JOURNAL

OF THE

House of Assembly of California,

AT THE

TENTH SESSION OF THE LEGISLATURE,

BEGUN ON

THE THIRD DAY OF JANUARY, 1859, AND ENDED ON THE NINETEENTH DAY OF APRIL, 1859, AT THE CITY OF SACRAMENTO

SACRAMENTO:
PRINTED BY JOHN O'MEARA, STATE-PRINTER.

1859.

BOUND BY F. FOSTER, SACRAMENTO

JOURNAL

OF THE

PROCEEDINGS OF THE ASSEMBLY.

CALIFORNIA LEGISLATURE.—ASSEMBLY.

TENTH SESSION.

HOUSE OF ASSEMBLY,
Monday, January 3, 1859.

Pursuant to the requirements of law, the House was called to order at 12 o'clock, M., by Joseph W. Scobey, Clerk of the last session.

The Clerk called the roll of Counties, when the following gentlemen appeared, were duly qualified—the oath having been administered by Hon. Judge Baldwin—and took their seats as Members of the Assembly:

Alameda County—William P. Rodgers.
Amador County—W. W. Cope, John A. Eagon.
Calaveras County—James Burdick, C. W. Lightner, Charles E. Mount.
Colusa and Tehama Counties—H. W. Dunlap.
Contra Costa County—Benjamin S. Hines.
El Dorado County—H. C. Sloss, J. S. Tipton, William Coleman, Ogden Squires, George M. Condee, George N. Douglass, Alfred Briggs, George A. Douglas.
Fresno, Tulare, and Buena Vista Counties—James M. Roane.
Marin County—Manuel Torres.
Mariposa and Merced Counties—Andrew J. Gregory, George H. Crenshaw.
Monterey County—Mariano Malarin.
Napa County—William B. Mathews.
Nevada County—William R Armstrong, John Caldwell, Christopher Cahalan, Philip Moore, George A. Young.
Placer County—William P. Barclay, Philip Lynch, William C. Stratton, W. P. Wing.
Sacramento County—R. B. Ellis, James E. Sheridan, Charles Duncombe, A. R. Jackson.
San Bernardino County—G. N. Whitman.
San Diego County—A. S. Ensworth.
San Joaquin County—G. C. Holman, Thomas Laspeyre.
San Luis Obispo County—Walter Murray.
San Mateo County—David W. Connelly.

Santa Barbara County—Eugene Lies.
Santa Clara County—James P. Springer, E. C. Tully.
Shasta County—Charles R. Street.
Sierra County—Josiah Lefever.
Solano County—Nathan Cutler.
Sonoma and Mendocino Counties—John S. Robberson, Joseph B. Lamar.
Stanislaus County—George W. Thomas.
Sutter County—C. L. N. Vaughan.
Trinity County—Fordyce Bates.
Tuolumne County—S. M. Buck, William Dow, Robert Howe, G. W. Whitney.
Yolo County—Harrison Gwinn.
Yuba County—Francis L. Aud, James S. Slingerland, Mortimer Fuller, John Whealdon, Charles E. DeLong.
Butte County—Philip P. Caine, F. E. Canon.
Plumas County—T. B. Shannon.
San Francisco County—James A. Banks, John W. Cherry, Albert A. Hill, Louis R. Lull, William W. Shepard.
Siskiyou County—William F. Watkins.

Mr. Mount moved that F. L. Aud, of Yuba, be elected Speaker *pro tem.*

Mr. Shepard objected, upon the ground that the Clerk was the presiding officer, until the election of a Speaker.

The Clerk decided that the members having been qualified, it was competent for them to elect such officers as they pleased, and ruled the motion in order.

Whereupon, Mr. Shepard appealed, and the decision of the Chair was sustained, and Mr. Aud, by *viva voce* vote, was elected Speaker *pro tem.*

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

Resolved, That the Standing Rules adopted at the last session be, and they are hereby, declared the rules by which the present House will be governed, until otherwise ordered, and that a select committee of five be appointed by the Chair, to draft and report a code of rules for the government of the House, and that such committee act with the committee of the Senate upon joint rules.

The Chair appointed Messrs. DeLong, Moore of Nevada, Stratton, Ellis, and Shepard, such committee.

At 55 minutes past 12 o'clock, M., on motion of Mr. Holman, the House adjourned until 12 o'clock, M., to-morrow.

IN ASSEMBLY.

TUESDAY, January 4, 1859.

House met pursuant to adjournment.

Mr. Aud in the Chair, and, a quorum being present, the Journal of yesterday was read and approved.

The following gentlemen presented their credentials, and were duly qualified as members of the Assembly, viz.:

James A. Johnson of Sierra;
Jacob B. Moore of San Francisco.

FOR SPEAKER.

The House then proceeded to elect a Speaker.
Mr. Thomas nominated Wm. C. Stratton of Placer.
Mr. Sloss nominated C. E. DeLong of Yuba.
Mr. Caine nominated W. W. Shepard of San Francisco.
The vote for Speaker was taken, with the following result:

Names.	Stratton.	DeLong.	Shepard.
Armstrong	1		
And	1		
Banks			1
Barclay	1		
Bates	1		
Briggs		1	
Buck	1		
Burdick	1		
Caine			1
Caldwell		1	
Cahalan	1		
Cherry			1
Coleman	1		
Condee	1		
Connely	1		
Cope	1		
Crenshaw	1		
Cutler	1		
Douglas, G. A		1	
Douglass, G. N	1		
Dow	1		
Duncombe		1	
Dunlap	1		
Eagon	1		
Ellis	1		
Ensworth	1		
Fuller		1	
Gregory	1		
Gwinn	1		
Hill			1
Hines	1		
Holman	1		
Howe	1		
Jackson		1	
Johnson	1		
Lamar	1		
Laspeyre	1		
Lefever	1		
Lies	1		
Lightner	1		
Lull			1
Lynch	1		
Malarin	1		

Names.	Stratton.	De Long.	Shepard.
Mathews	1		
Moore of San Francisco			1
Mount	1		
Murray	1		
Roane	1		
Robberson	1		
Rodgers	1		
Shannon		1	
Sheridan	1		
Slingerland		1	
Sloss		1	
Springer	1		
Squires	1		
Street	1		
Thomas	1		
Tipton	1		
Torres	1		
Tully	1		
Vaughan	1		
Watkins		1	
Whealdon		1	
Wing	1		
Whitman	1		
Whitney	1		
Young	1		
Totals	50	11	6

Mr. Shepard voted for Mr. Caine.

Mr. Stratton having received a majority of all the votes taken, on motion of Mr. Thomas, a committee, consisting of Messrs. Thomas and Street, was appointed to inform Mr. Stratton of his election as Speaker.

The oath of office having been administered to Mr. Stratton, he proceeded to address the Assembly as follows:

"For the distinguished honor you have been pleased to confer upon me, in the election of a presiding officer, I most sincerely thank you. In entering upon the discharge of the duties connected with the position, I do not flatter myself that my action will at all times meet with your approval, but I shall certainly endeavor to preserve the order and dignity which should always characterize the proceedings of a legislative body. My highest, and only authority, will be the rules adopted for our governance, from which I shall not consider myself at liberty to depart, as the regularity of our proceedings, as well as justice to the minority, demand their strict observance.

"Gentlemen: we have assembled as the representatives of the free people of a great State: a State unsurpassed for natural advantages. Its favorable climate, productive soil, and untold millions of mineral wealth, are invitations too flattering to be rejected by the intelligent and the enterprising, and they are coming, and will come, by thousands, to de-

velope the resources that destine this to become the wealthiest, the most populous, and powerful State of the Union.

"This position, which Nature appears to have assigned California, can not be attained without wise and just legislation.

"The prosperity of a State or nation depends not only upon its natural advantages and form of government, but also upon the wisdom and integrity of those who make and those who execute the laws. It is only necessary to consider this important fact, and the many interests peculiar to California, to realize the responsibilities resting upon her legislators.

"As we are the servants of the whole people of the State, it is expected that our legislation will be for California, and California alone, regardless of the political aspirations of individuals, or the discussions of party creeds. These can have nothing to do with that economy and reform in legislation, so long, and so often—I may almost say vainly—promised by all parties, and now positively demanded by the people.

"Gentlemen: to win the personal regard of my fellow-members, I would do much; but to know that I had contributed in any considerable degree to necessary legislation, and towards making a very short and economical session, would be the proudest memento I could possibly bear away from this Assembly Hall.

"Trusting—believing—gentlemen, that I shall have your co-operation and asssistance towards securing these ends, again permit me to return you my grateful acknowledgments."

The following message was received from the Senate:

SENATE CHAMBER,
January 4, 1859.

MR. SPEAKER:—I am directed by the Senate to inform the Assembly that they have completed their organization, by electing the following named officers, to wit:

Hon. W. B. Dickinson.....President *pro tem.*
E C. Palmer.....Secretary.
J. S. Pennington.....Assistant Secretary.
W. S. Letcher.....Engrossing Clerk
J. C. Reid.....Enrolling Clerk.
J. W. Hawkins.....Sergeant-at-Arms.
G. P. Sanders.....Assistant Sergeant-at-Arms.

And are prepared to perform legislative business.

T. N. CAZNEAU, Secretary.

The House then proceeded to the election of Chief Clerk.

FOR CHIEF CLERK.

Mr. Howe nominated C. Gilman, of Tuolumne.
Mr. Slingerland nominated J. W. Scobey, of Placer.
Mr. Cherry nominated R. C. Gaskill of Butte.

The nominations having closed, the Assembly voted with the following result:

Names.	Gilman.	Scobey.	Gaskill.
Armstrong	1		
Aud	1		
Banks			1
Barclay	1		
Bates	1		
Briggs		1	
Buck	1		
Burdick	1		
Caine			1
Caldwell		1	
Cahalan	1		
Cherry			1
Coleman	1		
Condee	1		
Connely	1		
Cope	1		
Crenshaw	1		
Cutler	1		
De Long		1	
Douglas, G. A		1	
Douglass, G. N	1		
Dow	1		
Duncombe		1	
Dunlap	1		
Eagon	1		
Ellis	1		
Ensworth	1		
Fuller		1	
Gregory	1		
Gwinn	1		
Hill			1
Hines	1		
Holman	1		
Howe	1		
Jackson		1	
Johnson	1		
Lamar	1		
Laspeyre	1		
Lefever	1		
Lies	1		
Lightner	1		
Lull			1
Lynch	1		
Malarin	1		
Mathews	1		
Moore of San Francisco			1
Mount	1		
Murray	1		
Roane	1		
Robberson	1		
Rodgers	1		

Names.	Gilman.	Scobey.	Gaskill.
Shannon		1	
Shepard			1
Sheridan	1		
Slingerland		1	
Sloss		1	
Springer	1		
Squires	1		
Street	1		
Thomas	1		
Tipton	1		
Torres	1		
Tully	1		
Vaughan	1		
Watkins		1	
Whealdon		1	
Wing	1		
Whitman	1		
Whitney	1		
Young	1		
Mr. Speaker	1		
Total	52	12	7

Mr. Gilman was duly elected, and qualified.

FOR ASSISTANT CLERK.

Mr. Laspeyre nominated Richard Macgill, of San Francisco.
Mr. Jackson nominated J. N. Bingay, of Sacramento.
Mr. Shepard nominated John Olinger, of Santa Cruz.
The vote was taken with the following result:

Names.	Macgill.	Bingay.	Olinger.
Armstrong	1		
Aud	1		
Banks			1
Barclay	1		
Bates	1		
Briggs		1	
Buck	1		
Burdick	1		
Caine			1
Caldwell		1	
Cahalan	1		
Cherry			1
Coleman	1		
Condee	1		
Connely	1		
Cope	1		

Names.	Macgill.	Bingay.	Olinger.
Crenshaw	1		
Cutler	1		
De Long		1	
Douglas, G. A.		1	
Douglass, G. N.	1		
Dow	1		
Duncombe		1	
Dunlap	1		
Eagon	1		
Ellis	1		
Ensworth	1		
Fuller		1	
Gregory	1		
Gwinn	1		
Hill			1
Hines	1		
Holman	1		
Howe	1		
Jackson		1	
Johnson	1		
Lamar	1		
Laspeyre	1		
Lefever	1		
Lies	1		
Lightner	1		
Lull			1
Lynch	1		
Malarin	1		
Mathews	1		
Moore of San Francisco			1
Mount	1		
Murray	1		
Roane	1		
Robberson	1		
Rodgers	1		
Shannon		1	
Shepard			1
Sheridan	1		
Slingerland		1	
Sloss		1	
Springer	1		
Squires	1		
Street	1		
Thomas	1		
Tipton	1		
Torres	1		
Tully	1		
Vaughan	1		
Watkins		1	
Whealdon		1	
Wing	1		

Names.	Macgill.	Bingay.	Olinger.
Whitman	1		
Whitney	1		
Young	1		
Mr. Speaker	1		
Totals	52	12	7

The Speaker declared Mr. Macgill duly elected, and administered to him the oath of office.

FOR ENGROSSING CLERK.

Mr. Lefever nominated W. Casey of Sierra.
Mr. G. A. Douglas nominated H. A. Moses of El Dorado.
Mr. Banks nominated A. T. Harris of Alameda.
The result of the vote was as follows:

Names.	Casey.	Moses.	Harris.
Armstrong	1		
Aud	1		
Banks			1
Barclay	1		
Bates	1		
Briggs		1	
Buck	1		
Burdick	1		
Caine			1
Caldwell		1	
Cahalan	1		
Cherry			1
Coleman	1		
Condee	1		
Connely	1		
Cope	1		
Crenshaw	1		
Cutler	1		
De Long		1	
Douglas, G. A.		1	
Douglass, G. N.	1		
Dow	1		
Duncombe		1	
Dunlap	1		
Eagon	1		
Ellis	1		
Ensworth	1		
Fuller		1	
Gregory	1		
Gwinn	1		

Names.	Casey.	Moses.	Harris.
Hill			1
Hines	1		
Holman	1		
Howe	1		
Jackson		1	
Johnson	1		
Lamar	1		
Laspeyre	1		
Lefever	1		
Lies	1		
Lightner	1		
Lull			1
Lynch	1		
Malarin	1		
Mathews	1		
Moore of San Francisco			1
Mount	1		
Murray	1		
Roane	1		
Robberson	1		
Rodgers	1		
Shannon		1	
Shepard			1
Sheridan	1		
Slingerland		1	
Sloss		1	
Springer	1		
Squires	1		
Street	1		
Thomas	1		
Tipton	1		
Torres	1		
Tully	1		
Vaughan	1		
Watkins		1	
Whealdon		1	
Wing	1		
Whitman	1		
Whitney	1		
Young	1		
Mr. Speaker	1		
Totals	52	12	7

Mr. Casey was declared elected, and was duly qualified.

FOR ENROLLING CLERK.

Mr. DeLong nominated J. C. Wilson of Santa Cruz.
Mr. Holman nominated H. C. Kibbe of Sacramento.

Mr. Banks nominated H. J. Booth of Yuba.

The result was announced, and Mr. Kibbe was declared elected, by the following vote:

Names.	Kibbe.	Wilson.	Booth.
Armstrong	1		
Aud	1		
Banks			1
Barclay	1		
Bates	1		
Briggs		1	
Buck	1		
Burdick	1		
Caine			1
Caldwell		1	
Cahalan	1		
Cherry			1
Coleman	1		
Condee	1		
Connely	1		
Cope	1		
Crenshaw	1		
Cutler	1		
DeLong		1	
Douglas, G. A		1	
Douglass, G. N	1		
Dow	1		
Duncombe		1	
Dunlap	1		
Eagon	1		
Ellis	1		
Ensworth	1		
Fuller		1	
Gregory	1		
Gwinn	1		
Hill			1
Hines	1		
Holman	1		
Howe	1		
Jackson		1	
Johnson	1		
Lamar	1		
Laspeyre	1		
Lefever	1		
Lies	1		
Lightner	1		
Lull			1
Lynch	1		
Malarin	1		
Mathews	1		
Moore of San Francisco			1
Mount	1		

Names.	Kibbe.	Wilson.	Booth.
Murray	1		
Roane	1		
Robberson	1		
Rodgers	1		
Shannon		1	
Shepard			1
Sheridan	1		
Slingerland		1	
Sloss		1	
Springer	1		
Squires	1		
Street	1		
Thomas	1		
Tipton	1		
Torres	1		
Tully	1		
Vaughan	1		
Watkins		1	
Whealdon		1	
Wing	1		
Whitman	1		
Whitney	1		
Young	1		
Mr. Speaker	1		
Totals	52	12	7

After the oath was administered, the Assembly proceeded to the election of a Sergeant-at-Arms.

FOR SERGEANT-AT-ARMS.

Mr. Laspeyre nominated J. H. Moore, of El Dorado.
Mr. Briggs nominated H. Hollister, of El Dorado.
Mr. Lull nominated J. B. Brown, of Nevada.
The vote was taken, with the following result:

Names.	Moore.	Hollister.	Brown.
Armstrong	1		
Aud	1		
Banks			1
Barclay	1		
Bates	1		
Briggs		1	
Buck	1		
Burdick	1		
Caine			1
Caldwell		1	

Names.	Moore.	Hollister.	Brown.
Cahalan	1		
Cherry			1
Coleman	1		
Connely	1		
Cope	1		
Crenshaw	1		
Cutler	1		
DeLong		1	
Douglas, G. A.		1	
Douglass, G. N.	1		
Dow	1		
Duncombe		1	
Dunlap	1		
Eagon	1		
Ellis	1		
Ensworth	1		
Fuller		1	
Gregory	1		
Gwinn	1		
Hill			1
Hines	1		
Holman	1		
Howe	1		
Jackson		1	
Johnson	1		
Lamar	1		
Laspeyre	1		
Lefever	1		
Lies	1		
Lightner	1		
Lull			1
Lynch	1		
Malarin	1		
Mathews	1		
Moore of San Francisco			1
Mount	1		
Murray	1		
Roane	1		
Robberson	1		
Rodgers	1		
Shannon		1	
Shepard			1
Sheridan	1		
Slingerland		1	
Sloss		1	
Springer	1		
Squires	1		
Street	1		
Thomas	1		
Tipton	1		
Torres	1		

Name.	Moore.	Hollister.	Brown.
Tully	1		
Vaughan	1		
Watkins		1	
Whealdon		1	
Wing	1		
Whitman	1		
Whitney	1		
Young	1		
Mr. Speaker	1		
Totals	51	12	7

Mr. Moore was declared duly elected, and qualified.

FOR ASSISTANT SERGEANT-AT-ARMS.

The House then proceeded to the election of an Assistant Sergeant-at Arms.

Mr. Caldwell nominated Thomas Hanna, of Nevada.

Mr. Vaughan nominated J. Shultz, of San Francisco.

Mr. Banks nominated S. J. Clark, of Plumas.

The vote was taken, with the following result, and Mr. Shultz declared duly elected, and qualified:

Names.	Shultz.	Hanna.	Clark.
Armstrong	1		
Aud	1		
Banks			1
Barclay	1		
Bates	1		
Briggs		1	
Buck	1		
Burdick	1		
Caine			1
Caldwell		1	
Cahalan	1		
Cherry			1
Coleman	1		
Connely	1		
Cope	1		
Crenshaw	1		
Cutler	1		
DeLong		1	
Douglas, G. A.		1	
Douglass, G. N.	1		
Dow	1		
Duncombe		1	
Dunlap	1		
Eagon	1		

Names.	Shultz.	Hanna.	Clark.
Ellis	1		
Ensworth	1		
Fuller		1	
Gregory	1		
Gwinn	1		
Hill			1
Hines	1		
Holman	1		
Howe	1		
Jackson		1	
Johnson	1		
Lamar	1		
Laspeyre	1		
Lefever	1		
Lies	1		
Lightner	1		
Lull			1
Lynch	1		
Malarin	1		
Mathews	1		
Moore of San Francisco			1
Mount	1		
Murray	1		
Roane	1		
Robberson	1		
Rodgers	1		
Shannon		1	
Shepard			1
Sheridan	1		
Slingerland		1	
Sloss		1	
Springer	1		
Squires	1		
Street	1		
Thomas	1		
Tipton	1		
Torres	1		
Tully	1		
Vaughan	1		
Watkins		1	
Whealdon		1	
Wing	1		
Whitman	1		
Whitney	1		
Young	1		
Mr. Speaker	1		
Totals	51	12	7

Mr. DeLong 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:

W. C. Stratton,.....Speaker.
Caleb Gilman,.....Chief Clerk.
Richard McGill,.....Assistant Clerk.
James H. Moore,.....Sergeant-at-Arms.
Henry C. Kibbe,.....Enrolling Clerk.
W. Casey,.....Engrossing Clerk.
Julius Shultz,.....Assistant Sergeant-at-Arms.

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

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

Resolved, By the Assembly, the Senate concurring, that a Committee of three from each House be appointed to wait upon the Governor, and inform him of the organization of the two Houses, and that they are ready to receive any communications he may be pleased to offer.

By Mr. Banks:

Resolved, That we do now proceed to the election of a Chaplain.

Mr. Thomas moved to lay the resolution on the table, upon which, Messrs Thomas, Sheridan, and Banks, demanded the ayes and noes, and the resolution was laid on the table, by the following vote:

AYES.—Messrs. Armstrong, Aud, Bates, Buck, Burdick, Cahalan, Coleman, Condee, Connely, Cope, Crenshaw, Cutler, G. N Douglass, Dow, Dunlap, Eagon, Ellis, Ensworth, Gregory, Gwinn, Hines, Holman, Howe, Johnson, Lamar, Laspeyre, Lies, Lightner, Lynch, Malarin, Mathews, Mount, Murray, Roane, Robberson, Springer, Squires, Street, Thomas, Tipton, Torres, Tully, Vaughan, Wing, Whitman, Young, and Mr Speaker—47.

NOES.—Messrs. Banks, Barclay, Caine, Caldwell, Cherry, DeLong, G. A. Douglas, Duncombe, Fuller, Jackson, Lefever, Lull, Rodgers, Shannon, Slingerland, Shepard, Sheridan, Sloss, Watkins, Whealdon, and Whitney—21.

The following resolution was offered by Mr. Caldwell, which, on motion of Mr. Thomas, was laid on the table:

Resolved, That Rev. Dr. Hatch, of this city, be invited, as often as he can make it convenient, to officiate in the capacity of Chaplain of this House.

At 50 minutes past 1 o'clock, P. M., on motion of Mr. Aud, the House adjourned until 11 o'clock, A. M., to-morrow.

IN ASSEMBLY.

WEDNESDAY, January 5, 1859.

House met pursuant to adjournment.
Speaker in the Chair.
A quorum being present, the Journal of yesterday was read and approved.

The Speaker appointed Messrs. Slingerland, Ellis, and Howe, the Committee on the part of the House, to inform the Governor that the Assembly was duly organized.

Messrs. Pixley, Taylor, and Daggett, members elect, appeared, were qualified, and took their seats

Mr. Ensworth offered the following resolution:

Resolved, That when the House adjourn, it will adjourn to meet tomorrow, at ten o'clock, A. M, at which hour the House will convene during the present session.

To which, Mr. De Long offered the following amendment:

"And that the House continue in session until twelve o'clock, and that a recess of an hour be then had, and that the House also hold evening sessions."

Mr. Young offered the following substitute:

Resolved, That when this House adjourns, it will adjourn until eleven o'clock, A. M.

Mr Ensworth moved to lay the whole matter on the table.

Upon which, Messrs. De Long, Johnson, and Lefever, demanded the ayes and noes, and the resolution was laid on the table, by the following vote:

AYES—Messrs. Armstrong, Aud, Barclay, Bates, Buck, Burdick, Caine, Cahalan, Cherry, Coleman, Condee, Connely, Cope, Crenshaw, Cutler, Daggett, G. N. Douglass, Dow, Dunlap, Eagon, Ellis, Ensworth, Fuller, Gregory, Gwinn, Hill, Hines, Holman, Howe, Jackson, Johnson, Lamar, Laspeyre, Lies, Lightner, Lull, Lynch, Malarin, Mathews, Moore of San Francisco, Murray, Roane, Robberson, Rodgers, Shannon, Shepard, Slingerland, Sloss, Squires, Street, Taylor, Thomas, Tipton, Torres, Tully, Vaughan, Wing, Whitman, Whitney, Young, and Mr. Speaker.

NOES—Messrs. Banks, Briggs, Caldwell, De Long, G. A. Douglas, Duncombe, Lefever, Pixley, Springer, Watkins, and Whealdon—11.

The following resolution was offered by Mr. Aud:

Resolved, That the Clerk be directed to place upon the Journal of this House, the proceedings of each day, so that he may read from the Journal itself each morning, before the commencement of business of the day, the proceedings of the previous day.

Upon its adoption, Messrs. Aud, Tipton, and Squires, demanded the ayes and noes, and the resolution was adopted, by the following vote:

AYES—Messrs Armstrong, Aud, Banks, Barclay, Briggs, Buck, Caldwell, Cahalan, Coleman, Condee, Connely, Cutler, G. N. Douglass, Dow' Dunlap, Ensworth, Gregory, Gwinn, Holman, Johnson, Lefever, Lies' Lynch, Malarin, Mathews, Murray, Pixley, Roane, Robberson, Shannon' Sheridan, Springer, Squires, Taylor, Tipton, Torres, Tully, Vaughan' Whitman, Whitney, and Young—41.

NOES—Messrs. Bates, Burdick, Caine, Cherry, Cope, Crenshaw, Daggett, DeLong, G. A. Douglas, Duncombe, Eagon, Fuller, Hill, Hines,

Jackson, Lamar, Laspeyre, Lightner, Lull, Rodgers, Shepard, Sloss, Street, Thomas, Watkins, Whealdon, Wing, and Mr. Speaker—28.

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

The following message was received from the Senate:

SENATE CHAMBER,
January 5, 1859.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have concurred in Assembly concurrent resolution appointing a committee to wait upon the Governor, and inform him of the organization of the two Houses, and have appointed, on the part of the Senate, Messrs. Garter, Baker, and Ketchum.

E. C. PALMER, Secretary of Senate.

RESOLUTIONS.

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

Resolved, That the Speaker be, and he is hereby, authorized to appoint three Pages and three Porters for the Assembly.

The Speaker appointed, as Pages, Hugh Mauldin, Frederick Stewart, and Henry Swartz; and John Barclo, James Doran, and W. Riley, as Porters.

Mr. Lamar offered the following resolution, which was laid on the table:

Resolved, That the Sergeant-at-Arms be instructed to procure, from the State-Librarian, the Journals of the last session, also a copy of Wood's Digest, for such members as may order the same.

The following resolution was offered by Mr. Springer:

Resolved, That the ministers of the different churches of this city be requested to officiate, alternately, as Chaplains to this Assembly during its present sesssion.

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

Messrs. Caldwell, Cherry, and Hill, demanded the ayes and noes, and it was laid on the table, by the following vote:

AYES—Messrs. Armstrong, Aud, Bates, Briggs, Buck, Cahalan, Condee, Connely, Cope, Daggett, G. N. Douglass, Dow, Dunlap, Eagon, Ensworth, Gregory, Hines, Holman, Johnson, Lamar, Laspeyre, Lefever, Lies, Lightner, Lynch, Malarin, Mathews, Mount, Murray, Pixley, Roane, Robberson, Shepard, Street, Thomas, Tipton, Torres, Tully, Vaughan, Wing, Whitman, and Young—41.

NOES—Messrs. Banks, Barclay, Burdick, Caine, Caldwell, Cherry, Coleman, Cutler, De Long, G. A. Douglas, Duncombe, Fuller, Gwinn, Hill, Jackson, Lull, Rodgers, Shannon, Sheridan, Sloss, Springer, Squires, Taylor, Watkins, Whealdon, and Whitney—27.

The following message was received from the Senate:

SENATE CHAMBER,
January 4, 1859.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have this day passed Senate bill No. 1, "An Act to appropriate money for postage and express purposes during the present session of the Legislature."

E. C. PALMER, Secretary of Senate.

Senate bill No. 1, above reported, was read first and second times, considered in Committee of the Whole—Mr. Ellis in the Chair—read a third time, and passed.

The Special Committee appointed to wait upon the Governor reported as follows:

MR. SPEAKER:—The Committee appointed to notify the Governor o the organization of the Assembly, report that the same has been done' and that the Governor will submit a communication at one o'clock P. M.

J. S. SLINGERLAND, Chairman.

RESOLUTIONS.

Resolutions were offered and adopted as follows:

By Mr. DeLong:

Resolved, That each member of this House be allowed five daily newspapers, or their equivalent in weeklies, during the session.

By Mr. Holman:

Resolved, That J. W. Scobey be allowed one week's per diem, for services performed as Clerk of the Assembly, at the organization of the present session, payable out of the appropriation for the pay of officers and Clerks of the Assembly.

By Mr. DeLong:

Resolved, That the Speaker be requested to appoint a Committee on Mileage, with instruction to proceed to business, and report forthwith.

The Speaker appointed Messrs. Tipton, Springer, Murray, Shannon, and Taylor, such committee.

Mr. Burdick offered the following resolution:

Resolved, That F. Schell be allowed one week's pay for acting as Doorkeeper of the House, payable out of the contingent fund of the Assembly.

On motion of Mr. Holman, the resolution was amended, by striking out "one week," and inserting "two days," and it was then adopted.

Mr Street offered the following resolution, which was adopted:

Resolved, By the Assembly, the Senate concurring, that our Senators be instructed, and our Representatives be requested, to zealously urge upon Congress the passage of a bill providing for the speedy construction of a railroad to the Pacific.

Resolved, That His Excellency the Governor, be, and he is hereby, re-

quested to forward copies of this resolution to each of our Senators and Representatives in Congress.

Mr. Mount offered the following resolution, which was laid on the table:

Resolved, That the Assembly do now select a Door-keeper, as being a necessary officer, in order to transact business.

.....

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento, Jan. 5th, 1859.

Senators and Assemblymen:

Having been officially informed that both branches of the Legislature have organized, I proceed to discharge the duty imposed upon me by the tenth section of the Constitution.

It affords me sincere pleasure to say that our finances are in a much more prosperous condition than at any other period since the organization of the State. The interest upon the public debt is being promptly paid, and our Bonds rank as high in the market as those of our sister States. The ratification by the people of the unconstitutional debt, created by their reckless and extravagant agents, has done much, both at home and abroad, to inspire confidence in our integrity. Although much of our property has been shamefully squandered, we have still ample means to liquidate this debt before it becomes due. Let these means be carefully husbanded, and provision made for the prompt payment of the interest, and the prejudices hitherto entertained against us in some quarters will soon be removed. Economy and integrity in the management of public affairs are indispensable; and I trust, you, gentlemen of the Senate and Assembly, who have been invested with the power of legislation by the people, will prove, before you close your labors, that these virtues govern and control your actions. The day has at last come, when the people have found time to watch the actions of their public agents; and the unfaithful officer can not expect to escape the condemnation of a betrayed constituency. As much more care is now taken than formerly in the selection of legislators, it is not doubted that all of you come here with a high and laudable ambition to do everything in your power to advance the interests of the State, and promote the prosperity of the people.

Special legislation has hitherto done much to injure the State. Acts have sometimes found their way upon the statute-book, which were only intended to aggrandize individuals; and outside agents have frequently controlled legislation. Here, I deem it my duty to direct your attention to one of the evils which has existed in California, as well as elsewhere, since the foundation of the State Government—I refer to the influence exercised over legislation by those who are usually called "Lobby Members." Gentlemen of influence and position are frequently found at the Seat of Government, during the session of the Legislature, selling out their services to secure the passage of laws. Caring but little for the

merits of the measure, they are ready, for a consideration, to undertake its passage. If, as it is said is generally the case, the fee is contingent, their energies and ingenuity are constantly taxed, and means are used which sometimes throw suspicion upon the integrity of the legislator himself. It need not be said that when legislation is transferred from the Chamber and Hall to the "Lobby," the public treasury will soon be plundered. When the Legislature is used for the purpose of passing bills concocted by speculators, public confidence must soon be destroyed, and the legislative power brought into contempt.

FINANCE.

TREASURER'S REPORT.—The report of this officer will show that on the 15th ult, there was a balance of $522,170 26-100 in the Treasury. Our indebtedness may be thus stated:

Bonds issued under the Act of 28th April, 1857, ratified by the people,.....	$3,900,000 00
Bonds and Controller's Warrants outstanding, for the payment of which no provision has yet been made.....	143,485 63
Making, in the aggregate.....	$4,043,485 63

The annual interest upon the debt, as ratified by the people, $273,000.

It is quite probable that there are other demands of a just and equitable character against the State, which will swell the amount of actual indebtedness to $4,150,000. This will leave a debt of some $250,000, for which no provision has been made. That portion of the debt which accrued prior to the first day of January, 1857, under the view which I take of the question, will require a vote of the people before it can be paid. In this statement, the Bonds issued on account of Indian hostilities, are not included, because they show upon their face that they are to be no charge on the State Treasury. It is hoped, however, that the Legislature will urge upon our Senators and Representatives in Congress, the necessity of securing, if possible, at the present session, the payment of these just demands of our citizens, amounting, in the aggregate, to $245,374 00.

It will also be seen, from the report, that a fraud was practiced on the Treasury to the amount of $22,251 00. It was the custom of the Treasurer, when Bonds or Warrants were presented for funding, to examine his books carefully, and ascertain whether they had been properly registered and issued. The Fund Commissioners would then meet, from time to time, at his office, pass upon their genuineness, and see that they were correctly endorsed and canceled All the claims presented, of every character and description, were closely examined by the Board before they were funded. Some weeks after new Bonds had been issued upon the stolen Warrants, a list of those for the payment of which Mr. McMeans, the former Treasurer, had received a credit, was placed in our hands. Steps were immediately taken by the Treasurer to secure the State, if possible, against loss The question is now before the Courts, and will shortly be disposed of. The outstanding Warrants which have never been presented, and which must have been stolen from the Treasury, amount to $13,623 20, making, in the aggregate, $35,874 20. These Warrants were all properly registered, and there was no evidence or mark whatever upon them that they had ever been paid. The thir-

teenth section of the Act of July 31st, 1850, prescribing the mode of receiving, keeping, and paying out the public funds, thus specifies the duty of the Treasurer: "on the payment of any Warrant drawn by the Controller on him, *he shall take the receipt of the person to whom the money is paid, on the back of the Warrant*, and carefully file away and preserve the same, endorsing thereon the number thereof."

If the Treasurer had complied with the law, a fraud of this character could never have been practiced. Again, on the 2d of February, 1856, a Joint Committee was appointed by the Legislature, under the following resolution, (Senate Journal, page 208:)

Resolved, by the Assembly, the Senate concurring, That a Joint Committee, composed of three members of the Assembly and two members of the Senate, be appointed to examine and report upon the financial transactions of the Treasury Department of this State, during the term of office of the late State Treasurer, and that said Committee be *fully authorized and empowered to cancel all uncanceled vouchers pertaining to the same*, and to send for persons and papers, if necessary.

If the Committee had exercised the power given them by the Legislature, of course these Warrants could never have gotten into circulation. I do not doubt that they were stolen from the Treasury soon after they were examined by the Joint Committee. Until judicially decided, the Treasurer will not, of course, recognize the Bonds issued upon these Warrants as a legal demand against the State.

Controller's Report.—An examination of this communication will show that the assessed value of property, for the year 1858, falls two millions of dollars short of the assessment of 1857, and more than sixteen millions below the estimate of my predecessor. The discovery of gold in the British Possessions, north of us, and the excitement consequent thereupon, drew off a very large number of our citizens, and a general depreciation in the value of property immediately ensued. Other causes, of which it is not deemed necessary to speak, contributed to this result. The reduction in one county alone (San Francisco) is nearly nine millions of dollars. The value of the taxable property for the present year, is stated by the Controller, in round numbers, to be one hundred and twenty-four millions. The estimate made by the late Governor was one hundred and forty millions, and upon this calculation the Legislature proceeded to reduce the taxes on property from seventy to sixty cents on a hundred dollars. Whilst I am not disposed to increase the rate of taxation, the safety of the public credit, in my opinion, demands that the Act of April 17, 1858, giving the ninth and tenth classes of Licenses, and the Liquor Licenses, to the counties, should be repealed.

It is proper to remark, that this Act was approved by me with very great reluctance. Indeed, it was only after considerable hesitation and delay that I yielded to the judgment of your predecessors, as I did not feel disposed to set up my own against the expressed will of the representatives of the people, especially as I had just come into office, and was unacquainted with the revenue system of the State. The aggregate debt of the counties amounts to some three millions of dollars, and it was desirable to relieve them from embarrassment, if it could be done without producing a deficiency in the State Treasury. It will be seen, however, that whilst the Act has embarrassed the State, it has proved of very little benefit to the counties. The receipts from these licenses have fallen off during the six months preceding the fifteenth ult., (as compared with the corresponding term of the year 1857,) forty-two thousand four hundred and twelve dollars and twenty-four cents. It is safe to assume that, at the end of the year, the loss will amount, in round numbers, to eighty

thousand dollars, thus leaving to the counties the meagre sum of say thirty thousand dollars. Now, it seems to me that a bare statement of these facts should be sufficient to secure the repeal of the law.

The interest due upon our Bonds the first instant, amounting to one hundred and forty-seven thousand one hundred and thirty-eight dollars and fifteen cents, could not have been paid if authority had not been given to draw on the General Fund in case of a deficiency. The amount in the Interest Fund proper, was only eighty-five thousand five hundred and fifty dollars and twenty-two cents, instead of a surplus, as was anticipated by the late Executive. We have now the alternative, to restore the revenue derived from these licenses, in future, to the State Treasury, or devise some plan by which poll-taxes can be collected. The delinquent-list, in almost every county, is unusually heavy this year.

That our tax-laws operate unequally, and in some respects unjustly, can not be controverted. Some of these inequalities can not be corrected without a change in the Constitution. Every one who enjoys the protection of the Government ought to contribute towards its support, and yet nearly the whole burden falls upon less than one third of the citizens. Take, if you please, the poll-tax. Whilst we have a voting population of some one hundred and twenty thousand, only forty-eight thousand one hundred and thirty-five dollars were received from this source last year, the tax being three dollars per capita, and the State's share sixty per cent. In nearly one-third of the counties no poll-tax was collected, as will be seen by reference to the report. In 1857, none whatever was collected in San Francisco, and during the past year only nine hundred and ninety-one dollars and seventy cents There can not be less than thirty thousand males over the age of twenty-one years, in that city and county, and if collections had been made, the State would have received some fifty thousand dollars, instead of less than one thousand dollars. In the meanwhile, El Dorado, with a voting population of little more than one-half that of San Francisco, paid this year eight thousand four hundred and sixty-four dollars and fifty cents. It will also be found that more than two-thirds of the whole amount received from this source was paid by eight counties, to wit: El Dorado, Sacramento, Calaveras, Nevada, Placer, Siskiyou, Sierra, and Tuolumne. Whilst San Francisco has a larger population than any other county in the State, no less than fourteen counties paid a larger poll-tax. It is but justice, however, to this county, to say that of other taxes it pays one-fourth of the whole amount received into the Treasury If the law was properly enforced throughout the State, a sufficient revenue could be collected to pay the annual interest accruing on the public debt. By devolving the duty on the Collector, instead of Assessor, the amount will certainly be increased, and therefore it is recommended.

It will be observed that only twenty-five counties have reported the assessment of property in accordance with law. The twenty-ninth section of the Revenue Act of 1853 declares that County Auditors "shall make out and cause to be transmitted, by mail or otherwise, to the Controller of State, on or before the first day of November of each year, a complete abstract of the property listed in his county, the valuation thereof, the number of polls, the amount of each kind of tax, and the aggregate thereof in the county; as, also, the rate of each kind of tax assessed." It is difficult to find any reason why these County Auditors should be allowed to disregard the plain requirements of the law, and it is recommended that a penalty be imposed upon those who may hereafter

neglect to perform this duty. Perhaps the simple provision prohibiting them from receiving any compensation for services rendered under the Revenue Laws, until the receipt of the State Controller for the assessment-roll is produced, might answer the purpose.

In estimating the probable receipt into the Treasury for the next fiscal year, it will be noticed that the Controller includes the proceeds of the School lands, ($65,000,) but this can not be used for the ordinary expenses of the Government. By the tenth section of the Act of last year "to provide for the location and sale of the unsold portion of the 500,000 acres of land donated to this State for School purposes, and the seventy-two sections donated to this State for the use of a Seminary of Learning," as soon as $57,600 of any money belonging to the School Fund is received, the Board of Examiners is required to use the same for purchasing outstanding Civil Bonds. The amount received thus far, under the Act, is a fraction less than $10,000.

I have caused a tabular statement to be prepared at the Controller's office, showing the cost of collecting the revenue, during the past year, in the different counties, and your earnest attention is called to it. In one of the counties, the cost was a fraction over forty-two per cent.; in another, thirty-eight; and in several, over twenty per cent. Take counties lying contiguous to each other, having about the same character of population, and presenting about the same difficulties in collecting, and see the vast difference in the expense. In Amador, the per cent. is a fraction over eight, whilst in Calaveras it is twenty-three and a fraction. In Nevada, a fraction over three per cent., whilst in the adjoining counties—Placer, on the south, it is eight and a fraction, and in Sierra, on the north, thirty-four and a fraction. In Trinity, six per cent., whilst in Shasta, twenty-three and a fraction. In Santa Clara, five and a fraction, whilst in Alameda, twelve and a fraction. It is true, that the per centage can not be equalized, as in many counties the Assessor goes with the Collector, and his expenses are audited by the Board of Supervisors, and in some localities the cost of collection is greater than in others, yet this gross inequality shows that there is something wrong in the system. The aggregate cost of collecting a revenue of $1,254,335 46 is $108,370 65.

The law fixing the fees of Tax-Collector, was passed several years since, when the expenses of traveling and of living were much higher than now. With the improvements of roads, the increase in the facilities for traveling, and a general reduction in the cost of the necessaries of life, there ought to be a corresponding reduction in the fees of revenue officers, and it is, therefore, recommended.

I concur with the Controller, in the opinion that the whole revenue system needs revision, as there are many radical errors in it. Indeed, it is claimed that some of our laws are unconstitutional.

A criminal prosecution was instituted at San Francisco, against one Capt. Almy, for a violation of the first section of the Act to provide revenue for the support of government, from a tax to be levied and collected from foreign and inland bills, as amended by the Act of twenty-sixth of April, 1858. The party having been convicted, sued out a writ of error from the Supreme Court of the United States, and the case is now pending at Washington. The object of the defendant is to test the constitutionality of the law. Deeming this a matter of great financial importance, Mr. Benjamin, of the United States Senate, and Gen. Volney E Howard, of California, were retained to represent the State. It is probable that the case will be disposed of during the present term of the Court.

REPORTS OF OFFICERS.

SECRETARY OF STATE.—The report of this officer will show that we have for years past been publishing a much larger number of Journals and Laws than the necessities of the State demanded. Indeed, an uncharitable person might suppose that the principal object had been to enrich the printer. It will be seen that there are now on hand, of the Journals of the Legislature, *four thousand nine hundred and eighty* copies. Of the Seventh Session (1856) alone, he has *thirteen hundred and twenty-three* copies. Of the preceding Session, seven hundred and ninety-two; and of the last Session, seven hundred and thirty-five. By examining the Appendix to the Journals of the Senate and Assembly, it will be found that hitherto the reports of the State Officers and Public Institutions were printed in each, thus making one volume of unnecessary binding. The report of the Treasurer is published in three different volumes.

These evils should be corrected, and your attention is invoked to them. The expenses of "printing, paper, and official advertisements," for the present fiscal year, (judging by the amount charged to this account during the past twelve months,) will not exceed $40,000—being $10,000 less than the sum appropriated by the last Legislature for this object. This is the first time that the expense of printing for the State has been kept within the appropriation made by the Legislature. And yet even this amount can be reduced $10,000, without changing the tariff of prices fixed by statute.

ATTORNEY-GENERAL.—The report of this officer will show that there has been an unusual amount of litigation in which the State was directly interested, during the past year. In some few cases it was deemed necessary to employ assistant counsel, but, by the Attorney-General giving his unremitting attention to the public business, the large expenditure heretofore made in this department has been very much reduced.

I concur with this officer in recommending a modification of the Act for the better observance of the Sabbath, which has been declared unconstitutional by the Supreme Court. In all civilized countries, laws of this character have been deemed necessary—necessary, not only in a moral but in a physical point of view. The experience of ages has demonstrated that man requires the seventh day as a day of rest, and it can not be doubted that by striking out some unnecessary restrictions imposed by that Act, its constitutionality will be maintained by the Court.

In connection with the changes which the Attorney-General proposes in the statutes, it is suggested whether it would not be politic to reduce the number of Grand Jurors, and thus avoid very great expense. The Grand Jury, as an institution, has very little to commend it, except its antiquity, and if the Constitution did not prevent it, I would recommend its abolishment. The expenses of our Criminal Courts, under the present system, are enormous, and whenever a reduction can safely be made, it ought to be done.

It is also suggested that it might be proper (if upon examination it shall be found constitutional) to amend the Practice Act in civil cases, so as to allow the judgment of two-thirds or three-fourths to stand as the verdict of the jury. Parties are very frequently subjected to great expense, in consequence of a unanimous verdict being required. Indeed, I am not sure that in criminal cases it would not be expedient to increase the number of trial-jurors to fifteen, and require the concurrence

of twelve to render a verdict. The guilty very often escape under the present system. Our Criminal Code requires thorough revision, and it is hoped that the subject will receive your early attention.

STATE REGISTRAR.—It will be observed, by reference to the report of this officer, that it has been found impossible to execute the Act of the 26th of April, 1858, providing for the registration of marriages, births, divorces, and deaths.

That much good would result from a statistical bureau, at the Seat of Government, can scarcely be doubted. Postmasters and other public officers are constantly annoyed with letters, inquiring after persons who have died here, and what disposition was made of their property, if any was left.

The Act of last session contained some provisions which, it was easy to foresee, could not be executed. A modification of the law, or an entire repeal, is now demanded. The report of births and deaths should be left to the voluntary action of the friends of the parties. The record of marriages and divorces can be obtained from the Courts in which the marriage was celebrated or the divorce granted.

It should be the duty of the Probate Judge to report to the Registrar the deaths of all persons upon whose estates letters of administration were granted, the name of the administrator, and the amount of the estate. It should be the duty of the Coroner, in the respective counties, to report all violent deaths to him. In addition to these, let the Assessors, in the respective counties, report their statistics to the Registrar, instead of the Surveyor-General. With these modifications, the office might be made one of public utility.

MISCELLANEOUS.

ESTILL AND MCCAULEY.—The Act of the 26th of April last, organized the Board, consisting of the Governor, the Comptroller, and Secretary of State, "to examine, audit, and allow, any and all claims, legal or equitable, of James M. Estill and John F. McCauley, or either of them, against the State of California, arising out of any matter connected with the State-Prison." There is a proviso in the Act, excluding the claim of J. F. McCauley for supplies furnished during the months of January and February of last year, thus leaving that portion of his demand to the consideration of the present Legislature. Shortly after the passage of that Act, the Board gave notice, through the public prints, that a meeting would be held at the State-Prison, San Quentin, on the 17th day of May, and that all claims referred to in that law would then be received and considered. Accordingly, all the members repaired to San Quentin at the time designated. No claim, of any character whatever, being presented by either of these parties, the Board, after being in session two days, adjourned to meet again on the call of the Governor. Subsequently, it was ascertained that both these gentlemen declined presenting their claims, chiefly upon the ground that the decision of the Board would be final and conclusive.

In September, McCauley brought an action against the State-Prison Directors, as private citizens, to recover possession of the Prison, and damages for unlawful entry and detainer. The case was submitted to a jury, and a verdict was rendered in favor of defendants. An appeal was taken by the plaintiff to the County Court, and here a jury acquitted two of the defendants, (the Lieutenant-Governor and Secretary of

State,) and gave judgment against the other for $4,150 00, which being trebled, according to our statute, amounts to $12,450 00. An appeal, of course, was taken to the Supreme Court, where, it is understood, a decision will be rendered in a few days. To perfect this appeal, I was compelled to execute bonds in the sum of $70,000. Whatever the result may be, the Legislature ought never to allow the Prison to pass beyond the control of the State.

On the fourteenth day of the last month, Mr. McCauley instituted a suit, in the District Court in Marin County, against the Governor, Lieutenant-Governor, and Secretary of State, in their private capacity, and several other individuals who accompanied the Governor when he took possession of the Prison, under the direction of the Legislature. This suit is brought to recover certain property at the Prison, which, it is alleged, was taken by the defendants when possession of the Prison was obtained, and damages on account of his ouster from the Prison—amounting, in the aggregate, to $100,000. I am not advised as to the time when a trial will be had.

Sureties of Bates.—The Act of April 26, 1858, created the Governor, Controller, and Treasurer, a Board of Commissioners, to settle and adjust a judgment recovered by the State against Samuel Norris, P. L. Edwards, G. O. Perry, Gilbert Griswold, and J. M. Rhodes, the sureties of Henry Bates, formerly Treasurer of State, for the sum of $100,000. The Board was authorized "to make a settlement with the sureties in said judgment, and to grant them a full release from the operation of the same, upon their paying into the State Treasury such sum as the Board, or any two members thereof, shall have determined was just and proper, and, under all the circumstances, most advantageous to the State."

We informed these gentlemen, soon after the adjournment of the Legislature, that we were ready to receive any statement or proposition which they might be disposed to make in reference to settlement. An offer was made by one of the sureties (Col. Edwards) to transfer certain property, but it was so incumbered with mortgages and liens, that the State, in all probability, would not have been able to make anything whatever out of it. Indeed, we became satisfied that no considerable portion of the judgment could be recovered, and hence abandoned all hope of effecting a settlement. After diligent inquiry into their pecuniary circumstances, we were forced to the conclusion that they were insolvent.

No State officers, in my opinion, ought ever to be invested with the power conferred by this Act. It authorizes a majority of the Commissioners to give a final discharge to the sureties against this judgment, upon whatever terms they deem proper. The payment of one dollar would have satisfied the law. The Legislature alone should prescribe the terms upon which public debtors should be released.

Water-Lots.—The Act of April 26, 1858, authorizes the Governor to enter upon and take possession of certain tracts or pieces of land in the City and County of San Francisco, lying within certain boundaries therein described. He was required to divide and lay out into lots and streets, etc ,—to employ an auctioneer, and proceed to sell, as soon as possible, all the right, title, and interest of the State therein. The terms of the sale were to be cash, or the Civil Bonds of the State. It also required the Governor to advertise for at least twenty days, in three newspapers—to pay all the expenses out of the proceeds.

Ascertaining that parties were in possession of this property, claiming

to be the owners, a communication was addressed to the Attorney-General, requesting him to institute legal proceedings to eject them. It is claimed by that officer that the purchasers under the sale made on the 26th of December, 1853, took no title whatever, and that the State is the absolute owner of this property. This is a judicial question, and, until it was finally determined, I was unwilling to order a sale which would have brought nothing into the Treasury, but, on the contrary, would have given some parties, in all probability, equitable claims against the State, to a considerable amount. This Act contains the following proviso:

Provided, That any person who has made payment, or payments, in cash, or in State indebtedness receivable for public dues by the State, of twenty-five per cent. of the price which he bid, for any of the lots hereinbefore mentioned, at a sale thereof, made on the twenty-sixth day of December, one thousand eight hundred and fifty-three, by the City of San Francisco, or by the then Mayor, and a Committee composed of persons who are members of the Common Council of said City, shall have a credit to the extent of said twenty-five per cent. upon the purchase by him, at the sale authorized and directed by this Act, of the same lot or lots, or upon which he has paid said twenty-five per cent.

It is a notorious fact that this property has so much depreciated in value since the sale that the credit of twenty-five per cent. would absorb the whole. If it is intended to relinquish the title to the purchasers under the sale of 1853, without any consideration whatever, it certainly can be done without subjecting the State to any expense. It is hardly worth while to employ surveyors to run off lots and streets, printers to advertise, and auctioneers to sell, in order to give away public property.

San Francisco Harbor.—As it is probable that you will be called upon to pass some Act for the preservation of the harbor of San Francisco, it is deemed proper to make a few general remarks on this subject. It seems to be admitted, by all, that the front of the harbor is fast filling up, which must, before long, seriously affect its usefulness and value. Some remedy for this is certainly desirable.

The whole State is directly interested in keeping this harbor what it now is, one of the finest in the world—as our commercial prosperity depends upon it. Looking at it, then, as a State question, it becomes important to us all to abstain from adopting any plan until we are satisfied that it will accomplish the end in view—the preservation of the harbor. A bad plan or a good one, in the hands of unskillful engineers, so far from preserving, might ruin it. The experience of our own country will show that artificial constructions, costing immense sums, have been placed in our harbors and rivers, which have turned out injurious to the channels, and in the end had to be removed. This has occurred in some cases where the Federal Government attempted to improve harbors, but they are more apt to occur where private rights have been allowed to interfere in the work.

The City of Portland, in Maine, found it necessary, some three years since, to organize a commission "for the purpose of obtaining a plan for regulating permanently the line of construction of Portland harbor, and for the general preservation and improvement of the channels and harbor accommodations." Three eminent engineers, distinguished for their science and experience, (Messrs Totten, Bache, and Davis, of the Coast Survey,) were placed on that Board, and, after a careful examination, they made an elaborate report, and the plan which they recommended was adopted, as I am informed. In New York and Massachusetts, Commissioners have been appointed by the State, to adopt plans and watch over the interests of their harbors.

The front line of the city ought not to be extended beyond its present limits, unless it is found indispensable to the preservation of the harbor, and I can not give my sanction to any plan until scientific and disinterested engineers have pronounced it the proper one to accomplish the object. Private rights, as a matter of course, must be protected, but not at the expense of the public good.

Physicians and Druggists.—I concur with my predecessor in regard to the necessity of a law requiring the examination of Physicians and Druggists. He said: "The successful pursuit of no profession requires more thorough training and experience than the art of healing diseases and preserving the health of mankind, and none is more useful and necessary. But in proportion to the necessity and value of the science of Medicine, when properly understood and applied, are its dangerous and destructive consequences when it is perverted from its legitimate uses, and is attempted to be put in practice by those unacquainted with its precepts and principles. Instances are frequently occurring in which individuals representing themselves to the public as skilled in medical science, have, by their ignorance or carelessness, caused either the protracted suffering or untimely death of their too credulous or unsuspecting victims. There is, perhaps, no country where empiricism is so rife as in this State; and the lives and health of our people are too valuable to be placed at the indiscriminate mercy of arrogant pretenders. The Lawyer, who deals to the greatest extent with our property and pecuniary interests, is compelled to undergo a strict examination as to his qualifications for that profession, but the Physician (into whose hands are intrusted the higher and dearer interests of life and death,) and the vendor of drugs (whose proper office should be to alleviate, instead of to protract, the maladies of the body,) are permitted to pursue their separate callings, regardless of legal restraint or ascertained qualifications."

It might be added that, during the past year, at least two cases have occurred where lives were lost because of the ignorance of the Druggist. Those who perform the duties of Clerks, in drug-stores, should be rigidly examined. A Board of competent persons might be appointed by the State Medical Society, in the respective counties, to perform this duty.

His suggestions in regard to the Congressional elections have in part been carried out by the postponement of the election by the last Legislature. In regard to the propriety of districting the State, I can only say that California ought not to occupy the position of the only State in the Union which elects members by general ticket.

My predecessor called the attention of the Legislature to the necessity of running and establishing the boundary-line between this State and Utah Territory. The population in Carson Valley, and along the western line of Utah, is increasing in number very rapidly, and we can not safely postpone this work longer. The Surveyor-General, acting in conjunction with the Federal officer, could soon, without any great expense, fix this line.

He also directed attention to the necessity of amending the Homestead Act, the Law of Divorces, of Sole Traders, of Evidence in Chancery Cases, of the Insolvent Laws; and, as it is believed that all these laws are defective, the whole subject is commended to your consideration.

AMENDMENTS TO LAWS.

ATTACHMENT LAW.—Although the Practice Act upon this subject was very much improved at the last session of the Legislature, in my opinion it still requires amendment. It ought to provide for a fair distribution of the assets of the bankrupt amongst his creditors. To the policy of giving priority to the first attaching-creditor, I am opposed, as it is believed that it operates injuriously upon the business of the country. It places the debtor at the mercy of his creditors. It enables an unrelenting Shylock, (and they are found here as well as in other countries,) to crush his debtor, deprive him at once of the possession of his property, and ruin his business. It gives to one, perhaps the most greedy and unscrupulous, that which should be distributed *pro rata* amongst all the creditors of the insolvent debtor. Under this system, too, dishonest debtors find an opportunity to cover up their property and secure it from their creditors.

PRIMARY ELECTIONS.—In my Inaugural Address the attention of the Legislature was called to the necessity of adopting some additional law to preserve the purity of elections.

When political parties resort to primary elections, in selecting candidates for the various offices, it is as important that the voice of a majority should be clearly and satisfactorily ascertained at the primary, as at the general election. The primary election may be called a family meeting of the party, for the purpose of settling a question as to who shall receive the support of that family for the respective offices; and surely public policy demands that no fraud should be practiced at that gathering Take a county where either of the political parties is decidedly in the ascendant, and party discipline enforced, the whole question is settled at the primary meeting, and the subsequent election becomes a mere matter of form.

That frauds have been, and still are, practiced at these primary elections, no one can doubt. That the will of the majority of the party is often disregarded and defeated, by tricksters, is equally certain. Whilst, perhaps, this is the best plan which can be devised, to ascertain the will of the respective parties in regard to candidates; yet, to be useful, they should be conducted fairly and honorably.

Every citizen should be left untrammeled in the exercise of the elective franchise, but the law should take care that no frauds are practiced upon the ballot-box, for that should always speak the voice of a majority of the people.

In some localities a great many respectable citizens decline attending these primary elections, because of the frauds which are practiced by professional politicians, in voting and counting; and, unless laws are passed to check this, a full and fair expression of the popular will can only occasionally be obtained.

Considering it of the greatest importance, in a Government like ours, to prevent frauds upon the elective franchise, I have deemed it proper to recommend this subject to your earnest consideration.

LIQUOR LICENSES —Some restraints should be imposed upon those who are engaged in retailing liquors. Under the present laws, any one who can pay for a license is authorized to sell, and, as a consequence, there are many persons engaged in this business who are entirely des-

titute of character or responsibility. I would suggest the propriety of amending the law so as to require the applicant to give ten days' public notice of his intention to apply for a license. Let the application be made to the County Judge, who should be authorized to inquire into the moral character and fitness of the applicant for the occupation. If not satisfied on this subject, let the license be refused. Incorporated cities have their own government, and therefore should be excluded from this law. An Act of this character will, it is believed, have a salutary effect in lessening the number of grog-shops, and, consequently, of crime.

GEOLOGICAL SURVEY.

This subject has recently occupied a good deal of public attention, and there can not be a doubt that a survey of this State would furnish very valuable information—to the agricultural and mining interests, particularly. It is true, our territory has been pretty well explored, but the application of science would develope resources now unknown to the people. If there is any State in the Union where a geological survey is necessary, that State is ours. It is already ascertained that nearly all the minerals known to the scientific world are now found in our State. Besides, we have almost every variety of soil.

This subject was first brought to the attention of the Legislature by Hon. Jacob R Snyder, (now Treasurer of the Mint, etc., in San Francisco,) when a Senator, in 1853. On the 26th of March of that year, he introduced a resolution in the Senate to appoint a committee to wait on Dr. Trask, (who had traversed a portion of the State, and acquired much valuable information,) and request a copy of his report. This was obtained, and 2000 copies printed On the 6th of May, a Joint Resolution was adopted, requesting him to continue his survey, and on the succeeding day an Act was passed giving him $2000 for his services On the 15th of May, 1854, an appropriation of $5000 was made to complete his survey of the Coast Range north of 35 degrees of latitude, and certain parts of the Sierra Nevada

In March, 1855, he reports that he had spent six months and twenty-two days in the field, and sends to the Governor the result of his labors. In the general appropriation of that year, $5000 is given to him, and for the first time he is called "State Geologist." This document occupies some ninety pages, and four thousand copies were printed—two thousand for each branch of the Legislature. It contains very valuable information, but it falls far short of a geological survey of the State.

As this communication is growing rapidly upon my hands, I must here dismiss the subject, with the expression of the opinion that if a geologist of the first rank can be obtained at a reasonable compensation, the public interest will be much advanced by the survey.

Militia.—The Constitution of the United States evidently contemplated that Congress should provide for the regular organization of the Militia of the States. Article I, Section 8, declares that "Congress shall have power to provide for organizing and disciplining the Militia"

Prejudices seemed to have existed on the subject, and hence Congress has not exercised the power, but left the respective States to legislate on the subject. In California we have a system which is sadly defective, and which, in time of war, or difficulty, would be found wholly impracticable.

The Governor is invested with the power of appointing Major-Generals and Brigadier-Generals, but the Adjutant-General, who is on the staff of

the Commander-in-Chief, and a part of his military family, is selected by the Legislature. The duties of Inspector-General, Quartermaster-General and Commissary-General are imposed upon him, and hence the Legislature appoints these four important staff officers for the Commander. Besides, there is no provision made for separating these offices, in time of war, and hence the checks, which every well-regulated system provides, are entirely lost.

In consequence of the absence of the Adjutant-General, (who is now on duty in the field,) no report has been made to me, and therefore the condition of the Militia, during the past year, can not be given.

EDUCATION.

If we desire to elevate the character of society, improve public morals, lessen the number of juvenile offenders, diminish the expense of our Courts and Prisons, we must make ample provision for the education of all.

The records of every prison in the civilized world will show that a very large majority of those who have been incarcerated are uneducated.

Ignorance and crime, although not inseparable, are, nevertheless, closely connected. How much better, how much cheaper, (if you take it as a question of economy,) to pay for the education of a youth, than to defray the expenses of his conviction in Court, and of supporting him for a series of years afterwards in prison.

In at least one of our sister States (Massachusetts), where a sufficient fund has been provided, laws have been enacted compelling the attendance of children in school, and the parents or guardians, or those having them in charge, subjected to a fine for not sending them.

In Austria, in Prussia, in Saxony, and some other European States, attendance upon the public schools is required by law.

If education is regarded so essential, in despotic or monarchical Governments, how much more important is it in a Government like ours, founded upon the will of the People. Our Constitutions, our Laws, our Institutions, are created by the People; and their stability depends upon the general intelligence and enlightened patriotism of the masses

With an ignorant, debased people, our Constitutions would be ropes of sand, and our Government an idle mockery, giving security to neither person or property.

It required intelligent and educated men to found our Institutions, and it demands the same character of citizens to maintain and perpetuate them.

No one has a right to throw an ignorant uneducated youth upon the community, as the chances are that he will be vicious. I trust, that as soon as an ample fund is provided, some laws may be adopted compelling parents and guardians, having children under their charge, to send them to the schools

Notwithstanding the difficulties which have surrounded us during our existence as a State, I have no hesitation in affirming, that we have accomplished more during the past five years, for the cause of Education, than any other State in the Union. Colleges, Seminaries, and High Schools, which would reflect honor upon older States, have been established in our cities and towns, where young men are now being educated in the most thorough manner. They are founded upon private enterprise, unaided by Government patronage.

Our Public Schools, to which we contributed, during the past year,

$55,382 71, are doing noble work in educating the masses, and preparing them for the high responsibilities which will ere long devolve upon them.

The report of the Superintendent of Public Instruction will show that there are now 40,530 children in the State, between the ages of four and eighteen. Number under four is 23,558, making the whole number of children 64,088, and of these nearly 2,000 are orphans. The total amount paid to teachers is $203,276, and the number of children attending the Schools, 19,822 The aggregate amount expended for school purposes during the year, $339,914.

The noble men who are devoting their time and energies to the cause of education have already placed our Schools where they will compare favorably with those of other States.

PUBLIC INSTITUTIONS.

Insane Asylum.—The Trustees have placed in my hands a full report of the operations of this institution during the past year. From this it will be seen that there are now 273 patients, being an increase of 85 over the preceding year. The very large number in this Asylum can not fail to attract public attention, for in proportion to population we have a great many more than any of our sister States. A variety of causes have contributed to this result. Thousands have come to our State with the expectation that fortunes could be readily obtained from our mines in a few months This has proved a delusion, for here, as elsewhere, time, toil, and industry, are indispensable to the accumulation of wealth. Disappointments, blasted hopes, dissipation, and exposure, have contributed towards filling our Asylum with this unfortunate class. But another reason (and a very strong one) why the number, so far, exceeds other communities, may be found in the fact that we have here a great many patients who, in older States, are sent to the poor-house, or supported by private charity. A reference to the report will show that nearly one-fourth of the inmates are cases of mere dementia. Having no poor-houses, and these persons being without kindred or friends here to provide for them, they are thrown upon public charity, and thus crowd the Insane Asylum. Until the counties adopt some system for the support of this helpless class, we must expect an increase, and provision should be made for them.

It is a matter of regret that the Legislature should have allowed the expenses of this institution to exceed the appropriations. There are old debts, contracted prior to the first of January, 1857, amounting in the aggregate to $5,258 18. Besides, there are debts contracted since that time, amounting to $22,397 71. These liabilities were for necessary supplies for the support of the patients, and should have been long since paid. It is gross injustice to these claimants to postpone payment of these equitable demands. Claims which accrued prior to the first of January, 1857, will have to go with those of a similar character, and probably await the action of the people.

The policy of allowing public officers to create a debt or liability against the State ought to be abandoned. Care should be taken to appropriate a sufficient amount to cover all the necessary expenses of the Asylum, and the officers (as is the case with the State-Prison Directors) strictly prohibited from creating a debt. The Board of Examiners ought to be relieved from all connection with the institution, or else invested with the power of auditing its accounts. Under the present system, the Trustees, together with the Resident Physician, make an estimate of the anticipated

expenses, at the first of each month, and this is submitted to the Board of Examiners for their approval. As the Trustees alone pass upon the accounts, they never report to the Examiners either a surplus or a deficiency; of course they can know nothing as to the manner in which the money has been expended.

The expenses for the next fiscal year are estimated, by the Resident Physician, at seventy-two thousand dollars. Whilst economy is desirable in every department of the Government, the wants of this institution should be amply provided for. There are some appropriations asked for, which, in the present condition of our finances, would be hardly justifiable. I allude to those which are ornamental rather than useful. The necessary expenses will, in all probability, amount to the sum recommended.

Having visited this institution during the past year, and given some personal attention to it, I take great pleasure in saying that the officers are able and faithful. By their skill and unremitting attention, they have placed it where we would not suffer by a comparison with the older States.

STATE-PRISON.—As the Governor is a member of the Board of Directors having this institution in charge, who are required by law to report fully, and in detail, on the first proximo, only a few general remarks can be made in this communication

There are now five hundred and eighty-five prisoners confined at San Quentin, and this large number can not fail to excite attention, both at home and abroad. We would suffer very much by a comparison with other States in this regard. The discovery of gold on this coast threw a large number of young men upon us, from the Atlantic States. Many of them ardent, inexperienced youths, who had been tenderly raised, under the parental roof, but finding that gold was then so easily obtained, forgot the lessons which they had been taught, and became addicted to the vices (drinking and gambling) which in the early settlement of the State prevailed to such an alarming extent, and are now paying the penalty in the Prison. As many of them are there under fictitious names, their digrace is unknown to distant kindred and friends. But a majority of the convicts are foreigners by birth Our proximity to the former penal colonies of Great Britain forced upon us a large number of the most desperate and hardened villains who ever disgraced human nature. The South and Central American States, and, indeed, every portion of the habitable globe, contributed their share towards swelling this immense army of ruffians. Besides, Criminal Courts, in the early years of our State, owing to the prevalence of crime, sentenced prisoners for very long terms, and, consequently, many old cases are still on hand.

The financial department will exhibit a great reduction in the expenses of the institution; whilst the physical comforts of the convicts have been very much increased. So far as this is concerned, it is apprehended that there will be no complaints from any quarter. The accommodations at San Quentin are not suitable for more than 300, or 350 at the most. It is utterly impossible to adopt any reformatory system, where fifty or sixty prisoners are oftentimes thrown promiscuously together—the young and the old, the novice and the hardened villain. Their physical wants have been properly cared for during the past year, but as to the improvement of their morals or their intellects, nothing has been done—nothing can be done until the difficulty to which I have alluded is obviated. Until additional buildings are provided, so as to separate these

convicts, and classify them, that institution must stand a disgrace to the State—a disgrace to humanity. I speak strongly, because I have devoted much of my time to this institution during the past year, and, although the accommodations have been increased, and the condition of the prisoners vastly improved, yet it falls so far short of what a prison should be, that I could not speak otherwise. The language of Sydney Smith, when speaking of the Prisons in Great Britain, in 1821, is not inapplicable to ours.

"There are," said he, "in every county in England large Public Schools—maintained at the expense of the county—for the encouragement of profligacy and vice, and for providing a proper succession of housebreakers, profligates, and thieves They are schools, too, conducted without the smallest degree of partiality or favor, there being no man, however mean his birth or obscure his situation, who may not easily procure admission to them. The moment any young person evinces the slightest propensity for these pursuits, he is provided with food, clothing, and lodging, and put to his studies, under the most accomplished thieves and cut-throats the country can supply."

Unless something is done speedily to provide for the accommodation of this army of convicts, the Executive may be compelled to pardon some of them, with a view to their transportation beyond the State. The law of self-preservation may compel me to throw them upon other communities.

The immediate purchase of a site for a Branch Prison, and the commencement of the work, should no longer be delayed.* In my deliberate opinion, more than one-half of those now confined will return again to the prison if they remain in the State, and eight out of ten of those now being discharged will come out worse men than they were when they entered. Your attention, therefore, is most earnestly invoked to this subject.

Schools of Reform.—The attention of the Legislature has frequently been called to the necessity of providing some suitable place for juvenile offenders, and at the last session an Act was passed for the establishment of an "Industrial School" in the County of San Francisco. This is, however, a local institution, and only provides for that county. If it proves successful, (as, no doubt, will be the case,) arrangements should be made for extending its benefits to the other counties of the State. If the consent of the Directors could be obtained, a small appropriation from the State Treasury, annually, would effect this desirable object—at least until the finances would justify us in establishing a State institution

As it is understood that the buildings for this school are about being erected, I would suggest the propriety of authorizing the State-Prison Directors to furnish the necessary brick and stone, to be reimbursed hereafter by the support of juvenile offenders from other counties of the State.

Although, of course, a larger number of these reckless and wayward youth are congregated in San Francisco than elsewhere within our borders, yet, unfortunately, they are to be found in almost every section of the State Many of them are here without parents or guardians to control them, and unless some provision is made to reform them, the probability is, that as soon as they are legally liable they will be incarcerated in the State-Prison In several of our sister States, institutions of this character have been established, and much good has been effected Indeed, many of them have been pre-eminently successful. Seventeen Houses of

*The State-Prison Directors will explain why a site was not purchased under the Act of the last Legislature.

Reform, established between 1825 and 1856, had received 20,658 of these juvenile offenders. Of this number, 16,847 were boys, and 3,811 girls. The average of reform is set down at *seventy-five per cent.* By turning to the books of our Prison, it is found that 300 persons have been incarcerated, under the age of 21 years, since the establishment of the Prison. I have no means of ascertaining the number of this class confined in the County-Jails and City-Prisons, but there can not be a doubt that it is equal to the number sent to the State-Prison, making some six hundred. These statements ought to be sufficient to direct the serious attention of the Legislature to this subject. Of the 218 minors discharged from the State-Prison, it is exceedingly doubtful whether one-tenth of them have reformed and become useful members of society. The chances are, that they came out confirmed villains; indeed, there are many of them confined for the second (and there are cases of the third) offence.

In view of this state of things, it seems to me that no minor should be sent to the State-Prison for the first offence. He can receive more care, attention, and instruction, in the County-Jail, and be kept from an association with old offenders who would ruin him. He may be reformed in the County Jail, but in the State-Prison the chances are ten to one against him.

PARDONING POWER.

The Governor is charged with no duty more delicate, more embarrassing, or more painful, than that of deciding upon petitions for pardon. These petitions are oftentimes numerously signed by respectable citizens, and occasionally pressed by the streaming tears of broken-hearted kindred. To resist such appeals requires a strength and steadiness of nerve approximating stoicism, and a deafness to the cries of the afflicted which resembles indifference to human woe. The friends, and often relatives, of unfortunate convicts, have, during the past year, implored Executive clemency in no less than twenty cases where a sense of public duty compelled me to turn a deaf ear. If I had allowed sympathy to have controlled my actions, a great many now in prison would be at large. Applications were made to commute punishment from death to imprisonment, in four different cases. The Supreme Court having decided that this power is vested in the Governor by the Constitution, the record in each case was carefully examined, and, although it pained me much to refuse to save the life of a fellow-being, I could not obtain the consent of my judgment to grant the commutation. The law makes murder in the first degree a capital offence, and where the testimony and all the facts leave no doubt on my mind that that crime has been committed, I can not interpose. With the wisdom of the law I have nothing to do—it is simply my duty to see that it is executed.

In some cases, pardons were granted where I was induced to believe that the prisoner had been sufficiently punished, and in two instances, at least, I regret to say that I was deceived. During the early years of our State, in consequence of the increasing and alarming number of crimes being perpetrated, Courts and juries, under the very natural excitement produced by such a state of things, sentenced prisoners for very long terms—frequently, ten years for a single act of grand larceny. Sound policy, in my judgment, demands that for the first offence, in a felony of this character, five years should be the maximum punishment. If one of the leading objects of punishment be to reform the criminal, (and this should be, with all enlightened legislators,) this can not be obtained by

long sentences. Where there is any hope of a reformation, the imprisonment should never exceed the period I have suggested.

As an inducement to obey the rules of the Prison, and lead honest lives after their discharge, I have adopted the policy of restoring them to citizenship, where evidence was given of good conduct and a disposition to reform. I have the most satisfactory assurance that this has had a salutary effect, at least upon the conduct of the prisoners. In exercising the pardoning power, I have been at all times governed by what I considered the public good;—the record in each case, closely examined, and the facts, rather than the character or number of the petitioners, decided it. In discharging this duty, I have neither stopped to count the number or consult public sentiment. The approval of my own conscience is sufficient when in the discharge of a delicate duty of this character.

The list of pardons which the Constitution requires the Executive to send to the Legislature at the commencement of the session, is herewith transmitted. As this power is given to the Governor, in the most unqualified terms, the Legislature can not pass a law requiring him to assign his reasons, in each particular case, for exercising it. This course has been adopted by me, however, and will be pursued in the future. A "pardon docket" has been prepared, in which are recorded the grounds relied upon, as stated in the petition, the names of the signers who are known to the Governor, and briefly the reasons for granting or rejecting the prayer. The publication of this, will, at all events, show the people (who have morally, if not constitutionally, a right to know) the grounds upon which the power was exercised. As my predecessor omitted sending a list of pardons granted during his administration, the Secretary of State was directed to make one out from the records of his office, which is also herewith transmitted.*

In most of the States, this power, which is so liable to be abused, is guarded by constitutional provisions. In Virginia, Delaware, Maryland, Ohio, Michigan, and Wisconsin, the Governor is required to give to the Legislature his reasons for its exercise. In Maine, New Hampshire, Vermont, Massachusetts, and Connecticut, the power is vested absolutely in the Governor and Council. In New Jersey, in the Governor and the six Judges of the Court of Errors In Indiana, it is placed in the hands of the Governor; but the General Assembly may organize a Council, in which it can be vested. In the other States, it is given in general terms to the Executive alone In Kentucky, however, although it is given to the Governor, in cases of conviction for dueling the power is suspended until the lapse of five years after the crime was committed There are provisions in the Constitutions of several of the States, that, in case of murder, the Governor can only reprieve until the Legislature is in session.

CIVIL FUND.

All of my predecessors have, in their Annual Messages, called the attention of the Legislature to our claims against the Federal Government, on account of revenue collected from our people, prior to admission into the Union I refer to this subject, because silence might be construed into an abandonment of this just and meritorious demand

The amount of this fund collected, whilst we were wholly unrepresented in the Federal Government, according to the statement of my immediate

* A list is also sent of those who were pardoned by Gov. Bigler, but omitted in his report

predecessor, amounts to $2.968,748 40; from this, deduct amount paid out for expenses of Constitutional Convention and relief of emigrants, ($262, 286 27,) leaving a balance of $2,706,512 13.

Joint Resolutions have been repeatedly passed, instructing our Senators and requesting our Representatives to urge the payment; and efforts have been made, time and again, to obtain it Thus far, we have been unsuccessful, but it is hoped that Congress will no longer delay the liquidation of so equitable a demand.

If this fund had been turned over, as it should have been, upon the organization of our State Government, and we had been more fortunate in the selection of public agents, our finances would never have been embarrassed. Instead of being compelled (as was the case in 1850) to borrow $300,000, at 36 per cent per annum, the machinery of our Government could have been set in motion, and all expenses promptly paid until we had ample time to digest a revenue system, and provide for the future. A failure to receive this fund, extravagance, and corruption in some public agents, have thrown upon us, at the end of eight years, a debt, as has already been shown, of more than four millions of dollars.

INDIANS.

The Act of Congress of 1852, authorizing the President to select five Military Reservations, in or near this State, upon which the Indians could be placed, met with considerable opposition amongst our citizens. Two of my predecessors, in their Annual Messages, called the attention of the Legislature to this subject, and strongly remonstrated against the policy. Having, in a different position, taken an active part in the inauguration of this system, I deem it proper to submit a few observations in regard to it.

The settled policy of the Federal Government, for many years, had been to remove the Indians from the States where they were found, to the immense region, then unoccupied, west of the Mississippi. This policy in a few years transferred most of this population beyond the white settlements, and placed them where they could follow their accustomed occupations (hunting, fishing, and fighting) unmolested. But such has been the rapid growth of our country, that territory, which little more than a quarter of a century ago was the extreme frontier of civilization, is now the centre of the Republic. The civilized man has crowded into the hunting-grounds of the Indians, demolished their wigwams, and built up cities and towns in their stead. The game was driven still further to the West, and they were compelled to follow, or be crushed by the onward march of the white man. In 1848, we acquired an immense territory on the Pacific, and the discovery of gold produced a flood of emigration to our shores, scarcely paralleled in the history of our race. Here we found (in California alone) some 75,000 Indians, scattered over the territory in every direction, and the work commenced of pushing them back towards the East. For them there was no longer a West. In the meanwhile, Kansas, Nebraska, Utah, and New Mexico, are being peopled, and between these two great armies of civilization it required no prophet to foresee that destruction was inevitable To soften the blow, to prolong as much as possible their existence, and, as far as in our power, alleviate the sufferings brought upon them by the resistless march of civilization, were demanded by every principle of honor and humanity. In this condition of things, it was believed, by those who represented the State and the people of California, in Congress, that in a vast territory like ours,

covering 189,000 square miles, and extending ten degrees of latitude on the coast, that Reservations might be made, to which the Indians could be transferred, where, under the fostering care of the Federal Government, and the protection of a military force, they could be made comparatively comfortable and happy. It was supposed that upon these Reservations the young could be taught the art of agriculture, and their minds disabused of the opinion (common to all savage races) that labor is dishonorable. That, seeing the advantages which it secured to the white man, they would eventually abandon their wandering and predatory habits Reservations were accordingly made, implements of agriculture obtained, large quantities of stock purchased, and extensive fields opened. It was confidently predicted, by the friends of this system, that in three or four years the labor of the Indians would be sufficient to support them. In this we have been much mistaken, although liberal appropriations have been made from time to time by the Federal Government. I do not say that no good whatever has been accomplished, so far as protecting the Indians is concerned, but the benefits are sadly disproportioned to the expenditures. For the pay of officers, employees, traveling expenses, etc., there were appropriated, in the years—

1853	$250,000
1854	225,000
1855	358,150
1856	202,000
1857	179,000
1858	252,000
	$1,446,150

making near a million and a half of dollars expended in six years upon them. From the most reliable information I can obtain, there are not, upon all these Reservations, more than three or four thousand Indians, and upon the one which gave greatest promise of usefulness, (Sebastian.) there are not more than two or three hundred.

Previous to the year 1853, the Federal Government had expended one hundred and eighty-one thousand seven hundred and fifty dollars, and its agents had contracted debts for the support of the Indians to the amount of some eight hundred thousand dollars Of this debt, about two hundred and twenty-five thousand dollars have been paid. If you take our Indian War Debt, assumed and paid, ($924,259,) and add to this our outstanding War-Bonds, amounting to $245,374, which must be ultimately paid by the Federal Government—you have an expenditure on account of our Indians of, in round numbers, three millions of dollars.

But in this calculation I have not attempted to compute the enormous expenses incurred in keeping Federal troops in our State to protect us from them.

I fear that it will be found very difficult, if not impossible, to adopt any plan which will prolong the existence of the Indian tribes in California for any considerable period. They are fast fading away, particularly those who are located in the vicinity of our towns and settlements. The vices of the white men, which they readily adopt, will soon remove them from amongst us The trees from which they obtained their food destroyed, the fish driven from the streams where they were once found in abundance, starvation will carry off thousands, whilst many will fall vic-

tims to the barbarity of bad men of our own race. That which we complain of in savages, we too often practice ourselves. When a citizen is killed by an Indian, no matter what the provocation may have been, pursuit is at once made, and the first of his tribe who may be caught—be he high or low—is lawlessly butchered. Instead of hunting up the guilty, the innocent and harmless are thus oftentimes sacrificed.

AGRICULTURE AND MINING.

The Legislature has annually appropriated five thousand dollars ($5000) towards defraying the expenses of the State Agricultural Society, incorporated in 1854, and the money has, as it is believed, been usefully expended. I regret, however, to say that the Recording Secretary has failed to report to me, as required by law. The whole amount expended during the year, by the Society, was $28,131, as I am informed. This interest is increasing in importance, and vast quantities of the rich and fertile lands in our valleys are being rapidly reduced to cultivation. The difficulties which existed in consequence of the unsettled condition of land-titles, are being removed, and a large amount of public land is advertised for sale next month. In the meantime, substantial farm-houses and orchards, with the fruits of the North and South, are springing up as if by magic, in every direction. The meeting at Marysville the past year was well attended, and the exhibition of stock and agricultural products would have reflected credit upon much older States. The spirit of rivalry has been gotten up amongst the farmers, which is doing much towards the improvement of stock, and developing our immense agricultural resources.

In the cultivation of the grape and the manufacture of wine, we already stand foremost amongst our brethren. This interest has increased one hundred and fifty per cent. in two years. The number of vines in 1858 is 3,954,548—nearly 4,000,000. Of this number, one-third is found in a single county—Los Angeles. The average yield of each vine is estimated at fourteen pounds. The quantity of wine manufactured during the year is 385,000 gallons, and of brandies 10,000, making an aggregate of nearly 400,000 gallons. An examination of the Federal Census of 1850 will show that this is nearly double the amount manufactured that year in the entire Union.

The grape is now cultivated in every portion of the State—in our mountains and in our valleys—and it can scarcely be doubted that in 1860 we will manufacture 1,000,000 gallons. It will thus be perceived that the exportation of wines and brandies will soon become of great importance, and contribute much to the prosperity of the State. The products of the vine (including grapes and raisins) now imported into the United states, may safely be set down at nearly seven (adulteration to thirty-five) millions dollars in value.

The soil and climate of California have been found admirably adapted to the rearing of sheep, and a great deal of attention is being directed to this subject. Large flocks have been brought into this State during the past year, and our wool has already found its way into the Eastern market, and attracted the attention of the manufacturer. We exported, during the past year, 1,351,671 pounds, valued at $189,034, in this market. In my opinion, the time has arrived when coarse woolens can be profitably manufactured here, and it is matter of surprise that capitalists do not engage in it. We are sending millions of dollars abroad, to purchase necessaries which ought to be raised or manufactured at home. It is true, our mines yield

abundantly, but a large portion of gold is sent abroad to seek investment, or pay for our food and clothing. Besides, there are many persons here extensively engaged in business, who regularly remit their earnings to the East to support their families. How many thousands there are now in the Atlantic States, who are supported directly by the wealth which is extracted from our soil. In the early settlement of the State, this was to be expected, as we had but few of the comforts of life to induce families to come amongst us. Besides, the cost of getting here, and expenses of living, were then enormous. Now, the opening of different routes from the East, by land and water, has reduced the expenses of traveling, whilst the cost of living is much diminished. We have, too, our well-built cities and towns; our beautifully cultivated fields, orchards, and gardens; our happy homes; our churches and colleges; our seminaries and schools; our ministers and teachers; our libraries and literary associations; our magazines and newspapers, religious, scientific, agricultural, literary, and political; our railroads and telegraphs; our ships, steamboats, and stages; and there is no longer any reason why so many of our citizens should support their families and educate their children in the East. It is not an overestimate, if we put the amount thus annually sent out of the State, at ten millions of dollars. In addition to this, a very large amount is sent abroad for investment, in consequence of the hitherto unsettled condition of land-titles. These are serious difficulties which now lay in our path to prosperity, and, until removed, we can scarcely hope to make very rapid progress.

Returning again to the agricultural interest, the statistics show that the number of sheep now in the State is not less than 650,000: being more than double the number we had in 1856. The increase in horses during that period is 43,000, and in cattle, 120,000. The exports of hides during the past year, amounted to $516,712. The quantity of land cultivated in 1856, was 511,963 acres; in 1858, 756,734—being an increase of 244,771 acres. This is exclusive of land fenced in for grazing purposes. The crop of wheat, for the year 1858, is set down at 3,568,669 bushels; and that of barley, at 5,382,717. This is 218,798 more bushels of barley than the amount raised in the whole Union in 1850, according to the census.

The Supreme Court having pronounced the Act of March 26th, 1856, entitled "An Act for the Protection of Actual Settlers, and to quiet Land-Titles in this State," unconstitutional, it is, therefore, a dead letter. It is important that some provision should be made to protect the Settler, who has gone upon what was generally supposed to be public land, and bestowed his labor in improving it. The Surveyor-General of the United States, acting, no doubt, under instructions from Washington, in establishing the boundaries of some floating grants, has converted into private, what was heretofore regarded as public land. In some instances, Settlers, desiring to locate upon the public domain, and anxious to make improvements thereon, have gone to the grantees, and ascertained from them their boundaries Relying upon the information thus obtained, they have opened farms, planted orchards, and made valuable improvements, outside, as they supposed, of the grant; but which, by allowing the grantee to change his boundaries, is now found covered by it. In all these cases the whole constitutional power of the State should be exercised to protect the Settler. To permit the holders of these floating grants to change their lines, so as to appropriate the labor of others to their use, is the rankest injustice, and ought not to be tolerated.

The mining interest is rapidly increasing in importance in almost every

section of the State. We have not only gold and silver, but copper and iron, sulphate of iron, magnetic iron, platinum, chromium, gypsum, nickel, antimony, bismuth, sulphur, and cinnabar. We are exporting large quantities of the latter mineral. We have also coal, salt, saltpetre, borax, marble, granite, alabaster, buhr stone, and lime. I may be indulged in giving some statistics obtained from an invaluable work (California Register) recently published by Messrs. Langley & Morrison.*

The prosperity of the gold mining may be found in the vast increase in the number of mills and ditches. There are now five thousand seven hundred and twenty-six miles of artificial water-courses constructed for mining purposes, at an expense of thirteen and a half millions of dollars; and this will be very much extended during the present year, as there are thousands of acres of rich mineral lands undeveloped for want of water. These ditches are mainly constructed by the miners, and are still owned by them—very few having as yet fallen into the hands of capitalists.

The quartz-mining has become more permanent, and has increased in importance during the past year. The improvements in machinery, which are constantly being made, will soon place this interest amongst the first in the State. In April, 1857, the number of mills is stated at 138, with an aggregate of 1521 stamps. The cost of erection $1,763,000. On the first of November, 1858, the number of mills in operation was 279, with an aggregate of 2610 stamps. The cost of machinery is estimated at $3,275,000. In addition to this, there are 519 arastras, some of which are connected with the quartz-mills.

To prove the extraordinary richness of the quartz in some localities, it is stated on reliable authority, that from sixty-three tons, taken from a vein in Nevada County, $22,000 were obtained.

Grist-Mills.—The number in the State is 135, with a run of stone 297. The aggregate capacity of these mills is 2,466,380 barrels per annum. The cost of erection a fraction less than $3,000,000.

Lumber and Saw-Mills.—The number of these mills is 388, costing $2,500,000, with an aggregate capacity of 500,000,000 feet per annum.

Grains.—Experience has amply established the fact, that in grain, (especially small grain,) no lands in the United States will produce more abundantly than ours. Indeed, we might challenge the world to an exhibition of agricultural products. In some localities, the past season was unfavorable to crops, and yet the yield will bear a comparison with other States.†

COMMERCE—WHALE FISHERIES.

For more than half a century our whaling-fleets have been accustomed to refit at the Sandwich Islands—although, during that period, the harbors of California were known to be the best in the world. The reason for this may be found in the fact, that during that time the people of this coast had but very limited commercial relations with our Atlantic possessions. Distant from the centre of Government, its advantages scarcely known, California was commercially regarded as a *terra incognita.*

My thanks are due to these gentlemen for advance sheets.

† Tables have been prepared, showing the agricultural productions of the State, but the length of the Message induced the Governor to withhold them.

But its acquisition and settlement by our people soon attracted the attention of the commercial world to the importance of our harbors. Immediately after, followed the discovery of gold, and immense fleets visited our shores, the crews of which, excited by the richness of our mines, soon left them unmanned. The frequency of desertion at that time prevented whalers from visiting our ports, as it was a matter of uncertainty whether they could obtain sufficient crew to take them out again. This fact, united with the then high cost of supplies, port-charges, the want of facilities for repairs, and exposure to vexatious law-suits, induced this immense interest to rendezvous at the Sandwich Islands. Some of the difficulties which existed a few years ago have been removed, to a great extent, by time and legislation, and at the present moment our ports offer greater inducements, as the depot of the whaling-fleets, than the Island ports of the Pacific. The pilotage has been reduced to a mere nominal sum—one dollar per foot on draught of water. Our coast is studded with light-houses, and the dry-dock at Mare Island presents, at a price but little higher than in the Atlantic States, the best facilities for repairs; while seamen can always be found to ship at rates differing but little from those obtaining elsewhere. In San Francisco, supplies of every description necessary for a whaling-voyage, can be obtained at rates far lower than in the Sandwich Islands. The apprehension that sailors may desert is now more imaginary than real. It is a notorious fact, that in the port of San Francisco sufficient numbers of seamen can be obtained for any voyage. Within the past few years, no vessel has experienced serious difficulty in leaving that harbor, for want of a sufficient crew. It is quite probable that heretofore difficulties have been thrown in the way of ship-masters, and temptation presented to seamen to desert, but these causes have been partially removed, and, by the creation of a tribunal similar to that existing in New York, may be wholly obviated. This may be accomplished by devolving the duties of Marine Judge upon some Justice of the Peace, in conformity with the Act of Congress of twentieth July, 1790. To effect this object, an Act should be passed, authorizing the people of San Francisco to vote for one Justice of the Peace, who should be styled Judge of the Marine Court, and for the services he would be required to perform in this capacity, he should receive a reasonable compensation from the State.

Inasmuch as the whalemen are not entitled to the privilege of entering the United States Marine Hospital, the City of San Francisco might permit the sick or disabled seaman admission into the County Hospital, at a tariff so low as merely to cover the cost of his maintenance. It can scarcely be believed that, looking to the interests of the city, they would be unwilling to do this.

The advantage of obtaining this immense trade must be apparent to all, when it is remembered that six hundred and fifty vessels, of the largest class, manned by over eighteen thousand seamen, and representing a capital of more than twenty millions of dollars, are engaged therein. Every class of the community is deeply interested in making San Francisco the depot of this immense fleet.

If whalers are fitted out in that port, the lessening of the voyage, caused by our proximity to the whaling-grounds, and to the fact that our market offers a good point for the disposal of the oil, or for its shipment eastward by returning clippers, at low freights, would materially lessen the inducements to desertion, as no doublings of the Cape would be required of the whalemen. San Francisco is the most favorable point for receiving orders from owners, and for negotiating exchange, and I shall

be much disappointed if, ere long, its advantages for this trade are not fully appreciated.

The recent treaties made between the United States and the Chinese and Japanese Empires, must have a powerful influence in sending the blessings of civilization into immense regions, where for centuries Paganism and Superstition have held undisputed sway The opening of some of the principal ports of a country swarming with a population of four hundred millions, must increase our commerce, and add immensely to the trade of the Pacific. Give us a Railroad across the continent, a line of steamers from our shores to Asia, and, ere the present century closes, there will be more commerce floating on the Pacific Ocean than upon the Atlantic. California will then stand amongst the richest and most powerful States of the Union, and America will command the commerce of the world.

We have cause to rejoice that an immense Empire is at last subjected to the jurisdiction of the law of nations, and we can not doubt that the great maritime powers with whom these treaties have been made, will see that they are observed. With Western Europe and America on the one side, and Russia on the other, each striving for the control of Asiatic commerce, it is quite probable that the car of civilization may travel more rapidly than the poor, benighted Chinese and Japanese can bear, and millions may be crushed in its onward course. It may require ages to civilize and Christianize the debased Asiatics, but, in the Providence of God, it will be accomplished, and the field where the Fishermen of Gallilee labored, will again be filled with the teachers of the holy religion of our Saviour.

WAGON-ROADS—OVERLAND MAIL.

The appropriation of five hundred and fifty thousand dollars by the Federal Government, in 1857, to the construction of roads through Utah and New Mexico, in this direction, and the prompt establishment of Mail-routes over them, have given great satisfaction to our people. It has already done much towards destroying that feeling of isolation which in past years sometimes came over us, and chilled that fraternal affection which ought to exist among members of the same family. Californians can now revisit their former homes without passing through foreign and inhospitable climates, and encountering the dangers of boisterous oceans. The rivalry which has been gotten up between the different routes will soon remove the difficulties which now obstruct the regularity of travel. Indeed, the only serious obstacle will be found in the Indians who infest the region over which these roads pass, and we must look to the Federal Government to remove this. The establishment of a few strong posts, or the marching of a well-appointed command occasionally over them, would give security until the settlements became sufficiently strong and numerous to protect themselves. I do not doubt that marching the Sixth Infantry of the U. S. Army through the Territory of Utah, during the past summer, to our State, will exercise a beneficial influence upon these savages, and do much towards securing their future good conduct. A march of a full regiment of infantry through an almost unbroken wilderness, for a distance of more than two thousand miles, is a feat of which Americans may well feel proud.

But, after all, the wants of the Republic begin to demand, in a voice too significant to be disregarded, the construction of a Railroad. If private enterprise is properly aided by advances from the Federal Treasu-

ry, it can not be doubted that this, the great work of the age, will ere long be accomplished. Our present able and patriotic Chief Magistrate has again directed the attention of Congress to this subject, and warmly recommended speedy action. We have the strongest assurances that a bill will pass at the present session. The Federal Government is now paying, for the transportation of troops, supplies, etc., for the army and navy, and for carrying mails, more than five per cent. per annum on the estimated cost of the road.

The political influence of these Roads and Overland Mails must soon be felt in every portion of the Republic. By bringing the people of the respective States in closer contact with each other, the prejudices which distance and separation so frequently generate, will give way, and we will fully appreciate the fact that we are all one family, jointly interested in perpetuating that noble Constitution which has given us a high and honorable position amongst the nations of the earth. Forgetting whether Providence cast our lots in the North or in the South, we can all kneel at the same altar, and with sincere hearts pledge the energies of our souls to the maintenance of the Union. May we not hope that the violence of party contests will abate, and that a true fraternal feeling will be cultivated amongst the sovereigns now composing the Republic. California, although amongst the youngest of them, will act wisely in avoiding the discussion of those questions which are now, unfortunately, distracting other communities; and, by directing all her efforts to the development of our agricultural, mineral, and commercial resources, place herself amongst the brightest stars in the Federal Galaxy. Still firmly adhering to the compromises of the Constitution, let us leave other communities to discuss slavery in the Territories, whilst we are devising ways and means to elevate the social, moral, and political character of our own people. In this work we can find full employment for our minds and bodies. Whilst, as Americans, we are ready to stand by the Federal Government, and protect it, if necessary, with our lives, from all assaults, foreign or domestic, let us remember that, as Californians, we have a duty to perform at home. Institutions are to be founded here, upon the Pacific, which must forever stand as monuments of our wisdom or of our folly. Although now in the tenth year since our organization, much still remains to be done, in order to give us that proud name amongst our sister States to which our position and resources entitle us.

The emigration from Europe to America is immense, and yet but a small portion of it reaches the shores of the Pacific. A great many, no doubt, leave their native land with a view to unite their destinies with ours, but upon their arrival in the principal port, New York, are persuaded to make their homes in the Atlantic States. Railroad companies and land speculators have their agents to look after these emigrants, and induce them to locate in Kansas, Nebraska, or some of the adjacent States. This improves the value of stock in the railroad and land companies, but seriously affects us. It can not be questioned that a large number are thus diverted from this direction. This can not be remedied in any other way than by securing a direct communication between some of the European ports and our own harbors. This may be effected by private enterprise, but it is a serious question whether sound policy would not require that the State should aid in its accomplishment. Under the Constitution, the Legislature is prohibited from loaning the credit of the State to any company or association, but, if it is thought desirable, an amendment, to cover this particular case, might be submitted to the people for their approval or rejection.

A large number of these emigrants are agriculturists, from the South of Europe, and their labor would be of immense value to us in developing our resources Many of them are from the grape-growing sections of Europe, and here they would find a rich field for their industry.

My principal object, however, in alluding to this subject, is that public attention may be directed to it.

EXECUTION OF THE LAW.

It is made my duty, by the Constitution, "to see that the law is faithfully executed." I deeply regret to say, that during the past year I have in several instances been compelled to know that it was shamefully violated. Since the adjournment of the last Legislature I have learned, through the public press, (not a single case having been reported to me officially,) that some seven or eight persons, in different sections of the State, have been executed in violation of the law. It was hoped that the feverish excitement produced by the loose manner in which the criminal laws were administered, some years since, had passed away, and that Californians had become a law-abiding people. Now that these abuses have been corrected, we had a right to expect that the law would be allowed to take its course, and no one executed until his guilt was fully established in the judicial tribunals. There can be no security for either person or property, where such outrages are tolerated. In the wild excitement produced by the commission of an atrocious crime, men seem to forget that the only safety is in the maintenance of the law. So far as my observation extends, they are honestly administered in our Criminal Courts, and these summary executions are therefore without any palliating circumstances. The Executive has already, perhaps, all the power which under our form of Government can safely be intrusted to him, and the evil can only be corrected when an enlightened public opinion shall demonstrate to all the necessity of standing by the laws, and seeing that they are respected. The Governor is powerless, when the County officers, Courts, and juries, neglect or refuse to discharge their duty. It is true, that these acts were perpetrated by a few excited and reckless men, but it is clearly the duty of all good citizens to aid in bringing them to justice.

The frequent recurrence of these executions, and the total failure of Courts or juries to prosecute, is calculated to retard the settlement of the State, and turn the tide of emigration in a different direction. Men will not like to bring their families into a community where their lives and property are at the mercy of an infuriated populace. These lawless acts are doing incalculable injury to us abroad, because they make the impression that the bad men outnumber the good, or else that the Criminal Courts utterly fail to perform their duty. It would be humiliating to be compelled to admit the truth of either. Good citizens should hunt up the testimony, and see that indictments are presented against these men, who are striking at the vitals of society. When bad men unite to take the law into their own hands, to avenge their wrongs, whether real or imaginary, good citizens must combine to bring them to punishment, or else there is an end to all Government. Indeed, if these unlawful executions are not arrested, our noble State, with all her wealth and inexhaustible resources, will soon stand disgraced before the civilized world.

PROPOSITION.

The Ladies of America, with commendable patriotism, have succeeded in purchasing that portion of the Mount Vernon estate which contains the remains of the illustrious Washington, and the buildings which he once occupied. In the meanwhile, the sterner sex have allowed the work on the Monument (which was commenced at Washington City many years since,) to stop, and during the past three years not a foot has been added to its height. It is due to the character of the age in which we live, that this great national work should be completed, and, as individual subscriptions have failed, I suggest the propriety of passing a Joint Resolution, proposing to our sister States the plan of an appropriation by each, in proportion to population, to finish it. Let the people of America, through their respective State Governments, erect this noble shaft to the memory of that man who has been justly called "The Father of his Country." The Federal Government might be represented in this patriotic work, by placing the general direction of it under the control of the President and his Cabinet, with power to appoint a Superintendent, and such other officers as might be found necessary.

As the number who can work on the shaft is very limited, it will necessarily take many years to complete it, and the annual tax on each State would never be felt. I am sure that the citizens of California will not hesitate to contribute their share.

It is believed that the disease which proved fatal to President Taylor, on the 9th of July, 1850, was brought on by exposure to the extreme heat on the 4th of that month, whilst, with others, commemorating the Anniversary of Independence, at the base of this monument; and when his lamp of life was flickering in its socket, the wandering mind of this brave and patriotic man fixed for a moment on the interesting scene in which he had been an actor, but a few days before, and he exclaimed, as if with his dying breath, "*Let it rise—let it ascend without interruption—let it point to the skies—let it stand forever, as a lasting monument of the gratitude and affection of a free people to the Father of his Country!*"

Gentlemen of the Senate and Assembly:—I have, it is feared, imperfectly discharged the duty enjoined upon me, as the Executive of the State; but, as you come directly from the people, it is not doubted that you fully understand their wants and wishes. Two subjects of public importance have been omitted, because of the extreme length of this communication, and for the reason that I am not now in possession of the information necessary to enable me to address you—I allude to *public lands* and our *Indian difficulties* during the past year. These, together with other matters, will be made the subjects of a Special Message hereafter.

Invoking the blessings of the Giver of all Good upon your labors, and trusting that your session will be short, and profitable to the State,

I am, with the highest consideration,

Your obedient servant,

JOHN B. WELLER.

EXHIBIT

Of Revenue paid into the State Treasury by the different Counties, with the Expenses of Collection, and the Per Centage thereon, for the Year ending December 31, 1858, together with the Balances due the State from sundry Counties, and the date at which said Balances accrued.

COUNTIES.	Total amount received	Amount paid into the Treasury	Expense of Collection	Cost Per Cent.	BALANCES DUE THE STATE FROM SUNDRY COUNTIES.	
Alameda *a*	$22,761 85	$20,236 87	$2,524 98	12 5-10	July 23, 1855	* $1,395 42
Amador	32,437 50	29,839 89	2,597 61	8 7-10	December 16, 1857	1,626 78
Butte	58,966 57	54,653 92	4,312 65	7 7-10		
Calaveras	30,721 54	24,888 90	5,832 64	23 4-10	May 13, '54—March 16, '57	815 28
Colusi *a*	10,367 10	9,562 90	804 20	8 3-10		
Contra Costa	22,108 44	20,173 78	1,934 66	9 6-10		
Del Norte	7,148 53	5,985 82	1,162 71	19 4-10		
El Dorado	63,507 33	56,537 21	6,970 12	12 3-10	Nov. 7, '56—June 30, '57	1,776 75
Fresno	9,437 42	8,326 40	1,111 02	13 3-10		
Humboldt	7,722 35	6,810 48	911 87	13 4-10		
Klamath	9,670 14	7,920 84	1,749 30	22	May 10, 1856	614 38
Los Angeles *a*	18,318 59	15,720 15	2,598 44	16 5-10	June 25, 1854	26 11
Merced *a*	6,615 83	6,004 57	611 26	10 2-10		
Marin	8,882 14	8,105 77	776 37	9 6-10		

Mariposa ..... *a b*	12,471 14	12,035 31	435 83	3 6-10	July 24, 1858.....	7,300 00
Monterey..... *a*	7,164 25	5,595 58	1,568 67	28	.....	.....
Napa.....	17,028 35	16,283 49	744 86	4 6-10	.....	.....
Nevada..... *a*	29,243 80	28,258 50	985 30	3 5-10	.....	.....
Placer.....	37,893 68	34,793 38	3,100 30	8 9-10	.....	.....
Plumas	11,015 05	9,608 69	1,406 36	14 6-10	Aug. 19, '54—July 29, '58	702 91
Sacramento.....	114,697 31	108,899 58	5,797 73	5 3-10	1851 to 1855.....	34,173 68
San Bernardino..... *a*	3,282 41	2,300 62	981 79	42 6-10	.....	.....
San Diego..... *a*	3,817 40	2,752 20	1,065 20	38 7-10	.....	.....
San Joaquin.....	48,156 97	45,963 22	2,193 75	4 8-10	.....	.....
San Luis Obispo.....	3,337 12	2,820 71	516 41	18 3-10	.....	.....
Santa Clara.....	29,863 78	28,392 52	1,471 26	5 2-10	1852.....	6,991 81
Santa Cruz..... *a*	6,680 12	5,819 12	861 00	14 8-10	1852.....	1,837 07
Santa Barbara..... *a*	7,993 42	6,720 57	1,272 85	18 9-10	.....	.....
Shasta.....	23,450 24	18,923 44	4,526 80	23 9-10	1853.....	1,346 65
Sierra.....	25,711 04	19,101 19	6,609 85	34 6-10	.....	.....
Siskiyou.....	27,702 50	22,489 68	5,212 82	23 2-10	.....	.....
San Mateo..... *a*	9,473 26	9,064 68	408 58	4 5-10	.....	.....
Solano.....	19,797 60	18,067 90	1,729 70	9 6-10	.....	.....
Sonoma..... *a*	32,520 93	30,805 04	1,715 89	5 6-10	.....	.....
Sutter.....	10,988 20	10,019 78	968 42	9 7-10	.....	.....
Stanislaus ..... *a*	7,028 01	5,852 13	1,175 88	20 1-10	.....	.....
San Francisco..... *a*	312,434 11	295,686 33	16,747 78	5 7-10	.....	.....
Trinity..... *a*	19,820 14	18,699 40	1,120 74	6	June 2, 1857.....	7,779 62
Tuolumne.....	38,214 10	34,790 35	3,423 75	9 8-10	.....	.....
Tulare..... *a*	6,400 42	5,402 33	998 09	18 5-10	.....	.....
Tehama.....	11,103 62	10,349 51	754 11	7 3-10	.....	.....
Yolo..... *a*	16,235 56	14,797 91	1,437 65	9 7-10	1852.....	1,628 09
Yuba.....	52,145 60	46,904 15	5,241 45	11 2-10	.....	.....
Totals	$1,254,335 46	$1,145,964 81	$108,370 65	Av'ge 9 5-10	Totals.....	$68,044 55

a No payments yet made for the assessments of 1858 .....*b* But one settlement has been made this year. Treasurer reported to have been robbed July, 1858, on his way to settle with the State.

* Said to have been stolen.

LIST OF PARDONS,

Granted by Governor Weller, for the year one thousand eight hundred and fifty-eight.

Date of Application.	Name of Convict.	Crime.	Co. from whence sent.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
May 28, '57...	G. Raffo	Rape	San Joaquin ...	10 years . .	The excited state of the public mind operated, together with false testimony, to procure his conviction, and being satisfied, from what we know of the facts attending the case, as well as subsequent developments concerning the parties prosecuting, beg most earnestly for Executive clemency in his behalf.	Alonzo Rhodes, Amos W. Gove, A. P. Horton, H. T. Compton, Gray and Hickman, H. T. Huggins, C. B. Hall, F. E. Corcoran, G. A. Shurtleff, E. B. Bateman, R. Baker, A. McPherson, Jno. R. Hobbs, Jno. M. Neal, T. S. Strout, J. G. Jenkins, Geo. D. White, Chas. C. Kimball, and 168 others, among whom were the County Judge, before whom the convict was tried, and the District-Attorney who prosecuted the case.
	DECISION.—*January* 20.—The County Judge before whom the case was tried, is not satisfied of his guilt, and the District-Attorney, who prosecuted the case, says. "I now think he was not guilty, and ought to have been acquitted;" also, a very large number of the most respectable citizens of Stockton have, in their memorial, expressed the same opinion; and, after a careful examination of all the papers, I have come to the conclusion that the prosecution was gotten up to extort money, etc.					
Date.	**Name.**	**Crime.**	**County.**	**Sentence.**		
April, '57	Hiram Durham	Having in his possession counterfeit money.	Calaveras	10 years ...	A very old man, and in feeble health; has been in prison nearly five years. Character before the commission, was good, and his conduct, while in prison, was also good.	John F. McCauley, E. H. Pomeroy, Wm. Hicks, J. A. Reynolds, Amos D. Moore, C. Wesley Robinson, and 21 others, officers and guards, including the Physician of the State-Prison, who represents that his health is almost entirely destroyed, and there is scarcely a hope of his recovery.
	DECISION.—*February* 2.—This man has been imprisoned nearly five years I have evidence of his good character previous to the commission of this crime, and of his good conduct whilst in prison. The Physician, and other officers of the Prison, represent that he is an old man, and that his health is entirely destroyed, and there is scarcely a hope of his recovery. He has already been punished sufficiently.					

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
March, '58 ...	F. Whitebred	Burglary	Butte	2 years	That he was induced into the commission of the act through the persuasion of an old offender. The burglary consisted in lifting the window of an office of a Justice of the Peace, and disarranging some papers. Nothing was stolen. His parents reside in the State, and are anxious to have him released, in order that he may be sent to his kindred in Pennsylvania.	H. Gaston, Thomas Wells, D. W. Cheesmann, L. Granger, J. W. Burt, W. H. Farley, C. H. Hedges, W. S. Safford, P. H. Harris, District-Attorney; A D. Plum, Sheriff of Butte County; S. E. Hedges, Thos. F. Miller, G. H. Stephens, John F. Kimmel, Wm. J. Burnside, James Harlow, Geo. D. French, Wm. Lattemore, and 31 others.
	DECISION.—*February* 19.—The District-Attorney who prosecuted him, says, "that he knows that the prisoner was led into the commission of the technical offence by the persuasion and deception of one who was in the employ of the police of Oroville, and that hitherto he had been a peaceable and law-abiding citizen. In this, the Justice of the Peace, whose office was entered, and a large number of the most respectable citizens, including the present District-Attorney, Sheriff, and other County officers, concur. His parents reside in the State, and are anxious to have him released, in order that he may be sent to his kindred in Pennsylvania, with the hope of reforming him. Let a pardon be issued, upon the express condition that he leave the State within twenty days from this date, and never return. That a violation of this condition shall operate as a forfeiture of all the rights and immunities conferred by these presents. This condition was afterwards annulled, in consequence of his severe illness.					
Date.	Name.	Crime.	County.	Sentence.		
Febru'ry, '58.	Maurice Sudor.....	Manslaughter	Butte	1 year	The proof, on the trial, was not such as to establish the guilt of the defendant beyond doubt, and therefore the jury that tried him unanimously recommended him to the mercy of the Court. The patient to whom the dose was accidentally administered, was very dangerously ill, and the testimony of her attendant physician clearly established the fact that the probability of her death from the disease with which she was afflicted, was great and extreme, and, furthermore, that there was a question as to whether her demise was entirely owing to the poison accidentally administered The circumstances attending the termination of the patient's death do not exhibit moral guilt on the part of Suder, but at most a misfortune.	Patrick H. Harris, District-Attorney; J. M. Burt, W. H. Rhodes, Ph. Waterman, J. W. Kelkyson, J. S. Henning, A. D. Plum, Sheriff; W. H. Hobart, Thomas Wells, County Judge; M. H. Danach, J. D. Mott, and 65 others.
	DECISION.—*March* 9.—In this case, a majority of the most respectable citizens of Oroville have applied for a pardon, upon the grounds that it is doubtful whether the woman died from the effect of the poison—no *post mortem* examination having been made. It is quite certain that it was a mere mistake of a druggist's clerk in mixing medicine, involving no moral guilt The jury unanimously recommended him to mercy. Let a pardon issue.					

LIST OF PARDONS.—Continued.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
August, '57...	Charles C. Taylor ...	Assault with intent to commit murder.	Los Angeles. ...	1 year	The general good character of the defendant during two years in which he has lived amongst us. The facts from the evidence, that the defendant was out of his senses, from intoxication, at the time of the offence, and had been in the same condition for some time previous to the altercation at the ball, and the absence of evidence as to a previous bitterness between the parties, precluding the idea of an inception of malice in the defendant, in a state of sobriety. The absence of proof, that after the difficulty at the ball, and the mutual provocation then given, the defendant proceeded to provide himself with the weapon with which the offence was committed.	W. G. Dryden, Presiding Judge of Court of Sessions; J. S. Mallard, Associate Justice of Court of Sessions; R. Sackett, Associate Justice of Court of Sessions; Cameron E. Thom, District-Attorney; Elijah Bates, Sheriff; T. J. Carpenter, John G. Nichols, Mayor of Los Angeles; Myron Norton, Ezra Drown, Augustus Oliver, W. H. Peterson, K. H. Dimmick, and 88 others, including ten of the jurors before whom the case was tried.
	Decision.—*March* 1.—In this case, it appears that the convict sustained an irreproachable character previous to the commission of this crime, and has behaved himself with great propriety since his imprisonment. His pardon is asked for by the Senator and Representatives from Los Angeles, and a large number of the most respectable citizens of that County. As I have strong hopes of his entire reformation, let him be discharged.					
Date.	**Name.**	**Crime.**	**County.**	**Sentence.**		
Sept., '58	Anastacia Moreno ..	Grand larceny and rob'y.	Los Angeles.....	15 years ...	Term of conviction being extraordinary, for such an offence. That the time of conviction was at a period when prejudice ran high, and sentences were not commensurate with offences. This, in connection with the age of the party, being only 20 years of age at this time, and his confinement, which has already lasted four years, is, in the opinion of your petitioners, reason sufficient for the exercise of Executive clemency.	Francisco P. Ramirez, Timothy Wolfskill, J. W. Halsee, juror before whom the case was tried; R. D. Sheldon, A. F. Coronsel, and Sanford Lyon, a juror in the case.
	Decision.—*March* 20.—The applicant is said to be a youth; has been four years in the Prison. During that time, the officers certify that he has behaved with great propriety, and given evidence of reformation. His conduct, previous to conviction, was bad. I therefore pardon him, however, upon the express conditions: 1. That he be placed on a vessel immediately bound for Mexico, and never return to this State. 2. That if he land in California after he is placed on the vessel, he shall forfeit all the privileges and immunities conferred by the pardon. 3. That his friends shall execute and deliver a satisfactory bond, in the sum of $3000, for the performance of these conditions, which shall be filed with the Warden of the Prison before he is removed.					

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
March, '58 ...	Manuel Baldaraiso..	Robbery	Sierra	5 years	There were many peculiar circumstances connected with his arrest and trial, which, upon a careful examination, would seem to place him (Baldaraiso) in the light of a "tool" for designing and desperate men, as he was quite young (15) when sent here. Since here, his conduct has been excellent. His parents are highly respectable, and they have written for him to come home.	Chas. W. Robinson, E. H. Pomeroy, H. F. Robinson, Geo. W. Lee, Jno. McCloy. G. P. R. Hume, Joseph O'Conner, A. McClanahan, Henry Bristol, Jno. Harris, Wm. Elliott, John Martin, John L. Young, John Davis, W. Thompson, and 20 others.
	DECISION.—*May* 4.—This convict was only fifteen years old when sent to the Prison, in 1855. For the past two years he has been a "trusty," outside of the walls, his conduct has been such as to induce the belief that he has entirely reformed. Let him be pardoned.					
Date.	**Name.**	**Crime.**	**County.**	**Sentence.**		
April 5, '58...	William Scott	Gr'd larceny.	Sacramento	10 years ...	A letter, written by one Frank Williams, in which he says that he stole the horse for which Scott was imprisoned.	J. Heard, Judge before whom the case was tried.
	DECISION.—*May* 10.—In this case, the convict has been in Prison for two years and a half, on conviction of having been found with a stolen horse in his possession. Recent developments have produced a strong impression upon my mind that he is entirely innocent. Let him be pardoned.					
Date.	**Name.**	**Crime.**	**County.**	**Sentence.**		
May 5, '58 ...	Ah Cheang.....	Assault with a deadly weapon.	San Francisco..	1 year	1. We very much doubt the correctness of the evidence on which he was convicted. 2. Even if guilty, as charged, he has already been punished enough. 3. He is young, and has always heretofore sustained a good character for industry, honesty, and integrity.	George B. Tingley, Charles T. Carvallo, and 10 Chinese merchants of San Francisco.
	DECISION.—*May* 15.—In this case, the convict is a Chinaman; was convicted of an assault on one of his countrymen, of an opposite faction, with a deadly weapon. He is represented by the Chinese merchants of San Francisco, as a young, industrious, and honest boy, and that he was prosecuted to satisfy private revenge, rather than to subserve the ends of justice. Let him be pardoned, as he has been punished enough.					

LIST OF PARDONS.—Continued.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
....	William Morris.....	Gr'd larceny	San Francisco...	10 years ...	Long imprisonment, uniform good conduct for the last two years, and services in preventing two escapes in that time.	The officers of the State-Prison.
	Decision.—*May* 19.—He has been nearly five years and one-half in Prison. For the past two years, he has conducted himself with great propriety, and contributed much towards preventing two desperate parties from escaping within that time. Let him be pardoned.					
Date.	Name.	Crime.	County.	Sentence.		
May 20, '58..	Samuel F. Taylor...	Gr'd larceny.	Sacramento	10 years ...	Since his imprisonment, he has behaved himself with great propriety—is a man of family, and poor; his wife and children, residing in Utica, in the State of New York, are entirely dependent on him for support.	W. S. White, H. C. Fisher, E. E. Eyre, J. B. Starr, Jos. Harris, D. C. Gay, J. R. Cantwell, G. Griswold, Eli C. Lathrop, John Biduman, J. J. Watson, Leonard Harris, R. C. Gilchrist, James Lansing, J. H. Moore, and 25 others. Also, the following officers and employees of the State-Prison: A. W. Taliaferro, W. R. Isaacs McKay, Joseph O'Conner, Michael McCarty, Chas. W. Robinson, G. H. Harrison, H. Bristol, G. B. Gordon, and 50 others.
	Decision.—*June* 17.—This man was sentenced to the Prison for grand larceny, and has now been in Prison nearly three years. All the officers and employees of the Prison strongly urge his discharge. The District-Attorney, who prosecuted him, says that he has serious doubts about his guilt, and thinks public justice demands his release. The facts alluded to by the District-Attorney, and the Judge before whom the prisoner was tried, have strongly impressed my mind with the belief that he is innocent. Therefore, let a pardon issue.					

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
April 2, '58...	Jas. Brunn or Brown	Robbery	El Dorado.....	6 years	The brother of the prisoner shall, at his own cost and expense, and under charge of the proper officer, place the prisoner on ship-board, and take him from the State, to return no more.	James Johnston, County Judge; W. Frank Stewart, Associate Judge; A. D. Waldron, E. B. Carson, Ogden Squires, W. S. Burwell, Alex. Hunter, R. M. Anderson, L. T. Carr, Thos. H. Hewes, and 5 others.
	DECISION.—*June* 4.—In this case, the convict has served out nearly three years of the aforesaid imprisonment. A large number of citizens, including the Judge before whom he was tried, have asked for his pardon. Let a pardon issue, upon the express condition that he be placed on board the steamer to sail the 5th inst., bound for Panama, in the custody of his brother. The return of said Brunn to the State shall forfeit all the benefit derived under this pardon.					
Date.	Name.	Crime.	County.	Sentence.		
October, '57 ..	Catherine Kottle.....	Assault with intent to commit murder.	Placer	2 years	Good conduct whilst in prison; and has children who need her protection.	Committee of last Legislature to visit State-Prison.
	DECISION.—*July* 8.—This woman has been in prison one year and a half, has some small children, who need her attention. In consideration of this, and her good conduct, so far as I have observed, as well as her sex, let a pardon issue.					
Date.	Name.	Crime.	County.	Sentence.		
May 1, '58 ...	Charles Schumer. ...	Assault with intent to kill	Butte..	1 year.....	An officer of the name of Allen went to the house of said Schumer, about 11 o'clock at night, to arrest him, on a charge of which he was innocent, and of which he has since been acquitted by a jury of this County The said Allen entered the house of Schumer, through a window, without first informing him of his official character, or exhibiting a warrant That the life of said Allen is not now, and never has been, in danger from the effects of the wound That said Schumer is a very old man, about sixty, and has a large family of small children, depending on him for support, has lived many years in the County, and has always borne the character of an honest and upright citizen.	John G. Berry, Associate Justice Court of Sessions; W. W. Hobart, S. H. Simmons, E. F. Demin, J. B. Chinn, P. Maguire, Lymon Bristol, and 352 others.
	DECISION.—*July* 19.—This man is convicted of an assault with intent to kill. He is an old man, and has resided in this State, with his family, for six years, and sustained an irreproachable character. The difficulty in which he became involved seems to have grown out of an attempt, on the part of some ruffians, to seduce his daughter. A very large number of the citizens of Butte, including the Judge, District-Attorney, and jury, have recommended him to mercy. Let him be pardoned.					

LIST OF PARDONS.—CONTINUED.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
July 15, '58...	Henry Dority.....	Gr'd larceny	Mariposa.....	10 years ...	That there was but one witness against the defendant at the trial, and circumstances have occurred since to render it almost certain that the testimony of the witness was untrue. That the defendant had no witnesses at his trial, but that if he could have procured the testimony of one Thompson, who would have testified to the truth, the result of the trial would have been different, and the defendant honorably discharged.	J. A. Bondurant, County Judge; Alfred T. Washburn, Nicholas Cleary, S. Boling, J. D. Crippen, S. Sterling, Sam. A. Merritt, Alex. Deming, B. B. Harris, E. Burke, District Judge, and 16 others.
	DECISION.—*August* 4.—This man was convicted of horse-stealing, and has been imprisoned for three years. He has behaved himself with propriety. The District Judge, County Judge, and Associate Judges, together with the Sheriff, Deputy-Sheriff, and other officials of Mariposa County, say that he was convicted on the testimony of one witness, and that recent developments have satisfied them that the testimony was false, and that the prisoner was innocent of the crime. Justice, in my opinion, demands his discharge. Let him be pardoned.					
Date.	Name.	Crime.	County.	Sentence.		
April, '58	Rodman M. Backus.	Manslaughter	San Francisco.	2½ years ...	From a careful examination of the facts, there seems to be considerable doubt as to intent. The state of the public mind, at the time of his trial, tended much to his conviction. His conduct heretofore has been unexceptionable.	Signed by 14 citizens of Philadelphia, including the Mayor and Sheriff; also the Committee visiting State-Prison, besides the officers of that institution.
	DECISION.—*August* 2.—This man has been imprisoned two years and three months. In consideration of his excellent conduct during the whole of his imprisonment, and the valuable services which he has rendered to the Prison, on various occasions, the remainder of his sentence, three months, will be remitted.					
Date.	Name.	Crime.	County.	Sentence.		
Sept 17, '58*	Lee Schell	Gr'd larceny.	Yuba	5 years	Has been suffering for some months from an attack of scrofulous consumption, and his disease is now of so serious a nature that he is in imminent danger of dying.	Alfred W. Taliaferro, Physician of the State-Prison, Jos. Walkup, State Warden.
* Died in six days afterwards.	DECISION.—*Sept.* 20.—The Physician and Chief Warden of the Prison having certified that the convict is suffering with the scrofulous consumption, and that he is in imminent danger of death, he will be pardoned, and placed in the custody of his brother.					

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
Sept., '58... ..	William Jennings ...	G'rd larceny.	San Francisco ..	7 years	For the last three or four years he has been an invalid, and is now so prostrated and reduced, from the effects of disease, that he is in imminent danger of dying. His disease is chronic dysentery, with chronic inflammation of the lungs.	Alfred W. Taliaferro, Physician at State-Prison.
	DECISION.—*October* 16.—This man has already served five years in the State-Prison. The Physician of the Prison certifies that for the last three or four years he has been an invalid; that he is now prostrated and reduced from the effect of disease; that he is in imminent danger of dying; that his disease is chronic dysentery, with chronic inflammation of the liver; that there is a general disorganization of the whole internal abdominal viscera. Let him be discharged.					
Date.	**Name.**	**Crime.**	**County.**	**Sentence.**		
May 22, '58...	William White.	Gr'd larceny.	Placer	10 years ...	While said White was detained at Knight's Ferry, he manifested a desire to, and did, confess to Thomas W. Lane, O. P. Calloway, and others, that he had escaped from State-Prison, and promised to divulge further secrets, and impart such information as would lead to the detection of the notorious robber Tom Bell, and his gang of desperadoes, on condition that the undersigned would intercede in his behalf to obtain his pardon, and send him out of the country; by means of the confession, together with information and instructions thereby afforded, the robber Tom Bell, and several of his party, were arrested, thus completely ridding our State of the presence of this band of outlaws.	Thos. W. Lane, A. Hallaway, L. H. Bradley, Henry Palmer, Jno. C. Drent, A. Shell, Wm. Stewart, R. L. Wood, W. W. F. Prather, N. H. Mason, Stephen Bishop, William Palmer, A. R. Melony, Wm. B. Hood, 160 others.
	DECISION.—*November* 2.—This man has served four years in Prison. He escaped in May, 1855; was arrested on suspicion, in October, 1856. Upon a solemn pledge made to him, by Messrs. Lane and Bradley, and some other gentlemen of high standing, that they would intercede with the Governor, and obtain a pardon, he confessed himself a convict, and furnished all the information which enabled a company of citizens to capture the notorious villain Tom Bell, and break up his desperate gang. In consideration of these facts, he will be pardoned, upon the express condition that he be placed on the steamer of the 5th inst., bound for Panama, by Major Lane, or Bradley, and that he never return to this State.					

LIST OF PARDONS.—Continued.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
July, '58.....	Jose M. Sepulveda ..	Gr'd larceny.	San Joaquin.....	10 years ...	While in prison his conduct was very good, and has been imprisoned nearly 6 years.	Thomas Foster, S. Foster, J. J. Warner, J. B. Winston, A. G. Stakes, T. Wolfskill, Matthew Lanfrance, and 167 others.
	Decision.—*November* 4.—The record shows that this man stole two horses, rode one some sixty miles, and abandoned them. He was arrested in November, 1852, and has been imprisoned ever since. During the five years and six months he has been in the State-Prison, the officers certify that he has behaved with great propriety. He has been punished enough. Let him be pardoned.					
Date.	Name.	Crime.	County.	Sentence.		
Jan., '58	Lorenzo Niablo	Assault with intent to commit a rape.	Sacramento	5 years	That the prisoner was, at the time of his conviction and incarceration, a mere youth, and under the age of 14 years. That the mother of said prisoner is a resident of the State, and is desirous of taking her son from out of the State.	P. H. Clayton, James H. Hardy, John Heard, J. Neely Johnson.
	Decision.—*February* 3.—In this case, the Judge before whom the case was tried says that he has now doubts whether he was fourteen years old when the rape was committed, and recommends a pardon. My predecessor, Gov. Johnson, says, "that at the time of the trial, he had great doubts of his legal liability, on account of non-age, (fourteen years,) and yet greater doubts of his guilt, and would have pardoned him long since, if he had not been the counsel defending him." He has been in the penitentiary already two years and four months. Let that be done now which ought to have been done by my predecessor. Issue an unconditional pardon.					

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
May 11, '58...	Margaret Hall.....	Gr'd larceny.	Sacramento	4 years	That during her confinemement in the prison, she behaved herself with great propriety. She has already been imprisoned 2 years, and has been punished sufficiently.	The officers and guards of the Prison.
	DECISION.—*May* 15.—This woman was convicted of grand larceny, in concealing goods stolen by her husband. She has been nearly two years in prison, and during that time behaved with great propriety. Let her be discharged.					

PARDONS FROM COUNTY-JAILS, BY GOVERNOR WELLER.

Date of Application.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
.....	A. G. Beck.....	Assault	San Francisco ..	Fined $100	He is a very poor man, and has a family depending upon him for support. His character heretofore was excellent.	The jury before whom he was tried, and some members of the Legislature from San Francisco.

DECISION.—*Jan.* 27.—In this case, it has been satisfactorily proven to me that the person on whom the assault was committed has been for years a violent and bitter enemy of the above-named A. G. Beck, and has been chiefly instrumental in breaking up his domestic relations, and separating him from his wife; that the said Beck is the father of two children, and the only means of support for them is that realized from his daily avocation; that he is a very poor man, and is unable to pay the fine imposed upon him, and, should he be compelled to go to prison by reason of this non-payment, his family will be entirely destitute; that before the commission of the above-named offence, his character has been above reproach. The above facts have been represented to me, by the jury who tried the said Beck, who have all joined in a petition, together with some of the members of the Legislature, from the City of San Francisco, praying that the fine imposed upon the said Beck be remitted. Let the fine be remitted, and the prisoner be discharged from further imprisonment.

Date.	Name.	Crime.	County.	Sentence.		
.....	William Dacey	Assault and battery.	Placer	1 year.....	Severity of sentence, long imprisonment, and general good character.	Joseph Walkup, a juror before whom the case was tried, and 12 others, including the Assemblymen from Placer, together with the Judge who sentenced him.

DECISION.—*March* 5.—In this case, the sentence was certainly a severe one, from what a member of the jury (Mr. Walkup) represents as an ordinary assault and battery. He has now been imprisoned in the County Jail more than six months, and, as a large number of the most respectable citizens of Auburn have vouched for his good character, let a pardon be issued.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
March 8, '58..	Otto S. Robel.....	Petit larceny.	Sacramento	Fined $108	[And be imprisoned in the County-Jail until it be satisfied, at the rate of $2 per day.] Subsequent events, that tend to establish his entire innocence.	James Lansing, City Marshal; C. P. O'Neil, of the police, and 4 others.

DECISION.—*March* 10.—In this case, the Marshal of the City, and the police officers, say that subsequent events have entirely satisfied them that the crime of which this man was convicted was perpetrated by a man now in the State-Prison, and that Robel is innocent of any crime. Let a pardon be granted at once.

Date.	Name.	Crime.	County.	Sentence.		
.....	George E. Nias	Assault with a deadly weapon.	San Francisco ..	Fined $60,	[Or be imprisoned until the fine be paid, according to law.] He proves an excellent character for industry and sobriety, both before and since the crime was committed; that the assault was made under provocation difficult to resist.	

DECISION.—*March* 12.—In this case, the applicant asks to have a fine of $60, imposed on him by the Police Judge, remitted. He proves an excellent character for industry and sobriety, both before and since the crime was committed. The assault was made under provocation difficult for human nature to resist. Besides, he is poor, and has a family to support. Let him be discharged from the sentence imposed by the Judge.

Date.	Name.	Crime.	County.	Sentence.		
April 23, '58.	George Ross	False imprisonment.	Sacramento	3 months...	Good conduct while in prison.	James Lansing, City Marshall; P. O'Brien, Captain of Police; J. H. Moore, Lieut. of Police; J. P. Hardy, Clerk of Police, and Harvey Fannock.

DECISION.—*April* 26.—This man was convicted of false imprisonment, and sentenced to work in the chain-gang three months. He has been actually imprisoned four months. The County Judge, District-Attorney, City Marshal, and police officers, recommend a pardon, as he has a wife and child at San Francisco, in destitute circumstances. Let him be discharged.

PARDONS FROM COUNTY-JAILS.—Continued.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
May 27, '58...	Jacob Franke.....	Assault with a deadly weapon.	Amador	Fined $400.	That he is an enterprising and honest citizen, and his conduct before the assault was good. That he is unable to pay the fine imposed upon him.	The Judge before whom the case was tried, the District-Attorney who prosecuted him, the jury who convicted him, and the person on whom the assault was made.
Decision.—*June* 5.—In this case, the Judge before whom the case was tried, and the District-Attorney who prosecuted, and the jury who tried him, and the person on whom the assault was made, recommend him to mercy. Let him be discharged from the payment of his fine.						
Date.	Name.	Crime.	County.	Sentence.		
May 19, '58...	Victor Lange	Gr'd larceny.	San Francisco ..	1 year	That his family are in destitute circumstances, and demand his attention. That he has already served five months in prison.	H. H. Byrne, G. B. Post, Ira C. Root.
Decision.—*May* 25.—This man was a merchant in San Francisco, and failed. He was convicted of concealing his effects from his creditors, and sentenced to the County Jail for one year. He has now been confined for five months. His wife, (*enciente*,) and a crippled boy, are said to be in absolute want. The present and prior District-Attorneys have recommended his discharge. The majesty of the law has been vindicated. Let mercy be extended.						

RESTORATIONS TO CITIZENSHIP, BY GOVERNOR WELLER.

Date of Application.	Name of Convict.	Crime.	County from whence sent.	Sentence	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
Jan., 1858....	Thomas Eagan.....	Gr'd larceny	Placer	3 years.....	That he has faithfully served out his term of sentence, and has given evidence of his good conduct since his discharge.	A. W. Taliaferro, Physician of State-Prison.

DECISION.—*January* 29.—Satisfactory evidence having been produced of the good character and good conduct of Thomas Eagan, since his release from imprisonment by expiration of his term of service, let a pardon be issued restoring him to citizenship.

Date.	Name of Convict.	Crime.	County.	Sentence.		
Feb., 1858.....	J. B. Gates.....	Manslaughter	Sacramento.....	2 years.....	That, previous to the commission of this crime, his conduct was good. Whilst in Prison, he also behaved himself with great propriety.	James A. Hardy, late District-Attorney and 9 others.

DECISION.—*February* 10.—Having received satisfactory evidence of the good conduct of the applicant since he left the Prison, two years since, a pardon is granted, restoring him to citizenship.

Date.	Name of Convict.	Crime.	County.	Sentence.		
Dec. 22, 1857.	M. J. Walsh.....	Gr'd larceny.	Colusa.....	1 year.....	That the evidence upon which Walsh was convicted was given by a State-Prison convict—a fact not known until after the trial.	J. L. Howard, Sheriff, J. C. Johnston, ex-Sheriff, and 46 others.

DECISION.—*February* 11.—Let a pardon be made out on the 15th inst.

RESTORATIONS TO CITIZENSHIP.—Continued.

Date.	Name of Convict.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
Feb. 22, 1858.	Dennis Dailey.....	Gr'd larceny..	San Francisco.	1 year.....	While in Prison his conduct was good, and has given evidence of real and sincere reformation.	E. H. Pomeroy, Sup't State-Prison.

Decision.—*March* 5—Issue a pardon to Dennis Dailey, restoring him to citizenship, to take effect on the 6th March, when his time expires, as he has produced satisfactory evidence of his good conduct while in Prison.

Date.	Name of Convict.	Crime.	County.	Sentence.		
.....	Henry Jackson.....	Gr'd larceny..	Butte	2 years.....	That he has faithfully served out his term of imprisonment, and promises that his conduct for the future will be such that the restoration of his citizenship will give no reason to the Governor to ever regret his act of clemency.	E. H. Pomeroy, Sup't State-Prison.

Decision.—*March* 5.—Having received satisfactory evidence that the applicant for citizenship has, during his confinement, behaved well, and given evidence of reformation, let a pardon be issued.

Date.	Name of Convict.	Crime.	County.	Sentence.		
.....	John Davis.....	Gr'd larceny..	San Francisco..	1 year.....	That he has faithfully served out his term of imprisonment, and during his stay in the Prison he has behaved with great propriety.	

Decision.—*March* 8.—John Davis, a convict in the Prison, from San Francisco: Party having produced satisfactory evidence of his good conduct, during his imprisonment; having fully served out his term, is pardoned, so as to restore him to citizenship. To take effect on the 18th inst.

Date.	Name of Convict.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
March 8, '58.	J. H. Green.....	Forgery	San Francisco..	5 years.....	Served out his term of imprisonment. While in Prison, and since his discharge, his conduct has been good.	E. H. Pomeroy, Sup't State-Prison.

DECISION.—*March* 16—This man served five years in the State-Prison, and his time expired last December. He has furnished satisfactory evidence of his good conduct during his imprisonment, and since his discharge. Let him be restored to citizenship.

Date.	Name of Convict.	Crime	County.	Sentence.		
March 19, '58.	Robert Fanning.....	Gr'd larceny.	San Francisco..	3 years.....	Since his imprisonment, he has given every assurance and proof of a decided change for the better.	Chas. W. Robinson, W. R. Isaacs McKay, and other officers and employees of the Prison.

DECISION.—*March* 20.—In this case, satisfactory evidence having been given of good conduct whilst in Prison, let a pardon be granted, to take effect at the expiration of his term of sentence, on the 24th inst.

Date.	Name of Convict.	Crime.	County.	Sentence.		
.....	Cyrus W. Deable.....	Gr'd larceny..	El Dorado.....	3 years.....	That his testimony is indispensable in some cases now pending in Del Norte County.	Attorney-General.

DECISION.—*March* 30.—It being represented to me, by the Attorney-General, that the testimony of Cyrus W. Deable, an escaped convict from the State-Prison, is indispensable in some capital cases now pending in Del Norte County, let a pardon be granted.

Date.	Name of Convict.	Crime.	County.	Sentence.		
March 18, '58.	Robert Warner.....	Manslaughter	Calaveras	2 years.....	General good conduct while in Prison, and since his discharge.	

DECISION.—*April* 12.—This man served out his full term in the State-Prison, and was discharged in 1856. During the past two years, he has resided in Calaveras County. His neighbors say he has conducted himself with great propriety, and been a good citizen. Let him be restored to citizenship.

RESTORATIONS TO CITIZENSHIP—CONTINUED.

Date.	Name of Convict.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
March 27, '58.	A. F. Doran.....	Gr'd larceny..	Amador.....	1 year.....	Since an inmate of this place, (the Prison,) his conduct and behavior have been excellent, attending to his work and task with diligence and promptness.	Chas. W. Robinson, Warden of Prison.

DECISION.—*April* 3.—As he has produced ample evidence of his good conduct during imprisonment, let him be restored to citizenship at the expiration of his sentence.

Date.	Name of Convict.	Crime.	County.	Sentence.		
March 28, '58.	Jordan Peterson.....	Gr'd larceny..	San Francisco..	2 years.....	Since an inmate of the State-Prison, he has behaved himself exceedingly well.	Chas. W. Robinson, Warden State-Prison.

DECISION.—*April* 3 —In this case, I have satisfactory evidence of his good conduct during his imprisonment. Let him be restored to citizenship at the expiration of his sentence.

Date.	Name of Convict.	Crime.	County.	Sentence.		
.....	John Schermer.....	Assault with deadly weap n	San Francisco..	1 year.....	Good conduct while in Prison.	E. H. Pomeroy, and 2 others.

DECISION.—*April* 12.—His time has expired, and, as he has given satisfactory proof of good conduct, let him be restored to citizenship.

Date.	Name of Convict.	Crime.	County.	Sentence.		
.....	John Campbell.....	Embezzlem't..	San Francisco.	5 years... ..	Good conduct while in Prison.	

DECISION.—*April* 12 —His sentence having expired, restore him to citizenship, as he has given satisfactory evidence of his good conduct whilst in Prison.

Date.	Name of Convict.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
May 12, '58...	Lazarus McMakin..	Assault with deadly weap'n	San Francisco..	½ year.....	That during his confinement in the State-Prison, he behaved himself with great propriety.	A. M. Heslep.

DECISION.—*May* 21.—This man has served out his time in Prison, which was six months. During that time, he was gate-keeper, and behaved with great propriety. Let him be restored to citizenship, as he clearly deserves it.

Date	Name of Convict.	Crime.	County.	Sentence.		
April 22, '58..	Frank Maynard	Gr'd larceny..	El Dorado.....	1 year.....	That during his confinement his conduct was good, and gave evidence of reformation.	E. H. Pomeroy.

DECISION.—*May* 22.—This man having served out his term faithfully in the Prison, and during the past year given satisfactory evidence of a reform, he will be restored to citizenship.

Date.	Name of Convict.	Crime.	County.	Sentence.		
.....	W. V. Evans...	Gr'd larceny..	San Joaquin.....	5 years. ...	Good conduct during his term of imprisonment.	

DECISION.—*June* 5.—This man has served his country faithfully in the Mexican war, and served out his term of imprisonment to the satisfaction of the officers. Let him be restored to citizenship.

Date.	Name of Convict.	Crime.	County.	Sentence.		
July 1, 1858	Reuben Bessey.....	Manslaughter	Tuolumne	2 years.....	Good conduct during his imprisonment.	Chas. W. Robinson, Geo. W. Lee, H. Bristol, Joseph O'Conner, A. W. Taliaferro, and 30 citizens of Columbia.

DECISION.—*July* 9.—This man has served out his term in prison, (which expired in October, 1857,) and, having since conducted himself with great propriety, let him be restored to citizenship.

Date.	Name of Convict.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
.....	William Thompson..	Breaking jail.	Amador.	1 year	Good conduct during his imprisonment.	

DECISION.—*July* 28.—This man has served out his full term faithfully, and given satisfactory evidence of his good conduct during the past year. Will be restored to citizenship.

Date.	Name of Convict.	Crime.	County.	Sentence.		
June, 1858...	Lewis Squewald.....	Gr'd larceny..	Mariposa.	1 year.....	Good conduct during his confinement in the Prison.	The officers of the State-Prison.

DECISION.—*June* 10 —Served faithfully, and conducted himself, as the officers of the Prison say, with great propriety. Let him be restored to citizenship

Date.	Name of Convict.	Crime.	County.	Sentence.		
June 16, '58..	Ricardo Acaspa.....	Gr'd larceny..	Yuba	3 years.....	Good conduct while in the Prison.	W. R. I. McKay, H. Bristol, M. McCarty, John Jones, and 3 others.

DECISION.—*June* 16.—This man having served out his term faithfully, and having produced the certificate of the officers of the Prison, showing his good conduct and deportment in all respects, restore him to citizenship.

Date.	Name of Convict.	Crime.	County.	Sentence.		
June 21, '58..	Wm. H. Allen.....	Manslaughter	Shasta	3 years.....	Good conduct during his imprisonment.	W. R. Isaacs McKay, A. W. Taliaferro, Chas. W. Robinson, and 6 other officers of the Prison.

DECISION.—*June* 29.—This man, sentenced to imprisonment for three years, in Shasta County, in June, 1855, has served his term faithfully, and to the entire satisfaction of the officers of the Prison. Let him be restored to citizenship.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
June 21, 1858	Jolly Sebastian	Murder	Calaveras	5 years	Good conduct during his imprisonment.	A. W. Taliaferro, C. W. Robinson, and 7 others, officers of the Prison.

DECISION.—*July* 1.—Let this man be restored to citizenship, having served out his term, and given satisfactory evidence of good conduct, in all respects, whilst in Prison.

Date.	Name.	Crime.	County.	Sentence.		
June 21, 1858	John Smith	Gr'd larceny	Siskiyou	2 years	Good conduct during his imprisonment.	A.W. Taliaferro, C.W. Robinson, and other officers and employees of the Prison.

DECISION.—*July* 8.—This man has served out his term, and during imprisonment behaved in such a manner as to command the confidence and respect of the officers, and, as he was a faithful soldier in the Mexican war, let him be restored to citizenship.

Date.	Name.	Crime.	County.	Sentence.		
July 3, 1858	John Smith	Gr'd larceny	Shasta	3½ years	Good conduct during his imprisonment.	W. R. Isaacs McKay, and other officers and employees of the Prison.

DECISION.—*July* 8.—Let this man be restored to citizenship, having faithfully served out his term, and given satisfactory evidence of his good conduct, in all respects, whilst in Prison.

Date.	Name.	Crime.	County.	Sentence.		
Feb., 1857	Raphael Galliente	Sodomy	Monterey	5 years	That his conviction was owing to the excited state of the public mind.	W. H. Ramsey, County Judge, and 75 others.

DECISION.—*August* 9.—This man has served out his full term of five years, and I only regret that my attention was not called to the case at an earlier day, as the papers on file satisfy me that he was the victim of popular excitement, and ought never to have been convicted. Let him be restored to citizenship at once.

RESTORATIONS TO CITIZENSHIP—CONTINUED.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
June 6, 1858	John Raman	Gr'd larceny	San Francisco	3 years	Good conduct during his imprisonment.	Jacob Traves.
DECISION.—*August* 5.—This man having served out his full term, and having given satisfactory evidence of his good conduct whilst in Prison, let him be restored to citizenship.						
Date.	Name.	Crime.	County.	Sentence.		
	Wallace Kennedy	Robbery, accessory to.	El Dorado	9 months	That during his confinement in Prison he behaved with great propriety. That he is a young man, and his conduct since his release has given evidence of entire reformation.	Dwight Spencer.
DECISION.—*August* 14.—Having served out his term in the Prison, which expired May 13, 1857, and during the past year behaved himself with great propriety, he will be restored to citizenship.						
Date.	Name.	Crime.	County.	Sentence.		
July 10, 1858	Henry M. Gill	Manslaughter	Sacramento	1½ years	Good conduct during his imprisonment.	C. W. Robinson, G. H. Harrison, A. W. Taliaferro, H. Bristol, M. McCarty, and other officers and employees of the State-Prison.
DECISION.—*August* 14.—Having conducted himself with great propriety during the whole term of his imprisonment, which has now expired, he will be restored to citizenship.						
Date	Name.	Crime.	County.	Sentence		
Aug. 10, 1858	George E. Derby	Gr'd larceny	Sacramento	1 year	Good conduct during his imprisonment.	W. R. Isaacs McKay, J. O'Conner, G. W. Simpton, C. W. Robinson, and other officers and employees of the State-Prison.
DECISION.—*August* 16.—This man having produced the most satisfactory evidence of good conduct during the whole period of his imprisonment, will be restored to citizenship at the expiration of his term, the 26th inst.						

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
Aug. 1858...	J. C. Gibson.....	Forgery	Siskiyou.....	1 year.....	Good conduct during his imprisonment.	John Morton, G. B. Gordon, J. McKenzie, and other officers of the Prison.

DECISION.—*August* 16.—All the officers of the State-Prison having certified to the good conduct of this man during the whole term of his imprisonment, he will, at the expiration of his term, (21st inst.,) be restored to citizenship.

Date.	Name.	Crime.	County.	Sentence.		
Aug. 25, 1858	James Goodwin.....	Manslaughter	Butte	3 years.....	Good conduct during his imprisonment, and since his discharge.	A. W. Taliaferro, and other officers of the State-Prison.

DECISION.—*August* 30.—This man having served out his term of imprisonment, (which expired September, 1857,) and during the past year behaved himself with great propriety, will be restored to citizenship.

Date	Name.	Crime.	County.	Sentence.		
Sept. 3, 1858	Thomas Hughes.....	Gr'd larceny..	Sacramento	3 years.....	His youth and his good conduct during his imprisonment.	W. R. Isaacs McKay, G. H. Harrison, and other officers of the State-Prison.

DECISION.—*September* 7.—This man having served out his full term, and produced satisfactory evidence of his good conduct whilst in Prison, will be restored to citizenship.

Date.	Name.	Crime.	County.	Sentence.		
Aug., 1858. .	Benjamin Doyle.....	Assault with intent to commit murder.	Calaveras.....	1½ years..	Good conduct during his imprisonment.	W. R. Isaacs McKay.

DECISION.—*September* 25.—This man having served out his full term, and given satisfactory evidence of good conduct, will be restored to citizenship.

RESTORATIONS TO CITIZENSHIP—CONTINUED.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
Sept 21, 1858	George Brown.....	Gr'd larceny..	Placer	2 years.....	Good behavior during imprisonment.	W. R. Isaacs McKay, Jos. O'Conner, and H. Bristol.
DECISION.—*September* 25.—This man having produced satisfactory evidence of his good conduct during the whole of his imprisonment, will be restored to citizenship.						
Date.	Name.	Crime	County.	Sentence.		
Sept. 3, 1858	C. G Smith.....	Gr'd larceny..	Sacramento	2 years.....	Good conduct during his imprisonment.	J. C. Gordon, W. R. Isaacs McKay, J. W. Williams, and 10 others.
DECISION.—*September* 25.—This man having served out his term, and given satisfactory evidence of good conduct during the past year, let him be restored to citizenship.						
Date.	Name.	Crime.	County.	Sentence.		
Sept. 30, 1858	S. H. Dearborne... ..	Counterfeit'g	Sacramento	1 year.....	Good conduct during his imprisonment, and since his release.	A. W. Taliaferro, Thomas Barnes, Frank M. Shattuck, and Wm. Ross.
DECISION.—*October* 4.—This man served out his full term, and has produced satisfactory evidence that during the past two years he has behaved himself with great propriety Let him be restored to citizenship.						
Date.	Name.	Crime.	County.	Sentence.		
Oct. 7, 1858	C. Davis.....	Manslaughter	Nevada	1 year.....	Good conduct during his imprisonment.	G. Simpton.
DECISION.—*October* 11.—This man has served out his full term, and conducted himself with great propriety during his imprisonment. Let him be restored to citizenship.						

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
Aug. 13, 1858	William Brown.....	Manslaughter	Placer	3 years.....	That his conduct during his imprisonment was good.	John Morton, H. Bristol, C. W. Robinson, and 21 others.

DECISION.—*October* 11.—This man having produced the most satisfactory evidence of his good conduct during the whole three years of his imprisonment, will, at the expiration of his term, (the 19th inst.,) be restored to citizenship.

Date.	Name.	Crime.	County.	Sentence.		
Oct. 6, 1858	William Wilson.....	False personation.	Sacramento	1 year.. ...	Good conduct during his imprisonment, and that before the commission of this crime his character was good.	James Lansing, Henry R. Lincoln, Chas. P. O'Neil, and 24 others.

DECISION.—*October* 11.—This man having conducted himself with propriety during his imprisonment, and given evidence of reform, will, at the expiration of his term, (30th inst.,) be restored to citizenship.

Date.	Name.	Crime.	County.	Sentence.		
Oct. 20, 1858	Frank Mathews.....	.....	Nevada.....	1 year.....	Before the commission of this crime he bore the reputation of a peaceful and law-abiding citizen; and during his imprisonment has conducted himself with great propriety.	A. W. Taliaferro, John C. Gordon, W. R. Isaacs McKay, and 93 citizens of Nevada County.

DECISION.—*October* 21.—This man having produced the certificate of the officers of the Prison, showing his good conduct, in all respects, during his imprisonment, will be restored to citizenship at the expiration of his term of sentence.

Date.	Name.	Crime.	County.	Sentence.		
.....	Michael Shea.....	Assault with deadly we'p'n	Stanislaus	10 months..	Good conduct during his imprisonment.	

DECISION.—*November* 21.—This man having produced evidence of his good conduct during his imprisonment, let him be restored to citizenship.

RESTORATIONS TO CITIZENSHIP—CONTINUED.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which the Petition is based.	Names of Petitioners known to Governor.
.....	Henry Hyde.....	Gr'd larceny..	Butte	1 year.....	During his imprisonment his conduct was good.	

DECISION.—*May* 6.—This man having served out his full term of imprisonment, and given satisfactory evidence of his good conduct whilst in Prison, will be restored to citizenship.

LIST OF PARDONS

GRANTED BY PREVIOUS GOVERNORS OF THE STATE,

AND

NOT REPORTED BY THEM TO THE LEGISLATURE.

PARDONS GRANTED BY GOVERNOR JOHNSON, DURING HIS TERM OF OFFICE.

Date of Pardon	Name of Convict.	Crime.	When conv'd or rec'd at Prison.	Sent'e. Yr Mo	Co. convicted in.	Remarks.
Mch 22, '56	L. E. Cushman,	Grand Larceny,	Feb. 1855,	2	Marin,	
April 3, '56	Jos. Bryson,	Assault, with int. to commit murder,	Aug. 1855,	2	Mariposa,	
April 4, '56	Chas. Jones,	Assault, with int. to commit murder,	Dec. 1855,	1	Yuba,	
May 2, '56	Andrew Austin,	Manslaughter,	May, 1853,	3	Santa Clara,	Rest'd to Citizenship.
May 9, '56	Thos. Brown, [*alias*	Bristol,]—Forgery,	June, 1852,	5	San Joaquin,	
June 16, '56	Samuel Snow,	Counterfeiting,	June, 1855,	1	Sacramento,	Rest'd to Citizenship.
Aug. 4, '56	Joseph Tyrell,	Grand Larceny,	Aug., 1855,	1	El Dorado,	" "
"	Thos. H. Hart,	Assault with intent to kill,	Dec., 1855,	1	El Dorado,	
"	E. H. Mumby,	Grand Larceny,	Aug., 1855,	1	Amador,	Rest'd to Citizenship.
"	Chas. Brown,	Assault with deadly weapon,	Aug., 1855,	1	San Franc'o,	" "
"	John Price,	Grand Larceny,	Sept., 1855,	1	San Franc'o,	" "
Sept. 22, '56	J. Alexis Briant,	Assault with intent to kill,	Dec., 1855,	1	San Fran'co,	
"	R. F. Taylor,	Embezzlement,	Sept., 1855,	1	San Franc'o,	Rest'd to Citizenship.
"	Geo. F. Treadway,	Grand Larceny,	May, 1855,	2	Sacramento,	
Nov. 7, '56	P. Davidson,	Grand Larceny, [injury,	Nov., 1854,	2	Sacramento,	
"	John Gibney,	Assault, with int. to commit bodily	Dec., 1855,	1	El Dorado,	
Dec. 12, '56	Henry Lipman,	Rape,	Aug., 1856,	10	Butte,	
Dec. 12, '56	Jas. Phillips,	Assault with deadly weapon,	Jan., 1856,	1	Mariposa,	
Dec. 13, '56	Edward Hawkins,	Assault and Battery,	1856,	3	Placer,	Sentenced to Co. Jail.
Dec. 18, '56	Wm. N. Walker,	Grand Larceny,	Aug., 1855,	2	San Franc'o,	Express condition to
Jan. 8, '57	Thos. Batkill,	Assault and Battery,	Aug., 1856,	1	Placer, }	leave the State.
Jan. 12, '57	Alex. Johnson,	Assault and Battery, [intent to kill		6	Tuolumne, }	Sentenced to Co. Jail.
Jan. 14, '57	Pat. H. Dunn,	Assault with deadly weapon, with	June, 1856,	2	Santa Barb'a,	
Feb. 3, '57	Henry Howard,	Grand Larceny,	Jan., 1853,	5	San Franc'o,	
Feb 6, '57	Benj. Edmundson,	Assault and Battery,	Oct., 1856,	6	Tuolumne,	Sentenced to Co. Jail.
Feb. 9, '57	James Patterson,	Assault and Battery,	June, 1856,	1	Placer,	" "
Feb. 9, '57	James Britton,	Assault and Battery,	June, 1856,	1	Placer,	" "
Feb. 11, '57	Edward J. Welsh,	Robbery,	April, 1855,	3	Los Angeles,	
Feb. 11, '57	Thos. Johnson,	Highway Robbery,	Aug., 1856,	1	San Franc'o,	

Feb. 13, '57	E. B. Stewart,	Assault with int. to commit murder,	Feb., 1856,	3		Mariposa,	
Feb. 19, '57	Henry Garthoff,	Assault with int. to commit murder,	Jan., 1854,	10		Butte,	[Feb. 27, 1857.
Feb. 26, '57	Wm. Stonecifer,	Murder,	Jan., 1856,			Sacramento,	Sentenced to be hung
Feb. 28, '57	Fred. P. Phelps,	Grand Larceny,	Dec., 1854,	4		San Joaquin,	
Mch 3, '57	Joseph Kuhn,	Assault with intent to commit rape,	Sept., 1852,	10		San Franc'o,	
Mch 6, '57	John Welsh,	Murder,	Dec , 1856,	4		Nevada,	
Mch 12, '57	John Vanderhoff,	Manslaughter,	Mar., 1856,	1		San Franc'o,	
Mch 14, '57	Thos. Godkins,	Grand Larceny,	Sept., 1856,	5		San Franc'o,	
Mch 31, '57	Wm. Shotwell,	Misdemeanor,	1856,	2		Sacramento,	Sente'd to Chain Gang.
April 23, '57	Juan Lago,	Grand Larceny,	Dec., 1856,	1	6	S. Lu. Obispo	
April 29, '57	Manuel Josephs,	Assault with intent to commit rape,	Oct., 1856,	1		Placer,	
May 1, '57	J. Callaghan,	Arson, second degree,	Jan., 1857,	2		San Joaquin,	
May 1, '57	Asa M. Comes,	Grand Larceny,	April, 1855,	3		San Franc'o,	
May 19, '57	Thos. C. Malone,	Bigamy,	June, 1856,	2		San Franc'o,	Sentenced to Co. Jail.
May 20, '57	James Thompson,	Grand Larceny,	Sept., 1856,	1		San Franc'o,	
May 29, '57	Henry Hayes,	Involuntary Manslaughter.		1		Nevada,	
Mch 26, '57	Washington Hyde,	Assault and Battery,	1856,		6	San Joaquin,	Sentenced to Co. Jail.
June 19, '57	Chas. Hannon,	Robbery,	Aug., 1856,	4		San Franc'o,	
July 17, '57	J. McHenry Smith,	Assault with int. to commit murder,	April, 1857,	1		Siskiyou,	
July 17, '57	Jacob Coleman,	Receiving Stolen Goods,	Feb., 1856,	5		San Franc'o,	
July 18, '57	E. E. Lockwood,	Manslaughter,	July, 1855,	2		Placer,	
Sept. 5, '57	John G. Phillips,	Assault and Battery,	1857,		6	San Franc'o,	Sentenced to Co. Jail.
Sept. 12, '57	H. A. Caulfield,	Concealing a public offence,	1857,		3	Sacramento,	Sentenced to Co. Jail.
Sept. 18, '57	Oscar F. Parsons,	Perjury,	June, 1856,	10		Sacramento,	
Sept. 19, '57	John Norton,	Grand Larceny,	Dec., 1856,	14		Santa Clara,	
Sept. 28, '57	Louis Flores,	Manslaughter,	Nov., 1856,	2		Yuba,	
Sept. 28, '57	Henry Coleman,	Receiving Stolen Goods,	Feb., 1856,	5		San Franc'o,	
Oct. 29, '57	Jos. Lafuente,	Manslaughter,	June, 1856,	3		San Franc'o,	[fined $365.
Nov. 30, '57	Lewis Prescott,	Petit Larceny,	May, 1857,		6	Sacramento,	Sentenced to Co. Jail,
Dec. 1, '57	Martin Griffin,	Perjury,	Dec., 1856,	1		Placer,	Rest'd to Citizenship.
Jan. 1, '58	Wm. Thompson,	Burglary,	Mar., 1855,	7		Sacramento,	
Jan. 6, '58	Geo. W. Mansfield,	Grand Larceny,	Aug., 1856,	5		San Franc'o,	
Jan. 8, '58	John Hogan,	Embezzlement,	May, 1857,	2		Alameda,	

The following Pardons are entered in State-Prison Record, but are not found on the books of the Secretary of State's Office:

Date of Pardon.	Name of Convict.	Crime.	When conv'd or rec'd at Prison.	Sent'e. Yrs	Remarks.
June 17,'57,	Geo. A. Fisher,	Grand Larceny,	Jan., 1856,	3	Alameda.
Aug. 16,'56,	John H. Harliss,	Grand Larceny,	Dec., 1854,	2	Yuba.
Oct. 16,'57,	Simon Lopez,	Manslaughter,	July, 1856,	7	Sacramento

---

March 20, 1856—Remitted fine of Rev. B. B. Bonham, tried and convicted in Sonoma County of marrying female under age, without consent of parents, February Term of Court of Sessions. Fine, $375.

March 25—Commuted sentence of Albert Hoepke, convicted of murder in the Fourth District Court, and sentenced to be hung on the fourth day of May next. Sentence commuted to twelve months in State-Prison.

January 8, 1857—Respited Francis Blair, convicted at the last term of the District Court of Shasta County, of the crime of murder, and sentenced to be hung on the sixteenth day of January, instant. Directed that the execution of the said Blair be stayed and suspended until the sixth day of March next.

March 2—Respited Charles Blair, convicted in Shasta County, of the crime of murder, at the December Term of the District Court, A. D. 1856, and sentenced to be hung on the sixteenth day of January, A. D. 1857, he having been previously respited until March 6, 1857, and now respited until May 1, 1857.

March 17—Commuted punishment of George Adams, tried and convicted in San Francisco County of the crime of grand larceny, and sentenced to imprisonment in the State-Prison twenty years. Commuted to six years.

March 18—Respited Jephtha R. March, who was convicted in the District Court of Colusa County, at the February Term, A. D. 1857, of murder, and sentenced to be hung on the third day of April next. Respited until Friday, the fifth day of June, A. D. 1857.

April 24—Commuted sentence of Charles Blair, sentenced to be hung in Shasta County, at the December Term of the Court, A D. 1856, he having been twice heretofore respited. Sentence commuted to State-Prison during life.

March 28—Respited sentence of William V. Davis, sentenced to be hung on the first day of May, to the twenty-sixth day of June, A. D. 1857, convicted in Fifth Judicial District, Tuolumne County.

May 22—Respited Jephtha R. March, convicted in Colusa County of murder, in February, A. D. 1857, ordered hung on the third of April, respited until the fifth of June, and now respited again until the thirty-first of July next, for the more full investigation of the case.

June 16—Respited F. V. Moore, convicted in Nevada County in the District Court, at ——— term, of murder, and sentenced to be hung on the nineteenth day of June, A. D. 1857. Respited for fourteen days.

July 24—Respited Jephtha R. March, convicted in Colusa County February, A. D. 1857, of the crime of murder, until the twenty-fifth of September next.

September 23—Respited Jephtha R. March, until the twenty-ninth day of January, 1858, convicted of murder in Colusa County.

December 2—Respited David Butler, convicted in the District Court in and for Nevada County, and sentenced to be hung on Friday, the eleventh day of December. Respited until February 26, A. D. 1858.

January 7, 1858—Respited Jephtha R. March, convicted in Colusa County of the crime of murder, and sentenced to be executed January 29, 1858. Sentence commuted to imprisonment for life.

PARDONS GRANTED BY GOVERNOR BIGLER,

During his Last Term,..... .....which were not reported to the Legislature:

Date of Pardon.	Name of Convict	Crime.	When conv'd or rec'd at Prison	Sent'e Yr Mo.	County convicted in.	Remarks.
Feb. 22,'54,	Richard Holmes,-	Robbery,	Feb., 1853,	1	Nevada,	Restored to Citizenship,
	John Jackson,	Grand Larceny,	Dec., 1851,	4	Mariposa,	Taken from State-Prison R'd.
July 7, '55,	John Porter,	Mayhem,	Oct., 1854,	2	Sacramento,	Taken from State-Prison R'd.
Dec. 5, '55,	P. W. Farrow,	No crime in commitment,	Dec., 1854,	1	Sierra,	Restored to Citizenship.*
Dec. 5, '55,	Luke M. Patrick,	Grand Larceny,	Dec., 1854,	1	El Dorado,	Restored to Citizenship.
Dec. 5, '55,	Ah Quong,	Assault with intent to kill,	April, 1855,	1	Amador,	
Dec. 2, '55,	John H. Harper,	Grand Larceny,	Jan., 1853,	7	Butte,	Condit'ed that he leave State.
Dec. 12,'55,	Erastus Keeler,	Manslaughter,	Oct., 1855,	1	Nevada,	
Dec. 15,'55,	James Newman,	Assault and Battery,	Oct., 1855,	1	Sierra,	
Dec. 22,'55,	David Owen,	Assault with intent to kill,	Feb., 1855,	1	Nevada,	Restored to Citizenship.
Dec. 31,'54,	Ventura Arcia,	Grand Larceny,	Feb., 1855,	3	San Joaquin,	
Dec. 31,'55,	J. M Gaston,	Manslaughter,	Nov., 1855,	1 6	Calaveras,	
Dec. 31,'55,	James Stewart,	Murder,	Dec., 1854,	10	Trinity,	
Dec. 31,'55,	Jerome Boland,	Grand Larceny,	Oct , 1851,	10	San Joaquin,	
Dec. 31,'55,	S. R Stanley,	Grand Larceny,	Dec., 1851,	8	Yuba,	
Jan. 7, '56,	J. F. Holmes,	Burglary,	Aug., 1855,	5	Sacramento,	Condit'ed that he leave State.
Jan. 9, '56,	James Murphy,	Assault with intent to kill,	Dec., 1852,	10	Placer,	

*Taken from State-Prison Record.

On motion of Mr. DeLong, the House ordered 5,000 copies of the Gov, ernor's Message to be printed, 1,000 of which, on motion of Mr. Lies were ordered to be printed in the Spanish language.

At half-past one o'clock, P. M., on motion of Mr. DeLong, the House adjourned, until eleven o'clock, A. M., to-morrow.

IN ASSEMBLY.

THURSDAY, January 6, 1859.

House met, pursuant to adjournment.

Speaker in the Chair.

The roll was called, and a quorum present.

Mr. Shepard moved that the House adjourn, for the purpose of enabling the Clerks to write up the Journal, in accordance with the resolution passed yesterday, requiring the Clerk to read from the Archive Journal.

On motion of Mr. Duncombe, the reading of the Journal of yesterday was dispensed with.

The following message was received from the Senate:

SENATE CHAMBER,
January 5, 1859.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have, this day, passed the following resolution, and ask the concurrence of the Assembly:

Resolved, By the Senate, the Assembly concurring, that four thousand copies in English, and five hundred copies in Spanish, of the Governor's Message, be printed, for the use of the Senate and Assembly, and that they be distributed, *pro rata*, to the members and officers of both Houses.

E. C. PALMER, Secretary of Senate.

On motion of Mr. Sheridan, the resolution above reported was laid on the table.

The Speaker presented the papers in the case of the contest relative to the seat of J. S. Tipton, member from El Dorado County, which, on motion of Mr. Sloss, were laid on the table temporarily.

COMMUNICATION FROM THE CONTROLLER.

The following communication was received from the Controller:

OFFICE OF CONTROLLER OF STATE,
Sacramento, January 6, 1859.

To the Honorable Speaker of the Assembly:

SIR—In compliance with the provisions of the third section of "An Act concerning the Receipts and Expenditures of the State," approved February 7, 1857, I herewith transmit to the Assembly a statement, verified as required by law, of the manner in which the Contingent Fund, allowed to the Controller of State, has been expended from October 10, 1858, to January 1, 1859.

Very respectfully,
A. R. MELONY, Controller of State.

STATEMENT

Of Warrants drawn upon the Contingent Fund of the Controller's Office from October 10, 1858, *to January* 1, 1859, *and for what purpose they were drawn.*

Oct. 15, 1858	Warrant No. 443, for Stationery	$5 00
October 15...	Warrant No. 443, for Water-Cooler	10 00
October 15...	Warrant No. 444, for Newspapers	5 75
November 1..	Warrant No. 494, for Clerical Services	133 33
November 1..	Warrant No. 495, for Porter for Office	50 00
November 2..	Warrant No. 543, for Stove and Pipe	37 00
November 3..	Warrant No. 557, for repairing Desks	6 00
November 6..	Warrant No. 559, for Clerical Services	40 00
Novem'r 19..	Warrant No. 580, for Stationery	11 13
December 1..	Warrant No. 635, for Clerical Services	200 00
December 1..	Warrant No. 662, for Stationery	10 00
December 1..	Warrant No. 660, for Porter for Office	50 00
December 3..	Warrant No. 676, for Ice	12 40
	Total	$570 61

STATE OF CALIFORNIA, COUNTY OF SACRAMENTO, }
January 6, A. D. 1859. }

I, A. R. Melony, State Controller, do hereby certify, upon oath, that the above account of expenditures is just and correct.

A. R. MELONY, State Controller.

Subscribed and sworn to before me, this sixth day of January, 1859.

E. E. EYRE, Notary Public.

The Speaker announced the following, as the Judiciary Committee of the Assembly, viz.:—Messrs. Cope, (Chairman,) Aud, Ensworth, Hancock, Mount, Barclay, DeLong, Shepard, Lies, Rodgers, and Buck.

The Committee on Mileage made the following report, which was adopted:

MR. SPEAKER:—The Committee on Mileage, having had the subject under consideration, report the following, as the amount of mileage due each member.

TIPTON, Chairman.

Names.	Miles.	Amounts.
Armstrong	130	$26 00
Aud	130	26 00
Banks	240	48 00
Barclay	140	28 00
Bates	636	127 20
Briggs	140	28 00
Buck	260	52 00
Burdick	150	30 00
Caine	170	34 00

Names.	Miles.	Amounts.
Caldwell	180	36 00
Cahalan	194	38 80
Canon	170	34 00
Cherry	240	48 00
Coleman	112	22 40
Condee	100	20 00
Connely	300	60 00
Cope	110	22 00
Crenshaw	280	56 00
Cutler	60	12 00
Daggett	1550	310 00
Davis	798	159 60
DeLong	130	26 00
Douglas, G. A.	110	22 00
Douglass, G. N.	66	13 20
Dow	236	47 20
Duncombe	40	8 00
Dunlap	250	50 00
Eagon	90	18 00
Ellis	80	16 00
Ensworth	1700	340 00
Fuller	130	26 00
Gregory	280	56 00
Gwinn	60	12 00
Hancock	1320	264 00
Hill	240	48 00
Hines	280	56 00
Holman	152	30 40
Howe	280	56 00
Imas	500	100 00
Jackson		
Johnson	240	48 00
Lamar	510	102 00
Laspeyre	180	36 00
Lefever	240	48 00
Lies	1180	236 00
Lightner	150	30 00
Lull	240	48 00
Lynch	140	28 00
Malarin	500	100 00
Mathews	150	30 00
Moore of Nevada	140	28 00
Moore of San Francisco	240	48 00
Mount	120	24 00
Murray	956	191 20
Pico	1320	264 00
Pixley	244	48 80
Roane	660	132 00
Robberson	340	68 00
Rodgers	260	52 00
Shannon	300	60 00

Names.	Miles.	Amounts.
Shepard	240	48 00
Sheridan	44	8 80
Slingerland	230	46 00
Sloss	100	20 00
Springer	370	74 00
Squires	100	20 00
Stratton	140	28 00
Street	400	80 00
Taylor	240	48 00
Thomas	220	44 00
Tipton	90	18 00
Torres	320	64 00
Tully	408	81 60
Vaughan	170	34 00
Watkins	900	180 00
Whealdon	230	46 00
Wing	140	28 00
Whitman	1570	314 00
Whitney	270	54 00
Young	180	36 00

On motion of Mr. Sheridan, the rules were suspended, and the resolution passed by the House yesterday, relative to printing the Governor's Message, was rescinded.

On motion of Mr. Shepard, Senate concurrent-resolution relative to printing the Governor's Message, was taken from the table.

Mr. Ensworth moved to amend by adding five hundred copies in French and five hundred copies in German.

Upon which, Messrs. Moore of Nevada, Thomas, and Armstrong, demanded the ayes and noes, and the amendment was lost, by the following vote:

AYES—Messrs. Coleman, Cutler, Duncombe, Ensworth, Howe, Johnson, Lamar, Lies, Lull, Malarin, Moore of Nevada, Roane, Rodgers, Springer, Squires, Tipton, Torres, Tully, Vaughan, Wing, Whitman, and Young —22.

NOES—Messrs. Armstrong, Banks, Barclay, Bates, Briggs, Buck, Burdick, Caine, Caldwell, Cahalan, Canon, Cherry, Condee, Connely, Cope, Crenshaw, Daggett, DeLong, G. N. Douglass, Dow, Dunlap, Eagon, Ellis, Fuller, Gregory, Gwinn, Hill, Hines, Holman, Jackson, Laspeyre, Lefever, Lightner, Lynch, Mathews, Moore of San Francisco, Mount, Murray, Pixley, Robberson, Shannon, Shepard, Sheridan, Slingerland, Sloss, Taylor, Thomas, Watkins, Whealdon, Whitney, and Mr. Speaker —51.

Mr. Young moved to strike out "five," and insert "twelve."

Ruled out of order by the Chair.

From which ruling, Mr. Moore of Nevada appealed, and the House refused to sustain the Chair, and the amendment was agreed to.

Mr. Lightner moved to amend by striking out four thousand, and inserting two thousand. Lost.

The following message was received from the Senate:

SENATE CHAMBER,
January 6, 1859.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have, this day, passed a concurrent-resolution appointing a Committee on Joint Rules, and have appointed, on the part of the Senate, Messrs. Burton, Burch, and Merritt; and respectfully ask the concurrence of the Assembly, and the appointment of a similar committee.

E. C. PALMER, Secretary of Senate.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. DeLong, for an Act relative to usury;

By Mr. Hill, for an Act to repeal an Act entitled an Act to prevent the further immigration of Chinese or Mongolians to this State, approved April 26, 1858;

By Mr. Street, for an Act providing for the submission of the question to the people for and against calling a Convention to revise the Constitution of this State;

By Mr. Duncombe, for an Act to amend an Act entitled an Act to repeal the Act passed March 26, 1851, entitled an Act to incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento;

By Mr. Banks, for an Act amendatory of an Act to regulate fees in office in the City and County of San Francisco, approved April 22, 1858;

By Mr. Lamar, for an Act to organize the County of Mendocino.

By Mr. Cope, for an Act to regulate the fees of certain officers in Amador County.

RESOLUTIONS.

Mr. Street offered the following resolution:

Resolved, That all documents and papers, published for the use of the Assembly, be distributed among the members, *pro rata*, and that they be laid on their desks, under direction of the Sergeant-at-Arms, immediately after their delivery.

Adopted.

Mr. Holman offered the following resolution:

Resolved, That the Clerk be allowed a Minute-Clerk, to be paid out of the appropriation for the pay of officers and Clerks of the Assembly, dating from the commencement of the session, at the same pay as the Assistant Clerk.

Upon which, Messrs. Vaughan, Jackson, and DeLong, demanded the ayes and noes, and the resolution was lost, by the following vote:

AYES—Messrs. Aud, Banks, Barclay, Bates, Cherry, Coleman, G. N. Douglass, Dow, Eagon, Ellis, Ensworth, Fuller, Hill, Hines, Holman, Howe, Johnson, Lamar, Laspeyre, Lies, Lynch, Malarin, Moore of San Francisco, Murray, Pixley, Roane, Robberson, Shepard, Sheridan, Squires, Street, Taylor, Thomas, Watkins, Wing, Whitney, and Mr. Speaker—37.

NOES—Messrs. Armstrong, Briggs, Caine, Caldwell, Cahalan, Canon, Condee, Connely, Cope, Crenshaw, Cutler, Daggett, DeLong, G. A. Douglas, Duncombe, Dunlap, Gregory, Gwinn, Jackson, Lefever, Lightner, Lull, Mathews, Moore of Nevada, Mount, Rodgers, Shannon, Slingerland, Sloss, Springer, Tipton, Torres, Tully, Vaughan, Whealdon, Whitman, and Young—37.

Mr. Jackson offered the following resolution, which, on motion of Mr. Shannon, was laid on the table:

Resolved, That, upon announcing the result of a call for the ayes and noes, it shall be the duty of the Clerk to read over the names of the members in the order they may have voted.

Mr. Lies offered the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to have a set of platforms erected in the hall of the House, for the purpose of raising the three outside seats of the members above the present level of the floor, and to charge the expenses of the same to the Contingent Fund.

Lost.

The following concurrent-resolution was offered by Mr. Street:

CONCURRENT-RESOLUTION AUTHORIZING AND EMPOWERING THE SECRETARY OF STATE TO FURNISH MEMBERS OF THE LEGISLATURE WITH THE COPIES OF SENATE AND ASSEMBLY JOURNALS, APPENDIXES, LAWS, AND DEBATES IN CONVENTION, FOR THE USE OF COUNTY-LIBRARIES.

Resolved, By the Assembly, the Senate concurring, that the Secretary of State be, and he is hereby, authorized to furnish Members of the Legislature with copies of Senate and Assembly Journals, with accompanying Appendixes, of the past session of the California Legislature. Also, copies of State Laws, and Debates in Convention, for the use of public libraries in the respective Counties of this State.

Resolved, That nothing in this resolution shall prevent the Secretary of State from retaining a sufficient number of the aforesaid copies that may be by him deemed necessary for the use of the State-Library.

Mr. Lamar offered the following amendment, which was adopted:

Insert, after the word "State," in the first resolution, "and in those Counties where there are no public libraries, the Clerks of those Counties shall receive said books for the use of the public."

Mr. Connely moved to amend, by adding to the first amendment, as follows:

"So far as the same can be furnished without additional publication."

Adopted.

The resolution, as amended, was then adopted.

Mr. Ellis offered the following concurrent-resolution, which was adopted:

Resolved, By the Assembly, the Senate concurring, that our Senators be instructed, and Representatives in Congress requested, to use their influence to procure the passage of an Act granting the right of way, and making appropriation to aid in the construction of the line of electric tel-

egraph now being built from Placerville to Great Salt Lake City, known as the Placerville, Humboldt, and Salt Lake Telegraph Company.

Resolved, That the Governor be requested to forward copies of these resolutions to the Postmaster-General, and each of our Senators and Representatives in Congress.

Mr. Eagon offered the following resolution, which was lost:

Resolved, That Joseph F. Lamalfa be appointed Paper-folder in the Assembly, and that he be allowed three dollars per day for his services.

The following resolution was offered by Mr. Street:

Resolved, That the resolution adopted on yesterday, relative to the Journals of the House, be, and the same is hereby, rescinded.

The Chair having ruled that the resolution was in order, Mr. Young appealed, and the Chair was sustained by the House. On the adoption of the resolution, Messrs. Young, Aud, and Cahalan, demanded the ayes and noes, and it was lost, by the following vote:

AYES—Messrs. Bates, Briggs, Burdick, Cherry, Coleman, Cope, Cutler, Daggett, G. A. Douglas, Dow, Duncombe, Eagon, Ellis, Gregory, Hill, Hines, Howe, Jackson, Lamar, Laspeyre, Lightner, Lull, Moore of San Francisco, Pixley, Shannon, Shepard, Sloss, Springer, Street, Taylor, Watkins, Whealdon, and Mr. Speaker—33.

NOES—Messrs. Armstrong, Aud, Banks, Barclay, Buck, Caine, Caldwell, Cahalan, Canon, Condee, Connely, Crenshaw, DeLong, G. N. Douglass, Ensworth, Gwinn, Johnson, Lefever, Lies, Lynch, Malarin, Mathews, Moore of Nevada, Mount, Murray, Roane, Robberson, Rodgers, Sheridan, Slingerland, Thomas, Tipton, Torres, Tully, Vaughan, Whitman, Whitney, and Young—38.

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

Resolved, That the Chief Clerk be authorized to employ a Journal-Clerk, whose duty it shall be to transcribe the minutes of the House into the Journal each day, and whose compensation shall be twelve cents per folio, as prescribed by an Act entitled an Act to establish the pay of officers and employés of the Senate and Assembly, and to repeal existing laws relating thereto.

At two o'clock, P. M., on motion of Mr. Thomas, the House adjourned until eleven o'clock, A. M., to-morrow.

IN ASSEMBLY.

FRIDAY, January 7, 1859.

House met, pursuant to adjournment.

Speaker in the Chair.

A quorum being present, the Journal of yesterday, on motion of Mr. Young, was read from the scroll, and approved.

Mr. Hancock of Los Angeles appeared, and was qualified.

Mr. Murray was added to the Committee on Rules, in the place of Mr. Stratton, elected Speaker.

The Speaker announced the following Standing Committtees :

ON ELECTIONS.

Messrs. Lamar, Roane, Hines, Squires, Lull, Malarin, and Laspeyre.

ON EDUCATION.

Messrs. Lies, Jackson, Coleman, Slingerland, and Moore of San Francisco.

ON MINES AND MINING INTERESTS.

Messrs. Crenshaw, Dow, Armstrong, G. A. Douglas, Wing, Eagon, and Watkins.

ON STATE HOSPITALS.

Messrs. Thomas, Whitney, Ellis, Mathews, and Lefever.

ON ENGROSSMENT.

Messrs. Lynch, Condee, Canon, Dunlap, and Davis.

A communication was received from Alex. Montgomery, relative to the seat of C. Duncombe, member from Sacramento, which was referred to Committee on Elections.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows :

By Mr. Duncombe, for an Act to repeal all laws relating to the immigration and importation of Chinese and Mongolians, and all laws licensing or in any way authorizing them to work in the mines; and also to prohibit them from locating, claiming, or holding mineral lands, in the California mines.

By Mr. Lull, for an Act to amend an Act concerning jurors.

By Mr. Pixley—a Joint-Resolution, asking Congress to cause the mineral lands of California to be surveyed, located, and subdivided into small sections, and that the same be donated to the actual occupant in such manner as not to interfere with their present possession, and under such restrictions as will prevent their monopoly by capitalists.

By Mr. Watkins, for an Act to repeal an Act making dueling a criminal offence;

Also, for an Act concerning roads and highways in the County of Siskiyou.

By Mr. Shannon, for an Act regulating fees of witnesses in criminal cases;

Also, for an Act to amend an Act entitled an Act to prohibit gaming, passed April 27, 1857.

By Mr. Aud, for an Act concerning divorces.

By Mr. Laspeyre, a resolution rescinding the resolution of the House requiring the Clerk to read from the Archive Journal each day the proceedings of this House;

Also, an Act to appropriate money to pay certain indebtedness of the State Insane Asylum.

By Mr. Caldwell, for an Act to amend an Act amendatory of an Act entitled an Act to authorize the Board of Supervisors of Nevada County to levy a special tax for County purposes, approved April 22, 1858.

By Mr. Howe, for an Act to amend the fourth and ninth sections of an Act to extend the term of office of the Boards of Supervisors of certain Counties of this State, passed April 26, 1858.

By Mr. Banks, for an Act amendatory of an Act providing for the formation of corporations for certain purposes.

By Mr. Cope, for an Act to exempt the homestead and other property from forced sale, and to repeal the present law upon that subject.

By Mr. Whealdon, for an Act to provide for determining the amount of indebtedness due from Sierra County to the County of Yuba, and to provide for the payment of the same.

By Mr. Connely, for an Act amendatory of the laws relative to roads and highways.

By Mr. Slingerland, for an Act to provide for determining the amount of indebtedness due from Nevada County to the County of Yuba, and to provide for the payment of the same.

By Mr. Buck, for an Act amendatory and supplementary to an Act to provide for the formation of corporations for certain purposes, passed April 14, 1853;

Also, for an Act to amend and extend an Act to amend an Act entitled an Act to provide for the protection of foreigners, and to define their liabilities and privileges, passed March 30, 1853—passed April 30, 1857;

Also, for an Act concerning roads and highways in and for the Counties of Tuolumne and Alameda, approved April 26, 1858, so far as the same relates to the County of Tuolumne.

By Mr. Cherry, for an Act to authorize the Board of Supervisors of San Francisco to pay out of the general fund of said County certain claims therein mentioned.

By Mr. Young, for an Act authorizing and regulating the collection and settlement of poll-tax.

By Mr. Street, for an Act to define and establish the boundary-line between the Counties of Shasta, Siskiyou, and Plumas.

By Mr. Lefever, for an Act for the establishment of an insane institution at Marysville, Yuba County.

By Mr. Burdick—A resolution authorizing the employment of a Minute-Clerk.

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

Whereas, To-morrow being the eighth day of January, the anniversary of the Battle of New Orleans, a day memorable in the history of our country; therefore, in commemoration of the day and the event,

Resolved, That when this House adjourns, it do adjourn to meet on Monday next, at eleven o'clock A. M.

On motion of Mr. Sloss, the papers in the contested election case from El Dorado, were taken from the table, and referred to the Committee on Elections.

RESOLUTIONS.

Mr. Holman offered the following resolutions, which were adopted:

Resolved, That J. W. Scobey be allowed seventy dollars for services rendered as Clerk in the organization of the House, payable out of the Contingent Fund of the Assembly, and the resolution providing for the payment of the same, adopted on the fifth instant, be, and the same is hereby, rescinded.

Also, resolved, That Chas. H. Wood be allowed pay for three days' services as Porter for the Assembly, payable out of the appropriation for pay of officers and Clerks of the Assembly.

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

Resolved, That Chas. D. Cushing be, and he is, hereby appointed Postman, with the pay of Page, payable out of the fund set apart for pay of Clerks and officers of the Assembly.

Mr. Duncombe introduced a bill for an Act amendatory of an Act entitled an Act to repeal the Act passed March 26, 1851, entitled an Act to incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento.

Read first and second times, and referred to the Sacramento deletion.

At twelve o'clock M., on motion of Mr. Duncombe, the House adjourned until eleven o'clock A. M., on Monday next.

IN ASSEMBLY.

MONDAY, January 10, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of Friday last, on motion of Mr. Shepard, was read from the scroll, and approved.

Leave of absence was granted as follows: Mr. Dunlap, two days; Mr. Lies, until the 16th inst.; Messrs. Banks, Cherry, and Pixley, one day each; Mr. Vaughan, three days; and Mr. Lynch, indefinite leave.

The Speaker announced the following Standing Committees:

ON CORPORATIONS.

Messrs. Gregory, Torres, Mount, Lamar, Squires, Lightner, and Hill.

ON MILITARY AFFAIRS.

Messrs. Pico, Dow, Rodgers, Duncombe, and Canon.

ON COUNTIES AND COUNTY BOUNDARIES.

Messrs. Hancock, Dunlap, Watkins, Briggs, Vaughan, Whitman, and Imas.

ON PUBLIC BUILDINGS AND GROUNDS.

Messrs. Ellis, Lynch, Roane, Hines, and Cherry.

ON ENROLLMENT.

Messrs. Young, Burdick, and Sloss.

ON PUBLIC MORALS.

Messrs. Cutler, Caldwell, Springer, Torres, and Banks

ON AGRICULTURE.

Messrs. Connely, Malarin, Vaughan, Imas, and Canon.

ON INTERNAL IMPROVEMENTS.

Messrs. Robinson, Whitman, Daggett, Whealdon, and Pixley.

ON PUBLIC PRINTING.

Messrs. Murray, Johnson, Cahalan, Laspeyre, Mathews, Fuller, and Caine.

ON SWAMP AND OVERFLOWED LANDS.

Messrs. Sheridan, Laspeyre, Gwinn, Hines, Roane, Vaughan, and Slingerland.

ON PUBLIC LANDS.

Messrs. Tully, Buck, Holman, Whitney, Condee, Cahalan, and Johnson.

ON ROADS AND HIGHWAYS.

Messrs. Gwinn, G. A. Douglas, Springer, Malarin, and Sheridan.

ON PUBLIC EXPENDITURES AND ACCOUNTS.

Messrs. Squires, Howe, Mathews, Caldwell, and Hill.

ON FEDERAL RELATIONS.

Messrs. Aud, Moore of Nevada, Wing, G. N. Douglass, Ensworth, Lefever, and Cherry.

ON COMMERCE AND NAVIGATION.

Messrs. Holman, Armstrong, Jackson, Ensworth, and Shepard.

NOTICES OF BILLS.

Notices for the introduction of bills, were given as follows:

By Mr. Ensworth, for an Act for the purpose of obtaining artesian water on the Colorado Desert, and appropriate money therefor.

By Mr. Coleman, for Joint-Resolutions, asking Congress to make an appropriation to complete the road over the Sierras, known as the "Central Overland," from Placerville to Genoa, Carson Valley.

By Mr. Eagon, for an Act to separate the office of Tax-Collector from the office of Sheriff, in the County of Amador, and to provide for the election of a Tax-Collector.

By Mr. Shepard, for an Act to authorize the formation of joint-stock associations, for savings, deposits, and discount;

Also, an Act to prevent frauds in elections, and to define the duties of electors, in the incorporate cities of this State;

Also, an Act to legalize the acknowledgment of certain conveyances, and other instruments in writing.

By Mr. Hines, for an Act to authorize Joseph S. Friedman, the administrator of Isaac S. Friedman, deceased, to sell the real estate of said deceased at private sale.

By Mr. Cutler, for an Act to amend "An Act concerning Roads and Highways," in certain Counties therein named; approved April 22, 1858.

By Mr. Howe, for an Act to regulate fees of certain County officers in the County of Tuolumne.

By Mr. Taylor, for an Act for the protection of laborers, butchers, and others.

By Mr. Shannon, for an Act requiring the Boards of Supervisors of the several Counties of this State to embody, in the notice of a general election, the several sections of the law relative to elections.

By Mr. Caldwell, for an Act to regulate fees of office in the County of Nevada.

By Mr. Buck, for an Act to fix the terms of the Probate Court in the County of Tuolumne.

By Mr. Cutler, for an Act to authorize the Board of Supervisors of Solano County to levy a special tax upon the next two years' assessment, for the purpose of building a Court-house in the aforesaid County.

By Mr. DeLong, for an Act to amend the Criminal Practice Act of this State.

By Mr. Tully, for an Act relative to the appointment and distribution of Notaries Public in the County of Santa Clara.

By Mr. Rodgers—a Joint-Resolution, urging upon the Congress of the United States such an interposition in the affairs of the Republic of Mexico as will tend to the pacification of the internal dissensions of that Republic, and prevent further complication of her European relations.

By Mr. Whitman, for an Act to extend the time of completing the assessment-roll, and for the collection of taxes, in the County of San Bernardino.

By Mr. Holman, for an Act to authorize the Governor to issue patents to persons who have made locations by State and School-land warrants upon the public lands within this State;

Also, for an Act concerning roads and highways in the County of San Joaquin.

By Mr. Thomas, for an Act concerning physicians and apothecaries;

Also, for an Act improving the navigation of the San Joaquin River.

By Mr. Watkins, for an Act regulating the fees and salaries of certain County officers in the County of Siskiyou.

By Mr. Lamar, for an act to repeal the Act creating the office of State Registrar.

RESOLUTIONS.

The following resolution was offered by Mr. Cope, and adopted:

Resolved, That the Judiciary Committee and the Committee on Ways and Means be, and they are hereby, empowered to employ a clerk whenever, in their judgment, the same shall be necessary.

The following resolution was offered by Mr. Shannon, and adopted:

Resolved, That the Surveyor-General of this State be, and he is hereby, requested to furnish a statement to this House of the amount of money that will require to be appropriated for the purpose of establishing the boundary-line between this State and Utah Territory, in conjunction with the Federal Officers.

The following resolution was offered by Mr. Burdick, and adopted:

Resolved, That the Clerk is hereby authorized to appoint a Minute-Clerk.

The following resolutions were offered by Mr. Aud:

Whereas, This House is desirous that the Journal of the daily proceedings of the same should be written up each day, so that the same may be read each morning from the Journal itself; *and, whereas*, doubts are entertained by a portion of the members of this House, as to the practicability of the end above set forth; therefore,

Be it resolved, That a special committee, consisting of Messrs. Young, Ensworth, and Shepard, be appointed to make diligent inquiry as to the feasibility of the object set forth in the foregoing preamble, with instructions to report to this House to-morrow morning; and,

Resolved, further, That in case said Committee, on due inquiry, find that it will be impracticable to carry out the requirements of a resolution heretofore passed by this body, in relation to its records, that they be requested to report a plan that may, as nearly as possible, accomplish the objects of said resolution, and the spirit and intent of the foregoing preamble.

Mr. Shepard offered the following, as a substitute for the resolutions of Mr. Aud:

Resolved, That the Clerk be required, from and after Saturday, the fifteenth instant, to have the Journals of each day's proceedings written up within five days from the date of the correction and approval, by the House, of the minutes. And for the purpose of securing authenticity, that a select committee of three be appointed by the Speaker, whose duty it shall be to compare the record, as completed, with the corrected minutes, and on Monday of each week to report to the House the condition of the Journals, and the time to which they have been so compared.

The Chair having ruled the substitute in order, Mr. Aud appealed, and the decision of the Chair was sustained by the House.

The question on the substitute being put, was lost, whereupon the resolution offered by Mr. Aud was adopted.

The following resolution was offered by Mr. Lamar, and lost.

Resolved, That the Committee on Elections be authorized to employ a clerk, whilst acting on the contested election cases now pending before them.

Mr. Gregory offered the following resolution, which, on motion of Mr. Sheridan, was laid on the table:

Resolved, That Barney Lincoln be, and he is hereby, appointed Paper-folder for the Assembly, and that he receive a compensation of three dollars per day for such services.

The following message was received from the Senate:

SENATE CHAMBER,
January 7, 1859.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have, this day, passed Senate bill No. 7, "An Act to amend an Act to establish the pay of officers and employés of the Senate and Assembly, and to repeal existing laws relating thereto," approved April 26, 1858;

Also, have adopted the report of the Committee of both Houses on Joint Rules;

Also, have refused to concur in Assembly amendments to Senate Concurrent-Resolution relative to the printing of the Governor's Message;

Also, that the Governor has transmitted to this body the Annual Report of the Superintendent of Public Instruction, with accompanying documents.

E. C. PALMER, Secretary of Senate.

Senate bill No. 7, above reported, read first and second times, and referred to Judiciary Committee.

On motion of Mr. Street, the House receded from its amendment to Senate Concurrent-Resolution, above reported.

Mr. DeLong made the following report, which was adopted:

MR. SPEAKER:—The Special Committee, appointed by the Chair to act with a similar Committee of the Senate upon Joint Rules, report, recommending the adoption of the Joint Rules of the last Session, hereto appended.

DELONG, Chairman.

MR. PRESIDENT:—Your Committee, appointed to report Joint Rules for the government of the two Houses, report the following, and respectfully ask their adoption.

BURTON,
BURCH, } Of Senate.
MERRITT,

DELONG,
ELLIS, } Of Assembly.
MOORE,

JOINT RULES AND ORDERS.

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, verbally or in writing, as either shall choose, the reasons of their respective Houses for and against the amendment, and confer freely thereon.

II.

When a message shall be sent from either House, 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.

III.

Messages shall be sent by the Secretary, Clerk, or by such person as a sense of propriety of each House may determine to be proper.

IV.

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.

V.

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.

VI.

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 bill 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.

VII.

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.

VIII.

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 approval, (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.

IX.

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.

X.

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.

XI.

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.

XII.

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.

XIII.

Each House shall transmit to the other, papers on which any bill or resolution shall be founded.

XIV.

After each House shall have once adhered to their disagreement, a bill or resolution shall be lost.

XV.

No bill or resolution that shall have passed the Assembly and Senate shall be presented to the Governor for his approval on the last day of the session.

XVI.

No appropriations of money, for any purpose whatever, shall be made, except by bill.

XVII.

Each House may order the printing of bills introduced, and reports of its own committees, but no other printing shall be ordered except by a concurrent resolution passed by both Houses.

XVIII.

There shall be a Joint Standing Committee of three from each House, who shall examine all matter proposed to be printed by concurrent order, and shall report what part of such matter it is needful to print.

XIX.

No spirituous liquors shall be offered for sale or introduced within the Capitol or public grounds adjacent thereto.

.....

Mr. DeLong made the following report, which was adopted: ·

Mr. Speaker:—Your Special Committee on Rules report as follows—recommending that the Standing Rules of the last session be adopted as the Standing Rules of this House, at this session, amended solely by changing the order of business, as follows:

1. Presentation of Petitions.
2. Reports of Standing Committees.
3. Reports of Select Committees.
4. Messages from the Governor.
5. Motions and Resolutions.
6. Messages from the Senate.
7. Notices.
8. Second Reading and Reference of Bills.
9. Introduction and First Reading of Bills.
10. Business on General File, and Third Reading of Bills.
11. Unfinished Business of the Preceding Day.
12. Special Orders of the Day.

C. E. DeLONG, Chairman.

STANDING RULES AND ORDERS.

I.

MEETING.

The House shall meet, each day of sitting, at eleven o'clock, A. M., unless the House shall adjourn to some other hour.

II.

ORDER OF BUSINESS.

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. Motions and Resolutions.
6. Messages from the Senate.
7. Notices.
8. Second Reading and Reference of Bills.
9. Introduction and First Reading of Bills.
10. Business on General File, and Third Reading of Bills.
11. Unfinished Business of the Preceding Day.
12. Special Orders of the Day.

III.

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

IV.

Messages from the Governor, State officers, and from the Senate, may be considered at any time by vote of the House.

V.

PETITIONS.

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 this House shall determine.

VI.

BILLS.

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.

VII.

Every bill shall receive three readings previously to its being passed. The Speaker shall give notice, at each reading, whether it be the first, second, or third reading, which reading 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.

VIII.

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

IX.

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

X.

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

XI.

DUTIES OF SPEAKER.

He shall take the Chair precisely at the hour appointed for meeting, 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.

XII.

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

XIII.

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.

XIV.

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

XV.

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.

XVI.

SERGEANT-AT-ARMS AND DOOR-KEEPER.

The Sergeant-at-Arms shall attend the House, during its sittings, to execute the commands of the House, and all process issued by authority thereof, directed to him by the Speaker. He shall be sworn to keep the secrets of the House.

XVII.

The Sergeant-at-Arms shall receive for every arrest the sum of one dollar; for each day's custody and releasement, one dollar; and for traveling expenses for himself or a special messenger, going and coming, twenty-five cents per mile. But no compensation shall be allowed for the arrest, custody, or releasement of members, under a call of the House, within the limits of the Capitol grounds All fees accruing to the Sergeant-at-Arms for arrests, custody, and release of members, shall be paid by the members so arrested, held in custody, and released, unless excused by a vote of the House. And when a member shall be excused by the House, the Sergeant-at-Arms shall not be allowed any fees for the arrest.

XVIII.

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

XIX.

The Standing Committees of the House shall be as follows:

1. A Committee on Elections, to consist of 7 members.
2. A Committee on Corporations, to consist of 7 members.
3. A Committee on Public Printing, to consist of 7 members.
4. A Committee on Claims, to consist of 5 members.
5. A Committee on Ways and Means, to consist of 9 members.
6. A Committee on Judiciary, to consist of 11 members.
7. A Committee on Military Affairs, to consist of 5 members.
8. A Committee on Counties and County Boundaries, to consist of 7 members.
9. A Committee on Commerce and Navigation, to consist of 5 members.
10. A Committee on Education, to consist of 5 members.
11. A Committee on Agriculture, to consist of 5 members.
12. A Committee on Internal Improvements, to consist of 5 members
13. A Committee on Public Buildings and Grounds, to consist of 5 members.
14. A Committee on Public Expenditures and Accounts, to consist of 5 members.
15. A Committee on Mines and Mining Interests, to consist of 7 members.
16. A Committee on Public Lands, to consist of 7 members.
17. A Committee on Federal Relations, to consist of 7 members.
18. A Committee on Engrossment, to consist of 5 members.
19. A Committee on Enrollment, to consist of 3 members.
20. A Committee on State-Prison, to consist of 7 members.
21. A Committee on Mileage, to consist of 5 members.
22. A Committee on Public Morals, to consist of 5 members
23. A Committee on State Hospitals, to consist of 5 members.
24. A Committee on Indian Affairs, to consist of 5 members.
25. A Committee on Swamp and Overflowed Lands, to consist of 7 members.
26. A Committee on Roads and Highways, to consist of 5 members.

XX.

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

XXI.

It shall be the duty of the Committee on Elections to examine and report upon the certificate 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.

XXII.

It shall be the duty of the Committee on 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.

XXIII.

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.

XXIV.

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.

XXV.

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

XXVI.

It shall be the duty of the Committee on Public Expenditures and Accounts to examine the books and Accounts of the several public departments; to count the moneys in the State Treasury; and to examine particularly into laws making appropriations of money, and to report whether the moneys have been disbursed 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 offices.

XXVII.

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 said establishments.

XXVIII.

It shall be the duty of the Committee on Internal Improvements 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 into question, and be referred to them by the House, and to report thereupon.

XXIX.

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.

XXX.

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

XXXI.

No Committee 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.

XXXII.

When a motion is 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.

XXXIII.

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.

XXXIV.

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 noes shall not be taken.

XXXV.

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

XXXVI.

DECORUM AND DEBATE.

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 state the 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 from 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.

XXXVII.

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

XXXVIII.

Every member, when he speaks, shall, standing in his place, address

"Mr. Speaker;" and, when he has finished, he 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.

XXXIX.

If any member be called to order for offensive words spoken in debate, the person calling him to order shall report 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 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.

XL.

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

XLI

If a question pending 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.

XLII.

MOTIONS, ETC.

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 be read by the Clerk, before the same shall be debated. A motion may be withdrawn at any time before amendment or decision.

XLIII.

A motion to adjourn, or fix the time to which the House will adjourn, shall always be in order, and be decided without debate. The Clerk shall enter on the Journals the name of any member moving an adjournment, and also the hour at which the motion was made.

XLIV.

When a question is under debate or before the House, no motion shall be received but—to adjourn; to lay 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, but the first three shall be decided without debate. 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 the 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.

XLV.

The previous question shall be in this form: "Shall the main question be now put?" and its effect, when sustained by a majority of the members present, shall be to put an end to all debate, and bring the House to a vote on the question or questions before it.

XLVI.

All incidental questions of order, arising after a motion is made for the previous question, and pending such, shall be decided (whether on appeal or otherwise) without debate.

XLVII.

The previous question shall only be put when demanded by three members.

XLVIII.

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

XLIX.

Any member may call for a division of the question, which shall be divided, if it comprehend 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.

L

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 therein, any other bill or resolution pending before the House.

LI.

A proposition to print an extra number of any document or other matter shall lie on the table one day for consideration, unless otherwise ordered by unanimous consent of the House.

LII.

No bill 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, and the quantity, before payment shall be made or bills audited.

LIII.

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

LIV.

In filling up blanks, the least sum and shortest time shall be first put.

LV.

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

LVI.

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.

LVII.

When a question on a motion, or on the final reading or passage 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

a reconsideration thereof, by giving notice on the day of its passage or rejection, of his intention to move for such reconsideration on the succeeding day, and 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.

LVIII.

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

LIX.

The ayes and noes shall be taken when called for by three members present, and 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 vote. In taking the ayes and noes, and upon call of the House, the names of the members shall be taken alphabetically, and the Clerk shall enter on the Journal the names of those demanding the ayes and noes.

LX.

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

LXI.

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

LXII.

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

LXIII.

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.

LXIV.

CALL OF THE HOUSE.

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 taken into custody by the Sergeant-at-Arms, wherever to be found, or by special messenger, to be appointed for that purpose.

LXV.

MISCELLANEOUS.

No standing rule or order of the House shall be rescinded or changed without a vote of two-thirds, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily, by a vote of two-thirds of the members present, except that portion of Rule VII relating to third reading of bills.

LXVI.

No member shall absent himself from the service of the House without the leave of the House, except in case of sickness; and if any member or 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.

LXVII.

No persons, 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; but a majority may authorize the Speaker to have the House cleared of all such persons.

LXVIII.

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

LXIX.

The rules of parliamentary practice contained 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.

LXX.

The Assembly Room shall not be used for any public or private business, other than legislative, except by permission of the House.

LXXI.

Witnesses summoned to appear before the House, or any of its committees, shall be paid 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 twenty-five cents; but nothing shall be paid for traveling 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.

LXXII.

It shall be in order for any member or members to protest against the action of the House, and have such protest entered upon the minutes.

LXXIII.

All bills reported to the House, by either standing or special committees, after receiving their second readings, shall be placed upon a general file to be kept by the Clerk, and no bill shall be considered by the House until the regular order of business shall have been gone through, and then bills shall be taken from the general file and acted upon in the order in which they were reported, unless otherwise specially ordered by the House. The Clerk shall post, in a conspicuous place in the Chamber, a daily statement of the bills on the general file, setting forth the order in which they are filed, and specifying the alterations arising from the disposal of business each day.

C. E. DeLONG, Chairman.

RESOLUTIONS.

Mr. Moore of Nevada offered the following resolution, which was adopted:

Resolved, That two copies of all bills, and other papers, printed by order of the House, be laid upon the desks of Reporters, who occupy seats assigned by the Speaker, within the bar of the House.

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

Resolved, That so much of the Governor's recent Annual Message as relates to Finance, be referred to the Committee on Ways and Means, with a request that they report, at their *earliest convenience,* a Revenue bill for the present year, or report such amendments to the bill of last year as they may deem proper, in order that the Boards of Supervisors of the respective Counties of this State, may, at the sessions fixed by law for such purpose, levy the proper State-tax, at the time of levying the County and other taxes. And that so much of said Message as relates to the State-Prison be referred to the Committee on the State-Prison, who are requested to give their immediate attention to the matter. And that so much of said Message as relates to Agriculture and Mining, be referred to the Committees on Agriculture, and Mines and Mining Interests.

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

Resolved, That James Penny be paid for three days' services as Porter of the Assembly, to be paid out of the fund set apart for the pay of officers and clerks of the Assembly.

At fifty minutes past twelve o'clock, M., on motion of Mr. Young, the House adjourned, until eleven o'clock, A. M., to-morrow.

IN ASSEMBLY.

TUESDAY, January 11, 1859.

The House met, pursuant to adjournment.
The Speaker in the Chair.
A quorum being present, the Journal of yesterday, on motion of Mr. Young, was read from the scroll, and approved.

The Speaker announced the following additional Standing Committees:

ON CLAIMS.

Messrs. Lightner, Tully, Thomas, Connely, and Taylor.

ON INDIAN AFFAIRS.

Messrs. Eagon, Whitman, Bates, Watkins, and Daggett.

ON WAYS AND MEANS.

Messrs. Street, Gregory, Burdick, Laspeyre, Hancock, Lamar, Rodgers, Coleman, and Cherry.

ON STATE-PRISON.

Messrs. Moore of Nevada, Thomas, Cope, Street, Crenshaw, Lynch, and Banks.

JOINT COMMITTEE ON PRINTING.

Messrs. Johnson, Pico, and De Long.

RESOLUTIONS.

Resolutions were offered and adopted as follows:
By Mr. DeLong:

Resolved, That the Judiciary Committee be allowed to rent some suitable room, in which to hold their meetings, the rent not to exceed the sum of twenty-five dollars per month, payable out of the Contingent Fund of the Assembly, and that the Sergeant-at-Arms be directed to furnish the same immediately, as desired by the Committee, and to employ some suitable person to take charge of the same.

By Mr. Hines:

Resolved, That the resolution of yesterday, allowing James Penny pay for three days' services, as Porter of the Assembly, to be paid out of the fund set apart for pay of officers and Clerks of the Assembly, be rescinded, and said James Penny be allowed pay for three days' services, as Porter of the Assembly, to be paid out of the Contingent Fund of the Assembly.

By Mr. Street:

Resolved, That the Committee on Ways and Means be authorized to rent a room for the use of the Committee, at a cost not exceeding the rate of twenty-five dollars per month, payable out of the Contingent Fund of the Assembly.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Ensworth, for an Act to grant the right of way to George F. Hooper and his associates, to construct a bridge across the Colorado River, at or near Fort Yuma.

By Mr. Thomas, for an Act to repeal an Act entitled "An Act providing for the registration of marriages, births, divorces, and deaths, in California," approved April 26, 1848.

By Mr. Whitman, for an Act funding the outstanding indebtedness of the County of San Bernardino;

Also, for an Act to legalize the acts of D. W. Davis, as Deputy-Clerk and Recorder of the County of San Bernardino.

By Mr. Street, for an Act to amend the Revenue Law of this State, in reference to foreign miner's licenses;

Also, for an Act amending the Act regulating the fees of County Auditors for making out the delinquent tax-lists;

Also, for an Act authorizing the Board of Supervisors of Shasta County to set aside a cash fund for special purposes;

Also, for an Act to change the name of John August Stromdohl to August William Stromdohl;

Also, for an Act to provide for the creation of a State Geologist for the State of California;

Also, for an Act to amend the Act to provide for the issuing of Indian War Bonds, passed April 25, 1857.

Also, for an Act to define more specially the duties of County Clerks, and County Recorders, and provide penalties for violations of duty.

By Mr. Taylor, for an Act to amend the Revenue Laws, so as to exempt mechanics and manufacturers from payment of licenses.

By Mr. Lull, for an Act defining the rights of husband and wife.

By Mr. Cherry, for an Act to amend an Act entitled an Act concerning the office of Public Administrator, passed April fifteenth, one thou-eight hundred and fifty-eight.

By Mr. Holman, for an Act for the organization of the militia.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Cutler, for an Act to amend an Act entitled an Act concerning roads and highways in certain Counties therein named.

Read first and second times, and ordered on file.

By Mr. Hines, for an Act to authorize Joseph F. Friedman, the administrator of Isaac S. Friedman, deceased, to sell the real estate of said deceased at private sale.

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

By Mr. Lefever, for an Act creating an Insane Asylum at Marysville, Yuba County, for the State of California.

Read first and second times, and referred to the Committee on Hospitals.

By Mr. DeLong, for an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, one thousand eight hundred and fifty-one, amended May fifteenth, one thousand eight hundred and fifty-four.

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

By Mr. Howe, for an Act to regulate the fees of certain officers in and for the County of Tuolumne.

Read first and second times, and referred to the Tuolumne delegation.

By Mr. Buck, for an Act to fix the term of the Probate Court, in and for the County of Tuolumne.

Read first and second times, and referred to Tuolumne delegation.

Also, for an Act to amend and extend an Act entitled "An Act to amend an Act entitled an Act to provide for the protection of foreigners, and to define their liabilities and privileges, passed March thirtieth, one thousand eight hundred and fifty-three," passed April thirtieth, one thousand eight hundred and fifty-seven.

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

Also, for an Act amendatory and supplemental to an Act entitled "An Act to provide for the formation of corporations for certain purposes," passed April fourteenth, one thousand eight hundred and fifty-three.

Read first and second times, and referred to the Committee on Corporations.

The following message was received from the Senate:

SENATE CHAMBER,
January 10, 1859.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have this day passed the following Concurrent-Resolution, and request the concurrence of the Assembly.

Resolved, By the Senate, the Assembly concurring, that our Senators at Washington be instructed, and our Representatives in Congress be requested, to urge upon Congress the immediate payment of the Indian War Debt due to citizens of this State.

Resolved, That a copy of these resolutions be forwarded by His Excellency, the Governor, to each of our Senators and Representatives, with as little delay as possible.

E. C. PALMER, Secretary of Senate.

The House concurred in the resolutions above reported.

At fifty minutes past twelve o'clock, M., the House, on motion of Mr. Shepard, adjourned until eleven o'clock, A. M., to-morrow.

IN ASSEMBLY.

WEDNESDAY, January 12, 1859.

House met, pursuant to adjournment.

Speaker in the Chair.

A quorum being present, the Journal of yesterday, on motion of Mr. Young, was read from the scroll, and approved.

Andreas Pico, Member of Assembly elect from Los Angeles County, appeared, and was qualified.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, January 12, 1859.

To the Assembly of California:

I transmit herewith a copy of the Annual Report of the Surveyor General, to which I invoke your earnest attention. As but one copy has been furnished, I beg that the Senate may be informed of its transmission to your honorable body.

JOHN B. WELLER.

Mr. Young, on the part of the majority, and Mr. Lamar, on the part of the minority of the Committee on Elections, made the following Majority and Minority Reports on the contested election case of Dr. C. Duncombe:

MAJORITY REPORT.

MR. SPEAKER:—Your Committee on Elections, to whom were referred the papers denying the right of C. Duncombe to a seat in this House, as a Member of the Assembly, have the honor to respectfully make the following report to your honorable body:

Your Committee, in being called upon to investigate the right of one of its members to his seat in this House, upon the alleged grounds that

he is not an American citizen, are forcibly struck with the value and sacredness of that right, and of the blessings which it confers, the protection it gives of our broad flag to all who are entitled to gather beneath its ample folds, and he who steps from the high position of an American citizen by swearing allegiance to a "foreign Government," has no claim to that protection, or to the enjoyment of those privileges which this broad Union affords to those who remain true to their birth and adopted rights.

Your Committee are aware that no decision has yet been given by the Supreme Court of the United States "upon the right of voluntary expatriation," whilst many of the highest Courts of different States have decided in favor of the "old Federal doctrine," which made the tenant the servant of his landlord; on the other hand, many others have held to the doctrine of voluntary expatriation. The policy and practice of our Government have been universally in favor of the right of voluntary expatriation, and have supported that principle and right by the war of 1812 with Great Britain; also in the Kostza affair, when Lieutenant Ingraham was so highly complimented for his gallant conduct in defending the right of an adopted American citizen, against the claims of his native land, although he had only declared his "intentions to become a citizen" The doctrine of voluntary expatriation is a well-settled international law, at present, and Courts will construe that doctrine as construed by their respective Governments in their intercourse with other nations. By our laws we make citizens of those who before were citizens and subjects of Foreign Governments, and require them not only to take an oath of allegiance to our Government, but also to swear to abjure their allegiance to every "Foreign Prince, Power, and Potentate."

Then, if we deny the right of voluntary expatriation, we are guilty of this strange absurdity, to wit: Of making citizens of other lands, citizens of our own, requiring them to abjure their former allegiance, at the same time holding to the doctrine that their former allegiance can not be given up by them. If this be true, our own foreign-born soldiers are traitors to their native land, if it be at war between that country and ours; and if taken prisoners by their Sovereign, we could not relieve them, if we hold to the doctrine that they can not abjure their allegiance; to be consistent, we must grant to our own citizens the right we claim for citizens of all the nations of the world.

The days of feudal tyranny have passed and with it those absurd rules necessary to sustain that peculiar system, and we do not recognize that "old and absurd claim of kings—once a subject, always a subject;" that whilst we maintain and defend to the utmost of our power, the rights of the most humble citizen in our land, we can not recognize as such, one who voluntarily leaves his native country, swears allegiance to a foregn power, and returns, not as the prodigal asking admission again into his father's house, but claiming, as heir to the manor born, all those rights which he forfeited by his own act.

The liberality of our institutions leaves open wide the door for her straying children to return and regain their forfeited inheritance. Our laws prescribe the mode, and those who fail to embrace them do so with their own free will. The fault is theirs, and not their country's.

Your Committee find, from the testimony of C. Duncombe, the following facts:

That he was born in the United States.

That he went to Canada in the year 1816-17 or 1818.

That he took the oath of allegiance: "That he would true faith and

allegiance bear to His Majesty King George the Third, his Heirs and Successors."

That he took said oath about two (2) or three (3) months after his arrival there.

That he lived there until 1837, a period of about twenty-one (21) years.

That he returned by *compulsion* to the United States.

That he has since resided in the United States, a period of about twenty-one (21) years, and has not returned to his alllegiance to this Government as required by all who owe allegiance to other Governments, and desire to enjoy the rights and privileges of this.

That whilst in Canada he was an officer of the British Government, a member for several years of the Colonial Parliament.

That he was a Commissioner or Agent to England, from Canada, to effect the removal of Sir Francis Bond Head as Governor of Canada.

That he asserted and was recognized by the Home Government as a "British subject."

That the Colonial Government of Canada, under Sir Francis Bond Head, declared said C. Duncombe a "Rebel," and offered a "reward for his arrest."

That the Home Government removed said Sir Francis Bond Head, and pardoned said C. Duncombe, as a Rebel.

The majority of your Committee do not recognize the power of any one to owe a double allegiance, and in view of the foregoing "facts" they conceive that but two (2) questions are to be determined in this case.

First—Whether a citizen of the United States can swear allegiance to another Government, and still retain and exercise at pleasure the rights and privileges of an American citizen?

Secondly—Can a citizen or subject of Great Britain, or of her Colonies, become a member of the Legislature of California?

A majority of your Committee answer those questions in the negative, and would recommend, in accordance with that provision of the Constitution which gives the power to this House to judge of the qualifications of its own members—(one of its members having sworn allegiance to a "Foreign Power," and not having renounced that allegiance,) "that such a member is not entitled to a seat upon this floor."

Therefore, we submit the aforesaid report, and recommend the adoption of the following resolution:

Resolved, That this House deem, and hereby declare, the seat in this House belonging to the County of Sacramento, and at present occupied by C. Duncombe, to be vacant.

GEO. A. YOUNG,
BENJ. S. HINES,
T. LASPEYRE,
J. M. ROANE.

MINORITY REPORT.

MR. SPEAKER:—The undersigned, a minority of your Committee to whom was referred the contested election case of Montgomery *v.* Duncombe, ask leave to make the following Minority Report:

The right of Charles Duncombe to hold a seat in the Assembly of this State is contested, on the ground that he is not a citizen of the United States, but a subject of Great Britain. On the part of the contestant, it is alleged that the said Duncombe was a land-holder and a freeholder in the Province of Canada, and that he was a member of the Provincial

Parliament in said Province of Canada—a colonial dependency of Great Britain; which allegations were verified by affidavit.

The said Charles Duncombe admits that he was a member of the Provincial Parliament of Canada. That he took the oath of allegiance to the Government of Great Britain, but denies that he ever abjured his allegiance to the United States, for the reason that he was born in the United States, and of American parents, who were citizens of the United States. He makes this assertion under oath. It is not controverted.

It is the opinion of the minority of your Committee that a native-born citizen of the United States can not divest himself of the allegiance which he owes by nature to the country of his birth, in which opinion we think we are sustained by the laws of nations, the Common Law of England, and, by implication, of an Act of Congress for the naturalization of *aliens*, and by decisions of high judicial tribunals. The Naturalization Laws provide for the naturalization of *aliens* only;—by aliens, we understand foreigners by birth. Under those laws, Charles Duncombe can never be made a citizen, for he is no alien, but a native born. Certainly, our Government did not intend to restrict the privileges of her native-born citizens so as to preclude the possibility of their ever becoming citizens again after once having been citizens of another country. Such an interpretation would be contrary to the genius and spirit of American institutions. The principle, as enunciated by the decisions of the Supreme Courts, to wit: "A citizen of the United States, by becoming a citizen of another country does not cease to be a citizen of the United States, nor is he absolved from his original allegiance," we hold to be the principle which should govern this case. Therefore, we respectfully submit that Charles Duncombe is a citizen of the United States, and recommend that he be allowed to retain his seat as a member of the Legislature elect from the County of Sacramento.

J. B. LAMAR, Chairman.
MARIANO MALARIN,
LOUIS R. LULL.

REPORTS.

Reports were made as follows:

By Mr. Cope:

Mr. Speaker:—The Judiciary Committee, to whom was referred Senate Bill No. 7, entitled "An Act to amend an Act to establish the pay of officers and employés of the Senate and Assembly, and to repeal existing laws relating thereto," approved April twenty-six, one thousand eight hundred and fifty-eight, have considered the same, and report the bill back, with certain amendments, and recommend its passage as amended.

W. W. COPE, Chairman.

By Mr. Howe:

Mr. Speaker:—The Tuolumne Delegation, to whom was referred Assembly Bill No. 8, an Act to fix the terms of the Probate Court in and for the County of Tuolumne, report the same back, and recommend its passage.

ROBERT HOWE, for the Delegation.

By Mr. Young:

The Select Committee, appointed under the resolution of the 10th

inst., relating to the Journals of this House, having had the same under consideration, beg leave to report that after a careful examination of the Journals of last Session, and hearing the opinion of experts in writing, are convinced of the practicability, and of great benefit and security, in having the proceedings of each day written in the Archive Journal; but, notwithstanding, would recommend that the resolution above referred to be rescinded. And with a view of having the minutes corrected and approved before assuming the form of a permanent and authentic record, would further recommend the adoption of the following resolution:

Resolved, That the Clerk be required to have the Journals of each day's proceedings written up within two days from the date of the correction and approval by the House of the Minutes, and for the purpose of securing authenticity, that a select committee of three be appointed by the Speaker, whose duty it shall be to compare the Record with the corrected and approved Minutes, and on Monday of each week, to report to the House the condition of the Journal, and the time up to which the permanent record is completed and compared.

Respectfully submitted,

GEO. A. YOUNG, Chairman.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, January 10, 1859.

To the Assembly of California:

In compliance with the forty-second section of the Act of April twenty-eighth, one thousand eight hundred and fifty-one, "Concerning Officers," I transmit herewith a statement of all appointments made by me to fill vacancies since the adjournment of the preceding Session of the Legislature.

JOHN B. WELLER.

LIST OF APPOINTMENTS MADE DURING THE RECESS OF THE LEGISLATURE.

April 28, 1858.—Harvey Lee, Reporter of the Supreme Court, vice B. C. Whitman.

May 10, 1858.—Edwin R. Campbell, State Registrar.

May 25, 1858.—John E. Addison, Gauger of Wines and Liquors, vice Lansing B. Mizner.

June 8, 1858.—Thomas M. Brennan, Port Warden for the Port of San Francisco.

July 23, 1858.—R. B. Cunningham, Pilot Commissioner for Benicia and Mare Island, vice D. G. F.

August 1, 1858.—Green S. Martin, County Judge of Tuolumne County, vice Thomas S. Jones, deceased.

September 11, 1858.—William H. Glascock, County Judge of Alameda County, vice Samuel Bell McKee, resigned.

October 13, 1858.—T. S. Pomeroy, County Judge of Del Norte County, vice F. E. Weston, resigned.

October 23, 1858.—James Hagan, Pilot Commissioner for the Port of San Francisco, vice A. L. Tobias.

October 26, 1858.—B. F. Myres, District Judge of the Eleventh Judicial District, vice John M. Howell, resigned.

January 1, 1859.—Charles Lindley, County Judge of Yuba County, vice S. M. Bliss, resigned.

RESOLUTIONS.

The following resolution was offered by Mr. Rodgers, and made the special order of the day for Saturday next, at 12 o'clock:

Whereas, The Government of the Republic of Mexico is so far disorganized, that it does not afford to her own or to foreign citizens that protection for which it was ordained; *and whereas,* the embarrassments of said Government afford alike a pretext and temptation to interference in her affairs, on the part of nations unfriendly to her Government; now, therefore, be it

Resolved, By the Assembly, with the concurrence of the Senate, that it is expedient that the United States Government should adopt such a policy towards the Republic of Mexico as shall better secure the rights of American citizens resident in and passing through her territories, as will promote the pacification of the civil strife with which she is distracted, and prevent a further complication of her European relations.

By Mr. Mount:

Resolved, That the Sergeant-at-Arms be requested to purchase one of the latest and best Maps of the State, to be placed in the Assembly Hall, for the use of the Members, and that the expense thereof be paid out of the Contingent Fund of the Legislature.

Adopted.
By Mr. Thomas:

Resolved, By the Assembly, the Senate concurring, that nine hundred and sixty copies of the Annual Report of the Surveyor-General be printed for the use of the Senate and Assembly, to be distributed *pro rata* among the Members of the two Houses.

Adopted.
By Mr. DeLong:

Resolved, That the Attorney-General be, and he is hereby, requested to report to this House, at his earliest convenience, a statement of any and all amendments to the Criminal Statute and Practice Act which he may deem necessary.

Lost.
By Mr. Whitman:

Resolved, That the Speaker appoint an Assistant Door-keeper.

Mr. Squires offered, as a substitute:

Resolved, That the Sergeant-at-Arms be, and he is hereby, authorized to employ a clerk, at —— dollars per day, payable out of the appropriation for the pay of officers and clerks of the Assembly.

Mr. Sheridan moved to fill blank with five dollars.
Lost.
Mr. Sloss, to lay on the table.

Lost.

Mr. Lamar, to fill blank with eight dollars.

Lost.

Mr. Aud, to fill the blank with six dollars.

Lost.

When, on motion of Mr. Lull, the resolution was laid on the table.

Mr. Laspeyre offered the following Concurrent-Resolution, which was referred to the Committee on Federal Relations:

Whereas, We have ample and authentic information, that during the Spring of eighteen hundred and fifty-seven, a few days subsequent to the massacre of the Crabb expedition, in the State of Sonora, Mexico, a band of armed Mexican soldiers invaded American soil at Dunbar's Store, in the Gadsden Purchase, and then and there murdered four American citizens, who were in no manner connected with an unlawful expedition, but quietly pursuing their avocations as peaceable men in American territory; therefore, be it

Resolved, By the Assembly of the State of California, the Senate concurring, that our Senators be instructed, and our Representatives be requested, to investigate these outrages upon American citizens, and urge upon our Government the necessity of demanding from Mexico just reparation and immediate satisfaction for these and all similar indignities to our flag.

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

Whereas, The Court of Claims of the United States, at Washington, in the case of Blas P. Alviso *v.* The United States, have recently decided that those inhabitants of California who, during the war between Mexico and the United States, furnished supplies to the American forces, or from whom supplies were taken by force, or whose property was destroyed, have no claims, under the existing laws, upon the United States; therefore,

Resolved, By the Assembly, the Senate concurring, that our Senators be instructed, and our Representatives requested, to use their best efforts and all honorable means, to procure the passage of some law for their relief.

The following resolution was offered by Mr. Laspeyre:

Resolved, By the Assembly, the Senate concurring, that our Senators in Congress be instructed, and our Representatives requested, to use all fair and just means to acquire the State of Sonora, in Mexico.

The resolution was ruled out of order by the Speaker, from which Mr. DeLong appealed, and the House sustained the Chair.

The following resolution was offered by Mr. Sheridan, and lost:

Resolved, That the Secretary of State be, and he is hereby, requested to provide suitable rooms for the accommodation of the different Committees of this House, and that the expense incident thereto be met from the Contingent Fund of the same.

Mr. DeLong offered the following resolution:

Resolved, By the Assembly, the Senate concurring, that our Senators be instructed, and our Representatives requested, to urge upon our National Congress some just means whereby to secure to the United States, by peaceable means, the early acquisition of the State of Sonora.

The Speaker ruled the resolution out of order.

Mr. DeLong appealed, and the Speaker was not sustained by the House, whereupon, on motion of Mr. Laspeyre, the resolution was referred to the Committee on Federal Relations.

Mr. Mount offered the following resolution:

Resolved, By the Assembly, the Senate concurring, that our Senators be instructed, and our Representatives be requested, to give assistance in the honorable acquisition of the Gem of the Antilles, (the Island of Cuba.)

For which Mr. Lull offered the following substitute:

Resolved, That this House, from and after the 15th inst., devote their entire time to the discussion of national political questions, and subjects of foreign diplomacy.

On motion of Mr. Laspeyre, the whole subject was laid on the table.

Mr. Aud introduced a bill for an Act concerning marriages and divorces.

Read first and second times, ordered printed, and referred to the Judiciary Committee.

Senate bill No. 7, an Act to amend an Act to establish the pay of officers and employés of the Senate and Assembly, and to repeal existing laws relating thereto, approved April twenty-six, eighteen hundred and fifty-eight, was taken from the file, Committee amendments concurred in, and read third time, and passed.

Assembly bill No. 3, an Act to amend an Act entitled an Act concerning roads and highways in certain counties therein named, approved April twenty-three, eighteen hundred and fifty-eight, was taken from the file, and referred to the Committee on Roads and Highways.

At fifteen minutes past one o'clock, P. M., on motion of Mr. Dunlap, the House adjourned till eleven o'clock, A. M. to-morrow.

IN ASSEMBLY.

THURSDAY, January 13, 1859.

House met, pursuant to adjournment.

Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

Mr. Cutler had leave of absence for one day, and Mr. DeLong until Monday next.

The Speaker announced as the Committee to examine the Journals, Messrs. Ensworth, Tipton, and Shannon.

On motion of Mr. Laspeyre, the parties in the contested election case of Mr. Duncombe were allowed to appear, either in person or by counsel.

The Speaker handed in the following communication in the case of the contested seat of C. Duncombe:

To the Hon. W. C. Stratton, Speaker of the House of Assembly of California:

SIR:—It appearing that Dr. Charles Duncombe, who claims to be a member of your House from the County of Sacramento, is an alien, and the election as to him void, the undersigned, as the eligible candidate who received the highest vote cast for a citizen qualified to hold the office of Member of the Assembly, would respectfully represent that if the fact be that Dr. Charles Duncombe is ineligible, the undersigned is entitled to said seat, and claims it accordingly.

He also requests that James H. Hardy, Esq., be heard on his behalf, in the matter of the disputed seat from Sacramento County.

I am, Sir, with great respect, yours, etc.,

GEORGE E. MONTGOMERY.

SACRAMENTO CITY, January 13, 1859.

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

Resolved, That W. F. Williamson be, and he is hereby, allowed the same per diem as is allowed the Sergeant-at-Arms, for services rendered as Clerk of the Sergeant-at-Arms, from the commencement of the session, payable out of the Contingent Fund of the Assembly.

Mr. Street moved to take from the table the resolution relative to the employment of a Clerk for the Sergeant-at-Arms.

Lost.

The following report was made by Mr. Johnson:

MR. SPEAKER:—The Joint Committee on Printing, to whom were referred the various documents and Reports accompanying the Governor's Message, have examined the matter committed to their charge, indicated to the State Printer what portions, in their judgment, ought to be omitted—and recommend that there be printed,

Of the State Controller's Report	2,500
Of the State Treasurer's Report	2,500
Of the State Superintendent of Public Instruction's Report	2,500
Of the State Secretary's Report	1,000
Of the Attorney-General's Report	1,000
Of the State Insane Asylum Report	1,000
Of the State Registrar's Report	1,000

All of which is respectfully submitted.

S. A. BALLOU, of Senate Committee.
JAMES A. JOHNSON, of House Committee.

Mr. Fuller introduced a Joint-Resolution relative to the further protection of San Francisco harbor.

Read first and second times, and referred to Committee on Federal Relations.

REPORT.

Mr. Lamar, from the Committee on Elections, made the following majority report:

MR. SPEAKER:—A majority of your Committee, to whom was referred the case of Hoyt *v.* Tipton, in which the right of said Tipton to hold a seat in this House as a Member of the Assembly from the county of El Dorado, is contested by said Hoyt, respectfully report that we have care-

fully investigated the matter, by examining the evidence submitted to our consideration, and by applying the law governing elections to guide us in our deliberations.

The contestant alleges that the Board of Canvassers of the election returns at the late election in El Dorado County, committed an error in excluding the returns from Tennessee Precinct in said county.

That had said returns been admitted, and counted, he, the contestant, would have had a majority of fifteen votes over said Tipton, for Assemblyman; but owing to the improper rejection of the returns from Tennessee Precinct, said Tipton was declared elected by a majority of one (1) vote.

It appears in evidence that Tennessee Precinct was a legally established precinct.

That on the first day of September of the past year, an election was held in El Dorado County for Assemblymen and other officers, and on the same day there was a poll opened at Tennessee Precinct. That at said precinct there were twenty-three (23) votes cast for Hoyt, and seven (7) for Tipton, which appears from a certified copy of the tally-list, tendered in evidence on the part of the contestant.

It also appears in evidence, that the preliminary oath taken by the Officers of election for Tennessee Precinct, was administered by one "Hix," who swears that he was not at that time an officer authorized to administer oaths, and that he so informed the persons who conducted the election, previous to their being sworn

Furthermore, a certified copy of the tally-list of Tennessee Precinct, tendered in evidence, does not show for what offices the persons receiving votes at said precinct were voted for. Upon this evidence is the defendant's main reliance, to show that the returns from Tennessee Precinct were properly rejected by the Board of Canvassers.

It remains for this House to determine whether they will approve or annul the action of the Board of Canvassers. If their action is approved, J. S. Tipton is the legally elected member of this House. If it is annuled, Tipton has no right to a seat as a member of this Assembly, and W. K. Hoyt is a legally elected Representative.

The nineteenth (19) section of the law governing elections in this State, declares: "Before any election shall be opened, the Inspector, Judges, and Clerks, shall each, before any officer authorized to administer oaths, take an oath that he will faithfully and impartially discharge the duties assigned him by law.

"If there is no person present authorized to administer oaths, the Inspector shall administer the same to the Judges and Clerks, and one of the Judges shall then administer the oath to the Inspector."

Which law, in the opinion of a majority of your Committee, is unequivocal in its direction, and indispensable in its provisions to the validity of an election.

It is through the ballot-box that the people delegate trusts to their representatives.

It is the fountain of power under a republican form of government, and the manner in which the law directs the oath to be administered is the only safeguard to its purity.

A party taking an oath without the proper forms and prescriptions of law is not responsible for the performance of its obligations, nor amenable to the laws of this country for its violation.

This is the reason and spirit of the law which so clearly and distinctly prescribes the manner in which officers of election shall qualify.

There is another serious and fatal objection to the returns from Ten-

nessee Precinct. The Election Law of this State declares, in Section twenty-four (24): "The voting shall be by ballot—the ballot shall be a paper ticket, containing the names of the persons for whom the elector intends to vote, and designating the office to which each person so named is intended by him to be chosen"

The certified copy of the "tally-list" previously alluded to in the report, contains the names of W. K. Hoyt and J. S Tipton, and many others voted for, and the number of votes which each received; but the list does not show for what offices those persons received such votes. Those returns, so vague, and so incomprehensible, we think, were properly excluded from the canvass. Section thirty-seven (37) of the same law provides:

"No tally-paper, poll-list, or certificate, returned from any election, shall be set aside or rejected for want of form, nor on account of its not being strictly in accordance with the directions of this Act, if the same can be satisfactorily understood"

That proviso steps in to heal mere clerical informalities, and not to supply so material a defect as is apparent in the tally-paper alluded to, nor to excuse the want of so important a requisition as a solemn legal oath.

In view of the foregoing facts, and the clear and explicit dictations of law, we respectfully submit that J. S Tipton is a legally elected member of the Assembly from the County of El Dorado, and recommend that he be permitted to retain his seat.

J. B. LAMAR, Chairman.
M. MALARIN,
T. LASPEYRE,
GEO. A. YOUNG,
J. M. ROANE,
BENJ. S. HINES.

Attest: EDWARD T. CONWAY, Clerk of the Committee.

Mr. Coleman introduced a Joint-Resolution relative to an appropriation by Congress to complete the road over the Sierra Nevadas, on the route known as the "Central Overland Route."

Read first and second times, and laid over until to-morrow.

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

Resolved, That the Clerk of this House be required to correct and certify to the Sergeant-at-Arms all errors in the copy of the Report of the Committee on Mileage, and that the Controller be, and is hereby, authorized to draw his warrant on the Treasurer in favor of any Member of the Assembly for any balance still due by reason of the errors in the copy of the Report heretofore made.

The following message was received from the Senate:

SENATE CHAMBER,
January 12, 1859.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have this day passed Senate bill No. 26, "An Act to legalize and confirm the general and supplementary assessment-rolls, the publication of the same, and to extend the time for the collection of revenue in the Counties of Sonoma, Mendocino, and Sutter;"

Also, Senate bill No. 20, "An Act to amend an Act to extend the term

of the office of the Board of Supervisors of certain Counties of this State," passed April 26, 1858;

Also, Senate bill No. 17, "An Act concerning the office of County Clerk of the County of Amador;"

Also, Assembly Concurrent-Resolution No. 3, "relative to the distribution of Journals, etc.;

Also, Assembly Concurrent-Resolution No. 6, relative to printing the Report of the Surveyor-General;

Also, Senate bill No. 22, "An Act to regulate the fees of certain officers in the County of Tuolumne;"

Also, Senate bill No. 9, "An Act to amend an Act concerning the office of Public Administrator in the Counties of Nevada, Sacramento, Monterey, and Amador," approved April 5, 1856;

Also, Senate bill No. 23, "An Act to authorize the Board of Supervisors, in and for the County of Plumas, to levy a special tax for building purposes in said County;"

Also, have passed Senate Concurrent-Resolution appointing "A Special Joint Committee of four members from each House, to take into consideration our State Constitution, and report by bill, or otherwise, such alterations and amendments as by them shall be deemed necessary and expedient," and have appointed as committee, on the part of the Senate, Messrs. Anderson, Merritt, Kirkpatrick, and Garter, and ask the concurrence of the Assembly;

Also, have passed Senate bill No. 8, "An Act to repeal an Act for the appointment of a State Guager for the Port of San Francisco," passed May third, one thousand eight hundred and fifty-two.

E. C. PALMER, Secretary of Senate.

Senate bill No. 26, above reported, read first and second times, and referred to the Judiciary Committee.

Senate bill No. 23, above reported, read first and second times, and ordered on file.

The House concurred in Senate Concurrent-Resolution No. 5, above reported, and the Speaker appointed as a committee on the part of the House, Messrs. Cope, Aud, Moore of Nevada, and Pixley.

Senate bill No. 8, above reported, read first and second times, and referred to the Committee on Ways and Means.

Senate bill No. 9, above reported, read first and second times, and referred to the delegations of the Counties therein named.

Senate bill Nos. 20 and 22, above reported, read first and second times, and referred to the Tuolumne delegation.

Senate bill No. 17, above reported, read first and second times, and referred to the Amador delegation.

NOTICES OF BILLS.

Notices for the introduction of bills were given as follows:

By Mr. Connelly, for an Act to legalize a debt created by building a Court-House and Jail in San Mateo County, and to authorize the Board of Supervisors to levy a special tax to pay the same.

By Mr. Whitman, for an Act to repeal the Act incorporating the City of San Bernardino.

By Mr. Rodgers, for an Act to improve the navigation of San Antonio Creek in Alameda County.

By Mr. Torres, for an Act to amend an Act concerning the time of

holding the County Court in the County of Marin.

By Mr. Pixley, for an Act to amend an Act to establish Pilots and Pilot Regulations for the Port of San Francisco, passed May eleventh, one thousand eight hundred and fifty-four.

By Mr. Sloss, for an Act to amend an Act entitled an Act to incorporate the town of Placerville, passed May thirteenth, one thousand eight hundred and fifty-four;

Also, an Act to regulate fees in office, in the County of El Dorado.

By Mr. Holman, an Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes.

By Mr. Young, an Act concerning roads and highways in the County of Nevada.

By Mr. Banks, an Act to change the name of Walter Scott Tarbox to Walter Scott.

By Mr. Squires, an Act to regulate fees of County officers in El Dorado County.

By Mr. Vaughan, an Act to reduce the salary of the County Judge of Sutter County.

By Mr. Slingerland, an Act supplementary to an Act for securing liens to mechanics and others, approved April twenty-second, one thousand eight hundred and fifty-eight.

By Mr. Shepard, an Act to authorize the District Attorney of the City and County of San Francisco to appoint a clerk.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Cherry, an Act to authorize and empower the Board of Supervisors of the City and County of San Francisco to pay, out of the General Fund, certain claims therein mentioned.

Read first and second times, and referred to San Francisco delegation.

By Mr. Buck, an Act to repeal an Act entitled "An Act concerning roads and highways in and for the Counties of Tuolumne and Alameda," passed April sixteenth, one thousand eight hundred and fifty-eight, so far as the same relates to the County of Tuolumne.

Read first and second times, and referred to the Tuolumne delegation.

By Mr. Banks, an Act authorizing the Board of Supervisors of the City and County of San Francisco to appoint Commissioners to prepare plans and specifications for a bulkhead for the protection of the harbor of San Francisco.

Read first and second times, and referred to San Francisco delegation.

By Mr. Caldwell, an Act to amend an Act amendatory of "An Act to authorize the Board of Supervisors of Nevada County to levy a special tax for County purposes," approved February twenty-seventh, one thousand eight hundred and fifty-eight.

Read first and second times, and referred to Nevada delegation.

Assembly bill No. 8, an Act to fix the terms of the Probate Court in and for the County of Tuolumne, taken from file, and ordered engrossed.

At twenty minutes past twelve o'clock, M., the House, on motion of Mr. Taylor, adjourned until eleven o'clock, A. M., to-morrow.

IN ASSEMBLY.

FRIDAY, January 14, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

Mr. Hill had leave of absence for one day.

MINORITY REPORT.

The following minority report, in the contested election case of J. S. Tipton, was made by Mr. Lull.

MR. SPEAKER:—In the matter of the contested election from El Dorado County, the undersigned, after a careful consideration of the testimony on record in the case, respectfully submits this minority report:

The importance of the political question, affecting a populous County of the State, as well as a respect to the opinion of the majority, require that reasons should be assigned for this difference in opinion.

The statement of the contestant, W. K. Hoyt, as the only ground of contesting the seat of J. S. Tipton, alleges that the Board of Supervisors of El Dorado County neglected and refused to canvass the election returns of Tennessee Precinct, in White Oak Township, in said County, for the reasons that said returns did not declare the office for which the respective persons therein named were voted for. The testimony accompanying the statement of the contestant establishes these facts:

First—That the Board of Supervisors of said County established said Precinct at a regular session of the Board, and appointed officers of election; and that an election was fairly and honestly held at said Precinct at the general election, on the first day of September, A. D. one thousand eight hundred and fifty-eight.

At said election, Hoyt received twenty-three, and Tipton received seven votes for Assemblyman

Although the returns do not show that the candidates were voted for as Assemblymen, yet it is in evidence that the election was by ballot; that the ballots were printed, and all designated the office for which the respective candidates received the votes. By rejecting the returns from said Precint, Tipton has a majority; while, if said returns had been allowed, Hoyt would have received a majority of the whole vote of said County. It is contended, by the majority of the Committee, that the evidence on record shows that there were illegal votes cast at said Precinct, for Hoyt, sufficient in number, if even the returns were received, to give Tipton a majority of the aggregate vote of the County.

While this allegation, on the part of the majority, is respectfully controverted, it is submitted that no question of the kind is raised by the statement of the contestant.

We are not called upon to determine nice questions of special pleading. Sitting as the tribunal established by the Constitution to protect a district of the Commonwealth in the right of franchise, we are restrained by none of the trammels of mere Courts of law, and are called upon to exercise the soundest discretion consistent with political justice and constitutional law. Therefore, inasmuch as the questions of illegality and fraud

or corruption have not been alleged to set aside said election, it is incompetent for the majority voluntarily to raise such questions, while the contestant is not called upon to meet them, nor the Assembly to take cognizance of them. Well-established precedents, in adjudicated cases before the United States Congress, sustain this position.

The single and simple question for us to determine, is, whether the irregularity or informality in the returns of said Precint are so glaring as to vitiate the election. It is not necessary to inquire into the conduct of the Board of Supervisors, whether they acted legally or not. It is a sufficient answer to their conduct to refer to the statute, which expressly provides that the returns of an election *shall not* be rejected where the meaning thereof can be ascertained.

The Constitution of this State makes the Assembly the judge of "the qualifications, elections, and returns of its members." The Assembly, therefore, has independent control and jurisdiction in determining the qualification of its members. This body is perfectly independent of the Boards of Supervisors of the several counties, and may disregard and reject their Certificates of Election. The Certificate of Election given by authority of a Board of Supervisors is not conclusive—at most, it is only *prima facie* evidence of right.

The Assembly may, therefore, in its discretion, inquire into the whole election to determine the qualification of a member. It will never, however, unless under rare inducements of public necessity, inquire beyond the issues made up by the parties to a contest.

In this case, if we follow precedent, we will not turn aside from the only issue, to determine questions of illegality, fraud, or citizenship, which are not raised by the contestant, and which, if once admitted, would lead into interminable inquiry into the legality of the entire election in El Dorado.

I have, therefore, but to submit the simple proposition, that the returns from said Precinct give to Mr. Hoyt a certain number of votes; that the ballots voted designated that he received the votes for Assemblyman; and that if allowed to him he would have a clear majority of all the votes of said County. No reasonable mind can avoid this conclusion, nor resist the force of judgment that awards to Mr. Hoyt the seat occupied by Mr. Tipton.

It is contended, however, that the election at said Precinct is utterly void, from the fact the Officers of Election were not sworn according to law.

In reply to this, I will select, from a number of authorities, a single example, to prove its fallacy.:

The case of Potterfield *v.* McCoy, in the fourteenth session of Congress, was a contested election from the State of Virginia, and turned upon the strict construction of State Statutes. There, the Officers of Election were not sworn at all.

Congress, in this case, declare "that it is not essential that the Clerks should be sworn *before* the poll; it is sufficient that they make oath to the truth of their return after."

This case is directly in point, and serves to illustrate the difficulty in which the majority of the Committee are involved.

The Officers of Election of Tennessee Precinct were regularly appointed, and their oath of office was administered by a person having no authority. At most, this act would amount to a nullity; it would be as if they had not taken the oath at all. It certainly is not sufficient to vitiate the election, and, in the absence of any charge of fraud or corrup-

tion, to disfranchise the free citizens of the Precinct. But, fortunately for ourselves and for the rights of those we sit here to adjudicate, any difficulty is overcome by the fact that all of the officers do solemnly swear, before a competent authority, that the returns are correct, and that the election at said Precinct was conducted in other respects according to law, fairly and honestly.

Here there is no room for cavil, doubt, or uncertainty. The proper officers, appointed by the Board of Supervisors of the County, come before this tribunal, and, with solemn affidavits, before you, swear to the truth and correctness of the returns, and that the election was conducted fairly and honestly.

In the face of such conclusive testimony, in the presence of precedents, established by the highest political authority, with our own statute disapproving the rejection of returns for mere informality, I can not do otherwise than recommend that W. K. Hoyt be entitled to the seat occupied by J. S. Tipton. To do otherwise, would be to act in opposition to the spirit and letter of our State laws; would be opposed to the action of Congress in like cases, and would unjustly disfranchise a portion of the citizens of El Dorado County.

I therefore submit this minority report, with the accompanying resolution.

LOUIS R. LULL.

Resolved, That W. K. Hoyt is entitled to the seat occupied by J. S. Tipton, as Member of Assembly from El Dorado County.

Mr. Sloss offered the following resolution:

Resolved, That the report of the Committee in the matter of the contested election from El Dorado County, be made the special order of the day for Wednesday next, at twelve o'clock, and that the parties thereto be permitted to appear by attorney.

For which Mr. Laspeyre offered the following as a substitute, which was adopted:

Resolved, That the House take up the case of Hoyt *v.* Tipton, and dispose of the matter to-morrow, at twelve o'clock.

The following resolution was offered by Mr. Lamar, and adopted:

Resolved, That Edward F. Conway be allowed one week's pay as Clerk of the Committee on Elections, payable out of the Contingent Fund of the Assembly.

The following message was received from the Senate:

SENATE CHAMBER,
January 14, 1859.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, yesterday, passed Senate Concurrent-Resolution No. 6, relative to printing reports of different State Officers, and ask the concurrence of the Assembly;

Also, passed Senate bill No. 6, "An Act creating the Sixteenth and

Seventeenth Judicial Districts of this State, and providing for the holding of Courts therein;"

Also, refused to concur in Assembly amendments to Senate bill No. 7, an Act to amend "An Act to establish the pay of officers and employés of the Senate and Assembly, and to repeal existing laws relating thereto," approved April twenty-sixth, one thousand eight hundred and fifty-eight;

Also, have passed Senate bill No. 29, "An Act to legalize an order of the Court of Sessions of the County of Siskiyou, and all the proceedings had thereunder, and dependent thereon;"

Also, Senate bill No. 28, "An Act relating to the Coroner of the City and County of San Francisco."

E. C. PALMER, Secretary of Senate.

The House concurred in Senate Concurrent-Resolution, No. 6, above reported.

Senate bill No. 6, above reported, read first and second times, and referred to the Judiciary Committee.

The House refused to recede from its amendment to Senate bill No. 7, above reported.

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

Resolved, That this House adjourn, as a mark of respect, to give the members an opportunity to attend the funeral of Mrs. Senator Lansing.

And, at ten minutes before twelve o'clock, M., the House adjourned until eleven o'clock, A. M., to-morrow.

IN ASSEMBLY.

SATURDAY, January 15, 1859.

House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

Mr. Daggett had leave of absence for two days.

REPORTS.

Mr. Cope made the following report:

MR. SPEAKER:—The Judiciary Committee, to whom was referred Senate bill No. 6, an Act creating the Sixteenth and Seventeenth Judicial Districts of this State, and providing for the holding of Courts therein, have had the same under consideration, and report the bill back, with amendments, and recommend the passage of the bill, as amended.

The same Committee, to whom was referred Senate bill No. 26, an act to legalize and confirm the general and supplementary assessment-rolls, the publication of the same, and to extend the time for the collection of revenue in the Counties of Sonoma, Mendocino, and Sutter, have had the same under consideration, and respectfully beg leave to report the bill back to the House, and recommend its passage.

W. W. COPE, Chairman.

Mr. Howe made the following report:

MR. SPEAKER:—The Tuolumne Delegation, to whom was referred Senate bill No. 22, an Act to regulate fees in office in the County of Tuolumne, report the same back, without amendments, and recommend its passage.

ROBERT HOWE, for the Delegation.

RESOLUTIONS.

The following resolution was offered by Mr. Aud, and adopted:

Be it Resolved, By the Assembly, the Senate concurring, that our Senators in Congress be instructed, and our Representatives requested, to urge upon Congress, by every honorable means in their power, persistently and energetically until they shall meet with success, the payment to the State of California, from the General Government, of the two millions seven hundred and six thousand five hundred and twelve dollars ($2,706,512) revenue collected from our people prior to our admission into the Union.

Resolved, That the Governor be requested to transmit to our Senators and Representatives in Congress a copy of the foregoing resolution.

Resolutions were offered and adopted, as follows:

By Mr. Shannon:

Resolved, That pending the case of Hoyt *v.* Tipton, members shall be allowed the floor no more than half an hour at any one time. The counsel for the contestant shall be allowed one hour for opening and closing his argument, and counsel for the defence three-fourths of an hour.

By Mr. Burdick:

Resolved, That the Speaker be, and he is hereby, authorized to appoint a committee of three, to act as an auditing committee for the copying of the House, who shall report on Monday of each week.

The Speaker appointed Messrs Burdick, Howe, and G. A. Douglas, such committee.

Mr. Coleman offered the following resolution:

Resolved, By the Assembly, the Senate concurring, that the State-Printer is hereby authorized to furnish one thousand copies of the Governor's Message in German, to be distributed *pro rata* amongst the members.

Laid over, under the rules.

Mr. Hines moved that Assembly bill No. 13, relative to Bulkhead at San Francisco, be taken from the San Francisco delegation and referred to the Committee on Commerce and Navigation.

Lost.

NOTICES OF BILLS.

Notices for the introduction of bills were given as follows:

By Mr. Mathews, for an Act granting the privilege to certain parties

in Napa County to erect a Dock and Dam at or near Suscol, in said County.

By Mr. Lightner, an Act to impose a tax upon the Indians within this State.

By Mr. Cope, an Act concerning the office of Supreme Court Reporter.

By Mr. Fuller, an Act to provide against the adulteration of wines and liquors.

By Mr. Banks, an Act to amend section one hundred and seventy-nine of an Act concerning corporations for religious, benevolent, literary, and scientific purposes

By Mr. Bates, an Act authorizing the Board of Supervisors of Trinity County to levy a special tax, and to create a redemption fund, for the payment of County indebtedness.

By Mr. Laspeyre, an Act for the relief of E. F. Jones, Treasurer of San Joaquin County.

By Mr. Cutler, an Act for the relief of the County Judge of Solano County.

By Mr. Moore of Nevada, an Act to change the name of certain parties, residents of Nevada County.

By Mr. Aud, an Act to amend the Civil Practice Act of this State.

By Mr. Lull, an Act to enable poor suitors to prosecute actions in civil cases.

By Mr. Street, of a resolution to change the Standing Rules of the House as to order of business, changing "motions and resolutions" from the fourth order to the eleventh order.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Canon, for an Act for the relief of David Weaver.

Read first and second times, and referred to the delegation from Butte.

By Mr. Taylor, for an Act amendatory of an Act entitled An Act to provide revenue for the support of the Government of this State, passed May 15, 1854.

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

By Mr. Young, for an Act concerning Roads and Highways in the County of Nevada.

Read first and second times, and referred to the Nevada delegation.

By Mr. Lamar, for an Act to repeal an Act entitled an act to provide for the registration of marriages, births, divorces, and deaths, in California, and to abolish the office of State Registrar.

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

By Mr. Street, for an act providing for a more complete survey and location of the boundary-lines between the Counties of Shasta, Plumas, Siskiyou, and Tehama.

Read first and second times, and referred to Delegation named in bill.

By Mr. Shepard, for an Act to authorize the DistrictA-ttorney of the City and County of San Francisco to appoint a Clerk.

Read first and second times, and referred to the San Francisco Delegation.

By Mr. Shannon, for an Act to regulate fees of witnesses in criminal cases.

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

By Mr. Connely, for an Act concerning roads and highways.

Read first and second times, referred to Committee on Roads and Highways, and ordered printed.

THIRD READING OF BILLS.

Assembly bill No 8, an Act to fix the terms of the Probate Court in and for the County of Tuolumne, read third time, and passed.

Senate bill No. 23, an act to authorize the Board of Supervisors in and for the County of Plumas to levy a special tax for building purposes in said County, read third time, and passed.

Senate bill No. 28, an Act relating to the Coroner of the City and County of San Francisco, read first and second times, and referred to the San Francisco Delegation.

Senate Bill No. 29, an Act to legalize an order of the Court of Sessions in the County of Siskiyou, and all the proceedings had thereunder and dependent thereon, read first and second times, and placed on file.

SPECIAL ORDER OF THE DAY.

The special order of the day, the contested election case of Hoyt *v.* Tipton, was considered in Committee of the Whole, Mr. Young in the Chair. G. D. Hall, Esq., appeared for the contestant, and D. K. Newell, Esq., for the sitting member. The Committee rose, recommended the adoption of the majority report of the Committee on Elections, and were discharged.

Mr. Robberson offered the following resolution:

Resolved, That the majority report of the Committee on Elections, in the case of Hoyt *v.* Tipton, be adopted, and that J. S. Tipton retain his seat.

To which Mr. Sloss offered the following substitute:

Resolved, That the matter of the contested election from El Dorado County be referred back to the people of the County for decision, and that the seat be declared vacant.

On the adoption of the substitute, Messrs. Sloss, Cherry, and Shepard, demanded the ayes and noes, and it was lost, by the following vote:

AYES—Messrs. Banks, Briggs, Caine, Caldwell, Canon, Cherry, G. A. Douglas, Duncombe, Ensworth, Fuller, Hill, Jackson, Lull, Moore of Nevada, Moore of San Francisco, Murray, Pixley, Shannon, Shepard, Sheridan, Slingerland, Sloss, Watkins, and Whealdon—24.

NOES—Messrs. Armstrong, Aud, Barclay, Bates, Buck, Burdick, Cahalan, Coleman, Condee, Connelly, Cope, Cutler, G. N. Douglass, Dow, Dunlap, Eagon, Gwinn, Gregory, Hancock, Hines, Holman, Howe, Johnson, Lamar, Laspeyre, Lightner, Mount, Roane, Robberson, Rodgers, Springer, Squires, Street, Tully, Vaughan, Wing, Whitman, Young, and Mr. Speaker —39.

On the adoption of the original resolution, Messrs. Cherry, Caldwell,

and Sloss, demanded the ayes and noes, and it was adopted, by the following vote:

AYES—Messrs. Armstrong, Aud, Barclay, Bates, Buck, Burdick, Cahalan, Coleman, Condee, Connely, Cope, Cutler, G. N. Douglass, Dow, Dunlap, Eagon, Gregory, Gwinn, Hancock, Hines, Holman, Howe, Johnson, Lamar, Laspeyre, Lightner, Malarin, Mount, Pico, Roane, Robberson, Rodgers, Sheridan, Sloss, Springer, Squires, Street, Tully, Vaughan, Wing, Whitman, Young, and Mr. Speaker—43.

NOES—Messrs. Banks, Briggs, Caine, Caldwell, Canon, Cherry, G. A. Douglas, Duncombe, Ensworth, Fuller, Hill, Jackson, Lull, Moore of Nevada, Moore of San Francisco, Murray, Pixley, Shannon, Shepard, Slingerland, Watkins, and Whealdon—22.

Mr. Sloss gave notice of reconsideration.

Mr. Lamar offered the following resolution:

Resolved, That W. K. Hoyt, contestant in the case of Hoyt *v.* Tipton, be allowed the usual per diem and mileage of a Member of Assembly up to this day, inclusive of the same, payable out of the Contingent Fund.

On the adoption of the resolution, Messrs. Buck, Tully, and Coleman, demanded the ayes and noes, and it was carried, by the following vote:

AYES—Messrs. Aud, Banks, Barclay, Briggs, Burdick, Caine, Caldwell, Cahalan, Canon, Cherry, Coleman, Condee, Connely, Cope, Cutler, G. A. Douglas, G. N. Douglass, Duncombe, Dunlap, Eagon, Ensworth, Fuller, Hancock, Hill, Hines, Jackson, Lamar, Laspeyre, Lightner, Lull, Malarin, Moore of Nevada, Moore of San Francisco, Mount, Murray, Pico, Pixley, Robberson, Rodgers, Shannon, Sheridan, Slingerland, Sloss, Springer, Squires, Street, Vaughan, Watkins, Whealdon, Wing, Whitman, and Mr. Speaker—52.

NOES—Messrs. Buck, Dow, Gregory, Gwinn, Howe, Johnson, Roane, and Tully—8.

Mr. Coleman gave notice of reconsideration.

At five minutes past two o'clock, P. M., on motion of Mr. Vaughan, the House adjourned until Monday morning, at eleven o'clock.

IN ASSEMBLY.

MONDAY, January 17, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of Saturday was read and approved.

Mr. Torres had leave of absence until Wednesday, and Messrs. Taylor and Crenshaw, for one day each.

Mr. Cutler presented a petition of citizens of Solano County, concerning the County Judge of that County.

Referred to the Judiciary Committee.

Reports were made as follows:

By Mr. Cope:

MR. SPEAKER:—The Judiciary Committee, to whom was referred Assembly bill No. 4, entitled an Act to authorize Joseph S. Friedman, the administrator of Isaac S. Friedman, deceased, to sell the real estate of said deceased at private sale, have considered the same, and report the bill back, and recommend its indefinite postponement.

W. W. COPE, Chairman.

By Mr. Ensworth:

MR. SPEAKER:—The Committee appointed on the twelfth instant to examine the journalized proceedings of the House, beg leave to report that they have examined the subsequent proceedings, and find them correctly entered in the Journal up to Friday, the 14th instant, inclusive.

ENSWORTH, Chairman.

By Mr. Cherry:

MR. SPEAKER:—The Committee consisting of the San Francisco delegation, to whom was referred Senate bill No. 2, "An Act relating to the Coroner of the City and County of San Francisco," report the bill back to the House, without amendment, and recommend its passage.

CHERRY, for the Delegation.

By Mr. Howe:

MR. SPEAKER:—The Tuolumne delegation, to whom was referred Assembly bill No. 4, an Act to repeal an Act concerning roads and highways in and for the Counties of Alameda and Tuolumne, passed April twenty-sixth, one thousand eight hundred and fifty-eight, so far as the same relates to the County of Tuolumne, report the same back, and recommend its passage.

ROBERT HOWE, for the Delegation.

Assembly bill No. 14, above reported, considered engrossed, read a third time, and passed.

By Mr. Burdick:

MR. SPEAKER:—The Auditing Committee beg leave to make the following report:—They have examined the amount of copying done for the Assembly up to Saturday, the fifteenth instant, and find it as follows:

Character of Work.	Folios.	Amount.
Journal	1,595	
Copy for Printer	1,595	
Assembly bill No. 11	48	
Assembly bill No. 16	26	
Total	3,264	
Which, at twelve cents per folio, amounts to	.....	$391 68

JAMES BURDICK, Chairman.

Which was adopted.

Mr. Sloss, on leave, withdrew his notice to reconsider the vote by which, on Saturday, the House adopted the resolution in the contested election case of Hoyt *v.* Tipton, in favor of the sitting member, and changed his vote from "aye" to "no."

Mr. Coleman, on leave, withdrew his notice to reconsider the vote by which, on Saturday last, the House adopted the resolution allowing to W. K. Hoyt per diem and mileage.

Mr. Sheridan moved to reconsider the vote on the resolution referred to.

The Chair decided that it was in order for any member voting with the majority to move a reconsideration, previous notice having been given by a member voting with the majority.

Mr. DeLong appealed from the decision of the Chair.

On the question, "Shall the decision of the Chair stand as the decision of the House?" Messrs. Burdick, Lightner, and Vaughan, demanded the ayes and noes, and the decision was sustained, by the following vote:

AYES—Messrs. Armstrong, Aud, Barclay, Bates, Buck, Burdick, Cahalan, Coleman, Condee, Cutler, G. N. Douglass, Dow, Dunlap, Eagon, Ellis, Gregory, Gwinn, Hancock, Howe, Jackson, Johnson, Lamar, Laspeyre, Lightner, Lynch, Malarin, Mathews, Mount, Pico, Pixley, Roane, Robberson, Shannon, Sheridan, Sloss, Springer, Squires, Street, Tipton, Tully, Vaughan, Wing, Whitman, Whitney, and Young—45.

NOES—Messrs. Banks, Briggs, Caine, Caldwell, Canon, Cherry, Connely, Cope, DeLong, G. A. Douglas, Ensworth, Fuller, Hill, Hines, Holman, Lull, Moore of San Francisco, Murray, Rodgers, Shepard, Slingerland, Watkins, and Whealdon—23.

On the motion to reconsider the vote by which the House, on Saturday, allowed W. K. Hoyt per diem and mileage, Messrs. Squires, Robberson, and Douglass, demanded the ayes and noes, and the House refused to reconsider, by the following vote:

AYES—Messrs. Armstrong, Bates, Buck, Cahalan, Coleman, Cutler, G. N. Douglass, Dow, Eagon, Gregory, Gwinn, Howe, Johnson, Lightner, Lynch, Mount, Roane, Robberson, Sheridan, Springer, Tully, Vaughan, Whitney, Young, and Mr. Speaker—25.

NOES—Messrs. Aud, Banks, Barclay, Briggs, Burdick, Caine, Caldwell, Canon, Cherry, Connely, Cope, DeLong, G. A. Douglas, Dunlap, Ellis, Ensworth, Fuller, Hancock, Hill, Hines, Holman, Jackson, Lamar, Laspeyre, Lull, Moore of Nevada, Moore of San Francisco, Murray, Pico, Pixley, Rodgers, Shannon, Shepard, Slingerland, Sloss, Squires, Street, Watkins, Whealdon, Wing, and Whitman—41.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Street:

Resolved, That the second Standing Rule of the House be changed, making "motions and resolutions" the ninth order, in place of the fifth order.

Lost.

By Mr. Young:

Resolved, That the Sergeant-at-Arms be, and he is hereby, directed to furnish such articles of furniture and stationery, for the use of the Assembly, as can not be procured from the Secretary of State.

Lost.
By Mr. Hancock:

Resolved, That the Sergeant-at-Arms be, and he is hereby, authorized to employ a watchman.

Lost.
The following messages were received from the Senate:

SENATE CHAMBER,
January 15, 1859.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have this day receded from their disagreement, and have concurred in Assembly amendment to Senate bill No. 7, an Act to amend an Act to establish the pay of officers and employés of the Senate and Assembly, and to repeal existing laws relating thereto, approved April 26, 1858.

J. T. PENNINGTON, Assistant Secretary Senate.

SENATE CHAMBER,
January 17, 1859.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have this day passed Senate bill No. 36, an Act making an appropriation for the transportation of prisoners to the State-Prison for the tenth fiscal year.

E. C. PALMER, Sec. Senate.

Senate bill No. 36, above reported, read first and second times, and referred to Committee on Ways and Means.

SENATE CHAMBER,
Monday, January 17, 1859.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate on Saturday passed Senate bill No. 34, an Act to provide for the payment of volumes nine and ten of the Reports of the Supreme Court of the State of California.

Also, Senate bill No. 10, an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May 1, 1851.

E. C. PALMER, Secretary Senate.

Senate bill No. 34, above reported, read first and second times, and referred to Committee on Claims.

Senate bill No. 10, above reported, read first and second times, and referred to Judiciary Committee.

NOTICES OF BILLS.

Notices of introduction of bills were given as follows:

By Mr. DeLong, an Act to regulate the Fire Department of the City of Marysville.

Also, an Act to exempt firemen from militia-duty, jury-duty, and payment of poll-taxes.

By Mr. Shepard, to amend the fifty-seventh rule of the House, as follows: Amend by striking out in line four the words "by giving," and insert in lieu thereof the words "when any one of such majority shall have given."

By Mr. Dunlap, an Act to define the boundary-lines of Tehama County.

By Mr. Young, an Act to abolish the appointing power of the Executive of the State, to remove all present incumbents, and repeal all laws relating thereto.

By Mr. Mount, an Act amending section two hundred and thirty-seven (being Article nine hundred and seventy of Wood's Digest,) of an Act of April 29, 1851, entitled an Act to regulate proceedings in civil cases.

By Mr. Jackson, an Act to re-organize the Public Schools of California, and to repeal the present School Laws.

By Mr. Caine, an Act to repeal the Act to incorporate the Town of Oroville, approved March 14, 1857.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Ensworth, an Act to grant the right to construct a bridge across the Colorado River, at or near Fort Yuma, to certain parties therein named.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Cutler, an Act concerning the County Judge of Solano County.

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

By Mr. DeLong, an Act concerning interest on money, and to prevent usury.

Read first and second times, referred to the Judiciary Committee, and ordered printed.

Also, an Act to exempt firemen from militia-service, jury-duty, and the payment of poll-tax, and repealing all Acts heretofore existing relative thereto, and conflicting with this Act.

Read first and second times, referred to Committee on Ways and Means, and ordered printed.

Also, an Act to regulate the fire department of the city of Marysville.

Read first and second times, and referred to the Yuba delegation.

By Mr. Banks, an Act to change the name of Walter Scott Tarbox to Walter Scott.

Read first and second times, and placed on file.

By Mr. Holman, an Act to authorize the Governor to issue patents to parties who have made locations upon the public lands in this State with State School-land Warrants.

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

By Mr. Hill, an Act to repeal an Act entitled "An Act to prevent the immigration of Chinese and Mongolians to this State," approved April twenty-sixth, one thousand eight hundred and fifty-eight.

Read first and second times, and placed on file.

By Mr. Connely, an Act to legalize a debt against San Mateo County, and to authorize the Board of Supervisors to levy a special tax to pay the same.

Read first and second times, and referred to San Mateo delegation.

By Mr. Cope, an Act to provide for the appointment of a Supreme Court Reporter, and to define his duties and compensation.

Read first and second times, referred to Committee on Ways and Means, and ordered printed.

Also, proposed amendments to the Constitution of the State of California.

Read first and second times, referred to the Joint Committee on the Constitution, and ordered printed.

By Mr. Shannon, an Act supplementary to and amendatory of an Act entitled "An Act to prohibit gaming," passed April twenty-seventh, one thousand eight hundred and fifty-seven.

Read first and second times, and referred to the Committee on Public Morals.

By Mr. Eagon, an Act to separate the office of Collector of Taxes from the office of Sheriff, in the County of Amador.

Read first and second times, and referred to the Amador delegation.

By Mr. Bates, an Act to authorize the Board of Supervisors of Trinity County to levy a special tax, and create a redemption fund for the payment of County indebtedness.

Read first and second times, and referred to the Trinity delegation.

GENERAL FILE.

Senate bill No. 6, an Act creating the Sixteenth and Seventeenth Judicial Districts of this State, and providing for the holding of Courts therein—amendments of Committee adopted, and again ordered on file.

Senate bill No. 22, an Act to regulate the fees of certain officers in the County of Tuolumne;

And Senate bill No 29, an Act to legalize an order of the Court of Sessions of the County of Siskiyou, and all the proceedings had thereunder and dependent thereon;

Were read a third time, and passed.

Senate bill No. 26, an Act to legalize and confirm the general and supplementary assessment-rolls, the publication of the same, and to extend the time for the collection of revenue in the Counties of Sonoma, Mendocino, and Sutter—amended, read a third time, and passed.

Mr. Cutler gave notice of a reconsideration of the vote just taken.

Mr. Tipton made the following report, which was adopted:

MR. SPEAKER:—The Committee on Mileage beg leave to report the mileage due W. K. Hoyt, contestant for the seat held by J. S. Tipton, by virtue of a resolution passed Saturday, fifteenth instant, to be twenty-eight dollars, for seventy miles travel.

TIPTON, Chairman.

Mr. Canon made the following report:

MR. SPEAKER:—The Special Committee composed of the delegation from Butte County, to whom was referred Assembly bill No. 23, an Act for the relief of David Weaver, herewith report the same back to the House, and recommend its passage.

F. E. CANON,
T. P. CAINE.

Assembly Concurrent-Resolution No. 13, relative to printing the Governor's Message in German, taken from the file, and lost.

Assembly Concurrent-Resolution No. 10, relative to an appropriation by Congress to complete the road over the Sierra Nevadas, on the route known as the "Central Overland Route," taken from the file, amended, and referred to the Committee on Federal Relations.

At ten minutes past two o'clock, P. M., on motion of Mr. Briggs, the House adjourned until eleven o'clock, A. M., to-morrow.

IN ASSEMBLY.

TUESDAY, January 18, 1859.

House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

Messrs. Daggett and Crenshaw had leave of absence for one day each.

Mr. Street made the following report:

MR. SPEAKER:—The Committee on Ways and Means, to whom was referred Senate bill No. 36, entitled "An Act making an appropriation for the transportation of prisoners to the State-Prison for the tenth fiscal year," having had the same under consideration, ask leave to report it back, recommending its passage, without amendment.

C. R. STREET,
Chairman of Committee on Ways and Means.

Mr. Eagon, from Amador delegation, verbally reported and recommended the passage of Senate bill No. 17, "An Act concerning the office of County Clerk of the County of Amador."

Mr. Bates made the following report:

MR. SPEAKER:—The delegation from Trinity, to whom was referred Assembly bill No. 32, "An Act authorizing the Board of Supervisors of Trinity County to levy a special tax, and create a redemption fund for the payment of County indebtedness," have had the same under consideration, and respectfully report the same back to the House, without amendment, and recommend its passage.

BATES.

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

Resolved, That a committee be appointed by the Speaker to take into consideration that portion of the Governor's Message relating to primary elections.

The Speaker appointed Messrs. Young, Cutler, and Murray, such Committee.

The following message was received from the Senate:

SENATE CHAMBER,
January 17, 1859.

MR SPEAKER:—I am directed to inform the Assembly that the Senate have, this day, passed Senate bill No. 42, "An Act supplemental to the Act entitled an Act to create a Board of Examiners, to define their powers

and duties, and to impose certain duties upon the Controller and Treasurer, approved April twenty-first, one thousand eight hundred and fifty-eight.

E. C. PALMER, Secretary of Senate.

Senate bill No. 42, above reported, read first and second times, and referred to the Committee on Ways and Means.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Hill, an Act amendatory of an Act entitled "An Act concerning official and other bonds," approved April second, one thousand eight hundred and fifty-seven.

By Mr. Shepard, an Act to repeal an Act entitled "An Act to amend section twenty of an Act to regulate proceedings in civil cases in the Courts of Justice of this State," passed April twenty-ninth, one thousand eight hundred and fifty-one, and which became a law by operation of the Constitution, March twenty-fourth, one thousand eight hundred and fifty-eight.

By Mr. Thomas, an Act to prohibit the intermarriage of first cousins.

By Mr. Murray, an Act to amend an Act entitled "An Act prescribing the mode of maintaining and defending possessory actions on public lands in this State," approved April twentieth, one thousand eight hundred and fifty-two.

By Mr. Connely, an Act to amend the fifth section of an Act entitled an Act to create a Board of Supervisors in the Counties of this State, and to define their powers and duties.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Cope, an Act to regulate the fees of certain officers in Amador.

Read first and second times, and referred to the Amador delegation.

By Mr. Caine, an Act to repeal an Act entitled an Act to repeal an Act entitled an Act to incorporate the Town of Oroville, and an Act amendatory of and supplementary to an Act to incorporate the Town of Oroville.

Read first and second times, and placed on file.

By Mr. Mount, an Act amendatory of an Act to regulate proceedings in civil cases.

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

GENERAL FILE.

Assembly bill No. 29, an Act to change the name of Walter Scott Tarbox to Walter Scott, ordered engrossed.

Assembly bill No. 23, an Act for the relief of David Weaver, ordered engrossed.

Assembly bill No. 28, an Act to repeal an Act entitled an Act to prevent the further immigration of Chinese and Mongolians to this State, approved April twenty-sixth, one thousand eight hundred and fifty-eight, considered engrossed, read third time, and passed.

Senate bill No. 28, an Act relating to the Coroner of the City of San Francisco, read third time, and passed.

Assembly bill No. 4, an Act authorizing Joseph S. Friedman, the Ad-

ministrator of Isaac S. Friedman, deceased, to sell the real estate of said deceased at private sale, indefinitely postponed.

Senate bill No. 6, an Act creating the Sixteenth and Seventeenth Judicial Districts of this State, and providing for the holding of Courts therein, taken from the file, and made the special order for Friday next, at 12 o'clock.

On motion of Mr. Aud, the House went into Committee of the Whole, Mr. Aud in the Chair, to consider the contested election case of Charles Duncombe. James H. Hardy, Esq., appeared for the contestant, and Hon. Tod Robinson for the sitting member. After spending some hours in considering the same, the Committee rose, reported progress, and had leave to sit again.

At fifty minutes past three o'clock, P. M., on motion of Mr. Moore of Nevada, the House adjourned until eleven o'clock to-morrow morning.

IN ASSEMBLY.

WEDNESDAY, January 19, 1859.

House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

REPORTS.

Mr. Cope, Chairman of the Judiciary Committee, made the following report:

MR. SPEAKER:—The Judiciary Committee, to whom was referred Assembly bill No. 21, "An Act to regulate fees of witnesses in criminal cases," have considered the same, and report the bill back, with amendments, and recommend its passage as amended.

The same Committee, to whom was referred Assembly bill No. 6, "An Act to amend an Act entitled an Act to regulate proceedings in criminal cases," have considered the same, and report the bill back, recommending its indefinite postponement.

The same Committee, to whom was referred Assembly bill No. 34, "An Act concerning the County Judge of Solano County," have considered the same, and report the bill back to the House, recommending its indefinite postponement.

W. W. COPE, Chairman.

Mr. DeLong, from the same Committee, made the following

MINORITY REPORT:

MR. SPEAKER:—The minority of your Committee, to whom was referred Assembly bill No. 6, for an Act entitled "An Act to amend the criminal practice of this State," beg leave to submit the following report:

The amendment arrived at by this bill is simply to restore the original practice of this State, thereby, in all criminal cases, giving the defendant the closing argument to the jury. This we believe to be just, wise, and humane; a practice in which we are sustained by the legislative wisdom

of a majority of the Atlantic States, particularly the State of New York, from whose Statutes ours are very largely copied.

The Statute of the State of New York, entitled "Code of Criminal Procedure," section 5, article 460, reads as follows: "When the evidence is concluded, unless the case is submitted to the jury on either side, or on both sides, without argument, the counsel for the People must commence, and the defendant, or his counsel, may conclude the argument to the jury." From this Statute ours was literally copied, and continued to be the practice of this State until the year one thousand eight hundred and fifty-four, when it was amended as it now stands—giving the People the right to the closing argument, forming and following the dictates of the barbarous and nearly obsolete practice of the Common Law in criminal cases, a practice which seemed to aim at nothing but a conviction after arrest. Therefore, we are, in our opinions relative to this bill, fortified at least by as high authority as can be obtained, and are therefore making no experimental innovation into, or upon, the practice in criminal cases, when tested by statutory authority.

We further consider this proposed amendment wise and humane, when considered in a point of view in accordance with the highly-civilized and progressive spirit of the age; for if it is said that the right of the closing argument is of no value to either party, then it can do no harm to change the practice, and defeats completely the argument that has been used by the opposition, to wit: "That criminals now have sufficient opportunities to escape, and that the State already labors under too many disadvantages;" and if it is an advantage, it is one that we, your Committee, deem should be extended to the crime-charged culprit; for if, by the exercise of that privilege alone, in any case, a verdict of acquittal may be obtained, the evidence in such case must indeed be too infirm, and too loose, to justify a conviction; and it is in consonance with public opinion, long established, that 'twere better the guilty should escape than that the innocent should suffer.

For these reasons, and many more which might be offered, we report the same back, and recommend the passage of the bill.

C. E. DELONG.

By Mr. Lynch:

MR. SPEAKER: The Committee on Engrossment have examined the following bills, and find them correctly engrossed:

Assembly bill No. 14, "An Act to repeal an Act entitled an Act concerning roads and highways in and for the Counties of Tuolumne and Alameda," passed April twenty-sixth, one thousand eight hundred and fifty-eight, so far as the same relates to the County of Tuolumne.

Assembly bill No. 23, "An Act for the relief of David Weaver."

Assembly bill No. 29, "An Act to change the name of Walter Scott Tarbox to Walter Scott."

Assembly Bill No. 28, an Act to repeal an Act entitled "An Act to prevent the further immigration of Chinese and Mongolians to this State," approved April twenty-sixth, one thousand eight hundred and fifty-eight.

PHILIP LYNCH, Chairman.

On motion of Mr. DeLong, the House again went into Committee of the Whole, Mr. DeLong in the Chair, further to consider the contested election case of Charles Duncombe. The parties appeared by counsel, as on yesterday. After spending several hours in the consideration of the case, the Committee rose, reported progress, and had leave to sit again.

At three o'clock, P. M., on motion of Mr. Gregory, the House adjourned until eleven o'clock, A. M., to-morrow.

IN ASSEMBLY.

THURSDAY, January 20, 1859.

House met, pursuant to adjournment.
Speaker in the Chair.
A quorum being present, the Journal of yesterday was read and approved.
Mr. Taylor had indefinite leave of absence.
Mr. Squires made the following report, which was adopted:

MR. SPEAKER:—Your Committee on Public Expenditures and Accounts have examined the account of P. McManus & Co., for raising platform of Speaker's desk, and carpeting, amounting to ten dollars; Houghton & Co., for fifteen copies of the "Daily Register," for two weeks, amounting to seven dollars and fifty cents; "Daily Morning Call," for subscription of three members, amounting to four dollars and eighty-five cents; R. H. McDonald, for paste and brushes, amounting to two dollars and twelve cents; J. R. Hardenburgh, for postage-stamps and envelopes, amounting to eight hundred and ninety-seven dollars; also, account for copying done for Assembly, reported to be correct by your Auditing Committee, amounting to three hundred and ninety-one dollars and sixty-eight cents; and have instructed me to report the same to you, and recommend the payment of the same. Respectfully,

OGDEN SQUIRES, Chairman.

The following communication was received from the Board of Examiners:

SACRAMENTO, January 18, 1859.

To the Assembly of California:

The following rewards, offered by the Governor, have not been paid, because no specific appropriation was made therefor, to wit:

Object.	Amount.
F. Castro, Sheriff of San Luis Obispo, reward for apprehension of one Ro. Lanares, as per proclamation of Governor.....	$500 00
John C. Boggs, for arresting one escaped convict, Thomas Lawrence, as per proclamation of Governor	50 00
J. Cardwell, for reward, arresting James Reed, an escaped convict; vouchers delivered to the officer and owner.....	50 00
Charles P. O'Neill, for reward, arresting Lewis Bowman and George Greene, escaped convicts; vouchers for the same delivered to the officer and owner.....	100 00
Charles P. O'Neill, for reward, arresting Peter Metz, an escaped convict; vouchers for the same delivered to the officer and owner.....	50 00

Object.	Amount.
Charles Doane, Sheriff of San Francicso, for reward, arrest of George W. Wardwell, an escaped convict; vouchers delivered to Sheriff	50 00
R. W. Lees, police officer, San Francisco, reward for arrest of escaped convict, John Knox; vouchers delivered to officer and owner	50 00
James F Curtis, for reward for apprehension of George Wardwell, an escaped convict; vouchers delivered to owner	200 00
S. W. Boring, for reward, apprehension of one convict; vouchers delivered to owner	50 00
John Sedgwick, Sheriff of Tuolumne County, for arrest of King W. Fulsom, an escaped convict; vouchers delivered to owner	50 00
E. Bogardus, Sheriff of El Dorado County, reward for arresting John J. Levingston; vouchers delivered to owner	50 00
John Sale, reward for arresting Thomas Fornaspin; vouchers delivered to owner	50 00
Daniel Gay, reward for arresting Martin Johnson, an escaped convict; vouchers delivered to owner	50 00
N. D. Plum, reward for arresting Whitman Valentine, an escaped convict; voucher delivered to owner	50 00
Total	$1,350 00

We respectfully recommend the payment of these claims.

JOHN B. WELLER, Governor,
F. FORMAN, Secretary of State,
THOS. H. WILLIAMS, Attorney-General.
} Board of Examiners.

The following message was received from the Senate:

SENATE CHAMBER,
January 19, 1859.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate on yesterday adopted Senate Concurrent-Resolution No. 9, "Relative to the decision of the Supreme Court on the constitutionality of the law prohibiting the immigration of Chinese to this State, and also for the better observance of the Sabbath," and ask the concurrence of the Assembly;

Also, have adopted Assembly Concurrent-Resolution No. 4, "Concerning the Placerville and Salt Lake Telegraph."

E. C. PALMER, Secretary of Senate.

Senate Concurrent-Resolution, above reported, having been taken up, Mr. Ellis moved to amend by striking out all after the word "day," in the last line, and inserting "by bill or otherwise."

Lost.

Mr. Mount offered the following substitute:

Resolved, By the Assembly, the Senate concurring, that the Commit-

tees on the Judiciary inquire into the expediency of framing a law relative to the better observance of the Sabbath, and report thereon, by bill or otherwise.

To which Mr. DeLong offered the following amendment:

"Also, a law relative to Chinese immigration."

On motion of Mr. Sheridan, the question on the substitute and its amendment was divided, and the substitute of Mr. Mount was adopted, and the amendment of Mr. DeLong was lost.

Mr. Burdick moved to lay the substitute on the table, upon which, Messrs. Cherry, Dunlap, and Barclay, demanded the ayes and noes, and it was laid on the table, by the following vote:

AYES—Messrs. Armstrong, Aud, Bates, Briggs, Burdick, Caldwell, Cahalan, Coleman, Condee, Connely, Crenshaw, Daggett, DeLong, G. A. Douglas, Dow, Duncombe, Hill, Hines, Johnson, Lamar, Lefever, Lies, Lightner, Lull, Malarin, Moore of Nevada, Murray, Pico, Roane, Shannon, Shepard, Slingerland, Street, Thomas, Tully, Whitney, Young, and Mr. Speaker—38.

NOES—Messrs. Banks, Barclay, Buck, Caine, Cherry, Cutler, G. N. Douglass, Dunlap, Eagon, Ellis, Fuller, Gwinn, Hancock, Holman, Howe, Jackson, Laspeyre, Lynch, Mathews, Mount, Pixley, Robberson, Rodgers, Sheridan, Sloss, Springer, Squires, Tipton, Torres, Vaughan, Watkins, Whealdon, and Whitman—33.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. DeLong, an Act to grant the right to construct and maintain a bridge across the Feather River.

Read first and second times, and referred to the Yuba and Sutter delegations.

By Mr. Pixley, proposed amendments to the Constitution of the State of California.

Read first and second times, and referred to the Joint Committee on the Constitution.

By Mr. Shepard, an Act to authorize the formation of Joint-stock Associations, for savings, deposit, and discount.

Read first and second times, referred to the Judiciary Committee, and ordered printed.

By Mr. Banks, an Act to amend section 179 of an Act entitled "An Act concerning Corporations," passed April twenty-second, one thousand eight hundred and fifty.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Lull, an Act amendatory of, and supplementary to, the "Act defining the rights of Husband and Wife."

Read first and second times, referred to the Judiciary Committee, and ordered printed.

By Mr. Laspeyre, an Act for the relief of the County Treasurer of the County of San Joaquin.

Read first and second times, and referred to Committee on Accounts and Expenditures.

By Mr. Vaughan, an Act to reduce the salary of the County Judge of Sutter County.

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

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Cope, an Act supplementary to an Act concerning Conveyances;

Also, an Act supplementary to the Act concerning the writ of *Habeas Corpus;*

Also, an Act to amend the Act concerning Conveyances.

By Mr. Holman, an Act to amend the Act concerning the office of County Judge of San Joaquin County.

THIRD READING OF BILLS.

Assembly bill No. 29, "An Act to change the name of Walter Scott Tarbox to Walter Scott," read third time, and passed.

On motion of Mr. Aud, the House considered the subject of the contested election case of Charles Duncombe, as in the Committee of the Whole. After spending several hours in the consideration thereof, the Committee had leave to sit again.

On motion of Mr. Hines, at forty-five minutes past three o'clock, P. M., the House adjourned until eleven o'clock, A. M., to-morrow.

IN ASSEMBLY.

FRIDAY, January 21, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

REPORTS.

Reports were made as follows:

By Mr. Cutler:

MR. SPEAKER:—Your Committee on Public Morals, to whom was referred Assembly bill No. 36, "An Act supplementary and amendatory of an Act entitled an Act to prohibit gaming, passed April twenty-seventh, one thousand eight hundred and fifty-seven, have had the same under consideration, and have directed me to report the same back to the House, with the following amendments: Insert in the eleventh line, after the word "dollars," and not less than one hundred dollars; and in the thirteenth line, after the word "months," and not less than one month—and recommend its passage, as amended.

CUTLER, Chairman.

By Mr. Street:

MR. SPEAKER:—The Committee on Ways and Means, to whom was referred Senate bill No. 8, entitled "An Act to repeal an Act for the appointment of a State Gauger for the Port of San Francisco," having had the same under consideration, a majority of the Committee report the same back, recommending its indefinite postponement.

The same Committe have had under consideration Senate bill No. 42, entitled "An Act supplemental to the Act entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer," and report the same back, recommending its passage, without amendment.

CHAS. R. STREET, Chairman.

The following report was made by a majority of the Committee on Ways and Means:

MR. SPEAKER:—The undersigned, a majority of your Committee on Ways and Means, to whom was referred Senate bill No. 8, having for its object the repeal of the law creating the office of State Gauger for the port of San Francisco, having had the same under consideration, ask leave to report: That, in our opinion, the necessities of trade imperatively demand that, in a great commercial port like the city of San Francisco, there should exist, by the creation of law, a responsible umpire between the seller and buyer of wines and spirituous liquors. Those articles constituting, as they do, one of the most important branches of commerce, and being so susceptible to the practice of fraud, both as to quantity and quality, it is absolutely indispensable to the promotion of legitimate commerce, that such a regulation as exists by virtue of the office of State Gauger, should interpose to secure that object. Moreover, the people of this State are directly interested in this matter, and their long and unanimous acquiescence in the operation of the Gauger law would appear to us indicative of their unqualified approval. And, as additional evidence that the people are satisfied with the law as it exists, since the subject of its repeal has been agitated in the Legislative halls, a remonstrance against that repeal has been sent up to the Legislature, numerously signed, by a respectable class of citizens, who are most immediately interested in its operation, and most cognizant of its beneficial effects, and we would respectfully suggest that too hasty legislation in the repeal of laws is often more injurious in its consequences than undue consideration before their enactment. Wherefore, we recommend the indefinite postponement of the bill.

LAMAR,
COLEMAN,
BURDICK,
T. LASPEYRE,
HENRY HANCOCK.

MINORITY REPORT.

MR. SPEAKER:—The undersigned, a minority of the Committee on Ways and Means, to whom was referred Senate bill No. 8, "An Act to repeal an Act creating the office of State Gauger," respectfully beg leave to report the same back to the House, and recommend its passage, for the following reasons:

The Act which it is now proposed to repeal is one of a number passed during the session of one thousand eight hundred and fifty-two, creating the offices of Inspectors of Flour, Beef, and Pork, Measurer of Lumber, and Gauger of Wines and Liquors. The evident prodigality and injustice of such legislation has been attended by the repeal of all the laws in question, with the exception of the one now under consideration. We

are now called upon to give our sanction to the abolition of the last of these sinecures.

All the other laws of the same character having been repealed, we can see no good reason why an invidious distinction should continue to be made against the dealers in wines and liquors. If the dealer in flour, beef, and pork, or lumber, depends entirely upon his honesty and integrity in business *for* his business, why should not the dealer in wines and liquors be placed upon the same footing? We are firmly of the opinion that no such distinction should be made against any business, believing that honesty and fair dealing is the only law that should regulate every branch of trade.

Private inspectors of flour, and other articles of commerce, are to be found in our cities, who, for a consideration, examine any of these articles when desired, and as their business depends upon the excellence and fairness of their judgment, buyers are as fully protected now as they were when such inspection was compulsory and made by a State officer. The same reasoning will apply to the case before us.

But it is contended that an inspection of wines and liquors by a State officer will prevent the adulteration of liquors. We have not been able to appreciate the force of this argument. So far from preventing frauds, we contend that it is an inducement to commit them. There is no means of preventing a dishonest dealer from substituting an inferior quality of liquor for that certified by the Inspector to be of a particular grade, and therefore, if his mark on a cask is to be taken as an evidence of its contents, what a wide door does it open for the commission of the most outrageous frauds.

If, then, this law is both unnecessary and useless, and is, besides, the cause of levying an onerous tax of thousands of dollars per annum upon the people, for the sole benefit of the incumbent, why should it longer remain upon the statute-books of the State? That, it will be the duty of this House to decide, and, with this outline of our views on the subject, we leave it to your consideration.

C. R. STREET,
J. W. CHERRY,
A. J. GREGORY,
WM. P. RODGERS.

By Mr. Connely:

The delegation from San Mateo County, to whom was referred the bill to legalize a debt against said County, and to authorize the Board of Supervisors to levy a special tax to pay the same, have had the same under consideration, and have concluded to offer a substitute for the original bill, and recommend its passage.

CONNELY.

JANUARY 1, 1859.

Mr. Cope, from the Judiciary Committee, verbally reported and recommended the passage of Assembly bill No. 38, an Act to regulate the fees of certain officers in Amador County.

Mr. Eagon, from the Amador delegation, verbally reported and recommended the passage of Assembly bill No. 31, an Act to separate the office of Collector of Taxes from the office of Sheriff in the County of Amador.

By Mr. Gwinn:

MR. SPEAKER:—The Committee on Roads and Highways have had under consideration Assembly bill No. 3, an Act to amend an Act concerning roads and highways in certain counties therein named, approved April twenty-second, one thousand eight hundred and fifty-eight, and have instructed me to report the same back to the House, without amendment, and recommend its passage.

H. GWINN,
Chairman Committee on Roads and Highways.

Assembly bill No. 43, above reported, was taken up, considered engrossed, read third time, and passed.

RESOLUTIONS.

Resolutions were offered as follows:
By Mr. Murray:

Resolved, That the Secretary of State be requested to communicate whether any, and what, action has been taken by him under Concurrent-Resolution No. 28, of last session, and (if no action has been taken under that resolution, or any clause thereof,) his reason therefor.

Adopted.
By Mr. Gwinn:

Resolved, That the Committee on Education be instructed to inquire into the expediency of providing by law for the education of the deaf and dumb persons residing in this State.

Adopted.
The following message was received from the Senate:

SENATE CHAMBER,
January 20, 1859.

MR. SPEAKER:—I am directed to inform the Assembly, that the Senate on yesterday passed Senate bill No. 16, an Act to legalize acknowledgments heretofore taken by any Deputy Clerk of the late Superior Court of the City of San Francisco.

Also, Senate bill No. 14, an Act to make certificates of purchase of real estate evidence of title.

Also, Senate bill No. 48, an Act for the relief of Moses Scott, jr.

E. C. PALMER, Secretary Senate.

Senate bills Nos. 16 and 48, above reported, read first and second times, and referred to the San Francisco delegation.

Senate bill No. 14, above reported, read first and second times, and referred to the Judiciary Committee.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Pico, an Act concerning Jurors in the County of Los Angeles.

Also, an Act to legalize a certain conveyance made by Thomas W. Sutherland, Administrator *de bonis non* of the estate of Miguel de Pedrorena, deceased, to José Antonio Aguirre.

By Mr. Torres, an Act to confirm and legalize the tax-lists, or the assessment-rolls of the County of Marin for the years of one thousand eight hundred and fifty-seven and one thousand eight hundred and fifty-eight, and to authorize the collection of unpaid taxes in said County.

By Mr. Cherry, an Act to amend the Revenue Act so as to provide for the licensing of Auctioneers.

Mr. Holman presented a memorial of the commissioned officers of the State of California, asking the passage of a Militia law.

Referred to the Committee on Military Affairs, and ordered printed.

The following resolution was introduced by Mr. Jackson, and adopted:

Resolved, That the Treasurer of State be required to inform this House how much money has been expended by the State since its organization for the maintenance of the Militia during peace, and the amount paid to military officers for salaries, services, etc.

Bills were introduced as follows:

By Mr. Eagon, an Act for the relief of O. D. Avaline.

Read first and second times, and referred to Committee on Accounts and Expenditures.

By Mr. Lull, an Act to enable poor persons to prosecute and defend suits.

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

By Mr. Cope, an Act supplementary to an Act entitled an Act concerning conveyances, passed April sixteenth, one thousand eight hundred and fifty.

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

Also, an Act supplementary to the Act concerning the writ of *Habeas Corpus.*

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Holman, an Act to amend an Act concerning the County Judge of San Joaquin County.

Read first and second times, and referred to the San Joaquin delegation.

By Mr. Fuller, an Act to prevent the adulteration of wines and liquors.

Read first and second times, referred to the Committee on Ways and Means, and ordered printed.

SPECIAL ORDER.

Senate bill No. 6, an Act creating the Sixteenth and Seventeenth Judicial Districts of the State, and providing for the holding of Courts therein, the special order of the day, was taken up, and read third time.

Mr. Buck offered to amend by striking out "five," in the sixth section, and inserting "four."

The amendment was declared out of order by the Speaker, from which Mr. Buck appealed, and the decision of the Chair was sustained.

Mr. Dunlap moved to recommit the bill to the Judiciary Committee, with instruction to amend by striking out "five," in the sixth section, and inserting "four."

Lost.

On the passage of the bill, Messrs Aud, Thomas and Lightner, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Armstrong, Banks, Barclay, Bates, Briggs, Burdick, Caine, Cahalan, Canon, Cherry, Coleman, Condee, Cope, Cutler, Daggett, G. A. Douglas, G N. Douglass, Duncombe, Dunlap, Eagon, Ellis, Fuller, Gregory, Gwinn, Hancock, Hill, Hines, Jackson, Johnson, Lamar, Lefever, Lies, Lightner, Lull, Lynch, Malarin, Mathews, Moore of Nevada, Moore of San Francisco, Mount, Murray, Pico, Pixley, Robberson, Shannon, Shepard, Sheridan, Slingerland, Sloss, Squires, Street, Thomas, Tipton, Torres, Vaughan, Watkins, Whealdon, Wing, Whitman, Young, and Mr Speaker—61.

NOES.—Messrs. Aud, Buck, Caldwell, Connely, Crenshaw, Dow, Ensworth, Holman, Howe, Laspeyre, Rodgers, Springer, Tully, and Whitney —14.

Mr. Cope moved to reconsider the vote just taken.

Mr. Moore of Nevada moved to indefinitely postpone the motion to reconsider.

Carried.

The following message was received from the Senate:

SENATE CHAMBER,
January 21, 1859.

MR. SPEAKER:—I am directed to inform the Assembly that the following resolution has this day passed the Senate:

Resolved, That the Assembly be, and hereby is, respectfully requested to return to the Senate for correction, Senate bill No 8, an Act to repeal an Act to provide for the appointment of a Gauger for the port of San Francisco, passed May third, one thousand eight hundred and fifty-two.

J. T. PENNINGTON, Assistant Sec. Senate.

Senate bill No. 8, above reported, was returned to the Senate.

On motion of Mr. Mount, the House considered the subject of the contested election case of Charles Duncombe, in Committee of the Whole, Mr. Aud in the chair. After spending several hours in the consideration thereof, the Committee rose, and reported the matter back to the House, without recommendation.

On motion of Mr. Moore of Nevada, the Committee was discharged, and the subject made the special order for to-morrow, at twelve o'clock. M.

At ten minutes past five o'clock, P. M., on motion of Mr. Moore of Nevada, the House adjourned until eleven o'clock, A. M., to-morrow.

IN ASSEMBLY.

SATURDAY, January 22, 1859.

The House met, pursuant to adjournment.

Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

Hiram A. Imus, member elect from Santa Cruz, appeared, and was qualified.

REPORTS.

Mr. Johnson made the following report:

MR. SPEAKER :—The Joint Committee on Printing, to whom was referred the petition, or request. of H. A. Higley, Surveyor-General, for the printing of additional copies of his Report, and so much of it as contains the location of school-land warrants, for the use of his office, respectfully recommend that there be printed, for the use of the Surveyor-General, five hundred additional copies of the Report of the Surveyor-General, and one thousand copies of so much of the Report as appertains to the location of school-land warrants.

JAS. A. JOHNSON, House Committee.
I. S. TITUS, Senate Committee.

Reports were made as follows:
By Mr. Cope:

MR. SPEAKER :—The Judiciary Committee, to whom was referred Senate bill No. 10, an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, 1851, have considered the same, and report the bill back, recommending its indefinite postponement.

The same Committee, to whom was referred Assembly bill No. 48, an Act to enable poor persons to prosecute and defend suits, have considered the same, and report the bill back, with amendments, and recommend its passage, as amended.

The same Committee, to whom was referred substitute for Senate bill No 14, an Act concerning certificates of purchase for land, have considered the same, and report the bill back, recommending its indefinite postponement.

The same Committee, to whom was referred Assembly bill No. 47, an Act to reduce the salary of the County Judge of Sutter County, have considered the same, and report the bill back, with a recommendation that it pass.

W. W. COPE, Chairman.

By Mr. Lynch:

MR. SPEAKER :—The Committee on Engrossment have examined, and report as correctly engrossed, Assembly bill No. 3, entitled "An Act to amend an Act entitled an Act concerning roads and highways, in certain counties therein named," approved April twenty-second, one thousand eight hundred and fifty-eight.

LYNCH, Chairman.

By Mr. Young:

MR. SPEAKER :—The Enrolling Committee have examined, and found correctly enrolled, Assembly Concurrent-Resolution No. 4, concerning the Placerville and Salt Lake Telegraph

GEO. A. YOUNG, Chairman Enrolling Committee.

Mr. Laspeyre, from the San Joaquin delegation, verbally reported, and recommended the passage of Assembly bill No. 51, an Act to amend an Act concerning the office of County Judge of San Joaquin County.

COMMUNICATION FROM THE BOARD OF EXAMINERS.

The following communication was received from the Board of Examiners:

OFFICE OF BOARD OF EXAMINERS.
January 19, 1859.

To the Assembly of California:

I transmit, herewith, sundry accounts, which have been passed upon by the Board of Examiners, amounting to $9,944 69. (See following list.)

JOHN. B. WELLER, President of Board.

Account.	Amount.
J. J. LeCount, for Stationery supplied Supreme Court, in 1856..	$27 00
F. E. Corcoran, by George B. Claiborne, for services at State Insane Asylum, in 1856	1,000 00
F. A. Bishop, Attorney for Surveyors, for services on State Immigrant Wagon Road, in 1855 and 1856	4,415 17
Luchsinger and Hubbard, for furniture and bedding supplied Insane Asylum, in 1856	207 75
L. C. Van Allen, for Supplies furnished Insane Asylum, in 1856	17 75
John Dillon, for Supplies to Insane Asylum, in 1856	393 28
Nash & Beamis, for supplying Boots, Shoes, etc, to Insane Asylum	30 50
Mills & Doll, for Supplies of Hardware and Tinware to Insane Asylum, in 1856	55 87
John Gross, (Assignee of D. Cohen & Co.,) for Blankets supplied Insane Asylum, in 1856	173 75
H M. Fanning, for Work done by contract at Insane Asylum, in 1856	700 00
Sanders & Hickman, for Hardware supplied to Insane Asylum, in 1856	372 76
Louis Velhac, for Vegetables supplied Insane Asylum	27 20
Simpson & Gray, for Lumber supplied Insane Asylum	130 86
John Gross & Co., for Bread supplied Insane Asylum, in 1856..	1,808 14
J. Sarles, for Milk supplied Insane Asylum	137 25
Eldridge & Bro., for Vegetables for Insane Asylum	285 41
Fox & O'Connor, for Liquors furnished Insane Asylum, in 1856	162 00
Total	$9,944 69

N. B —To be funded, as the foregoing accounts accrued prior to the first of January, 1857.

RESOLUTIONS.

The following resolution was offered by Mr. DeLong:

Resolved, That Mr. H. A Imus of Santa Cruz be, and he is hereby, allowed his per diem from the commencement of the session, and that the Controller draw his warrant upon the Treasurer for the same.

Mr Burdick offered the following resolution:

Resolved, That Frank Schell, appointed by the Sergeant-at-Arms, to take charge of the rooms of the Judiciary Committee and Committee on Ways and

Means, be allowed six dollars per diem, to be paid out of the Contingent Fund of the Assembly, from the date of his appointment

Mr. Pixley moved to amend, by striking out "six," and inserting "three."

Lost.

Mr. Thomas moved to amend by striking out "six," and inserting "four."

Carried, and resolution, as amended, adopted.

The following resolutions were offered, and adopted:

By Mr. Hines:

Resolved, That the Sergeant-at-Arms be, and he is hereby, authorized to employ a Clerk, who shall receive eight dollars per diem, dating from January twenty-second, one thousand eight hundred and fifty-nine, payable out of the appropriation for the pay of officers and clerks of the Assembly.

By Mr. Lull:

Resolved, By the Assembly, the Senate concurring, that a Committee of three be appointed to act with a Committee of two on the part of the Senate, to take into consideration that portion of the Governor's Message relative to the Washington Monument.

By Mr. Squires:

Resolved, That the Clerk of the Assembly is hereby allowed the sum of three hundred and ninety-one dollars and sixty-eight cents, for copying done for the Assembly, as reported by the Committee on Accounts and Expenditures, payable out of the appropriation for the pay of officers and clerks of the Assembly.

Mr. Lamar offered the following resolution:

Resolved, That the Judiciary Committee are hereby instructed to report to this House a bill which will prevent the immigration of Chinese, Mongolians, and free Negroes, into this State.

Also, a bill which will secure a proper observance of the Sabbath, provided those objects can be accomplished without violating any Constitutional provision.

Mr. Street called for a division of the question.

Mr. Pixley moved to strike out "free negroes."

Mr. Moore of Nevada moved to lay the resolution on the table.

Upon which, Messrs Laspeyre, Squires, and Tipton, demanded the ayes and noes, and it was laid on the table, by the following vote:

AYES.—Messrs. Armstrong, Banks, Bates, Buck, Burdick, Caine, Caldwell, Cahalan, Canon, Cherry, Condee, Connely, Cope, Crenshaw, Cutler, Daggett, Dow, Duncombe, Eagon, Ellis, Ensworth, Fuller, Gwinn, Hancock, Hill, Hines, Jackson, Johnson, Lefever, Lies, Lightner, Lull, Malarin, Mathews, Moore of Nevada, Moore of San Francisco, Mount, Murray, Pico, Pixley, Rodgers, Shannon, Shepard, Sloss, Street, Thomas, Torres, Tully, Watkins, Whitman, and Mr. Speaker—50.

NOES.—Messrs. Barclay, Coleman, DeLong, G. A. Douglas, Dunlap, Gregory, Holman, Howe, Imus, Lamar, Laspeyre, Lynch, Roane, Robberson, Slingerland, Springer, Squires, Tipton, Vaughan, Whealdon, Wing, and Young—23.

Resolutions were offered and adopted, as follows:
By Mr. Moore of Nevada:

Resolved, That the resolution heretofore adopted, authorizing Wm. F. Williamson to receive the same per diem as Sergeant-at-Arms of this House, for service rendered as Assistant Sergeant-at-Arms be, and the same is hereby, rescinded.

By Mr. Hines:

Resolved, That the resolution heretofore passed, allowing the Sergeant-at-Arms to employ a Clerk, be rescinded—that the Sergeant-at-Arms be, and he is hereby, authorized to employ a Clerk, who shall receive eight dollars per diem, dating from January twenty-second, one thousand eight hundred and fifty-nine, payable out of the Contingent Fund of the Assembly.

The contested election case being under consideration, Mr. DeLong offered the following resolution:

Resolved, That the Speaker do issue his summons for the appearanc of G. C. Haswell, Esq., to appear at the bar of this House, to give evidence of his knowledge of the opinion given by Chief Justice McLean in a case similar to one now before the House, and touching the allegiance of the gentleman himself, as decided by the Chief Justice.

Mr Thomas moved to lay the resolution on the table, upon which, Messrs. DeLong, Banks, and Thomas, demanded the ayes and noes, and it was laid on the table, by the following vote:

AYES—Messrs. Armstrong, Barclay, Bates, Buck, Cahalan, Coleman, Condee, Connely, Cope, Crenshaw, Cutler, Daggett, G. N. Douglass, Dow, Dunlap, Eagon, Ellis, Gregory, Gwinn, Hines, Howe, Johnson, Laspeyre, Lefever, Lies, Lightner, Lynch, Mathews, Moore of Nevada, Mount, Pico, Roane, Robberson, Rodgers, Sheridan, Springer, Street, Thomas, Tipton, Torres, Tully, Vaughan, Watkins, Whitman, Whitney, Young, and Mr. Speaker—47.

NOES—Messrs. Banks, Briggs, Burdick, Caine, Caldwell, Canon, Cherry, DeLong, G. A. Douglas, Duncombe, Ensworth, Fuller, Hill, Holman, Imus, Jackson, Lamar, Lull, Moore of San Francisco, Murray, Pixley, Shannon, Shepard, Slingerland, Sloss, Squires, Whealdon, and Wing—28.

Mr. Young offered the following resolution:

Resolved, That C. Duncombe, a Member elect from the County of Sacramento, having taken and being still under an oath of allegiance to the British Government, is hereby declared ineligible to hold a seat in this House.

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

following members were absent, viz.: Messrs. Aud, Thomas, and Hancock.

The Sergeant-at-Arms was dispatched for the absentees.

Messrs. Hancock and Thomas appeared at the bar of the House, were admitted, Mr. Thomas was fined, and Mr. Hancock excused.

Further proceedings under the call were dispensed with.

Mr. Moore of Nevada offered the following resolution:

Resolved, That all debate on the subject of the contested election case of Dr. Duncombe cease at the hour of one and a-half o'clock, P. M., of this day.

Mr. Sheridan offered the following substitute:

Resolved, That each Member of the House be allowed ten minutes to give his views on the contested seat of Dr. Duncombe.

Mr. Lightner moved the previous question, which was sustained, and the substitute was lost.

On the adoption of the resolution, Messrs. DeLong, Lull, and G. A. Douglas, demanded the ayes and noes, and it was adopted, by the following vote:

AYES—Messrs. Armstrong, Barclay, Bates, Burdick, Caldwell, Cahalan, Coleman, Condee, Connely, Crenshaw, Cutler, Daggett, G. N. Douglass, Dow, Ellis, Gregory, Gwinn, Hines, Howe, Johnson, Laspeyre, Lefever, Lies, Lightner, Lynch, Mathews, Moore of Nevada, Mount, Pico, Roane, Robberson, Rodgers, Slingerland, Springer, Squires, Thomas, Tipton, Torres, Tully, Vaughan, Watkins, Wing, Whitman, Whitney, Young, and Mr. Speaker—46.

NOES—Messrs. Banks, Briggs, Caine, Canon, Cherry, Cope, DeLong, G. A. Douglas, Duncombe, Eagon, Ensworth, Fuller, Hancock, Hill, Imus, Jackson, Lamar, Lull, Malarin, Moore of San Francisco, Murray, Pixley, Shannon, Shepard, Sheridan, Sloss, and Whealdon—27.

Mr. DeLong moved a call of the House, which was sustained, and the following member was absent, viz.: Mr. Aud.

Further proceedings under the call were dispensed with.

On the adoption of the resolution offered by Mr. Young, Messrs. Banks, DeLong, and Lull, demanded the ayes and noes, and it was adopted, by the following vote:

AYES—Messrs Armstrong, Barclay, Bates, Buck, Burdick, Caldwell, Cahalan, Coleman, Condee, Connely, Cope, Crenshaw, Cutler, Daggett, G. N. Douglass, Dow, Dunlap, Eagon, Ellis, Ensworth, Gregory, Gwinn, Hines, Holman, Howe, Johnson, Laspeyre, Lefever, Lightner, Lynch, Mathews, Moore of Nevada, Mount, Roane, Robberson, Rodgers, Sheridan, Sloss, Springer, Squires, Street, Thomas, Tipton, Tully, Vaughan, Wing, Whitman, Whitney, Young, and Mr. Speaker—50.

NOES—Messrs Banks, Briggs, Caine, Canon, Cherry, DeLong, G. A. Douglas, Fuller, Hancock, Hill, Imus, Jackson, Lamar, Lies, Lull, Malarin, Moore of San Francisco, Murray, Pico, Pixley, Shannon, Shepard, Slingerland, Torres, Watkins, and Whealdon—26.

Mr. Sloss gave notice of a reconsideration of the vote just taken.

On motion of Mr. Squires, at two o'clock P. M., the House adjourned until eleven o'clock A. M., on Monday.

IN ASSEMBLY.

MONDAY, January 24, 1859.

The House met, pursuant to adjournment.
The Speaker in the Chair.
A quorum being present, the Journal of Saturday was read and approved.
Mr. Cutler had leave of absence for two days, and Messrs. Briggs, Cherry, and Armstrong, one day each.

REPORTS.

Reports were made as follows:
By Mr. Lynch:

MR. SPEAKER:—The Committee on Engrossment have examined the following bill, and find it correctly engrossed:—Assembly bill No. 50, an Act supplementary to the Act concerning the writ of *Habeas Corpus.*

LYNCH, Chairman.

By Mr. Ensworth:

MR. SPEAKER:—The Committee on Journalizing have compared the scrolls with the Journal, and find the proceedings of the House correctly journalized from Saturday, the fifteenth instant, to Thursday, the twentieth instant, both days inclusive.

ENSWORTH, Chairman.

MONDAY, January 24, 1859.

Mr. Hill verbally reported, and recommended the passage of Senate bill No. 48, an Act for the relief of Moses Scott, Jr.
Mr. DeLong had leave to withdraw Assembly bill No. 33, an Act to regulate the Fire Department of the City of Marysville.
Mr. Young made the following report:

MR. SPEAKER:—The Select Committee, consisting of the Nevada delegation, to whom was referred Assembly bill No. 19, an Act concerning roads and highways in the County of Nevada, have had the same under consideration, and beg leave to report the same back, and recommend its passage.

GEO. A. YOUNG.

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

Resolved, That the Speaker appoint an Assistant Porter, who shall also act as Watchman for the Assembly Chamber, and his pay shall be the same as the Porters of the Assembly—payable out of the Contingent Fund of the Assembly.

Mr. Sloss moved to reconsider the vote by which, on Saturday last, C. Duncombe was declared ineligible to a seat in this House.

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

Upon which, Messrs. Sloss, Slingerland, and DeLong, demanded the ayes and noes, and the motion to reconsider was indefinitely postponed, by the following vote:

AYES—Messrs. Armstrong, Barclay, Bates, Buck, Burdick, Cahalan, Coleman, Condee, Connely, Crenshaw, Daggett, G. N. Douglass, Dow, Dunlap, Eagon, Ellis, Ensworth, Gregory, Gwinn, Hines, Holman, Howe, Johnson, Laspeyre, Lefever, Lies, Lightner, Lynch, Mathews, Moore of Nevada, Mount, Murray, Pico, Roane, Robberson, Rodgers, Sheridan, Springer, Squires, Street, Thomas, Tipton, Torres, Tully, Vaughan, Watkins, Wing, Whitman, Whitney, Young, and Mr. Speaker—51.

NOES—Messrs. Aud, Banks, Caine, Caldwell, Canon, DeLong, G. A. Douglas, Fuller, Hancock, Hill, Imus, Jackson, Lamar, Lull, Shannon, Shepard, Slingerland, Sloss, and Whealdon—19.

Mr. Sloss offered a protest, signed by himself and Messrs. Caine, Jackson, G. A. Douglas, Hill, Shannon, Banks, Slingerland, Moore of San Francisco, Lull, Shepard, Fuller, Imus, DeLong, and Canon, against the action of the House, by which C. Duncombe was declared ineligible to hold a seat in this House.

Mr. Young objected to the entry of the protest on the Journals.

The Speaker ruled that it was in the power of the House to determine whether the protest should be entered on the Journal.

Whereupon Mr. DeLong appealed, and Messrs. DeLong, Jackson, and G. A. Douglas, demanded the ayes and noes, and the decision of the Chair was sustained, by the following vote:

AYES—Messrs. Armstrong, Aud, Bates, Buck, Burdick, Cahalan, Coleman, Condee, Connely, Crenshaw, Daggett, G. N. Douglass, Dow, Eagon, Ellis, Ensworth, Gwinn, Hines, Holman, Howe, Johnson, Lamar, Laspeyre, Lefever, Lies, Lightner, Lynch, Mathews, Moore of Nevada, Mount, Pico, Roane, Robberson, Sheridan, Springer, Squires, Street, Thomas, Tipton, Torres, Tully, Vaughan, Whitman, Whitney, and Young—45.

NOES—Messrs. Banks, Caine, Caldwell, Canon, DeLong, G. A. Douglas, Fuller, Hill, Imus, Jackson, Murray, Rodgers, Shannon, Shepard, Slingerland, Sloss, Watkins, and Whealdon—18.

On the question, "Shall the protest be entered on the Journals?" Mr. Lefever moved the previous question, which was sustained.

Messrs. Sloss, Slingerland, and DeLong, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Banks, Caine, Caldwell, Canon, DeLong, G. A. Douglas, Ellis, Fuller, Hill, Holman, Imus, Jackson, Lamar, Lies, Lull, Malarin, Moore of Nevada, Murray, Pico, Rodgers, Shannon, Shepard, Slingerland, Sloss, Squires, Vaughan, Watkins, and Whealdon—28.

NOES—Messrs. Armstrong, Aud, Barclay, Bates, Buck, Burdick, Cahalan, Coleman, Condee, Connely, Crenshaw, Daggett, G. N. Douglass, Dow, Eagon, Ensworth, Gregory, Gwinn, Hines, Howe, Johnson, Laspeyre, Lefever, Lightner, Mathews, Mount, Roane, Robberson, Sheridan, Spring-

er, Thomas, Tipton, Tully, Whitman, Whitney, Young, and Mr. Speaker —37.

Mr. DeLong offered the following protest, which was received:

"I protest, most respectfully, but most solemnly, to the action of the majority of this House, in declaring the seat of the member of Sacramento vacant by the passage of the resolution offered by the gentleman from Nevada, (Mr. Young.) I am prompted to do this by the thought of how withering the rebuke thus given to the teachings of a Blackstone, a Story, a Marshall, a Kent, a Parsons, an Ellsworth, and an Iredell, this action on the part of this House must be, and to stand thus forever upon our Legislative Journals as a monument of the exalted wisdom of this age, and likewise a monument of the weaknesses, the follies, and the foibles of the ages past, as expounded by these (heretofore considered) sages of wisdom. I have learned, by the study of law, to regard their teachings as profoundly learned, and when arraigned in juxtaposition to the opinion thus expressed by this House, after *great* labor of thought, I have conceived this opinion, adverse to the opinion of a majority of this House, and wish, therefore, to enter this, my protest, hoping, (without designing to appear egotistical,) to thus throw a trifling shield of palliation and respect over the memory of these great men so strangely wrong.

"C. E. DeLONG, of Yuba."

Mr. Lamar also protested, and referred to the minority report of the Committee on Elections as embodying the substance of his protest.

Mr. Gwinn offered the following preamble and resolution:

Whereas, G. E. Montgomery has filed with this Assembly a notice that in case Charles Duncombe should be declared ineligible to hold a seat in said body, that the said G. E. Montgomery claims to be entitled to the same; *and whereas*, it appears to the satisfaction of the Assembly that the said G. E. Montgomery was not legally elected a member of this Assembly by the legal voters of Sacramento County, and is not entitled to hold the same. Therefore, be it

Resolved, That the seat heretofore occupied by said Duncombe be, and the same is hereby, declared vacant.

Mr. Ellis offered the following certificate, and moved that the resolution and certificate be referred to the Judiciary Committee, which motion was lost, and the resolution adopted:

STATE OF CALIFORNIA, }
County of Sacramento. } *ss.*

I, J. B. Dayton, County Clerk in and for the County of Sacramento, and State of California, do hereby certify that, at a general election held in and for the County of Sacramento, on the first day of September, A. D. one thousand eight hundred and fifty-eight, the following-named persons received the number of votes appended to their names, for the office of Members of Assembly, to wit:—A. R. Jackson, 2690; Chas. Duncombe, 2623; J. E. Sheridan, 2616; R. B. Ellis, 2542; G. E. Montgomery, 2499; H. Anderson, 2444; P. I. Hopper, 2285; G. G. Berry, 2276—as the same appears from the statement of the votes polled in said County and State, now on file in my office.

Witness my hand, and seal of said County Court, this seventeenth day of January, A. D. one thousand eight hundred and fifty-eight.

{SEAL.}

J. B. DAYTON.
County Clerk.

Mr. Street offered Assembly Concurrent-Resolution relative to the acquisition of the Transit-Route over the Territory of Nicaragua.

Referred to the Committee on Federal Relations.

On motion of Mr. Moore of Nevada, the following testimony, taken in the contested election case of Charles Duncombe, was directed to be spread upon the Journal:

EVIDENCE IN THE CASE OF DR. DUNCOMBE'S CONTESTED SEAT, BEFORE THE COMMITTEE ON ELECTIONS.

Question First.—Were you born in the United States?

Answer.—I was.

Question Second.—Did you, or did you not, at any time, take an oath of allegiance to the British Government in Canada?

Answer.—I did.

Question Third.—What was the oath?

Answer.—That I would true faith and allegiance bear to His Majesty, King George the Third, his heirs and survivors.

Question Fourth.—Did you, or did you not, take an oath in Canada to enable you to hold or inherit property there?

Answer.—I don't recollect taking any other oath but the oath of allegiance and the oath of office.

Question Fifth.—Were you a member of the Colonial Parliament of Canada?

Answer.—I was.

Question Sixth.—Did you take an oath, upon being admitted to a seat in said Parliament?

Answer.—I did.

Question Seventh.—What was that oath?

Answer.—I do not recollect. I can not repeat it; but the oath was different from the oath of allegiance; it was the ordinary oath of office.

Question Eighth.—How long, after your residence in Canada, did you take the oath of allegiance?

Answer.—I took said oath very soon (say two or three months,) after I arrived in Canada.

Question Ninth.—Did you ever take an oath abjuring your allegiance to the United States?

Answer.—I did not.

Question Tenth.—When did you go to Canada?

Answer.—In the year one thousand eight hundred and sixteen, one thousand eight hundred and seventeen, or one thousand eight hundred and eighteen.

Question Eleventh.—What year did you leave Canada?

Answer.—In the year one thousand eight hundred and thirty-seven.

Question Twelfth.—Were you proclaimed by the authorities of Canada as a rebel?

Answer.—I was, by the Governor, Sir Francis Bond Head.

Question Thirteenth.—Were you one of those pardoned by the Government?

Answer.—I was.

Question Fourteenth.—Was any reward offered by the authorities for your apprehension?

Answer.—A reward of one thousand (£1,000) pounds was offered by the Governor, Sir Francis Bond Head, for my arrest and delivery. I was informed that I was to be arrested and tried by a drum-head court-martial, and was secreted for about three (3) months, and did not return to Canada until pardoned. Sir Francis Bond Head stated to the Colonial Secretary in England, that I was a native American, and a rank Republican, and therefore ought not to be received at that office.

Question Fifteenth.—Were you recognized at the Colonial Office and the Home Government as a British subject?

Answer.—I was.

Question Sixteenth.—Was Sir Francis Bond Head removed by representations made through you to the British Government?

Answer.—I represented myself as a British subject in making my application for his removal, and subsequently he was removed.

Question Seventeenth.—Was the party you belonged to in Canada sustained by the Home Government?

Answer.—The party I belonged to in Canada was the Whig Party, and was eventually sustained by the Home Government.

Question Eighteenth.—Since living in the United States, have you taken the oath of allegiance to the United States?

Answer.—No, I have not; I made inquiries of various members of the "Legal Profession," and among them, the Attorney-General of Ohio, and Caleb Cushing, late Attorney-General of the United States, and received for answer, that no action on my part was necessary; that I was a citizen, and entitled to all the privileges, rights, and immunities of an American citizen. I generally stated my case fully to those parties.

Question Nineteenth.—Were the above facts generally known to the citizens of Sacramento County?

Answer.—They were.

Question Twentieth.—Did you ever take an oath abjuring allegiance to the United States?

Answer.—I did not.

Question Twenty-first.—How many times have you sworn to support the Constitution of the United States during the last twenty-one (21) years?

Answer.—I really do not know, but at various times.

Question Twenty-second.—Was your right ever questioned as an American citizen before?

Answer.—Once, in Ohio, at Van Buren's election, in the year one thousand eight hundred and forty, my vote was challenged, and I took the usual election oath. I then handed in my ticket, and the question was afterwards agitated by some, whether I had a right to vote or not. I then immediately consulted the Attorney-General of Ohio in relation to the matter, and no further action was taken.

J. B. LAMAR, Chairman.

Attest:

EDWARD F. CONWAY, Secretary to the Committee.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
January 21, 1859.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, on yesterday, passed Senate bill No. 53, "An Act to amend an Act entitled an Act concerning the office of Secretary of State, passed May fourth, one thousand eight hundred and fifty-four;"

Also, Senate bill No. 52, an Act amendatory of an Act to fix the time for holding the terms of the District Courts throughout this State, passed May eighteenth, one thousand eight hundred and fifty-three;

Also, Senate bill No. 50, "An Act amendatory of an Act to change the time of holding the Court of Sessions and County Court of the Counties of Los Angeles and Yolo, approved April eighth, one thousand eight hundred and fifty-eight;"

Also, Senate Concurrent-Resolution No. 10, "Relative to printing one thousand copies of the Governor's Message in the German language;"

Also, have this day appointed Messrs. Burton, Dent, and Ballou, a committee, on the part of the Senate, to investigate certain books and accounts relative to S. A. McMeans, late State Treasurer, and ask of the Assembly the appointment of a similar committee.

E. C. PALMER, Secretary Senate.

Senate bill No. 53, above reported, read first and second times, and referred to the Committee on Public Printing.

Senate bill No. 52, above reported, read first and second times, and referred to the Judiciary Committee.

Senate bill No. 50, above reported, read first and second times, and referred to the delegation named in bill.

Senate Concurrent-Resolution No. 10, above reported, was read, and laid over, under the rule.

SENATE CHAMBER,
January 22, 1859.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, on yesterday, passed Senate bill No. 27, "An Act to authorize the construction of certain wharves;"

Also, return substitute for Senate bill No. 8, "An Act to repeal an Act for the appointment of State Gauger for the port of San Francisco," passed May third, one thousand eight hundred and fifty-two.

E. C. PALMER, Sec. Senate.

Senate bill No. 27, above reported, read first and second times, and referred to the Committee on Commerce and Navigation.

Senate bill No. 8, above reported, was taken up.

Mr. Lamar moved to indefinitely postpone.

Mr. Lull presented petition of liquor-dealers in San Francisco for the repeal of the law.

Mr. Street, from the Committee on Ways and Means, handed in remonstrance from residents of San Francisco, against the repeal.

Mr. Hancock moved to lay the motion to indefinitely postpone on the table.

Lost.

On motion of Mr. Shepard, the paper, purporting to be the bill, was laid on the table.

Mr Street gave notice of reconsideration of vote just taken.

INTRODUCTION OF BILLS.

Bills were introduced as follows:
By Mr. Thomas, an Act to prohibit the intermarriage of first cousins.
Read first and second times, and placed on file, and ordered printed.
By Mr. Holman, an Act concerning the organization of the militia.
Read first and second times, and placed on file.

MAJORITY REPORT.

Mr. DeLong made the following majority report:

MR. SPEAKER:—*Sir:* We, the undersigned, a majority of your Special Committee, consisting of the Yuba and Sutter delegation, to whom was referred Assembly bill No. 41, an Act to grant the right to construct and maintain a bridge across the Feather River, report the same back, with the following amendments, and recommend its passage:

Amendment first—Add "and associates," after the name of Geo. M. Hanson, wherever it occurs throughout the bill.

Amend section first—By striking out "twenty years," and inserting "fifteen years."

Amend section second—By striking out "one year," and inserting "six months;" and also striking out "two years," and inserting "one year."

Also, amend sections five and six, by adding after the word "fix," in each section, the words "and regulate."

Mr. Vaughan made the following minority report:

MR. SPEAKER:—The undersigned, minority of the Committee, to whom was referred Assembly bill No. 41, an Act to grant the right to construct and maintain a bridge across the Feather River, have had the same under consideration, and report the same back, recommending its indefinite postponement.

C. L. N. VAUGHAN.

On motion of Mr Moore of Nevada, at twenty-five minutes past two o'clock P. M., the House adjourned until eleven o'clock A. M., to-morrow.

IN ASSEMBLY.

TUESDAY, January 25, 1859.

House met, pursuant to adjournment.
The Speaker in the Chair.
A quorum being present, the Journal of yesterday was read and approved.
Leave of absence was granted to Mr. Roane, for three days, and to Mr. Briggs, for one day.

REPORTS.

Reports were made as follows:

By Mr. Gregory:

MR. SPEAKER:—The Committee on Corporations, to whom was referred Assembly bill No. 10, "An Act amendatory and supplementary to an Act entitled an Act to provide for the formation of corporations, for certain purposes," passed April fourteenth, one thousand eight hundred and fifty-three, have had the same under consideration, and direct me to report the same back, and recommend its passage.

A. J. GREGORY, Chairman.

JANUARY 25, 1859.

By Mr. Squires:

MR. SPEAKER:—Your Committee on Public Expenditures and Accounts, to which was referred Assembly bill No. 46, "An Act for the relief of the County Treasurer of the County of San Joaquin," and Assembly bill No. 54, "An Act for the relief of O. D. Avaline," have had the same under consideration, and request me to report them back to the House, without amendment, and recommend their passage.

Respectfully,

SQUIRES, Chairman.

By Mr. Aud:

MR. SPEAKER:—The Committee on Federal Relations, to whom was referred Assembly Joint-Resolution No. 10, having had the same under consideration, instruct me to report the same back to the House, and recommend its indefinite postponement, by the request of the introducer of the same, on the grounds that the time has gone by when any benefit could result from a recommendation of its passage.

And the same Committee, having had under its consideration Assembly Concurrent-Resolution No. 8, relative to outrages by Mexicans on American territory, instruct me to report the same back, with the following amendments, and recommend its passage, as amended:

In the first line of the preamble, strike out the words "ample and authentic."

In the fifth line of the resolution, strike out the words "these outrages," and insert "this outrage."

In the eighth and ninth lines of the resolution, strike out the words "these and all similar indignities to our flag," and insert "this indignity offered to our Nation."

Add, after this first resolution, as amended, the following:

Resolved, That the Governor of this State be requested to forward to our Senators and Representatives in Congress a copy of this preamble, and these resolutions.

FRANCIS L. AUD, Chairman.

By Mr. Tully:

MR. SPEAKER:—The Committee to whom was referred Assembly bill No. 30, "An Act to authorize the Governor to issue patents to parties who have made location upon the public lands in this State, with State School-land Warrants," have had the same under consideration, and beg leave to report the same back, with amendment, and recommend its passage, as amended.

TULLY, Chairman.

RESOLUTIONS.

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

Resolved, That the Speaker be requested to inform the Governor that the Assembly has, by resolution, declared Charles Duncombe ineligible to a seat in this House, and that there is a vacancy in the representation from the County of Sacramento.

Mr. Lull offered a protest against the action of the House, by which C. Duncombe was declared ineligible to hold a seat in this House, and in refusing to receive the protest offered on yesterday by Mr. Sloss.

Objections being made, the Chair decided that the House must determine, by vote, whether the protest should be entered upon the Journal.

Mr. Banks appealed from the decision of the Chair, upon the ground that the protest should be entered, under the operation of the seventy-second Standing Rule, unless said Rule was first suspended—and the decision of the Chair was sustained.

On the question, "Shall the protest be entered on the Journal?" Messrs. G. A. Douglas, DeLong, and Lull, demanded the ayes and noes, which the House refused, by the following vote:

AYES—Messrs.—Banks, Caine, Caldwell, Canon, Cherry, Connely, DeLong, G. A Douglas, Ellis, Fuller, Hill, Holman, Imus, Jackson, Lies, Mount, Murray, Pixley, Rodgers, Shannon, Shepard, Slingerland, Sloss, Squires, Thomas, Watkins, and Whealdon—28.

NOES—Messrs. Armstrong, Aud, Barclay, Bates, Burdick, Cahalan, Coleman, Crenshaw, Daggett, G. N. Douglass, Dow, Dunlap, Eagon, Gregory, Gwinn, Hancock, Hines, Howe, Johnson, Lamar, Laspeyre, Lightner, Lull, Lynch, Malarin, Pico, Robberson, Sheridan, Springer, Street, Tipton, Torres, Tully, Vaughan, Whitman, Whitney, Young, and Mr. Speaker—38.

Mr. Lull gave notice of a reconsideration of the vote just taken.

The Speaker announced as a Committee, to investigate the accounts of S. A. McMeans, late State Treasurer, on the part of the House, Messrs. Armstrong, Lightner, and Hill.

Also, appointed Frank Rhoads, Assistant Porter, to act as Watchman of the Assembly.

The following communication was received from the Sergeant-at-Arms:

MR. SPEAKER:—In consequence of there being no one-cent postage-stamps in the State, I am forced to keep an open account with the Postmaster, and would therefore request all Members wishing to mail newspapers to frank them, and apprise the Sergeant-atArms when they are mailed in his office.

MOORE, Sergeant-at-Arms.

RESOLUTIONS.

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

Resolved, That the Senate is hereby requested to transmit to this House original Senate bill No. 8, with its amendments.

Mr. Murray offered the following resolution:

Resolved, That a Special Committee of five be appointed by the Chair, to take into consideration the Act (lately repealed,) "To discourage the immigration to this State of persons who can not become citizens," passed April twenty-fifth, one thousand eight hundred and fifty-five, together with all the decisions of the Supreme Court of this State in relation thereto, and to inquire into the policy, and the practicability, of framing a new law for the same purpose, but free from any constitutional objection. Also, that the said Committee be directed to make a full report on the subject, and, if they find the end contemplated both politic and practicable, to report a bill for that purpose.

Mr. Gwinn moved to indefinitely postpone.

Lost.

On the adoption of the resolution, Messrs. Hancock, Gwinn, and Lightner, demanded the ayes and noes, and it was adopted, by the following vote:

AYES—Messrs. Armstrong, Aud, Barclay, Bates, Buck, Caldwell, Cabalan, Crenshaw, Daggett, DeLong, G. A. Douglas, Dunlap, Eagon, Ellis, Fuller, Hines, Holman, Howe, Imus, Jackson, Johnson, Lamar, Mathews, Moore of Nevada, Murray, Robberson, Shannon, Slingerland, Sloss, Springer, Squires, Street, Tipton, Vaughan, Whealdon, Wing, Whitman, Whitney, Young, and Mr. Speaker—41.

NOES—Messrs. Banks, Burdick, Canon, Coleman, Condee, Connely, G. N. Douglass, Dow, Gwinn, Hancock, Hill, Laspeyre, Lefever, Lies, Lightner, Lull, Malarin, Mount, Pico, Pixley, Shepard, Sheridan, Thomas, Torres, Tully, and Watkins—26.

Mr. Watkins moved to refer the Report of the Superintendent of Public Instruction to the Committee on Education, which motion was declared out of order by the Chair, upon the ground that no such report had been made to the House.

Mr. Moore of Nevada appealed, and the decision of the Chair was not sustained, and the report was referred to the Committee on Education.

On motion of Mr. Holman, three times the usual number of copies of Assembly bill No. 56, "An Act concerning the organization of the Militia," was ordered printed.

On motion of Mr. Moore of Nevada, the communication from the Board of Examiners, transmitting certain accounts, which had been passed upon by them, was referred to the Committee on Claims.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
January 24, 1859.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, on Saturday, passed Senate bill No. 25, "An Act to establish a standard of weights and measures, and to repeal all former Acts in relation thereto."

Also, Senate Joint-Resolution No. 12, "Joint-Resolution of Instruction to our Senators and Representatives in Congress."

E. C. PALMER, Sec. Senate.

Senate bill No. 25, above reported, was read first and second times, and referred to the Committee on Ways and Means.

Senate resolution No. 12, above reported, read first and second times, and referred to the Committee on Federal Relations.

SENATE CHAMBER,
January 25, 1859.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, on yesterday, adopted Senate Concurrent-Resolution No. 13, relative to printing the Report and certain portions of the Report of the Surveyor-General, for the use of his office, and ask the concurrence of the Assembly.

E. C. PALMER, Secretary Senate.

Senate Concurrent-Resolution No. 13, was read, and laid over under the rules.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Slingerland, "An Act securing liens to laborers in the mines."

By Mr. Lamar, "An Act to authorize certain parties therein named to improve the mouth of the Navarro River, and to exercise certain privileges."

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Cherry, "An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, passed May fifteenth, one thousand eight hundred and fifty-four."

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

By Mr. Hill, "An Act concerning the offices of County Clerk, Sheriff, and County Recorder, of the City and County of San Francisco."

Read first and second times, and referred to the San Francisco delegation.

By Mr. Shannon, "An Act to provide for the holding of the January term of the District Court of the Seventeenth Judicial District in the County of Plumas."

Read first and second times, and placed on file.

By Mr Banks, "An Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, passed April fourteenth, one thousand eight hundred and fifty-three."

Read first and second times, and referred to Committee on Corporations.

By Mr. Connely, "An Act to amend an Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers, approved March twentieth, one thousand eight hundred and fifty-five."

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

By Mr. Hill, "An Act to amend an Act entitled an Act concerning official and other bonds, approved April second, one thousand eight hundred and fifty-seven."

Read first time.

By Mr. Watkins, "An Act to repeal an Act approved April twenty-seventh, one thousand eight hundred and fifty-five, entitled an Act amen-

datory of, and supplemental to, an Act entitled an Act concerning crimes and punishments, passed April sixteenth, one thousand eight hundred and fifty, and all other Acts, or parts of Acts, having reference thereto."

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

By Mr. Shepard, "An Act to repeal an Act to amend section twenty of an Act to regulate proceedings in civil cases, in the Courts of Justice of this State, passed April twenty-ninth, one thousand eight hundred and fifty-one."

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

By Mr. Gregory, "An Act to amend an Act entitled an Act restricting the herding of sheep to certain pastures, in the Counties of Sonoma and Marin."

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Dunlap, "An Act to alter and define the boundary-lines of Tehama County."

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

By Mr. Caine, "An Act to legalize the assessment of real and personal property made by John H. Lillard, in the County of Butte, during the years one thousand eight hundred and fifty-six and one thousand eight hundred and fifty-seven."

Read first and second times, and placed on file.

By Mr. Murray, "An Act to amend an Act entitled an Act prescribing the mode of maintaining and defending possessory actions on public lands in this State," approved April twentieth, one thousand eight hundred and fifty-two."

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

By Mr. Thomas, "An Act providing for holding a special term of the District Court in the Thirteenth Judicial District."

Read first and second times, and placed on file.

GENERAL FILE.

Senate bill No. 36, "An Act making an appropriation for the transportation of prisoners to the State-prison, for the tenth fiscal year, considered in Committee of the Whole, read third time, and passed.

Assembly bill No. 23, "An Act for the relief of David Weaver," read third time, and passed.

Senate bill No. 48, "An Act for the relief of Moses Scott, Jr., recommitted to San Francisco delegation, with instructions.

Senate bill No. 42, "An Act supplemental to the Act entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer, approved April twenty-first, one thousand eight hundred and fifty-eight," read third time, and passed.

Assembly bill No. 32, "An Act to authorize the Board of Supervisors of Trinity County to levy a special tax, and create a redemption fund for the payment of County indebtedness," ordered engrossed.

Assembly bill No. 39, "An Act to repeal an Act entitled an Act to incorporate the Town of Oroville, and an Act amendatory of and supplementary to an Act to incorporate the Town of Oroville," referred to the Butte delegation.

Assembly bill No. 21, "An Act to regulate fees of witnesses in criminal cases,"—amendments of Judiciary Committee concurred in.

On motion of Mr. Pixley, the County of San Francisco was exempted from the provisions of the Act.

Mr. Lies offered the following amendment, which was lost:

Provided, That no witnesses'-fees shall be allowed, except upon the special taxing of the same by the Court.

Mr. Lull moved to recommit to the Judiciary Committee, with instructions to except all Counties that contain incorporated cities.

To which Mr. Laspeyre offered a substitute, that all incorporated cities be excepted from the provisions of the bill.

Substitute and amendment lost.

Mr. Cherry moved to strike out the enacting clause.

Lost.

Mr Buck moved to lay on the table.

Lost.

Mr. Ellis moved to amend as follows: "This law shall not apply to witnesses residing in the city or township where the trial is had."

Lost.

Mr. Tully offered the following amendment, which was lost:

That no witnesses residing within the limits of the city or township where the trial is had, shall be entitled to any fees under this Act.

The following Counties were excepted from the provisions of the Act, viz.: Nevada, El Dorado, San Joaquin, Tuolumne, Santa Barbara, Los Angeles, San Diego, Sonoma, Sutter, and Plumas.

Pending the further consideration, at twenty minutes past three o'clock, P. M., on motion of Mr. Sheridan, the House adjourned until eleven o'clock, A. M., to-morrow.

IN ASSEMBLY.

WEDNESDAY, January 26, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

E. L. Davis, Member elect from Humboldt County, appeared, and was qualified.

REPORTS.

Reports were made as follows:

By Mr. Cope:

MR. SPEAKER:—The Judiciary Committee, to whom was referred Assembly bill No. 26, an Act concerning interest on money, and to prevent usury, have had the bill under consideration, and the majority of the committee (Mr. DeLong dissenting,) beg leave to report the same back, and recommend its indefinite postponement.

W. W. COPE, Chairman.

Minority report by Mr. DeLong:

MINORITY REPORT OF THE JUDICIARY COMMITTEE UPON ASSEMBLY BILL NO. 26, RELATIVE TO INTEREST ON MONEY, AND TO PREVENT USURY.

MR. SPEAKER:—*Sir:* The Judiciary Committee of this House having had under consideration said bill, have reported the same back, and recommended its indefinite postponement, (however, assigning no reasons therefor,) I alone dissenting from their views. And, Sir, being only one out of the eleven honorable members of that committee, favorable to the passage of this Act, and being composed, as it is, of members of this body selected not only for their general abilities, but particularly for their legal attainments, I therefore, feel, Sir, that it strongly behooves me to show to this House, cogent reasons to sustain me in the peculiar views and position I have taken. Therefore, Sir, I most respectfully submit the following minority report, and recommend the passage of the bill.

In the first place, Sir, the rate of interest sought to be established by this bill, is fourteen per cent per annum: nearly or quite double the rate allowed by law, in any or most of the sister States of this Union; so, therefore, I conclude that its liberality will not be the subject of attack from its opponents. Secondly—This bill aims to prevent the loaning of money, or the contracting therefor, at any higher rate than that before mentioned, by making all such contracts, loans, etc., by this Act, usurious and void, so far as the cost of an action, and any and all interest claimed in any action wherein the defence of usury is plead and sustained, and, also making all such contracts *quasi*-criminal offences, and punishable as misdemeanors. In the general features of this bill, no originality can, or is, sought to be claimed, it being an almost exact copy of laws of a similar nature in force in other States, but its necessity and its reason are the grounds upon which it has met with decided disapproval at the hands of a majority of this committee, and it is in support of these grounds, and in answer to those attacks, that I shall predicate mainly this report.

Firstly, Sir, I shall proceed to review, briefly, the general nature, use, and intuition of laws of this nature, as contended for by the authors of our common law, and the authors of our statute laws in the different States of this Union, whose laws of this nature are at present in force.

Upon reviewal of various authorities, we find that laws of this nature are of the greatest antiquity; an apparent, or imaginary necessity, having always, and up to the present time, in almost all civilized, or even semi-civilized countries, existed.

Chancellor Kent says: "If we look back upon history, we shall find that there is scarcely any people, ancient or modern, that have not had usury laws. In ancient Rome, according to Tacitus, usury was discouraged in the early period of the Republic by the Twelve Tables; it was afterwards abolished, and again established, in the ages of luxury and commerce of that nation Justinian, for maritime hazards, allowed a liberal rate of interest, but for other purposes exorbitant interest was severely restrained."

"But, (according to Blydenburg,) it is not only the civilized and commercial nations of Modern Europe, and the sage law-givers of Ancient Rome, that have regulated the interest of money. It is a little singular that the same voice against usury should have been raised in the laws of China—in the Hindoo Institute of Menu—in the Koran of Mahomet—

and, perhaps, we may say, in the laws of all nations, that we know of, whether Greek or Barbarian.

"But one exception in those ages seems to have occurred, and that was in the laws of Solon for the Athenians, but that nation afterwards established a usury law by custom and usage. For, (as said by Blydenburg,) the public voice, which cried against usurers, and the profound contempt to which they were condemned, formed a punishment so great, that the law-giver did not deem it necessary to add any other punishment.

"The true reason on which the Legislature has said that, in bargains for money, no more than a certain fixed sum shall be taken by way of interest for the loan, is founded on just principles of true policy. First of all, it is more advantageous to the public, that persons who are in possession of money should use their own industry in the employment of their money, than that they should sit idle, and take the benefit of it through the industry of others; and, therefore, the loan of money, at any large rate of interest, has always been discouraged. And as States become rich, the interest of money is always diminished, with the view that the men who sit idle shall receive as low a rate of interest as will induce them to loan to others. If every man could obtain for the loan of his money as high a rate of interest without hazard, as they do who employ it in trade and manufactures, which are hazardous undertakings, the most industrious of the people would be ground down by usurers; they would get the profits of the trade, and the enterprising and industrious trader would be ruined.

"One sees every day, where traders have been in the habit of borrowing, become bankrupts, and how large a share of their property is always swallowed up by usurers."

England always, from the earliest date of her political history, until A. D. one thousand eight hundred and thirty-nine, has had usury laws of the most stringent nature, and, in the said year, adopted a new or supplementary statute relative thereto, which is, I presume, still in force.

The colony of Massachusetts, in one thousand six hundred and forty-one, passed an Act of usury, and still retains a usury law in force.

The laws of Connecticut, published in one thousand seven hundred and fifteen, contain in substance the present Act now in force.

The present Act against usury in New Hampshire, was passed in one thousand seven hundred and ninety-one.

The first Act of the Colonial Legislature of New York, appears to have been that of the third year of King George the First, and has had, continually, usury laws since that time, except during the years one thousand eight hundred and thirty-four, thousand eight hundred and thirty-five, and one thousand eight hundred and thirty-six, and of the practical effects of the repeal or of the moderation of the usury laws during that time in that State, Blydenburg says: "Usury stalked abroad at noonday, and any attempt to describe the disastrous effects of that enactment would be little short of the history of the times. It could not be written without the pen of a Gibbon. The interior of the State, however, in May, one thousand eight hundred and thirty-seven, succeeded in rescuin the City of New York from the usurers, by their majority in the Legislature, and passed the Act now in force, which took effect in the following July. Repeated attempts have been subsequently made by demagogues to effect a repeal, but the countrymen have, as yet, remained firm."

The first Act against usury, in New Jersey, was passed in one thousand

seven hundred and thirty-eight, and, with only slight alterations, has continued in force until the present time.

On the twenty-seventh of November, one thousand seven hundred, interest was reduced, and a rate established, by the Act of William Penn, Esq., Proprietary, and Governor-in-Chief of Pennsylvania and Territories. This Act was repealed February seventh, one thousand seven hundred and five, and re-enacted March second, one thousand seven hundred and twenty-three, and is still continued.

The original Act against usury, in Maryland, has continued, without variation, from its passage in September, one thousand seven hundred and four, until the present time.

The rate of interest was established, and usury laws enacted, in Virginia, in one thousand seven hundred and thirty, and she still has statutes of nearly the same import.

The original Act against usury, in North Carolina, which was passed in one thousand seven hundred and forty-one, continues in force in that State through subsequent enactments, and was in force in Tennessee until the Act of that State, passed in one thousand eight hundred and nineteen, which made usury indictable—which continued until the present Act in that State, passed in one thousand eight hundred and thirty-five, which is now in force.

In South Carolina, two laws were passed, one in one thousand seven hundred and twenty, the other in one thousand seven hundred and twenty-one, against usury—the last of which brings indirectly into view the rate of interest. At the present time, the legal interest is seven per cent, as it has been since one thousand seven hundred and seventy-seven. The bank-interest is six per cent.

Georgia passed an Act against usury March twenty-seventh, one thousand seven hundred and fifty-nine, similar in its provisions to the Statute of Queen Anne, but allowing interest at the rate of eight per cent. per annum. It continued in force until its repeal by the passage of the present Act, one thousand eight hundred and twenty-two.

Alabama, by Act of one thousand eight hundred and five, allowed interest at the rate of six per cent. per annum, and declared the contract void for excess. A supplemental Act was passed to that, as afterwards amended, in one thousand eight hundred and thirty-four.

The Territorial Legislature of Ohio passed an Act, on the fourteenth of July, one thousand seven hundred and ninety-five, adopting the English Acts of Parliament, of Elizabeth and Henry the Eighth, which was succeeded by another Act in one thousand seven hundred and ninety-nine; and the State of Ohio passed an Act to prevent usury, which forfeited the excess over principal only, December twenty-ninth, one thousand eight hundred and four, which continued until its repeal by the present Act, in one thousand eight hundred and twenty-four.

The first Act against usury passed in Kentucky in one thousand seven hundred and ninety-eight, which was similar in its provisions to the Act then in force in Virginia. This continued until its repeal by the passage of the present Act in one thousand eight hundred and nineteen.

In addition thereto, all of the several States of Maine, Arkansas, Delaware, Florida, Illinois, Indiana, Louisiana, and Michigan, all had laws similar in their natures to those above referred to, at the date of my authority: Blydenburg on Usury—published in one thousand eight hundred and forty-four.

Then I would ask, in the language of the author, "Can we suppose that a principle of moral restraint, of such uniform and universal adop-

tion, has no good sense in it? Is it altogether the result of monkish prejudice? Ought we not rather to conclude that the provision is adapted to the necessities and the wants of our species, and grows out of the natural infirmity of man, and the temptation to abuse inherent, in temporary loans?"

So much for precedent authority, now I would ask, have we become wiser or more honest than other people? or is there any peculiarity in our political existence that renders a law so universally needed and enforced in other countries, unnecessary in ours? I have entirely failed to distinguish the difference, but, on the contrary, nearly nine years' continual residence in this State has taught me that greater, yes, far greater, necessities, for such a law exists here now than ever has existed in any of our sister States. California, populated by the hardy, adventurous, and speculative of all the world—rich in her intrinsic wealth—abounding in dazzling prospects of fortunes seemingly obtainable in the shortest periods of time—has induced a degree of mad speculation, of every nature, heretofore unparalleled in history. It founded the money-loaner's paradise of success; quietly withdrawing within the narrow confines of their offices, lying idle themselves, but working their money, they have cautiously, but surely, wound themselves about the sinews of our people's prosperity, until we behold every public convenience and franchise within their power—our means of transit to the sister States, our internal rivers, our public highways, all, all, in the hands of high monopolies, so hugely gigantic, in their moneyed strength, that they are even shrewdly suspected, by some, of being able to make themselves felt within our legislative halls.

We have but to contrast the past with the present to behold the necessity for an Act of this nature. Where are the men to-day who, but yesterday, were the leading traders of our State? Those who have erected what few structures, edifices, and public improvements, of which our State can boast, are, in nine cases out of ten, pecuniarily ruined, and their possessions the possessions of the purse-proud usurer.

This, the wealthiest of all of the United States in natural productions, in almost any point of view regarded, is to-day the poorest as a government, the poorest in the works of art, the poorest in all that tends to render us, as a State, substantial, and, as a people, happy.

The farmer fences his fields, or builds his cottage, by the rate of interest; the miner buys his water by the same criterion; and, in thousands of places throughout the State, mineral wealth, of untold richness and quantities, lies untouched and undeveloped for the want of water—the money-lender being unwilling (whilst his money can be loaned to so good an advantage,) to either intrust his money in such hazardous speculations, or to intrust it to others so to do; therefore, there it must lie, beyond the reach of the industrious but poor miner. Where are your railroads, so much needed? With unimproved public highways, leading to almost all of our principal cities, rendered almost impassable during the rainy season; with navigation impeded by a flood of debris from the mountains that threatens to almost entirely destroy this means of transit, creating in this State a greater necessity for railway conveniences than in any other—yet we possess immeasurably less. They are all paralyzed by the enormous rate of interest demanded upon money—awaiting the investment of foreign capital; whilst the citizen that would willingly assist in the execution of these works must remain idle, and, when he desires to travel, must pay to the wealthy monopolist the enormous exactions required of him for exceedingly inferior accommodations.

My space will not allow me to point out more of the ruinous workings of this untrammeled usurious system, and, therefore, I must close this report by endeavoring to answer objections that have been urged against a bill of this nature from various sources. 'Tis said, by some, that an exercise of a power of this nature, by legislative bodies, is of doubtful propriety, and as unwarranted as would be a law to regulate the price of any kind of produce. To the first objection, I reply by referring to the authority I have already quoted—the authority of the world. To the second objection, I reply by quoting the maxim of our Government, "the greatest possible good to the greatest possible number." It is first for us to determine whether a law of this kind will have this effect, and, if determined in the affirmative, then we will be upheld by our constituency in its passage. Again, it has been urged that it is impossible to frame laws of this nature that will not be evaded. This is sufficiently refuted by the history of other States; but, further—it will not be sought to be evaded by large dealers, who never will risk their reputations, their property, and their liberties, by a violation of the law, when the temptation, on the part of the man oppressed by them, is so great, and humanity so infirm; and if they will comply, they will, as they do, regulate the money mart, and would-be usurers on a small scale will not find many applicants. And again, it has been urged, as a most serious objection, that it will tend to drive money from the State to seek foreign investment. This I deny, for I here assert that no other State in the Union presents the many inducements for investments of capital, safely secured and promising such gains, as this. I think I am safe in saying that seven per cent. per annum is the average rate of interest throughout the Union, and here we offer and allow by this bill fifteen per cent.—more than double.

Now, I assert that the banker—the shrewd, calculating money-broker—will not invest in anything, or in any speculation, that he does not consider safe; and any speculation that he does consider safe, he will invest his money in, in this State, at fifteen per cent. per annum, before he will transmit it to any foreign market, where it can not be any more than safe, and where he can not reasonably expect any more than half as great a return for his outlay and risk. It will drive money to the seeking of investments in improvements; it will encourage and stimulate enterprise of every nature; it will give us opposition facilities of travel, and cripple monopolies; it will furnish the laboring man with opportunities for labor, and cheapen his necessaries of life; it is the great keystone of success, and a State's prosperity Every branch of human industry will feel its immediate effects. I deem it expedient, necessary, and just, for all of the purposes and for all of the reasons I have pointed out and given, and for many more that I am prepared to point out and to give, but which the limited requirements of a report will not, in justice, allow me to give in this place, but which I will attempt to give before this honorable body, in debate, on the advocacy of this bill.

C. E. DELONG, of Yuba.

By Mr. Aud:

Mr. SPEAKER:—In regard to Assembly bill No. 26, concerning interest on money, I, as one of the Judiciary Committee to whom said bill was referred, beg leave to report, that I was not present when said Committee considered the same, and, therefore, have not joined in the report of the majority or minority of said Committee.

FRANCIS L. AUD.

Mr. Whealdon verbally reported, and recommended the passage of Assembly bill No. 2, an Act to ascertain the indebtedness of Sierra County to the County of Yuba, and to provide for the payment of the same.

By Mr. Banks:

Mr. Speaker:—The San Francisco delegation, to whom was referred Senate bill No. 48, an Act for the relief of Moses Scott, jr., with instructions to strike out from the first section the words "and directed," having complied with said instruction, report the same back to the House.

BANKS, for the San Francisco delegation.

Mr Caine verbally reported, and recommended the passage of Assembly bill No. 39, an Act to repeal an Act entitled an Act to incorporate the Town of Oroville, and an Act amendatory of, and supplementary to, an Act to incorporate the Town of Oroville.

Mr. Gwinn verbally reported, and recommended that Senate bill No. 50, an Act amendatory of an Act to change the time of holding the Court of Sessions, and County Court, of the Counties of Los Angeles and Yolo, approved April eighth, one thousand eight hundred and fifty-eight, be laid upon the table

The following resolution was offered by Mr. Ensworth, and lost:

Resolved, That Mr. DeLong be, and he is hereby, added to the Select Committee on journalizing the proceedings for the House.

Mr. Speaker announced as the Committee to consider the Chinese Immigration Law: Messrs. Murray, DeLong, Barclay, Ellis, and Dunlap.

Mr. Ellis presented a petition of citizens of Sacramento County, relative to weights and measures.

Referred to Committee on Ways and Means.

Mr. Lull moved to reconsider the vote by which the House on yesterday refused to receive his protest.

Mr. Pixley moved the previous question, which was sustained, and Messrs Lull, Banks, and Jackson, demanded the ayes and noes, and the House refused to reconsider, by the following vote:

Ayes—Messrs. Banks, Caine, Caldwell, Canon, Cherry, DeLong, Fuller, Hill, Holman, Imus, Jackson, Lamar, Lull, Moore of San Francisco, Pixley, Shannon, Shepard, Slingerland, Sloss, Squires, Taylor, Thomas, and Whealdon—23.

Noes—Messrs. Armstrong, Aud, Barclay, Bates, Buck, Burdick, Cahalan, Coleman, Connely, Crenshaw, Daggett, G. N. Douglass, Dow, Dunlap, Eagon, Ellis, Ensworth, Gregory, Gwinn, Hancock, Hines, Howe, Johnson, Laspeyre, Lefever, Lightner, Lynch, Mathews, Mount, Murray, Robberson, Sheridan, Springer, Tipton, Torres, Tully, Vaughan, Watkins, Wing, Whitman, Whitney, Young, and Mr. Speaker—43.

Mr. Hancock offered the following resolution:

Resolved, That the advocates of the protest in the matter of the Duncombe case, divest the same of such words and language as tend to cast reflections on the actions of the majority, derogatory of their dignity and character, as honorable Members of the Assembly, and be permitted to enter the same on to-morrow.

Lost.

Mr. Armstrong gave notice of a reconsideration of vote just taken.

Mr. Holman offered the following resolution, which was referred to the Committee on Accounts and Expenditures:

Resolved, That the Controller of State be, and is hereby, authorized to draw his warrant on the State Treasurer, in favor of E. M. Casey, for one hundred and fifty-three dollars, for services rendered as Engrossing Clerk of the Assembly; also, to draw his warrant in favor of H. C. Kibbe, for one hundred and fifty-three dollars, for services rendered as Enrolling Clerk of the Assembly, from January third to January nineteenth, inclusive, payable out of the Contingent Fund of the Assembly.

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

Resolved, That the Committee on Education be instructed to inquire into the expediency of erecting and establishing a State University, in which shall be taught the highest branches of Education.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Lull, an Act amendatory of an Act entitled "An Act to repeal the several charters of the City and County of San Francisco, and to consolidate the government thereof."

By Mr. Hines, an Act to amend an Act to legalize and confirm the general and supplementary assessment-rolls, the publication of the same, and to extend the time for the collection of revenue, in the Counties of Sonoma, Mendocino, Colusa, and Sutter.

By Mr. Jackson, an Act for the better protection of sheep, and to make the owners of dogs liable for damages which may be done by them.

By Mr. Watkins, an Act to amend an Act entitled an Act to amend an Act restricting the herding of sheep to certain pastures, in the Counties of Sonoma and Marin, approved April fifteenth, one thousand eight hundred and fifty-eight.

Assembly bill No. 62, an Act to amend an Act entitled "An Act concerning official and other bonds," approved April second, one thousand eight hundred and fifty-seven, read second time, and referred to the Judiciary Committee.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Ellis, an Act to change the name of John Teachout to John Thompson.

Read first and second times, and placed on file.

By Mr. Aud, an Act amendatory of and supplementary to the Act entitled "An Act to regulate proceedings in civil cases, in the Courts of Justice in this State, passed April twenty-ninth, one thousand eight hundred and fifty-one, and the several Acts amendatory thereto.

Read first and second times, referred to the Judiciary Committee, and ordered printed.

By Mr. Shepard, an Act authorizing the Superintendent of Streets and Highways, in the City and County of San Francisco, to appoint a deputy.

Read first and times, and referred, with accompanying memorial, to the San Francisco delegation.

By Mr. Slingerland, an Act for securing liens to laborers in the mines.

Read first and second times, referred to the Judiciary Committee, and ordered printed.

By Mr. Thomas, an Act to improve the navigation of the San Joaquin River, to reclaim swamp and overflowed lands lying contiguous thereto, and making an appropriation therefor.

Read first and second times, and referred to the delegations from Stanislaus, San Joaquin, Merced, Mariposa, and Fresno.

By Mr. Slingerland, an Act to ascertain the indebtedness of Nevada County to the County of Yuba, and to provide for the payment of the same.

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

By Mr. Street, an Act to change the name of John August Strombohl to August William Strombohl.

Read first and second times, and placed on file.

Also, an Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, one thousand eight hundred and fifty.

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

By Mr Torres, an Act to change the time of holding the County Court in the County of Marin.

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

GENERAL FILE.

Assembly bill No. 34, an Act concerning the County Judge of Solano County.

Recommitted to the Solano delegation.

Assembly bill No. 6, an Act to amend an Act entitled "An Act to regulate proceedings in civil cases," passed May first, one thousand eight hundred and fifty one, amended May first, one thousand eight hundred and fifty-four.

On its indefinite postponement, Messrs. DeLong, Jackson, and G. A. Douglas, demanded the ayes and noes, and it was indefinitely postponed, by the following vote:

AYES—Messrs. Armstrong, Aud, Banks, Barclay, Bates, Caine, Canon, Cherry, Coleman, Condee, Connely, Cope, Daggett, Davis, G. N. Douglass, Dow, Dunlap, Eagon, Ellis, Ensworth, Fuller, Gregory, Gwinn, Hill, Howe, Jackson, Laspeyre, Lies, Malarin, Moore of Nevada, Moore of San Francisco, Mount, Murray, Pico, Rodgers, Shannon, Shepard, Sheridan, Street, Taylor, Torres, Vaughan, Watkins, Whitman, Young, and Mr. Speaker—46.

NOES—Messrs. Briggs, Burdick, Caldwell, DeLong, G. A. Douglas, Hines, Imus, Johnson, Lamar, Lefever, Lightner, Lull, Mathews, Pixley, Slingerland, Springer, Squires, Thomas, Tully, Whealdon, and Whitney—21.

Assembly bill No. 41, an Act to grant the right to construct and maintain a bridge across the Feather River, recommitted to Yuba and Sutter delegations.

Assembly bill No. 53, an Act authorizing and requiring the Board of

Supervisors of the County of San Mateo to levy a special tax—substitute for Assembly bill No 37—substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Senate bill No 14, an Act concerning certificates of purchase of lands;

And Senate bill No. 10, an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, one thousand eight hundred and fifty-one;

Were indefinitely postponed.

Assembly bill No. 48, an Act to enable poor persons to prosecute and defend suits—Committee amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 30, an Act to authorize the Governor to issue patents to parties who have made locations upon the public lands in this State, with State school-land warrants—amendments of Committee adopted, and bill ordered engrossed.

The following bills were ordered engrossed, viz.:

Assembly bill No. 47, an Act to reduce the salary of the County Judge of Sutter County;

Also, Assembly bill No. 38, an Act to regulate the fees of certain officers in Amador County;

Also, Assembly bill No. 51, an Act to amend an Act concerning the office of the County Judge of San Joaquin County;

Also, Assembly bill No. 19, an Act concerning roads and highways in the County of Nevada;

Also, Assembly bill No. 10, an Act amendatory and supplementary to an Act entitled an Act to provide for the formation of corporations for certain purposes, passed April fourteenth, one thousand eight hundred and fifty-three;

And, Assembly bill No. 46, an Act for the relief of the Treasurer of the County of San Joaquin.

Assembly bill No. 54, an Act for the relief of O. D. Avaline, was considered in Committee of the Whole, Mr. Mount in the Chair, and the bill was referred to the Board of Examiners.

Mr. Johnson introduced the following bill, which was read first and second times, and referred to the Committee on Commerce and Navigation: "An Act to amend an Act entitled an Act to amend an Act entitled an Act to establish pilots and pilot regulations for the Port of San Francisco, approved April sixteenth, one thousand eight hundred and fifty-eight."

At twenty minutes past three o'clock P. M., on motion of Mr. Street, the House adjourned.

IN ASSEMBLY.

THURSDAY, January 27, 1859.

House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

Mr. Fuller had leave of absence for the remainder of this week.

The Speaker appointed Mr. Holman on the Committee on Military Affairs, in the place of Mr. Duncombe.

REPORTS.

Reports were made as follows:
By Mr. Connely:

MR. SPEAKER:—The Committee on Agriculture, to whom was referred Assemby bill No. 65, entitled "An Act to amend an Act restricting the herding of sheep to certain pastures, in the Counties of Sonoma and Marin," have had the same under consideration, and have instructed me to report the same back to the House, with an amendment of the title, with a recommendation that it be passed, with the amended title.

CONNELY, Chairman.

By Mr. Lynch:

MR. SPEAKER:—The Committee on Engrossment have examined, and find correctly engrossed, the following bills, to wit:—

Assembly bill No. 53, "An Act entitled an Act authorizing and requiring the Board of Supervisors of the County of San Mateo, to levy a special tax."

Assembly bill No. 32, "An Act to authorize the Board of Supervisors of Trinity County, to levy a special tax, and create a redemption fund for the payment of County indebtedness."

Assembly bill No. 51, "An Act to amend an Act concerning the office of County Judge of San Joaquin County."

Assembly bill No. 46, "An Act for the relief of the County Treasurer of the County of San Joaquin."

LYNCH, Chairman.

By Mr. Thomas:

MR. SPEAKER:—The Committee on State Hospitals, to whom was referred Assembly bill No. 5, "An Act creating an Insane Asylum at Marysville, Yuba County, for the State of California," return the same to the Assembly, accompanied with a substitute, without recommendation in regard to either.

THOMAS, Chairman.

The following minority report was submitted by Mr. Lefever:

MR. SPEAKER:—The minority of the Committee on State Hospitals, to whom was referred Assembly bill No. 5, would most respectfully dissent from the report of the majority, and recommend the passage of the substitute. He is induced to do this from a firm conviction that the fearful rapidity with which insanity is increasing in this State, requires that further accommodation should be provided for them, and considers that it would be better to divide, than to crowd them.

LEFEVER.

By Mr. Gwinn:

MR. SPEAKER:—The Committee on Roads and Highways have had under consideration Assembly bill No. 16, "An Act concerning roads and highways," and have made sundry amendments thereto, and have instructed me to report the same back to the Assembly, as amended, and recommend its passage, to apply to the County of San Mateo, and such other Counties as may desire to be included within its provisions.

GWINN, Chairman.

By Mr. Laspeyre:

Mr. Speaker:—The Committee on Public Printing report back to the House, Senate bill No. 53, being "An Act to amend an Act entitled an Act concerning the office of Secretary of State," and respectfully recommend its indefinite postponement.

T. LASPEYRE,
WALTER MURRAY,
W. R. MATHEWS,
P. P. CAINE,
M. FULLER,
C. W. CAHALAN,
JAS. A. JOHNSON.

By Mr. Young:

Mr. Speaker:—The Enrolling Committee have examined, and found correctly enrolled, "Assembly Concurrent-Resolution No. 3, relative to the distribution of Journals, Laws, etc."

GEO. A. YOUNG, Chairman.

By Mr. Hill:

Mr. Speaker:—The San Francisco delegation, to whom was referred Assembly bill No. 57, entitled "An Act concerning the offices of County Clerk, Sheriff, and County Recorder, of the City and County of San Francisco," instruct me to report the same back to the House, and recommend its passage, as amended.

HILL, for the delegation.

By Mr. Cherry:

Mr. Speaker:—The Committee, consisting of the San Francisco delegation, to whom was referred Assembly bill No. 15, "An Act to authorize and empower the Board of Supervisors of the City and County of San Francisco to pay out of the General Fund, certain claims therein mentioned," report the same back to the House with amendments, and recommend its passage, as amended.

CHERRY, for the delegation.

The following minority report was submitted by Mr. Vaughan:

Mr. Speaker:—I now propose to offer my reasons for making a minority report a few days ago, recommending the indefinite postponement of Assembly bill No. 41, "An Act to construct and maintain a bridge across the Feather River," which was referred to the delegations from Yuba and Sutter Counties.

First—That the citizens of Sutter County are desirous of constructing a free bridge, and that there is a bill pending in the Senate, giving them that right; and that this bill (Assembly bill No. 41,) has been introduced for the purpose of heading off and killing the Senate bill.

Second—That this bridge company (formed in Assembly bill No. 41,) has formed an unholy combination for the purpose of exacting and collecting high and oppressive tolls from the citizens of Sutter County, while traveling to and from the City of Marysville.

Third—That before this unholy and tyrannical combination was formed, there were two regularly-licensed ferries, running at the point where this

bridge is to be established, at rates of toll that were not oppressive, and which paid their owners a handsome compensation.

Fourth—That George M. Hanson obtained a charter from the Court of Sessions of Yuba County, to construct and maintain a bridge across the Feather River, at the point where this bill proposes to give this franchise, and that that charter was in nowise to interfere with the privilege of the opposition ferry owned by William S. Webb.

Fifth—Some two years ago, the owners of the bill combined and coalesced with W. S. Webb, the owner of the opposition ferry, by buying off the ferry of the said W. S. Webb, and giving him, in return therefor, the one-third interest in said bridge, thereby cutting off all opposition, and placing the people of Sutter County at the mercy of a heartless monopoly. And for the benefit of this company are gentlemen urging the passage of this bill with such hot haste.

Sixth—This bill gives the right to the Board of Supervisors of Yuba County, to fix and regulate the rates of toll on said bridge, which will work a great hardship on the people of Sutter County, from the fact that they pay, annually, to this bridge company, forty thousand dollars, under the rates of toll as fixed by the Board of Supervisors of Yuba County.

Seventh—I hold to the principle that the right to build this bridge belongs to the people themselves, and that it would be unjust to legislate that right from them, when it is their *bona fide* intention to build a free bridge.

C. L. N. VAUGHAN.

Mr. DeLong offered the following resolution:

Resolved, That a Special Committee of five from the House be appointed, whose duty it shall be to visit the State Insane Asylum, at their earliest convenience, for the purpose of thoroughly investigating the said institution, and report to this House a full and complete statement of the amount of expenses, and the amount of improvements made thereon, belonging to the State: as, also, the whole general financial affairs of the said institution; as, also, any amendmends to the present Act relative thereto, for the management and control of the same, that they may deem necessary.

Mr. Young offered the following substitute:

Whereas, It is reported that one John R. Brett, an insane man, whose feet were frozen in transporting him to the Asylum, was so neglected there that amputation of both his legs became necessary; therefore,

Resolved, That a Special Committee of five be appointed, by the Chair, to inquire into and report the facts of said case to this House, with such recommendations as they may deem proper, and that said Committee have power to send for persons and papers.

Mr. Cherry moved the previous question, which was sustained, the substitute lost, and the original resolution adopted.

On motion of Mr Moore of Nevada, the vote, by which the resolution was adopted, was reconsidered.

Mr. Moore of Nevada moved to amend, as follows:

Strike out, after the word resolved, to word appointed, and insert, "by the Assembly, the Senate concurring, that a Select Committee of three

from the Assembly, and two from the Senate, be;" also, strike out the word House, and insert "Senate and Assembly;" and add, at the end of the resolution, "and that the said Committee have power to send for persons and papers."

The resolution, as amended, was adopted, and the Speaker appointed on such Committee, Messrs DeLong, Moore of Nevada, and Burdick.

The following message was received from the Senate:

SENATE CHAMBER,
January 27, 1859.

MR SPEAKER:—I am directed by the Senate to request the Assembly to return, to the Senate, Senate bill No. 50, "An Act amendatory of an Act to change the time of holding the Courts of Los Angeles and Yolo Counties," as the same has not been correctly engrossed.

E. C. PALMER, Secretary of Senate.

Senate bill No. 50 returned to the Senate.

The following resolution was offered by Mr. Springer, and adopted:

Resolved, That the Controller be, and he is hereby, requested to communicate to this House the amount of warrants, (exclusive of the docket-fee,) audited in favor of the District Judges of this State, on account of salary, for the last fiscal year.

The following message was received from the Senate:

SENATE CHAMBER,
January 26, 1859.

MR. SPEAKER:—I am directed by the Senate to transmit, to the Assembly, original Senate bill No. 8, "An Act to repeal an Act for the appointment of a Gauger for the Port of San Francisco, passed May third, one thousand eight hundred and fifty-two," agreeable to the request of the Assembly.

E. C. PALMER, Secretary Senate.

The original Senate bill, (No. 8,) above reported, was taken under consideration, and read first time.

Mr. Moore moved that the bill be rejected.

The Speaker having decided that the motion was in order, Mr. Cherry appealed, and the decision of the Chair was sustained.

Mr. Lull moved a call of the House, which was sustained, and Messrs. Dow, Ensworth, and Howe, were absent.

Further proceedings under the call were dispensed with.

On the question, "Shall this bill be rejected?" Messrs. Crenshaw, Coleman, and Lightner, demanded the ayes and noes.

Mr. Aud moved the previous question.

Mr. Eagon moved a call of the House, which was sustained, and Messrs. Buck, DeLong, Dunlap, Ensworth, Gregory, and Rodgers, were absent.

Further proceedings under the call dispensed with, and the House refused to reject the bill, by the following vote:

AYES—Messrs. Armstrong, Burdick, Cahalan, Coleman, Condee, Crenshaw, Cutler, Hancock, Hines, Lamar, Lefever, Lies, Lightner, Malarin,

Moore of Nevada, Mount, Pico, Tipton, Torres, Vaughan, Whitman, Young, and Mr. Speaker—23.

NOES—Messrs. Aud, Banks, Barclay, Bates, Briggs, Caine, Caldwell, Canon. Cherry, Connely, Cope, Daggett, Davis, DeLong, G. A. Douglas, G. N. Douglass, Dow, Eagon, Ellis, Gwinn, Hill, Holman, Howe, Imus, Jackson, Johnson, Laspeyre, Lull, Lynch, Mathews, Moore of San Francisco, Murray, Pixley, Robberson, Shannon, Shepard, Sheridan, Slingerland, Sloss, Springer, Squires, Street, Taylor, Thomas, Tully, Watkins, Whealdon, Wing, and Whitney—49.

The bill was then read a second time, and referred to the Committee on Ways and Means.

Assembly bill No. 55, "An Act to prohibit the intermarriage of first cousins," was taken from the files, and referred to the Judiciary Committee.

The following messages were received from the Senate:

SENATE CHAMBER,
January 26, 1859.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, on yesterday, passed Senate bill No. 66, "An Act for the relief of Henry L. Davis."

E. C. PALMER, Secretary of Senate.

Senate bill No. 66, above reported, was read first and second times, and placed on file.

SENATE CHAMBER,
January 26, 1859.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have, this day, passed Senate bill No. 74, "An Act to authorize the executors of the last will and testament of Thomas O. Larkin, deceased, to sell personal property of the testator at private sale."

E. C. PALMER, Secretary of Senate.

Senate bill No. 74, above reported, read first and second times, and referred to Judiciary Committee.

SENATE CHAMBER,
January 27, 1859.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have, this day, passed Senate bill No. 79, "An Act for extending the time for the Sheriff of Sacramento County to collect the delinquent taxes for the year 1858."

E. C. PALMER, Secretary of Senate.

Senate bill No. 79, above reported, read first and second times, and placed on file.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr Coleman, an Act to repeal an Act passed April twenty-sixth, one thousand eight hundred and fifty eight, entitled an Act to provide for the sale of the sixteenth and thirty-sixth sections of land donated to this State for school purposes by Act of Congress, passed March third, one thousand eight hundred and fifty-three.

By Mr. Jackson, an Act for the relief of parties who have settled upon,

or made part payment towards the purchase of, swamp and overflowed lands, and have since been compelled to purchase the same as school lands.

By Mr. Tipton, "An Act to extend the term of office of Justices of the Peace of this State."

By Mr. Gwinn, "An Act to amend an Act entitled an Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers," passed March twentieth, one thousand eight hundred and fifty-five.

By Mr. Murray, an Act concerning the official bonds of the District Attorney, Surveyor, Coroner, and Public Administrator, of the County of San Luis Obispo.

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

Resolved, That the Committee on Ways and Means be instructed to report back to this House, on to-morrow, Senate bill No. 8.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Street, an Act to amend an Act entitled "An Act amendatory of an Act to amend an Act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain counties in this State, approved April twenty-fifth, one thousand eight hundred and fifty-seven," approved March thirtieth, one thousand eight hundred and fifty-eight.

Read first and second times, and referred to Committee on Indian Affairs.

By Mr. Hines, an Act to extend the time for collecting taxes in the County of Contra Costa.

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

By Mr. Lull, an Act amendatory of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Pixley, an Act to amend an Act to establish pilots and pilot regulations for the port of San Francisco, passed May eleventh, one thousand eight hundred and fifty-four.

Read first and second times, and referred to Committee on Internal Improvements.

GENERAL FILE.

Assembly bill No. 41, "An Act to grant the right to construct and maintain a bridge across the Feather River"—Amendments of Committee adopted, and ordered engrossed.

Senate bill No. 48, an Act for the relief of Moses Scott, jr.,—House refused to adopt amendment of San Francisco delegation, read third time, and passed.

Assembly bill No. 46, "An Act for the relief of the County Treasurer of the County of San Joaquin;

Also, Assembly bill No. 51, an Act to amend an Act concerning the office of County Judge of San Joaquin County;

And, Assembly bill No. 32, an Act to authorize the Board of Supervi-

sors of Trinity County to levy a special tax, and create a Redemption Fund, for the payment of County indebtedness;

Were read third time, and passed.

The following message was received from the Senate:

SENATE CHAMBER,
January 27, 1859.

MR. SPEAKER:—The Senate have, this day, passed Senate bill No. 67, "An Act to authorize Henry Hare Hartley to sell certain real estate held by him as Trustee.

E. C. PALMER, Secretary Senate.

Senate bill No. 67, above reported, read first and second times, and referred to the Judiciary Committee.

At half-past three o'clock, P. M. on motion of Mr. Aud, the House adjourned.

IN ASSEMBLY.

FRIDAY, January 28, 1859.

The House met, pursuant to adjournment.

Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

Mr. G. N. Douglass had leave of absence, for one day.

Mr. Mathews, until Tuesday next, and Mr. Dunlap, for two days.

REPORTS.

Reports were made as follows:

By Mr. Squires:

MR. SPEAKER:—Your Committee on Public Expenditures and Accounts, to which was referred resolution relative to pay of Engrossing and Enrolling Clerks, having had the same under consideration, have requested me to report the same back to the House, and recommend its adoption.

Respectfully,

SQUIRES, Chairman.

By Mr. Aud:

MR. SPEAKER:—The Committee on Federal Relations, to whom was referred Senate Joint-Resolution No. 12, instructing our Senators and requesting our Representatives in Congress, to urge upon that body the passage of a law, establishing a light-house and fog-bell on "Punta de los Reyes," in the County of Marin, in this State, have had the same under consideration, and instructed me to report to this House a substitute for the same, and recommend the adoption of the substitute.

The same Committee have had under consideration "Assembly Concurrent-Resolutions No. 14, relative to the acquisition of the Transit Route over the territory of Nicaragua," and have made the following amendments to the same, and have instructed me to recommend the passage of the same, as amended.

Substitute the following for the second resolution, to wit:

"*Resolved*, That the interests of our whole country demand that the Government of the United States should, if possible, acquire by negotiation, or other fair means, such portion of the territory of Nicaragua as is necessary to secure, for all time to come, a free transit of the Isthmus of Nicaragua"

FRANCIS L. AUD, Chairman.

By Mr. Lies:

MR. SPEAKER:—The Committee on Education, after taking into consideration a resolution of the Assembly, of January twenty-first, one thousand eight hundred and fifty-nine, whereby they were requested to "inquire into the expediency of providing by law for the education of the deaf and dumb persons residing in this State," do respectfully report: That according to the several authorities to which they have had access, there are now residing in this State from seven to thirty-nine deaf and dumb persons, whose ages are unknown to this Committee; that it is inexpedient at present to provide, by any law, for their education.

EUGENE LIES, Chairman.

JANUARY 28, 1859.

By Mr. Ellis:

MR. SPEAKER:—The Sacramento delegation, to whom was referred Assembly bill No. 1, an Act amendatory of an Act entitled an Act to repeal the Act passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled an Act to incorporate the City of Sacramento, and the several Acts amendatory thereto, and to incorporate the City and County of Sacramento, have had the same under consideration, and report a substitute, and recommend its passage.

ELLIS, for the Delegation.

By Mr. Holman:

MR. SPEAKER:—The Committee on Commerce and Navigation, to whom was referred Senate bill No. 27, "An Act to authorize the construction of certain wharves," have had the same under consideration, and beg leave to report the same back to the House, and recommend its passage.

HOLMAN, Chairman.

Mr. De Long offered the following resolution:

Resolved, That a Committee of three from this House be appointed by the Speaker to visit the State Insane Asylum at Stockton, at their earliest convenience, and investigate all the general affairs of that institution, and also all its financial affairs—its general management—and immediately report the same to this House, with any suggestions they may see proper to make, and that the said Committee shall have power to send for persons and papers.

Mr. Moore of Nevada moved to lay the resolution on the table.

Upon which, Messrs. Jackson, DeLong, and Slingerland, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Aud, Barclay, Bates, Buck, Cahalan, Condee, Cutler, Daggett, Davis, Dow, Eagon, Gregory, Gwinn, Hancock, Howe, Lamar,

Lefever, Lightner, Lynch, Malarin, Moore of Nevada, Mount, Murray, Pico, Robberson, Rodgers, Sheridan, Sloss, Springer, Squires, Thomas, Tipton, Torres, Tully, Vaughan, Wing, and Whitman—37.

NOES—Messrs. Banks, Briggs, Burdick, Caine, Caldwell, Canon, Cherry, Coleman, Connely, Cope, Crenshaw, DeLong, G. A. Douglas, Ellis, Ensworth, Hill, Hines, Holman, Imus, Jackson, Johnson, Laspeyre, Lies, Lull, Moore of San Francisco, Pixley, Roane, Shannon, Shepard, Slingerland, Taylor, Watkins, Whealdon, Whitney, Young, and Mr. Speaker—38.

Mr. Moore of Nevada moved to refer the resolution to the Committee on State Hospitals.

Mr. Buck moved the previous question, which was sustained.

Messrs. Burdick, Squires, and Tipton, demanded the ayes and noes, and it was so referred, by the following vote:

AYES—Messrs. Armstrong, Aud, Barclay, Bates, Cahalan, Connely, Daggett, Davis, Eagon, Gregory, Gwinn, Hancock, Holman, Howe, Johnson, Lamar, Lefever, Lynch, Moore of Nevada, Mount, Murray, Pico, Roane, Robberson, Rodgers, Sheridan, Springer, Squires, Street, Tipton, Torres, Tully, Vaughan, Wing, Whitman, Young, and Mr. Speaker—37.

NOES—Messrs. Banks, Briggs, Buck, Burdick, Caine, Caldwell, Canon, Cherry, Coleman, Condee, Crenshaw, Cutler, DeLong, G. A. Douglas, Dow, Ellis, Hill, Hines, Imus, Jackson, Laspeyre, Lies, Lightner, Lull, Moore of San Francisco, Pixley, Shannon, Shepard, Slingerland, Sloss, Taylor, Watkins, Whealdon, Whitney, and Wing—34.

MAJORITY REPORT.

Mr. Street made the following majority report:

MR. SPEAKER:—The Committee on Ways and Means, to whom was refered Senate bill No. 8, entitled "An Act to repeal an Act for the appointment of a Gauger for the Port of San Francisco," have had the same under consideration, and a majority of the Committee report the same back, with a recommendation that it be indefinitely postponed.

Also, Assembly bill No. 27, entitled an Act to provide for the appointment of a Supreme Court Reporter, and to define his duties and compensation, and a majority of the Committee have instructed me to report the same back, with a recommendation that it be indefinitely postponed.

C. R. STREET,
Chairman Committee on Ways and Means.

MINORITY REPORT.

Mr. Street made the following minority report:

The undersigned, members of the Committee on Ways and Means, ask leave to submit the following minority report on Senate bill No. 8, entitled "An Act to repeal an Act for the appointment of a Gauger for the Port of San Francisco."

As the reasons for dissenting from the report of the majority of the Committee are set forth in a former report made by us on the same bill, we will not now reaffirm them, but, adhering to our opinion, as then expressed, that the interests of the public, and every consideration

of sound policy, demand the abolition of the office of Gauger of Liquors, we submit the accompanying bill as a substitute for Senate bill No. 8, and recommend its passage.

(Signed) CHAS R. STREET,
WM. P. RODGERS,
A. J. GREGORY,
JOHN W. CHERRY.

The following report was made by Mr. Lynch:

MR. SPEAKER:—The Engrossing Committee have examined, and found correctly engrossed, Assembly bill No. 41, "An Act to grant the right to construct and maintain a bridge across the Feather River."

LYNCH, Chairman.

The House concurred in Senate Concurrent-Resolution No. 10, relative to printing one thousand copies of the Governor's Message in the German language.

Mr. Street offered the following resolution:

Resolved, That the Committee on Public Buildings and Grounds be instructed to report, at an early day, a bill providing for the construction of a Capitol Building for this State.

Mr. Jackson offered the following amendment:—After the word "for," insert "for procuring of grounds and."

Lost.

And the resolution offered by Mr. Street adopted.

The Speaker added Mr. Murray to the Select Committee on the Journalized Proceedings of the House.

Mr. Pixley offered the following resolution:

Resolved, By the Assembly, the Senate Concurring, that a Joint Committee of one from each House be authorized to employ some competent German and English scholar to translate the Governor's Message into German, for the purpose of publication in that language, at a price not exceeding one dollar per folio.

Mr. Coleman moved to strike out "one dollar," and insert "one dollar and twenty cents."

Lost.

And the resolution adopted.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
January 27, 1859

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, on yesterday, passed Senate bill No. 73, "An Act to amend an Act to authorize the issuance of duplicates for certain lost school-land warrants."

E. C. PALMER, Secretary Senate

Senate bill No. 73, above reported, read first and second times, and referred to the Judiciary Committee.

SENATE CHAMBER,
January 28, 1859.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, on yesterday, passed Assembly bill No. 50, "An Act supplementary to the Act concerning the writ of *Habeas Corpus*," with an amendment;

Also, Assembly bill No. 3, an Act to amend an Act entitled "An Act concerning roads and highways in certain Counties therein named," approved April twenty-second, one thousand eight hundred and fifty-eight;

Also, Senate bill No. 37, "An Act amendatory of, and supplemental to, an Act to provide for the location and sale of the unsold portion of the five hundred thousand acres of land granted to this State for school purposes, and the seventy-two sections donated to this State for the use of a seminary of learning," approved April twenty-third, one thousand eight hundred and fifty-eight.

E. C. PALMER, Secretary of Senate.

Senate bill No. 37, above reported, read first and second times, and referred to the Committee on Education.

Assembly bill No. 50, above reported—Senate amendments concurred in.

The Speaker appointed Messrs. Lull, Coleman, and Malarin, a committee on so much of the Governor's Message as relates to the Washington Monument.

Assembly bill No. 83, "An Act to amend an Act to establish pilots and pilot regulations for the Port of San Francisco," was ordered printed.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Hines, "An Act fixing the time of holding the Court of Sessions and the County Court, in the County of Contra Costa."

By Mr. Howe, "An Act to fix the compensation of the County Judge of the County of Tuolumne."

By Mr. Whitman, "An Act for the relief of certain parties who have acted as volunteers, in former Indian wars, in this State."

By Mr. Thomas, "An Act establishing a Board of Medical Examiners."

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr Lamar, "An Act to define the boundaries, and provide for the organization, of Mendocino County."

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

By Mr. Taylor, "An Act allowing compensation to the Coroner of the City and County of San Francisco, for certain services."

Read first and second times, and referred to the San Francisco delegation.

By Mr. Pixley, "An Act to repeal an Act to amend section twenty of an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice in this State," passed April twenty-ninth, one thousand eight hundred and fifty-one.

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

By Mr. Lamar, "An Act to provide for improving the Nararro River."

Read first and second times, and referred to the Committee on Internal Improvements.

By Mr. Murray, "An Act concerning the official bonds of the District-Attorney, Surveyor, Coroner, and Public Administrator, of the County of San Luis Obispo."

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

By Mr. Gwinn, "An Act to amend an Act entitled an Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers."

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

By Mr. Torres, "An Act to confirm and legalize the tax-lists or assessment-rolls of the County of Marin, for the years one thousand eight hundred and fifty-seven, and one thousand eight hundred and fifty-eight, and to authorize the collection of unpaid taxes in said County."

Read first and second times, and referred to Marin delegation.

By Mr. Pico, "An Act concerning jurors in the County of Los Angeles.

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

The following message was received from the Senate:

SENATE CHAMBER,
January 28th, 1859.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have, this day, passed Senate bill No. 88, "An Act concerning official bonds of County officers in the County of Calaveras."

E. C. PALMER, Secretary Senate.

Senate bill No. 88, above reported, read first and second times, rules suspended, read third time, and passed.

Assembly bill No. 84, substitute for Assembly bill No. 5, "An Act to create a branch of the Insane Asylum of California," ordered printed.

Senate Concurrent-Resolution No. 13, "Relative to printing the Report, and certain portions of the Report of the Surveyor-General," concurred in.

Assembly Joint-Resolution No. 10, "Relative to an appropriaton by Congress to complete the road over the Sierra Nevadas, on the route known as the Central Overland Route," indefinitely postponed.

Senate bill No. 79, "An Act for extending the time for the Sheriff of Sacramento County to collect the delinquent taxes for the year one thousand eight hundred and fifty-eight," read third time.

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

And the following members were absent, viz: Messrs. Banks, Connely, Cope, Cutler, Daggett, Hill, Holman, Johnson, Malarin, Moore of San Francisco, Murray, Pico, Shannon, Street, Thomas, Torres, Lies, and Whitman.

The Sergeant-at-Arms was dispatched for the absentees.

Mr Johnson appeared at the bar of the House, was admitted, and excused.

Messrs. Murray, Whitman, Thomas, Pico, Malarin, Hill, and Lies, paid their fines.

Further proceedings under the call were dispensed with, and the bill passed.

At fifteen minutes past two o'clock P. M., on motion of Mr. Mount, the House adjourned.

IN ASSEMBLY.

SATURDAY, January 29, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

Mr. Holman had indefinite leave of absence.

Mr. Pixley, for three days.

And Messrs. Banks, Tipton, Douglass, and Connely, for one day each.

A communication was received from the Controller, relative to amount paid District Judges during the ninth fiscal year.

Referred to a Special Committee of three, to be appointed by the Speaker.

REPORTS.

Mr. Cope, Chairman of the Judiciary Committee, made the following report:

MR. SPEAKER:—The Judiciary Committee, to whom was referred Senate bill No. 67, an Act to authorize Henry Hare Hartley to sell certain real estate held by him as trustee, have considered the same, and report the bill back, and recommend its passage.

The same Committee, to whom was referred Assembly bill No. 55, an Act to prohibit the intermarriage of first cousins, have considered the same, and report the bill back, without any recommendations as to its passage.

The same Committee, to whom was referred Senate bill No. 74, an Act to authorize the executors of the estate of Thomas O. Larkin, deceased, to sell personal property at private sale, have considered the same, and report the bill back, and recommend its passage.

The same Committee, to whom was referred Assembly bill No. 78, an Act to change the time of holding the County Court, in the County of Marin, have had the same under consideration, and report the bill back, and recommend its passage.

The same Committee, to whom was referred Assembly bill No. 74, an Act for securing liens to laborers in the mines, have considered the same, and report the bill back, and recommend its reference to the Committee on Mines and Mining Interests.

The same Committee, to whom was referred Assembly bill No. 61, an Act to amend an Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers, approved March twentieth, one thousand eight hundred and fifty-five, have considered the same, and report the bill back, and recommend its indefinite postponement.

The same Committee, to whom was referred Assembly bill No. 77, an Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, one thousand eight hundred and fifty, have considered the same, and report the bill back, and recommend its indefinite postponement.

The same Committee, to whom was referred Assembly bill No. 81, an Act to extend the time for collecting taxes in the County of Contra Cos.

ta, have considered the same, and report the bill back, and recommend its passage.

The same Committee, to whom was referred Assembly bill No. 63, an Act to repeal an Act approved April twenty seventh, one thousand eight hundred and fifty-five, entitled an Act amendatory of, and supplementary to, an Act entitled an Act concerning crimes and punishments, passed April sixteenth, one thousand eight hundred and fifty, and all other Acts, and parts of Acts, having reference thereto, have considered the same, and report the bill back, and recommend its indefinite postponement.

The same Committee, to whom was referred Assembly bill No. 68, an Act to amend an Act entitled an Act prescribing the mode of maintaining and defending possessory actions on public lands in this State, approved April twentieth, one thousand eight hundred and fifty-two, have had the same under consideration, and report the bill back, and recommend its passage.

The same Committee, to whom was referred Senate bill No. 52, an Act amendatory of an Act to fix the time for holding the terms of the District Courts throughout this State, passed May eighteenth, one thousand eight hundred and fifty-three, have considered the same, and report the bill back, and recommend its passage.

The same Committee, to whom was referred Assembly bill No. 49, an Act supplementary to an Act entitled an Act concerning conveyances, passed April sixteenth, one thousand eight hundred and fifty, have considered the same, and report the bill back, and recommend its passage.

W. W. COPE, Chairman.

Mr. Lull presented a memorial of Henry G. Langley & Co., relative to California State Register.

Referred to Committee on Education.

Assembly bill No. 40, an Act amendatory of an Act to regulate proceedings in civil cases;

And Assembly bill No. 49, an Act supplementary to an Act concerning conveyances, passed April sixteenth, one thousand eight hundred and fifty;

Were ordered printed.

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

Resolved, That the Chief Clerk be allowed a Printing-Office Clerk, who shall receive for his compensation the same per diem as the Minute Clerk of Assembly, to be paid out of the fund set apart for the payment of officers and clerks of the Assembly.

Assembly bill No. 81, an Act to extend the time for collecting taxes in the County of Contra Costa, was taken up, rules suspended, considered engrossed, read third time, and passed.

Mr. Aud gave notice of an Act to amend an Act amendatory of, and supplementary to, an Act in relation to personal mortgages in certain cases, passed May eleventh, one thousand eight hundred and fifty-three.

The following report was made by Mr. Lynch:

Mr. Speaker:—The Committee on Engrossment have examined the following bills, and find them correctly engrossed:

Assembly bill No. 19, an Act concerning roads and highways in the County of Nevada.

Assembly bill No. 47, an Act to reduce the salary of the County Judge of Sutter County.

Assembly bill No. 48, an Act to enable poor persons to prosecute and defend suits.

LYNCH, Chairman.

Assembly resolution relative to pay of Engrossing and Enrolling Clerks, adopted.

Mr. Hines introduced a bill for an Act fixing the time for holding the Court of Sessions, and the County Court, in the County of Contra Costa.

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

The following bills were read third time, and passed:

Assembly bill No. 47, an Act to reduce the salary of the County Judge of Sutter County;

Also, Senate bill No. 52, an Act amendatory of an Act to fix the time for holding the terms of the District Court throughout this State, passed May eighteenth, one thousand eight hundred and fifty-three;

Also, Senate bill No. 66, an Act for the relief of Henry L. Davis;

Also, Senate bill No. 67, an Act to authorize Henry Hare Hartley to sell certain real estate held by him as trustee;

Also, Senate bill No. 74, an Act to authorize the executors of the estate of Thomas O. Larkin, deceased, to sell personal property at private sale.

The following minority report was made by Mr. Lefever:

MR. SPEAKER:—*Sir:* Assembly bill No. 2, creating an Act to ascertain the indebtedness of Sierra County to the County of Yuba, which was referred to the Yuba and Sierra delegations, most respectfully beg leave to submit the following minority report:

Originally Yuba County included Nevada and Sierra. Nevada was set off May twenty-eighth, one thousand eight hundred and fifty-one, and provision was made for determining her portion of the debt of Yuba County. (See Statutes of 1851, pages 516, 517, and 518.)

The Commissioners appointed under the Act organizing the County of Nevada, to ascertain its proportion of the indebtedness of Yuba County, could not agree.

On the twentieth day of April, one thousand eight hundred and fifty-two, a new Board of Commissioners was appointed to ascertain the proportion of indebtedness of Yuba County, properly chargeable to Nevada County. (See Laws of 1852, pages 242 and 243.)

On the sixteenth day of April, one thousand eight hundred and fifty-two, the County of Sierra was created out of the County of Yuba, and in the Act provision was made for ascertaining her proportion of the debt of Yuba County, and the payment of the same, and such Act has never been repealed. (See Laws of 1852, pages 230, 231, 232, and 233.)

In compliance with the above law, such Commissioners were appointed by the Court of Sierra County,—Yuba County failing so to do.

From the foregoing, it will be seen that when Nevada was set off, Yuba County, in one thousand eight hundred and fifty-one, was in debt, and Nevada County was to pay her proportion of it; that Nevada County has never been legally advised of the amount of that debt, and, in the opinion of this Committee, does not legally owe Yuba County one dollar.

Therefore, as Sierra County has complied with the law, it is the opinion of this Committee, also a number of legal gentlemen consulted in the

matter, that Sierra County is not legally indebted to Yuba County in the sum of one cent.

JAS. A. JOHNSON,
JOSIAH LEFEVER.

The following bills were ordered engrossed:

Assembly bill No. 2, an Act to ascertain the indebtedness of Sierra County to the County of Yuba, and to provide for the payment of the same;

Also, Assembly bill No. 39, an Act to repeal an Act entitled an Act to incorporate the Town of Oroville, and an Act amendatory of, and supplementary to, an Act to incorporate the Town of Oroville;

Also, Assembly bill No 67, an Act to legalize the assessment of real and personal property, made by John H Lillard, in the County of Butte, during the years of one thousand eight hundred and fifty-six, and one thousand eight hundred and fifty-seven.

Also, Assembly bill No. 69, an Act providing for holding a special term of the District Court in the Thirteenth Judicial District;

Also, Assembly bill No. 70, an Act to change the name of John Teachout to John Thompson;

And, Assembly bill No. 76, an Act to change the name of John August Stromdohl, to August William Stromdohl.

Assembly bill No. 56, an Act concerning the offices of County Clerk, Sheriff, and County Recorder, of the City and County of San Francisco—Committee amendments adopted, and ordered engrossed.

Assembly bill No. 15, an Act to authorize and direct the Board of Supervisors of the City and County of San Francisco to pay, out of the General Fund, certain claims therein mentioned—Committee amendments adopted, and ordered engrossed.

Assembly bill No. 85, an Act to authorize the Auditor and Treasurer of the City and County of Sacramento, to transfer certain funds, and for other purposes, adopted as substitute for Assembly bill No. 1, and ordered engrossed.

Senate bill No. 53, an Act to amend an Act entitled an Act concerning the office of Secretary of State, passed May fourth, one thousand eight hundred and fifty-four, indefinitely postponed.

At one o'clock P. M., on motion of Mr. Cope, the House adjourned.

IN ASSEMBLY.

MONDAY, January 31, 1859.

House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of Saturday was read and approved.

Messrs. Torres, Lull, and Johnson, had leave of absence, for two days.

Messrs. Cherry, Hancock, Pico, Lynch, Connely, and Moore of Nevada, one day each.

The Speaker appointed Mr. Street a committee on translating the Governor's Message into the German language.

Also, appointed Messrs. Pixley, Cope, and Roane, a committee on Controller's Report, in reference to the salaries of District Judges.

Mr. Thomas presented petition of citizens of San Joaquin, Calaveras, and Tuolumne Counties, for annexation of portions of said Counties to Stanislaus County.

Also, remonstrance of citizens of Stanislaus County against annexation.

Referred to Committee on Counties and County Boundaries.

REPORTS.

Mr. Thomas made the following report:

MR SPEAKER:—The Joint Committee of the Senate and Assembly on State Hospitals, having visited the Insane Asylum at Stockton, in discharge of the duty assigned them, and having minutely inspected said Asylum, and inquired diligently into its financial affairs, submit the following report:

We find that the duties of the officers, from the Superintendent and Visiting-Physician to the lowest attaché of the Asylum, have been performed in an efficient and faithful manner. Their system of treatment, control, and management, so far as could be ascertained, are such as would eminently conduce to the improvement of the patients. The respective wards and apartments of the establishment are kept with the most scrupulous regard to the comfort and sanitary condition of their unfortunate inmates Your Committee are unanimous in the belief that the modern-received ideas of the treatment of the insane, as adopted and carried out by the Resident-Physician and his entire corps of subordinates, would be difficult to improve upon.

The result of the treatment, as shown by the statistics of the Asylum, has been eminently successful, and will compare favorably with much older institutions, of a similar character, in the Eastern States The books and accounts indicate an economical and efficient performance of the business of the Asylum, comprehending full and fair records of the entire business operations of the institution.

The books were found correctly kept, neat, concise, and readily understood—reflecting much credit on the parties having them in charge. In fine, your Committee are constrained to admit, from the examination had of the Asylum and its inmates, and all that appertain to them, that all the legal requirements connected with the same are faithfully carried out.

We can not well close this report without commending the Trustees and Superintendent for the improvements made at the Asylum during the past year It seems to have been the care and study of the efficient architect to combine utility and taste, and of the contractor to carry out, to the fullest extent, his designs—the general appearance of the grounds and improvements affording mute testimony to the success of both, in an eminent degree.

For a minute record of the improvements and changes that have been made at the Asylum, during the past year, your Committee would refer your honorable body to the Annual Report of the Trustees and Superintendent We deem it absolutely necessary, for the safe-keeping and comfort of the violently insane or raving maniacs, when in close confinement, that some of the cells in the mad-houses should be fitted up with the modern improvements, so as not to injure themselves or those in attendance.

For this purpose, we would earnestly recommend a small appropriation.

With this exception, it is with much satisfaction we announce that no appropriation for improvements is necessary for the present year.

G. W. THOMAS,
Chairman of Assembly Committee.

Mr. Thomas presented the following communication, which was referred to the Committee on Hospitals, with instructions to report to-morrow morning:

To the Assembly of the State of California:

Your petitioner respectfully represents that he is the Resident-Physician of the State Insane Asylum, and that, inasmuch as it has pleased members of your honorable body, in the exercise of their parliamentary privilege, to make charges, upon the floor of the House, reflecting upon the honor and integrity of the officers of the institution, he humbly requests, as an act of justice to himself and those associated with him, that your honorable body may be pleased to appoint a Committee, with power to send for persons and papers, whose duty it shall be to investigate, and report upon the character and conduct of the institution, from its formation to the present moment

Very respectfully,

W. D. AYLETT,
Resident-Physician State Insane Asylum.

SACRAMENTO, January 29, 1859.

The following report was made by Mr. Ensworth:

MR. SPEAKER:—The Select Committee on Journalized Proceedings of the House report the proceedings correctly written up to Thursday, the twenty-seventh instant, inclusive.

ENSWORTH, Chairman.

MONDAY, January 31, 1859.

Mr. Shepard, from the San Francisco delegation, verbally reported, and recommended the passage of Assembly bill No. 88, an Act allowing compensation to the Coroner of the City and County of San Francisco, for certain services;

Also, reported, with amendments, and recommended the passage of, Senate bill No. 16, an Act to legalize acknowledgments heretofore taken by any Deputy-Clerk of the late Superior Court of the City of San Francisco

The following report was made by Mr. Cutler:

MR SPEAKER:—The delegation from Solano County, to whom was referred Assembly bill No. 34, "An Act concerning the County Judge of Solano County," have had the same under consideration, and respectfully report the same back to the House, and recommend the passage of a substitute, which is herewith submitted.

CUTLER.

Substitute for Assembly bill No. 34, above reported, adopted, and substitute ordered engrossed.

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

Be it resolved, By the Assembly, the Senate concurring, that our Senators in Congress be instructed, and our Representatives therein requested, to urge upon that body the passage of a general law equalizing postage on letters, papers, etc., throughout the Union.

Be it further resolved, That, in case it be found impracticable to obtain the passage of such general law above referred to—then, and in that case, our Senators are instructed, and our Representatives requested, to insist upon, and demand, the immediate passage of a special law for the relief and benefit of the people of the Pacific Coast, who now pay three hundred and thirty-three and one-third per cent more on letter postage than is paid by any other citizens of the Federal Union.

Be it further resolved, That the Governor of this State be requested to transmit to the President of the United States, the Postmaster-General, and each of our Senators and Representatives in Congress, a copy of these resolutions.

Assembly Concurrent-Resolutions No. 14, relative to the acquisition of the Transit Route over the Territory of Nicaragua, were taken up.

On the adoption of the resolution, Messrs. Aud, Springer, and Sheridan, demanded the ayes and noes, and the resolutions were lost, by the following vote:

AYES—Messrs. Armstrong, Barclay, Buck, Crenshaw, G. N. Douglass, Dow, Dunlap, Eagon, Gregory, Gwinn, Howe, Laspeyre, Roane, Robberson, Rodgers, Slingerland, Squires, Street, Tully, Vaughan, Whitman, Whitney, Young, and Mr. Speaker—24.

NOES—Messrs. Aud, Banks, Burdick, Caine, Caldwell, Cahalan, Canon, Condee, Cutler, DeLong, G. A. Douglas, Ellis, Ensworth, Hill, Imus, Jackson, Lamar, Lefever, Lies, Malarin, Mount, Murray, Shannon, Shepard, Sheridan, Sloss, Springer, Taylor, Thomas, Watkins, and Whealdon—31.

Mr. Lamar gave notice to reconsider.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
January 29, 1859.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate herewith return, to the Assembly, Senate bill No. 50, "An Act amendatory of an Act to change the time of holding the Court of Sessions, and County Court, of the Counties of Los Angeles and Yolo, approved April eighth, one thousand eight hundred and fifty-eight.

E. C. PALMER, Sec. Senate.

Senate bill No. 50, above reported, read first and second times, and referred to the Los Angeles and Yolo delegations.

SENATE CHAMBER,
January 29, 1859.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, on yesterday, passed Assembly bill No. 14, "An Act to repeal an Act concerning roads and highways, in and for the Counties of Tuolumne and

Alameda, passed April twenty-sixth, one thousand eight hundred and fifty-eight, so far as the same relates to the County of Tuolumne."

Also, Assembly bill No. 53, "An Act authorizing and requiring the Board of Supervisors of the County of San Mateo to levy a special tax," with amendments.

E. C. PALMER, Secretary Senate.

House concurred in Senate amendments to Assembly bill No. 53, above reported.

MR. SPEAKER:—I am directed to inform the Assembly that, on Saturday, January twenty-ninth, one thousand eight hundred and fifty-nine, the Senate passed Assembly bill No. 81, "An Act to extend the time for collecting taxes in the County of Contra Costa.

Also, adopted Assembly Concurrent-Resolution No. 16, relative to that portion of the Governor's Message relating to the Washington Monument, and have appointed Messrs. Kirkpatrick and Thom, Committee on the part of the Senate.

J. T. PENNINGTON, Assistant Sec. Senate.

NOTICES OF BILLS.

Notices of introduction of bills were given as follows:

By Mr. Whitman, an Act fixing the salaries of certain County officers in San Bernardino County.

By Mr. Sloss, "An Act to fix amount of the official bonds of the officers of El Dorado County."

Also, an Act to enforce the better observance of the first day of the week, commonly called the Sabbath.

By Mr. Thomas, an Act amendatory of an Act entitled an Act defining legal distances, approved April twenty-four, one thousand eight hundred and fifty-eight.

By Mr. Jackson, a resolution to dispense with the further services of the Clerk to carry bills to the Printer.

Mr. Lamar moved to adjourn.

Lost.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Street, an Act recommending to the electors to vote for or against a Convention to revise and change the Constitution of this State.

Read first and second times, and referred to Special Committee on the Constitution, and ordered printed.

By Mr. Whitman, an Act to extend the time for completing the assessment-roll, and for collecting the taxes of San Bernardino County.

Read first and second times, and referred to the San Bernardino delegation.

By Mr. Taylor, an Act for the protection of laborers, butchers, grocers, and others.

Read first and second times, referred to the Judiciary Committee, and ordered printed.

By Mr. Thomas, an Act to constitute a State Board of Medical Examiners.

Read first and second times, referred to the Committee on Hospitals, and ordered printed.

By Mr. Jackson, an Act for the better protection of sheep, and to make the owners or harborers of dogs liable for damages they may do.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Sloss, an Act to regulate fees in office in the County of El Dorado.

Read first and second times, and referred to El Dorado delegation.

GENERAL FILE.

Assembly bill No. 31, an Act to separate the office of Collector of Taxes from the office of Sheriff, in the County of Amador, recommitted to Amador delegation.

Assembly bill No. 36, "An Act supplementary to, and amendatory of, an Act entitled an Act to prohibit gaming," passed April twenty-seven, one thousand eight hundred and fifty-seven—Committee amendments adopted, and ordered engrossed.

Assembly bill No. 59, "An Act to provide for the holding the January term of the Seventh Judicial District, in the County of Plumas," ordered engrossed.

Assembly bill No. 56, an Act concerning the organization of the militia, referred to the Committee on Military Affairs.

Assembly bill No. 16, an Act concerning roads and highways, recommitted to Committee on Roads and Highways, with instructions to amend.

Assembly bill No. 65, an Act to amend an Act entitled "An Act restricting the herding of sheep to certain pastures, in the Counties of Sonoma and Marin"—Committee amendments adopted, and ordered engrossed.

Senate Joint-Resolution No. 12, relative to establishment of light-houses and fog-bells in the County of Marin—substitute reported by Committee adopted, read third time, and passed.

Assembly bill No. 86, an Act to abolish the office of State Gauger for the port of San Francisco, reported as substitute for Senate bill No. 8—pending the consideration of the substitute, at fifteen minutes past two o'clock, on motion of Mr. Bates, the House adjourned.

IN ASSEMBLY.

TUESDAY, February 1, 1859.

House met, pursuant to adjournment.

Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

Messrs. Lightner and Fuller had leave of absence, for two days each, and Mr. Whitney, for one day.

REPORTS.

The following report was made by Mr. Thomas:

MR. SPEAKER:—The Committee on State Hospitals, to whom was referred a resolution requiring the Speaker to appoint a Special Committee for the purpose of visiting the Insane Asylum at Stockton, and to exam-

ine into its general affairs, and management, return the same to the Assembly, with a substitute, and recommend the adoption of the substitute.

The same Committee, to whom was referred the petition of the Resident-Physician of the Insane Asylum, return the same to the Assembly, and recommend that the prayer of the petitioner be granted.

THOMAS, Chairman.

Resolved, By the Assembly, the Senate concurring, that a Joint Committee of three from the Assembly, and two from the Senate, be appointed by their presiding officers, whose duty it shall be to proceed to the Insane Asylum at Stockton, and to investigate its general affairs, and management, and to inquire into any charges of neglect or malfeasance of any character whatever, that may be brought against any of its officers or attachés, and to report at their earliest convenience.

And be it further resolved, That said Joint Committee be empowered to send for persons and papers, and to administer oaths.

Adopted.

Mr. Young made the following report:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 50, "An Act supplementary to the Act concerning the writ of *Habeas Corpus;*"

Also, Assembly bill No. 81, "An Act to extend the time for collecting taxes in the County of Contra Costa."

GEO. A. YOUNG, Chairman.

Mr. Whitman verbally reported, and recommended the passage of Assembly bill No. 97, "An Act to extend the time for completing the assessment-roll, and for collecting the taxes of San Bernardino County."

Rules suspended, bill considered engrossed, read third time and passed.

Mr. Moore of Nevada verbally reported, and recommended the passage of Senate bill No. 9, "An Act to amend an Act concerning the office of Public Administrator of the Counties of Nevada, Sacramento, Monterey, and Amador," approved April fifth, one thousand eight hundred and fifty-six.

The following report was made by Mr. Burdick:

MR. SPEAKER:—Your Auditing Committee have examined the copying done for the Assembly, and find it as follows:

Character of Work.	Folios.
Journal	1,102
Copy for Printer	1,364½
Total	2,466½

All of which we respectfully submit.

JAMES BURDICK, Chairman.

Mr. Banks, from the San Francisco delegation, verbally reported, and

recommended the passage of Assembly bill No. 13, "An Act authorizing the Board of Supervisors of the City and County of San Francisco to appoint Commissioners to propose plans and specifications for a bulk-head for the protection of the harbor of San Francisco.

Mr. Lamar moved to reconsider the vote by which the House on yesterday refused to adopt Assembly Concurrent-Resolution No. 14, "Relative to the acquisition of the Transit Route over the Territory of Nicaragua," upon which, Messrs. Sloss, Aud, and Springer, demanded the ayes and noes, and the vote was reconsidered as follows: ayes, 35—noes, 26:

AYES—Messrs. Armstrong, Barclay, Bates, Briggs, Burdick, Cahalan, Cope, Crenshaw, Cutler, Daggett, G. N. Douglass, Dow, Eagon, Ellis, Gregory, Hancock, Hines, Holman, Lamar, Laspeyre, Mount, Roane, Robberson, Rodgers, Shannon, Slingerland, Squires, Street, Tipton, Tully, Vaughan, Wing, Whitman, Young, and Mr. Speaker—35.

NOES—Messrs. Aud, Banks, Caine, Caldwell, Cherry, Connely, G. A. Douglas, Ensworth, Gwinn, Howe, Imus, Jackson, Lefever, Lies, Malarin, Mathews, Murray, Pico, Shepard, Sheridan, Sloss, Springer, Thomas, Torres, Watkins, and Whealdon—26.

Mr. Lamar offered the following amendment, as a substitute for the second resolution:

Resolved, That the interests of the whole country demand that the Government should, as an indemnification for the past, and security for the future, take possession of such portion of the Territory of Nicaragua as is necessary to secure, for all time, the free transit of the Isthmus—to employ the land and naval forces of the United States in protecting the same, and to erect fortifications on the line of said route.

Upon its adoption, Messrs. Aud, Springer, and G. A. Douglas, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Armstrong, Barclay, Briggs, Burdick, Connely, Crenshaw, Cutler, G. N. Douglass, Dunlap, Gwinn, Lamar, Laspeyre, Lies, Lynch, Mount, Roane, Robberson, Rodgers, Slingerland, Squires, Street, Tipton, Tully, Vaughan, Wing, Whitman, Young, and Mr. Speaker—28.

NOES—Messrs. Aud, Banks, Caine, Cahalan, Cherry, Coleman, Daggett, Davis, G. A. Douglas, Dow, Eagon, Ellis, Ensworth, Hill, Holman, Howe, Imus, Jackson, Lefever, Malarin, Mathews, Murray, Pico, Shannon, Shepard, Sheridan, Sloss, Springer, Thomas, Torres, Watkins, and Whealdon—32.

Mr. Ellis offered, as an amendment or substitute for the second resolution, the substitute recommended by the Committee.

Mr. Sloss moved to lay the whole matter on the table.

Carried.

The following communication was received from the Board of Examiners, and referred to the Committee on Ways and Means:

OFFICE OF BOARD OF EXAMINERS,
Sacramento, January 31st, 1859.

To the Assembly of California:

I transmit to your honorable body a list of the following cases against the State, which have been rejected by the Board of Examiners.

JOHN B. WELLER, Pres. Board of Examiners.

Account.	Amount.
B. C. Newcomb & Co., for furniture furnished the Judiciary Committee, in 1856	$191 00
Samuel Warren, for wood supplied State-Prison, in 1855	4,372 50
D. H. Whepley, for quarters and subsistence of troops, in 1850	1,853 00
C. T. Meader & Co., for merchandise supplied Insane Asylum, in 1856 and '57	526 56
J. J. Ames, for official advertising, in 1856	90 00
Jos. O'Conner, balance for services rendered at the State-Prison	150 00
R. G. Watkins, for suppression of Indian hostilities (by San Francisco Rangers)	17,868 00
I. & S. Wormser, assignee, etc., for services as Journal Clerk, in 1858	270 00
	$25,321 06
Also, Joseph Nougues against the State, per contract of Commissioners for building a State Capitol	$23,440 00
Total	$48,761 06

The following report was received from the Board of Examiners:

OFFICE OF BOARD OF EXAMINERS,
Sacramento, January 31st, 1859.

To the Assembly of California:

I transmit to your honorable body a claim which has been passed upon by the Board of Examiners, with the proof in the case.

Account.	Amount.
Marks & Bro., claimants *v.* the State, for dry goods supplied the Insane Asylum, in the month of November, 1856	$92 77

JOHN B. WELLER, Pres. Board of Examiners.

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

Resolved, That the Committee on Public Printing be instructed to ascertain the amount already expended by this House for printing, and report thereon.

The following resolution was offered by Mr. Jackson:

Resolved, That the further services of Mr. Henry Goodman, employed to carry bills to the Printer be, and the same is hereby, dispensed with.

Upon which, Messrs. Banks, Jackson and Shannon, demanded the ayes and noes, and the same was adopted, by the following vote:

AYES—Messrs. Armstrong, Banks, Barclay, Caine, Caldwell, Canon,

Cherry, Condee, Davis, G. N. Douglass, Dunlap, Eagon, Ellis, Gregory, Gwinn, Imus, Jackson, Laspeyre, Lefever, Lynch, Moore of Nevada, Roane, Robberson, Shannon, Sheridan, Slingerland, Sloss, Springer, Taylor, Tipton, Tully, Watkins, Whealdon, and Wing—34.

NOES—Messrs. Burdick, Dow, Ensworth, Hines, Howe, Lamar, Lies, Murray, Rodgers, Squires, and Thomas—11.

RESOLUTIONS.

The following resolutions were offered, and adopted:

By Mr. Holman:

Resolved, That the Committee on Mileage be, and they are hereby, instructed to inquire into, and report at their earliest convenience, the amount of mileage due each member of the Hospital Committee, for visiting the Insane Asylum at Stockton.

By Mr. Lefever:

Resolved, That the Engrossing Committee be instructed to investigate whether the Engrossing Clerk requires an assistant, and report to the House at their earliest convenience.

Mr. Torres was added to the State-prison Committee.

The following report was made by Mr. Lynch:

MR. SPEAKER:—The Committee on Engrossment have examined, and find correctly engrossed:

Assembly bill No. 15, an Act to authorize and direct the Board of Supervisors in the City and County of San Francisco to pay, out of the General Fund, certain claims therein mentioned.

Assembly bill No. 85, an Act to authorize the Auditor and Treasurer of the City and County of Sacramento to transfer certain funds, and for other purposes.

Assembly bill No. 39, "An Act to repeal an Act entitled an Act to incorporate the Town of Oroville, and an Act amendatory of, and supplementary to, an Act to incorporate the Town of Oroville."

Assembly bill No. 10, an Act amendatory and supplementary to an Act entitled an Act to provide for the formations of corporations for certain purposes, passed April fourteenth, one thousand eight hundred and fifty-three.

Assembly bill No. 57, an Act concerning the offices of County Clerk, Sheriff, and Recorder, of the City and County of San Francisco.

Assembly bill No. 67, an Act to legalize the assessment of real and personal property, made by John Lillard, in the County of Butte, during the years one thousand eight hundred and fifty-six and one thousand eight hundred and fifty-seven.

Assembly bill No. 76, an Act to change the name of John August Strombohl to August William Strombohl.

LYNCH, Chairman.

MESSAGES FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 1, 1850.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, on yesterday, concurred in Assembly Concurrent-Resolution No. 17, relative to pay for translating the Governor's Message into German;

Also, Assembly Concurrent-Resolution No. 18, "Relative to the equalization of postage;"

Also, have passed Senate bill No. 82, "An Act making certificates of purchase evidence of title;"

Also, substitute for Senate bill No. 11, "An Act supplemental to an Act entitled an Act defining the time of commencing civil actions," passed April twenty-second, one thousand eight hundred and fifty;

Also, have adopted Senate Concurrent-Resolution No. 17, relative to the appointment of a Joint Committee to select proposals for the translation of the laws into the Spanish language, and ask the concurrence of the Assembly; and have appointed on said Committee, on the part of the Senate, Messrs. Thom, Redman, and Dent.

Also, have passed Senate bill No. 91, "An Act submitting to the people of the City and County of Sacramento a proposition to appropriate money for the purchase and construction of suitable grounds and buildings for the use of the State Agricultural Society, in the City of Sacramento."

E. C. PALMER, Secretary of Senate.

Senate Concurrent-Resolution No. 17, above reported, concurred in.

Senate bill No. 11, above reported, read first and second times, and referred to the Judiciary Committee.

Senate bill No. 82, above reported, read first and second times, and referred to Committee on Public Lands.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Sloss, to change the Second Standing Rule of the House, so as to make the fifth order of business the tenth in order.

By Mr. Banks, an Act to provide for receiving, at their par value, audited demands against the Treasury of the City and County of San Francisco, in payment of taxes.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Howe, An Act concerning the Board of Supervisors of the County of Tuolumne.

Read first and second times, and placed on file.

By Mr. Taylor, an Act to extend the time for the collection of delinquent taxes in the City and County of San Francisco.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Whitman, an Act legalizing the acts of D. W. Davis.

Read first and second times, and referred to San Bernardino delegation.

By Mr. Thomas, an Act amendatory of an Act entitled an Act defining the legal distances from each County-Seat to the Capitol, Lunatic Asylum, and State-prison, approved April twenty-fourth, one thousand eight hundred and fifty-eight.

Read first and second times, and placed on file.

By Mr. Sloss, an Act to fix the amount of the official bonds of the County officers in and for the County of El Dorado.

Read first and second times, and referred to the El Dorado County delegation.

Assembly bill No. 55, an Act to prohibit the intermarriage of first cousins, referred to Special Committee of three, as follows: Messrs. Mathews, Coleman, and Ellis.

Assembly bill No. 76, an Act to change the name of John August Strombohl to August William Strombohl, recommitted to delegation from Shasta, with instructions.

THIRD READING OF BILLS.

The following bills were read a third time, and passed:

Assembly bill No. 10, an Act amendatory and supplementary to an Act to provide for the formation of corporations for certain purposes, passed April fourteenth, one thousand eight hundred and fifty-three;

Also, Assembly bill No. 15, an Act to authorize and direct the Board of Supervisors of the City and County of San Francisco to pay, out of the General Fund, certain claims therein mentioned;

Also, Assembly bill No. 39, an Act to repeal an Act to incorporate the Town of Oroville, and an Act amendatory of, and supplementary to, an Act to incorporate the Town of Oroville;

Also, Assembly bill No. 67, an Act to legalize the assessment of real and personal property, made by John H. Lillard, in the County of Butte, during the years one thousand eight hundred and fifty-six, and one thousand eight hundred and fifty-seven;

Also, Assembly bill No. 85, an Act to authorize the Auditor and Treasurer of the City and County of Sacramento to transfer certain funds, and for other purposes;

Assembly bill No. 57, An Act concerning the offices of County Clerk, Sheriff, and County Recorder of the City and County of San Francisco, read third time, and returned to general file.

After the announcement of the vote by the Speaker—Mr. Street in the Chair—by which the bill was returned to the general file, Mr. De Long demanded the ayes and noes, which the Speaker ruled out of order, for the reason that the vote had been announced, and the House had proceeded with other business, from which Mr. De Long appealed, and the ayes and noes were demanded, by Messrs. Hill, Lull, and Taylor. The decision of the Chair was sustained, by the following vote:

AYES—Messrs. Armstrong, Briggs, Buck, Burdick, Caldwell, Cahalan, Coleman, Connely, Cutler, Daggett, Davis, Dunlap, Eagon, Ellis, Ensworth, Fuller, Gregory, Gwinn, Hines, Holman, Howe, Lamar, Lefever, Lynch, Mathews, Moore of Nevada, Mount, Murray, Roane, Robberson, Sheridan, Slingerland, Springer, Thomas, Tipton, Torres, Vaughan, Watkins, Wing, and Whitman—40.

NOES—Messrs. Caine, Canon, Cherry, DeLong, Hill, Imus, Jackson, Lull, Moore of San Francisco, Rodgers, Sloss, Squires, and Taylor—13.

Assembly bill No. 41, an Act to grant the right to construct and maintain a bridge across the Feather River, was taken up.

Mr. De Long moved to recommit to the Yuba and Sutter delegations, with instructions to amend, if necessary, by inserting the name of Charles

Keyser after the name of George M. Hanson, wherever it occurs in the bill.

Mr. Tully, to lay upon the table.

Lost.

Mr. Young, to add to instructions, "That the Board of Supervisors of Sutter County be added to that of Yuba."

Carried.

The House refused to recommit the bill.

Mr. Young moved a call of the House.

Which was sustained, and the following members were absent, viz.: Messrs. Aud, Bates, Canon, Eagon, Hill, Malarin, Moore of Nevada, Moore of San Francisco, Thomas, Torres, and Whitman.

The Sergeant-at-Arms was dispatched for the absentees.

Messrs. Whitman and Hill appeared at the bar of the House, were admitted, and excused.

Further proceedings under the call were dispensed with.

Mr. Hancock moved to recommit, with instructions to amend as follows:

This Act shall not in any manner prejudice or affect the existing franchise heretofore granted to Samuel J. Clark, Jr., and his assigns, by virtue of an Act entitled an Act to grant the right to construct and maintain a bridge across the Feather River, approved April twenty-sixth, one thousand eight hundred and fifty-eight.

On motion of Mr. DeLong, the rules were suspended to consider the amendment, and the amendment adopted.

Bill read third time, and, on its passage, Messrs. De Long, Vaughan, and Young, demanded the ayes and noes, and it was lost, by the following vote:

Ayes—Messrs. Aud, Briggs, Burdick, Caine, Caldwell, Cherry, Coleman, Cope, Crenshaw, G. A. Douglas, Ellis, Fuller, Hancock, Hill, Holman, Imus, Jackson, Laspeyre, Lies, Lull, Mount, Murray, Shepard, Slingerland, Sloss, Squires, Street, Taylor, Tipton, Whealdon, and Mr. Speaker—31.

Noes—Messrs. Armstrong, Banks, Barclay, Bates, Buck, Cahalan, Cutler, Daggett, Davis, DeLong, G. N. Douglass, Dow, Dunlap, Ensworth, Gregory, Gwinn, Hines, Howe, Lamar, Lefever, Lynch, Malarin, Mathews, Pico, Roane, Robberson, Rodgers, Shannon, Sheridan, Springer, Torres, Tully, Vaughan, Watkins, Wing, Whitman, Whitney, and Young—38.

Mr. DeLong gave notice of reconsideration of vote just taken.

At half-past four o'clock P. M., on motion of Mr. Hines, the House adjourned.

IN ASSEMBLY.

Wednesday, February 2, 1859.

House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

The Speaker announced, as the Committee on the part of the House, to select proposals for the translation of the Laws into the Spanish language, Messrs. Tully, Hancock, and Lamar:

REPORTS.

Reports were made as follows:
By Mr. Cope:

MR. SPEAKER:—The Judiciary Committee, to whom was referred Assembly bill No. 91, an Act concerning the official bonds of the District-Attorney, Surveyor, Coroner, and Public Administrator, of the County of San Luis Obispo, have considered the same, and report the bill back, recommending its passage.

The same Committee, to whom was referred Assembly bill No. 92, an Act to amend an Act entitled an Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers, have considered the same, and report the bill back, recommending its indefinite postponement.

The same Committee, to whom was referred Senate bill No. 73, an Act to amend an Act entitled "An Act to authorize the issuance of duplicates for certain lost school-land warrants," have considered the same, and report the bill back, recommending its reference to the Committee on Public Lands.

The same Committee, to whom was referred Assembly bill No. 95, an Act fixing the time of holding the Court of Sessions and the County Court, in the County of Contra Costa, have considered the same, and report the bill back, recommending its passage.

The same Committee, to whom was referred Assembly bill No. 98, an Act for the protection of laborers, butchers, grocers, and others, have considered the same, and report the bill back, recommending its indefinite postponement.

The same Committee, to whom was referred Assembly bill No. 62, an Act to amend an Act entitled "An Act concerning official and other bonds," approved April second, one thousand eight hundred and fifty-seven, have considered the same, and report the bill back, with a substitute, and recommend the passage of the substitute.

W. W. COPE, Chairman.

By Mr. Lynch:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, the following bills:

Assembly bill No. 2, an Act to ascertain the indebtedness of Sierra County to the County of Yuba, and to provide for the payment of the same;

Assembly bill No. 69, an Act providing for holding a special term of the District Court, in the Thirteenth Judicial District;

Assembly bill No. 70, an Act to change the name of John Teachout to John Thompson.

LYNCH, Chairman.

By Mr. Tipton:

MR. SPEAKER:—The Committee on Mileage, having had under consid-

eration the amount of mileage due the members of the Committee appointed to visit the Insane Asylum, beg leave to report, as follows:

Names.	Miles.	Amount.
Thomas	90	$18 00
Whitney	90	18 00
Ellis	90	18 00
Mathews	90	18 00
Lefever	90	18 00

All of which is respectfully submitted,

TIPTON, Chairman.

Adopted.

By Mr. Young:

Mr. SPEAKER:—The Enrolling Committee have examined, and found correctly enrolled:

Assembly bill No. 14, "An Act to repeal an Act entitled an Act concerning roads and highways in and for the Counties of Tuolumne and Alameda, passed April twenty-sixth, one thousand eight hundred and fifty-eight, so far as the same relates to the County of Tuolumne;"

Also, Assembly bill No. 8, "An Act to fix the terms of the Probate Court in and for the County of Tuolumne;"

Also, Assembly bill No. 3, "An Act to amend an Act entitled an Act concerning roads and highways in certain Counties therein named, approved April twenty-second, one thousand eight hundred and fifty-eight."

GEO. A. YOUNG, Chairman.

Mr. DeLong moved to reconsider the vote by which, on yesterday, Assembly bill No. 41, "An Act to grant the right to construct and maintain a bridge across the Feather River," was lost.

Mr. Dunlap moved to indefinitely postpone the motion to reconsider, upon which, he moved the previous question.

Which was sustained.

Upon the motion to indefinitely postpone, Messrs. Moore of Nevada, DeLong, and Slingerland, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Armstrong, Banks, Barclay, Bates, Buck, Cahalan, Condee, Daggett, Davis, G. N. Douglass, Dow, Dunlap, Gregory, Gwinn, Howe, Johnson, Lamar, Lefever, Malarin, Mount, Murray, Roane, Robberson, Rodgers, Sheridan, Springer, Squires, Street, Tipton, Tully, Vaughan, Watkins, Whitney, and Young—34.

NOES—Messrs. Aud, Briggs, Burdick, Caine, Caldwell, Canon, Cherry, Connely, Cope, Cutler, DeLong, G. A. Douglas, Eagon, Ellis, Ensworth, Fuller, Hancock, Hill, Hines, Holman, Imus, Jackson, Laspeyre, Lies, Lull, Lynch, Moore of Nevada, Pico, Pixley, Shannon, Shepard, Slingerland, Sloss, Taylor, Thomas, Torres, Whealdon, Whitman, and Mr. Speaker—39.

On the motion to reconsider, Messrs. DeLong, Whealdon, and Slinger-

land, demanded the ayes and noes, and the House reconsidered, by the following vote:

AYES—Messrs. Aud, Briggs, Burdick, Caine, Caldwell, Canon, Cherry, Connely, Cope, DeLong, G. A. Douglas, Eagon, Ellis, Ensworth, Fuller, Hill, Hines, Holman, Imus, Jackson, Lies, Lull, Lynch, Mathews, Moore of Nevada, Mount, Pico, Pixley, Shannon, Shepard, Slingerland, Sloss, Street, Taylor, Thomas, Torres, Whealdon, Whitman, and Mr. Speaker—39.

NOES—Messrs. Armstrong, Banks, Barclay, Bates, Buck, Cahalan, Condee, Cutler, Daggett, Davis, G. N. Douglass, Dow, Dunlap, Gregory, Gwinn, Howe, Johnson, Lamar, Lefever, Malarin, Murray, Roane, Robberson, Rodgers, Sheridan, Springer, Tipton, Tully, Vaughan, Watkins, Whitney, and Young—32.

Mr. Lefever moved a call of the House.

Lost.

The Speaker having decided that the previous question was on the passage of the bill, Mr. Dunlap appealed,

And, on the question "Shall the decision of the Chair stand as the judgment of the House?" Messrs. Young, Dunlap, and Vaughan, demanded the ayes and noes, and the decision of the Chair was sustained, by the following vote:

AYES—Messrs. Armstrong, Aud, Banks, Bates, Briggs, Burdick, Caine, Caldwell, Cahalan, Canon, Cherry, Coleman, Condee, Connely, Cope, Crenshaw, Cutler, Davis, DeLong, G. A Douglas, G. N. Douglass, Dow, Eagon, Ellis, Ensworth, Fuller, Gregory, Gwinn, Hill, Hines, Howe, Imus, Jackson, Johnson, Lamar, Laspeyre, Lefever, Lies, Lull, Lynch, Malarin, Mathews, Moore of Nevada, Mount, Murray, Pico, Pixley, Roane, Robberson, Rodgers, Shannon, Shepard, Sheridan, Slingerland, Sloss, Springer, Street, Taylor, Thomas, Tipton, Torres, Tully, Watkins, Whealdon, Whitman, Whitney, and Young—67.

NOES—Messrs. Barclay, and Buck—2.

On the question "Shall this bill pass?" Mesrs. Howe, Springer, and Slingerland, demanded the ayes and noes, and the bill was lost, by the following vote:

AYES—Messrs. Aud, Briggs, Burdick, Caine, Caldwell, Canon, Cherry, Coleman, Connely, Cope, DeLong, G. A. Douglas, Eagon, Ellis, Ensworth, Fuller, Hill, Hines, Imus, Jackson, Laspeyre, Lies, Lull, Lynch, Moore of Nevada, Pixley, Shepard, Slingerland, Sloss, Street, Taylor, Thomas, Whealdon, and Mr. Speaker—34.

NOES—Messrs. Armstrong, Banks, Barclay, Bates, Buck, Cahalan, Condee, Cutler, Daggett, Davis, G. N. Douglass, Dow, Dunlap, Gregory, Gwinn, Holman, Howe, Johnson, Lamar, Lefever, Malarin, Mathews, Mount, Murray, Roane, Robberson, Rodgers, Sheridan, Springer, Tipton, Torres, Tully, Vaughan, Watkins, Whitney, and Young—35.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
February 2, 1859.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have, this day, concurred in Assembly Concurrent-Resolution No. 20, "Relative to the investigation of the affairs of the Insane Asylum," with an amendment.

E. C. PALMER, Secretary Senate.

Senate amendment to Assembly Concurrent-Resolution, above reported, concurred in, and Messrs. Eagon, Burdick, and DeLong, appointed as the Committee on the part of the House.

SENATE CHAMBER,
February 2, 1859.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, on yesterday, passed Assembly bill No. 32, "An Act to authorize the Board of Supervisors of Trinity County to levy a special tax, and create a redemption fund, for the payment of County indebtedness;"

Also, Assembly bill No. 51, "An Act to amend an Act concerning the office of County Judge of San Joaquin County;"

Also, Senate bill No. 57, "An Act fixing the salaries of District-Attorneys of certain Counties in this State;"

Also, Senate bill No. 94, "An Act providing for holding a special term of the District Court in Del Norte County;"

Also, Senate bill No. 81, "An Act for the relief of Elisha Packwood."

E. C. PALMER, Secretary Senate.

Senate bill No. 57, above reported, read first and second times, and referred to the Tuolumne and El Dorado delegation.

Senate bill No. 94, above reported, read first and second times, and referred to the Judiciary Committee.

Senate bill No. 81, above reported, read first and second times, and referred to Committee on Claims.

On motion of Mr. Sloss, the rules were suspended, and the fifth order of business was changed to the tenth order.

Senate bill No. 91, an Act submitting to the people of the City and County of Sacramento a proposition to appropriate money for the purchase and construction of suitable grounds and buildings for the use of the State Agricultural Society, read first and second times, and referred to the Sacramento delegation.

The following message was received from the Senate:

SENATE CHAMBER,
February 2, 1859.

MR. SPEAKER:—The Senate, on yesterday, passed Senate bill No. 49, an Act concerning crimes and punishments, and for the better protection of wines and liquors against adulterations and counterfeits.

E. C. PALMER, Secretary Senate.

Senate bill No. 49, above reported, read first and second times, and referred to the Committee on Ways and Means.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Whitman, an Act authorizing the guardian or guardians of certain minors to sell and dispose of their real estate and chattels real.

By Mr. Crenshaw, an Act for the relief of miners and settlers whose locations and improvements have been included within the boundaries of floating Mexican land-grants.

By Mr. Mathews, an Act amendatory of an Act concerning Notaries Public.

By Mr. Rodgers, an Act making appropriations for the salaries of Clerks in the State Land Office.

By Mr. Davis, an Act to incorporate the town of Eureka, Humboldt County.

By Mr. Street, an Act to prevent Chinese from working the gold-mines in this State.

By Mr. Canon, an Act to provide for the better collection of poll-taxes, license-taxes, and foreign miners' licenses in the County of Butte;

Also, an Act to do away with the office of County Assessor of Butte County, and provide for the election of Township Assessors.

The following message was received from the Senate:

SENATE CHAMBER,
February 2, 1859

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have received the report of the Directors of the State-prison, and have adopted the accompanying Concurrent-Resolution, and ask the concurrence of the Assembly.

E. C. PALMER, Secretary of Senate.

Senate Concurrent-Resolution No. 18, relative to printing the report of the Board of State-prison Directors, above reported, amended, and concurred in.

Mr. Street verbally reported, with amendments, and recommended the passage of Assembly bill No. 76, an Act to change the name of John August Strombohl to August William Strombohl.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Street, an Act to provide for the compensation of the Keeper of the County-Jail in Shasta County, and to legalize all warrants heretofore issued for the payment of the services of the Keeper of said Jail.

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

By Mr. Tully, an Act to amend an Act concerning Notaries Public, approved April thirtieth, one thousand eight hundred and fifty-seven.

Read first and second times, and placed on file.

By Mr. Aud, an Act amendatory of an Act amendatory of, and supplementary to, an Act in relation to personal mortgages in certain cases, passed May eleventh, one thousand eight hundred and fifty-three.

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

Assembly Concurrent-Resolution No. 8, relative to outrages by Mexicans on American Territory—amendments of Committee concurred in.

Mr. Moore of Nevada moved the previous question, which was sustained, and the resolution lost.

On motion of Mr. Moore of Nevada, the vote by which the resolution was lost was reconsidered.

On motion of Mr. Aud, the resolution was amended, by inserting, im-

mediately after the words "massacre of the," in the preamble, the words "members of the," and the resolution, as amended, was then adopted.

THIRD READING OF BILLS.

The following bills were read third time and passed:

Assembly bill No. 69, an Act providing for holding a special term of the District Court in the Thirteenth Judicial District:

And Assembly bill No. 70, an Act to change the name of John Teachout to John Thompson.

Senate bill No. 27, an Act to authorize the construction of certain wharves, made the special order for Saturday next, at twelve o'clock.

Assembly bill No. 2, an Act to ascertain the indebtedness of Sierra County to the County of Yuba, and to provide for the payment of the same, referred to the Committee on Counties and County Boundaries.

Assembly bill No. 57, an Act concerning the offices of County Clerk, Sheriff, and County Recorder, of the City and County of San Francisco, read third time, and, on the question, "Shall this bill pass?" Messrs. Caine, Hill, and Shepard, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Barclay, Briggs, Burdick, Caine, Caldwell, Canon, Cherry, Condee, Connely, Daggett, Davis, DeLong, G. A. Douglas, G. N. Douglass, Dow, Dunlap, Eagon, Ellis, Ensworth, Fuller, Gregory, Gwinn, Hill, Hines, Howe, Jackson, Johnson, Laspeyre, Lefever, Lies, Lull, Lynch, Malarin, Mathews, Moore of San Francisco, Mount, Murray, Pico, Pixley, Roane, Shannon, Shepard, Sheridan, Slingerland, Sloss, Springer, Squires, Taylor, Thomas, Tully, Watkins, Whealdon, Whitman, Young, and Mr. Speaker—55.

NOES—Mr. Rodgers—1.

At ten minutes past three o'clock, P. M., on motion of Mr. Dunlap, the House adjourned.

IN ASSEMBLY.

THURSDAY, February 3, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

PETITIONS.

Petitions were presented as follows:

By Mr. Cope:

Of citizens of Amador County, asking the repeal of the lawz creating a State Gauger, and Sealer of Weights and Measures.

Referred to the Committee on Ways and Means.

By Mr. Pixley:

Of W. B. Post, in reference to overflowed lands embraced in private land-claims.

Referred to Committee on Swamp and Overflowed Lands.

By Mr. Thomas:

Communication from F. P. Tracy, City and County Attorney of San Francisco, relative to State indigent sick.

Also, the accompanying resolution:

Resolved, That a Committee of three be appointed to proceed to San Francisco, and examine the affairs of the City and County Hospital, with instructions to report what, if any, legislation is necessary in relation thereto. Also, to examine the affairs of the Hospital, of the City and County of Sacramento; and that said Committee shall have power to send for persons and papers.

Mr. Moore of Nevada offered the following amendment: "And also to visit the County Hospitals in all the Counties in the State."

Mr. Bates moved to indefinitely postpone the whole subject-matter.

Carried.

REPORTS.

Reports were made as follows:

By Mr. Hancock:

MR SPEAKER:—Your Committee, to whom was referred "Petitions of citizens of San Joaquin, Calaveras, and Tuolumne, for annexation of portions of said Counties to Stanislaus County," have had the same under consideration, as also remonstrances against said annexation, and beg leave to report the same back to the House, and recommend that it be rejected.

HANCOCK, Chairman.

Adopted.

By Mr. Connely:

MR. SPEAKER:—The Committee on Agriculture, to whom was referred the bill entitled "An Act for the better protection of Sheep, and to make the owners or harborers of dogs liable for damages they may do," have had the same under consideration, and a majority of the Committee have instructed me to report the bill back to the House, and recommend that it be postponed indefinitely.

CONNELY, Chairman.

By Mr. Lynch:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed:

"Assembly bill No. 59, "An Act to provide for holding the January term of the Seventeenth Judicial District, in the County of Plumas;"

Assembly bill No. 102, an Act concerning the County Judge of the County of Solano."

LYNCH, Chairman.

By Mr. Street:

MR SPEAKER:—The undersigned, Joint Committee of the Senate and Assembly, appointed to select some competent German and English scholar to translate the Governor's Message into German, beg leave to report that they have selected Julius Schulz to perform said duty, at a

compensation of one dollar per folio. All of which is respectfully submitted.

SAM'L A. MERRITT, Senate,
CHAS. R. STREET, Assembly.

Adopted.

By Mr. Young:

Mr. Speaker:—The Enrolling Committee have examined, and found correctly enrolled:

Assembly bill No. 104, "An Act to extend the time for the collection of delinquent taxes in the City of San Francisco."

Also, "Assembly bill No. 53, "An Act authorizing and requiring the Board of Supervisors of the County of San Mateo to levy a special tax."

GEO. A. YOUNG, Chairman.

By Mr. Thomas:

Mr. Speaker:—The Special Committee to whom was referred Assembly bill No. 75, entitled an Act to improve the navigation of the San Joaquin River, to reclaim swamp and overflowed land lying contiguous thereto, and making an appropriation therefor, return the same to the Assembly, and recommend its passage. Your Committee are satisfied, on mature reflection, that the State will receive speedy and ample returns, should it make the appropriation named in the bill. They clearly see, and freely admit, the impropriety of granting appropriations from the Treasury of State, for the benefit of local measures, but when it is evident that an ample and speedy return will be the result, they have no hesitancy in saying that they believe it to be good policy to make such appropriations.

THOMAS, Chairman.

Mr. Tully, from Committee on Public Lands, verbally reported, and recommended the passage of Senate bill No. 82, "An Act making certificates of purchase evidence of title.

Mr. Whitman verbally reported, and recommended the passage of Assembly bill No. 105, "An Act legalizing the acts of D. W. Davis."

Mr. Gwinn verbally reported, and recommended the passage of a substitute for Assembly bill No. 16, "An Act concerning roads and highways."

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

State of California, Executive Department,
Sacramento, February 3, 1859.

To the Assembly of California:

I have to inform your honorable body that I this day approved "An Act to amend an Act entitled an Act concerning roads and highways, in certain Counties therein named, approved April the twenty-second, one thousand eight hundred and fifty-eight;"

Also, "An Act to fix the terms of the Probate Court in and for the County of Tuolumne."

I also approved, on yesterday, "An Act supplementary to the Act concerning the writ of *Habeas Corpus*."

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 2, 1859.

To the Assembly of California :

I have this day approved an Act "to extend the time for collecting taxes in the County of Contra Costa."

JOHN B. WELLER.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate :

SENATE CHAMBER,
February 3, 1859.

MR. SPEAKER :—I am directed by the Senate to inform the Assembly that the Senate, on yesterday, passed Senate bill No. 65, "An Act to amend an Act entitled an Act to reincorporate the City of Stockton," approved March thirty-first, one thousand eight hundred and fifty-seven ;

Also, Senate bill No. 87, "An Act to amend an Act passed February seventeenth, one thousand eight hundred and fifty-five, entitled An Act to amend an Act concerning the Courts of Justice of this State, and Judicial Officers," passed May nineteenth, one thousand eight hundred and fifty-three ;

Also, Assembly bill No. 97, "An Act to extend the time for completing the assessment-roll, and for collecting the taxes of San Bernardino County ;"

Also, Senate Concurrent-Resolutions No. 11, relative to censuring the Hon. David C. Broderick.

E. C. PALMER, Secretary of Senate.

Senate bill No. 87, above reported, read first and second times, and referred to the Judiciary Committee.

Senate bill No. 65, above reported, read first and second times, and referred to the San Joaquin delegation.

SENATE CHAMBER,
February 2, 1859.

MR. SPEAKER :—The Senate have, this day, passed Assembly bill No. 104, "An Act to extend the time for the collection of delinquent taxes in the City and County of San Francisco."

E. C. PALMER, Secretary Senate.

Senate Concurrent-Re olutions No. 11, above reported, relative to instructing Hon. D. C. Broderick to resign his seat in the United States Senate, were taken up.

Mr. Young moved the previous question, upon which, Messrs. DeLong, Jackson, and G. A. Douglas, demanded the ayes and noes, and the previous question was sustained, by the following vote:

AYES—Messrs. Armstrong, Barclay, Bates, Buck, Burdick, Cahalan, Coleman, Condee, Connely, Cope, Crenshaw, Cutler, Daggett, Davis, G. N. Douglass, Dow, Dunlap, Eagon, Ensworth, Gregory, Gwinn, Holman, Howe, Johnson, Lamar, Laspeyre, Lefever, Lightner, Lynch, Mathews, Moore of Nevada, Mount, Murray, Roane, Robberson, Rodgers, Springer, Squires, Street, Thomas, Tipton, Torres, Tully, Vaughan, Watkins, Wing, Whitman, Young, and Mr. Speaker—49.

NOES—Messrs. Aud, Banks, Caine, Caldwell, Canon, Cherry, DeLong, G. A. Douglas, Ellis, Fuller, Hines, Imus, Jackson, Lies, Lull, Malarin, Pico, Pixley, Shannon, Shepard, Sheridan, Slingerland, Sloss, and Whealdon—24.

Pending the calling of the roll, and when Mr. Pixley's name was called, he asked permission to explain his vote.

Upon the question "Shall Mr. Pixley have leave?" Messrs. Lull, DeLong, and G. A. Douglas, demanded the ayes and noes.

The Speaker having decided that any three members had a right to demand the ayes and noes, Mr. Young appealed.

And upon the question "Shall the decision of the Chair stand as the judgment of the House?" Messrs Lull, DeLong, and G. A. Douglas, demanded the ayes and noes, and the House refused to sustain the decision of the Chair, by the following vote:

AYES—Messrs. Aud, Briggs, Caine, Caldwell, Canon, Cherry, DeLong, G. A. Douglas, G. N. Douglass, Dow, Ellis, Fuller, Hines, Holman, Imus, Jackson, Lull, Shannon, Slingerland, Sloss, Taylor, and Whealdon—22.

NOES—Messrs. Armstrong, Banks, Bates, Buck, Burdick, Cahalan, Coleman, Condee, Connely, Crenshaw, Daggett, Davis, Eagon, Ensworth, Gregory, Gwinn, Howe, Johnson, Lamar, Laspeyre, Lefever, Lightner, Lynch, Mathews, Moore of Nevada, Mount, Murray, Roane, Robberson, Rodgers, Shepard, Sheridan, Springer, Squires, Street, Thomas, Tipton, Torres, Tully, Vaughan, Watkins, Whitman, and Young—43.

On concurring in the resolution, Messrs. Robberson, Cahalan, and Vaughan demanded the ayes and noes, and the resolution was concurred in, by the following vote:

AYES—Messrs. Armstrong, Aud, Barclay, Bates, Buck, Burdick, Cahalan, Coleman, Condee, Connely, Cope, Crenshaw, Cutler, Daggett, Davis, DeLong, G. N. Douglass, Dow, Dunlap, Eagon, Ellis, Ensworth, Gregory, Gwinn, Hines, Holman, Howe, Johnson, Lamar, Laspeyre, Lefever, Lightner, Lynch, Mathews, Moore of Nevada, Mount, Pixley, Roane, Robberson, Rodgers, Sheridan, Springer, Squires, Street, Thomas, Tipton, Torres, Tully, Vaughan, Wing, Whitman, Young, and Mr. Speaker—53.

NOES—Messrs. Banks, Briggs, Caine, Caldwell, Canon, Cherry, G. A. Douglas, Fuller, Imus, Jackson, Lull, Murray, Shannon, Shepard, Slingerland, Sloss, Taylor, Watkins, and Whealdon—19.

Mr. Lies asked to be excused from voting, which the House refused, and he declined peremptorily to vote; was ordered by the Speaker under arrest, and was taken into custody by the Sergeant-at-Arms

Mr. Moore of Nevada moved to suspend the rules, for the purpose of reconsidering the vote by which the resolutions were concurred in.

Upon the question of suspending the rules, Mr DeLong (having the floor, and being called to order by the Speaker,) refused to take his seat, whereupon he was ordered under arrest by the Chair, and taken into custody.

Mr. Young moved the previous question.

Upon which, Messrs. Banks, Lull, and G. A. Douglas, demanded the ayes and noes, and the motion was agreed to, by the following vote:

AYES—Messrs. Aud, Barclay, Buck, Burdick, Cahalan, Coleman, Con-

dee, Connely, Cope, Crenshaw, Daggett, G. N. Douglass, Dow, Dunlap, Eagon, Ellis, Gregory, Gwinn, Hines, Holman, Howe, Johnson, Lamar, Laspeyre, Lefever, Lightner, Mathews, Moore of Nevada, Mount, Murray, Roane, Robberson, Rodgers, Springer, Squires, Street, Thomas, Tipton, Torres, Tully, Vaughan, Watkins, Whitman, and Young—44.

NOES—Messrs. Banks, Briggs, Caldwell, Cherry, Cutler, Davis, G. A. Douglas, Fuller, Imus, Jackson, Lull, Pixley, Shannon, Shepard, Sheridan, Slingerland, Sloss, Taylor, and Whealdon—19.

Pending the calling of the roll, Mr. Sloss moved that Mr. DeLong be released from arrest, for the purpose of being allowed to record his vote.

The Speaker ruled the motion out of order previous to the announcement of the vote.

From which, Mr. Sloss appealed, and the decision of the Chair was sustained by the following vote—Messrs. Sloss, Banks, and G. A. Douglas, demanding the ayes and noes:

AYES—Messrs. Barclay, Bates, Buck, Burdick, Caine, Cahalan, Coleman, Connely, Crenshaw, Daggett, Davis, G. N. Douglass, Dow, Dunlap, Eagon, Ellis, Gregory, Gwinn, Hines, Holman, Howe, Johnson, Lamar, Laspeyre, Lefever, Lightner, Mathews, Moore of Nevada, Mount, Murray, Roane, Robberson, Rodgers, Shannon, Springer, Squires, Street, Thomas, Tipton, Torres, Tully, Vaughan, Watkins, Whitman, and Young—45.

NOES—Messrs. Armstrong, Banks, Briggs, Caldwell, Canon, Cherry, G A. Douglas, Imus, Jackson, Lull, Pixley, Slingerland, Sloss, and Whealdon—14.

Mr. Jackson moved a call of the House.

Upon which, Messrs. Jackson, G. A. Douglas, and Fuller, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Banks, Barclay, Briggs, Caine, Caldwell, Cherry, Cutler, G. A. Douglas, Fuller, Imus, Jackson, Pixley, Shannon, Shepard, Slingerland, Sloss, Taylor, Watkins, and Whealdon—19.

NOES—Messrs. Armstrong, Aud, Buck, Burdick, Cahalan, Coleman, Connely, Cope, Crenshaw, Daggett, Davis, G. N. Douglass, Dow, Eagon, Ellis, Ensworth, Gregory, Gwinn, Holman, Howe, Johnson, Lamar, Laspeyre, Lefever, Lightner, Lull, Mathews, Moore of Nevada, Mount, Murray, Pico, Roane, Robberson, Rodgers, Sheridan, Springer, Squires, Street, Thomas, Tipton, Torres, Tully, Vaughan, Whitman, Young, and Mr. Speaker—46.

The House suspended the rules, by the following vote:

AYES—Messrs. Armstrong, Aud, Barclay, Bates, Buck, Burdick, Cahalan, Coleman, Condee, Connely, Cope, Crenshaw, Daggett, Davis, G. N. Douglass, Dow, Dunlap, Eagon, Ellis, Ensworth, Gregory, Gwinn, Hines, Holman, Howe, Johnson, Lamar, Laspeyre, Lefever, Lightner, Lynch, Mathews, Moore of Nevada, Mount, Murray, Roane, Robberson, Rodgers, Springer, Squires, Street, Thomas, Tipton, Torres, Tully, Vaughan, Watkins, Whitman, Young, and Mr. Speaker—50.

NOES—Messrs. Banks, Briggs, Caine, Caldwell, Canon, Cherry, G. A. Douglas, Fuller, Imus, Jackson, Lull, Malarin, Pixley, Shannon, Shepard, Sheridan, Slingerland, Sloss, Taylor, and Whealdon—20.

Mr. G. A. Douglas moved to adjourn.

Upon which, Messrs. G. A. Douglas, Whealdon, and Shannon, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Banks, Briggs, Caine, Caldwell, Canon, Cherry, G. A. Douglas, Fuller, Imus, Jackson, Lull, Pixley, Shannon, Shepard, Slingerland, Sloss, Watkins, and Whealdon—18.

NOES—Messrs. Armstrong, Aud, Barclay, Bates, Buck, Burdick, Cahalan, Coleman, Condee, Connely, Cope, Crenshaw, Cutler, Daggett, Davis, G. N. Douglass, Dow, Dunlap, Eagon, Ellis, Ensworth, Gregory, Gwinn, Hines, Holman, Howe, Johnson, Lamar, Laspeyre, Lefever, Lightner, Lynch, Malarin, Mathews, Moore of Nevada, Mount, Murray, Pico, Roane, Robberson, Rodgers, Sheridan, Springer, Squires, Street, Thomas, Tipton, Torres, Tully, Vaughan, Whitman, Young, and Mr. Speaker—53.

The House refused to reconsider, by the following vote;

AYES—Messrs. Banks, Briggs, Caine, Caldwell, Canon, Cherry, G. A. Douglas, Fuller, Jackson, Lull, Murray, Pixley, Shannon, Shepard, Slingerland, Sloss, Taylor, and Whealdon—18.

NOES—Messrs. Armstrong, Aud, Barclay, Bates, Buck, Burdick, Cahalan, Coleman, Connely, Cope, Daggett, Davis, Dow, Dunlap, Eagon, Ellis, Ensworth, Gregory, Gwinn, Hines, Holman, Howe, Imus, Johnson, Lamar, Laspeyre, Lefever, Lightner, Lynch, Mathews, Moore of Nevada, Mount, Roane, Robberson, Rodgers, Sheridan, Springer, Squires, Street, Thomas, Tipton, Torres, Tully, Vaughan, Watkins, Whitman, Young, and Mr. Speaker—48.

On motion of Mr. Lightner, the vote by which the House refused to excuse Mr. Lies from voting was reconsidered, and he was released from arrest.

On motion of Mr. Young, Mr. DeLong was released.

At two o'clock, P. M., on motion of Mr. Rodgers, the House adjourned.

IN ASSEMBLY.

FRIDAY, February 4, 1859.

House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of yesterday was read.

Pending which, Mr. Jackson moved to correct the Journal by inserting that portion relating to the arrest of Mr. DeLong, as follows:

"The Speaker ruled him out of order, and Mr. DeLong appealed from the decision of the Chair. The Speaker not noticing the appeal, ordered Mr. DeLong to be arrested."

Lost.

Whereupon the Journal was approved.

Mr. DeLong had leave to change his vote from aye to no, on the vote by which Senate Concurrent-Resolutions No. 11, relative to instructing

Hon. D. C. Broderick to resign his seat in the United States Senate, were concurred in on yesterday.

Mr. DeLong proceeded to discuss the reasons why he desired to change his vote, and was declared out of order by the Speaker, for the reason that he was proceeding to discuss the merits of the resolutions.

From which, Mr. DeLong appealed, and the decision of the Chair was sustained.

Mr. Pixley also had leave to change his vote, on the same subject.

Mr. G. A. Douglas offered the following protest:

The undersigned herewith enters his protest against the action of the House on yesterday, February third, in the passage of Senate Joint-Resolutions concerning the Hon. D. C. Broderick, for the following reason:

The resolutions assert as a fact what is positively untrue, viz.: that the Hon. D. C. Broderick disobeyed the instructions of the last session of the Legislature, calling upon him to vote for the admission of Kansas under the Lecompton Constitution, when the official Journal of the Senate shows that the last vote was taken upon the admission of Kansas under the Lecompton Constitution, on the twenty-third of March, A. D. 1858, whereas the aforesaid resolutions of instructions were presented in the Senate on the fourteenth day of April, following, after which time no opportunity was presented for the said Senator to yield obedience to the request of the Legislature of California.

The undersigned protests further against the action of the House in forcing members to vote under the previous question, without any opportunity of voting understandingly upon the question, believing that no question should be introduced into the Legislature that is unfit for discussion.

G. A. DOUGLAS.

REPORTS.

Reports were made as follows:

By Mr. Murray:

REPORT OF COMMITTEE ON PUBLIC PRINTING.

To the Speaker of the House of Assembly:

SIR:—Your Committee on Public Printing, in pursuance of an instruction given by resolution, passed February first, A. D. one thousand eight hundred and fifty-nine, beg leave to report, that it has ascertained the amount incurred up to to-day, by this House, for printing, and that the same stands as follows:

January 3..	500 Roll-calls	$15 00
January 6..	300 Roll-calls	12 50
January 7.	300 Roll-calls	12 50
January 7..	1,000 Per Diem Blanks	10 00
January 7..	500 Mileage Blanks	7 50
January 15	240 copies Bill No. 11	53 99
January 15	240 copies Standing Rules, etc	93 57
January 19	240 copies Bill No. 16	40 17
January 19	240 copies Bill No. 27	13 82

January 19	240 copies Bill No. 25	$13 82
January 19	240 copies Bill No. 26	13 82
January 19	240 copies Bill No. 24	27 64
January 21	240 copies Bill No. 45	13 82
January 24	240 copies Military Memorial	22 80
January 24	500 copies Roll-calls	15 00
January 24	240 copies Bill No. 52	13 82
January 26	240 copies Bill No. 43	48 95
January 26	240 copies Bill No. 55	13 82
January 31	240 copies Bill No. 74	13 82
January 31	720 copies Bill No. 56	108 30
February 1	240 copies Bill No 71	65 62
February 2	240 copies Bill No. 84	34 83
February 3	240 copies Bill No. 49	8 78
February 3	240 copies Bill No. 40	8 78
	Total	$682 67

Alll of which is respectfully submitted.

MURRAY, Chairman.
T. LASPEYRE,
P. P. CAINE,
C. W. CAHALAN,
M FULLER,
JAS. A. JOHNSON,
W. R. MATHEWS.

By Mr. Lightner:

ASSEMBLY CHAMBER,
February 4, 1859.

MR. SPEAKER:—The majority of the Committee on Claims, to whom was referred Senate bill No. 34, "An Act to provide for the payment of volumes nine and ten of the Reports of the Supreme Court of the State of California," beg leave to report the same back, and recommend its passage.

Respectfully submitted,

C W. LIGHTNER,
D. W. CONNELY,
GEO. W. THOMAS.

By Mr. Street:

MR. SPEAKER:—The Committee on Ways and Means, to whom was referred Senate bill No. 25, "An Act to establish a standard of weights and measures, and to repeal all former Acts in relation thereto," have had the same under consideration, and report it back, with a recommendation that it be indefinitely postponed.

Also Assembly bill No. 25, an Act to exempt Firemen from military-service, jury-duty, and the payment of poll-taxes, and a majority of the Committee recommend that the bill be indefinitely postponed.

STREET, Chairman Committee on Ways and Means.

By Mr. Pico:

MR. SPEAKER:—*Sir:* The Committee on Military Affairs, to whom

was referred Assembly bill No. 56, "An Act concerning the organization of the militia," in connection with a memorial asking for the passage of a militia law, have duly considered the same, and made such amendments as were by them deemed proper, all of which are respectfully reported back, with a recommendation that the bill be passed, as amended.

ANDRES PICO, Chairman.

By Mr. Young:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 97, "An Act to extend the time for completing the assessment-roll and collecting the taxes of San Bernardino County."

GEO. A. YOUNG, Chairman.

By Mr. Gwinn:

MR. SPEAKER:—The Select Committee, consisting of the delegation from Los Angeles and Yolo, to whom was referred Senate bill No. 50, An Act amendatory of an Act to change the time of holding the Court of Sessions and County Court, of the Counties of Los Angeles and Yolo, have had the same under consideration, and have instructed me to report the same back to the Assembly, without amendment, and recommend its passage.

GWINN.

By Mr. Squires:

MR. SPEAKER: Your Committee on Public Expenditures and Accounts have examined the report of your Auditing Committee, and find the amount due to the Chief Clerk for copying to be:

Character of Work.	Folios.	Amount.
Journal	1,102	
Copy for Printer	1,364½	
Total	2,466½	$301 75

And have requested me to report the same to the House, with the accommanying resolution, and recommend its adoption.

OGDEN SQUIRES, Chairman.

Resolved, That the Chief Clerk of the Assembly be, and he is hereby, allowed the sum of three hundred and one dollars and seventy-five cents, for copying done for the Assembly, to be paid out of the fund set apart for pay of officers and clerks of the Assembly.

Adopted.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 4, 1859,

To the Assembly of the State of California:

I return to your honorable body, without my approval, an Act "To

extend the time for the collection of delinquent taxes in the City and County of San Francisco."

In extending the time for the collection of taxes, additional bonds should be required from the Collector, as his present sureties would not be liable for any sums which may thus come into his hands. To protect the State, as well as the County treasury, against loss, an additional section, of the character I have indicated, should be placed on the bill.

JOHN B. WELLER.

On the question, "Shall the bill No. 104 pass, notwithstanding the objections of the Governor?" the House refused, by the following vote:

AYES—None.

NOES—Messrs. Armstrong, Banks, Barclay, Bates, Buck, Caine, Caldwell, Cahalan, Canon, Cherry, Coleman, Condee, Connely, Cope, Crenshaw, Cutler, Daggett, Davis, G. N. Douglass, Dunlap, Ellis, Ensworth, Fuller, Gwinn, Hancock, Hines, Howe, Imus, Jackson, Johnson, Lamar, Laspeyre, Lefever, Lies, Lightner, Lull, Lynch, Malarin, Mathews, Moore of Nevada, Mount, Murray, Pico, Pixley, Roane, Robberson, Rodgers, Shannon, Shepard, Slingerland, Sloss, Springer, Squires, Street, Taylor, Thomas, Tipton, Torres, Tully, Vaughan, Watkins, Wing, Whitman, Whitney, and Young—66.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 4, 1859.

To the Assembly of California:

I have this day approved an Act "To authorize and require the Board of Supervisors of the County of San Mateo to levy a special tax."

JOHN B. WELLER.

Mr. Taylor introduced a bill for an Act to extend the time for the collection of delinquent taxes in the City and County of San Francisco.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
February 4, 1859.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, on yesterday, passed Senate bill No. 54, "An Act to provide for the relinquishment to the United States, in certain cases, of title to lands for sites for light-houses, and for other purposes, on the coasts and waters of this State."

E. C. PALMER, Secretary of Senate.

Senate bill No. 54, above reported, read first and second times, and referred to the Committee on Federal Relations.

SENATE CHAMBER,
February 4, 1859

MR. SPEAKER:—I am directed to inform the Assembly that the Senate,

on yesterday, passed Senate Joint-Resolution No. 8, "In relation to fraudulent Mexican land-grants;"

Also, have adopted Senate Concurrent-Resolution No. 16, "Relative to the boundary-line between California and Utah;"

Also, Senate Concurrent-Resolution No. 19, "Relative to allowing Joint Committee on Accounts of S. A. McMeans, late State Treasurer, a clerk;"

And ask the concurrence of the Assembly.

E. C. PALMER, Secretary of Senate.

Senate Joint-Resolution No. 8, above reported, read first and second times, and referred to the Committee on Federal Relations.

Senate Concurrent-Resolution No. 16, above reported, referred to Committee on Federal Relations.

Senate Concurrent-Resolution No. 19, above reported, laid on the table.

SENATE CHAMBER,
February 3, 1859.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have concurred in Assembly amendment to Senate Concurrent-Resolution No. 18, relative to printing the Report of the State-prison Directors.

E. C. PALMER, Secretary Senate.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Mount, an Act to authorize Richard L. Ogden, or his assigns, to run steam-wagons over the roads of this State.

By Mr. Springer, amendments to the fourth and sixth articles of the Constitution of the State of California.

By Mr. Cope, an Act to amend the Act concerning attorneys and counselors-at-law;

Also, an Act to fix the time of holding the Court of Sessions and County Court, in Amador County.

By Mr. Caldwell, an Act relative to mining interests.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Lull, an Act to provide for the administration of the Fire Bond Sinking Fund of the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Rodgers, an Act making appropriation for the salaries of Clerks in the State Land Office, from the first day of February to the thirtieth day of June, one thousand eight hundred and fifty-nine.

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

By Mr. Street, an Act to prevent Chinese or Mongolians from working the gold-mines in this State.

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

By Mr. Whitman, an Act supplementary to an Act to extend the time for completing the assessment-roll, and for collecting the taxes of San Bernardino County.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Davis, an Act to incorporate the town of Eureka.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Banks, an Act to provide for receiving, at their par value, audited demands against the treasury of the City and County of San Francisco, in payment of taxes.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Torres, an Act to authorize the guardian of certain minors to sell and dispose of their real estate and chattels real

Read first and second times, and referred to the delegation from Marin and Sonoma.

By Mr. Pixley, Assembly Joint-Resolution No. 21, relative to mineral lands.

Read first and second times, and referred to Committee on Mines and Mining Interests, with instructions to report in two weeks.

THIRD READING OF BILLS.

The following bills were read third time, and passed:

Assembly bill No. 59, an Act to provide for holding the January term of the Seventeenth Judicial District in the County of Plumas;

And Assembly bill No. 102, an Act concerning the County Judge of the County of Solano.

GENERAL FILE.

Assembly bill No. 27, an Act to provide for the appointment of a Supreme Court Reporter, and to define his duties and compensation, was taken up.

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

The following members were absent, viz.: Messrs. Briggs, Cherry, G. A. Douglas, Fuller, Hill, Holman, Lamar, Lies, and Robberson.

And the Sergeant-at-Arms dispatched for the absentees.

Further proceedings under the call were dispensed with.

Mr. Street offered to amend, by adding the following section, which was lost.

Section nine—This Act shall take effect on the first day of January, one thousand eight hundred and sixty.

Mr Vaughan moved the previous question.

Which was sustained.

On the question, "Shall this bill be indefinitely postponed?" and after the Speaker had announced the vote, the ayes and noes were demanded, by Messrs. Cope, Shannon, and Howe.

The Speaker having decided that the call was in order, Mr. Moore of Nevada appealed, and the decision of the Chair was sustained, and the bill indefinitely postponed, by the following vote:

AYES—Messrs. Armstrong, Aud, Banks, Barclay, Buck, Caine, Caldwell, Cahalan, Canon, Cherry, Coleman, Condee, Connely, Cope, Crenshaw, Cutler, Daggett, Davis, G. N. Douglass, Dow, Dunlap, Ellis, Ensworth, Fuller, Gwinn, Hancock, Hines, Holman, Howe, Imus, Jackson, Johnson, Lamar, Laspeyre, Lefever, Lightner, Lynch, Malarin, Mathews,

Moore of Nevada, Mount, Murray, Pico, Roane, Robberson, Rodgers, Shannon, Sheridan, Slingerland, Sloss, Springer, Squires, Taylor, Thomas, Tipton, Tully, Vaughan, Whealdon, Wing, Whitman, Whitney, and Young—62.

NOES—Messrs. Hill, Lies, Lull, Pixley, Shepard, Street, Watkins, and Mr. Speaker—8

Mr. Hines moved to suspend the rules, to reconsider the vote by which the bill was indefinitely postponed.

Lost.

Mr. Cope gave notice that he would, on to-morrow, move a reconsideration.

Indefinite leave of absence was given to the State-prison Committee.

Mr. Squires had leave of absence for one day.

At five minutes past four o'clock P. M., on motion of Mr. Crenshaw, the House adjourned.

IN ASSEMBLY.

SATURDAY, February 5, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

Messrs Hines and Torres had indefinite leave of absence.

Messrs Briggs and Davis, one day each.

Mr. Taylor for three days.

Mr. Canon for four days.

Mr Squires for two days

And Mr. Connely for two days.

Mr. Sheridan presented a petition of resident property-holders upon the Cosumnes and Mokelumne Rivers, for the organization of a new County, to be called Mokelumne County.

Referred to Committee on Counties and County Boundaries.

REPORTS.

Reports were made as follows:

By Mr. Cope:

MR. SPEAKER:—The Judiciary Committee, to whom was referred Senate bill No 87, an Act to amend an Act passed February seventeenth, one thousand eight hundred and fifty-five, entitled an Act to amend an Act concerning the Courts of Justice of this State, and Judicial Officers, passed May nineteeth, one thousand eight hundred and fifty-three, have considered the same, and report the bill back, and recommend its passage;

The same Committee, to whom was referred Senate bill No 11, an Act supplemental to an Act entitled an Act defining the time for commencing civil actions, passed April twenty-second, one thousand eight hundred and fifty, have considered the same, and report the bill back, and recommend its indefinite postponement;

The same Committee, to whom was referred Assembly bill No. 108, an

Act to provide for the compensation of the Keeper of the County-jail in Shasta County, and to legalize all warrants heretofore issued for the payment of the services of the Keeper of said Jail, have considered the same, and report the bill back, and recommend its passage;

The same Committee, to whom was referred Senate bill No. 94, an Act providing for holding a special term of the District Court in Del Norte County, have considered the same, and report the bill back, and recommend its passage.

W. W. COPE, Chairman.

By Mr. Howe:

MR. SPEAKER: The Committee on Accounts and Expenditures report the following bills correct:

To Wells, Fargo & Co, Express Stamps	$9 00
To George A. Lytle, for Newpapers furnished Members of Assembly	217 49
To William Dougherty, for Newspapers	36 91
To "San Joaquin Republican"	27 00
Repairing Locks	18 00
Map of State	11 50
Rent of Committee Rooms	25 00

ROBERT HOWE, for the Committee.

By Mr. Lynch:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, the following bills:

Assembly bill No. 38, an Act to regulate the fees of certain officers in Amador County;

Assembly bill No 65, an Act amendatory of an Act entitled an Act to amend an Act entitled an Act restricting the herding of sheep to certain pastures, in the Counties of Sonoma and Marin, approved April fifteenth, one thousand eight hundred and fifty-eight.

Assembly bill No. 36, an Act supplementary and amendatory of an Act entitled an Act to prohibit gaming, passed April twenty-seventh, one thousand eight hundred and fifty-seven.

LYNCH, Chairman.

Mr. Cutler introduced a bill for an Act to extend the time for collecting taxes in the County of Solano.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Mr. Lull verbally reported, and recommended the passage of Assembly bill No. 113, an Act to provide for the administration of the Fire Bond Sinking Fund of the City and County of San Francisco.

MESSAGES FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 5, 1859.

To the Assembly of California:

I return, to your honorable body, an Act to extend the time for completing the assessment-roll, and for collecting the taxes of San Bernardino County. It is represented to me that it is important that this bill should become a law at once, and as the revenue collected in San Bernardino is very inconsiderable, I have approved of it. I respectfully suggest, that in all cases hereafter, when the term for the collection of taxes is extended, that the Collector shall be required to give additional bonds.

JOHN B. WELLER.

COMMUNICATION FROM THE TREASURER.

The following communication was received from the State Treasurer:

STATE OF CALIFORNIA, TREASURY DEPARTMENT,
Sacramento, February 5, 1859.

To the Assembly of California:

Agreeable to resolution of your honorable body, requesting a statement of the amount of money expended for the maintenance of the militia, etc., from the organization of the State until date, I herewith report the sum of twelve thousand six hundred and sixty-three dollars and eighty-nine cents, disbursed for salaries, expenses, etc., from February twentieth, one thousand eight hundred and fifty-seven, to January first, one thousand eight hundred and fifty-nine.

It is impossible, from the records of this office, to give you all the information you ask, but the Controller of State, I believe, can furnish the whole amount paid since the organization of the State.

Very respectfully, your ob't serv't,
THOS. FINDLEY, State Treasurer.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 4, 1859.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have, this day, passed Assembly bill No. 111, "An Act to extend the time for the collection of the delinquent taxes in the City and County of San Francisco."

E. C. PALMER, Secretary of Senate.

Senate bill No. 27, an Act to authorize the construction of certain wharves, the special order of the day, was taken up, and made the special order of the day for Saturday next, February twelfth, one thousand eight hundred and fifty-nine, at twelve o'clock, M.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Young, an Act changing the terms of the Court of Sessions of Nevada County.

By Mr. Sheridan, an Act changing, and more fully defining, the northern boundary of Sacramento County.

Mr. Cope moved to reconsider the vote by which, on yesterday, the House indefinitely postponed Assembly bill No. 27, an Act to provide for the appointment of a Supreme Court Reporter, and to define his duties and compensation, withdrew his motion, and had leave to change his vote thereon.

THIRD READING OF BILLS.

Senate bill No. 94, an Act providing for holding a special term of the District Court in Del Norte County, read third time, and passed.

Assembly bill No. 95, an Act fixing the time for holding the Court of Sessions and the County Court, in the County of Contra Costa, rules suspended, considered engrossed, read third time, and passed.

On motion of Mr. Sheridan, so much of the Surveyor-General's Report as relates to swamp and overflowed lands, was referred to the Committee on Swamp and Overflowed Lands.

The following message was received from the Senate:

SENATE CHAMBER,
February 5, 1859.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, on yesterday, adopted Senate Concurrent-Resolution No. 20, relative to allowing the Secretary of State to return, to their owners, all original papers of claims that have been audited by the Legislature;

Also, Senate Concurrent-Resolution, No. 21, relative to the Committees on Claims of both Houses to act jointly on all business referred to them;

Also, have this day passed Assembly bill No 119, "An Act to extend the time for collecting taxes in the County of Solano.

E C. PALMER, Secretary of Senate.

Senate Concurrent-Resolutions Nos 20 and 21, above reported, were concurred in

Mr. Caldwell gave notice of reconsideration of vote on Senate Concurrent-Resolution No. 20.

Mr. Cope was excused from visiting the State-prison with the Committee on State-prison, and Mr. Whitman was sent in his place.

REPORTS.

Reports were made as follows:

By Mr. Tully:

MR. SPEAKER:—The undersigned, a minority of the Committee to whom was referred Senate bill No. 34, begs leave to submit the following report thereon:

At the last session of the Legislature of this State, an Act was passed providing for the appointment of a Supreme Court Reporter, and defining the duties of and fixing the salary of the same. The undersigned is of

the opinion that the law is plain and unequivocal in its language and provisions It clearly contemplates that there shall be published, annually, a volume containing the decisions of the Supreme Court for one year, in good law style, and the delivery of three hundred copies of same to the Secretary of State.

Section ten of said Act provides that said Reporter shall receive, as compensation for the three hundred volumes of such Reports, the sum of two thousand dollars annually.

Section thirteen provides, that where the Reporter shall neglect or refuse to comply with the requirements of said Act, the Controller shall not issue any warrant in payment of the duties required by said Act, until, upon proper examination, he shall satisfy himself of the propriety of so doing; and that in *no case* shall the Reporter be entitled to, or receive, a *greater* compensation than six thousand dollars per annum, (including the four thousand dollars salary,) for all services required of him by this Act.

Now, it does not appear, to the satisfaction of the undersigned, that the Reporter has complied with the requirements of the aforesaid Act, and that. under the existing law, said Reporter is not only *not* entitled to the four thousand dollars asked for, but that he has not even a lawful right to demand the two thousand.

It has not been contended, even, that he has complied therewith. It is contended, however, that the amount of matter required to be published for the past year was far greater than was contemplated at the time the Act was passed, and that the decisions of eight months required the publication of two volumes (IX and X.) Said Reporter further alleges that he entered into a contract with certain parties for the publication of Volumes IX and X of said Reports, and that the parties now refuse to deliver the volumes published, to him, or proceed with the further publication of the same, until paid therefor; and that it is utterly impossible for him to comply with his obligation to deliver the three hundred copies without the aid of the appropriation asked for, viz.:—four thousand dollars—for Volumes IX and X of said Reports.

Now, the undersigned has examined said Reports, and finds them to be not of such size as would warrant the payment of so large a price for them Though gotten up in a good style, they are too small The two volumes referred to contain only the decisions of *eight months;* and it is confessed that another volume will be required to complete the Reports for one year alone, which, at the rates paid for Volumes IX and X, would require still another two thousand dollars—making a total of six thousand dollars per annum: whereas, the Act before referred to provides that "in no case" shall the said Reporter receive a greater compensation than two thousand dollars for one year's Reports. This bill asks for what is equivalent to six.

The undersigned, therefore, in view of the foregoing facts, does not believe that it is within the power of the Legislature to order the payment of the amount demanded, in direct violation of the Act referred to. That, under the present statute, the Controller can not issue warrants for a greater amount than two thousand dollars per annum, and that the Reporter must first comply with the requirements of said Act. That, if any further relief be accorded, it can only be done by a repeal of said Act, and the passage of an Act for his relief. I would therefore recommend that the said bill do not pass.

TULLY.

By Mr. Young:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled:

Assembly bill No. 111, an Act to extend the time for the collection of delinquent taxes in the City and County of San Francisco.

Also, Assembly Concurrent-Resolution No. 18, relative to the equalization of postage.

Also, Assembly bill No. 119, an Act to extend the time for collecting taxes in the County of Solano.

GEO. A. YOUNG, Chairman.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Mount, an Act to authorize Richard L. Ogden, or his assigns, to run steam-wagons over the roads of this State.

Read first and second times, and referred to Committee on Roads and Highways.

By Mr. Robberson, an Act to authorize William B. Atterbury, administrator of the estate of Martin E. Cooke, to execute certain conveyances

Read first and second times, and referred to Sonoma delegation.

Assembly bill No. 36, an Act supplementary and amendatory of an Act entitled an Act to prohibit gaming, passed April twenty-seventh, one thousand eight hundred and fifty-seven, laid on the table.

The following resolution was offered by Mr. Young, and adopted:

Resolved, That the Sergeant-at-Arms be, and he is hereby, instructed to provide the Enrolling Clerk with a proper apartment, accessible to the Capitol, and furnish fire and lights, at an expense not to exceed twenty-five dollars per month.

Mr. Pico introduced Assembly Joint-Resolutions relative to the formation of the Territory of Colorado

Read first and second times, and referred to a Special Committee of seven.

The Speaker appointed Messrs. Pico, Lies, Moore of San Francisco, Aud, Watkins, Bates, and G. N. Douglass, such committee, and the resolutions were ordered printed.

Mr. Lies offered the following resolution, upon which Messrs. Tipton, Howe, and Springer, demanded the ayes and noes:

Resolved, That when the House adjourns, this day, it stands adjourned until Wednesday next.

And the same was lost, by the following vote:

AYES—Messrs. Buck, Cherry, Connely, G. N Douglass, Dunlap, Hancock, Hill, Johnson, Lies, Lull, Malarin, Pico, Roane, Shepard, and Slingerland—15.

NOES—Messrs Armstrong, Aud, Barclay, Bates, Caine, Caldwell, Cahalan, Coleman, Condee, Cope, Daggett, Ellis, Fuller, Gregory, Holman, Howe, Imus, Jackson, Laspeyre, Lefever, Lightner, Mathews, Murray,

Robberson, Shannon, Sheridan, Sloss, Springer, Tipton, Tully, Watkins, Whealdon, Wing, Whitney, Young, and Mr. Speaker—36.

Previous to calling the roll, Mr. Mathews moved a call of the House. Lost.

Mr. Mathews introduced Assembly Concurrent-Resolution relative to reviving and continuing pre-emption laws. Referred to Committee on Public Lands.

Assembly bill No. 38, an Act to regulate the fees of certain officers in Amador County, recommitted to Amador delegation, with instructions.

At half past one o'clock, P. M., on motion of Mr. Cope, the House adjourned.

IN ASSEMBLY.

MONDAY, February 7, 1859.

House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of Saturday was read and approved.

Mr Briggs had indefinite leave of absence.

Messrs. Lies and Pixley, for one day each.

And Mr. Pico, for two days.

Mr. Laspeyre presented a remonstrance of citizens of San Joaquin County, against the division of the same.

Referred to the Committee on Counties and County Boundaries.

REPORTS.

Reports were made as follows:

By Mr. Tully:

MR. SPEAKER:—The Committee on Public Lands have had under consideration Assembly Concurrent-Resolution No. 23, relative to reviving and continuing pre-emption laws, report the same back, and recommend its passage.

TULLY, Chairman.

By Mr. Aud:

MR. SPEAKER:—The Committee on Federal Relations, to whom was referred Senate Concurrent-Resolution No. 16, relative to the boundary-line between California and Utah, have had the same under consideration, and have instructed me to report the same back to this House, and recommend its passage.

The Committee think that the merits of said resolution must be sufficiently patent to all at a first reading of the same, yet they would beg leave to suggest one, as they deem, strong reason for the immediate passage of the same, which is: the present doubt that obtains with persons living on or near the supposed eastern boundary-line of California, and the consequent difficulty that is almost daily occurring in regard to the jurisdiction of the authorities of this State, and the jurisdiction of the authorities of that Territory.

The Committee are led to believe that, in consequence of this doubt as

to the boundary-line, many persons on or near the supposed line are annually excused from paying taxes to this State, who should pay the same.

The same Committee have also had under consideration Senate bill No. 54, being "An Act to provide for the relinquishment to the United States, in certain cases, of title to lands for sites for light-houses, and for other purposes, on the coasts and waters of this State," and have instructed me to report the same back, and recommend its passage, without amendment.

The latter clause of the fifth article of the amendments to the Constitution of the United States, says, that "private property shall not be taken for public use without just compensation." This bill simply and plainly provides how the United States shall proceed to appropriate private property to public use, by legitimate course through judicial procedure.

The Committee deem the object of the bill a most excellent one, and think its passage should be urged.

FRANCIS L. AUD, Chairman.

By Mr. Condee:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 95, entitled an Act fixing the time of holding the Court of Sessions, and the County Court, in the County of Contra Costa.

GEO. M. CONDEE, a Member of the Committee.

By Mr. Ellis:

MR. SPEAKER:—The Sacramento delegation, to whom was referred Senate bill No. 91, "An Act submitting to the people of the City and County of Sacramento a proposition to appropriate money for the purchase and construction of suitable grounds and buildings for the use of the State Agricultural Society in the City of Sacramento, have had the same under consideration, and report the same back, with amendments, and recommend its passage.

ELLIS, for the Delegation.

By Mr. Shannon:

MR. SPEAKER:—The Committee appointed to examine the journalized proceedings of the House, find them correctly written up to February fourth, inclusive.

T. B. SHANNON,
J. S. TIPTON.

Mr. Holman verbally reported, and recommended the passage of Assembly bill No. 35, "An Act to grant the right to construct a bridge across the Colorado River, at or near Fort Yuma, to certain parties therein named.

Mr. Lull verbally reported, and recommended the passage, with amendments, of Assembly bill No. 82, "An Act amendatory of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the Government thereof."

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 5th, 1859.

To the Assembly of California:

I have this day approved an Act "To extend the time for the collection of delinquent taxes in the City and County of San Francisco."

JOHN B. WELLER.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
February 5, 1859.

MR. SPEAKER:—The Senate have, this day, passed Assembly bill No. 112, "An Act supplementary to an Act to extend the time for completing the assessment-roll, and for collecting the taxes of San Bernardino County.

E. C. PALMER, Secretary Senate.

SENATE CHAMBER,
February 5, 1859.

MR. SPEAKER:—The Senate, on yesterday, passed Assembly Concurrent-Resolution No. 8, "Relative to outrages by Mexicans on American territory," with an amendment;

Also, have passed Assembly substitute No. 19, for Senate Joint-Resolution No. 12, with amendment.

E. C. PALMER, Secretary of Senate.

Senate amendment to Assembly Concurrent-Resolution No. 8, above reported, concurred in.

Senate amendment to Assembly substitute for Senate Joint-Resolution No. 12, above reported, concurred in.

SENATE CHAMBER,
February 5, 1859.

MR SPEAKER:—I am directed to inform the Assembly that the Senate, on yesterday, passed Senate bill No. 13, "An Act to amend an Act entitled an Act to regulate proceedings in civil cases," approved April twenty-ninth, one thousand eight hundred and fifty-one;

Also, Senate bill No. 30, "An Act to divide the State into Congressional Districts, according to an Act of Congress, approved June twenty-fifth, one thousand eight hundred and forty-two;"

Also, Senate bill No. 89, "An Act to repeal an Act entitled an Act to extend the time for making the assessment and collection of taxes in the County of Siskiyou," approved April twelfth, one thousand eight hundred and fifty-eight;

Also, Senate bill No. 63, "An Act to amend an Act entitled an Act relating to the hospital affairs of Tuolumne County," passed April fourteenth, one thousand eight hundred and fifty-seven;

Also, Assembly bill No. 15, "An Act to authorize and direct the Board of Supervisors in the City and County of San Francisco to pay, out of the General Fund, certain claims therein mentioned;"

Also, Assembly bill No. 67, "An Act to legalize the assessment of real and personal property, made by John H. Lillard, in the County of Butte, during the years one thousand eight hundred and fifty-six, and one thousand eight hundred and fifty-seven;"

Also, have concurred in Assembly Concurrent-Resolution No. 12, "Relative to the payment, by the General Government, of revenue collected prior to the admission of this State into the Union."

E. C. PALMER, Secretary Senate.

Senate bill No. 30, above reported, read first time, and laid over, under the rule.

Senate bill No. 89, above reported, read first and second times, and referred to Siskiyou delegation.

Senate bill No. 13, above reported, read first and second times, and referred to the Judiciary Committee.

Senate bill No. 63, above reported, read first and second times, and referred to the Tuolumne delegation.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Sheridan, an Act having for its object the prevention and punishment of gaming in this State.

By Mr. Holman, an Act for repealing the ninth chapter of an Act concerning corporations, passed April twenty-second, one thousand eight hundred and fifty, relating to steam navigation companies.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Cope, an Act to fix the time of holding the County Court and Court of Sessions, in Amador County.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Also, an Act to amend an Act entitled an Act concerning attorneys and counselors-at-law, approved February nineteenth, one thousand eight hundred and fifty-one.

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

By Mr. Sloss, an Act to enforce a better observance of the first day of the week, commonly called Sunday.

Read first and second times, and referred to the Committee on Public Morals, and ordered printed.

By Mr. Aud, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice in this State.

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

By Mr. Caldwell, an Act to regulate fees in office in the County of Nevada.

Read first and second times, and referred to Nevada delegation.

By Mr. Howe, an Act appropriating money for the pay of copying done for the Legislature.

Read first and second times, rules suspended, considered engrossed, considered in Committee of the Whole, read third time, and passed.

By Mr. Cutler, an Act to provide for the erection of public buildings in the County of Solano.

Read first and second times, and referred to the Solano delegation.

By Mr. Hancock, an Act to authorize the sale of the real estate belonging to the minor heirs of the late Juan Malarin, deceased, situated in the County of Monterey.

Read first and second times, and placed on file.

Assembly bill No. 65, an Act amendatory of an Act entitled an Act to amend an Act entitled an Act restricting the herding of sheep to certain pastures, in the Counties of Sonoma and Marin, approved April fifteenth, one thousand eight hundred and fifty-eight—engrossment reconsidered, and referred to Committee on Agriculture.

RESOLUTIONS.

Resolutions were offered and adopted, as follows:

By Mr. Young:

Resolved, That a Special Committee of three be appointed, to take into consideration that portion of the Controller's Report recommending an increase of taxation; also, that portion of the Governor's Message relating to the same.

By Mr. Laspeyre:

Resolved, That the Committee on Public Morals be instructed to inquire into the expediency of introducing an Act to prevent the employment of chain-gangs, in the cities of this State, and report on the same, by bill or otherwise.

GENERAL FILE.

Assembly bill No. 103, an Act concerning the Board of Supervisors of the County of Tuolumne, ordered engrossed.

Assembly bill No. 78, an Act to change the time of holding the County Court in the County of Marin—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 63, an Act to repeal an Act approved April twenty-seventh, one thousand eight hundred and fifty-five, entitled an Act amendatory of, and supplementary to, an Act entitled an Act concerning crimes and punishments, passed April sixteenth, one thousand eight hundred and fifty, and all other Acts, and parts of Acts, having reference thereto—

On the question, "Shall this bill be indefinitely postponed?" Messrs. Lightner, Sloss, and Cahalan, demanded the ayes and noes, and the bill was indefinitely postponed, by the following vote:

AYES—Messrs. Aud, Barclay, Bates, Buck, Caine, Caldwell, Cahalan, Cherry, Coleman, Condee, Cope, Cutler, Daggett, Davis, Dow, Dunlap, Ellis, Ensworth, Fuller, Hancock, Holman, Howe, Imus, Lightner, Lull, Mathews, Mount, Murray, Roane, Rodgers, Shannon, Sheridan, Springer, Tipton, Tully, Wing, and Whitney—37.

NOES—Messrs. G. A. Douglas, Jackson, Lamar, Laspeyre, Robberson, Slingerland, Sloss, Watkins, Whealdon, and Mr. Speaker—10.

THIRD READING OF BILLS.

Assembly bill No. 68, an Act to amend an Act entitled an Act prescribing the mode of maintaining and defending possessory actions on public lands in this State, approved April twentieth, one thousand eight hundred and fifty-two;

Also, Assembly bill No. 49, "An Act supplementary to an Act entitled

an Act concerning conveyances," passed April sixteenth, one thousand eight hundred and fifty;

And Assembly bill No. 88, an Act allowing compensation to the Coroner of the City and County of San Francisco, for certain services;

Rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 82, an Act amendatory of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof—Committee amendments concurred in, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 16, an Act to legalize acknowledgments heretofore taken by any Deputy Clerk of the late Superior Court of the City of San Francisco, referred to Judiciary Committee.

Assembly bill No. 76, an Act to change the name of John August Strombohl to August William Strombohl, amendments concurred in, considered engrossed, read third time, and passed.

Mr. Fuller introduced Assembly Concurrent-Resolution relative to overland mails on Salt Lake Route.

Referred to Committee on Federal Relations, with instructions to report on the ninth of February, one thousand eight hundred and fifty-nine.

Senate bill No. 9, an Act to amend an Act concerning the office of Public Administrator in the Counties of Nevada, Sacramento, Monterey, and Amador, approved April fifth, one thousand eight hundred and fifty-six, read third time, and passed.

Assembly bill No. 13, an Act authorizing the Board of Supervisors of the City and County of San Francisco to appoint Commissioners to prepare plans and specifications for a bulk-head for the protection of the Harbor of San Francisco, referred to the Committee on Commerce and Navigation.

Assembly bill No. 91, "An Act concerning the official bonds of the District-Attorney, Surveyor, Coroner, and Public Administrator, in the County of San Luis Obispo, amended, rules suspended, considered engrossed, read third time, and passed.

At ten minutes past two o'clock, P. M., on motion of Mr. Lightner, the House adjourned.

IN ASSEMBLY.

TUESDAY, February 8, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

Messrs. Gregory and Shepard had leave of absence for one day each.

The Speaker announced Messrs. Young, Johnson, and Robberson, as the Committee under the resolution adopted on yesterday, relative to the increase of taxation.

Mr. Sheridan presented a petition relative to the creation of a new County, to be called Mokelumne County.

Referred to the Committee on Counties and County Boundaries.

REPORTS.

Reports were made as follows,
By Mr. Aud:

MR. SPEAKER:—The Committee on Federal Relations, to whom was referred Assembly Concurrent-Resolution No 24, relative to overland mails on the Salt Lake route," have had the same under consideration, and have instructed me to report the same back to the House, and recommend the passage of the same, without amendment.

FRANCIS L. AUD, Chairman.

By Mr. Tully:

MR. SPEAKER:—The Committee on Public Lands, to whom was referred Senate bill No. 114, entitled an Act making appropriations for the salaries of Clerks in the State Land Office, from the first day of February, to the thirtieth day of June, 1859, have had the same under consideration, and beg leave respectfully to report the same back, and recommend its passage as amended.

TULLY, Chairman.

Mr. Young verbally reported, without amendment, Assembly bill No. 19, an Act concening roads and highways in the County of Nevada, and recommended its passage.

Bill read third time, and passed.

Senate bill No. 30, an Act to divide the State into Congressional Districts, according to an Act of Congress, approved June fifth, one thousand eight hundred and forty-two, read second time, and referred to Committee on Elections.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Holman, an Act to amend an Act entitled an Act concerning corporations, passed April twenty-second, one thousand eight hundred and fifty.

Read first and second times, and referred to Committee on Corporations.

By Mr. Sheridan, an Act to prohibit gaming.

Read first and second times, and referred to the Committee on Public Morals.

GENERAL FILE.

Assembly bill No 92, an Act to amend an Act entitled an Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers—

Made special order for Friday next, February eleventh, one thousand eight hundred and fifty-nine, at twelve o'clock, M.

Senate bill No. 82, an Act making certificates of purchase evidence of title, referred to Judiciary Committee.

Senate bill No. 91, an Act submitting to the people of the City and County of Sacramento, a proposition to appropriate money for the purchase and construction of suitable grounds and buildings for the use of the State Agricultural Society in the City of Sacramento—Committee amendments concurred in, read third time, and passed.

On motion of Mr. Ellis, the title of the bill was amended.

Assembly bill No. 100, an Act for the better protection of sheep, and to make the owners or harborers of dogs liable for damages they may do, indefinitely postponed

Assembly bill No 109, an Act to amend an Act concerning Notaries Public, approved April thirtieth, one thousand eight hundred and fifty-seven, amended, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 62, an Act to amend an Act entitled an Act concerning official and other bonds, approved April second, one thousand eight hundred and fifty-seven—substitute reported by Judiciary Committee adopted, and ordered printed.

Senate bill No. 34, an Act to provide for the payment of volumes nine and ten of the Reports of the Supreme Court of the State of California, considered in Committee of the Whole, Mr. Ellis in the Chair.

Committee rose, recommended the passage of the bill, and were discharged.

Mr. Tully offered the following amendments, which were lost:

Insert, after the words "volumes nine and ten," the word "eleven;" also, the words "three thousand," instead of "four thousand."

Bill read third time, and, on its passage, Messrs. Springer, Tully, and Pixley, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Armstrong, Barclay, Caldwell, Cahalan, Cherry, Condee, Cope, Daggett, G A. Douglas, G N. Douglass, Ellis, Gwinn, Hancock, Imus, Lamar, Laspeyre, Lies, Lightner, Lull, Malarin, Mount, Murray, Pico, Pixley, Rodgers, Shannon, Sheridan, Slingerland, Sloss, Squires, Tipton, Watkins, and Whealdon—33.

NOES—Messrs. Aud, Bates, Buck, Caine, Davis, Dow, Dunlap, Howe, Jackson, Johnson, Lefever, Mathews, Roane, Robberson, Springer, Tully, Vaughan, Whitney, and Mr. Speaker—20.

Mr. Laspeyre gave notice of a reconsideration of the vote just taken.

The following report was made by Mr. Cutler:

MR. SPEAKER:—The Solano County delegation, to whom was referred Assembly bill No. 123, an Act to provide for the erection of public buildings in the County of Solano, have had the same under consideration, and would respectfully report the same back to the House, and recommend its passage, without amendment.

CUTLER, for the Delegation.

Assembly bill No. 123, above reported, was taken up, rules suspended, considered engrossed, read third time, and passed

Senate bill No. 50, an Act amendatory of an Act to change the time of holding the Courts of Sessions and County Courts, of the Counties of Los Angeles and Yolo, approved April eighth, one thousand eight hundred and fifty-eight, read third time, and passed.

Assembly bill No. 113, an Act to provide for the administration of the Fire Bond Sinking Fund of the City and County of San Francisco, ordered engrossed.

Senate bill No. 87, an Act to amend an Act passed February seventeenth, one thousand eight hundred and fifty-five, entitled an Act to amend an Act concerning the Courts of Justice of this State, and judicial

officers, passed May nineteenth, one thousand eight hundred and fifty-three, read third time.

And, upon the passage of the bill, Messrs. Buck, Laspeyre, and Aud, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Armstrong, Aud, Barclay, Buck, Caine, Caldwell, Cahalan, Cherry, Cope, Cutler, Davis, G. A. Douglas, G. N. Douglass, Ellis, Fuller, Hancock, Imus, Johnson, Laspeyre, Lefever, Lies, Lightner, Lull, Malarin, Mathews, Mount, Murray, Pico, Pixley, Roane, Rodgers, Shannon, Sheridan, Slingerland, Sloss, Springer, Squires, Tipton, Tully, Watkins, Whealdon, Wing, Whitney, and Mr. Speaker—44.

NOES—Messrs. Bates and Dunlap—2.

On motion of Mr. Lightner, the rules were suspended, and the House reconsidered the vote by which, on the fifth of February, Senate Concurrent-Resolution No. 21, relative to Committees on Claims acting jointly on all business referred to them, was concurred in, and the House refused to concur.

At half-past two o'clock, P. M., on motion of Mr. Lightner, the House adjourned.

IN ASSEMBLY.

WEDNESDAY, February 9, 1859.

House met, pursuant to adjournment.

Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

Mr. Holman had indefinite leave of absence.

Mr. Lefever, for two days.

And Mr. Shepard, for one day.

Mr. Lamar presented petition of M. Geir and another, for privilege of making a canal from Eel River to Humboldt Bay.

Referred to delegation from Humboldt.

REPORTS.

Reports were made as follows:

By Mr. Cope:

MR. SPEAKER:—The Judiciary Committee, to whom was referred Assembly bill No. 110, "An Act amendatory of an Act amendatory and supplementary to an Act in relation to personal mortgages, in certain cases, passed May eleventh, one thousand eight hundred and fifty-three," have considered the same, and report the bill back, and recommend its indefinite postponement.

The same Committee, to whom was referred Senate bill No. 13, "An Act to amend an Act entitled an Act to regulate proceedings in civil cases, approved April twenty-ninth, one thousand eight hundred and fifty-one," have considered the same, and report the bill back, and recommend its passage.

The same Committee, to whom was referred Asssembly bill No. 127, "An Act to amend an Act entitled an Act concerning attorneys and counselors-at-law," approved February nineteenth, one thousand eight

hundred and fifty-one, have considered the same, and report the bill back, and recommend its passage.

The same Committee, to whom was referred Assembly bill No. 128, "An Act to amend an Act entitled an Act to regulate proceedings in civil cases, in the Courts of Justice in this State," have considered the same, and the majority of the Commitee report the bill back, and recommend its indefinite postponement.

COPE, Chairman.

By Mr. Condee:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 76, "An Act to change the name of John August Stromdohl to August William Stromdohl;"

Also, Assembly bill No. 122, "An Act appropriating money for the pay of copying done for the Legislature;"

Also, Assembly bill No. 126, "An Act to fix the time of holding the County Court, and the Court of Sessions, of Amador County.

G. M. CONDEE, Member of Committee on Engrossment.

By Mr. Young:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 51, "An Act to amend an Act concerning the office of County Judge of San Joaquin County;"

Also, Assembly bill No 67, an Act to legalize the assessment of real and personal property, made by John H. Lillard, in the County of Butte, during the years one thousand eight hundred and fifty-six and one thousand eight hundred and fifty-seven;

Also, Assembly bill No. 112, "An Act supplementary to an Act to extend the time for completing the assessment-roll, and for collecting the taxes, of San Bernardino County;"

Also, Assembly Concurrent-Resolution No. 12, relative to the payment, by the General Government, of revenue collected prior to the admission of this State into the Union.

GEO. A. YOUNG, Chairman.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Laspeyre, an Act for the relief of settlers on swamp and overflowed lands.

By Mr. Cahalan, an Act repealing an Act extending the time for assessment in Nevada County.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Malarin, an Act to authorize the sale of the real estate of the late Joaquin Soto, deceased.

Read first and second times, and referred to the delegations from Monterey and San Luis Obispo.

By Mr. Mathews, an Act for the relief of John Pursglove.

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

By Mr. Young, an Act fixing the time of holding the Court of Sessions, and County Court, in the County of Nevada.

Read first and second times, and placed on file.

By Mr. Whitman, an Act to fund the debt of the County of San Bernardino.

Read first and second times, and placed on file.

GENERAL FILE.

Assembly bill No. 114, an Act making appropriation for the salaries of clerks in the State Land Office, from the first day of February to the thirtieth day of June, one thousand eight hundred and fifty-nine—Committee amendments adopted, and ordered engrossed

Assembly bill No. 105, "An Act legalizing the acts of D. W. Davis," ordered engrossed.

Assembly bill No. 106, an Act amendatory of an Act entitled an Act defining the legal distances from each County-seat to the Capitol, Lunatic Asylum, and the State-prison, approved April twenty-fourth, one thousand eight hundred and fifty-eight, ordered engrossed

Assembly bill No. 124, an Act to authorize the sale of the real estate belonging to the minor heirs of the late Juan Malarin, deceased, situated in the County of Monterey, ordered engrossed.

Senate bill No 25, an Act to establish a standard of weights and measures, and to repeal all former Acts in relation thereto—

On the indefinite postponement of the bill, Messrs. Springer, Sloss, and Hancock, demanded the ayes and noes.

Mr Condee moved to refer the bill to a Special Committee of five, to report a substitute.

Mr. Shannon moved the previous question.

Which was sustained.

Mr Condee's motion was lost.

And the bill was indefinitely postponed, by the following vote: ayes, 35—noes, 26:

AYES—Messrs. Banks, Caine, Cahalan, Cherry, Coleman, Cutler, Ensworth, Gregory, Gwinn, Hancock, Hill, Imus, Johnson, Laspeyre, Lefever, Lies, Lightner, Lull, Malarin, Moore of Nevada, Mount, Murray, Pico, Roane, Robberson, Rodgers, Shannon, Sheridan, Slingerland, Thomas, Tipton, Whitman, Young, and Mr. Speaker—35.

NOES—Messrs Barclay, Bates, Buck, Caldwell, Condee, Cope, Daggett, Davis, G. N. Douglass, Dow, Ellis, Fuller, Howe, Jackson, Lamar, Mathews, Pixley, Sloss, Springer, Squires, Tully, Vaughan, Watkins, Whealdon, Wing, and Whitney—26.

Mr. Robberson gave notice of a motion to reconsider the vote just taken.

Mr. Mathews, by leave, introduced a bill for "An Act to extend the time for collecting taxes in the County of Napa"

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

COMMUNICATION FROM THE SURVEYOR-GENERAL.

The following communication was received from the Surveyor-General:

STATE OF CALIFORNIA, OFFICE OF SURVEYOR-GENERAL,
Sacramento, February 8, 1859.

To the Honorable the Assembly of California:

The Assembly resolution in relation to the survey of the boundary-line between this State and Utah Territory, adopted January tenth, was received on the fifth instant. It will be impossible for me to furnish an accurate statement of the cost of establishing said boundary-line. It has always been customary, I believe, when the line separating the State from a Territory was required to be established, to have the work done by Joint Commission, on the part of the State and of the United States. The United States has in all cases paid the expenses attending the prosecution of the survey—the State being merely required to pay the actual expenses of her Commission. The eastern boundary of this State, from the forty-second parallel of latitude to the Colorado River, is about six hundred miles long. To establish this line properly, I think, would require an outlay of at least sixty thousand dollars. This amount would undoubtedly be paid by the United States. I think an appropriation of five thousand dollars would cover the expenses of the Commission of the State.

The northern boundary of the State is about two hundred miles long. About one-quarter of the line was run under instructions of Mr. Marlette, State Surveyor-General, in one thousand eight hundred and fifty-four. The eastern portion of the line has not been established.

Respectfully,
H. A. HIGLEY, Surveyor-General.

Senate bill No. 11, an Act supplemental to an Act entitled an Act defining the time of commencing civil actions, passed April twenty-second, one thousand eight hundred and fifty, indefinitely postponed.

Assembly Concurrent-Resolution No 23, relative to reviving and continuing pre-emption laws, adopted

Senate Concurrent-Resolution No. 16, relative to the boundary-line between California and Utah, concurred in.

Senate bill No. 54, an Act to provide for the relinquishment to the United States, in certain cases, of title to lands for light-houses, and for other purposes, on the coast and waters of this State, read third time.

Mr. Sloss moved a call of the House, which was sustained, and the following members were absent, viz: Messrs. Aud, Canon, Crenshaw, G. A. Douglas, Dow, Gregory, Hill, Moore of San Francisco, and Young.

The Sergeant-at-Arms was dispatched for the absentees.

Further proceedings under the call were dispensed with, and the bill passed.

The following resolution was offered by Mr. Tully, and adopted:

Resolved, That the Speaker appoint a Special Committee of three, whose duty it shall be to take into consideration that portion of the report of the Surveyor-General of this State which relates to the school lands of this State and the location of school-land warrants, and report, at their earliest convenience, such amendments to the existing laws relative thereto, as by them may be deemed necessary.

At eighteen minutes past two o'clock P. M., on motion of Mr. Rodgers, the House adjourned.

IN ASSEMBLY.

THURSDAY, February 10, 1859.

The House met, pursuant to adjournment.

Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

Messrs. Lynch, Thomas, Ellis, Whitney, and Shepard, had leave of absence, for one day each.

PETITIONS.

Petitions were presented as follows:

By Mr. Cope:

Of citizens of Amador County, asking the repeal of the law in relation to weights and measures.

Laid on the table.

By Mr Pixley:

Of citizens of San Francisco, asking change of the License Laws

Referred to Committee of Ways and Means.

By Mr. Vaughan:

Of citizens of Sutter County, in relation to bridge across Feather River.

Referred to Sutter delegation.

Mr. Robberson moved to reconsider the vote by which the House, on yesterday, indefinitely postponed Senate bill No. 25, an Act to establish a standard of weights and measures, and to repeal all former Acts in relation thereto.

Upon which, Messrs. Springer, Lamar, and G. N. Douglass, demanded the ayes and noes, and the House refused to reconsider, by the following vote:

AYES—Messrs Barclay, Bates, Buck, Caine, Caldwell, Condee, Crenshaw, Cutler, Daggett, G. A. Douglas, G. N Douglass, Dow, Dunlap, Ellis, Howe, Imus, Jackson, Lamar, Mathews, Murray, Robberson, Slingerland, Sloss, Springer, Squires, Torres, Tully, Vaughan, Watkins, Whealdon, Wing, and Whitney—32.

NOES—Messrs Armstrong, Banks, Cahalan, Cherry, Coleman, Connely, Ensworth, Fuller, Gregory, Gwinn, Hancock, Hill, Johnson, Laspeyre, Lefever, Lies, Lightner, Lull, Malarin, Moore of Nevada, Mount, Pico, Pixley, Roane, Rodgers, Shannon, Sheridan, Taylor, Thomas, Whitman, Young, and Mr Speaker—32.

Mr. Taylor presented a communication from Committee of citizens of San Francisco, relative to fraudulent land-grants.

Referred to Committee on Federal Relations.

REPORTS.

Reports were made as follows:

By Mr. Tully:

MR. SPEAKER:—The Committee to whom was referred Senate bill No.

73, entitled "An Act to authorize the issuance of duplicates for certain lost school-land warrants," have had the same under consideration, and beg leave, respectfully, to submit the following report in relation thereto:

From the very imperfect nature of our Statutes, relative to the location of school-land warrants, your Committee can not but see that there must inevitably arise difficulties that will require all the wisdom and ability of our best jurists to unravel or correct—difficulties involving both public and private interests of no small consideration.

Your Committee are thoroughly impressed with the necessity of cautious legislation on the subject of duplicate land warrants, and knowing, as they do, that under the present imperfect statutes, the course heretofore pursued, in making locations without canceling the warrants so located, thus leaving them in such a condition as would enable persons so desiring to practice such a series of frauds, both upon the State and individuals, would prove disastrous in the extreme, would take this occasion earnestly to recommend that too much countenance be not given to this species of special legislation. In the case in hand, your Committee are of opinion that the warrants referred to in the Act before us have been lost, and that there is no intention on the part of the parties to practice any fraud upon either State or individual; and, believing further, that the bonds required by section three of said Act, are such as to protect the State from any loss therefrom, would, therefore, in view of the foregoing facts, recommend that the bill pass as reported.

TULLY, Chairman.

By Mr. Gregory:

Mr Speaker:—The Committee on Corporations, to whom was referred Assembly bill No. 44, entitled "An Act to amend section one hundred and seventy-nine of an Act entitled an Act concerning Corporations, passed April twenty-second, one thousand eight hundred and fifty," having had the same under consideration, ask leave to report it back, without recommendation.

A. J. GREGORY, Chairman.

By Mr. Hancock:

Mr. Speaker:—Your Committee on Counties and County Boundaries, to whom was referred Assembly bill No. 87, "An Act to define the boundaries, and provide for the organization of Mendocino County," have had the same under consideration, and hereby report that, firstly, upon representations and statements made by the author, to the effect that at this time there is a great influx of population; that there are now about nine hundred voters, with taxable property to the amount of about one million of dollars, within the limits of that tract of country now known as the County of Mendocino, and, by the Act of twenty-fifth April, one thousand eight hundred and fifty-one, dividing the State into Counties, and establishing the Seats of Justice therefor, attached for judicial and revenue purposes, to the County of Sonoma, the said statements and representations being concurred in by the delegation from Sonoma—your Committee are of the opinion that there is a necessity for the organization of a separate County Government for the County of Mendocino, and, having made sundry amendments to the bill, respectfully report the same back, with amendments, and recommend its passage, as amended.

HANCOCK, Chairman.

By Mr. Lies:

MR. SPEAKER:—The Committee on Education, to whom was referred Senate bill No. 37, entitled "An Act amendatory of, and supplemental to, an Act entitled an Act to provide for the location and sale of the unsold portion of the five hundred thousand acres of land granted to this State for school purposes, and the seventy-two sections donated to this State for a seminary of learning, approved April twenty-third, one thousand eight hundred and fifty-eight, do respectfully report, that they have considered the said bill, and now recommend that the same be passed.

The same Committee, instructed by resolution of January twenty-seventh, one thousand eight hundred and fifty-nine, "to inquire into the expediency of erecting and establishing a State University, in which shall be taught the highest branches of education," do respectfully report, that in obedience to the aforesaid resolution, they have inquired as instructed, and find that the erecting and establishing of any State University is at present inexpedient.

EUGENE LIES, Chairman.

COMMITTEE ROOMS, Sacramento, February 9, 1859.

By Mr. Condee:

MR. SPEAKER:—The Committee on Engrossment have examined, and find correctly engrossed, the following bills:

Assembly bill No. 68, "An Act to amend an Act entitled an Act prescribing the mode of maintaining and defending possessory actions on public lands in this State."

Assembly bill No, 78, "An Act to change the time of holding the County Court, in the County of Marin"

Assembly bill No. 88, "An Act allowing compensation to the Coroner of the City and County of San Francisco, for certain services."

Assembly bill No. 103, "An Act concerning the Board of Supervisors of the County of Tuolumne."

Assembly bill No. 82, "An Act amendatory of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the Government thereof."

Assembly bill No. 113, "An Act to provide for the administration of the Fire Bond Sinking Fund of the City and County of San Francisco."

Assembly bill No. 109, "An Act to amend an Act concerning Notaries Public," approved April thirtieth, one thousand eight hundred and fifty-seven.

Assembly bill No. 91, "An Act concerning the official bonds of the District-Attorney, Surveyor, Coroner, and Public Administrator, of the Counties of San Luis Obispo, San Diego, Yuba, and Nevada."

Assembly bill No. 49, "An Act supplementary to an Act entitled an Act concerning conveyances," passed April sixteenth, one thousand eight hundred and fifty."

Also, Assembly bill No. 123, "An Act to provide for the erection of public buildings in the County of Solano."

GEO. M. CONDEE, Member of Committee on Engrossment.

Mr. Torres reported, and recommended the passage of Assembly bill No. 93, "An Act to confirm and legalize the tax-lists or assessment-rolls

of the County of Marin for the years one thousand eight hundred and fifty-seven and one thousand eight hundred and fifty-eight, and to authorize the collection of unpaid taxes in said County."

Rules suspended, considered engrossed, read third time, and passed.

The Speaker announced Messrs. Tully, Whitney, and Caine, as the Committtee to take into consideration that portion of the Surveyor-General's Report which relates to school lands.

Mr. Lamar verbally reported, and recommended the passage of Assembly bill No. 118, an Act to authorize the guardian or guardians of certain minors to sell and dispose of their real estate and chattels real.

By Mr. Murray:

MR. SPEAKER:—The Special Committee, composed of the delegations from Monterey and San Luis Obispo Counties, to whom was referred Assembly bill No. 132, "An Act to authorize the sale of the real estate of the late Joaquin Soto, deceased," together with a petition from the heirs of said Soto, praying for the passage of said bill, after mature consideration and investigation, beg leave to return said bill and petition back to the House, with the recommendation that the said bill be passed, without amendment.

M. MALARIN, of Monterey County,
MURRAY, San Luis Obispo.

The rules were suspended, bill No. 132, above reported, considered engrossed, read third time, and passed.

Mr. Watkins reported, and recommended the passage of Senate bill No. 89, an Act to repeal an Act entitled an Act to extend the time for making the assessment and collection of taxes in the County of Siskiyou, approved April twelfth, one thousand eight hundred and fifty-eight.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 9, 1859,

To the Assembly of the State of California:

I have to inform your honorable body that, on February the fifth, I approved "An Act to extend the time for the collection of taxes in the County of Solano."

JOHN B. WELLER.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
February 10, 1859

MR. SPEAKER:—The Senate, on the fifth instant, passed Senate bill No. 96, "An Act to authorize the location of the Town of Crescent City."

E. C. PALMER, Secretary Senate.

Senate bill No. 96, above reported, read first and second times, rules suspended, read third time, and passed.

Mr. Sherman moved a call of the House.

Lost.

SENATE CHAMBER,
February 10, 1859.

MR. SPEAKER:—The Senate have, this day, passed Assembly bill No. 136, "An Act to extend the time for collecting taxes in the County of Napa."

E. C. PALMER, Secretary of Senate.

SENATE CHAMBER,
February 9, 1859.

MR. SPEAKER:—The Senate, on Saturday, the fifth instant, passed Assembly bill No. 39, "An Act to repeal an Act to incorporate the Town of Oroville, and an Act amendatory of, and supplementary to, an Act to incorporate the Town of Oroville."

E. C. PALMER, Secretary Senate.

SENATE CHAMBER,
February 10, 1859.

MR SPEAKER:—The Senate, on yesterday, passed Senate bill No. 80, "An Act to allow Berthold Hoen to sell certain real estate;"

Also, Senate bill No. 100, "An Act to authorize the Board of Supervisors of Siskiyou County to audit and allow the claims of D. R. Dale;"

Also, have concurred in Assembly amendments to Senate bill No. 91, "An Act submitting to the people of the City and County of Sacramento a proposition to appropriate money for the purchase and construction of suitable grounds and buildings for the use of the State Agricultural Society, in the City of Sacramento;

Also, have passed Senate bill No. 43, "An Act amending an Act entitled an Act concerning jurors," approved May third, one thousand eight hundred and fifty-two.

E. C. PALMER, Secretary of Senate.

Senate bills Nos. 43 and 80, above reported, were read first and second times, and referred to the Judiciary Committee.

Senate bill No. 100, above reported, read first and second times, and referred to the Siskiyou delegation.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Tully, an Act to prevent the retailing of adulterated liquors in the County of Santa Clara.

Also, an Act to prevent the herding of Sheep on certain lands in the State.

By Mr. Daggett, an Act to legalize certain matters connected with the Crescent City Plank Road and Turnpike Company.

By Mr. Torres, an Act to authorize the Board of Supervisors of Marin County, to levy a special tax

By Mr Lies, an Act to establish and declare a uniform mode of computing degrees of kindred.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Cahalan, an Act to repeal an Act entitled an Act to extend the

time for making the assessment and collection of taxes in the County of Nevada, approved April twenty-sixth, one thousand eight hundred and fifty-eight.

Read first and second times, and placed on file.

By Mr. Mount, an Act supplementary to an Act entitled an Act concerning public ferries and toll-bridges, approved April twenty-eighth, one thousand eight hundred and fifty-five.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Crenshaw, an Act for the better protection and relief of miners and settlers, whose locations and improvements upon the public domain have been wrongfully included within the boundaries of floating Mexican land-grants.

Read first and second times, referred to the Committee on Mines and Mining Interests, and ordered printed.

By Mr. Caldwell, an Act in relation to mining copartnerships.

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

By Mr. Banks, an Act to change the name of Frederick Ferdinand Leidenbinder to Frederick Ferdinand Leiden.

Read first and second times, and placed on file.

THIRD READING OF BILLS.

Assembly bill No. 103, an Act concerning the Board of Supervisors of the County of Tuolumne;

And, Assembly bill No. 113, an Act to provide for the administration of the Fire Bond Sinking Fund of the City and County of San Francisco;

Were read third time and passed.

Assembly bill No. 61, an Act to amend an Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers, approved March twentieth, one thousand eight and fifty-five, indefinitely postponed.

Substitute for Assembly bill No. 62, an Act to amend an Act entitled an Act concerning official bonds, approved April second, one thousand eight hundred and fifty-seven, was taken up, and ordered engrossed.

Mr. Mount moved to adjourn, upon which, Messrs. Moore of Nevada, Lull, and Shannon, demanded the ayes and noes, and the House refused to adjourn, by the following vote: ayes, 15—noes, 39:

AYES—Messrs Armstrong, Aud, Bates, Davis, Ensworth, Imus, Jackson, Johnson, Lamar, Laspeyre, Malarin, Moore of San Francisco, Mount, Murray, and Roane—15.

NOES—Messrs Banks, Barclay, Buck, Caldwell, Cahalan, Coleman, Condee, Connely, Crenshaw, Cutler, Daggett, G A. Douglas, G. N. Douglass, Dow, Fuller, Gwinn, Lies, Lightner, Lull, Mathews, Moore of Nevada, Pico, Pixley, Robberson, Rodgers, Shannon, Slingerland, Sloss, Springer, Squires, Taylor, Thomas, Tipton, Torres, Tully, Vaughan, Watkins, Whealdon, Whitman, and Whitney—39.

Mr. Mount moved a call of the House.

Lost.

Mr. Lull moved that the rules be suspended, the bill considered engrossed, and put on its passage

Pending the question, Mr. Shannon asked leave to introduce a resolution.

The Speaker (Mr. Banks in the Chair) having decided that it was in order to suspend the rules, for the purpose of offering a resolution, while a bill was under consideration, Mr. Taylor appealed, and the decision of the Chair was sustained.

At half past two o'clock, P. M., Mr. Aud moved that the House adjourn.

Upon which, Messrs. Lull, Lies, and Condee, demanded the ayes and noes, and the House adjourned, by the following vote:

AYES—Messrs. Armstrong, Aud, Barclay, Bates, Cherry, Connely, Crenshaw, Cutler, Daggett, Davis, G. A. Douglas, G. N. Douglass, Ensworth, Gregory, Imus, Jackson, Johnson, Lamar, Laspeyre, Lightner, Mathews, Moore of San Francisco, Mount, Murray, Pico, Roane, Robberson, Rodgers, Sheridan, Sloss, Taylor, Thomas, and Whitman—33.

NOES—Messrs. Banks, Caine, Caldwell, Cahalan, Condee, Dow, Dunlap, Fuller, Gwinn, Howe, Lies, Lull, Moore of Nevada, Pixley, Shannon, Slingerland, Springer, Squires, Torres, Tully, Watkins, Whealdon, Whitney, and Young—24.

IN ASSEMBLY.

FRIDAY, February 11, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

Mr. Imus had leave of absence for one day.

REPORTS.

Reports were made as follows:

By Mr. Lightner:

MR. SPEAKER:—The Committee on Claims, to whom was referred Senate bill No. 81, an Act for the relief of Elisha Packwood, beg leave to report the same back, without amendment, and recommend its passage.

LIGHTNER, Chairman.

ASSEMBLY, February 11, 1859.

By Mr. Street:

MR. SPEAKER:—The Committee on Ways and Means, to whom was referred Assembly bill No. 133, entitled an Act for the relief of John Pursglove, having had the same under consideration, ask leave to report the same back, recommending its indefinite postponement.

CHAS. R. STREET, Chairman.

By Mr. Connely:

MR. SPEAKER:—The Committee on Agriculture, to whom was referred Assembly bill No. 65, entitled an Act to amend an Act entitled an Act

restricting the herding of sheep to certain pastures, in the Counties of Sonoma and Marin, approved April fifteenth, one thousand eight hundred and fifty-eight, have amended the same, and have instructed me to report the bill back to the House, and to recommend that it be passed, with the amendments.

D. W. CONNELY, Chairman.

By Mr. Squires:

MR. SPEAKER: Your Committee on Public Expenditures and Accounts have examined, and found correct, accounts of Wells, Fargo & Co., for franks, amounting to eighty-one dollars; Publisher of Morning Star, for thirty-nine daily papers for four weeks, amounting to thirty-nine dollars; J. M. Mason, for California Spirit of the Times, for sixteen numbers to February fourth, amounting to ten dollars; Publisher of Alameda Gazette, for subscription of one member for session, amounting to two dollars and fifty cents; Houghton & Co., for fifteen copies of Daily Register, from January fifteenth to February twelfth, amounting to fifteen dollars.

OGDEN SQUIRES, Chairman.

By Mr. Lynch:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 114, an Act making appropriations for the salaries of Clerks in the State Land Office, from the first day of February to the thirtieth day of June, one thousand eight hundred and fifty-nine;

Also, Assembly bill No. 124, an Act to authorize the sale of the real estate belonging to the minor heirs of the late Juan Malarin, deceased. situated in the county of Monterey.

LYNCH, Chairman.

By Mr. Young:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 15, an Act to authorize and direct the Board of Supervisors in the City and County of San Francisco to pay, out of the General Fund, certain claims therein mentioned;

Also, Assembly bill, No. 136, an Act to extend the time for collecting taxes in the County of Napa;

Also, Assembly bill No. 78, an Act to change the time of holding the County Court in the County of Marin.

GEO. A. YOUNG, Chairman.

By Mr. Thomas:

MR. SPEAKER:—The Committee on State Hospitals, to whom was referred Assembly bill No. 99, an Act to constitute a State Board of Medical Examiners, return the same to the Assembly, with amendments, and recommend the passage of the bill, as amended.

THOMAS, Chairman.

By Mr. Gwinn:

MR. SPEAKER:—The Committee on Roads and Highways, to whom was referred Assembly bill No. 120, an Act to authorize Richard F. Ogden, or his assigns, to run steam-wagons over the roads of this State, have had

the same under consideration, amended the same, and recommend its passage, as amended.

GWINN, Chairman.

Mr. Cope verbally reported, with amendments, and recommended the passage of Assembly bill No. 38, an Act to regulate the fees of certain officers in Amador County.

Mr. Robberson verbally reported, and recommended the passage of Assembly bill No 121, an Act to authorize William B. Atterbury, administrator of the estate of Martin E. Cooke, to execute certain conveyances.

Assembly bill No. 137, an Act to repeal an Act entitled an Act to extend the time for making the assessment and collection of taxes in the County of Nevada, approved April twenty-sixth, one thousand eight hundred and fifty-eight, taken from file, and referred to the Nevada delegation.

On motion of Mr. Whealdon, Assembly bill No. 140, an Act in relation to mining copartnerships, was ordered printed.

RESOLUTIONS.

Resolutions were offered and adopted, as follows:

By Mr. Hancock:

Resolved, That the Clerk be required to comply with that portion of Rule Seventy-Three of the Assembly, which relates to the posting, in a conspicuous place in the chamber, a daily statement of the bills on general file.

By Mr. Jackson:

Whereas, Governor Micheltorena, some time about the year one thousand eight hundred and forty-two, made to certain parties two grants: one of six leagues, and the other of two leagues, of land, situated in the Township of Santa Inez, in the County of Santa Barbara, which grants were made upon condition and for the purpose of establishing, in California, a University for the education of youth in the higher branches of learning; *And whereas*, it is said the State still has an interest in said grants, which are being diverted to purposes not contemplated by the Government:

Therefore, resolved, That the Attorney-General be requested to report to this House whether the aforesaid grants were presented to the Land Commission for confirmation; and, if confirmed, in whose name, on what conditions, and to what uses, and whether the State has any interest therein, either from the nature of the grant, or from escheat, forfeiture, or otherwise.

By Mr. Hancock:

Resolved, That the Committee on Mileage be requested to report to this House, this day, the amount of mileage due to the members of the State-prison Committee.

By Mr. Shannon:

Resolved, That the Speaker appoint a Special Committee, to consist of

one member from each of the Counties of Shasta, Plumas, Sierra, Nevada, Placer, El Dorado, Amador, Calaveras, Fresno, Tulare, San Bernardino, and San Diego, to take into consideration the Surveyor-General's communication respecting the eastern boundary-line, and recommend such action as the Committee may deem necessary.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Street, an Act to amend the law concerning administrators.

By Mr. Daggett, an Act concerning jurors in Humboldt County.

On motion of Mr. Cherry, Assembly bill No. 86, an Act to abolish the office of State Gauger for the Port of San Francisco, was taken from the file of unfinished business, and placed on the general file.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Lull, an Act for the relief of John McQuade and William Fell.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Pixley, an Act for the relief of partners or joint-debtors.

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

By Mr. Lies, an Act to establish and declare a uniform mode for computing degrees of kindred.

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

By Mr. Pico, an Act amendatory of an Act entitled an Act dividing the State into Counties, and establishing the seats of justice therein, passed April twenty-fifth, one thousand eight hundred and fifty-one.

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

By Mr. Torres, an Act to authorize the Board of Supervisors of Marin County to levy a special tax

Read first and second times, and referred to Marin delegation.

SPECIAL ORDER.

Special order of the day, Assembly bill No. 92, an Act to amend an Act entitled an Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers, indefinitely postponed.

GENERAL FILE.

Assembly bill No. 87, an Act to define the boundaries and provide for the organization of Mendocino County—Committee amendments concurred in.

Messrs. Pixley and Cherry offered several amendments, which were lost.

On motion of Mr. Lamar, the rules were suspended, the bill considered engrossed, read third time, and passed.

Substitute for Assembly bill No. 16, an Act concerning roads and highways, referred to San Mateo delegation.

The following report was made by Mr. Tipton:

Mr. Speaker:—The Committee on Mileage, having had under consideration the amount of mileage due each member of the State-prison Visiting Committee, beg leave to report as follows:

Names.	Miles.	Amount.
Phil. Moore	260	$52 00
Thomas	260	52 00
Whitman	260	52 00
Lynch	260	52 00
Street	260	52 00
Torres	260	52 00
Crenshaw	260	52 00
Banks	260	52 00

All of which is respectfully submitted,

TIPTON, Chairman.

Assembly bill No. 77, an Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, one thousand eight hundred and fifty, indefinitely postponed.

Assembly bill No. 35, an Act to grant the right to construct a bridge across the Colorado River, at or near Fort Yuma, to certain parties therein named—rules suspended, considered engrossed, read third time, and passed.

Assembly Concurrent-Resolution No. 24, relative to overland mails on Salt Lake Route, adopted.

Assembly bill No. 110, an Act amendatory of an Act amendatory of, and supplementary to, an Act in relation to personal mortgages, in certain cases, passed May eleventh, one thousand eight hundred and fifty-three, indefinitely postponed.

Senate bill No. 37, an Act amendatory of, and supplemental to, an Act entitled an Act to provide for the location and sale of the unsold portion of the five hundred thousand acres of land granted to this State for school purposes, and the seventy-two sections donated to this State for a seminary of learning, approved April twenty-third, one thousand eight hundred and fifty-eight—Committee amendments concurred in, read third time, and passed.

Assembly bill No. 134, an Act fixing the time of holding the Court of Sessions, and County Court, in the County of Nevada, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 135, an Act to fund the debt of the County of San Bernardino, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 13, an Act to amend an Act entitled an Act to regulate proceedings in civil cases, approved April twenty-ninth, one thousand eight hundred and fifty-one, read third time, and passed.

Assembly bill No. 44, an Act to amend section 179 of an Act entitled an Act concerning corporations, passed April twenty-second, one thousand eight hundred and fifty—

Mr. Lightner moved that the bill be indefinitely postponed.

Upon which, Messrs. Banks, Taylor, and Cherry, demanded the ayes noes, and the House refused, by the following vote: ayes, 24—noes, 37.

AYES—Messrs. Aud, Bates, Cahalan, Connely, Dunlap, Howe, Lamar, Lefever, Lies, Lightner, Malarin, Moore of Nevada, Mount, Roane, Sheridan, Springer, Thomas, Tipton, Tully, Vaughan, Watkins, Whitman, Young, and Mr. Speaker—24.

NOES—Messrs. Banks, Barclay, Caine, Caldwell, Canon, Cherry, Coleman, Crenshaw, Cutler, G. A Douglas, G. N. Douglass, Dow, Fuller, Gregory, Gwinn, Hines, Jackson, Johnson, Laspeyre, Lull, Lynch, Mathews, Moore of San Francisco, Murray, Pixley, Robberson, Rodgers, Shannon, Shepard, Slingerland, Sloss, Squires, Street, Taylor, Whealdon, Wing, and Whitney—37.

And the bill was ordered engrossed.

The Speaker announced the following as the Committee on the resolution, adopted this day, to consider the Surveyor-General's communication in relation to the eastern boundary of the State:

Plumas	Mr. Shannon,
Shasta	Mr. Street,
Sierra	Mr. Lefever,
Nevada	Mr. Armstrong,
Placer	Mr. Barclay,
El Dorado	Mr. Coleman,
Amador	Mr Cope,
Calaveras	Mr. Mount,
Fresno and Tulare	Mr. Roane,
San Bernardino	Mr. Whitman,
San Diego	Mr. Ensworth.

The following resolution was offered by Mr. Springer:

Resolved, By the Assembly, the Senate concurring, that this Legislature will adjourn *sine die* on the fifteenth day of March, one thousand eight hundred and fifty-nine.

Mr. Cahalan moved to amend by inserting the first day of March, in place of the fifteenth.

Lost.

Upon its adoption, Messrs Pixley, Robberson and Hancock, demanded the ayes and noes.

When, at ten minutes past three o'clock, P. M., on motion of Mr. Thomas, the House adjourned.

IN ASSEMBLY.

SATURDAY, February 12, 1859.

The House met, pursuant to adjournment.

Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

REPORTS.

Reports were made as follows:

By Mr. Cope:

MR. SPEAKER:—The Judiciary Committee, to whom was referred communication from the Secretary of State, relative to printing laws in Spanish, have considered the same, and report the communication back, and recommend that it be referred to the Committee on Ways and Means.

COPE, Chairman.

Communication above reported, referred to Committee on Ways and Means.

By Mr. Lynch:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed:

Assembly bill No. 105, an Act legalizing the acts of D. W. Davis;

Assembly bill No. 106, an Act amendatory of an Act entitled an Act defining the legal distances from each County-seat to the Capitol, Lunatic Asylum, and State-prison, approved April twenty-fourth, one thousand eight hundred and fifty-eight;

Assembly bill No. 132, an Act to authorize the sale of the real estate of the late Joaquin Soto, deceased.

LYNCH, Chairman.

By Mr. Young:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled:

Assembly bill No. 122, an Act appropriating money for the pay of copying done for the Legislature;

Also, Assembly bill No. 32, an Act to authorize the Board of Supervisors of Trinity County to levy a special tax, and create a Redemption Fund, for the payment of County indebtedness;

Also, Assembly bill No. 39, an Act to repeal an Act entitled an Act to incorporate the Town of Oroville, and an Act amendatory of, and supplementary to, an Act to incorporate the Town of Oroville.

GEO. A. YOUNG, Chairman.

By Mr. Gregory:

MR. SPEAKER:—The Committee on Corporations, to whom was referred Assembly bill No. 116, entitled "An Act to incorporate the town of Eureka," having had the same under consideration, ask leave to report the same back, with amendment, and recommend its passage, as amended.

The same Committee have also had under consideration Assembly bill No. 60, "An Act to amend an Act entitled an Act to provide for the formation of corporations, for certain purposes, passed April fourteenth, one thousand eight hundred and fifty-three, and amended April thirtieth, one thousand eight hundred and fifty-five, and amended April tenth, one thousand eight hundred and fifty-eight," and the majority of the Committee report the same back, recemmending its passage.

A. J. GREGORY, Chairman.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 11th, 1859.

To the Assembly of California:

I have, this day, approved an Act "To authorize and direct the Board of Supervisors of the City and County of San Francisco to pay, out of the General Fund, certain claims therein mentioned."

I have also approved, on yesterday, "An Act supplementary to an Act to extend the time for completing the assessment-roll, and for collecting the taxes of San Bernardino County."

JOHN B. WELLER.

The following message was received from the Board of Examiners:

OFFICE OF BOARD OF EXAMINERS,
Sacramento, February 11th, 1859.

To the Assembly of California:

I herewith transmit, to your honorable body, the following cases, which have been passed upon and rejected by the Board of Examiners. They were presented as equitable claims against the State. (See decisions of the Board, with accompanying papers in each case, viz.:)

D. C. Gay, for arresting and delivery of three escaped convicts to State-prison—Edward Manly, Ah Lee, and Frank Ewing, in the months of August and September, one thousand eight hundred and fifty-seven	$264 00
D. J. Snyder, for services on Journals of House and Senate in one thousand eight hundred and fifty-eight	200 00
Total	$464 00

JOHN B. WELLER, President Board of Examiners.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
February 11, 1859.

MR. SPEAKER:—The Senate have, this day, passed Assembly bill No. 78, "An Act to change the time of holding the County Court in the County of Marin."

E. C. PALMER, Secretary Senate.

SENATE CHAMBER,
February 11, 1859.

MR. SPEAKER:—The Senate, on yesterday, concurred in Assembly Concurrent-Resolution No. 23, "relative to reviving and continuing the pre-emption laws."

E. C. PALMER, Secretary of Senate.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Daggett, "An Act to grant the right to construct a wharf at Trinidad Bay, in Klamath County."

By Mr. Taylor, an Act to provide for the purchase and erection of hydrants in the City and County of San Francisco, and for the reimbursement to the Fire Fund, from the General Fund, of moneys already expended for that purpose.

By Mr. Cherry, an Act for the relief of Philip Martin

By Mr. Hines, an Act regulating rodeos, and the trespassing of stock, in the Counties of this State;

Also, an Act authorizing the Commissioners of the Funded Debt of the County of Contra Costa to re-issue certain bonds to Erastus Bartlett.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Street, an Act creating a contingent fund for Shasta County.

Read first and second times, and placed on file.

Also, an Act supplementary to, and amendatory of, an Act to amend an Act entitled an Act concerning the office of Public Administrator, and making it elective, passed April fifteenth, one thousand eight hundred and fifty-one, passed May seventh, one thousand eight hundred and fifty-five

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

By Mr Daggett, an Act to legalize certain matters connected with the Crescent City Plank Road and Turnpike Company.

Read first and second times, and referred to the Judiciary Committee

By Mr. Sheridan, an Act amendatory of an Act defining the boundaries of Sacramento County, passed March thirteenth, one thousand eight hundred and fifty-seven.

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

By Mr. Rodgers, Assembly Concurrent-Resolution relative to the donation of agricultural and mineral lands in California, by Congress, to aid in the construction of a Pacific Railroad.

Read laid over, and ordered printed.

By Mr Moore of Nevada, an Act to change the names of certain persons therein named.

Read first and second times, and placed on file.

GENERAL FILE.

Senate bill No 73, an Act to amend an Act entitled an Act to authorize the issuance of duplicates for certain lost school-land warrants;

Also, Senate bill No. 27, an Act to authorize the construction of certain wharves;

Also, Senate bill No. 81, an Act for the relief of Elisha Packwood;

And, also, Senate bill No 89, an Act to repeal an Act entitled an Act to extend the time for making the assessment and collection of taxes in the county of Siskiyou, approved April twelfth, one thousand eight hundred and fifty-eight;

Were read third time and passed.

Assembly bill No. 108, an Act to provide for the compensation of the Keepers of the County-Jails in Shasta and Colusa counties, and to legalize

all warrants heretofore issued for the payment of the services of the Keepers of said Jails, amended, and ordered engrossed.

Assembly bill No. 38, an Act to regulate the fees of certain officers in Amador county, recommitted to Amador delegation.

Assembly bill No. 141, an Act to change the name of Frederick Ferdinand Leidenbinder, to Frederick Ferdinand Leiden;

Also, Assembly bill No. 118, an Act to authorize the guardian or guardians of certain minors to sell and dispose of their real estate and chattels real;

And, also, Assembly bill No. 121, an Act to authorize Wm. B. Atterbury, administrator of the estate of Martin E. Cooke, to execute certain conveyances;

Were ordered engrossed.

Assembly bill No. 120, an Act to authorize Richard L. Ogden, or his assigns, to run steam-wagons over the roads of this State—Committee amendments adopted, and ordered engrossed

Assembly bill No. 133, an Act for the relief of John Pursglove, indefinitely postponed

Assembly bill No. 86, an Act to abolish the office of State Gauger for the port of San Francisco—Substitute for Senate bill No. 8—was taken up.

Mr. Laspeyre moved a call of the House.

Which was sustained.

And Mr. Moore, of San Francisco, was absent.

Further proceedings under the call were dispensed with.

Mr. Hancock moved to return the bill to the file.

Lost.

Mr. Hancock moved to lay the bill on the table,

Upon which, Messrs Cherry, Springer, and Howe, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs Armstrong, Cahalan, Coleman, Connely, Cope. Crenshaw, Cutler, Ellis, Ensworth, Gwinn, Hancock, Hines, Lamar, Laspeyre, Lefever, Lies, Malarin, Moore of Nevada, Mount, Pico, Roane, Sheridan, Squires, Tipton, Torres, Vaughan, Whitman, Young, and Mr. Speaker—29.

NOES—Messrs Banks, Barclay, Bates, Caldwell, Cherry, Condee, Daggett, G A. Douglas, G N. Douglass, Dow, Dunlap, Gregory, Howe, Hill, Imus, Jackson, Johnson, Lightner, Lull, Lynch, Mathews, Moore of San Francisco, Murray, Pixley, Robberson, Rodgers, Shannon, Shepard, Sloss, Springer, Street, Taylor, Tully, Watkins, Whealdon, Wing, and Whitney—37.

Mr. Moore of Nevada moved to make the bill the special order for Tuesday next, February fifteenth.

Lost.

Mr. Young offered the following amendment: "To take effect after the expiration of the term of office of the present incumbent."

Mr. Hines moved to indefinitely postpone the whole matter.

Upon the adoption of the amendment, Messrs. Young, Shannon, and Springer, demanded the ayes and noes, and it was lost, by the following vote: ayes, 25—noes, 42:

AYES—Messrs. Armstrong, Cahalan, Coleman, Condee, Cope, Crenshaw, Ensworth, Gwinn, Hines, Johnson, Lamar, Lefever, Lies, Lightner, Moore of Nevada, Pico, Roane, Sheridan, Squires, Tipton, Torres, Vaughan, Whitman, Young, and Mr. Speaker—25.

NOES—Messrs. Banks, Barclay, Bates, Caine, Caldwell, Canon, Cherry, Connely, Cutler, Daggett, G. A Douglas, Dow, Dunlap, Ellis, Fuller, Gregory, Hill, Howe, Imus, Jackson, Laspeyre, Lull, Lynch, Malarin, Mathews, Moore of San Francisco, Mount, Murray, Pixley, Robberson, Rodgers, Shannon, Shepard, Slingerland, Sloss, Springer, Street, Taylor, Watkins, Whealdon, Wing, and Whitney—42.

Mr Vaughan moved to adjourn.

Upon which, Messrs. Cherry, Pixley, and G. A. Douglas, demanded the ayes and noes, and the House refused, by the following vote: ayes, 16—noes, 49:

AYES—Messrs Armstrong, Cahalan, Coleman, Crenshaw, Cutler, Ensworth, Gwinn, Hancock, Hines, Imus, Lamar, Lefever, Shannon, Torres, Vaughan, and Mr. Speaker—16.

NOES—Messrs. Banks, Barclay, Bates, Caine, Canon, Cherry, Condee, Connely, Daggett, Dow, Dunlap, Ellis, Fuller, Gregory, Hill, Howe, Jackson, Johnson, Laspeyre, Lies, Lightner, Lull, Lynch, Malarin, Mathews, Moore of Nevada, Moore of San Francisco, Mount, Murray, Pico, Pixley, Roane, Robberson, Rodgers, Shepard, Sheridan, Slingerland, Sloss, Springer, Street, Taylor, Tipton, Tully, Watkins, Whealdon, Wing, Whitman, Whitney, and Young—49.

Mr. Johnson moved the previous question, which was sustained.

And, on the indefinite postponement of the bill, Messrs Banks, Cherry, and Hill, demanded the ayes and noes, and the House, refused, by the following vote:

AYES—Messrs. Armstrong, Cahalan, Coleman, Connely, Cope, Crenshaw, Cutler, Ensworth, Gwinn, Hancock, Hines, Lamar, Laspeyre, Lefever, Lies, Lightner, Malarin, Moore of Nevada, Mount, Pico, Roane, Sheridan, Tipton, Torres, Vaughan, Whitman, Young and Mr. Speaker—28.

NOES—Messrs. Banks, Barclay, Bates, Buck, Caine, Caldwell, Canon, Cherry, Condee, Daggett, G A Douglass, Dow, Dunlap, Ellis, Fuller, Gregory, Hill, Howe, Imus, Jackson, Johnson, Lull, Lynch, Mathews, Moore of San Francisco, Murray, Pixley, Robberson, Rodgers, Shannon, Shepard, Slingerland, Sloss, Springer, Squires, Street, Taylor, Tully, Watkins, Whealdon, Wing, and Whitney—42.

On the adoption of the substitute, Messrs. Cherry, Springer, and Howe, demanded the ayes and noes, and it was adopted, by the following vote:

AYES—Messrs Banks, Barclay, Bates, Buck, Caine, Caldwell, Canon, Cherry, Condee, Daggett, G. A Douglass, Dow, Dunlap, Ellis, Fuller, Gregory, Hill, Howe, Imus, Jackson, Johnson, Lamar, Lull, Lynch, Mathews, Moore of San Francisco, Murray, Pixley, Robberson, Rodgers, Shannon, Slingerland, Sloss, Springer, Street, Taylor, Tully, Watkins, Whealdon, Wing, Whitney, and Young—42.

NOES—Messrs. Armstrong, Cahalan, Coleman, Connely, Cope, Crenshaw, Cutler, Ensworth, Gwinn, Hancock, Hines, Laspeyre, Lefever, Lies, Lightner, Malarin, Moore of Nevada, Mount, Pico, Roane, Shepard, Sheridan, Tipton, Torres, Vaughan, Whitman, and Mr. Speaker—27.

And the bill was ordered engrossed.

Mr. Lamar gave notice of reconsideration of the vote by which the substitute was adopted.

At half-past two o'clock, P. M, on motion of Mr. Howe, the House adjourned.

IN ASSEMBLY.

MONDAY, February 14, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of Saturday was read and approved.

Leave of absence was granted to Mr. Davis, for one week.

Mr. Cutler, for one day.

Mr. G N Douglass, for three days.

And Mr. Thomas, indefinite leave.

Mr. Street presented the following memorial of miners in Shasta County, relative to Chinese

Referred to Committee on Mines and Mining Interests.

MEMORIAL.

To the Honorable Senators and Representatives of the California Legislature:

Believing that the time has come when prompt and determined action should be taken in reference to the Chinese now in our midst, and who may hereafter come, we respectfully beg leave to call your attention to this subject—a subject to us, and to the mining interest generally, of the most grave and momentous importance, because on it depends our peace and prosperity.

We make this request the more freely, since our assembling in Convention is the result of a sentiment almost universal on the part of the miners of this County, and entirely free from party feeling and party strife.

It is a fact which can not be denied, that the Chinese are accumulating in such vast hordes in this and he adjoining Counties, as to give serious alarm to American miners. Their numbers are such, that when they settle down in a district, like the locusts of Egypt, they sweep it clean, thus depriving the American miner of what his own country's blood, and toil, and treasure, have bequeathed to him as his inalienable right. Hence it is, that the Chinese are fast driving the American miner to seek other employments. He finds that he can no longer eke out an existence in the mines, and he leaves them to seek other places, and follow other pursuits. A result tending, in a measure, to depopulate and impoverish the State, and which every lover of his country's prosperity should deplore and strive to obviate.

Will you, then, permit this hidden treasure of our golden soil—that which we are depending upon to increase, extend, and enrich our State—to be dug up and carried away by those who benefit us not? thus taking away our capital in trade, hindering the development of our mines, and driving our own citizens from our soil?

Is it not the duty of the Legislature to look to the future welfare of the State, as well as to the present? If you permit the mines to be exhausted by the Chinese, you not only drive away the white miner from

your midst, but you take away the great inducement which is held out to the inhabitants of other States to seek our shores. The poor emigrant toiling on his way hither, fixes his eyes on the mines as the place where he can gain a livelihood for himself and family, when he reaches his journey's end. But what is his surprise, upon his arrival here, to find that, notwithstanding all his sufferings and toils on the way, his real hardships have just begun; that his toil for bread is really worse than his toil by the way-side; that the very inducement which caused him to come to this El Dorado has been in a great degree destroyed; that an Asiatic horde has been here before him, and taken away what he had depended upon to give him a start in his distant and adopted home, and that too, which should have been reserved for his support? Hence, we ask, would it not be wisdom to prepare the way for the future permanent growth and prosperity of our State, by reserving the mines for the American settler, and not for the Chinese?

Did our fathers—those who obtained our independence, who fashioned our Government, who drafted our Constitution, and those who adopted it —give any invitation to, or make any provision for the reception and settlement among us of, this Asiatic mass? Not at all. The invitation they gave, and which we repeat, to other nations, to come and settle upon our soil, was intended for Europeans and Europeans only; those who were and are our equals, our neighbors, our associates, and who could become our fellow-citizens; and not to the Mongolian race, who are our inferiors, strangers, and idolaters, and who can never be invested with the rights and privileges of citizens.

No! the only ones who have been interested in giving such invitation, and who have been mainly instrumental in calling to our shores this idolatrous rabble, are the ship-owners, shipping-merchants, and landlords of our large towns and cities, who, in direct violation of the will of a majority of the people, have, by their glowing descriptions of the golden wealth of California, and by affording cheap facilities for coming, allured thousands here to curse the industrious white laborer with their presence. The mines are full of them. They are daily eating away our substance. We appeal to your honorable body, and ask, can nothing be done for us? Is there no relief? No legal way to rid the mines of this nuisance?

To this end we respectfully call your attention to the late law which was intended to prohibit Chinese immigration, but which has been declared unconstitutional by the Supreme Court, and we ask you can not a law be passed, so framed as to accomplish the same end? If not, then can not there be a law drawn up and passed, to exclude them from holding claims in the mines? Or, if neither of these plans are deemed feasible, why not impose such a monthly tax upon them as will necessarily drive them from the mines?

We, as miners, feel that something must be done; that the storm is gathering, and we appeal to your better wisdom to give us shelter and relief.

This, be assured, is a spontaneous move throughout the mines of this County. It is the upheaving of the great mass of American miners who have adopted this country as their home, and mining as their occupation, but who find they must forsake the one, and leave the other, should the Chinese continue in their midst.

Hence, we come before your honorable bodies the more freely, because we believe we have rights, and that you will respect them, and support us in maintaining them, for we desire to maintain them peaceably and legally if we can.

To you, therefore, the Legislature of California, we present this memorial, uninfluenced by party, and, we hope, free from prejudices and selfish motives further than what is becoming and right, and just to ourselves as American citizens.

All of which, we respectfully submit,

FEBRUARY 5, 1859. SHASTA COUNTY.

Mr. Holman presented a remonstrance of citizens of San Joaquin County against the division of the same.

Referred to Committee on Counties and County Boundaries.

Also, a remonstrance of citizens of Tulare Township, San Joaquin County, against making that Township a "Hog District."

Referred to Committee on Agriculture.

REPORTS.

By Mr. Lynch:

MR. SPEAKER:—The Engrossing Committee have examined, and found correctly engrossed, Assembly bill No. 62, an Act to amend an Act entitled an Act concerning official bonds, approved April second, one thousand eight hundred and fifty-seven.

Assembly bill No. 44, an Act to amend section one hundred and seventy-nine of an Act entitled an Act concerning corporations, passed April twenty-second, one thousand eight hundred and fifty.

Assembly bill No. 35, an Act to grant the right to construct a bridge across the Colorado River, at or near Fort Yuma, to certain parties therein named;

Assembly bill No. 93, an Act to confirm and legalize the tax-list or assessment-rolls of the County of Marin, for the years one thousand eight hundred and fifty-seven and one thousand eight hundred and fifty-eight, and to authorize the collection of unpaid taxes in said county.

Assembly bill No. 30, an Act to authorize the Governor to issue patents to parties who have made locations upon the public lands in this State, with State school-land warrants.

LYNCH, Chairman.

By Mr. Ensworth:

MR. SPEAKER:—The Select Committee on the Journalized Proceedings of the House, have examined the same, and find them correctly written up to Friday, the eleventh instant, inclusive.

A. S. ENSWORTH, Chairman.

By Mr. Howe:

MR. SPEAKER:—Your Auditing Committee beg leave to report that they have examined the amount of copying done for the Assembly up to February tenth, inclusive, and find it as follows:

In the Journal, folios	1,361
For Printer, folios	1,551
Total	2,912

ROBERT HOWE,
GEO. A. DOUGLAS.

By Mr. Hill:

MR. SPEAKER:—The San Francisco delegation, to which was referred Assembly bill No. 142, "An Act for the relief of John McQuade and William Fell," report the same back, without amendment, and recommend its passage.

HILL, for the Delegation.

FEBRUARY 14, 1859.

Mr. Cope verbally reported, and recommended the passage of Assembly bill No. 38, an Act to regulate the fees of certain officers in Amador County.

By Mr. Torres:

MR. SPEAKER:—The delegation to whom was referred Assembly bill No. 146, being an Act to authorize the Board of Supervisors of Marin County to levy a special tax, having examined the same, report it back, and respectfully recommend its passage.

TORRES.

Mr. Young made the following report, which was ordered printed:

MR. SPEAKER:—Your Committee, to whom was referred that portion of the Controller's Report which reads as follows:

"The present financial condition, and the future liabilities of the State, imperatively demand an increased tax for the ensuing year, unless the law controlling the distribution of the proceeds of the sales of State and County licenses is changed."

After a full and careful examination of the facts in the case, beg leave to report:

The fiscal year of the State is from June thirtieth; the Controller's estimates for the year ending June thirtieth, one thousand eight hundred and fifty-nine, are as follows:

Receipts		$1,047,500 00
Expenditures	$620,428 17	
Add interest on State Debt, January 1	147,138 15	
		767,566 32
Estimated Cash Balance, July 1, 1859, per Controller's Report		$279,933 68

The year being not yet closed, however, we can not do more than make an estimate of the correctness of his calculation. Of the receipts to the State, the balances on hand, in cash, on the first day of February, one thousand eight hundred and fifty-nine, were as follows:

In General Fund	$553,463 20
In Hospital Fund	1,287 15
In School Fund	50,652 08
In Military Fund	2,313 67

In Library Fund	$423 52
In Interest and Redemption Fund	131,193 98
In Swamp Land Fund	33,595 23
In Registration Fund	213 74
In Estates of Deceased Persons' Fund	89 08
In Heir's (H. Smith,) Fund	3,119 29
Total	$776,350 95

From the State Controller's estimate, the expenses of the State Government from February first, one thousand eight hundred and fifty-nine, to the close of this fiscal year, ending June thirtieth, one thousand eight hundred and fifty-nine, are as follows:

For Salaries of State Officers	$17,500 00
For Salaries of Justices of Supreme Court	9,166 67
For Salaries of District Judges	30,000 00
For Salaries of Clerks in State Offices	16,250 00
For per diem of Senators and Assemblymen to April 10	94,740 00
For pay of Officers and Attachés, Senate and Assembly, to April 10	17,684 00
For Copying for Senate and Assembly	15,000 00
For Postage	3,000 00
For Contingent Expenses	10,000 00
For Stationery, Fuel, and Lights, for Legislature	3,000 00
For Contingent Expenses of State Officers	8,650 00
For Rent of Capitol and State Offices	8,225 00
For Support of Insane Asylum	22,833 00
For Support of State-Prison	25,000 00
For Support of Indigent Sick	875 94
For Transportation of Prisoners	20,000 00
For Printing, Paper, and Official Advertisements	15,000 00
For Miscellaneous Expenses	7,182 90
For Schools, from General Fund	40,000 00
For Claims allowed by Board of Examiners	48,273 26
Total	$412,344 77
To this add, for other Claims that may yet be allowed by the State Board of Examiners	17,655 23
Total estimated Expenses, from Feb. 1, to June 30, 1859	$430,000 00
The General Fund is the source from which this sum is to be drawn, and that had on hand, in cash, upon Feb. 1, 1859	$553,463 20
In April, sixteen Counties pay in their receipts, from January to April, of which this Fund will receive	$125,000 00
Amount subject to draft, for above Expenses, to June 30, '59	$678,463 20
Deduct Controller's estimated expenses, as above	$430,000 00
Surplus, July 1, 1859	$248,463 20

On the first day of July, one thousand eight hundred and fifty-nine, there is due the semi-annual interest upon the State Debt, amounting to	$136,500 00
To meet this, there is now on hand, in the Interest and Redemption Fund, the sum, in cash, of	$131,193 98
The receipts from sixteen Counties, in April, are estimated at $150,000 only, of which amount $125,000 has already been applied, in the foregoing estimate, to the General Fund, and to this we give	$25,000 00
Making the amount for payment of $136,500, interest due	$156,193 98
Thus, the interest upon the Public Debt being secure from any contingency of want, the current expenses being all provided for, there will be a surplus of cash on hand, in the General Fund, July 1, 1859, of	$248,463 20
With which to start upon for a new Fiscal Year.	

From an examination of the Report of the State Treasurer, the receipts and disbursements are given, from December 16, 1857, to December 15, 1858, as follows:

Total Receipts	$1,209,695 10
Total Disbursements	776,211 13
	$433,483 97

The monthly transactions will better be seen from the following table, taken from Treasurer's Report, pages six and seven:

Month.	Receipts.	Disbursements.
1857—December 16 to 31	$313,534 34	$50,997 92
1858—January	203,468 38	87,665 62
1858—February	37,689 34	80,069 24
1858—March	4,683 62	102,500 00
1858—April	139,665 82	96,937 97
1858—May	4,230 20	52,627 08
1858—June	13,091 02	63,141 84
1858—July	176,699 21	70,545 96
1858—August	23,504 86	48,394 17
1858—September	12,135 70	32,104 15
1858—October	188,786 21	46,295 17
1858—November	56,101 76	35,633 41
1858—December, to 15th	36,104 64	9,298 60

The receipts averaging, for a full twelvemonth, at the rate of one hundred thousand dollars per month; and the expenditures, exclusive of interest money, (not then due,) sixty-five thousand dollars per month.

This enormous revenue of one million two hundred and nine thousand

six hundred and ninety-five dollars and ten cents, it must be remembered, has accumulated, despite the loss from the Ninth and Tenth Class Licenses to the State—despite the defectiveness of the Revenue Laws, which, the Controller says, need "immediate and thorough revision,"—and despite the inability to enforce the collection of what is due the State. Yet, in the face of these obstacles, the July interest on the public debt, the entire cost of the Government, relief-bills and all, in case they be paid or allowed by the Legislature, up to July first, inclusive, are provided for, and still will leave two hundred and forty-eight thousand four hundred and sixty-three dollars and twenty cents on hand in the General Fund.

Your Committee are unanimously of the opinion that either from imperfectness of the laws, or some other cause, the revenue of the State is not well collected. It is a patent fact, that the persons liable to poll-tax in the State are not less than one hundred and twenty thousand in number, and yet the number who have paid said tax, for the last four years, is as follows:

Year ending 1855	49,199 persons.
Year ending 1856	43,110 persons.
Year ending 1857	35,495 persons.
Year ending 1858	57,575 persons.

And it is also a fact, that for the last five years the total number of foreign miners who have been obliged to pay a license for working in the mines, has been as follows:

Year ending June, 1854	72,868	or 6,072 per month.
Year ending June, 1855	89,364	or 7,447 per month.
Year ending June, 1856	134,608	or 11,217 per month.
Year ending June, 1857	100,438	or 8,369 per month.
Year ending June, 1858	94,178	or 7,931 per month.

Instead of receiving seventy thousand dollars a year poll-tax, were the law enforced or so written that it could be more effective, we should have one hundred and fifty thousand dollars revenue, and were the Foreign Miner's License Law enforced, instead of one hundred and thirty thousand dollars per annum, we should receive at least two hundred and fifty thousand dollars.

The receipts into the State Treasury from June 30, 1858, to February 1, 1859, amount to	$1,025,000 00
The County Treasurers' payments, in April, will not fall short of	150,000 00
Add, from all other sources, for February, March, April, May, and June	25,000 00
Making total, for fiscal year ending June 30, 1859	$1,200,000 00

The Controller's estimate of revenue for the fiscal year ending June 30, 1859, is		$1,047,500 00
Already received, to February 1, a period of seven months		1,025,000 00
Leaving to be received, to fill Controller's estimate		$22,500 00
The revenue for the fiscal year from June 30, 1859, to June 30, 1860, should be as much as for the year ending June 30, 1859, which will not vary much from		$1,200,000 00
Add, cash on hand July 1, 1859		248,463 20
		$1,448,463 20
Deduct interest for one year	$273,000	
Deduct twelve months' expenses of Government, $65,000 per month, (a large estimate)	780,000	
		$1,053,000 00
Surplus, July 1, 1860		$395,463 20

This surplus amount would be equivalent to forty cents tax on nearly one hundred millions of dollars ($100,000,000.)

In view of the foregoing, your Commitee are of opinion if the defects of the Revenue Law spoken of, in regard to poll-tax and foreign miner's licenses be repaired, that it is possible, and therefore proper, and much to be desired, that we should relieve our citizens from every item of taxation in our power. We are confident that the rate may be reduced for the next fiscal year, from the present sum of sixty cents on each one hundred dollars to the sum of forty cents on each one hundred dollars, and this, with the few changes in our present laws that will make them imperative to all who are engaged in the duty of putting them into execution.

If the expenses of the Government are to be increased, it must be by our own action this winter, and we have the security of that in our own hands. It can not be that the value of real and personal property is decreasing, as there are actual evidences to the contrary, and, though the laws are imperfect, yet they brought in, in one year, one million two hundred thousand dollars; and what is to prevent it a second time. Revise the present Revenue Law, take from it the law relative to poll-tax, and enact a new and stringent one, also a new act relative to foreign miners, equally stringent, make the few alterations needed to the Revenue Law, for taxation of real and personal property, and let it stand by itself. Enact a new law regulating County Treasurers, and a new law defining and giving ample powers to the State Accountant—the Controller—and, instead of an increase of taxation, he will be enabled annually to report, one after another item of present taxation that can be reduced or omitted altogether.

We are in a condition to test the practicability of a reduction for the next year, at least, with an overflowing Treasury and but few cash claims against the State, and, it is to be hoped, a short and economical session of the Legislature—and should the revenue fall off from June, one thousand eight hundred and fifty-nine, to the session of the Legislature in one thousand eight hundred and sixty, they can ascertain the cause, and

make such laws as will cover the deficiencies, before they are felt. But it is needless to fear that there will be any lack of means for the legitimate expense of the Government.

The prospect of our increasing wealth is certainly flattering, and our expenses, owing to the efficient and economical administration of our present State Executive, are decreasing, and should the Treasury have a cash balance of twenty-five thousand dollars only to carry forward from day to day, it would be as well for the interests of the State, and our constituents—as, the less money we keep in the Treasury, the more will be left in the pockets of the people.

There were other balances left in the Treasury on the first of February, to which we have not alluded, as they are for special objects, and do not come into the general account. Each April, July, October, and January, the Treasurers of sixteen Counties make quarterly payments of all their receipts; and, each July and January, the Treasurers of the other twenty-seven Counties make their payments of the receipts for the six months, thus making regular periodical payments, ever keeping the Treasury supplied, and should the Controller find the funds for an important draft lacking between the periods of quarterly payments, he has the authority, by existing laws, to send his order to every County Treasurer in the State, ordering the immediate payment of the moneys in hand due the State. There can be no failure to meet the interest upon the public debt, or any other liability.

The Legislature makes the appropriations upon which the Controller can alone draw his warrant, and again the check is in our hands, first, to provide good and practical means for collecting the revenue, and secondly, directing only what shall be disbursed.

Should the recommendation of your Committee be adopted, viz.: the revision of the laws enumerated, it is almost beyond doubt an equal amount of revenue would be derived, notwithstanding a reduction of the State-tax, as is now received, and if so, it will enable a succeeding Legislature to make a further reduction.

In conclusion, we report adversely to the recommendation of the Controller, and, in lieu of an increase of the State-tax and change of law regulating the revenue from Ninth and Tenth Class Licenses, we are of the opinion that the tax can be reduced upon property to forty cents on the one hundred dollars, and that the Ninth and Tenth Class of Licenses should remain at present to the Counties.

Respectfully submitted,

GEO. A. YOUNG, Chairman.
JOHN ROBBERSON,
JAS. A. JOHNSON.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 12, 1859.

To the Assembly of California:

I have this day approved an Act to extend the time for collecting taxes in the County of Napa.

JOHN B. WELLER.

The following message was received from the Senate:

SENATE CHAMBER,
February 12, 1859.

MR. SPEAKER:—The Senate, on yesterday, passed Senate bill No. 38, an Act amending an Act to regulate proceedings in criminal cases, passed May first, one thousand eight hundred and fifty-one;

Also, Assembly bill No. 122, an Act appropriating money for the pay of copying done for the Legislature;

Also, Assembly bill No. 95, an Act fixing the time of holding the Court of Sessions and the County Court, in the County of Contra Costa.

E. C. PALMER, Secretary of Senate.

Senate bill No. 38, above reported, read first and second times, and referred to the Judiciary Committee.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Roane, an Act authorizing the Board of Supervisors of Tulare County to fix the salaries of the County Judge and District-Attorney of said County.

By Mr. Banks, an Act to provide for the establishment of a State-prison Library.

By Mr. Pico, an Act for the encouragement of the growth of the vine and olive, by exempting them from State and County taxes, for a specified term of years after being planted.

Also, an Act for the erection of a Branch State-prison in Los Angeles County.

By Mr. Pixley, an Act authorizing the construction of a sea-wall or bulk-head, in the harbor of San Francisco, by C. B. Polhemus, Thomas H. Selby, L. Maynard, R. E. Brewster, E. D. Keyes, E. P. Flint, Louis McLane, Moses Ellis, Robert Bixby, E. R. Falkner, and James DeFremery, their associates and assigns.

By Mr. Lamar, an Act to authorize the Counties of Sonoma, Mendocino, Trinity, Humboldt, and Siskiyou, to retain the State's portion of the poll-tax which may be collected in said Counties, for the next two fiscal years, to be exclusively appropriated to the construction and improvement of a wagon and stage-road, connecting said Counties—affording over-land communication between Petaluma, Weaverville, Uniontown, Humboldt, and Oregon.

By Mr. Jackson, an Act to amend an Act to repeal the Act passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled an Act to incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento, approved April twenty-fourth, one thousand eight hundred and fifty-eight.

By Mr. Sheridan, an Act amendatory of the Act of April twenty-first, one thousand eight hundred and fifty-eight, providing for the sale and reclamation of the swamp and overflowed lands of this State.

Mr. Lamar moved to reconsider the vote by which the House, on Saturday, adopted Assembly bill No. 86, an Act to abolish the office of State Gauger for the Port of San Francisco, as a substitute for Senate bill No. 8.

Mr. Moore of Nevada moved to lay the motion to reconsider on the table.

Lost.

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

Mr. Hancock moved to make the motion to reconsider the special order for Saturday next, at twelve o'clock.

Mr. Street moved to amend by making it the special order for two o'clock this day.

Lost.

On the motion of Mr. Hancock, Messrs Moore of Nevada, Sheridan, and Holman, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Armstrong, Aud, Cahalan, Coleman, Condee, Connely, Crenshaw, Ensworth, Gwinn, Hancock, Hines, Holman, Lamar, Laspeyre, Lefever, Lies, Lightner, Malarin, Mount, Pico, Roane, Rodgers, Sheridan, Tipton, Torres, Vaughan, Whitman, Young, and Mr. Speaker—29.

NOES—Messrs. Banks, Barclay, Bates, Buck, Caine, Caldwell, Canon, Cherry, Daggett, G. A. Douglas, Dow, Dunlap, Ellis, Fuller, Gregory, Hill, Howe, Imus, Jackson, Johnson, Lull, Lynch, Mathews, Moore of Nevada, Murray, Pixley, Robberson, Shannon, Shepard, Slingerland, Sloss, Springer, Street, Taylor, Tully, Wing, Watkins, Whealdon, and Whitney—39.

Mr. Moore of Nevada gave notice of reconsideration of the vote just taken.

The Speaker having decided that Mr. Moore's notice was in order, under the rules of the House, Mr. Ellis appealed.

Upon which, Messrs. Moore of Nevada, Pixley, and Shannon, demanded the ayes and noes, and the decision of the Chair was sustained, by the following vote:

AYES—Messrs. Armstrong, Aud, Barclay, Buck, Caine, Caldwell, Cahalan, Coleman, Condee, Connely, Cope, Crenshaw, G. A. Douglas, Ensworth, Gwinn, Hancock, Hill, Hines, Holman, Imus, Jackson, Johnson, Lamar, Laspeyre, Lefever, Lies, Lightner, Lynch, Malarin, Mathews, Moore of Nevada, Mount, Pico, Pixley, Roane, Rodgers, Sheridan, Springer, Squires, Street, Taylor, Tipton, Torres, Tully, Vaughan, Watkins, Whealdon, Whitman, and Young—49.

NOES—Messrs. Banks, Bates, Canon, Cherry, Daggett, Dow, Ellis, Howe, Lull, Murray, and Sloss—11.

The following message was received from the Senate:

SENATE CHAMBER,
February 14, 1859.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, on Saturday, passed the following bills:

Senate bill No. 86, an Act to amend an Act entitled "An Act to provide for the funding and payment of the outstanding unfunded claims against the City of San Francisco, and against the County of San Francisco, as they existed prior to the first day of July, one thousand eight hundred and fifty-six;"

Also, Senate bill No. 93, "An Act to provide for the conveyance of mining-claims;"

Also, have adopted Senate Concurrent-Resolution No. 22, "Relative to swamp and overflowed lands," and ask the concurrence of the Assembly;

Also, have passed Assembly bill No. 126, "An Act to fix the time of holding the County Court and Court of Sessions, of Amador County;"

Also, Assembly bill No. 88, an Act allowing compensation to the Coroner of the City and County of San Francisco, for certain services;

Also, have concurred in Assembly Concurrent-Resolution No. 24, "Relative to overland mail on Salt Lake Route," with amendments.

E. C. PALMER, Sec. Senate.

The House concurred in Senate Concurrent-Resolution No. 22, above reported.

Also, concurred in Senate amendments to Assembly Concurrent-Resolution No. 24, above reported.

Senate bill No. 93, above reported, read first and second times, and referred to Committee on Mines and Mining Interests.

Senate bill No. 86, above reported, read first and second times, and referred to San Francisco delegation.

RESOLUTIONS.

Mr. Lamar offered the following resolution:

Resolved, That the Chief Clerk of this House be, and he is hereby, authorized to employ E. T. Conway as Printer's Clerk—said Conway shall receive eight dollars per diem for his services, payable out of the Contingent Fund of Assembly.

Lost.

The following resolution was offered by Mr. Jackson, and adopted:

Resolved, That the resolution authorizing the Chief Clerk to appoint a Printer's Clerk, be, and the same is hereby, rescinded.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Hines, an Act authorizing the Commissioners of the Funded Debt of the County of Contra Costa, to re-issue certain bonds to Erastus Bartlett.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Also, an Act regulating rodeos, and the trespassing of stock in the Counties of this State.

Read first and second times, and referred to Committee on Agriculture.

By Mr. Daggett, an Act authorizing Charles B. Rider to construct a wharf at Trinidad Bay, in Klamath County.

Read first and second times, and referred to Committee on Commerce and Navigation.

Mr. Aud had leave to withdraw Assembly bill No. 128.

GENERAL FILE.

Assembly bill No. 105, an Act legalizing the the acts of D. W. Davis;

Also, Assembly bill No. 124, an Act to authorize the sale of the real es-

tate belonging to the minor heirs of the late Juan Malarin, deceased, situated in the County of Monterey;

And, Assembly bill No. 62, an Act to amend an Act entitled an Act concerning official and other bonds, approved April second, one thousand eight hundred and fifty-seven;

Were read third time, and passed.

Assembly bill No. 30, "An Act to authorize the Governor to issue patents to parties who have made locations upon the public lands in this State with State school-land warrants," recommitted to Committee on Public Lands, with instructions to strike out the words "any known" in section two.

Assembly bill No. 114, an Act making appropriation for the salaries of Clerks in the State Land Office, from the first of February to the thirtieth day of June, one thousand eight hundred and fifty-nine, was considered in Committee of the Whole, Mr. Moore of Nevada in the Chair, recommended, read third time, and passed.

Assembly bill No. 44, an Act to amend section one hundred and seventy-nine of an Act entitled an Act concerning corporations, passed April twenty-second, one thousand eight hundred and fifty, was read third time,

And, on its passage, Messrs. Mount, Lightner, and Laspeyre, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Banks, Barclay, Buck, Caine, Caldwell, Canon, Condee, Connely, Dow, Ellis, Fuller, Gregory, Gwinn, Hines, Holman, Howe, Imus, Jackson, Johnson, Lies, Lull, Lynch, Mathews, Moore of Nevada, Moore of San Francisco, Murray, Pixley, Robberson, Rodgers, Shannon, Shepard, Slingerland, Sloss, Squires, Street, Taylor, Whealdon, and Wing —38.

NOES—Messrs. Armstrong, Aud, Cahalan, Coleman, Crenshaw, Daggett, Dunlap, Ensworth, Lamar, Laspeyre, Lefever, Lightner, Malarin, Mount, Pico, Roane, Sheridan, Springer, Tipton, Torres, Tully, Vaughan, Watkins, Whitman, Young, and Mr. Speaker—26.

Assembly bill No. 151, an Act to change the name of certain persons therein named, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 60, an Act to amend an Act entitled an Act to provide for the formation of corporations, for certain purposes, passed April fourteenth, one thousand eight hundred and fifty-three, and amended April thirtieth, one thousand eight hundred and fifty-five, and amended April tenth, one thousand eight hundred and fifty-eight, referred to Judiciary Committee.

The following resolution was offered by Mr. Howe, and adopted:

Resolved, That the Controller of State is hereby authorized to draw his warrant on the Treasurer in favor of the Chief Clerk for the copying of the Assembly, for all sums that may be reported to be due him from time to time by the Committee on Public Expenditures and Accounts, payable out of the Copying Fund of the Assemdly.

Mr. Lynch made the following report:

MR. SPEAKER:—The Engrossing Committee, to whom was referred the resolution to inquire into the necessity of giving the Engrossing Clerk an assistant, respectfully report the following resolution:

Resolved, By the Assembly, that the Engrossing Clerk be allowed an assistant, to be paid at the rate of eight dollars per day.

LYNCH, Chairman.

Mr. Ellis offered the following substitute:

Resolved, That the Committee on Engrossment be hereby authorized to employ such additional Clerk or Clerks as they may deem necessary, who shall receive ten cents per folio.

Pending the discussion, and at twenty minutes past three, P. M., on motion of Mr. Aud, the House adjourned

---

IN ASSEMBLY.

TUESDAY, February 15, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

Mr. Cherry had leave of absence, for two days.

And Mr. Canon, for one day.

COMMUNICATION FROM THE ATTORNEY-GENERAL.

The following communication was received from the Attorney-General:

To the Assembly of the State of California:

On Saturday last, a paper, purporting to be a resolution adopted by the Assembly, on the eleventh instant, was left at my office.

This resolution requests me to report to your House "whether two grants of land, situated in the Township of Santa Inez, County of Santa Barbara, one containing six leagues and the other two, made to certain parties, for the purpose of establishing in California a University, for the education of youth in the higher branches of learning, by Governor Micheltorena, sometime about the year one thousand eight hundred and forty-two, were presented to the Land Commission for confirmation, and if confirmed, in whose name, on what condition, and to what uses, and whether the State has any interest therein, either from the nature of the grant, or from escheat, forfeiture, or otherwise."

There are no records pertaining to the subject-matter of the aforesaid resolution, in my office, or in the archives of this State, and hence, to ascertain whether any grants of the character spoken of have been presented to the Land Commission, and the character and effect thereof, would require a trip to San Francisco, and an examination of the records of that Commission.

And to ascertain whether, from any cause, the lands have escheated to the State, would require a search for, and examination of, testimony *dehors* the record. I can not see how such search and examination could be satisfactorily made, without going to the County of Santa Barbara, and ascertaining in whom the title had vested at different times—whether

parties holding the title had died intestate, not leaving heirs, citizens of the United States, etc. etc.

So long as I hold my present position, it will afford me pleasure to give (as the law requires) my opinion to either House of the Legislature, in reference to any given state of facts But I submit that it is unreasonable to require a full compliance with the resolution quoted, and especially, as to do so would greatly interfere with the discharge of other public duties.

I therefore await further action on your part.

I am, respectfully, your obedient servant,

THOMAS H. WILLIAMS,
Attorney-General California.

Mr. Cutler presented the following petition:

To the Senate and Assembly of the State of California:

Your petitioners, Charles Alison, Mayor of the City of Benicia, and S. C. Hastings, according to the provisions of an Ordinance of the Council of said City, approved February eighth, one thousand eight hundred and fifty-nine, submit herewith a bill for an Act, which they ask may be passed, for the purposes therein designated.

CHARLES ALISON, Mayor,
S. C. HASTINGS.

AN ORDINANCE

To authorize the Mayor to enter into an agreement with S. C. Hastings, for exchange of certain property, for school purposes.

The Council of the City of Benicia do ordain as follows:—§ 1. The Mayor of the City is hereby authorized to enter into an agreement, on behalf of said City, with S. C. Hastings, as is hereinafter set forth:

This agreement, made and entered into, by and between the Mayor and Council of the City of Benicia, of the first part, and S. C. Hastings, of the said City of Benicia, of the second part, witnesseth:

That the said party of the second part hereby agrees to convey to the said party of the first part, his, the said Hastings', entire interest, and also the entire interest of John Curry, of, in, and to, lot twelve, (12,) in block twenty, (20,) with the brick building thereon, located, lying, and being, in the City of Benicia, County of Solano, and State of California, and known as the City-Hall.

In consideration thereof, and for the purpose of establishing a seminary of learning, the party of the first part hereby agree to release by Ordinance to Mother Mary Goemaire, and her associates of St. Catharine's Academy, of said City, and to their successors, forever, all right, title, interest, and control, in and to Solano Square in said City, (the said square fronting six hundred feet on First street, six hundred feet on M street, six hundred feet on West Second street, and six hundred feet on N street,) which is now owned, or can be exercised by said City over said square.

And, as a further consideration, and to enable the said Mother Mary Goemaire, and her associates and successors, to have access to said square, the said Ordinance shall provide that they may close the street known as First street, from L to M street, between the south half of block fifty-eight, and said square, and to keep the same closed until the Council of said City shall, by Ordinance, passed by a two-third vote, declare said street to be open.

The said party of the first part also agree to request the Legislature of the State to sanction this contract by an Act of said Legislature.

Passed the Council February seventh, one thousand eight hundred and fifty-nine.

PAUL SHIRLEY, President of Council.

Approved: CHAS. ALISON, Mayor. [SEAL.]

Attest: JAS. W. KINLOCH, City Clerk.

I hereby certify that the foregoing is a true and correct copy of an Ordinance, entitled an "Ordinance to authorize the Mayor to enter into an agreement with S. C. Hastings, for exchange of certain property for school purposes," as passed the Council February seventh, one thousand eight hundred and fifty-nine, and approved February eighth, one thousand eight hundred and fifty-nine.

JAMES W. KINLOCH, City Clerk.

COUNCIL CHAMBER, City of Benicia, February 11, 1859.

Mr. Cutler introduced a bill for an Act to authorize the Mayor of the City of Benicia to enter into an agreement with S. C. Hastings for exchange of certain property for school purposes.

Read first and second times, and referred to Solano delegation.

Mr. Sheridan presented a petition for the creation of a new County, to be called Mokelumne County.

Referred to Committee on Counties and County Boundaries.

Mr. Street made the following report:

MR. SPEAKER:—The Committee on Ways and Means, to whom was referred Assembly bill No. 52, entitled "An Act to prevent the adulteration of wines and liquors," having had the same under consideration, ask leave to report the same back, with a recommendation that it be indefinitely postponed.

The same Committee have also had under consideration Senate bill No. 49, entitled "An Act concerning crimes and punishments, and for the better protection of wines and liquors against adulterations and counterfeits," and report the same back, with an amendment, recommending its passage as amended; and a majority of the Committee being of the opinion that, in consideration of the familiarity with all matters pertaining to wines and liquors which the State Gauger must have, from the nature of his office, he ought to be made *ex-officio* State Inspector, I am instructed to herewith report a supplemental bill to the Act creating the office of Gauger for the Port of San Francisco, and recommend its passage.

STREET, Chairman.

Bill above reported, being an Act supplemental to an Act entitled an Act to provide for the appointment of a Gauger for the Port of San Francisco, passed May third, one thousand eight hundred and fifty-two, read first and second times, and placed on file.

REPORTS.

Reports were made as follows:

By Mr. Cope:

MR. SPEAKER:—The Judiciary Committee, to whom was referred Assembly bill No. 11, an Act entitled an Act concerning marriages and

divorces, have had the same under consideration, and report the bill back, with amendments, and recommend its passage, as amended.

The same Committee, to whom was referred Assembly bill No. 45, an Act amendatory of, and supplementary to, the Act defining the rights of husband and wife, have considered the same, and report the bill back, with amendments, and recommend its passage, as amended.

COPE, Chairman.

By Mr. Lies:

MR. SPEAKER:—The Committee on Education, to whom was referred the memorial of H. G. Langley & Co., in relation to the California State Register, would report the accompanying bill, authorizing the purchase of one thousand copies of said work, and recommend its passage.

EUGENE LIES, Chairman.

The bill above reported, being an Act to authorize the Secretary of State to purchase one thousand copies of the California State Register, and to distribute the same, read first and second times, and placed on file.

By Mr. Lynch:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed:

Assembly bill No. 120, an Act to authorize Richard L. Ogden and his assigns to run steam-wagons over the roads of this State;

Assembly bill No. 108, an Act to provide for the compensation of the Keepers of the County-jails in Shasta and Colusa Counties, and to legalize all warrants heretofore issued for the payment of the services of the Keepers of said Jails;

Assembly bill No. 118, an Act to authorize the guardian or guardians of certain minors to sell and dispose of their real estate and chattels real;

Assembly bill No. 121, an Act to authorize William B. Atterbury, administrator of the estate of Martin E Cooke, to execute certain conveyances;

Assembly bill No. 141, an act to change the name of Frederick Ferdinand Leidenbeinder to Frederick Ferdinand Leiden.

LYNCH, Chairman.

By Mr. Young:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled:

Assembly bill No. 95, an Act fixing the time of holding the Court of Sessions, and the County Court, in the County of Contra Costa;

Also, Assembly bill No. 126, an Act to fix the time of holding the County Court, and Court of Sessions, of Amador County;

Also, Assembly bill No. 88, an Act allowing compensation to the Coroner of the City and County of San Francisco, for certain services;

Also, Assembly Concurrent-Resolution No. 8, relative to outrages by Mexicans on American Territory;

Also, Assembly Concurrent-Resolution No. 23, relative to reviving and continuing pre-emption laws.

GEO. A. YOUNG, Chairman.

Mr. Connely verbally reported, with amendments, and recommended the passage of substitute for Assembly bill No. 16, an Act concerning roads and highways.

Read first and second times, amendments adopted, and ordered engrossed.

Mr. Watkins reported, and recommended the passage of Assembly bill No. 100, an Act to authorize the Board of Supervisors of Siskiyou County to audit and allow the claim of D. R. Dale.

Mr. Shannon verbally reported, with amendments, and recommended Assembly bill No. 18, "An Act providing for a more complete survey and location of the boundary-lines between the Counties of Shasta, Plumas, Siskiyou, and Tehama."

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 14, 1859.

To the Assembly of California:

I have, this day, approved "An Act appropriating money for the pay of copying done for the Legislature;"

Also, "An Act to authorize the Board of Supervisors of Trinity County to levy a special tax, and create a redemption fund, for the payment of County indebtedness;"

Also, "An Act to legalize the assessment of real and personal property made by John H. Lillard, in the County of Butte, during the years A. D. one thousand eight hundred and fifty-six and one thousand eight hundred and fifty-seven;"

Also, "An Act to change the time of holding the County Court in the County of Marin."

JOHN B. WELLER.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Gwinn, an Act to amend the first section of an Act concerning Public Administrators in Nevada, and other Counties therein named, approved April fifth, one thousand eight hundred and fifty-six.

By Mr. Whitman, an Act changing and regulating the time of holding the different Courts in San Bernardino County.

By Mr. Dunlap, an Act to amend an Act entitled an Act to regulate the fees of office, approved April tenth, one thousand eight hundred and fifty-five;

Also, an Act to fix the time of holding the Court of Sessions and County Court, in the Counties of Colusa and Tehama;

Also, an Act to authorize the Recorder of the Counties of Colusa and Tehama to take a transcript of certain records in the Counties of Shasta and Butte.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Roane, an Act to impose further duties on the Board of Supervisors of Tulare County.

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

By Mr. Johnson, an Act to separate the offices of County Recorder, County Auditor, and Clerk of the Probate Court, from the office of County Clerk, in the County of Sierra.

Read first and second times, and referred to the Sierra delegation.

By Mr. Daggett, an Act concerning jurors in Humboldt County.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Whitman, an Act fixing the salaries of the County Judge of San Bernardino County, and of the District-Attorney for said County, and repealing all former Acts inconsistent with the provisions of this Act.

Read first and second times, and referred to San Bernardino delegation.

By Mr. Pixley, an Act in relation to a sea-wall or bulk-head in the City and County of San Francisco.

Read first and second times, and referred to Committee on Commerce and Navigation.

By Mr. Sheridan, an Act amendatory of an Act entitled an Act to provide for the sale and reclamation of the swamp and overflowed lands of this State, approved April twenty-first, one thousand eight hundred and fifty-eight.

Read first and second times, and referred to Committee on Swamp and Overflowed Lands.

By Mr. Banks, an Act to provide for the establishment of a State-prison Library.

Read first and second times, and referred to the State-prison Committee.

GENERAL FILE.

Assembly bill No. 116, an Act to incorporate the town of Eureka—Committee amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 147, an Act creating a Contingent Fund for Shasta County, ordered engrossed.

Assembly bill No. 127, an Act concerning attorneys and counselors-at-law, approved February nineteenth, one thousand eight hundred and fifty-one—

Mr. Lamar moved to strike out the word "may" in first section, and insert the word "shall."

Lost

Mr. Buck moved to strike out the first section.

Lost.

Rules suspended, considered engrossed, read third time, and passed.

Mr. Moore of Nevada moved to reconsider the vote by which the House, on yesterday, refused to make the motion of Mr. Lamar, to reconsider the vote by which the House, on Saturday last, adopted Assembly bill No. 86, an Act to abolish the office of State Gauger, for the Port of San Francisco, as a substitute for Senate bill No. 8, the special order for Saturday next.

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

Mr. Lightner moved to lay the motion to reconsider on the table.

Upon which, Messrs. Street, Tully, and Robberson, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Armstrong, Cahalan, Coleman, Cope, Crenshaw, Ensworth, Gwinn, Hancock, Hines, Holman, Lamar, Laspeyre, Lefever, Lies, Lightner, Malarin, Moore of Nevada, Mount, Pico, Roane, Squires, Tipton, Torres, Vaughan, and Whitman—25.

NOES—Messrs. Banks, Barclay, Bates, Buck, Caine, Caldwell, Connely, Cutler, Daggett, G. A. Douglas, Dow, Dunlap, Ellis, Fuller, Gregory,

Howe, Imus, Jackson, Johnson, Lull, Lynch, Mathews, Murray, Pixley, Robberson, Rodgers, Shannon, Shepard, Sheridan, Slingerland, Sloss, Springer, Street, Thomas, Tully, Watkins, Whealdon, Wing, Whitney, and Mr. Speaker—40.

On the motion of Mr. Lull, to indefinitely postpone the motion to reconsider, Messrs. Robberson, Gregory, and Street, demanded the ayes and noes, and the motion was indefinitely postponed, by the following vote:

AYES—Messrs. Banks, Barclay, Bates, Buck, Caine, Caldwell, Connely, Daggett, G. A. Douglas, Dow, Dunlap, Fuller, Gregory, Howe, Imus, Jackson, Johnson, Lull, Lynch, Murray, Pixley, Robberson, Shannon, Shepard, Slingerland, Sloss, Springer, Street, Thomas, Tully, Watkins, Whealdon, Wing, and Whitney—34.

NOES—Messrs. Armstrong, Aud, Cahalan, Coleman, Cope, Crenshaw, Cutler, Ellis, Ensworth, Gwinn, Hancock, Hines, Holman, Lamar, Laspeyre, Lefever, Lies, Lightner, Malarin, Moore of Nevada, Mount, Pico, Roane, Sheridan, Squires, Tipton, Torres, Vaughan, Whitman, Young, and Mr. Speaker—31.

Mr. Ellis moved to indefinitely postpone the motion of Mr. Lamar, to reconsider the vote by which the House adopted the substitute.

Mr. Tully moved the previous question.

Which was sustained.

Mr. Street moved a call of the House.

Which was sustained.

And Messrs. G. N. Douglass, Hill, Moore of San Francisco, and Wing, were absent.

And the Sergeant-at-Arms dispatched for the absentees.

Further proceedings under the call were dispensed with.

On Mr. Ellis' motion, Messrs. Street, Lightner, and Springer, demanded the ayes and noes, and it prevailed, by the following vote:

AYES—Messrs. Banks, Barclay, Bates, Buck, Caine, Caldwell, Connely, Daggett, G. A. Douglas, Dunlap, Ellis, Fuller, Gregory, Imus, Jackson, Johnson, Lull, Lynch, Mathews, Murray, Pixley, Robberson, Rodgers, Shannon, Shepard, Slingerland, Sloss, Springer, Street, Thomas, Tully, Watkins, Whealdon, Wing, and Whitney—35.

NOES—Messrs. Armstrong, Aud, Cahalan, Coleman, Cope, Crenshaw, Cutler, Dow, Ensworth, Gwinn, Hancock, Hines, Holman, Howe, Lamar, Laspeyre, Lefever, Lies, Lightner, Malarin, Moore of Nevada, Mount, Pico, Roane, Sheridan, Tipton, Torres, Vaughan, Whitman, Young, and Mr. Speaker—32.

The following message was received from the Senate:

SENATE CHAMBER,
February 14, 1859.

MR. SPEAKER:—I am directed by the Senate to inform the Assembly that the Senate, on yesterday, passed Assembly bill No. 123, an Act to provide for the erection of public buildings in the County of Solano;

Also, Assembly bill No. 59, an Act to provide for holding the January Term of the District Court of the Seventeenth Judicial District, in the County of Plumas;

Also, have passed Senate Joint-Resolution No. 23, granting leave of absence to Stephen J. Field, one of the Justices of the Supreme Court.

E. C. PALMER, Secretary of Senate.

Senate Joint-Resolution No. 23, above reported, read first and second times, rules suspended, and passed.

Assembly bill No. 56, an Act concerning the organization of the militia, made the special order for Friday next, the eighteenth instant, at twelve, M.

Mr. Young introduced Assembly Joint-Resolution No. 28, relative to the appointment of a Commissioner for the care of sick, indigent, or destitute immigrants.

Read first and second times, rules suspended, read third time, and passed.

Assembly bill No. 38, an Act to regulate the fees of certain officers in Amador County—Committee amendments adopted, read third time, and passed.

Assembly bill No. 142, an Act for the relief of John McQuade, and William Fell, ordered engrossed.

The following resolution was offered by Mr. Gwinn:

Resolved, That D. W. Gilmore be, and is hereby, appointed Assistant Engrossing Clerk, at a salary of eight dollars per day, payable out of the Contingent Fund of the Assembly.

Mr. Pico moved to strike out the name of Gilmore, and insert the name of Archibald H. Gillespie.

Agreed to, and the resolution as amended, was adopted.

Mr. Aud introduced Assembly Concurrent-Resolution No. 27, relative to the donation of agricultural and mineral lands in California, by Congress, to aid in the construction of a Pacific Railroad.

Referred to Select Committee of nine.

At three o'clock, P. M., on motion of Mr. Dunlap, the House adjourned.

IN ASSEMBLY.

WEDNESDAY, February 16, 1859.

The House met, pursuant to adjournment.

Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

REPORTS.

Reports were made as follows:

By Mr. Cope:

MR. SPEAKER:—The Judiciary Committee, to whom was referred Assembly bill No. 149, an Act to legalize certain matters connected with the Crescent City Plank Road and Turnpike Company, have considered the same, and report the bill back, and recommend its passage.

The same Committee, to whom was referred Assembly bill No. 60, an Act to amend an Act entitled an Act to provide for the formation of cor-

porations for certain purposes, passed April fourteenth, one thousand eight hundred and fifty-three, and amended April thirtieth, one thousand eight hundred and fifty-five—and amended April tenth, one thousand eight hundred and fifty-eight, have considered the same, and report the bill back, and recommended its indefinite postponement.

The same Committee, to whom was referred Senate bill No. 80, an Act to allow Berthold Hoen to sell certain real estate, have considered the same, and report the bill back, and recommend its passage.

The same Committee, to whom was referred Assembly bill No. 148, an Act supplementary to, and amendatory of, an Act to amend an Act entitled an Act concerning the office of Public Administrator and making it elective, passed April fifteenth, one thousand eight hundred and fifty-one —passed May seventh, one thousand eight hundred and fifty-five, have considered the same, and report the bill back, and recommend its passage.

The same Committee, to whom was referred Assembly bill No. 143, an Act for the relief of partners and joint-debtors, have considered the same, and report the bill back, and recommend its indefinite postponement.

The same Committee, to whom was referred Assembly bill No. 144, an Act to establish and declare a uniform mode of computing degrees of kindred, have considered the same, and report the bill back, and recommend its passage.

The same Committee—to whom was referred Assembly bill No. 140, an Act in relation to mining copartnerships, have considered the same, and amended by striking out all after the first section, and report the bill back, and recommend its passage, as amended.

The same Committee, to whom was referred Senate bill No. 82, an Act making certificates of purchase evidence of title, have considered and amended the same, and report the bill back, and recommend its passage, as amended.

The same Committee, to whom was referred Senate bill No. 16, an Act to legalize acknowledgments heretofore taken by any Deputy Clerk of the late Superior Court of the City of San Francisco, have considered the same, and report the bill back, with a substitute, and recommend the passage of the substitute.

COPE, Chairman.

By Mr. Connely:

MR. SPEAKER:—The Committee on Agriculture, to whom was referred an Act entitled an Act regulating rodeos and trespassing stock, in the Counties of this State, have had the same under consideration, and have instructed me to report the bill back to the House, and recommend that it be postponed indefinitely.

D. W. CONNELY.

By Mr. Squires:

MR. SPEAKER:—Your Committee on Public Expenditures and Accounts, have examined the account of the Chief Clerk, as reported by your Auditing Committee. and find the amount due him, February tenth, for:

Writing done in the Journal, folios.....	1361	
Copying done for the Printer, folios	1551	
Total..	2912	$359 25

And have requested me to report the same to the House, and recommend that it be ordered paid.

Respectfully,

OGDEN SQUIRES, Chairman.

Adopted.

By Mr. Crenshaw:

MR. SPEAKER:—The majority of your Committee on Mines and Mining Interests, to whom was referred Assembly bill No. 74, entitled an Act for securing liens to laborers in the mines, report the same back, without amendments, and recommend its passage.

GEO. H. CRENSHAW,
GEO. A. DOUGLAS,
WM. F. WATKINS,
W. P. WING.

By Mr. Howe:

MR. SPEAKER:—The Tuolumne and El Dorado delegations, to whom was referred Senate bill No. 57, an Act fixing the salaries of District-Attorneys of certain Counties in this State, report the same back, without amendment, and recommend that it pass.

ROBERT HOWE, for the Delegations.

By Mr. Cutler:

MR. SPEAKER:—The Solano delegation, to whom was referred Assembly bill No. 155, an Act to authorize the Mayor of the City of Benicia to enter into an agreement with S. C. Hastings for exchange of certain property, for school purposes, have had the same under consideration, and report the same back, without amendment, and recommend its passage.

CUTLER, Delegate.

By Mr. Whitman:

MR. SPEAKER:—The delegation to whom was referred Assembly bill No. 161, being "An Act fixing the salaries of the County Judge of San Bernardino County, and of the District-Attorney for said County," having had the same under consideration, report it back to the House, and respectfully recommend its passage.

WHITMAN.

FEBRUARY 16th, 1859.

By Mr. Lynch:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed:

Assembly bill No. 87, an Act to define the boundaries, and provide for the organization of Mendocino County:

LYNCH, Chairman.

The Speaker announced the following as the Select Committee on Assembly Concurrent-Resolution No. 27, relative to the donation of agricultural and mineral lands in California, by Congress, to aid in the construction of the Pacific Railroad, viz: Messrs. Rodgers, Moore of Nevada, Coleman, Street, Lightner, Shepard, Hancock, Ellis, and Johnson.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Banks, an Act to confer further powers on the Board of Education, and the Treasurer, of the City and County of San Francisco.

By Mr. Ellis, an Act concerning apprentices.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Mathews, an Act to grant the right to construct and maintain a dam and locks across and in Napa Creek.

Read first and second times, and referred to Committee on Commerce and Navigation.

By Mr. Rodgers, an Act to authorize the Board of Supervisors of Alameda County to levy a tax for school purposes.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Taylor, an Act to provide for the purchase and erection of hydrants in the City and County of San Francisco.

Read first and second times, and referred to San Francisco delegation.

By Mr. Dunlap, an Act to amend an Act entitled an Act to regulate fees of office, approved April tenth, one thousand eight hundred and fifty-five.

Read first and second times, and placed on file.

By Mr. Wing, an Act relative to the official bond of the Public Administrator of the County of Placer.

Read first and second times, and referred to the Placer delegation.

By Mr. Gwinn, an Act amendatory of an Act entitled an Act concerning the office of Public Administrator, in the Counties of Nevada, Sacramento, Monterey, and Amador, approved April fifth, one thousand eight hundred and fifty-six.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Tipton, an Act to amend an Act entitled an Act concerning offices, passed April twenty-eighth, one thousand eight hundred and fifty-one.

Read first and second times, and referred to Committee on Elections.

By Mr. Canon, an Act to authorize Michael Massett to remove the remains of deceased persons.

Read first and second times, rules suspended, considered engrossed, read third time and passed.

By Mr. Young, an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved April twenty-ninth, one thousand eight hundred and fifty-seven.

Read first and second times, and made the special order for Monday next, at twelve o'clock, M.

GENERAL FILE.

Assembly bill No. 106, an Act amendatory of an Act entitled an Act defining the legal distances from each County-seat to the Capitol, Lunatic Asylum, and State-prison, approved April twenty-fourth, one thousand eight hundred and fifty-eight;

Also, Assembly bill No. 120, an Act to authorize Richard L. Ogden, and his assigns, to run steam-wagons over the roads of this State;

Also, Assembly bill No. 121, an Act to authorize William B. Atterbury, administrator of the estate of Martin E. Cooke, to execute certain conveyances;

And, Assembly bill No. 141, an Act to change the name of Frederick Ferdinand Leidenbinder, to Frederick Ferdinand Leiden;

Were read third time, and passed.

Assembly bill No. 118, an Act to authorize the guardian or guardians of certain minors, to sell and dispose of their real estate and chattels real, referred to Judiciary Committee.

Assembly bill No. 99, an Act to constitute a State Board of Medical Examiners—

Mr. Ellis offered certain amendments, which were adopted.

Mr. Vaughan offered an amendment, which was adopted.

Mr. Lamar moved to amend section ten, by striking out all relating to fines and punishments, and inserting "And no person shall be entitled to recover, in any Court, any compensation for services for the practice of medicine, unless such person shall be licensed according to the provisions of this Act."

Upon which, Messrs. Buck, Jackson, and Whealdon, demanded the ayes and noes, and the amendment was lost, by the following vote:

AYES—Messrs. Armstrong, Barclay, Briggs, Buck, Caine, Canon, Coleman, Dow, Gregory, Hines, Howe, Jackson, Lamar, Lies, Lightner, Robberson, Rodgers, Shannon, Sheridan, Sloss, Springer, Watkins, Whealdon, Whitney, and Young—25.

NOES—Messrs. Banks, Caldwell, Cahalan, Condee, Connely, G. A. Douglas, Ellis, Ensworth, Fuller, Gwinn, Hancock, Holman, Imus, Johnson, Laspeyre, Lefever, Lull, Mathews, Moore of San Francisco, Mount, Murray, Pico, Pixley, Slingerland, Squires, Thomas, Tipton, Tully, Vaughan, and Mr. Speaker—30.

Mr. Young moved to strike out the last proviso of section eleven.

Agreed to.

Mr. Mount offered the following amendment:

Provided, That this Act shall be confined alone to allopathists, and that nothing herein contained shall interfere with the science of homeopathy, or hydropathy, but that professors of the science of allopathy shall be alone embraced in the provisions of this Act.

Mr. Hines moved to adjourn.

Lost.

Mr. Sheridan moved to lay on the table.

Lost.

Mr. Lefever moved the previous question.

Upon which, Messrs. Slingerland, Lightner, and Whealdon, demanded the ayes and noes, and the previous question was sustained, by the following vote:

AYES—Messrs. Aud, Bates, Caldwell, Canon, Condee, Connely, Crenshaw, Dow, Dunlap, Ensworth, Gwinn, Hancock, Holman, Howe, Johnson, Laspeyre, Lefever, Lies, Lull, Lynch, Malarin, Moore of San Fran-

cisco, Mount, Pico, Roane, Robberson, Rodgers, Shepard, Squires, Street, Thomas, Tipton, Vaughan, Watkins, and Wing—35.

NOES—Messrs. Banks, Barclay, Caine, Coleman, Cutler, Ellis, Fuller, Gregory, Hines, Imus, Jackson, Lamar, Lightner, Mathews, Murray, Pixley, Shannon, Sheridan, Slingerland, Sloss, Springer, Tully, Whealdon, Whitney, and Young—25.

And Mr. Mount's amendment was lost.

On the engrossment of the bill, Messrs. Johnson, Gregory, and Whitney, demanded the ayes and noes, and the bill was ordered engrossed, by the following vote:

AYES—Messrs. Bates, Caldwell, Condee, Connely, Crenshaw, Cutler, Ellis, Ensworth, Gwinn, Hancock, Holman, Johnson, Laspeyre, Lefever, Lull, Malarin, Mathews, Murray, Pico, Pixley, Roane, Slingerland, Squires, Thomas, Tipton, Vaughan, Whealdon, and Mr. Speaker—28.

NOES—Messrs. Banks, Barclay, Buck, Caine, Canon, Coleman, Dow, Hines, Howe, Imus, Jackson, Lamar, Lies, Lightner, Lynch, Moore of San Francisco, Robberson, Rodgers, Shannon, Shepard, Sheridan, Sloss, Springer, Tully, Watkins, Whitney, and Young—27.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
February 16, 1859.

MR. SPEAKER:—I am directed by the Senate to inform the Assembly that the Senate, on yesterday, adopted Senate Concurrent-Resolution No. 24, "Relative to appointing a Committee from each House to examine vouchers, for the issuance of certain bonds," and have appointed Messrs. Phelps, Parks, and Titus, a Committee on the part of the Senate, and ask the concurrence of the Assembly.

E. C. PALMER, Secretary Senate.

Senate Concurrent-Resolution No. 24, above reported, was concurred in

SENATE CHAMBER,
February 16, 1859.

I am directed to inform the Assembly that the Senate have, this day, passed Senate bill No 122, an Act to fix the compensation of the Tax-Collector of El Dorado County, and his Deputies, in certain cases, and to legalize certain orders heretofore made by the Board of Supervisors of said County, and to order the payment of certain County warrants, issued by the County Auditor of said County.

E. C. PALMER, Secretary of Senate.

Senate bill No. 122, above reported, read first and second times, and referred to El Dorado delegation.

SENATE CHAMBER,
February 16, 1859.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, on the tenth instant, passed Senate bill No. 105, an Act to incorporate the City of Placerville.

Also, on the eleventh instant, adopted substitute for Senate Concurrent-

Resolution No. 14, relative to a Geological Survey of this State by the General Government, and ask the concurrence of the Assembly.

Also, on yesterday, passed Assembly bill No. 68, an Act to amend an Act prescribing the mode of maintaining and defending possessory actions on public lands in this State, approved April twentieth, one thousand eight hundred and fifty-two.

Also, Assembly bill No. 132, an Act to authorize the sale of the real estate of the late Joaquin Soto, deceased, with amendments.

Also, Assembly bill No. 152, an Act to authorize the Commissioners of the Funded Debt of the County of Contra Costa to re-issue certain bonds to Erastus Bartlett.

Also, Assembly bill No. 29, an Act to change the name of Walter Scott Tarbox to Walter Scott.

E. C. PALMER, Secretary of Senate.

Senate amendments to Assembly bill No. 132, above reported, concurred in.

Senate bill No. 105, above reported, read first and second times, and referred to El Dorado delegation.

The House concurred in Senate Concurrent-Resolution No. 14, above reported.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor, which, with the accompanying correspondence, was ordered printed:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 16, 1859.

To the Assembly of California:

Anticipating that some difficulty would arise in consequence of the Federal Government offering for sale lands which had been previously sold by this State as swamp lands, on the twenty-ninth of November last I addressed a letter (covering one from the Surveyor-General,) to the Secretary of the Interior, on the subject. I supposed that, upon the representation thus made, the Department would feel authorized to withdraw these lands until their true character could be determined.

The correspondence herewith transmitted, will show that no such order has been given, and as the lands are now being sold, a conflict of title is inevitable.

It is to be regretted that the suggestions of the Commissioner of the Land Office, made in a letter to my predecessor, under date of May ninth, one thousand eight hundred and fifty-six, (Journal of Assembly, page sixty-seven,) were not adopted and carried out by the Legislature. If steps had then been taken, in co-operation with the Federal authorities, to segregate the swamp from other lands, these difficulties would not, of course, now exist. Besides, the delay will utimately lessen very materially the value of the grant.

The Report of the Surveyor-General fully presents the magnitude of this question, and to that I invoke your immediate and earnest attention. The plan recommended by him for segregating the lands, or some other, should be adopted at once, else the State will sustain an irreparable injury.

The Act of Congress passed September twenty-eighth, one thousand

eight hundred and fifty, donating these lands to the State, contains a proviso in these words:

"That the proceeds of said lands, whether from sale, or by direct appropriation in kind, shall be applied exclusively, as far as necessary, to the purpose of reclaiming said lands by means of the levees and drains aforesaid."

As we have received this land, subject to this proviso, good faith requires that the proceeds of any sales we may make, should be appropriated to their reclamation.

The Report of the Surveyor-General shows the absolute necessity of amending our land-laws in many particulars, and I trust his recommendations will receive your earnest consideration.

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, November 29, 1858.

SIR:—I transmit, herewith, a copy of a letter addressed to me by the Surveyor-General of this State, to which I beg leave to call your attention.

You will perceive that, unless certain lands, which are advertised for sale on the fourteenth of February next, are withdrawn, great injustice will be done to some of our citizens, who hold deeds from the State.

I have the honor to be, very respectfully,
Your obedient servant,
JOHN B. WELLER.

HON. JACOB THOMPSON, Secretary of the Interior, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
Washington, January 17, 1859.

SIR:—I have the honor to acknowledge the receipt of your letter of the twenty-ninth November last, inclosing a copy of a communication addressed to you by the Surveyor-General of the State, relative to swamp lands in California.

Your letters and enclosures were referred to the Commissioner of the General Land Office, who furnished a report of the sixth instant, that has elicited my reply of this date, addressed to him, and I now respectfully enclose copies of that report, and my reply thereto, for the information of the State authorities of California.

Very respectfully,
Your obedient servant,
J. THOMPSON, Secrtary.

His Excellency, JOHN B. WELLER, Governor of California, Sacramento City.

GENERAL LAND OFFICE,
January 6, 1859.

HON. JACOB THOMPSON, *Secretary of the Interior:*

SIR:—I have the honor to acknowledge the receipt of a letter from the Governor of California, accompanied with a copy of a letter addressed to him by the State Surveyor-General, referred by you.

The communication enclosed by the Governor relates to the swamp

and overflowed lands in said State, granted by the Act of September twenty-eighth, one thousand eight hundred and fifty.

This subject was presented to the Governor of California in a letter dated the ninth of May, one thousand eight hundred and fifty-six, (copy herewith,) and in which will be found certain suggestions, the compliance with which would be of material importance in the adjustment of the grant. Since which time, no reply has been received, nor, indeed, has the Governor of said State, according to the statement made in the communication enclosed by him, been invested with any authority to proceed in making selections, or to adopt any basis upon which the selections shall be made.

The State Surveyor-General of California, with a letter of the twenty-third December, one thousand eight hundred and fifty-seven, forwarded to this office a list of swamp-land selections, but as no communication had been received from the Executive of the State, informing us of any legislative action upon the subject, the list has remained on our files without any action being had thereon. He forwarded, at the same time, a copy of "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," and a copy of an Act to provide for "the sale of the swamp and overflowed lands belonging to this State." In neither of these Acts is any provision made for the selection of swamp lands, or the basis upon which the grant would be accepted by the State.

The absence of any communication from the Executive, and the informal presentation of the list referred to, are sufficient grounds for not regarding the lands designated therein as proper swamp-land selections.

In the Proclamation for the sale of lands in said State, advertised to commence on the fourteenth day of February, one thousand eight hundred and fifty-nine, it is claimed that many lands sold by the State as swamp, to her citizens, are embraced, and it is desired that instructions may be issued to except from sale the lands thus sold. The Proclamation contains instructions to except the swamp and overflowed lands from sale, and, in view of the fact that we have received no official information respecting the subject of such selections, and the reasonable presumption that the local Land Officers have not been furnished with lists describing the tracts selected by the State, and informally reported here, I regard such exception as sufficiently broad in its terms.

The papers referred by you, are herewith returned.

With great respect,

Your obedient servant,

THOS. A. HENDRICKS, Commissioner.

DEPARTMENT OF THE INTERIOR,
Washington, January 17, 1859.

SIR:—Having considered your report of the sixth instant, upon the communication of the Governor of California, suggesting that certain lands which are advertised to be offered for sale by the United States Land Officers on the fourteenth proximo, be withheld from sale because they have heretofore been sold by the State as swamp lands, I have to state, that if any of the lands so sold by the State, are shown by the field-notes of official survey, to be of the description granted by the Act of Congress of the twenty-eighth September, one thousand eight

hundred and fifty, they should not be offered by the Registers and Receivers at public sale.

I am also willing that the United States Surveyor-General shall receive testimony as to the swampy character of particular tracts, claimed under purchases from the State, and if that evidence establishes, *prima facie*, that the lands are swamp and overflowed, that he should so advise the District Land Officers, and direct them to suspend the sale of said tracts; but I do not find authority of law for ordering the reservation from sale of all lands that the State of California may have sold, when there is nothing on our official records authoritatively indicating that the lands have been granted to that State.

The papers which accompanied your report are now returned, and you will be pleased to give instructions to the Surveyor-General immediately, who will take the most prompt measures practicable to carry out the views above expressed.

Very respectfully,
Your obedient servant,
J. THOMPSON, Secretary.

The Commissioner of the General Land Office.

At four o'clock, P. M., on motion of Mr. Lamar, the House adjourned.

IN ASSEMBLY.

THURSDAY, February 17, 1859.

House met, pursuant to adjournment.

Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

The Speaker announced the following as the Committee, on the part of the House, to examine vouchers for the issuance of certain bonds: Messrs. Squires, Gregory, and Taylor.

Mr. Cope presented a remonstrance of members of the Bar of San Francisco, against the passage of Senate bill No 58.

Which was referred to the Judiciary Committee, and ordered printed.

Mr. Mount presented a communication from a citizen of Stockton, on the same subject.

And was referred to the same Committee.

REPORTS.

Reports were made as follows:

By Mr. Robberson:

MR. SPEAKER:—The Committee on Internal Improvements, to whom was referred Assembly bill No. 90, "An Act to provide for improving Navarra River," have had the same under consideration, and report the same back to the House, with accompanying amendments, and recommend the passage of the same as amended.

J. S. ROBBERSON,
JOHN DAGGETT,
J. WHEALDON.

By Mr. Crenshaw:

MR. SPEAKER: Your Committee on Mines and Mining Interests, to whom was referred Senate bill No. 93, "An Act to provide for the conveyance of mining-claims," report the same to the House, and recommend its passage, as amended.

G. H. CRENSHAW, Chairman.

By Mr. Aud:

MR. SPEAKER:—The Committee on Federal Relations, to whom was referred substitute for Senate Joint-Resolution No. 8, in relation to fraudulent Mexican land-grants, have had the same under consideration, and have agreed to instruct me to report the same back to this House, without recommendation.

FRANCIS L. AUD, Chairman.

By Mr. Young:

Mr. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 59, an Act to provide for holding the January term of the Seventeenth Judicial District in the County of Plumas;

Also, Assembly bill No. 123, "An Act to provide for the erection of public buildings in the County of Solano;"

Also, Assembly Concurrent-Resolution "relative to overland mails on the Salt Lake Route;"

Also, Assembly substitute No. 19, relative to the establishment of light-houses and fog-bells, in the County of Marin.

GEO. A. YOUNG, Chairman.

By Mr. Squires:

MR. SPEAKER:—The undersigned, members of the El Dorado delegation, to whom was referred Senate bill No. 122, "An Act to fix the compensation of the Tax-Collector of El Dorado County and his Deputies, in certain cases, and to legalize certain orders heretofore made by the Board of Supervisors of said County, and to order the payment of certain County warrants issued by the County Auditor of said County," have had the same under consideration, herewith report the same back to the House, and recommend its passage, without amendment.

OGDEN SQUIRES,
GEO. M. CONDEE,
J. S. TIPTON,
WM. COLEMAN,
G. N. DOUGLASS.

Senate bill No. 122 was taken up.

Mr. Briggs moved to strike out the word "ten," in the first section, and insert the word "eight."

Upon which, Messrs. Briggs, Sloss, and Slingerland, demanded the ayes and noes, and the amendment was lost, by the following vote:

AYES—Messrs. Banks, Briggs, Caine. Caldwell, Canon, Cherry, DeLong, G. A. Douglas, Fuller, Hill, Holman, Imus, Jackson, Pixley, Rodgers, Slingerland, Sloss, Taylor, Watkins, Whealdon, and Whitney—21.

NOES—Messrs. Armstrong, Aud, Barclay, Bates, Buck, Cahalan, Cole-

man, Condee, Connely, Cope, Crenshaw, Cutler, Daggett, G. N. Douglass, Dow, Dunlap, Ellis, Ensworth, Gregory, Gwinn, Hines, Howe, Johnson, Lamar, Laspeyre, Lefever, Lies, Lightner, Lull, Lynch, Malarin, Mathews, Mount, Roane, Robberson, Sheridan, Springer, Squires, Thomas, Tipton, Torres, Tully, Vaughan, Wing, Whitman, Young, and Mr. Speaker—47.

Mr. Sloss moved moved to lay on the table.

Lost.

Bill read third time, and passed.

Mr. Sloss gave notice of a reconsideration of the vote by which the bill was passed.

Mr. Lamar, from the majority of Committee on Elections, verbally reported, and recommended the indefinite postponement of Senate bill No. 30, an Act to divide the State into Congressional Districts, according to an Act of Congress, approved June twenty-fifth, one thousand eight hundred and forty-two.

Mr. Lull made the following minority report:

MR. SPEAKER:—The undersigned, a minority of the Committee on Elections, to whom was referred Senate bill No. 30, "An Act to divide the State into Congressional Districts," having had the same under consideration, beg leave to report:

That the Act of Congress of June twenty-fifth, one thousand eight hundred and forty-two, requires the division of each State of the Union into Congressional Districts. California is the only State that has failed to comply with this law. The law, the precedent, and a decent regard for public opinion, require that the State should be districted. The undersigned, therefore, recommend the passage of Senate bill.

Respectfully,

LOUIS R. LULL,
MARIANO MALARIN.

Mr. Watkins presented the following communication:

To the Senate and Assembly of the State of California:

We, the undersigned, pray a law authorizing the division of the State of California, in accordance with annexed bill.

And, as in duty bound, etc.

F. G. Hearn,
M. Erlenbach,
J. M. Watson,
Ad. Winckler,
Wm. Ottenheimer,
E. Steele,
Chas. F. Hoben,
H. J. Hellman,
L. Cohen,
R. L Westbrook,
D. Isaacs.

YREKA, February 9, 1859.

Mr. Watkins also introduced a bill for an Act to authorize the citizens of the State of California, residing north of the fortieth degree of north latitude, to withdraw from the State of California, and organize a separate Government.

Read first and second times, and referred to the Special Committee on the Colorado Territory.

The following message was received from the Senate:

SENATE CHAMBER,
February 17, 1859.

MR. SPEAKER :—I am directed to inform the Assembly that the Senate, on the 12th instant, passed Senate bill No. 58, "An Act to amend an Act entitled an Act concerning conveyances," passed April sixteenth, one thousand eight hundred and fifty;

Also, on yesterday, passed Senate bill No. 41, "An Act in relation to the assignment of rights in action, and evidence of such assignment, and notice thereof;"

Also, Senate bill No 59, "An Act amendatory of, and supplementary to, an Act entitled an Act to provide for the registration of marriages, births, divorces, and deaths, in California," approved April twenty-sixth, one thousand eight hundred and fifty-eight;

Also, Senate bill No. 69, "An Act to attach certain territory to the City of Sacramento;"

Also, on the fifteenth instant, passed Assembly bill No. 109, "An Act to amend an Act concerning Notaries Public," approved April thirtieth, one thousand eight hundred and fifty-seven, with amendments.

Also, on yesterday, Assembly bill No. 69, "An Act providing for holding a special term of the District Court, in the Thirteenth Judicial District."

Also, Assembly bill No 135, "An Act to fund the debt of San Bernardino County," with amendments.

Also, Assembly bill No. 85, "An Act to authorize the Auditor and Treasurer of the City and County of Sacramento, to transfer certain funds, and for other purposes." with amendments.

Also, Assembly bill No. 160, "An Act concerning jurors in Humboldt County."

E. C. PALMER, Secretary of Senate.

Senate bills Nos. 41 and 58, above reported, read first and second times, and referred to the Judiciary Committee.

Senate bill No. 59, above reported, read first and second times, and referred to the Committee on Ways and Means.

Senate bill No. 69, above reported, read first and second times, rules suspended, third time, and passed.

Assembly bill No. 109, above reported, referred to the Judiciary Committee.

Assembly bill No. 85, above reported, referred to Sacramento delegation.

The House concurred in Senate amendments to Assembly bill No. 135.

Mr. Thomas gave notice of a bill for an Act concerning County Hospitals.

Assembly bill No. 149, an Act to legalize certain matters connected with the Crescent City Plank Road and Turnpike Company, was taken from the file, rules suspended, considered engrossed, read third time, and passed.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Lull, an Act concerning conveyances.

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

By Mr. Howe, an Act to fix the compensation of the County Judge of Tuolumne County.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Shepard, an Act to create an additional Justice of the Peace, in and for the County of San Francisco, and to define his powers and duties.

Read first and second times, and referred to the San Francisco delegation.

GENERAL FILE.

Senate bill No. 100, an Act to authorize the Board of Supervisors of Siskiyou County to audit and allow the claims of D. R. Dale, read third time, and passed.

Senate bill No. 49, an Act concerning crimes and punishments, and for the better protection of wines and liquors against adulteration and counterfeits;

And Assembly bill No. 52, an Act to prevent the adulteration of wines and liquors;

Were referred to the Judiciary Committee.

Assembly bill No. 18, an Act providing for a more complete survey and location of the boundary-lines between the Counties of Shasta, Plumas, Siskiyou, and Tehama—amendments of Committee adopted, further amended, and ordered engrossed.

Assembly bill No. 157, an Act to authorize the Secretary of State to purchase one thousand copies of the "California State Register," and to distribute the same, was considered in Committee of the Whole, (Mr. Mount in the Chair)—Committee rose, reported bill, with amendments, and recommended.

On the amendment of the Committee, to give to each member and officer of the Legislature a copy of the book, Messrs. Tipton, Gregory, and Robberson, demanded the ayes and noes, and the same was lost, by the following vote:

AYES—Messrs. Aud, Buck, Crenshaw, Imus, Lamar, Lefever, Lightner, Lynch, Murray, Sloss, and Whealdon—11.

NOES—Messrs. Armstrong, Banks, Barclay, Bates, Caine, Caldwell, Cahalan, Canon, Cherry, Coleman, Condee, Connely, Cope, Cutler, DeLong, G. N Douglass, Dow, Ellis, Ensworth, Fuller, Gregory, Gwinn, Hancock, Holman, Howe, Jackson, Johnson, Laspeyre, Lies, Lull, Malarin, Mathews, Mount, Pico, Pixley, Roane, Robberson, Rodgers, Shannon, Shepard, Sheridan, Slingerland, Springer, Squires, Street, Taylor, Tipton, Tully, Vaughan, Watkins, Whitman, Young, and Mr. Speaker—53.

On engrossment, Messrs. Buck, Lamar, and Robberson, demanded the ayes and noes, and the bill was ordered engrossed, by the following vote:

AYES—Messrs. Armstrong, Aud, Banks, Cahalan, Canon, Coleman, Connely, Crenshaw, Ellis, Ensworth, Fuller, Gwinn, Hancock, Holman, Howe, Imus, Jackson, Laspeyre, Lefever, Lies, Lightner, Lull, Lynch, Malarin, Moore of San Francisco, Mount, Murray, Pico, Pixley, Roane, Sheridan, Sloss, Squires, Taylor, Tipton, Watkins, Whitman, and Mr Speaker—38.

NOES—Messrs. Barclay, Bates, Buck, Caine, Caldwell, Cherry, Cope, Cutler, DeLong, G. N. Douglass, Dow, Gregory, Johnson, Lamar, Mathews, Robberson, Rodgers, Shannon, Shepard, Slingerland, Springer, Tully, Vaughan, Whealdon, Wing, and Young—26.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 17, 1859.

To the Senate of California:

I have to inform your honorable body that, on yesterday, I approved "An Act to fix the time of holding the County Court, and Court of Sessions, in Amador County;"

Also, "An Act fixing the time of holding the Court of Sessions, and the County Court, in the County of Costra Costa."

JOHN B. WELLER.

The Speaker appointed Messrs. Mount, Street, Shannon, Wing, Laspeyre, Tully, and Young, Select Committee to consider Assembly bill No. 173, on the subject of reducing taxation.

At half past three o'clock, P. M., on motion of Mr. Aud, the House adjourned.

IN ASSEMBLY.

FRIDAY, February 18, 1859.

House met, pursuant to adjournment.

Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved

Messrs. Hines and Springer had indefinite leave of absence

The following resolution was offered by Mr. Cope, and adopted:

Resolved, That the Attorney-General be requested to inform this body as to the chances of recovering a judgment against the defendants, in the case of the People of the State against McMeans' sureties, in which he has brought suit in the Sixth District Court of this State; also, his opinion whether the State can recover a judgment, and, if so, for what amount, and the facts upon which his opinion is based

Mr. Cherry presented a remonstrance of Physicians of San Francisco, against the repeal of the Registration Law.

Laid on the table.

Mr. Banks presented a remonstrance of the Chamber of Commerce of San Francisco, against the passage of the bulk-head bill.

Referred to Committee on Commerce and Navigation.

Also, remonstrance of Board of Supervisors of San Francisco, on same subject

Which was also referred to the same Committee.

Mr. Rodgers presented a petition of citizens of Alameda, for levying a special tax, for school purposes

Referred to Committee on Education.

REPORTS.

Reports were made as follows:

By Mr. Dow:

MR. SPEAKER:—The minority of the Committee on Mines and Mining

Interests do not agree with the majority, on Senate bill No. 74, and would therefore recommend that the same be indefinitely postponed.

WM. DOW,
JOHN A. EAGON,
W. B. ARMSTRONG.

By Mr. Street:

MR. SPEAKER:—The Committee on Ways and Means, to whom was referred Senate bill No. 59, "An Act amendatory of, and supplementary to, an Act entitled an Act to provide for the registration of marriages, births, divorces, and deaths, in California," approved April twenty-sixth, one thousand eight hundred and fifty-eight, having had the same under consideration, ask leave to report it back, without recommendation.

The same Committee, to whom was referred Assembly bill No. 22, "An Act to repeal an Act to provide for the registration of marriages, births, divorces, and deaths, in California, and to abolish the office of State Registrar," have considered the same, and report it back, amended, and without recommendation.

The same Committee have also had under consideration a communication from the Secretary of State, relative to printing laws in Spanish, and report the same back, with a bill entitled "An Act to procure the translation into the Spanish language, and to provide for printing, such portions of the statutes of the year one thousand eight hundred and fifty, and one thousand eight hundred and fifty-one, as are now in force," and recommend the passage of the bill.

STREET, Chairman.

The bill above reported was read first and second times, and referred to Committee on Public Printing.

By Mr. Squires:

MR SPEAKER:—Your Committee on Public Expenditures and Accounts have examined, and found correct, account of Whitney & Co., amounting to thirty-nine dollars; J. M. Jordan, amounting to ninety-seven dollars and thirty-two cents; Thomas Hansbrow, amounting to fifty dollars and twenty-five cents; Wm. H. Spaulding, amounting to thirty-three dollars.

OGDEN SQUIRES, Chairman.

Adopted.

By Mr. Tully:

MR. SPEAKER:—The Committee to whom was referred Assembly bill No. 30, entitled "An Act to authorize the Governor to issue patents to persons who have made locations upon the public lands in this State with school-land warrants," with instructions to amend by striking out certain words therein, report the same back, amended, pursuant to instructions, and recommend that it be recommitted, with instruction to further amend, by inserting after the words "said patent," at the end of section second, the following proviso:

Provided, further, that nothing in this Act shall be so construed as to in any manner prevent any citizen of the United States from entering upon and working any of the public lands in this State containing gold, or any other minerals or salines, or from using, for mining purposes, any timber, stone, or other incidents of such land, the right to do which may have been guarantied by any of the laws of the United States, or the State of California; and no patent issued in pursuance of the provisions

of this Act shall, in any manner, deprive this State of any right that may have been, or may hereafter be, ceded to her by the Congress of the United States, in any of the mineral lands within this State.

TULLY, Chairman.

Assembly bill No. 30, above reported, recommitted to Committee on Public Lands, with instructions to further amend.

By Mr. Lynch:

Mr. Speaker:—The Committee on Engrossment have examined, and found correctly engrossed:

Assembly bill No. 116, an Act to incorporate the Town of Eureka;

Assembly bill No. 147, an Act creating a Contingent Fund for Shasta County;

Assembly bill No. 142, an Act for the relief of John McQuade and William Fell;

Assembly bill No. 157, an Act to authorize the Secretary of State to purchase one thousand copies of the California State Register, and to distribute the same.

LYNCH, Chairman.

By Mr. Young:

Mr. Speaker:—The Committee on Enrollment have examined, and found correctly enrolled;

Assembly bill No. 132, an Act to authorize the sale of the real estate of the late Joaquin Soto, deceased;

Also, Assembly bill No. 29, an Act to change the name of Walter Scott Tarbox, to Walter Scott.

GEO. A. YOUNG, Chairman.

By Mr. Hancock:

Mr. Speaker:—*Sir:* The Committee on Counties and County Boundaries, to whom was referred Assembly bill No 66, entitled "An Act to alter the boundary-lines of Tehama county," have had the same under consideration, and report the same back; with an amendment, and recommend its passage, as amended.

HANCOCK, Chairman.

Mr. Ellis reported, with amendment to Senate amendment to Assembly bill No. 85, an Act to authorize the Auditor and Treasurer of the City and County of Sacramento to transfer certain funds, and for other purposes, and recommended its adoption.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

State of California, Executive Department,
Sacramento, February 18th, 1859.

To the Assembly of California:

I have, this day, approved an Act "To repeal an Act entitled an Act to incorporate the Town of Oroville, and an Act amendatory of, and supplementary to, an Act to incorporate the Town of Oroville."

JOHN B. WELLER.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 18, 1859.

MR. SPEAKER:—The Senate, on the fifth instant, passed Senate bill No. 76, "An Act concerning Agricultural Societies."

E. C. PALMER, Secretary Senate.

Senate bill No. 76, above reported, was read first and second times, and referred to Committee on Agriculture.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Banks, an Act to confer further powers upon the Board of Education, and the Treasurer, of the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Cherry, an Act for the relief of Philip Martin, late Watchman of the Hall of Records.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Watkins, an Act to authorize the State Treasurer to issue to Minerva J. Carroll, a duplicate school-land warrant, in lieu of a certain warrant destroyed.

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

GENERAL FILE.

Assembly bill No. 45, an Act amendatory of, and supplementary to, the Act defining the rights of husband and wife—Committee amendments adopted, and ordered engrossed.

SPECIAL ORDER.

Assembly bill No. 56, an Act concerning the organization of the militia, the special order of the day, was taken up, considered in Committee of the Whole, Mr. Moore of Nevada in the Chair.

After considering the bill for some time, the Committee arose, reported progress, and had leave to sit again to-morrow, at twelve o'clock, M.

Mr. Hancock offered the following resolution:

Resolved, That J. W. Scobey is hereby allowed eight dollars *per diem*, as Reading-Clerk of the Assembly, from the nineteenth of January, one thousand eight hundred and fifty-nine, payable out of the Contingent Fund of the Assembly.

Mr. Laspeyre offered the following substitute:

Resolved, That J. W. Scobey be allowed eight dollars per day, from date, as Reading-Clerk of this Assembly.

Mr. Buck moved the previous question, which was sustained.

On the passage of the substitute, Messrs. Whitney, Aud, and Tipton, demanded the ayes and noes, and it was lost, by the following vote: ayes, 12—noes, 49:

AYES—Messrs. Bates, Caine, Canon, Connely, Ellis, Holman, Laspeyre, Pixley, Shepard, Sloss, Taylor, and Watkins—12.

NOES—Messrs. Aud, Banks, Barclay, Briggs, Buck, Burdick, Caldwell, Cahalan, Cherry, Coleman, Condee, Daggett, G. A. Douglas, G. N. Douglass, Dow, Eagon, Ensworth, Fuller, Gwinn, Hancock, Howe, Imus, Jackson, Lamar, Lefever, Lies, Lightner, Lull, Lynch, Mathews, Moore of Nevada, Murray, Pico, Robberson, Rodgers, Shannon, Sheridan, Slingerland, Squires, Tipton, Torres, Tully, Vaughan, Whealdon, Wing, Whitman, Whitney, Young, and Mr. Speaker—49.

On the passage of the original resolution, Messrs. Aud, Cahalan, and Sheridan, demanded the ayes and noes, and it was lost, by the following vote: ayes, 27—noes, 36:

AYES—Messrs. Briggs, Burdick, Caine, Canon, Cherry, G. A. Douglas, Fuller, Hancock, Imus, Jackson, Lamar, Laspeyre, Lies, Lightner, Lull, Malarin, Murray, Pico, Pixley, Shepard, Slingerland, Sloss, Taylor, Torres, Watkins, Whealdon, and Whitman—27.

NOES—Messrs. Armstrong, Aud, Banks, Barclay, Bates, Buck, Caldwell, Cahalan, Coleman, Condee, Connely, Daggett, G. N. Douglass, Dow, Eagon, Ellis, Ensworth, Gwinn, Howe, Johnson, Lefever, Lynch, Mathews, Moore of Nevada, Robberson, Rodgers, Shannon, Sheridan, Squires, Street, Tipton, Tully, Wing, Whitney, Young, and Mr. Speaker—36.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
February 18, 1859.

MR. SPEAKER:—The Senate have, this day, passed Assembly bill No. 166, "An Act to authorize the Board of Supervisors of Alameda County to levy a special tax, for school purposes," with an amendment.

E. C. PALMER, Secretary of Senate.

Assembly bill No. 166, above reported, was taken up, and Senate amendments concurred in.

SENATE CHAMBER,
February 18, 1859.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, on the sixteenth instant, passed Senate bill No 61, "An Act concerning the officers of Caleveras County, and the collection of poll-taxes, license-taxes, and foreign miners' license-taxes in said County."

E. C. PALMER, Secretary of Senate.

Senate bill No. 61, above reported, was read first and second times, and referred to the Calaveras Delegation.

Mr. Whitman offered the following Concurrent-Resolution:

Resolved, By the Assembly, the Senate concurring, that the expense of

translating into Spanish of the Governor's Message, and such other public documents, as this Tenth Legislature has, or may order, be paid out of the Contingent Funds of the Assembly and Senate.

Adopted.

Mr. Street offered a Concurrent-Resolution "relative to the United States Government establishing a protectorate over the Northern States of Mexico;"

Also, Concurrent-Resolution relative to the acquisition of the Island of Cuba;

Which were referred to the Committee on Federal Relations.

Mr. Squires made the following report:

MR. SPEAKER:—Your Committee on Public Expenditures and Accounts have examined, and found correct, the following accounts, to wit:

Account of Morning Star, amounting to	$19 50
Account of Firderer & Caduc, amounting to	36 00
Account of J. H Mason, amounting to	4 00
Account of C. Schidler, amounting to	7 00
Account of F. S Malone, amounting to	25 00
Account of Sacramento Post-Office, amounting to	391 51
Total	$473 01

OGDEN SQUIRES, Chairman.

On motion of Mr. Shannon, at four o'clock, P. M., the House adjourned.

IN ASSEMBLY.

SATURDAY, February 19, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

Messrs Condee and Thomas had leave of absence, for one day each.

And Mr. Cutler, for two days.

REPORTS.

Reports were made as follows:

By Mr. Cope:

MR. SPEAKER:—The Judiciary Committee, to whom was referred Assembly bill No. 158, "An Act to impose further duties on the Board of Supervisors of Tulare County," have considered the same, and report the bill back, and recommend its indefinite postponement.

The same Committee, to whom was referred Assembly bill No. 175, an Act concerning conveyances, have considered the same, and report the bill back, and recommend its indefinite postponement.

The same Committee, to whom was referred Senate bill No. 58, "An Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, one thousand eight hundred and fifty," have considered the same, and recommend its indefinite postponement.

COPE, Chairman.

By Mr. Lynch:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed:

Assembly bill No. 86, an Act to abolish the office of State Gauger for the Port of San Francisco;

Assembly bill No. 18, an Act providing for a more complete survey and location of the boundary-lines between the Counties of Shasta, Plumas, Siskiyou, and Tehama;

And Assembly bill No. 99, an Act to constitute a State Board of Medical Examiners.

LYNCH, Chairman.

By Mr. Young:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled:

Assembly bill No. 68, an Act to amend an Act entitled an Act prescribing the mode of maintaining and defending possessory actions on public lands in this State, approved April twentieth, one thousand eight hundred and fifty-two;

Also, Assembly bill No. 69, an Act providing for holding a special term of the District Court in the Thirteenth Judicial District;

Also, Assembly bill No. 160, an Act concerning jurors in Humboldt County;

Also, Assembly bill No. 152, an Act to authorize the Commissioners of the Funded Debt of the County of Contra Costa to re-issue certain bonds to Erastus Bartlett.

GEO. A. YOUNG, Chairman.

By Mr. Hancock:

MR. SPEAKER:—The Committee on Counties and County Boundaries have had under consideration Assembly bill No. 145, "An Act amendatory of an Act entitled an Act dividing the State into Counties, and establishlishing the seats of Justice therein, passed April twenty-fifth, one thousand eight hundred and fifty-one," report the same back, with an amendment, and recommend its passage, as amended.

HANCOCK, Chairman.

Mr. Sheridan, from Committee on Swamp and Overflowed Lands, reported and recommended the passage of Assembly bill No. 163, an Act amendatory of an Act entitled an Act to provide for the sale and reclamation of the swamp and overflowed lands of this State, approved April twenty-first, one thousand eight hundred and fifty-eight.

By Mr. Lightner:

MR. SPEAKER:—The Calaveras delegation, to whom was referred Senate bill No. 61, an Act concerning the officers of Calaveras County, and the collection of poll-taxes, licenses, and foreign miner's licenses, in said County, ask leave to report the same back, with amendments to the ninth

and seventeenth sections, and recommend the passage of the bill and amendments.

LIGHTNER,
BURDICK,
CHAS. E. MOUNT.

ASSEMBLY CHAMBER, February 19, 1859.

The House concurred in Committee amendments to Senate bill No. 61, above reported, rules suspended, read third time, and passed.

Mr. Young introduced Assembly Concurrent-Resolution relative to amendment of Assembly bill No. 166.

Adopted.

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

Resolved, That when this House adjourns on this day, it adjourns to meet on Wednesday, the twenty-third instant.

Mr. Sloss, from El Dorado delegation, verbally reported, and recommended the passage of Senate bill No. 105, an Act to incorporate the City of Placerville.

The rules were suspended, the bill read a third time, and passed.

The following resolution was offered by Mr. Hancock:

Resolved, That a Special Committee of three persons, to wit: Messrs. Robberson, Cherry, and Burdick, be appointed to inquire into the practicability and expediency of increasing the revenue of the State, through the medium of the office of Gauger of the Port of San Francisco.

Mr. Robberson moved to strike out his name, and insert the name of Mr. Hancock.

Carried.

SPECIAL ORDER.

Assembly bill No. 56, an Act concerning the organization of the militia, was further considered in Committee of the Whole, Mr. Moore of Nevada in the Chair.

Committee rose, and had leave to sit again.

Mr. Lamar moved to amend the resolution offered by Mr. Hancock, by striking out the name of Mr. Cherry, and inserting the name of Mr. Pixley.

Carried.

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

Upon which, Messrs. Moore of Nevada, Lightner, and Burdick, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Barclay, Bates, Briggs, Buck, Caine, Caldwell, Cherry, Daggett, DeLong, G. A. Douglas, Dunlap, Ellis, Fuller, Johnson, Lynch, Murray, Robberson, Rodgers, Shannon, Slingerland, Street, Tully, Watkins, Whealdon, and Whitney—26.

NOES—Messrs. Armstrong, Aud, Banks, Burdick, Cahalan, Canon, Connely, Cope, Crenshaw, Eagon, Ensworth, Gwinn, Hancock, Holman, Imus, Jackson, Lamar, Laspeyre, Lefever, Lightner, Malarin, Moore of Nevada, Pico, Pixley, Roane, Shepard, Sheridan, Squires, Taylor, Tipton, Torres, Vaughan, Whitman, Young, and Mr. Speaker—35.

Mr. Mathews moved to amend by directing the Committee to report on Wednesday, next.

Mr. Moore of Nevada moved, as a substitute: "At their earliest convenience."

Mr. Laspeyre moved the previous question.

Sustained.

Mr. Moore's substitute was adopted.

After the vote by which Mr. Moore's substitute was adopted, had been announced, Mr. Cherry demanded the ayes and noes, which the Chair ruled out of order.

From which, Mr. Cherry appealed, and the decision of the Chair was sustained.

On the adoption of the resolution, Messrs. Cherry, Street, and Tully, demanded the ayes and noes, and the House refused, by the following vote: ayes, 28—noes, 37:

AYES—Messrs. Armstrong, Aud, Burdick, Cahalan, Coleman, Connely, Cope, Crenshaw, Ensworth, Gwinn, Jackson, Lamar, Laspeyre, Lefever, Lies, Lightner, Malarin, Mathews, Moore of Nevada, Mount, Pico, Roane, Squires, Tipton, Torres, Whitman, Young, and Mr. Speaker—28.

NOES—Messrs. Banks, Barclay, Bates, Briggs, Buck, Caine, Caldwell, Canon, Cherry, Daggett, DeLong, G. N. Douglass, Dow, Dunlap, Ellis, Fuller, Hancock, Hill, Howe, Imus, Johnson, Lull, Lynch, Murray, Pixley, Robberson, Rodgers, Shannon, Shepard, Slingerland, Sloss, Street, Tully, Watkins, Whealdon, Wing, and Whitney—37.

Mr. Fuller moved to suspend the rules, for the purpose of moving a reconsideration of the vote just taken, upon which, Messrs. Lightner, Street, and Lamar, demanded the ayes and noes, and the House refused, by the following vote: ayes, 31—noes, 36:

AYES—Messrs. Banks, Barclay, Bates, Caine, Caldwell, Canon, Cherry, Daggett, DeLong, Dunlap, Ellis, Fuller, Gregory, Hill, Imus, Jackson, Johnson, Lull, Lynch, Murray, Pixley, Robberson, Shannon, Shepard, Slingerland, Street, Tully, Vaughan, Whealdon, Wing, and Whitney—31.

NOES—Messrs. Armstrong, Aud, Briggs, Buck, Burdick, Cahalan, Coleman, Connely, Cope, G. A. Douglas, Eagon, Ensworth, Gwinn, Hancock, Holman, Howe, Lamar, Laspeyre, Lefever, Lies, Lightner, Malarin, Mathews, Moore of Nevada, Mount, Pico, Roane, Sheridan, Sloss, Squires, Tipton, Torres, Watkins, Whitman, Young, and Mr. Speaker—36.

Mr. Hancock gave notice that, on Thursday next, he would move a reconsideration of the vote by which the House refused to adopt the resolution offered by him.

Mr. Lightner moved to reconsider the vote by which the House agreed to adjourn until Wednesday next.

Mr. Cherry moved to adjourn.

Upon which, Messrs. Moore of Nevada, Aud, and Lightner, demanded the ayes and noes, and the House refused to adjourn, by the following vote:

AYES—Messrs. Armstrong, Barclay, Bates, Briggs, Buck, Caine, Canon, Cherry, Connely, Daggett, DeLong, G. N. Douglass, Eagon, Ensworth, Hill, Imus, Robberson, Shannon, Slingerland, Squires, Tipton, Watkins, Whealdon, Wing and Whitney—25.

NOES—Messrs. Aud, Banks, Burdick, Caldwell, Cahalan, Coleman, Cope, Dunlap, Ellis, Fuller, Gregory, Gwinn, Hancock, Holman, Jackson, Johnson, Lamar, Laspeyre, Lefever, Lies, Lightner, Lull, Lynch, Malarin, Mathews, Moore of Nevada, Mount, Murray, Pico, Pixley, Roane, Shepard, Sheridan, Sloss, Street, Tully, Vaughan, Whitman, Young, and Mr. Speaker—40.

On suspending the rules for the purpose of reconsidering the vote by which the House, this day, agreed to adjourn until Wednesday next, Messrs. Moore of Nevada, Aud, and Laspeyre, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Aud, Buck, Caldwell, Coleman, Cope, Ellis, Fuller, Gregory, Gwinn, Hancock, Holman, Jackson, Johnson, Lamar, Laspeyre, Lefever, Lightner, Lull, Malarin, Mathews, Moore of Nevada, Murray, Pico, Pixley, Roane, Robberson, Shepard, Sheridan, Street, Tully, Vaughan, Young, and Mr. Speaker—33.

NOES—Messrs. Armstrong, Banks, Barclay, Briggs, Burdick, Caine, Cahalan, Canon, Cherry, Connely, Daggett, DeLong, G. N. Douglass, Dunlap, Eagon, Ensworth, Hill, Imus, Lies, Lynch, Shannon, Slingerland, Sloss, Squires, Tipton, Watkins, Whealdon, Wing, Whitman, and Whitney—30.

Mr. Cope introduced a bill for an Act concerning certain acknowledgments of deeds, and other instruments in writing, affecting real estate.

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

Mr. DeLong moved to adjourn.

Lost.

The following message was received from the Senate:

SENATE CHAMBER,
February 19, 1859.

MR. SPEAKER:—The Senate, on the seventeenth instant, passed Senate bill No. 126, "An Act to amend an Act entitled an Act supplementary to an Act to provide for funding the indebtedness of Yuba County," approved April twenty-second, one thousand eight hundred and fifty-eight;

Also, on the eighteenth instant, Assembly bill No. 149, "An Act to legalize certain matters connected with the Crescent City Plank Road and Turnpike Company;"

Also, on the seventeenth instant, passed Senate bill No. 128, "An Act authorizing and empowering the County Clerk of Sutter County to transcribe certain records, and to legalize the same;"

Also, on the eighteenth instant, passed Senate bill No. 132, an Act authorizing and empowering the County Recorder of Solano County to transcribe certain records, and to legalize the same.

E. C. PALMER, Secretary of Senate.

Senate bill No. 132, above reported, was read first and second times, and placed on file.

Mr. Street was excused from serving on Special Committee on Taxation, and Mr. Tipton put in his place.

Pending the consideration of the Senate Message, at half-past one o'clock, P. M., on motion of Mr. Cope, the House adjourned.

IN ASSEMBLY.

WEDNESDAY, February 23, 1859.

The House met, pursuant to adjournment.

Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

Leave of absence was granted, as follows:

Mr. Thomas, indefinite leave.

Mr. Aud, for two days.

And, Messrs. G. A. Douglas, Eagon, DeLong, Fuller, Slingerland, G. N. Douglass, Squires, Condee, and Shepard, one day each.

PETITIONS.

Petitions were presented as follows:

By Mr. Dunlap:

Of J. B. Williams, for indemnity in protecting citizens against Indian depredations.

Referred to Committee on Claims.

By Mr. Cutler:

Of Lewis B. Dell, for privilege to build a wharf on Napa Bay.

Referred to Committee on Commerce and Navigation.

By Mr. Caldwell:

Of citizens of Nevada County, for reduction of fees of office.

Referred to Nevada delegation.

REPORTS.

Reports were made as follows:

By Mr. Connely:

MR. SPEAKER:—The Committee on Agriculture, to whom was referred Senate bill No. 76, entitled an Act "Concerning Agricultural Societies," have had the same under consideration, and have instructed me to report the bill back to the House, and recommend its passage, without amendment.

D. W. CONNELY, Chairman.

By Mr. Lynch:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 45, An Act amendatory of, and supplementary to, the Act defining the rights of husband and wife."

P. LYNCH, Chairman.

By Mr. Young:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 135, An Act to fund the debt of the County of San Bernardino.

GEO A. YOUNG, Chairman.

By Mr. Holman:

MR. SPEAKER:—The San Joaquin delegation, to whom was referred

Senate bill No. 65, an Act to amend an Act "To reincorporate the City of Stockton," have had the same under consideration, and beg leave to report the same back, and recommend its passage, as amended

HOLMAN,
LASPEYRE.

By Mr. Shannon:

MR. SPEAKER:—The Committee appointed to examine the journalized proceedings, have examined the same, and found them correctly written up to February eighteenth, inclusive.

T. B. SHANNON,
J. S. TIPTON.

By Mr. Shannon:

MR. PRESIDENT:—The Special Committee, appointed to take into consideration the reduction of taxation, beg leave to report:

That from an examination of the Controller's and Treasurer's reports; also, report of Select Committee, consisting of Messrs. Young, Robberson, and Johnson, and such other information as they could obtain, they are fully satisfied that taxation upon property can safely be reduced ten cents upon the one hundred dollars, and still leave a sufficient surplus in the Treasury, after paying all current expenses of the Government.

We therefore unanimously recommend the passage of Assembly bill No. 173.

C. E. MOUNT,
E. C. TULLY,
J. S. TIPTON,
T. B. SHANNON,
GEO. A YOUNG,
T. LASPEYRE.

Senate bill No. 126, an Act to amend an Act entitled an Act supplementary to an Act to provide for funding the indebtedness of Yuba County, approved April twety-second, one thousand eight hundred and fifty-eight, read first and second times, and referred to the Yuba delegation.

Senate bill No. 128, an Act authorizing and empowering the County Clerk of Butte County to transcribe certain records, and to legalize the same, read first and second times, and referred to the Butte delegation.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Coleman, an Act to separate the offices of County Recorder, County Auditor, Clerk of the Board of Supervisors, and Clerk of the Board of Equalization, from the office of County Clerk, in the County of Nevada.

By Mr. Lightner, an Act to provide for the creation of a State Police, and to define the powers and duties of the same.

By Mr Young, a resolution to rescind the First Standing Rule.

By Mr. Taylor, an Act to confirm and legalize certain assessment-rolls, of the City and County of San Francisco, and to provide for the collection of the delinquent taxes thereon.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Dunlap, an Act to fix the time of holding the Court of Sessions, and the County Court, in the County of Tehama, and the Court of Sessions, County Court, and the Probate Court, in the County of Colusa.

Read first and second times, and placed on file.

By Mr. Lull, an Act to amend an Act entitled an Act to authorize the Treasurer of the City and County of San Francisco to pay certain demands on the School Fund

Read first and second times, and referred to the San Francisco delegation.

By Mr Taylor, an Act to amend an Act entitled an Act to repeal the several Charters of the City and County of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the Government thereof, approved April nineteenth, one thousand eight hundred fifty-six, as amended April eighteenth, one thousand eight hundred and fifty-seven.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Sheridan, an Act to prevent stallions from running at large in the County of Sacramento.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Cutler, an Act to authorize Lewis B. Dell to build a wharf on Napa Bay, in the County of Solano.

By Mr. Laspeyre, an Act for the relief of purchasers of lands from the State of California.

Read first and second times, and referred to the Special Committee on Surveyor-General's Report.

Mr. Lamar introduced the following Concurrent-Resolution:

Resolved, By the Assembly, the Senate concurring, that a Committee of three from each House be appointed to cancel the paid Warrants now in the State Treasurer's office, and to examine the books, accounts, and vouchers, and all matters appertaining to the Treasury Department, under the Funding Law, approved April twenty-eighth, one thousand eight hundred and fifty-seven.

Assembly bill No 18, an Act providing for a more complete survey and location of the boundary-lines, between the Counties of Shasta, Plumas, Sierra, and Tehama, read third time, and passed.

SPECIAL ORDER.

Assembly bill No. 173, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved April twenty-ninth, one thousand eight hundred and fifty-seven, the special order of the day, was considered in Committee of the Whole.

Mr. Moore, of Nevada, in the Chair.

Reported, with amendments, rules suspended, amendments concurred in, considered engrossed, read third time, and passed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

SENATE CHAMBER,
February 23, 1859.

MR. SPEAKER :—The Senate, on the nineteenth instant, concurred in Assembly Concurrent-Resolution No. 33, " relative to amendment of Assembly bill No. 166."

Also, have concurred in Assembly amendments to Senate amendments to Assembly bill No. 85, "An Act to authorize the Auditor and Treasurer of the City and County of Sacramento to transfer certain funds, and for other purposes."

Also, have concurred in Assembly Concurrent-Resolution No. 30, "Relative to pay for translating Governor's Message, and other public documents, into the Spanish language," with an amendment ;

Also, have passed Assembly bill No. 91, "An Act concerning the official bonds of the District-Attorney, Surveyor, Coroner, and Public Administrator, of the Counties of San Luis Obispo, San Diego, Yuba, and Nevada," with amendments ;

Also, on the sixteenth instant, passed Senate bill No. 124, an Act amendatory of, and supplementary to, an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the Government thereof," approved April nineteenth, one thousand eight hundred and fifty-six, of and to which there is a certain Act amendatory and supplementary, approved April eighteenth, one thousand eight hundred and fifty-seven, and of and to which there is a certain other Act amendatory and supplementary," approved April twenty-fifth, one thousand eight hundred and fifty-seven ;

Also, substitute for Senate bill No. 114, "An Act authorizing John McDougal, administrator of the estate of George McDougal, deceased, to convey certain real property ;"

Also, Senate bill No. 111, an Act amendatory of, and supplementary to, an Act entitled "An Act to extend the time of office of the Supervisors of El Dorado County, and to change the manner of their election, and define their duties and powers, in certain cases, and establish their salaries," approved April sixth, one thousand eight hundred and fifty-eight ;

Also, on the nineteenth instant, Senate bill No 123, "An Act to provide for a Police Contingent Fund, in and for the City and County of San Francisco ;"

Also, on the twenty-first instant, substitute for Assembly bill No 62, "An Act to amend an Act entitled an Act concerning official and other bonds," approved April second, one thousand eight hundred and fifty-seven ;

Also, Assembly bill No. 146, "An Act to authorize the Board of Supervisors of Marin County to levy a special tax ;"

Also, Assembly bill No. 102, substitute for Assembly bill No 34, "An Act concerning the County Judge of the County of Solano ;"

Also, Assembly bill No. 93, "An Act to confirm and legalize the tax-lists, or assessment-rolls, of the County of Marin, for the years one thousand eight hundred and fifty-seven, and one thousand eight hundred and fifty-eight, and to authorize the collection of unpaid taxes in said County," with amendments ;

Also, Assembly bill No. 103, "An Act concerning the Board of Supervisors of the County of Tuolumne," with amendments;

Also, Senate bill No. 56, "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 twenty-ninth, one thousand eight hundred and fifty-one;

Also, on the twenty-second instant, concurred in Assembly amendments to Senate bill No. 61, "An Act concerning the officers of Calaveras County, and the collection of poll-taxes, license-taxes, and foreign miners' license-taxes, in said County;"

Also, have passed Assembly bill No 46, "An Act for the relief of the County Treasurer of the County of San Joaquin," with amendments;

Also, Assembly bill No. 176, "An Act to fix the compensation of the County Judge of Tuolumne County;"

Also, Assembly bill No. 134, "An Act fixing the time of holding the Court of Sessions, and County Court, in the County of Nevada;"

Also, Assembly bill No. 19, "An Act concerning roads and highways, in the County of Nevada;"

Also, Assembly bill No. 105, "An Act legalizing the acts of D. W. Davis;"

Also, Assembly bill No. 127, "An Act to amend an Act entitled an Act concerning attorneys and counselors-at-law," approved February nineteenth, one thousand eight hundred and fifty-one;

Also, Assembly bill No. 124, "An Act to authorize the sale of the real estate belonging to the minor heirs of the late Joaquin Malarin, deceased, situated in the County of Monterey," with amendments;

Also, Assembly bill No 170, "An Act amendatory of an Act entitled an Act concerning the office of Public Administrator in the Counties of Nevada, Sacramento, Monterey, and Amador," approved April fifth, one thousand eight hundred and fifty-six;

Also, Senate bill No. 139, "An Act to provide for the payment of Volume VIII of the Reports of the Supreme Court of the State of California."

E. C PALMER, Secretary Senate.

Senate bills Nos 123 and 124, above reported, read first and second times, and refered to the San Francisco delegation.

The House concurred in Senate amendments to Assembly bills Nos. 91, 93, and 124, and Assembly Concurrent-Resolution No. 39, above reported.

Assembly bill No. 46, above reported, referred to San Joaquin delegation.

Assembly bill No. 103, above reported, referred to Tuolumne delegation.

Senate bill No 56, above reported, was read first and second times, and referred to the Judiciary Committee.

Substitute for Senate bill No. 114, above reported, was read first and second times, rules suspended, read third time, and passed;

Senate bill No. 111, above reported, was read first and second times, and referred to the El Dorado delegation;

Senate bill No. 139, above reported, was read first and second times, and, on the question of suspending the rules, for the purpose of putting the bill on its passage, Mr. Pixley moved the previous question, which was sustained, and Messrs Buck, Lull, and Pixley, demanded the ayes and noes, and the rules were suspended, by the following vote:

AYES—Messrs. Armstrong, Barclay, Buck, Caldwell, Cahalan, Canon,

Cherry, Coleman, Connely, Cope, Cutler, Dunlap, Gregory, Gwinn, Hancock, Hill, Hines, Imus, Jackson, Lamar, Laspeyre, Lies, Lightner, Lull, Malarin, Moore of Nevada, Mount, Murray, Pico, Rodgers, Shannon, Sloss, Street, Tipton, Torres, Watkins, Whealdon, Wing, and Young—39.

NOES—Messrs. Crenshaw, Dow, Holman, Howe, Johnson, Lefever, Lynch, Mathews, Pixley, Sheridan, Tully, Whitney, and Mr. Speaker—13.

And the bill was read third time, and passed.

Mr. Buck gave notice of a reconsideration.

REPORTS.

Reports were made as follows:

By Mr. Young:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 85, an Act to authorize the Auditor and Treasurer of the City and County of Sacramento to transfer certain funds, and for other purposes.

GEO. A. YOUNG, Chairman.

By Mr. Lynch:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 16, an Act concerning roads and highways in San Mateo County.

LYNCH, Chairman.

GENERAL FILE.

Assembly bill No. 65, an Act amendatory of an Act entitled an Act to amend an Act entitled an Act restricting the herding of sheep to certain pastures, in the Counties of Sonoma and Marin, approved April fifteenth, one thousand eight hundred and fifty-eight, amendments adopted, and ordered engrossed.

Assembly bill No. 84, an Act to create a branch of the Insane Asylum of California, was made the special order for Saturday next, at two o'clock, P. M.

Assembly bill No. 60, an Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, passed April fourteenth, one thousand eight hundred and fifty-three, and amended April thirtieth, one thousand eight hundred and fifty-five, and amended April tenth, one thousand eight hundred and fifty-eight;

And, Assembly bill No. 153, an Act regulating rodeos, and the trespassing of stock, in the Counties of this State;

Were indefinitely postponed.

Assembly bill No 56, an Act concerning the organization of the militia, was further considered, as in Committee of the Whole.

After spending some time in considering the bill, the Committee rose, reported progress, and had leave to sit again

At four o'clock, P. M., on motion of Mr. Lamar, the House adjourned.

IN ASSEMBLY.

THURSDAY, February 24, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

Mr. Moore of San Francisco had three days' leave of absence.

The Speaker announced, as the Committee, under the resolution adopted yesterday relative to canceling paid warrants, Messrs. Lamar, Squires, and Mathews.

PETITIONS.

Petitions were presented as follows:

By Mr. Sheridan:

Of citizens, for formation of new County, to be called Mokelumne County.

Referred to Committee on Counties and County Boundaries.

By Mr. Caldwell:

Of Patrick F. Dillon, in reference to measurement of water for mining purposes.

Referred to Committee on Mines and Mining Interests.

REPORTS.

Reports were made as follows:

By Mr. Murray:

MR. SPEAKER:—Your Committee on Public Printing, to whom was referred Assembly bill No. 178, "An Act to procure the translation into the Spanish language, and to provide for printing, such portions of the Statutes of the years one thousand eight hundred and fifty, and one thousand thousand eight hundred and fifty-one, as are now in force," return the said bill back to the House, and most respectfully recommend its passage, without amendment.

MURRAY, Chairman.
MATHEWS,
CAINE,
FULLER,
CAHALAN,
JOHNSON,
LASPEYRE.

By Mr. Cope:

MR. SPEAKER:—The Judiciary Committee, to whom was referred Assembly bill No. 43, "An Act to authorize the formation of Joint-Stock-Associations for savings, deposit, and discount," have considered the same, and report the bill back, with amendments, and recommend its passage, as amended.

COPE, Chairman.

By Mr. Lynch:

MR. SPEAKER:—The Committee on Engrossment have examined, and

found correctly engrossed, Assembly bill No. 173, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved April twenty-ninth, one thousand eight hundred and fifty-seven.

LYNCH, Chairman.

Verbal reports were made as follows:

By Mr. Lamar, from Committee on Elections, recommending the passage of Assembly bill No. 171, "An Act to amend an Act entitled an Act concerning offices, passed April twenty-eighth, one thousand eight hundred and fifty-one."

By Mr. Eagon, from Amador delegation, Assembly bill No. 31, an Act to separate the office of Collector of Taxes from the office of Sheriff, in the County of Amador, with amendments, and recommending its passage, as amended.

By Mr. Howe, from Tuolumne delegation, recommending the passage of Assembly bill No. 103, an Act concerning the Board of Supervisors of the County of Tuolumne.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 21, 1859.

To the Assembly of California:

I herewith inform your honorable body that I approved, on Saturday last, "An Act to provide for holding the January Term of the District Court of the Seventeenth Judicial District, in the County of Plumas;"

Also, "An Act to provide for the erection of Public Buildings in the County of Solano;"

Also, "An Act allowing compensation to the Coroner of the City and County of San Francisco, for certain services;"

Also, "An Act to authorize the sale of the real estate of the late Joaquin Soto, deceased;"

Also, "An Act to authorize the Board of Supervisors of Alameda County to levy a special tax, for school purposes."

JOHN B. WELLER.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Fuller, an Act to amend an Act entitled an Act to regulate fees in office, approved April tenth, one thousand eight hundred and fifty-eight.

By Mr. Davis, an Act to regulate salmon fisheries on Eel River, in Humboldt County.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Street, an Act to amend an Act entitled an Act to establish, support, and regulate, common schools, approved May eighth, one thousand eight hundred and fifty-five.

Read first and second times, and referred to the Committee on Education.

By Mr. Taylor, an Act to confirm and legalize certain assessment-rolls of the City and County of San Francisco, and to provide for the collection of delinquent taxes thereon.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Lightner, an Act to create a State Police, and to define the powers and duties of the same.

Read first and second times, and referred to the Committee on Public Morals.

RESOLUTIONS.

Mr. Young offered the following resolution, which was lost:

Resolved, That the House shall meet, each day of sitting, at ten o'clock, A. M., unless the House shall adjourn to some other hour.

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

Resolved, That the Governor be respectfully requested to transmit to this House, if compatible with public interests, the Journal or Record of the Board of State-prison Directors, for the year one thousand eight hundred and fifty-eight.

On motion of Mr. Gwinn, substitute for Senate Joint-Resolution No. 8, in relation to fraudulent Mexican land-grants, was taken from the file, and referred, with papers connected therewith, to Special Committee of seven.

The Speaker appointed, as such Committee, Messrs Gwinn, Taylor, Robberson, Shannon, Lefever, Gregory, and G. A. Douglas.

On motion of Mr. Buck, the vote by which the House, on yesterday, passed Senate bill No. 139, an Act to provide for the payment of volume eight of the Reports of the Supreme Court of the State of California, was reconsidered, and the bill referred to the Committee on Claims.

Mr. Moore of Nevada verbally reported, and recommended the passage of, Assembly bill No. 164, an Act to provide for the establishment of a State-prison Library.

Mr. Burdick offered the following resolution:

Resolved, That the Committee on Enrollment are hereby authorized to appoint an Assistant Enrolling Clerk, whose compensation shall be eight dollars per day, to be paid out of the Contingent Fund of the Assembly.

Mr. Moore of Nevada offered the following substitute:

Resolved, That C. Hawkins be, and is hereby, appointed Assistant Enrolling Clerk of the Assembly, and that he be allowed eight dollars per day for his services.

Adopted.

On the adoption of the substitute, Messrs. Whitman, Cutler, and Tully, demanded the ayes and noes, and it was adopted, by the following vote:

AYES—Messrs. Armstrong, Barclay, Caine, Caldwell, Cahalan, Canon, Coleman, Crenshaw, Cutler, Daggett, DeLong, G. A. Douglas, Dow, Dunlap, Eagon, Ellis, Ensworth, Fuller, Hancock, Hill, Hines, Imus, Lefever, Lightner, Lull, Malarin, Moore of Nevada, Pico, Roane, Shannon, Slingerland, Squires, Street, Torres, Vaughan, Watkins, Whealdon, Wing, Whitman, and Young—40.

NOES—Messrs. Banks, Briggs, Buck, Burdick, Condee, Connely, Davis, Gwinn, Holman, Howe, Johnson, Lamar, Laspeyre, Lies, Lynch, Mathews, Mount, Murray, Pixley, Robberson, Shepard, Sloss, Tipton, Tully, and Whitney—25.

Mr. Young gave notice of a reconsideration of the vote just taken.

Mr. Taylor made the following report:

MR. SPEAKER:—The San Francisco delegation, to whom was referred Assembly bill No. 167, for "An Act to provide for the purchase and erection of hydrants in the City and County of San Francisco," have had the same under consideration, and report the same back to the House, and recommend its passage, without amendment.

TAYLOR, for delegation.

The rules were suspended, and Assembly bill No. 167, above reported, was considered engrossed, read third time, and passed.

GENERAL FILE.

Assembly bill No. 143, an Act for the relief of partners and joint-debtors, indefinitely postponed.

Assembly bill No. 144, an Act to establish and declare a uniform mode for computing degrees of kindred;

Also, Assembly bill No. 155, an Act to authorize the Mayor of the City of Benicia to enter into an agreement with S. C. Hastings for exchange of certain property, for school purposes;

And, also, Assembly bill No. 168, an Act to amend an Act entitled an Act to regulate fees of office, approved April tenth, one thousand eight hundred and fifty-five;

Were ordered engrossed.

Assembly bill No. 140, "An Act in relation to mining corporations—amendments of Committee adopted, and ordered engrossed.

Assembly bill No. 192, "An Act to legalize the acknowledgments heretofore taken by any Deputy Clerk of the late Superior Court of the City of San Francisco, or by any Deputy County Recorder within this State," adopted as substitute for Senate bill No. 16, read first and second times, and ordered engrossed.

Senate bill No. 57, an Act fixing the salaries of District-Attorneys of certain Counties in this State, amended, read third time, and passed.

Mr. Hines gave notice of a reconsideration.

Assembly bill No. 157, "An Act to authorize the Secretary of State to purchase one thousand copies of the California State Register, and to distribute the same," was read third time, and, on its passage, Messrs. Tully, Buck, and Lamar, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Armstrong, Banks, Canon, Coleman, Connely, Crenshaw, DeLong, Ellis, Ensworth, Fuller, Gwinn, Hill, Holman, Imus,

Jackson, Laspeyre, Lies, Lightner, Lull, Lynch, Malarin, Moore of Nevada, Murray, Pico, Pixley, Roane, Squires, Taylor, Torres, Watkins, Whealdon, and Whitman—32.

NOES—Messrs. Barclay, Bates, Briggs, Buck, Burdick, Caine, Caldwell, Cahalan, Condee, Cope, Cutler, Daggett, Davis, Dow, Dunlap, Eagon, Gregory, Hines, Lamar, Lefever, Mathews, Robberson, Shannon, Sheridan, Sloss, Vaughan, Wing, Young, and Mr. Speaker—29.

Mr. Gwinn gave notice of reconsideration of the vote just taken.

Senate bill No. 80, an Act to allow Berthold Hoen to sell certain real estate, read third time, and passed.

Senate bill No. 82, "An Act making certificates of purchase evidence of title," Committee amendments adopted, further amended, read third time, and passed.

Assembly bill No 98, "An Act for the protection of laborers, butchers, grocers, and others"—

On its indefinite postponment, Messrs. Taylor, Lightner, and Lefever, demanded the ayes and noes, and the House refused to indefinitely postpone, by the following vote: ayes, 20—noes, 34:

AYES—Messrs. Barclay, Bates, Briggs, Buck, Coleman, Cope, Dunlap, Ensworth, Gwinn, Hines, Howe, Jackson, Lamar, Lies, Mathews, Shepard, Sheridan, Tully, Whitman, and Mr. Speaker—20.

NOES—Messrs. Burdick, Caine, Caldwell, Cahalan, Cherry, Condee, Connely, Cutler, Davis, Ellis, Fuller, Gregory, Holman, Imus, Johnson, Laspeyre, Lefever, Lightner, Lull, Moore of Nevada, Mount, Pixley, Roane, Robberson, Shannon, Slingerland, Sloss, Squires, Taylor, Tipton, Torres, Vaughan, Watkins, and Whealdon—34.

Mr. Pixley gave notice of a reconsideration of the vote just taken.

Senate bill No. 30, "An Act to divide the State into Congressional Districts, according to an Act of Congress, approved June twenty-fifth, one thousand eight hundred and forty-two"—

Mr. Buck moved a call of the House, which was sustained, and the following members were absent: Messrs. Armstrong, Daggett, G. A. Douglas, Eagon, Torres, and Whitney.

The Sergeant-at-Arms was dispatched for the absentees.

Further proceedings under the call were dispensed with.

Mr. Hill moved to adjourn, upon which, Messrs. Pixley, Cope, and Moore of Nevada, demanded the ayes and noes, and the House refused, by the following vote: ayes, 5—noes, 53:

AYES—Messrs, Hancock, Hill, Jackson, Pico, and Wing—5.

NOES—Messrs. Armstrong, Aud, Banks, Barclay, Bates, Burdick, Caine, Caldwell, Cahalan, Canon, Cherry, Condee, Connely, Cope, Crenshaw, Cutler, Davis, DeLong, G. N. Douglass, Dow, Dunlap, Ellis, Gregory, Hines, Holman, Howe, Imus, Johnson, Lamar, Laspeyre, Lefever, Lightnor, Lull, Lynch, Mathews, Moore of Nevada, Mount, Murray, Pixley, Roane, Robberson, Rodgers, Shepard, Sheridan, Squires, Taylor, Tipton, Torres, Tully, Vaughan, Watkins, Whealdon, and Whitman—53.

Mr. Moore of Nevada moved to make the bill the special order for tomorrow, at twelve o'clock, M., which was withdrawn, and renewed by Mr. Ellis, and the House refused to make it the special order.

Mr. Moore moved to make the bill the special order for half-past twelve o'clock, to-morrow.

Mr. Lull called for the reading of the minority report of the Committee on Elections.

Mr. Gwinn moved the previous question.

Which was sustained.

Mr. Lull moved to adjourn.

The Speaker, (Mr. Gregory in the Chair) having ruled Mr. Lull's motion in order, Mr Shepard appealed, upon which, Messrs. Moore of Nevada, Cope, and Shannon, demanded the ayes and noes, and the House refused to sustain the decision of the Chair, by the following vote:

AYES—Messrs Banks, Coleman, Cope, Crenshaw, Daggett, DeLong, Eagon, Fuller, Howe, Imus, Jackson, Johnson, Lull, Malarin, Mathews, Moore of Nevada, Rodgers, Slingerland, Street, Vaughan, and Whealdon—21.

NOES—Messrs. Armstrong, Barclay, Bates, Buck, Burdick, Caine, Caldwell, Cahalan, Canon, Condee, Connely, Davis, G. N. Douglass, Dow, Dunlap, Ellis, Ensworth, Gwinn, Holman, Lamar, Laspeyre, Lefever, Lies, Lightner, Mount, Murray, Pico, Robberson, Shannon, Shepard, Sheridan, Sloss, Squires, Taylor, Tipton, Torres, Tully, Watkins, and Young—39.

On the indefinite postponement of the bill, Messrs. Howe, Lefever, and Tipton, demanded the ayes and noes, and it was indefinitely postponed, by the following vote:

AYES—Messrs. Armstrong, Bates, Buck, Burdick, Cahalan, Canon, Coleman, Condee, Connely, Cope, Crenshaw, Cutler, Daggett, Davis, DeLong, G. N. Douglass, Dow, Eaon, Enswogrth, Gregory, Gwinn, Hines, Howe, Jackson, Lamar, Laspeyre, Lefever, Lies, Lightner, Mathews, Moore of Nevada, Mount, Murray, Roane, Robberson, Rodgers, Shepard, Sheridan, squires, Tipton, Torres, Tully, Vaughan, Watkins, Whitman, and Young.—46.

NOES—Messrs. Aud. Banks, Barclay, Briggs, Caine, Caldwell, Cherry, Dunlap, Ellis, Fuller, Holman, Imus, Johnson, Lull, Malarin, Pico, Shannon, Slingerland, Sloss, Street, Taylor, Whealdon, and Mr. Speaker—23.

Mr. DeLong gave notice of a reconsideration of the vote just taken.

Assembly bill No. 90, an Act to provide for improving Navarra River—Committee amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 16, an Act concerning roads and highways, read third time, and passed.

Senate bill No. 93, an Act to provide for the conveyance of mining-claims—Committee amendments adopted, and recommitted to Judiciary Committee.

Assembly bill No. 147, an Act creating a Contingent Fund for Shasta County, read third time, and passed.

Mr. Tipton made the following Report, which was adopted:

MR. SPEAKER:—The Committee on Mileage, having had under consideration the amount of mileage due members of the Special Committee appointed to visit the State Insane Asylum, beg leave to report as follows:

Names.	Miles.	Amount.
J. A. Eagon	230	$46 00
C. E. DeLong	230	46 00
J. Burdick	230	46 00

TIPTON, Chairman.

At four o'clock, P. M., on motion of Mr. Slingerland, the House adjourned.

IN ASSEMBLY.

FRIDAY, February 25, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

PETITIONS.

Petitions were presented as follows:

By Mr. Vaughan:

Of citizens of Sutter County, for an Act for free a bridge across Feather River.

Referred to Committee on Internal Improvements.

By Mr. Banks:

Of Supervisors of the City and County of San Francisco, for levy of special tax for County-jail.

Referred to San Francisco delegation.

REPORTS.

Reports were made as follows:

By Mr. Street, from majority of Committee on Ways and Means:

MR. SPEAKER:—The Committee on Ways and Means, to whom was referred Assembly bill No. 20, entitled an Act amendatory of an Act entitled an Act to provide revenue for the support of the government of this State, passed May fifteenth, one thousand eight hundred and fifty-four, having had the same under consideration, report it back, and a majority of the Committee recommend its indefinite postponement.

C. R. STREET.

MINORITY REPORT.

By Mr. Rodgers, from minority of same Committee:

The undersigned, a minority of the Committee on Ways and Means of the Assembly, to which a bill to exempt California mechanical labor from

taxation was referred, do not concur with a majority of the Committee in recommending to the Assembly the indefinite postponement of the said bill.

The justice of the proposition to exempt mechanical home labor from taxation, whilst the domestic products of other sources are exempt, is obvious. The cares and risks attending mechanical pursuits are not less than those of any other; whilst skill in this department of labor is only attained by a much longer, more confining, and severer apprenticeship than is required in the others. A tax, making an unfavorable discrimination against mechanics, as compared with other producers, is not just, and can only be excused upon the plea of urgent public necessity. This plea can not be urged with force in favor of the tax. By reference to the Controller's Report of the last year, it will be seen that the revenue derived from taxation of mechanical products is contributed in larger proportion by the City of San Francisco. The amount received is eighteen thousand two hundred and thirty-four dollars, nearly four times the amount contributed by Sacramento, and more than one-third the sum derived from all the other Counties, Sacramento inclusive.

The aggregate of all revenue paid into the Treasury for Merchant's Licenses, is fifty-one thousand seven hundred and fourteen dollars and ninety-nine cents. The money paid for what are known as the Ninth and Tenth Class Licenses, is turned directly into the County Treasury. It is under these classes of licenses that the sale of home mechanical products is made, and if any serious diminution of revenue were to ensue from exempting them from tax, the State Treasury would be affected only in a slight degree. Information from the Treasurer of San Francisco has been before the Committee, showing that there are only twenty Manufacturer's Licenses taken out in San Francisco—and all of them, except one, are under the Tenth Class, and are paid into the County Treasury. The actual revenue paid into the State Treasury, from San Francisco, from this source, is estimated by the Treasurer of San Francisco, at not more than two hundred and fifty dollars.

If this opinion be correct, and such data as have been within reach of the Committee would lead to that belief, the total revenue furnished to the State from Manufacturer's Licenses can not be over two thousand dollars.

The tax also discriminates unjustly between mechanics themselves. There is no reason why the labor of the carpenter and the mason should be exempt from taxation, and the hatter, the shoemaker, and the cabinetmaker—who are obliged to incur the expense of a shop and outfit, to which the class of mechanics first referred to are not liable—should be singled out as the proper subject for taxation.

The number of manufacturers, out of San Francisco, is exceedingly small, and the amount of revenue paid into the County Treasuries throughout the State, is so very small as not to justify the continuance of a tax upon a class of citizens equally meritorious with all others, upon a business which it is sound policy to foster.

WM. P. RODGERS,
JOHN W. CHERRY.

FEBRUARY 24th, 1859.

By Mr. Holman:

MR. SPEAKER:—The Committee on Commerce and Navigation, to whom

were referred Assembly bill No. 154, "An Act authorizing Charles B. Rider to construct a wharf at Trinidad Bay, in Klamath County;"

And Assembly bill No. 165, "An Act to grant the right to construct and maintain a dam and lock across Napa Creek;"

Beg to report them back, with amendments, and recommend their passage, as amended.

HOLMAN, Chairman.

By Mr. Squires:

MR. SPEAKER:—Your Committee on Public Expenditures and Accounts have examined, and found correct, the following accounts, to wit:

Account of James Anthony & Co., amounting to..	$183 50
Account of Charles R. Street, amounting to	15 00
Account of A. Zimmerman, amounting to	12 00
Total	$210 50

Respectfully,

OGDEN SQUIRES, Chairman.

By Mr. Lynch:

MR. SPEAKER:—The Committee on Engrossment report, as correctly engrossed:

Assembly bill No. 65, "An Act amendatory of an Act entitled an Act to amend an Act entitled an Act restricting the herding of sheep to certain pastures, in the Counties of Sonoma and Marin," approved April fifteenth, one thousand eight hundred and fifty-eight;

Assembly bill No. 140, an Act in relation to mining copartnerships;

Assembly bill No. 168, an Act to amend an Act entitled an Act to regulate fees in office, approved April tenth, one thousand eight hundred and fifty-five;

Assembly bill No. 144, an Act to establish and declare a uniform mode for computing degrees of kindred.

P. LYNCH, Chairman.

By Mr. Young:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled:

Assembly bill No. 134, "An Act fixing the time of holding the Court of Sessions, and the County Court, in the County of Nevada;"

Also, Assembly bill No. 102, an Act concerning the County Judge of the County of Solano;

Also, Assembly bill No. 149, an Act to legalize certain matters connected with the Crescent City Plank Road and Turnpike Company;

Also, Assembly bill No. 176, an Act to fix the compensation of the County Judge of Tuolumne County;

Also, Assembly bill No. 170, an Act amendatory of an Act entitled an Act concerning the office of Public Administrator, in the Counties of Nevada, Sacramento, Monterey, and Amador, approved April fifth, one thousand eight hundred and fifty-six;

And Assembly bill No. 105, an Act legalizing the acts of D. W. Davis.
GEO. A. YOUNG, Chairman.

Mr. Young moved to reconsider the vote by which the House, on yesterday, adopted a resolution appointing C. Hawkins Assistant Enrolling Clerk.

Mr. Murray moved the previous question.

Which was sustained.

The ayes and noes were demanded, by Messrs. Young, Sloss, and Buck, and the House refused to reconsider, by the following vote:

AYES—Messrs. Aud, Banks, Buck, Burdick, Caine, Connely, Cutler, G. N. Douglass, Dow, Ensworth, Gregory, Hill, Holman, Johnson, Lamar, Laspeyre, Lies, Lynch, Malarin, Mathews, Mount, Pico, Pixley, Robberson, Shepard, Sloss, Taylor, Torres, Young, and Mr. Speaker—30.

NOES—Messrs. Armstrong, Barclay, Bates, Briggs, Caldwell, Cahalan, Canon, Cherry, Coleman, Condee, Crenshaw, Daggett, Davis, DeLong, G. A. Douglas, Dunlap, Eagon, Ellis, Fuller, Gwinn, Hancock, Hines, Howe, Imus, Jackson, Lefever, Lightner, Lull, Moore of Nevada, Murray, Roane, Rodgers, Shannon, Sheridan, Slingerland, Squires, Street, Tipton, Vaughan, Watkins, and Whealdon—41.

The House, on motion of Mr. Pixley, reconsidered the vote by which, on yesterday, it refused to indefinitely postpone Assembly bill No. 98, an Act for the protection of laborers, butchers, grocers, and others.

On the indefinite postponement of the bill, Messrs. Sloss, Vaughan, and Lamar, demanded the ayes and noes, and the bill was indefinitely postponed, by the following vote:

AYES—Messrs. Aud, Barclay, Bates, Briggs, Buck, Coleman, Connely, Cope, Crenshaw, Cutler, Daggett, Davis, DeLong, G. N. Douglass, Dow, Dunlap, Eagon, Ensworth, Gwinn, Hancock, Hines, Howe, Imus, Jackson, Lamar, Lies, Lynch, Malarin, Mathews, Mount, Murray, Pico, Pixley, Rodgers, Shannon, Shepard, Sheridan, Slingerland, Squires, Street, Tully, Vaughan, Wing, Whitman, Whitney, and Mr. Speaker—46

NOES—Messrs. Armstrong, Banks, Burdick, Caine, Caldwell, Canon, Cherry, Condee, G. A. Douglas, Ellis, Fuller, Hill, Holman, Johnson, Lefever, Lightner, Lull, Roane, Sloss, Taylor, Tipton, Watkins, and Whealdon—23.

Mr. Gwinn moved to reconsider the vote by which the House, on yesterday, passed Assembly bill No. 157, an Act to authorize the Secretary of State to purchase one thousand copies of the California State Register, and to distribute the same.

Mr. Laspeyre moved the previous question.

Which was sustained.

And, on the reconsideration, Messrs. Lull, Shannon, and Cope, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs Barclay, Bates, Buck, Cahalan, Condee, Cope, Cutler, Daggett, G. N. Douglass, Dow, Dunlap, Eagon, Gregory, Hines, Johnson, Lamar, Laspeyre, Lefever, Mathews, Robberson, Rodgers, Shepard, Sheridan, Sloss, Street, Tipton, Tully, Vaughan, Wing, Young, and Mr. Speaker—31.

NOES—Messrs. Armstrong, Aud, Caldwell, Canon, Cherry, Coleman,

Connely, DeLong, G. A. Douglas, Ellis, Ensworth, Fuller, Gwinn, Hancock, Hill, Holman, Howe, Imus, Jackson, Lies, Lightner, Lull, Lynch, Malarin, Moore of Nevada, Mount, Murray, Pico, Pixley, Shannon, Squires, Taylor, Torres, Watkins, Whealdon, Whitman, and Whitney—37.

Mr. Lull verbally reported, with amendments, and recommended the passage of Assembly bill No, 184, an Act to amend an Act entitled An Act to authorize the Treasurer of the City and County of San Francisco to pay certain demands on the School Fund.

Also, Senate bill No. 86, an Act to amend an Act entitled an Act to provide for the funding and payment of the outstanding unfunded claims against the City of San Francisco, and against the County of San Francisco, as they existed prior to the first day of July, one thousand eight hundred and fifty-six.

Rules suspended, bill read third time, and passed.

Mr. Banks verbally reported, with amendments, and recommended the passage of Assembly bill No. 179, an Act to confer further powers upon the Board of Education, and the Treasurer, of the City and County of San Francisco.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 24, 1859.

To the Assembly of California:

I have to inform you that, on yesterday, the twenty-third instant, I approved an Act "To authorize the Auditor and Treasurer of the City and County of Sacramento to transfer certain funds, and for other purposes."

Also, this day, approved an Act providing for holding a special term of the District Court, in the Thirteenth Judicial District.

JOHN B. WELLER.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
February 24, 1859.

MR. SPEAKER:—The Senate, on yesterday, indefinitely postponed Assembly bill No. 48, "An Act to enable poor persons to prosecute and defend suits."

E. C. PALMER, Secretary of Senate.

SENATE CHAMBER,
February 24, 1859.

MR. SPEAKER:—The Senate, on the twenty-third instant, passed Senate bill No. 62, an Act to provide for the payment of Jail-keepers and Bailiffs in the City and County of San Francisco."

Also, Assembly bill No. 76, "An Act to change the name of John August Stromdohl to August William Stromdohl."

Also, Assembly bill No. 57, an Act concerning the offices of County

Clerk, Sheriff, and County Recorder, of the City and County of San Francisco," with amendments.

Also, on the twenty-second instant, passed Senate bill No. 137, an Act to aid in the erection of the Washington Monument in the District of Columbia."

Also, on the twenty-second instant, adopted Senate Concurrent-Resolution No. 26, relative to adjourning *sine die* on Monday, eleventh day of April, one thousand eight hundred and fifty-nine, at two o'clock, P. M., and ask the concurrence of the Assembly.

E. C. PALMER, Secretary Senate.

Senate bill No. 137, above reported, read first and second times, and placed on file.

Senate bill No. 62, above reported, read first and second times, and referred to the San Francisco delegation.

Amendments of the Senate to Assembly bill No. 57, above reported, placed on file.

Mr. Burdick moved to lay on the table Senate Concurrent-Resolution No. 26, above reported.

Upon which, Messrs. Aud, Burdick, and Squires, demanded the ayes and noes, and it was laid on the table, by the following vote:

AYES—Messrs. Armstrong, Banks, Bates, Briggs, Burdick, Cahalan, Canon, Cherry, Connely, Cutler, Daggett, DeLong, G A Douglas, G N. Douglass, Eagon, Eilis, Gwinn, Imus, Jackson, Lies, Lightner, Lull, Malarin, Mount, Pico, Shannon, Shepard, Sheridan, Slingerland, Sloss, Street, Taylor, Vaughan, Whealdon, Whitman, Whitney, and Mr. Speaker—36.

NOES—Messrs. Aud, Barclay, Caine, Caldwell, Coleman, Condee, Cope, Dow, Dunlap, Ensworth, Fuller, Hines, Holman, Johnson, Lamar, Lefever, Mathews, Moore of Nevada, Murray, Pixley, Roane, Robberson, Rodgers, Squires, Torres, Tully, Watkins, Wing, and Mr. Young—29.

SENATE CHAMBER,
February 25, 1859.

MR. SPEAKER:—The Senate, on yesterday, passed Senate bill No. 141, an Act supplementary to, and amendatory of, an Act entitled an Act to authorize the funding of the unfunded debt of the City of San José, and to provide for the payment of the same;

Also, Senate bill No. 142, an Act to provide for funding the debt of Tulare County, for the payment of the interest thereon, and for the gradual liquidation of the debt;

Also, Senate bill No. 148, an Act authorizing the Board of Supervisors in and for the County of Butte to levy a special tax, on all taxable property in said County, for contingent purposes.

E. C. PALMER, Secretary Senate.

Senate bill No. 148, above reported, read first and second times, and referred to the Butte delegation.

Senate bill No. 142, above reported, read first and second times, rules suspended, read third time, and passed.

Senate bill No. 141, above reported, read first and second times, and referred to the Santa Clara delegation.

SENATE CHAMBER,
February 25, 1859.

MR. SPEAKER:—The Senate have passed Senate bill No. 47, an Act to

authorize the Board of Supervisors of Sutter County to construct a bridge across Feather River, and levy a special tax therefor;

And, also, transmit to the Assembly certain petitions from residents of the Counties of Yuba and Sutter, accompanying the bill.

E. C. PALMER, Secretary Senate.

Senate bill No. 47, above reported, read first and second times, referred to the Committee of the Whole, and made the special order for to-morrow, at twelve o'clock, M.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Shepard:

Resolved, As a standing rule of this House, that the members shall be permitted to speak but once on any question pending, and shall be limited in time to ten minutes. This resolution shall not be permanently or temporarily suspended, unless by unanimous consent of the House, obtained before such member shall have commenced speaking.

Lies over, under the rule.

By Mr. Young:

Resolved, That the Controller be requested to inform this House of the number of blank poll-tax receipts sent, in the year one thousand eight hundred and fifty-eight, to each County officer in the State; the number returned; the number accounted for; the number unsettled for; also, the number of foreign miner's license blanks sent to each County officer, for the year one thousand eight hundred and fifty-eight; the number returned; the number accounted for; the number unsettled for.

Adopted.

By Mr. Rodgers:

Resolved, That the Governor be requested to furnish this Assenbly, at his earliest convenience, as accurate information as he may be able to procure, of the number, calibre, and pattern of arms, of all description, now deposited in the arsenal of the United States in California, and in the armories of volunteer companies within this State; to inform this Assembly whether, in his opinion, the supplies of ordnance, ammunition, military stores, and accoutrements, be sufficient to place the citizens of California upon an efficient war-footing, and, if there be a deficiency, in what department and of what nature the same may be.

Adopted.

By Mr. Laspeyre:

Whereas, From information received, we have reason to believe that there exists at present, within the borders of this State, an Indian war: Therefore,

Resolved, That the Commander-in-Chief of the California Militia be requested to inform the Legislature where the seat of war is located, what the cost of said war is, up to the present time, and what the prospects are for a termination of hostilities.

Laid on the table.
By Mr. Buck:

Resolved, That from and after this date, whenever the House shall allow a Clerk, or Assistant-Clerk, the Committees for whom such Clerks are intended, shall select and appoint the same.

Adopted.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Moore of Nevada, an Act to amend an Act entitled an Act concerning the office of Secretary of State, passed May first, one thousand eight hundred and fifty-four.

By Mr. Banks, an Act providing for the erection of a County-jail in the City and County of San Francisco.

By Mr. Lies, an Act to provide for the disposal of the sixteenth and thirty-sixth sections, and of the appropriation of the proceeds to the credit of the General School Fund.

By Mr. Young, an Act concerning the collection of foreign miners' licenses.

By Mr. Ellis, an Act amendatory of, and supplementary to, an Act passed April twenty-fourth, one thousand eight hundred and fifty-eight, entitled an Act to repeal an Act, passed March twenty-sixth, one thousand eight hundred and fifty-seven, entitled an Act to incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Mount, an Act supplementary to an Act entitled an Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, one thousand eight hundred and fifty-seven, approved February twenty-first, one thousand eight hundred and fifty-nine.

Read first and second times, and placed on file.

By Mr. Ellis, an Act to fund certain claims against Sacramento County.

Read first and second times, and placed on file.

By Mr Robberson, an Act to authorize the State Treasurer to issue to George Campbell, a duplicate school-land warrant, in lieu of a certain other warrant given up to be canceled.

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

By Mr. Mount, an Act to change the name of Jacob Schlechwey to Jacob Robinson.

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

By Mr. Pico, an Act to provide for the better encouragement of the culture of the vine and the olive.

Read first and second times, and referred to Committee on Agriculture.

By Mr. Young, an Act authorizing and regulating the collection and settlement of poll-taxes.

Read first and second times, referred to Committee on Ways and Means, and ordered printed.

By Mr. Fuller, an Act to amend an Act entitled an Act to regulate fees

of office, approved April tenth, one thousand eight hundred and fifty-five.

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

By Mr Cope, an Act to repeal the Act entitled an Act to authorize married women to transact business in their own names, as sole traders, approved April twelfth, one thousand eight hundred and fifty-two.

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

By Mr. Cahalan, an Act to separate the offices of County Recorder, County Auditor, Clerk of the Board of Equalization, and Clerk of the Board of Supervisors, from the office of County Clerk, in the County of Nevada.

Read first and second times, and referred to Nevada delegation.

By Mr. Cherry, an Act supplemental to an Act entitled an Act granting certain powers to the Board of Education, of the City and County of San Francisco, approved April twenty-sixth, one thousand eight hundred and fifty-eight.

Read first and second times, and referred to San Francisco delegation.

By Mr. Banks, an Act to authorize the incorporation of Rural Cemetery Associations.

Read first and second times, and referred to Committee on Corporations.

By Mr Lull, an Act for the relief of Samuel R. Gerry.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Ellis, an Act to authorize H. W. Bragg, guardian of the minor heirs of David Martin, and Ann Martin, deceased, to sell the real estate of such minor heirs, at public or private sale.

Read first and second times, and placed on file.

By Mr. Daggett, an Act to regulate salmon fisheries, in Eel River, in Humboldt County.

Read first and second times, and referred to Committee on Internal Improvements.

By Mr. Rodgers, an Act to authorize the Assessor of Alameda County to appoint two Deputies, and to legalize previous assessments

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

GENERAL FILE.

Assembly bill No. 142, an Act for the relief of John McQuade and William Fell, read third time, and passed.

Assembly bill No. 26, an Act concerning interest on money, and to prevent usury, was made the special order of the day for Tuesday next, at two o'clock, P M.

Assembly bill No 66, an Act to alter and define the boundary-lines of Tehama County—Committee amendments adopted.

Mr. Canon offered the following amendment:

Strike out all after the word "County," in the sixteenth line of section one, and insert the following—"thence down the line of Plumas County to the Cold Spring House, thence down the dividing ridge, in a south-westerly direction, to the head-waters of Rock Creek, and down the centre of said Creek to Township-line twenty-three, (23) thence on said line to the centre of the Sacramento River, and along the centre of said River to the place of beginning."

Upon the adoption of the amendment, Messrs. DeLong, Whealdon, and

Canon demanded the ayes and noes, and the House refused, by the following vote: ayes, 21—noes, 37:

AYES—Messrs. Aud, Banks, Briggs, Burdick, Caine, Caldwell, Canon, Cherry, DeLong, G. A. Douglas, Ellis, Fuller, Imus, Jackson, Pixley, Shannon, Shepard, Slingerland, Sloss, Whealdon, and Young—21.

NOES—Messrs. Armstrong, Barclay, Bates, Buck, Cahalan, Coleman, Condee, Connely, Crenshaw, Cutler, Daggett, G. N. Douglass, Dow, Dunlap, Ensworth, Gregory, Gwinn, Hines, Howe, Johnson, Lamar, Laspeyre, Lefever, Lightner, Lull, Lynch, Malarin, Roane, Robberson, Squires, Street, Tipton, Tully, Vaughan, Watkins, Wing, Whitman, and Mr. Speaker—37.

Mr. Lull gave notice of reconsideration of the vote just taken.

REPORTS.

Reports were made as follows:

By Mr. Young:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly Bill No. 93, an Act to confirm and legalize the tax-lists or assessment-rolls of the County of Marin, for the years eighteen hundred and fifty-seven, and eighteen hundred and fifty-eight, and to authorize the collection of unpaid taxes in said County.

GEO. A. YOUNG, Chairman.

By Mr. Taylor:

MR. SPEAKER:—The San Francisco delegation, to whom were referred Senate bill No. 123, for "An Act to provide for a Police Contingent Fund in and for the City and County of San Francisco," and Senate bill No. 124, for "An Act amendatory of, and supplementary to, an Act to repeal the several Charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the Government thereof, approved April nineteenth, one thousand eight hundred and fifty-six, of and to which there is a certain Act amendatory and supplementary, approved April eighteenth, one thousand eight hundred and fifty-seven; and of and to which there is a certain other Act amendatory and supplementary, approved April twenty-fifth, one thousand eight hundred and fifty-seven," have had the same under consideration, and a majority of the delegation report the bills back, and recommend their passage, without amendment.

TAYLOR,
CHERRY,
PIXLEY,
LULL,
SHEPARD,
HILL,
MOORE.

At twenty minutes past four o'clock, P. M., on motion of Mr. Cope, the House adjourned.

IN ASSEMBLY.

SATURDAY, February 26, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

Mr. Lynch had leave of absence for one day.

REPORTS.

Reports were made as follows:

By Mr. Street:

MR. SPEAKER:—The Committee on Ways and Means, to whom was referred Assembly bill No. 58, "An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, passed May fifteenth, one thousand eight hundred and fifty-four," having had the same under consideration, report it back, with amendments, and a majority of the Committee recommend its passage, as amended.

CHAS. R. STREET.

By Mr. Cope:

MR. SPEAKER:—The Judiciary Committee, to whom was referred Assembly bill No. 52, "An Act to prevent the adulteration of wines and liquors," have considered the same, and report the bill back, and recommend its indefinite postponement.

The same Committee, to whom was referred Senate bill No. 49, "An Act concerning crimes and punishments, and for the better protection of wines and liquors against adulterations and counterfeits," have considered the same, and report the bill back, and recommend its indefinite postponement.

The same Committee, to whom was referred Assembly bill No. 118, "An Act to authorize the guardian or guardians of certain minors to sell and dispose of their real estate and chattels real," have considered the same, and report the bill back, with amendments, and recommend its passage, as amended.

The same Committee, to whom was referred Assembly bill No. 182, "An Act concerning certain acknowledgments of deeds and other instruments in writing, affecting real estate," have considered the same, and report the bill back, and recommend its passage.

COPE, Chairman.

By Mr. Connely:

MR. SPEAKER:—The Committee on Agriculture, to whom was referred Assembly bill No. 188, entitled an Act to prevent stallions from running at large in the county of Sacramento, have considered the same, and have instructed me to report the bill back to the House, and recommend its passage.

D. W. CONNELY.

By Mr. Young:

MR. SPEAKER:—The Committee on Enrollment have examined, and

found correctly enrolled, Assembly bill No. 146, "An Act to authorize the Board of Supervisors of Marin County to levy a special tax.

GEO. A. YOUNG, Chairman.

By Mr. Tully:

MR. SPEAKER:—The Select Committee, to whom was referred Assembly bill No. 186, entitled "An Act for the relief of purchasers of lands from the State of California," have had the same under consideration, and report the same back, with a unanimous recommendation that it pass.

TULLY, Chairman.

By Mr. Lamar, from minority of Committee on Ways and Means:

MR. SPEAKER:—A minority of the Committee on Ways and Means believe that Assembly bill No. 58, introduced by Mr. Cherry, of San Francisco, and referred to said Committee, should never become a law, because auctioneers, who should pay their just proportion of revenue towards the support of the Government, can not, according to the provisions of that bill, be compelled to pay more than a nominal sum for that purpose, and because one of the injurious effects of that bill would be to make, as between traders, an unjust discrimination in favor of auctioneers, who invest no capital in their business, and against permanently established and regular merchants, upon whose interest depends the life of legitimate trade.

J. B. LAMAR,
HENRY HANCOCK.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Holman, for an Act concerning the County Auditor of San Joaquin County.

And, an Act to amend an Act entitled an Act amendatory of, and supplemental to, an Act to provide for funding the debt of San Joaquin County, for the payment of the interest thereon, and the gradual liquidation of the debt, approved April twenty-ninth, one thousand eight hundred and fifty-six.

Were read first and second times, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 123, an Act to provide for a Police Contingent Fund, in and for the City and County of San Francisco, was taken from the file, read third time, and passed.

Mr. Sheridan gave notice of the introduction of a bill for an Act further defining the duties of Courts of Sessions, Grand-Juries, and Boards of Supervisors, in the different Counties of this State.

Mr. Moore of Nevada, by leave, introduced a bill for an Act to amend an Act entitled an Act concerning the office of Secretary of State, passed May fourth, one thousand eight hundred and fifty-four.

Read first and second times, and placed on file.

The resolution offered by Mr. Shepard, on yesterday, was taken up, and, on motion of Mr. DeLong, was laid on the table.

SPECIAL ORDER.

Senate bill No. 47, an Act to authorize the Board of Supervisors of

Sutter County, to construct a bridge across Feather River, and levy a special tax therefor, was taken up.

And Mr. Gwinn moved that the House consider itself as in Committee of the Whole, for the consideration of the bill.

Mr. Cope moved that the bill be referred to the Committee on Commerce and Navigation.

Which latter motion prevailed, and the bill was so referred.

Assembly bill No. 84, an Act to create a branch of the Insane Asylum of California, was made the special order for Thursday, March third, at two o'clock, P. M.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Banks, an Act to amend an Act entitled an Act to regulate fees in office in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Street, an Act concerning roads and highways in Shasta County.

Read first and second times, and referred to Shasta delegation.

By Mr. Taylor, an Act to provide for the payment of judgments against the City, the County, and the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

NOTICES OF BILLS.

Notices of the introduction of bills were given, as follows:

By Mr. Laspeyre, an Act to join the County of San Mateo to the Counties of Santa Clara and Alameda, to compose one Senatorial District, and being entitled to two Senators.

By Mr. Banks, an Act to regulate the appointment of sequestrators, and to define their duties.

Mr. Connely introduced Concurrent-Resolution relative to the report of the Recording Secretary of the State Agricultural Society.

Adopted.

The following resolution was offered by Mr. Street, and adopted:

Resolved, That Julius Schulz be, and he is hereby, allowed the sum of two hundred and forty-two dollars, being half the amount of the claim for translating the Governor's Message into the German language, and that the same be paid out of the Contingent Fund of the Assembly.

GENERAL FILE.

Senate bill No. 132, an Act authorizing and empowering the County Recorder of Solano County to transcribe certain records, and to legalize the same, read third time, and passed.

Mr. Tully verbally reported, and recommended the passage of Senate bill No. 141, an Act supplementary to, and amendatory of, an Act entitled an Act to authorize the funding of the unfunded debt of the City of San José, and to provide for the payment of the same.

Rules suspended, read third time, and passed.

Assembly bill No. 148, an Act supplementary to, and amendatory of, an Act to amend an Act entitled an Act concerning the office of Public Ad-

ministrator, and making it elective, passed April fifteenth, one thousand eight hundred and fifty-one, passed May seventh, one thousand eight hundred and fifty-five;

And, Assembly bill No. 163, an Act amendatory of an Act entitled an Act to provide for the sale and reclamation of the swamp and overflowed lands of this State, approved April twenty-first, one thousand eight hundred and fifty-eight;

Were ordered engrossed.

The House concurred in Senate amendments to Assembly bill No. 57, an Act concerning the offices of County Clerk, Sheriff, and County Recorder, of the City and County of San Francisco.

Assembly bill No. 193, an Act supplementary to an Act entitled an Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, one thousand eight hundred and fifty-seven, approved February twenty-first, one thousand eight hundred and fifty-nine, amended, and referred to the Judiciary Committee, with instructions, to strike out Santa Barbara County.

At half-past three o'clock, P. M., on motion of Mr. Slingerland, the House adjourned.

IN ASSEMBLY.

MONDAY, February 28, 1859.

House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of Saturday was read.

Messrs. Connely, Pixley, Mathews, and Shannon, had leave of absence for two days each;

Mr. Robberson, four days;

Mr. Tully, one day;

And Mr. Torres, indefinite leave.

Mr. Gwinn moved to strike from the Journal of Saturday's proceedings all which relates to Senate bill No. 47, the special order of the day.

Lost, and Journal approved.

Mr. Rodgers presented petition of citizens of Alameda County, for the levy of a special tax, for school purposes.

The following resolution was offered by Mr. Eagon:

Resolved, That M. G. Upton be, and is hereby, appointed Official Reporter for this Assembly, from Friday, February the twenty-fifth, and, whose compensation shall be fourteen dollars per day, to be paid out of the Contingent Fund of the Assembly.

Mr. Lamar moved the previous question.

Which was not sustained.

On the adoption of the resolution, Messrs. Sloss, Young, and Slingerland, demanded the ayes and noes, and the resolution was adopted, by the following vote:

AYES—Messrs. Armstrong, Barclay, Bates, Buck, Burdick, Cahalan, Cherry, Cope, Daggett, Davis, DeLong, Dow, Dunlap, Eagon, Ellis,

Ensworth, Gregory, Gwinn, Hancock, Holman, Howe, Johnson, Lamar, Laspeyre, Lefever, Lies, Lightner, Lull, Malarin, Mount, Pico, Roane, Rodgers, Sheridan, Squires, Street, Tipton, Vaughan, Wing, Whitman, Young, and Mr. Speaker—42.

NOES—Messrs. Banks, Briggs, Caine, Caldwell, Canon, Coleman, Crenshaw, Fuller, Imus, Jackson, Murray, Shepard, Slingerland, Sloss, Springer, Taylor, Watkins, Whealdon, and Whitney—19.

Mr. DeLong gave notice of a reconsideration of the vote just taken.

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

Resolved, By the Assembly, the Senate concurring, that M. Malarin be added to Joint Committee appointed to select proposals for the translation of the Laws of the present session into the Spanish language.

Mr. Shepard offered the following resolution, which lies over under the rules:

Resolved, As a Standing Rule of this House, that from and after this day the first two hours after the reading of the minutes of each day's session shall be devoted exclusively to the consideration of bills of a general nature on the general file.

Mr. Street presented petition of citizens of Shasta County, to expel Chinese from the mines.

Referred to Committee on Mines and Mining Interests.

REPORTS.

Reports were made as follows:

By Mr. Condee:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 90, an Act to provide for improving Navarra River.

GEO. M. CONDEE, Member of Committee.

By Mr. Young:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No, 19, an Act concerning roads and highways, in the County of Nevada.

GEO. A. YOUNG, Chairman.

By Mr. Ensworth:

MR. SPEAKER:—The Committee on the Journalized Proceedings of the House, have examined the same, and find them correctly written, up to Thursday, the twenty-fourth instant.

A. S. ENSWORTH, Chairman.

MONDAY, February 28, 1859.

By Mr. Burdick:

MR. SPEAKER:—Your Auditing Committee have examined the copying done for the Assembly, and find it as follows:

In the Journal, folios	1,508
For Printer, and other copying, folios	2,394
Total	4,902

JAS. BURDICK, Chairman.

Mr. Street verbally reported, and recommended the passage of Assembly bill No. 213, an Act concerning roads and highways, in Shasta County.

Mr. Laspeyre, from the San Joaquin delegation, verbally reported, and recommended the concurrence in Senate amendments to Assembly bill No. 46, an Act for the relief of the County Treasurer of the County of San Joaquin.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 26, 1859.

To the Assembly of California:

I have, this day, approved an Act "To authorize the Board of Supervisors of Marin County to levy a special tax."

JOHN B. WELLER.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
February 26, 1859.

MR. SPEAKER:—The Senate have, this day, passed Assembly bill No. 210, "An Act to amend an Act entitled an Act amendatory of, and supplemental to, an Act to provide for funding the debt of San Joaquin County, for the payment of the interest thereon, and the gradual liquidation of the debt, approved April twenty-ninth, one thousand eight hundred and fifty-six."

Also, Assembly bill No. 209, an Act concerning the County Auditor of San Joaquin County.

E. C. PALMER, Secretary of Senate.

SENATE CHAMBER,
February 26, 1859.

MR. SPEAKER:—The Senate, on yesterday, passed Senate bill No. 98, "An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State."

Also, Assembly bill No. 151, "An Act to change the names of certain persons therein named."

Also, Assembly bill No. 172, "An Act to authorize Michael Massett to remove the remains of deceased persons,"

Also, Assembly Joint-Resolution No. 28, "Relative to the appointment of a Commission for the care of sick, indigent, or destitute immigrants."

Also, Senate bill No. 125, "An Act relating to the sureties on the official bond of Henry Bates, late State Treasurer."

E. C. PALMER, Secretary of Senate.

Senate bill No. 98, above reported, read first and second times, and referred to the Judiciary Committee.

Senate bill No. 125, above reported, read first and second times, and referred, with accompanying accounts, to the Committee on Ways and Means.

SENATE CHAMBER,
February 28, 1859.

MR. SPEAKER:—I am directed, by the Senate, to transmit to the Assembly the accompanying accounts and affidavits

E. C. PALMER, Secretary of Senate.

Certain accounts, purporting to be a claim of John P. Brodie for translating State documents, were referred to Committee on Accounts and Expenditures.

SENATE CHAMBER,
February 28, 1859.

MR. SPEAKER:—The Senate, on the twenty-fifth instant, passed Senate bill No. 55, an Act to fund the entire indebtedness of Calaveras County contracted prior to the first day of November, one thousand eight hundred and fifty-eight, and to provide for the payment of the same;

Also, Senate bill No. 106, an Act to amend an Act entitled an Act to create the office of State-Printer, define the duties and compensation thereof, and provide for the time and manner of election, approved May fifteenth, one thousand eight hundred and fifty-four;

Also, Senate bill No. 121, an Act concerning the office of Sheriff, in and for the Counties of Solano and Contra Costa.

E. C. PALMER, Secretary of Senate.

Senate bill No. 55, above reported, read first and second times, rules suspended, amended, read third time, and passed.

Mr. Eagon gave notice of a bill for an Act to amend an Act entitled an Act to establish a standard of weights and measures, passed March thirtieth, one thousand eight hundred and fifty.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Squires, an Act to amend an Act, approved February twenty-first, one thousand eight hundred and fifty-nine, entitled an Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, one thousand eight hundred and fifty-one.

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

By Mr. Lies, an Act to provide for the disposal of the sixteenth and thirty-sixth sections of land donated to this State for school purposes, by Act of Congress, passed March third, one thousand eight hundred and fifty-three, and to appropriate the proceeds of the sale thereof to the credit of the General School Fund.

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

By Mr. Johnson, an Act to provide for the stay of execution.

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

By Mr. Banks, an Act to regulate the appointment of sequestrators, and to define their duties.

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

By Mr. Ellis, an Act for the protection of Gas-light Companies.

Read first and second times, and placed on file.

By Mr. Young, an Act to provide for the protection of foreigners, and to define their liabilities and privileges.

Read first and second times, referred to Committee on Ways and Means, and ordered printed.

By Mr. Taylor, an Act to authorize the Board of Supervisors of the City and County of San Francisco to construct a macadamized road.

Read first and second times, and referred to the San Francisco delegation.

GENERAL FILE.

On motion of Mr. Dunlap, the vote by which the House, on Friday last, adopted the Committee amendments to Assembly bill No. 66, "An Act to alter and define the boundary-lines of Tehama County," was reconsidered, the amendments lost, and the bill ordered engrossed.

Assembly bill No. 161, an Act fixing the salaries of the County Judge of San Bernardino County, and of the District-Attorney for said County, and repealing all former Acts inconsistent with the provisions of this Act, ordered engrossed

Assembly bill No. 25, "An Act to exempt firemen from militia-duty, jury-duty, and the payment of poll-taxes, and repealing all Acts heretofore existing relative thereto, and conflicting with this Act," was taken up.

Mr. Young moved to amend by striking out "poll-tax," wherever it occurs in the bill.

Upon which, Messrs. Cherry, DeLong, and Gregory, demanded the ayes and noes, and the amendment was lost, by the following vote:

AYES—Messrs Armstrong, Barclay, Bates, Buck, Caine, Cahalan, Crenshaw, Cutler, Daggett, Dow, Dunlap, Ellis, Gregory, Gwinn, Hines, Howe, Johnson, Lamar, Laspeyre, Lefever, Lynch, Roane, Sheridan, Springer, Tipton, Vaughan, Watkins, Whitney, and Young—28

NOES—Messrs. Banks, Burdick, Caldwell, Cherry, Coleman, Condee, DeLong, Ensworth, Fuller, Hill, Holman, Imus, Jackson, Lies, Lightner, Lull, Malarin, Moore of Nevada, Mount, Murray, Pico, Rodgers, Slingerland, Sloss, Squires, Street, Taylor, Whealdon, Wing, Whitman, and Mr. Speaker—31.

On the indefinite postponement of the bill, Messrs. Cherry, DeLong, and Whealdon, demanded the ayes and noes, and the bill was indefinitely postponed, by the following vote: ayes, 33—noes, 25:

AYES—Messrs. Armstrong, Barclay, Bates, Buck, Cahalan, Cope, Crenshaw, Cutler, Daggett, Dow, Dunlap, Ellis, Ensworth, Gregory, Gwinn, Hines, Howe, Johnson, Lamar, Laspeyre, Lefever, Lies, Lynch, Mount, Murray, Roane, Springer, Tipton, Vaughan, Watkins, Whitman, Whitney, and Young—33.

NOES—Messrs. Banks, Burdick, Caine, Caldwell, Cherry, Coleman, Condee, DeLong, Fuller, Hill, Holman, Imus, Jackson, Lightner, Lull, Rodgers, Sheridan, Slingerland, Sloss, Squires, Street, Taylor, Whealdon, Wing, and Mr. Speaker—25.

Mr. Lightner, by leave, offered the following resolution, which was adopted:

Resolved, That the Committee on Claims be, and they are, empowered to employ a Clerk, whenever they may deem his services necessary.

Mr. Lull, by leave, introduced Assembly Joint-Resolution, providing for a Railroad Convention of the State of California, and the Territories of Oregon and Washington.

Read first and second times, and referred to Committee on Internal Improvements.

GENERAL FILE RESUMED.

Assembly bill No. 108, an Act to provide for the compensation of the Keepers of the County-jails in Shasta and Colusa Counties, and to legalize all warrants heretofore issued for the payment of the services of the Keepers of said Jails, recommitted to Shasta delegation, with instructions to amend section second.

Assembly bill No. 86, an Act to abolish the office of State Gauger for the Port of San Francisco, read third time.

Mr. Laspeyre moved a call of the House.

Which was sustained.

And Messrs. G. A. Douglas, G. N. Douglass, Dunlap, Gregory, Hancock, Moore of San Francisco, and Roane, were absent.

And the Sergeant-at-Arms dispatched for the absentees.

Further proceedings under the call were dispensed with.

Mr. Moore of Nevada moved to indefinitely postpone the bill.

Mr. Lightner moved the previous question.

Which was sustained.

And, on the indefinite postponement of the bill, Messrs. Moore of Nevada, Cahalan, and Burdick, demanded the ayes and noes, and the bill was indefinitely postponed, by the following vote:

AYES—Messrs. Armstrong, Burdick, Cahalan, Coleman, Condee, Cope, Crenshaw, Cutler, Dow, Eagon, Ensworth, Gwinn, Hines, Howe, Lamar, Laspeyre, Lefever, Lies, Lightner, Malarin, Moore of Nevada, Mount, Pico, Roane, Sheridan, Springer, Squires, Tipton, Vaughan, Whitman, Young, and Mr. Speaker—32.

NOES—Messrs. Banks, Barclay, Bates, Buck, Caine, Caldwell, Cherry, Daggett, DeLong, Ellis, Fuller, Hill, Holman, Imus, Jackson, Johnson, Lull, Lynch, Murray, Rodgers, Shepard, Slingerland, Sloss, Street, Taylor, Watkins, Whealdon, Wing, and Whitney—29.

Mr. Springer gave notice of reconsideration of the vote just taken.

Assembly bill No. 11, an Act concerning marriages and divorces;

And Assembly bill No. 45, an Act amendatory of, and supplementary to, the Act defining the rights of husband and wife:

Were made the special order for March fourth, at twelve o'clock, M.

The following resolution, on leave, was offered by Mr. Rodgers, and adopted:

Resolved, That a Committee, of five members of this House, be appointed to proceed to Oakland, to inquire into the expediency of locating the Seat of Goverment of this State at that place, and to report to this House.

Mr. Springer gave notice of reconsideration of vote just taken.

GENERAL FILE RESUMED.

Senate bill No. 65, an Act to amend an Act entitled an Act to reincorporate the City of Stockton, approved March thirty-first, one thousand eight hundred and fifty-seven—Committee amendments adopted, read a third time, and passed.

Mr. Young made the following report:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 210, an Act to amend an Act entitled an Act amendatory of, and supplementary to, an Act to provide for funding the debt of San Joaquin County, for the payment of the interest thereon, and the gradual liquidation of the debt, approved April twenty-ninth, one thousand eight hundred and fifty-six.

Also, Assembly bill No. 209, an Act concerning the County Auditor of San Joaquin County.

GEO. A. YOUNG, Chairman.

Mr. Howe moved to adjourn.

Lost.

Assembly bill No. 183, an Act to fix the time for holding the County Court, and the Court of Sessions, in the County of Tehama—and the Court of Sessions, County Court, and Probate Court, in the County of Colusa, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 74, an Act for securing liens to laborers in the mines, made the special order for March first, one thousand eight hundred and fifty-nine, at twelve o'clock, M.

Assembly bill No. 43, an Act to authorize the formation of joint-stock-associations for savings, deposit, and discount, made the special order for March first, one thousand eight hundred and fifty-nine, at twelve o'clock, M.

The House amended Senate amendments to Assembly bill No. 103, an Act concerning the Board of Supervisors of the County of Tuolumne.

Assembly bill No. 171, an Act to amend an Act entitled an Act concerning officers, passed April twenty-eighth, one thousand eight hundred and fifty-one, amended, and recommitted to Committee on Elections.

Assembly bill No. 155, an Act to authorize the Mayor of the City of Benicia to enter into an agreement with S. C. Hastings, for exchange of certain property, for school purposes, read third time, and passed.

Assembly bill No. 164, an Act to provide for the establishment of a State-prison Library—

Pending the consideration of the bill, at four o'clock, P. M., on motion of Mr. Briggs, the House adjourned.

IN ASSEMBLY.

TUESDAY, March 1, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair.

Roll called.

A quorum being present, the Journal of yesterday was read and approved.

Mr. Mount had indefinite leave of absence;

Mr. Hancock, for two days;

And, Mr. G A. Douglas, for one day.

Mr. DeLong presented petitions from citizens, and also ladies, in Dutch Flat, Placer County, in favor of a Sunday law.

Referred to Committee on Public Morals.

Mr. DeLong moved to reconsider the vote by which the House, on yesterday, adopted the resolution appointing M. G. Upton, Official Reporter of this House.

Mr. Shepard moved the previous question.

Which was sustained.

And, on reconsidering the vote, Messrs. DeLong, Cherry, and Whealdon, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Banks, Briggs, Caldwell, Canon, Cherry, Coleman, Cutler, DeLong, Fuller, Jackson, Johnson, Moore of San Francisco, Murray, Pixley, Shepard, Slingerland, Sloss, Springer, Taylor, Whealdon, and Whitney—21.

NOES—Messrs. Armstrong, Barclay, Bates, Burdick, Cahalan, Condee, Cope, Daggett, G. N. Douglass, Dow, Dunlap, Eagon, Ellis, Gregory, Gwinn, Hines, Holman, Howe, Lamar, Laspeyre, Lefever, Lies, Lightner, Lull, Lynch, Moore of Nevada, Pico, Roane, Rodgers, Sheridan, Squires, Street, Tipton, Vaughan, Watkins, Wing, Whitman, Young, and Mr. Speaker—39.

SPECIAL ORDERS.

Assembly bill No. 74, an Act for securing liens to laborers in the mines, special order for this day, at twelve o'clock, made special order for tomorrow, at two o'clock.

Assembly bill No. 26, an Act concerning interest on money, and to prevent usury, special order for this day at two o'clock, P. M., made special order for March fourth, at two o'clock, P. M.

Assembly bill No. 43, an Act to authorize the formation of joint-stock-associations for savings, deposit, and discount, also special order for this day, was taken up—Committee amendments adopted, further amended, and placed on top of the file.

Mr. Springer moved to reconsider the vote by which the House, on yesterday, indefinitely postponed Assembly bill No. 89, an Act to abolish the office of Gauger for the Port of San Francisco.

Mr Burdick moved a call of the House.

Which was sustained.

And, Messrs. Bates, Buck, Moore of Nevada, Roane, and Tipton, were absent.

The Sergeant-at-Arms was dispatched for the absentees.

Messrs Moore of Nevada and Tipton, appeared, and paid their fines.

Mr. Rodgers was excused.

Further proceedings under the call were dispensed with.

Mr. DeLong moved the previous question;

Which was sustained.

Upon the motion to reconsider, Messrs. DeLong, Daggett, and Cherry, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Banks, Barclay, Caine, Caldwell, Canon, Cherry, Daggett, DeLong, Dunlap, Ellis, Fuller, Imus, Jackson, Lynch, Moore of San Francisco, Murray, Rodgers, Sloss, Springer, Street, Taylor, Tully, Watkins, Whealdon, Wing, and Whitney—26.

NOES—Messrs Armstrong, Burdick, Cahalan, Coleman, Condee, Cope, Crenshaw, Cutler, G. N. Douglass, Dow, Eagon, Ensworth, Gregory, Gwinn, Hill, Hines, Holman, Howe, Lamar, Laspeyre, Lefever, Lies, Lightner, Lull, Malarin, Moore of Nevada, Pico, Pixley, Roane, Shepard, Sheridan, Squires, Tipton, Vaughan, Whitman, Young, and Mr. Speaker—37.

Mr Springer moved to reconsider the vote by which the House, on yesterday, adopted the resolution authorizing the appointment of a Committee of five to visit the City of Oakland, to inquire into the expediency of locating the Seat of Government at that point, and the vote was reconsidered.

Mr. Springer offered, as a substitute, Assembly Concurrent-Resolution relative to the same subject, which, on motion of Mr. DeLong, was laid on the table.

Mr. Pixley offered a Concurrent-Resolution relative to the appointment of a Committee to visit San Francisco, to inquire into the expediency of building a sea-wall or bulk-head.

Mr Moore of Nevada moved to amend by inserting "five appointed by the House"

Adopted.

Mr Lull moved to amend by adding, "with instructions to report to this House in ten days from the passage of this resolution."

Adopted

Mr. Lull offered the following amendment: "*Provided*, that no member of the San Francisco delegation be appointed on the Committee."

Mr Cope moved the provious question, which was sustained, and, upon the adoption of the amendment, Messrs. Pixley, Cherry, and Shepard, demanded the ayes and noes, and the amendment was adopted, by the following vote:

AYES—Messrs Barclay, Caine, Caldwell, Canon, Coleman, Cope, Daggett, DeLong, G. N. Douglass, Dunlap, Gregory, Imus, Johnson, Lamar, Laspeyre, Lefever, Lies, Lightner, Lull, Lynch, Moore of Nevada, Murray, Pico, Rodgers, Shannon, Shepard, Taylor, Tipton, Vaughan, Watkins, and Young—31.

NOES—Messrs Armstrong, Banks, Burdick, Canon, Cherry, Crenshaw, Cutler, Dow, Eagon, Ellis, Fuller, Hines, Holman, Howe, Jackson, Malarin, Moore of San Francisco, Pixley, Roane, Sheridan, Sloss, Springer, Squires, Tully, Whealdon, Wing, Whitman, Whitney, and Mr. Speaker—29.

And the resolution, as amended, was adopted.

REPORTS.

Reports were made as follows:
By Mr. Young;

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 76, an Act to change the name of John August Stromdohl to August William Stromdohl;

Also, Assembly bill No. 151, an Act to change the names of certain persons therein named;

Also, Assembly bill No. 172, an Act to authorize Michael Massett to remove the remains of deceased persons:

Also, Assembly bill No. 57, an Act concerning the offices of County Clerk, Sheriff, and County Recorder, of the City and County of San Francisco;

Also, Assembly bill No. 127, an Act to amend an Act entitled an Act concerning attorneys and counselors-at-law, approved April nineteenth, one thousand eight hundred and fifty-one.

GEO. A. YOUNG, Chairman.

By Mr. Lynch:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed:

Assembly bill No. 192, an Act to legalize the acknowledgments heretofore taken by any Deputy Clerk of the late Superior Court of the City of San Francisco, or by any Deputy County Recorder within this State;

Assembly bill No. 148, an Act supplementary to, and amendatory of, an Act to amend an Act entitled an Act concerning the office of Public Administrator, and making it elective, passed April fifteenth, one thousand eight hundred and fifty-one, passed May seventh, one thousand eight hundred and fifty-five;

Assembly bill No. 155, an Act to authorize the Mayor of Benicia to enter into an agreement with S. C. Hastings, for exchange of certain property, for school purposes.

P. LYNCH, Chairman.

At four o'clock, P. M., on motion of Mr. DeLong, the House adjourned.

IN ASSEMBLY.

WEDNESDAY, March 2, 1859.

The House met, pursuant to adjournment.

Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

Leave of absence was granted, as follows:

Mr. Mathews had indefinite leave;

And Mr. Caine, for one day.

The Speaker presented a remonstrance of citizens of Placer County, against the passage of a Sunday Law.

Which, together with a letter addressed to Mr. DeLong on the same subject, and presented by him, was referred to the Committee on Public Morals.

Mr. Laspeyre presented a remonstrance of citizens of San Joaquin County, against the division of the same.

Referred to Committee on Counties and County Boundaries.

REPORTS.

Reports were made as follows:

By Mr. Cope:

MR SPEAKER:—The Judiciary Committee, to whom was referred Assembly bill No. 218, an Act to regulate the appointment of sequestrators, and to define their duties, have considered the same, and report the bill back, and recommend its indefinite postponement.

The same Committee, to whom was referred Assembly bill No. 196, an Act to change the name of Jacob Schlechwey, to that of Jacob Robinson, have considered the same, and report the bill back, and recommend its passage.

The same Committee, to whom was referred Assembly bill No. 200, an Act to repeal an Act entitled "An Act to authorize married women to transact business in their own names, as sole traders," approved April twelfth, one thousand eight hundred and fifty-two, have considered the same, and report the bill back, and recommend its passage.

The same Committee, to whom was referred Assembly bill No. 41, an Act in relation to the assignment of rights in action, and evidence of such assignment, and notice thereof, have considered the same, and report the bill back, and a majority of the Committee recommend its indefinite postponement.

The same Committee, to whom was referred Assembly bill No. 181, an Act to authorize the State Treasurer to issue to Minerva J. Carroll a duplicate school-land warrant, in lieu of a certain warrant destroyed, have considered the same, and report the bill back, with amendments, and recommend its passage, as amended.

COPE, Chairman.

By Mr. Ellis:

MR. SPEAKER:—The Committee on Public Buildings and Grounds, who were directed, by resolution of the Assembly, to draft a bill "providing for the construction of a Capitol building for this State," report the following bill, and unanimously recommend its passage.

ELLIS, Chairman.

Assembly bill, above reported, was read first and second times, and made the special order for March fourteenth, one thousand eight hundred and fifty-nine, at twelve o'clock, M.

The following report was made by Mr. Squires, and adopted:

MR. SPEAKER:—Your Committee on Public Expenditures and Accounts, to whom were referred accounts of John P. Brodie:

For translating into Spanish, and correcting the proofs of the Governor's Message, containing folios	335
Controller's Report, containing folios	189 1-5
Treasurer's Report, containing folios	181 1-2
State-Prison Directors' Report, containing folios	205 4-5
Superintendent of Public Instruction's Report, containing folios	389 2-5
Total folios	1301

Have had the same under consideration, and request me to report the same back to the House, with the recommendation that the sum of six hundred and fifty dollars and forty-six cents, being one-half the amount due by the State to the said Translator, be paid out of the Contingent Fund of the Assembly, in conformity with Assembly Concurrent-Resolution, adopted February twenty-third, A. D. one thousand eight hundred and fifty-nine.

Your Committee have also examined the account of Chief Clerk, for:

1508 folios writing done in the Journal	1508	$226 20
Copying done for the Printer, folios	2394	239 40
Total	3902	
And find the amount due him, as reported by your Auditing Committee, to be		$465 60

Your Committee have also examined, and found correct, the following accounts, to wit:

The Morning Star, amounting to the sum of	$19 50
Wells, Fargo & Co , amounting to the sum of	50 00
William Dougherty, amounting to the sum of	29 22
King, Hamm & Wright, amounting to the sum of	31 50
Houghton & Co , amounting to the sum of	7 50
George J. Lytle, amounting to the sum of	214 10
El Clamor Publico, amounting to the sum of	20 00

OGDEN SQUIRES, Chairman of Committee.

By Mr. Lynch:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed:

Assembly bill No. 163, an Act amendatory of an Act entitled an Act to provide for the sale and reclamation of the swamp and overflowed lands of this State, approved April twenty-first, one thousand eight hundred and fifty-eight;

Assembly bill No. 161, an Act fixing the salaries of the County Judge of San Bernardino County, and of the District-Attorney for said County, and repealing all former Acts inconsistent with the provisions of this Act;

Assembly bill No. 66, an Act to alter and define the boundary-lines of Tehama County.

P. LYNCH, Chairman.

By Mr. Young:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 91, An Act concerning the official bonds of the District-Attorney, Surveyor, Coroner, and Public Administrator, of the Counties of San Luis Obispo, San Diego, and Placer;

Also, Assembly bill No. 62, an Act to amend an Act entitled an Act concerning official and other bonds, approved April second, one thousand eight hundred and fifty-seven;

Also, Assembly bill No. 124, an Act to authorize the sale of the real estate belonging to the minor heirs of the late Juan Malarin, deceased, situated in the County of Monterey;

Also, Assembly Joint-Resolution No 28, relative to the appointment of a Commission for the care of sick, indigent, or destitute immigrants.

GEO. A. YOUNG, Chairman.

Mr. Crenshaw, from Committee on Mines and Mining Interests, to whom was referred Assembly bill No. 139, an Act for the better protection and relief of miners and settlers, whose location and improvements on the public domain have been wrongfully included within the boundaries of floating Mexican land-grants, reported the same, and recommended its reference to the Judiciary Committee.

And the bill was so referred.

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

Resolved, By the Assembly, that the Controller of State is hereby authorized to draw his warrant for the sum of six hundred and fifty dollars and forty-six cents, in favor of John P. Brodie, payable out of the Contingent Fund of the Assembly, said sum being one-half of the amount due by the State to said Brodie, for translating into Spanish the Governor's Message and State documents, for the use of the Senate and Assembly.

The following report was made by Mr. Hines:

MR. SPEAKER:—The delegation to whom was referred Senate bill No. 121, "An Act concerning the office of Sheriff in and for the Counties of Solano and Contra Costa," have had the same under consideration, beg leave to report the bill back, without amendment, and recommend its pasage.

N. CUTLER,
HINES.

Senate bill No 121, above reported, read third time, and passed.

Mr. Pico made the following report:

The Special Committee to whom were referred certain Assembly Joint Resolutions No. 22, in regard to granting the consent of the State to the separation from the State of California of all that part thereof lying South

of a certain line therein mentioned, tender the following report as the expression of the opinion of the majority of the members thereof:

They believe that there exist good and valid reasons why the inhabitants of said territory should, or may, desire such separation, and, also, that it is expedient that the State should consent thereto, under the conditions, restrictions, and qualifications, provided in accompanying bill, which they have instructed their Chairman to introduce in lieu of, and as a substitute for, the aforesaid resolutions. But while they fully endorse the expediency of the measure, they wish to leave the question of its constitutionality an open one, without expressing any opinion on the subject.

PICO, Chairman of the Committee.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 1, 1859.

To the Assembly of California:

I have to inform you that, on yesterday, the twenty-eighth of February, I did approve the following bills, to wit:

An Act concerning the County Auditor of San Joaquin County;

Also, an Act "To amend an Act entitled an Act amendatory of, and supplementary to, an Act to provide for funding the debt of San Joaquin County, for the payment of the interest thereon, and for the gradual liquidation of the debt, approved April twenty-ninth, one thousand eight hundred and fifty-six."

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 28, 1859.

To the Assembly of California:

I have to inform you that, on Saturday, the twenty-sixth instant, I approved the following bills, to wit:

An Act to fund the debt of the County of San Bernardino;

An Act authorizing the Commissioners of the Funded Debt of the County of Contra Costa to re-issue certain bonds to Erastus Bartlett;

An Act concerning jurors in the County of Humboldt;

An Act concerning the County Judge of the County of Solano;

An Act to fix the compensation of the County Judge of Tuolumne County;

An Act fixing the time of holding the Court of Sessions, and County Court, in the County of Nevada;

An Act to legalize the acts of D. W. Davis;

Also, an Act "To confirm and legalize the tax-lists or assessment-rolls of the County of Marin, for the year one thousand eight hundred and seven, and one thousand eight hundred and fifty-eight, and to authorize the collection of unpaid taxes in said County."

JOHN B. WELLER.

The following resolution was offered by Mr. Gwinn, and adopted:

Resolved, That the Sergeant-at-Arms be, and is hereby, allowed postage to the amount of fifty dollars, to be paid out of the Contingent Fund of the Assembly.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 1, 1859.

MR. SPEAKER:—The Senate, on yesterday, concurred in Assembly amendments to Senate bill No. 55, an Act to fund the entire indebtedness of Calaveras County, prior to the first day of November, one thousand eight hundred and fifty-eight, and to provide means for the payment of the same;

Also, passed Assembly bill No. 121, "An Act to authorize William B. Atterbury, administrator of the estate of Martin E. Cooke, to execute certain conveyances;"

Also, Senate bill No. 83, "An Act concerning roads and highways;"

Also, Assembly bill No. 10, an Act amendatory of, and supplementary to, an Act entitled an Act to provide for the formation of corporations for certain purposes, passed April fourteenth, one thousand eight hundred and fifty-three;

Also, Assembly bill No. 44, "An Act to amend section one hundred and seventy-nine of an Act entitled an Act concerning corporations, passed April twenty-two, one thousand eight hundred and fifty," with amendments.

Also, Senate bill No. 108, "An Act amending an Act entitled an Act to provide for the sale and reclamation of the swamp and overflowed lands of this State," approved April twenty-first, one thousand eight hundred and fifty-eight.

Also, Assembly bill No. 167, "An Act to provide for the purchase and erection of hydrants in the City and County of San Francisco;"

Also, have adopted Senate Concurrent-Resolution No. 27, relative to allowing Joint Committee appointed to examine vouchers upon which were issued the three millions nine hundred thousand dollars, a Clerk, and ask the concurrence of the Assembly;

Also, Senate bill No. 155, an Act to authorize the executor of the estate of Joshua W. Redman, deceased, to sell the real estate of said deceased, at public or private sale;

Also, on the twenty-sixth instant, passed Senate bill No. 153, an Act to fix the times for the commencement of the terms of the District Court, County Courts, and Courts of Sessions, in the Counties of Yuba and Sutter.

E. C. PALMER, Secretary of Senate.

Senate bill No. 155, above reported, read first and second times, and referred to the Judiciary Committee.

Senate bill No. 83, above reported, read first and second times, and referred to the Committee on Roads and Highways.

Senate bill No. 153, above reported, read first and second times, and referred to Yuba and Sutter delegation.

Senate bill No. 108, above reported, read first and second times, and referred to Committee on Swamp and Overflowed Lands.

House concurred in Senate amendments to Assembly bill No. 44, above reported.

The House concurred in Senate Concurrent-Resolution No. 27, above reported.

NOTICES OF BILLS.

Notices of the introduction of bills were given, as follows:

By Mr. Pico, an Act concerning marks and brands.

By Mr. Lies, an Act to authorize the County of Santa Barbara to issue bonds for the funding of its debt, and the construction of roads, and to provide for the payment of the same.

Mr. Jackson presented a certificate of election, and moved that Charles Duncombe be qualified as a member of this House, from Sacramento County.

Mr. Laspeyre moved that the certificate and motion be referred to the Committee on Elections.

The Speaker having ruled that the motion was in order, Mr. DeLong appealed.

And, upon the question, "Shall the decision of the Chair stand as the judgment of the House?" Messrs. DeLong, Jackson, and Whealdon, demanded the ayes and noes, and the decision of the Chair was sustained, by the following vote:

AYES—Messrs. Armstrong, Aud, Banks, Bates, Buck, Burdick, Caldwell, Cahalan, Cherry, Coleman, Condee, Connely, Cope, Crenshaw, Cutler, Daggett, Davis, Dow, Eagon, Ellis, Gregory, Gwinn, Hill, Hines. Holman, Howe, Laspeyre, Lefever, Lies, Lightner, Lull, Lynch, Moore of Nevada, Murray, Pixley, Roane, Rodgers, Sheridan, Slingerland, Springer, Squires, Taylor, Tipton, Vaughan, Watkins, Whitney, and Young—47.

NOES—Messrs Briggs, Canon, DeLong, Dunlap, Fuller, Imus, Jackson, Lamar, Malarin, Shannon, Shepard, Sloss, and Whealdon—13.

Mr. Jackson moved to withdraw the certificate of election offered by him.

The Speaker having declared the motion in order, Mr. Buck appealed, and the House sustained the Chair.

Mr. Murray moved the previous question.

Which was sustained.

And, on motion of Mr. Jackson to withdraw the certificate, Messrs. Sloss, DeLong, and Jackson, demanded the ayes and noes, and the House refused, by the following vote: ayes, 24—noes, 43:

AYES—Messrs. Banks, Barclay, Briggs, Caine, Caldwell, Canon, Cherry, Cutler, DeLong, Fuller, Hancock, Hill, Holman, Imus, Jackson, Johnson, Lull, Pico, Shannon, Shepard, Sheridan, Slingerland, Sloss, and Whealdon—24.

NOES—Messrs. Armstrong, Aud, Bates, Buck, Burdick, Cahalan, Coleman, Condee, Connely, Cope, Crenshaw, Daggett, Davis, Dow, Dunlap, Eagon, Ellis, Gregory, Gwinn, Hines, Howe, Lamar, Laspeyre, Lefever, Lies, Lightner, Lynch, Moore of Nevada, Murray, Pixley, Roane, Rodgers, Springer, Squires, Street, Tipton, Tully, Vaughan, Watkins, Whitman, Whitney, Young, and Mr. Speaker—43.

On motion of Mr. Laspeyre, to refer to the Committee on Elections, Messrs. Sloss, DeLong, and Jackson, demanded the ayes and noes, and it was referred, by the following vote: ayes, 40—noes, 25:

AYES—Messrs. Armstrong, Aud, Barclay, Bates, Burdick, Cahalan, Condee, Connely, Cope, Crenshaw, Cutler, Daggett, Davis, Dow, Dunlap,

Eagon, Ellis, Gregory, Gwinn, Hill, Hines, Holman, Howe, Johnson, Laspeyre, Lefever, Lies, Lightner, Moore of Nevada, Murray, Roane, Rodgers, Springer, Street, Tipton, Tully, Vaughan, Watkins, Whitman, and Young—40.

NOES—Messrs. Banks, Briggs, Buck, Caine, Caldwell, Canon, Cherry, DeLong, Fuller, Hancock, Imus, Jackson, Lamar, Lull, Lynch, Pixley, Shannon, Shepard, Sheridan, Slingerland, Sloss, Squires, Whealdon, Wing, and Whitney—25.

Pending the calling of the roll, and after Mr. Jackson had voted, he asked leave to explain his vote.

The Speaker, (Mr. Ellis in the Chair,) having ruled that the motion was in order, Mr. Moore of Nevada appealed,

And the House refused to sustain the decision of the Chair.

Mr. Banks introduced a bill for an Act to provide for the erection of a County-jail in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

Mr. Watkins offered the following resolution:

Resolved, That the Committee on Elections, to whom was referred the certificate of election of Dr. Duncombe, be instructed to report to-morrow.

Mr. Crenshaw offered the following substitute:

Resolved. That the Committee on Elections have leave to report at their own convenience, on the case of Dr. Duncombe.

On motion of Mr. Street, the resolution and substitute were laid on the table.

Assembly bill No. 74, an Act for securing liens to laborers in the mines, the special order for this day, was considered in Committee of the Whole, Mr. Moore of Nevada, in the Chair; amended, committed, reported back, with amendments, and recommended its passage as amended.

Committee amendments concurred in.

Mr. Lightner moved to indefinitely postpone the bill, upon which, Messrs. Lightner, Sloss, and Tipton, demanded the ayes and noes, and the bill was indefinitely postponed, by the following vote: ayes, 32—noes, 25:

AYES—Messrs Bates, Buck, Cahalan, Canon, Cherry, Coleman, Condee, Connely, Cope, Cutler, Daggett, Davis, Dow, Dunlap, Eagon, Gregory, Gwinn, Howe, Lamar, Laspeyre, Lefever, Lightner, Malarin, Pixley, Roane, Springer, Street, Tipton, Tully, Vaughan, Whitney, and Mr. Speaker—32.

NOES—Messrs. Aud, Banks, Barclay, Burdick, Caine, Caldwell, Crenshaw, DeLong, Ellis, Fuller, Hines, Holman, Imus, Jackson, Johnson, Lull, Lynch, Moore of Nevada, Shannon, Slingerland, Sloss, Squires, Whealdon, Wing, and Young—25.

RESOLUTIONS.

Mr. Eagon offered the following resolutions, which were adopted:

Resolved, That the Controller of State be authorized to draw his warrant in favor of G. W. Dent, and payable out of the Contingent Fund of the Assembly, for the sum of seventy-three dollars and ninety-four cents, for the Assembly portion of the Contingent expenses of the Joint Committee to investigate the affairs of the State Insane Asylum.

Resolved, That the Controller of State be authorized to draw his warrant in favor of W. F. Williamson, for the sum of one hundred and fifteen dollars, in payment of one-half his salary as Clerk of the Special Joint Committee to investigate the affairs of the State Insane Asylum, payable out of the Contingent Fund of the Assembly.

Mr. Slingerland offered the following resolution:

Resolved, By the Assembly, that the Official Reporter be ordered to furnish a copy of the reported proceedings of this House, daily, to the Sacramento Union.

Mr. Lightner moved to lay the resolution on the table, upon which, Messrs. DeLong, Slingerland, and Whealdon, demanded the ayes and noes, and it was laid on the table, by the following vote: ayes, 41—noes, 14:

AYES—Messrs. Aud, Bates, Buck, Burdick, Cahalan, Condee, Connely, Cope, Crenshaw, Cutler, Daggett, Davis, Dow, Eagon, Ellis, Gregory, Gwinn, Hines, Howe, Johnson, Lamar, Laspeyre, Lefever, Lightner, Malarin, Moore of Nevada, Murray, Pico, Pixley, Roane, Rodgers, Shannon, Shepard, Springer, Squires, Street, Tipton, Tully, Vaughan, Young, and Mr. Speaker—41.

NOES—Messrs. Banks, Caine, Caldwell, Canon, DeLong, Fuller, Imus, Jackson, Lynch, Slingerland, Sloss, Watkins, Whealdon, and Whitney—14.

The Speaker announced as the Committee to visit San Francisco, on the subject of bulk-head, Messrs. Gwinn, Young, Connely, Lightner, and Canon.

On motion of Mr. Vaughan, at five minutes past four o'clock, P. M., the House adjourned.

IN ASSEMBLY.

THURSDAY, March 3, 1859.

House met, pursuant to adjournment.

Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

The rules were suspended to allow Mr. Cherry to offer the following resolution:

Resolved, That the Special Committee, appointed under a resolution of this House to visit San Francisco to inquire into the necessity for the immediate construction of a sea-wall or bulk-head along the water-front of

that City, be, and they are hereby, instructed to hold their meetings in public, and the President of the Board of Supervisors is hereby invited to tender to said Committee the chamber of the Board of Supervisors for that purpose.

Mr. Jackson moved to amend, by adding that the Committee hold a session, daily, on the end of Long Wharf.

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

Upon which, Messrs. Cherry, Pixley, and Banks, demanded the ayes and noes, and the House agreed, by the following vote:

AYES—Messrs. Armstrong, Barclay, Bates, Burdick, Cahalan, Canon, Condee, Cope, Crenshaw, Cutler, Daggett, Davis, G. N. Douglass, Dunlap, Eagon, Ensworth, Gregory, Gwinn, Holman, Jackson, Laspeyre, Lefever, Lies, Lightner, Murray, Roane, Robberson, Rodgers, Shepard, Sheridan, Springer, Squires, Street, Wing, and Whitman—35.

NOES—Messrs. Banks, Caine, Caldwell, Cherry, Coleman, DeLong, G. A. Douglas, Ellis, Fuller, Hancock, Hines, Howe, Johnson, Lamar, Lynch, Pixley, Shannon, Slingerland, Sloss, Taylor, Watkins, Whealdon, Whitney, and Mr. Speaker—24.

Mr. Hancock, by leave, introduced the following resolution:

Resolved, That the Committee, appointed to visit San Francisco in relation to the bulk-head project, be, and they are hereby, instructed to inquire particularly as to whether the water around the docks and wharves is, as alleged by some, actually deepening or not since the removal of the old hulks and other obstructions of the harbor.

Which, on motion of Mr. Sheridan, was laid on the table.

REPORTS.

Reports were made as follows:

By Mr. Burdick:

Mr. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled:

Assembly bill No 167, an Act to provide for the purchase and erection of hydrants in the City and County of San Francisco;

Also, Assembly bill No. 10, an Act amendatory and supplementary to an Act entitled an Act to provide for the formation of corporations for certain purposes, passed April fourteenth, one thousand eight hundred and fifty-three;

Also, Assembly bill No. 121, an Act to authorize Wm. B Atterbury, administrator of the estate of Martin E. Cooke, to execute certain conveyances;

Also, Assembly bill No. 103, an Act concerning the Board of Supervisors of Tuolumne County.

JAS. BURDICK, of the Enrolling Committee.

Mr. Lamar, from minority of Committee on Elections:

MR. SPEAKER:—A minority of the Committee on Elections, to whom

was referred the certificate of election of Charles Duncombe, having had the same under consideration, find that, according to said certificate, said Charles Duncombe, at a special election held in and for the County of Sacramento, on the nineteenth of February, one thousand eight hundred and fifty-nine, was duly elected to fill the office of Member of Assembly, within and for said County of Sacramento, for the ensuing legal term.

We find, also, that said certificate is genuine, and in due form of law, whereupon we recommend that said Charles Duncombe be permitted to subscribe the usual oath of office, and enter upon the discharge of his duties as a Member of this Assembly.

J. B. LAMAR, Chairman,
LOUIS R. LULL,
MARIANO MALARIN.

Mr. Young, from majority, verbally reported the certificate back, without recommendation.

On the adoption of the minority report, Messrs. Sloss, Slingerland, and G. A. Douglass, demanded the ayes and noes, and it was adopted, by the following vote:

AYES—Messrs. Banks, Barclay, Caine, Caldwell, Cherry, Coleman, Condee, Connely, DeLong, G. A. Douglas, G. N. Douglass, Dunlap, Fuller, Hancock, Holman, Imus, Jackson, Lamar, Lull, Lynch, Malarin, Pico, Pixley, Shannon, Shepard, Sheridan, Slingerland, Sloss, Squires, Watkins, Whealdon, and Whitman—32.

NOES—Messrs. Armstrong, Aud, Bates, Buck, Burdick, Cahalan, Cope, Cutler, Daggett, Davis, Dow, Eagon, Ensworth, Gregory, Gwinn, Hines, Howe, Johnson, Laspeyre, Lefever, Lightner, Murray, Roane, Robberson, Rodgers, Springer, Street, Tipton, Vaughan, Whitney, and Mr. Speaker —31.

Mr. Sheridan gave notice of a reconsideration.

Mr. Lies, from Committee on Education, reported Assembly bill No. 189, an Act to amend an Act entitled an Act to establish, support, and regulate common schools, approved May eighth, one thousand eight hundred and fifty-five, with recommendation that it be indefinitely postponed.

Mr. Cutler verbally reported, without recommendation, Assembly bill No. 191, an Act to create a State Police, and to define the powers and duties of the same.

Mr. Cutler, from Committee on Public Morals:

MR. SPEAKER:—We, the undersigned, members of the Committee on Public Morals, to whom was referred Assembly bill No. 129, entitled an Act for the better observance of the Sabbath, have had the same under consideration, and beg leave to submit the following report:

We are of the opinion, that there is not as strict an observance paid to the Sabbath as the provisions of the bill require, yet it is due to the citizens of our State to say, that, by a very large majority of them, the day is as properly observed as their condition and necessities will permit. In the mining-districts in the State, the day is very generally observed by a cessation from labor by those engaged in mining pursuits, who compose the largest part of the population, as well as those engaged in agricultural and mechanical pursuits, and it is principally by those engaged in

mercantile pursuits that the day is not observed, as the provisions of the bill demand.

This does not arise so much from a desire on the part of those persons to keep open their places of business on that day, as that the necessities of the people demand it.

Owing to the arduous nature of the pursuits of our mining population, which, during six days of the week occupy their undivided attention, it is absolutely necessary that they be permitted on the first day of the week to transact such business as they may find necessary in providing for their wants for the week. To deprive them of this privilege would be to deprive them of a right which belongs to them, and work a hardship by compelling them to devote a portion of the time allotted to labor, to make this provision, which many can not well afford.

In the cities and agricultural portions of the State, by a large majority of the inhabitants the day is now very properly observed, and the comparatively few who do not so observe it, can not long continue to act contrary to the opinions and practices of the society of which they are a part, hence, we infer that in these portions of the State, did we admit of the justice of such a law, it is unnecessary.

The most objectionable feature, however, in the bill, is that portion which requires that all persons who religiously believe in and observe the seventh day of the week by closing their places of business, are not required to observe the first day of the week. This discrimination in favor of this class of our citizens, would act very injuriously to the interests of that portion of our business men in mining localities, who do not religiously observe the seventh day, for the reason, that it is well known by those familiar with the practices of miners, that they are generally in the habit of making such purchases as their necessities require, each week, on the first day of the week. Thus, all who do not observe the seventh day would be deprived of that part of the business transacted on the first day of the week, which otherwise would fall to their share.

Strike this objectionable feature from the bill, and its operation would be equally injurious to the interests, and an encroachment on the rights, of that class of our citizens who religiously observe the seventh day, by compelling them to observe and refrain from the transaction of any business on the first day of the week, thus virtually requiring them to close their places of business two days of each week, instead of one. In either case, such a law would work an injustice.

We are of the opinion, as our people advance in a social and moral point of view, the necessities for such a law will grow less.

We believe that the desirable object will be attained by the requirements of public opinion, as readily and effectually as by the enactment of a Sunday law.

We therefore recommend that the bill be indefinitely postponed.

NATHAN CUTLER, Chairman.
JOHN CALDWELL.

Mr. Springer—Mr. Banks concurring—from the minority of same Committee, verbally reported, and recommended the passage of the bill.

By Mr. Cherry:

Mr. Speaker:—The San Francisco delegation, to whom was referred Assembly bill No. 117, an Act to provide for receiving, at their par value, audited demands against the Treasury of the City and County of San

Francisco, in payment of taxes. report the same back to the House, with amendments, and recommend its passage, as amended;

Also, Assembly bill No. 214, an Act to provide for the payment of judgments against the City, the County, and the City and County of San Francisco, with amendments, and recommend its passage, as amended;

Also, Assembly bill No. 221, an Act to authorize the Board of Supervisors of the City and County of San Francisco to construct a macadamized road, with amendment, and recommend its passage, as amended;

Also, Assembly bill No. 202, an Act supplemental to an Act entitled an Act granting certain powers to the Board of Education of the City and County of San Francisco, approved April twenty-sixth, one thousand eight hundred and fifty-eight, without amendment, and recommend its passage.

CHERRY, for the Delegation.

By Mr. Aud:

Mr. Speaker:—The undersigned, of Special Committee to whom were referred certain resolutions introduced into this Assembly by the Hon. A. Pico, on the seventh of February last, proposing to segregate a portion of the lower part of the State of California, and erect the same into a territory, to be called, according to said resolution, "The Territory of Colorado," have had the same under consideration, and beg leave to offer the following as their minority report on the same:

The first of said resolutions proposes the consent of the Legislature of the State of California, "That all of that part of said State of California, which lies South of the sixth standard parallels South of the Mount Diablo base-line, composed of San Luis Obispo, Santa Barbara, Los Angeles, San Diego, and San Bernardino, including all of the islands lying opposite to its adjacent coast, to wit: San Miguel, Santa Rosa, Santa Cruz, San Nicolas, Anacapa, Santa Catalina, and San Clemente, be separated from said State, and organized as a Territory of the United States, under the name of 'The Territory of Colorado.'"

The fifth resolution, upon the presumption that the Legislature will, at this tenth session, give its consent, that said Counties and Islands shall be separated from the State of California, for the purposes aforesaid, proceeds to instruct our Senators in Congress, and request our Representatives therein, to urge upon that body the passage of a law providing for the immediate organization of a Territorial Government for that portion of the Territory of the State of California which this tenth session of our Legislature consents to leave out of the present State limits.

The introducer of these resolutions claims to derive the power which he attributes to this Legislature, and the Congress of the United States, and which he invokes to the supposed relief of his constituents, from the third section of the fourth article of the Constitution of the United States, which says that "New States may be admitted by the Congress into this Union; but no new States shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress"

The friends of these resolutions, or of this measure of secession, suppose that all that it is necessary to do, under this section of the Constitution of the United States, to accomplish their object, is simply that the Legislature shall give its consent to cede such territory to the United States, and then the Congress can legitimately proceed to erect said

Counties and Islands into a Territorial Government, as desired by the advocates of this measure.

All this would be very well, if the people, through the Constitution of this State, had vested the Legislature with the plenary power of altering the Constitution of this State at pleasure; which, fortunately for the liberties of the people, (in our opinion,) has not been done.

The twelfth article of our State Constitution describes what shall be the boundaries of the State of California, and thus makes the designated limits of the same as much a part of said Constitution as any other portion of the same.

This being the deliberate opinion of the undersigned, we think that the only way that the Legislature of this State can legitimately "give its consent" to the cession of said territory to the United States Government, is by pursuing one of the two modes pointed out by the State Constitution for changing or altering the same.

Section one of article ten, of the State Constitution, prescribes a mode by which that compact may be amended, through the instrumentality of the Legislature, and section second of the same article allows the power by which a revision and change of the entire Constitution may be made; but it is remarkable, that, in both cases, the people, as the reserved supreme power in the State, are finally to pass upon the amendments in the one case, or the new Constitution in the other, by a direct vote at an election before themselves, and, when they so elect, their choice is supreme, from which there is no appeal.

If the friends of this measure are really serious in the proposition shadowed forth in the resolution, and in the bill offered by the majority of this Committee, their proper course is to propose an amendment to the Constitution in relation to the State boundary, or urge the call of a Convention to revise and change the Constitution of the State.

The present Constitution of this State was framed by delegates, freely chosen, from all parts of the State, including the very territory proposed to be cut off, and then, after the same had been passed or agreed to, the Constitution was, in due form of law, submitted, as an entirety, to the entire people of the State, for their ratification or rejection, and the same was adopted by an overwhelming majority! And before this Constitution can be changed in any particular, without a revolution, the entire people of the State must have a vote on such change, and any change that this or any other Legislature would make, or attempt to make, would be utterly null and void.

But, for a moment, suppose that the Legislature has the power to change or alter the Constitution, (which, of course, we deny,) would it not be a delicate matter to exert such power, when it is well known by us all that no such question as altering the Constitution, in relation to the boundary of this State, or in any other particular, was submitted to the entire people of this State, at the election last Fall, when they chose us as their Representatives in this Legislature? We should, therefore, hesitate long, indeed, before we would put such power in execution, if we had it, when the question was not put to the people, whose servants we are at this time, merely for the purpose of enacting healthy laws for their governance.

The majority of the Committee have seen proper to offer a bill as accompanying their report, but the bill is as objectionable as the resolutions, as the bill simply proposes, in addition to what is contemplated in the resolutions, that the proposition to secede from the State, shall be submitted to the people of the territory proposed to be cut off alone.

We would therefore recommend an indefinite postponement of the whole subject-matter contemplated in the resolutions and bill.

FRANCIS L. AUD,
J. B. MOORE.

On motion of Mr. Sheridan, the usual number of copies of Assembly bill No. 222, was ordered printed.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 2, 1859.

To the Assembly of California:

I have to inform you that I have, this day, approved the following bills, to wit:—

An Act to authorize Michael Massett to remove the remains of deceased persons.

An Act to amend an Act entitled an Act concerning attorneys and counselors-at-law, approved February nineteenth, one thousand eight hundred and fifty-one.

An Act to legalize certain matters connected with the Crescent City Plank Road and Turnpike Company.

Also, an Act concerning roads and highways in the County of Nevada.

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 2, 1859.

To the Assembly of California:

In accordance with the resolution of your honorable body of the twenty-fourth instant, I transmit, herewith, a copy of the Journal of the Board of Directors of the State-prison. As one of the Directors resided at the Prison, very little of the business transacted was placed on the Journal.

JOHN B. WELLER

JOURNAL OF THE BOARD OF DIRECTORS.

Pursuant to Act of Legislature, passed April twenty-fourth, one thousand eight hundred and fifty-eight, devolving the duties of the management of the State-prison upon the Governor, Lieutenant-Governor, and Secretary of State, the Board of Directors met, on Thursday, first of May, at San Quentin, and proceeded to organize—present, J. B. Weller, Governor, and Ferris Forman, Secretary of State.

The Commissary, W. R I. McKay, was appointed Clerk, *pro tem.*

A full and detailed report was presented from the Governor, late in charge of the prison, exhibiting his administration of it during the months of March and April, eighteen hundred and fifty-eight. Said Report was placed on file for future consideration.

Adjourned to meet on Monday, third of May, at twelve o'clock.

May 3, 1858.—The Board met, pursuant to adjournment—present, John B. Weller, Governor; J. Walkup, Lieutenant-Governor; and Ferris Ferris Forman, Secretary of State—and proceeded to establish the following offices:

One Warden, whose salary shall be, per month	$150 00
One Superintendent of Labor, per month	150 00
One Assistant Superintendent of Labor, per month	100 00
One Captain of Guard, per month	100 00
One Lieutenant of Guard, per month	100 00
One Commissary and Quartermaster, per month	50 00
One Clerk and Assistant, per month	150 00
One Physician, per month	100 00
One Commander of Boats, per month	100 00
One Captain of Boats, per month	75 00
Two Gate-Keepers, each	50 00
Four Overseers, each	50 00
Twenty-three Guards, each	40 00

The Board then proceeded to define the duties of the respective officers:

The Warden will have the general control of the Prison and convicts, under the direction of the Board, and all lawful orders which he may give, must be promptly obeyed.

He will be held responsible for the proper conduct of the officers of the Prison, and shall have power to suspend from duty any officer or employé who may be derelict in his or their duty, and shall immediately report the same to the Board of Directors for their action.

He shall report at the end of each month, to the Directors, a full and detailed statement of all the operations of the Prison, and shall furnish them, at the commencement of each month, an estimate of the amount required in each department, during that month.

No property belonging to the State can be sold or exchanged unless by order of the Directors.

The Superintendent of Labor shall have charge, under the general direction of the Warden, of all laboring parties, inside or outside, of the Prison, except the tailor and shoemaker shops; and, when employing Prison-labor outside of the wall, shall, before the convicts are removed from the Prison, report to the Captain of the Guard the number of the convicts so employed, and where.

The Assistant Superintendent of Labor shall be under the general orders of the Superintendent, and perform such duties as may be directed by the Superintendent. He shall also be responsible for the working stock.

The Captain of the Guard will be held responsible for the conduct of all the Guards which may be employed at the Prison. He shall be responsible for the good conduct of the Guard and safe-keeping of the prisoners. He shall see that the Guards are properly posted by day, and by night; see that each one promptly and faithfully discharges his duty He shall see that the prisoners, when engaged in their labor beyond the walls of the Prison, are properly guarded by well-established sentries, and is held responsible for the prisoners when brought within the walls. He shall see them counted morning and evening, and see them properly seated at their meals. He will be held responsible for the police of the prison.

The Lieutenant of the Guard shall perform such duties as may be

assigned him by the Captain of the Guard, Commissary, and Quartermaster.

The Commissary shall have charge of all commissary stores, and live stock, other than those employed in the work of the Prison. Shall have the general superintendence and control of the tailor and shoemaker shops. All supplies and materials required for the Prison shall be purchased by the Commissary, and he shall perform such other duties as may be required by the Board.

The Clerk and Assistant Commissary shall keep a record of the proceedings of the Board, and perform such duties in the Commissary department as may be directed by the Commissary.

The Physician shall reside at the Prison, and perform such duties in his profession as may be entailed upon him by the Board. He shall see that the sick and disabled are properly cared for.

The Commander of the Boats shall have charge of all the boats, scows, and other craft, that belong, or may hereafter belong, to the Prison. Shall see that they are kept in proper order.

The Captain shall be under the direction of the Commander of Boats.

The two Gate-keepers, four Overseers, and twenty-three Guards, shall peform such duties as may be assigned them.

Board adjourned to meet to-morrow.

May 4, 1858.—Board met to-day, pursuant to adjournment,—present, Governor J. B. Weller, Lieutenant-Governor J. Walkup, and Ferris Forman, Secretary of State.

The Board then proceeded to make the following appointments, viz.:

1.	Warden	Acting-Warden, Gov. J. Walkup.
2.	Superintendent of Labor	Jno. C. Gordon
3.	Assistant Superintendent of Labor	Chas. W. Robinson
4.	Captain of Guard	
5.	Lieutenant of Guard	Michael McCarty
6.	Commissary	W. R I. McKay
7.	Assistant and Clerk	
8.	Physician	A. W. Taliaferro
9.	Commander of Boats	Geo. Simpson
10.	Captain of Boats	Jno. McKenzie
11.	Overseer and builder	Joseph O'Conner
12.	Gate-Keeper	John Spell
13.	Gate-Keeper	
14.	Overseer	Henry Bristol
15.	Overseer	Geo. W. Lee
16.	Overseer	Thomas Kelley
17.	Under-Commissary	H. Harrison

On motion, the Board adjourned until to-morrow.

May 5.—Board met—same members present as yesterday. The Board not being prepared to make further appointments, the duties of the Warden were devolved upon the Lieutenant-Governor until the next meeting of the Board. The first section of the rules established by the Governor on the sixth of March, eighteen hundred and fifty-eight, is abrogated. All sections of said rules and regulations not in conflict with the rules adopted by the Directors on the third instant, are hereby re-enacted.

The Board then adjourned, to meet on the sixteenth instant.

RULES FOR CONVICTS AT THE STATE-PRISON.

Convicts are to be respectful and obedient to the officers; industrious, and submissive to the rules and regulations of the Prison; to obey all orders promptly. When about to speak to an officer, to salute him, by raising the hand to the forehead. To exhibit no ill-temper when reproved or admonished by an officer; nor to have unnecessary conversation, or enter into any collusive proceedings with an officer; or have unnecessary conversation with convicts, or unto them; nor speak to any person from without the Prison; nor answer any questions from such a one but by permission of the Warden. Not to look at visitors. Nor leave the stand for labor; nor go out of the place of labor without permission of an officer. They are not permitted to have any snuff or tobacco; nor to have pens, pencils, ink, or paper, without permission. Nor to carry food into the yard or shops; nor to make any alteration whatever in their clothing, without permission of the officer.

They are to be prompt in taking their proper place in the division at bell-ringing. To march in close order, body erect, and hands by the side of the thighs, and occupy such seats as may be assigned them.

They are to be cleanly in person, clothing, and cell. To use the spit-dish when necessary, and not spit on or out of the door, nor on the walls or floor. They are not to mark, scratch, or in any way mar or disfigure the cell, nor push open the door with the feet. Not to injure or misuse any book, dish, or other article or thing whatever, allowed in the cell. Not to make any change, by bringing in or carrying out any article from the cell, contrary to regulation Bed and bedding to be kept in good order. Not to rap on the doors except in case of sickness, or of absolute necessity.

At the ringing of the first bell in the morning, they are to turn out, dress, fasten up the cot, and have the bucket, ready for marching out. At the order, they are to throw the door open gently, to the wall, step out, and march, when ordered.

In marching into the room where Divine Service is to be performed, each convict is to take the seat assigned him, and while there to give his entire attention to the services All disposition to cough, as far as possible, to be suppressed; and no shuffling with the feet, or movement of the body, calculated to disturb the order and quiet of the service, be indulged in or practiced

If two or more convicts are passing about the yard in the same direction, they must walk in single file, and never abreast. Nor must any convict be suffered to loiter about the yard without permission.

If unwell, and needing the advice of the Physician, they are to report to the officer of their department, immediately after marching in, in the morning. If sent to the Hospital, they must proceed directly to that place, and await the decision of the Physician. When ordered to the yard, for exercise and air, they must confine themselves within the limits of that part of the yard designated for that purpose.

When wishing to speak to the Warden, or to have an interview with any other officer, the convict is to make known his desire to his officer, and in no case to speak to either in any place without permission of said officer.

We are directed by the Governor to say, that the record of punishments, which the Warden is required to keep, will be closely examined in all cases where applications for pardon or restoration to citizenship are

made, and no one whose conduct has been bad, can expect any clemency from him.

JOHN B WELLER, }
JOSEPH WALKUP, } State-Prison Directors.
FERRIS FORMAN, }

May 16.—Board met—present, John B. Weller, Joseph Walkup, and F. Forman.

Ordered, that the office of Captain of Guard be abolished.

After further consultation and examination as to Prison discipline, the Board adjourned until to-morrow.

May 17.—Board met, pursuant to adjournment—present, J. B. Weller, Jos. Walkup, and F. Forman.

Ordered, that Gov. J. B. Weller be, and he is hereby, constituted President of the Board.

Ordered, that the office of Chief Warden is hereby created, and that the same shall be held by one of the Board of State-prison Directors.

Ordered, that the Chief Warden shall receive no compensation as such officer.

Ordered, that Joseph Walkup be, and he is hereby, appointed Chief Warden.

On motion, the Board adjourned until to-morrow.

May 18 —Board met—present, same as yesterday.

Ordered, that the proposition of Thomas, Judah & Co., to employ prisoners, be, and the same is hereby, rejected.

Ordered, that Ferris Forman be, and he is hereby, appointed Treasurer of the Board.

On motion, the Board adjourned.

June 1 —Board met at the Prison, on the first of June, and remained in session until the third. Accounts were examined, and various verbal orders given.

July 2.—Board met on the second of July, and remained in session until the sixth of July, during which times accounts were examined and other business transacted.

July 26 —Board met again at Prison on the twenty-sixth of July, and remained until the twenty-eighth—present, Governor Weller, and Secretary of State F. Forman. Accounts were examined, and the following order was made:

It is Ordered, That steps be immediately taken to throw the brick manufactured. and the dressed stone, into market.

Resolved, That Mr. Harrison be relieved from the purchase of all supplies, (except beef and wood.) and that he proceed at once to Fort Point, Alcatraz, Mare Island, and San Francisco, with a view to sell brick and stone. In the meanwhile, the Commissary will purchase supplies.

On Tuesday, the Board met again, and passed upon sundry vouchers presented by Captains Gordon and Simpton, after which, adjourned until the sixth.

August 10.—The Board met again at San Quentin, August tenth, and remained at Prison, in the transaction of business, until the thirteenth.

September 2.—Board met at San Quentin, on the second of September, and remained in session until the fifth. Accounts examined, and general verbal orders given.

September 14.—Board met on the fourteenth of September, at the Prison, and remained there until the seventeenth—present, Governor J. B. Weller, Lieutenant-Governor J. Walkup, and Secretary of State F. Forman.

On motion, the following order was adopted, as one of the rules of the Prison:

It is ordered, That any officer or employé found engaged in gambling upon the Prison-grounds, or intoxicated when on duty, must be promptly discharged.

September 26.—Board met on the twenty-sixth of September, at the Prison, and remained there until the twenty-ninth.

October 18.—Met on the eighteenth of October, and remained at the Prison until the twenty-first. Various verbal orders were given.

November 15.—Board met at the Prison on the fifteenth of November, and remained there three days. General examination of the Prison and accounts.

December 13.—Board met again on the thirteenth of December, at the Prison, and remained there three days—absent, Lieutenant-Governor. After giving verbal orders, and examining accounts, the Board adjourned.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
March 3, 1859.

MR. SPEAKER:—The Senate, on yesterday, concurred in Assembly Concurrent-Resolution No. 37, adding Mr. Malarin to the Joint Committee on translation of the laws, with an amendment.

Also, have concurred in Assembly amendments to Senate bill No. 65, "An Act to amend an Act entitled an Act to reincorporate the City of Stockton," approved March thirty-first, one thousand eight hundred and fifty-seven.

E. C. PALMER, Secretary of Senate.

The House concurred in Senate amendments to Assembly Concurrent-Resolution No. 37, above reported.

SENATE CHAMBER,
March 3, 1859.

MR. SPEAKER:—The Senate, on yesterday, passed Assembly bill No. 155, "An Act to authorize the Mayor of Benicia to enter into an agreement with S. C. Hastings, for exchange of certain property, for school purposes," with an amendment.

E. C. PALMER, Secretary of Senate.

The House concurred in Senate amendment to Assembly bill No. 155, above reported.

Mr. Robberson gave notice of the introduction of a bill for an Act granting to the City of Petaluma the right to improve Petaluma Creek.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Roane, an Act to provide for the pay of troops called out by the Governor of this State, to quell insurrection, in the year eighteen hundred and fifty-six.

Read first and second times, and referred to the Committee on Military Affairs.

By Mr. Sloss, an Act to extend the Charter of the San Diego and Gila Southern Pacific and Atlantic Railroad Company.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Banks, an Act granting further powers to the Board of Supervisors, Auditor, and Treasurer, of the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Eagon, "An act amendatory of an Act entitled an Act to establish a standard of weights and measures, passed March thirtieth, A. D. one thousand eight hundred and fifty, and to amend an Act entitled an Act amendatory of an Act to establish a standard of weights and measures, passed March thirtieth, one thousand eight hundred and fifty, and to amend an Act entitled an Act to amend an Act entitled an Act to establish a standard of weights and measures, passed March thirtieth, A. D. one thousand eight hundred and fifty, passed April thirtieth, A. D. one thousand eight hundred and fifty-three, passed April twelfth, A. D. one thousand eight hundred and fifty-eight."

By Mr. Dunlap, an Act to authorize the County Recorder of the County of Tehama to transcribe certain records, in the Counties of Colusa, Shasta, and Butte.

Read first and second times, and placed on file.

By Mr. Lies, an Act to authorize the County of Santa Barbara to issue bonds for the funding of its debt, and the construction of roads, and to provide for the payment of the same.

Read first and second times, and referred to San Luis Obispo delegation.

GENERAL FILE.

Assembly bill No. 65, an Act amendatory of an Act entitled an Act to amend an Act entitled an Act restricting the herding of sheep to certain pastures, in the Counties of Sonoma and Marin, approved April fifteenth, one thousand eight hundred and fifty-eight;

Also, Assembly bill No. 140, an Act in relation to mining corporations.

And, Assembly bill No. 144, an Act to establish and declare a uniform mode for computing degrees of kindred;

Were read a third time, and passed

Assembly bill No. 43, an Act to authorize the formation of Joint-Stock-Associations, for savings, deposit, and discount;

And, Assembly bill No 178, an Act to procure the translation into the Spanish language, and to provide for printing, such portions of the Statutes of the years one thousand eight hundred and fifty, and one thousand eight hundred and fifty-one, as are now in force;

Were ordered engrossed.

Assembly bill No. 31, an Act to separate the office of Collector of Taxes from the office of Sheriff, in the County of Amador—Committee amendments adopted, and ordered engrossed.

Senate bill No. 137, an Act to aid in the erection of the Washington Monument in the District of Columbia, was considered in Committe of the Whole, Mr. Moore in the Chair.

Committee rose, reported back, with recommendation that the bill pass, and were discharged

On the passage of the bill, Messrs. Buck, Aud, and Sheridan, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Aud, Barclay, Burdick, Caldwell, Cahalan, Cherry, Coleman, Condee, Daggett, Davis, Dunlap, Hancock, Howe, Johnson, Lefever, Lies, Lull, Lynch, Malarin, Moore of Nevada, Murray, Rodgers, Shannon, Squires, Street, Tipton, Whealdon, Wing, and Whitman—29.

NOES—Messrs. Armstrong, Banks, Bates, Buck, Caine, Cutler, Dow, Ellis, Fuller, Hines, Holman, Imus, Jackson, Lamar, Laspeyre, Moore of San Francisco, Pixley, Roane, Robberson, Shepard, Sheridan, Slingerland, Sloss, Springer, Tully, Watkins, and Whitney—27.

Assembly bill No. 205, "An Act to authorize H W. Bragg, guardian of the minor heirs of David Martin, and Ann Martin, deceased, to sell the real estate of said minor heirs at public or private sale," ordered engrossed.

Assembly bill No. 194, "An Act to fund certain claims against Sacramento County," considered engrossed, read third time, and passed.

Senate bill No. 124, "An Act amendatory of, and supplementary to, an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the Government thereof, approved April nineteenth, one thousand eight hundred and fifty-six, of and to which there is a certain Act amendatory and supplementary, approved April eighteenth, one thousand eight hundred and fifty-seven, and of and to which there is a certain other Act amendatory and supplementary, approved April twenty-fifth, one thousand eight hundred and fifty-seven," read third time, and passed.

Assembly bill No. 20, "An Act amendatory of an Act entitled an Act to provide revenue for the support of the Government of the State, passed May fifteenth, one thousand eight hundred and fifty-four," indefinitely postponed.

Assembly bill No. 154, "An Act authorizing Charles B. Ryder to construct a wharf at Trinidad Bay, Klamath County"—Committee amendments adopted, and ordered engrossed.

Assembly bill No. 165, "An Act to grant the right to construct and maintain a dam and locks across and in Napa Creek"—Committee amendments adopted, and left on file.

Assembly bill No. 179, "An Act to confer further powers upon the Board of Education and the Treasurer, of the City and County of San Francisco;"

And, Assembly bill No. 184, "An Act to amend an Act entitled an Act to authorize the Treasurer of the City and County of San Francisco to pay certain demands on the School Fund;"

And, also, Assembly bill No. 145, "An Act amendatory of an Act entitled an Act dividing the State into Counties, and establishing the seats of justice therein, passed April twenty-fifth, one thousand eight hundred and fifty-one;"

Committee amendments concurred in, and ordered engrossed.

Senate bill No. 58, "An Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, one thousand eight hundred and fifty;"

And Assembly bill No 158, "An Act to impose further duties on the Board of Supervisors of Tulare County;"

Were indefinitely postponed.

Assembly bill No. 188, "An Act to prevent stallions from running at large in the County of Sacramento;"

Also, Assembly bill No. 186, "An Act for the relief of purchasers of lands from the State of California;"

And, also, Assembly bill No. 182, "An Act concerning certain acknowledgments of deeds and other instruments in writing, affecting real estate;"

Were ordered engrossed.

Mr. Sloss gave notice of reconsideration of the vote on the last bill.

Assembly bill No. 118, "An Act to authorize the guardian or guardians of certain minors to sell and dispose of their real estate and chattels real," amendments adopted, and ordered engrossed.

Asssembly bill No. 52, "An Act to prevent the adulteration of wines and liquors," was indefinitely postponed.

Assembly bill No. 211, "An Act to amend an Act entitled an Act concerning the office of Secretary of State, passed May ———, one thousand eight hundred and fifty-four," ordered engrossed.

Assembly bill No. 21, "An Act to regulate fees of witnesses in criminal cases," was taken up, and referred to the Judiciary Committee.

Assembly bill No. 164, "An Act to provide for the establishment of a State-prison Library," was taken from unfinished business, and placed on file.

Assembly bill No. 156, "An Act supplemental to an Act entitled an Act to provide for the appointment of a Gauger for the Port of San Francisco, passed May third, one thousand eight hundred and fifty-two," was indefinitely postponed.

Mr. Hancock gave notice of a reconsideration.

Senate bill No. 76, "An Act concerning Agricultural Societies," read third time, and passed.

The House concurred in Senate amendments to Assembly bill No. 46, "An Act for the relief of the County Treasurer of the County of San Joaquin."

Assembly bill No. 219, "An Act for the protection of gas-light companies," rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 213, "An Act concerning roads and highways, in Shasta County"—amendments adopted, rules suspended, considered engrossed, read third time, and passed.

At fifteen minutes of five o'clock, P. M., on motion of Mr. Rodgers, the House adjourned.

IN ASSEMBLY.

FRIDAY, March 4, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

Mr. Gregory had indefinite leave of absence.

The Speaker announced Mr. Coleman as the Chairman of the Committee on Education, and added Mr. Springer to the Committee.

PETITIONS.

Petitions were presented as follows:

By Mr. Lamar:

Of citizens of Sonoma County, relative to Spanish land-grants.

Referred to Committee on Federal Relations.

By Mr. Caldwell:

Of citizens of Nevada County, for reduction of fees in office.

Referred to Nevada delegation.

By Mr. Holman:

Of citizens of Sacramento and San Joaquin Counties, for erection of new County.

Referred to Committee on Counties and County Boundaries.

By Mr. Sheridan:

Of Warren N. Bacon, for seat in Assembly.

Referred to Committee on Elections.

Mr. Sheridan moved to reconsider the vote by which the Assembly, on yesterday, adopted the minority report of the Committee on Elections, on the certificate presented by Charles Duncombe.

Mr. Moore of Nevada moved the previous question, which was sustained.

Messrs. Jackson, G. A. Douglas, and DeLong, demanded the ayes and noes, and the House reconsidered, by the following vote:

AYES—Messrs. Armstrong, Aud, Barclay, Bates, Buck, Cahalan, Condee, Cope, Crenshaw, Cutler, Daggett, Davis, G. N. Douglass, Dow, Dunlap, Eagon, Ellis, Ensworth, Hines, Howe, Johnson, Laspeyre, Lefever, Lies, Mathews, Moore of Nevada, Murray, Roane, Robberson, Sheridan, Springer, Squires, Street, Tipton, Tully, Vaughan, Wing, and Mr. Speaker—38.

NOES—Messrs. Banks, Briggs, Caine, Caldwell, Cherry, Coleman, DeLong, G. A. Douglas, Fuller, Hancock, Hill, Holman, Imus, Jackson, Lamar, Lull, Lynch, Malarin, Pico, Pixley, Rodgers, Shannon, Shepard, Slingerland, Sloss, Taylor, Watkins, Whealdon, Whitman, and Whitney—29.

On the adoption of the minority report of the Committee on Elections, Messrs. DeLong, Whealdon, and Jackson, demanded the ayes and noes, and the House refused to adopt the report, by the following vote:

AYES—Messrs. Banks, Barclay, Briggs, Caine, Caldwell, Cherry, Coleman, DeLong, G. A. Douglas, Fuller, Hancock, Hill, Imus, Jackson, Lamar, Lull, Lynch, Malarin, Pico, Pixley, Shannon, Shepard, Slingerland, Sloss, Taylor, Watkins, and Whealdon—27.

NOES—Messrs. Armstrong, Aud, Bates, Buck, Burdick, Cahalan, Condee, Cope, Crenshaw, Cutler, Daggett, Davis, G. N. Douglass, Dow, Eagon, Ellis, Ensworth, Hines, Howe, Johnson, Laspeyre, Lefever. Mathews, Moore of Nevada, Murray, Roane, Robberson, Rodgers, Sheridan, Springer, Squires, Street, Tipton, Tully, Vaughan, Wing, Whitman, Whitney, and Mr. Speaker—39.

Messrs. Lamar, Lull, and H nes, were excused from serving on the Committee on Elections.

Mr. DeLong moved that Mr. Duncombe be sworn as a member of this House, and that he resume his seat.

SPECIAL ORDERS.

Assembly bill No. 45, "An Act amendatory of, and supplementary to, the Act defining the rights of husband and wife;"

And Assembly bill No. 11, "An Act concerning marriages and divorces;"

Were considered in Committee of the Whole, (Mr. Ellis in the Chair,) Assembly bill No. 45 amended and recommended—amendments not concurred in, read third time, and passed.

Assembly bill No. 11 amended.

Committee rose, and had leave to sit again to-morrow, at twelve o'clock.

On motion of Mr. Cope, the consideration of Mr. DeLong's motion relative to the seat of Mr. Duncombe, was made the special order for to-morrow, at two o'clock, P. M.

REPORTS.

Reports were made as follows:

By Mr. Crenshaw:

MR. SPEAKER: Your Committee on Mines and Mining Interests, to whom was referred Assembly Joint-Resolution No. 21, "relative to the mineral lands of this State, report the same back to the House, and unanimously recommend its indefinite postponement

CRENSHAW, Chairman,
GEORGE A. DOUGLAS,
W. R. ARMSTRONG,
W. P. WING,
WM. DOW.

By Mr. Street:

MR. SPEAKER:—The Committee on Ways and Means, to whom was referred Senate bill No. 125, "An Act relating to the sureties on the official bond of Henry Bates, late State Treasurer," having had the same under consideration, ask leave to report it back, with a recommendation, from a majority of the Committee, in favor of its passage. Messrs. Laspeyre, Rodgers, and Lamar, dissent from the opinion of the majority.

The same Committee have also considered Senate bill No. 106, "An Act to amend an Act entitled an Act to create the office of State Printer, define the duties and compensation thereof, and provide for the time and manner of election, approved May fifteenth, one thousand eight hundred and fifty-four," and report the same back, recommending its passage.

STREET, Chairman.

Senate bill No. 125, above reported, read third time, and passed.

On motion of Mr. Hines, the vote by which the House yesterday indefinitely postponed Assembly bill No. 156, "An Act supplemental to an Act entitled an Act to provide for the appointment of a Gauger for the Port of San Francisco, passed May third, one thousand eight hundred and fifty-two," was reconsidered, and the bill ordered engrossed.

Reports were made as follows:
By Mr. Taylor:

MR. SPEAKER:—The San Francisco delegation, to whom was referred Assembly bill No. 190, for an Act to confirm and legalize certain assessment-rolls of the City and County of San Francisco, and to provide for the collection of delinquent taxes thereon, have had the same under consideration, and respectfully report, that they have carefully considered the provisions of the bill, and that its sole object is to insure the collection of the delinquent taxes of the past three years in the City and County of San Francisco. The justice of compelling payment from men who have claimed and enjoyed for themselves and their property the protection of our Government, but who would throw upon others the burden of defraying its expenses, is so evident, that no one but a delinquent taxpayer could refuse his assent to it. The fact, that for two or three years these men have been successful in shirking the payment of their dues to the State and County, is an additional reason why they should now be taught the futility of such attempts to defraud the State of her revenue. The delegation would therefore most earnestly recommend the passage of the bill, with certain amendments, herewith submitted.

TAYLOR,
LULL,
CHERRY,
BANKS,
SHEPARD,
HILL,
MOORE.

Mr. Pixley, from the minority, recommended the indefinite postponement of the bill.
By Mr. Aud:

MR. SPEAKER:—The Special Committee consisting of the delegation from Yuba and Sutter Counties, to whom was referred Senate bill No. 153, having had the same under consideration, beg leave to report the same back to this House, and recommend its passage, without amendment.

FRANCIS L. AUD, Chairman.

Senate bill No. 153, above reported, read third time, and passed.
By Mr. Aud:

MR. SPEAKER:—The Special Committee, consisting of the delegation from Yuba County, to whom was referred Senate bill No. 126, having had the same under consideration, beg leave to report the same back, with an amendment, and recommend its passage, as amended

FRANCIS L. AUD, Chairman.

Senate bill No. 126, above reported, was taken up, amendments adopted, read third time, and passed.

Mr. Murray verbally reported, and recommended Assembly bill No 229, an Act to authorize the County of Santa Barbara to issue bonds for

the funding of its debt, and construction of roads, and to provide for the payment of the same.

By Mr. Sloss:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled:

Assembly bill No. 44, "An Act to amend section one hundred and seventy-nine of an Act entitled an Act concerning corporations, passed April twenty-second, one thousand eight hundred and fifty."

SLOSS, of the Enrolling Committee.

By Mr. Hancock:

MR. SPEAKER:—*Sir:* The Committee on Counties and County Boundaries, to whom was referred Assembly bill No. 150, entitled "An Act amendatory of an Act defining the boundaries of Sacramento County, passed March thirty, one thousand eight hundred and fifty-seven," have had the same under consideration, and report the same back, with a recommendation that the same be referred to the delegations of the Counties of Sacramento and Placer, that they may effect a compromise line between the two said Counties.

HANCOCK, Chairman.

Assembly bill No. 150, above reported, was referred to the Sacramento and Placer delegations.

Mr. Ensworth introduced a bill for an Act to amend an Act entitled an Act to amend an Act to fund the debt of the County of San Diego, and to provide for the payment of the same, approved May fourth, one thousand eight hundred and fifty-five, approved February fourteenth, one thousand eight hundred and fifty-six.

Read first and second times, and placed on file.

At four o'clock, P. M., on motion of Mr. Johnson, the House adjourned.

IN ASSEMBLY.

SATURDAY, March 5, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

Mr. Murray had leave of absence, for one day.

Mr. Robberson introduced the following resolution, which was adopted:

Resolved, That the Sergeant-at-Arms, or, in his absence, the Clerk to the Sergeant-at-Arms, is authorized to receive from the Controller of State his warrants for the per diem of Assemblymen, Clerks, and Officers of this body.

The following resolution was offered by Mr. Fuller:

Resolved, That J. W. Scobey be allowed two hundred dollars, for services rendered from January tenth to February nineteenth, inclusive, payable out of the Contingent Fund of the Assembly.

Upon the adoption of the resolution, Messrs. Hines, Buck, and Whitney, demanded the ayes and noes, and it was adopted, by the following vote:

AYES—Messrs. Banks, Bates, Briggs, Burdick, Caine, Cahalan, Cope, Crenshaw, Cutler, Daggett, Davis, DeLong, G. A. Douglas, Dow, Eagon, Ellis, Ensworth, Fuller, Hill, Hines, Holman, Imus, Jackson, Johnson, Lamar, Lies, Lull, Moore of San Francisco, Pico, Roane, Shannon, Shepard, Slingerland, Sloss, Taylor, Tipton, Vaughan, and Whealdon—38.

NOES—Messrs. Barclay, Buck, Caldwell, Coleman, G N. Douglass, Dunlap, Howe, Laspeyre, Lefever, Lynch, Mathews, Pixley, Robberson, Springer, Watkins, Wing, Whitney, and Mr. Speaker—18.

Mr. Hines gave notice of reconsideration.

REPORTS.

Reports were made as follows:

By Mr. Cope:

MR. SPEAKER:—The Judiciary Committee, to whom was referred Senate bill No. 56, 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 twenty-ninth, one thousand eight hundred and fifty-one, have considered the same, and report the bill back, with amendments, and recommend its passage, as amended.

The same Committee, to whom was referred Assembly bill No. 193, an Act supplementary to an Act entitled an Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, one thousand eight hundred and fifty-seven, approved February twenty-first, one thousand eight hundred and fifty-nine, have considered the same, and report the bill back, with amendments, and recommend its passage, as amended.

The same Committee, to whom was referred Assembly bill No. 217, an Act to provide for the stay of execution, have considered the same, and report the bill back, and recommend its indefinite postponement.

The same Committee, to whom was referred Assembly bill No. 40, an Act amendatory of an Act to regulate proceedings in civil cases, have considered the same, and report the bill back, and recommend its indefinite postponement.

COPE, Chairman.

By Mr. Springer:

MR. SPEAKER:—Your Committee on Roads and Highways, to whom was referred Senate bill No. 83, an Act concerning roads and highways, report the same back to the House, and recommend its indefinite postponement.

SPRINGER, Chairman *pro tem.*

On motion of Mr. Taylor, the rules were suspended, for the purpose of considering Assembly bill No. 190, on Act to confirm and legalize certain assessment-rolls of the City and County of San Francisco, and to provide for the collection of the delinquent taxes thereon—Committee amendments adopted, bill considered engrossed, and read third time.

Mr. Pixley gave notice of motion to reconsider the vote by which the bill was considered engrossed.

The Speaker announced Messrs. Taylor and Hill, as members of the Committee on Elections.

SPECIAL ORDER.

The House, as in Committee of the Whole, resumed the consideration of Assembly bill No. 11, an Act concerning marriages and divorces.

Bill reported back, without recommendation, and the Committee discharged.

The amendments of the Judiciary Committee were adopted.

Mr. Tully offered the following substitute for section thirty-five:

Amend section thirty-five, to read as follows:

Section thirty-five—The Court may, in its discretion, decree a divorce from the bonds of matrimony, or a separation from bed and board, either forever, or for a limited time

First—For adultery, committed by either of the parties.

Second—In case of the conviction of either party of a felony, after marriage, such conviction not being set aside, or reversed on appeal, in case an appeal is taken.

Third—For cruel and inhuman treatment, on the part of the husband towards his wife.

Fourth—For the habitual drunkenness of either party.

Fifth—For the willful desertion of either party, for a period of two years.

Sixth—For the willful neglect, on the part of the husband, to provide for his wife the common necessaries of life, having the ability to provide the same, for the period of two years.

Seventh—For such conduct, on the part of either, as may render it unsafe and improper for them to live together.

Eighth—Where either of the parties shall have been finally convicted of a felony, before marriage, of which the other party shall have been ignorant at the time of such marriage.

Ninth—Impotence or sterility.

Upon the adoption of the substitute, Messrs. Murray, Whitney, and Tully, demanded the ayes and noes, and the substitute was lost, by the following vote:

AYES—Messrs Condee, DeLong, Howe, Jackson, Lamar, Laspeyre, Lefever, Malarin, Murray, Pixley, Roane, Sloss, Tully, Whealdon, and Whitney—15.

NOES—Messrs. Aud, Banks, Barclay, Buck, Caine, Caldwell, Cahalan, Coleman, Cope, Daggett, Davis, G. A. Douglas, Dow, Dunlap, Eagon, Ellis, Fuller, Hancock, Holman, Imus, Lies, Mathews, Pico, Rodgers, Shannon, Sheridan, Springer, Squires, Tipton, and Mr. Speaker—30.

Mr. Banks offered the following amendment to section thirty-five, which was lost:

Strike out all after the word "taken," in the third line.

On ordering the bill to be engrossed, Messrs. DeLong, Whealdon, and Tully, demanded the ayes and noes, and it was ordered engrossed, by the following vote:

AYES—Messrs. Aud, Banks, Barclay, Bates, Buck, Caine, Caldwell, Ca-

halan, Cope, Daggett, Davis, G. A. Douglas, Dow, Dunlap, Eagon, Ellis, Fuller, Hancock, Holman, Jackson, Laspeyre, Lefever, Lies, Malarin, Mathews, Pico, Roane, Robberson, Shannon, Sheridan, Sloss, Squires, Tipton, Watkins, Wing, and Whitman—36.

NOES—Messrs. Condee, DeLong, Howe, Imus, Lamar, Murray, Pixley, Springer, Taylor, Tully, Whealdon, Whitney, and Mr. Speaker—13.

On motion of Mr. Springer, at three o'clock, P. M., the House adjourned.

IN ASSEMBLY.

MONDAY, March 7, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of Saturday was read and approved.

Mr. Cope had indefinite leave of absence.

Mr. Hines, for two days,

And, Messrs Hill, Lynch, Crenshaw, Cherry, Johnson, and G. N. Douglass, for one day each.

Mr. Lamar moved to reconsider the vote by which the House, on Saturday last, adopted a resolution allowing J. W. Scobey compensation.

The House refused to reconsider.

PETITIONS.

Petitions were presented as follows:

By Mr. Moore of San Francisco:

Of citizens of San Francisco, for a Railroad to Mission Dolores.

Referred to San Francisco delegation.

By Mr. Roane:

Of citizens of Fresno County, for division of County.

Referred to Committee on Counties and County Boundaries.

Also, remonstrance of Board of Supervisors of Fresno County; and, also, of citizens of said County, against the division of the County.

Referred to Committee on Counties and County Boundaries.

By Mr. Caldwell:

Of citizens of Nevada County, relative to reduction of fees of office.

Referred to Nevada delegation.

By Mr. Robberson:

Of citizens of Sonoma County, relative to fraudulent land-grants.

Referred to Committee on Federal Relations.

The following resolution was offered by Mr. Condee, and adopted:

Resolved, That the Engrossing Clerk be allowed an Assistant Clerk for one week, at a salary of eight dollars *per diem.*

REPORTS.

Reports were made as follows:

By Mr. Condee:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed:

Assembly bill No. 188, an Act to prevent stallions from running at large in the County of Sacramento.

Also, Assembly bill No. 154, an Act authorizing Chas. B. Rider to construct a wharf at Trinidad Bay, in Klamath County.

CONDEE, Member of Committee.

By Mr. Shannon:

MR. SPEAKER:—The Committee appointed to examine the Journalized proceedings have examined the same, and have found them correctly written, up to March third, inclusive.

SHANNON,
TIPTON.

By Mr. Burdick:

MR. SPEAKER:—The Auditing Committee have examined the copying done for the Assembly, and find it as follows:

In the Journal, folios	814
For Printer, and House, folios	1,131
Total	1,945

All of which is respectfully submitted.

JAMES BURDICK, Chairman.

By Mr. Burdick, from Enrolling Committee:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled:

Assembly bill No. 155, an Act to authorize the Mayor of Benicia to enter into an agreement with S. C. Hastings, for exchange of certain property, for school purposes.

Also, Assembly bill No. 46, an Act for the relief of the County Treasurer of the County of San Joaquin.

Also, Assembly bill No. 114, an Act making appropriations for the salaries of Clerks in the Land Office from the first day of February, to the thirtieth day of June, one thousand eight hundred and fifty-nine.

JAMES BURDICK, of the Enrolling Committee.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 4, 1859.

To the Assembly of California:

I have to inform you that I, this day, approved the following bills, to wit:

An Act to amend an Act entitled "An Act concerning official and other bonds, approved April second, one thousand eight hundred and fifty-seven."

An Act to authorize the sale of the real estate belonging to the minor heirs of the late Juan Malarin, deceased, situated in the County of Monterey;

Also, an Act concerning the official bonds of the District-Attorney, Surveyor, Coroner, and Public Administrator, of the Counties of San Luis Obispo, San Diego, and Placer.

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 7, 1859.

To the Assembly of California:

I have to inform you that I have, this day, approved the following bills, to wit:

An Act to authorize William B. Atterbury, administrator of the estate of Martin E. Cooke, to execute certain conveyances;

An Act to provide for the purchase and erection of hydrants, in the City and County of San Francisco.

An Act to amend section one hundred and seventy-nine of an Act entitled an Act concerning corporations, passed April twenty-second, one thousand eight hundred and fifty;

An Act concerning the offices of County Clerk, Sheriff, and County Recorder, of the City and County of San Francisco;

An Act amendatory of, and supplemental to, an Act entitled an Act to provide for the formation of corporations for certain purposes, passed April fourteenth, one thousand eight hundred and fifty-three;

An Act to amend an Act entitled an Act prescribing the mode of maintaining possessory actions on public lands in this State, approved April twentieth, one thousand eight hundred and fifty-two;"

Also, an Act concerning the Board of Supervisors of the County of Tuolumne.

JOHN B. WELLER.

OFFICE BOARD OF EXAMINERS,
Sacramento, March —, 1859.

To the Assembly of California:

I transmit, herewith, to your honorable body, the following claims, which have been rejected by the Board of Examiners, together with papers and opinions of the Board, to which I respectfully call your attention, viz.:

Claim No. 113, of H. H. Ellis, against the State;

Claim No. 115, of Thomas K. Munk, against the State.

JOHN B. WELLER,
President of Board of Examiners.

The claims, above reported, were referred to Committee on Claims.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
March 5, 1859.

MR. SPEAKER:—The Senate, on yesterday, passed Senate bill No. 146, an Act for the government of the State-prison, and creating a Board of Directors, and defining their powers and duties, and to repeal an Act enti-

tled an Act for the government of the State-prison, and to provide for the location of a Branch-prison, approved April twenty-fourth, one thousand eight hundred and fifty-eight;

Also, Senate bill No. 113, an Act to grant the right to construct a bridge across the Upper Sacramento River, at the town of Red Bluff, to certain parties therein named;

Also, Assembly bill No. 87, an Act to define the boundaries, and provide for the organization of Mendocino County, with amendments.

E. C. PALMER, Secretary of Senate.

Senate bill No. 146, above reported, was read first and second times, and referred to the State-prison Committee.

Senate bill No. 113, above reported, read first and second times, and referred to delegation from Tehama.

House concurred in Senate amendments to Assembly bill No. 87, above reported.

SENATE CHAMBER,
March 4, 1859.

MR. SPEAKER:—The Senate, on yesterday, passed Senate bill No. 147, "An Act to compensate the Warden of the State-prison;"

Also, Senate bill No. 131, "An Act making appropriations for the support of the Civil Government of the State for the eleventh fiscal year, commencing on the first day of July, A. D. one thousand eight hundred and fifty-nine, and ending on the thirtieth day of June, one thousand eight hundred and sixty, inclusive

Also, Assembly bill No. 114, "An Act making appropriations for salaries of Clerks in the State Land Office, from the first day of February, to the thirtieth day of June, one thousand eight hundred and fifty-nine.

E. C. PALMER, Secretary Senate

Senate bill No. 147, above reported, read first and second times, and referred to the Committee on Claims

Senate bill No. 131, above reported, read first and second times, and referred to Committee on Ways and Means.

SENATE CHAMBER,
March 7, 1859.

MR. SPEAKER:—I am directed to inform the Assembly, that the Senate, on Saturday, the fifth instant, passed Assembly bill No. 65, an Act amendatory of an Act entitled an Act to amend an Act entitled an Act restricting the herding of sheep to certain pastures, in the Counties of Sonoma and Marin, approved April fifteenth, one thousand eight hundred and fifty-eight, with an amendment.

And, have concurred in Assembly amendments to Senate bill No. 126, an Act to amend an Act entitled an Act supplementary to an Act to provide for funding the indebtedness of Yolo County, approved April twenty-second, one thousand eight hundred and fifty-eight.

E. C. PALMER, Secretary Senate.

House concurred in Senate amendments to Assembly bill No. 65, above reported.

The following resolution was offered by Mr. Pixley:

Resolved, That the Assembly Committees, now holding their sessions in San Francisco, be, and they are hereby, authorized to extend their in-

vestigations to all matters of interest touching legislation in relation to bulk-head affairs.

On the adoption of the resolution, Messrs. Whealdon, Jackson, and Banks, demanded the ayes and noes, and the same was adopted, by the following vote:

AYES—Messrs. Banks, Barclay, Buck, Burdick, Caine, Caldwell, Cahalan, Condee, Cutler, Dow, Dunlap, Eagon, Ellis, Ensworth, Fuller, Holman, Howe, Imus, Jackson, Laspeyre, Lefever, Malarin, Mathews, Moore of San Francisco, Murray, Pico, Pixley, Shannon, Slingerland, Sloss, Springer, Taylor, Tipton, Tully, Watkins, Whealdon, and Wing—37.

NOES—Messrs. Bates, Coleman, Daggett, Davis, Lamar, Lies, Lull, Moore of Nevada, Mount, Roane, Robberson, Rodgers, Shepard, Sheridan, Squires, and Mr. Speaker—16.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Moore of San Francisco, an Act to grant certain parties the right of laying a railroad track along certain streets within the City and County of San Francisco.

By Mr Davis, an Act to amend an Act entitled an Act to provide for the payment of the debt of Humboldt County, that existed upon the thirty-first day of December, one thousand eight hundred and fifty-seven, approved April twenty-sixth, one thousand eight hundred and fifty-eight.

By Mr. Taylor, an Act to amend an Act defining the time for commencing civil actions, passed April twenty-second, one thousand eight hundred and fifty.

By Mr. Jackson, an Act for the better protection of the mines of this State, for the use of American citizens, and to amend the Act licensing Chinese or Mongolians, and for other purposes.

Mr. Laspeyre offered the following resolution, which was adoped:

Resolved, That the Speaker appoint three additional members to the Committee on Claims.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Thomas, an Act supplementary to an Act entitled an Act to provide for the indigent sick in the Counties in this State, approved April eleventh, one thousand eight hundred and fifty-five.

Read first and second times, and referred to Committee on Hospitals, and ordered printed.

By Mr. Jackson, an Act amendatory of, and supplementany to, an Act to establish, support, and regulate common schools, and to repeal former Acts concerning the same, approved May third, one thousand eight hundred and fifty-five.

Read first and second times, and referred to Committee on Education

By Mr. Murray, an Act to change the time of holding the terms of the District Court, Court of Sessions, County Court, and Probate Courts, within the Second Judicial District.

Read first and second times, and referred to the Santa Barbara delegation.

By Mr. Hancock, an Act to confer certain powers upon Counties, Cities and Counties, and other municipal corporations.

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

By Mr. Sheridan, an Act relative to Grand-Jury reports.

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

GENERAL FILE.

Assembly bill No. 66, an Act to define the boundary and boundary-lines of Tehama County;

Also, Assembly bill No. 154, an Act authorizing Charles B. Rider to construct a wharf at Trinidad Bay, in Klamath County;

Also, Assembly bill No. 161, an Act fixing the salary of the County Judge of San Bernardino County, and of the District-Attorney for said County, and repealing all former Acts inconsistent with the provisions of this Act;

Also, Assembly bill No. 163, an Act amendatory of an Act entitled an Act to provide for the sale and reclamation of the swamp and overflowed lands of this State, approved April twenty-one, one thousand eight hundred and fifty-eight;

Also, Assembly bill No 188, an Act to prevent stallions running at large in the County of Sacramento;

And, also, Assembly bill No. 192, substitute for Senate bill No. 16, an Act to legalize the acknowledgments heretofore taken before any Deputy Clerk of the late Superior Court of the City of San Francisco, or by any Deputy County Recorder within this State;

Were read third time, and passed.

Senate bill No. 41, an Act in relation to the assignment of rights in actions, and evidences of such assignment, and notice thereof;

Also, Assembly bill bill No. 40, an Act amendatory of an Act to regulate proceedings in civil cases;

And, Assembly bill No. 218, an Act to regulate the appointment of sequestrators, and to define their duties;

Were indefinitely postponed.

Assembly bill No. 196, an Act to change the name of Jacob Schlechwey to that of Jacob Robinson;

And, also, Assembly bill No. 228, an Act to authorize the County Recorder of the County of Tehama to transcribe certain records, in the Counties of Colusa, Shasta, and Butte;

Were—the rules having been suspended—considered engrossed, read third time, and passed.

Assembly bill No. 165, an Act to grant the right to construct and maintain a dam and locks across and in Napa Creek—Committee amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 181, an Act to authorize the State Treasurer to issue to Minerva J. Carroll a duplicate school-land warrant, in lieu of a certain warrant destroyed—Committee amendments adopted, and ordered engrossed.

Assembly bill No. 164, an Act to provide for the establishment of a State-prison Library, was considered in Committee of the Whole, Mr. Aud

in the Chair, recommended, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 168, an Act to amend an Act entitled an Act to regulate fees of office, approved April tenth, one thousand eight hundred and fifty-five—recommitted to Tuolumne delegation, with instructions to report a substitute.

The rules were suspended, and Senate Concurrent-Resolution No. 19, relative to allowing Joint Committee on Accounts of S. A. McMeans, late State Treasurer, a Clerk, was taken from the table, and concurred in.

Assembly bill No. 214, an Act to provide for the payment of judgments against the City, County, and City and County of San Francisco;

And, Assembly bill No. 221, an Act to authorize the Board of Supervisors of the City and County of San Francisco to grant to certain persons a right to construct a macadamized road;

Committee amendments adopted, and ordered engrossed.

Assembly bill No. 202, an Act supplemental to an Act entitled an Act granting certain powers to the Board of Education of the City and County of San Francisco, approved April twenty-sixth, one thousand eight hundred and fifty-eight, was ordered engrossed.

Assembly bill No. 229, an Act to authorize the County of Santa Barbara to issue bonds for the funding of its debt, and the construction of roads, and to provide for the payment of said bonds, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 106, an Act to amend an Act entitled an Act to create the office of State-Printer, to define the duties and compensation thereof, and provide for the time and manner of election, approved May fifteenth, one thousand eight hundred and fifty-four—

On the passage of the bill, Messrs DeLong, Jackson, and Caine, demanded the ayes and noes, and the bill was lost, by the following vote:

AYES—Messrs. Aud, Condee, Cutler, Dow, Ellis, Holman, Lamar, Laspeyre, Moore of Nevada, Mount, Murray, Roane, Sheridan, Sloss, Wing, and Mr. Speaker—16

NOES—Messrs. Banks, Caine, Caldwell, Davis, DeLong, G. A. Douglas, Ensworth, Hancock, Imus, Jackson, Lefever, Lies, Lull, Moore of San Francisco, Pico, Shannon, Slingerland, Squires, Taylor, Tipton, Tully, Watkins, and Whealdon—23.

Mr. Squires gave notice of reconsideration.

Assembly bill No 193, an Act supplementary to an Act entitled an Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, one thousand eight hundred and fifty-seven, approved February twenty-first, one thousand eight hundred and fifty-nine—Committee amendments adopted, rules suspended, considered engrossed, read time, and passed.

Senate bill No. 56, 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 twenty-ninth, one thousand eight hundred and fifty-one—Committee amendments adopted. read third time, and passed.

The resolution offered by Mr Shepard, as a standing rule of the House, relative to order of business, was taken up.

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

Lost.

Resolution was then adopted.

Assembly bill No. 84, an Act to create a Branch of the Insane Asylum,

of California, substitute for Assembly bill No. 5—substitute adopted, and, on the indefinite postponement of the bill, Messrs. DeLong, Slingerland, and Laspeyre, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Armstrong, Barclay, Bates, Buck, Burdick, Caldwell, Condee, Daggett, Davis, G. A. Douglas, Dow, Holman, Howe, Lamar, Laspeyre, Lies, Mathews, Mount, Murray, Pixley, Robberson, Shepard, Springer, Tully, and Watkins—25.

NOES—Messrs. Aud, Briggs, Caine, Cahalan, Coleman, Cutler, DeLong, Dunlap, Ellis, Ensworth, Fuller, Imus, Jackson, Lefever, Moore of Nevada, Pico, Roane, Shannon, Slingerland, Sloss, Squires, Vaughan, Whealdon, Wing, and Whitman—25.

The bill was ordered engrossed.

Assembly bill No. 26, an Act concerning interest on money, and to prevent usury—

On the indefinite postponement of the bill, Messrs. DeLong, Sloss, and Squires, demanded the ayes and noes, and it was indefinitely postponed, by the following vote:

AYES—Messrs. Armstrong, Banks, Barclay, Bates, Buck, Caine, Cahalan, Condee, Cutler, Daggett, Dunlap, Eagon, Ellis, Howe, Jackson, Lamar, Lies, Mathews, Moore of Nevada, Pico, Robberson, Sheridan, Springer, Squires, Taylor, Tully, Vaughan, Watkins, Wing, Whitman, and Mr. Speaker—31.

NOES—Messrs. Aud, Burdick, Caldwell, Coleman, Davis, DeLong, G. A. Douglas, Dow, Hancock, Holman, Imus, Laspeyre, Lefever, Mount, Murray, Pixley, Shannon, Slingerland, Sloss, Tipton, and Whealdon—21.

At four o'clock, P. M., on motion of Mr. Burdick, the House adjourned.

IN ASSEMBLY.

TUESDAY, March 8, 1859.

The House met, pursuant to adjournment.

Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

Messrs. G. N. Douglass and Johnson had leave of absence, for one day each,

And Messrs. Street and Vaughan, for three days each.

The Speaker announced, as additional members of the Committee on Claims, Messrs. Laspeyre, Aud, and G. N. Douglass.

Also, announced the Committee on Elections, re-organized: Messrs. Roane, Young, Mount, Malarin, Laspeyre, Hill, Daggett, and Bates.

GENERAL FILE.

Assembly bill No. 190, an Act to confirm and legalize certain assessment-rolls of the City and County of San Francisco, and to provide for the collection of the delinquent taxes thereon, read third time, and passed.

Assembly Joint-Resolution No. 21, relative to mineral lands, was made the special order for March fifteenth, at two o'clock, P. M.

Assembly bill No. 129, an Act to enforce a better observance of the first day of the week, commonly called Sunday—Committee amendments adopted.

And, on the indefinite postponement of the bill, Messrs. Sloss, Sheridan, and Springer, demanded the ayes and noes, and it was indefinitely postponed, by the following vote:

AYES—Messrs. Armstrong, Buck, Caldwell, Coleman, Cutler, Daggett, Dow, Eagon, Hancock, Hill, Holman, Howe, Lamar, Laspeyre, Lefever, Lull, Moore of Nevada, Murray, Pico, Pixley, Roane, Robberson, Shannon, Shepard, Slingerland, Tully, Wing, Whitman, and Mr. Speaker—28.

NOES—Messrs. Aud, Banks, Barclay, Bates, Burdick, Caine, Cherry, Condee, Davis, G. A. Douglas, Dunlap, Ellis, Fuller, Imus, Jackson, Lynch, Malarin, Mathews, Mount, Rodgers, Sheridan, Sloss, Springer, Squires, Taylor, Tipton, and Watkins—27.

Mr. Laspeyre gave notice of reconsideration.

Assembly bill No. 189, an Act to amend an Act entitled an Act to establish, support, and regulate common schools, approved May eighth, one thousand eight hundred and fifty-five;

And, Senate bill No. 49, an Act concerning crimes and punishments, and for the better protection of wines and liquors against adulteration and counterfeits;

Were indefinitely postponed.

Assembly bill No. 223, an Act granting the consent of the Legislature to the formation of a different Government for the southern Counties of this State, the special order for this day, made special order for March sixteenth, one thousand eight hundred and fifty-nine, at twelve o'clock, M.

Senate bill No. 59, an Act amendatory of, and supplementary to, an Act entitled an Act to provide for the registration of marriages, births, divorces, and deaths, approved April twenty-sixth, one thousand eight hundred and fifty-eight, was read third time.

Mr. Condee moved to indefinitely postpone the bill.

Upon which, Messrs. Sloss, Whitman, and DeLong, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Bates, Condee, Davis, Jackson, Lamar, Mathews, Robberson, Springer, Tully, and Mr. Speaker—10.

NOES—Messrs. Aud, Banks, Buck, Burdick, Caldwell, Cahalan, Cherry, Cutler, Daggett, DeLong, G. A Douglas, Dow, Dunlap, Eagon, Ellis, Fuller, Holman, Howe, Imus, Laspeyre, Lefever, Lies, Lull, Lynch, Malarin, Moore of Nevada, Moore of San Francisco, Mount, Murray, Roane, Shannon, Shepard, Sheridan, Slingerland, Sloss, Squires, Taylor, Tipton, Watkins, Whealdon, Whitman, and Whitney—42.

Mr. Tully moved to strike out the third section of the bill.

Lost.

Mr. Tully moved to strike from the third section, "not less than ten, nor more than one hundred dollars."

Lost.

Mr. Lamar moved a call of the House.

Which was sustained.

And the following members were absent: Messrs. Aud, Briggs, Bur-

dick, Cherry, Davis, Imus, Lynch, Moore of Nevada, Murray, Pixley, and Rodgers.

Further proceedings under the call were dispensed with.

Upon the passage of the bill, Messrs. Mathews, Shannon, and Lull, demanded the ayes and noes, and it was passed, by the following vote:

AYES—Messrs. Armstrong, Banks, Buck, Burdick, Caine, Caldwell, Cahalan, Cherry, Daggett, G. A. Douglas, Eagon, Ellis, Ensworth, Fuller, Hill, Holman, Howe, Lefever, Lies, Lull, Malarin, Moore of Nevada, Moore of San Francisco, Mount, Murray, Pico, Roane, Shannon, Shepard, Sheridan, Slingerland, Sloss, Squires, Whealdon, and Whitman—35.

NOES—Messrs. Barclay, Bates, Coleman, Condee, Davis, Dunlap, Imus, Jackson, Lamar, Laspeyre, Lynch, Mathews, Pixley, Robberson, Rodgers, Springer, Tully, Watkins, Whitney, and Mr. Speaker—20.

REPORTS.

Reports were made as follows:

By Mr. Coleman:

MR. SPEAKER:—The Committee on Education have had under consideration Assembly bill No. 233, "An Act amendatory of, and supplementary to, an Act to establish, support, and regulate common schools, and to repeal former Acts concerning the same, approved May third, one thousand eight hundred and fifty-five, and report the same back to the House, with amendments, and recommend its passage"

COLEMAN, Chairman.

By Mr. Squires:

MR. SPEAKER:—Your Committee on Public Expenditures and Accounts have examined the account of the Chief Clerk, as reported by your Auditing Committee, and found the amount due him for eight hundred and fou teen folios, writing done in the Journal, and one thousand one hundred and thirty-one folios, copying done for the Printer and House, to be two hundred and thirty-five dollars and twenty cents, and have requested me to report the same to the House, and recommend the payment of the same.

Respectfully,

OGDEN SQUIRES, Chairman.

Adopted.

By Mr. Lynch:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 211, an Act to amend an Act concerning the office of Secretary of State, passed May fourth, one thousand eight hundred and fifty-four;

Also, Assembly bill No. 184, an Act to amend an Act entitled an Act to authorize the Treasurer of the City and County of San Francisco to pay certain demands on the School Fund;

Also, Assembly bill No. 178, an Act to procure the translation into the Spanish language, and to provide for printing, such portions of the Statutes of one thousand eight hundred and fifty, and one thousand eight hundred fifty one, as are now in force;

Also, Assembly bill No. 205, an Act to authorize H. W. Bragg, guardian of the minor heirs of David Martin and Anna Martin, deceased, to sell real estate of said minor heirs at public or private sale;

Also, Assembly bill No. 186, an Act for the relief of purchasers of lands from the State of California;

Also, Assembly No. 118, an Act to authorize the guardian or guardians of certain minors to sell and dispose of their real estate and chattels real;

Also, Assembly bill No. 31, an Act to separate the office of Collector of Taxes from the office of Sheriff of the County of Amador;

Also, Assembly Bill No. 179, an Act to confer further powers upon the Board of Education, and Treasurer, of the City and County of San Francisco;

Also, Assembly bill No. 182, an Act concerning certain acknowledgments of deeds, and other instruments in writing, affecting real estate.

P. LYNCH, Chairman.

By Mr. Sheridan:

MR. SPEAKER:—The Committee on Swamp and Overflowed Lands, to whom was referred Senate bill No. 108, have had the same under consideration, and instructed me to report the same back to the House, and recommend its indefinite postponement.

SHERIDAN, Chairman.

By Mr. Dunlap:

MR. SPEAKER:—The Tehama delegation, to whom was referred Senate bill No. 113, "An Act to grant the right to construct a bridge across the Upper Sacramento River, at the Town of Red Bluff, to certain persons therein named," having had the same under consideration, beg leave to report the same back, and recommend its passage.

DUNLAP, of Tehama Delegation.

Mr. Aud was excused from serving on the Committee on Claims, and Mr. Shannon appointed in his place.

Mr. Caine, from the Butte delegation, verbally reported, with amendments, and recommended the passage of Senate bill No. 128, an Act authorizing and empowering the County Clerk of Butte County to transcribe certain records, and to legalize the same;

And, Senate bill No. 148, an Act authorizing the Board of Supervisors in and for the County of Butte, to levy a special tax on all taxable property in said County, for contingent purposes.

Mr. Buck, from the Tuolumne delegation, verbally reported, and recommended substitute for Assembly bill No. 168, an Act to amend an Act entitled an Act to regulate fees of office, approved April tenth, one thousand eight hundred and fifty-five.

Substitute adopted, read first and second times, rules suspended, considered engrossed, read third time, and passed.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor, in relation to the Board of State-prison Directors, which was referred to State-prison Committee:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 7, 1859.

To the Assembly of California:

A bill has passed the Senate, and is now pending, in your honorable body, which proposes to continue the Governor upon the Board of State-prison Directors, to which I beg your attention:

During the past year, as a member of the Board, I devoted, altogether, some two months of my time exclusively to this Institution, and it is probable that during the coming year much more more attention will be demanded, for the reason that none of the Directors named in the bill can be expected to reside at the Prison. The Prison has already given me much trouble and anxiety. This was anticipated, but I was willing to endure it in an effort to reduce the expenses, reform the Institution, and place it upon a respectable footing.

Having, in conjunction with the other members of the Board, succeeded in accomplishing this, to some extent, I think that I am entitled to a discharge. I venture the assertion, that in no other State are the duties of the Governor so varied and so arduous as in California. Many of the most difficult duties have been imposed upon the office since I entered it, while the compensation, as compared with that of my predecessors, is very materially diminished.

The Prison is located so far from the Seat of Government that it is exceedingly inconvenient for the Governor to visit it, and I would not be willing to be held responsible to the public for its management, unless I could go there frequently.

I am, therefore, constrained to request your honorable body to amend the bill by substituting some other officer or person, in place of the Governor. In making this request, I wish it distinctly understood that I have no objection whatever, to the changes which have been made in the other members of the Board.

The two gentlemen named in the new bill are as acceptable to me, in all respects, as my old associates.

JOHN B. WELLER.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 8, 1859.

To the Assembly of California:

I have to inform you that I did, on yesterday, the seventh instant, approve the following bills, to wit:

An Act for the relief of the County Treasurer of the County of San Joaquin.

An Act to authorize the Mayor of the City of Benicia to enter into an agreement with S. C. Hastings, for the exchange of certain property, for school purposes.

Also, an Act making appropriations for the salaries of the Clerks in the State Land Office, from the first day of February to the thirtieth day of June, one thousand eight hundred and fifty-nine.

JOHN B. WELLER.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
March 8, 1859

MR. SPEAKER:—The Senate, on yesterday, passed Senate bill No. 169, "An Act fixing the times of holding the Court of Sessions and County Court, in the County of Shasta, and to change the manner of summoning jurors for the County Court of said County."

E. C. PALMER, Secretary of Senate.

Senate bill No. 169, above reported, read first and second times, and referred to Shasta delegation.

SENATE CHAMBER,
March 7, 1859.

MR. SPEAKER:—The Senate have, this day, passed Senate bill No. 119, "An Act amendatory of, and supplementary to, an Act entitled an Act concerning estray animals."

E. C. PALMER, Secretary of Senate.

Senate bill No. 119, above reported, read first and second times, and referred to the Committee on Agriculture.

SENATE CHAMBER,
March 7, 1859.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate, on the fourth instant, passed Senate bill No. 158, "An Act to authorize the Mayor and Common Council of the City of Los Angeles to contract a loan, for irrigating and other purposes."

Also, on the first instant, Senate bill No. 157, "An Act authorizing the Board of Supervisors of Siskiyou County to transfer certain bonds."

E. C. PALMER, Secretary of Senate.

Senate bill No. 157, above reported, read first and second times, and referred to the Siskiyou delegation.

Senate bill No. 158, above reported, read first and second times, and referred to the Los Angeles delegation.

SENATE CHAMBER,
Tuesday, March 8, 1859.

MR. SPEAKER:—The Senate have, this day, passed Senate bill No. 174, substitute for Senate bill No. 151, "An Act suplementary to an Act approved February eighteenth, one thousand eight hundred and fifty-nine, entitled an Act amendatory of, and supplemental to, an Act entitled an Act to provide for the location and sale of the unsold portion of the five hundred thousand acres of land granted to this State for school purposes, and the seventy-two sections donated to this State for the use of a seminary of learning, approved April twenty-third, one thousand eight hundred and fifty-eight."

Also, Senate bill No. 103, "An Act amendatory of, and supplemental to, an Act entitled an Act to regulate proceedings in civil cases, in the Courts of Justice of this State," passed April twenty-ninth, one thousand

eight hundred and fifty-one, and to repeal an Act amendatory thereof, passed April fifteenth, one thousand eight hundred and fifty-eight.

E. C. PALMER, Secretary of Senate.

Senate bill No. 174, above reported, read first and second times, and referred to the Committee on Education.

Senate bill No. 103, above reported, read first and second times, and referred to the Judiciary Committee.

RESOLUTIONS.

Mr. Ellis offered the following preamble and resolution:

Whereas, This Assembly did, on the twenty-second of January, one thousand eight hundred and fifty-nine, after mature deliberation, pass the following resolution, to wit:

"*Resolved*, That C. Duncombe, a member elect from the County of Sacramento, having taken, and being still under, an oath of allegiance to the British Government, is hereby declared ineligible to hold a seat in this House."

And whereas, The said C. Duncombe, of the said County of Sacramento, this day comes before this house, and presents his certificate of election, on the nineteenth day of February, one thousand eight hundred and fifty-nine, to a seat in this House, and now asks to take the oath of office;

And whereas, further, It is the judgment of this House, that the ineligibility of said C. Duncombe, as declared in said resolution of the twenty-second of January, one thousand eight hundred and fifty nine, can not be cured by a popular election: Therefore,

Resolved, That C. Duncombe, who now presents his certificate of election, and asks to take the oath of office, as a member of this House, for the County of Sacramento, is hereby declared ineligible.

Mr. DeLong offered the following substitute:

Resolved, That Charles Duncombe, having presented to this House a certificate of election, in due form of law, and claims thereby the right to occupy the seat upon this floor belonging to the County of Sacramento, and whereas the same is *prima facie* evidence of such right: therefore, *be it resolved*, that Charles Duncombe be now admitted and sworn in, as a member of this House, from the County of Sacramento.

Mr. Lies moved the previous question.

Upon which, Messrs. DeLong, Whealdon, and G. A. Douglas, demanded the ayes and noes, and the same was sustained, by the following vote:

AYES—Messrs. Armstrong, Aud, Barclay, Bates, Briggs, Buck, Burdick, Cahalan, Condee, Daggett, Davis, Dow, Dunlap, Eagon, Ellis, Holman, Howe, Lefever, Lull, Lynch, Malarin, Mathews, Moore of Nevada, Pico, Roane, Robberson, Rodgers, Shepard, Sheridan, Springer, Tipton, Tully, Watkins, Wing, Whitman, Whitney, and Mr. Speaker—37.

NOES—Messrs. Caine, Caldwell, Cherry, Coleman, DeLong, G. A. Douglas, Fuller, Imus, Jackson, Lamar, Laspeyre, Lies, Murray, Pixley, Shannon, Slingerland, Sloss, Squires, Taylor, and Whealdon—20.

Pending the call of the roll, Mr. Laspeyre asked leave to explain his vote, which was refused.

On the adoption of the substitute, offered by Mr. DeLong, Messrs. Jackson, Whealdon, and G. A. Douglas, demanded the ayes and noes, and the same was lost, by the following vote:

AYES—Messrs. Banks, Barclay, Briggs, Caine, Caldwell, Cherry, Coleman, DeLong, G A. Douglas, Fuller, Imus, Jackson, Lamar, Lies, Lull, Lynch, Malarin, Pico, Pixley, Shannon, Shepard, Sheridan, Slingerland, Sloss, Taylor, Tully, Watkins, Whealdon, and Whitman—29.

NOES—Messrs. Armstrong, Aud, Bates, Buck, Burdick, Cahalan, Condee, Cutler, Daggett, Davis, Dow, Dunlap, Eagon, Ellis, Ensworth, Holman, Howe, Laspeyre, Lefever, Mathews, Moore of Nevada, Murray, Roane, Robberson, Rodgers, Springer, Squires, Tipton, Wing, Whitney, and Mr. Speaker—31.

On the adoption of the resolution offered by Mr. Ellis, Messrs. Jackson, Whealdon, and Armstrong, demanded the ayes and noes, and the same was adopted, by the following vote:

AYES—Messrs. Armstrong, Aud, Bates, Buck, Burdick, Cahalan, Condee, Cutler, Daggett, Davis, DeLong, Dow, Dunlap, Eagon, Ellis, Ensworth, Holman, Howe, Laspeyre, Lefever, Mathews, Moore of Nevada, Murray, Roane, Robberson, Rodgers, Springer, Squires, Tipton, Wing, Whitman, Whitney, and Mr. Speaker—33.

NOES—Messrs. Banks, Barclay, Briggs, Caine, Caldwell, Cherry, Coleman, G. A. Douglas, Fuller, Imus, Jackson, Lamar, Lies, Lull, Lynch, Malarin, Pico, Pixley, Shannon, Shepard, Sheridan, Slingerland, Sloss, Taylor, Tully, Watkins, and Whealdon.—27.

Pending the call of the roll, Mr. Jackson asked leave to explain his vote, which was refused.

Mr. DeLong gave notice of reconsideration.

On motion of Mr. Pixley, at four o'clock, P. M., the House adjourned.

IN ASSEMBLY.

WEDNESDAY, March 9, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

Mr. Robberson moved to reconsider the vote by which the House, on yesterday, adopted the resolution offered by Mr. Ellis, relative to the seat claimed by Charles Duncombe.

Mr. Robberson moved the previous question.

The Speaker having decided that the motion of Mr Robberson for the previous question was in order, Mr. DeLong appealed.

Upon the question, "Shall the decision of the Chair stand as the judgment of the House?" Messrs. DeLong, Whealdon, and Sloss, demanded the ayes and noes, and the Chair was sustained, by the following vote:

AYES—Messrs. Armstrong, Aud, Barclay, Bates, Buck, Burdick, Cahalan, Crenshaw, Cutler, Daggett, Davis, Dow, Dunlap, Eagon, Ellis, Ensworth, Hancock, Holman, Howe, Laspeyre, Lefever, Mathews, Moore of Nevada, Mount, Roane, Robberson, Rodgers, Sheridan, Springer, Squires, Street, Tipton, Tully, Wing, Whitman, and Whitney—36.

NOES—Messrs. Banks, Briggs, Caine, Caldwell, Cherry, Condee, DeLong, G. A. Douglas, Fuller, Hill, Jackson, Lamar, Lies, Lull, Lynch, Moore of San Francisco, Pico, Pixley, Shannon, Slingerland, Sloss, Watkins, and Whealdon—23.

On the question, "Shall the main question be now put?" Messrs. Lamar, Banks, and G. A. Douglas, demanded the ayes and noes, and the previous question was sustained, by the following vote:

AYES—Messrs. Armstrong, Aud, Bates, Buck, Burdick, Cahalan, Condee, Crenshaw, Cutler, Daggett, Davis, Dow, Dunlap, Eagon, Ensworth, Holman, Howe, Lefever, Mathews, Moore of Nevada, Pixley, Roane, Robberson, Rodgers, Sheridan, Springer, Street, Tipton, Tully, Watkins, Wing, Whitman, Whitney, and Mr. Speaker—34.

NOES—Messrs. Banks, Barclay, Briggs, Caine, Caldwell, Cherry, DeLong, G. A. Douglas, Ellis, Fuller, Hancock, Hill, Jackson, Lamar, Laspeyre, Lies, Lull, Lynch, Moore of San Francisco, Mount, Murray, Pico, Shannon, Slingerland, Sloss, Squires, Taylor, and Whealdon—28.

On the motion to reconsider, Messrs. Jackson, Whealdon, and G. A. Douglas, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Banks, Barclay, Briggs, Caine, Caldwell, Cherry, Coleman, DeLong, G. A. Douglas, Fuller, Hancock, Hill, Imus, Jackson, Lamar, Lies, Lull, Lynch, Malarin, Moore of San Francisco, Pico, Pixley, Shannon, Sheridan, Slingerland, Sloss, Taylor, Watkins, Whealdon, and Whitney—30.

NOES—Messrs. Armstrong, Aud, Bates, Buck, Burdick, Cahalan, Condee, Crenshaw, Cutler, Daggett, Davis, Dow, Dunlap, Eagon, Ellis, Ensworth, Hines, Holman, Howe, Laspeyre, Lefever, Mathews, Moore of Nevada, Mount, Murray, Roane, Robberson, Rodgers, Springer, Squires, Street, Tipton, Tully, Wing, Whitman, and Mr. Speaker—36.

Pending the calling of the roll, Mr. Hancock had leave to explain his vote.

Mr. Jackson asked leave, and was refused.

On motion of Mr. Squires, the rules having been suspended, the vote by which the House, on the seventh instant, refused to pass Senate bill No. 106, an Act to amend an Act entitled an Act to create the office of State-Printer, define the duties and compensation thereof, and provide for the time and manner of election, approved May fifteenth, one thousand eight hundred and fifty-four, was reconsidered, and bill passed.

GENERAL FILE.

Assembly bill No. 22, an Act to repeal an Act entitled an Act to provide for the registration of marriages, births, divorces, and deaths, in California, and to abolish the office of State-Registrar—Committee amendments adopted, and bill indefinitely postponed.

Assembly bill No. 231, an Act to amend an Act entitled an Act to amend an Act to fund the debt of the County of San Diego, and to provide for the payment of the same, approved May fourth, one thousand eight hundred and fifty-five, approved February fourteenth, one thousand eight hundred and fifty-six, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 58, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, passed May fifteenth, one thousand eight hundred and fifty-four, together with the substitute for the same, being Assembly bill No. 208, were made the special order for March eleventh, at two o'clock, P. M.

Assembly bill No. 117, an Act to provide for receiving, at their par value, audited demands against the Treasury of the City and County of San Francisco, in payment of taxes, amendments adopted, and bill laid on the table.

Assembly bill No. 148, an Act supplementary to, and amendatory of, an Act to amend an Act entitled an Act concerning the office of Public Administrator, and making it elective, passed April fifteenth, one thousand eight hundred and fifty-one, passed May seventh, one thousand eight hundred and fifty-five;

Also, Assembly bill No. 211, an Act to amend an Act entitled an Act concerning the office of Secretary of State, passed May fourth, one thousand eight hundred and fifty-four;

Also, Assembly bill No. 184, an Act to amend an Act entitled an Act to authorize the Treasurer of the City and County of San Francisco to pay certain demands on the School Fund;

Also, Assembly bill No. 178, an Act to procure the translation into the Spanish language, and to provide for printing, such portion of the Statutes of one thousand eight hundred and fifty, and one thousand eight hundred and fifty-one, as are now in force;

Also, Assembly bill No. 205, an Act to authorize H. W. Bragg, guardian of the minor heirs of David Martin and Ann Martin, deceased, to sell real estate of said minor heirs at public or private sale;

Also, Assembly bill No. 186, an Act for the relief of purchasers of lands from the State of California;

Also, Assembly bill No. 118, an Act to authorize the guardian or guardians of certain minors to sell and dispose of their real estate and chattels real;

Also, Assembly bill No. 31, an Act to separate the office of Collector of Taxes from the office of Sheriff of the County of Amador;

And, also, Assembly bill No. 179, an Act to confer further powers upon the Board of Education, and Treasurer, of the City and County of San Francisco;

Were read a third time, and passed.

REPORTS.

Reports were made as follows:

By Mr. Aud:

MR. SPEAKER:—The Judiciary Committee, to whom was referred Senate bill No. 98, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, have considered the same, and report the bill back, with amendments, and recommend its passage, as amended.

The same Committee, to whom was referred Senate bill No 43, an Act amending an Act entitled an Act concerning jurors, approved May third, one thousand eight hundred and fifty-two, have considered the same, and report the bill back, with amendments, and recommend its passage, as amended.

The same Committee, to whom was referred Senate bill No. 38, an Act amending an Act to regulate proceedings in criminal cases, have considered the same, and report the bill back, with amendments, and recommend its passage, as amended.

The same Committee, to whom was referred Assembly bill No. 216, an Act to provide for the disposal of the sixteenth and thirty-sixth sections of land donated to this State for school purposes, by Act of Congress, passed March third, one thousand eight hundred and fifty-three, and to appropriate the proceeds of the sale thereof to the credit of the General School Fund, have considered the same, and report the bill back, with an amendment, and recommend its passage, as amended.

FRANCIS L. AUD, Chairman *pro tem.*

COMMUNICATIONS FROM THE ATTORNEY-GENERAL.

The following communications were received from the Attorney-General:

ATTORNEY-GENERAL'S OFFICE,
Sacramento, March 7, A. D. 1859.

To the Assembly of the State of California:

I have delayed answering your resolution, adopted on the eighteenth ultimo, with a hope of obtaining more satisfactory information in relation to the chances of recovery, in the suit which I instituted against McMeans, Treasurer, than I was in possession of on the twentieth of January, the date of my report to the Legislature of the general examination of his (McMeans') books and accounts. I regret to state that I am unable to add any information to that which is contained in said report.

Respectfully, etc.,

THOS. H. WILLIAMS, Attorney-General.

ATTORNEY-GENERAL'S OFFICE,
March 7, 1859.

To the Assembly of the State of California:

The undersigned would respectfully, but earnestly, request that the Attorney-General be excused from acting as one of the State-prison Directors, as proposed in the bill which has passed the Senate, and is now pending before this House, and would state the following as his chief reasons for making such request, to wit: that he will not be able to devote all the time in the discharge of the duties of such office as its importance will require; that he is well satisfied that the expenses of the State-prison during the next year will greatly exceed those of the past, on account of the increase of convicts and the advanced cost of provisions; that about all of the necessary improvements at San Quentin have been made during the past year, and hence, there will not be employment for the convicts sufficiently remunerative to make reasonable offsets to the expenses of that institution. The consequences, therefore, will be, that, with great plausibility, mismanagement will be charged against the direction of the next year, and unjust comparisons instituted between that and the past.

The undersigned feels it a duty which he specially owes to himself, to make this request.

Respectfully, etc.,
THOS. H. WILLIAMS, Attorney-General.

The above communication was referred to the State-prison Committee.
Mr. Hines moved a call of the House.
Lost.
Mr. Hines moved to adjourn.
Lost.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr Lamar, an Act to authorize the Counties of Sonoma, Napa, Mendocino, Trinity, Humboldt, and Siskiyou, to retain the State's portion of the poll-tax, which shall be collected in said Counties for the year one thousand eight hundred and fifty-nine, and for the year one thousand eight hundred and sixty, to be applied to the construction and improvement of a wagon-road from Petaluma and Napa City, through said Counties, to Yreka.

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

By Mr Hill, an Act to provide for the location of slaughter-houses, corrals, and cattle-pens in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Whitman, an Act to change and fix the time of holding the Court of Sessions, the County Court, and the Probate Court, of San Bernardino County.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Pico, an Act to legalize a certain conveyance made by Thomas W. Sutherland, administrator *de bonis non* of the estate of Miguel de Pedrorena, deceased, to Jose Antonio Aguirre.

Read first and second times, and referred to San Diego delegation.

REPORTS.

Reports were made as follows:

By Mr. Watkins:

MR. SPEAKER:—The delegation to whom was referred Senate bill No. 157, "An Act authorizing the Board of Supervisors of Siskiyou County to transfer certain funds," report the same back, and recommend its passage.

WATKINS.

By Mr. Coleman:

MR. SPEAKER:—The Committee on Education have had under consideration Senate bill No. 174, "An Act supplementary to an Act, approved February eighteenth, eighteen hundred and fifty-nine, entitled an Act amendatory of, and supplementary to, an Act entitled an Act to provide for the location and sale of the unsold portion of the five hundred thousand acres of land granted to this State for school purposes, and the seventy-two sections donated to this State for the use of a seminary of learning, ap-

provedApril twenty-first, eighteen hundred and fifty-eight," and report the same back to this House, and recommend its passage.

COLEMAN, Chairman.

By Mr. Lies:

MR. SPEAKER:—The Santa Barbara delegation have had under consideration, as a Special Committee, Assembly bill No. 234, entitled "An Act to change the time of holding the terms of the District Court, Court of Sessions, County Courts, and Probate Courts, within the Second Judicial District," and recommend that the same be passed.

EUGENE LIES, Chairman.

The following communication was received from the Governor, and the accounts therein referred to, referred to the Committee on Claims.

OFFICE BOARD OF EXAMINERS,
Sacramento, March 9, 1859.

To the Assembly of California:

I herewith transmit, to your honorable body, the papers and opinions of the Board of Examiners in the case of S H. Wetherbee against the State of California, which have been rejected by the Board.

JOHN B. WELLER,
President Board of Examiners.

The following message was received from the Senate:

SENATE CHAMBER,
March 9, 1859.

MR. SPEAKER:—The Senate, on yesterday, adopted Senate Concurrent-Resolution No. 29, relative to the establishment of a semi-weekly mail from San Francisco to Los Angeles, and ask the concurrence of the Assembly.

E. C. PALMER, Secretary Senate.

Senate Concurrent-Resolution No. 29, above reported, read first and second times, and referred to Committee on Federal Relations.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Moore of San Francisco, an Act to legalize certain records of deeds and other instruments of writing, in the City and County of San Francisco.

By Mr Sheridan, an Act for the formation of a new County, out of parts of Sacramento and San Joaquin, to be named Mokelumne.

By Mr. Mathews, an Act amendatory of an Act to provide revenue for the support of the Government of this State, approved April twenty-ninth, one thousand eight hundred and fifty-seven.

Mr. Laspeyre moved to reconsider the vote by which the House, on yesterday, indefinitely postponed Assembly bill No. 129, an Act to enforce a better observance of the first day of the week, commonly called Sunday.

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

Upon which, Messrs. Sloss, Mathews, and Springer, demanded the ayes

and noes, and the motion was indefinitely postponed, by the following vote:

AYES—Messrs. Buck, Caldwell, Cahalan, Coleman, Daggett, Davis, Dow, Hancock, Hill, Hines, Howe, Lamar, Laspeyre, Lies, Lull, Moore of San Francisco, Murray, Pico, Pixley, Roane, Shannon, Slingerland, Tully, Wing, Whitman, and Mr. Speaker—26.

NOES—Messrs. Banks, Barclay, Briggs, Burdick, Caine, Cherry, Condee, Cutler, G. N. Douglass, Dunlap, Ellis, Fuller, Holman, Jackson, Lynch, Mathews, Robberson, Rodgers, Sheridan, Sloss, Springer, Squires, Taylor, Tipton, and Watkins—25.

At forty minutes past three o'clock, P. M., on motion of Mr. Hill, the House adjourned.

IN ASSEMBLY.

THURSDAY, March 10, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair.

Roll called.

A quorum being present, the Journal of yesterday was read and approved.

Mr. Lefever had leave of absence, for one day.

Mr. Fuller offered the following protest:

Mr. Fuller desires to enter his protest against the refusal of this Assembly to admit Dr. Duncombe to a seat on this floor, for the following reasons:

First—Great Britain does not recognize the right of a native born subject to alienate himself—and the oath of abjuration, consequently, is not administered to persons taking the oath of allegiance to that Government.

Second—Our Government does not recognize the oath of allegiance, without the oath of abjuration, sufficient to perfect citizenship in our Government, hence we do not regard the same oath sufficient to alienate a citizen.

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

Resolved, That the Select Committee, appointed to visit San Francisco to inquire into the necessity for the immediate construction of a bulkhead, be allowed until the twentieth instant to make their report to this House.

GENERAL FILE.

Senate bill No. 174, "An Act supplementary to an Act approved February eighteenth, one thousand eight hundred and fifty-nine, entitled an Act amendatory of, and supplemental to, an Act entitled an Act to provide for the location and sale of the unsold portion of the five hundred thousand acres of land granted to this State for school purposes, and the seventy-two sections donated to this State for the use of a seminary of

learning, approved April twenty-third, one thousand eight hundred and fifty-eight," read third time, and passed.

Assembly bill No 233, an Act amendatory of, and supplementary to, an Act to establish, support, and regulate common schools, and to repeal all former Acts concerning the same, approved May third, one thousand eight hundred and fifty-three, amendments of Committee adopted.

Mr. Buck moved to strike out section twelve.

Lost.

Mr. Hill moved to strike out section seven.

Mr. Moore of Nevada moved the previous question.

Which was sustained.

On striking out, Messrs. Howe, Hines, and Laspeyre, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Banks, Caine, Cherry, Hill, Moore of San Francisco, and Pixley—6

NOES—Messrs. Armstrong, Aud, Barclay, Bates, Buck, Burdick, Caldwell, Cahalan, Coleman, Condee, Cutler, Davis, G. N. Douglass, Dow, Dunlap, Eagon, Ellis, Ensworth, Fuller, Hines, Holman, Howe, Imus, Lamar, Laspeyre, Lies, Lull, Lynch, Malarin, Mathews, Moore of Nevada, Mount, Murray, Pico, Roane, Robberson, Shannon, Shepard, Slingerland, Sloss, Springer, Street, Tipton, Tully, Watkins, Whealdon, Wing, and Whitman—47.

And the bill was ordered engrossed.

Mr. Murray gave notice of reconsideration of the vote by which the House refused to strike out section twelve of bill.

Mr. Whitman offered the following resolution, which lies over under the rules:

Resolved, That, from and after this date, the regular hour of meeting, during the balance of the session, shall be ten o'clock, A. M.

Mr Street presented a memorial of citizens of Shasta County, relative to Chinese.

Referred to Committee on Mines and Mining Interests.

Mr. Moore of Nevada offered the following resolution, which was adopted:

Resolved, That His Excellency, John B. Weller, be requested to communicate to this House such information as he may have in his possession, in relation to the difficulties with the Chinese, in Shasta County.

Mr. Moore of Nevada gave notice of reconsideration of the vote by which the resolution was passed giving the Bulk-head Committee further time to report.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Hines, an Act to extend the time for levying taxes in the County of Contra Costa.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Pixley, an Act to authorize the Courts of Record of this State

to admit Adolphus Daniel Grimwood as an attorney and counselor-at-law.

Read first and second times, and placed on file.

By Mr. Aud, an Act to amend an Act entitled an Act to regulate fees in office, in the County of Yuba, approved April twenty-eighth, one thousand eight hundred and fifty-seven;

Also, an Act to authorize the Board of Supervisors of Yuba County to levy a special tax, for County purposes;

Were read first and second times, and referred to the Yuba delegation.

By Mr. Moore of San Francisco, an Act to legalize certain records of deeds, and other instruments of writing, in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

Also, an Act to grant certain parties the right of laying a railroad track along certain streets within the City and County of San Francisco.

Read first and second times, and referred to the Committee on Internal Improvements.

By Mr. Roane, an Act for the relief of C. A. Hawley, and others.

Read first and second times, and referred, with accompanying petition, to Committee on Swamp and Overflowed Lands.

By Mr. Robberson, an Act supplementary to, and amendatory of, an Act entitled an Act to incorporate the Town of Petaluma, approved April twelfth, one thousand eight hundred and fifty-eight.

Read first and second times, and referred to the Sonoma delegation.

Also, an Act to grant the right to improve the navigation of Petaluma Creek.

Read first and second times, and referred to Committee on Commerce and Navigation.

By Mr. Mathews, an Act to amend an Act entitled an Act to amend an Act entitled an Act to change the time of holding the Court of Sessions and County Court, in the County of Napa, approved April twentieth, one thousand eight hundred and fifty-eight.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Davis, an Act to amend an Act entitled an Act to provide for the payment of the debt of Humboldt County, that existed upon the thirty-first day of December, one thousand eight hundred and fifty-seven, approved April twenty-sixth, one thousand eight hundred and fifty-eight.

Read first and second times, and placed on file.

By Mr. Sheridan, an Act relative to Auditors.

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

By Mr. Shannon, Assembly Concurrent-Resolution relative to canals and water-ditches, for mining, mechanical, and agricultural purposes.

Referred to Committee on Mines and Mining Interests.

REPORTS.

Reports were made as follows:

By Mr. Hancock:

MR. SPEAKER:—*Sir:* The Committee on Counties and County Boundaries, to whom was referred a petition of one hundred and three citizens

of Fresno County, asking to be attached to Tulare County, together with the following remonstrances against the same, to wit:

No. 1.—Remonstrance of the Board of Supervisors of Fresno County;

No. 2.—Remonstrance of forty-three persons of King's River;

No. 3.—Remonstrance of thirty-four persons of San Joaquin and Pine Gulch;

No. 4.—Remonstrance of ninety persons of Williston, Fresno County, against the same;

Have had the said petition and remonstrances under consideration, and respectfully report the same back, and recommend that the prayer of the petitioners be rejected.

HENRY HANCOCK, Chairman.

By Mr. Lynch:

MR. SPEAKER:—The Committee on Engrossment report, as correctly engrossed:

Assembly bill No. 202, an Act supplemental to an Act entitled an Act granting certain powers to the Board of Education of the City and County of San Francisco, approved April twenty-sixth, one thousand eight hundred and fifty-eight;

Assembly bill No. 211, an Act to authorize the Board of Supervisors of the City and County of San Francisco to grant to certain parties the right to construct a macadamized road;

Also, Assembly bill No. 193, an Act supplemental to an Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, one thousand eight hundred and fifty-seven, approved February twenty-first, one thousand eight hundred and fifty-nine;

Also, Assembly bill No. 165, an Act to grant the right to construct and maintain a dam and locks across and in Napa Creek;

Also, Assembly bill No. 145, an Act amendatory of an Act entitled an Act dividing the State into Counties, and establishing the seats of justice therein, passed April twenty-fifth, one thousand eight hundred and fifty-one;

Also, Assembly bill No 181, an Act to authorize the State Treasurer to issue to Minerva J. Carroll a duplicate school-land warrant, in lieu of a certain warrant destroyed.

P. LYNCH, Chairman.

By Mr. Burdick:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 87, an Act to define the boundaries, and provide for the organization of Mendocino County;

Also, Assembly bill No. 65, an Act amendatory of an Act entitled an Act to amend an Act entitled an Act restricting the herding of sheep to certain pastures, in the Counties of Sonoma and Marin, approved April fifteenth, one thousand eight hundred and fifty-eight.

SLOSS,
BURDICK, } of the Enrolling Committee.

By Mr. Cutler:

MR. SPEAKER:—Your Committee on Public Morals, to whom was referred Assembly bill No. 131, an Act to prohibit gaming, have had the same under consideration, and the majority have instructed me to report

the same back to the House, with certain amendments, which are herewith submitted, and recommend its passage, as amended.

N. CUTLER, Chairman.

By Mr. Hill:

MR. SPEAKER:—The San Francisco delegation, to whom was referred Assembly bill No. 239, an Act to provide for the location of slaughter-houses, corrals, and cattle-pens, in the City and County of San Francisco, have considered the same, and recommend its passage.

A. A. HILL,
J. B. MOORE,
W. W. SHEPARD.
L. R. LULL,
F. M. PIXLEY,
JAMES M. TAYLOR.

Mr. Ensworth verbally reported Assembly bill No. 241, an Act to legalize a certain conveyance made by Thomas W. Sutherland, administrator *de bonis non* of the estate of Miguel de Pedrorena, deceased, to José Antonio Aguirre, and recommend that the same be referred to the Judiciary Committee, and it was so referred.

Mr. Street, from Shasta delegation, verbally reported, and recommended the passage, as amended, of Assembly bill No. 108, an Act to provide for the compensation of the Keepers of the County-jails in Shasta and Colusa Counties, and to legalize all warrants heretofore issued for the payment of the services of the Keepers of said Jails;

And, also, Senate bill No. 169, an Act fixing the times of holding the Courts of Sessions, and County Courts, in the County of Shasta, and to change the manner of summoning juries for the County Courts of said County.

At half past two o'clock, P. M., on motion of Mr. Aud, the House adjourned.

IN ASSEMBLY.

FRIDAY, March 11, 1859.

The House met, pursuant to adjournment.

Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

Mr. Murray moved to reconsider the vote by which, on yesterday, the House refused to strike out section twelve of Assembly bill No. 233, "An Act amendatory of, and supplementary to, an Act to establish, support, and regulate common schools, and to repeal all former Acts concerning the same, approved May third, one thousand eight hundred and fifty-five."

The Speaker having decided that the motion to reconsider the vote was in order, Mr. Moore of Nevada appealed.

Mr. Pixley moved the previous question.

Which was sustained.

On the appeal, Messrs. Moore of Nevada, Shannon, and Springer, demanded the ayes and noes, and the Chair was sustained, by the following vote:

AYES—Messrs. Aud, Barclay, Bates, Buck, Burdick, Cherry, Coleman, Condee, Crenshaw, Cutler, Daggett, Davis, DeLong, G. A. Douglas, G. N. Douglass, Dow, Dunlap, Ensworth, Hancock, Imus, Johnson, Lamar, Lies, Lull, Lynch, Malarin, Mathews, Mount, Murray, Pico, Pixley, Roane, Robberson, Rodgers, Shannon, Sloss, Squires, Street, Tipton, Tully, Vaughan, Wing, and Whitney—43.

NOES—Messrs. Banks, Caine, Caldwell, Eagon, Ellis, Fuller, Hines, Holman, Howe, Laspeyre, Moore of Nevada, Shepard, Sheridan, Slingerland, Springer, Watkins, and Whealdon—17.

And the vote was reconsidered.

The Speaker having decided that the previous question went to the striking out of section twelve of the bill, Mr. Jackson appealed, and the decision of the Chair was sustained.

On the motion to strike out, Messrs. Moore of Nevada, Whealdon, and Jackson, demanded the ayes and noes, and the section was stricken out, by the following vote:

AYES—Messrs. Aud, Barclay, Bates, Briggs, Buck, Burdick, Caldwell, Cahalan, Cherry, Coleman, Condee, Crenshaw, Cutler, Daggett, Davis, DeLong, G. A. Douglas, G. N. Douglass, Dow, Dunlap, Eagon, Ensworth, Hancock, Hines, Imus, Lamar, Laspeyre, Lies, Lull, Lynch, Malarin, Mathews, Mount, Murray, Pico, Roane, Robberson, Rodgers, Shannon, Shepard, Sheridan, Squires, Street, Taylor, Tipton, Tully, Vaughan, Watkins, Wing, Whitman, Whitney, and Mr. Speaker—52.

NOES—Messrs. Banks, Caine, Ellis, Fuller, Howe, Jackson, Moore of Nevada, Slingerland, Sloss, Springer, and Whealdon—11.

On the motion of Mr. DeLong, the rules were suspended, and the vote by which, on yesterday, the House ordered the bill engrossed, was reconsidered, and the bill again ordered engrossed.

Mr. Street offered the following resolution, which was laid over, under the rules:

Resolved, That the Fifty-seventh Rule be altered so as to read as follows: Rule Fifty-seven—When a question on the final reading or passage 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 a reconsideration thereof, by giving notice on the day of its passage, or rejection, of his intention to move for such reconsideration on the succeeding day, and 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.

REPORTS.

Reports were made as follows:

By Mr. Street:

MR. SPEAKER:—The Committee on Ways and Means, to whom was referred Assembly bill No. 195, entitled "An Act to authorize the State Treasurer to issue to George Campbell a duplicate school-land warrant, in lieu of a certain other warrant given up to be canceled," having had the same under consideration, report it back, and recommend its passage.

CHAS. R. STREET, Chairman.

Assembly bill No. 195, above reported—the rules being suspended—was considered engrossed, read third time, and passed.

By Mr. Aud:

MR. SPEAKER:—The Judiciary Committee, to whom was referred Assembly bill No. 109, entitled an Act to amend an Act concerning Notaries Public, approved April thirtieth, one thousand eight hundred and fifty-seven, have had the same under consideration, and report the same back, with amendments to Senate amendments, and recommend its passage, as amended.

FRANCIS L. AUD, Chairman *pro tem.*

The following resolution was offered by Mr. Murray, which was referred to the Committee on Accounts and Expenditures:

Resolved, That Edward F. Conway be, and he is hereby, allowed the sum of one hundred and sixty-eight dollars, ($168,) being the amount of pay, as Printer's Clerk, from the twenty-fourth day of January to the fourteenth day of February, and the Controller be directed to draw his warrant on the State Treasurer in favor of said Conway, for said sum, payable out of the Contingent Fund of the Assembly.

GENERAL FILE.

Senate bill No. 108, an Act amending an Act entitled an Act to provide for the sale and reclamation of the swamp and overflowed lands of this State, approved April twenty-first, one thousand eight hundred and fifty-eight, was indefinitely postponed.

Mr. Street gave notice of reconsideration.

Assembly bill No. 145, an Act amendatory of an Act entitled an Act dividing the State into Counties, and establishing the Courts of Justice therein, passed April twenty-fifth, one thousand eight hundred and fifty-one, was, on motion of Mr. Whitman, recommitted to the Committee on Counties and County Boundaries, with special instructions.

PETITIONS.

Petitions were presented as follows:

By Mr. Tipton:

Of citizens of El Dorado County, relative to sheep running at large.

Referred to Committee on Agriculture.

By Mr. Caldwell:

Of citizens of Nevada County, for reduction of fees in office.

Referred to Nevada delegation.

REPORTS.

Reports were made as follows:

By Mr. Lynch:

MR. SPEAKER:—The Engrossing Committee report, as correctly engrossed:

Assembly bill No. 213, an Act concerning roads and highways in Shasta County;

Also, Assembly bill No. 156, an Act supplemental to an Act entitled an

Act to provide for the appointment of a Gauger for the Port of San Francisco, passed May third, one thousand eight hundred and fifty-two;

Also, Assembly bill No. 214, an Act to provide for the payment of judgments against the City, the County, and the City and County of San Francisco.

P. LYNCH, Chairman.

By Mr. Banks:

MR. SPEAKER:—The undersigned, a minority of the Committee on Public Morals, to whom was referred Assembly bill No. 131, having carefully considered the same, begs leave to present the following report:

The stringent law against gaming now on our Statute-book has, in our Cities and large Towns, driven gambling from public view, and greatly reduced the amount of this kind of crime. Although, on account of the condition of public sentiment in some localities, it may be difficult to thoroughly enforce the provisions of this Act in all parts of the State, it can not be doubted that the severity of its penalties greatly retards the practice of this fascinating and ruinous vice, which was formerly the open undisguised disgrace of our State. Good policy would dictate that a law that has exerted an influence so beneficial, should not be materially changed. The difficulty in procuring sufficient proof against gamblers is such, that it is rarely a conviction can be secured, and hence it becomes necessary to have severe penalties, in order to deter men from engaging in and pursuing this pernicious business.

My observation during the last session of the Legislature convinced me that the proposing of any amendments to the Act for the suppression of gaming, is a dangerous experiment; one which, on account of the influences that can be brought to bear in favor of the gamblers, is more likely to result in the enactment of provisons of which they can take advantage, than in the adoption of amendments giving greater efficiency to the law. I have, therefore, not felt disposed to encourage the introduction of any bill proposing to amend this Act, although slight amendments are desirable.

Assembly bill No. 131, is, in my opinion, objectionable in the following particulars:

As amended, it makes the dealing of a banking-game a misdemeanor instead of a felony, and thus, in a great measure, removes the restraining influence of the severe penalties of the present law, without contributing to the certainty of conviction.

By reducing the fees of the District-Attorney from one hundred dollars to twenty-five dollars, it removes, to a considerable extent, his inducement to prosecute these cases with vigor.

It confines the penalty for betting against a banking-game, to a comparatively trifling fine, entirely removing the imprisonment penalty in such cases, and it materially lessens the penalty which may be inflicted on those who knowingly permit their buildings to be used as gambling dens.

For these reasons, in connection with those that follow, I recommend the adoption of the accompanying bill as a substitute for Assembly bill No. 131.

The proposed substitute includes rondo and keno with banking-games; it provides for punishing, by fine and imprisonment in the County-jail, those who confine their gambling arts to games of chance, other than banking-games; it also gives the Courts a reasonable discretion in regard to the punishment of those who permit their houses to be used for gam-

bling purposes, and it extends the provisions of the Act to those who own or control steamboats, and other vessels, on which gambling is now frequently practiced.

While I regret to differ so widely with my associates on the Committee, in regard to this subject, I can not avoid the conviction that the passage of the bill they recommend would be a backward step in the moral advancement of our State; would be contrary to the wishes of the most worthy portion of our constituents, and detrimental to the best interests of society.

J. A. BANKS.

Substitute, above reported, read first and second times, and placed on file.

By Mr. Robberson:

MR. SPEAKER:—Your Committee, to whom was referred Joint-Resolution providing for a Railroad Convention of the State of California, and the Territories of Oregon and Washington, report the same back, with a substitute, and recommend the passage of the substitute

ROBBERSON, Chairman.

Substitute, above reported, made special order for March twelfth, one thousand eight hundred and fifty-nine, at two o'clock, P. M.

Also, verbally reported, and recommend the passage of Assembly bill No. 249, an Act supplementary to, and amendatory of, an Act entitled an Act to incorporate the Town of Petaluma, approved April twelfth, one thousand eight hundred and fifty-eight.

By Mr. Pico, from Los Angeles delegation:

MR. SPEAKER:—The delegation from Los Angeles County, to whom was referred Senate bill No. 158, "An Act to authorize the Mayor and Common Council of the City of Los Angeles to contract a loan for irrigating, and other purposes," have had the same under consideration, and report the same back, with amendments, and recommend the passage of the bill, as amended.

PICO,
HANCOCK.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
March 11, 1859.

MR. SPEAKER:—The Senate, on the eighth instant, passed Senate bill No. 107, "An Act defining the duties of the Surveyor-General of this State in relation to swamp and overflowed lands."

Also, on yesterday, passed Assembly bill No. 231, "An Act to amend an Act entitled an Act to amend an Act to fund the debt of the County of San Diego, and to provide for the payment of the same, approved May fourth, one thousand eight hundred and fifty-five—approved February fourteenth, one thousand eight hundred and fifty-six."

Also, Assembly bill No. 242, "An Act to extend the time for levying taxes in the County of Contra Costa."

E. C. PALMER, Secretary of Senate.

Senate bill No. 107, above reported, read first and second times, and referred to Committee on Swamp and Overflowed Lands.

SENATE CHAMBER,
March 11, 1859.

MR. SPEAKER:—The Senate, on the eighth instant, passed Senate bill No. 115, "An Act to incorporate the City of San José,"

E. C. PALMER, Secretary Senate.

Senate bill No. 115, above reported, read first and second times, and referred to Santa Clara delegation.

NOTICES OF BILLS.

Notices of the introduction of bills were given, as follows:

By Mr. Cutler, an Act to increase the number of Notaries Public in the County of Solano.

By Mr. DeLong, an Act to amend the Act relative to foreign miners' licenses.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Lefever, an Act to create the office of General Referee.

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

By Mr. Buck, an Act to define the boundary-line of Tuolumne County.

Read first and second times, and referred to the delegation from the Counties of Tuolumne and Calaveras.

By Mr. Sheridan, an Act to create the County of Mokelumne, and to provide for its organization.

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

By Mr. Jackson, an Act to preserve the mineral weath of this State, for the benefit of American citizens, for the better protection of the Chinese, or Mongolians, and to repeal former Acts in relation to the same.

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

Mr. Condee moved a call of the House.

Which was sustained;

And Messrs. Armstrong, Barclay, Briggs, Daggett, Ellis, Hancock, Hill, Imus, Lynch, Lies, Moore of Nevada, Murray, Pico, Rodgers, Slingerland, Springer, Whealdon, Wing, and Whitney, were absent.

The Sergeant-at-Arms was dispatched for the absentees.

Messrs. Springer, Imus, Daggett, Armstrong, and Pico, appeared, and were excused.

Further proceedings under the call were dispensed with.

Mr. Lamar, by leave of the House, withdrew Assembly bill No. 208, an Act amendatory of, and supplementary to, an Act entitled an Act to provide revenue for the support of the Government, approved May fifteenth, one thousand eight hundred and fifty-four.

Assembly bill No. 58, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, passed May fifteenth, one thousand eight hundred and fifty-four, the special order for this day, was taken up, Committee amendments adopted, further amended, and ordered engrossed.

Mr. Moore of Nevada, and Mr. Laspeyre, gave notice of reconsideration.
The following resolution was offered by Mr. Fuller:

Resolved, That the Official Reporter of this House be now sworn into office, taking the oath prescribed by the law contemplating the office.

Mr. Coleman moved to lay the resolution on the table.
Upon which, Messrs. Fuller, Sloss, and G. A Douglas, demanded the ayes and noes, and it was laid on the table, by the following vote:

AYES—Messrs. Armstrong, Bates, Buck, Burdick, Cahalan, Coleman, Condee, Crenshaw, Cutler, Daggett, G. N. Douglass, Dow, Dunlap, Eagon, Ensworth, Hancock, Hines, Holman, Howe, Johnson, Lies, Lull, Mathews, Moore of Nevada, Murray, Pico, Pixley, Roane, Robberson, Rodgers, Squires, Street, Tipton, Tully, Vaughan, Watkins, Wing, Whitman, and Mr. Speaker—39.
NOES—Messrs. Banks, Caine, Caldwell, Cherry, Davis, G. A. Douglas, Fuller, Imus, Jackson, Lamar, Laspeyre, Moore of San Francisco, Shannon, Sloss, Springer, and Taylor—16.

At three o'clock, P. M., on motion of Mr. Pixley, the House adjourned.

IN ASSEMBLY.

SATURDAY, March 12, 1859.

The House met, pursuant to adjournment.
The Speaker in the Chair.
A quorum being present, the Journal of yesterday was read and approved.
Mr. Shepard had leave of absence, for one day.

GENERAL FILE.

The House concurred in Senate amendments to Assembly bill No. 109, an Act to amend an Act concerning Notaries Public, approved April thirtieth, one thousand eight hundred and fifty-seven, and further amended.
Senate bill No. 113, an Act to grant the right to construct a bridge across the Upper Sacramento River, at the Town of Red Bluff, to certain persons therein named, was laid on the table, and ordered printed.
Senate bill No. 148, an Act authorizing the Board of Supervisors in and for the County of Butte to levy a special tax, on all taxable property in said County, for contingent purposes—Committee amendments adopted, bill read third time, and passed.
Senate bill No. 98, an Act to amend an Act entitled an Act to regulate proceedings in civil cases, in the Courts of Justice of this State—Committee amendments adopted, read third time, and passed.
Assembly bill No. 239, an Act to provide for the location of slaughter-houses, corrals, and cattle-pens, in the City and County of San Francisco, ordered engrossed.
Senate bill No. 128, an Act authorizing and empowering the County

Clerk of Butte County to transcribe certain records, and to legalize the same—Committee amendments adopted, read third time, and passed.

Senate bill No. 157, an Act authorizing the Board of Supervisors of Siskiyou County to transfer certain funds, read third time, and passed.

Assembly bill No. 234, an Act to change the time of holding the terms of the District Court, Court of Sessions, County Courts, and Probate Courts, within the Second Judicial District, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 217, an Act to provide for the stay of execution, laid on the table, and ordered printed.

Mr. Springer verbally reported, and recommended Senate bill No. 115, an Act to incorporate the City of San José.

Read third time, and passed.

REPORTS.

Reports were made as follows:

By Mr. Mathews:

MR. SPEAKER:—Your Special Committee, to whom was referred Assembly bill No. 55, an Act to prohibit the marriage of first cousins, have duly considered the same, and report it back, with the recommendation that it do not pass.

MATHEWS, Chairman.

By Mr. Aud:

MR. SPEAKER:—The Judiciary Committee, to whom was referred Assembly bill No. 215, an Act to amend an Act approved February twenty-first, one thousand eight hundred and fifty-nine, entitled an Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, one thousand eight hundred and fifty-one, have considered the same, and report the bill back, and recommend its indefinite postponement.

The same Committee, to whom was referred Senate bill No. 155, an Act to authorize the executor of the estate of Joshua W. Redman, deceased, to sell the real estate of said deceased, at public or private sale, have considered the same, and report the bill back, and recommend its passage.

The same Committee, to whom was referred Assembly bill No. 21, and substitute for same, an Act to regulate fees of witnesses in criminal cases, have considered the same, and report the bill and substitute back, and recommend their indefinite postponement.

The same Committee, to whom was referred Assembly bill No. 241, an Act to legalize a certain conveyance, made by Thomas W. Sutherland, administrator *de bonis non* of the estate of Miguel de Pedrorena, deceased, to José Antonio Aguirre, have considered the same, and report the bill back, and recommend its passage.

FRANCIS L. AUD, Chairman *pro tem.*

GENERAL FILE RESUMED.

Assembly bill No. 202, an Act supplemental to an Act entitled an Act granting certain powers to the Board of Education of the City and County of San Francisco, approved April twenty-sixth, one thousand eight hundred and fifty-eight;

And, also, Assembly bill No. 181, "An Act to authorize the State Treasurer to issue to Minerva J. Carroll a duplicate school-land warrant, in lieu of a certain warrant destroyed;

Were read third time, and passed.

Assembly bill No. 221, an Act to authorize the Board of Supervisors of the City and County of San Francisco, to grant to certain parties the right to construct a macadamized road, was indefinitely postponed.

Mr. Cherry gave notice of a reconsideration.

Assembly bill No. 131, an Act to prohibit gaming—Committee amendments adopted, and further amended.

On its engrossment, Messrs. Pixley, Cherry, and Banks, demanded the ayes and noes, and the bill was ordered engrossed, by the following vote:

AYES—Messrs. Aud, Barclay, Bates, Burdick, Caldwell, Cahalan, Coleman, Condee, Crenshaw, Cutler, Daggett, G. N. Douglass, Eagon, Ensworth, Hancock, Hines, Holman, Howe, Lamar, Laspeyre, Mathews, Pico, Pixley, Robberson, Shannon, Sheridan, Sloss, Squires, Vaughan, Whealdon, Wing, and Whitman—32.

NOES—Messrs. Armstrong, Banks, Caine, Cherry, DeLong, G. A. Douglas, Dow, Dunlap, Fuller, Imus, Jackson, Johnson, Lies, Lull, Moore of San Francisco, Murray, Roane, Rodgers, Springer, Tully, Watkins, Whitney, and Mr. Speaker—23.

Mr. Aud gave notice of reconsideration.

Assembly bill No. 216, an Act to provide for the disposal of the sixteenth and thirty-sixth sections of land donated to this State for school purposes, by Act of Congress passed May third one thousand eight hundred and fifty-three, and to appropriate the proceeds of the sale thereof to the credit of the General School Fund, was made the special order for Wednesday, March sixteenth, at two o'clock.

Mr. Pixley presented a bill for an Act for the relief of Joseph H. Udell.

Read first and second times, and referred, with accompanying papers, to the Committee on Claims.

REPORTS.

Reports were made as follows:

By Mr. Roane:

MR. SPEAKER:—Your Committee on Elections, to whom was referred the petition of Warren N. Bacon, asking that he may be duly declared elected a Member of the Assembly for the County of Sacramento, have had the same under consideration, and now ask leave to make the following report:

The petitioner, in effect, states that at a special election held in and for the County of Sacramento, on the nineteenth day of February, one thousand eight hundred and fifty-nine, for a Member of the Assembly, Charles Duncombe received one thousand four hundred and sixty-six votes, and that petitioner received one thousand two hundred and ninety-six, which was the highest number thrown for any person entitled to said office; that Charles Duncombe had not been a citizen of the State one year, and of the County six months, next before his election, as is required by the Constitution of this State.

The fact that the petitioner received a smaller number of votes than another candidate, running for the same office, ought, in our opinion, to

exclude him from a seat in this body. The theory of our Government is, that the people govern, and in all cases where a clear majority is against a candidate running for office, that fact alone ought to be conclusive against him. Any other rule would deprive the people of their right to elect, and confer that power upon the body trying the contest. Suppose, at an election A receives ten votes, and B receives ten thousand, and it turns out, upon investigation, that B is not eligible to the office, will it be said that A ought to be declared elected? We think not, and yet there is, in principle, no difference between that case and the one now before the House. We recommend that the seat claimed by the petitioner be declared vacant.

J. M. ROANE,
C. E. MOUNT,
T. LASPEYRE,
M. MALARIN,
F. BATES,
JOHN DAGGETT.

By Mr. Holman:

MR. SPEAKER:—The Committee on Commerce and Navigation beg to report back to the House, Assembly bill No. 138, "An Act supplementary to an Act entitled an Act concerning public ferries and toll-bridges," approved April twenty-eighth, one thousand eight hundred and fifty-five, with a substitute, and recommend the adoption and passage of the substitute.

HOLMAN, Chairman.

By Mr. Squires:

MR. SPEAKER:—Your Committee on Public Expenditures and Accounts, to whom was referred Assembly resolution, allowing Edward F. Conway one hundred and sixty-eight dollars for pay as Printing Clerk, from the twenty-fourth day of January to the fourteenth day of February, have had the same under consideration, and have requested me to report the same to the House, and recommend its indefinite postponement.

Your Committee have also examined, and found correct, the following accounts, to wit:

Account of Houghton & Co., for Papers, amounting to	$3 75
Account of J. H. Mason, for Papers, amounting to	8 00
Account of Conley & Patrick, for Papers, amounting to	27 00
Account of Freeman & Co., Express Envelopes, amounting to	50 00
Account of H. C. Kibbe, for Rent of Enrolling Clerk's Office, amounting to	25 00
Account of Charles Newell, Drayage on Public Documents	5 00
Account of R. P. Lee, Jr., services as Clerk of Committee, on accounts of S. A. McMeans	80 00
Account of Democratic Standard, for Papers for Members	23 00
Account of William B. Hood, for Rent of Room for the Committee on Ways and Means	25 00

Respectfully,

OGDEN SQUIRES, Chairman.

Adopted.

By Mr. Burdick:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 231, an Act to amend an Act entitled an Act to amend an Act to fund the debt of the County of San Diego, and to provide for the payment of the same, approved May fourth, one thousand eight hundred and fifty-five—approved February fourteenth, one thousand eight hundred and fifty-six;

Also, Assembly bill No. 242, an Act to extend the time for levying taxes in the County of Contra Costa.

BURDICK, of the Enrolling Committee.

By Mr. Crenshaw:

MR. SPEAKER:—The delegation to whom was referred Assembly bill No. 256, an Act to define the boundary-line of Tuolumne County, report the same back to the House, and recommend its passage.

CRENSHAW.

Assembly bill No. 556, above reported, was taken up, rules suspended, considered engrossed, read third time, and passed.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 11, 1859.

To the Assembly of California:

I have to inform your honorable body that I, this day, approved an Act to define the boundaries, and to provide for the organization of Mendocino County.

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 12, 1859.

To the Assembly of California:

In compliance with the resolution, of your honorable body of the tenth instant, I transmit, herewith, copies of certain letters and dispatches which will furnish you all the information in my possession, touching the difficulties with the Chinese in Shasta County.

JOHN B. WELLER.

SHASTA, March 2, 1859.

To His Excellency, J. B. Weller:

SIR:—There is at present, in this County, some three hundred armed men, whose object is to expel the Chinese from portions of this County, regardless of the law, and its officers. The mob is composed almost entirely of reckless and irresponsible men, most of them from portions of the County where the Chinese do not work the mines. I have endeavored, as far as possible with the means at my command, to prevent it, and have arrested several as rioters; but it is almost useless, as we can not *get convictions*. They will avoid the authorities, while in the act of destroying property belonging to the Chinese, and their numbers deter men

from informing on them, and, if arrested while driving them, *they will prove* that no violence has been used, and that they have violated no law in marching behind them, etc. I know of no way to get at the matter, to effectually stop any further outrage, except to send the Chinese to the district from whence they have been expelled, and station a party of armed men in each district, who will be present and prepared at all times to defend them, and show them that, if the laws can not be peaceably enforced, extreme measures will be used. I am anxious to enforce it, at any cost, as I think that *effectually putting down a mob* in any one County, would have a beneficial effect throughout the State. A large majority of the citizens here are ready to respond cheerfully to any call that I may make upon them. Many do not sustain me as they should, on account of the expense the County will necessarily incur. I *regret* to say they would rather the law should be violated, than to be burdened with an addition to our already large debt.

Be assured that I will use every possible means in my power to prevent any further outrage. *The law shall be sustained in this County,* while I am an officer. Any advice from you would be thankfully received.

With high regard, I remain, yours, etc.,

H. C. STOCKTON.

[Telegraphic Dispatch—By Telegraph, from Shasta.]

SHASTA, March 2, 1859.

To Governor J B. Weller:

Large bodies of armed men are organized in this County, for the purpose of doing violence against the laws of the State. I have not the means (neither can I procure them) of arming and equipping a *posse* to arrest or suppress these unlawful proceedings. I want the State authorities to send me, immediately, one hundred rifles, with necessary accoutrements; also, one hundred rounds of ammunition; with which aid I believe I can execute legal process, without further assistance from the State authorities.

Answer immediately.

H. C. STOCKTON, Sheriff Shasta County.

[Answer.]

MARCH 2, 1859.

The law must be maintained, at all hazards. Will send up an agent, with arms, to-morrow.

WELLER.

To H. C. STOCKTON, Sheriff Shasta County.

MARCH 3, 1859.

Sheriff Stockton, Shasta:

Can not send arms until arrangements are made to prevent them from being intercepted by the rioters.

WELLER.

[By Telegraph, from Shasta]

MARCH 3, 1859.

To Governor Weller:

I will see that the arms are not intercepted after they reach the Bluff. A great deal of feeling. My posse one hundred and fifty strong, and increasing. Mob active—about three hundred strong. Want arms badly. No danger of a conflict for some days. I think—at least, I hope—not at all. If there is, it will be *severe*, for I am resolved to sustain the law, in its strictest sense. The mob are waiting to increase their force. I think trial of some has been postponed until to-morrow. Have threatened that their men shall not stay in prison. Some four have surrendered their bail, and are in prison.

Not many of them in Town now—send arms as soon as possible.

H. C. STOCKTON, Sheriff.

[Answer.]

EXECUTIVE DEPARTMENT,
Sacramento, March 3, 1859.

Too late for to-day's boat—will send up one hundred rifles and ammunition on Saturday, to Red Bluff, in charge of an agent.

If men are required, say so at once, and a company will be dispatched.

WELLER.

H. C. STOCKTON, Sheriff Shasta.

[By Telegraph, from Shasta.]

MARCH 3, 1859.

To Governor Weller:

Men enough here for present emergencies, if properly armed. Send a hundred additional arms, if possible.

H. C. STOCKTON, Sheriff.

[Answer.]

SACRAMENTO, March 3, 1859.

I will forward all the effective arms we have. I can send an excellent corps with them, if necessary.

Telegraph to me in the morning.

WELLER.

H. C. STOCKTON, Sheriff Shasta.

[By Telegraph, from Shasta.]

MARCH 4, 1859.

To Governor J. B. Weller:

I have good men enough here, when well armed, to enforce the laws. All quiet this morning. Trial of some of the rioters to-day. Say they will not stay in prison, if sent there. They shall!

H. C. STOCKTON.

[Answer.]

MARCH 4, 1598.

The "Sutter Rifles" are very desirous to retain their arms. Have one hundred and thirteen splendid rifles unpacked in boxes; if these will be sufficient, in your opinion, I will not draw on the Company, otherwise, answer immediately.

WELLER.

H. C. STOCKTON, Sheriff Shasta.

[By Telegraph, from Shasta.]

To Governor Weller:

The one hundred and thirteen rifles will be sufficient, at present. I will meet them at the Bluff, with a company.

H. C. STOCKTON.

[Answer.]

MARCH 4, 1859.

Col. E. J. Lewis, of Tehama, goes up with the rifles, etc., in the morning; they will be found in good order; two thousand five hundred ball-cartridges.

WELLER.

H. C. STOCKTON, Sheriff Shasta.

EXECUTIVE DEPARTMENT,
Sacramento, March 4, 1859.

SIR:—Having received official information that there is an organized resistance to the execution of the laws, in the County of Shasta, I have caused one hundred and thirteen rifles, with the necessary accoutrements, and two thousand five hundred ball-cartridges, to be placed on board a steamer, bound for Red Bluff, which you will take in charge for his use. It is expected that the Sheriff of Shasta, with a sufficient force, will be there to receive them. You will take care, before you land the guns at Red Bluff, to ascertain whether there is any excitement at that point. If there is any danger of the arms being intercepted by the rioters, or those who sympathize with them, you will, (if the consent of the Commander of the boat can be obtained,) drop down the river, remove the guns from the boxes, and put them in proper order for immediate use. Whenever you can secure the services of a sufficient number to force a landing, do so. If the Sheriff or his agent is not at Red Bluff, you will telegraph him; and, in the meanwhile, have the arms deposited in some secure place. In delivering the arms, etc., to the Sheriff, you will take his receipt therefor, and proceed with him to Shasta. As soon as you reach that point, telegraph, and keep me advised of all the movements which are made by the respective parties.

As soon as the conflict is terminated, you will see that the arms, etc., are safely packed, and returned again to the State-Armory, as they are required in other sections of the State.

[Signed,] J. B. WELLER.

Col. E. J. LEWIS, Esq.

EXECUTIVE DEPARTMENT,
Sacramento, March 4, 1859.

SIR:—In compliance with your request, I have forwarded, per E. J. Lewis, Esq., (who has been appointed agent for this purpose,) one hundred and thirteen rifles, with the accoutrements, and two thousand five hundred ball-catridges, to aid you in enforcing the laws of the State. I trust that there will be no necessity for their use—but the laws must be maintained, come what may. I had hoped, that, amongst Americans, they would be respected without the use of force, but if it is required, it must be used, and I doubt not, from your dispatches, that these arms can safely be entrusted to you. I know you will make no compromises with men who have taken up arms to resist and overthrow the laws of the land. If the rioters attempt, as they have threatened, to rescue the prisoners now in your charge, I hope you may be able to teach them a lesson which will be useful in the future.

This spirit of mobocracy must be crushed out, no matter what blood it may cost. As these guns are necessary in other portions of the State, you will see that they are not injured or lost, and as soon as the supremacy of the law is established, deliver them, with the accoutrements, to Mr. Lewis, who is authorized to receive them. Colonel Lewis will accompany the arms to Shasta, and should a conflict take place, you will find him useful.

Relying upon your prudence and firmness,

I am, very truly, your obedient servant,

J. B. WELLER.

H. C. STOCKTON, Sheriff, Shasta.

EXECUTIVE DEPARTMENT,
Sacramento, March 4, 1859.

SIR:—You will proceed, at once, to put in proper order for shipment, one hundred and thirteen rifles, with all the accoutrements, and two thousand five hundred ball-catridges. The arms, etc., to be placed on the steamer to-morrow, for Red Bluff, in charge of E. J. Lewis, Esq., who has been appointed agent for this purpose.

JOHN B. WELLER.

To the Keeper of the Armory.

EXECUTIVE DEPARTMENT,
Sacramento, March 4, 1859.

SIR:—I am sending Colonel Lewis, on the steamer bound for Red Bluff, to-morrow, with one hundred and thirteen rifles, and some ammunition, to aid the Sheriff of Shasta County in maintaining the laws of the State, which have been resisted by organized companies.

I have instructed him, in regard to landing the arms at Red Bluff, in the event an effort should be made by the rioters, or their sympathizers, to intercept them. He will explain. If you can properly direct the Captain of the boat, to carry out my wishes, I will be obliged. As there is no fund out of which to pay the freight on these arms, I trust you will await an appropriation by the Legislature.

[Signed,] JOHN B. WELLER.

Gen. A. REDINGTON.

[By Telegraph, from Red Bluff.]

MARCH 6, 1859.

To Governor Weller:

Sheriff Stockton is here with his men; I have delivered the arms; start for Shasta in the morning. The mob have spies here. Things look quiet at present.

E. J. LEWIS.

[By Telegraph, from Shasta.]

To Governor Weller:

Arms arrived all right. Things look quiet at present. Sheriff thinks that there is a secret organization of the rioters; he has been informed that they have signs and passwords.

E. J. LEWIS.

[By Telegraph, from Shasta.]

To Governor Weller:

Will it be necessary for me to remain here longer? The Sheriff thinks he will need the arms for two months.

E. J. LEWIS.

[Answer.]

MARCH 9, 1859.

Col. E. J. Lewis, Shasta:

No—it is not. The arms can not be retained there two months—they are needed elsewhere.

WELLER.

On motion, the above correspondence was referred to the Committee on Military Affairs.

At forty minutes past one o'clock, P. M., on motion of Mr. Burdick, the House adjourned.

IN ASSEMBLY.

MONDAY, March 14, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of Saturday was read and approved.

Messrs. Mathews and Taylor had indefinite leave.

And, Messrs. Moore of Nevada, Tipton, and Pixley, for one day, each.

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

Resolved, That the sum of fifty dollars and ninety cents be, and is hereby, appropriated, payable out of the Contingent Fund of the Assembly, and the Controller is hereby authorized and required to draw his warrant upon the Treasurer for the same, in favor of the Hon. Delos

Lake, for the purpose of indemnifying the said Lake for liabilities assumed by him in behalf of the Bulk-head Committee, in the matter of a demand for contingent expenses of said Committee, presented by the Board of Supervisors of the City and County of San Francisco; and the thanks of the Assembly are hereby tendered to Judge Lake for his promptitude in protecting the credit of the State in the premises.

Mr. Cherry gave notice of reconsideration.

Assembly bill No. 216, "An Act to provide for the disposal of the sixteenth and thirty-sixth sections of land donated to this State for school purposes, passed March third, one thousand eight hundred and fifty-three, and to appropriate the proceeds of the sale thereof to the credit of the General School Fund, was ordered printed.

Mr. Hancock presented a bill for an Act to provide for the sale of the sixteenth and thirty-sixth sections of land donated to this State for school purposes, by Act of Congress, passed March third, one thousand eight hundred and fifty-three.

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

GENERAL FILE.

Senate bill No. 169, "An Act fixing the time of holding the Courts of Sessions, and County Courts, in the County of Shasta, and to change the manner of summoning juries for the County Courts of said County;

And Assembly bill No. 214, "An Act to provide for the payment of judgments against the City, the County, and the City and County of San Francisco;

Were read third time and passed.

Mr. Banks gave notice of reconsideration of the vote by which the last bill was passed.

Assembly bill No. 252, an Act to amend an Act entitled an Act to provide for the payment of the debt of Humboldt County, that existed upon the thirty-first day of December, one thousand eight hundred and fifty-seven, approved April twenty-sixth, one thousand eight hundred and fifty-eight—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 156, "An Act supplemental to an Act entitled an Act to provide for the appointment of a State Gauger for the Port of San Francisco, passed May third, one thousand eight hundred and fifty-two—

On motion of Mr. Lull, the enacting clause was stricken out.

Assembly bill No. 243, an Act to authorize the Courts of Record of this State to admit Adolphus Daniel Grimwood, as an attorney and counselor-at-law;

And Assembly bill No. 249, an Act supplemental to, and amendatory of, an Act entitled an Act to incorporate the Town of Petaluma, approved April twelfth, one thousand eight hundred and fifty-eight;

Were ordered engrossed.

Senate bill No. 158, an Act to authorize the Mayor and Common Council of the City of Los Angeles to contract a loan for irrigating, and other purposes, recommitted to the Los Angeles delegation.

Assembly bill No. 108, an Act to provide for the compensation of the Keepers of the County-jails in Shasta and Colusa Counties, and to legalize all warrants heretofore issued for the payment of the services of the Keepers of said Jails—amendments adopted, read third time, and passed.

SPECIAL ORDER.

Assembly bill No. 222, "An Act to provide for the construction of the State Capitol, in the City of Sacramento," was taken up.

Mr. Rodgers offered as a substitute, an Act to authorize the Common Council of the City of Oakland to levy a special tax, and the Board of Supervisors of Alameda County to levy a special tax, for certain purposes, and for the removal of the Seat of Government to the City of Oakland.

The bill and substitute were made the special order for Thursday next, March seventeenth, at two o'clock, P. M., and the substitute ordered printed.

On motion of Mr. Rodgers, the following resolution was taken from the table:

Resolved, That a Committee of five be appointed by the Chair to proceed to Oakland to inquire into the expediency of locating the Seat of Government at that point, and to report to this House.

On the adoption of the resolution, Messrs. Ellis, Hines, and Jackson, demanded the ayes and noes, and it was adopted, by the following vote:

AYES—Messrs. Armstrong, Aud, Bates, Buck, Burdick, Cahalan, Cherry, Connely, Daggett, G. N. Douglass, Dow, Hancock, Hill, Howe, Imus, Johnson, Lamar, Laspeyre, Lies, Lightner, Lull, Malarin, Moore of San Francisco, Mount, Pico, Rodgers, Springer, Tully, Vaughan, Whitman, Whitney, and Mr. Speaker—32.

NOES—Messrs. Banks, Barclay, Briggs, Caine, Caldwell, Canon, Condee, Crenshaw, Cutler, G. A. Douglas, Dunlap, Ellis, Ensworth, Fuller, Gwinn, Hines, Holman, Jackson, Lefever, Lynch, Murray, Shannon, Sheridan, Slingerland, Sloss, Squires, Street, Watkins, Whealdon, and Young—30.

PETITIONS.

Petitions were presented as follows:

By Mr. Street:

Of citizens of Shasta County, relative to the Chinese.

Placed on file.

By Mr. Aud:

Of citizens of Michigan Bluff, relative to school land.

Placed on file.

By Mr. Barclay:

Of ladies and citizens of Iowa City and vicinity, for Sunday law.

Placed on file.

REPORTS.

Reports were made as follows:

By Mr. Lynch:

MR. SPEAKER:—The Committee on Engrossment report, as correctly engrossed, Assembly bill No. 43, an Act to authorize the formation of joint-stock-associations for savings, deposit, and discount;

Also, Assembly bill No. 239, an Act to provide for the location of slaughter-houses, corrals, and cattle-pens, in the City and County of San Francisco;

Also, Assembly bill No. 256, an Act to define the boundary-line of Tuolumne County;

Also, Assembly bill No. 234, an Act to change the time of holding the terms of the District Court, Court of Sessions, County Court, and Probate Court, within the Second Judicial District.

P. LYNCH, Chairman.

By Mr. Burdick:

MR. SPEAKER:—Your Auditing Committee find the copying done for the Assembly as follows:

Journal, folios	865
Printer, etc., folios	1,079
Total	1,944

BURDICK, Chairman.

By Mr. Ensworth:

MR. SPEAKER:—The Committee on the Journalized Proceedings of the House have examined the same, and find them correctly written, up to Thursday, the tenth instant, inclusive.

A. S. ENSWORTH, Chairman.

MONDAY, March 14, 1859.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 14, 1859.

To the Assembly of California:

I have to inform your honorable body that I, this day, approved the following bills, to wit:

An Act to extend the time for levying taxes in the County of Contra Costa;

Also, an Act to amend an Act entitled an Act to amend an Act entitled an Act to fund the debt of the County of San Diego, and to provide for the payment of the same, approved May fourth, one thousand eight hundred and fifty-five—approved February fourteenth, one thousand eight hundred and fifty-six.

JOHN B. WELLER.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
March 12, 1859.

MR. SPEAKER:—The Senate, on yesterday, passed Assembly bill No. 147, "An Act creating a Contingent Fund for Shasta County;"

Also, Senate bill No. 140, "An Act to amend an Act concerning crimes

and punishments," passed April sixteenth, one thousand eight hundred and fifty;

Also, on the tenth instant, Senate bill No. 160, an Act to authorize the sale of certain real estate by guardians.

E. C. PALMER, Secretary of Senate.

Senate bills Nos. 140 and 160, above reported, were read first and second times, and referred to the Judiciary Committee.

SENATE CHAMBER,
March 14, 1859.

MR. SPEAKER:—The Senate, on Saturday, March twelfth, concurred in Assembly amendments to Assembly bill No. 109, an Act to amend an Act concerning Notaries Public;

Also, passed Assembly bill No. 35, an Act to grant the right to construct a bridge across the Colorado River, at or near Fort Yuma, to certain parties therein named, with amendments;

Also, passed Senate bill No. 135, an Act to amend an Act entitled an Act to repeal the Act passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled an Act to incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento;

Also, have, this day, passed Senate bill No. 134, an Act for the establishment and erection of a State Reform School.

J. T. PENNINGTON, Assistant Sec. Senate.

Senate bill No. 135, above reported, read first and second times, and referred to the Sacramento delegation.

Senate bill No. 134, above reported, read first and second times, and referred to the Committee on Education.

The House amended and concurred in Senate amendments to Assembly bill No. 35, above reported.

Assembly bill No. 239, an Act to provide for the location of slaughter-houses, corrals, and cattle-pens, in the City and County of San Francisco, read third time, and passed.

NOTICES OF BILLS.

Notices of the introduction of bills were given, as follows:

By Mr. Whitman, an Act concerning lawful and division fences, in the Counties of San Bernardino, Colusa, and Tehama.

By Mr. Gwinn, an Act to establish a rule of evidence to be observed in the Courts of this State, in certain cases, concerning titles to land.

By Mr. Johnson, an Act for the creation of Alturas County, from portions of Yuba, Sierra, and Plumas Counties.

By Mr. Lynch, an Act to divide the County of Placer into Assessor and Collector Districts.

By Mr. Sheridan, an Act supplementary to, and amendatory of, an Act entitled an Act to repeal the Act passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled an Act to incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento, approved April twenty-fourth, one thousand eight hundred and fifty-eight.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. DeLong, an Act to amend an Act entitled an Act to provide for the protection of foreigners, and to define their liabilities and privileges, passed March thirtieth, one thousand eight hundred and fifty-three.

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

By Mr. Springer, proposed amendments to the Constitution of the State of California.

Read first and second times, and referred to Special Committee on Constitution.

By Mr. Squires, an Act to regulate the fees of certain officers, witnesses, and jurors, in the County of El Dorado.

Read first and second times, and referred to the El Dorado delegation.

By Mr. Sheridan, an Act to define the head of navigation on the Mokelumne River.

Read first and second times, and referred to Committee on Commerce and Navigation.

By Mr. Ellis, an Act amendatory of, and supplementary to, an Act passed April twenty-fourth, one thousand eight hundred and fifty-eight, entitled an Act to repeal an Act passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled an Act to incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento.

Read first and second times, and referred to Sacramento delegation.

By Mr. Bates, an Act to extend an Act concerning hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, one thousand eight hundred and fifty-six.

Read first and second times, and placed on file.

The resolution of Mr. Street, to alter the Fifty-seventh Standing Rule, was considered, and on its adoption, Messrs Hancock, Burdick, and Sloss, demanded the ayes and noes, and it was lost, by the following vote:

AYES—Messrs. Aud, Barclay, Bates, Briggs, Buck, Caine, Cahalan, Condee, Connely, Cope, Crenshaw, Cutler, Davis, G. N. Douglass, Dow, Dunlap, Ellis, Gwinn, Hill, Howe, Jackson, Laspeyre, Lull, Lynch, Murray, Robberson, Rodgers, Sheridan, Springer, Squires, Street, Tully, Vaughan, Watkins, Whitman, and Mr. Speaker—36.

NOES—Messrs. Banks, Burdick, Caldwell, Cherry, DeLong, G. A. Douglas, Eagon, Ensworth, Fuller, Hancock, Hines, Holman, Imus, Lamar, Lefever, Lightner, Pico, Roane, Shannon, Slingerland, Sloss, and Whealdon—22.

Mr. Street gave notice of reconsideration.

Mr. Aud moved to reconsider the vote by which, on Saturday, the House ordered to engrossment Assembly bill No. 131, an Act to prohibit gaming.

On motion of Mr. Hines, the motion to reconsider was indefinitely postponed.

The following resolution was offered by Mr. Whitman, and adopted:

Resolved, That the Assembly Chamber be tendered to Dr. J. Rowell, for Tuesday evening, the fifteenth instant, for the purpose of delivering

a lecture upon the necessity of a College of Science and Medicine in California.

The Speaker announced, as the Committee to visit Oakland, Messrs. Rodgers, Squires, Armstrong, Howe, and Bates.

Assembly Concurrent-Resolution No 36, providing for the holding of a Railroad Convention, of the States of California and Oregon, and the Territory of Washington, was considered, and amended.

Mr. Cope moved to refer the resolution, as amended, to a Special Committee of three, with instructions to strike out all the amendments.

On the motion of Mr. Cope, Messrs. Lull, DeLong, and Burch, demanded the ayes and noes, and it was so referred, by the following vote:

AYES—Messrs. Armstrong, Banks, Barclay, Bates, Buck, Burdick, Caldwell, Cahalan, Cannon, Cherry, Condee, Connely, Cope, Cutler, Daggett, Davis, G. A. Douglas, Ellis, Fuller, Gwinn, Hines, Imus, Johnson, Lamar, Lefever, Lies, Lightner, Lull, Lynch, Murray, Pico, Roane, Robberson, Sloss, Squires, Tully, Whealdon, Wing, Whitman, Whitney, and Young—41.

NOES—Messrs. Aud, Caine, Crenshaw, DeLong, G. N. Douglass, Dow, Ensworth, Howe, Laspeyre, Malarin, Rodgers, Shannon, Sheridan, Springer, Street, Vaughan, and Watkins—17.

Mr. Whitman gave notice of reconsideration.

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

Resolved, That the Controller be authorized to draw his warrant in favor of J. Martin Reese, for the sum of sixty-four dollars, in full for services as Sergeant-at-Arms to the Committee on the Investigotion of the Bulk-head Question, at San Francisco, payable out of the Contingent Fund of the Assembly.

On motion of Mr. Cahalan, at four o'clock, P. M. the House adjourned.

IN ASSEMBLY.

TUESDAY, March 15, 1859.

The House met, pursuant to adjournment.

Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

Mr. Tipton had leave of absence, for one day.

GENERAL FILE.

Assembly bill No. 182, an Act concerning certain acknowledgments of deeds, and other instruments in writing affecting real estate, returned to the file, and ordered printed.

REPORTS.

Reports were made as follows:

By Mr. Young:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 109, an Act to amend an Act concerning Notaries Public, approved April thirtieth, one thousand eight hundred and fifty-seven.

GEO. A. YOUNG, Chairman.

By Mr. Lynch:

MR. SPEAKER:—The Committee on Engrossment report, as correctly engrossed:

Assembly bill No 11, an Act concerning marriages and divorces;

Also, Assembly bill No. 233, an Act amendatory of, and supplementary to, an Act to establish, support, and regulate common schools, and to repeal all former Acts concerning the same, approved May third, one thousand eight hundred and fifty-five.

P. LYNCH, Chairman.

GENERAL FILE RESUMED.

Assembly bill No. 191, an Act to create a State Police, and to define the powers and duties of the same—

On ordering the bill to be engrossed, Messrs. G. A. Douglas, DeLong, and Cherry, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs Burdick, Coleman, G. A. Douglas, Eagon, Ellis, Hines, Holman, Johnson, Lies, Lightner, Lull, Malarin, Moore of Nevada, Mount, Murray, Pico, Sloss, Street, Torres, Vaughan, Whitman, and Mr. Speaker —22.

NOES—Messrs. Banks, Barclay, Bates, Caine, Caldwell, Cahalan, Cherry, Connely, Crenshaw, Cutler, Daggett, Davis, DeLong, Dow, Dunlap, Ensworth, Fuller, Howe, Imus, Jackson, Lamar, Laspeyre, Lefever, Lynch, Pixley, Rodgers, Shannon, Sheridan, Slingerland, Springer, Tully, Watkins, Whealdon, and Wing—34.

Assembly bill No. 200, an Act to repeal the Act entitled an Act to authorize married women to transact business in their own names, as sole traders, approved April twelfth, one thousand eight hundred and fifty-two, ordered engrossed.

Assembly bill No. 38, an Act amending an Act to regulate proceedings in criminal cases—first and second amendments of Committee concurred in; third, fourth, and fifth, non-concurred in; bill read third time, and passed.

Rules suspended, vote reconsidered, and bill referred to Judiciary Committee.

Senate bill No. 43, an Act amending an Act concerning jurors, approved May third, one thousand eight hundred and fifty-two—first amendment of Committee agreed to, and recommitted to the Judiciary Committee.

REPORTS.

Reports were made as follows:

By Mr. Laspeyre:

MR. SPEAKER:—The Committee on Claims, to whom was referred Senate bill No. 147, "An Act to compensate the Warden of the State-prison," having had the same under consideration, together with the Journals of State-prison Directors, as evidence of the equity of said claim, have carefully examined said evidence; also, the Act creating the Board of State-prison Directors, and find there is no authority contained in the Act, by which we are authorized to allow said claim.

We find, in the Journals of the State-prison Directors, an order, made on the seventeenth of May, one thousand eight hundred and fifty-eight, that the Lieutenant-Governor, who was appointed Chief-Warden, should receive no additional compensation for his services as such officer, and the per diem allowed in the Act creating the State-prison Directors, to the Lieutenant-Governor, was to be paid only during the session of the said Board.

We, the Committee, believe that the Lieutenant-Governor, who acted as Warden, is only entitled to per diem for the actual number of days that the Board was in session, it appearing by said evidence, the time served in session by him was sixty-eight days, including going to and returning from the State-prison.

In view of these facts, the Committee beg leave to report the bill back, and recommend its indefinite postponement.

C. W. LIGHTNER,
T. LASPEYRE,
T. B. SHANNON,
E. C. TULLY,
G. N. DOUGLASS.

MARCH 15, 1859.

By Mr. Hill, for Mr. Squires:

MR. SPEAKER:—Your Committee on Public Expenditures and Accounts have examined the accounts of the Chief Clerk for eight hundred and sixty-five folios, writing done in Journal, and one thousand and seventy-nine folios, copying done for Printer, amounting to two hundred and thirty-seven dollars and sixty-five cents, and found the same correct, as per the report of your Auditing Committee.

Also, have examined, and found correct, account of James Moore, for postage, amounting to three hundred and seventeen dollars and fifty cents.

OGDEN SQUIRES, Chairman.

Adopted.

By Mr. Aud:

MR. SPEAKER:—The Committee on Federal Relations, to whom was referred Senate Concurrent-Resolution No. 29,-relative to the establishment of a semi-weekly mail from San Francisco to Los Angeles," have had the same under consideration, and report the same back to the House, with amendments, and recommend the passage of the same, as amended.

The same Committee, to whom were referred two petitions from citizens of Sonoma County, in this State, relative to fraudulent Mexican land-grants, report the same back to this House, and recommend their reference to the Special Committee of this House, to whom was referred Senate Concurrent-Resolution No. 8, concerning fraudulent Mexican or Spanish land-grants.

FRANCIS L. AUD, Chairman.

By Mr. Street:

MR. SPEAKER:—The Committee on Ways and Means have had under consideration Assembly bill No. 238, an Act to authorize the Counties of Sonoma, Napa, Mendocino, Trinity, Humboldt, and Siskiyou, to retain the State portion of the poll-tax which shall be collected in said Counties for the year one thousand eight hundred and fifty-nine, and for the year one thousand eight hundred and sixty, to be applied to the construction and improvement of a wagon-road from Petaluma and Napa City, through said Counties, to Yreka," and report back a substitute for the same, without recommendation;

Also, have considered Assembly bill No 230, "An Act amendatory of an Act to establish a standard of weights and measures, passed March thirtieth, one thousand eight hundred and fifty, and of the Act amendatory thereof, and report back to the House a substitute for the same, and recommend its passage.

STREET, Chairman.

By Mr. Pico:

MR. SPEAKER:—*Sir:* The Los Angeles delegation, to whom was referred Senate bill No. 158, with instructions to incorporate with the same a clause making provision for the application of certain portions of the Railroad Act, having complied, now respectfully report the same back, and recommend that the bill pass, as amended.

PICO,
HANCOCK, } Delegation.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
March 15, 1859.

MR. SPEAKER:—The Senate, on the tenth instant, passed Senate bill No. 177, "An Act amendatory of an Act entitled an Act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain Counties in this State."

Also, on the twelfth instant, Senate bill No. 165, "An Act to enable parties therein named to partition or sell real estate."

Also, on the fourteenth instant, Senate bill No. 164, "An Act to authorize the Board of Trustees of the City of Sonora to levy a special tax for the benefit of the Fire Department."

E. C. PALMER, Secretary of Senate.

Senate bill No. 177, above reported, read first and second times, and referred to the Committee on Indian Affairs.

Senate bill No. 164, above reported, read first and second times, and referred to the Tuolumne delegation.

Senate bill No. 165, above reported, read first and second times, and referred to the Judiciary Committee.

SENATE CHAMBER,
March 15, 1859.

MR. SPEAKER:—The Senate, on yesterday, concurred in Assembly amendments to Senate bill No. 148, "An Act authorizing and empower-

ing the Board of Supervisors in and for the County of Butte to levy a special tax on all taxable property in said County, for contingent purposes."

Also, in Assembly amendments to Senate bill No. 128, "An Act authorizing and empowering the County Clerk of Butte County to transcribe certain records, and to legalize the same."

Also, have concurred in the following amendments to Senate bill No. 56, "An Act to amend an Act entitled an Act to regulate proceedings in civil actions in the Courts of Justice of this State," passed April twenty-ninth, one thousand eight hundred and fifty-one:

Assembly amendment to section two, concurred in.

Assembly amendment to section four, on striking out all after the word "Court," concurred in.

And refused to concur in Assembly amendment to section four, on striking out "one year," and inserting "four months."

And refused to concur in Assembly amendment on striking out section five.

E. C. PALMER, Secretary of Senate.

The House receded from Assembly amendment to section four of Senate bill No. 56, above reported, and also receded from striking out section five of said bill.

Mr. Street moved to reconsider the vote by which the House, on yesterday, refused to adopt the resolution changing the Fifty-Seventh Standing Rule.

Mr. Hines moved a call of the House.

Which was sustained.

And Messrs. Banks, Bates, Cannon, Crenshaw, Daggett, DeLong, Ellis, Hill, Jackson, Moore of San Francisco, Springer, Whitney, and Young, were absent.

The Sergeant-at-Arms was dispatched for the absentees.

Further proceedings under the call were dispensed with.

Mr. Hines moved the indefinite postponement of the motion to reconsider.

Which was lost, and the vote reconsidered.

On the adoption of the resolution, Messrs. Hines, Shannon, and Cherry, demanded the ayes and noes, and the House refused, by the following vote—it requiring a two-thirds vote:

AYES—Messrs. Aud, Banks, Barclay, Buck, Cahalan, Connely, Cope, Crenshaw, Cutler, Davis, G. N. Douglass, Dow, Dunlap, Ellis, Ensworth, Fuller, Holman, Lefever, Lull, Lynch, Malarin, Moore of Nevada, Murray, Roane, Robberson, Springer, Street, Torres, Tully, Watkins, and Wing—31.

NOES—Messrs. Burdick, Caldwell, Cherry, Coleman, Condee, DeLong, Hancock, Hines, Imus, Jackson, Lamar, Lightner, Pico, Pixley, Shannon, Sheridan, Slingerland, Sloss, and Whealdon—19.

On motion of Mr. Hancock, the House took up Senate Concurrent-Resolution No. 26, relative to adjourning *sine die* on Monday, eleventh day of April, one thousand eight hundred and fifty-nine, at two o'clock, P. M.

Mr. Cope moved to strike out "eleventh," and insert "twenty-fifth."

Mr. Lamar moved to insert "eighteenth of April."

Mr. Whitman moved to lay on the table.

Upon which, Messrs. Aud, Pixley, and Cherry, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Briggs, Burdick, Cahalan, Cope, Cutler, G. A. Douglas, Eagon, Ellis, Gwinn, Holman, Jackson, Lightner, Lull, Lynch, Mount, Sheridan, Sloss, Street, Whealdon, and Whitman—20.

NOES—Messrs. Aud, Banks, Barclay, Caine, Caldwell, Cherry, Coleman, Condee, Connely, Crenshaw, Davis, Dow, Dunlap, Ensworth, Hancock, Hines, Imus, Johnson, Lamar, Lefever, Lies, Malarin, Moore of Nevada, Murray, Pico, Pixley, Roane, Robberson, Slingerland, Springer, Torres, Tully, Watkins, and Wing—35.

On striking out "eleventh of April," Messrs. Pixley, Cherry, and Buck, demanded the ayes and noes, and it was stricken out, by the following vote:

AYES—Messrs. Briggs, Buck, Burdick, Cahalan, Cope, G. A. Douglas, G. N. Douglass, Dow, Eagon, Ellis, Gregory, Hancock, Holman, Imus, Jackson, Johnson, Laspeyre, Lies, Lightner, Lull, Lynch, Malarin, Mount, Murray, Pico, Robberson, Shannon, Sheridan, Sloss, Street, Torres, and Whealdon—32.

NOES—Messrs. Aud, Banks, Barclay, Caine, Caldwell, Cherry, Coleman, Connely, Crenshaw, Davis, Dunlap, Ensworth, Fuller, Gwinn, Hines, Lamar, Lefever, Moore of Nevada, Pixley, Roane, Slingerland, Springer, Tully, Watkins, Wing, and Whitman—27.

And the motion to insert the eighteenth of April prevailed.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Whitman, an Act concerning lawful fences in the Counties of San Bernardino, Colusa, Shasta, Tehama, and Placer.

Read first and second times, and referred to delegations named in the bill.

By Mr. Aud, an Act to authorize the sale of the real and personal property of the estate of George Birdsall, deceased.

Read first and second times, and referred to the Judiciary Committtee.

By Mr. Johnson, an Act to erect the County of Alturas, to define its boundaries, and provide for its organization.

Read first and second times, and referred to delegations named in bill.

Mr. Gwinn presented memorial of citizens of Yolo and Solano Counties, relative to draining the tules.

Placed on file.

At three o'clock, P. M., on motion of Mr. Slingerland, the House adjourned.

IN ASSEMBLY.

WEDNESDAY, March 16, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair.

Roll called.

A quorum being present, the Journal of yesterday was read and approved.

Messrs. Coleman and Street had one day leave of absence, each.

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

Resolved, That the Speaker be granted leave of absence from Friday, the eighteenth, to Monday, the twenty-first instant, inclusive, and he is hereby authorized to appoint some member to perform the duties of Speaker during said absence.

GENERAL FILE.

Assembly bill No. 233, an Act amendatory of, and supplementary to, an Act to establish, support, and regulate common schools, and to repeal all former Acts concerning the same, approved May third, one thousand eight hundred and fifty-five, read third time, and passed.

Assembly bill No. 241, an Act to legalize a certain conveyance made by Thomas W. Sutherland, administrator *de bonis non* of the estate of Miguel de Pedrorena, deceased, to José Antonio Aguirre, ordered engrossed.

Assembly bill No. 21, an Act to regulate fees of witnesses in criminal cases, was taken up, and a substitute reported by Committee on the Judiciary, read first and second times, adopted, and placed on file.

Senate bill No. 155, an Act to authorize the executor of the estate of Joshua W. Redman, deceased, to sell the real estate of said deceased at public or private sale, read third time, and passed.

Assembly bill No. 254, an Act amendatory of an Act entitled an Act to prevent gaming, passed April twenty-seventh, one thousand eight hundred and fifty-seven—

Mr. Hines moved to indefinitely postpone the bill.

Mr. Banks moved to make the bill the special order for Monday next.

The Speaker decided, that, as the original bill, for which this was a substitute, had been ordered to engrossment, it had virtually disposed of the substitute.

Mr. Banks appealed.

And the decision of the Chair was sustained.

SPECIAL ORDER.

Assembly bill No. 223, an Act granting the consent of the Legislature to furnish a different Government for the Southern Counties of the State, was considered in Committee of the Whole.

Mr Moore of Nevada in the Chair.

After speaking some time in consideration of the bill, the Committee rose, and had leave to sit again.

Mr. Sloss moved to make Assembly Joint-Resolution No. 21, in relation to the mineral lands, the special order for to-morrow, at twelve o'clock.

The Chair ruled, that after passing over a special order, it goes on the file of unfinished business.

Mr Cherry appealed, and the Chair was sustained.

The rules were suspended, and the resolutions were made the special order for to-morrow, at twelve o'clock, M

Assembly bill No. 216, an Act to provide for the disposal of the sixteenth and thirty-sixth sections of land donated to this State for school purposes, by Act of Congress, passed March third, one thousand eight

hundred and fifty-three, and to appropriate the proceeds of the sale thereof to the credit of the General School Fund, also special order for this day, was made the special order for Monday next, March twenty-first, at twelve o'clock, M.

Mr. Moore of Nevada moved that the House resolve itself into Committee of the Whole, to consider Assembly bill No. 56, an Act concerning the organization of the militia.

The Speaker ruled the motion out of order, unless the rules be suspended.

Mr. Sloss appealed, and the Chair was sustained.

PETITIONS.

Petitions were presented as follows:

By Mr. Johnson:

For the erection of a new County, to be called Alturas.

Also, verbally reported Assembly bill No. 270, an Act to erect the County of Alturas, to define its boundaries, and to provide for its organization, and recommend that the bill, together with the petitions, be referred to Committee on Counties and County Boundaries.

And it was so referred.

Mr. Pixley moved to adjourn.

Lost.

By Mr. G. N. Douglass:

Of citizens of El Dorado County, relative to sheep running at large.

Ordered on file.

By Mr. Whitman:

Of O. M. Wozencraft, relative to water, for the wants of man and animals, in the Southern portions of the State.

Referred to delegations from Los Angeles, San Bernardino, and San Diego.

Mr. Laspeyre verbally reported Assembly bill No. 259, an Act for the relief of Joseph H. Udell, and recommended that the accounts be referred to the Board of Examiners.

On motion of Mr. Pixley, the rules were suspended, and the vote by which the House, this day, adopted a resolution granting the Speaker leave of absence, was reconsidered.

ELECTION OF TEMPORARY SPEAKER.

Mr. Shepard offered the following resolution as a substitute, which was agreed to, and the resolution was adopted:

Resolved, That the Speaker be granted leave of absence from Friday, the eighteenth instant, to Tuesday, the twenty-second instant, and that the House proceed to the election of a Speaker *pro tem.*, to act during said absence.

The House then proceeded to elect a Speaker *pro tem.* during such absence of the Speaker.

Mr. Shannon nominated Mr. Moore of Nevada.

Mr. Roane nominated Mr. Pixley.

Mr. Sloss nominated Mr. Watkins.

The vote for Speaker *pro tem.*, during such absence of the Speaker, was then taken, with the following result:

Names.	Moore.	Pixley.	Watkins.
Aud	1		
Banks	1		
Barclay	1		
Briggs	1		
Buck	1		
Burdick	1		
Caine			1
Caldwell	1		
Cahalan	1		
Cherry	1		
Condee	1		
Connely	1		
Cope	1		
Crenshaw	1		
Cutler	1		
Davis	1		
Douglass, G. N	1		
Dow	1		
Dunlap	1		
Eagon	1		
Ellis	1		
Ensworth	1		
Fuller			1
Gregory	1		
Gwinn	1		
Hancock	1		
Hines			1
Holman	1		
Imus	1		
Johnson	1		
Laspeyre		1	
Lefever		1	
Lies	1		
Lightner	1		
Lull	1		
Lynch	1		
Malarin		1	
Moore of Nevada			1
Moore of San Francisco	1		
Murray	1		
Pico	1		
Pixley			1
Roane		1	
Robberson	1		
Shannon	1		
Shepard	1		
Sheridan	1		
Sloss			1
Springer	1		
Tipton		1	
Torres	1		

Names.	Moore.	Pixley.	Watkins.
Tully	.....	.....	1
Watkins	1	.....	.....
Wing	1	.....	.....
Whitman	1	.....	.....
Whitney	1	.....	.....
Young	1	.....	.....
Total	45	5	7

Mr. Moore of Nevada having received a majority of all the votes cast, was declared elected Speaker *pro tem.*, during the absence of the Speaker, as contemplated by the resolution of Mr. Shepard.

Mr. Hancock offered the following resolution:

Resolved, That Honorable Phil. Moore of Nevada be elected Speaker *pro tem.*, and that he take the requisite oath of office on to-morrow, at eleven, A. M.

Mr. Lamar moved to adjourn.

Lost.

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

Lost.

REPORTS.

Reports were made as follows:

By Mr. Cope, recommending the passage of Senate Bill No. 165, an Act to enable parties therein named to partition or sell real estate.

By Mr. Holman:

MR. SPEAKER:—The Committee on Commerce and Navigation have had under consideration Assembly bill No. 187, "An Act to authorize Lewis B. Dell to build a wharf on Napa Bay, in the County of Solano," with accompanying petition, report back the same, and recommend its indefinite postponement.

HOLMAN, Chairman.

By Mr. Robberson:

MR. SPEAKER:—Your Committee on Internal Improvements, to whom was referred Assembly bill No. 206, "An Act to regulate salmon fisheries in Eel River, Humboldt County, have taken the same under consideration, and report it back, and recommend its passage.

ROBBERSON, Chairman.

By Mr. Lynch:

MR. SPEAKER:—The Committee on Engrossment report, as correctly engrossed:

Assembly bill No. 131, an Act to prohibit gaming;

Also, Assembly bill No. 84, an Act to create a Branch of the Insane Asylum of California;

Also, Assembly bill No. 249, an Act supplementary to, and amendatory of, an Act entitled "An Act to incorporate the Town of Petaluma, approved April twelfth, one thousand eight hundred and fifty-eight;"

Also, Assembly bill No. 243, an Act to authorize the Courts of Record of this State to admit Adolphus Daniel Grimwood as an Attorney and Counselor-at-law;

Also, Assembly bill No. 252, an Act to amend an Act entitled an Act to provide for the payment of the debt of Humboldt County, that existed on the twenty-first day of December, one thousand eight hundred and fifty-seven, approved April twenty-sixth, one thousand eight hundred and fifty-eight.

LYNCH, Chairman.

By Mr. Whitman:

MR. SPEAKER:—The delegations from Colusa, Tehama, Shasta, Placer, and San Bernardino, to whom was referred Assembly bill No. 268, being "An Act concerning lawful fences," as applied to said Counties, having had the same under consideration, report it back to the House, and recommend its passage, without amendment.

WHITMAN.

MARCH 16, 1859.

By Mr. Tully:

To the Senate and assembly of California:

The Joint Select Committee, appointed to open and examine the bids, and to select proposals for translating, correcting, and indexing the Laws of one thousand eight hundred and fifty-nine, into the Spanish language, have performed the duty devolved upon them, and find that:

Thommas R. Eldredge proposes to translate, correct, and index, said Laws, for	75 cents per folio.
Samuel W. Daggett proposes for	75 cents per folio.
John P. Brodie proposes for	80 cents per folio.
John Clar proposes for	80 cents per folio.
Cipriano Thurn proposes for	95 cents per folio.
Manuel Ainsa proposes for	100 cents per folio.
Thomas W. Reese proposes for	100 cents per folio.
Charles T. Gailer proposes for	100 cents per folio.
Jofre & Herrera propose for	100 cents per folio.
Manuel Ainsa (second bid) proposes for	75 cents per folio.

A majority of your Committee being satisfied of the qualifications and competency of Thomas R. Eldredge, have selected his proposal as being the best, and have awarded to him the translation of the Laws and documents of one thousand eight hundred and fifty-nine, which are to be translated into Spanish.

C. E. THOM.
R. A. REDMAN, } Senate Committee.
GEO. W. DENT,

HENRY HANCOCK,
M. MALARIN, } Assembly Committee.

By Mr. Cherry:

MR. SPEAKER:—The Special Committee, consisting of the delegations from San Francisco, Los Angeles, San Bernardino, and San Diego, to which was referred "Senate Concurrent-Resolution No. 29, relative to the establishment of a semi-weekly mail from San Francisco to Los Angeles," have had the same under consideration, and report the same back to the House, with a substitute, and recommend the passage of the substitute.

CHERRY, Chairman.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 16, 1859.

To the Assembly of California:

I have, this day, approved "An Act to amend an Act concerning Notaries Public, approved April thirtieth, one thousand eight hundred and fifty-seven;"

Also, an Act amendatory of an Act entitled "An Act to amend an Act entitled an Act restricting the herding of sheep to certain pastures, in the Counties of Sonoma and Marin, approved April fifteenth, one thousand eight hundred and fifty-eight."

JOHN B. WELLER.

The following message was received from the Senate:

SENATE CHAMBER,
March 16, 1859.

MR. SPEAKER:—The Senate, on the twelfth instant, passed Senate bill No. 109, "An Act entitled an Act to grant the right to construct a bridge across the Colorado River, at Fort Yuma, near the junction of the Gila, in the County of San Diego, State of California, to certain parties therein named;"

Also, on the fourteenth, passed Senate bill No. 172, "An Act to audit certain claims."

E. C. PALMER, Secretary of Senate.

Senate bill No. 109, above reported, read first and second times, and referred to the Committee on Commerce and Navigation.

Senate bill No. 172, above reported, read first and second times, and referred to the Committee on Claims.

Mr. Hines offered the following resolution:

Resolved, That a Committee of three be appointed by the Speaker to proceed to the State-prison, at San Quentin, and examine into all matters pertaining to that Institution, and take an inventory of all the property on the State-prison grounds. At the time of taking the inventory, the Committee shall State the quality, variety, and value, of each and every article. If necessary, the Committee shall have power to send for persons and papers.

Mr. Whitman moved the previous question.

Which was sustained, and the resolution adopted.

The Speaker announced as the Special Committee on Mr. Lull's railroad resolution, Messrs. Cope, Lull, and DeLong.

At five o'clock, P. M., on motion of Mr. Burdick, the House adjourned.

IN ASSEMBLY.

THURSDAY, March 17, 1859.

The House met, pursuant to adjournment.

Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

Messrs. Slingerland and Vaughan had leave of absence, for one day, each.

GENERAL FILE.

Senate bill No. 83, an Act concerning roads and highways, referred to Tuolumne delegation.

Assembly bill No. 187, an Act to authorize Lewis B. Dell to build a wharf on the Napa Bay, in the County of Solano, indefinitely postponed.

Senate bill No. 165, an Act to enable parties therein named to partition or sell real estate, read third time, and passed.

Senate bill No. 17, an Act concerning the office of County Clerk of Amador, recommitted to Amador delegation.

Assembly bill No. 206, an Act to regulate salmon fisheries in Eel River, in Humboldt County, ordered engrossed.

Assembly bill No. 84, an Act to create a Branch of the Insane Asylum of California, recommitted to Hospital Committee, with special instructions.

Senate Concurrent-Resolution No. 29, relative to the establishment of a semi-weekly mail from San Francisco to Los Angeles—substitute reported by Committee, being a Joint-Resolution, adopted, read first and second times.

Rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 243, an Act to authorize the Courts of Record of this State to admit Adolphus Daniel Grimwood as an Attorney and Counselor-at-law;

Also, Assembly bill No. 249, an Act supplementary to, and amendatory of, an Act entitled an Act to incorporate the Town of Petaluma, approved April twelfth, one thousand eight hundred and fifty eight;

Were read third time, and passed.

SPECIAL ORDER.

Assembly Concurrent-Resolution No. 21, in relation to the mineral lands, was considered in Committee of the Whole, Mr. Cope in the Chair.

After spending several hours in consideration of the bill, the Committee rose.

Assembly bill No. 222, an Act to provide for the construction of a State Capitol in the City of Sacramento, together with Assembly bill No. 261, a substitute for the same, also special order for this day, were made the special order for Tuesday next, twenty-second March, at 12, M.

Mr. Cope verbally reported, as amended, substitute for Assembly Concurrent-Resolution No. 36.

Which was ordered on file.

Mr. Moore of Nevada gave notice of a motion to amend the Thirty-fifth Standing Rule.

Mr. Sheridan introduced a bill for an Act supplementary to, and amendatory of, an Act entitled an Act to repeal the Act passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled an Act to incorporate the City of Sacramento, and the several Acts amendatory of, and supplementary thereto, and to incorporate the City and County of Sacramento, approved April twenty-fourth, one thousand eight hundred and fifty-eight.

Read first and second times, and referred to Sacramento delegation.

Assembly bill No. 131, an Act to prohibit gaming, was taken up.

And pending its consideration, on motion of Mr. Cope, at four o'clock, P. M., the House adjourned.

IN ASSEMBLY.

FRIDAY, March 18, 1859.

The House met, pursuant to adjournment.

Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

Mr. Sloss had leave of absence for one day.

GENERAL FILE.

Assembly bill No. 11, an Act concerning marriages and divorces—

Mr. DeLong moved to recommit to a Special Committee of three, with special instructions.

Lost.

Mr. Murray moved to recommit to the Judiciary Committee, with special instructions.

The Chair ruled the motion out of order.

Mr. Murray appealed.

And the House sustained the decision of the Chair.

Mr. Lull moved a call of the House.

Lost.

Upon the passage of the bill, Messrs. DeLong, Aud, and Sheridan, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Aud, Banks, Barclay, Buck, Burdick, Caine, Caldwell, Coleman, Connely, Cope, Cutler, G. A. Douglas, Ellis, Ensworth, Hancock, Holman, Lies, Lightner, Lull, Lynch, Moore of San Francisco, Pico, Roane, Shannon, Shepard, Slingerland, Springer, Tipton, Torres, Watkins, and Wing—31.

NOES—Messrs. Cherry, Condee, DeLong, G. N. Douglass, Dow, Dunlap, Fuller, Gwinn, Jackson, Johnson, Lamar, Lefever, Murray, Pixley, Robberson, Sheridan, Street, Whealdon, Whitman, Whitney, Mr. Speaker—21.

Mr. Gwinn, from the Committee appointed to proceed to the City of San Francisco to obtain information relative to the necessity of the immediate construction of a bulk-head, or sea-wall, presented the following report of the majority of the Committee.

And Mr. Connely, from same Committee, presented a minority report.

Which, together with the testimony taken by the Committee, were referred to the Committee on Commerce and Navigation, and twice the usual number of copies of the reports ordered printed.

MAJORITY REPORT.

Mr. Speaker:—Your Committee, to whom was referred the matter of the immediate necessity of the erection of a bulk-head, or sea-wall, in front of the City of San Francisco, beg leave to report:

That, in pursuance of the resolution adopted by the Assembly on March first, providing for a Committee of five, to be appointed "to visit San Francisco, with power to send for persons and papers, for the purpose of obtaining reliable information as to the immediate necessity of constructing a bulk-head, or sea-wall, along the water-front of that City," your Committee proceeded at once to San Francisco, and entered upon the discharge of their duties, with a consciousness of the importance of the subject, and a deep and sincere desire to execute the delicate trust confided to them, with entire impartiality.

Your Committee met in that City on the fifth day of March, and continued their sittings until the twelfth. A full and accurate report of the testimony taken before it, is herewith submitted.

Your Committee do not propose to fully review and analyze the mass of testimony adduced before them, or to enter at length upon an examination of the various theories which were presented and insisted upon by those who respectively affirm and deny the necessity of a speedy commencement of a work, looking both to the preservation and improvement of the only great City and Harbor—not only of this State, but of the entire coast of the Pacific—but leave each member to form his own conclusion from the testimony herewith submitted.

The resolution itself, would imply the admission that at some time the commencement of such a work was necessary, but, in addition, required an examination as to the *immediate* necessity of such a commencement. Your Committee found, as the evidence progressed, and the magnitude and importance of the undertaking developed itself, that several years must necessarily be required for the construction of such a work. And if, as your Committee feel fully convinced, the erection of such a work ought long since to have taken place—that the Harbor has suffered from its delay—that the absence of a permanent barrier along the line of the City-front has been a great evil—the sooner such evil is remedied the better; for, if necessary in two, three, or four years, it is necessary to commence it immediately—as such a work could not be constructed short of that time, and until accomplished, our great Harbor must suffer.

For the purpose of eliciting all the information possible, and, also, for confining the evidence to the information required by the resolution—the following order of business was adopted:

First—The examination of those who were of the opinion that a bulk-head was not immediately necessary

Second—Those who held a contrary opinion.

Thereby affording the friends of either side an opportunity of pro-

ducing such testimony as they saw fit to offer, in support of their opinions.

From the fact that the Governor has called the attention of the Legislature to the subject, in his Annual Message, and that former Legislatures have entertained the subject of the construction of some such work, to protect the Harbor from the effects of shoaling, and to allow the front part of the city to be filled in and improved, your Committee deemed it to be an admitted fact, and "foregone conclusion," that such work was necessary, and can not forbear from expressing the opinion that the cause of the contest—formerly, as now—was not as to the necessity of the work, but as to who should accomplish it.

The question of the preservation, from whatever cause, of the great and only Harbor, of any magnitude, of our State, is one which extends beyond the present hour, and can not be affected by the mere opinions of any collection of individuals, wherever located, or however numerous or respectable, except so far as those opinions may be formed and regulated by facts applicable, in this instance, to the actual condition of the Harbor, and of the utility and necessity, arising from that condition, of works for its protection and permanent security. This Harbor is of world-wide renown, and the commerce of every civilized nation is interested in it. We, therefore, even as a State, have no exclusive ownership in it, in any contracted or prohibitory sense, or in any sense that would authorize us to permit injurious encroachments on it, or that would justify us, if we omitted to provide a remedy, when encroachments were actually made or threatened.

In considering and weighing the testimony, it seems to the Committee that, adhering to the terms and clear intent of the resolution, their attention and that of the House should be called to that portion of the evidence which speaks from actual knowledge of the Harbor, and from a long course of observation and soundings along the water-front of the City of San Francisco. While the undersigned have not the most remote intention to detract from the integrity, or to call in question the superior intelligence, and high professional attainments, of some of the witnesses called before them, who seemed rather to draw conclusions from abstract theories presented to them, than to speak from any actual knowledge of the various peculiarities of the Harbor of San Francisco, still the Committee are thoroughly impressed with the conviction, that the facts emanating from sources which spoke from actual acquaintance with particular localities, from frequent surveys and personal observations, from the year one thousand eight hundred and forty-nine to the present time, seeing the harbor shoaling from day to day, observing the cause, noting the extent in proportion as that cause was in operation—are those which are entitled to the greatest weight, and by an examination of the testimony adduced by those who consider *no* bulk-head is at all necessary, it will be seen that it is clearly conceded, that such work is necessary at some time, and upon certain contingencies, though differing materially as to the period and character of the contingencies.

The object of those opposed to the immediate construction of the work referred to, was to establish the fact that the construction of a bulk-head would not have the effect to prevent the deposit of mud upon the front of San Francisco, but that the construction of wharves, at right angles to the front-line, was, and would continue to be, the primary cause of said deposit, holding it in and about the piles and bents; and, further, that this deposit is the result of the accumulation on the surface, carried there by the current, and that such can not be removed, except by a current of

greater force than that which placed it there; and that no portion of this deposit could be attributed to the filling-in of the water-lots inside of the line of the City-front, but that the accumulation resulted entirely from the deposit of matter held in suspense by the waters of the Bay.

The object of those favorable to the immediate construction of a bulk-head, was to establish the fact that the cause of the present deposit in front of the City has been the removal of mud from the plateau of San Francisco by the artificial deposit used in grading streets and building-lots, and the erection of heavy structures thereon; and such being the case, that the present embankment of mud in front of the City is the result of the pressure of this artificial material, and has resulted in the equalization of the pressure from within, and the resistance; and that it will be impossible to remove any portion of this resistance without a simultaneous effect upon the pressure from within forcing other material to the front to counterbalance that pressure, thus keeping up a constant equilibrium between the two forces; that a bulk-head of firm and immovable material between these two forces is indispensable, before dredging can be resorted to, as the only mode of removing the present obstruction in the Harbor.

The above, we think, are the two positions assumed by the opposite sides before this Committee, and from these positions, with the evidence and our own personal observations, we submit the following deductions:

First—That the primitive cause of the filling of the slips and Harbor is the excessive and rapid deposit of material from the hills into the cove, consequent upon the rapid growth of the City, and that such artificial deposits have necessarily removed the natural deposits originally there, and thrust it outward.

Second—We are led to the conviction, by the facts adduced before us, that this present embankment of mud has reached an extent five thousand feet in length, six hundred feet in breadth, and eighteen feet in depth, (the accumulation of four years—*i. e.*, from one thousand eight hundred and fifty-three to one thousand eight hundred and fifty-seven, as shown by chart of Capt. James Alden,) and is essential, (in the absence of an artificial abuttment,) for the upholding and protection of the present improvements of the lower portion of the City; and here we find the impossibility of the Harbor being improved by any system of dredging, without injury to private municipal rights—inasmuch as the removal of this embankment, or any portion of it, in the absence of an artificial abuttment, can only result in being refilled by material now covered by streets, graded lots, and buildings.

Third—We are forced to the conclusion that no other action can be taken, which shall have for its end a permanent relief to commercial interests in which the State at large has the major share, or a permanent foundation upon which to construct the commercial emporium of the Pacific, than the erection of a substantial abuttment, on the City-front, and *afterwards*, a system of dredging

For the following reasons, we believe that the immediate construction of a bulk-head is necessary:

First—That commerce in its operations will be restored to its original condition, which nothing should ever have been permitted to interrupt, and which it has a right to demand of the people of California.

Second—The prevention of accumulation of reasons why the front of the City of San Francisco should be extended further into the Bay, to the great and irreparable injury to that Harbor and City.

Third—That we believe the work may be constructed on the established line of the City-front, with greater facility and at a less cost, now, than hereafter, inasmuch as delay will only tend to render the material through which the work must penetrate, harder and more difficult of penetration and removal.

Fourth—The construction of this wall would enable the property on this line of front to be improved, and, as a consequence, the same would be covered with buildings, to be used for storage of all articles of importation or exportation, and thus be an immense saving to our mining and agricultural population in their consumptions, and the latter, in the shipments of their productions.

Fifth—It will enable the present unoccupied property of San Francisco to be built upon, commencing with the line of front and progressing inward, and thus result in great saving of material for grading, retaining as it would, that material, which otherwise would be forced outward.

Sixth—It would enable the City authorities to erect streets with permanency, thus removing the present holes and man-traps, with which the front of the City is covered.

Seventh—It would prevent the flow of tide through the grade of the City, filling the cellars, as is now the case, which necessarily involves the pumping out to relieve the same, and which is constantly injuring the foundation of buildings.

Eighth—It will reconcile all conflicts of interest, and establish on a firm and reliable basis from which to calculate, all the elements of commerce concentrated in that City.

Ninth—It will result, by all the various effects before enumerated, in the increase of taxable property, to an extent worthy of our most grave consideration.

The Committee, in closing this report, would give it as their decided conviction, from a full review of all the facts and a careful analysis of all the evidence, that to maintain the present established water-front of the City of San Francisco in its integrity, and to preserve the Harbor from further and continued injuries and obstructions, the immediate erection of a permanent bulk-head or sea-wall, is indispensably necessary.

Respectfully submitted,

H. GWINN, Chairman,
G. A. YOUNG,
C. W. LIGHTNER,
F. E. CANNON.

MINORITY REPORT.

The undersigned, a minority of the Committee appointed to proceed to the City of San Francisco, and take testimony concerning the immediate necessity for the construction of a sea-wall or bulk-head around the water-front of said City, is unable to concur in the report of the majority of such Committee.

From the language of the resolution appointing the Committee, it is at least doubtful whether the duties of the Committee were not limited to the taking of testimony, and reporting the same to the Assembly, without expressing any opinion thereon; but, inasmuch as the majority of the Committee have seen proper to report their conclusions from the testimony taken, the undersigned deems it his duty to briefly state some of the reasons which constrain him to dissent from the opinion of the majority of the Committee.

The Committee, as well by the terms of the original resolution under which they acted, as the brief time allowed them for investigation, were confined in their inquiries to the general question of the necessity of immediate legislative action to provide for the construction of a permanent wall or bulk-head on the water-front-line of the City, for the protection of the Harbor, and they did not, therefore, extend their inquiries into the relative merits or practicability of any of the various plans now before either branch of the Legislature.

The necessity for a sea-wall has been supposed to arise from the gradual shoaling of the waters in the Bay, threatening, at no distant day, to close the present slips, and thus prevent the approach of vessels to the various wharves or landings.

That very great shoaling has taken place, is a fact of general notoriety, and although not to an extent to have as yet produced any serious inconvenience to shipping, still, perhaps, to a sufficient extent to create apprehensions for the future, and to justify anxious inquiry as to the cause of the evil, and the proper remedy to be applied.

The testimony taken has elicited a vast amount of information, and will doubtless tend to allay the alarm which has, to some extent, existed in the minds of property-holders along the City-front as to any immediate serious injury to the Harbor, or to their property, by the closing of the slips.

The filling-up or shoaling of the slips and other portions of the Harbor, can not fairly be attributed to any one cause, but to a variety of causes; nor can it be determined satisfactorily to which of the various causes it is mainly attributable. While many of the witnesses are of the opinion that the primary cause is the filling-in of water-lots, and thus pressing the mud out into the Bay, others are equally confident in the opinion that the construction of the numerous wharves in the Bay, at right angles to the shore, and by which the slips are formed, is the principal cause; and others again are of opinion that the numerous hulks of vessels which, till a recent date lined the Harbor, contributed largely to the result.

It is fair to conclude that all of these causes have had their influence, but to what extent, and how much is justly owing to each, can not be determined with any degree of exactness If the question was to be determined solely by experience in Sea-port Towns and Harbors in other parts of the world, and by the application of natural laws, there would be little difficulty in arriving at a conclusion. Because there can be no question, with such lights before us, that the artificial projections, extending into the Bay, are a sufficient cause for a vast amount of shoaling, and that, if allowed to progress, without the accumulations being removed, would in time cause the slips to fill up to an extent that would prevent the entrance of vessels. And it is equally clear, that the construction of a continuous sea-wall would tend in no respect to prevent it, so long as such projections remain

The difficulty here arises from the fact that the great number of wharves which extend into the Bay along the entire front of the City, from Rincon Point, on the south, to Meiggs' Wharf, on the north, a distance of three miles, or thereabouts, were mostly constructed during the period within which most of the water-lots were filled in, so that while it is true that the shoaling commenced as the filling-in progressed, it is equally true that it commenced with the construction of the wharves. And it is obviously impossible to form any reliable opinion as to the relative amount of shoaling produced by each of these causes.

It may be confidently assumed, however, that but for the obstacles presented by the wharves, much of the accumulations caused by the filling-in of the adjoining lots would have been carried away by the current.

It is sufficiently established, that but little shoaling has taken place since the removal of the hulks, about the beginning of the year one thousand eight hundred and fifty-seven, excepting in and about the wharves, within the basin or space formed by Market Street and Pacific Street Wharves; and the shoaling at this point is fully accounted for, and can not be better expressed than in the language of the witness, Captain Gilmer, that "in case of wharves of unequal lengths, there would undoubtedly be more filling at the ends of the shorter wharves, than at the ends of the longer ones, as the outside of the bank deposited will generally assume a position and direction nearly tangent to the more salient points of the obstruction."

That wharves constructed in the manner now existing at San Francisco will invariably cause deposits and make land, is, as already observed, an established fact, and hence the universal practice in all Sea-port Towns where such structures exist, of removing such deposits by dredging.

It is a singular fact that this common mode of keeping navigable waters in Bays and Harbors free of obstructions, has not been resorted to here to any extent.

If, when the shoaling first commenced, this simple and common means of keeping the slips free, had been put in practice, there is no reason to doubt that it would have been as effectual as it is known to be in other places. Why this vast accumulation has been permitted, with a preventive so readily at hand, it is not easy to perceive.

Most of the front of the City affording wharf accommodations is held by individuals or companies, under leases from the City of San Francisco, which have not yet expired. When the privileges under these leases were granted, wisdom should have dictated the precaution of binding the lessees to keep the waters over which they were invested with almost exclusive control, free from obstruction, and in a proper condition to serve the conveniences of commerce. But this seems not to have been done, under the supposition, doubtless, that self-interest would prompt them to use all proper means to make the franchises productive. That no attempt has been made to remove the deposits of mud from the slips, affords some evidence, at least, that the evil is not as great as has been apprehended, since it may be reasonably inferred that had abridgment of wharf accommodations taken place to such an extent as to impede commerce, an energetic effort would have been made to remedy the evil, either by dredging out the slips, or constructing new wharves.

The more important question connected with improvements on or near the water-front, is one that can not be said yet to have arisen, and can only arise when property-owners are desirous to improve their lots fronting on the Bay.

That some abuttment or bulk-head will be required, as well for the convenience of the public as for the interets of the owners of lots improved, is quite clear; such is the practice elsewhere, and will necessarily be so here—not alone for the preservation of the Harbor, but for the interest and convenience of the owners of property.

When the time arrives, doubtless, the City and persons directly interested, will be sufficiently alive to their own interests, to devise the best means of accomplishing the object. Abundant power will be found in

the Charter of that City, to prevent any encroachments on the Harbor or injury to commerce.

That no present legislation is required, is evidenced by the fact that none has been asked for by the only persons who are interested—the property-holders.

All applications for a sea-wall have, as yet, been made by parties who are desirous of securing the privilege of constructing the work—not to protect any present interest, but solely for the value of the franchise.

But, whatever difference of opinion may exist as to the ultimate necessity of a continuous wall around the City-front for any purpose, there ought to be none on the point that there is no immediate necessity for entertaining the project.

From a tide of unparalleled progress and prosperity, San Francisco was plunged into an almost equally unprecedented state of financial distress and embarrassment, through which she has been struggling for the past three years, and from which she has not yet fully emerged. All improvements were stopped, and with them, the filling-in of the water-lots It is not likely to be soon resumed. If that is really the cause of the Harbor's shoaling, all appropriations may safely cease, for some time to come. Meantime, the slips should be dredged, and, what is of most importance, in view of any future action, a thorough survey of the Harbor should be made, under the direction of competent and skillful engineers, in the manner suggested in the Annual Message of the Governor.

Many other views might be presented, but would extend this report to an unreasonable length.

The undersigned has arrived at the conclusion, and so reports, that, from the investigation had before the Committee, no immediate necessity exists for the construction of a sea-wall or bulk-head on the line of the City-front of the Bay of San Francisco.

D. W. CONNELY.

The resolution offered by Mr. Whitman, on the tenth instant, relative to the change of the hour of meeting of the House, was laid on the table.

Mr. Ellis presented a remonstrance of citizens of Sacramento County, against the organization of Mokelumne County.

Referred to Committee on Counties and County Boundaries.

Mr. Johnson presented a petition of citizens of portions of Sierra, Yuba, Butte, and Plumas Counties, for organization of a new County to be called Summit County.

Referred to Committee on Counties and County Boundaries.

REPORTS.

Reports were presented as follows:

By Mr. Lightner:

MR. SPEAKER:—The Committee on Claims, to whom was referred Senate bill No. 172, auditing certain claims against the Insane Asylum, having had the same under consideration, beg leave to report the same back, and recommend its passage.

LIGHTNER, Chairman,
LASPEYRE,
TULLY,
SHANNON,
DOUGLASS.

Also, from Committee on Claims:

MR. SPEAKER:—Your Committee on Claims, to whom was referred the claim of Joseph Nougues, for labor done and materials furnished, on Capitol, under a contract entered into with the State, under an Act entitled "An Act to provide for the construction of a Capitol in the City of Sacramento, approved April eighteenth, one thousand eight hundred and fifty-six," have had the same under consideration, and report it back, with accompanying bill, and recommend its passage.

LIGHTNER, Chairman,
LASPEYRE,
TULLY,
SHANNON,
DOUGLASS.

Also, from Committee on Claims:

MR. SPEAKER:—Your Committee on Claims, to whom was referred the claim of John S. Lee, for services as Journal-Clerk to Senate, ninth session;

And the claim of John C. Boggs, for arresting an escaped convict in the month of June, one thousand eight hundred and fifty-eight;

And the claim of Martin Clark, for services as Waiter to Insane Asylum, in the month of May, one thousand eight hundred and fifty-eight;

And the claim of Henry Lewis, for services as Assistant Cook to Insane Asylum, in the month of April, one thousand eight hundred and fifty-eight;

Have had the same under consideration, and report the same back, with the accompanying bill, and recommend its passage;

LIGHTNER, Chairman,
LASPEYRE,
SHANNON,
TULLY,
DOUGLASS.

Also, the following:

MR. SPEAKER:—Your Committee on Claims, to whom were referred the claims of Marks & Brothers, for groceries, provisions, etc., furnished Insane Asylum, in November, one thousand eight hundred and fifty-six;

And the claim of Cohn & Co, for blankets furnished the Insane Asylum, in November, one thousand eight hundred and fifty-six;

And the claim of H. M. Fanning, for removing main frame of Insane Asylum, in August, one thousand eight hundred and fifty-six;

And the claim of J. J. Ames, for publishing proclamations of the Governor in the San Diego Herald, October, one thousand eight hundred and fifty-six;

And the claim of J. Sarles, for milk furnished Insane Asylum, in the months of October and November, one thousand eight hundred and fifty-six;

Have had the same under consideration, and report same back, with accompanying bill, and recommend its passage.

LIGHTNER, Chairman,
LASPEYRE,
TULLY,
SHANNON,
DOUGLASS.

Also, the following:

MR. SPEAKER:—Your Committee on Claims, to whom was referred the claim of Samuel Warren, for wood furnished the State-prison in the year one thousand eight hundred and fifty-five;

And the claim of D. H. Whipley, for supplies furnished to soldiers, during the squatter riot in Sacramento, in the month of August, one thousand eight hundred and fifty;

And the claim of J. O'Conner, for services at State-prison, as Superintendent, in the year one thousand eight hundred and fifty-six;

And the claim of B. C. Newcomb, for furniture furnished Committee-rooms, in the year one thousand eight hundred and fifty-six;

And the claim of Seth H. Wetherbee, for services as Notary Public to State-prison, in the year one thousand eight hundred and fifty-six;

Have had the same under consideration, and report same back, recommending they be rejected.

LIGHTNER, Chairman.

By Mr. Connely:

MR. SPEAKER:—The Committee on Agriculture, to whom was referred Assembly bill No. 197, entitled an Act to provide for the better encouragement of the culture of the vine and the olive, have considered the same, and I am instructed by them to report the bill back to the House, and recommend its passage.

They have also considered Senate bill No. 119, entitled an Act amendatory of, and supplemental to, an Act entitled an Act concerning estray animals, which was referred to them, and have made an amendment thereto; and they have instructed me to report the bill back to the House, and recommend the passage of the same, as amended.

D. W. CONNELY, Chairman.

By Mr. Robberson:

MR. SPEAKER:—The Committee on Internal Improvements, to whom was referred Assembly bill No. 83, being an Act to amend an Act to establish Pilots and Pilot regulations for the Port of San Francisco, passed May eleventh, one thousand eight hundred and fifty-four, having had the same under consideration, report a substitute for the same, and recommend the passage of the substitute.

ROBBERSON, Chairman.

MARCH 18, 1859.

By Mr. Tipton:

MR. SPEAKER:—The Committee on Mileage, having had under consideration the amount of mileage due the members of the Special Committee appointed to visit San Francisco, beg leave to report as follows:

Names.	Miles.	Amount.
H. Gwinn	240	$48 00
C. W. Lightner	240	48 00
Geo A Young	240	48 00
F. E. Cannon	240	48 00
D. W. Connely	240	48 00

TIPTON, Chairman.

By Mr. Lefever:

MR. SPEAKER:—The Hospital Committee, to whom was referred Assembly bill No 84, have had the same under consideration, and beg leave to return the same to the House, with such amendments as the Committee were instructed to make, and unanimously recommend its passage.

LEFEVER, Chairman H. C.

By Mr. Lynch:

MR SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed:

Assembly bill No. 58, an Act to provide for the licensing of auctioneers, and to define their duties and liabilities.

Also, Assembly bill No. 241, an Act to legalize a certain conveyance, made by Thomas W. Sutherland, administrator *de bonis non* of the estate of Miguel de Pedrorena, deceased, to José Antonio Aguirre.

LYNCH, Chairman.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
March 17, 1859.

MR. SPEAKER:—The Senate, on yesterday, concurred in Assembly amendment to Senate Concurrent-Resolution No. 26, relative to adjourning *sine die*

E. C. PALMER, Secretary of Senate.

SENATE CHAMBER,
March 18, 1859.

MR. SPEAKER:—The Senate have, this day, passed Assembly bill No. 190, "An Act to confirm and legalize certain assessment-rolls of the City and County of San Francisco, and to provide for the collection of the delinquent taxes thereon."

E. C. PALMER, Secretary of Senate.

SENATE CHAMBER,
March 18, 1859.

MR. SPEAKER:—The Senate, on the fourteenth instant, passed Senate bill No. 183, "An Act to appropriate money for the payment of certain claims;"

Also, on the fifteenth, Senate bill No. 189, "An Act to amend an Act entitled an Act concerning the Eighth, Ninth, and Fifteenth, Judicial

Districts of this State, and the Judges thereof," approved March thirty-first, one thousand eight hundred and fifty-seven, and of an Act amendatory thereto, approved March twenty-fifth, one thousand eight hundred and fifty-eight;

Also, on the seventeenth, Assembly bill No. 195, "An Act to authorize the State Treasurer to issue to George Campbell duplicate school-land warrants, in lieu of a certain other warrant given up to be canceled;"

Also, Assembly bill No. 194, "An Act to fund certain claims against Sacramento County;"

Also, Assembly bill No. 181, "An Act to authorize the State Treasurer to issue to Minerva J. Carroll a duplicate school-land warrant, in lieu of a certain warrant destroyed;"

Also, Assembly bill No. 252, "An Act to amend an Act entitled an Act to provide for the payment of the debt of Humboldt County, that existed upon the thirty-first day of December, one thousand eight hundred and fifty-seven, approved April twenty-sixth, one thousand eight hundred and fifty-eight;"

And refused to concur in Assembly amendments to Senate bill No. 82, "An Act making certificates of purchase evidence of title;"

Also, have passed Assembly bill No. 183, "An Act to fix the time of holding the County Court, and the Court of Sessions, in the County of Tehama, and the Court of Sessions, County Court, and the Probate Court, in the County of Colusa;"

Also, on the seventeenth instant, passed Senate bill No. 176, an Act making an appropriation for the purpose of paying Peter H. Burnett, for back salary due him as Justice of the Supreme Court;

Also, on the sixteenth instant, passed Senate bill No. 192, "An Act levying the taxes for the year one thousand eight hundred and fifty-nine, in the County of Sierra, for County purposes.

E. C. PALMER, Secretary of the Senate.

Senate bill No. 173, above reported, read first and second times, and referred to the Committee on Claims.

The House receded from Assembly amendment to the first section of Senate bill No. 82, above reported.

Mr. Aud gave notice of reconsideration, and the bill was returned to general file.

Senate bill No. 189, above reported, read first and second times, and referred to delegations from Colusa, Tehama, and Butte.

Senate bill No. 176, above reported, read first and second times, and referred to the Committee on Claims.

Senate bill No. 192, above reported, read first and second times, rules suspended, read third time, and passed.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Whitman, an Act to encourage the supply of fresh water in the Desert west of Fort Yuma.

Read first and second times, and referred to delegation from Los Angeles, San Bernardino, and San Diego.

By Mr. Young, an Act amendatory of an Act entitled an Act amendatory of an Act entitled an Act to authorize the Board of Supervisors of Nevada County to levy a special tax, for County purposes, approved April

twenty-second, one thousand eight hundred and fifty-seven, approved February twenty-seventh, one thousand eight hundred and fifty-eight.

Read first and second times, and placed on file.

By Mr. Springer, an Act to amend an Act entitled an Act to reduce and establish the salaries of officers, and pay of members of the Legislature, approved April twenty-first, one thousand eight hundred and fifty-six.

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

By Mr. Gwinn, an Act to establish the rule of evidence to be observed in the Courts of this State, in certain cases, concerning titles of land.

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

On motion of Mr. Burdick, the report of the Joint Committee on translating laws into the Spanish language was adopted.

Resolutions were offered and adopted, as follows:

By Mr. Springer:

Resolved, That the Governor, Controller, State Treasurer, Secretary of State, and Superintendent of Public Instruction, are hereby respectfully equested to transmit to this House, a written statement of the manner rn which the various Contingent Funds allowed them, have been expenided during the year ending December thirty-first, one thousand eight hundred and fifty-eight; specifying the items, as required by the Act of February seventh, one thousand eight hundred and fifty-seven, entitled an Act concerning the receipts and expenditures of State.

Mr. Young gave notice of reconsideration.

By Mr. Gwinn:

Resolved, That P. H. Clayton be, and is hereby, allowed the sum of two hundred and sixty-four dollars, for services as Clerk of the Committeee appointed to visit San Francisco, relative to a bulk-head, payable out of the Contingent Fnnd of the Assembly.

By Mr. Shannon:

Resolved, That the Special Committee appointed to take into consideration proposed amendments to the Constitution, be, and they are hereby, requested to recommend such an amendment as will prohibit all persons from immigrating into this State who can not become citizens of the United States, and that said Committee be required to report to this House within ten days, with their recommendations and deliberations.

Mr. Johnson moved to take up the report of the Committee on Elections, relative to the Bacon matter.

At forty minutes past two o'clock, P. M., on motion of Mr. Pixley, the House adjourned.

IN ASSEMBLY.

SATURDAY, March 19, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

Mr. Whitney had indefinite leave of absence.

Mr. Slingerland, for three days.

And Mr. Cutler, one day.

On motion of Mr. Aud, the vote by which the House, on yesterday, receded from Assembly amendment to section one of Senate bill No. 82, an Act making certificates of purchase evidence of title, was reconsidered, and the House refused to recede.

Mr. Holman moved that a Committee of Free Conference be appointed, which motion prevailed, and the Speaker appointed Messrs. Holman, Cope, and Dunlap, such Committee.

On motion of Mr. Young, the vote by which the House, on yesterday, adopted the resolution offered by Mr Springer, calling upon the State officers for information relative to their Contingent Funds, was reconsidered.

Mr. Cahalan offered the following substitute, which was adopted :

Resolved, That the Senate be requested to furnish this House the report of the State officers, in relation to the expenditures of their Contingent Funds.

GENERAL FILE.

Assembly bill No. 43, an Act to authorize the formation of Joint-Stock-Associations for savings, deposit, and discount, read third time, and passed.

Assembly bill No. 84, an Act to create a Branch of the Insane Asylum of California—amendments of Committee adopted

On the passage of the bill, Messrs. Lightner, Springer, and Holman, demanded the ayes and noes, and it was lost, by the following vote :

AYES—Messrs. Caine, Cahalan, Cannon, Cherry, Coleman, DeLong, G. A. Douglas, Dunlap, Ellis, Ensworth, Fuller, Gwinn, Hill, Imus, Jackson, Johnson, Lefever, Lull, Lynch, Pixley, Roane, Rodgers, Shannon, Shepard, Sloss, Street, Whealdon, Wing, and Mr. Speaker—29.

NOES—Messrs. Armstrong, Aud, Banks, Bates, Buck, Burdick, Caldwell, Condee, Connely, Davis, G. N. Douglass, Dow, Eagon, Gregory, Holman, Howe, Lamar, Lightner, Malarin, Moore of Nevada, Mount, Murray, Robberson, Sheridan, Springer, Squires, Taylor, Tipton, Torres, Watkins, Whitman, and Young—32.

Mr. Aud gave notice of reconsideration

Assembly bill No. 268, an Act concerning lawful fences in the Counties of San Bernardino, Colusa, Tehama, Shasta, and Placer, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 182, an Act concerning certain acknowledgments of of deeds, and other instruments in writing, affecting real estate—

Mr. DeLong moved to make the bill the special order for Tuesday, next.

Lost.

Upon the passage of the bill, Messrs. DeLong, Sloss, and Howe, demanded the ayes and noes, and it was passed, by the following vote :

AYES—Messrs. Armstrong, Aud, Bates, Buck, Burdick, Caine, Cald-

well, Cahalan, Cannon, Connely, Cope, G. N. Douglass, Dunlap, Ellis, Fuller, Gregory, Gwinn, Hancock, Hill, Holman, Imus, Lefever, Lies, Lull, Lynch, Moore of Nevada, Moore of San Francisco, Pico, Pixley, Rodgers, Shepard, Squires, Torres, Watkins, Whitman, and Young—36.

NOES—Messrs. Coleman, Condee, DeLong, G. A. Douglas, Dow, Ensworth, Howe, Lamar, Lightner, Mount, Murray, Robberson, Shannon, Sheridan, Sloss, Springer, Tipton, Whealdon, and Mr. Speaker—19.

Assembly bill No. 271, substitute for Assembly bill No. 21, an Act to regulate fees of witnesses in criminal cases, indefinitely postponed.

Mr. Holman gave notice of reconsideration.

Assembly bill No. 274, an Act amendatory of an Act entitled an Act amendatory of an Act entitled an Act to authorize the Board of Supervisors to levy a special tax, for County purposes, approved April twenty-first, one thousand eight hundred and fifty-seven—approved February twenty-seventh, one thousand eight hundred and fifty-eight, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 267, an Act to extend an Act concerning hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, one thousand eight hundred and fifty-six, ordered engrossed.

Assembly bill No 277, an Act supplementary to an Act entitled an Act concerning public ferries and toll-bridges, approved April twenty-eighth, one thousand eight hundred and fifty-five, reported as substitute for Assembly bill No. 138, substitute adopted, read first and second times, and placed on file.

Senate bill No. 147, an Act to compensate the Warden of the State-prison, was made the special order for Wednesday next, (March twenty-third,) at two o'clock, P. M.

After the vote had been announced by the Speaker, Mr. Buck called for a division.

Which was ruled out of order by the Speaker, for the reason that the vote had been declared.

Mr. Buck appealed.

And the decision of the Chair was sustained by the House.

The resolution to pay E. F. Conway, as Printer's Clerk, was indefinitely postponed.

Mr Holman presented a remonstrance of citizens of San Joaquin County, against the division of the same.

Referred to Committee on Counties and County Boundaries.

Mr. Gwinn presented a petition of citizens of Yolo County, for a law to vote for or against a special tax.

Referred to Committee on Roads and Highways.

REPORTS.

Reports were made as follows:

By Mr. Gregory:

MR. SPEAKER:—The Committee on Corporations, to whom was referred Assembly bill No. 203, entitled an Act to authorize the incorporation of Rural Cemetery Associations, having had the same under consideration, now report the same back, recommending its passage.

A. J. GREGORY, Chairman.

Also, the following:

MR. SPEAKER:—The Committee on Corporations, to whom was referred Assembly bill No. 226, having had the same under consideration, beg leave to report as follows, to wit: That the records of the office of Secretary of State show an Act of incorporation, filed November seventh, one thousand eight hundred and fifty-four, of the San Diego and Gila Southern Atlantic and Pacific Railroad Company, and that their length of charter is fifty years; and further, that by an Act of the Legislature passed in one thousand eight hundred and fifty-five, said Company, so incorporated, received a grant of two leagues of land, from the Town of San Diego, provided, that the railroad be completed in ten years, and said incorporated Company desire an extension of ten years.

The Committee report, that they see no good reason for present legislation, in behalf of said Company, and therefore recommend the indefinite postponement of said bill.

A. J. GREGORY, Chairman.

By Mr. Holman:

MR. SPEAKER:—*Sir:* The Committee on Counties and County Boundaries, to whom was referred Assembly bills Nos. 2 and 73, concerning the indebtedness of the Counties of Sierra and Nevada to the County of Yuba, have had the same under consideration, and respectfully report the same back, and being unanimously of the opinion that the said indebtedness is a more fitting subject for judicial determination, under existing statute, than for legislative action, recommend that said bills, Nos. 2 and 73, be indefinitely postponed.

HANCOCK, Chairman.

Also, the following:

MR. SPEAKER:—The Committee on Counties and County Boundaries, to whom was referred Assembly bill No. 270, being "An Act to create the County of Alturas, to define its boundaries, and provide for its organization," having had the same under consideration, the undersigned being a majority of said Committee, report it back, with an amendment, and recommend its passage, as amended.

The minority signing in accordance with their views

HENRY HANCOCK,
GEO. N. WHITMAN.
ALFRED BRIGGS,
H. A. IMUS.

Without recommendation:

WM. F. WATKINS,
H. W. DUNLAP.

Committee amendments to Assembly bill No. 270, above reported, adopted, and bill ordered engrossed.

Also, the following:

MR. SPEAKER:—The Committee on Counties and County Boundaries, to whom was referred Assembly bill No. 145, "An Act amendatory of an Act entitled an Act to divide the State into Counties, and establishing the Seats of Justice therein," passed April twenty-five, one thousand eight hundred and fifty-one, have had the same under consideration, and report the same back, with amendments, and recommend the passage of the bill, as amended.

HANCOCK, Chairman.

By Mr. Cope:

Mr. Speaker:—The Judiciary Committee, to whom was referred Assembly bill No. 71, an Act amendatory of, and supplementary to, the Act entitled "An Act to regulate proceedings in civil cases in Courts of Justice of this State," passed April twenty-ninth, one thousand eight hundred and fifty-one, and the several Acts amendatory thereto, have considered the same, and report the bill back, with amendments, and recommend its passage, as amended.

The same Committee, to whom was referred Assembly bill No. 139, an Act for the better protection and relief of miners and settlers whose locations and improvements on the public domain have been wrongfully included within the boundaries of floating Mexican land-grants, have considered the same, and report the bill back, and recommend its indefinite postponement.

The same Committee, to whom was referred Senate bill No. 160, an Act to authorize the sale of certain real estate, by guardians—have considered the same, and report the bill back, and recommend its passage.

The same Committee, to whom was referred Senate bill No. 140, an Act to amend an Act concerning crimes and punishments, passed April sixteenth, one thousand eight hundred and fifty, have considered the same, and report the same back, with amendments, and recommend its passage, as amended.

The same Committee, to whom was referred Assembly bill No. 269, an Act to authorize the sale of the real and personal property of the estate of George W. Birdsall, deceased, have considered the same, and report the bill back, and recommend its passage.

The same Committee, to whom was referred Assembly bill No. 253, an Act relative to creditors, have considered the same, and report the same back, and recommend its indefinite postponement.

The same Committee, to whom was referred Senate bill No. 43, an Act to regulate proceedings in criminal cases, have considered the same, and report the bill back, with amendments, and recommend its passage, as amended.

The same Committee, to whom was referred Senate bill No. 38, an Act amending an Act to regulate proceedings in criminal cases, have considered the same, and report the bill back, with amendments, and recommend its passage, as amended.

The same Committee, to whom was referred Senate bill No. 93, an Act to provide for the conveyance of mining-claims, have considered the same, and report the bill back, with amendments, and recommend its passage, as amended.

COPE, Chairman.

By Mr. Coleman:

Mr. Speaker:—The Committee on Education, to whom was referred Senate bill No. 134, an Act for the establishment and erection of a State Reform School, have had the same under consideration, and report the bill back, and recommend its passage.

COLEMAN, Chairman.

By Mr. Whitman:

Mr. Speaker:—A majority of the Committee on Internal Improvements, to whom was referred Assembly bill No. 247, being "An Act to

grant certain parties the right of laying a railroad track along certain streets within the City and County of San Francisco," having had the same under careful consideration, report the same back, and recommend its passage, without amendment.

WHITMAN,
FRANK M. PIXLEY,
J. WHEALDON.

By Mr. Eagon:

MR. SPEAKER:—The Committee on Indian Affairs, to whom was referred Senate bill No. 177, have had the same under consideration, and report it back to the House, without amendment, and recommend its passage.

EAGON, Chairman.
F. BATES,
WM. F. WATKINS.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 19, 1859.

MR. SPEAKER:—The Senate, on yesterday, passed a substitute for Assembly bill No. 82, "An Act amendatory of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the Government thereof."

Also, indefinitely postponed Assembly bill No. 157, "An Act to authorize the Secretary of State to purchase one thousand copies of the California State Register, and to distribute the same."

Also, Assembly bill No. 196, "An Act to change the name of Jacob Schlechwey to Jacob Robinson."

Also, Assembly bill No. 164, "An Act to provide for the establishment of a "State-prison Library," with an amendment.

Also, indefinitely postponed Assembly bill No. 173, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved April twenty-ninth, one thousand eight hundred and fifty-seven.

E. C. PALMER, Secretary Senate.

The House concurred in Senate amendment to Assembly bill No. 164, above reported.

Senate substitute for Assembly bill No. 82, above reported, adopted, read first and second times, rules suspended, read third time, and passed.

INTRODUCTION OF BILLS.

Bills were introduced as follows,

By Mr. Moore of San Francisco, an Act to authorize Charles Pierce to change his name to Charles G. Howard.

Read first and second times, and referred to the Committee on Internal Improvements.

Also, an Act to confer further powers and duties upon the Board of Supervisors, and the Auditor and Treasurer of the City and County of

San Francisco, and to authorize them to perform certain acts therein named.

Read first and second times, and referred to San Francisco delegation.

By Mr. Pico, an Act supplementary to an Act entitled an Act concerning marks and brands, passed May first, one thousand eight hundred and fifty-one.

Read first and second times, and placed on file.

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

Resolved, That Dan. Yoacham be allowed pay for five days services as Assistant Engrossing Clerk of the Assembly, at the rate of eight dollars per day, payable out of the Contingent Fund of the Assembly.

GENERAL FILE RESUMED.

Senate bill No. 158, an Act to authorize the Mayor and Common Council of the City of Los Angeles to contract a loan for irrigating, and other purposes—Committee amendments adopted, read third time, and passed.

Mr. De Long moved to adjourn. Lost.

Mr. Gwinn offered the following resolution:

Resolved, That a Committee of five be appointed by the Speaker, whose duty it shall be to examine into the practicability of draining, and rendering fit for cultivation, the body of swamp and overflowed lands embraced in the Cache and Putah Creek Sloughs, situated in Yolo and Solano Counties.

Upon the adoption of the resolution, Messrs. Springer, De Long, and Jackson, demanded the ayes and noes, and the resolution was adopted, by following vote:

AYES—Messrs. Aud, Buck, Burdick, Caldwell, Cahalan, Cannon, Cherry, Coleman, Dunlap, Ensworth, Hancock, Holman, Howe, Johnson, Lefever, Lightner, Lynch, Moore of Nevada, Murray, Roane, Robberson, Rodgers, Shannon, Shepard, Sheridan, Sloss, Street, Tipton, Wing, Mr. Speaker—29.

NOES—Messrs. Armstrong, Banks, Barclay, Bates, Caine, Condee, Davis, De Long, Eagon, Fuller, Jackson, Moore of San Francisco, Springer, Squires, Taylor, Watkins, and Whealdon—17.

Senate bill No. 113, an Act to grant the right to construct a bridge across the Upper Sacramento River, at the town of Red Bluff, to certain parties therein named;

And, Assembly bill No. 241, an Act to legalize a certain conveyance made by Thomas W. Sutherland, administrator *de bonis non* of the estate of Miguel de Pedrorena, deceased, to José Antonio Aguirre;

Were read third time, and passed.

On motion of Mr. Caldwell, Assembly bill No. 131, an Act to prohibit gaming, was made the special order for Tuesday next, at two o'clock, P. M.

Assembly bill No. 238, an Act to authorize the Counties of Sonoma, Napa, Mendocino, Trinity, Humboldt, and Siskiyou, to retain the State's portion of the poll-tax which shall be collected in said Counties for the year one thousand eight hundred and fifty-nine, and for the year one thousand eight hundred and sixty, to be applied to the construction and

improvement of a wagon-road, from Petaluma and Napa City, through said Counties, to Yreka—substitute of Committee of Ways and Means adopted, read first and second times, and placed on file.

Assembly bill No. 230, an Act amendatory of an Act entitled an Act to establish a standard of weights and measures, passed March thirtieth, one thousand eight hundred and fifty, and of the Acts amendatory therof—

The House refused to adopt the substitute of the Committee onWays and means.

Mr. Moore of Nevada gave notice of reconsideration.

Senate bill No. 119, an Act amendatory of, and supplementary to, an Act entitled an Act concerning estray animals—Committee amendments adopted, further amended, read third time, and passed.

Mr. Lamar gave notice of reconsideration.

At forty minutes past two o'clock, P. M., on motion of Mr. Squires, the House adjourned.

IN ASSEMBLY.

MONDAY, March 21, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of Saturday was read and approved.

Mr. Cutler had indefinite leave of absence.

And Messrs. Cherry, Pixley, Lull, Whitman, DeLong, Fuller, Torres, Connely, and Pico, for one day, each.

The Speaker announced as the Committee, under the resolution adopted on Saturday, in relation to draining the swamp and overflowed lands embraced in the Cache and Putah Creek sloughs, situated in Yolo and Solano Counties, Messrs. Gwinn, Street, Cutler, Cahalan, and G. N. Douglass.

INTRODUCTION OF BILLS.

Mr. Lightner, from the Committee on Claims, introduced bills for an Act to audit and allow the claim of Joseph Nougues;

Also, an Act to appropriate money to pay certain claims;

Were read first and second times, and placed on file.

GENERAL FILE.

Senate bill No. 160, an Act to authorize the sale of certain real estate by their guardians, read third time, and passed.

Assembly bill No. 197, an Act to provide for the better encouragement of the culture of the vine and the olive;

And, Assembly bill No. 269, an Act to authorize the sale of the real estate and personal property of the estate of George W. Birdsall, deceased;

Were ordered engrossed.

Assembly bill No. 139, an Act for the protection and relief of miners and settlers, whose location and improvements on the public domain have been wrongfully included within the boundaries of floating Mexican land-grants;

And, Assembly bill No. 253, an Act relative to Auditors;
Were indefinitely postponed.

Assembly bill No. 145, an Act amendatory of an Act entitled an Act dividing the State into Counties, and establishing the Seats of Justice therein, passed April twenty-fifth, one thousand eight hundred and fifty-one—Committee amendments adopted, read third time, and passed.

Assembly bill No. 280, an Act supplementary to an Act entitled an Act concerning marks and brands, passed May first, one thousand eight hundred and fifty-one, referred to the delegation from San Diego, San Bernardino, Los Angeles, and Santa Barbara.

SPECIAL ORDER.

Assembly bill No. 216, an Act to provide for the disposal of the sixteenth and thirty-sixth sections of land donated to this State for school purposes, by Act of Congress, passed May third, one thousand eight hundred and fifty-three, and to appropriate the proceeds of the sale thereof to the credit of the General School Fund, was considered in Committee of the Whole, Mr. Ellis in the Chair.

After spending several hours in its consideration, the Committee rose, and recommended the passage of the bill, as amended, and were discharged.

Mr. Dunlap moved to adjourn.

Lost.

Amendments to bill adopted, down to and including substitute for section four.

Mr. Street gave notice of reconsideration of the vote by which substitute for section four was adopted.

GENERAL FILE RESUMED.

Senate bill No. 93, an Act to provide for conveyance of mining-claims—Committee amendments adopted, read a third time, and passed.

Mr. Aud moved to postpone the consideration of the motion to reconsider the vote by which the House, on Saturday, refused to pass Assembly bill No. 84, an Act to create a Branch Insane Asylum of California, until Wednesday next, at twelve o'clock, M.

Carried.

On motion of Mr. Moore of Nevada, the motion to reconsider the vote by which the House, on Saturday last, refused to adopt the substitute for Assembly bill No. 230, an Act amendatory of an Act entitled an Act to establish a standard of weights and measures, passed March thirtieth, one thousand eight hundred and fifty, and of the Acts amendatory thereof, was postponed until to-morrow, at one o'clock, P. M.

REPORTS.

Reports were made as follows:

By Mr. Burdick:

MR. SPEAKER:—Your Auditing Committee have examined the copying done for the Assembly, and find it is as follows:

In the Journal, folios	887
For Printer, folios	1,672
Total	2,559

JAMES BURDICK, Chairman.

By Mr. Young:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 147, an Act creating a Contingent Fund for Shasta County;

Also, Assembly bill No. 190, an Act to confirm and legalize certain assessment-rolls of the City and County of San Francisco, and to provide for the collection of the delinquent taxes thereon;

Also, Assembly bill No. 195, an Act to authorize the State Treasurer to issue to George Campbell a duplicate school-land warrant, in lieu of a certain other warrant given up to be canceled;

Also, Assembly bill No. 181, an Act to authorize the State Treasurer to issue to Minerva J. Carroll a duplicate school-land warrant, in lieu of a certain warrant destroyed.

GEO. A. YOUNG, Chairman.

By Mr. Lynch:

MR. SPEAKER:—The Committee on Engrossment report, as correctly engrossed:

Assembly bill No. 267, an Act to regulate salmon fisheries on Eel River, in Humboldt County;

Also, Assembly bill No. 267, an Act concerning hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, one thousand eight hundred and fifty-six;

Also, Assembly bill No. 270, an Act to create the County of Alturas, to define its boundaries, and provide for its organization.

LYNCH, Chairman.

By Mr. Squires:

MR. SPEAKER:—Your Committee on Public Expenditures and Accounts have examined, and found correct, the following accounts, to wit:

Account of Publishers of Morning Star, of March 15th, amounting to	$17 75
Placer Courier, March 9th	4 50
Daily Register, March 19th	7 50
Mariposa Gazette, March 19th	7 50
Wells, Fargo & Co., March 16th	50 00

Respectfully,

OGDEN SQUIRES, Chairman.

Adopted.

At thirty-five minutes past four o'clock, P. M., on motion of Mr. Lamar, the House adjourned.

IN ASSEMBLY.

TUESDAY, March 22, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

Mr. Lull had indefinite leave of absence.

And Mr. Pixley, for one day.

GENERAL FILE.

Assembly bill No. 216, an Act to provide for the disposal of the sixteenth and thirty-sixth sections of land donated to this State for school purposes, by Act of Congress, passed March third, one thousand eight hundred and fifty-three, and to appropriate the proceeds of the sale thereof to the credit of the General School Fund—amendments of Committee of the Whole adopted.

Mr. Hancock offered the following amendment:

Strike out of section ten, all after the word "Act," in the second line, and insert the words, "to be held in trust, together with such interest as may accrue thereon, for the benefit of each Township in the State."

Which was lost, and the bill ordered engrossed.

Assembly bill No. 58, an Act to provide for licensing auctioneers, and to define their duties and liabilities, read third time, and passed.

Senate bill No. 172, an Act to audit certain claims, read third time, and passed.

Assembly bill No. 83, an Act to amend an Act to establish Pilots and Pilot regulations for the Port of San Francisco, passed May eleventh, one thousand eight hundred and fifty-four—substitute reported by Committee adopted, read first and second times.

Rules suspended, read third time, and passed.

Assembly bill No. 226, an Act to extend the charter of San Diego and Gila Southern Pacific and Atlantic Railroad Company, indefinitely postponed.

SPECIAL ORDER.

Assembly bill No. 222, an Act to provide for the construction of the State Capitol in the City of Sacramento;

Also, Assembly bill No. 261, an Act to authorize the Common Council of the City of Oakland to levy a special tax, and the Board of Supervisors of Alameda County to levy a special tax, for certain purposes, and for the removal of the Seat of Government to the City of Oakland;

Were considered in Committee of the Whole.

Mr. Moore of Nevada in the Chair.

After spending some time in the consideration of the same, the Committee rose, reported progress, and asked leave to sit again on Tuesday next, at one o'clock, P. M.

On granting leave, Messrs. Ellis, Holman, and Young, demanded the ayes and noes, and leave was granted, by the following vote:

AYES—Messrs. Armstrong, Aud, Banks, Barclay, Bates, Briggs, Buck, Burdick, Caine, Cahalan, Cannon, Cherry, Cope, Daggett, Dow, Gregory, Gwinn, Hancock, Hill, Howe, Johnson, Lamar, Lightner, Malarin, Mount, Murray, Pico, Roane, Rodgers, Springer, Torres, Vaughan, and Wing—33.

NOES—Messrs. Caldwell, Coleman, Condee, Cutler, G. A. Douglas, G. N. Douglass, Ellis, Ensworth, Fuller, Holman, Jackson, Robberson, Shannon, Sheridan, Sloss, Tipton, Watkins, Whealdon, and Mr. Speaker—19.

Mr. Hancock, by leave, introduced a bill for an Act appropriating money for the purpose of commencing the building a State Capitol in the City of Oakland, Alameda County.

Read first and second times, and made special order for Tuesday next, at one o'clock, P. M.

Mr. Moore of Nevada moved to reconsider the vote by which the House, on the nineteenth instant, refused to adopt substitute for Assembly bill No. 230, an Act amendatory of an Act entitled an Act to establish a standard of weights and measures, passed March thirtieth, one thousand eight hundred and fifty, and of the Act amendatory thereof.

Mr. Lamar moved a call of the House.

Lost.

Mr. Moore of Nevada moved to postpone the consideration of the motion to reconsider until Thursday next, at two o'clock, P. M.

Lost.

And the House refused to reconsider.

PETITIONS.

Petitions were presented as follows:

By Mr. Barclay:

Of citizens of Placer County, relative to the Attachment Law.

Referred to Judiciary Committee.

By Mr. Daggett:

Of citizens of Del Norte County, to refund Sheriff of said County reward paid by him for apprehension of convicts.

Referred to Committee on Claims.

By Mr. Jackson:

Remonstrance of citizens of Sacramento County against division of the same.

Referred to Committee on Counties and County Boundaries.

REPORTS.

Reports were made as follows:

By Mr. Rodgers:

The undersigned, a Special Committee, under a resolution appointed to proceed to Oakland, and to examine that locality, with reference to the expediency of establishishing the permanent Seat of Government of the State at that point, have to report that they have examined the location with reference to that purpose.

Your Committee can not express themselves with more force and per-

tinence than in the sentiments and language of a Special Joint Committee of both Houses of the Legislature, who were appointed last year to proceed to Oakland, charged with similar duties. The undersigned reiterate the language of the report made by that Committee in reference to Oakland.

"The natural advantages of the site, in point of salubrity, genial temperature of the climate, dryness of the soil, and beauty of scenery, we believe are second to those of no other point in this State. This location may be considered as the focal point of the navigable waters of this State, as well as of any system of internal improvements and communication by railroad and telegraph, which may hereafter be carried into practical effect.

"It is sufficiently near the commercial metropolis to enjoy all the advantages of early information from the Eastern States and foreign countries, as well as from the interior and remote Counties of this State—is convenient of access to the best and most extensive libraries, while sufficiently removed from the noise and bustle of the City to preserve all the benefits of a quiet suburban location."

Such were the conclusions of the Committee of last year, and the undersigned emphatically indorse and corroborate them. The economical considerations, to which the attention of the last Legislature was brought by the report of its Committee, have lost none of their weight or force. The State is now, as it was then, paying rents, for the accommodation of the Legislature, Supreme Court, State officers, and Committee-rooms, an annual sum of twenty thousand dollars, or more, and for mileage of Legislative Committees, to visit San Francisco, the State-prison, and Lunatic Asylum, annually, about three thousand dollars more.

In addition to this, a sum of ($120.000) one hundred and twenty thousand dollars, is now called for to commence a Capitol at Sacramento, an edifice which can not be completed under two years, nor without the aid of another appropriation for a like sum.

These heavy draughts upon the treasury, your Committee do not think the condition of our State finances will justify. On the contrary, they deem it a duty to cut off all useless expenditure, and to economize in every item. This, a removal of the Seat of Government to Oakland under the provisions and conditions of Assembly bill No. 261, introduced by the Assemblyman from the County in which Oakland is situated, will enable the State to accomplish in part. The bill proposes to erect a suitable building in some convenient place in the City of Oakland, for the use of the Government of this State; that the dimensions of the said building shall not be less than those of the building now occupied by the Legislature as a Capitol at Sacramento. The interior arrangements of said building to be under the supervision of a Board of Directors, to consist of the Secretary of State, the Surveyor-General, and the Chairman of the Board of Supervisors of Alameda County.

A donation of ten acres of land in the City is also tendered for the erection of such other buildings as the Government may see fit to erect.

When these terms, which are extremely liberal, have been complied with, and the conditions fulfilled, the Governor is directed, by proclamation, to remove the Government to Oakland.

In view of the great natural advantages of that point, its superior location, climate, and scenery, centrality of position, proximity to the most extensive sources of information, and early communication with the foreign world, and especially in view of the economical considerations be-

fore suggested, your Committee would conclude by recommending the removal of the Government of the State to the City of Oakland, under the provisions and conditions of Assembly bill No. 261.

W. P. RODGERS, Chairman.
ROBT. HOWE,
W. R. ARMSTONG,
F. BATES.

By Mr. Squires:

MR. SPEAKER:—The undersigned, a minority of the Special Committee, appointed to proceed to the City of Oakland, and inquire into the expediency of locating the Seat of Government at that point, does not concur with the majority of the Committee in recommending the location of the Seat of Government at that point.

The undersigned is fully impressed with the natural advantages of the proposed site, and believes that in point of climate, soil, and scenery, they are second to none in the State; but believes a removal of the Seat of Government from its present location would be impolitic, and uncalled for by the people of the State.

OGDEN SQUIRES.

Referred to the Committee on Public Buildings and Grounds.

By Mr. Lightner:

Mr. SPEAKER:—The Committee on Claims to whom was referred Senate bill No. 173, "An Act to appropriate money for the payment of certain claims;"

Also, Senate bill No. 139, "An Act to provide for the payment of volume eight of the Reports of the Supreme Court of the State of California;"

Also, Senate bill No. 176, "An Act making an appropriation for the purpose of paying Peter H. Burnett for back salary due him as Justice of the Supreme Court;"

Having had the same under consideration, beg leave to report the same back, and recommend their passage.

C. W. LIGHTNER, Chairman.

By Mr. Holman:

The Committee on Commerce and Navigation, have had under consideration Senate bill No. 109, report it back to the House, and recommend its indefinite postponement.

HOLMAN, Chairman.

By Mr. Squires:

Mr. SPEAKER:—Your Committee on Public Expenditures and Accounts have examined the account of the Chief Clerk of March twenty-first, for writing done:

In the Journal, folios	887
For Printer, and other copying, folios	1,672
Total	2,559

Amounting to three hundred dollars and twenty-five cents, and found the same correct, as per the report of your Auditing Committee.

OGDEN SQUIRES, Chairman.

Adopted.

By Mr. Young:

Mr. Speaker:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 174, an Act to fund certain claims against Sacramento County;

Also, Assembly bill No. 252, an Act to amend an Act entitled an Act to provide for the payment of the debt of Humbolt County that existed upon the thirty-first day of December, one thousand eight hundred and fifty-seven, approved April twenty-sixth, one thousand eight hundred and fifty-eight;

Also, Assembly bill No. 183, an Act to fix the time of holding the County Court and Court of Sessions, in the County of Tehama, and the Court of Sessions, County Court, and Probate Court, in the County of Colusa;

Also, Assembly bill No. 164, "An Act to provide for the establishment of a State-prison Library."

GEO. A. YOUNG, Chairman.

By Mr. Lynch:

Mr. Speaker.—The Committee on Engrossment report, as correctly engrossed:

Assembly bill No. 197, an Act to provide for the better encouragement of the culture of the vine and the olive;

Also, Assembly bill No 274, an Act amendatory of an Act entitled an Act amendatory of an Act entitled an Act to authorize the Board of Supervisors of Nevada County to levy a special tax, for County purposes, approved April twenty-second, one thousand eight hundred and fifty-seven, approved February twenty-seventh, one thousand eight hundred and fifty-eight;

Also, Assembly bill No. 269, an Act to authorize the sale of the real and personal property of the estate of G. W. Birdsall, deceased.

LYNCH, Chairman.

By Mr. Squires:

Mr Speaker:—The El Dorado delegation, to whom was referred Assembly bill No 264, an Act to regulate the fees of certain officers, and witnesses and jurors, in the County of El Dorado;

And Assembly bill No. 107, an Act to fix the amount of the official bonds of the County officers in and for the County of El Dorado;

Have had the same under consideration, and requested me to report the same back, with certain amendments thereto attached, and recommend their passage, with said amendments:

OGDEN SQUIRES, for Delegation.

Assembly bill No. 264, above reported, taken up, rules suspended, amendments adopted, considered engrossed, read third time, and passed.

By Mr. Ellis:

Mr. Speaker:—The Sacramento delegation, to whom were referred Assembly bills Nos. 266 and 272, have considered the same, and herewith report a substitute, and recommend its passage.

ELLIS.

By Mr. Gwinn:

Mr. Speaker:—The Select Committee, to whom was referred Senate Joint-Resolution No. 8, in relation to fraudulent Mexican land-grants, have had the same under consideration, and, after careful consideration, have amended the same, and unanimously recommend the passage of the resolution, as amended.

GWINN, Chairman.

By Mr. Sheridan:

Mr. Speaker:—The Placer and Sacramento delegations, to whom was referred Assembly bill No. 150, having been unable to agree in relation to the proposed line dividing the said Counties, and as there is already a line—although an imperfect one—dividing the Counties of Placer and Sacramento, it has been thought proper to recommend the indefinite postponement of the bill.

SHERIDAN, for Delegations.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

State of California, Executive Department,
Sacramento, March 22, 1859.

To the Assembly of California:

I have, this day, approved "An Act to confirm and legalize certain assessment-rolls of the City and County of San Francisco, and to provide for the collection of the delinquent taxes thereon.

JOHN B. WELLER.

MESSAGE FROM THE BOARD OF EXAMINERS.

The following communication was received from the Board of Examiners:

Office of the Board of Examiners,
Sacramento, March 21, 1859.

To the Assembly of California:

I herewith transmit, to your honorable body, a list of claims which have been passed upon by the Board of Examiners, together with the papers and opinions of the Board in each case, to wit:

Claim of M. G. King	$400 00
Claim of Wilson Halsey	400 00
Claim of E. Derbec	100 00
Claim of Frank Denver	80 26
Total	$980 26

JOHN B. WELLER,
President Board of Examiners.

Above claims referred to Committee on Claims.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
March 21, 1859.

MR SPEAKER:—The Senate, on yesterday, passed Assembly bill No. 161, "An Act fixing the salary of the County Judge of San Bernardino County, and of the District-Attorney for said County, and repealing all former Acts inconsistent with the provisions of this Act"

Also, Assembly bill No. 211, "An Act to amend an Act entitled an Act concerning the office of Secretary of State," passed March fourth, one thousand eight hundred and fifty-four

Also, Assembly bill No 228, "An Act to authorize the County Recorder of the County of Tehama to transcribe certain records in the Counties of Colusa, Shasta, and Butte"

Also, Assembly bill No. 116, "An Act to incorporate the Town of Eureka."

Also, Assembly bill No. 240, "An Act to change and fix the time of holding the Court of Sessions, the County Court, and the Probate Court, of San Bernardino County"

Also, Assembly bill No. 38, "An Act to regulate the fees of certain officers in Amador County"

Also, Assembly bill No. 188, "An Act to prevent stallions from running at large in the County of Sacramento"

E C. PALMER, Secretary Senate

SENATE CHAMBER,
March 21, 1859.

MR. SPEAKER:—The Senate, on Saturday, March twenty-first, passed Assembly Joint-Resolution No. 39, relative to the establishment of a semi-weekly newspaper-mail, overland, between San Francisco, Los Angeles, San Bernardino, and San Diego.

E. C. PALMER, Secretary Senate.

SENATE CHAMBER,
March 21, 1859

MR. SPEAKER:—I am directed by the Senate to transmit, to the Assembly, in accordance with Assembly Resolution, the following Reports of State officers, in relation to the expenditures of their Contingent Funds

1. Statement of contingent expenses of Governor's office, from January first, one thousand eight hundred and fifty-eight, to January ninth, one thousand eight hundred and fifty-nine.

2. Statement of payments made out of Contingent Fund of Supreme Court, from July first, one thousand eight hundred and fifty eight, to February eleventh, one thousand eight hundred and fifty-nine, (inclusive)

3. Statement of expenditure of the Contingent Fund of Controller's office, from October tenth, one thousand eight hundred and fifty-eight, to January first, one thousand eight hundred and fifty-nine

4. Statement of the expenditure of the Contingent Fund of the Superintendent of Public Instruction, for fiscal years ending June thirtieth, one thousand eight hundred and fifty-eight, and June thirtieth, one thousand eight hundred and fifty-nine.

5. Statement of expenditure of the Contingent Fund of the Surveyor

General's office, for the half of the fiscal year ending June thirtieth, one thousand eight hundred fifty-eight, and for the half of the fiscal year ending December thirty-first, one thousand eight hundred and fifty-eight.

6. Statement of accounts paid out of the appropriation for stationery, fuel, lights, etc., for the ninth fiscal year.

Statement of expenditures paid out of appropriation for contingent expenses of State Library, for the ninth fiscal year.

Statement of expenditures out of appropriation for contingent expenses of Secretary of State, for the ninth fiscal year.

7. Statement of expenditure of the Contingent Fund of the State Treasurer's office, from January eighth, one thousand eight hundred and fifty-eight, to December thirty-first, one thousand eight hundred and fifty-eight.

E. C. PALMER, Secretary Senate.

The statements, above reported, were referred to the Committe on Ways and Means.

NOTICES OF BILLS.

Notices were given as follows:

By Mr. Cope, to amend the Fifty-seventh Standing Rule.

By Mr. Cutler, an Act for the relief of the heirs of Antonio Maria Armigo, of the County of Solano.

By Mr. Cannon, an Act to provide for fixing the commencement of the terms of office in the County of Butte.

By Mr. Moore of Nevada, an Act to legalize certain acknowledgments of conveyances in the County of Nevada.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Wing, an Act to amend an Act entitled an Act amendatory of an Act entitled an Act concerning the office of Public Administrator, in the Counties of Nevada, Sacramento, Monterey, and Amador, approved April fifth, one thousand eight hundred and fifty-six, approved March ninth, one thousand eight hundred and fifty-nine.

Read first and second times, and placed on file.

By Mr. Cannon, an Act to exempt the estate of Charles Evans, deceased, from the process of administration.

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

By Mr. Squires, an Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, one thousand eight hundred and fifty-one.

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

GENERAL FILE RESUMED.

Senate bill No. 38, an Act amending an Act to regulate proceedings in criminal cases—Committee amendments adopted, read third time, and passed.

Senate bill No. 134, an Act for the establishment and erection of a State Reform School, considered as in Committee of the Whole, recommended, and referred to the Committee on Ways and Means.

FURTHER SPECIAL ORDER.

Assembly bill No. 131, an Act to prohibit gaming—
Mr. Banks moved to recommit, with instruction.
Lost.
On the passage of the bill, Messrs. Banks, Cherry, and Howe, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Barclay, Burdick, Caldwell, Condee, Crenshaw, Cutler, G. N. Douglass, Eagon, Gwinn, Holman, Howe, Johnson, Lamar, Lies, Lynch, Moore of Nevada, Mount, Roane, Robberson, Sheridan, Sloss, Squires, Tipton, Torres, Vaughan, Whealdon, Wing, and Mr. Speaker—28.
NOES—Messrs. Aud, Banks, Bates, Briggs, Buck, Caine, Cherry, Coleman, Daggett, Davis, G. A. Douglas, Dunlap, Ellis, Ensworth, Fuller, Imus, Jackson, Lefever, Lightner, Murray, Shepard, Springer, and Watkins—23.

Mr. Lies gave notice of reconsideration.
On motion of Mr. Moore of Nevada, the House resolved itself into Committee of the Whole, for the purpose of considering Assembly bill No. 56, an Act concerning the organization of the militia.
Mr. Moore of Nevada in the Chair.
After spending some time in considering the bill, the Committee rose, reported the bill, with amendments, and recommended its passage, as amended, and were discharged.
Amendments adopted, and bill ordered engrossed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 22, 1859.

MR. SPEAKER:—The Senate, on the eighteenth instant, passed Senate bill No. 138, an Act authorizing Solon S. Simonds to construct a canal in Santa Clara County.
Also, on the nineteenth instant, passed Senate bill No. 195, an Act explanatory of an Act to amend an Act concerning Notaries Public, passed April thirteenth, one thousand eight hundred and fifty-seven, passed March sixteenth, one thousand eight hundred and fifty-nine.
Also, on the nineteenth instant, passed Senate bill No. 197, an Act to fix the compensation of the District-Attorney of Santa Cruz County.
Also, on the nineteenth instant, passed Senate bill No. 202, an Act fixing the time of holding the Court of Sessions, and County Court, in the County of Tuolumne.
Also, have, this day, passed Senate bill No. 199, an Act for the settlement of the estate of William Knight, deceased.
Also, Senate bill No. 156, an Act to authorize District Judges, in certain cases, to sign records and settle statements.

E. C. PALMER, Secretary of Senate.

Senate bills Nos. 156 and 199, above reported, were read first and second times, and referred to the Judiciary Committee.

Senate bills Nos. 195, 197, and 202, were read first and second times, rules suspended, read third time, and passed.

Senate bill No. 138, above reported, read first and second times, and referred to Committee on Commerce and Navigation.

Senate bill No 140, an Act to amend an Act concerning crimes and punishments, passed April sixteenth, one thousand eight hundred and fifty—Committee amendments adopted, read third time, and passed.

Senate bill No. 43, an Act amending an Act entitled an Act concerning jurors, approved May third, one thousand eight hundred and fifty-two—Committee amendments adopted, read third time, and passed.

Assembly bill No. 281, an Act to authorize certain Counties to retain the State's portion of the poll-tax, less that portion authorized by law to be paid into the General School Fund, which shall be collected in said Counties for the year one thousand eight hundred and fifty-nine, and for the year one thousand eight hundred and sixty, to be applied to the construction and improvement of a wagon-road from Cloverdale to Yreka, was made special order for Thursday next, March twenty-fourth, at one o'clock, P. M.

On motion of Mr. Jackson, at ten minutes past four o'clock, P. M., the House adjourned

---

IN ASSEMBLY.

WEDNESDAY, March 23, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved

Mr Cope had leave of absence, for one day.

GENERAL FILE.

Assembly bill No. 150, an Act amendatory of an Act defining the boundary of Sacramento County, passed March third, one thousand eight hundred and fifty-seven—indefinitely postponed

Mr. Coleman, by leave, introduced the following resolution, which was adopted.

Resolved, That the Porters for the Assembly be allowed one dollar per day, in addition to their present *per diem*, from the date of their several appointments to the close of the session, payable out of the Contingent Fund of the Assembly, and the Controller is hereby authorized to draw his warrant in favor of said Porters, for the amounts severally due them, up to this date, under the provisions of this resolution.

Mr. Lies moved to reconsider the vote by which the House, on yesterday, passed Assembly bill No. 131, an Act to prohibit gaming.

Mr. Crenshaw moved the previous question.

Sustained.

Mr. Sheridan moved a call of the House.

Lost.

On reconsidering, Messrs. Howe, Springer, and Banks, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Aud, Banks, Buck, Caine, Cherry, Daggett, Davis, G. A. Douglas, Dunlap, Ensworth, Fuller, Hill, Imus, Jackson, Lefever, Lies, Lightner, Lull, Malarin, Moore of San Francisco, Pico, Pixley, Shepard, Slingerland, Springer, Taylor, Torres, Watkins, and Young—29

NOES—Messrs. Armstrong, Barclay, Burdick, Caldwell, Cannon, Coleman, Condee, Connely, Crenshaw, Cutler, DeLong, G N Douglass, Dow, Eagon, Ellis, Gregory, Gwinn, Hancock, Holman, Howe, Johnson, Lamar, Lynch, Mount, Murray, Roane, Shannon, Sheridan, Sloss, Squires, Tipton, Whealdon, Wing, and Mr Speaker—35.

Assembly bill No. 267, an Act to extend an Act concerning hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, one thousand eight hundred and fifty-six;

And, Assembly bill No. 206, an Act to regulate salmon fisheries in Eel River, Humboldt County;

Were read third time, and passed.

Assembly bill No. 285, an Act to appropriate money to pay certain claims, considered as in Committee of the Whole, reported, and recommended, rules suspended, considered engrossed, read third time, and passed

Assembly bill No. 284, an Act to audit certain claims;

Also, Assembly bill No. 283, an Act to audit and allow the claim of Joseph Nougues;

Were—the rules being suspended—considered engrossed, read third time, and passed

Assembly bill No. 197, an Act to provide for the better encouragement of the culture of the vine and the olive;

Also, Assembly bill No. 269, an Act to authorize the sale of the real and personal property of the estate of George W. Birdsall, deceased;

Were read a third time, and passed.

Assembly bill No. 107, an Act to fix the amount of the official bonds of the County officers in and for the County of El Dorado—Committee amendments adopted, and ordered engrossed.

Assembly bill No. 288, an Act to amend an Act entitled an Act concerning the office of Public Administrator, in the Counties of Nevada, Sacramento, Monterey, and Amador, approved April fifth, one thousand eight hundred and fifty-six, approved March ninth, one thousand eight hundred and fifty-nine—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 139, an Act to provide for the payment of Volume VIII of the Reports of the Supreme Court of the State of California, considered as in Committee of the Whole.

Reported, and recommended, read third time.

And, on its passage, Messrs. Buck, Springer, and Aud, demanded the ayes and noes, and the bill passed, by the following vote:

AYES—Messrs. Aud, Banks, Barclay, Bates, Caine, Caldwell, Cahalan, Cannon, Cherry, Coleman, Condee, Connely, Daggett, Davis, DeLong, Dow, Eagon, Ellis, Ensworth, Fuller, Gwinn, Hancock, Hill, Holman, Howe, Jackson, Johnson, Lamar, Lefever, Lies, Lightner, Lull, Lynch,

Moore of San Francisco, Mount, Murray, Pico, Pixley, Roane, Robberson, Shannon, Shepard, Sheridan, Slingerland, Sloss, Springer, Squires, Street, Taylor, Tipton, Torres, Vaughan, Watkins, Wing, and Young—55.

NOES—Mr. Buck, and Mr. Speaker—2.

Assembly bill No. 277, an Act supplementary to an Act entitled an Act concerning public ferries and toll-bridges, approved April twenty-eighth, one thousand eight hundred and fifty-five, ordered engrossed.

Senate bill No. 177, an Act amendatory of an Act entitled an Act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain Counties in this State, was read a third time, and lost.

Mr. Young gave notice of reconsideration.

Assembly bill No. 270, an Act to create the County of Alturas, to define its boundaries, and provide for its organization, was taken up.

And Mr. Lefever moved to return the bill to the file.

Lost.

Pending the consideration of the bill, Mr. Aud called up the special order of the day, being the reconsideration of the vote by which the House refused to pass Assembly bill No. 84, an Act to create a Branch of the Insane Asylum of California.

Upon the reconsideration of the vote, Messrs. Springer, Cahalan, and Aud, demanded the ayes and noes, and the vote was reconsidered, by the following vote:

AYES—Messrs. Armstrong, Aud, Briggs, Caine, Caldwell, Cahalan' Cannon, Cherry, Coleman, DeLong, G. A. Douglas, Ellis, Ensworth, Fuller, Gwinn, Hancock, Imus, Jackson, Johnson, Lefever, Lies, Lightner, Lull, Lynch, Malarin, Mount, Murray, Pico, Roane, Shannon, Slingerland, Sloss, Street, Vaughan, and Whealdon—35.

NOES—Messrs. Banks, Barclay, Bates, Buck, Burdick, Condee, Connely, Crenshaw, Davis, Dow, Eagon, Gregory, Holman, Howe, Pixley, Springer, Squires, Tipton, Torres, Watkins, and Young—21.

The bill was recommitted to Mr. Aud, with special instructions to amend, and made the special order for to-morrow, at two o'clock, P. M.

FURTHER SPECIAL ORDER.

Senate bill No. 147, an Act to compensate the Warden of the State-prison—

Special order discharged, and bill returned to the general file.

Mr. Holman presented a petition for the organization of a new County, to be called Mokelumne County.

Referred to Committee on Commerce and Navigation.

Consideration of Assembly bill No. 270, again resumed.

On the passage of the bill, Messrs. Shannon, Johnson, and Lefever, demanded the ayes and noes, and the bill passed, by the following vote:

AYES—Messrs. Barclay, Buck, Burdick, Cherry, Crenshaw, Davis, DeLong, Gregory, Gwinn, Hancock, Holman, Howe, Imus, Johnson, Lamar, Lefever, Lies, Lull, Lynch, Pico, Roane, Robberson, Sloss, Springer, Squires, Taylor, Tipton, Torres, Vaughan, Wing, and Mr. Speaker—31.

NOES—Messrs. Banks, Bates, Caine, Caldwell, Cahalan, Coleman, Con-

nely, Daggett, Eagon, Ellis, Ensworth, Fuller, Jackson, Murray, Pixley, Shannon, Slingerland, and Whealdon—18.

Mr. Lefever gave notice of reconsideration.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
March 23, 1859.

MR. SPEAKER:—The Senate have, this day, passed Senate Concurrent-Resolution No. 31, relative to printing five thousand copies of the Report of the transactions of the California State Agricultural Society, and ask the concurrence of the Assembly.

E. C. PALMER, Secretary Senate.

Senate Concurrent-Resolution No. 31, above reported, laid over, under the rule.

SENATE CHAMBER,
March 23, 1859.

MR. SPEAKER:—The Senate, on yesterday, appointed Messrs. Holman, Garter, and Parker, as a Committee of Free Conference on Senate bill No. 82, "An Act making certificates of purchase evidence of title."

Also, concurred in Assembly amendments to Senate bill No. 119, "An Act amendatory of an Act entitled an Act concerning estray animals."

E. C. PALMER, Secretary of Senate.

SENATE CHAMBER,
March 23, 1859.

MR. SPEAKER:—The Senate have, this day, passed Senate bill No. 215, "An Act to fund the debt of the County of Solano, which accrued from and after the first day of May, A. D. one thousand eight hundred and fifty-four, to the first day of July, A. D. one thousand eight hundred and fifty-nine, and to provide for the payment of the same."

E. C. PALMER, Secretary of Senate.

Senate bill No. 215, above reported, read first and second times, and referred to delegation from Solano County.

SENATE CHAMBER,
March 23, 1859.

MR. SPEAKER:—The Senate, on yesterday, passed Senate bill No. 15, "An Act to regulate the creation of homesteads."

E. C. PALMER, Secretary Senate.

Senate bill No. 15, above reported, read first and second times, and referred to the Judiciary Committee.

REPORTS.

Reports were presented as follows:
By Mr. Aud:

MR. SPEAKER:—The Judiciary Committee, to whom was referred Sen-

ate bill No. 199, an Act for the settlement of the estate of William Knight, deceased, have considered the same, and report the bill back, and recommend its passage.

The same Committee, to whom was referred Assembly bill No. 235, an Act to confer certain powers upon Counties, Cities and Counties, and other municipal corporations, have considered the same, and report the bill back, and recommend its indefinite postponement.

The same Committee, to whom was referred Assembly bill No. 255, an Act to create the office of General Referee, have considered the same, and report the bill back, and recommend its indefinite postponement.

The same Committee, to whom was referred Assembly bill No. 94, an Act concerning jurors in the County of Los Angeles, have considered the same, and report the bill back, with amendments, and recommend its passage, as amended.

FRANCIS L. AUD, Chairman *pro tem.*

Also, the following:

The Committee of the Judiciary have had under consideration Assembly bill No. 289, and beg leave to report the same back, and recommend its passage.

FRANCIS L AUD,
Chairman *pro tem.*,
C. E. MOUNT,
S. M. BUCK,
HENRY HANCOCK,
BARCLAY, per C. E Mount,
W. W. SHEPARD.

Assembly bill No. 289, above reported, rules suspended, considered engrossed, read third time, and passed.

By Mr. Holman:

MR. SPEAKER:—The Committee on Military Affairs, to whom was referred Assembly bill No. 225, to provide for the payment of troops called out in San Francisco, under a proclamation of the Governor of the State of California, dated June third, one thousand eight hundred and fifty-six, have examined said bill, and beg leave to offer a substitute, which they report to the Assembly, with the recommendation that it pass.

WILLIAM P. RODGERS,
G C HOLMAN,
WILLIAM DOW.

By Mr. Squires:

MR. SPEAKER:—Your Committee on Public Expenditures and Accounts have examined, and found correct, the account of J. Moore, Sergeant-at-Arms, for postage-stamps, amounting to two hundred and fifty-three dollars and ninety-nine cents.

OGDEN SQUIRES, Chairman.

Adopted.

By Mr. Lynch:

MR. SPEAKER:—The Committee on Engrossment report, as correctly engrossed:

Assembly bill No. 268, an Act concerning lawful fences in the Counties of San Bernardino, Colusa, Tehama, Shasta, and Placer

LYNCH, Chairman.

Mr. Buck, from the Tuolumne delegation, verbally reported, without recommendation, Senate bill No. 83, an Act concerning roads and highways

By Mr. Burdick:

MR. SPEAKER:—Your Auditing Committee have examined the copying done for the Assembly, and find it as follows:

Appendix to Journal	1,196 folios
For Printer	1,196 folios
Total	2,392 folios

BURDICK, Chairman.

By Mr. Wing:

MR. SPEAKER:—The Placer delegation, to whom Assembly bill No. 169 was referred, have had the same under consideration, and report the same, with recommendation that it be indefinitely postponed

WING,
LYNCH,
BARCLAY.

Mr. Holman presented remonstrance against division of San Joaquin County.

Referred to Committee on Counties and County Boundaries.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Crenshaw, an Act concerning the office of County Judge of Mariposa County.

Read first and second times, and referred to Mariposa delegation.

By Mr. Lull, an Act to amend an Act entitled an Act to prescribe the mode of drawing grand-jurors and trial-jurors in the City and County of San Francisco, passed April second, one thousand eight hundred and fifty-seven.

Read first and second times, and referred to San Francisco delegation.

By Mr. Imus, an Act supplemental to an Act entitled an Act to provide revenue for the support of the Government, passed April twenty-ninth, one thousand eight hundred and fifty-seven.

Read first and second times, and placed on file.

By Mr. Mount, an Act to remedy the loss of a certain certificate of the Mokelumne Hill Canal and Mining Company.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Banks, an Act authorizing the Board of Supervisors of the City

and County of San Francisco to repair streets constituting the water-front of said City and County, and in front of public property.

Read first and second times, and referred to San Francisco delegation.

By Mr. Cannon, an Act to provide for fixing the commencement of the terms of office in the County of Butte.

Read first and second times, and placed on file.

The following report was made by Mr. Shannon:

MR. SPEAKER:—The Committee appointed to examine journalized proceedings of this House, have examined the same, and have found them correctly written, up to eighteenth instant, inclusive.

SHANNON.

At four o'clock, P. M., on motion of Mr. Shannon, the House adjourned.

IN ASSEMBLY.

THURSDAY, March 24, 1859.

The House met, pursuant to adjournment.

Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

G. N. Douglass had three days' leave of absence.

GENERAL FILE.

Assembly bill No. 203, an Act to authorize the incorporation of Rural Cemetery Association, ordered engrossed.

Assembly Concurrent-Resolution No. 36, providing for the holding of a Railroad Convention of the States of California and Oregon, and the Territory of Washington—adopted.

Assembly bill No. 287, an Act amendatory of, and supplementary to, an Act, passed April twenty-fourth, one thousand eight hundred and fifty-eight, entitled an Act to repeal the Act, passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled an Act to incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento—adopted as substitute for Assembly bills Nos. 266 and 272, read first and second times, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 109, an Act entitled an Act to grant the right to construct a bridge across the Colorado River, at Fort Yuma, near the junction of the Gila, in the County of San Diego, State of California, to certain parties therein named—indefinitely postponed.

Senate Joint Resolution, No. 8, in relation to fraudulent Mexican land-grants—

Pending its consideration, the House took up the

SPECIAL ORDER.

Assembly bill No. 281, an Act to authorize certain Counties to retain the State's portion of the poll-tax, less that portion authorized by law to

be paid into the General School Fund, which shall be collected in said Counties for the year one thousand eight hundred and fifty-nine, and for the year one thousand eight hundred and sixty, to be applied to the construction and improvement of a wagon-road, from Cloverdale to Yreka—

Rules suspended, considered engrossed, read third time, and, on its passage, Messrs. Gregory, Ensworth, and Aud, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Aud, Barclay, Bates, Briggs, Burdick, Cahalan, Cherry, Coleman, Condee, Daggett, Davis, DeLong, Dow, Dunlap, Eagon, Ellis, Gwinn, Hancock, Hill, Imus, Johnson, Lamar, Lies, Lightner, Lull, Lynch, Mount, Pico, Pixley, Robberson, Shannon, Shepard, Slingerland, Sloss, Squires, Taylor, Tipton, Torres, Watkins, and Whealdon—40.

NOES—Messrs. Armstrong, Buck, Caine, Caldwell, Cannon, Connely, Crenshaw, Ensworth, Fuller, Gregory, Howe, Murray, Roane, Springer, Wing, and Young—16.

GENERAL FILE RESUMED.

Consideration of Senate Joint-Resolution No. 8, resumed.

Mr. Hancock offered the following amendment, which was adopted:

Resolved, further, That this Resolution shall in nowise apply to the Southern District of this State, or such as the muniments of title of which properly belong to the archives of the Southern District of California.

Mr. Gwinn gave notice of reconsideration.

The Speaker having ruled that the special order had preference to a motion to reconsider, Mr. Young appealed.

And the Speaker was sustained by the House.

Mr. Pixley moved the previous question, which was sustained.

REPORTS.

Mr. Aud made the following report:

MR. SPEAKER:—The Special Committee, consisting of the delegation from Yuba County, to whom was referred Assembly bill No. 84, substitute for Assembly bill No. 5, have made the amendments required of them to be made, under their special instructions, and report the same back to the House, and recommend the passage of the same, as amended.

FRANCIS L. AUD, Chairman.

The House concurred in Committee amendments to Assembly bill No. 84, above reported.

Messrs. Young and Aud had leave to address the House.

On the passage of the bill, Messrs. Gregory, Springer, and Tipton, demanded the ayes and noes, and the bill was lost, by the following vote:

AYES—Messrs. Aud, Briggs, Caine, Cahalan, Cannon, Coleman, Ellis, Ensworth, Fuller, Gwinn, Hancock, Hill, Imus, Jackson, Johnson, Lefever, Lull, Lynch, Murray, Shannon, Slingerland, Sloss, Street, Vaughan, Whealdon, and Mr. Speaker—26.

NOES—Messrs. Armstrong, Barclay, Bates, Buck, Caldwell, Condee,

Connely, Cope, Crenshaw, Cutler, Daggett, Davis, Dow, Eagon, Gregory, Holman, Howe, Lightner, Pixley, Roane, Shepard, Springer, Squires, Taylor, Tipton, Torres, and Young—27.

Mr. Street moved to reconsider the vote by which the House, on yesterday, refused to pass Assembly bill No. 177, an Act amendatory of an Act entitled an Act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain Counties in this State.

The vote was reconsidered, and the bill passed.

On motion of Mr. Lefever, the motion to reconsider the vote by which the House, on yesterday, passed Assembly bill No 270, an Act to create the County of Alturas, to define its boundaries, and provide for its organization, was postponed until Tuesday, March twenty-ninth, at twelve o'clock, M.

Mr Sheridan presented petition of citizens for a new County, to be called Mokelumne.

REPORTS.

Reports were made as follows:

By Mr. Hancock:

MR. SPEAKER:—The Committee on Counties and County Boundaries, to whom was referred Assembly bill No 257, an Act to create the County of Mokelumne, and to provide for its organization, have had the same under consideration, and, for the purpose of so changing the boundaries, with the assent of the author of the bill, as to exclude such portions of the proposed limits as embraced citizens opposed to the organization of a new County, and to change the time of election, now report a substitute, and recommend its passage.

HENRY HANCOCK,
ALFRED BRIGGS,
C. L N. VAUGHAN,
W. A. IMUS,
H. W. DUNLAP,
WM. F. WATKINS.

By Mr. Holman;

MR. SPEAKER:—The Committee on Commerce and Navigation, to whom was referred Senate bill No. 47, "An Act to authorize the Board of Supervisors of Sutter County to construct a bridge across Feather River, and levy a special tax therefor," have attentively considered the same, and beg leave to report it back to the House, with an amendment, and the majority of said Committee recommend the passage of the bill.

The Committee also report, with amendment, and recommend the passage of Assembly bill No. 250, "An Act to grant the right to improve the navigation of Petaluma Creek"

Also, report and recommend the passage of Senate bill No. 138, "An Act to authorize Solon S Simonds to construct a canal in Santa Clara County."

HOLMAN, Chairman.

By Mr. Lynch:

MR. SPEAKER:—The Committee on Engrossment report, as correctly engrossed:

Assembly bill No. 296, an Act to remedy the loss of a certain certificate of the Mokelumne Hill Canal and Mining Company.

Also, Assembly bill No. 107, an Act to fix the amount of the official bonds of the County officers in and for the County of El Dorado.

Also. Assembly bill No. 277, an Act supplementary to an Act entitled "An Act concerning public ferries and toll-bridges," approved April twenty-eighth, one thousand eight hundred and fifty-five

LYNCH, Chairman.

By Mr Young:

Mr Speaker:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 211, an Act to amend an Act entitled an Act concerning the office of Secretary of State, passed May fourth, one thousand eight hundred and fifty-four.

Also, Assembly bill No 240, "An Act to change and fix the time of holding the Court of Sessions, County Court, and Probate Court, of San Bernardino County.

Also, Assembly bill No. 161, an Act fixing the salaries of the County Judge of San Bernardino County, and of the District-Attorney for said County, and repealing all former Acts inconsistent with the provisions of this Act

Also, Assembly bill No. 196, an Act to change the name of Jacob Schlechwey to that of Jacob Robinson.

Also, Assembly Joint-Resolution No. 39, relative to the establishment of a semi-weekly newspaper-mail, overland, between San Francisco, Los Angeles, San Bernardino, and San Diego.

Also, Assembly bill No. 188, an Act to prevent stallions from running at large in the County of Sacramento.

GEO. A. YOUNG, Chairman.

On motion of Mr. Hancock, the House resolved itself into Committee of the Whole, for the purpose of considering Assembly bill No. 233, an Act granting the consent of the Legislature to the formation of a different Government for the Southern Counties of this State.

Committee rose, reported, and recommended that bill be made special order for to-morrow, at twelve o'clock.

Committee discharged, and bill so made special order.

NOTICES OF BILLS.

Mr. Mount gave notice of a bill for an Act to amend an Act passed May fourth, one thousand eight hundred and fifty-two, entitled an Act for the relief of insolvent debtors, and protection of creditors.

By Mr. Jackson, of an Act to authorize certain parties therein named, to reclaim and pre-empt certain swamp and overflowed lands in the County of Sacramento.

REPORTS.

Reports were made as follows:

By Mr. Cutler:

Mr. Speaker:—The Solano County delegation, to whom was referred Senate bill No. 215, an Act to fund the debt of Solano County, which accrued from and after the first day of May, A. D. one thousand eight hun-

dred and fifty-four, to the first day of July, A. D. one thousand eight hunhundred and fifty-nine, and to provide for the payment of the same, have had the same under consideration, and would respectfully report the same back to the House, and recommend its passage.

CUTLER, Delegate.

By Mr. Ellis:

MR. SPEAKER:—The Sacramento delegation, to whom was referred Senate bill No. 135, have considered the same, and report it back to the House, without amendment, and recommend its passage.

ELLIS.

By Mr. Robberson:

MR. SPEAKER:—The undersigned, a minority of the Committee on Internal Improvements, to whom was referred Assembly bill No. 83, an Act to grant to certain parties the right of laying a railroad track along certain streets within the City and County of San Francisco, having had the same under consideration, make the following report:

By examination of the statutes of this State, we find an Act granting similar rights to other parties along streets near by and parallel with the same, as proposed by this bill; and, from evidence, we are of opinion that the parties now owning said franchise have incurred much expense in preparing to complete the first section of their road by the first of November next, (their stipulated time,) not expecting any other franchise would be granted at this time, and we are fully persuaded that the business in the section where these tracks are proposed to be laid will not justify more than one, consequently the passage of this bill would virtually destroy the franchise already granted, by causing the stockholders to fail making their payments. Thus, by the first of November next, the parties asking for the passage of this bill will take from the parties holding the former franchise, and they then enjoy the same exclusively.

We also find the streets through which the present franchise proposes to lay a track, were laid out much wider than other streets parallel therewith, for the benefit of a railroad track, and are the proper streets for the same; while First street—the one proposed in this bill—is quite narrow, and barely wide enough for the accommodation of business at this time; and the laying of a railroad track would cause much inconvenience to those who now own large foundries along said street, consequently we recommend the indefinite postponement of the bill.

J. S. ROBBERSON,
JOHN DAGGETT.

By Mr. Murray:

Resolved, That a Special Committee of five be appointed by the Chair, to take into consideration the Act, lately repealed, "to discourage the immigration to this State of persons who can not become citizens," passed April 25th, A. D. one thousand eight hundred and fifty-five, together with all the decisions of the Supreme Court of this State in relation thereto, and to inquire into the policy and the practicability of framing a new law for the same purpose, but free from any constitutional objection. Also, that the said Committee be directed to make a full report on the subject, and if they find the end contemplated both politic and practicable, to report a bill for that purpose.

MR. SPEAKER :—Your Committee, appointed under the foregoing resolution, after giving the subject-matter their mature consideration, beg leave respectfully to report as follows :

Your Committee find that the Act of April twenty-eighth, one thousand eight hundred and fifty-five, "to discourage the immigration to this State of persons who can not become citizens thereof," which Act imposed a tax of fifty dollars upon every such person as above mentioned, on his arrival in any part of this State, to be paid by the master, owner, or consignee of the vessel bringing the same, although still upon the statute-book and unrepealed, has been, by the Supreme Court of this State, in the case of The People *v.* Downer, 7 Cal., 171, declared to be "invalid and void."

They find, also, that the Act of April twenty-fifth, one thousand eight hundred and fifty-eight, "to prevent the further immigration of Chinese or Mongolians to this State," which Act entirely prohibited the landing in California of any of the above-mentioned races, was repealed during the present session, in view of a decision said to have been lately rendered by the Supreme Court, declaring the said law to be unconstitutional. Your Committee, about a month since, made inquiry into the proper quarter, and were informed that the decision would then shortly be published, and that it was based upon the same grounds as the one rendered in the case of The People *v.* Downer, above mentioned, viz., the decisions of the Supreme Court of the United States given in the cases commonly known as the "Passenger Cases," reported in 7 Howard's Reports. Your Committee understand that the United States Supreme Court decided in those cases to the effect that the laying a tax upon passengers, by any State, was an infringement upon the power delegated by the Federal Constitution to the Congress of the United States, "to regulate commerce with foreign nations." In the above-mentioned cases, the Court decides that the carrying of passengers comes under the general denomination of "commerce," as much, and to as full an extent, as though they were merely freight or merchandise. Your Committee were informed that the prohibition of the introduction of Chinese or Mongolians was deemed by the Supreme Court of this State to be as much an infringement upon the right delegated to Congress, as would be the imposition of a tax upon the same class of persons, and that both were equally unconstitutional. Under these circumstances, your Committee feel themselves incapable of devising any act of legislation by which the object contemplated in the Acts formerly passed by our State Legislature, for the discouragement or prohibition of the immigration of Chinese or Mongolians into this State, may be attained, without clashing with high judicial decisions, and with the powers of Congress, as by them construed Your Committee, therefore, feel constrained to report the impracticability of framing such an Act as is proposed in the resolution under which they were appointed.

Before closing this report, your Committee feel it to be due to themselves and the Legislature of this State, to say a few words upon the policy of the end proposed by the legislation heretofore attempted, viz.: the discouragement or prohibition of the immigration into this State of the Chinese or Mongolian races. It must be remembered that that part of the Chinese Empire, termed China proper, with an area of only one million three hundred thousand square miles, has a population estimated at nearly three hundred and sixty-eight millions, being at the rate of two hundred and eighty-three to the square mile, while the United States of America, with an area of nearly three million square miles, has

only a population of about thirty millions, or about ten to the square mile The Chinese Empire is therefore over-crowded, and oppressed with a teeming population, reduced to every device and strait for the preservation of life; to such an extent indeed, as to drive the masses to the consumption of vermin, of offal, of unclean animals, of animals which have died a natural death, and other disgusting food, in order to sustain life. The price of labor is reduced to so low an ebb, that the degraded peons of Mexico and South America, with wages ranging from twelve and a cents to half a dollar per diem, may be rated as a highly opulent and well remunerated class of laborers, in comparison. Added to this, the Chinese are an emigrating people; so much so, that many islands in the East Indian Archipelago are populated by large colonies of the Chinese race. And it must here be noted, that even supposing that the most contiguous parts of the United States to the Empire of China were the densely populated States of New York and Massachusetts, those States would still afford a most eligible field to the Chinese immigrant, by reason of the superior rates of labor in those States, and the trifling wants and necessities of the Chinese laborer We deem it to be a very reasonable hypothesis, that if the above-mentioned Atlantic States occupied the relative position on the earth's surface toward China which California now holds, and if free immigration were allowed and encouraged, it would not be many years before the whole country would be covered with swarms of this inferior, feeble, and disgusting race, until, in every department of labor and industry our own fellow-countrymen would be jostled, undermined, and underbid by them

And if this would be the case with New York and Massachusetts, how much more so with California? This Golden State holds out a much higher premium for Chinese immigration than those above referred to Here, labor is higher paid, and is more in request than in the States above mentioned. Here, land is more plentiful, and is held at cheaper rates. And here, above all, lie spread out rich gold mines, which of right belong to the American citizen, or at least to those who are capable and desirous of becoming such, and which offer a bounteous reward to all who have the strength to dig and the energy to persevere. Heretofore, although at times we have had specimens of what the Chinese can do in the way of forwarding emigration, sufficient to cause the beholder to start back and inquire from what teeming human hot-bed proceeds this mass of pig-tailed and moon-eyed humanity, yet that immigration has been checked and restrained at various times, directly and indirectly. Laws to tax the importation of Chinese and Mongolians, and to prohibit their introduction; memorials, petitions, reports, and Governor's messages recommending the passage of such laws; laws to tax the foreign miner, and last, though not least, the *emeutes* against the Chinese, which have arisen, from time to time, in various parts of the mines, have all had a salutary effect in discouraging and in obstructing this mongrel immigration But now that almost the last barrier is thrown down, almost all peaceable and supposed legal measures have failed, and nothing remains but unauthorized violence with which to combat this evil, who can measure, who can conceive, what will be its ultimate limit? Especially while a portion of the moneyed classes of our own people—those who are directly or indirectly interested in this nefarious traffic, prompted by the potent whisperings of the pocket—are openly welcoming to our shores the dingy inhabitants of Asia to compete with, and to jostle, our white brethren?

Your Committee furthermore deem it to be politic to discourage the in-

troduction into California of the Chinese and Mongolian races, for the following reasons, which they desire briefly to enumerate:

First—Because these races are Heathen, and idolatrous in their religious tenets.

Second—Because they are grossly immoral, filthy, and disgusting, in their practices and habits.

Third—Because we deem it to be impolitic for a nation whose form of government is based upon popular suffrage, to encourage, or even to permit, the introduction within her limits, in great numbers, of persons who can not become citizens.

Fourth—Because the Chinese and Mongolians form a distinct and foreign race, which can not amalgamate with our own, and would form, in course of time, an immense and essentially foreign element of our population, herding together, and swayed by the same impulses—the very population, in short, which is most dangerous and detrimental to a republican form of government.

Your Committee, in conclusion, ask to be discharged from the further consideration of the subject now before them; and in view of the fact that in Congress lies the power which our State Government has heretofore vainly endeavored to exercise, would most respectfully recommend to this House the adoption of the Joint-Resolution reported herewith.

All of which is respectfully submitted.

WALTER MURRAY, Chairman,
H. W. DUNLAP,
WM. P. BARCLAY,
DeLONG,
R. B. ELLIS.

ASSEMBLY JOINT-RESOLUTION.

Whereas, The State of California, poor in the sparsity of her population, but rich in her mineral and agricultural wealth, and lying, as she does, adjacent to the Chinese Empire, with its teeming millions of semi-barbarians, slaves at home, and unfit for aught else—who, from time to time, since the discovery of gold upon this coast, have been, and still continue, pouring into our territory, sapping the fountains of our mineral wealth, and pouring it in one continued stream from our shores, to be lost to us and our people for all time to come—debasing our free labor by unworthy and degrading contact—producing discontent, and almost civil war, within our borders; and,

Whereas, Repeated attempts have been made, by legislative enactment, to prevent the further immigration of Chinese and Mongolians to this State; and,

Whereas, By the Supreme Court of this State, the said Acts have, from time to time, been pronounced unconstitutional and void, upon the ground that they went beyond the province of State sovereignty; and,

Whereas, It appears, from said decisions, that the power to control or to prohibit the immigration of any class of foreigners to this State is vested only in our National Congress; and deeming, as we do, that the interests of our young State demand immediate action in this particular: Therefore,

Be it resolved, By the Assembly, the Senate concurring, that our Senators be instructed, and our Representatives requested, to urge upon Congress the passage of a law for the prevention of the further immigration of said Chinese or Mongolians to this State.

The resolution, above reported, was made the special order for March thirty-first, at twelve o'clock, M.

The following message was received from the Senate:

SENATE CHAMBER,
March 23, 1859.

MR. SPEAKER:—The Senate have, this day, refused to concur in Assembly amendments to Senate bill No. 158, an Act authorizing the Mayor and Common Council of the City of Los Angeles to contract a loan for irrigating, and other purposes," and have appointed, as a Committee of Free Conference, on the part of the Senate, Messrs. Thom, Pacheco, and Gregory, and ask the apppointment of a similar Committee on the part of the House.

E. C. PALMER, Secretary Senate.

The Speaker appointed Messrs. Pico, Hancock, and Dunlap, Committee of Free Conference, on the part of the House.

Mr. Gwinn made the following report:

MR. SPEAKER:—The Assembly Committee of Free Conference, appointed to act with a like Committee on the part of the Senate, on Senate bill No. 82, "An Act making certificates of purchase evidence of title," beg leave to report that they have performed that duty, and have unanimously agreed to an amendment, which will be reported, together with the bill, to the Senate.

All of which is respectfully submitted.

GWINN,
SHEPARD,
DUNLAP,
Committee on the part of the Assembly.

Mr. Lightner verbally reported back petition of citizens of Del Norte County, to refund Sheriff of that County a reward, paid by him, for the apprehension of convicts, and recommend that petitioner have leave to withdraw petition.

Mr. Lull verbally reported, and recommended the passage of Assembly bill No. 293, an Act to amend an Act to prescribe the mode of drawing grand-jurors and trial-jurors in the City and County of San Francisco, passed April second, one thousand eight hundred and fifty-seven.

RESOLUTIONS.

The following resolutions were offered by Mr. Cope, and adopted:

Resolved, That the Fifty-seventh Rule be altered so as to read as follows:

Rule Fifty-seventh—When a question on the final passage, or rejection, or indefinite postponement, of a bill or resolution, shall have been decided in the affirmative, or in the negative, it shall be in order for any member voting in the majority to move for a reconsideration thereof, by giving notice on the day of its passage, rejection, or indefinite postponement, of his intention to move for such reconsideration on the succeeding day, and it shall not be in order for any member to move for a reconsideration on the day on which such question shall have been decided, and such

motion shall take precedence of all other questions, except a motion to adjourn.

Also, by Mr. Cope:

Resolved, That Frank Hereford and W. S. Long be allowed the sum of seventy-five dollars rent for Committee-room, from the first day of January, one thousand eight hundred and fifty-nine, to be paid from the Contingent Fund of the Assembly.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Hill, an Act to regulate the fire department of the City and County of San Francisco.

Read first and second times, and referred to San Francisco delegation.

By Mr. Fuller, an Act to amend sections eleven and twelve of an Act entitled an Act to regulate fees in office, in the County of Yuba, approved April twenty-eight, one thousand eight hundred and fifty-seven.

Read first and second times, and referred to Yuba delegation.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor, with the accompanying copy of a letter from the Supreme Court Reporter:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 23, 1859.

To the Assembly of California:

I transmit, herewith, a copy of a letter received from the Reporter of the Supreme Court, showing that certain difficulties exist which will delay the publication of the eleventh volume of Reports.

The attention of your honorable body is respectfully invited to this subject.

JOHN B. WELLER.

SACRAMENTO, March 23, 1859.

Hon. John B. Weller, Governor:

DEAR SIR:—Yesterday evening, I called at the Clerk's office of the Supreme Court, to get the records of some eight or ten cases, decided by that Court at the October term, one thousand eight hundred and fifty-eight, for the purpose of reporting them. Mr. Bagley, the acting Clerk, after consulting with Judge Field, declined to let me take the records or transcripts from the Clerk's office. I requested Mr. Bagley to reduce his objections to writing, which he consented to do, and, after having spent some time in Judge Field's room, he returned to the Clerk's office, and handed me a paper, of which the following is a copy:

CLERK'S OFFICE, SUPREME COURT,
March, 22, 1859.

Under the sixth section of the Act for the appointment of a Reporter of the Supreme Court, etc., etc., approved April nineteenth, A. D. one thousand eight hundred and fifty-six, I decline giving the Reporter the transcripts of the records of causes on file in this Court, *to be taken from*

the office. Under said section, he can take the original opinions so soon as they are recorded, and have full access to the records, which are always open to his examination in the office, for the preparation of his Reports.

DAVID T. BAGLEY, D. Clerk.

It will be seen that the acting Clerk, for the first time, gives a technical construction to section six of the Act, and refuses to allow me to take from the office anything but the opinions of the Court. In making up my Reports, I could very well get along without taking out of the office the opinions, as I always preserve printed copies, and could easily compare them with the original opinions in the office. But the transcript is the history of the case from which the Report is made, and it would be impossible to make up the Report from a mere inspection of it.

The ninth and tenth California Reports were prepared in my office, by taking the transcripts, briefs, and opinions, eight or ten at a time, and returning them to the Clerk's office, as soon as I was done with them. This has been the practice, not only of myself, but of my predecessors, and no objection has been made until yesterday.

The eleventh volume is now over half reported, and soon would be given to the public, could I have such access to the records of the cases as is contemplated by the sixth section of said Act.

I have thus thought proper to call your attention to the obstacles which will prevent the discharge of my duties, unless there is additional legislation. I wish it distinctly understood that I claim no privileges other than those which have been accorded to my predecessors.

The Reporter is a sworn officer, and gives bond in a large sum, for the faithful discharge of his duties, and I can see no good reason why he should not at all times be allowed to take the transcripts, briefs, and other papers, from the Clerk's office, when not in actual use. This privilege is accorded to Counsel practicing before that Court, and I am at a loss to understand why it is denied to the Reporter.

I have the honor to be, Sir,
Your most obedient servant,
(Signed,) H. LEE,
Reporter of the Supreme Court.

At forty minutes past four o'clock, P. M., on motion of Mr. Cope, the House adjourned.

IN ASSEMBLY.

FRIDAY, March 25, 1859.

The House met, pursuant to adjournment.

Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

GENERAL FILE.

Assembly bill No. 169, an Act relative to the official bond of the Public Administrator of the County of Placer, indefinitely postponed.

Assembly bill No. 247, an Act to grant to certain parties the right of

laying a railroad track along certain streets within the City and County of San Francisco, re-committed to San Francisco delegation.

Mr. Gwinn moved to reconsider the vote by which the House, on yesterday, adopted the amendment offered by Mr. Hancock to Senate Joint-Resolution No. 8, in relation to fraudulent Mexican land-grants.

Mr. Lull moved the previous question.

Sustained.

On reconsidering, Messrs. Dunlap, Robberson, and Crenshaw, demanded the ayes and noes, and it was reconsidered, by the following vote:

AYES—Messrs. Banks, Barclay, Buck, Caine, Cahalan, Cannon, Cherry, Condee, Connely, Crenshaw, Cutler, Daggett, Davis, Dow, Dunlap, Eagon, Fuller, Gregory, Gwinn, Holman, Imus, Lamar, Lefever, Murray, Pixley, Robberson, Shannon, Shepard, Sheridan, Slingerland, Springer, Squires, Taylor, Tipton, Torres, Vaughan, Watkins, and Wing—38.

NOES—Messrs. Aud, Bates, Caldwell, Coleman, Ellis, Ensworth, Hancock, Hill, Howe, Johnson, Lies, Lull, Lynch, Mount, Pico, Sloss, Street, Whealdon, Young, and Mr. Speaker—20.

And the amendment was lost.

The Speaker having decided that the previous question extended to the adoption of the resolution, Mr. Cope appealed, and the Chair was sustained.

On the adoption of amendment of Special Committee, Messrs. Crenshaw, Dunlap, and Cahalan, demanded the ayes and noes, and it was adopted, by the following vote:

AYES—Messrs. Armstrong, Banks, Barclay, Briggs, Buck, Caine, Cahalan, Cannon, Cherry, Condee, Connely, Cope, Crenshaw, Cutler, G. A. Douglas, Dow, Fuller, Gregory, Gwinn, Hancock, Hill, Imus, Lamar, Lefever, Lull, Lynch, Murray, Pixley, Robberson, Shannon, Sheridan, Slingerland, Springer, Taylor, Vaughan, Watkins, Wing, and Young —38.

NOES—Messrs. Aud, Bates, Caldwell, Coleman, Daggett, Davis, Dunlap, Ellis, Ensworth, Howe, Lies, Lightner, Malarin, Moore of San Francisco, Mount, Pico, Shepard, Sloss, Street, Tipton, Torres, Whealdon, and Mr. Speaker—23.

On the adoption of the resolution, as amended, Messrs. Gwinn, Dunlap, and Barclay, demanded the ayes and noes, and it was adopted, by the following vote:

AYES—Messrs. Banks, Barclay, Buck, Caine, Cahalan, Cannon, Condee, Connely, Cope, Crenshaw, Cutler, Daggett, Davis, G. A. Douglas, Dow, Eagon, Fuller, Gregory, Gwinn, Hancock, Imus, Lamar, Lefever, Lull, Lynch, Murray, Pixley, Robberson, Shannon, Sheridan, Slingerland, Taylor, Vaughan, Watkins, and Wing—35.

NOES—Messrs. Armstrong, Aud, Bates, Caldwell, Coleman, Dunlap, Ellis, Ensworth, Howe, Lies, Lightner, Malarin, Moore of San Francisco, Mount, Pico, Shepard, Sloss, Springer, Street, Torres, Whealdon, Young, and Mr. Speaker—23.

Mr Hancock gave notice of reconsideration.

Mr. Sheridan moved that the members who were within the bar of

the House, when the last vote was taken, and who refused to vote, be orderedu nder arrest.

Upon which, Messrs. Sheridan, Aud, and Mount, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Caine, Cahalan, Cutler, Davis, Gregory, Howe, Imus, Lefever, Lightner, Lynch, Mount, Murray, Pico, Sheridan, Slingerland, Springer, Tipton, Torres, and Vaughan—19.

NOES—Messrs. Armstrong, Aud, Banks, Barclay, Briggs, Buck, Caldwell, Cannon, Condee, Connely, Cope, G. A. Douglas, Dow, Dunlap, Ellis, Ensworth, Fuller, Hancock, Jackson, Lamar, Lies, Malarin, Moore of San Francisco, Pixley, Roane, Robberson, Shannon, Shepard, Sloss, Taylor, Watkins, Whealdon, and Young—33.

SPECIAL ORDER.

Assembly bill No. 223, an Act granting the consent of the Legislature to the formation of a different Government for the Southern Counties of the State—

Mr. Aud moved to postpone until Wednesday next, at one o'clock, P. M.

Lost.

The rules were suspended, the bill considered engrossed, and, on the passage of the bill, Messrs. Buck, Aud, and Howe, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Bates, Briggs, Burdick, Caldwell, Cannon, Coleman, Crenshaw, Davis, G. A. Douglas, Eagon, Hancock, Holman, Jackson, Johnson, Lamar, Lefever, Lies, Lull, Lynch, Malarin, Pico, Pixley, Roane, Robberson, Sheridan, Slingerland, Sloss, Street, Taylor, Torres, Vaughan, Watkins, and Whealdon—34.

NOES—Messrs. Aud, Banks, Barclay, Buck, Caine, Cahalan, Cherry, Condee, Connely, Cutler, Daggett, Dow, Ellis, Ensworth, Fuller, Gregory, Howe, Lightner, Moore of San Francisco, Murray, Shannon, Shepard, Springer, Squires, and Wing—25.

Mr. Pixley gave notice of reconsideration.

Senate bill No. 176, an Act making an appropriation for the purpose of paying Peter H. Burnett, for back salary due him as Justice of the Supreme Court, was considered as in Committee of the Whole, reported back, and recommended.

On the passage of the bill, Messrs. Howe, Springer, and Burdick, demanded the ayes and noes, and the bill was lost, by the following vote:

AYES—Messrs. Armstrong, Aud, Barclay, Bates, Briggs, Cahalan, Cannon, Connely, Daggett, Eagon, Ellis, Ensworth, Hancock, Holman, Lamar, Lightner, Lynch, Malarin, Mount, Murray, Pico, Roane, Robberson, Shannon, Shepard, Torres, Vaughan, Wing, Young, and Mr. Speaker—30.

NOES—Messrs. Banks, Buck, Burdick, Caine, Caldwell, Cherry, Cope, Crenshaw, Cutler, Davis, DeLong, G. A. Douglas, Dow, Dunlap, Fuller, Gregory, Gwinn, Howe, Imus, Jackson, Lefever, Moore of San Francisco, Pixley, Sheridan, Slingerland, Sloss, Springer, Squires, Taylor, Tipton, Watkins, and Whealdon—32.

Mr. Cope gave notice of reconsideration.

Senate bill No. 173, an Act to appropriate money for the payment of certain claims, was considered as in Committee of the Whole.

Committee rose, reported, recommended the passage of the bill, and were discharged.

Bill read third time, and passed.

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

Resolved, That a Committee of three be appointed, to take into consideration the Governor's message relative to the Supreme Court Reporter and the Clerk of the Supreme Court, and that said Committee be required to report thereon, on Friday next.

The Speaker appointed Messrs. Lamar, Lull, and Mount, such Committee.

Mr. Shannon gave notice of reconsideration.

On motion of Mr. Connely, Senate Concurrent-Resolution No. 31, relative to printing five thousand copies of the report of the transactions of the State Agricultural Society, was taken up, and lost.

Mr. Jackson gave notice of reconsideration.

On motion of Mr. Briggs, Assembly bill No. 257, an Act to create the County of Mokelumne, and to provide for its organization, was made the special order of the day for Tuesday next, March twenty-ninth, at one o'clock, P. M.

On motion of Mr. Vaughan, Senate bill No. 47, an Act to authorize the Board of Supervisors of Sutter County to construct a bridge across Feather River, and levy a special tax therefor, was made the special order for March twenty-ninth, at two o'clock, P. M.

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

Resolved, That the Sergeant-at-Arms be, and is hereby, authorized to purchase such stationery as may be needed for the use of the Assembly, and which can not be procured in the office of Secretary of State, payable out of the Contingent Fund of the Assembly, the same to be approved by the Committee on Accounts and Expenditures.

REPORTS.

Reports were made as follows:

By Mr. Street:

MR. SPEAKER:—The Committee on Ways and Means, to whom was referred, with accompanying documents, Senate bill No. 131, entitled "An Act making appropriations for the support of the Civil Government of this State, for the eleventh fiscal year, commencing on the first day of July, A. D. one thousand eight hundred and fifty-nine, and ending on the thirtieth day of June, one thousand eight hundred and sixty, inclusive, having had the same under consideration, now ask leave to report the same back, with amendments to the bill, and recommend its passage, as amended.

The same Committee have also considered Assembly bill No. 275, entitled "An Act to amend an Act entitled an Act to reduce and establish the salaries of officers, and pay of members of the Legislature, approved April twenty-first, one thousand eight hundred and fifty-six," and report the same back, recommending its indefinite postponement.

C. R. STREET, Chairman.

By Mr. Squires:

MR. SPEAKER:—Your Committee on Public Expenditures and Accounts have examined, and found correct, the account of James Anthony & Co., for copies of Daily and Weekly Union, furnished to members, amounting to one hundred and thirty-one dollars and sixty cents.

Also, have examined the account of the Chief Clerk, of March twenty-fourth, for one thousand one hundred and ninety-six folios of writing done in Appendix to Journal, and copying of the same for Printer, amounting to two hundred and ninety-nine dollars, and found the same to be correct, as per the report of your Auditing Committee.

OGDEN SQUIRES, Chairman.

Adopted.

By Mr. Crenshaw:

MR. SPEAKER:—Your Committee on Mines and Mining Interests, to whom was referred Assembly bill No. 285, entitled an Act to preserve the mineral wealth of this State for the benefit of American citizens, for the better protection of the Chinese or Mongolians, and to repeal former Acts relative to the same, have had the same under consideration, and beg leave to report the same back to the House, and recommend that it be indefinitely postponed.

The Committee have also had under consideration, Assembly bill No. 262, entitled an Act to amend an Act entitled an Act to provide for the protection of foreigners, and to define their liabilities and privileges, and recommend that it be indefinitely postponed.

GEORGE CRENSHAW, Chairman.

By Mr. Tipton:

MR. SPEAKER:—The Committee on Mileage, having had under consideration the amount of mileage due the members of the Special Committee appointed to visit the City of Oakland, beg leave to report as follows:

Names.	Miles.	Amount.
W. P. Rodgers	240	$48
W. R. Armstrong	240	48
Ogden Squires	240	48
Robert Howe	240	48
T. Bates	240	48

TIPTON, Chairman.

Adopted.

By Mr. Sheridan:

MR. SPEAKER:—The Committee on Swamp and Overflowed Lands, to whom was referred Assembly bill No. 248, with its accompanying documents, having had conferences in relation to the subject-matter, and correspondence with the Atttorney-General in relation thereto, (which correspondence is hereto appended,) are at a loss for any safe ground on which to base an opinion. They have, therefore, instructed their Chair-

man to report the whole matter back to the House, without recommendation.

J. E. SHERIDAN, Chairman.

By Mr. Crenshaw:

MR. SPEAKER:—The Mariposa delegation, to whom was referred Assembly bill No. 295, "An Act concerning the office of County Judge of Mariposa County, report the same back to the House, and recommend its passage.

GEORGE CRENSHAW, for Delegation.

By Mr. Jackson:

MR. SPEAKER:—The undersigned, member of the Committee on Commerce and Navigation, to whom was referred Senate bill No. 47, authorizing the Board of Supervisors of Sutter County to construct a bridge across Feather River, etc., would respectfully report the following amendments to said bill:

In section five, after the word "subscribed," in the first line, insert "and paid into the treasury."

Add to section thirteen the following proviso:

"*And provided, also*, that prior to the opening of said way, or the construction of said bridge, the contractors, or parties opening or building the same, shall enter into a bond, or bonds, in the penal sum of ——— dollars each, to be approved by the County Judge of Sutter County, conditioned for the payment to the party or parties injured thereby, of all damages which may be occasioned by the erection of said bridge, or opening roads thereto, and which may be recovered by suit at law or in equity.

A. R. JACKSON.

Mr. Dow offered the following resolution:

Resolved, That when this House adjourns, it adjourns to meet at nine o'clock, A. M., to-morrow, and that when it adjourns to meet to-morrow, it adjourns to meet at eleven o'clock, A. M., on Tuesday next.

On the adoption of the resolution, Messrs. Cope, Crenshaw, and Young, demanded the ayes and noes, and it was lost, by the following vote:

AYES—Messrs. Bates, Burdick, Caine, Connely, Crenshaw, Daggett, Dow, Gregory, Hancock, Hill, Howe, Imus, Jackson, Lamar, Lightner, Lynch, Mount, Murray, Pico, Taylor, Vaughan, and Whealdon—22.

NOES—Messrs. Banks, Briggs, Buck, Caldwell, Cahalan, Coleman, Condee, Cope, Cutler, Davis, DeLong, Dunlap, Ellis, Ensworth, Fuller, Gwinn, Holman, Johnson, Malarin, Roane, Robberson, Shannon, Sheridan, Sloss, Springer, Squires, Tipton, Watkins, Wing, and Young—31.

The following resolution was offered by Mr. Lamar:

Resolved, That when this House adjourns, it adjourns to meet to-morrow morning, at nine o'clock.

On the adoption of the resolution, Messrs. DeLong, G. A. Douglass, and Fuller, demanded the ayes and noes, and it was adopted, by the following vote:

AYES—Messrs. Banks, Bates, Briggs, Buck, Burdick, Cahalan, Cannon, Condee, Connely, Cope, Cutler, Daggett, Davis, DeLong, G. A. Douglas, Ellis, Gwinn, Hancock, Hill, Howe, Imus, Jackson, Johnson, Lamar, Lightner, Lull, Lynch, Mount, Murray, Pico, Roane, Robberson, Sheridan, Springer, Squires, Street, Taylor, Tipton, Vaughan, Whealdon, and Wing—41.

NOES—Messrs. Caine, Caldwell, Coleman, Crenshaw, Dow, Dunlap, Ensworth, Holman, Lefever, Shannon, Sloss, Watkins, Young, and Mr. Speaker—14.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 24, 1859.

To the Assembly of California:

I hereby inform your honorable body that I have, to-day, approved, an Act to authorize the State Treasurer to issue to George Campbell a duplicate school-land warrant, in lieu of a certain other warrant given up to be canceled.

Also, an Act to amend an Act entitled an Act to provide for the payment of the debt of Humboldt County that existed upon the thirty-first day of December, one thousand eight hundred and fifty-seven, approved April twenty-sixth, one thousand eight hundred and fifty-eight.

Also, an Act to fund certain claims against Sacramento County.

Also, an Act creating a Contingent Fund for Shasta County.

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 23, 1859.

To the Assembly of California:

I have, this day, approved an Act to authorize the State Treasuer to issue to Minerva J. Carroll a duplicate school-land warrant, in lieu of a certain warrant destroyed.

Also, an Act "To fix the time of holding the Court of Sessions, and the County Court, in the County of Tehama, and the Court of Sessions, County Court, and the Probate Court, in the County of Colusa."

Also, an Act "To provide for the establishment of a State-prison Library."

JOHN B. WELLER.

OFFICE OF THE BOARD OF EXAMINERS,
Sacramento, March 24, 1859.

To the Assembly of California:

I herewith transmit, to your honorable body, a claim which has been examined by the Board of Examiners, together with the papers and decision of the Board, to which I respectfully call your attention.

JOHN B. WELLER.

The claims above reported were referred to the Committee on Claims.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
March 24, 1859.

MR. SPEAKER:—The Senate have, this day, passed Senate bill No. 223, "An Act to authorize the executors of the estate of Thomas O. Larkin, deceased, to sell and convey certain real estate."

E. C. PALMER, Secretary Senate.

Senate bill No. 223, above reported, read first and second times, rules suspended, considered engrossed, read third time, and passed.

SENATE CHAMBER,
March 24, 1859.

MR. SPEAKER:—The Senate, on yesterday, passed Senate bill No. 207, "An Act to audit and allow the claim of Michael Fennel."

E. C. PALMER, Secretary of the Senate.

Senate bill No. 207, above reported, read first and second times, and referred to the Committee on Claims.

SENATE CHAMBER,
March 25, 1859.

MR. SPEAKER:—The Senate, on yesterday, passed Assembly bill No. 193, "An Act supplemental to an Act entitled an Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, one thousand eight hundred and fifty-one, approved February twenty-first, one thousand eight hundred and fifty-nine"—with amendments, and ask the concurrence of the Assembly.

E. C. PALMER, Secretary of the Senate.

House concurred in Senate amendment to Assembly bill No. 193, above reported.

SENATE CHAMBER,
March 24, 1859.

MR. SPEAKER:—The Senate, on yesterday, passed Senate bill No. 143, "An Act amendatory of an Act to regulate fees in office, in certain Counties of this State, approved April twenty-eighth, one thousand eight hundred and fifty-seven;"

Also, refused to concur in Assembly amendments to Senate bill No. 140, "An Act to amend an Act concerning crimes and punishments, passed April sixteenth, one thousand eight hundred and fifty;"

Also, on the twenty-first instant, passed Senate bill No. 72, an Act to amend an Act entitled an Act to provide for paying certain equitable claims against the State of California, and to contract a funded debt for that purpose, approved April twenty-eighth, one thousand eight hundred and fifty-seven;

Also, on the twenty-first instant, passed Senate bill No. 168, an Act amendatory and explanatory of a portion of the Acts to provide revenue for the support of the Government of this State;

Also, on the twenty-third instant, passed Senate bill No. 221, "An Act to audit and allow the claim of Adam Schuppert."

E. C. PALMER, Secretary of Senate.

Senate bill No. 221, above reported, read first and second times, and referred to Committee on Claims.

Senate bill No. 143, above reported, read first and second times, and referred to the Judiciary Committee.

Mr. Gregory moved to adjourn.

Lost.

Mr. Young gave notice of a motion to reconsider the vote by which the House adopted Senate amendments to Assembly bill No. 193.

Ruled out of order by the Speaker.

Mr. Sloss appealed.

And the House sustained the Chair.

Senate bill No. 72, above reported, read first and second times, and referred to the Committee on Ways and Means.

The House refused to recede from Assembly amendments to Senate bill No. 140, above reported.

Senate bill No. 168, above reported, read first and second times, and referred to the Committee on Ways and Means.

SENATE CHAMBER,
March 25, 1859.

MR. SPEAKER:—The Senate, on yesterday, passed Assembly bill No. 283, "An Act to audit and allow the claim of Joseph Nougues;"

Also, Assembly bill No. 229, "An Act to authorize the County of Santa Barbara to issue bonds for the funding of its debt, and the construction of roads, and to provide for the payment of the said bonds;"

Also, Assembly bill No. 243, "An Act to authorize the Courts of Record of this State to admit Adolphus Daniel Grimwood as an attorney and counselor-at-law;"

Also, on the twenty-first instant, Senate bill No. 162, an Act regulating the salaries of certain County officers in Sonoma County;

Also, on the twenty-first instant, Senate bill No. 175, an Act supplementary to an Act entitled an Act to amend an Act to establish an Asylum for the insane of the State of California, approved May seventeenth, one thousand eight hundred and fifty-four;

Also, on the twenty-first instant, Senate bill No. 203, an Act to appropriate money to pay Charles Forman and Alfred H. Estill, for writing Senate Journals, Ninth Session;

Also, on the twenty-second instant, Senate bill No. 214, an Act for the relief of James Gallagher;

Also, on the twenty-third instant, Senate bill No. 219, "An Act to audit certain claims."

E. C. PALMER, Secretary of Senate.

Senate bill No. 219, above reported, read first and second times, rules suspended, read third time, and passed.

Senate bill No. 162, above reported, read first and second times, and referred to the Sonoma delegation.

Senate bill No. 175, above reported, read first and second times, and referred to the Committee on Hospitals.

Senate bill No. 203, above reported, read first and second times, and referred to the Committee on Claims.

Senate bill No. 214, above reported, read first and second times, and referred to the Committee on Accounts and Expenditures.

Mr. Shepard introduced a bill for an Act to amend the seventy-first section of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County

of San Francisco. and to consolidate the Government thereof, approved April nineteenth, one thousand eight hundred and fifty-six.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Mr. Banks gave notice of reconsideration.

Mr. Burdick moved to adjourn.

Lost.

Assembly bill No. 295, an Act concerning the office of County Judge of Mariposa County, rules suspended, considered engrossed, read third time, and passed.

NOTICES OF BILLS.

Notices were given as follows:

By Mr. Sheridan, an amendment to the Forty-ninth Standing Rule.

Also, an Act for the survey and segregation of the swamp and overflowed lands of this State, and laying off the same into districts.

RESOLUTIONS.

The following resolutions were offered, and adopted:

By Mr. Lynch:

Resolved, That the Engrossing Clerk of the Assembly be allowed an additional Assistant Clerk.

By Mr. Coleman:

Resolved, That G. A. Douglas be appointed an additional member of the Select Committee, appointed under Mr. Gwinn's resolution, to examine and report with respect to the practicability of draining and reclaiming certain swamp and overflowed lands in this State.

At four o'clock, P. M., on motion of Mr. Cope, the House adjourned.

IN ASSEMBLY.

SATURDAY, March 26, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

Mr. Caldwell moved to reconsider the vote by which the House, on yesterday, passed Assembly bill No. 223, an Act granting the consent of the Legislature to the formation of a different Government for the Southern Counties of this State.

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

Upon which, Messrs. Dunlap, Pico, and Hancock, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Bates, Briggs, Coleman, Davis, Ensworth, Gwinn, Hancock, Holman, Lamar, Lefever, Lies, Lightner, Lynch, Malarin, Moore of

Nevada, Mount, Pico, Rodgers, Sheridan, Slingerland, Sloss, Vaughan, Watkins, Whealdon, and Mr. Speaker—25.

NOES—Messrs. Armstrong, Aud, Banks, Barclay, Buck, Caine, Caldwell, Cahalan, Cannon, Condee, Connely, Crenshaw, Cutler, Daggett, Dow, Dunlap, Ellis, Gregory, Hill, Imus, Jackson, Murray, Roane, Shannon, Springer, and Taylor—26.

And the motion to reconsider was made the special order for Thursday next, March thirty-first, at two o'clock, P. M.

Mr. Hancock moved to reconsider the vote by which the House, on yesterday, passed Senate Joint-Resolution No. 8, relative to fraudulent Mexican land-grants.

Mr. Lies moved to postpone the motion until Friday next, April first, at two o'clock, P. M.

Carried.

Mr. Jackson moved to reconsider the vote by which the House, on yesterday, refused to pass Senate Concurrent-Resolution No. 31, relative to printing five thousand copies of the report of the transactions of the California State Agricultural Society.

Mr. Young moved to make the motion the special order for Friday next, April first, at three o'clock, P. M.

Mr. Lightner moved to lay on the table.

Carried.

Mr. Shannon moved to reconsider the vote by which the House, on yesterday adopted resolution in relation to the difficulty between the Reporter and Clerk of the Supreme Court.

Vote reconsidered, and resolution lost.

Mr. Banks moved to reconsider the vote by which the House, on yesterday, passed Assembly bill No. 299, an Act to amend the seventy-first section of the Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the Government thereof, approved April nineteenth, one thousand eight hundred and fifty-six.

The House refused to reconsider

Mr. Moore of Nevada, from State-prison Committee, reported substitute for Senate bill No. 146, an Act for the Government of the State-prison, and creating a Board of Directors, and defining their powers and duties, and to repeal an Act entitled an Act for the Government of the State-prison, and to provide for the location of a Branch-prison, approved April twenty-fourth, one thousand eight hundred and fifty-eight.

Read first and second times, and placed on file, and ordered printed.

Mr. Moore of Nevada introduced a bill for an Act to legalize certain acknowledgments of conveyances in the County of Nevada.

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

Assembly bill No. 71, 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, passed April twenty-ninth, one thousand eight hundred and fifty one, and the several Acts amendatory thereto—made special order for March twenty-ninth, at twelve o'clock, M.

Mr. Aud moved that the House adjourn until Tuesday next, at eleven o'clock, A. M.

Upon which, Messrs. Barclay, Springer, and Shannon, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Armstrong, Bates, Buck, Burdick, Caine, Cannon,

Davis, DeLong, Dow, Gregory, Hancock, Hill, Howe, Imus, Lamar, Malarin, Pico, Rodgers, Street, Torres, and Vaughan—21.

NOES—Messrs. Aud, Banks, Barclay, Caldwell, Cahalan, Coleman, Connely, Cope, Crenshaw, Cutler, Daggett, G. A. Douglas, Dunlap, Eagon, Ellis, Ensworth, Fuller, Gwinn, Holman, Jackson, Lies, Lightner, Lull, Lynch, Moore of Nevada, Moore of San Francisco, Roane, Shannon, Shepard, Sheridan, Sloss, Springer, Squires, Tipton, Watkins, Wing, Young, and Mr. Speaker—38.

Mr. DeLong moved a call of the House.

Lost.

Mr. Howe moved to adjourn.

Lost.

Mr. Cope moved to reconsider the vote by which the House, on yesterday, refused to pass Senate bill No. 176, an Act making an appropriation for the purpose of paying Peter H. Burnett for back salary due him as Justice of the Supreme Court.

Mr. Young moved to make the motion the special order for Saturday next, April second, at twelve o'clock, M.

Carried.

Mr. Street offered the following resolution:

Resolved, That when this House adjourns, it adjourns to meet at eleven o'clock, Tuesday next.

Mr. Howe moved to amend, by inserting, Monday next, at two o'clock.

Lost.

At eleven o'clock, A. M., on motion of Mr. Cope, the House adjourned.

IN ASSEMBLY.

MONDAY, March 28, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair.

There being no quorum present, on motion of Mr. Holman, the House adjourned.

IN ASSEMBLY.

TUESDAY, March 29, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

Messrs. Lamar, Cannon, Crenshaw, and Torres, had leave of absence for one day, each.

And Mr. Aud, for one week.

GENERAL FILE.

Assembly bill No. 135, an Act to amend an Act entitled an Act to repeal the Act passed March twenty-sixth, one thousand eight hundred and

fifty-one, entitled an Act to incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento;

Also, Senate bill No. 178, an Act authorizing Solon S. Simonds to construct a canal in Santa Clara County:

Also, Senate bill No. 199, an Act for the settlement of the estate of William Knight, deceased;

And, also, Assembly bill No. 107, an Act to fix the amount of the official bonds of the County officers in and for the County of El Dorado;

Were read a third time and passed.

Assembly bill No. 291, an Act to provide for fixing the commencement of the terms of office in the County of Butte;

And Assembly bill No. 294, an Act supplemental to an Act entitled an Act to provide revenue for the support of the Government, passed April twenty-ninth, one thousand eight hundred and fifty-seven;

Were—the rules being suspended—considered engrossed, read a third time, and passed.

Senate bill No. 83, an Act concerning roads and highways;

Also, Assembly bill No. 215, an Act to amend an Act approved February twenty-first, one thousand eight hundred and fifty-nine, entitled an Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, one thousand eight hundred and fifty-one;

Also, Assembly bill No. 255, an Act to create the office of General Referee;

And, also, Assembly bill No. 277, an Act supplementary to an Act entitled an Act concerning public ferries and toll-bridges, approved April twenty-eighth, one thousand eight hundred and fifty-five;

Were indefinitely postponed.

Assembly bill No. 293, an Act to amend an Act entitled an Act to prescribe the mode of drawing grand-jurors and trial-jurors in the City and County of San Francisco, passed April second, one thousand eight hundred and fifty-seven, recommitted to the San Francisco delegation.

Assembly bill No. 94, an Act concerning jurors in the County of Los Angeles—Committee amendments adopted, and ordered engrossed.

Assembly bill No. 250, an Act to grant the right to improve the navigation of Petaluma Creek—Committee amendments adopted, rules suspended, considered engrossed, read third time, and passed.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 26, 1859.

To the Assembly of California:

I have, this day, approved "An Act to change and fix the time of holding the Court of Sessions, the County Court, and the Probate Court, of San Bernardino County;"

Also, "An Act fixing the salaries of the County Judge of San Bernardino County, and of the District-Attorney for said County, and repealing all former Acts inconsistent with the provisions of this Act;"

Also, "An Act to amend an Act entitled an Act concerning the office of Secretary of State, passed May fourth, one thousand eight hundred and fifty-four."

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 28, 1559.

To the Assembly of California:

I have to inform your honorable body, that, on Saturday last, the Supreme Court rendered a judgment, giving J. T. McCauley the possession of the State-prison, at San Quentin.

I presume a writ of restitution will issue immediately, and an effort made to collect the judgment (some fifteen thousand dollars,) rendered against me

Your prompt attention to the subject is therefore invoked.

JOHN B. WELLER.

The preceding message was referred to the State-prison Committee.

SPECIAL ORDER.

Assembly bill No. 270, an Act to create the County of Alturas, to define its boundaries, and provide for its organization, the special order of the day, was taken up, on the motion of Mr. Lefever, to reconsider the vote by which the House, on the twenty-third instant, passed the bill.

On reconsideration, Messrs. Shannon, Moore of Nevada, and Lefever, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs Caine. Caldwell, Cahalan, Condee, Connely, Daggett, Dow, Dunlap, Ellis, Fuller, Hill, Jackson, Lefever, Moore of Nevada, Murray, Pixley, Rodgers, Shannon, Shepard, Shingerland, Watkins, Whealdon, Whitman, and Whitney—24.

NOES—Messrs. Armstrong, Banks, Barclay, Briggs, Buck, Burdick, Crenshaw, DeLong, G. N. Douglass, Gregory, Gwinn, Hancock, Holman, Howe, Imus, Johnson, Lies, Lightner, Lull, Lynch, Malarin, Mount, Pico, Roane, Robberson, Sloss, Springer, Squires, Taylor, Tipton, Vaughan, and Mr. Speaker—32.

Assembly bill No. 71, 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," passed April twenty-ninth, one thousand eight hundred and fifty-one, and the several Acts amendatory thereto, also special order for this day—Committee amendments adopted.

Mr. Mount offered the following substitute for section nineteen, which was lost:

"Section nineteen—Section two hundred and thirty-seven of "An Act to regulate proceedings in civil cases," passed April twenty-ninth, one thousand eight hundred and fifty-one, is hereby amended, so as to read as follows:

"Section two hundred and thirty-seven—If the purchaser of real property, sold on execution, or his successor in interest, be evicted therefrom in consequence of irregularity in the proceedings concerning the sale, or of the reversal or discharge of the judgment, he may recover the price paid, with interest, from the judgment-creditor. If the purchaser of property at Sheriff's sale, or his successor in interest, fail to recover possession, in consequence of irregularity in the proceedings concerning the sale, or because the property sold was not liable to execution and sale, the Court having jurisdiction thereof shall, on petition of such

party in interest, revive the original judgment, as against any other property of the judgment-debtor, for the amount paid by such purchaser at the sale, and bearing the same rate of interest, from the day on which he paid his purchase-money, as the original judgment bore; and any other, or after acquired property of said debtor, shall be liable to levy and sale, under execution, in satisfacton of such debt; *Provided*, that no property of such debtor, sold *bona fide*, before the filing of such petition, shall be subject to the lien of such judgment."

Bill ordered engrossed.

Assembly bill No 257, an Act to create the County of Mokelumne, and to provide for its organization, also special order for this day, was, on motion of Mr. Holman, made special order for to-morrow, March thirtieth, one thousand eight hundred and fifty-nine, at one o'clock, P. M.

Senate bill No 47, an Act to authorize the Board of Supervisors of Sutter County to construct a bridge across Feather River, and levy a special tax therefor, also special order for this day, was made special order for to-morrow, at two o'clock, P. M.

Assembly bill No. 222, an Act to provide for the construction of the State Capitol in the City of Sacramento;

Also, Assembly bill No. 261, an Act to authorize the Common Council of the City of Oakland to levy a special tax, and the Board of Supervisors of Alameda County to levy a special tax, for certain purposes, and for the removal of the Seat of Government to the City of Oakland;

And, also, Assembly bill No 286, an Act appropriating money for the purpose of commencing the building of a State Capitol, in the City of Oakland, Alameda County, also special order for this day;

Were considered in Committee of the Whole.

Mr. Moore of Nevada in the Chair

The Committee rose, reported the bills back, and asked leave to be discharged, and were so discharged.

Mr. Moore of Nevada moved to indefinitely postpone the whole subject-matter.

Mr. Cope moved to make the indefinite postponement the special order for to-morrow, at twelve o'clock

Lost.

Mr. Moore of Nevada moved to make it the special order for to-morrow evening, at half-past seven o'clock.

Lost.

Mr. Cope moved to make it the special order for Monday next, April fourth, at twelve, M.

Mr. Shepard moved the previous question.

Sustained.

Mr. Cope withdrew his motion.

On the motion to indefininely postpone the whole subject-matter, Messrs. Moore of Nevada, Cope, and Sheridan, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Caldwell, Cahalan, Condee, Cope, Crenshaw, Cutler, DeLong, G. N. Douglass, Dunlap, Ensworth, Fuller, Jackson, Lies, Moore of Nevada, Roane, Robberson, Shannon, Shepard, Sheridan, Sloss, Squires, Watkins, Whealdon, Wing, Whitman, Whitney, and Mr. Speaker—27.

NOES—Messrs. Banks, Bates, Buck, Burdick, Caine, Cherry, Connely, Daggett, Davis, Dow, Ellis, Gwinn, Hancock, Hill, Holman, Howe, Imus,

Johnson, Lefever, Lightner, Lull, Lynch, Malarin, Mount, Murray, Pico, Pixley, Rodgers, Springer, Taylor, Vaughan, and Young—32.

On the adoption of the substitute, as amended, Messrs. Jackson, Cope, and Sheridan, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Banks, Bates, Buck, Burdick, Caine, Cherry, Connely, Daggett, Davis, Dow, Hancock, Hill, Howe, Imus, Johnson, Lefever, Lightner, Lull, Malarin, Mount, Pico, Pixley, Roane, Rodgers, Shepard, Springer, Taylor, and Vaughan—28.

NOES—Messrs. Caldwell, Cahalan, Condee, Cope, Crenshaw, Cutler, DeLong, G. N. Douglass, Dunlap, Ellis, Ensworth, Fuller, Gwinn, Holman, Jackson, Lies, Lynch, Moore of Nevada, Murray, Robberson, Shannon, Sheridan, Sloss, Squires, Watkins, Whealdon, Wing, Whitman, Whitney, and Young—30.

On the engrossment of Assembly bill No. 222, Messrs. DeLong, Springer, and Buck, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs Coleman, Ellis, Ensworth, Gwinn, Holman, Jackson, Lefever, Lies, Lynch, Murray, Shannon, Sheridan, Sloss, Squires, and Whitman—15.

NOES—Messrs. Banks, Bates, Buck, Burdick, Caine, Caldwell, Cahalan, Cherry, Condee, Connely, Crenshaw, Cutler, Daggett, Davis, DeLong, G. N. Douglass, Dow, Dunlap, Fuller, Hancock, Hill, Howe, Imus, Johnson, Lightner, Lull, Malarin, Moore of Nevada, Mount, Pico, Pixley, Robberson, Rodgers, Shepard, Springer, Taylor, Vaughan, Whealdon, Whitney, Young, and Mr. Speaker—41.

The Speaker ruled that it was not in order, under Rule Fifty-seven, as amended, to give notice of reconsideration of the vote just taken.

From which decision, Mr. Young appealed, and the Speaker was sustained by the House.

Mr Street introduced a bill for an Act appropriating money for the completion of a wagon-road over the Sierra Nevada, at Noble's Pass.

Read first and second times, and referred to the Committee on Roads and Highways.

REPORTS.

Reports were made as follows:

By Mr. Condee:

MR. SPEAKER:—Your Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 264, an Act to regulate the fees of certain officers, and witnesses, and jurors, in the County of El Dorado.

CONDEE, Chairman.

By Mr. Holman:

MR. SPEAKER:—The Committee on Commerce and Navigation, to whom was referred Assembly bill No. 265, an Act to define the head of navigation on the Mokelumne River, have given the same an attentive examination, and beg to report, that, under the Act of one thousand eight

hundred and fifty-one, so much of the Mokelumne River as lies between its mouth and the first falls, was declared a navigable stream. Owing to a conflict of pecuniary and local interests, a technical question has arisen as to the precise location of the first falls. To the resident of Mokelumne, familiar with the topography of the stream, it has never been a matter of doubt. Evidence indicates the point to be that defined in the bill, viz., at the falls, near the dividing line, between sections twenty and twenty-one, township four N., range eight E, Monte Diablo meridian. The residents of the Mokelumne Valley manifest a commendable interest to have this stream kept open for navigable purposes, in order to afford them a cheap and expeditious outlet or highway to a market. The passage of the bill will effect the purpose, by preventing obstructions, and will confine parties who may wish to build bridges, to the statutory provisions regulating the same. The head of navigation, as herein described, is fifty miles from its mouth, where it empties into the San Joaquin, and is near the head of Suisun Bay. As the Mokelumne River has its source in the highest range of the snow-clad Sierras, the rains of winter and melting snows of summer afford from six to eight months of uninterrupted navigation, and boats of one hundred to one hundred and fifty tons burden can successfully navigate the stream. Twenty miles from the mouth of the river the tide rises to the height of four and one-half feet, and at this place there is already a depot for vessels engaged in the produce, wood, and lumber trade. The obstructions above this point are snags, and over-hanging trees, which can be removed at a comparatively light expense. When this shall have been done, an area of not less than one thousand square miles of agricultural lands, unsurpassed in fertility, situate upon and contiguous to the Mokelumne, will enjoy the advantages of a cheap transportation of all articles pertaining to commerce These facilities will also extend to the large and populous Counties of Amador, Calaveras, and Tuolumne.

It is estimated that upon and adjacent to the banks of the Mokelumne, are not less than three hundred square miles of wood-land, which will produce wood to the value of twenty-five millions of dollars. This immense wealth will find a market in San Francisco, Stockton, and Sacramento.

The opening of the river will also enhance the value of lands contiguous, and thereby increase the revenue of the State The mind can form but a feeble estimate of the change that will have been effected in the next decade of years in the development of our resources and wealth of the Towns, Villages, and Cities which will have grown up—of the manufactories called into existence, to concentrate and employ the busy thousands. The past ten years have produced changes as wonderful as those recorded of the Lamp of Aladdin—the future will surpass them, but in reality more beneficial to our State, and the world.

Believing, therefore, that whatever appertains to the development and prosperity of the country should be judicially protected, we recommend the passage of the bill.

HOLMAN, Chairman.

At half-past five o'clock, P. M., on motion of Mr. Springer, the House adjourned.

IN ASSEMBLY.

WEDNESDAY, March 30, 1859.

The House met, pursuant to adjournment.
The Speaker in the Chair.
The Journal of yesterday was read and approved.
Messrs. Cannon and Dow had leave of absence for one day, each.
The Speaker appointed Mr. Barclay on the Committee on Corporations, in place of Mr. Squires, excused.

REPORTS.

Reports were made as follows:
By Mr. Cope:

MR. SPEAKER:—The Judiciary Committee, to whom was referred Assembly bill No. 301, an Act to legalize certain acknowledgments of conveyance in the County of Nevada, have considered the same, and report the bill back, and recommend its indefinite postponement.

The same Committee, to whom was referred Senate bill No. 143, an Act amendatory of an Act entitled an Act to regulate fees in office in certain Counties of this State, approved April twenty-eighth, one thousand eight hundred and fifty-seven, have considered the same, and report the bill back, and recommend its indefinite postponement.

The same Committee, to whom was referred Assembly bill No. 276, an Act to establish the rule of evidence to be observed in the Courts of this State, in certain cases, concerning titles to land, have considered the same, and report the bill back, and recommend its indefinite postponement.

The same Committee, to whom was referred Senate bill No. 156, an Act to authorize District Judges, in certain cases, to sign records and settle statements, have considered the same, and report the bill back, with an amendment, and recommend its passage, as amended.

The same Committee, to whom was referred Senate bill No. 103, an Act amendatory of, and supplementary to, an Act entitled "An Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, one thousand eight hundred and fifty-one, and to repeal an Act amendatory thereof, passed April fifteenth, one thousand eight hundred and fifty-eight," have considered the same, and report the bill back, with an amendment, and recommend its passage, as amended.

The same Committee, to whom was referred Senate bill No. 15, an Act to regulate the creation of homesteads, have considered the same, and report the bill back, and recommend its passage.

COPE, Chairman.

By Mr. Lynch:

MR. SPEAKER:—The Committee on Engrossment report, as correctly engrossed:

Assembly bill No. 287, an Act amendatory of and supplementary to an Act passed April twenty-fourth, one thousand eight hundred and fifty-eight, entitled an Act to repeal the Act passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled an Act to incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento;

Also, Assembly bill No. 295, an Act concerning the office of County Judge of Mariposa County;

Also, Assembly bill No. 281, an Act to authorize certain Counties to retain the State's portion of the poll-tax—less that portion authorized by law to be paid into the General School Fund—which shall be collected in said Counties for the year one thousand eight hundred and fifty-nine, and for the year one thousand eight hundred and sixty, to be applied to the construction and improvement of a wagon-road, from Cloverdale to Yreka;

Also, Assembly bill No. 216, an Act to provide for the disposal of the sixteenth and thirty-sixth sections of land donated to this State for school purposes, by Act of Congress, passed March third, one thousand eight hundred and fifty-three, to appropriate the proceeds of the sale thereof to the credit of the General School Fund.

LYNCH, Chairman.

By Mr. Lightner:

ASSEMBLY CHAMBER,
March 30, 1859.

MR. SPEAKER:—The Committee on Claims, to whom was referred Senate bill No. 203, "An Act to appropriate money to pay Charles Forman and Alfred H. Estill, for writing Senate Journals of the Ninth Session;"

Also, Senate bill No. 221, "An Act to audit and allow the claim of Adam Schuppert;"

Beg leave to report the same back, and recommend their passage.

The same Committee, to whom was referred Senate bill No. 207, "An Act to audit and allow the claim of Michael Fennel," beg leave to report the same back, with accompanying substitute, and would respectfully recommend its passage.

C. W. LIGHTNER, Chairman.

By Mr. Young;

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled:

Assembly bill No. 228, an Act to authorize the County Recorder of the County of Tehama to transcribe certain records of the Counties of Colusa, Shasta, and Butte;

Also, Assembly bill No. 193, an Act supplemental to an Act entitled an Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, one thousand eight hundred and fifty-seven, approved February twenty-first, one thousand eight hundred and fifty-nine;

Also, Assembly bill No. 283, an Act to audit and allow the claim of Joseph Nougues.

GEO. A. YOUNG, Chairman.

Mr. DeLong offered the following Concurrent-Resolution, which was adopted:

Resolved, By the Assembly, the Senate concurring, that our Senators be instructed, and our Representatives requested, to urge upon Congress the early establishment of a branch mail-route from the sink of the Humboldt to the State of California, by the way of Downieville and Marysville.

GENERAL FILE.

Assembly bill No. 258, an Act to preserve the mineral wealth of this State for the benefit of American citizens, for the better protection of the Chinese or Mongolians, and to repeal former Acts relative to the same;

And Assembly bill No. 262, an Act to amend an Act entitled an Act to provide for the protection of foreigners, and to define their liabilities and privileges, passed March thirtieth, one thousand eight hundred and fifty-three;

Were recommitted to Committee on Ways and Means.

Assembly bill No. 2, an Act to ascertain the indebtedness of Sierra County to the County of Yuba, and to provide for the payment of the same;

Also, Assembly bill No. 73, an Act to ascertain the indebtedness of Nevada County to the County of Yuba, and to provide for the payment of the same;

And, also, Assembly bill No. 248, an Act for the relief of C. A. Hawley and others;

Were indefinitely postponed.

Senate bill No 131, an Act making appropriations for the support of the Civil Government of the State for the eleventh fiscal year, commencing on the first day of July, one thousand eight hundred and fifty-nine, and ending on the thirtieth day of June, one thousand eight hundred and sixty, inclusive, was considered in Committee of the Whole.

Mr. Moore of Nevada in the Chair.

Committee reported the bill, with amendments, and recommended the passage of the bill, as amended.

Committee discharged, and amendments adopted.

Mr. Cope moved to amend, by striking out "two thousand five hundred dollars," in line one hundred and fifty-five of section first, and inserting five thousand dollars.

Adopted.

On the passage of the bill, Messrs. DeLong, G. A. Douglas, and Fuller, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Banks, Barclay, Briggs, Buck, Burdick, Caine, Caldwell, Cahalan, Cherry, Coleman, Condee, Connely, Cope, Cutler, Davis, G. N. Douglass, Dunlap, Eagon, Ellis, Ensworth, Gregory, Gwinn, Hancock, Hill, Hines, Holman, Johnson, Lamar, Laspeyre, Lefever, Lies, Lightner, Lull, Lynch, Malarin, Moore of Nevada, Moore of San Francisco, Mount, Murray, Roane, Robberson, Rodgers, Shannon, Shepard, Sheridan, Sloss, Springer, Squires, Street, Tipton, Torres, Tully, Vaughan, Watkins, Wing, Whitman, Young, and Mr. Speaker—58.

NOES—Messrs. DeLong, G. A. Douglas, Fuller, Howe, Imus, Jackson, Pixley, Slingerland, and Whealdon—9.

FURTHER SPECIAL ORDER.

Assembly bill No 257, an Act to create the County of Mokelumne, and to provide for its organization, was taken up.

Substitute reported by the Committee adopted, and amended.

Mr. Laspeyre moved to indefinitely postpone the bill.

Upon which, Messrs. Laspeyre, Hines, and Holman, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Banks, Barclay, Buck, Caldwell, Coleman, Cutler, G. N. Douglass, Hines, Holman, Howe, Johnson, Laspeyre, Lefever, Moore of Nevada, Mount, Rogers, Slingerland, Squires, Wing, and Whitney—20.

NOES—Messrs. Armstrong, Bates, Briggs, Caine, Cherry, Condee, Cope, Daggett, Davis, DeLong, G A. Douglas, Eagon, Ellis, Fuller, Gregory, Gwinn, Hancock, Hill, Imus, Jackson, Lamar, Lies, Lull, Lynch, Moore of San Francisco, Murray, Pixley, Roane, Robberson, Shannon, Shepard, Sheridan, Sloss, Springer, Street, Taylor, Tipton, Torres, Tully, Vaughan, Watkins, Whealdon, and Whitman—43.

The rules were suspended, the bill considered engrossed, read a third time, and upon its passage, Messrs. Laspeyre, Holman, and Hines, demanded the ayes and noes, and it was passed, by the following vote:

AYES—Messrs. Bates, Briggs, Caine, Cherry, Coleman, Condee, Cope, Daggett, Davis, DeLong, G. A. Douglas, Eagon, Ellis, Ensworth, Fuller, Hancock, Hill, Imus, Jackson, Lamar, Lies, Lull, Lynch, Moore of San Francisco, Murray, Pixley, Roane, Robberson, Shepard, Sheridan, Sloss, Springer, Street, Taylor, Tipton, Torres, Tully, Vaughan, Watkins, Whealdon, and Whitman—42.

NOES—Messrs. Banks, Barclay, Caldwell, Connely, Cutler, G. N. Douglas, Gwinn, Hines, Holman, Howe, Johnson, Laspeyre, Lefever, Moore of Nevada, Mount, Rodgers, Slingerland, Squires, Wing, Whitney, and Young—21.

Mr. Lamar gave notice of reconsideration.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 30, 1859.

MR. SPEAKER:—The Senate, this day, passed Senate bill No 232 "An Act to regulate the issuance of judgments or remittiturs in cases decided upon appeal in the Supreme Court."

E. C PALMER, Secretary of the Senate.

Senate bill No. 232, above reported, read first and second times, and referred to the Judiciary Committee, with instructions to report to-morrow.

FURTHER SPECIAL ORDER.

Senate bill No. 47, an Act to authorize the Board of Supervisors of Sutter County to construct a bridge across Feather River, and levy a special tax therefor—

Mr. DeLong moved to make the bill the special order for to-morrow, at twelve o'clock, M.

Lost.

Mr. DeLong offered to amend, by adding to the first section, as follows:

"*And provided, further*, that this grant shall be inoperative until a majority of the legal voters of said County of Sutter shall express their willingness to accept the same, by ballot, cast at an election to be held

at such time and in such manner as the Board of Supervisors of Sutter County shall direct."

Mr. Gwinn demanded the previous question.

Upon which, Messrs Banks, Pixley, and Lull, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Armstrong, Buck, Caine, Daggett, Davis, Dunlap, Eagon, Gregory, Gwinn, Hill, Howe, Johnson, Robberson, Springer, Street, Tully, Vaughan, Watkins, and Whitney—19

NOES—Messrs Banks, Barclay, Burdick, Caldwell, Cherry, Coleman, Condee, Connely, Cope, Cutler, DeLong, G. A. Douglas, G. N. Douglass, Ellis, Fuller, Hancock, Hines, Holman, Imus, Jackson, Laspeyre, Lefever, Lies, Lightner, Lull, Lynch, Malarin, Mount, Murray, Pixley, Roane, Rodgers, Shannon, Shepard, Sloss, Squires, Taylor, Tipton, Torres, Whealdon, Wing, Whitman, and Young—43.

On the adoption of the amendment offered by Mr. DeLong, Messrs. DeLong, Laspeyre, and Mount, demanded the ayes and noes, and the same was lost, by the following vote:

AYES—Messrs Banks, Briggs, Caine, Coleman, Cope, Cutler, DeLong, G A. Douglas, Ellis, Fuller, Hines, Imus, Jackson, Lull, Lynch, Shannon, Sloss, Squires, Taylor, Whealdon, Wing, Whitman, and Mr. Speaker—23

NOES—Messrs Barclay, Bates, Buck, Cherry, Condee, Connely, Daggett, Davis, G. N. Douglass, Dunlap, Gregory, Gwinn, Holman, Howe, Johnson, Laspeyre, Lefever, Lightner, Mount, Murray, Pixley, Robberson, Rodgers, Shepard, Springer, Street, Tipton, Torres, Tully, Vaughan, Watkins, Whitney, and Young—33.

Mr. G. A. Douglas moved to adjourn.

Lost.

Mr. Hancock offered the following amendment:

Provided, That this Act shall in no wise prejudice or interfere with the existing franchise heretofore granted to Samuel J. Clarke, Jr., and his assigns, by virtue of an Act entitled an Act to grant the right to construct and maintain a bridge across the Feather River, approved April twenty-sixth, one thousand eight hundred and fifty-eight.

Mr. Cope moved to adjourn

Upon which, Messrs. Buck, Howe, and Burdick, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Banks, Bates, Briggs, Coleman, Condee, Cope, DeLong, Ellis, Fuller, Hines, Imus, Jackson, Lefever, Lull, Lynch, Malarin, Shannon, Shepard, Squires, Torres, Whealdon, Whitman, and Mr. Speaker—23.

NOES—Messrs. Armstrong, Barclay, Buck, Burdick, Cherry, Connely, Cutler, Daggett, G. N. Douglass, Dow, Dunlap, Eagon, Gregory, Gwinn, Holman, Howe, Johnson, Lamar, Laspeyre, Lightner, Moore of Nevada, Mount, Murray, Pixley, Robberson, Rodgers, Springer, Street, Tipton, Tully, Vaughan, Watkins, Whitney, and Young—34.

Mr. Buck moved the previous question.

Upon which, Messrs Cope, Jackson, and DeLong, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs Armstrong, Barclay, Buck, Burdick, Connely, Daggett, G. N. Douglass, Dow, Dunlap, Gwinn, Howe, Johnson, Laspeyre, Lightner, Malarin, Moore of Nevada, Mount, Pixley, Robberson, Rodgers, Shepard, Springer, Street, Torres, Tully, Vaughan, Watkins, Whitney, and Young—29.

NOES—Messrs. Banks, Bates, Coleman, Cope, DeLong, Eagon, Ellis, Ensworth, Fuller, Gregory, Hines, Imus, Jackson, Lull, Lynch, Murray, Shannon, Squires, Tipton, Whitman, and Mr. Speaker—21.

Mr. Lull moved a call of the House.

Lost.

On Mr. Hancock's amendment, Messrs Lull, Hines, and DeLong, demanded the ayes and noes, and it was lost, by the following vote:

AYES—Messrs. Banks, Caine, Coleman, Cope, Cutler, DeLong, Eagon, Ellis, Fuller, Hines, Imus, Jackson, Lamar, Lefever, Lull, Lynch, Moore of Nevada, Shannon, Shepard, Watkins, Whealdon, Whitman, and Mr. Speaker—23.

NOES—Messrs. Armstrong, Barclay, Bates, Buck, Burdick, Connely, Daggett, G. N. Douglass, Dow, Dunlap, Ensworth, Gregory, Gwinn, Holman, Howe, Johnson, Laspeyre, Lightner, Mount, Murray, Pixley, Robberson, Rodgers, Springer, Street, Torres, Tully, Vaughan, Whitney, and Young—30.

On motion of Mr. Jackson, the report of the minority of the Committee, as read, and the amendment to section five, at the end of the first line, was adopted, as follows: "And paid into the treasury."

The bill was then read a third time, and on its passage, Messrs. DeLong, Lull, and Laspeyre, demanded the ayes and noes, and it was passed, by the following vote:

AYES—Messrs. Armstrong, Banks, Barclay, Buck, Burdick, Cherry, Connely, DeLong, G. N. Douglass, Dow, Dunlap, Ensworth, Gregory, Gwinn, Holman, Howe, Johnson, Lamar, Laspeyre, Lightner, Malarin, Mount, Murray, Pixley, Robberson, Rodgers, Springer, Street, Torres, Tully, Vaughan, Watkins, Whitney, and Young—34

NOES—Messrs. Bates, Coleman, Cope, Ellis, Fuller, Hines, Imus, Jackson, Lull, Lynch, Moore of Nevada, Shannon, Shepard, Squires, Tipton, Whealdon, Whitman, and Mr. Speaker—18.

Mr. DeLong gave notice of reconsideration.

The following resolution was offered by Mr. Moore of Nevada, and adopted:

Resolved, That the portrait of General Sutter, now hanging in the Assembly Chamber, be loaned for one day, to the Sutter Rifles, of Sacramento.

At seven o'clock, P. M., on motion of Mr. DeLong, the House adjourned.

IN ASSEMBLY.

THURSDAY, March 31, 1859.

The House met, pursuant to adjournment.
The Speaker in the Chair.
A quorum being present, the Journal of yesterday was read and approved.
Mr. Mount offered the following resolution:

Resolved, That during the remainder of the session, no person shall be permitted to come within the bar of the House, except members and officers of the same, officers of the State Government, reporters, and ladies, and such others only as may be invited by express leave, unanimously given.

Mr. Buck moved to lay the resolution on the table.
Lost.
And the resolution was adopted

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
March 30, 1859.

MR. SPEAKER:—The Senate, this day, concurred in Assembly amendments to Senate bill No. 43, "An Act amending an Act entitled an Act concerning jurors," approved May third, one thousand eight hundred and fifty-two;
Also, in Assembly amendments to Senate bill No. 38, "An Act amending an Act to regulate proceedings in criminal cases."

E. C. PALMER, Secretary of Senate.

SENATE CHAMBER,
March 29, 1859.

MR. SPEAKER:—The Senate, on the twenty-fifth instant, passed Senate bill No. 208, "An Act to appropriate money for the relief of certain persons;"
Also, passed Assembly bill No. 118, "An Act to authorize the guardian or guardians of certain minors to sell and dispose of their real estate and chattels real," with an amendment;
Also, Assembly bill No. 296, "An Act to remedy the loss of a certain certificate of the Mokelumne Hill Canal and Mining Company;"
Also, Assembly bill No. 274, "An Act amendatory of an Act entitled an Act amendatory of an Act entitled an Act to authorize the Board of Supervisors of Nevada County to levy a special tax, for County purposes," approved April twenty-second, one thousand eight hundred and fifty-seven, approved February twenty-seventh, one thousand eight hundred and fifty-eight;
Also, Assembly bill No. 267, "An Act to extend an Act concerning hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara," approved April

twenty-first, one thousand eight hundred and fifty-six, with amendments;

Also, Assembly bill No. 249, "An Act supplementary to. and amendatory of, an Act entitled an Act to incorporate the Town of Petaluma," approved April twelfth. one thousand eight hundred and fifty-eight;

Also, Assembly bill No. 202, "An Act supplemental to an Act granting certain powers to the Board of Education of the City and County of San Francisco, approved April twenty-sixth, one thousand eight hundred and fifty-eight;

Also, Assembly bill No. 178, "An Act to procure the translation into the Spanish language, and to provide for printing, such portions of the Statutes of the years one thousand eight hundred and fifty, and one thousand eight hundred and fifty-one, as are now in force," with amendments;

Also, Assembly bill No 205, "An Act to authorize H. A. Bragg, guardian of the minor heirs of David Martin and Ann Martin, deceased, to sell real estate of said minor heirs at public or private sale," with amendments.

E C. PALMER, Secretary of Senate.

The House concurred in Senate amendments to Assembly bills Nos. 178 and 205, above reported.

The House concurred in, and further amended, Senate amendments to Assembly bill No. 267, above reported.

Assembly bill No. 118, above reported, referred to the Judiciary Committee.

Senate bill No. 208, above reported, read first and second times, and placed on file.

SENATE CHAMBER,
March 29, 1859.

MR. SPEAKER:—The Senate, this day, passed Senate bill No. 110, "An Act appropriating money for the completion of a wagon-road over the Sierra Nevada."

E. C. PALMER, Secretary of Senate.

Senate bill No. 110, above reported, read first and second times, and referred to the Committee of the Whole, and made the special order for April fourth, at twelve o'clock, M.

SENATE CHAMBER,
March 29, 1859.

MR. SPEAKER:—The Senate, on the twenty-fifth instant, amended Assembly amendments to Senate bill No. 98, "An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State;

Also, on the twenty-sixth instant, passed Senate bill No. 83, "An Act to provide for the payment of fees and costs in civil actions, by and against Counties."

E C PALMER, Secretary Senate.

The House concurred in Senate amendments to Assembly amendments to Senate bill No. 98, above reported.

Senate bill No. 183, above reported, read first and second times, and referred to the Judiciary Committee.

SENATE CHAMBER,
March 30, 1859.

MR. SPEAKER:—The Senate, this day, passed Senate bill No. 166, an Act recommending to the electors of this State, to vote for or against a Convention to revise and the Constitution of this State;

Also, on yesterday, passed Senate bill No. 231, "An Act to audit and allow the claim of Wm. T. Barbour, for back salary, as District Judge of the Tenth Judicial District;"

Also, Senate bill No. 206, "An Act for the relief of Wm. T. Barbour, late Judge of the Tenth Judicial District."

E. C. PALMER, Secretary Senate.

Senate bill No 166, above reported, read first and second times, and referred to the Judiciary Committee.

Senate bill No. 231, above reported, read first time, and placed on file.

Senate bill No 206, above reported, read first and second times, and referred to the Judiciary Committee.

SENATE CHAMBER,
March 30, 1859.

MR. SPEAKER:—The Senate, on yesterday, passed Assembly bill No. 237, "An Act supplementary to an Act to regulate fees in office," approved April tenth, one thousand eight hundred and fifty-five

Also, have concurred in Assembly amendments to Senate bill No. 140, "An Act to amend an Act concerning crimes and punishments," passed April sixteenth.

Also, March twenty-first, passed Senate bill No. 152, an Act to amend an Act entitled "An Act to provide revenue for the support of the Government of this State, from a tax to be levied and collected from foreign and inland bills, and other matter," approved April twenty-ninth, one thousand eight hundred and fifty-seven.

Also, passed Senate bill No. 163, an Act to authorize J. Granville Doll to convey water into the Town of Red Bluff, by means of pumps and pipes.

Also, passed Senate bill No. 171, an Act to amend section five hundred and nine of an Act entitled "An Act to regulate proceedings in civil cases in the Courts of Justice of this State.

Also, March twenty-second, adopted Senate Concurrent-Resolution No. 30, relative to commencing suit against S. A. McMeans, (late State Treasurer,) and sureties, and ask the concurrence of the Assembly.

Also, March twenty-fifth, passed Senate bill No. 180, an Act to amend an Act entitled "An Act for the government and protection of Indians."

E. C. PALMER, Secretary of Senate.

Senate bill No. 171, above reported, read first and second times, and referred to Judiciary Committee.

Senate bill No 163, above reported, read first and second times, and referred to Judiciary Committee.

Senate bill No. 152, above reported, read first and second times, and referred to the Committee on Ways and Means.

Senate bill No. 180, above reported, read first and second times, and referred to the Committee on Indian Affairs.

Senate Concurrent-Resolution No. 30, above reported, referred to the Judiciary Committee.

SENATE CHAMBER,
Tuesday, March 29, 1859.

MR. SPEAKER:—The Senate, on the twenty-third instant, passed Senate bill No. 220, "An Act to appropriate money to pay O. S. Shafter, J. McM. Shafter, and Solomon Heydenfeldt, for legal services."

E. C. PALMER, Secretary of Senate.

Senate bill No 220, above reported, read first and second times, considered as in Committee of the Whole, reported, and recommended, and on its passage, Messrs. DeLong, Hines, and Springer, demanded the ayes and noes.

Mr. Shepard moved the previous question, which was sustained.

The bill was lost, by the following vote:

AYES—Messrs. Cherry, Cope, Daggett, G. N. Douglass, Hill, Lightner, Lull, Moore of San Francisco, Pixley, Shepard, Street, and Taylor—12.

NOES—Messrs. Armstrong, Banks, Barclay, Briggs, Buck, Burdick, Caine, Caldwell, Cahalan, Coleman, Condee, Connely, Crenshaw, Cutler, Davis, DeLong, Dow, Dunlap, Eagon, Ellis, Fuller, Gregory, Gwinn, Hancock, Hines, Holman, Howe, Johnson, Lamar, Laspeyre, Lynch, Moore of Nevada, Murray, Pico, Rodgers, Shannon, Sheridan, Slingerland, Sloss, Springer, Squires, Tipton, Tully, Vaughan, Watkins, Wheaton, Wing, Whitney, and Young—49.

Mr. Lamar gave notice of reconsideration.

SPECIAL ORDER.

Assembly bill No. 223, an Act granting the consent of the Legislature to the formation of a different Government for the Southern Counties of the State, the special order of the day, was postponed until Saturday, April second, at two o'clock, P. M.

Mr. DeLong moved to reconsider the vote by which the House, on yesterday, passed Senate bill No. 47, an Act to authorize the Board of Supervisors of Sutter County to construct a bridge across Feather River, and levy a special tax therefor.

Mr. DeLong proceeded to read some papers.

To which, Mr. Mount objected.

The Speaker decided that Mr. DeLong was in order.

Mr. Mount appealed.

And the House sustained the Chair.

Mr. Lightner moved the previous question.

Sustained.

Mr. Moore of Nevada moved a call of the House.

Which was sustained.

And Messrs Hill, Moore of San Francisco, Slingerland, Torres, and Wing, were absent

Further proceedings under the call were dispensed with.

On the reconsideration, Messrs Hines, Moore of Nevada, and Dunlap, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Bates, Briggs, Caldwell, Cannon, Coleman, Cope, Cutler, DeLong, G. A. Douglas, Eagon, Ellis, Fuller, Hines, Imus, Jackson, Lies, Lull, Lynch, Moore of Nevada, Roane, Shannon, Shepard, Sloss,

Squires, Taylor, Tipton, Whealdon, Wing, Whitman, and Mr. Speaker—30.

NOES—Messrs Armstrong, Barclay, Buck, Burdick, Caine, Cherry, Condee, Connely, Daggett, Davis, G. N. Douglass, Dow, Dunlap, Ensworth, Gregory, Gwinn, Holman, Howe, Johnson, Lamar, Laspeyre, Lefever, Lightner, Mount, Murray, Pico, Pixley, Robberson, Rodgers, Springer, Street, Tully, Vaughan, Watkins, Whitney, and Young—36.

Mr. Lamar moved to reconsider the vote by which the House, on yesterday, passed Assembly bill No 257, an Act to create the County of Mokelumne, and to provide for its organization.

Mr. Springer moved the previous question.

Which was sustained.

On reconsideration, Messrs. Briggs, Condee, and Armstrong, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Banks, Burdick, Caldwell, Crenshaw, Gwinn, Hines, Holman, Howe, Johnson, Lamar, Laspeyre, Lefever, Moore of Nevada, Mount, Rodgers, Squires, Vaughan, Wing, Whitney, Young, and Mr. Speaker—21.

NOES—Messrs. Armstrong, Barclay, Bates, Briggs, Caine, Cannon, Cherry, Coleman, Condee, Connely, Cope, Cutler, Daggett, Davis, DeLong, G. N Douglass, Dow, Dunlap, Eagon, Ellis, Ensworth, Fuller, Gregory, Hancock, Imus, Jackson, Lies, Lull, Lynch, Murray, Pico, Robberson, Shannon, Shepard, Sheridan, Sloss, Springer, Street, Taylor, Tipton, Tully, Watkins, Whealdon, and Whitman—44.

Mr. Cope introduced a Concurrent-Resolution, instructing the Attorney-General to procure a re-hearing, in the case of McCauley *vs.* Weller

Adopted

On motion of Mr. Street, Assembly Concurrent-Resolution No 41, relative to Chinese immigration, was made the special order for April fifth, at two o'clock, P. M.

Mr. Gwinn presented a petition of citizens of Yolo County, relative to diseased horses.

Referred to Committee on Agriculture.

Mr Laspeyre presented a remonstrance of citizens of San Joaquin County, against the division of the same.

Laid on the table.

REPORTS.

Reports were made as follows:

By Mr. Roane:

The Committee to whom was referred Assembly bill No. 171, an Act to amend an Act entitled an Act concerning offices, approved April twenty-eighth, one thousand eight hundred and fifty-one, have had the same under consideration, and report back a substitute, and recommend its passage.

ROANE, Chairman.

By Mr. Mount:

MR. SPEAKER:—The Committee on Corporations, to whom was referred Assembly bill No. 130, "An Act to amend an Act entitled an Act concern-

ing corporations, passed April twenty-second, one thousand eight hundred and fifty," having had the same under consideration, now ask leave to report it back, and a majority of the Committee recommend that the bill be referred to the Judiciary Committee.

CHAS E. MOUNT,
C. W. LIGHTNER,
MANUEL TORRES,
A. A. HILL,
W. P. BARCLAY.

By Mr. Gregory:

MR SPEAKER:—The undersigned, members of the Committee on Corporations, not concurring in the report of the majority of said Committee on Assembly bill No. 130, an Act amendatory of an Act concerning corporations, ask leave to submit this minority report:

The bill proposes to regulate the rates which shall be charged for carrying passengers or freight, by any company or companies incorporated, or which may hereafter become incorporated, under the general corporation laws of this State, for the purpose of navigating any of the navigable waters of the State. The objects contemplated by the bill, the undersigned believe to be not only just and proper, but demanded by the best interests of the State, and by an almost universal public sentiment.

Companies that have, or may hereafter become incorporated, under our laws, do it in face of the plain provisions of the Constitution Section thirty-one of article four of the Constitution of California, reads as follows:

"Corporations may be formed under general laws, but shall not be created by special Act, except for municipal purposes All general laws and special Acts, passed pursuant to this section, may be altered, from time to time, or repealed."

If the Legislature clearly possesses the power to "alter" or "repeal" the general corporation laws of this State, thereby completely divesting corporations of their chartered privileges, and companies avail themselves of such privileges as they may acquire, in full view of such legislative power, it is evident to the undersigned that the Legislature has the right to regulate and restrict such companies. It is certainly remarkable if a body, having the power to create, has no other right but to destroy. Entertaining these views, we respectfully recommend the passage of the bill.

A. J. GREGORY,
J. B. LAMAR.

By Mr. Buck:

MR. SPEAKER:—A minority of your Committee to whom was referred Assembly bill No. 276, "An Act to establish the rule of evidence to be observed in the Courts of this State, in certain cases, concerning titles to land," beg leave to recommend that the bill be amended by striking out the third section, and that the bill be passed, so amended.

S M. BUCK,
W. W. SHEPARD.

By Mr. Squires:

MR. SPEAKER:—Your Committee on Public Expendintures and Accounts, to whom was referred Senate bill No. 214, "An Act for the relief

of James Gallagher," have had the same under consideration, and requested me to report the same back to the House, and recommend its passage.

Respectfully,
OGDEN SQUIRES, Chairman.

By Mr. Lynch:

MR. SPEAKER:—The Committee on Engrossment report, as correctly engrossed:

Assembly bill No. 203, an Act to authorize the incorporation of Rural Cemetery Associations.

Also, Assembly bill No. 291, an Act to provide for fixing the commencement of the terms of office in the County of Butte.

Also, Assembly bill No. 294, an Act supplemental to an Act entitled an Act to provide revenue for the support of the Government, passed April twenty-ninth, one thousand eight hundred and fifty-seven.

LYNCH, Chairman.

By Mr. Squires:

MR. SPEAKER:—The Special Joint Committee appointed to examine the vouchers for the issuance of three millions nine hundred thousand dollars of bonds, issued by the State Treasurer, and to deface all that are found to be legal, having fully attended to the same, submit the following report:

The Committee, on a thorough examination of the State Treasurer's books pertaining to said business, found a full and complete record of all the transactions in accordance with the Act to provide for paying certain equitable claims against the State of California, and to contract a funded debt for that purpose, approved April twenty-eighth, one thousand eight hundred and fifty-seven. Also, examined and defaced legal vouchers for the full amount authorized by the aforesaid Act, and have deposited said vouchers with the Secretary of State, as required by section fifth of the same.

The State Treasurer and his assistants can not be awarded too much praise for the perfect and comprehensive method with which they have complied with the requirements of the law.

OGDEN SQUIRES,
Chairman House Committee.
A. J. GREGORY,
JAMES M. TAYLOR,
T. G. PHELPS,
Chairman Senate Committee.
W. H. PARKS,
L. S. TITUS.

By Mr. Ensworth:

MR. SPEAKER:—The Select Committee on the Journalized Proceedings of the House, have examined the same, and find them correctly written, up to Thursday, the twenty-fourth instant, inclusive.

A. S. ENSWORTH, Chairman.

WEDNESDAY, March 30, 1859.

Mr. Tipton, from the El Dorado delegation, verbally reported, and recommended the passage of Senate bill No. 111, an Act amendatory of, and supplementary to, an Act entitled an Act to extend the term of office

of the Supervisors of El Dorado County, and to change the manner of their election, and define their duties and powers, in certain cases, and establish their salaries, approved April sixth, one thousand eight hundred and fifty-eight.

Mr. Lull, from San Francisco delegation, verbally reported, and recommended the passage of Assembly bill No. 293, an Act to amend an Act entitled an Act to prescribe the mode of drawing grand-jurors and trial-jurors in the City and County of San Francisco, passed April second, one thousand eight hundred and fifty-seven.

Mr. Robberson, from Sonoma delegation, verbally reported, and recommended the passage of Senate bill No. 162, an Act regulating the salaries of certain County officers in Sonoma County.

Mr. Hancock verbally reported, and recommended the passage of Assembly bill No. 280, an Act supplementary to an Act entitled an Act concerning marks and brands, passed May first, one thousand eight hundred and fifty-one.

Mr. Banks, from San Francisco delegation, verbally reported, and recommended, by majority, the passage, and by minority, the indefinite postponement, of Assembly bill No. 212, an Act to amend an Act entitled an Act to regulate fees in office, in the City and County of San Francisco.

By Mr. Burdick:

Mr Speaker:—Your Auditing Committe have examined the copying done for the Assembly, and find it to be as follows:

In the Journal, folios	865
For Printer, folios	1,201
Total	2,066

JAMES BURDICK, Chairman.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

State of California, Executive Department,
Sacramento, March 31, 1859.

To the Assembly of California:

I have, this day, approved "An Act to authorize the County Recorder of the County of Tehama to transcribe certain records in the Counties of Colusa, Shasta, and Butte."

JOHN B. WELLER.

State of California, Executive Department,
Sacramento, March 28, 1859.

To the Assembly of California:

I have, to-day, approved an Act to prevent stallions from running at large in the County of Sacramento.

JOHN B. WELLER.

MESSAGES FROM THE BOARD OF EXAMINERS.

OFFICE OF BOARD OF EXAMINERS,
Sacramento, March 30, 1859.

To the Assembly of California:

I herewith transmit, to your honorable body, the claim of Francis Crussel, against the State, which has been rejected by the Board of Examiners, together with the original papers, and decision of the Board.

Very, respectfully, etc.,
JOHN B. WELLER,
President Board of Examiners.

The above claim was referred to the Committee on Claims.

OFFICE BOARD OF EXAMINERS,
Sacramento, March 28, 1859.

To the Assembly of California:

I herewith transmit, to your honorable body, a list of claims which have been passed upon by the Board of Examiners, together with the original papers, and opinions of the Board, in each case, to wit:

Claim of A. W. Taliaferro	$65 00
Claim of C. W. Robinson	50 00
Claim of N. A. H. Ball	254 00
Total	$369 00

JOHN B. WELLER,
President Board of Examiners.

The above claims were referred to the Committee on Claims.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
March 31, 1859.

MR. SPEAKER:—The Senate have, this day, passed Assembly bill No. 239, "An Act to provide for the location of slaughter-houses, corrals, and cattle-pens, in the City and County of San Francisco," with amendments, and ask the concurrence of the Assembly.

E. C. PALMER, Secretary of Senate.

The House concurred in Senate amendments to Assembly bill No. 239, above reported.

SENATE CHAMBER,
March 31, 1859.

MR. SPEAKER:—The Senate, on yesterday, passed Senate bill No. 196, "An Act for the relief of William A. King, County Treasurer of Mariposo County;"

Also Senate bill No. 233, "An Act to fix the terms of the County Court, and Court of Sessions, of the County of El Dorado;

Also, this day, passed Senate bill No. 225, "An Act to authorize the Weaverville and Shasta Wagon-road Company to file certain papers *nunc pro tunc.*"

E. C. PALMER, Secretary Senate.

Senate bill No. 196, above reported, read first and second times, and referred to Committee on Ways and Means.

Senate bill No. 225, above reported, read first and second times, and referred to the Judiciary Committee.

Senate bill No. 233, above reported, read first and second times, and referred to the El Dorado delegation.

SENATE CHAMBER,
March 31, 1859.

MR. SPEAKER:—The Senate, this day, passed Senate bill No 84, an Act to provide revenue for the support of the Government of this State.

E. C. PALMER, Secretary Senate.

Senate bill No. 84, above reported, read first and second times, and referred to the Committee on Ways and Means, with instructions to report on Wednesday next, April sixth.

SENATE CHAMBER,
March 31, 1859.

MR. SPEAKER:—The Senate, on yesterday, concurred in Assembly amendments, numbers two, twenty-two, twenty-three, and twenty-six, to Senate bill No. 131, "An Act making appropriations for the support of the Civil Government of this State for the eleventh fiscal year, commencing on the first day of July, A. D. one thousand eight hundred and fifty-nine, and ending on the thirtieth day of June, A. D. one thousand eight hundred and sixty, inclusive," and refuse to concur in Assembly amendments, numbers one, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-four, and twenty-five, to the same.

Also, on the twenty-ninth instant, passed Senate bill No. 170, "An Act to provide for the issuance of patents to lands located with school-land warrants."

E. C. PALMER, Secretary of Senate.

Senate bill No. 170, above reported, read first and second times, and referred to the Judiciary Committee.

The House refused to recede from Assembly amendments to Senate bill No. 131, above reported.

Mr. Shepard moved that a Committee of Conference be appointed.

Carried.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Howe, an Act concerning Roads and Highways, in the Counties of Tuolumne, San Joaquin and Siskiyou.

By Mr. Young, an Act to amend an Act entitled an Act to provide for the appointment of a Reporter of the Supreme Court, and to define his duties and compensation.

By Mr. Lamar, an Act to authorize the Board of Supervisors of the County of Mendocino to levy an additional tax for County purposes.

An Act to amend an Act entitled "An Act to regulate fees in office in certain Counties of this State, approved April twenty-seventh, one thousand eight hundred and fifty-seven, were read first and second times, and placed on file.

By Mr. Cope, an Act in relation to contracts in certain cases, and to provide for the punishment of persons interested in the same.

By Mr. Taylor, an Act to amend an Act defining the time for commencing civil actions, passed April twenty-second, one thousand eight hundred and fifty.

By Mr. Mount, an Act to amend an Act passed May fourth, one thousand eight hundred and fifty-two, entitled an Act for the relief of Insolvent debtors and protection of creditors.

Were read first and second times, and referred to the Judiciary Committee

By Mr. Young, an Act supplementary to, and amendatory of, an Act entitled an Act concerning roads and highways in the County of Nevada, approved March second, one thousand eight hundred and fifty-nine.

By Mr. Lamar, an Act supplementary to, and amendatory of, an Act entitled an Act to define the boundaries and provide for the organization of Mendocino County, approved March eleventh, one thousand eight hundred and fifty-nine.

By Mr. Dunlap, an Act to provide for the compensation of keepers of the County-Jails in the Counties of Tehama and Colusa, and to legalize all warrants heretofore issued for the payment of the services of the keepers of said Jails.

By Mr. Whitman. an Act amendatory of, and supplemental to, an Act entitled an Act to create a Board of Water Commissioners in the County of San Bernardino, and define their duties, approved March sixth, one thousand eight hundred and fifty-seven.

Were read first and second times, rules suspended, considered engrossed; read third time, and passed.

By Mr. Pico, an Act donating eminent domain for the purpose of encouraging certain persons enumerated in the same in the construction of a railroad from New San Pedro to Colorado City.

Read first and second times, and referred to the Committee on Internal Improvements.

By Mr. Johnson, an Act to provide for the permanent location of the Seat of Justice in the several Counties of this State.

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

By Mr. Murray, an Act to amend an Act concerning roads and highways in certain Counties therein named, approved April twenty-second, one thousand eight hundred and fifty-eight.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Mr. Hines moved to adjourn.

Lost.

On motion of Mr. Moore of Nevada, Assembly bill No. 300, an Act for the government of the State-prison, and creating a Director and defining his powers and duties, and to repeal an Act for the government of the State-prison, and provide for the location of a Branch-prison, approved April twenty-fourth, one thousand eight hundred and fifty-eight, was made the special order for April first, at half-past two o'clock, P. M.

Mr. Gwinn introduced a bill for an Act to prevent diseased horses from running at large.

Read first and second times, and referred to Committee on Agriculture.

Mr. Sloss moved to adjourn.

Lost.

GENERAL FILE.

Assembly bill No. 275, an Act to amend an Act to reduce and establish the salaries of officers and pay of members of the Legislature, approved April twenty-first, one thousand eight hundred and fifty-six.

Mr. DeLong moved to adjourn.

Lost.

Mr. Moore of Nevada moved the previous question, which was sustained, and, on the indefinite postponement of the bill, Messrs. Springer, Mount, and Caine, demanded the ayes and noes, and it was indefinitely postponed, by the following vote:

AYES—Messrs. Armstrong, Bates, Buck, Burdick, Cahalan, Cherry, Coleman, Condee, Connely, Cope, Crenshaw, Daggett, G. N. Douglass, Dunlap, Eagon, Ellis, Fuller, Gregory, Gwinn, Hancock, Holman, Imus, Jackson, Johnson, Laspeyre, Lefever, Lies, Lightner, Lull, Moore of Nevada, Mount, Murray, Pico, Pixley, Roane, Robberson, Rodgers, Shannon, Shepard, Sheridan, Street, Tipton, Whealdon, Wing, Whitman, Whitney, and Young—47.

NOES—Messrs. Banks, Caine, Caldwell, Cutler, Davis, DeLong, Dow, Hill, Hines, Howe, Lynch, Sloss, Springer, Taylor, Vaughan, and Watkins—16.

Mr. Pixley gave notice of a reconsideration.

At five o'clock, P. M., on motion of Mr. Gregory, the House adjourned.

IN ASSEMBLY.

FRIDAY, April 1, 1859.

The House met, pursuant to adjournment.

Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

Mr. Caine had leave of absence, for four days.

The Speaker announced Messrs. Shepard, Street, and Moore of Nevada, as the Committee of Conference, on Senate bill No. 131.

Mr. Lightner moved, that when the House adjourns, it adjourns to meet to-morrow morning, at ten o'clock, A. M.

Carried

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

Resolved, That from and after this date, no special order, or any other business, shall interfere with the consideration of the general file, for the first two hours after reading the Journal, except by the unanimous consent of the House.

GENERAL FILE.

Assembly bill No. 235, an Act to confer certain powers upon Counties, Cities and Counties, and other municipal corporations.

Indefinitely postponed.

Senate bill No. 147, an Act to compensate the Warden of the State-prison, was taken up.

Mr. Laspeyre moved to amend section one, by striking out two thousand three hundred and thirty dollars, and inserting, six hundred and eighty dollars.

Upon the adoption of the amendment, Messrs. DeLong, Hines, and Laspeyre, demanded the ayes and noes, and it was adopted, by the following vote:

AYES—Messrs. Aud, Buck, Burdick, Caldwell, Cahalan, Cannon, Connely, Crenshaw, Cutler, Davis, DeLong, G. A. Douglas, Dow, Ellis, Fuller, Gregory, Gwinn, Hill, Hines, Howe, Imus, Jackson, Lamar, Laspeyre, Lefever, Lightner, Lull, Murray, Sheridan, Slingerland, Sloss, Springer, Squires, Taylor, Tipton, Tully, Vaughan, Watkins, Whealdon, Whitney, and Young—41.

NOES—Messrs. Armstrong, Banks, Barclay, Bates, Briggs, Cherry, Coleman, Condee, G. N. Douglass, Dunlap, Eagon, Ensworth, Hancock, Holman, Johnson, Lies, Lynch, Malarin, Moore of Nevada, Moore of San Francisco, Pico, Pixley, Rodgers, Shannon, Street, Torres, Wing, Whitman, and Mr. Speaker—29.

The bill was considered as in Committee of the Whole.

The Committee rose, reported bill back, with amendment, and recommended its passage, and were discharged.

On the passage of the bill, as amended, Messrs. Jackson, Slingerland, and DeLong, demanded the ayes and noes, and it was passed, by the following vote:

AYES—Messrs. Armstrong, Aud, Banks, Barclay, Buck, Burdick, Caldwell, Cahalan, Cannon, Cherry, Coleman, Condee, Connely, Crenshaw, Cutler, Dow, Dunlap, Eagon, Ellis, Ensworth, Gregory, Gwinn, Hines, Holman, Howe, Johnson, Lamar, Laspeyre, Lefever, Lies, Lightner, Lull, Lynch, Malarin, Moore of San Francisco, Pico, Pixley, Robberson, Rodgers, Sheridan, Sloss, Springer, Squires, Torres, Tully, Vaughan, Watkins, Whealdon, Wing, Whitman, and Young—51.

NOES—Messrs. Davis, DeLong, G. A. Douglas, Fuller, Imus, Jackson, Moore of Nevada, Shannon, Slingerland, and Mr. Speaker—10.

Mr. Springer gave notice of reconsideration.

On motion of Mr. Young, the title of the bill was amended.

Assembly bill No. 265, an Act to define the head of navigation on the Mokelumne River, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 230, an Act amendatory of an Act entitled an Act to establish a standard of weights and measures, passed March thirtieth, one thousand eight hundred and fifty, and of the Acts amendatory thereof.

Mr. Burdick offered the following substitute for section three, which was adopted:

"No charge shall be made by the Sealer of Weights and Measures, or his deputies for inspecting any weights, measures, or beams, oftener than once a year, unless, on information, such weights, measures, or beams, shall be found incorrect."

Mr. Buck moved the previous question.

Sustained.

On ordering the bill to be engrossed, Messrs. Lightner, Lull, and Pixley, demanded the ayes and noes, and it was ordered engrossed, by the following vote:

AYES—Messrs. Armstrong, Aud, Banks, Barclay, Bates, Buck, Burdick, Cannon, Daggett, Davis, G. A. Douglas, Dow, Eagon, Ellis, Holman, Howe, Imus, Jackson, Lamar, Lies, Malarin, Murray, Pico, Roane, Robberson, Shannon, Slingerland, Sloss, Springer, Torres, Tully, Watkins, Whealdon, Wing, and Whitney—35.

NOES—Messrs. Cahalan, Cherry, Coleman, Condee, Cutler, Hines, Lefever, Lightner, Lull, Moore of Nevada, Moore of San Francisco, Pixley, Rodgers, Squires, Street, Tipton, Whitman, Young, and Mr. Speaker—19.

Mr. Lamar moved to reconsider the vote by which the House, on yesterday, passed Senate bill No. 220, an Act to appropriate money to pay O. L. Shafter, J. McM. Shafter, and Solomon Heydenfeldt, for legal services.

Mr. Springer moved a call of the House.

Lost.

On reconsideration Messrs. Howe, Springer, and Buck, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Banks, Bates, Cherry, Cutler, Daggett, G. N. Douglass, Ellis, Ensworth, Holman, Lamar, Laspeyre, Lies, Lightner, Lull, Moore of San Francisco, Pico, Pixley, Rodgers, Shannon, Sloss, Taylor, Torres, Whitman, and Young—24.

NOES—Messrs. Armstrong, Aud, Barclay, Buck, Burdick, Caldwell, Cahalan, Cannon, Coleman, Condee, Crenshaw, Davis, DeLong, Dow, Eagon, Fuller, Gregory, Gwinn, Hines, Howe, Imus, Jackson, Lefever, Lynch, Murray, Roane, Robberson, Sheridan, Slingerland, Springer, Tully, Watkins, Whealdon, Wing, and Whitney—35.

REPORTS.

Reports were made as follows:

By Mr. Young:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 239, an Act to provide for the location of slaughter-houses, corrals, and cattle-pens, in the City and County of San Francisco.

G. A. YOUNG, Chairman.

By Mr. Lynch:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 257, an Act to create the County of Mokelumne, and to provide for its organization

LYNCH, Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
April 1, 1859.

Mr. SPEAKER:—The Senate have, this day, concurred in Assembly amendments to Senate bill No. 47, an Act to authorize the Board of Supervisors of Sutter County to construct a bridge across Feather River, and levy a special tax therefor.

E. C. PALMER, Secretary of Senate.

SPECIAL ORDER.

Substitute for Senate Joint-Resolution No 8, in relation to fraudulent Mexican land-grants, was taken up, to reconsider the vote by which the House passed the same, as amended.

Mr. Cahalan moved a call of the House, which was sustained, and the following members were absent, viz.: Messrs. Briggs, Cope, Hill, Holman, Moore of San Francisco, Shepard, Wing, and Whitney.

Further proceedings under the call were dispensed with

On reconsidering the vote, Messrs. Lies, Buck, and Mount, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Aud, Bates, Burdick, Caldwell, G. N. Douglass, Dunlap, Eagon, Ellis, Ensworth, Hancock, Lies, Lightner, Lynch, Malarin, Mount, Pico, Rodgers, Slingerland, Sloss, Springer, Squires, Street, Tipton, Torres, Tully, Vaughan, Whealdon, Whitman, Young, and Mr. Speaker—30.

NOES—Messrs. Armstrong, Banks, Barclay, Buck, Cahalan, Cannon, Cherry, Condee, Crenshaw, Cutler, Daggett, Davis, DeLong, G. A. Douglas, Dow, Fuller, Gregory, Gwinn, Hines, Howe, Imus, Jackson, Johnson, Lamar, Laspeyre, Lefever, Lull, Murray, Pixley, Roane, Robberson, Shannon, Sheridan, Taylor, and Watkins—36.

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

Resolved, That during the remainder of the session, no person shall be permitted to come within the Bar of the House, except members of the Assembly and Senate and officers of the same, officers of the State Government, reporters, and ladies; and such others only as may be invited by express leave, unanimously given, and all resolutions heretofore adopted conflicting with this resolution are hereby rescinded.

Assembly bill No. 275, an Act to amend an Act entitled an Act to reduce and establish the salaries of officers and pay of members of the Legislature, approved April twenty-first, one thousand eight hundred and fifty-six.

Mr. Moore of Nevada moved the previous question.

Sustained.

On re-consideration, Messrs. Springer, Sheridan, and Cahalan, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Aud, Banks, Caldwell, Cannon, Coleman, Cutler, Davis, Fuller, Hines, Howe, Imus, Jackson, Lamar, Murray, Pixley, Roane, Shannon, Slingerland, Sloss, Springer, Squires, Street, Taylor, Tully, Vaughan, and Watkins—26.

NOES—Messrs. Armstrong, Buck, Cahalan, Cherry, Crenshaw, Dag-

gett, G. N Douglass, Dow, Eagon, Ellis, Gregory, Gwinn, Hancock, Johnson, Laspeyre, Lefever, Lies, Lightner, Lull, Lynch, Malarin, Moore of Nevada, Mount, Robberson, Rodgers, Sheridan, Tipton, Torres, Whealdon, Wing, Whitman, Whitney, Young, and Mr. Speaker—34.

GENERAL FILE RESUMED.

Assembly bill No. 216, an Act to provide for the disposal of the sixteenth and thirty-sixth sections of land, donated to this State for school purposes, by Act of Congress, passed March third, one thousand eight hundred and fifty-three—to appropriate the proceeds of the sale thereof to the credit of the General School Fund—

Mr Moore of Nevada, moved the previous question.

Sustained.

On the passage of the bill, Messrs. Springer, Burdick, and Lamar, demanded the ayes and noes, and it was passed, by the following vote:

AYES—Messrs. Armstrong, Banks, Buck, Caldwell, Cahalan, Cannon, Cherry, Coleman, Daggett, Dow, Eagon, Fuller, Imus, Jackson, Lies, Lightner, Lull, Malarin, Moore of Nevada, Mount, Murray, Pixley, Robberson, Rodgers, Shannon, Slingerland, Sloss, Springer, Street, Taylor, Torres, Watkins, Whealdon, Whitney, and Young—35.

NOES—Messrs. Burdick, Condee, Crenshaw, Davis, G. N. Douglass, Ellis, Gregory, Gwinn, Hancock, Hines, Howe, Johnson, Lamar, Laspeyre, Lefever, Lynch, Roane, Sheridan, Squires, Tipton, Tully, Vaughan, Wing, Whitman, and Mr. Speaker—25.

Mr. Street gave notice of reconsideration.

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

Resolved, That no member shall be allowed to speak more than twice, nor longer than ten minutes at a time, on any question, unless by the unanimous consent of the House.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
April 1, 1859.

MR. SPEAKER:—The Senate, this day, adopted Senate Concurrent-Resolution No 33, "Requesting the Postmaster-General to divide any mail contracts hereinafter made for the conveyance of the United States Mails from New York to San Francisco," and ask the concurrence of the Assembly.

E. C. PALMER, Secretary of Senate.

Senate Concurrent-Resolution No. 33, above reported, taken up, amended, and concurred in.

SENATE CHAMBER,
April 1, 1859.

MR. SPEAKER:—The Senate, on yesterday, concurred in Assembly Concurrent-Resolution No. 40, "Relative to a Mail-route from the sink of the Humboldt to Marysville."

Also, passed Assembly bill No. 141, "An Act to change the name of Frederick Ferdinand Seidenbinder to Frederick Ferdinand Seiden."

Also, Assembly bill No. 214, "An Act to provide for the payment of judgments against the City, and City and County of San Francisco."

Also, Assembly bill No. 206, "An Act to regulate salmon fisheries on Eel River, Humboldt County."

Also, herewith transmit to the Assembly certain papers and communications relative to William A. King, Treasurer of Mariposa County.

Also, have passed Senate bill No. 239, "An Act in relation to trial-jurors in the Court of Sessions, and County Courts, of certain Counties of this State."

Also, Senate bill No. 240, "An Act to repeal an Act relative to the creation of Pa-Utah County."

E. C. PALMER, Secretary of Senate.

Senate bill No. 240, above reported, read first and second times, rules suspended, read third time, and passed.

Mr. Whealdon gave notice to reconsider.

Mr. Pixley moved to adjourn.

Lost.

Senate bill No. 239, above reported, read first and second times, and referred to delegations named in bill.

REPORTS.

Reports were made as follows:

By Mr. Squires:

MR. SPEAKER:—Your Committee on Public Expenditures and Accounts have examined the account of the Chief-Clerk, of April first, for writing done:

In the Journal, folios	865
For Printer, and House, folios	1,201
Total	2,066

Amounting to the sum of two hundred and forty-nine and eighty-five hundredths dollars, and found the same correct, as per report of your Auditing Committee.

OGDEN SQUIRES, Chairman.

Also:

MR. SPEAKER—The El Dorado Delegation, to whom was referred Senate bill No. 233, an Act to fix the terms of the County Court and Court of Sessions, of the County of El Dorado, have had the same under consideration, and requested me to report the same back to the House, and recommend its passage.

OGDEN SQUIRES, for the Delegation.

By Mr. Gwinn, from majority of Committee on Roads and Highways:

MR. SPEAKER:—The Committee on Roads and Highways, to whom was referred Assembly bill No. 302, an Act appropriating money for the completion of a wagon-road over the Sierra Nevadas, at Noble's Pass: a majority of the Committee have instructed me to report the same back to the Assembly, and recommend its passage.

GWINN, Chairman.

By Mr. Springer, from minority of same Committee:

MR. SPEAKER:—The undersigned, minority of the Committee on Roads and Highways, to whom was referred Assembly bill No. 302, entitled an Act for the completion of a wagon-road over the Sierra Nevada, at Noble's Pass, beg leave to submit the following minority report:

It is an axiom of Government to establish such laws and regulations as will confer the greatest good to the greatest number.

The greatest drawback at this time to the posperity of California, is the want of population, and to encourage immigration to our State should be the great and constant object of this and all future Legislatures.

That the construction of roads by the various routes entering our fertile valleys and rich mining districts would give encouragement to immigration, no one will deny, yet we must not overlook the fact, that the imposing of the additional tax necessary for making these improvements would not only neutralize the object intended, but would deter future immigration, and drive from our borders, as is the case already, population and capital already here.

Our people are already groaning under a taxation unequaled by any other, and it is but reasonable to suppose that population and capital will seek other States and Territories where their burdens would be less, and their lives and property better protected.

The amount and manner of this appropriation are of such a character as to preclude the possibility of any public benefit.

These are some of the reasons which compel the undersigned to recommend the indefinite postponement of this bill.

J. P. SPRINGER.

By Mr. Banks:

MR SPEAKER:—The San Francisco Delegation, to whom was referred Assembly bill No. 279, an Act to confer further powers and duties upon the Board of Supervisors and the Auditor and Treasurer of the City and County of San Francisco, and to authorize them to perform certain acts therein mentioned, having examined the same, report it back to the House, with a substitute, and recommend the passage of the substitute.

Having also examined Assembly bill No. 247, an act to grant to certain parties the right of laying a railroad track along certain streets within the City and County of San Francisco, they report the same back to the House, with amendments, and recommend its passage as amended.

BANKS, for the Delegation.

By Mr. Lynch:

MR. SPEAKER:—The Committee on Engrossment report, as correctly engrossed:

Assembly bill No. 71, 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, passed April twenty-ninth, one thousand eight hundred and fifty-one, and the several acts amendatory thereto.

Also, Assembly bill No. 250, an Act to grant the right to improve the navigation of Petaluma Creek.

Also, Assembly bill No. 56, an Act concerning the organization of the militia.

Also, Assembly bill No 311, an Act supplementary to, and amendatory of, an Act entitled an Act to define the boundaries and provide for the organization of Mendocino county, approved March eleventh, one thousand eight hundred and fifty-nine.

Also, Assembly bill No 304, an Act supplementary to, and explanatory of, an Act entitled an Act concerning roads and highways in the county of Nevada, approved March second, one thousand eight hundred and fifty-nine.

LYNCH, Chairman.

By Mr. Whitman:

MR. SPEAKER:—The delegation to whom was referred Assembly bill No. 273, being an Act to encourage the supply of fresh water on the desert west of Fort Yuma, and also petitions, having had the same under consideration, report it back, with amendments, and recommend its passage, as amended.

WHITMAN,
ENSWORTH,
HANCOCK.

MESSAGES FROM THE BOARD OF EXAMINERS.

The following messages were received from the Governor, and the accounts therein referred to the Committee on Claims.

OFFICE BOARD OF EXAMINERS,
April 1, 1859.

To the Assembly of California:

I herewith transmit, to your honorable body, a claim which has been examined by the Board of Examiners, and rejected, viz.: claim of Monk against the State.

JOHN B. WELLER,
President Board of Examiners.

OFFICE BOARD OF EXAMINERS,
April 1, 1859.

To the Assembly of California:

I herewith transmit, to your honorable body, a claim which has been examined by the Board of Examiners, and rejected, viz.: claim of Potter against the State, together with the papers, and decision of the Board.

JOHN B. WELLER,
President Board of Examiners.

At fifteen minutes past five o'clock, P. M., on motion of Mr. Howe, the House adjourned.

IN ASSEMBLY.

SATURDAY, April 2, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

The Speaker had leave of absence, for Monday and Tuesday next.

Mr. Lightner moved that the House elect a Speaker *pro tem.*

Carried.

Mr. Squires nominated Mr. Street.

Mr. Burdick nominated Mr. Moore of Nevada.

Mr. Banks nominated Mr. Taylor.

The vote for Speaker *pro tem.* was taken, with the following result:

Names.	Moore.	Street.	Taylor.
Armstrong	1		
Aud		1	
Banks			1
Barclay		1	
Briggs	1		
Buck	1		
Burdick	1		
Caldwell	1		
Cahalan	1		
Cannon		1	
Cherry		1	
Condee		1	
Cutler	1		
Daggett		1	
Davis		1	
DeLong		1	
G. N. Douglass		1	
Dow	1		
Dunlap		1	
Ellis	1		
Ensworth	1		
Gwinn		1	
Hines	1		
Holman	1		
Howe	1		
Imus	1		
Lamar		1	
Laspeyre	1		
Lefever	1		
Lull	1		
Moore of Nevada		1	
Mount	1		
Murray	1		
Pixley		1	

Names.	Moore.	Street.	Taylor.
Robberson		1	
Rodgers	1		
Shannon	1		
Sheridan	1		
Springer	1		
Squires		1	
Street	1		
Tipton		1	
Torres	1		
Tully		1	
Vaughan		1	
Watkins		1	
Whealdon		1	
Wing	1		
Whitman	1		
Whitney	1		
Young	1		
Totals	29	21	1

Mr. Crenshaw voted for Mr. Tully.
Mr Fuller voted for Mr. Aud.
Mr Lightner voted for Mr. Mount.
Mr. Sloss voted for Mr. Pixley.
Mr. Taylor voted for Mr. Watkins.
Mr Moore of Nevada, having received a majority of all the votes cast, was declared elected Speaker *pro tem.*
The oath of office was administered to Mr. Moore, by the Speaker.

GENERAL FILE.

Assembly bill No. 300, an Act for the government of the State-prison, and to create a Director, and defining his powers and duties, and to repeal an Act for the government of the State prison, and to provide for the location of a Branch-prison, approved April twenty-fourth, one thousand eight hundred and fifty-eight, was made the special order for April eighth, one thousand eight hundred and fifty-nine, at one o'clock, P M.
Senate bill No. 203, an Act to appropriate money to pay Charles Forman, and Alfred H Estill, for writing Senate Journals of the Ninth Session, was considered in Committee of the Whole, reported, and recommended.
Read third time, and passed.
Assembly bill No. 318, an Act for the relief of Michael Fennel, substitute for Senate bill No. 207, adopted, considered in Committee of the Whole, reported, and recommended.
Read third time, and passed.
Senate bill No. 221, an Act to audit and allow the claim of Adam Schuppert, was considered in Committee of the Whole, reported, and recommended.
Mr. Ensworth moved to lay the bill on the table.

Upon which, Messrs. G. A. Douglas, DeLong, and Pixley, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Barclay, Buck, Burdick, Crenshaw, Dow, Ensworth, Gregory, Gwinn, Howe, Lamar, Laspeyre, Lefever, Moore of Nevada, Mount, Murray, Roane, Robberson, Rodgers, Springer, Tipton, Vaughan, and Whitney—22.

NOES—Messrs. Aud, Banks, Caldwell, Cahalan, Cannon, Cherry, Cutler, Daggett, DeLong, G. A. Douglas, Eagon, Ellis, Fuller, Hill, Holman, Imus, Jackson, Lightner, Lull, Moore of San Francisco, Pixley, Shannon, Shepard, Sheridan, Sloss, Taylor, Torres, Watkins, Whealdon, Whitman, and Young—30.

Bill read third time, and passed.

Senate bill No. 15, an Act to regulate the creation of homesteads, made special order for April eighth, at one o'clock P. M.

Senate bill No. 103, an Act amendatory of, and supplemental to, an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, one thousand eight hundred and fifty-one, and to repeal an Act amendatory thereof, passed April fifteenth, one thousand eight hundred and fifty-eight, recommitted to Judiciary Committee, with instructions to amend by inserting the *pro rata* feature.

SPECIAL ORDER.

Senate bill No. 176, an Act making an appropriation for the purpose of paying Peter H. Burnett, for back salary due him, as Justice of the Suppreme Court—

On reconsidering the vote by which the House refused to pass the bill, Messrs. Gwinn, Hancock, and Springer, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Aud, Bates, Cahalan, Daggett, Ellis, Ensworth, Hines, Holman, Johnson, Lamar, Laspeyre, Lies, Lightner, Lull, Moore of Nevada, Rodgers, Shannon, Shepard, Torres, and Young—20

NOES—Messrs. Armstrong, Banks, Barclay, Buck, Burdick, Caldwell, Cannon, Cherry, Condee, Crenshaw, DeLong. G. A. Douglas, Dow, Dunlap, Fuller, Gregory, Gwinn, Howe, Imus, Jackson, Lefever, Malarin, Moore of San Francisco, Murray, Pico, Pixley, Roane, Robberson, Sheridan, Sloss, Springer, Squires, Street, Taylor, Tipton, Tully, Vaughan, Watkins, Whealdon, Whitman, and Whitney—41.

Mr. Street moved to reconsider the vote by which the House, on yesterday, passed Assembly bill No. 216, an Act to provide for the disposal of the sixteenth and thirty-sixth sections of land, donated to this State for school purposes, by Act of Congress, passed March third, one thousand eight hundred and fifty-three, to appropriate the proceeds thereof to the credit of the General School Fund.

Mr. Burdick moved the previous question.

Sustained.

On reconsideration, Messrs. Howe, Lamar, and Buck, demanded the ayes and noes, and the House reconsidered, by the following vote:

AYES—Messrs. Aud, Barclay, Bates, Briggs, Burdick, Condee, Crenshaw,

Cutler, Davis, G. N. Douglass, Dunlap, Ellis, Ensworth, Gregory, Gwinn, Hancock, Hines, Holman, Johnson, Lamar, Laspeyre, Lefever, Lightner, Malarin, Mount, Pico, Roane, Robberson, Rodgers, Sheridan, Springer, Squires, Street, Tipton, Torres, Tully, Vaughan, Wing, and Whitman—39.

NOES—Messrs. Banks, Buck, Cahalan, Cannon, Cherry, Daggett, DeLong, Dow, Eagon, Fuller, Howe, Imus, Jackson, Lies, Moore of Nevada, Moore of San Francisco, Pixley, Shannon, Sloss, Taylor, Watkins, Whealdon, and Young—23.

On the passage of the bill, Mr. Robberson moved the previous question.

Which was sustained, and Messrs. Lamar, Burdick, and Whitman, demanded the ayes and noes.

The bill was lost, by the following vote:

AYES—Messrs. Banks, Briggs, Buck, Cahalan, Cherry, Daggett, DeLong, Dow, Eagon, Fuller, Howe, Imus, Jackson, Lies, Moore of Nevada, Moore of San Francisco, Pixley, Shannon, Sloss, Taylor, Watkins, Whealdon, and Mr. Young—23.

NOES—Messrs. Barclay, Bates, Burdick, Condee, Crenshaw, Cutler, Davis, G. N. Douglass, Dunlap, Ellis, Ensworth, Gregory, Gwinn, Hancock, Hines, Holman, Johnson, Lamar, Laspeyre, Lefever, Lightner, Mount, Pico, Roane, Robberson, Rodgers, Sheridan, Springer, Squires, Street, Tipton, Torres, Tully, Vaughan, Wing, and Whitman—36.

Mr. Lull paired off with Mr. Murray.

Mr. Fuller introduced a bill for an Act entitled an Act concerning hogs running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, one thousand eight hundred and fifty-six.

Read first and second times, and referred to the Yuba delegation.

Mr. Slingerland had indefinite leave of absence.

Mr. Pixley, for one day.

And Mr. Connely, for two days.

The following message was received from the Senate:

SENATE CHAMBER,
Tuesday, April 2, 1859.

MR. SPEAKER:—The Senate, this day, refused to concur in Assembly amendments to Senate Concurrent-Resolution No. 33, "Requesting the Postmaster-General to divide any mail contracts hereinafter made for the conveyance of the United States Mails from New York to San Francisco."

Also, adopted Assembly bill No. 318, substitute for Senate bill No. 207, an Act for the relief of Michael Fennel, with an amendment:

Senate amendment—strike out the words in the first section, sixth line, after the words "Asylum," the words "in the year one thousand eight hundred and fifty-six."

E. C. PALMER, Secretary Senate.

The House receded from Assembly amendment to Senate Concurrent-Resolution No. 33, above reported

The House concurred in Senate amendment to Assembly bill No. 318, substitute for No. 207, above reported.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Vaughan, an Act supplementary to an Act to authorize the Board of Supervisors of Sutter County to construct a bridge across Feather River, and levy a special tax therefor, approved April, one thousand eight hundred and fifty-nine.

Read first and second times, and referred to Sutter delegation.

By Mr. Imus, an Act to authorize the sale of real estate, and the transfer of school warrants, belonging to the estate of Peter Tracy, deceased.

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

By Mr. Hines, an Act to change the name of John Henry Kounse, to that of John Lee Cambridge.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Lull, an Act making certain animals property.

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

By Mr. Jackson, an Act to authorize certain persons to reclaim, locate, and pre-empt, certain swamp and overflowed lands, in the County of Sacramento.

Read first and second times, and referred to Committee on Swamp and Overflowed Lands.

By Mr. Johnson, an Act to define the southern boundary-line of Sierra County.

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

By Mr. Dow, an Act amendatory of, and supplementary to, an Act to regulate the estates of deceased persons

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

Mr. Whitman introduced the following resolution:

Resolved, That a Joint Committee, composed of three members from each House, be appointed, to receive any propositions James M. Estill, and his assigns, may desire to make, for the surrender and release of an agreement made between the said Estill, R. M. Anderson, and others, on the twenty-sixth day of March, A. D. one thousand eight hundred and fifty-six, for the lease of the State-prison, and convict-labor of the State, for five years; and for the settlement of any pending suits between said Estill, or his assigns, and the State-Prison Directors, on account of the possession of the Prison, by said Directors; and that said Committee report at their earliest convenience, any such propositions.

Adopted.

REPORTS.

Reports were made as follows:

By Mr. Young:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 178, an Act to procure the translation into the Spanish language, and to provide for printing, such

portions of the Statutes of the years one thousand eight hundred and fifty, and one thousand eight hundred and fifty-one, as are now in force.

Also, Assembly bill No. 202, an Act supplemental to an Act entitled an Act granting certain powers to the Board of Education of the City and County of San Francisco, approved April twenty-sixth, one thousand eight hundred and fifty-eight

Also, Assembly bill No. 38, an Act to regulate the fees of certain officers in Amador County.

Also, Assembly bill No. 296, an Act to remedy the loss of a certain certificate of the Mokelumne Hill Canal and Mining Company

Also, Assembly bill No. 243, an Act to authorize the Courts of Record of this State to admit Adolphus Daniel Grimwood as an Attorney and Counselor-at-Law.

The Committee also return Assembly bill No. 237, an Act supplementary to an Act to regulate fees of office, approved April tenth, one thousand eight hundred and fifty-five, the same having no enacting clause.

GEO. A. YOUNG, Chairman

By Mr. Condee:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 94, an Act concerning jurors in the County of Los Angeles

CONDEE, Member of Committee.

By Mr. Burdick:

MR SPEAKER:—Your Auditing Committe have examined, and find writing done in the Appendix to be:

Appendix	1,236 folios
For Printer	1,236 folios
Total	2,472 folios

BURDICK, Chairman.

By Mr. Aud:

MR SPEAKER:—The Judiciary Committee, to whom was referred petition of citizens of Placer County, relative to Attachment Law, have considered the same, and report the petition back, and recommend that it be considered with Senate bill No. 103, to which it refers.

The same Committee, to whom was referred Senate Concurrent-Resolution No 30, have considered the same, and report the resolution back, and recommend its passage.

The same Committee, to whom was referred Assembly bill No. 303, an Act defining the time for commencing civil actions, passed April twenty-second, one thousand eight hundred and fifty, have considered the same, and report the bill back, and recommend its passage.

The same Committee, to whom was referred Senate bill No. 163, an Act to authorize J. Granville Doll to convey water into the Town of Red Bluff, by means of pumps and pipes, have considered the same, and report the bill back, and recommend its reference to the Tehama delegation.

The same Committee, to whom was referred Assembly bill No. 290, an Act to amend an Act entitled an Act to regulate the settlement of the

estates of deceased persons, passed May first, one thousand eight hundred and fifty-one, have considered the same, and report the bill back, and recommend its passage.

FRANCIS L. AUD, Chairman *pro tem.*

The same Committee, to whom was referred Senate bill No. 171, an Act to amend section five hundred and nine of an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, have considered the same, and report the bill back, and recommend its passage.

The same Committee, to whom was referred Assembly bill No. 118, an Act to authorize the guardian, or guardians, of certain minors, to sell and dispose of their real estate, and chattels real, have considered the same, and report the bill back, with a recommendation that the Assembly concur in the Senate amendment.

The same Committee, to whom was referred Senate bill No. 166, an Act recommending to the electors of this State to vote "for" or "against" a Convention to revise and change the Constitution of this State, have considered the same, and report the bill back, without recommendation.

The same Committee, to whom was referred Senate bill No. 183, an Act to provide for the payment of fees and costs in civil actions, by, and against Counties, have considered the same, and report the bill back, and recommend its passage.

FRANCIS L. AUD, Chairman *pro tem.*

Mr. Lamar verbally reported, and recommended the passage, with amendment, of Senate bill No. 239, an Act in relation to trial-jurors in the Courts of Sessions, and County Courts, of certain Counties of this State.

Committee amendments concurred in.

Mr. Sloss moved a call of the House.

Lost.

Mr. DeLong moved to adjourn.

Lost.

Bill read third time, and passed.

Mr. Squires offered the following resolution:

Resolved, That C. L. Hardenbergh be, and he is hereby, allowed the sum of one hundred and twenty dollars, and the Controller of State is hereby directed to draw his warrant on the State Treasurer in favor of said Hardenbergh, for said sum, payable out of the Contingent Fund of the Assembly; said sum being one-half the amount due the said Hardenbergh, for services rendered as Clerk of the Joint Special Committee appointed to examine the vouchers for the issuance of certain bonds, issued by the State Treasurer, in pursuance of the Act to provide for paying certain equitable claims against the State of California, and to contract a funded debt for that purpose, approved April twenty-eighth, one thousand eight hundred and fifty-seven, and to deface such as were found to be legal.

Adopted.

Mr. Sheridan offered the following resolution:

Resolved, That the following words be stricken from the Forty-Ninth

Rule of this House, to wit: "And 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 vote."

Laid over, under the rule.

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

Resolved, That the Committee on Enrollment are hereby authorized to appoint an additional Clerk on Enrollment, whose compensation shall be eight dollars per day, to be paid out of the Contingent Fund of the Assembly.

PETITIONS.

Petitions were presented as fellows:

By Mr. Whitman:

Of citizens of Marin County, relative to Spanish grants.

Referred to Judiciary Committee.

By Mr. Ellis:

Of citizens of Sacramento, for Sunday law.

Referred to Committee on Public Morals.

Mr. Burdick moved to adjourn.

Lost.

Mr. Whitman verbally reported, without recommendation, Assembly bill No. 278, an Act to authorize Charles Pierce to change his name to Charles G. Howard.

Mr. Eagon moved to adjourn.

Lost.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 2, 1859.

To the Assembly of California:

I have, to-day, approved an Act "to provide for the location of slaughter-houses, corrals, and cattle-pens, in the City and County of San Francisco."

JOHN B. WELLER.

Mr. DeLong moved to adjourn.

Lost.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
April 2, 1859.

MR. SPEAKER:—The Senate, this day, passed Senate bill No. 248, an Act to provide for levying taxes, for County purposes, in Solano County, in the year A. D. one thousand eight hundred and fifty-nine.

Also, Senate bill No. 241, an Act to authorize the administratrix of Patrick N. Madagan, deceased, to sell real estate at private sale.

E. C. PALMER, Secretary of Senate.

Senate bill No. 248, above reported, read first and second times, rules suspended, amended, read third time, and passed.

Senate bill No. 241, above reported, read first and second times, rules suspended, read third time, and passed.

SENATE CHAMBER,
April 2, 1859.

MR. SPEAKER:—The Senate, on yesterday, passed Senate bill No. 244, an Act to change the name of Julien Neuschwander.

Also, Senate bill No 242, an Act to authorize the Common Council of the City of Los Angeles to extend the City limits.

E C. PALMER, Secretary of Senate.

Senate bill No. 244, above reported, read first and second times, and referred to the Judiciary Committee.

Senate bill No. 242, above reported, read first and second times, and referred to the Los Angeles delegation

SPECIAL ORDER OF THE DAY.

Assembly bill No. 223, an Act granting the consent of the Legislature to the formation of a diffierent Government for the Southern Counties of the State—

Reconsideration made special order for Tuesday, April fifth, at two o'clock, P. M.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
April 2, 1859

MR. SPEAKER:—The Senate, on the thirty-first of March, passed Senate bill No. 71, an Act to authorize the establishment of County infirmaries, for the relief of the indigent, and to amend an Act entitled an Act to provide for the indigent sick in the Counties of this State

E. C. PALMER, Secretary of Senate.

Senate bill No. 71, above reported, read first and second times, and referred to the Committee on Hospitals.

SENATE CHAMBER,
April 2, 1859.

MR SPEAKER:—The Senate, on yesterday, concurred in Assembly amendments to Senate amendment to Assembly bill No. 267, an Act to extend an Act concerning hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, one thousand eight hundred and fifty-six;

Also, concurred in Assembly Concurrent-Resolution No. 42, relative to instructing the Attorney-General to procure a re-hearing in the case of McCauley *v* Weller;

Also, passed Senate bill No. 127, an Act extending the privileges of the Homestead Law to certain persons, and to regulate the creation of the same;

Also, have appointed, as a Committee of Conference, on the part of the Senate, to confer on amendments to Senate bill No. 131, an Act making appropriations for the support of the Civil Government of this State for the eleventh fiscal year, commencing on the first day of July, A. D. one

thousand eight hundred and fifty-nine, and ending on the thirtieth day of June, A. D. one thousand eight hundred and sixty, inclusive: Messrs. Merritt, Burton, and Dent.

E. C. PALMER, Secretary of Senate.

Senate bill No. 127, above reported, read first and second times, and referred to the Judiciary Committee.

Mr. Robberson moved to adjourn.

Lost

Mr. Burdick moved to adjourn until Monday morning, at ten o'clock.

Lost.

At three o'clock, P. M., on motion of Mr. DeLong, the House adjourned.

IN ASSEMBLY.

MONDAY, April 4, 1859.

House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of Saturday last was read and approved.

Messrs. Pixley, Lynch, and Hill, had leave of absence, for one day, each.

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

Resolved, By the Assembly, the Senate concurring, that the Enrolling Committee of the Assembly be authorized to insert an enacting clause in Assembly bill No. 237, an Act entitled an Act supplementary to an Act to regulate fees of office, approved April tenth, one thousand eight hundred and fifty-five.

GENERAL FILE.

Assembly bill No. 203, an Act to authorize the incorporation of rural cemetery associations, read third time, and passed.

Senate bill No. 208, an Act to appropriate money for the relief of certain persons—considered as in Committee of the Whole.

Committee reported, and recommended that bill be referred to the Committee on Claims, with instructions to report on sixth of April.

And the bill was so referred.

Assembly bill No. 305, an Act concerning roads and highways in the Counties of Tuolumne, San Joaquin, and Siskiyou—

Mr. Shannon moved to insert the word "Plumas," after the word San Joaquin, in the title, and wherever it occurred in the bill.

Carried.

Rules suspended, considered engrossed, read a third time, and passed.

Senate bill No. 214, an Act for the relief of James Gallagher, considered in Committee of the Whole.

Reported and recommended, read third time, and passed

Assembly bill No 171, an Act to amend an Act entitled an Act concerning offices, passed April twenty-eight, one thousand eight hundred and fifty-one—substitute adopted, amended, and, on motion of Mr. Shannon, was indefinitely postponed

Assembly bill No. 293, an Act to amend an Act entitled an Act to prescribe the mode of drawing grand-jurors, and trial-jurors, in the City and

County of San Francisco, passed April second, one thousand eight hundred and fifty-seven—

Rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 280, an Act supplementary to an Act entitled an Act concerning marks and brands, passed May first, one thousand eight hundred and fifty-one—ordered engrossed.

Senate bill No 111, an Act amendatory of, and supplementary to, an Act entitled an Act to extend the term of office of the Supervisors of El Dorado County, and to change the manner of their election, and define their duties and powers in certain cases. and establish their salaries, approved April sixteenth, one thousand eight hundred and fifty-eight—indefinitely postponed.

Senate bill No. 162, an Act regulating the salaries of certain County officers in Sonoma County—read third time, and passed.

Assembly bill No. 306, an Act to amend an Act entitled an Act to provide for the appointment of a Reporter of the Supreme Court, and to define his duties and compensation—

Mr. Aud moved to refer the bill to the Judiciary Committee, with instructions to report on Wednesday next, upon which, Messrs. Lull, Aud, and Lamar, demanded the ayes and noes, and the house refused, by the following vote:

AYES—Messrs. Aud, Cope, Ensworth, Fuller, Johnson, Lamar, Lull, Rodgers, Shannon, Shepard, Street, and Wing—12

NOES—Messrs. Armstrong, Barclay, Briggs, Buck, Caldwell, Cahalan, Cherry, Coleman, Condee, Crenshaw, Cutler, DeLong, G. A. Douglas, G. N. Douglass, Dow, Eagon, Gregory, Gwinn, Hancock, Hines, Holman, Howe, Imus, Laspeyre, Lefever, Lies, Lightner, Moore of Nevada, Mount, Murray, Pico, Roane, Robberson, Sloss, Squires, Tipton, Watkins, Whitman, Whitney, and Young—40.

Mr. Lamar offered the following amendment, which was lost:

"*And provided*, that the Supreme Court Reporter shall be liable upon his official bond for retaining any papers belonging to the office of the Clerk unnecessarily."

Mr. Young offered the following substitute, which was lost:

"And upon failure of said Reporter to deliver said opinions, transcripts, briefs, and other papers, to the Clerk's office, after he shall have finished using the same, he shall be liable on his official bond."

Pending the consideration of the bill, the Speaker *pro tem.* called the special order of the day, and the further consideration of the bill was suspended, until after the disposition of the special order of the day.

SPECIAL ORDER.

Senate bill No. 110, an Act appropriating money for the completion of a wagon-road over the Sierra Nevadas, was considered as in Committee of the Whole.

Committee rose, reported bill, and recommended its passage.

Mr. Howe moved to adjourn.

Upon which, Messrs. Sloss, Lull, and Springer, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Aud, Barclay, Buck, Burdick, Caldwell, Crenshaw, Dow, Dunlap, Fuller, Gregory, Howe, Lies, Mount, Roane, Rodgers, Springer, Watkins, Wing, and Whitney—19.

NOES—Messrs. Armstrong, Banks, Bates, Briggs, Cahalan, Cannon, Cherry, Coleman, Condee, Cope, Cutler, Daggett, Davis, G. A. Douglas, G. N. Douglass, Ellis, Ensworth, Gwinn, Hancock, Hines, Holman, Imus, Jackson, Johnson, Lamar, Laspeyre, Lightner, Lull, Moore of Nevada, Moore of San Francisco, Murray, Robberson, Shannon, Shepard, Sloss, Squires, Street, Taylor, Tipton, Vaughan, Whitman, and Young—43.

Mr. Burdick moved a call of the House.

Carried.

And the following members were absent, viz.: Messrs. Caine, Cannon, Davis, DeLong, Hancock, Lefever, Lynch, Pico, Sheridan, Torres, Tully, and Whealdon.

Further proceedings under the call were dispensed with.

Mr. Aud moved to adjourn.

Upon which, Messrs. Lull, Sloss, and Squires, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Armstrong, Aud, Barclay, Bates, Buck, Burdick, Caldwell, Cahalan, Crenshaw, Cutler, Dow, Dunlap, Fuller, Gregory, Howe, Imus, Laspeyre, Lies, Mount, Roane, Rodgers, Springer, Wing, and Whitney—24.

NOES—Messrs. Briggs, Cannon, Cherry, Coleman, Condee, Cope, Daggett, Davis, G. A. Douglas, G. N. Douglass, Ellis, Ensworth, Gwinn, Hancock, Hines, Jackson, Johnson, Lamar, Lightner, Lull, Moore of Nevada, Moore of San Francisco, Murray, Robberson, Shannon, Shepard, Sloss, Squires, Street, Taylor, Tipton, Vaughan, Whitman, and Young—34.

Mr. Lull moved the previous question.

Upon which, Messrs. Burdick, Crenshaw, and Aud, demanded the ayes and noes, and it was not sustained, by the following vote:

AYES—Messrs. Briggs, Cherry, Coleman, Condee, Cope, Daggett, Davis, G. A. Douglas, G. N. Douglass, Ellis, Ensworth, Gwinn, Hancock, Hines, Jackson, Johnson, Lull, Moore of San Francisco, Murray, Roane, Robberson, Shannon, Shepard, Sloss, Squires, Street, Tipton, Vaughan, Whitman, and Young—30.

NOES—Messrs. Armstrong, Aud, Barclay, Buck, Burdick, Caldwell, Cahalan, Cannon, Crenshaw, Cutler, Dow, Dunlap, Eagon, Fuller, Gregory, Holman, Howe, Imus, Laspeyre, Lies, Lightner, Malarin, Moore of Nevada, Mount, Rodgers, Springer, Taylor, Watkins, Wing, and Whitney—30.

Mr. Fuller moved to re-commit the bill to Committee on Roads and Highways, with the following instructions:

That the bill be referred to the Committee on Roads and Highways, with special instructions to report amendments, embodying an appropriation of fifteen thousand dollars to the Big-Tree route, fifteen thousand

dollars to the Quincy and Honey-Lake routes, and fifteen thousand dollars to the Downieville and Honey-Lake route, *via* Yuba Pass.

Mr. Hancock offered the following amendment:

Amend the instruction, by adding forty thousand dollars for the repairs on the Great Southern Mail-Route, between San Francisco and Fort Yuma, to wit: Ten thousand dollars for Pacheco Pass; five thousand for Pass of Cajon de los Unas, five thousand for Turner's Pass, five thousand for San Fernando Hill, and fifteen thousand dollars for the San Gorgonio and Fort Yuma road.

The bill was then made the special order for April fifth, at one o'clock P. M.

At half-past five o'clock, P. M., on motion of Mr. Hines, the House adjourned.

IN ASSEMBLY.

TUESDAY, April 5, 1859.

The House met, pursuant to adjournment.

Speaker *pro tem.* in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

GENERAL FILE.

Assembly bill No. 306, an Act to amend an Act entitled an Act to provide for the appointment of a Reporter of the Supreme Court, and to define his duties and compensation—rules suspended, considered engrossed, and, on its passage, Messrs. Hines, Cope, and Lull, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Armstrong, Banks, Barclay, Briggs, Buck, Burdick, Caldwell, Cahalan, Cherry, Coleman, Condee, Crenshaw, Cutler, Daggett, G. A. Douglas, G. N. Douglass, Dow, Dunlap, Eagon, Ellis, Fuller, Gregory, Gwinn, Hines, Holman, Howe, Imus, Jackson, Johnson, Laspeyre, Lefever, Lightner, Malarin, Mount, Murray, Shannon, Sloss, Springer, Squires, Taylor, Tipton, Watkins, Whealdon, Whitman, Whitney, and Young—46.

NOES—Messrs. Aud, Cannon, Cope, Davis, DeLong, Ensworth, Lamar, Lies, Lull, Moore of Nevada, Pico, Rodgers, Shepard, and Wing—14.

Assembly bill No. 309, an Act to amend an Act entitled an Act to regulate fees in office in certain Counties of this State, approved April twenty-eighth, one thousand eight hundred and fifty-seven—rules suspended, considered engrossed, read third time, and passed.

Leave of absence was granted, for one day, each, to Messrs. Tully, Sheridan, Lynch, Lefever, and Torres.

Assembly bill No. 276, an Act to establish the rule of evidence to be observed in the Courts of this State, in certain cases, concerning titles to land—

On motion of Mr. Buck, the third section of the bill was stricken out.

On the indefinite postponement of the bill, Messrs. Coleman, Crenshaw,

Dunlap, demanded the ayes and noes, and the House refused, by the following vote:

AYES — Messrs. Ensworth, Hill, Lies, Malarin, Pico, Rodgers, and Young—7.

NOES—Messrs. Armstrong, Banks, Barclay, Bates, Buck, Burdick, Caldwell, Cahalan, Cannon, Coleman, Condee, Crenshaw, Cutler, Daggett, Davis, DeLong, Dow, Dunlap, Eagon, Fuller, Gwinn, Hines, Holman, Howe, Imus, Jackson, Lamar, Laspeyre, Lefever, Lightner, Lull, Moore of Nevada, Murray, Pixley, Roane, Robberson, Shannon, Shepard, Sloss, Springer, Street, Taylor, Tipton, Vaughan, Watkins, Whealdon, and Whitney—47.

And the bill was ordered engrossed.

The Speaker *pro tem.* announced, as the Committee on the part of the House, under Assembly Concurrent-Resolution No. 43, concerning the contract between the State and James M. Estill, relative to the State-prison, Messrs. Whitman, Lightner, and Cahalan.

Assembly bill No 247, an Act to grant to certain parties the right of laying a railroad track along certain streets within the City and County of San Francisco—delegation amendments adopted.

Mr. Banks moved to strike out the word "if," in last line of section six, and insert "on."

Adopted.

Mr. Taylor moved to strike out the word "bill," in fourth line of section six, and insert "Act."

Adopted.

Mr. Lightner moved to amend the first section so as to leave the road commence at the junction of First and Howard streets.

Adopted.

Mr Whitman moved a call of the House.

Which was sustained.

And the following members were absent without leave, viz.: Messrs. Briggs, Davis, Howe, Moore of San Francisco, and Murray.

The Sergeant-at-Arms was dispatched for the absentees.

Further proceedings under the call were dispensed with.

SPECIAL ORDER.

Pending the further consideration of the bill, the Speaker *pro tem.* announced the special order of the day, being Senate bill No. 110, an Act appropriating money for the completion of a wagon-road over the Sierra Nevadas.

On motion of Mr. Squires, the bill was made the special order for April sixth, at a quarter past one o'clock, P. M.

FURTHER SPECIAL ORDER

The reconsideration of the vote by which the House passed Assembly bill No. 223, an Act granting the consent of the Legislature to the formation of a different Government for the Southern Counties of the State—

Mr. Shannon moved a call of the House.

Lost.

Mr Buck moved the previous question.

Lost.

Mr. Gregory moved a call of the House.

Lost.

On reconsideration, Messrs. Shannon, Whitman, and Springer, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Aud, Banks, Barclay, Cahalan, Cannon, Cherry, Cutler Daggett, DeLong, Dow, Dunlap, Ellis, Ensworth, Fuller, Gregory, Hill Laspeyre, Lull, Murray, Pixley, Rodgers, Shannon, Shepard, Springer Squires, Wing, and Whitney—27.

NOES—Messrs. Armstrong, Bates, Briggs, Buck, Caldwell, Coleman Crenshaw, G. A. Douglas, G. N. Douglass, Eagon, Gwinn, Hancock, Hines Howe, Jackson, Johnson, Lamar, Lies, Malarin, Moore of Nevada, Mount Pico, Roane, Robberson, Sheridan, Sloss, Street, Vaughan, Watkins, Whealdon, Whitman, and Young—32.

REPORTS.

Reports were made as follows:

By Mr. Lightner:

MR. SPEAKER:—Your Committee on Claims, to whom was referred the claim of Frank Denver, for work done and material furnished the Supreme Court, in the month of July, one thousand eight hundred and fifty five;

And the claim of E Derbee, for publishing proclamations of Governor Bigler, in the year one thousand eight hundred and fifty-four;

And the claims of Thomas Monks, for services rendered as a private, in the National Lancers, during the insurrection in the City of San Francisco, in the month of June, one thousand eight hundred and fifty-six;

And the claim of Joseph Bridger, for transporting three State-prisoners from the County of San Bernardino to the State-prison, being for balance claimed by him in the sum of one hundred dollars, for mileage;

Have had the same under consideration, and report same back, and recommend they be rejected.

LIGHTNER, Chairman.

Also, by Mr. Lightner:

MR. SPEAKER:—Your Committee on Claims, to whom was referred the claim of Edward Potter, for arresting the murderers of Frank Lane, in the month of April, one thousand eight hundred and fifty-eight;

And the claim of Gray & Hickman, for balance due them for blankets sold State Insane Asylum, in the month of November, one thousand eight hundred and fifty-eight;

And the claim of M. G. King, for services as Draughtsman in Land Office, in December, one thousand eight hundred and fifty-eight, and January, one thousand eight hundred and fifty-nine;

And the claim of Wilson Halsey, for services as Clerk in the State Land Office, in December, one thousand eight hundred and fifty-eight, and January, one thousand eight hundred and fifty-nine;

And the claim of Thomas K. Monks, for services as Clerk to Select Committee of the Assembly, in the month of February, one thousand eight hundred and fifty-five;

And the claim of N. A. H. Ball, for services as Clerk in investigating the books of the late ex-Treasurer, Henry Bates;

And the claim of C. W. Robinson, for conveying insane (Prison) con-[illegible] to the Insane Asylum, in the month of March, one thousand eight [illegible] and fifty-eight;

And the claim of Dr. A. W Taliaferro, for conveying two insane con-[illegible] to the State Insane Asylum in the month of July, one thousand [illegible] hundred and fifty-eight;

And the claim of T. R. Eldredge, for translating Reports of the Legis-[illegible]ure, for the year one thousand eight hundred and fifty-six, into the [illegible]rench language;

And the claim of C. T. Meader & Co., for furnishing groceries to the [illegible] Insane Asylum, in the year one thousand eight hundred and fifty-[illegible], and one thousand eight hundred and fifty-seven;

Have had the same under consideration, and report the same back, [illegible]h the accompanying bills, and recommend their passage.

LIGHTNER, Chairman.

The bills above reported were read first and second times. and placed [illegible] file.

By Mr. Street:

Mr. Speaker:—The Committee on Ways and Means, to whom was re-[illegible]d Senate bill No. 196, "An Act for the relief of William A. King, [illegible]easurer of Mariposa County," have had the same under consideration, [illegible] now report it back, a majority of the Committee recommending its [illegible].

The same Committee have, also, considered Assembly bill No. 199, "An [illegible] to amend an Act entitled an Act to regulate fees in office," approved [illegible]pril tenth, one thousand eight hundred and fifty-five, and report the [illegible] back, recommending its indefinite postponement.

STREET, Chairman.

By Mr. Squires:

Mr. Speaker:—Your Committee on Public Expenditures and Accounts [illegible] examined, and found correct, the following accounts, to wit:

Accounts of	Amount.
[illegible]rch 28—Publishers of Placer Herald	$10 00
[illegible]ch 25—Daily Bee	23 00
[illegible]rch 28—San Joaquin Republican	27 00
[illegible]rch 27—Nevada National	30 00
[illegible]pril 4—Los Angeles Star	15 00
[illegible]rch 26—Calaveras Chronicle	18 00
[illegible]pril 4—California Farmer	33 00
[illegible]ch 30—J. Bithell, for stationery	298 50
[illegible]rch 31—J. Dougherty, for papers	34 06
[illegible]rch 31—George H. Lovegrove, Daily Times	14 00
[illegible]rch 31—George I. Lytle, papers	220 80
[illegible]b. 26—Firderer & Caduc, for coal	23 80

Also, have examined account of publishers of Amador Sentinel, of [illegible]ch thirtieth, amounting to the sum of one hundred and forty-five dol-[illegible], and requested me to report the same to the House, and recommend

that the sum of eighty-seven dollars of the same be paid out of the Contingent Fund of the Assembly.

Respectfully,
OGDEN SQUIRES, Chairman.

Adopted.

Also, by Mr. Squires:

MR. SPEAKER:—Your Committee on Public Expenditures and Accounts have examined the account of the Chief Clerk of April fourth, for writing done.

In the Appendix to the Journal, folios	1,[illegible]
For Printer, folios	1,[illegible]
Total	2,4[illegible]

Amounting to the sum of three hundred and nine dollars, and find the same to be correct, as per report of your Auditing Committee.

Respectfully,
OGDEN SQUIRES, Chairman.

By Mr. Condee:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 230, an Act amendatory of an Act to establish a standard of weights and measures, passed March thirtieth, one thousand eight hundred and fifty, and the Act amendatory thereof.

Also, Assembly bill No. 265, an Act to define the head of navigation on the Mokelumne River.

CONDEE, for the Committee.

By Mr. Young:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 214, an Act to provide for the payment of judgments against the City, the County, and the City and County of San Francisco.

Also, Assembly bill No. 146, an Act to change the name of Frederick Ferdinand Seidenbinder to Frederick Ferdinand Seiden.

Also, Assembly Concurrent-Resolution No. 40, relative to mail-[illegible] from Sink of the Humboldt to Marysville.

Also, an Act for the relief of Michael Fennel.

G. A. YOUNG, Chairman.

By Mr. Dunlap:

MR. SPEAKER:—The delegation of the Counties of Colusa, Tehama, and Butte, to whom was referred Senate bill No. 189, an Act to amend an Act entitled an Act concerning the Eighth, Ninth, and Fifteenth Judicial Districts of this State, and the Judges thereof, approved March thirty first, A. D. one thousand eight hundred and fifty-seven, and of an Act amendatory thereto, approved March twenty-fifth, one thousand eight hundred and fifty-eight, beg leave to report the same back to the House, with an amendment, and recommend the passage of the same, amended.

DUNLAP.

By Mr. Whitney:

Mr. Speaker:—The Special Committee appointed to take into consideration that portion of the Surveyor-General's Report relating to school-land warrants, have considered the same, and ask leave to submit the following report, and also the accompanying bill:

Your Committee beg leave to say, that they have, in their investigation of this subject, found that it is of a more difficult nature than they had first supposed, and that from the very imperfect nature of such laws as have heretofore been enacted, the difficulties attending the location of school land-warrants have been very greatly augmented; and these have been increased, from the fact that the present laws have made no provision for the canceling of warrants located.

The principal difficulties seem to be reducible to two: First—that the laws now existing require that warrants shall be located on such lands only as have been surveyed; and secondly, that there was no provision made for canceling warrants when located. Thus, parties having located warrants, and not having canceled them, have again thrown them upon the public, and they have been again located upon other lands, or are still in the hands of parties who may hereafter locate them upon other lands. Again, many warrants are now in the hands of parties who have located them upon lands not subject to location under the present laws. Of the five hundred thousand acres of land donated to this State, it appears that near two hundred and fifty thousand have been permanently located; the outstanding warrants, amounting in the aggregate to more than two hundred and fifty thousand acres, have not as yet been located, or, if located, not approved, from the fact that the lands are unsurveyed.

Your Committtee, impressed with the great advantages to be derived, both in point of revenue to the State, and from the building up of a permanent population by securing to the holders of such warrants a reliable title to their land, have endeavored to frame a law, which, if it is not all they could desire, is, at least, one that will greatly tend to simplify the system of location, and it is hoped will, in most cases, relieve the Register from the embarrassments under which he now labors. The advantages to be derived from a law which will increase, as it is hoped this will, the amount of taxable lands, even at the low estimate of five dollars per acre, to over one million of dollars, are of no small consideration; for it is believed that if a law is passed, permitting the holders of school-land warrants to locate them upon unsurveyed lands, requiring them simply to so connect them by actual survey, with the United States Government surveys, as to enable the Register accurately to connect them with the plats of Government surveys in his office, that all the outstanding warrants will be located in less than one year from this date. There are numerous locations now actually made. It fact, it is believed that of the two hundred and sixty thousand acres yet to be patented, almost the entire amount has been located upon unsurveyed lands; but the parties are barred from obtaining patents, by the fact that the United States Register is not authorized to accept such locations until the lands have been regularly surveyed.

Many warrants have been laid upon isolated spots of land amongst our hills and valleys, the locators hoping thereby to receive, at some future day, when the land shall have been surveyed, a home for themselves and families. Many are actually living upon these lands—the richest and most valuable of our State—and California deriving no revenue from them, because they are unpatented; nor can patents be obtained, though they are

willing and anxious to do so. The present law works an injustice, both to the holders of those land warrants and to the State.

Your Committee can see no good reason why the State should be deprived of this source of revenue, or the holders of warrants be out of the use of their money for years, waiting for a general survey. It is but just that we should adopt some plan to relieve them of this onerous burden. There are divers reasons why those lands should be patented, amongst which we would note that of giving homes to such as are disposed to settle down amongst us, and help us to build up a permanent and industrious population. So long as we withhold from that class of people a title to their lands, just so long will we clog that greatest source of national prosperity—agriculture. We believe that, when a location has been, or may be, made upon unsurveyed lands, and the same shall have been located by a competent surveyor, and properly connected by running lines to or from the nearest Government survey, or the base or standard lines and meridians, in such manner that, when the regular survey shall be made, the location will not interfere with such survey, (as must be the case, if properly done,) and the party making application produce a certificate from the Surveyor-General that such is the case, a certificate of location should issue, and, thereupon, a patent, vesting in such party a title, in fee-simple, to the land, and such location be accepted by the State as part and parcel of the five hundred thousand acres donated to her. There are many other reasons equally potent as those enumerated, but which need not be recited here.

In submitting the accompanying bill for the consideration of your honorable body, your Committee feel free to confess that it is not all it ought to be, nor all they could wish. They have, in view of the many difficulties arising, and likely to arise under the existing laws, endeavored to embody such provisions as, with most good, would be most likely to be productive of least harm. It can not be denied that, under them, some must suffer—in fact, it is hardly within the scope of human wisdom to frame a law which, under the present entangled state of things, would not work a hardship to some. No law that we could possibly devise would meet the approbation of all. We have, therefore, endeavored to act upon general principles of justice; and, upon the axiom that some must suffer, have adopted that plan which seemed most likely to work the least injury to all, leaving those that do suffer, to console themselves with the reflection that justice and the general good required it.

We would further add. that the provisions contained, and the plan suggested in the bill, are the result of thorough investigation into the peculiar nature of the difficulties now met with in this matter, as well as the advice of some of the most eminent jurists in the State.

In conclusion, your Committee would say, that it is their opinion that if the bill should become a law, many of the difficulties under which parties now labor would be obviated, and a large amount of taxable property added to our annual tax-list, that is now of little or no profit, either to the State or individuals; and we earnesly recommend that the bill, with such amendments as may be deemed proper, may be approved by the House, and become a law.

E. C. TULLY,
G. W. WHITNEY, } Committee.
P. P. CAINE,

Report ordered printed.

Assembly bill above reported, read first and second times, and placed on file.

By Mr. Tipton:

MR. SPEAKER:—The Select Committee on the Journalized Proceedings have examined, and find them correctly written, up to Thursday, March thirty-first, inclusive.

TIPTON,
SHANNON.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 2, 1859.

To the Assembly of California:

I have to inform your honorable body that I, this day, approved an Act to procure the translation into the Spanish language, and to provide for printing, such portions of the Statutes of the year one thousand eight hundred and fifty, and one thousand eight hundred and fifty-one, as are now in force,

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 3, 1859.

To the Assembly of California:

I hereby inform your honorable body that, I approved, on Saturday last, "An Act to remedy the loss of a certain certificate of the Mokelumne Hill Canal and Mining Company;

Also, "An Act supplemental to an Act entitled an Act to regulate proceedings in criminal cases, passed April the twenty-ninth, eighteen hundred and fifty-one, approved February twenty-first, one thousand eight hundred and fifty-nine.

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 5, 1859.

To the Assembly of California:

I hereby inform your honorable body that, on yesterday, I approved an Act supplemental to an Act granting certain powers to the Board of Education, of the City and County of San Francisco, approved April twenty-sixth, one thousand eight hundred and fifty-eight.

JOHN B. WELLER.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
April 5, 1859.

MR. SPEAKER:—The Senate, on yesterday, passed Senate bill No. 154, an Act amending an Act entitled an Act to provide revenue for the support of the Government of this State, passed April twenty-ninth, one thousand eight hundred and fifty-seven;

Also, Senate bill No. 184, an Act making appropriations for deficien-

cies in the appropriations made for the tenth fiscal year, ending the thirtieth day of June, A. D. one thousand eight hundred and fifty-nine.

E. C. PALMER, Secretary Senate.

Senate bills Nos. 154 and 184, above reported, read first and second times, and referred to the Committee on Ways and Means.

SENATE CHAMBER,
April 5, 1859.

MR. SPEAKER:—The Senate have, this day, passed Senate substitute for Assembly bill No. 184, "An Act to amend an Act entitled an Act to authorize the Treasurer of the City and County of San Francisco to pay certain demands on the School Fund;"

Also, Senate bill No. 243, "An Act to amend an Act to authorize George H. Ensign, and others, owners of the 'Spring Valley Water-works,' to lay down water-pipes in the public streets of the City and County of San Francisco, passed April twenty-second, one thousand eight hundred and fifty-eight."

E. C. PALMER, Secretary Senate.

Senate substitute for Assembly bill No 184, above reported, read first and second times, and referred to San Francisco delegation.

Senate bill No. 243, above reported, read first and second times, and placed on file

SENATE CHAMBER,
April 4, 1859.

MR SPEAKER:—The Senate, on Saturday, passed Senate bill No. 161, "An Act relating to the possession of lands, the recording of conveyances, and the effect thereof;"

Also, Assembly bill No. 163, an Act amendatory of an Act entitled an Act to provide for the sale and reclamation of the swamp and overflowed lands of this State, approved April twenty-first, one thousand eight hundred and fifty-eight, with amendments, and ask the concurrence of the Assembly.

E. C. PALMER, Secretary Senate.

Senate bill No 161, above reported, read first and second times, and referred to Judiciary Committee.

Senate amendment to Assembly bill No 163, above reported, referred to Committee on Swamp and Overflowed Lands.

SENATE CHAMBER,
April 4, 1859.

MR SPEAKER:—The Senate, on the second instant, passed Assembly bill No 504, an Act supplementary to, and explanatory of, an Act entitled an Act concerning roads and highways in the County of Nevada, approved March second, one thousand eight hundred and fifty-nine;

Also, Assembly bill No. 294, an Act supplemental to an Act entitled an Act to provide revenue for the suppert of the Government, passed April twenty-nine, one thousand eight hundred and fifty-seven, and refused to concur in Assembly amendments to Senate bill No. 147, "An Act to compensate the Warden of the State-prison."

E. C. PALMER, Secretary of Senate.

The House refused to recede from its amendments to Senate bill No

147, above reported, and appointed Messrs. Street, Whitman, and Condee, a Committee on Conference.

SENATE CHAMBER,
April 4, 1859.

MR. SPEAKER:—The Senate, on the second day of April, passed Senate bill No. 251, an Act fixing the terms of the County Court, Probate Court, and Court of Sessions, in Counties therein named.

Also, Senate bill No. 252, "An Act relating to the office of Sheriff in the County of San Mateo."

Also, on yesterday, Senate bill No. 167, "An Act concerning roads and highways in the City and County of San Francisco."

Also, Senate bill No. 205, an Act ceding jurisdiction to the United States over certain lands.

Also, Senate bill No. 210, an Act to provide for settling the boundary-line between the Counties of Yuba and Butte.

E. C. PALMER, Secretary of the Senate.

Senate bills No. 251 and 252, above reported, read first and second times, and placed on file.

Senate bill No. 167, above reported, read first and second times, and referred to San Francisco delegation.

Senate bill No. 205, above reported, read first and second times, and referred to Judiciary Committee

Senate bill No 210, above reported, read first and second times, and referred to delegation named in bill.

SENATE CHAMBER,
April 5, 1859.

MR. SPEAKER:—The Senate, on yesterday, passed Assembly bill No. 264, an Act to regulate the fees of certain officers, and witnesses, and jurors, in the County of El Dorado, with amendments, and ask the concurrence of the Assembly.

Also, have concurred in Assembly Concurrent-Resolution No 44, relative to enacting clause to Assembly bill No. 237.

Also, passed Assembly bill No 322, an Act to change the name of John Henry Kounse to that of John Lee Cambridge.

Also, Assembly bill No. 234, An Act to change the time of holding the terms of the District Court, Court of Sessions, County Court, and Probate Court, within the Second Judicial District.

Also, Assembly bill No 256, an Act to define the boundary-line of Tuolumne County, with an amendment, and ask the concurrence of the Assembly.

Also, Assembly bill No 311, an Act supplementary to, and amendatory of, an Act entitled an Act to define the boundaries and provide for the organization of Mendocino County, approved March eleventh, one thousand eight hundred and fifty-nine.

Also, Assembly bill No. 192, substitute for Senate bill No 16, "An Act to legalize the acknowledgments heretofore taken by any Deputy Clerk of the late Superior Court of the City of San Francisco, or by any Deputy County Recorder within this State," with an amendment, and ask the concurrence of the Assembly.

Also, have concurred in Assembly Concurrent-Resolution No 43, "Concerning contracts between the State and James M. Estill, relative to the State-prison."

Also, Assembly bill No. 113, "An Act to provide for the administration

of the Fire Bond Sinking Fund, of the City and County of San Francisco," with an amendment, and ask the concurrence of the Assembly.

Also, Assembly bill No. 186, an Act for the relief of purchasers of lands from the State of California," with amendments, and ask the concurrence of the Assembly.

Also, have concurred in Assembly amendments to Senate bill No 248, "An Act to provide for levying taxes, for County purposes, in the County of Solano," for the year one thousand eight hundred and fifty-nine.

Also, have concurred in Assembly amendments to Senate bill No. 239, "An Act in relation to trial-jurors in the Courts of Sessions, and County Courts, in certain Counties in this State."

E. C. PALMER, Secretary of the Senate.

The House concurred in Senate amendments to Assembly bills Nos. 113, 186, 192, above reported.

Assembly bill No. 264, above reported, referred to El Dorado delegation.

Senate amendments to Assembly bill No. 256, above reported, referred to Tuolumne delegation.

NOTICES OF BILLS.

Notes of the introduction of bills were given as follows:

By Mr. Whitman, an amendment to No. 1 of the Standing Rules.

By Mr. Young, an Act to pay certain claims for legal services rendered the State.

By Mr Daggett, an Act amendatory of an Act appointing a commission to apportion the debt of Klamath County.

By Mr. Ellis, an Act to authorize the sale of real estate of the late William E. P. Hartnell, deceased.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Street, an Act to provide for condemning or purchasing certain lands adjoining the State-prison grounds, at San Quentin, for State-prison purposes

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Whitman, an Act for the purpose of obtaining artesian or other water on the Colorado Desert, and to appropriate money therefor.

Read first and second times, and referred to Committee on Internal Improvements.

By Mr. Dunlap, an Act to settle the title to the land on which Red Bluff is situated.

Read first and second times, and referred to the Committee on Public Lands, together with remonstrance.

By Mr. Laspeyre, an Act for the suppression of chain-gangs in the Cities and Towns of this State.

Read first and second times, and referred to Committee on Public Morals.

Also, an Act supplementary to, and amendatory of, the Act of April sixteenth, one thousand eight hundred and fifty, concerning crimes and punishments, and the Acts amendatory thereof.

Read first and second times, and referred to the Judiciary Committee

By Mr. Taylor, an Act amendatory of, and supplementary to, an Act to

provide revenue for the support of the Government of this State, approved April twenty-ninth, one thousand eight hundred and fifty-seven.

Read first and second times, and referred to San Francisco delegation.

By Mr. Daggett, an Act in relation to the appointment of a pilot for the bay and harbor of Crescent City.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Robberson, an Act supplementary to, and amendatory of, an Act entitled an Act to allow Lindley Carson to sell certain real estate, approved April twenty-first, one thousand eight hundred and fifty-eight. Read first and second times, and placed on file.

By Mr Hancock, an Act to enable guardians of minor heirs to sell real estate at private sale.

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

By Mr Roane, an Act to repeal an Act entitled an Act to repeal an Act entitled an Act to provide for the construction of canals, and for draining and reclaiming certain swamp and overflowed lands in Tulare Valley, approved April eleventh, one thousand eight hundred and fifty-seven, which became a law on the twentieth day of April, A. D. one thousand eight hundred and fifty-eight.

Read first and second times, and referred to Committee on Corporations.

By Mr. Whitman, an Act to amend an Act entitled An Act defining the legal distances from each County-seat to the Capitol, Lunatic Asylum, and State-prison, approved April twenty-fourth, one thousand eight hundred and fifty-eight

Read first and second times, and referred to Los Angeles delegation.

By Mr. Ellis, an Act to authorize the issuance of duplicates for certain lost school-land warrants

Read first and second times, and placed on file.

Mr. Laspeyre offered the following resolution:

Resolved, That all bills be taken from unfinished business, and be placed on general file.

Upon the adoption of the resolution, Messrs. Cherry, Taylor, and Cahalan, demanded the ayes and noes, and it was lost, by the following vote:

AYES—Messrs Aud, Briggs, Caldwell, Cahalan, Crenshaw, Dow, Eagon, Ellis, Gwinn, Hancock, Hines, Holman, Howe, Imus, Johnson, Lamar, Laspeyre, Lightner, Moore of Nevada, Roane, Robberson, Rodgers, Shannon, Vaughan, Whitman, and Young—26.

NOES—Messrs. Banks, Buck, Cannon, Cherry, Coleman, Condee, Cutler, Davis, G. N. Douglass, Dunlap, Fuller, Gregory, Jackson, Lies, Lull, Malarin, Murray, Pico, Shepard, Sheridan, Sloss, Springer, Squires, Street, Taylor, Tipton, Watkins, Whealdon, and Wing—28.

Mr. Murray moved that Assembly Concurrent-Resolution No 41, relative to Chinese immigration, be made the special order for Thursday, at quarter-past one o'clock, P. M.

Lost.

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

Resolved, That Frank M. Schell, who has been appointed to take charge

of the rooms of the Committees of Ways and Means, Judiciary, and other Committees of this House, be, and he is hereby, allowed two dollars per diem additional pay, from the date of his appointment, to be paid out of the Contingent Fund of the Assembly.

Mr. Howe offered the following resolution:

Resolved, That no new business shall be introduced into this House after Tuesday, the twelfth of April.

Laid over, under the rule.

On motion of Mr. Holman, Assembly bill No. 130, an Act to amend an Act entitled an Act concerning corporations, passed April twenty-second, one thousand eight hundred and fifty, was made the special order for April seventh, at quarter-past one o'clock, P. M.

Mr. Whitman offered a Joint-Resolution relative to the cession of land by the General Government.

Read first and and second times, and referred to Southern delegation.

Mr. Lightner moved to take from the table Senate Concurrent-Resolution No 31, relative to printing five thousand copies of the transactions of the California State Agricultural Society.

Carried.

Mr. Lull moved to amend by inserting, after the words "two thousand," the words, "of which shall be."

Adopted.

Mr. Lamar moved to indefinitely postpone the whole matter.

Upon which, Messrs. Lull, Jackson, and Taylor, demanded the ayes and noes, and it was indefinitely postponed, by the following vote:

AYES—Messrs Aud, Caldwell, Cahalan, Coleman, Condee, Crenshaw, Cutler, G. N. Douglass, Dow, Dunlap, Eagon, Hancock, Holman, Johnson, Lamar, Laspeyre, Lies, Lightner, Moore of Nevada, Roane, Robberson, Springer, Tipton, Vaughan, Watkins, Wing, and Young—27.

NOES—Messrs Banks, Briggs, Cannon, Cherry, Ellis, Fuller, Gwinn, Hines, Howe, Imus, Jackson, Lull, Malarin, Murray, Rodgers, Shannon, Shepard, Sheridan, Sloss, Street, Taylor, Whealdon, and Whitman—23.

At fifteen minutes past six o'clock, P. M. on motion of Mr. Springer, the House adjourned until ten o'clock, A. M., to-morrow.

IN ASSEMBLY.

WEDNESDAY, April 6, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

COMMUNICATION FROM THE ATTORNEY-GENERAL.

The following communication was received from the Attorney-General:

ATTORNEY-GENERAL'S OFFICE,
April 6, 1859.

To the Legislature of California:

I have the honor to report that I filed a petition for a re-hearing in the case of John F. McCauley *vs.* John B. Weller, Governor, on the fourth instant, and procured an order, as follows:

McCauley vs. Weller.—It is ordered, that all proceedings on the decision rendered in the above-entitled cause be stayed for twenty days, and until the petition for re-hearing is determined.

FIELD, J.
TERRY, C. J.

I am, respectfully, etc.,
THOS. H. WILLIAMS,
Attorney-General.

APRIL 5, 1859.

The following resolution was offered by Mr. Holman, and adopted:

Resolved, That Hon. F. M. Warmcastle, of Contra Costa County, be invited to a seat within the bar of this House

GENERAL FILE.

Assembly bill No 247, an Act to grant to certain persons the right of laying a railroad track along certain streets within the City and County of San Francisco—

Mr. Pixley moved that the ayes and noes be called on the amendment offered by Mr. Lightner to the bill, on yesterday.

Ruled out of order by the Chair.

And Mr. Banks appealed.

Mr. Lamar moved the previous question.

Upon which, Messrs. Pixley, Whitman, and Banks, demanded the ayes and noes, and it was sustained, by the following vote:

AYES—Messrs. Armstrong, Aud, Barclay, Bates, Briggs, Cahalan, Condee, Crenshaw, Cutler, Daggett, Davis, Dunlap, Eagon, Ellis, Gregory, Gwinn, Hancock, Hines, Howe, Laspeyre, Lefever, Lightner, Moore of Nevada, Roane, Robberson, Rodgers, Squires, Street, Watkins, Wing, Whitney, and Young—32.

NOES—Messrs. Banks, Caldwell, Cannon, Cherry, Coleman, Cope, DeLong, G. N. Douglass, Ensworth, Fuller, Hill, Holman, Imus, Jackson, Lamar, Lull, Murray, Pixley, Shannon, Shepard, Sloss, Springer, Taylor, Tipton, Whealdon, and Whitman—26.

On the question, shall the decision of the Chair stand as the judgment of the House, Messrs. Banks, Cherry, and Hill, demanded the ayes and noes, and the decision of the Chair was sustained, by the following vote:

AYES—Messrs. Armstrong, Aud, Barclay, Bates, Briggs, Burdick, Caldwell, Cahalan, Coleman, Condee, Connely, Cope, Crenshaw, Cutler, Daggett, Davis, G. A Douglas, G. N Douglass, Dow, Dunlap, Eagon, Ellis, Gwinn, Hancock, Hines, Holman, Howe, Imus, Jackson, Johnson, Lamar, Laspeyre, Lefever, Lightner, Murray, Robberson, Rodgers, Shannon, Shepard, Sheridan, Springer, Street, Taylor, Watkins, Whealdon, Wing, Whitman, Whitney, and Young—49.

NOES—Messrs. Banks, Cherry, DeLong, Ensworth, Fuller, Gregory, Hill, Lull, Pixley, and Tipton—10.

On ordering the bill engrossed, Messrs. Pixley, Hill, and Lightner, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Banks, Caldwell, Cherry, G. N. Douglass, Ellis, Moore of Nevada, Pixley, Rodgers, Shannon, Shepard, Springer, Taylor, Watkins, Whealdon, Whitney, Young, and Mr. Speaker—17.

NOES—Messrs. Armstrong, Barclay, Bates, Briggs, Burdick, Cahalan, Cannon, Condee, Connely, Cope, Crenshaw, Cutler, Daggett, Davis, De Long, G. A. Douglas, Dow, Dunlap, Eagon, Fuller, Gregory, Gwinn, Hancock, Hill, Hines, Holman, Howe, Imus, Jackson, Johnson, Lamar, Laspeyre, Lefever, Lightner, Lull, Murray, Pico, Roane, Robberson, Sheridan, Street, and Wing—42.

Assembly bill No. 310, an Act to authorize the Board of Supervisors of the County of Mendocino to levy an additional tax for county purposes, rules suspended, considered engrossed.

Read third time and passed.

Assembly bill No. 212, an Act to amend an Act entitled an Act to regulate fees in office in the City and County of San Francisco—House refused to indefinitely postpone.

Bill returned to file

Senate bill No 143, an Act amendatory of an Act entitled an Act to regulate fees in office in certain Counties of this State, approved April twenty-eighth, one thousand eight hundred and fifty-seven—indefinitely postponed

Mr. Springer gave notice of reconsideration

Senate bill No 156, an Act to authorize District Judges, in certain cases, to sign records, and settle statements—amendments adopted.

Read third time, and passed.

Assembly bill No. 56, an Act concerning the organization of the militia—read third time, and passed.

Senate bill No. 215, an Act to fund the debt of the County of Solano, which accrued from and after the first day of May, A D one thousand eight hundred and fifty-four, to the first day of July, A D one thousand eight hundred and fifty-nine, and to provide for the payment of the same, recommitted to the Solano delegation.

Assembly bill No. 71, an Act amendatory of, and supplementary to, the the Act entitled an Act to regulate proceedings in civil cases, in the Courts of Justice of this State, passed April twenty-ninth, one thousand eight hundred and fifty-one, and the several Acts amendatory thereof, read third time, and passed.

Assembly bill No. 279, an Act to confer further powers and duties upon the Board of Supervisors, and the Auditor and Treasurer of the City and County of San Francisco, and to authorize them to perform certain acts therein mentioned—delegation substitute adopted, and ordered engrossed.

Senate bill No. 233, an Act to fix the terms of the County Court, and Court of Sessions, in the County of El Dorado, read third time, and passed.

Assembly bill No. 94, an Act concerning jurors in the County of Los Angeles, read third time, and passed

PETITIONS.

Petitions were presented as follows:

By Mr. Lightner, of Joseph Nougues, for relief for loss of contract for building State Capitol.

Referred to Committee on Claims.

By Mr. Lamar, of citizens of Sonoma County, for division of the same.

Referred to Committee on Counties and County Boundaries.

REPORTS.

Reports were made as follows:

Mr. Lightner verbally reported, and recommended passage of Senate bill No. 208, an Act to appropriate money for the relief of certain persons.

Also, by Mr. Lightner:

Mr. Speaker:—Your Committee on Claims, to whom was referred the claim of Francis Crussell, for aiding the officers of Alameda County in arresting a horse-thief, and robber, in the spring of one thousand eight hundred and fifty-six, have had the same under consideration, and report same back, with the following bill, and recommend the passage of same.

LIGHTNER, Chairman.

Bill above reported, read first and second times, and placed on file.

Also, by Mr. Lightner:

Mr. Speaker:—Your Committee on Claims, to whom was referred the claim of F. Castro, for apprehending a murderer named Pio Lenares, in San Luis Obispo County, under a proclamation of the Governor, dated May third, one thousand eight hundred and fifty-eight, have had the same under consideration, and report same back, with the accompanying bill, and recommend its passage.

LIGHTNER, Chairman.

Bill above reported, read first and second times, and placed on file.

By Mr Street:

Mr. Speaker:—The Committee on Ways and Means, to whom was referred Senate bill No. 84, entitled an Act to provide revenue for the support of the Government of this State, having had the same under consideration, now report it back, with amendments, and recommend its passage, as amended.

The same Committee have also considered Senate bill No. 134, an Act for the establishment and erection of a State Reform School, and report the same back, with amendments, recommending its passage, as amended.

STREET, Chairman.

By Mr. Cope:

Mr Speaker:—The Judiciary Committee, to whom was referred Assembly bill No 308, an Act in relation to contracts in certain cases, and to provide for the punishment of persons interested in the same, have considered the same, and report the bill back, and recommend its passage.

The same Committee, to whom was referred Assembly bill No 319, an Act to authorize the sale of real estate, and the transfer of school war-

rants belonging to the estate of Peter Tracy, deceased, have considered the same, and report the bill back, and recommend its passage.

The same Committee, to whom was referred Senate bill No. 127, an Act extending the privileges of the Homestead Law to certain persons, and to regulate the creation of the same, have had the same under consideration, and report the bill back—a majority of the Committee recommending its passage: Messrs. Cope, Lies, and Buck, being the minority.

The same Committee, to whom was referred Senate bill No. 244, an Act to change the name of Julius Neuschwander, have considered the same, and report the bill back, and recommend its passage.

The same Committee, to whom was referred Assembly bill No. 223, an Act making certain animals property, have considered the same, and report the bill back, and recommend its passage.

COPE, Chairman.

By Mr. Tipton:

MR. SPEAKER:—The Committee on Mileage, having had under consideration the amount of mileage due the members of the Special Committee appointed to visit the State-prison, beg leave to report as follows:

Names.	Miles	Amount.
B. F. Hines	270	$54 00
E. C. Tully	270	54 00
T. Laspeyre	270	54 00
Total	.....	$162 00

TIPTON, Chairman.

Adopted.

By Mr. Aud:

MR. SPEAKER:—The Special Committee, consisting of the delegation from Yuba and Butte Counties, to whom was referred Senate bill No. 210, entitled "An Act to provide for settling the boundary-line between the Counties of Yuba and Butte," have had the same under consideration, and a majority of said Committee have instructed me to report the same back to the House, and recommend its passage, without amendment

FRANCIS L. AUD, Chairman.

Senate bill No. 210, above reported, read third time, and passed

Mr. Howe verbally reported, and recommended the adoption of Senate amendments to Assembly bill No. 256, an Act to define the boundary-line of Tuolumne County.

And the amendments were adopted.

By Mr. Cherry:

MR. SPEAKER:—The Committee consisting of the San Francisco delegation, to whom was referred Senate substitute for Assembly bill No. 184, having examined the same, report it back, without amendment, and recommend its passage.

CHERRY, for the Delegation.

Senate substitute No. 184, above reported, read third time, and passed.

Mr. Whitman verbally reported, and recommended the passage of Assembly Joint-Resolution No. 45, relative to cession of lands by the General Government;

Also, Assembly bill No. 340, an Act to amend an Act entitled an Act defining the legal distances from each County-seat to the Capitol, Lunatic Asylum, and State-prison—rules suspended, considered engrossed, read third time, and passed.

By Mr. Condee:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 280, an Act supplementary to an Act entitled an Act concerning marks and brands, passed May first, one thousand eight hundred and fifty-one;

Also, Assembly bill No. 223, an Act granting the consent of the Legislature to the formation of a different Government for the Southern Counties of the State;

Also, Assembly bill No. 276, an Act to establish the rule of evidence to be observed in the Courts of this State, in certain cases, concerning titles to lands;

Also, Assembly bill No. 293, an Act to amend an Act entitled an Act to prescribe the mode of drawing grand-jurors and trial-jurors, in the City and County of San Francisco, passed April second, one thousand eight hundred and fifty-seven.

CONDEE, Member of Committee.

By Mr. Burdick:

MR. SPEAKER:—Your Auditing Committee have examined the copying done for the Assembly, and find it as follows:

In the Journal, folios	876
For Printer, folios	1,481
Total	2,357

BURDICK, Chairman.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 6, 1859.

To the Assembly of the State of California:

I have to inform your honorable body that I have, to-day, approved an Act to regulate the fees of certain officers in Amador County.

Also, an Act for the relief of Michael Fennel.

Also, an Act to provide for the payment of judgments against the City, the County, and the City and County of San Francisco,

JOHN B. WELLER.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
April 6, 1859.

MR. SPEAKER:—The Senate, on yesterday, passed Assembly bill No. 213, "An Act concerning roads and highways in Shasta County," with amendments, and ask the concurrence of the Assembly.

Also, passed Senate bill No. 216, "An Act to enable the State of California to receive the benefit of the swamp and overflowed lands within her limits."

Also, substitute for Assembly bill No. 16, "An Act concerning roads and highways in San Mateo County"

Also, Senate bill No. 179, "An Act to authorize the Counties of the State of California, and incorporated Cities, to become stockholders in railroad companies."

Also, Assembly bill No. 107, "An Act to fix the amount of the official bonds of the County officers in and for the County of El Dorado."

Also, Assembly bill No 313, "An Act amendatory of, and supplemental to, an Act entitled an Act to create a Board of Water Commissioners, in the County of San Bernardino, and define their duties," approved March sixth, A. D. one thousand eight hundred and fifty-seven.

Also, Assembly bill No 250, "An Act to grant the right to improve the navigation of Petaluma Creek."

Also, Assembly bill No. 284, "An Act to audit certain claims."

Also, Assembly bill No. 285, "An Act to appropriate money to pay certain claims."

Also, adopted Assembly Concurrent-Resolution No. 36, "Providing for the holding of a Railroad Convention of the States of California and Oregon, and the Territory of Washington," with an amendment, and ask the concurrence of the Assembly.

Also, Assembly bill No. 154, "An Act authorizing Charles W. Ryder to construct a wharf at Trinidad Bay, in Klamath County."

Also, Assembly bill No 197, "An Act to provide for the better encouragement of the culture of the vine and the olive."

And refused to recede from Senate amendments to Assembly bill No. 35, "An Act to grant the right to construct a bridge across the Colorado River, at or near Fort Yuma, to certain parties therein named," and have appointed, as a Committee of Free Conference, on the part of the Senate, Messrs. Thom, Phelps, and Kirkpatrick.

Also, passed Assembly bill No. 148, "An Act supplementary to, and amendatory of, an Act to amend an Act entitled an Act concerning the office of Public Administrator, and making it elective," passed April fifteenth, one thousand eight hundred and fifty-one—passed May seventh, one thousand eight hundred and fifty-five.

Also, adopted the report of the Committee of Free Conference on Senate bill No. 83, "An Act making certificates of purchase evidence of title."

Also, passed, April fourth, one thousand eight hundred and fifty-nine, Senate bill No 120, "An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State," passed May fifteenth, one thousand eight hundred and fifty-four."

Also, Senate bill No 204, "An Act amendatory of an Act to amend an Act entitled an Act to establish an asylum for the insane of the State of

California," passed May seventeenth, one thousand eight hundred and fifty-three—amended April sixteenth, one thousand eight hundred and fifty-eight.

Also, on April fifth, Senate bill No. 257, "An Act to appropriate money for the improvement of the mad-houses, and other improvements of the State Insane Asylum."

E. C. PALMER, Secretary of Senate.

Senate bill No. 179, above reported, read first and second times, and referred to the Committee on Internal Improvements.

Senate bill No. 216, above reported, read first and second times, and referred to Committee on Swamp and Overflowed Lands.

Senate bills Nos. 204 and 257, were read first and second times, and referred to the Committee on Hospitals.

Senate bill No. 120, above reported, read first and second times, and referred to the Committee on Ways and Means.

The House concurred in Senate amendments to Assembly Concurrent-Resolution No. 36, and Assembly bills Nos. 148 and 213, above reported.

Mr. Holman moved that a Committee of Free Conference be appointed, on the part of the House, on the disagreeing vote on Assembly bill No. 35, above reported.

Adopted.

SENATE CHAMBER,
April 6, 1859.

MR. SPEAKER:—I am directed, by the Senate, to transmit to the Assembly the accompanying original vouchers and decisions of the Board of Examiners, relative to certain claims incorporated in Senate bill No. 208, now in the possession of the Assembly.

E. C. PALMER, Secretary of Senate.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Cope, an Act explanatory of certain provisions of the Practice Act.

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

By Mr. Aud, an Act relating to the care and treatment of the indigent sick in the County of Yuba.

Read first and second times, and referred to Yuba delegation.

By Mr. Murray, an Act amendatory of the Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, approved April twenty-ninth, A. D one thousand eight hundred and fifty-one, and the several Acts amendatory thereto.

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

By Mr. Ellis, an Act to authorize the sale of real estate of the late William E. P. Hartnell, deceased.

Read first and second times, and placed on file.

By Mr. Aud, an Act amendatory of an Act entitled an Act amendatory and supplementary to an Act entitled an Act to incorporate the City of Marysville, approved March third, one thousand eight hundred and fifty-one, approved April twenty-fifth, one thousand eight hundred and fifty-one.

Read first and second times, and referred to the Yuba delegation.

By Mr. Young, an Act to authorize the Controller of State to employ a Deputy, for certain purposes.

Read first and second times, and placed on file.

Mr. Hancock offered the following resolution, which was referred to the Committee on Accounts and Expenditures:

Resolved, That the sum of three hundred dollars be, and is hereby, appropriated to Michael Martin, for services as Fireman, from January twelfth to April eighteenth, one thousand eight hundred and fifty-nine, inclusive, to be paid out of the Contingent Fund.

And be it further resolved, That the Controller of State be, and is hereby, authorized to draw his warrant for three hundred dollars, in favor of said Michael Martin, for such services rendered.

Mr. Cahalan offered the following resolution:

Resolved, That Assembly bill No. 225 be taken from the unfinished business, and placed on the general file.

On the adoption of the resolution, Messrs. Cherry, Cahalan, and Holman, demanded the ayes and noes, and it was adopted, by the following vote:

AYES—Messrs Armstrong, Aud, Barclay, Briggs, Burdick, Caldwell, Cahalan, Coleman, Connely, Cope, Crenshaw, Cutler, DeLong, G. A. Douglas, Dow, Dunlap, Eagon, Ellis, Fuller, Gregory, Gwinn, Hancock, Hines, Holman, Howe, Imus, Johnson, Lamar, Laspeyre, Lightner, Moore of Nevada, Mount, Pico, Roane, Robberson, Rodgers, Shannon, Squires, Tipton, Wing, Whitman, Young, and Mr. Speaker—43.

NOES—Messrs. Banks, Bates, Buck, Cannon, Cherry, Daggett, Davis, G. N. Douglass, Ensworth, Jackson, Lefever, Lull, Pixley, Sheridan, Sloss, Springer, Street, Taylor, Watkins, and Whitney—20.

SPECIAL ORDER.

Senate bill No. 110, an Act appropriating money for the completion of a wagon-road over the Sierra Nevadas.

Mr. Fuller offered the following amendments to the bill:

SEC. —. For the purpose of aiding in the completion of a wagon-road across the Sierra Nevada, at Noble's Pass, the sum of fifteen thousand dollars is hereby appropriated, out of any money in the treasury not otherwise appropriated, to be applied as follows: one-half on said route commencing at a point known as Smith's Hotel, in Shasta County, and terminating at the eastern boundary of the State; the other half, between the town of Quincy, in Plumas County, by Indian Valley, to Honey Lake.

And for the purpose of aiding in the completion of a wagon-road across the Sierra Nevada, at the Yuba Gap, the sum of fifteen thousand dollars is hereby appropriated, out of any money in the treasury not otherwise appropriated, to be applied at a point commencing at Woodruff's Ravine, near Goodyear's Bar, Sierra County, and extending, by the way of Goodyear's Bar and Downieville, and terminating at the eastern boundary of the State.

And for the purpose of completing a wagon-road across the Sierra Nevada, on the route known as the "Big-Tree Route," the sum of fifteen thousand dollars is hereby appropriated, out of any money in the treasury not otherwise appropriated, commencing at the Big-Tree, in Calaveras County, and extending easterly, along the present route, to its junction with the Placerville Road, in Hope Valley.

And for the purpose of assisting in the completion of a wagon-road over the Big-Meadow Route, commencing at the town of Inskip, in Butte County, extending by the way of Big-Meadows to Honey Lake Valley, there is hereby appropriated the sum of five thousand dollars, out of any money in the State treasury not otherwise appropriated.

And for the purpose of digging wells on the Colorado Desert, in the County of San Diego, between Fort Yuma and Carisso Creek, on the main traveled route, there is hereby appropriated the sum of five thousand dollars, out of any money in the State treasury not otherwise appropriated.

And for the purpose of digging wells on the Colorado Desert, on the main traveled route between Fort Yuma and the town of San Bernardino, there is hereby appropriated the sum of five thousand dollars, out of any money in the treasury of the State, not otherwise appropriated, expended under the direction and control of the several Boards of Wagon-road Commissioners, named in section —, of this Act.

And the said Commissioners shall apply the same in the same manner, and under the same restrictions, requirements, prohibitions, and penalties, as are imposed on the Board of Commissioners of the Placerville and Carson Valley Route; said Board of Commissioners to receive no compensation, except what their several Counties provide.

Sec. —. The Boards of Supervisors of the several Counties through which the Noble's-Pass Route, the Yuba-Gap Route, the Big-Tree Route, the Big-Meadow Route, Carisso Creek, and Fort Yuma Route, and the San Bernardino and Fort Yuma Route shall pass, shall constitute Boards of Commissioners to expend the several amounts appropriated on the different routes, and to appoint Superintendents to take charge of the work.

Also, the sum of fifteen thousand dollars is hereby appropriated, out of the General Fund, not otherwise appropriated, to complete the route known as the Truckee Route, commencing at a point at the head of Bear River and the provisions of this Act shall be applicable to said Route.

Mr. Cope offered the following amendment to Mr. Fuller's amendment:

"And the sum of fifteen thousand dollars is also appropriated to construct a road from a point near Silver Lake, in Amador County, and running through said County, by the way of Volcano, to the Town of Jackson."

Mr. Cope moved the previous question.

Upon which, Messrs. De Long, Aud, and Lull, demanded the ayes and noes, and the House refused, by the following vote:

Ayes—Messrs. Armstrong, Bates, Buck, Caine, Caldwell, Condee, Connely, Cope, Davis, G. A. Douglas, G. N Douglass, Dow, Gregory, Gwinn, Hill, Howe, Jackson, Malarin, Moore of Nevada, Moore of San Francisco,

Pixley, Roane, Robberson, Squires, Tipton, Watkins, Whitney, and Mr. Speaker—28.

NOES—Messrs. Aud, Banks, Barclay, Briggs, Burdick, Cahalan, Cannon, Cherry, Coleman, Crenshaw, Daggett, DeLong, Dunlap, Eagon, Ellis, Fuller, Hancock, Hines, Holman, Imus, Laspeyre, Lefever, Lightner, Lull, Lynch, Mathews, Mount, Murray, Pico, Rodgers, Shannon, Shepard, Sheridan, Sloss, Springer, Street, Taylor, Whealdon, Wing, and Whitman—40.

Mr. Rodgers moved a call of the House.

Lost.

Mr. Cutler moved the previous question.

Which was sustained.

On the adoption of the amendment offered by Mr. Cope, Messrs. Cope, DeLong, and Squires, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. DeLong, Imus, Lefever, Lull, Moore of Nevada, Roane, and Shepard—7.

NOES—Messrs. Armstrong, Aud, Banks, Barclay, Bates, Briggs, Buck, Burdick, Caine, Caldwell, Cahalan, Cannon, Cherry, Condee, Connely, Cope, Crenshaw, Cutler, Daggett, Davis, G A Douglas, G. N. Douglass, Dow, Dunlap, Eagon, Ellis, Fuller, Gwinn, Hill, Howe, Jackson, Johnson, Lamar, Laspeyre, Lightner, Lynch, Mathews, Moore of San Francisco, Mount, Pixley, Robberson, Rodgers, Shannon, Sheridan, Sloss, Springer, Squires, Street, Taylor, Tipton, Watkins, Whealdon, Wing, Whitman, Young, and Mr. Speaker—56.

On the adoption of the amendments offered by Mr. Fuller, Messrs. Cope, Moore of Nevada, and Aud, demanded the ayes and noes, and the same were adopted, by the following vote:

AYES—Messrs. Armstrong, Aud, Barclay, Bates, Buck, Burdick, Caine, Caldwell, Cahalan, Cannon, Daggett, Davis, DeLong, Dow, Dunlap, Fuller, Gregory, Holman, Howe, Imus, Lefever, Lightner, Lynch, Mathews, Moore of Nevada, Mount, Roane, Shannon, Springer, Street, Taylor, Whealdon, Wing, Whitman, Whitney, and Young—36.

NOES—Messrs. Banks, Briggs, Cherry, Coleman, Condee, Connely, Cope, Crenshaw, Cutler, G. A. Douglas, G. N. Douglass, Eagon, Ellis, Gwinn, Hancock, Hill, Jackson, Johnson, Lamar, Laspeyre, Lull, Moore of San Francisco, Murray, Pico, Pixley, Robberson, Rodgers, Shepard, Sheridan, Sloss, Squires, Tipton, Watkins, and Mr. Speaker—34.

On the passage of the bill, as amended, Messrs. Moore of Nevada, Springer, and Shannon, demanded the ayes and noes, and the bill was lost, by the following vote:

AYES—Messrs. Caine, Cannon, Coleman, Condee, Daggett, G. A. Douglas, G. N. Douglass, Dunlap, Ellis, Fuller, Hancock, Holman, Jackson, Johnson, Lightner, Mount, Pico, Pixley, Shannon, Sloss, Squires, Street, Taylor, Tipton, and Whitman—25.

NOES—Messrs Armstrong, Aud, Banks, Barclay, Bates, Buck, Burdick, Caldwell, Cahalan, Cherry, Connely, Cope, Crenshaw, Cutler, Davis, DeLong, Dow, Eagon, Gregory, Gwinn, Hill, Howe, Imus, Lamar, Laspeyre, Lull, Lynch, Mathews, Moore of Nevada, Moore of San Francisco, Murray

Roane, Robberson, Rodgers, Shepard, Sheridan, Springer, Watkins, Whealdon, Wing, Whitney, Young, and Mr. Speaker—43.

Mr. Burdick gave notice of reconsideration,

The Speaker appointed, as the Committee of Free Conference on the disagreeing vote on Assembly bill No. 35, an Act to grant the right to construct a bridge across the Colorado River, at or near Fort Yuma, to certain parties therein named, Messrs. Ensworth, Hancock, and Caine.

Mr. DeLong moved to suspend the rules for the purpose of reconsidering the vote by which the House refused to pass Senate bill No. 110.

Lost.

At five o'clock, P. M., on motion of Mr. Lull, the House adjourned.

IN ASSEMBLY.

THURSDAY, April 7, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

Messrs. Ellis and Lies had indefinite leave of absence.

And Messrs. Briggs and Hines, for one day, each.

GENERAL FILE.

Senate bill No. 171, an Act to amend section five hundred and nine of an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State—

Also, Senate bill No. 183, an Act to provide for the payment of fees and costs in civil actions by and against Counties—

And, Senate bill No. 243, an Act to amend an Act entitled an Act to authorize George H. Ensign, and others, owners of the Spring Valley Water-Works to lay down pipes in the public streets of the City and County of San Francisco, passed April twenty-third, one thousand eight hundred and fifty-eight—

Were read a third time, and passed.

Senate bill No. 163, an Act to authorize J. Granville Doll to convey water into the Town of Red Bluff by means of pumps and pipes, amended, and indefinitely postponed.

Assembly bill No 303, an Act to amend an Act defining the time for commencing civil actions, passed April twenty-second, one thousand eight hundred and fifty—

Mr. DeLong moved to amend, by transferring the fifth subdivision of the one-year provision, to the third subdivision of the two-year provision.

On the adoption of the amendment, Messrs. Cherry, Burch, and Dow, demanded the ayes and noes, and it was adopted, by the following vote:

AYES—Messrs. Armstrong, Barclay, Bates, Caine, Caldwell, Cannon, Cope, Crenshaw, Daggett, Davis, DeLong, Eagon, Gregory, Holman, Imus, Johnson, Lamar, Letever, Lynch, Malarin, Mathews, Moore of Nevada, Roane, Robberson, Shannon, Sheridan, Sloss, Springer, Street, Vaughan, Whealdon, Wing, Young, and Mr. Speaker—34.

NOES—Messrs. Aud, Banks, Buck, Cahalan, Cherry, Coleman, Condee, Connely, G. N. Douglass, Dow, Dunlap, Ensworth, Fuller, Gwinn, Hancock, Hill, Howe, Jackson, Lies, Lightner, Lull, Moore of San Francisco, Mount, Murray, Rodgers, Shepard, Slingerland, Squires, Taylor, Tipton, Watkins, Whitman, and Whitney—33.

Rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 273, an Act to encourage the supply of fresh water on the Desert, west of Fort Yuma, Committee amendments adopted, and bill ordered engrossed.

Assembly bill No. 290, an Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, one thousand eight hundred and fifty-one, rules suspended, considered engrossed, read third time, and passed.

The House concurred in Senate Concurrent-Resolution No. 30, relative to commencing suit against S. A. McMeans, late State Treasurer, and sureties.

The House refused to order engrossed Assembly bill No. 302, an Act appropriating money for the completion of a wagon-road over the Sierra Nevadas, at Noble's Pass.

Senate bill No. 166, an Act recommending to the electors of the State to vote for or against a Convention to revise and change the Constitution of this State, read third time, and passed, by the following vote:

AYES—Messrs. Armstrong, Barclay, Bates, Buck, Burdick, Caine, Caldwell, Cahalan, Cannon, Condee. Cope, Crenshaw, Cutler, Daggett, Davis, DeLong, G. A. Douglas, G. N. Douglass, Dow, Dunlap, Ensworth, Fuller, Gregory, Gwinn, Hancock, Holman, Howe, Imus, Jackson, Johnson, Lamar, Lefever, Lightner, Lull, Lynch, Mathews, Moore of Nevada, Moore of San Francisco, Mount, Robberson, Shannon, Shepard, Sheridan, Slingerland, Sloss, Squires, Street, Taylor, Tipton, Vaughan, Wing, Whitney, and Young—53.

NOES—Messrs. Aud, Banks, Cherry, Coleman, Connely, Hill, Lies, Pico, Pixley, Rodgers, Springer, Watkins, Whealdon, and Mr. Speaker—14.

Assembly bill No 278, an Act to authorize Charles Pearce to change his name to Charles G. Howard, ordered engrossed.

Assembly bill No. 99, an Act to constitute a State Board of Medical Examiners—

Laid on the table, on motion of Mr. DeLong.

REPORTS.

Reports were made as follows:

By Mr. Cope:

MR. SPEAKER:—The Judiciary Committee, to whom was referred Assembly bill No. 326, "An Act amendatory of, and supplementary to, an Act to regulate the estates of deceased persons," report the same back, with a substitute, and recommend the passage of the substitute.

COPE, Chairman.

By Mr. Street:

MR. SPEAKER:—The Committee on Ways and Means, to whom was referred Senate bill No. 184, entitled "An Act making appropriations for

deficiencies in the appropriations made for the tenth fiscal year, ending the thirtieth of June, A D. one thousand eight hundred and fifty-nine," have considered the same, and report it back, recommending its passage, with amendments.

STREET, Chairman.

Senate bill No. 184, above reported, considered in Committee of the Whole.

Mr. Cope in the Chair.

Reported, with amendment, and recommended.

Amendment adopted, read third time, and on its passage, Messrs. DeLong, Slingerland, and Lull, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Bates, Buck, Burdick, Cherry, Coleman, Condee, Connely, Cope, Cutler, Daggett, Davis, G. N. Douglass, Dow, Dunlap, Ensworth, Gregory, Gwinn, Hancock, Holman, Lamar, Lefever, Lies, Lightner, Lynch, Moore of Nevada, Pico, Roane, Robberson, Rodgers, Shannon, Shepard, Sloss, Squires, Street, Tipton, Vaughan, Whitman, and Mr. Speaker—38.

NOES—Messrs Aud, Banks, Caine, Caldwell, DeLong, Fuller, Hill, Howe, Imus, Jackson, Lull, Moore of San Francisco, Pixley, Slingerland, Taylor, Watkins, Whealdon, and Young—18.

SPECIAL ORDER.

Assembly bill No. 130, an Act to amend an Act entitled an Act concerning corporations, passed April twenty-second, one thousand eight hundred and fifty, the special order of the day, was ordered engrossed.

REPORTS.

Reports were made as follows:

By Mr. Holman:

MR. SPEAKER:—The Committee on Commerce and Navigation, to whom was referred Assembly bill No 336, an Act in relation to the appointment of a Pilot for the Bay and Harbor of Crescent City, have considered the same, report it back, and recommend its passage, with an amendment.

HOLMAN, Chairman.

By Mr. Squires:

MR. SPEAKER:—Your Committee on Public Expenditures and Accounts have examined the account of the Chief Clerk, of April seventh, for writing done:

In the Journal, folios	876
For Printer, folios	1,481
Total	2,357

Amounting to the sum of two hundred and seventy-nine dollars and

fifty cents, and find the same to be correct, as per report of your Auditing Committee, made April sixth.

Respectfully,
OGDEN SQUIRES, Chairman.

Adopted.

By Mr. Lynch:

MR. SPEAKER:—The Committee on Engrossment report, as correctly engrossed, Assembly bill No. 306, an Act to amend an Act entitled "An Act to provide for the appointment of a Reporter of the Supreme Court, and to define his duties and compensation;"

Also, Assembly bill No. 340, an Act to amend an Act entitled "An Act defining the legal distances from each County-seat to the Capitol, Lunatic Asylum, and State-prison;"

Also, Assembly bill No. 310, an Act to authorize the Board of Supervisors of the County of Mendocino to levy an additional tax, for County purposes;

Also, Assembly bill No. 305, an Act concerning roads and highways, in the Counties of Tuolumne, San Joaquin, Plumas, and Siskiyou

LYNCH, Chairman.

By Mr. Sheridan:

MR. SPEAKER:—The Committee on Swamp and Overflowed Lands, to whom was referred Assembly bill No. 163, "An Act amendatory of an Act entitled an Act to provide for the sale and reclamation of the swamp and overflowed lands of this State," approved April twenty-first, one thousand eight hundred and fifty-nine, with Senate amendments, which they have considered, and report the bill back, with its amendments, and recommend the concurrence of the House in the same.

The same Committee has had referred to it Senate bill No. 107, "An Act defining the duties of the Surveyor-General of this State, in relation to swamp and overflowed lands, and report the same back, and recommend its indefinite postponement.

Also, return to the House the petition of H. B. Post, in relation to swamp and overflowed lands.

SHERIDAN, Chairman.

By Mr. Aud:

MR. SPEAKER:—The Special Committee, consisting of the delegation from Yuba County, to whom was referred Assembly bill No. 245, "An Act to authorize the Board of Supervisors of Yuba County to levy a special tax, for County purposes," have had the same under consideration, and a majority of said Committee have instructed me to report the same back to this House, and recommend its passage, as amended

FRANCIS L. AUD, Chairman.

By Mr. Pico:

MR. SPEAKER:—*Sir:* The Special Committee, to whom was referred Assembly bill No 174, entitled "An Act to authorize the citizens of the State of California, residing north of the fortieth degree of north latitude, to withdraw from the State of California, and organize a separate Government," after having the same under consideration, deem it meet that the same be referred to the delegations from the Counties included in the limits of the territory, proposing to withdraw, to wit: Siskiyou, Del

Norte, Klamath, Humboldt, Trinity, Shasta, Plumas, and Tehama—wherefore, the said Committee respectfully recommend that it be thus referred.

PICO, Chairman.

By Mr. Taylor:

MR. SPEAKER:—The San Francisco delegation, to whom was referred Assembly bill No. 335, for "An Act amendatory of, and supplementary to, an Act to provide revenue for the support of the Government of this State, approved April twenty-ninth, eighteen hundred and fifty-seven," have had the same under consideration, and recommend its passage, without amendment;

Also, Senate bill No 167, for "An Act concerning roads and highways in the City and County of San Francisco," and recommend its passage, without amendment.

TAYLOR, for Delegation.

Mr Gwinn, from the Committee of Free Conference on disagreeing vote of the two Houses, on Senate bill No. 82, reported, and recommended amendments, which were adopted.

Mr. DeLong gave notice of reconsideration

By Mr. Young:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 116, an Act to incorporate the Town of Eureka.

Also, Assembly bill No. 205, an Act to authorize H W. Bragg, guardian of the minor heirs of David Martin and Anne Martin, deceased, to sell real estate of said minor heirs, at public or private sale.

Also Assembly bill No. 118, an Act to authorize the guardian or guardians of certain minors to sell and dispose of their real estate and chattels real.

Also, Assembly bill No. 237, an Act supplementary to an Act to regulate fees of office, approved April tenth, one thousand eight hundred and fifty-five.

Also, Assembly bill No. 322, an Act to change the name of John Henry Kounse to that of John Lee Cambridge.

Also, Assembly bill No. 294, an Act supplemental to an Act entitled an Act to provide revenue for the support of the Government, passed April twenty-ninth, one thousand eight hundred and fifty-seven.

Also Assembly bill No. 249, an Act supplementary to, and amendatory of, an Act to incorporate the Town of Petaluma, approved April twelfth, one thousand eight hundred and fifty eight.

Also, Assembly bill No. 192, an Act to legalize the acknowledgments heretofore taken by any Deputy Clerk of the Superior Court of the City of San Francisco, or by any Deputy County Recorder within this State.

Also, Assembly bill No. 311, an Act supplemental to, and amendatory of, an Act entitled an Act to define the boundaries, and provide for the organization, of Mendicino County, approved March eleventh, one thousand eight hundred and fifty-nine.

Also, Assembly bill No 186, an Act for the relief of purchasers of lands from the the State of California.

Also, Assembly bill No. 113, an Act to provide for the administration of the Fire Bond Sinking Fund of the City and County of San Francisco.

Also, Assembly bill No. 234, an Act to change the time of holding the terms of the District Court, Court of Sessions, County Court, and Probate Court, within the Second Judicial District.

Also, Assembly bill No. 267, an Act entitled an Act to extend an Act concerning hogs found running at large in the counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara.

Also, Assembly bill No 274, an Act amendatory of an Act entitled an Act amendatory of an Act to authorize the Board of Supervisors of Nevada County to levy a special tax, for County purposes.

GEO. A. YOUNG, Chairman

By Mr. Cutler:

MR. SPEAKER:—The Committee on Public Morals, to whom was referred Assembly bill No. 333, "An Act for the suppression of chain-gangs in the Cities and Towns of this State," having examined the same, beg leave to submit the following report:

Although we find that many arguments in favor of the abolition of chain-gangs may be urged, we deem it best to leave this matter under the control of the authorities of the various Cities and Towns of the State. This plan has heretofore been found to operate satisfactorily, and in case chain-gangs are regarded as obnoxious, by the people of any locality, and a change be desired, there is scarcely a doubt that the municipal authorities can be induced to abolish this mode of punishment. We, therefore, recommend the indefinite postponement of the bill.

N. CUTLER, Chairman.

Mr. G. N. Douglass moved that the reconsideration of the vote by which the House, on yesterday, refused to pass Senate bill No. 110, an Act appropriating money for the completion of a wagon-road over the Sierra Nevadas, be made the special order for Tuesday, April twelfth, at a quarter past one o'clock, P. M.

On the motion of Mr. Douglass, Messrs. DeLong, Springer, and Burdick, demanded the ayes and noes, and it was carried, by the following vote:

AYES—Messrs. Bates, Cherry, Coleman, Condee, Cope, Crenshaw, Daggett, G. A. Douglas, G. N. Douglass, Dunlap, Gwinn, Hancock, Holman, Howe, Jackson, Johnson, Lies, Lightner, Lull, Moore of San Francisco, Mount, Pixley, Robberson, Shepard, Sheridan, Sloss, Squires, Street, Tipton, Vaughan, Whitman, Young, and Mr. Speaker—33.

NOES—Messrs. Aud, Banks, Barclay, Buck, Burdick, Caine, Caldwell, Cahalan, Cannon, Connely, Davis, DeLong, Dow, Eagon, Fuller, Gregory, Imus, Laspeyre, Lynch, Malarin, Mathews, Moore of Nevada, Roane, Rodgers, Shannon, Slingerland, Springer, Taylor, Tully, Watkins, Wing, and Whitney—32.

On motion of Mr. Springer, the vote by which, on yesterday, Senate bill No. 143, an Act amendatory of an Act entitled an Act to regulate fees in office in certain Counties of this State, approved April twenty-eighth, one thousand eight hundred and fifty-seven, was indefinitely postponed, was reconsidered, and bill read third time, and passed.

Mr. Cope moved to suspend the rules, to reconsider the vote by which Committee amendments to Senate bill No. 82 were adopted.

Lost.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
April 7, 1859.

MR. SPEAKER:—The Senate, on yesterday, appointed a Committee of Free Conference on the part of the Senate, on Senate bill No. 147, "An Act to compensate the Warden of the State-prison"—consisting of Messrs. Berry, Anderson, and Parker.

Also, passed Assembly bill No. 330, "An Act to provide for condemning or purchasing certain lands adjoining the State-prison grounds, at San Quentin, for State-prison purposes."

Also, on the fourth instant, Senate bill No. 209, an Act to authorize the executors of the last will and testament of Peter Tracy, deceased, to sell certain school-land warrants at private sale.

Also, on the fifth instant, Senate bill No. 228, an Act amendatory of, and supplemental to, an Act entitled an Act creating a State Land Office for the State of California, passed April tenth, one thousand eight hundred and fifty-eight.

Also, Senate bill No. 181, "An Act to authorize the re-issue of certain lost school-land warrants."

Also, Senate bill No. 229, an Act for the relief of George W. Manchester, administrator of the estate of Thomas Manchester, deceased.

Also, substitute for Assembly bill No. 108, an Act to provide for the compensation of the Keepers of the Jail, in the County of Shasta, and to legalize all warrants heretofore issued for the payment of the services of the Keeper of said Jail.

E. C. PALMER, Secretary of Senate.

Senate substitute for Assembly bill No. 108, above reported, read first and second times, title amended, rules suspended, read third time, and passed.

Senate bill No. 209, above reported, read first and second times, and referred to the Judiciary Committee.

Senate bill No 228, above reported, read first and second times, and referred to the Committee on Public Lands

Senate bill No. 229, above reported, read first and second times, and referred to the San Francisco delegation.

SENATE CHAMBER,
April 7, 1859.

MR. SPEAKER:—The Senate, this day, passed Assembly bill No. 293, "An Act to amend an Act to prescribe the mode of drawing grand-jurors and trial-jurors in the City and County of San Francisco, passed April second, one thousand eight hundred and fifty-seven," with amendments, and ask the concurrence of the Assembly.

E. C. PALMER, Secretary of Senate.

The House concurred in Senate amendments to Assembly bill No. 293, above reported.

The amendment offered by Mr. Whitman to the first Standing Rule of the House, changing the hour of meeting, from eleven o'clock to ten o'clock, was taken up .

Mr. Shepard moved to amend, by adding—

"And that the House adjourn on or before four o'clock P. M."

Lost.

Mr. Shepard moved to strike out "ten o'clock," and insert "nine o'clock."

Lost.

Mr. Robberson moved the previous question.

Sustained.

On the adoption of the amended rule, Messrs Shepard, DeLong, and Robberson, demanded the ayes and noes, and it was adopted, by the following vote:

AYES—Messrs. Caine, Caldwell, Coleman, Condee, Cope, Crenshaw, Cutler, Daggett, Davis, Dow, Dunlap, Gregory, Gwinn, Hancock, Holman, Howe, Imus, Johnson, Lamar, Lies, Lightner, Malarin, Mathews, Moore of Nevada, Mount, Pico, Roane, Robberson, Rodgers, Sheridan, Springer, Squires, Street, Tipton, Tully, Vaughan, Wing, Whitman, Young, and Mr. Speaker—40.

NOES—Messrs. Banks, Barclay, Bates, Burdick, Cabalan, Cannon, Cherry, DeLong, Eagon, Fuller, Laspeyre, Lefever, Lull, Shannon, Shepard, Sloss, Taylor, Watkins, Whealdon, and Whitney—20.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Mount, an Act for the relief of John Smith.

Read first and second times, and referred to the Committee on Claims.

By Mr. Holman, an Act to authorize the Board of Supervisors of San Joaquin County to audit and allow a certain claim.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Rodgers, an Act to fix the salary of the County Judge of Alameda County.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Also, an Act providing for the election of County Clerk and County Recorder, of Alameda County, and to separate their offices.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr Daggett, an Act amendatory of an Act, approved March third, one thousand eight hundred and fifty-eight, entitled an Act to amend an Act to create the County of Del Norte, to define its boundaries, and provide for its organization, approved March seventh, one thousand eight hundred and fifty-seven

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Lightner, an Act to repeal the ninth chapter of an Act entitled an Act concerning corporations, approved April twenty-second, one thousand eight hundred and fifty.

Read first and second times, and referred to the Committtee on Corporations.

By Mr. Whitney, an Act to amend an Act entitled an Act to re-incorporate the City of Sonora, approved March ninth, one thousand eight hundred and fifty-five.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Robberson, an Act to amend an Act entitled an Act to incorporate the Town of Petaluma, approved April twelfth, one thousand eight hundred and fifty-eight.

Read first and second times, and referred to the Sonoma delegation.

By Mr. Sheridan, an Act supplementary to an Act entitled an Act to provide for the sale and reclamation of the swamp and overflowed lands of this State, approved April first, one thousand eight hundred and fifty-eight.

Read first and second times, and placed on file.

By Mr. Whitman, an Act to legalize certain acts of the Board of Supervisors of San Bernardino County, sitting as a Board of Equalization.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Hancock, an Act to amend an Act entitled an Act authorizing the Board of Supervisors of Los Angeles County to contract a loan for the purpose of erecting a Court-house, and completing the same, approved April twenty-first, one thousand eight hundred and fifty-eight.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Mount, an Act to permit James C. Cooper, and William C. Thompson, to construct a bridge across the Mokelumne River.

Read first and second times, and referred to Committee on Internal Improvements.

By Mr. Caine, an Act to authorize the Coroner of Butte County to remove the bodies of deceased persons.

Read first and second times, and placed on file.

By Mr. Cutler, an Act to authorize the minor heirs of Antonio Maria Armijo to dispose of the real estate of said heirs, for certain purposes.

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

Mr. Lamar moved to adjourn.

Lost.

By Mr. Cope, an Act supplementary to an Act to remedy the loss of a certain certificate of the Mokelumne Hill Canal and Mining Company, approved on the second day of April, one thousand eight hundred and fifty-nine.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Mr. Shepard offered the following resolution, which was lost:

Resolved, By the Assembly, the Senate concurring, that no new business shall be introduced into either House after the ninth day of April.

At half past four o'clock, P. M., on motion of Mr. Burdick, the House adjourned.

IN ASSEMBLY.

FRIDAY, April 8, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

GENERAL FILE.

Assembly bill No. 329, an Act to provide for the location of school-land warrants, upon unsurveyed lands, and for the issuance of title for the same—ordered engrossed.

Assembly bill No. 345, an Act to appropriate money to pay F. Castro, considered in Committee of the Whole, reported, and recommended.

Rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 328, an Act to audit and allow certain claims, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 327, an Act appropriating money for the payment of certain claims, considered in Committee of the Whole, reported, and recommended.

Rules suspended, and considered engrossed.

On the passage of the bill, Messrs. Springer, Aud, and Laspeyre, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Armstrong, Bates, Buck, Burdick, Caldwell, Cahalan, Coleman, Condee, Connely, Cutler, G. A. Douglas, G. N. Douglass, Dow, Dunlap, Ensworth, Fuller, Gregory, Hancock, Holman, Howe, Jackson, Johnson, Lamar, Laspeyre, Lies, Lightner, Moore of Nevada, Mount, Murray, Pico, Roane, Rodgers, Shannon, Sloss, Squires, Street, Taylor, Tipton, Torres, Tully, Vaughan, Wing, Whitney, Young, and Mr. Speaker—45.

NOES—Messrs. Aud, Banks, Caine, DeLong, Hill, Imus, Lull, Lynch, Moore of San Francisco, Pixley, Slingerland, and Springer—12.

Assembly bill No. 341, an Act to authorize the issuance of duplicates for certain lost school-land warrants, rules suspended, considered engrossed, read third time, and passed.

Senate bill No 251, an Act fixing the terms of the County Court, Probate Court, and Court of Sessions, in Counties therein named—read third time, and passed.

Assembly bill No. 199, an Act to amend an Act entitled an Act to regulate fees in office, approved April tenth, one thousand eight hundred and fifty-five.

Mr. Lull offered the following amendment, which was adopted:

Provided, That this Act shall not affect the fees of the Supreme Court Clerk, during the term of the present incumbent.

Mr. DeLong moved a call of the House, and the following members were absent, viz.: Messrs. Cahalan, Eagon, Laspeyre, Lies, Mount, Murray, Tully, and Vaughan.

The Sergeant-at-Arms was dispatched for the absentees.

Further proceedings under the call were dispensed with.

On the indefinite postponement of the bill, Messrs. DeLong, Jackson, and Burdick, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Armstrong, Bates, Burdick, Cahalan, Coleman, Connely, Cope, Crenshaw, Cutler, Daggett, Davis, G. N. Douglass, Dow, Dunlap, Gregory, Gwinn, Hancock, Johnson, Lamar, Lefever, Lies, Lightner, Moore of Nevada, Mount, Pico, Roane, Robberson, Rodgers, Street, Torres, Wing, and Whitman—32.

NOES—Messrs. Banks, Barclay, Buck, Caine, Caldwell, Cannon, Condee, DeLong, G. A. Douglas, Ensworth, Fuller, Hill, Holman, Howe, Imus, Jackson, Lull, Lynch, Malarin, Mathews, Moore of San Francisco, Murray, Pixley, Shannon, Shepard, Sheridan, Slingerland, Sloss, Springer, Squires, Taylor, Tipton, Watkins, Whealdon, Whitney, Young, and Mr. Speaker—37.

Mr. Moore of Nevada moved to recommit the bill to the Committee on Ways and Means, with instructions to amend, by reducing the present fees of the Clerk twenty-five per cent., and report on to-morrow.

Upon which, Messrs. Buck, DeLong, and Whitney, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Aud, Barclay, Bates, Burdick, Cahalan, Coleman, Connely, Cope, Crenshaw, Daggett, Davis, Dunlap, Gregory, Holman, Lefever, Lies, Lightner, Malarin, Moore of Nevada, Mount, Roane, Rodgers, Sheridan, Tipton, Torres, Wing, and Mr. Speaker—27.

NOES—Messrs. Armstrong, Banks, Buck, Caine, Caldwell, Cannon, Cherry, Condee, Cutler, DeLong, G. A. Douglas, G. N. Douglass, Dow, Ensworth, Fuller, Hill, Howe, Imus, Jackson, Johnson, Lamar, Lull, Lynch, Mathews, Moore of San Francisco, Murray, Pixley, Robberson, Shannon, Shepard, Slingerland, Sloss, Springer, Squires, Taylor, Watkins, Whealdon, Whitman, Whitney, and Young—40.

SPECIAL ORDER.

Assembly bill No. 300, an Act for the government of the State-prison, and creating a Director, and defining his powers and duties, and to repeal an Act for the government of the State-prison, and to provide for the location of a Branch-prison, approved April twenty-fourth, one thousand eight hundred and fifty-eight, was considered as in Committee of the Whole.

Committee rose, reported, with amendments, and recommended.

Mr. Lull offered the following amendment, which was adopted:

"After the word 'Clerk,' in section third, fixing the salary of the Clerk 'not to exceed two hundred dollars per month; the Warden not to exceed two hundred and fifty dollars per month; and the other officers not to exceed one hundred dollars per month.'"

Mr. Jackson moved the previous question.

Lost.

On Mr. Cope's substitute for section one, Messrs. Cope, DeLong, and Sheridan, demanded the ayes and noes, and the same was lost, by the following vote:

AYES—Messrs. Barclay, Cannon, Coleman, Condee, Cope, DeLong, G. A. Douglas, Dow, Eagon, Fuller, Gregory, Johnson, Lamar, Laspeyre, Sheridan, Squires, and Mr. Speaker—17.

NOES—Messrs. Armstrong, Banks, Buck, Burdick, Caine, Caldwell, Cahalan, Connely, Crenshaw, Daggett, Davis, Dunlap, Ellis, Gwinn, Hancock, Holman, Howe, Imus, Jackson, Lefever, Lies, Lull, Lynch, Malarin, Mathews, Moore of Nevada, Moore of San Francisco, Mount, Murray, Pico, Pixley, Roane, Rodgers, Shannon, Shepard, Sloss, Springer, Street, Taylor, Tipton, Torres, Vaughan, Watkins, Whealdon, Whitman, and Young—46.

Mr. Street offered the following amendment to section twelve, which was adopted:

After the word "Act," insert "and all moneys now in, or that may hereafter be in, the State-prison Fund."

Mr. Lamar offered the following amendment:

"*Provided*, that at the next general election there shall be elected three State-prison Directors, who shall hold office, for two years each, to give bond in the sum of twenty-five thousand dollars, to be approved by the Governor, payable to the People of the State of California, and conditioned for the faithful performance of their duties as Directors. The salaries of said Directors shall be two thousand dollars per annum, for each Director; said Directors shall perform all the duties required by this Act to be performed by the Governor, as Director; *And provided*, that as soon as said Directors shall qualify, the Governor shall cease to be Director of the State-prison."

On the adoption of the amendment, Messrs. Cope, Lamar, and Sheridan, demanded the ayes and noes, and the same was lost, by the following vote:

AYES—Messrs. Barclay, Cannon, Coleman, Condee, Cope, DeLong, G. A. Douglas, Dow, Eagon, Gregory, Johnson, Lamar, Laspeyre, Sheridan, Squires, Tipton, and Mr. Speaker—17.

NOES—Messrs. Armstrong, Banks, Bates, Buck, Burdick, Caine, Caldwell, Cahalan, Connely, Crenshaw, Cutler, Daggett, Davis, Dunlap, Ellis, Gwinn, Hancock, Holman, Howe, Imus, Jackson, Lefever, Lies, Lightner, Lull, Lynch, Malarin, Mathews, Moore of Nevada, Moore of San Francisco, Mount, Murray, Pico, Pixley, Rodgers, Shannon, Shepard, Sloss, Springer, Street, Taylor, Torres, Vaughan, Watkins, Whealdon, Whitman, and Young—47.

Mr. Buck moved the previous question.

Sustained.

On the engrossment of the bill, Messrs. Cope, DeLong, and Laspeyre, demanded the ayes and noes and it was ordered engrossed, by the following vote:

AYES—Messrs. Armstrong, Banks, Bates, Buck, Burdick, Caine, Caldwell, Cahalan, Coleman, Connely, Crenshaw, Cutler, Daggett, Davis, G. A. Douglas, Dunlap, Ellis, Gregory, Gwinn, Hancock, Holman, Howe, Imus, Jackson, Lefever, Lies, Lightner, Lull, Lynch, Moore of Nevada,

Moore of San Francisco, Mount, Murray, Pico, Pixley, Roane, Robberson, Rodgers, Shannon, Shepard, Sloss, Springer, Street, Taylor, Torres, Vaughan, Watkins, Whealdon, Whitman, and Young—50.

NOES—Messrs. Barclay, Cannon, Condee, Cope, DeLong, Dow, Eagon, Fuller, Johnson, Lamar, Laspeyre, Mathews, Sheridan, Squires, Tipton, and Mr. Speaker—16.

GENERAL FILE RESUMED.

Assembly bill No. 199, an Act to amend an Act to regulate fees in office, approved April tenth, one thousand eight hundred and fifty-five—

On the engrossment of the bill, Messrs. Moore of Nevada, DeLong, and Gregory, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs Aud, Banks, Buck, Caine, Caldwell, Cannon, Condee, DeLong, G. A. Douglas, Ellis, Fuller, Howe, Imus, Jackson, Lull, Lynch, Mathews, Murray, Pixley, Shannon, Shepard, Sloss, Springer, Squires, Taylor, Watkins, Whealdon, and Young—28.

NOES—Messrs. Armstrong, Barclay, Bates, Burdick, Cahalan, Coleman, Connely, Cope, Crenshaw, Cutler, Daggett, Davis, Dow, Dunlap, Eagon, Gregory, Gwinn, Hancock, Holman, Johnson, Lamar, Laspeyre, Lefever, Lies, Lightner, Moore of Nevada, Mount, Pico, Robberson, Rodgers, Sheridan, Street, Tipton, Torres, Vaughan, Whitman, and Mr. Speaker—37.

On motion of Mr Cope, Senate bill No. 15, an Act to regulate the creation of homesteads, was made the special order for April ninth, at a quarter past one o'clock, P. M.

Mr. Young made the following report:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 206, an Act to regulate salmon-fisheries on Eel River, in Humboldt County.

Also, Assembly bill No. 107, an Act to fix the amount of the official bonds of the County officers in and for the County of El Dorado.

Also, Assembly bill No. 154, an Act authorizing Charles B. Ryder to construct a wharf at Trinidad Bay, in Klamath County

Also, Assembly bill No. 304, an Act supplementary to, and explanatory of, an Act entitled an Act concerning roads and highways in the County of Nevada, approved March second, one thousand eight hundred and fifty-nine.

Also, Assembly bill No. 197, an Act to provide for the better encouragement of the culture of the vine and the olive.

Also, Assembly bill No 293, an Act to amend an Act entitled an Act to prescribe the mode of drawing grand-jurors and trial-jurors, in the City and County of San Francisco, passed April second, one thousand eight hundred and fifty-seven.

Also, have delivered to His Excellency, the Governor, the above bills, upon this day.

GEO. A. YOUNG, Chairman.

Mr. DeLong moved to reconsider the vote by which the House, on yesterday, adopted the report of the Committee of Free Conference on Senate bill No 82.

The Speaker decided the motion out of order.

From which, Mr. DeLong appealed.

And on the question, "Shall the decision of the Chair stand as the judgment of the House?" Messrs. Gwinn, Dunlap, and Shannon, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Bates, Buck, Burdick, Caine, Cannon, Coleman, Connely, Crenshaw, Cutler, Davis, Dow, Dunlap, Gwinn, Holman, Johnson, Lamar, Lynch, Malarin, Moore of Nevada, Roane, Robberson, Shannon, Shepard, Sheridan, Street, Torres, and Whitman—27.

NOES—Messrs. Aud, Banks, Caldwell, Cahalan, DeLong, G. A. Douglas, Eagon, Fuller, Hancock, Howe, Jackson, Laspeyre, Lefever, Lies, Lightner, Lull, Mathews, Mount, Murray, Pico, Pixley, Rodgers, Sloss, Springer, Tipton, Vaughan, Watkins, Whealdon, Whitney, and Young—30.

Mr. Sheridan moved to adjourn.

Upon which, Messrs. Sloss, DeLong, and Banks, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Aud, Caine, Coleman, Connely, Davis, Dow, Gregory, Gwinn, Holman, Johnson, Lefever, Lynch, Pico, Roane, Rodgers, Shannon, Sheridan, Street, Tipton, Torres, Whitman, and Mr. Speaker—24.

NOES—Messrs. Banks, Burdick, Caldwell, Cahalan, Cutler, DeLong, G. A. Douglas, Eagon, Fuller, Howe, Jackson, Lamar, Laspeyre, Lies, Lightner, Lull, Malarin, Mathews, Moore of Nevada, Murray, Pixley, Shepard, Sloss, Springer, Taylor, Vaughan, Watkins, Whealdon, Wing, Whitney, and Young—31.

Mr. Dunlap moved a call of the House.

Lost.

On motion of Mr. Cope, Mr. DeLong's motion to reconsider was made the special order for to-morrow, at half-past two o'clock, P. M.

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

Resolved, By the Assembly, the Senate concurring, that the Governor be, and he is hereby, requested to return to the Assembly, without his approval, Senate bill No. 82.

REPORTS.

Reports were made as follows:

By Mr. Cope:

MR. SPEAKER:—The Judiciary Committee, to whom was referred Senate bill No. 206, an Act for the relief of William T. Barbour, late Judge of the Tenth Judicial District;

And Senate bill No. 231, an Act to audit and allow the claim of William T. Barbour, for back salary, as District Judge of the Tenth Judicial District;

Having had the same under consideration, report them back to the House, and a majority of the Committee recommend their passage.

The majority of the Committee beg leave to submit the following facts and reasons in support of their recommendation:

Judge Barbour was elected Judge of the Tenth Judicial District in the

year one thousand eight hundred and fifty-one—immediately entered upon the discharge of the duties of his office, and continued to discharge such duties for the term of six years thereafter. At the time of his election, his salary was fixed, by law, at seven thousand five hundred dollars per annum. The Constitution, (Article VI, section fifteenth,) provides that "the Justices of the Supreme Court, and Judges of the District Court, shall, severally, at stated times, during their continuation in office, receive, for their services, a compensation, paid out of the treasury, which shall not be increased or diminished during the term for which they shall have been elected." In the year one thousand eight hundred and fifty-two, the Legislature reduced the salary to six thousand dollars. It is clear that, under the Constitution, this Act would not affect the salary of Judge Barbour, as fixed by law at the time of his election. During the six years for which he was elected, he drew from the public treasury the aggregate sum of thirty-seven thousand eight hundred and fifty-five dollars and fifty-cents. He was entitled, under the law, to the sum of forty-five thousand dollars. These bills provide for the balance due him, and which he has not drawn. The term for which he was elected, in the year one thousand eight hundred and fifty-one, is not now a question. The point has been expressly decided by the Supreme Court in two cases—that of Brodie *v.* Weller, and Burbank *v.* Hager. If, then, when Judge Barbour was elected, in the year one thousand eight hundred and fifty-one, he was elected for the term of six years, he was certainly entitled to the salary secured to him by the law and the Constitution. The majority of the Committee, therefore, regard the claims embraced in these bills as just and legal demands against the State, and can see no objection to their payment.

COPE, Chairman.

By Mr. Lefever:

MR. SPEAKER:—The Hospital Committee, to whom were referred Senate bills Nos. 175, 204, and 257, all of which have been duly considered by said Committee, most respectfully ask leave to return them to the House, and unanimously recommend their passage.

LEFEVER, Chairman.

By Mr. Sheridan:

MR. SPEAKER:—The Committee on Swamp and Overflowed Lands, to whom was referred Assembly bill No. 324, have had the same under consideration, and have attached sundry amendments, with which, they recommend the passage of the bill.

J. E. SHERIDAN, Chairman.

Mr. Shannon moved a call of the House.

Which was sustained.

And the following members were absent, viz.: Messrs. Armstrong, Barclay, Bates, Buck, Daggett, Davis, G. N. Douglass, Dow, Dunlap, Ensworth, Gwinn, Hill, Howe, Imus, Johnson, Lamar, Moore of San Francisco, Mount, Roane, Robberson, Sprir ger, Tipton, Torres, Tully, Vaughan, and Whitney.

Further proceedings under the call were dispensed with.

Mr. Lynch made the following report:

MR SPEAKER:—The Committee on Engrossment report, as correctly engrossed, Assembly bill No. 309, an Act to amend an Act entitled an

Act to regulate fees in office in certain Counties of this State, approved April twenty-eighth, one thousand eight hundred and fifty-seven;

Also, Assembly bill No. 278, an Act to authorize Charles Pearce to change his name to Charles G. Howard;

Also, Assembly bill No. 279, an Act to confer further powers upon the Board of Supervisors, and the Auditor and Treasurer, of the City and County of San Francisco, and to authorize them to perform certain acts therein mentioned;

Also, Assembly bill No. 273, an Act to encourage the supply of fresh water on the Desert, west of Fort Yuma;

Also, Assembly bill No. 359, an Act to legalize certain acts of the Board of Supervisors of San Bernardino County, sitting as a Board of Equalization;

Also, Assembly bill No. 364 an Act supplementary to an Act to remedy the loss of a certain certificate of the Mokelumne Hill Canal and Mining Company, approved on the second day of April, one thousand eight hundred and fifty-nine.

LYNCH, Chairman.

By Mr. Fuller:

MR. SPEAKER:—The Yuba delegation, to whom was referred Assembly bill No. 231, an Act to amend an Act entitled "An Act concerning hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Cruz, approved April twenty-first, one thousand eight hundred and fifty-six," beg leave to report the same back to this House, with amendment, and recommend its passage;

Also, Assembly bill No. 298, an Act to amend an Act entitled "An Act to regulate fees in office in the County of Yuba, approved April twenty-eighth, one thousand eight hundred and fifty-nine," with amendment, and recommend its passage.

M. FULLER.

Mr. Hancock verbally reported, and recommended the passage of Senate bill No. 242, an Act to authorize the Common Council of the City of Los Angeles to extend the City limits.

Mr. Street moved to adjourn.

Lost

Mr. Cannon made the following report:

MR. SPEAKER:—The undersigned, minority of the Committee on Military Affairs, to whom was referred Assembly bill No. 225, an Act to provide for the payment of troops called out to suppress insurrection in the City of San Francisco, in the year one thousand eight hundred and fifty-six, respectfully dissent from the opinion expressed by the majority, and recommend the indefinite postpone of the bill, for the following reasons:

First—It is a dangerous precedent to establish, to draw on the General Fund of the State for the payment of military companies, (even admitting service to have been performed,) called out for any temporary purpose, because the laws of the State already make ample provision for the payment of such services out of the Military Fund, and therefore no further legislation is demanded.

Second—It does not appear that said claims have ever been submitted

to any Board of Military Auditors, as required by law, nor that the Board of Examiners have ever passed upon said claims.

Third—The said claims, having occurred prior to the first of January, one thousand eight hundred and fifty-seven, should be funded, if allowed at all, and not paid in cash, as any other course would be an unjust discrimination between the creditors of the State at that date.

The undersigned take this occasion to express an earnest desire that all legal and equitable claims against the State should, by every consideration of public faith, be canceled. But, for the reasons expressed above, they regard the policy sought to be inaugurated by the passage of this bill as dangerous in the extreme—a species of profligacy indefensible upon any grounds.

All of which is respectfully submitted.

ANDRES PICO,
F. E CANNON.

At six o'clock, P. M., on motion of Mr. Street, the House adjourned.

IN ASSEMBLY.

SATURDAY, April 9, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

GENERAL FILE.

Senate bill No. 189, an Act to amend an Act entitled an Act concerning the Eighth, Ninth, and Fifteenth Judicial Districts of this State, and the Judges thereof, approved March thirty-first, one thousand eight hundred and fifty-seven, and of an Act amendatory thereto, approved March twenty-fifth, one thousand eight hundred and fifty-eight, Committee amendments adopted, read third time, and passed.

Senate bill No. 196, an Act for the relief of William A. King, County Treasurer of Mariposa County;

Also, Senate bill No 203, an Act to appropriate money for the relief of certain persons;

And, Senate bill No 252, an Act relating to the office of Sheriff, in the County of San Mateo;

Were read third time, and passed.

Assembly Concurrent-Resolution No. 41, relative to Chinese immigration—

Mr Aud moved the previous question.

Sustained.

On the adoption of the resolution, Messrs. Street, Sheridan, and Coleman, demanded the ayes and noes, and it was adopted, by the following vote:

AYES—Messrs. Armstrong, Aud, Bates, Briggs, Buck, Burdick, Caine, Caldwell, Cahalan, Cope, Crenshaw, DeLong, G. N. Douglass, Dunlap, Ellis, Ensworth, Fuller, Howe, Imus, Lamar, Laspeyre, Lull, Lynch, Moore of Nevada, Mount, Murray, Roane, Robberson, Shannon, Shepard,

Slingerland, Sloss, Springer, Street, Tipton, Vaughan, Watkins, Wing, Whitney, Young, and Mr. Speaker—46.

NOES—Messrs. Banks, Cannon, Coleman, Condee, Connely, Dow, Eagon, Gregory, Gwinn, Hancock, Hill, Holman, Lightner, Malarin, Mathews, Pico, Rodgers, Sheridan, and Torres—19.

Mr. Street gave notice of reconsideration.

Mr. Aud moved to suspend the rules, to reconsider the vote at this time

Lost.

Assembly bill No. 335, an Act amendatory of, and supplementary to, an Act to provide revenue for the support of the Government of this State, approved April twenty-ninth, one thousand eight hundred and fifty-seven, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 286, an Act appropriating money for the purpose of commencing the building of a State Capitol, in the City of Oakland, Alameda County, was, on motion of Mr. Shepard, laid on the table.

Assembly bill No. 301, an Act to legalize certain acknowledgments of conveyances, in the County of Nevada, indefinitely postponed.

Assembly bill No. 276, an Act to establish the rule of evidence to be observed in the Courts of this State, in certain cases, concerning titles to lands—

Mr. Cherry demanded the previous question

Sustained.

On the passage of the bill, Messrs. Shepard, Lies, and Hancock, demanded the ayes and noes, and it was passed, by the following vote:

AYES—Messrs. Aud, Banks, Barclay, Buck, Caine, Caldwell, Cahalan, Cannon, Cherry, Condee, Connely, Crenshaw, Cutler, Daggett, Davis, DeLong, Dow, Dunlap, Fuller, Gregory, Gwinn, Holman, Howe, Imus, Jackson, Johnson, Lamar, Laspeyre, Lightner, Lull, Mathews, Murray, Roane, Robberson, Shannon, Shepard, Sheridan, Slingerland, Springer, Taylor, Watkins, Whealdon, Young, and Mr Speaker—44

NOES—Messrs. Burdick, Coleman, G. N. Douglass, Ellis, Hancock, Lies, Malarin, Moore of San Francisco, Pico, Rodgers, Squires, Tipton, and Torres—13.

Mr. Laspeyre moved to suspend the rules, to reconsider the vote just taken.

Carried.

On reconsidering, Messrs. Hancock, Pixley, and Lies, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Burdick, Coleman, Hancock, Hill, Jackson, Malarin, Moore of San Francisco, Pico, Rodgers, Sloss, Squires, Tipton, and Torres—14.

NOES—Armstrong, Aud, Banks, Barclay, Buck, Caine, Caldwell, Cahalan, Cannon, Cherry, Condee, Connely, Crenshaw, Cutler, Daggett, Davis, G. N Douglass, Dow, Dunlap, Ellis, Fuller, Gregory, Gwinn, Holman, Howe, Imus, Johnson, Lamar, Laspeyre, Lefever, Lightner, Lull, Roane, Robberson, Shannon, Shepard, Slingerland, Springer, Watkins, Whealdon, and Mr. Speaker—40.

REPORTS.

Reports were made as follows:

By Mr. Gregory:

MR. SPEAKER:—The Committee on Corporations, to whom was referred Assembly bill No. 339, "An Act to repeal an Act entitled an Act to provide for the construction of canals, and for draining and reclaiming certain swamp and overflowed lands in Tulare Valley," having considered the same, now report it back, and recommend its passage.

The same Committee have also considered Assembly bill No. 355, "An Act to repeal the ninth chapter of an Act entitled an Act concerning corporations, approved April twenty-second, one thousand eight hundred and fifty," and now report the same back—a majority of the Committee recommending its passage—the minority, Messrs. Lamar, and Gregory, recommend the indefinite postponement of the bill.

A. J. GREGORY, Chairman.

By Mr. Cope:

MR. SPEAKER:—The Judiciary Committee, to whom was referred Senate bill No. 103, an Act amendatory and supplemental to an Act entitled "An Act to regulate proceedings in civil cases in the Courts of Justice of this State," passed April twenty-ninth, one thousand eight hundred and fifty-one, and to repeal an Act amendatory thereof, passed April fifteenth, one thousand eight hundred and fifty-eight, report the same back, amended, as directed by the House

The same Committee, to whom was referred Senate bill No. 225, an Act to authorize the Weaverville and Shasta Wagon-Road Company to file certain papers *nunc pro tunc*, have considered the same, and report the bill back, and recommend its passage.

The same Committee, to whom was referred Assembly bill No. 334, an Act supplementary to, and amendatory of, the Act of April sixteenth, one thousand eight hundred and fifty, concerning crimes and punishments, and the Acts amendatory thereof, have considered the same, and report the bill back, and recommend its passage.

The same Committee, to whom was referred Assembly bill No 363, an Act to authorize the minor heirs of Antonio Maria Armijo to dispose of the real estate of said heirs, for certain purposes, have considered the same, and report the bill back, with a substitute, and recommend the passage of the substitute

The same Committee, to whom was referred Senate bill No 205, an Act ceding jurisdiction to the United States over certain lands, have considered the same, and report the same back, and recommend its passage.

The same Committee, to whom was referred Senate bill No. 161, an Act relating to the possession of lands, the recording of conveyances, and the effect thereof, have considered the same, and report the bill back, and recommend its passage.

The same Committee, to whom was referred Assembly bill No. 307, an Act to amend an Act passed May fourth, one thousand eight hundred and fifty-two, entitled "An Act for the relief of insolvent debtors, and protection of creditors," have considered the same, and report the bill back, with amendment, and recommend its passage, as amended

the same, and report the bill back, a majority of the Committee recommending its passage.

The same Committee, to whom was referred Senate bill No. 170, an Act to provide for the issuance of patents to lands located with school-land warrants, have considered the same, and report the bill back, with amendments, and recommend its indefinite postponement—Messrs. Cope, Shepard, and Buck, dissenting from the recommendation.

COPE, Chairman.

By Mr. Buck:

MR SPEAKER.—A minority of the Judiciary Committee, to whom were referred Senate bills Nos. 206 and 271, Acts for the relief of Wm. T Barbour, submit the following report.

Said Barbour was elected in one thousand eight hundred and fifty-one, to the office of District Judge of the Tenth Judicial District, for an unexpired term, which term expired on the first day of January, one thousand eight hundred and fifty-three, at a salary of seven thousand five hundred dollars per annum Previous to one thousand eight hundred and fifty-three, the salaries of District Judges were reduced to six thousand dollars per annum. By recent decisions of the Supreme Court, it seems that Judge Barbour was entitled to the office of District Judge, for six years, under his election in one thousand eight hundred and fifty-one, at a salary of seven thousand five hundred dollars per annum. But said Barbour saw fit to waive his right, and go into an election in one thousand eight hundred and fifty-two, and was again elected to a six-years term, to commence on the first day of January, one thousand eight hundred and fifty-three, at a salary of six thousand dollars per annum. He now claims the difference of salary Believing that he waived his right knowingly, we do not believe that he has any legal claim against the State for back salary. We, therefore, recommend the indefinite postponement of Senate bills Nos 206 and 271.

BUCK,
WM. P. BARCLAY.

By Mr Connely:

MR. SPEAKER:—The Committee on Agriculture, to whom was referred Assembly bill No. 317, entitled "An Act to prevent diseased horses from running at large," have had the same under consideration, and have agreed upon a substitute to the original bill, and recommend that the substitute be adopted, and passed by the House.

D W CONNELY, Chairman.

By Mr. Robberson:

MR. SPEAKER:—The Committee on Internal Improvements, to whom was referred Assembly bill No. 361, "An Act to permit James C. Cooper and Wm. C. Thompson to construct a bridge across the Mokelumne River, have had the same under consideration, and report the same back, and recommend the indefinite postponement of the bill.

ROBBERSON, Chairman

By Mr Squires:

MR. SPEAKER:—Your Committee on Public Expenditures and Accounts have examined, and found correct, the following accounts, to wit:

Account of Publishers of Mountain Democrat, amounting to.....	$69 00
Account of Publishers of Democratic Standard, of April 9.....	60 00
Account of Publishers of Trinity Journal, of April 1.....	3 00
Account of Publishers of Nevada Democrat, of April 6	9 00
Account of Firderer & Caduc, of April 7, for Coal.....	5 60
Account of J Bithell, of April 8th, for Stationery.....	255 75
Total	$402 35

The same Committee, to whom was referred Assembly resolution relative to pay of Michael Martin, for services, from January twelfth to April eighteenth, as Fireman, have had the same under consideration, and requested me to report the same back to the house, and recommend its adoption.

Respectfully,
OGDEN SQUIRES, Chairman.

Adopted
By Mr. Lynch:

MR. SPEAKER:—The Committee on Engrossment report, as correctly engrossed:

Assembly bill No. 303, an Act to amend an Act defining the time for commencing civil actions, passed April twenty-second, one thousand eight hundred and fifty.

And, Assembly bill No. 360, an Act to amend an Act entitled an Act authorizing the Board of Supervisors of Los Angeles County to contract a loan for the purpose of erecting a Court-house, and completing the same, approved April twenty-first, one thousand eight hundred and fifty-eight.

LYNCH, Chairman,

By Mr. Young:

MR SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled:

Assembly bill No. 230, an Act to grant the right to improve the navigation of Petaluma Creek.

Also, Assembly bill No. 229, an Act to authorize the County of Santa Barbara to issue bonds for the funding of its debt and the construction of roads, and to provide for the payment of the said bonds.

Assembly bill No. 284, An Act to audit certain claims

Assembly bill No. 184, an Act supplementary to, and amendatory of, an Act to amend an Act entitled an Act concerning the office of Public Administrator.

Assembly bill No. 285, an Act to appropriate money to pay certain claims.

Assembly bill No. 256, an Act to define the boundary-line of Tuolumne County.

And Assembly bill No 313, an Act amendatory of, and supplemental to, an Act entitled an Act to create a Board of Water Commissioners, in the County of San Bernardino, and define their duties.

And delivered the same to His Excellency, the Governor, this ninth day of April.

GEO. A. YOUNG, Chairman.

By Mr. Aud:

MR. SPEAKER:—The Special Committee, consisting of the delegation from Yuba County, to whom was referred Assembly bill No. 348, entitled "An Act amendatory of an Act entitled an Act amendatory of, and supplementary to, an Act to incorporate the City of Marysville," approved March third, one thousand eight hundred and fifty-seven—approved April twenty-fifth, one thousand eight hundred and fifty-seven, have had the same under consideration, and a majority of said Committee have instructed me to report the bill back, without amendment, and recommend its passage.

FRANCIS L. AUD, Chairman.

Mr. Howe, from the Tuolumne delegation, verbally reported, and recommended the indefinite postponement of Senate bill No. 63, an Act to amend an Act entitled an Act relating to the hospital affairs of Tuolumne County, passed April fourteenth, one thousand eight hundred and fifty-seven.

By Mr. Burdick:

MR. SPEAKER:—Your Auditing Committee find copying done for the Assembly, as follows:

Copying of Tabular Statements in Appendix, folios	1,265
For Printer, folios	1,265
Total	2,530

BURDICK, Chairman.

By Mr. Street:

To the President of the Senate, and Speaker of the Assembly:

The undersigned, members of the Committee of Free Conference, appointed on behalf of the Senate and Assembly, have had under consideration Senate bill No. 147, "An Act to compensate the Warden of the State-prison," together with the amendments attached to the same, by the Assembly.

We find, from the statement of the Governor, and Secretary of State, (see note to page five of the Annual Report of the Board of State-prison Directors, for the year one thousand eight hundred and fifty-eight,) that the Hon. Joseph Walkup "*spent his whole time at the Prison*, in discharging the duties of Chief-Warden," and that there are doubts as to whether the compensation allowed by the tenth section of the Act of April twenty-fourth, one thousand eight hundred and fifty-eight, creating the Board of State-prison Directors, can be legally drawn.

We find that the seventy-five dollars per month, allowed each of the said Directors, "as a *compensation for their expenses*, as such Directors," has been drawn by each and all of them, and that Lieutenant-Governor Walkup has not received one cent more from the treasury under said Act, for his own proper use.

We find that, from the adjournment of the ninth Legislature, to the first day of January one thousand eight hundred and fifty-nine, there are

two hundred and forty-nine days, and that, if the Hon. Joseph Walkup spent the *whole of his time* in the active duties of Agent-in-Chief at said State-prison, he is at least entitled to compensation for two hundred and twenty-three days, which the bill, before being amended in the Assembly, called for.

The rate of pay, we consider was fixed by the Act aforesaid, at ten dollars per day, and was intended as a compensation for his personal attention to matters at the Prison, whether he was sitting as a member of the Board of Directors, or not, and without regard to the particular title or style of office he might be designated by in the books of said Prison, or the Journal of said Board, whether he was called Director, Warden, Chief-Warden, or what not. As it is neither just nor desirable for the State to have the services of its citizens, without rendering compensation therefor, we return the bill, with the annexed "*proviso,*" and recommend that the bill, as it originally passed the Senate, be passed, after adding to section one, the said proviso:

Provided, That the said Joseph Walkup shall not be allowed any further and additional compensation for services rendered during the year one thousand eight hundred and fifty-eight, either for sitting as a member of the Board of Directors of said Prison, or for services at said Prison.

S. H. PARKER,
JAMES ANDERSON,
Of the Senate.
CHAS. R STREET,
GEO. N. WHITMAN,
Of the Assembly.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 8, 1859.

To the Assembly of California:

I have to inform your honorable body that I have, to-day, approved an Act amendatory of an Act entitled "An Act amendatory of an Act entitled an Act to authorize the Board of Supervisors of Nevada County to levy a special tax, for County purposes, approved April twenty-second, one thousand eight hundred and fifty-seven, approved February twenty-seventh, one thousand eight hundred and fifty-eight;"

Also, "An Act for the relief of purchasers of lands from the State of California;"

Also, "An Act supplemental to an Act entitled an Act to provide revenue for the support of the Government, passed April twenty-ninth, one thousand eight hundred and fifty-seven;"

Also, "An Act supplementary to an Act to regulate fees of office, approved April tenth, one thousand eight hundred and fifty-five;"

Also, "An Act to authorize H. W. Bragg, guardian of the minor heirs of David Martin, and Anne Martin, deceased, to sell real estate of said minor heirs at public or private sale;"

Also, "An Act to change the time of holding the terms of the District Court, Court of Sessions, County Courts, and Probate Courts, within the Second Judicial District;"

Also, "An Act supplementary to, and amendatory of, an Act entitled an Act to define the boundaries, and provide for the organization, of Men-

docino County, approved March eleventh, one thousand eight hundred and fifty-nine;"

Also, "An Act to extend an Act concerning hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, one thousand eight hundred and fifty-six;"

Also, "An Act to authorize the guardian or guardians of certain minors to sell and dispose of their real estate and chattels real."

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 9, 1859.

To the Assembly of California:

I hereby inform your honorable body that I have, this day, approved, an Act to amend an Act entitled "An Act to prescribe the mode of drawing grand-jurors and trial-jurors, in the City and County of San Francisco, passed April second, one thousand eight hundred and fifty-seven;"

Also, "An Act authorizing Charles B. Ryder to construct a wharf at Trinidad Bay, in Klamath County;"

Also, "An Act to fix the amount of the official bonds of the County officers, in and for the County of El Dorado;"

Also, an Act supplementary and explanatory of an Act entitled "An Act concerning roads and highways in the County of Nevada, approved March second, one thousand eight hundred and fifty-nine."

JOHN B. WELLER.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
April 8, 1859.

MR SPEAKER:—The Senate, on yesterday, concurred in Assembly amendments to Senate bill No. 156, "An Act to authorize District Judges, in certain cases, to sign records and settle statements;"

Also, passed Senate bill No 235, "An Act to further define the duties of State-Printer;"

Also, Assembly bill No. 58, "An Act to provide for the licensing of auctioneers, and to define their duties and liabilities," with amendments, and ask the concurrence of the Assembly,

Also, passed Assembly bill No 288, "An Act to amend an Act entitled an Act concerning the office of Public Administrator in the Counties of Nevada, Sacramento, Monterey, and Amador, approved April fifth, one thousand eight hundred and fifty-six, approved March ninth, one thousand eight hundred and fifty-nine,"

Also, passed Assembly bill No 281, "An Act to authorize certain Counties to retain the State's portion of the poll-tax, less that portion authorized by law to be paid into the General School Fund, which shall be collected in said counties for the year one thousand eight hundred and fifty-nine; and for the year one thousand eight hundred and sixty, to be applied to the construction and improvement of a wagon-road, from Cloverdale to Yreka

E. C PALMER, Secretary Senate.

Senate bill No. 235, above reported, read first and second times, and referred to the Printing Committee.

The House concurred in Senate amendments to Assembly bill No. 58, above reported.

SENATE CHAMBER,
April 9, 1859.

MR. SPEAKER:—The Senate, this day, passed Assembly bill No. 310, "An Act to authorize the Board of Supervisors of the County of Mendocino to levy an additional tax for County purposes"

E. C. PALMER, Secretary Senate.

SENATE CHAMBER,
April 9, 1859.

MR. SPEAKER:—The Senate, this day, passed Senate bill No. 270, "An Act for the relief of F. W. Blake, W. B. Olmstead, H. W. Anderson, C. P. Rice, and the Administrator of John Cole, deceased."

E. C. PALMER, Secretary of Senate.

Senate bill No. 270, above reported, read first and second times, and referred to the Judiciary Committee.

Senate bill No. 249, above reported, read first and second times, and referred to the Napa delegation.

Mr. Pixley had leave of absence for Monday next.

SENATE CHAMBER,
April 9, 1859.

MR. SPEAKER:—The Senate, on yesterday, concurred in Assembly amendments to Senate bill No 108, "An Act to provide for the compensation of the Keeper of the Jail in the County of Shasta, and to legalize warrants heretofore issued for the payment of the services of the Keeper of said Jail."

Also, concurred in Assembly amendments to Senate bill No 184, "An Act making appropriations for deficiencies in the appropriations made for the tenth fiscal year ending the thirtieth day of June, A. D. one thousand eight hundred and fifty-nine."

Also, passed Assembly bill No 251, "An Act to amend an Act entitled an Act to amend an Act entitled an Act to change the time of holding Court of Sessions, and County Court, in the County of Napa, approved April twentieth, one thousand eight hundred and fifty-eight.

Also, adopted Senate Concurrent-Resolution No. 36, relative to Joint Convention on Wednesday, April thirteenth, one thousand eight hundred and fifty-nine, at one o'clock, P M for the purpose of electing Trustees of the Insane Asylum, and ask the concurrence of the Assembly.

Also, Senate bill No. 249, an Act to empower M. G. Vallejo to convey certain real estate.

Also, Senate bill No. 264, an Act for the relief of Hiram McLaughlin.

Also, this day, Senate bill No 274, an Act to repeal the several Acts incorporating the City of Benicia, and to provide for the Government thereof.

Also, with amendments, Assembly bill No. 299, an Act to amend the seventy-first section of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the Government thereof,

approved April nineteenth, one thousand eight hundred and fifty-six, and ask the concurrence of the Assembly.

E. C. PALMER, Secretary of Senate.

Senate Concurrent-Resolution No. 36, above reported, adopted.

Senate bill No. 264, above reported, read first and second times, and referred to the Los Angeles delegation.

Senate bill No. 274, above reported, read first and second times, and referred to the Solano delegation.

The House concurred in Senate amendments to Assembly bill No 299, above reported

Mr. Banks called for the reading of section four, after the amendments had been agreed to.

The Speaker ruled him out of order.

Whereupon, Mr. Banks appealed, and the Chair was sustained by the House.

SENATE CHAMBER,
April 9, 1859.

MR. SPEAKER:—The Senate have, this day, passed Assembly bill No. 327, "An Act appropriating money for the payment of certain claims."

E. C. PALMER, Secretary of the Senate.

SPECIAL ORDER.

Senate bill No. 15, an Act to regulate the creation of homesteads, the special order for this day, was considered in Committee of the Whole, Mr. Cope in the Chair.

The Committee rose.

Mr. Lightner moved a call of the House.

Lost.

FURTHER MESSAGE FROM THE SENATE.

SENATE CHAMBER,
April 8, 1859.

MR. SPEAKER:—The Senate, on yesterday, passed Senate bill No. 261, "An Act to audit certain claims."

Also, Senate bill No. 268, "An Act amendatory of an Act to fix the compensation of the County Judge of Calaveras, and the District-Attorney of Calaveras County," approved March thirteenth, one thousand eight hundred and fifty-seven.

Also, Senate bill No 265, "An Act to authorize the Courts of Record of this State to admit E. G. Browne to practice as an Attorney and Counselor-at-Law."

E. C. PALMER, Secretary of the Senate.

Senate bills Nos. 265 and 268, were read first and second times, and placed on file.

Senate bill No. 261, above reported, read first and second times, and referred to the Committee on Claims.

FURTHER SPECIAL ORDER.

On motion of Mr. DeLong, the vote by which the House, on the seventh instant, adopted the report of the Committee of Free Conference on Sen-

ate bill No. 82, an Act for making certificates of purchase evidence of title, was reconsidered.

Mr. DeLong moved to suspend the rules for the purpose of introducing a resolution.

Upon which, Messrs. DeLong, Slingerland, and Jackson, demanded the ayes and noes, and the House refused, by the following vote, it requiring a two-thirds vote:

AYES—Messrs. Banks, Barclay, Briggs, Burdick, Caldwell, Cahalan, Cannon, Cope, Crenshaw, DeLong, Eagon, Ellis, Fuller, Gregory, Hancock, Hill, Howe, Imus, Jackson, Lamar, Lefever, Lies, Lightner, Lull, Mathews, Murray, Rodgers, Shannon, Slingerland, Sloss, Springer, Taylor, Vaughan, Watkins, Whitney, and Young—36.

NOES—Messrs. Armstrong, Aud, Bates, Buck, Caine, Coleman, Condee, Connely, Daggett, Davis, Dow, Gwinn, Holman, Johnson, Lynch, Roane, Robberson, Shepard, Sheridan, Squires, Street, Tipton, Torres, and Mr. Speaker—24.

On motion of Mr. Young, the adoption of the report was made the special order for Monday next, at two o'clock, P. M.

Mr. Burdick moved to adjourn.

Lost.

Mr. Cutler presented a petition of citizens of Solano County, in reference to boundary-line.

Referred to Committee on Counties and County Boundaries.

REPORTS.

Mr. Robberson made the following report:

MR. SPEAKER:—The Committee on Internal Improvements, to whom was referred Assembly bill No. 179, an Act to authorize the Counties of the State of California and incorporate Cities, to become stockholders in Railroad Companies, have had the same under consideration, report the same back, and recommend its passage.

ROBBERSON, Chairman.

Also:

MR. SPEAKER:—A majority of the Committee to whom was referred Assembly bill No. 331, being "An Act for the purpose of obtaining artesian or other water, on the Colorado Desert, and to appropriate money therefor," having had the same under consideration, report it back, and recommend its passage, without amendment.

ROBBERSON,
WHITMAN,
DAGGETT,
Majority of Committee on Internal Improvements.

APRIL 9, 1859

Senate bill No. 225, an Act to authorize the Weaverville and Shasta Wagon-Road Company to file certain papers *nunc pro tunc*, read third time, and passed.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. DeLong, 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 twenty-ninth, one thousand eight hundred and fifty-one.

Read first and second times, and placed on file.

By Mr. Torres, an Act enabling certain minors therein named, to manage and control their property.

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

By Mr. Sheridan, an Act to grant certain parties the right of laying a railroad track along certain streets within the City and County of Sacramento

Read first and second times, and referred, with petition, to Sacramento delegation.

By Mr. Shannon, an Act to amend an Act entitled an Act to regulate fees of office, approved April tenth, one thousand eight hundred and fifty-five.

Read first and second times, and placed on file.

By Mr Cutler, an Act to fix the time of holding the Court of Sessions, County Court, and Probate Court, in the County of Solano

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

GENERAL FILE RESUMED.

Assembly bill No. 280, an Act supplementary to an Act entitled an Act concerning marks and brands, passed May first, one thousand eight hundred and fifty-one, read third time, and passed.

Senate bill No. 244, an Act to change the name of Julien Neuschwander, read third time and lost

On motion of Mr. Watkins, vote reconsidered, and bill passed.

Assembly bill No. 245, an Act to authorize the Board of Supervisors of Yuba County to levy a special tax, for County purposes;

And, Assembly bill No. 348, an Act amendatory of an Act entitled an Act amendatory of, and supplementary to, an Act entitled an Act to incorporate the City of Marysville, approved March fifth, one thousand eight hundred and fifty-seven;

Were, the rules being suspended, considered engrossed, read third time, and passed.

Assembly bill No. 323, an Act making certain animals property;

And, Assembly bill No. 347, an Act authorizing the sale of real estate of the late William E. P. Hartnell, deceased;

Were, the rules being suspended, considered engrossed, read third time, and passed

Senate bill No. 134, an Act for the establishment and erection of a State Reform School, Committee amendments adopted, read third time, and passed.

Assembly bill No. 337, an Act supplementary to, and amendatory of, an Act entitled an Act to allow Lindley Carson to sell certain real estate, approved April twenty-first, one thousand eight hundred and fifty-eight, ordered engrossed.

Assembly bill No. 349, an Act to authorize the Controller of State to employ a Deputy, for certain purposes, substitute reported by Committee adopted, and ordered engrossed.

Senate bill No. 127, an Act extending the privileges of the Homestead Law to certain persons, and to regulate the creation of the same—

Mr. Lightner moved a call of the House.
Lost.
On the indefinite postponement of the bill, Messrs Lightner, Cahalan, [illegible] Crenshaw, demanded the ayes and noes, and it was indefinitely post-[illegible], by the following vote:

AYES—Messrs. Aud, Bates, Buck, Caine, Caldwell, Cannon, Coleman, Condee, Connely, Crenshaw, DeLong, Dow, Eagon, Ellis, Gregory, Imus, Lamar, Laspeyre, Lefever, Lies, Mathews, Robberson, Shannon, Sheri-[illegible] Springer, Squires, Torres, Vaughan, and Young—29.
NOES—Messrs Armstrong, Banks, Barclay, Burdick, Cahalan, Fuller, Gwinn, Hancock, Hill, Holman, Howe, Jackson, Johnson, Lightner, Lull, Lynch, Murray, Roane, Rodgers, Shepard, Street, Taylor, Tipton, Watkins, and Wing—25.

Mr. Squires gave notice of reconsideration
Assembly bill No. 319, an Act to authorize the sale of real estate, and the transfer of school warrants, belonging to the estate of Peter Tracy, [illegible], rules suspended, considered engrossed, read third time, and [illegible]
Assembly bill No. 308, an Act in relation to contracts in certain cases, [illegible] to provide for the punishment of persons interested in the same, or-[illegible]ed engrossed.
Mr. Street moved to adjourn.
Lost.
Assembly bill No. 343, an Act to appropriate money to pay Francis Russell, considered in Committee of the Whole, reported, and passage [illegible]
On the passage of the bill, Messrs. Springer, DeLong, and Lamar, de-[illegible] the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Armstrong, Buck, Burdick, Cahalan, Condee, Connely, Crenshaw, DeLong, Dow, Eagon, Ellis, Fuller, Gregory, Gwinn, Hill, Howe, Jackson, Johnson, Laspeyre, Lightner, Lull, Roane, Robberson, Rodgers, Sheridan, Slingerland, Squires, Torres, Whealdon, Whitman, and Young—31.
NOES—Messrs Aud, Banks, Barclay, Bates, Caine, Caldwell, Cannon, Coleman, Davis, Hancock, Imus, Lamar, Lefever, Lies, Lynch, Mathews, Murray, Shannon, Springer, Street, Tipton, Vaughan, and Watkins—23.

The vote by which the House, this day, ordered Assembly bill No. 337 be engrossed, was reconsidered, and the bill recommitted to the Sono-delegation.
Mr DeLong moved to suspend the rules, for the purpose of introducing resolution.
Upon which, Messrs Tipton, Shepard, and Barclay, demanded the ayes [illegible] noes.
At five o'clock, P. M., on motion of Mr. Howe, the House adjourned.

IN ASSEMBLY.

MONDAY, April 11, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of Saturday last was read and approved.

Messrs. Malarin, Moore of Nevada, G. N. Douglass, Pico, and Cherry, had one day's leave of absence, each.

GENERAL FILE.

Assembly bill No. 225, an Act to provide for the pay of troops called out by the Governor of this State, to quell insurrection, in the year one thousand eight hundred and fifty-six—

Mr Laspeyre moved that the House go into Committee of the Whole, for the purpose of considering the bill.

Upon which, Messrs. Lightner, Laspeyre, and Lamar, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs Briggs, Burdick, Cahalan, Cope, Crenshaw, Cutler, DeLong, Dow, Eagon, Ellis, Ensworth, Gwinn, Holman, Johnson, Lamar, Laspeyre, Lefever, Lightner, Roane, Rodgers, Squires, Tipton, Torres, Vaughan, Whealdon, and Young—26

NOES—Messrs Armstrong, Aud, Banks, Barclay, Buck, Caine, Caldwell, Cannon, Coleman, Condee, Connely, Daggett, Davis, Dunlap, Fuller, Gregory, Hill, Howe, Imus Jackson, Lull, Lynch, Mathews, Moore of San Francisco, Murray, Shannon, Shepard, Sheridan, Slingerland, Sloss, Springer, Street, Taylor, Watkins, Wing, Whitney, and Mr. Speaker—37.

Mr. Holman moved to amend the original bill.

Lost.

On the indefinite postponement of the bill, Messrs. Slingerland, Sheridan, and Banks, demanded the ayes and noes, and it was indefinitely postponed, by the following vote:

AYES—Messrs Armstrong, Banks, Barclay, Bates, Buck, Caine, Caldwell, Cannon, Coleman, Condee, Connely, Cope, Daggett, Davis, Dunlap, Eagon, Ellis, Ensworth, Fuller, Gregory, Hill, Imus, Jackson, Lull, Lynch, Mathews, Moore of San Francisco, Murray, Shannon, Shepard, Sheridan, Slingerland, Sloss, Springer, Squires, Taylor, Tipton, Watkins, Whealdon, Wing, Whitney, and Mr Speaker—42.

NOES—Messrs Aud, Briggs, Burdick, Cahalan, Crenshaw, Cutler, Dow, Gwinn, Howe, Johnson, Lamar, Laspeyre, Lefever, Lightner, Mount, Roane, Rodgers, Torres, Vaughan, and Young—20.

Assembly bill No. 212, an Act to amend an Act entitled an Act to regulate fees in office in the City and County of San Francisco, ordered engrossed.

Assembly bill No. 163, an Act amendatory of an Act entitled an Act to provide for the sale and reclamation of the swamp and overflowed lands of this State, approved April twenty-first, one thousand eight hundred and fifty-eight—Senate amendments concurred in.

Senate bill No. 84, an Act to provide revenue for the support of the Government of this State—Committee amendments adopted, further amended, and made special order for Thursday next, at half-past twelve o'clock, M.

Senate bill No. 167, an Act concerning roads and highways in the City and County of San Francisco, read third time, and passed.

Assembly bill No. 358, an Act supplementary to an Act entitled an Act to provide for the sale and reclamation of swamp and overflowed lands in this State, approved April first, one thousand eight hundred and fifty-eight, ordered engrossed.

Senate bill No. 107, an Act defining the duties of the Surveyor-General of this State, in relation to swamp and overflowed lands, indefinitely postponed.

Assembly Joint-Resolution No. 45, relative to cession of lands by the General Government—rules suspended, considered engrossed, read third time, and passed

Assembly bill No. 273, an Act to encourage the supply of fresh water on the Desert, west of Fort Yuma, read third time, and passed.

Assembly bill No. 333, an Act for the suppression of chain-gangs in the Cities and Towns of this State—

On the indefinite postponement of the bill, Messrs Lamar, Laspeyre, and Banks, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Armstrong, Aud, Banks, Caine, Caldwell, Coleman, Connely, Cutler, Daggett, DeLong, Fuller, Gregory, Hill, Imus, Lull, Mathews, Murray, Sheridan, Sloss, Springer, Street, Taylor, and Torres —23

NOES—Messrs Barclay, Bates, Briggs, Burdick, Cahalan, Condee, Dow, Dunlap, Eagon, Ellis, Holman, Howe, Jackson, Johnson, Lamar, Laspeyre, Lefever, Lynch, Mount, Roane, Robberson, Rodgers, Slingerland, Squires, Tipton, Watkins, Whealdon, Wing, Whitney, Young, and Mr. Speaker —31.

On the engrossment of the bill, Messrs. Lull, Banks, and Fuller, demanded the ayes and noes.

The Speaker decided, that after the negative of the question had been put on the engrossment of the bill, it was not in order to offer an amendment

Mr. Banks appealed, and the House refused to sustain the Chair.

The Speaker announced that he would consider the present action of the House as the rule for the future, and directed the Clerk to enter the [illegible] on the Journal

Mr Banks offered the following amendment:

"The provisions of this Act shall not apply to the City and County of San Francisco."

Lost.

Mr Sheridan, to exclude Sacramento.

Lost.

Mr. Aud, to exclude Marysville.

Lost.

Mr. Fuller offered the following amendment:

"Unless it appears to the Courts convicting that the offender has been [illegible] of two offences prior to his sentence to the chain-gang."

Mr. Lamar offered the following substitute to Mr. Fuller's amendment:

Provided, That any person who can not, according to the laws of the United States, and the laws of this State, become citizens of this State, are exempted from the provisions of this Act

Lost.

Mr. Rodgers offered the following amendment to Mr. Fuller's amendment:

"And is twenty-five years of age."

Lost.

Mr Gwinn moved the previous question.

Sustained.

Mr. Lull moved a call of the House.

Lost.

On the adoption of Mr. Fuller's amendment, Messrs. Sheridan, DeLong, and Fuller, demanded the ayes and noes, and it was lost, by the following vote:

AYES—Messrs Aud, Banks, Briggs, Caine, Caldwell, Cannon, Coleman, Cope, DeLong, Eagon, Ellis, Fuller, Gwinn, Holman, Imus, Jackson, Lull, Mathews, Sheridan, Sloss, Springer, Taylor, Watkins, and Whealdon—23.

NOES—Messrs. Armstrong, Bates, Cahalan, Condee, Crenshaw, Cutler, Davis, Dow, Gregory, Johnson, Lamar, Laspeyre, Lefever, Moore of San Francisco, Mount, Roane, Robberson, Rodgers, Squires, Tipton, Torres, Wing, Whitman, Whitney, and Young—25.

On ordering the bill engrossed, Messrs. Lull, DeLong, and Banks, demanded the ayes and noes, and it was ordered engrossed, by the following vote:

AYES—Messrs. Armstrong, Barclay, Bates, Briggs, Burdick, Cahalan, Condee, Crenshaw, Dow, Eagon, Ellis, Gwinn, Holman, Howe, Jackson, Johnson, Lamar, Laspeyre, Lefever, Lightner, Lynch, Mount, Roane, Robberson, Rodgers, Slingerland, Squires, Torres, Watkins, Whealdon, Wing, Whitman, Whitney, and Young—34.

NOES—Messrs. Aud, Banks, Caine, Caldwell, Cannon, Coleman, Cutler, Davis, DeLong, Ensworth, Fuller, Gregory, Imus, Lies, Lull, Mathews, Moore of San Francisco, Murray, Shepard, Sheridan, Sloss, Springer, and Taylor—23.

REPORTS.

Reports were made as follows:

By Mr. Lightner:

MR. SPEAKER:—Your Committee on Claims, to whom was referred the petition of Joseph Nougues, for work done, and material furnished, on Capitol contract, have had the same under consideration, and report same back, with the accompanying bill, and recommend its passage.

LIGHTNER, Chairman.

Bill above reported, read first and second times, and placed on file.

Mr. Holman verbally reported, without recommendation, Assembly bills Nos. 13, 79, and 162.

By Mr. Lynch:

Mr. Speaker:—The Committee on Engrossment report, as correctly engrossed, Assembly bill No. 329, an Act to provide for the location of school-land warrants upon unsurveyed lands, and for the issuance of title for the same.

Also, Assembly bill No. 356, an Act to amend an Act entitled an "Act to re-incorporate the City of Sonora, approved March ninth, one thousand eight hundred and fifty five."

LYNCH, Chairman.

By Mr. Young:

Mr. Speaker:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 327, an Act appropriating money for the payment of certain claims, and presented the same to His Excellency, the Governor, on Saturday, April ninth, one thousand eight hundred and fifty-nine.

GEO. A. YOUNG, Chairman.

By Mr. Murray:

Mr. Speaker:—Your Committee on Public Printing, to whom was referred Senate bill No. 235, an Act to further define the duties of State-Printer, have instructed me to return the same back to the House, with the recommendation that it be passed, without amendment

MURRAY, Chairman.

By Mr. Eagon:

Mr Speaker:—The Committee on Indian Affairs have had under consideration Senate bill No. 180, entitled an Act to amend an Act entitled an Act for the government and protection of Indians, and report the same back to the Assembly, with an additional section, and recommend its passage.

EAGON, Chairman.

Mr. Coleman verbally reported, and recommended concurrence in the Senate amendment to Assembly bill No. 264, an Act to regulate the fees of certain officers, and witnesses, and jurors, in the County of El Dorado.

Amendment concurred in.

MESSAGE FROM THE BOARD OF EXAMINERS.

The following message was received from the Board of Examiners:

Office of Board of Examiners,
Sacramento, April 9, 1859.

To the Assembly of California:

I herewith transmit, to your honorable body, a claim, which has been passed upon by the Board of Examiners, and "disapproved," together with the papers and opinion of the Board, to wit: claim of Nicholas Tack against the State.

JOHN B. WELLER,
President of the Board of Examiners.

The claim, above reported, referred to Committee on Claims.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 9, 1859.

To the Assembly of the State of California:

I have to inform your honorable body that I have, this day, approved an Act to incorporate the Town of Eureka.

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 11, 1859.

To the Assembly of California:

I have to inform your honorable body that I have, to-day, approved an "An Act to grant the right to improve the navigation of Petaluma Creek."

Also, "An Act to authorize the County of Santa Barbara to issue bonds for the funding of its debt, and the construction of roads, and to provide for the payment of the said bonds."

Also, "An Act to define the boundary-line of Tuolumne County."

Also, "An Act concerning Public Administrators."

Also, "An Act to provide for the administration of the Fire Bond Sinking Fund of the City and County of San Francisco."

Also, "An Act to legalize the acknowledgments of instruments in writing, heretofore taken by any Deputy Clerk of the late Superior Court of the City of San Francisco, or by any Deputy County Recorder within this State."

Also, "An Act supplementary to, and amendatory of, an Act entitled an Act to incorporate the Town of Petaluma," approved April twelfth, one thousand eight hundred and fifty-eight."

Also, "An Act to provide for the better encouragement of the vine and the olive."

JOHN B. WELLER.

Mr. Young moved to reconsider the vote by which the House, on Saturday last, adopted Assembly Concurrent-Resolution No 41, relative to Chinese immigration.

Mr. Lull moved the previous question.

Sustained.

On reconsidering, Messrs. Tipton, Squires, and Sloss, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs Bates, Burdick, Coleman, Condee, Connely, Eagon, Fuller, Gregory, Gwinn, Hill, Holman, Johnson, Lamar, Laspeyre, Lies, Lightner, Mathews, Rodgers, Squires, Street, Tipton, Vaughan, and Whitman—23.

NOES—Messrs. Armstrong, Aud, Banks, Barclay, Buck, Caine, Caldwell, Cahalan, Cope, Crenshaw, DeLong, Dow, Ellis, Ensworth, Howe, Imus, Lefever, Lull, Lynch, Moore of San Francisco, Mount, Murray, Slingerland, Sloss, Springer, Taylor, Watkins, Whealdon, and Young—29.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
April 11, 1859.

MR. SPEAKER:—The Senate, on the ninth instant, passed Assembly bill No. 351, "An Act to authorize the Board of Supervisors of San Joaquin County to audit and allow a certain claim;"

Also, Assembly bill No. 241, "An Act to legalize a certain conveyance made by Thomas W. Sutherland, administrator "*de bonis non*" of the estate of Miguel de Pedrorena, deceased, to José Antonio Aguirre;"

Also, Assembly bill No 328, "An Act to audit and allow certain claims;"

Also, Assembly bill No. 345, "An Act to appropriate money to pay F. Castro;"

Also, Assembly bill No. 364, "An Act supplementary to an Act to remedy the loss of a certain certificate of the Mokelumne Hill Canal and Mining Company, approved on the second day of April, one thousand eight hundred and fifty-nine;"

Also, concurred in Assembly amendments to Senate bill No. 189, "An Act to amend an Act entitled an Act concerning the Eighth, Ninth, and Fifteenth Judicial Districts of this State, and the Judges thereof, approved March thirty-first, A. D one thousand eight hundred and fifty-seven, and of an Act amendatory thereof, approved March twenty-fifth, one thousand eight hundred and fifty-eight;"

Also, on the eighth instant, passed Senate bill No. 238, an Act to authorize the administrator of Juan Antonio Vallejo, deceased, and others, to sell real estate of the intestate at private sale;

Also, Senate bill No. 263, an Act to authorize the Board of Supervisors of the County of Sutter to take and subscribe fifty thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company, and to provide for the payment of the same, and other matters thereto relating;

Also, this day, Senate bill No. 266, an Act supplementary to an Act concerning crimes and punishments, passed April sixteenth, one thousand eight hundred and fifty

E. C. PALMER, Secretary Senate.

Senate bill No. 238, above reported, read first and second times, and referred to the Judiciary Committee.

Senate bill No 266, above reported, read first and second times, and placed on file.

Senate bill No. 263, above reported, read first and second times, rules suspended, read third time, and passed

Mr. Squires moved to reconsider the vote by which the House, on Saturday, indefinitely postponed Senate bill No. 127, an Act extending the privileges of the Homestead Law to certain persons, and to regulate the creation of the same.

Mr. Slingerland moved the previous question.

Lost.

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

Mr. Lamar moved to lay Mr. Cope's motion on the table.

Upon which, Messrs. Burdick, Howe, and Hill, demanded the ayes and noes, and the motion prevailed, by the following vote:

AYES—Messrs. Aud, Bates, Buck, Caine, Caldwell, Cannon, Coleman, Connely, Cope, Crenshaw, Daggett, DeLong, Dow, Dunlap, Eagon, Ellis, Gregory, Imus, Jackson, Lamar, Laspeyre, Lefever, Lies, Mathews, Moore of San Francisco, Robberson, Shannon, Slingerland, Springer, Squires, Tully, Vaughan, and Young—33.

NOES—Messrs. Armstrong, Banks, Burdick, Cahalan, Condee, Fuller, Gwinn, Hill, Hines, Holman, Howe, Lightner, Lull, Lynch, Mount, Murray, Roane, Shepard, Sheridan, Sloss, Street, Taylor, Tipton, Torres, Watkins, Wing, Whitman, Whitney, and Mr. Speaker—29.

REPORT ON AFFAIRS AT STATE-PRISON.

Mr. Hines, from the Special Committee to examine the affairs of the State-prison, made the following report, which was ordered printed:

The Special Committee, appointed under a resolution of the House, adopted on the sixteenth of March, A D one thousand eight hundred and fifty-nine, authorizing a Special Committee "to examine into all matters pertaining to the State-prison, and take an inventory of all property, and, if necessary, to send for persons and papers, etc., etc.," have given the subject their careful consideration and examination, and beg leave to make the following

REPORT:

The Committee proceeded to San Quentin on the seventeenth ult, and spent some two weeks at the Prison, and in San Francisco, in the examination of the affairs of the Prison and in taking the testimony of forty-four witnesses in relation thereto.

We found at the Prison five hundred and ninety-two male and two female prisoners—three of them U. S. convicts. The prisoners, in the main, seem to be in good health, and were generally pretty well clothed, though quite a number were without shoes, and some of them very poorly clad. There were but few in the Hospital—though, from the crowded manner in which they were kept at night, owing to the insufficient accommodations, if it was not that we have a climate unequaled, a pestilence would soon relieve the State from any further charge of them. The average number of pounds to each prisoner and employé, as per annexed exhibit, marked "A," is a small fraction over four. There are two insane convicts who ought to be sent to the Insane Asylum.

The main Prison, in which prisoners are kept, is excellently constructed, and the upper portion well adapted to their accommodation, but is taxed far beyond its capacity, four convicts being confined in each cell, in which, at the most, not exceeding two should be put. There are forty-eight cells in the upper story, and three rooms, (including Hospital,) on the basement-floor, in which a large number of prisoners are crowded together, from three to four high. In this building the more desperate and "long-term" prisoners are kept. The County-Jail (as it is called,) is where the "short-term" and more docile prisoners are kept It is also over-taxed, and badly adapted to the purpose for which it is used. In this prison the females are kept. They have large and comfortable rooms, (in comparison,) and are well provided for.

Your Committee entirely disapprove of the system of putting so many convicts indiscriminately together—a youth, the victim of some vice, together with the old, utterly and hopelessly lost convict. It is not conducive to discipline, and much rascality and many "breaks" are concocted that would not otherwise happen.

The prisoners are poorly provided with beds and bedding, particularly mattresses, which are not only very filthy, but almost entirely destitute of straw. The shed used for the different workshops is poorly constructed, but sufficiently large for their accommodation for the present. The shops are very poorly provided with tools, etc., even for the moderate wants of the Prison. The stone-cutting, carpenter, and blacksmith departments, might, in the opinion of your Committee, be made a source of much profit to the State, if properly supplied with tools, materials, etc.

In Exhibit "B," a full description of all personal property of the Prison, both as to quantity, quality, and value, will be found.

Your Committee would recommend the immediate sale of all the live-stock, except such as are actually necessary for the use of the Prison. The dining-room (built by McCauley,)—also used as a chapel—is large, and amply supplied with the necessary furniture. The cooking-department is well supplied with an excellent oven, large boilers, and ample accommodations, (put up by McCauley,) to insure good cooking, and regularity in meals There have, also, been some improvements made by the Board of Directors.

First—A large store-house, (built off the Prison-grounds,) the basement-story of which is built of blue granite-stone; the second story, of No. 1 brick.

Second—New Prison, (nearly complete,) the basement constructed of blue granite-stone, and first and second storys of No. 1 brick. The basement has fourteen perfectly secure dungeons The first story is intended to be used as a hospital and work-shops, and the upper story for prisoners' sleeping-apartments Much credit is due the Directors for the quality of material used, and especially the builder, (O'Connor,) for the strong, substantial, and workmanlike manner in which they are constructed

Third—Prison-office—a convenient, well-arranged, two-story-house, built of No. 1 brick; (for further particulars, see Dall's estimate;) a stone water-wall, curbing, and some paving—ot which, more anon—have been made.

BRICK-YARD.

This branch of labor, being the only one from which the State has derived any revenue of importance, (except, perhaps, the quarry,) deserves the special attention of your Committee

As reported by the Directors, all the clay belonging to the State adapted to making brick, has for a long time been completely exhausted. From that cause a large number of prisoners are now, and have been for a long time idle, at a heavy expense to the State. We would recommend prompt action at your hands.

We find that there has been manufactured at the Prison, during the last year, eight millions six hundred and forty-six thousand eight hundred and eighty, (8 646,880,) merchantable brick—that four thousand eight hundred and fifteen and three-fourth cords of wood were used in burning them.

There has been received, about thirty-three thousand five hundred dollars in cash, and something over eight thousand dollars in debts are still due on account of sales of brick. That there were on hand on the twenty-

sixth of March, one thousand eight hundred and fifty-nine, two millions eight hundred and two thousand nine hundred and eighty bricks, as per Exhibit "C," and further, that there are over seven hundred thousand brick that cannot be satisfactorily accounted for. There were shipped to San Francisco, as per Acting-Warden's report, three millions eight hundred and ninety-two thousand and six hundred brick. Mr. Templeton, the Agent in San Francisco, as per his account of sales, (see his affidavit,) returns three millions four hundred and ninety thousand and one hundred and forty-five, showing a discrepancy of over four hundred thousand brick—which fact, taken in connection that there are, still outstanding, debts due to the State for the sale of brick, of over six month's standing, a portion—if not a *large* portion—of which amount will probably never be realized; also the fact that Chief-Warden Walkup, made, or purported to have made, monthly reports to the Directors, and this brick account running since September last, and showing such a large discrepancy; and further, that this account was not settled, or any steps taken to have it settled, is conclusive evidence to your Committee, of either incompetency, or of gross neglect on the part of the Board of Directors, and especially on that of Chief-Warden Walkup.

These facts are wholly inexplicable to your Committee, unless "short-count" is allowed to intervene, and balance all discrepancies, as per Templeton's affidavit—see his account, marked "*Resumé*" There has not been much stone taken out of the quarry: why not, your Committee are not prepared to say, as there are now, and have been for a long time, a large number of the prisoners idle, and as there is, according to the Joint Committee of last year, "a quarry from which, in our opinion, an inexhaustable supply of a blue granite-stone can be secured, at small expense"—in which opinion your Committee concur—and we think, if the *real* interest of the Institution had been consulted, and not things foreign thereto, by the Board of Directors, there would have been little ground for the necessity of a recommendation for a "Branch-Prison" We, therefore, recommend that an additional stone prison be built on the present Prison-grounds. As the supply of stone is abundant, and very convenient, it can be done at a very trifling expense to the State, and would be beneficial in keeping the prisoners employed, which prison would not only answer the double purpose of relieving the crowded state of those buildings already erected, but would also afford the means of separating the young prisoners from the more hardened in crime, by providing them the means of learning some useful trade for after-life, as recommended by the Governor.

CHARGES.

While at the Prison, specific charges were made to the Committee, against Chief-Warden Walkup, and the Managers of the Prison, by Messrs. Jas. S. Graham and John F. McCauley.

The correspondence and charges are as follows, viz.:

SAN RAFAEL, March 21, 1859.

To Messrs. Hines, Tully, and Laspeyre, Committee of Assembly to examine the Affairs of the State-prison:

GENTLEMEN:—The undersigned would respectfully represent that they did, in conversation with members of the Legislature, make statements on the authority of others, which, if true, reflect severely upon some of the officers of the Prison.

These statements were based entirely upon representations made by reliable and respectable men, who, as we believe, will not hesitate to reaffirm, under oath, what they then said We have reason to believe that, to these assertions is, in part, owing the appointment of your Committee.

By this we are placed in a position where we must produce the witnesses from whom we received our information, or subject ourselves to the charge of making unfounded and reckless assertions. For this reason, with the view only of bringing out the facts, and doing justice to ourselves, we would ask to be present at your sittings, with the privilege of propounding questions, provided that the same should be allowed, to those who may be reflected on

For the purpose of simplifying and facilitating the investigation, we would most respectfully suggest, that it would be better for us to form these conversational statements into distinct and specific charges, and submit them to your Committee in writing. This will give those reflected on, time to produce their rebutting testimony, and have the witnesses present, so that the Committee may proceed with the investigation without delay.

We take this opportunity to assure the Committee that our desire to appear before it is for no other reason than that our names have been so connected with these charges, that we feel it a duty we owe to ourselves, to see that the testimony is produced upon which we based our assertions

We would respectfully suggest that, inasmuch as many of the witnesses reside in and near San Rafael, that your Committee would, by sitting here one day, save time and expense, and make your investigation MORE THOROUGH and satisfactory.

The Sheriff has authorized us to place at your disposal a comfortable room, free of charge You can, inasmuch as there are accommodations here for witnesses, continue, at night, your investigations of this particular branch of your instructions, without greatly inconveniencing witnesses. You will oblige us, to reply by the bearer, to the following requests, as embraced in the above:

First—Will you receive and investigate specific charges, made by us, in regard to the State-prison, and conduct of its officers?

Second—Will you permit us to interrogate the witnesses, provided you should extend such privilege to those accused?

Third—Will you hold a session in San Rafael?

Most respectfully,

Yours, etc,

JAMES S. GRAHAM,
JOHN F. McCAULEY.

[Copy.]

STATE-PRISON, POINT SAN QUENTIN,
March 21, 1859.

Messrs. Graham and McCauley, San Rafael:

GENTLEMEN:—The Committee are in receipt of your letter of this date In answer thereto—

To question No. 1—We will, in their official capacity.

No. 2—We will.

No. 3—For the accommodation of the witnesses, will be pleased to spend Wednesday next with you.

It would be better for us to go up Tuesday night, if we had a conveyance.

Very respectfully,

BENJ. S. HINES,
Chairman of the Assembly Committee.

SAN RAFAEL, March 22, 1859.

To Hon. Messrs. Hines, Tully, and Laspeyre, Assembly Committee to investigate State Prison Matters:

GENTLEMEN:—Your communication, bearing date twenty-first instant, was duly received. In accordance therewith, we herein submit the following charges, for your investigation:

CHARGE FIRST.

That, when the Directors met at the Prison, they, with the most commendable view to save the expenditure of the people's money, determined that they would not go to the expense of employing a Warden, but that the Board would alternate, and that either member of the Board, when so present, should be, *ex officio*, Warden. That Lieutenant-Governor Walkup volunteered to act in this capacity of Warden, stating that he would charge nothing therefor. This was accepted, and a resolution was passed by the Board, in accordance with the understanding of no-pay expressed in the body of the resolution. That afterwards, Lieutenant-Governor Walkup applied to the Legislature for pay for his services as Warden, at the rate of three hundred dollars per month. That the amount claimed by him, for said services would be as follows: three hundred and seventy-five dollars for Warden, and member of the Board of Directors, with board, lodging, and washing, and a horse to ride, and a boat at his command, to go where he might direct.

We charge this was an attempt to obtain from the State treasury a large sum of money, under such circumstances as are unworthy a high official, and sworn officer of the State, and deserves censure.

CHARGE SECOND.

We charge that while acting as Warden, he violated the rules of the Board; that he ignored the Commissary, who is the accountant, and the only check upon him; that he made purchases himself, or through other persons, whom he selected when it should have been done by the Commissary, under the order of the Warden, that the check thus removed by a violation of the rules of the Board, placed it in the power of the Warden, if so disposed, to retain in his possession thousands of dollars of the public money without detection

CHARGE THIRD.

That the Board were in the habit of drawing the money appropriated for the support of the State-prison, in sums from five to ten thousand dollars, and depositing the same in the vault of the Post-office, with C. L. Weller, Esq, so as to be convenient for the purposes of the Prison, and subject to the draft of the Warden, in such small sums as might be required; that Lieutenant-Governor Walkup, Warden of the Prison, did,

on the —— day of ——, A. D. one thousand eight hundred and fifty-eight, draw one thousand dollars of the money of the State, for which he did give a receipt to C. L. Weller, which was his voucher by which to settle with the Board; that said voucher was sent to Sacramento City, preparatory to general settlement, and was mislaid, and, after a diligent search, supposed to be lost; that C. L Weller informed Lieutentant-Governor Walkup, Warden, that said voucher was lost; that he had the amount entered in his (Weller's) books, and recollected distinctly its payment, and he supposed he (Walkup) must have made an entry of it. He (Walkup) denied having received the one thousand dollars, up to a few days before the general settlement, when the voucher was found—having by accident gotten into the wrong bundle of papers.

We charge, that if the Lieutenant-Governor Walkup, Warden of State-prison, is so defective in memory as to have forgotten the receipt of one thousand dollars of public money, that there was culpable negligence in keeping the books of the Prison, or they would have shown the receipt of the amount.

CHARGE FOURTH.

That daily issues, reported by the Warden to have been made to the convicts, in beef, coffee, etc , were not actually issued.

CHARGE FIFTH.

That an officer of the Prison gambled off a large sum of money, which he stated to a friend to be money belonging to the State.

CHARGE SIXTH.

That the vouchers on file at the Prison do not represent money actually paid.

CHARGE SEVENTH.

That the price of labor and improvements, claimed in the report of the Warden, is too high, and a portion of the labor claimed to be done by him, (the Warden) was done by McCauley, and a portion of the material used in the buildings, was on the ground, and belonged to McCauley, when the Prison was taken by the State.

CHARGE EIGHTH.

That Lieutenant-Governor Walkup, while Warden of the State-prison, on various occasions, took with him a State prisoner, by name, Jackway, a fiddler, to a grog-shop within a stone's throw of the Prison, and there drank and caroused until four or five o'clock in the morning, participating in the dance with Mrs. Hall, a convict, and with the wife and daughter of the notorious Jack Phillips, one of Tom Bell's gang, and with others of similar character; that this prisoner was permitted by the Warden to get drunk with the rest, and upon one occasion broke up the ball in a row, about four o'clock in the morning, refusing to play any longer. On another occasion, the said Jackway was so much intoxicated that he had to be assisted to the Prison. We have information that there are parties in San Francisco whose testimony, in regard to matters connected with the brick and wood, may be important in your investi-

gation. But not yet having seen the original witnesses, we do not now make the charge, but shall produce the witnesses when the Committee goes to San Francisco.

Most respectfully,

JAMES S. GRAHAM,
JOHN F. McCAULEY.

Charge First.—The Act creating the Board of Directors fixes the compensation of the members of the Board. It gives them power to appoint a Warden. At a meeting of the Board, on the seventeenth of May, one thousand eight hundred and fifty-eight, as appears from the minutes of their proceedings, an agreement was made that the members of the Board should alternately act as Warden, and thereby save the State the expense of employing a person to act specially in that capacity; Lieutenant-Governor Walkup thereupon offered to act as Warden the whole time, without additional compensation. The offer was accepted. Upon that understanding he assumed the position of Warden, and continued to discharge the duties of that office.

At the present session of the Legislature, a bill was introduced in the Senate allowing him compensation, as Warden, at the rate of ten dollars per day. This bill was passed by the Senate. Whether this bill was introduced at his instance, or upon any special application made by him, your Committee are not advised, but they may safely assume that it was acquiesced in and approved by him, and that, if it had become a law, it was his intention to accept the compensation it provided. As the presiding officer of the Senate, it is to be presumed that he was aware of the introduction of such a bill, and it is equally to be presumed that the bill would not have passed the Senate against his wish, and in spite of that declaration which your Committee think he was bound to make, by every consideration of justice and fair-dealing, that he would not accept the bounty it proposed.

Your Committee can not but regard silence, under such circumstances, not merely as acquiescence, but as a tacit assertion of a rightful claim to compensation. Yet the claim, in the judgment of your Committee, was not only wholly destitute of merit, but was in violation of a positive understanding and contract with the Board of Directors, and with the State.

Charge Second.—From the testimony of Major McKay, Harrison, and others, it appears that, previous to the creation of the Board of Directors, and while the State-prison was under the sole management of Governor Weller, Major McKay was appointed to the office of Accountant and Commissary, and that he opened and kept a regular set of books, showing, in a proper manner, all the transactions of the Prison. As Commissary, he purchased all supplies for the use of the Prison, and the cost of the same was regularly entered in his books. Under Rule Six, adopted by the Board of Directors, the power to purchase supplies was continued in the Accountant and Commissary In violation of this rule, Lieutenant-Governor Walkup, shortly after he assumed the position of Warden, took upon himself, or devolved upon other persons than Major McKay, who still filled the office of Commissary and Accountant, the duty of making purchases for the use of the Prison, and since that time the cost of supplies appears not to have been entered in the books of the Prison.

Why the simple and efficient plan adopted by Gov. Weller for the management of the Commissary department was not adhered to, your Com-

mittee are not informed. Certainly, it was not only desirable, but essential to the proper management of the Prison, and the right understanding of the state and condition of its business, that the books should exhibit—what they do not now exhibit—a full account of the transactions of each of its departments.

No suggestion has been made that the Accountant and Commissary was deprived of part of the authority vested in him by the rules of the Board, on the ground of the incompetency of that officer; on the contrary, Major McKay is proven to have been thoroughly conversant with the duties of his office, and eminently qualified to fill it

Besides, had any such personal objection existed, the proper remedy would have been the removal of the officer, not the adoption of a new and improper system.

Charge Third.—From the evidence, it seems to have been the course of business to draw money from the treasury, in considerable sums, for the use of the Prison, and deposit it, until required, with Mr. Charles L. Weller, of San Francisco. It appears, from the testimony of Mr. Weller, that, upon one occasion, Governor Walkup drew from him one thousand dollars; that the receipt for the money was lost, or mislaid, by Mr. Weller; that Governor Walkup, upon being informed thereof, refused to acknowledge the receipt of the one thousand dollars; and that the voucher was afterward found, and admitted, by Governor Walkup, to be correct. While your Committee can see nothing in the transaction to warrant a belief that Governor Walkup was actuated by any motive other than a desire to secure himself and the State from any loss, yet they can not ignore the fact, that had the voucher not been found, the absence of any entry of the payment on any of the Prison-books would, in all probability, have subjected Mr. Weller to serious inconvenience, if not the loss of the amount he had paid. If the affairs of the State-prison had been conducted in anything like a business manner, no difficulty or question could have arisen from such a cause as the loss of a voucher.

Your Committee feel constrained to express the opinion, that the failure to keep the books of the Prison in such a manner as to show all moneys paid, argues gross carelessness and neglect of duty on the part of those having the management of the institution, and the conduct of its business.

Charge Fourth.—Upon reference to tabular statement of issues accompanying this report, it will be seen that the average daily issue of provisions was two thousand four hundred and fifty-six pounds, while the Board of Directors claimed to have issued daily two thousand six hundred and twenty-two pounds, ten ounces. The daily issue was therefore one hundred and sixty-six pounds ten ounces, less than claimed.

The aggregate issue, from the first of May, one thousand eight hundred and fifty-eight, to thirty-first December, one thousand eight hundred and fifty-eight, is stated in the report of the Board to have been four hundred and eighty-five thousand two hundred and sixty-six pounds, while your Committee find, from the books, that the actual aggregate issue for the same period was six hundred and one thousand seven hundred and twenty-three pounds.

Charge Fifth.—It appears that the Chief-Warden, Governor Walkup, has for some months been in the habit of employing a Mr. Harrison in the purchasing department, and also in the capacity of a disbursing agent

in various branches of the institution. Mr. Harrison was, consequently, intrusted with large amounts of money belonging to the State

It will be seen, by reference to the testimony of Chas. L. Weller, that he informed Governor Weller that it was rumored about the City of San Francisco that Mr. Harrison was gambling off the money of the State.

This information was communicated by Governor Weller to Governor Walkup, and the latter went to San Francisco and investigated the matter, and ascertained, as he said, to his satisfaction, that, though Mr. Harrison had been gambling, it was not with the money of the State. It appears that these rumors again becoming rife, were a second time communicated to Governors Weller and Walkup, and some steps were taken towards an investigation, but were suspended upon the appointment of your Committee

It will also be seen, on reference to the testimony of J. G. Sheppard, that, on one occasion at least, Mr. Harrison did, according to his own confession, gamble off a large sum of money belonging to the State, and declared that if he did not win it back, he was a ruined man. Your Committee can not say that the State has sustained any pecuniary loss through the indulgence of Mr. Harrison in this most dangerous and pernicious vice, for there is no tangible evidence of any deficiency that would lead to that belief. Yet it would seem clear that he did gamble off money belonging to the State. Whether the money was "*won back or not,*" was replaced by him from his own resources, or in what other manner, your Committee are not prepared to say, but it appears that some means were found to make good the loss.

Apprised, as they were, of the charge made against Mr. Harrison, it was, in the judgment of your Committee, the duty of Gov. Weller and Gov Walkup, to take immediate and effectual measures to ascertain the truth or falsity of the charge. How diligent an inquiry was made does not appear. It would seem that it was not sufficient to ascertain the whole truth, but the little that was ascertained, was sufficient, in the opinion of your Committee, not only to justify, but imperatively to demand, at their hands, the prompt dismissal of Mr. Harrison from his office. No one addicted to gambling can be deemed a safe depositary of the public money.

Charge Sixth.—By reference to the testimony of Murphy, Larkin, Angenot, McKay, and others, it will be seen that Mr. Harrison did, on several occasions, when he made purchases for the Prison, retain some of the money in his hands, and give his individual note for the same, and that several vouchers were thus obtained for so much cash which was not in fact paid. Also, that vouchers were obtained from other parties in San Francisco, representing cash disbursements, but for which bricks were to be furnished, and that the bricks are still undelivered. Your Committee are of the opinion that the cash represented by many of those vouchers, particularly the smaller ones, was actually advanced by Gov. Walkup to Harrison—that the latter, on his own responsibility, retained the amounts, giving his individual notes in lieu of the money, and that Gov. Walkup was not aware, at the time it was done, that his agent was keeping any money back This dealing on the part of Mr. Harrison, your Committee think, should have led to his dismissal so soon as the Board of Directors were apprised of it. Such a result has not followed the very grave faults committed by this employé of the Prison—he is still in the service of the State.

Charge Seventh—The testimony of O'Connor, Clay, and Gordon, shows that a *quantity* of the material used in the construction of the store-house belonged to Mr. McCauley, as, also, a quantity of brick used in the construction and repair of *brick-kilns*.

As regards the charges for work done upon the State-prison property, as stated in the report of the Board of Directors, your Committee are convinced that many of them are too high. The charges for excavating and for opening South Cannon Road, and for filling-in *Lower Wharf*, are excessive. This wharf, as it is called, is a mere embankment, made of the bats and refuse stone and rubbish taken from the stone-quarry, and from excavations made, and charged to the State, separately.

All this refuse material of the brick-yard and quarry had to be removed, and the most convenient place of deposit for it was where this embankment is made.

The prices charged for building brick walls and pavements are also too high. The same work, for which the State is charged sixty cents per cubic foot, can be done by competent builders for forty cents. Brick walls, charged at twenty-two dollars per thousand, can be erected for eighteen dollars per thousand. And the pavements, which are estimated at eighteen dollars per thousand, can be made, with good brick, for seventeen dollars per thousand. Most of the pavements at the Prison are made with *bats*, which are credited to the Prison as loss from breakage. The same kind of pavement can be laid for twelve dollars per thousand, including cost of bats.

The price charged for stone, (one dollar and fifty cents per cubic foot for rough ashler,) is too high. Granite of the best quality is worth, in the same state, at the quarry, only one dollar per cubic foot.

Charge Eighth—It will be seen, from the testimony of Dr. Taliaferro, Messrs. Colister, Kelly, Putnam, and others, that Lieutenant-Governor Walkup, whilst acting as Chief-Warden of the Prison, did, on several occasions, participate in dances at the house of one *Robinson*, and also at the house of one Mr. Parker, near the State-prison; that on these occasions a convict named "Jackway" was the fiddler; that "Jackway," who was what is denominated a *full trusty*, attended, with the consent of Govern Walkup, got drunk on several occasions, and once broke up the dance by refusing to play the fiddle any longer.

JOHN F. McCAULEY.

As this gentleman has figured considerably in the concerns of this Institution, your Committee have taken the responsibility, under the general nature of their instructions, to investigate some of the general charges that have been alleged against him.

In the first place, we deem it but an act of justice to him to say, that there is every evidence that whilst he was in charge of the Prison, every exertion was made, on his part, to place the Prison in such a condition as would not only secure the safe-keeping of the convicts, and conduce to their general comfort, but every effort was made to place the Prison in such a condition as would enable those having charge of convicts to use them to the best possible advantage. With a view to this, buildings, of a very substantial and costly character, were erected, particularly in the kitchen and eating departments; also, large and commodious workshops,

and a fine suit of outside buildings, for officers, and sleeping-apartments for the employés of the Prison. Those buildings are all constructed of good material, and in a good, substantial, and convenient manner. From all the evidence in the case, it appears, to the satisfaction of your Committee, that the present plan and arrangements of the Prison are all based upon plans and suggestions made or commenced by McCauley. As to the treatment of the prisoners, whilst under McCauley, there seems to have been but little difference between his management and that of his successors.

Upon examination, it will appear, to the satisfaction of every candid and impartial mind, that most of the charges alleged against Mr. McCauley had no foundation in truth or justice, and had their origin in prejudice alone—as the evidences are indisputable that he spent many thousands of dollars in erecting buildings, etc , at the Prison, which are at present extant, and of great service to the State.

In conclusion, your Committee feel it due, not only to themselves, but to the public, to say that in the discharge of their duty, it has been necessary to enter into the investigation of charges of a serious nature, reflecting on the conduct of the Board of Directors, and those in their employ In doing this, they have lost sight of all personal consideration or individual preferences. In doing this, it will be seen that forty-four persons were examined, whose affidavits are hereunto appended, and to which we would respectfully call your attention

From the nature of the evidence, and the information obtained from other sources, your Committee can not ignore the fact that there has been, in the management of the affairs of the Prison, a great want of system, and there has, as an inevitable consequence, arisen a great deal of confusion. This, your Committee are more disposed to attribute to the incompetency of those immediately connected therewith, than a desire on their part to wrong the State.

Amongst those employed at the institution are some that are wholly incompetent to discharge the duties entailed upon them. The present Acting-Warden, John C. Gordon, Esq., is not a suitable person for the position that he occupies, as may be seen by reference to the deposition of Captain Simpton, and others; his capacity is totally inadequate to the proper discharge of the duties of the position.

There are, also, other officers whose habits of intemperence render them unfit to have charge of the convicts.

Your Committee would further add, that whilst they feel it their imperative duty to recommend a thorough re-organization of the State-prison Directory, yet they do not feel it incumbent upon them to recommend any particular plan, but would leave that matter entirely to the discretion of your honorable body, from the *data* herewith furnished

Your Committee would further say, that as regards the sale of brick, reported by the Directors, it is very satisfactorily shown that a large portion were sold at prices not only ruinously low, but that, with a proper effort, and judicious management, sales far more remunerative to the State might have been effected.

Your Committee are satisfied that brick can not be sold and delivered by the Prison for seven dollars per thousand, with any profit to the State, as they cost between four and five dollars per thousand, at the Prison-

yard, and it costs two dollars per thousand to deliver them, and fifty cents commission for selling the same.

The amount of forty-two thousand dollars, charged by the Directors to the State for wood and material used in burning brick, your Committee can not understand, (as may be seen from the testimony of Mr. Clay, a practical brick-burner, and one employed at the Prison.) It would seem that not over forty-five cords of wood were used to burn one hundred thousand brick. There are, on an average, four hundred and eighty thousand brick to the kiln, and there were nineteen kilns burnt at the Prison, containing nine million eight hundred and twenty thousand brick, for which four thousand eight hundred and fifteen cords of wood were used. This, at an average of five dollars per cord, gives twenty-four thousand dollars and seventy-five cents, for wood; which, deducted from forty-one thousand three hundred and one dollars, would leave an item of seventeen thousand two hundred and twenty-six dollars for "*other materials.*"

All of which is most respectfully submitted.

BENJ. S. HINES,
Chairman of Committee.
E. C. TULLY,
LASPEYRE.

Attest: EDWARD F. CONWAY, Clerk of the Committee.

[A]

EXHIBIT,

Showing the number of Pounds of Provisions used at the State-prison, and the average number of Prisoners and Employés, from the first of March, to the thirtieth of April, A. D. one thousand eight hundred and fifty-eight, inclusive.

Articles.	Pounds.	Ozs.
Meats, including fresh and salt fish, heads, hearts, livers, etc.	39,267	
Flour and meal	33,260	
Beans	21,530	
Potatoes, (410 sacks)	41,000	
Rice	220	
Tea	58	8
Sugar	956	
Pepper	91	
Salt	1,860	
Vinegar (52¼ gallons)	418	
Lard	30	
Coffee	599	
Total weight consumed	139,289	8

Average number of pounds consumed daily	2,283
Average monthly number of prisoners	530
Average monthly number of employés	35
Average daily issue to each person	4

Number of Pounds of Provisions used at the State-prison, from May first, to the thirty-first day of December, one thousand eight hundred and fifty eight, inclusive.

Articles.	Pounds	Ozs
Meat, including fresh and salt meat, fresh and salt fish, heads, hearts, livers, etc.	163,687	
Flour and meal	152,183	
Beans	110,825	
Potatoes, (1,365 sacks,)	136,500	
Salt	18,335	
Onions, (50 sacks.)	4,500	
Syrup, (255 gallons,)	2,550	
Lard	570	
Coffee	3,600	
Sugar	5,078	
Rice	1,483	
Tea	276	
Pepper	524	
Vinegar, (174 gallons.)	1,392	
Butter	220	
Total	601,723	
Daily consumption for the above time	2,456	
Average number of prisoners, monthly, for the above time	549	
Average number of employés for same time	40	
Total number of pounds used as above, (Committee Report,)	601,723	
Daily issues	2,456	
Total number of pounds used, as per Directors' Report, for the above time	485,266	
Daily issues, as per Directors' Report	2,622	10
Average number of pounds to each man, as per Directors' Report	4	8

Total number of pounds used daily, as per Directors' Report. 2,622 10 ounces, by 245 days, the length of time, makes	642,543	
Whereas, the Directors report the total number of pounds to be	485,266	
Showing an error in total number of pounds of	157,277	
The Committee show the daily number of pounds used to be	2,456	
The Directors report, as daily issued	2,622	10
But divide 485,266 pounds, total issues, as per same Report, by 245 days. the length of time, shows the correct daily issues to be	1,980	
Showing an error in the daily issues, as reported by them, to be	641	
Or aggregate for 245 days	157,277	

[B] INVENTORY OF PROPERTY.

Description of Property.	Quantity	Quality.	Value.	Remarks.
Carpenter Shop.				
Jack-planes	9	In order	$9 00	Pretty good
Fore-planes	10	Medium order.	15 00	
Joiner-planes	1	Medium order	2 00	
Smoothing-planes	7	Medium order	7 00	
Toothing-planes	2	Bad order	1 00	
Cornice-planes	4	Bad order	1 00	
Moulding-planes	24	Bad order.	6 00	Very poor
Sash-planes	2	Medium order	3 00	
Plow-planes	1	Bad order		
Bits	18	Bad order	5 00	
Oil-stones	5	Very much w'n.	1 00	
Adzes	2	Very much w'n.	2 00	One useless
Broad-axe	1			Useless
Oil-cans	4	Medium order	1 00	
Mallets	4	Very poor	1 00	
Hand-saws	13	Medium order	13 00	
Tennent-saws	3	Medium order	3 00	
Bow-saws	2	Medium order.	2 00	
Keyhole-saws	1	Good	1 00	
Clamps	5	Poor	3 00	
Hand-screws	7	Medium order.	7 00	
Drawing-knives	8	Medium order	4 00	
Squares	6	Good	6 00	
Bevel-Squares	1	Medium order	1 00	
Wooden-squares	1	Bad		Useless
Gauges	13	Poor	7 00	
Axes	3	Good	2 00	
Claw-hammers	4	Good	2 00	
Riveting-hammers	1	Good		
Tack-hammers	2	Good	1 00	

Description of Property.	Quantity	Quality.	Value.	Remarks.
Screw-drivers	3	Medium order	$1 00	
Spokeshaves	5	Medium order	3 00	
Assorted Chisels	23	Medium order	8 00	Medium
Gouges	9	Bad	2 00	
Mortice-chisels	5	Bad	1 00	Some broken.
Braces and Bits	6	Good	15 00	
Iron Compasses	2	Good	1 00	
Iron Nippers	1	Good	1 00	
Scratch-awls, etc	8	Good	1 00	
Files and Rasps	23	Bad	3 00	Very poor
Work-benches	7	Good	35 00	
Auger-handles	30	Good	3 00	New
Grinding-stone	1	Good	10 00	Very good
Glue-pot	1	Good	1 00	
Nails	100 lbs	New	5 00	
Miscellaneous				
Brick-moulds				
Total			$196 00	
Stone-Cutters' Department.				
Masons' Hammers	16	Good	$16 00	
Stone-Cutters' Hammers	28	Nearly new	70 00	
Buckets	2	Nearly new	1 00	
Total			$87 00	
Masons' Department.				
Trowels	15	Good	$19 00	Pretty good
Trowels	4			
Brick-hammers	8		6 00	
Sieve	1	Old		
Brick-chisels	2		25	
Jointers	3		2 00	
Plumb-leads	4	Old	2 00	
Mortar-hods	17		4 25	
Short-handled Shovels	1		25	
Total			$33 75	
Coopers' Shop.				
Lot Coopers' tools		Old	$20 00	Very poor order.
Buckets	22	New	11 00	New, no handles.
Buckets	7	Old	2 00	
Barrels	one lot	Old	12 00	Nea'ly w'less
Bellows	3	Old		Worthless
Cart-shaft	1	Good	5 00	
Total			$50 00	

Description of Property.	Quantity	Quality.	Value.	Remarks.
Machine Shop.				
Drill-press	1	Good	$60 00	
And Tools connected with the same	Lot		14 00	
Vices	2		10 00	
Chisels	12		5 00	
Files	14		8 00	
Hack-saws	2		6 00	
Hammers	3		3 00	
Hand-saws	1		1 00	
Monkey-wrench	1		1 00	
Chasers	6		3 00	
Drill-braces	2		5 00	
Fire-tongs	1 pair		1 00	
Oil-cans	1		2 00	
Work-bench	1			
Brick-presses	6	Bad order	90 00	Wooden
Brick-presses	2	In order	100 00	Iron
Forty Horse-power Engine, shafts and wheels			3,000 00	Bad order
Total			$3,309 00	
Wheelwright Shop.				
Hand-saws	5	Medium order	$6 00	
Tennent-saws	2	Medium order	1 00	
Buck-saws	1	Medium order	2 00	
Crosscut-saws	1	Poor	2 00	
Hand-axes	3	Poor	2 00	
Files	5	Medium order	1 00	
Hammers	4	Good	2 00	
Squares	4	Good	1 00	
Bevels	3	Poor	1 00	
Gauges	8	Poor	2 00	
Mallets	4	Poor	1 00	
Coal-chisels	3	Good	1 00	
Compasses	4	Bad		Worthless
Assorted Chisels	9	Medium order	5 00	
Rules	3	Medium order	1 00	
Spokeshaves	3	Medium order	1 00	
Hollow-augers	5	Medium order	5 00	
Braces	3	Medium order		
Bits	20	Medium order	12 00	
Auger-bits	12	Medium order		
Drawing-knives	4	Medium order	3 00	
Screw-drivers	2	Medium order	1 00	
Augers	3	Medium order	2 00	

Description of Property.	Quantity	Quality.	Value.	Remarks.
Assorted Bench-planes	11	Medium order	$11 00	
Hand-screws	3	Medium order	5 00	
Hand screws	3	In order	1 00	
Work-benches	5	In order	25 00	
Total			$94 00	
Blacksmith's Shop.				
Hand-hammers	9	Good	$10 00	
Coal-chisels	12	In order	3 00	
Punches	48	In order	12 00	
Sledges and hammers	56	Medium order	28 00	
Heading-tools	32	Medium order	16 00	
Tongs	29 pr.	Good	50 00	
Sledges	5	Good	10 00	
Vices	2	Bad	25 00	
Anvils	3	Good	20 00	
Bellows	1 pr.	Good	28 00	
Bellows	2 pr.	Bad	10 00	
Shoeing-tools	1 set.	In order	5 00	
Screw-plates } Taps and Dies }	2	do. do.	10 00	
Iron square	1	Medium order.	50	
Iron door	1	New	50 00	
Total			$277 50	
Tinner's Department.				
Vice	1	Poor		This department very deficient in tools
Assorted punches	6	do		
Shears	2	do.		
Soldering-irons	6	do.		
Furnaces	2	do.		
Mallets	6	do.		
Hammers	3	do.	$40 00	
Compasses	2	do.		
Pliers	3	do.		
Square	1	do.		
Stove-pipe	1	do.		
Rule and patterns	lot	do.		
Turner's Department.				
Turning-lathe, and lot of tools		Medium order.	$100 00	
Wash-House.				
Tubs	5	Good	$4 00	

Description of Property.	Quantity	Quality.	Value.	Remarks.
Wash-boards	3	Good	$1 00	
Wash-pans	22	Poor	3 00	
Smoothing-irons	3	Good	1 00	
Clothes-press	1	Good	2 00	
Table	1	Good	1 00	
Buckets	7	Medium order	2 00	
Brushes	3	Medium order	1 00	
Clothes-pins	one lot	Good	1 00	
Chairs, Stools, etc.	one lot	Bad	1 00	
Miscellaneous			5 00	
Furnace and two Kettles				
Total			$22 00	
Shoemaker's Shop				
Benches	10	Poor	$15 00	Very defici't.
Tools	3 sets	Poor	20 00	
Stove	1	Poor	3 00	
Buckets	3	Poor	1 00	
Lasts	20 prs	Poor	10 00	
Boot-trees	1 pair	Poor	1 00	
Boot-crimps	2 prs	Poor	1 00	
Bench and Desk		Poor	2 00	
Total			$53 00	
Tailors' Shop.				
Shears	6		$12 00	Shop very close—very deficient of air. All goods in this department very poor.
Press-boards	2		1 00	
Press-irons	2		2 00	
Tables	2		4 00	
Tables	1		1 00	
Needles	1000		3 00	
Total			$23 00	
Furniture, etc., in Prisoners' Kitchen, Dining-room, and Bakers'-shop.				
Press (wooden)	1	Good	$3 00	
Cooking-stove and fixt's	1	In order	30 00	
Table	1		2 00	
Bread-tray	1		1 00	
Benches	3		2 50	
Buckets	2		1 00	
Cooking-range & boilers	4 boil's	Good	250 00	
Soap-tubs	8	Good	20 00	
Buckets	5	Good	2 50	

Description of Property.	Quantity	Quality.	Value.	Remarks.
Benches	7	Good	$3 50	
Press	2	Good	2 50	
Bread-trays	3	Medium order	1 00	
Tables	2		6 00	
Meat-trays	3		1 00	
Ladles (tin)	5		2 00	
Tin-pans	2			
Tin-pans	2		4 00	
Salt-mill	1	Good	8 00	
Tin-strainers	2	Medium order	1 00	
Flesh-forks	2	Medium order	2 00	
Spoons	2	Medium order	50	
Tubs	4	Medium order	4 00	
Wash-basins			50	
Steels	2		25	
Coffee-pots	3	Good	2 00	
Meat-knives	7	Medium order	1 00	
Meat-rack	1	Medium order	1 50	
Tables	3	Good	5 00	
Baker's-trough	1	Good	3 00	
Bread-pans	13	Good	6 50	
Buckets	6	Good	2 25	
Bread-press	1	Good	3 00	
Tin-pans	3	Bad	25	
Sieve	1	Good	1 00	
Tin plates	6	Good	50	
Knives	3			
Spoons	3		1 00	
Forks	3			
Roller	1		25	
Buckets	17		8 50	
Knife-box	2		1 00	
Tables	3		2 00	
Bread-board	1		13	
Ladles	8		1 25	
Shelving	1 lot	Poor	1 00	
Spoons, (iron)	474	Good	18 37	
Tin cups	16 doz.	Good	16 00	
Salt cups	74	Medium order	75	
Tin pans	41½ dz.		71 50	
Slop-tubs	8	Medium order	2 00	
Tables	52	Good	156 00	
Stools	52	Good	104 00	
Birch brooms	6	Medium order	1 00	
Table and ladder			50	
Water-stands	9		2 00	
Pulpit	1		10 00	
Slop-tubs	2		1 00	
Slop-tubs	1		50	
Total			$773 00	

Description of Property.	Quantity	Quality.	Value.	Remarks.
Woman's Department.				
Stove and Fixtures	1	Good	$15 00	
Wash-tubs	3	Good	1 50	
Tables	2	Good	2 50	
Stool				
Chairs	2	Good	1 00	
Buckets	2	Good	50	
Beds and Furniture	2	Good	15 00	
Smoothing-irons	2	Good	75	
Clothes-press	1	Good	2 50	
Table	1	Good	1 00	
Settee	1	Good	1 00	
Tubs	3	Bad	1 00	
Total			$41 75	
Stable Fixtures.				
Ox-yokes	15	Good	$45 00	
Ox-chains	6		15 00	
Stable-forks	5		2 00	
Wrenches	3		1 50	
Branding-irons	2		4 00	
Axe	1		75	
Buckets	3		1 00	
Wash-basin	1		13	
Mud-mill				
Harness for Mules	12 sets	Very bad	18 00	
Hames	11 prs	Very bad	6 00	
Collars	21	Medium	20 00	
Stone-cutter	1	Medium	5 00	
Double Block	1	Medium	1 00	
Scythes	2	Medium	1 00	
Singletrees	12	Medium	9 00	
Sieves	2	Medium	1 50	
Harness	1 set	Old	2 00	
Barrow			5 00	
Total			$138 38	
Working-Tools.				
Long-h. Wheel-barrows	81	Medium order	324 00	14 in bad order.
Long-h. Wheel-barrows	1	Medium order	3 00	
Short-h. Wheel-barrows	31	Medium order	124 00	
Hand-barrows	2	Bad order	3 00	
Wooden-scrapers	3	Medium order	3 00	
Wooden-malls	24	Poor	12 00	
Wooden-mallets	3	Poor	1 00	

Description of Property.	Quantity	Quality.	Value.	Remarks.
Steel (Colt's) stone-hammers	38	Medium order	$19 00	
Scrapers	2	Bad	50	
Long-handle Shovels	65	Medium order	24 37	
Short-handle Shovels	12	Bad	1 00	
Hoes	8	Medium order	1 00	
Picks	20	Medium order	10 00	
Picks	11	Medium order	3 00	
Steel-feathers	24	Medium order	3 00	
Points, Drills and Chisels	123		30 75	
Stone-sledges	9	Good	9 00	
Hand-sledges	5	Good	4 00	
Iron-squares	2	Good	1 00	
Iron-squares	3	Very poor	1 00	
Crowbars	15	Medium order	37 00	
Steel-jumpers	6	Medium order	15 00	
Iron-scrapers	5	Medium order	3 50	
Iron-drills	4	Medium order	12 00	
Iron Quarry-chairs	6	Good order	15 00	
Buckets	17	Medium order	8 50	
Stone-trucks	5	Medium order	35 00	
Dirt-carts	12	Medium order	600 00	
Wagons	2	Bad	75 00	
Truck	1	Medium order	25 00	
Sleigh	1	Bad	5 00	
Water-carts	4	Medium order	200 00	
Carts		Old—broken	Worthless	
Iron-scrapers	2	Old	4 00	
Total			$1412 62	
Sailmaker's Shop.				
Blocks	1 lot	Very old	$20 00	
Hand-saws	3	Very old	1 00	
Buck-saws	1	Very old	50	
Axe	1	Second-hand	50	
Hand-axe	1	Very old	25	
Gouge	2	Very old	25	
Chisels	2	Very old	25	
Beading-plane	1	Second-hand	1 00	
Fore-plane	1	Second-hand	1 00	
Iron Square	1	Second hand	25	
Callipers	1 pair	Second-hand	25	
Compasses	1 pair	Second-hand	25	
Gauge	1	Bad order	25	
Brace and Bits	¾ set	Bad order	2 00	
Work-bench and Vice	1	Bad order	2 00	
Files	2	Good	1 00	
Oil-stone	1	Good	1 00	
Rope-spinner	1	Very old	2 50	

Description of Property.	Quantity	Quality.	Value.	Remarks.
Shakings	1 lot			Worthless
Window-blinds	2	Good	$1 00	
Bowsprit	1	Good	50	
Standee-bunks	4	Old	1 00	
Stools	2	Old	25	
Gib-sail	1	Very old	2 00	
Buckets	2	Old	25	
Tubs	2	Old	25	
Iron Pots	3	Old	75	
Work-benches, and a few Tools		Old	2 00	This department is very deficient.
Bale of Oakum	40 lb	Good	0 80	
Oakum Press	1	Good	5 00	
Total			$48 05	
Paint Shop.				
Paint-brushes	7	Very poor	$1 00	Do. do.
Paint	1 lot	Good	3 00	
Total			$4 00	
Keeper's Department.				
Beds, bedding, bedsteads	2	Medium order	$12 00	
Desks	2	Medium order	6 00	
Washstands				
Wash-basin		Medium order	2 00	
Wash-bucket				
Water-pitcher	1	Medium order	13	
Water-tumblers	3	Medium order	25	
Stools	4	Medium order	1 00	
Card-table		Very old	75	
Chair	2	Very old	75	
Tables	2	Very old	1 00	
Looking-glass	1	Broken	12	
Total			$24 00	
Superintendent's Department.				
Carpet		Old	$2 50	
Tables	2	Old	2 00	
Washstand				
Bucket		do.	3 00	
Basin		do.		
Looking-glass				
Chair	1	Old	25	
Bedsteads, bedding, etc.	1	Old	10 00	

Description of Property.	Quantity	Quality.	Value.	Remarks.
Wardrobe	1	Old	$2 50	
Book-case and set draw's			10 00	
Broom	1	Old	12	
Total			$29 87	
Night-Guard's Quarters.				
Beds, bedding, bedsteads.	7	Old	$40 00	
Stools	6	Old	2 00	
Tables	5	Old	4 00	
Sets Hand-irons	2	Old	1 50	
Candle-sticks	2	Old	12	
Buckets	3	Old	50	
Wash-basins	2	Old	25	
Tin Cup	1	Old	13	
Total			$48 50	
Day-Guard's Quarters.				
Tables	3	Bad condition	$1 00	
Stools	9	Bad condition	2 00	
Bunks and Bedding	17	Bad condition	68 00	
Wash-basins	3	Medium order	75	
Buckets	2	Old	25	
Candle sticks	3	Old	25	
Total			$72 25	
Warden's Office.				
Chairs	3	Old	$1 00	
Letter Press	1	Second-hand	5 00	
Table	1		1 00	
Secretary	1		7 00	
Press	1		3 00	
Sundry Vols. of Books, consisting of Laws of California, Legislative Journals, etc.	55			
Small Press	1	Old	2 00	
Total			$19 00	
Warden's Bed-Room.				
Iron Safe	1	Good	$35 00	
Table	1	Good	1 50	
Wash-stand, Chamb'r-set	1	Good	3 00	
Chest of Drawers	1	Good	7 00	

Description of Property.	Quantity	Quality.	Value.	Remarks.
Chair		Bad order	25	
Damask Curtains	1 pair	Old	50	
Looking-glass	1	Broken		
Carpet		Very much w'n.	2 50	
Bedstead and Bedding		Second-hand	10 00	
Total			$59 75	
Visitors' Room.				
Marble-top Table	1	2d-hand, broken	$10 00	
Chairs	7	Old	3 50	
Fire-irons	1 pair		1 00	
Carpet	1	Old	2 50	
Water-pitcher	1	Good	75	
Tumblers	6	Good	1 00	
Window-shade	1	Good	25	
Fire-shovel	1	Good	25	
Total			$19 25	
Sleeping Department.				
Rocking-chair	1	Good	$3 00	
Tables	1	Old	1 00	
Common Chair	1		25	
Wash-stand, etc			2 00	
Fire-irons	1	Good	1 00	
Looking-glass	1	Good	1 50	
Goblets, (glass.)	3	Good	50	
Pairs Curtains	3	Very old	1 00	
Carpet		Very old	2 00	
Bedstead and Bedding		Medium order	10 00	
Bureau	1	Medium order	5 00	
Table	1	Medium order	1 00	
Wash-stand and Necessaries		Old	1 00	
Beds and Bedding	2	Old	20 00	
Clothes-press	1	Old	3 00	
Stools	2	Old	30	
Chair	1	Old	25	
Stove and Pipe	1	Old	5 00	
Bucket	1	Old	25	
Total			$58 05	
Office—Commissary's Department.				
Tables	2	Bad order	$1 50	
Desk	2	Medium order	3 00	

Description of Property.	Quantity	Quality.	Value.	Remarks.
Wardrobe		Medium order	$4 00	
Letter-press		Medium order	2 50	
Small Book-case	1	Poor	50	
Wood-box	1	Poor	13	
Chairs	2	Poor	37	
Writing Materials		New	1 28	Very deficie't
Fire-Irons	1 pr	Good	1 00	
Tongs	1 pr	Good	10	
Stool		Good	10	
Total			14 48	
Officers' Dining-Room.				
			$1 00	
Table-cloths	4	Poor	50	
Water-pitcher	1	Poor	1 00	
Tumblers	9	Good	1 50	
Wine-glasses	12	Good	1 00	
Castors	1	Good	50	
Tin Milk-pitchers	2	Good	2 00	
Plates	12	Poor	50	
Small Saucers	11	Poor	50	
Large Saucers	7	Poor	1 00	
Cups	12	Poor	13	
Butter-Plates	2	Poor	12	
Salt-cellars	2	Poor	12	
Knives	1	Poor	88	
Dinner-knives	8	Poor	2 00	
Dinner-forks	12	Poor	1 50	
Table-spoons	13	Poor	1 00	
Tea-spoons	9	Poor	13	
Tin Ladle	1	Poor	12	
Tin Pan	1	Poor	1 00	
Carving-knives and forks	2	Good	50	
Sugar-bowls	1	Good		
Chairs	2	Medium order	1 00	
Benches	3	Medium order	2 00	
Press	1	Medium order	2 00	
Side-table	1	Poor	50	
Stool	1	Poor	25	
Tin bucket	1	Good	75	
Small tub	1	Good	25	
Total			$23 75	
Officers' Kitchen.				
Large stove and fixtures		Good	$75 00	
Tables	3	Good	4 00	
Buckets	4	Good	1 00	

Description of Property.	Quantity	Quality.	Value.	Remarks.
Slop-buckets	2	Good	25	
Axes	2	Old	75	
Stools	1	Old	20	
Sink		Old	1 50	
Total			$82 70	
Guard's Eating-Room.				
Side-dishes	12	Medium order	$1 00	
Cups	17	Medium order	2 00	
Saucers	23	Medium order	2 00	
Soup-plates	22	Medium order	2 50	
Bowls	1	Medium order	12	
Dinner-plates	22	Medium order	3 00	
Knives and Forks	51 pcs	Medium order	6 00	
Plates	15	Medium order	2 00	
Tureens	2	Medium order	50	
Iron Spoons	32	Medium order	1 00	
Candlesticks	4	Medium order	50	
Dipper	1	Medium order	13	
Knife-box	2	Medium order	50	
Dinner-bell	1	Medium order	1 00	
Sugar-dishes	2	Medium order	10	
Press	1	Medium order	1 00	
Carving-knives	1	Medium order	25	
Steel	1	Medium order	12	
Small Press	1	Medium order	1 00	
Table-cloth	2	Medium order	1 00	
Side-table	2	Medium order	50	
Tables, (dinner,)	2	Medium order	7 50	
Benches	4	Medium order	5 00	
Clock, (common,)	1	Medium order	1 50	
Chair, (common,)	1	Medium order	25	
Wash-pan	1	Medium order	13	
Mustard-pots	3	Medium order	50	
Salt-cellars	4	Medium order	25	
Pepper-boxes	3	Medium order	25	
Total			$41 60	
Commissary's Department				
Pantaloons	92 p'rs	Cotton	$92 00	Very light for cold weather
Cotton-shirts	104	Cotton	41 60	New
Bed-sacks	20	Cotton	25 00	New
Hickory-shirting	31½ yds	New		
Hickory-shirting	31½ do	New		
Hickory-shirting	31 do	New		
Hickory-shirting	30 do	New	16 12	
Cottonade	30 do			

Description of Property.	Quantity	Quality.	Value.	Remarks.
Cottonade	32 yds			
Cottonade	32 do			
Cottonade	32 do			
Cottonade	32½do			
Cottonade	34 do			
	192½ys	New	$29 27½	
Bed-ticking	42½yds			
Bed-ticking	42½do			
Bed-ticking	43¼do			
Bed-ticking	25 do			
	153 ys		$27 54	
Woolen-blankets	30 p'rs		$67 50	
Satinet	42 yds		8 82	
Buttons	1 lot		1 00	
Shoemakers'-tacks			1 00	
Knives and Forks	1 doz		1 50	
Plane-bits	1 doz			
Green Paint	1 pot		3 00	
Common Shoes	6 p'rs		6 00	
Soap	140 lb.		8 50	
Candles	110 lb.		22 00	
Tin-cups	4 doz		4 00	
Boxes Tea	2		10 00	
Tins Matches	2		1 00	
Shoe-thread	Sm. lot		50	
Sugar	100 lb		9 00	
Rice	100 lb.		7 00	
Lamp-oil	20 gals		20 00	
Vinegar	40 gals		10 00	
Syrup	12 gals		9 00	
Flour	79½ bls	In sacks	266 50	
Flour	31¼ bls	In sacks	54 21	
Pepper	97½ lb.		11 70	
Hops	50 lb.		10 00	
Flour	1¼ bbls		1 75	
Coffee	85 lb.		8 50	
Spikes	85 lbs.		5 10	
Upper-leather	7 sides		12 00	
Lard	20 lbs.		1 80	
Rifle-powder	10 lbs.		2 00	
Pepper	10 lbs.		2 00	
Bullets	1 lot		2 00	
Cartridges	5,000		50 00	
Lamp-oil	10 gals		10 00	
Wash-basins	4		2 00	
Lead	300lb		30 00	
Paint-oil	5 gals		5 00	

Description of Property.	Quantity	Quality.	Value.	Remarks.
Boiled Oil	10 gals		$10 00	
Neatsfoot Oil	3 gals		4 00	
Leather Mittens	1 pair		50	
Scythe-handles & Scythes	15		15 00	
Spades	3		2 50	
Sieves	2		2 00	
Rolls of Wire	4		2 00	
Pair of Spurs	1		2 00	
Picks	13		3 00	
Codfish	220lbs		4 40	
Large Sledge	1		1 50	
Buggy-springs	1 pair			Private prop.
Copper Pump	1		3 00	
Large Iron Pot	1		2 00	
Small Iron Pot	1		1 00	
Step-ladder	1		1 00	
Sulphuric Acid	2 gals		2 50	
Shelving, Tables, Benches, and Desk	1 lot		2 50	
Curry-combs				
Dish	1		25	
Padlocks	1 doz.		6 00	
Platform-scales	1		Nothing	Worthless
Hand-scales	1 pair		50	
Blasting-powder	½ keg.		5 00	
Flour	100 bbl		700 00	
Syrup	2 bbls		40 00	
Vinegar	2 bbls		10 00	
Sugar	3 bbls		25 00	
Rice	3 bbls		20 00	
Glass	150 ft.		9 00	
Coffee	900 lbs		83 00	
Pepper	32½ lbs	Good	4 00	
Lard	3 kgs	Good	4 00	
Boxes soap	4	Good	16 00	
Boxes candles	5	Good	6 00	
Boxes tea	2	Good	10 00	
Tins matches	1	Good	1 00	
Kegs powder	18	Good	189 00	
Codfish	200 lbs	Good	4 00	
Beans	1 lot	Good	100 00	
Buckets	36	Good	36 00	
Vegetables	1 lot	Good	1 00	
Total			$2,203 57½	
Wood-Shed.				
Axes	2	Medium order	$1 00	
Wood-saw	1	Medium order		
Horses	2	Medium order	1 50	

Description of Property.	Quantity	Quality.	Value.	Remarks.
Buck	1	Medium order		
Coffee-roaster		Medium order	$1 50	
Coffee-mill		Medium order	10 00	
Total			$14 00	
Store-Keeper's Room.				
Bedstead and Bedding	1	Medium order	$10 00	
Table		Medium order	1 00	
Washstand, etc		Medium order	1 00	
Chair		Medium order	25	
Candlestick	1	Medium order	12	
Cups and tumblers		Medium order	25	
Total			$12 62	
Commander of Boat's Room.				
Bed, Bedstead, Bedding		Second-hand	$7 00	
Table	1	Worthless		
Wash-stand and set		Second-hand	2 00	
Stove		Second-hand	1 50	Private Prop.
Chairs	2	Poor	50	
Total			$11 00	
Doctor's Office.				
Table	1	2d-hand	$1 00	
Wash-stand, etc		2d-hand	2 00	
Stool	1	2d-hand	25	
Chair	1	2d-hand	50	
Settee	1	2d-hand	1 50	
Medicines	1 lot	Good	150 00	
Balances	1 pair	Good	50	
Spatulas	2	Good	1 25	
Palate	1	Good	1 00	
Shelving	1 lot	Good	1 00	
Mortars	2	Good	3 00	
Total			$162 00	
Assistant Superintendent's Bedroom.				
Bed, bedding, and bedsteads	1	Medium order	$10 00	
Arm-chair	1	Medium order	1 00	
Small Press	1	Medium order	1 00	

Description of Property.	Quantity	Quality.	Value.	Remarks.
Wash-stand and fixtures	.....	Medium order..	$1 00	.....
Total	.....	.....	$13 00	
Builder's Bed-Room.				
Builder	1.....	First-rate	.....	.....
Chairs	2.....	Poor	75	.....
Stools	3.....	Poor	75	.....
Tables.....	2.....	Poor	1 00	.....
Wash-stand.....	1.....	Poor	1 00	.....
Bed, Bedstead, Bedding.	.....	Second-hand....	7 50	.....
Looking-glass.....	.....	Poor	25	.....
Desk	.....	Very poor.....	75	.....
Candlesticks.....	2.....	Old.....	25	....
Fire-irons..	.....	Good.....	75	.....
Tongs.....	.....	.....	12	.....
Total	.....	.....	$13 12	
Slaughter-House.				
Boiler.....	30 gals	Second-hand ...	$20 00	This building is built of wood, is leaky, and very much dilapidated.
Buckets.....	3.....	Old.....	1 00	
Steels	2.....	Old.....	50	
Knives	4.....	Very much w'n.	50	
Axes	4.....	Very much w'n.	3 00	
Meat-saw.....	1.....	Very much w'n.	75	
Candle-moulds	5	Medium order..	2 00	.....
Hammers.....	1.....	Old.....	25	.....
Barrels.....	3.....	Old.....	1 00	.....
Total.....	.....	.....	$29 00	
Dairy.				
Milk-cans...	4.....	Second-hand....	$1 00	.....
Milk-pans.....	27.....	.....	4 00	.....
Strainers.....	1.....	Old.....	12	.....
Churns.....	2.....	Good.....	8 00	.....
Buckets.....	8.....	Good.....	2 00	.....
Butter-crocks.....	1.....	Good.....	1 00	.....
Tin-churn.....	1.....	Old.....		Never used...
Tables.....	2.....	Old.....	1 50	.....
Tubs	2.....	Old.....	75	.....
Wash-boards	1.....	Old.....	13	.....
Tin-cups.....	3.....	Old.....	12	.....
Wash-bowls.....	2.....	Old.....	50	.....
Dippers.	2.....	Old.....	25	.....
Pint-measure.....	1.....	Old.....	25	.....

Description of Property.	Quantity	Quality.	Value.	Remarks.
Press	1	Old	$1 50	
Rollers	2	Old		Nothing
Shelving	1 lot	Old	1 00	
Cream-can	1	Old	50	
Cullender	1	Old	25	
Iron spoons	3	Old	13	
Butter-spoons	1	Old	12	
Old axes		Old	13	
Old broom		Old		Worthless
Total			$23 25	
Brick-Yard.				
Mud-mills	22	Bad order	$220 00	
Bricks		First quality		
Bricks		Second quality		
Bricks		Third quality		
Live Stock.				
Oxen	33	Poor order	$1980 00	
Yearlings	8	Medium order	144 00	
Cows	13	Medium order	650 00	
Bulls	2	Medium order	150 00	
Shotes	23	Medium order	57 50	
Sows	5	Medium order	100 00	
Pigs	20	Medium order		
Pigs	37	Medium order	180 00	
Sows	9	Medium order		
Boar	1	Medium order	10 00	
Sows	5	Medium order	100 00	
Pigs	2	Medium order		
Hay, pens, and buildings		Bad		bad condition
Mules	14	Medium order	700 00	
Horses	14	Poor	210 00	Almost worthless.
Mares and colts	17 ea.	Very poor	255 00	
Stud-horse	1		45 00	
Colts	2		50 00	
Total			$4631 50	
Ordnance Department—Guard-house, No. 1.				
12-lb. Iron Gun, mounted, and appurtenances	1	Good order		Wooden building, leaky, and very uncomfortable—would recommend the erection of another.
Navy Revolver	1		$20 00	
Dragoon Revolver	3	Good order	25 00	
Mississippi Yagers	2	Medium order	20 00	
Buckets	2	Medium order	50	

Description of Property.	Quantity	Quality.	Value.	Remarks
Stools	2	Medium order	25	
Total			$65 75	
Boat-Guard.				
Navy Revolvers	1	Good	$20 00	
Dragoon Revolvers	1	Medium order	10 00	
Total			$30 00	
Guard-house, No. 2.				
Navy Revolvers	1	Good	$20 00	This building is built of scantling and cloth, 8x5, is of no use whatever as a Guard-house, and would recommend the erection of a new building.
Dragoon Revolvers	1	Good	10 00	
Mississippi Yagers	2	Good	20 00	
Philadelphia Rifle	1	Good	15 00	
12-lb. Brass Howitzer and appurtenances	1	Good		
Horse-pistols, single bbl	1 pair	Good	2 50	
Total			$67 50	
Guard-house, No. 3.				
Mississippi Yagers	5	Good order	$50 00	Wooden building, 8 by ten In wet weather, very damp and leaky—would recommend the erection of a new building.
Navy Revolvers	1	Good order	20 00	
Dragoon Revolvers	5	Good order	50 00	
Bunks	6	Good order	3 00	
Bed and Bedding	6	Medium order	15 00	
Stools	4		1 00	
Tables	1		50	
Total			$139 50	
Guard-house, No. 4.				
Brass six-pounder, mounted on wheels		Good		Wooden building, 16 by 10. Not near large enough for the accommodation of the Guard—would recommend the erection of a new building.
Navy Revolvers	1	Good	$40 00	
Mississippi Yagers	2	Good order	52 00	
Mississippi Yagers	6	Bad order	10 00	
Buckets	3	Medium order	1 00	
Stools	3	Medium order	50	
Tables	4	Medium order	25	
Bunks	1	Medium order	1 00	
Bed and Bedding	2	Medium order	4 00	
Total			$106 75	

Description of Property.	Quantity	Quality.	Value.	Remarks.
Guard-house, No. 5.				
Dragoon Revolver	1	Second quality	$10 00	In good order
Navy Revolvers	5	First quality	100 00	
Mississippi Yager	1	Poor	8 00	
Buckets	2	Good	50	
Table, Wash-stand, and Basin		Second-hand	1 00	
Total			$119 50	
Furniture in Prisoners' Hospital.				
Bunks	14	Poor	$7 00	
Mattresses	15	Poor	7 00	
Blankets	21 pair	Very bad	10 50	
Buckets	2	Very bad	50	
Tin Wash-basins	2	Worthless		
Fire-irons	1 pair	Worthless		
Clock	1	Medium order	5 00	
Chairs	2	Medium order	50	
Stools	6	Medium order	2 00	
Bathing-tub	1	Good	10 00	
Press	1	Good	1 00	
Lamp	1	Good	12	
Lantern	1	Good	50	
Bulletin-boards	2	First-rate	1 00	
Total			$45 12	
Furniture in Prisoner's Long-Room.				
Bunks (three-story)	97		$97 00	The mattresses are not fit for human beings to sleep on; the blankets are very dirty and ragged, and in the opinion of your Committee, new blankets ought to be purchased.
Mattresses	300	Very bad	6 00	
Blankets	332 prs	Very bad	83 00	
Lamps	6	Good	3 00	
Buckets	6	Good	1 50	
Barrels (water)	6	Good	9 00	
Barrels (night)	6	Good	3 00	
Stools	8	Good	1 00	
Razors	6	Good common	1 00	
Razor-strops	6	Common	1 00	
Shaving-boxes	6	Good common	1 00	
Shaving-brushes	12	Good common	1 00	
Total			$207 50	

Description of Property.	Quantity	Quality.	Value.	Remarks.
Furniture in Forty-eight Cells.				
Bunks	192		$192 00	The blankets are ragged, dirty, and unfit for use. The mattresses are worth whatever they would bring for old rags, and nothing more; and it is a shame to call such old rags, mattresses.
Blankets	192		50 00	
Mattresses	96		1 92	
Lamps				
Stools				
Tin cups	24		3 00	
Buckets (water)	48		12 00	
Buckets (night)	48		12 00	
Total			$270 92	
Furniture in County-Jail.				
Bunks	74		$74 00	They are worth whatever they would bring as old rags.
Blankets	74	Very bad		
Mattresses	66	A bundle of rags		
Lamps	2		1 50	
Buckets	3		75	
Stools	2		25	
Tin Cup	1		10	
Total			$76 60	
Miscellaneous.				
Old Iron	1 lot			
Brick-moulds	170	Useless		
Old Bunks	1 lot	Useless	$10 00	
Lumber, (more or less,)	3000 ft	Good	75 00	
Window-sashes	1 lot		50 00	
Curb-stones	54 ft.	Good	25 00	
Paving-stones	1 lot		250 00	At the quarry.
Rough Stones, ashler	1 lot		100 00	At the quarry.
Derrick	1		350 00	
Plow	1		5 00	
Total			$865 00	
Marine Department.				
Sloop "Pike County"	1	38 tons burden	$1500 00	In good order
Sloop "Game-cock"	1	13 tons burden	250 00	In good order
Sloop "Nip-cat"	1	3 tons burden	250 00	In good order
Life-boat "Governor"	1		150 00	In good order
Skiffs	3	Good order	80 00	

Description of Property.	Quantity	Quality.	Value.	Remarks.
Scows	2	Poor	$70 00	
Tools in Ship-yard			500 00	
Total			$2800 00	

Total amount of personal property, exclusive of brick.....$19,323 45

[C]

ADDITIONS MADE TO THE PRISON, AND ITS GROUNDS,

Which are valued as follows:

Store-house (built off the Prison-grounds)	$4,979 25	
Prison-office	2,410 77	
New Prison	15,286 08	
South Cannon Road	176 00	
*584 cubic yards stone Water-wall	3,504 00	
†8,757 Bricks, used in curbing the Prison-yard	175 14	
Labor for paving 1,472 square yards in Prison-yard	530 10	
For paving Kitchen-yard	92 88	
‡For excavating Road east of Prison	1,715 00	
‖Total value		$28,869 22

REMARKS

* The 5,312 cubic yards of filling-in wharves, as charged, per Directors' Report, at $2,706, the Committee can not allow, for it was only the refuse of the stone-quarry, and broken and worthless brick, that were thrown in, as a more convenient way of getting rid of it.

† The 58,900 bricks charged in Directors' Report, as used in paving, not allowed, as they form part of the twelve per cent. broken brick lost in burning and handling.

‡ The 1,715 cubic yards filling-in, charged in Directors' Report, not allowed, as it was the most convenient place to remove the material, and the Committee think the price allowed for excavating ample for both. The filling-in is also off the Prison-grounds.

‖ The items of Quarry, Long-room, Carpenters'-work, Stock added, and Painting done, as enumerated in the Directors' Report, are not enumerated by the Committee, as credit has not only been given for them, but also for all personal property taken possession of by the State, on the first day of March, one thousand eight hundred and fifty-eight, in Schedule B, amounting to nineteen thousand three hundred and twenty-three dollars, and forty-five cents.

[D]

ESTIMATE BY MR. JOHN H. DALL.

SAN FRANCISCO, March 29, 1859.

To Messrs. Hines, Laspeyre, and Tully, Committee of the Assembly on State-prison:

GENTEMEN:—By your request, I have measured and valued the buildings erected for the use of the State-prison, at San Quentin.

Articles.	At.	Value.
STORE-HOUSE.		
4,550 feet of Stone-work,	$55 00	$2,502 50
52 feet of cut Stone-work, table,	1 00	52 00
6 Stone-caps,	5 00	30 00
2 Door-sills	10 00	20 00
52 thousand Brick, laid in wall,	20 00	1,040 00
10 thousand Brick, laid in pavement,	18 00	180 00
160 feet of Base,	12½	20 00
33 Beams, 2 by 10, 35 feet long, 1,925 feet, 1 Girder, 10 by 10, 52 feet long, 433 feet, 3 Posts, 10 by 10, 10 feet long, 84 feet, 28 Ceiling-beams, 2 by 6, 36 feet long, 1,008 feet, 28 Rafters, 2 by 6, 36 feet long, 1,008, 2,000 Sheathing-boards, 2000, Waste on Beams, 292, } 6,750,	2½	173 75
Labor framing 46 square,	1 50	69 00
Labor Sheathing 16½ square,	1 00	16 50
16½ Squares Zinc-roof,	14 00	231 00
65 feet of Gutter and Pipe,		26 00
6 Windows, F. G. W. and G.,	30 00	180 00
6 Windows, F. G. W. and G,	26 00	156 00
4 Windows, F. G. W. and G.,	12 00	48 00
1 large Window,	.....	18 00
1 pair double Doors, and Frame,	.....	30 00
1 single Door, and Frame,	.....	15 00
2,250 feet of Flooring,	5	112 50
Labor laying 16 square,	1 50	24 00
Meat-rack and Hooks,	.....	35 00
Total,	.....	$4,979 25

Articles.	At.	Value.
OFFICE, TWENTY BY THIRTY-NINE.		
67,500 Brick,	$20 00	$1,350 00
4 Door-sills,	5 00	20 00
10 Blocks Cut Stone,	2 00	20 00
257 feet of Base,	12½	32 13
*Floor-beams,		123 12
*Roof-beams,		41 16
*Sheathing,		29 40
Zinc-roof,		82 32
Gutter and Pipe,		22 40
Flooring laid,		123 12
Ceiling put up,		123 12
4 outside Doors,		72 00
4 inside Doors,		64 00
5 Windows,		130 00
9 Windows,		108 00
4 Mantel-pieces,		40 00
Outside Stairs,		30 00
Total,		$2,410 77
NEW PRISON.		
†16,514 feet of Stone,	50	$8,257 00
101 feet of Stone Lintels,	1 50	151 50
136 feet of Door-blocks,	2 00	272 00
72 feet of Door-sills,	1 50	108 00
84 feet of Window-sills,	1 00	84 00
84 feet of Window-heads,	1 00	84 00
146 feet of Water-table,	1 00	146 00
28 Iron Eyes,	1 50	42 00
235,500 Brick, laid in wall,	20 00	4,710 00
11 thousand feet Rough Lumber,	25 00	275 00
5 thousand Flooring,	50 00	250 00
Labor laying 33 squares,	1 50	49 50
16 Windows,	30 00	480 00
Roof,		262 00
Tin Gutter and Pipe,		40 00
Stairs,		75 00
Total,		$15,286 08

* These three items I could not get at, as they were all covered up. I therefore allow the price as charged in their Report.

In regard to the paving, thirty-six brick will lay a square yard.

† The stone work I could not measure, on account of there being a large portion of it under ground. I therefore take the measurement as given to me by Mr. O'Connor, the mason in charge of the work: the above estimate is for the building, so far as it was completed, on the day I made the measurement, March twenty-second, one thousand eight hundred and fifty-nine.

ACTING-WARDEN'S REPORT.

Memorandum of Bricks shipped, of all qualities, up to March 25, 1859, inclusive.

Where to.	Number.
Fort Alcatraz,	50,000
Mare Island,	360,000
Fort Point,	550,490
Oakland,	180,300
Vallejo,	18,250
San Francisco,	3,892,600
Total,	5,051,640

1859. March 25.....	Total shipment of Bricks to date,	5,051,640
	Used for improvements here,	574,072
	Estimated amount of saleable Bricks on hand,	3,000,000
	Estimated amount of Bricks on hand, broken in handling and shipping,	1,200,288
	Total,	9,826,000

NOTE —Of the 1,200,288 Bricks computed as broken, say 400,000 are pale Bricks, (adobes,) and fit for re-burning, or re-setting in kilns.

Memorandum of Moneys due by others, to State-Prison of California.

1859. March 26.....	From W. F. Templeton, for Bricks sold	$7,905 41	
	From Heath & Co.,	161 00	
	From O. C. Rand,	64 00	
			$8,130 41
March 26.....	Cash on hand, deposited in San Francisco,	$3,114 56	
	Cash on hand, deposited in the Prison,	42 00	
			3,156 56
			$11,286 97

NOTE.—There will be a reduction of some $500 or more from Templeton's balance, on account of a new contract made with Street, Stout & Co., who were to be charged for what they had bought of Bricks from Templeton, at the same rate they pay for their contract, viz., $7 00 per thousand.

Memorandum of Moneys received, and due, for Bricks.

1858.				
December 31.	From sundries, to date—Cash, - -		$20,944 41	
1859.				
March 25.....	From W. F. Templeton, to date—Cash, - - - - - - -		10,357 00	
March 25.....	From Street, Stout & Co.—Cash, -		1,000 00	
March 25.....	From Heath & Co.—Cash, - -		70 00	
March 25.....	From O. C. Rand, per A. E. Smith—Cash, - - - - - - -		50 00	
				$33,421 41
	DUE ON ACCOUNT OF BRICKS.			
March 25.....	From W. F. Templeton, as per his account. - -	$8,896 16		
	From W. F. Templeton, Cash Balance, - -	9 25		
	Total, - - - - -	$8,905 41		
	Less Cash received from Street, Stout & Co., -	1,000 00		
			$7,905 41	
March 25.....	Heath & Co., Oakland, - - -		161 00	
March 25.....	O. C. Rand, Vallejo, - - -		64 00	
				$8,130 41
				$40,551 82
March 25.....	There is on hand, of saleable Bricks, in yard, estimated at, - - -	3,000,000		
	Ditto, in San Francisco -	302,600		
	Total, - - - - -	3,302,600	...at $7 00...	$23,118 20

NOTE.—Templeton's balance of accounts will vary, perhaps, $450 less than estimate, on account of new contract with Street, Stout & Co.

NOTE.—There is placed to the credit of the Bricks on hand $4,000, being the balance of $5,000 paid by Stout, Street & Co., on a contract for the purchase of all the remaining Bricks. The $4,000 is not included in the above payments, however.

Memorandum of Debts due by the State-Prison of California.

1859.			
March 26.....	To schooner S. Hager, for freight, to March 8, $330, - - - -	$1,533 00	
March 26.....	To schooner Bolinas, for freight, -	751 76	
March 26.....	To schooner McLellan, for freight,	178 00	
March 26.....	To sloop Wasp, for freight, to March 8, $148, - - - - - -	56 00	
			$2,518 76
March 26.....	To W. F. Templeton, for balance of Commission due him, - -	.....	271 57
March 26.....	To Peter, of Salinas, for 32½ cords of Wood, (23 cords at $5 50, and 9½ cords at $4 50,) - - -	179 50	
March 26.....	To Bickerstaff, for 14½ cords Redwood, at $5 00, - - - -	72 50	
March 26.....	To Cowel & Ross, for 72 cords Willow, at $5 00 - - - - -	60 00	
			312 00
March 26.....	To C. Simpton, Guard—pay for December, - - - - - -	40 00	
March 26.....	To J. Curtin, - - - - - -	40 00	
March 26.....	To J. Davis, - - - - - -	40 00	
March 26.....	To G. Sanford, Captain, - -	75 00	
			195 00
			$3,297 33

[G]

GENERAL SYNOPSIS

Of the Money Transactions of the Prison, from the first day of March, A. D. 1858, to the twenty-sixth day of March, A. D. 1859.

To Cash received from the State, - - -	$81,602 50	
To Cash received from sale of Brick. - -	33,421 41	
To Cash received from Mr. McCauley, for loading Brick, - - - - - - - -	583 00	
To Cash received from sale of Hides, - -	1,622 50	
To Cash received from Work done in shop, -	441 99	
To value of Personal Property, received by the State, on the first of March, A. D. 1858, claimed by the State, - - - - - - -	9,362 75	
To value of Personal Property, received by the State, on the first of March, A. D. 1858, claimed by John F. McCauley, Esq., not including the amount returned to Mr. McCauley, -	34,527 83	
To outstanding indebtedness of the Prison, -	3,297 33	
		$164,859 31
CR.		
By amount of Personal Property on hand as per Exhibit "B," - - - - - - -	19,323 45	
By value of Improvements, as per annexed statement, - - - . . . -	28,869 22	
By value of 2,802,980 Brick, as sold per contract, at $7 per M, - - - - -	19,620 86	
By amount due Prison for Brick sold, - -	8,130 40	
By Cash deposited in San Francisco, - -	3,114 56	
By Cash on hand at the Prison, - - -	42 00	
		79,100 49
Excess of Expenditures over Receipts, - -		$85,758 82

REMARKS.—*Excess of Expenditures over Receipts.*—This amount is what has been expended at the Prison for purchase of material for improvements, purchase of supplies, pay of employees, and all expenditures in conducting and carrying on the institution from the first of March, A. D. 1858, to the twenty-sixth, March, 1859, inclusive, over and above the amount of money received from the State, and profits on products of Prison-labor. This item also includes the difference between the valuation placed upon the property when taken by the State, and the valuation placed upon what was found on hand by your Committee, as well as the ordinary wear and tear of tools, etc. Also the amount of brick due Mr. McCauley, less his brick on hand.

The above Synopsis has been compiled from such data as was furnished your Committee by the officers of the Prison, and such information as could be gathered from the *few* books kept by them, but owing to the absence of anything like system in those transactions, your Committee do not feel warranted in vouching for their correctness, yet they believe that it will be found, in the main, sufficiently correct to give a general idea of what the transactions of the establishment have been during the period above mentioned.

[F]

ACCOUNT OF BRICKS.

Number of Bricks burnt at State-prison, as per Directors' Report, for the year A. D. 1858, -	.....	9,826,000
*Less 12 per cent. loss, bats included, as per Mr Clay's (Brick-burner at Prison,) estimate, -	.....	1,179,120
Number of merchantable Brick, - - -	.....	8,646,880
Number of Brick shipped from the Prison, as per Warden's Report, hereto annexed, up to March 26th, A. D. 1859, marked "E:"		
To Fort Alcatraz - - - - - - -	50,000	
To Mare Island, - - - - - - -	360.000	
†To Fort Point, - - - - - - -	550,490	
To Oakland, - - - - - - - -	180,300	
To Vallejo, - - - - - - - -	18,250	
	1,159,040	1,159,040
To San Francisco, - - - - - - -	3,892,600	
Number of Brick received, sold, and on hand, on the 26th day of March, A. D. 1859, as appears from Mr. Templeton's (agent for the State-prison,) account-sales marked "A" . -	3,490,145	3,490,145
Discrepancy between the Warden's account of Brick shipped to San Francisco, and the agent's (Templeton,) account, - - -	402,455	
The Warden reports that there has been used at the Prison, up to the 26th day of March, 1859,	574,072	
‡ Number of Brick used at Prison, as per Dall's report, up to 26th March, A D. 1859:		
In Store-house, - - - - - - -	62,000	
In Office, - - - - - - - -	67,500	
In New Prison, - - - - - - -	235,500	
§ Used as per Directors' Report, for curbing, -	8,757	
For Kitchen-yard, - - - - - - -	5,160	
Number of Brick allowed by the Committee, used in the construction of a small wash-house, (liberal allowance,) - - - - - -	10,000	
	388,917	388,917
Discrepancy, - - - - - - - -	185,155	
		5,038,102

RECAPITULATION.

Quantity burned, less 12 per cent. loss, - -	.....	8,646,880
Quantity shipped, - - - - - - -	1,159,040	
Agent's account, - - - - - - -	3,490,145	
Quantity used, - - - - - - - -	388,917	
		5,038,102
Number of Brick that should be on hand at the Prison on the 26th March, A. D. 1859, - -	.....	3,608,778
‖ Less one per cent loss, as per Capt. Panhorst's testimony, - - - - - - - -	....	36,087
Total number of Brick at the Prison on the 26th March, A. D. 1859, upon above estimates, -	....	3,572,691
Number of Brick at State-prison on 26th March, A. D. 1859, as counted by the Committee, -	.....	2,802,980
Number of Brick unaccounted for, - - -	.....	769,711

There are several large stacks of bats (or clinkers,) in the Prison-yard, that are included in the twelve per cent. that are claimed by J. C. Gordon, the Acting-Warden. They were burnt by the State, and we are informed that, for certain purposes, are fully as valuable as the best hard-burnt brick, per weight.

† This includes a large number of "bats" which are allowed in the twelve per cent, and should be deducted, but your Committee can not get the exact number of "bats" sold.

‡ Mr. Dall makes in the Store-house two thousand six hundred and fifty brick less than the Directors report; in Prison-office, five thousand five hundred less than the Directors' report.

§ The Directors report fifty-eight thousand nine hundred brick, as used in paving Prison-yard, which are not allowed by your Committee, as they are "bats," and allowed in the twelve per cent. above-mentioned.

‖ This item of one per cent. is allowed by your Committee on the number of brick received, on hand, and sold, by Mr. Templeton, the agent, though we think it a liberal estimate.

TESTIMONY.

DEPOSITION OF JOSÉ GARCIA.]

SAN QUENTIN, STATE-PRISON, March 22d, 1859.

José Garcia, upon first being duly sworn, deposes and says:

I am a resident of Marin county, and have lived here for eighteen years; I have sold cattle to the Prison; I have sold sixty-two large head and one small head; I delivered them in two lots; the first lot I delivered in November, one thousand eight hundred and fifty-eight, and the second lot I delivered either about the last of December, one thousand eight hundred and fifty-eight, or the beginning of January, one thousand eight hundred and fifty-nine; there were twenty-nine head in the first lot; I received for them twenty-three dollars and seventy-five cents per head; the second lot, I sold part of them by the head and part by the pound; I got five cents per pound; that is all that I have sold to the State-prison: the cattle that I sold, I don't know the average weight; some of the cattle brought me eighteen dollars—some more and some less.

Cross-questioned by Governor Walkup.—The contract was that those which weighed over four hundred and eighty pounds I was to receive twenty-four dollars per head for; under that weight I was to receive five cents per pound; those that were killed and sold by weight, I saw them weighed; I don't know the exact amount of money I received for cattle, but have received over one thousand three hundred dollars; I received payment in full for all cattle sold to the Prison, according to contract; I have never paid, either directly or indirectly, any money for commissions.

Question by the Committee.—I did not make the trade myself, but know so through my brother, who is my partner.

JOSÉ GARCIA.

Sworn and subscribed to before me, this twenty-second day of March, A. D. one thousand eight hundred and fifty-nine.

BENJ. S. HINES,
Chairman of the Committee.

Attest: EDWARD F. CONWAY, Clerk of Committee.

DEPOSITION OF IGNACIO PACHECO.

STATE-PRISON, March 22, 1859.

Ignacio Pacheco, upon first being duly sworn, deposes and says:

I am a resident of Marin County, and have resided here since the year one thousand eight hundred and twenty-six; have sold cattle to the State-prison, at different times; have sold cattle at different prices; I sold, on the nineteenth May, one thousand eight hundred and fifty-eight, twenty-four head, at twenty-five dollars per head; June ninth, one thousand eight hundred and fifty-eight, twenty-five head, at twenty-five dollars per head; July first, one thousand eight hundred and fifty-eight, twenty-five head, at twenty-five dollars per head; on the second of March, one thousand eight hundred and fifty-nine, ten head, at thirty dollars per head; also, July twenty-second, one thousand eight hundred and fifty-eight, twenty-eight head, at twenty-five dollars per head. I have been paid in full for the same. I never paid any commission to any person whatever, for selling cattle to the State-prison.

Cross-question by Governor Walkup.—Neither Major McKay nor any other person, has ever spoken to me relative to what evidence I should give before this Committee. In selling to the Prison, I have rodeoed my cattle, and the agents of the Prison have been to my place, and picked out the best cattle.

IGN'O PACHECO.

Sworn and subscribed to before me, this twenty-second day of March, A. D. one thousand eight hundred and fifty-nine.

BENJ. S. HINES,
Chairman of Legislative Committee.

Attest: EDWARD F CONWAY, Clerk of Committee.

DEPOSITION OF WM. J. MILLER.

SAN QUENTIN, STATE-PRISON, March 22, 1859.

William J. Miller, upon first being duly sworn, deposes and says:

Am a resident of this County; have resided here, off and on, since one thousand eight hundred and forty-four; have sold two cattle to the Prison; I sold them by the head; have received sixty dollars for the two head; they were Spanish cattle; both cattle would weigh about nine hundred pounds; don't know the exact time I sold the cattle, but think it was five or six weeks ago; signed vouchers for money received; I signed for ninety dollars, and received that amount; the other thirty was for one head, sold to the Prison by my father; have been engaged in buying, selling, and raising stock, since one thousand eight hundred and forty-four; am familiar with the cattle owned by Messrs. Pacheco & Black; would consider twenty-eight and thirty dollars per head a fair average for their beef cattle; in my opinion, consider myself a good judge of cattle, and their weights; from what I know of cattle that I have seen here, would average about four hundred and fifty pounds net; think that I could pick out of Messrs Pacheco & Black's cattle, cattle that would weigh, or average, five hundred pounds weight. Know of one case where the agent of the Prison had the privilege of selecting from Pacheco's rodeo a lot of cattle. The prices within the last eight months, for Spanish beef cattle, have ranged twenty-five, twenty-eight, thirty, thirty-five, and

thirty-eight dollars per head. Have never known or heard of any person giving a commission to any officer of the Prison, for buying any cattle from them.

WM. J. MILLER.

Sworn and subscribed to before me, this twenty-second day of March, A. D., one thousand eight hundred and fifty-nine.

BENJ. S. HINES, Chairman of Committee.

Attest: EDWARD F. CONWAY, Clerk of Committee.

STATE OF CALIFORNIA, *County of Marin.*—Legislative Committee in session at San Rafael, in the County above named, called to order, at ten, A. M., this twenty-third of March, A. D. one thousand eight hundred and fifty-nine.

Lieutenant-Governor Walkup objected to the Committee meeting in San Rafael, as the resolution called for them to meet at the State-prison.

Objection overruled, unanimously, by the Committee.

DEPOSITION OF EGBERT VAN ALLEN.

SAN RAFAEL, Marin County, March 23, 1859.

Egbert Van Allen, upon first being duly sworn, deposes and says:

I am a resident of Marin County, and have resided here about six or seven years; I have sold wood to the State-prison within the last year; I can't say how much I have sold; I have received prices for my wood, ranging from four dollars and seventy-five cents, to five dollars, or perhaps five dollars and twenty-five cents; I have been paid in full for all wood sold to the Prison; and have never paid any commission to any person; I received payment for all the wood delivered at the time I signed vouchers; nothing was owing to me from the Prison at the thirty-first day of December, one thousand eight hundred and fifty-eight.

Signed, EGBERT VAN ALLEN.

T. LASPEYRE, for the Committee.

DEPOSITION OF MATTHEW McGEE.

SAN RAFAEL, Marin County, March 23, 1859.

Matthew McGee, upon first being duly sworn, deposes and says:

That I am a resident of Marin county, and have resided here about four years; I have sold wood to the State-prison within the last year; I don't recollect the exact amount of wood sold; I received five dollars and twenty-five cents per cord; it was oak wood; I have been paid in full for all wood sold; the last wood I sold to the Prison was in August, one thousand eight hundred and fifty-eight; never received any notes; was paid in cash at the time I signed the vouchers; I never paid any commission to any person whatever for the privilege of selling wood to the Prison.

his
MATTHEW ⋈ McGEE.
mark.

Sworn and subscribed to before me, this twenty-third day of March, A. D. one thousand eight hundred and fifty-nine.

T. LASPEYRE, for the Committee.

DEPOSITION OF JOHN COLISTER.

SAN RAFAEL, Marin County, March 23, 1859.

John Colister, being first duly sworn, deposes and says:

That he is a resident of Marin County, and has resided here, off and on, for six years; I was at Robinson's, at a dance, one night, and saw a man there known as Jackaway; I have seen Jackaway around the State-prison—I have seen him driving cattle, and have seen him at the stable of the Prison; he (Jackaway) was playing a fiddle at the ball, all the time that we were dancing; there were five ladies at the dance, I think.

Question by Governor Walkup—Neither Mrs. Hall, nor Mrs. Philips, was there, at the ball; Governor Walkup was there, and Robinson, an attaché of the Prison; Governor Walkup was dancing; I danced in the same set with him myself; I did not see Jackaway drinking; Jackaway did not break up the dance; while I was there, he did not refuse to play; there was no trouble, and I was there all the time the dance was going on, and until it closed; I took the ladies home in my stage; Governor Walkup was outside the door when I left; he helped the ladies in the stage, and I bid him good night; I should think it was about two or three o'clock when I left, perhaps later.

By the Committee.—This happened since last August; some time in the winter, when Governor Walkup was Warden of the Prison.

Cross-examined by Governor Walkup—Neither Mr Skidmore or his wife was at the party; Governor Walkup conducted himself as a gentleman, as did the rest of the persons present.

By Major McKay.—Robinson's house is a hotel; there is a bar in it.

By the Committee—I am running a stage from this place to the Point; I have been running it for about eight months.

By Mr. Harrison—I have sold wood to the State-prison; I sold about two hundred cords to General Harrison, as the agent of the Prison; I sold it some time between the first of May and first of August; I received five dollars and twenty-five cents per cord for it; it was oak and ash wood; I was paid in full; I was paid for the first one hundred cords before it left the bank; I never paid any commission to any person for getting me the contract for supplying the State-prison with wood; I told Mr. Harrison that I would have to be paid in advance for my wood, as I heard that the State owed for wood already; I mean when the State had it,—in one thousand eight hundred and fifty-five, and one thousand eight hundred and fifty-six,—when the K. N s had it; I had one hundred cords on the bank, and Mr. Harrison was to pay me $525 for the wood, and while he was counting me out the money, he asked me if it would do if he would pay me for fifty cords, as he wanted to buy some more wood from a Frenchman, but I stopped him right there, and told him that I wanted five hundred and twenty-five dollars, in full, and if I didn't get it, he couldn't have a single stick—and he paid me five hundred and twenty-five dollars for the same; I signed vouchers for all moneys received by me from the agent of the Prison, and signed for no more money than I received.

JOHN COLISTER.

Sworn and subscribed to before me, this twenty-third day of March, A. D. one thousand eight hundred fifty-nine

BENJ. S. HINES, Chairman of Committee.

Attest: EDWARD F. CONWAY, Clerk of Committee

DEPOSITION OF J. C. ANGOUNET.

SAN RAFAEL, Marin County, March 23, 1859

Francisco Angounet, upon being first duly sworn, deposes and says:

That he is a resident of Marin county, and has resided here for five years; I have sold one hundred and fifteen cords wood to Gen. Harrison, as agent of the Prison; I sold it about the twentieth of September; I sold it for four dollars and seventy-five cents per cord; it was redwood, and I have received payment in full; Gen. Harrison paid me one hundred dollars when the contract was made, and two hundred and forty-three dollars and seventy-five cents he paid me in San Francisco; about a week after the time he paid me one hundred dollars, he paid me the balance; Gen. Harrison gave me his own note for one hundred and thirty-one dollars and seventy-five cents at the time I signed a voucher, and I paid the note to Mr. Reed, for stumpage—I owed him ninety dollars, and Mr Reed paid me the balance on the note, which was forty-one dollars and seventy-five cents; about fifteen or twenty days after I delivered the wood at the Prison, I paid Mr. Reed, with Gen Harrison's note, for stumpage; I never asked Gen. Harrison for the money on the note.

F. C. ANGOUNET.

Sworn and subscribed to before me, this twenty-third day of March, A. D. one thousand eight hundred and fifty-nine

BENJ. S. HINES, Chairman of the Committee.

DEPOSITION OF LEWIS SMITH.

SAN RAFAEL, March 23, 1859.

Lewis Smith, upon first being duly sworn, deposes and says:

That he is a resident of Marin County, and has resided here about five years; have sold, at different times, wood to the State-prison: I sold wood to General Harrison and Governor Walkup, as agents of the Prison; I received all the money from Governor Walkup for wood sold to him for the Prison; I did not receive the whole amount from General Harrison for wood sold to him, as agent of the Prison; I am five or six dollars short, at least; General Harrison offered me the full amount for wood sold, but I could not make the change; I asked General Harrison for the money that is owing to me since, but he made some excuse; he had money at the time; I have never been paid the balance; I never informed Governor Walkup that money was due me; think I sold seventy or eighty cords of wood to the Prison, and have signed vouchers for the whole amount of wood delivered, (more or less;) I can neither read or write English; I am satisfied that the vouchers presented to me were correct, as there was a man with me who read some of the receipts; the man who was with me is named George Latzinhiter.

his
LEWIS ✕ SMITH.
mark.

Sworn and subscribed to before me, this twenty-third day of March, A. D. one thousand eight hundred and fifty-nine

E. C. TULLY, for Committee.

Witness returned, and further testified, that he cut three laurel poles, for ox-cart tongues, for which he charges five dollars; I delivered them on board the Pike County, and have since demanded my pay from General Harrison, but have never received it; I have never signed any vouchers for said poles, but am willing to do so, when I get my money; I never asked any person but General Harrison for the money; never mentioned the circumstances to Governor Walkup: I delivered said poles some time in July or August, one thousand eight hundred and fifty-eight.

his
LEWIS ⋊ SMITH.
mark.

Sworn and subscribed to before me, this twenty-third day of March, A. D. one thousand eight hundred and fifty-nine.

E. C. TULLY, Chairman of Committee.

Attest:—EDWARD F. CONWAY, Clerk of the Committee

DEPOSITION OF R. S. BROWN.

SAN RAFAEL, Marin County, March 23, 1859.

R. S. Brown, upon being duly sworn, deposes and says:

That he is a resident of Marin county, and has resided here over six years; I have sold wood to the State-prison; I sold wood to Governor Walkup and General Harrison; I sold for five dollars per cord; I don't know how many cords I have sold; I have been paid in full for all wood sold to the Prison; at the last settlement with General Harrison I gave my voucher for the wood I delivered to the State-prison, amounting to about one hundred and fifty-five dollars; General Harrison paid me one hundred dollars in cash, and gave me his individual note for fifty-five dollars; the transaction occurred some time before Christmas, at the time of giving the one before the last voucher, the fifty-five dollar note was paid to me within the last twenty-four hours; I think the fifty-five dollar note covered everything up to the first of January, one thousand eight hundred and fifty-nine; as far as the fifty-five dollar note is or was concerned, it was a friendly arrangement between General Harrison and myself, and I signed the vouchers releasing the State, knowingly.

Question by Governor Walkup.—I never paid any commission; never to my knowledge has the State's credit been injured; I have always found Governor Walkup a strict business man, and honest in all his transactions with me.

R S BROWN.

Sworn and subscribed to before me, this twenty-third day of March, one thousand eight hundred and fifty-nine.

BENJ. S. HINES, Chairman of the Committee.

DEPOSITION OF JOHN MURPHY.

SAN RAFAEL, Marin County, March 23, 1859.

John Murphy, first upon being duly sworn, deposes and says:

I am a resident of Marin County, and have resided here nearly two

years; I have sold wood to the State-prison; I sold about one hundred and twenty cords of wood to General Harrison, for the State-prison; I sold it at five dollars per cord, I have been paid in full; I think I sold the wood to the Prison before the first of January, one thousand eight hundred and fifty-nine; I received the balance of the bill, eighty-two dollars and fifty cents, on the seventeenth day of March; I can read and write; the first payment I received from Governor Walkup, and it was in full for all wood I had delivered, up to that time; on the thirty-first day of December, I had been paid in full for all wood delivered to the the Prison, and signed vouchers for the same; I signed vouchers for no more money than I received; about the twenty-sixty of January I sold wood to General Harrison, as agent of the Prison; I sold thirty-four and one-half cords, at five dollars per cord, and received in cash all but one hundred and twenty-two dollars and fifty cents, and I signed a voucher for the full amount, but General Harrison gave me his individual note for one hundred and twenty-two dollars and fifty cents; General Harrison's note has been paid, to my satisfaction; I took one barrel Golden Gate brand flour in part payment for the note; I got the flour in San Francisco, but don't know what part of the City I got the flour in; I got the flour on the seventeenth of March, the balance of the note was paid on the same day, in cash, or its equivalent; I also received two hundred pounds of barley, in part payment of the note; I received it on the seventeenth of March, at the store of Tully & Durkin; I also got one hundred pounds of sugar from the store of J H. Coghill & Co; likewise, twenty-five pounds of coffee at the same store; I considered the above things as cash; asked General Harrison for the note, and he asked me if I would not take a portion of it in goods; I chose the goods myself, in the different houses; the goods I received amounted to twenty-five dollars, more or less; the balance of the note was paid to me in cash, with the exception of a dollar or two, which I received afterward; I took General Harrison's note because he had not the money; when I signed a voucher to the Prison, I knowingly released the State; I called at the Prison to see General Harrison, to get my money, several times, but he was always absent; I told parties that I held a note against General Harrison, and could not get my money; when I went to the Prison for my money, I saw Major McKay, and he took me to his quarters and spoke to me relative to the note, and I showed it to him; Mr Simms spoke to me, relative to the matter, within the last three days, at Mr Brown's house

JOHN MURPHY

Sworn and subscribed to before me, this twenty-third day of March, one thousand eight hundred and fifty-nine.

LASPEYRE, for the Committee

DEPOSITION OF JUAN GARCIA

San Rafael, Marin County, March 23, 1859

Juan Garcia, upon first being duly sworn, deposes and says:

I am a resident of this county; have resided here for sixteen or eighteen years; have sold cattle to the State-prison—one time twenty-nine head, and at another time I sold thirty-two large head and one small head; the first twenty-nine head I sold for twenty-three dollars and seventy-five cents, and the next lot, all that weighed over four hundred

and eighty pounds, I was paid twenty-four dollars per head for, more or less, the balance, per weight, at five cents per pound; I saw the beef weighed; I mean all that were killed while I was there at the Prison, and the cattle that were slaughtered were killed for the purpose of making an average of the balance.

Cross-questioned by Governor Walkup.—According to my contract with the State, the agents of the Prison have fulfilled their agreement, and I have been paid in full for all cattle delivered; the State paid me in full, upon final settlement, for those that I did not see killed, according to the average that I saw killed and weighed; I never paid any commission to any person for the privilege of selling cattle to the Prison; the cattle I sold to the Prison were brought from Punta Reyes Ranch.

Question by the Committee.—I don't know how many different kinds of cattle I delivered to the Prison; they consisted of stags—some were steers, some were bulls, and cows and calf, and they were entirely wild; some of them were poor, and some of them in good order; not any of them were very poor, nor any of them very fat; I don't think any of them were sick, as they apparently seemed to be stout; I am in company with my brother, José Garcia.

JUAN GARCIA.

Sworn and subscribed to before me, this twenty-third day of March, A. D. one thousand eight hundred and fifty-nine.

T. LASPEYRE, for the Committee.

DEPOSITION OF JAMES BLACK.

SAN RAFAEL, Marin County, March 23, 1859.

James Black, upon first being duly sworn, deposes and says:

I am a resident of Marin County; have resided here since one thousand eight hundred and thirty-four; am a ranchero; have sold cattle to the State-prison; I sold them three or four lots of cattle, and was always paid on the delivery of the cattle; I never paid any commission to any person for getting the contract to supply the State-prison with the cattle; the last two bands I sold for thirty dollars per head; those I sold before, I got twenty-five dollars per head for; the two last lots I sold to the Prison, I was offered eight cents per pound for them, dressed, by a butcher; the last two bands I sold to the Prison were fine steers, with the exception of two bulls; the first lots I sold to the Prison consisted of stags and steers, principally stags; I signed vouchers for all money received from the State-prison; when I sold cattle, the agent of the Prison had the privilege of choosing them from the rodeo, out of a band of fifteen hundred cattle.

JAMES BLACK.

Sworn and subscribed to before me, this twenty-second day of March, A. D. one thousand eight hundred and fifty-nine.

BENJ. S. HINES, Chairman of Committee.

DEPOSITION OF W. R. ISAACS McKAY.

SAN QUENTIN, STATE PRISON, March 24, 1859.

W. R. Isaacs McKay, upon first being duly sworn, deposes and says:

I am an employé of the State-prison; I am Commissary and Quarter-

master; have been engaged in that capacity since the first of last March; I have kept a record of the affairs of the Prison part of the time, and part of the time I have not; on my appointment, by Governor Weller, to the position of Commissary and Quartermaster of the State-prison, on the first of March, I received positive orders from him to open a set of books, conforming, as near as possible, to the Quartermaster Regulations of the Army, it being his wish that they should be a permanent record; I have done so, and now exhibit the Commissary-book, showing daily issues, from the first of March, one thousand eight hundred and fifty-eight, to the first of March, one thousand eight hundred and fifty-nine; this book shows the daily issues to the prisoners, and the employés, separate and distinct, of the different articles that have been issued, as also materials and clothing purchased: the wood, and other articles purchased for the manufacture of brick, and the quarrying of stone; there are also the commissary supplies purchased for the Prison; the amount paid, from whom purchased; as, also, a specification of articles purchased.

Question.—Were six hundred and fifty-five pounds nine ounces of meat issued daily to the prisoners and employés of the Prison?

Answer.—There were eleven thousand five hundred and twenty-eight pounds of fresh beef issued to the Prison proper; one thousand five hundred and ten pounds of salt beef to the prisoners, and three thousand four hundred and sixty-eight pounds of codfish; to the boats, one thousand one hundred and seventy pounds of fresh beef, and fifty pounds of codfish; to the employés, two thousand eight hundred and sixty-one pounds of beef; there were four hundred and seven pounds of coffee, in all the departments, boats included.

The above supplies were issued for the month of May, inclusive.

Articles	Pounds.
For the Month of June, inclusive.	
Fresh Beef, for Prisoners	13,235
Codfish, for Prisoners	1,875
Fresh Fish, for Prisoners	800
Fresh Beef, to the Boats	1,466
Fresh Beef, to Employés of the Prison	2,867
Coffee	475
For the Month of July, inclusive.	
Fresh Beef, to the Prisoners	15,654
Fresh Pork, to the Prisoners	550
Fresh Beef, to the Boats	1,470
Fresh Beef, to the Employés	3,063
Coffee	503
For the Month of August, inclusive.	
Fresh Beef, to the Prison, including Boats	16,084
Codfish, to the Prison	640
Fresh Beef, to the Employés	3,074
Fresh Pork, for the Employés	116
Coffee	508

Article.	Pounds.
For the Month of September, inclusive.	
Fresh Beef, to the Prison and Boats	13,362
Codfish, to the Prison	695
Fresh Beef, to Employés	2,658
Fresh Pork, to Employés	902
Coffee	423
For the Month of October, inclusive.	
Fresh Beef, to the Prison and Boats	14,575
Codfish, to the Prison and Boats	709
Fresh Beef, to the Employés	2,954
Codfish, to the Employés	8
Coffee, to the Employés	441
For the Month of November, inclusive.	
Fresh Beef, to the Prison and Boats	15,042
Codfish, to the Prison	629
Fresh Beef, to the Employés	2,851
Fresh Pork, to the Employés	1,511
Coffee, to the Employés	424
For the Month of December, inclusive.	
Fresh Beef, to the Prison and Boats	14,289
Codfish, to the Prison and Boats	505
Fresh Beef, to the Employés	2,954
Fresh Pork, to the Employés	675
Coffee	419
For the Month of January, inclusive.	
Fresh Beef, to the Prison and Boats	14,054
Codfish, to the Prison and Boats	420
Fresh Beef, to the Employés	2,790
Fresh Pork, to the Employés	325
Coffee	306

At one time I purchased articles for the State-prison; during the months of March, April, and a portion of May, I done so; I purchased them as Quartermaster and Commissary; I did not continue to purchase for the Prison, as Gov. Walkup gave that his personal attention; all the expenditures of the Prison have been entered in my books, up to the thirty-first of December; the articles purchased, as entered upon my books, have been received at the Prison; since the thirty-first of December, I have not entered any goods purchased for the Prison; my reason for not entering the purchases were, that Gov. Walkup did not himself make purchases since the thirty-first day of December, to my knowledge; I had every confidence in Gov. Walkup's integrity and honesty in making purchases for the Prison, from the month of May, and knew that his purchases were below the market-price; I knew what he intended to purchase, and what he had purchased, I was therefore safe in entering those purchases on the books, and, by doing so, to assume any and all responsibility, but now, (I mean since the thirty-first day of December,)

the case is otherwise—Gen Harrison purchases; from various rumors and a few facts that have come to my knowledge, I have not that confidence in Gen. Harrison's integrity to warrant me to enter upon my books accounts that he has contracted; I found out that complaints were made by Brown, Murphy, and one other man, that I don't recollect his name, that they had receipted vouchers, at the request of Gen. Harrison, for wood, under the assurance from Gen. Harrison that it was to enable Gov. Walkup to close up his monthly accounts, that he would then draw money, and pay these accounts.

I knew this was false; I also knew, perfectly well, that no account had ever been entered upon Gov. Walkup's cash-account but such as had been paid; I knew that he gave to Gen. Harrison the money to pay these very men; Gen. Harrison got them to receipt the vouchers, and gave them his individual due-bill; I knew, a week ago, that a portion of these due-bills remained unpaid; the parties were at the Prison complaining of the hard usage they had suffered from Gen. Harrison; I reported to Mr. Gordon, the present Acting-Warden, early in January, that I had received conclusive evidence, and from undoubted authority, that Gen. Harrison was gambling largely; I considered it also my duty to mention that report to Gen. Harrison himself, and I did so; I told him that if the report was incorrect that it was his duty to disprove the charge of those reports; I was suspended from duty late in January, and the commissary purchases and issues I found entered upon the books when I returned to the Prison; I have adopted, as near as I could, the army regulations in the manner of keeping my books; if the books had been properly kept, it would appear from them, all the purchases made, issues, and all the work done and performed in the Prison; I opened a book as an Inventory-book, which I intended should contain a full record of all stores and supplies at the Prison, but the duties of the Prison were so subdivided, and I saw that there was an inclination to keep each little department separate, and that information which I thought I ought to have received from the different officers was withheld, I discontinued the book; for instance, I know nothing of the sale of bricks, shipment of bricks, and in fine, I am altogether ignorant of the transactions and affairs of the Prison; if this book had been kept properly I would have known, monthly, what property was sold, and what articles were manufactured at the Prison, and I would have had an inventory of all property at the Prison, and the manufactures of the same, at the end of each month; I was suspended by Governor Walkup; I had claimed from the first of January to discharge personally the duties of Commissary and Quartermaster, as specified by the Regulations, which would give me, under the control of the Warden and Board of Directors, the superintendence of the money transactions of the Prison; I declined, after Governor Walkup retired from the Prison, to assume in any manner the apparent responsibility of the money transactions; which responsibility I was willing to assume under Governor Walkup, but under no other; I do not mean that Governor Walkup is the only man that I would trust; but I have every confidence in his accounts; I did not speak to Governor Walkup at any time relative to the accounts for which General Harrison's notes-of-hand were out; I did not know anything about these transactions prior to the thirty-first of December, one thousand eight hundred and fifty-eight, when Governor Walkup left for Sacramento; I knew that Murphy's wood-bill had not been paid on the twenty-ninth of December, one thousand eight hundred and fifty-eight, for the reason, that he (Murphy) called at the Prison in January, one thousand eight hundred and fifty-nine, for his money, and

showed me General Harrison's note-of-hand, which was for one hundred and twenty-two dollars and fifty cents; I exhibited to Mr. Murphy his receipt in full for one hundred and twenty-two dollars and fifty cents, that being his receipt in full to date; and he stated that General Harrison's note was given to him for one hundred and twenty-two dollars and fifty cents for the wood that the voucher was receipted for; I saw the note a second time, and saw a credit on it for forty dollars—which forty dollars both he and Rickerstaff told me had been paid to Rickerstaff in San Francisco, by General Harrison: I also know that he (Murphy,) went down to San Francisco, with General Harrison, about a week ago, and was paid the balance of the note—part in money, and part in provisions. There were one hundred barrels of flour delivered on the eighteenth of March, one thousand eight hundred and fifty-nine; I do not know when Governor Walkup resigned as Chief-Warden of the Prison; he left here on the first of January, one thousand eight hundred and fifty-nine.

Question.—Had Governor Walkup his board, washing, lodging, and horses, free, while he was Warden?

Answer.—Yes; the same as the other officers.

Question by Major Graham—Do your books show a daily issue of six hundred and fifty-five pounds of meat?

Answer.—No sir, they do not.

Question—Did you consider that Governor Walkup violated the rules, by purchasing for the Prison, and not through the Commissary himself?

Answer—I did.

I was not present at the meeting of the Board of Directors when Governor Walkup was appointed Chief-Warden.

Cross-questioned by Governor Walkup.—I never received orders from the Board of Directors to open a set of books, conforming, as near as possible, to the Quartermaster's Regulations of the Army, or any other books. I know of no rule, or regulation, of the Board of Directors, requiring me to keep such books, from the first day of May to the thirty-first day of December, one thousand eight hundred and fifty-eight, or requiring the Chief-Warden to have such books kept

Question by Governor Walkup—Do you know, of your own knowledge, that the issues set down in the Commissary's books are those that have actually been made?

I do not know it of my own knowledge, not having made the issues myself; the Commissary-clerk made, by far, the greater part of the issues himself, noting down, at the time, each issue; the issues correspond with the purchases, and the balance on hand, of each month, was compared with the stock on hand. Gen. Harrison was the Clerk in the month of May, but he was absent most of the time, buying wood and cattle; when I was appointed Commissary, under the administration of Gov. Weller, I found two prisoners (Backus and Peterson) acting as clerks, and I retained them; the Chief-Warden never attempted to control me in making issues; the reports of the issues were brought me by the parties above referred to; I frequently went myself, and compared them; the writing on page eleven of the Commissary's-book is not my handwriting, it is Peterson's, (a prisoner.) I will furnish, on to-morrow morning, a list of all meats issued, as appears on the Commissary's-book, and an estimate of all that is not carried up on the Commissary's books. Governor Walkup and myself were together in San Francisco, and I made purchases there for the Prison, during the months of May and June; Gov. Walkup always charged me to pay in full for all articles purchased for the Prison, and he handed me the money to make the payments, I taking the vouchers, and

receipting to him for sums of money turned over to me, from July to the thirty-first of December; Gov. Walkup attended to the purchasing, himself, in person; I have said to Gov. Walkup, on several occasions, that he was a better purchaser than I was, and a closer bargainer, and that statement is true; undoubtedly, Gov. Walkup would not permit any bills to be signed in full, for goods purchased for the Prison, and not paid for.

Question by Governor Walkup.—In whom did you see an inclination to keep information from you?

Answer.—I saw it in several of the officers, every officer having his own department.

Question by Governor Walkup.—Did you ever ask Gov. Walkup, or any officer, through him, for any information, that was denied you?

Answer.—I never did.

Question.—Do you not know that it is the duty of the Superintendent of Labor to make a monthly report of all the work done, improvements made, and articles manufactured?

Answer.—I know it is his duty to do so.

Question—Was there an inventory of all property taken on the first day of May?

Answer.—No sir.

Question.—Did I suspend you until after you said to me that you would have no further conversation with me relative to the matter—I mean our difference of the construction of the Rules of the Prison?

Answer.—You did not. The State-prison Directors knew that Governor Walkup was making purchases for the Prison.

Question by Harrison.—What was the date of the Murphy note previously referred to?

Answer—I don't recollect, but I swear positively that Mr Murphy told me it was for wood furnished to the Prison

Question.—Did you go to San Francisco in the month of January last, and purchase provisions for the State-prison.

Answer.—Yes, sir, I bought about two hundred dollars' worth, to test whether I was to purchase, or General Harrison; the flour that I had brought up had been already purchased by General Harrison, in exchange for brick, from Alton, Welch & Co.; the other articles were from Coghill & Co.

Had you an order from the Warden, or Assistant-Warden, to make such purchases?

Answer.—If by Chief-Warden is meant Governor Walkup, he was not at the Prison at the time to give such order; I reported to J. C. Gordon, the Acting-Warden, that there was but one day's supply of flour on hand, and that I would proceed to San Francisco, and purchase the flour; Mr. Gordon stated he would rather I would not—that General Harrison was to do it.

Question.—What would the average issue of meat per day be, as shown by exhibit marked "A," No. 1?

Answer.—It would go over six hundred and sixty pounds per day.

Question.—Is that voucher of John Murphy, of the twenty-ninth of December, one thousand eight hundred and fifty-eight, in your hand-writing, and was Mr. Murphy paid in your office in cash on that day?

Answer.—The voucher is in my hand-writing; I have no recollection of the money being paid in my office, or his signing the said voucher there; all I know of the transaction between General Harrison and Mr. Murphy as stated in his deposition, was what I have heard from said Murphy, his brothers-in-law, Rickerstaff, and Brown, and having twice seen General

Harrison's note to Murphy; the first time I saw it was some time in the months of January and February, and the last time in March; it was for the exact amount of one hundred and twenty-two dollars and fifty cents, corresponding with the aforesaid voucher, dated twenty-ninth December, one thousand eight hundred and fifty-eight.

W. R. ISAACS McKAY.

Subscribed and sworn to, before me, this twenty-sixth day of March, A. D. one thousand eight hundred and fifty-eight.

BENJAMIN S. HINES, Chairman of the Committee.

[For "Abstract of Issues of Beef, Pork, Fish, etc., to Employees," see next page, 64.]

DEPOSITION OF ELIJAH PUTNAM.

SAN QUENTIN, Marin County, March 24, 1859.

E Putnam, upon first being duly sworn, deposes and says:

I am a resident of Marin County, and have resided here for three years; I was at Robinson's, whose house is about one-quarter of a mile from the Prison; I was at a dance there, and there was a man playing the fiddle by the name of Jackaway, who was said to be a prisoner

Cross-questioned by Gov Walkup.—I don't recollect the time the dance was at Robinson's, but think that it was some time in last November.

Question by the Committee.—I heard that Gov. Walkup was Warden of the Prison at the time.

I saw Gov. Walkup at the dance, and saw him dance several times; I don't recollect just now who all were present at the dance; some of the guards of the Prison were there; young Gordon and Charles Simpton were there; they danced, also; I don't know Mrs. Hall, and don't think that she was there, (at the dance;) I don't know Mrs. Phillips; Robinson's house is a story-and-a-half high; it is a tolerable sized house; I don't know how many bed-rooms are in the house; the dance was held in the dining-room; I saw Jackaway take two drinks while I was there, but he might have drank more; Jackaway did not appear to be tight; I left the ball at three, A. M, and it was about broke up at that time; I heard Jackaway say that he would not play the fiddle any longer; I can't say that he broke up the ball; I then left; we were all at the bar taking a drink, and I heard Jackaway say that he would not play any longer, for he was tired; afterwards, some person asked him to play, and he replied that he was tired, and that he would be damned if he would play; I don't recollect who asked Jackaway to play—it might have been an officer, and it might have been somebody else; I saw Gov. Walkup at the ball about a quarter or half an hour before the ball broke up; don't recollect seeing him when the ball broke up.

Cross-questioned by Mr. Walkup—There was no row at the dance while I was there, everything was quiet

By the Committee—I never was at Parker's at a party; this is the only party I ever attended down here.

Cross-examined by Gov. Walkup—As far as I saw, Governor Walkup conducted himself as a gentleman while I was at the ball; I have seen Jackaway at San Rafael once or twice; I think it was about six or eight months ago; I don't know Mrs. Phillips, and don't think that she was at the ball

ELIJAH PUTNAM.

Sworn and subscribed to before me, this twenty-fourth day of March, A. D. one thousand eight hundred and fifty-nine

BENJ. S. HINES, Chairman of Committee.

ABSTRACT,

Of Issues of Beef, Pork, Fish, etc., to the Employés and Prisoners at the California State-Prison, from May 1, 1858, *to December* 31, 1858.

MONTHS—1858.	Pounds Fresh Beef.			Pounds Salt Beef.			Pounds Fresh Pork.			Pounds Bacon.			Pounds Codfish.			Pounds Fresh Fish.		
	Prisoners	Employees	Total	Prisoners	Employees	Total	Prisoners	Employees	Total	Prisoners	Employees	Total	Prisoners	Employees	Total	Prisoners	Employees	Total
May	12,698	2,860	15,568	1,510	...	1,510	...	...	...	...	19	19	3,528	...	3,528	...	...	...
June	14,701	2,867	17,568	...	...	...	...	...	...	...	16	16	1,875	...	1,875	800	...	800
July	17,124	3,063	20,187	...	...	...	550	58	608	...	...	...	...	...	...	...	...	...
August	16,084	3,074	19,158	...	...	...	...	116	116	...	...	...	640	...	640	...	...	...
September	13,362	2,658	16,020	...	...	...	...	902	902	...	...	...	695	...	695	...	...	...
October	14,575	2,954	17,529	...	...	...	...	275	275	...	...	...	709	...	717	...	...	...
November	15,042	2,851	17,893	...	...	...	...	1,511	1,511	...	...	...	629	...	629	...	...	...
December	14,289	2,954	17,243	...	...	...	...	675	675	...	...	...	505	...	505	...	...	...
Totals	...	...	141,166	...	...	1,510	...	...	4,087	...	...	35	...	...	8,589	...	...	*800
*Add	...	...	5,500	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2,000
Grand totals	...	...	146,666	...	...	1,510	...	...	4,087	...	...	35	...	...	8,589	...	...	*2,800

* To the foregoing, add—fish caught and used, not taken up in the account, as, also, the head, heart, liver, tripe, etc., of cattle bought on hoof, not included in the weight of said cattle, but actually consumed by the prisoners and employees.

W. R. ISAACS McKAY.

STATE-PRISON, POINT SAN QUENTIN, March 25, 1859.

DEPOSITION OF G. H. HARRISON.

San Quentin, Marin County, March 24, 1859.

G. H. Harrison, first having been duly sworn, deposes and says:

I am an employé of the State-prison, and have been employed here since May last; during May and June, and perhaps a part of July, my duties were the purchase of cattle and wood alone; I was instructed to purchase for cash; I contracted for cattle, and they were paid for on delivery at the Prison; I also bought wood from a number of persons, and paid for it in cash, as per voucher; I received money to pay for wood from Governor Walkup in every instance where a voucher was brought in, up to December thirty-first, one thousand eight hundred and fifty-eight; I received a notice from the agent of the estate of Reed, that he would enjoin or prevent the delivery of wood, which had been cut upon said ranch, unless the stumpage was guarantied by the officers of the Prison, and the amount received by said officers in making payment to parties selling it; I reserved money for the purpose of paying stumpage, and holding myself harmless, after receiving such notice, for the purpose of keeping my word good with the agent of the Reed estate; at one time Dr. Carpenter was the agent, but the one I have particular reference to, is W F. Larkin; I gave my individual note to John Murphy, in the latter part of January, for wood purchased in January, 1859; I did not give John Murphy my note for wood purchased previous to the thirty-first of December, one thousand eight hundred and fifty-eight, nor did I owe him one dollar on that day, he having been paid in cash for all wood delivered to that date; I gave my individual note for the amounts of money I received for stumpage; I knew that I was making myself individually responsible for the amount of those notes, but wished to protect my promise to the agent of the Reed estate; I have paid the notes, with the exception of a small amount; I paid a portion of the money to Mr Larkin, agent of the Reed estate; Mr. John Murphy was not authorized to collect stumpage; I paid Mr. Murphy the amount of one of those notes, with the exception of forty dollars I paid to Mr. Bickerstaff; Mr. Bickerstaff was not an agent of the parties authorized to collect stumpage; don't think I ever gave my note to Angounet for wood furnished the Prison; may have given him a memorandum of change due; Mr. Murphy and Mr. Bickerstaff both live on the Reed ranch, and have cut wood on the same; I have reserved stumpage from Mr. Bickerstaff and paid it to Mr. Larkin; I have reserved stumpage from Saml. Brown, who also lives on the same ranch, and paid to said Larkin, agent of the estate, at least two hundred dollars—and a note of fifty-five dollars, given to S. Brown, was a balance of money reserved for the above stumpage; neither Mr. Angounet, nor Mr. Brown, are agents of the Reed estate; the notice that I had from the agent of the ranch was, to hold money from the parties selling wood; the agent, Mr. Larkin, authorized me to collect stumpage; I keep no books; everything was purchased by order, and the voucher was turned over to the Warden; I have no written notice from the agent of the ranch to withhold stumpage; it was a verbal notice given to Governor Walkup and myself; both myself and Governor Walkup have paid stumpage to said agent; I have been acting as special agent, in purchasing under the orders of the Warden and Directory; I have never received orders from Governor Walkup as Chief-Warden, since the thirty-first of December, one thousand eight hundred and fifty-eight, to the best of my recollection; I never informed Governor Walkup that I gave any notes

for Prison purchases; I may have given Mr Clingan a memorandum for a small amount, when change could not be made, but never bought wood on credit; I may owe small amounts, where change could not be made, to parties who have received vouchers.

G. H. HARRISON.

Subscribed and sworn to before me, this twenty-fifth day of March, one thousand eight hundred and fifty-nine.

E. C TULLY, for the Committee.

DEPOSITION OF J. BICKERSTAFF.

San Quentin, Marin County, March 24, 1859.

J. Bickerstaff, upon being duly sworn, deposes and says:

I am a resident of this County, and have been, off and on, here, since the year one thousand eight hundred and fifty-three; I have sold wood to the State-prison; I don't exactly know the amount of wood I have sold, but think that it is something over four hundred cords; I sold some hard-wood in April, last year, for six dollars per cord; I sold Major McKay the wood; I sold redwood for five dollars per cord, I sold eighty cords of redwood for four dollars per cord; I have been paid in full for all wood sold to the Prison, and have never paid any commission whatever, to any person; Major McKay gave me a written agreement that he would take the wood at a certain price, and pay me on delivery; I never held a note from Major McKay, to pay me after wood was delivered; Gen. Harrison has never asked me to sell him wood on credit

J BICKERSTAFF.

Sworn and subscribed to before me, this twenty-fourth day of March, one thousand eight hundred and fifty-nine.

LASPEYRE, for the Committee.

DEPOSITION OF JOHN DAVIS.

San Quentin, Marin County, March 24, 1859.

John Davis, upon first being duly sworn, deposes and says, that he is an attaché of the Prison, has resided in this County for about twenty-one months:

I know Jackaway; he was a prisoner since my residence at the Prison; he served his time out; I think it is about two months since his discharge; I saw him playing the violin at Robinson's, while he was a prisoner; he was playing there after night; I saw Governor Walkup there, and to the best of my knowledge he was Warden of the Prison at the time; Robinson's house is situated about three hundred or four hundred yards from the Prison; there was dancing going on at Robinson's at the time I have reference to.

Question by Governor Walkup—I was at Robinson's at two different times, and saw nothing out of the way going on there—nothing more than at any other ball; Jackaway was playing the fiddle the second time I was at Robinson's; I can't tell what time the dances took place, exactly, but think it is some four or five months ago; it is more than two

months ago; I saw Governor Walkup at the ball on two different occasions; I know Mrs. Hall, who was a convict; I never saw her at Robinson's.

Question by the Committee.—Governor Walkup was dancing at Robinson's; there were several persons from the Prison at the dance; I saw there Mr. Morton, Lieutenant of the Guard, young Gordon, and Charles Simpton; there were more there, but I can't just now recollect their names; the balls generally broke up from twelve to three o'clock; I was there one morning, myself, until three o'clock.

Examined by Governor Walkup.—So far as I knew, the dances were respectable; I don't think that Jack Phillips' wife was there; she never was there while I was at Robinson's, to my knowledge

Question by the Committee—I have been to Parker's; Parker's house is about one-half mile from the Prison; it is in the Prison limits; I was at a dance there: Governor Walkup was there; Jackaway was there at the same time, and played the fiddle; the dance broke up at Parker's early —about eleven o'clock, P. M.; I have seen Jackaway drink, and slightly intoxicated, but not drunk; Governor Walkup was there at the time; I can't say that Jackaway ever got mad, or ever broke a party up; he never did so to my knowledge; I never knew Jackaway to be brought home drunk; about the same attachés of the Prison were at Parker's as were at Robinson's, with the exception of young Gordon

Cross-Examined by Governor Walkup—I was here about the first of March, one thousand eight hundred and fifty-eight; I was informed Jackaway was up at Hicks' Ranch at that time; I can't say that Hicks' Ranch is in this County, but it is about twenty-five miles from here; Jackaway returned to the Prison after the State took it; he was sent for by Mr. Watson, and Mr. Watson brought him in; Jackaway has always had his liberty; he was what is called a full trusty; I know that Jackaway always slept outside; he came in and out when he pleased; I can't say that Jackaway was pardoned by Governor Weller for his good behavior; I never saw his pardon; I never saw Governor Walkup take Jackaway to any of the parties, or bring him away; Governor Walkup always conducted himself as a gentleman, as far as I have seen; I never knew Mrs. Hall to be outside of the Prison-grounds at any time while she was a convict, to the best of my knowledge; the officers of the Prison that were at the ball are all good officers, and well-behaved men, and conducted themselves as gentlemen while there; I never saw Jackaway misbehave himself at any of those parties where he played the violin.

Questioned by the Committee.—I know that a man (an attaché of the Prison,) struck a convict with a stick; at the time that he struck him he was excited, and there had been a break among the prisoners a few minutes before; the officer who struck the convict was Mr. Lee; he has been away from here for five or six months; I know of no other instance where a convict was struck by an officer.

his
JOHN ⋈ DAVIS.
mark.

Sworn and subscribed before me, this twenty-fourth day of March, A. D. one thousand eight hundred and fifty-nine.

E. C. TULLY, for the Committee.

[Mr. Davis' arm is broken, and was unable to write on account of the fracture.]

DEPOSITION OF JOHN SPILL.

SAN QUENTIN, Marin County, March 25, 1859.

John Spill, having been first duly sworn, deposes and says:

I am a resident of this county, and have resided here for about four years; I am an attaché of the Prison; I am Gate-keeper; I have acted in that capacity since the State has had the Prison; I have seen Jackaway, a prisoner, playing the fiddle at Parker's, at a dance; I have also seen Gilman, a prisoner, there; Governor Walkup was there, at supper; Gilman's wife and daughter were there at the same time; I did'nt see Governor Walkup dancing; saw Governor Walkup in the ball-room; did not see Gilman in the ball-room; saw him in the bar-room; I don't think I saw Governor Walkup in the bar-room; I never saw Governor Walkup there but once; Governor Walkup was acting as Warden of the Prison at the time I have referred to; I have seen Jackaway, a prisoner, at Robinson's, playing the violin; Governor Walkup was there at the same time; also, Charley Robinson, Burr Gordon, and I was there myself.

Cross-examined by Governor Walkup.—They all behaved themselves as gentlemen and officers should; Jackaway was a full trusty; he had the privilege of coming and going when he wished, provided he did a certain amount of work that was allotted to him; Gilman, whom I spoke of previously, was a full trusty, and occasionally went to visit his family; he was a trusty before the State took the Prison, and all the time that Governor Weller was in charge, and continued as such until he was pardoned by the Governor; he always stayed with his family when not engaged in burning brick; I never saw Gilman or Jackaway drunk, or misbehave themselves

Examined by the Committee—At the dances above referred to, I have seen Jackaway drinking too much; I have seen him a little tight, but not drunk; I have never seen him drunk, or break up a ball by refusing to play the fiddle.

JOHN SPILL.

Sworn and subscribed to before me, this twenty-fourth day of March, A. D. one thousand eight hundred and fifty-nine.

E. C. TULLY, for the Committee.

DEPOSITION OF CHARLES W. ROBINSON.

SAN QUENTIN, Marin County, March 25, 1859.

Chas. W. Robinson, upon first being duly sworn, deposes and says:

I am an employé of the Prison, and have been here since the first of May last; I am Assistant Superintendent of Labor; there never was any brick shipped from the Prison, unless under the supervision of Captain Gordon, Burr Gordon, and myself, since the first of June last, up to the present time, and returns made of the same to the office, showing the quantity and quality shipped, the name of the boat, and the party to whom shipped; it could not be possible for any brick to be shipped by the Chief-Warden without the knowledge of one or all of us; I never have noticed in the Chief-Warden any disposition to conceal any transaction from any of the officers about the Prison; Captain Gordon has always been very industrious; I don't recollect of ever loading a boat that he was not down; and was very careful that as few bricks as possible

were broken, and that the proper returns of brick were made to the office; as far as I know, the accounts of brick are as accurately entered by Cryder, (a prisoner,) as they could be by a free man; there has not been any stock sold, or disposed of, since the State took possession of the Prison up to this time, except the colt of a mare that was working in the mill, which was taken by Captain Gordon, and raised by hand.

Cross-examined.—Question.—How do you know the exact amount of brick shipped?

Answer.—We had a tally-man there all the time

Question.—Who was the tally-man from the first of June, up to the present time?

Answer.—A man named Taylor was tally-man for a good part of the time, and at other times when we had not a tally-man, either myself or young Mr Gordon tallied, ourselves; I don't recollect that we had any other; we had a man named Smith, two or three days, tallying; Hope is tally-man now.

Question.—Was Taylor a prisoner, or a free man?

Answer.—He was a prisoner.

Question.—Was Smith a free man, or a prisoner?

Answer.—He was a prisoner. Hope is a prisoner, too.

Question —Did you count all the brick that the above prisoners, Taylor, Hope, and Smith, tallied?

Answer.—Of course, I didn't count every single brick, but one of us either stood on the boat, or on the wharf, all the time, and saw the barrows loaded in.

Question.—Did you, or some other employé, count every barrow of brick that was put on board the boats?

Answer —No, I did not; nobody could do it?

Question.—What officer was the quantity of brick returned to?

Answer —It was turned over to Major McKay, part of the time, and the rest of the time it was turned over to the inside officer, where Cryder, (a prisoner,) is Clerk I know that, in the shipment, No 1 brick generally overrun some, while No 2 generally fall short. I don't think that the breakage of brick, in taking from the kiln to the boat, would be over ten per cent. When we shipped bricks to the Fort, we didn't ship bats, unless per contract.

CHARLES W. ROBINSON.

Sworn and subscribed to before me, this twenty-fifth day of March, one thousand eight hundred and fifty-nine.

E C. TULLY, for the Committee.

DEPOSITION OF JOSEPH O'CONNOR.

STATE OF CALIFORNIA, County of Marin, ss.

Joseph O'Connor, upon first being duly sworn, deposes and says:

I am a resident of Marin County; have resided here for four years; I am employed as architect and builder, at the State-prison; I have been employed at the State-prison over four years; I measured the stone-work and mason-work of the store-house, and consider the estimate of the material and labor, mentioned in Directors' Report, correct, and the valuation of Mr. Webb and ——— is correct; I consider it cheap, as I would not put the building up in San Francisco for the price mentioned in the Report; part of the cut-rock in the store-house was quarried out and cut

under the administration of Mr. McCauley; the pressed brick used in the construction of the store-house, was at the Prison previous to the time the Governor took possession of the Prison; don't know who the pressed brick belonged so; I don't think there were over five thousand pressed brick used in the construction of the store-house; there were twenty-three thousand four hundred and fifty brick purchased from McCauley, prior to the nineteenth of March, one thousand eight hundred and fifty-eight; said brick were used in improvements; I don't know of any brick used in the erection of buildings, except those made by the State, since the first day of May last, except the pressed brick that I have previously mentioned; I have no means of knowing whether the brick used in the erection of buildings belonged to the State or other parties, but I believe they belonged to the State; don't recollect the day the first kiln of brick was burned by the State; I believe the brick used in the repairing of some of the brick-kilns was on the State-prison grounds prior to the first of May, one thousand eight hundred and fifty-eight; I opened and worked the stone-quarry, under the administration of Mr. McCauley; it is not worth five thousand dollars to open it; to lay brick in a wall, it is worth twenty-two dollars per thousand (all material included;) to lay them in pavement, it is worth a third less; I am not aware of any difference in price for brick-work now and the time Mr. McCauley had the Prison; I know the upper wharf, made by Governor Walkup, and would not value it at six thousand two hundred and ten dollars; I never told any one that it was a very extravagant price for the wharf; I was instructed, by Mr. Gordon, to measure the work generally, as to quantity, and not to valuation; he did not state that other parties were to value it; I think that, in some instances, the stone estimated in the buildings had been previously estimated at the quarry; I mean as to quantity, in all cases, and not to value; I could not have made the measurement and estimate of all the work and improvements done in three times the quantity of time that Messrs. Webb and Quinton did it in; I have seen the prisoners fed, one week out of every four, during the last four or five months; the prisoners' ration of beef was small, very small indeed; they had a large ration of beans and bread; the beef was served to the prisoners without bone; some of the prisoners complained to me on account of the smallness of the rations, but I did not report it to Mr. Gordon; Mr. Gordon is, and was, General Superintendent of Labor; I never reported to Governor Walkup, or was I instructed to do so, that I used stone that had been dressed at the Prison previous to the State taking possession of it; all the twenty-three thousand four hundred and fifty brick previously referred to, were used for improvements prior to the month of April; I think, that to lay a pavement with sound brick, and furnish free labor, and pay for all material, it would be worth sixteen dollars per thousand; the brick walls that have been erected since the State has taken possession of the Prison, are built no better than walls that were built during Mr. McCauley's administration, so far as workmanship is concerned; there has been harder brick used by the State in the erection of buildings, than were used by Mr McCauley, as a general thing; there has only been one wharf built since the State took possession of the Prison; a cubic yard of stone water-wall, such as laid at the upper wharf, is cheap at six dollars per cubic yard; if I had a previous measurement before me, I could not have estimated the improvements, done, in the time Messrs. Webb and Quinton did it in; some prisoners complain, no matter how they are fed; the prisoners are more regularly fed under the present administration, than they were under Mr. McCauley's administration, but I

can't say that they get more to eat than they did formerly; I don't think the convicts ever got enough to eat, under any administration, with the exception of the time that Major Love was Warden of the Prison—but they get enough for the work they perform.

Cross-examined by Governor Walkup.—Had the State not made and burned brick of her own prior to the commencement of laying brick-work in the new store-house, on the east side of the Prison wall?

Answer.—Yes

Question.—Had you seen a kiln open, and examined the quality of the brick to be used in the construction of the above building?

Answer.—I have seen the kiln opened, and used the brick as they were sent to me; the kiln I referred to was the first one burned by the State that season; the kiln was fired on the twenty-ninth of May last.

Question.—Is the building, which was constructed by John F McCauley, at the east gate of the Prison wall, of as good material as the new store-house constructed some time in June or July last?

Answer.—The brick in the new store-house is better and harder than the brick used in the construction of the building that is situated at the east gate of the Prison, but the workmanship is no better.

Question.—Was the upper wharf, spoken of in your direct examination, worth three thousand five hundred and four dollars for its construction?

Answer.—It is not only worth that, but cheap, according to the number of cubic yards mentioned in the report, but I don't know the number of cubic yards in it.

Question.—Do you believe that there were at the stone-quarry, on the thirty-first day of December last, one thousand eight hundred tons of quarried stone, and eight hundred and thirty cubic feet of rough ashler?

Answer.—I can't say.

Direct Examination.—I valued the store-house as it stands, without any reference as to where the rock came from, or who it belonged to; a pavement laid with all brick-bats, would be worth about twelve dollars per thousand.

JOSEPH O'CONNOR.

Sworn and subscribed to before me, this twenty-fifth day of May, one thousand eight hundred and fifty-nine

BENJ. S. HINES, Chairman of Committee.

DEPOSITION OF JOHN C. GORDON.

SAN QUENTIN, Marin County, March 25th, 1859.

John C. Gordon, first upon duly being sworn, deposes and says:

I am an attaché of the Prison; I am Acting Warden; I have acted in that capacity since the first of last January; prior to that time I was acting as Superintendent of Labor; since I have been acting as Warden I have not kept a set of Commissary's-books; I have kept a book where is entered all articles purchased and money received for the Prison; I do not keep a book containing all the manufactures of the Prison; I keep a small minute-book, but no regular set of books; I keep, upon a board, an account of all bricks put on board the vessels, and when the vessels are loaded I bring the account up and have it entered on a book called a brick-book; I don't know of any book which shows the amount of brick manufactured here, but there is a report made monthly to the Board of Directors, which report is taken from memorandums kept in the different departments, from the estimates, measurements, etc., of work done monthly;

I think that there ought to be a set of books kept showing the transactions of the Prison; I don't know of any set of books kept here that show the management of the Prison, but I believe that books are kept here that will show the whole transactions of the institution; the brick-yard, stone-quarry, building-department, live-stock, hospital, Commissary-department, and ship-yard, are under the supervision of free men, and all the other laboring departments are presided over by myself; I have always had a general control over the laboring department; while the Chief-Warden was in charge I was subject to his orders; I think that the surplus live-stock here ought to be disposed of; I frequently heard Governor Walkup say that the stock ought to be disposed of, but he had no power to sell it, under the rules of the Board of Directors; I have been connected with the Penitentiary in Missouri for near thirteen years, and, taking climate into consideration, I think that the prisoners here are as well fed and clothed as in any other Penitentiary.

Cross-examined by Governor Walkup.—I have always had control of the shipment of brick, and Governor Walkup has taken my returns as correct; I know that all the brick, with the exception of the pressed, used in the construction of the store-house, was manufactured by the State

Question by Governor Walkup—Was not all the labor done, and improvements made, and live-stock and wagon added, at the State-prison, as appears by the Directors' report under the signature of Henry Webb and John B. Quinton, done between the first day of May, and the thirty-first day of December, one thousand eight hundred and fifty-eight, and was not the same measured under your direction, and valued by said Webb and Quinton?

Answer.—Yes sir.

Question—Did not Governor Walkup charge you particularly to have all the work done, and improvements made, under the above head, accurately measured?

Answer.—He did, and in addition to that, all the stock purchased by the State.

Question.—Were you here when Messrs. Webb and Quinton examined the measurement, and estimated the value of the improvements?

Answer.—I was.

Question—Did you tell Messrs Webb and Quinton to place a fair and accurate valuation on the improvements made?

Answer—I did that, the object was not to make a big bill, but to place things at a fair value.

Question.—Have you not always been satisfied that Governor Walkup was endeavoring to, and did, keep an accurate account of all the receipts and expenditures of the State-prison?

Answer.—I was; if I had not have thought so, I would not have actep under him.

Question.—Did you ever see Governor Walkup strike or ill-use a prisoner?

Answer—I never did

Question—Have you kept a book of all moneys received, on what account, and from whom received?

Answer.—I have, from the first day of January last.

Question—Who enters the brick that you have an account kept of, on a board, into the brick-book?

Answer.—Cryder, (a prisoner.)

Question.—What reasons have you for thinking that there are books kept here that will show you the whole transactions of the Prison?

Answer.—I see books kept by Major McKay, and Governor Walkup keeps books, and by applying to them for information, I have always received it.

Question.—Has any stock been disposed of since the State has taken possession of the Prison, from the first day of May, one thousand eight hundred and fifty-eight, to the thirty-first day of December, of the same year?

Answer.—None, with the exception of a sucking-colt, that I asked the Board of Directors for when it was a foal; I kept it here until it was weaned, and then gave it away; I don't know of any others, either before that time, or since.

Question.—Do you know, of your own knowledge, that the number of bricks you reported shipped, were shipped?

Answer.—I did not count the brick myself, but I firmly believe that all that were reported shipped, were shipped

Question.—Do you know that Messrs. Webb and Quinton have made their estimate from a correct measurement?

Answer.—I think so. I don't know how many trusties there were when I came here, but there are only three now; there are prisoners that were on the boats, but they are always guarded; the management of the Prison has been much the same from the first day of May, one thousand eight hundred and fifty-eight, to the present time, as it was from the first of March, up to that time

Question.—Will you state whether you have complained of the quality and quantity of beef that has been served to the prisoners?

Answer. Well, I don't know whether I have complained or not; I don't recollect of ever having mentioned it to Governor Walkup; I may have stated that there was not beef enough; no doubt but I have done so, but they had plenty of other food.

Question.—Have the prisoners had sufficient of meat, daily, since you have been at the Prison?

Answer.—Well, I will state to the Committee, that it is not my business to go to the kitchen, nor do I issue the provisions for the prisoners; when I go to the kitchen, I go voluntarily.

JOHN C. GORDON

Sworn and subscribed to before me, this twenty-fifth day of March, one thousand eight hundred and fifty-nine

LASPEYRE, for the Committee.

Mr. Gordon was re-called, and said:

I showed the Committee a book, over at the Prison, but I can't say exactly when it was commenced; I keep my accounts on pieces of paper, stitched together, and from them I enter into the book previously referred to; said book was turned over to me, by Governor Walkup, on the first day of January, 1859; I think that was the time it was turned over to me, but can't say exactly; the State has no ground, as I understand the lines, fit to make brick; the building known as the store-house is not situated on the State-prison grounds, as I understand the lines of the State property; the shingles that are used on the stable and boat-shed were on the State-prison grounds when the State took possession of the Prison, in March, 1858, and they were, at the time that Mr. McCauley took possession of the Prison; I never looked upon brick used in flatting and casing as very valuable

Question by Governor Walkup.—What do you consider the value of the brick and material used in casing and flatting, this season, which did not belong to the State?

Answer.—The casing was just worth about the same as raw brick in the yard—about one dollar per thousand; the flating is worth more; I would suppose they were worth—I don't know what they are worth, as I never sold any.

JOHN C. GORDON.

Sworn and subscribed to before me, this twenty-eighth day of March, one thousand eight hundred and fifty-nine.

LASPEYRE, for the Committee.

DEPOSITION OF DAVID CLINGAN.

SAN QUENTIN, Marin County, March 25, 1859.

David Clingan, first having been duly sworn, deposes and says:

I am a resident of this County, and have resided here for about ten years; I have sold wood to the State-prison, since the State has had possession of the Prison; I have sold between three hundred and four hundred cords of wood, and received five dollars, and four dollars seventy-five cents, and I think I sold a few cords of hard-wood at five dollars and twenty-five cents; I don't think I sold over ten cords at that price; I have been paid for all wood sold to the Prison, and have never paid any commission to any person; I sold wood to Major McKay, and some to General Harrison, and Governor Walkup, and gave vouchers to them as the agents of the Prison; when I say in full, I mean that I have signed vouchers, and don't consider that the State owes me anything, but there are a few dollars—six or eight, I think—that are owing to me by General Harrison, where change could not be made; I never stated to any person in San Rafael, yesterday, that General Harrison had given me his note for wood purchased for the Prison.

D. CLINGAN.

Sworn and subscribed to before me, this twenty-fifth day of March, one thousand eight hundred and fifty-nine.

BENJ. S. HINES, Chairman of the Committee.

DEPOSITION OF JOHN C. MORTON.

SAN QUENTIN, Marin County, March 25, 1859.

John C. Morton, first having been duly sworn, deposes and says:

I am a resident of this County, and have been here some time; I am an attaché of the Prison; I am Lieutenant of the Guard, and have acted in that capacity for seven or eight months; there are twenty-three Guards employed here—six guard inside the wall at night; they stay there until daylight; so far as keeping the prisoners, I have charge of them; there are seventeen Guards on the outside and on the boats, inclusive.

Examined by Governor Walkup—I have never seen the management of the Prison so good as it has been for the last year, or the prisoners so well clothed and fed; I have seen the prisoners beaten, but not unnecessarily; I never saw a mark on a convict from a blow, except by regular punishment; I have been about the Prison since one thousand eight hun-

dred and fifty-five; I was at the Prison under Mr. McCauley; I was only under him two or three months; there was a prisoner here of the name of Jackaway, who played the fiddle

Examined by Governor Walkup—I never saw Gilman or his wife at Robinson's, in my life, with Governor Walkup; I have seen Gilman and family at Parker's, but don't known that Governor Walkup was there

Examined by the Committee.—Gilman was a convict at the time I have referred to.

Examined by Governor Walkup—I was here on guard on the first day of March, one thousand eight hundred and fifty-eight, and Jackaway was at Hicks' ranch at that time, as I understood, and I saw him come back along with another prisoner in charge of a Guard named Watson; Jackaway was a full trusty at the time Governor Walkup took the Prison, and he had full liberty to go and come when he pleased; he had only a certain amount of work to do, and said work was mostly outside of the Prison-grounds; Governor Walkup never took Jackaway to play the violin at a party, to my knowledge; Jackaway was at the stable, under my control, and I was responsible to the Board, through the Warden, for his (Jackaway,) conduct; it is not the duty, or the custom of the Chief-Warden to interfere with the convicts, only through the other officers of the Prison; Jackaway always conducted himself well while at parties.

Examined by the Committee.—I took Jackaway myself to a dance, and ordered him there, (to dances,) at several times

JOHN C. MORTON.

Sworn and subscribed to before me, this twenty-fifth day of March, one thousand eight hundred and fifty-nine

BENJ S HINES, Chairman of the Committee.

DEPOSITION OF A. W. TALIAFERRO.

SAN QUENTIN, Marin County, March 25th, 1859.

Alfred W. Taliaferro, upon first having been duly sworn, deposes and says:

I am Resident-Physician of the State-prison; have been here since last May; the general health of the prisoners has been good; the accommodations for the sick are as good as they could be under the circumstances; I think that the cells are entirely too crowded to be very healthy; I have been with Governor Walkup to a dance at Robinson's house; we went there together; I have also been with the Governor to several other little parties, in different parts of the County.

Examined by Governor Walkup.—I have never seen Governor Walkup's conduct, on those occasions, anything but gentlemanly; I have never seen him associate with low associates; believe that the Governor simply visited these places for a love of dancing, as a recreation, after the performance of his official duties, it was not considered, by the officers and those around the vicinity of the Prison, improper for a full trusty to occasionally play the violin at Robinson's, or Parker's, owing to the fact that there was no other person who could play for a little social dance; Governor Walkup's standing in the first classes of this County, is as high as that of any other person I have ever seen in it; I have been invariably furnished, by Governor Walkup, with the medicines, and other accommodations, etc., when, for the convenience and comfort of the prisoners I have thought it necessary to call upon him for them; Governor Walkup

has been closer, more industrious, and more attentive to his duties, as a public officer, than any other official I have met with in public life.

Examined by the Committee.—I have been with Governor Walkup, three or four times, to Robinson's, at a dance; Jackaway, a prisoner, played the violin; the Governor and myself danced.

Examined by Governor Walkup.—I never saw Jackaway drunk, at a party, or break up a ball; I never saw him take a drink at Robinson's, but he might have drank and I not see him; I have come away and usually left Jackaway at the ball, with the exception of once, Jackaway left before I did, and I think that I generally left in company with Governor Walkup; Robinson is agent for Freeman & Co's Express, and I have been informed by Mr. Charles Weller that he has been appointed Postmaster lately; I have heard of Postmasters robbing the mail, and have heard of Expressmen robbing the expresses.

ALFRED W. TALIAFERRO

Sworn and subscribed to before me, this twenty-fifth day of March, A. D one thousand eight hundred and fifty-nine.

BENJ. S. HINES, Chairman of the Committee.

DEPOSITION OF THOMAS F. KELLEY.

SAN QUENTIN, Marin County, March 25, 1859.

T F. Kelley, first having been duly sworn, deposes and says:

That he is a resident of this county, and has resided here for nearly a year; I am an attaché of the Prison—an overseer of the quarry, and have been employed here since the second of May last; I have never seen any maltreatment of the prisoners by the officers of the Prison; I was down at Robinson's one night; Captain Morton, of the Guard, and Governor Walkup came in, and the Captain of the Guard inquired if the fiddler was there or not; he did'nt find him there, and therefore he sent for him; Governor Walkup and Captain Morton were together, but I don't know which of them sent for the fiddler; I came up to the Prison, and saw Jackaway and told him to go down to Robinson's, that the Captain of the Guard wanted him.

Examined by Governor Walkup.—I never saw Jackaway tight at the parties, but I have seen him there playing the fiddle; I never saw any misconduct at any of the parties; I have always found Governor Walkup attentive, faithful, and efficient, in the discharge of his duties as Warden of the Prison.

THOS. KELLEY.

Sworn and subscribed to before me, this twenty-fourth day of March, A. D. one thousand eight hundred and fifty-nine.

BENJ. S. HINES, Chairman of the Committee.

DEPOSITION OF G. B. GORDON.

SAN QUENTIN, March 26, 1859.

G. B. Gordon, first having been duly sworn, deposes and says:

I reside here; have lived here since the sixteenth or seventeenth of last April; I am an attaché of the Prison; I am Overseer; all the brick shipped from the State-prison is shipped under the supervision of Mr.

Robinson, my father, or myself; I know of no other brick that has been shipped from here; I don't think it possible for brick to be shipped from here without the knowledge of one of the three.

Question.—Have you not assorted most of the brick of the kilns?

Answer.—I have assorted them all.

Question.—What do you think would be the average breakage on brick, from the time of placing them in the kiln, to the time of putting them on board the boats?

Answer.—I don't think that loss the would fall short of eighteen per cent.

G. B. GORDON.

Sworn and subscribed to before me, this twenty-sixth day of March, one thousand eight hundred and fifty-nine.

BENJ. S. HINES, Chairman of the Committee.

DEPOSITION OF CHARLES L. WELLER.

SAN FRANCISCO, March 28th, 1859.

Charles L. Weller, first having been duly sworn, deposes and says:

I am Postmaster, resident of this city, and have resided here about five years; I am acquainted with Lieutenant-Governor Walkup, and know him to be Warden of the State-prison; early in January a rumor reached me that Mr. Harrison, an employé of the State-prison, had been gambling, and had lost money, and probably that the money belonged to the State; I immediately wrote to Governor Weller what I had heard, and suggested to him an immediate investigation; in pursuance to that, Governor Walkup came down the next day, with whom I conversed about the matter, giving him the rumor as I had heard it; I believe he was here two or three days, and before returning to Sacramento he informed me that he had investigated the matter, and satisfied himself there was no truth in the rumor, so far as the money of the State was concerned; that if Mr. Harrison had been gambling, he had not done so on the State's money; subsequently, Governor Weller informed me that Mr. Walkup made report to him of the result of his investigation precisely as Walkup had stated to me; I heard nothing more of said rumors until about two weeks since, when I again heard them, in a more tangible form; the next day after hearing them again I visited Sacramento, and informed Governor Weller that these rumors were again becoming rife; the Governor requested me to investigate the matter, and report to him what I could ascertain; my action in the matter was delayed for about five or six days, in consequence of being detained at Court in Marin County; upon my return from there I proceeded, with Mr. Gordon, Acting-Warden, to investigate into the facts of the aforesaid rumors; before concluding the investigation, and without eliciting anything to sustain directly the charges against Harrison, I heard of the appointment of this Committee by the Assembly; being told that they would investigate these rumors, as well as other charges, I suspended my investigations.

Cross-examined by General Harrison—I believe that General Harrison was acting as agent for the sale of brick manufactured at the State-prison, and I recollect, upon two different occasions, of him bringing me checks on the Treasurer of the Mint from the Commanding-officer at Fort Point, which I understood were in payment for brick sold by him to the

Government of the United States; the amount of said checks was drawn from me by Governor Walkup

Question by Harrison—I do not know whether the full amount of money received for the sale of brick to the United States Government was brought to me; the money drawn from the State Treasury by the Board of Directors from time to time was deposited with me, subject to the draft of the Warden, Governor Walkup, and no money was ever drawn from me by General Harrison without a written order from the Chief-Warden, or Acting-Warden, Mr. Gordon.

By the Committee.—In my settlement in January, one thousand eight hundred and fifty-nine, with the Board, there appeared a discrepancy in the account of Governor Walkup and my own account as to the amount of money drawn by Governor Walkup from me, which was an item of one thousand dollars, drawn by Walkup on the twenty-sixth of June, one thousand eight hundred and fifty-eight; Mr. Walkup stated that he could not recollect that thousand dollars, and that, having no entry of it in his account, he was inclined to the opinion that I was mistaken; his receipt for it to me had been mislaid in the Governor's office, and could not be found for several days; the receipt was finally found, and upon my showing it to him, he admitted at once the correctness of my account, and acknowledged the receipt of that money. I heard, some months since—at least four months ago—of a case where General Harrison, in purchasing wood for the Prison, and making payment therefor, borrowed a portion of the money from the vendor of the wood, and gave his note for it; all of which, soon after, I brought to the notice of Governor Walkup, while he was Warden of the Prison, as I regarded it, at the time, an improper proceeding; Governor Walkup, a few days afterwards, informed me that he required General Harrison to settle the matter, and it had been so settled, satisfactory to the parties; previous to which, General Harrison told me, that he had the money, and was ready to pay it; whilst at San Rafael, nearly, or about two weeks ago, a Mr. Brown approached me, and showed me two notes, given by General Harrison—one to the said Brown for fifty-five dollars, the other to a Mr. Murphy for one hundred and twenty-two dollars and fifty cents, with a credit thereon for forty dollars; the date of Brown's note was January twenty-sixth, one thousand eight hundred and fifty-nine, and the one to Murphy, January twenty-ninth, one thousand eight hundred and fifty-nine; I am not so positive as to the dates as to the other circumstances, only because I have been told by Major McKay, who was present at the time, that I was mistaken in the date of the notes, but I took a memorandum of the notes, and the dates, while they were before me; Mr. Brown informed me that these notes were given by General Harrison, either in part payment for wood purchased for the Prison, or for a loan to him (Harrison) of a portion of the money paid to said parties at the time, by Harrison, for wood for the Prison, but I don't recollect which; Mr. Brown showed me these notes with a view of getting me to intercede for him for their payment, and requested me to speak to the Prison authorities to that end; and Mr. Brown told me, at the time, that the money owed him by Harrison was for wood sold to the Prison, and considered that the State was bound to him for the amount; Mr. Brown never said to me that the amount owed to me was kept back either for stumpage or want of cash to make change; I told Mr. Brown, at the time, that he could not hold the State responsible for the amount owed to him by Harrison; that he had taken Harrison's note, and had given vouchers, receipted in full, for the wood he had furnished to the Prison, but that I would endeavor to have the payment of

the notes secured, by getting the officers of the Prison to hold back Harrison's pay.

Cross-examined by Governor Walkup—All money drawn since the first of January was drawn by Mr. Gordon, the Acting-Warden; Mr. Walkup stated that, in his settlement with the Treasurer of the Board, it would be necessary for him to produce all his receipts given to me for money drawn, and, therefore, he must have this receipt for the thousand dollars in question, in order to get an allowance for it, otherwise the receipt referred to might be brought against him at some subsequent day; I did not inform Governor Walkup of the notes shown to me at San Rafael, or of the conversation I had with Mr. Brown

C. L. WELLER.

Sworn and subscribed before me, this twenty-eighth day of March, A. D. one thousand eight hundred and fifty-nine

BENJ S. HINES, Chairman of Committee.

DEPOSITION OF J. P. CLAY.

SAN FRANCISCO, March 28, 1859.

J. P. Clay, first having been duly sworn, deposes and says:

I am a resident of this city, and have resided here for about six years; I have worked at the State-prison, and have worked there in the capacity of brick-burner since May, one thousand eight hundred and fifty-eight; I burned nineteen kilns of brick, I think, since the twenty-ninth day of May, up to the eleventh day of December, last; the kilns would average near 480,000 brick each; it would take about forty-five cords of wood to the 100,000 brick; I suppose, from the time of the taking brick from the kiln, to the time of putting them on board a vessel, the loss would be about eight per cent., and from the time of placing them in the kiln to the time of placing them on board a vessel, I consider the loss would not be over twelve per cent.; this per centage includes all brick in the kiln; it did not take any more wood to burn the brick in one thousand eight hundred and fifty-eight, than it did in one thousand eight hundred and fifty-seven; it would take about thirty-three thousand four hundred brick to the kiln for casing and flatting, and I think there were three kilns burnt by the State that season, before we used the brick burnt by the State for casing and flatting; the brick used in the casing of kilns, are generally most of them not saleable, but the brick used in flatting are saleable, but not at such a high figure as good brick; there are about three classes of brick, and the brick used in flatting are about a third-quality brick; I would be willing to pay four dollars per thousand for salmon brick at the Prison-yard; the loss on brick that I burn here, is not over one per cent; I do not consider the twelve per cent.. previously referred to, a total loss, and I include "bats," in my estimate of twelve per cent, it not being usual to sell brick-bats alone; the above is my opinion, from my knowledge of facts, as a practical brick-burner.

J. P. CLAY.

Sworn and subscribed to before me, this twenty-eighth day of March, one thousand eight hundred and fifty-nine.

BENJ S HINES, Chairman of Committee

DEPOSITION OF G. SIMPTON.

San Francisco, March 28, 1859.

Captain George Simpton, first having been duly sworn, deposes and says:

I am an employé at the State-prison, and am Commander of Boats; I have been employed in that capacity since the second of March, one thousand eight hundred and fifty-eight; during the time that Governor Weller had charge of the Prison, in my opinion, everything was managed well.

Examined by Governor Walkup—During the time that Governor Walkup had control of the Penitentiary, I think he did very well.

Examined by the Committee—I have often had reason to complain of the Acting-Warden, Captain Gordon, as I consider that he has, on different occasions laid obstacles in the way of other officers of the Prison, thwarting them in carrying out designs that would be beneficial to the Prison; Captain Gordon is not a proper man to manage the Prison, or any portion of it—I mean that he is not qualified; Captain Gordon, in my opinion, is not a fit man to hold his present position at the Prison, and I don't think that he is qualified or competent to measure the work, or make the calculating, as lately erected at the prison; I don't think that John C. Morton is a competent man to have charge of the convicts of the Prison, for the reason that he drinks too much, nor yet do I think that any man who drinks too much should have charge of the guard; I do not know of any other officer who is not qualified to fill the duties of his office, with the exception of those I have previously mentioned

G. SIMPTON.

Sworn and subscribed to before me this twenty-ninth of March, one thousand eight hundred and fifty-nine.

TULLY, for the Committee.

DEPOSITION OF PHILIP RAY.

San Francisco, November 28, 1859.

Philip Ray, first having been duly sworn, deposes and says:

I am a resident of Marin County; have resided there off and on, since one thousand eight hundred and forty-nine; I have sold wood to the State-prison; have sold about four hundred and forty-four cords since the first day of March, one thousand eight hundred and fifty-eight; I received four dollars and seventy-five cents for redwood—hard-wood, five dollars and twenty-five cents; I sold the wood to General Harrison; I signed vouchers in full for all wood sold to the Prison, but there is a small balance still due, amounting to twelve dollars and twenty-five cents; eight dollars and twenty-five cents is a due-bill, and four dollars that I have no due-bill for; the reason I was not paid in full, was that General Harrison told me that he had so much money with him, and he had to pay some to other parties, and consequently, could not pay me in full; Mr Harrison and Mr. Larkin came to my house; at that time there was some dispute about the boundary-line of the Reed estate, and Larkin wanted me to pay him the stumpage, and forbid me to pay Dr. Carpenter, with whom I made the bargain; Dr. Carpenter was the guardian of the Reed estate up to the sixteenth day of June, one thousand eight hundred and fifty-

eight; this matter occurred since that time; there was a compromise made between the parties that the stumpage should remain in my hands until it was settled; this was before the due-bill was given to me by General Harrison.

Cross-examined by Governor Walkup.—I thought that when took I Harrison's due-bill, that the State would secure me in the amount owed for wood, and did not consider that I released the State at the time, by takking the due-bill; I have never paid any commission to any parties for the privilege of selling wood, nor have I ever signed vouchers for more wood than I delivered; I never told any of the State-prison authorities that there was a balance due me for wood

PHILIP RAY.

Sworn and subscribed to before me, this twenty-eighth day of March, one thousand eight hundred and fifty-nine.

TULLY, for the Committee.

DEPOSITION OF J. S. LOVE.

SAN FRANCISCO, March 28th, 1859.

J. S. Love, first having been duly sworn, deposes and says:

I am a resident of this city, and have resided here for about five years; I have been Warden of the State-prison, in 1855: I made a contract with James Smiley to build the Prison-wall, at forty cents per cubic foot for the stone-work, he furnishing the lime, cement, sand and scaffolding, and everything else, with the exception of the stone and labor; the contract for the brick-work in the wall I contracted for at fifteen dollars per thousand, he furnishing everything, with the exception of the common laborers and the brick; he furnished the mechanical labor for both stone and brick-work, there being no mechanics of that kind in the Prison at the time, who worked on the wall.

JNO. S. LOVE

Sworn and subscribed to before me, this twenty-eighth day of March, one thousand eight hundred and fifty-nine.

BENJ. S. HINES, Chairman of the Committee.

DEPOSITION OF CHARLES SIMPTON.

SAN FRANCISCO, March 28th, 1859.

Charles Simpton, first having been duly sworn, deposes and says:

I am an employé of the State-prison, and I have acted in that capacity since the third day of March, one thousand eight hundred and fifty-nine; I know a prisoner named Jackaway, and have seen him playing the fiddle at balls, while Governor Walkup was there; I have seen Jackaway drunk, more than once, at the aforesaid balls, while Governor Walkup was there.

CHAS. SIMPTON.

Sworn and subscribed to before me, this twenty-eighth day of March, one thousand eight hundred and fifty-nine.

LASPEYRE, for the Committee.

DEPOSITION OF JOHN B. QUINTON.

SAN FRANCISCO, March 28th, 1859.

John B Quinton, first having been duly sworn, deposes and says:

I am a resident of this city, and have resided here since the Spring of one thousand eight hundred and fifty-one; I am a carpenter and builder by trade; I was employed to go over to the State-prison last winter, to measure and value the work done, as per State-prison Directors' Report; I did said work, and recognize in said Report the prices fixed and the quality of the work, as valued and estimated by me; I did not measure every piece of timber at the Prison, but measured enough to satisfy myself to make a fair estimate and value.

JOHN B. QUINTON.

Sworn and subscribed to before me, this twenty-eighth day of March, one thousand eight hundred and fifty-nine.

BENJ. S. HINES, Chairman of the Committee.

DEPOSITION OF J. G. SHEPARD.

SAN FRANCISCO, March 28, 1859.

J G. Shepard, first having been duly sworn, deposes and says:

I am a resident of this City and County, and have resided here off and on for seven or eight years; I have known General G H. Harrison about twenty years; on one occasion I was hunting for Mr. Harrison, and I found him gambling; I think this was some time in last October, or November; I am sure it was after the eighteenth of September; after I found him in the house gambling, I went with him to a house on Kearny street, and the General played some more, there; I saw that the General had quite a large sum of money with him at the time, but I can't say how much he had, and I suppose, from the appearance of a money-sack that he carried his money in, that he had eight hundred or one thousand dollars with him; I don't know that I saw the General lose any large amount of money, with the exception of that night, and I suppose that he lost money to the amount of six hundred or eight hundred dollars; and when we went to the house on Kearny street, that I have previously referred to, the General told me that if he did not recover the amount that he had lost, he would be a ruined man; Mr. Harrison admitted to me that the money he was gambling was not his, but that it belonged to the State.

J. G SHEPARD.

Sworn and subscribed to before me, this twenty-eighth day of March, one thousand eight hundred and fifty-nine.

BENJ. S HINES, Chairman of the Committee.

Mr Shepard recalled by Governor Walkup, and says:

I never did inform any of the State-prison authorities of the above facts.

J. G. SHEPARD.

Sworn and subscribed to, before me, this twenty-eighth day of March, one thousand eight hundred and fifty-nine.

LASPEYRE, for the Committee.

Attest: EDWARD F. CONWAY, Clerk of the Committee.

DEPOSITION OF HENRY WEBB.

San Francisco, March 28, 1859.

Henry Webb, first being duly sworn, deposes and says:

I am a resident of this City, and have resided here about eight years: by trade, I am a mason; I am of the firm of Webb & Kincaid; I was employed to go over to the State-prison and value property, about the latter part of last December; I was employed by Mr. Harrison; I valued the brick and stone work at the State-prison; I know Mr. Gordon, Acting-Warden of the Prison, and he told me that he wanted me to make an accurate and true valuation; that he would rather I would value it too low than too high; and after examining the character and quality of the work, I fixed upon what I considered a true figure, and valued it the same as if I was going to put buildings of the same kind up at San Rafael; I am a contractor, in this City, for all kinds of brick and stone work; I examined the pavements laid at the Penitentiary, and took notice of the pavement that was laid with bricks and bats, and consider that eighteen dollars per thousand is a fair price for the work and material; I examined the quality of the stone and rough-ashler, and fixed the prices of the same, and I consider that the prices are fair, as per State-prison Directors' Report; I recognize the prices in said Report, and consider them all fixed at a fair value; I don't think that any builder could correctly value the work previously referred to, without examining the same; I did not measure the brick and mason work at the State-prison; I would, in this City, build the same buildings as are at the State-prison for a less price than is fixed for the same, as per Directors' Report; I think the same work could be done in San Francisco, for cash, at ten per cent. less than is stated in the State-prison Directors' Report; I am the same Webb whose name is signed in the Directors' Report.

HENRY WEBB.

Sworn and subscribed to before me, this twenty-eighth day of March, one thousand eight hundred and fifty-nine.

DEPOSITION OF CHARLES S. WOOD.

San Francisco, March 29, 1859.

Charles S. Wood, first having been duly sworn, deposes and says:

I am a resident of this City, and have resided here for about —— years; I am one of the firm of Taaffe, McCahill & Co.; we dave sold goods to the Prison since March, one thousand eight hundred and fifty-eight, and have not been paid in full for all goods sold to the Prison; some of the bills have been paid in full, and some have been paid in part; bills from March nineteenth, one thousand eight hundred and fifty-eight, to May fifteenth, inclusive, have been paid in part; the bills, amounting to eight hundred and thirty-seven dollars, have a credit against them of three hundred and ninety-nine dollars and nineteen cents: the above, according to our books, are correct; all bills made since May fifteenth to March fourth, one thousand eight hundred and fifty-nine, have been paid, with one exception, and that exception is a bill of June twenty-second, one thousand eight hundred and fifty-eight, amounting to eighty-six dollars and eight cents; I can't say, positively, but think that the bill amounting to eighty-six dollars and eight cents is the last bill purchased by Major McKay at our

house; we have never, to my knowledge, paid anything to any person for the privilege of selling goods to the Prison; we never presented any bills to the agents of the Prison for payment

CHARLES S. WOOD, for Taaffe, McCahill & Co.

Sworn and subscribed to before me, this twenty-ninth day of March, one thousand eight hundred and fifty-nine.

LASPEYRE, for the Committee.

DEPOSITION OF WILLIAM F. LARKIN.

SAN FRANCISCO, March 29th, 1859.

William F. Larkin, first having been duly sworn, deposes and says:

I am a resident of this County, and have resided here since the seventeenth of this month; I was agent of the Reed estate for nine months prior to the fifteenth of this month; I requested General Harrison and Governor Walkup to reserve stumpage for me, and they reserved it, and paid me stumpage for Messrs. Bickerstaff and Brown; General Harrison paid me two hundred dollars for Mr. Brown, and General Harrison guarantied to me the payment of stumpage for wood cut by Phil. Ray, if I would allow Ray permission to cut wood; General Harrison paid me two hundred dollars, for stumpage for Mr. Brown—said two hundred dollars was paid in cash; he first gave me a note, but afterwards paid me in cash; the note was written in Brown's room, and the reason General Harrison gave me the note was, because I wouldn't trust Brown; Francisco Angounet owed me money, for stumpage, and in payment for said stumpage he gave me a note on General Harrison, and I accepted it; John Murphy cuts wood on the Reed Ranch; Mr. Angounet was personally responsible to me for stumpage prior to the time I received General Harrison's note from him; Governor Walkup purchashed cattle from me, and I received payment in full, in cash, according to contract; the cattle that I sold to the Prison, I think, were ten bulls and two steers; the cattle were in good condition; have sold wood to the State-prison, and have received pay from General Harrison in full, cash, and I never paid any commission to any person whatever, for the privilege of selling wood or cattle to the State-prison.

W. F. LARKIN.

Sworn and subscribed to before me, this twenty-eighth day of March, one thousand eight hundred and fifty-nine.

BENJ. S. HINES, Chairman of the Committee.

DEPOSITION OF WALLACE W. BORDWELL.

SAN FRANCISCO, March 29, 1859.

Wallace W. Bordwell, first having been duly sworn, deposes and says:

I am a resident of this city, and have resided here for eighteen months; I am Clerk for Berry & Co, and was formerly Clerk for Conro & Berry; Conro & Berry have sold flour to the State-prison since the first of March, one thousand eight hundred and fifty-eight; all bills have been paid in full, prior to the twenty-sixth of February; on the twenty-sixth of February, there were goods purchased to the amount of forty-nine dollars and seventy-five cents, which have not been paid for; also, a bill on the

first of March, for one hundred and forty-eight dollars and fifty cents; and, on the fifth of March, a bill for five hundred and seventy dollars, all of which are still due. On the sixteenth of March we delivered, to the Prison, one hundred barrels of flour, amounting to seven hundred and seven dollars and fifty-cents, including cartage, for which we signed a voucher, taking an order from Stout & Salmon, in payment of the voucher. We have never paid any commission to any person for the privilege of selling goods to the Prison.

W. W. BORDWELL, Clerk for A. Berry & Co.

Sworn and subscribed to before me.

TULLY, for the Committee.

DEPOSITION OF WILLIAM PANHORST.

San Francisco, March 29, 1859.

William Panhorst, first having been duly sworn, deposes and says:

I am a resident of this City and have made it my home for the past six years; I have freighted brick from the State-prison to this City and Oakland, and I have freighted one load of broken stone, forty-nine and one-half tons, from the Prison to Fort Point; I have not been paid in full for work done, and the State owes me between one thousand eight hundred and two thousand dollars, for freightage from San Quentin to the above-named places; the State has owed me for freightage since the middle of last October; the State has made three payments to me, and I have received, in all, from the Prison authorities, three hundred and ninety dollars, since the fifteenth of last October; I have asked Governor Walkup once, about ten days ago, and Mr. Gordon four or five times for my pay, in freighting brick from the Prison; I have lost from one to five hundred bricks in wastage, etc., and my average cargo was about twenty-seven thousand, the average wastage was about three hundred bricks per cargo, which I threw overboard when I got out in the Bay; I always delivered all the brick, wherever they were consigned to.

W. PANHORST.

Sworn and subscribed to before me, this twenty-ninth day of March, A. D. one thousand eight hundred and fifty-nine.

LASPEYRE, for the Committee.

DEPOSITION OF WM. N COGHILL.

San Francisco, March 29, 1859.

Wm. N. Coghill, first having been duly sworn, deposes and says:

I am a resident of this City, and have resided here for about seven years; I am of the firm of J H. Coghill & Co., and have sold goods to the Prison since the first of March, one thousand eight hundred and fifty-eight; we have been paid in full for all goods sold to the Prison, with the exception of an accepted order, drawn by Stout & Salmon, and accepted by G. H. Harrison, as agent of the Prison, for one hundred thousand brick, and when we receive the brick, we will owe the State twenty-five dollars; the brick were sold to us at the rate of nine dollars and fifty cents per thousand, to be landed on the wharf, in this City; and I consider, that if we do not receive the brick, the State will be liable to us

for the amount owed to us; at the request of Gen. Harrison, when the State-prison received the goods from us, I signed a voucher, receipted in full, for the purpose of allowing him to settle up his accounts; I made the above arrangement for brick about the sixteenth of this month; we never paid any commission to any person for the privilege of selling goods to the Prison.

W. N. COGHILL,
Firm of J. H Coghill & Co.

Sworn and subscribed to before me, this twenty-ninth day of March, one thousand eight hundred and fifty-nine.

TULLY, for the Committee.

DEPOSITION OF ISAAC E. DAVIS.

SAN FRANCISCO, March 29th, 1859.

Isaac E. Davis, first having been duly sworn, deposes and says:

I am a resident of this City, and have resided here for about nine years; I am a manufacturer of lime, and am one of the firm of Davis and Jordan; I have sold lime to the Prison since the first day of March, one thousand eight hundred and fifty-eight; I have never paid any commission to any person, for the privilege of selling lime to the Prison, and have been paid in full for all lime and cement sold, up to the first of this month.

ISAAC E. DAVIS, of Davis & Jordan.

Sworn and subscribed to before me, this twenty-ninth day of March, one thousand eight hundred and fifty-nine

TULLY, for the Committee.

DEPOSITION OF J. W. WILLIAMS.

SAN FRANCISCO, March 29, 1859.

J. W. Williams, first having been duly sworn, deposes and says:

I am a resident of Marin County, and have resided there since June, last; I know Jackaway, (a prisoner;) on one occasion I saw him drunk at a dance, and Governor Walkup was present at the time; Jackaway was playing the fiddle at Parker's the same night, at a dance; Governor Walkup was there at the time; Jackaway got drunk and broke up the dance, by refusing to play the fiddle; Jackaway was a full trusty, and he had the privilege of sleeping outside the walls.

J. W. WILLIAMS.

Sworn and subscribed to before me, this twenty-ninth day of March, one thousand eight hundred and fifty-nine.

BENJ. S. HINES, Chairman of the Committee.

DEPOSITION OF R. L. FLYNN.

SAN FRANCISCO, March 29, 1859.

R. L. Flynn, first having duly sworn, deposes and says:

I am a resident of this City, and am salesman at the house of Alton, Welch & Co.; have sold flour to the State-prison; we sold different lots

of flour to the Prison, and have always been paid in full for all goods sold to the Penitentiary since the State has had possession of the same; we have never paid any commission to any person for the privilege of supplying the Prison with goods.

R. L. FLYNN, for Alton, Welch & Co.

Sworn and subscribed to before me, this twenty-ninth day of March, one thousand eight hundred and fifty-nine

LASPEYRE, for the Committee.

DEPOSITION OF W. F. TEMPLETON.

SAN FRANCISCO, March 29, 1859.

W. F. Templeton, first having been duly sworn, deposes and says:

I am a resident of this City, and have resided here for four years; I have acted as agent for the sale of brick manufactured at the Penitentiary, and have acted in that capacity since the twenty-seventh of September, one thousand eight hundred and fifty-eight; the annexed exhibit, marked "A," is a true and correct account of transactions between myself and the agent of the Prison

Examined by Governor Walkup—I have always been instructed by the Prison authorities to make safe sales, and no other, and I did the best I could with the brick, the same as though they had been my own; I have always paid the full amount I received for the sale of brick to the Prison authorities, and have never paid any money to any person, whatever, without getting a written order or receipt from the Chief or Acting-Warden; all the broken brick that were left after cleaning up the wharf, after the teams, were thrown overboard, next to the shore, and the brick so thrown overboard can be seen, what is not covered up with mud, at low tide; sometimes a load of brick would come over, that there was a great deal of wastage in, and have told them on board to take the broken brick and throw them overboard when they got out in the stream.

Examined by the Committee—I never received such a lot of broken brick from the Prison, as I received one time from Mr. McCauley, and I sold it at various prices; I sold some of McCauley's for four dollars per thousand, and some at three dollars per thousand, and for whatever price I could get for it; McCauley's was a large lot of broken stuff.

W. F. TEMPLETON.

Sworn and subscribed to before me, this twenty-ninth of March, A. D. one thousand eight hundred and fifty-nine.

LASPEYRE, for the Committee.

[A]

WILLIAM F. TEMPLETON, IN ACCOUNT WITH STATE-PRISON DIRECTORS.

DATE.	Names of Purchasers, etc.	Number of Bricks sold.....	Price.....	Amount.....	Paid in full or on Account.	Balance due March 15, 1859.
Sept. 28, 1858, to Dec. 6, 1858	Webb & Kincaid	72,350	$7 00	$506 45	$506 45	
Sept. 28, to Nov. 9, 1858	Apel & Bauer	45,500	7 00	318 50	318 50	
Nov. 24, 1858, to Mar. 15, 1859	John Apel	66,500	10 00	665 00	1,630 00	464 05
	John Apel	204,150	7 00	1,429 05		
Sept. 28, to Nov. 3, 1858	John Cochrane	39,000	10 00	390 00	950 00	177 50
	John Cochrane	96,000	7 50	720 00		
do	John Cochrane	2,500	7 00	17 50		
Sept. 28, to Dec. 14, 1858	A. Burnett	1,300	10 00	13 00	770 00	531 32
	A. Burnett	117,550	7 50	881 62		
do	A. Burnett	58,100	7 00	406 70		
Sept. 28, 1858, to March 5, 1859	J. Byron	38,400	7 00	268 80	227 00	41 80
Sept. 29, 1858, to March 1, 1859	J. MacFadden	20,450	8 00	163 60	296 80	192 30
	J. MacFadden	42,500	7 00	297 50		
do	J. MacFadden	2,800	10 00	28 00		
Oct 1, 1858, to Mar. 15, 1859	J. B. Ballentine	24,900	7 00	174 30	175 80	343 57
	J. B. Ballentine	500	8 00	4 00		
do	J. B. Ballentine	500	20 00	10 00		
do	J. B. Ballentine	38,950	8 50	331 07		
Oct. 2, 1858, to Feb. 7, 1859	R. K. Kane	16,000	10 00	160 00	408 00	160 00
	R. K. Kane	20,000	11 00	220 00		
do	R. K. Kane	4,000	7 00	28 00		
do.	R. K. Kane	20,000	8 00	160 00		
Oct. 2, 1858, to Mar. 10, 1859	George Coffran	12,300	8 00	98 40	163 10	316 40
	George Coffran	800	10 00	8 00		
do	George Coffran	53,300	7 00	373 10		
Oct. 2, 1858, to Feb. 11, 1859	George D. Nagle	45,500	7 50	341 25	518 50	286 75
	George D. Nagle	24,500	10 00	245 00		
do	George D. Nagle	4,000	7 00	28 00		
do	George D. Nagle	7,550	20 00	151 00		
do	George D. Nagle	5,000	8 00	40 00		
Oct 2, 1858, to Mar. 15, 1859	Eli Cook	122,000	7 50	915 00	1,714 00	1,152 60
	Eli Cook	98,800	7 00	691 60		
do	Eli Cook	125,600	10 00	1,256 00		
do	Eli Cook	200	20 00	4 00		
Oct. 6, 1858, to Feb. 1, 1859	E Simes	9,400	7 00	65 80	177 20	
	E. Simes	4,570	20 00	91 40		
do	E. Simes	2,500	8 00	20 00		
Oct. 7, 1858, to Dec. 3, 1858	J. L Smith	11,650	7 50	87 37	88 70	5 67
	J. L. Smith	1,000	7 00	7 00		
Oct. 12, 1858, to Feb. 4, 1859	J. L. Wilson	250,100	10 00	2,501 00	1,376 00	1,941 20
	J. L. Wilson	116,600	7 00	816 20		
Oct. 11, 1858, to Mar. 15, 1859	S. Reynolds	11,500	10 00	115 00	1 118 00	83 90
	S. Reynolds	76,800	7 50	576 00		
do	S. Reynolds	1,500	20 00	30 00		
do	S. Reynolds	68,700	7 00	480 90		
Oct. 15, to 23, 1858	J. J. Denny	15,000	7 00	105 00	105 00	

WILLIAM F. TEMPLETON, IN ACCOUNT WITH STATE-PRISON DIRECTORS—(Continued.)

DATE.	Names of Purchasers, etc.	Number of Bricks sold.	Price	Amount	Paid in full or on Account.	Balance due March 15, 1859.
Oct. 15, to 23, 1858	J. J. Denny	8,500	$10 00	$85 00	85 00	
Oct 22, 1858, to Jan. 7, 1859	George Bowman	136,100	7 00	952 70	990 30	
	George Bowman,	4,700	8 00	37 60		
Oct. 27, 1858	L. B. Hoff	30,000	10 00	200 00	200 00	
Dec. 9, 1858, to Jan. 8, 1859	Dennis Jordan	98,100	7 00	686 70	766 70	
	Dennis Jordan	8,000	10 00	80 00		
Dec. 16, 1858, to Feb. 7, 1859	Wm. M. Hussey	82,400	7 00	576 80	885 00	$104 40
	Wm. M. Hussey	6,300	20 00	126 00		
do	Wm. M. Hussey	17,600	10 00	176 00		
do	Wm. M. Hussey	11,800	8 00	94 40		
do	Wm. M. Hussey	1,800	9 00	16 20		
Dec. 29, 1858, to March 9, 1859	A. H. Houston	62,000	8 00	496 00	1,022 00	863 40
	A H Houston	50,000	8 50	425 00		
do	A. H Houston	21,200	7 00	148 40		
do	A. H. Houston	11,600	20 00	232 00		
do	A. H. Houston	58,400	10 00	584 00		
Jan. 2, 1859	R. Driscoll	90,850	7 00	635 95	635 95	
Jan. 18, to March 15, 1859	Wissinger & Wisker	43,300	10 00	433 00	800 00	685 80
	Wissinger & Wisker	150,400	7 00	1,052 80		
Jan. 15, 1859	Taaffe, McCahill & Co.	10,000	10 00	100 00	100 00	
Feb. 28, to March 15, 1859	Street, Stout & Co.,	133,500	11 00	1,468 50	.....	1,545 50
	Now Stout & Salmon.	11,000	7 00	77 00	.....	
	Am't Sales per Books	3,038,370	.....	$24,924 16	$16,028 00	$8,896 16
	Am't Cash Sales do	204,775	.....	1,968 25	1,968 25	
	Total amount of Bricks sold from Sept., 1858, to March 15, 1859	3,243,145	.....	.....	$17,996 25	
	Realizing the sum of.	.....	.....	$26,892 41		
	On which has been collected the sum of	.....	.....	17,996 25		
March 15, 1859	Leaving balance outstanding of	.....	.....	$8,896 16		

CASH SALES.

Dates.	No. of Brick sold.	Price.	Amount.	Paid.
1858.				
September 28	2,500	$8 00	$20 00	$20 00
October 1	1,000	8 00	8 00	8 00
October.....2	2,500	8 00	20 00	20 00
October.....4	5,000	8 00	40 00	40 00
October 5	5,000	8 00	40 00	40 00
October 6	1,000	8 00	8 00	8 00
October 12	3,500	8 00	28 00	28 00
October 13	33,000	8 00	*284 00	*284 00
October 14	2,000	8 00	16 00	16 00
October 16	2,000	8 00	16 00	16 00
October 18	2,000	7 00	14 00	14 00
October 20	2,000	8 00	16 00	16 00
October. .....25 and 26	4,000	8 00	32 00	32 00
October 28	10,000	10 00	100 00	100 00
November.....4	1,000	8 00	8 00	8 00
November.....9	4,000	8 00	32 00	32 00
November.....13	3,000	8 00	24 00	24 00
November.....20	2,500	10 00	25 00	25 00
November 22	10,000	8 00	80 00	80 00
November.....24	1,000	10 00	10 00	10 00
December 1	5,000	7 00	35 00	35 00
December 1	5,000	10 00	50 00	50 00
December 1	2,000	7 00	14 00	14 00
December 6	2,000	8 00	16 00	16 00
December 7	1,000	10 00	10 00	10 00
December 8	300	10 00	3 00	3 00
December 8	2,000	10 00	20 00	20 00
December 11	1,000	10 00	10 00	10 00
December 11	1,500	8 00	12 00	12 00
December 18	500	10 00	5 00	5 00
December 20	1,000	8 00	8 00	8 00
December 27	2,500	10 00	25 00	25 00
December 28	500	8 00	4 00	4 00
December 29	3,000	8 00	24 00	24 00
December 29	125	30 00	3 75	3 75
December 30	2,000	10 00	20 00	20 00
December 30	500	8 00	4 00	4 00
1859.				
January 3	1,000	10 00	10 00	10 00
January 4	2,000	8 00	16 00	16 00
January 5	2,000	10 00	20 00	20 00
January 7	2,000	8 00	16 00	16 00
January 8	500	10 00	5 00	5 00
January 10	1,500	8 00	12 00	12 00
January 12	4,000	7 00	28 00	28 60
January 14	1,200	8 00	9 60	9 00
January 14	4,000	10 00	40 00	40 00
January 18	1,500	8 00	12 00	12 00
January 22	6,000	10 00	60 00	60 00
January 24	1,300	10 00	13 00	13 00
January 26	1,500	8 00	12 00	12 00
January 29	1,000	8 00	8 00	8 00
January 31	1,000	10 00	10 00	10 00
February.....3	4,500	7 00	31 50	31 50
February.....4	1,500	10 00	15 00	15 00
February.....7	5,000	8 00	40 00	40 00
February..... 8 and 11	1,000	8 00	8 00	8 00
Amount carried forward.....	70,625	.....	$1,450 85	$1,450 85

*264 instead of 284.

Dates.	No. of Brick sold.	Price.	Amount.	Paid.
Amount brought forward.....	70,625	.....	$1,450 85	$1,450 85
1858.				
February.....14	1,000	$10 00	$10 00	$10 00
February.....19	600	8 00	4 80	4 80
February.....22	1,000	10 00	10 00	10 00
February.....24	1,000	8 00	8 00	8 00
February.....25	250	20 00	5 00	5 00
February.....25	500	8 00	4 00	4 00
February.....26	11,000	10 00	110 00	110 00
February.....28	500	20 00	10 00	10 00
March.....4	1,500	10 00	15 00	15 00
March.....5	2,200	10 00	22 00	22 00
March.....7 and 9	1,500	8 00	12 00	12 00
March.....7	100	20 00	2 00	2 00
March.....14	2,000	10 00	20 00	20 00
March.....14	11,000	25 00	275 00	275 00
March.....15	1,200	8 00	9 60	9 60
Total.....	204,775	.....	$1,968 25	$1,968 25

MEMORANDUM OF BRICK,

Received since March 15, 1859, *by W. F. Templeton, from State-Prison Directors.*

1859.			
March 15...	To Brick on hand this date.....	20,000	
March 25...	To Brick, up to date, received.....	227,000	
	Total, deliverable on Stout & Salmon's order..	.....	247,000

RESUMÉ

Made by the Committee, of the number of Bricks sold in San Francisco, on Credit, and for Cash.

CREDIT.			CASH.		
Number.	Price.	Amount.	Number.	Price.	Amount.
1,449,250.....	$7 00	$10,144 75	17,500.....	$7 00	$122 50
469,500.....	7 50	3,521 25	111,500.....	8 00	892 00
139,250.....	8 00	1,114 00	63,800.....	10 00	638 00
88,950.....	8 50	756 06	850.....	20 00	17 00
1,800.....	9 00	16 20	11,000.....	25 00	275 00
703,900.....	10 00	7,039 00	125.....	30 00	3 75
153,500.....	11 00	1,688 50			
32,223.....	20 00	644 40			
3,038,370.....	.....	$24,924 16	204,775.....	.....	$1,948 25
Totals.....	.....	.....	3,243,145.....	.....	$26,872 31

Number on hand, and received, up to March 26 247,000

W. F. TEMPLETON, IN ACCOUNT WITH CASH.

Dr.

1859.		
March 15	To receipts in cash, on book-account, etc.....	$16,028 00
March 15	Sales, in cash.....	1,968 25
	Total	$17,996 25
March 15	To cash, being balance on hand.....	$9 25

Cr.

1858.		
October 9	By cash paid to Joseph Walkup.....	$1,000 00
October 22	By cash paid to Joseph Walkup.....	800 00
October 28	By cash paid to Joseph Walkup.....	500 00
November.....1	By cash paid to Joseph Walkup.....	500 00
November . . 11	By cash paid to Joseph Walkup.....	400 00
November.. .29	By cash paid to Joseph Walkup	1,100 00
November 30	By cash paid W. F. Templeton, for wharfage and sales	500 00
December 11	*By cash paid G. H. Harrison—order	100 00
December.....13	By cash paid G. H. Harrison—order.....	200 00
December .. . 15	*By cash paid G. H. Harrison—order.....	680 00
December 20	*By cash paid G H. Harrison—order.....	350 00
December ...30	By cash paid G. H. Harrison—order	1,500 00
December 30	By cash paid W. F. Templeton, wharfage and sales.....	400 00
1859.		
January 8	By cash paid J. C. Gordon—order.....	165 00
January 10	By cash paid J. C. Gordon—order.....	1,200 00
January 21	By cash paid J. C. Gordon—order.....	900 00
January 24	By cash paid J. C. Gordon—order.....	1,700 00
January 31	By cash paid J. C Gordon—order.....	422 00
January 31	By cash paid W. F. Templeton, wharfage and sales.....	300 00
February 5	By cash paid J. C. Gordon—order....	1,200 00
February 12	By cash paid J. C. Gordon—order.....	1,000 00
February 23	By cash paid J. C. Gordon—order.....	420 00
February 25	By cash paid J. C. Gordon—order.....	1,060 00
February 28	By cash paid J. C Gordon—order.....	800 00
February 28	By cash paid W F. Templeton, wharfage and sales.....	150 00
March 15	By cash paid J. C Gordon's order..	640 00
March 15	By balance on hand.....	9 25
Total	....	$17,996 25

*One general order, dated December 30, 1858, from J. Walkup.

RESUMÉ.

To Brick said to be shipped from Sept. 27, 1858, to March 15, 1859.....	3,610,000
By Brick sold, as per the above reports.....	3,243,145
By short count.....	346,855
Total disposed of.	3,590,000
Charged in account to Stout & Salmon, being balance on hand	20,000
Total	3,610,000

Bills were introduced as follows:

By Mr. Laspeyre, an Act to authorize the State Controller to draw warrants upon the treasury in favor of assignees, in certain cases.

Read first and second times, rules suspended, read third time, and passed.

By Mr. Daggett, an Act authorizing the Board of Supervisors of Del Norte County to levy a special tax, for County purposes.

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

Mr. Young asked leave to introduce a bill for an Act to appropriate money to pay O. L. Shafter, J. McM. Shafter, and Solomon Heydenfeldt, for legal services.

Upon which, Messrs. Cope, Lull, and Young, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Armstrong, Banks, Caine, Cahalan, Connely, Cope, Daggett, G. N. Douglass, Eagon, Ellis, Hill, Hines, Holman, Lamar, Laspeyre, Lies, Lightner, Lull, Moore of San Francisco, Mount, Shannon, Shepard, Sloss, Street, Taylor, Tipton, Torres, Young, and Mr. Speaker—29.

NOES—Messrs. Aud, Barclay, Bates, Buck, Burdick, Caldwell, Coleman, Condee, Crenshaw, Cutler, Davis, DeLong, Dow, Dunlap, Fuller, Gregory, Gwinn, Howe, Imus, Jackson, Lefever, Lynch, Mathews, Murray, Roane, Robberson, Sheridan, Slingerland, Springer, Tully, Watkins, Whealdon, Whitman, and Whitney—34.

By Mr. Cope, an Act to provide for the payment of two hundred and fifty thousand dollars of the outstanding indebtedness of the State.

Read first and second times.

Mr. DeLong moved to reject the bill.

Upon which, Messrs. Hines, Laspeyre, and Springer, demanded the ayes and noes, and it was rejected, by the following vote:

AYES—Messrs. Armstrong, Aud, Barclay, Buck, Caine, Caldwell, Cahalan, Coleman, Connely, Crenshaw, DeLong, Dow, Dunlap, Fuller, Gregory, Gwinn, Hill, Hines, Howe, Imus, Jackson, Lynch, Mathews, Moore of San Francisco, Murray, Robberson, Sheridan, Slingerland, Springer, Tully, Whealdon, Wing, Whitney, and Young—34.

NOES—Messrs. Banks, Bates, Burdick, Condee, Cope, Daggett, Davis, G. N. Douglass, Ellis, Holman, Lamar, Laspeyre, Lefever, Lies, Lightner, Roane, Rodgers, Shannon, Shepard, Sloss, Street, Tipton, Watkins, Whitman, and Mr. Speaker—24.

By Mr. Mount, an Act appropriating money for the completion of a wagon-road over the Sierra Nevadas, by way of the Big-Tree route, in Calaveras County.

Read first and second times, and placed on file.

By Mr. Rodgers, an Act to improve the navigation of San Antonio Creek, in the County of Alameda

Read first and second times, and referred to the Committee on Commerce and Navigation, with instructions to report to-morrow morning.

SPECIAL ORDER OF THE DAY.

Reconsideration of the vote by which the Report of the Committee of Free Conference, on Senate bill No. 82, was adopted, the special order for this day, was, on motion of Mr. DeLong, continued until to-morrow, at half-past two o'clock, P. M., and the Clerk was instructed to procure a copy of the Report of the Committee of Free Conference.

INTRODUCTION OF BILLS.

By Mr. Hancock, an Act to authorize William M. Stockton, natural guardian of Ellen, Frances Ann, George, and Mary Alice Stockton, to sell and dispose of their real estate, and chattels real.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Shannon, an Act to authorize the Governor of the State of California, in conjunction with the United States, to run and mark the boundary-lines between the Territories of the United States and the State of California.

Read first and second times, and placed on file.

By Mr. Robberson, an Act to allow certain parties hereinafter mentioned to charge toll for the use of a draw-bridge, now erected across Petaluma Creek.

Read first and second times, and referred to the Committee on Commerce and Navigation.

At half-past three o'clock, P. M., on motion of Mr. Lull, the House adjourned.

IN ASSEMBLY.

TUESDAY, April 12, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

Mr. Ensworth had indefinite leave of absence.

PROTEST.

Mr. Street offered the following protest:

The undersigned protests against the act of the House in passing Assembly Concurrent-Resolution No. 41, asking of the Congress of the United States the passage of a law to prevent Chinese from landing in this State. He protests, for the following reasons:

Under the Common Law, every man's house is his castle, and no man has a right to break down the barriers and enter against his will; and the right of resistance against such intrusion is founded in that of self-preservation.

The people, in their collective capacity as a political sovereignty, possess the same right against the intrusion of obnoxious persons, against their will, co-extensive with the domain over which their sovereignty extends. This power to exclude obnoxious persons is, therefore, an essen-

tial element of State sovereignty. The General Government possesses no powers other than those delegated to it by the Constitution. There is nothing in the Constitution surrendering this power to the General Government; it therefore remains with the States. Chief Justice Taney says, in his dissenting opinion in the case of Norris *vs.* City of Boston:

"I can, therefore, see no ground for the exercise of this power, [to prohibit the landing of obnoxious persons,] by the Government of the United States, or any of its tribunals. In my opinion, the clear, and established, and safe rule, is, that it is reserved to the several States, to be exercised by them according to their sound discretion, and according to their own views of what their interest and safety require; it is a power of self-preservation, and never was intended to be surrendered."

"Neither can this be a concurrent power—and whether it belongs to the General or the State Government, the sovereignty which possesses the right must, in its exercise, be altogether independent of the other. If the United States have the power, then any legislation by the State, in conflict with a treaty, or Act of Congress, would be void. And if the States possess it, then any Act on the subject, by the General Government, in conflict with the State law, would be void."

"If the State has the right to exclude from its borders any person or persons whom it may regard as dangerous to the safety of its citizens, it must necessarily have the right to decide when and to whom this power is to be exercised, and it must therefore rest with the State to determine whether any particular class or description of persons are likely to produce discontents or insurrections in its territory, or to taint the morals of its citizens, or to bring among them contagious diseases, or the evils and burdens of a numerous pauper population. In the case decided in this Court, and herein before referred to, the power of determining who is, and who is not, dangerous to the interests and well-being of the people of the State, has been uniformly admitted to reside in the State."

Though the Supreme Court of the United States has decided against the validity of a passenger-tax, it has never decided against the right of a State to entirely exclude obnoxious persons by virtue of its police-power. Notwithstanding the power of the General Government to regulate commerce, a State can prevent the landing of infected goods—that right is necessary for her self-protection; the right to exclude obnoxious persons is equally necessary for her self-protection.

Though the Supreme Court of this State has decided against the constitutionality of the law prohibiting the landing of Chinese in this State, I protest against the legislative department lending its sanction to such a doctrine, by asking Congress to legislate for her.

Other States have passed laws excluding obnoxious persons. Such laws are now in force, and in no case has their validity been questioned by the Supreme Court of the United States.

I therefore protest against this act of the Assembly, as a virtual surrender of one of the essential elements of State-sovereignty, and, in the language of Chief Justice Taney, pronounce such a surrender "dangerous, and full of peril to the State"

C. R. STREET.

GENERAL FILE.

Assembly bill No. 362, an Act to authorize the Coroner of Butte County to remove the bodies of deceased persons—ordered engrossed.

Assembly bill No. 366, an Act relative to the appointment of a Pilot for

the Bay and Harbor of Crescent City—Committee amendments adopted, considered engrossed, read third time, and passed.

Assembly bill No 278, an Act to authorize Charles Pearce to change his name to Charles G. Howard—read third time, and passed.

Assembly bill No. 329, an Act to provide for the location of school-land warrants upon unsurveyed lands, and for the issuance of title for the same—read third time, and passed.

Assembly bill No 298, an Act to amend sections eleven and twelve of an Act to regulate fees in office in the County of Yuba, approved April twenty-eighth, one thousand eight hundred and fifty-seven—Committee amendments adopted, and bill ordered engrossed.

Substitute for Assembly bill No. 279, an Act to confer further powers upon the Board of Supervisors, and the Auditor and Treasurer of the City and County of San Francisco, and to authorize them to perform certain acts therein mentioned—read third time, and passed.

Assembly bill No. 324, an Act to authorize certain persons to reclaim, locate, and pre-empt certain swamp and overflowed lands in the County of Sacramento—Committee amendments adopted.

Mr. Jackson offered the following amendment which was lost:

In section two, line ten, after the word "pass," insert "On the north side of said embankment or highway, a space of at least forty feet in width across the swamp or tule lands, or other lands of this State, over which said road may pass, shall be left vacant forever, for the purpose and use of travel."

Bill was read a third time, and, on its passage, Messrs. Connely, Tipton, and Whitney, demanded the ayes and noes, and the bill was passed, by the following vote:

Ayes—Messrs Aud, Banks, Barclay, Caine, Cannon, Cherry, Crenshaw, Daggett, Davis, DeLong, G N. Douglass, Ellis, Gwinn, Imus, Jackson, Laspeyre, Lies, Lull, Moore of Nevada, Roane, Shannon, Shepard, Sheridan, Slingerland, Sloss, Street, Taylor, Torres, Vaughan, and Watkins—30.

Noes—Messrs. Buck, Caldwell, Connely, Dow, Dunlap, Fuller, Hill, Howe, Johnson, Lamar, Lefever, Mathews, Mount, Murray, Springer, Squires, Tipton, Tully, Wing, and Whitney—20.

Assembly bill No. 321, an Act to amend an Act entitled an Act concerning hogs running at large, in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, one thousand eight hundred and fifty-six—

Mr. Fuller offered a substitute, which was adopted.

Rules suspended, read third time, and passed.

Senate bill No 204, an Act amendatory of an Act to amend an Act entitled an Act to establish an Asylum for the Insane of the State of California, passed May seventeenth, one thousand eight hundred and fifty-three, amended April sixteenth, one thousand eight hundred and fifty-eight, read third time, and passed.

Senate bill No. 175, an Act supplementary to an Act entitled an Act to amend an Act to establish an Asylum for the Insane of the State of California, approved May seventeenth, one thousand eight hundred and fifty-four, read third time, and passed.

Senate bill No. 106, an Act for the relief of William T. Barbour, late

Judge of the Tenth Judicial District, was considered as in Committee of the Whole

Committee reported, and recommended indefinite postponement.

Mr. DeLong moved a call of the House.

Lost.

On the indefinite postponement, Messrs. DeLong, Mathews, and Cahalan, demanded the ayes and noes, and it was indefinitely postponed, by the following vote:

AYES—Messrs. Banks, Barclay, Buck, Burdick, Caine, Caldwell, Coleman, Condee, Connely, Cutler, Davis, DeLong, G. N. Douglass, Dow, Dunlap, Fuller, Gregory, Gwinn, Hines, Holman, Howe, Imus, Jackson, Lamar, Laspeyre, Lynch, Mathews Murray, Pixley, Roane, Robberson, Sheridan, Sloss, Springer, Squires, Taylor, Tully, Watkins, Whealdon, Wing, and Whitney—41.

NOES—Messrs. Armstrong, Aud, Bates, Cahalan, Cannon, Cope, G. A. Douglas, Eagon, Ellis, Lefever, Lies, Lightner, Lull, Malarin, Moore of Nevada, Pico, Rodgers, Shannon, Slingerland, Street, Torres, Vaughan, Whitman, Young, and Mr. Speaker—25.

Mr. DeLong gave notice of reconsideration.

Senate bill No. 231, an Act to audit and allow the claim of William T. Barbour, for back salary as District Judge of the Tenth Judicial District, indefinitely postponed.

Mr. DeLong gave notice of reconsideration.

SPECIAL ORDER.

Senate bill No 110, an Act appropriating money for the completion of a wagon-road over the Sierra Nevadas—

On motion to reconsider the vote by which the bill was lost, Mr. Lull moved a call of the House.

Which was sustained.

And Messrs Buck, Cherry, Daggett, and Moore of San Francisco, were absent, and the Sergeant-at-Arms dispatched for the absentees.

Further proceedings under the call dispensed with.

On the reconsideration, Messrs. Sloss, Springer, and Burdick, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Bates, Briggs, Cherry, Coleman, Condee, Cope, Davis' G. A. Douglas, G. N. Douglass, Ellis, Gwinn, Hancock, Hines, Jackson' Johnson, Lamar, Lies, Lightner, Lull, Moore of San Francisco, Murray' Pico, Pixley, Robberson, Shepard, Sheridan, Sloss, Squires, Street, Taylor, Tipton, Torres, Whitman and Young—34.

NOES—Messrs. Armstrong, Banks, Barclay, Buck, Burdick, Caine, Caldwell, Cahalan, Cannon, Connely, Cutler, DeLong, Dow, Dunlap, Eagon, Fuller, Gregory, Hill, Howe, Imus, Laspeyre, Lefever, Lynch, Malarin, Mathews, Moore of Nevada, Mount, Roane, Rodgers, Shannon, Slingerland, Springer, Tully, Watkins, Whealdon, Wing, Whitney, and Mr. Speaker—38.

REPORTS.

Reports were made as follows:

By Mr. Crenshaw:

MR. SPEAKER:—Your Committee on Mines and Mining Interests, to whom were referred Assembly Concurrent-Resolutions No. 38, relative to canals and-water ditches, for mining, mechanical, and agricultural purposes, have had the same under consideration, and beg leave to report them back to the House, without recommendation.

GEO. CRENSHAW, Chairman.

By Mr. Young:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled:

Assembly bill No. 213, an Act concerning roads and highways in Shasta County.

Also, Assembly bill No. 299, an Act to amend the seventy-first section of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the Government thereof, approved April nineteenth, one thousand eight hundred and fifty-six.

Also, Assembly bill No. 310, an Act to authorize the Board of Supervisors of the County of Mendocino to levy an additional tax, for County purposes.

Also, substitute for Assembly bill No 16, an Act concerning roads and highways

Also, Assembly bill No. 288, an Act to amend an Act entitled an Act concerning the office of Public Administrator, in the County of Nevada, Sacramento, Monterey, and Amador, approved April fifth, one thousand eight hundred and fifty-six, approved March ninth, one thousand eight hundred and fifty-nine.

Also, Assembly Concurrent-Resolutions providing for the holding of a Railroad Convention of the States of California and Oregon, and the Territories of Washington and Arizona, substitute for No. 36.

Also, an Act to appropriate money to pay Francis Crussell.

And delivered the same to His Excellency, the Governor, this Tuesday, April twelfth, one thousand eight hundred and fifty-nine.

GEO A. YOUNG, Chairman.

By Mr. Lynch:

MR. SPEAKER:—The Committee on Engrossment report, as correctly engrossed, Assembly bill No. 300, an Act for the government of the State-prison, and creating a Director, and defining his powers and duties, and to repeal "An Act for the government of the State-prison, and to provide for the location of a Branch-prison, approved April twenty-fourth, one thousand eight hundred and fifty-eight."

Also, Assembly bill No. 349, an Act requiring the Controller of State to sign certain blanks, and to appoint a Deputy for that purpose.

Also, Assembly bill No. 326, an Act to abolish the office of Public Administrator, in and for the Counties of Tuolumne and Santa Barbara.

Also, Assembly bill No. 308, an Act in relation to contracts, in certain cases, and to provide for the punishment of persons interested in the same.

LYNCH, Chairman.

By Mr. Gwinn:

MR. SPEAKER:—The Committee on Roads and Highways, to whom was referred a petition of a portion of the citizens of Yolo County, in relation to a road across the tule lands lying west of the Town of Washington, in

said County, have instructed me to report the accompanying bill, and recommend its passage.

GWINN, Chairman.

The bill, above reported, read first and second times, rules suspended, considered engrossed, read third time, and passed

By Mr. Holman:

MR. SPEAKER:—The Committee on Commerce and Navigation report back Assembly bill No 373, "An Act to improve the navigation of San Antonio Creek, in the County of Alameda," and recommend its passage.

HOLMAN, Chairman.

Mr. Robberson verbally reported, and recommended the passage of substitute for Assembly bill No. 337, an Act supplementary to, and amendatory of, an Act entitled an Act to allow Lindsey Carson to sell certain real estate, approved April twenty-first, one thousand eight hundred and fifty-eight

By Mr. Cutler:

MR. SPEAKER:—The Solano County delegation, to whom was referred Senate bill No 274, an Act to repeal the several acts incorporating the City of Benicia, and to provide for the government thereof, have had the same under consideration, and beg leave to report the same back to the House, and recommend its passage.

CUTLER, Delegate.

Mr. Hancock verbally reported, and recommended the passage of Senate bill No 264, an Act for the relief of Hiram McLaughlin.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 2, 1859.

To the Assembly of California:

I hereby inform your honorable body that I have, this day, approved "An Act to appropriate money to pay certain claims;"

Also, "An Act to audit certain claims;"

Also, "An Act amendatory of, and supplementary to, an Act entitled an Act to create a Board of Water Commissioners in the County of San Bernardino, and to define their duties, approved March sixth, one thousand eight hundred and fifty-seven.

JOHN B. WELLER.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
April 12, 1859.

MR. SPEAKER:—The Senate, this day, passed Senate bill No. 279, "An

Act fixing the time at which the County officers of Amador County shall be elected."

E. C PALMER, Secretary of Senate.

Senate bill No. 279, above reported, read first and second times, and referred to the Amador delegation.

Reported, and recommended, read third time, and passed.

SENATE CHAMBER,
Tuesday, April 12, 1859.

MR. SPEAKER:—The Senate, on yesterday, passed Assembly bill No. 305, "An Act concerning roads and highways in the Counties of Tuolumne, San Joaquin, Plumas, and Siskiyou;"

Also, Assembly bill No. 352, An Act to fix the salary of the County Judge of Amador County;"

Also, have adopted the report of the Committee of Free Conference of both Houses, on Senate bill No 147, "An Act to compensate the Warden of the State-prison," and ask the concurrence of the Assembly;

Also, concurred in Assembly amendments to Senate bill No. 134, "An Act for the establishment and erection of a State Reform School;

Also, passed Assembly bill No. 343, "An Act to appropriate money to pay Francis Crussell;"

Also, Assembly bill No. 260, "An Act to amend an Act entitled an Act authorizing the Board of Supervisors of Los Angeles County to contract a loan for the purpose of erecting a Court-house, and completing the same, approved April twenty-first, one thousand eight hundred and fifty-eight."

E. C. PALMER, Secretary Senate.

The report of the Committee of Free Conference of both Houses, on Senate bill No 147, above reported, was taken up

Mr. Condee made the following minority report:

MR. SPEAKER:—The undersigned, a member of the Committee of Free Conference, on the part of the Assembly, on Senate bill No. 147, an Act to appropriate money to pay Joseph Walkup, for services as Director and Warden of the State-prison, begs leave to make a minority report, and recommends that the Assembly do not recede from Assembly amendments to said bill, for the following reasons:

First—That at a meeting of the Board of State-prison Directors, when the office of Chief-Warden was created, a resolution was adopted declaring that no compensation whatever should be attached to it.

Second—That, in a measure, it was a self-imposed task, and any claim for such service should have been brought before the Board of Examiners; and, further, there have been charges made before this body that said Joseph Walkup was guilty of mal-administration in office, and this body appointed a Special Committee, investing them with power to send for persons and papers, etc, for the purpose of establishing the truth or falsity of said charges; and inasmuch as said Committee have not reported, I consider that this Assembly would be unjustifiable in taking further action, until they have the report from said Committee.

GEO M. CONDEE.

On adopting the report of the majority of the Committee, Messrs. Tully,

Hines, and Springer, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Banks, Barclay, Bates, Cannon, Cherry, Coleman, Cutler, Daggett, Gregory, Holman, Johnson, Lies, Lynch, Malarin, Moore of Nevada, Moore of San Francisco, Mount, Pico, Pixley, Rodgers, Shannon, Shepard, Street, Torres, Vaughan, Wing, Whitman, and Mr. Speaker—28.

NOES—Messrs. Aud, Buck, Caine, Cahalan, Condee, Connely, Cope, Davis, G. N. Douglass, Dow, Dunlap, Eagon, Fuller, Gwinn, Hill, Hines, Howe, Imus, Jackson, Lamar, Laspeyre, Lefever, Lightner, Lull, Mathews, Murray, Sheridan, Sloss, Springer, Tipton, Tully, Watkins, Whitney, and Young—34.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
April 12, 1859.

MR. SPEAKER:—The Senate, this day, concurred in Assembly bill No. 35, "An Act to grant the right to construct a bridge across the Colorado River, at or near Fort Yuma, to certain parties therein named.

E. C. PALMER, Secretary Senate.

SENATE CHAMBER,
April 11, 1859.

MR. SPEAKER:—The Senate, this day, passed Asssembly bill No. 289, "An Act to exempt the estate of Charles Evans, deceased, from the process of administration," with an amendment, and ask the concurrence of the Assembly.

E. C. PALMER, Secretary of Senate.

The House concurred in Senate amendment to Assembly bill No. 289, above reported.

SENATE CHAMBER,
April 12, 1859.

MR. SPEAKER:—The Senate, on the ninth instant, passed Senate bill No. 277, an Act to legalize and confirm the election of County Surveyor of Butte County.

Also, Senate bill No. 273, an Act to authorize the San Francisco and Marysville Railroad Company to construct, and maintain, a railroad-bridge across Feather River, and for other purposes.

Also, Senate bill No. 276, an Act supplementary to an Act fixing the time of holding the Courts of Sessions, and County Court, in the County of Tuolumne, approved March thirty-first, one thousand eight hundred and fifty-nine.

Also, Senate bill No. 269, an Act supplemental to an Act concerning Sheriffs.

Also, on the eleventh instant, Senate bill No. 230, an Act to authorize the issuance of duplicates of certain lost State bonds.

Also, this day, Assembly bill No. 335, an Act amendatory and supplementary to an Act to provide revenue for the support of the Government

of this State, approved April twenty-ninth, one thousand eight hundred and fifty-seven

E. C. PALMER, Secretary of Senate.

Senate bills Nos. 230 and 269, above reported, read first and second times, and referred to the Judiciary Committee.

Senate bills Nos. 273, 276, and 277, above reported, read first and second times, rules suspended, read third time, and passed.

SENATE CHAMBER,
April 12, 1859.

MR. SPEAKER:—The Senate, this day, passed Assembly bill No. 273, "An Act to encourage the supply of fresh water on the Desert west of Fort Yuma."

E. C. PALMER, Secretary of Senate.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Laspeyre, an Act for the relief of the County of San Joaquin.

Read first and second times, and referred to the Committee on Claims.

By Mr. Caine, an Act concerning the offices of County Clerk, County Recorder, and Sheriff, of the County of Butte.

Read first and second times, and placed on file.

By Mr. Lull, an Act concerning partition-deeds of minors, in certain cases

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

By Mr. Johnson, an Act to provide for taking a vote of the electors of the Counties of Siskiyou and Tehama, to fix the location of the County-seat.

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

Mr. Johnson verbally reported, and recommended the passage of Assembly bill No 159, an Act to separate the offices of County Recorder, County Auditor, and Clerk of the Probate Court, from the office of County Clerk, in the County of Sierra

Rules suspended, considered engrossed, read third time, and passed.

Mr. Vaughan made the following report:

MR. SPEAKER:—The undersigned, to whom was referred Assembly bill No. 320, "An Act supplementary to an Act to authorize the Board of Supervisors of Sutter County to construct a bridge across Feather River, and levy a special tax therefor, approved April ———, one thousand eight hundred and fifty-nine," respectfully report the following substitute therefor, and recommend the adoption and passage of the same:

While the majority of the people of Sutter County are in favor of a free bridge across the Feather River, at the point named in said Act, to be constructed without cost or liability to the County, I am well assured that they are unwilling to be placed in a position where they may be forced into expensive litigation, which may be protracted for years, and be compelled to defray the entire cost of the same, and at the same time be rendered liable for all damages that may be awarded against them in the event of defeat.

The substitute provides that the Bridge Fund provided in the Act, shall be liable for the expenses of the litigation, and further, that the bridge

shall not be constructed until the Courts have passed upon the constitutionality of the Act, and at the same time provides a manner for testing the same. By the passage of this substitute no injury is done to the original Act, and at the same time Sutter County, and her citizens, are protected.

The undersigned, therefore, most respectfully and earnestly requests speedy and favorable action on his report and substitute

C. L. N. VAUGHAN.

The adoption of the report of the Committee on Free Conference on Senate bill No 82, was made special order for to-morrow, at one o'clock, P. M.

Mr. Hines offered the following resolution:

Resolved, That Edward F. Conway be, and he is hereby, allowed the sum of two hundred and seventy dollars, for services rendered to the Special Committee appointed to visit the State-prison, and the Controller is hereby directed to draw his warrant on the State Treasurer in favor of said Conway, for said sum, payable out of the Contingent Fund of the Assembly.

Mr. Pixley moved that the House go into Committee of the Whole to consider resolution

Lost.

And resolution adopted

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

Resolved, That the Committee on Enrollment are hereby authorized to employ as many Assistant-Clerks on Enrollment as they may deem necessary, at a compensation not to exceed eight dollars per day, to be paid out of Contingent Fund of the Assembly.

Assembly bill No 373, an Act to improve the navigation of San Antonio Creek, in the County of Alameda—rules suspended, considered engrossed, read third time, and passed.

On motion of Mr Lamar, the House resolved itself into Committee of the Whole, to consider Senate bill No 15, an Act to regulate the creation of homesteads.

Committee rose, reported bill, and recommended passage.

On its passage, Messrs Moore of Nevada, Aud, and Mathews, demanded the ayes and noes, and the bill was lost, by the following vote:

AYES—Messrs Aud, Banks, Barclay, Bates, Burdick, Cannon, Daggett, Davis, G. N Douglass, Gregory, Hancock, Hill, Imus, Johnson, Lamar, Lies, Lull, Malarin, Pico, Pixley, Rodgers, Shannon, Sheridan, Street, Torres, Whealdon, Whitman, and Mr Speaker—28.

NOES—Messrs Briggs, Buck, Caine, Caldwell, Cahalan, Cherry, Condee, Connely, Cope, Cutler, Dow, Dunlap, Ellis, Fuller, Gwinn, Hines, Howe, Laspeyre, Lefever, Lightner, Mathews, Moore of Nevada, Mount, Murray, Roane, Robberson, Shepard, Springer, Squires, Taylor, Tipton, Tully, Watkins, Wing, Whitney, and Young—36.

Mr. Cope gave notice of reconsideration

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

Resolved, That the Committee on Public Expenditures and Accounts are hereby instructed to audit the accounts of the Sergeant-at-Arms, for arrests made under calls of the House, payable out of the Contingent Fund of the Assembly; *Provided*, that the accounts be certified to by the Clerk of the Assembly.

Senate bill No 170, an Act to provide for the issuance of patents to lands located with State school-land warrants, recommitted to Judiciary Committee.

REPORT OF COMMITTEE OF CONFERENCE ON STATE-PRISON AFFAIRS.

Mr. Whitman made the following report, which (with the accompanying documents) was ordered printed:

MR SPEAKER:—The undersigned, a Joint Committee, appointed (under resolutions passed April second, one thousand eight hundred and fifty-nine,) to confer with Messrs. Estill and McCauley, in relation to the settlement of their claims against the State, and the surrender of the State-prison and grounds by them, to the State, beg leave to report, that they have received a proposition, jointly, from Messrs. Estill and McCauley, agreeing to surrender their claims to the State-prison property and grounds, to cancel the contract of April twenty-sixth, one thousand eight hundred and fifty-six, and to release the judgment obtained by John F. McCauley against Governor John B. Weller, in consideration of the sum of one hundred and twenty thousand dollars, to be paid them by the State.

They have also received a communication from John F McCauley, setting forth the items of different claims held by him against the State, amounting, in the aggregate, to ninety-six thousand and eighty-seven dollars and thirty-eight cents, which amount is to be guaranteed him before the final release, above mentioned, is signed by him, jointly with James M. Estill.

Your Committee, owing to the limited time allowed them by the approaching adjournment of the Legislature, were unable to agree to a report recommending either the acceptance or the rejection of the proposition submitted by the lessees of the State-prison; and, therefore, submit the accompanying documents, received from them, and ask to be relieved from further consideration of the subject

G N. WHITMAN,
C. W LIGHTNER, } of the Assembly.
C. W. CAHALAN,
W. D. DICKINSON,
E. F BURTON, } of the Senate.
T. G PHELPS,

COMMUNICATION OF J. F. M'CAULEY.

SACRAMENTO, April 9, 1859.

GENTLEMEN:—Accompanying this is a statement showing the value of permanent improvements made upon the State-prison property, as appears from the Journals of the Senate, and also showing the amount of claims against the State released, as part consideration of the contract of the twenty-sixth March, one thousand eight hundred and fifty-six.

From the statement, it appears that the State received, for entering

into the contract, the sum of seventy thousand dollars; and, during the time that we were in possession of the State-prison property, the State has been benefited by the expenditure of our means upon the property to the amount of one hundred and forty-six thousand three hundred and ninety-seven dollars and six cents

Upon the surrender of the property, it would certainly be but just that the State should refund what it received for entering into it, and should repay at least a large portion of the cost of the improvements made by us

As, however, the principle upon which we have declared our willingness to settle with the State is one of mere indemnity, we do not demand the payment of the whole of those sums; not even of such portions of them as we might claim as a matter of right. We ask only to be paid such sum as will place us in the same position as if we had never been connected with the contract The payment of the sum of one hundred and twenty thousand dollars will place us in that position, and, upon the payment of that sum, and the individual claim of John F. McCauley, we are prepared to surrender the contract, and release the State and its officers from all claims and demands of every nature arising out of our connection with the State-prison management. This proposition is, in effect, to discharge all claims against the State for something less than one hundred thousand dollars, inasmuch as there is in existence a judgment in favor of the undersigned, John F. McCauley, against John B. Weller, on which the defendant is liable for about twenty-three thousand dollars—and for the greater part of the judgment ample security has been given.

It is to be understood that this proposition is made by way of compromise, and shall in no manner affect our rights or claims, nor be used in evidence against us, should it not be accepted. For the sake of an immediate adjustment we are prepared to surrender much that we justly claim; but in offering to make such surrender, it is to be understood that we do not preclude ourselves from asserting our rights hereafter to their fullest extent, should it become necessary for us to do so.

Respectfully, your obedient servants,

JOHN F. McCAULÆY,
JAMES M. ESTILL.

To Hon W. B. Dickinson, E. F Burton, T. G. Phelps, of Senate; G. N. Whitman, C. W. Lightner, C. W. Cahalan, of Assembly.

STATEMENTS.

Value of improvements made on State-prison grounds from March twenty-sixth, one thousand eight hundred and fifty-six, to March seventeenth, one thousand eight hundred and fifty-seven, including cost of material, particulars of which are set forth in the report of James H. Watkins, P. H. Price and Robert C Clark, Committee of Assembly, in Assembly Journal of 1857	$77,364 00
Value of permanent improvements made at State-prison by John F. McCauley, from May fifteenth, one thousand eight hundred and fifty-seven, to March first, one thousand eight hundred and fifty-eight, on show in report of Joint Committee of Senate and Assembly, session of one thousand eight hundred and fifty-eight	69,033 96
Total amount	$146,397 96

Amount of claim of A. Woods, against the State, purchased and released to the State, by James M. Estill, in part consideration of the contract entered into between the State and Estill, March twenty-sixth, one thousand eight hundred and fifty-six, (see contract in Journal of Assembly, one thousand eight hundred and fifty-six, page eight hundred and twenty-four,)	$48,800 00
Value of two million two hundred thousand brick, purchased by State-prison Directors, and used in construction of State-prison wall, at ten dollars per thousand, released to the State by contractor	22,000 00
Total	$70,800 00
Total improvement on State-prison property	$146,397 96
Paid State, in part consideration of contract	70,800 00
Total	$217,197 96

SACRAMENTO, April 9, 1859.

GENTLEMEN:—I hand you, herewith, a statement of my individual claims against the State, amounting, in the aggregate, to ninety-six thousand and eighty-nine dollars and thirty-eight cents.

These claims are independent of the contract between the State and General Estill, and would have to be paid whether there be any settlement of the contract or not. I stand, in relation to these claims, in the same position as any other person who has furnished property to the State, or whose property has been taken and applied to the use of the State. For some of this property, suit has been brought, and is now pending, in the State Courts, against John B. Weller and others, and I am advised by my counsel, and I presume there can be no doubt, that there will be a judgment in my favor. The claims are duly authenticated, and are unquestionable. Not a cent is asked to which, according to every principle which governs contracts or controversies of individual litigants, I am not entitled. Whatever may be the pretensions in regard to the contract, or its validity no just man, or lawyer, I presume, will dispute that until the Legislature interposed to set aside the contract, I was entitled to payment for keeping the Prison.

This matter, then, being distinct from the questions connected with the arrangement and settlement of the controversy in regard to the future management of the State-prison, might well be settled through a separate bill, leaving the latter question to be adjusted by a separate consideration and contract.

But, of course, in any arrangement made, it is desirable, and expected, that the whole thing will be understood and cleared up, so as to leave nothing for further trouble or controversy.

Respectfully, your obedient servant,

JOHN F. McCAULEY.

To the Joint Committee of Senate and Assembly.

AMOUNTS DUE FROM THE STATE OF CALIFORNIA TO JOHN F. M'CAULEY:

Private property of John F. McCauley, taken possession of by the Governor on the first of March, 1858, at valuation made by Joint Committee, as shown in Appendix to Senate Journal, Ninth Session, including only property retained and used by the State	$42,159 83
Interest from March 1, 1858, to date, at 10 per cent. per annum	4,684 42
Cattle furnished the State, for use of State-prison, at stipulated price, in 1855	11,804 42
Interest from January, 1856, to date, at 10 per cent. per annum	3,869 22
Beef furnished the State, for the use of State-prison, in 1856, under contract in writing	7,571 39
Interest from April 1, 1856, to date, at 10 per cent per annum	3,292 42
To keeping State-prison, from December 26, 1857, to March 1, 1858—2 months and 4 days, at $10.000 per month	21,333 33
Interest from March 1, 1858, to date, at 10 per cent. per annum	2,372 35
Total	$96,087 38

At forty minutes past four o'clock, P. M., on motion of Mr Aud, the House adjourned.

IN ASSEMBLY.

WEDNESDAY, April 13, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair

A quorum being present, the Journal of yesterday was read and approved.

GENERAL FILE.

Senate bill No 242, an Act to authorize the Common Council of the City of Los Angeles to extend the City limits—read third time, and passed

Senate bill No. 257, an Act to appropriate money for the improvement of the mad-houses, and other improvements of the State Insane Asylum—considered in Committee of the Whole

Reported, and recommended, read third time and passsed.

Assembly bill No 370, an Act to appropriate money to pay Joseph Nougues, considered in Committee of the Whole

Amended, reported, and recommended, amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 103, An Act amendatory of, and supplementary to, an Act entitled an Act to regulate proceedings in civil cases, in the Courts of

Justice of this State, passed April twenty-ninth, one thousand eight hundred and fifty-one, and to repeal an Act amendatory thereof, passed April fifteenth, one thousand eight hundred and fifty-eight—laid on the table.

Senate bill No. 161, an Act relating to the possession of lands, the recording of conveyances, and the effect thereof—

Mr Hines moved an amendment, which was lost, and then moved to lay the whole subject-matter on the table.

Upon which, Messrs. Cope, Taylor, and Lull, demanded the ayes and noes, and the House agreed, by the following vote:

AYES—Messrs. Aud, Barclay, Cannon, Coleman, Connely, Crenshaw, Cutler, Dow, Gwinn, Hines, Holman, Howe, Imus, Lamar, Laspeyre, Lightner, Lynch, Mathews, Mount, Murray, Robberson, Rodgers, Shannon, Sheridan, Sloss, Springer, Tipton, Torres, Tully, Watkins, and Whitney—31

NOES—Messrs. Banks, Bates, Buck, Caine, Caldwell, Cope, Daggett, Dunlap, Ellis, Hancock, Hill, Lefever, Lies, Lull, Moore of Nevada, Moore of San Francisco, Pico, Shepard, Street, Taylor, and Young—20.

Mr. Young offered Assembly Concurrent-Resolution, relative to the enacting clause in Assembly bill No. 251.

Adopted.

Mr. Cope moved to reconsider the vote, by which the House on yesterday refused to pass Senate bill No. 15, an Act to regulate the creation of homesteads.

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

Mr Young offered the following resolution, which was adopted.

Resolved, That the House take a recess for ten minutes, for the purpose of preparing for the Joint Convention of the two Houses.

And the House took a recess.

At one o'clock, P. M., the House re-assembled.

The hour having arrived for the Joint Convention of the two Houses, for the election of Trustees of the Insane Asylum, the Clerk was directed to inform the Senate that the Assembly was ready to meet in Joint Convention.

IN JOINT CONVENTION.

The Sergeant-at-Arms announced the President and Members of the Senate.

The Convention having been called to order, the roll was called, and a quorum of both houses being present, nominations were made as follows:

Mr. Lull nominated P. J. Staples.

Mr. Holman nominated S. A. Booker, L E Bradley, and John O'Neill.

Mr. Anderson, of the Senate, nominated J. Beam and W. Shattuck

Mr. Griffith, of the Senate, nominated H. T. Huggins

Senator Grant nominated G. J Choate, of San Joaquin, and Cornelius Cole, of Sacramento.

Mr. DeLong nominated William Biven.

Mr. Hines moved that the roll be called, and each Senator and Member, as his name is called, name the three parties he desires to vote for.

Agreed to.

Mr. Merritt moved the appointment of a Teller, on the part of the Senate, and one on the part of the Assembly, to count the vote.

Agreed to.

Mr. Merritt was appointed, on the part of the Senate.

And Mr. Phil. Moore, on the part of the House

The Secretary of the Senate called the Senate roll.

The Clerk called the Assembly roll.

Names.	Bradley, Booker, and O'Neill.	Staples, Choate, and Cole.	O'Neill, Huggins, and Biven.
Allen			1
Anderson	1		
Ballou			1
Berry	1		
Bradley	1		
Burch	1		
Dent	1		
Dickinson	1		
Denver	1		
Garter	1		
Grant		1	
Gregory	1		
Griffith			1
Hamm	1		
Hart			1
Holden	1		
Kirkpatrick	1		
Lansing	1		
Merritt	1		
O'Farrell	1		
Pacheco	1		
Parker		1	
Parks	1		
Phelps		1	
Price	1		
Quinn	1		
Titus	1		
Wheeler			1
Williams		1	
Armstrong	1		
Aud	1		
Banks		1	
Barclay	1		
Bates	1		
Buck	1		
Burdick	1		
Caine		1	
Caldwell			1
Cannon			1
Cherry		1	
Coleman	1		

Names.	Bradley, Booker, and O'Neill.	Staples, Choate, and Cole.	O'Neill, Huggins, and Biven.
Condee	1		
Connely	1		
Cope	1		
Crenshaw	1		
Cutler	1		
Davis	1		
Douglas, G. A			1
Douglass, G. N	1		
Dow	1		
Dunlap	1		
Fuller			1
Gregory	1		
Gwinn	1		
Hancock	1		
Hines	1		
Holman	1		
Howe	1		
Jackson			1
Johnson	1		
Laspeyre	1		
Lefever	1		
Lies	1		
Lightner	1		
Malarin	1		
Mathews	1		
Moore of Nevada	1		
Murray	1		
Pico	1		
Roane	1		
Robberson	1		
Rodgers	1		
Springer	1		
Squires	1		
Tipton	1		
Tully	1		
Vaughan	1		
Wing	1		
Whitney	1		
Mr. Speaker	1		
Lull		1	
Shepard		1	
Sloss			1
Taylor		1	
Whealdon			1

Senator McDonald and Mr. Ellis voted for Messrs Bradley, Booker, and Cole

Mr. Cahalan voted for Messrs. Bradley, O'Neill, and Stakes

Mr. Daggett voted for Messrs. Watkins, Laspeyre, and DeLong.

Mr. DeLong voted for Messrs. Walkup, Holden, and Grant.
Mr. Eagon voted for Messrs. Broderick, Gwin, and Weller.
Mr. Imus voted for Messrs. Bradley, O'Neill, and Huggins.
Mr. Lamar voted for Messrs. Bradley, Booker, and Hill.
Mr. Lynch voted for Messrs. Springer, Imus, and Lynch
Mr. Mount voted for Messrs Bradley, Booker, and Daine.
Mr. Pixley voted for Messrs. Estill, McCauley, and "F. T. Jackaway"
Mr. Shannon voted for Messrs. Huggins, Smith, and Sniktaw.
Mr. Sheridan voted for Messrs. Bradley, Shattuck, and Daine
Mr. Watkins voted for Messrs. Melony, Bulk head, and Shannon.
Mr. Whitman voted for Messrs Bradley, Booker, and J. W. Parsons.

Whole number of votes cast, 102. Of these, L. R Bradley received 70; S. A. Booker, 69; John O'Neill, 77. And they, having received a majority of the entire vote, were declared duly elected Trustees of the Insane Asylum.

The object of the Convention having been accomplished, the Convention adjourned *sine die*, and the Senate withdrew.

IN ASSEMBLY

The Assembly resumed the consideration of Senate bill No. 15.
Mr Pixley moved the previous question
Sustained.
Mr. Hines moved a call of the House
Lost.
On the motion to indefinitely postpone the motion to reconsider, Messrs. Howe, DeLong, and Young, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Armstrong, Barclay, Buck, Caldwell, Cahalan, Cherry, Condee, Connely, Crenshaw, G N. Douglass, Dow, Dunlap, Fuller, Gwinn, Hines, Howe, Laspeyre, Lefever, Lightner, Lynch, Mathews, Moore of Nevada, Murray, Roane, Robberson, Springer, Taylor, Tipton, Tully, Watkins, Wing, and Young—32.

NOES—Messrs. Aud, Banks, Bates, Briggs, Burdick, Caine, Cannon, Cope, Cutler, Daggett, Davis, DeLong, Ellis, Gregory, Hancock, Hill, Holman, Imus, Johnson, Lamar, Lies, Lull, Malarin, Mount, Pico, Pixley, Rodgers, Shannon, Sheridan, Sloss, Vaughan, Whealdon, and Whitney—33.

On the motion to reconsider, Messrs. Hines, Howe, and Holman, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Aud, Banks, Bates, Briggs, Burdick, Caine, Cope, Cutler, Daggett, Davis, DeLong, Ellis, Gregory, Hancock, Hill, Holman, Imus, Johnson, Lamar, Lies, Lull, Malarin, Moore of San Francisco, Mount, Pico, Pixley, Rodgers, Shannon, Sheridan, Sloss, Vaughan, Whealdon, and Mr. Speaker—33.

NOES—Messrs. Armstrong, Barclay, Buck, Caldwell, Cahalan, Cannon, Cherry, Coleman, Condee, Connely, Crenshaw, G. N. Douglass, Dow, Dunlap, Fuller, Gwinn, Hines, Howe, Laspeyre, Lefever, Lightner, Lynch

Mathews, Moore of Nevada, Murray, Roane, Robberson, Springer, Squires, Taylor, Tipton, Tully, Watkins, Wing, Whitney, and Young—36

REPORTS.

Reports were made as follows:
By Mr. Burdick:

MR. SPEAKER:—Your Auditing Committee have examined the copying done for the Assembly, and find it as follows:

Journal	880 folios
For Printer	1,259 folios
Total	2,139 folios

BURDICK, Chairman.

By Mr. Lightner:

MR. SPEAKER:—A minority of the Committee on Claims, to whom was referred Assembly bill No. 382, "An Act for the relief of the County of San Joaquin," beg leave to report the same back, and recommend its passage.

C. W. LIGHTNER, Chairman.
THOMAS LASPEYRE

Also, by Mr. Lightner:

MR. SPEAKER:—The Committee on Claims, to whom was referred Senate bill No 261, "An Act to audit certain claims," beg leave to report the same back, and recommend its passage.

Respectfully,
LIGHTNER, Chairman

Also, by Mr. Lightner:

MR. SPEAKER:—Your Committee on Claims, to whom was referred the claim of F. A. Bishop, and others, for work done, and materials furnished, on the State Wagon-Road Surveying Party, in the years one thousand eight hundred and fifty-five, and one thousand eight hundred and fifty-six;

And the claim of D J. Snyder, for unpaid balance due him for indexing the Journals of the Senate and Assembly, for the year one thousand eight hundred and fifty-eight;

Have had the same under consideration, and report the same back, with the accompanying bills, and recommend their passage.

LIGHTNER, Chairman

The bills above reported, read first and second times, and placed on file

Mr. DeLong moved to reconsider the vote by which the House, on yesterday, indefinitely postponed Senate bill No 206, an Act for the relief of William T Barbour, late Judge of the Tenth Judicial District, and Senate bill No. 231, an Act to audit and allow the claim of William

T. Barbour, for back salary as District Judge of the Tenth Judicial District.

Mr. Lull moved to lay the motion to reconsider on the table.

Lost.

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

Upon which, Messrs. Lull, Cahalan, and Springer, demanded the ayes and noes, and the House agreed, by the following vote:

AYES—Messrs. Banks, Barclay, Buck, Burdick, Caine, Caldwell Cherry, Condee, Connely, Davis, G N. Douglass, Dow, Dunlap, Fuller, Gregory, Gwinn, Hill, Hines, Holman, Howe, Imus, Jackson, Lynch, Mathews, Moore of San Francisco, Mount, Murray, Pixley, Robberson, Sloss, Springer, Squires, Tully, Watkins, Wing, and Whitney—36.

NOES—Messrs. Armstrong, Aud, Bates, Briggs, Cahalan, Cannon, Coleman, Cope, Daggett, DeLong, Ellis, Hancock, Johnson, Lamar, Lefever, Lies, Lull, Malarin, Moore of Nevada, Pico, Roane, Rodgers, Shannon, Street, Tipton, Vaughan, Whitman, Young, and Mr. Speaker—28.

Mr. Holman moved to take up the Senate messages.

Lost.

REPORTS.

Reports were made as follows:

By Mr. Street:

MR SPEAKER:—The Committee on Ways and Means, to whom was referred Senate bill No 72, "An Act to amend an Act entitled an Act to provide for paying certain equitable claims against the State of California, and to create a funded debt for that purpose," having had the same under consideration, now report it back, and recommend its passage.

The same Committee have also considered Senate bill No. 120, "An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State," and report the same back, recommending its indefinite postponement.

Also, Assembly bill No 262, "An Act to amend an Act entitled an Act to provide for the protection of foreigners, and to define their liabilities and privileges," and report the same back, recommending its indefinite postponement.

Also, Senate bill No. 152, "An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, from a tax to be levied and collected from foreign and inland bills, and other matters," and report the same back, recommending its passage.

In connection with the revenue bills, certain petitions from the citizens of San Francisco, asking for a repeal of the License Laws, have been considered by the Committee, and said petitions are herewith returned to the House.

C. R. STREET,
Chairman Committee of Ways and Means.

By Mr. Aud:

MR. SPEAKER:—The Judiciary Committee, to whom was referred Assembly bill No. 375, an Act authorizing the Board of Supervisors of Del Norte County to levy a special tax, for County purposes, have considered the same, and report the bill back, and recommend its passage.

The same Committee, to whom was referred Senate bill No. 270, an

Act for the relief of F. W. Blake, W. B. Olmstead, H. W. Anderson, C. P. Rice, and the administrator of John Cole, deceased, have considered the same, and report the bill back, and recommend its passage.

The same Committee, to whom was referred Assembly bill No. 346, an Act amendatory of the Act entitled an Act to regulate proceedings in civil cases, in the Courts of Justice of this State, passed April twenty-ninth, one thousand eight hundred and fifty-one, and the several Acts amendatory thereto, have considered the same, and report the bill back, and recommend its passage.

The same Committee, to whom was recommitted Senate bill No. 170, an Act to provide for the issuance of patents to lands located with school-land warrants, have considered the same, and report the bill back, with amendments, and recommend its passage, as amended.

FRANCIS L. AUD, Chairman.

REPORT OF COMMITTEE ON EXPENDITURES AND ACCOUNTS.

By Mr. Squires:

MR. SPEAKER:—Your Committee on Public Expenditures and Accounts have examined, and found correct, the following accounts, to wit:

Account of Publishers of Placer Press, of April 17, amounting to	$21 00
Account of Publishers of Daily Register, of April 10	15 00
Account of Publishers of Daily California Express, of April 10	56 25
Account of Publishers of Nevada Journal, of April 10	5 00
Account of A. Vimmerman, April 8	9 00
Account of Wm. B Hood, of April 12, for rent of room for use of Committee of Ways and Means, amounting to	25 00
Account of H. C. Kibbe, of April 6, for rent of office of Enrolling Clerk, amounting to	25 00
Total	$156 25

Also, have examined the account of the Chief-Clerk of Assembly, of April ninth, for writing done:

In Appendix to Journal, folios	1,265
For Printer, folios	1,265
Total	2,530

Amounting to the sum of three hundred and sixteen dollars and twenty-five cents, and found the same to be correct, as per report of your Auditing Committee.

Also have examined the account of the Chief-Clerk of Assembly, of April thirteenth, for writing done:

In the Journal, folios	880
For Printer, folios	1,259
Total	2,139

Amounting to two hundred and fifty-seven dollars and ninety cents, and found the same to be correct, as per report of your Auditing Committee.

Respectfully,
OGDEN SQUIRES, Chairman.

By Mr. Tully:

MR SPEAKER:—The Committee on Public Lands, to whom was referred Senate bill No. 228, entitled "An Act amendatory of, and supplementary to, an Act creating a State Land Office for the State of California, passed April tenth, one thousand eight hundred and fifty-eight," have had the same under consideration, and report the same back, and unanimously recommend its passage

E. C. TULLY,
Chairman of the Committee on Public Lands.

By Mr. Lefever:

MR SPEAKER:—The Hospital Committee, to whom was referred Senate bill No. 71, an Act to authorize the establishment of County Infirmaries, for the relief of the indigent, and to amend an Act entitled an Act to provide for the indigent sick in the Counties of this State, beg leave to return the same to the House, and a majority of the Committee recommend its passage.

LEFEVER, Chairman.

By Mr. Lynch:

MR. SPEAKER:—The Committee on Engrossment report, as correctly engrossed:

Assembly bill No 358, an Act supplementary to an Act entitled an Act to provide for the sale and reclamation of the swamp and overflowed lands of this State, approved April first, one thousand eight hundred and fifty-eight.

Also, Assembly bill No. 324, an Act to authorize certain persons to reclaim, locate, and pre-empt certain swamp and overflowed lands in the County of Sacramento

Also, Assembly bill No. 333, an Act for the suppression of chain-gangs in the Cities and Towns of this State

Also, Assembly bill No 374, an Act to authorize William M Stockton, natural guardian of Ellen, Frances Ann, George, and Mary Alice Stockton, to sell and dispose of their real estate, and chattels real.

LYNCH, Chairman,

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 13, 1859.

To the Assembly of California:

I have to inform your honorable body, that I have, to-day, approved an Act "Concerning roads and highways in San Mateo County."

Also, "An Act to authorize the Board of Supervisors of the County of Mendocino to levy an additional tax, for County purposes."

Also, "An Act to amend an Act entitled an Act amendatory of an Act entitled an Act concerning the office of Public Administrator, in the Counties of Nevada, Sacramento, Monterey, and Amador, approved April fifth, one thousand eight hundred and fifty-six, approved March ninth, one thousand eight hundred and fifty-nine."

JOHN B. WELLER.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
April 13, 1859.

MR. SPEAKER:—The Senate, on yesterday, passed Assembly bill No. 359, "An Act to legalize certain acts of the Board of Supervisors of San Bernardino County, sitting as a Board of Equalization."

Also, Assembly bill No. 369, "An Act to fix the time of holding the Court of Sessions, County Courts, and Probate Court, in the County of Solano."

E. C. PALMER, Secretary of the Senate.

SENATE CHAMBER,
April 13, 1859.

MR. SPEAKER:—The Senate, this day, passed Senate bill No. 284, an Act for the payment of expenses incurred in the suppression of Indian hostilities in certain Counties in this State.

E. C. PALMER, Secretary Senate.

Senate bill No. 284, above reported, read first and second times, and referred to Committee on Military Affairs, with instructions to report to-morrow.

SENATE CHAMBER,
April 13, 1859.

MR. SPEAKER:—The Senate, on yesterday, passed Senate bill No. 278, "An Act to authorize the parties therein named to construct and maintain a wharf."

Also, this day, passed Assembly Joint-Resolution No. 45, "Relative to cession of lands by the General Government."

Also, passed Senate bill No 211, "An Act appropriating moneys for the benefit of certain Orphan Asylums in this State."

E. C. PALMER, Secretary of Senate.

Senate bill No. 278, above reported, read first and second times, and referred to delegation from Contra Costa and Alameda.

Senate bill No. 211, above reported, read first and second times, and referred to Committee on Ways and Means.

On motion of Mr. Stratton, the rules were suspended, for the purpose of moving a reconsideration of the vote by which the House, on yester-

day, refused to adopt the report of the Committee of Free Conference, on Senate bill No. 147, an Act to compensate the Warden of the State-prison.

Mr. Stratton moved to make the motion to reconsider the special order for Friday next, at twelve o'clock, M.

Mr. Hines moved to adjourn.

Upon which, Messrs. Burdick, Tipton, and Mount, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs Caine, Cannon, Hill, Hines, Howe, Jackson, Pixley, Sloss, Tully, and Whealdon—10.

NOES—Messrs. Armstrong, Aud, Banks, Barclay, Bates, Buck, Burdick, Caldwell, Cahalan, Cherry, Coleman, Condee, Connely, Cope, Cutler, Daggett, G. N. Douglass, Dow, Ellis, Fuller, Gregory, Hancock, Holman, Imus, Johnson, Lamar, Lefever, Lull, Lynch, Moore of Nevada, Moore of San Francisco, Mount, Murray, Roane, Shannon, Shepard, Springer, Street, Taylor, Tipton, Watkins, Wing, Whitman, Whitney, Young, and Mr. Speaker—46.

Mr. Hines moved to lay on the table.

Lost.

The Speaker *pro tem.* decided that the matter was in the power of the House to act upon.

Upon which, Mr. Hines appealed, and the House sustained the decision of the Chair.

On making the reconsideration the special order for Friday, Messrs. Hines, Sheridan, and Sloss, demanded the ayes and noes, and it was so made, by the following vote:

AYES—Messrs. Aud, Barclay, Bates, Buck, Burdick, Cannon, Cherry, Coleman, Connely, Cutler, Daggett, Dunlap, Ellis, Hancock, Hill, Holman, Jackson, Lamar, Laspeyre, Lies, Lightner, Lull, Lynch, Malarin, Moore of Nevada, Moore of San Francisco, Mount, Murray, Pico, Pixley, Robberson, Rodgers, Shannon, Shepard, Street, Taylor, Wing, Whitman, and Mr. Speaker—39.

NOES—Messrs. Banks, Caine, Caldwell, DeLong, G. N. Douglass, Dow, Eagon, Fuller, Gregory, Gwinn, Hines, Howe, Imus, Johnson, Lefever, Roane, Sheridan, Sloss, Springer, Tipton, Tully, Vaughan, Watkins, Whealdon, Whitney, and Young—26.

On motion of Mr. Shannon, the following bill was taken up: Assembly bill No. 376, an Act to authorize the Governor of the State of California, in conjuction with the United States, to run and mark the boundary-line between the Territories of the United States and the State of California,

Considered in Committee of the Whole.

Reported, and recommended, rules suspended, considered engrossed, read third time, and passed.

Mr. Lull gave notice that, on to-morrow, he would introduce a resolution rescinding the resolution adopted by the House, relative to the introduction of business after the twelfth instant.

Mr. DeLong moved to suspend the rules, to take up report of Conference Committee regarding Senate bill No. 82.

Mr. Shepard moved to indefinitely postpone the motion made by Mr. DeLong.

Mr. Armstrong moved the previous question.

Upon which, Messrs. Pixley, Jackson, and DeLong, demanded the ayes and noes, and it was sustained, by the following vote:

AYES—Messrs. Armstrong, Aud, Bates, Buck, Burdick, Caine, Coleman, Connely, Cope, Crenshaw, Cutler, Daggett, G. N. Douglass, Dow, Dunlap, Gregory, Gwinn, Holman, Lefever, Lynch, Mathews, Moore of Nevada, Mount, Roane, Shannon, Tipton, Tully, Wing, Whitman, and Mr. Speaker—30

NOES—Messrs. Banks, Caldwell, Cahalan, Cherry, DeLong, Eagon, Ellis, Fuller, Hines, Howe, Jackson, Johnson, Laspeyre, Lightner, Lull, Malarin, Murray, Pixley, Rodgers, Sloss, Taylor, Vaughan, Watkins, Whealdon, Whitney, and Young—26.

On the indefinite postponement of the motion, Messrs. DeLong, Jackson, and Pixley, demanded the ayes and noes, and the House agreed, by the following vote:

AYES—Messrs. Armstrong, Aud, Bates, Buck, Caine, Coleman, Condee, Connely, Crenshaw, Cutler, Daggett, G. N. Douglass, Dunlap, Ellis, Gwinn, Holman, Lamar, Lefever, Lull, Mathews, Moore of Nevada, Mount, Roane, Robberson, Shepard, Sheridan, Street, Tipton, Tully, Wing, Whitman, and Mr. Speaker—32.

NOES—Messrs. Banks, Burdick, Caldwell, Cahalan, Cannon, Cherry, Cope, DeLong, Dow, Eagon, Fuller, Hines, Howe, Imus, Jackson, Johnson, Laspeyre, Lightner, Lynch, Malarin, Murray, Pixley, Rodgers, Shannon, Sloss, Taylor, Vaughan, Watkins, Whealdon, Whitney, and Young—31.

At five o'clock, P. M., on motion of Mr. Armstrong, the House adjourned.

IN ASSEMBLY.

THURSDAY, April 14, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved

Mr Imus had one day's leave of absence.

GENERAL FILE.

Assembly bill No. 326, an Act to abolish the office of Public Administrator, in the Counties of Tuolumne and Santa Barbara, read third time, and passed.

Senate bill No. 268, an Act amendatory of an Act to fix the compensation of the County Judge of Calaveras County, and the District-Attorney of Calaveras County, approved March thirteenth, one thousand eight hundred and fifty-seven—

Mr Mount offered the following amendment, which was adopted:

"Strike out the words "two thousand five hundred," and insert "three thousand."

Bill, as amended, read third time, and passed.

Assembly bill No. 334, an Act supplementary to, and amendatory of, the Act of April sixteenth, one thousand eight hundred and fifty, concerning crimes and punishments, and the Act amendatory thereof—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No 317, an Act to prevent diseased horses from running at large—substitute reported by Committee adopted, and ordered engrossed.

Assembly bill No 339, an Act to repeal an Act entitled an Act to repeal an Act entitled an Act to provide for the construction of canals, and for draining and reclaiming certain swamp and overflowed lands in Tulare Valley, approved April eleventh, one thousand eight hundred and fifty-seven, which became a law on the twentieth of April, one thousand eight hundred and fifty-eight, ordered engrossed

Assembly bill No 355, an Act to repeal the ninth chapter of an Act entitled an Act concerning corporations, approved April twenty-second, one thousand eight hundred and fifty;

And, Assembly bill No 361. an Act to permit James C. Cooper and William C. Thompson to construct a bridge across the Mokelumne River;

Were indefinitely postponed.

Mr. Mount gave notice of reconsideration of vote by which Assembly bill No. 361 was indefinitely postponed

Assembly bill No 320, an Act supplementary to an Act to authorize the Board of Supervisors of Sutter County to construct a bridge across Feather River, and levy a special tax therefor. approved April ——, one thousand eight hundred and fifty-nine—substitute reported by delegation adopted, and ordered engrossed

Assembly bill No 365, 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 twenty-ninth, one thousand eight hundred and fifty-one—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 344, an Act explanatory of certain provisions of the Practice Act, ordered engrossed.

Assembly bill No 307, an Act to amend an Act passed May fourth, one thousand eight hundred and fifty-two, entitled an Act for the relief of insolvent debtors and protection of creditors—amendment adopted, and ordered engrossed

Assembly bill No. 363, an Act to authorize the minor heirs of Antonio Maria Armijo to dispose of the real estate of said heirs, for certain purposes—substitute reported by the Judiciary Committee adopted, and ordered engrossed.

Assembly bill No. 300, an Act for the government of the State-prison, and creating a Director, and defining his powers and duties, and to repeal an Act for the government of the State-prison, and to provide for the location of a Branch-prison, approved April twenty-fourth, one thousand eight hundred and fifty-eight—

Mr. Squires moved a call of the House

Lost

Mr. Hines moved to lay on the table

Lost

Mr. Cope moved to make the bill the special order for to-morrow, at two o'clock.

Upon which, Messrs Cope, Hines. and DeLong, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Briggs, Burdick, Coleman, Cope, DeLong, Dow, Eagon,

Fuller, Gregory, Gwinn, Hines, Johnson, Laspeyre, Lies, Lightner, Mathews, Pico, Sheridan, Springer, Squires, Vaughan, and Mr. Speaker—22

NOES—Messrs. Armstrong, Banks, Barclay, Bates, Caine, Caldwell, Cahalan, Cannon, Connely, Crenshaw, Cutler, Davis, Dunlap, Ellis, Hill, Howe, Jackson, Lefever, Lull, Lynch, Moore of Nevada, Moore of San Francisco, Mount, Murray, Roane, Rodgers, Shannon, Sloss, Street, Watkins, Wing, and Young—32.

Mr Hines moved to recommit the bill, with instructions to amend, as follows:

Section one—At the general election in the year one thousand eight hundred and fifty-nine, and at the general election every two years thereafter, there shall be elected a Resident Director of the State-prison, who, together with the Governor and Attorney-General, shall constitute a Board of State-Prison Directors. The Resident Director shall receive for his services the sum of two hundred and fifty dollars per month, and shall give bond in the penal sum of fifty thousand dollars, conditioned for the faithful performance of the duties of his office. The Board of Directors shall take charge of the State-prison, at San Quentin, and shall have the management and control of the convicts thereat Until the next general election, the Governor, Controller, and Attorney-General, shall constitute the Board of Directors, with like powers and duties.

Make "Director" read "Directors," wherever it occurs in the bill.

Mr Moore of Nevada moved the previous question.

Mr. Hines moved to lay the substitute on the table.

The Speaker decided that the motion for the previous question had precedence of the motion to lay on the table, because it was first made.

Mr. Hines appealed.

Upon which, Messrs. Hines, Laspeyre, and Tully, demanded the ayes and noes, and the Chair was sustained, by the following vote:

AYES—Messrs. Armstrong, Banks, Barclay, Bates, Briggs, Buck, Burdick, Caine, Caldwell, Cahalan, Cannon, Connely, Crenshaw, Cutler, Daggett, Davis, G. N. Douglass, Dow, Dunlap, Ellis, Hill, Howe, Jackson, Lefever, Lies, Lynch, Mathews, Moore of Nevada, Moore of San Francisco, Mount, Murray, Rodgers, Shannon, Squires, Street, Taylor, Tipton, Wing, and Young—39.

NOES—Messrs. DeLong, Hines, Shepard, Sloss, and Springer—5.

On the question, "Shall the main question be now put," Messrs. Cope, G. N Douglass, and Hines, demanded the ayes and noes, and the previous question was sustained, by the following vote:

AYES—Messrs. Armstrong, Bates, Burdick, Caine, Caldwell, Cahalan, Cannon, Coleman, Connely, Crenshaw, Cutler, Daggett, Davis, Dunlap, Fuller, Hill, Howe, Jackson, Lefever, Lull, Lynch, Malarin, Moore of Nevada, Moore of San Francisco, Mount, Pico, Pixley, Rodgers, Shannon, Shepard, Street, Tipton, Watkins, Young, and Mr. Speaker—35.

NOES—Messrs Aud, Banks, Barclay, Cope, DeLong, G. N. Douglass, Dow, Ellis, Gregory, Gwinn, Hines, Holman, Laspeyre, Lightner, Mathews, Murray, Sheridan, Sloss, Springer, Squires, Taylor, Tully, Vaughan, Whealdon, Wing, and Whitney—26.

On the motion to recommit, with instructions, Messrs. Young, Gregory, and Armstrong, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Barclay, Condee, Cope, DeLong, G. N. Douglass, Dow, Fuller, Gregory, Gwinn, Hines, Holman, Johnson, Laspeyre, Mathews, Roane, Sheridan, Springer, Squires, Tipton, and Whitney—20.

NOES—Messrs. Armstrong, Aud, Banks, Bates, Buck, Burdick, Caine, Caldwell, Cahalan, Cannon, Coleman, Connely, Crenshaw, Cutler, Daggett, Davis, Dunlap, Ellis, Hill, Howe, Jackson, Lefever, Lull, Lynch, Malarin, Moore of Nevada, Moore of San Francisco, Mount, Murray, Pixley, Rodgers, Shannon, Shepard, Sloss, Street, Taylor, Tully, Vaughan, Watkins, and Young—40.

On the passage of the bill, Messrs. Laspeyre, Hines, and Cope, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Armstrong, Aud, Banks, Bates, Burdick, Caine, Caldwell, Cahalan, Cannon, Cherry, Coleman, Connely, Cope, Crenshaw, Cutler, Daggett, Davis, Dunlap, Ellis, Hill, Holman, Jackson, Lefever, Lull, Lynch, Malarin, Moore of Nevada, Moore of San Francisco, Mount, Pico, Rodgers, Shannon, Sloss, Street, Taylor, Tully, Watkins, and Young—38.

NOES—Messrs. Barclay, Condee, DeLong, G. N. Douglass, Dow, Eagon, Fuller, Gregory, Gwinn, Hines, Howe, Johnson, Laspeyre, Mathews, Murray, Roane, Sheridan, Springer, Squires, Tipton, Vaughan, Wing, and Whitney—23.

Mr. Cope gave notice of reconsideration.

SPECIAL ORDER.

Senate bill No. 84, an Act to provide revenue for the support of the Government of this State—

Mr. Rodgers moved to make the bill the special order for half-past one o'clock, this day.

Lost.

Mr. Cope moved to make the bill the special order for to-morrow, at half-past two o'clock.

Upon which, Messrs. Howe, Springer, and Shannon, demanded the ayes and noes, and it was so made, by the following vote:

AYES—Messrs. Aud, Bates, Coleman, Condee, Connely, Cope, Crenshaw, Daggett, Davis, DeLong, G. N. Douglass, Eagon, Ellis, Fuller, Gregory, Gwinn, Hines, Holman, Jackson, Johnson, Lamar, Malarin, Pico, Sheridan, Squires, Street, Tipton, Vaughan, Whealdon, and Young—31.

NOES—Messrs. Banks, Barclay, Briggs, Buck, Caine, Cahalan, Cannon, Cherry, Dow, Hill, Howe, Laspeyre, Lefever, Lull, Lynch, Mathews, Moore of Nevada, Mount, Murray, Roane, Rodgers, Shannon, Shepard, Sloss, Springer, Taylor, Tully, Watkins, Wing, and Whitney—30.

Mr. Slingerland had indefinite leave of absence.

Reports were made as follows:
By Mr. Rodgers, for Mr. Pico:

Mr. Speaker:—Your Committee on Military Affairs, to whom was referred the Governor's Message, transmitting the report and accompanying documents of General Kibbe, relative to the campaign against the Indians in the north-west portion of the State, beg leave to report:

That they have examined the same, and find, from the correspondence contained therein, that the section of county referred to, was infested by bands of depredating Indians; that a number of our citizens had been killed by them, and others driven from their homes, and their property destroyed; the trails over which the U. S. mails were carried, and large quantities of merchandise transported to the interior, were closed to travel; that, in fact, these Indians had entire possession of the country; that the people took the matter in hand, and attempted, by sending out a small party of men, to quiet them and stop their depredations; that this small force was repulsed, two of their number killed, and were finally compelled to leave the field; that the citizens petitioned the Federal authorities for aid, without success, and, as a last resort, called upon the Governor of this State to afford them protection; that the Governor thereupon made application to General Clarke, commanding this Department, for troops, and was informed "that they could not be furnished," upon the receipt of which information, the Governor dispatched General Kibbe to the infested district, with a view of obtaining all the facts in relation to the number of hostile Indians, and their probable intention; and that, in the meantime, the Indians continued their depredations, murdering our citizens, pillaging and burning their houses; that the citizens again petitioned the Governor for aid, sent a special messenger to bear the same, and make a full representation of their grievances; that renewed application was made for Federal troops, by the Governor, and responded to by saying, that "not the smallest guard could be furnished;" whereupon, directions were given for raising a company of volunteers, and ordered General Kibbe into the field with this company; that the company took the field on the fifteenth of October, one thousand eight hundred and fifty-eight, and were continued in service until the thirty-first day of March, one thousand eight hundred and fifty-nine, by which time, above one hundred Indians had been killed, and three hundred and fifty taken prisoners, and shipped off to a Federal Reservation; that the section referred to has been entirely rid of hostile Indians; that numerous communications have been made during the period, by the Governor and General Kibbe, to the commanding officers of the United States Army, asking for troops, to take the place of the State troops, and answered that there were none ready to take the field.

Your Committee are, therefore, of the opinion that there was imperative necessity for calling these troops into service, and that their disbandment was ordered as soon as the safety of the country would permit—that the expedition has been entirely successful, and, according to the evidence before us, economical beyond precedent on this coast—and your Committee unite with the Governor in recommending an increase of pay to the men. By reference to the bills for subsistence, the Committee find that the cost for subsisting the command has been a fraction less than forty cents per day, each

The pay established by law is about twelve dollars and ten cents

per month, and an allowance of two dollars and seventy-five cents for clothing, and we are assured by General Kibbe that this amount will scarcely pay the bills for clothing actually worn out in the service. The total cost of the expedition, consisting of ninety-four officers and men, for five and one-half months, as represented to us by General Kibbe, allowing the pay established by law, is thirty-two thousand eight hundred and thirty-four dollars and eighty-six cents, including the purchase of camp-equipage.

The Committee herewith report a bill, and recommend that it be considered and passed.

The undersigned, of Committee of Military Affairs, to whom was submitted Senate bill No. 284, providing for the payment of expenses incurred in suppression of Indian disturbances in Klamath and Humboldt Counties, begs leave to report, that they have examined the accounts presented by the officers in charge of the expedition, and concur with the report of Senate Committee. and recommend the passage, by the Assembly, of the Senate bill submitted to them

ANDRES PICO, Chairman.

By Mr. Lynch:

MR. SPEAKER:—The Committee on Engrossment report, as correctly engrossed:

Assembly bill No. 130, an Act to amend an Act entitled "An Act concerning corporations, passed April twenty-second, one thousand eight hundred and fifty."

Also, Assembly bill No. 362, an Act to authorize the Coroner of Butte County to remove the bodies of deceased persons

Also, Assembly bill No 212, an Act to amend an Act entitled an Act to regulate fees in office in the City and County of San Francisco

LYNCH, Chairman.

By Mr. Young:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No 364, an Act supplementary to an Act to remedy the loss of a certain certificate of the Mokelumne Hill Canal and Mining Company, approved on the second day of April, one thousand eight hundred and fifty-nine.

Also, Assembly bill No. 352, an Act to fix the salary of the County Judge of Alameda County.

Also, Assembly bill No 330, an Act to provide for condemning or purchasing certain lands, adjoining the State-prison grounds, at San Quentin, for State-prison purposes.

Also, Assembly bill No 281, an Act to authorize certain Counties to retain the State's portion of the poll-tax, less that portion authorized by law to be paid into the General School Fund, which shall be collected in said Counties, for the year one thousand eight hundred and fifty-nine, and for the year one thousand eight hundred and sixty, to be applied to the construction and improvement of a wagon-road, from Cloverdale to Yreka.

Also, Assembly bill No. 328, an Act to audit and allow certain claims

Also, return Assembly bill No 251, the same having no enacting clause.

Also, Assembly bill No. 345, an Act to appropriate money to pay F. Castro.

Also, Assembly bill No. 273, an Act to encourage the supply of fresh water on the Desert west of Fort Yuma.

Also, an Act amendatory of, and supplementary to, an Act to provide revenue for the support of the Government of this State, approved April twenty-ninth, one thousand eight hundred and fifty-nine.

Also, Assembly bill No 58, an Act to provide for the licensing of auctioneers, and to define their duties and liabilities.

Also, Assembly Bill No. 360, an Act to amend an Act entitled an Act authorizing the Board of Supervisors of Los Angeles County to contract a loan for the purpose of erecting a Court-house, and completing the same, approved April twenty-first, one thousand eight hundred and fifty-eight.

Also, Assembly bill No. 241, an Act to legalize a certain conveyance made by Thomas W. Sutherland, administrator *de bonis non* of the estate of Miguel de Pedrorena, deceased, to José Antonio Aguirre.

Also, Assembly bill No. 351, an Act to authorize the Board of Supervisors of San Joaquin County to audit and allow a certain claim.

And delivered the same to His Excellency, the Governor, this fourteenth day of April, one thousand eight hundred and fifty-nine.

GEO. A. YOUNG, Chairman.

By Mr. Crenshaw:

MAJORITY REPORT.

The majority of your Committee on Mines and Mining Interests, to whom was referred Assembly bill No. 115, an Act to prohibit Chinese or Mongolians from working the gold-mines in the State of California, have considered the same, and recommend its indefinite postponement.

WING,
WATKINS,
ARMSTRONG,
EAGON,
DOUGLASS,
DOW.

MINORITY REPORT.

The undersigned, a member of the Committee on Mines and Mining Interests, in considering Assembly bill No. 115, "An Act to prohibit Chinese or Mongolians from working the gold-mines in this State," dissents from the opinion of a majority of the Committee, and recommends the passage of the bill.

The gold-mines of California were acquired by the common blood, and treasure, of the people of the United States, and should be reserved as a heritage for themselves, and their children. Such has been the uniform policy of every country, with reference to their mines of precious metals —they have been held by the sovereign power of the State, for the benefit of its citizens.

Though the State has departed from this policy, in permitting foreigners, of the European races, to work her gold-mines, the reasons for such a policy do not hold good, as applied to persons of the Chinese or Mongolian races, because of the immense numbers of those races who already occupy the mines, and the still more alarming numbers that (now that all barriers are thrown down against their immigration,) threaten to swarm in upon us.

They have no design, or desire, to assimilate themselves to our laws, customs, and institutions, and become permanent residents, and, like Eu-

ropeans, become valuable acquisitions to the population of the State; but they still retain all the barbarous and disgusting habits of their own country, and remain banded together, as a distinct people, protecting each other in crime—and, by reason of their cunning and deceit, and combined efforts, effectually screening themselves from the penalties of violated law.

They came to this State, not for the purpose of making it their future home, and adding to the permanent stock of the labor, and capital, of the State, but for the sole purpose of taking gold from our mines, and carrying it away to their own native country, for their own benefit, and the impoverishment of our mines

They can never attain to citizenship, or become blended with American nationality, but must ever remain a distinct people, and will, in accordance with the teachings of all past times, as the inferior race, become the slaves of the superior; and their existence here, in such vast hordes, is a subject that excites the most anxious solicitude, and fearful apprehension, for the future peace and welfare of the State—a policy that, in time, may be found as pregnant with evil as the introduction of the African races into the American Union.

The great body of the Chinese population, who inhabit the mines, are slaves to the wealthy mandarins of their own country, and to permit them to work the mines is to foster, in our own midst, and sustain by law, a system of slavery, not for the benefit of Americans, but for the sole benefit of Chinese capitalists. If this policy is to prevail, it would be far better to initiate a general system of slavery, that would enure equally to the benefit of American capitalists.

The direct question at issue is between the American laborer on one side, and the Chinese laborer and capitalist on the other. Our laborers wish to keep up the value of their toil to a fair standard of compensation among themselves, but you allow a capitalist to import Chinese labor upon them, and the equilibrium is disturbed—capital is triumphant, and the laboring poor of America must submit to the unholy sacrifice. The whole key to the question of Chinese immigration is the gold-mines. They come here to dig our mines Shut down the door of prohibition on them, as provided in this bill, and no more will come here, and gradually those who are here will leave The revenue derived from them for the support of Government is much smaller than is generally supposed.

They are addicted to theft and other crimes Their testimony is worth nothing in a Court of Justice, and the anomalous position they hold makes criminal prosecutions against them exceedingly expensive—so much so, that in many of the mining Counties they entail on the County Government more expense than the amount of tax received from them. They crowd our County-jails, and, in an undue proportion, our State-prison. The conflagrations occasioned by their residence in the mining Towns has annually swept away property far exceeding in value all the tax derived from them, while the moral contamination resulting from their residence in those Towns can not be estimated in dollars and cents. They are digging out, covering up, and destroying the best placer-mines in the country—so that while they put in the pocket of the State a trifling amount of gold as a revenue, they put their hands in the other pocket and rob it of millions, and transport it to another country, to enrich their masters, who sent them here.

When the American people are unable to sustain the expenses of a Government without calling in and keeping among them an obnoxious

population, for the sole purpose of obtaining a tax from them to support the Government, then that Government is an engine of oppression.

In the language of a Committee appointed by the Legislature of California in one thousand eight hundred and fifty-five, to consider the same subject, "When American citizens become unable and incapable of supporting and upholding the Government and laws of their own making, then it will be time for us, and not until then, to import Chinese, Malays, and Negroes, to do that for us, which we have not the virtue and patriotism to do for ourselves."

The right of the Legislature to exclude Chinese from the mines will hardly be called in question, as the principle contended for is established by numerous judicial decisons, and forms an essential element of State sovereignty. Upon this question, the Supreme Court is clear and explicit, in the case of the City of New York against Miln, (11 Peters,103.) The Court holds the following language:

"A State has the same undeniable right and unlimited jurisdiction over all persons and things within its territorial limits, as any foreign nation, when that jurisdiction is not surrendered or restrained by the Constitution of the United States."

"All those powers which relate to merely municipal legislation, or which may more properly be called internal police, are *not surrendered* or *restrained*, and, consequently, in relation to these, the authority of the State is *complete, unqualified*, and *conclusive*."

"It is not only right, but the bounden and solemn duty of a State to advance the safety, happiness, and prosperity of its people, and to provide for its general welfare, by any, and every act of legislation, which it may deem to be conclusive to these ends."

The right to grant the privilege, or restrain from working the goldmines, dependent on the payment of a monthly tax, as under the present law, assumes the right to prohibit altogether. It is therefore, not a question of law, but of policy.

The undersigned believes the passage of this bill the only effectual mode of arresting the immense influx of Asiatic population, that now threatens to overrun this State, and save us from the great social and political evils resulting from the existence of Chinese and Mongolians in California. He therefore earnestly recommends the passage of the bill.

GEORGE H. CRENSHAW,
Chairman Committee on Mines and Mining Interests.

By Mr. Aud:

MR. SPEAKER:—The Special Committee, consisting of the delegation from Yuba County, to whom was referred Assembly bill No. 342, "An Act relating to the care and treatment of the indigent sick in the County of Yuba," have had the same under consideration, and a majority of said Committee, at our meeting, have instructed me to report the same back, and recommend its passage.

FRANCIS L. AUD, Chairman.

By Mr. Hines:

The undersigned, a Special Committee, to whom was referred Senate bill No. 278, being an Act to authorize the parties therein named to construct and maintain a wharf, have considered the same, and beg leave to report it back, with the recommendation that it pass

BENJ S HINES,
WM P. RODGERS.

Mr. Mount moved a call of the House.

Lost.

Mr. Hines moved to adjourn.

Lost.

Mr. Buck moved a call of the House; and the following members were absent, viz.: Messrs. Aud, Caine, Cherry, Connely, Daggett, G. A. Douglas, Hill, Howe, Laspeyre, Lightner, Mathews, Moore of San Francisco, Robberson, Shannon, Torres, Watkins, Whitman, and Whitney.

Further proceedings under the call were dispensed with.

Mr. Lull moved to suspend the rules, for the purpose of introducing a resolution.

The rules were suspended, and Mr. Lull offered the following resolution:

Resolved, That the resolution by which the House refused to entertain any new business after the twelfth instant, be, and the same is hereby, rescinded, for the purpose of enabling Mr. Lamar to introduce a bill.

Adopted.

Mr. Lamar introduced a bill for an Act supplementary to, and explanatory of, an Act entitled an Act making certificates of purchase, or of location, evidence of title, approved April thirteenth, one thousand eight hundred and fifty-nine.

Read first and second times, and, on motion of Mr. Lamar, made the special order for April fifteenth, at twelve o'clock, M

Mr. Street, from the Committee of Free Conference of both Houses, to consider Senate bill No. 131, an Act making appropriations for the support of the Civil Government of the State, for the eleventh fiscal year, commencing on the first day of July, one thousand eight hundred and fifty-nine, and ending on the thirtieth day of June, one thousand eight hundred and sixty, inclusive, reported, and recommended that the Assembly recede from its amendments, and agree to Senate amendments, with amendments made by the Committee.

The House receded from its amendments, and adopted the report of the Committee of Free Conference.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 14, 1859.

To the Assembly of the State of California:

I hereby inform your honorable body that I have, this day, approved an Act "appropriating money for the payment of certain claims."

If it were not for the fact that the State has, upon several occasions, rewarded its citizens for services rendered in capturing murderers and robbers, I should have been compelled to withhold my approval, in consequence of the appropriation made to Mr. Potter, of one thousand dollars.

That the services of Mr. Potter were rendered at great risk, and were of immense value, no one familiar with the facts can doubt. If rewards could always be confined to claims as meritorious as this, there would be no difficulty, but I fear the doors of the treasury will be opened to others,

who have rendered services of a similar, but less important character. I yield, however, my convictions to the judgment of the Legislature.

I have, also, approved an Act "to appropriate money to pay Francis Crussell."

JOHN B. WELLER.

MESSAGES FROM THE BOARD OF EXAMINERS.

The following messages were received from the Board of Examiners:

OFFICE OF BOARD OF EXAMINERS,
Sacramento, April 13, 1859.

To the Assembly of California:

I herewith transmit, to your honorable body, the following claims, which have been passed upon by the Board of Examiners and disapproved, together with the papers and opinions of the Board in each case, to wit:

Claim of John Perry, Jr., et als. *v* The State. Claim of Charles H. Bears *v.* The State.

JOHN B. WELLER,
President of the Board of Examiners.

Claims above reported, referred to the Committee on Claims

OFFICE BOARD OF EXAMINERS,
Sacramento, April 13, 1859.

To the Assembly of California:

I herewith transmit, to your honorable body, a claim, which has been passed upon by the Board of Examiners and allowed, together with the papers and opinion of the Board in said claim, to wit:

Claim of A. M. Winn *v.* The State, for one thousand five hundred dollars and sixty-five cents.

JOHN B. WELLER,
President Board of Examiners.

The claims above reported, referred to the Committee on Claims.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
April 13, 1859.

MR. SPEAKER:—The Senate, on yesterday, passed Senate bill No. 200, an Act to provide for a more thorough distribution of the Laws of this State.

Also, Senate bill No. 234, an Act authorizing the constructing of wharves at the foot of certain streets in the City and County of San Francisco.

Also, Senate bill No. 286, an Act appropriating money for the payment of a certain judgment against John B. Weller.

Also, indefinitely postponed Assembly bill No. 257, an Act to create the County of Mokelumne, and to provide for its organization.

E. C. PALMER, Secretary Senate.

Senate bill No. 234, above reported, read first and second times, and,

on motion of Mr. Hines, that it be referred to the Committee on Commerce and Navigation, with instructions to report to-morrow morning, Messrs. Banks, Cherry, and Pixley, demanded the ayes and noes, and it was so referred, by the following vote:

AYES—Messrs. Bates, Buck, Caldwell, Cahalan, Cannon, Condee, Cope, Crenshaw, Cutler, Daggett, Davis, Dow, Dunlap, Eagon, Ellis, Fuller, Gregory, Gwinn, Hancock, Hines, Johnson, Laspeyre, Lefever, Lies, Lightner, Moore of Nevada, Mount, Pico, Roane, Shannon, Sloss, Springer, Squires, Tipton, Tully, Vaughan, Watkins, and Wing—38.

NOES—Messrs. Banks, Caine, Cherry, Coleman, Connely, Lull, Lynch, Mathews, Moore of San Francisco, Murray, Pixley, Rodgers, Street, Taylor, Whealdon, Young, and Mr. Speaker—17.

Senate bill No. 200, above reported, was read a first time.

And Mr. Hines moved that the bill be rejected.

Upon which, Messrs. Hines, Springer, and Eagon, demanded the ayes and noes, and it was rejected, by the following vote:

AYES—Messrs. Armstrong, Buck, Caine, Caldwell, Cahalan, Cannon, Cherry, Coleman, Condee, Connely, Cutler, Dow, Dunlap, Eagon, Ellis, Fuller, Hines, Jackson, Laspeyre, Lefever, Lightner, Lull, Mathews, Mount, Murray, Rodgers, Shannon, Sheridan, Sloss, Springer, Taylor, Tipton, Tully, Watkins, Wing, and Young—37.

NOES—Messrs. Bates, Cope, Crenshaw, Daggett, Davis, Gwinn, Hancock, Holman, Johnson, Lamar, Lies, Lynch, Moore of Nevada, Moore of San Francisco, Pico, Pixley, Roane, Squires, Street, and Vaughan—20.

Mr. Lull gave notice of reconsideration.

Senate bill No 286, above reported, read first and second times.

And on motion of Mr. Mount, the House resolved itself into Committee of the Whole, to consider the bill.

Bill considered in Committee of the Whole, amended, reported, and recommended as amended.

Rules suspended, read third time, and passed.

The rules were suspended for the purpose of considering Senate bill No. 284, an Act for the payment of expenses incurred in the suppression of Indian hostilities in certain Counties in this State.

Considered in Committee of the Whole.

Committee reported, and recommended passage of bill.

Bill read third time, and passed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
April 14, 1859.

MR. SPEAKER:—The Senate, this day, passed Senate bill No. 290, "An Act concerning the Commissioners of Election, appointed under an Act entitled an Act to define the boundaries, and provide for the organization of Mendocino County."

Also, Senate bill No. 271, "An Act to authorize the Board of Supervisors of the County of Yolo to take and subscribe fifty thousand dollars to the capital stock of the San Francisco and Marysville Railroad Com-

pany, and to provide for the payment of the same, and other matters relating thereto."

Also, Senate bill No. 272, "An Act to authorize the Board of Supervisors of the County of Solano to take and subscribe two hundred thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company, and to provide for the payment of the same, and other matters relating thereto."

E. C. PALMER, Secretary Senate.

Senate bills Nos. 271 and 290, above reported, read first and second times, rules suspended, read third time, and passed.

Senate bill No. 179, an Act to authorize the Counties of the State of California, and incorporated Cities, to become stockholders in railroad companies

Read third time, and passed

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

Resolved, That John H. Dall be allowed twenty dollars, and Martin Reese one hundred and ninety-four dollars and twenty cents—the former for services as Appraiser, the latter for services as Sergeant-at-Arms to the Special Committee on State-prison. The Controller is hereby authorized and required to draw his warrants on the Treasurer for said amounts, payable out of the Contingent Fund of the Assembly.

Senate bill No. 272, an Act to authorize the Board of Supervisors of the County of of Solano to take and subscribe two hundred thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company, and to provide for the payment of the same, and other matters relating thereto.

Read first and second times, rules suspended, read third time, and passed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
April 14, 1859.

MR. SPEAKER:—The Senate have, this day, passed, with an amendment, Assembly bill No 223, "An Act granting the consent of the Legislature to the formation of a different Government for the Southern Counties of this State," and ask the concurrence of the Assembly.

E. C. PALMER, Secretary Senate.

Assembly bill No. 223, above reported, was taken up.

On concurring in Senate amendment, Messrs. Buck, Dow, and Connely, demanded the ayes and noes, and the amendment was concurred in, by the following vote:

AYES—Messrs. Bates, Caldwell, Coleman, Crenshaw, Davis, G. N. Douglass, Dunlap, Eagon, Ellis, Gregory, Gwinn, Hines, Holman, Jackson, Lamar, Lefever, Lies, Lightner, Lynch, Malarin, Mathews, Moore of Nevada, Pico, Roane, Robberson, Rodgers, Sheridan, Squires, Street, Vaughan, and Watkins—31.

NOES—Messrs. Banks, Buck, Cannon, Condee, Connely, Cutler, Daggett, Dow, Mount, Shannon, and Springer—11..

MESSAGES FROM THE SENATE.

The following messages were received from the Senate :

SENATE CHAMBER,
April 14, 1859

MR. SPEAKER :—The Senate, on yesterday, concurred in Assembly Concurrent-Resolution No. 47, " Relative to enacting clause in Assembly bill No. 251."

Also, on the twelfth instant, adopted Senate Concurrent-Resolution No. 34, "Asking Congress to donate to this State ten millions acres of arable land, in aid of a State Internal Improvement Fund," and ask the concurrence of the Assembly.

E. C. PALMER, Secretary of the Senate.

Senate Concurrent-Resolution No. 34, above reported. referred to Committee on Federal Relations, with instructions to report to-morrow.

SENATE CHAMBER,
April 14, 1859.

MR. SPEAKER :—The Senate, on the twelfth instant, passed Senate bill No. 104, "An Act supplementary to, and amendatory of, an Act entitled an Act to provide for the sale of the sixteenth and thirty-sixth sections of land donated to this State for school purposes, by an Act of Congress, passed March third, one thousand eight hundred and fifty-three, approved April twenty-sixth. one thousand eight hundred and fifty-eight.

E C. PALMER, Secretary of the Senate

Senate bill No. 104. above reported, read first and second times, and referred to Committee on Education.

SENATE CHAMBER,
April 14, 1859

MR SPEAKER :—The Senate. on the twelfth instant, passed Senate Memorial No. 5, "A memorial to the Congress of the United States, asking Congress to pass a law for the construction of a Pacific Railroad ; also, asking for a grant of land to aid in the construction of railroads in this State"

E C. PALMER, Secretary of the Senate.

Senate Memorial No 5, above reported, referred to Committee on Federal Relations, with instructions to report to-morrow.

Mr. Sheridan reported, and recommended the passage, with amendments, of Assembly bill No. 367, an Act to grant to certain parties the right of laying a railroad track along the streets within the City and County of Sacramento

Assembly bill No. 380, an Act to audit and allow certain claims, considered in Committeee of the Whole.

Reported, and recommended, rules suspended, considered engrossed, read third time, and passed, and title amended.

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

Resolved, That Charles D. Cushing, the Postmaster of the Assembly, be allowed the same per diem, during the session of the Legislature, as is

allowed the Porter of the Assembly, payable out of the Contingent Fund of the Assembly.

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

Resolved, That S. B. Wallace be, and he is hereby, allowed his per diem as Clerk of the Sergeant-at-Arms, from January third, A. D. one thousand eight hundred and fifty-nine, to January twenty-ninth, A. D one thousand eight hundred and fifty-nine, payable out of the Contingent Fund of the Assembly.

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

Resolved, That William G. Wood, the Minute-Clerk of the Assembly, be allowed two dollars per day, extra, from the commencement of the session, payable out of the Contingent Fund of the Assembly.

Mr. Burdick offered the following report and resolution, pending the consideration of which, the House adjourned:

MR. SPEAKER:—Your Auditing Committee having examined the copying done for the Assembly, and the extra work done in that department, believe that Mr. Henry Goodman is entitled to some compensation as Printer's Clerk, and therefore beg leave to introduce the following resolution, and recommend its passage:

Resolved, That Mr. Henry Goodman be, and he is hereby, allowed compensation, at the rate of five dollars per day, from the third of January to the close of the session; and the Controller is hereby authorized to draw his warrant for that amount, payable out of the Contingent Fund of the Assembly.

At six o'clock, P. M., Mr Cherry moved to adjourn.

Upon which, Messrs. Johnson, Lynch, and Vaughan, demanded the ayes and noes, and the House adjourned, by the following vote:

AYES—Messrs Aud, Cahalan, Cannon, Cherry, Coleman, Connely, Davis G. N. Douglass, Eagon, Ellis, Fuller, Gregory, Gwinn, Holman, Lamar' Lefever, Lynch, Malarin, Mathews, Moore of Nevada, Mount, Pico, Pix ley, Roane, Robberson, Rodgers, Shannon, Springer, Squires, Taylor, Watkins, Wing, and Young—34.

NOES—Messrs. Banks, Burdick, Caine, Condee, Crenshaw, Cutler, Daggett, Dow, Dunlap, Hancock, Hines, Johnson, Lies, Lightner, Lull, Murray, Street, Tipton, Vaughan, and Mr. Speaker—20.

IN ASSEMBLY.

FRIDAY, April 15, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

Assembly bill No. 331, an Act for the purpose of obtaining artesian or other water on the Colorado Desert, and to appropriate money therefor, made special order for April sixteenth, at twelve o'clock.

Senate bill No. 205, an Act ceding jurisdiction to the United States over certain lands, read third time, and passed.

Senate bill No. 63, an Act to amend an Act entitled an Act relating to the Hospital affairs of Tuolumne County, passed April fourteenth, one thousand eight hundred and fifty-seven, indefinitely postponed.

Senate bill No. 170, an Act to provide for the issuance of patents to land located with State school-land warrants—

Mr. Lull moved to lay the bill on the table

Upon which, Messrs. Street, Mount, and Shannon, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Briggs, Cherry, Ensworth, Hill, Howe, Jackson, Lies, Lull, Moore of San Francisco, Pixley, and Rodgers—11.

NOES—Messrs. Armstrong, Aud, Banks, Barclay, Buck, Burdick, Caine, Caldwell, Cahalan, Cannon, Coleman, Condee, Connely, Cope, Crenshaw, Cutler, Daggett, Davis, DeLong, G. N. Douglass, Dow, Dunlap, Fuller, Gregory, Gwinn, Hines, Holman, Laspeyre, Lefever, Lightner, Malarin, Moore of Nevada, Mount, Murray, Pico, Robberson, Shannon, Shepard, Sloss, Springer, Squires, Street, Tipton, Torres, Tully, Vaughan, Watkins, Whitman, Whitney, Young, and Mr. Speaker—51.

Mr. DeLong offered the following amendment:

SEC. 7. In any action commenced under, and by virtue of, any patent issued, or any right or interest acquired, in pursuance of this Act, a prior and continued adverse possession shall be a valid defence to such action, until the location of lands therein mentioned shall be approved by the United States, and until the school lands mentioned therein shall have been certified over to the State by the United States.

Mr. Mount moved the previous question.

Sustained.

On adopting the amendment, Messrs. Cope, Rodgers, and Tully, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Banks, Caldwell, Cahalan, Coleman, Cope, DeLong, G. A. Douglas, Eagon, Fuller, Jackson, Lamar, Lull, Mathews, Rodgers, Shepard, Sloss, Vaughan, Watkins, and Whitney—19.

NOES—Messrs. Armstrong, Aud, Barclay, Bates, Buck, Burdick, Caine, Cannon, Condee, Connely, Crenshaw, Cutler, Daggett, Davis, G. N. Douglass, Dow, Dunlap, Gregory, Gwinn, Hill, Hines, Holman, Howe, Johnson, Lefever, Lies, Lightner, Lynch, Moore of Nevada, Mount, Pico, Pixley, Roane, Robberson, Shannon, Sheridan, Springer, Street, Torres, Tully, Wing, Whitman, and Mr. Speaker—43.

On the passage of the bill, Messrs. DeLong, Jackson, and Mount, demanded the ayes and noes, and it was passed, by the following vote:

AYES—Messrs. Armstrong, Aud, Barclay, Bates, Briggs, Buck, Bur-

dick, Caine, Cannon, Condee, Connely, Crenshaw, Cutler, Daggett, Davis, DeLong, G N. Douglass, Dow, Dunlap, Fuller, Gregory, Gwinn, Hines, Holman, Howe, Johnson, Laspeyre, Lefever, Lightner, Lynch, Moore of Nevada, Mount, Roane, Robberson, Shannon, Shepard, Sheridan, Springer, Street, Tipton, Torres, Tully, Wing, Whitman, and Mr. Speaker —45.

NOES—Messrs. Banks, Caldwell, Cherry, Coleman, Cope, G. A. Douglas, Ensworth, Hill, Jackson, Lamar, Lies, Lull, Malarin, Mathews, Pixley, Rodgers, Sloss, Squires, Vaughan, Watkins, Whealdon, and Whitney —22.

Mr. DeLong gave notice of reconsideration.

Senate bill No. 235, an Act to further define the duties of State-Printer;

Also, Assembly bill No. 265, an Act to authorize the Courts of Record of this State to admit E. G. Browne, to practice as an Attorney and Counselor-at-law;

And, Assembly bill No. 308, an Act in relation to contracts in certain cases, and to provide for the punishment of persons interested in the same;

Were read a third time, and passed

Assembly bill No. 349, an Act requiring the Controller of State to sign certain blanks, and to appoint a Deputy for that purpose—considered in Committee of the Whole.

Reported, and recommended, read third time, and passed

Assembly bill No. 266, an Act supplementary to an Act concerning crimes and punishments, passed April sixteenth, one thousand eight hundred and fifty;

And, Assembly bill No. 358, an Act supplementary to an Act entitled an Act to provide for the sale and reclamation of the swamp and overflowed lands of this State, approved April first, one thousand eight hundred and fifty-eight;

Were read a third time, and passed

Senate bill No. 261, an Act to audit certain claims, was considered in Committee of the Whole.

Reported, and recommended, read third time, and passed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
April 15, 1859.

MR. SPEAKER:—The Senate, this day, passed Senate bill No. 289, an Act supplementary to, and explanatory of, an Act making certificates of purchase, or of location, evidence of title, approved April thirteenth, one thousand eight hundred and fifty-nine.

Also, with an amendment, Assembly bill No. 94, an Act concerning jurors in the County of Los Angeles, and ask the concurrence of the Assembly.

Also, Assembly bill No. 373, an Act to improve the navigation of San Antonio Creek, in the County of Alameda.

Also, Assembly bill No. 219, an Act for the protection of Gas-light Companies.

E. C. PALMER, Secretary Senate.

Senate bill No. 289, above reported, read first and second times, rules suspended, read third time, and passed.

SPECIAL ORDER.

Assembly bill No. 386, an Act supplementary to, and explanatory of, an Act entitled an Act making certificates of purchase, or of location, evidence of title, approved April thirteenth, one thousand eight hundred and fifty-nine, indefinitely postponed.

Mr. Gwinn moved to suspend the rules, for the purpose of reconsidering the vote by which the House, this day, passed Senate bill No. 170.

The Speaker *pro tem.* decided that the motion to suspend the rules for that purpose, was in order.

Mr. DeLong appealed.

And the decision of the Chair was sustained

Mr. Lamar moved to make the motion to suspend the rules the special order for to-morrow, at two o'clock.

Lost.

And the House refused to suspend the rules.

REPORTS

Reports were made as follows:

By Mr. Street, from majority of Committee on Ways and Means:

MR. SPEAKER:—The Committee on Ways and Means, to whom was referred Senate bill No. 211. "An Act appropriating moneys for the benefit of certain Orphan Asylums in this State," having had the same under consideration, now report back the same, a majority of the Committee recommending its indefinite postponement

C R STREET, Chairman.

By Mr. Cherry, from minority of same Committee:

MR. SPEAKER:—The undersigned, a minority of the Committee on Ways and Means, to whom was referred Senate bill No. 211, an Act appropriating money for the relief of the Orphan Asylums of San Francisco and Los Angeles, respectfully dissent from the recommendation of the majority of said Committee, and recommend the passage of the bill, for the following reasons:

It is well known that these asylums have been in existence for a number of years. They have been supported by the voluntary contributions of citizens of the Counties in which they are located. Commodious buildings have been erected, and every means have been used to provide for the comfort of the unfortunate children who have been thrown upon the cold charity of the world by the death of their parents. They have been considered rather as State than local institutions, and hundreds of orphans have been sent from various interior Counties to those places, where, by means of the physical, moral, and educational training adopted, they have grown up useful members of society. This has been done for years. Citizens have cheerfully contributed their means for this object, and have never before asked the State for assistance. They now find it necessary, for a variety of reasons, to do so, and the undersigned, believing the request to be an eminently proper one, and the pro-

posed relief absolutely necessary, recommend that the bill be passed, without amendment.

CHERRY,
COLEMAN,
HANCOCK,
LASPEYRE,

By Mr. Squires:

MR. SPEAKER:—Your Committee on Public Expenditures and Accounts have examined, and found correct, the following accounts, to wit:

Account of J. Bithell, of April 11, for Stationery, amounting to..	$297 50
Account of Publishers of Daily National Democrat, of April 12, amounting to	53 64
Account of Publishers of Northern Californian, of April 13, amounting to	12 00
Account of Publishers of Crescent City Herald, of April 13, amounting to	30 00
Accounts of Publishers of Pacific Methodist, of April 14, amounting to	3 75
Account of Publishers of Humboldt Times, of April 13, amounting to	3 00
Account of Publishers of Butte Record, of April 12, amounting to	27 50
Account of Publishers of Sacramento Union, of April 12, amounting to	101 65
Account of Publishers of Plumas Argus, of April 12, amounting to	21 00
Account of J. H. Mason, Agent of Daily Times, of April 13, amounting to	11 25
Account of J. H. Mason, Agent of Spirit of the Times, of April 13, amounting to	12 00
Account of J. Moore, Sergeant-at-Arms, for Mileage, in Duncombe case, amounting to	10 40
Account of H. C. Kibbe, for Rent of Enrolling Clerk's Office, to April 18, amounting to	12 00
Account of C. Rave, of April 15, amounting to	20 00
Account of Wm. Dougherty, for papers, amounting to	39 91
Account of Publishers of Columbia Weekly News, of April 14, amounting to	11 25
Account of Publishers of Sierra Citizen, of April 14, amounting to	24 50
Account of Publishers of Weekly Stockton Democrat, of April 13, amounting to	18 75
Account of Publishers of Union Democrat, of April 14, amounting to	69 00
Account of Publishers of Democratic Standard, amounting to...	15 00
Account of J. Zimmerman, for papers, of April 15, amounting to	1 50

OGDEN SQUIRES, Chairman of Committee.

Adopted.

Mr. Aud, from Committee on Federal Relations, verbally reported,

without recommendation, Senate Memorial No 5—memorial to the Congress of the United States, asking Congress to pass a law for the construction of a Pacific Railroad; also, asking for a grant of land, to aid in the construction of a railroad in this State;

And, Senate Concurrent-Resolution No. 34, asking Congress to donate to this State ten million acres of land, in aid of a State Internal-improvement Fund;

And they were adopted.

By Mr. Lynch:

Mr. Speaker:—The Committee on Engrossment have examined, and report as correctly engrossed, Assembly bill No 365, 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 twenty-ninth, one thousand eight hundred and fifty-one.

Also, Assembly bill No. 339, an Act to repeal an Act entitled "An Act to repeal an Act entitled 'An Act to provide for the construction of canals, and for draining, and reclaiming, certain swamp and overflowed lands in Tulare Valley,' approved April eleventh, A. D. one thousand eight hundred and fifty-seven," which became a law on the twentieth day of April, one thousand eight hundred and fifty-eight.

Also, substitute for Assembly bill No. 363, an Act to authorize guardians of the minor heirs of Antonio Maria Armijo, to dispose of the real estate of said heirs, for certain purposes

Also, Assembly bill No. 334, an Act supplementary to, and amendatory of, the Act of April sixteenth, one thousand eight hundred and fifty, concerning crimes and punishments, and the Acts amendatory thereof.

Also, Assembly bill No. 344, an Act explanatory of certain provisions of the Practice Act.

Also, substitute for Assembly bill No. 317, an Act to prevent diseased horses from running at large.

Also, a substitute for Assembly bill No. 320, an Act supplementary and amendatory of an Act to authorize the Board of Supervisors of Sutter County to construct a bridge across Feather River, and levy a special tax therefor, approved April eleventh, one thousand eight hundred and fifty-nine.

Also, Assembly bill No. 298, an Act to amend sections eleven and twelve of an Act entitled an Act to regulate fees in office, in the County of Yuba, approved April twenty-eighth, one thousand eight hundred and fifty-seven.

LYNCH, Chairman.

By Mr. Lefever:

Mr. Speaker:—The Hospital Committee, to whom was referred Assembly bill No. 232, an Act supplementary to an Act entitled an Act to provide for the indigent sick in the Counties of this State, April eleventh, one thousand eight hundred and fifty-five, most respectfully beg leave to return the same to the House, without any recommendation, and beg leave to be discharged from any further consideration of the same.

LEFEVER, Chairman.

Mr. Robberson verbally reported, and recommended the passage of Assembly bill No. 357, an Act to amend an Act entitled an Act to incorporate the Town of Petaluma, approved April twelfth, one thousand eight hundred and fifty-eight.

By Mr. Cahalan:

MR. SPEAKER:—The Nevada delegation, to whom was referred Assembly bill No. 137, entitled an Act to repeal an Act to extend the time for making the assessment and collection of taxes in the County of Nevada, approved April twenty-sixth, one thousand eight hundred and fifty-eight, have considered the same, and unanimously recommend its passage.

CAHALAN, for Delegation.

Assembly bill No. 137, above reported, was taken up, rules suspended, considered engrossed, read third time, and passed.

Mr. Murray made the following report:

MR. SPEAKER:—Your Committee on Journalized Proceedings have examined the Journal, and find it correctly written, up to Thursday, the seventh instant, inclusive, and we take this occasion to inform the Assembly that the Journal is written with elegance and care, which reflects great credit on the Journal-Clerk, and will compare favorably, as your Committee believe, with any Journal ever written for a legislative body. Knowing his compensation to be inadequate to the services and labor performed by him, your Committee unanimously recommend to the Assembly the adoption of the following resolution.

A. S. ENSWORTH, Chairman,
WALTER MURRAY,
J. S. TIPTON,
T. B. SHANNON.

Resolved, That S. Wittgenstein, the Journal-Clerk of the Assembly be, and he is hereby, allowed two and a half cents per folio additional, for extra services, for writing the Journal of the Tenth Session, and the Controller of State is hereby authorized to draw his warrant on the State Treasurer for said amount, per folio, according to the Auditing Committee's reports on file in Controller's office, payable out of the Contingent Fund of the Assembly.

Mr. Hines moved to indefinitely postpone the resolution.

Upon which, Messrs. Hines, Springer, and Howe, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Barclay, Caine, Crenshaw, Dow, Fuller, Gregory, Hines, Howe, Lynch, Mathews, Sheridan, Springer, Watkins, and Wing—15.

NOES—Messrs Aud, Briggs, Buck, Burdick, Caldwell, Cahalan, Coleman, Condee, Connely, Cope, Cutler, Daggett, Davis, DeLong, G. A. Douglas, G. N. Douglass, Eagon, Gwinn, Hill, Johnson, Lamar, Laspeyre, Lefever, Lies, Lightner, Malarin, Moore of Nevada, Mount, Murray, Pico, Rodgers, Shannon, Sloss, Taylor, Tipton, Torres, Vaughan, Whealdon, Whitman, and Young—43.

On its adoption, Messrs. Hines, Howe, and Springer, demanded the ayes and noes, and it was adopted, by the following vote:

AYES—Messrs Aud, Burdick, Caldwell, Cahalan, Cannon, Coleman, Condee, Connely, Daggett, Davis, DeLong, G. A Douglas, Eagon, Ensworth, Gwinn, Hill, Johnson, Lamar, Lefever, Lies, Lightner, Lull, Lynch, Moore of Nevada, Mount, Murray, Pico, Rodgers, Shannon, Sloss,

Taylor, Tipton, Torres, Vaughan, Whealdon, Whitman, Young, and Mr. Speaker—38.

NOES—Messrs. Banks, Barclay, Buck, Caine, Crenshaw, Cutler, G. N. Douglass, Dow, Fuller, Gregory, Hines, Howe, Imus, Laspeyre, Mathews, Pixley, Sheridan, Springer, Squires, Tully, Watkins, and Wing—22.

Mr. Caldwell made the following report:

MR. SPEAKER:—The Nevada delegation, to whom was referred Assembly bill No. 125, an Act to regulate fees in office in the County of Nevada, have had the same under consideration, and report the same back to the House, with amendments, and unanimously recommend its passage.

J. CALDWELL.

Committee amendments to Assembly bill No 125, above reported, concurred in.

Rules suspended, considered engrossed, read third time, and passed.

SPECIAL ORDER.

The motion of Mr. Stratton, to reconsider the vote by which the House, on the twelfth instant, refused to adopt the report of the Committee of Free Conference on Senate bill No. 147, an Act to compensate the Warden of the State-prison, was taken up.

Mr. Hancock moved the previous question

Upon which, Messrs. Laspeyre, Hines, and Condee, demanded the ayes and noes, and the previous question was sustained, by the following vote:

AYES—Messrs. Armstrong, Barclay, Bates, Briggs, Caine, Caldwell, Connely, Crenshaw, Daggett, Davis, Ensworth, Gregory, Hill, Lefever, Lynch, Malarin, Moore of Nevada, Mount, Pico, Roane, Shannon, Torres, Vaughan, and Wing—24

NOES—Messrs. Banks, Buck, Cahalan, Cannon, Cherry, Coleman, Condee, Cutler, DeLong, G. N. Douglass, Dow, Eagon, Fuller, Gwinn, Hines, Howe, Imus, Lamar, Laspeyre, Lies, Lightner, Lull. Murray, Pixley, Sheridan, Sloss, Springer, Squires, Street, Tipton, Tully, Watkins, Whealdon, Whitney, and Young—35.

On the motion to reconsider, Messrs. Laspeyre, Hines, and Tully, demanded the ayes and noes, and the vote was reconsidered, by the following vote:

AYES—Messrs. Armstrong, Banks, Barclay, Bates, Briggs, Burdick, Cannon, Cherry, Connely, Cutler, Davis, G. A. Douglas, Eagon, Ensworth, Hancock, Holman, Johnson, Lies, Lull, Lynch, Moore of Nevada, Mount, Pico, Pixley, Shannon, Shepard, Squires, Street, Taylor, Torres, Vaughan, Wing, and Mr. Speaker—33.

NOES—Messrs. Buck, Caine, Caldwell, DeLong, Dow, Gregory, Gwinn, Hill, Hines, Howe, Imus, Jackson, Laspeyre, Lefever, Lightner, Mathews, Murray, Roane, Sheridan, Sloss, Springer, Tipton, Tully, Watkins, Whealdon, Whitney, and Young—27.

Mr. Lynch moved the previous question.

Upon which, Messrs. Howe, Hines, and Whitney, demanded the ayes

and noes, and the previous question was sustained, by the following vote:

AYES—Messrs. Armstrong, Aud, Barclay, Bates, Briggs, Burdick, Caine, Caldwell, Cahalan, Cannon, Cherry, Coleman, Connely, Crenshaw, Cutler, Davis, Eagon, Ensworth, Hancock, Holman, Laspeyre, Lies, Lull, Lynch, Mathews, Moore of Nevada, Mount, Pico, Pixley, Roane, Robberson, Rodgers, Shannon, Shepard, Squires, Street, Taylor, Torres, Vaughan, Watkins, and Wing—41.

NOES—Messrs. Condee, DeLong, G. A. Douglas, G. N. Douglas, Dow, Fuller, Gregory, Gwinn, Hill, Hines, Howe, Imus, Jackson, Johnson, Lamar, Lefever, Lightner, Murray, Sheridan, Sloss, Springer, Tipton, Tully, Whitney, and Young—25.

Mr. Sloss moved a call of the House.

Lost.

On adopting the report of the majority of the Committee of Free Conference, Messrs. Howe, Tully, and Laspeyre, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Armstrong, Banks, Barclay, Bates, Briggs, Burdick, Cannon, Cherry, Coleman, Connely, Cutler, Davis, G. N. Douglass, Ensworth, Hancock, Holman, Lies, Lynch, Malarin, Moore of Nevada, Moore of San Faancisco, Pico, Pixley, Robberson, Rodgers, Shannon, Shepard, Squires, Street, Torres, Vaughan, Wing, and Mr. Speaker—33.

NOES—Messrs. Buck, Caine, Caldwell, Condee, Daggett, DeLong, G. A. Douglas, Dow, Eagon, Fuller, Gregory, Gwinn, Hill, Hines, Howe, Imus, Jackson, Lamar, Laspeyre, Lefever, Lightner, Mathews, Murray, Roane, Sheridan, Sloss, Springer, Tipton, Tully, Watkins, Whealdon, Whitney, and Young—33.

And the report of the minority of the Committee was adopted.

Mr. Lull moved to reconsider the vote by which the House, on yesterday, rejected Senate bill No. 200, an Act to provide for a more thorough distribution of the Laws of this State.

Mr. Street moved the previous question.

Sustained.

On reconsidering the vote, Messrs. Hines, Murray, and Springer, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Armstrong, Bates, Briggs, Burdick, Cherry, Coleman, Cope, Crenshaw, Daggett, Davis, DeLong, Dow, Eagon, Gregory, Gwinn, Hancock, Imus, Jackson, Johnson, Lies, Lull, Lynch, Malarin, Moore of Nevada, Moore of San Francisco, Pico, Roane, Shepard, Sheridan, Street, Taylor, Torres, Tully, Vaughan, and Whitman—35.

NOES—Messrs. Aud, Banks, Barclay, Buck, Caine, Caldwell, Cahalan, Cannon, Condee, Connely, Cutler, G. N. Douglass, Dunlap, Ensworth, Fuller, Hill, Hines, Holman, Howe, Lamar, Lefever, Lightner, Mathews, Mount, Murray, Pixley, Rodgers, Shannon, Sloss, Springer, Squires, Tipton, Watkins, Whealdon, Wing, Whitney, and Young—36.

Mr. Holman made the following report:

MR. SPEAKER:—The undersigned, members of the Committee on Commerce and Navigation, have had under consideration Senate bill No. 234,

"An Act authorizing the construction of wharves at the foot of certain streets in the City and County of San Francisco," and beg leave to report:

The two wharves in question are to be built on property belonging to the State, in which the City of San Francisco has no interest whatever. As to the necessity of these wharves, it appears from evidence introduced before the Committee, that there are now but fourteen berths for ships drawing eighteen feet of water, and there are some twelve or fourteen ships in the harbor now waiting for berths, which, from evidence, is often the case.

As to the power of the Legislature to make the grant in question, the State is the owner in fee-simple, absolute, of the property where they are to be built, and this franchise she has never granted away.

By the Consolidation Bill of one thousand eight hundred and fifty-six, seventy-fourth section, in granting powers, she intrusted some twenty-six different wharves to the City, as a matter of police regulation, but not a proprietary interest in any of them, and these limit her to making any lease for more than five years, which is too short a time to justify the necessary investment of capital for the construction of wharves under it; hence the necessity of the Legislature acting in the premises.

The above is the evidence submitted to the Committee, but the shortness of time allowed is too limited for the full investigation of the matter which its importance seems to demand, and we therefore submit the bill, without recommendation.

HOLMAN,
JACKSON,
W. R. ARMSTRONG.

I agree with the Committee in returning the bill back to the House, without recommendation of any kind. As to the other points set out in the report, not having had time to make an examination, I neither assent or dissent.

A. S. ENSWORTH, one of the Committee.

Mr. Shepard verbally reported, dissenting from both, and recommending the indefinite postponement.

Mr. Lies moved that the rules be suspended, for the purpose of considering the bill at this time.

Upon which, Messrs. Banks, Pixley, and Hill, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Armstrong, Briggs, Burdick, Caldwell, Cahalan, Cannon, Coleman, Condee, Cope, Crenshaw, Daggett, Davis, DeLong, G. A. Douglas, G. N. Douglass, Dow, Dunlap, Eagon, Fuller, Gregory, Gwinn, Hancock, Hines, Holman, Howe, Jackson, Johnson, Laspeyre, Lies, Lightner, Malarin, Moore of Nevada, Mount, Pico, Roane, Robberson, Shannon, Sheridan, Sloss, Springer, Squires, Tipton, Torres, Tully, Vaughan, Wing, and Whitman—47.

NOES—Messrs. Aud, Banks, Barclay, Buck, Caine, Cherry, Connely, Ensworth, Hill, Imus, Lamar, Lefever, Lull, Mathews, Moore of San Francisco, Murray, Pixley, Rodgers, Shepard, Street, Taylor, Watkins, Whealdon, and Whitney—24.

On motion of Mr. Cope, the bill was made the special order for April sixteenth, at half past twelve o'clock, M.

SPECIAL ORDER.

Senate bill No. 84, an Act to provide revenue for the support of the Government of this State—

Mr. Cope moved to make the bill the special order for to-morrow, at two o'clock, P. M.

Lost.

Mr. Hines moved to adjourn.

Lost.

Bill considered in Committee of the Whole, and amended.

The Committee rose.

Mr. Whealdon moved to adjourn.

Lost.

Mr. Cope moved to make the motion to reconsider the vote by which the House, on yesterday, passed Assembly bill No. 300, an Act for the government of the State-prison, and creating a Director, and defining his powers and duties, and to repeal an Act for the government of the State-prison, and to provide for the location of a Branch-prison, approved April twenty-fourth, one thousand eight hundred and fifty-eight, the special order for to-morrow, at three o'clock P. M.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
April 15, 1859.

MR. SPEAKER:—The Senate, this day, passed Senate bill No. 246, an Act to condemn and appropriate to the use of the State of California, the interest of certain parties in and to the State-prison grounds, buildings, etc., situate on Point San Quentin, in the County of Marin, and to appropriate money for the payment of such interest.

E. C. PALMER, Secretary of Senate.

Senate bill No. 246, above reported, read first and second times, and referred to Judiciary Committee, with instructions to report to-morrow morning, at ten o'clock, and put at head of the file.

Mr. DeLong moved to adjourn.

Lost.

Senate bill No. 297, an Act to regulate proceedings in civil actions, in certain cases, read first and second times, and referred to the Judiciary Committee, with instructions to report to-morrow morning, at ten o'clock, and be placed second on file.

Mr. Lightner offered the following protest:

ASSEMBLY CHAMBER,
April 15, 1859.

The undersigned hereby protests against the passage of a bill entitled ———, which was read twice on the same day, against his expressed objection; the question, "Shall this bill be rejected?" not being put after his objection was stated to the second reading of said bill.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
April 15, 1859.

MR. SPEAKER:—The Senate, this day, passed Assembly bill No. 287, "An Act amendatory of, and supplementary to, an Act passed April twenty-fourth, one thousand eight hundred and fifty-eight, entitled an Act to repeal the Act passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled an Act to incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento, with amendments, and ask the concurrence of the Assembly.

E. C. PALMER, Secretary of Senate.

The Assembly concurred in amendments to Assembly bill No. 287, above reported.

SENATE CHAMBER,
April 15, 1859

MR. SPEAKER:—The Senate, this day, passed, with amendments, Assembly bill No. 279, "An Act to confer further powers upon the Board of Supervisors, and the Auditor and Treasurer of the City and County of San Francisco, and to authorize them to perform certain acts therein mentioned," and ask the concurrence of the Assembly.

Also, passed Assembly bill No. 342, "An Act relating to the care and treatment of the indigent sick in the County of Yuba."

Also, concurred in Assembly amendments to Senate bill No. 286, "An Act to appropriate money for the payment of a certain judgment against John B. Weller."

E. C. PALMER, Secretary of Senate.

The Assembly concurred in Senate amendments to Assembly bill No. 279, above reported.

SENATE CHAMBER,
April 15, 1859.

MR. SPEAKER:—The Senate, on this day, passed Senate bill No. 303, "An Act changing the time of assessing the value of the real and personal property, and collecting the taxes levied thereon, for State and County purposes."

Also, Assembly bill No. 370, "An Act to appropriate money to pay Joseph Nougues."

E. C. PALMER, Secretary of Senate.

Senate bill No. 303, above reported, read first and second times, rules suspended, read third time, and passed.

Mr. DeLong moved to adjourn.

Lost.

SENATE CHAMBER,
Tuesday, April 15, 1859.

MR. SPEAKER:—The Senate, this day, passed Assembly bill No. 387, "An Act to authorize the issuance of a duplicate for a certain lost Controller's warrant;"

Also, with amendments, Assembly bill No. 165, "An Act to grant the right to construct and maintain a dam and locks across and in Napa Creek;"

Also, Senate bill No. 291, "An Act to appropriate money to pay the claim of D. L. Mulford;"

Also, Senate bill No. 130, "An Act fixing the salaries of certain State officers and employés."

E. C. PALMER, Secretary of Senate.

Senate bill No. 291, above reported, read first and second times, and referred to the Committee on Claims, with instructions to report to-morrow morning.

The House concurred in Senate amendments to Assembly bill No. ——.

Senate bill No. 130, above reported, read once.

SENATE CHAMBER,
April 15, 1859.

MR. SPEAKER:—The Senate, on yesterday, adopted the report of the Joint Committee of Free Conference, appointed by the Senate and Assembly, to consider Senate bill No. 131, "An Act making appropriations for the support of the Civil Government of this State, for the eleventh fiscal year, commencing on the first day of July, A. D one thousand eight hundred and fifty-nine, and ending on the thirtieth day of June, A. D. eighteen hundred and sixty," and ask the concurrence of the Assembly;

Also, passed Assembly bill No. 348, "An Act amendatory of an Act entitled an Act amendatory of, and supplementary to, an Act entitled an Act to incorporate the City of Marysville, approved March third, one thousand eight hundred and fifty-seven, approved April twenty-fifth, one thousand eight hundred and fifty-seven;"

Also, Assembly bill No. 245, "An Act to authorize the Board of Supervisors of Yuba County to levy a special tax, for County purposes;"

Also, passed Senate bill No. 294, "An Act to audit and allow the claim of J. M. Anderson;"

Also, Assembly bill No. 373, "An Act to improve the navigation of San Antonio Creek, in the County of Alameda."

E. C. PALMER, Secretary Senate.

Senate bill No. 294, above reported, read once.

SENATE CHAMBER,
April 15, 1859.

MR. SPEAKER:—The Senate have, this day, passed Asssembly bill No. 66, an Act to alter and define the boundary-lines of Tehama County, with an amendment, and ask the concurrence of the Assembly.

E. C. PALMER, Secretary of Senate.

House concurred in Senate amendments to Assembly bill No. 66, above reported.

SENATE CHAMBER,
April 15, 1859.

MR. SPEAKER:—The Senate, this day, passed Senate bill No. 267, "An Act to provide for the payment of coupons, for interest to be issued under the provisions of an Act entitled an Act to provide for the funding and payment of the outstanding unfunded claims against the City of San Francisco, and against the County of San Francisco, as they existed prior to the first day of July, A. D. one thousand eight hundred and fifty-six, approved April twentieth, one thousand eight hundred and fifty-eight."

Also, Assembly bill No. 309, "An Act to amend an Act entitled an Act

to regulate fees in office, in certain Counties of this State, approved April twenty-eighth, one thousand eight hundred and fifty-seven."

Also, substitute for Assembly bill No. 321, "An Act to amend an Act concerning hogs found running at large, in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, one thousand eight hundred and fifty-six."

Also, substitute for Assembly bill No 326, "An Act to abolish the office of Public Administrator, in and for the Counties of Tuolumne and Santa Barbara."

E C. PALMER, Secretary Senate.

Senate bill No. 267, above reported, read first and second times, rules suspended, read third time, and passed.

SENATE CHAMBER,
April 15, 1859.

MR. SPEAKER:—The Senate, this day, passed Assembly bill No. 125, "An Act to regulate fees in office, in the County of Nevada."

Also, substitute for Assembly bill No. 349, "An Act requiring the Controller of State to sign certain blanks, and to appoint a Deputy for that purpose."

Also, Assembly bill No. 90, an Act to provide for improving Navarra River.

E. C. PALMER, Secretary of Senate.

SENATE CHAMBER,
April 15, 1859.

MR. SPEAKER:—The Senate have, this day, passed Senate bill No. 304, "An Act to regulate and continue the lien of judgments recovered by this State."

Also, with amendment, Assembly bill No 303, "An Act to amend an Act defining the time for commencing civil actions," passed April twenty-second, one thousand eight hundred and fifty.

Also, passed Assembly bill No 83, an Act to amend an Act to establish pilots and pilot regulations for the Port of San Francisco, passed May eleventh, one thousand eight hundred and fifty-four, and amended April sixteenth, one thousand eight hundred and fifty-eight.

E. C. PALMER, Secretary of Senate.

Senate bill No. 304, above reported, read first and second times, and referred to the Judiciary Committee, with instructions to report to-morrow morning.

The House concurred in Senate amendments to Assembly bill No. 303, above reported.

At half-past six o'clock, P. M., on motion of Mr. DeLong, the House adjourned.

IN ASSEMBLY.

SATURDAY, April 16, 1859.

The House met, pursuant to adjournment.

The Speaker in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

GENERAL FILE.

Senate bill No. 302, an Act making appropriations for deficiencies made for the tenth fiscal year, ending the thirtieth day of June, one thousand eight hundred and fifty-nine—read first and second times, considered in Committee of the Whole, reported, and recommended, rules suspended, read third time, and passed.

Senate bill No 228, an Act amendatory of, and supplementary to, an Act entitled an Act creating a State Land Office for the State of California, passed April tenth, one thousand eight hundred and fifty-eight—read third time, and passed.

Mr Cope verbally reported, and recommended the passage of Senate bill No 304, an Act to regulate and continue the lien of judgments recovered by this State.

Assembly bill No. 232, an Act supplementary to an Act entitled an Act to provide for the indigent sick in the Counties of this State, approved April eleventh, one thousand eight hundred and fifty-five—indefinitely postponed.

Senate bill No. 211, an Act appropriating moneys for the benefit of certain Orphan Asylums in this State—

Mr. Hines moved the previous question.

Sustained.

Considered in Committee of the Whole, reported, and recommended, read third time, and passed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 15, 1859.

To the Assembly of California:

I return, herewith, to your honorable body, an Act amendatory of an Act to provide for the sale and reclamation of the swamp and overflowed lands of this State, approved April twenty-first, one thousand eight hundred and fifty-eight, without my approval.

This Act is in direct conflict with the first section of the fourth article of the Constitution of this State.

JOHN B. WELLER.

On the question "Shall the bill pass, notwithstanding the objection of the Governor?" the House refused, by the following vote:

AYES—Messrs. Holman, Laspeyre, Lefever, and Lynch—4.

NOES—Messrs. Armstrong, Banks, Bates, Caine, Caldwell, Cahalan, Cherry, Coleman, Condee, Connely, Cutler, Daggett, G. N. Douglass,

Dow, Eagon, Fuller, Gwinn, Hill, Hines, Howe, Imus, Jackson, Lamar, Lightner, Lull, Mathews, Pixley, Roane, Robberson, Shannon, Shepard, Sheridan, Sloss, Springer, Squires, Taylor, Tipton, Tully, Vaughan, Watkins, Whealdon, Wing, Whitney, Young, and Mr. Speaker—45.

Mr. Young, by leave, introduced a bill for an Act amendatory of an Act entitled an Act to provide for the sale and reclamation of the swamp and overflowed lands of this State, approved April twenty-first, one thousand eight hundred and fifty-eight.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 357, an Act to amend an Act entitled an Act to incorporate the Town of Petaluma, approved April twelfth, one thousand eight hundred and fifty-eight—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 337, an Act supplementary to, and amendatory of, an Act to allow Lindsey Carson to sell certain real estate, approved April twenty-first, one thousand eight hundred and fifty-eight—substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 333, an Act for the suppression of chain-gangs in the Cities and Towns in this State—laid on table.

Senate bill No. 270, an Act for the relief of T W. Blake, W. B Olmstead, H. W. Anderson, C. P. Rice, and the Administrator of John Cole, deceased—considered in Committee of the Whole, reported and recommended.

Read third time, and passed.

Mr. Street moved to reconsider the vote by which the House, on yesterday, passed Senate bill No. 170, an Act to provide for the issuance of patents to lands located with State school-land warrants.

Mr. Shannon moved the previous question.

Sustained.

The House refused to reconsider.

The House refused to order to engrossment Assembly bill No. 372, an Act appropriating money for the completion of a wagon-road over the Sierra Nevada, by way of the Big-Tree Route, in Calaveras County.

Assembly bill No. 79, an Act to amend an Act entitled an Act to establish pilots and pilot regulations for the Port of San Francisco, approved April sixteenth, one thousand eight hundred and fifty-eight—indefinitely postponed.

Senate bill No. 180, an Act to amend an Act entitled an Act for the government and protection of Indians, passed April twenty-second, one thousand eight hundred and fifty—Committee amendments adopted, and bill laid on table.

Senate bill No. 264, an Act for the relief of Hiram McLaughlin;

And, Senate bill No. 274, an Act to repeal the several acts incorporating the City of Benicia, and to provide for the government thereof;

Were read third time, and passed.

Assembly bill No. 375, an Act authorizing the Board of Supervisors of Del Norte County to levy a special tax, for County purposes;

And, Assembly bill No. 385, an Act concerning the offices of County Clerk, County Recorder, and Sheriff, of the County of Butte;

Were, the rules being suspended, considered engrossed, read third time, and passed.

Senate bill No. 71, an Act to authorize the establishment of infirma-

ries for the relief of the indigent, and to amend an Act entitled an Act to provide for the indigent sick in the Counties of this State—amended.

And, on its passage, Messrs. Springer, Banks, and Laspeyre, demanded the ayes and noes, and the bill was lost, by the following vote:

AYES—Messrs Banks, Cherry, Coleman, Condee, G N. Douglass, Ensworth, Gregory, Gwinn, Hill, Hines, Holman, Jackson, Laspeyre, Lefever, Lightner, Lull, Malarin, Moore of San Francisco, Pixley, Rodgers, Shepard, Springer, Squires, Taylor, Tipton, Torres, Tully, Wing, Whitney, and Mr. Speaker—30.

NOES—Messrs. Armstrong, Aud, Barclay, Bates, Buck, Burdick, Caine, Caldwell, Cahalan, Connely, Cope, Daggett, DeLong, G. A. Douglas, Dow, Dunlap, Eagon, Fuller, Howe, Imus, Lamar, Lies, Lynch, Moore of Nevada, Mount, Murray, Robberson, Shannon, Sheridan, Sloss, Street, Vaughan, Watkins, Whealdon, Whitman, and Young—36

Assembly bill No. 362, an Act to authorize the Coroner of Butte County to remove the bodies of deceased persons, read third time, and passed.

REPORTS.

Reports were made as follows:

By Mr. Cope:

MR. SPEAKER:—The Judiciary Committee, to whom was referred Senate bill No. 230, an Act to authorize the issuance of duplicates of certain lost State bonds, have considered the same, and report the bill back, and recommend its passage.

The same Committee, to whom was referred Senate bill No 269, an Act supplemental to an Act concerning Sheriffs, have considered the same, and report the bill back, and recommend its passage.

The same Committee, to whom was referred Senate bill No. 297, an Act to regulate proceedings in civil actions, in certain cases, have considered the same, and report the bill back, and recommend its indefinite postponement.

The same Committee, to whom was referred Assembly bill No 366, an Act enabling certain minors, therein named, to manage and control their property, have considered the same, and report the bill back, with an amendment, and recommend its passage as amended.

COPE, Chairman.

By Mr. Young:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 370, an Act to appropriate money to pay Joseph Nougues.

Also, Assembly bill No 289, an Act to exempt the estate of Charles Evans, deceased, from the process of administration.

Also, Assembly bill No. 342, an Act relating to the care and treatment of the indigent sick in the County of Yuba.

Also, Assembly bill No. 83, an Act to amend an Act to establish pilots, and pilot regulations, for the port of San Francisco, passed May eleventh, one thousand eight hundred and fifty-four, and amended April sixteenth, one thousand eight hundred and fifty-eight.

Also, Assembly bill No. 219, an Act for the protection of Gas-light Companies.

Also, Assembly bill No. 264, an Act to regulate the fees of certain officers, and witnesses, and jurors, in the County of El Dorado.

Also, Assembly bill No. 369, an Act to fix the time of holding the Court of Sessions, and County Court, in the County of Solano

Also, Assembly bill No 251, an Act to amend an Act entitled an Act to amend an Act entitled an Act to change the time of holding the Court of Sessions, and County Court, in the County of Napa, approved April twentieth, one thousand eight hundred and fifty-eight.

Also, Assembly bill No. 359, an Act to legalize certain acts of the Board of Supervisors of San Bernardino County, sitting as a Board of Equalization.

Also, Assembly Joint-Resolution No. 43, relative to cession of lands by the General Government.

Also, Assembly bill No. 90, an Act to provide for improving Navarra River.

Also Assembly bill No 245, an Act to authorize the Board of Supervisors of Yuba County to levy a special tax, for County purposes.

Also, Assembly bill No 165, an Act to grant the right to construct and maintain a dam and locks across and in Napa Creek

Also Assembly bill No. 159, an Act to separate the offices of County Recorder, County Auditor, and Clerk of the Probate Court, from the office of County Clerk, in the County of Sierra

Also, substitute for Assembly bill No. 349, an Act requiring the Controller of State to sign certain blanks, and to appoint a Deputy for that purpose

Also, Assembly bill No. 305, an Act concerning roads and highways in the Counties of Tuolumne, San Joaquin, Plumas, and Siskiyou

Also, Assembly bill No. 35, an Act to grant the right to construct a bridge across the Colorado River, at, or near Fort Yuma, to certain parties therein named.

And have sent the same to His Excellency, the Governor, for his approval, this sixteenth day of April, one thousand eight hundred and fifty-nine

GEO. A. YOUNG, Chairman.

Mr. Cope verballly reported, with amendments, Senate bill No. 246, an Act to condemn, and to appropriate to the use of the State of California, the interest of certain parties in and to the State-prison grounds, buildings, etc., situate on Point San Quentin, in the County of Marin, and to appropriate money for the payment of such interest

Mr. Moore of Nevada offered the following resolution:

Resolved, By the Assembly, the Senate concurring, that the resolution heretofore adopted to adjourn on Monday next, the eighteenth instant, is hereby rescinded, and that the Legislature do adjourn *sine die* on Monday, the twenty-fifth instant, at twelve o'clock, M.

Upon the adoption of the resolution, Messrs. Banks, Howe, and Squires, demanded the ayes and noes, and it was adopted, by the following vote:

AYES—Messrs. Armstrong, Aud, Barclay, Bates, Buck, Burdick, Caldwell, Cahalan, Coleman, Connely, Cope, Cutler, Daggett, Davis, DeLong,

G. A. Douglas, Dunlap, Eagon, Ensworth, Fuller, Gregory, Gwinn, Hancock, Holman, Imus, Jackson, Johnson, Laspeyre, Lies, Lightner, Lynch, Malarin, Moore of Nevada, Mount, Murray, Roane, Rodgers, Shannon, Shepard, Sheridan, Sloss, Street, Torres, Tully, Vaughan, Whealdon, Wing, Whitman, and Mr Speaker—49

NOES—Messrs Banks, Caine, Cherry, Condee, Crenshaw, G. N. Douglass, Dow, Hill, Hines, Howe, Lamar, Lefever, Lull. Mathews, Moore of San Francisco, Pixley, Robberson, Springer, Squires, Tipton, and Watkins—21

SPECIAL ORDER.

Assembly bill No 331, an Act for the purpose of obtaining artesian and other water on the Colorado Desert, and to appropriate money therefor, considered in Committee of the Whole.

Reported, and recommended.

The House refused to suspend the rules to consider the bill engrossed

FURTHER SPECIAL ORDER

Senate bill No 234, an Act authorizing the constructing of wharves at the foot of certain streets in the City and County of San Francisco—

Mr Connely offered the following amendment:

Amend section one, by adding the following proviso at the end of the section, to wit:

"*Provided*, that said T heads shall not be so constructed as to prevent ships from entering the slips, formed by said wharves."

Upon which, Messrs Pixley, Banks, and Hill, demanded the ayes and noes, and it was lost, by the following vote:

AYES—Messrs. Banks, Bates, Buck, Caine, Caldwell, Cherry, Coleman, Condee, Connely, Dow, Ensworth, Hill, Howe, Lull. Mathews, Moore of San Francisco, Murray, Pixley, Robberson, Rodgers, Shannon, Shepard, Sheridan, Springer, Squires, Street, Taylor, Watkins, Whitney, and Young—30

NOES—Messrs. Armstrong, Burdick, Cahalan, Cope, Crenshaw, Cutler, Daggett, G. A Douglas, G N Douglass, Dunlap, Eagon, Gregory, Gwinn, Hines, Holman, Jackson, Johnson, Laspeyre. Lefever, Lies, Lightner, Moore of Nevada, Mount, Pico. Roane, Tipton. Torres, Tully, Vaughan, Whealdon, Wing, Whitman and Mr. Speaker—33.

Mr. Hines moved the previous question

Upon which, Messrs Pixley, Banks, and Hill, demanded the ayes and noes, and it was sustained, by the following vote:

AYES—Messrs Armstrong, Aud, Bates, Cahalan, Cope, Crenshaw, Daggett, Davis, G. A. Douglas, Dow, Dunlap, Eagon, Gregory, Gwinn, Hancock, Hines, Holman, Johnson, Lefever, Lies, Lightner, Moore of Nevada, Mount, Murray, Pico, Roane, Rodgers, Sloss, Tipton, Torres, Tully, Vaughan, Wing, Whitman, Young, and Mr. Speaker—36.

NOES—Messrs Banks, Barclay, Burdick, Caine, Cherry, Coleman, Condee, Connely, G. N Douglass, Fuller, Hill, Howe, Jackson, Lamar, Laspeyre, Lull, Lynch, Mathews, Moore of San Francisco, Pixley, Shepard, Springer, Squires, Street, Taylor, Watkins, and Whitney—27.

On the passage of the bill, Messrs Moore of San Francisco, Banks, and Pixley, demanded the ayes and noes, and the bill was lost, by the following vote:

AYES—Messrs. Armstrong, Burdick, Caldwell, Cahalan, Cope, Crenshaw, Daggett, G A. Douglas, Dunlap, Eagon, Gregory, Gwinn, Hancock, Hines, Jackson, Johnson, Laspeyre, Lefever, Lies, Lightner, Moore of Nevada, Mount, Pico, Roane, Sloss, Tipton, Torres, Tully, Vaughan, Whealdon, Whitman, and Mr. Speaker—32.

NOES—Messrs. Aud, Banks, Barclay, Bates, Buck, Caine, Cherry, Condee, Connely, Davis, G. N. Douglass, Dow, Ensworth, Hill, Holman, Howe, Imus, Lamar, Lull, Lynch, Mathews, Moore of San Francisco, Murray, Pixley, Robberson, Rodgers, Shannon, Shepard, Sheridan, Springer, Squires, Street, Taylor, Watkins, Wing, Whitney, and Young—37.

Mr. Sheridan gave notice of reconsideration.

Senate bill No. 246, an Act to condemn and appropriate to the use of the State of California, the interest of certain parties in and to the State-prison grounds, buildings, etc., situated on Point San Quentin, in the County of Marin, and to appropriate money for the payment of such interest—laid on the table.

Senate bill No. 297, an Act to regulate proceedings in civil actions, in certain cases—

Mr. Pixley moved to clear the lobbies.

Carried.

Mr Hines moved to lay the bill on the table.

Upon which, Messrs. Howe, Shannon, and Lightner, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs Barclay, Buck, Condee, DeLong, G A. Douglas, Dow, Eagon, Ensworth, Fuller, Gregory, Gwinn, Hines, Imus, Jackson, Lamar, Lightner, Rodgers, Sheridan, Tully, Vaughan, Whealdon, and Mr. Speaker—22.

NOES—Messrs Armstrong, Aud, Banks, Bates, Burdick, Caine, Caldwell, Cahalan, Coleman, Connely, Cope, Davis, G. N. Douglass, Dunlap, Holman, Howe, Laspeyre, Lefever, Lies, Lull, Lynch, Mathews, Moore of Nevada, Mount, Murray, Pixley, Roane, Robberson, Shannon, Shepard, Sloss, Springer, Squires, Street, Taylor, Tipton, Torres, Watkins, Wing, and Young—40.

Mr Street moved the previous question.

Which was sustained.

Mr. Shannon moved a call of the House.

Which was sustained.

And the following members were absent, viz: Messrs. Aud, Briggs, Caldwell, Coleman, Crenshaw, Daggett, Lies, Mount, Pico, Wing, Whitman, and Whitney.

Further proceedings under the call were dispensed with.

On the indefinite postponement, Messrs. Howe, G. N Douglass, and Street, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Barclay, Buck, Ensworth, Hines, Holman, Imus, Jack-

son, Johnson, Lamar, Laspeyre, Lightner, Rodgers, Tully, Vaughan, and Mr Speaker—15.

NOES—Messrs. Armstrong, Banks, Bates, Burdick, Caine, Caldwell, Cahalan, Cherry, Coleman, Condee, Connely, Cutler, Daggett, G. N. Douglass, Dow, Dunlap, Hancock, Hill, Howe, Lefever, Lies, Lull, Lynch, Mathews, Moore of Nevada, Moore of San Francisco, Mount, Murray, Pico, Pixley, Roane, Robberson, Shannon, Shepard, Sloss, Springer, Squires, Street, Taylor, Tipton, Torres, Watkins, Wing, Whitney, and Young—45.

Bill read a third time, and, on its passage, Messrs. Cannon, Cahalan, and Howe, demanded the ayes and noes, and it was passed, by the following vote:

AYES—Messrs. Armstrong, Banks, Bates, Burdick, Caine, Caldwell, Cahalan, Cherry, Coleman, Condee, Connely, Cutler, Daggett, Davis, G. N. Douglass, Dow, Dunlap, Hancock, Hill, Howe, Lefever, Lies, Lightner, Lull, Lynch, Mathews, Moore of Nevada, Moore of San Francisco, Mount, Murray, Pico, Pixley, Roane, Robberson, Shannon, Shepard, Sloss, Springer, Street, Taylor, Tipton, Torres, Watkins, Whitney, and Young—45.

NOES—Messrs. Barclay, Buck, Cope, DeLong, G. A. Douglas, Ensworth, Fuller, Gregory, Gwinn, Hines, Holman, Imus, Jackson, Johnson, Lamar, Laspeyre, Rodgers, Sheridan, Squires, Tully, Vaughan, Whealdon, Wing, and Mr Speaker—24.

Mr Moore of Nevada moved to suspend the rules, for the purpose of reconsidering the vote just taken.

On which, Messrs Hines, Lightner, and Vaughan, demanded the ayes and noes, and the rules were suspended, by the following vote:

AYES—Messrs. Armstrong, Aud, Banks, Bates, Burdick, Caine, Caldwell, Cahalan, Cherry, Coleman, Condee, Connely, Cope, Cutler, Daggett, Davis, G. N. Douglass, Dow, Dunlap, Gwinn, Hancock, Hill, Howe, Lamar, Lefever, Lies, Lull, Lynch, Mathews, Moore of Nevada, Moore of San Francisco, Mount, Murray, Pico, Pixley, Roane, Robberson, Shannon, Shepard, Sloss, Springer, Street, Taylor, Tipton, Torres, Watkins, Whitney, and Young—48.

NOES—Messrs Barclay, Buck, DeLong, Ensworth, Hines, Holman, Imus, Jackson, Johnson, Lightner, Rodgers, Sheridan, Tully, Vaughan, Whealdon, Wing, Whitman, and Mr. Speaker—18.

And the House refused to reconsider.

On motion of Mr. Young, the vote by which Senate bill No. 302 was passed, this day, was reconsidered.

Mr. Young moved to amend by striking out "one thousand," in the first section, and inserting "three thousand."

Adopted.

And the bill, as amended, was passed.

Mr Street offered a Concurrent-Resolution relative to claims for expenses incurred by the various wars and expeditions against the Indians in this State.

Adopted.

Mr. Lightner made the following report:

ASSEMBLY CHAMBER,
April 16, 1858

MR SPEAKER:—The Committee on Claims, to whom was referred Senate bill No. 291, "An Act to appropriate money to pay the claim of D. L. Mulford," beg leave to report the same back, and recommend its passage.

Respectfully,
LIGHTNER, Chairman.

Senate bill No. 291, above reported, was considered in Committee of the Whole, reported, and recommended.

On the passage of the bill, Messrs. Pixley, Banks, and Barclay, demanded the ayes and noes, and it was lost, by the following vote:

AYES—Messrs And, Burdick, Condee, Connely, Cope, Cutler, G A. Douglas, G. N Douglass, Dow, Eagon, Hancock, Hill, Hines, Johnson, Laspeyre, Lightner, Lull, Malarin, Moore of Nevada, Mount, Roane, Robberson, Shannon, Squires, Tipton, Tully, Whitman, and Mr. Speaker—28.

NOES—Messrs. Armstrong, Banks, Barclay, Buck, Caldwell, Cahalan, Cherry, Crenshaw, Ensworth, Fuller, Gregory, Holman, How, Imus, Lamar, Lefever, Lynch, Mathews, Moore of San Francisco, Pixley, Rodgers, Shepard, Sheridan, Sloss, Springer, Taylor, Watkins, Whealdon, Wing, and Whitney—30.

Mr. Armstrong gave notice of reconsideration.

Mr Street verbally reported, and recommended the passage of Senate bill No. 168, an Act amendatory and explanatory of a portion of the Act to provide revenue for the support of the Government of this State

The House refused to reconsider the vote by which Assembly bill No. 300, an Act for the government of the State-prison, and creating a Director and defining his powers and duties, and to repeal an Act for the government of the State-prison, and to provide for the location of a Branch-prison, approved April twenty-fourth, one thousand eight hundred and fifty-eight, was passed on April fourteenth.

REPORTS.

Reports were made as follows:

By Mr Squires:

MR. SPEAKER:—Your Committee on Public Expenditures and Accounts have examined, and found correct, the following accounts, to wit:

Account of Agent of Spirit of the Times, of April 6th, 1859, amounting to	$2 00
Account of Publishers of Crescent City Herald, of April 8, 1859, amounting to	3 50
Account of Publishers of Southern Vineyard, of April 16, 1859, amounting to	6 00
Account of Agent of El Eco del Pacifico, amounting to	34 50

Account of Agent of National, and other papers, amounting to	118 18
Account of Publishers of Daily Bee, of April 16, 1859, amounting to	5 25
Account of Publishers of San Joaquin Republican, amounting to	20 25
Account of J. Bithell, for Stationery, of April 16, 1859, amounting to	178 50

Also, Account of Chief-Clerk, of this date, for writing done:

In the Journal, and Appendix, folios	2,280
For Printer, folios	3,520
Total	5,800

Amounting to the sum of six hundred and ninety-four dollars.

OGDEN SQUIRES, Chairman

Adopted.

By Mr. Burdick:

MR SPEAKER:—Your Auditing Committee have examined the copying done for the Assembly, and find it as follows:

For Journal, and Tabular Statement, folios	2,280
For Printer, folios	3,520
Total	5,800

JAMES BURDICK, Chairman.
ROBERT HOWE,
GEORGE A. DOUGLAS.

APRIL 16, 1859.

By Mr. Mathews:

MR. SPEAKER:—The delegation from Napa, to whom was referred Senate bill No. 249, "An Act to empower M G. Vallejo to convey certain real estate, beg leave to report the same back, without amendment, and recommend its passage.

MATHEWS.

Assembly bill No. 249, above reported, read third time, and passed.
Mr. Condee offered the following resolution, which was adopted:

Resolved, That Daniel Yoacham be, and he is hereby, allowed the sum of eight dollars per day, for thirty days' services rendered as Assist-

ant Engrossing Clerk of the Assembly, payable out of the Contingent Fund of the Assembly.

By Mr Sheridan:

MR. SPEAKER:—The Committee on Swamp and Overflowed Lands, to whom was referred Senate bill No 216, have had the same under consideration, and have added an additional section, with which, they have instructed me to report the bill back to the House, with the recommendation that it be passed.

SHERIDAN.

Committee amendments to Senate bill No 216, above reported, adopted, bill read a third time, and lost.

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

Resolved, That the Sergeant-at-Arms be allowed six days, after the adjournment of the Legislature, to close up and settle his business and accounts, and to collect the furniture in the different Committee-rooms, and turn the same over to the Secretary of State, and that he receive the same *per diem* as allowed him during the session, to be paid out of the Contingent Fund of the Assembly.

Mr. Young made the following report:

MR. SPEAKER:—Your Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No 309, an Act to amend an Act entitled an Act to regulate fees in office, in certain Counties in this State, approved April twenty-eight, one thousand eight hundred and fifty-seven.

Assembly bill No. 380, an Act to audit and allow certain claims accruing under an Act approved April twenty-eight, one thousand eight hundred and fifty-five, entitled an Act to provide for the survey and construction of a wagon-road over the Sierra Nevada mountains.

Assembly bill No. 308, an Act amendatory of an Act entitled an Act to provide for the sale and reclamation of the swamp and overflowed lands of this State, approved April twenty-first, one thousand eight hundred and fifty-eight.

Assembly bill No. 279, an Act to confer further powers upon the Board of Supervisors, and the Auditor and Treasurer of the City and County of San Joaquin, and to authorize them to perform certain acts therein mentioned.

Assembly bill No. 179, an Act to confer further powers upon the Board of Education and Treasurer of the City and County of San Francisco.

Assembly bill No. 348, an Act amendatory of an Act entitled an Act amendatory of, and supplementary to, an Act entitled an Act to incorporate the City of Marysville, approved March third, one thousand eight hundred and fifty-seven, approved April twenty-fifth, one thousand eight hundred and fifty-seven.

Assembly bill No. 329, an Act to provide for the location of school-land warrants upon unsurveyed lands, and for the issuance of title for the same.

G. A. YOUNG, Chairman.

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

Resolved, That all members of this House, who have been absent during the present session without leave, are hereby excused, and this resolution shall have the same effect as if the said members had obtained leave of absence in the usual way, and the Clerk immediately inform the Controller of the passage of this resolution.

At half-past two o'clock, P. M., on motion of Mr. Moore of Nevada, the House adjourned.

IN ASSEMBLY.

MONDAY, April 18, 1859.

The House met, pursuant to adjournment.
The Speaker *pro tem.* in the Chair.
A quorum being present, the Journal of Saturday was read and approved.

REPORTS.

Reports were made as follows:
By Mr. Young:

MR. SPEAKER:—The Committee on Enrollment have examined, and found correctly enrolled, Assembly bill No. 373, an Act to improve the navigation of San Antonio Creek, in the County of Alameda.

Also, Assembly bill No. 326, an Act to abolish the office of Public Administrator, in and for the Counties of Tuolumne and Santa Barbara.

Also, Assembly bill No. 291, an Act to provide for fixing the commencement of the terms of office in the County of Butte.

Also, Assembly bill No. 303, an Act to amend "An Act defining the time for commencing civil actions," passed April twenty-second, one thousand eight hundred and fifty.

Also, Assembly bill No. 321, an Act to amend an Act entitled "An Act concerning hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara," approved April twenty-first, one thousand eight hundred and fifty-six.

Also, Assembly bill No. 337, an Act supplementary to, and amendatory of, an Act entitled "An Act to allow Lindsey Carson to sell certain real estate," and to amend the title of the same

Also, Assembly bill No. 66, an Act to alter and define the boundary-line of Tehama County.

Also, Assembly bill No. 125, an Act to regulate fees in office in the County of Nevada.

Also, Assembly bill No. 268, an Act concerning lawful fences in the counties of San Bernardino, Colusa, Tehama, Shasta, and Placer.

Also, Assembly bill No. 379, an Act to provide for the purchase or building of a turnpike-road in the County of Yolo.

Also, Assembly bill No. 357, an Act to amend an Act entitled "An Act to incorporate the Town of Petaluma," approved April twelfth, one thousand eight hundred and fifty-eight.

Also, Assembly bill No. 387, an Act to authorize the issuance of a duplicate for a certain lost Controller's warrant.

Also, Assembly bill No. 203, an Act to authorize the incorporation of Rural Cemetery Associations

Also, Assembly bill No 276, an Act to authorize the Governor of the State of California, in conjunction with the United States, to run and mark the boundary-line between the Territories of the United States and the State of California.

Also, Assembly bill No. 354, an Act amendatory of an Act approved March third, one thousand eight hundred and fifty-eight, entitled "An Act to amend an Act to create the County of Del Norte, to define its boundaries, and provide for its organization" approved March second, one thousand eight hundred and fifty-seven.

Also, Assembly bill No 341, an Act to authorize the issuance of duplicates for certain lost school-land warrants

Also, Assembly bill No. 287, an Act amendatory of an Act to incorporate the City and County of Sacramento, approved April twenty-fourth, one thousand eight hundred and fifty-eight.

And delivered the same to His Excellency, the Governor, for his approval, on Sunday, at half-past one o'clock P M., April seventeenth, one thousand eight hundred and fifty-nine.

GEO. A YOUNG, Chairman.

By Mr. Lynch:

Mr. Speaker:—The Engrossing Committee report, as correctly engrossed:

Assembly bill No. 307, an Act to amend an Act passed May fourth, one thousand eight hundred and fifty-two, entitled an Act for the relief of insolvent debtors, and protection of creditors.

LYNCH, Chairman.

By Mr. Lightner:

Mr. Speaker:—Your Committee on Claims, to whom was referred the claim of D. H. Whipley, for the maintenance of a company of men ordered by the Lieut.-Governor from San Francisco, during the squatter riot in Sacramento in the month of August, one thousand eight hundred and fifty;

And the claim of General A M. Winn, for services rendered in the El Dorado Indian war in the years one thousand eight hundred and fifty, and one thousand eight hundred and fifty-one;

Report same back, and recommend they be rejected.

And the claim of Nicholas Tack, Sheriff of Del Norte, for moneys paid for the arrest of Judd, a murderer;

And the claim of R. T. Watkins, for services rendered in the suppression of Indian hostilities in the Southern part of California in the year one thousand eight hundred and fifty-one;

Also, the claim of D. C. Gay, for arresting an escaped convict from the State-prison, whilst under the control of General J. M. Estill, in one thousand eight hundred and fifty-six;

Report same back, as no action of your Committee has yet been taken.

LIGHTNER, Chairman.

By Mr. Squires:

Mr. Speaker:—Your Committee on Expenditures and Accounts have examined, and found correct, the account of H C. Kibbe, for rent of

Enrolling Clerk's office from January fourth, one thousand eight hundred and fifty-nine, to February fifth, one thousand eight hundred and fifty-nine, amounting to the sum of twenty-five dollars

OGDEN SQUIRES, Chairman.

Adopted.

Mr Cope verbally reported, without recommendation, Senate bills Nos. 17 and 232.

And Assembly bills Nos. 24, 42, 263, and 96.

Mr. Hancock verbally reported, without recommendation, Assembly bill No 378.

Mr Aud verbally reported, without recommendation, Assembly Concurrent-Resolutions Nos. 9, 11, 31, and 32.

Mr. Daggett had leave to withdraw papers relative to Cornelius Taft.

Mr. Coleman verbally reported, without recommendation, Senate bill No. 104.

Mr. Hancock verbally reported, without recommendation, Assembly bills Nos. 325 and 383.

Mr. Shepard verbally reported, without recommendation, Assembly bill No 64.

Mr. Sheridan offered a resolution allowing the Clerk and Assistant-Clerk of the House, thirty days' pay after adjournment.

Laid on table.

Hon. William M. Gwin was invited to take a seat within the bar of the House.

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

Resolved. That Frank M. Schell and John Barklow, be allowed, each, the sum of five dollars per day from the twenty-seventh of March last, until the close of the present session of the Legislature, payable out of the Contingent Fund of the Assembly, and the Controller is hereby authorized to draw his warrant in favor of said Schell and Barklow, for the amount due each for such services, as other attachés of the Assembly.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 15, 1859.

To the Assembly of California:

I hereby inform your honorable body that I have, to-day, approved "An Act to provide for condemning or purchasing certain lands adjoining the State-prison grounds at San Quentin, for State-prison purposes."

Also, "An Act supplementary to an Act to remedy the loss of a certain certificate of the Mokelumne Hill Canal and Mining Company," approved on the second day of April, one thousand eight hundred and fifty-nine.

Also, "An Act to authorize the Board of Supervisors of the County of Sutter to take and subscribe fifty thousand dollars to the capital stock of 'The San Francisco and Marysville Railroad Company,' and to provide for the payment of the same, and other matters relating thereto."

Also, "An Act concerning roads and highways in Shasta County"

Also, "An Act to fix the salary of the County Judge of Alameda County."

Also, "An Act to amend an Act entitled an Act authorizing the Board of Supervisors of Los Angeles County, to contract a loan for the purpose

of erecting a Court-house, and completing the same," approved April twenty-first, one thousand eight hundred and fifty-eight.

Also, "An Act to authorize the Board of Supervisors of San Joaquin County to audit and allow certain claims."

Also, "An Act to encourage the supply of fresh water on the Desert, west of Fort Yuma."

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 15, 1859.

To the Assembly of California:

I have to inform your honorable body that I have, this day, approved the following bills, to wit:

An Act to fix the time of holding the Court of Sessions, County Court, and Probate Court, in the County of Solano.

Also, an Act to legalize certain acts of the Board of Supervisors, of San Bernardino County, as a Board of Equalization.

Also, an Act to amend an Act entitled "An Act to amend an Act to change the time of holding the Court of Sessions, and County Court, in the County of Napa," approved April twentieth, one thousand eight hundred and fifty-eight

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 16, 1859.

To the Assembly of California:

I hereby inform your honorable body that I have, this day, approved "An Act to grant the right to construct a bridge across the Colorado River, at or near Fort Yuma, to certain parties therein named."

Also, "An Act to amend the seventy-first section of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the Government thereof," approved April nineteenth, one thousand eight hundred and fifty-six."

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 16, 1859.

To the Assembly of California:

I have to inform your honorable body that I have approved an Act entitled "An Act to appropriate money to pay F. Castro.

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 18, 1859.

To the Assembly of the State of California:

I herewith inform your honorable body that I have, this day, approved an Act "to regulate salmon fisheries on Eel River, in Humboldt County."

Also, an Act "to exempt the estate of Charles Evans, deceased, from the process of administration."

Also, an Act "for the protection of gas-light companies."

Also, an Act "supplementary to, and amendatory of an Act entitled an Act to allow Lindsey Carson to sell certain real estate, and to amend the title of the same"

Also, an Act "to regulate fees in office, in the County of Nevada."

Also, an Act "to amend an Act entitled an Act concerning hogs found running at large, in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, one thousand eight hundred and fifty-six."

Also, an Act "to amend an Act entitled an Act to incorporate the Town of Petaluma, approved April the twelfth, one thousand eight hundred and fifty-eight."

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 18, 1859.

To the Assembly of California:

I have to inform your honorable body that, on Saturday, I approved an Act "relating to the care of the indigent sick, in the County of Yuba."

Also, an Act "requiring the Controller of State to sign certain blanks, and to appoint a Deputy for that purpose."

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 18, 1859.

To the Assembly of California:

I have to inform your honorable body that I have, to-day, approved an Act "to authorize the Board of Supervisors of Yuba County to levy a special tax, for County purposes"

Also, an Act "to audit and allow certain claims."

Also, an Act "to separate the offices of County Recorder, County Auditor, and Clerk of the Probate Court, from the office of County Clerk, in the County of Sierra."

Also, an Act to authorize the issuance of a duplicate for a certain lost Controller's warrant."

Also, an Act "amendatory of an Act approved March third, one thousand eight hundred and fifty-eight, entitled an Act to amend an Act to create the County of Del Norte, to define its boundaries, and provide for its organization, approved March second, one thousand eight hundred and fifty-seven."

Also, an Act "to authorize the issuance of duplicates for certain lost school-land warrants"

Also, an Act "to amend an Act entitled an Act to regulate fees in office in certain Counties of this State, approved April twenty-eighth, one thousand eight hundred and fifty-seven."

Also, an Act "to provide for the location of school-land warrants upon unsurveyed lands, and for the issuance of title for the same."

Also, an Act "to authorize the incorporation of Rural Cemetery Associations."

Also, an Act "to provide for the purchase, or building, of a turnpike-road, in the County of Yolo"

Also, an Act "concerning lawful fences, in the Counties of San Bernardino, Colusa, Shasta, Tehama, and Placer."

Also, an Act "supplemental to an Act defining the time for commencing civil actions, passed April twenty-second, one thousand eight hundred and fifty."

Also, an Act "to abolish the office of Public Administrator, in and for the Counties of Tuolumne and Santa Barbara."

Also, an Act "to provide for fixing the commencement of the terms of office, in the County of Butte."

JOHN B. WELLER.

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

Resolved, That the amount of one hundred dollars be, and is hereby, allowed the Sergeant-at-Arms, for postage used in his department for the use and benefit of the Assembly during the Session, payable out of the Contingent Fund of the Assembly.

Mr. Burdick made the following report, and the resolution, appended, was adopted:

MR. SPEAKER:—Your Auditing Committee have examined the copying done for the Asembly, and the entire work done in that department, and believe that Mr. Henry Goodman is entitled to some compensation for services as Printer's Clerk, and therefore beg leave to introduce the following resolution, and recommend its passage:

Resolved, That Mr. Henry Goodman be and he is hereby, allowed compensation at the rate of five dollars ($5) per day, from the third day of January, to the close of the session, inclusive; and the Controller is hereby authorized to draw his warrant for that amount, payable out of the Contingent Fund of the Assembly.

Adopted

Mr. Sheridan moved to reconsider the vote by which, on Saturday last, Senate bill No 234, an Act authorizing the constructing of wharves at the foot of certain streets in the City and County of San Francisco, was lost

Mr. Burdick moved the previous question.

Sustained.

Upon reconsidering, Messrs Cherry, Banks, and Pixley, demanded the ayes and noes, and the vote was reconsidered, by the following vote:

AYES—Messrs. Armstrong, Aud, Burdick, Caldwell, Cahalan, Cannon, Cope, Crenshaw, Daggett, Davis, G A. Douglas, Eagon, Ellis, Gregory, Gwinn, Hines, Imus, Johnson, Laspeyre, Lefever, Lies, Lightner, Lynch, Moore of Nevada, Mount, Pico, Roane, Slingerland, Tipton, Torres, Tully, Vaughan, Whealdon, Whitman, Young, and Mr. Speaker—36.

NOES—Messrs. Banks, Barclay, Buck, Caine, Cherry, Coleman, Condee, Connely, DeLong, G. N. Douglass, Dunlap, Ensworth, Fuller, Holman, Howe, Lamar, Lull, Moore of San Francisco, Murray, Pixley, Robberson, Rodgers, Shepard, Sheridan, Sloss, Springer, Squires, Street, Taylor, Watkins, Wing, and Mr Whitney—32.

On the passage of the bill, Messrs Banks, Lull, and Pixley, demanded the ayes and noes.

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

And, Messrs. Bates, Briggs, Cutler, Daggett, Gwinn, Hancock, Hill, Sloss, and Squires, were absent

Further proceedings under the call were dispensed with.

And the bill was lost, by the following vote:

AYES—Messrs. Armstrong, Burdick, Caldwell, Cahalan, Cannon, Cope

Crenshaw, G. A. Douglas, Eagon, Gregory, Hines, Imus, Johnson, Laspeyre, Lefever, Lies, Lightner, Moore of Nevada, Mount, Pico, Roane, Slingerland, Tipton, Torres, Tully, Vaughan, Whealdon, Whitman, Young, and Mr Speaker—30.

NOES—Messrs Aud, Banks, Barclay, Buck, Caine, Cherry, Coleman, Condee, Connely, DeLong, G. N Douglass, Dow, Dunlap, Ellis, Ensworth, Fuller, Holman, Howe, Lamar, Lull, Lynch, Mathews, Moore of San Francisco, Murray, Pixley, Robberson, Rodgers, Shepard, Sheridan, Springer, Street, Taylor, Watkins, Wing, and Whitney—35.

Mr. Armstrong moved to reconsider the vote by which, on Saturday last, Senate bill No. 291, an Act to appropriate money to pay the claim of D. L. Mulford, was lost.

Mr. Gregory moved to lay on the table.

Carried.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr Johnson:

Resolved, That Henry Swartz, Frederick Stewart, and Hugh Mauldin, Pages of the Assembly, be allowed the sum of one dollar per day additional to their regular pay, from the day of their employment until the end of the session, payable out of the Contingent Fund of the Assembly.

Lost

By Mr Mount:

Resolved, That C. D Cushing be allowed fifteen days, after the adjournment of the Legislature, to receive and forward mail-matter directed to members of the Legislature, and that he receive the same *per diem* for his services as has been paid him as Postmaster to the House, payable out of the Contingent Fund of the Assembly.

Lost.

By Mr Eagon:

Resolved, That J. N Bingay, Assistant-Clerk of the Ninth Session, be allowed one week's pay for his services during the first week of the present session, and that the same be paid out of the Contingent Fund of the Assembly, out of any moneys not otherwise appropriated, and that the Controller of State be authorized to draw a warrant on the State Treasurer therefor.

Laid on the table.

By Mr. Mount:

Resolved, That Frank Rhodes, Watchman of the Assembly, be, and is hereby, allowed the sum of six dollars per day, from the third to the twenty-third day of January, inclusive, payable out of the Contingent Fund of the Assembly.

Lost

Mr Murray offered the following report, and resolution, which was adopted:

REPORT OF THE COMMITTEE ON JOURNALIZING.

MR. SPEAKER:—Your Committee on Journalizing beg leave to report, that they have examined the Journal, and find the same to be correctly written, up to Monday, April eleventh, inclusive.

In this connection, your Committee deem it to be their duty to make known to the House the conclusions at which they have arrived, based upon their experience during the session, as Journalizing Committee. It will be remembered that, previous to this session, it has been the custom for the Clerk of the House to read daily the minutes from manuscript rolls, which rolls have been copied off into the Journal, without any subsequent supervision, other than that of the Journal-Clerk. In this manner the copying into the Journals last year got so far behindhand that Messrs Scobey and Bingay, the Chief and Assistant Clerks, were allowed thirty days' time, each, at ten dollars per day, after the close of the session, during which to write up the Journals. This time was allowed upon the plea that it was impossible to keep the record closely written up. Your Committee would respectfully call attention to the fact that the entire practicability of making the Journal keep even pace with the proceedings of the House, has been fully and successfully demonstrated by the experience of this session, in accordance with the resolution on the subject of journalizing, under which your Committee was appointed.

Your Committee would also report that the work of transcribing the minutes of each day into a Journal, between the hours of adjournment of the House, and its re-assembling, the succeeding day, is but a light task for a skillful amanuensis. Furthermore, a good Minute-Clerk, (and, for an example, we need go no further than the present one, Col. Wood,) can, and does, during a great part of the session, bring up his minutes, even, hour by hour, with the action of the House. It is, therefore, perfectly practicable for the Journal-Clerk, sitting at a desk near the Speaker, to receive the minutes slip by slip from the Minute-Clerk, as he makes them up, and to enter the same in the Journal *instanter*, so that even without any night-work, or with but little, the Chief-Clerk may be enabled to read the minutes each morning from the Journal itself.

This end we deem to be not only desirable, not only practicable, but, indeed, most imperatively necessary. All Courts of Justice follow this plan. The minutes of the proceedings of each day are read from the record every succeeding morning, and signed, then and there, by the Judge. If corrections are deemed necessary, they are noted, under the order of the Judge, in the succeeding day's proceedings, without the necessity of erasure or interlineation. Your Committee can not think that the authenticity of the proceedings of a legislative body is less worthy of preservation than that of those of a Court of Justice, whether supreme or subordinate.

The only time during the session that, in the opinion of your Committee, it might become impossible to write up the minutes in the Journal, ready for reading the next morning, would be the day in which the Governor's Message is received. All the other long documents have been copied into an appendix this session, and may be so hereafter. We question whether the Governor's Message might not also be so disposed of. In any event, this is only a temporary obstacle.

Your Committee would call the attention of the House to the fact that, as it at present stands, the House Journal bears upon it no signature or stamp of authenticity whatsoever. It is signed by no officer. It is a

mere copy of that which is read in the House; that again receiving no sanction in the shape of a signature. The Clerk of the House never supervises the Journal after it is written up, and if it were not for the preservation of the original minutes, which have been read in the House, there would exist no documentary proof of the authenticity of each day's proceedings. Under the present system, we deem, therefore, that the entry in the Journal might be dispensed with altogether.

In view of the above conclusions, your Committee beg leave respectfully to recommend to this House the adoption of the accompanying resolution.

A. S. ENSWORTH,
T B SHANNON,
WALTER MURRAY,
J. S. TIPTON.

Resolved, That this House most earnestly recommends, to its successors, that they insist upon the reading of the minutes of each day's proceedings from the Journal itself, and upon the signature thereof by the Speaker, in the Journal, attested by the Clerk, immediately upon the approval thereof by the House.

Adopted.

Mr. Young moved to take from the table Senate bill No. 246, an Act to condemn, and appropriate to the use of the State of California, the interest of certain parties in and to the State-prison grounds, buildings, etc., situate on Point San Quentin, in the County of Marin, and to appropriate money for the payment of such interests.

Upon which, Messrs. Lightner, Hines, and Jackson, demanded the ayes and noes, and it was taken from the table, by the following vote:

AYES—Messrs. Aud, Banks, Bates, Caine, Cahalan, Cannon, Cherry, Coleman, Condee, Connely, Daggett, G. N. Douglass, Dunlap, Ellis, Ensworth, Hancock, Hill, Holman, Howe, Johnson, Lefever, Lies, Lull, Lynch, Mathews, Moore of Nevada, Mount, Murray, Pixley, Robberson, Rodgers, Shannon, Shepard, Sloss, Springer, Squires, Taylor, Tipton, Torres, Watkins, Wing, Whitney, and Young—43.

NOES—Messrs Barclay, Buck, Caldwell, Cope, DeLong, G. A. Douglas, Dow, Fuller, Gregory, Gwinn, Hines, Imus, Jackson, Lamar, Laspeyre, Lightner, Slingerland, Tully, Vaughan, and Whealdon—20.

The Speaker *pro tem.* decided, that, after the Clerk has commenced calling the roll, it is out of order for any member to address the Chair.

Mr. Hines appealed, on the ground that no response had been made to the call

And the House sustained the Chair.

Mr. Pixley moved the previous question.

Upon which, Messrs. Hines, Lightner, and Tully, demanded the ayes and noes, and it was sustained, by the following vote:

AYES—Messrs. Armstrong, Bates, Burdick, Caldwell, Cahalan, Cannon, Cherry, Condee, Connely, Daggett, G. N. Douglass, Dow, Hill, Howe, Johnson, Lefever, Lies, Lull, Lynch, Malarin, Mathews, Moore of Nevada, Mount, Murray, Pixley, Roane, Robberson, Shannon, Shepard, Squires, Taylor, Tipton, Torres, and Young—34.

NOES—Messrs. Banks, Barclay, Buck, Caine, Cope, DeLong, G. A

Douglas, Ellis, Ensworth, Fuller, Gwinn, Hancock, Hines, Holman, Imus, Jackson, Laspeyre, Lightner, Rodgers, Sheridan, Sloss, Springer, Tully, Vaughan, Watkins, Whealdon, Whitman, and Mr. Speaker—29.

On concurring in Committee amendments to section six, Messrs. Hines, Lightner, and Tully, demanded the ayes and noes, and they were lost, by the following vote:

AYES—Messrs. Barclay, Buck, Cope, DeLong, G. A. Douglas, Dow, Eagon, Ellis, Ensworth, Fuller, Gwinn, Hines, Holman, Imus, Jackson, Laspeyre, Lightner, Lull, Rodgers, Sheridan, Sloss, Tully, Vaughan, Whealdon, and Whitman—25.

NOES—Messrs. Armstrong, Banks, Bates, Burdick, Caine, Caldwell, Cahalan, Cherry, Coleman, Condee, Connely, Daggett, G. N. Douglass, Dunlap, Gregory, Hancock, Hill, Howe, Johnson, Lefever, Lies, Lynch, Malarin, Mathews, Moore of Nevada, Moore of San Francisco, Mount, Murray, Pico, Pixley, Robberson, Shannon, Springer, Squires, Taylor, Tipton, Wing, Whitney, and Young—37.

On concurring in the first amendment to section seven, Messrs. Hines, Lightner, and Laspeyre, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Banks, Barclay, Buck, Caine, Cannon, Cope, DeLong, Dow, Ensworth, Gwinn, Hines, Holman, Jackson, Laspeyre, Lightner, Lull, Rodgers, Sloss, Tully, Vaughan, and Mr Speaker—21

NOES—Messrs. Armstrong, Bates, Burdick, Caldwell, Cahalan, Cherry, Coleman, Condee, Connely, Daggett, G. N. Douglass, Dunlap, Ellis, Hancock, Hill, Howe, Johnson, Lefever, Lies, Lynch, Malarin, Mathews, Moore of Nevada, Moore of San Francisco, Mount, Murray, Pico, Pixley, Robberson, Shannon, Shepard, Springer, Squires, Taylor, Tipton, Torres, Wing, Whitney, and Young—39.

On concurring in the second amendment to section seven, Messrs. Hines, Lightner, and Tully, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Barclay, Buck, Caine, Cope, DeLong, Dow, Ensworth, Gwinn, Hines, Holman, Jackson, Laspeyre, Lightner, Rodgers, Sheridan, Tully, and Vaughan—17

NOES—Messrs. Armstrong, Banks, Bates, Burdick, Caldwell, Cahalan, Cannon, Cherry, Condee, Connely, Daggett, G. N. Douglass, Dunlap, Ellis, Gregory, Hancock, Howe, Johnson, Lefever, Lies, Lull, Lynch, Malarin, Mathews, Moore of Nevada, Moore of San Francisco, Mount, Murray, Pico, Pixley, Roane, Robberson, Shannon, Shepard, Sloss, Springer, Squires, Taylor, Tipton, Torres, Watkins, and Whitney—42.

On concurring in amendments to section eight, Messrs. Hines, Lightner, and Tully, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Buck, Caine, Cope, DeLong, Ensworth, Fuller, Gwinn, Hines, Holman, Jackson, Laspeyre, Lightner, Rodgers, Sheridan, Tully, Vaughan, and Whealdon—17.

NOES—Messrs. Armstrong, Aud, Banks, Bates, Burdick, Caldwell, Caha-

lan, Cannon, Cherry, Coleman, Condee, Connely, Daggett, G. N Douglass, Dunlap, Ellis, Hancock, Hill, Howe, Johnson, Lefever, Lies, Lull, Lynch, Malarin, Mathews, Moore of Nevada, Moore of San Francisco, Mount, Murray, Pico, Roane, Robberson, Shannon, Shepard, Sloss, Springer, Squires, Taylor, Tipton, Torres, Watkins, Wing, Whitney, and Young —45.

On concurring in amendment to first amendment to section nine, Messrs Hines, Lightner, and Tully, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Barclay, Buck, Cope, Dow, Ensworth, Fuller, Gwinn, Hines, Holman, Jackson, Laspeyre, Lightner, Lull, Moore of Nevada, Rodgers, Shannon, Shepard, Tully, Whealdon, and Mr. Speaker—20.

NOES—Messrs. Armstrong, Aud, Banks, Bates, Burdick, Caine, Caldwell, Cahalan, Cannon, Cherry, Coleman, Condee, Connely, Daggett, G. N Douglass, Dunlap, Ellis, Hancock, Hill, Howe, Johnson, Lefever, Lynch, Malarin, Mathews, Moore of San Francisco, Mount, Murray, Pico, Pixley, Roane, Robberson, Sheridan, Sloss, Springer, Squires, Taylor, Tipton, Torres, Watkins, and Whitney—41.

On concurring in second amendment to section nine, Messrs. Lightner, Tully, and Jackson, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Cope, Dow, Ensworth, Fuller, Hines, Holman, Imus, Jackson, Lightner, Lull, Moore of San Francisco, Roane, Rodgers, Tully, and Whealdon—15.

NOES—Messrs Armstrong, Banks, Bates, Burdick, Caine, Caldwell, Cahalan, Cannon, Cherry, Coleman, Condee, Connely, Daggett, G. N. Douglass, Dunlap, Ellis, Gregory, Hancock, Hill, Howe, Lefever, Lynch, Mathews, Mount, Murray, Pico, Pixley, Robberson, Shannon, Shepard, Sloss, Springer, Squires, Tipton, Torres, Watkins, Whitney, and Young —38.

On the passage of the bill, Messrs Hines, Tully, and Murray, demanded the ayes and noes, and it was passed, by the following vote:

AYES—Messrs. Armstrong, Banks, Bates, Burdick, Caine, Caldwell, Cahalan, Cherry, Coleman, Condee, Connely, Crenshaw, Daggett, G. N Douglass, Dunlap, Ellis, Gregory, Hancock, Hill, Howe, Lefever, Lies, Lightner, Lull, Lynch, Malarin, Mathews, Moore of Nevada, Moore of San Francisco, Mount, Murray, Pico, Pixley, Roane, Shannon, Shepard, Sloss, Springer, Torres, Watkins, Whitney, and Young—42

NOES—Messrs. Barclay, Buck, Cope, DeLong, Dow, Eagon, Ensworth, Fuller, Gwinn, Hines, Holman, Imus, Jackson, Lamar, Laspeyre, Rodgers, Sheridan, Squires, Tipton, Tully, Whealdon, Wing, Whitman, and Mr. Speaker—24.

Mr. Robberson moved to suspend the rules, to reconsider the vote by which the bill passed.

Upon which, Messrs. Lightner, Hines, and Barclay, demanded the ayes and noes, and the rules were suspended, by the following vote:

AYES—Messrs. Armstrong, Aud, Banks, Bates, Burdick, Caine, Cald

well, Cahalan, Cannon, Cherry, Coleman, Condee, Connely, Daggett, G. N. Douglass, Dow, Dunlap, Ellis, Gregory, Gwinn, Hancock, Hill, Howe, Johnson, Lamar, Lefever, Lies, Lull, Lynch, Malarin, Mathews, Moore of Nevada, Moore of San Francisco, Mount, Murray, Pico, Pixley, Robberson, Rodgers, Shannon, Shepard, Sloss, Springer, Street, Torres, Watkins, Whitney, and Young—48

NOES—Messrs. Barclay, Buck, DeLong, G A. Douglas, Ensworth, Fuller, Hines, Holman, Imus, Jackson, Laspeyre, Lightner, Roane, Sheridan, Slingerland, Squires, Tipton, Tully, Vaughan, Whealdon, Wing, and Mr. Speaker—22.

On the motion to indefinitely postpone the motion to reconsider, Messrs Lightner, Hines, and Tipton, demanded the ayes and noes, and the motion prevailed, as follows:

AYES—Messrs. Aud, Banks, Bates, Burdick, Caine, Caldwell, Cahalan, Cannon, Cherry, Coleman, Condee, Connely, Daggett, G. N. Douglass, Dow, Dunlap, Ellis, Gregory, Hancock, Hill, Howe, Johnson, Lefever, Lies, Lull, Lynch, Malarin, Mathews, Moore of Nevada, Moore of San Francisco, Mount, Murray, Pico, Pixley, Robberson, Shannon, Shepard, Sloss, Springer, Street, Taylor, Torres, Watkins, Whitney, and Young—45.

NOES—Messrs. Barclay, Buck, DeLong, G. A. Douglas, Eagon, Ensworth, Fuller, Gwinn, Hines, Holman, Imus, Jackson, Lamar, Laspeyre, Lightner, Sheridan, Slingerland, Tipton, Tully, Vaughan, Whealdon, Wing, and Mr. Speaker—23.

On motion of Mr. Lamar, the following Senate message was taken up:

SENATE CHAMBER,
April 18, 1859

MR. SPEAKER:—The Senate, this day, adopted Senate Concurrent-Resolution No. 41, relative to a geological survey of the State, and holding correspondence with eminent Geologists in relation thereto, and ask the concurrence of the Assembly

E. C. PALMER, Secretary of Senate.

Senate Concurrent-Resolution, above reported, laid on the table.

Mr. Street moved to take up Senate message reporting Senate Concurrent-Resolution No. 39.

Mr. Robberson moved the previous question.

Which was sustained, and the message read

SENATE CHAMBER,
April 18, 1859.

MR. SPEAKER:—The Senate, this day, passed Concurrent-Resolution No. 39, relative to adjournment *sine die*, and ask the concurrence of the Assembly.

E. C. PALMER, Secretary of the Senate.

Mr Hines moved to lay the resolution upon the table.

Upon which, Messrs. Burdick, Lightner, and Squires, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Barclay, DeLong, Hancock, Lefever, Lightner, Tully, and Watkins—7

NOES—Messrs. Armstrong, Aud, Banks, Bates, Buck, Burdick, Caine, Caldwell, Cahalan, Cannon, Cherry, Coleman, Condee, Connely, Cope, Daggett, G. A. Douglas, G. N. Douglass, Dow, Dunlap, Eagon, Ellis, Ensworth, Fuller, Hill, Hines, Holman, Howe, Imus, Jackson, Johnson, Lamar, Laspeyre, Lies, Lull, Lynch, Malarin, Mathews, Moore of Nevada, Moore of San Francisco, Mount, Murray, Pixley, Roane, Robberson, Rodgers, Shannon, Shepard, Sheridan, Slingerland, Sloss, Springer, Squires, Street, Taylor, Torres, Wing, Whitman, Whitney, Young, and Mr. Speaker—60.

On concurring in the resolution, Mr. Street moved the previous question, which was sustained, and the resolution was concurred in.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
April 16, 1859.

MR SPEAKER:—The Senate, this day, passed Senate bill No. 309, an Act to appropriate money to pay certain claims.

Also, Assembly bill No. 179, an Act to confer further powers upon the Board of Education, and Treasurer of the City and County of San Francisco.

Also, Assembly bill No. 268, an Act concerning lawful fences in the Counties of San Bernardino, Colusa, Tehama, Shasta, and Placer.

Also, Senate bill No 310, "An Act to appropriate money for certain claims."

E. C. PALMER, Secretary Senate.

Senate bills Nos 309 and 310, above reported, were read first and second times, considered in Committee of the Whole, reported, and recommended, rules suspended, read third time, and passed

SENATE CHAMBER,
April 18, 1859.

MR. SPEAKER:—The Senate, this day, concurred in Assembly amendments to Senate bill No. 302, "An Act making appropriations for deficiencies made for the tenth fiscal year, ending the thirtieth day of June, one thousand eight hundred and fifty-nine."

Also, this day, passed, with amendment, Assembly Concurrent-Resolution, No. 49, relative to the war-debt

E. C. PALMER, Secretary of the Senate.

The House concurred in Senate amendment to Assembly Concurrent Resolution No. 49, above reported.

SENATE CHAMBER,
April 18, 1859.

MR. SPEAKER:—The Senate, this day, passed Senate bill No. 314, "An Act making appropriations for the payment of rewards offered by the Governor."

E. C. PALMER, Secretary Senate.

Senate bill No. 314, above reported, read first and second times, considered in Committee of the Whole, reported, and recommended.

Rules suspended, read third time, and passed.

SENATE CHAMBER,
April 16, 1859.

MR. SPEAKER:—The Senate, this day, passed Assembly bill No. 329, "An Act to provide for the location of school-land warrants upon unsurveyed lands, and for the issuance of title for the same"

Also, Senate bill No. 308, "An Act to provide for the payment of a digest of the decisions of the Supreme Court of the State of California, and for the distribution thereof"

Also, Assembly bill No 203, "An Act to authorize the incorporation of Rural Cemetery Associations"

Also, Assembly bill No. 379, "An Act to provide for the purchase, or building, of a turnpike-road in the County of Yolo"

E. C PALMER, Secretary Senate.

Mr. Howe moved to lay Senate bill No 308, above reported, on the table.

Mr. Hines moved to reject the bill

Mr. Street moved the previous question

Sustained.

Mr. Lefever moved a call of the House.

Lost.

On rejecting the bill, Messrs. Lull, Fuller, and Lefever, demanded the ayes and noes, and it was rejected, by the following vote:

AYES—Messrs. Aud, Caine, Caldwell, Coleman, Condee, Connely, G. N. Douglass, Dow, Ensworth, Fuller, Gregory, Gwinn, Hines, Holman, Howe, Lynch, Mathews, Murray, Robberson, Rodgers, Springer, Squires, Watkins, Wing, and Whitney—27.

NOES—Messrs. Banks, Burdick, Cahalan, Cannon, Cherry, Cope, Daggett, G. A. Douglas, Eagon, Ellis, Hancock, Laspeyre, Lefever, Lightner, Lull, Moore of San Francisco, Pico, Pixley, Roane, Shannon, Shepard, Sheridan, Street, Taylor, Tipton, Tully, Vaughan, Whealdon, and Young—29.

Mr Squires moved to adjourn.

Lost.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 18, 1859.

To the Assembly of California:

I have to inform your honorable body that I, this day, approved the following bills, to wit:

An Act to abolish the office of Public Administrator, in and for the Counties of Tuolumne and Santa Barbara

An Act to provide for fixing the commencement of the terms of office in the County of Butte

An Act to authorize the Board of Supervisors of Yuba County to levy a special tax, for County purposes.

An Act to improve the navigation of San Antonio Creek, in the County of Alameda.

An Act to confer further powers upon the Board of Education, and the Treasurer of the City and County of San Francisco.

An Act to provide for improving Navarra River.

An Act amendatory of an Act entited an Act amendatory of, and supplementary to, an Act entitled an Act to incorporate the City of Marysville, approved March third, one thousand eight hundred and fifty-seven, approved April twenty-fifth, one thousand eight hundred and fifty-seven.

An Act to authorize certain Counties to retain the State's portion of the poll-tax, less that portion authorized by law to be paid into the general School Fund, which shall be collected in the said Counties for the year one thousand eight hundred and fifty-nine, and for the year one thousand eight hundred and sixty.

An Act to grant the right to construct and maintain a dam and lock across and in Napa Creek

An Act to authorize the Governor of the State of California, in conjunction with the United States, to run and mark the boundary-lines between the Territories of the United States and the State of California

JOHN B. WELLER.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 18, 1859.

To the Assembly of California:

I have to inform your honorable body that, I this day, approved an Act granting the consent of the Legislature to the formation of a different Government for the southern Counties of this State.

JOHN B. WELLER.

MESSAGE FROM THE BOARD OF EXAMINERS.

The following message was received from the Board of Examiners:

OFFICE BOARD OF EXAMINERS,
Sacramento, April 13, 1859.

I herewith transmit, to your honorable body, a claim, which has been passed upon by the Board of Examiners, and allowed, together with the papers and opinion of the Board in said claim, to wit:

Claim of Mary Harrison *v* The State, for one hundred and forty-three dollars and thirty-four cents.

JOHN B. WELLER,
President Board of Examiners.

Mr. Aud verbally reported, without recommendation, Assembly bill No. 244.

Mr. Young made the following report:

MR. SPEAKER:—The Committee on Enrollment have, this day, examined Assembly bill No. 362, "An Act to authorize the Coroner of Butte County to remove the bodies of deceased persons," and find the same correctly enrolled, and handed to the Governor this day

YOUNG, Chairman.

Mr. Hines moved to adjourn.

Lost.

At three o'clock, P. M., on motion of Mr. Holman, the House adjourned.

IN ASSEMBLY.

TUESDAY, April 19, 1859.

The House met, pursuant to adjournment.

The Speaker *pro tem.* in the Chair.

A quorum being present, the Journal of yesterday was read and approved.

The following resolution was offered by Mr Young, and adopted:

Resolved, That the Enrolling Committee of the Assembly be, and are hereby, authorized to insert, in enrolled Assembly bill No, 58, the word "thousand," in the fourth section of an Act entitled an Act to provide for the licensing of auctioneers, and to define their duties and liabilities.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 19, 1859.

To the Assembly of California:

I herewith return, to your honorable body, without my approval, "An Act to amend an Act, entitled an Act to establish Pilots and Pilot regulations for the Port of San Francisco, passed May eleventh, one thousand eight hundred and fifty-four, and amended April sixteenth, one thousand eight hundred and fifty-eight."

The gentleman who has been looking after the interests of the Pilots, this session, on the eighteenth of last month wrote a letter to one of his associates at San Francisco, which has been shown to me, in which the following language is used in reference to this bill:

"Its passage will be recommended by the Committee, and I think it will become a law, for I have bought up every body, and used the whole appropriation to do so." * * * * * *

"My promises are all distributed in the right places, and I feel more like success to-day than I have any day since I have been up here." * * * * * "I suppose, when this bill gits to rolling, that all the click will be up here, and unless they have got over $5000 dollars to offer, I think that they will go down with their fingers in their mouths."

The genuineness of this letter has been admitted to me by the author. I can not approve a bill passed under such circumstances.

JOHN B. WELLER.

The bill, above reported, was taken up, and, on the question, "Shall the bill pass, notwithstanding the objection of the Governor, the ayes and noes were called, and the House refused, by the following vote:

AYES—None.

NOES—Messrs. Armstrong, Aud, Barclay, Bates, Burdick, Caine, Cald-

well, Cahalan, Cannon, Cherry, Coleman, Connely, Cope, Daggett, G. N. Douglass, Dow, Eagon, Ellis, Ensworth, Fuller, Gregory, Gwinn, Hancock, Hill, Hines, Holman, Howe, Imus, Johnson, Lefever, Lies, Lightner, Lull, Mathews, Moore of Nevada, Mount, Murray, Pixley, Roane, Robberson, Sheridan, Slingerland, Sloss, Springer, Squires, Street, Taylor, Tipton, Torres, Tully, Vaughan, Whealdon, and Young—53.

Mr. Cope offered the following resolution:

Resolved, That the thanks of this House are due the Hon. W. C. Stratton, for the faithful, able, and impartial manner in which he has discharged the duties of Speaker, during the present session.

Mr. Laspeyre moved the previous question.

Sustained.

On the adoption of the resolution, Messrs. DeLong, G. A. Douglas, and Pixley, demanded the ayes and noes, and the resolution was adopted, by the following vote:

AYES—Messrs. Armstrong, Aud, Barclay, Buck, Burdick, Coleman, Condee, Connely, Cope, Daggett, G. N. Douglass, Ellis, Ensworth, Gregory, Gwinn, Hancock, Holman, Howe, Laspeyre, Lefever, Lies, Lightner, Lull, Lynch, Malarin, Mathews, Moore of Nevada, Mount, Murray, Pico, Robberson, Shepard, Squires, Street, Tipton, Torres, Tully, Wing, Whitman, Whitney, and Young—41.

NOES—Messrs. Banks, Caine, Caldwell, Cherry, DeLong, G. A. Douglas, Fuller, Hill, Imus, Jackson, Pixley, Roane, Slingerland, Sloss, Taylor, Vaughan, and Whealdon—17.

Mr. Young made the following report:

MR. SPEAKER:—Your Committee on Enrollment have examined, and found correctly enrolled, Assembly Concurrent-Resolution No 49, relative to the War Debt, and delivered the same to His Excellency, the Governor, for his approval.

GEO. A. YOUNG, Chairman.

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

Resolved, By the Assembly, the Senate concurring, that a Committee of three from each House, be appointed to wait upon the Governor, and inform him that the Legislature is now ready to adjourn *sine die*, and ask him if he has any further communication to make to the two Houses.

The Speaker appointed Messrs. Young, Gwinn, and Lull, as such Committee.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
April 19, 1859.

MR. SPEAKER:—The Senate, this day, passed Senate Concurrent-Resolution No. 42, relative to leave of absence granted to General Kibbe, Quartermaster-General of this State.

E. C. PALMER, Secretary Senate.

Senate Concurrent-Resolution, above reported, was concurred in.
Mr. Squires made the following report:

MR. SPEAKER:—Your Committee on Public Expenditures and Accounts have examined, and found correct, the following account, to wit:
Account of publishers of Mariposa Star, amounting to the sum of $6.
OGDEN SQUIRES, Chairman of Committee.
Adopted.

Mr. Lightner offered the following resolution:

Resolved, That the Clerk, the Assistant-Clerk, and the Minute-Clerk of the Assembly be, and are hereby, allowed twenty days each, at their present *per diem*, to mark, label, and arrange the papers belonging to the archives of the Assembly for the Tenth Session, to be paid out of the appropriation for pay of officers and clerks of the Assembly.

Mr. Hines moved the previous question.
Sustained.
On the adoption of the resolution, Messrs. Aud, Douglass, and Laspeyre, demanded the ayes and noes, and it was adopted, by the following vote:

AYES—Messrs. Armstrong, Banks, Buck, Burdick, Cherry, Daggett, DeLong, G. A. Douglas, Dow, Ellis, Gwinn, Hancock, Hill, Hines, Holman, Howe, Jackson, Johnson, Lightner, Lull, Lynch, Mount, Robberson, Rodgers, Shepard, Sheridan, Slingerland, Sloss, Squires, Street, Torres, Vaughan, Whealdon, and Whitman—34
NOES—Messrs. Aud, Barclay, Caine, Caldwell, Cahalan, Condee, Connely, G. N. Douglass, Ensworth, Fuller, Gregory, Laspeyre, Lefever, Lies, Mathews, Moore of Nevada, Pixley, Roane, Springer, Tipton, Tully, Watkins, and Young—23.

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

Resolved, That the vouchers of Mary Harrison, for her claims against the State, for services at the Insane Asylum, be returned to her.

And the papers were delivered to Mr. Sheridan.
Mr. Robberson offered the following resolution, which was adopted:

Resolved, That R K. Weston, Copying-Clerk of the Assembly, be, and he is hereby, allowed the sum of two and a-half cents per folio, for all copying audited as done for the Printer, in the Assembly, during the present session of the Legislature, and the Controller of State is hereby authorized and directed to draw his warrant on the Treasurer in favor of said Weston for the amount, payable out of the Contingent Fund of the Assembly.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 19, 1859.

To the Assembly of California:
I herewith inform your honorable body that I have, this day, approved

an Act to authorize the Coroner of Butte County to remove the bodies of deceased persons.

Also, an Act concerning roads and highways in the Counties of Tuolumne, San Joaquin, Plumas, and Siskiyou.

Also, an Act to appropriate money to pay Joseph Nougues.

Also, an Act to alter and define the boundary-lines of Tehama County.

Also, an Act amendatory of, and supplementary to, an Act to provide revenue for the support of the Government of this State, approved April twenty-ninth, one thousand eight hundred and fifty-seven.

Also, an Act to regulate the fees of certain officers, witnesses, and jurors, in the County of El Dorado.

Also, an Act amendatory of, and supplementary to, an Act passed April twenty-fourth, one thousand eight hundred and fifty-eight, entitled an Act to repeal the Act passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled an Act to incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento.

Also, on yesterday, I approved an Act amendatory of an Act entitled an Act to provide for the sale and reclamation of the swamp and overflowed lands of this State, approved April twenty-first, one thousand eight hundred and fifty-eight.

Also, an Act to provide for the licensing of auctioneers, and to define their duties and liabilities.

Also, an Act to confer further powers on the Board of Supervisors, the County Auditor, and Treasurer, of the City and County of San Francisco, and to authorize them to perform certain acts therein mentioned.

Also, an Act to audit and allow certain claims accruing under the provisions of an Act approved April twenty-eight, one thousand eight hundred and fifty-five, entitled an Act to provide for the survey and construction of a wagon-road over the Sierra Nevada mountains.

JOHN B. WELLER.

RESOLUTIONS.

Resolutions were offered, as follows:

By Mr. Ellis:

Resolved, That J. N. Bingay, Assistant-Clerk of the Assembly at the last session of the Legislature, be allowed three days' *per diem* for services rendered at the commencement of the present session, payable out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Connely:

Resolved, That William Griffin be summoned before this House, immediately, to testify as to the facts charged in the Governor's veto message, read this day.

Adopted.

By Mr. Burdick:

Resolved, That C. Hawkins be, and is hereby, allowed one dollar per day from the first day of February, to date, as a just compensation for services rendered as Assistant Enrolling Clerk of the Assembly, and that the same be paid out of the Contingent Fund of the Assembly.

Lost.
By Mr. Whitman:

Resolved, That the Clerk of this House, and his Assistant, and the Sergeant-at-Arms, be allowed one Porter during the time allowed to them to settle up their business, and that John Barkeloo is hereby appointed for that purpose, at the same *per diem* as he now receives, payable out of the Contingent Fund of the Assembly.

Lost.
By Mr. Pixley:

Resolved, That the Postmaster of the Assembly be instructed to remain on duty six days after the adjournment, and to receive and forward all mail-matter for members and attaché s of the Assembly, and that he receive five dollars, *per diem*, during the six extra days, payable out of the Contingent Fund of the Assembly.

Lost.
By Mr. Street:

Resolved, That the thanks of the Assembly are hereby tendered to Messrs M. G. Upton, Charles A Sumner and W. M. Cutter, for their able and correct reports of the proceedings of this body during this session.

Adopted.
By Mr. Pixley:

Resolved, That the Assistant Sergeant-at-Arms be allowed the same *per diem* as the S rgeant-at-Arms, from the commencement of the session, payable out of the Contingent Fund of the Assembly.

Lost.
By Mr. Howe:

Resolved, That the Secretary of State be, and he is hereby, authorized to audit and allow for the copying remaining unaudited by the Auditing Committee, at the rates prescribed by law, and the Controller is hereby authorized and required to draw his warrant in favor of the Chief-Clerk of the Assembly, on the Treasurer, for the same, payable out of the Contingent Fund of the Assembly.

Adopted.
By Mr. Laspeyre:

Resolved, By the Assembly, the Senate concurring, that the time be extended until two o'clock, P. M., for adjournment, for the purpose of examining into the charges of W. Griffin, against Members of the Legislature.

Adopted.
The following report was made by Mr. Daggett:

MR. SPEAKER:—Your Committee, consisting of the delegation of mem-

bers from the District interested, to whom was referred Assembly bill No. 174, entitled an Act to authorize the citizens of the State of California, residing north of the fortieth degree of north latitude, to withdraw from the State of California, and organize a separate Government, would most respectfully report the same back for the action of the House—the majority of the Committee recommending its indefinite postponement, and the minority recommending its passage.

DAGGETT, Chairmain.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
Tuesday, April 19, 1859.

MR. SPEAKER:—The Senate, this day, concurred in Assembly Concurrent-Resolution No. 50, relative to the appointment of a Committee to wait upon the Governor, on adjournment, and have appointed, on said Committee, on the part of the Senate, Messrs. Kirkpatrick, Merritt, and Parker.

E. C. PALMER, Secretary of Senate.

SENATE CHAMBER,
April 15, 1859.

MR. SPEAKER:—The Senate, this day, passed Asssembly bill No. 380, an Act to audit and allow certain claims.

Also, Assembly bill No. 159, an Act to separate the offices of County Recorder, County Auditor, and Clerk of the Probate Court, from the office of County Clerk, in the County of Sierra.

Also, Senate bill No. 280, an Act amendatory of an Act entitled an Act to authorize the Treasurer of the City and County of San Francisco to execute certain deeds, and cancel certain claims.

E. C. PALMER, Secretary Senate.

SENATE CHAMBER,
April 15, 1859.

MR. SPEAKER:—The Senate, this day, passed Senate bill No. 301, an Act to amend an Act to amend section one of an Act entitled an Act to provide revenue for the support of the Government of this State, from a tax to be levied and collected from foreign and inland bills, and other matters, approved April twenty-sixth, one thousand eight hundred and fifty-eight.

Also, with amendments, passed Assembly bill No. 31, an Act to separate the office of Collector of Taxes, from the office of Sheriff, of the County of Amador, and ask the concurrence of the Assembly

Also, refuse to concur in Assembly amendments to Senate bill No. 268, an Act amendatory of an Act to fix the compensation of the County Judge, of Calaveras, and the District-Attorney, of Calaveras County, approved March thirteenth, one thousand eight hundred and fifty-seven.

Also, passed Senate bill No. 302, an Act making appropriations for deficiencies made for the tenth fiscal year, ending the thirtieth day of June, one thousand eight hundred and fifty-nine.

Also, passed Senate bill No. 297, an Act to regulate proceedings in civil actions, in certain cases.

E. C. PALMER, Secretary of Senate.

SENATE CHAMBER,
April 16, 1859.

MR. SPEAKER:—The Senate, this day, passed substitute for Assembly bill No. 337, an Act supplementary to, and amendatory of, an Act to allow Lindsey Carson to sell certain real estate, and to amend the title of the same.

Also, Senate bill No. 312, an Act to amend an Act to establish, regulate, and support common schools.

Also, Assembly bill No. 341, an Act to authorize the issuance of duplicate school-land warrants

Also, Assembly bill No. 354, an Act amendatory of an Act approved March third, one thousand eight hundred and fifty-eight, entitled an Act to amend an Act to create the County of Del Norte, to define its boundaries, and provide for its organization, approved March second, one thousand eight hundred and fifty-seven.

E. C PALMER, Secretary of Senate.

SENATE CHAMBER,
April 16, 1859.

MR SPEAKER:—The Senate have, this day, passed Senate bill No. 250, "An Act to authorize payment in full to be made for land purchased from the State of California, wholly, or partly, on credit."

Also, Senate bill No 299, "An Act to enable the minor heirs of José Joaquin Estudillo to convey real estate"

Also, Senate bill No 298, "An Act to enable certain minors therein named to manage and control their property"

Also, Assembly bill No. 357, "An Act to amend an Act entitled an Act to incorporate the Town of Petaluma, approved April twelfth, one thousand eight hundred and fifty-eight."

E. C PALMER, Secretary of Senate.

SENATE CHAMBER,
April 16, 1859.

MR. SPEAKER:—The Senate, this day, refused to concur in Assembly Concurrent-Resolution No. 48, relative to adjournment of the Legislature *sine die.*

E C. PALMER, Secretary of Senate.

SENATE CHAMBER,
April 16, 1859.

MR. SPEAKER:—The Senate, this day, passed Senate bill No 255, "An Act concerning roads and highways, in the County of Alameda"

E. C. PALMER, Secretary Senate.

SENATE CHAMBER,
April 16, 1859.

MR SPEAKER:—The Senate, this day, refused to concur in the minority report on Senate bill No. 147, "An Act to compensate the Warden of the State-prison, and have appointed the following as a Committee of Free Conference on the part of the Senate, and ask a similar Committee on the part of the Assembly—Messrs. Burch, Quinn, and Phelps.

E. C. PALMER, Secretary of Senate.

SENATE CHAMBER,
April 16, 1859.

MR. SPEAKER:—The Senate, this day, passed Senate bill No. 311, "An

Act supplemental to an Act amendatory of an Act entitled an Act to establish a standard of weights and measures for this State, passed March thirtieth, one thousand eight hundred and fifty, and all Acts supplemental to, and amendatory thereof"

Also, Assembly bill No. 388, "An Act amendatory of an Act entitled an Act to provide for the sale and reclamation of the swamp and overflowed lands of this State, approved April twenty-first, one thousand eight hundred and fifty-eight."

Also, Assembly bill No. 376, an Act to authorize the Governor of the State of California, in conjunction with the United States, to run and mark the boundary-lines between the Territories of the United States and the State of California.

E. C. PALMER, Secretary of Senate.

SENATE CHAMBER,
April 16, 1859.

MR SPEAKER:—The Senate, this day, passed, with amendments, Assembly bill No 340, "An Act to amend an Act entitled an Act defining the legal distances from each County-seat to the Capitol, Lunatic Asylum, and State-prison."

Also, Assembly bill No. 291, "An Act to provide for fixing the commencement of the terms of office in the County of Butte."

Also, Senate bill No 283, "An Act amendatory of, and supplementary to, an Act to grant the right to construct and maintain a bridge across the Feather River, approved April twenty-sixth, one thousand eight hundred and fifty-eight, and for other purposes"

E C. PALMER, Secretary of Senate.

RESOLUTIONS.

Resolutions were offered as follows:

By Mr Lull:

Resolved, That the thanks of this House be tendered to the Hon. Phil. Moore, for the able and courteous manner in which he has discharged the duties of his office as Speaker *pro tem.*

Adopted unanimously.

By Mr. Whitman:

Resolved, That the thanks of this Assembly be presented to the Clerk, and Assistant-Clerk, and Minute-Clerk, for their courteous, accommodating, and gentlemanly course, during the session.

Adopted.

By Mr. Cherry:

Resolved, That the Secretary of State be requested to forward, to the members of this House, copies of the Laws and Journals of the Tenth session, as soon as possible after their publication.

Adopted

Mr. Young, from Special Committee, verbally reported that the Governor had no further communications to make to the Assembly.

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

Resolved, That a Committee of three be appointed to wait on Speaker Stratton, and conduct him to the Chair.

The Speaker was conducted to the Chair, and at twelve o'clock, M., adjourned the House *sine die*, with the following

REMARKS.

GENTLEMEN:—My duties as your presiding officer are now being brought to a close. At the commencement of the session I assumed the responsibilities of the position with a distrust of my ability to please each and every one, but with a determination to exercise my authority with impartiality, relying upon my own judgment, regardless of the opinions of others. I doubt not that I have incurred the displeasure of many; but I am happy to say that I have usually received the support of a large majority, which has certainly not often been swayed by political feeling, or party bias.

Gentlemen, from the day we assembled to the present, our action has been looked upon with interest by our several constituencies, and every measure proposed or adopted has been fully discussed, and is probably as well understood by the people as ourselves They are the jurors; the record is before them, and we will soon receive the verdict. What that will be, we can only judge from the nature of the evidence submitted. Many matters of interest have been before us, and I am prepared to say, without fear of contradiction, that this Assembly has been governed in its action by a desire to advance the best interests of the State, and secure the welfare of the people. That there has been a conflict of opinion is true, and such must necessarily have been the case, in consequence of the variety of interests represented. The miner is no less jealous of his rights than the agriculturist, the settler than the grant-holder, the debtor than the creditor, and it will be remembered that all these classes bear relations to each other unknown to any State but California. Hence the difficulty—almost impossibility—of our Legislature following any well-known precedent. The effect of legislation being felt, not for a day only, but for years to come, time alone can determine whether ours has been wise and just.

I trust that I may be indulged in saying that my legislative experience, and the position I have occupied this session, having given me opportunities of judging of the usefulness of members, have fully convinced me that a great mistake is made by electing new men to the Assembly every year. No ability or brilliancy of talent will answer for experience. A knowledge of the mere machinery of legislation can not be acquired in less time than one session; and when members receive this knowledge they are too often superseded by those who must again be taught at the expense of the State—themselves to be superseded by others; and each year the House is composed of almost an entirely new set of men, unacquainted with the manner of legislation, and consequently incompetent to enter at once upon the business of the State.

Gentlemen, you are about returning to your constituents, and I trust they will receive and reward you as you deserve. For myself, I have to thank you for the courtesy you have extended towards me; and I assure you I shall, in the future, look back with pleasure upon the manner in which you have been pleased to sustain me, in the discharge of my duties. To the Clerks, and other officers of the House, I also return thanks for their aid and assistance, which has at all times been promptly and cheer-

fully given. Nor can I close without referring to the fact that the Reporters, who have occupied seats upon this floor, have appeared to be guided by no political feelings, but rather a desire to justly and fairly represent my action as Speaker of this Assembly.

Gentlemen, you, one and all, have my best wishes for your welfare, and future prospects, and I now declare this Assembly adjourned *sine die.*

W. C. STRATTON, Speaker.

C. GILMAN, Clerk of Assembly.

48A

QUESTIONS OF ORDER.

QUESTIONS OF ORDER.

PREVIOUS QUESTION.—PAGES 208 and 209.

Mr. DeLong moved to reconsider a vote by which a bill was lost, on yesterday.

Mr. Dunlap moved to indefinitely postpone the question, and moved the previous question.

Mr. Dunlap's motion was lost.

Speaker decided that the previous question was on the passage of the bill.

Sustained by the House.

PAGE 216.

Pending the call of the roll, when the House was under the previous question, a member asked leave to explain his vote

On the question, "Shall the member have leave?" the ayes and noes were demanded.

The Chair decided that any three members had a right to demand the ayes and noes, (Speaker Stratton in the Chair.)

Mr. Young appealed from the decision of the Chair.

House reversed the decision.

PAGE 315.

While under the previous question, (Mr. Gregory in the Chair,) a motion was made to adjourn.

Decided in order.

Mr. Shepard appealed.

Decision reversed.

PAGE 345.

Pending the calling of the roll, and after Mr. Jackson had voted, he asked leave to explain his vote.

The Speaker (Mr. Ellis in the Chair) ruled the motion in order.

Mr. Moore appealed.

The House refused to sustain the decision of the Chair.

PAGE 381.

Mr. Robberson moved to reconsider the vote by which the House adopted a resolution, and moved the previous question.
Speaker decided the motion in order
Mr. DeLong appealed.
Chair sustained.

PAGE 392.

Mr. Murray moved to reconsider the vote by which the House refused to strike out section twelve of Assembly bill.
Speaker decided the motion in order.
Mr. Moore of Nevada appealed.
Chair sustained.

SAME PAGE.

Speaker decided the previous question went to the striking out of the section.
Chair sustained.

PAGE 473.

Mr. Gwinn moved to reconsider the vote by which the House adopted an amendment offered by Mr. Hancock.
The previous question was sustained
Speaker decided that the previous question extended to the adoption of the resolution.
Mr. Cope appealed.
Chair sustained.

PAGE 697.

Mr. Hines moved to recommit the bill, with instructions to amend.
Mr Moore of Nevada moved the previous question.
Mr. Hines moved to lay the substitute on the table.
The Speaker decided that the motion for the previous question had precedence of the motion to lay on the table.

SUSPENSION OF THE RULES.—PAGE 249.

Pending the passage of the bill, a member asked leave to introduce a resolution.
The Speaker (Mr. Banks in the Chair) decided that it was not in order to suspend the rules for the purpose of offering a resolution while a bill was under consideration.
Chair sustained.

PAGE 712.

Mr. Gwinn moved to suspend the rules, for the purpose of reconsidering a vote by which the House, this day, passed Senate bill.
The Speaker (Mr. Moore of Nevada) decided that the motion to suspend the rules for that purpose was in order.
Mr. DeLong appealed.
The decision of the Chair sustained.

LEAVE TO CHANGE VOTE.—PAGE 219.

Declared out of order to discuss the reasons why he desired the change.
Decision by Speaker sustained.

REJECTION OF BILLS.—PAGE. 182.

After the first reading of a bill, a motion to reject is in order.
Decision by Speaker.
Chair sustained.

PROTEST.—PAGE 158.

In the power of the House to determine whether protests shall be entered in the Journal
Decision by Speaker.
Chair sustained.

PAGE 165.

Protest against the action of the House.
It must be determined by vote
Chair sustained.

AMENDMENTS —PAGE 150.

Amendments, after bill had been read a third time, ruled out of order by Speaker.
Mr. Buck appealed.
Decision of the Chair sustained.

SUBSTITUTES —PAGE 418.

Mr. Banks moved to make the bill the special order.
Speaker Stratton decided, that as the original bill, for which this was a substitute, had been ordered to an engrossment, it had virtually disposed of the substitute.
Mr. Banks appealed
The Chair was sustained.

DIVISION.—PAGE 439.

After the announcement of a vote by the Speaker, Mr. Buck called for a division
Which was ruled out of order.
Mr. Buck appealed.
The Chair was sustained.

PROCEEDINGS UNDER ROLL-CALL.—PAGE 741.

Mr. Young moved to take Senate bill from the table.
Which was carried.
And after the roll had been called, the Speaker (Mr. Moore of Nevada,) decided that after the Clerk had commenced calling the roll, it is out of order for a member to address the Chair.
Mr. Hines appealed.
The decision of the Chair was sustained.

REFUSAL TO VOTE.—PAGE 216.

No member can be excused from voting, without leave.
Chair sustained.

UNDER ARREST.—PAGE 217.

Motion to release a member from arrest, for the purpose of recording vote, ruled out of order by Speaker.
Chair sustained.

DEMAND OF AYES AND NOES.—PAGE 205.

After the announcement of a vote by the Speaker, and the House had proceeded to other business, ayes and noes can not be demanded.
Decision by the Speaker. (Mr Street.)
Ruling sustained by a vote of the House.

PAGE 302.

After the announcement of the vote, a demand of the ayes and noes ruled out of order by Speaker.
Chair sustained.

PAGE 539.

Mr. Pixley moved that the ayes and noes be called on the amendment offered on yesterday, to a bill
Ruled out of order by the Speaker
Mr. Banks appealed
Chair sustained.

INDEFINITE POSTPONEMENT.—PAGE 579.

While on general file—Assembly bill for the suppression of chain-gangs—the motion to indefinitely postpone was negatived, and the ayes and noes were demanded on the engrossment of the bill
The Speaker decided that after the negative of the question had been

put on the engrossment of the bill, it was not in order to offer an amendment.

Mr. Banks appealed.

Appeal sustained.

The Speaker announced that he should consider the present action of the House as the rule for the future

---

REFERENCE.—Page 166

Mr. Watkins moved to refer Report of the Superintendent of Public Instruction to the Committee on Education.

Ruled out of order by the Speaker, upon the ground, no such report had been made

Mr. Moore appealed.

And the decision of the Speaker reversed.

Page 344.

Mr Jackson presented a certificate of a Member of the Assembly, with a motion that he be qualified.

A motion made to refer to the Committee of Elections.

The Speaker ruled that it should be referred.

An appeal was taken.

The Chair was sustained.

Page 425.

When on general file, Mr Murray moved to recommit to Judiciary Committee, with special instructions, Speaker ruled the motion out of order.

Chair sustained

RECONSIDERATIONS.—Page 135

Any member voting with the majority, previous notice having been given, may move for a reconsideration.

Decided by the Speaker.

Decision sustained.

Page 270.

Mr. Lamar moved to reconsider the vote by which a substitute was adopted for a Senate bill.

Mr Moore moved to lay the motion on the table.

Mr Street moved to make a special order.

Which was carried

Mr. Moore gave notice of reconsideration.

The Speaker decided Mr. Moore's motion in order, under the rules of the House.

Mr Ellis appealed.

House sustained the ruling of the Chair.

PAGE 463

Mr. Hancock offered an amendment.
Which was adopted
Mr. Gwinn gave notice of reconsideration.
Speaker ruled special order had preference to a motion to reconsider.
Mr. Young appealed.
Chair sustained.

PAGE 694.

On motion of Mr Stratton, the rules were suspended, moving a reconsideration of a vote by which the House, on yesterday, refused to adopt the report of Committee of Free Conference.
Mr. Stratton moved to make the motion a special order.
Mr. Hines moved to adjourn.
Lost.
Mr Hines moved to lay on the table.
Lost.
The Speaker (Mr. Moore of Nevada,) decided that the matter was in the power of the House to act upon.
Mr. Hines appealed.
The House sustained the Chair.

PAGE 480

Mr Young gave notice to reconsider the vote by which the House adopted Senate amendments to Assembly bill
Ruled out of order by Speaker.
Mr. Sloss appealed.
Chair sustained

PAGE 487.

The Speaker ruled that it was not in order, under Rule Fifty-Seventh, as amended, to give notice of reconsideration of the vote just taken.
Mr. Young appealed.
And the Chair was sustained.
[See page 470, for the amendment.]

PAGE 498.

On reconsideration of a bill, Mr DeLong proceeded to read some papers.
Mr. Mount objected.
The Speaker decided Mr DeLong in order.
Mr. Mount appealed
Chair sustained.

PAGE 562

Mr. DeLong moved to reconsider the vote by which the House, on yesterday, adopted the report of Committee of Free Conference on Senate bill.
The Speaker decided the motion out of order.
Mr. DeLong appealed
Appeal sustained.

MISCELLANEOUS.—Page 119.

Resolution offered by Mr. Laspeyre.
Ruled out of order by Speaker Stratton.
Chair sustained.

Page 120.

Resolution offered by Mr. DeLong.
Ruled out of order by Speaker.
The decision of Chair overruled.

Page 344.

Mr. Jackson moved to withdraw certificate of election.
The Speaker declared the motion in order.
Mr. Buck appealed.
Chair overruled.

Page 418.

The Chair ruled, after passing over a special order, it goes on the file of unfinished business.
Mr. Cherry appealed
Chair sustained

Page 419.

Mr. Moore moved that the House resolve itself into Committee of the Whole, to consider Assembly bill (while under special order.)
The Speaker ruled the motion out of order, unless the rules be suspended.
Mr. Sloss appealed.
Chair sustained.

Page 574.

House concurred in Senate amendments to Assembly bill.
Mr. Banks called for the reading of section four.
Speaker ruled it out of order.
Mr. Banks appealed.
Chair sustained.