney,
Carpentier,
Covarrubias,
Flower,
Hally,
Herbert,
Heydenfeldt,
Huse,
Irwin,
Knight,
Messrs. Leake,
McCandless,
Moore,
Proctor,
Reading,
Saunders,
Taylor,
Tilghman,
Wilson,
Yeiser,
Speaker—23.

The bill was then read a third time, and on the question, "Shall the bill now be passed?"

The ayes and nays were demanded.

And the bill was passed by the following vote:

AYES.

Messrs. Bell,
Brush,
Cabaniss,
Caldwell,
Canney,
Carpentier,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Fairfax,
Flower,
Hally,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Huse,
Irwin,
Messrs. Martin,
McCandless,
McGarry,
McKamy,
McMahon,
Moore,
Myres,
Oliver,
Proctor,
Reading,
Redding,
Robinson,
Saunders,
Sime,
Taylor,
Thomas,
Tilghman,
Walker,
Wells,

Messrs. Johnson,
Kittredge,
Leake,
Letcher,
Messrs. Wilson,
Yeiser,
Speaker—45.

NAYS.

Mr. McFarland,
Mr. McMeans—2.

And on the question, "Shall the title stand?" it was amended so as to read, "An Act to provide for the establishment of a State Marine Hospital at San Francisco, and to provide for the Indigent Sick in this State."

And the title as amended was agreed to.

Mr. Hoff submitted the following report, which was read, and concurred in by the House:

Mr. Speaker:

The joint committee of free conference, to whom was referred a bill for An Act to provide Revenue for the support of the Government of this State, with the amendments made thereto by the Assembly, recommend that the Assembly recede from the following amendments, viz:

Amendments to Art. II, Sec. sub division 3;
Amendments to Art. II, Sec. 2;
Third amendment to Sec. 4;
Third amendment to Sec. 5;
And fifth amendment to Sec. 5;
First amendment to Art. X, Sec. 37.

And also recede from their amendments in striking out Sections 70, 71 and 72.

Your committee also recommend that the substitute adopted by the Assembly for Sec. 14 of Art. VIII, be amended by striking out in the twenty ninth line, the words "shall be then destroyed," and inserting the words "and shall be transmitted by the County Auditor, with his annual statement, to the Comptroller of State"

And also, that Art. VIII, Sec. 16, be amended by striking out in the last line, the word "destroyed," and inserting the words "transmitted to the Comptroller of State."

And amend the amendment to Sec 17 of Art. VIII, by striking out in the seventh line the word "forty" and inserting the word "sixty."

And in the ninth line, by striking out the word "sixty," and inserting the word "forty."

Amend substitute for Sec. 16, Art. X, by inserting after the word "property," in ninth line, the words, "or any species of property held by him in trust for another."

And add as an additional section the following:

"Section—. All moneys collected as revenue in this State, the disposi

tion of which is not otherwise provided by law, shall be paid into the General Fund."

All of which is respectfully submitted.

J. WALTON,
Chairman Sen. Com.

JOHN J. HOFF,
Chairman Assem. Com.

PATRICK CANNEY,
SAM. BELL.

Mr. Taylor submitted the following report, which was read and concurred in by the House:

Mr. Speaker:

The committee of conference on the disagreeing vote of the two Houses, in relation to Assembly amendments to Senate bill No. 191, in relation to Comptroller's Warrants, have agreed to recommend that the amendment be amended by striking out "fifty," and inserting "twenty-five."

JAMES M. TAYLOR,
S. A. McMEANS,
Of the Assembly.

PAUL K. HUBBS,
Of the Senate.

May 15, 1853.

Mr. Thomas, from the Committee on Engrossed Bills, reported as correctly engrossed, An Act concerning the Salaries of Officers and Pay of Members of the Legislature;

Also, An Act in relation to the division of Counties, and the removal of County Seats.

And the report was adopted.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, submitted the following report, which was read and adopted:

ASSEMBLY, May 16, 1853.

Mr. Speaker:

The Joint Committee on Enrollment report that, they have this day presented to the Governor for his approval, An Act to authorize the raising a Company of Rangers;

An Act declaratory of the effect of the repeal of Criminal Laws;

An Act to provide for Security to be given by County Officers acting under appointments, and to amend the fifty-fifth section of the Act concerning Sheriffs, passed April 29, 1851.

An Act providing for the location of the County Seat of Colusi County

An Act to amend an Act entitled an Act declaring certain Rivers and Creeks navigable, passed February, 1851;

An Act for the relief of Manuel Garfias, former Treasurer of Los Angeles County;

An Act entitled an Act to prevent persons from enticing Seamen to desert;

An Act supplementary to an Act entitled an Act to abolish the Boards of Supervisors in the Counties of Calaveras, Sacramento and Colusi;

An Act to Fund the Debt of the County of Yolo, and to provide for the payment thereof;

An Act to Fund the Debt of Sutter County, and to provide for the payment thereof;

An Act to amend an Act entitled an Act for the protection of Game;

An Act for the more effectual distribution of the Laws, Journals and Public Documents, of the State of California;

An Act amendatory and explanatory of an Act for the relief of William Waldo, approved;

And also, An Act for the relief of Charles E. Pickett, approved;

An Act to limit the Hours of Labor;

An Act to prevent persons from obstructing the Channels of Humboldt Bay and Harbor;

An Act to fix the compensation of County Judges and Associate Justices of Courts of Sessions, and to repeal a like Act passed April 22, 1850.

JOHN H. BOSTWICK,
Assembly Committee.

On motion, at 12 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, May 17, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent: Messrs. Carpentier, Fairfax, Hoff, Irwin, Letcher, Martin, McMeans, Moore, Myres, Oliver, Reading of Trinity, Redding of Yuba, Thomas, Wilson and Yeiser.

On motion of Mr. Heydenfeldt, the reading of the Journals was dispensed with.

Mr. Canney submitted the following report, which was read and adopted:

Mr. Speaker:

Your committee, to whom was referred the claim of James McLamar, believe that it is a just and valid claim against the State, and would call the attention of the House to the fact, that on a former occasion the House endorsed a report made by this committee, when the claim of the Hon. O. S. Wetherby was under consideration, and we therefore recommend the adoption of this report, as it is all that is necessary to have the account settled.

PATRICK CANNEY,
Chairman.

J. NEELY JOHNSON,
R. G. READING,
A. G. McCANDLESS,
WM. M. ROGERS,
JOHN T. CRENSHAW.

Mr. Cardozo, from the Committee on Commerce, reported back Senate bill for An Act to authorize S. G. Whipple, J. F. Wendell, and others, to build a wharf at Crescent City in the county of Klamath, with a recommendation that it be passed.

The report was adopted, when

Mr. McMahon moved that the bill be postponed indefinitely.

On which the ayes and nays were demanded, and the motion was lost by the following vote:

AYES.

Messrs. Blake,
Leake,
McMahon,
Messrs. Oliver,
Rogers—5.

NAYS.

Messrs. Bell,
Bostwick,
Cabaniss,
Caldwell,
Canney,
Carpentier,
Conness,
Cardozo,
Covarrubias,
Crenshaw,
Ewing,
Flower,
Hally,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Huse,
Irwin,
Johnson,
Kittredge,
Knight,
Messrs. Letcher,
Mandeville,
Meredith,
McCandless,
McFarland,
McGarry,
McKamy,
Moore,
Owen,
Proctor,
Reading,
Robinson,
Saunders,
Sime,
Smith,
Taylor,
Tilghman,
Walker,
Wing,
Yeiser,
Speaker—43.

Mr. McCandless moved that the bill be read a third time.

Which was agreed to.

And the bill was then read a third time, and on the question, "Shall the bill now be passed?" the ayes and nays were demanded, and the bill was passed by the following vote:

AYES.

Messrs. Bell,
Bostwick,
Cabaniss,
Caldwell,
Canney,
Carpentier,
Conness,
Cardozo,
Covarrubias,
Ewing,
Flower,
Messrs. Kittredge,
Knight,
Letcher,
Martin,
McCandless,
McFarland,
McGarry,
Moore,
Proctor,
Reading,
Robinson,

Messrs. Hally,	Messrs. Saunders,
Heydenfeldt,	Sime,
Hoff,	Smith,
Hunt,	Tilghman,
Huse,	Walker,
Irwin,	Wells,
Johnson,	Speaker—36.

NAYS.

Messrs. Blake,	Messrs. Meredith,
Brush,	McKamy,
Crenshaw,	McMahon,
Leake,	Oliver,
Mandeville,	Rogers—10.

Mr. Bostwick, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, Concurrent Resolution in relation to European Colonization on the Continent of America.

Joint Resolution in relation to a Railroad from the Mississippi Valley to the Pacific Ocean.

An Act supplementary to an Act to fund the indebtedness of the State, which has accrued, or may accrue from April 29th, 1851, to December 31st, 1852, inclusive, to provide for the payment of the three per cent. Bonds, approved May 1, 1852.

An Act to ratify and confirm an Ordinance passed by the city of San Francisco, on the 7th day of March, 1853, authorizing the building of a Plank Road along Folsom Street, in said city, from First street to Center street.

An Act to limit the compensation of the Board of Supervisors of the county of San Francisco.

Concurrent Resolution in relation to the deed of the Mayor of the city of Benicia to the State of California, of a certain lot of ground in the city of Benicia.

On motion of Mr. Bostwick, Mr. Mandeville was added to the Committee on Enrolled Bills.

A message was received, informing the Assembly that the Senate, this day, passed An Act to protect the Archives of the State and prevent their removal from Benicia.

And this day appointed Messrs. Walton, Smith, Estill, Hager, Foster, Hubbs and Walkup, as a committee of free conference on the disagreeing vote of the two Houses on Assembly bill for An Act to apportion the Senatorial and Assembly districts of this State;

And this day concurred in the report of the committee of free conference on the bill for An Act to provide revenue for the support of the government of the State.

Senate bill for An Act to protect the Archives of State and prevent their removal from Benicia, was then taken up, read a first time, and laid over under the rules.

Senate bill for An Act to amend the fourteenth section of an Act con-

corning the office of County Treasurer, passed March 27, 1850, was then taken up, read a third time and passed.

Senate bill for An Act supplementary to an Act to provide for the incorporation of Railroad Companies, approved April 22, 1853, was then read a second time, and referred to the Committee on Corporations.

Assembly bill for An Act concerning Licenses, was then taken up and postponed indefinitely.

Assembly bill for An Act to create a Board of Supervisors for the counties of this State and to define their duties and powers, was then taken up, and postponed indefinitely.

Assembly bill for An Act to provide for the appointment of Commissioners of Deeds, and to define their duties, was then taken up and postponed indefinitely.

Mr. Johnson, on leave, introduced a bill for An Act requiring County Treasurers, Public Administrators, and others, to settle their accounts.

Which was read a first and second time, the rules suspended, it was then read a third time and passed.

Mr. Covarrubias, from the Committee on Military Affairs, reported back Assembly bill for An Act to provide for the defence of the frontier of the State, with a recommendation that it be not passed.

The report was adopted, and the bill postponed indefinitely.

Mr. Herbert submitted the following report, which was read and adopted:

Mr. Speaker:

The Joint Committee of the Senate, appointed to to confer with a similar committee of the Assembly upon the amendments offered by the Assembly to Senate bill for An Act to establish an Asylum for the Insane of the State of California, have had the same under consideration, and report their agreement as follows:

That the Assembly recede from their amendment to the third section, and amend the said original third section, by striking out all after the word "dollars" in the fourteenth line, to the word provided in the nineteenth line of the same section, and that the Senate agree to the other amendments of the Assembly.

B. F. KEENE,
J. Y. LIND,
R. T. SPRAGUE,
Senate.
S. A. McMEANS,
P. T. HERBERT,
FRED. YEISER.

Assembly bill for An Act to change the name of Contra Costa, and to create a new county to be called Contra Costa, was then taken up.

Mr. Crenshaw moved that the bill be postponed indefinitely.

On which the ayes and nays were demanded, and the bill was indefinitely postponed by the following vote:

AYES.

Messrs. Cabaniss,
Canney,
Conness,
Covarrubias,
Crenshaw,
Fairfax,
Herbert,
Hoff,
Hunt,
Johnson,
Leake,
Letcher,
Martin,
McGarry,
McKamy,
McMeans,
Oliver,
Proctor,
Robinson,
Saunders,
Sime,
Smith,
Thomas,
Wells,
Wing—25.

NAYS.

Messrs. Bell,
Blake,
Carpentier,
Cardozo,
Ewing,
Flower,
Hally,
Heydenfeldt,
Irwin,
Kittredge,
Knight,
Mandeville,
Meredith,
McFarland,
Rogers,
Taylor,
Tilghman,
Wilson,
Speaker—19.

A message was received from the Governor, informing the Assembly that he, this day, approved An Act to provide for security to be given by county officers acting under appointments, and to amend the fifty-fifth section of the Act concerning Sheriffs, passed April 29th, 1851.

An Act to limit the hours of Labor.

An Act for the more effectual distribution of the Laws, Journals and Public Documents of the State of California.

An Act to fund the debt of Sutter County, and to provide for the payment thereof.

An Act to prevent persons from obstructing the channels of Humboldt Bay and Harbor.

An Act to provide for the location of the County Seat of Colusi county.

An Act to authorize the raising of a Company of Rangers.

An Act to amend the first section of an Act for the Protection of Game, approved May 1, 1852; and

An Act declaratory of the repeal of Criminal Laws.

Assembly bill for An Act for the permanent location of the Seat of Gov-

ernment, was then taken up, together with the other bill relating to the same subject, and indefinitely postponed.

Assembly bill for An Act relative to Weights and Measures, and to provide standards thereof for the State of California, was then taken up, read a third time and lost.

Assembly bill for An Act to secure to settlers a pre-emption right to the overflowed and swamp Lands of this State, was then taken up, amended, considered engrossed, read a third time and passed.

A message was received from the Senate, informing the Assembly that they, this day, passed with amendments, Assembly bill for An Act to fund the floating debt of the county of Sacramento and to provide for the payment of the same.

The bill was then taken up, and the amendments of the Senate concurred in.

The following message was received from the Senate :

Mr. Speaker :

The Senate concurred yesterday in the report of the committee of conference on Senate bill for An Act to provide revenue for the support of the government of this State ;

And this day concurred in the report of the committee of conference on Senate bill for An Act to establish an Asylum for the Insane of the State of California.

And also in the report of the committee of conference on Assembly bill for An Act to apportion the Senatorial and Assembly districts of this State.

And passed on the 14th instant, an Act to fix the times of holding the Terms of the District Courts throughout this State.

By order of the Senate.

A. C. BRADFORD,
Secretary.

May 17, 1853.

Senate bill for An Act to fix the times for holding the Terms of the District Courts throughout this State, was then taken up, read a first and second time, the rules suspended, it was then read a third time and passed.

Mr. McCandless, on leave, introduced a Concurrent Resolution in relation to the claim of Felix Argenti against the General Government.

Which was read and adopted.

A message was received, informing the Assembly that the Senate refused to concur in Assembly amendments to Senate bill for An Act for the establishment of Common Schools.

The House then took up the bill and refused to recede from their amendments, and appointed as a committee of conference, Messrs. Heydenfeldt, Tilghman, and Redding of Yuba, on the disagreeing vote of the two Houses on the bill.

Mr. Reading of Trinity, submitted the following report, which was read and laid on the table :

Mr. Speaker:

The Joint Committee of Conference, to whom was referred the bill to apportion, the Senate and Assembly districts, beg leave to report:

That your committee found that there was no basis established for representation, according to the requirements of the Constitution of this State, and that great injustice has been done to a large portion of this State by the present bill, and being unable to agree on the amendments proposed in the committee, would ask to be discharged from further consideration of the subject, and recommend a new committee of conference be appointed on the part of this House.

R. G. READING,
FRED. YEISER,
W. S. LETCHER,
House Committee.

SAM. B. SMITH,
PAUL K. HUBBS,
Senate Committee.

Mr. Myres submitted the following report:

Mr. Speaker:

The joint committee of conference, to whom was referred An Act to apportion the Senatorial and Assembly Districts of this State, report it back with one amendment to the bill as amended by the Senate, and recommended its passage.

Amend Section 1, by adding, after the words "three Senators," in the Fifteenth Senatorial District, the words "of whom two shall be elected by Yuba, and one by Yuba and Sutter jointly.

J. WALTON,
Chairman of Senate Committee.

B. F. MYRES,
Chairman of Assembly Committee.

On the adoption of the report, the ayes and nays were demanded, and the report was adopted by the following vote:

AYES.

Messrs. Bell,	Messrs. Martin,
Blake,	McCandless,
Bostwick,	McKamy,
Canney,	McMeans,
Conness,	Moore,

Messrs. Cardozo,
Covarrubias,
Crenshaw,
Fairfax,
Flower,
Herbert,
Hunt,
Huse,
Irwin,
Kittredge,
Leake,
Myres,
Oliver,
Owen,
Proctor,
Redding,
Rogers,
Saunders,
Thomas,
Tilghman,
Walker,
Wing—32.

NAYS.

Messrs. Brush,
Cabaniss,
Carpentier,
Hally,
Heydenfeldt,
Hoff,
Johnson,
Knight,
Letcher,
Meredith,
McFarland,
McGarry,
Reading,
Robinson,
Smith,
Taylor,
Wells,
Wilson,
Yeiser—19.

Mr. Thomas submitted the following report, which was read and adopted:

ASSEMBLY, May 17, 1853.

Mr. Speaker:

The Committee on Engrossed Bills, report that they have examined and found correctly engrossed, the Assembly amendment to Senate bill for An Act to provide for the establishment of a State Marine Hospital at San Francisco, and to provide for the Indigent Sick in this State.

CHAS. C. THOMAS.

Mr. Bostwick submitted the following report, which was read and adopted:

Mr. Speaker:

The Joint Committee on Enrolled Bills, report that they have this day presented to the Governor for his approval—

An Act supplementary to an Act to Fund the Indebtedness of the State which has accrued or may accrue from April 29th, 1851, to December 31st, 1852, inclusive, to provide for the payment of the three per cent. Bonds, approved May 1st, 1852;

An Act to ratify and confirm an Ordinance passed on the 9th day of

March, 1853, authorizing the building of a Plank Road along Folsom street in said city, from First street to Centre street;

An Act to limit the compensation of the Board of Supervisors of the county of San Francisco.

And have deposited with the Secretary of State Concurrent Resolution in relation to European Colonization on the Continent of America;

Joint Resolution in relation to a Railroad from the Mississippi to the Pacific Ocean; and

Concurrent Resolution in relation to the Deed of the Mayor of the city of Benicia to the State of California, of a certain lot of ground in the city of Benicia.

JOHN H. BOSTWICK,
Assembly Committee.

Mr. Bostwick submitted the following report, which was read and adopted:

ASSEMBLY, May 17, 1853.

Mr. Speaker:

The Joint Committee on Enrolled Bills report that they have examined and find correctly enrolled—

An Act in relation to the resistance of payment of Revenue due the State; also,

An Act for the permanent location of the Seat of Government of the State of California; also,

An Act to amend an Act to provide for the redemption of Comptroller's Warrants drawn on the General Fund, passed April 1st, 1853.

JOHN H. BOSTWICK,
Chairman of Assembly Committee.

Mr. McMeans, from the Committee on Ways and Means, reported back Senate bill for An Act to provide for the sale of the interest of the State of California in the property within the water line Front of the city of San Francisco, as defined in and by the Act entitled an Act to provide for the disposition of certain property of the State of California, passed March 26, 1851, with an amendment for all after the enacting clause.

The report was adopted; when Mr. Myres moved that Assembly bill for An Act to provide means for paying the Civil Debt of this State, be taken from the table, and considered, with the above bill.

Which was agreed to.

The House then went into committee of the whole, Mr. Hoff in the chair, on the consideration of the bills; and having considered the same, the committee rose, reported them back, and recommended the passage of the Assembly bill, and asked to be discharged from further consideration of the subject.

Which was granted.

Mr. Heydenfeldt moved to lay the bill on the table.

On which the ayes and nays were demanded, and the motion was lost by the following vote:

AYES.

Messrs. Crenshaw,
Flower,
Hally,
Heydenfeldt,
Johnson,
Letcher,
McGarry,
Moore,
Reading,
Robinson,
Saunders,
Sime,
Smith,
Taylor,
Walker,
Yeiser—16.

NAYS.

Messrs. Brush,
Cabaniss,
Canney,
Cardozo,
Covarrubias,
Ewing,
Herbert,
Hoff,
Huse,
Kittredge,
Leake,
Mandeville,
Martin,
McKamy,
McMahon,
McMeans,
Myres,
Oliver,
Owen,
Redding,
Rogers,
Tilghman,
Wells,
Wilson,
Wing—25.

Mr. Sime moved that the bill be postponed indefinitely.

On which the ayes and nays were demanded, and the motion was lost by the following vote:

AYES.

Messrs. Cabaniss,
Caldwell,
Crenshaw,
Flower,
Hally,
Heydenfeldt,
Johnson,
Letcher,
McFarland,
McGarry,
Moore,
Proctor,
Robinson,
Saunders,
Sime,
Taylor,
Yeiser,
Speaker—18.

NAYS.

Messrs. Bell,
Blake,
Leake,
Mandeville,

Messrs. Brush,	Messrs. McKamy,
Canney,	McMahon,
Carpentier,	McMeans,
Cardozo,	Myres,
Covarrubias,	Oliver,
Ewing,	Owen,
Fairfax,	Redding,
Herbert,	Rogers,
Hoff,	Tilghman,
Hunt,	Walker,
Huse,	Wells,
Irwin,	Wilson,
Kittredge,	Wing—30.

On motion, at 6 o'clock, P. M., the House took a recess until 8 o'clock, P. M.

The House re-assembled at 8 o'clock, P. M.

A message was received from the Governor, informing the Assembly that he had this day day approved An Act for the relief of C. E. Pickett.

Mr. Wing submitted the following report, which was read and adopted:

Mr. Speaker:

The Committee on Engrossed Bills have examined and found correctly engrossed—

An Act to secure to settlers a pre-emption right to the overflowed and swamp lands of this State.

AUSTIN WING.

Mr. Mandeville submitted the following report, which was read and adopted:

BENICIA, May 17, 1853.

Mr. Speaker:

The Joint Committee on Enrolled Bills, report that they have examined and find correctly enrolled—

An Act for the relief of John Brown;

An Act to amend the fourteenth section of An Act concerning the office of County Treasurer, passed March 27, 1850;

An Act supplementary to an Act to provide for the Lien of Mechanics and others, passed April 12th, 1850.

In the fifth line of the first section, the committee have supplied an omission by inserting in the margin the word "bridge."

An Act to authorize S. G. Whipple, J. G. Wendell, and others, to build a Wharf at Crescent city, in the county of Klamath.

J. W. MANDEVILLE,
Assembly Committee.

Mr. Crenshaw, from the Committee on Claims, reported back Senate bill for An Act authorizing the Treasurer of the State of California to issue Bonds for the payment of the Fitzgerald Volunteers, serving under Major Fitzgerald, in the county of San Diego, without recommendation.

The report was adopted.

The bill considered in committee of the whole, reported back with amendments.

The amendments adopted by the House, and the bill read a third time.

And on the question, "Shall the bill now be passed?" the ayes and nays were demanded, and the bill passed by the following vote:

AYES.

Messrs.	Bell,	Messrs.	Meredith,
	Canney,		McGarry,
	Carpentier,		McKamy,
	Cardozo,		McMahon,
	Crenshaw,		McMeans,
	Ewing,		Myres,
	Fairfax,		Proctor,
	Flower,		Reading,
	Heydenfeldt,		Rogers,
	Hoff,		Smith,
	Hunt,		Tilghman,
	Huse,		Wing,
	Kittredge,		Yeiser—27.
	Knight,		

NAYS.

Messrs.	Bostwick,	Messrs.	Redding,
	Conness,		Robinson,
	Letcher,		Speaker—6.

Mr. Fairfax moved to reconsider the vote by which the House, on yesterday, refused to pass Assembly bill for An Act to improve the Tule Lands, and to encourage the cultivation of sugar, rice and cotton.

On which the ayes and nays were demanded, and the motion was carried by the following vote:

AYES.

Messrs. Bell,
Bostwick,
Canney,
Cardozo,
Covarrubias,
Crenshaw,
Ewing,
Fairfax,
Flower,
Heydenfeldt,
Hunt,
Huse,
Knight,
McFarland,
McKamy,
McMeans,
Moore,
Proctor,
Reading,
Saunders,
Sime,
Smith,
Tilghman,
Wells,
Wing,
Yeiser—26.

NAYS.

Messrs. Brush,
Cabaniss,
Caldwell,
Conness,
Hoff,
Irwin,
Johnson,
Kittredge,
Letcher,
Mandeville,
Martin,
Meredith,
McGarry,
Oliver,
Owen,
Redding,
Robinson,
Rogers,
Taylor,
Thomas,
Speaker—21.

The bill was then recommitted to the select committee with special instructions.

On motion of Mr. Heydenfeldt, Senate bill for An Act to protect the Archives of State and to prevent their removal, was taken up, the rules suspended, it was then read a second and third time.

And on the question, "Shall the bill now be passed?" the ayes and nays were demanded, and the bill passed by the following vote:

AYES.

Messrs. Bell,
Brush,
Canney,
Carpentier,
Cardozo,
Covarrubias,
Ewing,
Herbert,
Hoff,
Hunt,
Huse,
Martin,
Meredith,
McGarry,
McKamy,
McMahon,
McMeans,
Moore,
Oliver,
Owen,
Redding,
Rogers,
Tilghman—23.

NAYS.

Messrs. Cabaniss,	Messrs. Reading,
Caldwell,	Robinson,
Conners,	Smith,
Fairfax,	Taylor,
Johnson,	Thomas,
Kittredge,	Walker,
Letcher,	Wells,
Procter,	Wing—16.

Mr. Mandeville submitted the following report, which was read and adopted:

BENICIA, May 17, 1853.

Mr. Speaker:

The Joint Committee on Enrolled Bills report, that they have examined and find correctly enrolled, An Act to establish an Asylum for the Insane of the State of California.

J. W. MANDEVILLE,
Of Assembly Committee.

The following message was received from the Senate:

Mr. Speaker:

The Senate yesterday postponed indefinitely Assembly bill for An Act to amend an Act concerning Judges of the Plains and to define their duties.

And passed, this day, An Act to drain the Swamp and Tule Lands of Yolo county.

And passed Assembly bill for an Act for the relief of C. H. Veeder.

And Senate bill for An Act additional to an Act to provide for the compensation of County Judges, and of Associate Justices of the Court of Sessions, and to repeal a like Act, passed April 22, 1850, approved May 16, 1853.

And refused to concur in the amendments of the Assembly to Senate bill for An Act to provide for the establishment of a State Marine Hospital at San Francisco, and have appointed, as a committee of conference on the disagreeing vote of the two Houses, Messrs. Keene, Smith and Hager.

By order of the Senate,

A. C. BRADFORD,
Secretary.

May 17, 1853.

Senate bill for An Act to drain the Swamp or Tule Lands in Yolo county, was then taken up, read a first time, and laid over under the rules.

Senate bill for An Act additional to an Act to provide for the compensation of County Judges, and of Associate Justices of the Courts of Sessions, and to repeal a like Act, passed April 22, 1853, approved May 16, 1853, was then taken up, read a first and second time, the rules suspended, it was then read a third time and passed.

Senate bill for An Act to provide for the establishment of a State Marine Hospital at San Francisco, with Assembly amendments non-concurred in by the Senate, was then taken up.

Mr. Conness moved that a committee of conference be appointed on the disagreeing votes of the two Houses on the bill.

Which was agreed to.

The chair announced as such committee, Messrs. Conness, Johnson and Fairfax.

Mr. Canney submitted the following resolution:

Resolved, That the thanks of this Assembly be tendered to the Hon. Isaac B. Wall, for the able, courteous and impartial manner in which he has discharged the duties of Speaker during this session.

On the question of the adoption of the resolution, the ayes and nays were demanded, and it was adopted by the following vote:

AYES.

Messrs. Bell,	Messrs. McKamy,
Cabaniss,	McMahon,
Caldwell,	McMeans,
Canney,	Moore,
Carpentier,	Myres,
Conness,	Oliver,
Covarrubias,	Owen,
Crenshaw,	Proctor,
Ewing,	Reading,
Fairfax,	Redding,
Flower,	Robinson,
Heydenfeldt,	Saunders,
Hoff,	Sime,
Huse,	Smith,
Johnson,	Taylor,
Kittredge,	Thomas,
Letcher,	Tilghman,
Martin,	Walker,
McFarland,	Wells,
McGarry,	Yeiser—40.

NAYS.

Mr. Brush, Mr. Cardozo—2.

Assembly bill for An Act to authorize J. T. Dean to hold, use, and oc-

cupy certain lands in Benicia, was then taken up, amended, read a third time, and on the question, "Shall the bill now be passed?" the ayes and nays were demanded, and the bill passed by the following vote:

AYES.

Messrs. Cabaniss,
Caldwell,
Canney,
Cardozo,
Covarrubias,
Crenshaw,
Ewing,
Heydenfeldt,
Huse,
Irwin,
Kittredge,
Letcher,
Martin,
Meredith,
McFarland,
McGarry,
McKamy,
McMahon,
McMeans,
Myres,
Owen,
Proctor,
Redding,
Saunders,
Sime,
Smith,
Wing—27.

NAYS.

Messrs. Brush,
Carpentier,
Hoff,
Hunt,
Mandeville,
Moore,
Oliver,
Reading,
Robinson,
Rogers,
Taylor,
Thomas,
Walker,
Wells—14.

Mr. Mandeville submitted the following report, which was read and adopted:

BENICIA, May 17, 1853.

Mr. Speaker:

The Joint Committee on Enrolled Bills report that they have presented to the Governor for his approval, An Act to amend the fourteenth section of an Act entitled an Act concerning the office of County Treasurers, passed March 27th, 1850.

An Act supplementary to an Act to provide for the lien of Mechanics, and others, passed April 12th, 1850.

An Act for the relief of John Brown.

An Act to authorize S. G. Whipple, J. G. Wendell, and others to build a wharf at Crescent City in the county of Klamath.

An Act to establish an Asylum for the Insane of the State of California.

J. W. MANDEVILLE,
Of Assembly Committee.

Mr. Wilson submitted the following report, which was read and adopted:

BENICIA, May 16, 1853.

Mr. Speaker:

The Joint Committee on Enrolled Bills report, that they have examined and find correctly enrolled, An Act to fix the times for holding the terms of the District Courts throughout this State.

J. M. WILSON,
Chairman Assembly Committee.

On motion of Mr. Myres, Senate bill for An Act to provide for the sale the interest of the State of California in the property within the water line front of the city of San Francisco, as defined in and by the Act entitled an Act to provide for the disposition of certain property of the State of California, passed March 26, 1851, was taken up, when

Mr. Flower moved that the bill be read a third time now.

On which the ayes and nays were demanded, and the bill was ordered to be read a third time by the following vote:

AYES.

Messrs. Cabaniss,
Caldwell,
Canney,
Conness,
Crenshaw,
Fairfax,
Flower,
Hally,
Heydenfeldt,
Johnson,
Knight,
Letcher,
Martin,
McCandless,
McFarland,
McGarry,
Moore,
Proctor,
Reading,
Redding,
Robinson,
Saunders,
Sime,
Smith,
Taylor,
Thomas,
Walker,
Wells,
Yeiser,
Speaker—30.

NAYS.

Messrs. Bell,
Blake,
Brush,
Carpentier,
Cardozo,
Ewing,
Herbert,
Hoff,
Hunt,
Mandeville,
Meredith,
McKamy,
McMahon,
McMeans,
Myres,
Oliver,
Owen,
Rogers,

Messrs. Huse,
Irwin,
Kittredge,
Messrs. Wilson,
Wing—23.

The bill was then read a third time, and on the question, "Shall the bill now be passed?" the ayes and nays were demanded, and the bill passed by the following vote:

AYES.

Messrs. Cabaniss,
Caldwell,
Canney,
Conness,
Covarrubias,
Crenshaw,
Fairfax,
Flower,
Hally,
Irwin,
Johnson,
Knight,
Letcher,
Mandeville,
Martin,
McCandless,
McFarland,
Messrs. McGarry,
Moore,
Myres,
Oliver,
Owen,
Proctor,
Reading,
Redding,
Robinson,
Saunders,
Sime,
Smith,
Taylor,
Thomas,
Walker,
Yeiser—33.

NAYS.

Messrs. Bell,
Blake,
Brush,
Carpentier,
Cardozo,
Ewing,
Herbert,
Heydenfeldt,
Hoff,
Hunt,
Huse,
Messrs. Kittredge,
Meredith,
McKamy,
McMahon,
McMeans,
Rogers,
Tilghman,
Wilson,
Wing,
Speaker—21.

Mr. Wing submitted the following report, which was adopted:

Mr. Speaker:

The Committee on Engrossed Bills report that they have examined and found correctly engrossed, An Act to authorize J. T. Dean to hold, use and occupy certain lands in the city of Benicia.

AUSTIN WING.

Mr. Conness submitted the following report, which was read and adopted:

Mr. Speaker:

The joint committee of conference, appointed to take into consideration the disagreeing vote of the Senate on the bill entitled An Act for the establishment of a State Marine Hospital at San Francisco, having had the same under consideration, ask leave to report that they have agreed to the amendments made in the House, and recommend that they be adopted.

Respectfully,

B. F. KEENE,
S. B. SMITH,
JNO. G. HAGER,
Senate.

L. CONNESS,
C. S. FAIRFAX,
J. NEELY JOHNSON,
House.

Mr. Mandeville submitted the following report, which was read and adopted:

BENICIA, May 17, 1853.

Mr. Speaker:

The Joint Committee on Enrolled Bills report that they have examined and find correctly enrolled—

An Act to abolish the present State Hospitals, and to provide for liquidating the indebtedness of the same.

J. W. MANDEVILLE,
Assembly Committee.

The following message was received from the Senate:

Mr. Speaker:

The Senate have this day passed Assembly bill for An Act requiring County Treasurers, Public Administrators, and others, to settle their accounts, with amendments therein noted.

And this day concurred in the amendments of the Assembly to Senate bill for An Act to provide payment to the Fitzgerald Volunteers;

And passed An Act prescribing the manner of applying for Pardons; and

An Act prescribing the time at which County and Township Officers shall enter upon the duties of their offices, as a substitute to Assembly bill, No. 85;

And Assembly Joint Resolution relative to Public Lands and Internal Improvements;

And concurred in the report of the committee of conference on the disagreeing vote of the two Houses on Senate bill for An Act to provide for the establishment of a State Marine Hospital at San Francisco.

By order of the Senate.

A. C. BRADFORD,
Secretary.

May 17, 1853.

Senate bill, An Act prescribing the time at which County and Township Officers shall enter upon the duties of their offices, was read three times and laid on the table.

Senate bill for An Act prescribing the manner of applying for Pardons, was taken up, and read a first and second time; the rules were then suspended, the bill read a third time and passed.

Mr. Conness offered the following Joint Resolution for the appointment of a joint committee of one from the Senate, and one from the Assembly, for the purpose of examining the books and accounts of the Treasurer and Comptroller of State

Which was read a first and second time; the rules suspended, read a third time and passed.

Mr. Mandeville from the Joint Committee on Enrolled Bills, presented the following report, which was adopted:

BENICIA, May 17, 1853.

Mr. Speaker:

The Joint Committee on Enrolled Bills report that they have presented to the Governor for his approval—

An Act to abolish the present State Hospitals, and to provide for liquidating the indebtedness of the same.

J. M. MANDEVILLE,
Assembly Committee.

Mr. Blake reported back Assembly bill for An Act granting permission to the Clay street Wharf Company to change the direction of the same, with amendments, which were adopted, and the title amended so as to read, An Act authorizing the proprietors of Clay street Wharf Company to change the direction of said wharf.

The bill was then read a third time and passed.

Mr. McMeans, from the select committee, reported back Senate bill for An Act to establish a Female Branch of a State University, to be located at the city of Benicia, with amendments.

The amendments adopted, and the bill indefinitely postponed by the following vote:

AYES

Messrs.	Conness,	Messrs.	Meredith,
	Covarrubias,		Moore,
	Flower,		Oliver,
	Hally,		Proctor,
	Herbert,		Reading,
	Heydenfeldt,		Robinson,
	Hoff,		Saunders,
	Hunt,		Sime,
	Johnson,		Smith,
	Kittredge,		Wells,
	Letcher,		Yeiser,
	Mandeville,		Speaker—25.
	Martin,		

NAYS.

Messrs.	Bell,	Messrs.	McCandless,
	Cabaniss,		McGarry,
	Caldwell,		McKamy,
	Canney,		McMahon,
	Carpentier,		McMeans,
	Crenshaw,		Myres,
	Ewing,		Owen,
	Fairfax,		Redding,
	Huse,		Thomas,
	Irwin,		Tilghman—20.

A message was received from the Governor, informing the Assembly that he had this day approved An Act entitled an Act to fix the salary of the County Judge of Placer county.

Mr. Mandeville, from the Joint Committee on Enrolled Bills, presented the following report, which was adopted:

BENICIA, May 17, 1853.

Mr. Speaker:

The Joint Committee on Enrolled Bills, have examined An Act to apportion the Senatorial and Assembly Districts of this State, and have made the following corrections to correspond with the engrossed bill:

In the twenty-fifth line of section one, the words, "the counties of Colusi and Shasta shall be the thirteenth Senatorial District, and shall elect one Senator," have been inserted in the margin.

In the eleventh line of section two, they have inserted the word "of," between the words, "out" and "office."

J. N. MANDEVILLE,
Assembly Committee.

A message was received, informing the Assembly that the Senate this day passed Assembly Concurrent Resolution in relation to the claim of Felix Argenti against the General Government.

Mr. Heydenfeldt introduced a resolution increasing the pay of certain officers of this House.

Which was adopted.

On motion, at 2 o'clock, A. M., the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, May 18, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The roll was called by the Clerk, and the following members were absent:

Messrs. Blake, Caldwell, Hoff, Leake, McCandless, McMahon, Reading of Trinity, Walker and Wilson.

Mr. Heydenfeldt introduced a resolution increasing the pay of the Copying Clerk of this House.

Which was read and adopted.

Mr. Yeiser, from the Judiciary Committee, reported back Senate bill for An Act amendatory of and supplementary to the Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, with amendments, recommending their adoption and the passage of the bill.

The report was adopted, the bill amended, read a third time and passed.

Mr. Wing reported as correctly engrossed, An Act authorizing the proprietors of Clay street Wharf to change the direction of said wharf.

And the report was adopted.

Mr. McMeans, from the Committee on State Hospitals, reported back Assembly bill for An Act for the relief of the city of Sacramento, with a recommendation that it be not passed.

The report was adopted, and the bill laid on the table.

Mr. McMeans, from the Committee on Ways and Means, reported back Assembly bill for An Act to repeal the fifth section of an Act to Fund the Indebtedness of the State, &c., passed May 1, 1852, with a recommendation that it be not passed.

The report was adopted, and the bill postponed indefinitely.

Mr. McMeans, from the same committee, reported back Senate bill for An Act to enforce the collection of Taxes in certain cases, with a recommendation that it be not passed.

The report was adopted, and the bill postponed indefinitely.

Mr. McMeans, from the same committee, reported back Senate bill for An Act to amend an Act entitled an Act to provide for levying, assessing and collecting the Public Revenue, passed April 23, 1852, with a recommendation that it be not passed.

The report was adopted, and the bill indefinitely postponed.

Mr. Thomas submitted a Concurrent Resolution to go into joint convention to elect Physicians to the State Hospitals.

Which was read and adopted.

Mr. Wells, from the Committee on Claims, reported back Senate bill for An Act for the relief of John W. Jackson, with a recommendation that the same be passed.

The report was adopted, the bill considered in committee of the whole, reported back, with a recommendation that it be passed.

The bill was then read a third time and passed.

Mr. Mandeville, from the Committee on Enrolled Bills, reported as correctly enrolled. An Act for the relief of C. H. Veeder;

An Act to Fund the Floating Debt of the county of Sacramento, and to provide for the payment of the same;

An Act to authorize the State Treasurer to issue a duplicate Land Warrant to J. C. Hastings; also,

Joint Resolution relative to Public Lands and Internal Improvements; also,

An Act requiring County Treasurers and Public Administrators to settle their accounts.

Mr. Mandeville submitted the following report:

BENICIA, May 18, 1853.

Mr. Speaker.

The Joint Committee on Enrolled Bills report that they have presented to the Governor, for his approval, An Act to apportion the Senatorial and Assembly Districts of this State;

An Act to amend an Act to provide for the redemption of Comptroller's Warrants drawn on the General Fund, passed April 4th;

An Act for the permanent location of the Seat of Government of the State of California;

An Act in relation to resistance of payment of Revenue due the State;

An Act to fix the times of holding the Terms of the District Courts throughout this State;

An Act to Fund the Floating Debt of the county of Sacramento, and provide for the payment of the same;

An Act requiring County Treasurers and Public Administrators to settle their accounts;

An Act to authorize the Treasurer of State to issue a duplicate Land Warrant to S. C. Hastings;

An Act for the relief of C. H. Veeder.

And have deposited with the Secretary of State a Joint Resolution relative to Public Lands and Internal Improvements.

J. N. MANDEVILLE,
Assembly Committee.

Mr. Flower submitted a resolution retaining the chief and assistant Clerks to arrange Assembly papers after the adjournment.
Which was read and adopted.

Mr. Heydenfeldt submitted the following report:

Mr. Speaker:

The committee of conference, to whom was referred the disagreeing vote of the two Houses upon Assembly's amendment to Senate bill for An Act to be entitled an Act amendatory of and supplementary to an Act entitled an Act to establish a system of Common Schools, approved May 3, 1852, recommend that the amendment of the Assembly be concurred in; and that the third Section of the sixth Article of an Act to establish a system of Common Schools, passed May 3, 1852, be repealed.

Respectfully submitted.

E. HEYDENFELDT,
Chairman Assembly Committee.

PHILIP A. ROACH,
Senate.

On the question of the adoption of the report, the ayes and nays were demanded, and it was lost by the following vote:

AYES.

Messrs. Bell,
Cardozo,
Covarrubias,
Crenshaw,
Flower,
Herbert,
Heydenfeldt,
Hunt,
Huse,
Irwin,
McCandless,
McFarland,
McGarry,
McMeans,
Proctor,
Saunders,
Smith,
Thomas,
Tilghman,
Walker,
Yeiser—21.

NAYS.

Messrs. Bostwick,
Brush,
Canney,
Carpentier,
Conness,
Ewing,
Hoff,
Kittredge,
Knight,
Letcher,
Mandeville,
Martin,
Meredith,
McKamy,
Myres,
Oliver,
Owen,
Redding,
Robinson,
Rogers,
Sime,
Taylor,
Wing—23.

Mr. Canney moved to reconsider the vote just taken.

Which was agreed to.

The question then recurring on the adoption, the ayes and nays were demanded, and the House adopted the report by the following vote:

AYES.

Messrs. Bell,
Carpentier,
Cardozo,
Covarrubias,
Crenshaw,
Fairfax,
Flower,
Herbert,
Heydenfeldt,
Hunt,
Huse,
Kittredge,
McCandless,
McGarry,
McMahon,
McMeans,
Moore,
Oliver,
Proctor,
Reading,
Saunders,
Smith,
Thomas,
Tilghman,
Walker,
Wells,
Speaker—27.

NAYS.

Messrs. Bostwick,
Brush,
Cabaniss,
Caldwell,
Conness,
Ewing,
Hally,
Hoff,
Knight,
Letcher,
Mandeville,
Martin,
McKamy,
Owen,
Redding,
Robinson,
Rogers,
Sime,
Taylor,
Wilson,
Wing—21.

The following message was received from the Senate :

Mr. Speaker :

The Senate, yesterday, concurred in the Assembly amendment to Senate bill for An Act concerning sureties on official bonds ;

And passed, this day, a Concurrent Resolution to extend the time of adjournment.

By order of the Senate.

A. C. BRADFORD,
Secretary.

Senate Concurrent Resolution to extend the time of adjournment, was then taken up, and concurred in.

Mr. Covarrubias submitted a resolution increasing the pay of Master Charles Hubbs.

Which was read and adopted.

Mr. Canney submitted the following resolution, which was read and adopted :

Resolved, That the thanks of this House be and are hereby tendered to the Clerk and his assistants for the faithful manner in which they have discharged their duties.

Mr. Johnson submitted the following report :

Mr. Speaker :

The Judiciary Committee beg leave to report back—

An Act to amend an Act providing for securing State Prison Convicts ;

An Act to define the Fees to be charged by Clerks of Courts for the Naturalization of Foreigners ; and

An Act supplemental to an Act to regulate Elections, passed March 23, 1851.

With a recommendation that they be passed.

Your committee also report back—

An Act recommending to the Electors to vote for or against calling a Convention ;

An Act in relation to joint tenancies and tenancies in common ;

An Act to authorize the State Treasurer to issue a duplicate School Land Warrant ; and

An Act authorizing the Attorney-General of the State of California to employ counsel in certain cases, and fixing a compensation therefor.

And recommend that they be not passed.

They also report back sundry petitions, and recommend that they be laid on the table.

J. NEELY JOHNSON,
For Committee.

Senate bill for An Act supplemental to an Act to regulate Elections,

passed March 23, 1850, was then taken up, read a third time and passed.

Mr. Johnson submitted a resolution increasing the pay of the Clerks of the Committee on Ways and Means, and the Judiciary.

Which was read and adopted.

Senate bill for An Act to define the Fees to be charged by Clerks of Courts for the Naturalization of Foreigners.

Which was read a third time.

And on the question, "Shall the bill now be passed?" the ayes and nays were demanded, and the bill was passed by the following vote:

AYES.

Messrs. Brush,	Messrs. McGarry,
Carpentier,	McKamy,
Conness,	McMeans,
Covarrubias,	Moore,
Heydenfeldt,	Owen,
Hoff,	Redding,
Hunt,	Robinson,
Johnson,	Rogers,
Kittredge,	Smith,
Letcher,	Thomas,
Martin,	Wells,
McCandless,	Wilson—24.

NAYS.

Messrs. Bostwick,	Messrs. Myres,
Canney,	Oliver,
Crenshaw,	Proctor,
Flower,	Saunders,
Huse,	Walker—10.

Mr. Conness submitted a resolution authorizing the Speaker of this House to appoint one member of this House for the purpose of examining the books and accounts of the Comptroller and Treasurer of State.

Which was read, and adopted.

The Speaker announced Mr. Herbert as such appointee.

Assembly bill for An Act to amend an Act providing for securing State Prison Convicts, was then taken up, and laid on the table.

Assembly bill for An Act authorizing the Attorney-General of the State of California to employ counsel in certain cases, and fixing a compensation therefor, was then taken up, and postponed indefinitely.

Assembly bill for An Act to authorize the State Treasurer to issue a duplicate School Land Warrant, was then taken up, and postponed indefinitely.

Senate bill for An Act in relation to joint tenancies and tenancies in common, was then taken up, and postponed indefinitely.

Assembly bill for An Act recommending to the Electors to vote for or

against calling a Convention, was then taken up, and laid on the table.

The following message was received from the Senate:

Mr. Speaker:

The Senate this day appointed Messrs. Lott and Sprague as a committee of conference on the disagreeing vote of the two Houses on the Practice Act.

And indefinitely postponed Assembly bill for An Act to regulate the Election of Municipal Officers in the City of San Francisco.

By order of the Senate:

A. C. BRADFORD,
Secretary.

18th May.

Mr. Johnson submitted the following report, which was read and adopted:

Mr. Speaker:

The committee of conference on the disagreeing vote of the two Houses in relation to the amendments to the Practice Act, beg leave to report as follows:

That they have agreed to the amendments, with this addition—that the sections be numbered consecutively, and that an enacting clause be inserted.

JOHNSON,
MYRES,
House Committee.
SPRAGUE,
LOTT,
Senate Committee.

The following message was received from the Senate:

Mr. Speaker:

The Senate this day adopted the report of the committee of conference on the disagreeing vote of the two Houses on the Practice Act.

And passed, yesterday, Assembly bill for An Act to legalize certain Records of Deeds and other instruments, in the County of Sacramento.

And passed, on the 17th inst., An Act concerning Townships.

And this day, Assembly bill for An Act to abolish the Board of Supervisors in the County of El Dorado.

By order of the Senate:

A. C. BRADFORD,
Secretary.

18th May.

On motion, the House took a recess until 7½ o'clock, P. M.

The House re assembled at 7½ o'clock.

Mr. Johnson submitted the following report, which was read and adopted:

ASSEMBLY HALL, May 18, 1853.

Mr. Speaker:

The Joint Committee on Enrolled Bills report that, they have examined a bill for An Act concerning the Courts of Justice of this State and Judicial dicial Officers, and have made the following interlineations:

On page one, at the end of section seven, have added the following, which is placed on the margin—"The Judge of said Court, at chambers, during vacation, may also hear and determine on appeals, writs of mandamus, and quo warranto."

On page eight, after the word "execution," the following—"a Bond to the State in the sum of five thousand dollars, conditioned for the faithful performance of his duties, and file the same with the County Clerk."

JOHN WALTON,
Senate Committee.
J. NEELY JOHNSON,
B. B. REDDING,
House Committee.

Mr. Mandeville submitted the following report, which was read and adopted:

HOUSE OF ASSEMBLY, May 18, 1853.

Mr. Speaker:

The Joint Committee on Enrolled Bills respectfully report that, they have examined the bill for An Act to provide Revenue for the support of the Government of this State, have made the following interlineations, and certified to the same on the margin of the sheet.

Interlineation first—Article I, seventeenth line, inserted between the words "all" and "machinery," the word "machinery."

Interlineation second—Article VIII, thirty-seventh line, inserted between the words "of" and "received," the words "the amount," in place of the words "three dollars for each receipt."

Interlineation third—Article III, twenty-fourth line from top of the page, the words "or from the Collector of Taxes," are stricken out.

Also, on same page, thirty-fourth line, the words "or the Collector of Taxes," are stricken out.

Also, on same page, forty-first line, the word "Assessor" has been stricken out, and the word "Auditor" inserted.

Article X, page 18 of enrolled bill, twenty fourth line, inserted between the words "purchaser" and "or," the words "or purchaser."

Article X, page 17 of enrolled bill, eighth line, between the words "thirteenth" and "total," inserted the words "delinquent tax of previous fourteenth."

Article X, page 20 of enrolled bill, line ten, between the words "which" and "delinquent," inserted the word "such."

PAUL K. HUBBS,
Senate Committee.

J. N. MANDEVILLE,
House Committee.

A message was received informing the Assembly that the Senate passed, this day, Assembly bill for An Act amendatory of an Act to provide for the Inspection of Flour, passed May 3d, 1852;

An Act to amend an Act relating to Corporations;

An Act explanatory of the thirty-ninth section of an Act entitled an Act concerning Sheriffs, passed April 29, 1851;

An Act for the relief of John C. Cremony;

Assembly Joint Resolution relating to the Civil Fund;

Also, Senate bill for An Act supplementary to an Act providing for the erection of a State Prison, and declaring null and void the existing State Prison Contract, approved May 11th, 1853.

Mr. Mandeville, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, An Act to legalize certain Records of Deeds and other instruments, in the County of Sacramento;

Also, An Act to abolish the Board of Supervisors in the County of El Dorado;

An Act amendatory of an Act entitled an Act to provide for the Inspection of Flour, passed May 3d, 1852;

And An Act to amend an Act relating to Corporations;

An Act additional to an Act to provide for the compensation of County Judges and Associate Justices of the Courts of Sessions, and to repeal a like Act, passed April 22, 1850, approved May 16, 1853;

An Act supplemental to an Act to regulate Elections, passed March 23, 1850;

An Act for the relief of John W. Jackson;

An Act prescribing the manner of applying for Pardons;

An Act to define the Fees to be charged by Clerks of Courts for the Naturalization of Foreigners;

And An Act to protect the Archives of the State, and prevent their removal from Benicia;

Joint Resolution relative to the Civil Fund;

An Act to provide for the sale of the interest of the State of California in the property within the water line front of the City of San Francisco, as defined in and by the act entitled an Act to provide for the disposition of certain Property of the State of California, passed March 26, 1851;

An Act to provide for the establishment of a State Marine Hospital at San Francisco, and to provide for the Indigent Sick in this State;

An Act concerning Sureties on Official Bonds;

An Act explanatory of the thirty-ninth section of an Act entitled an Act concerning Sheriffs, passed April 29, 1851;

Joint Resolution relative to the Civil Fund;

An Act for the relief of John C. Cremony;

And Senate bill, No. 181, for An Act amendatory of, and supplemental to, an Act entitled an Act to establish a system of Common Schools, approved May 3d, 1852.

And the report was adopted.

Mr. Mandeville, from the same committee, reported that they had this day presented to the Governor for his approval, An Act concerning the Courts of Justice of this State and Judicial Officers;

An Act to provide for the establishment of a State Marine Hospital at San Francisco, and to provide for the Indigent Sick in the State;

Senate bill, No. 181, for An Act amendatory of, and supplementary to, an Act entitled an Act to establish a system of Common Schools, approved May 3d, 1852;

An Act to amend an Act relating to Corporations;

An Act amendatory of an Act entitled an Act to provide for the Inspection of Flour, passed May 3d, 1852;

An Act explanatory of the thirty-ninth section of an Act entitled an Act concerning Sheriffs, passed April 29th, 1851;

An Act for the relief of John C. Cremony;

Joint Resolution relative to the Civil Fund;

An Act prescribing the manner of applying for Pardons;

An Act to protect the Archives of State, and prevent their removal from Benicia;

An Act supplemental to an Act to regulate Elections, passed March 23, 1850.

An Act for the relief of John W. Jackson;

An Act additional to an Act to provide for the compensation of County Judges and Associate Justices of the Courts of Sessions, and to repeal a like Act, passed April 22d, 1850;

Also, An Act to define the Fees to be charged by Clerks of Courts for the Naturalization of Foreigners;

An Act to provide Revenue for the support of the Government of the State;

An Act to abolish the Board of Supervisors in the County of El Dorado;

An Act to provide for the sale of the interest of the State of California in the property within the water line front of the City of San Francisco, as defined in and by the Act entitled an Act to provide for the disposition of certain Property of the State of California, passed March 26, 1851;

An Act to legalize certain Records of Deeds, and other instruments, in the County of Sacramento;

An Act concerning Sureties on Official Bonds;

An Act amendatory of, and supplementary to, the Act entitled an Act to regulate proceedings in Civil cases in the Courts of Justice of this State;

And also, that they have deposited with the Secretary of State, Joint Resolution concerning Felix Argenti.

And the report was adopted.

A message was received from the Governor, informing the Assembly that he had this day approved An Act to authorize the State Treasurer to issue a duplicate Land Warrant to S. C. Hastings;

An Act requiring County Treasurers and Public Administrators to settle their accounts;

An Act for the relief of C. H. Veeder;

An Act to fund the Floating Debt of the County of Sacramento, and to provide for the payment of the same;

An Act to apportion the Senatorial and Assembly Districts of the State;

An Act amendatory of an Act entitled an Act to provide for the Inspection of Flour, passed May 3d, 1852;

An Act to amend an Act relating to Corporations;

An Act explanatory of the thirty ninth section of an Act entitled an Act concerning Sheriffs;

And, An Act for the relief of John C. Cremony.

On motion, at 12 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, May 19, 1853.

The House met pursuant to adjournment.

The Speaker in the chair.

The Journals of Saturday, Monday, Tuesday, and Wednesday were read and approved.

On motion, the House took a recess until one o'clock, P. M.

The House re-assembled at one o'clock, P. M.

Mr. Johnson introduced a Concurrent Resolution, appointing a committee of three from each House to wait upon the Governor, and inform him

that the two Houses are now in waiting to receive any communications he may desire to submit previous to their adjournment *sine die.*

Which was read and adopted.

The Chair announced as such committee, Messrs. Johnson, Hoff, and Crenshaw.

A message was received from the Senate, informing the Assembly that they had concurred in Assembly Concurrent Resolution to appoint a committee to wait upon the Governor, and inform him the two Houses are in waiting to receive any further communications he may desire to submit prior to adjournment *sine die;* and that they had appointed on their part Messrs. Hubbs, Ralston, and Wombough.

Mr. Heydenfeldt submitted the following resolution, which was read and adopted:

Resolved, That the use of this Hall be granted to the Democratic and Whig Conventions during their respective sittings the present year.

Mr. Carpentier submitted the following resolution, which was read and adopted:

Resolved, That the thanks of this Assembly be presented to the Hon. W. R. Andrews, of Sing Sing, for his present to this State of books and documents.

Mr. Heydenfeldt submitted the following resolution, which was read and adopted:

Resolved, That a committee of two be appointed to inform the Senate that the Assembly, on its part, has concluded the business of the session, and is now ready to adjourn *sine die.*

Mr. Johnson submitted the following report, which was read:

Mr. Speaker:

The joint committee appointed on the part of the Senate and Assembly to wait on His Excellency the Governor, and inform him of their readiness to receive such further communication as he may desire to transmit prior to their final adjournment, ask leave to report:

That they have performed this duty, and received in reply from His Excellency, that he had no further communications to make, but would, through your committee, convey assurances of the warm personal regard entertained for the uniform kindness and consideration with which his communications have been invariably received by the two Houses, and the respect manifested towards himself, with the sincere hope that you will return to your respective homes and friends in the enjoyment of health and prosperity; that your future career, whether in the private walks of life or the more stir-

ring scenes of political strife, may be as prosperous and fortunate as the past has been successful and agreeable.

Respectfully submitted,

J. NEELY JOHNSON,
JOHN J. HOFF,
JOHN T. CRENSHAW,
Committee on the part of the House.

PAUL K. HUBBS,
WM. WOMBOUGH,
J. H. RALSTON,
Committee on the part of the Senate.

May 19th, 1853.

The Journal of this day was then read and approved.

Mr. Crenshaw then moved that the Speaker now declare this House adjourned *sine die*.

The Speaker then rose, stated the question, and addressed the House as follows:

Gentlemen of the Assembly:

A few months ago, in compliance with an established custom, I addressed you, on assuming the office of Speaker of this House. On that occasion, I appealed to you, as well from personal considerations as from others of a truer and nobler character, to watch with vigilance, and oppose with energy and determination, every measure of speculative legislation; and knowing no other term sufficiently opprobrious, I characterized those who would prostitute the sacred office of a legislator to the base purposes of private gain, as worse than criminals; for the ill-doing of a common malefactor causes but local injury, whilst the crime of corrupt legislation brings in its train untold and innumerable evils upon an entire people!

It was then my hope and my ambition—and I trust it was yours—to make every act of this session of our House, a source of future pride to ourselves and of usefulness to the State.

It is now my privilege, before adjourning this body, to ask you whether a hope so reasonable and an ambition so just, have seen their every wish accomplished. How many of us have truly appreciated the sacred relationship we have borne to those whom we represent? How many of us have remembered that the office of enacting laws to govern our own countrymen is the most sacred we can hold on earth? And how many of us have remembered, that before we were suffered to enter upon our duties, we solemnly pledged our honor and recorded our oaths, to the effect, that in all our official conduct we would act only for those whom we represent, and not for ourselves? Have we all fulfilled these obligations, or have some of us been willing to sink our honor, our oaths, and our most sacred office, to increase our own transitory fortunes, or trivial personal consequence? What, indeed, is the fortune, the fame, or even the life of any individual, when compared with the fortunes, the welfare, and the honor of a whole people?

If there be any "galled jade" who winces at interrogatories like these,

let him go weep; for though God may forgive his sins, those whom he represents ought never to forget his treachery. But, gentlemen, we are not responsible to each other for our official conduct. How well each has remembered and performed his duty, is not for us here to determine; that task belongs to the people, and if we would learn our deserts, we must go and stand again before our temporal masters, who sent us here to represent their will. If they approve our actions, upon them will rest the honor or the odium of our public conduct.

But, at a moment like this, when we are about to separate, most of us, perhaps, forever, we should possess no feelings but those of friendship, no wish but that of having served the State. It is true, it has grown customary with some, to treat patriotism as a jest, and one's country, and one's party, as ideal combinations, to be used only for private advantage or political aggrandizement. But, thank God! such sentiments are not yet found to prevail beyond the pitiful boundary of selfish minds. In the great heart of American society, everywhere, there is too much integrity and reflection, to permit public dishonesty to escape the just vengeance of the people; and until that source itself becomes corrupt, or ceases to be vigilant, neither parties nor individuals can long hope for success, if they uphold any act of legislation which has for its object the benefit of a few at the expense of the honor, dignity, and character of the State.

False indeed, must be the professions of him who would hazard the ruin of his party, the character of his friends, and the honor of his State, to accomplish a scheme for private gain. If I know anything of the principles of the party which has been in the majority in this House, and if there be any truth in the pure and brilliant character of him who now stands at the head of that party, and whose sentiments, recently addressed to the nation, have aroused and delighted every American by their dignity, their nationality, and their avowed design to elevate the American character, and command respect for the American name in every portion of the earth; then, indeed, *democracy* is something respectable; something honorable—something noble and elevated—something which demands personal sacrifices—not selfishness—something truthful, universal and beneficent, something which cannot live without patriotism, nor exist without love for one's fellow man; and he who would tear it down to truckling selfishness, or steal its name to accomplish some mere personal wish, must be either false to its teachings or an ignorant zealot, who merely worships the statue of Democracy, whilst he forgets the deity it represents.

But, gentlemen, long as we may linger at the word, farewell must come at last. Whatever may have occurred in the heat of debate, I feel that at such a moment as this, any resentment in me would be thoughtless and unmanly, and I trust the same feeling actuates every member of this body. I do not, and cannot forget the favors this House has continually conferred upon me; and for your forbearance and courtesies I thank you, though they are favors belonging more to my office than to myself. Indeed, gentlemen, the greatest office, the proudest hope, the noblest ambition, the most brilliant fame, the most gorgeous display of public favor—all are but specks of sand dropped by Time into the ocean of ages. We see them daily sparkling and sinking around us, as we pass down the

current of our times, and fulfil the incomprehensible purposes of our existence.

And now, farewell. Our protracted session has at last drawn to a close. Another phase comes over our lives—and I pronounce this House adjourned, *sine die*.

A true copy of the original Journals, as daily approved by the House of Assembly.

ISAAC B. WALL,
Speaker.

Attest:

JAMES G. STEBBINS,
Ch. Clerk Ho. of Assembly.

May 19th, 1853.