

JOURNAL

OF THE

FIFTH SESSION

OF THE

LEGISLATURE

OF THE

STATE OF CALIFORNIA,

BEGUN

ON THE SECOND DAY OF JANUARY, 1854, AND ENDED ON THE
FIFTEENTH DAY OF MAY, 1854, AT THE CITIES OF
BENICIA AND SACRAMENTO.

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JOURNAL

OF THE

PROCEEDINGS OF THE ASSEMBLY.

JOURNAL OF THE ASSEMBLY.

HOUSE OF ASSEMBLY.

CITY OF BENICIA. }
Monday, January 2, 1854. }

According to the requirements of the Constitution, the House was called to order this day at 12 o'clock, M., by J. G. Stebbins, Esq, late Clerk.

On motion of Mr. Bostwick, Mr. Mandeville was chosen Speaker, *pro tem*

The clerk then proceeded to call the Counties, and the following members appeared, were qualified, and took their seats :

- County of Butte—Messrs. Richard Irwin, S. Ewer and J. B. McGee.
- “ Calaveras—Messrs. Wm. C. Pratt and A. J. Houghtaling.
- “ Contra Costa—Mr. F. M. Warmcastle.
- “ Colusi—Mr. G. W. Bowie.
- “ El Dorado—Messrs. John Conness, Alfred Briggs, H. Hollister, E. C. Springer, E. A. Stevenson, George McDonald, and S. A. Ballou.
- County of Humboldt—Mr. M. Spencer.
- “ Los Angeles—Mr. E. Hunter.
- “ Mariposa—Messrs. P. T. Herbert and J. C. Henry.
- “ Monterey—Mr. D. R. Ashley.
- “ Napa—Mr. G. N. Cornwall.
- “ Nevada—Messrs. John H. Bostwick, Isaac N. Dawley, William. H. Lindsey, E. F. Burton and H. P. Sweetland.
- County of Placer—Messrs. B. F. Myres, Geo. H. Van Cleft, B. L. Fairfield and James O’Neil.
- County of Sacramento—Messrs. J. M. McBrayer, Thomas R. Davidson, F. A. Park, and John W. Park.
- County of San Diego—Mr. Charles P. Noel
- “ San Francisco—Messrs. J. C. Hubbard and N. Hubert.
- “ San Joaquin—Mr. John Stemmons.
- “ Shasta—Mr. John A. Ring

County of Solano—Mr. B. C. Whitman
 “ Sonoma—Mr. J. N. Bennett.
 “ Sierra—Messrs. J. C. James and F. Anderson.
 “ Siskiyou—Mr. W. D. Aylett.
 “ Sutter—Mr. E. O. F. Hastings.
 “ Trinity—Mr. John Musser.
 “ Tulare—Mr. John T. Tivy
 “ Tuolumne—Messrs. J. W. Mandeville, B. D. Horr, James T. Hoyt,
 and H. B. Godard.
 County of Yolo—Mr. H. Griffith.
 “ Yuba—Messrs. Charles S. Fairfax, Charles W. Dannals, J. C. Jones,
 H. B. Kellogg, and James G. McDuffie.

On motion of Mr. Irwin, the House adjourned until to-morrow at 12 o'clock.

HOUSE OF ASSEMBLY

TUESDAY, January 3, 1854.

House met pursuant to adjournment, Mr. Mandeville in the chair.
 The following members appeared, were qualified, and took their seats :
 County of Calaveras—Martin Rowan.
 San Bernardino—Jefferson Hunt.
 Klamath—S. G. Whipple.
 Marin—D. Clingan.
 San Francisco—W. J. Sweasey, Edwin B. Purdy, F. W. Koll, John W. Bag-
 ley, and Elijah Nichols.
 Santa Barbara—Pedro C. Carrillo.
 El Dorado—D. P. Tallmadge.
 Santa Cruz—W. W. Stowe.
 Santa Clara—W. S. Letcher.
 On motion of Mr. Conness, the House adjourned until 2 o'clock to-morrow.

HOUSE OF ASSEMBLY.

WEDNESDAY, January 4, 1854.

House met pursuant to adjournment, Mr. Mandeville in the chair.

The following members appeared, were qualified, and took their seats :

From the county of Alameda, Joseph S. Watkins ; county of Los Angeles, C. E. Carr, San Louis Obispo, Parker H. French ; Tuolumne, John J. Hoff ; and from the county of San Francisco, James A. Gilbert.

The House then proceeded to elect permanent officers for the session. Mr. Irwin nominated Mr. Charles S. Fairfax, and Mr. Bowie nominated Mr. B. D. Horr, for Speaker. Those who voted for Mr. Fairfax, were—

Messrs Anderson, Ashley, Aylett, Bagley, Ballou, Bostwick, Briggs, Carr, Carrillo, Clingan, Conness, Dannals, Davidson, Dawley, Fairfield, Gilbert, Godard, Green, Griffith, Hastings, Herbert, Hoff, Hollister, Horr, Hoyt, Hubbard, Hubert, Hunt, Hunter, Irwin, James, Jones, Kellogg, Koll, Mandeville, Musser, Myers, McBrayer; McDonald, McDuffie, McGee, Nichols, Noel, O'Neil, F A Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stemmons, Sweasey, Tallmadge, Tivy, Van Cleft, Warmcastle, Watkins, and Whipple—60.

Those who voted for Mr. Horr, were—

Messrs. Bowie, Burton, Fairfax, Henry, Houghtaling, Letcher, Lindsey, Stowe and Whitman—9.

Mr. Fairfax having received a majority of all the votes cast, was declared duly elected Speaker.

Messrs. Myers and Herbert were appointed a committee to notify Mr. Fairfax of his election, and conduct him to the chair, whereupon he spoke as follows :

GENTLEMEN OF THE ASSEMBLY :

For the honor you have this day conferred, by selecting me to preside over your deliberations, I cannot but return my heartfelt and sincere thanks.

In the proper discharge of the duties of Speaker of this Assembly, my warmest and best endeavors shall be exerted. Many and perplexing are its difficulties, yet with your friendly assistance and hearty co-operation in maintaining that high and dignified conduct suited to our deliberations, I am pleased to indulge the hope we shall be enabled to transact the business entrusted to our charge creditably to ourselves, and in a manner best calculated to promote the interest of the State. The recent acquisition of California, her vast expanse of territory, her mixed population, various in their habits and languages, unaccustomed, many of them, to our laws and institutions, added to her peculiar and sometimes locally adverse interests, all tend to render good and wholesome legislation extremely difficult, so much the more, therefore, should we strive in our united efforts, to avoid the wrong so much complained of—to adopt the right so anxiously expected by the people at our hands. Then, and then alone, shall we have discharged our duty, and then shall we be en-

abled to return to an approving constituency, greeting us as good and faithful servants.

Gentlemen, I am pleased to believe the members of this Assembly competent to the task, and zealous for its proper accomplishment.

After which he took the oath of office as Speaker, and proceeded to business.

The House next proceeded to the election of Chief Clerk. Blanton McAlpin being alone in nomination, received the following votes :

Messrs Anderson, Ashley, Aylett, Bagley, Ballou, Bostwick, Briggs, Burton, Carr, Carrillo, Clingan, Conness, Cornwall, Dannals, Davidson, Dawley, Fairfax, Fairfield, Gilbert, Godard, Green, Griffith, Hastings, Henry, Herbert, Hoff, Hollister, Hoyt, Hubbard, Hubert, Hunt, Hunter, Irwin, James, Jones, Kellogg, Koll, Letcher, Lindsey, Mandeville, Musser, Myers, McBrayer, McDonald, McDuffie, McGee, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stemmons, Stowe, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, Watkins, and Whipple—67.

Having received all the votes cast, was declared duly elected.

The House next proceeded to the election of Assistant Clerk.

Mr. Scobey being alone in nomination, received the following votes :

Messrs. Anderson, Ashley, Aylett, Bagley, Ballou, Bennett, Bostwick, Briggs, Burton, Carr, Carrillo, Clingan, Conness, Cornwall, Dannels, Davidson, Dawley, Fairfax, Fairfield, Gilbert, Godard, Green, Griffith, Hastings, Henry, Herbert, Hollister, Houghtaling, Hoyt, Hubbard, Hubert, Hunt, Hunter, Irwin, James, Jones, Kellogg, Koll, Letcher, Lindsey, Mandeville, Musser, Myers, McBrayer, McDonald, McDuffie, McGee, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stemmons, Stowe, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, Watkins, and Whipple—68.

Having received all the votes, he was declared duly elected Assistant Clerk.

The House then proceeded to elect a Sergeant-at-Arms

Mr. George H. Blake being alone in nomination, received the following votes :

Messrs. Anderson, Ashley, Aylett, Bagley, Ballou, Bennett, Bostwick, Briggs, Burton, Carr, Carrillo, Clingan, Conness, Cornwall, Dannels, Davidson, Dawley, Fairfax, Fairfield, French, Gilbert, Godard, Green, Griffith, Hastings, Henry, Herbert, Hoff, Hollister, Houghtaling, Hoyt, Hubbard, Hubert, Hunt, Hunter, Irwin, James, Jones, Kellogg, Koll, Lindsey, Mandeville, Musser, Myers, McBrayer, McDonald, McDuffie, McGee, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stemmons, Sweasy, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, Watkins, and Whipple—68.

Having received all the votes, he was declared duly elected Sergeant-at-Arms.

The House then proceeded to elect a Door-Keeper.

John H. Warrington being alone in nomination, received the following votes :

Messrs. Anderson, Ashley, Aylett, Bagley, Ballou, Bennett, Bostwick, Briggs, Burton, Carr, Carrillo, Clingan, Conness, Cornwall, Dannels, Davidson, Dawley, Ewer, Fairfax, Fairfield, French, Gilbert, Godard, Green, Griffith, Hastings, Henry, Herbert, Hoff, Hollister, Houghtaling, Hoyt, Hubbard, Hubert, Hunt, Hunter, Irwin, James, Jones, Kellogg, Koll, Lindsey, Mandeville, Musser, Myers, McBrayer, McDuffie, McGee, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stemmons, Stowe, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, Watkins, Whipple, and Whitman—69.

Having received all the votes cast, was declared duly elected Door-Keeper
 The House then proceeded to elect an Enrolling Clerk
 Mr. Kimmel being alone in nomination, received the following votes :

Messrs. Anderson, Ashley, Aylett, Bagley, Ballou, Bennett, Bostwick, Briggs, Burton, Carr, Carrillo, Clingan, Conness, Cornwall, Dannels, Davidson, Dawley, Fairfax, Fairfield, Gilbert, Godard, Green, Griffith, Hastings, Herbert, Hoff, Hollister, Houghtaling, Hoyt, Hubbard, Hubert, Hunt, Hunter, James, Jones, Kellogg, Koll, Letcher, Lindsey, Mandeville, Musser, Myers, McBrayer, McDonald, McDuffie, McGee, Nichols, Noel, O'Neil, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stemmons, Stowe, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, Watkins, and Whipple—65.

Having received all the votes cast, was declared duly elected Enrolling Clerk.
 The House next proceeded to elect an Engrossing Clerk.
 Mr. Kelly being alone in nomination, received the following votes :

Messrs. Anderson, Ashley, Aylett, Bagley, Ballou, Bennett, Bostwick, Briggs, Burton, Carr, Carrillo, Clingan, Conness, Cornwall, Dannels, Davidson, Dawley, Fairfax, Fairfield, Gilbert, Godard, Green, Griffith, Hagans, Hastings, Henry, Herbert, Hoff, Hollister, Houghtaling, Hoyt, Hubbard, Hubert, Hunt, Hunter, James, Jones, Kellogg, Koll, Letcher, Lindsey, Mandeville, Musser, Myers, McBrayer, McDonald, McDuffie, McGee, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stemmons, Stowe, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, Watkins, and Whipple—69.

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

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

Resolved, That the clerk be directed to inform the Senate that the Assembly has organized by the election of the following officers :

C. S. Fairfax,	-	-	-	-	-	-	-	-	Speaker.
B. McAlpin,	-	-	-	-	-	-	-	-	Chief Clerk.
J. W. Scobey,	-	-	-	-	-	-	-	-	Assistant Clerk.
John Kimmel,	-	-	-	-	-	-	-	-	Enrolling Clerk.
E. A. Kelly,	-	-	-	-	-	-	-	-	Engrossing Clerk.
Geo. H. Blake,	-	-	-	-	-	-	-	-	Sergeant-at-Arms.
John H. Warrington,	-	-	-	-	-	-	-	-	Door-Keeper.

And that the Assembly is now ready to proceed with the business of the session.

Mr. Hoff offered a Joint Resolution to appoint a committee of two from each House to wait upon the Governor and inform him that the two Houses were now ready to receive any communication which he might desire to transmit,

Which was adopted, and Messrs. Hoff and Conness appointed on the part of the House.

Mr. Bostwick offered the following, which was adopted :

Resolved, That the Speaker is hereby authorized and directed to appoint a Page and Assistant Page for the Assembly.

Also, as many Porters as may be necessary for keeping the Chamber in proper order, and to dismiss them at pleasure.

Mr. Conness offered the following, which was adopted .

Resolved. That the employment of clerks to committees, being unnecessary and expensive, shall henceforth be discontinued.

On motion of Mr. Conness the Rules of the last session were adopted for the present session, at present.

And that a committee of five be appointed to draft Rules for the government of the present session.

Messrs. Conness, Watkins, Mandeville, Herbert and Irwin were appointed said committee.

On motion of Mr. Hoff, the Sergeant-at-Arms was instructed to make the necessary arrangements to accommodate the reporters of newspapers.

Mr. Myres offered the following, which was adopted :

Resolved, That the Sergeant-at-Arms be authorized and instructed to make arrangements for furnishing members with five copies of daily newspapers, such as they may select.

The following message was received from the Senate :

Mr. Speaker :

I am instructed to inform the Assembly that they have organized by the selection of the following officers :

Secretary,	-	-	-	-	-	John Y. Lind
Assistant Secretary,	-	-	-	-	-	J. H. Stewart.
Sergeant-at-Arms,	-	-	-	-	-	W. H. Harvey.
Door-Keeper,	-	-	-	-	-	E. C. Dowdigan.
Enrolling Clerk,	-	-	-	-	-	Henry St. Clair.
Engrossing Clerk,	-	-	-	-	-	J. C. Tucker.

And that the Senate is now ready to proceed to Legislative business.

JOHN Y. LIND, *Secretary.*

The following was also received from the Senate :

Mr. Speaker :

I am instructed to inform the Assembly that they have concurred in the resolution to appoint a committee to wait upon the Governor and inform him of their organization, and receive any communication he may be prepared to transmit, and have appointed as such committee, Messrs Leake and Coffroth.

JOHN Y. LIND, *Secretary.*

On motion of Mr. Hoff, the Sergeant-at-Arms had leave of absence granted for two days.

On motion of Mr. Herbert, leave of absence was granted to B. F. Myres for ten days.

Mr. Conness reported that the committee had waited upon the Governor, and were informed that he would communicate to this House immediately.

The following Message was received from the Governor by the Secretary of State, and while reading the same, on motion of Mr. Mandeville, the further reading was dispensed with, and the Message laid upon the table, and 3000 copies ordered to be printed in English

GOVERNOR'S ANNUAL MESSAGE.

Fellow Citizens of the Senate and Assembly :

Under the guidance and protecting care of that Divine Goodness, to whom it is our duty to address devout gratitude for the past, as well as fervent supplication for the future, you, the immediate representatives of the people, have convened, and under the most favorable auspices, are about to commence your legislative labors. The constitutional duty again devolves upon me of communicating with you, by message, setting forth "the condition of the State," and commending to your favorable consideration such measures as I may "deem expedient."

In the performance of this important duty, at the commencement of a new term of office, I am filled with emotions of gratitude to the people, whose generous preference has again called me to preside over the destinies of this young State, and to that gracious Providence under whose kindly protection, we have advanced so rapidly in the paths of progress and of peace.

The obligations which the confidence of a free and intelligent people imposes, will be acknowledged, on my part, by an anxious desire and continued effort to discharge my public duties in accordance with my convictions of right and justice, and in strict compliance with the constitution and laws.

On the occasion of your assembling, permit me to congratulate you upon the healthy and prosperous condition of the country. During the year just closed, Divine Providence, ever watchful over the affairs of men and nations, has been pleased to smile upon our favored State, and to bless us with health within our borders, and plenty in our habitations. The mineral wealth of our mountains continues to be the admiration and wonder of the world—the products of our valleys, already the pride and boast of our own people, promise, in a few short years, under the hand of careful culture, to more than equal the wants of California; our commerce greatly expanded and diversified, has been much more than remunerative; in short, all the sources of wealth have been greatly augmented by the enterprise and well directed efforts of our people.

In compliance with constitutional requirement, and with a view to facilitate your legislative labors, correct information, in relation to the condition of the State, will be given in as brief a space as possible; and measures deemed important to California, and the welfare of the whole people, commended to your favorable consideration.

The existing debt of the State on the 20th day of December, 1853, is set forth as follows, in the report of the Comptroller of State :

CIVIL DEBT.

Amount of 3 per cent. Bonds outstanding,	-	\$4,075	00
“ interest on same to date,	- -	5,501	25
		<hr/>	
“ 7 per cent. Bonds of 1851,	- - - -		\$9,576 25
“ “ “ 1852,	- - - -		384,000 00
“ State Prison Bonds, Act of 1853,	- - - -		1,422,000 00
“ Comptroller's Warrants outstanding,	- - - -		100,000 00
			161,619 80
		<hr/>	
Total amount of civil indebtedness,	- - - -		\$2,077,196 05
Amount of War debt, principal and interest,	- - - -		924,259 65
		<hr/>	
Total debt of the State, exclusive of the School Fund,			\$3,001,455 70

And if we include the \$463,360 received for School Warrants, then it is \$3,464,815 70. On the amount received for School Land Warrants, the State is pledged for the payment of an annual interest of seven per cent. to the School Fund; but the principal is not regarded as legitimately a debt of the State, because realized from sales made of her own property, and the interest money which has accrued, as on the balance of the Civil Debt, is not included, because the amount is now in the Treasury. Besides this, the debt contracted for Indian expeditions, amounting in the aggregate to the sum of \$924,259 65, should be regarded rather as an *apparent* than *actual* indebtedness, and one which Congress is bound, sooner or later, to assume---the General Government having failed to extend to our people the protection guarantied by the Constitution of the United States.

The *adjusted* indebtedness of the State on the 31st of December, 1851, as reported by the Comptroller, amounted to \$1,242,339 74, as follows

Total amount of <i>adjusted</i> Civil indebtedness,	-	\$796,963 95
“ “ War debt,	- -	445,375 79
		<hr/>
		\$1,242,339 74

It is deemed proper, in this connection, to explain the causes of the *apparent* increase of State indebtedness within the last two years, and in doing so it may be necessary to enter more into detail than has heretofore been the custom of the Executive.

Before recapitulating the several items and dates necessary to a correct understanding of the subject, I may be allowed to remark, that the responsibility, whatever it may be, rests entirely with those agents of the State who *contracted* the debts, and not upon those who, subsequently, in obedience to law, merely adjusted and issued warrants upon the Treasury in payment of them. With the latter, there was certainly no discretionary power; whether it existed with the former, it is not necessary for me now to inquire. The faith of the State had been pledged for indebtedness incurred, and without actual repudiation, there was no other course to be pursued by the present agents of the State than to issue warrants on the Treasury in compliance with law.

The explanation deemed proper, will, in part, be found in statements A, B and C, herewith transmitted. (See Appendix.)

Statement A exhibits the various debts *contracted* prior to the 1st of January, 1852, but which were not audited by the proper officer until *after* that date, amounting, in the aggregate, to the sum of one million fifty-two thousand four hundred and ninety dollars and ninety-two cents.

Statement B exhibits the several amounts appropriated by the Legislature of 1852 and 1853, for special objects, having no necessary connection with the administration of the State Government, amounting in the aggregate to the sum of four hundred and thirty-six thousand, three hundred and fifty dollars and seventy eight-cents.

Statement C exhibits the expenses of the several departments of the State Government since its organization.

Amount of *adjusted* indebtedness on the 1st day of January, 1852. (See Comptroller's special report of January 22, 1852.)

Amount of indebtedness incurred *prior* but not audited until *after* January 1, 1852. (See statement A.)

	<hr/>	\$1,242,339 74
		\$1,052,490 92
Amount of <i>actual</i> debt on 1st January, 1852,		<hr/>
		2,294,830 66

Amount appropriated by the Legislatures of 1852, and 1853, for special objects unconnected with the administration of the State Government. (See statement B)

436,350 78

Amount of *actual debt* on the 1st January, 1852, and special appropriations by the Legislatures of 1852 and 1853,

\$2,731,181 44

Since the 1st of January, 1852, of the then *adjusted* debt, in the shape of three per cent. Bonds redeemed, including interest, there has been paid in coin,

\$272,978 41

In seven per cent. Bonds due in 1855, and redeemed, there has been paid in coin since January 1, 1852,

77,000 00

Total amount of coin paid in the redemption of three and seven per cents. of 1850 and 1851,

\$349,978 41

From the above recapitulation it will be seen that the debt of the State, incurred in defraying necessary and legitimate expenses of Government since January 1, 1852, has increased comparatively but a small amount.

The amount of coin, (\$349,978 41,) applied in the redemption of Bonds since January 1, 1852, it is proper to state, was diverted, at a time when much required, from the revenues relied upon to defray the current expenses of Government, and in lieu of which it became necessary to issue Comptroller's Warrants for a greatly increased amount, the difference between \$349,978 41 in cash and scrip, at eighty cents on the dollar, being \$87,494 60.

The enormous rate of interest, (three per cent. per month, or thirty-six per cent. per annum,) payable on most of these bonds, rendered their early redemption a matter of great importance to the State, and it gives me sincere pleasure to be able to inform you that there are now outstanding but about four thousand dollars, of the whole amount issued.

The whole amount of three per cent. bonds originally issued was \$290,000, upon which interest to the amount of \$182,268 50, has been paid, exclusive of the \$5,501 25, due on the \$4,075 00, still outstanding.

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

Receipts,	-	-	-	-	-	-	\$780,000 00
Expenditures,	-	-	-	-	-	-	960,000 00

The assessment returns have been received from twenty-seven counties. Appraised amount of real and personal property \$91,338,175. The remaining eight counties will increase the assessment to at least \$1,000,000, being an increase, compared with 1852, of \$40,783,144.

Amount of revenue on an assessment of \$100,000,000 at sixty cents on each \$100 of valuation,	-	-	-	-	\$600,000 00
Amount of Foreign Miners' Tax,	-	-	-	-	125,000 00
“ Poll Tax,	-	-	-	-	60,000 00
“ Consigned Goods,	-	-	-	-	50,000 00
“ Auction Duties,	-	-	-	-	75,000 00
“ Passenger Tax,	-	-	-	-	26,000 00
“ Library Fund,	-	-	-	-	2,000 00
“ Possessory Claims,	-	-	-	-	2,000 00
Total amount,	-	-	-	-	\$940,000 00
Deduct for delinquencies and cost of collection,	-	-	-	-	160,000 00
Nett amount of revenue,	-	-	-	-	\$780,000 00

From a close investigation of the subject, I am inclined to believe, that the estimated receipts are at least one hundred thousand less than will actually be collected before the close of the present fiscal year, and have every reason to expect that the total receipts will vary but little from eight hundred and eighty thousand dollars.

The cash receipts into the General Fund from December 27, 1853, to April 15, 1854, inclusive, are estimated by the Comptroller of State at one hundred and seventy-five thousand dollars, which sum, together with the amount realized in cash from the sales of property made by the city of San Francisco, on the 26th of December, 1853, presumed to be about two hundred thousand dollars—can be applied in payment of accruing expenses of Government.

To provide the amount of means necessary for the speedy payment of the existing Civil Debt, I recommended, at the commencement of the last session of the Legislature, an Extension of the Water Front, and the sale of the State's interest in all property within the limits of the city of San Francisco.

The Legislature having adjourned, however, without passing a law authorizing the extension, as then recommended, I deem it my duty, again to invite attention to the question, and to implore you to give to the subject early and favorable consideration.

Every consideration of honor, patriotism, and fidelity to our constituents, imperiously calls upon us, at this time to apply all the means, legitimately at our disposal, in payment of the existing State debt.

Since the adjournment of the Legislature the question of Extension has been discussed, and examined in all its bearings, and it gives me pleasure to assure you that the project has now, comparatively, few opponents.

That the title to this property is in the State of California, and that her agents alone have power to dispose of it, seems now to be generally conceded. Indeed, it cannot be even plausibly questioned, that the moment the right of sovereignty vested in the United States, they took upon themselves merely the right to hold the municipal eminent domain in trust for such new States, as might be organized with in the acquired territory; and upon their admission into the Union, to invest them with it, to the same extent and in all respects, as the other States of the Confederacy.

The Supreme Court of the United States, at its January term, in the year 1845, declared that “The power of Congress over navigation and its power to make all needful rules and regulations, for the sale and disposition of the public lands, conferred no power to grant lands, below high-water mark, in any State admitted into the Union, that the shores of all navigable waters, and the soil under them were not granted by the Constitution, but were reserved by the States respectively, and that the *new* States have the same rights, sovereignty and jurisdiction as the original States.” It cannot therefore, be doubted, that on the admission of California into

the Union, the exclusive right to dispose of all the lands below "high-water mark" within her limits passed to the State.

The Supreme and Circuit Courts of the United States, it may be proper here to remark, have also well settled the principle that no separate or exclusive right, adverse to the sovereign and public right, is acquired by a city or town to the tide-waters or the soil under them, by virtue of an Act of the Legislature, merely extending the limits of such town or city over such waters. An Act extending the bounds of a city or town, over a bay, merely for the purpose of jurisdiction, is no evidence of a grant of property in the "soil covered by water." Numerous decisions could be here cited in support of this position, but it is not deemed necessary.

Permit me, in this connection, however, to suggest, that in carrying into effect the recommendation to extend the Water Front of the city of San Francisco, it would be advisable to provide for the appointment of a Board of Commissioners, with such checks and limitations as may be necessary, and that without prescribing an arbitrary line, authority be given them to extend at such points, and to such distance, as may, after careful examination, be deemed proper and expedient; provided, that at no point shall the extension exceed a given number of feet, and further, that the said Board be required to provide for as many slips, to be kept free and unobstructed, as may be necessary for the wants and requirements of commerce.

It is believed that extension can be made at various points, and in such manner as will not only cause no injury to the harbor, but result in positive benefit. By providing proper slips to be kept open and unobstructed for the convenience of commerce, sufficient drainage can be obtained, and the expense and inconvenience incident to a change of the present grade of the city avoided.

The practicability of this measure cannot be questioned, and the fact that from a judicious sale of the property within the limits of the proposed extension, sufficient means will be realized to pay the State debt, and relieve our people from the burthen of onerous taxation, must commend it to the favorable consideration of the Representatives of the people. And, as these facts are better understood and appreciated by the citizens of San Francisco, there can be no doubt that they will hail the extension, not only as an act beneficial to themselves, but as imperiously demanded by the future wants and interests of the great and populous emporium of the Pacific.

The consummation of the measure of extension, in the manner contemplated, in truth, must result directly to the advantage of the residents of the city of San Francisco, and, indirectly, benefit the whole people of the State.

The limited space now occupied by the business portion of the city, demands extension for the accommodation of her present commerce, which is now in its infancy, and small, indeed, compared with that which, we have every reason to believe will, at no remote period, be centered in the harbor of San Francisco. To assume that that commerce can be conveniently, or advantageously, transacted within the present contracted limits, or that it will recede from, rather than encroach upon the water, is alike contrary to well matured public opinion and past experience.

The sale, from time to time, as deemed expedient, of such an amount of water property, adapted as it is to the wants and requirements of commerce, must exercise a wholesome influence in regulating rent-charges, which, in the increased price of goods, are eventually paid by consumers throughout the State.

The harbor of San Francisco, from its position and capacity, is of more importance to the commerce of the world than any other within our confederacy, and it is therefore hoped, that Congress, during the present session, will adopt the necessary measures to protect and render it perfectly secure.

By an Act of the Legislature, approved March 26th, 1851, property owned by 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 first day of May, 1851, another Act was passed, relinquishing to the city certain Beach and Water Lot property, upon the express condition that certain titles which had been theretofore granted by Justices of the Peace, should be confirmed. The requirement to confirm grants made by Justices of the Peace, up to March 12th, 1853, the date of the repeal of the Act of May 1st, 1851, had been wholly neglected, and up to the 25th December, 1853, comparatively but a small sum had been paid into the State Treasury under the provisions of the second section of the Act of March 26, 1851.

I would therefore recommend that the Act approved May 18, 1853, entitled "An Act to provide for the sale of the interest of the State of California in the property within the water 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, be so modified as to authorize the Board of Commissioners appointed under the Act aforesaid, to dispose of the State's remaining interest in said property, in such manner and at such times as they may deem proper and expedient.

The right of the State to dispose of the reversionary interest in the property released to the city by Act of 26th March, 1851, it is believed, cannot be questioned, and although owing to the fact that the property has been released to the city for a long term of years, the sum realized on each lot may be small, in the aggregate it will constitute an important item in meeting demands upon the State Treasury.

Persons who have purchased heretofore from the City of San Francisco, in good faith, cannot reasonably object to the sale, because by obtaining the State's remaining interest, a perfect title to their property may be acquired. On the contrary, it is presumed that they will eagerly embrace the opportunity thus offered, of extinguishing an interest adverse to their own, and which each year increases in importance, while the value of their own tenure is being as constantly decreased.

In addition to the amount derivable from the sale of lots within the limits of the proposed extension, the Government Reserves, and the State's remaining interest in the property released to the city, and sold in accordance with the provisions of the Act of March 26th, 1851, the sum of \$298,437 accrues to the State as her portion of the amount realized from sales made by the city, of this description of property, on the 26th day of December, 1853. Add to the above, the \$47,475, realized from sales of property made by the State Commissioners, and we have the sum of \$771,912, of which amount, at least \$650,000 can be applied, as received, in part payment of the Civil Debt of the State.

From all these sources the amount which will be realized, it is confidently believed, cannot be less than SEVEN MILLIONS OF DOLLARS, an amount sufficient to pay the entire debt of the State, civil and war, and leave in the Treasury a balance of more than THREE AND A HALF MILLIONS.

Before dismissing the subject, I would remark, that it may not be necessary, or advisable, to sell immediately the whole of the property within the proposed extension, but only so much as may be required to liquidate the existing State Debt; leaving the surplus to be disposed of as the future wants of the State may demand.

If, however, the prosperity of the city, and her rapidly increasing commerce, should demand the immediate sale of the whole of the property, I would respectfully suggest that the balance derived, after the payment of the Public Debt be invested in the United States six per cent. Bonds. The annual interest on the surplus of three and a half millions, as estimated, would, at six per cent., amount to \$210,000.

This sum judiciously expended annually for necessary public works, at San Francisco: in removing obstacles to the safe navigation of our rivers above ports of entry, and in improving public highways, and building bridges where necessary for

the public convenience throughout the State, in a few years, would effect a mighty change in the condition of California.

Judicious legislation alone is now wanting to secure all that is claimed, and in the premises, more than realize the expectations of our common constituents.

To meet the accruing interest on the Civil Debt, the sum of one hundred and sixty-five thousand eight hundred and fifty-five dollars and twenty cents, must each year, until the debt shall have been paid, be collected in *cash* from the people of the State.

The amount of interest accruing annually on the War Debt is \$67,495 69, which added to the interest on the Civil Debt, amounts to the sum of \$233,350 89.

With the ample resources legitimately within your reach, and to which I have directed your attention, it is hoped that you will, without unnecessary delay, adopt measures to secure the liquidation of the entire debt, as rapidly as the outstanding bonds of the State can be advantageously called in and cancelled.

With sufficient funds in the Treasury, the indebtedness of the State, it is believed, can be discharged on favorable terms by advertising for "sealed proposals for the surrender of bonds," in the manner prescribed in the ninth section of the Funding Act of 1852, and thus relieve the people from the annual payment of an onerous special tax.

Statement C, which is herewith transmitted, has been compiled with much care, and exhibits the important fact, that during the past four years, the average annual expenditures of the several Departments, collectively, and which includes the legitimate expenses of the State Government, have been five hundred and fifty-three thousand nine hundred and sixty-three dollars and ninety cents.

The receipts in the Treasury for the fiscal year, ending June 30th, 1854, are estimated at \$780,000, being an excess of \$226,000 over the average annual expenditures as exhibited by statement C.

These facts prove conclusively that by the adoption of the proposed reforms, the Government will be enabled to meet, and in *cash*, accruing demands on the Treasury, and justify a great reduction of the taxation now bearing so heavily on the people.

In my annual message, at the commencement of the last session, the attention of the Legislature was invited to the importance of making an efficient effort to obtain from the General Government, the entire amount of the "Civil Fund," the collection of which was begun in the early part of the year 1847; and a few days before the close of the session, I transmitted important papers in relation to the disposition made of this fund, [see document No. 53, appended to Senate Journal,] and again urged the Legislature to give the subject thorough investigation, and to transmit, without delay, the result of their researches to our delegation in Congress.

This fund, amounting to more than one million dollars, rightfully belongs to the State of California, and would not, it is confidently believed, be longer withheld, if all the important facts connected with its collection and disbursement were carefully prepared and forwarded to Congress.

The condition of California at the time when the collection of this fund commenced, it may be proper here to remark, was indeed peculiar. Congress had failed to legislate for the country, and the President of the United States and Secretary of the Treasury, it is understood, had both, in official communications, admitted the want of power in the proper department of the Government to collect revenue in California; and, the officers in command on the Pacific coast, could not, under their instructions, permit foreign goods to be landed without the duties having been first paid, though there was at the time a pressing demand for them in the country.

In the absence, however, of law on the subject, the civil governor assumed the responsibility, of permitting the goods to be landed, and of receiving the amount of duties fixed by the Act of 1846, and the people of California, controlled by their necessities, though without a voice in the councils of the nation, quietly acquiesced in this novel exercise of the taxing power.

This fund, collected from the people of California before the revenue laws of the United States were extended over the country—collected, in fact, without authority of law, and long before we were allowed representation at Washington, it is contended, belongs to the State of California, and should at once be refunded. The subject is commended to your consideration with the hope that an expression of opinion on the question, as well as the important facts in the case, will be carefully prepared and forwarded to our delegation in Congress.

The great necessity and importance of providing means to liquidate, and as speedily as possible, the civil debt of the State, having been urged upon your early consideration, and measures recommended which, if adopted, in a comparatively short period of time, will enable the agents of the State to effect that desirable object, permit me to recommend co-operation on the part of the Legislature, with our delegation in Congress, in securing the assumption by the General Government, in some form, of the existing war debt, which now amounts to the sum of \$924,259 65.

No provision has, it is true, been made for the payment of the accruing interest on the war debt, but the State, by solemn acts of legislation, stands pledged for the payment of the whole amount, principal and interest.

The present, for various reasons, is regarded as a propitious time to demand justice in the premises, at the hands of the General Government. In addition to the fact that there is now a large amount of surplus money in the treasury of the nation, and the bright promise of future increase, the immense importance of the Pacific country to the commerce, not only of the Atlantic States but of the whole eastern world—an importance now universally conceded—cannot fail, it is conceived, to commend our rights and interests to the immediate consideration of the General Government.

There are, however, many other and cogent reasons too, why the General Government should promptly not only assume the entire war debt, principal and interest, but also refund the whole amount of the civil fund, except, perhaps, the sum expended in defraying the expenses of the Constitutional Convention, held at Monterey in September and October, 1849.

The important fact that California contributes annually, more to the national treasury, in proportion to population, than any other State in the confederacy, certainly entitles her to increased consideration in making disbursements from the national coffers.

The amount of revenue collected at the several ports within the State during the fiscal year ending June 30, 1853, exceeds two millions three hundred and fifty thousand dollars, an amount equal to one-sixteenth of the whole sum heretofore annually required to defray the expenses of the national government. And, the receipts of the first quarter have been so much increased as to warrant the belief that the present fiscal year the revenue collected at the different ports in California must considerably exceed three millions, being equal to an annual tax of eleven dollars and thirty-four cents upon each man, woman and child, within the limits of California. The amount thus indirectly collected in the other States of the Union, averages only two dollars and thirteen cents to each man, woman and child.

It will be seen from the report of the Comptroller of State, that he estimates that the expenditures for the fiscal year ending the 30th day of June, 1854, at nine hundred and sixty thousand four hundred and fifty dollars and fifty-one cents. This estimate, though regarded as sufficiently high, is in the aggregate, only equal to one-third the amount annually contributed by the people of California for the support of the national government, and is an average tax of only three dollars and sixty-three cents on each man, woman and child within the State. Whilst State taxation is the subject of general complaint, as being exorbitant and oppressive on our people, not a murmur is heard in relation to the indirect exactions of the General Government, though three-fold greater than the amount collected for State purposes

This mode of taxation, although perhaps not so apparent as that which is more direct and collected for the purposes of State Government, is equally onerous and oppressive. Great as is the amount thus annually exacted from the hard earnings of our people for the support of the General Government, they have acquiesced in its collection without a murmur, and now feel that they have a claim to increased consideration on the part of Congress. Again it should be remembered, in the consideration of the claims which we present, that California, though the youngest of the sovereign states, annually adds to the wealth of the nation about eighty-two millions of dollars in gold dust, being considerably more than one half of the whole sum contributed by the other states.

During the year 1852, the total amount of exports from the other thirty states was but \$154,931,147, as follows:

Cotton,	-	-	-	-	\$87,965,732
Breadstuffs,	-	-	-	-	25,857,027
Other products,	-	-	-	-	28,607,076
Tobacco,	-	-	-	-	10,031,333
Rice,	-	-	-	-	2,470,029
					\$154,931,147
Total value of exports from the other thirty states,	-				
Amount of gold dust shipped from California					
in 1853,	-	-	-	-	\$57,300,399 42
Estimated amount in private hands,	-	-	-	-	25,000,000 00
					\$82,300,399 42
Total amount of gold dust shipped in 1853,	-				

These important facts obtained from official records, and reliable sources, if so presented as to induce examination of the whole subject, cannot fail, it is believed, to secure for the claims of California the favorable consideration of Congress.

In view, however, of the very many subjects, which must necessarily engage a great portion of the time and labor of our Delegation in Congress, I feel called upon to say, that I regard it as almost impossible for them to make to individual members of the two Houses of Congress the explanations requisite to a correct understanding of the question, and to remove the onerous impression created by incorrect statements, heretofore made in relation to Indian difficulties in California: and, unless full and correct information be given, and effort made to induce investigation on the part of those charged with the duty of deciding upon its merits, we can scarcely hope that our claim will be properly appreciated and favorable action secured.

The subject is, therefore, earnestly, but respectfully commended to your careful consideration, with the hope that you will devise an efficient plan of co-operation with our Delegation in Congress.

With a view to lessen the expenditures of Government, I respectively renew and earnestly invoke your attention to the recommendations made in my last annual message, in relation to amendments to the Constitution of the State, and now suggest two others, which I regard as highly important.

The first, in order that the instrument may the more perfectly conform to the spirit of our popular form of government; the second, as conducive of simplicity and economy in the administration of its affairs.

The second section of article tenth, which provides for the calling of a Convention as the mode of "revising or changing the entire Constitution," contains no provision requiring the Convention, after closing its labors, to submit the Constitution framed, to a vote of the people of the State, at a general election

This is certainly a radical defect, and one which should be remedied, before clothing any body of men with the power to revise or change the entire Constitution.

The Constitution, after having been framed and adopted by a Convention, permit me here to suggest, should be placed within the reach of every voter, and ample time given to examine, carefully, its principles, its provisions and its limitations, before called upon by vote, to sanction and give effect to it as fundamental and paramount law. I therefore respectfully recommend that this section be so amended as to require the Convention to submit the Constitution, after framed, to a vote of the people; the same to have no effect until adopted by a majority of the legal voters of the State, at a general election.

The twenty-first section of the eleventh article of the Constitution, provides that "all laws, decrees, regulations and provisions, which from their nature require publication shall be published in English and Spanish."

This section should be so far modified as to allow the Legislature a discretionary power as to what "laws, decrees, regulations and provisions" shall be translated and printed in the Spanish language.

The necessity of such modification is apparent from the fact that the section has heretofore, in practice, been almost wholly disregarded. And, although this requirement has been but partially complied with, so great has been the expense and inconvenience arising therefrom, that its disregard has been a matter of no surprise, but has rather been considered as the demand of necessity. In fact, had this provision been fully complied with—had all the "laws, decrees, regulations and provisions" now printed in English, been also published in Spanish, the printing account, now the subject of much complaint, would have been greatly increased in amount, to say nothing of the expense of translation which must have been thereby incurred.

In engrafting on the Constitution these highly important amendments, I recommend the mode prescribed in the first section of the tenth article of that instrument. By adopting this mode of amendment, the expense of a Convention, and the excitement incident, will be avoided, and the required changes to free the Constitution of objectionable features, secured in a shorter period of time than by the other mode provided in the second section of the same article.

The remaining reforms recommended in my last annual message, with the exception of those finally disposed of by the last Legislature, are also again recommended to your favorable consideration

By adopting the reforms proposed, it is believed that an annual saving will be effected to the State of three hundred and seventy-one thousand seven hundred dollars, as follows, viz:

Surveyor-General,	- - - - -	\$2,000
Superintendent of Public Instruction,	- - - - -	4,500
Biennial sessions,	- - - - -	171,000
Reduction of pay to eight dollars per day; mileage one-half,	- - - - -	110,000
Limiting session to ninety days,	- - - - -	43,200
Reducing transportation of prisoners from one dollar to fifty cents per mile,	- - - - -	8,000
Governor's salary to \$6,000,	- - - - -	4,000
Salary of Supreme Court Judges to \$6,000,	- - - - -	12,000
Reducing number of District Judges from eleven to eight, about	- - - - -	12,000
Salary of District Attorney of San Francisco.	- - - - -	5,000
		<hr/>
		\$371,700

A general curtailment of legislative expenditures, and especially that portion of them incident to the clerical duties performed, would also seem to be absolutely necessary.

The enormous sum of one hundred and eighty-two thousand four hundred and twenty-seven dollars and forty-three cents has been paid for clerk hire and to the officers of the two Houses, during the sessions of 1852 and 1853. The amount paid last session to officers and clerks alone, was one hundred and six thousand and ninety-three dollars and seventy cents. It is true, that the Executive has no control over the action of either House, so far as the employment of clerks and officers is concerned, and that both in this matter, are as independent of the Governor as they are of each other; but as we have recently seen an effort made to hold the Executive responsible for every expenditure of public money, I may be permitted to direct your attention to the subject, and invoke your co-operation in the work of reform, so necessary to the preservation of State Credit.

The people of California not only anticipate that provision will be made during the present session for the payment of the existing State debt, but they also expect that you will, by reducing the salaries of office generally, so far lessen the expenditures of government that they will not, as heretofore, exceed the receipts into the Treasury, and that hereafter it may not be necessary to seek a market for the sale of depreciated evidences of State indebtedness. The great importance of those measures I trust, will secure your early and favorable action.

In connection with these suggestions, relative to economy and reform, permit me to remind you of the fact, that the Constitution restricts the action of the Executive in these matters, to a simple recommendation. I have now, therefore, exhausted my power. I have performed all, in the premises, authorized by the Constitution, and should my recommendations not meet with your approval, I hope some other equally efficient plan will be adopted for the relief of the State. Recommendations similar to those now urged were presented for the consideration of the last Legislature; but most of them were passed over, unheeded or neglected, and great dissatisfaction has, during the year, been manifested by our common constituents, who confidently expected that a thorough system of reform would be matured and adopted, and a consequent reduction of taxation justified.

I feel called upon to again direct your attention to our Revenue Laws, complaints against some portions of which, especially the license system, have reached me during the recess, and the question of taxation is, therefore, presented as one deserving of careful examination. In the revision of the system, I am aware that circumstances must, to some extent, control your action, but the well settled principles that taxation shall not be burthensome—that a greater amount shall not be levied than is required to defray the expenses of an economically administered Government—that it shall not be imposed to protect one interest at the expense of another; and that it shall be so assessed, as to operate as equally and uniformly upon all as possible, ought not, in any degree, be departed from in your legislation on the subject.

The agricultural interests of California, though but partially developed, is now one of conceded importance, and should as far as it can, consistently with the Constitution, be fostered by judicious legislation. The development of our agricultural resources, it is true, cannot be said to have advanced as rapidly as other of the great interests of the State. But, in view of the many and formidable existing obstacles to its rapid development, it is a matter of surprise that so large a portion of our enterprising citizens have engaged in tilling the soil, and that so many valuable improvements have already been made.

The greatest obstacles to the rapid improvement of the country, I would here remark, are to be found in the unsettled condition of land titles, and the fact that the boundaries of but few of the numerous grants throughout the State, have been defined, by proper authority. Until the titles to these grants shall have been settled and their boundaries accurately ascertained by actual survey, errors will be committed by settlers in locating pre-emption claims.

And, as it is now more than probable that many years must elapse before these

obstacles can be removed, by the final settlement of these perplexing questions, judicious legislation for the protection of the bona fide settler, would seem, in justice to the enterprising and useful portion of our people, to be absolutely necessary, just and proper.

Entertaining the opinion, that in all cases where the location has been made in good faith by the settler, under the impression that there exists no title adverse to that of the General Government, just compensation should be allowed him for all necessary and substantial improvements, in case of ejection, it is deemed a duty to commend the subject to your favorable consideration.

Before dismissing the question, however, it may be proper to add, that most of the States of the Confederacy has sanctioned the principle by legislating for the protection of the actual settler.

For details your attention is respectfully directed to the Revised Statutes of Illinois, page 211. Hutchinson's Mississippi Code, page 856. Revised Statutes of Texas, pages 969 and 970. Clay's Digest of the Laws of Alabama, pages 320 and 321. Thompson's Digest of the Laws of Florida, page 187. Revised Statutes of Ohio, pages 606 and 696. Revised Statutes of Indiana, page 800. Pennsylvania Digest by Dunlap, page 969. Revised Statutes of Missouri, pages 444 and 445.

With a view to the further encouragement of agriculturalists, and as an inducement to diversity of pursuits among the people of the State, I would 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 domain in California, in limited quantities, to actual settlers, as in Oregon.

There certainly exists no good reason why the Government should, in California, require from the settler one dollar and twenty-five cents per acre, and in Oregon, donate it free of charge.

The California overland emigrant travels about the same number of miles, and two-thirds of the whole distance over the same road; he encounters the same difficulties and dangers; endures similar privations and hardships; and is, moreover, subject to like expenses and sacrifices in making his arrangements at home, as well as losses on the journey.

The discrimination made by the General Government in this matter, adverse to the interests of the settler in California, is therefore regarded as exceedingly unwise, if not unjust, and I trust will be re-considered by the present Congress, and the public domain in California, as in Oregon, donated in small tracts to actual settlers.

But if Congress cannot be induced to change its policy, and donate the public domain to settlers in California, and if the present Act is to remain in force, it certainly ought to be so amended as to extend, at least another year, the time allowed for pre-emption upon *unsurveyed* lands. If this amendment be not made, and pre-emptions upon unsurveyed lands prohibited after March next, the growth and improvement of the State must be greatly retarded, and the interests of our people very injuriously affected.

By the Act of Congress, approved September 28, 1850, entitled "An Act to enable the State of Arkansas and other States to reclaim swamp lands within their limits," it is provided "that to enable the State of Arkansas, and other States, to construct the necessary levees and drains, to reclaim swamp and overflowed lands therein, the whole of these swamp and overflowed lands, made unfit thereby for cultivation, which shall remain unsold at the passage of this Act, shall be and the same are hereby granted to said States."

The second section of the Act requires the Secretary of the Interior to make out a list of the lands and a patent therefor, and transmit them to the Governors of the several States interested. Also, that the proceeds of the sale of said lands shall be

applied exclusively, as far as necessary, to reclaim such lands by means of levees and drains.

The third section provides that, "When the greater part of a legal subdivision of land is wet and unfit for cultivation, it shall be included in the list; but when a greater part of a sub-division is not of that character the whole shall be excluded."

The fourth and last section of the Act, makes its provisions applicable to all other States in which swamp and overflowed lands may be situated.

The Act is construed to include "all lands subject to periodical overflow by the influx and currents from the rivers." Lands of this description in the valley of the Mississippi pass by this grant, even though they may be cultivated for a part of the year without levee or drain.

But as they require such protection for permanent and profitable cultivation, they come within the spirit and purview of the Act, and pass to the States in which they lie, by virtue of its provisions

The Act will doubtless receive the same construction, when its provisions shall be applied to the swamp lands in the State of California. By it, the State, it is believed, acquires absolute control of the overflowed valleys of the many streams within her limits, except so far as they may be held by private individuals.

To avail ourselves of the benefit of this Act, as suggested in my last annual message, "steps should be taken and an economical plan of operations devised, to effect the early reclamation of the lands thereby donated. Hundreds of our enterprising citizens have already located on these lands, and at considerable expense and labor, made valuable improvements thereon. Justice and sound policy require 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 their reclamation and 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, have 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 be 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 last annual message, 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, and the reasons are, indeed, numerous and cogent why the National Government, in common justice, should impose no additional exactions upon the industry and enterprise of our people, or 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.

The Legislature of 1852, it will be remembered, protested against the policy of locating the Indians within the State upon reservations of land set apart for that purpose; and that the several treaties made by the Indian Commissioners in the year 1851 and 1852, in each of which, it is believed, provision was made for a reservation of land, were all unanimously rejected by the United States Senate.

The action of the Senate was regarded by the authorities and people of California as a definite settlement of the question, rendering further action on the subject, on their part, unnecessary. But it would now seem that we were mistaken—that the wishes of the people of the State, as expressed by the Legislature of 1852, are to be disregarded, and the wise and humane policy, adopted nearly half a century ago, of locating the Indians without the limits of Sovereign States, and distant from white population, so far as California is concerned at least, is to be abandoned. The Superintendent of Indian Affairs in California, acting under a law of Congress, passed at the last session, which authorizes him to locate the various tribes, either within the State or on territory without its limits, is said now to be engaged in collecting them together with a design of locating them permanently at several points within the State. In order the more fully to understand the authority on which is based the present and contemplated action of the Superintendent of Indian Affairs, I subjoin an extract from the law of Congress, passed March 3, 1853, entitled “An Act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various tribes for the year ending June 30, 1854,” viz :

“That the President of the United States, if, upon examination, he shall approve of the plan hereafter provided for the protection of the Indians” be, and he is hereby authorized to make five military reservations from the public domain in the State of California, or the territories of Utah and New Mexico, bordering on said State, for Indian purposes. *Provided*, That such reservations shall not contain more than twenty-five thousand acres in each: *And provided further*, That said reservations shall not be made upon any lands inhabited by citizens of California; and the sum of two hundred and fifty thousand dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated, to defray the expense of subsisting the Indians in California, and removing them to said reservations for protection. *provided further*, if the foregoing plan shall be adopted by the President, the three Indian agencies in California shall be thereupon abolished.”

In this connection I would also call your attention to the proviso to the sixth section of an Act entitled “An Act to provide for the survey of Public Lands in California, the granting of Pre-emption Rights therein, and for other purposes,” passed March third, eighteen hundred and fifty-three.

“*And provided further*, That this Act shall not be construed to authorize any settlement to be made on any tract of land in the *occupation or possession of any Indian tribe, or to grant any pre-emption right to the same.*”

It will be observed that by the above proviso it is rendered at least questionable whether the United States do not fully recognize a title in the Indians to *all* lands without limitation, now in their “*occupation or possession*,” and entirely preclude the possibility of their settlement by our own citizens. Should the Indians, now in the “*occupation or possession*” of lands, refuse to remove and be located on the contemplated reservations, the white settler, by the above proviso, is clearly debarred from obtaining any “*Pre-emption Right* to lands in their *occupation or possession*”

Impressed with the conviction that the policy indicated by this Act, if carried into effect, cannot fail to exercise a blighting influence on the future prosperity of California, and result in great injury to the Indians themselves, I trust you will feel called upon to assert the rights of the State, and to remonstrate against its consummation.

There certainly exists at this time no good reason for a departure, with reference to California, from the settled policy of the Government.

The plan of removing the Indian tribes, and locating them without the States, was first adopted by an Act of Congress, passed March twenty-sixth, eighteen hundred and four, and by the Act of June, eighteen hundred and thirty-four, a large section of country was laid off as Indian territory, to which the Indians east of the

Mississippi were from time to time removed. In this way the Creeks, the Cherokees, the Chickasaws, the Seminoles and other tribes were deported.

In speaking of this wise and humane policy, President Jackson, in his second Annual Message, says :

"It gives me pleasure to announce to Congress that the benevolent policy of the Government, steadily pursued for nearly thirty years, in relation to the removal of the Indians beyond the white settlements, is approaching to a happy consummation. The consequences of a speedy removal will be important to the United States, to individual States, and to the Indians themselves. It puts an end to all possible danger of collision between the authorities of the General and State Governments on account of the Indians. It will place a dense and civilized population on large tracts of land now occupied by a few savage hunters." Before concluding he announces this policy to be an "object of much solicitude," and adds. "In the consummation of a policy originating at an early period, and steadily pursued by every Administration within the present century, so just to the States, and so generous to the Indians, the Executive feels it has a right to expect the co-operation of Congress, and of all good and disinterested men. The States, moreover, have a right to demand it. It was substantially a part of the contract which made them members of the confederacy. With Georgia this is an express contract; with the new States, an implied one of equal obligation."

The Government of the United States, in pursuance of this policy, up to December, eighteen hundred and thirty-nine, had extinguished the Indian title to about one hundred and twenty millions of acres of land, at a cost of seventy-two millions five hundred and sixty thousand and fifty-six dollars, and up to the same date had removed more than forty thousand Indians to their new homes west of the Mississippi.

But, if there even existed doubts as to the "right of the State to demand their removal," the fact that by the proposed plan, "a mixed occupancy of the same territory by the white and red man is to be continued, thus jeopardizing the safety and happiness of both," ought definitely to settle the question, and induce the Government to abandon "a policy, the impracticability of which has been clearly demonstrated."

As important rights and interests of the State of California are involved in this question, it is hoped that it will receive, as it merits, your immediate as well as careful and dispassionate consideration, and that you will insist, that in California there shall be no departure from the Indian policy which has so long received the sanction of the Government of the United States.

The whole number of School Land Warrants issued under the Act of 1852, entitled "An Act to provide for the disposal of the five hundred thousand acres of land granted to the State by Act of Congress," is one thousand one hundred and twenty-seven. Of this number eight hundred and six authorize each holder to locate one hundred and sixty acres, and three hundred and twenty-one authorize each holder to locate three hundred and twenty acres. In this manner two hundred and thirty-one thousand six hundred and eighty acres have been sold.

Additional legislation on this subject may be found necessary at the present session to prevent a monopoly of these lands, and preserve inviolate the pledged faith of the State, as well as to secure the lands remaining unsold; the latter of which can be effected, either by proper amendments to the existing law, or by authorizing their selection by agents of the State.

The accruing interest on the fund realized from the sale of these lands by the constitution, is set apart for the support of Common Schools, and cannot, therefore, be appropriated to any other purpose whatever. This fund is the common inheritance of the children of the State; a fact which it is believed cannot fail to induce on your part early and decided action in the premises.

In providing for the sale of these lands it is but just to state that the Legislature

was not unmindful of other important interests, and therefore fixed the price at two dollars per acre, which, in State scrip, amounted to but a trifle, if any more than is now exacted by the Government of the United States.

In framing the law so as to place this land within the reach of all desirous of engaging in the cultivation of the soil there existed another difficulty.

The Act of Congress donating the land required the State to locate not less than three hundred and twenty acres at any one point. To meet this obstacle and protect the settler, as far as possible, warrants authorizing the location of one hundred and sixty acres were issued, allowing two settlers to locate upon the same tract, in all cases necessary for their accommodation. In this manner about four hundred divisions of the amount authorized to be selected by Act of Congress have been effected, promoting materially the interests of those who were unable to purchase, or who really required no more than one hundred and sixty acres.

The report of the Superintendent of Public Instruction, (see Appendix, Doc. No. 1,) soon to be presented, will, no doubt, contain much useful information on the subject of Common School Education. The fund set apart for this very important object, the interest on which is to be appropriated annually, now amounts to \$463,360, leaving 268,320 acres of land to be sold exclusive of the 26th and 36th sections of Public Lands, donated for the same purpose, by Act of Congress, approved March third, eighteen hundred and fifty-three. The amount of land to which the State is entitled under the Act of Congress of the third of March, eighteen hundred and fifty-three, as estimated at the office of the United States Surveyor General, is five million two hundred and one thousand two hundred and forty-four acres, (see Appendix D.) to which add the five hundred thousand acres appropriated by the Act of eighteen hundred and forty-one, and we have a grand total of five million seven hundred and one thousand two hundred and forty-four acres of School Lands, which, if sold at the price fixed in the existing law, viz: two dollars per acre, will yield the sum of eleven million four hundred and two thousand four hundred and eighty-eight dollars; the interest upon which, at seven per cent., would annually amount to the sum of seven hundred and ninety-eight thousand one hundred and seventy-four dollars and sixteen cents. A sum amply sufficient to sustain a system of popular education greatly superior to that of any of our sister States—a system entirely adequate to extend the blessings and bounties of knowledge to every family within the State.

The importance of an efficient system of education, embracing in its comprehensive and benevolent design the whole people, cannot be too often or too urgently pressed upon the consideration of their immediate representatives.

The education of the masses is intimately interwoven with the first of representative duties in a Government which has derived form and vitality from the intelligence of the people, and the future existence of which must depend, in no small degree, upon their capacity of judging and deciding correctly upon principles and measures vitally important to themselves and their country.

In the consideration of this interesting subject it should be borne in mind, not only that our Government is favorable to popular education, but that its fundamental principle, the sovereignty of the people, absolutely requires that every citizen should be well taught in all the principles of his duty. "Correct information," it has been well said, "is the indispensable condition of right action." By our wise Constitution we have given "civil omnipotence to the ballot-box." By our laws we must now give sound education to the voter, or by neglecting it, we may endanger the permanency of the free institutions, around which the brightest and "holiest hopes of humanity are clustered."

The Superintendent of Public Instruction, who, it is understood, has faithfully exerted his active energies in devising a plan to secure the intellectual culture of the rising generation, will, in his report, it is presumed, make such suggestions as will enable you to legislate intelligently on the subject, and to mature a system so per-

fect in its details as to realize fully in its great results, the expectations of those most deeply interested.

Amount of interest fund now in the Treasury, derived	
from the sale of School Lands,	\$29,951 56
Collected under Revenue Law of 1852,	22,253 94
From escheated estates,	1,014 79

Total amount,	\$53,220 29

The above amount, the law provides, shall be distributed, pro rata, among the children of the State, within organized school districts, (see Appendix to Message, statement F.) Whole number of schools organized, forty-seven. Number of children returned as residing within the several school districts of the State, nine thousand three hundred and thirty-six. Number attending school, four thousand and fifty-two.

By the twelfth section of an Act of Congress, approved March 3, 1853, entitled "An Act to provide for the survey of Public Lands in California, the granting of Pre-emption Rights thereon, and for other purposes," two entire townships, or forty-six thousand and eighty acres are donated to the State for the use of a seminary of learning; said lands to be selected by the Governor, or "such persons as he may designate," and the thirteenth section of the same Act makes a "donation of ten entire sections," or six thousand four hundred acres for the "erection of the Public Buildings of the State," to be selected in a like manner. The report of the agents appointed to make the selections for the State, above referred to, it is understood, will be received in a few weeks. If selected according to instructions the lands located will command, at public sale, at any time after the selections shall have been approved by the Secretary of the Interior, not less than fifteen dollars per acre. The sum realized from this source for seminary purposes, at fifteen dollars per acre, would be \$691,200; for Public Buildings, at fifteen dollars per acre, \$96,000

If judiciously disposed of, the fund realized from the sale of the lands donated by the twelfth section, will be amply sufficient to enable the State to establish two Seminaries of Learning; one south of San Francisco, and the other at some suitable point in the north.

The amount donated for Public Buildings, though entirely inadequate, will materially aid in their erection.

The agents of the State have selected the lands appurtenant to the old Mission of San Luis Rey, on which are now standing buildings valued at seventy-five thousand dollars. The church building, which contains valuable paintings and other fixtures, it is presumed, the legislature will interfere with, only so far as may be necessary for its protection, but the other building, if this point should be selected for the seminary of the south, can be made available. (See Appendix E of Message; correspondence with General Hitchcock.)

The pre-requisites of securing the approval of the Secretary of the Interior, and a patent for the lands selected, from the General Government, are Executive duties, and will all be attended to at as early a period as practicable.

A thorough revision of our Militia system, is believed to be indispensably necessary. We now have on our statute books, two Acts of the Legislature: the first passed April 10, 1850, the second May 1, 1852; the provisions of which, to some extent, conflict, and yet both are in force, unless the first should be regarded as constructively repealed by the second.

Should it become necessary to call into active service the Militia of the State, this conflict of law certainly would operate as a very serious obstacle to efficient organization. By the Act of April 10, 1850, the State was divided into Divisions

and Brigades, and the Legislature the same session, under the law, elected Major and Brigadier Generals. The officers then elected, it is proper here to state, still hold their places. The Act of May 1, 1852, divides the State into seven Military Districts, the head of each to be an Aid-de-Camp with the rank of Colonel, to be appointed by the Commander-in-Chief. In this Act it is true, ample provision is made for the organization of volunteer companies, but in other important respects, it is very deficient, rendering the organization of any considerable force under it, utterly impracticable.

The State of California has heretofore been compelled, almost entirely, to protect her own citizens against Indian aggressions, and in so doing has incurred a heavy debt. The United States it is true, has had forces in the country, but numerically, totally inadequate to our protection.

In view of these facts and others not necessary here to communicate, it is believed that every possible encouragement, by legislation, should be extended to independent or volunteer companies, and a Militia system matured, sufficiently comprehensive in its details to combine the whole available force of the State when required for active service, now numbering over two hundred thousand men.

The warlike preparations now being made south of our borders, would seem to justify on our part at least, a more full compliance with the requirements of the Constitution and Laws of the United States on the subject of Military organization.

In this connection it is also proper to inform you, that the Legislature of 1852, by joint resolution, applied through our delegation in Congress to the President of the United States for "twenty thousand stands of arms, and one thousand Colt's dragoon pistols." Believing that this important matter may not have received attention, the application was by me renewed a short time since.

The arms applied for are much required at this time. In the north the Indians continue hostile, and depredations by them are of frequent recurrence. The southern portion of the State is infested with organized bands of robbers, who are so formidable as to render the execution of the laws by the proper officers exceedingly difficult and dangerous. With the arms applied for, the State could equip under the law, volunteer military organizations, at exposed points, and through them, render material aid to the civil authorities in the execution of the laws, and, in a short time, give perfect security to the people of the whole State.

It is deemed proper to inform you, that the Pacific Mail Steamship Company, though in the full enjoyment of the protection afforded by our laws, in the prosecution of an extensive and lucrative business, persist in denying the right of the State to tax their vessels, on the ground that the owners of property sought to be taxed, are citizens of other States of the Confederacy, and subject to taxation on the same property in the place of their residence. It is true, that the taxes due last year, were paid by the company under *protest*; but it is also true, that suits have already been instituted by them for the recovery of the whole amount paid, with interest, and the State is now compelled, at great expense, to assert her rights in the Supreme Court of the United States.

I herewith transmit for your information a copy of a report, received on the 18th of November, 1853, from General E. A. Hitchcock, commander of the Pacific Division of the Army of the United States, exhibiting the number and character of troops under his command in California, and the several points where stationed. This force, as before remarked, is entirely inadequate to the protection of the State, it will be seen, that the whole number of troops of the United States, within the limits of this State, as reported by the officer in command, is but six hundred and thirty-one. To this numerically inadequate force, is entrusted the protection of a frontier State, more than six hundred miles in length, about two hundred in width, with tribes of Indians, many of whom are hostile, along the whole extent of the eastern boundary, as well as in the extreme north and south. With a view to induce the government to augment the military force on this coast, permit me to

suggest the propriety of the Legislature memorializing Congress to authorize two additional regiments to be organized for service in California.

In this connection, permit me also respectfully to suggest, that in such form as you may deem proper, it is your duty to invite the attention of Congress to the present exposed condition of our extended sea board, and to invoke them to provide as speedily as possible, the fortifications necessary to render perfectly secure, against hostile attack, the commercial emporiums of the State. At present they are in such an exposed condition, that if assailed by a hostile fleet, it would be almost impossible to prevent their entire destruction. The subject is one of such immense importance to our people and our commerce, that it need only be mentioned, it is presumed, to induce on your part the action necessary to secure its presentation in proper form, for the consideration of the General Government.

The Act entitled "An Act concerning Roads and Highways" approved April 11, 1850, it is generally maintained, requires important amendments. At the time of its passage, the country was open; few enclosures had been made, and the provisions of the Act, perhaps, fully adequate to the wants of the State. But since that time, great changes have been effected—the land in many counties is so generally fenced in or ditched, that travel is rendered difficult, and the distance between points greatly increased by the circuitous route necessarily traveled to avoid enclosures.

All necessary thoroughfares should be, not only as direct as the face of the country will admit, but well defined by competent authority. It is true, that private property cannot be applied to public use, without adequate compensation therefor; but where it is absolutely necessary for the public convenience, it can be appraised by commissioners, and its actual value paid. While no man can be divested of his property without an equivalent, private rights must yield to the public good. In some sections of the State the want of well defined highways has been the source of much inconvenience to the public; and the evil will increase until remedied by proper legislation. The subject is worthy a careful examination, and I hope will, at an early day, receive the attention it merits.

The Act entitled "An Act to provide for the Public Printing," approved April 29, 1852, authorized the Governor and Comptroller "to receive proposals, and enter into a contract with the persons proposing to do the work at the lowest and most advantageous terms to the State." After having given the notice required by law, on the designated day, the two bids received were opened and compared, and the contract awarded to the lowest bidder.

Notwithstanding the work was awarded, as required by law, to the lowest bidder, and the accounts rendered and settled, in strict conformity with the rates stipulated in the contract, the public printing is understood to have cost more in the aggregate than it would have done if executed at the prices fixed in a bill, which passed the Assembly during the same session, and for which the existing Act was substituted in the Senate.

The contract system, I would here state, after having been fully and fairly tested has been abandoned by most of the States, as well as by the National Government.

In order to remove just cause of complaint, and secure the prompt execution of the public printing on the most favorable terms possible, I would respectfully recommend the passage of an Act creating the office of State Printer, and authorizing the election of that officer by the Legislature.

Let the same Act also establish fair and reasonable prices for the different descriptions of public printing required—define the size of pages—the kind of letter to be used, respectively in Legislative reports, the laws, journals and bills—the number of *ems* each page shall contain—the matter to be as compact as possible in pages without injury to the appearance of the work, and reserve to the Comptroller, the right, in the settlement of the printing accounts, after examining carefully the work executed, to allow or refuse compensation for blank pages.

The fact, that at the time the existing contract for public printing was entered into, State scrip did not command, in the market, more than seventy-five cents on the dollar, and that now ninety-three can readily be obtained, would alone justify a considerable reduction in prices.

The exercise of proper care and judgment, both as to matter and amount, in ordering printing to be executed, permit me here to remark, is equally as necessary, as a measure of reform, as the reduction of prices to a fair cash standard. It is believed, that heretofore, more printing has been ordered and executed during the session than was absolutely required for the information of the people, or to facilitate and secure enlightened legislation. By the exercise of sound discretion in this respect, the amount of printing, no doubt, can be greatly reduced.

The reforms and reductions proposed, would, it is anticipated, in the aggregate, lessen the expenditures for public printing, considerably more than one third the whole amount now paid.

The last Legislature having adjourned without electing a Quarter Master General, and the Physicians and Trustees for the State Marine Hospital in the city of San Francisco, and the Asylum for the Insane at Stockton, as required by law, the duty of filling these vacancies, until the meeting of the present Legislature, devolved on the Executive.

The appointments were made, and the incumbents will hold their offices until their successors shall have been elected by the Legislature. It is hoped that this important matter will receive immediate attention.

In California, the afflicted and infirm have ever been the objects of peculiar care and protection. To the appeals of the sick and destitute, the aged and infirm, the young and helpless, the hearts of our people have ever been open, and the hand of charity freely extended.

Private benevolence has done much, and will, doubtless, do more, towards alleviating the wants of suffering humanity in our midst; but to the State do the people look for that extended aid to the sick and insane, which their condition and necessities demand.

In providing for the sick and insane, large sums of money have been annually expended by the State, and a portion of the existing debt thereby incurred. The State Marine Hospital has, during the year, cost the State more than forty thousand dollars, over and above the amount of the special tax allotted to it by law.

The Insane Asylum, at Stockton, including the buildings erected, has also during the year, cost the State a large sum from the General Fund.

If possible, provision should be made for a more economical administration of these institutions, and expenditures so far reduced, at least, as hereafter to render unnecessary appropriations from the General Fund.

During the year, about seventy-five thousand dollars have been paid from the General Fund in erecting buildings for the insane, in the city of Stockton. The principal, or brick edifice, is one hundred and thirty feet in length, fifty feet in width, two stories high, is well finished and furnished, and the interior arrangements admirably adapted to the purpose for which it was erected. The other, a frame structure, is forty feet square, and well finished. There are about one hundred acres of very superior land attached to the asylum, a small portion of which has been enclosed.

The whole number of insane in the establishment on the 15th of December, 1853, was one hundred and one—ninety-one males and ten females.

The whole number of patients admitted into the State Marine Hospital at San Francisco, since the 1st of July last, was fourteen hundred and forty-five males, and forty-two females. On the 23d of December, 1853, there were in the Hospital three hundred male patients, and eleven females. Of the whole number admitted since July, nine hundred and twenty-one were patients for the support of whom the city of San Francisco is responsible to the State.

The Act entitled "An Act to provide for the erection of a State Prison," passed May 1st, 1852, it will be recollected, was repealed by the last Legislature, and the contract, which had been made in pursuance of it, declared null and void.

By an Act passed May 11th, 1853, entitled "An Act providing for the erection of a State Prison, and declaring null and void the existing State Prison contract," the Lieutenant Governor, Secretary of State and Treasurer of State, were constituted a Board of Commissioners, and authorized to enter into a new contract for prison buildings, of sufficient dimensions to accommodate about two hundred and fifty prisoners. The Board of Commissioners, as authorized by the Act, on the 5th day of July, entered into a contract with Thomas D. Johns for the requisite prison buildings.

The building authorized by the contract to be erected, it is understood, will be completed and ready for occupancy in about ten days. When reported finished by the contractor, the work will be carefully examined by the Commissioners, and if found to be executed according to contract, will be received by them, on behalf of the State.

The whole number of convicts, on the 30th of December, was two hundred and forty-two; two hundred and forty males and two females.

The project of connecting the Pacific with the Atlantic ocean, by means of a rail road across the continent, it can, with truth be said, is favored by the whole people of California; and they, too, are as deeply interested in its speedy completion as those of any other section of the Union. The subject during the past year has engaged so much of their attention, that it would be superfluous, at this time, for me to point out, at length, the great commercial advantages to be derived from it, or to present facts demonstrative of its practicability. The people of this, the youngest of the sovereign States, properly appreciate the importance of this great work to the Union; and they unanimously favor it, not only as a measure which must incalculably advance all the great interests of the Pacific country, and add greatly to its wealth and prosperity, but because it will connect in interest, as they are now united in feeling, the people of the extreme sections of this great confederacy. So far as California is concerned, it is only necessary to give the assurance that her aid will be cheerfully extended, in every form consistent with her own, and the Constitution of the United States.

The establishment of regular oceanic communication, by steam, between San Francisco and Asia and the Indies, is regarded as a matter of vital importance to California. Regular communication, by steam, with the principal ports of the eastern world, cannot fail to promote friendly relations, and, consequently, greatly increase our commerce.

That it is the province of Congress, in some form, to aid in the consummation of this great project, is most true, but in view of its immense importance to our commerce, I cannot refrain from suggesting such an expression of opinion on the subject, on your part, as will clearly and unmistakeably indicate the anxiety of our people for the success of an enterprise, which must add to our present wealth, and eventually secure for our country a trade for centuries coveted, and in turn possessed in part, by the different commercial nations of the globe.

The improvement of the Sacramento and San Joaquin rivers, is a subject worthy of careful examination. The expenditure of a comparatively small sum in improving the "Slough," and removing the bar in the Sacramento river, at the mouth of Cache creek, and in making the channel of the San Joaquin more direct for about thirty miles, would render the navigation of these rivers safe and easy at all seasons of the year, for steamers of the largest class.

The appropriations suggested, it is contended, can be made without infringement upon constitutional restrictions. Sacramento and Stockton have by law, been declared "Ports of Entry," and vessels can, and frequently do, clear from Atlantic and foreign ports direct for both these growing cities.

The expenditure of a few hundred thousand dollars from the National Treasury, in improving these rivers, it is therefore maintained, would not only result in great benefit to the people of the State, but promote the interests of commerce, which the Constitution declares "shall be regulated by Congress."

The Sacramento, San Joaquin and Feather rivers, all require considerable improvement at points above "Ports of Entry," to render navigation easy and less hazardous, at certain seasons of the year; but these improvements must be provided for, either by appropriations directly from the treasury of the State, which it is hoped can, a year or two hence, be done without detriment to the public interests, or by the assessment of a light tonnage tax, which the Constitution clearly authorizes, and which in a few years, would yield a fund amply sufficient to perfect the improvements necessary to render their navigation certain at all seasons.

The report of the Commissioners appointed under an Act entitled "An Act to provide for the sale of the interest of the State within the water front of the city of San Francisco, as defined in the Act of 26th of March, 1851," will soon be transmitted.

Two sales have been held, at which sixty-two lots were sold for the sum of \$473,475.

Injunctions issued by the Judge of the Superior Court of San Francisco, for some time interfered with their action, and prevented them from effecting a third sale, as intended, before the meeting of the Legislature. It is now believed, however, that no further opposition will be made to the sale of the State's interest in the Government Reserves, and that, if permitted to proceed without further molestation, they will be able to dispose of the whole property, including the State's reversionary interest in the lots released to the city by the Act of March 26, 1851, before the first of January, 1855.

To the able report of the Comptroller of State you are respectfully referred, for indispensable statistical information in relation to the receipts and expenditures of the last year, and valuable suggestions in regard to the collection and disbursement of the revenues of the State.

The Annual Report of the Surveyor General, herewith transmitted, contains suggestions of importance, and I would especially invite your attention to that portion of the report relative to the "floating" of School Land Warrants, and the location in two or more different counties of the same warrant. The amendments to the existing law, proposed by the Surveyor General, are recommended as important and necessary.

Copies of the Annual Reports of the Treasurer of State, Attorney General, and Quartermaster General, are also herewith transmitted. These reports contain interesting statistical and other valuable information.

Copies of communications from the Secretary of the Navy and the Attorney General of the United States, in relation to the State's interest in Mare island, are herewith transmitted. (See Senate Appendix, Doc. No. 5.) The Attorney General, in his communication to the Secretary of the Navy, it will be seen, suggests as an "indispensable pre-requisite to any lawful expenditure of public money on Mare island, that the State of California be invited to relinquish to the United States whatever claim, if any, she may have to the "shores, or the overflowed lands of Mare island." The General Government, it is maintained, cannot appropriate to its use that portion of the property most required for the public works at Mare island, without the consent of the State.

The subject is of some importance, and, I trust, will engage your immediate attention, so that I may be enabled to communicate, at an early day, your decision in the matter, to the Secretary of the Navy.

Although deeply impressed with the importance, as well as the necessity of economizing in every department of the State Government, I feel it incumbent upon me to direct your attention to the insecure condition of the public archives. The entire

public records, as well as the State Library, now numbering about four thousand volumes, are kept in fragile frame buildings, without fire-proof vaults or safes.

The public records are now invaluable, and if destroyed, could not be replaced, and their loss would involve the State and individuals in serious difficulties. In the other States of the Confederacy, the officers of State are provided with substantial brick or stone buildings, and the public records rendered entirely secure by being deposited in fire-proof vaults or safes provided for that purpose. In this truly important matter, we are admonished of the necessity of increased safeguards by the many and terrible conflagrations which have occurred during the past year. I trust, therefore, that you will, without delay, adopt such measures as you may deem necessary to render entirely secure the public archives in the several offices, and also the State Library.

An Act entitled "An Act to regulate fees in office," approved May 1, 1851, requires careful revision and radical change. The fees authorized to be collected are exorbitant, amounting in some cases almost to an absolute denial of justice. The reduction in necessary expenses of every character, since the passage of the Act, has been so great, that the public officer can now render the services required by law, for much less compensation. I trust, therefore, that the subject will receive attention, and the Act referred to so modified as to remove just cause of complaint.

The attorneys' fees allowed by an Act, entitled "An Act to regulate proceedings in civil cases in Courts of Justice in this State," approved April 15, 1851, are also the subject of general complaint, and, in fact, are enormous, considering the service rendered. I would, therefore, respectfully suggest that this Act be so amended as to allow the plaintiff's attorney, in suits for the recovery of money, to collect from the defendant a reasonable percentage on the amount recovered, leaving fees in all other cases matter of contract, and payable by clients.

The report of the Joint Committee, appointed at the last session of the Legislature to investigate the books and papers in the offices of the Comptroller and Treasurer of the State, is herewith transmitted. The Committee have been thorough in their investigations, and the facts, by them reported, are not only important to the people of the State, but will materially aid you in the discharge of your legislative duties. The recommendations of the Committee are worthy of careful consideration, and I would especially call attention to their suggestions in relation to *cash* payments from the Treasury.

A communication from the Secretary of State of the United States, dated Washington City, October 19, 1853, inviting the attention of the Executive to the seventh article of a "Consular Convention between the United States of America and His Majesty the Emperor of the French," and the reply of the Executive thereto, are herewith transmitted.

A copy of the article referred to in the communication of the Secretary of State, is also transmitted for your information.

Having fully and unreservedly expressed my own views in relation to the more important subjects, which, it is expected, will engage your earnest deliberations, and recommended measures for your approval, which, after thorough investigation and mature reflection, have the sanction of my own judgment, it only remains for me, in conclusion, to give assurance of my entire willingness to co-operate with you in the consummation of every measure regarded as necessary to the future prosperity and greatness of the State, and the welfare and happiness of the whole people.

Imploring the Great Creator of the Universe to direct you in all your deliberations, the rights, interests, and honor of the free people of a sovereign State are committed to your enlightened and protecting care.

JOHN BIGLER.

APPENDIX TO GOVERNOR'S MESSAGE.

STATEMENT A.

Exhibiting the amount of indebtedness incurred prior to January 1, 1852, and audited, and paid after that date.

War Bonds issued for service in 1850 and 1851, - - -	\$478,883 86
Hospitals under Act of 1851, - - -	351,618 36
B. B. Buchanan, keeping prisoners 1850 and 1851, - - -	26,883 00
P. Dunlap, - - - - -	20,000 00
J. C. Hays, - - - - -	6,062 00
R. P. Ashe, - - - - -	4,331 00
James Burney, - - - - -	3,601 00
George Work, - - - - -	10,000 00
Laws and Journals of 1851, - - - - -	39,557 03
Spanish Laws of 1851, - - - - -	8,277 75
Spanish Laws of 1851, - - - - -	1,719 00
Translation of do, - - - - -	4,186 70
For disbanding troops called out in 1851, at Los Angeles, under Gen. Bean, - - - - -	435 00
E. D. Hammond, expenses of removal from San Jose, - - -	170 00
W. M. Smith, expenses of removal from San Jose, - - -	170 00
A. G. Kimball, expenses of removal from San Jose, - - -	150 00
W. Van Voorhies, expenses of removal from San Jose, - - -	150 00
W. G. Marcy, expenses of trip in 1850 to Monterey, for State Archives, - - - - -	96 00
E. J. C. Kewen, Attorney General, 1850, - - - - -	1,500 00
B. B. Chapman, lost Warrant, 1851, - - - - -	781 00
W. P. Hartnell, extra translating, 1851, - - - - -	691 00
J. F. Howe, Private Secretary to Gov. McDougal, - - -	250 00
J. R. Shafer, District Attorney, 1850, - - - - -	500 00
Balance due for publishing Laws of 1851 in newspapers, District Attorney for 1851, - - - - -	8,400 00
Lithographing Funding Bonds of 1851, - - - - -	26,934 21
Traveling expenses in procuring Bonds of 1851, - - -	1,500 00
Reward paid Nicholas Blair, - - - - -	150 00
Reward paid J. F. McFarland, - - - - -	500 00
Reward paid J. H. Bean, - - - - -	500 00
A. G. Kimball, for distributing Laws and Journals, 1851, - - -	1,000 00
Morton Reveau & Co., for State Bonds of 1851, destroyed, - - -	1,000 00
Elcan Heydenfeldt, by order of Supreme Court, 1851, - - -	915 00
E. H. Tharp, fees as Clerk of Supreme Court, 1850 and 1851, - - -	4,020 00
For indexing and removing Archives from Monterey, 1850, - - -	1,000 00
Robert Hopkins, arresting a fugitive from justice, 1851, - - -	1,000 00
W. J. Whitney, for furniture for Senate and Assembly, 1851, - - -	115 00
	23,781 82

STATEMENT A.—Continued.

Tobin & Duncan, for chairs, &c.,	-	-	-	1,232	00
Green and Baldwin, as committee to select public grounds at Vallejo,	-	-	-	600	00
Soule & Page, lumber furnished State at Vallejo,	-	-	-	1,622	38
Lovett & Co., lumber furnished State at Vallejo,	-	-	-	365	90
J. Hammond, lumber furnished State at Vallejo,	-	-	-	369	96
Ed. Barry, for carpenters' work at Vallejo,	-	-	-	2,039	00
C. H. Veeder, services rendered at Vallejo,	-	-	-	205	00
M. C. Dougherty, services rendered at Vallejo,	-	-	-	75	00
Thomas J. Green, services rendered at Vallejo,	-	-	-	253	80
J. B. Clement's judgment against Town Council of Stockton, under Act 1851,	-	-	-	2,613	60
Patrick Gallagher,	-	-	-	300	00
Margaret Francis,	-	-	-	300	00
M. F. Robinson,	-	-	-	1,166	00
Wm. H. Cressy,	-	-	-	200	00
C. L. Williams,	-	-	-	300	00
Jackson Sellers,	-	-	-	200	00
J. F. Stephenson,	-	-	-	210	00
Russell & Scott,	-	-	-	2,100	00
John Flood,	-	-	-	300	00
A. A. Brinsmade,	-	-	-	200	00
Jesse D. Carr, for lost Warrants, 1851,	-	-	-	1,097	00
M. C. Dougherty, service, 1851,	-	-	-	125	00
Capt. Card,	-	-	-	790	00
William Rogers,	-	-	-	250	00
Lorenzo Hubbard, rents, 1851,	-	-	-	1,058	00
Taaffe & McCahill, carpets, 1851,	-	-	-	2,056	00
Cronin, Markley & Co., materials,	-	-	-	900	00
L. McMahon, materials,	-	-	-	80	00
W. A. Halley & Co., materials,	-	-	-	30	00
Cooke & Le Count, materials,	-	-	-	472	50
Lyman Leslie, materials,	-	-	-	10	00
L. Hasleton, materials,	-	-	-	30	00
Rogers & Palmer, materials,	-	-	-	90	00
Hinckley & Davis, materials,	-	-	-	39	00
				\$1,052,490	92

The foregoing statement is correct, as appears from the records of this office.

WINSLOW S. PIERCE,
Comptroller of State.

STATEMENT B.

Exhibiting the appropriations made by the Legislature during the years 1852 and 1853, for special objects, having no necessary connection with the administration of the State Government.

Appropriation for the purchase of Hospital Buildings at Sacramento, 1852,	-	-	-	-	\$25,000 00
“ for relief of Overland Immigrants,	-	-	-	-	25,000 00
“ building of State Hospital at Stockton,	-	-	-	-	15,000 00
“ “ for Insane “ “	-	-	-	-	10,000 00
“ support of Insane,	-	-	-	-	7,500 00
“ removal “ to Stockton,	-	-	-	-	1,000 00
“ State Prison Ground,	-	-	-	-	10,000 00
“ Map of the State,	-	-	-	-	3,000 00
“ support of Indigent Sick at San Diego,	-	-	-	-	2,000 00
“ blocks of Marble for Washington Monument,	-	-	-	-	12,000 00
“ State Hospital Building, Stockton, 1853,	-	-	-	-	30,000 00
“ Insane Asylum “ “ “	-	-	-	-	50,000 00
“ State Marine Hospital, under 26th section of Act of 1853,	-	-	-	-	42,319 78
“ building of State Prison,	-	-	-	-	153,315 00
“ Wm Waldo for relief of Immigrants,	-	-	-	-	27,000 00
“ E. C. Pickett, relief of Sick,	-	-	-	-	9,500 00
“ J. B. Trask, Geological Survey,	-	-	-	-	2,000 00
“ Dr. J. B. Monnett, service to sick Immigrants,	-	-	-	-	1,000 00
“ Dr. A. G. Hartt, “ “ “	-	-	-	-	596 00
“ Joseph Walker, for exploring Mountain Pass,	-	-	-	-	500 00
“ R. Clarke and Wm. Crane for Plan of State Prison,	-	-	-	-	620 00
“ Capt. Love’s Ranger’s,	-	-	-	-	9,000 00
					<hr/>
Total,					\$436,350 78

STATEMENT C.

Exhibiting the Amount of Expenses incurred by the several Departments of Government, annually, since its organization.

LEGISLATURE, (PRINTING INCLUDED.)					
Session of 1850,	-	-	-	-	\$320,144 46
“ 1851,	-	-	-	-	375,929 23
“ 1852,	-	-	-	-	409,008 82
“ 1853,	-	-	-	-	389,619 48
					<hr/>
					\$1,494,701 69

STATEMENT C —Continued.

EXECUTIVE DEPARTMENT.

Salaries of State Officers and Contingents,	1850,	-	-	-	\$26,568 30
“	“	“	1851,	-	65,870 00
“	“	“	1852,	-	94,600 00
“	“	“	1853,	-	102,607 04
					\$289,645 34

JUDICIARY.

Salary of Judges and Contingents,	1850,	-	-	-	\$26,996 50
“	“	“	1851,	-	135,915 00
“	“	“	1852,	-	142,000 00
“	“	“	1853,	-	123,697 09
					\$431,508 59

Total Amount of Expenditure in four years, \$2,215,855 62, averaging \$553,-963 90 per annum.



[Copy.]

D.

SCHOOL LANDS.

U. S. SURVEYOR GENERAL'S OFFICE, }
San Francisco, Cal. Oct. 8, 1853. }

DEAR SIR :

Yours of the 7th (yesterday) is at hand, in which you express a desire to ascertain as accurately as possible, the number of acres of land, the State will be entitled to under the laws of Congress, granting section 16 and 36 in each township, for school purposes.

At present we have no means in this office, from actual survey, of ascertaining the precise area of the State, but assuming the estimate of Mr. Eddy, the late State Surveyor General, as correct, we have for the area 146,285 square miles equal to 93,662,400 acres.

The State being entitled to two sections from each township of thirty-six sections, or one eighteenth of the whole : the State's proportion will be five million two hundred and one thousand, two hundred and forty-four acres (5,201,244.)

I am Sir, very respectfully,
 Your obedient servant,

LEANDER RANSOM

HON. JOHN BIGLER,
 Benicia, California.

[Copy.]

E.

SEMINARY LANDS.

EXECUTIVE DEPARTMENT. }
Benicia, October 6, 1852. }

GEN. E. A. HITCHCOCK,

SIR :

I have been informed that you, as Commander of the Pacific Division, have possession of the Mission at San Luis Rey and the land appurtenant thereto, and that you are willing to give the possession of the same to the State, upon condition that the troops now quartered there, be permitted to remain until required elsewhere, or until the necessity of their remaining at that place shall cease. An early reply, as to the correctness of this information, is respectfully requested.

Very respectfully yours, etc.,

JOHN BIGLER.

GEN. E. A. HITCHCOCK,
 Commander of the Pacific Division,
 San Francisco, California.

HEAD QUARTERS, PACIFIC DIVISION, }
San Francisco, October, 10, 1853 }

His Excellency, JOHN BIGLER,
 Governor of California.

SIR :

I have just this moment had the honor to receive your Excellency's communication of the 6th instant, in regard to the mission of San Luis Rey, and beg to say that in conversation with distinguished gentlemen, having the interest of the State at heart, I have expressed my willingness to aid the Executive of the State in appropriating the lands known as the Mission of San Luis Rey, for the establishment of an institution of learning, so far as might be in my power, subject to the approval of the Government of the United States. For this purpose I am willing to give possession of the place to your Excellency, or your properly authorized agent on behalf of the State, subject to approval at Washington, reserving the right to quarter and accommodate there so long as may be necessary in the judgment of the Commanding officer of the United States troops in the Division embracing that point. Should you think proper to depute an agent to receive the Mission, I will thank you to state in your warrant, the object in view, in conformity with which, I will take a receipt, which I will transmit to the Government at Washington, recommending its sanction.

I have the honor to be, very respectfully, your obedient servant,

E. A. HITCHCOCK,
 Col 2d Infantry, B B Gen. Com.

JAN. 4.]

39

EXECUTIVE DEPARTMENT,
Benicia, October 11, 1853. }

GEN. E. A. HITCHCOCK,
Commander Pacific Division, U. S. A.

SIR :

Your favor of the 10th instant is before me. In reply, I have the honor to state, that by the 12th section of an Act of Congress entitled "An Act to provide for the Survey of Public Lands in California, the granting of Pre-Emption Rights therein, and for other purposes," approved March 3, 1853—the Governor of the State of California, or any other person he may designate for that purpose, is authorized to select two entire townships, or seventy-two sections, for the use of a Seminary of Learning. I desire to select the Mission of San Luis Rey, and lands appurtenant, under the section of the Act of Congress referred to above. I hereby assent to your request in relation to the quartering troops at the Mission, so long as it may, in the opinion of the commanding officer, be necessary.

In conclusion, allow me to take this opportunity of returning you my sincere thanks for the interest you have so kindly and frequently manifested in the welfare and prosperity of this State.

I have the honor to be, very respectfully,

Your obedient servant.

JOHN BIGLER.

HEAD QUARTERS, PACIFIC DIVISION,
San Francisco, October 12, 1853. }

His Excellency, JOHN BIGLER,
Governor of California.

SIR :

I have the honor to acknowledge the receipt of your Excellency's communication of the 11th inst, expressing your desire to select the Mission of San Luis Rey, and the lands appurtenant thereto, for a Seminary of Learning, as authorized by the 12th section of the Act of Congress, approved March 3, 1852, and to say that so far as I can aid in the execution of your wishes it will afford me great pleasure to do so, and for this purpose I will place in possession of the Mission any person you may name to receive it. As indicated in my letter of the 7th instant, I will forward the papers in the case for approval at Washington City.

I have the honor to be, Sir, very respectfully,

Your ob't servant,

E. A. HITCHCOCK,

Col 2d Regiment, B. B. General Commanding.

[DUPLICATE]

HEAD QUARTERS, PACIFIC DIVISION, }
San Francisco, October 26, 1853. }

SIR :

The Hon. J. J. Warner has exhibited to the Brigadier General commanding, an appointment as Commissioner from His Excellency Governor Bigler, empowering him to select the lands donated by Act of Congress, passed March 3, 1853, to the State of California, for a State University, and Col. Warner has expressed his purpose of executing the wishes of the Governor, as communicated to the General October 11, 1853, to select the Mission of San Luis Rey, under this commission.

The General desires you to detach an officer on the application of Col. Warner, who will proceed to the said Mission, and deliver the possession of it to him, for the purpose expressed in his commission, taking a receipt from him for the same, subject to the approval of the Government of the United States.

The officer will then remove the detachment of troops now at the Mission, and report with it at the Mission of San Diego.

I am, Sir, very respectfully,

Your obedient servant,

E. D. TOWNSEND,

Ass't Adjutant General.

Capt. H. S. BURTON, Third Artillery,
 Mission San Diego.

HEAD QUARTERS, DEPARTMENT OF THE PACIFIC, }
San Francisco, December 19, 1853. }

SIR :

I have the honor to acknowledge the receipt of your Excellency's communication of the 17th instant, in reference to the Mission of San Luis Rey, and enclose herewith a duplicate of an order furnished to Col. Warner, which I suppose would answer the purpose desired, and with it I send another order for you to place in the hands of any person or persons you may direct as Commissioners to take possession of the Mission in the name of the State. If your Excellency will please send both orders at the same time, there can be no further difficulty.

Col. Warner, I presume, has not been to the Mission.

Very respectfully,

Your obedient servant,

E. A. HITCHCOCK,

Br't Brig. Gen'l Commanding.

His Excellency, JOHN BIGLER,
 Governor of California.

HEAD QUARTERS, DEPARTMENT OF THE PACIFIC, }
San Francisco, Dec. 19, 1853. }

SIR :

The General Commanding directs that, should any person exhibit authority from the Governor of this State to receive the Mission of San Luis Rey, on behalf of the State, you take measures to execute instructions of the 26th of October, delivered to the Hon. J. J. Warner, for you, a duplicate of which is herewith enclosed.

I am, sir, your obedient servant,

E. D. TOWNSEND,
 Assistant Adjutant General.

Capt. H. S. BURTON, Third Artillery,
 Commanding Mission, San Diego, Cal.

STATEMENT F

Exhibiting the amount of School Fund distributed on the 1st of January, 1854, being five dollars sixty cents and two mills to each child returned as within organized School Districts, as follows:

Counties.	No. Children.	Amount.
Butte, - - - - -	55	\$306 16
Calaveras, - - - - -	209	1,170 96
Contra Costa, - - - - -	258	1,445 51
Humboldt, - - - - -	54	302 55
Klamath, - - - - -	31	173 70
Los Angeles, - - - - -	721	4,039 56
Mariposa, - - - - -	40	224 12
Monterey, - - - - -	507	2,844 59
Nevada, - - - - -	193	1,081 32
Placer, - - - - -	95	532 27
Sacramento, - - - - -	133	745 16
San Bernardino, - - - - -	196	1,098 13
San Francisco, - - - - -	3,252	18,220 04
San Joaquin, - - - - -	571	3,199 14
San Luis Obispo, - - - - -	300	1,680 82
Santa Clara, - - - - -	1,298	7,272 29
Santa Cruz, - - - - -	243	1,361 44
Santa Barbara, - - - - -	347	1,944 15
Shasta, - - - - -	194	1,086 91
Sierra, - - - - -	44	246 52
Siskiyou, - - - - -	70	392 19
Solano, - - - - -	312	1,348 02
Sonoma, - - - - -	99	554 66
Trinity, - - - - -	35	196 10
Yuba, - - - - -	242	1,355 99

From the counties of Alameda, Colusi, El Dorado, Napa, Marin, San Diego, Sutter, Tuolumne, Tulare and Yolo, no returns were received.

On motion of Mr. Carrillo, one thousand copies of the Message were ordered to be printed in Spanish.

On motion of Mr. Herbert, fifteen hundred copies of the Message were ordered to be printed in German.

Mr. Bostwick moved to reconsider the vote which had just been taken.

The vote was reconsidered.

Mr Bostwick offered the following as a substitute, which was adopted.

Resolved, That one thousand copies of the Governor's Message be printed in German and one thousand in French: *Provided*, The cost of publication does not exceed the cost of publication in English.

Mr. Mandeville moved that the House adjourn until 10 o'clock to-morrow.

Mr. Herbert moved to amend by inserting 11.

Motion lost.

Mr. Herbert then moved to insert 9 o'clock.

Agreed to.

HOUSE OF ASSEMBLY.

THURSDAY, January 5, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present the House proceeded to business.

The Journals of Monday, Tuesday and Wednesday were read and approved.

The Speaker laid before the House sundry papers which accompanied the Governor's Message, which, upon motion, were laid upon the table.

Mr. Hoff offered a concurrent resolution inviting the Senate to convene in the Assembly Hall on to-morrow, at 12 o'clock M., to canvass the vote of the State for Governor and Lieutenant Governor.

Adopted; and the Clerk was instructed to notify the Senate forthwith.

On motion of Mr. Letcher, the Committee on Rules, created on yesterday, was instructed to act with a similar committee of the Senate in reference to Joint Rules of the two Houses.

Mr Letcher gave notice that he would, at an early day, introduce a bill to repeal an Act entitled "An Act to provide for the better publication of Legal and Official Notices," approved May 3, 1853.

Mr. O'Neil gave notice that, at an early day, he would introduce a bill for the suppression of Gambling.

Mr. Conness offered the following:

Resolved, That the Sergeant-at-Arms be instructed to make such arrangements with the Postmaster at Benicia, as may secure the payment of the postage of members.

Adopted.

Mr. Mandeville gave notice that, at an early day, he would introduce a bill to repeal an Act for the inspection of Flour.

Mr. Whipple gave notice that he would, at an early day, introduce a bill to legalize the removal of the county seat of Klamath county.

Mr. Sweasey gave notice that he would, at an early day, introduce a bill limiting the quantity of land to be acquired by any individual after a certain period.

Mr. McDonald gave notice that he would, at an early day, introduce a bill for the creation of a new county to be called Washington, formed out of portions of El Dorado and Calaveras counties.

Mr. Horr gave notice that he would, at an early day, introduce a bill to create a new county to be called Merced, out of the counties of Tuolumne and Mariposa.

Mr. Spencer gave notice that he would, at an early day, introduce a bill providing for the restoration of certain books, maps, and records, to Humboldt county now held by Trinity county

Mr. Green gave notice that, at an early day, he would introduce a bill to make an appropriation for the erection of suitable buildings for the use of the Government offices, and other needful buildings at the city of Benicia.

Mr. Griffith gave notice that he would, at an early day, introduce a bill to locate a State road from Benicia to Washington, in Yolo county.

On motion of Mr. Mandeville, the House took a recess until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

House met pursuant to adjournment.

The following members appeared, were qualified, and took their seats:

Messrs. Martin W. Gordon, Alfred A. Green, and Wm. B. Hagans.

Mr. O'Neil offered the following, which was adopted:

Resolved, That the Hon. John J. Hoff be, and he is hereby, declared Speaker *pro tempore* of this Assembly.

Mr. Ashley gave notice that, on to-morrow, or an early day thereafter, he would introduce a bill for an Act to amend an Act entitled an Act concerning Sheriffs, passed April 29, 1851.

Also, a bill for an Act to amend an Act entitled an Act concerning the office of Public Administrators, and making it elective, passed April 15, 1851.

Also, a bill for an Act to declare exempt from forced sale, under execution or other process, certain property of the several counties of this State.

Mr. Godard gave notice that he would, at an early day, introduce a bill for the repeal of an Act entitled an Act to amend the fourteenth section of an Act entitled an Act concerning the office of County Treasurer, passed March 27, 1850, as amended May 17, 1853.

Mr. Van Cleft offered the following, which was adopted.

Resolved, That a committee of five be appointed to report to the House as speedily as possible, a *per diem* compensation for its officers, and Messrs. Van Cleft, Pratt, Hubbard, Jones and Horr, were appointed said committee.

Adopted.

Mr. Van Cleft gave notice that he would, at an early day, introduce a bill to provide for the special incorporation of *Booming* Companies

Mr. McBrayer offered the following, which was adopted :

Resolved, That the Sergeant-at-Arms be directed to make arrangements with the Express Companies to pay the charges on all mailable matter received by or sent from members by Express: *Provided*, That charges on any communications, shall not exceed the amount that United States postage would be upon the same matter.

The following message was received from the Senate :

MR. SPEAKER :

I am instructed to inform the Assembly, that the Senate have concurred in their resolution to meet in convention, to-morrow, for the purpose of canvassing the election returns for Governor and Lieutenant Governor of the State.

JOHN Y. LIND, Secretary.

Mr. Hoff gave notice that, at an early day, he would introduce a bill to provide for the creation of the office of State Geologist.

Also ; an Act to define the rights of persons to Public Lands in mining districts. On motion of Mr. Mandeville, the House adjourned until 10 o'clock to-morrow.

HOUSE OF ASSEMBLY

FRIDAY, January 6, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum was in attendance, whereupon the Speaker pronounced the House ready to proceed to business.

The Journal of Thursday was read and approved.

Mr. Godard offered the following, which was adopted.

Resolved, That the Sergeant-at-Arms be instructed to purchase a suitable clock, to be placed in some conspicuous place, by which to regulate the hours of meeting and adjournment.

Mr. Ashley offered the following, which was adopted.

Resolved, That five hundred copies each of the Annual Reports of the State Comptroller, Treasurer, and Surveyor General, for the year 1853, be printed for the use of this House.

Mr. Mandeville moved to reconsider the vote just taken.

Vote reconsidered.

Mr. Mandeville offered the following as an amendment to the above :

Resolved, That three thousand copies of the Comptroller's Report, one thousand copies of the Treasurer's Report, and four hundred and eighty copies of the Surveyor General's Report, be printed in English for the use of the Assembly.

Adopted.

Mr. James gave notice that he would at an early day, introduce a bill for an Act to amend section 1, article 8, of an Act entitled an Act to provide Revenue for the support of the Government of this State, passed May 18, 1853.

Also, a bill for an Act to appropriate the revenue received for poll tax on roads and public highways.

Mr. Dawley gave notice that he would at an early day, introduce a bill for the protection of holders of building lots in the mining districts.

Mr. Whipple gave notice that he would, at an early day, introduce a bill allowing the Treasurer of Klamath county until the first of March to make his settlement with the Treasurer of State.

Mr. Kellogg gave notice that he would, at an early day, introduce a bill to provide for the settlement of the debt due from Nevada to Yuba county.

Also, to provide for the payment of the debt due from Sierra to Yuba county.

The following message was received from the Senate :

Mr. Speaker :

I am instructed to inform the Assembly that the Senate have passed the accompanying concurrent resolution and request the concurrence of the Assembly.

JOHN Y. LIND, Secretary.

Concurrent resolution of the Senate, appointing a Joint Committee upon Joint Rules, amended to increase the number of the committee to five, and adopted.

Mr. Griffith gave notice that at an early day he will introduce a bill to amend an Act entitled an Act to fix the times for holding the terms of the District Court throughout this State, approved May 18, 1853.

Mr. Hunter offered the following, which was adopted.

Resolved, That five hundred copies of each, the Comptroller's, Treasurer's and Surveyor General's Report be published in Spanish for the use of this House.

Mr. Clingan gave notice that at an early day he would introduce a bill to change the boundaries of Marin county and extend the jurisdiction of said county further into the Bay of San Francisco.

Mr. Mandeville gave notice that he would at an early day, introduce a bill to amend an Act entitled an Act to provide for the protection of foreigners, and define their liabilities and privileges, approved March 30, 1853.

Mr. Letcher introduced a joint resolution of instructions to our Senators and Representatives, in reference to the public domain.

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

Mr. Bowie introduced a joint resolution of instructions to our Senators and Representatives in Congress, in reference to an increase in the mail service.

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

Mr. Bowie introduced a joint resolution to our Senators and Representatives, in reference to the establishment of mail communication between San Francisco and China via the Sandwich Islands.

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

Mr. Hoff gave notice that an early day he would introduce a bill to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to establish a system of Common Schools.

The following message was received from the Governor :

I have the honor herewith to transmit a copy of an important communication received on the 5th inst from the Hon. S. A. McMeans, Treasurer of State, representing the tenement occupied by him as an office, as well as the iron safe, in which most of the valuable effects of the office are deposited, as entirely insecure. Convinced from actual examination of the great necessity of increased safeguards, the communication of the Treasurer is commended to your favorable consideration.

JOHN BIGLER.

Communication from A. S. McMeans, State Treasurer, read, and on motion, laid on the table.

A message was received from the Governor transmitting propositions from the county and city of Sacramento to the Legislature, requesting them to move and hold the present session in the city of Sacramento. Documents read, and, upon motion, laid upon the table.

On motion of Mr. Conness, the House took a recess until 12 o'clock M.

12 O'CLOCK, M.

House met pursuant to adjournment.

The Senators appeared and took their seats in Joint Convention, to canvass the vote of the State for Governor and Lieutenant Governor.

On motion of Mr. Sprague, two tellers were appointed: Messrs. Coffroth, of the Senate, and Bostwick, of the House, to act as tellers, in conjunction with the Secretary and Clerk.

The Speaker then announced the following votes :

Counties.	GOVERNOR.		LIEUT. GOVERNOR.	
	Bigler.	Waldo.	Purdy.	Eno.
Placer,	1,929	1,696	2,057	1,624
Santa Cruz,	341	429	397	388
Trinity,	748	581	770	565
Shasta,	817	714	890	684
Solano,	541	532	604	474
El Dorado,	4,373	4,219	4,622	4,050
Colusi,	165	261	217	250
Napa,	173	393	241	337
San Francisco,	5,480	5,475	7,999	3,139
Alameda,	551	418	497	474
Santa Barbara,	184	103	219	69
Sacramento,	3,276	3,322	3,417	3,216
Los Angeles,	477	233	488	222
Butte,				

When this county was called, objection being made by Senator Wade, the question was submitted to the convention whether the vote from that county should be counted. Senator Wade and other members demanded the ayes and noes.

Those who voted to have the vote of Butte counted were :

Messrs. Bryan, Coffroth, Colby, Crenshaw, Gardner, De La Guerra, Hagar, Hook, Keene, Kendall, Leake, Lent, Livermore, Mahoney, May, Moore, McFarland, Sprague, Stebbins, Tuttle, Walkup, of the Senate, and

Messrs. Anderson, Ashley, Aylett, Ballou, Bennett, Bostwick, Briggs, Carr, Carrillo, Conness, Cornwall, Dannels, Davidson, Dawley, Ewer, Fairfield, Gilbert, Godard, Gordon, Green, Griffith, Hastings, Hoff, Hollister, Hoyt, Hubbard, Hubert, Hunt, Hunter, Irwin, James, Jones, Kellogg, Koll, Musser, McBrayer, McDonald, McGee, Noel, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowau, Spencer, Springer, Stemmons, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, Watkins, of the Assembly. Total, 76.

Those who voted against the vote of Butte being counted were :

Messrs. Hudspeth, McGarry, Sawyer, Smith, Wade, Whiting, of the Senate, and

Messrs. Bowie, Burton, French, Hagans, Henry, Horr, Houghtaling, Letcher, Lindsey, Mandeville, McDuffie, J. W. Park, Stow, Whipple, Whitman, of the Assembly. Total, 21.

So the Convention decided to count the vote of Butte.

Counties.	GOVERNOR.		LIEUT. GOVERNOR.	
	Bigler,	Waldo.	Purdy.	Eno.
Butte, - - - -	1,544	1,643	1,749	1,500
Nevada, - - - -	2,311	2,179	2,420	2,106
Mariposa, - - - -	845	810	983	720
Sutter, - - - -	253	240	277	228
Sierra, - - - -	1,906	1,515	1,967	1,472
Tuolumne, - - - -	2,759	2,358	2,927	2,090
Monterey, - - - -	255	87	299	48
Contra Costa, - - - -	324	326	384	272
Calaveras, - - - -	2,545	2,212	2,605	2,192
	<hr/>	<hr/>	<hr/>	<hr/>
	31,791	29,773	36,029	26,120

There being no other returns from any other counties on the Speaker's table, Mr. French moved that a committee of three be appointed to wait upon the Secretary of State, and ascertain whether there were any returns from other counties in his possession, whereupon Messrs. Sprague, of the House, and Dawley and Conness, of the House, were appointed said committee.

Mr. Smith, of the Senate, moved that the Convention take a recess until 3 o'clock, P. M., which was agreed to, and the Senate withdrew.

On motion, the House adjourned until fifteen minutes to 3 o'clock.

Fifteen minutes to 3 o'clock the House met pursuant to adjournment.

The Speaker announced the following standing Committee on Mileage :

Messrs. James, Hunter, Ewer, Bostwick and Houghtaling.

At 3 o'clock the Convention re-assembled in the hall of the House.

Mr. Sprague, from the committee to wait upon the Secretary of State, reported that the Secretary of State had furnished the committee with the returns which were deficient previous to adjournment, and upon his motion it was agreed to count the votes thus received from the Secretary of State, as informal returns.

Counties,	GOVERNOR.		LIEUT. GOVERNOR.	
	Bigler.	Waldo.	Purdy.	Eno.
Humboldt, - - - -	233	243	244	233
Klamath, - - - -	387	452	412	426
Marin, - - - -	218	321	320	232
San Diego, - - - -	74	100	110	45
San Bernardino, - - - -	253	2	256	2
Siskiyou, - - - -	819	635	850	603
San Joaquin, - - - -	1,250	1,180	1,480	1,003
San Luis Obispo, - - - -	9	137	9	136
Santa Clara, - - - -	598	1,196	916	1,006
Sonoma, - - - -	404	641	659	454
Yolo, - - - -	434	472	465	455
Yuba, - - - -	2,410	2,285	2,584	2,173
Tulare, - - - -	54	27	56	26
	<hr/> 7,143	<hr/> 7,691	<hr/> 8,367	<hr/> 6,798
Total vote for Bigler, - - - -		38,940		
“ “ Waldo, - - - -		37,464		
		<hr/>	1,476 majority.	
Total vote for Purdy, Lieut Governor, - - - -		44,396		
“ “ Eno, “ “ - - - -		32,818		
		<hr/>	11,578 majority.	

The Speaker then announced the vote according to the requirements of the Constitution, and the President of the Senate declared that John Bigler, having received a majority of all the votes cast, was duly elected Governor for the next two succeeding years.

He also declared Samuel Purdy to be duly elected Lieutenant Governor of the State of California.

On motion of Mr. McFarland, the Senate withdrew.

The House then proceeded to business.

Mr. Hoff offered the following concurrent resolution :

Resolved, By the Assembly, Senate concurring, that a committee of two from each House be appointed to wait upon the Governor, and inform him of his election, and ascertain the period he desires for the ceremonies of inauguration.

Which was adopted,

And Messrs. Hoff and Watkins appointed on the part of the House.

The following message was received from the Governor :

I have the honor herewith to transmit a copy of a communication from citizens of Benicia, tendering certain buildings for the use of the Legislature and State officers.

JOHN BIGLER.

The communication was then read and laid on the table.

Mr. Ballou offered the following resolution :

Resolved, That so much of the Governor's Message as has reference to the insufficient protection afforded to the public archives, together with all the papers and propositions presented to the House relative thereto, be referred to a select committee of five, with instructions to report thereon at the earliest possible day;

Which was adopted,

And Messrs. Ballou, Kellogg, Whitman, Letcher and Musser were appointed said committee.

Mr. Conness moved to refer to the same committee all papers and communications relative to the removal of the Capital, which was agreed to.

Mr. Whipple introduced a bill for an Act to legalize certain official acts of the County Judge of Klamath county, which was read a 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 instructed to inform the Assembly that they have concurred in their resolution of this day, to appoint a committee to wait upon his Excellency the Governor; and have appointed on their part Messrs. Hall and Wade.

JOHN Y. LIND, Secretary.

Mr. Hoff, from the Joint Committee to wait upon the Governor, reported that his Excellency would be ready to attend to the ceremonies of inauguration at 12 o'clock M. to-morrow.

On motion of Mr. McBrayer, the House adjourned until 11 A. M. to-morrow.

HOUSE OF ASSEMBLY.

SATURDAY, January 7, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk and a quorum of the members answered to their names.

The Speaker announced the House ready to proceed to business.

The Journal of Friday was read, amended and approved.

Mr. McKenney, member elect from the county of Santa Clara, appeared, was qualified and took his seat.

A message was received from the Senate, with a concurrent resolution which passed that body, agreeing to meet in the Hall of the House at 12 o'clock this day for the purpose of the inauguration of the Governor elect.

Resolution concurred in.

A message was also received from the Senate, with a concurrent resolution to

appoint a committee of two from each House to wait upon the Hon. Samuel Purdy and notify him of his election as Lieutenant Governor.

Resolution concurred in,

And Messrs. Sweetland and McBrayer appointed on the part of the Assembly.

The following message was received from the Governor :

The communication of F. Argenti, herewith transmitted, was received by me on the 5th instant. The communication referred to by Mr. Argenti was presented to the Senate on the 26th of February, and can be found by reference to Document No. 28 of Appendix to Senate Journals of 1853.

JOHN BIGLER.

Communication of F. Argenti read, and,

On motion, laid upon the table.

Mr. French offered the following, which, upon motion, was laid upon the table.

Resolved, That the Sergeant-at-Arms be instructed to provide each member of the Assembly with complete copies of the Statutes of the State of California.

Mr. Bradford, member elect from the county of San Joaquin, appeared, was qualified and took his seat.

Mr. McBrayer gave notice that he would at an early day introduce a bill to relinquish to the United States all the right, title and interest of the State of California to Mare Island, including its shores and overflowed land.

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

Resolved, That a committee of three be appointed to inquire into the contract that has been made for furnishing the State with revised statutes, and whether such contract has been fulfilled.

And Messrs. Green, Conness and Hoff were appointed said committee.

A message was received from the Senate, with a concurrent resolution to appoint a Joint Committee of three from each House to make arrangements for the inauguration of the Governor elect.

Resolution concurred in,

And Messrs. Irwin, Bowie and O'Neil were appointed on the part of the House.

Mr. James made the following report upon mileage, which was adopted :

REPORT OF THE COMMITTEE ON MILEAGE.

The Committee on Mileage, having that subject under consideration, report the following as the amount of mileage due each member :

Names.	Counties From.	No. Miles.	Mileage.
Anderson	Sierra	490	\$196 00
Ashley	Monterey	360	144 00
Aylett	Siskiyou	1,000	400 00
Bagley	San Francisco	84	33 60
Ballou	El Dorado	340	136 00
Bennett	Sonoma	106	42 40
Bostwick	Nevada	400	160 00
Bowie	Colusi	440	176 00
Bradford	San Joaquin	250	100 00
Briggs	El Dorado	348	139 20
Burton	Nevada	400	160 00
Carr	Los Angeles	1,100	440 00
Carrillo	Santa Barbara	900	360 00
Clingan	Marin	140	56 00
Conness	El Dorado	360	144 00
Cornwall	Napa	40	16 00
Dannels	Yuba	450	171 00
Davidson	Sacramento	290	116 00
Dawley	Nevada	490	160 00
Ewer	Butte	380	152 00
Fairfax	Yuba	330	132 00
Fairfield	Placer	300	120 00
French	San Luis Obispo	700	280 00
Gilbert	San Francisco	84	33 60
Godard	Tuolumne	440	176 00
Gordon	Calaveras	390	156 00
Green	San Francisco	84	33 60
Griffith	Yolo	340	96 00
Hagans	Sonoma,	106	42 40
Hastings	Sutter	330	132 00
Henry	Mariposa	500	200 00
Herbert	Mariposa	500	200 00
Hoff	Tuolumne	426	170 40
Hollister	El Dorado	340	136 00
Horr	Tuolumne	250	140 00
Houghtaling	Calaveras	360	144 00
Hoyt	Tuolumne	400	160 00
Hubbard	San Francisco	84	33 60
Hubert	San Francisco	84	33 60
Hunt	San Bernardino	1,200	480 00
Hunter	Los Angeles	1,120	448 00
Irwin	Butte	530	212 00
James	Sierra	490	196 00
Jones	Yuba	360	144 00
Kellogg	Yuba	360	144 00
Koll	San Francisco	84	33 60
Letcher	Santa Clara	220	88 00
Lindsey	Nevada	412	164 80
Mandeville	Tuolumne	420	168 00
Musser	Trinity	710	284 00
Myres	Placer	320	128 00
McBrayer	Sacramento	240	96 00
McDonald	El Dorado	340	136 00

Names.	Counties From.	No. Miles.	Mileage.
McDuffie - - -	Yuba - - -	330	132 00
McGee - - -	Butte - - -	530	212 00
McKirney - - -	Santa Clara - - -	232	92 80
Nichols - - -	San Francisco - - -	84	33 60
Noel - - -	San Diego - - -	1,249	496 00
O'Neil - - -	Placer - - -	380	152 00
F. A. Park - - -	Sacramento - - -	240	96 00
J. W. Park - - -	Sacramento - - -	240	96 00
Pratt - - -	Calaveras - - -	320	128 00
Purdy - - -	San Francisco - - -	84	33 60
Ring - - -	Shasta - - -	670	268 00
Rowan - - -	Calaveras - - -	370	148 00
Spencer - - -	Humboldt - - -	600	240 00
Springer - - -	El Dorado - - -	340	136 00
Steuromors - - -	San Joaquin - - -	260	104 00
Stevenson - - -	El Dorado - - -	340	136 00
Stow - - -	Santa Cruz - - -	300	120 00
Sweasey - - -	San Francisco - - -	134	53 60
Sweetlard - - -	Nevada - - -	410	164 00
Tallmadge - - -	El Dorado - - -	340	136 00
Tivy - - -	Tulare - - -	610	244 00
Van Cleft - - -	Placer - - -	400	160 00
Warmcastle - - -	Contra Costa - - -	4	1 60
Watkins - - -	Alameda - - -	150	60 00
Whipple - - -	Klamath - - -	1,000	400 00
Whitman - - -	Solano - - -	2	80

All of which is respectfully submitted.

JOHN C. JAMES, Chairman.

Mr. Irwin gave notice, that on to-morrow he would move to re-consider the vote adopting the report on Mileage, whercupon

Mr. Mandeville moved to re-consider the vote forthwith,

And the House refused to re-consider.

On motion of Mr. Van Cleft, the House took a recess for fifteen minutes.

House re-assembled, and the Senate appeared for the purpose of Inaugurating the Governor elect.

Judge Winston administered the oath of office, after which the Governor spoke as follows :

INAUGURAL ADDRESS.

FELLOW CITIZENS :

Having subscribed the solemn oath required by the constitution, at the commencement of a term of office, I avail myself of the occasion to express my profound gratitude to the people of California, who, after the most rigid scrutiny into all my official acts, have a second time, by their free suffrages, conferred upon me the highest office in their gift. At the commencement of my first term, conforming to

revered custom, I took occasion to proclaim the principles which should be my guide in the administration of the government, as well as to explain the more important measures believed necessary to the rapid development of our vast resources.

The principles then set forth and the measures advocated, are still cherished and approved—time and experience having demonstrated, as far as tested, their entire practicability and correctness.

On this occasion I may be permitted to assure my fellow citizens that hereafter, as heretofore, all my energies will be steadily exerted to secure, not only a faithful and efficient, but an economical administration of the State Government. And if, heretofore, there has been a failure to accomplish desired objects and effect radical reforms, I entreat you to remember, that in the only manner authorized by the Constitution, I have, again and again, performed my duty in the premises, by urging upon the immediate representatives of the people the great importance of adopting judicious measures to secure a speedy liquidation of the debt of the State, and of devising a thorough system of retrenchment and reform.

The power to abate evils complained of, to lessen public expenditures and taxation on the people, the Constitution has wisely vested in the Legislature—not in the Executive. The Governor can, and indeed it is his constitutional duty, from time to time to recommend measures which meet his approbation, and to express his views on subjects of general importance, but here his power ceases until his recommendations shall have received force and efficacy by the action of the Legislature. The Executive, though often censured in relation to public expenditures, has in fact no further control over the Treasury than is exercised in the approval or rejection of acts of the Legislature appropriating public funds. The Comptroller and Treasurer, in many matters of great importance, are the peculiar guardians of the public purse. It is the province of these officers, under the Constitution and laws, to pass upon all claims against the State, to approve and reject, as they deem proper, and as justice demands. With their decisions the Executive cannot interfere, and over their judgments, in the settlement of questions between individuals and the State he has, properly, no control.

It is believed unnecessary, however, on this occasion, to advert to the financial condition of the State, or the measures relied upon to secure the speedy payment of our existing debt. For these important details you are respectfully referred to my Annual Message.

During the past two years our progress in improvements of every character, has more than realized the expectations of the most sanguine. The substantial wealth of the State has been more than doubled. The spirit of progress and improvement, which so distinguishes the American people, and which, in fact, has placed our country in the van of nations, has lost none of its vigor on the Pacific coast. Its benign influence has, in an incredibly short period of time, placed our adopted State on a level, in many important respects, with the oldest and mightiest of the Confederacy. But yesterday, California was a wild and uncultivated department of a declining nation—to day, she stands unrivalled in the wealth of her mountains—the fertility of her valleys—the importance of her growing commerce—and in the energy and intelligence of her people. Nor are we wanting in other monuments which mark our wealth, enterprize, and prosperity. Our cities, spreading their fair proportions upon our inland seas, navigable rivers, and in our mining districts, abound in structures equal to any which adorn the emporiums of the Atlantic,—our broad acres are being rapidly subjected by the hand of culture, and our granaries and teeming warehouses attest, alike, the bounty of the soil, and the prosperity of our people.

The people of California, though greatly absorbed in the development of her unequalled mineral wealth, and in preparing for a more full enjoyment of her vast commercial advantages, have not been unmindful of other great interests. The education of the youth of the State has been the subject of much solicitude, and, in view of the fact that the families of our citizens are daily coming to our shore, and

settling upon the public domain, a system of public instruction is being matured, worthy of the great Pacific State, and entirely adequate to the wants of the rising generation. Congress, with commendable liberality, has donated lands to the State, which, if properly disposed of, it is confidently believed, will yield not less than eleven millions of dollars for school purposes. This sum, judiciously applied in fostering a system of Common Schools, will be found amply sufficient to educate all the children of our State, and thus give a high character to our civil institutions. The education of the masses is justly esteemed the groundwork of free institutions, and the enduring basis of constitutional liberty. We have, indeed, reason for congratulation, my fellow-citizens, that our school fund, inferior to that of no other State, promises for future generations the intelligence so necessary to the preservation of the free institutions under which we so happily live and prosper.

In the midst of exciting scenes and general prosperity, we have not been forgetful of the demands of humanity. Owing to the great distance traversed by the emigrant, and the privations endured, many reach our borders "sick and destitute"—"strangers in a strange land." Their necessities have not been forgotten; the hand of charity has been freely extended. Hospitals for the relief of the sick and insane have been provided, and thrown wide open for their reception; large appropriations from the public treasury have been annually made for their relief by former Legislatures, and these asylums will ever remain monuments of the humanity and beneficence of our people, and enduring evidences that, even in the incipient stages of our political existence, suffering humanity received the relief and comfort required.

For the suppression and punishment of crime, there has been erected, during the past year, a secure State Prison. Heretofore, almost entirely dependent upon individuals and counties for the safekeeping of criminals, there has been, comparatively, an immunity from punishment. This fact, and the no less important one, that escape was possible, emboldened the vicious and daring, and served greatly to increase crime—for, it is not so much the "severity of punishment, as the *certainly* of its infliction," which holds villainy in check. But now that we have a secure prison, that escape is hopeless and punishment certain, crime, it is hoped and believed, will rapidly diminish.

Justly proud of our adopted State, it may not be unprofitable for us, on this occasion, to recur once more to the scenes, the trials, the difficulties and the eventful triumphs which marked an era in the history of the world—the birth of a new State into the American Confederacy. Springing into new life, after a lethargic sleep of centuries, California opened to an astonished world the hidden wealth of her mountains, and her flower-clad valleys gave presage of future productiveness.

For ages had her golden sands been washed from their mountain heights, and the rivulets and streams which fertilized her plains, bore golden flakes on their resistless floods. But it was reserved for the research and energy of our own people, first to discover and then to develop the hidden wealth, which added a new field to the labor, enterprise, and commerce of the world, and which, for centuries, had remained unknown to the inhabitants of the Pacific coast. Excited by the intelligence wafted to their ears from the Pacific shore, the American people, who, by their intelligence, energy, and all those virtues which exalt a nation, have acquired the right to disseminate freedom and civilization—the right to inoculate upon the decaying frame of despotism the living principles of civil and religious liberty, led the van of that mighty concourse which set towards our golden shores; and overcoming every interposing obstacle, soon laid, broad and deep, the foundation of a great and prosperous sovereignty.

The discovery of inexhaustible mines of gold upon the borders of the Pacific was an extraordinary episode in human affairs. It was an occurrence which involved the most important consequences to the monetary affairs of the world. It gave a new impulse to labor everywhere, and infused new vigor into all the departments of human industry. By increasing the rewards of labor, and the demand for its pro-

ducts, it gave to it a practical dignity and importance which it never before possessed. But the immediate and remote results of such a discovery are too important and varied to be enumerated here. It was, however, apparent that a country possessing such advantages, and destined to exert such an influence, would speedily become an object of peculiar interest. It was apparent, also, that the wants of such a country would be uncommon, and that, without the exercise of sleepless vigilance, its interests would often be jeopardized. The discovery of the precious metals was succeeded by a crisis in California, during which it was sometimes a subject of doubt whether order or anarchy would be paramount. The want of the protecting care of the General Government, which the country, on account of its geographical position, and its consequent isolation, so keenly felt—the rapid influx of immigrants from every quarter of the globe, contributed to retard the permanent establishment of law and order, and rendered necessary a well regulated government, and a rigid code of laws. For the control of a people so heterogeneous, the provisional government established in California was soon found to be totally inefficient. Police and municipal regulations—the great safeguards of society—and a general system of government, more comprehensive and more detailed in its operations, were wants which the public interests eminently demanded. Accordingly, the representatives of the people, in September, 1849, assembled in convention and adopted a State Constitution: and, in a remarkably short period of time, after the ratification of the treaty of Guadalupe Hidalgo, by which this territory was acquired, California was admitted into the American Confederacy, and invested with all the prerogatives of a sovereign State. I need not here recur to the acclamations with which the intelligence of this event was received, or to the impressive scenes which marked its solemnization. Up to the period of the organization of the State Government, we were a community, or I might rather say, a collection of persons, to some extent without law, and without any of those securities only to be found in a stern and impartial administration of justice. The maxims and obligations of self government were too often set at naught, and society was seemingly suspended over the abyss of annihilation.

But the perils which attended the infancy and early organization of our Government have, happily, passed away; and under those restraining influences of habit, education, and natural affection, which are so insensibly, but so powerfully exerted, and with which we are inspired by our liberal form of government, stability and order have risen out of chaos and confusion.

In all cases of grievance, the law has proscribed the mode of redress, and it is alike our duty, and our custom, to respect its requirements. While from our earliest boyhood, there has been instilled in our breasts love and reverence for the free institutions of our country, we have also been taught to respect and obey that country's laws. Obedience to the laws, as a principle, forms the main pillar in the edifice which the people have consecrated to liberty.

But California is not alone dependent upon the glittering ore, which primarily attracted to her shores thousands of men and fleets of deeply laden ships. Her soil, so prolific in mineral riches, is no less productive of all those commodities which form the staples and luxuries of the world. Emphatically the land of the olive and the vine, her fields of waving corn, and clustering vineyards on her southern slopes, bid fair soon to rival her mines of gold, and render her as renowned for abundant harvests, as she has been, and is, for stores of mineral wealth. Each year gives renewed proofs of the fertility of her soil, and increased importance to agricultural pursuits. Her geographical position is eminently conducive to health, and favorable to the production of every article needful for consumption at home, and in time, for exportation abroad.

In latitudes analogous with southern France and the finest wine countries of Europe, California already possesses flourishing vineyards, which will one day, no doubt, render her celebrated for every variety of wines. Her bounteous soil nour-

ishes the olive and the fig, and fruits of every description are to be found throughout the State

Hitherto, the unparalleled productiveness of the mines deterred the people, generally, from undertaking, what, for a time, was deemed hazardous experiments in agriculture. Again, the unsettled condition of land titles, and above all, the transient and migratory character of the first immigrants who came here with no intention of making this country their permanent abode, greatly retarded the development of our agricultural resources. Soon, however, men learned to appreciate the immense natural superiority of California over the eastern portion of the American Continent. They discovered that, independently of its golden sands, it possessed a genial and healthful climate and luxuriant soil. They became attached to its beautiful rivers—its pleasant and productive valleys, and its expansive plains; and instead of quitting the country forever, as originally intended, they sent for their wives and little ones, to rejoin them in this sunny land.

The transcendent beauties of the country—the fertility of its soil, as well as its great mineral wealth and commercial advantages, were soon properly appreciated, and then commenced the flood-tide of immigration, which has since known no ebb.

Among the many flattering evidences of our prosperity and progress in agricultural pursuits, none speak more unmistakably than the increased demand and consequent importation of farming implements of every character; they give evidence of the peaceful and lucrative calling of many of our citizens.

The advantages of engaging in agricultural pursuits cannot be too earnestly urged upon the people, and the employment of labor and capital in such a channel cannot fail to afford profitable returns. Let us hope, then, as we have every reason to expect, that not only our mountains and river sands will continue to yield their rich treasures to the hand of industry, but that our vast and unequalled commercial and agricultural resources may be so developed by the enterprize and perseverance of our people as to elevate California in the scale of nations, and render her that populous and powerful sovereignty of the American Confederacy, for which she was so manifestly “destined by nature and by nature’s God.”

For the blessings of social order and general prosperity, which we now enjoy in so high a degree, I claim nothing for the Government over which I have been called to preside. But to that spirit of liberty and progress so eminently characteristic of the American people, united with the intelligence and determined energy of our fellow-citizens, under the blessings of Providence, we owe all our greatness and continued prosperity—and to that spirit and intelligence must we ever look for the welfare of our common country, and the perpetuity of the free institutions which have made our Union “beloved at home and respected abroad.”

On motion of Mr. Wade, the Senate withdrew, and the House organized for business.

On motion of Mr. Carrillo, the House adjourned until Tuesday next at 10 o’clock.

HOUSE OF ASSEMBLY

TUESDAY, January 10, 1854.

House met pursuant to adjournment.

On motion of Mr. Mandeville, Mr. Herbert was called to the chair.

The roll was called by the Clerk, and a quorum of members being present, the Speaker *pro tem.* announced the House ready to proceed to business.

The Journal of Saturday was read and approved.

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

Mr. Mandeville presented a communication from the Assistant Secretary of State in reference to the Codified Laws of the State, which was read and on motion laid upon the table.

Mr. French offered the following, which was, on motion, laid upon the table :

Resolved, That the Sergeant-at-Arms be, and he is hereby instructed to provide this Assembly with twelve complete copies of the Statutes of the State of California.

Mr. Fairfield gave notice that he would, at an early day, introduce a bill for an Act entitled an Act amendatory of Article Vth of the Revenue Law, approved March, 1853.

Mr. Anderson gave notice that at an early day he would introduce a bill to exempt mining claims from forced sales in certain cases

Mr. Gordon, of Calaveras, gave notice that at an early day he would introduce a bill for an Act to reduce the salaries of State officers and the pay of the members of the Legislature

On motion of Mr. Mandeville, all resolutions or other documents relating to the Codified Statutes of the State, be taken from the table and be referred to the special committee which was created some days since upon that subject.

Mr. Tivy gave notice that at an early day he would introduce a bill for an Act to abolish the Board of Supervisors in the county of Tulare.

Also, a bill for an Act to amend the sixth and ninth sections of an Act entitled 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. Approved May 17, 1853.

Mr. James gave notice that at an early day he would introduce a bill for an Act amendatory of an Act relating to the duties of County Treasurers, so far as said Act relates to the Treasurer of Sierra county.

Mr. McBrayer made the following report from the Joint Committee to wait upon the Hon. Samuel Purdy and notify him of his election as Lieutenant Governor :

MR. SPEAKER

The committee appointed by the Senate and Assembly to wait upon Lieutenant Governor Purdy, inform him of his election, and ascertain the time when it will suit his convenience to take the oath of office, respectfully report—

That in accordance with the resolution, your committee called upon the Hon

Samuel Purdy, whose illness at present prevents him from fixing upon a certain day for his inauguration, but will inform the chairman of your committee at some future day by letter.

E. D. SAWYER,
JOHN S. HAGER,
Senate.

J. M. McBRAYER,
H. SWEETLAND,
Assembly.

Mr. Hubert gave notice that at an early day he would introduce a bill to release in favor of the Government of the United States all the right, title and interest of the State of California in and to the lots in the city of San Francisco, whereon the Custom House is about being erected.

Mr. Mandeville introduced a bill to repeal an Act entitled an Act to provide for the Inspection of Flour, passed May 3, 1852.

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

Mr. Letcher introduced a bill for an Act to repeal an Act to provide for the better publication of Official and Legal Notices, approved May 3, 1853.

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

Mr. Spencer introduced a bill for an Act to provide for the restoration of certain books, records, maps and papers, to Humboldt county, now held by Trinity county.

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

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

HOUSE OF ASSEMBLY.

WEDNESDAY, January 11, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum of the members being present, the Speaker announced the House ready to proceed to business.

The Journal of Tuesday read and approved.

The Speaker announced the following Standing Committees

Judiciary—Myres, Hubert, Carr, Hoyt. Bowie, Warmcastle, Jones, Gordon, Whitman.

Ways and Means—Herbert, Noel, Whipple, Dawley, French, Purdy, Davidson, McDonald, Godard.

Elections—Ewer, Nichols, Pratt, McDuffie, Carrillo.

Claims—Hoff, Fairfield, Kellogg, Conness, Koll.

Education—Ashley, Cornwall, Pratt, Henry, Fairfield.

Counties and County Boundaries—Hastings, Letcher, Horr, Carillo, Rowan.

Public Lands—Bradford, Griffith, Sweasey, Cornwall, Van Cleft, Musser, Tivy.

Commerce—Conness, Dawley, Bagley, McBrayer, Nichols, Ring, J. W. Park.

Federal Relations—Irwin, Watkins, Carr, Spencer, Sweetland, O'Neil, French, Gilbert, J. W. Park.

Corporations—Watkins, McDuffie, F. A. Park, Springer, Gordon, Bostwick, Hubbard.

Roads and Highways—Griffith, Stowe, McGee, Bennett, Burton.

Agriculture—Stemmons, Cornwall, Letcher, Hunter, Hunt.

Public Printing—Aylett, Houghtaling, Briggs, Noel, Herbert, Jones, Hastings.

Indian Affairs—Daniels, Ewer, Musser, Hagans, Lindsey.

Accounts and Expenditures—Bostwick, Davidson, Ballou, Anderson, Holister.

Public Buildings and Grounds—Green, Stevenson, Hubbard

Engrossed Bills—O'Neil, Ring, Anderson.

Enrolled Bills—Tivy, Springer, McGee.

State Hospital—Spencer, Horr, Aylett, Gilbert, Myres.

State Prison—Bagley, Clingan, Godard, Hoyt, McKinney.

Mileage—James, Hunter, Ewer, Bostwick, Houghtaling.

Mines and Mining Interests—Mandeville, Dannels, Briggs, Rowan, Tallmadge, Van Cleft, Lindsey, Whipple, James.

Military Affairs—Hunt, McBrayer, McDonald, Kellogg, J. W. Park.

Mr. Conness, Chairman, made the following report :

The Committee on Rules, for the government of the House during the present session, have had the same under consideration, and ask leave respectfully to present the following report ;

CONNESS,
WATKINS,
MANDEVILLE,
HERBERT,
IRWIN.

STANDING RULES AND ORDERS

For Conducting the Business in the House of Assembly of the State of California.

ORDER OF BUSINESS.

1st.	A Committee on Elections.
2d.	“ Corporations.
3d.	“ Public Printing.
4th.	“ Claims.
5th.	“ Ways and Means.
6th.	“ Judiciary.
7th.	“ Military Affairs.
8th.	“ Indian Affairs.
9th.	“ Counties and County Boundaries.
10th.	“ Commerce and Navigation.
11th.	“ Education.
12th.	“ Agriculture.
13th.	“ Roads and Highways.
14th.	“ Public Buildings and Grounds.
15th.	“ Public Expenditures and Accounts.
16th.	“ Mines and Mining Interests.
17th.	“ Public Lands.
18th.	“ Federal Relations.
19th.	“ Engrossment.
20th.	“ Enrollment.
21st.	“ State Prisons.
22d.	“ Mileage.

 THE DUTIES OF THE SPEAKER.

RULE I

He shall take the chair every morning precisely at the hour of 10 o'clock; shall immediately call the House to order, and on the appearance of a quorum, shall cause the journal of the preceding day to be read.

RULE II.

After the reading and approval of the journal, the order of business shall be as follows:

- 1st. Presentation of Petitions.
- 2d. Reports of Standing Committees.
- 3d. Reports of Select Committees.
- 4th. Messages from the Governor.
- 5th. Messages from the Senate.
- 6th. Motions, Resolutions and Notices.
- 7th. Third reading of Bills.
- 8th. Unfinished Business of the preceding day.
- 9th. Special Orders of the day.

RULE III.

He shall preserve order and decorum, may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any two members, on which appeal no member shall speak more than once, unless by leave of the House.

RULE IV.

He shall rise to put a question

RULE V

He shall have a general direction of the hall. He shall have a right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

RULE VI.

All committees shall be appointed by the Speaker, unless otherwise specially directed by the House.

RULE VII.

All Acts, Addresses and Joint Resolutions shall be signed by the Speaker; and all writs, warrants and subpoenas issued by order of the House shall be under his hand and seal, attested by the Clerk.

RULE VIII.

In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker (or chairman of the Committee of the Whole House) shall have power to order the same to be cleared.

RULE IX.

If any member in speaking, or otherwise, transgress the rules of the House, the Speaker shall, or any member may call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain, and if called to order by a member, such member shall immediately be required by the chair to state his point of order. If the point of order be sustained by the chair the member shall not be allowed to proceed, but if it be not sustained then he shall be permitted to go on; every such decision of the chair shall be subject to an appeal to the House, but no discussion of a question of order shall be allowed, unless an appeal be taken from the decision of the chair.

RULE X.

When two or more members rise at once the Speaker shall name the member who is first to speak.

RULE XI.

No motion shall be debated until the same be seconded and distinctly announced by the Speaker; and it shall be reduced to writing if desired by the Speaker or any member, and read by the Clerk before the same shall be debated. A motion may be withdrawn at any time before amendment.

DECORUM AND DEBATE.

RULE XII.

Every member when he speaks shall, standing in his place, address "Mr. Speaker," and when he has finished shall sit down. No member shall speak more than twice during the consideration of any one question on the same day and at the same stage of proceedings, without leave; and members who have once spoken shall not again be entitled to the floor, (except for explanation,) to the exclusion of others who have not spoken.

RULE XIII.

If any member be called to order for offensive words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be taken down in writing at the Clerk's table; and no member shall be held to answer, or be subject to the censure of the House for language used in debate, if any member has spoken or other business has intervened after the words spoken, and before exception to them shall have been taken.

RULE XIV.

Upon a call of the House the names of the members shall be called over by the Clerk and the absentees noted; after which the names of the absentees shall again be called over. The doors shall then be shut, and those for whom no excuse, or insufficient excuses are made, may, by order of those present, be taken into custody as they appear, or may be sent for and be taken into custody by the Sergeant-at-Arms, wherever to be found, or by special messengers to be appointed for that purpose.

RULE XV.

When a member shall be discharged from custody and admitted to his seat, the House shall determine whether such discharge shall be with or without paying fees, and in like manner whether a delinquent member taken into custody by a special messenger shall or shall not be liable to defray the expenses of such special messenger.

RULE XVI.

A motion to adjourn, or to fix the day to which the House shall adjourn, shall always be in order, but shall be decided without debate.

RULE XVII.

When a question is under debate, no motion shall be received, but to adjourn, to lie on the table for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely, which several motions shall have precedence in the order in which they are named. And no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall again be allowed on the same day and at the same stage of proceedings. A motion to strike out the enacting clause of a bill or resolution shall have precedence of a motion to amend, and if carried, shall be considered equivalent to its rejection.

THE PREVIOUS QUESTION.

RULE XVIII.

The previous question shall be in this form: "Shall the main question be now put?" and its effect shall be to put an end to all debate, and bring the House to a vote on the question before it.

RULE XIX.

If the previous question be called on an amendment to an amendment, then the question shall be on the amendment to the amendment, which being decided, the next question shall be on the amendment and then on the main question; but there shall be no debate pending those questions. All incidental questions of order arising after a motion is made for the previous question and pending such, shall also be decided, (whether on appeal or otherwise,) without debate.

RULE XX.

The previous question shall only be admitted when seconded by three members.

INTRODUCTION AND READING OF BILLS.

RULE XXI.

Every bill shall be introduced by giving at least one day's notice, or by leave of two-thirds of the House, except such bill shall be introduced by a committee in accordance with a rule of the House.

RULE XXII.

Every bill shall receive three readings previous to its being passed. The Speaker shall give notice at each reading whether it be the first, second, or third, which readings shall be on different days, unless the House unanimously direct otherwise; no bill shall be amended or committed until twice read. The first reading of a bill shall be for information, and if opposition be made to it, the question shall be, "Shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall then take the usual course.

PETITIONS AND MEMORIALS.

RULE XXIII.

Petitions, memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place. A brief statement of the contents thereof shall be made verbally by the introducer. They shall not be debated on the day of their being presented, but shall lie on the table, or be referred, as the House shall determine.

MESSAGES FROM EXECUTIVE DEPARTMENTS.

RULE XXIV.

A proposition requesting information from the Governor of the State, or directing it to be furnished by the head of either of the executive departments, or to print an extra number of any document or other matter, excepting messages of the Governor to both Houses, at the commencement of each session of the Legislature; and the reports and documents connected with or referred to in it shall lie on the table one day for consideration, unless otherwise ordered by unanimous consent of the House; and all such propositions shall be taken up for consideration in the order in which they were presented, immediately after reports are called for from select committees; and when adopted, the Clerk shall cause the same to be delivered.

RULE XXV.

Messages from the Governor, State Officers, and from the Senate, may be considered at any time.

OF STANDING COMMITTEES.

RULE XXVI.

It shall be the duty of the Committee on Elections to examine and report upon the certificates of election, or other credentials, of the members returned to serve in this House, and to take into their consideration all such petitions and other matters touching elections and returns as shall or may be presented or come into question, and be referred to them by the House.

RULE XXVII.

It shall be the duty of the Committee of Ways and means to take into consideration all such reports of the Treasury Department, and all such propositions relative to the revenue as may be referred to them by the House; to inquire into the state of the public debt or the revenue, and of the expenditure, and to report, from time to time, their opinion thereon.

RULE XXVIII.

General appropriation bills shall be in order in preference to any other bills of a public nature, unless otherwise ordered by a majority of the House.

RULE XXIX.

It shall be the duty of the Committee on Claims to take into consideration all such petitions and matters or things touching claims and demands on the State as shall be presented, or shall or may come in question, and be referred to them by the House, and to report their opinion thereupon, together with such propositions for relief therein as to them shall seem expedient.

RULE XXX.

It shall be the duty of the Committee on Commerce to take into consideration all such petitions and matters or things touching the commerce of the State as shall be presented or shall or may come into question and be referred to them by the House, and to report from time to time their opinion thereon.

RULE XXXI.

It shall be the duty of the Committee on the Public Lands to take into consideration all such petitions and matters or things respecting the lands of the State as shall or may come in question and be referred to them by the House, and to report their opinion thereon, together with such propositions for relief therein as to them shall seem expedient.

RULE XXXII.

It shall be the duty of the Committee on Public Expenditures and Accounts to examine into the state of the several public departments, and particularly into laws making appropriations of money, and to report whether the moneys have been dis-

bursed conformably with such laws ; and also to report from time to time such provisions and arrangements as may be necessary to add to the economy of the departments and the accountability of their officers.

RULE XXXIII.

It shall be the duty of the Committee on Military Affairs to take into consideration all subjects relating to the military establishment and public defence which may be referred to them by the House, and to report their opinion thereupon; and also to report from time to time such measures as may contribute to economy and accountability in the said establishment.

RULE XXXIV.

It shall be the duty of the Committee on Roads and Highways to take into consideration all such petitions and matters and things relating to roads and canals, and the improvement of the navigation of rivers, as shall be presented or may come in question and be referred to them by the house, and to report thereupon, together with such propositions relating thereto as may seem to them expedient.

RULE XXXV.

It shall be the duty of the Committee on Public Buildings and Grounds, to consider all subjects relating to the public edifices and grounds within the Seat of Government, which may be referred to them, and report their opinion thereon, together with such propositions relating thereto as may seem to them expedient.

RULE XXXVI.

It shall be the duty of the Committee on Mileage, to ascertain and report the distance for which each member shall receive pay.

COMMITTEE OF THE WHOLE HOUSE.

RULE XXXVII.

When a resolution or bill shall be offered, or a motion made to refer any subject, and different committees shall be proposed, the question shall be taken in the following order:

- The Committee of the Whole House.
- A Standing Committee.
- A Select Committee.

RULE XXXVIII.

In forming a Committee of the Whole House, a Chairman, to be named by the Speaker, shall preside. Bills committed to a Committee of the Whole House, shall in Committee of the Whole, be read by sections. All amendments shall be noted and reported to the House by the Chairman ; after report, the bill shall again be subject to amendment before the question is taken.

RULE XXXIX.

The Rules of the House shall be observed in Committee of the Whole, so far as may be applicable, except limiting the times of speaking, and except that the ayes and nays shall not be taken.

RULE XL.

A motion that the Committee rise shall always be in order, and shall be decided without debate.

RULE XLI.

All proceedings touching appropriations of money, shall be first considered in a Committee of the Whole House; and no addition to any appropriation shall be made out of Committee of the Whole.

 PRIVILEGED QUESTIONS.

RULE XLII.

The following are Privileged Questions, and shall have precedence in the order in which they are named :

1. To adjourn.
2. To lie on the table.
3. To the previous question.
4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely.

RULE XLIII

Any member may rise to explain a matter personal to him, with permission of the Chair, but shall not discuss a question in such explanation.

 VOTING.

RULE XLIV.

In all cases of election by the house of its officers, the vote shall be taken *viva voce*.

RULE XLV.

When the ayes and nays shall be called for by three members present, every member within the bar of the House when his name is called, shall, (unless for special reasons he be excused,) declare openly and without debate, his assent or dissent to the question. In taking the ayes and nays, and upon call of the House, the names of the members shall be taken alphabetically.

 DUTY OF THE SERGEANT-AT-ARMS.

RULE XLVI.

The duty of the Seargeant-at-Arms shall be to attend at the House during its sittings, to execute the commands of the House from time to time, together with all such process issued by authority thereof, as shall be directed to him by the Speaker. He shall be sworn to keep the secrets of the House.

RULE XLVII.

The fees of the Seargeant-at-Arms shall be for every arrest, the sum of one dollar ; for each day's custody and releasement, one dollar ; and for travelling expenses for himself or a special messenger, going and returning, thirty cents per mile.

RULE XLVIII.

No bills or other matter shall be printed without first being specially ordered by the House, and the Sergeant-at Arms shall be required to certify to the reception by the House of all such printed matter, before payment shall be made or bills shall have been audited.

 PROMISCUOUS RULES.

RULE XLIX.

If a question depending be lost by adjournment of the House and revived on the succeeding day, no member who shall have spoken on the preceding day, shall be permitted again to speak without leave of two-thirds of the House.

RULE L.

No member or other person shall remain by the Clerk's table while the ayes and nays are being called or while the votes are being counted.

RULE LI.

No member shall vote on any question in the result of which he is personally interested or involved.

RULE LII.

Upon a division and count of the House on any question, no member without the bar shall be counted.

RULE LIII.

When a question is postponed indefinitely, the same shall not again be introduced during the session.

RULE LIV.

Any member may call for a division of the question, which shall be divided, if it comprehends propositions, in substance so distinct, that one being taken away a substantive proposition shall remain for the decision of the House. A motion to strike out being lost, shall preclude neither amendment, nor a motion to strike out and insert.

RULE LV.

No motion or proposition on a subject different from that under consideration, shall be admitted as an amendment. No bill or resolution shall at any time be amended by annexing thereto or incorporating therewith, any other bill or resolution pending before the House.

RULE LVI.

All questions whether in Committee of the Whole, or in the House, shall be proposed in the order in which they were moved, except that in filling up blanks the least sum and shortest time shall be first put.

RULE LVII.

All questions relating to the priority of business shall be decided without debate.

RULE LVIII.

When the reading of a paper is called for, except petitions, and the same is objected to by any member, it shall be determined by a vote of the House without debate.

RULE LIX.

When a question on a motion, or on the final reading of a bill or resolution, shall have been decided in the affirmative or in the negative, it shall be in order for any member of the majority to move for the reconsideration thereof, on the same day, or by giving notice of such intention on the succeeding day, but after such notice being given it shall not be in order for any member to move a reconsideration on

the day on which such motion or question shall have been decided. And such motion shall take precedence of all other questions except a motion to adjourn.

RULE LX.

The unfinished business in which the House was engaged at the last preceding adjournment shall have preference in the orders of the day; and no motion on any other business shall be received without special leave of two-thirds of the House, until the former is disposed of.

RULE LXI.

No standing rule or order of the House shall be received or changed without one day's notice being given of the motion therefor, nor shall any rule be suspended, except by a vote of two-thirds of the members present; nor shall the order of business as established by the rules of the House be postponed or changed, unless by a vote of two-thirds of the members present.

RULE LXII.

No committees shall be permitted to employ a clerk at the expense of the State without first obtaining leave of two-thirds of the House for that purpose.

RULE LXIII.

No member shall absent himself from the services of the House without the leave of the House, except in case of sickness; and if any member or other officer of the House absent himself without leave, his *per diem* shall not be allowed him but no member shall obtain leave of absence or be excused without a vote of two thirds of the House.

RULE LXIV.

No member shall be allowed to explain his vote, or discuss the question while the ayes and noes are being called; and no member shall be allowed to change his vote after the vote is announced from the chair.

RULE LXV.

Maps accompanying documents shall not be printed under the general order to print, without the special direction of the House.

RULE LXVI.

No person except Senators, State officers and ladies, shall be admitted within the bar of the House, except by special invitation on the part of some member.

RULE LXVII.

No smoking shall be allowed within the Assembly Chamber during the session of the House.

RULE LXVIII.

The rules of parliamentary practice comprised in Jefferson's Manual shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the House, and the joint rules of the Senate and House of Assembly.

RULE LXIX.

No person shall be permitted to perform divine service in the chamber occupied by the House of Assembly unless with the consent of the House; nor shall the Assembly room be used for any public or private business other than legislative, except by the permission of the House.

RULE LXX.

The rule for paying witnesses summoned to appear before this House, or either of its committees, shall be as follows:

For each day a witness shall attend, the sum of two dollars; for each mile he shall travel in coming to or going from the place of examination, the sum of thirty cents each way; but nothing shall be paid for travelling home when the witness has been summoned at the place of trial; no mileage shall be paid except where the witness has actually traveled for the purpose of giving testimony.

RULE LXXI.

It shall be in order for the Committee on Enrolled Bills to report at any time.

RULE LXXII.

The Door-Keeper shall be sworn to keep the secrets of the House.

A bill or resolution may be committed with special instructions at any time before the final vote is taken.

Mr. Ashley moved to lay the report on the table,
Upon which Mr. J. W. Park demanded the ayes and nays.
Those who voted to lay the report upon the table were,

Messrs. Ashley, Aylett, Ballou, Bowie, Briggs, Burton, Carr, Carrillo, Gordon, Green, Hagan, Henry, Herbert, Hollister, Horr, Houghtailing, Hubbard, Hubert, Hunter, O'Neil, J. W. Park, Pratt, Purdy, Rowan, Van Cleft, Whipple—26.

Those who voted against laying on the table were,

Messrs. Anderson, Bagley, Bennett, Bostwick, Clingan, Conness, Cornwall, Dannels, Davidson, Dawley, Ewer, Fairfield, Godard, Hastings, Hoyt, Hunt, James, Jones, Kellogg, Koll, Letcher, Lindsey, Mandeville, Musser, McDonald, McDuffie, McGee, Nichols, Noel, F. A. Park, Ring, Spencer, Springer, Stevenson, Stowe, Sweasey, Sweetland, Tallmadge, Tivy, Watkins, Whitman—42.

So the House refused to lay upon the table.

On motion of Mr. Conness, the House resolved itself into Committee of the

Whole, Mr. Bostwick in the chair, to consider the report of the Committee on Rules for the government of the Assembly.

After spending some time in their consideration, and making amendments thereto, on motion of Mr. Mandeville, the committee rose, reported the rules to the House, as amended, and asked to be discharged from the further consideration of the same.

The committee was discharged, and the rules, as amended, adopted by the House, and on motion of Mr. Conness laid upon the table.

The following Message was received from the Governor by his Private Secretary.

I have this day appointed Hon. J. W. Denver, Secretary of State, and Chas. H. Hempstead, Esq., Private Secretary.

JOHN BIGLER.

Mr. Van Cleft made the following report :

The undersigned, your committee appointed to report upon the *per diem* compensation of the officers of the Assembly, respectfully beg leave to introduce the following bill, and recommend its passage.

GEO. H. VAN CLEFT, Chairman.

A Bill for an Act concerning the *per diem* of Officers of the Assembly.
Read first time, and ordered to a second reading on to-morrow.

Mr. Rowan offered the following resolution, which was, on motion, laid upon the table :

Resolved, That there be printed, for the use of this House, 1000 copies of the Annual Report of the Quartermaster and Adjutant General of the State of California.

Mr. Aylett introduced a Joint Resolution in reference to Post Offices and Post Roads in Siskiyou and other parts of the State of California, which was read first time and ordered to a second reading on to-morrow.

Assembly bill No. 1, an Act to legalize certain official acts of the County Judge of Klamath county, on its third reading ; on motion, referred to the Judiciary Committee.

Mr. Godard gave notice that at an early day he would introduce a bill to amend an Act entitled an Act to create a Board of Supervisors in this State.

Mr. Conness offered the following, which was adopted.

Resolved, That the Clerk of this House be authorised to appoint, from time to time, such number of copying and recording clerks as may be necessary to transact the business of the Assembly, but no clerk shall be kept under pay only when he is employed, which fact shall be certified to by the chief Clerk of the Assembly.

Mr. Herbert gave notice that he would at an early day, introduce a bill entitled an Act to authorize the State Treasurer to issue a duplicate Land Warrant to George W. Coffee.

Also, a bill entitled an Act amendatory to 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.

Mr. Hoyt gave notice, that at an early day he would introduce a bill for an Act entitled an Act to provide for the better security and protection of Mining Claims.

Also, a bill for an Act providing for the establishment of police regulations for unincorporated mining towns.

The following message was received from the Senate :

I am instructed to inform the Assembly that they have this day passed the accompanying resolution, in which their concurrence is respectfully asked.

JOHN Y. LIND, Secretary.

Senate concurrent resolution appointing a joint committee to inquire into the contract made to codify the laws of this State, and report thereupon, was concurred in by the Assembly.

On motion, leave of absence was granted to Mr. Carillo for one day, Mr. Hagans for three days, Mr. Griffith indefinite, and the Speaker, Mr. Fairfax, also for an indefinite period, and two days leave was granted to the Sergeant-at-Arms, and the Door Keeper instructed to act as Sergeant-at-Arms during such absence.

Mr. Ballou offered the following, which was adopted :

Resolved, That the Sergeant-at-Arms of the House be authorized to procure four official maps of the State of California, and put the same in a conspicuous part of the Assembly room for the benefit of members.

Assembly Joint Resolution in relation to Public Lands, on its third reading, on motion, referred to Committee on Public Lands.

Joint Resolution in favor of establishing a mail route by ocean steamships between San Francisco and China *via* the Sandwich Islands, on its third reading, referred to Committee on Federal Relations.

Joint Resolution in favor of an increase of the mail service between New York, New Orleans, and San Francisco, and between San Francisco and Olympia in the Territory of Washington, on its third reading.

Referred to Committee on Federal Relations.

Assembly bill an Act to repeal an Act entitled "An Act to provide for the Inspection of Flour," passed May 3, 1852, and to repeal an Act amendatory of an Act entitled "An Act to provide for the Inspection of Flour," passed May 18, 1853.

On its third reading, referred to Committee on Commerce.

Assembly bill an Act to repeal an Act to provide for the better publication of Official and Legal Notices, approved May 3, 1853 ; on its third reading,

Referred to Judiciary Committee.

Assembly bill, an Act to provide for the restoration of certain books, records, maps, and papers to Humboldt county now held by Trinity county ; on its third reading,

Referred to Judiciary Committee.

Mr. Whipple introduced a bill for an Act for the relief of the Treasurer of Klamath county.

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

Mr. Herbert gave notice that he would, at an early day, introduce a joint resolution of instruction, in reference to a donation after a certain date, of six hundred and forty acres of land to the actual settlers in California.

Mr. Ashley introduced a bill for an Act to declare exempt from forced sales, under execution or other process, certain property of the several counties in this State.

Read first and second time and referred to Judiciary Committee.

Mr. Godard introduced a bill for an Act to repeal an Act entitled an Act to

amend the fourteenth section of an Act entitled an Act concerning the office of County Treasurer, passed March 27, 1850, approved May 17, 1853.

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

Mr. Letcher offered the following, which was adopted

Whereas, indefinite leave of absence has been granted to the Speaker in consequence of indisposition,

Resolved, That the House now proceed to the election of a Speaker, *pro tem*.

Mr. Conness placed in nomination the name of Mr. Mandeville, of Tuolumne county. There being no opposition, Mr. Mandeville received the following votes :

Messrs. Anderson, Ashley, Aylett, Bagley, Ballou, Bennett, Bostwick, Bowie, Briggs, Burton, Carr, Carrillo, Clingan, Conness, Cornwall, Dannels, Davidson, Dawley, Ewer, Fairfield, French, Gilbert, Godard, Gordon, Green, Hagans, Hastings, Henry, Herbert, Hollister, Houghtaling, Hoyt, Hubbard, Hubert, Hunt, James, Jones, Kellogg, Koll, Letcher, Lindsey, Musser, McBrayer, McDonald, McDuffie, McGee, McKinney, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stemmons, Stevenson, Stow, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, Watkins, Whipple, Whitman—70.

Mr. Mandeville having received all the votes cast, was duly elected Speaker *pro tempore* of the Assembly.

And on motion Messrs. Godard and Dawley were appointed a committee to wait upon Mr. Mandeville, and inform him of his election.

Mr. Mandeville appeared, was qualified as Speaker *pro tempore*, and in an appropriate manner returned his thanks to the Assembly for the honor conferred, and entered upon the discharge of his duties.

Mr. Dawley moved to print three thousand copies of the Governor's Inaugural Address.

Not agreed to.

On motion of Mr. J. W. Park, the House adjourned until 10 o'clock to-morrow.

HOUSE OF ASSEMBLY.

THURSDAY, January 12, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present the Speaker pronounced the House ready to proceed to business.

The Journal of Wednesday read and approved

Mr. Sweasey made the following report :

The committee to whom was referred the joint resolution relative to settlers on public land in California, respectfully beg leave to report—

That they have had the same under consideration and recommend its passage as speedily as possible, in order that it may reach our Senators and Representatives in Congress before the expiration of the time allowed in making settlements on unsurveyed lands.

The resolution was read, considered as engrossed and passed.

Mr. Van Cleft offered a concurrent resolution, which was adopted, to create a Joint Committee from each House to fix the *per diem* pay of the officers of the two Houses.

Messrs. Van Cleft, Conness and Letcher were appointed on the part of the House.

Mr. Stevenson gave notice that at an early day he would introduce a bill for the better compensation of Jurors in civil cases.

Mr. Stowe gave notice that he would at an early day introduce a bill for an Act for the formation of Chattel Mortgages.

Mr. Hoyt gave notice that at an early day he would introduce a bill changing the time of the election of certain county and township officers.

Mr. Springer gave notice that at an early day he would introduce a bill to abolish the office of Quarter Master General in the State of California.

Assembly Joint Resolution in reference to postal arrangements in this State.

Read a second time and referred to Committee on Federal Relations.

Assembling bill for an Act concerning the *per diem* of officers of the Assembly.

Read a second time and referred to Committee on Public Expenditures and Accounts.

Mr. McBrayer introduced a bill for an Act to repeal part of an Act passed May 18, 1853, entitled an Act to provide revenue for the support of the Government of this State.

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

On motion, Mr. Conness was excused from serving as chairman of the Committee of Commerce and Mr. Dawley appointed in his place.

Mr. Van Cleft offered the following, which was adopted :

Resolved, That the Sergeant-at-Arms of the Assembly be authorized and empowered to receive and receipt to the Comptroller of State for the mileage and per diem warrants of members.

Mr. Ashley introduced a bill for an Act to amend an Act concerning Sheriffs, passed April 29, 1851.

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

Mr. Tivy introduced a bill for an Act to abolish the Board of Supervisors in the county of Tulare.

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

Mr. Herbert introduced a bill for an Act to authorize the State Treasurer to issue a duplicate Land Warrant to George W. Coffee.

Read first and second time and referred to Judiciary Committee.

Also, a bill for an Act amendatory to 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, 1853.

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

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

HOUSE OF ASSEMBLY.

FRIDAY, January 13, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present, the Speaker announced the House ready to proceed to business.

The Journal of Thursday was read and approved.

Mr. Conness presented a petition from the citizens of El Dorado, praying the pardon of one Timothy Donavan,

And introduced a bill to authorize the Governor of this State to grant a pardon.
Read first time and ordered to a second reading on to-morrow.

Mr. Hubert, from the Judiciary Committee, made the following report :

The Judiciary Committee, to whom was referred the bill to exempt from forced sale under execution or other process, certain property of the several counties of this State, report favorably to said bill, and recommend its passage with an amendment to the first section.

Assembly Bill number 10, an Act to declare exempt from forced sale under execution or other process, certain property of the several counties of this State, (amended in Committee.)

Amendment not agreed to by the House.

Bill read and ordered to a third reading on to-morrow.

Mr. Irwin made the following report :

Committee on Federal Relations, to whom was referred Joint Resolutions in relation to establishing a mail route from San Francisco to China, *via* the Sandwich Islands, have had the same under consideration and beg leave to report it back without amendment, and recommend its passage.

Joint Resolution in favor of establishing a mail route by ocean steamships between San Francisco and China, *via* the Sandwich Islands, considered as engrossed.

Read a third time and passed.

Mr. Ballou made the following majority report from the committee to whom was referred the Removal Question,

Which was read, and upon motion laid upon the table :

The undersigned, a majority of the Select Committee, to whom was referred so much of the Governor's Message, as relates to the present condition of the State Offices, together with a communication from the State Treasurer ; also, a proposition from certain citizens of Benicia, tendering the use of a secure building for State Offices ; also propositions from the county of Sacramento, and preamble and resolutions of the Common Council of Sacramento, relative to the removal of the Capital to that city ; having bestowed careful consideration on the subject, beg leave to report :

That they have personally examined the condition of the State Offices, and found them in a condition of insecurity, which demands prompt action on the part of the

Legislature, to provide places of greater security and safety for the preservation of the archives and other valuable property of the State, kept in the State Offices.

Your committee would beg leave to state that they have made a personal examination of a certain building, which the citizens of Benicia have tendered to the State free of rent as long as the same may be required for State Offices, and found the same to be a substantial brick building, about thirty-four feet long by twenty-two feet wide, two stories high, containing in all six rooms. Said building if finished according to its design, will afford convenient offices for the Treasurer and Comptroller, but not entire security.

A majority of your Committee, in order to enable the Committee to present an accurate exhibit of the subject, deemed it their duty to visit Sacramento and make personal investigation of the advantages claimed for that city as the location of the Seat of Government.

The building offered for a State House, is the same that was occupied for that purpose during the session of 1852. It is a substantial brick edifice, sixty feet by eighty feet. On the floor there are eight rooms, twenty feet by twenty-four feet, in one of which is an ample fire-proof vault. The upper story, approached by a flight of steps from a wide hall passing through the centre of the building, is divided into three rooms; one of which is 36 by 80 feet: one 24 by 55 feet, and the third 24 by 25 feet; affording accommodations for the two Houses.

Your committee found at Sacramento, a condition of things, which has justly elicited from visitors to that city, enthusiastic eulogies upon the dauntless energy which in the short period of twelve months, has created within a space of two hundred acres, laid completely bare by the great conflagration, and subsequently, from the consequences of long continued rains and inundations, converted into one vast and almost impassable swamp—a city, in substantial wealth, commerce and population, the second in California.

The erection of several hundred brick buildings, all of them substantial, many of them magnificent—the raised thoroughfares substantially planked—and almost a new line of levee embankment, constructed with reference to safety only, on plans prepared by experience and previous disaster—the elevation and planking of the principal route to the interior—at once attest the confidence of the citizens in the permanence of their location, and the determination and perseverance with which they have met and overcome the unparalleled combination of disaster and misfortune with which that ill-fated city was visited in the autumn and winter of 1852 and '53.

In the location of a State Capital your Committee is of opinion that public convenience and public economy should be controlling considerations; in fact that they are indispensable to a final and permanent settlement of the question.

The undersigned readily unite in the opinion that while these elements so essential to a final settlement of the question, are almost wholly wanting in Benicia, are in an eminent degree possessed by Sacramento.

From the latter point, nine lines of splendid stages penetrate to every important point in the interior. Magnificent steamers plying daily to San Francisco and to cities and towns on the Sacramento and its tributaries, present facilities for speedy communication between the representative and his constituents, unequalled at any other place in the State. The fact that Sacramento affords daily communication with a population of 150,000, in itself establishes the proposition that the city is one of the great business centers of our State. It is also the center of an extensive system of telegraphic communication, either already in operation or in a state of forwardness, and is destined at no distant day, by its general advantages and geographical position, the center of an extensive system of railroads.

Having no facilities at Benicia for printing, the public printing has to be done at San Francisco, and in consequence of the delay occasioned by sending the printing away from the Capital, each House remains in profound ignorance of the proceed-

ings of the other for a period of twenty-four hours ; and it is a fact well known, that during the last session of the Legislature, many important bills were acted upon while they were at San Francisco being printed.

The want of a law library at Benicia is another serious inconvenience that cannot be remedied except by a large appropriation of money, which the State is not in a condition to make.

Sacramento City having two extensive printing establishments, and a number of large law and miscellaneous libraries, those inconveniences would not be felt.

A very large portion of the people of the northern and middle sections of the State, are called frequently to Sacramento on private business, and can transact any and all business with the State, and pass on without delay ; whereas but few persons are called to Benicia, except upon business of the State, and to stop there at all, involves a loss of twenty-four hours. In addition to this, Benicia having no inland trade, being mainly dependent for support on the business attracted by the location of the seat of government, living will necessarily be a greater tax here than at a point where there is already an extensive competition between hotel and boarding-house keepers.

Without counting any other item, this alone will impose a heavier tax on the people in one year than would the removal of the Capital to Sacramento.

The time lost at the last session of the Legislature, in consequence of the want of a quorum to do business cost the people about fifty thousand dollars. Anticipating a like result from like causes, if the Legislature remains at Benicia, a provident economy seems to your committee, to demand its removal now.

At a large estimate the removal would not cost the State exceeding fifteen thousand dollars, and your committee confidently predict, that more than double that amount will be saved the State before the close of the session.

If the Capital remains at Benicia large appropriations must be made to erect safe and secure public buildings ; in fact a bill for that purpose has been already introduced.

In investigating this subject the attention of your Committee has been occupied by an event in the future, which must take place at no distant day, —we mean a division of the State.

And whenever that event does occur the public buildings will be comparatively valueless—almost a total loss to the State.

Your Committee is aware that the frequent removals of the Capital, together with the expense of such removals, has been a subject of much and just complaint among the people. But the fact that reckless speculators have hitherto been able to mould and control legislation on this subject to suit their own personal views, and have signally failed to place it at any point indicated by public convenience or sustained by public sentiment, so far from being against another removal, forcibly points out the necessity of fixing the Capital at a point combining all the elements essential to a final and permanent settlement of this vexed question.

Believing that Benicia possesses but few of the advantages and elements referred to—that the subject will be agitated and discussed session after session, at great cost to the people until the removal is finally accomplished—a just regard for the interests of the State and the people seems to your Committee to command its removal now.

Your committee also believe that the public buildings offered for the use of the State by Sacramento city and county, and her banking houses, present greater security and protection for the archives and property of the State, together with more ample accommodations for the officers of State than is found at Benicia.

Therefore the undersigned, a majority of the committee, recommend that the proposition of the county and city of Sacramento be accepted.

All of which is respectfully submitted.

S. A. BALLOU,
JOHN MUSSER,
W. S. LETCHER.

Mr. Kellogg made the following minority report from the committee to whom had been referred the removal question, which was read and on motion laid upon the table :

MR. SPEAKER :

The undersigned, a minority of the Select Committee, to whom was referred so much of the message of his Excellency, the Governor, as relates to the present condition of the State offices, together with a communication from the State Treasurer ; also a proposition from certain citizens of Benicia, tendering the use of a secure building for State offices ; also, propositions of the county of Sacramento, and preamble and resolutions of Common Council of the city of Sacramento, relative to the removal of the State Capital to that city ; while they concur in that portion of the report of the majority of the committee which relates to the insecurity of the buildings in which are the offices of the Treasurer and Comptroller of State, and wherein the State archives are kept, and to the necessity of some prompt legislative action on the subject, are reluctantly compelled to differ from the opinions expressed and embodied in the remaining portion of said majority report, and submit the following report and recommend its adoption.

All of which is respectfully submitted

H. B. KELLOGG,
R. C. WHITMAN,
Of Select Committee

REPORT.

The building offered by the citizens of Benicia for State offices, is a substantial brick building, thirty-two feet long by twenty-four feet in width, containing six fine rooms, sufficient for the accommodation of Secretary, Comptroller, and Treasurer of State. If accepted by the State for the purposes above named, it will be finished in a fire-proof manner, with iron doors and shutters, and a fire-proof vault, of the dimensions deemed requisite by the officers of State, erected in the basement, thus affording ample security for the treasury and archives of State.

The building tendered by the county of Sacramento for the present session of the Legislature, is the Court House, occupied by the Legislature of 1852, and in its present state does not offer convenient accommodations for the Legislature. By the removal of two partitions, two rooms of sufficient size would be obtained—one for the Assembly, thirty-six feet wide by eighty feet long—one for the Senate twenty-four feet wide by eighty feet long. The fire-proof vault referred to in the report of the majority, is entirely too small to contain a sufficient safe for the use of the State Treasurer, and its lock is of the simplest make and entirely insecure.

The enterprise and dauntless energy of the citizens of Sacramento are worthy of all praise, but it is somewhat to be doubted if even the dauntless energy aforesaid could, in the course of human events, have created a population only the second in California, unless by some means of propagation not generally known or commonly understood. While the disasters by fire and flood to which Sacramento has been subjected are to be lamented, it may very properly be doubted whether the fact, as stated in the majority report of this committee, that Sacramento has within twelve months been at once a desert and a swamp, is the most cogent of arguments for the removal of the State Capital to that place at the present time. At least one winter should try the efficacy of the new levee. The old levee was deemed secure, but at the time of trial it failed, and the future only can tell whether the present one will be more efficient. The majority of mankind, unlike the majority of this committee, are not gifted with prophetic vision, or the faculty of second sight, and must there

fore wait for time to decide the question above stated. Time failed to examine in detail the several hundred brick buildings referred to in the report of the majority of this committee, and therefore the assertion that all of them are substantial, must be referred to the prophetic vision aforesaid. The magnificence of some is apparent, insomuch that one of them is styled, par excellence, the "Palace."

The uninformed have generally supposed that several lines of daily stages have afforded communication between Sacramento and the interior of the State; it would, however, be the height of folly and presumption to dispute the wisdom and accuracy of the statement of the majority of this committee that nine lines of "splendid stage companies" penetrate to every important point in the interior, although at first blush the operation would be rather difficult.

The statement made in the report of the majority of the committee, that Sacramento is already the centre of an extensive system of telegraphic communications, and is destined to be, at no distant day, the centre of an extensive system of railroads, is to be referred to the prophetic vision before mentioned, to which the minority of this committee lay no claims.

The State printing can, if necessary, be done at Benicia, but undoubtedly will be done wherever the State Printer may see fit.

The profound ignorance mentioned in the report of the majority of this committee can readily be obviated by an inspection of the daily proceedings of either House.

A few of the legal fraternity in Benicia had supposed that they possessed at least the germs of a law library, but they must yield to the fiat of a majority of this committee, and the minority thereof must suppose that the books in the State Library, some four thousand volumes in number, are like Peter Pindar's razors, "made for show and not for use."

The minority of this committee are unable to understand the logic which makes the high price of board in Benicia a heavier direct tax upon the people in one year than would the removal of the Capital to Sacramento, although the same is asserted in the report of the majority of this committee. The minority also believe that members of the Legislature were elected to serve the State, and not for the purpose of endeavoring to amass a competence from their *per diem*.

If the sum of fifty thousand dollars was lost to the State during the last session of the Legislature for want of a quorum, the members were derelict in their duty; but to suppose a similar occurrence in the present Legislature, is to impute to them a wilful neglect of duty not yet apparent.

At a small estimate the removal of the capital would not cost the State less than fifty thousand dollars, and the minority of this committee do not venture confidently to predict that more than double that amount would be saved the State before the close of the Session, for the reason that they are guided by facts and not by fancy.

The building proffered by the citizens of Benicia, for the State officers are as secure as any other offered, and would be sufficient for years, should none other be proffered.

The minority of this Committee, not conceiving that it falls within their province to decide a question which requires close and minute investigation, do not offer an opinion on the subject of the division of the State.

Not having definite information as to the precise point where the dividing line will be drawn, they are unable to determine upon the relative claims of Benicia and Sacramento, in reference to their proper locality for the future Capital of one of the States, that is to be; and are further inclined to think, that perhaps neither would possess the desired requisites. They believe that the bold prominence claimed for the city of Sacramento, as the future Capital of the future northern State, is an assumption which may be well disputed by her sister city Marysville, whose claims are equal if not superior. But as your Committee were elected as Representatives

of the People of the State of California, as it now exists, they do not feel competent to legislate for the people of an embryo State.

The people have justly complained of the frequency and expense of removals, and are now opposed to any agitation of this question. The minority of this Committee believe that the voice of the people should be heard and obeyed.

The Capital has already been removed seven times, and the expenses of the several removals, are at a low estimate as follows :

1. From Monterey to San Jose,	-	-	-	-	-	\$1,100 00
2. From San Jose to Vallejo,	-	-	-	-	-	57,419 04
3. From Vallejo to San Jose,	-	-	-	-	-	348 00
4. From San Jose to Vallejo,	-	-	-	-	-	8,064 00
5. From Vallejo to Sacramento,	-	-	-	-	-	13,159 50
6. From Vallejo to Sacramento,	-	-	-	-	-	1,100 00
7. From Vallejo to Benicia,	-	-	-	-	-	12,000 00
Total,	-	-	-	-	-	<u>\$93,190 54</u>

The above statistics, with the exception of the last two items, are compiled from the reports of the Comptroller, and a careful estimate of the per diem of members and officers during the adjournments, for the purposes of removal, and the extra mileage to the new Capitals. Various other items of expenditures, well known to persons attached to the Legislatures at the times of the several removals, cannot be accurately ascertained, and therefore are not stated, which would probably swell the amount to at least \$150,000. Such reckless and profuse expenditures have justly rendered the removal of the Capital a by-word and reproach.

It is now proposed to remove the Capital for the eighth time ; the cost of which will be as follows :

The State gives up the present State House, worth	-	\$27,000 00
Per diem of Members and Officers during the adjournment of seven days,	-	14,000 00
Extra Mileage to Sacramento,	-	4,472 00
Damage to furniture by removal,	-	1,000 00
		<u>\$46,472 00</u>

The propositions of the citizens of the county and city of Sacramento, as referred to this committee, are exceedingly meagre. They proffer to the State a building to be used for the present session of the Legislature only ; thereby leaving the State officers at the close of the session, without accommodations, and the place of assembling for the next Legislature, a matter of indefinite conjecture. The State already possesses a State House sufficiently commodious, donated to her by the city of Benicia, so long as it may be used for State purposes ; and may have if she choose to accept the proposition of the citizens of Benicia, referred to this committee, secure and comfortable offices for the officers of State, so long as they may choose to occupy the same. The minority of this committee deem it impolitic to relinquish such substantial advantages, even for the proffered freedom and hospitality of the city of Sacramento.

In conclusion, the minority of this committee would recommend that the propositions of the citizens of Benicia, referred to this committee, be accepted.

H. B. KELLOGG,
B C WHITMAN,
Of the Select Committee.

Mr. Ballou presented a proposition from the City Council of Sacramento, proposing to donate to the State the public square between I and J and Ninth and Tenth streets, upon condition that Sacramento be made the permanent Seat of Government.

Proposition read and on motion laid upon the table

Mr. O'Neil, Chairman, made the following report :

The committee on engrossed bills have examined and find correctly engrossed, a Joint Resolution relative to settlers on public land in California.

The following message was received from the Senate :

MR. SPEAKER :

I am instructed to inform the Assembly that the Senate have concurred in their resolution that the committee appointed to fix the compensation of their respective officers should act jointly ; also,

That the Senate yesterday passed the accompanying bill for an Act to amend an Act entitled an Act concerning Jurors, approved May 3, 1852 ; and also,

Have adopted the resolution herewith transmitted, in which their concurrence is respectfully requested.

JOHN Y. LIND, Secretary.

Senate bill for an Act to amend an Act entitled an Act concerning Jurors, approved May 3, 1852. Read first and second time and referred to Judiciary Committee.

Senate Concurrent Resolution to appoint a Joint Committee to examine the returns and other facts connected with the election of Gov. Bigler in 1851 ; upon which Mr. Irwin demanded the ayes and noes :

Those who were in favor of the committee were :

Messrs. Anderson, Aylett, Bagley, Ballou, Bradford, Briggs, Carr, Carrillo, Clingan, Conness, Dannels, Davidson, Dawley, Fairfield, Gilbert, Godard, Gordon, Greene, Hastings, Hoff, Hollister, Hoyt, Hubbard, Hubert, Hunter, Irwin, James, Jones, Kellogg, Letcher, Mandeville, Musser, McBrayer, McDonald, McDuffie, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stemmons, Stevenson, Stowe, Sweazey, Tallmadge, Tivy, Van Cleft, Watkins—54.

Those who were opposed to creating a Joint Committee were :

Messrs. Ashley, Bennett, Bostwick, Bowie, Burton, Cornwall, Ewer, French Hagan, Henry, Herbert, Horr, Houghtaling, Hunt, Koll, Lindsey, McGee, McKinney, Sweetland, Warmcastle, Whipple, Whitman—22.

So the House determined to appoint a committee, and Messrs. Tallmadge, Watkins and Horr were appointed.

Mr. Herbert gave notice that he would on to-morrow introduce a bill requiring the Comptroller to audit certain bills of the members of the present Legislature.

Mr. Bradford gave notice that he would at an early day introduce a bill for an Act to establish a State University and provide for its support ;

A bill for an Act to provide for the better protection of Settlers; also,

A bill for an Act to protect the rights of persons not parties to executions and other processes.

Mr. Hunter gave notice that at an early day he would introduce a bill granting townships in the agricultural portions of the State the right to regulate water courses and ditches within their limits.

Mr. Stowe offered the following, which was adopted :

Resolved, That the committee appointed to inquire relative to the codifying and publication of the laws of this State be, and they hereby are instructed to report to this House promptly.

Mr. Ballou gave notice that he would at an early day introduce a bill legalizing certain acts of the County Recorder of El Dorado county.

Mr. Tallmadge gave notice that he would at an early day introduce a bill for an Act to secure a uniform system of practice in the courts of this State.

Mr. Bostwick gave notice that he would at an early period of the session introduce a bill to submit to the legally qualified voters of California, at the next general election, the permanent location of the Capital of the State.

Mr. James gave notice that he would at an early day introduce a bill for an Act to authorize the Comptroller of State to draw a duplicate warrant on the Treasurer of State in favor of Samuel W. Langton for the sum of seventy-five dollars.

Mr. McKinney gave notice that he would at some future day introduce a bill for an Act to amend an Act entitled 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.

Mr. Dawley gave notice that he would at an early day introduce a bill to repeal an Act to provide for the measurement of lumber, passed April 30, 1853.

Mr. Hubert gave notice that at an early day he would introduce a bill to regulate fees in office, and repeal a like Act passed May 1, 1851.

Mr. Hunt gave notice that on some future day he would introduce a bill for the better protection and government of the Indians.

Also, a bill for the relief of Paul Weaver.

On motion, Mr. James was added to Committee on Roads and Highways, and Mr. Carrillo was added to the Committee on Education.

Mr. Spencer gave notice that at an early day he would introduce a bill to amend an Act defining the duties of County Clerks, passed April 18, 1850.

Mr. Hoyt introduced the following :

Resolved, That one thousand copies of the Governor's Inaugural Address be printed for the use of this House.

And Mr. Tallmadge demanded the ayes and nays.

Those who voted to print were—

Messrs. Aylett, Bostwick, Bowie, Bradford, Carr, Carrillo, Clingan, Dawley, Fairfield, French, Gilbert, Godard, Greene, Henry, Herbert, Hoff, Horr, Hough-taling, Hoyt, Hubbard, Hunt, Irwin, Koll, Musser, McBrayer, McDuffie, Nichols, O'Neil, J. W. Park, Ring, Rowan, Spencer, Stemmons, Stowe, Sweatland, Tivy, Warmcastle, and Whitman—38.

Those who were opposed to printing, were—

Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Briggs, Burton, Conness, Cornwall, Dannels, Davidson, Ewer, Gordon, Hagans, Hastings, Hollister, Hubert, Hunter, James, Jones, Letcher, Lindsey, Mandeville, McDonald, McGee, McKinney, Noel, F. A. Park, Pratt, Purdy, Springer, Stevenson, Sweazey, Tallmadge, Van Cleft, Watkins, Whipple—37.

So the House decided to print one thousand copies.

Assembly bill No. 13, an Act to amend an Act concerning Sheriffs, passed April 29, 1851.

Read second time and referred to Judiciary Committee.

Assembly bill No. 14, an Act to repeal part of an Act passed May 18, 1850, entitled an Act to provide revenue for the support of the Government of this State.

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

Assembly bill No. 15, an Act to abolish the Board of Supervisors in the county of Tulare.

Read a second time, and referred to the delegation from Tulare and Mariposa.

Assembly bill No. 17, an Act amendatory of 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.

Read a second time and referred to Judiciary Committee.

Mr. Nichols presented a communication from the citizens of Benicia, in reference to a donation of lots for State purposes.

Read and laid upon the table.

Mr. Kellogg presented a proposition from a House in Benicia, proffering the second story of a brick building for State purposes.

Read and laid upon the table.

Mr. McBrayer introduced a bill for an Act to provide for the salary of the Governor's Private Secretary, and to make the same payable out of the General Fund.

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

Mr. Hoff introduced a bill in relation to the Insane Fund.

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

Mr. Carrillo gave notice, that he would at an early day introduce a bill authorizing the Court of Sessions of Santa Barbara to impose a tax of one and a half per cent. on the value of real estate in said county for jail purposes.

Mr. Van Cleft, from the Joint Committee of the Senate and Assembly, made the following report :

The Joint Committee appointed to report upon the per diem of the officers of the Senate and Assembly, respectfully present the following report :

They recommend the following sums, viz :

Secretary of the Senate and Clerk of Assembly, \$16 per day ;

Assistants do. \$14 per day ;

Sergeant-at-Arms, \$16 per day ;

Enrolling and Engrossing Clerks, \$12 per day ;

Extra Clerks, \$12 per day ;

Doorkeepers, \$12 per day ;

Pages, \$7 per day ;

Porters, \$8 per day.

And such fees for arrests and traveling, as may be authorized by rules by the Senate and Assembly for their respective officers.

Read and referred to Committee on Public Expenditures.

On motion of Mr. Conness, the House took a recess until 3 o'clock, P.M.

3 O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Stowe introduced a bill for an Act to provide for the formation of chattel mortgages.

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

Mr. J. W. Park offered the following, which was on motion, laid upon the table.

Resolved, That two hundred and forty copies of all bills introduced in the Assembly be printed after their first reading unless otherwise ordered by the Assembly.

On motion of Mr. O'Neil, the House adjourned until 10 o'clock to-morrow.

HOUSE OF ASSEMBLY.

SATURDAY, January 14, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present the Speaker announced the House ready to proceed to business.

The Journal of Friday was read, amended and approved.

On motion leave of absence was granted to Mr. McBrayer for one day, and to Mr. Stevenson until Tuesday next.

Mr. Herbert from the Committee of Ways and Means, made the following report :

The Committee to whom was referred Assembly bill No. 9, entitled an Act for the relief of the Treasurer of Klamath county, have had the same under consideration, and would report the same back to the House without amendment, and recommend its passage.

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

Mr. Dawley made the following report :

The Committee on Commerce, to whom was referred an Act to repeal the several Acts providing for the inspection of Flour in this State, beg leave to report, that they have had the same under consideration and recommend its immediate passage

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

Mr. Irwin, Chairman, made the following report :

The Committee on Federal Relations, to whom was referred Joint Resolutions in favor of an increase of the mail service between New York, New Orleans and San

Francisco, and Olympia in the territory of Washington, beg leave to present the accompanying resolution as a substitute, and respectfully recommend its passage.

The substitute was adopted, considered as engrossed, read a third time and passed

Mr. O'Neil made the following report :

The Committee on Engrossed Bills have examined and find correctly engrossed Joint Resolution in favor of establishing a mail route by ocean steamships, between San Francisco and China, via the Sandwich Islands.

Mr. Conness from the Joint Committee on Rules, made the following report, which was adopted, and two hundred and forty copies of the rules of the Assembly, together with the joint rules, were ordered to be printed.

JOINT RULES AND ORDERS OF THE SENATE AND ASSEMBLY.

RULE I.

In every case of an amendment of a bill agreed to in one House and dissented to in the other, if either House shall request a conference and appoint a committee to confer, such committee shall at a convenient hour, to be agreed on by their Chairman, meet in their conference chamber and state to each other verbally or in writing as either shall choose, the reasons of their respective Houses for and against the amendment, and confer freely thereon.

RULE II.

When a message shall be sent from the Senate to the Assembly it shall be announced at the door by the Door-Keeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

RULE III.

The same ceremony shall be observed when a message shall be sent from the Assembly to the Senate.

RULE IV.

Messages shall be sent by the Secretary, Clerk, or by such persons as a sense of propriety in each House may determine to be proper.

RULE V.

While bills are on their passage between the two Houses they shall be on paper and under the signature of the Secretary or Clerk of each House respectively.

RULE VI.

After a bill shall have passed both Houses it shall be duly enrolled by the Clerk of the Assembly or the Secretary of the Senate, as the bill may have originated in

the one or the other House, before it shall be presented to the Governor of the State.

RULE VII.

When bills are enrolled they shall be examined jointly by the Enrolling Committees of the Senate and the Assembly, appointed as standing committees for that purpose, who shall carefully compare the enrollment with the engrossed bills, as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to their respective Houses.

RULE VIII.

After examination and report each bill shall be signed in the respective Houses, first by the Speaker of the Assembly then by the President of the Senate.

RULE IX.

After a bill shall have thus been signed in each House, it shall be presented by the said committee to the Governor of the State, for his approbation, (it being first endorsed on the back of the roll certifying in which House the same originated, which endorsement shall be signed by the Secretary or Clerk, as the case may be, of the House in which the same originated,) and shall be entered on the Journals of each House. The said Committee shall report the day of presentation to the Governor, which time shall also be carefully entered on the Journals of each House.

RULE X.

All orders, resolutions and votes which are to be presented to the Governor of the State for his approbation, shall also in the same manner be previously enrolled, examined and signed, and shall be presented in the same manner and by the same committee as provided in the case of bills.

RULE XI.

When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber by the President of the Senate, in the presence of the Speaker and both Houses.

RULE XII.

When a bill or resolution which shall have passed in one House is rejected by the other, notice thereof shall be given to the House in which the same shall have passed.

RULE XIII.

When a bill or resolution which has been passed in one House shall be rejected in the other, it shall not be brought in during the same session, without a notice of five days, and leave of two-thirds of that House in which it shall be renewed.

RULE XIV.

Each House shall transmit to the other all papers on which any bill or resolution shall be founded

RULE XV.

After each House shall have once adhered to their disagreement a bill or resolution shall be lost.

RULE XVI.

No bill or resolution that shall have passed the Assembly and Senate shall be presented to the Governor for his approbation on the last day of the session.

RULE XVII.

No appropriations of money for any purpose whatever shall be made, except by bill.

RULE XVIII.

No spirituous liquors shall be offered for sale or exhibited within the Capitol, or public grounds adjacent thereto.

Mr. Tivy made the following report :

The delegation of Tulare and Mariposa, to whom was referred a bill for an Act to abolish the Board of Supervisors in the county of Tulare, beg leave to report that they have had the same under consideration and respectfully recommend its passage.

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

Mr. Henry gave notice that at an early day he would introduce a bill in reference to lawful fences.

Mr. Letcher introduced a joint resolution relative to the establishment of a State Agricultural Institute.

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

Mr. Stowe offered the following, which was adopted :

Resolved, By the Assembly, the Senate concurring, That the Attorney General be, and he hereby is, directed to prepare and present to the Legislature now in session, at the earliest practicable period, an *Opinion* on the legality of locating School Land Warrants as now practiced in this State.

Mr. Ewer gave notice that he would at an early day introduce a bill to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April 29, 1851.

Mr. Warmcastle gave notice that at an early day he would introduce a bill to authorize County Judges to hold County Courts of adjoining counties in certain cases.

Mr. Hagans gave notice that at some future day he would introduce a bill to allow pay to the Inspectors, Judges and Clerks of Elections.

Mr. Bradford gave notice that on Monday next he would introduce certain amendments to the Constitution, in accordance with the recommendations in the Governor's Message.

Mr. Letcher gave notice that he would at an early day introduce a bill for the establishment of a State Agricultural Society.

Assembly bill No. 20, an Act in relation to the Insane Fund.

Read second time, considered as engrossed, read a third time and passed.

Assembly bill No. 18, an Act authorizing the Governor to pardon Timothy Donovan.

Read second time and referred to Judiciary Committee.

Assembly bill No. 19, an Act to provide for the salary of the Governor's Private Secretary and to make the same payable out of the General Fund.

Read second time.

Mr. Gordon moved to indefinitely postpone the bill.

Mr. Bradford moved to lay the motion to indefinitely postpone upon the table.

Agreed to.

Assembly bill No. 10, an Act to declare exempt from forced sale under execution or other process certain property of the several counties of this State.

Taken up for a third reading; on motion it was recommitted to the Judiciary Committee.

Assembly bill No. 21, an Act to provide for the formation of Chattel Mortgages,

Read second time and referred to Judiciary Committee, and 240 copies ordered to be printed.

On motion, Mr. Ashley was added to the Judiciary Committee, and Mr. Nichols to the Committee on State Prison.

"r

The following message was received from the Governor with the accompanying documents from the Land Commissioners of California.

EXECUTIVE DEPARTMENT, }
Benicia, January 14, 1854. }

To the Senate and Assembly of California :

I have the honor herewith to transmit two communications from the Board of Land Commissioners, organized under the provisions of an Act approved May 18th, 1853, to dispose of the State's interest in certain property within the limits of the city of San Francisco, and defined by the Act of March 26, 1851.

The amendments to the existing law suggested by the Commissioners are deemed important and necessary, and if speedily considered and adopted by the Legislature, will enable the Board, in a few months, to dispose of the whole property, at its full value and to the benefit of the State.

JOHN BIGLER.

SAN FRANCISCO, CAL., }
January 10, 1854. }

His Excellency JOHN BIGLER,
Governor of California.

SIR: In addition to the recommendations made in our report to the Legislature, we would recommend, (if it meet your views,) that this Board be permitted to sell property as often as once a month, and that the amount of sale be left in the discretion of the Commission, provided the same do not exceed the sum of five hundred thousand dollars at any one sale.

This, we think, would facilitate the disposition of the State property, and at the

same time enable the State to realize its full value, as surely as it now does under the present law.

Very respectfully, your obedient servants,

L. PICKERING,
JOSEPH HOPKINS,
J. T. LOVE.

To the Hon. the Legislature of the State of California :

The undersigned, Commissioners appointed under the Act of the Legislature of the 18th May, 1853, "To provide for the sale of the interests 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 in the State of California,' passed March 26, 1851," respectfully report—

That they organized the Board on the 31st day of May last, pursuant to the Act, and proceeded to ascertain the interest of the State in the lands bounded by Jackson street on the north, Front street on the east, Washington street on the south, and Montgomery street on the west, and came to the conclusion that the State was the owner of the land in fee, with the right to immediate possession, and advertised to sell "All the right, title, and interest of the State" therein, on the 10th day of August, which sale was afterwards postponed to the 12th day of September.

Prior to the opening of the sale on that day, the Commissioners and Auctioneer were severally restrained by the service of five injunctions, issued out of the Superior Court for the city of San Francisco, three of which are still pending.

These injunctions were deemed by the Board to be illegal and void, under section 15 of said Act, and the undersigned, through auctioneer, proceeded to sell, regardless of the injunctions; and after having sold one lot, they, together with the auctioneer, were arrested by the Sheriff of San Francisco county, upon orders issued out of the same Court, and detained in custody five days.

In the meantime, on the application of the Commissioners and auctioneer, a writ of *habeas corpus* was allowed by the Hon Alexander Wells, one of the Justices of the Supreme Court, by virtue of which, they were brought before him, and by their counsel demanded a discharge, which was refused, and were held to answer for the contempt before the Superior Court.

The decision of this Court, in its effect, nullified the section of the Act referred to, by declaring it unconstitutional and void, and that the parties in custody were guilty of contempt. No fine, or other penalty, however, was imposed, and their discharge directed to be entered. The sale, in the meantime, having been adjourned from day to day. The Commissioners sold on the 5th day of October, one lot not covered by injunctions.

On the 20th of October, (the sale having been continued, and two of the injunctions modified,) the auctioneer, as was directed, sold ten lots, completing the sale of one entire block, amounting, in the aggregate, to the sum of one hundred and forty-three thousand seven hundred dollars. The purchaser of one of these lots failed to comply with the terms of sale, thereby reducing the amount to one hundred and twenty-three thousand seven hundred dollars. This lot was resold on the 28th of December, on account of and at the expense of the purchaser. The Board having received numerous solicitations from the Federal officers to withhold from sale so much of the Custom House block as was advertised, came to the conclusion that it might be conducive to the interests of the State to authorize the sale of that block to the General Government, and therefore turned their attention to the disposition of other property, and suggest that some officer be empowered by the Legislature to dispose of the property to the General Government, if required for Custom House purposes.

While the other injunctions were pending, the sale was continued until the 26th

day of October, when the same was postponed, the Court not having decided the injunctions. The property embraced in the injunctions still pending is bounded by Jackson, Sansome, Washington, and Montgomery streets.

The plaintiffs in these actions upon which injunctions issued do not claim under leases from military officers of the General Government, but, as *they* allege, under good and valid grants, and as they also allege that the property was reclaimed from the overflowing of the tide previous to the admission of California into the Union, whereby their titles were established.

The Board had no power under the Act to test the validity of these claims, except by resort to litigation—a measure desirable to be avoided if possible.

The lands which were next advertised for sale, are bounded on the north by Broadway, on the east by Davis, on the south by Pacific, and on the west by Sansome streets, also, all between Jackson, Drumm, Washington, and Front streets, the greater portion of which was struck off by the auctioneer on the 28th day of December, amounting in the aggregate to the sum of three hundred and fifty thousand and four hundred and seventy-five dollars. Three of the lots were however not taken by the purchasers. The aggregate amount of sales, up to January 1, 1854, is four hundred and eighty-one thousand nine hundred and twenty-five dollars. For seven thousand seven hundred and fifty dollars, of which (the difference between the price bid for the lot, on the 20th of October, and the price which it sold for on the 28th of December,) a suit has been instituted.

The total expenses of the Commissioners, including the salaries of the Board and Secretary, rent, furniture, fuel, stationery, advertising in the papers required by law, printing catalogues of sales and daily proceedings, as also required by law, counsel fees, maps and other incidental expenses, amount to the sum of twenty-two thousand seven hundred and ninety-six dollars, a full report of which, more in detail, has been filed with the Comptroller after each sale. The Act constituting the Board empowered the Commissioners to enter upon and take possession of all property and interests of property of whatever description, of the State of California “within the water-line front of the city of San Francisco.” They therefore deem it proper to state that there will be due from the city of San Francisco, from the sale of lots made by the city on the 26th day of December, 1853, in twenty days from that date the sum of two hundred and ninety-eight thousand four hundred and thirty-seven dollars, as the share of the State arising from such sale, provided all the lots shall be taken.

The sales of the Commissioners have been confined to the property within the Government Reserve, the extent of all of which has not been ascertained for want of powers in the Board to send for persons and papers, a large amount of which remains unsold, which, together with the reversionary interest in other property, will probably add to the resources of the State one million and a half of dollars.

It may be proper, perhaps, to add, that the attention of the Attorney General has been called by us to the Leidesdorff estate, and will, no doubt, receive his early consideration, inasmuch as it is of great value, and is believed to have escheated to the State.

All of which is respectfully submitted.

LEVI HERMANCE, President.
L. PICKERING,
J. S. LOVE,
GEO. O'DOHERTY,
JOSEPH HOPKINS.

San Francisco, Cal., January 7, 1854.

Mr. Tallmadge moved to print 240 copies of the message and accompanying documents, which was not agreed to.

On motion of Mr. Conness the message and documents were referred to the Committee on Public Lands, with instructions to report a bill.

Mr. Green moved to reconsider the vote which refused to print the Governor's message and accompanying documents, and demanded the ayes and nays.

Those who voted to reconsider were :

Messrs. Aylett, Bennett, Bostwick, Bowie, Bradford, Briggs, Carr, Clingan, Dannels, Davidson, Dawley, Ewer, Fairfield, French, Godard, Green, Hagan, Hastings, Herbert, Henry, Hoff, Horr, Hollister, Houghtaling, Hubbard, Hubert, Hunt, Irwin, Koll, Musser, McDonald, McDuffie, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Ring, Rowan, Spencer, Stemmons, Stowe, Sweetland, Tallmadge, Tivy, Warmcastle, Whipple—47.

Those who opposed a reconsideration were :

Messrs. Anderson, Ashley, Ballou, Burton, Carrillo, Conness, Cornwall, Gordon, Hunter, James, Jones, Kellogg, Letcher, Lindsey, Mandeville, McGee, McKinney, Purdy, Springer, Sweasey, Van Cleft, Watkins, Whitman—23.

So the House reconsidered the vote.

The question then came up to print 240 copies, upon which the ayes and nays were demanded.

Those who voted to print were—

Messrs. Bennett, Bostwick, Bowie, Bradford, Briggs, Carr, Clingan, Dannels, Davidson, Dawley, Ewer, Fairfield, French, Godard, Green, Hagan, Hastings, Henry, Herbert, Hoff, Hollister, Horr, Houghtaling, Hubbard, Hubert, Hunt, Irwin, Koll, Musser, McDonald, McDuffie, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Ring, Rowan, Spencer, Stemmons, Stowe, Sweetland, Tallmadge, Tivy, Warmcastle, Whipple—47.

Those who opposed printing were—

Messrs. Anderson, Ashley, Aylett, Ballou, Burton, Carrillo, Conness, Cornwall, Gordon, Hunter, James, Jones, Kellogg, Letcher, Lindsey, Mandeville, McGee, McKinney, Purdy, Springer, Sweasey, Van Cleft, Watkins, and Whitman—24.

So the House resolved to print 240 copies.

The following message was received from the Governor, transmitting two communications from the State Treasurer, and the opinion of the Attorney General in reference to the reception of State Prison bonds for State dues.

EXECUTIVE DEPARTMENT, }
Benicia, January 14, 1854. }

To the Senate and Assembly of California :

I have the honor herewith to transmit a communication from Hon. S. A. McMeans, Treasurer of State, in relation to State Prison Bonds received by his predecessor in office, in payment for property sold by the Commissioners on the 28th of December, 1853.

The late State Treasurer has received about ninety-two thousand dollars in State Prison Bonds, which the present Treasurer refuses to receive for reasons set forth in his communication

In order to arrive at a correct understanding of this subject, it will be necessary to examine the Funding Acts of 1851, 1852 and 1853, the Act authorizing the erection of a State Prison, as well as the Act organizing a Board to dispose of the State's interest in property within the limits of the city of San Francisco, as defined by the Act of March 26, 1851.

By the 10th section of the Funding Act of 1851, it is provided that "the proceeds of the sales of *all* lands *now* held, or that may be hereafter acquired by this State in her own right, except those reserved by the Constitution for School purposes, shall be set apart as a Sinking Fund, to be applied to the redemption of said bonds.

The 8th section of the Funding Act of 1852, sets apart for the redemption of the bonds authorized to be issued, the surplus remaining in the treasury after the bonds authorized by the Act of 1851, shall have been redeemed.

The 10th section of the Act of May 18, 1853, which authorizes the sale of the property, also sets apart the *cash* proceeds for the redemption of outstanding bonds, as follows, viz :

"The cash proceeds of all sales shall forever be and remain

First, A sinking fund, for the payment and redemption of the principal and interest of the three per cent. bonds of the State, and of the seven per cent. civil bonds, to be applied to such purposes as hereinafter provided, and in accordance with existing law ; and

Second, After such payment and redemption, the balance, if any, shall be paid into the treasury to the credit of the general fund."

It is true that the 7th section of the Act of May 18th, 1853, authorizes "cash or the civil bonds of the State of California, or the civil warrants of the Comptroller of State on the Treasury," to be received in payment for the property sold.

This Act, it will be observed, was passed May 18, 1853. The language of the Act, in regard to payments for the property directed to be sold, is therefore to be interpreted with reference to that date, and in view of the antecedent legislation of the State in reference to her civil debt.

It is true that in an enlarged sense of the term "*civil*," all the bonds issued by a State are *civil bonds*, but it is also true that the term is used in a more restricted and limited sense ; and the extent of its meaning in this case, is to be derived from a review of the legislation of the State in regard to its public debt, prior to the passage of the Act providing for the erection of a State Prison.

This legislation exhibits a series of Acts, all looking to the same end, viz : provision for the payment of past debts or debts to arise within a given future period.

The first of the series is the Act of April 29th, 1851, entitled "An Act to fund the debt of the State." Section 1st provides "that with a view to fund the present debt, etc.

The second Act passed May 1st, 1852, is entitled "An Act to fund the indebtedness of the State which has accrued, or may accrue, from April 29, 1851, to Dec. 31, 1852, inclusive, and to provide for the payment of the three per cent. bonds."

The fifth section provides that "from and after the passage of this Act, all persons having any indebtedness of the State, which has been or may be contracted for *civil purposes*, since April 29, 1851, up to December 31, 1852, inclusive, in the form of warrants drawn by the Comptroller," etc., "shall receive bonds in exchange therefor."

The third in the series is an Act passed May 4, 1852, entitled "An Act supplementary to an Act to fund the debt of the State," passed April 29, 1851.

The fourth is an Act passed May 17, 1853, entitled "An Act supplementary to an Act to fund the indebtedness of the State which has accrued or may accrue, etc. approved May 1, 1852." Section first of this Act provides that "with a view to fund so much of the *civil debt* of the State, which has accrued and remains unpaid since Dec. 31, 1852, and so much as may accrue up to June 30, 1853, inclusive, etc., the Treasurer shall cause to be prepared a sufficient number of bonds, etc.

This Act is the last of the series composed of Acts and Supplementary Acts, each passed with direct reference to the one which preceded it, and all having in view the payment of indebtedness incurred prior to the passage of the several Acts; the last of which makes provision for the *civil debt up to June 30, 1853*, leaving all indebtedness subsequently incurred to be provided for by the Legislature.

By this series of laws we have the *civil debt* of the State clearly defined, both as to its character and extent.

At the time of the passage of the Act of May 18, 1853, the Prison Bonds were not a subsisting debt, nor indeed could they have been issued so as to form any portion of the "*civil debt*," on or before June 30, 1853.

In view of the fact that, by Acts passed in the years 1851, 1852 and 1853, the proceeds from the sales of this property were set apart for the redemption of the *civil bonds* issued prior to June 30, 1853, the Legislature, by the Act providing for the erection of a State Prison, authorized the collection of a special tax for the payment of the interest on the bonds to be issued, and annually, a portion of the principal.

The 15th section provides that "thirty days prior to the first Monday in July, one thousand eight hundred and fifty-five, and thirty days prior to the first Monday of July in each year thereafter, until the principal and interest of the debt hereby created shall be paid, the Treasurer of State shall publish in two newspapers in the city of San Francisco, a notice specifying the amount of money on hand, and set apart for the redemption of said bonds, and that he will receive proposals for the redemption of that amount of bonds until the first Monday of July next after the date of the publication of such notice.

The State Prison Act, therefore, not only provided for the payment of the accruing interest and ultimate redemption of the bonds, but also directs the *time* and manner of payment.

From these facts it is clearly evident that the Legislature did not intend by the provision in the Act of May 18, 1853, to authorize the reception of State Prison Bonds in payment for the property directed to be sold.

Another difficulty in the reception of these bonds presents itself. The 8th section of the Act of 1853, authorizing the erection of a State Prison provides, "that the payment to the contractor shall be made monthly; and for the purpose of ascertaining the amount due at the end of each month, it is herein made the duty of said Board of Commissioners, to ascertain and certify the same to the Comptroller of State, who shall thereupon issue his warrants on the Treasurer of State, in the sum thus certified, payable out of the bonds herein provided for; *Provided*, that the sums so paid shall not exceed *eighty-five per cent.* on the amount actually expended, as certified by the Board of Commissioners, until the *completion of the prison* provided to be erected by this Act, unless otherwise ordered by Legislative enactment.

Fifteen per cent. or \$18,900 00 of the amount actually expended, the above proviso requires to be reserved.

This proviso, however, seems to have been overlooked in the issuance of bonds for the work executed, and although the building has not as yet been completed, \$126,000 00 of the entire amount has already been paid, without any reservation

as above directed. Of these bonds, \$18,900 00, or the fifteen per cent. have been, or may be hereafter, received into the State Treasury.

Should the building, when completed, not be received by the Commissioners for non-compliance with the contract, the validity of these bonds, would at once be questioned, and their market value greatly depreciated.

Having conferred with the present State Treasurer, when the question was first raised as to the reception of these bonds, and expressed the opinion that they could not be legally received in payment for the property of the State sold by the Commissioners, I have deemed it a duty to set forth fully my views on the subject.

JOHN BIGLER.

Mr. Whitman moved to lay the message and accompanying documents on the table.

Not agreed to.

On motion of Mr. Hoff the message and accompanying documents were referred to the committee on Ways and Means.

Mr. Bostwick made the following report:

The Committee on Accounts and Expenditures, to whom was referred Assembly Bill for an Act concerning the per diem of officers of the Assembly. Also the report of the Joint Committee appointed to report upon the per diem of the officers of the Senate and Assembly beg leave to report—

That although they do not fully concur with the Joint Committee as to the justness of the rates agreed upon, they have engrafted them in the form of an amendment to the Assembly bill, and report the same back to the House as amended, and recommend its passage.

The bill was read, the amendments concurred in, considered as engrossed, read a third time and passed.

Mr. Herbert introduced a bill for an Act requiring the Comptroller to audit certain bills of the members of the present Legislature.

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

Mr. Herbert also introduced a bill for an Act in relation to the supplies of fuel and other contingent expenses of the Legislature.

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

Mr. Gordon introduced a bill for an Act to reduce the salaries of State officers and the pay of the members of the Legislature.

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

On motion, the House adjourned until Monday next at 10 o'clock.

HOUSE OF ASSEMBLY.

MONDAY, January 16, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and no quorum being present,

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

HOUSE OF ASSEMBLY.

TUESDAY, January 17, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present, the Speaker announced the House ready to proceed to business.

The Journals of Saturday and Monday were read and approved.

On motion, leave of absence was granted for two days to Mr. Bostwick, and one day to Mr. Van Cleft. Indefinite leave was granted to Mr. Hoyt in consequence of ill health.

Mr. Horr presented the petition from sundry citizens of the counties of Mariposa and Tuolumne in reference to a new county to be called Merced, to be formed of portions of territory of those counties.

Read and referred to Committee on Counties and County Boundaries.

Mr. Gordon presented a petition from the counties of El Dorado and Calaveras, praying for the establishment of a new county to be formed out of portions of the territory of El Dorado and Calaveras.

Read and referred to the delegation from those counties.

Mr. Herbert, chairman, made the following report :

The Committee of Ways and Means, to whom was referred a bill in relation to the supplies of fuel and other contingent expenses of the Legislature, would report the same back without amendment, and recommend its passage

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

Mr. Griffith introduced a Join Resolution relative to the Board of United States Land Commissioners in the State of California.

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

Mr. O'Neil made the following report :

The Committee on Engrossment have examined and find correctly engrossed the following Joint Resolutions and bills, viz :

Joint Resolution in favor of an increase of the Mail Service between New York and San Francisco, and between New Orleans and San Francisco, and also between San Francisco and Olympia, in the Territory of Washington, including the intermediate ports of Humboldt Bay, Trinidad, Crescent City and the mouth of Columbia River.

Also, an Act in relation to the Insane Fund.

Also, an Act to abolish the Board of Supervisors in the county of Tulare.

Also, an Act for the relief of the Treasurer of Klamath county.

Also, an Act concerning the per diem of officers of the Senate and Assembly.

And also, an Act to repeal an Act entitled an Act to provide for the Inspection of Flour, passed May 3, 1852, and to repeal an Act amendatory of an Act entitled an Act to provide for the Inspection of Flour, passed May 18, 1853.

Mr. Hubert offered the following resolution :

Resolved, That the Sergeant-at-Arms be authorized to furnish one dozen chairs, a table, and other necessary articles for the use of the Judiciary Committee.

Not agreed to.

Mr. Herbert offered the following :

Resolved, That the Committee of Ways and Means be and are hereby authorized to employ a Clerk.

Mr. Griffith offered the following as a substitute :

Resolved, That the Committee on Ways and Means be, and they hereby are authorized to call upon the Enrolling Clerk for any and all clerical aid they may need in the discharge of their duties.

Not agreed to.

Mr. Bradford offered the following as a substitute to the resolution offered by Mr. Herbert:

Resolved, That the enrolling, engrossing and other clerks employed, (when not otherwise engaged) do any writing that the chairmen of the different committees may require, and that the Chairman of the Committees on the Judiciary and Ways and Means have precedence of others.

Upon which the yeas and nays were demanded.

Those who voted for the substitute, were :

Messrs. Ashley, Bagley, Ballou, Bennett, Bradford, Briggs, Burton, Carr, Carrillo, Clingan, Conness, Cornwall, Davidson, Dawley, Fairfield, Godard, Gordon, Griffith, Hastings, Hollister, Hubbard, Hubert, Hunt, Hunter, Jones, Kellogg, Koll, Letcher, Lindsey, Mandeville, Musser, McBrayer, McDonald, Noel, F. A. Park, Pratt, Spencer, Springer, Stemmons, Stevenson, Sweasey, Tallmadge, Tivy, Warmcastle, Watkins, and Whitman—40.

Those who voted against the substitute, were :

Messrs. Anderson, Aylett, Bowie, Dannels, Ewer, French, Green, Hagans, Henry, Herbert, Horr, Houghtaling, Irwin, James, McDuffie, McGee, McKinney, Myres, Nichols, O'Neil, J. W. Park, Purdy, Ring, Stowe, Sweetland, and Whitman—26.

So the substitute was adopted.

Mr. Bradford moved to reconsider the vote which refused to adopt a resolution offered by Mr. Hubert in reference to furniture for Judiciary Committee.

Vote reconsidered and resolution adopted.

Mr. Bennett gave notice that he would, at some future day introduce a bill to appropriate the poll tax of this State, collected for State purposes, to the building of bridges and the improvement of roads.

Mr. Hastings offered the following, which was adopted.

Resolved, That the Sergeant-at-Arms be instructed to return seven hundred and fifty copies of the Governor's Inaugural Address, to the Senate, out of the one thousand copies ordered printed by the Assembly, and that the remaining two hundred and fifty be retained for the use of the House.

On motion of Mr. Sweasey, the bill referred to the Judiciary Committee for donating certain lands by the State of California to the United States, was withdrawn from the Judiciary and referred to the Committee on Public Lands.

Assembly bill No. 26, an Act to reduce the salaries of State officers and the pay of Members of the Legislature.

Read second time and referred to Committee on Public Expenditures, and 240 copies ordered to be printed.

Assembly bill No. 24, an Act requiring the Comptroller to audit certain bills of the members of the present Legislature.

Read second time and referred to Committee on Public Expenditures.

Assembly Joint Resolutions, relative to the establishment of a State Agricultural Institute.

Read second time and referred to Committee on Agriculture.

The following message was received from the Governor :

I have the honor herewith to transmit a copy of the report of G. W. Ryckman, Flour Inspector of the port of San Francisco.

JOHN BIGLER

Report, on motion, laid upon the table.

The following message was received from the Governor :

I have the honor herewith to transmit a copy of a communication from the Board of California Land Commissioners, in relation to the present actual value of certain property in San Francisco, known as the Custom House Block.

The Commissioners, it will be seen, estimate the value of the property on which the General Government desire to erect a Custom House, in the city of San Francisco, at five hundred thousand dollars.

It is proper here to state that the estimate is deemed by many well informed citizens, as very reasonable, and that the property at any time would command a greater amount in cash at public sale.

Five hundred thousand dollars is certainly a large amount to be at this time diverted from the means relied upon to liquidate the debt of the State, and relieve our people from burthensome taxation, and I therefore hope that the State's interest in this valuable property will not be released by her agents until it can be done without prejudice to the credit of California and the welfare of her people.

In view also of the fact that this property, by solemn acts of legislation stands pledged for existing State indebtedness, it is at least questionable whether, in justice to creditors of the State, it can be donated to the General Government until the debt, for which it has been pledged, shall have been paid.

A large amount of the existing debt, as is well known, was incurred by the State in defending her people, in the years 1850 and 1851, against hostile Indians, the annual interest upon which now amounts to the sum of \$67,495 69.

This debt, principal and interest, it is maintained, should in justice to California, be assumed in some form during the present session of Congress.

The assumption of the war debt and the restoration of the "civil fund," would, it is believed, place the finances of the State in a condition to justify the donation of this property to the General Government, and still preserve inviolate the pledged faith of the State.

But should Congress fail or refuse to sanction the just claims of the State, the agents of California, although anxious in this matter to favor the General Government and facilitate the erection of public buildings, will be compelled to carefully husband and judiciously apply all her resources until her entire indebtedness shall have been paid.

It is true that other States of the Confederacy have unconditionally released to the General Government their title to property for similar purposes, but there is no evidence that the property so released, as in this case, was of greater value, or that circumstances existed imperatively requiring the State to guard carefully all the sources of revenue, and to apply the proceeds in payment of liabilities previously incurred.

The history and condition of California are indeed peculiar. Her exigencies have hitherto been without parallel, and in legislating for her wants, it is therefore clear that we cannot be guided in all cases by precedents established in the common course of events in the other States of the Confederacy.

It is deemed proper in this connection to state that the correspondence from the Secretary of the Treasury, in regard to the property in question, addressed to the Executive, as stated in a communication presented to the Senate on the 13th inst., has never been received by me.

JOHN BIGLER.

The following is the communication referred to by the Governor :

SAN FRANCISCO, January 7, 1854.

His Excellency JOHN BIGLER :

SIR :

In reply to your letter of the 5th inst., in which you ask the Commissioners for the sale of State property in this city, to forward you an estimate of the value of that portion of the Government Reserve known as the "Custom House Block," we would say that we have had the same under consideration, and unanimously coincide in the opinion that it is worth *five hundred thousand dollars*.

Respectfully Yours,

LEVI HERMANCE,
J. S. LOVE,
GEORGE O'DOHERTY,
JOSEPH HOPKINS,
L. PICKERING.

WM. P. DANGERFIELD,

Secretary California Land Commissioners.

Mr. Carrillo gave notice that he would at an early day introduce a bill to reduce the salary of the Judge of the Second District, and to increase the salary of the County Judge of the county of Santa Barbara.

Mr. Hagens introduced a bill for an Act allowing pay to the Inspectors, Judges, and Clerks of elections.

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

Mr. Horr introduced a bill for an Act, entitled an Act to create the county of Merced.

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

Mr. Warmcastle introduced a bill for an Act concerning County Judges.

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

Mr. O'Neil introduced a bill for an Act to suppress gambling.

Read first time and 240 copies ordered printed.

Mr. Ewer introduced a bill for 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 29, 1851.

Read first time, and 240 copies ordered to be printed.

Mr. Spencer introduced a bill for an Act to define the duties of County Clerks, passed April 18, 1850.

Read first time and 240 copies ordered to be printed.

Mr. Tivy introduced a bill for an Act to fix the compensation of the County Judge of Tulare county.

Read first time and two hundred and forty copies ordered to be printed.

Mr. Bradford introduced a bill for an Act to protect the rights of persons, not parties, to executions and other process.

Read first time and two hundred and forty copies ordered to be printed.

Mr. Godard introduced a bill for an Act to create a Board of Supervisors in and for the several counties of this State, and to define their duties and powers.

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

Mr. Bradford gave notice that on to-morrow he would move to amend so much of the standing rule of this House, as requires all bills to be read the first time by sections, for information.

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

HOUSE OF ASSEMBLY

WEDNESDAY, January 18, 1854

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present, the Speaker announced the House ready to proceed to business.

The Journal of Tuesday read and approved.

Mr. Hubbard presented a petition from sundry citizens of San Francisco praying a law granting them the right to erect a mill upon Mission Creek.

Read and referred to Committee on Corporations.

Mr. Davidson from the Committee on Accounts made the following report.

The undersigned, a majority of the Committee on Accounts and Expenditures, to whom was referred Assembly bill No. 24, entitled an Act requiring the Comptroller to audit certain bills of the members of the present Legislature, have had the same under consideration, and report the bill back to the House without amendment and recommend its passage.

The bill was considered in Committee of the Whole, reported back to the House without amendment, considered as engrossed, read a third time and passed.

Mr. Conness offered the following which was adopted.

Resolved, That so much of the Governor's Annual Message as relates to the Civil Debt, be referred to the Committee on Ways and Means; and that portion relating to an Extension of the Water Front of San Francisco, be referred to the Committee on Commerce and Navigation.

And that so much as relates to the Public Lands, be referred to the Committee on Public Lands;

And that so much as relates to Amendments to the Constitution and Fees in Office, be referred to the Judiciary Committee,

And that so much as has reference to a reduction of the Public Expenditures, be referred to the Committee on Expenditures and Accounts:

And that portion relative to Common Schools to the Committee on Education ;
 And so much as relates to Public Printing, to the Committee on Printing ;
 And that part relating to Hospitals, to the Committee on State Hospitals.

Mr. McKinney gave notice that he would, at some future day, introduce a bill in relation to evidence.

Said bill will be introduced as soon as he can procure the Statutes of California in order that he may know what is or is not repealing in said Statutes.

Mr. Hagans gave notice that at some future day, he would introduce a bill for an Act to allow pay to reviewers of Public Roads and Highways, and also Supervisors of Road Districts.

Mr. Van Cleft gave notice that he would on to-morrow, introduce a bill to suppress Public Gambling.

Mr. Jones offered the following, which on motion, was laid upon the table.

Resolved, That the Speaker be authorized to appoint upon any Committee of this House any member in the place of any one who fails to attend to the duties as member of any Committee for two consecutive days on which said Committee may appoint to meet, unless said person first gets leave of absence from said Committee.

Mr. Sweasey gave notice that he would, at an early day, introduce a bill for the protection of Settlers on Lands claimed by inchoate Spanish or Mexican grants.

Mr. Aylett gave notice that he would, at an early day, introduce a bill to amend Section First of Article Second of an Act to provide Revenue for the support of the Government of this State.

Mr. Tivy gave notice that he would, at an early day, introduce a bill for an Act to provide for holding Terms of the District Court in the county of Tulare.

Mr. J. W. Park gave notice, that at some future day, he would introduce a bill to better regulate an Act concerning the Salaries of State Officers, and the per diem of Members of the Legislature.

Mr. Ewer gave notice that he would, at an early day, introduce a bill to prevent the use of intoxicating drinks in the public prisons of this State, unless prescribed by a physician.

Mr. Letcher gave notice that he would, at an early day, introduce a bill for the relief of Walter Van Dyke.

Mr. Green introduced a Joint Resolution in relation to Lower California, and the parties of Americans who are engaged in conquering that country.

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

Mr. Warmcastle gave notice that at an early day he would introduce a bill to regulate fees of office.

Assembly bill No. 35, " An Act to create a Board of Supervisors in and for the several counties of this State, and to define their duties and powers,"

Read second time, and referred to Judiciary Committee.

Assembly bill No. 30, an Act concerning County Judges,

Read second time, and referred to the Judiciary Committee.

Assembly bill No. 36, an Act entitled " An Act to create the county of Merced."

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

Assembly Joint Resolution No. 28, relative to the Board of Land Commissioners in the State of California,

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

Assembly bill No. 27, an Act allowing pay to the Inspectors, Judges and Clerks of Elections,

Read second time, and referred to Committee on Elections.

On motion of Mr. Conness, the certificates of the members of the present Legislature were referred to the Committee on Elections.

On motion of Mr. Bradford, the bill to fix the pay of the Governor's Private Secretary, was taken from the table.

Mr. Gordon withdrew the motion to indefinitely postpone the above bill,

The House resolved itself into Committee of the Whole, Mr. Irwin in the chair, to consider the bill to fix the pay of the Governor's Private Secretary.

The committee, on motion, rose, reported the bill back without amendment, and were discharged from the further consideration of the same.

On motion, the bill was referred to the Committee on Public Expenditures.

Mr. Stemmons offered the following :

Resolved, That this House will proceed on Tuesday next to elect a Chaplain.

Which, on motion, was laid on the table.

Mr. Godard moved to adjourn.

Not agreed to.

Mr. Stevenson introduced a bill for " An Act amendatory of an Act to regulate fees in office, passed May 1, 1851."

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

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

HOUSE OF ASSEMBLY.

THURSDAY, January 19, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present, the Speaker announced the House ready to proceed to business.

The Journal of Wednesday read and approved.

Mr. Conness presented a number of affidavits from citizens in El Dorado county, in the case of the pardon of Timothy Donovan, which, on motion, was referred to Judiciary Committee.

Mr. Stemmons made the following report :

The committee to whom was referred the resolution relative to the establishment of a State Agricultural Institute, have had the same under consideration, report it back to the House without amendment, and recommend its passage.

The resolution was read, considered, engrossed, read a third time and passed.

Mr. Bradford made the following report :

The Committee on Public Lands have had under consideration Assembly joint resolutions relative to the Board of U. S. Land Commission, in the State of California, and have instructed me to report the same back without amendment and recommend their passage.

The resolutions were then read, and a motion was made by Mr. Hubert to indefinitely postpone the same,

Upon which Mr. Conness and others demanded the yeas and nays

Those who voted to postpone indefinitely were—

Messrs. Ashley, Aylett, Bennett, Briggs, Carr, Carrillo, Clingan, Dawley, Ewer, . Fairfield, French, Godard, Green, Henry, Herbert, Hoff, Hollister, Hubert, Hunt, Hunter, Irwin, Jones, Kellogg, Letcher, McBrayer, McDuffie, McGee, McKinney, Nichols, Noel, Ring, Rowan, Spencer, Stevenson, Stowe, Sweetland, Warmcastle and Watkins—38.

Those who voted against postponement were :

Messrs. Anderson, Ballou, Bostwick, Bowie, Bradford, Burton, Conness, Cornwall, Dannels, Davidson, Gordon, Griffith, Hagans, Hastings, Horr, Houghtaling, Hubbard, James, Koll, Lindsey, Mandeville, Musser, Myres, McDonald, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Springer, Stemmons, Sweasey, Tallmadge, Tivy, Van Cleft and Whitman—36.

So the resolution was indefinitely postponed.

Mr. Conness gave notice that he would move on to-morrow to reconsider the vote which indefinitely postponed the above Joint Resolution.

Mr. Myres made the following report :

MR. SPEAKER :

The Judiciary Committee report that they have had under consideration Senate bill for an Act to amend an Act entitled an Act concerning Jurors, approved May 3, 1852.

An Act to repeal an Act to provide for the better publication of Official and Legal Notices, approved May 3, 1853; and Recommend their passage without amendment.

They also recommend that the bill for an Act to provide for the restoration of certain books, records, maps and papers to Humboldt county now held by Trinity county, be referred to the delegation from those counties.

And they also recommend the passage of an Act to amend an Act concerning

Sheriffs, passed April 29, 1851, with the following amendments, to wit: add after the word "sheriff" in the last line of the bill, the words "not excepted by law."

Your committee have also under consideration a bill for an Act to repeal an Act entitled an Act to amend the fourteenth section of an Act entitled an Act concerning the office of County Treasurer, passed March 27, 1850, approved May 11-1853;

And an Act to legalize certain official acts of the County Judge of Klamath county, and recommend the passage of the following substitutes respectively for said bills.

The substitute of Assembly bill No. 12, on Act to repeal an Act to amend the fourteenth section of an Act entitled an Act concerning the office of County Treasurer, passed March 27, 1850, approved May 17, 1853, and to renew said fourteenth section.

On its third reading, a motion, 240 copies were ordered to be printed.

Assembly bill No. 1, an Act to legalize certain official acts of the County Judge of Klamath county, to which the committee reported a substitute.

The bill and substitute, upon motion, were laid upon the table.

Assembly bill No. 7, an Act to provide for the restoration of certain books, records, maps, and papers to Humboldt county now held by Trinity county.

In accordance to recommendation of Judiciary Committee, was referred to the delegation from Trinity and Humboldt Counties.

Assembly bill No. 13, an Act to amend an Act concerning Sheriffs, passed April 29, 1851, amended by the Judiciary Committee.

Amendment concurred in by the House, the bill considered as engrossed, read a third time and passed.

Mr. McBrayer gave notice that he would move on to-morrow a reconsideration of the vote which indefinitely postponed the Joint Resolution in relation to the Land Commission in California.

Senate bill No. 2, an Act to amend an Act entitled an Act concerning Jurors, approved May 3, 1852.

Read a third time and passed.

Assembly bill, an Act to repeal an Act to provide for the better publication of Official and Legal Notices, approved May 3, 1853.

Amended, considered as engrossed, read a third time and passed.

Mr. O'Neil made the following report:

The Committee on Engrossment have examined and find correctly engrossed, an Act requiring the Comptroller to audit certain bills of the members of the present Legislature.

Mr. Green, from the Joint Committee appointed to examine into the fulfillment of the contract entered into by an Act of the Legislature relative to the compilation and codification of the Laws of the State, reported—

The Act which authorizes the work provides in its fifth section that the whole number of volumes mentioned in the sixth section shall be delivered to the Secretary of State within six months from the adjournment of the last Legislature.

The Committee reported that only twenty-five copies had been delivered to the Secretary of State up to this time, hence the contract has not been complied with. They examined and found a want of classification. Time had not been allowed them to examine the work sufficiently to report upon its true merits, and they ask to be discharged from the further consideration of the subject.

On motion, the report was laid upon the table.

A communication was received from the Secretary of State, informing the House that six hundred copies of the laws authorized by the last Legislature to be codified had been tendered him by Mr. F. A. Snyder.

Communication read, and on motion laid upon the table.

Mr. Stowe offered a concurrent resolution appointing a select committee of three from each House to examine and report upon the contract in reference to the codifying of the laws of this State.

Which was adopted.

And Messrs. Stowe, Ashley and Tallmadge were appointed said committee, with instructions to report on to-morrow.

On motion, two days leave of absence was granted to Mr. French, four days to Mr. Whipple, and one day to the Sergeant-at-Arms.

The following Message was received from the Senate :

I am instructed to inform the Assembly that on Tuesday the Senate concurred in Assembly resolution directing the Attorney-General to prepare and present to the Legislature an opinion as to the legality of the present practice of locating School Land Warrants, and also present the accompanying resolution, in which the concurrence of the Assembly is respectfully asked.

JOHN Y. LIND,
Secretary.

KENDALL AND MAHONY,
Committee Senate.

Senate concurrent resolution, on motion of Mr. Watkins, was amended by adding one more member to the Committee from the Assembly, and concurred in.

Messrs. Spencer, Irwin and Horr, were appointed on the part of the House.

Mr. Whitman gave notice that he would, at an early day, introduce a bill to better define the rights of parties litigant, claimants and possessors of real estate, to be entitled—A Betterment Act.

Also, an Act to amend an act entitled an Act to provide a lien for Mechanics.

On motion, Messrs. Bradford and Carr were added to Committee on Indian Affairs.

Mr. Sweetland gave notice that he would at an early day introduce a bill supplementary to an Act entitled an Act defining the time of commencing civil actions in certain cases.

Mr. Spencer gave notice that at an early day he would introduce a bill authorizing A. H. Murdock and others to build a wharf at Uniontown, Humboldt county.

Mr. Koll gave notice that he would at an early day introduce a bill for an Act amendatory of an Act to provide for the protection of foreigners, and to define their liabilities and privileges.

Mr. Hastings gave notice that he would at an early day introduce a bill for the location of a State road from Benicia to Marysville.

Mr. Stevenson gave notice that he would at an early day introduce a bill for an Act to prohibit Indians from carrying fire arms or munitions of war in El Dorado county.

Mr. Horr gave notice that at an early day he would introduce a bill to be entitled an Act concerning stray animals.

Mr. Bradford offered the following :

Resolved, That the Committee on the Judiciary and the Committee of Ways and Means, be each allowed a Clerk, provided that said Clerk, when not otherwise em-

ployed, shall do any writing that the Chairmen of the different Committees of this House may require, and that no other Clerks shall be allowed the standing committees at this session.

Upon the passage of which, Mr. Conness and other members demanded the yeas and nays.

Those who voted for the passage of the resolution, were

Messrs. Ashley, Aylett, Bagley, Bennett, Bowie, Bradford, Briggs, Carr, Carrillo, Clingan, Cornwall, Davidson, Dawley, Ewer, Fairfield, French, Godard, Gordon, Greene, Henry, Herbert, Hoff, Horr, Houghtaling, Hoyt, Hubbard, Hubert, Hunt, Irwin, Koll, Musser, Myres, McDuffie, Nichols, Noel, J. W. Park, Pratt, Purdy, Rowan, Spencer, Stemmons, Stowe, Sweetland, Tallmadge, Tivy, Warmcastle, Whitman—47.

Those who opposed the resolution, were

Messrs. Anderson, Ballou, Bostwick, Burton, Conness, Dannels, Griffith, Hagans, Hastings, Hollister Hunter, James, Jones, Kellogg, Letcher, Lindsey, Mandeville, McBrayer, McDonald, McGee, McKinney, F. A. Park, Ring, Springer, Stevenson, Sweasey, Van Cleft, Watkins—28.

It requiring, by the rules of the House, a two-thirds' vote to appoint Committee Clerks, the resolution was lost.

Mr. Herbert moved a reconsideration of the vote just taken.

The vote was reconsidered, and on motion the resolution laid upon the table.

Mr. Springer introduced a joint resolution in relation to removing to Sacramento.

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

On motion, Mr. Irwin was added to the Hospital Committee.

Mr. Herbert gave notice that he would on to-morrow move to amend the rule of the House in relation to the appointment of Committee Clerks.

Assembly bill No. 37, an Act amendatory of an Act to regulate fees in office, passed May 1, 1851.

Read second time and referred to Judiciary Committee.

Mr. Aylett asked to be excused from serving on the Joint Committee to examine the State and Insane Hospitals.

He was excused, and,

On motion, Mr. Irwin was appointed in his place.

Assembly Joint Resolution No. 38, in relation to the recent occupation of Lower California by American citizens,

On its second reading, on motion, was laid upon the table.

Mr. Myres introduced the following bills:

An Act to amend an Act concerning crimes and punishment, passed April 16, 1851.

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

An Act to repeal sections one and two of an Act to amend an Act entitled an Act concerning crimes and punishments, passed April 22, 1851.

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

Mr. Ewer introduced a bill for an Act in relation to State Prisons.

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

Mr. Letcher introduced a bill for an Act for the relief of Walter Van Dyke.

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

Mr. Aylett introduced a bill for an Act to amend an Act to provide revenue for the support of the Government of this State.

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

Mr. Dawley introduced a bill for an Act to repeal an Act entitled an Act to provide for the measurement of lumber, approved April 30, 1853.

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

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

HOUSE OF ASSEMBLY.

FRIDAY, Jan, 20, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present, the Speaker announced the House ready to proceed to business.

On motion leave of absence was granted to Mr. O'Neil until Monday.

Mr. Ewer made the following report :

The Journal of Thursday read, amended and approved.

The Committee on Elections to whom was referred the certificates of election, have had the same under consideration, and also an Act allowing pay to Judges, Inspectors of Elections, and ask leave to make the following report :

Your committee report adversely to the passage of the bill establishing the pay of Judges, Inspectors and Clerks of Elections, and would recommend that the subject be left in the hands of the Court of Sessions or the Board of Supervisors, where it now is.

Your committee have examined the certificates of election, and find that the following gentlemen have regularly authenticated credentials, and in the opinion of your committee, are entitled to seats in this House as Members of Assembly :

John Musser,
M. W. Gordon,
P. H. French,
F. M. Warmcastle,

John W. Park,
T. R. Davidson,
S. G. Whipple,
Freeman S. McKenney.

Thomas A. Gilbert,
 James Y. McDuffie,
 Richard Irwin,
 Joseph S. Watkins,
 E. A. Stephenson,
 John Stemmons,
 John A. Ring,
 Pedro C. Carrillo,
 B. L. Fairfield,
 Wm. L. Letcher,
 James T. Hoyt,
 H. B. Godard,
 M. Spencer,
 Wm. W. Stowe,
 Francis Anderson,
 J. C. Hubbard,
 C. E. Carr,
 Edward F. Burton,
 John M. McBrayer,
 N. Hubert,
 Martin Rowan,
 B. F. Myres,
 E. O. F. Hastings,
 John C. Henry,
 J. W. Mandeville,
 J. A. Tivy,
 H. P. Sweetland,
 B. D. Horr,
 John J. Hoff,
 Charles W. Dannels,
 Edward Hunter,
 James N. Bennett,
 F. A. Park,

John H. Bostwick
 A. C. Bradford,
 W. C. Pratt,
 Wm. H. Lindsey,
 A. A. Green,
 A. J. Houghtaling,
 J. N. Dawley,
 Charles S. Fairfax,
 Humphrey Griffith,
 F. W. Koll,
 J. C. James,
 W. B. Hagans,
 Henry B. Kellogg,
 Charles L. Noel,
 David Clingan,
 John B. McGee,
 S. A. Ballou,
 E. C. Springer,
 Geo. N. Cornwall,
 James O'Neil,
 G. H. Van Cleft,
 D. R. Ashley,
 B. C. Whitman,
 George McDonald,
 John Conness,
 Seneca Ewer,
 Jefferson Hunt,
 H. Hollister,
 Geo. W. Bowie,
 A. Briggs,
 E. B. Purdy,
 Wm. J. Sweasey,

SENECA EWER,
 JAMES Y. McDUFFIE,
 WM C. PRATT,
 PEDRO C. CARRILLO,
 ELIJAH NICHOLS.

Assembly bill No. 37 taken up for consideration, and
 Lost by a vote of the House.

Mr. Irwin made the following report :

The Committee on Federal Relations, to whom was referred Assembly joint resolutions No. 8, in reference to postal arrangements in this State, have had the same under consideration, and report the same back without amendment, and recommend their adoption.

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

Mr. Musser made the following report :

Your committee to whom was referred the bill entitled "An Act to provide for the restoration of certain books, records, papers, and maps, to Humboldt county, now held by Trinity county" respectfully report,

That they have had the same under consideration, and have amended the same by two additional sections, and recommend its passage.

The amendment of the committee concurred in, and the bill ordered to be engrossed for a third reading.

The following message was received from the Senate :

I am instructed to inform the Assembly, that on yesterday the Senate passed Assembly bill for "An Act to abolish the Board of Supervisors in the county of Tulare," which is herewith transmitted.

JOHN Y. LIND,
Secretary.

Mr. McBrayer, according to previous notice, moved to reconsider the vote of yesterday, which indefinitely postponed joint resolution in relation to the United States Land Commissioners in California.

Vote reconsidered.

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

Agreed to.

Mr. Bradford moved to print 240 copies of the resolution.

Not agreed to.

Mr. Mandeville moved to take the resolution from the table.

Agreed to.

On motion the resolution was referred to a select committee of seven.

Messrs. Bradford Watkins, Hoyt, F. A. Park, Warmcastle, Hunt, and Sweasey were appointed.

On motion of Mr. Herbert, the resolution in relation to the appointment of committee clerks was taken from the table.

Mr. McBrayer offered the following as a substitute, which was adopted :

Resolved, That the Chief Clerk of the Assembly be authorized to appoint a sufficient number of clerks to perform all the clerical business of the House during its session.

Assembly bill No. 42, for "An Act for the Relief of Walter Van Dyke,"

Read second time, and referred to Committee on Claims.

Assembly bill No. 43, "An Act to amend an Act entitled An Act to provide Revenue for the support of the Government of this State,"

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

Assembly bill No. 41, "An Act in relation to State Prisons,"

Read second time, and referred to Committee on State Prisons.

Assembly bill, "An Act concerning Crimes and Punishments, passed April 16, 1850,"

Read second time, and referred to Judiciary Committee.

Assembly bill No. 44, "An Act to repeal an Act entitled An Act to provide for the Measurement of Lumber, approved April 30, 1853,"

Read second time, and referred to Committee on Commerce.

Assembly bill for "An Act to repeal sections one and two of an Act to amend an Act entitled An Act concerning Crimes and Punishments, passed April 22, 1851,"

Read a second time, and referred to Judiciary Committee.

Mr. Bradford introduced a joint resolution in relation to the removal of the wreck of the ship Aberdeen.

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

Assembly joint resolution in relation to removal to Sacramento,

Read a second time.

Mr. Bowie moved to indefinitely postpone the resolution.

Mr. Bradford moved to lay the motion to indefinitely postpone upon the table.

Agreed to.

Mr. James moved that the House take a recess until 4 o'clock.

Not agreed to.

The following message was received from the Senate :

I am instructed to inform the Assembly, that the Senate have this day passed Assembly bill for "an Act in relation to the Insane Fund,"

Also, an Act of the Assembly concerning the per diem of officers of the Senate and Assembly, with accompanying amendments, in which their concurrence is respectfully asked.

The Senate has also passed "an Act to repeal an Act entitled an Act to provide for the Inspection of Flour, passed May 3, 1852; and to repeal an Act amendatory of an Act entitled an Act to provide for the Inspection of Flour, passed May 18th, 1853.

JOHN Y. LIND,
Secretary.

On motion of Mr. Bostwick, the House refused to concur in the Senate amendments to Assembly bill fixing the pay of the officers of the Senate and Assembly.

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

HOUSE OF ASSEMBLY.

SATURDAY, January 21, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present,

The Speaker announced the House ready to proceed to business.

The Journal of Friday was read and approved.

Mr. Sweasey presented a petition from sundry citizens of the city of San Francisco, asking the Legislature to increase the jurisdiction of Justices of the Peace in the city and county of San Francisco.

Read, and on motion, referred to the Judiciary Committee.

Mr. Myres, Chairman, made the following report :

The undersigned, a majority of the Judiciary Committee, beg leave to report that they have had under consideration a bill entitled an Act authorizing the Governor to pardon Timothy Donovan, and respectfully recommend its passage.

GORDON,
JONES,
ASHLEY,
HUBERT,
HOYT,

Assembly bill No 18, on its third reading.

Messrs. McBrayer, Irwin and Whitman, demanded the yeas and nays.

Those who voted for the passage of the bill, were

Messrs. Anderson, Bagley, Ballou, Bennett, Briggs, Carrillo, Clingan, Conness, Davidson, Ewer, Godard, Gordon, Green, Griffith, Hastings, Herbert, Hollister, Horr, Hoyt, Hubbard, Hubert, Hunt, James, Jones, Kellogg, Koll, Letcher, Mandeville, Musser, McDonald, McGee, Nichols, F. A. Park, J. W. Park, Pratt, Ring, Rowan, Spencer, Springer, Stenmons, Stevenson, Sweasey and Tallmadge—43.

Those who were opposed to the passage of the bill, were

Messrs. Bostwick, Bowie, Bradford, Carr, Cornwall, Dannels, Dawley, Fairfield, Hagans, Henry, Hoff, Houghtaling, Hunter, Irwin, Myres, McBrayer, McDuffie, McKinney, Noel, Purdy, Stowe, Sweetland, Tivy, Van Cleft, Warmcastle, Watkins and Whitman—27.

So the bill was passed.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate have refused to recede from their amendments to Assembly bill No. 11, for an Act concerning the *per diem* of officers of the Senate and Assembly, and have appointed a Committee of Conference, and ask that the Assembly appoint a similar Committee to confer upon the disagreement of the two Houses.

JOHN Y. LIND,
Secretary.

On motion of Mr Letcher, the House agreed to appoint a Committee of free conference upon the bill to fix the *per diem* pay of the Officers of the Senate and Assembly, and appointed Messrs. Letcher, Bostwick, and Herbert, said Committee.

Mr. Anderson, made the following report :

The Committee on Engrossment have examined and found correctly engrossed, an Act in relation to the supplies of fuel and other contingent expenses of the Legislature.

An Act to repeal an Act to provide for the better publication of official and legal notices, approved May 3, 1853.

An Act to amend an Act concerning Sheriffs, passed April 29, 1851.

Also, Joint Resolution relative to the establishment of a State Agricultural Institute.

Mr. Herbert, Chairman, made the following report :

The Committee of Ways and Means to whom was referred the Special Message of the Governor, with the correspondence of the State Treasurer and Attorney General in reference to the action of the late Treasurer, Hon. Richard Roman, for receiving "State Prison Bonds" in payment of property sold on the 28th day of December last, in San Francisco, by the State Land Commissioners," having had the same under consideration, and having given the said Message of the Governor, together with the correspondence of the State Treasurer and Attorney General, due attention, beg leave to submit the following report.

The first point at issue seems to be whether or not the State Prison Bonds are a part of the Public Debt. Governor Bigler argues that they are not, because they were issued subsequent to a series of Acts for Funding the State indebtedness, clearly defining, as he says, the character and extent of the Civil Debt. But your committee have failed to see the distinction between the State Prison Bonds issued under the Act of May 11, 1853, and the bonds of the Funded debt of the State. The provisions of the various Acts under which both are issued are precisely of the same character containing the same pledges and guaranties, and alike prescribing the manner of paying the interest, and the time of their ultimate redemption.

The issues raised by the present State Treasurer, are,

First : That the reception of these Bonds in the manner complained of, was an act of bad faith towards the bond holders of 1851.

Second : That the proceeds of the sale should have gone into the General Fund.

The first objection is met by the answer of the Attorney General to which we respectfully refer you, and in answer to the second, your committee are of opinion that the contribution to either the Sinking or General Fund from this source, would not have added very materially to their respective amounts, for if the State Prison Bonds had been refused, other Civil Bonds would have been used in payment of the property sold.

Your committee have therefore come to the conclusion, that the State Prison Bonds, having the same form and validity as the Bonds of the Funded Debt, stand precisely upon the same footing, and so long as the clause contained in the seventh section of the Act of May 18, 1853, providing for the sale of the State property remains in force, neither can, nor ought they to be refused in payment for property sold under this Act.

P. T. HERBERT, Chairman.

Mr Bostwick made the following report :

The Committee on Accounts and Expenditures, to whom was referred Assembly bill No. 19, for an Act to provide for the salary of the Governor's Private Secretary, and to make the same payable out of the General Fund,

Report that they have prepared a substitute, which they herewith submit in lieu of the original bill, and recommend its passage.

They have also considered with much care, Assembly bill No. 26, for an Act to reduce the salaries of State officers, and the pay of members of the Legislature ; that in view of the fact that the newly elected State officers have recently been installed into office, whose terms of office will not expire until after the close of the session ; that the various District and Supreme Judges of the State hold their positions for a series of years, and cannot be effected by any Act of the present Legislature ; that the pay of members of the Legislature is the only matter left for our

consideration, that comes immediately within the action of the present Legislature.

And your committee are of opinion that the *per diem* of members is only in accordance with the rates of living at the capital. Therefore your committee recommend that the bill *do not pass*.

All of which is respectfully submitted.

JNO. HENRY BOSTWICK, Chairman.

Substitute for Assembly bill No. 19, reported by the committee was taken up for consideration.

On motion of Mr. Bradford, the House resolved itself into Committee of the Whole, Mr. Bradford in the chair, to consider the substitute offered by the committee, fixing the pay of the clerks in the State Departments.

On motion, the committee rose, reported the bill back without amendment, and asked to be discharged from the further consideration of the same.

The committee was discharged.

Mr. Tallmadge moved to lay the bill on the table.

Not agreed to.

On motion, the bill was considered, engrossed, and read a third time.

Mr. Gordon moved to lay the bill on the table.

Not agreed to.

The bill then came up on its final passage, and Messrs. Stowe, Whitman and Gordon demanded the yeas and nays.

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

Messrs. Anderson, Bagley, Ballou, Bostwick, Bradford, Conness, Dannels, Davidson, Dawley, Fairfield, Godard, Greene, Griffith, Hoff, Hollister, Hoyt, Hubbard, Hubert, Hunt, Koll, Mandeville, Musser, McBrayer, McDuffie, Nichols, F. A. Park, J. W. Park, Purdy, Ring, Spencer, Springer, Stemmons, Sweetland, Tallmadge, Tivy, Van Cleft and Watkins—37.

Those in the negative, were—

Messrs. Ashley, Bennett, Bowie, Briggs, Burton, Carr, Carrillo, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Horr, Houghtaling, Hunter, Irwin, James, Jones, Kellogg, Lindsey, Myres, McDonald, McGee, McKinney, Noel, Pratt, Rowan, Stevenson, Stowe, Sweasey and Whitman—33.

So the bill passed.

Assembly bill, No. 26, reported back from the Committee on Accounts and Expenditures, on its third reading.

On motion was laid, together with the report, upon the table.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate have concurred with the Assembly amendment to Senate Resolution increasing the members of the committee appointed to visit the State Marine Hospital and the Insane Asylum, and have appointed on their part Mr. Hudspeth.

That the Senate this day passed a bill for an Act to provide a Contingent Fund for the Senate and Assembly, which is herewith transmitted.

The bill was not read.

JOHN Y. LIND, Secretary.

Mr. Anderson made the following report :

The Committee on Engrossed Bills have examined and find correctly engrossed, "An Act authorizing the Governor to Pardon Timothy Donovan."

Mr. Bradford offered a concurrent resolution authorizing the Secretary of State to receive the Codified Laws prepared by F. A. Snyder.

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

Not agreed to.

Mr. Herbert moved the indefinite postponement of the resolution.

Mr. Ashley demanded the previous question.

The motion was sustained.

The question was then taken to indefinitely postpone,

Upon which Messrs. Herbert, Whitman and others demanded the yeas and nays.

Those who voted to postpone were—

Messrs. Bowie, Dawley, Gordon, Henry, Herbert, Horr, Hoyt, Hubert, Irwin, Mandeville, McDuffie, McGee, McKinney, Noel, J. W. Park, Rowan, Stowe, Tivy, Van Cleft, and Whitman—20.

Those who voted against postponement were :

Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Bostwick, Bradford, Briggs, Burton, Carr, Carrillo, Clingan, Cornwall, Dannels, Davidson, Ewer, Fairfield, Godard, Green, Griffith, Hagans, Hastings, Hoff, Hollister, Houghtaling, Hubbard, Hunt, Hunter, James, Jones, Kellogg, Koll, Letcher, Lindsey, Musser, Myres, McBrayer, McDonald, Nichols, F. A. Park, Pratt, Purdy, Ring, Spencer, Springer, Stemmons, Stevenson, Sweasey, Sweetland, Tallmadge and Watkins—51.

So the House refused to indefinitely postpone.

Mr. Herbert objected to the yeas and nays being spread upon the Journal, on account of informality in the vote, but no action was taken thereon.

The resolution then came up upon its final passage, upon which Mr. Herbert and other members demanded the yeas and nays.

Those who voted for the resolution were—

Messrs. Anderson, Ashley, Bagley, Ballou, Bradford, Briggs, Carr, Carrillo, Clingan, Cornwall, Dannels, Davidson, Ewer, Fairfield, Godard, Green, Griffith, Hastings, Hoff, Hollister, Hubbard, Hunt, Hunter, James, Koll, Letcher, Musser, McDonald, McGee, Nichols, F. A. Park, Pratt, Purdy, Spencer, Springer, Stemmons, Stevenson, Sweetland, Tallmadge, and Watkins—40.

Those who opposed the resolution were—

Messrs. Bennett, Bostwick, Bowie, Burton, Dawley, Gordon, Hagans, Henry,

Herbert, Horr, Houghtaling, Hubert, Irwin, Jones, Kellogg, Lindsey, Mandeville, Myres, McBrayer, McDuffie, McKinney, Noel, J. W. Park, Ring, Rowan, Stowe, Sweasey, Tivy, Van Cleft and Whitman—30.

So the resolution passed.

The following Message was received from the Senate :

I am instructed to inform the Assembly that the Senate this day passed a concurrent resolution, instructing the Treasurer not to receive State Prison Bonds for the present, and their concurrence is requested.

JOHN Y. LIND.

Concurrent resolution from the Senate taken up for consideration.

Mr. Dawley moved to lay it upon the table.

Not agreed to.

Mr. Ewer demanded the previous question,

Which was sustained.

The resolution was then concurred in.

On motion, leave of absence was granted to Mr. Gilbert for two days, Mr. Aylett for three days, and Mr. Whipple indefinite leave, in consequence of ill health.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate have this day adopted the report of the Committee of Conference on the bill fixing the per diem of officers of Senate and Assembly, and have passed a substitute in accordance therewith which is now transmitted, and in which their concurrence is asked.

JOHN Y. LIND,
Secretary.

Mr. Letcher, from the Committee on Conference, made a report, which is the same as the bill reported from the Senate.

A motion was made by Mr. McDonald, that the House refuse to concur in the report of the Conference Committee.

Not agreed to.

The Senate substitute to Assembly bill to fix the per diem pay of the officers of the Senate and Assembly,

Read a third time and passed.

Mr. Herbert gave notice that he would on Monday move a reconsideration of the vote accepting the compiled statutes of this State.

Mr. Griffith moved that the House adjourn until Tuesday next at 10 o'clock.

Not agreed to.

Mr. Bostwick moved that the House adjourn.

Not agreed to.

Mr. Pratt moved that the House adjourn until Tuesday next at 10 o'clock.

Upon which Mr. Herbert and other members demanded the yeas and nays.

Those who voted to adjourn were—

Messrs. Ashley, Ballou, Briggs, Carr, Carrillo, Clingan, Dawley, Green, Griffith, Henry, Hollister, Hubbard, Hunter, Pratt, Ring, Spencer, and Tallmadge—17.

Those in the negative were—

Messrs. Anderson, Bagley, Bennett, Bowie, Burton, Conness, Dannels, Ewer, Fairfield, Godard, Gordon, Hagans, Hastings, Herbert, Hoff, Horr, Houghtaling, Hoyt, Hubert, Hunt, James, Jones, Kellogg, Koll, Letcher, Lindsey, Mandeville, Musser, McBrayer, McDonald, McDuffie, McGee, McKinney, Nichols, Noel, F. A. Park, J. W. Park, Rowan, Springer, Stemmons, Stowe, Swasey, Sweetland, Tivy, Van Cleft, Watkins and Whitman—47.

So the House refused to adjourn until Tuesday.

On motion, the House adjourned until Monday next at 10 o'clock.

HOUSE OF ASSEMBLY

MONDAY, January 23, 1854.

House met pursuant to adjournment.

The roll was called, and a quorum being present the House proceeded to business.

The Journal of Saturday last was read and approved.

On motion, one day's leave of absence was granted to Messrs. Ashley, Green, Kellogg, F. A. Park, Carr, Carrillo, Pratt, McGee, Myres, Van Cleft, Ballou, Springer, McDonald, Stowe, Houghtaling, Hubbard, Cornwall, Hoff and Tallmadge; and two days each to Messrs. McBrayer, Clingan and Irwin.

Mr. Sweasey introduced a bill for an Act to amend the eighth chapter of an Act entitled an Act concerning Courts of Justice in this State and Judicial Officers, passed May 19, 1853.

Which was read first time and laid over under the rules.

Mr. Hoyt, on leave, introduced a bill for an Act to provide for the better security and protection of Mining Claims;

Which was read first time and laid over under the rules.

Mr. Warmcastle, pursuant to previous notice, introduced a bill for an Act to regulate fees in office;

Which was read first time and 240 copies ordered to be printed.

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

Resolved, That the Sergeant-at-Arms be instructed to ascertain whether the Express Companies who have contracted to distribute the mail matter of the Legis-

lature deliver such mail matter to the Post Office to which they are directed, or retain them in their Express Offices for delivery, and report as soon as possible.

Mr. Sweetland, pursuant to notice, introduced a bill for an Act in relation to an Act defining the time of commencing civil actions in certain cases, approved May 4, 1852;

Which was read first time and laid over under the rules.

Mr. Hunt, agreeably to previous notice, introduced a bill for an Act for the government and protection of Indians;

Which was read first time and 240 copies ordered to be printed.

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

Resolved, That the Sergeant-at-Arms be instructed to send all the mail matter of this House, not specially directed to be sent by express, through the regular mail.

On motion of Mr. Bradford, the Committee on Agriculture was instructed to report to this House as to the expediency of passing a law to prevent hogs from running at large.

Mr. Herbert introduced a bill for an Act in relation to State Prison Bonds ;

Which was read first time and laid over under the rules.

Mr. McDuffie offered the following resolution, which was adopted.

Resolved, That two copies, when printed, of every bill and document ordered printed by the Assembly, be furnished to each Reporter for the press in the Senate and Assembly.

Mr. Bradford, on leave, introduced a bill for an Act to enforce the rules of Equity in Actions of Ejectment or other Possessory Actions ;

Which was read first time and 240 copies ordered to be printed.

Mr. Herbert, pursuant to notice, offered a Joint Resolution relative to the mineral and other public lands in California ;

Which was read first time and 240 copies ordered to be printed.

On motion of Mr. Hunter, the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, January 24, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present, the Speaker announced the House ready to proceed to business.

The Journal of Monday read and approved.

Mr. Green presented a petition from sundry citizens of San Francisco, protesting against a law being passed to authorize a dam across Mission Creek.

Petition read and referred to Committee on Corporations.

Mr. Sweasey gave notice that at an early day he would introduce a bill declaring Mission Creek, in the county of San Francisco, a navigable stream.

Mr. Stowe gave notice that he would, at an early day, introduce a bill relative to Roads and Highways.

Senate bill No. 14, for an Act to provide a Contingent Fund for the Senate and Assembly.

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

Joint resolution in relation to the removal of the wreck of the ship Aberdeen.

Read second time and referred to Committee on Commerce.

Assembly bill, an Act to provide for the better security and protection of mining claims.

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

Assembly bill, an Act to amend the eighth chapter of an Act entitled an Act concerning Courts of Justice in this State and Judicial Officers, passed May 19th, 1853.

Read second time and referred to Judiciary Committee.

Mr. Anderson made the following report from the Committee on Engrossment :

The Committee on Engrossment have examined, and find correctly engrossed, an Act to provide for the salary of the Clerks in the State Department. Also, an Act to provide for the restoration of certain books, records, maps and papers to Humboldt county, now held by Trinity county.

Assembly bill, an Act in relation to an Act, defining the time of commencing civil actions in certain cases, approved May 4th, 1852.

Read second time and referred to Judiciary Committee.

Assembly bill, an Act in relation to State Prison Bonds.

Read second time and laid upon the table.

Mr. Hoyt introduced a bill for an Act to change the time of election of certain county and township officers.

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

Mr. Kellogg introduced a bill for an Act to ascertain and provide for the payment of the debt due from Sierra county to Yuba county.

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

Mr. Kellogg also introduced a bill for an Act to ascertain and provide for the payment of the debt due from Nevada county to Yuba county.

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

Mr. Dawley introduced a bill for an Act for the protection of owners of building lots in the mining districts.

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

Mr. J. W. Park introduced a bill for an Act granting a charter to S. C. Fugitt, for a toll bridge across Dry Creek.

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

Mr. J. W. Park gave notice that he would at an early day introduce a resolution to alter and amend the rules of this House.

On motion of Mr. Conness, Assembly bill, an Act to declare Crescent City the county seat of Klamath county, and to legalize the official acts of the County Judge and other county officers, in changing the seat of said county from Trinidad to Crescent City, was taken from the table, considered as engrossed, read a third time, and passed.

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

HOUSE OF ASSEMBLY.

WEDNESDAY, January 25, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present,

The Speaker announced the House ready to proceed to business.

The Journal of Tuesday was read and approved.

Mr. McDaniel, member elect from the county of Calaveras, appeared, was qualified and took his seat.

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

Mr. Gordon presented three petitions from sundry citizens of Calaveras, praying for the passage of a law to increase the license tax for retailing spirituous liquors.

Read and referred to a select committee of five

Messrs. Letcher, Gordon, Myres, Stemmons and Godard, were appointed said committee.

Mr. Watkins presented a petition from the citizens of Oakland, praying for a new charter.

Petition read and referred to Committee on Corporations.

Mr. McDonald presented a petition from sundry citizens of El Dorado and Calaveras counties, praying for the erection of a new county to be called Washington.

Mr. Springer and Mr. Hollister presented protests from citizens of El Dorado against any division of El Dorado county.

Petition and protests read and referred to the Committee on Counties and County Boundaries.

Mr. Pratt presented a petition from sundry citizens of Ione Valley, Calaveras county, in reference to the removal of the State Capital to Sacramento.

Read, and on motion laid upon the table.

Mr. Bradford presented a petition from Messrs. Dent, Vantine & Co., in reference to a claim in their favor against the Government of the United States.

Read and referred to Committee on Indian Affairs, with instructions to inquire into the expediency of a memorial to Congress upon the subject.

Mr. Anderson made the following report :

The Committee on Engrossment have examined and find correctly engrossed, Assembly joint resolution in relation to postal arrangements in this State.

Mr. McDuffie gave notice that at an early day he would introduce a bill to amend the charter of the city of Marysville.

Mr. Hunt offered the following, which was on motion laid upon the table :

Resolved, That the use of the Assembly chamber be tendered to the Senate during the progress of the present bribery case in that body ; *Provided*, the same only include the actual sittings of the Senate.

Mr. Stemmons moved to take from the table a resolution in relation to the appointment of a chaplain for the Assembly.

Upon which Messrs. James, Godard and Stemmons demanded the yeas and nays.

Those who voted to take from the table the resolution, were :

Messrs. Bagley, Bostwick, Bowie, Bradford, Briggs, Burton, Clingan, Dannels, Fairfield, Godard, Gordon Green, Hastings, Henry, Herbert, Hollister, Houghtaling, Hoyt, Hubbard, Irwin, James, Mandeville, Musser, McDaniel, McDonald, McGee, McKinney, Nichols, Noel, Pratt, Ring Spencer, Springer, Stemmons, Stevenson, Tallmadge, Van Cleft, Warmcastle and Whipple—39.

Those who voted against taking from the table, were :

Messrs. Anderson, Ashley, Aylett, Ballou, Bennett, Carr, Carrillo, Conness, Cornwall, Davidson, Dawley, Ewer, Griffith, Hagans, Hoff, Horr, Hubert, Hunt, Hunter, Jones, Kellogg, Koll, Letcher, Lindsey, Myres, McBrayer, McDuffie, F. A. Park, J. W. Park, Purdy, Stowe, Sweasey, Sweetland, Tivy and Watkins—35.

So the resolution was taken from the table.

On motion of Mr. Carrillo, the resolution was laid upon the table.

Mr. Hagans offered the following, which was not adopted :

Resolved, That the Sergeant-at-Arms be instructed to procure a suitable lamp and post it up at the entrance of the State House, and keep the same lighted at all times when necessity requires.

Mr. Horr gave notice that on to-morrow, he would introduce a bill entitled an Act for the relief of the Insane Asylum.

Mr. Spencer introduced a joint resolution in relation to creating a new collection district and establishing the Port of Entry at Humboldt Bay.

Read first and second time and referred to Committee on Federal Relations.

On motion of Mr. Herbert, Assembly bill for an Act in relation to State Prison bonds, was taken from the table and referred to Judiciary Committee.

The Speaker laid before the House a communication from the Collector of the Port of San Francisco, R. P. Hammond, Esq., which was read and referred to Committee on Public Lands.

Assembly bill No. 55, for an Act to change the time of the election of certain county and township officers.

Read second time and referred to Committee on Elections.

Senate bill No. 14, for an Act to provide a Contingent Fund for the Senate and Assembly.

Read second time, and on motion, laid upon the table.

Assembly bill No. 59, an Act granting a charter to S. C. Fugitt, for a toll bridge across Dry Creek.

Read second time and referred to Committee on Corporations.

Assembly bill No. 56, an Act to ascertain and provide for the payment of the debt due from Nevada county to Yuba county.

Read second time and referred to delegation from Yuba and Nevada counties.

Assembly bill No. 57, an Act to ascertain and provide for the payment of the debt due from Sierra county to Yuba county.

Read second time and referred to the delegation from Yuba and Sierra counties.

Mr. Koll introduced a bill for an Act amendatory of an Act to provide for the protection of Foreigners, and to define their liabilities and privileges.

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

Mr. Sweasey introduced a bill for an Act to declare Mission Creek, in the county of San Francisco, a navigable stream.

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

On motion of Mr. Griffith, a resolution offered by Mr. Hunt, in reference to the meeting of the Senate in the Assembly Hall, was taken from the table.

Mr. Stowe offered the following as a substitute, which was adopted for the original offered by Mr. Hunt.

Resolved, That during the time the Senate shall be engaged in the investigation of the bribery case, the use of that Hall be tendered to this body; and that the Assembly meet each day during the said investigation, at 9 o'clock, A. M., and adjourn at 11 A. M.

On motion of Mr. Bostwick, the whole subject was laid upon the table.

Mr. Griffith gave notice that on to-morrow he would move to amend the first standing rule of this House.

Mr. Jones gave notice that on to-morrow he would move to reconsider the vote which referred Assembly bill to the delegation from Yuba and Sierra.

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

HOUSE OF ASSEMBLY.

THURSDAY, January 26, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present,
The Speaker announced the House ready to proceed to business.
The Journal of Wednesday was read and approved.

Mr. Horr presented a petition from sundry citizens of Tuolumne county, praying the creation of a new county.

Read and referred to Committee on Counties and County Boundaries.

Mr. McDaniel presented a petition from sundry citizens of Calaveras, praying that a new county be created out of portions of the territory of Calaveras and El Dorado.

Referred to Committee on Counties and County Boundaries.

Mr. Spencer presented a petition from William Edgar, a citizen of Humboldt county, praying for the passage of a law granting him the right to build a dam across Elk river, in said county.

Read and referred to Committee on Corporations.

Mr. James made the following report, which was adopted :

The Committee on Mileage respectfully report that C. A. McDaniel, member elect to fill the vacancy occasioned by the death of Hon. J. H. Carson, from the county of Calaveras, is entitled to mileage pay for four hundred miles, \$160.

Mr. French gave notice that at an early day he would introduce a bill to legalize certain acts of the County Judge of San Luis Obispo, and to declare said judgeship vacant.

Mr. Griffith proposed the following amendment to the first standing rule of the House, according to previous notice :

“ He shall take the chair every morning precisely at the hour of 10 o'clock, unless otherwise ordered ; shall immediately call the House to order, and on the appearance of a quorum, shall cause the Journal of the preceding day to be read.”

Upon which Messrs. Stowe, James and Bennett demanded the yeas and nays.

Those who voted to amend the rules were—

Messrs. Ashley, Aylett, Ballou, Bostwick, Briggs, Burton, Carr, Carrillo, Clingan, Conness, Dawley, Ewer, French, Godard, Green, Griffith, Hollister, Houghtaling, Hoyt, Hubbard, Koll, Letcher, Lindsey, Mandeville, Musser, Myres, McBrayer, McDonald, Nichols, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Spencer, Springer, Stevenson, Sweasey, Sweetland, Tallmadge, and Van Cleft—41.

Those who opposed the amendment of the rule were—

Messrs. Anderson, Bennett, Bowie, Bradford, Cornwall, Dannels, Fairfield, Gordon, Hagans, Hastings, Henry, Herbert, Horr, Hunter, Irwin, James, Jones, Kellogg, McDaniels, McDuffie, McGee, McKinney, Noel, Rowan, Stemmons, Stowe, Tivy, Warmcastle, Watkins, Whipple, and Whitman—31.

It requiring a two-thirds vote to change a Standing Rule of the House, consequently the motion to amend was lost.

Mr. Hoyt offered the following, which was adopted :

Resolved, That the Sergeant-at-Arms procure sufficient bill files for the use of the members of the Assembly.

The following message was received from the Senate :

I am instructed to inform the Assembly that on yesterday the Senate passed the following Assembly bills:

A bill for "An Act authorizing the Governor to pardon Timothy Donovan."

A bill for "An Act to repeal an Act to provide for the better publication of Official and Legal Notices, approved May 3, 1853."

And a bill for "An Act to declare Crescent City the County Seat of Klamath county, and to legalize the official acts of the County Judge, and other county officers, in changing the seat of justice of said county from Trinidad to Crescent City."

All of which are herewith respectfully returned.

JOHN Y. LIND,
Secretary

Assembly bill No. 7, "An Act to provide for the restoration of certain Books, Records, Maps, and Papers, to Humboldt county, now held by Trinity county,"

Read a third time and passed.

Mr. McDuffie introduced a bill for "An Act amendatory to an Act Incorporating the city of Marysville, and Acts supplementary to said Act."

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

Assembly bill No. 62, "An Act declaring Mission Creek, in the county of San Francisco, a navigable stream."

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

Assembly bill No. 61, an Act amendatory of an Act to provide for the protection of foreigners and to define their liabilities and privileges.

Read second time and referred to Committee on Mines and Mining interests.

Assembly bill No. 49, an Act for the government and protection of Indians.

Read second time and referred to Committee on Indian Affairs.

Assembly Joint Resolutions in relation to the mineral and other public lands in the State of California.

Read second time and referred to Committees on Public Lands and Mines and Mining Interests.

Assembly bill No. 51, an Act to enforce the Rules of Equity in actions of Ejectment or other possessory actions.

Read second time and referred to Judiciary Committee.

On motion, Mr. Bradford was added to the Judiciary Committee.

Assembly bill No. 34, an Act to suppress Gambling.

Read a second time and referred to Judiciary Committee.

Assembly bill, an Act amending an Act to define the duties of County Clerks, passed April 18, 1850.

Read second time and referred to Judiciary Committee.

Assembly bill No. 31, to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice in this State, passed April 29, 1851.

Read second time and referred to Judiciary Committee.

Assembly bill No. 39, an Act to fix the compensation of the County Judge of Tulare county.

Read second time and referred to Judiciary Committee.

Assembly bill No. 63, an Act to protect the rights of persons not parties to executions and other process.

Read second time and referred to Judiciary Committee.

On motion, Mr. McDuffie was added to the Committee on Indian Affairs.

Mr. Bradford gave notice that on to-morrow he would introduce a bill for an Act concerning evidence in certain cases.

Mr. Horr introduced a bill, an Act for the relief of the Insane Asylum.

Read first and second time and referred to Committee on State Hospitals.

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

Resolved, That the use of the Assembly Hall be tendered to Rev. Bishop Simpson for the holding of Divine Service on the evening of this the 26th of January.

On motion of Mr. Bradford, the Judiciary Committee were instructed to inquire into the expediency of an amendment repealing so much of the criminal practice Act as allows the defendant the concluding argument in criminal cases.

Mr. Carrillo gave notice that he would, at an early day, introduce a bill to alter the boundary line between San Luis Obispo and Santa Barbara counties.

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

HOUSE OF ASSEMBLY.

FRIDAY, January 27, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present the Speaker announced the House ready to proceed to business.

The Journal of Thursday was read, amended and approved.

On motion, leave of absence was granted to Mr. French for one day, Mr. Pratt for two days, Mr. Bostwick for three days, and Mr. Carrillo for two days.

Mr. Gordon presented a petition from numerous citizens of the counties of El Dorado and Calaveras praying for the creation of a new county to be called Washington.

Read and referred to Committee on Counties and County Boundaries.

Mr. Whipple introduced a bill to incorporate Crescent City, to which was appended a petition from the citizens of Crescent City.

The bill was read first and second time and referred to Committee on Corporations.

Mr. Watkins gave notice that he would, on to-morrow, introduce a bill to incorporate the town of Alameda.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills report that they have examined and find correctly enrolled—

An Act to abolish the Board of Supervisors of the county of Tdlare.

Also, an Act to repeal an Act entitled an Act to provide for the Inspection of Flour, passed May 3, 1852, and to repeal an Act amendatory of an Act entitled an Act to provide for the Inspection of Flour, passed May 18, 1853.

Also, an Act to declare Crescent City the county seat of Klamath county, and to legalize the official acts of the County Judge and other county officers, in changing the seat of justice of said county from Trinidad to Crescent City.

Also, an Act authorizing the Governor to pardon Timothy Donovan.

Also, an Act in relation to the Insane Fund ; and,

Also, an Act to amend an Act concerning Jurors, approved May 3, 1853.

Mr. Stowe offered a concurrent resolution to appoint a Joint Committee from the Senate and Assembly to revise and amend the Practice Act of this State.

Mr. Hoyt offered the following as a substitute which was not adopted :

Resolved, That the Judiciary Committee of the Assembly and Senate, the Senate concurring, be requested to report upon the expediency of raising a Joint Committee to revise the Practice Act.

The vote was then taken upon the resolution offered by Mr. Stowe and adopted,

and Messrs. Stowe, Warmcastle, Myres and Gordon were appointed on the part of the House.

Mr. Dannels made the following report :

The Committee to whom was referred an Act amendatory to an Act incorporating the city of Marysville, and Acts supplementary to said Act, beg leave to report, that they have examined the same and report it back to the House without amendment, and recommend its passage.

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

Mr. Herbert gave notice that he would on to-morrow, or an early day thereafter, introduce a bill to appropriate certain money for the maintenance and protection of the Insane.

Mr. Tivy introduced a Joint Resolution in reference to the removal of Indians by the General Government beyond the limits of this State.

Read first and second time, and 240 copies ordered to be printed, and referred to Committee on Indian Affairs.

Mr. F. A. Park gave notice that on to-morrow, or at some future day, he would introduce a bill for an Act amendatory of an Act entitled an Act concerning District Attorneys.

Mr. McBrayer gave notice that at an early day he would introduce a bill to declare the meaning and intention of Article Third of an Act entitled an Act concerning officers, passed April 28, 1851.

Also, a bill concerning Constables in Sacramento City.

Mr. Sweasey offered the following, which was not adopted :

Resolved, That a Committee of five be appointed to regulate and revise an Act to regulate fees in office, passed May 1st, 1851.

The following message was received from the Senate :

I am instructed to inform the Assembly, that on yesterday, the Senate passed Assembly Joint Resolution in regard to the increase of mail service for California and Oregon, with several amendments, which are herewith transmitted, and in which the concurrence of the Assembly is respectfully asked.

JOHN Y. LIND, Secretary.

The House concurred in the amendment to the title of the resolution made by the Senate, and rejected the second amendment, and while the third amendment was under consideration, on motion, the resolution and amendment were laid upon the table.

Mr. Gordon introduced a bill for an Act to repeal an Act entitled an Act to authorize the County Surveyor of Calaveras county to rent an office.

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

Mr. Gordon also gave notice that on to-morrow, the 28th instant, he would introduce a bill for an Act to be entitled an Act to fix the time for holding the elections for United States Senator.

Mr. Bradford introduced a bill for an Act concerning evidence in certain cases.

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

Mr. Myers introduced a bill for an Act to amend an Act to regulate proceedings in civil cases, in the Courts of Justice of this State, passed April 29, 1851.

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

Mr. Warmcastle introduced a bill for an Act to amend the first section of an Act to provide for the formation of corporations, for certain purposes, approved April 14, 18 53.

Mr. Spencer from the Committee on State Hospitals, reported back to the House, an Act for the relief of the Insane Asylum, without amendment, and recommended the passage of the same.

On motion, the House resolved itself into Committee of the Whole, Mr. Bradford in the chair, to consider the bill : the Committee, on motion, rose, reported the bill back to the House without amendment, and asked to be discharged from its further consideration.

The committee was discharged, the bill considered as engrossed, read a third time and passed.

Mr. Bradford gave notice that on to-morrow, he would introduce a bill for an Act to provide for the selection of lands donated by the United States to the State of California.

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

HOUSE OF ASSEMBLY.

SATURDAY, January 28, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present,

The Speaker announced the House ready to proceed to business.

The Journal of Friday was read and approved.

On motion, leave of absence was granted to Mr. Hunt, one day, to Mr. Dawley, one day, to Mr. Griffith, three days, and to Mr. Letcher, four days.

Mr. McBrayer, from the Committee on Commerce, made the following report :

The Committee on Commerce, to whom was referred the bill to repeal an Act to provide for the measurement of lumber, approved April 30, 1853, having had the same under consideration, beg leave to report the same back to the House, without amendment, and recommend its passage.

Also, the Joint Resolution in relation to the removal of the wreck of the ship Aberdeen, having given the same their attention, beg leave to report it back to the House without amendment, and recommend its immediate passage.

Assembly bill, an Act to repeal an Act entitled an Act to provide for the measurement of Lumber, approved April 30, 1853, on its third reading, on motion, laid upon the table.

Joint Resolution in relation to the removal of the wreck of the ship Aberdeen, considered as engrossed, read a third time and passed.

Mr. Irwin, chairman, made the following report :

The Committee on Federal Relations, to whom was referred Joint Resolution in relation to erecting a new Collection District and establishing the Port of Entry at Humboldt Bay, have had the same under consideration and respectfully recommend their passage.

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

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled bills, beg leave to report, that they did on yesterday, present to his Excellency, the Governor, for his approval, an Act to abolish the Board of Supervisors of the county of Tulare.

Also, an Act to repeal an Act entitled "an Act to provide for the inspection of Flour, passed May 3, 1852, and to repeal an Act amendatory of an Act entitled 'an Act to provide for the inspection of Flour, passed May 18, 1853.'"

Also, an Act to declare Crescent City the County Seat of Klamath county, and to legalize the official acts of the County Judge and other county officers in changing the seat of justice of said county from Trinidad to Crescent City.

Also, an Act authorizing the Governor to pardon Timothy Donovan.

Also, an Act in relation to the Insane Fund.

And, also, an Act to amend an Act entitled an Act concerning Jurors, approved May 3, 1852.

Mr. Myres, chairman, made the following report :

The Judiciary Committee respectfully submit the following report.

The Committee have had under consideration Assembly bill No. 40, for an Act to repeal sections one and two of an Act to amend an Act entitled an Act concerning Crimes and Punishments, passed April 22, 1851, and recommend the passage of the same with the accompanying amendments.

Also, Assembly bill No. 33, entitled an Act amending an Act to define the duties of County Clerks, passed April 18, 1850, and recommend that it be indefinitely postponed.

Also, Assembly bill No. 30, entitled an Act concerning County Judges, and recommend its passage with an amendment by striking out the second section of the bill.

Also, Assembly bill No. 47, entitled an Act to amend the 8th Chapter of an Act entitled an Act concerning Courts of Justice in this State and Judicial Officers, passed May 19, 1853, report the same back to the House and recommend that it be referred to the San Francisco delegation,

Also, Assembly bill No. 32, entitled an Act to fix the compensation of the County Judge of Tulare county, and recommend the passage of the same.

Assembly bill No. 40, reported back by Judiciary Committee, on motion, 240 copies ordered to be printed and the bill laid upon the table.

Assembly bill No. 33, reported back by the Judiciary Committee ; on motion it was indefinitely postponed.

Assembly bill No 30, reported back with amendments by the Judiciary Committee; amendments concurred in, the bill considered engrossed, read a third time and passed.

Assembly bill No 47, reported back by Judiciary Committee, and referred to delegation from San Francisco.

Assembly bill No. 32, reported back by Judiciary Committee, considered as engrossed, read a third time and passed.

The following message was received from the Governor :

I have this day approved the following Acts which originated in the Assembly, viz :

An Act to declare Crescent City the County Seat of Klamath county, and to legalize the official acts of the County Judge and other county officers in changing the seat of justice of said county from Trinidad to Crescent City.

An Act in relation to the Insane Fund.

An Act to repeal an Act entitled an Act to provide for the inspection of Flour, passed May 3, 1852, and to repeal an Act amendatory of an Act entitled an Act to provide for the Inspection of Flour, passed May 18, 1853.

An Act to abolish the Board of Supervisors in the county of Tulare.

Also, an Act to authorize the Governor to pardon Timothy Donovan.

JOHN BIGLER.

Mr. Gordon introduced a bill, an Act fixing the time of electing United States Senators.

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

Mr. F. A. Park introduced a bill for an Act amendatory of an act entitled an Act concerning District Attorneys, passed April 29, 1851.

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

Mr. McBrayer introduced the following bills :

A bill for "An Act to declare the meaning and intention of an Act entitled An Act concerning Officers, passed April 28, 1851."

Read first and second time, and referred to the delegation from Sacramento.

"An Act concerning Constables in the city of Sacramento."

Read first and second time and referred to the delegation from Sacramento.

Mr. Watkins introduced a bill for "An Act to Incorporate the town of Alameda."

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

Mr. Van Cleft introduced a bill for "An Act to suppress Public Gambling."

Read first time, and ordered to a second reading on to-morrow, and 240 copies ordered to be printed.

Mr. Ballou offered the following :

Resolved. That a committee of three be appointed to invite Thomas Francis Meagher to lecture at the Capital of this State, whenever or at such time as may suit his convenience.

Mr. Purdy moved to strike out "a committee of three," and insert "the Clerk of this House."

Agreed to.

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

Not agreed to.

Mr. Whitman then moved to indefinitely postpone.

Not agreed to.

Mr. Warmcastle offered the following as a substitute to the resolution offered by Mr. Ballou, which was adopted :

Resolved, That the Speaker of the Assembly extend to Thomas F. Meagher the use of this Hall to deliver a lecture, on any evening that may suit his convenience.

And upon the final passage of the substitute, Messrs. Watkins, McKinney and Irwin, demanded the yeas and nays.

Those who voted in favor of the substitute were—

Messrs. Anderson, Aylett, Bagley, Ballou, Bennett, Bowie, Briggs, Burton, Carr, Clingan, Conness, Dannels, Davidson, Ewer, Fairfield, French, Gilbert, Godard, Green, Gordon, Hagans, Hastings, Henry, Herbert, Hoff, Horr, Houghtaling Hoyt, Hubbard, Hubert, Hunter, James, Jones, Keliogg, Koll, Lindsey, Mandeville, Musser, Myres, McBrayer, McDaniel, McDonald, McGee, O'Neil, F. A. Park, J. W. Park, Purdy, Ring, Rowan, Spencer, Springer, Stemmons, Stevenson, Stowe, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, and Whipple—61.

Those who voted against the resolution were—

Messrs. Cornwall, Irwin, McDuffie, McKinney, Nichols, Noel, Watkins, Whitman, and Mr. Speaker—9.

So the resolution passed.

Mr. J. W. Park introduced a bill for an Act in relation to the Public Schools in the city of Sacramento.

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

Mr. O'Neil made the following report :

The Committee on Engrossment have examined and find correctly engrossed, "An Act for the Relief of the Insane Asylum."

Also, "An Act amendatory to an Act Incorporating the city of Marysville, and also supplementary to said Acts."

Mr. Hoff presented the report of the Trustees of the San Francisco State Marine Hospital,

Which, on motion, was referred to the Committee on State Hospitals.

Mr. Stowe gave notice that he would at an early day introduce a bill fixing a time at which laws passed by the Legislature shall take effect.

On motion of Mr. Warmcastle, 240 copies of the special message of the Governor in relation to State Prison Bonds were ordered to be printed.

The following message was received from the Senate :

I am instructed to inform the Assembly that on yesterday the Senate passed a

bill for "An Act to authorize the release of John G. Bercham and his sureties from a recognizance and judgment,"
Which is herewith transmitted.

JOHN Y. LIND,
Secretary.

Senate bill, No. 22, just reported.

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

Assembly bill No. 69, an Act concerning evidence in certain cases.

Read second time and referred to Judiciary Committee.

Assembly bill No. 70, an Act to amend an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April 29, 1851.

Read second time and referred to Judiciary Committee.

Assembly bill No. 71, an Act to repeal an Act entitled an Act to authorize the County Surveyor of Calaveras county to rent an office, approved May 7, 1853.

Read second time and referred to Delegation from Calaveras county.

Assembly bill No. 67, an Act to amend the first section of an Act to provide for the formation of Corporations for certain purposes, approved April 14, 1853.

Read second time and referred to Committee on Corporations.

On motion, the House adjourned until Monday, at 10 o'clock.

HOUSE OF ASSEMBLY.

MONDAY, January 30, 1854.

House met pursuant to adjournment.

There being no quorum present, upon motion, the House adjourned until 10 o'clock to-morrow.

HOUSE OF ASSEMBLY.

TUESDAY, January 31, 1854

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present, the Speaker announced the House ready to proceed to business.

The Journals of Saturday and Monday were read and approved

On motion, leave of absence was granted to Mr. Musser for one day ; to Mr. Swcasey for one day ; to Mr. Houghtaling for one day ; and indefinite leave granted to Mr. Ashley in consequence of the ill health of his family.

Mr. Myres made the following report :

The Judiciary Committee, to whom was referred Assembly bill No. 39, an Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850, have examined the same and recommend its passage, and suggest that the same be printed.

Also, Assembly bill No. 48, entitled an Act in relation to an Act defining the time of commencing civil actions in certain cases, approved 4th of May, 1852, and herewith report a substitute for the same, the passage of which is recommended.

Assembly bills No. 39 and 48, with the substitutes offered by the committee, were laid upon the table and ordered to be printed 240 copies of each.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined and find correctly engrossed—
An Act concerning County Judges.

Also, an Act to fix the compensation of the County Judge of Tulare county.

Also, Joint Resolution in relation to the removal of the wreck of ship Aberdeen ; and,

Also, a Joint Resolution in relation to creating a new Collection District, and establishing the Port of Entry at Humboldt Bay.

Mr. Jones gave notice that he would, on to-morrow, introduce a bill for an Act to amend the fourth and fifth sections of an Act concerning Estray Animals, passed May 1, 1851.

Mr. McDuffie gave notice that on to-morrow, or at some early day thereafter, he would introduce a bill for an Act concerning Legal Proceedings in favor of and against counties.

Mr. McDaniel gave notice that, at an early day, he would introduce a bill for an Act to grant to Justices of the Peace power to issue writs of injunctions within their respective townships, in all cases that may come under the jurisdiction of said Justices.

Mr. Carrillo introduced a Joint Resolution in relation to the present condition of Lower California.

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

· Mr. Watkins offered the following, which was adopted :

Resolved, That the Committee on Corporations be instructed to inquire into the expediency of so amending the Act to provide for the Incorporation of Railroad Companies, as to grant to the Atlantic and Pacific Railroad Company, and to any other company or companies which have, or may be formed under that Act, so as to grant them the right of way within the limits of California, and such other aid, and with such other alterations and amendments as the interest and welfare of California may demand, and that they have leave to repeat by bill or otherwise.

The Speaker laid before the House a communication from the Attorney General upon the subject of locating School Land Warrants.

Communication read and 240 copies ordered to be printed.

Mr. Gordon gave notice that, at an early day, he would introduce a bill for an Act supplementary to an Act to provide for the Lien of Mechanics and others, passed April 12, 1850.

The following message was received from the Senate :

I am instructed to inform the Assembly that on Saturday last the Senate passed a bill for an Act to change the name of William Alexander Smith to Amor de Cosmos; and

A Concurrent Resolution granting leave of absence to the Judge of the Eleventh Judicial District.

They have also passed Assembly bill for an Act amendatory of an Act incorporating the City of Marysville and Acts supplementary to said Acts; and

Assembly Concurrent Resolution in reference to the reception of the Codified Statutes.

All of which are herewith respectfully transmitted.

JOHN Y. LIND,
Secretary.

Senate bill No. 24, an Act to change the name of William Alexander Smith to Amor de Cosmos.

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

Senate Concurrent Resolution to grant leave of absence to the Judge of the Eleventh District.

Concurred in by the Assembly.

Senate bill No. 22, an Act to authorize the release of John G. Bercham and his sureties from a recognizance and judgment.

Read a second time and referred to the Judiciary Committee.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT, }
 Benicia, Jan. 31st, 1854. }

To the Senate and Assembly of California;

I have the honor herewith to transmit a copy of an important report received on the 24th inst. from the Superintendent of Public Instruction. The suggestions therein contained are worthy of immediate and careful consideration.

In this connection, I deem it a duty again to urge upon you the great importance of legislative action, in order to secure to the State all the lands donated by Congress for educational purposes.

The Act of 1852, which authorizes School Warrants to be issued, was passed to secure the proceeds of the sales of the five hundred thousand acres for the great object designed by the framers of the Constitution—the education of the children of the State.

These lands, donated by Act of Congress, approved Septembr 4, 1841, were originally granted for purposes of internal improvement, but were diverted by our Constitution to the support of Common Schools. As yet, but a small portion has been surveyed; and it is held by agents of the General Government, that, under the provisions of the Act of Congress, approved March 3, 1853, School Land Warrants, issued by the State, cannot be located on unsurveyed lands; under this construction the State will be delayed in her selections, perhaps, for many years, and, indeed, may eventually lose the greater part of the funds.

Is the State to be deprived of this fund at a time when a general and comprehensive system of Public Instruction is so much needed? is the education of the children of the State, now numbering tens of thousands, to be subject to the delays and uncertainties incident to the action of the Federal Government? These are questions of vital importance to the people of California, intimately connected, as they are with their present interests and future welfare. I hope, therefore, that the Legislature will, at an early day, memorialize Congress to confirm, by special Act, the past legislation of the State in relation to the selection of the five hundred thousand acres of school lands: and to remove the restrictions which at present retard her progress, and are inimical to her interests and the future welfare of her people.

Such a policy can work no injury or hardship to the actual settler, for the reason that the lands selected can be disposed of by the State, under your direction, on the same terms as now exacted by the General Government, and with less actual expense to the purchaser, than under the existing laws of the United States. If the price be fixed at one dollar and twenty-five cents per acre, the school lands *unsold*, including the 16th and 36th sections, will yield six million eight hundred and forty-six thousand nine hundred and fifty-five dollars, which at seven per cent, will afford an annual interest of four hundred and seventy-nine thousand two hundred and eighty-six dollars and eighty-five cents, a sum quite sufficient to sustain a system of popular education superior to that of any of the older States of the Confederacy.

The plan proposed by the Superintendent would give to persons of small means an opportunity to secure homes at a trifling amount of annual interest, until prepared, at some future day, to pay the principal.

This plan, it is believed, would favor the interests of the actual settler, and is consistent with the requirements of the Constitution, which direct that the interest only, shall be annually applied for the benefit of Common Schools; leaving the principal intact and a perpetual fund for their support.

Should, however, the present Legislature fail or neglect to adopt proper measures, in reference to these lands, there is great reason to fear that the State will be de-

prived of the greater part of them, and the cause of education within the State be seriously retarded. The proceeds of these lands, unless immediate action be taken to secure their selection, instead of constituting a fund for the education of the children of the State, as designed by the Constitution, will accumulate in the Treasury of the nation, now full to overflowing, and be forever lost to the rising generation.

To secure the selection of these lands, and preserve the educational fund, is the object of this communication, and it is hoped that it will incite you to give the subject immediate and favorable consideration.

JOHN BIGLER.

The message and the report of the Superintendent of Public Instruction was read, and 1,000 copies ordered to be printed. (See Appendix, Doc. No. 5.)

Assembly bill No. 73, an Act to incorporate the town of Alameda.
Read a second time, and referred to Committee on Corporations.

Assembly bill No. 77, an Act amendatory of an Act entitled an Act concerning District Attorneys, passed April 29, 1851.

Read a second time, and referred to Judiciary Committee.

Assembly bill No. 76, an Act fixing the time of electing United States Senators.
Read a second time.

Mr. Hoff moved to refer the bill to the Judiciary Committee.

Mr. Mandeville moved to refer the bill to the Committee of the Whole House, and make it the special order for 12 o'clock, on Friday next, and

Messrs. Mandeville, Myres and Hagans demanded the yeas and nays.

Those who voted to refer and make it the special order, were :

Messrs. Anderson, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Carrillo, Cornwall, Dannels, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Hubert, Hunt, Hunter, Irwin, James, Lindsey, Manandeville, McDaniel, McDuffie, McGee, McKinney, Noel, Stevenson, Stowe, Sweetland, Tivy, Warmcastle, Watkins, Whipple, Whitman and Mr. Speaker—37.

Those who voted against a reference were—

Messrs. Bagley, Ballou, Briggs, Clingan, Conness, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Green, Hoff, Hollister, Hoyt, Hubbard, Jones, Kellogg, Koll, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Springer, Tallmadge and Van Cleft—32.

So the bill was referred and made the special order for 12 o'clock on Friday next, and 240 copies ordered to be printed.

Mr. Whipple introduced a bill for "An Act to prevent the sale of fire arms and ammunition to the Indians in this State."

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

Mr. Bradford introduced a bill for "An Act to provide for the selection of Lands donated by the United States to the State of California."

Read the first time, and 240 copies ordered to be printed.

The following message was received from the Senate

I am instructed to inform the Assembly that the Senate have this day passed Assembly bill for "An Act for the relief of the Insane Asylum."

JOHN Y. LIND,
Secretary.

On motion, Mr. McDaniel was added to the Committee of Ways and Means.

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

HOUSE OF ASSEMBLY,

WEDNESDAY, February 1, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present, The Speaker announced the House ready to proceed to business. The Journal of Tuesday was read and approved.

Mr. Ewer made the following report from the Committee on Elections :

The Committee to whom was referred a bill for "An Act to change the time of the Election of certain County and Township Officers," have had the same under consideration, and respectfully report :

The committee respectfully suggest that, more especially in this country than almost any other, time is emphatically money, and that the election of county and township officers can as well be had at the general election as at any other time, and therefore recommend that the bill do not pass.

The above bill, on motion, laid upon the table and 240 copies ordered to be printed.

Mr. Tivy, chairman, made the following report :

The Joint Committee on enrolled bills have carefully examined Assembly bill entitled an Act for the relief of the Insane Asylum and find the same correctly enrolled.

Mr. Myres, chairman, made the following report .

The Judiciary Committee have had before them Assembly bill No. 16, entitled an Act to authorize the State Treasurer to issue a duplicate Land Warrant to George W. Coffee. The Committee being without evidence before them of the loss referred to in said bill, report the same back to the House for its disposition.

Also, Assembly bill No. 35, entitled "An Act to create a Board of Supervisors in and for the several counties of this State, and to define their duties and powers."

The committee, not knowing the wants of the several counties in which the provisions of this bill are designed to operate, report it back to the House, and ask to be discharged from its further consideration.

Assembly bill No. 16, "An Act to authorize the State Treasurer to issue a duplicate Land Warrant to George W. Coffee,"

Considered as engrossed, read a third time and passed.

Assembly bill No. 35, "An Act to create a Board of Supervisors in and for the several counties of this State, and to define their duties and powers,"

On motion, laid upon the table, and 240 copies ordered to be printed.

Mr. Hubert gave notice that at an early day he would introduce a bill for an Act to amend sections 28, 29, and 156 of the Act to regulate proceedings in Civil Cases in the Courts of Justice of this State.

The following message was received from the Senate :

I am instructed to inform the Assembly that on yesterday the Senate passed Assembly bill for "An Act to fix the compensation of the County Judge of Tulare county,"

And Assembly Joint Resolution in relation to the removal of the wreck of the ship Aberdeen,

And also, that the Senate passed a concurrent resolution concerning the Pacific Railroad, and have appointed a committee, consisting of Messrs. Hall, Whiting and May, to carry out the objects of the resolution.

JOHN Y. LIND.
Secretary.

Senate concurrent resolution concerning the Pacific Railroad, on motion, referred to Committee on Federal Relations.

Mr. Jones introduced a bill, "An Act to amend the 4th and 5th sections of an Act concerning estray animals, passed May 1, 1851."

Read first time, and 240 copies ordered to be printed.

Mr. Stowe introduced a bill for an Act fixing a time for Acts and Joint Resolutions to take effect, and to repeal an Act fixing the time for Acts and Joint Resolutions to take effect, passed January 24, 1850.

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

Mr. Tivy introduced a bill for an Act to provide for holding terms of the District Court in Tulare county.

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

Senate bill No. 24, an Act to change the name of William Alexander Smith to Amor De Cosmer.

Read second time and referred to the Delegation from El Dorado.

Assembly bill No. 80, an Act to prevent the sale of fire arms and ammunition to Indians in this State.

Read second time and referred to Committee on Indian Affairs.

Assembly Joint Resolutions relating to the present condition of Lower California.

Read second time, 240 copies ordered to be printed, and referred to Committee on Federal Relations.

Assembly bill No. 72, an Act to suppress Public Gambling.

Read second time and referred to Judiciary Committee.

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

HOUSE OF ASSEMBLY.

THURSDAY, February 2, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present,
The Speaker announced the House ready to proceed to business.
The Journal of Wednesday was read and approved.

Mr. James offered the following :

Resolved, By the Assembly, the Senate concurring, that a copy of the Codified Statutes be furnished to each of the Reporters on the floor of the two Houses, and that the Sergeant-at-Arms be authorized to supply them with the same as soon as practicable after the adoption of this resolution.

Not agreed to.

Mr. Bradford moved to reconsider the vote just taken.

Not agreed to.

Mr. Musser gave notice that he would on to-morrow, or some subsequent day thereafter, introduce a bill to incorporate a company to construct a wagon road from Shasta city in Shasta county, to Weaverville in Trinity county.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined and find correctly engrossed, "an Act to authorize the State Treasurer to issue a duplicate Land Warrant to George W. Coffee."

Mr. Watkins gave notice that he would on to-morrow, or some early day thereafter, bring in a bill fixing the time of holding the several Courts authorized to be held by the County Judge in the county of Alameda.

Mr. Bradford gave notice that an early day, he would introduce a bill for an Act to provide for the better security of the lives and property of persons travelling on vessels, propelled, in whole or in part, by steam.

Assembly bill, an Act to provide for holding terms of the District Court in Tulare county.

Read second time and referred to Judiciary Committee.

Mr. Tivy, chairman, made the following report.

The Joint Committee on enrolled Bills have examined and found correctly enrolled, the following Acts :

An Act to repeal an Act to provide for the better publication of official and legal notices, approved May 3, 1853. Also,

An Act amendatory to an Act incorporating the city of Marysville, and Acts supplementary to said Act. And also,

An Act concerning the per diem of officers of the Senate and Assembly.

And that they did on yesterday present to his Excellency the Governor for his approval, an Act for the relief of the Insane Asylum.

Assembly bill, an Act fixing the time for Acts and Joint Resolutions to take effect, and to repeal an Act entitled an Act fixing the time for Acts and Joint Resolutions to take effect, passed January 24, 1850.

Read second time and referred to Judiciary Committee.

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

HOUSE OF ASSEMBLY.

FRIDAY, February 3, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present, The Speaker *pro tem.* announced the House ready to proceed to business.

The Journal of Thursday was read and approved.

Mr. Mandeville presented a petition from sundry citizens of Tuolumne county protesting against the election of United States Senator during this session of the Legislature.

Petition read and laid upon the table.

Mr. Hubbard presented a claim of Wm. F. McLane against the State :

Which, on motion, was referred to Committee on Claims.

Mr. Stemmons presented a proposition from the county officers of the county of San Joaquin and the Corporation of the City of Stockton, in reference to the removal of the Capital to that city.

Read and referred to a Select Committee of three—Messrs. Tivy, Godard and Griffith were appointed said committee.

Mr. Hunt presented an account in favor of Powell Weaver against the State for supplies to Indians.

Referred to Committee on Indian Affairs.

Mr. J. W. Park, from the delegation from Sacramento, made the following report :

The Sacramento Delegation, to whom was referred an Act concerning Constables in the City of Sacramento, with the amendments annexed ; together with an Act to declare the meaning and intention of an Act entitled an Act concerning officers, passed April 28th, 1851, respectfully report, that they have had the same under consideration, and unanimously recommend their passage.

The bills as reported were, on motion, laid upon the table.

Mr. Bradford presented two petitions, one from the ladies and the other from gentlemen of Stockton, praying for the establishment of the Maine Liquor Law in California.

Petitions, on motion, referred to a select committee heretofore created upon that subject.

Mr. Springer offered the following :

Resolved, The Senate concurring, that the Legislature will hold its present session in the city of Sacramento from and after the 9th day of February, 1854.

Mr. Springer moved a call of the House.

The call was sustained.

The Clerk then called the roll, and the following members were absent : Messrs Bagley, Carrillo, Hastings, Herbert, Hoff, Irwin, Spencer, Sweetland, and Mr Speaker.

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

Mr. Bradford moved to lay the resolution on the table

On which motion, Messrs. McBrayer, French and Pratt demanded the yeas and nays :

Those who voted to lay upon the table were—

Messrs. Anderson, Bennett, Bowie, Bradford, Carr, Clingan, Cornwall, Dannels, Ewer, Fairfield, Gordon, Hagans, Henry, Herbert, Hubert, Hunt, Hunter, James, Jones, Kellogg, Mandeville, Musser, McDuffie, McDaniel, McGee, McKinney, Noel, Stemmons, Stowe, Tivy, Warmcastle, Watkins and Whitman—33.

Those who opposed laying upon the table were—

Messrs. Aylett, Bagley, Ballou, Bostwick, Briggs, Burton, Conness, Davidson, Dawley, French, Gilbert, Godard, Green, Griffith, Hollister, Horr, Houghtaling, Hoyt, Hubbard, Koll, Lindsey, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Springer, Stevenson, Sweasey, Tallmadge, Van Cleft and Whipple—38

So the House refused to lay the resolution on the table.

Mr. Hunter offered to amend by striking out Sacramento and inserting San Jose, and demanded the yeas and nays.

Mr. French demanded the previous question.

Mr. Warmcastle moved a call of the House, and demanded the yeas and nays.

Those who voted for a call were—

Messrs. Anderson, Bennett, Bowie, Bradford, Carr, Clingan, Cornwall, Dannels, Fairfield, Gordon, Hagans, Hastings, Henry, Herbert, Hubert, Hunter, James, Jones, Kellogg, Mandeville, McDuffie, McDaniel, McGee, McKinney, Noel, Stowe, Tivy, Warmcastle and Whitman—29.

Those who voted against a call of the House were—

Messrs. Aylett, Bagley, Ballou, Bostwick, Briggs, Burton, Conness, Davidson, Dawley, Ewer, French, Gilbert, Godard, Green, Griffith, Hollister, Horr, Houghtaling, Hoyt, Hubbard, Hunt, Koll, Lindsey, Musser, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Springer, Stemmons, Stevenson, Sweasey, Sweetland, Tallmadge, Van Cleft, Watkins and Whipple—44.

So the House refused to call the House.

Mr. Herbert moved to lay the whole matter upon the table.

The Chair decided that the previous question having been moved and seconded, no other motion, save a call of the House, could be entertained.

From which decision Mr. Whitman appealed, and Mr. Warmcastle and others demanded the yeas and nays.

The Speaker then put the question—"Shall the decision of the Chair be the judgment of the House?"

Those who voted to sustain the Chair were—

Messrs. Anderson, Aylett, Bagley, Ballou, Bennett, Bostwick, Briggs, Burton, Clingan, Conness, Davidson, Dawley, Ewer, French, Gilbert, Godard, Green, Griffith, Herbert, Hoff, Hollister, Horr, Houghtaling, Hoyt, Hubbard, Hubert, Hunt, James, Jones, Koll, Lindsey, Musser, Myres, McBrayer, McDonald, McDuffie, McGee, McKinney, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Springer, Stemmons, Stevenson, Stowe, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Watkins and Mr. Speaker—52.

Those who opposed the decision of the Chair, were

Messrs. Bowie, Bradford, Carr, Cornwall, Dannels, Fairfield, Hagans, Hastings, Henry, Hunter, Kellogg, McDaniel, Warmcastle and Whitman—14.

So the House sustained the Speaker.

The previous question was then put and sustained by a vote of the House.

The yeas and nays were then demanded by Messrs. Hunter and others upon the adoption of the amendment offered by Mr. Hunter to strike out Sacramento and insert San Jose.

Those who voted to strike out and insert, were

Messrs. Anderson, Bennett, Bowie, Carr, Clingan, Cornwall, Dannels, Fairfield, Henry, Hunter, James, Kellogg, Mandeville, McDuffie, McGee, McKinney, Stowe, Warmcastle, Watkins and Whitman—20.

Those who opposed the amendment, were

Messrs. Aylett, Bagley, Ballou, Bostwick, Bradford, Briggs, Burton, Conness, Davidson, Dawley, Ewer, French, Gilbert, Godard, Green, Griffith, Hagans, Hastings, Hoff, Hollister, Horr, Houghtaling, Hoyt, Hubbard, Hubert, Hunt, Jones, Koll, Lindsey, Musser, Myres, McBrayer, McDonald, McDaniel, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Springer, Stemmons, Stevenson, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Whipple and Mr. Speaker—53.

So the amendment was lost.

The question to adjourn to Sacramento then came up; and upon which Messrs. Myres, James and others demanded the yeas and nays

Those who voted in favor of the resolution, were

Messrs. Aylett, Bagley, Ballou, Bostwick, Briggs, Burton, Conness, Davidson, Dawley, French, Gilbert, Godard, Green, Griffith, Hollister, Horr, Houghtaling, Hoyt, Hubbard, Koll, Lindsey, Musser, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Springer, Stevenson, Sweasey, Sweetland, Tallmadge, Van Cleft and Whipple—39.

Those who voted against adjourning to Sacramento, were

Messrs. Anderson, Bennett, Bowie, Bradford, Carr, Clingan, Cornwall, Dannels, Ewer, Fairfield, Gordon, Hagans, Hastings, Henry, Herbert, Hoff, Hubert, Hunt, Hunter, James, Jones, Kellogg, Mandeville, Myres, McDuffie, McGee, McKinney, Noel, Stemmons, Stowe, Tivy, Warmcastle, Watkins, Whitman and Mr. Speaker—35.

The Chair decided that according to the rules of this House it would require a two-thirds vote to adjourn longer than one day, or to any other place than Benicia

From which decision Mr. Griffith appealed.

Mr. Bradford moved a call of the House and demanded the yeas and nays.

Those who voted to sustain the call, were

Messrs. Anderson, Bowie, Bradford, Carr, Clingan, Cornwall, Dannels, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Hubert, Hunter, James, Jones, Kellogg, Mandeville, McDuffie, McDaniel, McGee, McKinney, Noel, Stowe, Tivy, Warmcastle, Watkins, Whitman and Mr. Speaker—30.

Those who opposed a call of the House, were

Messrs. Bagley, Ballou, Bennett, Bostwick, Briggs, Burton, Conness, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Green, Griffith, Hoff, Hollister, Horr, Houghtaling, Hoyt, Hubbard, Hunt, Koll, Lindsey, Musser, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan,

Springer, Stemmons, Stevenson, Sweasey, Sweetland, Tallmadge, Van Cleft and Whipple—44.

So the House did not sustain the call.

Mr. Herbert moved to lay the appeal on the table and make it the special order for 12 o'clock to-morrow, and demanded the yeas and nays

Those who voted in favor of laying on the table, were

Messrs. Anderson, Bennett, Bowie, Bradford, Carr, Clingan, Cornwall, Dannels, Ewer, Fairfield, Gordon, Hagans, Hastings, Henry, Herbert, Hoff, Hubert, Hunter, James, Kellogg, Mandeville, McDuffie, McDaniel, McGee, Noel, Stemmons, Stowe, Tivy, Warmcastle, Watkins, Whipple Whitman and Mr. Speaker—33.

Those who voted against laying upon the table, were

Messrs. Aylett, Bagley, Ballou, Bostwick, Briggs, Burton, Conness, Davidson, Dawley, French, Gilbert, Godard, Green, Griffith, Hollister, Horr, Houghtaling, Hoyt, Hubbard, Hunt, Jones, Koll, Lindsey, Musser, Myres, McBrayer, McDonald, McKinney, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Springer, Stevenson, Sweasey, Sweetland, Tallmadge and Van Cleft—41.

So the House refused to lay the appeal upon the table.

The Speaker announced that the hour of twelve had arrived, and that the special order of the day was in order, which was a bill to fix the time to elect United States Senators.

Mr. Myres moved to lay the special order on the table for the present, with a view to dispose of the removal question, and demanded the yeas and nays.

Those who voted to lay on the table were—

Messrs. Bagley, Ballou, Bostwick, Briggs, Burton, Clingan, Conness, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Green, Griffith, Hoff, Hollister, Horr, Hoyt, Hubbard, Hunt, Jones, Kellogg, Koll, Lindsey, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Jark, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stevenson, Sweasey, Sweetland, Tallmadge, Tivy, and Van Cleft—44.

Those who voted against laying on the table were—

Messrs. Anderson, Aylett, Bennett, Bowie, Bradford, Carr, Cornwall, Dannels, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Houghtaling, Hubert, Hunter, James, Mandeville, Musser, McDuffie, McDaniel, McGee, McKinney, Noel, Stemmons, Stowe, Warmcastle, Watkins, Whipple, Whitman, and Mr. Speaker—32

So the special order was laid upon the table.

Mr. Bradford moved to adjourn, and demanded the yeas and nays.

Those who voted to adjourn were—

Messrs. Anderson, Bennett, Bowie, Bradford, Clingan, Cornwall, Dannels, Ewer, Fairfield, Gordon, Hagans, Hastings, Henry, Herbert, Hunter, James,

Mandeville, Musser, McDuffie, McDaniel, Noel, Stemmons, Stowe, Tivy. Warmcastle, Watkins, Whipple, Whitman, and Mr. Speaker—29.

Those who voted against an adjournment were—

Messrs. Aylett, Bagley, Ballou, Bostwick, Briggs, Burton, Conness, Davidson, Dawley, French, Gilbert, Godard, Green, Griffith, Hoff, Hollister, Horr, Houghtaling, Hoyt, Hubbard, Hubert, Hunt, Irwin, Jones, Kellogg, Koll, Lindsey, Myres-McBrayer, McDonald, McKinney, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stevenson, Sweasey, Sweetland, Tallmadge, and Van Cleft—46.

So the House refused to adjourn.

The question of the appeal from the decision of the Speaker then came up, and Mr. Conness, demanded the previous question, which by a vote of the House was sustained,

And a direct vote upon the appeal was taken, upon which Messrs. Herbert and other members demanded the yeas and nays.

Those who voted to sustain the Chair were—

Messrs. Anderson, Bennett, Bowie, Bradford, Clingan, Cornwall, Dannels, Ewer, Fairfield, Gordon, Hagans, Hastings, Henry, Herbert, Hoff, Hubert, Hunter, Irwin, James, Jones, Kellogg, McDuffie, McDaniel, McGee, McKinney, Noel, Rowan, Stemmons, Stowe, Tivy, Warmcastle, Watkins, Whipple, Whitman, and Mr. Speaker—35.

Those who opposed the decision of the Chair were—

Messrs. Aylett, Bagley, Ballou, Bostwick, Briggs, Burton, Conness, Davidson, Dawley, French, Gilbert, Godard, Green, Griffith, Hollister, Horr, Houghtaling, Hoyt, Hubbard, Koll, Lindsey, Musser, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Springer, Stevenson, Sweasey, Sweetland, Tallmadge, and Van Cleft—38.

So the decision of the Chair was overruled.

Mr. Myres moved to reconsider the vote which passed the resolution to adjourn to Sacramento.

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

Agreed to.

Mr. Bowie offered the following, which was laid upon the table :

Resolved, By the Assembly, (the Senate concurring,) that the two Houses of the Legislature will adjourn *sine die* on the 9th of February, 1854.

Mr. Herbert moved to take from the table Assembly bill fixing the time to elect United States Senators.

Bill taken up, and moved a call of the House.

The call was sustained.

The Clerk then called the roll, and the following members were absent.

Messrs. Ashley, Carr, Carrillo, French, and Letcher.

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

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

HOUSE OF ASSEMBLY

SATURDAY, February 4, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present the Speaker announced the House ready to proceed to business.

The Journal of Friday was read and approved.

Mr. Whitman gave notice that he would enter his solemn protest against the vote of the House, by which, on the 3d of February, 1854, the decision of the Chair, that adjournment to any other time than the day immediately succeeding, at 10 o'clock A. M., required a two-thirds vote, was overruled.

Mr. Nichols presented a petition from George Alex. Smith asking to have his name changed.

Petition read and referred to the delegations of San Francisco and El Dorado.

Mr. Bradford presented a petition from Messrs. Slocum, Garnet and Wells in reference to a reduction of Ferry License.

Read and referred to Committee of Ways and Means.

Mr. Bagley, chairman, made the following report :

The Committee on State Prison, to whom was referred Assembly bill No. 41, have had the same under consideration and respectfully present herewith a substitute for said bill, and recommend its passage.

The substitute was adopted, and, on motion, laid upon the table.

The following message was received from the Governor :

To the Senate and Assembly of California :

I have the honor herewith to transmit a copy of the report of the agents appointed by me to select the lands donated to the State, by an Act of Congress, approved March 3, 1853, for a seminary of learning and public buildings.

The lands appurtenant to the Mission of San Luis Rey, in the county of San Diego, it will be seen, have been selected ; but the precise number of acres has not, and, perhaps, will not be ascertained, until after survey by the proper officer.

By reference to the appendix to my last Annual Message it will be seen that these lands, until released to the State by Gen. Hitchcock, were in the occupancy of the General Government—the buildings as a garrison, and the surrounding lands as pasturage for animals belonging to the army.

The Act under which these lands are acquired authorizes locations to be made by individual settlers upon unsurveyed public lands, without discriminating against the State in making selections for the purposes named in the Act. It is, therefore, presumed that the fact that these lands have not been as yet surveyed cannot interfere with the rights of the State in the premises, further than to require the selec-

tions made to conform to sectional lines after the survey shall have been completed.

In order, however, to remove all doubt or difficulty hereafter as to the title of the State to the lands mentioned, the Legislature should adopt such measures as may be deemed advisable to cause the mission lands to be surveyed by the United States Surveyor General at the earliest practicable day.

The lands donated by the 13th section of the Act of Congress, above referred to, will, if directed by the Legislature, be selected in a short time and the facts duly reported.

The land already selected is, unquestionably, very valuable, and present legislation for its protection would seem to be necessary in order to secure its appropriation to the important objects for which it was donated by Congress.

JOHN BIGLER.

The communication from the State Treasurer was read, and,

On motion, the message of the Governor, and the communication from the State Treasurer, were referred to the Committee on Public Lands.

Mr. Bradford offered a Concurrent Resolution requesting the Surveyor General to survey the lands donated to the State of California for the establishment of seminaries as soon as practicable;

Which was adopted.

The following messages were received from the Governor :

I have this day approved an Act entitled an Act for the relief of the Insane Asylum, which originated in the Assembly.

JOHN BIGLER.

I have the honor herewith to transmit a copy of a communication from the Hon. S. A. McMeans, State Treasurer; the suggestions it contains are cordially approved, and I trust will receive your early and favorable consideration.

JOHN BIGLER.

The communication was read, and,

On motion, 240 copies ordered to be printed, and referred to the Committee of Ways and Means. (See Appendix, Doc. No. 6.)

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed yesterday Assembly bill for an Act in relation to the supplies of fuel and other contingent expenses of the Legislature, with amendments as therein shown, which is respectfully returned.

JOHN Y. LIND,
Secretary.

The amendments of the Senate were concurred in by the Assembly.

Mr. Stowe offered a Concurrent Resolution to appoint a joint committee to investigate the reasons why the interest upon the State Bonds had not been paid at maturity, which, on motion, was laid upon the table.

Mr. Griffith offered a Concurrent Resolution, offering a vote of thanks to Messrs. Sherman, Duncan & Co., of New York, for having paid the interest due by this State on her bonds.

Mr. Bowie moved to amend by striking out a part of the preamble.
Which was not agreed to.

On motion of Mr. Green, the resolution was referred to a select committee of three.

Messrs. Green, Stowe and Bowie were appointed said committee.

Mr. Stemmons gave notice that he would, at an early day, introduce a bill to amend an Act entitled an Act to establish a system of Common Schools, passed May 3, 1852.

Mr. McDuffie introduced a bill for an Act concerning Legal Proceedings in favor of and against counties.

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

Mr. Hunter introduced a bill for an Act creating a Board of Commissioners and the office of Overseer in each township of the several counties, to regulate water courses within their respective limits.

Read a first time, and 240 copies ordered to be printed.

Mr. Sweasey introduced a bill, an Act for the protection of settlers.

Read a first time, and 240 copies ordered to be printed.

Mr. Aylett gave notice that he would, at an early day, introduce a bill for an Act regulating and prescribing the mode of making payments out of the State Treasury.

Mr. Hubert introduced a bill for an Act to amend sections 28, 29, 35 and 156 of an Act to regulate proceedings in Civil Cases, passed April 29, 1851.

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

Mr. McKinney gave notice that he would, at some future day, introduce a bill to repeal the organic law creating the Board of Supervisors, passed May 3, 1852, in and for the county of Santa Clara.

Mr. Myres introduced the following bills :

An Act authorizing the State Treasurer to make disposition of certain monies for the purpose of paying the interest on the civil bonds of the State, issued under the funding Acts of 1852 and 1853.

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

An Act explanatory of the seventh section of 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, approved May 18, 1853.

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

Mr. James moved to amend the Journal of yesterday by expunging a portion of the same.

Not agreed to.

Mr. Warmcastle moved to adjourn, and

Messrs. Hubbard, Green and Conness demanded the yeas and nays :

Those who voted to adjourn, were :

Messrs. Anderson, Aylett, Bennett, Bowie, Burton, Carr, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Horr, Houghtaling, Hunter, James, Mandeville, Musser, McDuffie, McDaniel, McGee, McKinney, Noel, Stowe, Sweetland, Warmcastle, Whipple and Whitman—29.

Those who voted against an adjournment, were :

Messrs. Ashley, Bagley, Ballou, Bostwick, Bradford, Briggs, Clingan, Conness, Dannels, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Green, Griffith, Hoff, Hollister, Hoyt, Hubbard, Hubert, Hunt, Irwin, Jones, Kellogg, Koll, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy,

Ring, Rowan, Spencer, Springer, Stemmons, Stevenson, Sweasey, Tallmadge, Tivy, Van Cleft, Watkins and Mr. Speaker—48.

So the House refused to adjourn.

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

Mr. Conness moved to lay the motion on the table, and demanded the ayes and nays.

Those who voted to lay the motion on the table were .

Messrs. Ashley, Bagley, Ballou, Briggs, Clingan, Conness, Dannels, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Green, Griffith, Hoff, Hollister, Hoyt, Hubbard, Hubert, Hunt, Irvin, Jones, Kellogg, Koll, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Tallmadge and Van Cleft—40.

Those who voted against laying on the table were :

Messrs. Anderson, Aylett, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Cornwall, Ewer, Gordon, Hagens, Hastings, Henry, Herbert, Horr, Houghtaling, Hunter, James, Mandeville, Musser, McDuffie, McDaniel, McGee, McKinney, Noel, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Warmcastle, Watkins, Whipple, Whitman and Mr. Speaker—36.

So the motion was laid upon the table.

Mr. Conness moved to take from the table the special order of the day.

Mr. James moved to lay the motion on the table and demanded the yeas and nays.

Those who voted to lay on the table were :

Messrs. Anderson, Aylett, Bennett, Bowie, Bradford, Burton, Carr, Cornwall, Ewer, Gordon, Hagens, Hastings, Henry, Herbert, Horr, Houghtaling, Hubert, Hunter, James, Lindsey, Mandeville, Musser, McDuffie, McDaniel, McGee, McKinney, Noel, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Warmcastle, Whipple, Whitman and Mr. Speaker—36.

Those who voted against laying on the table were—

Messrs. Ashley, Bagley, Ballou, Bostwick, Briggs, Clingan, Conness, Dannels, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Green, Griffith, Hoff, Hollister, Hoyt, Hubbard, Hunt, Irvin, Jones, Kellogg, Koll, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Tallmadge, Van Cleft, and Watkins—42.

So the House refused to lay on the table.

Mr. Herbert moved to adjourn, and

Messrs. O'Neil, Hoff, and Green demanded the yeas and nays :

Those who voted to adjourn were—

Messrs. Anderson, Aylett, Bennett, Bowie, Bradford, Burton, Carr, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Horr, Houghtaling, Hunter, James, Lindsey, Mandeville, Musser, McDuffie, McDaniel, McGee, McKinney, Noel, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Warmcastle, Whipple, and Whitman—34.

Those who voted against adjourning were—

Messrs. Ashley, Bagley, Ballou, Bostwick, Briggs, Clingan, Conness, Dannels, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Green, Griffith, Hoff, Hollister, Hoyt, Hubbard, Hubert, Hunt, Irwin, Jones, Kellogg, Koll, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Tallmadge, Van Cleft, Watkins, and Mr Speaker—44.

So the House refused to adjourn.

The motion to take up the order of the day was next in order, and Messrs. Herbert and other members demanded the yeas and nays :

Those who voted to take up the order of the day were :

Messrs. Ashley, Bagley, Ballou, Briggs, Clingan, Conness, Dannels, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Green, Griffith, Hoff, Hollister, Hoyt, Hubbard, Hunt, Irwin, Jones, Kellogg, Koll, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Tallmadge, Van Cleft, and Watkins—41.

Those who opposed taking up the order of the day were :

Messrs. Anderson, Aylett, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Horr, Houghtaling, Hubert, Hunter, James, Lindsey, Mandeville, Musser, McDuffie, McDaniel, McGee, McKinney, Noel, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Whipple, Whitman, and Mr. Speaker—36.

So the order of the day was taken up.

Mr. McDuffie, moved to adjourn, and Messrs. Hubbard and other members demanded the yeas and nays.

Those who voted to adjourn were :

Messrs. Anderson, Aylett, Bennett, Bowie, Burton, Carr, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Horr, Houghtaling, Hunter, James, Lindsey, Mandeville, Musser, McDuffie, McDaniel, McGee, McKinney, Noel, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Warmcastle, Whipple, and Whitman—33.

Those who voted against adjourning were :

Messrs. Ashley, Bagley, Ballou, Bostwick, Bradford, Briggs, Clingan, Conness, Dannels, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Green, Griffith,

Hoff, Hollister, Hoyt, Hubbard, Hubert, Hunt, Irwin, Jones, Kellogg, Koll, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Tallmadge, Van Cleft, Watkins, and Mr. Speaker. .45.

So the House refused to adjourn.

Mr. Mandeville moved to refer the bill to a Committee of the Whole House, and make it the special order for Tuesday next, at 12 o'clock, and demanded the yeas and nays.

Those who voted to make it the special order were. .

Messrs. Anderson, Aylett, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Carrillo, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Horr, Hough-taling, Hubert, Hunter, James, Lindsey, Mandeville, Musser, McDuffie, McDaniel, McGec, McKinney, Noel, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Warm-castle, Watkins, Whitman, and Mr. Speaker. .38

Those who opposed a reference were :

Messrs. Ashley, Bagley, Ballou, Briggs, Clingan, Conness, Dannels, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Green, Griffith, Hoff, Hollister, Hoyt, Hubbard, Hunt, Irwin, Jones, Kellogg, Koll, Myres, McBrayer, McDonald, Ni-chols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, King, Rowan, Spencer, Springer, Sweasey, Tallmadge, and Van Cleft. .40.

So the House refused to refer and make it the special order.

On motion of Mr. Myres, the bill was made the special order of the day in Com-mittee of the Whole House, on the 6th day of March, at 12 o'clock.

Mr. Irwin introduced a bill, an Act to authorize Franklin Tilford to build a wharf at the end of Green street into the Bay of San Francisco.

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

On motion of Mr. Myres, the House took a recess until 4 o'clock, P. M.

FOUR O'CLOCK, P. M.

House met pursuant to adjournment.

On motion, leave of absence was granted to Mr. Bennett for five days, to Mr. Noel two days, to Mr. Hagans five days, and to Mr. French for one day.

Mr Bradford gave notice that, on to-morrow, he would introduce a bill for an Act to establish a State Land Office.

On motion of Mr. Hoyt the House adjourned until Monday next at 3 o'clock.

HOUSE OF ASSEMBLY,

MONDAY, February 6, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present,
The Speaker announced the House ready to proceed to business.
The Journal of Saturday was read and approved.

Mr. Mandeville presented a petition from the citizens of Jamestown, Tuolumne county, protesting against the election of United States Senator by the present Legislature

Petition read.

Mr. Watkins gave notice that he would, on to-morrow, or some early day thereafter, introduce a bill for the permanent location of the Seat of Government of California by a vote of the people.

Mr. Watkins introduced a bill for an Act fixing the time of holding the several Courts of Alameda county.

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

Mr. Ashley gave notice that, at an early day, he would introduce a bill for an Act to amend an Act concerning the writ of Habeas Corpus.

A bill for an Act to amend an Act concerning Crimes and Punishments.

Also, a bill for an Act to authorize the Clerk of the Supreme Court to appoint Deputies.

Mr. McDonald gave notice that at an early day he would introduce a bill explanatory of an Act defining the boundaries of El Dorado county.

Mr. Ashley offered the following, which was adopted :

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of preparing and publishing a supplement to the compiled Laws of this State, which supplement shall supply the important omissions of said compiled Laws, and shall contain the necessary errata.

Mr. Stemmons moved to take from the table a resolution to elect a chaplain.

Mr. Hunter moved to indefinitely postpone the motion to take from the table, and Messrs. Carrillo, Stemmons and others demanded the yeas and nays :

Those who voted to postpone were :

Messrs. Anderson, Ashley, Aylett, Bagley, Ballou, Carr, Carrillo, Cornwall, Ewer, French, Hubbard, Hunter, Jones, Kellogg, Koll, Letcher, McDuffie, McKinney, O'Neil, F. A. Park, Rowan, Sweasey, Tivy and Watkins—24.

Those who voted against indefinite postponement were :

Messrs. Bostwick, Bowie, Bradford, Briggs, Dannels, Fairfield, Godard, Hastings, Henry, Herbert, Hollister, Houghtaling, Hoyt, James, Lindsey, Mandeville, Musser, McBrayer, McDonald, McDaniel, Ring, Springer, Stemmons, Sweetland, Tallmadge, Whipple, Whitman and Mr. Speaker—28.

So the House refused to indefinitely postpone.

The House then by a vote took from the table the resolution, and

On motion of Mr. Watkins, the resolution was made the special order for Wednesday next at 12 o'clock.

Mr. Ashley introduced a bill for an Act to amend an Act concerning the office of Public Administrator, and making it elective, passed April 15, 1851.

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

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

HOUSE OF ASSEMBLY.

TUESDAY, February 7, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present the House proceeded to business.

The Journal of Monday last was read, amended and approved.

On motion, leave of absence was granted to Mr. Clingan for one day, to Mr. Stevenson for one week, to Mr. Warmcastle for one day, to Mr. Conness for four days, and to Mr. Hunt for two days.

Mr. Ballou made the following report :

The El Dorado delegation, to whom was referred Senate bill No. 24, for

An Act to change the name of William Alexander Smith to Amor De Cosmos, beg leave to report,

That they have had the subject under consideration, and having good and sufficient reasons adduced to satisfy them of the justness of the proposed change of name, have the honor to report the bill back to the House and recommend its passage.

The bill was then taken up for a third reading, and upon its final passage Messrs. Ashley, Jones and Hubbard demanded the yeas and nays.

Those who voted for the passage of the bill were—

Messrs. Anderson, Bagley, Ballou, Bostwick, Bowie, Bradford, Briggs, Carrillo, Cornwall, Dannels, Davidson, Dawley, Ewer, Fairfield, French Gilbert, Godard, Gordon, Green, Griffith, Hastings, Henry, Hoff, Hollister, Houghtaling, Hoyt, James, Kull, Letcher, Mandeville, McDonald, McGee, McKinney, O'Neil, J. W. Park, Pratt, Springer, Stemmons, Tallmadge, Whitman, and Mr. Speaker—41.

Those who voted against the passage of the bill were—

Messrs. Ashley, Aylett, Burton, Carr, Hubbard, Hunter, Jones, Kellogg, Lindsey, Musser, McBrayer, McDuffie, McDaniel, F. A. Park, Purdy, Ring, Stowe, Sweasey, Watkins, and Whipple—20.

So the bill passed.

Mr. Griffith offered the following, which was adopted :

Resolved, That the Sergeant-at-Arms be directed to furnish each member of this Assembly with the California Farmer, a weekly agricultural paper published in San Francisco.

Assembly bill No. 92, An Act fixing the time of holding the several Courts of Alameda county.

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

Assembly bill No. 93, An Act to amend an Act concerning the office of Public Administrator, and making it elective, passed April 15, 1851.

Read a second time, and referred to Judiciary Committee.

Assembly bill No. 87, An Act to amend sections 28, 29, 35 and 156 of an Act to regulate proceedings in Civil Cases, passed April 29, 1851.

Read a second time, and referred to Judiciary Committee.

Assembly bill No. 88, An Act concerning legal proceedings in favor of and against counties.

Read a second time and referred to Judiciary Committee.

Assembly bill No. 91, An Act authorizing the State Treasurer to make disposition of certain moneys for the purpose of paying the interest on the Civil Bonds of the State, issued under the Funding Acts of 1852 and 1853.

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

Assembly bill No. 90, An Act explanatory of the 9th section of 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.

Read a second time, referred to Committee of Ways and Means, and 240 copies ordered to be printed.

Assembly bill No. 84, An Act to amend the 4th and 5th sections of an Act concerning Estray Animals, passed May 1, 1851.

Read a second time, and referred to Committee on Agriculture.

Assembly bill No. 39, An Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850.

Read a second time, and referred to Judiciary Committee.

Assembly bill No. 89, An Act to authorize Franklin Tilford to build a wharf at San Francisco, and set into the Bay of San Francisco.

Read a second time, and referred to Committee on Commerce, and 240 copies ordered to be printed.

Assembly bill No. 48, An Act in relation to an Act defining the time of commencing Civil Actions in certain cases, approved May 4, 1852.

On motion, laid upon the table.

Assembly bill No. 79, An Act to provide for the selection of lands donated by the United States to the State of California.

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

Assembly bill No. 53, An Act to regulate Fees in Office.

Read a second time, and referred to a select committee of five.

Messrs. Griffith, Warmcastle, French, Bradford and Bostwick were appointed said committee.

On motion of Mr. McBrayer, Assembly bill No. 75, An Act to declare the meaning and intention of an Act entitled An Act concerning Officers, passed April 28, 1851, was taken from the table,

Considered as engrossed, read a third time, and passed.

On motion of Mr. McBrayer, Assembly bill No. 74, An Act concerning Constables in the city of Sacramento, was taken from the table,

And ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Bradford, the first Standing Rule of the Assembly was amended as follows :

Strike out " 10 o'clock," and insert " meeting." Add to the rule, " the House shall meet daily at 12 o'clock, until otherwise ordered."

Mr. Gordon presented a petition from sundry citizens of the counties of Calaveras and El Dorado, praying for a new county to be formed out of portions of the territory of those two counties to be called Washington county.

Petition referred to Committee on Counties and County Boundaries.

Mr. Ashley introduced a bill, an Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850.

Read a first and second time and 240 copies ordered to be printed.

Mr. McBrayer offered a Concurrent Resolution, inviting the Senate to meet in the hall of the House immediately for the purpose of the inauguration of the Lieutenant Governor.

Resolution adopted.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrollment have examined, and find correctly enrolled, an Act in relation to the Contingent Expenses of the Legislature.

Also, an Act to fix the compensation of the County Judge of Tulare county.

Mr. Ashley introduced a bill, an Act to amend an Act concerning the writ of Habeas Corpus, passed April 20, 1850.

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

On motion of Mr. Myres, Assembly bill No. 40, an Act to repeal section one and two of an Act to amend an Act entitled an Act concerning Crimes and Punishments, passed April 22, 1851, was taken from the table, and made the special order for Tuesday next at 1 o'clock.

The following message was read from the Senate .

MR. SPEAKER :

I am instructed to inform the Assembly that the Senate have concurred in Assembly Resolution to meet in Convention immediately for the purpose of inaugurating the Lieutenant Governor.

JOHN Y. LIND,
Secretary.

The two Houses assembled in the hall of the House for the purpose of the inauguration of the Lieutenant Governor.

On motion of Mr. Sawyer, a committee of two from each House were appointed to wait upon the Lieutenant Governor and inform him that the two Houses were now ready to have the oath of office administered.

Messrs Sawyer and Coffroth on the part of the Senate, and Messrs. Tallmadge and Stemmons on the part of the House, were appointed said committee.

On motion of Mr. Sprague, Judge Winston was invited to administer the oath of office to the Lieutenant Governor.

Lieutenant Governor Purdy appeared and was qualified, whereupon the President of the Senate declared him Lieutenant Governor for the next two years, and declared the Convention dissolved, and the Senate withdrew.

Mr. Bostwick offered the following, which was adopted, and

Messrs. Bostwick, Tallmadge and Myres were appointed said committee.

Resolved, That a committee of three be appointed to inquire into the cause of the failure, on the part of W. M. Eddy, Esq., late Surveyor General of the State, to furnish *certain persons* with an official map of the State, in accordance with the provisions of an Act entitled an Act to provide for the publication and distribution of the Official Map of the State as compiled by the Surveyor General, approved March 25, 1853.

On motion of Mr. O'Neil, the House adjourned until 12 o'clock to-morrow.

HOUSE OF ASSEMBLY

WEDNESDAY, February 8, 1854

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present, the Speaker announced the House ready to proceed to business.

The Journals of Tuesday was read and approved.

On motion, leave of absence was granted to Mr. Green for four days; to Mr. Briggs for one day; and to Mr. Scobey, Assistant Clerk, for four days.

A resolution, which had been set as the special order of the day for 12 o'clock to-day, in reference to the appointment of a Chaplain, was taken up for consideration.

Mr. F. A. Park moved to indefinitely postpone the resolution, and

Messrs. Watkins, Hubbard and Mandeville demanded the yeas and nays

Those who voted to postpone were—

Messrs. Anderson, Ashley, Bagley, Ballou, Carr, Carrillo, Clingan, Cornwall, Dawley, Ewer, Gilbert, Griffith, Hoff, Hubert, Hunt, Hunter, Jones, Kellogg, Koll, Letcher, Myres, McDuffie, McGee, O'Neil, F. A. Park, J. W. Park, Purdy, Rowan, Stowe, Sweasey, Tivy, Warmcastle and Watkins—33.

Those who opposed postponement were—

Messrs. Aylett, Bostwick, Bowie, Bradford, Burton, Dannels, Fairfield, Godard, Gordon, Hastings, Henry, Herbert, Hollister, Houghtaling, Hoyt, Hubbard, James, Lindsey, Mandeville, Musser, McBrayer, McDonald, McDaniel, Nichols, Noel, Pratt, Ring, Springer, Stemmons, Sweetland, Tallmadge, Van Cleft, Whipple, Whitman and Mr. Speaker—53.

So the House refused to postpone indefinitely.

Mr. Griffith moved a call of the House

The call was not sustained.

Upon the final vote of the resolution, Messrs. Stemmons, Mandeville and James demanded the yeas and nays.

Those who voted for the resolution were :

Messrs. Bostwick, Bowie, Burton, Dannels, Fairfield, Godard, Gordon, Hastings, Hubert, Hollister, Houghtaling, Hoyt, Hubbard, James, Lindsey, Mandeville, Musser, McBrayer, McDonald, McDaniel, Nichols, Noel, Pratt, Ring, Springer, Stemmons, Sweetland, Tallmadge, Van Cleft, Whipple and Mr. Speaker—32.

Those who opposed the passage of the resolution were :

Messrs. Anderson, Ashley, Ballou, Carr, Clingan, Cornwall, Dawley, Ewer, Gilbert, Griffith, Henry, Herbert, Hoff, Hubert, Hunt, Hunter, Irwin, Jones, Kellogg, Koll, Letcher, Myres, McDuffie, McGee, McKinney, O'Neil, F. A. Park, J. W. Park, Purdy, Rowan, Sweasey, Tivy, Warmcastle, Watkins and Whitman-36.

So the House refused to pass the resolution.

Mr. Carrillo presented a petition from sundry citizens of Santa Barbara county, praying for a new map to be made of the lower part of the State of California.

Read and referred to Committee of Ways and Means.

Mr. Bostwick presented a petition from many citizens of Nevada, praying for the passage of the Maine Liquor Law.

Read and referred to special committee heretofore created upon the subject.

Mr. Watkins, chairman, made the following report :

The Committee of Corporations, to whom was referred the petition of George W. Ellis and others, praying for the privilege of using the hydraulic power of Mission Creek. And of William Edgar, praying the right to build a dam across Elk River, have had the same under consideration, and instructed me to report bills herewith in accordance with the prayers of said petitions.

The committee have also had under consideration Assembly bills Nos. 66 and 67 to them referred, and have instructed me to report them back without amendment.

And for Assembly bill, No. 59, to them referred for consideration, they have instructed me to report a substitute ; the reception of all of which is respectfully submitted to the pleasure and direction of the House.

Mr. Watkins, chairman of Committee on Corporations, introduced the following bills :

An Act, 97, granting to G. W. Ellis and others the right to use the hydraulic power of Mission Creek for milling purposes.

Read a first time, and 240 copies ordered to be printed.

A bill, 96, an Act granting to William Edgar the right to erect a dam across Elk River.

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

Assembly bill, 66, an Act to incorporate Crescent City, reported back from Committee on Corporations.

On motion, laid upon the table.

Mr. McBrayer moved a call of the House.

The call was sustained.

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

Messrs. Aylett, Bradford, Dawley, Fairfield, Hunt, James, Letcher, Lindsey, Mandeville, Musser, McDonald, F. A. Park, Stemmons and Whipple.

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

On motion, Messrs. Letcher and Dawley were admitted within the hall of the House and were excused.

Mr. Ashley moved to dispense with farther proceedings under the call.

Not agreed to

On motion, Mr. Hunt was admitted within the hall of the House and excused.

Mr. French moved to dispense with farther proceedings under the call.

Not agreed to.

On motion, Mr. Whipple was admitted within the hall of the House, and the House refused to excuse him.

Mr. Bowie moved to dispense with farther proceedings under the call.

Agreed to.

Assembly bill, No. 67, an Act to amend the first section of an Act to provide for the the formation of Corporations for certain purposes, approved April 14, 1853, reported back by Committee on Corporations.

Read a third time, and, upon motion, laid upon the table.

On motion of Mr. Dawley, the House adjourned until 12 o'clock to-morrow.

HOUSE OF ASSEMBLY.

THURSDAY, February 9, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present,

The Speaker announced the House ready to proceed to business.

The Journal of Wednesday was read and approved.

On motion, leave of absence was granted to Mr. French until Tuesday next.

Mr. Herbert, chairman, made the following report :

The Committee of Ways and Means, to whom was referred the petition of G. J. Slocum, James M. Garnett and John A. Witty, residents of San Joaquin county, beg leave to report it back to the House, and ask to be excused from the farther consideration of the same.

On motion of Mr. Herbert, the petition was referred to the delegation from San Joaquin.

Mr. Myres, chairman, made the following report :

The Judiciary Committee have had under consideration Assembly bill No. 83, entitled An Act fixing the time for Acts and Joint Resolutions to take effect, and to repeal an Act entitled an Act fixing the time for Acts and Joint Resolutions to take effect, passed January 24, 1850, and recommended its passage.

Also, Assembly bill, No. 82, entitled An Act to provide for holding terms of the District Court in Tulare county, the passage of which the committee recommend.

Also, Senate bill No. 22, for an Act to authorize the release of John G. Bircham and his sureties from a recognisance and judgment, and recommend its indefinite postponement.

Also, Assembly bill No. 10, entitled an Act to declare exempt from forced sale, under execution or other process, certain property of the several counties of this State, the passage of which the committee recommend.

Assembly bill, No. 83, reported by Judiciary Committee on its third reading.

Mr. Ashley offered to amend the first section by striking out "the adjournment of the Legislature passing such Acts and Joint Resolutions," and insert "after the passage of the same."

Not agreed to.

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

Assembly bill No. 82, reported by Judiciary Committee, considered as engrossed, read a third time and passed.

Assembly bill, No. 22, reported back by the Judiciary Committee, considered as engrossed.

Read a third and passed.

Mr. Griffith made the following report :

A majority of the Committee on Public Lands, to whom was referred the special message of the Governor and accompanying papers, relative to the conveyance of that certain block of land, in the City of San Francisco, known as the Custom House Block, to the United States, have had the same under consideration, and beg leave to report the following bill and recommend its passage.

An Act to authorize the Governor of this State to convey certain property in the city and county of San Francisco to the United States.

Read a first time, and 240 copies ordered to be printed.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined, and find correctly engrossed, An Act concerning Constables in the city of Sacramento ;

Also, An Act to declare the meaning and intention of an Act entitled An Act concerning Officers, passed April 28, 1851.

Mr. Mandeville gave notice that he would, in a few days, introduce a bill for an Act for the better development of the mineral resources of California.

Mr. Bostwick gave notice that he would, on to-morrow, move to change the first Standing Rule of the House, so as to fix the hour of meeting at "eleven" instead of "twelve" o'clock.

The following message was received from the Governor,

I have this day approved the following Acts which originated in the Assembly, to wit :

An Act in relation to the Contingent Expenses of the Legislature.

An Act to fix the compensation of the County Judge of Tulare county, and to repeal, in part, the first section 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 22, 1850.

JOHN BIGLER.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills report, that on the 7th instant they submitted to the Governor for his approval An Act in relation to the Contingent Expenses of the Legislature ;

Also, An Act to fix the compensation of the County Judge of Tulare county.

The following message was received from the Senate.

I am instructed to inform the Assembly, that on yesterday the Senate passed a bill for an Act to authorize the Court of Sessions of the county of Sacramento to levy and collect a special tax for the support and maintenance of the Indigent Sick of said county ;

And a Concurrent Resolution granting leave of absence from the State to Thomas W. Dawson, County Clerk of Shasta county.

And that they have this day passed a bill for an Act declaring the consent of the State of California to the purchase by the United States of Signor or Mare Island, to relinquish the title and interest of the State in overflowed portions of said Island, and to vest the jurisdiction over the same in the United States for the purposes therein specified ; all of which is respectfully submitted.

JOHN Y. LIND,
Secretary.

Senate bill, No. 1, above described, granting to the United States the jurisdiction over Mare Island.

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

Senate Concurrent Resolution granting leave of absence to the County Clerk of Shasta county, taken up for adoption.

When Messrs. Mandeville, Hubbard, and other members demanded the yeas and nays :

Those who voted for the resolution were :

Messrs. Anderson, Ashley, Aylett, Ballou, Bradford, Briggs, Carr, Carrillo, Cornwall, Dawley, Fairfield, Godard, Gordon, Griffith, Hagans, Hastings, Hollister, Horr, Houghtaling, Hoyt, Hubbard, Hubert, Hunt, James, Koll, Mandeville, Musser, Myres, McBrayer, McDonald, McDuffie, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stemmons, Stowe, Sweetland, Tallmadge, Tivy, Warmcastle, Watkins, Whitman and Mr. Speaker—53.

Those who opposed the resolution were—

Messrs. Bagley, Bostwick, Bowie, Burton, Clingan, Dannels, Henry, Herbert, Hoff, Jones, Letcher, Lindsey, McDaniel, McGee, McKinney, Sweasey and Van Clef—17.

So the resolution passed.

Senate bill, No. 31, for an Act to authorize the Court of Sessions of Sacramento county to levy and collect a special tax for the support and maintenance of the Indigent Sick of that county.

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

The Speaker laid before the House a communication from O. M. Wozencraft, former Indian Commissioner for this State.

Communication read and referred to the Committee on Military Affairs.

The Speaker also laid before the House a communication from Thomas Francis Meagher, in answer to an invitation extended by the Assembly through the Speaker, to deliver a Lecture at the Capital.

The communication was read.

Substitute to Assembly bill, No. 59, an Act granting a charter to S. C. Fugitt, for a Toll Bridge across Dry Creek.

On its third reading, on motion laid upon the table.

Assembly bill, No. 74, an Act concerning Constables in the city of Sacramento.

Read a third time and passed.

Assembly bill, No. 95, an Act to amend an Act concerning the writ of Habeas Corpus, passed April 20, 1850.

Read a second time and referred to Judiciary Committee.

Assembly bill, No. 96, an Act granting to Wm. Edgar the right to erect a Dam across Elk River.

Read a second time, and referred to Committee on Corporations.

On motion of Mr. Kellogg, the report of the Quarter Master and Adjutant General was referred to Committee on Military Affairs.

Mr. Van Cleft offered the following, which was laid upon the table.

Resolved, That the Sergeant-at-Arms is hereby instructed to dispense with all the unnecessary help under his charge.

On motion, Mr. Briggs was added to the special committee heretofore created in reference to the Maine Liquor Law.

Mr. Bradford gave notice that on to-morrow, or some subsequent day, he would introduce a bill for an Act for the reclamation of the Overflowed and Swamp Lands of this State.

Mr. Ashley introduced a bill for an Act to authorize the Clerk of the Supreme Court of this State to appoint Deputies.

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

Mr. Hubert gave notice that, at an early day, he would introduce a bill for an Act to re-incorporate the city of San Francisco.

Mr. Tallmadge offered the following, which were adopted.

Resolved, That the Committee on Military Affairs be instructed to report a bill for the better regulation of the Militia of this State.

Resolved, That the Secretary of State be, and is hereby requested to furnish this Assembly with a copy of the proposals, made in conformity to, and under the Act to provide for Public Printing, passed April 29, 1852, on which the contract for Public Printing was awarded; and also a copy of the contract with V. E. Geiger & Co., and G. K. Fitch & Co., alluded to in Joint Resolution, approved February 3, 1853, for the information of the Legislature.

On motion of Mr. Griffith, the House adjourned until 12 o'clock to-morrow.

HOUSE OF ASSEMBLY.

FRIDAY, February 10, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present the Speaker announced the House ready to proceed to business.

The Journal of Thursday was read and approved.

On motion, leave of absence was granted to Mr. Ewer indefinitely, in consequence of ill health; to Mr. Whipple for two days; to Mr. Clingan for two days; to Mr. Gilbert for four days; to Mr. Myres for six days, and to Mr. Hoff for one day.

Mr. Watkins presented a petition from sundry citizens of Alameda county, praying for the passage of a law to declare San Antonio creek a public highway.

Read and referred to Committee on Commerce and Navigation.

Mr. McGee presented a petition from many citizens of Butte county, praying for a division of the county.

Petition read and referred to Committee on Counties and County Boundaries.

Mr. Myres, chairman, made the following report :

The Judiciary Committee herewith report back to the House, Assembly bill No. 39, entitled an Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850, having previously considered the same and reported favorably to its passage.

Pursuant to a resolution of the Assembly, instructing the Judiciary Committee to inquire into the expediency of amending an Act to regulate proceedings in Criminal Cases, passed May 1, 1851, so as to give the counsel for the people the closing argument in all cases, herewith report a bill proposing such amendments to the above entitled Act, and respectfully recommend its passage.

Assembly bill No. 39, reported back by Judiciary Committee.

On motion, made the special order of the day for next Tuesday week, at 12 o'clock.

Mr. Myres, from Judiciary Committee, introduced a bill for an Act to amend an Act entitled an Act to regulate proceedings in Criminal Cases, passed May 1, 1851.

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

Mr. Dannels made the following report :

The Committee on Indian Affairs have had under consideration a bill for an Act to be entitled an Act to prevent the sale of fire-arms and ammunition to Indians in this State.

They recommend that the words "for Common School purposes" in section second be stricken out, and the words "as a part of the General Fund," be inserted—and the passage of the bill.

The amendment not agreed to.

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

Mr. O'Neil, chairman, made the following report

The Committee on Engrossment have examined and find correctly engrossed, an Act fixing the time for Acts and Joint Resolutions to take effect; and to repeal an Act entitled an Act fixing the time for Acts and Joint Resolutions to take effect, passed January 24, 1850.

Also, an Act to provide for holding terms of the District Court in Tulare county.

Also, an Act to declare exempt from forced sale, under execution or other process, certain property of the several counties of this State.

The following message was received from the Governor :

BENICIA, February 3, 1854.

I have this day approved an Act entitled an Act amendatory to an Act incorporating the city of Marysville, and Acts supplementary to said Acts.

Also, of this date, I have this day approved an Act which originated in the Assembly, entitled an Act to provide for the better publication of Official and Legal Notices, approved May, 1853.

JOHN BIGLER.

Mr. Herbert offered the following :

Resolved. By the Assembly, the Senate concurring, that the Sergeant-at-Arms be directed to furnish the Reporters of each House with a copy of the Codified Laws, subject to the laws of the State Library.

Adopted.

The following message was received from the Senate .

I am instructed to inform the Assembly that, on yesterday, the Senate passed the following Assembly bills.

An Act to authorize the State Treasurer to issue a duplicate Land Warrant to George W. Coffee; and

An Act to provide for the restoration of certain books, records, maps and papers to Humboldt county, now held by Trinity county, with an amendment as therein shown.

The Senate also passed a bill for an Act to protect the bodies of deceased persons and Public Grave Yards, and a Concurrent Resolution to adjourn *sine die* upon the 15th day of April next, in which the concurrence of the Assembly is respectfully asked.

JOHN Y. LIND, Secretary.

Senate amendment to Assembly bill No. 7, in reference to a restoration of books, maps, &c. to Humboldt county,

Concurred in.

Senate bill No. 33, in reference to the protection of the bodies of deceased persons.

Read first time and referred to Committee on Hospitals.

Senate Concurrent Resolution to adjourn on the 15th April.

On motion, laid upon the table.

Mr. Purdy gave notice that, at an early day, he would introduce a bill authorizing the city of San Francisco to construct Wharves and Piers in front of said city.

Mr. Stowe offered the following, which was adopted.

Resolved, That his Excellency the Governor be, and he is hereby requested, to transmit to the Assembly any and all communications which he received by the last mail from the Atlantic States, relating to the payment of the interest Coupons against this State, due in New York City on the 1st of January, 1854.

Mr. Dawley offered the following, which was adopted :

Resolved, That the State Treasurer be requested to inform the Assembly whether the city of San Francisco has paid into the Treasury the twenty-five per cent. due on the sale of Water Lot property in said city; and also furnish the House with all the information in his possession on the subject.

Mr. Bostwick, agreeable to notice, moved to amend the first rule of this House by striking out "twelve o'clock" and inserting "eleven."
Agreed to.

Mr. Tallmadge offered the following, which was adopted

Resolved, That the Comptroller be, and is hereby requested to furnish a report, for the information of the Assembly, of amount of bills audited for Public Printing, viz :

First : Amount audited for Legislative Printing for the year 1853.

Second : Amount audited for Printing Laws, and Assembly and Senate Journals for 1853, and number of copies of each.

Third : Amount audited for folding, and for folding and Stitching Laws and Journals for 1853.

Fourth : Amount audited for Executive Printing, and printing for State Offices for 1853.

Fifth : Total amount audited for Public Printing under any contract or order for 1853, and whether there is now any outstanding claims not *audited* for Public Printing during said year of 1853.

On motion of Mr. Mandeville, the bill to fix the pay of State Officers and the per diem of members of the Legislature was taken from the table

And on motion of Mr. Griffith, the House resolved itself into Committee of the Whole, Mr. Myres in the chair, to consider the bill After making sundry amendments thereto,

On motion of Mr. Bostwick, the committee rose, reported the bill back, and recommended that it be referred to a special committee, and asked to be discharged from the further consideration of the same.

The committee was discharged.

On motion of Mr Ashley, the bill was referred to a special committee of five Messrs. Ashley, Gordon, James, Myres and Bradford were appointed said committee

On motion, Senate bill No 22, to release J. G Bircham and his sureties, was taken from the table ; and,

On motion of Mr Conness, referred to Judiciary Committee

On motion of Mr. Mandeville, Joint Resolution in relation to mail service was taken from the table.

On motion, the third amendment of the Senate to add the words "Port Orford" was concurred in.

The fourth amendment of the Senate, an additional resolution, was not concurred in.

Mr. Stowe moved that a committee of conference be appointed.

Agreed to, and Messrs. Stowe, Conness and Bowie were appointed.

Mr. McDonald introduced a bill for an Act to divide the counties of Calaveras and El Dorado, and forming a new county therefrom to be called Washington.

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

The following reports were made by members from the Judiciary Committee :

A part of the Judiciary Committee respectfully report : That having duly considered Assembly bill No. 21, an Act to provide for the formation of Chattel Mortgages, are of opinion that such an enactment as is contemplated by the above entitled bill would tend greatly to the embarrassment of trade in its general effect, without securing corresponding benefits or contributing to the convenience of the people in the State.

The undersigned, therefore, recommend that the bill be indefinitely postponed.

MYRES,
C. E. CARR,
A. C. BRADFORD.

The undersigned, members of the Judiciary Committee, respectfully report that they have had under consideration Assembly bill No. 21, entitled an Act to provide for the formation of Chattel Mortgages, and have made sundry amendments thereto, in which they ask the concurrence of the House, and recommend its passage as amended.

J. C. JONES,
D. R. ASHLEY,
T. M. WARMCASTLE.

On motion, the bill reported by the Judiciary Committee was laid upon the table.

Mr. Mandeville introduced a bill for an Act for the better development of the Mineral Resources of California.

Read a first time, and 240 copies ordered to be printed.

Mr. Conness moved to take a recess for one hour.

Not agreed to.

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

HOUSE OF ASSEMBLY

SATURDAY, February 11, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present,
The Speaker announced the House ready to proceed to business.
The Journal of Friday was read and approved.

Mr. McDaniel presented a protest from sundry citizens of Calaveras against a division of that County.

Read and referred to Committee on Counties and County Boundaries.

Mr. Watkins made the following report :

The Committee of Corporations, to whom was referred Assembly bill, No. 96, granting to Mr. Edgar, the right to erect a Dam across Elk River, have had the same under consideration, and instructed me to report it back without amendment and recommend its passage.

The following messages was received from the Governor :

In compliance with a resolution which passed the Assembly on the 10th inst., requesting the " Governor to transmit to the Assembly any and all communications which he received by the last mail from the Atlantic States, relating to the payment of the interest coupons against this State, due in New York City on the 1st of January, 1854." I have the honor herewith to transmit a copy of the only communication received.

JOHN BIGLER.

On motion the communication was referred to the special committee upon the subject matter.

Mr. O'Neil made the following report

The Committee on Engrossment have examined, and find correctly engrossed an Act to prevent the sale of fire arms and ammunition to Indians in this State.

Mr. Tallmadge offered a Concurrent Resolution to suspend the publication of the Laws and Journals until further ordered by the Legislature.

A motion was made to refer the resolution to the Committee on Public Printing, and

Messrs. Bagley, Hubbard, and other members demanded the yeas and nays :

Those who voted to refer were—

Messrs. Aylett, Bowie, Burton, Henry, Horr, Hubert, Lindsey, Mandeville, Me-

Duffie, McDaniel, McGee, J. W. Park, Spencer, Stemmons, Sweetland, Warmcastle and Whitman—17.

Those who opposed a reference were—

Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Bostwick, Briggs, Carr, Carrillo, Conness, Dannels, Dawley, Fairfield, Godard, Gordon, Griffith, Hagans, Hollister, Hoyt, Hubbard, Hunt, Hunter, James, Jones, Kellogg, Koll, Letcher, McBrayer, McDonald, McKinney, Noel, O'Neil, F. A. Park, Purdy, Ring, Springer, Stevenson, Stowe, Sweasey, Tallmadge, Tivy, Van Cleft and Watkins—43

So the resolution was not referred to the Committee on Printing.

Mr. Stowe moved to amend by striking out "laws" where it occurs in the resolution, and

Messrs. Hubbard, J. W. Park and Jones demanded the yeas and nays :

Those who voted for striking out were—

Messrs. Aylett, Bowie, Gordon, Henry, Hunter, McDuffie, McGee, McKinney, J. W. Park, Spencer, Stemmons, Stowe and Whitman—13.

Those who opposed striking out were—

Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Bostwick, Briggs, Burton, Carr, Carrillo, Conness, Dannels, Dawley, Fairfield, Godard, Griffith, Hagans, Horr, Hoyt, Hubbard, Hubert, Hunt, James, Jones, Kellogg, Koll, Letcher, Lindsey, Mandeville, McBrayer, McDaniel, Nichols, Noel, O'Neil, Purdy, Ring, Springer, Stevenson, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft and Watkins—45.

So the House refused to strike out

Mr. Stowe moved the previous question.

The previous question was sustained.

The main question was then put, and Messrs. Hubbard and other members demanded the yeas and nays.

Those who voted for the passage of the resolution were—

Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Bostwick, Bowie, Briggs, Burton, Carr, Carrillo, Conness, Dannels, Dawley, Fairfield, Godard, Gordon, Griffith, Hagans, Hollister, Horr, Hoyt, Hubbard, Hubert, Hunt, Hunter, James, Jones, Kellogg, Koll, Letcher, Lindsey, Mandeville, McBrayer, McDonald, McDaniel, McGee, Noel, O'Neil, F. A. Park, Purdy, Ring, Springer, Stemmons, Stowe, Sweasey, Tallmadge, Tivy, Van Cleft, Watkins, and Whitman—51.

Those who opposed its passage were :

Messrs. Aylett, Henry, McDuffie, McKinney, Nichols, J. W. Park, Spencer, Sweetland, and Warmcastle—9.

So the resolution passed.

Mr. Stowe gave notice that he would introduce, at an early day, a bill to amend an Act entitled an Act to provide for the Public Printing, passed April 29, 1852

Mr. Dawley offered the following :

Resolved, That the Sergeant-at-Arms be directed to procure the latest official Map of the city of San Francisco for the use of members of this House, and pay for the same out of the Contingent Fund.

Mr. Hubbard moved to amend by inserting six maps instead of one

Not agreed to.

The resolution was then adopted.

Mr. Whitman offered the following :

Resolved, That the Assembly, through their Clerk, tender to Madame Anna Bishop the hall of the House, on any evening that may suit her convenience, for the purpose of giving a concert.

Mr. Jones moved to indefinitely postpone the resolution.

Not agreed to.

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

Not agreed to.

Mr. Conness offered the following as an amendment—"amend by appointing the member from Solano, as a committee of one, to wait upon the lady in question."

The Speaker decided the motion out of order.

From which decision Mr. Conness appealed.

The question was put, "Shall the decision of the Chair be the judgment of the House?" and decided in the affirmative.

The resolution was then adopted.

The Speaker laid before the House a communication from the Secretary of State, in reply to a resolution of the Assembly in reference to the printing contracts heretofore made.

The communication, with the accompanying documents, were read and referred to Committee on Printing.

Mr. Stevenson gave notice that he would, on Monday next, introduce a bill to repeal the Pilot Laws now in existence in this State.

Mr. McGee gave notice that he would, on Monday, introduce a bill providing for a division of Butte County.

On motion of Mr. Jones, Mr. Tallmadge was added to Committee on Printing.

Mr. Conness gave notice that he would, in a few days, introduce a bill for the reduction of the cost of the transportation of prisoners from the various counties of this State

Senate Bill, No 31, for an Act to authorize the Court of Sessions of the County of Sacramento to levy and collect a special tax for the support and maintenance of the Indigent Sick of said County

Read a second time and referred to Delegation from Sacramento

Assembly Bill, No. 100, an Act to amend an Act entitled an Act to regulate proceedings in Criminal Cases, passed May 1st, 1851.

Read a second time and referred to the Judiciary Committee.

Assembly Bill, No. 99, an Act to authorize the Clerk of the Supreme Court of this State to appoint Deputies.

Read a second time, and referred to Judiciary Committee.

Assembly Bill, No. 101, an Act for dividing the Counties of Calaveras and El Dorado, and forming a new county therefrom, to be called Washington.

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

Mr. Ballou introduced a bill, an Act to legalize acknowledgments in certain cases, taken and certified by County Recorders.

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

Mr. McKenny introduced a bill for an Act to abolish the Board of Supervisors in and for the County of Santa Clara.

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

Mr. Griffith introduced a bill for an Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

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

Mr. Spencer introduced a bill for an Act to authorize A. H. Murdoch, and others to build a wharf at the town of Union, in Humboldt county.

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

Mr. Stowe introduced a bill for an Act to amend an Act concerning Courts of Justice of this State and Judicial Officers.

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

Mr. Whitman introduced a bill for an Act defining the meaning of the word "Deed," and changing the common law signification of the same.

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

Mr. Fairfield introduced a bill for an Act amendatory of, and explanatory to an Act entitled an Act to provide revenue for the support of the Government of this State, passed May 18, 1853.

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

On motion, leave of absence was granted to Mr. Davidson for two days, and to Mr. Griffith for one day

On motion of Mr. O'Neil, the House adjourned until 1 o'clock on Monday next.

HOUSE OF ASSEMBLY.

MONDAY, February 13, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present,
The Speaker announced the House ready to proceed to business.

The Journal of Saturday was read and approved.

On motion, indefinite leave was granted to Mr. Musser, and one day to Mr. F. A.

Park, one day to Mr. Van Cleft, one day to Mr. Sweasey, four days to Mr. Springer, one day to Mr. Bradford, one day to Mr. McBrayer, one day to Mr. McKinney, one day to Mr. Stowe, one day to Mr. Whitman, and one day to Mr. Clingan.

Mr. Watkins presented a petition from sundry citizens of Alameda county, in reference to the terms of the County Court.

Read and referred to Judiciary Committee.

Mr. Spencer, chairman, made the following report :

The Committee on Hospitals, to whom was referred the bill entitled An Act to protect the bodies of deceased persons and public grave yards, have had the same under consideration, and respectfully recommend the following amendment :

After the first word in the fifth line of the second section, add "or destroy, or remove shade, ornamental, or other trees, unless by direction of the proper authorities."

The amendment was adopted, and the bill read a third time and passed.

Mr. Hoyt from the Judiciary Committee, made the following minority report :

The undersigned a member of the Judiciary Committee, who have had under consideration, Assembly bill No. 1, for an Act to provide for the formation of Chattel Mortgages, would respectfully report, that he believes the wants of the business community imperatively demand that some well guarded act be passed providing for the formation of Chattel Mortgages, without delivery of property.

And believing that the bill under consideration does not fully meet the exigencies of the case, begs leave to offer the following substitute.

JAMES T. HOYT.

Assembly Hall, Feb. 13, 1854

On motion of Mr. Hoyt, Assembly bill, No. 1, an Act to provide for the formation of Chattel Mortgages, was taken from the table, and upon his motion 240 copies of the substitute were ordered to be printed ; and

The bill and substitute made the special order for Thursday next, at 12 o'clock.

The following message was received from the Senate :

I am directed to inform the Assembly, that on the 9th instant, the Senate passed the accompanying Joint Resolution in reference to claims of citizens of California for damages, by the action of the U. S. Indian Commissioners, in which the concurrence of the Assembly is respectfully asked.

JOHN Y. LIND,
Secretary.

Resolution was read a first and second time, and referred to Committee on Indian Affairs.

Mr. Kellogg gave notice that, on to-morrow, or at some future day, he would introduce a bill to amend the Charter of the City of Benicia.

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

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

Mr. O'Neil offered the following, which was adopted .

Resolved, That the Committee of Ways and Means be requested to report a bill, as soon as possible, for the support of the Government of this State.

Mr. Conness introduced a bill for an Act to amend an Act providing for securing the State Prison Convicts.

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

Mr. Stevenson introduced a bill for an Act to repeal the Pilot Laws now in existence.

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

Mr. McDaniel introduced a bill for an Act authorizing Justices of the Peace to issue writs of injunctions in certain cases.

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

Mr. Warmcastle introduced a bill for an Act concerning Lawful Fences, and Animals committing waste on grounds lawfully enclosed.

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

Assembly bill, No 85, an Act for the Protection of Settlers.

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

On motion, the vote referring the bill to committee was re-considered.

Mr. Watkins introduced a bill for the Protection of Settlers upon Public Lands.

Read a first and second time, 240 copies ordered to be printed, and the original bill for the same purpose, with this, intended as a substitute; referred to Committee on Public Lands.

Assembly Bill, No. 103, an Act to legalize Acknowledgments in certain cases, taken and certified by County Recorders.

Read a second time and referred to Judiciary Committee

Assembly Bill, No. 104, an Act to abolish the Board of Supervisors in and for the County of Santa Clara.

Read a second time, and referred to the delegation from Santa Clara.

Assembly Bill, No. 105, an Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19th, 1853,

Read a second time, and referred to Judiciary Committee.

Assembly Bill, No. 106, an Act to authorize A. H. Murdock, and others, to build a wharf at the town of Union, in Humboldt County.

Read a second time and referred to Committee on Commerce.

Assembly bill No. 107, an Act to amend an Act concerning Courts of Justice of this State and Judicial Officers, approved May 19, 1853.

Read a second time and referred to Judiciary Committee.

Assembly bill No. 108, an Act defining the meaning of the word "Deed," and changing the Common Law signification of the same.

Read a second time and referred to Judiciary Committee.

Assembly bill No. 109, an Act amendatory of and explanatory to an Act entitled an Act to provide revenue for the support of the Government of this State, passed May 18, 1853.

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

Assembly bill No. 86, an Act creating a Board of Commissioners, and the office of Overseer in each township of the several counties to regulate Water Courses within their respective limits.

Read a second time and referred to Committee on Agriculture.

Assembly bill No. 97, for an Act granting to G. W. Ellis and others the right to use the hydraulic power of Mission Creek for milling purposes.

Read a second time, and made the special order of the day for Friday next at 12 o'clock

On motion, the House adjourned until 11 o'clock to-morrow

HOUSE OF ASSEMBLY.

TUESDAY, February 14, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present the Speaker announced the House ready to proceed to business.

The Journal of Monday last was read and approved.

On motion, leave of absence was granted to Messrs. Griffith, F. A. Park and Carrillo for two days.

Mr. Watkins made the following report :

The Committee on Corporations, to whom was referred the petition of sundry citizens of the town of Oakland praying for the passage of a law granting them a new Charter, have had the same under consideration, and have instructed me to report a bill according to the prayer of the petitioners, and recommended its passage.

The bill was read a first time.

Mr. Bradford moved to print 240 copies of the bill.

Not agreed to.

Mr. Jones, from the Judiciary Committee, made the following report :

The Judiciary Committee have had under consideration Assembly bill, No. 88, entitled an Act concerning Legal Proceedings in favor of and against Counties, and herewith report the same to the House with an amendment, and recommend its passage.

Amendment adopted, and

On motion of Mr. Bostwick, 240 copies of the bill ordered to be printed.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrollment have examined, and find correctly enrolled, an Act to authorize the State Treasurer to issue a duplicate Land Warrant to Geo. W. Coffee ; also,

An Act to provide for the restoration of certain Books, Records, Maps and Papers to Humboldt County, now held by Trinity county ; also,

An Act to change the name of William Alexander Smith, to Amor De Cosmos ; also,

Joint Resolution in relation to the wreck of the ship Aberdeen ; also,

Senate Concurrent Resolution granting leave of absence to John M. Howell, District Judge of the Eleventh Judicial District ; and also,

Concurrent resolution granting leave of absence to Thomas W. Dawson, County Clerk of Shasta county.

JOSEPH A. TIVY,
Chairman of Committee on Enrolled Bills.

BENICIA, February, 14, 1854.

Mr. Hagans gave notice that at an early day he would introduce a bill for an Act for the relief of Nathaniel McMarifee.

Mr. James gave notice that on to-morrow, or some subsequent day, he would introduce proposed amendments to sections 3, 5, and 8, of Article VI, of the Constitution of this State.

Assembly bill No. 110, An Act to take the sense of the people of this State upon the permanent location of the Seat of Government,

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

Assembly bill No. 111, An Act to amend an Act providing for securing the State Prison Convicts ;

Read a second time and referred to Committee on State Prisons.

Assembly bill No. 112, for An Act to repeal the Pilot Laws now in existence ;

Read a second time and referred to Committee on Commerce.

Mr. Tallmadge moved to print 240 copies of the bill.

Not agreed to.

Assembly bill No. 113, An Act authorizing Justices of the Peace to issue writs of injunction in certain cases ;

Read a second time, and referred to Judiciary Committee.

Assembly bill No. 114, An Act concerning Lawful Fences, and animals committing waste on grounds lawfully enclosed ;

Read a second time and referred to Committee on Agriculture.

Mr. Kellogg introduced a bill for an Act supplementary to the Act incorporating the city of Benicia ;

Read a first and second time and referred to Committee on Corporations.

Mr. Bennett introduced a bill, an Act to exempt from taxation pre-emption and the improvements thereon.

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

On motion of Mr. Watkins, Assembly bill No. 66, an Act to Incorporate Crescent City,

Was taken from the table, considered as engrossed, read a third time and passed.

Mr. McGee introduced a bill for an Act to provide for a division of Butte county ;

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

The Speaker laid before the House a communication from the Corporation of Sacramento, in reference to a bill which is now before the Legislature.

Communication was read, and

On motion of Mr. Conness, referred to the Judiciary Committee.

On motion of Mr. Mandeville, Assembly bill No. 12, an Act to repeal an Act to amend the 14th section of an Act entitled an Act concerning the office of County Treasurers, passed March 27, 1850, approved May 17, 1853,

Was taken from the the table, considered as engrossed, read a third time and passed.

On motion of Mr. Conness, the special order which had been set for this day was postponed from day to day until disposed of.

Mr. Letcher made the following report :

The delegation from Santa Clara, to whom was referred an Act to abolish the Board of Supervisors in and for the county of Santa Clara, beg leave to report the same back to the House without amendment, and recommend its passage.

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

Mr. Whipple introduced a bill for an Act to amend an Act entitled an Act to regulate proceedings in Criminal Cases in the Courts of Justice of this State, passed May 1, 1851 ;

Read a second time and referred to the Judiciary Committee.

Mr. Bradford gave notice that on to-morrow he would introduce a bill for an Act concerning the office of Secretary of State.

Mr. Warmcastle introduced a bill for an Act to abolish the Board of Supervisors in the county of Contra Costa.

Read a first and second time.

Mr. Warmcastle moved to suspend the rules to read the bill a third time now.

Not agreed to.

Mr. Stowe offered the following, which was adopted :

Resolved, That the Treasurer of State be requested to transmit to this House copies of vouchers, and other papers in his office in relation to the interest coupons payable in the city of New York.

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

HOUSE OF ASSEMBLY.

WEDNESDAY, February 15, 1854

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present,

The Speaker announced the House ready to proceed to business.

The Journal of Tuesday was read and approved.

On motion, leave of absence was granted to Mr. Dawley for two days ; and to Mr. Stevenson for one day.

Mr. Bowie presented a petition from sundry citizens of Colusi county, in reference to the protection of game, which was read, and

On motion of Mr. Bostwick, referred to Committee on Agriculture.

Mr. Herbert, chairman, made the following report :

The Committee of Ways and Means to whom was referred a bill entitled an Act authorizing the State Treasurer to make disposition of certain monies for the purpose of paying the interest on the Civil Bonds of the State, issued under the Funding Acts of 1852 and 1853, ask leave to report it back without amendment, and recommend its passage.

The bill was read a third time, 240 copies ordered to be printed and laid upon the table.

Mr. Jones, from the Judiciary Committee, made the following report :

The Judiciary Committee, to whom was referred Senate bill, No. 22, entitled an Act to authorize the release of John G. Burcham, and his sureties, from a recognizance and judgment, report it back and recommend its passage.

The bill was read a third time and passed.

Mr. Ashley made the following report :

The Committee on Education to whom was referred the special message of the Governor, presented with the report of the present Superintendent of Public Instruction, have had said special message under consideration, and conformably to its recommendation would respectfully report the accompanying memorial and Joint Resolution, and recommend its passage.

Joint Resolution and memorial introduced by the Committee on Education.
Read a first time, and 240 copies ordered to be printed.

Mr. Irwin made the following report :

The Committee on Federal Relations, to whom was referred Senate Concurrent Resolution concerning the Pacific Railroad, have had the same under consideration and report the resolution back, and ask the House to concur with the Senate in the appointment of a Joint Committee of three from each House.

Senate Concurrent Resolution adopted, and Messrs. Irwin, Watkins and Carr were appointed on the part of the Assembly.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined, and find correctly engrossed, a bill for an Act to repeal an Act to amend the 14th section of an Act entitled an Act concerning the office of County Treasurer, passed March 27, 1850, approved May 17, 1853, and to revise said fourteenth section.

Also, an Act to abolish the Board of Supervisors in and for the county of Santa Clara.

Mr. McDaniel, for the entire delegation from Calaveras, made the following report :

The Delegation from Calaveras, to whom was referred a bill for an Act to repeal an Act entitled an Act to authorize the County Surveyor of Calaveras county to

rent an office, have had the same under consideration, and recommend that the bill do not pass.

The bill was then read a third time, and in accordance with the recommendation of the delegation, did not pass.

Mr. Bradford, chairman, made the following report :

The Committee on Public Lands, to whom was referred Senate bill for an Act declaring the consent of the State of California to the purchase, by the United States of Signor or Mare Island, to relinquish the title and interest of the State in overflowed portions of said Island, and to vest the jurisdiction over the same in the United States for the purposes therein specified, have considered the same, and report it back without amendment, and recommend its passage.

The bill reported back by the committee, read a third time and passed.

The following report was made by Messrs. McBrayer and J. W. Park.

A portion of the Sacramento Delegation to whom was referred a bill for an Act to authorize the Court of Sessions of the county of Sacramento to levy and collect a special tax for the support and maintenance of the Indigent Sick of said county, beg leave to report, that they have had the same under consideration and report it back to the House with the following amendment.

Amend section 1, by striking out the word "half," and insert the word "fourth," and recommend the adoption of the amendment and the passage of the bill.

The following report was made by Messrs. F. A. Park and Davidson.

A portion of the Sacramento delegation, to whom was referred a bill for an Act to authorize the Court of Sessions of the County of Sacramento to levy and collect a special tax for the support of the indigent sick of said county, beg leave to report that they have had the same under consideration, and report it back to the House with the following amendment :

Amend section 1, by striking out the words "one half of one per cent," and inserting the words "fifteen cents on the one hundred dollars," and recommend the adoption of the amendment and passage of the bill.

The amendment proposed by Messrs. F. A. Park and Davidson not agreed to.

The amendment offered by Messrs. McBrayer and J. W. Park adopted.

The bill read a third time and passed.

The following message was received from the Senate :

I am instructed to inform the Assembly that, on yesterday, the Senate concurred in Assembly Resolution to furnish the Codified Statutes to the Reporters.

And passed a Concurrent Resolution in reference to the printing of the yeas and nays in the Journal.

The Senate have consented to a Committee of Conference on the disagreeing vote of the two Houses, as to an increase of Mail Service, and have appointed Messrs. Coffroth, Tuttle and Bryan on their part.

All of which is respectfully submitted.

JOHN Y. LIND,
Secretary.

Concurrent Resolution from the Senate in reference to the State Printer, concurred in by the Assembly.

Mr. Whitman gave notice that he would, at an early day, introduce a bill for an Act to appropriate the water front of the city of Benicia.

Mr. Bowie gave notice that he would, at an early day, introduce a bill for an Act to extend an Act for the Protection of Game to the County of Colusa.

Mr. Carr introduced a Joint Resolution in reference to the Board of Land Commissioners holding sessions of their court at Los Angeles.

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

Mr. Ballou gave notice that he would, at an early day, introduce a bill authorizing the qualified electors in the State of California to vote for or against the granting of license for the sale of ardent spirits in their respective townships and incorporated cities.

Mr. Rowan gave notice that, on to-morrow, he would introduce a bill for an Act entitled an Act directing notice to be given of applications to the Legislature relative to Incorporations.

Also, a bill for an Act entitled an Act making provision for ascertaining the Boundaries of Counties and Townships.

Assembly bill, No. 118, an Act to exempt from taxation Pre-emptions, and the improvements thereon.

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

Assembly bill No. 121, an Act to abolish the Board of Supervisors in the county of Contra Costa.

Considered as engrossed, read a third time, and passed.

Assembly bill No. 116, an Act to incorporate the city of Oakland.

Read a second time, and referred to Committee on Corporations.

Mr. Whipple introduced a Joint Resolution granting leave of absence to Edward P. Fletcher, County Judge of Klamath county.

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

Mr. Whitman introduced a bill for an Act for the relief of the Stockton Journal.

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

He also gave notice that he would, at an early day, introduce a bill for an Act to fund the indebtedness of the County of Solano.

Mr. Aylett introduced a Joint Resolution granting leave of absence to R. L. Westbrook, Judge of Siskiyou county.

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

On motion of Mr. Bradford, Mr. Hubert was added to the Joint Select Committee on the Fee bill.

On motion of Mr. Mandeville, 240 copies of the report of the Joint Committee, appointed at the last session of the Legislature, to examine the books and papers of the different State offices, were ordered to be printed.

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

HOUSE OF ASSEMBLY.

THURSDAY, February 16, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present,
The Speaker announced the House ready to proceed to business.
The Journal of Wednesday was read and approved.

On motion, leave of absence was granted to Mr. French for one day ; and Mr. Hunt for four days.

Mr. Hastings presented a petition from sundry citizens of Butte county, praying to be reattached to Sutter county.

Read, and referred to Committee on Counties and County Boundaries.

Mr. Herbert presented a petition numerously signed by citizens of Mariposa county protesting against a division of the same.

Read, and referred to Committee on Counties and County Boundaries.

Mr. Watkins made the following report :

The Committee on Corporations, to whom was referred Assembly bill No. 116, an Act to Incorporate the City of Oakland, have had the same under consideration, and have instructed me to report the same back, with the following amendments, to wit :

In the first section, sixth line, strike out "and may." In the sixth line of the eleventh section, strike out "B. F. Ferris," and insert "D. N. Van Dike." At the end of the nineteenth section, add, "and any ordinance of said town of Oakland, providing for the levying and collection of taxes, and directing or authorizing the expenditures of monies, or the assumption of any debts or liabilities, are hereby suspended, until the organization of the government created by this Act."

And add as section 20, the following :

"This Act shall take effect from and after the passage thereof."

On motion, the special order set for this day at 12 o'clock, was postponed.

On motion of Mr. Bradford, the House resolved itself into Committee of the Whole, Mr. Bradford in the chair, to consider an Act to incorporate the city of Oakland, after spending some time in its consideration, and making sundry amendments thereto,

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

The committee was discharged.

The several amendments made in Committee of the Whole were adopted generally.

Mr. Conness moved to strike out the words "made *bona fide*" in the 12th section.

Not agreed to.

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

Mr. Tivy, chairman, made the following report .

The Joint Committee on Enrolled bills have examined, and find correctly enrolled, an Act to protect the bodies of deceased persons, and public grave yards.

An Act to authorize the Court of Sessions of the county of Sacramento, to levy and collect a special tax for the support and maintenance of the Indigent Sick of said county.

Mr. Hubert made the following report :

The Judiciary Committee have had under consideration Assembly bill, No. 92, entitled an Act fixing the time of holding the several Courts of Alameda county, and having amended the same, recommend its passage as ammended.

Also, Assembly bill No. 105, entitled an Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

Also, Assembly bill No. 99, entitled an Act to authorize the Clerk of the Supreme Court of this State to appoint deputies.

Also, Assembly bill No. 93, entitled an Act to amend an Act concerning the office of Public Administrator and making it elective, passed April 15, 1851.

Also, Assembly bill No. 95, entitled an Act to amend an Act concerning the writ of *Habeas Corpus*, passed April 20, 1850, the passage of which severally the committee recommended.

February 16, 1854.

Assembly bill No. 92, above reported.

The amendment of the committee concurred in ; the bill considered as engrossed; read a third time and passed.

Assembly bill No. 105, reported by Judiciary Committee, on its third reading, On motion of Mr. Hastings, laid upon the table.

Assembly bill No. 99, reported by Judiciary Committee ; considered as engrossed ; read a third time and passed.

Assembly bill No. 93, reported by Judiciary Committee ; considered as engrossed ; read a third time and passed.

Assembly bill No. 95, reported by Judiciary Committee : considered as engrossed ; read a third time and passed.

Mr. Hubert made the following report :

The undersigned, members of the Judiciary Committee, respectfully report, that they have had before them Assembly bill No. 100, entitled an Act to amend an Act entitled an Act to regulate proceedings in Criminal Cases, passed May 1, 1851, and recommend the passage of the same.

HUBERT,
JONES,
BRADFORD,
WHITMAN and
BOWIE.

The undersigned, a portion of the Judiciary Committee, have had under consideration Assembly bill No. 100, entitled an Act to amend an Act entitled an Act to

regulate proceedings in Criminal Cases, passed May 1, 1851, and herewith report a substitute for the same, and recommend its passage.

ASHLEY,
CARR,
WARMCASTLE and
GORDON.

The undersigned, a minority of the Judiciary Committee, who have had under consideration Assembly bill, No. 100, entitled an Act to amend an Act entitled an Act to regulate proceedings in Criminal Cases, passed May, 1, 1851, would respectfully report, that believing the present law allowing the defendant in criminal action the privilege of the closing argument is a proper and humane law, and in keeping with the progressive tendencies of the jurisprudence of our State; that it affords the defendant an opportunity to dissipate hasty and excited impressions that may be created against him by eloquence and ingenuity of opposing counsel, leaving the case to go to the jury upon its true merits: consequently no injury can result to the State, for when the case for the prosecution is not sufficiently strong of itself to produce conviction, the defendant should be discharged; therefore report against any change of the present law in that respect.

J. F. HOYT.

The bill, substitute and reports made the special order for Wednesday next at 12 o'clock.

Mr. Stemmons made the following report:

The Committee on Agriculture, to whom was referred Assembly bill No. 86, creating a Board of Commissioners and an Overseer to regulate Water Courses and Ditches in their townships: have had the same under consideration, and report the same back, with a substitute, and recommend the adoption and passage of the substitute.

The bill, substitute and report, on motion, laid upon the table

Mr. Nichols made the following report:

The San Francisco and El Dorado delegation, to whom was referred the petition of George Alexander Smith; have had the same under consideration, and respectfully recommend that the prayer of the petitioner be granted.

Mr. O'Neil, chairman, made the following report:

The Committee on Engrossment have examined, and find correctly engrossed, an Act to incorporate Crescent City.

The Speaker laid before the House a communication from the State Treasurer in answer to a resolution of the Assembly, in relation to the payment of coupons due in New York, on the 1st of January, 1854.

Communication and accompanying documents read and referred to the special committee of three upon that subject.

The Clerk read to the House a communication from Madam Anna Bishop and her musical director, accepting the offer of the Assembly, to grant the use of the hall of the House for her to give a Concert, and

On motion, the Clerk was authorized to select the evening, and notify her director of the same.

Mr. Bradford offered the following, which was adopted.

Resolved, That the Sergeant-at-Arms of this House be instructed to obtain from the Sergeant-at-Arms of the Senate, as many copies of the Report of the Trustees of the Insane Asylum as were intended for the use of the Assembly.

Mr. Irwin moved to print 1,000 copies of the Report of the Trustees of the State Marine Hospital.

Mr. Ballou moved to lay the motion to print on the table.

Agreed to.

Mr. Conness gave notice that in a few days he would introduce a bill for the increase of the salary of the District Attorney for El Dorado County.

Mr. McDonald gave notice that, at an early day, he would introduce a bill to create the office of Collector of Taxes in the different counties of this State.

Assembly bill No. 102, for an Act for the better development of the Mineral Resources of California.

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

Assembly bill No. 97, an Act to authorize the Governor of this State to convey certain property in the City and County of San Francisco to the United States.

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

Assembly Joint Resolution, 124, in reference to the Board of Land Commissioners holding a session at the City of Los Angeles.

Read a second time, and referred to Committee on Federal Relations.

Assembly bill No. 122, an Act for the relief of the Stockton Journal.

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

Assembly Joint Resolution No. 125, granting leave of absence to Edward P. Fletcher, County Judge of Klamath County.

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

Assembly Joint Resolution No. 126, granting leave of absence to R. L. Westbrook, Judge of Siskiyou county

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

Mr. Conness gave notice that, in a few days, he would introduce a bill to prevent Judicial and other officers from being absent during their terms of office from this State.

On motion, Mr. McGee was added to the Committee on Mines and Mining Interests; and Mr. Green added to the Committee on Education.

Mr. Hastings gave notice that he would, at an early day, introduce a bill for an Act fixing the northern boundary of Sutter County.

Mr. J. W. Park gave notice that he would, at some future day, introduce a bill for the relief of Charles N. Hall, for moneys expended in the year 1850, for the suffering emigrants.

Mr. Whitman introduced a bill for an Act granting to the city of Benicia the water front of said city.

Read a first time, and 240 copies ordered to be printed.

Mr. Horr gave notice that, on to-morrow, he would introduce a bill authorizing the erection of dams across Tuolumne river, for milling, manufacturing and agricultural purposes

Mr. Davidson gave notice that, at an early period, he would introduce a bill for the better observance of the Sabbath day throughout the State of California.

Mr. Griffith gave notice that, on to-morrow, he would introduce a bill for an Act to amend an Act entitled an Act to prohibit the erection of Weirs, or other obstructions to the run of Salmon, passed April 12, 1852;

Also, to amend an Act entitled an Act to amend the above mentioned Act, passed March 19, 1852

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

HOUSE OF ASSEMBLY

FRIDAY, February 17, 1854.

House met pursuant to adjournment

The roll was called by the Clerk, and a quorum being present,
The Speaker announced the House ready to proceed to business.

The Journal of Thursday was read and approved

On motion, leave of absence was granted to Mr. Hollister for two days, and to Mr. Godard for two days, and to Messrs. Myres and French until Monday next.

Mr. Stenmons presented a petition numerously signed by citizens of San Joaquin, protesting against the election of Senator during this session of the Legislature.

Mr. Hubert made the following report from the Judiciary Committee :

The Judiciary Committee having duly considered Assembly bill No. 113, entitled an Act authorizing Justices of the Peace to issue writs of Injunction in certain cases, herewith report a substitute for the same and recommend its passage ; also,

Assembly bill No. 107, entitled an Act to amend an Act concerning Courts of Justice of this State, and Judicial Officers, approved May 19, 1853 ; also,

Assembly bill No. 120, entitled an Act to amend an Act to regulate proceedings in Criminal Cases in the Courts of Justice of this State, passed May 1, 1851, and recommend that they do not pass.

The Committee have also had under consideration Assembly bill No. 94, entitled an Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850, and having made sundry amendments thereto, recommend its passage as amended.

Assembly bill No. 113, reported as above.

The substitute adopted, 240 copies of the substitute ordered to be printed, and the bill made the special order for the first day of March next, at 12 o'clock.

Assembly bill No. 107, reported back by Judiciary Committee, recommending that the bill do not pass ; by a vote of the House the bill did not pass.

Assembly bill No. 120, reported back by Judiciary Committee, recommending that the bill do not pass ;

On motion, it was laid upon the table.

Assembly bill, No. 94, reported back by the Judiciary Committee, with sundry amendments,

On motion, laid upon the table.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined and find correctly engrossed, an Act to abolish the Board of Supervisors in the county of Contra Costa.

An Act to amend an Act concerning the office of Public Administrator, and making it elective, passed April 15, 1851.

An Act to amend an Act concerning the writ of *Habeas Corpus*, passed April 20, 1850 ;

And an Act to authorize the Clerk of the Supreme Court of this State to appoint deputies.

The special order of the day, Assembly bill No. 97, for an Act granting G. W. Ellis, and others, the right to use the hydraulic power of Mission Creek for milling purposes, was taken up for consideration.

On motion of Mr. Conness, the House resolved itself into Committee of the Whole, Mr. Mandeville in the chair, to consider the bill; after spending some time in its consideration,

On motion of Mr. Griffith, the committee rose, reported the 'bill back to the House, with a recommendation that it do not pass, and asked to be discharged from the further consideration of the same.

Committee discharged.

The bill was then read a third time.

Mr. Stowe moved to lay the bill on the table.

Not agreed to.

The final vote upon the passage of the bill was then taken, and the House, refused to pass it.

Mr. Stemmons moved to adjourn.

Not agreed to.

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

Not agreed to.

Assembly Joint Resolution granting leave of absence to R. L. Westbrook, Judge of Siskiyou county, on its third reading.

On motion, laid upon the table.

Assembly Joint Resolution granting leave of absence to Edward P. Fletcher, County Judge of Klamath county, on its final passage, Messrs. Conness, Letcher, and Bostwick, demanded the yeas and nays :

Those who voted for the passage of the resolution were—

Messrs. Bagley, Bowie, Cornwall, Dawley, Gordon, Green, Hastings, Henry, Herbert, Hollister, Horr, Houghtaling, Hoyt, Hubbard, Hubert, James, Koll, Mandeville, Musser, McBrayer, Nichols, Noel, F. A. Park, J. W. Park, Purdy, Ring, Rowan, Spencer, Stevenson, Stowe, Warmcastle, Watkins, Whipple, Whitman, and Mr. Speaker—35.

Those who opposed the resolution were—

Messrs. Anderson, Ashley, Bennett, Bostwick, Bradford, Burton, Carr, Clingan, Conness, Dannels, Fairfield, Griffith, Hoff, Hunter, Irwin, Jones, Letcher, Lindsey, McDonald, McDaniel, McGee, McKinney, O'Neil, Stemmons, Sweasey, Tallmadge, Tivy, and Van Cleft—28.

So the resolution passed.

Assembly bill, No. 98, an Act to authorize the Governor of this State to convey certain property in the city and county of San Francisco to the United States, on its third reading,

On motion, made the special order of the day for to-morrow at 12 o'clock.

Mr. Griffith introduced a bill for an Act to amend an Act entitled an Act to prohibit the erection of Weirs or other obstructions to the run of Salmon, passed April 12, 1852.

Read a first time, and 240 copies ordered to be printed.

Mr. Stowe introduced a bill for an Act to amend an Act to provide for the Public Printing, passed April 29, 1852.

Mr. Van Cleft offered the following, which was adopted.

Resolved, That this House adjourn the 21st of February to meet on the 23d, in honor of the birth day of Washington.

Mr. Horr introduced a bill, an Act authorizing persons to erect Dams across the Tuolumne river.

Read a first time, and 240 copies ordered to be printed.

Mr. Horr, introduced the following bill, also, for an Act for changing the head of Navigation of Tuolumne River.

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

Assembly bill, No. 127, an Act granting to the city of Benicia the water front of said city.

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

Mr. O'Neil gave notice that he would, in a few days, introduce a bill for an Act to authorize the Secretary of State to grant State Licenses to Hawkers and Pedlars.

Mr. McKinney gave notice that he would, at some future day, introduce a bill legalizing the location of the Land Warrants created by law to provide for the disposal of the five hundred thousand acres of land granted to this State by Act of Congress, making said location legal upon unsurveyed lands.

Mr. Hubert gave notice that, to-morrow, he would move the repeal of the 64th rule for conducting business in the House of Assembly, so far as it prohibits a member to explain his vote while the yeas and nays are being called.

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

HOUSE OF ASSEMBLY.

SATURDAY, February 18, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present,
The Speaker announced the House ready to proceed to business.
The Journal of Friday was read and approved.

On motion, leave of absence was granted to Mr. Watkins for one day; to Mr. Green for one day; to Mr. Hall for one day; to Mr. Pratt for one day; to Mr. Warmcastle until Tuesday; to Mr. Van Cleft for one day; and to Mr. Hoyt for one week.

Mr. Dawley made the following report :

The Committee on Commerce, to whom was referred the accompanying bills, having had the same under consideration, beg leave to report as follows :

1st. Upon the petition from citizens of Alameda county in relation to San Antonio Creek, the committee find, upon examination of the statutes, that an Act was passed May 3d, 1852, declaring said Creek navigable ; said act never having been repealed, it appears that the prayer of the petitioners has been granted even before the asking, therefore no further action is necessary on the part of the present Legislature.

2d. An Act to authorize A. H. Murdock, and others, to build a wharf at the town of Union, in Humboldt county.

The committee propose to amend the second section, by striking out after the word successors in the third line, and insert "as therein shown," and recommend its adoption, and that the bill pass.

3d. An Act declaring Mission Creek, in the county of San Francisco, a navigable stream, having given the same a careful consideration, report the bill back with the accompanying amendment to the title and enacting clause, and unanimously recommend its passage.

Assembly bill, No. 106, for an Act to authorize A. H. Murdock, and others, to build a wharf at the town of Union, in Humboldt county, amended, considered as engrossed, read a third time and passed.

Assembly bill, No. 62, an Act declaring Mission Creek in the county of San Francisco, a navigable stream.

Read a third time.

Mr. Mandeville moved to lay the bill on the table.

Not agreed to.

Mr. Mandeville moved to re-commit the bill, with special instruction to inquire whether Mission Creek is a navigable stream.

Not agreed to.

The bill then passed the House.

Mr. Mandeville gave notice that he would, on to-morrow, move to reconsider the vote which passed the bill.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined, and find correctly engrossed, an Act fixing the time of holding the several Courts of Alameda county.

Also, Joint Resolution granting leave of absence to Edward P. Fletcher, County Judge of Klamath county.

Special order of the day set for 12 o'clock this day, was taken up for consideration, Assembly bill No. 98, an Act to authorize the Governor of the State to convey certain property in the city and county of San Francisco to the United States.

On motion, the House resolved into Committee of the Whole, Mr. Bestwick in the chair, to consider the bill ; after spending some time in the consideration of the bill, and making amendments thereto,

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

The committee was discharged.

Amendments made in Committee of the Whole, concurred in by the House, the bill considered as engrossed, read a third time and passed.

Mr. Irwin made the following report :

The Committee on Federal Relations, to whom was referred Assembly Joint Resolution, in reference to the Board of Land Commissioners holding a session at the city of Los Angeles, have had the same under consideration, and respectfully recommend their passage.

Joint Resolution No. 124, reported back by Committee on Federal Relations. On their final passage Mr. Conness moved to amend by striking out the words "from and after the first day of August of," and insert the word "within."

Adopted.

Mr. Sweasey offered the following amendment :

"Provided that no claim be acted on north of Monterey county."

Not agreed to.

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

Mr. Hoff, chairman, made the following report :

Your Committee on Claims, to whom was referred Assembly bill No. 42, entitled an Act for the relief of Walter Van Dyke, have had the same under consideration, and beg leave to submit the following report :

Your committee are satisfied from the evidence presented for their consideration, that the precinct "Althouse Creek" is in California, and from the fact that the present representative from Klamath county owes his election to the vote of the above named precinct, they are led to believe that Walter Van Dyke was unjustly ousted from his seat by a resolution of the Assembly, passed February 16, 1853, on the ground that the above named precinct was in Oregon.

Your committee are of opinion that the per diem of members is given as remuneration for services rendered, and inasmuch as said Van Dyke received his mileage to and from his home, and per diem whilst serving as member, he can have no further claim when those services ceased; therefore your committee recommend that the bill be indefinitely postponed.

Your committee have also examined Assembly bill No. 122, entitled an Act for the relief of the Stockton Journal, and are of opinion that if the performance of the services for which compensation is claimed was duly authorized by law, that to the proper State officers, and not the Legislature, should the parties rendering such service apply for remuneration; if not, then your committee are of opinion that said claim should not be paid, and recommend the indefinite postponement of the bill.

All of which is respectfully submitted.

Assembly bill No. 42, reported back by Committee on Claims.

Read a third time, and on its final passage,

Mr. James moved a call of the House.

The call was sustained.

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

Messrs. Gilbert, Henry, Lindsey, McBrayer, McDuffie, Purdy, and Whitman.

On motion of Mr. Conness, the Sergeant-at-Arms was despatched after absentees.

On motion, Messrs. Purdy and Whitman were admitted within the bar of the House and excused.

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

The question then came up to indefinitely postpone the bill in accordance with the recommendation of the committee, and Messrs. Whipple, Mandeville and Letcher demanded the yeas and nays.

Those who voted to postpone were—

Messrs. Anderson, Ashley, Ballou, Bennett, Bradford, Briggs, Burton, Conness, Cornwall, Dannels, Davidson, Dawley, Ewer, Fairfield, Griffith, Hoff, Hollister, Hubbard, Hunter, Irwin, Jones, Kellogg, Musser, McBrayer, McDonald, O'Neil, Pratt, Purdy, Ring, Springer, Stemmons, Stevenson, Stowe, Tallmadge, Tivy and Mr. Speaker—36.

Those who opposed a postponement were—

Messrs. Aylett, Bagley, Bostwick, Bowie, Carr, Clingan, Gordon, Hagans, Hastings, Herbert, Horr, Houghtaling, Hubert, James, Letcher, Lindsey, Mandeville, McDaniel, McGee, McKinney, Nichols, Noel, F. A. Park, J. W. Park, Rowan, Spencer, Sweasey, Sweetland, Warmcastle, Whipple and Whitman—31.

So the bill was indefinitely postponed.

Mr. Kellogg moved to reconsider the vote just taken.

Mr. McBrayer moved to indefinitely postpone the motion to reconsider. While this subject was under consideration,

On motion of Mr. Mandeville, the House adjourned until 11 o'clock, on Monday next.

HOUSE OF ASSEMBLY.

MONDAY, February 20, 1854.

House met pursuant to adjournment.

The roll was called by the Clerk, and a quorum being present,
The Speaker announced the House ready to proceed to business.
The Journal of Saturday was read and approved.

On motion, leave of absence was granted to Messrs. James, Hunt, McDonald, J. W. Park, Watkins, Mandeville, Herbert, Van Cleft and O'Neil for one day each; to McKinney and French four days; and to Mr. Musser two days.

Mr. Conness presented sundry petitions from citizens of El Dorado and Mariposa counties, requesting the passage of a prohibitory Liquor Law, which were referred to the select committee (Letcher chairman) already appointed upon that subject.

The following message was received from the Governor .

BENICIA, February, 16, 1854.

I have this day approved the following Acts which originated in the Assembly viz :

An Act to provide for the restoration of certain books, records, maps and papers to Humboldt county now held by Trinity county.

An Act to authorize the State Treasurer to issue a duplicate Land Warrant to Geo. W. Coffee.

Also, a Joint Resolution in relation to the wreck of the ship Aberdeen.

JOHN BIGLER.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled bills report, that on the 16th instant they presented to his Excellency, the Governor, for his approval, the following Acts :

An Act to authorize the State Treasurer to issue a duplicate Land Warrant to George W. Coffee.

An Act to provide for the restoration of certain books, records, maps and papers to Humboldt county now held by Trinity county.

An Act to change the name of William Alexander Smith to Amor De Cosmos.

An Act to protect the bodies of deceased persons and Public Grave Yards.

An Act to authorize the Court of Sessions of the county of Sacramento to levy and collect a special tax for the support and maintenance of the Indigent Sick of said county.

Also, Joint Resolution in relation to the wreck of the ship Aberdeen.

February 20, 1854.

The following message was received from the Senate :

I am instructed to inform the Assembly, that on Thursday the Senate passed Assembly Concurrent Resolution requesting of Col. John C. Hays an early survey of the lands donated by the General Government for a Seminary,

And Assembly bill for an Act to provide for holding terms of the District Court in Tulare county

They have passed, also, the following Senate Bills, an Act to fix the sessions of the Supreme Court at the Capitol of the State.

An Act supplementary to an Act to Fund the Debt of Yuba county, and provide for the payment thereof, passed May 3, 1852.

All of which is respectfully submitted.

JOHN Y. LIND, Secretary.

Senate bill No. 27, an Act to fix the sessions of the Supreme Court at the Capitol of the State.

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

Senate bill No. 54, an Act supplementary to an Act to Fund the Debt of the county of Yuba, and provide for the payment thereof, passed May 3, 1852.

Read a first and second time and referred to the Yuba Delegation.

Mr. Mandeville moved to reconsider the vote which passed Assembly bill, declaring Mission Creek, in the county of San Francisco, a navigable stream.

Mr. Dawley moved to lay the motion on the table.

Not agreed to.

The vote was then reconsidered, and

On motion of Mr. Dawley, the bill laid on the table.

Mr. Hastings, chairman, made the following report :

The Committee on Counties and County Boundaries have had under consideration, a bill providing for the organization of the county of Plumas out of the territory of Butte county ; the chairman is instructed by a majority of the committee, to report the following substitute for the bill, and recommend its passage.

The report, bill and substitute were, on motion, laid on the table.

Mr. Whitman introduced a Joint Resolution relative to the acquisition, by the United States, of Sonora and contiguous territory ;

Which was read a first time, and laid over under the rules.

Mr. Godard gave notice that he would, at an early day, introduce a bill concerning Public Roads and Highways.

Mr. McBrayer offered the following concurrent resolution, which, On motion of Mr. Bostwick, was indefinitely postponed:

Resolved, By the Assembly, (Senate concurring,) that the Secretary of State be required to furnish one copy of the codified laws of the State of California to the proprietor or proprietors of each newspaper now published in the State of California.

A communication was received from the State Treasurer, in reply to Assembly resolution requesting information relative to the sales of beach and water lot property in the city of San Francisco under the Act of March 26, 1851.

Mr. Hubert moved to refer the communication to a select committee of five.

Mr. Jones offered a substitute to the motion in the form of a concurrent resolution :

Resolved, By the Assembly, (the Senate concurring,) that a joint committee of two from the Assembly, and one from the Senate, be appointed to examine into, investigate and ascertain the amount of sales of beach and water lot property in the city of San Francisco, under the Act of March 26, 1851, and to ascertain the amount of such sales to which the State of California is entitled, with power to send for persons and papers.

Mr. McBrayer moved to amend the substitute by adding three more members on the part of the House.

Amendment adopted, and the substitute lost.

Mr. Conness offered the following resolution as a substitute to the motion of Mr. Hubert :

Resolved, That a committee of three be appointed to take into consideration the communication of the Treasurer of State, and to ascertain the amount of property sold by the city of San Francisco under the act of March 26, 1851, and to ascertain the amount of such sales to which the State is entitled.

Mr. Stowe moved to amend the substitute by making the committee five, instead of three.

Amendment adopted.

Mr. Letcher moved to amend by adding " and also the amount due from property otherwise disposed of under the provisions of said Act,"

Which was adopted.

The substitute of Mr. Conness, as amended, was then adopted ;

The Chair appointed Messrs, Jones, Hubert, McBrayer, F. A. Park, and Bradford.

Mr. Carr gave notice that he would, at an early day, introduce a bill for the relief of the Los Angeles Rangers.

Mr. F. A. Park offered the following resolution, which was adopted :

Resolved, That the Attorney General be requested to present to this House, in writing, his opinion as to the legality of electing one Resident, and one Assistant Physician to the State Lunatic Asylum at the present session of the Legislature.

Mr. Hubert, pursuant to notice, offered the following as a substitute to the 64th Rule of the House:

"Any member shall be allowed to explain his vote while the yeas and nays are being called, but no member shall be allowed to change his vote after the vote is announced from the Chair."

Which was not adopted.

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

Resolved, That it shall be the duty of the Clerk to record the names of absentees on the Journal, it shall also be his duty, after taking the yeas and nays, to call over the name of each member voting, before handing the list to the Speaker.

A communication was received from the Treasurer of State, with an exhibit showing the pecuniary transactions of Messrs. Palmer, Cook & Co., with the American Exchange Bank in the City of New York, from 1st of June, 1853, to December 31, 1853, inclusive, which,

On motion of Mr. Lindsey, were referred to the committee (Stowe, chairman) already appointed on that subject.

Mr. F. A. Park gave notice that he would, at an early day, introduce a bill to provide for the funding of the debt of Sacramento county.

Mr. Gordon, pursuant to notice, introduced a bill for an Act supplementary to an Act to provide for the Lien of Mechanics and others, passed April 22, 1850.

Read a first time.

Assembly bill, No. 131, an Act for changing the head of navigation of the Tuolumne river.

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

Assembly bill No. 122, an Act for the relief of the Stockton Journal.

Mr. Lindsey moved to lay the bill on the table.

Not agreed to.

Mr. Herbert moved to refer the bill back to Committee on Claims.

Not agreed to.

The question recurred on the recommendation of the Committee on Claims to indefinitely postpone the bill,

Which was agreed to.

On motion of Mr. Hunter, Assembly bill No. 86, an Act creating a Board of Commissioners, and the office of Overseer in each township of the several counties, to regulate Water Courses within their respective limits, together with the substitute reported by the Committee on Agriculture, were taken from the table, and

On motion of Mr. Herbert, made the special order of the day for Friday next, at 12 o'clock.

Mr. Herbert, on leave of the House, 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 and referred to Committee on Ways and Means.

Mr. Godard moved to take from the table Assembly bill No. 35, An Act to create a Board of Supervisors in and for the several counties of this State, and to define their duties and powers.

Agreed to.

On motion of Mr. Ashley, the bill was referred to a select committee of one from each county in which there exists a Board of Supervisors.

Messrs. Cornwall, Noel, Hunt, Hunter, French, Ashley, Stowe, McKenney, Watkins, Horr, Griffith, Bennett, Rowan, Spencer and Clingan were appointed said committee.

On motion of Mr. Ashley, Assembly Joint Resolution No. 123, in relation to lands donated to this State by the United States, was taken up, read a second time, and referred to Committee on Education.

Mr. Gordon moved to adjourn.

Mr. Conness moved a call of the House.

Not agreed to.

On the motion to adjourn, Messrs. Dawley, Lindsey and McBrayer demanded the yeas and nays.

Those who voted for adjournment were—

Messrs. Bennett, Bradford, Carr, Carrillo, Clingan, Cornwall, Dannels, Ewer, Fairfield, Gilbert, Gordon, Hagans, Hastings, Henry, Herbert, Hubbard, Hunter, Jones, Kellogg, Mandeville, McDuffie, Spencer, Warmcastle, Watkins, Whipple and Whitman—24.

Those who voted against adjournment were—

Messrs. Anderson, Ashley, Aylett, Ballou, Bostwick, Briggs, Burton, Conness, Davidson, Dawley, Hollister, Horr, Houghtaling, Hubert, Letcher, Lindsey, McBrayer, McDonald, Noel, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Springer, Stemmons, Stevenson, Stowe, Sweasey, Tallmadge, Tivy and Mr. Speaker—33.

So the House refused to adjourn.

On motion of Mr. Stowe, the House took a recess till 5 o'clock, P. M.

FIVE O'CLOCK, P. M.

House re-assembled.

Mr. Ballou, on behalf of the San Francisco and El Dorado delegation, to whom had been referred the petition of George Alexander Smith, reported a bill for an Act to change the name of George Alexander Smith to George Smith Townsend.

Read a first time.

Mr. Mandeville moved to adjourn, whereon Messrs. Herbert, McBrayer, and other members demanded the yeas and nays.

Those who voted to adjourn were—

Messrs. Bostwick, Bradford, Clingan, Ewer, Gilbert, Mandeville, McDaniel, Noel, Spencer, Stowe, Watkins and Mr. Speaker—12.

Those who voted against adjournment were—

Messrs. Ashley, Aylett, Ballou, Briggs, Conness, Davidson, Dawley, Gordon, Hagans, Hollister, Horr, Houghtaling, Hubert, Kellogg, Letcher, McBrayer, McDonald, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Stemmons, Springer, Stevenson, Sweasey, Sweetland, Tallmadge and Tivy—30.

So the House refused to adjourn.

Mr. Mandeville moved to take a recess till 10 o'clock, P. M.

Not agreed to.

Mr. Mandeville moved to adjourn.

Not agreed to.

The House then took up Assembly bill No. 42, an Act for the relief of Walter Van Dyke, which was indefinitely postponed on Saturday last, on which occasion Mr. Kellogg moved to reconsider the vote, and

Mr. McBrayer moved to indefinitely postpone the motion to reconsider; pending which motion the House adjourned.

Messrs. Mandeville, Stowe and Houghtaling demanded the yeas and nays.

Those who voted to indefinitely postpone the motion to reconsider were—

Messrs. Ashley, Ballou, Bennett, Briggs, Carrillo, Clingan, Conness, Cornwall, Dannels, Davidson, Dawley, Ewer, Fairfield, Gilbert, Hollister, Hunter, Jones, Kellogg, McBrayer, McDonald, Pratt, Purdy, Springer, Sweasey, Tallmadge, Tivy, Watkins and Mr. Speaker—28.

Those who voted in the negative were—

Messrs. Anderson, Bostwick, Bradford, Burton, Gordon, Hagans, Hastings, Henry, Herbert, Horr, Houghtaling, Hubbard, Letcher, Lindsey, Mandeville, McDuffie, Noel, F. A. Park, J. W. Park, Ring, Rowan, Spencer, Stemmons, Stowe, Sweetland, Warmcastle, Whipple and Whitman—28.

So the motion was lost.

The question recurring on the motion to reconsider the vote by which the bill was indefinitely postponed, Messrs. Mandeville, Hagans and Letcher demanded the yeas and nays.

Those who voted for reconsideration were—

Messrs. Bennett, Bostwick, Burton, Gordon, Hagans, Hastings, Henry, Herbert, Horr, Houghtaling, Letcher, Lindsey, Mandeville, McDuffie, McDaniel, Noel, F. A. Park, J. W. Park, Rowan, Spencer, Stemmons, Stowe, Sweetland, Whipple and Whitman—25.

Those who voted against the motion to reconsider were:

Messrs. Anderson, Ashley, Ballou, Bradford, Briggs, Carrillo, Clingan, Conness, Cornwall, Dannels, Davidson, Dawley, Ewer, Fairfield, Gilbert, Hollister, Hubbard, Hunter, Jones, Kellogg, McBrayer, McDonald, Pratt, Purdy, Springer, Sweasey, Tallmadge, Tivy, Watkins and Mr. Speaker—30.

So the House refused to reconsider the vote by which the bill was indefinitely postponed.

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

HOUSE OF ASSEMBLY.

TUESDAY, February 21, 1854.

House met pursuant to adjournment.

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

Messrs. Bagley, Carr, French, Gilbert, Green, Hoff, Musser, McKinney and Rowan. A quorum being present, the Speaker announced the House ready to proceed to business.

The Journal of Monday was read and approved.

On motion, leave of absence was granted to Mr. Van Cleft for one day ; to Mr. O'Neil, for one day ; to Mr. Koll for one day ; to Mr. James for two days, and to Mr. Hunt for two days.

Mr. Ballou presented sundry petitions from citizens praying for the passage of the Maine Liquor Law.

Petition read and referred to special committee, Mr. Letcher, chairman.

Mr. Sweasey presented a petition from sundry citizens upon the same subject.

Read and referred as above to special committee, Letcher, chairman.

Mr. Horr presented a petition from sundry citizens from the counties of Tuolumne and Mariposa, praying for the formation of a new county out of the above named counties.

Mr. Bennett presented a petition from sundry ladies, praying for the passage of the Maine Liquor Law.

Petition read and referred to special committee, of which Mr. Letcher is chairman.

Mr. Bowie presented a petition from the Court of Sessions of Colusi county, praying the Legislature to transfer a claim upon Mr. Morrison to the county of Colusi for purposes therein shown.

Petition read and referred to Committee of Ways and Means.

Mr. Watkins presented a petition from James F. Hibberd protesting against the passage of the Charter for the Town of Alameda.

Petition read and referred to Committee on Corporations.

Mr. Irwin presented sundry petitions from citizens of Butte county praying for a division of the county.

Petitions not read and no order in reference thereto.

Mr. Herbert made the following report :

The Committee of Ways and Means, to whom was referred Assembly bill, No. 133, entitled an Act appropriating money to defray the expenses of the Government of this State, have had the same under consideration, and would report the bill back with the following amendments, to wit : " fill the first blank with the sum of eight hundred thousand dollars, and the second blank with three hundred thousand dollars, and recommend its passage."

Assembly bill reported back from Committee of Ways and Means, 133, an Act appropriating money to defray the expenses of the Government of this State, considered in Committee of the Whole, the amendments adopted, committee rose, reported the bill as amended, and asked to be discharged.

The committee was discharged.

The amendments made in Committee of the Whole were adopted by the House ;

And upon motion of Mr. Letcher, the bill was recommitted to the Committee of Ways and Means, with instructions to report a bill making specific appropriations for the support of the Government of this State.

Mr. Ashley made the following report :

The Committee on Education, to whom was referred an Act in relation to the Public Schools in the city of Sacramento, would report that all the benefits sought by this proposed Act may be secured and enjoyed under the present general school law of this State ; each city has the right to regulate and control the detail of all its Public Schools, conforming to a few requirements of general application throughout the State.

Your committee are of opinion, that the minor regulations relating to Common Schools are properly left in the discretion of the city authorities, thus rendering special legislation unnecessary, and people in different parts of the State having diverse wants, to establish such subordinate regulations as their peculiar exigencies may demand.

Further, this Act proposes to incorporate a Board of School Commissioners in Sacramento, and so is, perhaps, obnoxious to our Constitution, which allows special incorporations only for municipal purposes.

In consideration of all which your committee would report the bill back, and recommend that the same do not pass.

D. R. ASHLEY,
B. F. FAIRFIELD,
PEDRO C. CARRILLO,
WM. C. PRATT,
JOHN C. HENRY,
G. N. CORNWALL.

Assembly bill reported back by the Committee on Education, as above, on its final passage was lost.

Mr. Ashley made the following report :

The Committee on Education, to whom was referred Joint Resolution, No. 123, relative to lands donated to this State by the United States, have had the same under consideration, and would recommend that the word "and memorial" in the title, and the same words at the end of the second and the third resolutions be struck out,

and that in the 16th line of the preamble, as printed, the word " purposes" be struck out, and the word " agricultural" be changed to " agriculture."

And your committee would recommend the passage of the Joint Resolutions with the preamble.

B. F. FAIRFIELD,
WM. C. PRATT,
PEDRO C. CARRILLO,
JOHN C. HENRY,
G. N. CORNWALL,
D. R. ASHLEY.

Assembly Joint Resolution, 123, reported by the Committee on Education, read a third time.

On motion of Mr. Bradford, the third reading was reconsidered ;

And upon motion of Mr. Conness the resolution was laid on the table.

Mr. Conness moved to take up the message from the Senate now, and upon a division of the House, a majority sustained the motion. The Chair decided that it required a two-thirds vote to take up the message before the morning's business was disposed of, as the rules had determined the order of business, from which decision Mr. Conness appealed, and the decision of the Chair was overruled.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate have passed a bill for an Act to provide for the permanent location of the Seat of Government of the State of California at Sacramento City.

JOHN Y. LIND,
Secretary.

Senate bill, No. 39, above reported from the Senate, read a first time.

Mr. Whitman moved to reject the bill.

Messrs. Herbert, Conness and Bagley demanded the previous question.

The House refused to sustain the previous question.

Mr. Irwin moved a call of the House.

The call was not sustained.

Messrs. Whitman, Tallmadge and McBrayer, demanded the yeas and nays.

Those who voted to reject the bill were—

Messrs. Anderson, Bennett, Bowie, Bradford, Carr, Carrillo, Clingan, Cornwall, Dannels, Ewer, Fairfield, Hagans, Hastings, Henry, Herbert, Hubert, Hunter, Irwin, Jones, Kellogg, Mandeville, McDuffie, McDaniel, McGee, Noel, Stemmons, Stowe, Tivy, Warmcastle, Watkins, Whitman and Mr. Speaker—32.

Those who opposed its rejection were—

Messrs. Ashley, Aylett, Bagley, Ballou, Bostwick, Briggs, Burton, Conness, Davidson, Dawley, Gilbert, Godard, Gordon, Griffith, Hollister, Horr, Houghtaling, Hubbard, Letcher, Lindsey, Myres, McBrayer, McDonald, Nichols, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Springer, Stevenson, Sweasey, Sweetland and Tallmadge—35.

So the House refused to reject the bill.

On motion of Mr. Bostwick the House adjourned until Thursday next, at 12 o'clock.

HOUSE OF ASSEMBLY.

THURSDAY, February 23, 1854.

House met pursuant to adjournment.

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

Messrs. Cornwall, Gilbert, Gordon, Hoff, Nichols and Stemmons.

A quorum being present, the Speaker announced the House ready to proceed to business.

The Journal of Tuesday was read, amended and approved.

Mr. Herbert made the following report :

The Committee of Ways and Means, to whom was referred a bill concerning an Act to exempt from taxation pre-emption and the improvements thereon, have had the same under consideration, and would report it back, and recommend its indefinite postponement.

The bill, on motion of Mr. Hagans, was laid upon the table.

Mr. Tivy made the following report :

The Joint Committee on Enrolled Bills have examined, and find correctly enrolled, the following Acts and Resolutions, viz :

An Act declaring the consent of the State of California to the purchase by the United States of Signor or Mare Island, to relinquish the title and interest of the State in overflowed portions of said island, to vest the jurisdiction over the same in the United States for the purposes therein specified.

An Act to authorize the release of John G. Burcham and his sureties from a recognizance and judgment ;

And a Concurrent Resolution concerning the Pacific Railroad.

Mr. O'Neil made the following report :

The Committee on Engrossment have examined, and find correctly engrossed, An Act to incorporate the City of Oakland.

An Act declaring Mission Creek, in the County of San Francisco, a navigable stream.

An Act to authorize the Governor of this State to convey certain property in the city and county of San Francisco to the United States.

Joint Resolution in reference to the Board of Land Commissioners holding a session at the city of Los Angeles ;

And, an Act to authorize A. H. Murdock and others to build a wharf at the town of Union in Humboldt county.

Mr. Bowie presented a petition from sundry citizens of Butte and Sutter counties, praying that a portion of Butte be attached to Sutter.

Petition read and referred to Committee on Counties and County Boundaries.

Mr. Ashley gave notice, that at an early day, he would introduce a bill for an Act to establish and regulate Common Schools.

Mr. Letcher gave notice that he would, at an early day, introduce a bill relative to the incorporation of the town of Santa Clara and officers therein.

Mr. Bradford introduced a bill for an Act concerning the office of Secretary of State.

Read a first time, and 240 copies ordered to be printed.

Mr. Godard introduced a bill for an Act concerning Roads and Highways.

Read a first time, and 240 copies ordered to be printed.

Mr. Tallmadge introduced a bill for an Act to create the office of State Printer, and define the duties and compensation thereof, and to provide for the time and manner of election.

Read a first time, and 240 copies ordered to be printed.

Mr. Whitman presented a petition from S. K. Nurse, praying for the right to build a wharf, and introduced a bill for an Act to authorize Stephen K. Nurse to build a wharf in the county of Solano.

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

Mr. Herbert gave notice that he would, at an early day, introduce a bill to suppress gambling in this State.

Mr. Davidson introduced a bill for an Act to amend an Act entitled an Act for the Protection of Foreigners, and to define their rights and privileges.

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

Mr. Whipple introduced a bill for an Act amendatory of an Act entitled an Act to establish a system of Common Schools, passed May 3d, 1852.

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

Mr. Stowe offered the following :

Whereas, it has been alleged by the public press of the city of San Francisco, that one of the Judges of the Supreme Court of this State has recently been guilty of an unwarrantable and unlawful abuse of his official powers, in issuing what is termed a writ of Habeas Corpus ; therefore,

Resolved, That a committee of five be appointed to investigate the facts connected with the charge alluded to in the foregoing preamble, and to report to this House, at an early day, and that such committee recommend such action on the part of the House, as the circumstances may seem to demand.

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

Messrs. Hubbard, Bostwick and Griffith demanded the yeas and nays.

Those who voted to lay on the table were—

Messrs. Aylett, Bennett, Bowie, Bradford, Burton, Carr, Carrillo, Clingan, Davidson, Godard, Gordon, Hagans, Herbert, Horr, Houghtaling, Hunter, James, Jones, Koll, Letcher, Lindsey, Mandeville, McDuffie, McDaniel, McGee, Noel, J. W. Park, Spencer, Stowe, Sweetland, Tivy, Warmcastle, Watkins, Whipple, and Whitman—35.

Those who opposed to lay on the table were—

Messrs. Anderson, Ashley, Bagley, Ballou, Bostwick, Briggs, Conness, Dannels,

Dawley, Ewer, Fairfield, Gilbert, Green, Griffith, Hastings, Henry, Hollister, Hubbard, Hubert, Hunt, Irwin, Kellogg, Musser, Myres, McBrayer, McDonald, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Springer, Sweasey, Tallmadge, Van Cleft and Mr. Speaker—37.

So the House refused to lay on the table.

Mr. Bostwick moved the previous question.

The Speaker put it to the House, "Shall the main question be now put?" and the house decided in the affirmative.

The main question, the passage of the resolution, then came up, and Messrs. Hubbard, Hagans, and Mandeville, demanded the yeas and nays.

Those who voted for the passage of the resolution were—

Messrs. Bowie, Burton, Davidson, Gordon, Hagans, Henry, Herbert, Houghaling, James, Letcher, Lindsey, Mandeville, McDuffie, McGee, Stowe, Watkins and Whitman—17.

Those who opposed its passage were—

Messrs. Anderson, Ashley, Bagley, Ballou, Bostwick, Bradford, Briggs, Carr, Carrillo, Clingan, Conness, Dannels, Dawley, Ewer, Fairfield, Gilbert, Green, Griffith, Hastings, Hollister, Horr, Hubbard, Hubert, Hunt, Hunter, Irwin, Jones, Kellogg, Koli, Musser, Myres, McBrayer, McDonald, McDaniel, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Spencer, Springer, Stevenson, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Whipple and Mr. Speaker—51.

So the House refused to pass the resolution.

Mr. Whitman moved to adjourn.

Not agreed to.

Mr. Conness moved to lay the message from the Senate on the table.

Agreed to.

On motion of Mr. Conness, Senate bill No. 39, to provide for the removal of the State Capital, was taken up and read a second time.

Mr. Herbert moved to refer the bill to a select committee of five.

Mr. Conness moved to refer to Committee on Public Buildings and Grounds, with instructions to report to-morrow.

Mr. Hunter moved to refer the bill to the Committee of the Whole House, and make it the special order for the first day of April next.

Not agreed to.

Mr. Whitman moved to refer the bill to the Judiciary Committee.

Messrs. Conness, McBrayer and others demanded the previous question.

The Speaker—"Shall the main question be now put?" and the House decided in the affirmative.

The vote was then taken upon the motion of Mr. Whitman and lost.

The question then came up upon the motion of Mr. Conness to refer to Committee on Public Buildings and Grounds, and decided in the affirmative.

Mr. Bradford offered the following :

Resolved, That the committee be instructed to report the expense to the State of each removal of the Seat of Government.

To which Mr. Herbert offered the following amendment :

“ And the probable expense of the present removal, taking into consideration the time already spent in discussing the present removal. Also, the probable failure of the bond on file from the authorities of said City of Sacramento.”

Pending these amendments, on motion, the House adjourned until 11 o'clock to-morrow.

HOUSE OF ASSEMBLY.

FRIDAY, February 24, 1854.

House met pursuant to adjournment.

The roll was called and the following member was absent: Mr. Hoff. A quorum being present,

The Speaker announced the House ready to proceed to business.

The Journal of Thursday was read and approved.

Mr. Bradford called the attention of the Speaker to the 60th Rule of the House, and stated that the unfinished business of yesterday was the first business in order.

The Speaker decided that the business under consideration when the House adjourned on yesterday, was not now in order until the morning's business was disposed of.

From which decision Mr. Conness appealed; upon a division there were 27 yeas and 27 nays, and the Speaker decided that the appeal was not sustained.

Mr. Stevenson made the following report from the Committee on Public Buildings and Grounds.

The Committee on Public Buildings and Grounds, to whom was referred the bill entitled an Act to provide for the permanent location of the Seat of Government of the State of California at Sacramento City, beg leave to report that they have had the same under consideration, report it back without amendment, and recommend its passage.

The bill from the Senate above alluded to on its third reading.

Mr. Herbert moved that the House go into Committee of the Whole upon the bill.

Not agreed to.

Mr. Whitman moved to amend the second section as follows: "This Act shall take effect forty days from and after its passage."

Not agreed to.

Mr. Bradford moved to strike out Sacramento and insert Stockton.

Not agreed to.

Mr. Bennett moved to strike out Sacramento and insert Santa Rosa.

Not agreed to.

Mr. Dannels moved to strike out Sacramento and insert Marysville.

Not agreed to.

Mr. Herbert offered the following proviso to the second section :

"That no member of the Senate or Assembly be allowed his per diem during the interem of the adjournment from this place to Sacramento City."

Mr. Stemmons offered the following as an amendment to the amendment of Mr. Herbert :

"And that the clerks and attaches of the Assembly be exempt from the provisions of the foregoing amendment."

Not agreed to.

Mr. Fairfax offered the following as an amendment to the amendment :

"And that Sacramento City shall be relieved from any responsibility which she may have incurred through propositions made to this Legislature."

Upon which amendment Messrs. Bradford, Irwin and James demanded the yeas and nays.

Those who voted for the amendment were—

Messrs. Bowie, Carr, Carrillo, Clingan, Dannels, Henry, Herbert, Hubert, Hunter, Irwin, James, Jones, Kellogg, McDuffie, Spencer, Stemmons, Watkins, Whitman, and Mr. Speaker—19.

Those who opposed the amendment were—

Messrs. Anderson, Ashley, Aylett, Bagley, Ballou, Bostwick, Bradford, Briggs, Burton, Conness, Cornwall, Davidson, Dawley, Ewer, Gilbert, Godard, Gordon, Green, Griffith, Hagans, Hastings, Hollister, Horr, Houghtaling, Hubbard, Hunt, Koll, Letcher, Lindsey, Mandeville, Musser, Myres, McBrayer, McDonald, McDaniel, McGee, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Springer, Stevenson, Stowe, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, and Whipple—54.

So the House refused to adopt the amendment.

Mr. Bostwick moved the previous question.

Mr. Speaker, "Shall the main question be now put?"

And the House decided in the affirmative.

The question was then taken on the amendment offered by Mr. Herbert, and Messrs. James, Hunter, and Fairfax demanded the yeas and nays.

Those who voted for the amendment were—

Messrs. Anderson, Bowie, Bradford, Carr, Carrillo, Clingan, Cornwall, Dannels, Ewer, Fairfield, Hastings, Henry, Herbert, Hunter, Irwin, James, Jones, Kellogg, Koll, McDuffie, McDaniel, Noel, Spencer, Stemmons, Stowe, Tivy, Watkins, Whipple, Whitman, and Mr. Speaker—30.

Those who opposed the amendment were—

Messrs. Ashley, Aylett, Bagley, Ballou, Bennett, Bostwick, Burton, Conness, Davidson, Dawley, French, Gilbert, Godard, Green, Griffith, Hollister, Horr, Houghtaling, Hubbard, Hubert, Hunt, Letcher, Lindsey, Mandeville, Musser, Myres, McBrayer, McDonald, McGee, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Springer, Stevenson, Sweasey, Sweetland, Tallmadge, Van Cleft, and Warmcastle—45.

So the House refused to adopt the amendment.

Mr. Stowe offered an amendment to the bill.

The Speaker decided that no motion could be entertained under the previous question, except to read the bill a third time,

From which decision Mr. Stowe appealed.

The decision of the Chair was sustained.

The bill was then read a third time.

Mr. Whitman offered the following :

“ Re-commit with instructions to amend, by striking out the words ‘ one day from and after its passage,’ and inserting ‘ upon the fifteenth day of June next.’ ”

Mr. Griffith demanded the previous question.

Mr. Mandeville moved a call of the House.

The call was not sustained.

Upon the motion for the previous question Messrs. Mandeville, Hastings and Hagens demanded the yeas and nays.

Those who voted to sustain the previous question were—

Messrs. Aylett, Bagley, Ballou, Bostwick, Briggs, Burton, Conness, Davidson, Dawley, Ewer, French, Gilbert, Godard, Green, Griffith, Hollister, Horr, Houghtaling, Hubbard, Koll, Letcher, Lindsey, Musser, Myres, McBrayer, McDonald, McGee, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Springer, Stevenson, Sweasey, Sweetland, Tallmadge, and Van Cleft—40.

Those who opposed the previous question were—

Messrs. Anderson, Ashley, Bennett, Bowie, Bradford, Carr, Carrillo, Clingan, Cornwall, Dannels, Gordon, Hagens, Hastings, Henry, Herbert, Hubert, Hunt, Hunter, Irwin, James, Jones, Kellogg, Mandeville, McDuffie, McDaniel, Noel, Rowan, Spencer, Stemmons, Stowe, Tivy, Warmcastle, Watkins, Whipple, Whitman, and Mr. Speaker—37.

So the House sustained the previous question.

Mr. Whitman's motion to re-commit was considered and lost.

The question then came up upon the final passage of the bill and Messrs. Jones, McBrayer and Bradford demanded the yeas and nays.

Those who voted for the passage of the bill were—

Messrs. Aylett, Bagley, Ballou, Bostwick, Briggs, Burton, Conness, Davidson, Dawley, Gilbert, Gordon, Green, Griffith, Hollister, Horr, Houghtaling, Hubbard, Koll, Letcher, Lindsey, Musser, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Springer, Stevenson, Sweasey, Sweetland, Tallmadge, Van Cleft and Whitman—39.

Those who voted against the passage of the bill were :

Messrs. Anderson, Bennett, Bowie, Bradford, Carr, Carrillo, Clingan, Cornwall, Dannels, Ewer, Fairfield, Hagans, Hastings, Henry, Herbert, Hubert, Hunt, Hunter, Irwin, James, Jones, Kellogg, Mandeville, McDuffie, McDaniel, McGee, Noel, Spencer, Stemmons, Stowe, Tivy, Warmcastle, Watkins, Whipple and Mr. Speaker—35.

So the bill passed.

Mr. Whitman gave notice that he would move a reconsideration of the vote which passed the bill for removal, on to-morrow.

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

HOUSE OF ASSEMBLY.

SATURDAY, February 25, 1854.

House met pursuant to adjournment.

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

Messrs Aylett, Bennett, Hoff, Hunt, Irwin and Letcher; a quorum being present, The Speaker announced the House ready to proceed to business.

The Journal of Friday was read and approved.

On motion, one days leave of absence was granted to Mr. Bennett; to Mr. Letcher for six days; to Mr. Hunt for two days; to Mr McKinney for two days.

Mr. Mandeville presented a petition from sundry citizens of Tuolumne county, protesting against a division of Tuolumne county.

Read and referred to Committee on Counties and County Boundaries.

Mr. Horr presented a petition from John F. Mason and others, praying for the privilege of building a wharf in the bay of San Francisco.

Petition read and referred to Committee on Commerce and Navigation.

Mr. Henry presented a petition from many citizens of Mariposa county, in relation to the formation of a new county.

Petition read and referred to Committee on Counties and County Boundaries.

Mr. Bradford presented a petition from M. Wilthall, praying for the passage of a law to secure title to settlers on the overflowed lands in San Joaquin county, who have complied with possessory Act.

Petition read and referred to Committee on Public Lands.

Mr. Herbert made the following report :

Committee on Ways and Means, to whom referred a petition from the citizens of Colusi county, have had the same under consideration, and beg leave to report it back to the House, and recommend that it be referred to the delegation from that county.

Petition referred to the delegation from Colusi county.

Mr. Whitman, agreeable to notice, moved to reconsider the vote of yesterday which passed the bill to remove the State Capital.

On which motion Messrs. Mandeville, Bradford and Carr demanded the yeas and nays.

Those who voted to reconsider were :

Messrs. Anderson, Ashley, Bowie, Bradford, Carr, Carrillo, Clingan, Cornwall, Dannels, Ewer, Fairfield, Hagans, Hastings, Henry, Herbert, Hubert, Hunter, Irwin, James, Jones Kellogg, Mandeville, McDuffie, McGee, Noel, Spencer, Stemmons, Stowe, Tivy, Warmcastle, Watkins, Whitman and Mr. Speaker—33.

Those who opposed a reconsideration were :

Messrs. Aylett, Bagley, Ballou, Bostwick, Briggs, Burton, Conness, Davidson, Dawley, Gilbert, Godard, Gordon, Green, Griffith, Hollister, Horr, Houghtaling, Hubbard, Koll, Lindsey, Musser, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Rowan, Springer, Stevenson, Sweasey, Sweetland, Tallmadge, Van Cleft and Whipple—38.

So the House refused to reconsider the vote.

Mr. Conness offered a Concurrent Resolution, that when this House adjourn to-day, that they meet in Sacramento at 12 o'clock on Wednesday next.

Adopted.

Mr. Burton offered the following, which was unanimously adopted :

Resolved, That by unanimous consent of the House, one days *per diem* of each member be given to the Speaker, with a request to forward the same to the Treasurer of the Washington Monument Association as a contribution from the Assembly of California.

On motion of Mr. Irwin, Assembly bill No. 119, was taken up; a substitute adopted.

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

The following message was received from the Senate :

I am instructed to inform the Assembly that, on the 23d inst., the Senate passed a bill for an Act for the relief of John F. Hays, and, on yesterday, a Concurrent Resolution granting leave of absence to the Hon. Delos Lake.

All of which is respectfully submitted.

JOHN Y. LIND,
Secretary.

Senate bill, No. 64, for the relief of John F. Hays, read a first time, and ordered to a second reading on to-morrow.

Senate Concurrent Resolution granting leave of absence to the Hon. Delos Lake. Concurred in.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate have, this day, concurred in Assembly Resolution to adjourn to meet in Sacramento on Wednesday next.

JOHN Y. LIND,
Secretary.

On motion of Mr. Stowe, Assembly bill, No. 139, an Act to create the office of State Printer, was read a second time and referred to Committee on Printing.

On motion of Mr. Tallmadge, Assembly bill, No. 129, an Act to amend an Act to provide for the Public Printing, was read a second time and referred to Committee on Printing

Mr. Horr, gave notice that, at an early day, he would introduce a bill granting permission to John F. Mason, and others, the right to construct a wharf at the end of Greenwich street in San Francisco.

Mr. Tivy made the following report :

The Committee on Enrolled Bills have examined, and found correctly enrolled the following acts, viz :

An Act to provide for the permanent location of the Seat of Government of the State of California at Sacramento City.

Also, an Act to provide for holding terms of the District Court in Tulare county.

On motion of Mr. Whipple, Assembly bill, No. 120, to amend an Act entitled an Act to regulate proceedings in criminal cases in the Courts of Justice, was taken from the table, and re-committed to the Judiciary Committee.

Mr. Whitman offered the following, which was adopted :

Resolved, That the thanks of the members of the Assembly be extended to Jesse Sawyer, Esq., the agent of Adams & Co.; and also J. C. Gulick, Esq., agent of Wells, Fargo & Co., in Benicia, for the uniform urbanity, courtesy and liberality towards the members of this House, and all persons connected therewith, in the discharge of the affairs of their offices.

Mr. Ashley introduced a bill for an Act to establish and regulate Common Schools and to repeal former acts concerning the same.

Read a first time and 240 copies ordered to be printed.

Mr. Kellogg offered the following, which was adopted :

Resolved, That the Committee of Ways and Means be instructed to report back, to the House, a bill to provide for the expenses of the State Government for the ensuing fiscal year.

Mr. Bostwick offered the following, which was adopted :

Resolved, That the Sergeant-at-Arms have the general supervision of the property of the State, now in his charge, during the removal to Sacramento.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills report, that they have, this day, presented to his Excellency, the Governor, for his approval, the following Acts :

An Act to authorize the release of John G. Burcham, and his sureties, from a recognizance and judgment.

An Act declaring the consent of the Legislature of the State of California, to the purchase by the United States of Signor or Mare Island, to relinquish the title and interest of the State in overflowed portions of said Island, and to vest the jurisdiction over the same in the United States, for the purposes therein specified.

An Act to provide for the permanent location of the Capital of the State of California at Sacramento City.

An Act to provide for holding terms of the District Court in Tulare county.

On motion of Mr. Bradford, the House adjourned to meet at Sacramento, on Wednesday next, at 12 o'clock.

HOUSE OF ASSEMBLY.

SACRAMENTO CITY, WEDNESDAY, March 1, 1854.

House met pursuant to adjournment.

The roll was called and over fifty members answered to their names.

A quorum being present, the Speaker announced the House ready to proceed to business.

On motion, the absent members had leave granted for one day

On motion, the House adjourned until 12 o'clock, on Friday next.

HOUSE OF ASSEMBLY.

FRIDAY, March 3, 1854.

House met pursuant to adjournment.

The roll was called and the following members were absent: Messrs Aylett, Bagley, Ballou, Bennett, Bowie, Clingan, Ewer, French, Gilbert, Hoff, Hubbard, Hubert, Irwin, Jones, Letcher, Stevenson, Sweetland, Warmcastle and Whitman; a quorum being present,

The Speaker announced the House ready to proceed to business.

The Journals of Saturday and Wednesday were read, amended and approved.

On motion, leave of absence was granted to Messrs. Aylett, Bennett, Whitman, Sweetland, Ballou, Stevenson, Hubert, Hubbard, Irwin, Warmcastle and Ewer for two days each; and indefinite leave was granted to Mr. French in consequence of ill health.

Mr. Stowe presented a petition numerously signed by citizens of Monterey and Santa Clara, praying for a law to authorise the construction of a Toll Bridge across the Pajaro.

Petition referred to Committee on Roads and Highways, with instructions to report a bill.

Mr. Herbert, chairman, reported back Assembly bill 133, to appropriate revenue for the support of Government, without amendment.

On motion of Mr. Ashley, the House resolved itself into Committee of the Whole, Mr. Mandeville in the chair, to consider the bill.

On motion, committee rose, reported the bill back without amendment, and the committee was discharged.

On motion, the bill was recommitted to the Committee of Ways and Means, with instructions to report a bill with specific appropriations.

Mr. Stowe gave notice that he would, at an early day, introduce a bill to amend an Act entitled an Act concerning Divorces, passed March 25, 1851.

Mr. Griffith gave notice that on to-morrow he would introduce a bill for an Act in relation to township Public Schools and the support thereof.

Mr. O'Neil offered the following:

Whereas, The Baptist denomination have no place of worship by reason of the late conflagration in Sacramento, Therefore,

Resolved, That the use of the Assembly Chamber be tendered to the Baptists of this city, every Sunday, until otherwise ordered.

Mr Green moved to indefinitely postpone the resolution.

Not agreed to.

Mr. Tallmadge moved to amend by inserting the words "for morning service" before the word every.

Not agreed to.

Mr. McKenney offered the following as an amendment:

“ And after said service said Baptist denomination shall leave the Hall in the same condition as they found it.”

Not agreed to.

On the final vote upon the resolution offered by Mr. O'Neil, Messrs. McBrayer, James and Watkins demanded the yeas and nays.

Those who voted for the resolution were—

Messrs. Anderson, Bostwick, Bowie, Bradford, Briggs, Burton, Davidson, Dawley, Fairfield, Godard, Gordon, Hagans, Hastings, Henry, Hollister, Horr, Houghtaling, Hunt, Hunter, James, Koll, Lindsey, Mandeville, Musser, McBrayer, McDonald, McDuffie, McDaniel, McGee, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Rowan, Spencer, Stemmons, Stowe, Tivy, Van Cleft and Whipple—41.

Those who opposed the resolution were—

Messrs. Ashley, Ballou, Carr, Carrillo, Conness, Cornwall, Dannels, Green, Hoff, Hubert, Kellogg, McKenney, Noel, Purdy, Ring, Springer, Sweasey, Tallmadge, Watkins, and Mr. Speaker—20.

So the resolution was adopted

Mr. Noel gave notice that he would, on to-morrow, introduce a bill to legalize assessments in the county of San Diego.

Mr. Bradford gave notice that, at an early day, he would introduce a bill for an Act to appropriate money to meet the current annual expenses of the State Insane Asylum.

Mr. Sweasey gave notice that, at an early day, he would introduce a bill similar to the Maine Liquor Law, adapted to the State of California.

Mr. Bostwick offered the following, which was adopted :

Resolved, That the Sergeant-at-Arms be and is hereby authorised to contract with the Postmaster at the City of Sacramento, and to the Express offices, for the pay of postage, and the delivery of postal matter to and from the members and officers of the Assembly.

Mr. Horr introduced a bill, an Act to authorise John F. Mason and others to build a wharf at the end of Greenwich street, in the City of San Francisco, in the bay of San Francisco.

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

Mr. F. A. Park introduced a bill, an Act concerning Poll Tax ; while reading a first time Mr. Fairfield moved to dispense with the further reading, and upon a division of the House only 32 members voted—27 yea and 5 nay.

The Speaker decided that less than a quorum voting would not pass a measure, From which decision Mr. Stowe appealed.

Mr. Bradford moved to lay the appeal upon the table.

Agreed to.

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

HOUSE OF ASSEMBLY.

SATURDAY, March 4, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent : Messrs. Bagley, Bowie, Clingan, Griffith, Hoff, James, McBrayer, Purdy, and Rowan.

The Journal of Friday was read and approved.

On motion, leave of absence was granted to Mr. James for one day ; to Mr. Clingan for two days.

Mr. Dannels presented a petition numerously signed by citizens of Yuba county, recommending the election of a United States Senator by the present Legislature.

Petition read and referred to delegation from Yuba county.

Mr. McDaniel presented a petition numerausly signed by citizens of Calaveras county, protesting against the present Legislature electing a United States Senator.

Petition read.

Mr. Mandeville presented a petition from many citizens of Tuolumne county, protesting against the present Legislature electing a United States Senator.

Petition read.

Mr. Hastings presented several petitions from citizens of Sutter county, protesting against the present Legislature electing a United States Senator.

Petition read.

Mr. McGee presented a petition numerously signed by citizens of Butte county, protesting against the election of a United States Senator at this session of the Legislature.

Petition read.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossed Bills have examined, and found correctly engrossed, an Act to organize the county of Plumas, out of the territory of Butte county.

On motion of Mr. Tallmadge, the following message from the Senate was taken from the table :

I am instructed by the Senate to inform the Assembly, that the Senate passed on the 20th, Assembly bill for an Act to prevent the sale of fire-arms and ammunition to Indians in this State, with an amendment as therein shown.

On the 21st, they passed Assembly bill for an Act to abolish the Board of Supervisors in and for the county of Santa Clara, with an amendment as therein shown.

They also passed Assembly bill for an Act fixing the time of holding the several Courts of Alameda county.

They also passed, the same day, the following Senate bills :

An Act to change the name of Charles Turner Kelly to Charles Turner Kelly Tracy.

An Act amendatory of an Act defining the time of commencing Civil Actions.

And an Act to amend an Act concerning Officers, passed April 28, 1851, a substitute for Assembly bill No. 75.

They also passed a Concurrent Resolution inviting Major General John E. Wool and Ex-Governor Foote, of Mississippi, to visit the Capital.

All of which is respectfully submitted.

JOHN Y. LIND,
Secretary.

The House refused to concur in Senate amendment to Assembly bill, No. 80, an Act to prevent the sale of fire-arms and ammunition to Indians in this State, and asked a committee of free conference, and appointed on the part of the Assembly, Messrs. Whipple, Hoyt and Bradford.

The House concurred in the amendment made by the Senate to Assembly bill No. 104, an Act to abolish the Board of Supervisors in and for the county of Santa Clara.

Senate bill No. 59, an Act to change the name of Charles Turner Kelly to Charles Turner Kelly Tracy.

Read a first and second time.

Mr. Mandeville moved to refer to Judiciary Committee.

Not agreed to.

Mr. Ballou moved to refer to Committee on Corporations.

Not agreed to.

Mr. Hoyt moved its reference to a special committee of three.

Not agreed to.

Senate bill No. 51, a bill for an Act amendatory of an Act defining the time for commencing Civil Actions.

Read a first time, and 240 copies ordered to be printed.

Senate bill No. 52, an Act to amend an Act entitled an Act concerning Officers, passed April 28, 1851.

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

Senate Concurrent Resolution, inviting General Wool and Ex-Governor Foote to visit the Capital.

Read, and, on motion, laid upon the table.

The Speaker laid before the House a communication from the Surveyor General of the United States, which was read.

Senate bill No. 64, an Act for the relief of John F. Hayes,

Read a second time and referred to Committee on Claims.

Assembly bill No. 143, an Act to authorize John F. Mason and others to build a wharf at the end of Greenwich street, in the city of San Francisco.

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

Assembly bill No. 128, an Act to amend an Act entitled an Act to prohibit the erection of weirs or other obstructions to the run of salmon, passed April 12, 1852.

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

Assembly Joint Resolution No. 132, in relation to the acquisition by the United States of Sonora and contiguous territory

Read a second time, and referred to Committee on Federal Relations.

Assembly bill No. 130, an Act authorizing persons to erect dams across the Tolumne river.

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

Assembly bill No. 135, an Act to change the name of George Alexander Smith, to George Smith Townsend.

Read a second time, and referred to delegation from San Francisco.

Assembly bill No. 134, an Act supplementary to an Act to provide for the lien of mechanics and others, passed April 12, 1850.

Read a second time, and referred to Judiciary Committee.

Assembly bill No. 137, an Act to amend an Act entitled an Act for the protection of Foreigners, and to define their rights and privileges.

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

Assembly bill No. 138, an Act amendatory of an Act entitled an Act to establish a system of Common Schools, passed May 3, 1852.

Read a second time, and referred to Committee on Education.

Assembly bill No. 136, an Act to authorize Stephen K. Nurse to build a wharf in the county of Solano.

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

Assembly bill No. 141, an Act concerning Roads and Highways.

Read a second time, and referred to Committee on Roads and Highways.

Mr. Bowie introduced a bill, No. 145, an Act to extend an Act for the protection of Game to the county of Colusi.

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

Mr. Noel introduced a bill, No. 146, an Act to legalize Assessments in the county of San Diego.

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

Mr. Sweasey introduced a bill for an Act concerning the manufacture and sale of spirituous or intoxicating liquors.

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

On motion of Mr. Kellogg, the House adjourned until 11 o'clock on Monday next.

HOUSE OF ASSEMBLY.

MONDAY, March 6, 1854.

House met pursuant to adjournment.

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

Messrs. Bagley, Davidson, Gilbert, Hoyt, Irwin, Letcher, Musser, McKinney, and Nichols.

The Journal of Saturday was read, amended and approved.

Mr. Ewer presented a petition from citizens of Butte, numerously signed, protesting against an election of Senator of the United States during this session of the Legislature

Mr. Myres presented a petition, numerously signed by citizens of Placer county, in favor of electing a United States Senator by the present Legislature.

Mr. Hoff presented several petitions from citizens of Tuolumne county, in favor of electing a United States Senator by the present Legislature.

Referred to delegation from Tuolumne.

Mr. Mandeville presented a petition from many citizens of Tuolumne county, protesting against the election of a United States Senator by the present Legislature.

This petition, and other petitions heretofore presented by Mr. Mandeville, referred to delegation from Tuolumne.

Mr. Godard presented a petition from sundry citizens of Tuolumne county, in favor of the election of a United States Senator by the present Legislature.

Read and referred to delegation from Tuolumne.

Mr. Hoyt presented a petition numerously signed by citizens of Tuolumne county, in favor of electing a United States Senator by the present Legislature.

Read and referred to delegation from Tuolumne.

Mr. Sweetland presented a petition numerously signed by citizens of Nevada county, protesting against the election of a United States Senator by the present Legislature.

Read and referred to the delegation from Nevada county.

Mr. Dawley presented a petition from sundry citizens of Nevada county, in favor of the election of a United States Senator by the present Legislature.

Petition read and referred to the delegation from Nevada county.

Mr. Sweetland presented a letter from two citizens of Nevada, requiring their names to be stricken from a petition, which was presented by Mr. Dawley, in favor of an election of U. S. Senator.

Read and referred to the delegation from Nevada.

Mr. Conness presented a petition from sundry citizens of El Dorado, in favor of the election of a United States Senator by the present Legislature.

Read and referred to delegation from El Dorado.

Mr. Hastings presented a petition from many citizens of Sutter county, protesting against the election of a United States Senator by the present Legislature.

The hour of twelve having arrived, the Speaker announced the special order of the day, which was a bill to fix the time of the election of a United States Senator.

On motion of Mr. Myres, the House resolved itself into Committee of the Whole, Mr. Bostwick in the chair, to consider the bill; after spending some time in its consideration, and amending the same,

On motion, the committee rose, reported the bill as amended, and asked to be discharged.

Committee was discharged.

On the adoption of the amendment made in Committee of the Whole, Messrs. Jones, Hubbard and James demanded the yeas and nays.

Mr. J. W. Park moved a call of the House.

The call was not sustained.

Mr. French demanded the previous question, which was seconded.

Mr. Mandeville moved a call of the House, and Messrs. Mandeville, Hagans and Hubbard demanded the yeas and nays.

Those who voted to sustain the call were—

Messrs. Anderson, Aylett, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Carrillo, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Hoff, Horr, Houghtaling, Hubert, Hunter, James, Lindsey, Mandeville, McDuffie, McDaniel, McGee, McKenny, Noel, J. W. Park, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Warmcastle, Watkins, Whipple, Whitman and Mr. Speaker—40.

Those who opposed a call of the House were—

Messrs. Ashley, Bagley, Ballou, Briggs, Clingan, Conness, Dannels, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Green, Griffith, Hollister, Hoyt, Hubbard, Hunt, Irwin, Jones, Kellogg, Koll, Musser, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Tallmadge and Van Cleft—39.

So the House sustained the call.

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

Messrs. Herbert and Letcher.

Mr. Irwin moved to dispense with further proceedings under the call, and Messrs. Mandeville and others demanded the yeas and nays.

Those who voted to dispense with further proceedings under the call were—

Messrs. Ashley, Bagley, Ballou, Bostwick, Briggs, Clingan, Conness, Dannels, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Green, Griffith, Hoff, Hollis, ter, Horr, Hoyt, Hubbard, Hunt, Irwin, Jones, Kellogg, Koll, Musser, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stevenson, Sweasey, Tallmadge and Van Cleft—43.

Those who voted nay were—

Messrs. Anderson, Aylett, Bennett, Bowie, Bradford, Burton, Carr, Carrillo, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Houghtaling, Hubert, Hunter, James, Lindsey, Mandeville, McDuffie, McDaniel, McGee, McKinney, Noel, J. W. Park, Stemmons, Stowe, Sweetland, Tivy, Warmcastle, Watkins, Whipple, Whitman and Mr. Speaker—35.

So the House dispensed with further proceedings under the call.

Mr. Whitman moved to adjourn.

Messrs. Hoff, Van Cleft and Briggs demanded the yeas and nays.

Those voting to adjourn were—

Messrs. Anderson, Aylett, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Carrillo, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Houghtaling, Hubert, Hunter, James, Lindsey, Mandeville, McDuffie, McDaniel, McGee, McKinney, Noel, J. W. Park, Stemmons, Stowe, Sweetland, Tivy, Warmcastle, Watkins, Whipple, Whitman and Mr. Speaker—37.

Those opposed to adjourning were—

Messrs. Ashley, Bagley, Ballou, Briggs, Clingan, Conness, Dannels, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Green, Griffith, Hoff, Hollister, Horr, Hoyt, Hubbard, Hunt, Irwin, Jones, Kellogg, Koll, Musser, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stevenson, Sweasey, Tallmadge and Van Cleft—42.

So the House refused to adjourn

The question was then taken upon the motion of Mr. French for the previous question, and

Messrs. Conness, Hoff and Hubbard demanded the yeas and nays.

YEAS.

Messrs. Ashley, Bagley, Ballou, Briggs, Clingan, Conness, Dannels, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Green, Hoff, Hollister, Horr, Hoyt, Hubbard, Hunt, Irwin, Jones, Kellogg, Koll, Musser, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Tallmadge and Van Cleft—40.

NAYS.

Messrs. Anderson, Aylett, Bennett, Bowie, Bradford, Burton, Carr, Carrillo, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Houghtaling, Hubert, Hunter, James, Lindsey, Mandeville, McDuffie, McDaniel, McGee, McKinney, Noel, J. W. Park, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Warmcastle, Watkins, Whipple, Whitman and Mr. Speaker—37.

So the previous question was sustained.

The question was then taken upon the amendment made in Committee of the Whole, and

Messrs. Hubbard, Hoyt and James demanded the yeas and nays.

YEAS.

Messrs. Ashley, Bagley, Ballou, Briggs, Clingan, Conness, Dannels, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Green, Griffith, Hoff, Hollister, Horr, Hoyt, Hubbard, Hunt, Irwin, Jones, Kellogg, Koll, Musser, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Tallmadge and Van Cleft—41.

NAYS.

Messrs. Anderson, Aylett, Bennett, Bowie, Bradford, Burton, Carr, Carrillo, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Houghtaling, Hubert, Hunter, James, Lindsey, Mandeville, McDuffie, McDaniel, McGee, McKinney, Noel, J. W. Park, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Warmcastle, Watkins, Whipple, Whitman and Mr. Speaker—37.

So the House adopted the amendment to the bill.

The bill was then read a third time.

Mr. Bradford moved to adjourn, and

Messrs. O'Neil, Springer and Kellogg demanded the yeas and nays.

YEAS.

Messrs. Anderson, Aylett, Bennett, Bowie, Bradford, Burton, Carr, Carrillo, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Houghtaling, Hubert, Hunter, James, Lindsey, Mandeville, McDuffie, McDaniel, McGee, McKinney, Noel, J. W. Park, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Warmcastle, Whipple, Whitman and Mr. Speaker—36.

NAYS.

Messrs. Ashley, Bagley, Ballou, Briggs, Clingan, Conness, Dannels, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Green, Griffith, Hoff, Hollister, Horr, Hoyt, Hubbard, Hunt, Irwin, Jones, Kellogg, Koll, Musser, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Tallmadge, Van Cleft, and Watkins—42.

So the House refused to adjourn.

Mr. O'Neil moved the previous question.

Mr. Whitman moved a call of the House.

Not agreed to.

Upon the previous question,

Messrs. Conness, Hoff and Springer demanded the yeas and nays.

YEAS.

Messrs. Ashley, Bagley, Ballou, Briggs, Clingan, Conness, Dannels, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Green, Griffith, Hoff, Hollister, Horr, Hoyt, Hubbard, Hunt, Irwin, Jones, Kellogg, Koll, Musser, Myres, McBrayer, McDonald, Nichols, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Tallmadge and Van Cleft—40.

NAYS.

Messrs. Anderson, Aylett, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Carrillo, Cornwall, Ewer, Gordon, Hagans, Henry, Herbert, Houghtaling, Hubert, Hunter, Lindsey, Mandeville, McDuffie, McDaniel, McGee, McKinney, Noel, J. W. Park, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Warmcastle, Watkins, Whipple, Whitman and Mr. Speaker—36.

So the House sustained the previous question.

On the final passage of the bill,

Messrs. Mandeville, O'Neil and James demanded the yeas and nays.

YEAS.

Messrs. Ashley, Bagley, Ballou, Briggs, Clingan, Conness, Dannels, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Green, Griffith, Hoff, Hollister, Horr, Hoyt, Hubbard, Hunt, Irwin, Jones, Kellogg, Koll, Musser, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Tallmadge and Van Cleft—41.

NAYS.

Messrs. Anderson, Aylett, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Carrillo, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Houghtaling, Hubert, Hunter, James, Lindsey, Mandeville, McDuffie, McDaniel, McGee, McKinney, Noel, J. W. Park, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Warmcastle, Watkins, Whipple, Whitman, and Mr. Speaker—38.

So the bill passed.

Mr. Herbert gave notice that he would move a reconsideration on tomorrow.

Mr. Hoyt insisted that he, and not Mr. Herbert, was entitled to the floor.

The Speaker decided that Mr. Herbert was entitled to the floor,

From which decision Mr. Hoyt appealed.

The Speaker—"Shall the decision of the Chair stand as the judgment of the House?"

Upon which Messrs. Hubbard and others demanded the yeas and nays.

Those who voted to sustain the Chair were—

Messrs. Anderson, Bennett, Bostwick, Bradford, Carr, Carrillo, Clingan, Cornwall, Hagans, Hastings, Henry, Houghtaling, Hubert, James, Mandeville, McDuffie, McDaniel, McKenny, Nichols, Noel, J. W. Park, Stemmons, Stowe, Tivy, and Whitman—25.

NAYS.

Messrs. Ashley, Bagley, Ballou, Briggs, Dannels, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Griffith, Hubbard, Hunt, Kellogg, Koli, Myres, McBrayer, McDonald, O'Neil, F. A. Park, Pratt, Purdy, Ring, Springer, Sweasey, Tallmadge, and Van Cleft—28.

So the decision of the Speaker was overruled.

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

HOUSE OF ASSEMBLY.

TUESDAY, March 7, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent: Messrs. French, Gilbert, Hubert, Irwin, McGee, and J. W. Park.

The Journal of Monday was read and approved.

On motion, leave of absence was granted to Mr. McGee for two days; and indefinite leave granted to Mr. French.

Messrs. Herbert and Bradford had unanimous leave to change their votes given on yesterday; Mr. Herbert on the bill to fix the time of electing United States Senators, and Mr. Bradford in reference to an appeal from the decision of the Speaker.

As a question of privilege, Mr. Letcher rose, having been absent, on yesterday, when the bill passed fixing the time of electing United States Senators, and asked that his opposition to the passage of the bill be noted on the Journal.

Agreed to.

Mr. Clingan presented a petition from sundry citizens of Marin county, praying for the passage of a law abolishing the Board of Supervisors in that county.

Petition read; and on motion of Mr. Clingan, laid upon the table, and he gave notice that, on to-morrow, he would introduce a bill in accordance with the prayer of the petitioners.

Mr. Conness presented a petition numerously signed by citizens of El Dorado county in favor of the election of a United States Senator by the present Legislature.

Read and referred to the delegation from El Dorado county.

Mr. F. A. Park presented a petition from George James Cross, in reference to a change of his name.

Petition read, and referred to the delegation from El Dorado county.

Mr. Mandeville made the following report :

The Committee on Mines and Mining Interests, to whom was referred a bill for an Act to provide for the better security and protection of Mining Claims, have considered the same, and beg leave to report, that inasmuch as there is a law at present, embracing the main features of said bill, therefore, your committee recommend that it do not pass.

J. W. MANDEVILLE,
ALFRED BRIGGS,
D. P. TALLMADGE,
C. W. DANNELS,
S. G. WHIPPLE,
JOHN C. JAMES.

Mr. Godard moved to have 240 copies of the above bill printed.

Mr. Jones moved to lay the motion to print on the table.

Not agreed to.

The House then ordered the printing of 240 copies of the bill.

On motion of Mr. Myres, the bill was recommitted to the Committee on Mines and Mining Interests.

Mr. O'Neil made the following report :

The Committee on Engrossments have carefully examined and find correctly engrossed, an Act fixing the time of electing United States Senators.

The following message was received from the Governor :

I have this day approved an Act entitled an Act to provide for holding terms of the District Court in Tulare county.

JOHN BIGLER.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate have, this day, passed Assembly bill for an Act to organize the county of Plumas out of a portion of the territory of Butte county ;

And, also, a Concurrent Resolution appointing a committee to examine proposals for Translation of the Laws into Spanish, and have appointed, on their part, Messrs. De La Guerra, McFraland and Whiting.

JOHN Y. LIND,
Secretary.

Senate Concurrent Resolution, as above, adopted by the Assembly, and Messrs. Hubert, Nichols and Carr were appointed on the part of the Assembly.

Mr. Mandeville moved to take from the table Senate Resolutions to adjourn *sine die*.

Not agreed to.

Mr. Jones, from special Committee, made the following report :

The Special Committee, to whom was referred Senate bill No. 54, for an Act supplementary to an Act to fund the debt of the county of Yuba, and provide for the payment thereof, passed May 3d, 1852, beg leave to report that they have had the same under consideration, and report the same back without amendment and recommend its passage.

The bill was then read a third time and passed.

Mr. Kellogg gave notice that on to-morrow he would introduce a bill explanatory of the sixteenth section of an Act to provide for the formation of Corporations for certain purposes.

On motion of Mr. Jones, the House resolved itself in'o Committee of the Whole, Mr. Bradford in the chair, to consider a bill for an Act to provide for the formation of Chattel Mortgages. After spending some time in the consideration of the same,

On motion of Mr. Hoyt, the committee rose, reported the bill back, recommended the passage of the same, and asked to be discharged.

The committee was discharged.

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

HOUSE OF ASSEMBLY.

WEDNESDAY, March 8, 1854.

House met pursuant to adjournment.

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

Messrs. Gilbert, Griffith, Herbert, Hoff, Horr, Hubert, Irwin, Letcher, McBrayer, McDuffie, J. W. Park, Pratt and Rowan.

The Journal of Tuesday was read and approved.

Mr. Bradford offered the following, which was adopted :

Resolved, That Dr. John B. Trask be requested to furnish the Legislature with any report that he may have prepared on the Geology of this State, pursuant to a joint resolution passed 6th May, 1853.

Mr. Bostwick offered the following :

Resolved, Unanimously, that the members of the Assembly agree *not* to exact or receive from the State of California, either mileage or per diem allowances accruing during the removal from Benicia to Sacramento, embracing a period of five days.

On motion, laid on the table.

Assembly bill No. 22, an Act to provide for the formation of Chattel Mortgages, which was under consideration when the House adjourned on yesterday,

On motion, the amendments offered by the Judiciary Committee were concurred in.

Mr. Jones offered to amend the first section by adding the following :

“ But such mortgages shall not affect purchasers in good faith, without the county where the instrument is filed.”

Amendment adopted.

The bill was then read a third time, and upon its final passage Messrs. Conness, Myres and Carr demanded the yeas and nays :

YEAS.

Messrs. Ashley, Bowie, Clingan, Cornwall, Dannels, Davidson, Ewer, Godard, Griffith, Hastings, Herbert, Hoff, Hoyt, Jones, Letcher, Mandeville, Musser, McDuffie, J. W. Park, Spencer, Stowe, Van Cleft, Warmcastle, Whipple, Whitman and Mr. Speaker—26.

NAYS.

Messrs. Anderson, Ballou, Bennett, Bostwick, Bradford, Briggs, Burton, Carr, Carrillo, Conness, Fairfield, Gordon, Green, Hagans, Horr, Hubbard, Hubert, Hunt,

Hunter, James, Lindsey, Myres, McBrayer, McDonald, McDaniel, McKenny, Nichols, Noel, O'Neil, Purdy, Ring, Springer, Stemmons, Stevenson, Sweasey, Sweetland, and Watkins—37.

So the bill did not pass.

After the names had all been called over, Mr. Nichols desired the name of Mr. Bagley to be called, which was done.

Mr. Bagley, on motion of Mr. Fairfax, was excused from voting.

The following message was received from the Senate :

I am instructed to inform the Assembly that, on yesterday, the Senate passed a bill for an Act concerning the collection of taxes now due in the county of Sacramento.

Also, Assembly Joint Resolutions in relation to creating a new collection district, and establishing the port of entry at Humboldt Bay.

The Senate also passed a Concurrent Resolution appointing a joint committee to examine and settle the accounts of Eugene Casserly for State Printing, and have appointed on their part Messrs. Coffroth, Crabb and Sprague.

They also appointed Messrs. Kurtz, Hall and Wade to confer with the committee of the Assembly upon the disagreeing vote of the two Houses on the bill for an Act to prevent the sale of fire-arms and ammunition to Indians in this State.

All of which is respectfully submitted.

JOHN Y. LIND,
Secretary.

Senate Concurrent Resolution, as above, concurred in, and Messrs. Tallmadge, Stowe and Bagley were appointed on the part of the Assembly ;

Before the adoption of the resolution, Mr. Tallmadge presented a letter from Mr. Casserly, formerly State Printer, which was read.

Senate bill No. 79, an Act concerning the collection of taxes now due in the county of Sacramento.

Read a first time, rule suspended, read a second time, rule further suspended, and the bill read a third time and passed.

Assembly bill No. 145, an Act to extend an Act for the protection of Game, to the county of Colusa.

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

Senate bill No. 52, an Act to amend an Act entitled an Act concerning Officers, passed April 28, 1851.

Read a second time, and referred to Judiciary Committee.

Assembly bill No. 144, an Act concerning Poll Tax.

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

Assembly bill No. 147, an Act concerning the manufacture and sale of spirituous or intoxicating liquors.

Read a second time, and referred to the special committee, of which Mr. Letcher is chairman.

Senate bill No. 59, an Act to change the name of Charles Turner Kelly to Charles Turner Kelly Tracy.

Read a third time and passed.

Assembly bill No. 142, an Act to establish and regulate Common Schools, and to repeal former Acts concerning the same.

Read a second time, and referred to Committee on Education.

Mr. Bradford introduced a bill for an Act to fix the time of holding elections for Representatives to Congress.

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

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate, this day, passed a bill for an Act making appropriations for the civil expenceses of Government of the State, for the unexpired portion of the fical year, ending on the 30th day of June, 1854, and for the first seven months of the fiscal year, commencing on the 1st day of July, 1854, which is respectfully submitted.

JOHN Y. LIND,
Secretary.

Senate bill No. 66, as above.

Read a first and second time, and

On motion, the House resolved itself into Committee of the Whole, Mr. Ashley in the chair, to consider the bill, after spending a short time in its consideration,

On motion, the committee rose, reported the bill back without amendment, and asked to be discharged from its further consideration.

The committee was discharged.

And on motion, the bill was referred to the Committee of the Whole House, on to-morrow, at 12 o'clock, and mede the special order.

Mr. Hubbard introduced a bill for an Act to establish Pilots and Pilot Regulations for the Port of San Francisco.

Read a first time, and 240 copies ordered to be printed.

Mr. Griffith introduced a bill for an Act in relation to Township Public Schools and the support thereof.

Read a first time, and 240 copies ordered to be printed.

Mr. Clingan introduced a bill for an Act to abolish the Board of Supervisors in and for the county of Marin.

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

Mr. Fairfax moved to instruct the Committee on Mileage to report at their earliest convenience in reference to the mileage of the members of the present Legislature in removing from Benicia to this place.

Mr. Bradford moved to indefinitely postpone the motion.

Mr. Stevenson moved to adjourn.

Not agreed to.

And the House refused to indefinitely postpone.

Mr. Ballou moved a call of the House.

The call was not sustained.

On the adoption of the motion made by Mr. Fairfax, Messrs Fairfax, Carr and Rowan demanded the yeas and nays.

YEAS.

Messrs. Ashley, Aylett, Bennett, Bowie, Briggs, Carr, Carrillo, Clingan, Cornwall, Dannels, Davidson, Dawley, Fairfield, Gilbert, Gordon, Green, Griffith, Hagens, Hoff, Houghtaling, Hunt, Hunter, James, Jones, Kellogg, Letcher, Lindsey, Mandeville, Musser, Myres, Nichols, Noel, O'Neil, Purdy, Stowe, Sweasey, Sweetland, Tivy, Van Cleft, Warmcastle, Watkins, Whitman and Mr. Speaker—43.

NAYS.

Messrs. Anderson, Ballou, Bostwick, Bradford, Burton, Conness, Ewer, Hast-

ings, Hollister, Hubbard, Hnbert, McBrayer, McDonald, McDuffie, McDaniel, F. A. Park, Ring, Rowan, Spencer, Springer, Stemmons and Tallmadge—22.

So the motion was adopted.

On motion the House adjourned until 11 o'clock to-morrow.

HOUSE OF ASSEMBLY.

THURSDAY, March 9, 1854.

House met pursuant to adjournment.

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

Messrs. Bagley, Gilbert, Herbert, Hoff, Hollister, Myres, Nichols, J. W. Park and Rowan.

The Journal of Wednesday was read and approved.

On motion, leave of absence was granted to Mr. Hollister for the remainder of this week.

Mr. Tallmadge presented a petition from sundry citizens of El Dorado county in favor of the election of United States Senator by the present Legislature.

Read and referred to the delegation from El Dorado county.

Mr. Sweasey presented a petition from twenty-three persons in favor of the passage of a law embracing the Maine Liquor Law.

Read and referred to special Committee, of which Mr. Letcher is chairman.

Mr. Gordon presented a petition from sundry ladies of Calaveras county in favor of the Maine Liquor Law.

Read and referred to special committee, of which Mr. Letcher is chairman.

Mr. Griffith gave notice that, at an early day, he would introduce a bill for an Act authorizing Deeds of Trust on Chattel property.

The following message was received from the Governor :

To the Senate and Assembly :—

I have the honor, herewith, to transmit a copy of a communication, received this morning, from the Hon. J. R. McConnell, Attorney General of the State, in relation to the property known as the Leidesdorff estate.

The subject is one of great importance to the State, and ought to receive the immediate attention of the Legislature

The Attorney General has given the questions involved careful consideration, and will in a few days institute proceedings for the recovery of the property. The suggestions of the Attorney General are all-important, and I trust that the legislation necessary to secure the interest of the State in the accruing rents of the property, as well as a vigorous prosecution of the case, will be perfected with as little delay as practicable.

The proceeds of this valuable estate if recovered, it is proper here to state, by the Constitution are set apart for the education of the children of the State.

JOHN BIGLER.

Communication from the Attorney General, above referred to, was read and referred to Judiciary Committee, with instructions to report on Monday next, in accordance to suggestions made by the Governor and Attorney General.

Mr. Hoyt introduced a bill for an Act to provide for the formation of Chattel Mortgages.

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

On motion of Mr. O'Neil, a petition which was presented some days since by Mr. Myres, in favor of the Senatorial Election, was referred to the delegation from Placer county.

Mr. Stemmons introduced a bill for an Act supplemental to an Act to establish a system of Common Schools, as amended in compiled laws by Garfield and Snyder.

Read a first and second time, and referred to Committee on Education.

Mr. Dawley gave notice that he would, at an early day, introduce a bill for the division of the Tenth Judicial District.

On motion of Mr. Conness, Mr. Letcher was added to the Committee on Education.

The Speaker announced the special order of the day, which was Senate bill No. 66, to make appropriations for the support of Government.

On motion of Mr. Herbert, the House resolved itself into Committee of the Whole, Mr. Bradford in the Chair, to consider the same.

After spending some time in its consideration, and amending the same,

On motion of Mr. O'Neil, 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,

Not agreed to by the House.

Mr. Stowe moved to amend by striking out "\$1,000" for contingent purposes for Quartermaster General, and insert "500,"

And Messrs. Stowe, Lindsey and Hagans demanded the yeas and nays.

YEAS.

Messrs. Ashley, Bowie, Burton, Ewer, Hagans, Houghtaling, Hunter, Letcher, Lindsey, Mandeville, McKenny, Stemmons, Stowe and Warmcastle—14.

NAYS.

Messrs. Anderson, Aylett, Bagley, Ballou, Bennett, Bostwick, Bradford, Briggs, Carr, Carrillo, Davidson, Dawley, Fairfield, Gilbert, Godard, Green, Griffith, Hastings, Henry, Hubbard, Hoff, Horr, Hoyt, Hubert, Hunt, James, Jones, Kellogg, Koll, Musser, Myres, McBrayer, McDonald, McDuffie, McDaniel, Nichols O'Neil,

Tallmadge, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Sweetland, Tivy, Van Cleft, Watkins, Whipple and Whitman—52.

So the amendment was not adopted.

The bill was then read a third time, and upon its final passage, Messrs. Stowe, Burton and Stevenson demanded the yeas and nays.

YEAS.

Messrs. Aylett, Bennett, Bostwick, Briggs, Cornwall, Dawley, Godard, Henry, Herbert, Hoff, Horr, Hoyt, Hubbard, Hubert, Kellogg, Musser, McBrayer, Nichols, O'Neil, F. A. Park, Pratt, Purdy, Ring, Spencer, Springer, Sweetland, Van Cleft Watkins, Whipple and Whitman—30.

NAYS.

Messrs. Anderson, Ashley, Bowie, Bradford, Burton, Carr, Carrillo, Conness, Dannels, Davidson, Ewer, Fairfield, Hagans, Hastings, Houghtaling, Hunt, Hunter, James, Koll, Letcher, Lindsey, Mandeville, McDonald, McDaniel, McKenney, Noel, Rowan, Stemmons, Stevenson, Stowe, Tallmadge, Tivy, and Warmcastle—33.

So the bill did not pass.

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

Mr. O'Neil gave notice that on to-morrow, or some day thereafter, he would introduce a bill for an Act to legalize the acts of the several Courts of the county of Placer.

Mr. Conness introduced a bill for an Act for an appropriation of money, for the publication of the Laws of 1850 and 1853, inclusive.

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

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills have examined and found correctly enrolled,

An Act to abolish the Board of Supervisors in and for the county of Santa Clara.

An Act fixing the times of holding the several Courts of Alameda county.

Also, Joint Resolution in relation to creating a new Collection District, and establishing the Port of Entry at Humboldt Bay ; and

Concurrent Resolution granting leave of absence to the Hon. Delos Lake.

Mr. Hastings 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 25, 1851.

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

Mr. Conness offered a concurrent resolution of instructions to the Attorney General in reference to the late Surveyor General,

Which was adopted.

Mr. Tallmadge offered a resolution instructing the Clerk of the Assembly to deliver all matters for publication to B. B. Redding or his order.

Resolution read, and made the special order of the day for Saturday next, at 12 o'clock.

Mr. Conness presented a petition from sundry citizens of Missouri Flat, in El Dorado county, in favor of the election of a United States Senator by the present Legislature.

Petition read, and referred to delegation from El Dorado.

Mr. Ballou made the following report :

The El Dorado Delegation, to whom was referred the petition of George James Krautz, praying for a change of name, have had the same under consideration, and find upon examination that the petitioner desires the substitution of the letter S in place of the T, so that his name shall read Krausz, which change is not of sufficient importance, in the opinion of your committee, to justify the revision of the Act of 1851, changing the name of said person, and re-publication at length of the same; therefore your committee recommend that no action be had in the matter.

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

HOUSE OF ASSEMBLY.

FRIDAY, March 10, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent: Messrs. Clingan, Cornwall, Fairfield, Gilbert, Gordon, Griffith, Herbert, Hubert, Myres, J. W. Park and Tallmadge.

The Journal of Thursday was read and approved.

On motion, indefinite leave was granted to Mr. Clingan, in consequence of ill health.

Mr. Stevenson presented a petition numerously signed by citizens of El Dorado county, protesting against the election of United States Senator by the present Legislature.

Petition read and referred to the delegation from El Dorado.

Mr. Stowe, chairman Committee of Conference, made the following report :

The Committee of Conference, to whom was referred Joint Resolutions in relation to mail service, respectfully report, that the Assembly shall recede from their

opposition to both amendments in dispute, and that the Senate will agree to strike out of the fourth amendment the words "in lieu of," and insert "in addition to."

Report received and adopted.

The following message was received from the Senate :

I am instructed to inform the Assembly, that on Tuesday last, the Senate rejected Assembly bill No. 76, for an Act fixing the time of electing United States Senators.

And, on yesterday, they passed 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 25, 1851.

All of which is respectfully submitted.

JOHN Y. LIND,
Secretary.

Senate bill No. 62, above reported, read a first time, and ordered to a second reading on to-morrow.

Mr. Bradford offered a Concurrent Resolution to appoint a Joint Committee to consider and report amendments to the Constitution of this State.

The resolution was adopted, and Messrs. Bradford, James, Watkins, and O'Neil, were appointed on the part of the House.

Mr. Bradford presented sundry amendments to the Constitution of this State, and on his motion they were laid upon the table without reading.

Mr. O'Neil introduced a bill for an Act to legalize the acts of the several Courts of the county of Placer.

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

Mr. Kellogg introduced a bill for an Act amendatory of the 16th section of an Act entitled an Act to provide for the formation of Corporations for certain purposes, approved April 14, 1853.

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

Mr. Tivy made the following report :

The Joint Committee on Enrolled Bills have examined, and found correctly enrolled, the following Act, viz :

An Act concerning the collection of Taxes now due in the county of Sacramento.

Mr. McBrayer presented a petition from B. F. Mauldin in reference to the establishment of a permanent watering place in the Humboldt Desert.

Petition read, and referred to Committee on Federal Relations.

Assembly bill No. 154, an Act for an appropriation of money for the publication of the Laws of 1850 and 1853, inclusive.

Read a second time, and referred to the Committee on Public Expenditures.

Assembly bill No. 151, an Act to abolish the Board of Supervisors in and for the county of Marin.

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

Assembly bill No. 148, an Act to fix the times of holding elections for Representatives to Congress.

Read a second time, and referred to Committee on Elections.

Assembly bill No. 153, 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.

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

Assembly bill, 155, an Act to provide for the formation of Chattel Mortgages.

Read a second time, and made the special order for Wednesday next, at 12 o'clock.

Assembly bill No. 145, an Act to extend an Act for the protection of Game to the county of Colusi.

Read a third time and passed.

Assembly bill No. 140, an Act concerning the office of Secretary of State.

Read a second time, and referred to Committee on Expenditures and Accounts.

Assembly bill No. 88, on its third reading, an Act concerning legal proceedings in favor of and against Counties,

On motion of Mr. Bradford, laid upon the table.

On motion of Mr. Ashley, Assembly Joint Resolution, No. 123, relating to lands donated to this State by the United States, was taken from the table, and made the special order for Monday next, at 12 o'clock.

Agreeable to notice, Mr. Bradford moved to reconsider the vote of yesterday, which refused to pass an appropriation bill.

The vote was reconsidered.

Senate bill No. 66, an Act making appropriations for the civil expenses of Government under consideration,

Mr. Griffith moved to recommit the bill to a Committee of the Whole House, with instructions to amend, by appropriating six thousand dollars for the payment of balance due F. A. Snyder for printing Codified Laws.

Adopted.

Mr. Stevenson moved to instruct the Committee of the Whole House to amend, by striking out five thousand dollars contingent fund for the Governor, and insert two thousand five hundred dollars, and Messrs Stowe, McKenney and Hagans demanded the yeas and nays.

YEAS.

Messrs. Ashley, Bennett, Bostwick, Bowie, Briggs, Burton, Carr, Cornwall, Davidson, Ewer, Hagans, Hastings, Henry, Herbert, Horr, Hunter, Jones, Letcher, Mandeville, McDaniel, McGee, McKenney, J. W. Park, Stemmons, Stevenson, Stowe, Tivy, Watkins and Whitman—29.

NAYS.

Messrs. Anderson, Bradford, Carrillo, Conness, Dawley, Fairfield, Godard, Green, Griffith, Hoff, Hoyt, Hubbard, Hubert, Hunt, Kellogg, Koll, Myres, McBrayer, Nichols, F. A. Park, Pratt, Spencer, Sweasey, Sweetland, Tallmadge, Van Cleft and Warmcastle—27.

So the motion prevailed.

Mr. Mandeville moved to reconsider the vote which ordered the bill to a third reading.

Mr. Conness moved a call of the House.

The call was sustained.

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

Messrs. Aylett, Gilbert, Gordon, Hoyt, Irwin, Noel and Mr. Speaker.

On motion, Messrs. Gordon, Gilbert and Aylett were excused.

The Sergeant-at-Arms was dispatched after absentees.

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

Not agreed to.

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

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

Not agreed to.

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

Agreed to.

Mr. Mandeville withdrew the motion to reconsider.

Mr. Bradford moved that when the House adjourn the members attend in a body the funeral of the late Dr. Dickson.

Agreed to.

Mr. McBrayer moved to adjourn.

Not agreed to.

Mr. Mandeville renewed his motion to reconsider the vote which read the bill under consideration a third time.

Objections being made to the motion, the Chair, Mr. Hoff, decided the motion in order, from which decision Mr. Fairfax appealed,

And the decision of the Chair was sustained.

And while the motion made by Mr. Mandeville to reconsider was under consideration,

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

HOUSE OF ASSEMBLY.

SATURDAY, March 11, 1854.

House met pursuant to adjournment.

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

Messrs. Bagley, Gilbert, Herbert, Hubert, McBrayer, McDuffie, McKenney, O'Neil, J. W. Park, Pratt, Rowan and Tivy.

The Journal of Friday was read and approved.

The following message was received from the Governor:

I have this day approved the following Acts, which originated in the Assembly, to wit:

An Act fixing the time of holding the several Courts authorised to be held by the County Judge in the county of Alameda.

An Act to abolish the Board of Supervisors in and for the county of Santa Clara.

Also, Joint Resolution in relation to creating a new collection district, and establishing the port of entry at Humboldt bay.

JOHN BIGLER.

A communication was received from the Comptroller of State in answer to a resolution which passed the Assembly in reference to the amount paid for printing in 1853

Communication read, and the documents accompanying the same referred to Committee on Printing.

The Speaker laid before the House a communication from Messrs. Washington, Geiger & Snyder, in reference to the public printing.

Letter read.

Mr. Letcher offered the following, which was adopted :

Resolved, That the Sergeant-at-Arms be instructed to remove the Speaker's stand to the centre of the west side of the Assembly room, and make such other changes as may be most conducive to the convenience of members.

Mr. Watkins presented a petition from sundry citizens of the town of Alameda, in reference to a charter.

Petition read and referred to Committee on Corporations.

Mr. Sweasey gave notice that at an early day he would introduce a bill to amend the fifth division of an Act, entitled an Act concerning Crimes and Punishments, passed April 16, 1850.

When the House adjourned on yesterday, the question to reconsider the third reading of the Appropriation bill was under consideration.

The vote was taken, and the vote was reconsidered.

On motion of Mr. Bradford, the House resolved itself into Committee of the Whole, Mr. Bostwick in the chair, to consider the bill.

After spending some time in the consideration of the bill, and amending the same,

On motion, the committee rose, reported the bill back as amended, and asked to be discharged.

The committee was discharged.

First amendment made in Committee of the Whole, reducing the sum appropriated for the Governor's Private Secretary.

Upon a motion to concur by the House, Messrs. Ashley, Mandeville and Hunter, demanded the yeas and nays.

YEAS.

Messrs. Ashley, Bennett, Bowie, Bradford, Briggs, Burton, Carr, Carrillo, Clingan, Cornwall, Dannels, Davidson, Ewer, Fairfield, Godard, Griffith, Hagans, Hastings, Henry, Herbert, Horr, Hoyt, Hunt, Hunter, James, Jones, Kellogg, Letcher, Lindsey, Mandeville, Musser, Myres, McDaniel, McGee, McKinney, Noel, O'Neil, Rowan, Spencer, Stemmons, Stevenson, Stowe, Sweasey, Sweetland, Van Cleft, Warmcastle, Watkins, Whipple and Whitman—49.

NAYS.

Messrs. Anderson, Bagley, Ballou, Hubbard, Koll, McDonald, Pratt, Ring, Springer, and Tallmadge—10.

So the amendment was adopted.

Second amendment made in Committee of the Whole, to strike out all appropriations for contingent purposes.

Concurred in.

Third amendment, to add at end of first section, six thousand dollars, to pay F. A. Snyder for printing Codified Laws.

Concurred in.

Mr. Ashley moved to strike out ten thousand and insert five thousand dollars, for fuel, lights, &c., for the Legislature.

Agreed to.

Mr. Dannels moved to strike out a appropriation for Hospital purposes, except for the salaries of officers and attaches

Agreed to.

Mr. Ewer moved to strike out thirty thousand dollars for the pay of officers and attaches of the Assembly, and insert twenty-two thousand.

Agreed to.

Mr. Whipple moved to strike out twelve hundred dollars for office rent of the State Land Commissioners, and insert twenty-one hundred dollars.

Agreed to.

Mr. McKinney moved to strike out twenty-five thousand dollars for pay of officers and attaches of the Senate, and insert eighteen thousand dollars.

Not agreed to.

Mr. Tallmadge moved to refer the bill to the Committee of Ways and Means.

Not agreed to

The bill was then read a third time, and upon its final passage,

Messrs. Purdy, Tallmadge and O'Neil demanded the yeas and nays

YEAS

Messrs. Bagley, Briggs, Carrillo, Cornwall, Dannels, Hagans, Hoyt, Kellogg, Letcher, Lindsey, Mandeville, Musser, McDuffie, McKenny, Spencer, Springer, Stemmons, Stevenson, Stowe, Whipple and Whitman—21.

NAYS

Messrs. Anderson, Ashley, Ballou, Bennett, Bowie, Bradford, Carr, Clingan, Conness, Davidson, Ewer, Fairfield, Godard, Griffith, Hastings, Henry, Horr, Hunt, Hunter, Irwin, James, Jones, Koll, Myres, McDonald, McGee, Noel, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Sweetland, Tallmadge, Warmcastle and Watkins—37.

So the bill did not pass.

Mr. Jones moved to reconsider the vote just taken.

Mr. Briggs moved to adjourn.

Not agreed to.

The vote was then reconsidered.

Mr. Bradford moved to reconsider the third reading of the bill.

Mr. McKinney moved to adjourn

Not agreed to.

On the question to reconsider the third reading of the bill, there was a division of the House—twenty-nine voted to reconsider, and ten against it.

The Speaker, Mr. Mandeville in the chair, decided that no quorum had voted, it requiring forty-one members to make a quorum, that the motion was lost;

From which decision Mr. Bradford appealed, and the House overruled the decision of the Chair

Mr. Conness moved to re-consider the vote which refused to refer the bill to the Committee of Ways and Means.

The vote was re-considered

Mr. McBrayer moved to adjourn.

Not agreed to.

On motion of Mr. Conness, the bill was referred to Committee of Ways and Means.

Mr. Godard offered the following, which was adopted :

Resolved, That the Governor, Secretary of State, State Treasurer, State Comptroller, Attorney General, Surveyor General, Quarter-Master General, and Superintendent of Public Instruction, be requested to furnish for the information of this House, their estimates of the amount of money necessary to be appropriated for the contingent expenses for their several offices respectively, and, also, for what such contingent fund is required.

On motion of Mr. Bagley, the House adjourned until 11 o'clock on Monday next.

HOUSE OF ASSEMBLY.

MONDAY, March 13, 1854.

House met pursuant to adjournment.

The roll was called and the following members were absent :

Messrs. Aylett, Conness, Dawley, Gilbert, Gordon, Green, Herbert, Hoff, Hubert, McBrayer, Nichols, F. A. Park and Mr. Speaker.

The Journal of Saturday was read and approved.

On motion, leave of absence was granted to the Chief Clerk for two days; to Messrs. Green, Gordon, Herbert and Dawley one day each; Mr. Hollister three days; Mr. Conness one week; and to Select Committee, Messrs. Jones, Hubert, McBrayer, F. A. Park and Bradford indefinite leave.

Mr. Griffith presented a petition from numerous citizens of Yolo County, praying the abolishment of the Board of Supervisors in said county, which was read and referred to the delegation from Yolo.

Mr. O'Neil, chairman, made the following report .

The Committee on Engrossment have examined, and find correctly engrossed, an Act to extend an Act for the protection of Game to the county of Colusi.

The following message was received from the Senate :

I am instructed to inform the Assembly that, on Friday last, the Senate passed Assembly Joint Resolutions in reference to the Board of Land Commissioners holding a session at the City of Los Angeles ;

And on Saturday, Assembly bill for an Act to incorporate the City of Oakland.
All of which is respectfully submitted.

JOHN Y. LIND,
Secretary.

Mr. Hagans offered the following resolution, which, on motion of Mr. Bradford, was laid on the table.

Resolved, That when the House adjourn, it adjourn to 10 o'clock to-morrow morning, and to the hour of 10 A. M. thereafter, until otherwise ordered.

Mr. Stemmons gave notice that he would, at an early day, introduce a bill to amend an Act concerning Notaries Public, passed April 30, 1853.

Mr. Springer gave notice that he would, at an early day, introduce a bill to provide for the appointment of deputy County Treasurers.

Mr. Bradford gave notice that, on to-morrow, or some subsequent day, he would introduce a bill for an Act to encourage Agriculture by donating a Homestead to actual settlers.

Mr. Bowie gave notice that he would, at an early day, introduce a bill to attach portions of Butte and Sutter counties to the county of Colusi

Mr. Griffith gave notice that, on to-morrow, he would introduce a bill for an Act to provide for the organization of the Courts of Sessions of Yolo county.

Mr. Spencer gave notice that, at an early day, he would introduce a bill to amend an Act concerning passengers arriving in ports of California.

Assembly bill, No. 151, an Act to abolish the Board of Supervisors in and for the county of Marin,

Was considered as engrossed, read a third time and passed.

Assembly bill, No. 156, an Act amendatory of the sixteenth section of an Act entitled an Act to provide for the formation of Corporations for certain purposes, approved April 14, 1853.

Read a second time, and referred to Committee on Corporations.

Assembly bill, No. 157, an Act to legalize the acts of the several Courts of the county of Placer.

Read a second time, and referred to the delegation from Placer county.

Senate bill, No. 62, for 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.

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

Assembly bill, No. 149, an Act in relation to Township Public Schools and the support thereof.

Read a second time, and referred to Committee on Education.

Assembly bill No. 152, an Act to establish Pilots and Pilot Regulations for the Port of San Francisco.

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

Mr. Whipple, on leave of the House, introduced a bill, for an Act to empower Courts of Sessions and Justices Courts to condemn prisoners to labor in certain cases, Which was read a first time, and laid over under the rules.

Mr. Griffith, on leave, introduced a bill, an Act making appropriations for the payment of the per diem of members and officers of the Legislature.

Read a first time.

Mr. James, on leave, introduced a bill, an Act to authorize George T. Marye to build a wharf at the end of Mission street into the Bay of San Francisco.

Read a first time.

Mr. Musser gave notice that he would, at an early day, introduce a bill to authorize the Court of Sessions of Trinity county to levy a tax to provide the means of constructing public buildings in said county.

Mr. Dannels gave notice that he would, at an early day, introduce a bill to amend an Act to provide for the incorporation of Railroad Companies.

On motion of Mr. Burton, the special order for to-day, Assembly Joint Resolution, No. 123, relating to lands donated to this State by the United States, was taken up, and

On motion of Mr. Bradford, made the special order for Thursday next, at 12 o'clock.

On motion of Mr. Ashley, Assembly bill No. 94, an Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850, was taken from the table and the amendments proposed by the Judiciary Committee concurred in.

Mr. Whitman moved to insert the word "grand" before the word "larceny" in section second,

Which was agreed to.

Mr. Myres offered the following amendment as section first of the bill ;

"Section fourteen of an Act concerning Crimes and Punishments," passed April 16, 1850, is hereby amended so as to read as follows :

No black or mulatto person, Mongolian, Malay or Indian, shall be permitted to give evidence in favor of or against any white person. Every person who shall have one-eighth part or more of negro blood, shall be deemed a mulatto, and every person who shall have one-half of Indian blood, shall be deemed an Indian.

On motion of Mr. Bostwick, the bill was recommitted to the Judiciary Committee.

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

Resolved, That the Sergeant-at-Arms is hereby instructed to make such alterations in the windows of this hall, as will admit of the sash being lowered from the top.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled bills have examined, and found correctly enrolled the following Acts, viz :

An Act supplementary to an Act to fund the debt of the county of Yuba, and provide for the payment thereof, passed May 3, 1852.

An Act to organize the county of Plumas out of a portion of the Territory of Butte county.

Also, Joint Resolution in favor of additional mail facilities between California and Oregon.

Mr. Stowe offered the following resolution which was adopted :

Resolved, That the Committee on Public Printing be instructed to report promptly upon the bills now in their hands.

Mr. Myres, on leave, introduced a bill, an Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers. approved May 19, 1853, Which was read a first and second time, and referred to the delegation from Placer county.

Mr. McDonald moved to adjourn.

Not agreed to.

Mr. Griffith moved to take from the table Senate Concurrent Resolution relative to adjourning *sine die*

Not agreed to

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

HOUSE OF ASSEMBLY

TUESDAY, March 14, 1854.

House met pursuant to adjournment.

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

Messrs. Hoff, Irwin, Nichols, J. W. Park, Spencer, Mr. Speaker, and those absent on leave.

The Journal of yesterday was read and approved.

On motion, leave of absence was granted to Messrs. Spencer and Dawley for one day each, and to Messrs. Green and Nichols for two days each.

Mr. O'Neil, chairman, made the following report .

The Committee on Engrossment have examined, and find correctly engrossed, an Act to abolish the Board of Supervisors in and for the county of Marin.

Communications were received from the Governor, Secretary of State, Comptroller, Treasurer, Surveyor General, Quarter Master General, and Superintendent of Public Instruction, relative to the contingent expenses of their several offices, which were read and referred to Committee of Ways and Means.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills report, that on Friday last, the 10th instant, they presented to his Excellency, the Governor, for his approval, the following Acts, viz :

An Act to abolish the Board of Supervisors in and for the County of Santa Clara.

An Act fixing the times of holding the several Courts of Alameda county , also, Joint Resolution in relation to creating a new collection district, and establishing the port of entry at Humboldt Bay.

SACRAMENTO, March 14, 1854.

Mr Myres, chairman, made the following report :

The Placer delegation, to whom was referred a bill for an Act to legalize the acts of the several Courts of the county of Placer, report that they have had the same under consideration, and find that the Act providing for the organization of their county was approved April 28, 1851, and not in the month of May, as printed in the statutes of that year. They, therefore, recommend that the bill do not pass

Your delegation have also had under consideration an Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers, approved May 19, 1853, and recommended its passage.

Assembly bill No. 157, an Act to legalize the acts of the several Courts of the County of Placer,

Reported back from Placer delegation, was then read a third time and lost

Assembly bill No. 161, an Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers, approved May 19, 1853

Reported back from Placer delegation, considered as engrossed, read a third time and passed.

The following message was received from the Senate .

I am instructed to inform the Assembly, that on Saturday, the Senate passed a bill for an Act to authorize the Court of Sessions of the counties of San Joaquin and Tuolumne to levy and collect a special tax for the support and maintenance of the indigent sick of said counties.

And on yesterday, a bill for an Act to provide for the payment of the official reporters to the Senate.

They also concurred in Assembly resolution to appoint a Joint Select Committee to consider and report amendments to the Constitution of this State, and have appointed on their part, Messrs. Coffroth, Bryan, and Wade.

All of which is respectfully submitted.

JOHN Y. LIND,
Secretary.

Senate bill No. 76, an Act to authorize the Court of Sessions of the counties of San Joaquin and Tuolumne to levy and collect a special tax for the support and maintenance of the Indigent Sick of said counties.

Read a first time, and laid over under the rules.

Senate bill No. 82, an Act to provide for the payment of the official reporters to the Senate.

Read a first time.

Mr. Stemmons, pursuant to notice, introduced a bill, an Act to amend an Act concerning Notaries Public,

Which was read a first time.

Mr. Bowie offered the following resolution, which was adopted .

Resolved, That the Committee on Public Lands be instructed to report during the present week on the bill for the Protection of Settlers on Public Lands.

Mr. Davidson, pursuant to notice, introduced a bill, an Act to provide for the better observance of the Sabbath day.

Read a first time.

Mr. Sweasey, pursuant to notice, introduced a bill, an Act to amend an Act entitled an Act concerning Crimes and Punishments, passed April 16, 1850.

Read a first time.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills have carefully examined Assembly Joint Resolutions in reference to the Board of Land Commissioners holding a session at the city of Los Angeles, and find the same correctly enrolled.

Mr. James, chairman, made the following report :

The committee acting in obedience with the instructions of the House, have had under consideration the propriety and justice of the members of the Legislature receiving additional mileage, said to have accrued by the late removal from Benicia to Sacramento city, and beg leave to submit the following report :

The undersigned, a majority of your committee, are of the opinion that but one mileage was contemplated by the Legislature, our predecessors fixing the same, or in other words, mileage to but one capitol during the same session.

If this position be correct, that our predecessors constituted and fixed mileage to but one capitol, then it follows, as a matter of course, that if we are to receive mileage to a second capitol, we must first constitute and fix that mileage ; to do the latter, we believe, involves a principle which is unprecedented in the annals of legislation. We deny, or, at least, doubt the right of this or any other Legislature to do any act and receive pay for the same, the pay for which was not fixed or provided for by a prior Legislature. We deny the power of any Legislature to claim a reward for any service which might be performed solely for the pay ; to illustrate—if the members of this Legislature can justly demand mileage for one removal, they can demand it for twenty removals during the same session ; how this latter proposition, that this body can remove *ad libitum*, and for each removal can demand and receive mileage, is an absurdity too gross to need refutation. If it be contended that this body have a right to remove at pleasure, and receive mileage for each such removal, then we think we may well sing the Corsair's song :

“ Ours the wild life in tumult still to range,
From toil to rest, and joy in every change.”

That a majority may impose hardships upon a minority is one thing, and the rights of the people is quite another ; the people have paid one mileage to one capital, and we think should not be required to pay another during the same session.

All of which is respectfully submitted.

JOHN C. JAMES,
Chairman of Committee.
JOHN H. BOSTWICK,
A. J. HOUGHTALING,
SENECA EWER.

Mr. Hunter made the following report .

The undersigned, a minority of the committee on mileage, to whom was referred

the question of allowing mileage from Benicia to Sacramento, would respectfully make the following report :

That by law the present Legislature has no control over the subject, it being fixed by law that members shall receive eight dollars for every twenty miles traveled in going to and returning from the place at which the session is held.

It is believed that, under the law, those only are entitled to additional mileage whose distance of travel has been increased consequent upon the removal of the capital from Benicia to this place. This is considered by the undersigned as not only legal but equitable. The question of removal is not properly involved in that of mileage ; but the proposition is narrowed down to this, should those whose distance from their residences has been increased by removal, thus giving them a legal claim for additional mileage, have embarrassments thrown in the way of their receiving that which is legally and equitably their due.

E. HUNTER.

Mr. Hoyt moved that the minority report be adopted, upon which Messrs. James, Herbert and Ewer demanded the yeas and nays.

Those who voted in the affirmative were—

Messrs. Ashley, Aylett, Bagley, Bennett, Bowie, Burton, Carr, Carrillo, Clingan, Cornwall, Dannels, Davidson, Fairfield, Gilbert, Godard, Gordon, Hagans, Henry, Hoyt, Hunt, Hunter, Letcher, Lindsey, Mandeville, Musser, Myres, McKenny, Noel, O'Neil, Pratt, Purdy, Ring, Stowe, Sweasey, Sweetland, Tivy, Van Cleft, Warmcastle, Watkins and Whitman—40.

Those who voted in the negative were—

Messrs. Anderson, Ballou, Bostwick, Briggs, Ewer, Hastings, Herbert, Horr, Houghtaling, Hubbard, James, Kellogg, Koll, McDonald, McDuffie, McDaniel, McGee, J. W. Park, Springer, Stemmons, Stevenson, Tallmadge and Whipple—23.

So the report of the minority was adopted.

On motion of Mr. Hoyt, the Committee on Mileage was instructed to report the amount of mileage due each member.

Mr. Fairfield offered the following resolution :

Resolved, That the committee to whom was referred so much of the Governor's Annual Message as relates to the extension of the water front of the City of San Francisco, be and they are hereby instructed to report a bill within two weeks from this date, providing for the extension at such points as they may deem expedient, the sale of the lots within the same ; the proceeds as far as required to be applied in payment of the existing indebtedness of the State.

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

Not agreed to.

Resolution adopted.

Mr. James, pursuant to notice, introduced proposed amendments to the Constitution, which, on motion, were laid on the table.

On motion of Mr. O'Neil, all the proposed amendments to the Constitution were taken from the table and referred to the joint committee already appointed on that subject, Mr. Bradford, chairman.

Mr. Sweetland presented a communication from the Attorney General upon the subject of electing Hospital Physicians at the present session of the Legislature, which was read and laid on the table.

Assembly bill No. 158, an Act to empower Courts of Sessions and Justices Courts to condemn prisoners to labor in certain cases, which was read a second time and referred to the Judiciary Committee

Assembly bill No. 160, an Act to authorise George T. Marye to build a wharf at the end of Mission street into the bay of San Francisco, read a second time and referred to Committee on Commerce and Navigation.

Assembly bill, No. 159, an Act making appropriations for the payment of the per diem of members and officers of the Legislature.

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

Senate bill, No. 51, for an Act amendatory of an Act defining the time of commencing civil actions.

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

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

Resolved, That the Committee on Hospitals be instructed to inform the Assembly of their estimate of the amount of contingent fund necessary to be appropriated for State Hospitals.

Assembly bill, No. 113, an Act authorizing Justices of the Peace to issue writs of injunction in certain cases, in mining counties, special order for March 1, and passed over, was then taken up, and

On motion of Mr. Dannels, Messrs. Gordon, James and Lindsey demanding the yeas and nays, was referred to the Committee on Mines and Mining Interests by the following vote.

YEAS.

Messrs. Anderson, Aylett, Ballou, Bostwick, Dannels, Davidson, Fairfield, Hastings, Hoyt, Hubbard, Hunt, James, Kellogg, Koll, Mussar, Myres, McDuffie, McKenney, O'Neil, Pratt, Ring, Springer, Stowe, Tallmadge, Van Cleft, Warmcastle and Whitman—27.

NAYS.

Messrs. Bowie, Burton, Carr, Carrillo, Clingan, Cornwall, Ewer, Gordon, Henry, Houghtaling, Hunter, Letcher, Lindsey, Mandeville, McBrayer, McDonald, McDaniel, McGee, Noel, J. W. Park, Stemmons, Stevenson, Sweasey, Sweetland, Tivy, and Watkins—26.

Assembly bill, No. 39, an Act to amend an Act concerning crimes and punishments, passed April 16, 1850, special order for 21st Feb, and which was passed over, was taken up, and re-committed to the Judiciary Committee.

Assembly bill, No. 40, an Act to repeal sections one and two of an Act to amend an Act entitled an Act concerning crimes and punishments, passed April 22d, 1851, special order for February 21st, and which was passed over, was taken up, read a third time, and

On motion of Mr. Sweetland, Messrs. James, McDuffie and Hoyt demanding the yeas and nays, indefinitely postponed by the following vote.

YEAS.

Messrs. Ashley, Aylett, Ballou, Burton, Carr, Carrillo, Cornwall, Dannels, Davidson, Ewer, Gordon, Hastings, Henry, Herbert, Houghtaling, Hubbard, Hunt, Hunter, Kellogg, Koll, Lindsey, Mandeville, McDuffie, McDaniels, McKinney, Noel, Rowan, Stemmons, Sweetland, Tivy, Van Cleft, Warmcastle and Whipple—33.

NAYS.

Messrs. Anderson, Bagley, Bennett, Bostwick, Bowie, Briggs, Clingan, Fairfield, Gilbert, Godard, Hagans, Hoyt, James, Letcher, Myres, McBrayer, McDonald, O'Neil, J. W. Park, Purdy, Ring, Springer, Stowe, Sweasey, Tallmadge, Watkins and Whitman—27.

Mr. Ballou gave notice that, on to-morrow, he would move to re-consider the vote just taken.

The following message was received from the Senate :

I am instructed to inform the Assembly, that the Senate have, this day, passed a concurrent resolution directing the Board of Examiners of War Claims to prepare a statement of claims audited.

Also, Assembly bill for an Act to extend an Act for the protection of Game to the county of Colusi, and

Assembly bill for an Act to abolish the Board of Supervisors in and for the county of Marin.

All of which is respectfully submitted.

JOHN Y. LIND,
Secretary

Senate Concurrent Resolution, No. 56, directing the Board of Examiners of War Claims to prepare a statement of claims audited.

Concurred in.

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

Resolved, That the Assembly, the Senate concurring, will on the 24th day of the present month, at 12 o'clock, M., meet that body in Joint Convention for the purpose of electing a Resident and Assistant Physician for the Insane Asylum at Stockton, and two Resident and two Visiting Physicians for the State Marine Hospital at San Francisco.

Mr. Bostwick, chairman, made the following report :

The Committee on Accounts and Expenditures, to whom was referred Assembly bill, No. 154, entitled an Act for an appropriation of money for the publication of the Laws of 1850 and 1853, inclusive, have had the same under consideration, and beg leave to report it back to the House, and recommend its passage

Assembly bill, No. 154, an Act for an appropriation of money for the publication of the Laws of 1850 and 1853, inclusive.

The bill was considered in Committee of the Whole, read a third time and lost

Mr. Fairfield gave notice that he would, at an early day, introduce a bill for the protection of persons owning timber logs and lumber floating on water, or carried upon adjoining lands.

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

HOUSE OF ASSEMBLY.

WEDNESDAY, March 15, 1854.

House met pursuant to adjournment.

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

Messrs. Bagley, Ballou, Dawley, Griffith, Herbert, Hoff, Hollister, Hubert, Lindsey, Musser and J. W. Park.

The Journal of Tuesday was read and approved.

On motion, leave of absence was granted to Mr. Lindsey for one day, to Mr. Fairfax for two days, to Mr. Musser for one day, and to Mr. Griffith for two days.

Mr. Purdy presented a petition from sundry citizens of San Francisco, owners of steamers and sailing vessels, praying the Legislature to define, by law, more clearly the duties of Harbor Master, in relation to the collection of a tax from vessels.

Petition read, and referred to Committee on Commerce and Navigation.

Mr. Watkins, chairman, made the following report :

The Committee on Corporations, to whom was referred Assembly bill No. 117, have had the same under consideration, and directed me to report it back with the following amendment :

After fourth section add section fifth—All Acts and parts of Acts repugnant to the provisions of this Act are hereby repealed.

The amendment was adopted, and

Assembly bill No. 117, an Act supplementary to the Act incorporating the city of Benicia,

Considered as engrossed, read a third time and passed.

The following reports were made from the Judiciary Committee.

The undersigned, a majority of the Judiciary Committee, have had under consid-

eration Assembly bill No. 17, entitled an Act amendatory of 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 herewith report a substitute for the same, and recommend its passage.

F. M. WARMCASTLE,
M. W. GORDON,
G. W. BOWIE,
C. E. CARR,
B. C. WHITMAN.

The undersigned, a minority of the Judiciary Committee, having duly considered Assembly bill No. 17, entitled an Act amendatory to an Act to amend an Act respecting fugitives from labor and slaves brought into this State prior to her admission into the Union, approved April 15, 1852, herewith report the same back to the House, and recommends its passage.

B. F. MYRES.

Assembly bill No. 17, above reported, together with the substitute was laid upon the table.

Mr. Myres made the following report from the Judiciary Committee :

The Judiciary Committee have had under consideration Senate bill No. 52, entitled an Act to amend an Act concerning Officers, passed April 28, 1851, the same being a substitute for Assembly bill No. 75, entitled an Act to declare the meaning and intention of an Act entitled an Act concerning Officers, passed April 28, 1851, the adoption and passage of which said substitute the committee respectfully recommend.

Also, Assembly bill No. 120, entitled an Act to amend an Act entitled an Act to regulate proceedings in Criminal Cases in the Courts of Justice of this State, passed May 1, 1851.

Also, Assembly bill No. 103, entitled an Act to legalize acknowledgments in certain cases taken and certified by County Recorders,

Which said several bills the committee recommend that they do not pass.

Also, Assembly bill No. 77, entitled an Act amendatory of an Act entitled an Act concerning District Attorneys, passed April 29, 1851, which the committee recommend should be indefinitely postponed.

Senate bill No. 52, above reported,

On motion of Mr Stowe, amended, read a third time and passed.

Assembly bill 120 above reported,

On motion laid upon the the table.

Assembly bill No. 103, under consideration,

Mr. Ballou moved to lay the bill on the table.

Not agreed to

The hour of 12 having arrived, the Speaker announced the special order of the day, which was Assembly bill No. 155, an Act to provide for the formation of Chat-tel Mortgages.

On motion of Mr O'Neil, the House resolved itself into Committee of the Whole, Mr. O'Neil in the chair, to consider the bill.

After spending some time in its consideration, and amending the same,

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

The committee was discharged.

The amendments made in Committee of the Whole were concurred in, generally, by the House.

Mr. Gordon moved to strike out, in section seven, twelfth line, the words "door of the Court House of," and insert "at the place where the property is situated."

Agreed to.

Mr. Noel moved to amend by striking out, in the seventh section, the word "county."

Not agreed to.

Mr. Myres objected to a third reading of the bill, and

Messrs. Hubbard, McDonald and Stevenson demanded the yeas and nays.

YEAS.

Messrs. Ashley, Bennett, Bowie, Cornwall, Ewer, Godard, Gordon, Hagans, Hastings, Herbert, Horr, Houghtaling, Hoyt, James, Kellogg, Letcher, Mandeville, McDuffie, McDaniel, McGee, McKinney, Rowan, Spencer, Tivy, Whipple and Whitman—26.

NAYS.

Messrs. Anderson, Aylett, Bagley, Ballou, Briggs, Burton, Carr, Carrillo, Clingan, Dannels, Davidson, Fairfield, Gilbert, Hubbard, Hunt, Hunter, Koll, Myres, McBrayer, McDonald, Noel, O'Neil, Pratt, Purdy, Ring, Springer, Stemmons, Stevenson, Swcasey, Sweetland, Van Cleft and Warmcastle—33.

So the House refused to have the bill read a third time.

Assembly bill No. 103, which was under consideration at the hour of 12, was again taken up, and the House refused to pass it.

Assembly bill No. 77, an Act amendatory of an Act entitled an Act concerning District Attorneys, passed April 29, 1851, on its third reading,

On motion, was indefinitely postponed.

Mr. Herbert made the following report .

The Committee of Ways and Means, to whom was referred a bill entitled an Act to legalize assessments in the county of San Diego, have had (the same under consideration, and beg leave to report it back to the House, and recommend its passage.

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

Mr. Herbert made a further report from the Committee of Ways and Means, in reference to appropriations for civil expenses of the State Government.

Bill and report made the special order for Friday next, at 12 o'clock.

Mr. Dannels, chairman, made the following report :

The Committee on Mines and Mining Interests, to whom was referred substitute to Assembly bill, No. 113, for an Act authorizing Justices of the Peace to issue writs of Injunction in certain cases in mining counties," report the same back to the House, and recommend that it do not pass.

The committee have also considered Assembly bill No. 54, for an Act for the better security and protection of Mining Claims, and are of the same opinion as expressed in a former report.

G. W. DANNELS,
 J. W. MANDEVILLE,
 JOHN B. MCGEE,
 G. H. VAN CLEFT,
 S. G. WHIPPLE,
 A. BRIGGS,
 D. P. TALLMAGE,
 J. C. JAMES.

Assembly bills, above referred to,
 On motion laid upon the table.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossed Bills have examined, and found correctly engrossed an Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers, approved May 19, 1853.

Mr. Bowie made the following report :

The delegation, to whom was referred the petition of the Court of Sessions of Colusi county, asking the Legislature to relinquish to that county for certain purposes, the State tax due by Samuel A. Morrison, on a Spanish grant in the same county, reports, that from information obtained from the Court and received from citizens of the county, that efforts have been ineffectually made to collect said tax, and there appears no prospect of doing so, by reason of persons being unwilling to invest the amount of money due, as tax, in an uncertain Spanish title.

The delegation, therefore, recommend that the prayer of the petitioners be granted, and will introduce a bill in conformity therewith.

Mr. Bowie introduced a bill for an Act to relinquish to the county of Colusi, that portion of the tax due the State by Samuel A. Morrison, on a Spanish grant in that county, and to authorize the Court of Sessions to enter into a contract with the said Morrison for the building of a bridge in satisfaction of said tax.

Read a 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 a copy of a report of Hon. J. W. Denver, Secretary of State, in relation to the State Library.

JOHN BIGLER.

While the report of the Secretary of State was being read,

On motion, the further reading was dispensed with.

Mr. McKinney moved to print 1,000 copies of the report.

Not agreed to.

Mr. Dannels moved to print 240 copies.

Not agreed to.

Mr. Ewer moved to reconsider the vote which dispensed with the reading of the report of the Secretary of State.

Not agreed to.

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

HOUSE OF ASSEMBLY.

THURSDAY, March 16, 1854.

House met pursuant to adjournment.

The roll was called and the following members were absent :

Messrs. Cornwall, Dawley, Green, Herbert, Hollister, McBrayer, Nichols, J. W. Park, Purdy, Rowan, Tivy and Van Cleft.

The Journals of Wednesday were read and approved.

On motion, indefinite leave was granted to Mr. Musser in consequence of ill health.

Mr. Pratt presented a petition from sundry ladies of Ione Valley, Calaveras county, praying for the passage of the Maine Liquor Law.

Petition read and referred to Select Committee, Letcher, chairman.

Mr. McKinney presented two petitions, one from ladies of Santa Clara, and the other from gentlemen of the same county, praying for the passage of a law embracing the principles of the Maine Liquor Law.

Petition read and referred to Select Committee, of which, Letcher, chairman.

Mr. Whipple asked and obtained leave to read to the House the proceedings of a Democratic meeting of citizens in the county of Trinity; after which

Mr. Bagley moved to print 240 copies of the paper.

Mr. Gordon moved to lay the motion to print on the table.

Agreed to.

Mr. Watkins made the following report :

The Committee on Corporations have had under consideration Assembly bill No. 156, and have instructed me to report back the same without amendment, and recommend its passage.

Assembly bill No. 156, an Act amendatory of the sixteenth section of an Act entitled an Act to provide for the formation of Corporations for certain purposes, approved April 14, 1853.

Considered as engrossed, read a third time and passed.

Mr. Myres, chairman, made the following report :

The Judiciary Committee to whom was referred Senate bill No. 27, for an Act to fix the sessions of the Supreme Court at the capital of the State, report that they have had the same under consideration, and recommend its passage with the following amendment: strike out the word "Capitol" in the fourth line of section one, and insert in lieu thereof the word "Capital."

Senate bill No. 27, above reported, amended as per recommendation from the committee.

Mr. Whitman moved to lay the bill on the table.

Not agreed to.

The bill was then passed, and the title amended by changing the word Capitol to Capital.

Mr. Dannels made the following report :

The Committee on Indian Affairs have had under consideration Assembly bill 49, for an Act for the government and protection of Indians. Your committee believe that the present statute for the government and protection of Indians covers the whole ground of the bill ; they therefore recommend that it do not pass.

Mr. Kellogg moved to indefinitely postpone Assembly bill No. 49, above referred to.

The bill was indefinitely postponed.

Mr. Hastings made the following report :

The Committee on Counties and Boundaries have had under consideration a bill providing for the formation of a new county out of a portion of the territory of Tuolumne county, report the same back with amendments and an addition of one section, recommend the adoption of the same, and the passage of the bill.

Your committee have also had under consideration Assembly bill No. 153, for an Act to amend an Act entitled an Act to divide the State into counties, and establishing the seats of justice therein, passed April 25, 1851, report the same back without amendment and recommend its passage.

Assembly bill No. 36, a bill providing for the formation of a new county out of a portion of the territory of Tuolumne county under consideration.

On motion of Mr. Mandeville, the House resolved itself into Committee of the Whole, Mr. Irwin in the Chair, to consider the bill ; after spending some time in its consideration, and amending the same,

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

Committee was discharged.

The amendments made in Committee of the Whole were concurred in generally by the House, the bill considered as engrossed, read a third time and passed.

The hour of 12 o'clock, M., the special order of the day was announced by the Speaker, which was Assembly Joint Resolution No. 123, relating to lands donated to this State by the United States ; on its third reading

Mr. Stowe moved to strike out of the resolution all in reference to the 500,000 acres of land for School purposes, and in reference to former action of the Legislature upon the subject.

Mr. Springer moved a call of the House.

The call was not sustained.

Mr. Warmcastle moved to recommit the resolution to the Committee on Public Lands.

Agreed to.

Mr. Ashley moved to reconsider the vote just taken.

The vote was taken to reconsider ; 27 voted to reconsider, and 13 voted against reconsideration.

The Speaker decided, that as no quorum voted, the motion was not carried.

From which decision, Mr. Pratt appealed, and upon the appeal, Messrs. Mandeville, Burton, and Lindsey, demanded the yeas and nays .

YEAS.

Messrs. Anderson, Aylett, Bennett, Bostwick, Bowie, Carr, Carrillo, Clingan, Cornwall, Davidson, Gordon, Griffith, Hastings, Henry, Hubbard, Hunter, Irwin, James, Kellogg, Koll, Lindsey, Mandeville, McBrayer, McDonald, McDuffie, McGee, McKinney, Noel, O'Neil, J. W. Park, Rowan, Spencer, Stemmons, Stevenson, Tivy, Van Cleft, Warmcastle, Watkins, Whipple and Whitman—40.

NAYS.

Messrs. Ashley, Ballou, Burton, Ewer, Fairfield, Godard, Hagans, Horr, Houghtaling, Hoyt, Letcher, Pratt, Ring, Springer, Stowe, Sweasey, Sweetland and Tallmadge—18.

So the decision of the Chair was sustained.

The vote was then taken upon the motion of Mr. Ashley to reconsider the vote, and decided in the affirmative.

Mr. Warmcastle then withdrew his motion to recommit to the Committee on Public Lands.

Mr. Whitman renewed the motion to recommit to the Committee on Public Lands.

Not agreed to.

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

Not agreed to.

Mr. Griffith offered the following amendment to the resolution: Insert in fifth line of the resolution, third page, after 1851, so far as the same may have been heretofore located and selected, and provided that said location and selection shall, in all cases, conform to the provisions of the 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, passed May 3, 1852. Also, insert in the eleventh line of the resolution, third page, at the end of the line: By confirming to each individual who may have located or selected lands under the provisions of the said State law, the amount of land by him or her so located; in no case, however, to exceed six hundred and forty acres to each individual, and provided that said location does not conflict with any pre-emption heretofore made under the Acts of the Congress of the United States.

Mr. Mandeville moved to lay the amendment on the table.

Not agreed to.

Mr. Houghtaling moved to adjourn, Messrs. Ballou, Springer and Stowe demanded the yeas and nays:

YEAS.

Messrs. Aylett, Bowie, Carr, Clingan, Houghtaling, Hubbard, Kellogg, Lindsey, Mandeville, McDuffie, McKinney, Noel, Sweetland, Van Cleft, Watkins and Whitman—16.

NAYS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bostwick, Burton, Carrillo, Cornwall, Dannels, Davidson, Ewer, Fairfield, Godard, Gordon, Griffith, Hagans, Hastings, Henry, Horr, Hoyt, Hunter, Irwin, James, Koll, Letcher, McBrayer, McDonald, McDaniel, McGee, O'Neil, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stemmons, Stevenson, Stowe, Sweasey, Tallmadge, Tivy and Warmcastle—11.

So the House refused to adjourn.

Mr. Sweasey moved to indefinitely postpone the whole subject, and

Messrs Mandeville, Hubbard and Purdy demanded the yeas and nays :

YEAS.

Messrs. Carr, Hagans, Hastings, Horr, Hoyt, Hubbard, Koll, Lindsey, Mandeville, McKenny, Noel, Purdy, Van Cleft, Watkins, and Whitman—15.

NAYS.

Messrs. Anderson, Ashley, Aylett, Ballou, Bennett, Bostwick, Bowie, Burton, Carrillo, Clingan, Dannels, Davidson, Ewer, Fairfield, Godard, Gordon, Griffith, Henry, Houghtaling, Hunter, Irwin, James, Kellogg, Letcher, McBrayer, McDonald, McDuffie, McDaniel, McGee, O'Neil, J. W. Park, Pratt, Ring, Rowan, Spencer, Springer, Stemmons, Stevenson, Stowe, Sweasey, Sweetland, Tivy, and Warmcastle—43.

So the House refused to indefinitely postpone.

Mr. Godard moved a call of the House.

The call was sustained.

The roll was called, and the following members were absent, Messrs. Bagley, Briggs, Cornwall, Dawley, Gilbert, Green, Herbert, Hoff, Hollister, Myres, McBrayer, Nichols, Stevenson, and Tallmadge.

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

Not agreed to.

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

Mr. Bowie moved to dispense with farther proceedings under the call.

Not agreed to.

Mr. Bostwick moved to dispense with farther proceedings under the call.

Not agreed to.

On motion of Mr. Hubbard the House dispensed with farther proceedings under the call.

Mr. Purdy moved to adjourn, and Messrs. Ballou, Springer and Purdy, demanded the yeas and nays.

YEAS.

Messrs Aylett, Burton, Clingan, Dannels, Ewer, Gordon, Henry, Houghtaling, Hubbard, Kellogg, Koll, Lindsey, Mandeville, McBrayer, McDonald, McDuffie, McDaniel, McGee, McKinney, Noel, J. W. Park, Purdy, Spencer, Sweetland, Tivy, Van Cleft and Watkins—27.

NAYS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bostwick, Carrillo, Davidson, Fairfield, Godard, Griffith, Hagans, Horr, Hunter, Irwin, James, Letcher, O'Neil, Pratt, Ring, Springer, Stemmons, Whipple and Mr. Speaker—23.

So the House adjourned with the amendment of Mr. Griffith pending.

HOUSE OF ASSEMBLY.

FRIDAY, March 17, 1854.

House met pursuant to adjournment.

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

Messrs. Cornwall, Gilbert, Green, Griffith, Hoff, Irwin, Myres, McBrayer, J. W. Park, Purdy and Van Cleft.

The Journal of Thursday was read and approved.

Mr. Watkins made the following report :

The Committee on Federal Relations, to whom was referred the petition of B. F. Mauldin praying the aid of the Legislature to enable him to establish a free watering place in the great Humboldt Desert, have had the same under consideration, and have instructed me to report the following preamble and resolutions.

Joint Resolution in relation to establishing a free watering place in the Humboldt Desert.

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

Mr. James moved to print 240 copies of the resolution.

Not agreed to.

Mr. O'Neil made the following report :

The Committee of Engrossment have examined, and find correctly engrossed, an Act amendatory of the 16th section of an Act entitled an Act to provide for the formation of Corporations for certain purposes, approved April 14, 1853.

And an Act to legalize assessments in the county of San Diego.

And an Act supplementary to the Act incorporating the City of Benicia.

Mr. Spencer made the following report :

The Committee on State Hospitals, to whom was referred the report of the Trustees and Physicians of the State Marine Hospital, having carefully examined the same, submit the following report :

The Committee find that the gross receipts for the year amount to the sum of \$143,725, of which, only \$22,146 was in cash—the balance being in San Francisco City and State bonds—the aggregate realized in cash from all sources being \$125,457 21.

The expenditures and indebtedness for the same period amount to the sum of \$155,456 21, thus showing an excess of expenditures above receipts of \$30,000 yet unpaid.

From the Physicians report, it is found that 2,801 patients were admitted during the year, of which number 1,556 were admitted during the last half of the year, of

whom 951 were from the City of San Francisco—336 remained in hospital at the date of the report.

The average expense to the State of each patient is found to have been \$55 50 showing an increased expense of \$12 25 for each patient when compared with the average under the old system of hospitals.

The proportionate mortality is evidently decreasing yearly, having fallen as low as 12 3-4 per cent. for the year, and 10 per cent. for the last six months; but slightly greater than the average mortality of the hospitals of New York and Massachusetts.

The Committee have also carefully considered the resolution instructing them to report estimates of the contingent fund necessary to be appropriated for State Hospitals. Basing our conclusions upon the exhibit of expenses for the past year, we estimate for the Insane Asylum \$35,000 in addition to the fund derived from the commutation tax; for the State Marine Hospital an appropriation of \$75,000 will be required in addition to the sums that may be received from commutation tax and gaming license.

The Committee would further recommend that, in addition to the above estimated appropriation for the State Marine Hospital, an appropriation be made sufficient to pay the outstanding debts against it on the 1st of January last.

All of which is respectfully submitted.

SPENCER,
HORR,
AYLETT,
GILBERT.

The following message was received from the Governor :

To the Senate and Assembly of California :

I have the honor herewith to transmit a copy of a communication received on the 16th inst., from Hon. S. McMeans, State Treasurer, suggesting amendments to an Act entitled an Act supplementary to an Act to fund the debt of the State, approved May 4, 1852. The suggestions of the Treasurer of State are important, and deserving of immediate and favorable consideration.

JOHN BIGLER.

The communication from the State Treasurer was read, and referred to Committee of Ways and Means.

Mr. Hoyt offered the following, which was adopted :

Resolved, That the Governor be requested to inform the Assembly whether the papers and vouchers necessary to a correct understanding of the claims of this State upon the General Government for the suppression of Indian hostilities, have been forwarded to our Senators and Representatives in Congress.

Mr. Sweetland presented a communication from the Attorney General in reference to the amount of contingent fund necessary for his office

Communication read and referred to Committee on Ways and Means.

The unfinished business of yesterday under consideration when the House adjourned, a Joint Resolution relating to lands donated to this State by the United States, was taken up for consideration.

The amendment offered by Mr. Griffith on yesterday being under consideration,

Mr. Bennett moved to amend the amendment as follows:

By striking out "640," and insert "160 acres."

While the amendment to the amendment was under consideration, the hour of 12 was announced, and the special order of the day fixed for that hour was taken up, which was an Act making appropriations for the civil expenses of Government.

On motion of Mr. Mandeville, the House resolved itself into Committee of the Whole, Mr. Mandeville in the chair, to consider the bill.

After spending some time in the consideration of the bill, and making sundry amendments thereto,

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

The committee was discharged.

The amendments made in Committee of the Whole were concurred in generally by the House.

Mr. Stowe moved to strike out five thousand dollars special contingent fund for the Governor, and insert twenty-five hundred dollars, upon which

Messrs. Stowe, Gordon and Houghtaling, demanded the yeas and nays.

YEAS.

Messrs. Ashley, Bennett, Bostwick, Bowie, Burton, Carr, Cornwall, Ewer, Gordon, Hagans, Hastings, Herbert, Horr, Houghtaling, Hubbard, Hunter, James, Letcher, Lindsey, Mandeville, McDuffie, McDaniel, McGee, McKinney, Noel, Stemmons, Stevenson, Stowe, Van Cleft, Watkins and Whitman—31.

NAYS.

Messrs. Anderson, Aylett, Bagley, Ballou, Bradford, Briggs, Carrillo, Clingan, Dannels, Davidson, Dawley, Fairfield, Godard, Griffith, Hollister, Hoyt, Hunt, Irwin, Kellogg, Koll, Myres, McBrayer, McDonald, Nichols, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Sweetland, Tallmadge, Tivy, Whipple and Mr. Speaker—37.

So the House refused to strike out and insert.

Mr. Ashley moved to strike out twenty-five hundred dollars for pay of the Governor's Private Secretary, and insert eighteen hundred dollars, upon which motion

Messrs. Ashley, Kellogg, and Watkins demanded the yeas and nays.

YEAS.

Messrs. Ashley, Bennett, Bostwick, Bowie, Burton, Carr, Cornwall, Dannels, Ewer, Gordon, Hagans, Hastings, Herbert, Houghtaling, Hunter, Irwin, James, Letcher, Lindsey, Mandeville, McDuffie, McDaniel, McGee, McKinney, Noel, Stemmons, Stevenson, Stowe, Tivy, Van Cleft, Watkins and Whitman—32.

NAYS.

Messrs. Anderson, Aylett, Bagley, Ballou, Briggs, Carrillo, Clingan, Davidson, Dawley, Fairfield, Godard, Griffith, Hollister, Horr, Hoyt, Hubbard, Hunt, Kellogg, Koll, Myres, McBrayer, McDonald, Nichols, O'Neil, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Sweetland, Tallmadge and Mr. Speaker—34.

So the House refused to strike out and insert.

The bill was then read a third third time, and Messrs. Kellogg, Stowe and Burton demanded the yeas and nays.

YEAS.

Messrs. Anderson, Aylett, Bostwick, Briggs, Carrillo, Dawley, Fairfield, Gilbert, Hollister, Horr, Hoyt, Hunt, Koll, McBrayer, McDonald, McDuffie, McDaniel, Noel, O'Neil, J. W. Park, Pratt, Rowan, Spencer, Stemmons, Sweetland, Whipple and Mr. Speaker—27.

NAYS.

Messrs. Ashley, Ballou, Bennett, Bowie, Burton, Carr, Clingan, Cornwall, Dannels, Davidson, Ewer, Gordon, Griffith, Hagans, Hastings, Henry, Herbert, Houghtaling, Hubbard, Hunter, Irwin, Kellogg, Letcher, Lindsey, Mandeville, Myres, McGee, McKinney, Nichols, Purdy, Ring, Springer, Stevenson, Stowe, Sweasey, Tallmadge, Tivy, Van Cleft, Watkins and Whitman—40.

So the House refused to pass the bill.

Mr. Stowe moved to adjourn, and Messrs. Hubbard, Pratt and Griffith demanded the yeas and nays.

YEAS.

Messrs. Ashley, Aylett, Bagley, Bowie, Carr, Clingan, Cornwall, Dannels, Godard, Gordon, Hastings, Henry, Herbert, Houghtaling, Hunt, Hunter, Letcher, Mandeville, Myres, Noel, Purdy, Spencer, Stemmons, Stowe, Sweetland, Tivy, Watkins, Whipple and Whitman—29.

NAYS.

Messrs. Anderson, Ballou, Bennett, Bostwick, Briggs, Burton, Carrillo, Davidson, Dawley, Ewer, Fairfield, Griffith, Hagans, Hollister, Horr, Hoyt, Hubbard, Irwin, James, Kellogg, Koll, McBrayer, McDonald, McDuffie, McDaniel, McGee, McKinney, Nichols, J. W. Park, Pratt, Ring, Rowan, Springer, Stevenson, Sweasey, Tallmadge, Van Cleft and Mr. Speaker—38.

So the House refused to adjourn.

Mr. Griffith moved to reconsider the vote which refused to pass the bill under consideration.

Mr. Mandeville moved to lay the motion to reconsider on the table.

Not agreed to.

Mr. Stowe moved to adjourn.

Not agreed to.

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

Not agreed to.

The motion to reconsider was then put, and decided in the affirmative.

The vote was then taken upon the final passage of the bill, and

Messrs. Hagans, Hastings and Fairfield demanded the yeas and nays.

YEAS.

Messrs. Anderson, Aylett, Bagley, Ballou, Bostwick, Briggs, Carrillo, Davidson, Dawley, Fairfield, Godard, Griffith, Hollister, Horr, Hoyt, Hubbard, Hunt, Kellogg, Koll, McBrayer, McDonald, McDaniel, McDuffie, Noel, O'Neil, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweetland and Mr. Speaker—34.

NAYS.

Messrs. Ashley, Bennett, Bowie, Burton, Carr, Clingan, Cornwall, Dannels, Ewer, Gordon, Hagans, Hastings, Henry, Houghtaling, Hunter, Irwin, James, Letcher, Lindsey, Mandeville, Myres, McGee, McKinney, Stemmons, Stevenson, Stowe, Sweasey, Tallmadge, Tivy, Van Cleft, Watkins and Whitman—32.

So the bill passed.

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

 HOUSE OF ASSEMBLY.

SATURDAY, March 18, 1854.

House met pursuant to adjournment.

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

Messrs Bagley, Bowie, Bradford, Carr, Cornwall, Davidson, Dawley, Gilbert, Godard, Green, Griffith, Hoff, Hollister, Hubert, McDuffie, McDaniel, Nichols, O'Neil, J. W. Park, Purdy and Rowan.

The Journal of Friday was read and approved.

On motion, leave of absence was granted to Mr. Davidson for two days; to J. W. Park for three days; to Mr. Hoff for four days; and to Mr. McDuffie for one day.

Assembly bill No. 153, 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.

On its third reading, considered as engrossed, read a third time and passed.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrollment have examined, and found correctly enrolled, the following acts, viz :

An Act to incorporate the city of Oakland.

An Act to extend an Act for the protection of Game in the county of Colusi ;
And an Act to abolish the Board of Supervisors in and for the county of Marin.

The following messages were received from the Senate :

I am instructed to inform the Assembly that on yesterday the Senate passed Assembly bill for an Act to abolish the Board of Supervisors in the county of Contra Costa ;

And Assembly Concurrent Resolution to go into convention on the 24th instant to elect Physicians to the Insane Asylum and State Marine Hospital, with amendments as therein shown.

JOHN Y. LIND,
Secretary.

Senate amendments to Assembly Concurrent Resolution agreed to by the House.

I am instructed to inform the Assembly that the Senate passed, on yesterday, the following bills :

An Act relative to transferring actions and proceedings from one court to another court.

An Act to amend an Act entitled an Act concerning the office of Comptroller, passed January 19, 1850, and

Assembly bill for an Act to amend an Act concerning the courts of justice of this State and judicial officers, approved May 19, 1853.

All of which is respectfully submitted.

JOHN Y. LIND,
Secretary.

Senate bill No. 55, an Act relative to transferring actions and proceedings from one court to another court.

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

Senate bill No. 65, an Act to amend an Act entitled an Act concerning the office of Comptroller, passed January 19, 1850.

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

Mr. O'Neil made the following report :

The Committee on Engrossments have examined and find correctly engrossed, an Act to create the county of Stanislaus.

Mr. Hagans gave notice that at an early day he would introduce a bill for an Act to amend the fifty-fourth section of the tenth article of an Act to provide revenue for the support of the Government of this State, passed May 18, 1853.

Mr. Letcher gave notice that he would, at an early day, introduce a bill to provide for the payment of the debt due from Alameda county to the counties of Santa Clara and Contra Costa.

Mr. Hubbard gave notice that an early day he would introduce a bill for an Act to authorise the corporate authorities of the city of San Francisco to contract with J. J. Chaviteau or other parties, to improve and beautify Portsmouth Square in the city of San Francisco.

Mr. Ballou gave notice that an early day he would introduce a bill abrogating the death penalty for grand larceny.

Mr. Hagans gave notice that at the earliest opportunity he would introduce a bill for an Act to protect the settlers on public land.

Mr. Ever gave notice that he would, at an early day, introduce a bill to extend the time of final settlement of the Collector of Butte county.

Mr. Fairfax gave notice that on to-morrow, or at an early day thereafter, he would introduce a bill to divide the Tenth Judicial District and to create a new Judicial District.

Mr. Godard gave notice that he would, on to-morrow, introduce a bill to amend an Act entitled an Act concerning salaries of officers and members of the Legislature, passed May 11, 1852.

Mr. Griffith moved that the Committee on Public Lands be allowed to make a report.

Agreed to.

Mr. Bradford, Chairman, made the following report :

The Committee on Public Lands to whom was referred Assembly bill for an Act for the protection of settlers, have had the same under consideration, and a majority of the committee report the same back and recommend its passage.

Assembly bill No. 85, an Act for the protection of settlers,
On motion, made the special order for Thursday next, at 12 o'clock.

Mr. Bradford made a further report :

The Committee on Public Lands, to whom was referred Assembly bill for an Act for the protection of settlers upon public lands, have had the same under consideration, beg leave to report it back and recommend that it be not passed.

Assembly bill No. 115, above reported,
On motion, laid upon the table.

Senate bill No. 82, an Act to provide for the payment of the official Reporters to the Senate, read a second time and referred to the Committee on Claims.

Senate bill No. 76, for an Act to authorise the Court of Sessions of the counties of San Joaquin and Tuolumne to levy and collect a special tax for the support and maintenance of the indigent sick of said counties, read a second time and referred to the delegation from San Joaquin and Tuolumne counties.

Assembly bill No. 162, an Act to amend an Act entitled an Act concerning crimes and punishments, passed April 16, 1850, read a second time and referred to Judiciary Committee.

Assembly joint resolutions No. 166, in relation to the establishment of a free watering place in Humboldt Desert, read a second time and ordered to a third reading on to-morrow.

Assembly bill, an Act to relinquish to the county of Colusi that portion of the tax due the State by Samuel A. Morrison, on a Spanish grant in that county, and to authorise the Court of Sessions to enter into a contract with said Morrison for the building of a bridge in satisfaction of said tax, read a second time and ordered to a third reading on to-morrow.

Assembly bill No. 164, an Act to provide for the better observance of the Sabbath day.

Read a second time and referred to Select Committee, of which Mr. Letcher is chairman.

Assembly bill 163, an Act to amend an Act concerning Notaries Public.
Read a second time, and ordered to a third reading on to-morrow.

Mr. Herbert moved to take from the table Assembly bill No. 17, an Act amendatory to 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.

Agreed to.

Mr. Hoyt moved to go into Committee of the Whole.

Not agreed to.

Mr. Myres moved the following amendment to the bill: Insert after the word territory where it first occurs in the bill, "of the United States by the laws of such State or Territory."

Amendment adopted.

Mr. Mandeville moved to adopt the substitute offered by the majority of the Judiciary Committee, and Messrs. Letcher, Sweasey, and Ballou demanded the yeas and nays.

Mr. Hoyt moved a call of the House.

The call was not sustained.

YEAS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bostwick, Bowie, Briggs, Dannels, Ewer, Fairfield, Godard, Hastings, Hollister, Hoyt, Hunt, Letcher, Mandeville, McDonald, Purdy, Spencer, Springer, Stevenson, Stowe, Sweasey, Tallmadge, Warmcastle, Whipple and Whitman—23.

NAYS.

Messrs. Aylett, Bradford, Burton, Carrillo, Clingan, Cornwall, Dawley, Gordon, Griffith, Hagans, Henry, Herbert, Hunter, Irwin, James, Koll, Lindsey, Myres, McBrayer, McGee, McKinney, Nichols, Noel, Ring, Rowan, Stemmons, Sweetland, Tivy, Van Cleft, Watkins and Mr. Speaker—35.

So the House refused to adopt the substitute.

Mr. Hoyt offered the following amendment to the bill, and Messrs. Stemmons, Hoyt and Tallmadge demanded the yeas and nays.

Mr. Hoyt moved to amend by striking out from the words, provisions of this Act, to the proviso, and insert as follows:

"Go before any Justice of the Peace, or Clerk of any District Court in this State, and upon making affidavit that the person whose service and labor is claimed, is the property of the claimant under the laws of the State or Territory from which he emigrated, and that said person was brought or introduced into this State previous to the admission of the same, as one of the United States of America, said Justice or Clerk, as the case may be, shall thereupon issue a warrant for the arrest of said person owing such service or labor. Upon the return of said warrant duly served, if issued by a Justice of the Peace, the defendant may demand an immediate trial by jury, or by his affidavit, have a continuance of said cause for any time, not exceeding twenty days, to procure witnesses and prepare for said trial. Upon the hearing of the same, the burden of proof shall be upon the claimant, to show by competent proof, by disinterested witnesses, first, that the person claimed is the property of the claimant under the laws of the State or Territory from whence he was brought, second, that the person was brought or introduced into this State before its admission as one of the United States of America. A failure to establish either or both of said facts shall entitle the defendant to his or her discharge. When said proceedings are had in the District Court, the proceedings shall be the same as in the Justice's Court, with the exception that the trial shall be had at the first ensuing

term of said court after the arrest. The defendant shall be held in custody from the time of arrest until the determination of the trial and conviction, or discharge under the same. Upon conviction, the Judge or Justice of the Peace, as the case may be, shall give a certificate to the claimant, which shall be conclusive of the right of the person or persons to whom the same is granted, to remove said person to the State or Territory from which he was brought.

YEA.

Mr. Ballou.

NAYS.

Messrs. Anderson, Aylett—

When the name of Mr. Ashley was called, he did not vote.

Mr. Burton moved that Mr. Ashley be excused from voting; the vote was taken, and no quorum voted.

Mr. Ashley then answered to his name, and voted in the negative.

YEAS.

Messrs. Briggs, Godard, Hoyt.

NAYS.

Messrs. Bennett, Bowie, Bradford, Burton, Carr, Carrillo, Cornwall, Dannels, Dawley, Ewer, Fairfield, Griffith, Hagans, Henry, Herbert, Hollister, Horr, Hough-taling, Hubbard, Hubert, Hunt, Hunter, James, Kellogg, Koll, Lindsey, Mandeville, Myres, McDonald, McGee, McKinney, Nichols, Noel, O'Neil;

When the name of Mr. Purdy was called, he asked to be excused as he had paired off with an absent member.

On motion he was excused.

YEAS.

Messrs. Ring and Sweasey.

NAYS.

Messrs. Rowan, Springer, Stemmons, Stevenson, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, Watkins.

When the name of Mr. Whipple was called, he declined to vote.

A motion was made to excuse Mr. Whipple from voting
Not agreed to.

Mr. O'Neil moved to re-consider the vote just taken.

Vote re-considered.

And on motion, Mr. Whipple was excused from voting.

NAYS.

Messrs. Whitman and Mr. Speaker

There were yeas 6 ; and nays 49.

So the House refused to adopt the amendment.

Mr. Letcher offered the following amendment to the bill, "strike from the bill all except that which relates to Fugitives from Labor."

Not agreed to.

Mr. Ballou moved to adjourn.

Not agreed to.

Mr. Springer moved a call of the House.

Call not sustained.

Mr. James offered the following amendment, strike out the words in first section "or Territory."

Not agreed to.

The bill was then read a third time, and upon its final passage, Messrs. Burton, Hoyt and Ashley, demanded the yeas and nays.

Mr. Springer moved a call of the House.

The call was not sustained.

On motion, Mr. Clingan was excused from voting upon the passage of the bill.

YEAS.

Messrs. Aylett, Bennett, Bowie, Bradford, Carr, Carrillo, Cornwall, Dawley, Gordon, Griffith, Hagans, Henry, Herbert, Horr, Houghtaling, Hunter, James, Lindsey, Mandeville, Myres, McGee, McKinney, Noel, O'Neil, Rowan, Springer, Stemmons, Sweetland, Tivy, Van Cleft, Watkins, Whitman and Mr. Speaker—33.

NAYS.

Messrs. Anderson, Ashley, Ballou, Bostwick, Burton, Ewer, Fairfield, Godard, Hollister, Hoyt, Hubbard, Kellogg, Koll, Letcher, McDonald, Ring, Stevenson, Sweasey, Tallmadge, Warmcastle and Whipple—21.

So the bill passed.

Mr. Tallmadge offered the following ammendment to the title of the bill, "an Act respecting Fugitive Slaves escaping to this State prior to her admission into the Union.

Not agreed to.

Mr. Springer gave notice that he would move a re-consideration of the vote on Monday next which passed the bill.

On motion, the House adjourned until 11 o'clock, on Monday next.

HOUSE OF ASSEMBLY.

MONDAY, March 20, 1854.

House met pursuant to adjournment.

The roll was called and the following members were absent :

Messrs. Ashley, Bagley, Bradford, Gilbert, Gordon, Griffith, Hastings, Hoff, Myres, McBrayer, McGee and Van Cleft.

The Journal of Saturday was read, amended and approved.

On motion, leave was granted to Mr. Gordon for three days; to Mr. Bagley for two days; to Mr. Gilbert for two days, to Mr. Ashley for three days; to Mr. McDaniel and Mr. Bradford indefinite leave in consequence of sickness.

Mr. Ewer made the following report :

The committee, to whom was referred an Act to fix the times of holding elections for Representatives to Congress, have had the same under consideration, and report the bill back to the House and recommend its passage.

On motion, the bill was laid on the table.

Mr. Stemmons made the following report :

The Committee on Agriculture, to whom was referred an Act concerning lawful fences and animals committing waste on grounds lawfully enclosed, have had the same under consideration, beg leave to submit the following substitute, and recommend its passage.

On motion, 240 copies of the substitute was ordered to be printed.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined, and find correctly engrossed, an Act to amend an Act entitled an Act dividing the State into counties, and establishing the seat of justice therein, passed April 25, 1851.

Mr. Tivy made the following report .

The Joint Committee on Enrolled Bills beg leave to report, that on Saturday the 18th inst., they presented to His Excellency, the Governor, for his approval, the following Acts, viz :

An Act to Incorporate the City of Oakland.

An Act to extend an Act for the Protection of Game to the County of Colusi.

An Act to abolish the Board of Supervisors in and for the County of Marin.

An Act supplementary to an Act to Fund the Debt of the County of Yuba, and provide for the payment thereof, passed May 3, 1852.

An Act to organize the County of Plumas out of a portion of the territory of Butte county; also,

Joint Resolutions in relation to holding a session of the Board of U. S. Land Commissioners at the city of Los Angeles; and

Joint Resolutions in favor of additional mail facilities for California and Oregon; and

Also, that they have examined, and found correctly enrolled, the following Acts, viz:

An Act making appropriations for the civil expenses of Government of the State for the unexpired portion of the fiscal year ending on the 30th day of June, 1854, and for the first seven months of the fiscal year, commencing on the 1st day of July, 1854.

An Act to abolish the Board of Supervisors in the County of Contra Costa; and

An Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers, approved May 19, 1853.

Mr. Spencer, chairman, made the following report:

The Joint Select Committee, who were appointed to visit the State Marine Hospital and Insane Asylum, beg leave to report:

Your committee, in pursuance of their authority, visited San Francisco, and after a careful examination of the State Marine Hospital, and the mode of conducting the same, find the professional, as well as the police, department conducted in accordance with the law creating this institution.

The building now occupied for hospital purposes we found cleanly, well ventilated, suitably furnished, and capacious enough to meet the wants of the State. The general police of the establishment will bear a favorable comparison with the best regulated hospitals in the older States; while the mortality is no greater than that of New York or Boston in similar institutions.

When we take into consideration that many of the persons brought into the hospital are patients laboring under diseases contracted in passing through a tropical climate, and that they are greatly debilitated from the effect of a long sea voyage, and that none but the very worst cases are brought to the hospital, we take great pleasure in stating, that the result of the practice of the physicians attached to the hospital, has been highly flattering to their skill as medical men, and gratifying to all philanthropists. In short, the professional department, from our observation, and upon the examination of the records and prescription books, and upon inquiries of patients, is under the direction of gentlemen in whom we have every confidence, both as to integrity and professional ability, and we have every reason to believe that the physicians have discharged their duties faithfully, and with credit to the profession to which they belong. No well founded complaint has been adduced or sustained against them from an examination of the records and vouchers submitted to us, or other testimony within our knowledge; and we have every reason to commend both the skill of the physicians and the commendable financial management of the hospital.

Your committee is of the opinion, that some changes in the law regulating the affairs of the hospital may with advantage be made. At present, the two resident physicians are co-equal in power, which may possibly be the cause of a conflict of opinion as to the kind and necessity of certain supplies for the hospital, and auditing bills for the same. To avoid this difficulty, we would recommend that there be one principal resident physician, whose duty it shall be to procure such necessaries as the institution may require, and audit all bills for the same; and one assistant resident physician, who shall perform the duties incumbent upon the other, except as to the qualification above stated.

In the selection of visiting physicians, it is of the greatest importance that one of

them, at least, should be thoroughly skilled in surgery. It is to be presumed that all graduates in medicine have devoted an appropriate amount of time, while students, to surgery; but in the profession, it is equally well known, that a fondness for the study of one branch of the profession, may, with practice, render a physician more skilful in a particular department than in another.

Your committee would suggest, in view of the great expense attending the maintenance of a large hospital in the city of San Francisco, and believing that said expense is not justified by the finances of the State, and true economy would be promoted, would recommend the passage of a law abolishing the State Marine Hospital at the expiration of twelve months, and providing that each county shall be at the cost of maintaining their sick, and further to provide that the commutation tax shall be divided *pro capite* to the different counties. The reasons for this recommendation are as follows: At the present time, the sick at the hospital belong chiefly to three or four counties of the State—many counties not sending any—thus placing a tax upon counties which by geographical position are deprived of receiving any of the benefits of the tax.

Three-fourths of the patients have been sent by the city authorities. This may arise, and no doubt is so to a great extent, from the fact, that many arrive in that city from the various counties in the State, sick and destitute, who have not provided themselves with the necessary permit from the County Judge of their last residence, and consequently appear as San Francisco city patients.

FINANCES.

The financial condition of the hospital will be found, in detail, by reference to the report of the Trustees submitted to the Legislature, embracing the receipts and expenditures from January 1, 1853, to January 1, 1854.

BUILDING.

Your committee have examined the buildings formerly occupied for the Hospital, and find that they were totally unfit for the accommodation of sick persons—some of the rooms being deluged with water in every rain, and the building not being ceiled or plastered, the winds had free access through all parts of the building. The cost of the house, with out-houses, was \$1,375 per month, while the present building, which is capacious and comfortable, costs but \$1,400. The per cent. of deaths in the old building was 18-100ths, while in the new it is but 10-100ths, showing that the change has been highly conducive to the successful treatment of patients.

Your committee have also visited the Insane Asylum at Stockton, and after a careful examination into the manner in which it is conducted and managed, are satisfied that the great design contemplated in its establishment is fully appreciated by the officers having it in charge. Taking into consideration the short time that has elapsed since the conception of this work, and the difficulties that have encumbered the undertaking, great credit is due the managers for the indefatigable energy displayed in thus far forwarding its completion.

In accordance with the law establishing the Asylum, the Trustees have caused to be built, upon the site originally intended for the State Hospital, a two story brick building. This building was completed in October last, and the patients removed into it from the insecure and uncomfortable quarters in the city. This change has been found to be very beneficial, as the patients now occupy large well ventilated rooms, and are allowed the exercise which in a great measure was denied them, necessarily, while in the city. Nothing advances the recovery of these unfortunate creatures so much as supplying their physical wants in a liberal manner, and surrounding them with appliances of comfort and convenience.

Your committee take pleasure in reporting that, in all these particulars, they

found no deficiencies, except such as arise from the want of time to produce them, or a more liberal endowment. The number of patients has increased rapidly during the past six months, and the only obstacle of moment that impedes the highly successful operation of the institution arises from the limited room afforded by the present building. It is inadequate to the wants and proper treatment of the inmates. Their number is so great as to render the necessary and indispensable classification entirely out of the question. The building is sufficiently large to accommodate eighty patients, whereas there is an average of over one hundred.

The city of Stockton has closed and decided to the State the street which divided the Asylum grounds, thus removing the only impediment in the way of extending the Asylum according to the original plan.

The financial condition of the Asylum can be better understood by a reference to the recent report of the Trustees than by any abstract presented here, and it is only necessary to add, in this connection, that the recent appropriation of \$15,000 cleared it of its debts to February 1st ult.

Your committee would recommend that appropriations be made for enclosing and fencing the Asylum grounds, believing that it would result in a great saving to the State by supplying those domestic products to the purchase of which a large portion of the expenditure is now applied, besides affording to patients the exercise that is so beneficial during their convalescence. The yard surrounding the building was improved solely by inmates, under the direction of the Superintendent. Walks are laid, trees and shrubbery planted, and, we believe, that all the work necessary to carry on the business of the farm will be supplied by inmates, under the proper direction.

The great good which this charity is producing, and the increasing number of patients presenting for treatment, demonstrates the necessity for fostering and rendering as effective as possible this means of restoring the lunatic to reason and usefulness. Other States deem institutions of this kind the perfection of philanthropical effort, and are proud of the perfection to which they are brought. They do not esteem them too highly.

During the short time that this institution has been in operation, all classes, conditions and professions of society have been recipients of its benefits. From this institution there has been discharged 184 persons cured, out of 284, the whole number admitted since its establishment in 1850. This has been effected with the difficulties enumerated as above. They are the imperfections that must necessarily attend recently established institutions of this kind, and your committee believe that this result will compare favorably with institutions that have been longer established, and would urge the success which has thus far attended our efforts in alleviating the condition of this unfortunate class of society, as a reason for the early completion of the improvements recommended by the trustees in their report.

All of which is respectfully submitted.

THOS. KENDALL,
Chairman Committee, Senate.
D. MAHONEY,

M. SPENCER,
House Committee.

B. D. HERR, M. D.,
RICH. IRWIN.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT, }
 Sacramento City, March 18, 1854. }

To the Assembly of the State of California :

I have this day approved the following Acts which originated in the Assembly, viz :

An Act to organize the county of Plumas, out of a portion of the territory of the county of Butte.

An Act to abolish the Board of Supervisors for the county of Marin.

An Act to extend an Act for the protection of Game to the county of Colusa.

Also, a joint resolution in favor of additional mail facilities for California and Oregon.

JOHN BIGLER.

EXECUTIVE DEPARTMENT, }
 Sacramento City, March 20, 1854. }

To the Assembly of California :

In compliance with a resolution which passed the Assembly on the 17th instant, requesting "the Governor to inform the Assembly whether the vouchers and papers necessary to a correct understanding of the claims of the State upon the General Government, in relation to expenses incurred in suppression of Indian hostilities, have been forwarded to our Senators and Representatives in Congress;" I have the honor to state, that under the provisions of an Act authorising the State Treasurer to issue War Bonds, &c., approved May 3d, 1852, a Board of Examiners, consisting of the Treasurer and Comptroller, to which the Secretary of State has since been added, was appointed to examine the accounts and vouchers for expenses incurred in the several Indian expeditions. This Board, up to the 20th of December, 1853, had examined and allowed claims to the amount of \$924,259 65, for which War Bonds of the State of California, bearing an interest of seven per cent. per annum, have been issued. By a joint resolution, approved March 1st, 1853, the Board of Examiners are directed to make out and present to the Legislature a statement of said accounts, together with all the correspondence and circumstances relating to the origin, prosecution and conclusion of the Indian wars in this State, prosecuted by authority of the same, and generally such information as may be proper to be submitted to the Congress of the United States in order that the debt thus assumed by this State, and the bonds issued thereupon, may be provided for by the General Government, &c.

Up to the present time the report required by the Legislature has not been made by the Board of Examiners, for the reasons stated in their communication herewith transmitted.

But appreciating the vast importance and necessity of having these claims, and the evidences of their correctness and justice, presented at as early a day as possible to Congress, I caused the petitions, affidavits, communications, and other evidences in their support, to be carefully prepared and forwarded to Washington. The entire correspondence and papers connected with the Mariposa, First and Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath, Trinity, Monterey and Siskiyou Expeditions against hostile Indians, have been collected and arranged so as to form a complete and minute chronological history, in which all the facts, incidents and correspondence of each are separately and distinctly set forth. These papers, collected during the past year at considerable expense and labor, consisting of one hundred and forty-three written communications, and over twenty printed documents.

Many of which had to be copied and arranged, have been entrusted to the care of Hon. Winslow S. Pierce, late Comptroller of State, who, as a member of the Board of Examiners, had acquired a thorough knowledge of all the facts of the case, and was, therefore, eminently qualified to explain, satisfactorily, the whole subject, not only to our delegation at Washington, but to the committee appointed on the part of Congress to investigate these claims. Dr. Pierce is now in Washington City with all the papers necessary to a correct understanding of the war claims of the State, except the vouchers. It is believed that his intimate knowledge of the subject will enable him to make every explanation required, and thus render efficient aid to our delegation in securing the favorable action of Congress during the present session.

In conclusion, I would add that all the expenses necessarily incurred in collecting, copying, arranging and forwarding these papers to Washington City have been paid out of the Governor's Contingent Fund, no appropriation having been made by the last Legislature.

JOHN BIGLER.

Communication from the Board of Examiners of Indian War Claims was read, and,

On motion, referred, with the Governor's message, to the Committee on Indian Affairs.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed, yesterday, a bill for an Act to authorise the Court of Sessions of the county of Placer to reimburse Wm. D. Smith and Isaac A. Avery for money by them expended in constructing a wagon road across the Sierra Nevada mountains.

Respectfully submitted.

JOHN Y. LIND,
Secretary.

Senate bill above reported, read a first and second time, and referred to delegation from Placer county.

The following message was also received from the Senate :

I am instructed to inform the Assembly that the Senate passed, on Saturday, Assembly bill for an Act to legalize assessments in the county of San Diego, with amendments as therein shown.

Also, an Act to provide for building and furnishing a jail in Sacramento county.

Also, an Act concerning County Judges.

And an Act to change the name of William Meyer to William Meyer Elton.

All of which are herewith respectfully presented.

JOHN Y. LIND,
Secretary.

House concurred in the Senate amendment to Assembly bill No. 146.

Senate bill No. 63, an Act to provide for building and furnishing a jail in Sacramento county.

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

Senate bill No. 92, for an Act concerning County Judges.

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

Senate bill No. 87, an Act to change the name of William Meyer to William Meyer Elton.

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

Mr Carr gave notice that he would, on to-morrow, introduce a bill for an Act explanatory of an Act entitled an Act to incorporate the city of Los Angeles, approved April 4, 1850.

Mr. Sweasey introduced a Joint Resolution concerning the donation of lands in California for the construction of Railroads in this State.

Read a first time, and 240 copies ordered to be printed.

Mr. Ewer introduced a bill for an Act to extend the time for the final settlement of the collector of Butte county.

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

Mr. Fairfield introduced a bill for an Act for the protection of persons owning timber, logs and lumber floating upon waters, or carried upon adjoining lands.

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

Mr Warmcastle gave notice that, at an early day, he would introduce a bill to fund the debt of Contra Costa county

Also, a bill for the relief of A. R. Maloney, E. T. Wild, and James M. Norton.

Mr Stevenson introduced a Joint Resolution in relation to the removal of the office of Register of the United States Land Office to the seat of Government.

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

Mr. Springer introduced a bill for an Act to provide for the appointment of Deputy County Treasurers.

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

Mr. Godard introduced a bill for an Act to amend an Act entitled an Act concerning the salaries of officers and members of the Legislature, passed May 11, 1852.

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

Mr. Griffith introduced a bill for an Act to provide for the organization of the Court of Sessions in and for the county of Yolo.

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

Mr. Letcher introduced a bill for an Act to provide for the election of a Justice of the Peace for the town of Santa Clara, and define his jurisdiction.

Read a first and second time, and referred to delegation from Santa Clara county.

Mr. Clingan introduced a bill for an Act amendatory of an Act dividing the State into counties and establishing the seats of Justice therein, passed April, 25, 1851.

Read a first and second time, and referred to delegation from San Francisco and Marin counties.

Mr. Whipple introduced a bill for an Act entitled an Act to amend an Act entitled an Act to fix the times for holding the terms of the District Court throughout this State, passed May 18, 1853.

Read a first and second time, amended, considered as engrossed, read a third time and passed.

Mr. Fairfax introduced a bill for an Act to divide the Tenth Judicial District, and to create a new judicial district and to fix the terms thereof.

Read a first and second time.

Mr. Fairfax moved to refer the bill to one delegate from Yuba, Sierra, Sutter and Nevada

Mr. Conness moved to refer the bill to the Judiciary Committee.

Agreed to.

Mr. Fairfax gave notice that at an early day, he would introduce a bill for the better suppression of the Crime of Duelling.

Mr. Dannels gave notice that he would, at an early day, introduce a bill for the protection of owners of buildings and other fixtures to the soil in the mining districts of this State

Mr. Whipple, from Committee on Conference, reported that the committee had agreed to concur in the amendment made by the Senate, to Assembly bill in reference to the sale of fire-arms to the Indians in this State.

Report of the committee concurred in by the Assembly.

Mr. Conness presented a petition from sundry citizens of El Dorado county, praying for the passage of a law embracing the provisions of the Maine Liquor Law.

Petition read and referred to Special Committee, of which Mr. Letcher is chairman.

Mr. Springer moved to reconsider the vote of yesterday, which passed Assembly bill in reference to Fugitives from labor, and slaves brought into this State prior to her admission into the Union.

Mr. Griffith moved to indefinitely postpone the motion to reconsider :

On which motion,

Messrs. Springer, Dannels and Anderson demanded the yeas and nays.

Mr. Kellogg demanded a call of the House, and,

Messrs. Conness, Green and Springer demanded the yeas and nays.

YEAS.

Messrs. Anderson, Ballou, Conness, Dannels, Dawley, Fairfield, Godard, Green, Hastings, Hollister, Horr, Hoyt, Hubbard, Hunt, Irwin, James, Kellogg, Koll, Letcher, Lindsey, Mandeville, McDonald, McGee, McKinney, O'Neil, Pratt, Ring, Rowan, Springer, Stemmons, Stevenson, Stowe, Sweasey, Sweetland, Tallmadge, Tivy, Watkins, Whipple, Whitman and Mr. Speaker—41.

NAYS.

Messrs. Bennett, Bowie, Carr, Clingan, Cornwall, Hagans, Henry, Houghtaling, Hubert, Hunter, Nichols, Purdy, Spencer, and Warmcastle—14.

So the House sustained the call.

The roll was called and the following members were absent :

Messrs. Aylett, Bagley, Briggs, Burton, Davidson, Herbert, Myres, McBrayer, McDuffie and Van Cleft.

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

Not agreed to.

On motion, Mr. Van Cleft was admitted within the bar and excused.

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

Not agreed to.

Mr. Fairfax moved to dispense with further proceeding under the call.

Not agreed to.

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

Not agreed to.

On motion, Mr. Aylett was admitted within the bar and excused.

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

Agreed to.

The vote was then taken on the motion of Mr. Griffith to indefinitely postpone the motion to re-consider.

YEAS.

Messrs. Aylett, Bennett, Bostwick, Bowie, Carr, Carrillo, Clingan, Cornwall, Dannels, Dawley, Griffith, Hagans, Hastings, Henry, Horr, Houghtaling, Hubert, Hunter, Jones, Lindsey, Mandeville, McGee, McKinny, Nichols, Noel, O'Neil, J. W. Park, Rowan, Stemmons, Stowe, Sweetland, Tivy, Watkins, Whitman and Mr. Speaker—35.

NAYS.

Messrs. Anderson, Ballou, Conness, Ewer, Fairfield, Godard, Green, Hollister, Hoyt, Hubbard, Hunt, Irwin, Kellogg, Koll, Letcher, McDonald, Pratt, Purdy, Ring, Spencer, Springer, Stevenson, Sweasey, Tallmadge, Warmcastle and Whipple—26.

So the motion to re-consider was indefinitely postponed.

Mr. Sweetland introduced a bill, an Act amendatory of the twentieth section of an Act dividing the State into counties and establishing the seats of justice therein, passed April 25, 1852.

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

Mr. Bowie introduced a bill for an Act to amend an Act dividing the State into counties and establishing the seats of justice therein, passed April 25, 1852.

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

Mr. Stevenson moved to take from the table Senate Concurrent Resolution to adjourn *sine die*.

Not agreed to.

The following message was received from the Senate :

I am instructed to inform the Assembly, that the Senate have this day passed Assembly bill for an Act to authorize the Clerk of the Supreme Court of this State to appoint deputies.

JOHN Y. LIND,
Secretary.

Mr. Cornwall introduced a bill for an Act to provide for the erection of Public Buildings in the county of Napa.

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

Mr. Fairfield moved to adjourn.

Not agreed to.

Mr. Sweetland presented a petition from sundry citizens of Nevada county, in reference to a change of the county lines of that county.

Petition referred to Committee on Counties and County Boundaries.

Mr. Hubbard offered the following :

Resolved, By the Assembly, that the Committee on Indian Affairs, to whom was referred Joint Resolutions in relation to the removal of Indians without the limits of this State, be and are hereby instructed to report the same back to the House within the present week.

While this resolution was under consideration,

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

HOUSE OF ASSEMBLY.

TUESDAY, March 21, 1854.

House met pursuant to adjournment.

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

Messrs. Davidson, Herbert, Hoff, Horr, McBrayer, McDuffie, J. W. Park, Purdy and Rowan.

The Journal of Monday was read, amended and approved.

On motion, leave of absence was granted to Mr. Davidson, until 24th instant, and to Mr. McDuffie for three days.

Mr. Griffith presented two petitions from citizens of Yolo county, protesting against the abolishment of the Court of Sessions of said county.

Petition read, and referred to delegation from Yolo county.

Mr. Griffith presented a further petition from citizens of Yolo County, protesting against the election of United States Senator by this session, and instructing their representatives to vote against said election.

Petition read, and referred to delegation from Yolo county.

Mr. McBrayer presented a petition from sundry citizens of Sacramento county praying for the passage of a law requiring the owners of swine to keep them from running at large.

Petition read, and referred to Committee on Agriculture.

Mr. Watkins, chairman, made the following report :

The Committee on Corporations, to whom was referred bill No. 73, have had the same under consideration, and directed me to report it back with a substitute, and recommend its passage.

Substitute for Assembly bill No. 73, an Act to incorporate the town of Alameda was adopted, considered as engrossed, read a third time, and passed.

Mr. Fairfield made the following report :

The Committee on Claims, to whom was referred Senate bill No. 82, an Act to provide for the payment of the official reporters to the Senate, ask leave to report the same back to the House without recommendation, and wish to be discharged from the further consideration of the subject.

On motion of Mr. Mandeville, the House resolved itself into Committee of the Whole, Mr. Mandeville in the chair, to consider the bill.

After spending some time in its consideration,

On motion, the committee rose, reported the bill back without amendment, recommending the passage of the same, and asked to be discharged from its further consideration.

The committee was discharged.

The bill was read a third time and passed.

Mr. McDaniel, chairman, made the following report :

The Committee on Indian Affairs, to whom was referred Assembly Joint Resolutions No. 70, in regard to the removal of Indians without the limits of this State; have had the same under consideration, and would respectfully beg leave to report the same back to the House without amendment, and recommend their passage.

Assembly Joint Resolution No. 70, above reported, read a third time.

Mr. Conness moved to reconsider the vote, by which the resolutions were read a third time.

Mr. Conness moved to commit the resolution to a select committee of five.

Agreed to.

And Messrs. Tivy, Conness, Hunt, Ewer and James were appointed said committee.

Mr. Hunt, chairman, made the following report :

The Committee on Military Affairs, to whom was referred the report of the Quartermaster and Adjutant General, for the year ending Dec. 15, 1853, have had the same under consideration, and beg leave to submit the following report—

During the year of 1853, as by the report of the Assessors of the several counties, we find the State of California entitled to receive from the General Government about \$15,000 worth of arms and accoutrements, with a cost to the State of about \$3,000, and in connection would here say, that during the past year (1853) there has been organized, armed, and equipped twelve volunteer or independent companies, numbering an aggregate of 720 men. The arms with which these companies have been furnished, are those received from the General Government for the year 1852, and there now remains but a few arms at the State Arsenal. Aside from these independent or volunteer companies, there has been, comparatively, nothing done, by which the military force of the State could be ascertained.

Your committee consider the present militia law meagre in its provisions, and not what it should be, to guaranty to the State those privileges, which her population entitle her to, at the hands of the General Government, and in proof of this assertion, would say, that scarcely one half of the County Assessors gave any list at all of the persons of their county liable to do military duty; and many of those sent in were so imperfect, that the officer to whom they were sent was compelled to examine them and correct their errors.

To remedy this, and many other similar errors, alike objectionable in their operation, of the present militia laws, your committee herewith transmit a bill, which they have caused to be framed, and which, after a thorough investigation, they believe will meet the hearty concurrence of this body, and further the objects desired to be obtained by a military organization.

Your committee find by reference to the United States law, passed March 2, 1803, that each State is *compelled*, through their Adjutant General, to report to the President of the United States, annually, of the condition of the militia of his State, their number, the number of arms, accoutrements, and ammunition, and to state what the condition of the whole military force of his State is in at the time his report is dated. Now, in order to comply with the provisions of this Act, and in order to receive from the General Government our proper quota of arms, your committee would suggest that the office of Quartermaster General be continued, believing, as we do, that the State will be benefited in a great degree thereby.

J HUNT, Chairman
GEO. McDONALD,
H B KELLOGG

Mr. Hunt introduced a bill for an Act concerning the organization of the militia. Read a first time, and ordered to a second reading on to-morrow.

Mr. Dannels moved to print 240 copies of the bill.

Not agreed to.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined and find correctly engrossed, an Act amendatory to 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.

Also, an Act to amend an Act entitled an Act to fix the times for holding the terms of the District Court throughout this State, passed May 18, 1853.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrollment did, on yesterday the 20th instant, present to his Excellency, the Governor, for his approval, the following Acts, viz :

An Act making appropriations for the civil expenses of the Government of the State for the unexpired portion of the fiscal year, ending on the 30th day of June, 1854, and for the first seven months of the fiscal year, commencing on the 1st day of July, 1854.

An Act to to abolish the Board of Supervisors in the county of Contra Costa ; and an Act to amend an Act concerning the Courts of Justice and Judicial Officers, approved May 19, 1853.

SACRAMENTO, March 21, 1854.

Mr. James made the following report :

The Committee on Mileage, in accordance with the direction of the Assembly, beg leave to submit the following report :

Anderson, Sierra,
 \$96 Ashley, Monterey,
 Aylett, Siskiyou,
 96 Bagley, San Francisco,
 Ballou, El Dorado,
 96 Bennett, Sonoma,
 Bostwick, Nevada,
 Bowie, Colusi,
 40 Bradford, San Joaquin,
 Briggs, El Dorado,
 Burton, Nevada,
 96 Carr, Los Angeles,
 96 Carrillo, Santa Barbara,
 96 Clingan, Marin,
 Conness, El Dorado,
 96 Cornwall, Napa,
 Dannels, Yuba,
 Davidson, Sacramento,
 Dawley, Nevada,
 Ewer, Butte,
 Fairfax, Yuba,

- Fairfield, Placer,
 \$96 French, San Luis Obispo,
 96 Gilbert, San Francisco,
 40 Godard, Tuolumne,
 Gordon, Calaveras,
 96 Green, San Francisco,
 Griffith, Yolo,
 96 Hagans, Sonoma,
 Hastings, Sutter,
 40 Henry, Mariposa,
 40 Herbert, do,
 40 Hoff, Tuolumne,
 Hollister, El Dorado,
 40 Horr, Tuolumne,
 Houghtaling, Calaveras,
 40 Hoyt, Tuolumne,
 96 Hubbard, San Francisco,
 96 Hubert, do,
 96 Hunt, San Bernardino,
 96 Hunter, Los Angeles,
 Irwin, Butte,
 James, Sierra,
 Jones, Yuba,
 Kellogg, Yuba,
 06 Koll, San Francisco,
 96 Letcher, Santa Clara,
 Lindsey, Nevada,
 40 Mandeville, Tuolumne,
 Musser, Trinity,
 Myres, Placer,
 McBrayer, Sacramento,
 McDonald, El Dorado,
 McDuffie, Yuba,
 McGee, Butte,
 96 McKinney, Santa Clara,
 McDaniel, Calaveras,
 96 Nichols, San Francisco,
 96 Noel, San Diego,
 O'Neil, Placer,
 F. A. Park, Sacramento,
 J. W. Park, do.
 Pratt, Calaveras,
 96 Purdy, San Francisco,
 Ring, Shasta,
 Rowan, Calaveras,
 96 Spencer, Humboldt,
 Springer, El Dorado,
 40 Stemmons, San Joaquin,
 Stevenson, El Dorado,
 96 Stowe, Santa Cruz,
 96 Sweasey, San Francisco,
 Sweetland, Nevada,
 Tallmadge, El Dorado,
 40 Tivy, Tulare,
 Van Cleft, Placer,

\$96 Warmcastle, Contra Costa,
 96 Watkins, Alameda,
 96 Whipple, Klamath,
 96 Whitman, Solano.

JOHN C. JAMES,
 Chairman.

E. HUNTER,
 A. J. HOUGHTALING,
 J. H. BOSTWICK,
 S. EWER.

Mr. Kellogg moved to indefinitely postpone the report of the committee.

Not agreed to.

Mer. Hoff moved to amend the bill by striking out 40 dollars in the bill for the delegation of Tuolumne, San Joaquin, Mariposa and Tulare, and insert 48,

Not agreed to.

Mr. Van Cleft moved to insert 48 dollars to all members who had been left out of the report.

Not agreed to.

Mr. Jones moved to lay on the table.

Not agreed to.

The question was then taken and the report of the committee was adopted.

Mr. Cornwall made the following report :

The Select Committee, to whom was referred Assembly bill, No. 35, entitled an Act to create a Board of Supervisors in and for the several counties of this State, and to define their duties and powers, beg leave to report that they have had the same under consideration, and report the same back with a substitute, and recommend its passage.

The substitute was adopted, considered as engrossed, read a third time and passed.

Mr. Dawley, chairman, made the following report :

The Committee on Commerce have had under consideration, Assembly bills, Nos. 130 and 131, and beg leave to submit the following report :

In the act to change the head of navigation of Tuolumne river, amend by striking out the first three words, and insert in the proper place the enacting clause, and recommend the passage of the bill.

As to the act authorizing persons to erect dams across the Tuolumne river, the committee cannot see the necessity for an especial law in relation to said river, and beg leave to submit the following substitute, and recommend its adoption.

Assembly bill, No. 131, an Act for changing the head of navigation of Tuolumne river.

The amendment of the committee was adopted, the bill considered as engrossed, read a third time and passed.

Assembly bill No. 130, an Act authorizing persons to erect dams across the Tuolumne river.

The committee reported a substitute for the above bill, which was adopted.

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

The following message was received from the Governor :

I have this day approved an Act which originated in the Assembly, entitled an Act to amend an Act concerning the Courts of this State and Judicial Officers, approved May 19, 1853.

JOHN BIGLER.

A communication was received and read from the Secretary of State, in reference to the State Maps, received by him from the late Surveyor of the State.

The following message was received from the Senate :

I am instructed to inform the Assembly, that the Senate passed, on yesterday, a bill for an Act to repeal an Act entitled an Act to authorize the Treasurer of State to make special deposits, passed May 4, 1852, which is respectfully presented.

JOHN Y. LIND,
Secretary.

Senate bill. No. 93, above reported, read a first time, and ordered to a second reading on to-morrow.

Mr. Stevenson gave notice that he would, at an early day, introduce a bill providing that the poll-tax collected in this State be applied solely to the improvement of Roads and Highways in said counties.

Mr. Hoyt gave notice that, on to-morrow, he would introduce a bill for an Act amendatory to an Act entitled an Act concerning the official bonds of officers.

Also, for an Act to amend an Act entitled an Act for the protection of Game.

Mr. McBrayer gave notice that, on to-morrow, he would introduce a bill to amend the Charter of Sacramento City.

Mr. Sweetland moved to adjourn.

Not agreed to.

Assembly bill, No. 163, an Act to amend an Act concerning Notaries Public.

Read a second time, and referred to Judiciary Committee.

Assembly bill, No. 165, an Act to relinquish to the county of Colusa certain claims for the purpose of building a bridge in said county.

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

Mr. O'Neil moved to adjourn.

Not agreed to.

Assembly Joint Resolution, No. 166, in relation to the establishment of a free watering place in Humboldt Desert, considered as engrossed, read a third time and passed.

Senate bill, No. 65, an Act to amend an Act entitled an Act concerning the office of Comptroller, passed January 19, 1850.

Read a second time, and referred to Judiciary Committee.

Assembly Joint Resolution in relation to the removal of the office of Register of the U. S. Land Office to the seat of Government.

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

Assembly bill No. 173, an Act to provide for the appointment of Deputy County Treasurers.

Read a second time, and referred to Judiciary Committee.

Assembly bill No. 177, an Act to amend an Act entitled an Act concerning the salaries of officers and members of the Legislature, passed May 11, 1852.

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

Senate bill No. 92, an Act concerning County Judges.

Read a second time, and referred to Judiciary Committee.

Assembly bill No. 179, an Act to amend an Act dividing the State into Counties, and establishing the Seats of Justice therein, passed April 25, 1851.

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

Assembly bill No. 180, to provide for the erection of Public Buildings in the county of Napa.

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

Assembly bill No. 168, an Act to extend the time for the final settlement of the Collector of Butte county.

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

Senate bill No. 63, an Act to provide for building and furnishing a Jail in Sacramento county.

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

Senate bill No. 87, an Act to change the name of William Meyer to William Meyer Elton.

Read a second time, and referred to delegation from San Francisco and El Dorado.

Mr. Hagans introduced a bill for an Act to amend the 54th section of the tenth article of an Act entitled an Act to provide Revenue for the support of the Government of this State.

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

Mr. McKinney introduced a bill to repeal an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, passed April 22, 1850, approved May 17, 1853.

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

Mr. Carr introduced a bill for an Act explanatory of an Act to incorporate the city of Los Angeles.

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

Mr. Whitman introduced a bill for an Act to fund the debt of the county of Solano, and to provide for the payment thereof.

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

Mr. Dannels introduced a bill for an Act to amend an Act entitled an Act to provide for the incorporation of Railroad Companies, passed April 22, 1853.

Read a second time, and referred to Committee on Corporations.

Mr. Warmcastle introduced a bill for an Act for the relief of certain persons therein named.

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

Mr. Letcher made the following report :

The Santa Clara delegation, to whom was referred a bill to provide for the election of a Justice of the Peace for the town of Santa Clara, beg leave to report the same back to the House without amendment, and recommend its passage.

Assembly bill No. 169, above reported, considered as engrossed, read a third time and passed.

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

HOUSE OF ASSEMBLY.

WEDNESDAY, March 22, 1854.

House met pursuant to adjournment.

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

Messrs. Bennett, Gilbert, Hastings, Hubert, James, Purdy and Rowan.

The Journal of Tuesday was read and approved.

Mr. Hastings, on motion, had leave of absence granted for one day, and leave to Mr. Bennett for one day.

Mr. Conness asked to be excused from serving on the special committee appointed on yesterday in reference to removal of the Indians without the limits of this State.

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

Mr. McDonald presented sundry petitions from citizens of El Dorado county, praying for the passage of a law for the removal of the County Seat of said county to Mud Springs.

Petitions read, and referred to delegation from El Dorado county.

Mr. Stevenson presented two petitions numerously signed from citizens of El Dorado county, protesting against the removal of the County Seat, and asking that the subject be left to a vote of the people of the county.

Petitions read and referred to delegation from El Dorado county.

Mr. Watkins, chairman, made the following report :

The Committee on Corporations have had under consideration the resolution directing said committee to inquire into the expediency of amending the Act to provide for the Incorporation of Railroad Companies, and report by bill or otherwise, have had the same under consideration, and have instructed me to report in part by a bill to amend said Act, and recommend its passage.

The committee introduced a bill for an Act amendatory of an Act entitled an Act to provide for the incorporation of railroad companies, approved April 22d, 1853.

Read a first and second time, and

On motion of Mr. Springer, 240 copies ordered to be printed, and referred to Committee on Corporations

Mr. Green, chairman, made the following report :

The Committee on Public Buildings and Grounds, to whom was referred Assembly bill No. 110, to take the sense of the people of this State upon the subject of the permanent location of the Seat of Government, have had the same under consideration, and report it back recommending its passage.

Mr. McBrayer moved to lay the bill on the table, and Messrs. Jones, Kellogg and Bagley demanded the yeas and nays.

YEAS.

Messrs. Ashley, Bagley, Ballou, Bostwick, Briggs, Burton, Conness, Dawley, Ewer, French, Godard, Griffith, Hoff, Houghtaling, Hubbard, Hunt, Letcher, Lindsey, Myres, McBrayer, McDonald, Nichols, F. A. Park, J. W. Park, Pratt, Ring, Rowan, Springer, Stevenson, Stowe, Sweasey, Sweetland, Tallmadge and Van Cleft—34.

NAYS.

Messrs. Anderson, Bowie, Bradford, Carr, Carrillo, Clingan, Cornwall, Dannels, Fairfield, Green, Hagans, Henry, Hubert, Jones, Kellogg, Mandeville, McDuffie, McDaniel, McGee, McKinney, Noel, Spencer, Stemmons, Tivy, Warmcastle, Watkins, Whipple, Whitman and Mr. Speaker—29.

Mr. Van Cleft, chairman, made the following report :

The Placer delegation, to whom was referred Senate bill No. 91, for an Act to authorise the Court of Sessions of the county of Placer to reimburse W. D. Smith and Isaac A. Avery for money by them expended in constructing a wagon road across the Sierra Nevada mountains, have had the same under consideration, and recommend its passage with the following amendment: strike out all after the word "money," in the third line of second section, and insert—"should they deem it expedient; nor shall they audit such sum or sums of money until a majority of the tax payers of said county shall have petitioned them to audit and pay the same."

Senate bill No. 91, above reported, amendment adopted, the bill read a third time and passed.

Mr. Hubert, chairman made the following report :

The San Francisco and El Dorado delegation, to whom was referred Senate bill No. 87, to change the name of William Meyer to William Meyer Elton, and Assembly bill No. 135, to change the name of George Alexander Smith to George Smith Townsend, report said bills back and recommend their passage.

Mr. Sweasey objected to the report of the committee.

Senate bill No. 87, above reported on its third reading.

Mr. Ashley moved to recommit to the El Dorado and San Francisco delegation, with instructions to report a general bill.

Not agreed to.

Bill read a third time and passed.

Assembly bill No. 135, above reported, on its third reading.

Mr. Ashley moved to recommit the bill to the delegation from El Dorado and San Francisco, with instructions to report a general bill upon the subject.

Not agreed to.

Mr. Conness moved to refer the bill to the Judiciary Committee with instructions.

Not agreed to.

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

Mr. Conness gave notice that he would, on to-morrow, move to add an additional rule of the House.

On motion of Mr. Mandeville, a communication heretofore presented by the Secretary of State, was read, and

On motion, referred to Committee on Education.

Assembly joint resolutions No. 123, in relation to lands donated by the United States to this State, on its third reading.

The amendment heretofore offered by Mr. Griffith under consideration.

Mr. O'Neil moved a call of the House.

The call was sustained.

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

Messrs. Bagley, Carrillo, Dawley, Henry, Herbert, Hunter, Irwin, Lindsey, McBrayer, Pratt, Purdy, Rowan, Tallmadge, Tivy, Whipple and Mr. Speaker.

The door was ordered to be closed, and the Sergeant-at-Arms dispatched for absent members.

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

Not agreed to.

On motion, Messrs. Fairfax, Dawley, Lindsey, French, Henry, McBrayer and Carrillo were admitted within the bar of the House and excused.

Mr. Green moved to dispense with further proceedings under the call of the House.

Not agreed to.

On motion, Mr. Tallmadge was admitted within the bar of the House.

Motion made to excuse Mr. Tallmadge.

Not agreed to.

Mr. McBrayer moved to reconsider the vote which refused to excuse Mr. Tallmadge.

Not agreed to.

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

Agreed to.

Mr. Griffith withdrew his former amendment, and offered the following in lieu thereof:

Insert in the 11th line, 3d page, at the end of the line, "by confirming to each individual who may have located or selected land under the provisions of the said State law. The amount of land, by him or her so located, in no case, however, to exceed six hundred and forty acres to each individual: *Provided*, that said location does not conflict with any pre-emption previously made under the Acts of Congress of the United States: *And provided, also*, that no person by purchase from the State Comptroller, or any other person or persons, of a School Warrant or Warrants, or lands located under such School Warrant or Warrants, shall receive a patent for more than six hundred and forty acres of land: *And provided, further*, that all such location and selection to entitle the claimant, under the same, to receive a patent, shall, in all cases, conform to the provisions of the Act of Legislature of this State, entitled an Act to provide for the disposal of the five hundred thousand acres of land granted to the State by Act of Congress, passed May 3, 1852.

Mr. Jones moved to strike out 640 acres and insert 320.

Not agreed to.

On the adoption of the amendment offered by Mr. Griffith,

Messrs. Hubbard, Bennett and Bradford demanded the yeas and nays.

YEAS.

Messrs. Ashley, Ballou, Bostwick, Bowie, Bradford, Burton, Carrillo, Cornwall, Dawley, Ewer, Fairfield, French, Green, Griffith, Henry, Hollister, Houghtaling, Hoyt, Hubbard, Hubert, Hunt, Hunter, James, Jones, Kellogg, Koll, Letcher, Lindsey, Mandeville, Myres, McBrayer, McDonald, McDuffie, McGee, McKinney, O'Neil, Pratt, Ring, Spencer, Stemmons, Stevenson, Stowe, Sweetland, Tivy, and Van Cleft—45.

NAYS.

Messrs. Anderson, Bennett, Carr, Clingan, Dannels, Davidson, Gilbert, Hagans, Herbert, McDaniel, Nichols, Noel, J. W. Park, Sweasey, Warmcastle, Watkins, Whitman and Mr. Speaker—18.

So the amendment was adopted.

After the roll had been called, before the result was announced by the Speaker, On motion, Messrs. Herbert, French and Hoyt were allowed to vote, who were not present at roll call.

Mr. Bennett, offered the following amendment:

Strike out all from the 39th to the 48th line, inclusive; and also strike out the 9th line to the 11th, inclusive.

Not agreed to.

Mr. Kellogg moved to adjourr.

Not agreed to.

Mr. Whitman objected to the third reading of the resolution.

The objection overruled by the House.

The resolution was then read a third time, and on its final passage,

Messrs. Mandeville, Hubbard and Letcher demanded the yeas and nays.

YEAS.

Messrs. Ashley, Ballou, Bostwick, Bowie, Bradford, Burton, Carrillo, Conness, Cornwall, Dannels, Dawley, Ewer, Fairfield, French, Gilbert, Green, Griffith, Henry, Hollister, Houghtaling, Hoyt, Hubert, James, Jones, Kellogg, Letcher, Myres, McBrayer, McDonald, McDuffie, Nichols, O'Neil, Pratt, Ring, Spencer, Springer, Stemmons, Stowe, Sweetland, Tivy, and Mr. Speaker—41.

NAYS.

Messrs. Anderson, Bennett, Carr, Clingan, Davidson, Hagans, Herbert, Hubbard, Hunt, Hunter, Koll, Lindsey, Mandeville, McDaniel, McGee, McKinney, Noel, J. W. Park, Stevenson, Sweasey, Tallmadge, Warmcastle, Watkins and Whitman—24.

So the bill passed.

Mr. Kellogg gave notice that he would move to re-consider the vote just taken on to-morrow.

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

HOUSE OF ASSEMBLY.

THURSDAY, March 23, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent: Messrs. Bagley, Conness, Dannels, Gilbert, Herbert, Hoyt, Myres, Tallmadge, Van Cleft, and Whipple.

The Journal of Wednesday was read and approved.

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

Mr. Briggs presented a petition very numerously signed by citizens of El Dorado county, praying for the removal of the County Seat to Placerville.

Petition read, and referred to El Dorado delegation.

Mr. Sweasey presented two petitions from citizens of Alameda county praying for the passage of a law to protect settlers upon public lands.

Petition read.

Mr. French presented a petition from sundry citizens of San Luis Obispo, praying for the passage of a vagrant law.

Petition read and referred to Judiciary Committee.

Mr. O'Neil chairman, made the following report:

The Committee on Engrossments have examined and find correctly engrossed, an Act to incorporate the town of Alameda.

An Act to change the head of navigation of Tuolumne river.

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.

An Act authorising persons to erect dams across streams not declared navigable.

An Act to provide for the election of a Justice of the Peace for the town of Santa Clara, and define his jurisdiction.

An Act to change the name of George Alexander Smith to George Smith Townsend.

And Assembly joint resolutions in relation to the establishment of a free watering place in Humboldt Desert.

The following message was received from the Senate:

I am instructed to inform the Assembly that the Senate passed, yesterday, a bill for an Act to amend an Act entitled an Act concerning the Courts of Justice in this State and Judicial officers, passed May 19th, 1853.

JOHN Y. LIND,
Secretary.

Senate bill No. 47, above reported, read a first and second time and referred to Judiciary Committee.

Assembly bill No. 85, an Act for the protection of settlers on its third reading.

On motion of Mr. Conness, the House resolved itself into Committee of the Whole, Mr. Bostwick in the chair, to consider the bill; after spending some time in its consideration, and making amendments thereto,

On motion of Mr. Green, the committee rose, reported the bill back as amended, and recommend its passage, and ask to be discharged.

The committee was discharged.

On motion of Mr. Mandeville, the first three amendments made in Committee of the Whole were concurred in by the House, and

On motion, the fourth and last amendment, made in Committee of the Whole, was concurred in.

Mr. McKinney offered the following amendment :

Strike out all after " or not," in sixth line, and insert " said rents and profits as aforesaid shall commence at the time of actual notice, in writing, shall have been given to the person or persons in possession.

Mr. O'Neil moved to lay the bill on the table, and make it the special order for to-morrow at 12 o'clock.

Not agreed to.

The vote was then taken upon the amendment offered by Mr. McKinney, and

Not agreed to.

Mr. Letcher offered a substitute to the bill under consideration.

Mr. Ballou moved to postpone the bill under consideration, and make it and the substitute the special order for Monday next at 12 o'clock.

Not agreed to.

Upon the adoption of the substitute, Messrs. Lindsey, Bennett and Sweasey demanded the yeas and nays.

YEAS.

Messrs. Ashley, Burton, Cornwall, Hunt, Kellogg, Letcher, Lindsey, McKinney, Noel, Stowe, and Warmcastle—11.

NAYS.

Messrs. Anderson, Aylett, Bagley, Ballou, Bennett, Bostwick, Bowie, Bradford, Briggs, Clingan, Conness, Dannels, Davidson, Dawley, Ewer, Fairfield, French, Gilbert, Gordon, Green, Griffith, Hagans, Hastings, Henry, Herbert, Hollister, Houghtaling, Hubbard, Hunter, Irwin, Jones, Koll, Mandeville, Myres, McBrayer, McDonald, McDuffie, McDaniel, McGee, Nichols, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Stemmons, Stevenson, Sweasey, Sweetland, Tivy, Van Cleft, Watkins, and Mr. Speaker—54.

So the House refused to adopt the substitute.

The bill was then read a third time, and on its final passage

Messrs. Noel, Bennett and Warmcastle demanded the yeas and nays.

YEAS.

Messrs. Anderson, Aylett, Bagley, Ballou, Bennett, Bostwick, Bowie, Bradford, Briggs, Clingan, Conness, Davidson, Dawley, Ewer, Gilbert, Gordon, Green, Griffith, Hagans, Hastings, Henry, Herbert, Hollister, Houghtaling, Hubbard, Irwin, Jones, Koll, Myres, McBrayer, McDonald, McDuffie, McGee, Nichols, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Springer, Stemmons, Stevenson, Sweasey, Tivy, Van Cleft, Watkins and Mr. Speaker—48.

NAYS.

Messrs. Ashley, Burton, Cornwall, Dannels, Fairfield, French, Hoff, Hunt, Hunter, Kellogg, Letcher, Lindsey, Mandeville, McDaniel, McKinney, Noel, O'Neil, Stowe, Sweetland and Warmcastle—20.

So the bill passed.

The following message was received from the Senate :

I am instructed to inform the Assembly, that the Senate, this day, passed a bill for an Act explanatory of an Act entitled an Act making appropriations for the civil expenses of Government of the State for the unexpired portion of the fiscal year, ending on the 30th day of June, A. D., 1854, and for the first seven months of the fiscal year, commencing on the first day of July, 1854, approved March 21, 1854.

JOHN Y. LIND,
Secretary.

Senate bill No. 95, above reported, read a first time, rule suspended, read a second time, rule further suspended, read a third time, and passed.

The following message was also received from the Senate :

I am instructed to inform the Assembly, that the Senate passed this day a bill for an Act amendatory to an Act incorporating the City of Marysville, and to Acts supplementary and amendatory thereto.

Which is respectfully submitted.

JOHN Y. LIND,
Secretary.

Senate bill No. 96, above reported, read a first and second time, rule suspended, read a third time, and passed.

Mr. Bradford offered the following resolution :

Resolved, That the Committee on State Hospitals be instructed to report, at as early a day as practicable, a bill in accordance with the recommendations in their report, to abolish the State Marine Hospital, and appropriate the Hospital Fund in a *pro rata* proportion to each county for the maintenance of its Indigent Sick.

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

Agreed to.

Mr. McBrayer introduced a bill for an Act to amend an Act entitled an Act to incorporate the city of Sacramento, passed March 26, 1851.

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

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

HOUSE OF ASSEMBLY.

FRIDAY, March 24, 1854.

House met pursuant to adjournment.

The roll was called, and the following members were absent : Messrs. Bagley, Davidson, Gilbert, Godard, Griffith, Hastings, Hoyt, Hubert, James, Myres, J. W. Park, and Van Cleft.

The Journal of Thursday was read and approved.

Mr. Tivy, chairman, made the following report .

The Joint Committee on Enrollment have examined, and found correctly enrolled the following Acts, viz :

An Act to authorize the Clerk of the Supreme Court of this State to appoint deputies.

An Act to prevent the sale of fire-arms and ammunition to Indians in this State.

An Act to legalize assessments in the County of San Diego.

An Act to fix the Sessions of the Supreme Court at the capital of the State.

An Act to change the name of Charles Turner Kelly to Charles Turner Kelly Tracy ; and

An Act to amend an Act entitled an Act concerning Officers, passed April 28, 1851.

Mr. Clingan, chairman, made the following report :

The Select Committee, to whom was referred the bill entitled an Act amendatory of an Act dividing the State into Counties, and establishing Seats of Justice therein ; having had the same under consideration, report it back, and recommend its passage.

Assembly bill No. 174, an Act amendatory of an Act dividing the State into Counties, and establishing the Seats of Justice therein, passed April 25, 1851.

On its third reading considered as engrossed, read a third time and passed.

The following message was received from the Governor, with a communication from the Attorney General of the United States :

EXECUTIVE DEPARTMENT, }
Sacramento City, March 24, 1854. }

To the Senate and Assembly of California :

On the 7th instant, I had the honor to transmit to the Legislature a communication from the Hon. J. R. McConnell, Attorney General, relative to the property in the city of San Francisco and county of Sacramento, known as the "Leidesdorff

Estate," in which that officer expresses the unqualified opinion, that it has escheated to the State; an opinion concurred in by a large majority of our best informed and most intelligent citizens.

Some months since I ascertained, that in the year 1842, a case had been decided in the State of Michigan, involving, in part, the same questions and principles as those connected with the Leidesdorff estate. The property in the Michigan case was vested in an American citizen who died intestate, leaving *legitimate* but alien relatives. The question presented for decision was, whether on the death of an intestate, alien heirs could take by descent, and if not, whether the property escheated to the United States or the State of Michigan.

Hon. Hugh S. Legare, who was, at that time, Attorney General of the United States, after having given the subject that mature reflection and profound legal research, which its importance demanded—a task for which he was eminently qualified—gave the decided opinion, that the property had escheated to the State of Michigan; and the Government of the United States, desirous of holding these lands for a military station, paid to the State a large sum for the same, upon the opinion of the Attorney General, without further attempting to assert its claims in a court of law.

Believing that the decision in this case, must necessarily affect the Leidesdorff estate—the same questions and principles in part being involved—I wrote to the Hon. Caleb Cushing, Attorney General of the United States, and requested that the facts of the "Harvey case" be forwarded to me, accompanied with the opinion of Hon. H. S. Legare, Attorney General of the United States.

By the last mail I received an answer to that communication, and have the honor herewith to transmit a copy of the same.

Feeling confident, as I do of the validity of the claim of the State to the Leidesdorff property, and in view of the great and beneficent object to which the proceeds of all escheated estates are appropriated by the Constitution, although having several times, heretofore, called the attention of the Legislature to the subject, I feel it my duty, again, to urge upon the representatives of the people the importance of speedy action.

If the opinion, heretofore expressed, that this estate has escheated to California be correct, and it is her right, under the Constitution, to appropriate the same for the benefit of Common Schools, it is highly important that the Legislature should promptly take such steps as may be deemed necessary to enable the agents of the State to institute, and prosecute with vigor to a speedy termination, proceedings for the recovery of the same.

This is deemed necessary to maintain the rights of the State in the premises, and is no more than an act of justice to the claimants under the alien heirs. If the claim of the State be valid, she should at once take possession of so valuable an inheritance, if not, the cloud of title necessarily encumbering the rights of others, should be as speedily removed. Concurring with the Attorney General of the State, in the opinion that the title to this valuable property is most unquestionably in the State of California, I feel that I cannot too earnestly urge her representatives, the high duty they owe to the people and the children of the State, to adopt such measures as may be required to ensure a settlement of these conflicting claims at an early day.

In conclusion, I would especially direct your attention to the last suggestion contained in the communication of the Attorney General, transmitted on the 9th inst., recommending that the "law concerning escheats be so amended, as to permit proceedings to be instituted in any county in the State, in which a part of an escheated estate may be situated, and also, an amendment "having in view the protection of the State in her interest in the accruing rents of the property, which may be claimed as having escheated during litigation."

JOHN BIGLER

The communication of the Governor, and the communication from the Attorney General were read, and referred to the Judiciary Committee, with instructions to report a bill in accordance with the recommendation of the Governor on Tuesday next.

On motion of Mr. Bostwick, the House took a recess for fifteen minutes, for the purpose of allowing the Sergeant-at-Arms time to prepare the Hall for the Joint Convention of the two Houses.

House re-assembled agreeably to adjournment.

On motion of Mr. Bradford, the clerk was directed to invite the Senate to meet in Joint Convention for the purpose of making elections heretofore agreed upon.

The Senate was announced by the Sergeant-at-Arms of that body.

The two Houses assembled in the hall of the House, to elect two Resident and two Visiting Physicians for the State Marine Hospital, at San Francisco, and five Trustees to said Hospital. One Resident, and one Assistant Physician for the Insane Asylum, and five Trustees for said Institution; and a Quartermaster General for this State.

Mr. Hall of the Senate offered the following, which was adopted:

Resolved, That when balloting for the election of Physicians and Trustees of the State Marine Hospital and Asylum for the Insane, the Convention will adopt the following form.

The vote shall be taken first for Physicians and Trustees for the Marine Hospital, and each member of the Convention shall, upon the call of his name, vote in one ballot, for Visiting and Resident Physicians, and for Trustees.

That the same course be pursued in the election of Physicians and Officers for the Insane Asylum.

The President appointed Mr. Moore, of the Senate, to act as one of the Tellers; and the Speaker appointed, on the part of the Assembly, Mr. Dannels.

Mr. Whiting then put in nomination Messrs S. B. Mills and W. D. Aylett, for Resident Physicians; and Messrs. John R. Coryell and Wake Briarly, for Visiting Physicians of the State Marine Hospital; and Messrs Erastus Sparrow, Charles Gallaher, James A. McCrea, William McKibben and Thomas McCahill as Trustees for said Hospital.

Those who voted for S. B. Mills were—

Messrs. Bryan, Catlin, Coffroth, Colby, Crabb, Crenshaw, Grewell, De La Guerra, Hagar, Hall, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, Lent, Livermore, Mahoney, Moore, McFarland, Sawyer, Smith, Sprague, Stebbins, Tuttle, Wade, Walkup, Whiting and Gardener, of the Senate; and

Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Bostwick, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Dannels, Dawley, Ewer, Fairfield, French, Gilbert, Godard, Gordon, Green, Griffith, Hastings, Herbert, Hoff, Horr, Hoyt, Hubbard, Hubert, Hunt, Hunter, Irwin, James, Jones, Kellogg, Koll, Lindsey, Mandeville, Myres, McDuffie, McDaniel, McGee, McKinney, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Rowan, Spencer, Springer, Stemmons, Stevenson, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, Whipple and Mr. Speaker—93.

Having received all the votes given, he was declared duly elected a Resident Physician for the State Marine Hospital.

The two Houses next proceeded to the election of a second Resident Physician.

Those who voted for W. D. Aylett were—

Messrs. Byran, Catlin, Coffroth, Colby, Crabb, Crenshaw, Gardener, Grewell, De La Guerra, Hagar, Hall, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, Lent, Livermore, Mahoney, Moore, McFarland, Sawyer, Smith, Sprague, Stebbins, Tuttle, Wade, Walkup and Whiting, of the Senate; and

Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Bostwick, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Dannels, Dawley, Ewer, Fairfield, French, Gilbert, Godard, Gordon, Green, Griffith, Hagans, Hastings, Henry, Herbert, Hoff, Horr, Hoyt, Hubbard, Hubert, Hunt, Hunter, Irwin, James, Jones, Kellogg, Koll, Lindsey, Mandeville, Myres, McDuffie, McDaniel, McGee, McKinney, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Rowan, Spencer, Springer, Stemmons, Stevenson, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, Whipple, Whitman and Mr. Speaker—96.

Having received all the votes given, he was declared duly elected Resident Physician to the State Marine Hospital.

The two Houses next proceeded to electing Visiting Physicians to the State Marine Hospital.

Those who voted for John R. Coryell were—

Messrs. Bryan, Catlin, Coffroth, Colby, Crabb, Crenshaw, Grewell, De La Guerra, Gardener, Hagar, Hall, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, Lent, Livermore, Mahoney, Moore, McFarland, Sawyer, Smith, Sprague, Stebbins, Tuttle, Wade, Walkup and Whiting, of the Senate; and

Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Bostwick, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Dannels, Dawley, Ewer, Fairfield, French, Gilbert, Godard, Gordon, Green, Griffith, Hagans, Hastings, Herbert, Hoff, Horr, Hoyt, Hubbard, Hubert, Hunt, Hunter, Irwin, James, Jones, Kellogg, Koll, Lindsey, Mandeville, Myres, McDuffie, McDaniel, McGee, McKinney, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Rowan, Spencer, Springer, Stemmons, Stevenson, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, Whipple and Mr. Speaker—94.

Having received all the votes given, he was declared duly elected Visiting Physician to the State Marine Hospital.

They next proceeded to elect a second Visiting Physician to the State Marine Hospital.

Those who voted for Mr. Wake Bryarly were—

Messrs. Bryan, Catlin, Coffroth, Colby, Crabb, Crenshaw, Godard, Grewell, De La Guerra, Hagar, Hall, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, Lent, Livermore, Mahoney, Moore, McFarland, Sawyer, Smith, Sprague, Stebbins, Tuttle, Wade, Walkup and Whiting, of the Senate; and

Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Bostwick, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Dannels, Dawley, Ewer, Fairfield, French, Gilbert, Godard, Gordon, Green, Griffith, Hastings, Herbert, Hoff, Horr, Hoyt, Hubbard, Hubert, Hunt, Hunter, Irwin, James, Jones, Kellogg, Koll, Lindsey, Mandeville, Myres, McDuffie, McDaniel, McGee, McKinney, Nichols, Noel, O'Neil,

F. A. Park, J. W. Park, Pratt, Purdy, Rowan, Spencer, Springer, Stemmons, Stevenson, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, Whipple and Mr. Speaker—93.

Having received all the votes but one given, he was declared duly elected a Visiting Physician for the State Marine Hospital.

The two Houses next proceeded to elect five Trustees to the State Marine Hospital.

Those who voted for Messrs. Erastus Sparrow, Charles Gallaher, James A. McCrea, William McKibben and Thomas McCahill were—

Messrs. Bryan, Catlin, Coffroth, Colby, Crabb, Crenshaw, Grewell, De La Guerra, Gardener, Hagar, Hall, Hook, Hudspeth, Keene, Kendall, Kurtz, Leake, Lent, Livermore, Mahoney, Moore, McFarland, Sawyer, Smith, Sprague, (Mr. Stebbins voted for Mr. Gallaher and Mr. McCahill,) Tuttle, Wade, Walkup and Whiting, of the Senate; and

Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Bostwick, Bradford, Carr, Carrillo, Clingan, Cornwall, Dannels, Dawley, Ewer, Fairfield, French, Gilbert, Godard, Gordon, Green, Griffith, Hastings, Herbert, Hoff, Horr, Hoyt, Hubbard, Hubert, Hunt, Hunter, Irwin, James, Jones, Kellogg, Koll, Lindsey, Mandeville, Myres, McDuffie, McDaniel, McGee, McKinney, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Purdy, Pratt, Rowan, Spencer, Springer, Stemmons, Stevenson, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle and Mr. Speaker.

Mr. Sparrow received 90 votes; Mr. Gallaher received 91 votes; Mr. McCrea received 90 votes; Mr. McKibben received 90 votes; and Mr. McCahill received 91 votes. Each one having received a majority of all the votes given, they were declared duly elected Trustees to the State Marine Hospital.

Mr. Whiting moved that the Quartermaster General be elected at the same ballot in which the two Houses would elect Resident and Assistant Physicians to the Insane Asylum, and five Trustees therefor.

Motion agreed to.

And the two Houses next proceeded to the election of a Resident and Assistant Physician to the Insane Asylum, five Trustees, for the same; and a Quartermaster General.

Those who voted for Messrs. Robert R. Ried for the Resident, and W. D. Cowan, Assistant Physicians to the Insane Asylum, for Messrs. Enoch Gove, Andrew Lester, P. E. Jordan, S. A. Booker and Nelson Taylor for Trustees; and W. C. Kibbe, for Quartermaster General, were—

Messrs. Bryan, Catlin, Coffroth, Colby, Crabb, Crenshaw, De La Guerra, Hager, Hall, Hook, Keene, Kendall, Kurtz, Leake, Livermore, Moore, McFarland, Sawyer, Smith, Sprague, Tuttle, Wade, Walkup and Whiting of the Senate; and Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Bradford, (Mr. Burton voted for Mr. Ellis for Resident Physician, and Mr. Cowan for Assistant Physician, and W. C. Kibbe for Quartermaster General,) Carr, Carrillo, Clingan, Cornwall, Dannels, Dawley, Ewer, Fairfield, French, Gilbert, Godard, Gordon, Green, (Mr. Hagans voted for Mr. Reed for Resident Physician, and Mr. Henry voted for W. C. Kibbe for Quartermaster General,) Herbert, Horr, Hoyt, Hubbard, Hubert, Hunt, Hunter, Ir-

win, James, Jones, Kellogg, Koll, (Mr. Lindsey voted for W. C. Kibbe for Quartermaster General,) Mandeville Myres, McDuffie, McDaniel, McGee, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Purdy, Spencer, Springer, Stemmons, Stevenson, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, (Mr. Watkins voted for Mr. Reid and Mr. Cowan for Physicians, and for W. C. Kibbe for Quartermaster General,) Whipple and Mr. Speaker.

Mr. Reid received 80 votes for President, Mr. Cowan 80 votes for Assistant Physician to the Asylum; Mr. Gove, Mr. Lester, Mr. Jordan, Mr. Booker and Mr. Taylor, each received 78 votes for Trustees of the Insane Asylum; and W. C. Kibbe received 82 votes for Quartermaster General, each having received a majority of all the votes given, they were severally declared duly elected to the offices for which they were candidates.

R. B. Ellis received one vote for Resident Physician to the Insane Asylum.

The President stated that the Convention had completed the business for which they had assembled, and declared the Convention adjourned *sine die*.

The Senate then withdrew and the Assembly resumed business.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrollment have examined, and found correctly enrolled, an Act explanatory of an Act entitled an Act making appropriations for the civil expenses of Government of the State, for the unexpired portion of the fiscal year, ending on the 30th day of June, A. D., 1854, and for the first seven months of the fiscal year, commencing on the 1st day of July, A. D., 1854, approved March 21, 1854.

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

HOUSE OF ASSEMBLY.

SATURDAY, March 25, 1854.

House met pursuant to adjournment.

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

Messrs. Aylett, Bagley, Ballou, Burton, Davidson, French, Gilbert, Green, Griffith, Herbert, McBrayer, Nichols, J. W. Park and Stevenson.

The Journal of Friday was read, amended and approved.

Mr. Mandeville presented a petition from sundry citizens of Tuolumne county, praying for the passage of a law to protect Mimers' claims, and recommending a bill introduced by Mr. Mandeville.

Petition read, and referred to Committee on Mines and Mining Interest.

On motion, leave of absence was granted to Mr. Burton until Tuesday next; to Mr. McBrayer, indefinitely in consequence of ill health; also, indefinite leave to Mr. Davidson.

Mr. F. A. Park presented a petition from the Mayor and Council of the city of Sacramento, praying for the passage of a law to authorize the Council to issue bonds in payment of outstanding debts.

Petition read, and referred to delegation from Sacramento.

Mr. Jones, from the Judiciary Committee, made the following reports :

The undersigned, a majority of the Judiciary Committee, have had under consideration Assembly bill, No. 163, entitled an Act to amend an Act concerning Notaries Public, and recommend that it be indefinitely postponed.

JONES,
ASHLEY,
HOYT, and
MYRES,
Committee.

The undersigned, a minority of the Judiciary Committee, having duly considered Assembly bill No. 163, entitled an Act to amend an Act concerning Notaries Public, recommend that it do pass.

GORDON,
WARMCASTLE.

Assembly bill No. 163, above reported, on motion to indefinitely postpone, Messrs. Gordon Hubbard and Houghtaling demanded the yeas and nays.

YEAS.

Messrs. Ashley, Ballou, Briggs, Conness, Dannels, Dawley, Ewer, Fairfield, French, Godard, Green, Griffith, Hollister, Hoyt, Hubbard, Hunt, Irwin, James, Jones, Kellogg, Koll, Musser, Myres, McBrayer, McDonald, McGee, Nichols,

O'Neil, F. A. Park, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Sweetland, Tallmadge, Van Cleft, Whipple and Mr. Speaker—40.

NAYS.

Messrs. Anderson, Bagley, Bennett, Bostwick, Bowie, Bradford, Carr, Carrillo, Clingan, Cornwall, Gilbert, Gordon, Hagans, Hastings, Henry, Herbert, Horr, Houghtaling, Hubert, Hunter, Letcher, Lindsey, Mandeville, McDuffie, McDaniel, McKinney, Noel, J. W. Park, Stemmons, Stevenson, Stowe, Tivy, Warmcastle, Watkins and Whitman—35.

So the bill was indefinitely postponed.

Mr. Whipple gave notice that on to-morrow he would move to reconsider the vote just taken.

Mr. Jones made the following report :

The Judiciary Committee, to whom was referred Senate bill No. 51, for an Act amendatory of an Act defining the time for commencing Civil Actions, have had the same under consideration, and recommend that it be indefinitely postponed.

Senate bill No. 51, above reported by Judiciary Committee,
On motion, indefinitely postponed.

Mr. Myres, chairman, made the following report :

A majority of the Judiciary Committee, having fully considered Assembly bill No. 39, entitled an Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850, herewith report the same to the House, and recommend its passage.

The bill, on motion of Mr. Myres, was laid on the table.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined and find correctly engrossed, an Act for the protection of Settlers.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrollment, on yesterday, the 24th inst., presented to his Excellency the Governor, for his approval, an Act authorizing the Clerk of the Supreme Court of this State to appoint Deputies.

An Act to prevent the sale of fire-arms and ammunition to the Indians of this State.

An Act to legalize assessments in the county of San Diego.

An Act to fix the sessions of the Supreme Court at the Capital of the State.

An Act to change the name of Charles Turner Kelly to Charles Turner Kelly Tracy.

An Act to amend an Act entitled an Act concerning officers, passed April 28, 1851, and

An Act explanatory of an Act entitled an Act making appropriations for the civil expenses of Government of the State for the unexpired portion of the fiscal

year ending on the 30th day of June, A. D., 1854, and for the first seven months of the fiscal year commencing on the 1st day of July, A. D., 1854, approved March 21, 1854.

The following messages were received from the Governor :

I have this day approved the following Acts which originated in the Assembly, viz :

An Act to legalize assessments in the county of San Diego.

An Act to prevent the sale of fire-arms and ammunition to Indians in this State, and

An Act to authorize the Clerk of the Supreme Court to appoint Deputies.

I have this day approved an Act which originated in the Assembly,

An Act to abolish the Board of Supervisors in the county of Contra Costa.

JOHN BIGLER.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed yesterday Senate bill for an Act for the relief of Wm. N. Walton.

Assembly bill for an Act to provide for the election of a Justice of the Peace for the town of Santa Clara, and define his jurisdiction.

Assembly bill for an Act to amend an Act concerning the writ of *habeas corpus*, passed April 20, 1850, with amendments as therein shown,

And, a substitute for Assembly Joint Resolution, in reference to postal arrangements in this State.

All of which are respectfully submitted.

JOHN Y. LIND,
Secretary.

Senate amendment to Assembly bill No. 95, an Act to amend an Act concerning the writ of *habeas corpus*, passed April 20, 1850,

Concurred in by the Assembly.

Senate bill No. 13, for an Act for the relief of Wm. N. Walton.

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

Senate Joint Resolution, as a substitute for Assembly Joint Resolution No. 26, in relation to Mail Routes in California.

Senate substitute, on motion, adopted by the Assembly.

Mr. Bostwick moved to reconsider the vote which adopted Senate substitute.

Vote reconsidered.

On motion of Mr. Conness, the bill and substitute were laid on the table.

Mr. Green introduced a Joint Resolution in relation to an Act of Congress concerning private Land Claims in the State of California.

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

On motion, Mr. Bradford was excused from serving as one of the Special Committee in reference to the sale of State property in San Francisco; and Mr. Hoff was appointed in his place.

Mr. McBrayer was also excused from serving on the same committee, and Mr. Van Cleft appointed in his place.

The following message was received from the Senate :

I am instructed to inform the Assembly, that the Senate passed, yesterday, As-

sembly Joint Resolutions in relation to the establishment of a free watering place in Humboldt Desert; and

Senate bill for an Act to extend the provisions of an Act for the Protection of Game to the County of Tuolumne.

All of which are respectfully submitted.

JOHN Y. LIND,
Secretary.

Senate bill, No. 98, above reported, to extend the provisions of an Act for the Protection of Game to the county of Tuolumne.

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

Mr. Bradford introduced a bill for an Act to establish the State University of California.

Read a first and second time, and referred to Committee on Education.

Mr. Briggs introduced a bill for an Act to locate the County Seat of El Dorado county.

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

Mr. Hubert introduced a bill for an Act concerning the improvement of Portsmouth Square in the city of San Francisco.

Read a first and second time, and referred to the delegation from San Francisco.

Mr. Griffith gave notice, that at an early day he would introduce a bill for an Act supplemental to an Act to provide for the disposal of the five hundred thousand acres of land granted to this State by Act of Congress, approved May 3, 1852.

Mr. Van Cleft gave notice that, at an early day, he would introduce a bill to provide for the selection of the lands donated by the United States to the State of California, for the support of Common Schools and for the erection of Public Buildings.

Mr. Conness introduced a bill for an Act to prevent the absence of Judicial and other officers from this State.

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

Mr. Herbert gave notice, that on to-morrow he would introduce a bill for the relief of Capt. John Boling, Sheriff of Mariposa county.

Mr. McDonald gave notice, that on to-morrow, he would introduce a bill for the relief of John Ridgely, M. D.

Mr. O'Neil gave notice, that on Monday next he would offer an amendment to the second standing rule of this House, so as to provide a regular place in the order of business for the introduction of bills.

Mr. Hunt gave notice, that on Monday next, or some day thereafter, he would introduce a bill for the Incorporation of the town of San Bernardino.

Mr. Sweasey gave notice, that on Monday next he would introduce a bill for an Act to secure the most suitable edifices for public buildings in this State.

Also a bill for a general law for the benefit of the Smith family, or those who may wish to change their names.

Mr. Stowe introduced a bill for an Act to provide for the creation of a Board of Commissioners to revise the practice in the Courts of Justice in this State, and to define their duties.

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

Mr. Conness gave notice, that at an early day he would introduce a bill for the repeal of the laws providing for the payment of Expeditions against the Indians.

Mr. Bennett introduced a bill for an Act to locate the County Seat of Sonoma county anew.

Read a first and second time, and referred to the delegation from Sonoma.

Mr. Hoyt introduced a bill for an Act to amend an Act concerning the official bonds of officers.

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

Mr. Letcher introduced a bill for an Act to amend the seventh section of an Act entitled an Act to incorporate the city of San Jose, passed March 27, 1850.

Read a first and second time, and referred to the delegation from Santa Clara.

Mr. Carrillo introduced a bill for an Act amendatory of an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, passed May 17, 1853.

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

Mr. Griffith offered a resolution requesting Dr. Winslow to deliver a public lecture upon the subject of Agriculture.

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

Agreed to.

Mr. Stowe introduced a bill for an Act amendatory of an Act entitled an Act concerning Divorces, passed March 25, 1851.

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

Mr. Houghtaling moved a call of the House.

Call not sustained.

Assembly bill No. 184, an Act to repeal an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, passed April 22, 1850, approved May 17, 1853.

Read a second time, and referred to the delegation from Santa Clara.

Mr. McDuffie gave notice that at an early day he would introduce a bill to repeal all laws for the recovery of debts.

On motion of Mr. McDaniel, the Committee on Roads and Highways were requested to inquire into the expediency of reporting a bill to compel persons to open lanes, or erect suitable gates to accommodate public travel.

Mr. Musser introduced a bill for an Act to prevent frauds in the sale of domestic animals.

Read a first and second time, and referred to Committee on Agriculture.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed, this day, 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 25, 1851.

Also, Assembly bill for an Act declaring Mission Creek, in the county of San Francisco, a navigable stream, with amendments as therein shown,

And the accompanying substitute for Assembly bill for an Act to change the head of navigation of Tuolumne river.

All of which is respectfully submitted.

JOHN Y. LIND,
Secretary.

Senate bill No. 100, an Act to declare the head of navigation on the Tuolumne river, offered as a substitute for Assembly bill upon the same subject.

Mr. Mandeville moved to lay the bill and substitute upon the table.

Agreed to.

Mr. Swasey moved to adjourn.

No quorum voted.

Mr. O'Neil moved a call of the House.

Call not sustained.

On motion of Mr. McDonald, the House adjourned until 11 o'clock on Monday next.

HOUSE OF ASSEMBLY.

MONDAY, March 27, 1854.

House met pursuant to adjournment.

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

Messrs. Aylett, Clingan, Dawley, Gilbert, Green, J. W. Park, Ring, Spencer, and those absent on leave and on business of the House.

The Journal of Saturday was read and approved.

On motion, leave of absence was granted to Mr. Van Cleft for six days, Mr. Jones four days, Mr. Ring three days, Mr. Green one day, and to Messrs. Dawley, Aylett and Spencer for two days each.

Mr. Bagley presented a petition from Robert Lucheval D'Aumaile, praying for a change of name to that of William Newell Thompson,

Which was read and referred to the San Francisco delegation.

Mr. Bennett presented a petition from citizens of Sonoma county, praying for a removal of the County Seat of said county,

Which was read.

Mr. Myres, chairman, made the following report :

The Judiciary committee have had under consideration the following bills, viz :

Assembly bill No. 158, entitled an Act to empower the Courts of Session and Justices' Courts to condemn prisoners to labor in certain cases, and recommend that it be indefinitely postponed.

Also, Senate bill No. 65, entitled an Act to amend an Act entitled an Act concerning the office of Comptroller, passed January 19, 1850, and recommend its passage.

Also, Assembly bill No. 173, entitled an Act to provide for the appointment of Deputy County Treasurers, for which the Committee herewith report a substitute and recommend its passage.

Assembly bill No. 158, an Act to empower Courts of Sessions and Justices' Courts to condemn prisoners to labor in certain cases, reported by Judiciary Committee, and

On motion, indefinitely postponed.

Senate bill No. 65, an Act to amend an Act entitled an Act concerning the office of Comptroller, passed January 19, 1850.

Reported back by Judiciary Committee, read a a third time and passed.

Assembly bill No. 173, an Act to provide for the appointment of Deputy County Treasurers.

Reported back with substitute by Judiciary Committee.

On motion, laid on the table.

Mr. Myres, Chairman, made the following report :

The Judiciary Committee have had under consideration Senate bill, No. 92, entitled an Act concerning County Judges, and report the same back with a recommendation that it pass.

Senate bill, No. 92, an Act concerning County Judges.
Reported back by Judiciary Committee, and
On motion laid on table.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills have examined, and found correctly enrolled, the following Acts, viz :

An Act to provide for the payment of the official reporters to the Senate.

An Act to change the name of William Meyer to William Meyer Elton.

An Act to authorize the Court of Sessions of the county of Placer to reimburse Wm. D. Smith and Isaac A. Avery for money by them expended in constructing a wagon road across the Sierra Nevada Mountains.

An Act amendatory to an Act incorporating the city of Marysville, and to Acts supplementary and amendatory thereto.

Mr. James made the following report :

The Select Committee of Five, to whom was referred Assembly Bill, No. 26, would respectfully report—

That the enormous expenses of Government in this State, have induced the people to desire and expect a reduction of salaries and curtailment of expenditures in all departments. While the people would not be parsimonious, still they cannot allow their representatives in the Legislature to be lavish, and will not acquit us of blame, if we fail to introduce those reforms which will render the necessary taxation less onerous.

And your committee would recommend the passage of the bill, with the following amendments.

Strike out three thousand and insert three thousand five hundred as salary for the Secretary of State.

Strike out one thousand six hundred and insert two thousand as salary of the Attorney General.

Strike out \$100 and insert \$2000 as salary of the Surveyor General.

Strike out \$600 and insert \$3000 as salary of the Superintendent of Public Instruction.

Strike out \$5000 and insert \$6000 as salary of the Judge of Supreme Court.

Strike out \$4000 and insert \$5000 as salary of the District Judges in the 5th, 6th, 7th, 8th, 9th, 10th and 11th Judicial Districts

Strike out \$8 and insert \$10 in the second line of the third section.

Strike out 80 and insert 100 before days, third section.

Strike out \$4 and insert \$5 in third line of the third section.

Strike out, or "repugnant to," in the fifth section, and insert after "conflict," the words "or inconsistent."

All of which is respectfully submitted.

D R ASHLEY,
M. W. GORDON,
JOHN C. JAMES,
Committee..

Assembly bill, No. 26, an Act to reduce the salaries of State Officers and the pay of members of the Legislature.

On motion of Mr. Conness, the House resolved itself into Committee of the Whole, Mr. Mandeville in the chair, to consider the bill, having considered the same,

On motion of Mr. Ballou, the committee rose, reported the bill back with amendments, and were discharged.

Mr. Conness moved that the House concur generally in the amendments adopted in Committee of the Whole.

Not agreed to.

The first four amendments, recommended by Select Committee, and adopted in Committee of the Whole, were then concurred in by the House.

The committee recommended that the words \$5000 in that portion of the bill relating to the salary of Judges of the Supreme Court be stricken out and the words \$6000 inserted in lieu thereof.

Mr. Bradford moved to amend the amendment of the committee by striking out \$6000 and inserting \$8000.

Not agreed to.

The amendment was then concurred in.

The sixth amendment reported from Committee of the Whole, fixing the salary of Judges of the District Courts of the 5th, 6th, 7th 8th, 9th, 10th and 11th Judicial Districts, under consideration,

Mr. Whitman moved to amend by changing the salary of the Judge of the 7th Judicial District from \$5000 to \$6000.

Not agreed to.

Mr. Bradford moved to lay the bill on the table.

Not agreed to.

Mr. French moved to adjourn, upon which motion, Messrs. Hubbard, Bradford and Pratt, demanded the yeas and nays.

Those who voted in favor of adjournment were—

Messrs. Ballou, Carr, Fairfield, French, Houghtaling, Hunter, Irwin, Mandeville, Myres, McBrayer, McDonald, McKinney, Pratt, Tallmadge, Tivy and Mr. Speaker—16.

Those who opposed adjournment were—

Messrs. Anderson, Ashley, Bagley, Bennett, Bostwick, Bowie, Bradford, Conness, Cornwall, Ewer, Godard, Gordon, Griffith, Hagans, Hastings, Hollister, Hoyt, Hubbard, Hunt, McDuffie, McDaniel, McGee, Noel, J. W. Park, Rowan, Stemmons, Sweetland, Warmcastle, Watkins and Whipple—30.

So the House refused to adjourn.

The remaining amendments adopted in Committee of the Whole, were then concurred in by the House, with the exception of the last, which proposed to add to section 4, as amended, the words "or on business by order of the Legislature;" pending which,

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

HOUSE OF ASSEMBLY.

TUESDAY, March 28, 1854.

House met pursuant to adjournment.

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

Messrs. Burton, Clingan, Fairfield, French, Gilbert, Griffith, Herbert, Kellogg, Letcher, Purdy, Sweasey and Whitman.

The Journal of Monday was read and approved.

On motion, one day's leave of absence was granted to Messrs. Letcher, French, Whitman, Burton, Fairfield, Kellogg, Gilbert and Hubert.

Mr. Conness moved to amend the Journal of yesterday by striking from it the report made by Mr. James upon the salary bill for State officers and members of the Legislature.

Not agreed to.

Mr. Bradford made the following report :

The Committee on Public Lands, to whom was referred joint resolution in relation to the removal of the office of Register of the United States Land Office for the Northern District of California from Benicia and establishing the same at the Seat of Government of the State of California, have had the same under consideration, and beg leave to submit the following substitute, and recommend its passage.

Mr. Dannels moved to amend by establishing an additional Land Office at Marysville.

On motion of Mr. Griffith, the resolution, substitute and amendment offered by Mr. Dannels,

Laid upon the table.

Mr. Dawley made the following report :

The Committee on Commerce and Navigation having had under consideration Assembly bill No 128, an Act to amend an Act entitled an Act to prohibit the erection of weirs or other obstructions to the run of salmon, passed April 12, 1852, beg leave to report the same back without amendment, and recommend its passage.

Also, Assembly bill No. 136, an Act to authorise Stephen K. Nurse to build a wharf in the county of Solano, have given the same careful attention, and report the same back without amendment, and unanimously recommend its passage.

Assembly bill No. 128, above reported, to prohibit the erection of weirs, amended on motion of Mr. Griffith, by adding the months of November and December after the word August, and to amend the first section by striking out the word "enjoined" and insert "required," where it alludes to officers

Agreed to.

On motion of Mr. Warmcastle, the bill was laid upon the table.

Assembly bill No, 136, an Act to authorise Stephen K. Nurse to build a wharf.

On motion, laid upon the table.

Mr. Letcher, chairman, made the following report :

The Santa Clara delegation, to whom was referred Assembly bill No. 184, relative to the compensation of County Judges and Associate Justices of the Court of Sessions, beg leave to report the same back to the House with several amendments, recommend their adoption and the passage of the bill.

In section four strike out "is hereby repealed," and insert "and all other Acts and parts of Acts in conflict or inconsistent with this Act, are hereby repealed."

Strike out title of the bill and insert "An Act to fix the compensation of County Judges and Associate Justices of the Courts of Sessions, and to repeal a like Act passed May 19, 1853."

Assembly bill No. 184, above reported, under consideration,

On motion of Mr. Letcher, the House resolved itself into Committee of the Whole, Mr. O'Neil in the chair, to consider the bill; after spending some time in the consideration of the same, and making amendments thereto,

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

The committee was discharged.

The amendments made in Committee of the Whole were concurred in generally by the House.

The bill considered as engrossed and read a third time.

Mr. Conness moved to reconsider the vote which read the bill a third time.

Vote reconsidered.

Mr. Myres offered an amendment to the fourth section, which was adopted.

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

Mr. Hagans made the following report:

The delegation from Sonoma county to whom was referred a bill to locate anew the county seat of Sonoma county, have had the same under consideration, and beg leave to report the bill back to the House without amendment, and recommend its passage.

Assembly bill No. 199, an Act to locate the county seat of Sonoma county, on its third reading, considered as engrossed, read a third time and passed.

The following message was received from the Governor:

I have, this day, approved an Act entitled an Act to incorporate the city of Oakland.

JOHN BIGLER.

The following message was received from the Senate:

I am directed by the Senate to inform the Assembly, that the Senate passed, this day, a bill for an Act fixing the compensation of the County Judge of Santa Barbara county

JOHN. Y. LIND,
Secretary.

By JOHN H. STEWART, Assistant Secretary.

Senate bill No. 103, above reported,

On motion of Mr. Letcher, the bill was amended to include the County Judge of Santa Clara, and also the title of the bill.

The bill read a first, second and third time, and passed.

The following message was also received from the Senate:

I am instructed to inform the Assembly, that the Senate passed, on the 22d inst.

a bill for an Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

Respectfully,

JOHN Y. LIND,
Secretary.

Senate bill No. 47, above reported, read a first and second time, and referred to Judiciary Committee.

The following message was received from the Senate :

I am directed to inform the Assembly, that the Senate has, this day, passed Assembly bill for an Act to create the county of Stanislaus, to define its boundaries, and to provide for its organization, with amendments therein shown.

JOHN Y. LIND,
Secretary.

The amendments made in the Senate to Assembly bill, to create the county of Stanislaus :

Agreed to by the House.

The following message was received from the Senate :

I am directed by the Senate to inform the Assembly, that, on yesterday, the Senate passed a bill for an Act to pay James McMahon for services to the State.

An Act amendatory of an Act concerning the office of Public Administrator, and making it elective, passed April 15, 1851, which the Senate adopted for Assembly bill, No. 93, herewith returned.

Assembly bill No. 117, for an Act supplementary to the Act incorporating the city of Benicia, with amendments, to which they ask your concurrence.

And, also, Assembly Joint Resolution, No. 135, granting leave of absence to Edward T. Fletcher, County Judge of Klamath county.

All of which is respectfully submitted.

JOHN Y. LIND,
Secretary.

By JOHN H. STEWARD, Assistant Secretary.

Senate bill No. 34, an Act to pay James McMahon for services to the State.

Read a first and second time, considered in Committee of the Whole, read a third time and passed.

Senate bill No. 102, concerning the office of Public Administrator.

Read a first and second time, rule suspended, read a third time and passed.

Assembly bill No. 117, an Act supplementary to the Act incorporating the city of Benicia, reported from the Senate ;

On motion, laid upon the table.

Assembly bill No 62, an Act declaring Mission creek, in the county of San Francisco, a navigable stream.

Amended in the Senate, which amendments were concurred in by the House.

Mr. Bostwick gave notice that, on to-morrow, he would move to change the first standing rule of the House, so as to provide for two sessions per day.

Mr. Ashley gave notice that, at an early day, he would introduce a bill for an Act to create a new county to be called the county of Pajaro.

Mr. Herbert introduced a bill for an Act for the relief of John Boling, sheriff of Mariposa county.

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

Mr. Conness introduced a bill for an Act to repeal the several Acts providing for the payment of Expeditions against the Indians in this State.

Read a first and second time, and referred to Committee on Indian Affairs.

On motion of Mr. O'Neil, the second rule of the House was amended so as to read as follows :

After the reading and approval of the Journal, the order of business shall be as follows :

1. Presentation of Petitions.
2. Reports of Standing Committees.
3. Reports of Select Committees.
4. Messages from the Governor.
5. Messages from the Senate.
6. Motions, Resolutions and Notices.
7. Introduction of Bills.
8. Third reading of Bills.
9. Unfinished Business of preceding day.
10. Special Order of the day.

Mr. Dannels introduced a bill for the protection of owners of buildings and other fixtures to the soil in the mining districts of this State.

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

Mr. Herbert gave notice that he would at an early day, introduce a bill appropriating out of the State Treasury a contingent fund for the use of the Attorney General of this State.

Mr. McDonald introduced a bill an Act for the relief of John Ridgely, M. D.

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

Mr. Hunt introduced a bill for an Act to authorize the incorporation of the city of San Bernardino.

Read a first and second time, and referred to Committee on Corporations.

Mr. Conness, on offered the following, which,

On motion, was laid upon the table :

Resolved, That after this day no member shall speak for more than five minutes on any question at any one time, except by leave of two-thirds of the House.

Mr McBrayer gave notice that at an early day he would introduce a bill declaring Sacramento the permanent Capital of the State, and making provision for the erection of necessary public buildings.

Mr. Hastings gave notice that on to-morrow, or some future day, he would introduce a bill for an Act to require State Officers to report expenditure of Contingent Fund, &c., placed at their disposal.

On motion, indefinite leave was granted to Mr. Clingan, in consequence of ill health.

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

HOUSE OF ASSEMBLY.

WEDNESDAY, March 29, 1854.

House met pursuant to adjournment.

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

Messrs. Aylett, Bostwick, Briggs, Carr, Conness, Hastings, Henry, Hubert, Lindsey, McBrayer, McGee and Rowan.

The Journal of Tuesday was read and approved.

On motion, leave of absence was granted to Mr. Carr for two days, to Mr. McGee for five days, Mr. Fairfax, indefinite, in consequence of ill health ; to Mr. J. W. Park for three days, to Mr. Hastings for one day, and to Mr. Bostwick for four days.

Mr. Ashley presented a petition from citizens of Monterey, Santa Cruz, and Santa Clara praying for the erection of a new county out of portions of the territory of the above named counties.

Petition read, and referred to the delegations from the above counties.

Mr. Gordon presented a petition from citizens of Calaveras praying for the passage of a law embracing the provisions of the Maine Liquor Law.

Petition read, and referred to special committee, of which Mr. Letcher is chairman.

Mr. Fairfield made the following report :

The Committee on Claims, to whom was referred the claims of W. F. McLean, respectfully beg leave to report, that they have had the same under consideration, and report it back to the House, and recommend it be indefinitely postponed.

The report of committee adopted.

Mr. Watkins, chairman, made the following report :

The Committee on Corporations, to whom was referred Assembly bill No. 202, have had the same under consideration, and have instructed me to report it back without amendment, and recommend its passage.

Assembly bill No. 202, an Act to authorize the Incorporation of the city of San Bernardino, above reported,

Considered as engrossed, read a third time, and passed.

Mr. Herbert, chairman, made the following report :

The Committee of Ways and Means, to whom was referred a petition from the citizens of Santa Barbara county, have had the same under consideration, and ask leave to report the same back to the House, and recommend that it be laid on the table for the present.

Petition, on motion, laid on the table.

Mr. Herbert, chairman, made a further report :

The Committee of Ways and Means, to whom was referred Assembly bill No. 144, entitled an Act concerning Poll Taxes, have had the same under consideration, and ask leave to report the same back to the House, and recommend that it do not pass.

Assembly bill No. 144, and Act concerning Poll Tax, reported by Committee of Ways and Means,

On motion, laid on the table.

Mr. Herbert, chairman, made a further report :

The Committee of Ways and Means, to whom was referred a bill entitled an Act making appropriations for the payment of the per diem of Members and Officers of the Legislature, have had the same under consideration, and ask leave to report the same back to the House, and recommend that it do not pass.

Assembly bill No. 159, above reported, on its third reading, vote taken, and did not pass.

Mr. Myres, chairman, made the following report :

The Judiciary Committee have had under consideration Senate bill No. 47, entitled an Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

Also, Senate bill No. 55, entitled an Act relative to transferring Actions and Proceedings from one Court to another Court, to which severally the committee have made amendments, and respectfully recommend their passage.

Senate bill No. 47, an Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853, on its third reading.

Mr. Gordon offered an amendment, providing that the bill should not extend to the Courts of San Francisco.

Not agreed to.

The bill was then read a third time and passed.

Senate bill No. 55, an Act relative to transferring Actions and Proceedings from one Court to another Court.

Amendments proposed by the committee adopted by the House.

The bill read a third time and passed.

Mr. Stemmons, chairman, made the following report :

The Committee on Agriculture, to whom was referred a bill to prevent fraud in the sale of Domestic Animals, have had the same under consideration, beg leave to report the same back to the House, and recommend that it do not pass.

Assembly bill No 200, an Act to prevent frauds in the sale of Domestic Animals, reported back by Committee on Agriculture, on its third reading,

House refused to pass the bill.

Mr. O'Neil made the following report :

The Committee on Engrossed Bills have examined and find correctly engrossed, an Act amendatory of an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 25, 1851

Mr. Tivy, chairman, made the following report .

The Joint Committee on Enrolled Bills have carefully examined Assembly Joint

Resolutions in relation to the establishment of a free watering place in Humboldt Desert.

Assembly bill entitled 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.

Assembly bill entitled an Act to amend an Act concerning the Writ of Habeas Corpus, passed April 20, 1850.

And Assembly bill entitled an Act to provide for the election of a Justice of the Peace for the town of Santa Clara and define his Jurisdiction, and find the same correctly enrolled.

Mr. Letcher made the following report :

The Santa Clara Delegation, to whom was referred Assembly bill No. 201, an Act to amend the seventh section of an Act entitled an Act to incorporate the City of San Jose, passed March 27, 1850, beg leave to report the same back to the House without amendment, and recommend its passage.

Assembly bill No. 201, an Act to amend the seventh section of an Act to Incorporate the city of San Jose, passed March 27, 1850.

Read a third time and passed

Mr. Bagley, chairman, made the following report :

The Committee on State Prisons respectfully submit the following report :

Your committee are opposed to repealing sections sixth, seventh, and seventeenth, for the following reasons :

Section sixth provided for the appointment of a Board of Inspectors by the Governor with the advice and consent of the Senate And your committee would further state, that if said provision be stricken out, it leaves the State Prison entirely independent of the State Government, which would no doubt lead to results injurious to the community.

Section seventh provided for peculiar duties of said Inspectors, one of which shall be to make a report. Your committee also state, that they have received no paper or document purporting to be a report of said institution.

Assembly bill No. 111, an Act to amend an Act providing for securing the State Prison Convicts; on its third reading,

On motion, laid on the table.

Mr. Godard offered the following, which was adopted :

Resolved, That the State Prison Committee be instructed to visit immediately the State Prison, and examine the same, and report to the House the number of prisoners confined therein, their condition, and the provisions made for their security. Also, whether the prison buildings are constructed according to the contract for their erection, the capacity of the same, and such suggestions as may be necessary for the future safety and protection of the prisoners.

Mr. Watkins moved to amend the first standing rule of the House, agreeably to notice given by Mr. Bostwick on yesterday, as follows :

The Speaker shall take the chair at the hour of meeting, shall immediately call the House to order, and on the appearance of a quorum at the morning session, shall cause the Journal of the preceding day to be read.

The House shall meet, for the morning session, at half-past nine o'clock, and shall take a recess at half-past twelve o'clock, and shall meet for the afternoon session at the hour of two o'clock.

Mr. Fairfax moved to amend by fixing the hour of adjournment at one o'clock, instead of half-past twelve; and three o'clock instead of two o'clock

Mr. Purdy moved to lay the whole subject upon the table. Agreed to.

The following message was received from the Senate :

I am directed to inform the Assembly, that the Senate passed, this day, a bill entitled an Act to authorize the construction of a wharf at Pulgas Rancho, in the county of San Francisco, to which they respectfully ask the concurrence of the Assembly.

JOHN Y. LIND,
Secretary.

Senate bill, No. 70, above reported from the Senate.

Read a first and second time, and referred to the Committee on Commerce.

On motion of Mr. Godard, Assembly bill, No. 100, an Act to amend an Act entitled an Act to regulate proceedings in Criminal Cases, passed May 1, 1851, was made the special order of the day for Friday next, at twelve o'clock.

Mr. Spencer gave notice that, on to-morrow, he would introduce a bill for an Act to Fund the debt of Humboldt county.

Mr. McDonald gave notice that, on to-morrow he would introduce a bill to secure the rights of Appellants in the Supreme Court of this State.

Mr. Myres moved to take from the table Senate bill, No. 92, an Act concerning County Judges.

Agreed to.

The bill was then amended, read a third time and passed.

Mr. Bagley moved to take from the table a resolution heretofore offered by Mr. Griffith, inviting Doct. Winslow to deliver a lecture at the Capital.

Mr. Kellogg moved to lay the motion on the table.

Not agreed to.

The motion to take from the table,

Agreed to.

Mr. Sweasey moved to adjourn.

Not agreed to.

The resolution was then adopted.

Mr. Bagley introduced a bill for an Act to limit the hours of labor.

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

Mr. Ashley introduced a bill for an Act to create the county of Pajara.

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

Mr. Stevenson introduced a bill for an Act to amend sections first and fifteenth of article eighth of the Act to provide revenue for the State.

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

Mr. Tivy, chairman, made the following report .

The Joint Committee on Enrolled Bills have examined, and found correctly enrolled, an Act to pay James McMahon for services to the State.

Mr. O'Neil introduced a bill for an Act to authorize the Secretary of State to issue State Licenses to Hawkers and Pedlars.

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

Mr. Davidson introduced a bill for an Act to protect stock growers from losses by noxious animals.

Read a first and second time, and referred to Committee of the Whole House.

Mr. Sweasey introduced the following bills :

A bill for an Act to empower Courts of Sessions to change or alter the name of persons.

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

Also, a bill for an Act to secure the most suitable edifice for public buildings in this State.

Read a first time, and ordered to a second reading on

Assembly bill, No 168, an Act to extend the time for the final settlement of the collector of Butte county, amended.

Read a third time and passed.

Assembly bill, No. 177, an Act to amend an Act entitled an Act concerning the salaries of officers and members of the Legislature, passed May 11, 1852.

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

Assembly bill, No. 86, an Act creating a Board of Commissioners and the Office of Overseer, in each township of the several counties, to regulate Water Courses within their respective limits, with a substitute pending,

On motion, made the special order for Monday next at 12 o'clock.

Senate bill, No. 63, an Act to provide for building and furnishing a Jail in Sacramento county.

Read a third time and passed.

Assembly bill, No. 180, an Act to provide for the erection of public buildings in the county of Napa.

Considered as engrossed, read a third time and passed.

Assembly bill, No. 114, substitute for an Act concerning lawful fences and animals trespassing on lands lawfully enclosed, on its third reading,

On motion, made the special order for Tuesday next at 12 o'clock.

Assembly Joint Resolution, 167, concerning the donation of lands in California for the construction of Railroads in this State.

Read a second time, and referred to Committee on Corporations.

Assembly bill, No. 191, an Act to prevent the abuse of Judicial and other Officers from this State.

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

Mr. Fairfax gave notice that on to-morrow or some early day thereafter, he or Mr. McDuffie would introduce a bill to suppress Gambling.

Assembly bill, No. 192, an Act to locate the County Seat of El Dorado county.

Read a second time, and referred to El Dorado delegation.

Assembly bill No. 195, an Act to amend an Act concerning the official bonds of officers.

Read a second time and referred to Judiciary Committee.

Assembly bill no. 197, an Act amendatory of an Act entitled an Act concerning Divorces, passed March 25, 1851.

Read a second time and referred to Judiciary Committee.

Assembly bill No. 198, an Act amendatory of an Act to fix the compensation of County Judges and Associate Justices of the Courts of Sessions, passed May 17, 1853.

Read a second and third times and lost.

Senate bill No. 93, an Act to extend the provisions of an Act for the protection of Game to the county of Tuolumne.

Read a second time and referred to the Tuolumne delegation.

Assembly bill No. 186, an Act for the relief of certain persons therein named.

Read a second time and referred to Committee on Claims

Assembly bill No. 183, an Act explanatory of an Act entitled an Act to incorporate the city of Los Angeles, approved April 4, 1850.

Read a second time and referred to delegation from Los Angeles.

Assembly bill No. 185, an Act to fund the debt of the county of Solano, and to provide for the payment thereof.

Read a second time and referred to delegation from Solano.

Assembly bill No 181, an Act concerning the organization of the Militia

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

Senate bill No. 93, for an Act to repeal an Act entitled an Act to authorise the Treasurer of the State to make special deposits, passed May 4, 1852

Read a second time and referred to Committee of Ways and Means

Assembly joint resolutions No. 194, in relation to an Act of Congress concerning private land claims in the State of California.

Read a second time and referred to Committee on Public Lands.

Assembly bill No. 189, an Act to amend an Act entitled an Act to incorporate the city of Sacramento, passed March 26, 1851.

Read a second time and referred to Sacramento delegation.

Assembly bill No. 182, an Act to amend the 54th section of the 10th article of an Act entitled an Act to provide revenue for the support of the Government of this State, passed May 18, 1853.

Read a second time and referred to Committee of Ways and Means.

Assembly bill No. 26, an Act to reduce the salaries of State officers and the pay of members of the Legislature.

Mr. Bradford moved to recommit the bill to the Select Committee, with instructions to increase the salary of Judges of the Supreme Court, upon which motion Messrs. Ashley, Gordon and Watkins demanded the yeas and nays.

Those voting in favor of recommitment were—

Messrs. Bradford, Carrillo, Dannels, Dawley, French, Hunt, Musser, Myres, McDonald, McDuffie, McKinney, Nichols, O'Neil, Purdy, Ring, Rowan, Springer, Stowe, Tallmadge, Tivy, Whipple and Whitman—22.

Those voting against recommitment were—

Messrs. Anderson, Ashley, Bennett, Bowie, Burton, Clingan, Cornwall, Davidson, Ewer, Fairfield, Gilbert, Gordon, Green, Griffith, Hagans, Hastings, Hollister, Horr, Houghtaling, Hubbard, Hunter, Koll, Letcher, Lindsey, Mandeville, McDaniel, Noel, Pratt, Stenmons, Stevenson, Warmcastle, and Watkins—33.

So the House refused to recommit the bill.

Mr. Bradford moved a call of the House.

Call not sustained

Mr. McDuffie moved to adjourn.

Not agreed to.

Mr. McDuffie moved a call of the House.

Not sustained.

Mr. French moved to take a recess for one hour.

Not agreed to.

Mr. French moved to lay the amendment under consideration upon the table.

Not agreed to.

Mr. French moved to adjourn.

Not agreed to.

Mr. French moved a call of the House.

Call not sustained

Mr. Mandeville moved the previous question, upon which Messrs. French, Myres and Bagley demanded the yeas and nays.

YEAS.

Messrs. Anderson, Ashley, Bennett, Burton, Clingan, Cornwall, Ewer, Fairfield, French, Gordon, Green, Griffith, Hagans, Hastings, Horr, Houghtaling, Hubbard, Hunt, Letcher, Lindsey, Mandeville, McBrayer, Noel, Stevenson, Tivy, and Watkins—26.

NAYS.

Messrs. Ballou, Bowie, Bradford, Carrillo, Dannels, Davidson, Dawley, Hunter, Kellogg, Koll, Musser, Myres, McDonald, McDuffie, McDaniel, McKinney, Nichols, O'Neil, Pratt, Ring, Rowan, Springer, Stemmons, Stowe, Tallmadge, Warmcastle, Whipple and Whitman—28.

So the previous question was not sustained.

Mr. O'Neil moved to adjourn.

Not agreed to.

Mr. French moved to lay the whole matter on the table.

Not agreed to.

Mr. Whitman moved to indefinitely postpone the amendment.

Not agreed to.

Mr. Bagley moved a call of the House.

Call not sustained.

The amendment was then adopted.

Mr. Mandeville offered the following amendment which was adopted; add to section first, "provided the provisions of this Act shall not apply to the present incumbents."

Mr. McDuffie moved to strike out \$6,000 for salary of Judges of the Supreme Court, and insert \$8,000.

Not agreed to.

On motion, the bill was ordered engrossed for a third reading on to-morrow.

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

 HOUSE OF ASSEMBLY.

THURSDAY, March 30, 1854.

House met pursuant to adjournment.

The roll was called and the following members were absent :

Messrs. Aylett, Bagley, French, Gordon, Griffith, Herbert, Horr, Hubert, Nichols and Rowan.

The Journal of Wednesday was read and approved.

Mr. Tallmadge made the following minority report:

A minority of the committee, to whom was referred sundry bills to provide for Public Printing, have had under consideration, Assembly bill No. 129, entitled an Act to amend the Act to provide for the Public Printing, passed April 29, 1852, and beg leave to report it back with recommendation that it do not pass.

Also, Assembly bill No. 139, and report it back and recommend that it pass, and that blanks in relation to the number of copies of Laws and Journals to be printed

be filled in accordance, with the recommendation of the Secretary of State in his communication to this House, February 10, 1854.

TALLMADGE,
BRIGGS.

Mr. Herbert made the following report :

The majority of the Committee on Printing, have had Assembly bills Nos. 129 and 139, under consideration and ask leave to report back to the House a substitute for the same, and recommend its passage.

NOEL,
HASTINGS,
HERBERT,
HOUGHTALING,

The substitute offered by the majority of the Committee on Printing, Read a first time, 240 copies ordered to be printed, and the whole subject made the special order for Friday week next, at 11 o'clock.

Mr. Myres, chairman, made the following report :

A portion of the Judiciary Committee, having had under consideration Assembly bill 172, to divide the Tenth Judicial District and to create a new Judicial District, report the same back, and recommend that it be referred to a committee, formed of one, from each of the delegations of Yuba, Nevada, Sierra and Sutter.

Report of the committee adopted, and Messrs. Sweetland, James, Hastings and McDuffie were appointed said committee.

Mr. Myres, chairman, made the following report :

The Judiciary Committee, have had under consideration, Assembly bill, No. 172 entitled an Act to divide the Tenth Judicial District, and to create a new Judicial District and to fix the terms thereof, and recommend that it do not pass.

Also, Assembly bill No. 196, entitled an Act to provide for the creation of a Board of Commissioners to revise the practice in the Courts of Justice in this State, and define their duties.

Also, Assembly bill No. 50, entitled an Act in relation to State Prison Bonds, which severally the committee recommend be indefinitely postponed.

Assembly bill No. 94, entitled an Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850, the committee herewith report with amendments to the fortieth and forty second sections of said Act, and recommend the passage of the bill as amended. The committee further recommend that the proposed amendment to section fourteen of said Act concerning witnesses and accompanying the above entitled bill, be not adopted.

The committee also recommend that Assembly bill No. 162; entitled an Act to amend an Act entitled an Act concerning Crimes and Punishments, passed April 16, 1850, be indefinitely postponed.

Assembly bill No. 196, an Act to provide for the creation of a Board of Commissioners to revise the practice in the Courts of Justice of this State and to define their duties.

Read a third time and did not pass.

Assembly bill No. 50, an Act in relation to State Prison Bonds; on its third reading,

On motion, made the special order for 12 o'clock, on Wednesday next

Assembly bill reported back by the Judiciary Committee, an Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850, with amendments.

The first amendment as follows : Sec. 1. Section fourteen of an Act concerning

Crimes and Punishments, passed April 16, 1850, is hereby amended so as to read as follows: "No black or mulatto person, Mongolian, Malay, or Indian, shall be permitted to give evidence in favor of, or against any white person. Every person who shall have one-eighth part or more of negro blood shall be deemed a mulatto, and every person who shall have one-half of Indian blood, shall be deemed an Indian."

Mr. Conness moved to adjourn.

Not agreed to.

Mr. Fairfield moved to lay the amendment on the table.

Not agreed to.

On the adoption of the amendment, Messrs. Watkins, McBrayer and Irwin demanded the yeas and nays.

Those who voted in favor of the amendment were—

Messrs. Anderson, Bradford, Carrillo, Cornwall, Davidson, Dawley, Ewer, French, Griffith, Hastings, Henry, Herbert, Horr, Hubbard, Hunter, Irwin, Koll, Mandeville, Musser, Myres, McBrayer, McDuffie, Noel, O'Neil, F. A. Park, Stemmons, Stevenson, Sweetland, Tivy and Mr. Speaker—29.

NAYS.

Messrs. Ashley, Bagley, Ballou, Bennett, Bowie, Briggs, Burton, Clingan, Conness, Dannels, Fairfield, Gilbert, Godard, Gordon, Green, Hagans, Hollister, Houghtaling, Hoyt, Hunt, Kellogg, McDonald, McKinney, Nichols, Pratt, Purdy, Ring, Spencer, Stowe, Sweasey, Tallmadge, Van Cleft, Warmcastle, Watkins, Whipple and Whitman—37.

So the amendment was not adopted.

Mr. Hoyt moved to adjourn, and Messrs. O'Neil, Griffith and F. A. Park demanded the yeas and nays:

YEAS.

Messrs. Ashley, Ballou, Bennett, Clingan, Conness, Dannels, Green, Henry, Houghtaling, Hoyt, Purdy, Ring, Spencer, Sweasey, Tallmadge and Watkins—16.

NAYS.

Messrs. Anderson, Bagley, Bowie, Bradford, Briggs, Burton, Carrillo, Cornwall, Davidson, Dawley, Ewer, Fairfield, French, Godard, Gordon, Griffith, Hagans, Hastings, Herbert, Hollister, Horr, Hubbard, Hunt, Hunter, Irwin, Kellogg, Koll, Mandeville, Musser, Myres, McBrayer, McDonald, McDuffie, McKinney, Nichols, Noel, O'Neil, F. A. Park, Pratt, Rowan, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Van Cleft, Warmcastle Whipple, Whitman and Mr. Speaker—50.

So the House refused to adjourn.

Mr. McKinney moved to re-consider the vote which refused to adopt the amendment under consideration.

Mr. Conness moved to adjourn.

Not agreed to.

Mr. Ashley demanded a call of the House.

Call was not sustained.

Mr. Ashley moved to adjourn.

Not agreed to.

Mr. Hoyt moved to lay the motion to reconsider on the table.

Not agreed to.

On the motion to reconsider the vote, Messrs. Whipple, Watkins and Warmcastle demanded the yeas and nays.

YEAS.

Messrs. Anderson, Bagley, Bradford, Carrillo, Cornwall, Davidson, Dawley, Ewer, French, Griffith, Hagans, Hastings, Henry, Herbert, Horr, Hubbard, Hunter, Irwin, Koll, Lindsey, Mandeville, Musser, Myres, McBrayer, McDuffie, McDaniel, McKinney, Noel, O'Neil, F. A. Park, Rowan, Stemmons, Stevenson, Sweetland, Tivy and Mr. Speaker—36.

NAYS

Messrs. Ashley, Ballou, Bennett, Bowie, Clingan, Conness, Dannels, Fairfield, Gilbert, Godard, Gordon, Green, Hollister, Houghtaling, Hoyt, Kellogg, McDonald, Nichols, Pratt, Purdy, Ring, Spencer, Stowe, Sweasey, Tallmadge, Warmcastle, Watkins, Whipple and Whitman—29.

So the vote was reconsidered.

Mr. Green moved to adjourn.

Not agreed to.

On the adoption of the amendment, Mr. French demanded the previous question.

Mr. Conness moved a call of the House, and Messrs. Conness, Green and Ballou demanded the yeas and nays

YEAS.

Messrs. Ashley, Bagley, Ballou, Bennett, Bowie, Bradford, Carrillo, Clingan, Conness, Ewer, Fairfield, Gilbert, Godard, Gordon, Green, Hagans, Hollister, Hoyt, Hunt, Kellogg, Mandeville, Musser, McDonald, Nichols, Pratt, Ring, Spencer, Sweasey, Tallmadge, Warmcastle, Whipple and Whitman—32.

NAYS.

Messrs. Anderson, Cornwall, Dannels, Davidson, Dawley, French, Griffith, Hastings, Henry, Herbert, Horr, Houghtaling, Hubbard, Hunter, Irwin, Koll, Lindsey, Myres, McDuffie, McDaniel, McKinney, Noel, O'Neil, F. A. Park, Rowan, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Watkins and Mr. Speaker—32.

There being an equal number of votes, the motion was lost, so the House did not sustain the call.

The previous question was then sustained.

Mr. Conness rose to a question of order, in reference to the effect of the previous question, contending that the passage of the bill was the main question.

The Chair decided (Mr. Mandeville in the chair) that the main question was the third reading of the bill,

From which decision Mr. Conness appealed.

The House sustained the decision of the Chair,

And upon the adoption of the amendment under consideration, Messrs. Tallmadge, French and Hubbard demanded the yeas and nays.

YEAS.

Messrs. Anderson, Bagley, Bradford, Carrillo, Cornwall, Davidson, Dawley,

French, Griffith, Hagans, Hastings, Henry, Herbert, Horr, Houghtaling, Hubbard, Hunter, Irwin, James, Koll, Lindsey, Mandeville, Musser, Myres, McBrayer, McDuffie, McDaniel, McKinney, Noel, O'Neil, F. A. Park, Rowan, Stemmons, Stevenson, Sweetland, Tivy, and Mr. Speaker—37.

NAYS.

Messrs. Ashley, Ballou, Bowie, Clingan, Conness, Dannels, Gilbert, Godard, Green, Hollister, Hoyt, Hunt, Kellogg, McDonald, Nichols, Pratt, Ring, Spencer, Sweasey, Tallmadge, Van Cleft, Warmcastle, Watkins, and Whitman—24.

So the amendment was adopted.

On the adoption of the second amendment, section 5th of the bill, Messrs. Tallmadge, Hubbard and Green demanded the yeas and nays.

Those who voted in favor of the adoption of the amendment were—

Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Carrillo, Clingan, Conness, Dannels, Davidson, Dawley, Gilbert, Godard, Gordon, Green, Griffith, Hagans, Hastings, Hollister, Houghtaling, Hubbard, Kellogg, Lindsey, Mandeville, Musser, McDonald, O'Neil, F. A. Park, Ring, Spencer, Stemmons, Sweetland, Tallmadge, Tivy, Warmcastle, and Watkins—36.

Those who opposed the adoption of the amendment were—

Messrs. Bowie, Cornwall, French, Henry, Herbert, Horr, Hunt, Hunter, Irwin, James, Koll, Myres, McBrayer, McDuffie, McKinney, Nichols, Noel, Rowan, Stevenson, Van Cleft, Whitman, and Mr. Speaker—22.

So the amendment was adopted.

The question then came up on the adoption of the third amendment, section 6th of the bill, Messrs. Tallmadge, Gordon and Kellogg demanding the yeas and nays.

Those who voted for the adoption of the amendment were—

Messrs. Anderson, Ashley, Ballou, Bennett, Briggs, Burton, Carrillo, Clingan, Conness, Dannels, Davidson, Gilbert, Godard, Gordon, Green, Hagans, Hastings, Hollister, Houghtaling, Hoyt, Kellogg, Lindsey, Mandeville, Musser, O'Neil, F. A. Park, Ring, Spencer, Stemmons, Tallmadge, Tivy, Warmcastle, Watkins, and Whipple—35

Those who voted against the adoption of the amendment were—

Messrs. Bagley, Cornwall, Dawley, French, Henry, Herbert, Horr, Hunter, Irwin, James, Myres, McBrayer, McDuffie, McKinney, Nichols, Noel, Rowan, Van Cleft, and Mr. Speaker—19.

So the amendment was adopted

The bill was then read a third time.

Mr. Hoyt moved to adjourn.

Not agreed to.

On motion of Mr. Fairfax, made the special order for Saturday next at 12 o'clock.

A communication was received from Dr. W. D. Aylett, tendering his resignation as a member of the Assembly, and the Clerk was directed to notify the Governor of the same.

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

HOUSE OF ASSEMBLY.

FRIDAY, March 31, 1854.

House met pursuant to adjournment.

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

Messrs. Bagley, Gilbert, Herbert, McDonald, McGee, Nichols and Van Cleft.

The Journal of Thursday was read, amended and approved.

On motion, leave of absence was granted to Mr. Carr for two days, and Mr. McDonald for one day.

Mr. Briggs presented a petition, numerously signed by citizens, praying for the passage of a law to leave to the vote of the people the permanent location of the county seat of El Dorado county.

Mr. Fairfield, chairman, made the following report :

The Committee on Claims have had under consideration Senate bill No. 64, and beg leave to report it back to the House and recommend its passage.

Senate bill above reported, an Act for the relief of John F. Hayes, on its third reading, considered in Committee of the Whole, read a third time and passed.

Mr. Conness made the following report :

The Committee on Claims, to whom was referred an Act for the relief of John Ridgely, M. D., have had the same under consideration, and ask to submit the following report—

From various certificates accompanying the claim, it appears that Dr. Ridgely was employed by the late Dr. Dickson to fill his place during the temporary absence of that gentleman from the small-pox department of the State Marine Hospital at San Francisco. But it does not appear that the said Ridgely was authorised by any other person than that of Dr. Dickson to perform the services referred to, consequently Dr. Ridgely should not look to the State for compensation. If, by any construction whatsoever, the services of Dr. Ridgely could be made to assume the form of a claim, as against the public treasury, it belongs solely to the Trustees of the State Marine Hospital to consider it. Therefore, the committee recommend the indefinite postponement of the bill.

Assembly bill No. 203, an Act for the relief of John Ridgely, on its third reading, motion made to indefinitely postpone the bill.

The hour of 12 having arrived, the Speaker informed the House that there was a special order for this day and hour.

Mr. Conness moved to pass over the special order for the present.

Agreed to.

Mr. Gordon moved to lay the bill on the table.

Not agreed to.

Upon the adoption of the motion to indefinitely postpone the bill, Messrs. Conness, Mandeville and Houghtaling demanded the yeas and nays.

YEAS.

Messrs Ashley, Ballou, Bennett, Burton, Conness, Cornwall, Davidson, Ewer, Fairfield, Hagans, Hoyt, Hunt, Irwin, Koll, Letcher, Lindsey, Mandeville, McBray-

er, F. A. Park, Pratt, Ring, Rowan, Springer, Stowe, Tallmadge, Warmcastle, and Watkins—27.

NAYS.

Messrs. Anderson, Bowie, Bradford, Briggs, Clingan, Dannels, Dawley, Gilbert, Godard, Gordon, Green, Hastings, Hollister, Houghtaling, Hubbard, Hunter, James, Kellogg, Musser, Myres, McDuffie, McKinney, Nichols, Noel, O'Neil, Purdy, Spencer, Stemmons, Stevenson, Sweasey, Sweetland, Tivy, Whipple, and Mr. Speaker—34.

So the House refused to indefinitely postpone.

On motion of Mr. Nichols, the House resolved itself into Committee of the Whole, Mr. Mandeville in the chair, to consider the bill; after spending some time in its consideration, and amending the same,

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

The committee was discharged, and the amendment made in Committee of the Whole

Concurred in by the House.

The bill considered as engrossed, and read a third time, and on its final passage Messrs. Conness, Bradford and McBrayer demanded the yeas and nays.

YEAS.

Messrs. Anderson, Bowie, Bradford, Briggs, Clingan, Dawley, Gilbert, Godard, Green, Henry, Hubbard, Hunter, James, Musser, McDuffie, McKinney, Nichols, Noel, O'Neil, Spencer, Stemmons, Sweetland, Tivy, Whipple and Mr. Speaker—35.

NAYS

Messrs. Ashley, Ballou, Bennett, Burton, Conness, Cornwall, Dannels, Davidson, Ewer, Fairfield, Gordon, Griffith, Hagans, Hastings, Hollister, Horr, Houghtaling, Hoyt, Hunt, Irwin, Kellogg, Koll, Letcher, Lindsey, Mandeville, Myres, McBrayer, F. A. Park, Pratt, Purdy, Ring, Rowan, Springer, Stevenson, Stowe, Sweasey, Tallmadge, Van Cleft, Warmcastle and Watkins—40.

So the House refused to pass the bill.

Mr. Mandeville moved to reconsider the vote which passed Senate bill No 64, for the relief of John F. Hays.

Vote reconsidered,

And the House refused to pass the bill.

Mr. Irwin gave notice that he would move, on to-morrow, a reconsideration of the vote which refused to pass the bill under consideration.

Mr. Gordon gave notice that on to-morrow he would move a reconsideration of the vote which refused to pass the bill for the relief of John Ridgely, M. D.

Mr. Tivy, chairman, made the following report.

The Joint Committee on Enrolled bills have examined and found correctly enrolled, the following Acts, viz :

An Act declaring Mission Creek, in the county of San Francisco, a navigable stream.

An Act to create the county of Stanislaus, to define its boundaries, and to provide for its organization.

An Act fixing the compensation of the County Judges of Santa Barbara and Santa Clara counties; and

Joint Resolutions granting four months leave of absence to Edward P. Fletcher, County Judge of Klamath county.

Mr. Myres, chairman, made the following report

The Judiciary Committee, to whom was referred the Governor's Special Message, relative to the Leidesdorff Estate, together with a communication from the Attorney General upon the same subject, have had the same under consideration, and in accordance with the opinions therein expressed, report herewith the two accompanying bills, and recommend their passage at an early day.

Mr. Myres, form Judiciary Committee, introduced the following bills :

An Act to amend an Act entitled an Act concerning Escheated Estates, approved May 4, 1852.

Read a first and second time, and 240 copies ordered to be printed.

Also, an Act to amend an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April 29, 1851.

Read a first and second time, and 240 copies ordered to be printed.

Mr. Dawley, chairman, made the following report :

The Committee on Commerce and Navigation, to whom was referred a bill entitled an Act to authorize the construction of a Wharf at the Pulgas Rancho, respectfully report, that they have considered the provisions of said bill, and report it back without amendments, and recommend that the bill pass.

Senate bill No. 70, above reported, read a third time and passed.

Mr. Dannels, chairman, made the following report ;

The Committee on Mines and Mining Interests have had under consideration Assembly bill No. 58, for an Act for the protection of owners of buildings in the mining districts, and herewith report a substitute thereto, and recommend its passage.

They have also had under consideration Assembly bill No. 102, for an Act for the better development of the mineral resources of California, would report the same back without recommendation, and ask to be discharged from the further consideration of the subject.

Also, Assembly bill No. 61, a bill for an Act amendatory of an Act to provide for the protection of Foreigners, and define their liabilities and privileges, would report the same back with an amendment, as therein shown, and recommend its passage.

Assembly bill No. 206, substitute for No. 58, upon the same subject, an Act for the protection of owners of building lots in the mining districts.

Two hundred and forty copies of the substitute ordered to be printed, and the bills made the special order for Thursday next at 12 o'clock.

Assembly No. 61, a bill for an Act amendatory of an Act to provide for the protection of Foreigners, and to define their liabilities and privileges.

Mr. Myres offered an amendment to the bill as a substitute to an amendment offered by the committee,

Which was adopted

On motion, the bill was laid upon the table.

Assembly bill No. 102, for an Act for the better development of the mineral resources of California.

Reported back by Committee on Mines and Mining Interests, without any recommendation.

On motion, the bill was laid on the table.

Mr. Houghtaling moved a call of the House.

Call not sustained.

Mr. Ashley moved to take a recess for one hour.

Not agreed to.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined and find correctly engrossed,
An Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, and to repeal a like Act passed May 17, 1853, and an Act to fix the salary of the Judge of Placer County, approved May 18, 1853.

An Act to locate the County Seat of Sonoma county anew.

Assembly Joint Resolution relative to lands donated to this State by the United States.

An Act to reduce the salaries of State Officers, and the pay of Members of the Legislature.

An Act to extend the time for the final settlement of the Collector of Butte county.

An Act to provide for the erection of Public Buildings in the County of Napa.

And an Act to amend the seventh section of an Act entitled an Act to Incorporate the city of San Jose, passed March 27, 1850.

Assembly bill, No. 183, an Act explanatory of an Act entitled an Act to incorporate the city of Los Angeles, approved April 4, 1850.

Considered as engrossed, read a third time and passed.

Mr. Briggs made the following report :

The undersigned, a part of the committee to whom was referred a bill for an Act for the location of the County Seat of El Dorado county, beg leave to report the bill back to the House without amendment, and recommend its passage.

The undersigned, would state further, that Coloma, the present county seat, is 12 miles from the geographical centre of the county, and at an inconvenient distance from a very large majority of the population.

Some days since, a petition was received signed by about seven thousand of the citizens of El Dorado county, praying for the removal of the county seat from Coloma to Placerville.

A more recent petition, signed by about four thousand five hundred citizens has also been received, in which the petitioners express the desire that the location should be submitted to the people of the county at a special election.

The undersigned, believe this to be the most satisfactory mode of settling questions of this character, and much more republican, in principle, than a decision by a legislative body.

ALFRED BRIGGS,
HANNIBAL HOLLISTER.

Assembly bill, No. 192, an Act to locate the county seat of El Dorado county, above reported,

On motion, laid upon the table.

The following message was received from the Governor :

I have this day approved the following Joint Resolutions which originated in the Assembly, viz :

Joint Resolution in relation to the establishment of a free watering place in Humboldt Desert.

Joint Resolution instructing our Senators and requesting our Representatives to favor the passage of a law by Congress authorizing the Board of U. S. Land Commissioners to hold sessions at Los Angeles.

JOHN BIGLER.

The Speaker laid before the House a communication from the Secretary of State in reference to supplies for the Legislature.

Communication read and referred to Committee of Ways and Means.

The following message was received from the Senate :

I am instructed to inform the Assembly, that the Senate passed, this day, Assembly bill for an Act to incorporate the town of Alameda, with an amendment as therein shown.

Which is respectfully submitted.

JOHN Y. LIND,
Secretary.

Amendment of the Senate to the above bill, concurred in by the Assembly.

The following message was also received from the Senate :

I am instructed to inform the Assembly, that the Senate passed, yesterday, a bill for an Act authorizing the Mayor and Common Council of the City of Sacramento to issue City Bonds for certain purposes.

JOHN Y. LIND,
Secretary.

Senate bill, No. 106, above reported,

Read a first and second time, and referred to the delegation from Sacramento.

The following message was also received from the Senate :

I am instructed to inform the Assembly, that the Senate have, this day, refused to concur in Assembly amendment to Senate bill for an Act relative to transferring actions and proceedings from one Court to another Court, and request that a committee of conference be appointed. The Senate have appointed on their part Messrs Smith, Bryan and Hagar

Respectfully,

JOHN Y. LIND,
Secretary.

The House refused to recede from their amendments to the above Senate bill, and appointed Messrs. Myres, Griffith and Ashley as a Committee of Conference.

The following message was also received from the Senate :

I am instructed to inform the Assembly, that the Senate passed, yesterday, a bill for an Act concerning the Comptroller's and Treasurer's Offices.

JOHN Y. LIND,
Secretary.

Senate bill, No. 26, an Act concerning the Comptroller's and Treasurer's Offices.

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

On motion of Mr. Godard, Senate bill, No. 100, an Act to declare the head of navigation on the Tuolumne river, was taken from the table.

Read a third time and passed.

Special order of the day, Assembly bill, No. 100, taken up for consideration.

Mr. Ballou moved the indefinite postponement of the bill.

Mr. Ashley offered an amendment in relation to the challenge of Jurors.

Agreed to.

Mr. Myres moved to strike out the first and second sections of the bill.

Not agreed to

Mr. Gordon offered the following amendment ; add to the 5th subdivision the following—"except that in cases where the punishment is, or may be death, the counsel for the defendant shall be entitled to the closing argument."

Not agreed to.

Mr. Hoyt moved to adjourn.

Not agreed to.

Mr. Hoyt moved a call of the House.

Not sustained.

Mr. Whitman offered an additional section to the bill.

Agreed to.

Mr. Stevenson moved the previous question.

The previous question was sustained.

The bill was then read a third time, and Messrs. Hubbard, Hoyt and McBrayer demanded the yeas and nays upon the passage of the bill.

YEAS.

Messrs. Anderson, Ashley, Bowie, Bradford, Briggs, Burton, Cornwall, Dannels, Davidson, Ewer, Green, Hagans, Henry, Houghtaling, Hunt, Hunter, James, Kellogg, Letcher, Lindsey, Mandeville, Musser, Myres, McBrayer, McDuffie, McKinney, Nichols, Noel, O'Neil, Rowan, Spencer, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Watkins, Whipple and Whitman—39.

NAYS.

Messrs. Ballou, Bennett, Gordon, Hollister, Horr, Hoyt, Hubbard, McDaniel, F. A. Park, Pratt, Ring, Springer, Sweasey, Van Cleft and Warmcastle—15.

So the bill passed.

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

HOUSE OF ASSEMBLY.

SATURDAY, April 1, 1854.

House met pursuant to adjournment.

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

Messrs. Bagley, Clingan, Dawley, French, Gilbert, Griffith, Hastings, Herbert, McDuffie, Purdy, Stowe, Warmcastle and Mr. Speaker.

The Journal of Friday was read and approved.

On motion, leave of absence was granted to Mr. Carrillo for two days ; to Mr. French for two days ; to Mr. Dawley for two days ; to Mr. Gilbert for one day ; to Mr. Warmcastle for three days ; and to Mr. Herbert for two days.

Mr. Watkins, chairman, made the following report :

The Committee on Corporations, to whom was referred the Assembly bill, No. 188, have had the same under consideration, and have instructed me to report the same back with amendments and recommend its passage.

Assembly bill No. 188, an Act amendatory of an Act entitled an Act to provide for the incorporation of Railroad Companies, approved April 22, 1853.

Amendments offered to the second and fifth sections by the committee, adopted by the House.

Mr. Green moved to lay the bill on the table.

Not agreed to.

Mr. Hubbard moved to make the bill the special order for Monday next at 12 o'clock.

The hour of 12 having arrived, the Speaker informed the House that there was a special order for this day and hour.

Mr. Fairfax moved to pass over for the present special order.

Agreed to.

On motion of Mr. Hubbard, the bill was made the special order of the day for Saturday next at 12 o'clock.

Mr. McBrayer made the following report :

The Sacramento Delegation, to whom was referred Senate bill, No. 106, authorizing the Mayor and Common Council of Sacramento city, to issue City Bonds for certain purposes, have had the same under consideration, and beg leave to report the same back to the House, and recommend its passage.

Senate bill, No. 106, an Act authorizing the Mayor and Common Council of the city of Sacramento to issue City Bonds for certain purposes.

Read a third time and passed.

Mr. Tallmadge presented a petition from B. F. Bradford, praying for relief for provisions furnished overland emigrants.

Petition read and referred to Committee on Claims.

Mr. Bradford presented a petition from sundry citizens of San Joaquin county, praying for the passage of a law to protect fish in the waters near Stockton.

Petition read and referred to the delegation from San Joaquin.

Mr. Noel made the following report :

The Committee of Ways and Means, to whom was referred communication of the Secretary of the State, relative to necessary expenses incurred in furnishing the Legislature with stationery, fuel, &c., have had the same under consideration, and in accordance with the suggestions therein expressed, report back the following bill and recommend its passage.

Mr. Noel introduced a bill for an Act to provide for the payment of certain expenses.

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

Mr. Ashley made the following report :

The Judiciary Committee have duly considered Assembly bill No. 191, entitled an Act to prevent the absence of Judicial and other officers from this State.

Also, Assembly bill No. 195, entitled an Act to amend an Act concerning the official bonds of officers, herewith report the same to the House and recommend their passage.

Assembly bill No. 191, above reported, an Act to prevent the absence of Judicial and other officers from this State.

On motion, made the special order for Monday next at 12 o'clock.

Assembly bill No. 195, an Act to amend an Act concerning the official bonds of officers.

Reported back and laid upon the table.

Mr. Bradford, chairman, made the following report :

The Committee on Public Lands, to whom was referred Assembly joint resolutions in relation to an Act of Congress concerning private land claims in the State of California, report that they have considered the same and recommend their passage with an amendment :

Amend the title so as to read " Joint resolutions for the passage of a law by Congress making it the duty of the Attorney General of the United States to appeal each decision of the United States Board of Land Commissioners when such decision is adverse to the United States."

Amendment of the committee adopted by the House.

On motion, recommitted to the Committee on Public Lands.

M. O'Neil made the following report :

The Committee on Engrossments have examined and find correctly engrossed, an Act to authorise the incorporation of the city of San Bernardino, and

An Act explanatory of an Act entitled an Act to incorporate the city of Los Angeles, approved April 4, 1850.

Mr. Tivy made the following report :

The Joint Committee on Enrolled bills, on Wednesday, the 29th of March, presented to His Excellency, the Governor, for his approval, an Act to pay James McMahon for services to the State.

On Thursday, the 30th March, an Act to change the name of William Meyer to William Meyer Elton.

An Act amendatory to an Act incorporating the city of Marysville, and two Acts supplementary and amendatory thereto.

An Act to authorise the Court of Sessions of the county of Placer to reimburse William D Smith and Isaac A. Avery for money by them expended in constructing a wagon road across the Sierra Nevada mountains.

Joint resolutions in relation to the Board of U. S. Land Commissioners, and

Joint resolutions in relation to the establishment of a watering place in Humboldt Desert ;

And on Friday, the 31st, they presented to His Excellency for approval, 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.

An Act to amend an Act concerning the writ of Habeas Corpus, passed April 20, 1850.

An Act to provide for the election of a Justice of the Peace for the town of Santa Clara, and define his jurisdiction.

An Act declaring Mission creek, in the county of San Francisco, a navigable stream.

An Act to create the county of Stanislaus to define its boundaries, and to provide for its organization.

An Act fixing the compensation of the County Judges of Santa Barbara and Santa Clara counties ;

And joint resolution granting leave of absence to Edward P. Fletcher, County Judge of Klamath county.

Sacramento, April 1, 1854.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed, yesterday, Assembly bill for an Act to authorise A. H. Murdock and others to build a wharf at the town of Union, in Humboldt county, with an amendment as therein shown.

And a concurrent resolution and memorial of the Senate and Assembly in relation to postage in California.

All of which is respectfully submitted.

JOHN Y. LIND,
Secretary.

The amendment made in the Senate concurred in by the House to Assembly bill No. 106, an Act to authorise J. H. Murdock and others to build a wharf at the town of Union, in Humboldt county

Senate concurrent resolution in relation to postage in California.

Read and referred to Committee on Federal Relations.

Mr. Irwin moved to reconsider the vote which refused to pass a bill, on yesterday, for the relief of J. F. Hayes.

The House refused to reconsider.

On motion of Mr. Whitman, Assembly bill No. 117, in reference to amendments to the charter of Benicia, was taken from the table, and the amendments of the Senate concurred in by the Assembly.

On motion of Mr. Ashley, the House proceeded to consider Assembly bill No. 94, an Act to amend an Act concerning crimes and punishments, passed April 16, 1850.

Mr. O'Neil moved a call of the House.

Call not sustained.

On motion of Mr. McKinney, the bill was laid upon the table.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT, }
Sacramento City, March 31st, 1854. }

To the Senate and Assembly of California :

I have the honor herewith to transmit for the consideration of the Legislature, a copy of a communication received on the 25th instant, from the Clerk of the Court of the Fourth Judicial District, notifying the Executive that the "Hon. Delos Lake, Judge of the Fourth Judicial District, left the city of San Francisco on the steamer which sailed on the 16th instant, for the Atlantic States."

It is understood that the present Legislature, by resolution, which resolution, it is proper to state, was not presented for my approval, granted permission to Judge Lake to absent himself from the State for four months

The certificate of the clerk, herewith transmitted, is accompanied by a communication from the same officer, requesting the Executive "to direct some other District Judge to perform the duties of Judge Lake during his absence from the State," and also stating that "the number of causes on Calendar of February and March term is two hundred and twenty; on Calendar of next term—April and May—two hundred and fifty; total number at issue, four hundred and seventy; probable number not at issue, three hundred "

On a former occasion, in accordance with the provisions of the Act "concerning Courts of Justice of this State and Judicial officers," and before I had given the subject thorough examination, I exercised the power, and directed one District Judge to officiate in the district of another.

Since that time, however, I have given the subject careful consideration and satisfied myself that the exercise of such power is not within the scope of Executive duty, and clearly at variance with the spirit, if not the letter, of the Constitution.

The practice of granting leave of absence to the most important and indispensable of our State officers, and requiring their duties to be performed by others, is unjust to the people of the several districts, and may be dangerous to their rights and interests

The Constitution declares that the Judges of the several courts shall be elected by the people, in the districts, and makes no provision for substitution by the Judge him-

self, or appointment by the Executive, *except in cases of vacancy*. This privilege of choosing Judges to determine their controversies, it is maintained, cannot, even for a day, be divested or infringed upon by legislation.

The clerk not having given notice to the Executive of a vacancy, but merely a temporary absence, with leave, I do not feel authorised to proceed to appointment in conformity with the 15th section of the Act of 1853, or the 8th section of article 5th of the Constitution, until the clerk shall have certified to such vacancy, resulting from the absence of Judge Lake from the State, in contravention of the 91st section of the Act, approved May 19, 1853, which declares that "a Judge of the Supreme Court, or of the District Court, or of the Superior Court of the City of San Francisco, or of a County Court *shall not absent himself from the State.*"

In the present case, leave of absence has been granted by a concurrent resolution, in effect, repealing the section of law above referred to, which repeal can only be constitutionally effected by the passage of an act with all the formalities and requirements presented by the 1st section of the fourth article of the Constitution.

Entertaining the views, and appreciating the importance of some speedy and constitutional action for the relief of the people of the Fourth Judicial District, I have deemed it my duty to commend the subject to the immediate consideration of the Legislature.

JOHN BIGLER.

Communication read and referred to Judiciary Committee.

The following message was also received from the Governor:

EXECUTIVE DEPARTMENT, }
Sacramento City, April 1st, 1854. }

To the Asssmbly of California :

"A Joint Resolution to allow four months leave of absence to Edward P Fletcher, Judge of Klamath County," is herewith returned to the House, in which it originated, without my approval.

The duties to be performed by the Judicial Officers of the State, are so intimately connected with the most important and vital interests of the people, that having once assumed the responsibility of deciding upon the rights of persons and property, they should never be permitted to leave temporarily the trust confided to them, for the reason that such absence is eminently calculated to occasion serious public inconvenience.

But there are other and insuperable objections to the approval of the resolution. The Constitution provides for the election of Judges by the people in all cases, except where a vacancy shall occur, and then the Governor is directed to appoint "until the next general election."

The 91st section of the Act of 19th May, 1853, declares that a Judge of the Supreme Court, or of the District Court, or of the Superior Court of the City of San Francisco, or of a County Court, shall not absent himself from the State. The Constitution and laws are plain, direct and unequivocal on these points, and their provisions cannot be weakened or annulled by a Joint Resolution.

The Joint Resolution is, therefore, returned without approval. First, because I believe the policy of allowing Judicial Officers to absent themselves from the State and their duties to be wrong in principle---calculated to interfere with the rights and interests of the people, and seriously to retard the proper administration of Justice. Secondly, because the resolution is in direct conflict with the 91st section of the Act of 1853, "concerning the Courts of Justice of this State and Judicial Officers" And thirdly, because it is maintained that the Legislature cannot grant leave of absence to an officer elected by the people, in accordance with constitutional provisions.

JOHN BIGLER

The communication, together with the resolutions above mentioned, were, on motion, laid upon the table.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills have examined, and find correctly enrolled the followings Acts, viz :

An Act concerning County Judges.

An Act amendatory of an Act concerning the office of Public Administrator, and making it elective, passed April 15, 1851.

An Act to provide for building and furnishing a Jail in Sacramento county.

And an Act to authorize the construction of a Wharf at the Pulgas Rancho in the County of San Francisco.

Mr. O'Neil moved to take from the table Joint Resolutions in reference to Mail Routes in California.

Not agreed to.

On motion of Mr. Fairfax, the House adjourned until 11 o'clock on Monday next.

HOUSE OF ASSEMBLY.

MONDAY, April 3, 1854.

House met pursuant to adjournment.

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

Messrs. Bagley, Bennett, Carr, Clingan, Davidson, Godard, Griffith, Hastings, Hoff, Horr, Hoyt, McBrayer, McDuffie, Nichols, F. A. Park, J. W. Park, Pratt, Purdy, Sweetland, Whitman and Mr. Speaker

The Journal of Saturday was read and approved.

On motion, leave of absence was granted to Messrs. Gordon for two days, Davidson for one day, Horr for one day, McDuffie for two days, Fairfax for two days, Bennett for one week, French for one day, Purdy for one day, Carr for one day, and Carrillo for one day.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills, on Saturday, the 1st instant, presented to his Excellency the Governor, for his approval, the following Acts, viz .

An Act to authorize the construction of a Wharf at the Pulgas Rancho in the County of San Francisco.

An Act concerning County Judges.

An Act amendatory of an Act concerning the Office of Public Administrator, and making it elective, passed April 15, 1851 ; and

An Act to provide for building and Furnishing a Jail in Sacramento county.

A communication was received from Dr. Winslow, in answer to an invitation of the Assembly to deliver a public lecture at the capitol.

Communication read.

Mr. Van Cleft gave notice that he would, on to-morrow, introduce a bill for the repeal of section second, article second, of an Act entitled an Act to provide for the Revenue of the Government of this State.

Mr. Whitman gave notice that he would, on to-morrow, introduce a bill for the relief of John S. Bradford.

Mr. Spencer gave notice, that on to-morrow he would introduce a bill to authorize Wm. Roberts and others to build a Wharf at Bucksport, Humboldt county.

Mr. Musser gave notice that he would, at an early day, introduce a bill to change the time of electing the County Officers in Trinity county.

Mr. Whipple gave notice that he would, at an early day, introduce a bill to provide for the survey of a portion of the northern boundary of this State.

Mr. Letcher moved to take from the table a motion heretofore made by Mr. Bostwick, to change the first standing rule of the House.

Agreed to.

Mr. Van Cleft moved to adjourn, and Messrs. Letcher, Ashley, and Stowe, demanded the yeas and nays.

YEAS.

Messrs. Bowie, Henry, Hubert, O'Neil, Ring, Tallmadge and Tivy—7.

NAYS

Messrs. Anderson, Ashley, Ballou, Bradford, Briggs, Burton, Conness, Cornwall, Dannels, Dawley, Ewer, Fairfield, Hagans, Hollister, Houghtaling, Hubbard, Hunter, James, Jones, Kellogg, Koll, Letcher, Lindsey, Mandeville, Myres, McDonald, McDaniel, McGee, McKinney, Noel, J. W. Park, Pratt, Rowan, Spencer, Springer, Stemmons, Stowe, Sweasey, Sweetland, Van Cleft, Watkins, Whipple and Whitman—43.

So the House refused to adjourn.

Mr. O'Neil moved a call of the House.

The call was not sustained.

Mr. Conness offered as a substitute the adoption of the original rule, which requires the House to meet at 10 o'clock.

Agreed to.

The hour of 12 having arrived, the Speaker, Mr. Mandeville in the chair, announced the special order of the day, which was an Act creating a Board of Commissioners and the office of Overseer in each township of the several counties therein named, to regulate Water Courses within their respective limits.

On its third reading.

On motion of Mr. Conness, the House resolved itself into Committee of the Whole, Mr. O'Neil in the chair, to consider the bill.

After spending some time in its consideration, and amending the same,

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

The committee was discharged.

The amendments made in committee adopted generally by the House.

Mr. Conness offered a proviso to the bill, which was adopted,

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

Mr. F. A. Park introduced a bill for an Act to fund the floating debt of Sacramento county, and to provide for the payment of the same.

Read a first and second time, and referred to Sacramento delegation.

Mr. Griffith introduced a bill for an Act supplemental to an Act to provide for

the disposal of the 500,000 acres of land granted to this State by Act of Congress approved May 3, 1852.

Read a first and second time, and 240 copies ordered to be printed, and the bill referred to Committee on Public Lands.

Mr. Bradford gave notice that on to-morrow he would introduce a bill for an Act to provide for Appeals from Justices' Courts in this State.

A bill for an Act to enable Creditors to settle separately with debtors jointly bound to them.

Also, a bill for an Act prescribing duties to County Clerks.

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

HOUSE OF ASSEMBLY.

TUESDAY, April 4, 1854.

House met pursuant to adjournment.

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

Messrs. Bagley, Ballou, Bowie, Carr, Clingan, Cornwall, Dannels, French, Gilbert, Godard, Green, Griffith, Hastings, Herbert Hoff, Hollister, Hoyt, Hubert, Irwin, Nichols, F. A. Park, J. W. Park, Rowan, Sweetland, Warmcastle, Whitman, and Mr. Speaker.

The Journal of Monday was read and approved.

Mr. Carrillo presented a petition for the abolishment of the office of Guager for the city of San Francisco.

Petition read and referred to Committee on Commerce.

Mr. Conness presented a petition numerously signed by citizens of El Dorado county, praying for the passage of a law to leave to a vote of the people of that county, at the next general election, the location of County seat.

Petition read and referred to delegation from El Dorado.

Mr. McDonald presented a petition numerously signed by citizens of El Dorado, upon the above subject.

Petition read, and referred to delegation from El Dorado.

Mr. Springer presented a petition numerously signed by citizens of El Dorado upon the same subject,

Which was read and had the same reference.

Mr. Briggs presented sundry petitions numerously signed by citizens of El Dorado, praying for the passage of a law to hold a special election to locate the County Seat of El Dorado county.

Petitions read and referred to delegation from El Dorado county.

Mr. Spencer introduced a bill for an Act to amend an Act to establish an Asylum for the Insane of the State of California, approved May 17, 1853.

Read a first and second time, and referred to Committee on State Hospitals.

Mr. Myres gave notice that on to-morrow he would introduce a bill for an Act to be entitled an Act amendatory of an Act to provide for the disposal of the 500,000 acres of land granted to this State by the 8th section of the Act of Congress, ap-

proved April 4, 1841, entitled an Act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights, approved May 3, 1852.

Mr. Bradford offered the following, which was adopted :

Resolved, That the Assembly will devote Saturday of each week to the consideration of the unfinished business upon the Clerk's table.

Mr. Van Cleft introduced a bill for an Act to repeal section 2d, article 2d of an Act entitled an Act to provide Revenue for the support of the Government of this State.

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

Mr. McDonald introduced a bill for an Act to secure the rights of appellates in the Supreme Court of this State.

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

Mr. Spencer introduced a bill for an Act to fund that portion of the debt of Trinity county, accruing previous to the 12th of May, 1853, apportioned to Humboldt county, and provide for the payment thereof.

Read a first and second time, and referred to committee composed of delegation from Trinity and Humboldt counties.

Mr. Spencer introduced the following bill :

Also, an Act to authorize William Roberts and others, to build a wharf at Buckport in Humboldt county.

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

Mr. Bradford introduced the following bills :

An Act to provide for Appeals from Justices' Courts in this State.

A bill for an Act to enable Creditors to settle separately with debtors jointly bound to them.

A bill for an Act prescribing duties to County Clerks ; each of which were read a first and second time, and referred to Judiciary Committee.

Assembly bill, No. 26, an Act to reduce the salaries of State Officers and the pay of Members of the Legislature, on its third reading,

Mr. Ballou offered to amend by striking out all after the enacting clause, and insert a substitute, upon which Messrs. Stevenson, Hubbard and Ashley, demanded the yeas and nays :

Mr. Conness offered to amend the substitute offered by Mr. Ballou, in reference to the pay of Members of the Legislature.

Mr. Hunter moved a call of the House.

The call was sustained.

The roll was called and the following members were absent .

Messrs. Bagley, Briggs, Carr, Clingan, Ewer, French, Gilbert, Godard, Griffith, Hastings, Herbert, Hoff, Horr, Hoyt, Irwin, Lindsey, McBrayer, Nichols, J. W. Park, Purdy, Rowan, Warmcastle and Whipple.

The Sergeant-at-Arms was dispatched after absentees.

Messrs. Griffith, Springer and Stevenson were admitted within the bar of the House and excused.

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

Not agreed to.

On motion of Mr. Bradford, the House dispensed with further proceedings under the call.

The vote was then taken upon the amendment offered by Mr. Conness, and decided in the negative.

The vote was then taken upon the substitute offered by Mr. Ballou, by yeas and nays.

YEAS.

Messrs. Ballou, Conness, Hollister, Koll, McDonald, O'Neil, Pratt, Ring, Springer, Sweasey, Tallmadge and Van Cleft—13.

NAYS.

Messrs. Anderson, Ashley, Bowie, Bradford, Burton, Carrillo, Cornwall, Dannels, Davidson, Dawley, Fairfield, Green, Griffith, Hagans, Henry, Houghtaling, Hubbard, Hubert, Hunt, Hunter, James, Jones, Kellogg, Letcher, Mandeville, Musser, McDaniel, McGee, McKinney, Noel, Spencer, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Watkins and Whitman—38.

So the House refused to adopt the substitute.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossments have carefully examined, and find correctly engrossed, an Act to amend an Act entitled an Act to regulate Proceedings in Criminal Cases, passed May 1, 1851.

The hour of twelve having arrived, the Speaker, Mr. Mandeville in the chair, stated that there was a special order for this day and hour.

On motion of Mr. Bradford, the special order was laid upon the table.

Mr. Ballou offered the following amendment to the bill under consideration as an additional section :

“The Secretary and Sergeant-at-Arms of the Senate, and Clerk and Sergeant-at-Arms of the Assembly shall each receive twelve dollars per day during the session of the Legislature, and in no case shall the pay of other officers and attaches of the Legislature exceed that of members.”

Mr. Stowe moved to amend the amendment, by striking from it the Secretary of the Senate and Clerk of the Assembly.

Not agreed to.

On the adoption of the amendment offered by Mr. Ballou, Messrs. Hubbard, Ballou and Bradford demanded the yeas and nays.

YEAS.

Messrs. Anderson, Ashley, Ballou, Burton, Conness, Cornwall, Fairfield, Green, Hollister, Hubbard, Hunt, Jones, Koll, McDonald, McDaniel, Pratt, Spencer, Springer, Stevenson, Sweetland and Tallmadge—21.

NAYS.

Messrs. Bradford, Briggs, Carrillo, Dannels, Dawley, Griffith, Hagans, Henry, Houghtaling, Hubert, Hunter, James, Kellogg, Letcher, Mandeville, Musser, McGee, McKinney, Noel, O'Neil, J. W. Park, Purdy, Ring, Stowe, Sweasey, Watkins, Whipple and Whitman—28.

So the House refused to adopt the amendment offered by Mr. Ballou.

The bill was then read a third time, and Messrs. Watkins, Briggs and Bradford, demanded the yeas and nays upon its passage.

YEAS.

Messrs. Anderson, Ashley, Ballou, Bradford, Briggs, Burton, Conness, Cornwall, Dannels, Fairfield, Green, Griffith, Hagans, Hollister, Houghtaling, Hubbard, Hu-

bert, Hunt, Hunter, James, Jones, Kellogg, Koll, Letcher, Mandeville, Musser, McDonald, McDaniel, McGee, Noel, O'Neil, Pratt, Spencer, Springer, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Watkins and Whipple—41.

NAYS.

Messrs. Davidson, Dawley, Henry, Myres, McKinney, J. W. Park, Purdy, Ring, Sweasey, Tallmadge, Van Cleft and Whitman—12.

So the bill passed.

Mr. Sweetland gave notice that he would move, on to-morrow, to reconsider the vote just taken.

Mr. Griffith presented a memorial from the Board of Supervisors of Yolo county, praying for the passage of a law to authorize them to levy and collect a special tax for a special purpose, and introduced a bill for an Act to authorize the Board of Supervisors of Yolo county to levy a special tax for the payment of the existing debt of said county.

Read a first and second time, rules suspended, the bill considered as engrossed, read a third time and passed.

Assembly bill No. 162, an Act to amend an Act entitled an Act concerning Crimes and Punishments, passed April 16, 1852.

On its third reading was indefinitely postponed.

Senate bill No. 26, an Act concerning the Comptroller's and Treasurer's offices.

Read a second time, and referred to Committee on Ways and Means

Assembly bill No. 211, an Act to empower Courts of Sessions to change or alter the names of persons.

Read a second time and referred to Judiciary Committee.

Assembly bill No. 213, an Act to limit the hours of labor.

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

Assembly bill No. 207, an Act to create the county of Pajaro, and establish the Seat of Justice therein; to define its boundaries, and provide for its organization and to determine its indebtedness.

Read a second time and referred to the delegation from Monterey, Santa Cruz and Santa Clara.

Assembly bill No. 212, an Act to amend section first and fifteenth of article eight of the Act to provide revenue for the State.

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

Assembly bill, No. 210, an Act to secure the most suitable edifices for Public Buildings in this State.

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

Assembly bill No. 215, an Act to provide for the payment of certain expenses.

Read a second time, considered in Committee of the Whole, and ordered to a third reading on to-morrow.

The following messages were received from the Governor :

I have, this day, 31st of March, approved the following Acts which originated in the Assembly.

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.

An Act declaring Mission Creek, in the county of San Francisco, a navigable stream.

Also, an Act to amend an Act concerning the writ of Habeas Corpus, passed April 20, 1850.

Also, an Act to provide for the election of a Justice of the Peace for the town of Santa Clara, and define his jurisdiction.

Also, on the 1st day of April, an Act to create the county of Stanislaus, to define its boundaries, and to provide for its organization.

JOHN BIGLER.

Assembly bill No. 181, an Act concerning the organization of the Militia; on its third reading,

Mr. Myres moved to lay the bill on the table.

Not agreed to.

Mr. Houghtaling moved to indefinitely postpone the bill.

Not agreed to.

Mr. Conness moved to go into Committee of the Whole to consider the bill.

Not agreed to.

Mr. Sweetland moved to adjourn until 12 o'clock to-morrow.

Not agreed to.

Mr. Van Cleft moved to adjourn.

Not agreed to

On motion of Mr. Van Cleft, the bill was laid upon the table.

Assembly bill No. 209, an Act to protect stock growers from losses by noxious animals.

Referred to Committee on Agriculture.

Mr. Sweetland moved to take from the table Senate Joint Resolutions in relation to mail routes in California.

Not agreed to.

Mr. Tallmadge offered the following, which was adopted :

Resolved, That the Secretary of State is hereby requested to furnish the Assembly a copy of the contract with Messrs. Marvin & Hitchcock, for furnishing stationery for the use of the Legislature, &c.

Mr. Sweasey moved to take from the table the special order of the day, which was an Act concerning lawful fences and animals trespassing on lands lawfully enclosed.

Agreed to.

On motion, the House resolved itself into Committee of the Whole, Mr. Van Cleft in the chair, to consider the bill, after spending some time in its consideration, and offering a substitute therefor, '

On motion, the committee rose, reported the bill and substitute back to the House, and asked to be discharged from the further consideration of the subject.

The committee was discharged.

Mr. Griffith moved to make the bill and substitute the special order for Saturday next.

Not agreed to.

On motion of Mr. Letcher, the bill and substitute were made the special order for 11 o'clock to-morrow in Committee of the Whole House.

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

HOUSE OF ASSEMBLY.

WEDNESDAY, April 5, 1854.

House met pursuant to adjournment.

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

Messrs. Bagley, Ballou, Bowie, Bradford, Clingan, Conness, Cornwall, Dawley, Ewer, French, Gilbert, Godard, Hastings, Henry, Herbert, Hoff, Hoyt, Hubert, Irwin, James, Koll, Letcher, Lindsey, McBrayer, McDuffie, McGee, McKinney, Nichols, F. A. Park, J. W. Park, Rowan, Springer, Stevenson, Sweasey, Sweetland, Tallmadge, and Whitman.

There being no quorum present, Mr. Kellogg moved to adjourn.

Not agreed to.

Mr. Griffith moved a call of the House.

The call was sustained.

The roll was called, and the following members were absent: Messrs. Bagley, Ballou, Bowie, Bradford, Clingan, Cornwall, Dawley, Ewer, French, Gilbert, Godard, Hastings, Henry, Herbert, Hoff, Hoyt, Hubert, Irwin, James, Koll, Letcher, Lindsey, McBrayer, McDuffie, McGee, McKinney, Nichols, F. A. Park, J. W. Park, Rowan, Springer, Stevenson, Sweetland, Tallmadge, and Whitman.

It appearing that a quorum was present,

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

The Journal of Tuesday was read and approved.

On motion, leave of absence was granted to Mr. Koll for four days, Letcher for one day, Lindsey for one day, and Ewer for one day.

Mr. Fairfield presented an affidavit of Wm. N. Walton, praying for relief for services to the State.

Affidavit read and referred to Committee on Claims.

Mr. Ballou, upon leave, introduced a bill for an Act to legalize certain affidavits made before the County Recorders of this State.

Read a first and second time, rules suspended, considered as engrossed, read a third time, and passed.

Mr. Mandeville, from the delegation of Tuolumne, reported back Assembly bill No. 98, for an Act to extend the provisions of an Act for the Protection of Game to the County of Tuolumne, and recommended the passage of the same.

The bill was read a third time and passed.

Mr. F. A. Park made the following report :

The Sacramento Delegation, to whom was referred a bill to fund the floating debt of Sacramento county, have had the same under consideration, and report the same back to the House, and respectfully ask that the bill may pass.

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

The following message was received from the Senate :

I am instructed to inform the Assembly, that the Senate passed yesterday the following Assembly Bills :

An Act authorizing the incorporation of the city of San Bernardino.

An Act to incorporate Crescent City, with amendments, as therein shown.

And Assembly Joint Resolutions relative to lands donated to this State by the United States.

All of which is respectfully submitted.

JOHN Y. LIND Secretary.

Amendment made by the Senate to Assembly bill No. 66, to incorporate Crescent City.

Concurred in by the House.

Mr. Stowe moved to take from the table Senate Concurrent Resolution to adjourn *sine die*, and Messrs. Noel, Houghtaling and Stowe demanded the yeas and nays :

YEAS.

Messrs. Anderson, Ashley, Bowie, Burton, Carr, Carrillo, Hagans, Houghtaling, Hunter, Mandeville, McDaniel, McGee, McKinney, Noel, Spencer, Stemmons, Stevenson, Stowe, Tivy, Watkins and Whipple—21.

NAYS.

Messrs. Ballou, Conness, Dannels, Davidson, Fairfield, French, Gilbert, Gordon, Green, Griffith, Hollister, Horr, Hubbard, Hunt, Jones, Kellogg, Musser, Myres, McDonald, O'Neil, F. A. Park, Pratt, Purdy, Ring, Springer, Sweasey, Tallmadge, Van Cleft, Warmcastle and Mr. Speaker—30.

So the House refused to take from the table concurrent resolution to adjourn *sine die*.

On motion of Mr. Conness, the Senate joint resolution in relation to Mail Routes in California was taken from the table, and upon his motion,

The House resolved itself into Committee of the Whole, Mr. O'Neil in the chair, to consider the resolutions.

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

On motion, the committee rose, reported the resolutions to the House as amended, and asked to be discharged from its further consideration.

The committee was discharged.

The amendments made in Committee of the Whole were concurred in generally by the House.

Mr. O'Neil moved to amend the resolutions by adding other points for mail routes.

Agreed to.

Mr. McDonald moved to amend by adding other points for mail routes.

Agreed to.

Messrs. Musser, O'Neil, Anderson and Springer severally offered amendments to add other routes.

Agreed to.

Resolutions considered as engrossed, read a third time and passed.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined and find correctly engrossed,

An Act to authorize the Board of Supervisors of Yolo county to levy a special tax for the payment of the existing debt of said county.

The hour of twelve having arrived, the Speaker announced the special order, which was an Act in relation to State Prison Bonds ; on its third reading,

Mr. Conness moved to indefinitely postpone the bill.

Mr. Bradford moved a call of the House.

Call was not sustained.

Mr. Jones moved to lay the bill on the table.

Agreed to.

Mr. Jones moved to adjourn.

Not agreed to

The hour of 1 o'clock, the Speaker announced the special order for that hour, which was a bill for an Act concerning lawful fences and animals trespassing on lands lawfully enclosed.

On motion, the House resolved itself into Committee of the Whole, Mr. O'Neil in the chair, to consider the bill.

After spending some time in its consideration,

On motion of Mr. Fairfax, the committee rose, reported the bill and substitute back with amendment, recommend that it be made the special order for Monday next, at 1 o'clock, and ask to be discharged from its further consideration.

The committee was discharged.

The bill was made the special order for Monday next, at 1 o'clock.

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

HOUSE OF ASSEMBLY.

THURSDAY, April 6, 1854.

House met pursuant to adjournment.

The roll was called and the following members were absent :

Messrs. Bowie, Clingan, Cornwall, Dannels, French, Gilbert, Griffith, Herbert, Hoff, Irwin, Myres, McBrayer, McDuffie, McKinney, Nichols, F. A. Park and J. W. Park.

The Journal of Wednesday was read and approved.

Mr. Van Cleft moved that the House adjourn to participate with the citizens of Sacramento on the introduction of water into the city, and Messrs. Tallmadge, Ashley and Mandeville demanded the yeas and nays.

YEAS.

Messrs. Anderson, Burton, Carrillo, Conness, Dannels, Dawley, Fairfield, French, Godard, Green, Henry, Hollister, Horr, Houghtaling, Hoyt, Herbert, Jones, Kellogg, Lindsey, Mandeville, Musser, McDonald, McDuffie, McKinney, F. A. Park, Pratt, Purdy, Ring, Rowan, Springer, Stowe, Sweetland, Tallmadge, Van Cleft and Mr. Speaker—35.

NAYS.

Messrs. Ashley, Ballou, Bostwick, Bowie, Bradford, Briggs, Carr, Cornwall, Ewer, Gordon, Hastings, Hunt, Hunter, James, Letcher, McDaniel, McGee, Noel, O'Neil, Spencer, Stemmons, Stevenson, Sweasey, Tivy, Warmcastle, Watkins, Whipple and Whitman—28.

So the House adjourned until 10 o'clock to-morrow.

HOUSE OF ASSEMBLY.

FRIDAY, April 7, 1854.

House met pursuant to adjournment.

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

Messrs. Bradford, Carr, Clingan, Dawley, French, Green Griffith, Herbert, Hoyt, Houghtaling, Hubert, Lindsey, McKinney, Nichols, Purdy and Rowan.

The Journal of Thursday was read and approved.

Mr. Dannels presented a petition from citizens of Yuba county, protesting against any portion of Yuba county being attached to Nevada county.

Petition read and referred to Committee on County Boundaries.

Mr. Callmadge presented a petition, numerously signed by citizens of El Dorado, praying for the passage of a law to leave the location of the seat of justice of that county to a vote of the people at the general election.

Petition read and referred to Delegation from El Dorado.

Mr. Stevenson presented a petition also from citizens of El Dorado, upon the same subject.

Read and referred to Delegation from El Dorado.

Mr. Watkins, chairman, made the following report :

The Committee on Corporations, have had under consideration the resolution in relation to the Atlantic and Pacific Railroad, and have instructed me to report by bill, which is herewith submitted, an Act to grant the right of way and provide for the construction of an Atlantic and Pacific, and Branch Railways.

Read a first and second time, and 240 copies ordered to be printed.

Mr. Hubbard moved to refer the bill to a Committee of the Whole House, and make it the special order for Friday next at 12 o'clock.

Not agreed to.

Mr. Letcher moved to refer the bill to the Committee on Corporations.

Not agreed to.

Mr. Jones moved to refer the bill to a select committee of five.

Agreed to,

And Messrs. Jones, Sweetland, Letcher, Rowan and McDaniel were appointed said committee.

Mr. Hubert made the following report :

The Judiciary Committee have had under consideration Assembly bill, No. 221, entitled an Act prescribing duties to County Clerks, and herewith report the same to the House, recommending its passage.

The above bill on its third reading, read a third time and did not pass.

The following message was received from the Senate :

I am instructed to inform the Assembly, that the Senate passed, yesterday, Assembly bill for an Act explanatory of an Act entitled an Act to incorporate the city of Los Angeles, approved April 4, 1850, and Assembly bill for an Act to provide for the erection of Public Buildings in the county of Napa.

Also, the following Senate bills for an Act supplementary to an Act to exempt

Firemen from Militia Service and Jury Duty, passed March 25, 1853 ; and for an Act in respect to Insurance for Lives for the benefit of Married Women.

All of which is respectfully submitted.

JOHN Y. LIND,
Secretary.

Senate bill, No. 116, above reported, an Act supplementary to an Act to exempt Firemen from Militia Service and Jury Duty, passed March 25, 1853.

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

Senate bill, No. 77, for an Act in respect to Insurance for Lives for the benefit of Married Women.

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

Special order for this day, at 11 o'clock, an Act to amend an Act to provide for the Public Printing, passed April 29, 1852, taken up for consideration.

On motion, the House resolved itself into Committee of the Whole, Mr. O'Neil in the chair, to consider the bill ; after spending some time in its consideration, the committee rose, reported the bill back which had been agreed upon in Committee of the Whole, and asked leave to sit again.

Leave granted to sit again.

Mr. Sweetland moved to adjourn.

Not agreed to.

Mr. Ballou moved to take a recess until 7 o'clock this evening.

Not agreed to.

Mr. Tivy, chairman, made the following report :

The Committee on Enrolled Bills have examined, and find correctly enrolled, the following Act, viz : An Act authorizing the Mayor and Common Council of the city of Sacramento to issue city bonds for certain purposes.

On motion of Mr. Van Cleft, the House adjourned until 10 o'clock to-morrow.

HOUSE OF ASSEMBLY.

SATURDAY, April 8, 1854.

House met pursuant to adjournment.

The roll was called and the following members were absent :

Messrs. Bagley, Bennett, Bowie, Clingan, Cornwall, Fairfield, French, Griffith, Herbert, Hoff, Hubert, Irwin, Lindsey, Myres, McBrayer, McKinney, Nichols, J. W. Park, Rowan, Stevenson, Tallmadge and Whitman.

The Journal of Friday was read, amended and approved.

On motion, one week, absence was granted to Mr. Lindsey ; to Mr. Stevenson three days ; and to Mr. Griffith indefinite leave, in consequence of ill health.

On motion of Mr. Conness, the House resolved itself into Committee of the Whole, Mr. O'Neil in the chair, to consider the bill to create the office of State

Printer, and to define his duties; after spending some time in its consideration, and making amendments thereto,

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

The committee was discharged.

Mr. Fairfax offered a substitute to second section, to change the time of election of State Printer from '54 to 1855.

Mr. Bradford moved a call of the House.

The call was sustained.

Mr. Van Cleft moved to dispense with further proceedings under the call.

Not agreed to.

The roll was called and the following members were absent :

Messrs. Ashley, Bennett, Bostwick, Briggs, Clingan, Cornwall, French, Green, Henry, Hunt, McKinney and Warmcastle.

The Sergeant-at-Arms was dispatched after absent members.

Mr. Warmcastle was admitted within the bar of the House and excused.

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

Agreed to.

Upon the adoption of the amendment offered by Mr. Fairfax, Messrs. Bradford, Carrillo and McDuffie demanded the yeas and nays.

Mr. Bagley demanded the previous question.

Not agreed to.

The yeas and nays were then taken upon the adoption of the amendment offered by Mr. Fairfax.

YEAS.

Messrs. Ashley, Bagley, Ballou, Bostwick, Conness, Dannels, Davidson, Dawley, Fairfield, Gilbert, Godard, Griffith, Hoff, Hollister, Horr, Hoyt, Hubbard, Irwin, Jones, Kellogg, Koll, Musser, Myres, McBrayer, McDonald, Nichols, O'Neil, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Tallmadge, Van Cleft and Mr. Speaker—37.

NAYS.

Messrs. Anderson, Bennett, Bowie, Bradford, Carr, Carrillo, Ewer, Gordon, Hagens, Hastings, Henry, Herbert, Houghtaling, Hunter, James, Letcher, Mandeville, McDuffie, McDaniel, McGee, Noel, J. W. Park, Stemmons, Stowe, Sweetland, Tivy, Warmcastle, Watkins, Whipple and Whitman—30.

So the amendment was adopted.

Mr. Myres offered an amendment to the third section, requiring the President of the Senate and Speaker of the Assembly to give a certificate to the State Printer elected by the present Legislature.

Amendment adopted.

Mr. Herbert offered the following as a proviso to the third section,

" Provided that the State Printing shall be executed at the rates, and under the provisions of this Act by V. E. Geiger, until the said State Printer shall be qualified and enter upon the duties of his office."

Messrs. Bradford, McDuffie and Hunter demanded the yeas and nays.

AYES.

Messrs. Anderson, Bennett, Bowie, Bradford, Burton, Carr, Carrillo, Ewer, Gordon, Hagens, Hastings, Henry, Herbert, Houghtaling, Hunter, Mandeville, Myres'

McDuffie, McDaniel, McGee, Noel, J. W. Park, Stemmons, Stowe, Sweetland, Tivy, Warmcastle, Watkins and Whitman—30.

NAYS.

Messrs. Ashley, Bagley, Ballou, Bostwick, Conness, Dannels, Davidson, Dawley, Fairfield, Gilbert, Godard, Griffith, Hoff, Hollister, Horr, Hoyt, Hubbard, Irwin, Jones, Kellogg, Koll, Letcher, Musser, McBrayer, McDonald, Nichols, O'Neil, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Tallmadge and Van Cleft—36.

So the amendment was not adopted.

Mr. Tallmadge offered a substitute to section four of the bill, which was adopted.

Mr. Conness moved to concur generally in the amendments made in Committee of the Whole.

Agreed to.

Mr. Bostwick moved to strike out sections 15 and 16 of the bill.

Agreed to.

Mr. Tallmadge offered an amendment to the third line of 14th section, in reference to a fund for the pay of printing. Agreed to.

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

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills report, that on yesterday, the 7th inst., they presented to his Excellency, the Governor, for his approval, an Act authorizing the Mayor and Common Council of the city of Sacramento to issue bonds for certain purposes ;

And that they have examined, and found correctly enrolled Joint Resolutions relative to lands donated to this State by the United States.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined, and find correctly engrossed, an Act creating a Board of Commissioners and the office of Overseer in each township of the several counties therein named, to regulate water courses, within their respective limits.

Also, an Act to legalize certain affidavits made before the County Recorders of this State.

Also, an Act to Fund the Floating Debt of Sacramento county, and to provide for the payment of the same.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT, }
Sacramento City, April 8, 1854. }

To the Senate and Assembly of California :

After careful examination, I deem it my duty to direct the attention of the Legislature to the several Acts on the Statute book, concerning corporations, and more particularly, to the chapter in relation to the formation of Steam Navigation Companies.

The evils which may result from the passage of laws, under which powerful monopolies can be organized, are considered of such magnitude as not only to justify, but require a careful revision of all past legislation on the subject, with a view of supplying the restrictions and limitations necessary for the protection of public rights and interests

The fact that companies have been organized and exist under the Acts before passed, it is proper to state, does not interfere in the least, with the right of Legislature either to amend, or repeal any or all of them.

The thirty-first section of the fourth article of the Constitution, provides for formation of Corporations, under general laws, and that "all general laws special Acts, passed pursuant to this section may be *altered*, from to time, *repealed*." And the thirtieth section of the Act of 1850, under the head "General Provisions" authorizes the Legislature at any time, "to *repeal* the and *dissolve* all Corporations created under it."

The right of the Legislature to amend or repeal the several existing laws concerning Corporations, must therefore, be conceded—and that they require revision, it is believed, will be admitted by all after careful examination.

In the formation of laws authorizing the organization of companies, the interests of the public should be carefully guarded, either by fixing reasonable in the Act itself, or by vesting the power to prevent exorbitant charges upon commerce and travel, in the courts, to be exercised whenever necessary.

The existing corporation laws, in fact, are all, more or less defective, and careful modification, so as to fully protect the public against unreasonable exactions.

Comparatively but few companies have, as yet, been organized under the existing laws; and all the modifications, necessary for the security of public interests, and to relieve the people from the oppressive exactions of existing monopolies, can now be made without material interference with the rights or interests of any portion of our citizens.

The Act authorizing the formation of "Steam Navigation Companies," and the Act of April 14, 1853, so far as it relates to the organization of Corporations "for the purpose of engaging in any species of trade or commerce, foreign or domestic," are loose and vague in their terms, and contain no provisions protecting the public against unreasonable charges for travel or freight.

The thirty-third section of the Act authorizing the formation of Railroad Companies, approved April 22, 1853, provides that "it shall be unlawful for the Corporation, its officers or employees, to charge more than twenty cents per mile for each passenger, and sixty cents per mile for each ton of freight," and for every transgression of such limitation, the Corporation shall be liable to the party suffering thereby, treble the entire amount of freight charged to the party; and further, that "any reduction below the rates above mentioned, shall be left entirely to the decision and control of the Corporation itself."

This Act, it is true, fixes charges which cannot be *exceeded*, but it also *provides* that the power of *reducing* them can *only* be exercised by the Corporation itself: thus leaving the people without remedy against exorbitant exactions.

The charges allowed in the section above referred to, it will be observed, are enormously high: and were the same rates applied to the Pacific Railroad, passage to the Missouri line, computing the distance at twenty-five hundred miles, would cost five hundred dollars; and each ton of freight fifteen hundred dollars—yet these charges are permitted to be exacted under the existing law, and their reduction placed *solely* in the discretion of the Corporation itself.

Experience has demonstrated the necessity of incorporating in all Acts, authorizing the formation of corporate companies, such restrictions and limitations as to render them, in the exercise of the privileges granted, beneficial, and not detrimental, to the prosperity of the whole people. It has been well said that "there are no necessary evils in government;" and that "evils only exist in its abuses." That in "the full enjoyment of the gifts of Heaven, and the fruits of superior skill, industry and economy, and every man is equally entitled to protection by law; but when laws are so framed as to add to these natural and just advantages, by granting exclusive privileges, which make the rich richer, and the potent more powerful, the humbler members of society, who have neither the time nor the means of securing

favors to themselves have a right to complain of the injustice of the govern-

Industry and enterprise, unaided by the special privileges enjoyed by Corporations, have in a few years made California, in many important respects, superior to that of the older States of the Confederacy. To continue her prosperity, and develop with sufficient rapidity her mighty resources, it is only necessary to give the State wholesome general laws for the protection of person and property, and to prevent monopolies from controlling the main sources of her wealth, as well as the principal avenues of trade and travel.

Under enactments, such as now exist upon our own statute book, monopolies of the most oppressive character have grown up in most of the States of the Union, and become so powerful as almost to defy legislative authority, and sufficiently potent to seriously interfere with the rights and interests of the people.

California, as yet, has suffered, comparatively, but little from the exactions of corporations organized under the laws; but it is nevertheless true, that the merchants at several points in the north have held public meetings, and subscribed means for the purchase of steamers to be controlled by themselves, as the only mode of escaping unreasonable exactions of an existing monopoly.

Judicious modifications, however, can now be made, which will not only effect a great good, but for ever preserve the people of California from the evils which have so long oppressed the people of other sections of this great Confederacy.

Under our Government, where the masses have the right and the power to prescribe the kind and character of laws by which they are to be governed, it should be the endeavor, as it is the duty, of the Representative so to frame enactments as to prevent their interests from being trampled upon by corporations organized for the promotion of objects beyond the means of individual enterprise. In fact, legislation should ever have in view the protection and prosperity of industry, and while encouraging within our borders capital and enterprise, by all lawful and proper inducements, should so surround them with checks and limitations, as to prevent them being instruments of extortion and oppression.

The interests of the great body of the people of California are identified with the State, and opposed to extending the influence of government to the advancement of a few at the expense of the many.

It may, however, be urged, that were the restrictions proposed incorporated in the proposed Acts concerning corporations, capitalists, instead of availing themselves of the benefits of existing laws, would form combinations for the purpose of evading the restrictions.

It is a sufficient answer to this objection to state, that under the common law, all persons connected with such combinations would be liable to indictment and prosecution as "conspirators against the public good."

On this point, the common law is clearly laid down by a learned Chief Justice as follows: "A combination is criminal, whenever the act to be done has a necessary tendency to *prejudice* the public, or to *oppress* individuals by unjustly subjecting them to the power of the confederate, and giving effect to the purposes of the latter, such as *extortion* or mischief."

Again, "combinations may be oppressive by compelling the public to give *more* for an article of necessity or convenience than it is worth, or on the other hand, by compelling the labor of a mechanic for *less* than its value."

The Act authorizing the incorporation of steam navigation companies, grants immunities and privileges, but imposes no restriction whatever in the exercise of a vast and potent power, the tendency and effect of which must be to prevent lawful and free competition in an exclusive and lucrative department of internal commerce and trade.

I would, therefore, respectfully call your attention to the omission and defects of the existing laws concerning Corporations, and especially recommend that the several Acts authorizing the incorporation of railroad, steam navigation, stage, plank

road and turnpike companies, be so restricted in their provisions, as to protect the people against exorbitant and unreasonable charges for travel, or the increase of freight.

JOHN BIGLER.

The message was read, 240 copies ordered to be printed, and referred to a committee of five.

Messrs. Hoff, Conness, Van Cleft, Stowe, and Bowie, were appointed said committee.

Mr. Conness moved to adjourn, and Messrs. Herbert, Bradford and Whipple commanded the yeas and nays :

AYES.

Messrs. Ballou, Bostwick, Conness, Dannels, Davidson, Dawley, Fairfield, Herbert, Godard, Griffith, Hoff, Hoyt, Hubbard, Irwin, Kellogg, Myres, McDonald, O'Neil, Pratt, Purdy, Ring, Rowan, Springer, Sweasey, Van Cleft and Mr. Speaker—28.

NAYS.

Messrs. Anderson, Ashley, Bennett, Bradford, Briggs, Burton, Carr, Gordon, Hagans, Hastings, Henry, Herbert, Horr, Houghtaling, James, Koll, Letcher, Mandeville, Musser, McDuffie, McDaniel, J. W. Park, Stemmons, Stowe, Sweetland, Tivy, Warmcastle, Watkins, Whipple and Whitman—

So the House refused to adjourn.

Mr. Herbert gave notice that he would move, on Monday next, to reconsider the vote of to-day which passed the printing bill.

On motion of Mr. McBrayer, the House adjourned until 10 o'clock, on Monday next.

HOUSE OF ASSEMBLY.

MONDAY, April 10, 1854.

House met pursuant to adjournment.

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

Messrs. Bagley, Ballou, Bradford, Cornwall, French, Green, Herbert, Hollister, Houghtaling, Hubert, Irwin, Myres, McDuffie, McKinney, Nichols, F. Park, J. W. Park, Rowan, Whitman and Mr. Speaker.

The Journal of Saturday was read and approved.

On motion, leave of absence was granted to Mr. Houghtaling for two days, to Mr. Green for two days, to Mr. Ballou for one day, and to Mr. Hollister for one day.

Mr. Letcher made the following majority report :

Your committee to whom was referred an Act to establish and regulate Common Schools, &c., would report,

That the existing school law is badly arranged, complicated, and somewhat conflicting, while it should be plain and precise. It omits several important provisions, and includes some objectionable features; it allows obscurely what ought, perhaps, to be clearly prohibited; and Common Schools being our anchor of hope, should be fostered by our best attainable laws, freed from destructive elements, and untrammelled by dangerous innovations lately introduced.

The Act under consideration is well arranged, carefully digested, and briefly expressed. It gives to each school district its own officers, provides for the election of a Superintendent of Schools in the more populous counties, and in the rest imposes the duties of that office on the County Recorder; it assures the fidelity of officers by requiring the oath of office and exacting official bonds; simplifies the management of affairs, and it is believed will induce a more vigorous and extended system of education.

Your committee recommend the adoption of the proposed amendments and the passage of the Act.

CORNWALL,
LETCHEE,
HENRY,
GREEN,
WM. C. PRATT,
FAIRFIELD,
ASHLEY.

Mr. Carrillo made the following minority report:

I, the undersigned member of the Committee on Education, beg leave to submit the following minority report:

Having had under consideration the School bill submitted by Mr. Ashley and Major Stemmons, and referred to the Committee on Education, I am of the opinion that the sectarian clause of Mr. Ashley's bill is not in accordance with the true policy of the State with regard to public education.

I do not perceive the necessity of excluding any school district from a participation in the school revenue, providing the inhabitants of the same desire to employ a teacher of any particular form of religious belief, nor do I think that the cause of education will be subserved by making any enactments in relation to this subject.

Schools, like religious worship, should be left free to the inhabitants; and whatever is left to the good sense of a community, to be effected by its regulations, cannot be radically wrong.

The undersigned, therefore, is of the opinion that the School Law, as it at present exists, with the amendments prepared by Major Stemmons, is in accordance with the spirit of our institutions and laws, and that any changes materially different from this will operate as a hardship to a large portion of the citizens of California, and be subversive of that free religious liberty vouchsafed to us all under the glorious Constitution of the United States.

Education, like religion, should not be submitted or subservient to stringent enactment, but be left, in a measure, free and under the control of districts or communities, and is not, in the opinion of the undersigned, a subject of too refined and precise regulation. Our present school organization and its operation, under the law, has worked well during the past two years, and I do not see the necessity of making any material changes in it. Under its provisions schools have been organized in almost every county in the State, a school fund of between four and five hundred thousand dollars has accumulated, and by the Superintendent's report, near fifty thousand dollars of revenue was distributed on the first day of last January for the support of schools. I do not see the necessity of changing a system that has hith-

erto worked so well, and I therefore recommend that no changes be made, except the additions before alluded to, which I conceive to be adequate to all the educational exigencies which can arise.

All of which is respectfully submitted.

PEDRO C. CARRILLO.

Assembly bill No. 142, above reported, an Act to establish and regulate Common Schools, and to repeal former Acts concerning the same.

On its third reading, made the special order for Wednesday next at 11 o'clock.

Mr. Tivy made the following report :

The Committee on Public Lands, to whom was referred Joint Resolutions in relation to the Mineral and other Public Lands of this State, have had the same under consideration, and recommend that they be indefinitely postponed.

They have also considered Joint Resolutions in relation to an Act of Congress concerning private land claims in the State of California, with amendments, and recommend their passage as amended.

Joint Resolution, No. 52, above reported,

On motion, laid upon the table.

Joint Resolution, No. 194, in relation to an Act of Congress concerning private land claims in the State of California.

A motion, made by Mr. Sweasey, to make it the special order for Friday next at 12 o'clock noon.

Not agreed to.

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

Not agreed to.

The amendments offered by the committee were concurred in.

Resolutions read a third time and passed.

Mr. Herbert, chairman, made the following report :

The Committee of Ways and Means, to whom was referred Senate bill No. 93, for an Act to repeal an Act entitled an Act to authorize the Treasurer of the State to make special deposits, passed May 4, 1852, have had the same under consideration, and beg leave to report it back to the House, and recommend its passage.

They have also had under consideration Assembly bill No. 177, entitled an Act to amend an Act entitled an Act concerning the Salaries of Officers and Members of the Legislature, passed May 11, 1852, and ask leave to report the same back to the House, and recommend its passage.

Also, Assembly bill No. 90, entitled an Act explanatory of the seventh section of 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, have had the same under consideration, and ask leave to report the same back to the House, and recommend that it do not pass.

Also, Assembly bill No. 165, entitled an Act to relinquish to the County of Colusi that portion of the tax due the State by Samuel A. Morrison, on a Spanish grant in that county, and authorize the Court of Sessions to enter into a contract with said Morrison for the building of a bridge in satisfaction of said tax, have had the same under consideration, and ask leave to report the same back to the House, and recommend that it do not pass.

Senate bill No. 93, above reported, on its third reading.

Read a third time, and on its final passage, Messrs. Herbert, Mandeville and James demanded the yeas and nays.

YEAS.

Messrs. Anderson, Bagley, Bennett, Bostwick, Bowie, Briggs, Burton, Carr, Carrillo, Clingan, Davidson, Dawley, Ewer, Godard, Hagans, Hastings, Henry, Herbert, Hunt, Hunter, James, Jones, Letcher, Mandeville, Myres, McBrayer, McDuffie, McDaniel, Noel, O'Neil, F. A. Park, J. W. Park, Rowan, Spencer, Stemmons, Stowe, Sweetland, Van Cleft, Warmcastle, Watkins, Whipple, Whitman and Mr. Speaker—43.

NAYS.

Messrs. Ashley, Ballou, Bradford, Conness, Dannels, Fairfield, Gilbert, Griffith, Hoff, Horr, Hoyt, Hubbard, Hubert, Irwin, Kellogg, Koll, Musser, McDonald, Pratt, Purdy, Ring, Springer, Sweasey and Tallmadge—24.

So the bill passed.

Mr. Bagley gave notice that he would move, on to-morrow, to reconsider the vote just taken.

Assembly bill No. 177, reported back by Committee of Ways and Means, an Act to amend an Act entitled an Act concerning the Salaries of Officers and Members of the Legislature, passed May 11, 1852.

Read a third time, and on its final passage, Messrs. Ashley, Stowe and Hoyt demanded the yeas and nays :

YEAS.

Messrs. Anderson, Ballou, Bradford, Briggs, Conness, Dannels, Davidson, Dawley, Fairfield, Gilbert, Godard, Griffith, Hoff, Horr, Hoyt, Hubbard, Hubert, Irwin, Jones, Kellogg, Koll, Myres, McBrayer, McDonald, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Sweetland, Tallmadge, Van Cleft, and Mr. Speaker—35.

NAYS.

Messrs. Ashley, Bennett, Bowie, Burton, Carr, Carrillo, Clingan, Ewer, Hagans, Hastings, Henry, Herbert, Hubert, Hunter, James, Letcher, Mandeville, Musser, McDuffie, McDaniel, Noel, O'Neil, J. W. Park, Stemmons, Stowe, Tivy, Warmcastle, Watkins, Whipple and Whitman—30.

So the bill passed.

Mr. Kellogg moved to reconsider the vote just taken.

Mr. Godard moved to indefinitely postpone the motion to reconsider, and Messrs. Hunter, Stemmons and Bennett demanded the yeas and nays :

YEAS.

Messrs. Anderson, Ballou, Briggs, Conness, Dannels, Davidson, Dawley, Fairfield, Gilbert, Godard, Griffith, Hoff, Horr, Hoyt, Hubbard, Hubert, Irwin, Jones, Kellogg, Koll, Myres, McDonald, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Sweasey, Sweetland, Tallmadge and Van Cleft—32.

NAYS.

Messrs. Ashley, Bennett, Bowie, Bradford, Burton, Carr, Carrillo, Clingan, Ewer, Hagans, Hastings, Henry, Herbert, Hunter, James, Letcher, Mandeville, Musser, McDuffie, McDaniel, O'Neil, J. W. Park, Stemmons, Stowe, Tivy, Warmcastle, Watkins, Whipple, Whitman and Mr. Speaker—33.

So the House refused to indefinitely postpone.

Mr. Herbert moved to lay the motion to reconsider on the table, and Messrs. Griffith, Dawley, and Tallmadge demanded the yeas and nays.

YEAS.

Messrs. Ashley, Ballou, Bennett, Bowie, Bradford, Burton, Carr, Carrillo, Clingan, Conness, Dannels, Davidson, Ewer, Fairfield, Godard, Hagans, Hastings, Henry, Hubert, Hoff, Horr, Hoyt, Hubbard, Hubert, Hunt, Hunter, James, Koll, Letcher, Mandeville, Musser, Myres, McDonald, McDuffie, McDaniel, Noel, F. A. Park, J. W. Park, Pratt, Springer, Stowe, Sweetland, Tallmadge, Tivy, Warmcastle, Whipple and Whitman—47.

NAYS.

Messrs. Anderson, Bagley, Briggs, Dawley, Gilbert, Griffith, Irwin, Jones, Kellogg, McBrayer, O'Neil, Purdy, Ring, Rowan, Spencer, Stemmons, Sweasey, Van Cleft, Watkins and Mr. Speaker—20.

So the motion was laid on the table.

Mr. Mandeville gave notice that on to-morrow he would move to reconsider the vote which laid the motion to reconsider on the table.

On motion, leave of absence was granted to Messrs. McKinney and French for one day; and to Mr. Cornwall for one week.

Assembly bill No. 165, an Act to relinquish to the county of Colusi that portion of the tax due the State by Samuel A. Morrison on a Spanish grant in that county, for certain purposes, for the building of a bridge.

Read a third time.

Mr. Bagley moved to reconsider the third reading of the bill.

Agreed to.

Mr. Bagley moved to amend the bill by a proviso that the bridge to be built should be a free bridge,

Agreed to.

Bill read a third time; and upon its passage Messrs. Dawley, Tallmadge and Conness demanded the yeas and nays.

YEAS.

Messrs. Ashley, Bagley, Bennett, Bowie, Bradford, Briggs, Carr, Carrillo, Dannels, Gilbert, Griffith, Hagans, Henry, Herbert, Horr, Hunt, Hunter, Irwin, Letcher, Musser, McDuffie, Spencer, Stemmons, Stowe, Tivy, Watkins, Whitman and Mr. Speaker—28.

NAYS.

Messrs. Anderson, Ballou, Burton, Clingan, Conness, Davidson, Dawley, Ewer, Fairfield, Godard, Hoff, Hoyt, Hubert, Jones, Kellogg, Koll, Mandeville, Myres, McDonald, McDaniel, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Springer, Sweasey, Sweetland, Tallmadge and Van Cleft—31.

So the bill did not pass.

Mr. J. W. Park gave notice that on to-morrow he would move to reconsider the vote which refused to pass Assembly bill No. 165.

Assembly bill No. 90, an Act explanatory of the seventh section of 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, reported by the Committee of Ways and Means.

On motion, laid on the table.

Mr. Hoff made the following report :

Your Committee on Claims have had under consideration an Act for the relief of Wm. N. Walton, and most respectfully recommend its passage.

They have also attentively considered the petition of B. F. Bradford, claiming the sum of forty-one hundred and twelve dollars and fifty cents (\$4112 50) as pay for provisions furnished the emigrants in Carson Valley during the year 1850 ; after a careful investigation, it appears from the evidence submitted to your committee, that the petitioner projected his enterprise for the purpose of speculation ; they are, therefore, of the opinion that the prayer of the petitioner be not granted.

Senate bill No. 13, above reported, under consideration.

On motion, the House resolved itself into Committee of the Whole, Mr. Mandeville in the chair, to consider the bill. After spending some time in its consideration, the committee rose, reported the bill back, and asked to be discharged from its further consideration.

The committee was discharged.

The bill was read a third time and passed.

On motion of Mr. Fairfax, the special order set for this day was further postponed.

Mr. Tivy, chairman, made the following report .

The Joint Committee on enrolled bills have examined and find correctly enrolled, joint resolutions relative to mail routes in the State of California.

Mr. James made the following report .

The committee on part of the Senate and Assembly to propose amendments to the Constitution, and to whom have been referred various propositions to change that instrument, respectfully report the accompanying amendments and earnestly recommend their adoption.

A. C. BRADFORD,

Chairman Assembly Com.

JOHN C. JAMES,

JOSEPH S. WATKINS,

JAMES O'NEIL.

JAMES COFFROTII,

Chairman Senate Com.

CHARLES H. BRYAN,

JAMES H. WADE.

Mr. Godard, from Select Committee, reported back Senate bill, No. 76, for an Act to authorize the Court of Sessions of the counties of San Joaquin and Tuolumne to levy and collect a special tax for the support and maintenance of the indigent sick of said counties, with amendments to strike from the provisions of the bill, the county of San Joaquin. Agreed to.

The bill was read a third time and passed.

The following message was received from the Governor :

I have this day approved the following Joint Resolution which originated in the Assembly, viz : Joint Resolution, relative to lands donated to this State by the United States.

JOHN BIGLER.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed this day a Concurrent Resolution authorizing the Judiciary Committees of both Houses to act jointly on all bills relating to an Act to regulate proceedings in civil cases.

Which is herewith respectfully presented.

JOHN Y. LIND, Secretary.

Concurrent Resolution, above reported concurred in by the Assembly.

The following message was also received from the Senate .

I am directed to inform the Assembly, that the Senate passed, this day, a bill for an Act to amend an Act to establish Pilots and Pilot regulations for the Port of San Francisco, passed February 25, 1850.

Respectfully,

JOHN Y. LIND, Secretary.

Senate bill, No. 113, above reported.

Read a first and second time, and referred to Committee on Commerce.

Mr. Herbert moved to re-consider the vote agreeable to notice, which passed the Printing Bill on Saturday last.

Mr. Myres objected to Mr. Herbert making his motion, because he (Herbert) was not present when the bill passed.

The Speaker decided that he could not go behind the Journal, that objection should have been made at the time the notice was given, and decided the motion of Mr. Herbert in order, from which decision Mr. Myres appealed.

The question was then put, "shall the decision of the Chair be the judgment of the House?" and Messrs. Dawley, Conness and McDonald, demanded the yeas and nays.

YEAS.

Messrs. Anderson, Bennett, Bowie, Bradford, Burton, Carr, Carrillo, Clingan, Ewer, Hagans, Hastings, Herbert, Hoff, Horr, Hubert, Hunter, Irwin, McDuffie, Noel, J. W. Park, Spencer, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Warmcastle, Watkins, Whipple and Whitman—30.

NAYS.

Messrs. Ashley, Bagley, Ballou, Briggs, Conness, Dannels, Davidson, Dawley, Fairfield, Gilbert, Godard, Griffith, Hoyt, Hubbard, Hunt, Kellogg, Koll, Letcher, Musser, McBrayer, McDonald, F. A. Park, Pratt, Purdy, Ring, Springer, Sweasey, Tallmadge and Van Cleft—30.

There being an equal number of votes, the Speaker voted in the affirmative, and the decision of the chair was sustained.

Mr. Herbert moved a call of the House, and Messrs. Carrillo McDonald and Springer demanded the yeas and nays.

YEAS.

Messrs. Anderson, Bennett, Bowie, Bradford, Burton, Carr, Carrillo, Gordon, Hagans, Hastings, Hoff, Hunter, Mandeville, McBrayer, McDuffie, McDaniel, Noel, Stevenson, Tivy, Warmcastle, Watkins and Whitman—22.

NAYS

Messrs. Ashley, Bagley, Ballou, Briggs, Clingan, Conness, Dannels, Davidson, Dawley, Ewer, Fairfield, Gilbert, Godard, Griffith, Henry, Hoff, Horr, Hoyt, Hubbard, Hunt, Irwin, Jones, Kellogg, Koll, Letcher, Musser, Myres, McDonald, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stemmons, Sweasey, Sweetland, Tallmadge, Whipple and Mr. Speaker—43.

So the call was not sustained.

The question was then taken upon the motion to re-consider, and Messrs. Mandeville, Tallmadge and Bradford demanded the yeas and nays

YEAS.

Messrs. Anderson, Bennett, Bowie, Bradford, Burton, Carr, Carrillo, Clingan, Ewer, Gordon, Hagans, Hastings, Herbert, Hunter, Mandeville, McDuffie, McDaniel, Noel, J. W. Park, Stemmons, Sweetland, Tivy, Warmcastle, Watkins and Whipple—26.

NAYS.

Messrs. Bagley, Ballou, Conness, Dannels, Davidson, Dawley, Fairfield, Gilbert, Godard, Griffith, Hoff, Horr, Hoyt, Hubbard, Hunt, Irwin, Jones, Kellogg, Koll, Letcher, Musser, Myres, McBrayer, McDonald, O'Neil, F. A. Park, Pratt, Ring, Rowan, Spencer, Springer, Sweasey, Tallmadge and Mr. Speaker—34.

So the House refused to consider the vote.

The following message was also received from the Senate :

I am directed to inform the Assembly that the Senate passed, on yesterday, a bill for an Act to authorize the Treasurer to issue duplicate Land Warrants to John D. Brower.

Also, Assembly bill, No. 184, an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, and to repeal a like Act, passed May 27, 1853; and an Act to fix the salary of the Judge, of Placer county, approved May 28, 1853, with amendments as therein shown, to which they ask the concurrence of the Assembly.

Respectfully,

JOHN Y. LIND, Secretary.

Senate bill No. 118, an Act to authorize the Treasurer to issue duplicate Land Warrants to John D. Brower.

Read a first time.

Assembly bill No. 184, above reported :

The House refused to concur in Senate amendments, and appointed a Committee of Conference, Messrs. Conness, Irwin and Carr on the part of the House.

The following message was also received from the Senate :

I am instructed to inform the Assembly that, on Saturday last, the Senate passed the accompanying bill for an Act to repeal an Act entitled an Act to provide for the appointment of a Guager for the Port of San Francisco, approved May 3, 1852.

Submitted respectfully,

JOHN Y. LIND, Secretary.

Senate bill No. 12, above reported, read a first time.

The following message was also received from the Senate :

I am instructed to inform the Assembly, that the Senate passed, this day, Assembly bill No. 216, for an Act to Fund the Floating Debt of Sacramento county, and to provide for the payment of the same, which is herewith respectfully returned.

JOHN Y. LIND, Secretary.

On motion of Mr. Conness, Assembly bill No. 192, an Act to locate the county seat of El Dorado county, was taken from the table.

Mr. Briggs offered an amendment by striking out all after the enacting clause, and inserting a substitute for the whole bill.

Mr. Stevenson moved to strike out all that part of the amendment of Mr. Briggs relative to public buildings. Not agreed to.

Mr. Tallmadge moved to strike out the words, "the greatest number of votes," and insert "a majority of the votes cast," in the third line of third section of the substitute.

Not agreed to.

The amendment of Mr. Briggs was then adopted, and the bill considered engrossed, read a third time and passed.

Mr. Conness offered the following amendment to the title of the bill, which was adopted; strike out all after the words "an Act," and insert "to submit the question of the removal of the county seat of El Dorado county to the voters thereof."

Mr. Purdy gave notice that, at an early day, he would introduce a bill for the better protection of game.

Mr. Ewer gave notice that he would on to-morrow, introduce a bill to give jurisdiction to the Courts of Plumas county in certain cases.

Also, a bill to confer jurisdiction upon the several District Courts of this State in certain cases.

Mr. Myres gave notice that, as early as he can, he will move to amend the first, second and twenty-second rules of this House, in the following manner.

Amend Rule 1, by striking out "10," and inserting 11.

Amend Rule 2, by inserting between the third and fourth lines the words:

"2d. Notices and introduction of bills," and changing their marginal numbers consecutively.

Amend Rule 22, by striking out the word "unanimously," and inserting in lieu thereof the words, "*by a two thirds vote.*"

Mr. Bagley gave notice that, at an early day, he would introduce a bill for an Act creating in the county of San Francisco the office of Fire Coroner.

Mr. Van Cleft gave notice that, on to-morrow, he would introduce a bill to amend section seventh of an Act concerning the office of Surveyor General.

Mr. Clingan gave notice that, on to-morrow, he would introduce a bill to amend an Act to provide for the permanent location of the seats of Justice of the counties in this State.

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

HOUSE OF ASSEMBLY.

TUESDAY, April 11, 1854.

House met pursuant to adjournment.

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

Messrs. Bagley, Bostwick, Briggs, Clingan, French, Gilbert, Godard, Griffith, Herbert, Hoff, Horr, Hoyt, Irwin, Lindsey, Musser, McDuffie, McGee, Nichols, F. A. Park, J. W. Park, Stevenson, Van Cleft, Whitman, and Mr. Speaker.

The Journal of Monday was read, amended and approved.

On motion, leave of absence was granted to Mr. Briggs for one week, and Mr. McGee for three days.

Mr. Myres, chairman, made the following report:

The Judiciary Committee have had under consideration Senate bill No. 116, and recommend its passage with an amendment herewith submitted.

Senate bill No. 116, an Act supplementary to an Act to exempt Firemen from Militia service and Jury duty, passed March 25, 1853.

Amendment offered by the committee concurred in by the House.

The bill read a third time and passed.

Mr. Dannels, chairman, made the following report :

The Committee on Indian Affairs have had under consideration the Special Message of the Governor, in reference to Indian War Claims, with an accompanying communication from the Board of Examiners upon the same subject ; and in accordance with the recommendation of said communications, and the instructions of the House, your committee would herewith report back Assembly bill No. 205, for an Act to repeal the several Acts providing for the payment of expeditions against the Indians in this State, and recommend its passage.

Assembly bill No. 205, for an Act to repeal the several Acts providing for the payment of expeditions against the Indians in this State.

Considered as engrossed, read a third time and passed.

The following message was received from the Senate .

I am instructed to inform the Assembly that the Senate passed yesterday the accompanying bill for an Act to authorize the redemption of State Prison Bonds, and to dispose of the special fund heretofore provided for their redemption.

Respectfully,

JOHN Y. LIND, Secretary.

Senate bill No. 115, above reported,

Read a first and second time, rule suspended, the bill read a third time and passed.

Mr. Ashley gave notice that at an early day he would introduce a bill for an Act to provide for the erection of a County Jail in the the county of Monterey.

Also, an Act to establish Libraries.

On motion of Mr. Conness, Assembly bill No. 50 and 9, an Act in relation to State Prison Bonds, was taken from the table.

Read a second time and did not pass.

Also, Assembly bill No. 90, an Act explanatory of the 7th section of 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.

Read a third time and did not pass.

On motion of Mr. McDaniel, Assembly bill No. 113, an Act to authorize Justices of the Peace to issue writs of injunction in certain cases in mining counties, was taken from the table and referred to Joint Committee on Practice Act—Judiciary Committee of both Houses.

Mr. Bradford moved to take from the table Senate concurrent resolution to adjourn *sine die*, upon which motion Messrs. Sweetland, Bradford and Carrillo demanded the yeas and nays.

AYES.

Messrs. Anderson, Ashley, Bennett, Bowie, Bradford, Burton, Carr, Carrillo, Dannels, Davidson, Ewer, Godard, Gordon, Griffith, Hagans, Hastings, Henry, Herbert, Hollister, Horr, Hoyt, Hubbard, Hubert, Hunt, Hunter, Irwin, James, Jones, Koll, Letcher, Mandeville, McDuffie, McDaniel, McKinney, Noel, O'Neil, J. W. Park, Pratt, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Warmcastle and Whitman—45.

NAYS.

Messrs. Ballou, Conness, Dawley, Fairfield, French, Hoff, Myres, McDonald, Purdy, Ring, Rowan, Sweasey, Tallmadge and Van Cleft—14.

So the resolution was taken from the table.

Mr. Bradford moved to strike out the 15th day of April, and insert the 8th of May.

Mr. Ewer moved to amend by inserting the 1st of May instead of the 8th.

Mr. Jones moved to make the resolution the special order of the day for Friday next at 12 o'clock, M.; upon which motion Messrs. Whitman, Ewer and Henry demanded the yeas and nays.

YEAS.

Messrs. Ballou, Bradford, Clingan, Conness, Dannels, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Griffith, Hoff, Hollister, Horr, Hoyt, Hubbard, Irwin, Jones, Kellogg, Koll, Myres, McBrayer, McDonald, J. W. Park, Pratt, Purdy, Rowan, Spencer, Sweasey, Tallmadge and Van Cleft—32.

NAYS.

Messrs. Anderson, Ashley, Bennett, Bowie, Burton, Carr, Carrillo, Ewer, Gordon, Hagans, Henry, Herbert, Hubert, Hunt, Hunter, James, Letcher, Mandeville, McDuffie, McDaniel, McKinney, Noel, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Warmcastle and Whitman—30.

So the resolution was made the special order for Friday next.

Mr. Conness moved to take from the table the Governor's veto message upon a resolution granting leave of absence to Edward P. Letcher, County Judge of Klamath county. Agreed to.

Mr. Griffith moved to refer the message and bill to the Delegation from Klamath county. Agreed to.

Mr. Ballou, offered the following :

Resolved, That the Committee on Public Accounts and Expenditures be, and are hereby, instructed to audit and pay out of the contingent fund of this House the amount of necessary travelling expenses incurred by the various committees by order of this House.

Mr. Hoyt moved to lay the whole subject on the table.

Not agreed to.

The resolution was then adopted.

Mr. Griffith gave notice, that at an early day he would introduce a bill fixing the times of holding the various Courts authorized to be held by the County Judge in the County of Yolo.

On motion of Mr. Dannels, Assembly bills for the protection of Owners of Building Lots in the Mining Districts, was taken up for consideration.

On motion of Mr. Jones, the House resolved itself into Committee of the Whole, Mr. O'Neil in the chair, to consider the bills.

After spending some time in its consideration, and making no amendments thereto,

On motion, the committee rose, reported progress, reported the bills back to the House, and by vote of the House, the committee was discharged.

Mr. Dannels moved to indefinitely postpone the bills under consideration.

Mr. Conness moved to refer the consideration of the bills to a select committee of five.

Mr. O'Neil moved to make the bills the special order for Tuesday next, at 12 o'clock, in Committee of the Whole.

Not agreed to.

The vote was then taken upon the motion of Mr. Conness, and decided in the affirmative.

And Messrs. Conness, Burton, McDaniel, Kellogg and Anderson were appointed said committee.

Mr. Myres moved to amend the rules of the House agreeable to notice of yesterday: Amend the first rule by striking out the hour of 10, and inserting 11 o'clock, for the hour of meeting. Not agreed to.

Amend the second rule by placing the introduction of bills second in the order of business. Agreed to.

Mr. Myres introduced a bill for an Act amendatory of an Act entitled an Act to provide for the disposal of the five hundred thousand acres of land granted to this State by the eighth section of the Act of Congress, approved the 4th of April, 1841.

Read a first and second time, and referred to Committee on Public Lands, and 240 copies ordered to be printed.

Mr. Hoff introduced a Joint Resolution in relation to the U. S. Census Agents for the State of California.

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

Mr. Jones introduced a bill for an Act to prevent hogs and sheep from running at large at certain seasons of the year.

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

Mr. Purdy introduced a bill for an Act for the protection of Game.

Read a first and second time, and referred to special committee of three.

Messrs. Purdy, Bennett and Hunter were appointed said committee.

Mr. Letcher introduced a bill for an Act to adjust the indebtedness of the County of Alameda to the County of Santa Clara, and provide for the payment of the same.

Read a first and second time, and referred to the Delegation from Santa Clara and Alameda counties.

Mr. Clingan introduced a bill for an Act amendatory of an Act to provide for the permanent locations of the Seats of Justice of the several counties of this State, passed April 11, 1850.

Read a first and second time, and referred to Committee on Counties and County Boundaries, with instructions to report at an early day.

Mr. Carrillo introduced a bill for an Act to provide for the creation of a wharf at Santa Barbara.

Read a first and second time, and referred to the Delegation from Santa Barbara.

Mr. Whipple introduced a bill for an Act to provide for the survey of a portion of the northern boundary of this State.

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

Mr. Herbert gave notice that he would, at an early day, introduce a bill authorizing the Governor of this State to appoint Commissioners to examine and investigate the title of the State to the Leidesdorff estate; and empower said Commissioners to employ counsel to assist and aid the Attorney General in the commencement and prosecution of any action for said estate in behalf of this State, and appropriate a contingent fund for the same.

Mr. McBrayer introduced a bill for an Act to authorize the State Treasurer to issue a duplicate warrant to John Skinker.

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

Mr. Griffith introduced a bill for an Act fixing the times of holding the several Courts authorized to be held by the County Judges in the County of Yolo.

Read a first and second time, and referred to Delegation from Yolo County.

Mr. Swasey gave notice that on to-morrow, he would introduce a bill for an Act declaring the office of the District Judge of the fourth Judicial District vacant.

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

HOUSE OF ASSEMBLY.

WEDNESDAY, April 12, 1854.

House met pursuant to adjournment.

The roll was called and the following members were absent :

Messrs. Bagley, Bostwick, Bradford, Cornwall, Dawley, Gilbert, Green, Griffith, Herbert, Horr, Houghtaling, Hubbard, Lindsey, Myres, McBrayer, McDuffie, Nichols, F. A. Park, Purdy, Rowan, Springer, Tallmadge, Van Cleft, Watkins and Mr. Speaker.

The Journal of Tuesday was read and approved.

On motion, leave of absence was granted to Mr. Watkins for four days; to Mr. Houghtaling for one day; to Mr. Bagley for four days; to F. A. Park for two days; and to Mr. Springer for two days.

Mr. Gordon presented a petition from sundry citizens of El Dorado and Calaveras counties praying for the creation of a new county to be called the county of Washington.

Petition read and referred to Committee on Counties and County Boundaries.

Mr. Hunt presented a petition from sundry citizens of Sacramento and Yolo counties praying for a change of the law in reference to the run of Salmon.

Petition read and referred to select committee of three.

Messrs. Griffith, McBrayer and Bowie, were appointed said committee.

Mr. Ashley presented a petition numerously signed by citizens of Monterey praying for the passage of a law to authorize the collection of a special tax in said county for the purpose of building a Jail.

Petition read and referred to the delegation from Monterey county.

Mr. Ashley introduced a bill for an Act to provide for District Libraries.

Read a first and second time, and referred to Committee on Education.

Mr. Burton asked to be excused from serving on the select committee appointed on yesterday.

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

Mr. Sweasey introduced a bill for an Act declaring the office of the District Judge of the Fourth Judicial District vacant.

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

Mr. Ewer, introduced the following bills for an Act to give jurisdiction to the District Court, County Courts, and Justices' Courts in Plumas county in certain cases.

Read a first and second time, and referred to the delegation from Butte county.

Also, an Act to give jurisdiction to the District Court in certain cases

Read a first and second time, and referred to Joint Committee on Practice Act, Judiciary Committee.

Mr. Musser introduced a bill for an Act to authorize the Court of Sessions of Trinity county to levy a special tax for purposes therein named.

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

Mr. Stowe introduced a bill for an Act to amend an Act entitled an Act concerning Toll Bridges, passed May 1, 1851.

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

Mr. Hastings, chairman, made the following report :

A portion of the Committee on Counties and County Boundaries have had under

consideration Assembly bill, No. 179, for an Act to amend an Act dividing the State into counties, and establishing the Seats of Justice therein, passed April 25, 1851.

Report the same back, and recommend that the whole matter be referred to the delegation from Butte, Colusi and Sutter.

The bill was referred as above recommended to the delegations from Butte, Colusi and Sutter Counties.

Mr. Letcher, chairman, reported back Assembly bill, 233, for an Act to adjust the indebtedness of the county of Alameda to the county of Santa Clara, and provide for the payment of the same, and recommend the passage of the same.

Mr. Warmcastle offered to amend the bill by a proviso exempting Contra Costa. Agreed to.

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

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed, yesterday, Assembly bill for an Act to locate the County Seat of Sonoma county anew, with amendments as therein shown ;

And, also, passed the following Senate bill for an Act to amend an Act entitled an Act to authorize the formation of limited partnerships.

All of which is respectfully submitted.

JOHN Y. LIND, Secretary.

Assembly bill, No. 199, an Act to locate the County Seat of Sonoma county, above reported.

Amendment of the Senate concurred in by the House.

Senate bill, No 109, an Act to amend an Act entitled an Act to authorize the formation of limited partnerships.

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

Mr. Conness gave notice that, on to-morrow, or soon thereafter, he would introduce a bill to regulate the reception and payment of Comptroller's Warrants.

Mr. Gordon gave notice that at an early day he would introduce a bill for an Act to authorize, at the expense of the State, accurate topographical surveys from the eastern line of the State to the Bay of San Francisco, or some tributary thereof, for the route of the Pacific and Atlantic Railroad.

The hour of 11 o'clock, the special order of the day was taken up, which was an Act to establish and regulate Common Schools, and to repeal former Acts concerning the same.

On motion of Mr. Dannels, the House resolved itself into Committee of the Whole, Mr. Dannels in the chair, to consider the bill.

After spending some time in the consideration of the bill, and making amendments thereto,

On motion, the committee rose, reported progress, and asked leave to sit again.

Leave granted to sit again, and the bill made the special order for to-morrow at 12 o'clock.

On motion, indefinite leave was granted to Mr. McDuffie, in consequence of ill health.

Mr. Griffith made the following report :

The Special Committee, to whom was referred Assembly bill No. 53, for an Act to regulate Fees in Office, have had the same under consideration, and beg leave to report the accompanying substitute therefor, and recommend its passage.

On motion of Mr. Griffith, the bill and substitute were made the special order for Thursday week at 12 o'clock, and 240 copies of the substitute ordered to be printed.

Mr. O'Neil made the following report :

The Committee on Engrossment have examined and find correctly engrossed, an Act to create the office of State Printer, and define the duties and compensation thereof, and to provide for the time and manner of election.

An Act to submit the question of the removal of the County Seat of El Dorado county to the voters thereof.

An Act to amend an Act entitled an Act concerning the salaries of officers and members of the Legislature, passed May 11, 1852.

An Act to repeal the several Acts providing for the payment of expeditions against the Indians of this State.

And also Joint Resolutions in relation to an Act of Congress concerning private land claims in the State of California.

Mr. Conness introduced a bill for an Act to regulate the reception and payment of Comptroller's warrants by the State Treasurer.

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

Mr. Sweetland gave notice that at an early day he would introduce a bill for the improvement of Roads and Highways in the county of Nevada.

Mr. Mandeville gave notice that on to-morrow he would introduce a bill to declare the Stanislaus a navigable stream.

On motion of Mr. Mandeville, Assembly bill No. 102, an Act for the better development of the mineral resources of California, was taken from the table, and made the special order of the day for Friday next, at 12 o'clock.

Mr. Griffith, chairman, made the following report :

The delegation from Yolo county, to whom was referred Assembly bill 237, entitled an Act fixing the times of holding the several Courts authorized to be held by the County Judge in the county of Yolo, have had the same under consideration, and report the same back without amendment, and recommend its passage.

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

On motion of Mr. Myres, the House proceeded to the consideration of Assembly bill No. 227, an Act to amend an Act entitled an Act concerning escheats.

Mr French moved a call of the House.

The call was not sustained.

During the reading of the bill,

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

HOUSE OF ASSEMBLY.

THURSDAY, April 13, 1854.

House met pursuant to adjournment.

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

Messrs. Bostwick, Bradford, Briggs, Cornwall, French, Gilbert, Gordon, Griffith, Herbert, Hunt, Irwin, Lindsey, McGee, Nichols, Purdy, Rowan, Van Cleft and Whitman.

The Journal of Wednesday was read and approved.

On motion, leave of absence was granted to Mr. Hunt for three days; to Mr. Gordon indefinitely, in consequence of ill health; and to Mr. Bostwick indefinite leave.

Mr. Koll presented a petition from the Directors of the German Benevolent Society, praying for the passage of a law granting to the society some protection under the Hospital Laws of this State.

Petition read and referred to Committee on State Hospitals.

Mr. McBrayer introduced a bill for an Act to fix the Capital of the State.

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

Mr. Hubbard introduced a bill for an Act to prescribe rules and regulations for the disposal of town lots in this State, under the Act of Congress, entitled an Act, &c., &c.

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

Mr. Mandeville introduced a bill for an Act to declare the river Stanislaus, navigable.

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

Mr. Fairfax introduced a bill for an Act to suppress Gambling.

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

Mr. Bradford introduced a bill for an Act supplementary to, and explanatory of, an Act entitled an Act making appropriations for the Civil Expenses of the State, for the unexpired portion of the fiscal year, ending on the 20th day of June, 1854, and for the first seven months of the fiscal year commencing on the first day of July, 1854.

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

Mr. Myres, chairman, made the following report:

The Judiciary Committee, to whom was referred Assembly bill, No. 170, for an Act to provide for the organization of the Court of Sessions in and for the county of Yolo, have had the same under consideration, and herewith report a substitute, the passage of which they recommend.

The substitute reported by the committee adopted, considered as engrossed, read a third time and passed.

Mr. Hastings, chairman, made the following report:

A portion of the Committee on Counties and County Boundaries, have had under consideration Senate bill, No. 62, for 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, report the same back with an amendment, recommend the adoption of the same and the passage of the bill.

The amendment offered by the committee adopted.

Mr. McDonald moved to amend by striking out "on an air line," and insert in a straight line, in second section.

Agreed to.

Mr. O'Neil moved to lay the bill on the table.

Not agreed to.

Mr. Mandeville moved to amend the 13th section in reference to the boundary line of Tuolumne at Knight's Ferry, on the Stanislaus.

Amendment adopted.

Mr. Myres offered an additional section of the bill,

Which was adopted.

Mr. McDaniels moved to postpone the further action upon the bill, and make it the special order for Monday next, at 12 o'clock.

Agreed to.

Mr. O'Neil moved to print 240 copies of the bill introduced by Mr. Fairfax to suppress gambling.

Not agreed to.

Mr. Van Cleft introduced a bill for an Act to provide for the selection of lands donated by the United States to the State of California, for the support of Common Schools and for the erection of Public Buildings.

Read a first and second time, and referred to Committee on Public Lands.
Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined, and find correctly engrossed, an Act to adjust the indebtedness of the county of Alameda to the county of Santa Clara, and provide for the payment of the same.

Also, an Act fixing the the times of holding the several Courts authorized to be held by the County Judge in the county of Yolo.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrollment have examined, and found correctly enrolled the following Acts, viz :

An Act explanatory of an Act entitled an Act to incorporate the city of Los Angeles, approved April 4, 1850.

An Act to incorporate Crescent City.

An Act to authorize A. H. Murdock, and others to build a wharf at the town of Union, in Humboldt county.

An Act to provide for the erection of public buildings in the county of Napa.

An Act to authorize the incorporation of the city of San Bernardino.

And an Act supplementary to the Act incorporating the city of Benicia.

Mr. Stemmons, chairman, made the following report :

The Committee on Agriculture, to whom was referred Assembly bill No. 209, entitled an Act to protect stock growers from losses by noxious animals, have had the same under consideration, and recommend that the same be indefinitely postponed.

Bill read a third time, and indefinitely postponed.

Mr. Carrillo made the following report :

The Special Committee, to whom was referred Assembly bill No. 235, providing for the construction of a wharf at Santa Barbara, respectfully report that they have had the same under consideration, and recommend its passage, after striking out the proviso of the first section.

The amendment proposed by the committee to the above bill, was concurred in, The bill considered as engrossed, read a third time and passed:

Mr. Whitman, chairman of Select Committee, reported back Assembly bill No. 185, to fund the debt of the County of Solano, and to provide for the payment thereof, and recommended the passage of the same.

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

Mr. Spencer, chairman, made the following report :

The Committee on Hospitals, to whom was referred a bill for an Act to amend an Act to establish an Asylum for the Insane of the State of California, having considered the same, have instructed me to report the same back with a substitute for section eight as an amendment, and recommend its passage.

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

The following message was received from the Senate :

I am instructed to inform the Assembly, that the Senate passed yesterday Assembly bill for an Act amendatory to 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, which is herewith respectfully returned.

JOHN Y. LIND, Secretary.

The hour of 12, the special order was taken up, which was a bill to establish a system of Common Schools. The House, in Committee of the Whole, Mr. Dannels in the chair, to continue the consideration of the bill. After spending some time in the consideration of the bill, and making amendments thereto,

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

The committee was discharged.

Mr. Conness moved to lay the bill on the table. Agreed to.

Mr. Griffith introduced a bill for an Act to provide for the reclamation of the Swamp and Overflowed Lands belonging to the State of California.

Read a first and second time, 240 copies of the bill ordered to be printed, and referred to Committee on Public Lands.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills have examined, and find correctly enrolled, the following Acts, viz :

An Act to authorize the Court of Sessions of the County of Tuolumne to levy and collect a special tax for the support and maintenance of the Indigent Sick of said County.

An Act for the relief of William N. Walton.

An Act to declare the head of navigation on the Tuolumne river.

An Act to amend an Act entitled an Act concerning the Courts of Justice of this State, and Judicial Officers, passed May 19, 1853.

An Act to extend the provisions of an Act for the protection of Game to the County of Tuolumne.

An Act to fund the Floating Debt of Sacramento county, and to provide for the payment of the same.

An Act amendatory to 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

An Act to amend an Act entitled an Act concerning the office of Comptroller, passed January 19, 1850.

Mr. Purdy, chairman, made the following report :

The undersigned, a special committee, to whom was referred Assembly bill No. 230, entitled an Act for the protection of Game, having considered the same, herewith report it to the House, and recommend its passage.

Assembly bill, above reported, under consideration,

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

HOUSE OF ASSEMBLY.

FRIDAY, April 14, 1854.

House met pursuant to adjournment.

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

Messrs Carr, Gilbert, Griffith, Herbert, Lindsey, Myres, Nichols, J. W. Park, Rowan, Tallmadge, and Mr. Speaker.

The Journal of Thursday was read and approved.

On motion, leave of absence was granted to Mr. Gilbert for one day, and to Mr. Lindsey for two days.

Mr. Van Cleft introduced a bill for an Act in relation to the supplies of Fuel, and other Contingent Expenses of the Legislature.

Read a first and second time, and referred to Committee on Accounts.

Mr. Musser introduced a bill for an Act to authorize the construction of a wagon road from Shasta city to Weaverville in Trinity county.

Read a first and second time, and referred to Committee on Roads and Highways.

Mr. Ashley introduced a bill for an Act to provide for the erection of a Jail in the County of Monterey.

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

Mr. Sweasey introduced a bill for an Act to prevent the monopoly of lands in this State.

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

Mr. Whipple introduced a bill for an Act to provide for the survey of a portion of the northern boundary of this State.

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

Mr. Letcher, chairman, made the following report :

The Committee on Agriculture, to whom was referred a bill to amend an Act concerning Estrays, beg leave to report a substitute for the same.

Substitute read a first and second time, and 240 copies ordered to be printed.

Mr. Griffith, chairman, made the following report :

The Committee on Roads and Highways, to whom was referred Assembly bill, No. 141, concerning Roads and Highways, have had the same under consideration, and report the same back with amendments, and recommend that the bill pass as amended.

The bill and amendments made the special order for Wednesday next, at twelve o'clock.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined, and find correctly engrossed, an Act to amend an Act to establish an Asylum for the Insane of the State of California, approved May 17, 1853.

Also, an Act to provide for the organization of the Court of Sessions in and for the county of Yolo.

And an Act to provide for the erection of a wharf at Santa Barbara.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills, on Wednesday the 12th inst., presented to his Excellency, the Governor, for his approval, Joint Resolutions relative to Mail Routes in the State of California ;

And on yesterday, the 13th inst., the following Acts, viz :—An Act amendatory to 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.

An Act explanatory of an Act to incorporate the city of Los Angeles, approved April 4, 1850.

An Act to incorporate Crescent City.

An Act to authorize A. H. Murdock and others to build a wharf at the town of Union, in Humboldt county.

An Act to provide for the erection of Public Buildings in the county of Napa.

An Act to authorize the incorporation of the city of San Bernardino.

An Act supplementary to the Act incorporating the city of Benicia.

An Act to declare the head of Navigation on the Tuolumne river.

An Act to amend an Act entitled an Act concerning the office of Comptroller, passed January 19, 1853.

An Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

An Act to extend the provisions of an Act for the protection of Game to the county of Tuolumne.

An Act to Fund the floating debt of Sacramento county, and to provide for the payment of the same ; and

An Act to authorize the Court of Sessions of the county of Tuolumne to levy and collect a special tax for the support of the indigent sick of said county.

Mr. Tallmadge made the following report :

Report of the Joint Select Committee to investigate the printing accounts of Eugene Casserly, Esq.

MR. PRESIDENT :

The Joint Select Committee created under the following resolution :

Resolved, By the Senate, the Assembly concurring, that a Joint Committee, composed of three from each House, be appointed to examine and settle the accounts of Eugene Casserly, Esq, late State Printer, with power to send for persons and papers ; have carefully examined the subject, and beg leave respectfully, to submit the following report :

In May, 1851. Mr. Casserly was elected State Printer by the Legislature ; the then Governor, (McDougal), claimed the election to be irregular, and immediately upon the adjournment of the Legislature appointed Mr. G. K. Fitch, State Printer.

The Secretary of State, whose duty it was by law to deliver to the State Printer the certified copies of the laws and journals for printing, refused to acknowledge Mr. Casserly as the State Printer, and delivered them to Mr. Fitch. It was thus placed out of Mr. Casserly's power to print the laws and journals, and he was obliged to resort to a suit at law to establish his rights. Late in December, 1851, the Supreme Court of the State rendered a unanimous decision declaring Mr. Casserly to be the State Printer, and the appointment of Mr. Fitch by the Governor, null and void.

Within a very few days after this decision, the Legislature of 1852 commenced its session.

The volume of Laws of 1851 was one of the most important, as well as one of the largest ever printed, and the members were eager to have them and the journals upon their desks.

Meantime, and pending the litigation in the Courts, Mr. Fitch had had the laws and journals printed in New York, and at the opening of the session, was in attendance with his books, being the only printed volumes of the laws of 1851 in the State, printed and bound, and ready for delivery. The time between the decision of the Supreme Court in Mr. Casserly's favor, and the meeting of the Legislature, scarcely two weeks, did not allow him to print the Laws and Journals, and was hardly sufficient to have obtained the certified copies for printing from the Secretary of State. Without any fault of his, he had been disabled from doing the State work ; and he was the State Printer without having had it in his power to do the State Printing.

The impatience of the Legislature, for the Laws and Journals of 1851, was all the while on the increase ; and in each house a committee was appointed to examine and report upon the subject. The chairman of the Senate Committee was Hon. Chas. F. Lott, Senator from Butte ; while the chairman of the Senate portion of the present committee was chairman of the committee in the Assembly.

Both committees were unanimous in their conclusions. After a very full discussion and examination, the Assembly committee reported that Mr. Fitch was not the State Printer, that Mr. Casserly was, and the only person authorised by law to deliver to the State the Laws and Journals of 1851; which report was accepted *nem. com.* The Senate committee reached the same results, and were entirely clear and decided in the opinion that the Laws and Journals could not be accepted from Mr. Fitch by the Legislature without a disregard of the decision of the Supreme Court, and a violation of law. As a settlement of the difficulty, and in order that the Laws and Journals might be received by the Legislature and distributed through the State, when the want of the statutes particularly was felt as a serious embarrassment, the Senate committee further advised that Mr. Casserly should make an arrangement with Mr. Fitch by which he (Casserly) should be enabled to deliver to the State the Laws and Journals, after revising and correcting the typographical errors in the volume of the laws. This was, in fact, the only course left for Mr. Casserly, and the only one by which he could possibly meet his obligations to the State, and satisfy the desire of the Legislature for the Laws and Journals. Accordingly he purchased of Mr. Fitch his books, paying to him about the full California prices; and after revising and correcting the volume of the Laws, inserting a copious list of errata, and his own imprint as State Printer, as required by law, he delivered the Laws and Journals to the State through the Comptroller and Secretary of State, by whom, after due examination, they were accepted, and his bills for the work were certified and audited under the Act of March 25, 1851, reducing the State Printer's rates of compensation forty per cent. from the rates of the Act of March 9, 1850.

To the correctness of these rates, your committee have given particular attention, with especial reference to the views expressed in the "Report of the Special Committee, appointed in 1853, to examine the Books and papers of the State Officers." After a full examination of the various Acts upon the subject, the conclusion seemed inevitable that the Act of March 25, 1851, reducing the prices forty per cent. fixed the true tariff for the State printing. And, therefore, that the rates adopted by the Comptroller and Secretary of State in certifying and auditing Mr. Casserly's accounts for the Laws and Journals were entirely correct and according to law.

In the further performance of the duty assigned to your committee, of examining and settling Mr. Casserly's accounts, we have felt ourselves in all cases required to go behind the bills as audited and adjusted by the Comptroller; and in some instances to correct his calculations, and to disallow items which had been allowed by him; and on the other hand to allow items which had been thrown out by him.

It is due to the Comptroller to say, that the balance of these errors were on the side of the State; and that the accounts of Mr. Casserly appear to have been subjected by him to repeated examinations, calling to his aid practical printers, a required by law, retaining in his hands until such final settlement, a large amount of money—\$10,000 and upwards—due to Mr. Casserly.

In proceeding to the examination of Mr. Casserly's accounts, your committee found before them an arduous task. Those accounts included upwards of one hundred and twenty bills, comprising many hundred items, and referring each to its appropriate voucher, nearly every bill and voucher containing two or more different classes of work; the whole involving a mass of figures and calculations of the utmost extent and intricacy.

The calculations in these accounts being such as to require the services of experienced printers, your committee appointed, under oath, a commission of three practical printers of known experience and capacity in the various departments of printing, with instructions to examine and calculate every item in the accounts, with reference to the voucher for each. Each of these gentlemen, thus sworn, made his examination of each item, bill, and voucher, separate and apart from the others. If, upon comparing the result on each bill, any discrepancy appeared between the three, the calculations were revised, and the error ascertained and corrected. Your com-

mittee had the assistance of these gentlemen during three days, and they feel assured that nothing could be more rigid and thorough than their process of investigation; and that the results which they reached are as free from error as possible.

The report of these gentlemen is annexed, marked "Exhibit A," from which it will be seen that upon the bills audited and allowed by the Comptroller, they found a balance due to the State of \$1,234 02. The item of \$2,188 07 overpaid (as appears by their report) arose out of an error in computing the binding of the Journals. By section twelve of the Act of March 9, 1850, the rate for binding on all half bound volumes was one and one-fourth cents per page if the volume was under three hundred pages, and one cent per page if it contained more than three hundred pages. The Journals were half bound and more than three hundred pages, and were charged (erroneously) for binding one and one-fourth cents a page instead of one cent.

The error was undoubtedly a clerical one, and appears to have escaped the attention not only of the Comptroller, but of the practical printers who examined the accounts.

Most of the items reported underpaid are for errors made in computing the number of tokens of press work; each token being two hundred and forty impressions of the printing press, and which, by law, is counted a full token.

Of the item of \$276 64, reported in "Exhibit A," as underpaid in vouchers 1025 and 1026, and submitted for the consideration of your committee, the sum of \$245 has been disallowed by your committee, being for the "composition upon the Report of the Surveyor General, ordered printed by the Assembly without any charge for the composition," although this is a restriction which the Assembly had, perhaps, no right by law to make, yet the work was done under the order, and Mr. Casserly apparently consented to the restriction. The charge for composition was, therefore, not allowed.

In addition to the bills audited and allowed by the Comptroller, your committee have allowed two items as per bill in "Exhibit B," hereto annexed, and which had been disallowed by the Comptroller.

The first item is for marginal or side notes, and index, and table of contents to the statutes, and for the index to the Journals. Without this work the books would have been almost useless. It has always been done by the Printer to the State—has always been charged for, and, except in Mr. Casserly's case, has always been allowed. According to the rates at which the same work was paid for last year by the State, the amount of this item would be \$5,007. Mr. Casserly's bill is for \$1,244, being as nearly as possible the amount paid in cash for the labor bestowed, and it has been allowed by the committee.

The other item is for carriage, labor, and expenses in the purchase of the paper used by the State during the year 1851-52. This item is chargeable under section 8 of the Act of March 9, 1850, and though disallowed by the Comptroller and Secretary of State, is regarded by your committee as a very just and moderate demand for a troublesome service, and allowed accordingly.

It will be seen, therefore, that your committee have, after a full, minute, and patient investigation, disallowed an item of \$2,188 17 allowed by the Comptroller, and also an item of \$245, submitted for allowance in the report of the Commission of Printers; and that they have allowed the other items marked in that report as underpaid, amounting to \$709 15, and also the items charged in "Exhibit B," amounting to \$1,860 20. This leaves a balance due by the State to Mr. Casserly of three hundred and eighty dollars and eighteen cents, thus.

Total of account as correctly settled by your committee,	-	\$85,627 92
Total of account as audited and allowed by Comptroller,	-	85,246 74

Balance due Mr. Casserly,	-	-	-	-	-	\$380 18
For the payment of which balance to him in full settlement of his accounts, your						

committee submit herewith a bill for an Act, and respectfully recommend the passage of the same.

Your committee cannot conclude, without expressing their satisfaction with the result of their examination. In so large a mass of accounts, involving calculations of peculiar difficulty, important errors against the State might appear inevitable. The fact is the other way; with the single exception of the error (manifestly clerical) in the charge for the binding of the Journals, already noted and explained, your committee have found no overcharge against the State, while the close examination instituted has disclosed several items in Mr. Casserly's favor, which should have been allowed, leaving a small balance due to him by the State.

Justice to Mr. Casserly requires us to say, that we have found his accounts with the State to have been kept with care, accuracy and clearness; every item distinctly presented, the different classes of work intelligibly set forth, every bill certified to by the proper officers of the Legislature, and accompanied by a suitable voucher. To his administration of the State Printing belongs the merit of efficiency, compliance with the law, and laudable economy, as is proved by the fact that the whole expense of the State Printing during his term of office, is less by very many thousand dollars than the same work has ever cost the State before or since; which, in view of the circumstance, that during his term of office wages were some 25 per cent. higher than at present, and warrants of the State 25 to 30 per cent. lower, is a result more profitable to the State, probably, than to the State Printer.

We will not withhold the expression of our gratification, that in those early days of our young State, the complicated and responsible duties of an important and expensive department of Government, should have been administered in a manner so entirely creditable to the officer and advantageous to the public.

All of which is respectfully submitted.

JAMES W. COFFROTH, Chairman.
 J. H. WADE,
 R. T. SPRAGUE,
 Senate Committee.
 D. P. TALLMADGE,
 Chairman Assembly Com.
 WM. W. STOWE.

EXHIBIT A.

SACRAMENTO, April 10, 1852.

SIR :

We, the undersigned, practical printers, having been sworn by you, have examined the accounts of Eugene Casserly, Esq., as State Printer, together with every voucher and printed document to which they refer, and report the following as the result of our examination, as will be more specifically set forth, by reference to the table on the annexed page. We find that Mr. Casserly has been overpaid \$1,234 02. There are one or two omissions to charge for composition of documents, which having been evidently agreed to by Mr. Casserly, we did not feel authorized to go behind the charge—though by all rules governing the printing craft, we think that he should be allowed for the same. In another case, the Comptroller has disallowed Mr. Casserly's charges for the purchase and cartage of paper, used in 1852, for Journals and Statutes, amounting to \$268 10. The law having provided for compensation for this service, we have thought it our duty to simply call the attention of your committee to the fact.

Respectfully, yours, &c.,

J. B. DEVOE,
 F. S. THOMPSON,
 J. WINFIELD SCOTT.

Hon. J. W. COFFROTH,
 Chairman Select Committee, &c.

Amount of State Printing under Eugene Casserly.

NUMBER OF VOUCHER.	AUDITED AT.	OVER PAID.	UNDER PAID.	TRUE AMOUNT OF SAME.
674 to 676	\$1,330 52		\$22 50	\$1,353 02
677 to 684	1,013 97		12 11	1,026 08
739 to 743	505 52			505 52
744 to 748	2,514 67		61 32	2,575 99
781 to 797	27,812 72	\$2,188 17		25,624 55
811 to 813	1,631 60		145 96	1,777 56
842 to 843	1,009 83		17 52	1,027 35
844 to 847	1,893 85		58 74	1,952 59
1012 to 1024	1,681 19		21 90	1,703 09
1025 to 1026	745 00		276 62	1,021 62
1275 to 1286	11,744 36		18 91	11,763 27
1287	2,681 00			2,681 00
1293	158 40			158 40
1294	1,220 24		14 65	1,234 89
1295	745 66			745 66
1296	151 68			151 68
1297 to 1307	1,712 90		4 39	1,717 29
1308 to 1369	1,036 00		15 17	1,051 17
1310 to 1313	1,118 91		39 74	1,158 65
1610 to 1619	4,713 12		94 94	4,808 06
1723 to 1726	1,930 41		53 32	1,983 73
1727	670 76			670 76
2815	25 00			25 00
3134 to 3159	17,199 50		96 36	17,295 86
	\$85,246 74	\$2,188 17	\$954 15	\$84,012 72

BASIS OF CALCULATION.

Size of page, in document form, 28 by 48 ems long primer, containing 1,344 ems.

Size of page, in bill form, 48 by 74 ems long primer, containing 2,552 ems.

Price per 1000 ems English language \$7 30.

" 1000 ems figure work \$12 75.

" 1000 ems rule work \$10 95.

" 1000 ems rule and figure work \$14 60.

" 1000 ems Spanish language \$14 60.

Press work, 240 impressions to token, \$7 30 per token.

Plain blanks \$8 50 per quire.

Blanks with rule work in them, \$11 00 per quire.

" figure " \$12 75 "

" rule figure work in them, \$17 00.

Folding and stitching 2 cents per page for documents and bills.

" 1 cent " " " "

The above size of pages, and the prices of State Printing work, are fixed by chapter 26 of an Act defining the duties of State Printer and fixing his compensation, passed March 9, 1850, and are governed by a reduction of 40 per cent. by

an Act to amend an Act defining the duties of State printer and fixing his compensation, passed March 9, 1850; passed March 25, 1851, being the laws under which Mr. Casserly executed the State Printing.

EXHIBIT B.

THE STATE OF CALIFORNIA,

To *Eugene Casserly*, DR.

Making marginal notes to statutes of 1851, (534 pages;) table of contents and index to same, 24 pages; making index to journals of 1851, (1,868 pages,) 47 pages solid,	\$1,244 00
Carriage, labor, expenses, &c. upon purchase of paper for the State, \$2,681, (see voucher 1,287,) and \$3,481, (see voucher 3,134 to 3,139;) total \$6,162 at 10 per cent. commission,	616 20
Total,	\$1,860 20
SACRAMENTO, April 10, 1854.	

EXHIBIT C.

COMPTROLLER'S OFFICE, }
Sacramento, April 10, 1854. }

HON. J. W. COFFROTH :

Sir :—The amount paid Eugene Casserly, Esq., as Printer to the State, is \$85,246 74.

Respectfully, your obedient servant,

(Signed)

SAM. BELL,
Comptroller of State.

EXHIBIT D.

COMPTROLLER'S OFFICE, }
Sacramento, April 10, 1854. }

HON. J. W. COFFROTH,

<i>Sir</i> :—The amount paid M. G. Langley for indexing and marginal noting Laws and Journals for 1852, is	\$2,421 36
Do for year 1853,	8,182 38
	\$10,603 74

(Signed)

SAM. BELL,
Comptroller of State.

Journals of Senate and Assembly for 1853, index 77 pages.
Statutes of 1853, (346 pages,) contents and index 39 pages.

Mr. Tallmadge, in behalf of the committee, introduced a bill for an Act entitled an Act for the settlement of the accounts of Eugene Casserly as State Printer.

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

The following message was received from the Governor :

I have this day approved the following Acts which originated in the Assembly, viz :

An Act supplementary to the Act incorporating the City of Benicia.

An Act explanatory of an Act entitled an Act to incorporate the City of Los Angeles, approved April 4, 1850.

An Act to authorise the incorporation of the City of San Bernardino.

An Act to provide for the erection of public buildings in the county of Napa.

An Act to authorise A. H. Murdock and others to build a wharf at the town of Union, in Humboldt county.

An Act to fund the floating debt of Sacramento county, and to provide for the payment of the same.

An Act to incorporate Crescent City.

Also, an Act amendatory to 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 1, 1852.

JOHN BIGLER.

The following message was received from the Senate :

I am instructed to inform the Assembly that on yesterday the Senate refused to concur in Assembly amendment to an Act supplementary to an Act to exempt firemen from Militia service and Jury duty, passed March 25, 1853, and request that the Assembly will appoint a committee to confer with Messrs. Coffroth, Sawyer and Moore upon the disagreeing vote.

The Senate also passed Assembly bill No 501, for an Act to amend the seventh section of an Act entitled an Act to incorporate the City of San Jose, passed March 27, 1850.

They also passed the following Senate bills :

For an Act declaring the consent of the State of California to the purchase by the United States of Signor or Mare Island ; to relinquish the title and interest of the State in overflowed portions of said Island, and to vest the jurisdiction over the same in the United States for the purposes therein specified.

An Act allowing the Court of Sessions of Yuba county to levy a special tax for the support of the indigent sick of said county ; and

An Act providing that the Court of Sessions of Yuba county shall be empowered to levy and cause to be collected, a special tax for the purpose of erecting public buildings, and the improvement of public grounds in said county, and for the disposal of public property for the same purpose.

Also, a concurrent resolution granting leave of absence to John R. McConnell, Attorney General of this State.

All of which is herewith respectfully presented.

JOHN Y. LIND, Secretary.

House refused to recede from their amendment to Senate bill No. 116, an Act to exempt firemen from Militia service and Jury duty, passed March 25, 1853, and have appointed Messrs. Myres, Godard and Dawley as a committee of conference.

Senate bill No. 120, an Act declaring the consent of the State of California to the purchase by the United States of Signor or Mare Island ; to relinquish the title and interests of the State in overflowed portions of said Island, and to vest the jurisdiction over the same in the United States for the purposes therein specified.

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

Senate bill No. 114, for an Act allowing the Court of Sessions of Yuba county to levy a special tax for the support of the indigent sick of said county.

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

Senate bill No. 112, for an Act providing that the Court of Sessions of Yuba county shall be empowered to levy and cause to be collected, a special tax for the purpose of erecting public buildings, and the improvement of public grounds in said county, and for the disposal of public property for the same purpose.

Read a first and second time and referred to Yuba delegation.

Senate concurrent resolution granting leave of absence to John R. McConnell, the Attorney General of this State.

Mr. Sweetland moved the adoption of the resolution, and Messrs. Ashley, Van Cleft and Hubert demanded the yeas and nays.

YEAS.

Messrs. Bowie, Carr, Carrillo, Clingan, Cornwall, Davidson, Dawley, Hastings, Herbert, Hollister, Houghtaling, Hoyt, James, Mandeville, Myres, McBrayer, McGee, Noel, J. W. Park, Spencer, Stevenson, Stowe, Sweetland, Whipple and Whitman—25.

NAYS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bradford, Conness, Dannels, Green, Griffith, Hagans, Henry, Horr, Hubbard, Hubert, Hunter, Jones, Kellogg, Koll, Letcher, McDonald, McDaniel, O'Neil, F. A. Park, Pratt, Purdy, Ring, Stemmons, Sweasey, Tallmadge Tivy, Van Cleft and Warmcastle—32.

So the House refused to pass the resolution.

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

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed, this day, a bill for an Act for the settlement of the accounts of Eugene Casserly as State Printer.

Respectfully,

JOHN Y. LIND, Secretary.

Senate bill No. 134, above reported, read a first and second time, and ordered to a third reading on to-morrow.

Twelve o'clock.—The special order, which was a Concurrent Resolution from the Senate :

Mr. Ballou moved to pass over, for the present, the special order of the day.

Not agreed to.

Mr. O'Neil moved a call of the House.

The call was sustained.

The roll was called, and the following members were absent : Messrs. Gilbert, Nichols, and Mr. Speaker.

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

Mr. Bradford moved to amend the Senate Resolution, by fixing the 8th of May next as the day of adjournment.

Mr. French moved to amend the resolution by fixing the 15th day of May next as the day of adjournment.

Mr. Ashley demanded a division of the question to strike out the 15th of April.

The Chair, Mr. Mandeville, decided that the motion to amend, moved by Mr. Bradford, was not susceptible of a division.

From which decision, Mr. Ashley appealed.

The question was then put, "Shall the decision of the Chair stand as the judgment of the House?"

And the decision of the Chair was overruled.

The motion was then taken to strike out the 15th April in the Senate Resolution, and Messrs. Hubbard, Dawley, and McGee demanded the yeas and nays.

YEAS.

Messrs. Anderson, Bennett, Bradford, Carr, Carrillo, Clingan, Cornwall, David-

son, Dawley, Ewer, Green, Hagans, Hastings, Henry, Herbert, Hoff, Hollister, Houghtaling, Hubert, Hunter, James, Letcher, Myres, McBrayer, McDaniel, McGee, McKinney, Noel, J. W. Park, Purdy, Spencer, Stemmons, Warmcastle, Whipple and Whitman—35.

NAYS.

Messrs. Ashley, Bowie, Burton, Conness, Dannels, Fairfield, French, Godard, Griffith, Horr, Hoyt, Hubbard, Irwin, Jones, Kellogg, Koll, Mandeville, Musser, McDonald, O'Neil, F. A. Park, Pratt, Ring, Rowan, Stevenson, Sweasey, Sweetland, Tallmadge, Tivy and Van Cleft—30.

So the House struck out the 15th of April.

Mr. Ewer moved to fill the blank with the first day of May, and Messrs. French, Ewer and Tivy demanded the yeas and nays.

YEAS.

Messrs. Anderson, Ashley, Bowie, Burton, Carr, Cornwall, Ewer, Godard, Hagans, Hastings, Henry, Houghtaling, Hunter, James, Mandeville, McGee, J. W. Park, Spencer, Stemmons, Stevenson, Sweetland, Tivy, Van Cleft, Warmcastle, Whipple and Whitman—26.

NAYS.

Messrs. Bennett, Bradford, Clingan, Conness, Dannels, Davidson, Dawley, Fairfield, French, Green, Griffith, Herbert, Hoff, Hollister, Horr, Hoyt, Hubbard, Hubert, Irwin Jones, Kellogg, Koll, Letcher, Musser, Myres, McBrayer, McDonald, McDaniel, McKinney, Noel, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Sweasey and Tallmadge—38.

So the House refused to fill the blank with the first of May next.

The question then came up upon the motion of Mr. Bradford, to fill the blank with the 8th day of May as the day of adjournment, and Messrs. Bradford, Hubbard and Ewer demanded the yeas and nays.

YEAS.

Messrs. Anderson, Bowie, Bradford, Burton, Carr, Clingan, Cornwall, Ewer, Hagans, Hastings, Henry, Herbert, Houghtaling, Hunter, James, Letcher, Mandeville, McDaniel, McGee, Noel, J. W. Park, Spencer, Stemmons, Sweetland, Tivy, Van Cleft, Warmcastle, Whipple and Whitman—29.

NAYS

Messrs. Ballou, Bennett, Carrillo, Conness, Dannels, Davidson, Dawley, Fairfield, French, Godard, Green, Griffith, Hoff, Hollister, Horr, Hoyt, Hubbard, Hubert, Irwin, Jones, Kellogg, Koll, Musser, Myres, McBrayer, McDonald, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Sweasey and Tallmadge—34.

So the House refused to adopt the 8th of May as the day of adjournment.

The question then came up upon the motion of Mr. French, to fill the blank with the 15th day of May next as the day of adjournment.

Agreed to.

The resolution, as amended, was then adopted.

The hour of 12. The special order was taken up for consideration, which was Assembly bill No. 102, for an Act for the better development of the mineral resources of California.

On motion of Mr. Burton, the House resolved itself into Committee of the Whole, Mr. Burton in the chair, to consider the bill; after spending some time in the consideration of the bill, and reading the same.

On motion, the committee rose, reported the bill back without amendment, recommended that the bill be indefinitely postponed, and the committee discharged from its further consideration.

The committee was discharged.

Mr. O'Neil moved a call of the House.

The call was sustained.

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

Messrs. Ashley, Bowie, Dawley, Ewer, French, Godard, Hagans, Hastings, Henry, Hoff, Horr, Hoyt, Hubbard, Koll, Musser, McBrayer, Nichols, Noel, J. W. Park, Purdy, Stevenson, Stowe, Sweasey, Warmcastle and Mr. Speaker.

The Sergeant-at-Arms was dispatched after absent members.

Messrs. Hastings, Stevenson, Musser, McBrayer, French, Horr, and Hoff appeared, were admitted within the bar, and excused.

On motion of Mr. Dannels, further proceedings under the call was dispensed with.

The question was then taken upon the recommendation of the committee to indefinitely postpone the bill, and Messrs. Mandeville, Burton, and Herbert demanded the yeas and nays.

Mr. McDaniel moved to lay the bill on the table.

Not agreed to.

The vote was then taken.

YEAS.

Messrs. Anderson, Ballou, Bradford, Burton, Carr, Conness, Cornwall, Dannels, Davidson, Ewer, Fairfield, French, Griffith, Hagans, Hastings, Henry, Hollister, Irwin, Jones, Kellogg, Myres, Noel, O'Neil, F. A. Park, Pratt, Sweasey, Sweetland, Tivy, Van Cleft and Mr. Speaker—30.

NAYS.

Messrs. Clingan, Herbert, Hoff, Houhgaling, James, Letcher, Mandeville, Musser, McDonald, McDaniel, McGee, J. W. Park, Ring, Rowan, Spencer, Stemmons, Stevenson and Whipple—18.

So the bill was indefinitely postponed.

Mr. Stowe gave notice that, at an early day, he would introduce a bill to amend an Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice in this State.

Also, a bill to provide for the construction of a wharf in the county of Santa Cruz.

Also, a bill to grant to Jas. R. Beales, the right to construct a toll bridge across the Pajaro river.

Mr. Stemmons gave notice that, on to-morrow, he would introduce a bill to prevent stallions, over two years old, from running at large.

Mr. Henry gave notice that, on to-morrow, he would introduce a bill for an Act authorizing the Court of Sessions of Mariposa county, to levy a special tax for the support of the Indigent Sick of said county.

On motion of Mr. Letcher, Assembly bill No. 142, an Act to establish and regu-

Common Schools, and to repeal former Acts concerning the same was taken the table.

First amendment made in Committee of the Whole, concurred in by the House.

Second amendment, Mr. McDaniel moved to strike from the amendment the
of Calaveras.

Agreed to.

On motion of Mr. O'Neil, the House concurred in the amendments made in
of the Whole, generally.

Mr. Myres moved to lay the bill on the table.

Not agreed to.

On motion of Mr. Letcher, the bill was made the special order for 12 o'clock to-
morrow.

On motion of Mr. Myres, Assembly bill No. 214, an Act to regulate proceedings
Civil Cases was taken from the table, and referred to Judiciary Committee of
Houses.

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

HOUSE OF ASSEMBLY.

SATURDAY April 15, 1854.

House met pursuant to adjournment.

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

Messrs. Conness, Cornwall Gilbert, Griffith, Herbert, Hoff, Hubbard, McKinney,
A. Park, J. W. Park, Pratt, Purdy, Rowan, and Springer.

Mr. Irwin moved to dispense with the reading of the Journal of yesterday.

Agreed to.

On motion, indefinite leave of absence was granted to Mr. Hoff, and for three
to Mr. Springer.

Mr. Carrillo moved to adjourn. Not agreed to.

Mr. Ballou moved to reconsider the vote which dispensed with the reading of the
Journal.

Mr. French moved to adjourn. Not agreed to.

Mr. Conness moved to lay the motion to reconsider on the table. Not agreed to.

Mr. Jones moved to adjourn, upon which Messrs. Ashley, Mandeville and Jones
the yeas and nays.

YEAS.

Messrs. Anderson, Ballou, Carrillo, Dawley, Fairfield, Griffith, Henry, Jones,
Kellogg, Koll, Musser, Stemmons, Sweetland and Mr. Speaker—14.

NAYS.

Messrs. Ashley, Bennett, Bowie, Bradford, Burton, Carr, Conness, Cornwall,
French, Godard, Green, Hagans, Hastings, Hollister, Horr, Houghtaling,

Hoyt, Hubert, Hunter, Irwin, James, Letcher, Mandeville, Myres, McDonald, McDaniel, McGee, McKinney, Noel, O'Neil, Pratt, Ring, Spencer, Stowe, Sweasey, Tallmadge, Tivy, Van Cleft, Warmcastle, Whipple Whitman—44.

So the House refused to adjourn.

Mr. Ballou then withdrew the motion to reconsider.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed, yesterday, an Act to submit the question of the removal of the County Seat of Elbert county to the voters thereof.

And the Senate have just adopted the resolution, in which the concurrence of Assembly is asked, to adjourn, in respect to the decease of the mother of the Governor of this State, intelligence of which has this day been received.

JOHN Y. LIND, Secretary.

Senate Concurrent Resolution, above reported, concurred in by the Assembly the following vote ; Messrs. O'Neil, Ashley and McBrayer demanding the same :

YEAS.

Messrs. Anderson, Ballou, Bradford, Carr, Carrillo, Clingan, Conness, Davidson, Dawley, Ewer, Fairfield, French, Godard, Griffith, Hastings, Hollister, Houghtaling, Hoyt, Hubert, Irwin, James, Jones, Kellogg, Koll, ville, Musser, Myres, McBrayer, McDonald, McDaniel, McGee, McKinney, O'Neil, J. W. Park, Pratt, Ring, Rowan, Spencer, Stowe, Sweetland, Tivy, Van Cleft, Warmcastle, Whipple and Mr. Speaker—49.

NAYS.

Messrs. Ashley, Bennett, Bowie, Burton, Cornwall, Green, Hagans, Stemmons, Stevenson, Sweasey and Whitman—12.

So the House adjourned until 10 o'clock on Monday next.

HOUSE OF ASSEMBLY.

MONDAY, April 17, 1854.

House met pursuant to adjournment.

The roll was called and the following members were absent :

Messrs. Bennett, Bowie, French, Gilbert, Green, Griffith, Herbert, Houghtaling, Hubbard, Hubert, Hunt, Irwin, James, Jones, McDuffie, McGee, F. A. Park, Rowan, Tallmadge, and Mr. Speaker.

The Journals of Friday and Saturday last were read and approved.

On motion, leave of absence was granted, for one day to Messrs. Hunt, Fairfax, Briggs two days, McGee ten days, Sweetland, indefinite leave, in consequence of ill health; Jones one day, Bennett two days, and McDuffie, indefinite, in consequence of illness.

Mr Hollister presented a petition numerously signed by citizens of El Dorado, for the passage of a law to authorize Wm. Bartlett to charge toll on a bridge by himself across the south fork of the American river.

Petition read and referred to Committee on Roads and Highways.

Mr Letcher introduced a bill for an Act to incorporate a State Agricultural So-

Read a first and second time, 240 copies ordered to be printed, and the bill referred to Committee on Agriculture.

Mr Van Cleft introduced a bill for an Act to amend section seventh of an Act an Act concerning the office of Surveyor General.

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

Mr McKinney introduced a bill for an Act concerning Gaming.

Read a first and second time and referred to Committee on Judiciary.

Whipple made the following report:

The Committee of Ways and Means, to whom was referred Assembly bills 232 and 257, both entitled an Act to provide for the survey of a portion of the northern boundary of this State, have had the same under consideration, and recommend the passage of bill 257, and that bill 232 do not pass.

Assembly bill 257 taken up for consideration.

On motion of Mr. Bradford, the House resolved itself into Committee of the Whole, Mr. Bradford in the chair, to consider the bill; after spending some time on the consideration of the bill and amending the same,

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

The committee was discharged.

The amendments made in Committee of the Whole were concurred in by the

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

Assembly bill No. 232, an Act to provide for the survey of a portion of the northern boundary of this State.

Read a third time and indefinitely postponed.

Mr Dannels, chairman, made the following report:

The Committee on Indian Affairs have had under consideration certain documents in reference to claims of citizens of this State for damages sustained in consequence of the action of the United States Indian Commissioners, with accompanying Senate resolutions in relation to the same subject, they have directed me to report back to the House, and recommend the passage of the resolutions.

On motion of Mr. Bradford, the resolution was referred back to the Committee on Indian Affairs.

Mr Dawley, chairman, made the following report:

The Committee on Commerce and Navigation having had under consideration Assembly bill No 127, entitled an Act granting to the city of Benicia the water power of said city, have given the same careful attention, and beg leave to submit the following report:

Your committee are of opinion that in the present embarrassed condition of the State, it is necessary for her to be just before she is generous; and

in view of the fact that the public property of the State has already been sold for the liquidation of her present indebtedness, it would not only be unjust to creditors of the State, but following an unjust and impolitic precedent, and of giving the property of State away for any purpose whatever, her resources be carefully husbanded until the proper time arrives for the disposal of her when the proceeds should be applied as at present contemplated by law.

Your committee, therefore, report the bill back to the House, and that it do not pass.

Report read; no action upon the bill; subsequently taken up and made order for Monday next at 12 o'clock.

The hour of 12. The special order, Senate bill No. 62, an Act to amend an entitled an Act dividing the State into counties and establishing the seats of therein, taken up for consideration.

Mr. Letcher moved to pass over, for the present, the special order of the day. Not agreed to.

Mr. McDaniel moved to amend the 13th section by striking out the South and inserting the "North Fork," and Messrs. Ballou, McDonald and Springer demanded the yeas and nays.

YEAS.

Messrs. Bowie, Bradford, Burton, Carr, Carrillo, Clingan, Gordon, Griffith, Hagens, Henry, Houghtaling, Hunter, James, Mandeville, McDonald, McDaniel, Pratt, Rowan, Stemmons, Stowe, Sweasey, Van Cleft, Warmcastle, Whipple Whitman—26.

NAYS.

Messrs. Anderson, Ballou, Conness, Dannels, Dawley, Fairfield, Godard, Hubert, Jones, Koll, McBrayer, O'Neil, Springer, Stevenson, Tallmadge and —17.

So the amendment was adopted.

Mr. McDonald moved to reconsider the vote just taken.

Mr. Conness moved a call of the House, and Messrs. Conness, Springer and demanded the yeas and nays.

YEAS.

Messrs. Anderson, Ballou, Clingan, Conness, Dannels, Dawley, Fairfield, Hoyt, Hubert, Jones, Koll, Letcher, Myres, McDonald, Noel, O'Neil, Springer, Stevenson, Tallmadge, Tivy and Whipple—23.

NAYS.

Messrs. Bowie, Bradford, Burton, Carr, Carrillo, Cornwall, Gordon, Hagens, Hagens, Henry, Houghtaling, Hunter, James, Lindsey, Mandeville, McDaniel, W. Park, Pratt, Rowan, Stemmons, Stowe, Sweasey, Van Cleft and Whitman—

So the call was not sustained.

On the motion to reconsider, Messrs. Tallmadge, Conness and Ballou the yeas and nays.

AYES.

Messrs. Anderson, Ashley, Ballou, Conness, Dannels, Dawley, Fairfield, Godard, Horr, Hoyt, Hubert, Jones, Kellogg, Koll, McDonald, O'Neil, Ring, Springer, Stevenson, Tallmadge and Tivy—21.

NAYS.

Messrs. Bowie, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Gordon, Griffith, Hagans, Henry, Houghtaling, Hunter, James, Letcher, Lindsey, Mandeville, Myres, McDaniel, Noel, J. W. Park, Pratt, Rowan, Stemmons, Stowe, Sweasey, Van Cleft, Warmcastle, Whipple and Whitman—30.

So the House refused to reconsider the vote.

Mr. Conness moved to lay the bill on the table.

Agreed to.

Mr. Davidson made the following report :

The committee to whom was referred Assembly bill in relation to the supplies of fuel and other contingent expenses of the Legislature, have had the same under consideration, and beg leave to report the same back to the House and recommend its passage.

T. B. DAVIDSON,
FRANCIS ANDERSON,
HANNIBAL HOLLISTER.

On motion of Mr. Conness, the House resolved itself into Committee of the Whole, Mr. Bradford in the chair, to consider the bill; after spending some time in its consideration, the committee rose, reported the bill back without amendment, and asked to be discharged from its further consideration.

The committee was discharged.

On motion of Mr. Hoyt, the bill was re-committed to the committee on Accounts, with instructions to inquire into the amount already drawn for contingent expenses; for what paid, and the amount remaining undrawn as a contingent fund for the legislative department, and the probable amount of contingent fund that will be required, if any, and for what purpose.

Mr. Jones made the following report :

The Judiciary Committee, to whom was referred Senate Bill, No. 114, entitled an Act allowing the Court of Sessions of Yuba county to levy a special tax for the support of the Indigent Sick of said county, have had the same under consideration, and report the same back without amendment, and recommend its passage.

Senate Bill, No. 114, above reported,

Read a third time and passed.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT, }
Sacramento City, April 17, 1854. }

To the Senate and Assembly of California :

Since the commencement of the present session, I have carefully examined the provisions of an Act of Congress, approved September 28th, 1850, entitled an Act to enable the State of Arkansas, and other States, to reclaim the Swamp Lands within their limits; as well as the instructions given by the proper officers of the General Government in relation to the selection of the lands donated by the Act.

The Act makes it the duty of the Secretary of the Interior, as soon as practica-

ble, to make out accurate lists, and plats, and of the lands described "as Swamp and overflowed," "and to transmit the same to the Governors of the several States interested; and at the request of the Governors, cause a patent to be issued to the States therefor, and on the patent, so issued, the fee simple to said lands shall vest in the States, subject to the disposal of the Legislatures thereof."

And it further provides, "that in making out lists and plats of the lands aforesaid, all legal subdivisions, the greater part of which is wet and unfit for cultivation, shall be included in said lists and plats, but when a greater part of a subdivision is not of that character, the whole of it shall be excluded.

The 4th section of the Act extends its provisions to each of the other States of the Union containing swamp or overflowed lands.

This important subject has engaged the attention of all the other States interested. In Ohio, Indiana, Louisiana, and Florida, selections have been made based upon evidence filed in the office of the Surveyor General, by the State authorities. In Illinois, Missouri, Alabama, Mississippi, Michigan, Arkansas, and Wisconsin, selections have been made by the Surveyor General based upon the field notes and evidence procured by the State authorities.

Although, in several of the States above named, full returns have not been made, the whole number of acres selected and reported is 28,156,670, as follows.—Ohio 25,720; Indiana 1,255,038; Illinois 1,833,412; Missouri 1,517,287; Alabama 2,136,450; Mississippi 2,239,932; Louisiana 9,164,922; Michigan 4,544,189; Arkansas 4,807,673; Florida 1,000,763; Iowa 71,958; Wisconsin 1,259,269 acres. The whole number of acres of land in California, is estimated at 120,947,840, of which it is believed about the tenth part is swamps, or "subject to overflow," amounting in the aggregate to 12,094,784 acres.

The authorities of the United States in the designation of the swamp and overflowed lands, in the absence of other satisfactory evidence, it is proper to state, will take the field notes of the Surveyor *alone* as the basis from which to make out lists or plats.

Selections based upon the field notes alone, must, necessarily, be very imperfect, and would deprive the State of California of a large portion of the best lands to which she is entitled under the Act, for the reason that the surveys may have been made at different periods in wet and dry seasons, and the field notes would therefore, only indicate what is swamp, and what lands were actually under water at the time of the survey. The field notes made in dry seasons, would of course furnish no evidence as to whether lands are or are not "subject to overflow."

In order, therefore, to secure the State of California all the lands within her limits "*subject to overflow*," and to which she is justly entitled under the Act, it will be necessary to authorize the agents of the State to procure and present to the proper officers of the General Government satisfactory testimony on the subject.

The Commissioner of the General Land Office, on the 21st of November, 1850, issued instructions to the Surveyor General of Florida, and officers in other States, in relation to the selections of lands granted under the Act of September 28, 1850.

The instructions of the Commissioner indicate a disposition on the part of the General Government to render all the aid possible, to enable the several States interested to secure and reclaim the lands "subject to overflow," situated within their limits.

Although a portion of these lands are, at present, perhaps, of but little value to the State, they will, in time, be a source of much revenue to the Treasury, and their reclamation add greatly to the wealth and prosperity of California.

Proper measures should, therefore, at once be adopted to secure all the lands granted, and judicious legislative measures matured for their disposal by agents of the State, with such limitations, restrictions, and requirements as may be regarded as necessary to protect the rights of all interested, and insure their speedy reclamation.

The instructions of the Commissioner of the General Land Office, direct the several Surveyor Generals to regard as granted, by the Act above referred to, "all lands, which from being swampy or *subject to overflow*," are unfit for cultivation, and in which class are to be included, also, "all lands which, though dry part of the year, are subject to inundation at the *planting, growing*, or harvesting seasons, so as to destroy the crop, and, therefore, are unfit for cultivation," taking the average of seasons for a reasonable number of years, as the rule of determination.

This is certainly a very liberal construction of the Act, and proper legislation to procure testimony on the subject will secure to the State of California millions of acres of the most productive lands within the limits of the State.

In a letter to Governor Brown, of Florida, inclosing a copy of the instructions above referred to, the Commissioner of the General Land Office says: "You will perceive that by these instructions, the Surveyor General is authorized to receive such reliable evidence of the character of any of these lands, as may be presented by authorities of the State, and as many of the lands were surveyed at dry seasons, and hence are not represented by the descriptive notes or plats as being of that character. I have supposed it a matter of sufficient importance to induce you to call upon the County Surveyors, or other respectable persons of your State, for statements under oath, in relation to the swamp or overflowed lands in their respective counties, such testimony will be regarded as establishing the facts in the case, &c."

In conclusion, I would most earnestly recommend the passage of an Act authorizing testimony to be taken and presented to the United States Surveyor General in relation to overflowed lands, in accordance with the suggestion of the Commissioner of the General Land Office, so as to secure to the State a title to all lands within her limits "subject to overflow." And also, an Act authorizing the agents of the State to dispose of all such lands, and to provide for their speedy reclamation.

The subject is commended to your early and favorable consideration as one of vast importance to the interests and prosperity of the people and State of California.

JOHN BIGLER.

On motion of Mr. Griffith, the message of the Governor was referred to a select committee of three, with instructions to report a bill.

Messrs. Griffith, James and Hastings were appointed said committee.

Mr. Fairfield moved to print 240 copies of the Governor's message.

Not agreed to.

Mr. McBrayer introduced a Concurrent Resolution in reference to certain abolition documents which had been directed to the members of the present Legislature, requesting the Governor of this State to send copies of these resolutions to the parties whose names were attached to the papers in question.

Mr. Jones moved to indefinitely postpone the resolutions, and Messrs. McBrayer, Tallmadge and Henry demanded the yeas and nays.

Mr. Conness moved to postpone the consideration of the resolution until the 15th day of June, and make it the special order for that day.

The Speaker, Mr. Mandeville in the chair, decided the motion out of order, as it amounted to an indefinite postponement, which was equivalent to the motion under consideration, from which decision Mr. Conness appealed.

The question was then put, "Shall the decision of the Chair stand as the judgment of the House?"

The decision of the Chair was sustained by the House.

Mr. Conness moved to refer the bill to the Committee of the Whole, and make it the special order for the 13th day of May next.

Not agreed to.

Mr. Fairfield moved to adjourn.

Not agreed to.

The question then came up upon the motion to indefinitely postpone, upon which the yeas and nays had been demanded.

AYES.

Messrs. Anderson, Ashley, Ballou, Burton, Conness, Cornwall, Fairfield, Godard, Hubert, Jones, Kellogg, Koll, Letcher, Springer, Sweasey, Tallmadge and Tivy—17.

NAYS.

Messrs. Bradford, Carr, Carrillo, Clingan, Davidson, Dawley, Gordon, Griffith, Hagans, Hastings, Henry, Houghtaling, Hunter, Irwin, Lindsey, Mandeville, Musser, Myres, McBrayer, McDonald, McDaniel, McKinney, Noel, O'Neil, J. W. Park, Rowan, Stemmons, Stowe and Whitman—29.

So the House refused to indefinitely postpone.

On the passage of the resolutions, Mr. Kellogg demanded the previous question.

The previous question was sustained, and Messrs. Myres, McBrayer and Kellogg demanded the yeas and nays.

YEAS.

Messrs. Bradford, Carr, Clingan, Davidson, Dawley, Gordon, Griffith, Hagans, Hastings, Henry, Houghtaling, Hunter, Irwin, Lindsey, Mandeville, Musser, Myres, McBrayer, McDaniel, McKinney, Noel, O'Neil, J. W. Park, Rowan, Stemmons, and Stowe—26.

NAYS.

Messrs. Anderson, Ashley, Ballou, Bostwick, Burton, Conness, Cornwall, Fairfield, Godard, Hollister, Hubert, Jones, Kellogg, Koll, Letcher, McDonald, Purdy, Ring, Springer, Sweasey, Tivy and Whipple—22.

So the resolution passed.

On motion of Mr. Bradford, 240 copies of Assembly bill 248 was ordered to be printed.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossments have examined and find correctly engrossed, an Act to fund the debt of the county of Solano, and to provide for the payment thereof.

Mr. Hunter gave notice that at an early day he would introduce a bill to amend an Act entitled an Act to regulate Rodeos, approved April 30, 1851.

On motion of Mr. Daniels, a bill for an Act amendatory of 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 to-morrow at 11 o'clock.

On motion of Mr. Bradford, Assembly bill, an Act to fix the times of holding elections for Representatives to Congress, was taken from the table and made special order for Friday next, at 12 o'clock.

Mr. Letcher moved to go into consideration of Assembly bill No. 142, an Act to establish and regulate Common Schools ; pending the motion,

Mr. Godard moved to adjourn, which was agreed to.

HOUSE OF ASSEMBLY.

TUESDAY, April 18, 1854.

House met pursuant to adjournment.

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

Messrs. Bagley, Carr, Dannels, Dawley, Fairfield, French, Gilbert, Green, Griffith, Hubert, Irwin, McDonald, McKinney, Nichols, F. A. Park, Rowan, Stowe and Van Cleft,

The Journal of Monday was read and approved.

On motion, leave of absence was granted to Mr. Carr for one day ; to Mr. Dannels for one day ; to Mr. McDonald for two days, and to Mr. French for one day

Mr. Whitman presented a petition, numerously signed by citizens of Solano county, praying for the passage of a law to authorize Larkin Richards to build a wharf in said county

Petition read.

Mr. Watkins presented a petition, numerously signed by citizens of Alameda county, praying for the passage of a law to authorize the improvement of Alameda river.

Read, and referred to Committee of Commerce and Navigation.

Mr. Whitman introduced a bill for an Act to provide John S. Bradford with duplicate warrants, in lieu of certain warrants lost or destroyed.

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

Mr. Stowe introduced the following bills :

An Act to amend an Act entitled an Act to regulate proceedings in civil cases in courts of justice of this State, passed April 29, 1851.

Read a first and second time, and referred to Joint Committee of the Judiciary of both Houses.

Also, an Act granting Joseph R. Beals and others the right to construct a toll bridge across the Pajaro river.

Read a first and second time, and referred to Committee on Roads and Highways.

Mr. Herbert introduced a bill for an Act to create a Board of Commissioners to investigate and recover the State's right to the Leidesdorff estate.

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

Mr. Hastings introduced a bill for an Act to protect the owners of wood and wood yards against the illegal acts of steamboat officers and masters

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

Mr. Spencer introduced a bill for an Act to provide for the relief of the indigent sick in the several counties of this State, and to repeal an Act entitled an Act to provide for the establishment of a State Marine Hospital.

Read a first and second time, 240 copies ordered to be printed, and the bill referred to Committee on State Hospital.

Mr. Whitman introduced a bill for an Act to authorize Larkin Richardson to build a wharf in Solano county.

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

Mr. Herbert, chairman, made the following report :

The Committee of Ways and Means, to whom was referred Senate bill No 26,

an Act concerning the Comptroller and Treasurer's offices, have had the same under consideration, and ask leave to report it back with amendments, and recommend the passage of the bill as amended.

The amendments proposed by the committee were concurred in by the House.

The hour of 11 o'clock. The special order was taken up for consideration, which was a bill for an Act amendatory of an Act to provide for the protection of foreigners, and to define their liabilities and privileges.

On motion of Mr. Dannels, the House resolved itself into Committee of the Whole, Mr Dannels in the chair, to consider the bill ; after spending some time in its consideration and amending the same,

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

The committee was discharged.

The amendments made in Committee of the Whole concurred in by the House.

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

Senate bill No. 26, which was under consideration at 11 o'clock, was again taken up for consideration.

The bill was read a third time and did not pass.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined, and find correctly engrossed, an Act to provide for the survey of a portion of the Northern boundary of this State.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills have examined, and find correctly enrolled, the following Acts, viz :

An Act to incorporate the town of Alameda.

An Act to locate the county seat of Sonoma county anew.

An Act to repeal an Act entitled an Act to authorize the Treasurer of State to make special deposits, passed May 4, 1852.

An Act to authorize the redemption of State Prison Bonds, and to dispose of the special fund heretofore provided for their redemption , and

An Act to submit the question of the removal of the county seat of El Dorado county to the voters thereof.

Mr. Spencer, chairman, made the following report :

The Special Committee, to whom was referred Assembly bill No. 224, entitled an Act to fund that portion of the debt of Trinity county, accruing previous to May 12, 1853, apportioned to Humboldt county, and to provide for the payment thereof, having carefully examined the same, beg leave to report it back with an amendment, of which they recommend the adoption, and the passage of the bill.

The amendments proposed by the committee concurred in by the House.

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

The Speaker laid before the House a communication from the Secretary of State in answer to a resolution from the Assembly in reference to stationery and other articles for the use of the Legislature ; together with a copy of a bond of Messrs. Marvin & Hitchcock, and a schedule of prices for articles furnished for the use of the Legislature.

The communication was read, and on motion of Mr. Conness, the communication and accompanying papers, together with a bill heretofore introduced upon the same subject, was referred to a special committee of three, Messrs. Letcher, Tallmadge and Whipple were appointed said committee.

Mr. Fairfield moved to reconsider the vote which refused to pass Senate bill No. 26, an Act concerning the Comptroller and Treasurer's officer.

Not agreed to.

On motion of Mr. Ashley, the House proceeded to consider Assembly bill No. 142, an Act to establish and regulate Common Schools, and to repeal former Acts concerning the same

Mr Carrillo offered a substitute to the 31st section of the bill to allow private schools to be created, and derive a portion of the school moneys for their support.

Mr. Whitman moved to strike out all after the word "bias" in the 31st section, fifth line, and Messrs. Ashley, Mandeville and Fairfield demanded the yeas and nays.

YEAS.

Messrs. Anderson, Bowie, Carr, Carrillo, Conness, Hunt, Nichols, J. W. Park, Ring, Rowan, Stemmons, Warmcastle and Whitman—13.

NAYS.

Messrs Ashley, Ballou, Bradford, Briggs, Burton, Clingan, Davidson, Fairfield, Gilbert, Gordon, Griffith, Hagans, Hastings, Hollister, Houghtaling, Hubbard, Hubert, Irwin, James, Jones, Kellogg, Letcher, Lindsey, Mandeville, Myres, McBrayer, McDaniel, McKinney, Noel, O'Neil, F. A. Park, Pratt, Spencer, Stowe, Sweasey, Tallmadge, Tivy, Van Cleft, Watkins and Mr. Speaker—40.

So the amendment was not adopted.

The question was then taken upon the motion made by Mr. Carrillo to amend the 31st section of the bill, upon which Messrs. Mandeville, Letcher, and Pratt demanded the yeas and nays.

YEAS.

Messrs. Bowie, Carr, Carrillo, Irwin, McBrayer, Nichols, J. W. Park, Rowan and Whitman—9.

NAYS.

Messrs. Anderson, Ashley, Ballou, Bostwick, Bradford, Briggs, Burton, Clingan, Conness, Davidson, Fairfield, Gilbert, Hagans, Hastings, Henry, Hollister, Houghtaling, Hubbard, Hubert, Hunt, Jones, Letcher, Lindsey, Mandeville, Myres, McDaniel, McKinney, Noel, O'Neil, F. A. Park, Pratt, Spencer, Springer, Stemmons, Stowe, Tallmadge, Tivy, Van Cleft, Watkins, Whipple and Mr. Speaker—41.

So the amendment was not adopted.

Mr. Whitman moved to strike out the 32d section of the bill.

Not agreed to.

Mr. Jones demanded the previous question.

The previous question was sustained.

The bill was then read a third time, and upon the passage of the bill, Messrs. Hubbard, Ashley and Letcher demanded the yeas and nays.

YEAS.

Messrs. Anderson, Ashley, Ballou, Bostwick, Bowie, Briggs, Burton, Clingan, Dannels, Davidson, Fairfield, Gilbert, Gordon, Griffith, Hagans, Henry, Hollister, Houghtaling, Hubbard, Hubert, James, Jones, Kellogg, Koll, Letcher, Lindsey,

Mandeville, Musser, Myres, Nichols, Noel, O'Neil, F. A. Park, Pratt, Purdy, Spencer, Springer, Stowe, Sweasey, Tallmadge, Tivy, Warmcastle, Watkins and Mr. Speaker—44.

NAYS.

Messrs. Carrillo, Conness, Hunt, J. W. Park, Ring, Rowan, Stemmons, Van Cleft, Whipple and Whitman—10.

So the bill passed.

Mr. Myres moved to amend the title of the bill.

Not agreed to.

Mr. Ashley gave notice that he would, at an early day, introduce a bill for an Act to prevent changing the names of steamboats and other vessels.

Mr. Nichols gave notice, that at an early day he would introduce a bill for an Act for the protection of contractors and laborers, and to provide a lien therefor.

Mr. Griffith gave notice, that at some early day, he would introduce a bill for an Act to protect those who have located land under land warrants.

On motion of Mr. Kellogg, Assembly bill No. 181, an Act concerning the organization of the militia, was taken from the table, and,

On motion of Mr. Dannels, the House resolved itself into Committee of the Whole, Mr. Dannels in the chair, to consider the bill ; after spending some time in its consideration, and amending the same,

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

The committee was discharged.

Mr. Ballou moved to amend first amendment by striking out 28th of March, and insert 10th of January. Agreed to.

Second amendment, adopted in Committee of the Whole, concurred in by the House.

Mr. Conness moved to amend the 11th section, providing for the payment of the Quartermaster General. Agreed to.

Mr. Hagans moved to amend the 14th section by striking out five cents where it occurs, and insert three. Not agreed to.

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

The following message was received from the Governor :

I have the honor herewith to transmit, and commend to your early attention, a copy of a communication, received to-day, from Hon S. A. McMeans, State Treasurer.

JOHN BIGLER.

The communication was read and referred to Judiciary Committee.

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

HOUSE OF ASSEMBLY.

WEDNESDAY, April 19, 1854.

House met pursuant to adjournment.

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

Messrs. Bagley, Conness, French, Gilbert, Godard, Griffith, Hastings, Henry, Hoff, Hoyt, Hubert, Irwin, Koll, McBrayer, McGee, McKinnney, J. W. Park, Rowan, Springer, Stemmons, Sweetland, Van Cleft, and Mr. Speaker.

The Journal of Tuesday was read and approved.

On motion, indefinite leave was granted to Mr. Springer in consequence of ill health.

Mr. Dawley introduced a bill for an Act to take possession and dispose of certain water-lot property in the bay of San Francisco.

Read a first time, and 240 copies ordered to be printed.

Mr. Sweasey introduced a bill for an Act to authorize William F. McLean and George Caloway to build a wharf in the county of San Francisco, beyond the western limits of the city of San Francisco and near to said line.

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

Mr. Bradford introduced a bill for an Act to provide an office for the County Surveyor of San Joaquin county.

Read a first, second and third time, and passed.

Mr. Anderson introduced a bill for an Act to protect the rights of officers and agents of the State of California in executing the powers that are or may be enjoined on them by law, in the disposition of her real estate, or estate partaking of the reality.

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

Mr. Dawley, chairman, reported back Assembly bill No. 264, an Act to authorize Larkin Richardson to build a wharf in Solano county, and recommend the passage of the same.

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

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined, and find correctly engrossed, an Act amendatory of an Act to provide for the protection of foreigners, and to define their liabilities and privileges, passed March 30, 1853.

Mr. Ewer reported back Assembly bill, No 244, an Act to give jurisdiction to the District Court, County Court, and Justices' Courts, in Plumas county in certain cases, and recommended the passage of the same bill.

Read a third time and passed.

Mr. Stowe offered the following, which was adopted :

Resolved, That his Excellency the Governor, be and he is hereby requested to transmit to this House copies of all communications addressed to him in his official capacity, relating to the non-payment of the interest on the coupons due in the city of New York on the 1st January, 1854, except such as have already been sent to this House.

Mr. French gave notice that on to-morrow, or at an early day thereafter, he would introduce a bill for the disposition of certain property of the State situated in the county of San Francisco.

Assembly bill No. 246, an Act to authorize the Court of Sessions of Trinity county to levy a special tax for purposes therein named.

Read a second time, and referred to the delegation from Trinity county.

Assembly bill No. 254, an Act for the settlement of the accounts of Eugene Casserly as State Printer.

Read a third time and did not pass.

Senate bill No. 134, an Act entitled an Act for the settlement of the accounts of Eugene Casserly as State Printer.

On motion of Mr. Conness, the House resolved itself into Committee of the Whole, Mr. James in the chair, to consider the bill; after spending some time in the consideration thereof, and amending the same,

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

The committee was discharged.

Mr. Conness moved to concur in the amendments made in Committee of the Whole.

Agreed to.

The bill was then read a third time, and upon its passage, Messrs. Godard, Hough, taling and Griffith demanded the yeas and nays.

YEAS.

Messrs. Anderson, Clingan, Conness, Gilbert, Godard, Hoff, Houghtaling, Hoyt, Hubbard, Hubert, Jones, Kellogg, Koll, Letcher, Lindsey, Myres, Nichols, Purdy, Ring, Rowan, Spencer, Stowe, Sweasey, Tallmadge and Whi.man—24.

NAYS

Messrs. Ashley, Bennett, Bostwick, Bowie, Bradford, Burton, Carrillo, Cornwall, Davidson, Ewer, Fairfield, French, Gordon, Griffith, Hagans, Henry, Herbert, Hollister, Horr, Hunt, Hunter, Irwin, James, Mandeville, McDaniel, McKinney, Noel, O'Neil, J. W. Park, Pratt, Stemmons, Stevenson, Tivy, Warmcastle, Watkins and Whipple—37.

So the bill did not pass.

Mr. French gave notice that on to-morrow he would move to reconsider the vote just taken upon the passage of the bill.

Senate bill No. 109, an Act to amend an Act to authorize the formation of limited partnerships.

Read a second time and referred to Judiciary Committee.

Assembly bill No. 242, an Act declaring the office of the District Judge of the Fourth Judicial District vacant.

Read a second time and referred to Judiciary Committee.

Assembly bill No. 225, an Act to secure the rights of appellants in the Supreme Court of this State.

Read a second time and referred to joint Judiciary Committee of both Houses.

Assembly bill No. 245, an Act to amend an Act entitled an Act concerning toll bridges, passed May 1, 1851.

Read a second time and referred to Committee on Roads and Highways.

Assembly Joint Resolution in relation to the United States Census Agents for the State of California.

Read a second time and referred to Committee on Federal Relations.

Assembly bill No. 231, an Act to prevent Hogs and Sheep from running at large certain seasons of year.

Read a second time, and referred to Committee on Agriculture.

Senate bill No. 118, an Act to authorize the Treasurer to issue duplicate Land Warrants to John D. Brower.

Read a second time and referred to Judiciary Committee.

Senate bill No. 12, an Act to repeal an Act entitled an Act to provide for the appointment of a Guager for the port of San Francisco, approved May 3, 1852.

Read a second time, and referred to Committee on Corporations.

Assembly bill No. 219, an Act to repeal section two, article two, of an Act entitled an Act to provide revenue for the support of this State.

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

Assembly bill No. 220, an Act to authorize William Roberts and others to build a wharf at Bucksport, in Humboldt county.

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

Assembly bill No. 250, an Act supplementary to, and explanatory of an Act entitled an Act making appropriations for the Civil Expenses of Government of the State for the unexpired portion of the fiscal year ending on the 30th day of June, 1854, and for the first seven months of the fiscal year commencing on the 1st day of July, 1854.

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

Assembly bill No. 252, an Act to prescribe rules and regulations for the disposal of town lots in this State, under an Act of Congress, entitled an Act, &c.

Read a second time, and referred to Committee on Corporations.

Assembly bill No. 251, an Act to fix the Capital of the State.

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

Assembly bill No. 249, an Act to declare the river Stanislaus navigable.

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

Mr. Griffith introduced a bill for 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 29, 1851.

Read a first and second time, and referred to Joint Judiciary Committee of both Houses.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed, yesterday, a bill for an Act defining the legal distances from each county seat in the State of California, to the State Capital at Sacramento, the State Lunatic Asylum at Stockton, and the State Prison at San Quintin.

Which is herewith respectfully submitted.

JOHN Y. LIND, Secretary.

Senate bill No. 84, above reported,

Read a first and second time, and referred to Committee on Mileage.

The hour of 12 o'clock. The special order, which was a bill for an Act concerning Roads and Highways, taken up for consideration.

On motion of Mr. Godard, the House resolved itself into Committee of the Whole, Mr. Van Cleft in the chair, to consider the bill; after spending some time in its consideration, and amending the same,

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

The committee was discharged.

Mr. James moved to adjourn.

Agreed to.

HOUSE OF ASSEMBLY.

THURSDAY, April 20, 1851.

House met pursuant to adjournment.

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

Messrs. Bagley, Bostwick, Bowie, Cornwall, Dannels, French, Gilbert, Gordon, Griffith, Herbert, Hoff, Hollister, Irwin, Kellogg, Lindsey, Myres, McBrayer, McGee, F. A. Park, J. W. Park, Rowan, Stowe, Tallmadge, Van Cleft and Whitman.

The Journal of Wednesday was read, amended and approved.

On motion, leave was granted to Mr. Kellogg for one day ; and to Mr. Hollister for one day.

Mr. Nichols introduced a bill for an Act to provide for the lien of Contractors, Sub-contractors and Laborers.

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

Mr. Pratt introduced a bill for an Act creating Auctioneers, and defining their duties.

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

Mr. Warmcastle introduced a bill for an Act to fix the times for holding the terms of the District Court throughout this State.

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

Mr. Hunter introduced a bill for an Act to regulate " Rodeos," approved April 30, 1851.

Read a first and second time, and referred to Committee on Agriculture.

Mr. Hunter also introduced a bill for an Act to amend an Act entitled an Act concerning Judges of the Plains, (Jueces de Compo) and defining their duties, passed April 25, 1851.

Read a first and second time, and referred to Committee on Agriculture.

Mr. Myres, chairman, made the following report :

The Judiciary Committee, to whom was referred Assembly Bill, No. 240, to regulate the reception and payment of Comptroller's Warrants by the State Treasurer ; also the Treasurer's communication upon the same subject, have had the same under consideration, and recommend the passage of the bill with the accompanying amendment.

Amendments to Assembly Bill, No. 240, above reported, adopted by the House.

The bill read a third time, and on motion of Mr. Gordon, laid upon the table.

Mr. Dawley made the following report :

The Committee on Commerce and Navigation have had under consideration Senate Bill, No. 113, amending section 34th of the present Pilot laws.

Also, Assembly Bill, No. 112, proposing to repeal the existing law, and ask leave to report both bills back, and recommend that they do not pass.

They have also carefully examined Assembly Bill, No. 152, entitled an Act to establish Pilots and Pilot Regulations for the Port of San Francisco, amended sections 32, 3 and 4, and beg leave to report the bill back to the House, with a recommendation that the bill pass. The committee have come to this conclusion, for the reason that the proposed law is more concise in its language, embracing all of the

valuable features of the present law, and leaving out all that is objectionable. It also enabled the committee to incorporate the proposed Senate amendments, and thus give satisfaction to all parties concerned.

On motion of Mr. Conness, the House resolved itself into Committee of the Whole, Mr. Irwin in the chair, to consider the report and bills reported by the committee; after spending some time in the consideration of the subject, the committee determined to take up Assembly bill 152, as recommended by the committee; the bill was considered, amended, and reported back to the House, and the committee asked to be discharged. The committee was discharged.

Mr. Hoff moved to make the bill, and the whole subject, the special order for Tuesday next, at 12 o'clock. Agreed to.

Mr. Tivy, chairman, made the following report:

The Joint Committee on Enrolled Bills, on yesterday, the 19th inst. presented to His Excellency, the Governor, for his approval, the following Acts, viz:

An Act to repeal an Act entitled an Act to authorize the Treasurer of State to make special deposits, passed May 4th, 1852.

An Act to authorize the redemption of State Prison Bonds, and to dispose of the special fund heretofore provided for their redemption.

An Act to incorporate the town of Alameda.

An Act to locate the County Seat of Sonoma county anew.

Also, an Act to submit the question of the removal of the County Seat of El Dorado county to the voters thereof.

Mr. O'Neil, chairman, made the following report:

The Committee on Engrossments have examined and find correctly engrossed, an Act to authorize Larkin Richardson to build a wharf in Solano county.

Mr. French, agreeably to notice, moved to reconsider the vote of yesterday, which refused to pass Senate Bill, No. 134, for the settlement of the accounts of Eugene Casserly as State Printer, and Messrs. French, Dawley and Houghtaling demanded the ayes and nays.

YEAS.

Messrs. Anderson, Bagley, Ballou, Bradford, Briggs, Burton, Carr, Carrillo, Conness, Dannels, Dawley, Ewer, Fairfield, French, Gilbert, Godard, Henry, Hoff, Horr, Houghtaling, Hoyt, Hubbard, Hubert, Irwin, Jones, Kellogg, Koll, Letcher, Lindsey, Musser, Myres, McDonald, McKinney, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Stowe, Sweasey, Tallmadge, Tivy, Van Cleft, Whitman and Mr. Speaker—47.

NAYS.

Messrs. Ashley, Bennett, Cornwall, Hagans, Hastings, Hunt, Hunter, Mandeville, McDaniel, Noel, J. W. Park, Stevenson Warmcastle, Watkins and Whipple—15.

So the vote was reconsidered.

Mr. French moved the previous question.

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

And decided in the affirmative.

The vote was then taken upon the passage of the bill, and Messrs. Hubbard, French and Pratt demanded the ayes and nays.

YEAS.

Messrs. Ashley, Ballou, Carr, Conness, Dannels, Davidson, Dawley, French,

Gilbert, Godard, Henry, Horr, Houghtaling, Hoyt, Hubbard, Hubert, Jones, Kellogg, Koll, Letcher, Lindsey, Musser, Myres, McDonald, McKinney, Nichols, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Stowe, Sweasey, Tallmadge, Van Cleft, Whitman and Mr. Speaker—33.

NAYS.

Messrs. Anderson, Bennett, Bowie, Briggs, Burton, Cornwall, Fairfield, Griffith, Hagans, Hastings, Hunt, Hunter, Irwin, Mandeville, McDaniel, Noel, O'Neil, Stemmons, Stevenson, Tivy, Warmcastle, Watkins and Whipple—23.

So the bill passed.

Mr. O'Neil moved to take up the special order, which was Assembly Fee bill No 53.

Not agreed to.

The following message was received from the Governor :

I have this day approved the following Acts, which originated in the Assembly, to wit :

An Act to submit the question of the removal of the county seat of El Dorado county to the voters thereof.

An Act to locate the county seat of Sonoma county anew.

Also, an Act to incorporate the town of Alameda.

JOHN BIGLER.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed, yesterday, a bill for an Act to provide for the payment of the compensation due certain members and attaches of the Legislature of this State.

An Act to authorise the Court of Sessions of the county of San Joaquin to levy and collect a special tax for the support and maintenance of the indigent sick of said county.

And an Act to change the name of George Davenport Parmalee to that of George Curtis Currie.

Which are herewith respectfully submitted.

JOHN Y. LIND, Secretary.

Senate bill No. 144, an Act to provide for the payment of the compensation due certain members and attaches of the Legislature.

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

Senate bill No. 143, to levy a special tax for the support of the indigent sick of San Joaquin county.

Read a first and second time and referred to San Joaquin delegation.

Senate bill No 152, an Act to change the name of George Davenport Parmalee to that of George Curtis Currie.

Read a first and second time and referred to Committee on Military Affairs.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT, }
Sacramento City, April 20, 1854. }

To the Senate and Assembly of California :

I have the honor herewith to transmit a copy of a communication addressed by me to the chairman of the Committee on Escheated Estates, appointed by the State Board of Land Commissioners, and also a copy of the reply of the committee to the

same. The information communicated in reply is exceedingly important, and I trust will induce the Legislature, without delay, to adopt the necessary measures to secure the rights of the State in the property referred to in the communication herewith transmitted, as well as the Leidesdorff estate, to which your attention was some time since directed by special message.

JOHN BIGLER.

EXECUTIVE DEPARTMENT, }
Sacramento City, March 31, 1854. }

L. PICKERING, Esq.,

Dear Sir:—A few days since it was intimated to me, by an attorney, that there is another large escheated estate in the city of San Francisco. This morning I interrogated Dr. Hermance on the subject, who advised me to communicate with you, as you are chairman of the Committee on Escheated Estates. At this time it is important that I should possess all the information on the subject of the Leidersdorff estate, as well as all others of the kind possible to be obtained. I hope you will make inquiry and write me on the subject without delay.

Very respectfully, yours, &c.,

JOHN BIGLER.

The communication accompanying the Governor's message,
Read and referred to the Judiciary Committee.

Mr. Ashley gave notice that on to-morrow he would move to reconsider the vote which passed the Senate bill to settle the accounts of Eugene Casserly.

The Speaker decided the notice to reconsider out of order, stating that the bill was lost yesterday, reconsidered to-day and passed, from which decision Mr. Ashley appealed.

The question was then put, " Shall the decision of the chair stand as the judgment of the House ? "

And decided in the affirmative

Mr. Dannels, chairman, made the following report :

The Select Committee, composed of the delegation from Yuba, to whom was referred a bill for an Act entitled an Act providing that the Courts of Sessions of Yuba county shall be empowered to levy and cause to be collected, a special tax for the purpose of erecting public buildings and the improvement of public grounds in said county, and for the disposal of public property for the same purpose, have had the same under consideration, and have directed me to report the same back to the House and recommend its passage.

Senate bill No. 112, above reported, read a third time and passed.

Mr. French made the following report :

The minority of the committee, to whom was referred the bill providing for the regulation of Fees in Office, beg leave to report that they cannot recommend the passage of the bill framed by the majority of said committee and presented to the House. We think that the change in the tariff of charges agreed upon in committee will work great and serious evils, and will so operate, if this change be perfected into a law, as to deprive the people of the services and ability of valuable officers. Aside from the great reduction contemplated by the proposed bill, (amounting in the average to nearly, if not quite, 75 per cent.,) the rates of charges are so arranged as to render the bill extremely defective and imperfect; and under which, if adopted, it will be difficult for the different officers, whose fees are regulated by it, to interpret it intelligibly and accurately. We are informed by those conversant with the details of such bills, and believe such to be the case, that the bill, as proposed

by the committee, provides for compensation for entries which are seldom required to be made, and is silent as to a great variety of acts incumbent to be performed by the respective officers enumerated in said fee bill. We have great doubts whether it is advisable at the present time, and so soon after the various county officers have entered on the discharge of their official duties, and when they have obtained their respective positions by great efforts, and in a canvass where much time and labor have been expended by them, to make any material change in the tariff of charges allowed by existing laws; certainly it cannot be right to curtail their income at one sweep, one half, if not two-thirds, as will certainly be the case if the bill, as reported by the committee, pass into a law.

If it be deemed absolutely essential and necessary by the Legislature to make a change, let it be done with proper caution, and in such a manner as will not deprive the local officers in one half of the counties of the State of the means of actual support.

Entertaining these views, we do recommend that the House do not pass the bill as reported by the committee, and that it be indefinitely postponed.

On motion of Mr. Godard, Assembly bill No. 144, an Act concerning Roads and Highways was taken up for consideration.

All the amendments made in committee of the whole, except the amendment to 32d section, and the amendment to the bill offered by Mr. Stemmons to come in between sections 33 and 34, providing for the counties to pay for bridges, &c., were concurred in by the House.

Mr. Fairfield moved to exempt Placer county from the operations of this bill.

Not agreed to.

Mr. Ashley moved to strike out the 17th and 18th sections of the bill.

Not agreed to.

Mr. Hunter moved to amend the 16th section of the bill, by striking out the word "shall," and insert "may" where it occurs in reference to the duties of the Board of Supervisors or the Court of Sessions, as the case may be.

While this motion was under consideration,

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

HOUSE OF ASSEMBLY.

FRIDAY, April 21, 1854.

House met pursuant to adjournment.

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

Messrs. Bagley, Bostwick, Cornwall, Dannels, Dawley, Gilbert, Green, Griffith, Henry, Herbert, Hoff, Hollister, Hubert, Irwin, Koll, McKinney, Nichols, F. A. Park, J. W. Park, Purdy, Ring, Rowan, Spencer, Van Cleft, Whipple, and Mr. Speaker.

The Journal of Thursday was read and approved

On motion, leave of absence was granted to Mr. Ballou and Mr. Dannels for one day.

Mr. Ashley presented a proposition from Edwin D. Coleman proposing to enter into bond for 30,000 dollars to do and perform the State Printing.

Proposition read and referred to Committee on Printing.

Mr. Gordon introduced a bill for an Act to authorize accurate topographical surveys for the main line of the Pacific and Atlantic Railroad, and its branches in this State.

Read a first and second time, and referred to a select committee of three previously appointed, Mr. Jones, chairman.

Mr. French introduced a bill for an Act to provide for the disposition of certain property in the city of San Francisco.

Read a first and second time, 240 copies ordered to be printed, and referred to Committee on Commerce.

Mr. Watkins presented a petition numerously signed by citizens of Alameda, praying for the passage of a law authorizing the construction of a plank road.

Read and referred to Committee on Roads and Highways.

Mr. Jones introduced a bill for an Act to authorize the Board of California Land Commissioners to rent an office.

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

Mr. Ashley introduced a bill for an Act to prevent changing the names of ships, vessels, and steamboats

Read a first and second time, and referred to Committee on Commerce.

Mr. Gordon, from the Judiciary Committee, introduced a substitute for Assembly bill 134, for an Act supplementary to an Act to provide for the lien of mechanics and others, passed April 12, 1850.

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

Mr. Hastings, chairman, made the following report :

The Committee on Counties and County Boundaries have had under consideration Assembly bill No. 234, report the same back with amendments, recommend their adoption, and the passage of the bill.

Amend section second by inserting one half, instead of one third, where that word occurs in the section.

Add to said section, the following : The order and notice shall be given at least fifteen days previous to the day for holding said election.

Amend section third, by inserting in the 17th line, the word three instead of two:

Assembly bill No. 234, an Act amendatory of an Act to provide for the permanent locations of the seats of Justice of the several counties of this State, passed April 11, 1850.

The first and third amendments proposed by the committee, not agreed to.

The second amendment adopted.

Mr. Conness moved to reconsider the vote adopting the second amendment.

Vote reconsidered.

The question again put upon the amendment, and not agreed to.

The bill was then read a third time and passed.

Mr. Griffith made the following report :

The Committee on Public Lands, to whom was referred Assembly bill, No. 253, for an Act to provide for the reclamation of the swamp and overflowed lands belonging to the State of California, have had the same under consideration, having amended the same, recommended the adoption of their amendments and the passage of the bill as amended.

Assembly bill No. 253, above reported, with amendments,

On motion, made the bill the special order for Wednesday next, at 12 o'clock.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined, and find correctly engrossed, an Act to fund that portion of the debt of Trinity county, accruing previous to the 12th of May, 1853, apportioned to Humboldt county, and provide for the payment thereof.

An Act to provide an office for the County Surveyor of San Joaquin county.

Also, an Act to give jurisdiction to the District Court, County Court, and Justices' Courts in Plumas county in certain cases.

Mr. McBrayer made the following report:

The Sacramento Delegation, to whom was referred Assembly bill No, 189, entitled an Act to incorporate the city of Sacramento, having had the same under consideration, and recommend that it do not pass ; and report the following as a substitute and recommend its passage.

On motion of Mr. F. A. Park, the bill and substitute were laid upon the table.

Mr. James introduced a bill for an Act to amend the fourth section of an Act concerning the office of State Treasurer, passed January 24, 1850.

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

Mr. Myres gave notice that, on Monday, or soon thereafter, he would introduce a bill to extend the Water Front of San Francisco, and to sell the estates in said city, which have escheated to the State of California.

Mr. Sweasey offered the following, which was adopted.

Resolved, That the Committee on Corporations be instructed to report, at their earliest convenience, on the Joint Resolution, concerning lands donated to this State for railway purposes, referred to said Committee.

Mr. Bradford gave notice that, at an early day, he would introduce a bill for an Act to enable the Trustees of the Insane Asylum to erect an additional building.

He also gave notice that, on to-morrow, he would move an additional rule to the Standing Rules of the House.

Mr. Ashley moved to take from the table Assembly bill No. 94, relative to Crimes and Punishments ; not agreed to.

Mr. Tallmadge, chairman, made the following report :

Your Committee, to whom was referred Assembly bill No. 215, for an Act to provide for the payment of certain expenses, and a communication from the Secretary of State, in relation to Stationery, beg leave to report, that by the Act of May 1, 1851, the Secretary of State is required to advertise for proposals for stationery, fuel and lights necessary for the use of the Legislature, and further from vouchers on bill, we find that the advertisement required by law was duly made, and the contract awarded to the lowest bid, to Messrs. Marvin & Hitchcock for stationery, who under their contract have furnished for the use of the Legislature, at this session, stationery amounting to \$3,432 46.

It is also believed, that large amounts of stationery have been procured by the Sergeant-at-Arms of this body, without authority of law, and in express violation of the Act of May 1, 1851 ; this officer having no other authority than an illegitimate resolution of the House, containing general authority to furnish or procure articles for the use of the Assembly.

Your committee recommend that the purchases for the Legislature be made as contemplated in the Act of May, 1851 ; and the Assembly bill, No. 215, be passed with the amendment therein stated.

Your committee conclude with stating that the stationery furnished by the Secretary, and contracted for by him, is of good quality, and furnished at reasonable

rates, with two or three exceptions, over which the Secretary of State can have no control, the law directing that officer to award the contract to the lowest bidder.

All of which is respectfully submitted,

D. P. TALLMADGE, Chairman.
W. S. LETCHER,
S. G. WHIPPLE.

Assembly bill No. 215, above reported, an Act to provide for the payment of certain expenses.

Mr. Conness moved to amend the amendment proposed by the Committee.

Adopted.

The amendment, as amended, adopted by the House.

On motion of Mr. Conness, the House resolved itself into committee of the whole, Mr. Bostwick in the chair, to consider the bill.

After spending some time in its consideration,

On motion, the committee rose, reported the bill back without amendment, recommended the passage of the bill, and asked to be discharged from its further consideration. The committee was discharged.

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

Hour of 12 The special order was taken up, which was Assembly bill No. 148, an Act to fix the times of holding elections for Representatives to Congress.

Mr. Pratt made the following minority report :

The undersigned, a minority of the Committee on Elections, to whom was referred a bill for "An Act to fix the time of holding elections for Representatives to Congress," cannot concur with the majority in recommending the passage of the bill. The Acts repealed by the second section of the bill under consideration, were passed by the Legislature of 1852, and so well satisfied were the members composing that Legislature, that members of Congress should be elected at the time fixed in the existing law, that the Act passed both branches without opposition—the Journals exhibiting the fact that the bill passed both Houses without a recorded vote.

The object of the Legislature in fixing the time named in the existing law, unquestionably, was to give ample time for the members elect to collect correct information in relation to the wants of the people of the State. The election law provides that returns for members of Congress shall be examined on the sixtieth day after the election, and the statement on which the certificate of the election is based, transmitted to the Governor; and the "Act to provide for the election of the Electors of President and Vice President" directs, that in each year, when the election of President and Vice President of the United States takes place, the same shall be held on Tuesday next after the first *Monday in each year*, being less than twenty days before the meeting of Congress, rendering it impossible for members, elect, to reach Washington, before the middle of January, one month and a half after the commencement of the session; if the bill passes, this wrong to the people can only be remedied by a State election once in four years, separate and at a different time from the Presidential election; I am alike unwilling to deprive the people of forty or fifty days representation in Congress, or saddle them with an additional expense of holding a second election.

In this matter, however, the action of California is not without a precedent. "Several of the other States of the Union, and among them are the great States of Pennsylvania and Ohio, elect their members of Congress but one month later in the same year than the time fixed in the Act of 1852. In the States above referred to, the time for electing members of Congress was fixed many years ago; and we find that time and experience have convinced all of the wisdom of the law, and we hear of no efforts being made to effect a change.

It is true that changes in the affairs of California are more frequent than in the older States of the Union, and that in order to legislate intelligently for her varied interests, it is necessary to watch closely passing events. But this can be done as well, and is much more likely to receive proper care and attention from members elect, than from mere aspirants. A careful examination has satisfied me, that the time fixed for electing members of Congress should remain unchanged, and the bill under consideration be indefinitely postponed.

Mr. O'Neil moved a call of the House. The call was sustained.

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

Messrs. Anderson, Cornwall, Ewer, French, Green, Henry, Herbert, Hoff, McBrayer, Nichols, Purdy, Warmcastle, and Mr. Speaker.

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

Not agreed to.

Mr. French and Mr. Anderson were admitted within the bar of the House and excused.

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

Agreed to.

Mr. Myres moved to strike out the enacting clause of the bill, and Messrs. Bradford, O'Neil, and Bostwick demanded the yeas and nays :

YEAS.

Messrs. Ashley, Bagley, Ballou, Bostwick, Briggs, Clingan, Conness, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Green, Griffith, Hoff, Horr, Hoyt, Hubbard, Irwin, Jones, Kellogg, Koll, Musser, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Tallmadge, Van Cleft and Watkins—41.

NAYS.

Messrs. Bennett, Bowie, Bradford, Burton, Carr, Cornwall, Gordon, Hagans, Hastings, Herbert, Houghtaling, Hubert, Hunter, James, Letcher, Lindsey, Mandeville, McDaniel, McKinney, Noel, J. W. Park, Stowe, Tivy, and Whitman—24

So the enacting clause was stricken out.

On motion of Mr. French, 240 copies of Assembly bill, 280, were ordered to be printed.

Mr. Hoyt offered the following :

Resolved, That the Committee on Public Accounts and Expenditures audit, and pay out of the contingent funds of the House, the necessary expenses actually incurred by the several House committees, while absent procuring information for the State.

Messrs. Watkins, Whitman and McDaniel demanded the yeas and nays.

YEAS.

Messrs. Bowie, Conness, Dawley, Fairfield, French, Gilbert, Godard, Green, Hoff, Horr, Houghtaling, Hoyt, Hubbard, Hubert, Irwin, Koll, Letcher, Musser, Myres, McDonald, McKinney, O'Neil, F. A. Park, Pratt, Purdy, Ring, Springer, Stemmons, Stowe and Van Cleft—30.

NAYS.

Messrs. Ashley, Bagley, Bennett, Bradford, Briggs, Burton, Carr, Carrillo,

Clingan, Cornwall, Gordon, Hagans, Herbert, Hunt, Hunter, Mandeville, McDaniel, J. W. Park, Stevenson, Tivy, Watkins and Whitman—22.

So the resolution was adopted.

On motion of Mr. French, Assembly Fee bill No. 53, was taken up for consideration.

Mr. French moved its indefinite postponement.

Mr. Conness moved to make the bill the special order of the day for Thursday next at 12 o'clock. Not agreed to.

Mr. French demanded the previous question upon the motion to indefinitely postpone.

Mr. Conness moved to lay the bill on the table, and Messrs. Conness, Hubert and McDonald demanded the yeas and nays.

YEAS.

Messrs. Ashley, Ballou, Bowie, Burton, Clingan, Conness, Cornwall, Godard, Griffith, Hagans, Hastings, Hoyt, Hubert, Hunt, Hunter, Irwin, Letcher, Mandeville, Musser, McBrayer, McDonald, McDuffie, McDaniel, Noel, J. W. Park, Spencer, Springer, Stowe, Tallmadge, Tivy, Watkins, Whitman and Mr. Speaker—33.

NAYS.

Messrs. Bennett, Bradford, Briggs, Carr, Carrillo, Davidson, Dawley, Fairfield, French, Gilbert, Green, Herbert, Hoff, Houghtaling, Hubbard, Jones, Kellogg, Koll, Myres, McKinney, Nichols, O'Neil, F. A. Park, Pratt, Purdy, Rang, Rowan Stemmons, Stevenson, Van Cleft and Whipple—31.

So the bill was laid upon the table.

Assembly bill No. 141, pending the consideration of which, on yesterday, the House adjourned, was taken up for consideration.

The amendment under consideration, offered by Mr. Hunter, was adopted.

Mr. Hunter moved to strike out eight dollars in the 15th section and insert four dollars. Not agreed to.

Mr. Myres moved to exempt Placer county from the operations of the bill. Agreed to.

Mr. Bennett moved to strike out eight dollars in the 15th section and insert six dollars. Agreed to.

Mr. McDaniel offered the following in lieu of section 12

"That nothing in this Act shall be so construed as to prevent any miner or miners from digging up any road for mining purposes, provided that said miner or miners shall, before disturbing such road cut or build, under the supervision and direction of the road supervisor of the proper road district, as good a road around such point as the road proposed to be dug up. The amendment was adopted.

Mr. Bennett moved a call of the House. The call was not sustained.

Mr. Letcher moved to amend the 35th section by inserting "this Act shall take effect on the 1st day of July, 1854." Agreed to.

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

Senate bill No. 144, an Act to provide for the payment of the compensation due certain members and attaches of the Legislature of this State; on its third reading,

Mr. James moved a call of the House. The call was not sustained.

The bill was then read a third time, and upon its final passage Messrs. Hubbard, French and Griffith demanded the yeas and nays.

YEAS.

Messrs. Ballou, Bradford, Briggs, Burton, Carrillo, Cornwall, Davidson, Gilbert, Green, Griffith, Hagans, Hastings, Houghtaling, Hubert, Hunt, Hunter, Irwin, James, Jones, Kellogg, Koll, Letcher, Mandeville, Myres, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Spencer, Stemmons, Sweasey, Tivy, Watkins and Whipple—36.

Mr. Gordon voted in the negative.

There being no quorum present, Mr. Whitman moved a call of the House. The call was sustained.

Before the roll was called, a quorum of members being present, on motion of Mr. Myres, further proceedings under the call were dispensed with.

Mr. Hunt moved to adjourn. Not agreed to.

The question was then taken and the bill passed.

Mr. Griffith gave notice that he would move to reconsider the vote on to-morrow which passed Assembly bill No. 141

Mr. McKinney introduced a bill for an Act concerning Evidence.

Read a first and second time, 240 copies ordered to be printed, and the bill referred to the joint Committee of the Judiciary.

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

HOUSE OF ASSEMBLY.

SATURDAY, April 22, 1854.

House met pursuant to adjournment.

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

Messrs Bagley, Ballou, Bostwick, Bowie, Bradford, Davidson, French, Gilbert, Godard, Gordon, Griffith, Herbert, Hollister, Hoyt, Hubert, Irwin, Jones, Myres, Nichols, J. W. Park, Purdy, Springer, Stevenson, Sweetland, Van Cleft, Warmcastle Mr. Speaker.

The Journal of Friday was read and approved.

On motion, leave of absence was granted to Mr. Speaker for two days, and to Mr. Stevenson for two days.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossed bills have examined and find correctly engrossed, an Act amendatory of an Act to provide for the permanent location of the seats of justice of the several counties of this State. passed April 11, 1850.

An Act to provide for the payment of certain expenses.

Also, an Act concerning the organization of the Militia.

Agreeable to previous resolution, the House proceeded to consider the business upon the table

On motion, the House resolved itself into Committee of the Whole, Mr. Dannels

in the chair, to consider Assembly bill No. 258, an Act concerning stray animals; after spending some time in its consideration and making amendments thereto,

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

On motion of Mr. Whitman, the House concurred in the amendments made in Committee of the Whole generally.

Mr. Griffith offered an amendment to the 4th section, in reference to the brands and marks of stock. Agreed to.

Mr. McDaniel moved to amend the first section of the bill by striking out all the section down to the word "go," and insert a proviso, that every citizen of this State finding any stray horse, mule, jack, jenny or ox upon his premises, "to give public notice, with their marks and brands, and if no person shall appear and prove ownership of such animals, and pay reasonable charges for taking up said animals within ten days shall," Not agreed to.

Mr. Hagans moved to amend the 15th section by striking out after the word "services," in the second line, and insert "which compensation shall be paid by the taker up." Agreed to.

Mr. McBrayer moved to exempt the county of Sacramento from the operations of this bill. Not agreed to.

Mr. Jones moved to exempt the county of Yuba. Not agreed to.

Mr. Sweetland moved to strike out from the word "shall," in the second line, to the word "exchange," in the third line. Adopted.

Mr. Gordon offered an additional section to the bill.

Mr. Mandeville moved to recommit to Committee of the Whole and make it the special order for Thursday next. Not agreed to.

Mr. Mandeville then moved to strike out the enacting clause, and Messrs. Letcher, Mandeville and Myres demanded the yeas and nays.

YEAS.

Messrs. Anderson, Briggs, Burton, Carrillo, Clingan, Dannels, Davidson, Dawley, Fairfield, Godard, Hastings, Henry, Hubbard, Hubert, James, Jones, Kellogg, Mandeville, Myres, McDaniel, McKinney, Noel, O'Neil, F. A. Park, Pratt, Ring, Spencer, Sweetland, Van Cleft and Whipple—30.

NAYS.

Messrs. Ashley, Ballou, Bennett, Bowie, Carr, Conness, Cornwall, Ewer, Gordon, Griffith, Hagans, Horr, Houghtaling, Hunt, Letcher, Lindsey, Musser, McBrayer, McDonald, Rowan, Springer, Sweasey, Tivy and Whitman—24.

So the enacting clause was struck from the bill.

Mr. McKinney gave notice that on to-morrow he would move to reconsider the vote just taken, on the striking from the bill the enacting clause.

Assembly bill No. 227, an Act to amend an Act entitled an Act concerning Es-cheats, on its third reading.

Also, Assembly bill No. 272, upon the same subject.

Read a second time, and, on motion, the two bills were referred to committee of the whole, and made the special order for Thursday next, at 12 o'clock.

Assembly bill No. 230, an Act for the Protection of Game.

Mr. F. A. Park moved to strike out the first of March, and insert first of April, sixth line, first section. Agreed to.

Mr. Griffith moved to strike out the county of Yolo, in third line, fifth section.

Mr. Whitman moved to strike out the entire section as an amendment. Agreed to.

Mr. Griffith moved to amend the bill to permit persons, under certain circumstances, to kill game.

Mr. Whitman offered a similar amendment.

Both amendments lost.

Mr. Griffith moved to strike out the first section of the bill. Not agreed to.

Mr. Griffith moved to strike out where it occurs \$100, and insert not exceeding \$25, in the third section. Agreed to

The bill was then read a third time and passed.

Assembly bill No. 282, an Act to amend the fourth section of an Act concerning the office of State Treasurer, passed January 24, 1850.

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

Substitute for Assembly bill No. 285, an Act supplementary to an Act to provide for the lien of mechanics and others, passed April 12, 1850.

Read a second time, and referred to Committee of the Whole, Monday week next.

Assembly bill No. 271, an Act to authorize Wm F. McLean and George Calloway to build a wharf in the County of San Francisco, beyond the western limits of the city of San Francisco, and near to said line.

Read a second time, and referred to Committee of Commerce.

Assembly bill No. 136, an Act to authorize Stephen K. Nurse to build a wharf in the County of Solano

Read a third time and passed.

Assembly bill No. 128, an Act to amend an Act entitled an Act to prohibit the erection of Weirs, or other obstructions to the run of Salmon, passed April 12, 1852.

Amended, read a third time, and passed.

Assembly bill No. 44, an Act to repeal an Act entitled an Act to provide for measurement of Lumber, approved April 30, 1853,

On its third reading, made the special order for Tuesday week next, at 12 o'clock.

Assembly bill No. 120, to amend an Act entitled an Act to regulate proceedings in Criminal Cases in the Courts of Justice of this State, passed May 1, 1853.

Read a third time, and indefinitely postponed.

Assembly bill No. 173, an Act to provide for the appointment of Deputy County Treasurers.

The bill was read a third time and passed.

Assembly bill No. 195, an Act to amend an Act concerning the Official Bonds of Officers

Amended, read a third time, and passed.

Assembly bill No. 110, an Act to take the sense of the people of this State upon the subject of the permanent location of the Seat of Government, on its third reading,

Mr. F. A. Park moved to lay the bill on the table, and Messrs. Whitman, Carr, and Hunter, demanded the yeas and nays.

YEAS

Messrs. Ballou, Dawley, Hoff, McDonald, McDaniel, McKinney, F. A. Park and Van Cleft—8.

NAYS.

Messrs Anderson, Ashley, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Conness, Cornwall, Davidson, Fairfield, French, Gilbert, Godard, Griffith, Hagans, Hoyt, Hubbard, Hubert, Hunt, Hunter, Jones, Letcher, Lindsey, Mandeville, Myres, Noel, O'Neil, J. W. Park, Pratt, Ring, Spencer, Stemmons, Sweasey, Tivy, Whipple and Whitman—38

So the bill was not laid upon the table

Mr. Myres moved to strike out all after the enacting clause, and insert—"the city of Sacramento is, and shall be, the permanent capital of the State of California

Mr. O'Neil moved to make the bill the special order of the day for Friday next. Agreed to.

Assembly bill No. 91, an Act authorizing the State Treasurer to make disposition of certain moneys, for the purpose of paying the interest on the Civil Bonds of the State issued under the Funding Acts of 1852 and 1853

Mr. Conness moved to strike out the enacting clause of the bill. Agreed to.

Assembly bill No. 115, an Act for the protection of Settlers upon public lands.

Read a third time, and did not pass.

Assembly Joint Resolutions No. 38, in relation to the recent occupation of Lower California by American citizens Read a second time

Mr. O'Neil moved to refer to Committee on Federal Relations. Not agreed to.

Mr. J. W. Park moved to refer the resolutions to the Judiciary Committee.

Not agreed to.

Mr. Burton moved to adjourn. Not agreed to

Mr. Bradford moved to lay the resolutions on the table. Not agreed to.

Mr. Whitman moved its reference to Mr. McKinney, of Santa Clara, with instructions. Agreed to.

Assembly bill No. 94, an Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850.

Mr. Hoff moved to make the bill the special order for Wednesday next, at 2 o'clock, P. M. Agreed to.

Assembly Joint Resolution 126, granting leave of absence to R. L. Westbrook, Judge of Siskiyou county, read a third time and did not pass.

Assembly bill No. 105, an Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853

On its third reading, made the special order for Tuesday next, at 2 o'clock, P.M.

Assembly bill No. 58, an Act concerning legal proceedings in favor of and against counties.

Mr. Ashley moved to strike out the word "thereof," in the first section, 5th line.

Agreed to

And to insert "on behalf of the county" in the second section, 6th line after the word proceedings. Agreed to.

And to strike out the words "against an individual," 3d section, 3d line, agreed to.

On motion of Mr. McKinney, the House resolved itself into Committee of the Whole, Mr. Griffith in the chair, to consider the bill; after spending some time in its consideration, and amending the same,

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

The committee was discharged

On motion of Mr. Whitman, the House adjourned until Monday next at 10 o'clock.

HOUSE OF ASSEMBLY.

MONDAY, April 24, 1854.

House met pursuant to adjournment.

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

Messrs. Bagley, Bostwick, Bowie, Carr, Clingan, Cornwall, Dannels, Dawley, Ewer, French, Gilbert, Green, Griffith, Herbert, Hollister, Houghtaling, Hubert, Hunter, Irwin; Koll, McKinney, Nichols, O'Neil, F. A. Park, J. W. Park, Purdy, Springer, Stevenson, Stowe, Tallmadge, Warmcastle and Whitman.

The Journal of Saturday was read and approved.

On motion, indefinite leave was granted to Mr. Ewer, in consequence of illness ; also, for one day each, to Messrs. Hunter, Herbert, O'Neil, Green, Koll, Bagley and Dannels ; and to Messrs. Hollister and Stowe for two days each.

Mr. Stemmons, chairman, made the following report :

The committee, to whom was referred an Act to amend an Act concerning Judges of the Plains and define their duties, have had the same under consideration, and beg leave to report the same back to the House and recommend its passage.

On motion of Mr. Ashley, the bill was referred back to the committee with instructions to add another section thereto.

Mr. Stemmons made a further report .

The Committee on Agriculture, to whom was referred a bill entitled an Act to amend an Act to regulate Rodeos, approved April 30, 1851, have had the same under consideration, beg leave to report the same back, and recommend that it pass.

Assembly bill No. 278, above reported : on its third reading,

Mr. Ashley moved to amend the bill by inserting after the word Rodeos, in 2d line, " within the limits of his farm." Agreed to.

Mr. McKinney moved to strike out all relative to verbal notices. Agreed to.

Mr. Carrillo moved to strike out July, where it occurs, and insert August.

Agreed to.

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

Mr. Bostwick made the following report :

The Committee on Accounts and Expenditures, to whom was referred Assembly bill for an Act concerning the office of Secretary of State, have made several amendments thereto, report the same back to the House; and recommend its passage.

On motion of Mr. Bostwick, the House resolved itself into Committee of the Whole, Mr. Bostwick in the chair, to consider the bill ; after spending some time in its consideration and amending the same,

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

The hour of 12. The special order was taken up for consideration, which was Assembly bill No 127, in reference to the water front of Benicia.

Mr. Conness moved to strike out the enacting clause of the bill. Not agreed to.

Mr. Gordon moved to refer the bill to a special committee of three, with instructions to report a substitute. Agreed to ; and Messrs Gordon, Carr and Rowan were appointed said committee.

Mr. Tivy made the following report :

The Joint Committee on Enrolled Bills have examined and find correctly enrolled, the following Acts, viz :

An Act for the settlement of the accounts of Eugene Casserly, as State Printer.

An Act providing that the Court of Sessions of Yuba county shall be empowered to levy, and cause to be collected, a special tax for the purpose of erecting public buildings, and the improvement of public grounds in said county, and for the disposal of public property for the same purpose.

An Act to fund the debt of the county of Solano, and to provide for the payment thereof.

An Act to provide an Office for the County Surveyor of San Joaquin county.

Mr. Whitman made the following report :

The Judiciary Committee, to whom was referred Senate bill No. 120, being an Act declaring the consent of the State of California to the purchase, by the United States, of Signor or Mare Island ; to relinquish the title and interest of the State in overflowed portions of said Island, and to vest the jurisdiction over the same in the United States, for the purposes therein specified, have had the same under consideration, and recommend its passage without amendment.

Senate bill No. 120, above reported,

Read a third time and passed.

Mr. Conness moved to amend the title of the bill as follows : after the words an Act, insert " ceding the title of the State of California in and to the overflowed portions of Signor or Mare Island to the Government of the United States, for certain purposes therein named." Not agreed to.

Mr. Van Cleft moved to reconsider the vote which passed the above bill, and Messrs. Van Cleft, Cornwall and Whipple demanded the yeas and nays.

YEAS.

Messrs. Anderson, Ashley, Bennett, Burton, Clingan, Conness, Davidson, Gordon, Hagans, Henry, Hoff, Hoyt, Hunt, James, Jones, Kellogg, Musser, Myres, McBrayer, McDonald, McDaniel, Noel, J. W. Park, Pratt, Spencer, Stemmons, Sweasey, Tallmadge, Tivy, Van Cleft, Watkins and Whipple—32.

NAYS.

Messrs. Bowie, Bradford, Briggs, Cornwall, Dawley, Fairfield, Gilbert, Godard, Griffith, Hastings, Horr, Hubbard, Hubert, Mandeville, McKinney, Nichols, Ring, Springer and Whitman—19.

So the vote was reconsidered.

Mr. Hoff moved to reconsider the vote which read the bill a third time.

The vote was reconsidered.

Mr. Hoff moved to refer the bill back to the Judiciary Committee. Agreed to.

Mr. Tallmadge, chairman of Select Committee, made the following unanimous report :

The Joint Committee, appointed to investigate the charge of fraud in the election returns of 1851, for Governor and Lieutenant Governor, ask leave to make the following report :

The evidence adduced before said committee, and herewith submitted, is not sufficient to establish the belief that fraud was committed in the election returns of 1851, for Governor and Lieutenant Governor. Neither is there any evidence of alterations or frauds in the election returns of 1851, as filed in the Secretary of State's office All of which is respectfully submitted.

The report of the committee was adopted.

The following message was received from the Governor :

In compliance with a resolution adopted by the Assembly on the 19th instant, requesting the Governor to transmit to this House copies of all communications addressed to him in his official capacity, in relation to the non-payment of the interest on the coupons, due in the city of New York, on the first of January, 1854, except such as have already been sent to this House.

I have the honor, herewith, to transmit copies of the only communications received. In relation to the communication signed by the President of the American Exchange Bank, it is proper to state, that by some means unknown to me, it found its way into the public papers one day before it reached this department.

JOHN BIGLER.

The message, together with the documents communicated, were read and referred to Select Committee heretofore created upon this subject, Mr. Green chairman.

The following message was also received from the Governor :

I have the honor, herewith, to transmit a copy of an important communication, received this morning, from Hon. Paul K. Hubbs, Superintendent of Public Instruction.

JOHN BIGLER.

The communication from the Superintendent of Public Instruction, was read and referred to Committee of Ways and Means.

The following message was received from the Governor :

I have the honor, herewith, to transmit and commend to your favorable consideration, a copy of Joint Resolutions, adopted by the Legislature of the commonwealth of Pennsylvania relative to old soldiers.

And, also, Joint Resolutions, passed by the Legislature of the State of Massachusetts, in relation to cheap ocean postage.

JOHN BIGLER.

Resolutions from Pennsylvania, read and referred to Military Committee.

The resolutions from the State of Massachusetts, read and referred to Committee on Federal Relations

Mr. Conness moved to take a recess until 5 o'clock.

Not agreed to.

The following message was received from the Senate.

I am instructed to inform the Assembly, that the Senate passed, on Saturday, a bill for an Act appropriating money to pay D. D. Colton for services rendered the State ; also,

Assembly bill, No. 157, for an Act to provide for the survey of a portion of the Northern boundary of this State

Which is respectfully submitted.

JOHN Y LIND, Secretary.

Senate bill, No. 164, above reported, for the relief of D. D. Colton.

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

The following message was also received from the Senate.

I am instructed to inform the Assembly, that the Senate passed, on yesterday the following Assembly bills, viz :

An Act to provide an office for the County Surveyor of San Joaquin county ; and
An Act to fund the debt of the county of Solano, and to provide for the payment thereof.

Which are herewith respectfully returned.

JOHN Y LIND, Secretary.

The following message was also received from the Senate :

I am instructed to inform the Assembly, that the Senate on the 18th inst. concurred in Assembly's amendment to adjourn *sine die* on the 15th of May ; and on Saturday passed Joint Resolution in relation to the Nebraska Bill, introduced into the Senate of the United States, on the 23d January, 1854.

Which is respectfully submitted.

JOHN Y. LIND, Secretary.

Senate Joint Resolution above reported, read a first and second time, and referred to Committee on Federal Relations.

The following message was received from the Senate :

I am instructed to inform the Assembly, that the Senate passed this day a bill for an Act granting to the Electors of Calaveras county the privilege to vote for or against a division of said county, and organize the county of Washington.

Which is respectfully submitted.

JOHN Y. LIND, Secretary.

Senate bill, No. 149, above reported, read a first and second time, and referred to the delegation from Calaveras.

Mr Bennett offered a Concurrent Resolution, appointing the Committees of the two houses upon the subject of the Public Lands, a Joint Committee, to whom all matters upon that subject shall be referred. Resolution adopted.

Mr. Dawley gave notice that on to-morrow he would introduce a bill to amend the sixth section of an Act regulating the duties of Harbor Master of the Port of San Francisco, passed May 1, 1852.

Mr. Hoff gave notice that at some early day he would introduce a bill to appropriate the moneys collected under the provisions of an Act authorising the Board of Supervisors in Tuolumne county to levy a tax for the support of the Indigent Sick.

Mr McDonald gave notice that on to-morrow he would introduce a bill graduating the price of Public Lands in this State.

Mr. Gordon gave notice that an early day he would introduce a bill for an Act to amend an Act concerning the Courts of Justice of this State, and Judicial officers, approved May 19, 1853.

Mr. McKinney, agreeable to previous notice, moved to reconsider the vote which struck out the enacting clause of Assembly bill 258, concerning Estray Animals, and Messrs. Hagans, Stemmons and Hoff demanded the yeas and nays.

YEAS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bostwick, Bowie, Bradford, Briggs, Carrillo, Clingan, Cornwall, Davidson, Fairfield, Gilbert, Gordon, Griffith, Hagans, Hastings, Henry, Hoff, Horr, Hubert, Hunt, Irwin, James, Letcher, Musser, Myres, McDaniel, McKinney, Nichols, Noel, F. A. Park, Pratt, Ring, Rowan, Spencer, Stemmons, Sweasey, Tallmadge and Tivy—41.

NAYS.

Messrs. Burton, Conness, Dawley, Hubbard, Jones, Kellogg, Mandeville, McBrayer, McDuffie, J. W. Park, Springer, Van Cleft, Watkins and Whipple—14.

So the vote was reconsidered, and

On motion of Mr. Letcher, the bill was referred to a select committee of five.

Messrs. Letcher, Tallmadge, Hagans, Spencer and Bostwick were appointed said committee.

Mr. Tallmadge offered a concurrent resolution to appoint a joint committee of three from each House to examine the printing accounts of Messrs. Fitch, Geiger, Kerr & Co., former State Printers, and to report thereupon

Resolution adopted, and Messrs. Tallmadge, James and Herbert were appointed on the part of the House

Mr. Dawley presented a petition from Mr. Sheppard, in reference to the estate of George Kerr, deceased, and the Public Printing

Read and referred to select committee of three, created upon that subject, Mr. Tallmadge, chairman.

Mr. Bradford, agreeable to notice, moved the adoption of an additional rule, providing that no bills shall be introduced after the 8th day of May next, without the concurrence of two-thirds of the House.

Adopted

Mr. McBrayer gave notice that on to-morrow he would introduce a bill to amend the 175th section of an Act to provide for the formation of Corporations.

Mr. Bradford introduced a bill for an Act to appropriate money to enable the Trustees of the Insane Asylum to erect an additional building, and to enclose the grounds belonging to the Asylum.

Read a first and second time, and referred to Committee on State Hospitals.

Mr. Griffith introduced a bill to protect those who have located land under certain land warrants. Read a first and second time, 240 copies ordered to be printed, and referred to Committee on Public Lands.

Mr. Bradford introduced a bill for an Act to amend an Act entitled 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

Read a first and second time, 240 copies ordered to be printed, and the bill referred to Committee on Public Lands.

Mr. Whipple introduced a bill for an Act to amend 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.

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

Mr. McDuffie introduced a bill for an Act amendatory to the Act incorporating the city of Marysville, and to all Acts supplementary and amendatory to the same.

Read a first and second time, and referred to Yuba delegation.

Mr. Griffith moved to adjourn

Not agreed to.

Mr. Van Cleft moved to take a recess until 6 o'clock.

Not agreed to.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT, }
Sacramento City, April 21, 1854. }

To the Senate and Assembly of California :

I have the honor herewith to transmit a copy of a communication received on the 18th inst., from John A. Dreibelbis, Esq., a respectable citizen of Shasta county, in relation to Indian depredations and murders, on Pitt river, in the above named county, and asking compensation for services rendered and expenses incurred by himself and others

It will be seen that the citizens of Pittsburg and vicinity, before proceeding to chastise the Indians, held a public meeting and passed resolutions calling on Col. Wright, the officer in command of the United States troops at Fort Reading, for protection, and in reply to which Col. Wright expressed a perfect willingness to extend the required aid, but informed them that it was not in his power to do so, for

the reason that he had but about fifteen effective men—a force scarcely adequate to the protection of the property and stores of the General Government at the Fort. In the absence of sufficient protection from the General Government, the citizens themselves organized in self defence, and in so doing rendered services for which they should be compensated, and incurred expenses which certainly should be paid.

Having frequently, during the years 1852 and 1853, had occasion to call the attention of the Legislature to the entire inadequacy of the force of the General Government in California for the protection of our citizens, and to the almost defenceless condition of the frontier counties, I deem it unnecessary, in this communication, further to advert to this subject, and in conclusion would merely remark that until more effective aid shall be extended to California by the General Government, our citizens must be harrassed by the depredations of hostile Indians, and the State necessarily incur expenses and remunerative services rendered by our own people in the defence of their lives and property.

I would, however, state that I have received assurances, verbally, from the distinguished officer now in command of the U. S. Army on the Pacific coast, that he hopes to be able in a short time to extend the proper aid and protection to our citizens against the recurrence of Indian depredations in the frontier counties.

JOHN BIGLER

The message and communication read and referred to the Committee on Indian Indian Affairs

Assembly bill No 144, taken up for consideration, which was an Act concerning the office of Secretary of State.

The amendment made to section 15, in Committee of the Whole, not agreed to by the House.

The amendments made in Committee of the Whole, except the one above mentioned, were concurred in by the House.

Mr Ballou moved to add to section 15 the following, “and the Secretary of State shall not be compelled to record certificates, or perform any of the services above enumerated, unless such fees are paid in advance” Not agreed to

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

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

HOUSE OF ASSEMBLY.

TUESDAY, April 25, 1854,

House met pursuant to adjournment

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

Messrs Bagley, Ballou, Bostwick, Bowie, Bradford, Carr, Cornwall, Daniels, French, Gilbert, GoIard, Green, Griffith, Hastings, Horr, Hoyt, Irwin, James, Koll, McKimney, Nichols, J. W. Park, Pudy, Rowan, Tallmadge, Van Cleft, Warmcastle, and Whitman

The Journal of Monday was read, amended and approved.

Mr. Hubbard presented a petition from the lumber dealers in San Francisco, praying for an amendment to the law creating the office of Lumber Inspector,

Petition read, and referred to Committee on Commerce and Navigation.

Mr. McBrayer presented a memorial from the Commissioners of the Funded Debt of Sacramento City, in reference to the proposed amendments to the City Charter of Sacramento.

Mr. Dawley introduced a bill for an Act amendatory of an Act entitled an Act regulating the duties of Harbor Master of the Port of San Francisco, passed May 1, 1852.

Read a first and second time, and referred to the Committee on Commerce.

Mr. McBrayer introduced a bill for an Act to amend chapter 8, section 175, of an Act concerning Corporations.

Mr. McDonald introduced a bill for an Act to graduate the price of Public Lands according to their value.

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

Mr. Spencer introduced a bill for an Act concerning passengers arriving in the State of California.

Read a first and second time, 240 copies ordered to be printed, and the bill referred to the Committee on Hospitals.

Mr. Noel, from the Committee of Ways and Means, made the following report :

The Committee of Ways and Means, to whom was referred Assembly bill No. 289, entitled an Act to amend 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, have had the same under consideration, report it back without amendment, and recommend its passage.

Also, Assembly bill No. 286, entitled an Act to authorize the Board of California Land Commissioners to rent an office, and recommend that it be rejected.

Also, Assembly bill No. 282, entitled an Act to amend the fourth section of an Act concerning the office of State Treasurer, and recommend its passage.

Also, Assembly bill No. 250, entitled an Act supplementary to and explanatory of an Act entitled an Act making appropriations for the civil expenses of government of the State, for the unexpired portion of the fiscal year ending on the 30th day of June, A. D., 1854, and recommend its passage.

Assembly bill No. 289, above reported, in reference to the interest of the State to the water front in San Francisco.

Read a third time and passed.

Assembly bill No. 286, an Act to authorize the Board of California Land Commissioners to rent an office,

On motion of Mr. Conness, was rejected.

Assembly bill No. 282, an Act to amend an Act concerning the office of State Treasurer, passed January 24, 1850

Mr. Conness moved to reject the bill.

Mr. Lindsey demanded a call of the House.

The call was sustained.

The roll was called, and the following members were absent: Messrs. Bagley, Carr, Dannels, French, Green, Hoff, Irwin, Koll, McBrayer, Purdy, Van Cleft, Warmcastle, and Whitman.

Mr. McBrayer was admitted within the bar of the House and excused.

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

Not agreed to.

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

Agreed to.

The Speaker decided that the motion to reject the bill was not in order.

Mr. Conness moved to strike out the enacting clause, and Messrs. Lindsey, Burton and Houghtaling demanded the yeas and nays.

YEAS

Messrs. Ashley, Ballou, Conness, Dawley, Fairfield, Gilbert, Godard, Griffith, Hollister, Hoyt, Hubbard, Hunt, Kellogg, Myres, McDonald, O'Neill, F. A. Park, Ring, Rowan, Spencer, Springer, Sweasey and Tallmadge—23

NAYS

Messrs. Anderson, Bennett, Bostwick, Bowie, Bradford, Briggs, Burton, Clingan, Cornwell, Davidson, Gordon, Hagans, Hastings, Henry, Herbert, Horr, Houghtailing, Hunter, James, Letcher, Lindsey, Mandeville, McBrayer, McDuffie, McDaniel, McKinney, Noell, J. W. Park, Pratt, Stemmons, Stevenson, Sweetland, Tivey, VanCleft, Watkins, Whipple and Mr. Speaker—37.

So the House refused to strike out the enacting clause.

Mr. Bennett moved to strike out the hour of two in the first section and insert four o'clock.

Agreed to.

The hour of twelve o'clock, the Speaker announced the special order, which was Assembly bill No. 152, respecting Pilots in the Harbor of San Francisco.

Mr. Mandeville moved to postpone for the present the special order of the day

Not agreed to.

Mr. Fairfax moved to amend the 31st section by striking out the fourth and fifth lines, and insert "vessels under fifteen feet draught \$8 per foot.

Agreed to.

Mr. Fairfax moved to amend the same section by striking out the sixth, seventh and eighth lines, and insert "fifteen feet and over, \$10 per foot"

Agreed to.

Mr. Sweasey moved to lay the bill on the table.

Not agreed to.

Mr. Conness moved to recommit to the Committee on Commerce and Navigation.

Not agreed to.

Mr. Dawley offered a substitute for the 33d section. Not agreed to

Mr. Letcher moved to recommit to special committee, with instructions, and Messrs. Hubert, Nichols and Fairfax demanded the yeas and nays.

YEAS

Messrs. Ballou, Burton, Clingan, Conness, Dawley, Fairfield, Godard, Hollister, Hunt, Letcher, McBrayer, F. A. Park, Ring, Springer, Sweasey, Sweetland, Tallmadge and Van Cleft—18

NAYS.

Messrs. Anderson, Bennett, Bowie, Bradford, Briggs, Cornwell, Gilbert, Gordon, Hagans, Hastings, Herbert, Houghtailing, Hubert, Hunter, James, Kellogg, Mandeville, Musser, McDonald, McDuffie, Nichols, Noell, O'Neill, Pratt, Rowan, Spencer, Stemmons, Tivy, Watkins and Mr. Speaker—30.

So the motion to recommit was not adopted.

Mr. Tallmadge moved to take a recess until half-past three o'clock.

Not agreed to.

The bill was considered as engrossed; read a third time, and upon its final passage Messrs. Fairfax, Mandeville and Tivy demanded the yeas and nays

YEAS.

Messrs. Anderson, Bennett, Bowie, Briggs, Clingan, Cornwell, Dawley, Gilbert, Godard, Gordon, Griffith, Hagans, Hastings, Herbert, Hollister, Houghtaling, Hubert, Musser, McDonald, McDuffie, Nichols, Noel, O'Neill, Pratt, Rowan, Spencer, Stemmons, Sweetland, Tivy, VanCleft, Watkins and Mr. Speaker—32.

NAYS.

Messrs. Ballou, Burton, Conness, Fairfield, Hunt, Hunter, James, Letcher, Mandeville, Myers, F. A. Park, Ring, Springer and Tallmadge—14.

So the bill passed.

Mr. Van Cleft gave notice that he would move to reconsider the vote on to-morrow, which just passed Assembly bill No. 152 in reference to Pilots.

The hour of two o'clock. The special order for that hour, Assembly bill No. 105, an Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial officers, passed May 19, 1853.

On motion made the special order for Thursday next at 2 o'clock.

Mr. Tallmadge moved to take a recess until 4 o'clock.

Not agreed to.

Mr. Conness moved to go into the consideration of the Senate's messages.

Not agreed to.

Assembly bill No. 282 under consideration at the hour of twelve, when the special order was taken up for consideration, was again taken up for action.

Mr. Conness moved to amend by adding to the second section the following:

"That nothing herein contained shall be so construed as to require the State Treasurer to keep the public funds in his office."

Agreed to.

Mr. Conness moved to amend the first section, seventeenth line, by inserting, "in the order of their Registry."

Not agreed to.

The bill was considered as engrossed, read a third time, and upon its final passage, Messrs. Mandeville, Lindsey and McBrayer, demanded the yeas and nays.

YEAS.

Messrs. Anderson, Bennett, Bostwick, Bowie, Bradford, Burton, Carrillo, Cornwall, Davidson, Gordon, Hagans, Hastings, Henry, Houghtaling, Hunter, James, Letcher, Lindsey, Mandeville, McBrayer, McDuffie, McDaniel, McKinney, Noell, Springer, Stemmons, Stevenson, Sweetland, Tivy, Van Cleft, Watkins, Whipple, and Mr. Speaker---33.

NAYS

Messrs. Ashley, Ballou, Conness, Dawley, Fairfield, Gilbert, Godard, Griffith, Hollister, Horr, Hoyt, Hubbard, Hubert, Hunt, Irwin, Jones, Kellogg, Musser, Myers, McDonald, O'Neil, Ring, Rowan, Sweasey, and Tallmadge—25.

So the bill passed.

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

Mr. O'Neil, chairman, made the following report.

The Committee on Engrossment have examined and find correctly engrossed, "An Act to amend an Act entitled an Act to prohibit the erection of Weirs or other obstructions to the run of Salmon," passed April 12, 1852."

"An Act to authorize Stephen K. Nurse to build a wharf in the county of Solano."

"An Act to amend an Act concerning the official bonds of officers," passed February 28, 1850.

"An Act for the protection of game," and also,

"An Act to provide for the appointment of Deputy County Treasurers," and,

"An Act to establish and regulate Common Schools, and to repeal former Acts concerning the same."

Assembly bill No. 250, explanatory of an Act appropriating funds for the Insane Asylum, read a third time and passed.

Mr. Tivy made the following report :

The Joint Committee on Enrolled Bills have this day presented to his Excellency the Governor, for his approval, the following Acts, viz :

"An Act for the Settlement of the Accounts of Eugene Casserly as State Printer."

"An Act providing that the Court of Sessions of Yuba County shall be empowered to levy and cause to be collected a Special Tax, for the purpose of erecting Public Buildings and the improvement of Public Grounds in said county, and for the disposal of Public Property for the same purpose."

"An Act to Fund the Debt of the County of Solano, and to provide for the payment thereof."

And "An Act to provide an Office for the County Surveyor of San Joaquin county."

And they further report that they have examined and find correctly enrolled the following Acts, viz :

"An Act to provide for the Payment of the Compensation due certain Members and Attaches of the Legislature of this State "

"An Act to amend the seventh section of an Act entitled An Act to Incorporate the city of San Jose, passed March 27, 1850."

"An Act to provide for the Survey of a portion of the Northern Boundary of this State."

And "An Act allowing the Court of Sessions of Yuba County to levy a Special for the Support of the Indigent Sick of said county."

Mr. Myres, Chairman, made the following report :

The Judiciary Committee have had under consideration Assembly Bill No. 279, entitled "An Act to fix the times for holding the Terms of the District Court throughout the State," the passage of which they recommend, with the accompanying amendment ;

Also, "An Act to protect the rights of Officers and Agents of the State of California in executing the powers that are or may be enjoined on them by law in the disposition of her Real Estate, or Estate partaking of the Realty," and recommend its indefinite postponement.

Your committee have also considered Senate Bill No. 109, for "An Act to authorize the formation of Limited Partnerships," and recommend its passage.

Assembly Bill No. 279, "An Act to fix the times of holding the Terms of the District Court throughout the State," on its third reading,
On motion laid on the table.

Assembly Bill No. 275, "An Act to protect the rights of the Officers and Agents of the State of California in executing the powers that are or may be enjoined on them by law in the disposition of her Real Estate, or Estate partaking of the Realty,"
On motion laid on the table.

Senate Bill No. 109, "An Act to amend an Act entitled An Act to authorize the formation of Limited Partnerships,"
Read a third time and passed.

Mr. Dawley, chairman, made the following report .

The Committee on Commerce have had under consideration—

Assembly bill No. 220, amended first section, report the same back to the House, recommend its adoption, and that the bill pass.

Also, Assembly bill No. 271, amended the second section and recommend the adoption of the amendments, and that the bill pass.

Also, Assembly bill No. 268. Your committee are of the opinion that the existing laws in force in relation to grand and petit larceny are a sufficient protection to the owners of wood and wood yards, and therefore report the bill back with the recommendation that it do not pass.

Also, Assembly bill No 249, entitled an Act to declare the river Stanislaus navigable. From reliable information, as well as personal experience, your committee are of opinion that the simple passage of this Act will not remove the obstructions to the navigation of said river, and would interfere with the rights of persons interested in ferries and bridges below Knight's Ferry. Your committee are also satisfied that there is but one class of steamers that could ever be made to run on said river ; we allude to those used on the western waters which are said to run whenever the dew falls, but as this class of vessels have not yet found their way to California it is unnecessary to pass the present bill. They, therefore, beg leave to report the same back to the House and recommend that it do not pass.

Assembly bill No 220, above reported, read a third time and passed.

Assembly bill No. 271, also reported by the Committee on Commerce, read a third time and passed.

Assembly bill No 268, reported by Committee on Commerce, read a third time and passed.

Assembly bill No. 249, an Act to declare the river Stanislaus navigable, read a third time and did not pass

Mr. Mandeville gave notice that on to-morrow he would move to reconsider the vote just taken.

Mr. Steunmons, chairman, made the following report :

The Committee on Agriculture, to whom was referred a bill concerning Judges of the Plains, beg leave to report a substitute for the bill and recommend its passage.

The substitute was adopted, considered as engrossed, read a third time and passed

Mr. Hubbard, from the Committee on Public Buildings and Grounds, made the following report :

The committee have had under consideration Assembly bill No. 259 for the erection of a Jail in the county of Monterey, and report the same back to the House with an amendment and recommend its passage.

The amendments offered by the committee adopted.

On motion of Mr. Ashley ten per cent. was struck out where it occurs in the fourth line, second page.

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

Mr. Sweetland, chairman, made the following report :

The committee to whom was referred Assembly bill No. 172, entitled an Act to divide the Tenth Judicial District, and to create a new judicial district, and to fix the terms thereof, report the same back with a substitute, and recommend the adoption and passage of the same.

The substitute, together with the original bill, on motion of Mr. Dawley, were made the special order for Monday next, at 12 o'clock.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed, on the 24th inst., Assembly bill for an Act to legalize certain affidavits made before the County Records of this State, as therein shown, in which their concurrence is asked.

JOHN Y. LIND, Secretary.

Senate amendments to the above bill concurred in by the House.

The following message was also received from the Senate :

I am instructed to inform the Assembly that the Senate passed, on the 21st inst., a bill for an Act giving power to the Court of Sessions of Sacramento county to cancel taxes assessed for the year 1852. And,

A bill for an Act amendatory of and supplementary to an Act entitled an Act concerning the office of Reporter, passed April 13, 1850; which are herewith respectfully submitted.

JOHN Y. LIND, Secretary.

Senate bill No. 148, giving power to the Court of Sessions of Sacramento county read first and second time, and referred to Sacramento delegation.

Senate bill No. 161, above reported, concerning the office of Reporter, passed April 13, 1850, read first and second time, and referred to Judiciary Committee.

The following message was also received from the Senate :

I am instructed to inform the Assembly that the Senate this day concurred in Assembly Resolution relative to accounts for State Printing; have amended the same as therein shown, and have appointed on their part Messrs. Coffroth, McGary, and Lent, to act with Assembly committee.

They have also concurred in Assembly's Resolution, that the Committees on Public Lands of the respective Houses act jointly.

JOHN Y. LIND, Secretary.

The amendment made by the Senate to Assembly Concurrent Resolution adopted by the House.

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

HOUSE OF ASSEMBLY.

WEDNESDAY, April 26, 1854.

House met pursuant to adjournment.

The roll was called and the following members were absent :

Messrs. Bagley, Bostwick, Bradford, Conness, Ewer, Fairfield, Gilbert, Green, Griffith, Herbert, Hubert, Irwin, Koll, McGee, Nichols, J. W. Park, Purdy, Rowan, Spencer, Stow, Warmcastle and Whitman.

The Journal of Tuesday was read and approved.

On motion, leave of absence was granted to Mr. Whitman for one day ; to Mr. Spencer for three days ; to Mr. Stow for two days ; to Mr. Fairfield for one day.

Mr. Conness introduced a bill for an Act to amend an Act to authorize the formation of Corporations for the construction of Plank or Turnpike Roads, passed May 12, 1853.

Read first and second time and referred to Committee on Corporations.

Mr. Bennett introduced a bill for an Act to provide for the selection of lands donated by the General Government to the State of California.

Read first and second time, and two hundred and forty copies ordered to be printed, and the bill referred to Committee on Public Lands

Mr. Rowan introduced a bill for an Act to authorize Frederick D. Kohler and Thomas H. Dowling to hold and occupy certain lands in the Bay of San Francisco.

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

Mr. Myers introduced a bill for an Act to extend the Water Front of the city of San Francisco, and to dispose of estates therein, escheated to the State of California.

Read first and second time and two hundred and forty copies ordered to be printed, and the bill referred to Committee on Commerce.

Mr. Hoff, chairman, made the following report :

The Committee on Claims to whom was referred Senate bill No. 164, entitled an Act appropriating money to pay D. D. Colton for services rendered the State, have had the same under consideration, report the same back to the House and recommend its passage.

On motion of Mr. Kellogg the House resolved itself into Committee of the Whole, Mr. Kellogg in the Chair, to consider the bill.

After spending some time in its consideration, the committee rose, reported the bill back without amendment, recommended the passage of the bill and asked to be discharged from its farther consideration.

The committee was discharged.

The bill was read a third time, and upon its passage

Messrs. McKinney, Carrillo and McHenry, demanded the yeas and nays.

YEAS.

Messrs. Anderson, Ballou, Briggs, Clingan, Conness, Dannels, Fairfield, Gilbert, Godard, Horr, Hunt, James, Jones, Kellogg, Musser, Myres, McBrayer, McDonald, McKinney, Nichols, O'Neil, F. A. Park, J. W. Park, Ring, Springer, Tallmadge, Van Cleft and Whipple—28.

NAYS.

Messrs. Bennett, Bostwick, Bowie, Burton, Carr, Carrillo, Cornwall, Hagan, Hastings, Henry, Hollister, Hubbard, Hunter, Letcher, Lindsey, Mandeville, McDuffie, Noel, Stemmons, Stevenson, Sweasey, Sweetland and Watkins—23.

So the bill passed.

Mr. Myers moved to reconsider the vote just taken upon the passage of the Senate bill No. 164.

Mr. Mandeville moved to lay the motion to reconsider upon the table.

Agreed to.

Mr. Myers, Chairman, made the following report :

The Judiciary Committee herewith report to the House, Senate bill No. 161, entitled an Act amendatory of and supplementary to an Act entitled an Act concerning the office of Reporter, passed April 13, 1850, with an amendment thereto, and recommend its passage as amended.

On motion of Mr. Conness, the House resolved itself into Committee of the Whole, Mr. Bostwick in the chair, to consider the bill.

After spending some time in the consideration of the bill, and amending the same, on motion, the committee rose, reported the bill back as amended, recommended the passage of the bill, and asked to be discharged from its farther consideration.

The committee was discharged.

The amendments made in Committee of the Whole were concurred in, the bill read a third time, and passed.

The hour of 12 having arrived, the special order was taken up, which was Assembly bill No. 253, to provide for the reclamation of the Swamp and Overflowed Lands belonging to the State of California.

On motion of Mr. Van Cleft, the House resolved itself into Committee of the Whole, Mr. Van Cleft in the chair, to consider the bill.

After spending some time in its consideration, and amending the same,

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

The committee was discharged.

Mr. F. A. Park moved to reconsider the vote which discharged the Committee of the Whole from the consideration of the Assembly bill No. 253.

The vote was reconsidered, and the House resolved itself into Committee of the Whole farther to consider the bill.

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

On motion, the committee rose, reported the bill back as amended, without any recommendation, and asked to be discharged.

The committee was discharged.

On motion, the bill was made the special order for Wednesday next at 12 o'clock.

The hour of 2 o'clock having arrived, the special order for that hour was taken up, which was Assembly bill No. 94, an Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850—

Upon its final passage,

Mr. Bradford moved to adjourn.

Messrs. Rowan, Van Cleft, and Hubbard, demanded the yeas and nays.

YEAS.

Messrs. Bennett, Bowie, Bradford, Briggs, Burton, Clingan, Davidson, Gordon,

Hagans, Hastings, Henry, Herbert, Hunter, James, Lindsey, Mandeville, McKinney, Nichols, Noel, Stemmons, Sweetland, Tivy, Watkins, Whipple, and the Speaker.—24.

NAYS.

Messrs. Anderson, Ashley, Bagley, Ballou, Bostwick, Cornwall, Dannels, Dawley, Fairfield, Gilbert, Godard, Griffith, Hoff, Hollister, Horr, Hubbard, Hunt, Irwin, Jones, Kellogg, Letcher, Musser, Myres, McBrayer, McDonald, O'Neil, F. A. Park, Purdy, Ring, Rowan, Springer, and Van Cleft—32.

Mr. Fairfax moved to take the vote over again.

Not agreed to.

The vote was then announced, and the House refused to adjourn.

Mr. Jones moved to lay the bill on the table.

Not agreed to.

Mr. Hoyt moved to refer the bill to Mr. Ashley, with instructions to strike out the Mongolian and dwelling clause.

Not agreed to.

On the passage of the bill,

Messrs. Mandeville, Sweetland, and J. W. Park, demanded the yeas and nays.

YEAS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bowie, Bradford, Burton, Carr, Clingan, Conness, Cornwall, Davidson, Dawley, Gilbert, Gordon, Hagans, Hastings, Henry, Herbert, Hoff, Hollister, Horr, Hunt, Hunter, James, Letcher, Lindsey, Mandeville, Musser, Myers, McBrayer, McDonald, McDaniel, McKinney, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Purdy, Rowan, Stemmons, Stevenson, Sweetland, Tivy and Mr. Speaker—46.

NAYS.

Messrs. Bagley, Bostwick, Carillo, Dannels, Fairfield, Godard, Hoyt, Hubbard, Jones, Ring, Springer, Sweasey, Van Cleft, and Watkins—14.

Mr. Nichols gave notice that he would move to reconsider the vote just taken on to-morrow.

Hr. Herbert moved to adjourn.

Mr. Bagley moved a call of the House.

The call was not sustained.

On the motion to adjourn, Messrs. Conness, Hubbard and Springer demanded the yeas and nays.

YEAS.

Messrs. Anderson, Bennett, Bradford, Burton, Carr, Clingan, Cornwall, Davidson, Gordon, Hagan, Hastings, Henry, Herbert, Hunter, James, Letcher, Lindsey, Mandeville, McBrayer, McDaniel, McKinney, Noel, J. W. Park, Stemmons, Stevenson, Sweetland, Tivy, Watkins, Whipple, and Mr. Speaker—30.

NAYS.

Messrs. Ashley, Bagley, Ballou, Bostwick, Carrillo, Conness, Dannels, Dawley, Fairfield, Gilbert, Godard, Hoff, Hollister, Horr, Hoyt, Hubbard, Hunt, Jones, Musser, Myres, McDonald, Nichols, O'Neil, F. A. Park, Purdy, Ring, Rowan, Springer, Sweasey, Tallmadge, and Van Cleft—31.

So the House refused to adjourn

Mr. Springer moved to reconsider the vote of yesterday which passed Assembly Bill No. 282, in reference to the office of State Treasurer.

Mr. Stemmons moved a call of the House,

And Messrs. Mandeville, Stemmons, and McDaniel, demanded the yeas and nays.

YEAS.

Messrs. Anderson, Bennett, Bradford, Burton, Carr, Carrillo, Cornwall, Gordon, Hagans, Hastings, Henry, Hunter, Letcher, Lindsey, Mandeville, McDaniel, Noel, J. W. Park, Stemmons, Stevenson, Sweetland, Tivy, Whipple, and Mr. Speaker—24.

NAYS.

Messrs. Ashley, Bagley, Ballou, Bostwick, Clingan, Dannels, Dawley, Fairfield, Gilbert, Godard, Griffith, Hoff, Hollister, Horr, Hoyt, Hubbard, Hunt, Jones, Musser, Myres, McBrayer, McDonald, McKinney, O'Neil, F. A. Park, Purdy, Ring, Rowan, Springer, Sweasey, Tallmadge, Van Cleft, and Watkins—33.

So the House refused to sustain the call.

Mr. Mandeville moved to adjourn.

The Speaker, Mr. O'Neil in the chair, decided the motion to adjourn in order, from which decision Mr. Conness appealed.

Upon which Messrs. Conness, Carrillo and Bagley demanded the yeas and nays.

YEAS.

Messrs. Anderson, Bennett, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Davidson, Gordon, Hagans, Hastings, Henry, Herbert, Hunter, James, Letcher, Lindsey, Mandeville, McDaniel, McKinney, Noel, J. W. Park, Stemmons, Stevenson, Sweetland, Tivy, Watkins, Whipple, and Mr. Speaker.—30.

NAYS.

Messrs. Ashley, Bagley, Ballou, Bostwick, Conness, Dannels, Dawley, Fairfield, Gilbert, Godard, Griffith, Hoff, Hollister, Horr, Hoyt, Hubbard, Hunt, Jones, Musser, Myers, McBrayer, McDonald, Nichols, F. A. Park, Purdy, Ring, Rowan, Springer, Sweasey, Tallmadge, and Van Cleft.—31.

So the decision of the chair was not sustained.

Mr. Springer demanded the previous question,

Upon which Messrs. Mandeville, James and Hastings demanded the yeas and nays.

YEAS.

Messrs. Ashley, Bagley, Ballou, Clingan, Conness, Dawley, Fairfield, Gilbert, Godard, Griffith, Hollister, Horr, Hoyt, Hubbard, Hunt, Jones, Kellogg, Musser, Myers, McDonald, Nichols, F. A. Park, Pratt, Purdy, Ring, Rowan, Springer, Sweasey, Tallmadge and Van Cleft.—30.

NAYS.

Messrs. Anderson, Bennett, Bostwick, Bradford, Burton, Carr, Carrillo, Cornwall, Dannels, Davidson, Gordon, Hagans, Hastings, Henry, Herbert, Hoff, Hunter, James, Letcher, Lindsey, Mandeville, McDaniel, McKinney, Noel, O'Neil, J. W. Park, Stemmons, Stevenson, Sweetland, Tivy, Watkins, Whipple and Mr. Speaker.—33.

So the previous question was not sustained.

Mr. Bradford moved a call of the House; and,
Messrs. Bradford, Mandeville, and Hastings demanded the yeas and nays.

YEAS.

Messrs. Anderson, Bennett, Bostwick, Bradford, Briggs, Burton, Carr, Carrillo, Cornwall, Gordon, Hagans, Hastings, Henry, Herbert, Hunter, James, Lindsey, Mandeville, McDaniel, McKinney, Noel, O'Neil, J. W. Park, Stemmons, Stevenson, Sweetland, Tivy, Whipple and Mr. Speaker—29.

NAYS.

Messrs. Ashley, Bagley, Ballou, Clingan, Conness, Dannels, Davidson, Dawley, Fairfield, Gilbert, Godard, Griffith, Hoff, Hollister, Horr, Hoyt, Hubbard, Hunt, Jones, Kellogg, Musser, McDonald, Nichols, F. A. Park, Pratt, Purdy, Ring, Rowan, Springer, Sweasey, Tallmadge, Van Cleft and Watkins—33.

So the call was not sustained.

Upon the vote to reconsider, Messrs. Mandeville, Hastings and Dawley demanded the yeas and nays.

YEAS.

Messrs. Ashley, Bagley, Ballou, Briggs, Conness, Dannels, Dawley, Fairfield, Gilbert, Godard, Griffith, Hoff, Hollister, Horr, Hoyt, Hubbard, Hunt, Jones, Kellogg, Musser, Myres, McDonald, Nichols, F. A. Park, Pratt, Purdy, Ring, Rowan, Springer, Sweasey, Tallmadge, and Van Cleft—32.

NAYS.

Messrs. Anderson, Bennett, Bostwick, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Davidson, Gordon, Hagans, Hastings, Henry, Herbert, Hunter, James, Letcher, Lindsey, Mandeville, McDaniel, McKinney, Noel, J. W. Park, Stemmons, Stevenson, Sweetland, Tivy, Watkins, Whipple, and Mr. Speaker—31.

So the vote was reconsidered.

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

HOUSE OF ASSEMBLY

THURSDAY, April 27, 1854.

House met pursuant to adjournment.

The roll was called and the following members were absent :

Messrs. Bagley, Bennett, Gilbert, Green, Griffith, Hoff, Irwin, Koll, Myres, McBrayer, McDuffie, McKinney, O'Neil, J. W. Park, Purdy, Rowan, Springer, and Van Cleft.

The Journal of Wednesday was read and approved.

Mr. Hubbard introduced a bill for an Act to amend the twelfth section of an Act passed April 30, 1853, to provide for the measurement of lumber.

Read first and second time and referred to Committee on Commerce.

Mr. Gordon introduced a bill for an Act to amend an Act concerning the Courts of Justice of this State and Judicial officers, approved May 19, 1853.

Read first and second time and referred to Judiciary Committee.

Mr. Mandeville made the following report .

The Committee on Mines and Mining Interests have had under consideration a bill for an Act for the protection of persons owning timber logs and timber floating upon waters, or carried upon adjoining lands, have directed me to report the bill back to the House without recommendation, and ask to be discharged from the further consideration of the subject, Assembly bill No. 176, above reported.

On motion of Mr. Sweetland, the House resolved itself into Committee of the Whole, Mr. Mandeville in the chair, to consider the bill. After spending some time in its consideration and amending the same, on motion, the committee rose, reported the bill back as amended and asked to be discharged from its further consideration.

The committee were discharged.

The amendments made in Committee of the Whole were concurred in by the House.

The bill read a third time.

Mr. McDaniel moved to reconsider the third reading of the bill.

Agreed to.

Mr. McDaniel moved to amend the sixth section of the bill in the form of a proviso.

Amendment agreed to.

The bill was then read a third time.

Mr. Ewer moved to lay the bill on the table.

Not agreed to.

Upon the passage of the bill Messrs. McDuffie, Ballou and Sweetland demanded the yeas and nays.

YEAS.

Messrs. Anderson, Ashley, Ballou, Bennett, Briggs, Conness, Cornwall, Dannels, Fairfield, Godard, Gordon, Hagans, Hoff, Hollister, Hoyt, Hubbard, Hunt, James,

Jones, Letcher, Myres, McBrayer, O'Neil, Pratt, Springer, Stemmons, Stevenson, Sweasey, Sweetland, Tallmadge, and Van Cleft—31.

NAYS.

Messrs. Bostwick, Bowie, Burton, Carrillo, Clingan, Dawley, Ewer, Gilbert, Griffith, Henry, Herbert, Lindsey, Mandeville, McDuffie, Nichols, F. A. Park, Ring, Stow, Tivy, Watkins, Whipple, Whitman, and Mr. Speaker—23.

So the bill passed.

Mr. O'Neil moved to reconsider the vote just taken.

Mr. Conness moved to lay the motion to reconsider on the table,

Upon which, Messrs. McBrayer, Hubbard and Pratt demanded the yeas and nays

YEAS.

Anderson, Ashley, Ballou, Bennett, Briggs, Conness, Cornwall, Dannels, Fairfield, Godard, Gordon, Hagans, Hoff, Hollister, Hoyt, Hubbard, Hubert, James, Myres, McDonald, O'Neil, Pratt, Springer, Stemmons, Stevenson, Stow, Sweasey, Sweetland, Tallmadge, Van Cleft, and Whitman—31

NAYS.

Messrs. Bostwick, Bowie, Bradford, Burton, Clingan, Davidson, Dawley, Ewer, Gilbert, Griffith, Henry, Horr, Hunt, Hunter, Irwin, Jones, Kellogg, Lindsey, Mandeville, McBrayer, McDuffie, Nichols, Noel, F. A. Park, Ring, Rowan, Tivy, Watkins, Whipple, and Mr. Speaker—30.

So the motion to reconsider was laid upon the table.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined and find correctly engrossed,

“ An Act supplementary to and explanatory of an Act entitled An Act making Appropriations for the Civil Expenses of Government of the State for the unexpired portion of the fiscal year ending on the 30th day of June, A. D., 1854, and for the first seven months of the fiscal year commencing on the first day of July, 1854 ”

“ An Act to amend 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, 1853.”

“ An Act to protect the Owners of Wood and Wood Yards against the illegal acts of Steamboat Officers and Masters.”

“ An Act to authorize William Roberts and others to build a Wharf at Bucksport, in Humboldt county ”

“ An Act to provide for the Erection of a Jail in the county of Monterey.”

An Act to amend an Act entitled an Act concerning Judges of the Plains, (Jueces del Campo,) and defining their duties, passed April 25, 1851.

And also an Act to authorize Wm. F. McLean and George Collonay to build a

wharf in the county of San Francisco, beyond the western limits of the city of San Francisco, and near to said line.

Also an Act to amend an Act entitled an Act to regulate Roads, approved April 30, 1851.

On motion, Mr. Jones had leave to change his vote on the passage of Assembly bill No. 176.

The hour of 12 having arrived, the special order was taken up, which was Assembly bills No. 227 and 272—in reference to the Water Front in San Francisco, and Escheated Estates—and made the special order for Tuesday next, at 12 o'clock.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrollment on yesterday, the 26th instant, presented to His Excellency the Governor, for his approval, the following Acts, viz :

An Act to amend the seventh section of an Act entitled an Act to incorporate the city of San Jose, passed March 27, 1850.

An Act to provide for the Survey of a portion of the Northern Boundary of this State.

An Act to provide for the payment of the compensation due certain members and attaches of the Legislature of this State. And,

An Act allowing the Court of Sessions of Yuba county to levy a special tax for the support of the Indigent Sick of said county.

JOS. A. TIVY,
Chairman Committee on Enrollment.

Mr. Bostwick made the following report .

The Committee on Corporations, to whom was referred Assembly bill No. 295, for an Act to amend chapter eight, section one hundred and seventy-five, of an Act concerning Corporations, have had the same under consideration, offer a substitute therefor, and recommend its passage.

On motion of Mr. Ashley, the bill and substitute was recommitted to the Committee on Corporations, with instructions.

Mr. Bostwick, chairman, reported back Assembly bills 167 and 187, in reference to railroads, and recommended that the bills be referred to the special committee upon the subject, Mr. Jones, chairman.

Agreed to.

Mr. Hoff, chairman, made the following report :

Your Committee on Claims have had under consideration Assembly bill No. 204, entitled an Act for the relief of John Boling, Sheriff of Mariposa county, and after a careful investigation, are of opinion that the amount claimed for services is not properly chargeable to the State under existing laws; they, therefore, most respectfully recommend that the bill be not passed.

On motion of Mr. Herbert, the House resolved itself into Committee of the Whole, Mr. Bostwick in the chair, to consider the above bill.

After spending some time in its consideration, the committee rose, reported the bill back without amendment, and asked to be discharged from its farther consideration.

The committee was discharged.

Mr. O'Neil moved the previous question.

The previous question was sustained.

The bill was then read a third time, and upon its passage Messrs. Conness, Hoff and James, demanded the yeas and nays.

YEAS.

Messrs. Anderson, Bennett, Bowie, Bradford, Briggs, Carr, Carrillo, Hastings, Henry, Herbert, Horr, Hubert, Hunter, James, Letcher, Mandeville, McBrayer, McDuffie, McKinney, Nichols, Noel, O'Neil, Rowan, Stemmons, Stevenson, Stow, Tivy, Van Cleft, Watkins, Whipple and Whitman—31.

NAYS.

Messrs. Bagley, Ballou, Burton Conness, Dawley, Fairfield, Gilbert, Hoff, Jones, Kellogg, McDonald, Pratt, Ring, Springer, Sweasey and Tallmadge—16.

So the bill passed.

Mr. Griffith made the following report .

The Committee of Roads and Highways, to whom was referred Assembly bill No. 265, for an Act granting Joseph R. Beales and others the right to construct a Toll Bridge across the Pajara River—having had the bill under consideration, report the same back without amendment, and recommend its passage.

Assembly bill No. 265, above reported, on its third reading

Mr. Ashley moved to amend the bill by striking out Santa Clara and insert Monterey, in third section, seventh line.

Adopted.

Mr. Conness moved to amend the first proviso.

Mr. Letcher offered a substitute to the amendment offered by Mr. Conness.

Adopted.

The bill was read a third time, and upon its passage Messrs. Sweetland, Conness, and Springer, demanded the yeas and nays.

YEAS.

Messrs. Ashley, Bennett, Bowie, Briggs, Burton, Carr, Carrillo, Cornwall, Davidson, Dawley, Fairfield, Gilbert, Griffith, Hagan, Henry, Herbert, Hollister, Horr, Hubbard, Hubert, Hunt, Hunter, Irwin, James, Letcher, Musser, McBrayer, McDuffie, McKinney, Nichols, Noel, F. A. Park, Pratt, Stemmons, Stow, Stevenson, Van Cleft, Watkins and Whitman—39.

NAYS.

Messrs. Anderson, Ballou, Conness, Dannels, Ewer, Gordon, Jones, Lindsey, Mandeville, McDonald, McDaniel, O'Neil, Sweasey, Sweetland and Tallmadge—15.

So the bill passed.

Mr. McBrayer, Chairman, made the following report :

The Sacramento delegation, to whom was referred Senate bill No. 148, have had the same under consideration, and ask leave to report it back, and recommend its passage.

Senate bill No. 148, above reported, read a third time and passed.

The hour of 2 o'clock having arrived the special order set for that hour was taken up for consideration, which was Assembly bill No. 105, an Act to amend an Act entitled an Act concerning the Courts of Justice of this State and Judicial officers, passed May 19, 1853, on its final passage.

The bill did not pass.

Mr. Letcher, chairman, reported back to the House Assembly bill No. 258, an Act concerning Estray Animals, with sundry amendments, and recommended the adoption of the amendments and the passage of the bill.

Mr. Mandeville moved to make the bill the special order for Wednesday next at 12 o'clock.

Mr. Dawley moved to adjourn.

Not agreed to.

The vote was then taken upon the motion made by Mr. Mandeville to make the bill the special order.

Not agreed to.

Mr. Mandeville moved to lay the bill on the table.

Not agreed to.

Mr. Burton moved to go into Committee of the Whole to consider the bill.

Not agreed to.

Mr. Mandeville moved to make the bill the special order for Monday next at 2 o'clock.

Not agreed to.

Mr. Stevenson moved to adjourn.

Not agreed to.

Mr. Letcher moved to make the bill the special order for 11 o'clock to-morrow.

Agreed to.

Mr. McDuffie, from the delegation of Yuba county, reported back Assembly bill No. 288, an Act amendatory to the Act incorporating the city of Marysville, with amendments, recommended the adoption of the amendments and the passage of the bill.

The amendments were adopted.

The bill was read a third time and passed.

Mr. Stemmons made the following report:

The delegation from San Joaquin county, to whom was referred a bill entitled an Act to authorize the Court of Sessions of said county to levy and collect a special tax for the support and maintainance of the indigent sick therein, have had the same under consideration, and beg leave to report the same back and recommend that it pass.

The bill was read a third time and passed.

Mr. Nichols, agreeable to notice, moved to reconsider the vote of yesterday which passed Assembly bill No. 94 concerning crimes and punishments.

The House refused to reconsider the vote.

Mr. Pratt moved to adjourn.

Not agreed to.

Mr. O'Neil made the following report.

The Committee on Engrossment have examined and found correctly engrossed An Act concerning the office of Secretary of State.
Also, an Act concerning Roads and Highways.

The following message was received from the Governor :

I have this day approved the following Acts which originated in the Assembly, viz :

An Act to provide an office for the County Surveyor of Sen Joaquin county.

Also, an Act to fund the debt of Solano county and to provide for the payment thereof.

JOHN BIGLER.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed yesterday, Assembly bill for " An Act to provide for the payment of certain expenses."

Assembly bill for " An Act to amend an Act to establish an Asylum for the Insane of the State of California," approved May 17, 1853, with an amendment as therein shown.

Also, Assembly bill for " An Act to adjust the amount of indebtedness of the county of Alameda to the county of Santa Clara, and provide for the payment of the same," with amendments as therein shown.

They also passed a concurrent resolution, granting leave of absence from the State to Peter O. Bertine, Esq., County Treasurer of Tuolumne county.

All of which is respectfully submitted.

JOHN Y. LIND, *Secretary.*

Assembly bill No. 218, amendment of the Senate concurred in by the House.

Assembly bill No 233, relating to Santa Clara and Alameda counties, Senate amendments concurred in by the House.

Senate concurrent resolution granting leave of absence to Peter O. Bertine,

On motion was laid upon the table.

Mr. Mandeville moved to go into consideration of Assembly bill No. 282, an Act concerning the State Treasurer.

Mr. Springer moved to adjourn; and,

Messrs. James, Mandeville and Carrillo, demanded the yeas and nays.

YEAS.

Messrs. Ashley, Bagley, Ballou, Conness, Dannels, Dawley, Fairfield, Gilbert, Hoff, Hollister, Hoyt, Hubbard, Hunt, Irwin, Jones, Kellogg, Musser, McDonald, Nichols, O'Neil, F. A. Park, Pratt, Ring, Rowan, Springer, Sweasey and Tallmadge—27.

NAYS.

Messrs. Anderson, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Davidson, Ewer, Gordon, Griffith, Hagans, Hastings, Henry, Herbert, Horr, Hunter, James, Letcher, Lindsey, Mandeville, McBrayer, McDuffie, McDaniel, McKinney, Noel, J. W. Park, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Van Cleft, Warmcastle, Watkins, Whipple, Whitman, and Mr. Speaker—41.

So the House refused to adjourn.

Mr. Conness moved a call of the House,

And Messrs. Hubbard, Springer and Pratt demanded the yeas and nays.

YEAS.

Messrs. Ashley, Bagley, Ballou, Conness, Dannels, Dawley, Fairfield, Gilbert, Hoff, Horr, Hoyt, Hubbard, Hunt, Irwin, Jones, Musser, McBrayer, McDonald, Nichols, F. A. Park, Pratt, Ring, Rowan, Springer, Sweasey, Tallmadge, Van Cleft, and Whipple—28.

NAYS.

Messrs. Anderson, Bennet, Bostwick, Bowie, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Davidson, Ewer, Gordon, Griffith, Hagans, Hastings, Henry, Herbert, Hubert, Hunter, James, Kellogg, Letcher, Lindsey, Mandeville, McDuffie, McDaniel, McKinney, Noel, J. W. Park, Stemmons, Stevenson, Stow, Sweetland, Tivy, Warmcastle, Watkins, Whitman, and Mr. Speaker—39

So the House did not sustain the call.

Mr Lindsey demanded the previous question,

And Messrs. Pratt, Hubbard and Hunter, demanded the yeas and nays

YEAS.

Messrs. Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Davidson, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Hunter, James, Letcher, Lindsey, Mandeville, McBrayer, McDuffie, McDaniel, McKinney, Noel, O'Neil, J. W. Park, Stemmons, Stevenson, Stow, Sweetland, Tivy, Warmcastle, Whipple, Whitman, and Mr. Speaker—38.

NAYS.

Messrs. Anderson, Ashley, Bagley, Ballou, Conness, Dannels, Fairfield, Gilbert, Hoff, Horr, Hoyt, Hubbard, Hubert, Hunt, Irwin, Jones, Musser, McDonald, Nichols, F. A. Park, Pratt, Ring, Rowan, Springer, Sweasey, Tallmadge, Van Cleft, and Watkins—28

So the previous question was sustained.

Upon the motion of Mr. Mandeville to go into the consideration of the bill,

Messrs. Hubbard, James and Mandeville demanded the yeas and nays.

YEAS.

Messrs. Anderson, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Davidson, Ewer, Fairfield, Gordon, Hagans, Hastings, Henry, Herbert, Hunter, James, Letcher, Lindsey, Mandeville, McBrayer, McDuffie, McDaniel, McKinney, Noel, J. W. Park, Stemmons, Stevenson, Stow, Sweetland, Tivey, Van Cleft, Warmcastle, Watkins, Whipple, Whitman, and Mr. Speaker—40.

NAYS.

Messrs. Ashley, Bagley, Ballou, Gilbert, Hubbard, Hubert, Hunt, Irwin, Musser, Nichols, Rowan, Springer, and Sweasey—13.

So the House agreed to go into the consideration of the bill.
The vote then coming up upon the passage of the bill,
Messrs. Mandeville, Bennett, and Carrillo, demanded the yeas and nays.

Those who voted in favor of the passage of the bill were

Messrs. Anderson, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Davidson, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Hunter, James, Kellogg, Letcher, Lindsey, Mandeville, McBrayer, McDuffie, McDaniel, McKenney, Noel, J. W. Park, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Warmcastle, Watkins, Whipple, Whitman, and Mr. Speaker—39.

Those who opposed the bill were

Messrs. Bagley, Hubert, Hunt, and Rowan—4

So the bill passed.

Mr. Hoff objected to the title of the bill.

The Chair decided that the title of the bill could not be amended; that a reconsideration of the passage of the bill did not reconsider the title.

From which decision, Mr. Conness appealed.

The question then came up, "Shall the decision of the Chair stand as the judgment of the House?"

Upon which question, Messrs. Conness, Hoyt, and McDonald, demanded the yeas and nays.

Those who voted to sustain the Chair were

Messrs. Anderson, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Davidson, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Hubert, Hunter, Irwin, James, Lindsey, Mandeville, Musser, McDuffie, McDaniel, McBrayer, McKinney, Nichols, Noel, O'Neil, J. W. Park, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Van Cleft, Warmcastle, Watkins, Whipple, and Whitman—42.

The one who voted against sustaining the decision of the Chair, was

Mr. Letcher—1.

So the Chair was sustained.

Mr. Herbert moved to adjourn, upon which

Messrs. Bradford, Hoyt, and Hubbard, demanded the yeas and nays.

Those who voted to adjourn were

Messrs. Anderson, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Davidson, Ewer, Gordon, Hagans, Hastings, Henry, Herbert,

Horr, Hubert, Hunter, James, Letcher, Lindsey, Mandeville, Musser, McDuffie, McDaniel, McKinney, Noel, O'Neil, J. W. Park, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Warmcastle, Watkins, and the Speaker—39.

Those who opposed adjournment were

Messrs. Ashley, Ballou, Hoff, Hoyt, Hunt, Irwin, Kellogg, F. A. Park, Purdy, Ring, Rowan, Springer, Sweasey, Tallmadge, Whipple, and Whitman—16

So the House adjourned until 10 o'clock to-morrow.

HOUSE OF ASSEMBLY.

FRIDAY, April 28, 1854.

House met pursuant to adjournment.

The roll was called and the following members were absent :

Messrs. Bagley, Ballou, Bowie, Carr, Gilbert, Gordon, Green, Griffith, Herbert, Irwin, McDuffie, Nichols, F. A. Park, Purdy, Ring, Rowan, Tallmadge and Whitman.

The Journal of Thursday was read and approved

On motion, leave of absence was granted to Mr. Briggs, indefinitely, in consequence of sickness, and to Mr. Green for two days.

Mr. Houghtaling presented a petition numerously signed by citizens of Ione Valley, Calaveras county, in reference to a Seminary in said Valley.

Petition read and referred to Committee on Education.

Mr. McBrayer introduced a bill for an Act supplementary to an Act entitled an Act concerning Elections, approved March 23, 1850.

Read first and second time and referred to Committee on Elections.

Mr. Tivy, chairman, made the following report :

The Joint Committee on enrolled bills, have examined and find correctly enrolled the following Acts, viz :

An Act appropriating money to pay D. D. Colton, for services rendered the State ; and,

An Act to legalize certain affidavits made before the County Recorders of this State.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined and find correctly engrossed, an Act to establish Pilots and Pilot Regulations for the port of San Francisco.

Mr. Hunter introduced a bill for an Act to amend an Act entitled an Act concerning Marks and Brands, passed May 1, 1850.

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

Mr. Warmcastle introduced a bill for an Act to ascertain the amount of indebtedness of the county of Alameda to the county of Contra Costa, and provide for the payment of the same

Read first and second time and referred to the delegation from Alameda and Contra Costa.

Mr. Stemmons introduced a bill for an Act to prevent the destruction of fish in the waters of Stockton Slough and Mormon Slough, in San Joaquin county.

Read first and second time, and referred to San Joaquin county delegation.

Mr. Springer introduced a bill for an Act for the relief of Capt. Harry Love.

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

Mr. Gordon introduced a bill for an Act to change the name of the Sutter, Jackson and Drytown, Water and Mining Company, to that of the Jackson Water Company.

Read first and second time and referred to Committee on Corporations.

Mr. Stemmons introduced a bill for an Act to prevent stallions from running at large.

Read first and second time and referred to Committee on Agriculture.

Mr. F. A. Park introduced a bill for an Act to provide offices for certain county officers in the county of Sacramento.

Read first and second time and referred to the delegation from Sacramento.

Mr. Whitman introduced a bill for an Act for the relief of Luther Wright.

Read first and second time and referred to Committee on Claims

Mr. Ballou introduced a bill for an Act to define the fees to be charged by Clerks of Courts for the naturalization of foreigners.

Read first and second time and referred to Judiciary Committee.

The following message was received from the Senate.

I am instructed to inform the Assembly that the Senate passed on the 24th inst. a bill for an Act amendatory of an Act entitled an Act to create the county of Stanislaus, approved April 1st, 1854, and on yesterday a bill for an Act to fix the place of residence of certain State officers—and, also, the following Assembly bill for an Act to declare exempt from forced sale, under execution or other process, certain property of the several counties in this State, with an amendment as therein shown. And Assembly bill for an Act to create the office of State Printer, and define the duties and compensation thereof, and to provide for the time and manner of election.

All of which is respectfully submitted

JOHN Y. LIND, Secretary.

Senate bill No. 142, in reference to the county of Stanislaus.

Read first, second, and third time, and passed.

Senate bill No. 150, defining the place of residence of State officers.

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

Senate amendment to Assembly bill No. 10.

Concurred in by the House.

The hour of 11 o'clock having arrived the special order was taken up, which was Assembly bill No. 258, an Act concerning Estray Animals.

On motion of Mr. O'Neil, the House resolved itself into Committee of the Whole, Mr. Bostwick in the chair, to consider the bill. After spending some time in its consideration, and amending the same, on motion, the committee rose, reported the bill back as amended, and asked to be discharged from its further consideration.

The committee was discharged.

The amendments made in Committee of the Whole were concurred in by the House.

Mr McKinney moved to strike out "ten" and insert "five" in the first section, third line.

Not agreed to.

Mr. Ewer moved to strike out "may" and insert "shall" in first section.

Not agreed to.

Bill considered as engrossed.

Read a third time and passed.

Mr. Griffith made the following report :

The Committee on Roads and Highways, to whom was referred Assembly bill No. 245 for an Act to amend an Act entitled an Act concerning Toll Bridges, passed May 1, 1851, having considered the same, report the bill back without amendment and recommend its passage.

Assembly bill No. 245, above reported, considered as engrossed, read a third time and passed.

Mr. Van Cleft made the following report :

The Joint Select Committees of the two Houses on Public Lands have considered, and recommend the passage without amendment, of Assembly bill No. 261, for an Act to amend section seven of an Act entitled an Act concerning the office of Surveyor General.

Assembly bill No. 261 on its third reading.

Bill read a third time.

The hour of 12 o'clock having arrived the special order was taken up, which was an Act to take the sense of the people in reference to the permanent Seat of Government.

Mr. Van Cleft moved to lay the special order on the table.

Agreed to.

Mr. Conness moved to amend the first section of the bill in reference to mileage.

Agreed to.

Mr. Jones moved to amend the first section in reference to the employees of the Surveyor.

Agreed to.

Mr. O'Neil moved a call of the House.

The call was not sustained.

Mr. Whipple moved to lay the bill on the table.

Not agreed to.

The bill was then passed.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills have examined and find correctly enrolled—

An Act to provide for the payment of certain expenses.

Mr. Jones made the following report :

The Select Committee to whom was referred Assembly bill No. 189, for an Act to amend an Act entitled an Act to provide for the incorporation of Railroad Com-

panies, passed April 22, 1853, have had the same under consideration, and ask leave to report the same back without amendment, and recommend its passage.

Assembly bill No. 187, above reported, on its third reading,

Mr. Letcher moved to take up Assembly bill 188.

Agreed to.

And upon his motion, the two bills were reported back to the Committee on Corporations, with instructions to incorporate the bill 187 with the bill 188, upon the same subject

Mr. O'Neil moved to take from the table Assembly bill No. 110, to take the sense of the people in reference to the Capital.

Agreed to.

Mr. Bagley moved a call of the House

The call was sustained.

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

Messrs. Dannels, Gilbert, Green, Hastings, Henry, Hoff, Houghtaling, Hoyt, Hunt, Hunter, Irwin, McBrayer, McDuffie, McDaniel, McKinney, Nichols, J. W. Park, Ring, Rowan, Stevenson, Tivy, Van Cleft, and Watkins.

Messrs. McBrayer, McKinney, and Nichols, were admitted within the bar of the House, and excused.

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

Not agreed to.

Mr. Van Cleft was admitted within the bar of the House, and excused.

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

Not agreed to.

Messrs. Hunter, Hunt, and Tivy, were admitted within the bar of the House, and excused.

Messrs. Dannels, Houghtaling, Rowan, and Gilbert, were admitted within the bar of the House, and excused.

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

Mr. Conness moved to make the bill the special order of the day for Friday next, at 12 o'clock.

And Messrs. Carrillo, McKinney, and Carr, demanded the yeas and nays.

YEAS.

Messrs. Bagley, Ballou, Bostwick, Burton, Conness, Davidson, Dawley, Fairfield, Gilbert, Godard, Gordon, Griffith, Hollister, Horr, Houghtaling, Hubbard, Hunt, Koll, Lindsey, Musser, Myres, McBrayer, McDonald, Nichols, F. A. Park, Pratt, Purdy, Rowan, Stevenson, Sweetland, and Tallmadge—31.

NAYS.

Messrs. Anderson, Ashley, Bennett, Bowie, Carr, Carrillo, Clingan, Cornwall, Dannels, Hagans, Henry, Herbert, Hubert, Hunter, James, Jones, Kellogg, Letcher, Mandeville, McDuffie, McDaniel, McKinney, Noel, O'Neil, Stemmons, Stowe, Tivy, Warmcastle, Whipple, Whitman, and the Speaker—31.

There being an equal number of votes, the motion to refer did not carry.

Mr. Conness moved to refer the bill to the delegation from Sacramento county.

Mr. Bostwick moved to lay the bill on the table.

Not agreed to.

On the motion made by Mr. Conness, Messrs. Conness, McDuffie, and McBrayer, demanded the yeas and nays.

YEAS.

Messrs. Bagley, Ballou, Conness, Davidson, Dawley, Gilbert, Gordon, Griffith, Hollister, Houghtaling, Hubbard, Jones, Koll, Musser, Myres, McBrayer, McDonald, Nichols, Pratt, Purdy, Rowan, Sweasey, Sweetland, and Tallmadge—24.

NAYS.

Messrs. Anderson, Ashley, Bennett, Bostwick, Bowie, Burton, Carr, Carrillo, Clingan, Cornwall, Dannels, Fairfield, Godard, Hagans, Henry, Herbert, Horr, Hubert, Hunt, Hunter, James, Kellogg, Letcher, Lindsey, Mandeville, McDuffie, McDaniel, McKinney, Noel, O'Neil, F. A. Park, J. W. Park, Stemmons, Stevenson, Stowe, Tivy, Warmcastle, Whitman, and Mr. Speaker—40.

So the House refused to refer the bill to the Sacramento delegation.

Mr. Myres moved to recommit the bill to the Committee on Public Buildings and Grounds,

And Messrs. McBrayer, Whitman and Bennett demanded the yeas and nays.

YEAS.

Messrs. Bagley, Ballou, Bostwick, Burton, Conness, Davidson, Dawley, Ewer, Fairfield, Gilbert, Gordon, Griffith, Hagans, Hollister, Horr, Houghtaling, Hubbard, Hunt, Jones, Koll, Lindsey, Musser, Myres, McBrayer, McDonald, Nichols, F. A. Park, J. W. Park, Pratt, Purdy, Rowan, Springer, Stevenson, Sweasey, Sweetland, Tallmadge, and Van Cleft—37.

NAYS.

Messrs. Anderson, Ashley, Bennett, Bowie, Carr, Carrillo, Clingan, Cornwall, Dannels, Hastings, Henry, Hubert, Hunter, Letcher, Mandeville, McDuffie, McDaniel, McKinney, Noel, O'Neil, Stemmons, Stowe, Tivy, Warmcastle, Whitman, and Mr. Speaker—26.

So the bill was recommitted to the Committee on Public Buildings and Grounds.

The following message was received from the Governor :

I have this day approved the following Acts, which originated in the Assembly, viz :

“ An Act to provide for the Survey of a portion of the Northern Boundary of this State.”

“ An Act to amend the seventh section of an Act entitled An Act to Incorporate the city of San Jose, passed March 27, 1850.”

Also “ An Act to Legalize certain Statements in the form of Affidavits made before the County Recorders of this State.

JOHN BIGLER.

The following message was received from the Senate .

I am instructed to inform the Assembly that the Senate passed, on the 21st inst., a bill for " An Act to authorize the Governor of this State to convey certain Property in the city and county of San Francisco, to the United States, for certain purposes.

Respectfully,
JOHN Y. LIND.

Senate Bill No. 154, above reported, read first and second time, and referred to a select committee of three.

Messrs. Myres, Whitman and Godard, were appointed said committee.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined and find correctly engrossed,

"An Act amendatory to the Act Incorporating the city of Marysville, and to all Acts supplementary and amendatory to the same."

On motion of Mr. Myres,

Assembly Bill No. 279, " An Act to fix the times for holding the Terms of the District Court throughout this State," was taken from the table.

Mr. Springer moved to adjourn,

Agreed to.

And the House adjourned until 10 o'clock to-morrow.

HOUSE OF ASSEMBLY.

SATURDAY, April 29, 1854.

House met pursuant to adjournment.

The roll was called and the following members were absent .

Messrs. Bagley, Bowie, Conness, Cornwall, Dawley, Gilbert, Godard, Griffith, Hastings, Herbert, Hoff, Hoyt, Hubbard, Hubert, Irwin, McBrayer, McDuffie, McKinney, O'Neil, F. A. Park, Pratt, Rowan, Sweasey, Sweetland, Tallmudge, Whitman and Mr. Speaker.

The Journal of Friday was read, amended, and approved.

On motion, leave of absence was granted for one day to Mr. Sweetland; to Mr. Dawley, for one day; to Mr. F. A. Park, for one day; to Mr. McGee, for five days.

Mr. Horr, moved to reconsider the vote which passed Senate bill No. 142, and, also, to reconsider the third reading of the bill.

Agreed to.

Mr. Horr moved to strike out the word "west" in the second section, eleventh line, and insert the word "east."

Agreed to.

The bill was then read a third time and passed.

Agreeable to resolution of the House the unfinished business was taken up for consideration.

Assembly bill No. 275, an Act to protect the rights of the officers and agents of the State of California.

On motion of Mr. McBrayer the bill was indefinitely postponed.

Assembly bill No. 111, an Act providing for securing the State Prison convicts. On its third reading

Mr. Conness moved to strike out the second section of the bill.

Agreed to.

Mr. Conness moved to insert after the word "money," General Fund, in seventh line, page two.

Agreed to.

Mr. Myers moved to strike out the enacting clause, and Messrs. Conness, Ballou and Van Cleft demanded the yeas and nays.

YEAS.

Messrs. Bowie, Bradford, Fairfield, Gilbert, Herbert, Horr, Houghtaling, Hubbard, Hubert, Mandeville, Myers, McDaniel, Nichols, J. W. Park, Purdy, Ring, Rowan, Stemmons, Stevenson, Stowe, Van Cleft, Whitman and Mr. Speaker—23.

NAYS.

Messrs. Anderson, Ashley, Ballou, Bennett, Burton, Carr, Clingan, Conness, Cornwall, Ewer, Godard, Hagans, Henry, Hoyt, Hunt, Hunter, James, Jones, Koll, Letcher, Lindsey, McBrayer, McDonald, McDuffie, McKinney, Noel, Pratt, Spencer, Springer, Sweasey, Tallmadge and Warmcastle—32.

So the House refused to strike out the enacting clause.

Mr. Myers moved to lay the bill on the table.

Not agreed to.

Mr. Conness moved to amend the bill with a proviso.

Mr. Fairfax moved a call of the House.

Not agreed to.

Mr. Myers moved to make the bill the special order for Thursday next at 12 o'clock; and,

Messrs. Myers, Fairfax and Van Cleft demanded the yeas and nays.

YEAS.

Messrs. Anderson, Bowie, Bradford, Fairfield, Gilbert, Henry, Herbert, Horr, Houghtaling, Hubbard, Irwin, Lindsey, Mandeville, Myers, McDaniel, Nichols, O'Neil, J. W. Park, Purdy, Ring, Rowan, Stemmons, Stevenson, Van Cleft, Whitman and Mr. Speaker—26.

NAYS.

Messrs. Ashley, Ballou, Bennett, Bostwick, Burton, Carr, Conness, Cornwall, Davidson, Ewer, Godard, Hagans, Hastings, Hoyt, Hubert, Hunt, Hunter, James,

Jones, Koll, Letcher, McBrayer, McDonald, McDuffie, McKinney, Noel, Spencer, Springer, Stowe, Sweasey, Tallmadge and Warmcastle—32.

So the House refused to make the bill the special order of the day.

Mr. Fairfax moved to refer the bill to the Judiciary Committee.

Not agreed to.

Mr. Fairfax moved to refer the bill to a select committee.

The Speaker, Mr. Mandeville, in the Chair, decided the motion out of order under the 17th rule of this House.

From which decision Mr. Nichols appealed, and Messrs. Fairfax, Burton and McDonald, demanded the yeas and nays.

YEAS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bostwick, Bowie, Burton, Clingan, Cornwall, Davidson, Ewer, Hagan, Henry, Herbert, Horr, Houghtaling, Hubert, Hunt, Hunter, James, Jones, McDonald, McDuffie, Noel, J. W. Park, Spencer, Springer, Stemmons, Stow, Sweasey, Tallmadge, Tivy and Warmcastle—33.

NAYS.

Messrs. Bradford, Carr, Fairfield, Hollister, Koll, Letcher, Lindsey, Myers, McKinney, Nichols, O'Neil, Van Cleft, Whipple and Mr. Speaker—14.

So the decision of the Chair was sustained.

Mr. Nichols moved to lay the amendment on the table, and Messrs. Nichols, Bagley and Van Cleft, demanded the yeas and nays.

YEAS.

Messrs. Bagley, Bowie, Fairfield, Gilbert, Henry Herbert, Horr, Hubbard, Mandeville, Myers, McDaniel, Nichols, J. W. Park, Ring, Rowan, Stemmons, Stevenson, Van Cleft, Whipple, Whitman and Mr. Speaker—20.

NAYS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bostwick, Bradford, Burton, Carr, Clingan, Conness, Cornwall, Davidson, Ewer, Godard, Hagans, Hubert, Hunt, Hunter, James, Jones, Koll, Letcher, McBrayer, McDonald, McDuffie, McKinney, Noel, Spencer, Springer, Stowe, Sweasey, Tallmadge, Tivy and Warmcastle—34.

So the House refused to lay the amendments on the table.

Mr. McBrayer demanded the previous question.

The previous question was sustained.

On the adoption of the amendment offered by Mr. Conness, Messrs. Myers, Van Cleft and O'Neil demanded the yeas and nays:

YEAS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bostwick, Bradford, Benton, Carr, Clingan, Conness, Cornwall, Dannels, Ewer, Hagans, Hollister, Hoyt, Hubert, Hunt, Hunter, James, Jones, Kellogg, Koll, Letcher, Lindsey, Musser, McBrayer, McDonald, McDuffie, McKinney, Noel, Pratt, Spencer, Springer, Stowe, Swcasey, Tallmadge, Tivy and Van Cleft—40.

NAYS.

Messrs. Bagley, Bowie, Davidson, Fairfield, Gilbert, Henry, Herbert, Horr, Houghtaling, Hubbard, Mandeville, Myres, McDaniel, Nichols, O'Neil, J. W. Park, Ring, Rowan, Stemmons, Stevenson, Van Cleft, Whipple and Whitman—23.

So the amendments were adopted.

The bill was then read a third time and passed.

Mr. McBrayer moved to reconsider the vote just taken.

Mr. Conness moved to lay the motion to reconsider the vote on the table.

Agreed to.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed, yesterday, the following Assembly bills :

An Act supplementary to and explanatory of an Act entitled an Act making appropriations for the civil expenses of Government of the State for the fiscal year ending on the 30th day of June, A. D., 1854, and for the first seven months of the fiscal year commencing on the 1st day of July, 1854; and an Act amendatory to the Act incorporating the city of Marysville, and to all Acts supplementary and amendatory to the same.

Which are herewith respectfully returned.

JOHN Y. LIND, Secretary.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined, and find to be correctly engrossed—

An Act for the protection of persons owning timber, logs, and lumber, floating upon waters, or carried upon adjoining lands.

An Act for the relief of John Boling, Sheriff of Mariposa county.

An Act granting Jos. R. Beals, and others, the right to construct a toll bridge across the Pajaro river.

An Act to amend the tenth section of an Act concerning the office of State Treasurer, passed January 24, 1850.

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

An Act to amend an Act entitled an Act concerning Toll Bridges, passed May 1, 1851.

And an Act to amend section seven of an Act entitled an Act concerning the office of Surveyor General.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills, on yesterday, the 28th instant, presented to his Excellency the Governor, for his approval—

An Act to legalize certain affidavits made before the County Recorders of this State.

An Act appropriating money to pay D. D. Colton for services rendered the State.

An Act to provide for the payment of certain expenses.

And they have examined and find correctly enrolled the following Acts, viz .

An Act to create the office of State Printer, and define the duties and compensation thereof, and to provide for the time and manner of election.

An Act to declare exempt from forced sale under execution or other process certain property of the several counties in this State.

An Act to adjust the amount of indebtedness of the county of Alameda to the county of Santa Clara, and provide for the payment of the same.

An Act to amend an Act to establish an Asylum for the Insane of the State of California, approved May 17, 1852.

JOS. A. TIVY,

Chairman Committee on Enrolled Bills.

Assembly bill No. 39, an Act to amend an Act concerning Crimes and Punishments, passed April 16, 1850.

On its third reading.

Mr. Myres moved to lay the bill on the table.

Not agreed to.

Mr. Conness moved to indefinitely postpone the bill, and,

Messrs. Myres, O'Neil and Lindsey demanded the yeas and nays.

YEAS.

Messrs. Bagley, Ballou, Clingan, Conness, Dannels, Ewer, Gilbert, Godard, Hagens, Hollister, Hoyt, Hubert, Jones, Kellogg, Koll, Mandeville, Musser, McDonald, Pratt, Purdy, Springer, Sweasey, Tallmadge, and Warmcastle—24.

NAYS.

Messrs. Anderson, Ashley, Bostwick, Bradford, Burton, Carr, Davidson, Gordon, Henry, Herbert, Horr, Houghtaling, Hubbard, Hunt, Hunter, Letcher, Lindsey, Myres, McBrayer, McDuffie, McDaniel, McKinney, Noel, J. W. Park, Ring, Rowan, Stowe, Tivy, Van Cleft, Whitman, and Mr. Speaker—31.

So the House refused to indefinitely postpone the bill.

Mr. Whitman gave notice that on to-morrow he would move to reconsider the vote just taken.

On motion of Mr. Conness, the bill was referred to Mr. Myres.

Mr. Myres made the following report :

The Select Committee to whom was referred Senate Substitute Bill No. 154, for Assembly Bill No. 98, entitled "An Act to authorize the Governor of this State to convey certain property in the city and county of San Francisco to the United States for certain purposes," having considered the same, herewith report it to the House, and recommend its passage.

Senate Bill No. 154, above reported,

Mr. Storr moved to amend by striking out the words "good and sufficient," in third line of first section, and insert in lieu thereof the words "quit claim."

Mr. Myres moved the previous question, which was sustained, and the amendment of Mr. Stowe lost.

The bill was then read a third time and passed.

Mr. Conness made the following report :

The Committee of Conference of both Houses on the disagreeing vote on Senate amendments to Assembly Bill No. 184, have had the same under consideration, and ask leave to report,

That they recommend the Assembly to non-concur in the first amendment, and to concur in the other amendments to the bill.

TUTTLE,
WADE,
McFARLAND,
Senate Committee.
CONNES,
CARR,
IRWIN,
House Committee.

Assembly Bill No. 184, above reported to the House,
The recommendation of the committee concurred in by the House.

On motion of Mr. Myres, the House adjourned until Monday next at 10 o'clock.

HOUSE OF ASSEMBLY.

MONDAY, May 1, 1854.

House met pursuant to adjournment.

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

Messrs. Bagley, Briggs, Carrillo, Clingan, Dawley, Gilbert, Griffith, Henry, Herbert, Hoff, Hollister, Irwin, McDuffie, Nichols, F. A. Park, J. W. Park, Pratt, Rowan, Stemmons, Stevenson, Tivy, Whipple, Whitman, and Mr. Speaker.

The journal of Saturday was read and approved.

On motion, leave of absence was granted to Mr. Whipple for two days, and to Messrs. Rowan, Irwin, Henry, Dawley, and McDuffie for one day each.

Mr. McBrayer introduced a bill to create a Board of Supervisors in and for the county of Sacramento, and to define the duties and powers of said Board,

Which was read first and second time, and referred to the Sacramento delegation.

Mr. Koll introduced a bill for the measurement of goods and merchandise arriving in the port of San Francisco.

Read first time, and 240 copies ordered to be printed.

Mr. Stemmons introduced a bill to authorize Abraham Bartes and Felix Coones to build and construct a road and keep a ferry, in the county of Yolo.

Read first and second time, and referred to Committee on Roads and Highways.

Mr. Hunt, chairman, made the following report :

The Committee on Military Affairs, to whom was referred Senate Bill No. 152, for "An Act to change the name of George Davenport Parmalee to that of George Curtis Currie," have had the same under consideration, report it back, and recommend its passage.

Senate Bill No. 152, above reported, read third time and passed.

Mr. Stemmons, chairman, made the following report :

The Committee on Agriculture, to whom was referred a bill entitled "An Act to prevent Stallions from running at large," have had the same under consideration, and after amending the same so as read after the word "large," in the third line, "except in the counties of San Diego, San Bernardino, Santa Barbara, San Luis Obispo, Los Angeles, Monterey, Napa, Santa Clara, Contra Costa, and Marin," beg leave to report the same back to the House, and recommend its passage.

Assembly Bill No. 304, "An Act to prevent Stallions from running at large, above reported,

On motion of Mr. Ballou, the House resolved itself into Committee of the Whole, Mr. Ballou in the chair, to consider the bill.

After considering the bill, the committee, on motion of Mr. Stemmons, rose, reported the bill back, and asked to be discharged.

The committee was discharged.

Mr. Van Cleft moved to lay the bill on the table.

Not agreed to.

The amendment of the committee to exempt certain counties from the provisions of the Act,

Not concurred in.

The remaining amendments, made in Committee of the Whole,

Concurred in.

Mr. Ashley offered an amendment, as an additional section to the bill, exempting certain counties.

Adopted.

Mr. Hagans moved to strike out "10," in section 5th, and insert "60" in lieu thereof.

Agreed to.

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

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined and find correctly engrossed, "An Act to amend an Act providing for securing the State Prison Convicts.

Mr. Ashley moved to print 240 copies of Assembly Bill No. 190, "An Act to establish the State University of California."

Agreed to.

Mr. Spencer, chairman, made the following report :

The Committee on State Hospitals, to whom was referred Assembly Bill No. 290, for "An Act to appropriate money to enable the Trustees of the Insane Asylum to erect an additional Building, and to enclose the Grounds belonging to the Asylum," have had the same under consideration, and instructed me to report the same back to the House without amendment, with the recommendation that the bill pass.

Assembly Bill No. 290, above reported,

On motion of Mr. Dannels the House resolved itself into Committee of the Whole, Mr. Dannels in the chair.

After spending some time in the consideration of the bill, on motion of Mr. Bradford, the committee rose, reported the bill back and were discharged.

Mr. Ewer moved to strike out "100,000," and insert "80,000."

Mr. Conness called for a division of the question, and upon striking out "100,000."

Messrs. Conness, Ashley and Jones demanded the yeas and nays.

YEAS.

Messrs. Anderson, Ashley, Bagley, Bennett, Bostwick, Burton, Clingan, Conness, Cornwall, Dannels, Davidson, Ewer, Fairfield, Hagans, Hoyt, Hubert, Hunt, Jones, Letcher, Lindsey, Mandeville, McBrayer, McDonald, McDaniel, McKinney, Noel, F. A. Park, Ring, Springer, Sweasey, and Tallmadge—31.

NAYS.

Messrs. Bowie, Bradford, Carr, Godard, Gordon, Griffith, Hastings, Herbert, Horr, Houghtaling, Hubbard, James, Kellogg, Musser, Myres, Nichols, O'Neil, J. W. Park, Spencer, Stemmons, Stowe, Sweetland, Tivy, Van Cleft, Warmcastle, Watkins, and Whitman—27.

So the motion to strike out was carried.

The House then adopted the amendment of Mr. Ewer, to insert 80,000 in lieu of the 100,000 just stricken out.

Mr. Conness moved to strike out after the word "advertise" in sixth line, of section second, to and including the word "upon," in seventh line, and insert "in at least one newspaper, published in the cities of Stockton, San Francisco, Sacramento and Marysville."

Agreed to.

Twelve o'clock, the special orders of the day, Assembly bills Nos. 191 and 285.

On motion of Mr. Conness laid on the table.

Assembly bill No. 290 again taken up.

Mr. Conness moved to strike out proviso to section second of the bill.

Agreed to.

Mr. Griffith offered the following amendment, which was adopted:

To strike out all after the word "shall," in third line of third section, and insert, "shall within twenty days after each award, execute a bond to the Trustees of said Asylum, in double the amount of the entire contract so awarded, conditioned for the faithful performance of such contract; and for any failure on the part of the contractors in the performance of such contract, it shall be the duty of the Trustees to cause suit to be instituted on said bonds against the said contractors and their sureties."

Mr. Griffith moved to strike out "ten" and insert "twenty" in fifteenth line of third section.

Agreed to.

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

Mr. Hunter made a verbal report from Committee on Agriculture, recommending the passage of Assembly bill No. 313, an Act to amend an Act entitled an Act concerning marks and brands, passed May 1, 1851.

Assembly bill No. 313, above reported, read third time and passed.

Mr. Tivy, chairman, made the following report :

MR. SPEAKER :

The Joint Committee on Enrolled Bills, on Saturday, the 29th of April, presented to his Excellency the Governor for his approval the following Acts, viz :

An Act to create the office of State Printer and define the duties and compensation thereof, and to provide for the time and manner of election.

An Act to declare exempt from forced sale under execution or other process certain property of the several counties of this State.

An Act to adjust the amount of indebtedness of the county of Alameda to the county of Santa Clara, and to provide for the payment of the same.

An Act to amend an Act to establish an Asylum for the Insane of the State of California, approved May 17, 1852.

JOS. A. TIVY.

Mr. McBrayer made the following report from the Sacramento delegation :

The Sacramento delegation, to whom was referred Assembly bill No. 307, entitled an Act to provide offices for certain county officers in the county of Sacramento, have had the same under consideration, and report the same back to the House and recommend its passage.

McBRAYER,
DAVIDSON,
PARK.

Assembly bill No. 307, above reported, considered as engrossed, read third time and passed.

Mr. Bowie, from the Select Committee, made the following report :

A majority of the committee to whom was referred an Act to amend an Act dividing the State into counties and establishing the seats of Justice therein, passed April 25, 1851, have made the following amendment, and recommend its passage.

Strike out "four miles above Watson's bridge," and insert "due west of the north point of the Butte mountains."

A. W. BOWIE,
S. EWER.

Assembly bill No. 179, above reported, the amendment proposed by the committee,

Not concurred in.

On motion of Mr. Fairfax the bill was laid on the table.

Mr. Stemmons, from the San Joaquin delegation, made the following report :

The delegation from San Joaquin county, to whom was referred a bill entitled an Act to prevent the destruction of fish in the waters of Stockton slough and Mormon slough, in San Joaquin county, beg leave to report the same back to the House, and recommend its passage.

Assembly bill No. 312, above reported, considered as engrossed, read third time and passed.

Mr. Godard, chairman, made the following report .

The Select Committee to whom was referred a bill for the better observance of the Sabbath day, beg leave to report a substitute for the same, and recommend its passage.

Assembly bill No. 164, reported by Select Committee, was then amended by striking out all after the enacting clause and inserting the substitute reported by the committee.

Mr. Whitman moved to strike out the second section of the bill.

Agreed to.

Mr. Myres moved to lay the bill on the table.

Not agreed to.

Mr. Bradford moved to consider the bill in Committee of the Whole

Not agreed to.

Mr. Whitman moved to make it the special order for the 13th day of May, at 12 o'clock.

Not agreed to.

Mr. O'Neil offered an additional section to the bill.

Mr. Conness moved the previous question which was sustained, and the amendment of Mr. O'Neil was lost.

The bill was then considered as engrossed, read a third time, and upon its passage,

Messrs. Stemmons, Springer and McDonald demanded the yeas and nays.

YEAS.

Messrs. Anderson, Ballou, Bennett, Bostwick, Bowie, Burton, Clingan, Conness, Davidson, Ewer, Fairfield, Godard, Gordon, Hastings, Hagans, Houghtaling, Hunter, Jones, Letcher, Lindsey, Mandeville, Musser, McBrayer, McDonald, McKinney, Nichols, O'Neil, F. A. Park, Pratt, Spencer, Springer, Stemmons, Stevenson, Stowe, Tallmadge and Watkins—36.

NAYS

Messrs. Bagley, Cornwall, Herbert, Horr, Hubert, Hunt, Kellogg, Koll, Myres, McDuffie, Noel, J. W. Park, Ring, Sweasey and Whitman—15

So the bill passed.

Mr. Conness moved to reconsider the vote just taken

Mr. Nichols moved to lay the motion to reconsider on the table

Agreed to.

The following message was received from the Governor .

I have this day approved an Act, which originated in the Assembly, entitled an Act to provide for the payment of certain expenses

JOHN BIGLER

On motion of Mr. O'Neil, Assembly bill No. 179, before laid on table, was taken up, and, on motion of Mr. Ewer, the vote by which the amendment of the committee was lost, was reconsidered.

The amendment was then lost, and the bill considered as engrossed, read a third time and passed

Mr. McKinney gave notice that he would at some future day introduce a bill to incorporate the Ladies' Orphan Asylum, in the city of San Francisco—also, to create a mode and legalize marriage by telegraphic communications—also, to empower the Governor to appoint a board of expert barbers and boot-blacks for this State—and a bill to authorize Adolphus Theodore Wagner to construct Psychographs or apparatus to indicate persons thoughts by the agency of nervous electricity.

Mr. Spencer gave notice that at an early day he would introduce a bill for an Act granting to the proprietors of saw mills upon Humboldt Bay, the occupancy of the water front, before said mills, for a term of years.

Mr. Kellogg gave notice that on to-morrow, or some future day thereafter, he would introduce a bill to prevent Coolies laboring in this State, and their migration lither.

Mr. Ballou gave notice that on to-morrow, or an early day thereafter, he would introduce a bill to amend the law concerning lotteries, to more effectually prevent raffling.

Mr. Ashley gave notice that at an early day he would introduce a bill to abolish the Board of Supervisors in and for the county of Monterey.

Mr. Herbert gave notice that on to-morrow he would introduce a bill to fund the debt of Mariposa county.

Mr. Clingan gave notice, that on to-morrow he would introduce a bill amendatory of an Act concerning wrecks and wrecked property.

Mr. Tivy gave notice, that on to-morrow he would introduce a bill or an Act relative to the State Map.

On motion of Mr Warmcastle, Assembly bill No. 279, "An Act to fix the times for holding the terms of the District Court throughout this State," was taken up for consideration.

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

Mr. Bostwick gave notice, that on to-morrow he would move to change the first rule of the House, so as to provide for two sessions per day.

On motion of Mr. F. A. Park, Assembly bill No. 189, "An Act to amend an Act entitled an Act to incorporate the city of Sacramento," passed March 26, 1851, was taken from the table and recommitted to the Sacramento delegation.

On motion of Mr. Sweetland, Assembly bill No. 48, "An Act in relation to an Act defining the time of commencing civil actions in certain cases," approved May 4th, 1852, was taken from the table and referred to the Judiciary Committee.

On motion of Mr. Warmcastle, Assembly bill No. 53, "An Act to regulate fees in office," was taken from the table, and made the special order for Thursday next, at 11 o'clock.

Assembly bill No. 299, "An Act to authorize Frederick D. Kohler and Thomas H. Dowling to hold and occupy certain lands in the Bay of San Francisco," read second time and referred to Committee on Commerce.

Assembly bill No. 310, "An Act for the relief of Capt. Harry Love," read second time, and referred to Committee on Military Affairs.

Senate bill No. 150, "An Act to fix the place of residence of certain State Officers," read second time, and referred to Judiciary Committee.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills have examined and find correctly enrolled the following Acts, viz :

An Act amendatory of and supplementary to an Act entitled an Act concerning the office of Reporter, passed April 29, 1850.

An Act giving power to the Court of Sessions of Sacramento county to cancel certain delinquent taxes, assessed for the year 1852.

An Act to authorize the Court of Sessions of the County of San Joaquin to levy and collect a special tax for the support and maintenance of the indigent sick of said county

An Act to amend an Act entitled an Act to authorize the formation of limited partnerships.

An Act to authorize the Governor of this State to convey certain property in the city and county of San Francisco, to the United States, for certain purposes

An Act amendatory of an Act entitled an Act to create the county of Stanislaus, approved April 1, 1854. Also,

An Act supplementary to, and explanatory of, an Act entitled an Act making appropriations for the civil expenses of the Government of the State for the unexpired portion of the fiscal year ending on the 30th day of June, A. D., 1854, and for the first seven months of the fiscal year commencing on the 1st day of July, 1854, and,

An Act amendatory to the Act incorporating the city of Marysville, and to all Acts supplementary and amendatory to the same.

JOS. A. TIVY,

Chairman Committee on Enrollment

Mr. Letcher, with leave of the House, introduced a bill, An Act to incorporate a State Agricultural Society.

Read first and second times and referred to Committee on Agriculture.

Assembly bill No. 191, an Act to prevent the absence of judicial and other officers from this State, on motion was taken from the table, considered in Committee of the Whole, (Mr. Bostwick in the chair,) amended, reported back, and the committee discharged.

Mr. Hunter moved a call of the House.

Not agreed to

On motion of Mr. O'Neil, the House concurred generally in the amendments made in Committee of the Whole.

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

On motion, Assembly bill No. 285, an Act supplementary to an Act to provide for the lien of mechanics and others, passed April 12, 1850, was taken from the table, considered as engrossed, read third time and passed.

Mr. Lindsey gave notice that on to-morrow he would move to reconsider the vote which passed Assembly bill No. 179.

On motion of Mr. Van Cleft the House adjourned until 10 o'clock to-morrow

HOUSE OF ASSEMBLY.

TUESDAY, May 2, 1854.

House met pursuant to adjournment.

The roll was called and the following members were absent

Messrs. Bagley, Briggs, Carrillo, Ewer, Gilbert, Griffith, Hoff, Hubert, Irwin, McDuffie and Rowan.

The Journal of Monday was read and approved

On motion leave of absence was granted to Mr. Fairfax for one day, and to Mr. Carrillo for two days.

Mr. Herbert moved to strike from the journal of Saturday last a portion of the notice given by Mr. McKinney of the introduction of bills.

Not agreed to

Mr. McDaniel presented a petition numerously signed by citizens of Calaveras in reference to the law of crimes and punishments.

Petition read and referred to the Committee on Mines and Mining Interests.

Mr. Ashley presented a petition numerously signed by citizens of Monterey in reference to the Board of Supervisors of said county.

Petition read.

Mr. Bradford introduced a bill for an Act to fix the place of holding the sessions of the Supreme Court.

Read first and second time and referred to Judiciary Committee.

Mr. Kellogg introduced a bill for an Act to protect mining interests, and to prevent excessive emigration from Asia to the State of California.

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

Mr. Bagley introduced a bill for an Act to create the office of Fire Coroner for the city of San Francisco.

Read first and second time, and referred to the delegation from San Francisco.

Mr. Bradford presented a petition from Gen. Winn in reference to claims against the State.

Petition referred to Committee on Accounts.

Mr. Gordon, from the Judiciary Committee made the following report :

The Judiciary Committee have had under consideration, Assembly bill No. 302, entitled an Act to amend an Act concerning the Courts of Justice of this State, and judicial officers, passed May 19, 1853, and recommend its passage.

Assembly bill No. 302, above reported, was amended, considered as engrossed, read a third time, and passed.

Mr. Letcher made the following report :

MR. SPEAKER

The Committee on Agriculture, to whom was referred a bill to "Incorporate a State Agricultural Society, have had the same under consideration, and beg leave to report.

Your committee, appreciating the vast importance of the subject, would be wanting in the discharge of a high and imperious duty to the State and the people, were it to permit the occasion to pass without making use of it to commend the subject to the earnest and favorable consideration of the House.

This is not merely a bill to create an incorporated society whose influence only affects those immediately interested, and has no bearing upon the State, or upon the great masses of the people, but it is a bill, the provisions of which will act upon every interest, affect all classes of our citizens, and touch with electric power every branch of industry throughout the entire State.

Four years ago the agricultural resources of this State were comparatively unknown. Prior to that time so little attention had been given to the subject, that much of the soil which experience has demonstrated to be highly productive, was deemed almost valueless. A crude and miserable process of agriculture had induced the impression that but a limited portion of our soil would justify cultivation without irrigation, and consequently, immense tracts of our highlands and mountain slopes were regarded as fit only for pastoral purposes. This error has given way before the speeding plough, and it is now found that the cultivation of those lands in grain will yield as rich returns as the cultivation of the valley lands, and instead of the agricultural resources of the country being circumscribed and confined to a few valleys, limited in extent, and requiring irrigation, highland and mountain side are found to be equally productive and valuable.

It is a pleasant and cheering picture, to see hundreds of pleasant homes and wide-spreading fields, laden with rich abundant harvests, on lands which but a few years ago were deemed almost unfit for cultivation. Thus has the experience of a very brief period of time demonstrated the great fact that the agricultural resources of California are vast and almost incalculable—not only capable of abundantly supplying the millions destined to inhabit the Pacific empire now springing up with magic rapidity, with all of the necessaries and luxuries grown in the most favored regions of the world, but of producing a large surplus for external commerce.

It is conceded that agriculture is the basis of the wealth and prosperity of all civilization, and that the condition of agriculture in a country furnishes a true and unerring index of its moral, mental, and scientific progress. It is indeed impossible, in the nature of things, for a people, or a nation, to obtain any degree of eminence without pursuing an enlightened system of agriculture. Advanced agriculture and its kindred branches of horticulture and floriculture, are pursuits peculiar to civilized life. The barbarian never plants a tree nor flower, his coarser tastes have no appreciation of the value and magnificence of the one, nor of the beauty of the other. These pursuits are congenial alone to the cultivated man, constitute the foundation upon which the social system rests, and binds the citizen to his country by the strongest of all ties. Give men land to own, to cultivate, let them adorn and surround their homes with the comforts and the various forms of beauty which result from advanced and scientific agriculture, and you build up in the country fortresses more impregnable than can be devised in any other way.

Then to protect, to foster and encourage, by every legitimate means this vast department of industry, appears to your committee, to be one of the first and most imperative duties of the Legislature of this State. California, in its relations to agriculture is a peculiarly interesting country. We are now in our infancy, we have the lights of experience to guide us, we are cognizant the fatal errors other States, and other people have committed, we see and know how to avoid those errors. Then, let us, while we have a virgin soil, unparalleled in variety and richness of production, at once introduce a system of Agriculture which will secure to us, and to the State, the highest degree of prosperity for the time being, and enable us to transmit, unimpaired by our negligence or folly, the great advantages which we now enjoy, to those who will succeed us. Let us establish a system which experi-

ence has demonstrated to be productive of the most beneficent results in other States, and lay now, the sure and enduring foundations of future prosperity and greatness.

It is believed by those well informed on the subject, that the immense sum of twenty-five millions of dollars is annually employed in the import provision trade of California. Is it not important to arrest this vast drain upon the country? We have also reliable information that within the past year there has been imported more than half a million barrels of flour, making from five to ten millions of dollars for this single article. The latter sum will now and hereafter in all probability be retained in the country, as the home production will fully supply the home demand.

Now in view of the general importance of the subject, other States are moving in the matter, and stretching forth the hand of encouragement and protection. Why should not California do so likewise? A much greater necessity exists here than in other States. At present our staples consist of a very limited variety, and of these a surplus will soon be produced, hence the vast importance, the overruling necessity of encouraging the cultivation of new products, and before the extensive cultivation of new products can be with prudence engaged in, experiments must demonstrate the adaptation of our soil and climate to their production. It must be ascertained that such new products can be successfully and profitably cultivated. Your committee believe that the surest and speediest mode of attaining the great ends in view, is the immediate organization of a State Agricultural Society, with liberal appropriations for its support. This appropriation is not asked for merely to support an institution as such, but to enable it to perform duties the accomplishment of which shall give back to the State, the richest returns to build up, make permanent and perpetual the most vital interests of the State, to open these fountains from which issue streams that will refresh forever the hills and valleys of this "bright land." This interest is receiving liberal encouragement in other States, and California now presents features in agriculture, that shall, if properly regarded, be as momentous as any the world ever saw. Our vast tule lands can be reclaimed, and fields of rice, cotton, and tobacco can be made to flourish and add their untold value to the wealth of our people and State. Tea, coffee and sugar will also be numbered among the rich products of California, if that wise care so much needed, be given to nourish the germ which is now in embryo.

The opening of China and Japan reveals sources of wealth in the forms of new and varied productions of the Celestial world; and shall California avail itself of there offering that progress holds out to us?

The sheep and the goat can feed upon our thousand hills, yielding their fleeces for our manufactories. Our sunny slopes will be adorned by fruitful vineyards and beautified by groves of the mulberry, affording food for the worm that shall clothe our people with the costly silks that now draw our treasures to other nations. The people, too, of the Celestial Kingdom will bring their knowledge, both of agriculture—of which they possess vast stores—and of the manufacturing of those costly fabrics, adding all these to our own sources of wealth.

To accomplish these great objects a stimulus must be given, the State must extend the hand of encouragement and protection. We, therefore, recommend the establishment of a State Board of Agriculture, and the passage of the bill referred to as providing for the Incorporation of a State Agricultural Society, with liberal appropriations in land and money for its support.

All of which is respectfully submitted by order of the committee.

W. S. LETCHER

Assembly bill No. 315, above reported On motion of Mr. Letcher, the House resolved into Committee of the Whole, Mr. Burton in the chair, to consider the

bill. After spending some time in its consideration, and amending the same, the committee rose, reported the bill back as amended and asked to be discharged from its further consideration.

The committee was discharged.

The amendments made in Committee of the Whole concurred in generally by the House.

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

Mr. Dannels moved to print 480 copies of the report made by Mr. Letcher upon the subject of Agriculture.

Agreed to.

Mr. Myres made the following report from a Committee of Conference :

The Committee on Conference, to which was referred the disagreeing vote on Senate bill No. 116, entitled an Act supplementary to an Act to exempt firemen from militia service and jury duty, report it back with the agreement that the Assembly will recede from its amendment.

B. F. MYRES, Chairman.

J. N. DAWLEY,

House Committee.

JAS. W. COFFROTH, Chairman.

E. D. SAWYER,

E. J. MOORE,

Senate Committee.

Above report adopted by the House.

Mr. Myres made the following unanimous report :

The Committee of Conference of Senate and Assembly, to whom was referred, on the disagreeing vote of the two Houses, Senate bill No. 55, for an Act entitled "An Act relative to transferring actions and proceedings from one Court to another Court," have had the same under consideration so far as respects the disagreeing vote of the two Houses, beg leave to report the same back, with a substitute for section 5, and recommend its adoption. Respectfully submitted.

On transferring causes, the following : and no other fees and costs shall be allowed to the Clerks of the Court ;

For transmitting the pleadings and papers of a cause, the sum of two dollars ;

For re-entering and filing the same pleadings and papers anew, three dollars ;

For certifying and remitting a transcript and judgment, when required to be done under this Act, five dollars ;

For docketing and recording a transcript and judgment, when required to be done under this Act, five dollars

The last two items may be taxed in favor of the successful party, and made a part of the judgment against the other party, or otherwise ordered paid, as the Court hearing the action or proceeding may, by its order or judgment, direct.

The above report adopted by the House.

The following report was made by the Delegation of Calaveras :

The Delegation from Calaveras, to whom was referred Senate bill No. 149, "An Act granting to the Electors of Calaveras county the privilege to vote for or against

a division of said county, and organize the county of Washington," have had the same under consideration, and a majority of said delegation propose several amendments thereto, report the same back to the House, recommend the adoption of the proposed amendments and the passage of the bill.

C. A. McDANIEL,
M. W. GORDON,
A. J. HOUGHTALING,
M. ROWAN.

Senate bill No. 149, above reported, on motion of Mr. Houghtaling, was laid upon the table.

On motion, one day's leave of absence was granted to Mr. Rowan.

The hour of 12 o'clock arriving, the special order, which was Assembly bills Nos. 272 and 227, upon the subject of the city water front of San Francisco, was taken up for consideration.

On motion of Mr. O'Neil, the House resolved itself into Committee of the Whole, to consider the bills.

After spending some time in the consideration of the same, a substitute for the whole subject was offered, and,

On motion of Mr. Hubert, the Committee rose, reported progress, and asked leave to sit again.

Leave was granted to sit again.

On motion of Mr. French, the substitute and bills were made the special order for Friday next, in Committee of the Whole, at 11 o'clock, and 240 copies ordered to be printed.

On motion of Mr. Conness, the Clerk was instructed to ascertain and report to this House why Assembly bill No. 300 has not been printed, according to the order heretofore made by the House.

Special order fixed for this day, Assembly bill No. 44, to repeal the Act creating the office of Lumber Measurer in San Francisco county, taken up for consideration.

Mr. Dawley moved to lay the bill on the table.

Not agreed to.

Mr. McBrayer moved to indefinitely postpone the bill, and

Messrs. Myres, Burton, and Stowe, demanded the yeas and nays.

Previous to the vote, Mr. Conness demanded the previous question.

The previous question was sustained.

YEAS.

Messrs. Dannels, French, Griffith, Hubbard, Nichols, Pratt, Ring, Van Cleft, and Mr. Speaker—9.

NAYS

Messrs. Anderson, Ashley, Ballou, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Clingan, Conness, Cornwall, Davidson, Dawley, Ewer, Fairfield, Goddard, Green, Hagans, Hastings, Henry, Herbert, Hollister, Houghtaling, Hoyt, Hubert, Hunter, James, Koll, Letcher, Lindsey, Mandeville, Myers, McBrayer, McDonald, McDuffie, McDaniel, McGee, Noel, O'Neil, F. A. Park, Purdy, Spencer, Springer, Stemmons, Stowe, Sweasey, Sweetland, Tallmadge, Tivy, Wormcastle, Watkins and Whitman—52.

So the House refused to indefinitely postpone the bill.

The bill was read a third time.

Mr. Van Cleft moved to make the bill the special order for Monday next at 12 o'clock.

Mr. Conness demanded the previous question.

The previous question was sustained.

The vote was then taken, and the House refused to make the bill the special order.

The bill was then read a third time and upon its passage Messrs. Mandeville, Carr, and Lindsey demanded the yeas and nays.

YEAS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Clingan, Conness, Cornwall, Davidson, Ewer, Fairfield, Godard, Gordon, Hagens, Hastings, Henry, Hollister, Horr, Houghtaling, Hoyt, Hubert, James, Jones, Koll, Letcher, Lindsey, Mandeville, Musser, Myers, McDonald, McGee, Noel, O'Neil, F. A. Park, Spencer, Springer, Stemmons, Stowe, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, Watkins, and Whitman—50.

NAYS.

Messrs. Dannels, Dawley, Gilbert, Green, Griffith, Hubbard, Kellogg, McBrayer, McDuffie, Nichols, J. W. Park, Pratt, Purdy, Ring and Mr. Speaker—15.

So the bill passed.

Mr. Van Cleft gave notice that on to-morrow he would move to reconsider the vote just taken.

Mr. Griffith made the following report :

The Committee on Roads and Highways to whom was referred a petition from the inhabitants of San Leandro, Alameda county, praying for the passage of an Act granting to John B. Ward the right to construct a plank road and wharf into the Bay of San Leandro, report the same back, with a bill granting the same, and recommend the passage of the bill.

An Act to authorize the construction of a wharf from the Bay of San Leandro at the mouth of San Leandro Creek in the county of Alameda.

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

Mr. Bostwick, chairman, made the following report :

The Committee on Corporations, to which was referred Assembly bill No. 301, to amend an Act to authorize the formation of corporations for the construction of Plank or Turnpike Roads, passed May 12, 1853.

Also, Assembly bill No. 308, an Act to change the name of the Sutter, Jackson and Drytown Water and Mining Company to that of the Jackson Water Company.

Also, Assembly bill No. 295, an Act to amend chapter eight of an Act concerning corporations.

Report the same back to the House and recommend their passage.

Assembly bill No. 301, above reported, considered as engrossed, read a third time and passed.

Assembly bill No. 308, above reported, considered as engrossed, read a third time and passed

Assembly bill No. 295, also reported by Mr. Bostwick, with a substitute. The

substitute was adopted, considered as engrossed, read a third time and passed.

Mr. Conness moved to reconsider the vote which passed a third reading of Assembly bill No. 301, reported by the Committee on Corporations.

Agreed to.

The bill, on motion of Mr. Myres, was amended, read a third time and passed.

Mr. McBrayer moved to take up for consideration the message from the Senate.

Agreed to.

The following message was received from the Senate.

I am instructed to inform the Assembly that the Senate passed, on the 28th, a bill for "An Act to create a Contingent Fund to pay the Postage of the Members of the Legislature of the year 1854," and on the 29th, Assembly bill for "An Act to provide for the Erection of a Jail in the county of Monterey," and a concurrent resolution that the Senate Committee on Corporations and the Select Committee of the Assembly to whom was referred a bill concerning the Pacific Railroad, act jointly.

All of which is respectfully submitted.

JOHN Y. LIND,
Secretary.

Senate Bill No. 169, "An Act to create a Contingent Fund to pay the Postage of the Members of the Legislature of the year 1854,"

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

Senate concurrent resolutions in reference to railroads and internal improvements,

Concurred in by the House.

A communication was read from the Board of Indian War Commissioners, asking for a clerk.

Communication read and referred to Committee on Claims.

The following message was received from the Governor :

I have this day approved the following Acts, which originated in the Assembly, viz :

"An Act to create the office of State Printer, and define the duties and compensation thereof, and to provide for the time and manner of election."

"An Act to amend an Act to establish an Asylum for the Insane of the State of California."

An Act to declare Exempt from Forced Sale under Execution or other process, Property of the several Counties of this State."

And "An Act to adjust the Amount of Indebtedness of the county of Alameda to the county of Santa Clara, and to provide for the payment of the same."

JOHN BIGLER.

Mr. Myres offered a concurrent resolution to meet in joint convention for the purpose of electing a State Printer.

Mr. Herbert moved to strike out "the 4th," and insert "the 6th"

Not agreed to.

Mr. Whitman gave notice that on to-morrow he would move to reconsider the vote just taken.

The Speaker decided the motion out of order, inasmuch as the question had been decided previous to the notice to reconsider,

From which decision Mr. Carr appealed.

The decision of the Chair was sustained.

Mr. James moved to strike out "Thursday," and insert "Friday."

Not agreed to.

On the passage of the resolution, Messrs. Whitman, James, and Stevenson, demanded the yeas and nays.

YEAS.

Messrs. Ashley, Burton, Conness, Dannels, Davidson, Fairfield, French, Gilbert, Godard, Green, Griffith, Hollister, Horr, Hubbard, Hubert, Hunt, Jones, Kellogg, Koll, Letcher, Lindsey, Myres, McBrayer, McDonald, McKinney, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Spencer, Springer, Stemmons, Stowe, Sweasey, Sweetland, Tallmadge, Van Cleft, and Mr. Speaker—40.

NAYS.

Messrs. Anderson, Bennett, Bowie, Bradford, Carr, Ewer, Hastings, Herbert, Houghtaling, Hunter, James, McDuffie, McGee, Stevenson, Watkins, and Whitman—16.

So the resolution passed.

Mr. Myres moved that the Clerk be instructed to report the resolution to the Senate forthwith.

Agreed to.

Mr. Herbert moved that the Clerk be instructed to report all business transacted to-day in this House to the Senate immediately, and

Messrs. Whitman, McKinney, and McDuffie, demanded the yeas and nays.

YEAS.

Messrs. Bowie, Carr, Cornwall, Davidson, Gordon, Hagans, Herbert, Hunter, James, McDuffie, McGee, McKinney, Stevenson, Watkins, and Whitman—15.

NAYS.

Messrs. Anderson, Ashley, Bennett, Bradford, Burton, Conness, Dannels, Dawley, Ewer, Fairfield, Gilbert, Godard, Green, Griffith, Hollister, Horr, Hubbard, Hubert, Hunt, Irwin, Jones, Kellogg, Koll, Letcher, Lindsey, Musser, Myres, McBrayer, McDonald, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Spencer, Springer, Stemmons, Stowe, Sweasey, Sweetland, Tallmadge, Van Cleft, and Mr. Speaker—44.

So the House refused to instruct the Clerk.

Mr. Rowan moved to adjourn.

Not agreed to.

A communication was read from State Printers, in answer to a communication from the Clerk in reference to some printing ordered by the Assembly.

Mr. Lindsey, agreeable to notice, moved to reconsider the vote which passed Assembly bill No. 179.

Vote reconsidered

Mr. Ewer moved to reconsider the third reading of the bill.

Agreed to.

On motion of Mr. Ewer, the bill was amended, considered as engrossed, read a third time, and passed.

Mr. Myres offered a concurrent resolution respecting the Maps of the State furnished by the late Surveyor General of this State.

Resolution adopted.

Agreeable to notice, Mr. Bostwick moved to amend the 1st Standing Rule of this House, by requiring two sessions in one day; to convene at half past 9, A. M., take a recess at half past 12 o'clock, and meet again at 2 o'clock, P. M.

Mr. Whitman moved to amend the resolution by striking out half past 9, and inserting half past 7.

Not agreed to.

Pending the discussion of the amendment to the Rules offered by Mr. Bostwick,

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

HOUSE OF ASSEMBLY.

WEDNESDAY, May 3, 1854.

House met pursuant to adjournment.

The roll was called and the following members were absent :

Messrs Ballou, Bostwick, Briggs, Cornwall, French, Gilbert, Griffith, Hoff, Houghtaling, Hubert, Irwin, James, Jones, Musser, McDuffie, McKinney, Nichols, Rowan, Van Cleft and Whipple.

The Journal of Tuesday was read amended and approved.

On motion leave of absence was granted to Mr. Whipple for one day, to Mr. Houghtaling for two days, and to Mr. Rowan indefinite leave in consequence of sickness.

Mr. Bowie introduced a bill for an Act to authorize the Court of Sessions of the county of Colusi to levy a special tax to build a Court House and Jail.

Read first and second time, considered as engrossed, read a third time and passed.

Mr. Dannels introduced a joint resolution in relation to the emigration of Coolies, and others who are not competent to become citizens of the United States, into this State.

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

Mr. O'Neil, chairman, made the following report :

The Committee on engrossment have examined and find correctly engrossed,

An Act to prevent stallions from running at large.

An Act to fix the times for holding the Terms of the District Courts, throughout the State.

An Act to prevent the absence of Judicial and other officers from this State.

An Act to amend an Act entitled an Act concerning Marks and Brands, passed May 1, 1851.

An Act to provide offices for certain County Officers, in the county of Sacramento.

An Act supplementary to an Act to provide for the lien of Mechanics and others, passed April 12, 1850.

An Act to prevent the destruction of Fish in the waters of Stockton slough and Mormon slough, in San Joaquin county, and, also,

An Act to provide for the better observance of the Sabbath.

An Act concerning Estray Animals, also,

An Act to appropriate money to enable the Trustees of the Insane Asylum to erect an additional building, and to enclose the grounds belonging to the Asylum.

Mr. Herbert, chairman, made the following report :

The Committee of Ways and Means, to whom was referred a communication from Hon. P. K. Hubbs, Superintendent of Public Instruction, have had the same under consideration and ask leave to report the same back to the House, and recommend that it be referred to the Committee on Education.

They have also had under consideration Assembly bill No. 236 entitled an Act to authorize the State Treasurer to issue a duplicate warrant to John Skinker and ask leave to report the same back with a substitute, and recommend the passage of the same.

The communication from the Superintendent of Public Instruction, on motion, was referred to the Committee on Education.

Substitute to Assembly bill No. 236, reported by the above committee, was adopted, considered as engrossed, read a third time and passed.

Mr. Dannels, chairman, made the following report :

The Committee on Indian Affairs have had under consideration petitions of Messrs. Dent, Vantine & Co., with accompanying papers; also, petition of G. W. Keeler and L. G. Chapman, with accompanying papers, in relation to their claims and the claims of other citizens of this State against the United States, by reason of the action of the U. S. Indian Commissioners, O. M. Wozencraft, Redick McKee and Adam Johnson, in making reservations of lands, and for furnishing provisions, &c., to the Indians of this State by order of said Commissioners, with Senate Joint Resolutions. Your committee believe in the justice of these claims and that they should be paid, and have directed me to report back the accompanying Joint Resolutions as a substitute to the Senate Resolutions, and recommend their passage.

The substitute offered by the committee was adopted, read a third time and passed.

Mr. Bradford introduced a bill for an Act for the relief of John F. Hays.

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

Mr. Stevenson made the following report :

The Committee of Public Buildings and Grounds to whom was referred Assembly bill No. 251, report it back without amendment and submit it to the consideration of the House.

Assembly bill No. 251, an Act to fix the capital of the State above reported

On motion the bill was made the special order for Friday next at 12 o'clock.

Mr. Watkins, chairman, made the following report :

The Committee on Federal Relations, to whom was referred the Senate Joint Resolutions in relation to the Nebraska Bill, introduced into the Senate of the United States on the 23d of January, 1854, have had the same under consideration, and have instructed me to report them back without amendment, and recommend their passage.

The Committee have also had under consideration the concurrent resolution and joint memorial of the Senate and Assembly in relation to postage in California, and instructed me to report them back without amendment, and recommend their passage.

Senate joint resolutions in relation to the Nebraska Bill on its third reading.

Mr. Myres demanded the previous question.

The previous question was sustained.

The resolutions were read a third time, and upon their passage, Messrs. Mandeville, Hoyt and Hubbard, demanded the yeas and nays.

YEAS.

Messrs. Anderson, Ashley, Bostwick, Bowie, Bradford, Burton, Carr, Clingan, Cornwall, Davidson, Dawley, Ewer, French, Gilbert, Godard, Gordon Green, Griffith, Hagan, Hastings, Henry, Herbert, Hoff, Hollister, Horr, Hubbard, Hubert, Hunt, Hunter, James, Koll, Letcher, Lindsey, Mandeville, Myres, McBrayer, McDonald, McDaniel, McGee, McKinney, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Spencer, Stemmons, Stevenson, Stowe, Sweetland, Tivy, Van Cleft, Warmcastle, Watkins, Whitman, and Mr. Speaker—58.

NAYS.

Messrs. Bennett, Conness, Dannels, Fairfield, Hoyt, Kellogg, Ring, Springer, Sweasey, and Tallmadge—10.

So the resolution was adopted.

Senate concurrent resolutions No. 38 in relation to mail routs and post offices on its third reading.

Bill read third time and did not pass.

Mr. Dawley, chairman, made the following report :

The Committee on Commerce had under consideration Assembly bill No. 267, entitled an Act to prevent changing the names of ships, vessels and steamboats, and beg leave to report the same back without amendment, and recommend its passage.

The bill was amended, read a third time and passed.

Mr Tivy, chairman, made the following report :

The Joint Committee on enrolled bills, on yesterday the 2d inst., presented to his Excellency, the Governor, for his approval, the following Acts, viz :

An Act amendatory of and supplementary to an Act entitled an Act concerning the office of Reporter, passed April 29, 1850.

An Act giving power to the Court of Sessions of Sacramento county, to cancel certain delinquent taxes, assessed for the year 1852.

An Act to authorize the Court of Sessions of the county of San Joaquin to levy and collect a special tax, for the support and maintainance of the indigent sick of said county.

An Act to amend an Act entitled an Act to authorize the formation of limited partnerships.

An Act to authorize the Governor of this State to convey certain property in the city and county of San Francisco, to the United States, for certain purposes.

An Act amendatory of an Act entitled an Act to create the county of Stanislaus, approved April 1, 1854.

An Act supplementary to and explanatory of an Act entitled an Act making appropriations for the civil expenses of the Government of the State for the unexpired portion of the fiscal year ending on the 30th day of June, A. D., 1854, and for the first seven months of the fiscal year commencing on the 1st day of July, 1854, and,

An Act amendatory to the Act incorporating the city of Marysville, and to all Acts supplementary and amendatory to the same.

JOS A. TIVY,

Chairman Committee on Enrollment.

Mr. Jones, chairman of Select Committee upon the subject of Railroads, made a report from said committee.

Report and bills passed over without any action.

The following message was received from the Senate :

I am directed to inform the Assembly that the Senate passed this day a resolution for the Committees on Mines and Mining Interests to act jointly as therein stated.

JOHN Y. LIND, Secretary.

Senate Concurrent Resolution above reported,
Concurred in by the Assembly.

The following message was also received from the Senate :

I am instructed to inform the Assembly that the Senate yesterday concurred in the resolution of the Assembly to meet in Joint Convention in the Hall of the Assembly, on the 4th inst., at 12 o'clock, M., to elect a State Printer.

They also passed Assembly Bill No. 244, for "An Act to give Jurisdiction to the District Court, County Court, and Justices' Courts, in Plumas county, in certain cases,"

And the following Senate bills :

For "An Act to amend an Act entitled An Act to provide for the Protection of Foreigners, and to define their Liabilities and Privileges "

And "An Act to authorize the Mayor and Common Council of the city of Sacramento to levy and collect a Special Tax for the Redemption of the Bonds of said city."

All of which are herewith respectfully presented.

JOHN Y. LIND,
Secretary.

Senate Bill No. 123, an Act in reference to foreigners, above reported,
Read first and second time and referred to Committee on Mines and Mining Interests.

Senate Bill No. 146, in relation to the Mayor and Common Council of the city of Sacramento, above reported,
 Read first and second time, the rules further suspended,
 The bill read a third time and passed.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed, on the 28th inst., the following :

A bill for "An Act to regulate the payment by the State Treasurer of the Warrants of the Comptroller of this State."

"An Act to authorize Isaac E. Davis and A. P. Jordan to construct a Wharf, at Santa Cruz, into the Bay of Monterey."

"An Act amendatory of an Act to amend An Act relating to Corporations."

And on the 29th inst., "An Act for the Relief of Carlos Isarda."

All of which are respectfully submitted.

JOHN Y. LIND.
 Secretary.

Senate Bill No. 147, in relation to the payment of Comptroller's warrants,
 Read first time, and ordered to a second reading on to-morrow.

Senate Bill No 131, an Act in relation to the erection of a wharf,
 Read first and second time, and referred to Committee on Commerce.

Senate Bill No. 177, relating to corporations,
 Read first and second time, and referred to Committee on Corporations.

Senate Bill No. 172, for the relief of Carlos Isarda,
 Read first and second time.

The bill, on motion of Mr. Tallmadge, was amended,
 Read a third time and passed.

Mr. Fairfield introduced a bill for an Act for a special term of the District Court in the county of Placer.

Read first and second time, the rules suspended,

The bill read a third time and passed.

Mr. James introduced a bill for an Act to authorize the Comptroller of State to issue a duplicate warrant to S. W. Langton.

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

The hour of 12 o'clock having arrived the special order was taken up, Assembly bill No. 253, an Act to provide for the reclamation of the swamp and overflowed lands belonging to the State of California.

On motion of Mr. Conness, the House resolved itself into Committee of the Whole, Mr. O'Neil in the chair, to consider the bill.

After spending some time in its consideration and amending the same, on motion of Mr. Herbert, the committee rose, and reported the bill back without any motion being made in reference thereto.

The committee was discharged.

Mr. Bradford moved to refer the bill to a select committee of five.

Mr. Sweetland moved to strike out the enacting clause of the bill, and Messrs. Bradford, Hubbard and McDonald demanded the yeas and nays.

Mr. Whitman demanded the previous question.

The previous question was sustained.

The question was then taken upon the vote to strike out the enacting clause.

YEAS

Messrs. Anderson, Ballou, Bennett, Burton, Carr, Conness, Dannel, Ewer, Hagans, Hunter, Kellogg, Letcher Lindsey, Mandeville, McDonald, McGee, McKinney, Noel, Stemmons, Stowe, Swasey, Sweetland, Watkins and Whitman—24.

NAYS.

Messrs. Ashley, Bagley, Bostwick, Bowie, Bradford, Clingan, Davidson, Fairfield, French, Gilbert, Godard, Gordon, Green, Griffith, Hastings, Henry, Herbert, Hoff, Hollister, Horr, Hoyt, Hubbard, Hubert, Hunt, Jones, Musser, Myres, McBrayer, McDaniel, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Spencer, Springer, Stevenson, Tallmadge, Tivy, Van Cleft, Warmcastle, and Mr. Speaker—44.

So the House refused to strike out the enacting clause.

On the motion of Mr. Bradford to refer to a select committee of five, Messrs. Tallmadge, Conness and McDonald demanded the yeas and nays.

YEAS.

Messrs. Anderson, Ashley, Bagley, Bowie, Bradford, Carr, Clingan, Dannels, Fairfield, French, Gilbert, Godard, Green, Griffith, Hagans, Hastings, Henry, Herbert, Hoff, Hollister, Horr, Hoyt, Hubbard, Hubert, Hunt, Hunter, James, Jones, Musser, McBrayer, McKinney, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Ring, Spencer, Springer, Stemmons, Stevenson, Stowe, Tivy, Van Cleft, Warmcastle, Whitman and Mr. Speaker—47.

NAYS.

Messrs. Ballou, Bennett, Bostwick, Burton, Conness, Davidson, Ewer, Gordon, Kellogg, Letcher, Lindsey, Mandeville, Myres, McDonald, McDaniel, McGee, Noel, Purdy, Swasey, Sweetland, Tallmadge and Watkins—22.

So the bill was referred to a select committee of five.

And Messrs. Bradford, Hubert, O'Neil, Carr, and French, were appointed said committee.

Mr. Conness moved to instruct the committee to report on Tuesday next, and the bill to be made the special order for 1 o'clock.

Mr. Herbert moved to amend by striking out Tuesday and inserting Friday next.

Agreed to.

Mr. Letcher moved to amend the motion of Mr. Conness by excluding certain lands.

Not agreed to.

Mr. Ashley moved to amend, by excluding lands lying in incorporated cities and towns, and lands lying in any harbor or under any navigable waters in this State.

Not agreed to.

The motion of Mr. Conness was then adopted.

On motion of Mr. Bostwick, Mr. Gordon was added to the select committee just created.

The following message was received from the Senate .

I am instructed to inform the Assembly, that the Senate passed this day, "An Act for the relief of H. S. Jackson and William Buchanan;" which is herewith respectfully presented.

JOHN Y. LIND, Secretary.

Senate bill No. 117, above reported, read first and second time, and referred to Committee on Claims.

The following message was received from the Governor :

I have the honor herewith to transmit a copy of a deed executed by the Mayor of the city of Sacramento, conveying to the State of California the title of said city, of, in, and to a certain piece or parcel of land within the limits of said city, known as the "Public Square;" also, a copy of a deed executed by John A. Sutter, conveying to the Mayor and Common Council of the city of Sacramento all his interest in the above described property.

JOHN BIGLER.

Mr. Conness moved to refer the communications to a select committee of three.

Mr. Bradford moved to refer to the Committee on Public Buildings and Grounds. Agreed to.

Mr. Whitman moved that the Committee be instructed to communicate with the Attorney General, and obtain from him his written opinion as to the legality of the title of the city of Sacramento to the ground proposed to be conveyed to the State.

Mr. Dawley moved to amend the instructions by adding, "and report to this House on Tuesday next."

Not agreed to.

To motion of Mr. Whitman to instruct the committee was then lost by the following vote :

Messrs. Whitman, McKinney, and Mandeville, demanding the yeas and nays.

YEAS.

Messrs. Anderson, Bowie, Bradford, Carr, Cornwall, Dannels, Gordon, Green, Hagans, Hubert, Hunter, James, Jones, Kellogg, Mandeville, McDaniel, McKinney, Noel, Spencer, Stemmons, Stevenson, Stowe, Sweasey, Van Cleft, Warmcastle, Watkins and Whitman—27.

NAYS.

Messrs. Ashley, Ballou, Bennett, Bostwick, Burton, Conness, Davidson, Dawley, Ewer, Fairfield, French, Gilbert, Griffith, Herbert, Hollister, Hubbard, Hunt, Lindsey, Musser, Myres, McDonald, O'Neil, F. A. Park, J. W. Park, Ring, Springer, Sweetland, Tallmadge and Tivy—29.

The following message was received from the Governor :

I have this day approved an Act which originated in the Assembly, entitled "an Act supplementary to and explanatory of an Act making appropriations for the civil expenses of the Government of the State, for the unexpired portion of the fiscal year, ending the 30th day of June, A. D. 1854, and for the first seven months of the fiscal year, commencing on the first day of July, 1854."

JOHN BIGLER.

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

Resolved, That the Treasurer of State be, and is hereby requested to furnish this House with a statement of the amount of money now in the Interest Fund of 1851 and 1852, and if there be a sufficient amount in either fund to pay the interest due in July next, if not, whether there are any moneys belonging to the public funds which may be applied to that purpose without detriment to the public interest; whether he has any official knowledge of the payment of the interest due January, 1854; if so, whether the person or persons paying the same have been remunerated or not; whether he has as yet made any contract for the payment of the interest due in July next. If so, he is requested to furnish this House with a copy of said contract and the bond taken for the fulfilment of the contract.

Mr. Hubert gave notice that at an early day he would introduce a bill to change the names of Hannah Maria Drew to that of Hannah Maria Wilkes; that of Laura Wilkes Drew to that of Flora Wilkes; that of Edwin James Drew to that of Edwin James Wilkes; and that of Ethelbert John Drew to that of Ethelbert John Wilkes.

Mr. Hunter gave notice that he would at an early day introduce a bill giving a lien upon stock for the herding or ranching thereof.

On motion of Mr. O'Neil, the House adjourned until 10 o'clock to-morrow

HOUSE OF ASSEMBLY

THURSDAY, May 4, 1854.

House met pursuant to adjournment.

The roll was called and the following members were absent :

Messrs. Bagley, Carrillo, Davidson, Dawley, Green, Griffith, Hubert, Irwin, James, Myres, McBrayer, Nichols, J. W. Park, Sweetland, Van Cleft, Whipple and Mr. Speaker.

The Journal of Wednesday was read and approved.

Mr. Briggs presented a petition numerously signed by citizens of El Dorado, protesting against the passage of a law granting the right to Mr. Bartlett to construct and keep a Toll Bridge in said county.

Petition read and referred to Committee on Roads and Highways.

Mr. Sweasey presented a remonstrance from the Mayor and Common Council of the city of San Francisco against the extension of the city water front, which was read and referred to Committee on Commerce and Navigation.

Mr. Hastings introduced a bill for an Act for the protection of toll and other bridges in this State.

Read first and second time, and referred to Committee on Roads and Highways.

Mr. Spencer introduced a bill for an Act to amend an Act concerning fees in office, passed May 1, 1851.

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

Mr. Whitman introduced a bill for an Act to change the name of Mary Elizabeth McGreece to Mary Elizabeth Hastings.

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

Mr. Dannels made the following report :

The Committee on Indian Affairs to whom was referred the petition of Powell Weaver, asking to be paid for animals and provisions furnished to the friendly Indians while engaged in taking prisoners Antonio Garro and four other Indian Chiefs, who were carrying on a war against the whites in the county of San Bernardino in the year 1851. It appeared to the committee, from the evidence brought before it, that said Weaver, besides furnishing provisions, etc., acted a very prominent part, and was instrumental in taking these hostile Indians prisoners, and in justice should be paid for animals and provisions furnished for the above purpose.

The Committee have directed me to report the accompanying relief bill, and recommend its passage, all which is respectfully submitted.

Assembly bill for the relief of Powell Weaver.

Reported by committee, read first and second time.

On motion of Mr. Bradford, the House resolved itself into Committee of the Whole, Mr. James in the chair, to consider the bill.

After spending some time in its consideration,

On motion, the committee rose, reported the bill back, recommended the passage of the same, and asked to be discharged from its further consideration.

The committee was discharged.

Mr. Conness moved to strike out "general fund," and insert "war fund."

Agreed to.

The bill was then read a third time and passed.

The hour of 11, the special order was taken up for consideration, which was Assembly Bill No. 53, "An Act to regulate Fees in Office."

On motion of Mr. Warmcastle, the House resolved itself into Committee of the Whole, Mr. Letcher in the chair, to consider the bill.

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

On motion, the committee rose, reported progress, and asked leave to sit again.

Leave granted to sit again.

Mr. Van Cleft moved to take a recess until 12 o'clock.

Agreed to, and the House adjourned until 12 o'clock.

The hour of 12, the House met pursuant to adjournment.

On motion of Mr. Bostwick, the Clerk was directed to invite the Senate to meet in convention, to elect a State Printer.

The two Houses met agreeable to previous resolution to elect a State Printer.

The President of the Senate appointed Mr. Hook on the part of the Senate, and Mr. Hoff was appointed on the part of the House, to act as tellers.

Mr. O'Neil placed in nomination Mr. B. B. Redding for the office of State Printer.

Those who voted for Mr. Redding were—

Messrs. Bryan, Coffroth, Colby, Gardner, De la Guerra, Hager, Hall, Hook, Keene, Leake, Lent, Livermore, Lyons, Mahoney, May, Moore, McFarland, Sprague, Stebbins, Tuttle, and Whiting, of the Senate ; and

Messrs. Anderson, Ashley, Bagley, Ballou, Bostwick, Bradford, Briggs, Carr, Clingan, Conness, Dannels, Dawley, Fairfield, French, Gilbert, Godard, Gordon, Green, Griffith, Hastings, Herbert, Hoff, Horr, Hoyt, Hubbard, Hubert, Hunt, Irwin, James, Jones, Kellogg, Koll, Mandeville, Musser, Myres, McBrayer, McDonald, McDaniel, Nichols, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stemmons, Swasey, Sweetland, Tallmadge, Tivy, Van Cleft, Whipple, and Mr. Speaker—76.

Mr. Watkins voted for Mr. Washington.

Mr. Redding having received a majority of all the votes cast, was declared duly elected State Printer under the law.

The Senate then withdrew, and the House resumed business.

Mr. Van Cleft moved to go into Committee of the Whole to consider Assembly bill No. 53, which was the Fee bill.

Mr. James moved a call of the House.

The call was not sustained.

Mr. Bagley moved to take a recess until 2 o'clock.

Not agreed to.

The motion of Mr. Van Cleft was then put and carried.

The House resolved itself into Committee of the Whole, Mr. Van Cleft in the chair, to continue the consideration of the Fee bill.

After spending some time in its consideration,

On motion of Mr. Bradford, the Committee rose, reported progress, and asked leave to sit again.

Leave granted to sit again.

The following message was received from the Senate

I am instructed to inform the Assembly that the Senate passed, on the 2d inst., a bill for "An Act entitled an Act prescribing the manner of commencing and maintaining suits by or against counties."

"An Act to authorize the Comptroller to issue duplicate Warrants." And

"An Act fixing the age of majority of males and females in this State."

On yesterday, "An Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853." And

"An Act for a special term of the District Court in the county of Placer."

And this day, a bill for "An Act to provide Revenue for the support of the Government of this State."

All of which is respectfully submitted.

JOHN Y. LIND, Secretary.

Senate bill No. 185, in reference to the Comptroller, read first and second time, and referred to Committee on Claims.

Senate bill No. 130, for commencing and maintaining actions for and against counties, read first and second time, and referred to Judiciary Committee.

Senate bill No. 178, fixing the age of maturity of males and females in this State, read first and second time, and referred to Judiciary Committee.

Senate bill No. 110, an Act to provide revenue for the support of the Government of this State.

Read first and second time, 240 copies ordered to be printed, and the bill referred to Committee of Ways and Means.

Senate bill No. 180, an Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of Justice of this State and Judicial officers, passed May 19, 1853.

Read first and second time and referred to Judiciary Committee.

On motion of Mr. Dawley, Assembly bill No. 297, upon the same subject, was referred to the same committee.

Mr. O'Neil made the following report :

The Committee on Engrossment have examined and find correctly engrossed :

An Act to incorporate a State Agricultural Society and appropriate money for its support.

An Act to amend an Act to authorize the formation of Corporations for the construction of Plank or Turnpike Roads, approved May 12, 1853.

An Act concerning Corporations.

An Act to amend an Act dividing the State into Counties and establishing Seats of Justice therein, passed April 25, 1851.

An Act to amend an Act concerning the Courts of Justice of this State and Judicial officers, approved May 19, 1853.

An Act to change the name of the Sutter, Jackson and Drytown Water and Mining Company to that of the Jackson Water Company.

An Act to repeal an Act entitled an Act to provide for the measurement of Lumber, passed April 30, 1853.

An Act to authorize the Court of Sessions of the county of Colusi to levy a special tax to build a Court House and Jail; and also,

An Act for the relief of John Skinker and others.

Mr. Ashley moved to go into Committee of the Whole to consider Assembly bill No. 53, an Act to regulate fees in office.

Messrs. Van Cleft, O'Neil and Myres, demanded the yeas and nays.

YEAS.

Messrs. Ashley, Ballou, Bennett, Bowie, Bradford, Burton, Carr, Conness, Cornwall, Gordon, Griffith, Hagans, Henry, Hubert, Hunt, Hunter, Jones, Lindsey, Musser, McDonald, McGee, Noel, Spencer, Stemmons, Stowe, Sweasey, Tallmadge, Tivy, Warmcastle, Watkins and Whitman—31.

NAYS.

Messrs. Anderson, Briggs, Clingan, Dawley, Fairfield, French, Gilbert, Green, Hastings, Hoff, Hollister, Horr, Hubbard, Irwin, James, Koll, Myers, McBrayer, McKinney, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Springer, Van Cleft, Whipple and Mr. Speaker—31.

There being an equal number of votes the motion was lost.

Mr. Van Cleft moved to strike out the enacting clause of the bill, and Messrs. Bradford, McKinney and French demanded the yeas and nays.

Mr. Conness moved to make the bill the special order for to-morrow at 11 o'clock, and Messrs. Stowe, Conness, and Tallmadge, demanded the yeas and nays.

Mr. Van Cleft demanded the previous question.

The previous question was sustained.

The vote was then taken upon the motion made by Mr. Conness.

YEAS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bowic, Bradford, Burton, Carr, Clingan, Conness, Cornwall, Dawley, Ewer, Gordon, Griffith, Hagans, Hubert, Hunt, Hunter, Kellogg, Lindsey, Musser, McDonald, McDaniel, McGee, Noel, Spencer, Springer, Stemmons, Stowe, Sweasey, Tallmadge, Tivy, Warmcastle, Watkins, Whipple and Whitman—37.

NAYS.

Messrs. Bagley, Briggs, Fairfield, French, Gilbert, Green, Hastings, Henry, Herbert, Hoff, Hollister, Horr, Hubbard, Irwin, James, Jones, Koll, Myres, McBrayer, McKinney, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Stevenson, Van Cleft and Mr. Speaker—31.

So the bill was referred and made the special order.

On motion of Mr. McDaniel, Senate bill No. 149, in reference to the formation of a new county out of portions of Calaveras county, was taken up for consideration.

The amendments offered by the delegation from that county, were adopted, and the bill further amended. The bill considered as engrossed.

Read a third time and passed.

On motion of Mr. Myres the title of the bill was amended, to correspond with the bill.

Mr. Ballou moved to take from the table the motion of Mr. Bostwick to amend the first standing rule of the House.

Agreed to.

Mr. Hoff moved to adjourn.

Not agreed to.

Mr. Conness moved to amend the first standing rule of the House by adding the following :

The House shall meet each day at half past seven, P. M., for an evening session.

Mr. Bennett demanded the previous question.

Mr. Fairfax moved a call of the House.

Call not sustained.

The motion for the previous question was then put and lost.

The amendment offered by Mr. Conness, did not pass.

Mr. Burton moved to strike out half past seven and insert nine o'clock.

Pending the consideration of which,

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

HOUSE OF ASSEMBLY.

FRIDAY, May 5, 1854.

House met pursuant to adjournment.

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

Messrs. Ballou, Carr, Conness, Cornwall, Davidson, Dawley, French, Gilbert, Griffith, Henry, Herbert, Hoff, Houghtaling, Hubert, Irwin, James, Mc Duffie, McKinney, Nichols, Purdy, Rowan, and Tallmadge.

The *Journal of Thursday* was read, amended, and approved.

On motion, leave of absence was granted to Mr. Dawley for four days.

Mr. Purdy presented a petition, very numerously signed by citizens of San Francisco, in opposition to the extension of the water front of the city of San Francisco. Petition read, and referred to Committee on Commerce and Navigation.

Mr. Green presented a petition from the Chamber of Commerce of San Francisco, protesting against the extension of the water front of the city of San Francisco. Petition read.

Mr. McBrayer presented a petition from A. M. Winn, praying for relief.

The petition was read.

Mr. McBrayer offered a concurrent resolution instructing the Board of Indian War Commissioners to examine the claims of General Winn, And upon his motion the resolution was laid upon the table.

Mr. Spencer introduced a bill for "An Act granting to Mill Owners or Proprietors upon Humboldt Bay the occupancy of the Water Front.

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

Mr. Hubert introduced a bill for an Act to change the names of certain persons therein mentioned.

Read first and second time and referred to the San Francisco delegation.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined and find correctly engrossed, "An Act to prevent changing the Names of Ships, Vessels and Steamboats." "An Act for the Relief of Powell Weaver."

Also, substitute for Senate Joint Resolution No. 35, in reference to the action of the U. S. Indian Commissioners in this State.

Mr. Dannels introduced a bill for "An Act repealing the 8th, 9th, and 10th sections of an Act approved May 18th, 1853, entitled, An Act amendatory of on Act supplementary to the Act entitled An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State."

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

Mr. Jones, chairman select committee, made the following report .

The report read, and 240 copies ordered to be printed.

MR. SPEAKER .

The special committee appointed to take into consideration the communication of the Treasurer of the State, to ascertain the amount of property sold by the city of San Francisco under the Act of March 26, 1851, and to ascertain the amount of such sales to which the State is entitled to twenty-five per cent., and also, the amount otherwise disposed of under the provisions of said Act, have had the same under consideration, and beg leave to make the following report .

Before giving a statement of the different sales which have been made of beach and water lot property, under the provisions of said Act, by the city of San Francisco, and other parties, we would say that to comply fully with the requisitions of the resolution under which we were appointed, demands more time than we, with other duties claiming our attention, could possibly appropriate exclusively to this subject, but being sensible of the magnitude of the interest entrusted to our care, we have labored assiduously to a correct completion of our task, and most respectfully recommend to the consideration of the Assembly, the following estimates of sales of Beach and Water Lot property.

That the amount of Beach and Water Lot property, sold by Peter Smith, on different executions against the city of San Francisco, included within the present water front since the passage of the law of March 26, 1851, amounts, as appears from schedule A, herewith submitted, to the sum of fifty-eight thousand eight hundred and sixty-five dollars, exclusive of property sold under same judgment on the 30th January, 1852, and which is claimed by the city by redemption

That the Beach and Water Lot property sold by others on different executions, against the city, as appears from schedule B, herewith submitted, amounts to the sum of eleven thousand and eighty-nine dollars

That the sum realized to the city of San Francisco, by the sale of the above property, amounts to sixty-nine thousand nine hundred and fifty-four dollars

That the sales of property made by the Fund Commissioners, amounts to the sum of one hundred and nineteen thousand four hundred and forty dollars, as appears by reference to schedule C.

That the sales of property made by the Joint Committee on Land Claims, appointed by the Common Council of the city of San Francisco under an ordinance, approved December 5, 1853, amounts to the sum of one million one hundred and ninety-three thousand seven hundred and fifty dollars, which will appear by reference to schedule D, hereto annexed, that the sum of five hundred and twelve thousand four hundred and eighty-eight dollars and sixty-seven cents has been received by the committee from purchasers on account of payments, leaving a balance due from said sales of six hundred and eighty-one thousand two hundred and sixty-one dollars and thirty-three cents. The chairman of said Joint Committee further adds that notes were made by purchasers of portions of said property and delivered to them, amounting to the sum of three hundred and thirty-seven thousand three hundred and eighteen dollars and forty-eight cents, but that property amounting to three hundred and forty-three thousand nine hundred and forty-two dollars and eighty-five cents was sold, for which the city has no security, and which will probably never be called for, but remain in the same condition as if the same had never been offered for sale. Thus it will be seen that property to which the State of California is interested has been disposed of to the amount of—

By Peter Smith judgment,	-	-	-	-	\$58,865
By other judgments,	-	-	-	-	11,089
By Joint Land Committee,	-	-	-	-	1,193,750
By Fund Commissioners,	-	-	-	-	119,440
					<hr/>
					\$1,383,144

In addition to the above, your committee would further report, that on the 30th January, 1852, a large amount of beach and water lot property was sold under a judgment rendered against said city of San Francisco, in favor of Peter Smith, for three thousand five hundred and sixty dollars, which said property, so sold, is specified in schedule E, hereto annexed: that said property was sought to be recovered by redemption, by the city of San Francisco, subsequent to said sale, but that your committee are advised (unofficially) that the Supreme Court have decided against the claim of the redemptionists.

That the amount of property sold, and the manner of such sale, as well as the amount due the State of California, is set forth in schedule G, hereto annexed.

That the entire sum of money paid into the State Treasury by the city of San Francisco, under the Act of 26th March, 1851, amounts to the sum of seventy-eight thousand five hundred and sixty-seven dollars and ninety-five cents. That the sum of five thousand one hundred and sixty dollars and fifty cents has been paid into the State Treasury at different times, by purchasers under judgments against the city of San Francisco, in favor of Peter Smith and others, but that there is no evidence before the committee going to show that they were authorized by the city to make such payments, and in the opinion of the committee the said payments were made without any authority of law, and hence no rights were vested or created in consequence of such payment.

Your Committee, although not required by the resolution under which they are acting to report upon those matters which do not effect the disposition of the Beach and Water Lot property, under the Act of March 26, 1851, yet will refer incidentally to those sales which have been made by the Board of California Land Commissioners.

From a report made by the State Treasurer, it seems that property to the amount of seven hundred and nine thousand four hundred and seventy five dollars has been disposed of at public sale. That on the 3rd of April, 1854, at which time said report was made out, the sum of two hundred and thirty four thousand, nine hundred and five dollars and eighteen cents, had been paid into the State Treasury, said sum being exclusive of the payments made in State's Prison Bonds.

That the sum of ninety two thousand dollars in State Prison Bonds, was received, on account of said sales, making in all the sum of three hundred and twenty six thousand, nine hundred and five dollars and eighteen cents

That there has been paid to the Fund Commissioners, by the lessees of the California and Market street Wharf, the sum of \$11,936 69, by the lessees of Broadway Wharf, \$3,222 74, and by the lessees of Pacific street Wharf, the sum of \$16,150 56, making in the aggregate \$31,318 99.

That the sum of seven thousand six hundred and eighty five dollars has been received by the Controller of the city of San Francisco, for the rent of certain other Wharfs, and which is more particularly set forth in schedule G hereto annexed.

By reference to the report of the Joint Committee on Land Claims (see schedule D) it will be seen that the sum of five hundred and twelve thousand four hundred and eighty eight dollars and sixty seven cents (\$512,488 67) has long since been paid by them, and that notes to the amount of one hundred and sixty one thousand and forty three dollars and forty eight cents, (\$161,043 48) matured on the 28th of February, 1854; and, also, four months notes, falling due on the 27th of April, 1854, for the sum of one hundred and eighty six thousand, two hundred and seventy five dollars (\$186,275 00) which, if paid at the time they fall due, would show in the hands of the Joint Committee the sum of eight hundred and forty nine thousand eight hundred and seven dollars and fifteen cents, (\$849,807 15,) of which sum the State is entitled to two hundred and twelve thousand four hundred and fifty one dollars and seventy eight cents (\$312,451 75,) (less the amount heretofore paid) that being twenty five per cent. of the receipts arising from sales of the Beach and Water Lot property.

Until the time shall have expired for the purchasers to make their final settlements, according to the terms of sale, it will be impossible for the Committee to report the precise amount the State is entitled to, as a large amount of property will no doubt remain uncalled for, and must be resold; but as near as can be ascertained, a balance of one hundred and sixty-three thousand seven hundred and forty-three dollars and eighty-four cents (\$163,743 84) is shown to exist in favor of the State from San Francisco.

Your Committee make up the amount as follows:

Payments made as per schedule D,	-	-	-	-	\$512,488 67
Notes which became due 28th February, 1854,	-	-	-	-	151,043 48
Notes which became due 27th April, 1854,	-	-	-	-	186,275 00
Sales made by Fund Commissioners,	-	-	-	-	119,440 00
					<hr/>
					\$969,247 15
					<hr/>
Of which sum, the State is entitled to 25 per cent., amounting to					\$242,311 78
Deduct payment heretofore made,	-	-	-	-	78,567 95
					<hr/>
Balance due the State from San Francisco,	-	-	-	-	\$163,743 83
					<hr/>

As has been already remarked, we have not had sufficient time to devote to this subject which its importance demands, and with increased powers, we respectfully ask leave to sit again. We, therefore, submit the following resolution for your approval:

Resolved, That the special committee appointed to take into consideration the communication of the Treasurer of the State, to ascertain the amount of property sold by the city of San Francisco, under the Act of March 26, 1851, and to ascertain the amount of such sales to which the State is entitled to 25 per cent.; and also the amount otherwise disposed of, under the provisions of said Act, have power to send for persons and papers, and to take testimony.

J. C. JONES, Chairman,
 F. A. PARK,
 GEO. H. VAN CLEFT,
 JOHN J. HOFF.

SCHEDULE A.

Water Lot number	20 for	\$105 00
"	21	60 00
"	22	55 00
"	23	55 00
"	25	135 00
"	27	65 00
"	28	90 00
"	29	85 00
"	30	250 00
"	31	620 00
"	32	350 00
"	33	290 00
"	34	70 00
"	35	125 00
"	36	75 00
"	37	355 00
"	38	210 00
"	39	260 00
"	64	100 00
"	65	210 00
"	66	60 00
"	67	50 00
"	68	115 00
"	69	180 00
"	71	185 00
"	72	210 00
"	73	205 00
"	74	50 00
"	75	80 00
"	78	55 00
"	89	65 00
"	90	210 00
"	91	230 00
"	92	230 00
"	94	105 00
"	95	50 00
"	96	125 00
"	97	50 00
"	98	90 00
"	99	120 00
"	100	110 00
"	101	50 00
"	102	85 00
"	103	110 00
"	104	90 00
"	105	95 00
"	106	105 00
"	107	95 00
"	108	105 00
"	109	85 00

Amount carried forward, \$6,960 00

SCHEDULE A—Continued.

Water Lot	Amount brought forward,	
number 110		\$6,960 00
" 111		110 00
" 273		90 00
" 294		510 00
" 301		625 00
" 312		315 00
" 313		510 00
" 315		490 00
" 316		655 00
" 319		550 00
" 320		610 00
" 321		535 00
" 322		200 00
" 326		310 00
" 352		560 00
" 371		310 00
" 372		300 00
" 309		240 00
" 420		225 00
" 421		255 00
" 422		215 00
" 424		505 00
" 457		240 00
" 459		250 00
" 463		630 00
" 505		150 00
" 506		410 00
" 507		940 00
" 508		500 00
" 509		1,025 00
" 510		900 00
" 511		300 00
" 514		850 00
" 515		1,265 00
" 516		1,305 00
" 517		1,020 00
" 534		1,190 00
" 580		320 00
" 588		970 00
" 606		1,375 00
" 618		725 00
" 678		670 00
" 679		510 00
" 682		510 00
" 687		405 00
" 688		400 00
" 689		370 00
" 690		370 00
" 721		330 00
		260 00

Am't carried forward, \$33,270 00

SCHEDULE A—Continued.

	Amount brought forward,	\$33,270 00
Water Lot	number 724	285 00
"	726	285 00
"	731	360 00
"	767	380 00
"	770	215 00
"	772	335 00

Water Blocks in Southern portion of City of San Francisco.

Block number	1	1,250 00
"	2	920 00
"	4	480 00
"	5	640 00
"	6	600 00
"	7	600 00
"	8	610 00
"	9	2,700 00
"	10	825 00
"	13	100 00
"	14	100 00
"	15	80 00
"	16	130 00
"	17	125 00
"	18	160 00
"	19	130 00
"	20	145 00
"	21	140 00
"	22	200 00
"	23	145 00
"	24	65 00
"	26	75 00
"	27	150 00
"	28	135 00
"	29	130 00
"	30	60 00
"	31	50 00
		<hr/>
		\$45,865 00

SCHEDULE A—Continued.

Amount brought forward,	-	-	\$45,865 00
All that fractional tract of ground covered with water, bounded on the westerly side by a line 100 varas east of the eastern line of Davis street, when extended, and running parallel to Davis street, on north by Pacific street, on the south by Jackson street, and on the east by the eastern boundary of the beach and water lots of said city as defined by Legislature, for the sum of	-	-	\$2,850 00
All that tract of ground covered with water bounded on the west by Davis street, on the north by Jackson street, on the south by Washington street, and on the east by the boundary of the beach and water lot of the aforesaid city as defined by the Legislature of the State, for the sum of	-	-	1,350 00
All that tract of ground covered with water, being 100 varas square, bounded on the west by Front street, on the east by Davis street, on the north by Jackson street, and on the south by Washington street,			4,000 00
All that tract of ground covered with water bounded on the north by Sacramento street, on the south-easterly by Market street, and on the westerly side by the four beach and water lots numbered on the official map of said city from 571 to 574, for	-	-	1,750 00
All that tract of ground covered with water, being 100 varas square, bounded on the south side by Pacific street, on the north by Broadway, on the west by Front street, and on the east by the extension of Davis street, for	-	-	3,050 00
			<hr/>
			\$58,865 00

SCHEDULE B.

Sold on Execution of Morrow vs. City of San Francisco, August 18, 1851.

That certain tract of land bounded on the easterly side by the extension of Drum street, on the northerly by Pacific street, on the southerly side by Jackson street, and on the westerly side by Davis street, being 100 varas square, for - - - - \$3,000

Sold on Execution of Winter & Latimer vs. City of San Francisco, September 18, 1851.

Water lot 229 sold, November 10, 1851, for - - - 40 00

That tract of land bounded on the westerly side by Drum street, on the southerly side by Clay street, and on the easterly side by the eastern boundary line of city, as defined by Legislature, for - - 1,125 00

Also, the 100 vara square, bounded on the northerly side by Vallejo street, southerly side by Broadway street, and westerly side by Front street, and on easterly side by the extension of Davis street, for 1,125 00

Also, Beach and Water Lot No 290, - - - 930 00

“ “ “ “ No. 291, - - - 1,640 00

Sold on Execution of Morisson vs. City, October 23, 1851.

All that piece of ground bounded on the northwesterly side by Harrison street, on the south-westerly side by Spear street, on the south-easterly side by a line 50 varas south of the southerly line of Harrison street, and in an easterly direction running parallel to Harrison street, to the Water Lot boundary, and on the easterly side by the easterly boundary of the Beach and Water Lots as defined by the Legislature, for - - - 450 00

Also, 50 vara lot commencing at a point where the southerly line of Folsom street intersects the westerly line of Spear street, thence running northwesterly on Folsom street 50 varas, thence southeastwardly at right angles 50 varas, thence northeastwardly 50 varas to Spear street, thence along the westerly line of Spear street 50 varas to the point of beginning, - - - 425 00

Also, 50 vara lot commencing at the south-easterly intersection of Folsom and Front streets, thence running south-eastwardly on Front street 50 varas, thence north-eastwardly 50 varas, thence north-westwardly 50 varas to Folsom street, thence along the line of Folsom street 50 varas to the place of beginning, - - - 460 00

Amount carried forward - - - \$9,196 00

SCHEDULE B—Continued

Amount brought forward, - - \$9,199 00

Also, 50 vara lot commencing at a point 50 varas south-eastwardly from the south-westerly intersection of Folsom and Spear streets, thence running south-westwardly parallel to Folsom street 50 varas, thence south-westwardly 50 varas, thence 50 varas to Spear street, thence along the line of Spear street, north-westwardly 50 varas to beginning, 250 00

That 50 vara lot commencing 50 varas south-eastwardly from the south-eastwardly intersection of Folsom and Front streets, running north-eastwardly parallel to Folsom street 50 varas, thence south-eastwardly parallel to Front street 50 varas, thence north-eastwardly 50 varas to Front street, thence north-westwardly 50 varas to place of beginning, 150 00

*Sold on Execution of Menrion, vs. City of San Francisco,
Oct. 23, 1851.*

That 50 vara lot commencing at the southwesterly intersection of Folsom and Front streets, running southwestwardly on Folsom street, 50 varas, thence southeastwardly 50 varas, thence northeastwardly 50 varas to Front street, thence northwestwardly 50 varas to beginning - - \$575 00

That 50 vara lot commencing at the southeasterly intersection of Folsom and Beal streets, running southeastwardly on Beal street, 50 varas, thence northeastwardly 50 varas, thence northwestwardly 50 varas to Folsom street, thence southwestwardly along Folsom street 50 varas to beginning - - - - - \$575 00

Also, block number eleven (11) between King and Channnel streets for 270 00

\$11,089 00

SCHEDULE C

	Total amount of sales.	Am't due the State, being 25 per cent.
Property sold by the Joint Committee on Land Claims, - - - -	\$1,193,750 00	\$298,437 50
Property sold by Fund Commissioners, - -	119,440 00	\$29,860 00
Amount received by Fund Commissioners from lessees of California and Market street Wharf,	11,936 69	
From Broadway Wharf, - - -	3,222 74	
From Pacific street Wharf, - - -	16,159 56	
	\$31,318 99	\$7,829 74
Amount received by City Comptroller of San Francisco, from Washington street Wharf,	\$2,550 00	
From Clay street Wharf, - - -	2,525 00	
From Jackson street Wharf, - - -	1,290 00	
From Vallejo street Wharf, - - -	620 00	
From Adams & Co.'s Wharf, - - -	600 00	
From Wilson Flint's Wharf, - - -	100 00	
	\$7,685 00	\$1,921 50

SCHEDULE D

MAYOR'S OFFICE, }
 San Francisco, March 29, 1854. }

To the Special Committee of Assembly :

GENTLEMEN :

I yesterday had the honor to present to you a statement showing that the amount of money bid for the property sold by Selover & Sinton, under order of the Joint Committee on Land Claims, as authorized by Ordinance of the Common Council, approved Dec. 5, 1853, was \$1,193,750 00

That there had been received by the Committee from purchasers, on account of payments - - - - - \$512,488 67

\$681,261 33

I beg leave now to add for your information that the Committee have in their possession notes of the purchasers given by them on settlement, amounting to 60 day notes, matured 28th February, - - - \$151,043 48

Four months Notes falling due April 2, - - - - - 186,275 00

\$337,318 48

That amount will in all probability be collected, although the parties owing may require time. Then there remains the sum of - - - \$343,042 85 unpaid for, which the city has no security, and which property will, probably, never be called for, but remain in the same condition as if the same had never been offered for sale.

In the present state of the money market, and in view of the known great depreciation in the value of real estate, I deem it advisable not to offer at this time the smallest four lots at public sale, but shall take occasion to do so when a more prosperous state of the money market shall justify. I hope that prices may be obtained approximating to those received at the last sale.

In the meantime all efforts shall be employed by me, not only to collect the notes already matured, and about to mature, but also to make the parties responsible for the balance due on purchases on which the first payment alone was made, and for

which no notes were given, which sum will amount to in round numbers thirty five thousand dollars.

I have the honor to be, gentlemen,

very respectfully, your obedient servant,

(Signed.)

C. K. GARRISON, Mayor,

and Chairman Joint Committee on Land Claims

By SMYTH, Clerk,

SCHEDULE E.

The following water lot property was sold under execution of Peter Smith against the city of San Francisco, January 30, 1852, and is claimed by the city by redemption :

All that piece or parcel of ground, 100 varas square, bounded on the northwardly side by Harrison street, on the north-eastwardly side by Front street, on the south-eastwardly side by Block No. 3, and on south-westerly side by Beale street.	\$230 00
Also, that tract of ground covered with water, 100x50 varas, bounded on the west by Kearney street, north by Francisco street, east by Montgomery street, and south by Chesnut street,	75 00
Also, that piece or parcel of ground commencing in the north-west corner of Front and Harrison streets, running thence along Front street in a north-westerly direction 150 varas, thence at right angles 100 to Beale street, thence along Beale street 150 to corner of Beale and Harrison streets, thence in a north-easterly direction along Harrison street 100 varas to place of beginning,	220 00
North Beach. Block number 1 sold for,	125 00
“ “ 2 “	55 00
“ “ 3 “	115 00
“ “ 4 “	110 00
“ “ 5 “	110 00
“ “ 7 “	125 00
“ “ 8 “	85 00
“ “ 9 “	120 00
“ “ 11 “	160 00
“ “ 12 “	305 00
“ “ 13 “	300 00
“ “ 14 “	215 00
“ “ 15 “	220 00
“ “ 17 “	650 00
“ “ 19 “	340 00
	\$3,560 00

SCHEDULE F

Account of Moneys paid in by City of San Francisco on sales of Beach and Water Lots sold under Act of March 26, 1851.

1852.				
January 26,	Cash from Fund Commissioners,	-	-	\$1,000 00
1853.				
February 1,	"	"	-	10,000 00
March 26,	"	Hiram Pierson,	-	1,312 50
April 7,	"	L. W. Connelly,	-	212 50
" 8,	"	Fund Commissioners,	-	7,000 00
" 29,	"	"	-	8,267 95
May 20,	"	"	-	2,300 00
August 1,	"	C. W. Gunnell,	-	287 50
September 1,	"	H. S. Fitch, per R. H. Sinton,	-	43 75
" 1,	"	James King, of Wm.,	-	127 50
December 2,	"	Robert Rankin,	-	452 50
" 6,	"	E. W. Leonard,	-	232 50
" 6,	"	M. Matison,	-	27 50
" 6,	"	H. C. Beals,	-	32 50
" 13,	"	Charles Horner,	-	106 25
" 13,	"	C. R. Sanders and L. W. Holliday,	-	112 50
" 13,	"	L. W. Holliday and D. G. Perkins,	-	37 50
" 16,	"	H. D. Cogswell,	-	83 75
" 24,	"	Levi Parsons,	-	32 50
" 24,	"	A. J. Ellis,	-	410 00
" 24,	"	J. M. Moss,	-	712 50
" 29,	"	Dexter Bingham, jr.,	-	593 00
1854.				
January 2,	"	G. W. Helsey,	-	343 75
" 14,	"	Fund Commissioners,	-	50,000 00
				<hr/>
				\$83,728 45

SCHEDULE G.

Sale of City Property by Theodore Payne & Co., at their Sales Room, September 17, 1852, at Public Auction, for cash, by order of the Commissioners of the Funded Debt.

WATER PROPERTY NORTH BEACH.

No.	1	2	3	4	5	6	10	19	20	21	22	23	24	16	49	51	52	53	54	
	50	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	"	
Vara	Lot No.	1	2	3	4	5	6	1	2	3	4	5	6	1	2	3	4	5	6	
LOCATION		Corner of Larkin and Beach streets.	On Beach street,	Corner of Hyde and Beach streets.	Corner of Hyde and Jefferson streets,	On Jefferson street,	Corner Jefferson and Larkin streets,	Corner of Mason and North Point sts.	On North Point street,	N. W. cor. Powell and North Point sts.,	S. W. corner Powell and Beach streets,	On Beach street,	S. E. corner Mason and Beach streets,	N. E. Corner of Bay and Mason sts.,	On Bay street.	N. W. corner Powell and Bay streets,	S. W. cor. Powell and North Point sts.,	On North Point street,	S. E. cor. Mason and North Point sts.,	
PRICE		\$100	115	135	150	140	170	600	500	800	850	600	900	950	900	1,100	950	900	950	
PURCHASER.		Henry Meiggs, President.	Moses Hoyt,	William Smith.	Lambert,	Do.	Do.	Henry Meiggs,	Do.	Do.	Do.	Do.	Do.	Do.	George C. Potter,	Henry Meiggs, President.	David C. McCarty,	George C. Potter,	Henry Meiggs, President.	George C. Potter,
NAME INSERTED IN DEED			Moses Hoyt.	Ex-Governor William Smith.	Henry Lambert.	Do.	Do.								George C. Potter,	David C. McCarty,	George C. Potter,	R. H. Waller and Henry S. Dodge.		

SCHEDULE G.—Continued.

Water Lot Property, South Beach, subdivided into 100-vara Lots.

No	12	61	100	Vara	Lot No	LOCATION	PRICE.	PURCHASER.	NAME INSERTED IN DEED	
62	1	1	1	1	1	Corner Bay, Third, and Channel sts.,	\$1,200	J. W. Dwinelle,	Louis Peck,	1,200
63	2	2	2	2	2	Nos. 1 and 3 Berry and Channel sts.,	1,175	J. W. Dwinelle,	Louis Peck,	1,175
32	61	61	61	61	61	Cor. Berry, Fourth, and Channel sts.,	1,175	J. W. Dwinelle,	Louis Peck,	1,175
65	1	1	1	1	1	Cor. Irwin, Simmons, and Hubbard,	460	James Blair,	Mrs. M. J. Blair,	450
66	2	2	2	2	2	Bet. Irwin and Hubbard sts., 1 and 3,	400	C. C. Bowman,	Sol. Heydenfeldt and Syl. Bowman,	400
33	67	67	67	67	67	Cor. Irwin, Harris, and Hubbard,	500	A. Merrill,	Henry Lambert,	500
68	1	1	1	1	1	Cor. Hubbard, Simmons, and South,	500	H. Lambert,	George Gordon,	500
69	2	2	2	2	2	Bet. Hubbard and South sts., 1 and 3,	420	George Gordon,	George Gordon,	420
	3	3	3	3	3	Cor. Hubbard, Harris, and South sts.,	525	George Gordon,	George Gordon,	525
<i>Water Lots on the East Front of the city.</i>										
611	70	70	70	70	70	On East street, between Market and Mission,	\$5,050	J. W. Dwinelle,	Louis Peck,	5,050
619	71	71	71	71	71	On East street, between Folsom and Howard,	4,600	George Gordon,	George Gordon,	4,600

	Amount brought forward, - -	\$84,275	\$8,297 00
	<i>Block bounded by Oregon, Washington, Drum, and Davis streets.</i>		
Lot 1	Messrs. Beard & Hopkins, - - - -	5,350	3,308 22
2	Do. - - - -	2,900	
3	Do. - - - -	2,600	
4	Do. - - - -	2,400	
5	Do. - - - -	2,450	
6	Do. - - - -	2,300	
7	Do. - - - -	2,200	
8	Do. - - - -	2,300	
9	Do. - - - -	2,300	
10	Do. - - - -	4,300	
11	Do. - - - -	5,000	
	<i>In block bounded by Jackson, Oregon, Drum, and East streets.</i>		
1	W. H. Talmage, - - - -	2,600	
2	J. A. Woerber, - - - -	2,000	200 00
3	S. C. Hastings and E. J. Moore, - - - -	2,050	205 00
4	Do. - - - -	3,000	1,257 40
5	Do. - - - -	2,400	
6	Do. - - - -	1,300	
7	Do. - - - -	1,350	
8	J. A. Woerber, - - - -	1,600	240 00
9	Do. - - - -	1,300	
10	Rider, - - - -	1,500	
11	H. O. Dinnell, - - - -	1,200	132 00
12	T. R. Johnson, (not taken,) - - - -	1,525	
13	" - - - -	7,800	
14	" - - - -	9,200	
	<i>In block bounded by Oregon, Washington, Drum, and East streets.</i>		
1	Messrs. Beard & Hopkins, - - - -	2,700	
2	Do. - - - -	2,100	
3	Do. - - - -	2,550	
4	Do. - - - -	4,500	
5	Do. - - - -	1,800	
6	Do. - - - -	1,900	
7	Do. - - - -	1,900	
8	Do. - - - -	1,500	
9	Do. - - - -	1,400	
10	Do. - - - -	1,900	
11	Do. - - - -	2,000	
12	Do. - - - -	1,300	
13	Do. - - - -	1,400	
14	Do. - - - -	1,900	
15	Do. - - - -	2,100	
16	Do. - - - -	1,750	
17	Do. - - - -	2,300	
18	Do. - - - -	2,800	
19	Do. - - - -	2,200	
20	Do. - - - -	2,200	
21	George Steder, (not taken,) - - - -	4,000	
22	Do. " - - - -	6,100	
	Amount carried forward, - -	\$219,000	\$18,989,97

	Amount brought forward, - -	\$219,000	\$13,939 97
	<i>Block bounded by Broadway, Pacific, Sansome, and Battery streets.</i>		
Lot 32	Mr. Wheeler, (not taken,) - - -	1,300	
	<i>Block bounded by Broadway, Pacific, Front, and Battery streets.</i>		
25	Palmer, Cook, & Co., - - - -	6,500	
26	Do. - - - -	3,700	
27	Do. - - - -	3,800	
	<i>Southeast corner Battery street and Broadway.</i>		
80	Hall McAllister, - - - -	1,000	
	Sum total, - - - -	<u>\$235,300</u>	<u>\$13,939 97</u>

Mr. Musser introduced a bill for an Act to alter the time of electing County officers of Trinity county.

Read first and second time and referred to select committee composed of one from Placer, Nevada, Klamath and Trinity counties, with instructions to report on tomorrow.

Messrs. Whipple, Musser, Fairfield and Burton were appointed said committee.

The hour of 11 o'clock. There being two special orders for that hour,

Mr. Ashley moved to go into the consideration of Assembly bill No. 53, which was the Fee bill.

Mr. O'Neil moved to consider Assembly bill No. 272, in reference to the Water Front of San Francisco.

Mr. Bostwick moved to make the bill No. 272, the special order for Wednesday next at 11 o'clock.

Mr. French moved to amend the motion of Mr. Bostwick by inserting Tuesday instead of Wednesday.

Mr. Conness moved the previous question.

The previous question was sustained.

The motion of Mr. French to amend the motion of Mr. Bostwick,

Was not agreed to.

The question was then put upon the motion made by Mr. Bostwick to make the special order,

And adopted.

The House then proceeded to consider Assembly bill No. 53, in Committee of the Whole, Mr. Van Cleft in the chair.

After spending some time in its consideration and amending the same,

On motion, the committee rose and were discharged.

Mr. Ashley moved a call of the House, and

Messrs. Conness, Carr and Stowe demanded the yeas and nays.

YEAS.

Messrs. Ashley, Ballou, Bennett, Bowie, Carr, Conness, Godard, Gordon, Griffith, Hagans, Hastings, Hubert, Hunt, Hunter, Jones, Letcher, Musser, McDonald, McDuffie, McGee, Noel, Spencer, Springer, Stowe, Tallmadge, Warmcastle and Watkins—28.

NAYS.

Messrs. Anderson, Briggs, Burton, Clingan, Cornwall, Ewer, Fairfield, French, Gilbert, Herbert, Korr, Hubbard, Irwin, James, Kellogg, Mandeville, Myres, McDaniel, McKinney, Nichols, O'Neil, J. W. Park, Pratt, Purdy, Ring, Stevenson, Sweetland, Tivy, Van Cleft, Whitman and Mr. Speaker—31.

So the House refused to sustain the call.

Mr. Hubbard moved to strike out the enacting clause, and demanded the previous question.

Mr. Conness moved to lay the bill on the table, and

Messrs. Conness, Stowe and Carr demanded the yeas and nays.

YEAS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bowie, Carr, Clingan, Conness, Cornwall, Ewer, Gilbert, Gordon, Griffith, Hagans, Hastings, Henry, Hubert, Hunt,

Hunter, Letcher, Lindsey, Musser, McDonald, McDaniel, McGee, Nichols, Noel, Spencer, Springer, Stowe, Tallmadge, Tivy, Warmcastle, Watkins and Whitman—35.

NAYS.

Messrs. Bagley, Briggs, Burton, Dannels, Fairfield, French, Godard, Herbert, Hoff, Hollister, Horr, Hubbard, Irwin, James, Jones, Kellogg, Mandeville, Myres, McDuffie, McKinney, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Stevenson, Sweetland, Van Cleft and Mr. Speaker.—31.

So the bill was laid on the table

Mr. Nichols moved to reconsider the vote just taken to lay the bill on the table.

Mr. Van Cleft moved to indefinitely postpone the motion to reconsider, and Messrs. Conness, Warmcastle and Nichols demanded the yeas and nays.

YEAS.

Messrs. Anderson, Bagley, Briggs, Clingan, Fairfield, French, Gilbert, Godard, Herbert, Hoff, Hollister, Horr, Hubbard, Irwin, James, Kellogg, Koll, Mandeville, Myres, McKinney, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Stevenson, Sweetland, Van Cleft and Mr. Speaker—32.

NAYS.

Messrs. Ashley, Ballou, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Conness, Cornwall, Dannels, Ewer, Gordon, Griffith, Hagans, Henry, Hubert, Hunt, Hunter, Jones, Letcher, Lindsey, Musser, McDonald, McDuffie, McDaniel, McGee, Noel, Spencer, Springer, Stowe, Sweasey, Tallmadge, Tivy, Warmcastle, Watkins and Whitman—37.

So the House refused to indefinitely postpone the motion to reconsider.

Mr. Mandeville moved to lay the motion to reconsider on the table,

And Messrs. Conness, Bagley and Ballou, demanded the yeas and nays.

Mr. Nichols moved to indefinitely postpone the motion to lay on the table.

Mr. Godard moved to adjourn,

And Messrs. Conness, Ballou and Letcher, demanded the yeas and nays.

YEAS.

Messrs. Anderson, Bagley, Briggs, French, Gilbert, Godard, Hoff, Hubbard, Irwin, James, Koll, Mandeville, Myres, McKinney, Nichols, O'Neil, J. W. Park, Whitman and Mr. Speaker—19.

NAYS.

Messrs. Ashley, Ballou, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Clingan, Conness, Cornwall, Dannels, Ewer, Fairfield, Gordon, Griffith, Hagans, Henry, Herbert, Hollister, Horr, Hubert, Hunt, Hunter, Jones, Kellogg, Letcher, Lindsey, Musser, McDonald, McDuffie, McDaniel, McGee, Noel, F. A. Park, Pratt, Purdy, Rowan, Spencer, Springer, Stevenson, Stow, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, Watkins and Whipple—49.

So the House refused to adjourn

Mr. Conness raised a question of order, contending that the motion to indefinitely

postpone made by Mr. Nichols was not in order, inasmuch as it was a privileged question which was proposed to be indefinitely postponed.

The Speaker decided the question in order, as a question of a similar character had just been taken by the House.

From which decision Mr. Conness appealed, and on the appeal Messrs. Conness, Nichols and J. W. Park demanded the yeas and nays.

YEAS.

Messrs. Anderson, Bagley, Briggs, Burton, Dannels, Fairfield, French, Gilbert, Godard, Henry, Herbert, Hoff, Hollister, Horr, Hubbard, Irwin, James, Kellogg, Koll, Lindsey, Mandeville, Myres, McDuffie, McDaniel, McKinney, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Stevenson, Van Cleft and Whitman—36.

NAYS.

Messrs. Ashley, Ballou, Bennett, Bostwick, Bowie, Bradford, Carr, Clingan, Conness, Cornwall, Ewer, Gordon, Griffith, Hagans, Hoyt, Hubert, Hunt, Hunter, Jones, Letcher, McDonald, Noel, Spencer, Springer, Stowe, Sweasey, Sweetland, Tallmadge, Tivy, Warmcastle and Watkins—31.

So the decision of the Chair was sustained.

Mr. Hubbard moved the previous question.

The previous question was sustained.

Upon the motion to indefinitely postpone the motion to lay the motion to reconsider on the table, Messrs. Conness, Carr and Hunter demanded the yeas and nays:

YEAS.

Messrs. Anderson, Bagley, Briggs, Clingan, Dannels, Fairfield, French, Gilbert, Godard, Herbert, Hoff, Hollister, Horr, Hubbard, Irwin, James, Kellogg, Koll, Lindsey, Mandeville, Myres, McKinney, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Stevenson, Sweetland, Van Cleft and Mr. Speaker—34.

NAYS.

Messrs. Ashley, Ballou, Bennett, Bostwick, Bradford, Burton, Carr, Conness, Cornwall, Ewer, Gordon, Griffith, Hagans, Hastings, Henry, Hoyt, Hubert, Hunt, Hunter, Jones, Letcher, McDonald, McDuffie, McDaniel, McGee, Noel, Spencer, Springer, Stowe, Sweasey, Tallmadge, Tivy, Warmcastle, Watkins and Whitman—35.

So the motion to indefinitely postpone was lost.

The question then recurred upon the motion to lay the motion to reconsider on the table, and Messrs. Conness, Tallmadge and Carr demanded the yeas and nays.

YEAS.

Messrs. Anderson, Bowie Bradford, Briggs, Fairfield, French, Gilbert, Herbert, Hoff, Hollister, Horr, Hubbard, Irwin, James, Kellogg, Koll, Mandeville, Myres, McDaniel, McKinney, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Stevenson, Sweetland, Van Cleft and Mr. Speaker—32.

NAYS.

Messrs. Ashley, Bagley, Ballou, Bennett, Bostwick, Burton, Carr, Conness, Cornwall, Dannels, Ewer, Godard, Gordon, Griffith, Hagans, Henry, Hoyt, Hubert, Hunt, Hunter, Jones, Letcher, Lindsey, McDonald, McDuffie, McGee, Noel, Spencer, Springer, Stowe, Sweasey, Tallmadge, Tivy, Warmcastle, Watkins and Whitman—36.

So the motion to lay on the table was lost.

The question then recurred upon the motion to reconsider the vote which laid the bill on the table, which was agreed to by the following vote, Messrs. Conness, Springer and McDonald demanding the yeas and nays :

YEAS.

Messrs. Ashley, Ballou, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Conness, Cornwall, Dannels, Ewer, Godard, Gordon, Griffith, Hagans, Hastings, Hoyt, Hubert, Hunt, Hunter, Jones, Letcher, Lindsey, Musser, McDonald, McDuffie, McGee, Noel, F. A. Park, Spencer, Springer, Stowe, Sweasey, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, Watkins and Whitman—41.

NAYS.

Messrs. Anderson, Bagley, Briggs, Fairfield, French, Gilbert, Henry, Herbert, Hoff, Hollister, Horr, Hubbard, Irwin, James, Kellogg, Koll, Mandeville, Myres, McDaniel, McKinney, Nichols, O'Neil, J. W. Park, Pratt, Purdy, Ring, Rowan, Stevenson and Mr. Speaker—29.

Mr. Conness then withdrew his motion to lay the bill upon the table.

The vote was then taken upon striking out the enacting clause, and was lost, (Messrs. Conness, Ewer and Bradford demanding the yeas and nays,) by the following vote :

YEAS.

Messrs. Anderson, Briggs, Dannels, Fairfield, Gilbert, Godard, Herbert, Hoff, Hollister, Horr, Hubbard, Irwin, James, Kellogg, Koll, Mandeville, Myres, McKinney, Nichols, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Springer, Stevenson, Sweetland, Van Cleft, Whipple and Mr. Speaker—31.

NAYS.

Messrs. Ashley, Bagley, Ballou, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Clingan, Conness, Cornwall, Ewer, Gordon, Griffith, Hagans, Hastings, Henry, Hoyt, Hubert, Hunt, Hunter, Jones, Letcher, Lindsey, McDonald, McDuffie,

fe, McDaniel, McGee, Noel, J. W. Park, Spencer, Stowe, Sweasey, Tallmadge, Tivy, Warmcastle, Watkins and Whitman—39.

Mr. Jones moved to concur generally in the amendments made in Committee of the Whole.

Agreed to.

On ordering the bill to be read a third time, Messrs. Mandeville, Conness and Van Cleft demanded the yeas and nays :

YEAS.

Messrs. Ashley, Ballou, Bennett, Bostwick, Bowie, Carr, Conness, Cornwall, Dannels, Gilbert, Godard, Gordon, Griffith, Hagans, Hoyt, Hubert, Hunt, Hunter, Jones, Kellogg, Letcher, McDonald, McDuffie, McGee, Noel, F. A. Park, Springer, Stowe, Sweasey, Tallmadge, Tivy, Warmcastle, Watkins and Whitman—34.

NAYS.

Messrs. Anderson, Bagley, Bradford, Briggs, Burton, Clingan, Ewer, Fairfield, Hastings, Henry, Herbert, Hoff, Hollister, Horr, Hubbard, Irwin, James, Koll, Lindsey, Mandeville, Myres, McDaniel, McKinney, Nichols, O'Neil, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Stevenson, Sweetland, Van Cleft, Whipple and Mr. Speaker—36.

So the House refused to have the bill read a third time.

Mr. Herbert moved to print 240 copies of Senate bill No. 180, in reference to the Judiciary of the State.

Agreed to.

Mr. Bradford gave notice that he would move on to-morrow to reconsider the vote which refused to read the bill a third time.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills have examined, and find correctly enrolled, the following Acts, viz :

An Act relative to transferring actions and proceedings from one court to another court.

An Act to give jurisdiction to the District Court, County Courts and Justices Courts in Plumas county in certain cases.

An Act for a special term of the District Court in the county of Placer.

An Act to provide for the erection of a Jail in the county of Monterey.

An Act supplementary to an Act to exempt Firemen from Militia Service and Jury Duty, passed March 25, 1853.

An Act to change the name of George Davenport Parmalee to that of George Curtis Currie.

On motion of Mr. O'Neil, the House adjourned until 10 o'clock to-morrow.

HOUSE OF ASSEMBLY.

SATURDAY, May 6, 1854.

House met pursuant to adjournment.

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

Messrs. Bagley, Clingan, Cornwall, Davidson, Gilbert, Godard, Green, Hubeat, Irwin, Musser, Myres, McBrayer, McDuffie, Nichols, F. A. Park, Rowan, and Mr Speaker.

The Journal of Friday was read and approved.

On motion, leave of absence was granted to Mr. Davidson for two days.

The following message was received from the Governor :

I have this day approved an Act which originated in the Assembly, entitled
An Act amendatory to the Act incorporating the city of Marysville, and to all Acts supplementary and amendatory to the same.

JOHN BIGLER.

Mr. Fairfax introduced a bill for an Act to compensate H. Gomez Mauriz, for translating into Spanish and engrossing certain Legislative documents.

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

Mr. Whipple introduced a bill for an Act to fund the Debt of the County of Klamath, and provide for the payment thereof.

Read first and second time, and referred to Klamath delegation.

Mr. Ashley introduced a bill for an Act to abolish the Board of Supervisors in the county of Monterey, and to confer the jurisdiction over county business upon the Court of Sessions.

Read first and second time, and referred to delegation from Monterey.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed yesterday, Assembly Concurrent Resolution "Relative to the reception and distribution of certain State Maps."

Assembly bill for "An Act to prevent the destruction of fish in the waters of Stockton slough and Mormon slough, in San Joaquin county." And,

Assembly bill for "An Act to provide offices for certain county officers in the county of Sacramento."

Senate bill for "An Act to incorporate the town of Placerville."

And a bill for "An Act to authorize the Comptroller of State to issue duplicate warrants to Smith, Brothers, & Co."

All of which is respectfully submitted

JOHN Y. LIND,

Secretary

Senate bill No. 184, an Act to incorporate the town of Placerville.

Read first, second and third time, and passed.

Senate bill No. 181, an Act to authorize the Comptroller of State to issue duplicate warrants to Smith, Brothers & Co.

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

The following message was also received from the Senate.

I am instructed to inform the Assembly, that on yesterday, the Senate concurred in Assembly's resolution of instruction to the Attorney General in relation to the books, papers, &c., belonging to the office of the Surveyor General, with an amendment as therein shown.

And, also, adopted resolutions of instruction to Representatives in Congress relative to refunding of duties on goods destroyed by fires,

Which are herewith respectfully reported.

JOHN Y. LIND, Secretary.

Senate amendment to Assembly Concurrent Resolution, in relation to the Surveyor General.

Concurred in.

Senate Concurrent Resolution in relation to goods destroyed by fire,

Adopted by the Assembly.

The following message was also received from the Senate.

I am instructed to inform the Assembly that the Senate passed yesterday the following Assembly Bill, for "An Act to appropriate money to enable the Trustees of the Insane Asylum to erect an additional building, and to enclose the grounds belonging to the Asylum," and Senate Bill for "An Act to amend an Act entitled an Act to provide for the formation of Corporations for certain purposes," passed April 14, 1853, so as to make the same applicable to the incorporation of Transportation Companies.

Which are herewith respectfully submitted.

JOHN Y. LIND,
Secretary.

Senate Bill No. 170, an Act to provide for Corporations.

Read first and second time and referred to a select committee, of which Mr. Hoff is chairman.

Assembly Joint Resolution No. 325, in relation to the emigration of Coolies and others.

Read second time and referred to Committee on Federal Relations.

Assembly bill No. 323, an Act to amend an Act concerning fees in office, passed May 1, 1854.

Read second time and referred to delegation from Humboldt County.

Assembly bill No. 323, an Act to authorize the Comptroller of State to issue a Duplicate Warrant to S. N. Langton.

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

Assembly bill No. 326, an Act to change the name of Mary Elizabeth McGrecco to Mary Elizabeth Hastings.

Read second time and referred to San Francisco delegation.

Mr. Gordon moved to reconsider the vote which referred the bill to San Francisco delegation.

Vote reconsidered.

Mr. Sweasey moved to refer the bill to the Judiciary Committee.

Not agreed to.

Mr. Ashley moved to refer the bill to the delegation from Solano.

Agreed to.

Assembly bill No. 318, an Act to protect mining interests and to prevent excessive emigration from Asia to the State of California.

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

Assembly bill No. 314, an Act to provide for the measurement of merchandise arriving in the port of San Francisco.

Read second time and referred to Committee on Commerce.

Assembly bill No. 322, an Act for the relief of John F. Hays.

Read first and second time and referred to Committee of the Whole, and made the special order for Tuesday next.

Assembly bill No. 319, an Act to authorize the construction of a Wharf into the Bay of San Leandro, at the mouth of San Leandro creek, in the county of Alameda.

Amended, considered as engrossed, read a third time and passed.

Senate bill, No. 147, an Act to regulate the payment by the State Treasurer of the warrants of the Comptroller of this State.

Read a second time and referred to Committee on accounts and Expenditures.

The following message was received from the Senate :

I am directed to inform the Assembly that the Senate passed yesterday a concurrent resolution in reference to cheap ocean postage, which is respectfully presented.

JOHN Y. LIND,

Secretary of Senate.

Concurrent Resolution above reported concurred in by the House.

The Speaker laid before the House a communication from the Managers of the Orphan Asylum at San Francisco.

The communication was read.

Mr. McKinney introduced a bill for an Act appropriating money for the use and relief of the Ladies' Asylum in the city of San Francisco.

Read first and second time and referred to Committee of Public Expenditures and Accounts

Assembly bill No. 88, an Act concerning legal proceedings in favor of, and against counties, on its third reading;

Mr. Dannels moved to strike out the enacting clause of the bill.

Agreed to.

Amendments heretofore offered to the first standing rule of the House by Mr. Bostwick, under consideration.

Mr. O'Neil moved to lay the motion on the table.

Not agreed to.

Mr. Bradford moved to amend by striking out half past nine and insert ten o'clock.

Mr. Gordon moved the previous question.

The previous question was sustained.

The motion made by Mr. Bradford, was then put and lost.

The vote was then taken upon the original motion of Mr. Bostwick by yeas and nays

Mcassrs. Ashley, Stemmons and Whitman demanding the same.

YEAS.

Messrs. Ashley, Ballou, Bennett, Bostwick, Bradford, Briggs, Burton, Conness, Dannels, Ewer, Fairfield, Gordon, Hagans, Hastings, Heury, Hoff, Hollister, Hoyt, Hunt, Hunter, Jones, Kellogg, Koll, Letcher, Mandeville, Musser, McDonald, McDaniel, McGee, Noel, Pratt, Spencer, Springer, Stemmons, Stevenson, Stowe, Sweasey, Tivy, Van Cleft, Warmcastle and Watkins—41.

NAYS.

Messrs. Anderson, Bagley, Bowie, Carr, Clingan, Cornwall, Gilbert, Godard, Green, Griffith, Herbert, Horr, Hubbard, Hubert, Irwin, Lindsey, Myres, McBrayer, McDuffie, McKinney, Nichols, O'Neil, J. W. Park, Purdy, Rowan, Sweetland and Whitman—27.

It requiring a two-third vote to change a standing rule of the House,

The motion was lost.

Mr. Ashley moved to reconsider the vote just taken.

Not agreed to.

Proposed amendments to the Constitution taken up, and

On motion of Mr. Bradford, they were made the special order of the day for Thursday next at 12 o'clock.

The following report heretofore made by the Committee on Railroads, was taken up for consideration.

MR. SPEAKER :

The Joint Select Committee of the Senate and Assembly, to whom was referred Assembly bill No. 187, for an Act to amend an Act entitled an Act to provide for the incorporation of Railroad Companies, passed April 22, 1853, with instructions to incorporate the same in Assembly bill No. 188, for an Act amendatory of an Act to provide for the incorporation of Railroad Companies, passed April 22, 1853, have had both of these bills under consideration, and beg leave to make the following report :

Notwithstanding we on a former occasion recommended the passage of the first one of these bills, we now, after having given it further consideration, recommend that it do not pass for the following reasons: First, The fifteenth section, of which this was amendatory, is amended by Assembly bill No. 188, which last named bill, with certain amendments as herein shown, we recommend the passage of.

We therefore recommend the passage of Assembly bill No. 188, for an Act amendatory of an Act entitled an Act to provide for the incorporation of Railroad Companies, passed April 22, 1853, with an additional section—add after the fifth section the following: "Section 6. Section twenty of said Act shall be so amended as to read as follows: The stock of such company shall be deemed personal estate, and when certificates of ownership of shares are issued, the same may be transferred by endorsement and delivery of the certificates thereof, such endorsement being by the signature of the proprietor or his attorney or legal representative; but such transfer shall not be valid except as between the parties thereto, until the same shall have been entered in the 'Book of Stockholders,' as provided in the 19th section. The entry of transfer to be made in said book by written order either of the stockholder himself or of his legal representative or of a probate or civil court. Prior to the issuing of certificates of stock, the shares may be transferred by a delivery of the receipt of instalments paid, and by an entry as aforesaid in the 'Book of Stockholders.' Certificates of stock may at any time be issued by the company, on not

exceeding three-fourths of the amount actually paid into the treasury on the capital stock of said company.

JOHN T. CRENSHAW,
Chairman of Senate Committee.

J. C. JONES,
Chairman of Assembly Committee.

On motion of Mr. Jones, the House resolved itself into Committee of the whole Mr. Dannels in the Chair, to consider Assembly bill No. 188, in reference to Rail Roads,

After spending some time in its consideration, and amending the same, on motion, the committee rose, reported the bill back as amended, and asked to be discharged from its farther consideration ;

The committee was discharged.

Mr. Van Cleft moved to concur generally in the amendments made in committee of the whole ;

Agreed to.

Mr. Jones moved the Previous Question ;

The previous question was sustained.

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

Mr. Bradford moved to defer action upon the business under consideration ;

Agreed to.

Mr. Bradford gave notice that on Monday next he would introduce a bill for an Act to protect persons engaged in the manufacture of Soda Water.

Mr. O'Neil gave notice that on Monday next he would introduce a bill for an Act amendatory of the Fourth Article of an Act entitled, an Act to provide Revenue for the support of this State, passed May 18th, 1853.

Mr. Hoff gave notice that on Monday next he would introduce a bill for an Act to provide for the construction of a Telegraph Line from Stockton to the Southern mines.

An Act in relation to the office of Coroner.

Also, an Act for the relief of Henry Wahlgamath.

Mr. J. W. Park gave notice that on some future day he would introduce a bill for the relief of Gen. A. M. Winn.

Mr. James gave notice that on Monday next he would introduce a bill for an Act to increase the per diem of the Porters in both Houses of the Legislature.

Mr. Nichols gave notice that on Monday next he would introduce a bill in relation to State Prison Inspectors.

Mr. Bagley gave notice that on Monday next he would introduce the following bills :

An Act to amend the law in relation to the Harbor Masters' Office, in the city of San Francisco.

An Act in relation to the Charter of the city of San Francisco ;

Also, an Act relative to State Prison labor.

Mr. McKinney gave notice that on Monday next he would introduce a bill for the relief of the city of San Jose.

Mr. Watkins gave notice that on Monday next he would introduce a bill for an Act to improve the Navigation of Alameda River.

Mr. Bagley made the following report :

The Delegation from San Francisco, to whom was referred Assembly bill, No. 317, an Act to create the office of Fire Coroner for the city of San Francisco, beg leave to report the bill back and recommend its passage.

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

Mr. Warmcastle gave notice that on Monday next he will introduce a bill to regulate fees in office in certain Counties of this State.

Mr. Van Cleft moved to adjourn, and

Messrs. Stow, Bradford, and Bostwick, demanded the yeas and nays :

YEAS.

Messrs. Anderson, Briggs, Fairfield, Green, Houghtaling, Hubbard, James, Kellogg, Mandeville, Myres, McDonald, O'Neil, Purdy and Van Cleft—14.

NAYS.

Messrs. Ashley, Bagley, Ballou, Bennett, Bostwick, Bowie, Bradford, Burton, Conness, Cornwall, Dannels, Ewer, Gilbert, Griffith, Hastings, Hoff, Hollister, Horr, Hoyt, Hubert, Hunt, Hunter, Irwin, Jones, Koll, Letcher, McBrayer, McDaniel, McGee, McKinney, Nichols, Noel, F. A. Park, J. W. Park, Pratt, Springer, Stemmons, Stevenson, Stowe, Sweasey, Sweetland, Tivy, Warmcastle, Watkins and Whipple—48.

So the House refused to adjourn.

Mr. Nichols gave notice that he would on Monday introduce a bill to provide for the creation of a beef and pork inspector.

Mr. Bradford, pursuant to notice given on yesterday, moved to reconsider the vote by which the House refused to read Assembly bill, No. 53, "an Act to regulate fees in office," a third time.

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

Mr. Conness moved the previous question, which was sustained.

The motion of Mr. Myres to indefinitely postpone the motion to reconsider then came up, and Messrs. Myres, Griffith and O'Neil demanded the yeas and nays.

YEAS.

Messrs. Anderson, Briggs, Dannels, Fairfield, Gilbert, Green, Hoff, Hollister, Horr, Houghtaling, Hubbard, Irwin, Kellogg, Koll, Mandeville, Musser, Myres, McBrayer, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Stevenson, Sweetland, Van Cleft and Whipple—28.

NAYS.

Messrs. Ashley, Bagley, Ballou, Bennett, Bostwick, Bowie, Bradford, Burton, Conness, Cornwall, Ewer, Griffith, Hastings, Hoyt, Hubert, Hunt, Hunter, Jones, Letcher, McDonald, McDaniel, McGee, Noel, Springer, Stemmons, Sweasey, Warmcastle and Watkins—28.

There being an equal number of votes the motion was lost.

The question then recurred upon the motion to reconsider, which was lost by the following vote, Messrs. Sweetland, Van Cleft and Fairfield demanding the yeas and nays.

YEAS.

Messrs. Ashley, Ballou, Bennett, Bostwick, Bowie, Bradford, Burton, Conness,

Cornwall, Ewer, Gordon, Griffith, Hastings, Hoyt, Hubert, Hunt, Hunter, Jones, Letcher, McDonald, McDaniel, McGee, Noel, Springer, Stemmons, Sweasey, Warmcastle and Watkins—28.

NAYS.

Messrs. Anderson, Bagley, Briggs, Dannels, Fairfield, Gilbert, Hoff, Hollister, Horr, Houghtaling, Hubbard, Irwin, James, Kellogg, Koll, Mandeville, Musser, Myres, McBrayer, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Stevenson, Sweetland and Van Cleft—29.

Mr. Bradford, chairman, made a report in reference to Swamp and Overflowed Lands, and without any action on the subject, on motion of Mr. Griffith, the bill and report was made the special order for Tuesday next at 12 o'clock.

Mr. Bradford gave notice that on Monday next he would move to reconsider the vote which made the amendments to the constitution the special order for Thursday next.

On motion of Mr. Irwin, the House adjourned until 10 o'clock on Monday next.

 HOUSE OF ASSEMBLY.

MONDAY, May 8, 1854.

House met pursuant to adjournment.

The roll was called and the following members were absent :

Messrs. Carr, Carrillo, Clingan, French, Gilbert, Green, Griffith, Herbert Hoff, Hollister, Horr, Hubert, Irwin, James, McDuffie, McKinney, Nichols, O'Neil and Mr. Speaker.

The Journal of Saturday was read, amended and approved.

On motion, leave of absence was granted to Mr. Hollister for four days.

Mr. Hunter introduced a bill for an Act giving a lien to Farmers and Rancheros upon stock ranched or pastured by them for hire.

Read first and second time and referred to Committee on Agriculture.

Mr. Bagley introduced a bill for an Act regulating the duties of Harbor Master, at the port of San Francisco.

Read first and second time and referred to Committee on Commerce.

Mr. Stevenson introduced a bill for an Act for the protection of securities.

Read first and second time and referred to Judiciary Committee.

Mr. J. W. Park introduced a bill for an Act for the relief a A. M. Winn.

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

Mr. Bagley introduced a bill for an Act to re-incorporate the city of San Francisco.

Read a first and second time, and

Mr. Van Cleft moved to refer to Committee on Corporations.

Not agreed to.

Mr. Hubbard moved to refer the bill to the delegation from San Francisco.

Agreed to.

Mr. Ballou introduced a bill for an Act concerning Crimes and Punishments, passed April 22, 1850.

Read first and second time and referred to Judiciary Committee.

Mr. Ballou also introduced a bill for an Act entitled an Act to prohibit Lotteries, passed March 11, 1851.

Read first and second time and referred to Judiciary Committee.

Mr. Bradford introduced a bill for an Act for the relief of G. I. Slocum and others.

Read first and second time, and referred to delegation from San Joaquin, Santa Clara and Contra Costa counties.

On motion of Mr. Letcher, petition from the Citizens of Monterey, taken from the table, and

Referred to delegation from Monterey.

Mr. Myres made the following report :

The Judiciary Committee have had under consideration Senate bill No. 180, for "An Act amendatory of and supplementary to an Act entitled An Act concerning the courts of justice of this State, and Judicial Officers," passed May 19, 1853, and some of them recommend its passage with the accompanying amendments, and some of them don't.

On motion of Mr. Myres, the amendments made in Committee were concurred in by the House.

Mr. O'Neil moved to strike out the enacting clause of the bill, and

Messrs. Stow, Ashley, and O'Neil, demanded the yeas and nays.

YEAS.

Messrs. Anderson, Ashley, Bennett, Bowie, Burton, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Houghtaling, Hunt, Hunter, Letcher, Lindsey, Mandeville, McDaniel, Noel, O'Neil, J. W. Park, Stemmons, Stowe, Watkins, Whipple, and Whitman—26.

NAYS.

Messrs. Bagley, Ballou, Bostwick, Bradford, Conness, Dannels, Fairfield, Griffith, Hoff, Horr, Hubbard, Hubert, James, Jones, Kellogg, Koll, Musser, Myres, McDonald, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Sweetland, Tallmadge, and Warmcastle—30.

So the House refused to strike out the enacting clause of the bill.

Mr. Stowe moved to recommit the bill to the Judiciary Committee, with instructions to incorporate with it a bill relative to Tenth Judicial District.

Mr. Whitman moved the previous question.

The previous question was sustained.

On the motion of Mr. Stowe, Messrs. Ring, Sweasey, and Purdy, demanded the yeas and nays.

YEAS.

Messrs. Ashley, Bennett, Bowie, Bradford, Burton, Dannels, Ewer, Gordon, Hagans, Henry, Herbert, Houghtaling, Hunter, Jones, Kellogg, Letcher, Lindsey, Mandeville, McDaniel, Noel, O'Neil, J. W. Park, Stemmons, Stowe, Watkins, Whipple, and Whitman—27.

NAYS.

Messrs. Anderson, Ballou, Bostwick, Briggs, Conness, Fairfield, Hastings, Hoff, Horr, Hoyt, Hubbard, Hubert, Hunt, James, Koll, Musser, Myres, McBrayer, McDonald, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Sweetland, and Warmcastle—29.

So the House refused to recommit the bill with instructions.

The bill was then read a third time, and upon its passage, Messrs. Ashley, Lindsey, and Stowe, demanded the yeas and nays:

YEAS.

Messrs. Ballou, Bostwick, Briggs, Dannels, Fairfield, Hoff, Horr, Hoyt, Hubbard, Hubert, Koll, Musser, Myres, McDonald, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweetland, Warmcastle and Whipple—24.

NAYS.

Messrs. Anderson, Ashley, Bennett, Bowie, Bradford, Burton, Conness, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Hubert, Houghtaling, Hunter, James, Jones, Kellogg, Letcher, Lindsey, Mandeville, McBrayer, McDaniel, McGee, McKinney, Noel, O'Neil, J. W. Park, Stemmons, Stevenson, Stow, Sweasey, Watkins and Whitman—35.

So the House refused to pass the bill.

Mr. Herbert moved to reconsider the vote just taken.

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

Mr. Conness moved a call of the House.

The call was not sustained.

Mr. Conness moved to adjourn.

Not agreed to.

Mr. Whitman demanded the previous question.

Mr. Conness moved a call of the House, and

Messrs. Hubbard, Conness and Pratt, demanded the yeas and nays.

YEAS.

Messrs. Bagley, Ballou, Bostwick, Conness, Dannels, Gilbert, Hoff, Horr, Hoyt, Hubbard, Hubert, Hunt, Irwin, James, Jones, Koll, Mandeville, Musser, Myres, McBrayer, McDonald, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Sweetland, Tallmadge, Warmcastle and Whipple—33.

NAYS

Messrs. Ashley, Bowie, Bradford, Briggs, Burton, Cornwall, Ewer, Gordon, Griffith, Hagans, Hastings, Henry, Herbert, Houghtaling, Hunter, Kellogg, Letcher, Lindsey, McDaniel, McGee, Noel, O'Neil, J. W. Park, Stemmons, Stevenson, Stowe, Watkins and Whitman—28.

So the call was sustained.

The roll was called and the following members were absent.

Messrs. Carr, Carrillo, Clingan, Fairfield, French, Green, Hollister, McBrayer, McDuffie, Nichols, Tivey and Van Cleft.

The Sergeant-at-Arms was dispatched after absent members.

Mr. Hubert moved to dispense with farther proceedings under the call.

Agreed to.

On the motion of Mr. Whitman for the previous question, Messrs. Stowe, Conness and Bradford demanded the yeas and nays.

YEAS.

Messrs. Bagley, Ballou, Bostwick, Conness, Dannels, Gilbert, Godard, Hoff, Horr, Hoyt, Hubbard, Hubert, Hunt, Irwin, Koll, Musser, Myers, McBryer, McDonald, Noel, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Sweetland, Tallmadge, and Whipple—32.

NAYS.

Messrs. Anderson, Ashley, Bowie, Bradford, Briggs, Burton, Cornwall, Ewer, Gordon, Griffith, Hagans, Hastings, Henry, Herbert, Houghtaling, Hunter, James, Jones, Kellogg, Letcher, Lindsey, Mandeville, McDaniel, McGee, McKinney, J. W. Park, Stemmons, Stevenson, Stowe, Tivy, Warmcastle, Watkins, and Whitman—35.

So the previous question was not sustained.

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

Not agreed to.

The motion to indefinitely postpone the motion to reconsider was then lost, (Messrs. Sweasey, Conness and Springer, demanding the yeas and nays,) by the following vote :

YEAS

Messrs. Anderson, Ashley, Bowie, Bradford, Burton, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Houghtaling, James, Jones, Kellogg, Letcher, Lindsey, Mandeville, McDaniel, McGee, Noel, O'Neil, J. W. Park, Stemmons, Stevenson, Stowe, Tivy, Watkins, and Whitman—30.

NAYS.

Messrs. Bagley, Ballou, Briggs, Conness, Dannels, Gilbert, Godard, Griffith, Hoff, Horr, Hoyt, Hubbard, Hubert, Irwin, Koll, Musser, Myres, McBrayer, McDonald, McKinney, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Sweetland, Tallmadge, and Van Cleft—31.

Mr. Herbert withdrew his motion to reconsider,

And Mr. Conness renewed it.

Mr. Myres moved the previous question, which was sustained.

On the motion of Mr. Conness to reconsider the vote by which the bill was lost, Messrs. Conness, Springer and McDonald demanded the yeas and nays.

YEAS.

Messrs. Bagley, Ballou, Briggs, Conness, Dannels, Fairfield, Gilbert, Godard, Griffith, Hoff, Horr, Hoyt, Hubbard, Hubert, Irwin, Koll, Musser, Myres, McBrayer, McDonald, McKinney, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Sweetland, Tallmadge, and Warmcastle—32.

NAYS.

Messrs. Anderson, Ashley, Bennett, Bowie, Bradford, Burton, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Houghtaling, James, Jones, Kellogg, Letcher, Lindsey, Mandeville, McDaniel, McGee, Noel, O Neil, J. W. Park, Stemmons, Stevenson, Stowe, Tivey Watkins, and Whitman—31.

So the vote was reconsidered.

Mr. Herbert moved a call of the House.

The call was not sustained

Mr. Herbert moved to adjourn, and Messrs. Lindsey, Herbert and Watkins demanded the yeas and nays.

Mr. Myres raised a question of order, contending that the previous question being sustained it referred to the passage of the bill, and that the motion to adjourn was not in order.

The Speaker, Mr. Mandeville, in the chair, decided the question to be in order, stating that the previous question was sustained and the main question was the reconsideration of the vote which refused to pass the bill, stating that the bill was not before the House, until the vote should be reconsidered.

From which decision Mr. Myres appealed; and upon the appeal Messrs. Lindsey, Herbert and Myres demanded the yeas and nays.

YEAS.

Messrs. Anderson, Ashley, Bennett, Bowie, Bradford, Burton, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Houghtaling, James, Jones, Kellogg, Letcher, Lindsey, McDaniel, McGee, McKinney, Noel, J. W. Park, Stemmons, Stevenson, Stowe, Tivey, Warmcastle, Watkins and Whitman—31.

NAYS.

Messrs. Bagley, Ballou, Briggs, Conness, Dannels, Fairfield, Gilbert, Godard, Griffith, Hoff, Horr, Hoyt, Hubbard, Hubert, Irwin, Koll, Musser, Myres, McBrayer, McDonald, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Sweetland, Tallmadge and Van Cleft—32.

The decision of the Chair was overruled.

The vote recurring on the passage of the bill,

Messrs. Hubbard, Stemmons and Lindsey demanded the yeas and nays.

YEAS.

Messrs. Bagley, Ballou, Briggs, Conness, Dannels, Fairfield, Gilbert, Godard, Griffith, Herbert, Hoff, Horr, Hoyt, Hubbard, Hubert, Irwin, Koll, Musser, Myres, McBrayer, McDonald, McKinney, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Sweetland, Tallmadge, Van Cleft and Warmcastle—34.

NAYS.

Messrs. Anderson, Ashley, Bennett, Bowie, Bradford, Burton, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Houghtaling, James, Jones, Kellogg, Letcher, Lindsey, Mandeville, McDaniel, McGee, Noel, J. W. Park, Stemmons, Stevenson, Stowe, Tivy, Watkins and Whitman—29.

So the bill passed.

On motion of Mr. Conness the House took a recess until 3 o'clock, P. M.

THREE O'CLOCK, P. M

House met pursuant to adjournment.

There being no quorum, Mr. Purdy moved to adjourn

Not agreed to.

Mr. Whitman moved a call of the House.

Not agreed to.

Mr. Whipple moved to adjourn.

Not agreed to.

Mr. Conness moved a call of the House.

The call was sustained.

The roll was called and the following members were absent :

Messrs. Bagley, Briggs, Carr, Carrillo, Clingan, Cornwall, Dannels, Davidson, Dawley, French, Gilbert, Godard, Green, Griffith, Hagans, Hastings, Henry, Herbert, Hoff, Hollister, Horr, Hoyt, Hubert, Irwin, James, Lindsey, Musser, Myres, McBrayer, McDonald, McDuffie, McDaniel, McGee, McKinney, Nichols, F. A. Park, J. W. Park, Pratt, Ring, Springer, Stemmons, Tallmadge, Tivy and Van Cleft.

Messrs. Pratt, Hastings, Lindsey, Ring and Hoff appeared at the bar.

They were admitted and none of the members were excused.

Mr. Ewer moved to dispense with farther proceedings under the call.

Agreed to.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined and find correctly engrossed,
An Act to authorize the construction of a Wharf into the Bay of San Leandro,
at the mouth of San Leandro Creek, in the County of Alameda
An Act to create the office of Fire Coroner for the city of San Francisco

Mr. Ashley from the Judiciary Committee made the following report :

The Judiciary Committee have had under consideration Senate bill No. 77, entitled an Act in respect to Insurance for Lives for the benefit of married women ; also Senate bill No. 178, entitled an Act fixing the age of majority of males and females in this State ; also Senate bill No. 180, entitled an Act pre-

scribing the manner of commencing and maintaining suits by or against counties, the passage of which, severally, the committee recommend.

Assembly bill No. 48, entitled an Act in relation to an Act defining the time of commencing civil actions in certain cases, approved May 4, 1852; also Senate bill No. 120, entitled an Act declaring the consent of the State of California to the purchase by the United States of Signor or Mare Island, to relinquish the title and interest of the State in overflowed portions of said Island, and to vest the jurisdiction over the same in the United States, for the purposes therein specified, having been severally amended, the passage of the same is recommended as amended.

The Committee have also considered Assembly bill No. 280, entitled an Act creating Auctioneers and defining their duties; also Assembly bill No. 242, entitled an Act declaring the office of the District Judge of the Fourth Judicial District vacant, and recommend that said bills be severally rejected.

Senate bill No. 118, entitled an Act to authorize the Treasurer to issue duplicate Land Warrants to John D. Brower, is herewith reported back to the House without recommendation.

Senate bill No. 77, above reported, Mr. Myres moved to indefinitely postpone the bill.

Not agreed to.

Bill was then read a third time and passed.

Senate bill No. 178, An Act fixing the age of majority of males and females in this State.

Read a third time and passed.

Senate bill No. 130, An Act entitled an Act prescribing the manner of commencing and maintaining suits by or against counties

The bill amended, read a third time and passed.

Mr. Whitman moved to adjourn.

Not agreed to.

On motion of Mr. Myres, the title to Senate bill 130 was amended.

Assembly bill No. 48, An Act explanatory to an Act defining the time of commencing civil actions in certain cases, approved May 4, 1852.

Amendments offered by the Committee concurred in by the House.

The bill read a third time and passed.

On motion of Mr. Ashley, the title of the bill was amended.

Senate bill No. 120, An Act in reference to Mare Island, amended according to recommendation of the committee.

The bill read a third time and passed.

Assembly bill No. 280, An Act creating Auctioneers, and defining their duties.

Mr. Pratt moved to strike out all after the enacting clause, and insert—

Mr. Letcher moved a division of the question.

The vote was then taken, and all after the enacting clause stricken from the bill.

Mr. Pratt offered a substitute for that portion which was stricken out of the bill, and

Messrs. Whitman, Bennett, and Pratt, demanded the yeas and nays.

Mr. Stowe moved to strike out the enacting clause,

Mr. Conness raised a question of order, contending that as all after the enacting clause had been stricken out, there was nothing remaining for action.

Mr. Mandeville in the chair decided the motion in order.

From which decision Mr. Conness appealed.

The vote taken, and the Chair was sustained.

On the motion to strike out the enacting clause, Messrs. Stowe, Pratt, and Kellogg, demanded the yeas and nays.

Mr. Pratt withdrew his substitute.

Mr. Myres moved to lay the motion made by Mr. Stowe on the table.

Not agreed to.

Mr. Myres moved to postpone the motion to strike out the enacting clause until to-morrow at 12 o'clock.

Not agreed to.

Mr. Ewer moved to adjourn.

Not agreed to.

Mr. Conness moved to refer the subject to the Judiciary Committee.

Not agreed to.

Mr. Whitman moved the previous question.

The previous question was sustained.

The vote was then taken on striking out the enacting clause of the bill, Messrs. Stowe, Pratt and Kellogg having previously demanded the yeas and nays.

YEAS.

Messrs Anderson, Ashley, Bennett, Bradford, Burton, Cornwall, Ewer, Gordon, Griffith, Hagans, Hastings, Henry, Herbert, Hoff, Houghtaling, Hoyt, Hubbard, Hubert, Hunter, James, Letcher, Lindsey, Mandeville, McDaniel, McGee, McKinney, Noel, Rowan, Spencer, Stemmons, Stevenson, Stowe, Sweasey, Sweetland, Warmcastle, Watkins, Whipple and Whitman—38.

NAYS.

Messrs. Bagley, Ballou, Bostwick, Conness, Dannels, Fairfield, Godard, Jones, Kellogg, Koll, Myres, McDonald, O'Neil, F. A. Park, Pratt, Purdy, Ring, Springer and Tallmadge—18.

So the enacting clause was stricken out.

Mr. Hubbard gave notice to move a reconsideration of the vote just taken on to-morrow.

Assembly bill No 242, in reference to the Fourth Judicial District, reported back by the Judiciary Committee, on motion, was indefinitely postponed.

Senate bill No. 118, an Act to authorize the Treasurer to issue Duplicate Land Warrants to John D. Brower.

Read a third time and passed.

On motion of Mr. Hubbard, the following message from the Governor was read and 960 copies ordered to be printed :

EXECUTIVE DEPARTMENT,
Sacramento City, May 8, 1854. }

To the Senate and Assembly of California ;

In my Annual Message to the Legislature, presented at the commencement of the present session, as required by the constitution, I recommended measures deemed essential to the general prosperity of the State—the preservation of her faith and credit, and the diminution of the onerous taxation which now weighs so heavily upon the energies and industry of the people.

The means then pointed out for the accomplishment of these highly important

and desirable objects were deemed ample and sufficient, and the hope indulged that ere this the several measures proposed would have been fully consummated.

The various measures commended to your early and favorable consideration at that time are still approved, and deemed necessary to meet the wants and liquidate the debt of the State; and I, therefore, feel called upon again to urge upon you the great importance of favorable action, and to implore you, in the name of our common constituents, not to adjourn until necessary measures for their relief shall have been matured and adopted.

The time appointed by the two houses for final adjournment is rapidly approaching, and unless some efficient plan to meet the wants of the State be adopted our existing debt must remain another year, without provision being made for its liquidation, rendering necessary a continuance of the present exorbitant rates of taxation.

The most important of the measures there recommended, is the extension of the Water Front, of the city of San Francisco, and the sale, at public auction, of the lots within the same. It is believed that such an extension, while it would in no manner interfere with the rights or interests of the city of San Francisco, or be the least impediment to commerce, is demanded no less by the almost united voice of the people of California, than by the wants and necessities of the State.

That the title to this property is vested *alone* in the State, is no longer matter of doubt; and that it should be immediately placed at the disposal of her agents, and the *entire proceeds* of all sales made, applied to the payment of the State debt, is sufficiently demonstrated by the amount of that indebtedness, and the excessive taxation which is thereby rendered necessary to meet accruing demands upon the Treasury, and the interest falling due, semi-annually, upon our State Bonds.

A well matured plan for the extension of the Water Front, is, therefore, eminently demanded by the necessities of the State, and, it is believed, would be hailed by the people as a great and lasting benefit. During the late canvass there was no one subject more freely discussed before, and among the people, throughout the various counties of the State, than that of extension, and none received from them a more cordial and unmistakeable endorsement.

I would, therefore, again commend to your immediate and favorable consideration this highly important measure, as one absolutely necessary to the present wants and future prosperity of the people and State of California.

Another subject which should command your immediate attention, is the selection of the balance of the five hundred thousand acres of land donated to the State by act of Congress, for school purposes, and also the lands granted for a seminary of learning and public buildings.

In order to secure the lands so donated, agents of the State should be authorized to make selections at the earliest practicable period; otherwise the State may lose, if not entirely, at least to some extent, the benefits to be derived from their sales, and our system of Common Schools, now dependent solely upon the interest accruing upon the proceeds of the sales of these lands, be left unprovided for, at a time, too, when it much needs aid and encouragement.

This exceedingly important subject should certainly receive favorable consideration at the present session. The amount of land donated for School purposes greatly exceeds the estimate presented in my annual message. The Secretary of the Interior, in a report made to the House of Representatives of the United States, on the 13th of February last, affirms that California, under an Act of March 3, 1853, which donates to the State the *sixteenth* and *thirty-sixth* sections for School purposes, is entitled to six millions seven hundred and nineteen thousand, three hundred and twenty-four acres. Add to this the five hundred thousand acres donated by the Act of 1841, for the same important object, and we have a total of seven million two hundred and nineteen thousand three hundred and twenty-four acres, which if disposed of at the rate of two dollars per acre, will yield the sum of fourteen millions four hundred and thirty-eight thousand six hundred and forty-eight dollars.

In addition to the above, the Act of 1853 donates forty-six thousand and eighty acres for a Seminary of learning, and six thousand four hundred acres for Public Buildings. Of the five hundred thousand acres, two hundred and sixty thousand remain to be selected. In all cases where the *sixteenth* and *thirty-sixth* sections were located before survey was made, and where there is no unoccupied domain in a township, the State is authorized to locate an equal amount in some other part of the State; so that by timely and vigorous exertions the whole amount of land donated by the several Acts of Congress can be secured to the State.

Judicious legislation for the protection of actual settlers on the public domain, is also a subject of deep interest to a large and enterprising portion of our fellow citizens, and, I trust, will receive favorable consideration before your adjournment. It is demanded by the wants of the people, and is rendered, by the present unsettled condition of land titles, necessary for the permanent welfare of the State.

As a necessary and practical measure of reform, I renew the recommendation to so amend the Constitution of the State, as to provide for biennial sessions of the Legislature, and the abolishment of certain Constitutional offices, which would diminish State expenditures, annually, in the aggregate, at least, three hundred thousand dollars.

Your attention is again particularly invited to this subject, with the hope that the judicious and necessary changes proposed may be approved by you before adjournment, and referred to the next Legislature, as required by the Constitution.

The existing Hospital system has been a source of heavy expenditure to the State, and a more economical plan, it is hoped and believed, can be adopted, without materially curtailing the benefits of these institutions.

Proper and immediate legislation is also demanded in order to secure the interest of the State in all escheated estates. The laws existing in relation thereto are vague and meagre in their provisions, and require amendment and revision to enable the agents of the State to institute proper proceedings for the recovery of all such estates. Three estates of this character have been brought to the notice of the Executive, the value of which, in the aggregate, amounts at least to two millions of dollars. The importance of this subject will of course commend itself to your early and favorable attention. In this connection I would also refer to the suggestions contained in the communication of the Attorney General, transmitted to the Legislature a few weeks since.

I would also again call your attention to the importance of immediately adopting measures to secure the presentation to Congress of all the information necessary to correct and favorable action on the part of the General Government in relation to the Civil Fund and War Debt. In regard to the latter, it is proper to state that the Board of Examiners appointed to settle war claims on the State some time since applied for an appropriation sufficient to enable them to have the vouchers and accounts arranged in proper form for transmission to our delegation in Congress, but up to this date no action has been taken in the premises. It is highly important that these papers should, without delay, be forwarded to Washington. The appropriation asked for, it is believed, will enable the Board of Examiners, to place the necessary accounts and vouchers at the disposal of our Congressional delegation, and in all probability secure the restoration, in full, of the Civil Fund and the assumption of the entire War Debt, at the present session of Congress.

Additional legislation is believed necessary to compel payment into the State Treasury of the per centage now authorized to be collected on all sales made at public auction. It is understood that the existing law is uniformly enforced, so far as the collection of the per centage is concerned, but, judging from the small amount of revenue derived from this source, it is inoperative as to its payment into the State Treasury. This per centage, it is proper to state, is in addition to the charges authorized to be made on such sales by Auctioneers, and if its payment into the Treasury cannot be enforced, the provision in the Revenue Act authorizing its col-

lection, in justice to the people, should at once be repealed. In this connection your attention is respectfully invited to the letter of the late Attorney General and Theo. Payne & Co., herewith transmitted.

More recently your attention has been called to the importance of modifying the several Acts on the Statute Book, "concerning corporations," so as to prevent the organization and existence of monopolies, to the restriction of trade, and the detriment of the whole people. These several laws require revision and amendment, and should receive careful and immediate consideration, while yet the evils complained of, are in their incipency, and within the proper and legitimate control of legislation.

These various measures, it is believed, have all been, more or less, subjects of examination and discussion on your part, and it is presumed, that their merits are now so fully understood, that it will require but little additional time to mature and pass upon them, and that it is not yet too late to mature those wholesome and statutory measures so imperiously demanded by the pressing wants and interests of the State of California.

Should you adjourn, however, without providing the means required to liquidate the debt of the State, as herein suggested, or by some other equally effective plan, the finances of the State will be left in the same critical condition as at your assembling, and the people, whom you represent, disappointed in their confident expectations, will justly regard the present Legislature, and the agents of the State, as having failed to accomplish the objects most desired by them.

It is, therefore, hoped that these considerations will induce united and prompt action for the relief of the State, ere a final adjournment shall leave us with a depleted Treasury and onerous taxation to struggle through another year of embarrassment. All these evils can be averted, and the credit of the State placed on a firm basis by the timely appropriation of those ample means at present within our reach, and to which your attention has heretofore, as now, been respectfully invited.

In connection with the foregoing suggestions, as well as those made in my Annual Message in relation to economy and reform, and providing the necessary means to liquidate the indebtedness of the State, it is deemed proper again to remind you that the constitution restricts the action of the Executive in these matters to a simple recommendation. Having once performed all that is required by the constitution, it was, perhaps, unnecessary for me again to refer to these several subjects, but impressed with the great importance of judicious legislation on all of them, before adjournment, I deem it my duty again respectfully to renew the recommendations then made, and to express the opinion that our common constituents, the people of California, at the date of your assembling, confidently anticipated that ample provision would be made during the present session for the payment of the existing State debt, that the expenditures of Government would be so far lessened as not to exceed the receipts into the Treasury, and that hereafter it would not be necessary to seek a market for the sale of depreciated evidences of State indebtedness.

All the measures above commended to your immediate and favorable consideration are regarded by me as eminently proper, and highly important to the whole people of the State, and, I trust, will each receive proper examination and meet with your approval before the present session shall have been brought to a termination.

In conclusion, permit me to express the hope that if my recommendations cannot be approved you will, before adjourning, devise and adopt other measures to protect the rights and interests of the people of California—secure the speedy payment of existing State indebtedness and justify a reduction of taxation.

JOHN BIGLER.

On motion of Mr. Bradford, the House dispensed with further reports from Committees, to allow the introduction of bills.

Mr. Hoff introduced the following bills:

An Act concerning the office of Coroner.

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

An Act to appropriate the moneys collected under the provisions of an Act to authorize the Court of Sessions of Tuolumne county to levy a tax for the support of the indigent sick.

Read first and second time, and referred to the Tuolumne delegation.

Also, an Act to provide for the construction of a telegraph line from Stockton to the southern mines.

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

Mr. McKinney introduced a bill for the relief of the city of San Jose.

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

Mr. O'Neil introduced a bill for an Act in reference to the Journals of the Senate and Assembly.

Read first and second time, and referred to the Committee on Accounts.

A communication from the Clerk was read in connection with the above bill.

Mr. Watkins introduced "A bill to authorize the construction of a lock on the Alameda river."

Read first and second times, and referred to a select committee of three.

Messrs. Watkins, Letcher, and Noel, were appointed said committee.

Mr. Rowan introduced a bill requiring notice to be given of applications to the Legislature.

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

Mr. Koll introduced a bill for the relief of Henry Wohlgamuth.

Read first and second times, and referred to Committee on Claims

Mr. James introduced a bill to amend an Act concerning the *per diem* of officers of the Senate and Assembly, passed January 21, 1854.

Read first and second times, and on motion of Mr. Conness, referred to Committee on Expenditures and Accounts.

Mr. Whitman moved to adjourn.

Not agreed to.

Mr. Hubert moved to suspend the 21st Rule of the House, which requires at least one day's notice, or leave of two-thirds of the House, to introduce a bill.

Not agreed to.

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

HOUSE OF ASSEMBLY.

TUESDAY, May 9, 1854.

House met pursuant to adjournment.

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

Messrs. Ashley, Bagley, Briggs, Carrillo, Clingan, French, Gilbert, Godard, Herbert, Hoff, Horr, Hubert, Irwin, Musser, McDuffie, McKinney, Nichols, Purdy, Rowan, Sweasey, Tivy, and Van Cleft.

The Journal of Monday was read, amended, and approved.

Mr. Bostwick made the following report :

The Committee on Corporations, to whom was referred Senate bill No. 177, an Act amendatory of an Act to amend an Act relating to Corporations, report the same back without amendment, and recommend its passage.

The bill was read a third time and passed.

Mr. McBrayer made the following report :

The Committee on Commerce and Navigation, to whom was referred Assembly bill No. 299, for an Act to authorize Frederick Kohler and Thomas H. Dowling to hold and occupy certain lands in the bay of San Francisco, beg leave to report the bill back, and recommend its passage.

They have also had under consideration Assembly bill No. 314, to provide an Act for the Measurement of Merchandise arriving at the port of San Francisco, and recommend its passage.

Assembly bill No. 299, above reported, on motion of Mr. Ashley, was amended.

Mr. J. W. Park moved to strike out six months' notice, and insert one month.

Not agreed to.

Mr. Hubert presented a remonstrance from citizens claiming to be the owners of the island, against the passage of the above bill.

Mr. J. W. Park offered an amendment in reference to the title of the property.

Not agreed to.

The bill was read a third time, and upon its passage,

Messrs. Mandeville, Letcher and Green, demanded the yeas and nays .

YEAS.

Messrs Ballou, French, Gilbert, Godard, Green, Hoff, Horr, Hoyt, Hubbard, Irwin, Kellogg, Koll, McDonald, Nichols, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Tallmadge, Whitman, and Mr. Speaker—23.

NAYS

Messrs. Anderson, Ashley, Bostwick, Bradford, Burton, Carr, Carrillo, Conness, Cornwall, Dannels, Davidson, Ewer, Fairfield, Gordon, Hagans, Hastings, Houghaling, Hubert, Hunt, Hunter, James, Letcher, Lindsey, Mandeville, McBrayer, McDaniel, McGee, Noel, J. W. Park, Stemmons, Sweasey, Sweetland, Warmcastle, and Watkins—34.

So the bill did not pass.

Mr. McBrayer gave notice that on to-morrow he would move to reconsider the vote just taken.

Assembly bill No. 314, an Act to provide for the measurement of merchandise arriving in the port of San Francisco, on its third reading,

On motion of Mr. Conness, the House resolved itself into Committee of the Whole, Mr. O'Neil in the Chair, to consider the bill.

After spending some time in its consideration, and amending the same,

On motion of Mr. Hoyt, the committee rose, reported the bill back as amended, and the committee discharged.

Amendment made in Committee of the Whole concurred in by the House.

Mr. Noel moved to amend the bill by striking out from the word "upon" in the third line, to "measurement" in third line inclusive.

Adopted.

Mr. Conness moved to recommit the bill to the Committee on Commerce and Navigation, with instructions to report to-morrow

Agreed to.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined and find correctly engrossed :

An Act amendatory of an Act entitled an Act to provide for the incorporation of Railroad Companies, approved April 22, 1853.

And also an Act explanatory to an Act defining the time of commencing Civil Actions in certain cases, approved May 4, 1852.

Mr. Hunt, chairman, made the following report :

The Committee on Military Affairs, to whom was referred Assembly bill No. 310, entitled an Act for the relief of Captain Harry Love, have had the same under consideration, and beg leave to submit the following report :

Your committee, after taking considerable testimony from Messrs. Harvy, Sergeant-at-Arms of the Senate, McKinney and Herbert, of the Assembly, and McFarland, of the Senate, believes that the bill demands a due consideration by your body, and that it would be but an act of justice to refund to Captain Love a portion of the money expended by him for the benefit of the citizens of the State. Although there is no law to authorize the payment of this sum, your committee are confident that it will exert a beneficial influence upon, and tend to keep in check, other hands which may be formed in the State for similar purposes to that of Joaquin. That it is very expensive traveling in the mountains of this State no one at all acquainted with the country will deny, and that the small pittance of one hundred and fifty dollars per month would cover the necessary expenses of the commander of a company like that formed by Captain Love, cannot for the moment be expected. When it is known, that aside from the animals necessary for their own

use, they must have extra animals to carry their provisions and camp equipage, and believing, as your committee do, that it is but an act of generosity on the part of the people of this State to one of its noble citizens, would recommend that the bill do pass.

J. HUNT, Chairman Committee,
H. B. KELLOGG,
GEO. McDONALD,
J. M. McBRAYER,
JOHN W. PARK.

On motion of Mr. Mandeville, the House resolved itself into Committee of the Whole, Mr. Ashley in the chair, to consider the bill above reported.

After spending some time in its consideration,

On motion of Mr. Mandeville, the committee rose, reported the bill back without amendment ;

And the committee was discharged.

The bill was then read a third time, and on its passage Messrs. Conness, Hoyt, and Bostwick, demanded the yeas and nays.

Mr. Stowe demanded the previous question.

The previous question was sustained.

The vote was then taken by yeas and nays, having been previously called.

YEAS.

Messrs. Anderson, Bagley, Ballou, Bowie, Bradford, Briggs, Carr, Dannels, Davidson, Fairfield, French, Gordon, Green, Griffith, Henry, Herbert, Hoff, Horr, Houghtaling, Hubbard, Hubert, Hunt, Hunter, Kellogg, Koll, Myres, McBrayer, McDonald, McDaniel, McKinney, Nichols, Noel, O'Neil, J. W. Park, Purdy, Rowan, Spencer, Springer, Stemmons, Stowe, Sweetland, and Mr. Speaker—43.

NAYS.

Messrs. Bennett, Bostwick, Carrillo, Conness, Cornwall, Ewer, Gilbert, Godard, Hagans, Hoyt, Irwin, Letcher, Mandeville, McGee, Pratt, Tallmadge, Van Cleft, Warmcastle, Watkins, Whipple, and Whitman—22.

So the bill passed.

Mr. Herbert, on motion, had leave to change his vote given on yesterday upon the bill establishing an additional Judicial District in San Francisco.

The hour of 12 o'clock. The Speaker, Mr. Dannels, in the Chair, stated that the special order would be now taken up for action.

• Mr. Mandeville moved to pass over the special order for the present.

Agreed to.

Mr. Stemmons, chairman, made the following report.

The Committee on Agriculture, to whom was referred a bill entitled an Act giving a lien to farmers and rancheros on stock ranches by them for hire, beg leave to report the same back, and unanimously recommend its passage.

Bill on its third reading.

Mr. Bradford moved to strike out the words "in writing," first section.

Not agreed to.

Messrs. Conness and Stowe offered amendments to the bill, and without action,
On motion of Mr. Mandeville the bill was recommitted to the Committee on Agriculture.

Mr. Griffith made the following report :

The Committee on Roads and Highways to whom was referred "Assembly bill to authorize Abraham Barnes and Felix Coones to build and construct a road and keep a ferry in the county of Yolo," propose amendments to the same and recommend its passage as amended.

Also, Assembly bill, No. 255, to authorize the construction of a wagon road from Shasta City to Weaverville, in Trinity county, and having amended the same report the bill back and recommend its passage as amended.

Also, a petition from citizens of El Dorado county, praying that Wm. Bartlett may have the right to collect toll upon a bridge in said county, and a petition remonstrating against the granting of the said right, and having considered the same recommend that the right to collect tolls upon said bridge do not be granted.

H. GRIFFITH,
Chairman.

Also, Assembly bill. No. 327, for the protection of toll and other bridges in this State, without amendment, and recommend its passage.

Assembly bill to authorize Abraham Barnes and Felix Coones, and their associates to build a road.

The amendments offered by the Committee, concurred in by the House.

Bill read a third time and passed.

On motion of Mr. Griffith, the title of the bill was amended.

Assembly bill No. 255, an Act to authorize the construction of a wagon road from Shasta City to Weaverville, in Trinity county,

On motion of Mr. Conness the bill was amended.

The bill was read a third time and passed.

The report of the committee in reference to the petitions concurred in by the House.

Assembly bill No. 327, an Act for the protection of Toll and other Briges in this State,

On its third reading.

Mr. Burton moved a call of the House.

The call was not sustained.

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

Not agreed to.

Mr. McBrayer moved to indefinitely postpone the bill.

Not agreed to.

The bill was then read a third a time and passed.

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

Not agreed to.

Mr. Hubbard made the following report :

The Committee on Public Buildings and Grounds, to whom was referred Assembly bill No. 276, have added a further proviso to section 12, and recommend that the bill, as amended, do pass.

Assembly bill No. 276, above reported,

On its third reading.

The amendment offered by the committee concurred in by the House.

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

Mr. Green, chairman, reported back Assembly bill No. 210, an Act to secure the most suitable edifices for Public Buildings in this State, and recommended the indefinite postponement of the bill.

On motion of Mr. Whitman, the further reading of the bill was dispensed with.

Mr. Griffith moved to recommit the bill to a special committee of three.

Mr. Conness moved to lay the bill on the table.

Agreed to.

Mr. Stevenson, from the Committee on Public Buildings and Grounds, made the following report :

The Committee on Public Buildings and Grounds, to whom was referred certain communications from the Governor, and a deed of the Public Square, have sent copies to the Attorney General, requesting his opinion as to the validity of the title of said Square, and up to this time have been unable to get his answer, therefore we report the said documents back, without recommendation, for the consideration of the House.

A. A. GREEN,
E. A. STEVENSON,
J. C. HUBBARD.

On motion of Mr. Conness, the documents reported back were laid upon the table.

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

Not agreed to.

Mr. Mandeville made the following report :

The Committee on Mines and Mining Interests, to whom was referred Senate bill No. 123, for an Act to amend an Act entitled an Act to provide for the protection of Foreigners, and to define their liabilities and privileges, having had the same under consideration, have directed me to report the bill back without amendment, and recommend its passage.

DANNELS,
Chairman, *pro. tem.*

Senate bill No. 123, above reported, on its third reading.

Mr. Sweetland moved to indefinitely postpone the bill.

Mr. Lindsey demanded the previous question.

The previous question was sustained.

On the motion to indefinitely postpone,

Messrs. Mandeville, Sweetland and Watkins demanded the yeas and nays.

YEAS.

Messrs. Ballou, Bradford, Carrillo, Conness, Fairfield, French, Gilbert, Hoff, Hubbard, Hubert, Lindsey, Myers, McBrayer, McDonald, F. A. Park, J. W. Park, Pratt, Purdy, Springer, Stevenson, Sweetland and Mr. Speaker—22.

NAYS.

Messrs. Anderson, Bennett, Bostwick, Bowie, Burton, Carr, Cornwall, Dannels,

Davidson, Ewer, Gordon, Griffith, Hagans, Hastings, Herbert, Houghtaling, Hunt, Kellogg, Koll, Letcher, Mandeville, Musser, McDuffie, McDaniel, Ring, Spencer, Stemmons, Stowe, Sweasey, Tivy, Watkins and Whitman—32.

So the House refused to indefinitely postpone.

The bill was read a third time :

Mr. Fairfax moved to lay the bill on the table, and

Messrs. Hubbard, Fairfield and Springer demanded the yeas and nays.

YEAS.

Messrs. Ballou, Bradford, Carrillo, Conness, Fairfield, French, Gilbert, Green, Herbert, Hoff, Hollister, Hubbard, Lindsey, Myres, McBrayer, McDonald, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Springer, Stevenson, Sweetland, Whitman and Mr. Speaker—27.

NAYS.

Messrs. Anderson, Ashley, Bennett, Bostwick, Bowie, Briggs, Burton, Carr, Clingan, Cornwall, Dannels, Davidson, Ewer, Gordon, Griffith, Hagans, Hastings, Henry, Houghtaling, Hubert, Hunt, Kellogg, Koll, Letcher, Mandeville, McDuffie, McDaniel, Ring, Stemmons, Stowe, Sweasey, Tivy, Watkins and Whipple—34.

So the bill was not laid on the table.

Mr. McDuffie moved the previous question.

The previous question was sustained.

On the passage of the bill,

Messrs. Mandeville, Sweetland and McDonald demanded the yeas and nays.

YEAS.

Messrs. Anderson, Bostwick, Bowie, Briggs, Burton, Cornwall, Davidson, Ewer, Gordon, Hagans, Hastings, Houghtaling, Hubert, James, Kellogg, Koll, Letcher, Mandeville, McDuffie, Ring, Stemmons, Stowe, Tivy, Warmcastle, Watkins, Whipple and Whitman—27.

NAYS.

Messrs. Ashley, Bagley, Ballou, Bennett, Bradford, Carr, Carrillo, Clingan, Conness, Dannels, Fairfield, French, Gilbert, Green, Herbert, Hoff, Hollister, Hubbard, Hunt, Irwin, Lindsey, Myres, McBrayer, McDonald, McKinney, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Rowan, Spencer, Springer, Sweetland, Tallmadge and Mr. Speaker—37.

So the bill did not pass.

Mr. Sweetland moved to reconsider the vote just taken.

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

Agreed to.

Mr. Mandeville from the Committee on Mining reported Assembly bill, No. 137, back to the House, and recommended that it do not pass.

Mr. Hoff moved to strike out the enacting clause.

Agreed to.

Mr. Tivy, chairman, made the following report.

The Joint Committee on Enrollment, on Saturday the 6th instant, presented to his Excellency the Governor for his approval, the following Acts, viz :

An Act supplementary to an Act to exempt Firemen from militia service and jury duty, passed March 25, 1853.

An Act to change the name of George Davenport Parmalee to that of George Curtis Currie.

An Act relative to transferring actions and proceedings from one court to another court.

An Act to give jurisdiction to the District Court, County Court, and Justices' Courts, in Plumas county, in certain cases.

An Act for a special term of the District Court in the county of Placer.

An Act to provide for the erection of a Jail in the county of Monterey.

And they have examined and find correctly enrolled the following acts, viz :

An Act to provide offices for certain county officers in the county of Sacramento.

An Act to prevent the destruction of fish in the waters of the Stockton Slough and Mormon Slough, in San Joaquin county.

An Act to authorize the Mayor and Common Council of the city of Sacramento to levy and collect a special tax for the redemption of the bonds of said city.

An Act for the relief of Carlos Isarda.

Senate Joint Resolutions in relation to the Nebraska Bill, introduced into the Senate of the United States on 23d January, 1854.

An Act granting to the electors of Calaveras county the privilege to vote for or against a division of said county, and organize the county of Amador.

An Act fixing the age of majority of males and females in this State, and

An Act to appropriate money to enable the Trustees of the Insane Asylum to erect an additional building, and to enclose the ground belonging to the Asylum.

JOSEPH A. TIVY,
Chairman Committee on Enrollment.

Mr. Bradford, chairman of the committee, made a report from the Committee on Public Lands, which

On motion, was laid on the table without action.

Mr. Lindsey moved to suspend the rules, in order to allow Committee on Accounts to report.

Not agreed to.

Mr. Spencer chairman, made the following report

The Committee on State Hospitals, to which was referred Assembly bill No. 266 for an Act to provide for the indigent sick in this State, having considered the same have instructed me to report it back to the House with sundry amendments, of which they recommend the adoption.

The committee have also had under consideration Assembly bill No. 293, for an Act concerning passengers arriving in the State of California, and instructed me to report the same without amendment, and to recommend its passage.

Assembly bill No. 266, above reported, on its third reading.

Mr. Conness moved to make the bill the special order for this evening at 8 o'clock.

Agreed to.

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Assembly bill No. 293, an Act concerning passengers arriving in the State of California, on its third reading.

Mr. Bradford moved to dispense with the reading of the bill.

Agreed to.

Mr. Conness moved to make the bill the special order for 8 o'clock P. M.

Not agreed to.

Mr. Stowe moved to make the bill the special order for Friday next.

Mr. Conness moved to amend by inserting to-morrow at 3 o'clock.

Agreed to.

On motion of Mr. Bradford, the message of the Governor returning two Assembly bills, was referred to the Committee on Enrollment.

Mr. Hoff, chairman, made the following report :

Your Committee on Claims have had under consideration Assembly bill No. 309, an Act for the relief of Luther Wright, and report back the accompanying Joint Resolution as a substitute for the same, and recommend its passage.

The Joint Resolution was adopted as a substitute—

Substitute was read a third time and passed.

Mr. Hoff reported back Assembly bill No. 335, an Act to compensate H. Gomez Maurriz for translating into Spanish and engrossing certain Legislative documents, on its third reading.

On motion of Mr. Herbert, the House resolved itself into Committee of the Whole, Mr. Hoff in the chair, to consider the bill, after spending some time in its consideration, on motion, the committee rose, reported the bill back without recommendation.

Committee discharged.

Mr. Ashley moved to amend by striking out two dollars and insert one dollar where it occurs.

Agreed to.

Mr. Herbert moved to reconsider the vote which adopted the amendment.

Not agreed to.

The bill was read a third time, and on its passage Messrs. Herbert, Hoff and Carrillo demanded the yeas and nays.

YEAS.

Messrs. Anderson, Ashley, Ballou, Bostwick, Clingan, Cornwall, Ewer, Fairfield, Godard, Green, Griffith, Hagans, Hollister, Houghtaling, Hoyt, Hunter, Kellogg, Koll, McBrayer, McDonald, McDuffie, McGee, Pratt, Ring, Spencer, Stemmons, Stevenson, Stowe, Sweasey, Tallmadge, Tivy and Watkins—32.

NAYS.

Messrs. Bennett, Bowic, Bradford, Burton, Carr, Carrillo, Conness, Gilbert, Gordon, Hastings, Herbert, Hoff, Horr, Hubbard, Hunt, James, Letcher, Lindsey, Mandeville, McDaniel, McKinney, Nichols, Noel, O'Neil, J. W. Park, Purdy, Rowan, Warmcastle and Mr. Speaker—29.

So the bill passed.

Mr. Hoff, chairman, made a further report

Your Committee on Claims have had under consideration Senate bills No. 185, an Act to authorize the Comptroller to issue duplicate warrants.

Also an Act No. 117, for the relief of H. S. Jackson and William Buchanan, And No. 181, an Act to authorize the Comptroller of State to issue duplicate warrants to Smith, Brothers & Co.

Also Assembly bill No. 342, an Act for the relief of Henry Wohlgamuth, and do most respectfully recommend their passage.

Senate bill No. 117, an Act for the relief of H. S. Jackson and William Buchanan, above reported,

On motion of Mr. Conness, the House resolved itself into Committee of the Whole, Mr. O'Neil in the chair, to consider the bill. After spending some time in its consideration,

On motion of Mr. Conness, the committee rose, reported the bill back without any recommendation, and the Committee was discharged.

The bill was then read a third time and passed.

Senate bill No. 185, an Act to authorize the Comptroller to issue duplicate warrants.

Read third time and passed.

Assembly bill No. 342, for the relief of Henry Wohlgamuth, on its third reading,

On motion of Mr. Hoff, the House resolved itself into Committee of the Whole, Mr. O'Neil in the chair, to consider the bill.

After spending some time, and reading the same,

On motion, the committee rose, reported the bill back to the House, and were discharged from its further consideration.

The bill was read a third time and passed.

Senate bill No. 181, an Act to authorize the Comptroller of State to issue duplicate warrants to Smith, Brothers, &c., on its third reading,

On motion of Mr. Conness, the bill was laid on the table.

Mr. Bostwick made the following report :

The Committee on Accounts and Expenditures, to whom was referred Senate bill No. 169, an Act to create a contingent fund to pay the postage of members of the Legislature of the year 1854, report the same back with amendments, and recommend its passage.

Senate bill No. 169, above reported, on its third reading.

The bill, on motion of Mr. Mandeville, was amended, and the amendment offered by the committee concurred in, it was read a third time, and passed.

Mr. Conness moved to take from the table Senate bill No. 181.

Agreed to.

On motion of Mr. James, the House adjourned until 8 o'clock, P. M.

EIGHT O'CLOCK, P. M.

House met pursuant to adjournment.

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

And on motion of Mr. Houghtaling, the House adjourned until 10 o'clock tomorrow.

HOUSE OF ASSEMBLY.

WEDNESDAY, May 10, 1854.

House met pursuant to adjournment.

The roll was called and the following members were absent :

Messrs. Anderson, Ballou, Cornwall, Dawley, Gilbert, Green, Griffith, Herbert, Hoff, Hubert, James, Myres, McDuffie, Nichols, J. W. Park, Van Cleft, Watkins and Mr. Speaker.

Mr. O'Neil reported as correctly engrossed the following Acts and Resolution :

Joint Resolution relative to the relief of Luther Wright.

An Act for the relief of Henry Wohlgamuth.

An Act for the relief of Capt. Harry Love.

Also, an Act for the protection of Toll and other Bridges in this State.

Mr. Hunter, Chairman, made the following report :

The Committee on Military Affairs to whom was referred a communication from Ex-Indian Commissioner O. M. Wozencraft, report the same back to the House, and recommend that the Clerk be authorized to write a letter of condolence to the Hon. Ex-Indian Commissioner.

Mr. Warmcastle made the following report :

The Select Committee to which was referred Assembly bill No 311, have had the same under consideration, and report it back with a substitute, and recommend the passage of said substitute.

Assembly bill, No. 311, an Act to ascertain the amount of indebtedness of the county of Alameda to the county of Contra Costa.

Substitute for the above bill adopted by the House.

The substitute, read a third time, and passed.

Mr. Whitman made the following report :

The Special Committee, to whom was referred Assembly bill, No. 326, report the same back and recommend its passage.

Assembly bill, No 326, above reported, an Act to change the name of Mary Elizabeth McGreece to Mary Elizabeth Hastings.

Read a third time and passed.

Mr. Letcher made the following report :

The committee to which was referred a bill for an Act to authorize W. H. Chamberlain and others to construct a lock on Alameda river, in the county of Alameda, beg leave to report that they have considered the same, and having personal knowl-

edge of the importance of the project to the people of that county, recommend the passage of the bill without amendment.

Assembly bill, No. 341, above reported, considered as engrossed, read a third time and passed.

Mr. Spencer, chairman, made the following report :

The Special Committee, to which was referred Assembly bill No. 328, for an Act to amend an Act concerning fees in office, report the same to the House with amendments and recommend its passage.

SPENCER.

Amendment first :

Insert *Trinity* after Humboldt.

Amendment second :

Amend section 73 of same Act so as to read as follows :

Section 73. Nothing contained within this Act shall be construed so as to apply to the counties of Tuolumne, Calaveras, Mariposa and San Joaquin. The fees of the officers of said counties shall remain as fixed in an Act entitled an Act to regulate fees of office, passed April twenty-second, one thousand eight hundred and fifty, except so far as the fees allowed sheriffs for traveling per mile, shall be fixed in this Act.

Assembly bill No. 328, above reported; the amendments proposed by the committee concurred in, the bill considered as engrossed,

Read a third time and passed.

Mr. Gordon made the following report :

The committee to whom was referred the bill for an Act granting to the city of Benicia the water front of said city, have had the same under consideration and return said bill to this House with a substitute for said bill, and recommend the passage of the substitute.

Assembly bill No. 127, granting the city of Benicia the water front of said city While the substitute was under consideration,

The hour of 11 o'clock was announced by the Speaker, and

The special order for that hour was taken up, which was three Assembly bills on the subject of the extension of the water front in the Bay of San Francisco.

On motion of Mr. Conness,

The House resolved itself into Committee of the Whole,

Mr. Bradford in the chair, to consider the bills.

After spending some time in the consideration of the subject, the committee adopted Assembly bill No. 272, as a substitute for the three bills, and amended the same.

The committee was discharged.

Amendments made in Committee of the Whole, concurred in by the House.

Mr. Stowe moved to indefinitely postpone the bill, and

Messrs. Lindsey, Stowe and Houghtaling demanded the yeas and nays.

Mr. McDuffie moved the previous question, and

Messrs. Conness, Gordon and Springer demanded the yeas and nays.

YEAS.

Messrs. Bagley, Bowie, Burton, Carrillo, Clingan, Ewer, Gilbert, Green, Hastings, Henry, Herbert, Horr, Houghtaling, Hubbard, Jones, Koll, Lindsey, McDuffie, Nichols, Noel, J. W. Park, Purdy, Stowe, Sweasey, Sweetland, Whitman and Mr. Speaker—27.

NAYS.

Messrs. Anderson, Ashley, Ballou, Bostwick, Bradford, Briggs, Carr, Conness, Cornwall, Dannels, Davidson, Dawley, Fairfield, French, Godard, Gordon, Griffith, Hagans, Hollister, Hoyt, Hubert, Hunt, Hunter, Jones, Kellogg, Letcher, Mandeville, Musser, Myres, McBrayer, McDonald, McDaniel, O'Neil, F. A. Park, Pratt, Ring, Rowan, Spencer, Springer, Stemmons, Stevenson, Tallmadge, Tivy, Van Cleft, Warmcastle, and Watkins—46.

The previous question was not sustained.

Mr. Myres moved to amend the sixth section,

To which Mr. Letcher offered an amendent.

The amendment of Mr. Letcher not adopted.

The motion of Mr. Myres to amend was adopted.

Mr. Conness moved an amendment to the 7th section.

The amendment was adopted.

Mr. Jones moved to amend the 6th section of the bill.

Agreed to.

Mr. Letcher moved to amend the 6th section.

The amendment was adopted.

Mr. Tivy, chairman, made the following report ·

The Committee on Enrolled Bills, to whom was referred the communication of his Excellency the Governor, with two bills having reference to the Asylum for the Insane of the State of California, have investigated the subject, and beg leave to submit the following report :

The bill to amend an Act to establish an Asylum for the Insane of the State of California, approved May 17, 1853, passed the Assembly on the 13th, and the Senate on the 21st of April, and was enrolled by the Enrolling Clerk, but subsequently, on the 25th April, was reconsidered by the Senate, and was amended and passed with the addition of the "proviso" to the end of section 1st. The House then, on the 27th of April, concurred in the amendment of the Senate, and the bill was then enrolled as amended, and with others on the 29th reported to the Senate and Assembly as correctly enrolled, was signed by the proper officers, and was on the same day presented to his Excellency the Governor for his approval.

Subsequently the chairman of your committee, finding in his desk, with others received from the Enrolling Clerk, the first enrolled copy of the bill referred to, and not having been aware that it had been twice enrolled, believed that he had inadvertently overlooked the bill and had not taken it with the others to his Excellency as reported on the 29th, and then with other enrolled bills presented this second bill to the officers of the House and Senate for signature, and to his Excellency the Governor for approval.

The bill, therefore, which was signed by the officers of the Senate and Assembly on the 6th inst. is incorrect, it being the one that was passed without the proviso; and it was by accidental circumstances that it received the signatures of the officers of the Senate and Assembly. Your committee would, therefore, recommend that the said copy be cancelled or destroyed, and the bill reported on the 29th inst. be

returned to his Excellency the Governor, it being the correct law as passed by both branches of the Legislature as amended, and that the date of its passage as amended be endorsed upon the bill.

Mr. Herbert asked leave to make a report from the Committee of Ways and Means.

Leave granted.

Mr. Stowe moved to lay the report on the table.

Agreed to.

Mr. Myres offered an additional section to the bill 272, Water Front.

Mr. Stowe offered a substitute to the amendment offered by Mr. Myres.

Not agreed to.

Mr. Hubert moved to lay the amendment and bill on the table.

Not agreed to.

Mr. Myres withdrew his amendment.

Mr. Myres moved to strike out the fifth line in the fourth section.

Agreed to.

Mr. Conness moved an additional section to the bill.

Mr. Godard demanded the previous question.

The previous question was sustained.

The motion of Mr. Conness was then put and carried.

On the motion to indefinitely postpone, made by Mr. Stowe, Messrs. McDuffie, Carrillo and Purdy demanded the yeas and nays.

YEAS.

Messrs Bagley, Bowie, Bradford, Burton, Carrillo, Clingan, Cornwall, Ewer, Gilbert, Green, Hastings, Herbert, Houghtaling, Hubbard, Hubert, James, Koll, Letcher, Lindsey, McDuffie, Nichols, Noel, J. W. Park, Purdy, Spencer, Stowe, Sweasey, Sweetland, Watkins, Whipple, Whitman and Mr. Speaker—32.

NAYS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bostwick, Briggs, Carr, Conness, Davidson, Dawley, Fairfield, French, Godard, Gordon, Griffith, Hagans, Hoff, Hollister, Horr, Hunt, Hunter, Jones, Kellogg, Myres, McBrayer, McDonald, F. A. Park, Pratt, Ring, Rowan, Springer, Stemmons, Stevenson, Tallmadge, Van Cleft and Warmcastle—36.

So the House refused to indefinitely postpone.

A motion was made to read the bill a third time, and

Messrs. Houghtaling, Sweetland, and Dawley, demanded the yeas and nays :

YEAS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bostwick, Briggs, Conness, Davidson, Dawley, Fairfield, French, Godard, Gordon, Griffith, Hoff, Hollister, Horr, Hoyt, Hunt, Hunter, Jones, Kellogg, Myres, McBrayer, McDonald, O'Neil, F. A. Park, Pratt, Ring, Rowan, Springer, Stemmons, Stevenson, Tallmadge, Van Cleft, and Warmcastle—36.

NAYS.

Messrs. Bagley, Bowie, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall,

Ewer, Gilbert, Green, Hagans, Hastings, Herbert, Houghtaling, Hubbard, Hubert, James, Koll, Letcher, Lindsey, Mandeville, McDuffie, McDaniel, Nichols, Noel, J. W. Park, Purdy, Spencer, Stowe, Sweasey, Sweetland, Watkins, Whipple, Whitman, and Mr. Speaker—36.

There being an equal number of votes, the motion was lost, and the House refused to read the bill a third time.

Mr. Bagley moved to adjourn, and

Mr. Hunter, and two other gentlemen, (names not recollected,) demanded the yeas and nays.

YEAS.

Messrs. Cornwall, Gilbert, Green, Henry, Mandeville, McDuffie, Noel, Purdy, Stemmons, Sweasey, Watkins, and Whitman—12.

NAYS.

Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Bostwick, Bowie, Bradford, Briggs, Burton, Carr, Carrillo, Clingan, Conness, Davidson, Dawley, Ewer, Fairfield, French, Godard, Gordon, Griffith, Hagans, Hastings, Herbert, Hoff, Hollister, Horr, Houghtaling, Hoyt, Hubbard, Hubert, Hunt, Hunter, Irwin, James, Jones, Kellogg, Koll, Letcher, Lindsey, Musser, Myres, McBrayer, McDonald, McDaniel, Nichols, O'Neil, F. A. Park, J. W. Park, Ring, Rowan, Spencer, Springer, Sweetland, Tallmadge, Tivy, Van Cleft, Warmcastle, Whipple, and Mr. Speaker—61.

So the House refused to adjourn.

Mr. Spencer moved to reconsider the vote, which refused to read Water Front bill a third time, having voted in the negative.

The Speaker decided the motion out of order, as there was an equal number of votes upon the question on which Mr. Spencer voted, and there was no majority vote.

From which decision, Mr. Conness appealed, and

Messrs. Dawley, Conness, and McDonald, demanded the yeas and nays:

YEAS.

Messrs. Bagley, Bowie, Bradford, Carr, Carrillo, Clingan, Cornwall, Gilbert, Green, Henry, Houghtaling, Hubert, James, Koll, Lindsey, McDuffie, Nichols, Noel, J. W. Park, Purdy, Stowe, Sweetland, Watkins, Whipple, and Whitman—25.

NAYS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bostwick, Briggs, Burton, Conness, Dannels, Davidson, Dawley, Ewer, Fairfield, French, Godard, Gordon, Griffith, Hagans, Hastings, Hollister, Horr, Hoyt, Hunt, Hunter, Irwin, Jones, Kellogg, Letcher, Mandeville, Musser, Myres, McBrayer, McDonald, O'Neil, F. A. Park, Pratt, Ring, Rowan, Spencer, Springer, Stemmons, Stevenson, Sweasey, Tallmadge, Tivy, Van Cleft, and Warmcastle—47.

So the decision of the Chair was overruled.

The question then came up upon the motion made by Mr. Spencer to reconsider the vote, and decided in the affirmative.

The bill was then put upon its third reading, and Messrs. Hubbard, Stowe and Hollister demanded the yeas and nays.

YEAS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bostwick, Briggs, Conness, Dannels, Davidson, Dawley, Fairfield, French, Godard, Gordon, Griffith, Hoff, Hollister, Horr, Hoyt, Hunt, Hunter, Irwin, Jones, Kellogg, Musser, Myres, McBrayer, McDonald, O'Neil, F. A. Park, Pratt, Ring, Rowan, Springer, Stemmons, Stevenson, Tallmadge, Tivy, Van Cleft and Warmcastle—40.

NAYS.

Messrs. Bagley, Bowie, Bradford Burton, Carr, Carrillo, Clingan, Cornwall, Ewer, Gilbert, Green, Hagans, Hastings, Henry, Houghtaling, Hubbard, Hubert, James, Koll, Letcher, Lindsey, Mandeville, McDuffie, Nichols, Noel, J. W. Park, Purdy, Spencer, Stowe, Sweasey, Sweetland, Watkins, Whipple, Whitman and Mr. Speaker—35.

So the bill was read a third time.

On motion of Mr. Hoff, the bill was recommitted to the Committee on Commerce, with instructions to strike out the sixth section of the bill, and report immediately.

Mr. O'Neil, chairman of the Committee on Engrossed Bills, reported to the House that an error had occurred in engrossing Assembly bill No. 161, concerning the office of Surveyor General, and

On motion, the Engrossing Committee was authorized to make the necessary correction to the bill.

Mr. Griffith moved to pass over the special order of the day, which was Assembly bill No. 293.

Not agreed to.

Mr. O'Neil moved to go into Committee of the Whole to consider the bill.

Not agreed to.

Mr. Jones moved to lay the special order on the table.

Not agreed to.

Mr. Conness moved to postpone the special order for one half hour.

Agreed to.

Mr. Dawley, chairman of the Committee on Commerce, reported back Assembly bill No. 272, in reference to water lots, amended as directed by the House.

The House concurred in the action of the committee.

The bill was then put upon its passage.

Mr. Gordon, moved the previous question, and

Messrs. Stowe, Carrillo and Sweetland demanded the yeas and nays.

YEAS.

Messrs. Ashley, Ballou, Bennett, Bostwick, Briggs, Conness, Dannels, Davidson, Dawley, Ewer, Fairfield, French, Gordon, Hagans, Hastings, Hollister, Horr, Houghtaling, Hoyt, Hunt, Irwin, Jones, Kellogg, Musser, Myres, McBrayer, McDonald, O'Neil, F. A. Park, Ring, Rowan, Spencer, Springer, Stevenson, Tallmadge, Van Cleft, and Warmcastle—36

NAYS.

Messrs. Anderson, Bagley, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Gilbert, Hagans, Henry, Herbert, Hoff, Hubbard, Hubert, Koll, Letcher, Lindsey, Mandeville, McDuffie, McDaniel, Nichols, Noel, J. W. Park, Purdy, Stemmons, Stowe, Sweasey, Sweetland, Watkins, Whipple, Whitman, and Mr. Speaker—35.

So the previous question was sustained.

Mr. Nichols, for himself and Messrs. Bagley and Park, made the following report :

We, a portion of the Committee on Commerce and Navigation, dissent from the report made by the chairman of the committee upon the water extension in San Francisco.

The bill was then put upon its passage, and Messrs. Stowe, Burton, and Dawley demanded the yeas and nays.

YEAS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bostwick, Briggs, Conness, Dannels, Davidson, Dawley, Fairfield, French, Godard, Gordon, Griffith, Hollister, Horr, Hoyt, Hunt, Irwin, Jones, Kellogg, Musser, Myres, McBrayer, McDonald, O'Neil, F. A. Park, Ring, Rowan, Spencer, Springer, Stemmons, Stevenson, Sweasey, Sweetland, Tallmadge, Van Cleft, and Warmcastle—38.

NAYS.

Messrs. Bagley, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Ewer, Gilbert, Hagans, Hastings, Hoff, Houghtaling, Hubbard, Hubert, James, Koll, Letcher, Lindsey, Mandeville, McDuffie, McDaniel, Nichols, Noel, J. W. Park, Purdy, Stowe, Sweasey, Watkins, Whipple, and Mr. Speaker—31.

So the bill passed.

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

Mr. O'Neil offered the following, which was adopted :

Resolved, That the Governor be, and he is hereby requested to transmit to the Assembly all the information in his possession in relation to the collection and payment into the Treasury of the per centage required to be collected on sales made at public auction, and also in relation to the probable amount collected.

Mr. McBrayer, agreeable to notice, moved to reconsider the vote which refused to pass Assembly bill No. 299, in reference to Messrs. Kohler and Dowling; and Messrs. Mandeville, Hastings and Bradford demanded the yeas and nays.

YEAS.

Messrs. Anderson, Bagley, Ballou, Conness, Cornwall, Dannels, Dawley, Fairfield, French, Gilbert, Godard, Gordon, Griffith, Hoff, Hollister, Horr, Houghtaling, Hoyt, Hubbard, Irwin, Koll, Musser, Myres, McBrayer, McDonald, McDaniel,

Nichols, O'Neil, Pratt, Purdy, Ring, Rowan, Spencer, Sweasey, Tallmadge, Tivy and Van Cleft—37.

NAYS.

Messrs. Ashley, Bennett, Bostwick, Bradford, Briggs, Burton, Carr, Carrillo, Clingan, Ewer, Hagans, Hastings, Henry, Hubert, Hunt, Hunter, James, Letcher, Lindsey, Mandeville, McDuffie, Noel, J. W. Park, Stemmons, Stevenson, Stowe, Sweetland, Warmcastle, Watkins, Whipple and Mr. Speaker—31.

So the vote was reconsidered.

Mr. Griffith moved the previous question.

The previous question sustained.

The bill was read a third time and passed.

The special order of the day, Assembly bill No. 293, an Act concerning passengers arriving in the State of California, was then taken up.

Mr. Herbert moved to postpone the special order till to-morrow at 11 o'clock.

Not agreed to.

Mr. Stevenson moved to adjourn.

Not agreed to.

On motion of Mr. Conness, the House resolved itself into Committee of the Whole, Mr. Bostwick in the chair. After spending some time in its consideration, and adopting a substitute, on motion of Mr. Burton, the committee rose, reported the substitute to the House, and were discharged from the further consideration of the subject.

The substitute reported by the committee was adopted by the House, considered as engrossed, read a third time and passed.

Mr. Hubert, from the San Francisco delegation, made the following report :

The San Francisco delegation, to whom was referred the bill to change the names of Hannah Maria Drew to that of Hannah Maria Wilkes; the name of Laura Wilkes Drew to that of Flora Wilkes; the name of Edwin James Drew to that of Edwin James Wilkes; and the name of Ethelbert John Drew to that of Ethelbert John Wilkes, have had the same under consideration, and report the same back recommending its passage.

N. HUBERT,
A. A. GREEN,
J. C. HUBBARD,
ELIJAH NICHOLS,
JOHN W. BAGLEY,
JAS. A. GILBERT,
W. J. SWEASEY,
EDWIN B. PURDY,
F. W. KOLL.

Assembly bill No. 333, above reported, on motion of Mr. Conness, was laid on the table

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

HOUSE OF ASSEMBLY.

THURSDAY, May 11, 1854.

House met pursuant to adjournment.

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

Messrs. Bagley, Briggs, Cornwall, French, Gilbert, Green, Griffith, Hoff, Hubert, Irwin, James, Myres, McDuffie, McGee, McKinney, Nichols, F. A. Park, J. W. Park, Rowan, Springer, Van Cleft, Whipple and Whitman.

The Journal of Wednesday was read and approved.

On motion, Mr. Green had leave of absence for three days granted.

Mr. O'Neil, chairman, made the following report ;

The Committee on Engrossments have examined and find correctly engrossed

An Act to authorize the construction of a wagon road from Shasta City to Weaverville, in Trinity county.

An Act to authorize Abraham Barnes and Felix Coons, and their associates to build and construct and keep a Ferry in the county of Yolo.

Also, an Act to provide for the lien of contractors, sub-contractors, and laborers.

The following report was taken up for consideration, which by vote on yesterday was laid upon the table.

The Committee of Ways and Means to whom was referred Assembly bill, No. 323, entitled an Act to authorize the Comptroller of State to issue a duplicate warrant to S. W. Langton, have had the same under consideration, and ask leave to report it back, with the following amendment : " *Provided*, S. W. Langton shall file with the Comptroller of State a Bond for double the amount of said duplicate warrant, with good and sufficient security," and recommend the adoption of the amendment and the passage of the bill.

They have also had under consideration Assembly bill, No. 267, entitled an Act to create a Board of Commissioners to investigate and recover the State's right to the Leidesdorff estate, and ask leave to report the same back, with a substitute, and recommend the passage of the substitute.

Also, Senate bill, No. 110 entitled an Act to provide revenue for the support of the Government of this State, and recommend the same to the consideration of the House.

Also, Assembly bill, No. 208, entitled an Act to authorize the Secretary of State to issue Licenses to Hawkers and Pedlars, and recommend that it do not pass.

Also, Assembly bill, No. 212, entitled an Act to amend section one, (1,) and fifteen, (15,) of Article eight, (8,) of the Act to provide revenue for the State, and recommend that it do not pass

Also, Assembly bill, No. 219, entitled an Act to repeal Section 2d, Article 2d, of an Act entitled an Act to provide revenue for the support of the Government of this State, and recommend that it do not pass

Also, Assembly bill, No. 182, entitled an Act to amend the 54th Section of the 10th Article of an Act entitled an Act to provide revenue for the support of the Government of this State, passed May 18, 1853, and recommend that it do not pass.

P. T. HERBERT,
Chairman.

Assembly bill No. 323, an Act to authorize the Comptroller of State to issue a duplicate warrant to S. W. Langton.

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

Assembly bill No. 267, an Act to create a Board of Commissioners to investigate and recover the State's right to the Liedesdorff estate, the substitute was adopted, and

On motion of Mr. McBrayer, the House resolved itself into Committee of the Whole, Mr. McBrayer in the chair, to consider the substitute.

After spending some time in its consideration, and reading the same,

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

The committee was discharged.

Mr. Sweetland moved to print 240 copies of the substitute just adopted.

Not agreed to.

Mr. Tallmadge moved to strike out "Comptroller and Secretary of State."

Mr. Herbert moved to amend by striking out "the Governor."

Not agreed to.

Mr. Tallmadge withdrew his motion to strike out.

Mr. Lindsey moved to strike out the enacting clause.

Mr. Conness moved to lay the motion on the table.

Not agreed to.

Mr. Bradford moved the previous question.

The previous question was sustained.

On the motion to strike out the enacting clause,

Messrs. McKinney, Sweetland, and O'Neil, demanded the yeas and nays:

YEAS.

Messrs. Ashley, Bennett, Bowie, Burton, Carrillo, Clingan, Conness, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Houghtaling, Hunter, Irwin, Letcher, Lindsey, Pratt, Spencer, Stevenson, Tallmadge, Warmcastle, Wakins, Whipple, and Whitman—26.

NAYS.

Messrs. Bagley, Bradford, Dannels, Dawley, Fairfield, Gilbert, Godard, Herbert, Hoff, Horr, Hubbard, Hubert, Jones, Kellogg, Koll, Mandeville, Musser, McBrayer, McDonald, McDaniel, McKinney, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Purdy, Ring, Rowan, Stemmons, Sweasey, Sweetland, and Mr. Speaker—33.

So the House refused to strike out the enacting clause.

On the passage of the bill Messrs. McKinney, Hunter, and Hubbard, demanded the yeas and nays.

YEAS.

Messrs. Bagley, Bradford, Dawley, Gilbert, Godard, Herbert, Hoff, Horr, Hubbard, Koll, Myres, McBrayer, McKinney, Nichols, O'Neil, F. A. Park, J. W. Park, Purdy, Stevenson, Sweasey, and Mr. Speaker—21.

NAYS.

Messrs. Ashley, Bennett, Bowie, Burton, Carr, Clingan, Conness, Cornwall, Dannels, Ewer, Fairfield, Gordon, Griffith, Hagans, Henry, Houghtaling, Hoyt, Hubert, Hunt, Hunter, Irwin, James, Jones, Kellogg, Letcher, Lindsey, Mandeville, Myres, McDonald, Pratt, Ring, Spencer, Springer, Stemmons, Tallmadge, Van Cleft, Warmcastle, Watkins, Whipple, and Whitman—10

So the bill did not pass.

Senate bill No. 110, an Act to provide revenue for the support of the Government of the State.

On motion of Mr. Mandeville, the bill was made the special order for 1 o'clock of this day, and at 1 o'clock for every day, until disposed of.

Assembly bill No. 208, an Act to authorize the Secretary of State to issue Licenses to Hawkers and Pedlers, on its third reading.

On motion of Mr. Whitman, it was indefinitely postponed.

Assembly bill No. 212, to amend 1st and 15th sections of article 8 of the Act to provide Revenue for the State.

On motion, the bill was indefinitely postponed.

Assembly bill No. 219, an Act to repeal section 2, article 2, of an Act entitled an Act to provide Revenue for the support of the Government of this State.

On motion, the bill was indefinitely postponed.

Assembly bill No. 182, an Act to amend the 54th section of the 10th article of an Act entitled an Act to provide Revenue for the support of the Government of this State.

On motion, the bill was indefinitely postponed.

Mr. Conness offered the following, which was adopted :

Resolved, That all committees be and are hereby ordered to report all bills that have been referred to them to-morrow.

Mr. Gordon offered the following, which was adopted :

Resolved, That the Secretary of State be instructed to transmit an authentic copy of an Act passed the present session of the Legislature for the division of the county of Calaveras, and the formation of a new county named Amador, to the County Judge of Calaveras county, with directions to said Judge that he cause said Act to be published in the "Calaveras Chronicle," and also the "Jackson Sentinel," until the time of the division of said county, as proposed in said Act.

On motion, the following messages were taken up from the Senate :

I am instructed to inform the Assembly that the Senate passed, this day, Joint Resolution tendering the thanks of the Legislature to our Senators and Representative in Congress ;

Also, Joint Resolution in relation the Pacific Railway ; and
Concurrent Resolutions in relation to the soldiers of 1812.

Also, an Act for the relief of Benjamin F. Marshall, late sheriff of Calaveras county, and

An Act appropriating money for the payment of Cornelius Cole, for services rendered as agent of the State; and on Saturday,

Assembly bill for an Act to establish pilots and pilot regulations for the port of San Francisco,

Which are herewith respectfully presented.

JOHN Y. LIND, Secretary.

Senate Joint Resolution tendering thanks to our Representatives in Congress, Read first and second time and referred to Committee on Federal Relations.

Senate Concurrent Resolution No. 70, concerning Revolutionary Soldiers, Concurred in by the House.

Senate amendment to Assembly bill No. 152, concurred in.

Senate Joint Resolution in relation to the Pacific Railway.

Read first and second time and referred to the Committee on Federal Relations.

Senate bill, No. 199, an Act appropriating money for the payment of Cornelius Cole for services rendered as agent of the State.

Read first and second time, and

On motion of Mr. Irwin the House resolved itself into Committee of the Whole, Mr. Hoff in the chair, to consider the bill. After spending some time in its consideration,

On motion of Mr. Mandeville, the committee rose, reported the bill back to the House without recommendation, and the committee was discharged.

Mr. Mandeville moved to refer the bill to the Committee on Claims, with instructions to report on to-morrow.

Not agreed to.

On motion of Mr. McBrayer, the bill was referred to the Committee of Claims without instructions.

Senate bill No. 174, an Act for the relief of Benjamin F. Marshall, late Sheriff of Calaveras county.

Read first and second time and referred to Committee on Claims, with instructions to report on to-morrow.

SENATE MESSAGE.

I am instructed to inform the Assembly that the Senate passed on the 6th inst. a bill for "an Act to authorize the administrator of the estate of Richmond Lumpkins deceased to pay over the monies of said estate to James M. Waller," and yesterday "an Act for the relief of John Skinker, and others," which are herewith respectfully presented.

JOHN Y. LIND,
Secretary.

Senate bill, No. 175, above reported.

Read first and second time and passed,

And the title was amended.

Senate amendment to Assembly bill, No. 236, for the relief of John Skinker, and others.

Concurred in by the House.

SENATE MESSAGE.

I am instructed to inform the Assembly that the Senate passed this day the accompanying resolution granting leave of absence to John R. McConnell, Attorney General.

JOHN Y. LIND,
Secretary.

Senate Concurrent Resolution, above reported, on its adoption Messrs. O'Neil, Hoff and Ashley demanded the yeas and nays.

YEAS.

Messrs. Bagley, Bowic, Briggs, Dannels, Dawley, Ewer, Fairfield, French, Hastings, Herbert, Houghtaling, James, Lindsey, Mandeville, Musser, Myres, McBrayer, McDonald, McDuffie, McKinney, Nichols, Noel, O'Neil, J. W. Park, Pratt, Ring, Rowan, Spencer, Springer, Stowe, Sweetland, Tallmadge, Whitman and Mr. Speaker—35.

NAYS.

Messrs. Ashley, Bradford, Conness, Gordon, Hagans, Henry, Hoff, Hubert, Hunt, Hunter, Irwin, Jones, Kellogg, Koll, Letcher, Purdy, Stemmons, Sweasey, Warmcastle and Watkins—20.

So the resolution passed.

Mr. Irwin gave notice that on to-morrow he would move to reconsider the vote just taken.

Mr. James gave notice that on to-morrow he would move to reconsider the vote upon the bill of Escheated Estates.

SENATE MESSAGE.

I am instructed to inform the Assembly that the Senate passed yesterday—

Assembly bill for an Act to change the name of the Sutter, Jackson and Drytown Water and Mining Company to that of the Jackson Water Company.

And the following Senate bills, viz:

An Act to prevent the disposal of the reversionary interest of the State in certain property in the city of San Francisco.

An Act to authorize the Court of Sessions of Trinity county to levy a special tax for purposes therein mentioned; and,

An Act to amend section 674 of an Act entitled an Act to regulate proceedings in criminal cases, passed May 1, 1851.

Which are herewith respectfully presented.

JOHN Y. LIND,
Secretary.

Senate bill No. 141, above reported, read first and second time and referred to Judiciary Committee.

Senate bill No. 197, above reported, read first, second and third time and passed.

Senate bill No. 203, above reported, read first and second time and referred to Judiciary Committee.

SENATE MESSAGE.

I am instructed to inform the Assembly that the Senate passed, on Saturday last, the following bills, viz :

An Act to amend an Act declaring certain rivers and creeks navigable, passed February 18, 1851, and to amend an Act amendatory thereto, passed May 17, 1853.

An Act to fix the compensation of the Board of Supervisors of Tuolumne county ;
An Act defining the boundaries between the counties of Santa Barbara and San Louis Obispo,

Which are herewith respectfully presented.

JOHN Y. LIND, Secretary.

Senate bill no 182, in reference to Navigable Rivers ;
Read first and second time and referred to Committee on Commerce.
Senate bill No. 198, above reported ;
Read first, second and third time, and passed.
Senate bill No. 200, above reported ;
Read first, second and third time, and passed.

Mr. Tivy, chairman, made the following report .

The Joint Committee on Enrollment, on yesterday the 10th instant, presented to his Excellency, the Governor, for his approval, the following Acts, viz :

An Act to provide offices for certain county officers in the county of Sacramento ;

An Act to prevent the destruction of fish in the waters of the Stockton slough and Mormon slough, in San Joaquin county ;

An Act to authorize the Mayor and Common Council of the city of Sacramento to levy and collect a special tax for the redemption of the bonds of said city ;

An Act for the relief of Carlos Isarda ;

An Act granting to the electors of Calaveras county the privilege to vote for, or against, a division of said county, and organize the county of Amador ;

An Act fixing the age of majority of Males and Females in this State ;

An Act to appropriate money to enable the Trustees of the Insane Asylum to erect an additional building, and to enclose the ground belonging to the Asylum,

And Joint Resolutions in relation to the Nebraska Bill introduced into the Senate of the United States, on January 23, 1854.

And they have examined and find correctly enrolled, the following Acts, viz :

An Act amendatory of and supplementary to an Act, entitled an Act concerning the Courts of Justice of this State, and Judicial Officers, passed May 19, 1853.

An Act in respect to Insurance for lives, for the benefit of married women.

An Act to authorize the Treasurer to issue duplicate Land Warrants to John D. Brower.

An Act prescribing the manner of commencing and maintaining suits by, or against counties.

An Act declaring the consent of the State of California, to the purchase by the United States, of Signor or Mare Island, to relinquish the title and interest of the State in overflowed portions of said Island, and to vest the jurisdiction over the same, in the United States, for the purposes therein specified.

Also, Concurrent Resolutions in relation to Cheap Ocean Postage, and
Concurrent Resolutions in relation to goods destroyed by fire.

JOS. A. TIVY,
Chairman of Committee on Enrollment.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed on the 6th inst. a bill for—

An Act supplementary to and amendatory of an Act entitled an Act to provide for the measurement of Lumber, passed April 30, 1853.

Which is respectfully presented.

JOHN Y. LIND,
Secretary

Senate bill No. 183, above reported, read first time and ordered to a second reading on to-morrow.

Mr. Letcher moved to reject the bill.

Mr. O'Neil moved a call of the House.

Mr. Bennett moved the previous question.

Not sustained.

Upon the vote to reject the bill Messrs. Letcher, Mandeville and Sweasey demanded the yeas and nays.

YEAS.

Messrs. Bennett, Bowie, Bradford, Briggs, Burton, Carr, Clingan, Conness, Cornwall, Ewer, Gordon, Hagans, Hastings, Hoyt, Hubert, Hunter, Jones, Letcher, Mandeville, McDonald, Noel, Spencer, Stowe, Sweasey, Sweetland, Tallmadge, Tivy, Warmcastle, Watkins and Whitman—30.

NAYS.

Messrs. Ashley, Bagley, Carrillo, Dawley, Fairfield, French, Gilbert, Godard, Griffith, Henry, Herbert, Hoff, Horr, Houghtaling, Hubbard, Hunt, Irwin, James, Kellogg, Koll, Musser, Myres, McBrayer, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Springer and Mr. Speaker—33.

So the bill was not rejected.

The hour of 1 o'clock having arrived the special order was taken up, which was Senate bill No. 110, Revenue bill.

Mr. Bagley moved to postpone the special order for one hour.

Not agreed to.

Mr. Conness moved to postpone for one half hour.

Agreed to.

Mr. Tivy made the following report :

The Joint Committee on Enrolled Bills have examined and find correctly enrolled—

An Act to establish Pilots and Pilot Regulations for the port of San Francisco.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed on the 3d inst. a bill for

An Act to provide for funding the debt of Contra Costa county, for the payment of the interest thereon, and for the gradual liquidation of the debt.
Which is herewith respectfully presented.

JOHN Y. LIND,
Secretary.

The bill was read first time, and was, on motion of Mr. Warmcastle, rejected.

The following message was also received from the Senate :

I am instructed to inform the Assembly that the Senate passed yesterday the following bills, viz :

An Act to change the name of Henry St. Clair to that of Henry St. Clair Lott, and

An Act allowing James Golden to collect tolls on a certain road in Sierra county—which are herewith respectfully presented.

JOHN Y. LIND,
Secretary.

Senate bill, No. 212, above reported, read first and second time, and rule suspended. Read a third time and passed.

Mr. Sweetland, agreeable to previous notice, moved to reconsider the vote which passed on yesterday, the Extension Bill of San Francisco.

Mr. Conness moved to lay the motion on the table.

Mr. Sweeland moved a call of the House.

The call was sustained.

The roll was called and the following members were absent :

Messrs Ewer, French, Herbert, Hoyt, Hunt, Hunter, Koll, Lindsey, McDuffie, McGee, J. W. Park, Stevenson, Sweasey, Tallmadge, Tivy and Van Cleft.

Messrs. Godard, Purdy, Tallmadge, McDuffie, Lindsey, Koll, French, Bagley, Pratt, J. W. Park, Ewer and Sweasey, were admitted within the Bar of the House.

On motion of Mr. Bagley further proceedings under the call was dispensed with.

On the motion to lay the motion to reconsider on the table, Messrs. Mandeville, Burton and Sweetland demanded the yeas and nays.

YEAS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bostwick, Bradford, Briggs, Conness, Dannels, Davidson, Dawley, Fairfield, French, Godard, Gordon, Griffith, Hollister, Horr, Hunt, Irwin, Jones, Kellogg, Musser, Myres, McBrayer, McDonald, McKinney, F. A. Park, Ring, Rowan, Spencer, Springer, Tallmadge and Warmcastle—33.

NAYS.

Messrs. Bagley, Bowie, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Ewer, Gilbert, Hagans, Hastings, Henry, Hoff, Houghtaling, Hubbard, Hubert, James, Koll, Letcher, Lindsey, Mandeville, McDuffie, McDaniel, Nichols, Noel, O'Neil, J. W. Park, Purdy, Stemmons, Stowe, Sweasey, Sweetland, Watkins, Whipple, Whitman and Mr. Speaker—37.

So the motion was not laid on the table
Mr. James moved the previous question.

Mr. Griffith moved a call of the House.

Not sustained.

On the previous question Messrs. Conness, McDonald and Hollister demanded the yeas and nays.

YEAS.

Messrs. Bagley, Bowie, Bradford, Burton, Carr, Carrillo, Cornwall, Ewer, Gilbert, Hagans, Hastings, Henry, Hoff, Houghtaling, Hubbard, Hubert, James, Koll, Letcher, Lindsey, Mandeville, McDuffie, McDaniel, Nichols, Noel, J. W. Park, Purdy, Stemmons, Stowe, Sweasey, Sweetland, Watkins, Whipple, Whitman and Mr. Speaker—35.

NAYS.

Messrs. Ballou, Bennett, Bostwick, Briggs, Conness, Dannels, Davidson, Dawley, Fairfield, French, Godard, Gordon, Griffith, Hollister, Horr, Hunt, Irwin, Jones, Kellogg, Musser, Myres, McDonald, McKinney, O'Neil, F. A. Park, Ring, Rowan, Spencer, Springer, Stevenson, Tallmadge, Van Cleft and Warmcastle—35.

There being an equal vote the motion was lost.

Mr. Griffith moved a call of the House, and

Messrs. Dawley, Griffith and Burton, demanded the yeas and nays.

YEAS.

Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Bostwick, Briggs, Conness, Dannels, Davidson, Dawley, Fairfield, French, Godard, Gordon, Griffith, Hollister, Horr, Hunt, Irwin, Jones, Kellogg, Musser, Myers, McBrayer, McDonald, McKinney, Nichols, O'Neil, F. A. Park, Purdy, Ring, Spencer, Springer, Stevenson, Tallmadge, Van Cleft and Warmcastle—37.

NAYS.

Messrs. Bowie, Bradford, Burton, Carr, Carrillo, Cornwall, Ewer, Gilbert, Hagans, Hastings, Henry, Hoff, Houghtaling, Hubbard, Hubert, Koll, Letcher, Lindsey, Mandeville, McDuffie, McDaniel, Noel, J. W. Park, Stemmons, Stowe, Sweasey, Sweetland, Watkins, Whipple, Whitman and Mr. Speaker—31.

The call was sustained.

The roll was called and the following members were absent :

Messrs. Clingan, Godard, Hoyt, James, Tivy and Whitman.

On motion of Mr. Griffith, further proceedings under the call was dispensed with.

Mr. Conness moved to indefinitely postpone the motion to reconsider, and demanded the previous question.

The previous question was sustained.

Upon the motion to indefinitely postpone, Messrs. Carr, Carrillo, and Sweetland, demanded the yeas and nays

YEAS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bostwick, Briggs, Conness, Dannels, Davidson, Dawley, Fairfield, French, Godard, Gordon, Griffith, Hollister, Horr, Hoyt, Hunt, Hunter, Irwin, Jones, Kellogg, Musser, Myres, McBrayer, McDonald, McKinney, O'Neil, F. A. Park, Ring, Rowan, Spencer, Springer, Stevenson, Tallmadge, Van Cleft and Warmcastle—38.

NAYS.

Messrs. Bagley, Bowie, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Ewer, Gilbert, Hagans, Hastings, Henry, Herbert, Hoff, Houghtaling, Hubbard, Hubert, James, Koll, Letcher, Lindsey, Mandeville, McDuffie, McDaniel, Nichols, Noel, J. W. Park, Purdy, Stemmons, Stowe, Sweasey, Sweetland, Watkins, Whipple, Whitman and Mr. Speaker—37.

So the motion was indefinitely postponed.

Mr. Nichols presented the following protest :

The delegation representing the county of San Francisco in the Assembly unanimously desire to enter this their solemn protest upon the Journals of the Assembly against the passage of the Act extending the water front of the city of San Francisco.

The delegation deem it unnecessary to reiterate the grounds so often and forcibly urged against the measure proposed, thinking its rank injustice shows boldly on its face.

NICHOLS,
GILBERT,
BAGLEY,
PURDY,
GREEN,
HUBBARD,
KOLL,
SWEASEY.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed this day Assembly bill for an Act to amend section seventh of an Act entitled an Act concerning the office of Surveyor General.

Which is herewith presented.

JOHN Y. LIND,
Secretary.

Mr. Conness moved to take a recess until 5 P. M.

Not agreed to.

Senate bill No. 194, in reference to the collection of Tolls by James Golden. Read first and second time and referred to delegation from Sierra county.

The following message was received from the Senate :

The Senate have this day passed Assembly bill for the protection of Game, with amendments, to which they ask your concurrence.

Also, that they have passed Assembly bill for an Act amendatory of an Act to

provide for the permanent location of the Seats of Justice of the several counties of this State.

JOHN Y. LIND,
Secretary.

The amendment of the Senate to Assembly bill No. 230 concurred in by the House.

The following message was also received from the Senate :

I am instructed to inform the Assembly that the Senate passed, this day, a bill for an Act to amend an Act concerning the *per diem* of officers of the Senate and Assembly, passed January 21, 1854.

JOHN Y. LIND, Secretary.

Senate bill No. 189, above reported,
Read first and second time, and referred to Committee of Ways and Means.

Further message from the Senate :

I am instructed to inform the Assembly that the Senate passed, on the 8th inst., a bill for

An Act concerning Public Fences and Toll Bridges; and

An Act authorizing John Caruthers to build and construct a turnpike or gravel road from the city of Stockton to the towns of Sonora and Columbia, in Tuolumne county; and on the 9th inst.,

An Act for the relief of soldiers called out by the Governor to suppress Indian difficulties in Los Angeles and San Diego counties, in the year eighteen hundred and fifty-two;

Which are herewith respectfully submitted.

JOHN Y. LIND, Secretary.

Senate bill No. 140, concerning Public Ferries and Toll Bridges :

Read first and second time and referred to Committee on Roads and Highways.

Senate bill No. 190 in reference to a Turnpike road;

Read first and second time, and referred to Committee on Roads and Highways.

Senate bill 101, for relief of soldiers near San Diego;

Read first and second time, and referred to Committee on Indian Affairs.

Mr. Ashley, from the Monterey delegation reported back Assembly bill No. 337,

An Act to abolish the Board of Supervisors in the county of Monterey, and to confer the jurisdiction over county business upon the Court of Sessions, with a recommendation that it pass.

Bill considered as engrossed, read third time and in accordance with the committee recommendation, passed.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate passed, this day, a bill for an Act amendatory of and supplementary to an Act entitled an Act to authorize the formation of corporations for the construction of Plank and Turnpike roads, passed May 12, 1853.

JOHN Y. LIND, Secretary.

Senate bill No. 193, above reported ;
Read first and second time, and referred to Committee on Roads and Highways.

Mr Bostwick, chairman, made the following report :

The Committee on Accounts and Expenditures, to which was referred Assembly bill No. 344, an Act in reference to the Journals of the Senate and Assembly, report the same back without amendment, and recommend its passage.

Also, Assembly bill No. 343, an Act to amend an Act concerning the per diem of Officers of the Senate and Assembly, passed January 4, 1854, and recommend its indefinite postponement.

Also, Senate bill No. 147, an Act to regulate the payment by the State Treasurer of the warrants of the Comptroller of this State, report the same back with an amendment, and recommend its passage.

J. H. BOSTWICK,
Chairman.

Assembly bill No. 344, above reported, taken up for consideration.

On motion of Mr. O'Neil, the House resolved itself into Committee of the Whole, to consider the bill, Mr. Hoff in the chair ;

After spending some time in its consideration, on motion of Mr. Bradford, the Committee rose, reported the bill back, and were discharged.

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

Assembly bill No. 343, also reported by the Committee on Accounts, on motion of Mr. Hoff, laid on the table.

Senate bill 147, reported by Committee on Public Expenditures and Accounts—

Mr. Herbert moved to indefinitely postpone the bill.

Mr. Bradford demanded the previous question, which was sustained.

The bill was then indefinitely postponed.

Mr. Bradford moved to take a recess until 7, P. M.

Not agreed to.

Mr. Herbert moved to take a recess until half past 7.

Not agreed to.

Mr. Bagley made the following report :

Your Committee have had under their consideration the bill relating to an Act regulating the duties of Harbor Master of the county of San Francisco, and recommend its passage.

DAWLEY.
BAGLEY.

Assembly bill No. 338, above reported, considered as engrossed, read a third time, and passed.

On motion of Mr. Conness, Senate bill No. 110, an Act to provide Revenue for the support of the Government of this State, special order for to-day, made special order for to-morrow, at half past 10 A. M.

Mr. Dawley, chairman, made the following report :

The Committee on Commerce have had under consideration Assembly bill No. 314, amended first and fourth sections, beg leave to report the same back, and recommend its passage.

Also, Senate bill No. 131, and Assembly bills Nos. 331, 294, 303, and beg leave

to report the same back without recommendation, and ask to be discharged from their further consideration.

Assembly bill No. 314, "An Act to provide for the measurement of merchandise arriving at the port of San Francisco," above reported.

Mr. Stowe moved to indefinitely postpone the bill, and Messrs. Dannels, Hoff, and McDuffie, demanded the yeas and nays:

YEAS.

Messrs. Anderson, Bowie, Briggs, Burton, Carr, Gordon, Hagans, Hastings, James, Letcher, Lindsey, McDuffie, McDaniel, McKinney, Noel, Spencer, Stevenson, Stowe, Sweasey, Watkins, and Whipple—21.

NAYS.

Messrs. Ashley, Bagley, Ballou, Bradford, Cornwall, Dannels, Dawley, Fairfield, French, Gilbert, Godard, Griffith, Herbert, Hoff, Hollister, Horr, Hoyt, Hubbard, Hunt, Irwin, Jones, Kellogg, Koll, Musser, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Springer, Stemmons, Van Cleft, Whitman, and Mr. Speaker—39.

So the House refused to indefinitely postpone the bill.

Mr. Irwin moved the previous question, and Messrs. Carr, Hubbard, and McDuffie, demanded the yeas and nays:

YEAS.

Messrs. Ashley, Davidson, Dawley, Fairfield, French, Gilbert, Godard, Herbert, Hoff, Hollister, Horr, Hoyt, Hubbard, Hunt, Irwin, Kellogg, Koll, Myres, McBrayer, McDonald, O'Neil, F. A. Park, Pratt, Purdy, Ring, Van Cleft, Warmcastle, and Mr. Speaker—28.

NAYS.

Messrs. Anderson, Ballou, Bostwick, Bowie, Bradford, Briggs, Burton, Carr, Carrillo, Conness, Cornwall, Dannels, Ewer, Griffith, Hagans, Hastings, Houghtaling, Hubert, Hunter, James, Jones, Letcher, Lindsey, Musser, McDuffie, McDaniel, McKinney, Nichols, Noel, Spencer, Springer, Stemmons, Stevenson, Stowe, Sweasey, Tallmadge, Tivy, Watkins, Whipple, and Whitman—40.

So the previous question was not sustained.

The amendments offered by the committee were then adopted.

Mr. Letcher offered the following amendment:

The provisions of this Act shall not be construed to compel any party to have goods measured except upon application or demand of the party receiving such goods.

Mr. Whitman moved to lay the amendment on the table.

Not agreed to.

Mr. Stevenson moved to strike out the enacting clause of the bill, and Messrs. Carr, Hastings and Noel demanded the yeas and nays.

YEAS.

Messrs. Anderson, Bennett, Bowie, Bradford, Burton, Carr, Clingan, Conness, Cornwall, Gordon, Hagans, Hastings, Henry, Houghtaling, Hubert, James, Letcher, Lindsey, Mandeville, McDuffie, McDaniel, McKinney, Noel, Spencer, Stowe, Sweasey, Tallmadge, Warmcastle, Watkins, Whipple and Whitman—33.

NAYS.

Messrs. Ashley, Ballou, Bostwick, Dannels, Davidson, Dawley, Ewer, Fairfield, French, Gilbert, Godard, Griffith, Herbert, Hoff, Hollister, Horr, Hoyt, Hubbard, Hunt, Hunter, Irwin, Kellogg, Koll, Musser, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy Ring, Stemmons, Tivy, Van Cleft and Mr. Speaker—38.

So the motion to strike out the enacting clause was lost.

Mr. O'Neil moved the previous question.

Mr. Conness moved to lay the bill on the table.

Not agreed to.

The previous question was then sustained.

On the adoption of the amendment offered by Mr. Letcher,

Messrs. Conness, Mandeville and Gordon, demanded the yeas and nays.

YEAS.

Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Bostwick, Bradford, Burton, Carr, Clingan, Conness, Cornwall, Dannels, Ewer, Godard, Gordon, Griffith, Hagans, Hastings, Henry, Hollister, Horr, Houghtaling, Hoyt, Hubert, Hunt, Hunter, James, Jones, Kellogg, Letcher, Lindsey, Mandeville, Musser, Myres, McDuffie, McDaniel, McKinney, Nichols, Noel, Spencer, Stemmons, Stevenson, Stowe, Sweasey, Tallmadge, Tivy, Warmcastle, Watkins, Whipple, Whitman and Mr. Speaker—52.

NAYS.

Messrs. Bowie, Dawley, Fairfield, Gilbert, Hoff, Hubbard, Irwin, Koll, McBrayer, J. W. Park, Pratt, Purdy, Ring and Van Cleft—14.

So the amendment was adopted.

The bill was then read a third time.

Mr. Hastings moved the previous question, which was sustained.

On the passage of the bill Messrs. Stowe, Mandeville and McDuffie, demanded the yeas and nays.

YEAS.

Messrs. Bagley, Ballou, Dannels, Dawley, Ewer, Gilbert, Godard, Griffith, Hoff, Hoyt, Hubbard, Hunt, Irwin, Kellogg, Koll, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring and Mr. Speaker—22.

NAYS.

Messrs. Anderson, Ashley, Bennett, Bowie, Bradford, Burton, Carr, Clingan, Conness, Cornwall, Fairfield, Gordon, Hagans, Hastings, Henry, Herbert, Hollister, Horr, Houghtaling, Hubert, Hunter, James, Jones, Letcher, Lindsey, Mandeville, Musser, Myres, McDuffie, McDaniel, McKinney, Nichols, Noel, Spencer, Springer, Stemmons, Stevenson, Stowe, Sweasey, Tallmadge, Tivy, Warmcastle, Atkins, Whipple and Whitman—45.

So the bill was lost.

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

HOUSE OF ASSEMBLY

FRIDAY, May 12, 1854

House met pursuant to adjournment.

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

Messrs. Ashley, Bagley, Ballou, Bradford, Carr, Clingan, Dawley, Gilbert, Griffith, Herbert, Hubert, Irwin, James, Myres, McBrayer, McDuffie, McGee, McKinney, Nichols, F. A. Park, Purdy, Rowan, Sweetland, Tallmadge, Van Cleft and Whitman.

The Journal of Thursday was read and approved.

Half-past 11 o'clock the special order was taken up, which was Senate bill No 110, to provide Revenue for the support of the Government of this State.

On motion of Mr. O'Neil, the House resolved itself into Committee of the Whole, Mr. O'Neil in the chair, to consider the bill.

After spending some time in its consideration, and making amendments thereto, on motion, the committee rose, reported the bill back as amended, and the committee was discharged.

Mr. O'Neil, chairman, made the following report .

The Committee on Engrossment have examined, and find correctly engrossed—

An Act to adjust the amount of indebtedness of the county of Alameda to the county of Contra Costa, and provide for the payment thereof.

An Act to authorize the construction of a Lock on the Alameda River.

An Act to authorize Frederick D Kohler and Thomas H Dowling to hold and occupy certain lands in the Bay of San Francisco.

An Act to change the name of Mary Elizabeth McGreece to Mary Elizabeth Hastings.

An Act to amend an Act concerning fees in office, passed May 1, 1851.

An Act to authorize the Comptroller of State to issue a Duplicate Warrant to S. W. Langton

An Act to amend an Act concerning passengers arriving in ports of the State of California, passed May 3, 1853.

An Act to abolish the Board of Supervisors in the county of Monterey, and to confer the jurisdiction over county business upon the Court of Sessions.

An Act regulating the duties of Harbor Master of the port of San Francisco, passed May 1, 1852.

An Act to compensate H. Gomez Mauriz for translating into Spanish, &c.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrollment, on yesterday, the 11th instant, presented to his Excellency, the Governor, for his approval, the following Acts, viz :

An Act amendatory of and supplementary to an Act entitled an Act concerning the Courts of Justice of this State, and Judicial Officers, passed May 19, 1853.

An Act in respect to Insurance for lives for the benefit of married women.

An Act to authorize the Treasurer to issue duplicate Land Warrants to John D Brower.

An Act prescribing the manner of commencing and maintaining suits by, or against counties.

An Act declaring the consent of the State of California, to the purchase by the United State, of Signor or Mare Island, to relinquish the title and interest of the State in overflowed portions of said Island, and to vest the jurisdiction over the same, in the United States, for the purposes therein specified ; also,

Concurrent Resolutions in relation to Cheap Ocean Postage ; and

Concurrent Resolutions in relation to goods destroyed by fire.

And they have examined and find correctly enrolled, the following Acts, viz .

An Act for the relief of H. S Jackson and William Buchannan.

An Act to authorize the Comptroller to issue duplicate Warrants.

An Act amendatory of an Act to amend an Act relating to Corporations.

An Act to Incorporate the town of Placerville.

An Act for the relief of John Skinker and others.

An Act amendatory of an Act to provide for the permanent location of the of Justice of the several counties of this State, passed April 11, 1850.

An Act to change the name of the Sutter, Jackson and Drytown Water Mining Company, to that of the Jackson Water Company.

JOS. A. TIVY,
Chairman Committee on Enrollment.

Mr. Whitman moved the previous question on the Revenue bill.

Mr. Conness moved to lay the motion on the table.

Not agreed to.

On the motion made by Mr Whitman, Messrs. Griffith, Van Cleft and T demanded the yeas and nays

YEAS.

Messrs. Ashley, Bagley, Bennett, Bowic, Bradford, Carr, Carrillo, Clingan Cornwall, Dannels, Green, Hagans, Hastings, Henry, Herbert, Houghtaling, Hunt Hunter, James, Letcher, Mandeville, McBrayer, McDuffie, Stevenson, Stowe, Tivy Warmcastle, Watkins, Whitman and Mr. Speaker—30.

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NAYS.

Messrs. Anderson, Ballou, Bostwick, Burton, Conness, Dawley, Ewer, Fairfield, Gilbert, Gordon, Griffith, Hoff, Hollister, Horr, Hoyt, Hubbard, Hubert, Irwin, Jones, Kellogg, Koll, Lindsey, Musser, Myres, McDonald, McDaniel, McKinney, Nichols, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Ring, Rowan, Spencer, Springer, Stemmons, Sweasey, Sweetland, Tallmadge, Van Cleft and Whipple—42.

The previous question was not sustained.

On motion of Mr Mandeville, the bill was made the special order for 8 o'clock P. M.

The following message was received from the Senate :

I am instructed to inform the Assembly, that the Senate passed this day, the following Act :

An Act making appropriations to meet the civil expenditures of the Government of this State, accruing prior to the first day of February, eighteen hundred and fifty four, and estimated deficiencies in appropriations heretofore made to meet the current expenses of Government from the first day of February, 1854, to the first day of February, 1855.

JOHN Y. LIND,
Secretary.

Senate bill, No. 94, above reported, read first and second time, and

On motion of Mr. Van Cleft, the House resolved itself into Committee of the Whole, Mr. Van Cleft in the chair, to consider the bill.

After spending some time in its consideration, and amending the same, on motion, the committee rose, reported the bill back to the House as amended, and asked leave to sit again.

Leave granted to sit again.

On motion of Mr. Bradford, the House took a recess until 8 o'clock, P. M.

EIGHT O'CLOCK, P. M

The House met pursuant to adjournment

Mr. Ashley moved to adjourn.

Not agreed to.

Mr. Griffith moved to pass over the special order temporarily.

Agreed to.

Mr. Irwin moved to take up Senate bill, No. 183, and read it a second time

Mr Anderson moved to adjourn.

Not agreed to.

On the motion to read the bill a second time,

Messrs. Letcher, Stowe and Ashley, demanded the yeas and nays.

YEAS.

Messrs Bagley, Ballou, Bradford, Carrillo, Dannels, Gilbert, Godard, Herbert, Hoff, Horr, Houghtaling, Hoyt, Hubbard, Irwin, Jones, Kellogg, Koll, Musser, Myres, McBrayer, McDonald, McDaniel, Nichols, O'Neil, F. A. Park, J. W. Park,

Pratt, Purdy, Rowan, Springer, Stevenson, Van Cleft, Watkins and Mr. Speaker—34.

NAYS.

Messrs. Anderson, Ashley, Bowie, Burton, Clingan, Conness, Cornwall, Gordon, Griffith, Hagans, Hastings, Henry, James, Letcher, Lindsey, Mandeville, McDuffie, Noel, Spencer, Stemmons, Stow, Sweasey, Warmcastle and Whitman—24.

So the House resolved to read the bill a second time.

Mr. Van Cleft moved to refer the bill to Committee on Commerce.

Agreed to.

Mr. F. A. Park offered a concurrent resolution in reference to deeds to certain property in the city of Sacramento.

Resolution adopted.

Mr. Conness moved to go into Committee of the Whole upon the Revenue bill.

Mr. James, agreeable to previous notice, moved to reconsider the vote by which Assembly bill No. 267, in reference to escheated estates, was lost.

Mr. Conness moved to lay the motion on the table.

Not agreed to.

The vote was reconsidered.

Mr. Van Cleft moved to lay the bill on the table.

Not agreed to.

Mr. Whitman moved to recommit the bill to the Committee of Ways and Means.

Agreed to.

Mr. Whitman offered instructions to the Committee.

Mr. Hoyt offered a substitute to the instructions offered by Mr. Whitman.

Not agreed to.

The instructions of Mr. Whitman were adopted.

Mr. Conness offered additional instructions to strike out of the bill the Secretary of State and Comptroller, and

Messrs. Ballou, Conness, and Tallmadge, demanded the yeas and nays :

YEAS.

Messrs. Anderson, Ashley, Bagley, Ballou, Clingan, Conness, Davidson, Gilbert, Godard, Gordon, Griffith, Hollister, Hoyt, Hubbard, Hubert, Hunt, Jones, Kellogg, Koll, Letcher, Musser, Myres, McBrayer, McDonald, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Sweasey, Tallmadge, Van Cleft, Warmcastle and Mr. Speaker—37.

NAYS.

Messrs. Bradford, Briggs, Burton, Carrillo, Cornwall, Hagans, Hastings, Henry, Herbert, Hoff, Horr, Houghtaling, James, Lindsey, Mandeville, McDuffie, McDaniel, McKinney, Nichols, Noel, J. W. Park, Stemmons, Stevenson, Stowe, Tivy, Watkins, Whipple and Whitman—28.

So the instructions were adopted.

Mr. Whitman moved to reconsider the vote just taken to recommit the bill to the Committee on Ways and Means, and

Messrs. Tallmadge, Whitman and Ballou demanded the yeas and nays.

YEAS.

Messrs. Bagley, Bradford, Burton, Carrillo, Cornwall, Gordon, Hastings, Henry, Herbert, Hoff, Houghtaling, Lindsey, Mandeville, McDuffie, McDaniel, McKinney, Noel, J. W. Park, Stemmons, Warmcastle, Watkins, Whipple, Whitman and Mr. Speaker—24.

NAYS.

Messrs. Anderson, Ashley, Ballou, Clingan, Conness, Davidson, Gilbert, Godard, Griffith, Hagans, Hollister, Horr, Hoyt, Hubbard, Hubert, Hunt, Irwin, James, Jones, Koll, Letcher, Myres, McBrayer, McDonald, Nichols, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stevenson, Sweasey, Tallmadge, Tivy and Van Cleft—38.

So the House refused to reconsider the vote.

The motion of Mr. Conness to consider the Revenue bill, was then adopted, and on his motion

The House resolved itself into Committee of the Whole, Mr. Van Cleft in the chair, to consider the bill.

After spending some time in its consideration and amending the same,

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

The committee was discharged.

Mr. Mandeville moved to lay the bill on the table.

Agreed to.

On motion of Mr. Mandeville, Senate bill, with a message from the Senate in reference to the Charter of Sonora, was taken up for consideration.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate have, this day, passed Senate bill No. 218, for an Act to amend an Act to Incorporate the city of Sonora, passed May 1, 1851

JOHN Y. LIND,
Secretary.

Senate bill No. 218, above reported,
Read first, second and third time, and passed.

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment, have examined and find correctly engrossed,
An Act to take possession and dispose of certain Water Lot property in the Bay of San Francisco.

Mr. Conness moved to go into Committee of the Whole to consider the Revenue bill.

Not agreed to.

Mr. Hoff moved to go into the consideration of Senate message in reference to property in San Francisco.

Not agreed to.

Mr. Jones moved to adjourn,

Not agreed to.

On leave, Mr. Griffith made the following report :

The Committee on Roads and Highways, to whom was referred Senate bill No. 190, an Act authorizing John Carothers to build and construct a turnpike or gravel road from the city of Stockton to the towns of Sonora and Columbia, in Tuolumne county, have considered the same, report the bill back without amendment, and recommend its passage.

Senate bill No. 190, above reported,

Read a third time and passed.

On motion of Mr. Conness, the Revenue bill was taken from the table.

On motion of Mr. Stowe, the House concurred generally in the amendments made in Committee of the Whole.

Mr. Conness moved to amend the 41st section, by striking out sixty and inserting fifty.

Agreed to.

Mr. Godard moved to strike out the proviso from the section.

Not agreed to.

Mr. Kellogg moved to amend the 41st section of the bill.

Not agreed to.

Mr. Hoyt moved to reconsider the vote to strike out the proviso.

Not agreed to.

Mr. Godard moved to amend 41st section, eighth line, by striking out four and inserting three.

Not agreed to.

On motion of Mr. Whitman, the House resolved itself into Committee of the Whole, Mr. Van Cleft in the chair, to consider the bill.

After spending some time in its consideration, and amending the same,

On motion, the committee rose, reported the bill back as amended, and the committee was discharged.

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

HOUSE OF ASSEMBLY.

SATURDAY, May 13, 1854.

House met pursuant to adjournment.

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

Messrs. Bagley, Bowie, Briggs, Clingan, Cornwall, Dawley, French, Gilbert, Godard, Green, Hastings, Herbert, Hoff, Horr, Hoyt, Hubert, Irwin, James, McBrayer, McDuffie, McGee, McKinney, Nichols, O'Neil, F. A. Park, Pratt, Rowan, Springer, Van Cleft and Whitman.

The Journal of Friday, on motion of Mr. Conness, was not read.

Mr. Conness moved to go into the consideration of the Revenue bill.

Agreed to.

Mr. Conness moved to concur in the amendments made in Committee of the Whole.

Agreed to.

Mr. Whipple moved to strike out Siskiyou, Trinity and Klamath, in the 112th section.

Agreed to.

On motion of Mr Griffith, the 18th section was stricken out and a substitute inserted.

Mr. Warmcastle moved the previous question.

The previous question was sustained.

Mr. Ewer moved to reconsider the vote just taken.

The Speaker decided the question out of order.

From which decision Mr. Ewer appealed.

The decision of the Chair was sustained.

The bill was read a third time and passed.

On motion of Mr. Myres, 5,000 copies of Trask's Geological Report were ordered to be printed.

Mr. Conness moved to dispense with the regular order of business.

Not agreed to.

Mr. Bostwick made the following report :

The Committee on Corporations, to which was referred Assembly bill No. 252, an Act to prescribe rules and regulations for the disposal of Town Lots in this State under an Act of Congress entitled an Act, &c.

Also, Assembly bill No. 346, an Act to provide for the construction of a Telegraph line from Stockton to the Southern Mines.

Report the same back to the House without recommendation, not having time to make the necessary amendments.

J. H. BOSTWICK.

No action upon the bills.

Mr. Conness made the following report :

The Committee on Claims, to whom was referred Senate bill, 199, "an Act appropriating money for the payment of Cornelius Cole, for services as agent of the State," have had the same under consideration, and respectfully recommend its passage.

Also, Assembly bill, 270, "to provide John S. Bradford with duplicate warrants, in lieu of certain warrants lost or destroyed," which they recommend the passage of.

Also, Assembly bill, 353, "an Act for the relief of A. M. Winn."

Accompanying the above entitled Act, or bill, is a petition from several citizens of Sacramento, representing that the State of California should pay to A. M. Winn an amount of nearly twenty thousand dollars, (\$20,000,) and setting forth various kind and benevolent acts, which, they say, he performed in the years of 1849 and 1850.

Your committee have to express satisfaction that the character of a citizen of the State is thus certified to, and endorsed by so many of his most respectable fellow citizens, but in the opinion of your committee there is no basis for a claim on the State Treasury to be found in any of the certificates accompanying the bill. They therefore recommend that the bill do not pass.

They have also had under consideration Assembly bill, 345, "an Act for the relief of the city of San Jose," the first and only section of which reads as follows :

"The Comptroller of State is hereby authorized and required to draw his warrant, payable out of the General Fund, in favor of the Mayor and Common Council of the city of San Jose, for the sum of fifteen thousand"—What, the bill saith not ; nor does any accompanying document set forth.

Your committee have, therefore, no evidence of the character of the distress experienced by the Mayor and Common Council of San Jose, as implied in the section of the bill above referred to. So they report the bill back, and recommend its reference to the introducer thereof.

Your committee have also had under consideration, Senate bill, 174, "an Act for the relief of Benjamin F. Marshall, late Sheriff of Calaveras county." And your committee can find no good reasons for allowing the claim of said Marshall.

It seems from information which we have derived from various sources, that Benjamin F. Marshall was elected Sheriff of Calaveras county at the general election in 1851, and that his right to the office was contested by one Nelson. And it further appears, that pending this contest, a bill was passed by the Legislature investing the Treasurer of the county with power to collect taxes. After the adjudication of the case by the District Court for Calaveras county, which terminated favorably to Mr. Marshall, he resumed the collection of taxes, the Treasurer having been only authorized to act in such capacity temporarily. Mr. Marshall now claims that the collection of taxes was by right a part of his official business, and that the State having invested another person than him with those duties, therefore the State is responsible to him for the profits resulting from their performance, as much as if his election had not been contested, and no person had been appointed by authority of law to perform those duties.

Your committee are of opinion that the collection of taxes forms no part of a Sheriff's duties, except as it may be permitted by legislative authority. And that the Legislature have an undoubted right to confer such power upon any other person whenever in its judgment the public interests may require such to be done. And that as a consequence they but exercised a proper discretion in authorizing the performance of those duties by another officer than the Sheriff.

This position was ably set forth in the report of the Assembly Judiciary Committee to whom the bill had been referred in the session of 1852, to which we refer. The report will be found on page 655, Assembly Journal of that year.

Without examining as to amount of the account against the State, your committee, believing that to allow such a claim would not only seriously embarrass the financial interests of the State, but that it would establish, without legal pretence, a precedent dangerous to the welfare of the people, recommend that it do not pass.

CONNESS,
FAIRFIELD.

The following report was made by Mr. Hoff, chairman of the committee.

A majority of your Committee on Claims have considered the claim of B. F. Marshall, former Sheriff of Calaveras county, and with due respect to the opinions of a minority of the committee, most respectfully dissent from the conclusions at which they arrive.

It appears from good and reliable testimony that B. F. Marshall was, in the year 1851, elected Sheriff of Calaveras county, and received his proper credentials from the then County Clerk. After the decease of the clerk, his successor, believing that an error existed in the canvass of votes for the sheriffalty, issued his certificate of election to one Waterman H. Nelson, who thereupon commenced suit in the District Court in the name of the State against said Marshall, which resulted in a verdict in

favor of the latter ; this too in a court where the facts presented were known to all parties, and who were better capacitated to adjudicate an issue of this character than a tribunal far removed from the people over whom the officer was to exercise his functions.

The defeated party, however, disturbed the solemn fiat of the jury, and through the direct intervention of the Attorney General appealed the case to the Supreme Court of the State. Such action in itself was not improper, nor opposed to the spirit of our laws, but after such appeal had been made the case was permitted to slumber upon the calendar, and at every period that it was brought forward for consideration it was placed again at its foot. This course was pursued by the State's law officer until the franchises of the office were entirely consumed by another party, when a decision in the case was had before a full bench and the original verdict of the jury unanimously sustained. It is unnecessary to dwell on the injustice of such action, nor is it needful to present innumerable decisions of able jurists that oppression like this is opposed to the fundamental principles of good government.

Pending this controversy in the courts a bill special in its character was passed the Legislature of 1852 conferring upon the Treasurer of Calaveras the power of collecting taxes, thereby depriving the sheriff of a portion of the legitimate emoluments of his office.

In view of these facts the majority of the committee consider the claim of B. F. Marshall entitled to the favorable consideration of the Assembly, and do most respectfully recommend the passage of the bill.

JOHN J. HOFF,
Chairman.

On motion of Mr. Fairfield, the House resolved itself into Committee of the Whole, Mr. Dannels in the chair, to consider the several bills reported by the committee.

After spending some time in their consideration, on motion, the committee rose, reported the bill back to the House, and asked to be discharged from their further consideration.

The committee was discharged.

Senate bill No. 199, for the relief of Cornelius Cole, read a third time and passed.

Assembly bill No. 270, to issue duplicate warrant to John L. Bradford, read a third time and passed.

Assembly bill No. 345, for relief of San Jose, read a third time, and referred to its introducer, Mr. McKinney.

Assembly bill No. 353, read a third time, and, on motion, laid on the table.

Senate bill No. 174, for the relief of B. F. Marshall, on its passage.

Messrs. Pratt, McDonald, and Ballou, demanded the yeas and nays.

Mr. Bradford moved the previous question.

The previous question was sustained.

The vote was then taken on the passage of the bill by yeas and nays previously called.

YEAS

Messrs. Bagley, Bennett, Bowie, Bradford, Briggs, Carrillo, Gilbert, Gordon, Griffith, Hagans, Hastings, Henry, Herbert, Hoff, Horr, Houghtaling, Hubbard, Hubert, Irwin, James, Kellogg, Koll, Myres, McBrayer, McDaniel, McKimney, Nichols, O'Neil, F. A. Park, J. W. Park, Purdy, Ring, Rowau, Spencer, Springer, Stemmons, Stevenson, Stowe, Van Cleft, Whipple, Whitman, and Mr. Speaker—42.

NAYS.

Messrs. Ashley, Ballou, Bostwick, Burton, Carr, Conness, Cornwall, Dannels, Davidson, Dawley, Ewer, Hollister, Jones, Letcher, Lindsey, Mandeville, McDonald, Noel, Sweasey, Warmcastle, and Watkins—21.

So the bill passed.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate have non-concurred in certain amendments to an Act to provide Revenue for the support of the Government of this State, as shown in the bill herewith returned.

JOHN Y. LIND,
Secretary.

The House refused to recede from their amendments, and asked a committee of conference, and appointed on their part Messrs. Conness, Griffith, and Whipple.

Mr. Herbert, chairman, made the following report :

The Committee of Ways and Means, to whom was referred Senate bill No. 189, entitled an Act to amend an Act concerning the per diem of officers of the Senate and Assembly, passed January 21, 1854, have had the same under consideration, and find that your committee cannot agree, therefore ask leave to report the bill back to the consideration for the House.

Senate bill No. 189, above reported.

On motion of Mr. Herbert, the House resolved into Committee of the Whole, Mr. Irwin in the chair, to consider the bill.

After spending some time in its consideration, on motion, the committee rose and reported the bill back to the House.

And the committee was discharged.

Mr. Jones moved to strike out all after the enacting clause of the bill.

Mr. Bostwick moved to strike out the enacting clause of the bill.

Mr. Herbert moved the previous question.

The previous question was sustained.

The motion then recurring upon the motion to strike out the enacting clause, Messrs. Jones, Hastings and Godard demanded the yeas and nays.

YEAS.

Messrs. Ashley, Bostwick, Burton, Ewer, Gordon, Hagans, Hastings, Jones, Letcher, Mandeville, McDonald, Noel, Stevenson, Sweasey, Warmcastle and Watkins—16.

NAYS.

Messrs. Anderson, Bagley, Ballou, Bennett, Bowie, Bradford, Briggs, Carr, Carrillo, Dannels, Dawley, Fairfield, Gilbert, Godard, Henry, Herbert, Hoff, Horr, Houghtaling, Hoyt, Hubbard, Hubert, Hunt, Hunter, Irwin, James, Kellogg, Koll, Lindsey, Musser, Myres, McBrayer, McKinney, Nichols, O'Neil, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stemmons, Stowe, Sweetland, Tallmadge, Tivy, Van Cleft, Whitman and Mr. Speaker—51.

So the House refused to strike out the enacting clause.

The bill was then read a third time.

Mr. Jones moved to recommit, with instructions to strike out all except what relates to porters and pages.

Not agreed to.

Mr. Myres moved the previous question.

The previous question was sustained.

On the passage of the bill Messrs. Jones, Ewer and Hagans demanded the yeas and nays.

YEAS.

Messrs. Bagley, Bennett, Bowie, Bradford, Briggs, Carr, Carrillo, Dawley, Fairfield, Gilbert, Godard, Henry, Herbert, Hoff, Horr, Houghtaling, Hoyt, Hubbard, Hubert, Hunt, Irwin, James, Koll, Lindsey, Myres, McBrayer, McKinney, Nichols, O'Neil, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Springer, Stemmons, Stowe, Sweetland, Van Cleft, Whitman and Mr. Speaker—42.

NAYS.

Messrs. Ashley, Bostwick, Burton, Cornwall, Ewer, Gordon, Hagans, Hastings, Hollister, Hunter, Jones, Letcher, Mandeville, McDonald, McDaniel, Noel, Stevenson, Sweasey, Tivy, Warmcastle and Watkins—21.

So the bill passed.

Mr. Irwin moved to reconsider the vote just taken, and Mr. Herbert moved to indefinitely postpone the motion to reconsider.

The motion was indefinitely postponed.

The following report was made by Mr. Tivy :

The Joint Committee on Enrolled bills, have examined and find correctly enrolled, the following Acts and Resolutions, viz :

An Act to create a Contingent Fund to pay the postage of the members of the Legislature of the year 1854.

An Act to fix the compensation of the Board of Supervisors of Tuolumne county.

An Act to authorize the Court of Sessions of Trinity county to levy a special tax for the purposes therein mentioned.

An Act defining the boundaries between the counties of Santa Barbara and San Luis Obispo.

An Act to change the name of Henry St. Clair, to that of Henry St. Clair Lott.

An Act to authorize the Administrator of the estate of Richmond Lumpkins, deceased, to pay over the moneys of said estate to James M. Waller.

Concurrent Resolutions in relation to the soldiers of 1812.

Concurrent Resolution granting leave of absence to John R. McConnell, Attorney General of this State.

JOS. A. TIVY,
Chairman Committee on Enrollment.

Mr. Myres, chairman, made the following report :

The undersigned, a minority of the Judiciary Committee, having considered Senate bill No. 150, entitled an Act to fix the place of residence of certain State officers, report the same back, and recommend its passage.

MYRES,
GORDON,
HOYT.

Senate bill No. 150, above reported, on its third reading

Mr. Sweetland moved a call of the House.

Call was sustained.

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

Messrs. Davidson, French, Green, Henry, Hoff, Hollister, Hunt, Koll, McDuffie, McGee, McKinney, Rowan, Springer and Whipple.

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

Mr Herbert, from Judiciary Committee, made the following report, for himself, Whitman, Warmcastle, Bowie, Hubert and Carr :

A majority of the Judiciary Committee, having considered Senate bill No. 150, entitled an Act to fix the residence of certain State officers, herewith report the same to the House and recommend its indefinite postponement.

Mr. Conness moved the previous question :

The previous question was sustained.

The bill was read a third time and passed.

Mr. Conness made the following report from committee of conference, on the disagreeing vote of the two Houses on the Revenue Bill .

The House recedes from amendment to section 8.

Senate concurs in House amendment to title of article 4.

House recedes from amendment to section 9.

Senate concurs in House amendment to section 11.

Also, in House amendment to section 12.

House recedes from second amendment to section 13.

Also, recedes from first amendment to section 14.

Also, recedes from its amendment to section 18.

Senate concurs in House amendment to section 54. Insert "and San Francisco" after "Shasta," in seventh line of printed bill, section 112. Re-number the sections from section 11, consecutively

Report adopted

Mr. Ashiey, from the Judiciary Committee, made the following report :

The Judiciary Committee have had under consideration, and herewith report the following entitled bills, viz .

Assembly bill, No. 348, entitled an Act concerning the office of Coroner.

Assembly bill, No. 351, entitled an Act for the protection of securities.

Assembly bill, No. 297, entitled an Act amendatory and supplementary to the Act concerning the Courts of Justice of this State and Judicial Officers, passed May 19, 1853.

Assembly bill, No. 172, entitled an Act to divide the Tenth Judicial District, and

to create a new Judicial District, and to fix the terms thereof, which, severally, the committee recommend do not pass.

Assembly bill, No. 316, entitled an Act to fix the place of holding the sessions of the Supreme Court.

The committee report to the House without recommendation.

Assembly bill, No. 352, entitled an Act repealing the 8th, 9th, and 10th sections of an Act approved May 18, 1853, entitled an Act amendatory and supplementary to an Act, entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, is herewith reported to the House with the recommendation that it do not pass.

Assembly bill, No. 340, entitled an Act requiring notice to be given of applications to the Legislature, and

Assembly bill, No. 349, entitled an Act explanatory of an Act, entitled an Act to prohibit Lotteries, passed March 11, 1851.

The committee recommend that the same, severally, be passed.

Senate bill No. 141, entitled an Act to prevent the disposal of the reversionary interest of the State in certain property in the city of San Francisco, report the same back, and recommend its indefinite postponement.

Also Senate bill No. 203, entitled an Act to amend section 674 of an Act to regulate Proceedings in Criminal Cases, passed May 1, 1851, offer amendments to the bill, and recommend their adoption, and the passage of the bill.

Assembly bill No. 348, above reported, on its third reading :

Mr. Bagley moved the previous question.

The previous question was sustained.

The bill read a third time and did not pass.

Assembly bill No. 351, above reported, read a third time, and did not pass

Mr. O'Neil, chairman, made the following report :

The Committee on Engrossment have examined and find correctly engrossed—

An Act to provide John S. Bradford with duplicate warrants, in lieu of certain warrants lost or destroyed.

Assembly bill above reported by Judiciary Committee, read a third time and did not pass.

Assembly bill No. 172, also reported by Judiciary Committee, read third time and did not pass.

Assembly bill No. 316, also reported by Judiciary Committee, read a third time,

Mr. Bostwick moved the previous question.

The previous question was sustained.

On the passage of the bill, Messrs. Ashley, Whitman, and Stemmons, demanded the yeas and nays :

YEAS.

Messrs. Anderson, Ballou, Bennett, Bostwick, Bradford, Burton, Carr, Carrillo, Clingan, Conness, David-on, Dawley, Ewer, Fairfield, Gilbert, Godard, Gordon, Griffith, Hagans, Hastings, Hollister, Horr, Houghtaling, Hoyt, Hubbard, Hunt, Hunter, Irwin, Koll, Lindsey, Musser, Myres, McBrayer, McDonald, Noel, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Spencer, Springer, Stemmons, Stevenson, Stowe, Sweetland, Tallmadge, Van Cleft, and Mr. Speaker—50.

NAYS.

Messrs. Ashley, Bowie, Cornwall, Hubert, Jones, Letcher, Mandeville, Nichols, Sweasey, Warmcastle, Watkins, Whipple, and Whitman—13.

So the bill passed.

The following message was received from the Senate :

I am instructed to inform the Assembly, that the Senate passed on the 5th inst., a 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.

JOHN Y. LIND,
Secretary.

Senate bill No. 21, above reported, read first and second times, and referred to Judiciary Committee.

The committee reported the bill back, and recommended the passage of the same.

On motion of Mr. Myres, the House resolved itself into Committee of the Whole, Mr. Van Cleft in the chair, to consider the bill.

After spending some time in its consideration, on motion, the committee rose and reported the bill back to the House.

And the committee was discharged.

Mr. Griffith offered an amendment to the bill.

Mr. Bradford demanded the previous question.

The previous question was sustained.

The amendment of Mr. Griffith was then adopted.

Mr. Conness moved to reconsider the vote which adopted the amendment offered by Mr. Griffith.

Not agreed to.

The bill was read a third time and passed.

On motion of Mr. Conness, the House took up for consideration messages from the Senate.

The following messages were received from the Senate :

I am instructed to inform the Assembly that the Senate passed this day a bill for an Act explanatory of an Act to re-incorporate the City of San Francisco, passed April 15, 1851.

JOHN Y. LIND,
Secretary.

The above bill was read a first and second time and referred to San Francisco delegation.

I am instructed to inform the Assembly that the Senate passed this day a bill for an Act to re-incorporate the city of San Francisco.

JOHN Y. LIND,
Secretary.

The above bill was read a first and second time and referred to the San Francisco delegation with instructions to report immediately.

I am instructed to inform the Assembly that the Senate passed this day Assem-

bly bill for an Act creating a Board of Commissioners and the office of Overseer in each township of the several counties therein named, to regulate water courses within their respective limits, with an amendment as therein shown. And have appointed on their part Messrs. Walkup, Sprague and Lent to act with Assembly Committee of free conference on the disagreeing votes on the Revenue bill.

JOHN Y. LIND,
Secretary.

I am instructed to inform the Assembly that the Senate passed this day the following bills.

Assembly bill for an Act amendatory of an Act to provide for the protection of Foreigners, and to define their liabilities and privileges, passed March 30, 1853.

An Act in reference to the Journals of the Senate and Assembly.

An Act for the relief of John Bowling, Sheriff of Mariposa county.

Which are herewith respectfully submitted.

JOHN Y. LIND,
Secretary

I am instructed to inform the Assembly that the Senate passed this day Assembly concurrent resolutions authorizing the Governor to receive certain deeds and conveyances.

Assembly bill for an Act to amend an Act to prohibit the erection of Wiers or other obstructions to the run of Salmon, passed April 12, 1852.

Assembly bill for an Act to adjust the amount of indebtedness of the county of Alameda to the county of Contra Costa, and provide for the payment thereof.

An Act to change the name of Mary Elizabeth McGrecco to Mary Elizabeth Hastings.

An Act to authorize the Comptroller of State to issue a duplicate warrant to S. W. Langton.

An Act to abolish the Board of Supervisors in the county of Monterey, and to confer the jurisdiction over county business upon the Court of Sessions; and,

An Act to compensate H. Gomez Mauriz for translating into Spanish and engrossing certain Legislative Documents.

Which are herewith respectfully submitted.

JOHN Y. LIND,
Secretary.

I am instructed to inform the Assembly that the Senate passed Assembly bill for an Act concerning the office of Secretary of State, with an amendment as therein shown; and,

An Act to amend an Act to authorize the formation of corporations for the construction of Plank or Turnpike Roads, approved May 12, 1853.

Which are herewith respectfully submitted.

JOHN Y. LIND,
Secretary.

Senate amendment to the above bill concurred in by the Assembly.

I am instructed to inform the Assembly that the Senate passed this day Assembly bill for an Act for the relief of Henry Wohlgamuth, with an amendment as

therein shown—and a concurrent resolution of instructions to representatives in Congress—in which the concurrence of the Assembly is respectfully asked.

JOHN Y. LIND,
Secretary.

Senate amendment to Assembly bill concurred in.
Senate concurrent resolution adopted by the House.

I am instructed to inform the Assembly that the Senate passed this day a bill for an Act supplementary to an Act to provide for the disposition of certain property of the State of California, passed March 26, 1851.

JOHN Y. LIND,
Secretary.

Senate bill, No. 220, above reported.
Read first time, and ordered to a second reading on to-morrow.

I am instructed to inform the Assembly that the Senate passed, on the 10th instant, Assembly bill for an Act to fund that portion of the debt of Trinity county, accruing previous to the 12th of May, 1853, apportioned to Humboldt county, and provide for the payment thereof; and on yesterday,

Assembly bill for an Act to amend an Act concerning Corporations;

Assembly bill for an Act granting Jos. R. Beals and others, the right to construct a Toll Bridge across the Pajaro river; and

Senate bill for an Act appropriating monies for the benefit of certain Orphan Asylums.

An Act to Incorporate the State Agricultural Society, and appropriate money for its support; and

An Act to authorize Stephen K. Nurse to build a Wharf in the county of Solano;

All of which are respectfully submitted.

JOHN Y. LIND,
Secretary.

Senate amendment to Assembly bill No. 224,

Concurred in by the House

Senate bill No. 217, above reported,

Read first and second time and referred to Committee on Accounts

Assembly bill No. 332,

Read a third time but did not pass.

Assembly bill No. 340,

Read a third time and passed.

Assembly bill, No. 349.

Read a third time and passed.

Senate bill No. 141, in reference to the disposition of certain property in the city of San Francisco,

Read a third time, and indefinitely postponed.

Mr. Tivy, chairman, made the following report:

The Joint Committee on Enrolled Bills have carefully examined and find correctly enrolled, the following Acts, viz:

An Act for the Protection of Game,

An Act amendatory of an Act to provide for the protection of Foreigners, and to define their liabilities and privileges, passed March 30, 1853,

An Act for the relief of John Bowling, sheriff of Mariposa county.

An Act to amend an Act concerning Corporations,

An Act to authorise Stephen K. Nurse to build a Wharf in the county of Solano,

An Act in reference to the Journals of the Senate and Assembly;

An Act granting Joseph R. Beals and others the right to construct a Toll Bridge across the Pajaro river;

An Act to Incorporate a State Agricultural Society and appropriate money for its support;

An Act to amend an Act concerning the *per diem* of officers of the Senate and Assembly, passed January 21, 1854.

Senate bill No. 203, read a third time and passed, and, on motion, the title was amended.

The following message was received from the Senate :

I am instructed to inform the Assembly, that the Senate passed this day—

An Act amendatory of an Act entitled an Act to provide for the incorporation of Railroad Companies, approved April 22, 1853, with amendments, as therein shown

And an Act to provide J. S. Bradford with duplicate warrants, in lieu of certain warrants lost or destroyed.

JOHN Y. LIND,
Secretary

The amendment of the Senate amended, and adopted as amended.

Mr. Kellogg made the following report :

The Committee on Military Affairs, to whom was referred Senate bill No. 101, have had the same under consideration, and report the same back to the House without recommendation, and ask to be discharged from the further consideration of the subject.

They have also to report back Joint Resolutions passed by the Legislature of Pennsylvania relative to old soldiers, and in view of the fact that a Senate resolution to this effect has passed this House, have no recommendations to make, except that they concur in the features of the Resolution.

All of which is respectfully submitted.

Senate bill No. 101, above reported, on its third reading—

Mr. Nichols moved to go into Committee of the Whole, to consider the bill.

Not agreed to.

Mr. Kellogg moved to indefinitely postpone the bill, and

Messrs. Nichols, Kellogg, and Hoff, demanded the yeas and nays

Mr. Kellogg moved the previous question.

The previous question was sustained.

The vote was then taken upon the motion to indefinitely postpone.

YEAS.

Messrs. Ashley, Bennett, Bostwick, Bowie, Burton, Carr, Clingan, Coruwall, Dannels, Ewer, Gordon, Hagans, Hastings, Hollister, Houghtaling, James, Jones, Kellogg, Letcher, Lindsey, Mandeville, McDuffie, McDaniel, Noel, Stemmons, Stevenson, Stowe, Sweetland, Tallmadge, Warncastle, and Watkins—32

NAYS.

Messrs. Anderson, Bagley, Ballou, Bradford, Carrillo, Conness, Dawley, Fairfield, Gilbert, Godard, Griffith, Herbert, Hoff, Horr, Hubbard, Hubert, Hunt, Irwin, Koll, Myres, McBrayer, McKinney, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy, Ring, Rowan, Spencer, Sweasey, Van Cleft, Whitman, and Mr. Speaker—35.

So the House refused to indefinitely postpone.

Mr Kellogg moved the previous question.

The previous question was sustained.

On ordering the bill to a third reading, Messrs. Stevenson, Hunter, and Bagley, demanded the yeas and nays :

YEAS.

Messrs. Bagley, Bradford, Carrillo, Conness, Fairfield, Gilbert, Herbert, Hoff, Hollister, Horr, Hubbard, Hubert, Hunt, Irwin, Koll, Myres, McBrayer, McKinney, Nichols, O'Neil, F. A. Park, J. W. Park, Pratt, Purdy Ring, Rowan, Spencer, Sweasey, Van Cleft and Mr. Speaker—30.

NAYS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bostwick, Bowie, Burton, Clingau, Cornwall, Dannels, Ewer, Gordon, Hagans, Hastings, Hunter, James, Jones, Kellogg, Letcher, Mandeville, Musser, McDonald, McDuffie, McDaniel, Noel, Stemmons, Stevenson, Sweetland, Tallmadge and Watkins—30.

There being an equal number of votes the motion was lost, and the House refused to read the bill a third time.

Mr. James moved to reconsider the vote just taken.

Mr. Dannels moved to lay the motion to reconsider on the table.

Agreed to.

Mr. Myres moved to take up for consideration the Senate Deficiency bill.

Not agreed to.

Mr. Griffith, chairman, made the following report :

The Committee on Roads and Highways, to whom was referred Senate bill No. 140, for an Act concerning Public Ferries and Toll Bridges, have considered the same, and recommending two amendments thereto recommend its passage.

Also, Senate bill No. 193, for an Act amendatory of and supplementary to an Act entitled an Act to authorize the formation of Corporations for the construction of Plank and Turnpike Roads, passed May 12, 1853, and recommend its passage.

Senate bill No. 140, above reported. On its third reading the House resolved itself into Committee of the Whole, Mr. O'Neil in the chair, to consider the bill.

After spending some time in its consideration, on motion of Mr. Bostwick, the committee rose and reported the bill back to the House

And the committee was discharged.

Mr. Conness moved the previous question

The previous question was sustained.

The bill was read a third time and passed.

Senate bill No. 193, on its third reading, referred to the San Francisco Delegation.

Mr. Ashley made the following report :

The Committee on Education to whom was referred a petition from Ione Valley, asking an appropriation of money for the establishment of a Seminary of Learning at that place, would most respectfully report :

That, considering the great indebtedness of the State, it would be unwise at present to appropriate money for the purpose of establishing Seminaries. Should the prayer of these petitioners be granted, it would be incumbent on the Legislature to grant similar privileges to all persons similarly situated—and there are numerous such communities in our State—thus inducing an immense expenditure of money we have no means of raising. It is believed the Common School Fund will warrant the sustaining a sufficient number of Common Schools to satisfy the more urgent wants of the different communities in the State, and the organization of higher schools, by law, must await the receipt of funds it is confidently believed will be realized from the sale of State lands. So your committee report the petition to the House, and recommend no further action.

The committee has also considered the report of the Secretary of State and find that the important changes and amendments of the law relating to the State Library, suggested in the Secretary's report, are embodied in various bills now before the Legislature, and hence it is unnecessary to report any new bill, but we would respectfully ask the House to carefully consider the bills now before it based upon the suggestions of the Secretary of State.

Assembly bill No. 138, has been under consideration, and we find that its passage is unnecessary, because it is believed the House has already passed an Act satisfactorily providing for County Superintendents of Common Schools.

Also, an Act supplemental to an Act, to establish a system of Common Schools, as amended in Codified Laws by Garfield and Snyder, has been considered, and believing that its objects are attained by the Act concerning Schools which has passed the Assembly, your committee would recommend that it do not pass.

The report of the present State Superintendent, and the accompanying message of the Governor have been under consideration—and your committee have already reported resolutions carrying into effect the Governor's recommendation as to School Land Warrants, which resolutions have passed. As to the other recommendations of the Superintendent, the greater part are before the House in the form of bills, and we find it unnecessary to advise further upon the report.

Mr. Dawley made following report :

The Committee on Commerce have had under consideration Senate bills, Nos. 182 and 183, and beg leave to report the same back, without amendment, and recommend their passage.

Senate bill, No. 182, above reported, read a third time and passed.

Senate bill, 183, in relation to Lumber Inspection in San Francisco on its third reading.

Mr. Bostwick moved the previous question.

The previous question was sustained.

On ordering the bill to a third reading, Messrs Stowe, Letcher and Hagan, demanded the yeas and nays :

YEAS

Messrs. Dawley, Godard, Hof, Hollister Hubbard, Irwin, Jones, Kellogg, Koll, McBrayer, J. W. Park, Purdy and Van Cleft—13.

NAYS.

Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Carrillo, Clingan, Conness, Dannels, Ewer, Fairfield, Griffith, Hagans, Hastings, Herbert, Houghtaling, Hoyt, Hubert, Hunt, James, Letcher, Lindsey, Myres, McDuffie, McKinney, Nichols, Noel, O'Neil, F. A. Park, Pratt, Rowan, Spencer, Stemmons, Stevenson, Stowe, Sweasey, Warmcastle, Watkins, Whitman and Mr. Speaker—45.

So the House refused to read the bill a third time.

Mr. Letcher moved to reconsider the vote just taken.

Mr. Hubert moved to lay the motion to reconsider on the table.

Agreed to

Mr. Conness moved that Mr. Hubbard be required to report back to the House a bill to repeal or abolish the office of Gauger for San Francisco, and Messrs. Sweetland, Conness and Lindsey, demanded the yeas and nays

YEAS.

Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Bostwick, Bowie, Bradford, Burton, Carr, Conness, Dannels, Godard, Gordon, Hagans, Hollister, Houghtaling, Hoyt, Hubert, Kellogg, Koll, Letcher, Lindsey, Musser, McDonald, McKinney, Nichols, Noel, Ring, Spencer, Stowe, Sweasey, Sweetland, Warmcastle, Watkins and Whitman—36

NAYS

Messrs. Carrillo, Cornwall, Dawley, Ewer, Fairfield, Gilbert, Herbert, Horr, Hunt, Hunter, Irwin, James, Jones, Myres, McBrayer, McDuffie, McDaniel, J. W. Park, Rowan, Stemmons, Stevenson, Van Cleft, Whitman and Mr. Speaker—24.

So the House decided that Mr. Hubbard should report the bill.

On motion of Mr. Hubert, the House took up for consideration Senate bill No. 94, Deficiency bill.

On motion of Mr. Mandeville, the House resolved itself into Committee of the Whole, Mr. Van Cleft in the chair, to consider the bill.

After spending some time in its consideration, on motion, the committee rose, reported the bill back to the House, and recommended the passage of the same, and asked to be discharged from its further consideration.

The committee was discharged.

Mr. Dannels moved to take a recess until 8 o'clock.

Not agreed to.

Mr. Van Cleft moved the previous question.

Not agreed to.

Mr. Van Cleft moved to take a recess until half past 7 o'clock.

Not agreed to.

Mr. Sweetland moved the previous question
The previous question was sustained.

On the adoption of the amendment relative to appropriations for the State Prison,
Messrs. Letcher, Dannels and Conness demanded the yeas and nays :

YEAS.

Messrs. Bradford, Carr, Carrillo, Clingan, Cornwall, Godard, Griffith, Hastings, Henry, Herbert, Hoff, Houghtaling, Hoyt, Hubert, Hunt, Irwin, James, Jones, Koll, Mandeville, Musser, Myres, McDuffie, McDaniel, McKinney, Nichols, O'Neil, F. A. Park, J. W. Park, Ring, Spencer, Stevenson, Tivy, Van Cleft, Warmcastle, Whitman and Mr. Speaker—37.

NAYS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bowie, Burton, Conness, Dannels, Dawley, Ewer, Fairfield, Gilbert, Hagans, Hollister, Hunt, Letcher, Lindsey, McBrayer, McDonald, Noel, Pratt, Purdy, Rowan, Stemmons, Stowe, Sweasey, Sweetland, Tallmadge and Watkins—29.

So the amendment was adopted.

Mr. Nichols moved to reconsider the vote just taken, and
Messrs. Conness, Letcher and Hubbard demanded the yeas and nays :

YEAS.

Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Bowie, Burton, Conness, Dannels, Ewer, Fairfield, Gilbert, Gordon, Hagans, Hollister, Hubbard, Hunter, Koll, Letcher, Lindsey, McBrayer, McDonald, Nichols, Noel, Pratt, Purdy, Ring, Rowan, Stemmons, Stowe, Sweasey, Sweetland, Tallmadge and Watkins—34.

NAYS.

Messrs. Bradford, Carr, Carrillo, Clingan, Godard, Griffith, Hastings, Henry, Herbert, Hoff, Houghtaling, Hoyt, Hubert, Hunt, Irwin, James, Jones, Mandeville, Musser, Myres, McDuffie, McDaniel, McKinney, O'Neil, F. A. Park, J. W. Park, Spencer, Tivy, Van Cleft, Warmcastle, Whipple, Whitman and Mr. Speaker—33.

So the vote was reconsidered.

Mr. Houghtaling moved to take a recess until half past 7 o'clock this evening.
Not agreed to.

The amendment was then lost by the following vote.

Messrs. Conness, Letcher, and Dannels, demanding the yeas and nays.

YEAS.

Messrs. Bradford, Carr, Carrillo, Clingan, Godard, Griffith, Hastings, Henry, Herbert, Hoff, Hoyt, Hubbard, Hubert, Hunt, Irwin, James, Jones, Mandeville, Musser, McDuffie, McDaniel, O'Neil, F. A. Park, J. W. Park, Ring, Tivy, Warmcastle, Whipple, Whitman, and Mr. Speaker—31.

NAYS.

Messrs. Anderson, Ashley, Bagley, Ballou, Bennett, Bowie, Burton, Conness, Dannels, Ewer, Gilbert, Gordon, Hagans, Hollister, Hunter, Koll, Letcher, Lindsey, McBrayer, McDonald, Nichols, Noel, Pratt, Purdy, Rowan, Stemmons, Stowe, Sweasey, Sweetland, Tallmadge, and Watkins—31.

On adoption of the amendment relative to appropriating \$61,750 to Duncan, Sherman, & Co., for money advanced in January last.

Messrs. Lindsey, Conness, and McKinney, demanded the yeas and nays :

YEAS.

Messrs. Anderson, Bagley, Bennett, Bowie, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Ewer, Gordon, Griffith, Hagans, Hastings, Henry, Herbert, Hoff, Hubert, James, Letcher, Lindsey, McDuffie, McDaniel, McKinney, Nichols, Noel, J. W. Park, Spencer, Stemmons, Stevenson, Stowe, Tivy, Warmcastle, Watkins, Whipple, and Whitman—37.

NAYS.

Messrs. Ballou, Bostwick, Conness, Gilbert, Godard, Hollister, Hoyt, Hubbard, Hunt, Irwin, Koll, Musser, McDonald, F. A. Park, Pratt, Purdy, Ring, Rowan, Sweasey, and Tallmadge—20.

So the amendment was adopted.

The bill was then read a third time.

Mr. Hoyt moved the previous question, which was sustained, and the bill passed.

Mr. Conness moved to reconsider the vote just taken.

Not agreed to.

Mr. Whitman moved to adjourn.

Not agreed to.

Mr. Tivy, chairman, made the following report :

The Committee on Enrolled Bills have examined and find correctly enrolled the following Acts, viz :

An Act to fix the place of residence of certain State officers.

An Act authorizing John Caruthers to build and construct a turnpike or gravel road from the city of Stockton to the towns of Sonora and Columbia in Tuolumne county.

An Act appropriating money for the payment of Cornelius Cole, for services rendered as agent of the State.

On motion of Mr. Fairfax, the House took a recess until 8 o'clock, P. M.

EIGHT O'CLOCK, P. M.

The House met pursuant to adjournment, and,

On motion of Mr. Dannels, took a recess for fifteen minutes.

QUARTER PAST EIGHT.

Mr. Dannels, made the following report :

The Committee on Mines and Mining Interests have had under consideration Assembly bill No. 318,

An Act to Protect Mining Interests, and to prevent excessive Emigration from Asia to the State of California, and have directed me to report the same back with the following amendments, viz :

Strike out in the title of the bill, all after the word "interests," and strike out the 5th, 6th and 7th sections of the bill, and recommend its passage.

J. W. MANDEVILLE,
Chairman.

Assembly bill No. 318, above reported ;

Mr. McBrayer moved to indefinitely postpone the bill, and

Messrs. Dannels, Hoff and Hubbard demanded the yeas and nays :

YEAS.

Messrs. Ashley Bowie, Carrillo, Cornwall, Dawley, Fairfield, Herbert, Horr, Hunter, James, Myres, McBrayer, McDuffie, Nichols, Noel, J. W. Park, Purdy, Ring, Spencer, Stemmons, Sweasey, Sweetland, Warmcastle, Watkins and Whitman—25.

NAYS

Messrs. Bagley, Bennett, Briggs, Burton, Conness, Dannels, Davidson, Gilbert, Godard, Gordon, Hagans, Hastings, Hoff, Houghtaling, Hoyt, Hubbard, Irwin, Jones, Koll, Letcher, Lindsey, Mandeville, Musser, McDonald, Pratt, Stevenson, Stowe, Van Cleft, Whipple and Mr. Speaker—30.

So the motion to indefinitely postpone, was lost

Mr. Burton moved the previous question, which was sustained.

The amendments offered by the committee were adopted by the House, the bill read a third time, and

On motion of Mr. Van Cleft, recommitted with special instructions, by the following vote :

Messrs. Mandeville, Godard and Pratt demanding the yeas and nays :

YEAS.

Messrs. Ashley, Bagley, Bowie, Carrillo, Clingan, Conness, Cornwall, Dawley, Ewer, Fairfield, Herbert, Horr, Hubbard, Hubert, Hunter, James, McBrayer, McDonald, McDuffie, F. A. Park, Purdy, Ring, Stemmons, Sweasey, Sweetland, Van Cleft, Watkins, Whitman and Mr. Speaker—29

NAYS.

Messrs. Bennett, Briggs, Burton, Dannels, Davidson, Gilbert, Godard, Hagans, Hastings, Hoff, Houghtaling, Irwin, Jones, Koll, Letcher, Lindsey, Mandeville, Musser, Myres, Noel, J. W. Park, Pratt, Rowan, Stevenson, Tivy and Whipple—26.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills have examined and find correctly enrolled the following Acts, viz :

An Act to provide for the erection of a Wharf in Santa Barbara.

An Act to amend an Act entitled an Act, concerning the salaries of officers, and pay of members of the Legislature, passed May 11, 1852.

An Act to adjust the amount of indebtedness of the county of Alameda to the county of Contra Costa, and provide for the payment thereof.

An Act to amend an Act entitled an Act to prohibit the erection of Wiers or other obstructions to the run of Salmon, passed April 12, 1852.

An Act for the relief of Capt. Harry Love.

An Act explanatory of an Act entitled an Act to prohibit Lotteries, passed March 11, 1851.

An Act to amend an Act to authorize the formation of corporations for the construction of Plank or Turnpike roads ; approved May 12, 1853.

An Act for the relief of Henry Wohlgamuth.

An Act to provide J. S. Bradford with duplicate warrants, in lieu of certain warrants lost or destroyed.

An Act to authorize the Comptroller of State to issue a duplicate warrant to S. W. Langton.

An Act to compensate H. Gomez Mauriz for translating into Spanish, and engrossing certain legislative documents.

An Act to abolish the Board of Supervisors in the county of Monterey, and to confer the jurisdiction over county business upon the Court of Sessions.

An Act to change the name of Mary Elizabeth McGreece to Mary Elizabeth Hastings ; and,

Concurrent Resolutions authorizing the Governor to receive from the city of Sacramento any deed, conveyance, etc.

Assembly bill, No. 206, an Act for the protection of owners of buildings and other fixtures to the soil in the mining districts of this State,

Reported by Committee on Mines and Mining Interests, with a recommendation that it pass,

Read third time.

Mr. Dawley moved to lay the bill on the table.

Not agreed to.

The bill was then passed.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate have reconsidered the vote by which the Senate this day concurred in Assembly amendment of the Practice Act, and refuse to concur, and have appointed, as a committee of conference, Messrs. Sprague, Tuttle and Wade, and ask that the Assembly will appoint a committee to confer with them.

Respectfully,

JOHN Y. LIND,
Secretary.

Senate bill No. 21, above reported.

The House insisted on their amendment, and appointed Messrs. Myres, Griffith and Gordon a committee of conference

Mr. Myres made the following report

The committee of conference on the disagreeing vote of the two Houses on the amendment of the Assembly to Senate bill No. 21, have agreed that the Assembly recede from their amendment

R. T. SPRAGUE, Senate.
B. F. MYRES, Assembly.

On motion, the report was adopted by the House.

Mr. Irwin, chairman, made the following report :

The Committee on Federal Relations, to whom was referred Joint Resolutions No. 325, in relation to the emigration of Coolies and others who are not competent to become citizens of the United States into this State, recommend their passage.

In relation to Joint Resolutions of the Commonwealth of Massachusetts, relative to cheap ocean postage No. 3, and Joint Resolutions in relation to the United States Census Agents for the State of California No. 238, your committee unanimously recommend that they do not pass.

Joint Resolution No. 325, above reported.

Read third time and passed

Joint Resolutions No. 238, also above reported.

Read third time and lost.

Mr. Irwin, chairman, made the following additional report .

The Committee on Federal Relations, to whom was referred Joint Resolutions No. 60, tendering thanks of the Legislature to our Senators and Representatives in Congress, &c., and Joint Resolutions No. 69, in relation to the Pacific railway, respectfully report that they have had the same under consideration, and unanimously recommend their passage.

Senate Joint Resolutions No. 60, above reported ,

Read third time.

Mr. Tallmadge moved to reconsider the third reading of the resolutions .

Agreed to.

Mr. Conness moved to lay the resolutions on the table, and

Messrs Herbert, Irwin and Mandeville demanded the yeas and nays :

YEAS.

Messrs. Ashley, Bagley, Ballou, Bostwick, Conness, Dannels, Dawley, Ewer, Fairfield, Gilbert, Hoff, Hollister, Horr, Hoyt, Jones, Koll, McBrayer, McDonald, Pratt, Ring, Rowan, Sweasey, Tallmadge and Van Cleft—24

NAYS.

Messrs. Anderson, Bowie, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Gordon, Griffith, Hagans, Hastings, Herbert, Houghtaling, Hubbard, Hubert, Hunter, Irwin, James, Letcher, Lindsey, Mandeville, Musser, Myres, McDuffie, Nichols, Noel, F A Park, J W Park, Spencer, Stenmons, Stevenson, Sweetland, Tivy, Warmcastle, Watkins, Whitman and Mr. Speaker—39.

So the House refused to lay the resolutions on the table.

The resolutions were then read third time and passed.

Senate Joint Resolutions No. 69, also reported by Committee on Federal Relations, were read third time.

Mr. Conness moved to lay them on the table, and

Messrs. Gordon, Houghtaling and Watkins demanded the yeas and nays:

YEAS.

Messrs. Bagley, Bradford, Briggs, Conness, Cornwall, Dannels, Davidson, Dawley, Fairfield, Gilbert, Hollister, Hoyt, Hunter, James, Koll, Mandeville, Musser, McBrayer, McDuffie, O'Neil, Pratt, Ring, Rowan, Sweasey, Tallmadge, Tivy, Van Cleft, Warmcastle, Watkins and Mr. Speaker—31.

NAYS.

Messrs. Anderson, Ballou, Bennett, Bostwick, Bowie, Burton, Carr, Carrillo, Clingan, Ewer, Gordon, Griffith, Hagans, Hastings, Herbert, Hoff, Horr, Houghtaling, Hubbard, Hubert, Irwin, Jones, Letcher, Lindsey, McDonald, Nichols, Noel, F. A. Park, J. W. Park, Spencer, Stemmons, Stowe, Sweetland and Whitman—35.

So the motion to lay on the table was lost.

Mr. Hoff moved to indefinitely postpone the resolutions.

Mr. Myres moved the previous question, which was sustained by the following vote:

Messrs. Irwin, Gordon and Bennett demanding the yeas and nays:

YEAS.

Messrs. Ballou, Bradford, Briggs, Burton, Conness, Dannels, Dawley, Fairfield, Gilbert, Godard, Griffith, Hollister, Hoyt, Hubert, Hunt, Hunter, James, Jones, Kellogg, Koll, Mandeville, Musser, Myres, McBrayer, McDonald, Sweetland, Tallmadge, Warmcastle and Mr. Speaker—35.

NAYS.

Messrs. Anderson, Bagley, Bennett, Bostwick, Bowie, Carr, Carrillo, Clingan, Cornwall, Davidson, Gordon, Hagans, Hastings, Herbert, Hoff, Horr, Houghtaling, Irwin, Letcher, Lindsey, Nichols, J. W. Park, Ring, Rowan, Spencer, Stemmons, Stowe, Van Cleft, Watkins, and Whitman—33.

Upon the motion of Mr. Hoff to indefinitely postpone,

Messrs. Watkins, Hubbard, and Letcher, demanded the yeas and nays:

YEAS

Messrs. Ashley, Bagley, Dannels, Gilbert, Gordon, Hoff, Ring, Rowan, Watkins, and Mr. Speaker—10.

NAYS.

Messrs. Anderson, Bennett, Bostwick, Bowie, Bradford, Briggs, Burton, Carr, Clingan, Conness, Davidson, Dawley, Fairfield, Godard, Griffith, Hagans, Hastings, Henry, Herbert, Hollister, Horr, Houghtaling, Hoyt, Hubbard, Hubert, Hunt,

Hunter, Irwin, James, Jones, Kellogg, Letcher, Lindsey, Mandeville, Musser, Myres, McBrayer, McDonald, McDuffie, McDaniel, McKinney, Nichols, Noel, O'Neil, F. W. Park, J. A. Park, Purdy, Spencer, Stemmons, Stevenson, Stowe, Sweasey, Sweetland, Tallmadge, Van Cleft, and Whitman—56.

So the House refused to indefinitely postpone.

The resolutions were then passed, Messrs. Watkins, Hoff, and Letcher, demanding the yeas and nays, by the following vote :

YEAS.

Messrs. Anderson, Bennett, Bostwick, Bowie, Bradford, Briggs, Burton, Carr, Carrillo, Cornwall, Davidson, Dawley, Fairfield, Griffith, Hagans, Hastings, Henry, Herbert, Hollister, Horr, Houghtaling, Hoyt, Hubbard, Hubert, Hunt, Hunter, Irwin, Jones, Kellogg, Letcher, Lindsey, Musser, Myres, McBrayer, McDonald, McKinney, Nichols, Noel, O'Neil, J. W. Park, Spencer, Stemmons, Stevenson, Stowe, Sweasey, Sweetland, Van Cleft, and Whitman—48.

NAYS

Messrs. Ashley, Bagley, Clingan, Conness, Gilbert, Gordon, Hoff, James, Mandeville, McDuffie, McDaniel, F. A. Park, Pratt, Purdy, Ring, Rowan, Warmcastle, Watkins, and Mr. Speaker—20.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate have concurred in Assembly amendments to Senate bill No 94 except two : one appropriating \$5,000 to Dr. Trask, for Geological Survey ; and the other, appropriating \$61,750 to Messrs. Duncan, Sherman, & Co.—have appointed on their part Messrs. Sprague, Tuttle, and Keene, as a committee of conference, and ask that a similar committee be appointed on the part of the House.

Respectfully,

JOHN Y. LIND,
Secretary.

Mr. O'Neil moved to recede from the amendment relative to Dr. Trask.
Not agreed to.

Mr. O'Neil moved to recede from the amendment relative to Duncan, Sherman, & Co., upon which

Messrs. Dawley, Lindsey, and Hastings, demanded the yeas and nays :

YEAS.

Messrs. Ashley, Bagley, Ballou, Bostwick, Conness, Dannels, Davidson, Dawley, Fairfield, Gilbert, Godard, Gordon, Hoff, Hollister, Horr, Hoyt, Hubbard, Hunt, Hunter, Irwin, Jones, Kellogg, Koll, Musser, Myres, McBrayer, McDonald, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Sweasey, Tallmadge, Van Cleft and Mr. Speaker—38.

NAYS.

Messrs. Anderson, Bennett, Bowie, Bradford, Burton, Carr, Clingan, Cornwall, Griffith, Hagans, Hastings, Henry, Herbert, Houghtaling, Hubert, James, Letcher,

Lindsey, Mandeville, McDuffie, McDaniel, McKinney, Nichols, Noel, J. W. Park, Stemmons, Stevenson, Stowe, Sweetland, Warmcastle, Watkins and Whitman—32.

So the House receded from their amendment; and Messrs James, Gordon and Bradford, were appointed committee of conference to confer with Senate Committee, on amendment relative to Dr. Trask.

Mr. James, chairman, made the following report :

The Committee on Mileage, to whom was referred Senate bill, No. 84, an Act defining the legal distances from each County Seat in the State of California to the Capital at Sacramento; the State Lunatic Asylum at Stockton, and the State Prison at San Quentin, have had the same under consideration, report it back to the House and recommend its passage.

Senate bill, No. 84, above reported.

Read third time and passed

Mr. James made a verbal report from the Sierra delegation, recommending the passage of Senate bill, No. 194, an Act to allow James Golden to collect tolls on a certain road in Sierra county

Read third time and passed.

Mr. Hubbard, from the Committee on Corporations reported Senate bill, No. 12, an Act to provide for the appointment of a Gauger for the Port of San Francisco; approved May 3, 1852.

Read third time.

Mr. Irwin moved to lay the bill on the table.

Not agreed to.

The bill was then passed.

Mr. Fairfield moved to take from the table the motion made on to-day to reconsider the vote by which the House refused to read a third time Senate bill No. 183.

Mr. Conness moved to indefinitely postpone the motion to take from the table; and Messrs. McDuffie, Letcher and Hubbard demanded the yeas and nays.

YEAS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bostwick, Bowie, Burton, Carr, Carillo, Clingan, Conness, Davidson, Hagans, Hastings, Houghtaling, Hoyt, Hubert, Letcher, Lindsay, Mandeville, Musser, Myres, McDuffie, Nichols, Noel, Spencer, Stemmons, Stowe, Sweasey, Warmcastle, Watkins and Whitman—32.

NAYS.

Messrs. Danels, Dawley, Fairfield, Godard, Griffith, Herbert, Hoff, Hollister, Hubbard, Hunt, Irwin, Jones, Kellogg, Koll, McBrayer, McDonald, O'Neil, J. W. Park, Pratt, Purdy, Ring, Rowan, Stevenson, Van Cleft and Mr. Speaker—25.

So the motion was indefinitely postponed.

Mr. James, from the committee of conference on Senate bill No. 94, reported that the committee were unable to agree.

Mr. Hubert moved a committee of free conference.

Not agreed to.

On motion of Mr. Conness, the House reconsidered the vote which refused to recede from their amendment relative to appropriation for Geological Surveys; and the House receded from its amendment

Mr Hubert, from the San Francisco delegation, reported back Senate bill No. 80, "An Act to reincorporate the city of San Francisco," recommending its passage.

Mr. Jones offered an amendment to the 9th subdivision of the 34th section, upon which no action was had.

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

Resolved, That the Chief and Assistant Clerk be allowed their per diem for twenty days after the adjournment of the Legislature, to enable them to arrange the papers appertaining thereto. And that the Recording Clerk, Mr. Bovee, be allowed his per diem for eight days, under the direction of the Chief Clerk, to conclude the records now in progress.

Mr. Davidson made the following report :

The Committee on Accounts and Expenditures, to which was referred Assembly bill, No. 260, an Act in relation to the supplies of fuel and other contingent expenses of the Legislature, report the same back to the House, with an amendment, and recommend its passage.

The Committee further report that the five thousand dollars set apart at the commencement of the session, as a Contingent Fund for the Assembly, has been exhausted—that warrants have been drawn upon the Contingent Fund—and remain unpaid the sum of \$6,155 68-100

To liquidate the same, and to meet the demands against the Contingent Fund, which remain unaudited, the seven thousand dollars appropriated as an additional fund, should be set apart as the accompanying bill provides.

The following statement exhibits the several sums drawn upon the Contingent Fund :

Mileage of Members of Travelling Committees,	-	-	-	\$1,550	00
Mileage of Sergeant-at-Arms,	-	-	-	1,476	00
Postage at Benicia,	-	-	-	930	90
Newspapers for Members, to date,	-	-	-	795	36
Articles for the use of the Assembly, repairs, Carpeting, etc.,	-	-	-	6,403	42
Total,	-	-	-	\$11,155	68

Assembly bill, No 260, reported by the foregoing report; amended as recommended, considered as engrossed, read a third time and passed.

Assembly bill, No. 336, an Act appropriating money for the use and relief of the Ladies' Orphan Asylum in the city of San Francisco.

Reported by Committee on Accounts, considered in Committee of the Whole, Mr. Van Clef in the chair.

Read a third time and lost.

On motion of Mr. Conness the House went into the consideration of the Senate messages.

The following messages were received from the Senate :

I am instructed to inform the Assembly that the Senate passed this day,

Assembly bill for an Act for the relief of Captain Harry Love ;

An Act entitled an Act concerning the salaries of Officers and pay of Members of the Legislature, passed May 11, 1852.

The Senate have refused to concur in Assembly amendment to the first section, eleventh line, "mileage excepted," of an Act to amend section seventh, of an Act entitled an Act concerning the office of Surveyor General;

And have concurred in the amendment of Assembly to amendment of Senate to

Assembly bill amending an Act to provide for the incorporation of Railroad Companies :

And have concurred in Assembly amendments to an Act to amend an Act to regulate proceedings in Criminal Cases, passed May 1, 1851 ; and

An Act explanatory of an Act entitled an Act to prohibit Lotteries, passed March 11, 1851.

Respectfully,

JOHN Y. LIND,
Secretary.

On motion of Mr. Conness, the House receded from their amendment to Assembly bill No. 261, above reported.

I am instructed to inform the Assembly that the Senate passed this day Senate bill for

An Act to prevent fraud in the sale of Flour.

Respectfully submitted,

JOHN Y. LIND,
Secretary.

Senate bill No. 186, above reported, read first time, and ordered to a second reading on to-morrow.

I am instructed to inform the Assembly that the Senate have this day concurred in Assembly amendments to Senate bill for an Act concerning Public Ferries and Toll Bridges ; and have passed a bill for

An Act to authorise and enable Dr John B. Trask to complete his Geological examinations of parts of the State of California.

Respectfully,

JOHN Y. LIND,
Secretary.

Senate bill No 209, above reported, was read first time and ordered to a second reading on to-morrow.

I am instructed to inform the Assembly that the Senate passed, this day, Assembly bill for an Act amendatory of an Act dividing the State into counties, and establishing the seat of justice therein, passed April 25th, 1851.

Which is respectfully presented.

JOHN Y. LIND,
Secretary.

I am instructed to inform the Assembly that the Senate passed this day, an Act to provide for the erection of a Wharf at Santa Barbara ; and a bill for

An Act to fund the debt of the county of Mariposa, and provide for the payment of the same.

Respectfully,

JOHN Y. LIND,
Secretary.

Senate bill No. 210,

An Act to fund the debt of the county of Mariposa, and provide for the payment of the same, above reported.

Read first and second times, rules suspended, read third time and passed.

I am instructed to inform the Assembly that the Senate passed, this day, Assembly bill for "An Act to authorize Wm. F. McLean and George Colloway to build a wharf in the county of San Francisco, beyond the western limits of the city of San Francisco, and near to said line"

The Senate have non-concurred in Assembly's amendment to the Deficiency bill, making an appropriation of five thousand dollars to John B. Trask, for Geological Survey of parts of this State; and also in the amendment making an appropriation of \$66,750 to pay Duncan, Sherman, and Co., and have appointed as a committee of conference, Messrs. Sprague, Keene, and Tuttle, and ask that the Assembly will appoint a committee to confer with them.

And have passed an Act to authorize the Treasurer of the County of Los Angeles to retain money belonging to the general fund of the State, for the benefit of the Los Angeles Rangers.

Respectfully,

JOHN Y. LIND,
Secretary

Senate bill No. 204, an Act to authorize the Treasurer of the County of Los Angeles to retain money belonging to the general fund of the State, for the benefit of the Los Angeles Rangers—

Read first and second times, considered in Committee of the Whole, read third time, and passed.

Mr. Irwin moved to adjourn.

Lost.

Mr. Conness moved to consider the unfinished business.

Lost.

Mr. Stowe, chairman of Select Committee made the following report:

The undersigned, a majority of the committee appointed to investigate the cause of the failure to pay the interest on the civil funded debt of the State of California, due and payable in the City of New York, on the first day of January, 1854, beg leave to submit the following report:

That on the 29th day of October last, Major Roman, late Treasurer of State, paid into the hands of Messrs Palmer, Cook & Co. the sum of \$61,750 00, for the purpose of meeting the interest coupons due in the City of New York on the first of January last; and that said Treasurer took from said Bankers a Bond, with sureties that they would "well and truly" pay the said coupons at the American Exchange Bank, in said city, as payment of the same should be demanded.

The conditions of this Bond were not complied with—the American Exchange Bank alledging that no funds had been provided for that purpose by the agents of this State

At this juncture, Messrs Duncan, Sherman & Co., of New York, generously volunteered the payment of said coupons from their own funds, and at last advices had paid nearly the entire amount falling due—thus rescuing from impending ruin the credit of the State. This firm, by letter under date of January 5, called the attention of his Excellency Gov. Bigler, to the part they had acted in the premises, and requested an early reimbursement of their outlays in behalf of California.

We regret to add, that up to the 15th of March, no action had been taken upon the communication of Duncan, Sherman, & Co., by those who should have given the subject their prompt attention.

Palmer, Cook & Co., claim to have had a sufficient amount of money in the hands of the American Exchange Bank to meet the interest when due. Upon this subject your committee express no opinion. They would state as a reason, that their investigation has been necessarily of an ex parte character, being able to refer

only to the books and correspondence of Palmer, Cook & Co., without facilities of procuring the statements of the American Exchange Bank.

It is apparent that there are discrepancies and wide differences in the balance sheets of these two banking houses, and it is to be regretted that the credit of California should have suffered so seriously by being entangled in the business differences of private bankers, and demonstrates the importance of entrusting such vital interests as State credit to none except such as the people have selected for the transaction of their business, and as guardians of their interests.

If it be admitted that Palmer, Cook & Co. did have the amount they claim to have had in the American Exchange Bank to meet the interest, yet we cannot exculpate them from great blame in the premises, nor from gross negligence as guardians of the interest committed to their keeping. Two reasons for this censure will suffice. *First*, This House should have transmitted a specific fund to their correspondents in New York to meet these demands against our Government, and not have involved State funds and State credit with their own confused business affairs—and, *Second*, If no special fund was to be remitted, definite and specific directions should have been given to the American Exchange Bank to pay the interest out of deposits in their hands. The business relations of these houses were such as commonly exist between establishments of this character. The Bank in this State making remittances to their correspondents in New York, and drawing drafts against the same, interest coupons against the State of California could scarcely be denominated the drafts of Palmer, Cook & Co., or payable out of the remittances of that firm unless by special direction. In these two particulars we think that Palmer, Cook & Co. are most grossly at fault. The credit of a State, temporarily entrusted to that party, would seem properly to have demanded more careful keeping and attention than its fate in this instance would indicate. This negligence would have been much more injurious in its results but for the timely action of the House of Duncan, Sherman & Co. To it California owes a debt which the simple reimbursement of advances volunteered in our behalf cannot cancel. Up to the 15th of March nothing had been done by way of liquidating this demand—nor had that firm as late as the 25th of March received even the poor pittance of an acknowledgment of their communication of January 5th, to our Executive.

It is alledged that on the 15th March a messenger was dispatched with the necessary funds, to settle with Duncan, Sherman & Co., and redeem the interest coupons in their hands.

Such tardy justice as this is without excuse, and added to the failure to pay the interest when due, renders those having charge of this matter, doubly in fault, and well nigh places the State upon the list of repudiators.

Prompt reimbursement of Duncan, Sherman & Co., was in an eminent degree due that firm, and would have greatly tended to mitigate the delinquencies of our agents in this State.

In closing, we feel constrained to express the hope that in future the State Treasurer will adopt some plan for the payment of these demands by which the recurrence of similar failures will be securely guarded against. Our people pay their taxes, though onerous, as cheerfully as the citizens of any State in the Union, and it is with regret that they see that their liabilities are not met when they have provided the means therefor.

Owing to our isolated position, the ruinous speculations entered into by eastern capitalists in conjunction with our citizens, and the consequent distrust entertained towards us, both as private citizens, and as a sovereign State, our executive officers are loudly called upon to keep and protect, with ceaseless vigilance, the vast interests committed to their charge by a confiding people, so that the world may be compelled to acknowledge that California credit rests upon as secure a basis as that of any of her sisters of the Atlantic—the broad basis of both ability and willingness to meet promptly every demand.

WM. W. STOW,
A. W. BOWIE.

Mr. Myres moved to lay the report on the table, and Messrs. Houghtaling, Stowe and McKinney demanded the yeas and nays.

YEAS.

Messrs. Ballou, Conness, Dannels, Dawley, Fairfield Gilbert, Godard, Griffith, Hoff, Hollister, Horr, Hoyt, Hubbard, Irwin, Jones, Koll, Mandeville, Musser, Myres, McBrayer, McDonald, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Sweasey, Tallmadge, Warmcastle and Mr. Speaker—31.

NAYS.

Messrs. Anderson, Ashley, Bagley, Bennett, Bowie, Bradford, Burton, Carillo, Clingan, Cornwall, Davidson, Gordon, Hagens, Hastings, Henry, Herbert, Houghtaling, Hubert, Hunter, James, Kellogg, Letcher, Lindsay, McDuffie, McDaniel, McKinney, Noel, J. W. Park, Stemmons, Stevenson, Stowe, Sweetland, Watkins, Whipple and Whitman—35.

So the House refused to lay on the table.

On motion of Mr. Myres the report was made the special order for Monday next. Mr. Irwin moved to adjourn.

Not agreed to.

Mr. Conness gave notice that on Monday he would move to abolish or amend the 16th Joint Rule of the Senate and Assembly.

Mr. Bagley, from the San Francisco delegation, made the following report :

The San Francisco delegation have had under consideration, Senate bill for an Act explanatory of an Act to re-incorporate the city of San Francisco, passed April 15, 1851, and recommend its passage.

J. W. BAGLEY,
GILBERT,
E. NICHOLS,
F. W. KOLL,
J. C. HUBBARD,
N. HUBERT,
E. B. PURDY.

Senate bill No 216 above reported, no action had.

Senate bill No 209 taken up and read second time.

Mr. Griffith offered the following amendment :

This Act shall have the same force and effect and be concurrent with an Act making appropriations to supply deficiencies, &c., which was lost.

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

HOUSE OF ASSEMBLY.

MONDAY, May 15, 1854.

House met pursuant to adjournment.

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

Messrs. Bagley, Bostwick, Cornwall, French, Gilbert, Godard, Gordon, Green, Griffith, Henry, Herbert, Hoff, Hoyt, Hubert, Irwin, McGee, Nichols, O'Neil, Rowan, Springer, Sweetland, Tallmadge, Van Cleft and Whitman.

The Journal of Friday last read and approved.

The Journal of Saturday was read, amended and approved.

Mr. Conness, agreeable to notice, offered a Concurrent Resolution rescinding the 16th Rule of the Senate and Assembly.

Resolution adopted.

Mr. Conness offered the following, which was adopted :

Resolved, That no business but receiving communications from the Executive, the Senate, and reports from the Committee on Enrollment, shall be transacted after one o'clock this day.

Mr. Watkins, offered the following, which was unanimously adopted :

Resolved, That the thanks of the members of this body be, and they are hereby, tendered to the Hon. C. S. Fairfax, for the uniform courtesy which has characterized his conduct, and for the ability displayed in the arduous and responsible position of Speaker of the Assembly, throughout the protracted session which closes this evening

The following messages were received from the Governor :

EXECUTIVE DEPARTMENT, }
Sacramento City, May 15, 1854. }

To the Assembly of the State of California:

I have this day approved an Act entitled an Act to appropriate money to enable the Trustees of the Insane Asylum to erect an additional building, and to enclose the grounds belonging to the Asylum, which originated in the Assembly.

This bill, I would state, was received on the 10th instant, and action, on my part, delayed, because it was hoped and believed that provision would be made in the Revenue Bill, for the redemption of the eighty thousand dollars of Comptroller's Warrants, authorized by this Act to be issued from the General Fund

The Act, passed at the last session, authorizing the erection of a State Prison, provided for the collection of a special tax to meet accruing interest on the Bonds issued to the contractor for the work, as well as for their redemption at maturity. A similar provision should have been incorporated either in this Act, or in the Revenue Bill.

In this connection, I would refer you to Article eighth of the Constitution, the spirit of which, is by some, regarded as demanding that provision, should, in all cases, be made for the payment of indebtedness incurred for special objects, or works, authorized by Acts of the Legislature.

A proper regard for this Article of the Constitution no doubt prompted the provision in the above named Act, authorising the erection of a State Prison.

The State, however, is possessed of means amply sufficient not only to pay her entire indebtedness, but also to provide for the erection, in splendid style, of every necessary public building. The failure to secure and appropriate these ample means is certainly not chargeable to neglect or indifference on the part of the Executive. All the power given me by the Constitution has been exercised to secure favorable action, and place the Treasury of the State in a condition to fully warrant such appropriation as the one provided for in this bill.

The peculiar character of this benevolent institution, designed as it is to extend relief to those suffering fellow-beings, who, bereft of reason and wrecked in mind, are thrown upon the charity of the State, alone could have induced me at this time to approve an Act so deficient in its provisions as the one under consideration, and I sincerely regret that there is not sufficient time to allow you to reconsider the same and make suitable provision for the redemption of the warrants authorised to be issued for the benefit of this charitable institution.

In conclusion, I would add that I am so anxious for the success of this institution, and so entirely willing to extend to it all the aid and encouragement necessary to its welfare, that although departing from the wise and judicious policy pursued in relation to the erection of a State Prison, I feel constrained for the reasons above stated to approve this Act, but hereafter I will, in every case, refuse to sanction appropriating large sums of money for specific objects or works which do not provide amply for the liquidation of the indebtedness thereby incurred.

JOHN BIGLER

I have this day approved the following Acts, which originated in the Assembly, viz :

An Act to change the name of the Sutter, Jackson and Drytown, Water and Mining Company.

An Act for the relief of John Skinker, Simon Worsmer, and E. Hunter.

An Act to amend an Act concerning Corporations

An Act to incorporate a State Agricultural Society, and appropriate money for its support.

An Act amendatory of an Act for the protection of Foreigners, and to define their liabilities and privileges ; passed March 30, 1853.

An Act granting Joseph R. Beals, and others, the right to construct a Toll Bridge across the Pajaro River.

An Act for the protection of Game.

An Act to authorize Stephen K. Nurse to build a Wharf in the county of Solano.

An Act amendatory of an Act to provide for the permanent location of the seats of justice of the several counties of this State, passed April 11, 1850.

An Act to amend an Act entitled an Act to provide for the salaries of officers, and pay of Members of the Legislature, passed May 11, 1852.

An Act to change the name of Mary Elizabeth McGreece to Mary Elizabeth Hastings.

An Act to provide for the erection of a Wharf at Santa Barbara.

An Act to amend an Act to authorize the formation of corporations for the construction of Plank or Turnpike roads

An Act to abolish the Board of Supervisors in the county of Monterey, and to confer the jurisdiction over county business upon the Court of Sessions

An Act to compensate H. Gomez Mauriz for translating into Spanish, and engraving certain legislative documents.

An Act to provide John S. Bradford with duplicate warrants, in lieu of certain warrants lost or destroyed.

An Act to amend an Act to prevent the erection of Wiers, or other obstructions, to the run of Salmon, passed April 12, 1852.

An Act explanatory of an Act entitled an Act to prohibit Lotteries, passed March 11, 1851.

An Act for the relief of Henry Wohlgamuth.

An Act to authorize the Comptroller of State to issue a duplicate warrant to S. W. Langton.

An Act to adjust the amount of indebtedness of the county of Alameda to the county of Contra Costa, and provide for the payment thereof.

An Act for a special term of the District Court in the county of Placer.

An Act to provide for the erection of a Jail in the county of Monterey.

An Act to give jurisdiction to the District Court, County Courts, and Justices' Courts in Plumas county, in certain cases.

An Act to provide offices for certain county officers in the county of Sacramento.

Also, an Act entitled an Act to establish Pilots and Pilot Regulations for the Port of San Francisco.

JOHN BIGLER.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills on Saturday, the 13th inst., presented to his excellency, the Governor, for his approval, the following Acts, viz :

An Act for the relief of H. S. Jackson and William Buchanan.

An Act to authorise the Comptroller to issue duplicate Warrants.

An Act amendatory of an Act to amend an Act relating to Corporations.

An Act to incorporate the town of Placerville.

An Act for the relief of John Skinker and others.

An Act amendatory of an Act to provide for the permanent location of the Seats of Justice of the several counties in this State, passed April 11, 1850.

An Act to change the name of the Sutter, Jackson and Drytown Water and Mining Company to that of the Jackson Water Company.

An Act to create a Contingent Fund to pay the postage of the members of the Legislature of the year 1854.

An Act to fix the compensation of the Board of Supervisors of Tuolumne county.

An Act to authorise the Court of Sessions of Trinity county to levy a special tax for the purposes therein mentioned.

An Act defining the boundaries between the counties of Santa Barbara and San Luis Obispo.

An Act to change the name of Henry St. Clair to that of Henry St. Clair Lott.

An Act to authorise the administrator of the estate of Richmond Lumpkins, deceased, to pay over the moneys of said estate to James M. Waller.

An Act for the protection of Game.

An Act amendatory of an Act to provide for the protection of foreigners, and to define their liabilities and privileges, passed March 30, 1853.

An Act for the relief of John Boling, Sheriff of Mariposa county.

An Act to amend an Act concerning Corporations

An Act to authorise Stephen K. Nurse to build a Wharf in the county of Solano.

An Act in reference to the Journals of the Senate and Assembly.

An Act granting Joseph R. Beals and others the right to construct a Toll Bridge across the Pajaro river.

An Act to incorporate a State Agricultural Society, and appropriate moneys for its support.

An Act to amend an Act concerning the per diem of officers of the Senate and Assembly, passed January 21, 1854.

An Act to fix the place of residence of certain State officers.

An Act authorising John Caruthers to build and construct a Turnpike or Gravel road from the city of Stockton to the towns of Sonora and Columbia, in Tuolumne county.

An Act appropriating money for the payment of Cornelius Cole for services rendered as agent of the State.

An Act to compensate H. Gomez Mauriz for translating into Spanish and engrossing certain Legislative documents

An Act to abolish the Board of Supervisors in the county of Monterey, and to confer the jurisdiction over county business upon the Court of Sessions.

An Act to change the name of Mary Elizabeth McGreece to Mary Elizabeth Hastings.

An Act for the relief of Capt. Harry Love.

An Act explanatory of an Act entitled an Act to prohibit Lotteries, passed March 11, 1851.

An Act to amend an Act to authorise the formation of corporations for the construction of Plank or Turnpike roads, approved May 12, 1853.

An Act for the relief of Henry Wohlgamuth.

An Act to provide J. S. Bradford with duplicate Warrants in lieu of certain Warrants lost or destroyed.

An Act to authorise the Comptroller of State to issue a duplicate Warrant to S. W. Langton.

An Act to provide for the erection of a Wharf at Santa Barbara.

An Act to amend an Act entitled an Act concerning the salaries of officers and pay of members of the Legislature, passed May 11, 1852.

An Act to adjust the amount of indebtedness of the county of Alameda to the county of Contra Costa, and to provide for the payment thereof.

An Act to amend an Act entitled an Act to prohibit the erection of Weirs or other obstructions to the run of salmon, passed April 12, 1852.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate adopted, this day, Assembly Resolution rescinding the 16th Joint Rule of the Senate and Assembly.

Respectfully,

JOHN Y. LIND,
Secretary.

Mr. O'Neil offered the following, which was adopted :

Resolved, That one thousand copies of the Revenue bill be printed in English, and five hundred in Spanish, in convenient pamphlet form, and that the Secretary of State is hereby directed to forward the same to the various officers now engaged in the collection of the revenue in this State.

Mr. Bradford offered a concurrent resolution in reference to Duncan, Sherman & Co.

Resolution adopted.

On motion of Mr. Conness, Assembly bill No. 181 was taken up, read a third time, and passed.

Senate resolution, granting leave of absence to the Treasurer of Tuolumne county, taken up upon its passage, and

Messrs. Ashley, Stowe, and Letcher, demanded the yeas and nays :

YEAS.

Messrs. Bowie, Carr, Carrillo, Cornwall, Dawley, Ewer, Fairfield, Godard, Herbert, Hollister, Houghtaling, Hoyt, Hubert, James, Mandeville, Messer, Myres, McBrayer, Nichols, Noel, J. W. Park, Pratt, Ring, Rowan, Spencer, Stowe, Sweasey, and Whipple—28.

NAYS.

Messrs. Anderson, Ashley, Ballou, Bennett, Bostwick, Clingan, Dannels, Griffith, Hagans, Hastings, Henry, Hoff, Horr, Hunter, Jones, Koll, Letcher, McDuffie, McDaniel, McKinney, Stemmons, and Watkins—23.

So the resolution was adopted.

On motion of Mr. Griffith, Senate bill No. 209, appropriating money for Dr Trask, read a third time and passed.

Mr. Bradford offered the following, which was adopted :

Resolved, That Dr. John B. Trask be requested to deliver to the Secretary of State the minerals mentioned in the list attached to his Geological Report on the Geology of the Coast Mountains, and part of the Sierra Nevada, submitted to the Legislature on the 4th of May, 1854.

Mr. O'Neil, offered a concurrent resolution appointing a joint committee to examine the Comptroller's books after the adjournment of the Legislature.

On motion, the resolution was laid on the table.

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

Resolved, That the Secretary of State be directed to distribute the number of Geological Reports ordered printed, to the members of this House, in a *pro rata* proportion, after retaining 500 copies for his office, and 200 copies for Dr. John B. Trask.

Mr. Burton offered the following resolution, which was unanimously adopted :

Resolved, That the thanks of this Assembly are hereby unanimously tendered to the Hon. J. W. Mandeville, for the able and impartial manner in which he has discharged the duties of Speaker *pro tem.* for this House.

The hour of 12 having arrived, the special order of the day, a report made by Mr. Stowe, from the committee appointed in reference to the interest due in January last, was taken up.

Mr. Sweetland moved to take a recess for one hour.

Lost.

Mr. James moved the adoption of the report :

Mr. O'Neil moved to lay the report on the table, and Messrs. Letcher, Conness, and Stemmons, demanded the yeas and nays.

YEAS.

Messrs. Ashley, Bagley, Ballou, Conness, Davidson, Dawley, Fairfield, Gilbert, Godard, Hoff, Hollister, Horr, Hoyt, Koll, Musser, Myres, McBrayer, McDonald, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Sweasey, Tallmadge and Van Cleft—27.

NAYS.

Messrs. Anderson, Bennett, Bowie, Bradford, Burton, Carr, Carrillo, Clingan, Cornwall, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Houghtaling, Hunter, James, Jones, Letcher, Mandeville, McDuffie, McDaniel, McKiuney, Noel, Spencer, Stemmons, Stevenson, Stowe, Sweetland, Warmcastle, Watkins, Whipple, Whitman and Mr. Speaker—35.

So the motion to lay on the table was lost.

Mr. Conness moved a call of the House, which was sustained by the following vote: Messrs. Hoyt, Van Cleft and Pratt, demanding the yeas and nays.

YEAS.

Messrs. Anderson, Ashley, Bagley, Ballou, Bostwick, Clingan, Conness, Dawley, Fairfield, Gilbert, Godard, Gordon, Hoff, Hollister, Horr, Hoyt, Irwin, Jones, Kellogg, Koll, Musser, Myres, McBrayer, McDonald, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Stevenson, Sweasey, Tallmadge, Van Cleft and Mr. Speaker—36.

NAYS.

Messrs. Bennett, Bowie, Bradford, Burton, Carr, Carrillo, Cornwall, Dannels, Ewer, Hagans, Hastings, Henry, Herbert, Houghtaling, Hunter, James, Letcher, Mandeville, McDuffie, McKinney, Noel, Stemmons, Stowe, Sweetland, Warmcastle, Watkins, Whipple and Whitman—28.

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

Messrs. French, Green, Griffith, Herbert, Hubert, Hunt, McBrayer, Nichols, J. W. Park, and Springer.

The Sergeant-at-Arms was dispatched after absentees.

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

Mr. Hoyt moved to indefinitely postpone the motion to adopt the report.

Mr. Letcher moved the previous question, which was sustained ; Messrs. Hoyt, Stowe and Letcher, demanding the yeas and nays, by the following vote :

YEAS.

Messrs. Anderson, Bennett, Bostwick, Bowie, Bradford, Briggs, Burton, Carr, Carrillo, Clingan, Cornwall, Dannels, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Houghtaling, Hunter, James, Jones, Letcher, Lindsey, Mandeville, McDuffie, McDaniel, McKinney, Noel, J. W. Park, Stemmons, Stevenson, Stowe, Sweetland, Warmcastle, Watkins, Whipple and Whitman—38.

NAYS.

Messrs. Bagley, Ballou, Conness, Davidson, Dawley, Fairfield, Gilbert, Godard,

Hoff, Hollister, Horr, Hoyt, Hubbard, Irwin, Kellogg, Koll, Musser, Myres, McBrayer, McDonald, O'Neil, F. A. Park, Pratt, Purdy, Ring, Rowan, Spencer, Sweasey, Tallmadge and Van Cleft—30.

The motion to indefinitely postpone then came up.

Mr. Myres objected to the motion, giving as a reason that the hour of one o'clock had arrived, and, according to a resolution which passed this day, it was not competent to do any business after that hour.

The Speaker, Mr. Mandeville, in the chair, decided the motion in order; stating that the previous question had been sustained by the House prior to the hour of one o'clock, and the next motion was the indefinite postponement of the motion to adopt the report.

From which decision, Mr. Myres appealed.

The Chair refused to entertain the appeal.

The vote was then taken upon the motion to indefinitely postpone the motion to adopt the report, and

Messrs. Stowe, Letcher, and Hastings, demanded the yeas and nays :

YEAS.

Messrs. Hoff and Hollister—2.

NAYS.

Messrs. Anderson, Ashley, Bennett, Bowie, Bradford, Briggs, Burton, Carrillo, Clingan, Cornwall, Davidson, Ewer, Gordon, Hagans, Hastings, Henry, Herbert, Houghtaling, Hunter, James, Letcher, Lindsey, Mandeville, McDuffie, McDaniel, McKinney, Noel, J. W. Park, Stemmons, Stevenson, Stowe, Warmcastle, Watkins, and Whitman—34.

There being no quorum voting, the question was not decided, many of the members refusing to vote.

The Speaker then announced the hour of one o'clock, and stated that no further business would be done, except to receive reports and communications.

Mr. Conness moved to take a recess until 3 o'clock, and

Messrs. Bradford, Carrillo, and Whitman, demanded the yeas and nays :

YEAS.

Messrs. Ashley, Bagley, Ballou, Clingan, Conness, Davidson, Dawley, Gilbert, Godard, Griffith, Horr, Hoyt, Hubbard, Irwin, Kellogg, Koll, Mandeville, Myres, McBrayer, McDonald, F. A. Park, Pratt, Ring, Rowan, Tallmadge, and Van Cleft—26.

NAYS.

Messrs. Anderson, Bennett, Bowie, Briggs, Bradford, Burton, Carr, Carrillo, Cornwall, Dannels, Gordon, Hagans, Hastings, Henry, Houghtaling, Hubert, Hunter, Jones, Letcher, Lindsey, McDuffie, McDaniel, McKinney, Nichols, Noel, J. W. Park, Stemmons, Stevenson, Stowe, Warmcastle, Watkins, and Whitman—32.

So the House refused to take a recess until 3 o'clock.

Mr. Conness moved to take a recess until 4 o'clock.
Agreed to.

Four o'clock, P. M., the House met pursuant to adjournment.
On motion of Mr. Bradford, the House took a recess until half past 7, P. M.

Half past 7, P. M., the House met pursuant to adjournment.

Mr. Tivy, chairman, made the following report :

The Joint Committee on Enrolled Bills have examined the following Acts and Resolutions, and find them correctly enrolled, viz

An Act to amend an Act to incorporate the city of Sonora, passed May 1, 1851.

An Act to amend an Act entitled an Act declaring certain rivers and creeks navigable, passed February 18, 1851, and to amend an Act amendatory thereto, passed May 17, 1853.

An Act to amend an Act entitled an Act to regulate proceedings in Criminal Cases, passed May 1, 1851.

An Act to repeal an Act entitled an Act to provide for the appointment of a Guager, for the port of San Francisco, approved May 3, 1852.

An Act defining the legal distance from each county seat in the State of California, to the State Capital, at Sacramento, the State Lunatic Asylum, at Stockton, and the State Prison, at San Quentin.

An Act making appropriations to meet the civil expenditures of the Government of this State, accruing prior to the 1st day of February, 1854, and estimated deficiencies heretofere made to meet the current expenses of Government from 1st day of February, 1854, to the 1st day of February, 1855.

Senate Joint Resolution tendering thanks of the Legislature to our Senators and Representatives in Congress.

An Act allowing James Golden to collect tolls on a certain road in Sierra county.

Joint Resolutions in relation to the Pacific Railway.

An Act concerning Public Ferries and Toll Bridges.

An Act to provide Revenue for the support of the Government of this State.

An Act to authorize the Treasurer of the County of Los Angeles, to retain money belonging to the General Fund of the State for the benefit of the Los Angeles Rangers.

An Act to fund the debt of the county of Mariposa, and provide for the payment of the same.

An Act for the relief of Benjamin F. Marshall, late sheriff of Calaveras county.

An Act to provide for the appointment of Deputy County Treasurers.

An Act creating a Board of Commissioners, and the office of Overseer in each Township of the several counties of this State, to regulate water courses within their respective limits.

An Act to amend an Act entitled an Act concerning the office of Surveyor General.

An Act to authorize Larkin Richardson to build a wharf in Solano county.

An Act concerning the office of Secretary of State.

An Act amendatory of an Act entitled an Act to provide for the incorporation of Railroad Companies, approved April 22, 1853.

An Act to authorize Wm. F. McLean and George Calloway, to build a wharf in the county of San Francisco, beyond the western limits of the city of San Francisco, and near to said line.

An Act to authorize William Roberts, and others, to build a wharf at Bucksport, in Humboldt county.

An Act to fund that portion of the debt of Trinity county, accruing previous to the 12th of May, 1853, apportioned to Humboldt county, and provide for the payment thereof.

An Act amendatory of an Act dividing the State into counties, and establishing the seats of justice therein, passed April 25, 1851.

An Act to amend section 7, of an Act entitled an Act concerning the office of Surveyor General.

An Act to authorize the Comptroller of State to issue duplicate warrants to Smith, Brothers & Co.

An Act to authorize and enable Dr. John B. Trask to continue his Geological examinations of parts of the State of California.

An Act for the relief of Powell Weaver.

An Act amendatory of and supplementary to an Act to regulate proceedings in civil cases in the Courts of Justice of this State.

Concurrent resolution granting leave of absence to Peter O. Bertine, Esq., Treasurer of Tuolumne County, for four months.

The following messages were received from the Governor :

EXECUTIVE DEPARTMENT, }
Sacramento City, May 15, 1854. }

To the Assembly of California :

An Act entitled an Act in reference to the Journals of the Senate and Assembly, is herewith returned without approval.

This Act would seem to authorise compensation to the officers named in addition to the per diem allowed by existing law without fixing the amount which they are to receive.

Believing the compensation now allowed amply sufficient, the bill is returned without approval.

JOHN BIGLER.

The House refused to pass the bill by a two-thirds vote.

An Act entitled an Act to authorise William F. McLean and George Calloway to build a Wharf in the county of San Francisco beyond the western limits of the city of San Francisco and near the said line, is herewith returned without approval.

This Act grants the parties named in it the privilege of building a Wharf on property belonging to the State, and also to enjoy, for twenty years, the entire proceeds derived from its use.

I cannot yield assent to this Act for the reason that long before the expiration of the term of years for which the privilege is granted, the limits of the city will, unquestionably, be extended, and if the Wharf authorised to be erected should prove not to be on a line with a street, serious inconveniences must result, and the interests of the State thereby injuriously affected.

JOHN BIGLER.

The House refused to pass the bill by a two-thirds vote.

Mr. Van Cleft offered a Concurrent Resolution, which was adopted, appointing a Joint Committee to wait upon the Governor prior to adjournment, and

Messrs. Van Cleft, Myres and Whitman were appointed on the part of the Assembly.

Mr. McBrayer offered the following, which was adopted :

Resolved, By the Assembly, that the thanks of this House are hereby tendered to Blanton McAlpin, Chief Clerk of the Assembly, and to J. W. Scobey, Assistant Clerk, for the attentive and efficient discharge of the duties of their office.

Mr. J. W. Park offered the following, which was adopted :

Resolved, That the thanks of the Assembly be hereby tendered to the Sergeant-at-Arms, Door-Keeper, Pages, Porters, Clerks and Attachees, for the faithful and prompt discharge of their duties.

Mr. Dawley offered a resolution tendering thanks to the different reporters for their impartial reports through the various papers of the State.
Resolution adopted.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate has concurred in Assembly Resolution to appoint a committee to wait upon the Governor, and have appointed on their part, Messrs. Mahoney, Sawyer and Bryan.

Respectfully,

JOHN Y. LIND,
Secretary.

Mr. Ring offered the following, which was adopted :

Resolved, That the porters be requested to clean up the Assembly Chamber tomorrow morning, and that the Sergeant-at-Arms be instructed to allow for the same in the certificates furnished them.

Mr. Conness was appointed in place of Mr. Whitman to wait upon the Governor.

The following message was received from the Governor :

EXECUTIVE DEPARTMENT, }
Sacramento City, May 15, 1854. }

To the Assembly of the State of California :

I have this day approved the following Acts, which originated in the Assembly, viz :

An Act to authorise William Roberts and others to build a Wharf at Bucksport, in Humboldt county.

An Act to fund that portion of the debt of Trinity county accruing previous to the 12th of May, 1853, apportioned to Humboldt county, and provide for the payment thereof.

An Act for the relief of Powell Weaver

An Act amendatory of an Act dividing the State into counties, and establishing the seats of Justice therein, passed April 25, 1851.

An Act amendatory of an Act to provide for the incorporation of Railroad Companies, approved April 22, 1853.

An Act to amend section seven of an Act entitled an Act concerning the office of Surveyor General.

An Act to provide for the appointment of Deputy County Treasurers.

An Act for the relief of Capt. Harry Love.

An Act creating a Board of Commissioners, and the office of Overseer, in each township of the several counties of the State, to regulate water courses within their respective limits.

An Act concerning the office of Secretary of State.

An Act for the relief of John Boling, Sheriff of Mariposa county.

An Act to authorise Larkin Richardson to build a Wharf in Solano county.

It is proper here to state, on the eve of your final adjournment, that the several relief bills approved this session only received my signature after having the assurance of Senators and members of the Assembly from the respective counties in which the claimants reside, that the claims were equitable and valid.

JOHN BIGLER.

Mr. Van Cleft made the following report :

The committee appointed on the part of the House to wait upon his Excellency, the Governor, for the purpose of ascertaining whether he has any further communication to make, report that they have discharged that duty, and that the Governor has no further communication for this House, except what is herewith presented, in writing, addressed to the Speaker of the Assembly.

The following message was received from the Governor, and 2,000 copies ordered to be printed :

EXECUTIVE DEPARTMENT, }
Sacramento City, May 15, 1854. }

To the Senate and Assembly of California :

Your committee inform me that you are ready to adjourn, and desire to know whether I have any further communication to make.

In response I cannot refrain from expressing sincere regret that all the more important measures required by the people, have been defeated either by a direct vote or delay in acting upon them.

The bill providing for the extension of the water front of the city of San Francisco, passed the Assembly, but was defeated in the Senate, by an adjournment of that body on Friday last, before it could be received and read a first time.

This important measure, if it had received your sanction, would, in a comparatively short period of time have secured the payment of the entire State Debt, and relieved the people from the burthen of taxation, in which they have heretofore acquiesced patiently, believing that the present Legislature would provide for their relief, by the appropriation of those ample means so entirely within their reach.

The bill providing for the selection of the balance of School, Seminary, and other Public Lands, to my great surprise, met with determined opposition, and was finally defeated.

I deeply regret the defeat of this bill, because a failure, for another year, to select these lands, will doubtless place beyond the reach of the State, all the more valuable public lands which might now have been secured, and, of course, to some extent deprive the rising generation of the benefits of the liberal donations made by Congress.

The bill providing for the protection of actual settlers, although passed in the Assembly by a large majority, failed to receive the approval of the Senate.

I had indulged the hope that this measure, so exceedingly important to the interests of the great mass of agriculturalists, would have received your willing approval.

This hope, confidently indulged, no less by the people than myself, has not been realized, and the duty will again devolve upon them of selecting representatives before favorable action on the subject can be obtained.

Notwithstanding that the evidence of the Auctioneers themselves has been presented, to the effect that the "State duties," are by them uniformly collected to the amount annually of not less than one hundred thousand dollars, measures have not been adopted to compel payment into the Treasury. It is proper to state, that although interested persons have most unremittingly assailed and misrepresented this measure, the amended bill provided effectually against monopoly, and allowed every person to engage in the business of an Auctioneer by giving sufficient bond for faithful compliance with the provisions of the Act and should have received the approval of your bodies, as a measure essentially necessary for the interests of the State.

You have more than once been invoked to adopt the necessary measures to secure for the State the Leidesdorff and two other escheated estates, amounting in value, in the aggregate, to at least two millions of dollars. But this recommendation, like others equally important, has not, in any effectual manner, been sanctioned, and it is now quite probable that before the meeting of another Legislature, new difficulties will arise to prevent their recovery by the State. Prompt and decisive action, in relation to these estates, would have added, at least, two millions to the School Fund.

The necessity for amendment and revision of the several Acts on the Statute book relating to Corporations was so apparent, and the evidence so clearly before you, that protection to the rights and interests of the people required your interference, that I never doubted, even for a moment, that you would take favorable action on the subject before adjournment. But, like the other important measures referred to, the people must again give expression to their views, before proper legislation in relation to corporations can be obtained.

Amendments to the Constitution have been repeatedly recommended, which, if adopted, would annually lessen the expenditures of government not less than three hundred thousand dollars. This recommendation, like most others made, has not been carried into effect by necessary legislation.

It is well known that vigorous effort is now being made by our delegation in Congress, and others, to secure the restoration of the "Civil Fund," and the assumption by the General Government of the War Debt. In order to have the statements, accounts, and vouchers, relating to these important matters so prepared, that Congress could properly understand them and legislate intelligently in relation thereto, action on your part was deemed necessary. It is to be hoped, however, that this neglect will not seriously interfere with the favorable action of Congress on these important subjects.

Your attention was also directed to the fact, that Congress, disregarding the wishes of the people of this State, as expressed by the Legislature in 1852, has authorized the Superintendent of Indian Affairs to set apart five reservations and locate the various tribes of Indians, within the limits of the State. This is not only a departure from the course pursued by the General Government for more than half a century, but cannot fail to be alike injurious to the people of the State and the Indians themselves. Not a word of remonstrance on your part has been sent to the councils of the nation, and it is, therefore, presumed that this policy, injurious as it will certainly prove to be, is fastened upon the State.

Complaints from the people have been made in almost every form, in relation to the vast immigration from Asia and the islands of the South Pacific, which is now crowding our mines to the injury of our own people, and filling our principal cities and towns with a population ignorant alike of our language and laws. By special message in 1852, I expressed fully my views on this subject, and did not deem it necessary at this session to renew them, especially as the people through the press and other channels, were making known their opinions and desires in relation to

the subject ; but cannot refrain from expressing the opinion that a judicious enactment in reference thereto, should have been passed before your adjournment.

While you have failed to appropriate the vast means belonging to the State, and apply them to the payment of her debt and the support of Government, you have been lavish in appropriations for various objects, exceeding in the aggregate one million three hundred thousand dollars, from a large portion of which (\$528,219 16) I have felt constrained to withhold my sanction.

In conclusion, I would repeat that I sincerely regret that these various measures, so highly important to the interests of the State, and which in the late canvass received the unmistakable endorsement of the people at the ballot-box, have not received your favorable consideration.

Our common constituents confidently anticipated that wise and salutary measures would be adopted to meet the wants of the State, and that a thorough system of reform would characterize the legislation of the session now drawing to a close. They hoped and believed that early provision would be made for the speedy payment of existing indebtedness, and that the finances of the State would be placed on a firm basis. By the timely and judicious appropriation of those vast means which the liberality of Congress and the unequalled resources of this young State have placed immediately within our reach, this undoubtedly might have been accomplished, and the State of California prepared to meet any future exigency that might arise.

These just hopes and expectations, however, I regret to say, have not been realized, and now, at the close of a session of four and a half months, without any provision having been made for the payment of an increased State debt, the people must another year bear oppressive and exorbitant taxation to meet the wants and requirements of a government whose expenditures under existing circumstances necessarily exceed the receipts into the Treasury.

Having, as I believe, fully discharged my duty as required by the Constitution, and from time to time, even at the risk of being considered importunate, directed your attention to these various subjects, it only remains for me, in conclusion of this, my last communication with your honorable body, respectfully to inform you that I have now no "further communication to make."

JOHN BIGLER.

The following message was received from the Senate :

I am instructed to inform the Assembly that the Senate having concluded the business of the session, is now ready to adjourn *sine die*.

Respectfully,

JOHN Y. LIND,
Secretary.

Mr. O'Neil moved that the Speaker adjourn the House *sine die*.

Whereupon the Speaker rose and said :

At the commencement of the present year it became my privilege as well as my duty to address you, on the occasion of being elected to preside over this body. Now that the hour has arrived for the final adjournment of this House, before we separate I must be permitted to return to you my thanks, for the kind, generous and forbearing treatment, I have received from the beginning to the end of the session. During the present term of the Legislature we have been called upon to consider many matters of vital importance and original character ; during these deliberations opposing opinions have often fiercely contended for supremacy in these halls. But the storms soon faded away. Friendship and mutual esteem with their genial influence

put aside the cloud and restored the sunshine of harmony, to an assemblage collected to discuss the interests of California, and not to consider speculative or individual ends. The result has proved most beneficial. The important business of the session has been transacted and we are about to part—to sunder the cherished ties which many of us have formed during the past few months, and return to render an account of our stewardship to our several constituencies, who will, undoubtedly, freely sanction what they conceive right, and as readily condemn whatever may appear to them to be wrong.

The ruffled passions and angry feelings engendered by fierce contention and heated debates, will soon be forever calmed, and remembered among the things that were, and give way to more pleasant remembrances of attachments here formed, which will be erased only by death.

The State no longer needs our services—our homes invite us to our domestic duties, and I pronounce this House adjourned *sine die*.

CHARLES S. FAIRFAX,
Speaker of the Assembly.

BLANTON McCALPIN,
Clerk of the Assembly.