THE

JOURNAL OF THE ASSEMBLY,

DURING

THE THIRTEENTH SESSION

OF THE

Legislature of the State of California:

1862.

BEGUN ON MONDAY, THE SIXTH DAY OF JANUARY, AND ENDED ON THURSDAY, THE FIFTEENTH DAY OF MAY

SACRAMENTO:
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JOURNAL

OF THE

PROCEEDINGS OF THE ASSEMBLY.

CALIFORNIA LEGISLATURE---ASSEMBLY.

THIRTEENTH SESSION.

HOUSE OF ASSEMBLY,
Monday, January 6th, 1862.

Pursuant to the requirements of the Constitution, the House was called to order at twelve o'clock, M., by J. M. Anderson, Clerk of the last session.

The roll was called by counties, when the following gentlemen appeared, were duly qualified, (the oath having been administered by the Hon. Judge Cope,) and took their seats as members of the Assembly:

Alameda—S. B. Bell, J. M. Moore.
Amador—William A Waddell, G W. Seaton.
Butte—George W. Printy, J. M. Cunnard.
Calaveras—Thomas O'Brien, Thomas Campbell, J. W. Griswold.
Contra Costa—C. B. Porter.
El Dorado—John Frazier, H. G. Parker, John Dennis.
Humboldt—G. W. Werk.
Klamath and Del Norte—S. P. Wright.
Marin—A. C. McAllister.
Mendocino—T. M. Ames.
Napa and Lake—Edward Evey.
Nevada—John M. Avery, James Collins, Wm. H. Sears.
Placer—E. W. Hillyer, John Yule, Chas. C. Dudley.
Plumas—T. B Shannon.
Sacramento—J. H. Warwick, W. H. Barton, J. B. Saul. R D. Ferguson, John E. Benton.
San Diego—D. B Hoffman
San Francisco—Geo. B. Reeve, S. S. Tilton, Caleb T. Fay, Wm Loewy

John W. Van Zandt, George Amerige, Samuel C. Bigelow, William W. Battles, William S. Reese, George Barstow.
San Joaquin—John Thompson, Samuel Meyers.
San Luis Obispo—Charles W. Dana.
San Mateo—S. Tilton.
Santa Clara—Charles Maclay, Joseph E Brown, John Zuck
Santa Cruz—Thomas Eagar.
Shasta—George W. Woodman.
Sierra—E B Smith, D Love
Siskiyou—William Irwin, C. M. Thornbury.
Solano—J. M. Dudley.
Sonoma—W. A. Eliason, G W. Reed, J G Dow.
Sutter—W. E. Wilcoxon.
Tehama and Colusa—J. W. Thompson.
Trinity—J. H. Matthews.
Tuolumne and Mono—B. K. Davis, C. W. Kendall. T N. Machin.
Yolo—J. M. Hoag.
Yuba—J. C. Sargent, E. Teegarden, T. O. Jackson.

At thirty-five minutes past twelve o'clock, M., on motion of Mr. Tilton of San Francisco, the House adjourned until eleven o'clock, A. M., to-morrow.

IN ASSEMBLY.

HOUSE OF ASSEMBLY.
Tuesday, January 7th, 1862.

House met pursuant to adjournment
J. M. Anderson, Clerk of the last session, presiding.
Roll called.
Quorum present.
Journal of yesterday read and approved.
The following members appeared, were qualified, and took their seats:

San Bernardino—Benjamin Barton.
Monterey—Murray Morrison, John A. Watson.
San Francisco—Benjamin Dore.
Nevada—Reuben Leach.
Mariposa—John G. McCullough.
Merced—T. W. Lane
El Dorado—Seneca Dean.

RESOLUTIONS.

Mr. Saul offered the following resolution:

Resolved, That until otherwise ordered, the Rules of the last session be adopted.

Adopted.

Mr. O'Brien offered the following resolution:

Resolved, That H. A. Leese be chosen to act as temporary Assistant Sergeant-at-Arms until the organization of the House.

Mr. Warwick moved to amend, by inserting the name of John Parker.

Lost.

The resolution was then adopted.

Mr Avery moved that the House proceed to the election of permanent officers.

Upon which, Messrs. Shannon, O'Brien, and Bell, demanded the ayes and noes, and the motion prevailed, by the following vote:

AYES—Messrs. Amerige, Avery, Barstow, Barton of Sacramento, Battles, Bell, Benton, Bigelow, Brown, Cunnard, Dana, Dore, Dow, Dudley of Placer, Dudley of Solano, Eager, Eliason, Evey, Fay, Ferguson, Hillyer, Hoag, Irwin, Jackson, Leach, Loewy, Love, Machin, Maclay, McCullough, Moore, Porter, Printy, Reed, Reese, Reeve, Sargent, Sears, Seaton, Smith of Sierra, Teegarden, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Warwick, and Zuck—48

NOES—Messrs. Ames, Barton of San Bernardino, Campbell, Davis, Dean, Dennis, Frazier, Griswold, Hoffman, Kendall, Lane, Matthews, McAllister, Meyers, Morrison, O'Brien, Parker, Saul, Shannon, Thompson of Tehama, Thompson of San Joaquin, Thornbury, Waddell, Watson, Werk, Woodman, Wilcoxon, and Wright—29

Nominations were made as follows:

FOR SPEAKER.

Mr. Griswold nominated Thomas O'Brien.

Mr Warwick nominated George Barstow.

Mr Ames nominated Samuel Meyers

Mr. Dudley of Placer nominated Thomas Shannon.

Mr Thompson of Tehama nominated Murray Morrison.

Mr. O'Brien declined the nomination.

The House then proceeded to vote for Speaker, with the following result:

Names.	Barstow.	Shannon.	Meyers.	Morrison.
Amerige	1			
Ames			1	
Avery	1			
Barton of Sacramento	1			
Barton of San Bernardino				1
Battles	1			
Bell	1			
Benton	1			
Bigelow	1			
Brown	1			
Campbell		1		

Names.	Barstow.	Shannon.	Meyers	Morrison.
Collins	1			
Cunnard	1			
Dana	1			
Davis				1
Dean		1		
Dennis		1		
Dore	1			
Dow			1	
Dudley of Placer		1		
Dudley of Solano	1			
Eagar	1			
Eliason	1			
Evey	1			
Fay	1			
Ferguson		1		
Frazier		1		
Griswold		1		
Hillyer	1			
Hoag			1	
Hoffman		1		
Irwin		1		
Jackson			1	
Kendall			1	
Lane				1
Leach	1			
Loewy	1			
Love	1			
Machin	1			
Maclay	1			
Matthews		1		
McAllister		1		
McCullough			1	
Moore	1			
Morrison		1		
O'Brien		1		
Parker		1		
Porter	1			
Printy			1	
Reed	1			
Reese	1			
Reeve	1			
Sargent	1			
Saul		1		
Sears	1			
Seaton		1		
Smith of Sierra	1			
Teegarden			1	
Thompson of Tehama				1
Thompson of San Joaquin			1	
Thornbury		1		
Tilton of San Francisco	1			

Names.	Barstow.	Shannon.	Meyers.	Morrison.
Tilton of San Mateo	1			
Van Zandt	1			
Waddell		1		
Warwick	1			
Watson				1
Werk		1		
Wilcoxon				1
Woodman		1		
Wright		1		
Yule	1			
Zuck	1			
Totals	37	21	9	6

Whole number of votes..... 73
Necessary to a choice..... 37

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

Messrs. Tilton, Warwick, and Shannon, were appointed a committee to conduct the Speaker to the Chair, and the oath was administered by the Hon. Judge Cope.

Mr. Barstow, the Speaker elect, addressed the Assembly as follows:

ADDRESS OF MR. BARSTOW.

GENTLEMEN OF THE ASSEMBLY:—Permit me to express to you my sincere acknowledgments for this unexpected, and, I will say, undeserved honor. I accept this position with unaffected diffidence. I give you the pledge of my intention to do what is right, and I rely upon you to assist me in carrying that intention into effect. We are assembled in a great crisis of the nation. The people of California have declared through the ballot box their unalterable attachment to the Constitution and the Union of the States They have declared for a vigorous prosecution of the war and the condign punishment of the traitors It will be for us in our sphere of action to exert all the power with which the people have clothed us, to put the State, with all its resources, in a condition to defend itself and to meet any call made upon it by the General Government to put down this unhallowed rebellion. Sound policy dictates that on our part there can be no retirement from this contest. It is a settled conviction in the national mind, that peace, if we have it, must come from victory and not from compromise. And if possible, it must be a victory which shall wipe out the recollections of Manassas on the very spot where they were incurred. War, therefore, war vigorously prosecuted, war on the most formidable scale, war that knows no such word as fail, war with the world, if it must be so, is that alone on which our national existence now depends. War, civil war, disguise it as we may, is full of horrors; but there is one thing more horrible, because it brings

with it an accumulation of all the miseries of war—and it is national destruction. In this narrow strait we are shut up; we have got to save the Republic or perish with it. Descendants of the compatriots of Washington, and of those men who first knelt upon the cold rocks of New England, sealing with tears of gratitude and hope the baptism of a continent and consecrating the land to liberty—we bear undying allegiance to freedom. We want no Pacific Republic, no Southern Confederation We want to live and we will live under that noble and beneficent system which Providence and the courage of our fathers established, and which we hold from them in trust for posterity, or we will die in defence of it. It is our duty to lay down, if need be, for the country, a life which without a country is not worth possessing.

Gentlemen of the Assembly, while national affairs are foremost now, because of the present crisis, we will not forget those special and important duties which we owe to our immediate constituents, the people of California, whose servants we are. I do not flatter myself that any opinions advanced by me would have weight in your deliberations, but I will remind you that it costs the people more than a thousand dollars per day for every day while this Legislature remains in session; and I venture to say that all the good which we are capable of doing the people at all, we are capable of doing in sixty days, or even in a much less time. And I trust it will not be deemed an imputation upon our predecessors in this hall if I suggest that there have been times in the past history of this State when excessive legislation has amounted to a public calamity. We will avoid it. We will go to work in earnest, and by mutual assistance and forbearance we will conduct the business of this session so that neither the Union nor the State shall receive any detriment at our hands.

Mr. Watson moved to adjourn.
Lost.

FOR CLERK.

Mr. Machin nominated John Sedgwick.
Mr Hoffman nominated J M. Anderson.
Mr. Dudley of Placer nominated A. A. H. Tuttle.
Mr. Lane nominated Mr. Sturtevant.
Mr. Hoffman withdrew the name of J M. Anderson.
The House proceeded to vote as follows:

Names.	Sedgwick.	Tuttle.
Amerige	1	.....
Avery	1	.....
Barton of Sacramento	1	.....
Barton of San Bernardino	.....	1
Battles	1	.....
Bell	1	.....
Benton	1	.....
Bigelow	1	.....
Brown	1	.....
Collins	1	.....
Cunnard	1	.....

Names.	Sedgwick.	Tuttle.
Dana	1	
Dennis		1
Dore	1	
Dow	1	
Dudley of Placer		1
Dudley of Solano	1	
Eagar	1	
Eliason	1	
Evey	1	
Fay	1	
Ferguson		1
Frazier		1
Hillyer	1	
Hoag	1	
Hoffman		1
Irwin		1
Jackson	1	
Kendall	1	
Lane		1
Leach	1	
Loewy	1	
Love	1	
Machin	1	
Maclay	1	
Matthews		1
McAllister		1
Meyers	1	
Moore	1	
O'Brien		1
Parker		1
Porter	1	
Printy	1	
Reed	1	
Reese	1	
Reeves	1	
Sargent	1	
Saul		1
Sears	1	
Seaton		1
Shannon		1
Smith of Sierra	1	
Teegarden	1	
Thompson of San Joaquin	1	
Thornbury		1
Tilton of San Francisco	1	
Tilton of San Mateo	1	
Van Zandt	1	
Waddell		1
Warwick	1	
Watson		1

Names.	Sedgwick.	Tuttle.
Werk	.....	1
Wilcoxon	.....	1
Woodman	.....	1
Wright	.....	1
Yule	1	.....
Zuck	1	.....
Totals	45	22

Whole number of votes 69
Necessary to a choice 35

Mr. Davis voted for Mr. Sturtevant.
Mr ———— voted for Mr. Anderson.
Mr. Sedgwick having received a majority of all the votes cast, was declared duly elected Clerk of the Assembly.

FOR ASSISTANT CLERK.

Mr. Maclay nominated W N. Slocum.
The House then proceeded to vote as follows:

Names.	Slocum.
Amerige	1
Avery	1
Barstow	1
Barton of Sacramento	1
Barton of San Bernardino	1
Battles	1
Bell	1
Benton	1
Bigelow	1
Brown	1
Collins	1
Cunnard	1
Dana	1
Dore	1
Dudley of Solano	1
Eagar	1
Eliason	1
Evey	1
Fay	1
Hillyer	1
Hoag	1
Jackson	1
Leach	1
Loewy	1

Names.	Slocum.
Love	1
Machin	1
Maclay	1
McCullough	1
Meyers	1
Moore	1
Parker	1
Porter	1
Reed	1
Reese	1
Reeve	1
Sargent	1
Sears	1
Seaton	1
Smith of Sierra	1
Thompson of San Joaquin	1
Tilton of San Francisco	1
Tilton of San Mateo	1
Van Zandt	1
Waddell	1
Warwick	1
Yule	1
Zuck	1
Total	47

Whole number of votes.....47
Necessary to a choice.....24

Mr. Slocum having received all the votes cast, was declared duly elected Assistant Clerk of the Assembly.

FOR MINUTE CLERK.

Mr. Warwick nominated William G. Wood.
The House proceeded to vote as follows:

Names.	Wood.
Amerige	1
Ames	1
Avery	1
Barstow	1
Barton of Sacramento	1
Barton of San Bernardino	1
Battles	1
Bell	1
Benton	1

Names.	Wood.
Bigelow	1
Brown	1
Cunnard	1
Collins	1
Dana	1
Dore	1
Dow	1
Dudley of Placer	1
Dudley of Solano	1
Eagar	1
Eliason	1
Evey	1
Fay	1
Hillyer	1
Hoag	1
Hoffman	1
Jackson	1
Kendall	1
Leach	1
Loewy	1
Love	1
Machin	1
Maclay	1
McCullough	1
Meyers	1
Moore	1
Porter	1
Printy	1
Reed	1
Reese	1
Reeve	1
Sargent	1
Sears	1
Seaton	1
Smith of Sierra	1
Teegarden	1
Thompson of Tehama	1
Thompson of San Joaquin	1
Tilton of San Francisco	1
Tilton of San Mateo	1
Van Zandt	1
Waddell	1
Warwick	1
Werk	1
Wright	1
Yule	1
Zuck	1
Total	56

Mr. Wood having received all the votes cast, was declared duly elected Minute Clerk of the Assembly.

FOR JOURNAL CLERK.

Mr. Barton of Sacramento nominated H. H. Fellows.
The House proceeded to vote as follows:

Names.	Fellows.
Amerige	1
Avery	1
Barstow	1
Barton of Sacramento	1
Barton of San Bernardino	1
Battles	1
Bell	1
Benton	1
Bigelow	1
Brown	1
Collins	1
Cunnard	1
Dana	1
Dore	1
Dow	1
Dudley of Placer	1
Dudley of Solano	1
Eagar	1
Elhason	1
Evey	1
Fay	1
Hillyer	1
Hoag	1
Hoffman	1
Jackson	1
Kendall	1
Leach	1
Loewy	1
Love	1
Machin	1
Maclay	1
McCullough	1
Meyers	1
Moore	1
Porter	1
Reed	1
Reese	1
Reeve	1
Sargent	1
Saul	1
Sears	1
Seaton	1
Smith of Sierra	1

Names.	Fellows.
Teegarden	1
Thompson of San Joaquin	1
Tilton of San Francisco	1
Tilton of San Mateo	1
Van Zandt	1
Waddell	1
Warwick	1
Yule	1
Zuck	1
Total	52

Mr. Fellows having received all the votes cast, was declared duly elected Journal Clerk.

FOR ENROLLING CLERK.

Mr. Brown nominated Sheldon Allen.
Mr. Wright nominated E. W. Willett.
The House voted as follows:

Names.	Allen.	Willett.
Amerige	1	
Ames		1
Avery	1	
Barstow	1	
Barton of Sacramento	1	
Barton of San Bernardino	1	
Battles	1	
Bell	1	
Benton	1	
Bigelow	1	
Brown	1	
Collins	1	
Cunnard	1	
Dana	1	
Davis		1
Dean		1
Dudley of Solano	1	
Eagar	1	
Eliason	1	
Evey	1	
Frazier		1
Hillyer	1	
Hoag	1	
Jackson		1
Kendall		1

Names.	Allen.	Willett.
Leach	1	
Loewy	1	
Love	1	
Machin	1	
Maclay	1	
Matthews		1
Meyers	1	
Moore	1	
Parker		1
Porter	1	
Printy	1	
Reed	1	
Reese	1	
Reeve	1	
Sargent	1	
Saul		1
Sears	1	
Seaton		1
Shannon		1
Smith of Sierra	1	
Teegarden	1	
Thompson of Tehama		1
Thompson of San Joaquin		1
Thornbury		1
Tilton of San Francisco	1	
Tilton of San Mateo	1	
Waddell		1
Warwick	1	
Werk		1
Woodman		1
Wright		1
Yule	1	
Zuck	1	
Totals	40	18

Whole number of votes.....58
Necessary to a choice.....30

Mr. Allen having received a majority of all the votes cast, was declared elected Enrolling Clerk.

FOR ENGROSSING CLERK.

Mr. Smith of Sierra nominated George A. Hill.
The House voted as follows:

Names.	Hill.
Ames	1
Avery	1
Barstow	1
Barton of Sacramento	1
Barton of San Bernardino	1
Battles	1
Bell	1
Benton	1
Bigelow	1
Brown	1
Collins	1
Cunnard	1
Dana	1
Dean	1
Dennis	1
Dore	1
Dudley of Solano	1
Eagar	1
Eliason	1
Evey	1
Fay	1
Hillyer	1
Hoag	1
Jackson	1
Lane	1
Love	1
Machin	1
Maclay	1
McCullough	1
Meyers	1
Moore	1
Parker	1
Porter	1
Printy	1
Reed	1
Reese	1
Sargent	1
Sears	1
Seaton	1
Smith of Sierra	1
Teegarden	1
Thompson of Tehama	1
Thompson of San Joaquin	1
Tilton of San Francisco	1
Tilton of San Mateo	1
Van Zandt	1
Warwick	1
Yule	1
Zuck	1
Total	49

Mr. Hill having received all the votes cast, was declared elected Engrossing Clerk of the Assembly.

FOR SERGEANT-AT-ARMS.

Mr. Reed nominated H J. Clayton.
Mr. Dudley of Placer nominated J. W. Cherry.
Mr. Ferguson nominated J. H. Finnegan.
Mr. O'Brien nominated E W. Corbett.
The House proceeded to vote as follows:

	Clayton.	Corbett.	Finnegan.	Cherry.
Amerige	1			
Avery	1			
Barstow	1			
Barton of Sacramento	1			
Barton of San Bernardino	1			
Battles	1			
Bell	1			
Benton	1			
Bigelow	1			
Brown	1			
Campbell		1		
Cunnard	1			
Dana	1			
Davis				1
Dean		1		
Dennis		1		
Dore	1			
Dow	1			
Dudley of Placer				1
Dudley of Solano	1			
Eagar	1			
Eliason	1			
Evey	1			
Fay	1			
Ferguson			1	
Frazier			1	
Griswold			1	
Hillyer	1			
Hoag	1			
Irwin				1
Jackson	1			
Kendall				1
Leach	1			
Loewy	1			
Love	1			
Machin	1			
Maclay	1			
Matthews		1		
McAllister		1		
McCullough		1		

	Clayton.	Corbett.	Finnegan.	Cherry.
Meyers	1			
Moore	1			
O'Brien		1		
Parker		1		
Porter	1			
Printy	1			
Reed	1			
Reese	1			
Reeve	1			
Sargent	1			
Saul			1	
Sears	1			
Seaton	1			
Smith of Sierra	1			
Teegarden	1			
Thompson of Tehama	1			
Thompson of San Joaquin	1			
Thornbury		1		
Tilton of San Francisco	1			
Tilton of San Mateo	1			
Van Zandt	1			
Waddell		1		
Warwick	1			
Wilcoxon		1		
Yule	1			
Zuck	1			
Totals	47	11	4	4

Whole number of votes.....66
Necessary to a choice.....34

Mr Clayton having received a majority of all the votes cast, was declared elected Sergeant-at-Arms.

FOR ASSISTANT SERGEANT-AT-ARMS.

Mr. Sears nominated Jeremiah Watts.
Mr. Dennis nominated C. B. Fleming.
Mr. Saul nominated John Parker.
Mr. Wright nominated E. E. Turk.
The House voted as follows:

Names.	Watts.	Fleming.	Parker.	Turk.
Amerige	1			
Ames		1		
Avery	1			
Barstow	1			

Names.	Watts.	Fleming.	Parker.	Turk.
Barton of Sacramento	1			
Barton of San Bernardino				1
Battles	1			
Bell	1			
Benton	1			
Bigelow	1			
Brown	1			
Campbell			1	
Collins	1			
Cunnard	1			
Dana	1			
Davis				1
Dean		1		
Dennis		1		
Dore	1			
Dudley of Placer		1		
Dudley of Solano	1			
Eagar	1			
Eliason	1			
Evey	1			
Fay	1			
Frazier		1		
Griswold			1	
Hillyer	1			
Hoag	1			
Irwin				1
Jackson			1	
Kendall			1	
Leach	1			
Loewy	1			
Machin	1			
Maclay	1			
Matthews				1
McAllister		1		
Meyers	1			
Moore	1			
O'Brien			1	
Parker		1		
Printy			1	
Reed	1			
Reese	1			
Reeve	1			
Sargent	1			
Saul			1	
Sears	1			
Seaton		1		
Shannon			1	
Smith of Sierra	1			
Teegarden	1			
Thompson of San Joaquin			1	

Names.	Watts.	Fleming.	Parker.	Turk.
Thornbury				1
Tilton of San Francisco	1			
Tilton of San Mateo	1			
Van Zandt	1			
Waddell		1		
Warwick	1			
Werk				1
Wilcoxon		1		
Woodman				1
Wright				1
Yule	1			
Zuck	1			
Totals	39	10	9	8

Whole number of votes 66
Necessary to a choice 34

Mr. Watts having received a majority of all the votes cast, was declared duly elected Assistant Sergeant-at-Arms.

FOR COPYING CLERKS.

Mr. Cunnard nominated George C. Hough.
Mr. Hoffman nominated E W. Willett.
The vote was taken as follows:

Names.	Hough.	Willett.
Ames	1	
Avery	1	
Barstow	1	
Barton of Sacramento	1	
Barton of San Bernardino		1
Battles	1	
Bell	1	
Benton	1	
Bigelow	1	
Brown	1	
Campbell		1
Collins	1	
Cunnard	1	
Dana	1	
Davis		1
Dean		1
Dennis		1
Dore	1	
Dudley of Placer		1

Names.	Hough.	Willett.
Dudley of Solano	1	.....
Eliason	1	.....
Evey	1	.....
Fay	1	.....
Ferguson	.....	1
Frazier	.....	1
Hillyer	1	.....
Hoag	1	.....
Hoffman	.....	1
Jackson	.....	1
Kendall	.....	1
Leach	1	.....
Loewy	1	.....
Love	1	.....
Machin	1	.....
Maclay	1	.....
Matthews	.....	1
McAllister	.....	1
Meyers	1	.....
Moore	1	.....
Parker	.....	1
Porter	1	.....
Reed	1	.....
Reese	1	.....
Reeve	1	.....
Sargent	1	.....
Sears	1	.....
Seaton	.....	1
Smith of Sierra	1	.....
Teegarden	1	.....
Thompson of Tehama	.....	1
Thompson of San Joaquin	.....	1
Thornbury	.....	1
Tilton of San Francisco	1	.....
Tilton of San Mateo	1	.....
Van Zandt	1	.....
Waddell	.....	1
Warwick	1	.....
Werk	.....	1
Wilcoxon	.....	1
Woodman	.....	1
Wright	.....	1
Yule	1	.....
Zuck	1	.....
Totals	50	23

Whole number of votes 73
Necessary to a choice 37

Mr. Hough was declared duly elected a Copying Clerk—having received a majority of all the votes cast.

Mr Eliason nominated C. T. Jennings.
Mr. Seaton nominated E. W. Willett.
The result was as follows:

Names.	Jennings.	Willett.
Amerige	1	
Avery	1	
Ames		1
Barstow	1	
Barton of Sacramento	1	
Barton of San Bernardino		1
Battles	1	
Bell	1	
Benton	1	
Bigelow	1	
Brown	1	
Campbell		1
Collins	1	
Cunnard	1	
Dana	1	
Davis		1
Dennis		1
Dore	1	
Dudley of Placer		1
Eliason	1	
Evey	1	
Fay	1	
Ferguson		1
Frazier		1
Griswold		1
Hillyer	1	
Hoag	1	
Hoffman		1
Jackson	1	
Kendall		1
Lane		1
Leach		1
Loewy	1	
Love	1	
Machin	1	
Maclay	1	
McAllister		1
McCullough		1
Meyers	1	
Moore	1	
Parker		1
Porter	1	
Reed	1	
Reese	1	

Names.	Jennings.	Willett.
Reeve	1	.....
Sargent	1	.....
Saul	.....	1
Sears	1	.....
Seaton	.....	1
Shannon	.....	1
Smith of Sierra	1	.....
Teegarden	1	.....
Thompson of Tehama	.....	1
Thompson of San Joaquin	1	.....
Tilton of San Francisco	1	.....
Van Zandt	1	.....
Waddell	.....	1
Warwick	1	.....
Werk	.....	1
Wilcoxon	.....	1
Wright	.....	1
Yule	1	.....
Zuck	1	.....
Totals	38	24

Whole number of votes.....62
Necessary to a choice.....32

Mr. Jennings was declared duly elected a Copying Clerk.
The following officers appeared and were sworn in.

W. G. Wood.....Minute Clerk.
H. H. Fellows.....Journal Clerk.
Sheldon Allen.....Enrolling Clerk.
George A Hill.....Engrossing Clerk.
George C. Hough, C. T. Jennings.....Copying Clerks.
Jeremiah Watts.....Assistant Sergeant-at-Arms.

RESOLUTIONS.

Mr. Avery offered the following resolution:

Resolved, That the Clerk of the Assembly be and he is hereby instructed to inform the Senate of the organization of the Assembly, by the election of the following officers, and are ready to proceed to the regular business of legislation:

Speaker.....George Barstow.
Clerk.....John Sedgwick.
Assistant Clerk.....W. N Slocum.
Minute Clerk.....W. G Wood.
Journal Clerk.....H. H. Fellows.
Enrolling Clerk.....Sheldon Allen.

Engrossing Clerk.....George A. Hill.
Copying Clerks.....George C. Hough, C. T Jennings.
Sergeant-at-Arms.....H. J. Clayton.
Assistant Sergeant-at-Arms..... .....Jeremiah Watts.

Adopted.

Mr. Tilton, of San Francisco, introduced a concurrent resolution appointing a committee to wait on the Governor, and inform him that the Legislature was organized, and were ready to receive any communication he may be pleased to make.

Adopted.

Messrs. Tilton, Bell, and Benton, were appointed such committee, and on motion of Mr. Warwick, Mr. Shannon was added thereto.

Mr. Porter offered the following resolution:

Resolved, That a Select Committee of five be appointed by the Speaker, to prepare and report Rules for the government of the Assembly; and that such committee be authorized to act with a similar committee on the part of the Senate, on Joint Rules.

Adopted.

Messrs. Porter, Bell, Shannon, Warwick, and Morrison, were appointed the committee.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

SENATE CHAMBER,
Tuesday, January 7th, 1862.

Mr. SPEAKER:—The Senate have, this day, adopted the following resolution:

Resolved, That the Secretary be directed to inform the Assembly that the Senate has organized by the election of the following permanent officers, and is ready to proceed with legislative business:

President pro tem..... .....J McM. Shafter.
Secretary.....Thomas Hill.
Assistant Secretary.....A. A. De Long.
Sergeant-at-Arms.....Archibald G. Turner.
Assistant Sergeant-at-Arms..... Elias Howe.
Minute Clerk .... Charles E. Abbot.
Journal Clerk.....W F. Heustis.
Enrolling Clerk.....H C. Kibbe.
Engrossing Clerk..... .....George A Gillespie.
Copying Clerks..... George C. Harriman, C. D. Bonestel.

C. W. TOZER.
Secretary of Senate.

Mr. Porter moved that the House go into an election for Speaker pro tem.

Lost.

At forty-five minutes past one o'clock, P. M., on motion of Mr Avery, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY.
Wednesday, January 8th, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.
Journal of yesterday read and approved.
Mr O'Brien had indefinite leave of absence.
The Clerk, Assistant Clerk, and Sergeant-at-Arms, appeared and were qualified
The Speaker announced the following Committees:

ON JUDICIARY.

Messrs Bell. Reese, Avery, Reed, Cunnard, Kendall, Hillyer, Morrison, Hoffman, O'Brien, and Woodman.

ON MILEAGE.

Messrs. Dana, O'Brien, Love, Irwin, and Zuck.

ON ELECTIONS.

Messrs. Tilton of San Francisco, Shannon, Yule, Maclay, Porter, Evey, and Seaton.

The Speaker also announced the following appointments:

Frederick Brewer.....Porter.
Daniel O'Connor.....Porter.
William Kirby.....Porter.
Master Keyes .....Page.
Master Goodchild.....Page
Master Kennedy.....Page.
Master Bush.....Postoffice Page.
Master Gilmore.....Paper Folder.

RESOLUTIONS.

Mr. Warwick offered the following resolution:

Resolved, That the Assembly invite the various Christian Ministers of Sacramento to officiate as Chaplains of this House—to act in rotation, as they shall settle among themselves; and that the per diem of a member be allowed to the officiating Minister.

Mr Eagar moved to lay the resolution on the table.
Upon which, Messrs. Avery, Tilton of San Francisco, and Warwick, demanded the ayes and noes, and the motion prevailed, by the following vote:

AYES—Messrs. Ames, Barton of San Bernardino, Battles, Cot, Collins, Cunnard, Dana, Dore, Dudley of Placer, Eagar, Evey, Fay, Frazier, Griswold, Hillyer, Hoffman, Irwin, Jackson, Kendall, Lane, Loewy, Machin, Matthews, McAllister, Meyers, Porter, Printy, Sargent, Saul, Sears, Shannon, Smith of Sierra, Teegarden, Thompson of Tehama, Thompson of San Joaquin, Thornbury, Waddell, Watson, Werk, Woodman, Wilcoxon, Wright, and Yule—43.

NOES—Messrs. Amerige, Avery, Barton of Sacramento, Bell, Benton, Bigelow, Brown, Dean, Dennis, Dudley of Solano, Eliason, Ferguson, Hoag, Maclay, McCullough, Moore, Morrison, Parker, Reed, Reese, Seaton, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Warwick, and Zuck—26.

Mr. Bell offered the following resolution:

Resolved, That the late Lieutenant-Governor, the Hon Pablo De la Guerra, be invited to remain a guest of the Assembly, until after the inauguration of the Governor, Leland Stanford; and that a committee of three be appointed to wait upon him and inform him of this invitation

Adopted.

Messrs. Bell, Shannon, and Ferguson, were appointed such committee.

Mr. Avery offered the following resolution:

Resolved, That a committee of three be appointed to see what claims the Pages and temporary Officers of the Assembly have, and report to the House.

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

Lost.

The resolution was adopted, and Messrs. Avery, Benton, and Shannon were appointed such committee.

Messrs Smith of Fresno, and Pemberton of Tulare, appeared and qualified as members of the Assembly.

Mr. Ferguson offered the following resolution:

Resolved, That the three reverend gentlemen, (honorable members of this Legislature,) the Reverends Bell, Benton, and Maclay, be invited to officiate, by alternate morning prayers.

Laid on the table

Mr. Watson offered the following resolution:

Resolved, That the Sergeant-at-Arms be directed to furnish each member of this body with five daily papers published in this State, or their equivalent in weeklies.

Adopted.

Mr. Wright introduced a concurrent resolution for a Joint Convention, to declare the vote for Governor and Lieutenant-Governor.

Adopted.

Mr. Griswold offered the following resolution:

Resolved, That William Horton be and is hereby appointed Watchman of the Assembly, at a salary of three dollars per diem, payable out of the Contingent Fund.

Lost.

Mr. Avery offered the following resolution:

Resolved, That the Sergeant-at-Arms be and is hereby directed to furnish to each member postage stamps to the amount of twenty-five dollars to each member.

Adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
Wednesday, January 8th, 1862.

Mr. SPEAKER:—The Senate have this day concurred in Assembly concurrent resolution No. 1, relative to appointing a committee to wait upon the Governor, and have appointed Messrs. Merritt, Heacock, and Warmcastle, on behalf of the Senate.

Also, have adopted Senate concurrent resolution No. 1, relative to a Joint Convention

THOMAS HILL,
Secretary of Senate.

The House concurred in Senate concurrent resolution above reported.

REPORT.

The following report was made by Mr. Tilton of San Francisco:

Mr. SPEAKER:—Your Special Committee, appointed to wait upon the Governor and inform him of the organization of the Legislature, have performed the duty assigned them, and report that His Excellency will forthwith communicate with both Houses by a special message, in writing, by the hand of his Private Secretary, L. C. Granger, and that on to-morrow at twelve o'clock he will send in his Annual Message.

TILTON of San Francisco,
T. B. SHANNON,
S. B. BELL,
Assembly Committee.
MERRITT,
HEACOCK,
Senate Committee.

Adopted.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA. EXECUTIVE DEPARTMENT,
Sacramento, January 8th, 1862.

To the Honorable the Speaker of the Assembly of California:

I have the honor of transmitting to you the resignation of James Otis, member elect of the Assembly for the County of San Francisco.

You will announce the fact to the honorable body over which you preside, that they may declare a vacancy existing in the Assembly for that county, in order that an election may be ordered by proclamation.

JOHN G DOWNEY,
Governor of California.

Mr. Dudley of Placer offered the following resolution:

Resolved, That the seat of Mr. Otis be declared vacant, and that the Governor be informed of our action.

Adopted.

On motion of Mr. Tilton of San Francisco, the Clerk was directed to request the Secretary of State to furnish this House with any testimony filed in his office relative to contesting the seat of any member of the Assembly.

Mr. Porter offered the following resolution:

Resolved, That in commemoration of the battle of New Orleans, the Assembly do now adjourn.

Adopted.

At half past twelve o'clock the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, January 9th, 1862.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Machin presented a petition of N. M. Orr, relative to contesting the seat of B. K. Davis, member from Mono County.

Referred to Committee on Elections.

REPORT.

Mr. Bell made the following report:

Mr. SPEAKER:—The committee appointed to wait upon the Hon. Don Pablo De la Guerra, for the purpose of extending to him the invitation of the Assembly requesting him to remain as our guest until after the inauguration of the Governor elect, hereby respectfully report, that

he will take great pleasure in remaining, and that he returns his sincere thanks to the Assembly for the distinction thus conferred upon him.

BELL,
SHANNON,
FERGUSON.

RESOLUTIONS.

Mr. Tilton offered a concurrent resolution, appointing John Clark to take charge of the Capitol yard.

Adopted.

Mr Saul offered the following resolution:

Resolved, That the Committee on Elections be authorized to send for all persons and papers in the matter of contested elections

Adopted.

The House excused Mr. Woodman, at his request, from serving on the Judiciary Committee.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr Kendall, for an Act relative to the salaries of the Under Sheriff and Deputy Sheriff of Tuolumne County;

Also, for an Act to provide for the division of Tuolumne County into districts for the election of Supervisors;

Also, for an Act relative to the office of Superintendent of Common Schools for Tuolumne County

By Mr. Machin, for an Act to make an appropriation for a wagon road from Sonora in Tuolumne County, to Aurora in Mono County.

By Mr. Avery, for an Act concerning mining companies or associations.

At half past eleven o'clock A M. the House took a recess until twelve o'clock, M

HOUSE REASSEMBLED.

The House reassembled at twelve o'clock, M.

MESSAGE FROM THE GOVERNOR.

The following Annual Message from the Governor, with accompanying documents, was received:

STATE OF CALIFORNIA. EXECUTIVE DEPARTMENT,
SACRAMENTO, January 8th, 1862.

Gentlemen of the Senate and Assembly:

In addressing myself to the interesting duty imposed on me by our organic law, of communicating to your honorable body the condition of the Commonwealth, there is forcibly impressed on my mind the reflection, that a most eventful year has been added to its history. And so far as our own State is concerned, the record of the past year is replete with the most gratifying evidences of prosperity and of social and material progress. Every department of the Government has been con-

ducted in such a manner as cannot fail to give confidence and satisfaction to the people, who have temporarily confided to their public agents the important official trusts connected with its administration. The appropriations made by the Legislature have been faithfully disbursed, for the objects for which they were intended, and in strict conformity with the requirements of the law.

The interest of our public debt has been promptly paid as it fell due, and the principal has been reduced by the redemption of bonds out of moneys arising from the Sinking Fund provided by law for such object. And it is a matter of State pride, that while the securities of other States have been seriously affected by financial embarrassments occurring at the East, our own bonds have been redeemed at the State Treasurer's office at a small fraction below par. The accompanying report of the Treasurer will exhibit in detail the condition of the various funds composing the public treasury, and the amounts received and disbursed for the period of one year, terminating with the close of business on the 14th day of December, A. D. 1861; to which report, as it embodies evidence of the fidelity, ability and integrity of that faithful public servant, as well as information that each legislator should at once make himself familiar with, your careful attention is earnestly invoked.

FINANCE.

The balance of moneys remaining on hand in the treasury, and belonging to the different funds, at the close of business on the 15th day of December, A D 1860, was six hundred forty-three thousand three hundred and thirty-eight dollars and twenty-nine cents, ($643,338 29.) The amount of moneys received into the treasury to the credit of the different funds and from all sources during the year, from the 16th of December, A. D. 1860, to the 14th of December, 1861, inclusive, reached the sum of one million ninety-five thousand and twenty dollars and one cent, ($1,095,020 01.) The total amount, therefore, on hand in the treasury on the 15th of December, A. D. 1860, and the amount received during the year subsequent aforesaid, made the sum of one million seven hundred thirty-eight thousand three hundred and fifty-eight dollars and thirty cents. ($1,738,358 30.) The whole amount disbursed during the same period, in accordance with the appropriations directed by the Legislature, was one million two hundred and forty-eight thousand five hundred and seventy-three dollars and eighty-two cents, ($1,248,573 82.) leaving a balance in the treasury of moneys belonging to the different funds, on the 14th of December, A D. 1861, of four hundred eighty nine thousand seven hundred and eighty-five dollars and forty-eight cents, ($489,784 48.) These disbursements during the year, of one million two hundred forty-eight thousand five hundred and seventy-three dollars and eighty-two cents, ($1,248, 573 82,) might appear at first sight to represent the ordinary current expenses of carrying on the Government; and, if unexplained, might probably furnish grounds of alarm to the economist and tax-payer. But the following items of expenditures will explain the extraordinary character of these disbursements for the past year: Interest on State Debt under Act of 1857, $267,680; bonds redeemed under said Act, $96,379 37; bonds redeemed under State School Land Fund, $16,570; erection of State Reform School, $24,831 31; construction of State Capitol, $42,268 19; canceling State Prison Contract, $137,500; reclaiming Swamp Lands, $21,657 06; support of Schools, $81,713 62; Geological Survey, $10,000; Special Extraordinary Appropriations paid

to date. 886,367 79; making a total of extraordinary expenditures of $784.967 34. which, by deducting from the total expenditures of the year, ($1,248.573 82.) leaves a balance of $463.606 48. as the only sum legitimately chargeable to the ordinary expenses of carrying on the State Government.

Of this last amount, that is. the ordinary expenses of the Government, the enormous sum of two hundred thirty-seven thousand, nine hundred and fifty-eight dollars and fifty-nine cents ($237.958 59) has been expended for mileage. per diem. and contingent expenses of the Legislature; to which may be added for printing. publishing. and translations ordered by that body. the sum of forty-three thousand six hundred and twelve dollars and fifty cents ($43.612 50). This will show a total expenditure for the Legislative department of two hundred eighty-one thousand. five hundred and seventy dollars and nine cents, (281.570 09.) which is excessively disproportionate to the expenses created by the other departments of the Government. wholly unnecessary, and calls for the immediate remedial action of the present Legislature In my last annual message. I urgently besought the Legislature to curtail this expenditure by a short session, by abolishing the mileage system, and substituting therefor the actual traveling expenses under proper vouchers. and by the reduction of the per diem pay of the members, clerks, and employes The growing necessities of the State for all the institutions which civilization and humanity have alike combined in imposing upon the older members of the Confederacy, some of which have already been inaugurated in California. will necessarily create heavy expenditures. and thus render the strictest economy in every department an absolute necessity The care of the insane, of the deaf, dumb, and blind. and of the orphans of the State, as well as the need of the Reform School for youthful delinquents. demand increased appropriations. The continued annual appropriations for our State Capitol, and for the maintenance of the State Prison, and for the additional and extensive buildings required for the better accommodation and security of the prisoners, will imperatively demand to be increased. thus requiring great and constant outlays; while it is a fact that must serve as a basis of all future estimates. that our revenue is not. and for the present cannot be. augmented in proportion to the many increasing demands. The assessed value of real and personal property in the State. for the year 1861. is one hundred and forty-seven millions. eight hundred and eleven thousand. six hundred and seventeen dollars and sixteen cents, ($147 811.617 16.) showing a decrease from that of the preceding year of three hundred eighty-one thousand. nine hundred and twenty-two dollars and eighty-six cents. ($381.922 86) This difference is mainly attributable to the depreciation in the marketable value of live stock. Although this diminution in assessable property is trifling in itself, it serves to demonstrate that our resources are not in proportion to the increased demands upon the treasury; and that nothing but a rigid economy will prevent our relapsing into the old system of issuing Controller's warrants as evidences of indebtedness, to supply the deficiency caused by the excess of appropriations over the incoming revenue.—a result which will subject us to the mortification of seeing these warrants pass from the hands of the deserving creditors of the State, at great depreciation. into the iron safes of brokers and speculators.

The Controller's Report evinces great labor and careful research, reflecting much credit upon that officer; it exhibits in a clear and conve-

nient form the resources of the State, and the various tributary branches that have supplied the accumulated revenue for the support of the Government; and it contains careful estimates of future receipts and expenditures. A thorough knowledge of the matters referred to in this document is indispensable to intelligent legislation; and it is, therefore, commended to your careful perusal, with the expectation that the subjects it undertakes to place before you in as clear a light as practicable, will receive a patient and thorough investigation.

The expenses of collecting the State revenue arising from the assessment upon property should be materially reduced: they should not exceed fifteen per centum of the whole amount collected. As it now stands, the average cost to assess, collect and place the revenue derived from this source in the vaults of the Treasury, does not fall short of twenty-five per cent, or fully one quarter of the full amount of property tax paid by the people for the support of their Government. By reducing the expenses of the collection of the revenue to as uniform a schedule of per centage allowance as possible in the different counties, not exceeding in the aggregate fifteen per cent of the whole amount collected, a radical and needful reform in this matter would be initiated, whereby a great saving to the people would be realized, as well as great advantage to the State. The importance of this subject of reducing the expenses of collecting the revenues of the State, and establishing a uniform allowance for its collection, is enhanced by the fact that a direct tax has been imposed by the Federal Government upon all the States composing the Union. At the extra session of the Thirty-seventh Congress, an Act was passed, approved on the 5th day of August, 1861, imposing a direct tax of twenty millions of dollars upon real and personal property in the several States, for the purpose of providing increased revenue, &c., for the Government. Section 8 of said Act fixes the proportion of California at two hundred and fifty-four thousand five hundred and thirty-eight dollars and sixty-six and two-third cents. By the 53d section of the same Act, the privilege is extended to each State to collect and pay over through its own officers its quota of the above tax, as apportioned therein to the several States, granting a reduction of fifteen per centum of such quota for the expenses of such collection and payment into the National Treasury on the part of the State Provisions should be made by the Legislature for the collection of this tax by and through the agency of our own officers; or its direct payment assumed and made in such a manner as to lighten the burden as much as possible, and prevent the confusion and conflicting elements that must for a while arise in the untried and complex system of Federal and State direct-taxation Such action by the Legislature should be had prior to the eleventh day of February next, as on that day the President is by said Act required to appoint the Federal assessors and collectors for those States that fail to adopt measures for the collection of their respective quotas by their own agents

There is still due and unpaid the sum of two hundred and eighteen thousand four hundred and sixty-eight dollars and fifty-four cents, on account of the Indian War Debt, incurred prior to 1854, and for which an appropriation was made by Congress of nine hundred twenty-four thousand two hundred and fifty-nine dollars and sixty-five cents, (more than ample at the time to meet the whole War Debt.) This balance against the State on this account is mainly owing to the ruling of the Secretary of War, who refused to transfer the amount thus appropriated, declining to recognize the bonds as evidence of this debt, but requiring proof of the indebtedness by the production of the original accounts and vouchers.

which in many instances had become quite impossible. Under this ruling of the Secretary, interest of two years was suffered to accumulate, and the result has been this unpaid balance, consisting of Interest or coupons the sum of $172.868 54; Bonds remaining unpaid, $38,100; Interest due in on the latter $7·500: Total, $218.468 54. These bonds mature in 1862. The faith of the State is pledged to thier payment; and if Congress will not assume this debt, as it properly should, the State ought to make provisions for its liquidation.

Section 53 of the Revenue Act of Congress, relating to the Internal or Income Tax, permits the States, Territories and District of Columbia to assume the assessment, collection, and payment of this tax in their own way and subject to their own revenue laws. As this revenue Act is complex, difficult of execution, and likely to give much embarrassment from the summary manner prescribed for the sale of property belonging to delinquents, it is to be hoped that the State will also make provisions for the collection of this tax, through our own revenue officers and under our own State laws; and that the Secretary be at once notified of our intention to perform this duty.

In the General Appropriation Act of each year there is a clause forbidding the Controller to draw his warrant for any money out of the appropriation made by the Act, until the money for the same is in the State Treasury. In all the special Acts this clause is omitted, and, indeed in terms the Controller is authorized and directed to draw his warrant for the amounts specified. In this manner the recipients of these special donations and extraordinary appropriations have become preferred creditors, much to the embarrassment of the finances of the State, and working great injustice to the officers charged with the duty of carrying on the various departments of government. Provisions should be made for a special salary fund which should remain inviolate for the purpose of paying those upon whose services depend the very existence of the Government The same will apply to the maintenance of the State Prison, Insane Asylum, State Reform School, and to the construction of the State Capitol.

A custom has obtained in the Legislature that should never be allowed in future under any ordinary circumstances, that is, of exempting appropriations from the operations of the "Act for the better protection of the Treasury," creating a Board of Examiners and defining their powers and liabilities. The authors of this Act deserve the gratitude of the people. It was founded in wisdom and justice. And every appropriation should pass through the searching ordeal of their examination, except for salaries of officers defined and determined by law.

The Revenue Act of last session is an excellent one, and should not be altered save to make it apply alike to all the counties of the State, and to make the fees, that are allowed under its provisions, uniform. Under the operations of this law there will be a very small delinquent tax. The Poll-tax does not yield the amount justly to be expected from it; as now collected it works very unequally. As I recommended last year, if it cannot be enforced equally, it should be abolished. To meet the direct tax of the Federal Government, twenty cents upon each one hundred dollars value on real and personal property will have to be assessed, provided the State assumes it. If this as well as the income tax should be assumed and collected at the same time, in the same manner, and by the same officers, who discharge similar duties for the State, one hundred thousand dollars per annum can at least be saved; and the annoyance of two sets of revenue officers, at differents periods of the year, be avoided.

STATE LIBRARY.

By the Act of last session of the Legislature, the management of the Library has passed into the hands of a Board of Trustees, who at their first meeting elected a Librarian, as contemplated by the statute The affairs of the Library are in a flourishing condition, it now containing some 20,832 volumes, of which 1,074 have been added by purchase and five hundred and fifty-eight by exchange and donation during the past year. The revenue of the Library fund for the year, derived from fees of commissions, is about five thousand dollars, which, if it continue yearly to be as large, will constitute an ample fund to make it one of the best libraries in the United States. This latter item of the Library fund is for the purchase of books, and does not embrace the annual appropriations for rents, salaries of Librarian, porter, etc., which require about five thousand dollars per annum more. The Library fund has been quintupled within the last two years; and it is to be hoped that the system now inaugurated will be continued.

COMMON SCHOOLS.

The munificent appropriations made by Congress to this State in public lands for the purposes of Common Schools, have not only been in character with the uniform liberality of the General Government, and its ability to grant subsidies to the aid of the new States, but they have been in proportion to the importance of the object sought to be thereby encouraged. It may be safely affirmed that a general system of education, whereby the children of the poor as well as the rich are afforded access to the portals of science and literature, is the most necessary of all the supports to the edifice of civil liberty. To say nothing of the philanthropy of the work of training the minds of the children of the State to the principles of virtue and the refining influences of intellectual culture, it has ever been conceded that republican institutions depend for their existence entirely upon the virtue and intelligence of the people And certainly no other people have devoted so much to the education of their youth, as the people of the United States. It was unquestionably the intention of Congress to not only provide California with a large fund for the purposes of education, but that the fund should be made perpetual; and if this fund has not been kept intact, but has been diminishing yearly by the policy adopted by the State in the use of it, there has clearly been a departure from the intentions of the party making the donation. Congress donated to the State, by its Act of April 4th, 1841, which took effect in California June 1st, 1852, five hundred thousand acres of public lands to the purpose of Common Schools. Subsequently there was also donated to the State by the same source and for the same purposes, by the Act of March 3d, 1853, the magnificent grant of the sixteenth and thirty-sixth sections of all the public lands in the State, amounting to about six millions of acres — according to the accompanying report of the Surveyor-General. These grants of land had a prospective value at the time of several millions of dollars, to constitute a perpetual fund for Common School education.

In regard to the disposition of the proceeds of the sales of these lands, the policy of the State has heretofore been radically wrong. It will be seen by reference to the interesting report of the Surveyor-General, that

there have already been sold by the State of the five hundred thousand acre grant, four hundred ninety-eight thousand nine hundred and fifty-seven 83-100 acres; and of the latter grant ninety-five thousand five hundred and fifty-eight 13-100 acres, not including applications on file in the office of the Surveyor-General The moneys arising from the sales of these lands have been distributed yearly to the different schools, and there remained on hand at the close of the fiscal year ending June 30th, 1861, only the sum of seventeen thousand eight hundred and eighty-eight 5-100 dollars.

It was not supposed by Congress that this donation to the Common Schools of this State would be exhausted by the present generation; but as fast as money has been realized from the sale of a large portion of this vast estate, it has been expended upon the Schools of the present day. The policy is unjust to those who are to succeed us, as it deprives them of their patrimony. But although much of the School Estate has been wasted, it is not too late to arrest the progress of exhausting the fund. For this purpose the recommendation of the State Superintendent of Common Schools, contained in his last annual report to the Legislature, ought to be immediately adopted:

"That the present law be so amended as to convert the proceeds of the sale of the School sections into a General Fund, for the equal benefit of all the children of the State; the interest of this Fund to be apportioned semi-annually."

The fund itself should be reserved: it might be converted into State bonds bearing interest, by the purchase of those bonds, or it might be loaned out with proper securities and draw even a higher rate of interest than the bonds. And in justice to our posterity, the Legislature should replace in the Treasury the full amount of this fund, that has already been improperly expended and not all upon Schools The interest of the fund alone should be distributed annually to the Schools of the State; they should be supplied principally at present by direct taxation, which can be more properly relied on at this time, for the reason that there are few children in proportion to our present population, a large portion of our population have not taken up their permanent residence in the State, and another large portion are composed of aliens who can never become citizens. Let the present generation preserve sacredly in undiminished proportions, the munificent estate donated by Congress to the education of the youth of this State, and let it be guarded and preserved in perpetuity.

A SEMINARY OF LEARNING, OR UNIVERSITY.

Next in importance to the preceding subject is that of the establishment of a Seminary of Learning, or University, for which Congress has already donated seventy-two sections of land, and ten additional sections exclusively for a building. It is not to dispense in the least with any branch of science or of literature in the Common Schools that the establishment of a University is recommended; it should serve the Common Schools in the relation of a nursery; it should supply the teachers for our Common Schools, and especially should it offer the greatest advantages for the successful study of the liberal professions. In addition to the Departments of Law and Medicine, it should have Departments of Mineralogy, Agriculture, and general Mechanics. Such an institution is imperatively demanded for giving a collegiate education to our children at home; endowed, as it should be, with a good library, chemical and

philosophical apparatus, and all other advantages that are possessed by the first colleges in the United States. The importance of affording a California education, and that of the highest order, to our children, cannot be over estimated. The objections to its establishment hitherto, arising from want of funds to commence the work, cannot now be urged, from the fact that the lands appropriated by Congress to the object have been nearly all sold, and the proceeds of such sale are now in the treasury, or in process of maturity for payment into the treasury. And, as this fund is the common heritage of every child in the State, especial care should be taken by the Legislature to guard the institution founded by it from every taint of sectarian bias, both in the character of its professors and the text-books used in conveying instructions to scholars.

THE STATE REFORM SCHOOL

This institution was formally opened on the first Monday of December last, and is now in practical operation. The appropriations made for its erection have been faithfully applied to the object intended, and an excellent and creditable edifice has been constructed. The architect of the State Capitol building, Mr. Reuben Clark, by request of the Board of Examiners, visited this structure, and gives his opinion that, as a public or private edifice, it could not be more economically built. Provisions in the supplemental Act relating to this School are made for the removal to it of the boys that are in the Industrial School at San Francisco. The managers of the latter institution object to this removal, and assign their reasons therefor in an able paper addressed to the Board of Supervisors of the city and county of San Francisco. And a special committee of the Trustees of the institution have made known their objections to me, giving their reasons in support of the same. I have devoted much consideration to the matter, and am convinced that the State at large, and the objects intended to be accomplished by the several Acts in relation to this subject, will be subserved by accepting the proposition made by the said Trustees.

They offer to take all the boys of the classes embraced in the spirit of the Act creating the State Reform School, relieving the State from all trouble and expense for their care, instruction, and subsistence, at, say, ten thousand dollars per annum. This sum will be much less than the School near Marysville will necessarily require to sustain it. Without any disposition to depreciate the present location of the State School, candor compels me to announce to you my opinion, that a position near San Francisco would offer advantages superior to any other in California for this kind of Schools of discipline and reform. The Industrial School of San Francisco is of easy access from all parts of the State, being central, and convenient also to the chief source whence the majority of boys of the classes destined for the Reform School will be yearly supplied. It is now visited weekly by philanthropic and intelligent citizens, who lecture, teach, and contribute in various ways to the happiness of the inmates. There is another desideratum, not to be overlooked in this connection, where boys are instructed and reformed, which is, the superior opportunities and advantages offered in San Francisco of procuring them proper and honorable employment,—a consideration which must not be ignored by the Legislature, and which ought to be regarded as one of the most important duties devolving upon the Trustees and managers of an institution of this nature.

Having repeatedly visited the building of the State Reform School, and being familiar with its location and the advantages of its position, I can recommend it as a proper and suitable edifice for the University heretofore introduced to your favorable notice, in the next preceding portion of this paper.

CHARITABLE INSTITUTIONS.

The special appropriations made for the different Orphan Asylums and the Deaf, Dumb and Blind Asylum, have been paid. I have no doubt but that they have been well and faithfully expended. The law of last year requires them to report directly to the Legislature the mode and manner in which their respective sums have been disbursed. There are no appropriations made by the Legislature that are better applied, or that yield, in proportion to the allowance donated, so great an amount of good. I earnestly recommend that the orphans may not be forgotten, and that all the Asylums within the State may be treated alike, and in exact proportion to the number of the fatherless, who are provided in those charitable retreats, with food, raiment and education.

INSANE ASYLUM.

Herewith I transmit the Ninth Annual Report of the Trustees of this Institution, accompanied with elaborate remarks and suggestions of the Resident Physician. The report of the Trustees simply gives a statement in gross of the receipts and disbursements during the year ending on the 30th day of November, 1861, showing the fact that there is, this year, as well as the last, a balance on hand of the appropriation made at the last session of the Legislature. It will be seen by the amount required to sustain this Institution, to wit: ninety-two thousand dollars, annually, that it has become an onerous tax upon the State. All articles of necessity for the maintenance of this Institution are as cheap, if not cheaper, than in any other State of the Union; and why four hundred inmates should cost the State a sum approximating one hundred thousand dollars annually is beyond my comprehension. The Trustees report having received for board of patients only the insignificant sum of about five hundred dollars. There is something radically wrong in the commitments, otherwise the conclusion must be entertained that none having property ever become insane. That there are patients there who have property and should be compelled to pay liberally for their care and maintenance is beyond question. In many of the other States the income derived from paying patients alone, nearly defrays the expenses of the indigent of their Insane Asylum.

The salary of the Resident Physician, five thousand dollars per annum, with mansion, subsistence, lights and fuel, is out of all proportion with our present resources and the salaries paid to other officers of the Government. If the Physician reside at the Institution, as is proper he should, from his salary he ought to be required to supply his own household, and have nothing whatever to do with the common stores or pecuniary management of the Asylum. There should be a Steward, or Warden, of character to attend to this, who should render his accounts monthly to a Board of Directors. His vouchers under oath should be sent monthly to the Board of Examiners, and if they were not just, and proper, and in accordance with well established prices, the monthly payment from the Treasury could be ordered

suspended by the Board. I suggest this not alone for the Asylum, but for every institution of the State depending upon public appropriations. This is the established usage of the General Government, and there never is more than one payment of an appropriation made, until the former is properly accounted for. I would advise that the Governor, Controller, and Treasurer be appointed a Board of Directors for this Institution; and that the law of commitment be such that it may not become a retreat for the indigent and harmless of such a class, as should remain a charge upon their friends at home, and that those who are able to pay should be made to do so liberally. It is mortifying to learn from the remarks of the Resident Physician that, notwithstanding the vast appropriations heretofore made for the establishment of the Insane Asylum, and the high hopes entertained of it by the good and the philanthropic, he finds it now "a miserable failure."

STATE PRISON.

This institution, which has been a fruitful source of trouble and expense to the State and to those having control and management of it, has been conducted the past year upon a system of rigid economy, and upon the principles of humanity and kindness, so far as good discipline and the means at the disposal of the Directors would admit. The prisoners have been well provided with wholesome food and comfortable raiment And considering that many, of necessity, had to be employed in out-door labor for the manufacture of bricks, the number of escapes—twenty-four in all during the year—has been comparatively small. The Directors asked last year for a small appropriation for the construction of additional buildings, which the Legislature failed to make. The disappointment caused by the failure of this appropriation imposed upon the Directors the necessity of making improvements out of the limited appropriation made last year for the maintenance of the Prison. This, with the fact that there was no money in the fund, subject to the order of the Warden, compelled him to make purchases for the institution at a great disadvantage.

The Directors have made valuable improvements in workshops, preparatory to setting the convicts to work at profitable employments. But all the expenses for improvements and maintenance of the prisoners for the year are confined within the appropriation made for the support alone of the Prison. The system of hiring out the convicts for the manufacturing of such articles as are not produced in the State, being imported principally from the Atlantic States and Europe, cannot interfere with our own mechanics, and will no doubt, when fairly established and tested, make the Prison a self-sustaining institution. Up to the present time, the Directors have only been preparing the way to put this system into operation. All the contracts of hiring have been made subject to any future action of the Legislature; so that if it should be decided that this system will not be productive of benefit to the State or prisoners, they can be terminated without any violation of their conditions That there has been a marked improvement in the management of the affairs of the Prison for the last two years, and that the expenses to the State for its maintenance have been vastly diminished, are facts which must be gratifying to you; while they encourage the belief that the Directors will make for the next two years still greater improvements, as they will have the benefit of past experience, as well as of a vast amount of labor done for the better accommodation of the prison-

ers. An appropriation for the construction of two additional buildings for cells is again urged. It is positively a violation of the dictates of humanity to crowd together so many prisoners in small spaces, besides being detrimental to proper discipline. The Directors are required by law to report, on the 15th of February next, the condition of the Prison in detail, which duty they will fulfill in due time.

GEOLOGICAL SURVEY.

The State Geologist presents a brief synopsis of the progress of this interesting work, which in the absence of a more elaborate report in the course of completion, I lay before you. Some thirteen months have now elapsed since this officer first entered upon his official duties. There have been two appropriations made for this object, one of twenty thousand and the other of fifteen thousand dollars. Of these appropriations there have been expended up to the 31st of December, 1861, the sum of twenty-seven thousand seven hundred and fourteen dollars and twenty-five cents. The estimate for the maintenance and continuance of this survey for the ensuing year, accompanying this synopsis, calls for thirty thousand dollars. It remains for you to determine whether the State can afford to continue the survey upon such a scale of expenditure or not. It appears from the synopsis presented, that the State Geologist has collected a large amount of valuable specimens, which are of importance to the State, and, should the University recommended be established, they would constitute an interesting museum, and form a valuable adjunct to the lecture room in the department of Natural Science, Mineralogy and Chemistry.

PARDONS.

This prerogative, conferred upon the Executive of the State, has been exercised to a limited extent; and I have the pleasure of stating that the subsequent conduct of those who have been the recipients of Executive clemency has, in every instance for the last two years, proved them to have been deserving of the interposition in their behalf. None who have been pardoned out of the State Prison have been returned, giving satisfactory evidence of their reform, and vindicating the wisdom of a wholesome exercise of this power. In the disposal of applications for pardon, I have been governed in most instances by the recommendations of the Judges who tried the cases, and the District Attorneys who prosecuted them; knowing that, as sworn officers of the law, they would not be likely to recommend clemency unless it were really deserved. A list of the pardons granted, embodying the reasons therefor, accompanies this message, in accordance with the requirement of the statute.

THE ATTORNEY GENERAL'S REPORT.

The fourth annual report of the Attorney-General is herewith transmitted. This paper is entitled to a careful examination, embodying as it does many valuable suggestions,—the result of four years experience of the law officer of the State, who has well and faithfully discharged his official duties. The codification of the laws suggested by him, and heretofore recommended by me, in my last message, is again urged upon your attention. It is also recommended by this officer, and concurred in by myself, that the annual messages and accompanying reports, be at

once referred to appropriate committees with instructions to report on the various subjects contained in them, within ten days from the day of their reference. In this manner early action can be had upon them; and thus the Legislature will be enabled to avail itself of the experience of the officers of the Government, whose duty it is made to witness the workings of any particular enactments in our system of laws, and whose practical experience derived in the exercise of their official duties, connected with the administration of public affairs, qualifies them to suggest defects in the laws in force, or the want of wholesome laws not yet enacted. The subject of the Supreme Court Reporter, to which allusion is made in the report of the Attorney-General, was referred to by me in my last message. His suggestions in this regard are important and should be at once adopted. The expenses of the Supreme Court reports for the past year reach the sum of *twenty thousand* dollars, while the Reporter retains the benefit of the entire control and property in the copyright. The Reporter's salary should not exceed two thousand and four hundred dollars per annum, the State reserving the ownership of the copyright to the reports published or edited by him, for the use and benefit of the State Library; the State Librarian being charged with the sale of all copies of the reports not required for the use of the State. It will be seen that the present plan of publishing the reports is extravagantly costly, and the amount of expenses it occasions the State would be sufficient, in some of the other States, to defray all the burdens of their annual legislation.

THE SURVEYOR-GENERAL'S REPORT.

The report of the Surveyor-General herewith transmitted contains valuable statistical and other information relating to the State Land Office. It will prove interesting to the Legislature to know that our public lands are being rapidly disposed of annually, adding to the taxable property of the State, and providing our people with homesteads, thereby increasing securities for the protection of the life, property and quiet of the citizens, and stability to the laws and institutions of the country. Your attention is called to the restrictions contained in the law providing for the sale and disposition of the swamp and overflowed lands, limiting frontage on navigable waters to one mile. Both in the Surveyor-General's report and my annual message of last year, modifications of the law in regard to the frontage were recommended. The utility of these modifications is so apparent, upon examination of the matter, that I am induced to urge again the request that the defect in the law be remedied at once, by allowing the frontage to be extended where it becomes a convenience to the State and the purchaser thus to extend it. Of course this change should not be made applicable to lands fronting on large bodies of navigable waters, as the Sacramento and San Joaquin rivers or bays, harbors and lakes, but it is desired that the modifications be applied to the innumerable sloughs that intersect the swamp and overflowed lands, where they are, as is often the case, found to be navigable.

The law for the reclamation of these lands was passed at the last session, and although it has now been in operation for some time, yet up to this date there has not been an acre redeemed. The civil engineers, appointed by the Commissioners of the Swamp and Overflowed Lands, have not been able to report a single district, where the parties having purchased and owning some of these lands, have been willing to make

up a sufficient sum of money, which, together with the price paid to the State for the lands, would be adequate to redeem them. There have already been expended thirty odd thousand dollars of the fund derived from the sale of these lands, under the direction of the Commissioners, for the purpose of reclamation. But I am yet unable to determine any practical benefit resulting from the expenditure of the money. The reclamation of these lands is eminently a *practical work*, nor does it appear to me how any abstract question of science can be involved in the matter. The farmers residing upon these lands know precisely the height and character of the ditch and embankment required for their perfect protection from overflow. If this fund is suffered to be frittered away in salaries of Commissioners, Civil Engineers, and an army of Axe-men, Rodmen, Chain-bearers, and Draughtsmen, there will be nothing left for the performance of the only real object involved, that is, *practical labor*

Another important question presenting itself in this connection, is this: According to the report of the Surveyor General the choicest and very best of these lands have already been sold. The parties purchasing paid a dollar per acre for them, and got for their money a full and fair consideration. Now, if the fund thus derived is to be expended in the reclamation of these choicest lands, *where will the means come from to redeem those lands of the State that are of difficult reclamation?* My view of the matter is this, and I believe it was the intention of Congress in making the donation, that the fund derived from the sale of the best of these lands should be applied to the redemption of those lands that are of difficult reclamation. When ten thousand or a hundred thousand acres were reclaimed, the land should sell, instead of for one dollar, at ten dollars per acre. The proceeds of these sales should again be applied to reclaim other lands, until the whole were redeemed, thus greatly benefiting the inhabitants and enriching the State. I am thoroughly convinced that the present policy, if it be deserving the name, is opposed to the interests of the State, and, believing thus, I have deemed it my duty to place the subject before you in this light

The Boundary Commissioner appointed by the last Legislature on the part of the State, to act in conjunction with the Commissioner appointed on behalf of the United States, in running, marking, and defining that portion of the eastern boundary of this State not defined by fixed monuments of boundary, is required to report directly to the Legislature. Nothing of importance has been accomplished for the State in this connection, owing, doubtless, to the discontinuance of the work on the part of the United States Commissioner, which necessarily terminated the business of our Commissioner. By an Act supplemental to the one creating and appointing the Commissioner on the part of the State, the Governor was authorized to suspend and recall the Commissioner, upon having received satisfactory information of the suspension or termination of the Commission acting on behalf of the United States This information having been obtained, Mr. Ferris Forman, the Commissioner of the State, was by me recalled, the work suspended, and he was ordered to sell, as by the law required, all of his outfit at public auction, except the scientific apparatus and instruments belonging to the expedition, which were returned for the subsequent use of the State, and are now in charge of the Surveyor-General

AGRICULTURE.

The report of the State Agricultural Society will be presented to you

in due time. This Society has done much towards stimulating a healthy and beneficial rivalry in all branches of this ennobling pursuit through all its varied interests in this State. I commend it to your care and bounty. Small appropriations to this and local societies of the same character throughout the State will be productive of much good. It would be well for the Legislature to offer premiums, or bounties, for the cultivation of flax, to which our soil in many sections of the State is admirably adapted; also, for the production of coffee, tea and sugar, which can be grown in other sections of California. Where the orange and the sugar-cane flourish so well, I can see no reason why coffee and tea cannot also be produced.

In obedience to your concurrent resolution of last session, I appointed three Commissioners to examine and report upon the cultivation of the grape-vine, and upon the capabilities of this State for the growth of this interesting product, to-wit: Messrs J. J. Warner, of Los Angeles, A. Haraszthy, of Sonoma, and J A. Ramirez, of Marysville—gentlemen of ability, who have devoted much time and reflection to this subject. Mr. Haraszthy has just returned from Europe, and brings back with him much valuable information, the result of his personal observations, both as to the mode of its culture, the varieties best suited to our soil, and, still as important, the mode and manner of making and preserving the wine. Mr. Ramirez, I believe, visits South America, and will give the result of his intelligent and practical observations in that country. No appropriation has yet been made to defray the expenses of this commission I recommend that its efforts in behalf of this great interest, yearly becoming more valuable, may be rewarded in a manner becoming the subject and the dignity of the State. You will receive the report of this Commission in due time.

The necessities of all countries and communities suggest for them appropriate laws, and it should be the duty of the Legislature to frame statutes to meet the necessities incident to the natural and physical condition of the State, and to the wants and resources of the inhabitants, rather than to follow in their enactments the precedents or customs existing in the communities whence they emigrated to this country. Our system of local laws, suggested by the necessities arising in the different mining localities of the State, acquiesced in by the Legislature, and recognized by our Courts as binding and obligatory upon them in determining the rights of property, which have already entered into and compose a part of our peculiar judicature, is a proper illustration of the idea that different countries require different local laws, which are suggested by their natural and physical necessities.

The agricultural interest is second to no other in the State in importance, both as a means of wealth and of industry and good order in society. Already the exports of our cereals, after supplying our domestic wants, begin to awaken attention at home and abroad to this great resource of California wealth. This, like all other branches of industry, requires wholesome legislation, adapted to its natural necessities, to ensure its encouragement and protection. The farmer in California labors under one great difficulty: that is, in the procuring of proper and cheap materials for fencing in his lands In many localities of the State it will require an expense threefold more to fence his lands and protect his crops against trespass from live stock, than the lands and crops will sell for. Thousands are prevented from cultivating grains and fruits by this cause alone. I can discover no hardship in compelling the stock-raiser to herd his stock and prevent their trespass, greater than that requiring the farmer

to enclose his cultivated fields to secure the profits of his capital and labor. To compel the farmer to sustain a legal fence in this country, as now defined, is to prevent his cultivating his land or enjoying the use of his own property. The grazier should be required by law to herd his stock and keep them from trespass upon cultivated grounds. If this were the rule, it would ultimately result in his own benefit, as he would select a choicer variety of stock, would make provision for their care during the rainy season, and as a consequence would ask and receive more remunerative prices at their sale in the markets. According to the present practice of our loose husbandry, whereby stock are suffered to roam at large over our extensive plains, number and not quality has become the rule. They die by thousands every winter, and those that survive the ordeal of famine have little value beyond that of their hide and tallow. Besides the bad economy of the present system, there is a cruelty practised by the owner, that deserves to be punished by statute.

In accordance with the requirements of an Act providing for the permanent improvement of the stock grounds of the State Agricultural Society, the Board of Managers having charge of this duty submitted to me their plans, which were approved The work has been substantially and creditably done, under the immediate supervision of the President, Jerome Davis. It reflects much credit upon that gentleman, and it will be satisfactory to you to learn that the appropriation to this object, provided for in the Act referred to, has been expended prudently and with rigid economy. The complaints made in their statement, herewith transmitted, are not entitled to any peculiar consideration. They complain that they were compelled to pay interest to a considerable amount in having their warrants discounted. When they asked for this appropriation, they were aware, or presumed to be aware, of the condition of the treasury; besides, the language making all appropriations—and this case affords no exception—always is, "of any moneys in the treasury not otherwise appropriated"; and a portion of this appropriation was not made to take effect, until the month of November, in the year 1862. Notwithstanding these facts, they have taken upon themselves the *onus* of hypothecating the credit of the State,—a practice which should be discountenanced,—because the money could not be immediately realized from the donation, the necessities of the State being greater at the time than the wants of the Society.

OUR COMMERCIAL INTERESTS.

The wealth of a State consists not so much in the extent of its territory and number of population, as in the extent of its commerce. Rome in its palmiest days never contained the wealth and luxury that either Athens or Venice in the days of their prosperity possessed; yet the territorial acquisitions of the first were immense, and its commerce unimportant; while the territorial domain of the last two States was insignificant, their policy being devoted to the peaceful conquests of trade and commerce. The political influence and power of a nation may also be as effectually extended by enlarging the boundaries of her commerce, as by increasing her territorial jurisdiction. And when both these elements of power and aggrandizement are combined in the same nation, her political influence assumes at once such immense proportions, as to command the admiration and envy of the world. The safe and spacious harbors of California look forth upon a vast ocean, whose singularly tranquil waves are admirably adapted to waft the commercial wealth of

the hundreds of millions of people industriously devoted to the production of utility, who dwell upon its numerous islands and along its Eastern and Western shores. The control and exclusive enjoyment of this commerce have never failed to enrich the maritime power so fortunate as to obtain it. Not one of the nations dwelling upon either shore of the Pacific, is possessed of a marine, or the enterprise and advantages that can create a navy, if we except our own State, which is a component part of a mighty people that possess both and all those necessary elements, which enter into the formation of commercial greatness. England and France, the only powers that could possibly dispute with us for the supremacy over the trade and commerce of the Pacific, are too far removed from it to compete with us for any great length of time in acquiring exclusive control. At the present time, however, notwithstanding the superior advantages possessed by the United States, since the acquisition of California, for extending the boundaries of their commercial conquests over the Pacific, the wealth of the Indies, of China and Japan, flows through the same channels, borne upon the same bottoms, where it has for nearly a century gone, enriching the merchant-princes of Great Britain with almost fabulous treasures. Nor have the United States surpassed either of those two other maritime powers in obtaining an ascendency over the growing trade and commerce of the Hispano-American Republics upon the Pacific coast, not to mention the little progress we have there made in gaining that political influence to which the similarity of our institutions naturally entitles us.

Time sufficient has already elapsed since the extension of the frontiers of the United States to the Pacific, and enough wealth has been derived from the mines of California, to have enabled the General Government to put afloat upon the waters of the Pacific a large navy, both for the protection of our maritime and commercial interests, and for the peaceful conquest by a wise policy of the nations that from their natural position must sooner or later become commercial tributaries of California. Our sails ought now to cover the Pacific ocean. If we do not soon avail ourselves of the superior natural advantages we possess, to establish our commercial supremacy, on both shores of this ocean; the colonies planted by the prudent and enterprising foresight of England and France in the Orient, and the thoroughfare to that trade about to be shortened by the ship channel connecting the Mediterranean with the Red Sea, may snatch the trade of the East from us forever, except to such a limited extent as the grace of the masters of their position may allow us; leaving us alone the coasting trade of Mexico and the other States down to Chile. *But we can never hope to assume a supremacy as a commercial State, nor can the United States avail herself of her superior natural advantages, which would make her the greatest maritime nation on earth, until we have a railroad completed connecting the Atlantic and Pacific.*

The want of steam communication between this coast and the empires of Japan and China, Australia and the intermediate islands, has long been felt by our merchants. The encouragement of the General Government given to the establishment of a regular line of packets between San Francisco and China, by a liberal appropriation for carrying the mails, would at once give us equal commercial advantages in the East with other maritime nations. The expenditure necessary to put such a line of steamships into this trade involves too great an outlay for the individual enterprise and means of our merchants; but being once started by Governmental subsidy the best informed of our commercial men are of the opinion that such increased facilities of communication

would stimulate trade to such a degree that the Government's aid would not long be required. The Chambers of Commerce of the cities of San Francisco and New York have already taken steps in this direction, having memorialized Congress upon the subject. The Chamber at San Francisco have shown by a careful and concise compilation of our imports and exports with those countries, how important this trade is becoming to California, and every year in an increased ratio. England does not stop to enquire into the expense of extending and protecting her commerce; and the wise and judicious subsidies given her mail lines, and the facilities afforded her merchants for safe transportation and exchange, have secured to her almost a monopoly of the commerce of the world. The silver and gold of Mexico, of Central and South America, that should naturally fall to us, flow in an almost uninterrupted stream to England, as a result of the wise policy indicated. The consideration of this subject is most especially urged upon your attention. You may by legislative action call the aid of our Representatives and Senators in Congress to the advocacy of these measures. The President in his message to the present Congress has urged the construction of railroads as a war measure; and if it were necessary in the instances indicated by him, it is eminently so for the protection and preservation of California to the Union. We are in a position to be wrested from the Nation by either of the great maritime powers referred to; and the exportation of our precious metals—the life-blood of the commerce of the country—be taken possession of and diverted into the public treasury of a foreign enemy.

INDIAN HOSTILITIES.

The employment of State troops for the suppression of Indian hostilities has, with one exception, been avoided during my administration,—the officers in command of the United States forces on this coast having, when the same was practicable, rendered timely assistance when called for by me. In the month of August last, I received from the citizens of Humboldt county petitions, accompanied by proper and satisfactory affidavits, setting forth that the lives and property of the citizens were being sacrificed by hostile Indians. I applied repeatedly, in person and by letter, to Brig.-Gen. E. V. Sumner, then in command of the United States Army on this coast, and requested him to move forward troops into the disturbed districts. After some delay, he informed me that he had no men at his disposal for this purpose. This refusal involved the necessity of rendering State aid; and a company of mounted men was called out, and remained in service some ninety days, or until Brig.-Gen. Wright, who had succeeded to the command on the Pacific coast, gave me assurances that he would send into these districts a sufficient force to insure the protection of the inhabitants and their property.

The expedition, in accordance with the orders and instructions given, was conducted humanely, and met the objects for which it was called into service. A proper and praiseworthy economy has been pursued by the officers having charge of it, and an appropriation to meet the expenses incurred is recommended. Sixteen thousand dollars will cover the whole outlay for subsistence, pay of men, and horses, with transportation. This amount will, as it were, be only advanced to the General Government, as it will be promptly recognized; and when such claims are so recognized, they by law become proper offsets against our quota of the Federal tax to an equal amount.

COAST DEFENCES.

I received a communication from the Hon. the Secretary of State, bearing date August 14th. 1861, calling my attention to the Defences of our Sea-coast. and requesting me to lay the subject before the Legislature of the State at an early day. This communication and the answer thereto will be laid before you in a separate paper. The objects that induced the Secretary of State to take this precaution, and the necessities which then called for action on the part of the several States. do not now exist; as Congress is at this time in session and has already begun to take action in the matter.

The Defences of our Sea-coast are of vital importance, its extent being so considerable, the bays, harbors and inlets where an enemy could land being so numerous, that they require an outlay too vast for the resources of the State; and they belong to the class of public works of a national as well as a local character, clearly bringing them within the sphere of duty of the General Government to initiate and conclude their construction upon a scale commensurate with their importance and the national pride. Scientific officers of the Government are assigned the duty of supervision over this branch of the service, and under their exclusive management and control, our Coast-defences will be properly constructed, and accomplished with a degree of economy as well as utility, that could not be expected if undertaken by the State, as she would have to intrust this work, in a measure, to inexperienced agents.

THE STATE CONTINGENT.

Two requisitions were made upon me by the Secretary of War for troops for the service of the General Government; the first bearing date of July 14th, 1861, for one regiment of Infantry and five companies of Cavalry, and the other dated July 24th, 1861, for four regiments of Infantry and one regiment of Cavalry. The Legislature having adjourned without placing any funds at the disposal of the Executive to meet such contingency, and the language of these requisitions urging all possible dispatch, I at once issued my Proclamation calling out the required force. In order to avoid, if possible. calling the Legislature together in extra session, and the extraordinary expense that would be thus incurred, and which would not be a proper or legitimate charge to the General Government, I applied to Brigadier-General E. V. Sumner, then in command of the Pacific Division, United States Army, to know if he had the means at his disposal to furnish and equip these troops. He promptly responded that he had at his disposal all the requirements for this purpose, and that he was prepared to meet the expenses attending the organization and equipment, and that upon better terms than could possibly be done by the State. Thus, the California Contingent has been raised and equipped, without the cost of a dollar to the State, and upon a scale of economy to the Federal Government that reflects credit and honor upon all those who under my call were connected with or had charge of this important duty. It entailed much labor upon this Department, for which it feels fully compensated by the character of the officers selected and the soldierly bearing and character of the men who compose the rank and file. The whole Contingent as organized is composed of our best citizens—men of character and means from all ranks and pursuits of life, and will achieve an honorable fame for our State and render good service to the Nation when called into active duty.

In organizing this force, commissions were conferred upon officers in the regular army of the United States, as Colonels, in order to give efficiency and discipline to our raw recruits. By an order from the War Department, I was notified that these officers could not be permitted to retain position in the volunteer service, as they were ordered to the scene of hostilities, to join their respective regiments. Two of these officers, Colonels Kellogg and Judah, rendered much aid in raising and organizing the Fourth and Fifth regiments of volunteers, at great expense and trouble to themselves, without being permitted to enjoy the honors or emoluments arising therefrom. The Cavalry regiment was raised before Colonel Smith arrived to take command, and he was not, therefore, subjected to any hardship in this respect. I appointed Colonel James H. Carleton to take command of the First Infantry and First Cavalry. He has rendered the State good and efficient service; he has been permitted by the President to retain his command of the volunteers, and has now charge of the troops of the State along our Southern frontier. I would recommend that appropriations be made to compensate the officers mentioned for the personal expenses necessarily incurred by them and the important services they have rendered the State—say two thousand five hundred dollars each.

A large amount of business has been entailed upon the Adjutant General,—in clerical labor and services attendant upon the extraordinary duty connected with and occasioned by the raising of our Contingent; and I would recommend an appropriation of fifteen hundred dollars, as a just compensation therefor.

The Militia law of last year is found to work well, and meets the expectation of its advocates. It declares that all necessary expenses arising under its operation, shall be defrayed out of the general fund; but the Legislature failed to make any appropriation. It is hoped that a small appropriation will be made, to meet the inconsiderable amounts already audited, as well as the future contingent expenses for the year. Too much importance cannot be placed upon the organization of our Militia, in order that efficiency may be attained, and that a military spirit may be infused into our citizens. It cannot be expected that volunteers will drill and parade without arms. For these reasons, I recommended last year a military tax for rent of armories, and the purchase of arms. We should, therefore, have at least a hundred thousand stand of arms distributed among our Militia; instead of this there are not three thousand, and many of these are of antique style and character, of but little use for modern warfare.

FEDERAL RELATIONS.

The imminent danger, to which allusion was made in my former message, of a disruption of our Union, has been hurried on by a succession of events with fearful rapidity and painful reality. Our country, lately so happy in its unparalleled prosperity, so free in the enjoyment of its republican institutions, is in the midst of revolution. Violent men appear to have obtained, before the commencement of hostilities, an ascendency over the public mind in both sections of the Union, and by an evil use of their power and influence, were able to hold in abeyance for the time being every conciliatory sentiment and every desire for a peaceful adjustment of all causes of irritation, and before the conservative elements of the nation could concentrate their influence to preserve the peace and fraternal relations of the people, eleven States passed

ordinances of withdrawal from the Union, formed a separate league together, declared their independence, and prepared for the submission of the questions at issue to the arbitrament of arms. These questions, which have led to so unhappy a result, were neither in their nature nor importance such as could not by any means have been settled by an honorable and peaceful adjustment, for the very same questions regarding the right of the slave States to carry their peculiar species of property into the Territories and to have it protected by local laws, had been disposed of in the spirit of conciliation and harmony by the compromise measures of 1850, so far as the Territories that were then organized were concerned But, unfortunately for the Republic, the extreme men who a year since had the power to pass measures of conciliation, like that proposed by the venerable statesman of Kentucky, declared that the day of compromise was past. The Nation, therefore, is now fully committed to the policy of war; and whether it be the best policy in order to preserve the Union and restore harmony, or not, those States that have decided to remain in the Union are, by the supreme law of the land, committed to this policy; and every citizen in the loyal States is under obligations to aid the Congress of the United States in the execution of all constitutional laws, in the manner indicated by those laws; and, if called out, to fight for their enforcement, wherever their due execution is opposed, and to shed his blood if necessary in their support. Every citizen is presumed to have a voice, in our republican form of government, in the making of the laws, and in determining and fixing the policy of his country; and his individual course of conduct must be controlled by the decisions of the majority, and not by his own personal inclinations and convictions.

In all forms of government, there must be some supreme standard of excellence.—some tribunal from which there is no appeal,—governing the line and course of our civil conduct, to whose decisions the loyal citizen must render a willing obedience in all things not necessarily matters of conscience. In monarchies, where the king is supposed to rule by divine right,—a right inherited, and not derived from the people,—the maxim has obtained, that "the king can do no wrong." What he determines in the strict exercise of his prerogatives, must be obeyed, and he himself is amenable to no human tribunal for his acts. But in a republic the rule has necessarily obtained, that "the majority of the people can do no wrong." To its decisions the individual citizen must render obedience. To be sure, it must be admitted that majorities may and do sometimes err; but that error must be, and usually is, corrected by themselves. The rule must be respected as a general truth, or all governments of and by the people are at an end. Any law may be set aside in its operation by every individual composing the community, and each individual will is law, if any other rule should obtain. Hence, every good citizen must of necessity, in his civil duties, obey the will of the majority, when ascertained, and until the same is revoked by the same authority. To a departure from this democratic rule must we attribute, to a great extent, the present difficulties, which threaten disaster to the principles of free governments throughout the world, founded on the idea of the capacity of man for self-government. A disregard for the will of the majority, in our system of government, begets a disrespect, that terminates in a contempt for all salutable and legal restraints whatever. "The older I become," said one of the immortal sages of the American Revolution, "the greater distrust I have for my own opinions, and the greater respect for the opinions of others."

Such are the spirit and disposition which lead to a faithful obedience of the laws.

But this respect for the will of the majority, in our government, and implicit obedience of the laws, do not necessarily conflict with our natural liberty recognized and embodied in the bill of rights contained in our Constitution, as a guaranty against the despotism of a majority. There is no enlightened freedom but in doing right; every other kind of liberty is but a species of licentiousness, injurious both to him who uses it, and the society where it is exercised. And the violation of a law operating unequally and unjustly often proves more detrimental to communities than submission for the time being, until it can be lawfully and without violence changed. These are evident truths, which ought to be well understood, to indicate to the citizen his proper relations to the Commonwealth. But the right to freely discuss every law and policy of the Government is a sacred right, necessary to the purity of the governing power, and to the protection of the citizen from despotism, and should never be surrendered by a free people, not for one moment, at any time, or under any circumstances.

As was expressed in clear and distinct terms in my former Message, California by an overwhelming majority of her people has decided to unite her destiny with the other States that have adhered to the Union founded upon the Constitution framed by the fathers of the Revolution. Whatever may have been the desire of individuals, as to what policy the State should adopt, in view of the condition of things in the older States, still the result of the election indicated her policy beyond any reasonable doubt. It cannot be said that the result did not clearly express the will of the majority. Every true and loyal heart in the State will, therefore, willingly bear whatever portion of the burden may fall to his lot, in sustaining the authorities of this State and the United States in every constitutional and lawful attempt to defend the Union and the Constitution against foreign or domestic foes — no matter how he may differ from the majority as to the propriety of the policy adopted; it is obligatory and binding upon every citizen until legitimately changed. But long prior to the late election, the *status* of California was fixed by action of her Legislature, at its last session, asserting her loyalty to the Union and the Constitution, in joint resolution, which was approved by me at the time of its submission, and which was in the following terms:

"That the people of California are devoted to the Constitution and Union of the United States, and will not fail in fidelity and fealty to that Constitution and Union, now, in the hour of trial and peril. That California is ready to maintain the rights and honor of the National Government at home and abroad, and at all times to respond to any requisition that may be made upon her to defend the Republic against foreign or domestic foes."

How faithfully my official acts have conformed to the sentiments here declared by the representatives of the people of this State, the history of the times will determine. Although, with one single exception, the only Executive of all the free States, entertaining political proclivities at variance with the party administering the National Government, not one of them can have displayed a greater promptitude in obeying every constitutional requisition of the President

The founders of American liberty did not consider their work concluded, nor their institutions safe, until they had formed "A MORE PERFECT UNION" than existed between the thirteen colonies during the revolutionary struggle, for the preamble to the first compact reads as follows: "Articles of Confederation and PERPETUAL Union between the States;"

showing that from the beginning the Union was one of the principles of the revolution. *lasting* as the life of a nation. The policy of the mother country had been to keep the several colonies, as so many separate provinces, without any bond of union between them of associated counsels, combined strength, or commercial privileges. Union and nationality, therefore, early became one of the principles of the revolution, without which the liberties of the people were not considered safe against the intrigues and alliances of the crowned heads and aristocracy of Europe, who are as hostile to Republican institutions now as they were in any past generation. It was considered that, without a supreme government to concentrate and wield the united strength of the whole, the new States would be incapable of maintaining their republican institutions against the combinations of European monarchies. That unless there was sovereign power in a National Congress, to guarantee and preserve peace between the several States, that internal discord and jealousies, promoted by ambitious men taking advantage of local prejudices and interests, would inevitably lead to civil war, as had been illustrated by the history of the ancient Grecian republics. That the principle of UNITY between the separate States, on the grounds of perfect equality in rights, in justice and in benefits, as expressed in the motto adopted for their coins, "E PLURIBUS UNUM," was the *vital* element of our free institutions and personal liberties; UNITY for defence, for the protection of our commerce, for the suppression of domestic insurrections, and for the general welfare. The principle of *unity* is only specially valuable for the security of our liberties, for the protection of republican institutions; and for the overthrow and destruction of these, *disintegration* is the surest course that can be adopted. If, then, the warring sections of the Union are sincerely devoted to the principles of freedom and self-government, and under no circumstances would tolerate any form of government but republican, a Union of some kind, if nothing more than an ALLIANCE, offensive and defensive, will be established, whatever may be the result of the struggle of the Southern States for a separate independence and nationality. For the protection of their commerce on the high seas, for the purpose of preventing monarchical ideas and policy from overrunning the American Continent, as they have overrun and subdued Europe, a Union of some kind will be found absolutely necessary between these Republican States. The principle of Union is *life*,—the principle of Disintegration is *death*, to American policy, American greatness, and American progress and civilization; These sentiments were by me expressed on another occasion, to the public.

In the very beginning of the process of severance and disintegration of the American Union, we have a demonstration of the fact, that however hostile to each other European monarchies may be, they will settle their own disputes, and league together for the suppression of republican ideas and the maintenance of privilege, birth, and official honors in hereditary descent. Three of the great Powers of Europe have now combined to force monarchial institutions and aristocratic privileges upon that living embodiment of Disunion principles, the Republic of Mexico. And if the present unhappy war continues in the United States, until the forces of the Republic are unable longer from exhaustion to prolong the conflict, except in guerrilla warfare between the sections, the same Powers will combine to enforce aristocracy and royalty upon Americans, partitioning among themselves the splendid domain of the present American Empire The Union of the States is not only necessary to the existence of republican institutions on this continent, but is the only

hope of the oppressed nationalities of Europe in their aspirations for liberal laws and equal rights. The same combinations of monarchial power and wealth have heretofore been successful in crushing republican ideas upon the Eastern continent, wherever they began to obtain ascendency in any portion of Europe. The increasing power and greatness of the American Union had inspired hope in the oppressed of Eastern nations that, in due time, the policy asserted by us on this continent.—non-interference of European monarchies in crushing out republican institutions,—would be extended there.

But while I am thus for the perpetuity of the Union; while every pulsation of my heart is loyal to the flag of our country; and while, as the Executive of this State, I have cheerfully and in good faith obeyed every legal requisition of the General Government made upon California through me,—I cannot but believe that the conflict might have been avoided by compromise, without the sacrifice of anything but sectional pride and sectional platforms. Nor can I entertain the hope that this Government can be preserved, except through a strict adherence to the Constitution and the enlightened compromises made under it. In the commencement of hostilities, the American people were assured by the Administration that their war policy was, to repel aggression, acting upon the defensive; to repossess the forts and other property of the nation; to blockade the harbors in the seceding States, for the purpose of collecting the revenue, and arresting all foreign commerce with the revolutionists; to circumscribe the power of the malcontents, until the first phrensy of the revolt had time to exhaust its force; and to show a willingness and a readiness to receive and entertain at all times every proposition on their part to accommodate the difficulties. With this policy there could be no objection on the part of loyal men; it was the course that suggested itself to my mind as eminently proper, as obligatory upon the Government in order to perpetuate itself, and as becoming a magnanimous nation, still great, just and powerful. But this policy has not been strictly pursued.

Not only has this policy not been followed, but even now in the halls of Congress, and in the Cabinet of the President, are found advocates for making the war a system of social change and political convulsions so great, as the instant emancipation of four millions of negro slaves;—a policy which must inevitably terminate, if successful, in the subjugation and impoverishment of the white race, and the political elevation over them of the negro race; the result of which would be an overthrow of a refined and Christian civilization in the subjugated provinces, as signal as that which followed emancipation in the West Indies. In the execution of such a policy, it will not be possible to eradicate the idea now entertained by the Southern mind, that it was determined upon by the people of the North in their giving success to the now dominant party at the last Presidential election,—thus confirming in their own minds the justice of their cause, whatever may be the success attending it. And the future historian, in judging of the motives by the acts accomplished, will attribute to the Administration in power the deliberate intention from the beginning, to make this trouble an occasion for the emancipation to freedom and political equality of the slaves. The Government should not, then, pursue a line of policy that must bring as its results the certain and complete destruction of that entire section of our country, that its whole energies in appearance are now concentrated to bring back to its fealty to the Union? Why should it take from the minds and hearts of the loyal friends of the Union, now within the

Southern borders, their faith and hope in the Government, and force them to see in the success of that Government their own inevitable destruction? To the loyal mind of the South must the loyal men of the North look for a reunion of our once happy country; and any course of conduct in carrying on the present war, that holds out no hope to the Union men of the South, is a war of desolation, that will render the South when reunited to us a section that will have become a lasting encumbrance to the Nation, not worth the blood and treasure expended in its reunion. Similar views are entertained by many distinguished citizens of our country, who are proving their loyalty by periling their lives upon the battle field; and all my hopes for the future of republican institutions in both hemispheres are centred in the final success of the Union, and vindication of the Constitution, as framed by the heroes and sages of the Revolution.

It is evident that it is not the mission of those who are under the influence of sectional sentiments, and who are governed by sectional platforms, North or South, to restore our Union. Parties of extreme views have often heretofore succeeded, upon their accession to power, in spreading disorder, distrust, and general declension in a nation, by the introduction of new ideas, by change, and by the breaking up of the established order of things; they have often succeeded in destroying the very elements of national prosperity; but rarely in preserving and enlarging the material interests of a nation. It is my firm conviction, therefore, that the mission of restoring the Union, founded by Washington and protected by Jackson, is reserved to a more conservative policy. When reason asserts her sway once more over minds now fired by passion and revenge; and when the political powers of this magnificent Republican Empire shall be controlled by National and not Sectional men, the country will find refuge in the midst of her troubles at home and abroad, her pecuniary embarassments, and the desolation of her homes caused by civil war, in the conciliatory elements of Constitutional conservatism still existing in the patriotic masses of the Union.

In concluding my official connection with you, the representatives of the people of our State, having communicated to you the condition of the public interests, it affords me infinite pleasure to attest the general prosperity now existing in all the branches of our trade and industrial pursuits. In surrendering the trust to my successor, which I have held for the past two years, I have every confidence that it passes into the hands of one who will use it with zealous care and true fealty to the cause of the people, who have called him directly to the discharge of the responsible duties of the Chief Magistracy of this Commonwealth. And may we not indulge the hope that the kind Providence that has so far distinguished us with the choicest of His blessings, will continue to preserve us a free, just, happy, and united people?

JOHN G. DOWNEY.

APPENDIX

TO

GOVERNOR'S MESSAGE.

LIST OF PARDONS

Granted by Governor John G. Downey, for the year 1861.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
2017	John Daniels	Burglary	El Dorado	1 year	That said Daniels is far advanced in years, and has uniformly and deservedly borne a good character, and the punishment already received is fully adequate to his offence, and also that he perpetrated the offence, of which he has been convicted, while under the influence of spirituous liquors to such an extent as to be completely demented for the time.	Hon. James Johnson, County Judge El Dorado County; S. W. Sanderson, District Attorney El Dorado County; Chas. F. Irwin, Associate Justice El Dorado County, Henry Mayenbaum, Associate Justice El Dorado County: W. J. Burnell, Sheriff El Dorado County; F. H. Harmon, Foreman Trial Jury; John Miller, Juror, and other Jurors and citizens

DECISION.—The County Judge and the Associate Justices, the Jury that tried his case, together with all the officials of El Dorado County, join in a petition for his pardon. The County Judge in a special statement to me expresses belief that there was no intention to commit an offence, and that if he had any discretion in the case, he would have deemed the punishment incurred in the confinement and progress of the trial sufficient. Under the circumstances and considering the character and respectability of the petitioners and their official standing in the community where the offence was committed, I cannot but believe this a proper case for Executive clemency. He is therefore pardoned. January 15, 1861.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
835	Charles C. Glenn	Assault to Rape	Yuba	14 years	Good conduct during an imprisonment of four years, and having been punished sufficiently.	Officers of the State Prison.

DECISION.—During the imprisonment of said Glenn, he has conducted himself in a manner to win the respect of all, and the punishment already inflicted is deemed sufficient, and there are good hopes entertained that Glenn will prove himself a useful member of society. Let him be pardoned. February 7, 1861.

No. of Commitment	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1120	Thomas McCauley..	Manslaughter.....	Tuolumne	9 years.....	That subsequent developments of a respectable character, derived from disinterested and reliable sources, fully establish his innocence and good character during his imprisonment.	John Sedgwick, George S. Evans, N. A. Tuttle, B. A. Mardis, B. F. Moore, J. H. Gunn, and numerous other citizens of Tuolumne county.

DECISION.—Whereas, the conduct of said McCauley has been exemplary during his confinement, and the officers of the State Prison certify to the same; and, whereas, several hundred highly respectable citizens of said county, including the Judge of the Court, have earnestly petitioned for his pardon, alleging serious doubts of the guilt of said McCauley, therefore, let him be pardoned. March 16, 1861.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1575	Alexander Griffin....	Murder, 2d degree	Nevada.....	15 years.....	The active and energetic support rendered by him to the officers of the State Prison at the late outbreak, and his uniform good conduct.	Hon. Joseph Powell, Hon. U. M. Gordon, Hon. S. S. Tilton, Hon. Wm. P. Tilden, Hon. James T. Ryan, Hon. D. L. Hann, Hon. Alex. Hunter, Hon. C. E. DeLong, Hon. J. M. Vance, Hon. E. H. Heacock, Hon. T. G. Phelps, State Prison Committee.

DECISION.—His conduct has been uniformly such as to meet the approbation of the officers of the Prison; and whereas, the committee of the Legislature, who lately visited the Prison, petition for the pardon of said Griffin, and also a large number of highly respectable citizens of the county of Nevada ask that Executive clemency be extended to him; and whereas, further, the conduct of the said Griffin during the late attack was most exemplary and praiseworthy, let him be pardoned. March 19, 1861.

List of Pardons—Continued.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1503	Michael McGee	Murder, 2d degree	Nevada	10 years	That prior to his conviction he had been an industrious, peaceable and well-disposed citizen, and that his complicity in the crime for which he is now suffering the penalty of the law, was attributable to the rash and ill-considered counsel of those who led him into the difficulty, rather than to the promptings of an evil and malicious disposition.	S. W. Boring, J. R. McConnell, Hon. S. H. Chase, Thomas P. Hawley, N. C. Niles, A. A. Sargeant, Hon. Wm. Watt, J. B. Van Hagan, J. J. Rolfe, E. G. Waite, and numerous other citizens of Nevada County.

Decision.—The said McGee, prior to the conviction aforesaid, had been an industrious, peaceable and well disposed citizen; and whereas, a large number of the most respectable citizens of Nevada county petition for the pardon of the said McGee, among them the State Senator, Sheriff, County Clerk, and members of the Board of Supervisors, and believing that his complicity in the crime for which he is now suffering the penalty of the law, was attributable to the rash and ill-considered counsel of those who led him into the difficulty, rather than the promptings of an evil heart, let him be pardoned. March 19, 1861.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1332	Christian Brunner	Murder, 2d degree	Sonoma	11 years	His uniform good conduct prior to the commission of the rash deed, his great age, and other circumstances which will present themselves upon the perusal of the testimony.	Hon. E. W. McKinstry, District Judge, Hon. Joseph Powell, Hon. W. Ross, Hon. John B. Scott, Hon. U. M. Gordon, Hon. John H. Hill.

Decision.—His uniform good conduct prior to the commission of the rash deed for which he was sentenced, his great age, and the exemplary manner in which he has conducted himself since his imprisonment; and whereas, the Judge who tried him has petitioned for his pardon; and whereas, also, the committee of the Legislature who recently visited the prison, recommend that Executive clemency be extended to him, alleging that he is worthy of pardon, let him be pardoned. March 20, 1861.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1749.....	Chester C. Bowker..	Manslaughter.....	El Dorado....	5 years.....	That the act was committed under the impulse of sudden and irresistible passion, caused by a serious and aggravated provocation, a large family depending upon him for their support; his good conduct during imprisonment, and that the ends of justice have been fully attained in the punishment he has already endured.	Hon. Jas. Johnson, County Judge El Dorado County; S. W. Sanderson, District Attorney El Dorado County; W. A. January, County Clerk El Dorado County; W. J. Buswell, Sheriff El Dorado County; Hon. B F. Myers, District Judge; Hon. Thos. B. Wade, Mayor of Placerville; Hon. F. Foster, Member of Assembly, El Dorado; Hon. John Conness, Member of Assembly, El Dorado; Hon Alex. Hunter, Member of Assembly, El Dorado; James J. Green, Member of Assembly, El Dorado; Hon. O. Harvey, State Senator, El Dorado; and many of the citizens of El Dorado County, together with the balance of Delegation in State Legislature; officers of State Prison.

DECISION.—Whereas, the said Bowker has conducted himself in a commendable manner since his confinement in the State Prison; and whereas, a petition asking for the pardon of the said Bowker has been presented to me, signed by the District Judge who tried him, the District Attorney, the County Clerk, the Sheriff, the County Judge, together with the Delegation in the State Legislature from El Dorado County, and many other respectable citizens of that county, representing that the crime was perpetrated under the impulse of sudden and irresistible passion, caused by serious aggravated provocation, therefore, let him be pardoned. March 22, 1861.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1257.....	Louis Strelitz.....	Assault to kill.....	Sacramento..	5 years.....	That since his conditional pardon by Gov. Weller, he has resided in Oregon and has conducted himself with the utmost propriety, and at present serious doubts of his guilt are entertained.	Matthew H. Furman, San Francisco; G. Rosenberg, San Francisco, Samuel Platt, San Francisco; M. J. Burke, Chief of Police, San Francisco; C. C. Sackett, San Francisco; D. W. Welty, Sacramento.

DECISION.—Whereas, on the 12th day of July, 1859, His Excellency John B. Weller, then Governor of the State of California, pardoned the said Louis Strelitz on condition that he should leave the State, never to return; and whereas, serious doubts have arisen as to the guilt of the said Strelitz of the crime for which he was convicted, and it having been represented to me by reliable authority that his conduct since said conditional pardon has been exemplary, let a full pardon issue. March 29, 1861.

List of Pardons—Continued.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1621	James Kenney	Burglary	San Francisco	8 years	From circumstances that have transpired since the trial, as well as from information received through the detective officers, grave doubts exist as to his guilt.	Hon. M. C. Blake, County Judge San Francisco County, Hon. T. W. Freelon, ex-County Judge San Francisco County; H. S. Brown, District Attorney San Francisco County; P. Sather.

Decision.—Whereas, the Judge who tried and sentenced the said Kenney recommends that he be pardoned; the District Attorney also joins in such request; and in view of the youth, and in the hope that a reformation has been accomplished by the punishment already inflicted, and whereas, detective officer Johnson, of San Francisco, petitions that said Kenney may be pardoned, alleging, that after a careful investigation, he is satisfied of the innocence of the prisoner, therefore, let him be pardoned. April 11, 1861.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1622	John O'Brien.	Burglary	San Francisco	8 years	From circumstances that have transpired since the trial, as well as from information received through the detective officers, grave doubts exist as to his guilt.	Hon. M. C. Blake, County Judge San Francisco County, Hon. T. W. Freelon, ex-County Judge San Francisco County; H. S. Brown, District Attorney San Francisco County; P. Sather.

Decision.—Whereas, the detective officers of San Francisco allege, that after careful investigation, they are satisfied of the innocence of said O'Brien; and whereas, the County Judge and District Attorney petition for the pardon of O'Brien upon the condition that he leaves the State; and respectable citizens of San Francisco join in such request, therefore let him be pardoned, upon the condition that he leaves the State, never to return. April 11, 1861.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1508.....	Lafayette Choiser. ..	Manslaughter.....	Mariposa..... .	5 years	The conflicting testimony offered on trial, (which raised some doubts.) the youth of the prisoner, and his former good name, and the belief that the ends of justice and humanity would be best obtained by his pardon.	Hon. E. Burke, District Judge; Hon. I. M. Bondurant, County Judge Mariposa County: Richard H. Daley, District Attorney Mariposa County; J. D. Crippen, Sheriff Mariposa County, Alexander During, W. N. Guard, James M. Van Dyke, S. C. Franklin, and numerous other citizens of Mariposa County; officers of State Prison certifying to good conduct.

DECISION.—Whereas, the Judge who tried and sentenced the said Choiser, together with the County Judge, District Attorney, Sheriff, County Clerk, County Recorder, and a very large number of other respectable citizens of Mariposa County, have petitioned for his pardon, in the name of Humanity, Mercy and Justice, alleging the youth and uniform previous good conduct of said Choiser.

Now therefore, by virtue of the authority in me vested by the Constitution and laws of this State, I hereby pardon the said Lafayette Choiser, upon this express condition, that a conviction of violating any of the criminal laws of this State, shall operate as an absolute forfeiture of all the rights and privileges conferred by these presents. May 3, 1861.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1832.....	Isaac Lipstine.....	Grand Larceny....	Placer.....	5 years.....	Subsequent developments have fully established his innocence.	S. Heydenfeldt, Frank Hereford.

DECISION.—Whereas, subsequent developments have transpired, which render the innocence of the said Lipstine manifest, and, whereas, he was a mere laborer and employé of one Stone, (who was indicted and convicted at the same time, and whose innocence has been established by his acquittal on a new trial being ordered by the Supreme Court) and had no interest whatever in the subject of the controversy, a team, of which Lipstine was driver for Stone, and whose orders he obeyed. He is not even technically guilty. Let him be pardoned. May 29, 1861.

List of Pardons—Continued.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
2120.....	G. F. Seely..	Assault to murder	Butte.....	1 year.....	Subsequent developments, since his trial and conviction, raise strong doubts as to his guilt, his excellent conduct, and that he has already been sufficiently punished.	Hon. Thomas Wells, County Judge Butte County; Hon. J. M. Vance, Hon. P. H. Harris, L. C. Granger, N. Maurice, Peter Freer, A. H. Connelly.

Decision.—Whereas, subsequent developments to his trial and conviction have induced the County Judge before whom he was tried and sentenced, to ask for his pardon, which request is urged by a large number of respectable citizens of Butte County, let him be pardoned. July 11, 1861.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1640	Frank Ward.....	Grand Larceny....	Sonoma	10 years.....	That he was unjustly and wrongfully convicted, and is entirely innocent of the crime, having been convicted on the testimony of one Mahoney, a pardoned State Prison convict.	Hon. Wm. Churchman, County Judge Sonoma County; Wm. Ross, late District Attorney; William Wilks, Otho Hinton, W. C. Wallace, Frank W. Shattuck, Wm. H. Crowell, James W. Shattuck.

Decision.—Whereas, said Ward was convicted with one Ball and others, mainly upon the evidence of one Mahoney, a pardoned State Prison convict, who has subsequently denied the truth of the evidence given by him on the trial, and upon a test case of defendant Ball to the Supreme Court, he was at once discharged; and, whereas, the District Attorney who conducted the prosecution has given it as his opinion, that under all the circumstances, it is entirely proper to pardon the defendant. Let him be pardoned. July 11, 1861.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1639	William S. Brown	Grand Larceny	Sonoma	10 years	That he was unjustly and wrongfully convicted of the crime, upon the testimony of one Mahoney, a pardoned State Prison convict, and that he is innocent of the crime of which he was convicted.	Hon. Wm. Churchman, County Judge Sonoma County; Wm. Ross, late District Attorney; Wm. Wilks, Otho Hinton, W. C. Wallace, Frank W. Shattuck, Wm. H. Crowell, James W. Shattuck.

DECISION.—Whereas, said Brown was convicted with one Ball and others, mainly upon the evidence of one Mahoney, a pardoned State Prison convict, who has subsequently denied the truth of the evidence given by him on the trial, and upon a test case of defendant Ball to the Supreme Court, he was at once discharged; and whereas, the District Attorney who conducted the prosecution has given it as his opinion, that under all the circumstances, it is entirely proper to pardon the defendant. Let him be pardoned. July 11, 1861.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1342	Augustus Stoltz	Murder 2d degree.	Calaveras	10 years	That his character for integrity and industry had always been excellent up to the commission of the crime for which he is now suffering, and that his conduct during imprisonment has been uniformly good.	Hon. Chas W. Creaner, District Judge, Wm. Higby, and numerous citizens of Calaveras County.

DECISION.—Whereas, the said Stoltz has, ever since his conviction, been incarcerated in the State Prison, and a certificate of good conduct has been received from the officers of the prison, and, whereas, the District Judge of the Fifth Judicial District, before whom he was tried and sentenced, has represented to me that Stoltz is a proper case for Executive clemency, and asks that he be pardoned. Therefore, let him be pardoned. July 23, 1861.

List of Pardons—Continued.

No. of Commitment	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1955	Frederick Phelps	Grand Larceny	San Diego	2 years	His previous excellent character, and that, if guilty of the larceny charged, his criminality was more the result of bad associations than innate depravity, the punishment already received being fully adequate to the offence committed.	Hon. J. B. Kurtz, County Judge San Diego County, D. B. Hoffman, District Attorney San Diego County; E. Van Valkenburgh, Wm. Snow, and many others.

Decision.—The Judge who sentenced said Phelps, and the Jury who tried the case, together with the county officers of San Diego County and a large number of the most respectable citizens of said county, petition for his pardon, setting forth as reasons, previous good conduct, and that the punishment already received is fully adequate to the offence committed. Let him be pardoned. July 23, 1861.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
840	John Gardner.	Crime against Nature	Nevada	10 years.	That he was the victim of a most foul conspiracy by perjured witnesses, as subsequent developments conclusively show, and that he is entirely innocent of the crime of which he was convicted.	Hon. Thomas H. Caswell, late County Judge of Nevada County; James Creegan; Andrew Campbell; John Caldwell; H. M. Moore, and many other citizens of Nevada county.

Decision.—The said Gardner has served faithfully in the State Prison since the time of his sentence; and whereas, grave doubts exist in the mind of the Judge who tried and sentenced him, and some of the jurors in the case, and also many respectable citizens of the county of Nevada, from developments subsequently made, of the guilt of said Gardner, and have consequently urged that a pardon be granted. Let him be pardoned. July 25, 1861.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
2056.....	Philander Loomis....	Grand Larceny...	Yolo..... ...	1 year.....	That from all the circumstances attending the trial, they consider the case entitled to Executive clemency.	E. Giddings, Associate Justice County Court Yolo county; J N. Hoag, Associate Justice County Court Yolo county; J. Jacobs, District Attorney Yolo county; J. N. Douglass, Sheriff, Yolo county, J. T. Daly, County Clerk Yolo county; J. H. Murphy; J. V. Hoag.

DECISION.—Whereas, the presiding Judge and associate who sat in judgment on this case, members of the Grand Jury who found the indictment, together with the officers of Yolo County, join in representing the case of Loomis as one which merits the exercise of Executive clemency; and whereas, said Loomis having served the greater part of his term in an exemplary manner, and believing that the ends of justice have been fully satisfied, and as doubts now exist as to any intentional commission of crime, let him be pardoned. August 2, 1861.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
2127.....	Wm. F. Hobson.....	Assault to Murder	Sacramento..	2 years.	That he was laboring under great excitement, almost destroying reason, and hitherto had always been a peaceable and good citizen.	Rev. Wm H. Hill, C. C. Hayden, G. L. Simmons, W. N. McWilliams, D. O. Mills, Frank Hereford, O'Connell, Ryan & Co., C. S. Coffin, Sacramento, Murphy, Grant & Co., H. W. Newhall & Co., J. Y. Hallock & Co, Jansen, Bond & Co, J. H. Coghill & Co., Mark Brumagim & Co., John Parrott, C. B Polhemus, San Francisco, John C. Fall, Charles L Low, John A. Paxton, Marysville.

DECISION.—It appears that the offence was committed under great mental excitement, approaching insanity, and the causes which led to the commission of the crime being of the most supposed aggravated character, and many respectable citizens of Sacramento, San Francisco and Marysville, having petitioned for his pardon. His previous excellent character, and uniform good conduct since in prison, as testified to by the officers in charge, lead to the belief that the punishment already received is sufficient, and that the law, by his conviction, sentence, and the term already served, has been vindicated. Let him be pardoned upon the express condition that he leaves the State and never returns, thata violation of this condition shall operate as a forfeiture of all the rights and immunities conferred by these presents. August 13, 1861.

List of Pardons—Continued.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1228.....	Thomas Grabildi....	Murder, 2d degree	SanFrancisco	15 years.....	His long imprisonment, his uniform *good conduct during* said imprisonment, being provoked, challenged and first attacked by deceased; his previous good character as an industrious, peaceable man, and the ends of justice would be subserved by restoring him to liberty.	H. H. Byrne, late District Attorney San Francisco; N. Larco, Sol. A. Sharp, David Jobson, Jerome Rice, G. W. Guthrie, Joseph Argenti, Thos. O'Conner.

Decision.—From the statement of the District Attorney in this case, and the evidence on file, it would appear that the crime with which Grabildi is charged, and for which he was convicted and sentenced, was committed in self defence, and as set forth by petition for pardon signed by most respectable citizens in San Francisco, it is clear to my mind a verdict could not be found against the prisoner but for the great public excitement in San Francisco at that time. Having served four years imprisonment, and having conducted himself well, and having previously borne an excellent character, I deem it proper to exercise Executive clemency. Let him be pardoned. August 14, 1861.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
.....	Ah Poth	Murder 1st Degree	Alameda.....	Death..	Since the trial, testimony has been filed in the case, which, had it been produced in time, would have secured the acquittal of the prisoner. On the occasion of a late desperate attempt to break jail, by the other prisoners, Ah Poth declined to act in concert with them.	Hon S B. McKee, District Judge Third Judicial District; P. E. Edmondson, Sheriff Alameda County; J. R. Mason, County Clerk Alameda County; J. W. Carrick, County Treasurer Alameda County; Wm. P. Rodgers, George M. Blake, and numerous other citizens of Alameda County.

DECISION.—Whereas, at the November term, A. D. 1860, of the District Court, held in and for the County of Alameda, in said State, Ah Poth was tried and convicted of the crime of Murder in the first degree, and sentenced to be executed on the 6th day of September, A. D. 1861:

And *whereas, it has been represented* to me by the District Judge of the Third Judicial District, who tried this cause, that subsequent testimony has been filed in the case, and of such character as to satisfy the said Judge, that if it had been produced upon the trial of the accused, it would have secured the acquittal of the prisoner; also, a number of respectable citizens of Alameda County, including the county officers thereof, join in petitioning for the pardon of the said Ah Poth; and allege such reasons for the exercise of clemency in behalf of the condemned, founded upon the poverty of the prisoner and his entire ignorance of our language, which, at the time of his trial, disqualified him from making such defence as his case admitted of, a fact confirmed by subsequent events.

From the statement of the District Judge, before whom and by whom this cause was tried, and who has had every reasonable opportunity to obtain accurate knowledge and to form a correct opinion of the merits of the case, from the meagre character of the testimony adduced on trial, which was taken down by the Judge and forwarded for *my examination, as by law required*; and from the subsequent affidavit filed in the case, a copy of which accompanies the said petition, I have become satisfied that this is a proper case for the exercise of Executive clemency, all remedy having passed beyond the jurisdiction of the Courts, and the justice of the case requiring interposition. Let him be pardoned. August 28, 1861.

List of Pardons—Continued.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
779	Juan Valenzuela.....	Grand Larceny...	Santa Clara..	10 years.	The only prosecuting witness against him, whose evidence was material, was the notorious Pancho Daniel, since hung for crimes committed by him, who was governed by motives of revenge in accusing Valenzuela of grand larceny, being his personal enemy, and that Juan Valenzuela was entirely innocent of the charge.	Hon. Andres Pico, Hon. B. B. Buckner, ex-County Judge Santa Clara; Manuel Noriega, Antonio Ma. Pico, J. M. Williams, John H. Moore, Frank Lightstone, C. T. Ryland, J. Alex. Yoell, H. C. Malone, Miguel Flores, and many other citizens of Santa Clara. James C. Pennie, Warden of State Prison, testifying to good conduct.

Decision.—Whereas, the County Judge before whom he was tried, and by whom sentenced, the Sheriff and other county officers of said county, petition for his pardon, and as the petitioners set forth that he was convicted upon the testimony of one, since executed for crime, and that grave doubts are entertained of his guilt. They believe the long and patient imprisonment he has undergone, and his uniform good conduct during said imprisonment, as testified to by the officers in charge, fully justify them in claiming Executive clemency. Yielding to the demands of the Judge who tried this cause, and believing the facts set forth in the petition to make this a case demanding the interposition of the Executive, therefore, let him be pardoned. September 18, 1861.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1997	William Wilson.....	Attempt to kidnap	San Francisco	2 years.....	That this was his *first offence*; his punishment has been ample, and his absence from his wife and children, who are entirely dependant upon him for their support; and his hitherto good conduct.	Coffey & Risdon, W. C. Talbot & Co., J. E. De la Montagna, Godeffroy, Sillem & Co., James Donahue.

Decision.—Whereas, it has been satisfactorily shown to me that this was his first offence against the laws, that up to that time he had borne a good character for virtue and industry; that he has a wife and two children who are now maintained by charity; that he has already suffered an imprisonment for said offence of more than one year; that his conduct while in prison has been unexceptionable, and the petition on his behalf is signed by many influential citizens and property holders in San Francisco, accompanied by an application of his wife. Believing that this act of clemency will do more than further punishment to reform and restore him to society improved by sad experience, let him be pardoned. September 20, 1861.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1543.....	Juan Bernal.	Rape.....	Santa Clara..	10 years.....	That public justice would be sufficiently served by remitting the remainder of his sentence; his youth, and this being his first offence; his good conduct during imprisonment, and his suffering from affliction, all demand Executive clemency.	Hon C. P Hester, Hon. Pablo de la Guerra, John B. Hewson, N. C. Campbell, and officers of State Prison.

DECISION.—Whereas, the great number and respectability of the petitioners in his favor; the advice of the Judge who sentenced him; that his imprisonment for more than four years is adequate punishment; the unfavorable reputation of the prosecutors; the youth of the prisoner and its being his first criminal offence, the extreme penitence and good conduct of the prisoner while in confinement, the need of his services in the support of an impoverished family, consisting of a mother and numerous small children, all combine to force the conviction on my mind that the ends of the law will be subserved by his pardon. Let him be pardoned. September 26, 1861.

No. of Commitment.	Name.	Crime	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
75.....	Cherino Revera.....	Grand larceny.....	San Joaquin.	10 years.....	His long imprisonment (over nine years) and his excellent conduct during said imprisonment fully vindicate the law, and the ends of justice are satisfied.	J K Shafer, Associate Justice at trial; J. G. Jenkins, District Attorney, and officers of State Prison.

DECISION.—Whereas, the Judge who sentenced said Revera and the District Attorney who prosecuted him represent, that from the fact of his having served already nine years and three months imprisonment, during which time he has conducted himself in an exemplary manner, as evidenced by the certificate of the officers of the Prison; that the law has been fully vindicated and the ends of justice satisfied: and believing from the evidence on file in this office that said Revera has been sufficiently punished, and that he has given ample proof, by his uniform good conduct and obedience to the discipline of the prison, that a reformation has been effected in this case. Let him be pardoned. October 9, 1861.

List of Pardons—Continued.

No of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
2088.	Julien M Avery . .	Burglary.....	Sacramento ..	1 year	That he was a mere boy at the time of his conviction, and that since his imprisonment he has, by his uniform good conduct and in every way, proved himself as worthy of Executive clemency.	George Cone, Associate Justice; J. W. Hodgkin, Associate Justice, T. Cassin, Pastor St. Rose Church, Neal Gallagher, Assistant Pastor St. Rose Church; Wm. H. Tobey.

Decision.—Whereas, it appears that grave doubts are entertained as to the guilt of said Julien M. Avery, and that at the time of conviction he was but a mere youth, that he has already served the greater portion of his term of imprisonment, during which he has conducted himself in an exemplary manner, as testified to by the officers in charge of the prison. These representations having been made to me by the Associate Justices of the Court before whom he was tried and sentenced, I am convinced that this is a proper case for the interposition of Executive clemency. Let him be pardoned. October 10, 1861.

No. of Commitment.	Name.	Crime.	County.	Sentence.		
1361.....	John Collins.....	Assault to Murder	Marin	8 years.....	Mitigating circumstances connected with the conviction, and his excellent conduct during the larger portion of his sentence.	R. B. Frink, County Judge Marin County. J H. Haralson, District Attorney A W. Taliaferro, John Farrell, and many others.

Decision —Whereas, it has been represented by the District Attorney who tried the case, and by the County Judge who sentenced him, that there were mitigating circumstances in the case strengthened by subsequent facts coming to light; and they, in company with a large number of respectable citizens of that county, petition for his pardon; and the conduct of the party while in confinement having been represented as good and obedient, and his long imprisonment of three years and six months under the sentence being thought by said Attorney and Judge to be more than adequate punishment for the offence, and that the case deserves Executive clemency. Let him be pardoned. October 19, 1861.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
2087.....	Michael Henley	Assault with intent to do bodily injury	Sacramento ..	1 year.....	That he has always borne a good character, and the District Judge adds, "I know the man, and believe he acted believing he was justified."	Hon. John H. McCune, District Judge; W. W. Upton, District Attorney Sacramento County; B. B. Redding, W. A. McWilliams, Julius Wetzler, F. W. Hatch, and many others.

DECISION.—Whereas, it has been represented by a large number of respectable citizens, in a petition for his pardon, among whom is the District Judge of the county where he was tried, that said Henley bore an unexceptionable character for peaceableness and honesty up to this his first offence, and that he believed he was justifiable in what he did, that it was not maliciously done, and as his conduct is represented to have been exemplary in prison, and the term for which he was sentenced having now nearly expired, let him be pardoned. October 19, 1861.

No. of Commitment.	Name.	Crime.	County.	Sentence	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1348.....	James Allen.....	Murder, 2d degree	Napa.....	21 years.....	That he was convicted upon evidence, chiefly, if not wholly circumstantial, and that considerable doubt exists as to his guilt, as we become satisfied on a review of the evidence in the case; his long imprisonment, and the belief that the ends of justice would be subserved by extending to him Executive clemency.	Hon. E. W. McKinstry, District Judge; G. W. Towle, District Attorney Napa County; Henry Edgerton, and a majority (9) of the jury who tried the case

DECISION.—Whereas, it has been represented to me by petition asking for his pardon, signed by the District Judge who tried the case, and the District Attorney who prosecuted him, and the present District Attorney of that county, and nine of the twelve jurors who found him guilty, that the evidence on which he was convicted was purely circumstantial, and serious doubts exist as to his guilt, and that he has been imprisoned four years, his conduct being good, and said petitioners assure me "that the ends of justice would be subserved" by pardoning him; and a copy of a letter is exhibited written by one who left the State to avoid prosecution, acknowledging that he committed the crime, and that said Allen is wholly innocent of it, which is probable. Let him be pardoned. November 19, 1861.

List of Pardons—Continued.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
308.....	Domingo, (Indian.)	Murder	Santa Barb'ra	10 years.	That the crime was committed under great provocation, and that during his long imprisonment he has been obedient and faithful.	Hon. Pablo de la Guerra.

Decision.—Whereas, the Hon. Pablo de la Guerra and other gentlemen of great respectability in Santa Barbara, petition for his pardon, representing that the homicide was committed in a quarrel when intoxicated, under circumstances of provocation by the deceased (an Indian,) that Domingo up to that time sustained the character of a good, peaceable Indian; has always been submissive, kind and faithful; and that the universal desire of the people of that county is represented to be in favor of the exercise of clemency at this late period, in shortening the term of punishment. Let him be pardoned. November 29, 1861.

No. of Commitment.	Name	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
2193.....	James Mulholland..	Murder, 2d degree	Sierra.....	10 years.....	That there are many extenuating circumstances attending his case, and the fact of the jury recommending him to the mercy of the Court, all combine to make this a case for the interposition of Executive clemency.	Hon. R. H. Taylor, District Judge; P. J. White, late Sheriff Sierra county; G. H Tuttle, Clerk Sierra county; and nine of the trial jurors.

Decision.—Whereas, it has been represented to me by the Hon. the District Judge, and all the jury at present in the State, to the number of nine, who tried the case, as well as by other respectable citizens, that from their knowledge of the accused and the many extenuating circumstances in the case, he was only guilty of violating the *letter* of the law, and is deserving of Executive clemency, and his conduct in prison having been commendable; and due notice of his application for pardon having been given and published, no one appearing to contest it; and being further advised that the "deceased," for the killing of whom he was convicted, before his death desired him not to be prosecuted, and exculpated him from blame; and none of the friends of the "deceased" desired any prosecution of the accused. Let him be pardoned. December 9, 1861.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1813	L Grace.....	Assault with a deadly weapon..	Mariposa.. ...	3 years	His youth, and penitence for the crime committed, and the assurance that he will leave the State never to return.	Hon. E. Burke, District Judge; Hon. J. W. Bondurant, County Judge Mariposa; Alex. Deering, District Attorney Mariposa, Hon. Samuel A. Merritt, Senator, Mariposa, William A. Guard, B. B. Harris, and many of the citizens of Mariposa county.

DECISION.—Whereas, the Honorable, the County Judge and one of the Associate Judges who tried him, and the District Attorney who prosecuted the case, as well as some of the jurors, and a large list of respectable citizens petition for his pardon, representing his extreme youth at the time, that he acted under the undue influence of an elder brother who escaped from the State immediately thereafter; that the accused has always expressed and shown deep contrition for what he did, that his relatives in this State desire his release to remove him hence, and that his previous conduct had been good under proper influences; and it further appearing that he has been imprisoned in the State Prison for nearly one full year under his sentence, and his behavior while there has been good, and being persuaded that his pardon now may work his reformation, I do hereby pardon said L. Grace, on condition that he leaves the State forever, within thirty days from the time of his discharge, and if he be found within this State after said period, these presents shall be of no effect. December 9, 1861.

No. of Commitment	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
2250.....	Henrique Welch.....	Assault with deadly weapon to inflict great bodily injury, etc.... .	Contra Costa	1½ years.....	His excellent conduct during imprisonment, and that there are strong mitigating circumstances attending his case.	Hon. Thomas A. Brown, County Judge Contra Costa County; W. W. Theobalds, ex-District Attorney Contra Costa County; and numerous other citizens of Contra Costa County. Officers of State Prison certifying to good conduct.

DECISION.—Whereas, it has been represented to me by petition on his behalf, signed by the County Judge who tried the case, and the District Attorney who prosecuted him, as well as by a large and respectable number of citizens of that county, that the offence was committed under mitigating circumstances that palliate the crime in this instance, and that he ought to be pardoned; and considering the nature of the offence, the punishment already endured, and the good conduct while in prison, of the applicant, I have concluded to grant his request.

Now, therefore, by virtue of the authority in me vested, I do hereby pardon the said Henrique Welch, upon this express condition, that a conviction of violating any of the criminal laws of this State shall operate as an absolute forfeiture of all the rights and privileges conferred by these presents. December 19, 1861.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1987.....	Ho Fung.....	Burglary	Nevada....	3 years..... ...	His extreme age, and that he was the victim of a conspiracy, and if guilty of the crime of which he was convicted, that he has been amply punished.	Hon. D. Belden, County Judge Nevada County; E. W. Maslin, District Attorney Nevada County, J. W. Van Hagan, Thomas P. Hawley, John Anderson, George B. Tinglay.

DECISION.—Whereas, the County Judge and District Attorney who tried the case, and the county officials generally, and other citizens of that county, unite in a petition for his pardon, representing that he is a Chinaman over sixty years old, having a wife and children, that he heretofore has sustained a good character and was the victim of villains in the matter; and they doubt his guilt, and think that he has been sufficiently punished if he was guilty. The character of the petitioners warrants my interposition. Let him be pardoned. December 23, 1861.

No. of Commitment	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1395.....	Edw'd Clough alias Henderson	Manslaughter... .	Placer	10 years.....	His long imprisonment; excellent conduct, and valuable services rendered at State Prison on the occasion of an attempted outbreak.	Hon. B. F. Myers, District Judge, Hon. P. Munday; H. R. Hawkins, acting District Attorney at trial; Joseph Hamilton; W. L Selkirk, County Recorder; L. L. Bullock, Sheriff, C. W. C Rowell, J. C. Penme, Warden State Prison.

DECISION.—Whereas, the District Judge and District Attorney of that county, and the county officials generally, and a large number of the citizens petition for his pardon; the influence in his favor is of so respectable and universal character, that it would seem to be inexorable severity to disregard it, especially since he has already suffered imprisonment for nearly four years, and has borne the best of character in prison. Therefore I feel it incumbent upon me to carry out the general desire of the citizens of Placer County. Let him be pardoned. December 23, 1861.

Total Number of Pardons.....36

PARDONS FROM COUNTY JAILS,

Granted by Governor John G. Downey, for the year 1861.

Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Hilario Solis	Gaming.....	Tuolumne.....	$100 fine, $79 25 costs.....	That it was his first offence · his previous *good character, and the sufficiency* of the punishment already inflicted.	James Letford, Associate Justice; Charles F. Dodge, Associate Justice; H. P. Barber, District Attorney, B. F. Mardis, County Clerk, and other county officers and citizens of Tuolumne County.

DECISION.—In the above case the prisoner was sentenced to undergo an imprisonment in the County Jail until the sum of $179 25, fine imposed, was paid

And, whereas, the said Solis has been imprisoned since the date of the rendition of the sentence, and it is represented to me and *satisfactorily shown that the* said Solis has not the money to pay said fine, further, the County Judge, District Attorney, and most of the county officers of said Tuolumne County petition for the pardon of said Solis · Wherefore, the fine imposed by the Court of Sessions is hereby remitted and the said Solis pardoned. March 6, 1861.

Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
James Gallagher. ...	Petit Larceny....	Sacramento..	450 days in County Prison or $900 fine.....	His ill health; that his sentence was harsh in the extreme, and that he long since more than expiated the crime for which he was adjudged guilty and sentenced—there having been only $12 involved.	C. Cole, District Attorney; B. B. Redding, D. W. Welty, Wilson Flint, S. Marshall, The Grand Jury of Sacramento County.

DECISION.—Whereas, the said Gallagher has served in the chain-gang and in the County Jail of Sacramento County for about one year: And, whereas, the Grand Jury of the county has petitioned that he be pardoned, alleging that the punishment has undermined the health of said Gallagher, and that he has long since expiated the crime for which he was sentenced. Therefore, let him be pardoned and the fine remitted. April 19, 1861.

Name	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Daniel McLaughlin.	Assault and battery.....	Butte	3 months in the County Jail and fine of $200.	His good conduct during imprisonment, that he has, while in prison, contracted a disease that threatens his life, his youth, and inability to pay the fine imposed, and that the punishment he has already received has fully subserved the ends of justice.	Hon. Thomas Wells, County Judge Butte County, W. O. Middleton, Sheriff Butte County · L. C. Granger, S. Rosenbaum, S. W. W. Coughey, James O'Brien, M. D.; F. M. Smith, District Attorney.

DECISION.—Whereas, it has been represented to me by the presiding Judge, and also by respectable officers of the Court, members of the Bar, and Physicians of said county, that the said McLaughlin has contracted a cutaneous disease and is threatened with consumption, and that in consequence of the dampness of the prison, his health is in imminent danger, and that he is a young man, quite poor, and unable to pay the fine, or any portion of the same

And, whereas, the said McLaughlin has been imprisoned since the 22d day of February, 1861, and has conducted himself in a quiet manner, giving every evidence of reformation, let the fine be remitted. May 17, 1861.

Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Francisco de Avalos	Bigamy.....	SanFrancisco	2 years in County Jail	That the prisoner has been closely confined and shut up in a cell for a period of fifteen months with at least one and sometimes two prisoners, with no means of exercise. His conduct has been exemplary, showing a deep penitence for the offence committed.	Charles Doane, Sheriff; H. S. Brown, ex-District Attorney; John W. McKenzie, Jail Keeper, and many citizens of Spanish descent.

DECISION.—Whereas, on the 4th day of August, A. D 1860, in the Court of Sessions held in and for the City and County of San Francisco, in said State, Francisco de Avalos was tried and convicted of the crime of bigamy and sentenced to undergo an imprisonment in the County Jail for the term of two years from August 4, 1860.

And, whereas, a petition for his pardon (accompanied with the proper and legally published notice of this application) has been presented to me, signed by the District Attorney who prosecuted him, by the two keepers of said jail and the Sheriff of said county, and also by a large number of citizens, principally of Spanish descent: and I am assured that during his confinement, for nearly sixteen months, his conduct has been exemplary, showing deep penitence; and that his health has been impaired by close confinement during all that time, without exercise, in a room five and a half by nine feet: and that his lawful wife, (who also applies for his pardon,) with her child, are in destitute circumstances, requiring his services for their support; and deeming that justice in this case should now be tempered with mercy, therefore let him be pardoned. September 18, 1861.

Pardons from County Jails—Continued.

Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Reese Jenkins.....	Assault and battery	Sacramento...	Fine of $100, or 50 days imprisonment in County Jail.	That his wife and children are suffering from his absence, and during his imprisonment he has conducted himself in a correct and proper manner.	Thomas W. Gilmer, Police Judge Sacramento City; P. J. Hopper, Deputy District Attorney; J. J. Watson, Chief of Police; George H. Brickman.

Decision.—The Police Judge, and the Deputy District Attorney who prosecuted the case, as well as the Chief of Police of this city, and others, have united in petitioning for his pardon on the ground that he has served out eleven days and behaved very properly, and has a destitute family dependent on his labor for support, and the complaining witness intercedes for him (being his wife) saying he was intoxicated at the time of the offence; that he is generally temperate and kind, and it is his first offence. Let him be pardoned. November 29, 1861.

Total Pardons from County Jails.....5

NAMES OF INSANE CONVICTS SENT FROM STATE PRISON TO STATE INSANE ASYLUM,

By Governor John G. Downey, for the year 1861.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Date of Order.
1675	Joseph Chauncey	Grand Larceny	Trinity	4 years	December 16, 1861.

Number of Insane Convicts sent to Insane Asylum.....1

RESPITES

Granted by Governor John G. Downey, for the year 1861.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Apr. 29, 1861.	Michael Hargain....	Murder.....	SanFrancisco	Death.....	Want of sufficient time to enable the citizens of San Francisco to make representations to the Governor for a commutation of his sentence.	John Curry.

DECISION.—Whereas, for the purpose of a more full and deliberate examination of the record in the above case, more time is demanded,

Therefore, by virtue of the power in me vested by the Constitution and Laws, I do hereby respite and suspend the sentence of said Michael Hargain from the 3d day of May until Friday the 14th day of June, 1861, on which day, in the absence of any further order, the sentence of the Court will be executed.

For the above and other reasons a further respite is granted until Friday, the 25th day of July, 1861.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Aug. 26, 1861	Armada Cardinez ...	Murder.....	Plumas.....	Death.....	Want of time to present to the Governor an application from the citizens of Plumas County for a commutation of his sentence to imprisonment for life.	W. D. Sawyer, District Attorney Plumas County.

DECISION.—*To the Sheriff of Plumas County, Quincy, Cal.*—Sir: It having been made to appear to me by an official communication from the District Attorney of your county, bearing date the 21st inst., that one Armada Cardinez has been, after due trial and conviction upon an indictment for murder in the first degree, before a Court of competent jurisdiction, sentenced to be hung on the 31st day of this month; and that there is a movement on the part of respectable citizens of said county, by petition, to implore the Executive clemency on his behalf for a commutation of his said sentence; and, whereas, the District Judge, before whom he was tried, has wholly failed to furnish the Governor with "a statement of the conviction and the judgment and of the testimony given at the trial," as is by law required, and without which the condemned might have some little cause of complaint, that he should be made an exception to the general rule in such cases.

It is, therefore, determined that you suspend the execution of the said Armada Cardinez until Friday, the 27th day of September next, at which time, between the hours of 12 M. and 4 P. M., you will, in the absence of further orders, execute the said judgment and sentence of the Court upon him.

RESPITES—Continued

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Dec. 24, 1861.	Michael Escabosa....	Murder	Yuba.	Death.	Want of time to make the proper representations to the Governor for a commutation of his sentence.	H. K. Mitchell; Richard Hall, Sheriff Yuba County; James Frayner.

DECISION.—*The People of the State of California to the Sheriff of the County of Yuba, greeting:* Whereas, information has reached me that one Michael Escabosa is under sentence of death, and an order for his execution on the 27th day of this month has been issued, and, whereas, an application on his behalf for Executive clemency is about to be made, and the District Judge before whom he was tried, has entirely failed to furnish the Governor with "a statement of the conviction and judgment and of the testimony given at the trial," as required by the 467th section of the Criminal Practice Act, without which said application cannnot be duly considered.

I have, therefore, concluded, and the Sheriff aforesaid is hereby ordered, to postpone said execution until Friday, the 14th day of February, A. D. 1862, at which time, between the hours of 12 M. and 1 P M., (in the absence of further orders,) said execution will by you be carried into effect.

Number of Respites.....3

COMMUTATIONS OF SENTENCE

Granted by Governor John G. Downey, for the year 1861.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
Mar. 18, 1860	Jesus Bealoba... . .	Murder	Calaveras. ...	Death	That certain evidence, if it had been properly brought before the jury, would have reduced the crime to murder in the second degree.	Hon. James H. Hardy, District Judge Sixteenth Judicial District, who tried the case.

DECISION.—*To the Sheriff of the County of Calaveras, and to all others to whom these presents shall come, greeting.* Whereas, at the February term, A. D. 1861, of the District Court held in and for the County of Calaveras, in said State, Jesus Bealoba was tried and convicted of the crime of murder and sentenced to be hung on the 19th day of April, A. D. 1861;

And whereas, his case was appealed to the Supreme Court, where the judgment of the Court below was affirmed,

And whereas, Judge Hardy, before whom the said Jesus Bealoba was convicted, certifies to me, that on the trial the prisoner's counsel offered to prove certain statements made by the deceased after he received the mortal shot, which statement did not come within the rule concerning dying declarations, but owing to the peculiar manner in which the offer was made, the evidence was admitted, but the jury was afterwards charged that the evidence was not legal and competent. The counsel for the prisoner, a respectable member of the bar in Calaveras County, afterwards made an affidavit, showing that by such ruling he was taken by surprise, and that had he known or anticipated such ruling, he could have obviated the difficulty by other competent evidence, and the facts sought to have been established were of a character that might have reduced the crime to murder in the second degree,

And whereas, the said Judge Hardy, who tried and sentenced the said Jesus Bealoba, further certifies to me that he is now satisfied of the truth of the attorney's statement, that he was surprised and misled as to the law of the case, and that the said Judge Hardy believes that it would be safest to commute the punishment, and freely and earnestly recommends the punishment to be commuted to imprisonment for life;

Now therefore, by virtue of the authority in me vested by the Constitution and laws of the State, I hereby commute the sentence of the said Jesus Bealoba from death to imprisonment in the State Prison for his natural life, and order the officers of the prison to receive him accordingly.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
April 25, 1861	William Price.....	Murder..	Sacramento...	Death.....	That for the last three years he has borne the character of a quiet, harmless person, of timid, nervous temperament, verging upon mental imbecility, and that the deceased had frequently threatened to take his life, and the crime was committed from fear, and not from the promptings of a malicious heart.	Joseph W. Winans, Frank Hereford, B. C. Whiting, H. O. Beatty, J. H. Gass, Humphrey Griffith, A. C. Monson, H. H. Hartley, and twenty-two other members of the Sacramento bar. J. R. Hardenburgh, Foreman Grand Jury; Richard H. Daley, Secretary Grand Jury, Hon. E. H. Heacock, Senator; J. P. Dyer, D. L. McDonald, William Shattuck, S. Marshall, J. M. Duncan, M. McManus, and numerous other citizens of Sacramento City and County.

DECISION.—Whereas, at the December term, A. D., 1860, of the District Court, held in and for the County of Sacramento, in said State, William Price was tried and convicted of the crime of murder, and was sentenced to be executed on the 10th day of May, A. D. 1861;

And whereas, it has been represented to me by a large number of the lawyers of the city of Sacramento, who were present at the trial of said Price, and from the developments there made, together with his mental condition, they were satisfied that he can hardly be considered an accountable being, and that, although his case was appealed to the Supreme Court, but on account of a mistake in the transcript, it was never heard in that Court, and that from their knowledge of the said Price and his case, that justice does not require that his life should be forfeited for this offence:

And whereas, it appears from the testimony, that beyond doubt, Poole, the deceased, had frequently threatened to take the life of Price, and that before the affray, which resulted in the death of the former, Poole had followed Price, threatening and insulting him in the grossest manner;

And whereas, it appears that the said Price has always borne the character of a quiet, harmless person, of timid, nervous temperament, verging upon mental imbecility;

Now, therefore, by virtue of the authority in me vested by the Constitution and laws of this State, I hereby commute the sentence of death to that of imprisonment for life in the State Prison, of the said William Price.

Date.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
July 23, 1861	Michael Hargain....	Murder.....	SanFrancisco	Death.....	That the crime was committed under great provocation, sufficient to create doubts in the minds of the jury as to his sanity; and the jury were of the opinion that a recommendation of the prisoner to mercy would prevent him from receiving the extreme penalty of the law.	Gen. James Shields, H. H. Byrne, John Curry, George B. Tingley, Samuel Platt, Geo. F. Sharp, Elisha Cook, John V. Watson; George F. Parker, Frank Eastman, and nine others of the jury who tried the case; Thomas Hayes, R. F. Ryan, John Kelly, and numerous other citizens of San Francisco.

DECISION.—Whereas, at the February term of the District Court, for the Fourth Judicial District, in and for the City and County of San Francisco, Michael Hargain was convicted of the murder of Honora Hargain, in the first degree, and sentenced by the Court to be hung on Friday, the 3d day of May, 1861,

And whereas, upon representations made to the Executive of the State, the sentence of the Court was respited to Friday, the 26th day of July, instant;

And whereas, further, it having been represented to me by the jury who tried and convicted the said Hargain, that they were unable for a long time to agree upon a verdict on account of doubts regarding the sanity of the prisoner; the extenuating circumstances, and the great provocation under which he labored, and that if it had not been believed and understood by the jury, that the Executive would interpose his clemency, a verdict of guilty, as charged in the indictment, would not have been obtained; and the said jury, together with a large number of respectable members of the San Francisco bar, earnestly invoke the Executive interference for the commutation of the sentence of the Court to that of imprisonment for life:

Now therefore, by virtue of the authority in me vested by the Constitution and laws of the State, I hereby commute the sentence of the Court, from death by hanging, upon the said Michael Hargain, to that of imprisonment for life in the State Prison, and the Sheriff is hereby commanded to convey the said Hargain to the said State Prison accordingly, to be there securely and safely kept for the period of his natural life.

Total Number of Commutations.....3

RESTORATIONS TO CITIZENSHIP,

Granted by Governor John G. Downey, for the year 1861.

No. of Commitment.	Name.	Crime	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1774	John Coleman	Manslaughter	Butte	1 year	Excellent conduct during his full term of imprisonment.	Hon. J. N. Quinn, Lt.-Gov. and Resident Director; other officers of State Prison.

DECISION.—The said Coleman has fully served out the term of his imprisonment, and conducted himself in an excellent manner, and has received the recommendation of the Resident Director and other officers of the prison, for his restoration to citizenship. Let him be restored to citizenship. January 10, 1861.

No. of Commitment	Name	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1865	George F. Wyman	Manslaughter	San Mateo	1 year	That the conviction was based upon circumstantial evidence only, and grave doubts exist as to his guilt.	Joseph E. Sellick, G. R. Boden, George H. Ensign, James E. Dennison, B. G. Lathrop, Sol. A. Sharp.

DECISION.—Grave doubts have arisen in the minds of the people of the county in which the crime was committed, as to the guilt of the accused, and a large family being dependant upon the daily labor of the said Wyman for their support, and petitions numerously signed by respectable citizens of the county are presented to me, asking for pardon. Let him be restored to citizenship. January 31, 1861.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
823	James B. Clark	Grand Larceny	SanFrancisco	5 years	Good conduct during his full term of sentence.	All the officers of the State Prison.

DECISION.—Having served out his full term of imprisonment of five years, and his conduct having been uniformly good, let him be restored to citizenship February 7, 1861.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1562.....	Elijah Woodward ...	Assault with intent to commit Rape	San Francisco	2 years.....	Good conduct during his full term of sentence.	Officers of the State Prison.

DECISION.—In the above case, the full sentence having been complied with; and whereas, during the time for which he was imprisoned, the said Woodward behaved in a quiet, orderly and industrious manner, and secured the good wishes and kind regards of the officers of the prison, so as to have received a certificate of good conduct and a recommendation for Executive clemency. Let him be restored to citizenship. March 5, 1861.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
435.....	Leonard L. Tuffts...	Forgery.....	San Francisco	7 years.....	Good conduct during his imprisonment.	Officers of the State Prison.

DECISION.—Whereas, the County Judge of the County of Marin, has, upon petition, duly presented, granted a writ of "Habeas Corpus," and upon the return thereof, and after due consideration, discharged the said Tuffts from the custody of the officers of the said prison, upon the grounds that his said imprisonment was illegal.

And whereas, for the purpose of more effectually satisfying the ends of justice, and in consequence of the uniform good conduct of said Tuffts while in prison, I hereby pardon the said Leonard L. Tuffts, and order that he be restored to all the rights and privileges of citizenship. March 6, 1861.

Restorations to Citizenship—Continued.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1874.....	James Skelton.....	Forgery.....	Yuba.....	1 year.....	Good conduct during imprisonment.	Hon. C. E. DeLong; Officers of State Prison.

Decision.—Whereas, the said Skelton has served out the full term of his sentence, and conducted himself in an orderly, quiet, and industrious manner, so as to have received a recommendation from all of the officers of the prison, asking for his restoration to the rights of citizenship, and many citizens of respectability and character, of Yuba County, petition for his pardon; Therefore, let him be restored to citizenship. March 11, 1861.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1855.....	Philip Leggett.....	Assault with a deadly weapon..	Santa Cruz...	1 year and $500 fine...	That the offence was committed whilst he was intoxicated and under considerable provocation; he has shown repentance and sorrow for his crime, and that his conduct in prison has been good.	John T. Porter, John McElroy, James Brennen, and numerous other citizens of Santa Cruz County.

Decision.—Whereas, the said Leggett has served faithfully in the State Prison, the full term of his imprisonment, and the officers certify to his good conduct; and whereas, a large number of respectable citizens of the County of Santa Cruz have petitioned for his pardon and a remission of the fine imposed; Therefore, by authority of the power in me vested, let him be restored to citizenship, and the fine of $500 be remitted. April 4, 1861.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
357.....	Peter Nicholas.....	Murder..	Tuolumne.....	7 years.....	That he has faithfully served out his full term of imprisonment, and that his conduct has been good, as certified to by the officers of the State Prison, and by restoring him to citizenship, the encouragement and hope of a future honorable life will be extended to him.	John F. McCauley, Millikin Brothers, John Schade, H. H. Hartley.

DECISION.—Whereas, at the February term, A. D. 1854, of the District Court held in and for the County of Tuolumne, Peter Nicholas was tried and convicted of the crime of murder, and sentenced to be hung, and said sentence was commuted by the then Governor, (Bigler,) to undergo an imprisonment in the State Prison for the term of seven years; and whereas, during the imprisonment of said Nicholas, his conduct has been good, as testified to by the officers of the prison; and whereas, a large number of respectable citizens of the County of Tuolumne have petitioned for the pardon of said Nicholas, and for the purpose of giving encouragement and the hope of an honorable life in the future, let him be restored to citizenship. April 4, 1861.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1862.....	John Kean.....	Forgery	Napa..	1 year.....	Good conduct during his full term of imprisonment.	Officers of State Prison.

DECISION.—Whereas, the said Kean has fully served out his sentence, and secured by good conduct the certificate of the officers of the prison, recommending that he be restored to citizenship, therefore, let him be restored to citizenship. April 19, 1861.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1931.....	Edward R. Jones.....	Assault to murder	El Dorado.....	1 year.....	That the assault was committed under great provocation, and, to a certain extent, justifiable, and that he has faithfully served out his full term of sentence in a correct manner.	S. W. Sanderson, District Attorney El Dorado County; W. J. Burnell, Sheriff El Dorado County; J. J. Williams, Hon. John Conness, Hon. James Johnson, W. A. January.

DECISION.—Whereas, representations are made by reliable citizens, that the offence was committed by said Jones under great provocation, and therefore, to a certain extent, justifiable; and, whereas, the certificate of the officers of the State Prison bears evidence to his excellent conduct during his confinement, and his term of sentence having nearly expired, let him be pardoned; to take effect on the 12th day of July, 1861, the date of the expiration of his sentence. July 11, 1861.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
.....	Daniel Dooling.....	Assault with intent to do bodily injury.....	Nevada.....	150 days in State Prison, or $300 fine.....	That the fine imposed has been paid, and the desire to remove all doubts as to his forfeiture of citizenship.	Hon. David Belden, County Judge Nevada County; E. W. Maslin, District Attorney.

DECISION.—The said Dooling has paid the fine aforesaid, as appears by the certificate of the Clerk of the County of Nevada, now on file; and, whereas, it has been represented to me, that, in order to remove all doubts, and the better to assure the rights of citizenship of the said Dooling, that Executive clemency be exercised by granting a pardon to him, let him be restored to citizenship. July 25, 1861.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
2013.....	Juan José Chapman	Assault to Murder	Los Angeles.	1 year	That he has faithfully served out the full term of his imprisonment in a proper and correct manner, as shown by the officers of the State Prison.	C. E. Thom; Officers of State Prison.

DECISION.—Whereas, said Chapman has faithfully served out the full term of his imprisonment for which he was sentenced, and has conducted himself in an exemplary manner, as shown by the certificate of the officers of the prison, now on file in this office, and believing that the punishment inflicted by the law has effected a thorough reformation, and that his restitution to citizenship will be an incentive for further good behavior, therefore, let him be restored to citizenship. October 9, 1861.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
2134.....	Andrew McNeely....	Assault with a deadly weapon.	El Dorado.....	6 months.....	That he has faithfully served the full term of his imprisonment in a correct and proper manner, as shown by the certificate of the officers of the State Prison.	Hon. O. Harvey, State Senator El Dorado County; Hon. Wm. B. Dickinson, State Senator El Dorado County; Hon. John Conness, Assemblyman El Dorado County; Hon. Alex. Hunter, Assemblyman El Dorado County, and the balance of the Delegation; also, numerous citizens of El Dorado County.

DECISION.—Whereas, said McNeely has faithfully served the full term of imprisonment, and as the officers of the prison certify, as by certificate on file in this office, to the good conduct of the prisoner while under their charge, and fully believing that his restoration to citizenship will be an incentive to future good behavior, therefore, let him be restored to citizenship. October 9, 1861.

Restorations to Citizenship—Continued.

No. of Commitment.	Name.	Crime.	County.	Sentence.	Grounds on which Petition is based.	Names of Petitioners known to Gov.
1941.....	John E. Haight	Assault with a deadly weapon..	San Luis Obispo.....	6 months.. ...	Good conduct during his full term of imprisonment to which he was sentenced.	George W. Kintser, Officers of State Prison.
	Decision.—It has been certified to me by the officers of the State Prison that the said John E. Haight was distinguished, while in confinement there, for good conduct, and that he has served out his term of sentence; and considering the offence and the limited extent of the punishment, and the good conduct of the prisoner as well as his social connections, I have thought best to restore him to the rights of citizenship forfeited by said conviction. Let him be restored to citizenship. November 19, 1861.					

Total Number of Restorations to Citizenship.....14

RESOLUTIONS.

Mr. Ferguson offered the following resolution:

Resolved, By the Assembly, the Senate concurring, that a committee of three be appointed by the Speaker to confer with a like committee on the part of the Senate, to determine on the number of copies of Governor John G. Downey's Annual Message and acompanying documents to be printed in English, Spanish, and German.

Mr. Hoag offered the following substitute:

Resolved, By the Assembly, the Senate concurring, that a committee of three from each House be appointed to examine and report upon the subject of the printing of the Governor's Annual Message and accompanying documents.

The substitute was adopted.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Bell, for an Act concerning witnesses' fees in criminal cases;

Also, for an Act concerning the fees of Attorneys-at-Law in the Courts of this State.

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

By Mr. Ames, for an Act to amend an Act entitled an Act to restrict the herding of sheep, approved May eighteenth, eighteen hundred and sixty-one.

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

Mr. Bell presented a communication from Samuel B. Smith, one of the Commissioners of the California War Debt.

Referred to the committee on printing the Governor's Message.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
January 9th, 1862.

Mr. SPEAKER:—The Senate have this day passed Senate bill No. 1, an Act to appropriate money for postage and express purposes during the thirteenth session of the Legislature.

A. A. DE LONG,
Assistant Secretary.

Senate bill No. 1, above reported, was read first and second times, considered in Committee of the Whole, rules suspended, read third time, and passed.

SENATE CHAMBER,
January 9th, 1862.

Mr. SPEAKER:—The Senate, on yesterday, adopted Senate concurrent resolution No. 2, relative to a Fireman;

Also, this day, adopted Senate concurrent resolution No. 3, relative to the appointment of an extra Porter for the rear of the State House;

And ask the concurrence of the Assembly.

A. A. DE LONG,
Assistant Secretary.

The House adopted Senate concurrent resolution No. 2, and also Senate concurrent resolution No. 3, with an amendment.

SENATE CHAMBER,
January 9th, 1862.

Mr. SPEAKER:—I am directed to inform the Assembly that the Senate is now ready to meet the Assembly in Joint Convention, pursuant to Senate concurrent resolution No. 1.

A. A. DE LONG,
Assistant Secretary.

IN JOINT CONVENTION.

At one o'clock, P. M., the House met the Senate in Joint Convention.

Hon. J. McM. Shafter, President pro tem., and Hon. Geo. Barstow, Speaker of the Assembly, presiding.

A quorum of both Houses being present, the Convention proceeded to canvass the votes for Governor and Lieutenant-Governor, so far as they had been received.

The returns of several counties not having been received by the Speaker of the Assembly, on motion of Mr Bell, of the House, a committee of three was appointed to wait on the Secretary of State and request him to send to the Convention the returns of such counties.

Messrs. Bell, of the House, and Crane and Parks, of the Senate, were appointed as the committee, and soon after reported that the Secretary of State would be present in a moment with the necessary returns—which were duly received.

VOTES FOR GOVERNOR.

The result of the canvass of the returns sent to the Speaker of the Assembly, was as follows:

For John Conness	22,150
For John R. McConnell	21,997
For Leland Stanford	40,118
Total	84,265

The result of the canvass of the supplemental returns received from the Secretary of State, was as follows:

For John Conness	8,794
For John R. McConnell	10,785
For Leland Stanford	15,817
Total	35,396

TOTAL.

For John Conness	30,944
For John R. McConnell	32,782
For Leland Stanford	55,935
Grand total	119,661

Leland Stanford having received the largest number of votes, was declared duly elected to the office of Governor of the State of California.

FOR LIEUTENANT-GOVERNOR.

The result of the canvass of the returns sent to the Speaker of the Assembly, was as follows:

For Richard Irwin	24,475
For Jasper O'Farrell	21,631
For J. F. Chellis	37,850
Total	83,956

The result of the canvass of the supplemental returns received from the Secretary of State, was as follows:

For Richard Irwin	10,004
For Jasper O'Farrell	10,725
For J. F. Chellis	14,647
Total	35,376

TOTAL.

For Richard Irwin	34,479
For Jasper O'Farrell	32,356
For J. F. Chellis	52,497
Grand total	119,332

J. F. Chellis having received the largest number of votes, was declared duly elected to the office of Lieutenant-Governor of the State of California.

The object of the Convention having been accomplished, it was adjourned *sine die*.

HOUSE REASSEMBLED.

Mr. Campbell had indefinite leave of absence.

The following message was received from the Senate:

SENATE CHAMBER,
Thursday, January 9th, 1862.

Mr. SPEAKER:—The Senate has this day adopted Senate concurrent resolution No. 4, relative to appointing a committee to wait upon the Governor and Lieutenant-Governor elect, and ascertain at what time they desire the ceremonies of Inauguration to be performed, and to make arrangements for the same; and have appointed Messrs. Perkins, Harvey, and Warmcastle, as a committee on the part of the Senate; and ask the concurrence of the Assembly, and the appointment of a similar committee.

A. A. DE LONG,
Assistant Secretary.

The House concurred in Senate concurrent resolution above reported, and appointed Messrs. Ferguson, O'Brien, and Fay, the committee on the part of the House.

At ten minutes past four o'clock, P. M., on motion of Mr. Ames, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, January 10th, 1862.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

The Speaker presented a communication from the Superintendent of Public Instruction, which was referred to the committee on printing the Governor's Message.

Mr. Bell announced the presence of the Hon. Don Pablo De la Guerra in the Assembly Chamber, and moved that he be invited to take a seat with the Speaker.

Adopted.

REPORTS.

Mr. Dana, from the Committee on Mileage, made a report, which was temporarily laid on the table.

Mr. Ferguson, from the Special Committee appointed to wait on the Governor and Lieutenant-Governor, made the following report:

Mr. SPEAKER:—The Committee appointed to wait on the Governor and Lieutenant-Governor, beg leave to report—that they called on those gentlemen, and they expressed a desire to have the ceremonies of Inaugura-

tion take place in the Assembly Chamber of the Capitol at twelve o'clock noon, this day.

R. D. FERGUSON,
THOMAS O'BRIEN,
CALEB T. FAY.

RESOLUTIONS.

Mr. Tilton offered the following resolution:

Resolved, That in the matter of the contest of Orr versus Davis, that the counsel of the sitting member, J. W. Coffroth, may have leave to examine all the papers in the case, and that he may have until Thursday next to file his replication to petitioner's protest.

Adopted.

Mr. Reed offered the following resolution:

Resolved, That the Sergeant-at-Arms is hereby authorized to employ Louis Alpa of Los Angeles, as Porter, to wait upon the various committees, at a per diem equal to that allowed to other Porters of the House.

Mr. Ferguson offered the following as a substitute:

Resolved, That William B. Toll be appointed to take charge of the rooms of the different Standing Committees, at a salary of three dollars per day.

Laid on the table.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 10th, 1862.

Mr. SPEAKER:—The Senate have this day adopted Senate concurrent resolution No. 7, relative to Joint Convention, to assist in the Inauguration of the Governor and Lieutenant-Governor elect;

Also, refuse to concur in Assembly amendment to Senate concurrent resolution No. 3, relative to appointment of an extra Porter.

A. A. DE LONG,
Assistant Secretary.

The House concurred in Senate concurrent resolution No. 7, above reported.

At half past eleven o'clock, A. M., the House took a recess until ten minutes before twelve o'clock, for the purpose of meeting the Senate in Joint Convention, for the Inauguration of the Governor and Lieutenant-Governor.

The Clerk was directed to inform the Senate that the Assembly was ready to meet them in Joint Convention, in the Assembly Chamber.

JOINT CONVENTION.

The Convention being organized, the oath of office was administered

to the Hon. Leland Stanford, as Governor, and J. F. Chellis, as Lieutenant-Governor, by the Hon. Judge Norton.

After which, the Governor came forward and delivered his

INAUGURAL ADDRESS.

Gentlemen of the Legislature, and Fellow Citizens:

With a radical change in the political character of the new Administration, from that of its predecessors, there seems to be, in assuming the responsibilities of the Chief Executive of the State, a special fitness that I should observe the custom which has heretofore obtained, and give a brief exposition of the general policy that will govern my Administration.

The Constitution enjoins upon the Legislature to encourage, by all suitable means, the promotion of intellectual, scientific, moral and agricultural improvement. In aid of all these, I shall regard it as my imperative duty to co-operate.

It is the policy of the General Government, as it is of the State, to encourage settlements upon lands belonging to the public, and in furtherance of such policy, liberal inducements are offered. Yet, under the ruling of our Courts, the Settler, who has gone in good faith upon private lands, not segregated, supposing them to be public, and in fact even when upon the public domain, may yet be dispossessed by one whose only claim is that he owns lands within boundaries that include the property in question. That a person who owns or claims but one league of land, should be able to hold, control, and dispossess others from a hundred leagues, is not only manifestly unjust to individuals, but is also to the great detriment of Agriculture and the settlement and development of the resources of the State. I cannot but think that some legislation should be had whereby the Settler, who in good faith has gone upon private lands, not segregated from the public domain, under the supposition that he was locating upon lands belonging to the Government, should receive such equitable protection as the State is able to give.

While the settlement of our State is of the first importance, the character of those who shall become settlers is worthy of scarcely less consideration. To my mind it is clear, that the settlement among us of an inferior race is to be discouraged, by every legitimate means. Asia, with her numberless millions, sends to our shores the dregs of her population. Large numbers of this class are already here; and, unless we do something early to check their immigration, the question, which of the two tides of immigration, meeting upon the shores of the Pacific, shall be turned back, will be forced upon our consideration, when far more difficult than now of disposal. There can be no doubt but that the presence of numbers among us of a degraded and distinct people must exercise a deleterious influence upon the superior race, and, to a certain extent, repel desirable immigration. It will afford me great pleasure to concur with the Legislature in any constitutional action, having for its object the repression of the immigration of the Asiatic races.

The subject of overland communication, and protection to immigrants from the Atlantic States, has ever engaged the attention of our people. The importance of the subject has not been lessened by time. Upon the nature of our overland communication with the older States may depend the course of the great and vastly important trade of the Eastern world. In this connection, I desire to call attention to the importance of steam communication between California and Eastern Asia, whereby the whole

course of our treasure shipments would probably be changed, and, in paying the debts due from the commercial world to this far-off land, the course of exchange, instead of being against us, would probably be in our favor. And, in case of a war with a maritime power, the importance of an established line of American steamers between California and Asia could not be over-estimated. I think, therefore, we are fully warranted, independently of considerations connected with our overland communications, in calling the attention of the National Government to the necessity of such a line of steamers to the country at large as well as to California.

Within a short time, the Territory of Nevada has sprung into great importance; her vast, undeveloped wealth will attract, and give employment to, an immense population of industrious and thriving people, ensuring her a brilliant and important destiny. From California, she will necessarily derive the most of her supplies. The most difficult link of the Pacific and Atlantic Railroad, which must pass through this Territory, lies in our State.

It is not necessary, at this late day, to go into a general argument to prove the importance of a railroad connecting the Pacific and Atlantic Oceans Especially now, when its military necessity is so much more than ever apparent. I allude to it chiefly, because I think the time has arrived when, in consequence of local business, the most difficult and important part of the work can be accomplished without direct pecuniary aid from the National Government. May we not, therefore, with the utmost propriety, even at this time, ask the National Government to donate lands and loan its credit in aid of this portion of that communication, which is of the very first importance, not alone to the States and Territories west of the Rocky Mountains, but to the whole Nation, and is the great work of the age?

It cannot have escaped the attention of those who are familiar with the timber regions of the State, that there is great and unnecessary waste of our stately forests It is doubtful whether these lands or the timber upon them, can ever be of any considerable avail to the General Government. In consideration of the vast importance to our State that the timber should be preserved from waste, if deemed desirable, it would not, I believe, be asking too much of the General Government, to solicit from her the cession of those lands. I therefore respectfully suggest to the Legislature, for consideration, the propriety of petitioning the National Government for the cession of its proprietary right in those lands, the proceeds of which, when sold, to be devoted to the fostering of education and the support of eleemosynary institutions and works of internal improvement.

No one, I think, who has carefully considered the subject, would desire any disturbance of our present system of Mining laws and regulations, save only as they may apply to those races whose settlement among us is not desirable. It might therefore be well, to prevent a possible agitation of the subject, for the General Government, in case of a cession of these timber lands, to reserve the minerals they contain. And here I desire to enter my protest against any attempt, on the part of the General Government, to restrict, or interfere in any manner with, the working of our mines, as impolitic and disastrous in the extreme.

In the late election, one of the prominent ideas before the people was the necessity of retrenchment in the public expenditure. This is essential to avoid the burden of unnecessary expense to the people, as also in the beneficial influence of example. For this purpose I shall heartily

co-operate with the legislative branch of the Government. Upon its action very much depends, and I feel confident in this respect, as in all others, the Legislature will fully meet the just expectations of the people.

While a close economy in the expenditure of public moneys should be practiced, the people will not desire a mean and narrow spirit, in withholding appropriations that shall be really for the promotion of the general welfare. It should not be so much a question of how little only we need appropriate to keep the wheels of State in motion, but how wisely our resources shall be expended. Let us always practice a rigid economy in the public disbursements, but with a generous embrace of whatever will tend to make wiser, better, and happier, the people.

It is a reproach to any State that it fails to be liberal in its protection of the unfortunate, who are proper objects of public charity, and dangerous to neglect the education of the rising generation. Let our appropriations for charitable and educational purposes be of that munificent character that will reflect credit upon us as a people benevolent and wise. Upon the intelligence and education of the masses the hopes of a democratic sentiment can alone find a certain and reliable basis. We know to-day there would be no armed resistance and unlawful appeal from the will of the majority, convulsing the country, had the minority been possessed of proper information as to the objects and purposes of the majority. It was this want of correct information among the masses where this most iniquitous rebellion that now troubles the land first found foothold, that caused the people in those sections to become the willing though blind instruments to serve the purposes of the selfish and aristocratic sentiment that would destroy our republican government.

Among all people in free and civilized nations, in greater or less activity, are to be found two antagonistic ideas. The one is, that every citizen is of right the equal, politically, of his fellow citizen, and should be permitted the enjoyment and protected in the exercise of that right; the other, that he does not possess this right, and that he ought not to be permitted its enjoyment, nor protected in its exercise. I regard the struggle that is now convulsing our country as one for predominance between these two antagonistic ideas. To a greater or less extent, there has been a steady conflict between them since the formation of our Government, but not always so active as to attract the recognition of the unobservant, and, in fact, often too obscure even for the observance of the vigilant. But the conflict has, none the less, surely existed, though it is only of late years that the struggle assumed proportions such as to alarm any considerable number of those who believed in the people, and that the majority should rule.

Out of a just appreciation of this struggle, and the source from which it sprung, and the means by which the anti-democratic or aristocratic side was maintained, arose the party that placed the present National Administration in power, which, representing truly the cardinal principles of that party, is now striving, with a true conservatism, to preserve the guarantees of the Constitution, and maintain the original idea upon which the revolutionary struggle was fought by our fathers, and implanted in the organization of our Government, and supported in all its vigor by the Republican administrations of Jefferson, Madison, and Monroe.

The Union-loving and intelligent democratic sentiment of the people, which is to-day arrayed against the gigantic insurrection, or armed refusal of the minority to abide the decision of the majority, finds itself

ably represented in the National Administration, to whom, in this time of trial and peril, the helm of State is so fortunately entrusted. Upon the one mighty issue, of which alone the people care to take cognizance, all true Union-loving democratic citizens should unite in one party, for the maintenance of their side of that issue

Political parties will always exist in all free governments. There they have ever been recognized by the wisest, the ablest and best; while in despotic governments, they have little or no existence. Recognizing these facts, while the party, to whose confidence and partiality I am mainly indebted for the high position, the duties of which I have this day solemnly sworn to discharge, remains true to the cause of the people—I shall not ignore or forget its existence, but rather ask that all who agree with its cardinal and truly conservative principles, shall unite to put down the enemies of free government, and bear aloft the emblem of our nationality, and of the hopes of the freedom-loving throughout the world.

California has nobly and wisely pronounced in favor of the cause of the people. Let her prove her devotion to the Union and to civil liberty, by doing all in her power to maintain both. Let her part of the National Tax be cheerfully assumed, and provision be made for its payment out of the State Treasury. Every one of us should feel that we are but guardians, holding our lives and our fortunes in trust, for the protection of the Government, around which cluster the anxious hopes and fears of millions who have grown with its growth and strengthened with its strength.

Our Government is emphatically one of the people; possessing all the power of the people for their protection and defence, but powerless for their oppression. It is not only the best, but it is the strongest form of Government the world has ever known. Let it remain unchanged.

The citizens of California are by birth the representatives of all parts of the Union, and are naturally imbued with more or less of local sympathies. Let us be as tolerant and charitable of opinion as possible, but none should ever forget that California is one of the United States—that she is loyal to the Union, that her citizens have quite recently unmistakably declared their devotion to our national unity, their recognition of the supremacy of the National Government, and their determination to maintain both inviolate.

Every citizen of California must remember his duty, and, remembering, discharge it faithfully. His fellow citizens are now in the field, armed against traitors and treason, and for the preservation of the Union and the National Government The whole power of the State should, if necessary, be wielded, to encourage, support, and sustain these patriotic citizens and their compatriots. Let treason meet a just and speedy punishment; and may we soon, as I doubt not we shall, see peace restored to our beloved Union, our institutions more firmly implanted than ever, and sustained by a national sentiment that shall pervade every section of our country.

The new Administration enters upon the discharge of its duties at a momentous period of our nation's history. I confidently trust there will be concert of action in all the departments of our State Government, to strengthen the arm of the Federal power, and also in whatever will tend to advance the interest of our State.

For my part, I shall at all times be guided by an anxious desire to administer the affairs of State with a mind free from party or personal prejudice, and with a purpose single to the faithful and conscientious

discharge of the exalted trust committed to my care by a generous and confiding people

In this, the hour of our nation's peril, let us invoke the care and protection of Him "who doeth according to His will in the army of Heaven and among the inhabitants of the earth." And may a kind Providence continue to our State the bounties and blessings so richly bestowed in the past, and may we endeavor as a people to render ourselves worthy of being their recipient in the future.

At the conclusion of the Address, the Senate retired to their Chamber; and, on motion of Mr. Love, at half past twelve o'clock, P. M., the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, January 11th, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.
Journal of yesterday read and approved.

On motion of Mr. O'Brien, the report of the Committee on Mileage was taken from the table, and recommitted to the Committee on Mileage.

Mr. Dana was excused from serving on the Committee on Mileage, and Mr. Hoag was appointed in his place

REPORT.

Mr. Avery made the following report:

Mr. SPEAKER:—Your Committee, to whom was referred the matter of claims of temporary officers and other attachés doing service for the House prior to the election of Speaker, beg leave to make the following report—that they have examined the law of last session, and find that it provides a per diem as follows:

Officers.	Amount.
For Chief Clerk	$8 00
For Assistant Clerk	8 00
For Sergeant-at-Arms	8 00
For Assistant Sergeant-at-Arms	6 00
For Porters	4 00
For Pages	3 00

That J. M. Anderson performed the duties of Chief Clerk; Martin

Rowan, Assistant Clerk; J. P. Sharkey, Sergeant-at-Arms; J. H. Leese, Assistant Sergeant-at-Arms; T. Maxwell, Thomas Carroll, Michael Heffernan, Porters; Masters Steinman Redding and John Palmer, as Pages.

We find, also, that they performed service three days each, with the exception of J. M. Anderson, who is entitled to ten days; for which several sums we recommend payment; *provided*, that those appointed by the Speaker receive no payment for that period

All of which is respectfully submitted.

AVERY, Chairman.

Adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 11th, 1862.

Mr. SPEAKER:—The Senate yesterday passed Senate bill No. 3, an Act for the relief of Pablo De la Guerra;

Also, adopted Senate concurrent resolution No. 8, relative to printing Governors' Message and Inaugural Address.

A. A. DE LONG,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate concurrent resolution No. 8, above reported, was taken up.

Mr. Loewy moved to amend by adding five hundred copies in German.

Mr. Hoffman moved to amend the amendment by adding fifteen hundred in Spanish.

The question was divided.

The amendment of Mr. Loewy was lost; and on the amendment of Mr. Hoffman, Messrs. Bell, Davis, and Hoffman, demanded the ayes and noes, and the amendment was lost, by the following vote:

AYES—Messrs. Bell, Cot, Collins, Dana, Davis, Dudley of Solano, Fay, Ferguson, Hillyer, Hoffman, Jackson, Leach, Machin, McAllister, Moore, Morrison, Sears, Shannon, Thompson of Tehama, Waddell, Watson, and Wright—22

NOES—Messrs. Amerige, Ames, Avery, Barton of Sacramento, Barton of San Bernardino, Battles, Benton, Bigelow, Campbell, Cunnard, Dean, Dennis, Dudley of Placer, Eliason, Evey, Frazier, Griswold, Hoag, Kendall, Loewy, Love, Matthews, Maclay, McCullough, Meyers, O'Brien, Parker, Printy, Reed, Reese, Sargent, Saul, Seaton, Smith of Fresno, Smith of Sierra, Teegarden, Thompson of San Joaquin, Thornbury, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Warwick, Werk, Woodman, Wilcoxon, Yule, and Zuck—48.

Mr. Shannon moved to amend by adding one thousand copies in German.

Upon which, Messrs. Bell, Shannon, and Loewy, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Ames, Bell, Brown, Collins, Davis, Dow, Dudley of Solano, Eagar, Evey, Frazier, Hillyer, Irwin, Jackson, Loewy, Machin, Matthews, Meyers, Moore, Reese, Sears, Shannon, Smith of Sierra, Tee-

garden, Thompson of Tehama, Thompson of San Joaquin, Waddell, Woodman, Wright, and Yule—29.

NOES—Messrs. Amerige, Avery, Barton of Sacramento, Barton of San Bernardino, Battles, Benton, Bigelow, Campbell, Cunnard, Dean, Dennis, Dore, Dudley of Placer, Eliason, Fay, Griswold, Hoag, Hoffman, Kendall, Lane, Love, McAllister, Maclay, McCullough, O'Brien, Pemberton, Porter, Reed, Reeve, Sargent, Saul, Seaton, Smith of Fresno, Thornbury, Tilton of San Mateo, Warwick, Watson, Werk, Wilcoxon, and Zuck—40.

And the House concurred in the resolution.

Senate bill No. 3, above reported, was read first and second times, considered in Committee of the Whole, reported and recommended, rules suspended, read third time, and passed.

FURTHER MESSAGE FROM THE SENATE.

SENATE CHAMBER,
January 11th, 1862.

MR SPEAKER:—The Senate have this day adopted Senate concurrent resolution No. 9, relative to the adjournment of the Legislature to San Francisco, and have appointed as committee, in accordance therewith, Messrs. Porter, Soule, and De Long, on the part of the Senate.

A. A. DE LONG,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate concurrent resolution No. 9, above reported, was taken up.

Mr. Watson moved that the House adjourn until Wednesday, January sixteenth, at twelve o'clock, M.

Ruled out of order.

Mr. Ferguson appealed.

On concurring in the resolution, Mr. Ames moved the previous question.

Upon which, Messrs. O'Brien, Jackson, and Printy, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Ames, Avery, Barton of San Bernardino, Battles, Bigelow Brown, Cot. Cunnard, Dana. Dore, Dow, Eagar, Fay, Hoffman, Irwin, Jackson, Lane, Loewy, Love, Maclay, McCullough, Meyers, Moore, Printy, Reed, Reese, Sargent, Sears, Thornbury, Van Zandt, and Wright—31.

NOES—Messrs. Amerige, Barton of Sacramento, Bell, Benton, Campbell, Collins, Davis, Dean, Dennis, Dudley of Placer, Dudley of Solano, Eliason, Evey, Ferguson, Frazier, Griswold, Hillyer, Hoag, Machin, Matthews, McAllister, Morrison, O'Brien, Reeve, Saul, Seaton, Shannon, Smith of Fresno, Smith of Sierra, Teegarden, Thompson of Tehama, Thompson of San Joaquin, Waddell, Warwick, Watson, Werk, Woodman, Wilcoxon, Yule, and Zuck—42.

Mr. Teegarden moved to insert Marysville for San Francisco.

Mr Watson moved a call of the House.

Lost.

Mr. Benton offered the following substitute:

Resolved, By the Assembly, the Senate concurring, that this Legislature adjourn until Monday, the twentieth instant, to meet at the Capital of the State.

Mr. Cunnard moved the previous question.

Upon which, Messrs. Jackson, Watson, and Cunnard, demanded the ayes and noes, and the motion prevailed, by the following vote:

AYES—Messrs. Ames, Avery, Barton of San Bernardino, Battles, Bigelow, Brown, Campbell, Cot, Cunnard, Dana, Dore, Dow, Eagar, Evey, Fay, Griswold, Hoffman, Irwin, Jackson, Lane, Leach, Loewy, Love, Maclay, McCullough, Meyers, Moore, O'Brien, Pemberton, Porter, Printy, Reed, Reese, Reeve, Sargent, Sears, Shannon, Smith of Sierra, Thompson of San Joaquin, Thornbury, Tilton of San Francisco, Van Zandt, Werk, Woodman, Wright, Yule, Zuck, and Mr. Speaker—48.

NOES—Messrs. Barton of Sacramento, Bell, Benton, Collins, Davis, Dean, Dennis, Dudley of Placer, Dudley of Solano, Eliason, Ferguson, Frazier, Hillyer, Hoag, Kendall, Machin, Matthews, McAllister, Morrison, Saul, Seaton, Smith of Fresno, Teegarden, Thompson of Tehama, Waddell, Warwick, Watson, and Wilcoxon—28.

On the adoption of the substitute offered by Mr. Benton, Messrs Bell, Warwick, and Hoffman, demanded the ayes and noes, and the House refused to adopt the substitute, by the following vote:

AYES—Messrs. Barton of Sacramento, Bell, Benton, Campbell, Davis, Dean, Dennis, Dudley of Solano, Eliason, Ferguson, Frazier, Hillyer, Hoag, Kendall, Machin, McAllister, Morrison, O'Brien, Pemberton, Saul, Seaton, Smith of Fresno, Smith of Sierra, Teegarden, Thompson of Tehama, Thompson of San Joaquin, Waddell, Warwick, Woodman, and Wilcoxon—30.

NOES—Messrs Ames, Avery, Barton of San Bernardino, Battles, Bigelow, Brown, Cot, Collins, Cunnard, Dore, Dow, Dudley of Placer, Eagar, Evey, Fay, Griswold, Hoffman, Irwin, Jackson, Lane, Leach, Loewy, Love, Matthews, Maclay, McCullough, Meyers, Moore, Porter, Printy, Reed, Reese, Reeve, Sargent, Sears, Shannon, Thornbury, Tilton of San Francisco, Van Zandt, Watson, Werk, Wright, Yule, Zuck, and Mr. Speaker—46.

On adopting Mr. Teegarden's amendment, Messrs. Watson, Bell, and Ferguson, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Barton of Sacramento, Davis, Dennis, Jackson, McAllister, Saul, Teegarden, Thornbury, and Wilcoxon—9.

NOES—Messrs. Amerige, Ames, Avery, Barton of San Bernardino, Battles, Bell, Benton, Bigelow, Brown, Campbell, Cot, Collins, Cunnard, Dana, Dean, Dore, Dow, Dudley of Placer, Dudley of Solano, Eagar, Eliason, Evey, Fay, Frazier, Griswold, Hillyer, Hoag, Hoffman, Irwin, Kendall, Lane, Leach, Loewy, Love, Machin, Matthews, Maclay, McCullough, Meyers, Moore, O'Brien, Pemberton, Porter, Printy, Reese, Reeve, Sargent, Sears, Seaton, Shannon, Smith of Fresno, Smith of Sierra, Thompson of Tehama, Thompson of San Joaquin, Tilton of San Francisco, Van Zandt, Waddell, Warwick, Watson, Werk, Woodman, Wright, Yule, Zuck, and Mr. Speaker—65.

On concurring in Senate resolution No 9, Messrs. Jackson, Ames, and Printy, demanded the ayes and noes, and the House refused to concur, by the following vote:

AYES—Messrs. Ames, Barton of San Bernardino, Battles, Bigelow, Brown, Cot, Cunnard, Dana, Dore, Dow, Eagar, Evey, Fay, Hoffman, Irwin, Jackson, Lane, Loewy, Love, Maclay, McCullough, Meyers, Moore, Printy, Reed, Reese, Reeve, Sargent, Sears, Shannon, Thompson of San Joaquin, Thornbury, Tilton of San Francisco, Werk, Wright, and Mr. Speaker—36.

NOES—Messrs. Amerige, Avery Barton of Sacramento, Bell, Benton, Campbell, Collins, Davis, Dean, Dennis, Dudley of Placer, Dudley of Solano, Eliason, Ferguson, Frazier, Griswold, Hillyer, Hoag, Kendall, Leach, Machin, Matthews, McAllister, Morrison, O'Brien, Pemberton, Saul, Seaton, Smith of Fresno, Smith of Sierra, Teegarden, Thompson of Tehama, Van Zandt, Waddell, Warwick, Watson, Woodman, Wilcoxon, Yule, and Zuck—40.

Mr. Avery gave notice of reconsideration.

Mr. Benton moved that the House adjourn to Tuesday next, at twelve o'clock.

Lost.

Mr. Shannon moved to adjourn until Wednesday next, at twelve o'clock.

Mr. Bell moved to amend by inserting Monday.

Upon which, Messrs. Bell, Ames, and Sears, demanded the ayes and noes, and the amendment was lost, by the following vote:

AYES—Messrs. Ames, Bell, Bigelow, Brown, Cot, Collins, Dow, Dudley of Solano, Eagar, Evey, Hillyer, Hoag, Jackson, Lane, Matthews, Maclay, Moore, Morrison, Pemberton, Printy, Reed, Sears, Seaton, Smith of Fresno, Thompson of Tehama, Waddell, and Yule—27.

NOES—Messrs. Amerige, Avery, Barton of Sacramento, Barton of San Bernardino, Benton, Campbell, Cunnard, Dana, Davis, Dean, Dennis, Eliason, Fay, Ferguson, Frazier, Griswold, Hoffman, Irwin, Leach, Loewy, Love, Machin, McAllister, McCullough, O'Brien, Porter, Reese, Reeve, Sargent, Saul, Shannon, Smith of Sierra, Teegarden, Thompson of San Joaquin, Thornbury, Van Zandt, Warwick, Watson, Werk, Woodman, Wilcoxon, Wright, and Mr. Speaker—43.

Mr. Shannon moved that the House adjourn, to meet at seven o'clock this evening.

Upon which, Messrs. Jackson, Hoffman, and Davis, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Ames, Avery, Bigelow, Brown, Cot, Collins, Dana Dean, Dow, Eagar, Evey, Fay, Jackson, Lane, Loewy, Love, Maclay, Meyers, Moore, Printy, Reeve, Sargent, Sears, Teegarden, Thornbury, Zuck, and Mr. Speaker—27.

NOES—Messrs. Amerige, Barton of Sacramento, Barton of San Bernardino, Bell, Benton, Cunnard, Davis, Dudley of Solano, Eliason, Ferguson, Frazier, Griswold, Hillyer, Hoag, Hoffman, Leach, Machin, Matthews, McAllister, McCullough, Morrison, O'Brien, Porter, Reese, Saul, Seaton, Shannon, Smith of Fresno, Smith of Sierra, Thompson of Tehama, Thomp-

son of San Joaquin, Van Zandt, Waddell, Warwick, Watson, Werk, Woodman, Wilcoxon, Wright, and Yule—40.

RESOLUTIONS.

Mr. Shannon offered the following resolution:

Resolved, By the Assembly, the Senate concurring, that when we adjourn this day, we adjourn to meet again on Tuesday, the twenty-first of January, eighteen hundred and sixty-two.

Mr. Bell moved that we do now adjourn.
Lost.
Mr Avery offered the following resolution:

Resolved, That the Sergeant-at-Arms be and he is hereby authorized and directed to hire one or more boats, to convey members to and from the Capitol, and pay for the same out of the Contingent Fund of the Assembly.

Adopted.
At fifteen minutes after three o'clock, on motion of Mr. Shannon, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, January 13th, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.
Journal of Saturday read and approved.
Messrs Tilton of San Mateo, and Wilcoxon, had indefinite leave of absence.
Mr. O'Brien moved to suspend the rules for the purpose of introducing a resolution.
Lost.
Mr. O'Brien moved to suspend the rules for the purpose of taking up the resolution offered by Mr. Shannon on Saturday.
Upon which, Messrs. O'Brien, Campbell, and Warwick, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Ames, Barton of Sacramento, Bell, Benton, Bigelow, Campbell, Davis, Dean, Dennis, Dudley of Solano, Eliason, Fay, Ferguson, Frazier, Griswold, Irwin, Kendall, Machin, McAllister, Morrison, O'Brien, Parker, Pemberton, Reeve, Sargent, Saul, Shannon, Waddell, Warwick, Watson, Woodman, and Wright—32.
NOES—Messrs. Amerige, Avery, Barton of San Bernardino, Battles, Brown, Cunnard, Collins, Dana, Dore, Dow, Dudley of Placer, Eagar, Evey, Hillyer, Hoffman, Jackson, Lane, Leach, Loewy, Love, Matthews,

Maclay, McCullough, Meyers, Moore, Parker, Printy, Reed, Reese, Sears, Seaton, Smith of Fresno, Smith of Sierra, Thompson of Tehama, Thompson of San Joaquin, Thornbury, Tilton of San Francisco, Van Zandt, Werk, Yule, and Zuck—41.

Mr. Avery moved to reconsider the vote by which the House, on Saturday last, refused to concur in Senate resolution No. 9, relative to adjournment of the Legislature to San Francisco.

Mr. Dean moved to lay the motion on the table.

Lost.

Mr. Avery moved the previous question.

Upon which, Messrs Collins, Benton, and Ferguson, demanded the ayes and noes, and the motion prevailed, by the following vote:

AYES—Messrs. Avery, Battles, Brown, Campbell, Cunnard, Cot, Dana, Dow, Dudley of Placer, Eagar, Evey, Fay, Griswold, Hillyer, Hoffman, Irwin, Jackson, Lane, Loewy, Love, Matthews, Maclay, McCullough, Moore, Morrison, O'Brien, Printy, Reed, Reese, Sargent, Sears, Seaton, Shannon, Smith of Sierra, Thompson of Tehama, Thompson of San Joaquin, Thornbury, Tilton of San Francisco, Van Zandt, Waddell, Watson, Werk, Wright, Yule, Zuck, and Mr. Speaker—46.

NOES—Messrs. Ames, Barton of Sacramento, Barton of San Bernardino, Bell, Benton, Bigelow, Collins, Davis, Dean, Dennis, Dudley of Solano, Eliason, Ferguson, Frazier, Hoag, Kendall, Machin, McAllister, Parker, Pemberton, Porter, Reeve, Saul, Smith of Fresno, Teegarden, Warwick, and Woodman—28.

On reconsidering, Messrs. O'Brien, Griswold, and Bell, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Ames, Avery, Barton of San Bernardino, Battles, Brown, Cunnard, Cot, Dana, Dow, Dudley of Placer, Eagar, Evey, Fay, Hoffman, Jackson, Lane, Loewy, Love, Maclay, McCullough, Meyers, Moore, Printy, Reed, Reese, Sargent, Sears, Thornbury, Werk, Wright, Zuck, and Mr Speaker—33

NOES—Messrs. Barton of Sacramento, Bell, Benton, Bigelow, Campbell, Collins, Davis, Dean, Dennis, Dudley of Solano, Eliason, Ferguson, Frazier, Griswold, Hillyer, Hoag, Irwin, Kendall, Machin, McAllister, Morrison, O'Brien, Parker, Pemberton, Porter, Reeve, Saul, Seaton, Smith of Fresno, Smith of Sierra, Teegarden, Thompson of Tehama, Thompson of San Joaquin, Van Zandt, Waddell, Warwick, Watson, Woodman, and Yule—39.

Mr. Reed had indefinite leave of absence.

Mr. O'Brien offered the following resolution:

Resolved, That John Moran be and he is hereby appointed Watchman to the Assembly, at the same per diem as Porters, to be paid out of the Contingent Fund of the Assembly.

Laid on the table.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 10, 1862.

Mr. SPEAKER:—I am directed by the Senate to transmit to the Assembly copies of correspondence between the Hon. William H. Seward, Secretary of State of the United States, and the Governor of California, relative to our coast defences, with the request from the Governor "that it will receive such attention as the importance of this subject demands."

CORRESPONDENCE.

DEPARTMENT OF STATE,
Washington, October 14th, 1861.

To His Excellency, John G. Downey, Governor of the State of California:

SIR:—The present insurrection had not even revealed itself in arms, when disloyal citizens hastened to foreign countries to invoke their intervention for the overthrow of the Government and the destruction of the Federal Union. These agents are known to have made their appeals to some of the more important States without success. It is not likely, however, that they will remain content with such refusals Indeed, it is understood that they are industriously endeavoring to accomplish their disloyal purposes by degrees and by indirection. Taking advantage of the embarrassments of agriculture, manufactures and commerce, in foreign countries, resulting from the insurrection they have inaugurated at home, they seek to involve our common country in controversies with States with which every public interest, and every interest of mankind, require that it shall remain in relations of peace, amity and friendship.

I am able to state, for your gratification, that the prospect of any such disturbance is now less serious than it has been at any previous period during the course of the insurrection. It is, nevertheless, necessary now, as it has hitherto been, to take every precaution that is possible to avert the evils of foreign war, to be superinduced upon those of civil commotion, which we are endeavoring to cure. One of the most obvious of such precautions is, that our ports and harbors on the seas and lakes should be in a condition of complete defence; for any nation may be said to voluntarily incur danger in tempestuous seasons when it fails to show that it has sheltered itself on every side from which the storm might possibly come

The measures which the Executive can adopt in this emergency are such only as Congress has sanctioned, and for which it has provided. The President is putting forth the most diligent efforts to execute these measures, and we have the great satisfaction of seeing that these efforts, seconded by the favor, aid, and support of a loyal, patriotic, and self sacrificing people, are rapidly bringing the military and naval forces of the United States into the highest state of efficiency. But Congress was chiefly absorbed, during its recent extra session, with those measures, and did not provide as amply as could be wished, for the protection of our sea and lake coasts. In previous wars, loyal States have applied themselves, by independent and separate activity, to support and aid the Federal Government in its arduous responsibilities. The same disposition has been manifested in a degree eminently honorable, by all the loyal States during the present insurrection. In view of this fact, and relying upon the increase and continuance of the same disposition on the part of the loyal States, the President has directed me to invite your consideration to the subject of the importance of perfecting the defences of the State over which you preside, and to ask you to submit the sub-

ject to the consideration of the Legislature when it shall have assembled. Such proceedings by the State would require only a temporary use of its means. The expenditures ought to be made the subject of conference with the Federal Government. Being thus made, with the concurrence of the Government, for general defence, there is every reason to believe that Congress would sanction what the State should do, and would provide for its reimbursement. Should these suggestions be accepted, the President will direct proper agents of the Federal Government to confer with you, and to superintend, direct, and conduct the prosecution of the system of defence of your State.

I have the honor to be, Sir,

Your obedient servant,

WILLIAM H. SEWARD.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, November 12th, 1861.

Hon. William H. Seward, Secretary of State, Washington City:

SIR:—I have the honor to acknowledge the receipt of your communication of the fourteenth ultimo, inviting my attention to the subject of perfecting the defences of this State, and requesting me to submit the subject to the consideration of the Legislature when it shall be assembled.

The request shall be faithfully complied with; and the subject will undoubtedly command, to the extent its magnitude requires, the attention of the next Legislature, which convenes on the first Monday of January, eighteen hundred and sixty-two.

At this time our defences are wholly inadequate to the protection of the coast and interior of California.

The value of our Pacific interests to the Union will justify all the outlay necessary to render their seizure and appropriation by foreign powers impossible. For it is not dealing in hyperbole to affirm, that the present and prospective commercial value of our Pacific empire renders its security as important as one half of the Union. And I may add, that the topography of the country is such, that its safety can be secured beyond all contingencies against the attack of any military power that can be brought against it, by a complete system of coast defences. The interior will require but little outlay to assure its protection.

I have the honor to be, with great respect,

Your obedient servant,

JOHN G. DOWNEY,

Governor of California.

I am also directed to inform the Assembly that the Senate adopted, on yesterday, Senate concurrent resolution No 5, relative to ocean mail between San Francisco and Crescent City

THOMAS HILL,

Secretary of Senate.

The correspondence above reported was referred to the Committee on Federal Relations.

The House concurred in Senate concurrent resolution No. 5, above reported.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Ames, for an Act to transfer certain funds;

Also, for an Act for the relief of sufferers by the flood in Sacramento and its vicinity.

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

By Mr. Avery, for an Act concerning mining associations and companies.

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

By Mr. Hoffman, for an Act to extend the time for collecting delinquent taxes in the county of San Diego.

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

By Mr. Benton, for an Act to create the office of State Historiographer.

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. Jackson, for an Act to repeal an Act for the better observance of the Sabbath, approved May twentieth, eighteen hundred and sixty-one.

By Mr. Dean, for an Act for the preservation and protection of trout in that portion of Lake Bigler, and its tributaries and outlets, lying within the limits of this State.

COMMITTEE OF CONFERENCE.

The House refused to recede from amendment to Senate concurrent resolution No. 3, and appointed Messrs Tilton of San Francisco, O'Brien, and Irwin, a Committee of Free Conference on the part of the House.

At four o'clock, on motion of Mr. O'Brien, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, January 14th, 1862.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called

Quorum present.

Journal of yesterday read and approved.

Messrs. Dore and Teegarden had indefinite leave of absence.

The Speaker announced the following Standing Committees:

CORPORATIONS.

Messrs. Machin, McAllister, Seaton, Smith of Sierra, Fay, Jackson, Reed.

PUBLIC PRINTING.

Messrs. Leach, Meyers, Thornbury, Evey, Zuck, Love, Amerige.

CLAIMS.

Messrs. Maclay, Warwick, Dudley of Placer, Bigelow, Hoag.

WAYS AND MEANS.

Messrs. Barton of Sacramento, Kendall, Eagar, Bigelow, Tilton of San Francisco, Teegarden, Eliason, Dudley of Placer, Parker.

JUDICIARY.

(To fill a vacancy,) Mr. Wright.

MILITARY AFFAIRS.

Messrs. Collins, Hillyer, Dana, Irwin, Griswold.

COUNTIES AND COUNTY BOUNDARIES.

Messrs. Smith of Sierra, Dennis, Dudley of Solano, Thompson of San Joaquin, Van Zandt, Lane, Matthews.

COMMERCE AND NAVIGATION.

Messrs. Fay, Maclay, Dow, Bigelow, Printy.

EDUCATION.

Messrs. Reed, Benton, Sargent, Frazier, Campbell.

AGRICULTURE.

Messrs. Moore, Tilton of San Francisco, Saul, Eagar, Ames.

INTERNAL IMPROVEMENTS.

Messrs. Eagar, Barton of Sacramento, Hoag, Loewy, Jackson.

PUBLIC BUILDINGS AND GROUNDS.

Messrs. Love, Ferguson, Dore, Printy, Sears.

PUBLIC EXPENDITURES AND ACCOUNTS.

Messrs. Hillyer, Sargent, Cot, Battles, Griswold.

MINES AND MINING INTERESTS.

Messrs. Yule, Dean, Sears, Irwin, Love, O'Brien, Wright.

PUBLIC LANDS.

Messrs. McCullough, Teegarden, Thompson of San Joaquin, Matthews, Battles, Tilton of San Mateo, Pemberton.

FEDERAL RELATIONS.

Messrs. Reese, Shannon, Benton, Leach, Eliason, Collins, Thompson of Tehama.

ENGROSSMENT.

Messrs. Loewy, Bell, Avery, Morrison, Dean.

ENROLMENT.

Messrs. Avery, Dow, Brown.

STATE PRISON.

Messrs. Reeve, Campbell, Warwick, Parker, Dore, Yule, Ames.

PUBLIC MORALS.

Messrs. Benton, Loewy, Davis, Moore, Kendall.

STATE HOSPITALS.

Messrs. Ames, Van Zandt, Teegarden, Maclay, Meyers.

INDIAN AFFAIRS.

Messrs. Shannon, Ames, Sargent, Fay, Porter.

SWAMP AND OVERFLOWED LANDS.

Messrs. Cunnard, Dudley of Solano, Ferguson, Brown, Reese, Shannon, Werk.

ROADS AND HIGHWAYS.

Messrs. Porter, Brown, Werk, Waddell, Barton of San Bernardino.

JOINT COMMITTEE ON PRINTING.

Messrs. Dana, Thornbury, Sears.

Mr. Shannon was excused from serving on the Committee on Indian Affairs, and Mr. Werk was appointed in his place.

Mr. Porter was excused from serving on the Committee on Indian Affairs.

Mr. Cunnard was excused from serving on the Committee on Swamp and Overflowed Lands, and Mr. Porter appointed in his place.

MOTIONS.

Mr. O'Brien moved to take from the table the resolution offered by him on yesterday, appointing John Moran, Watchman for the Assembly

Carried.

Mr. Reed offered the following substitute:

Resolved, That the Sergeant-at-Arms be and is hereby empowered to employ a Watchman for the Assembly, and that the said Watchman shall receive a per diem equal to that received by the Porters of this House.

Lost.

Mr. Cunnard offered the following substitute:

Resolved, That H. A. Leese be chosen to act as Watchman of the Assembly Chamber, for the thirteenth session, at the per diem of four dollars.

Lost.

Mr. Reed moved to substitute the name of W. J. Bryant.

Lost.

Mr. Sargent moved to substitute the name of J. A. Palmer.

Lost.

Mr. Saul moved the previous question.

Sustained.

And the resolution appointing John Moran, Watchman, was adopted.

RESOLUTIONS.

Mr. Fay offered a resolution providing for the appointment of a committee to revise the Salary bill.

Made the special order for January twenty-third, eighteen hundred and sixty-two.

Mr. Tilton of San Francisco offered the following resolution:

Resolved, That a commission be issued forthwith, by the Clerk of this Assembly, to James T. Stocker, and William H Hughes, Justices of the Peace, in Marin County, California, to take and transmit to this House, the testimony of any and all witnesses that may be produced before either of them by the respective parties contestant and incumbent, in the contested election case now pending before the Committee on Elections, in this House, wherein N. Gordon is contestant, and A. C. McAllister is the incumbent. Said testimony to be taken by said officers at such times and places as may be by themselves directed, and transmit, under seal, to the Clerk of this House, on or before the first of February, eighteen hundred and sixty-two, at which time said commission shall cease. And that said contestant be notified by the Clerk of this House, immediately, of the passage of this resolution.

Adopted.

Mr. Loewy offered concurrent resolution relative to Immigration of Chinese.

Referred to Committee on Federal Relations.

Mr. Love offered the following resolution:

Resolved, That John A. Palmer be and he is hereby appointed Assistant Page of the Assembly; and Master Whipley is hereby appointed Assistant Paper Folder.

Laid on the table

Mr. Davis offered a concurrent resolution relative to Post Office at Aurora, Mono County.

Adopted.

Mr. Bell offered the following resolution:

Resolved, By the Assembly, the Senate concurring, that the State Treasurer be authorized to employ a Porter-Watchman, to assist in the labors and in securing the treasure in his office; and that said Porter-Watchman be allowed the sum of eighty dollars per month for his services, one half of which sum to be paid out of the Contingent Fund of the Assembly, the other half to be paid out of the Contingent Fund of the Senate; and that said Porter-Watchman be in addition to any employés now allowed by law in said Treasurer's office.

Laid on the table.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 18th, 1862.

Mr. SPEAKER:—I am directed to inform the Assembly that the Senate have passed Senate concurrent resolution No. 10, relative to an adjournment until Tuesday, January twenty-first, eighteen hundred and sixty-two.

A. A. DE LONG,
Assistant Secretary.

Senate resolution No. 10, above reported, was taken up.

Mr. Collins offered an amendment.

Ruled out of order.

Mr. Dudley of Placer offered a substitute.

Declared out of order.

Mr. Tilton of San Francisco demanded the previous question.

Sustained.

Upon which, Messrs. Avery, Eagar, and Printy, demanded the ayes and noes, and the House concurred, by the following vote:

AYES—Messrs. Ames, Barton of Sacramento, Barton of San Bernardino, Battles, Benton, Brown, Campbell, Cunnard, Davis, Dean, Dennis, Dow, Dudley of Solano, Eagar, Eliason, Fay, Ferguson, Frazier, Griswold, Hoag, Hoffman, Irwin, Jackson, Kendall, Lane, Matthews, McAllister, Maclay, Moore, Morrison, O'Brien, Parker, Pemberton, Porter, Reed, Reese, Reeve, Sargent, Saul, Shannon, Smith of Fresno, Smith of Sierra, Thompson of Tehama, Thornbury, Tilton of San Francisco, Warwick, Watson, Werk, Woodman, and Wright—50.

NOES—Messrs. Amerige, Avery, Bell, Bigelow, Cot, Collins, Dana, Dudley of Placer, Evey, Hillyer, Leach, Loewy, Love, Machin, McCullough, Meyers, Printy, Sears, Seaton, Thompson of San Joaquin, Waddell, Yule, and Zuck—23.

FURTHER MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
Tuesday, January 14th, 1862.

Mr. SPEAKER:—I am directed to inform the Assembly that the Senate have this day passed Senate bill No. 6, relative to the transfer of certain funds.

A. A. DE LONG,
Assistant Secretary.

Senate bill No. 6. above reported, was read first and second times, rules suspended, read third time, and passed.

REPORT.

Mr. Hoag, from the Committee on Mileage, made the following report:

Mr. SPEAKER:—Your committee, to whom was referred the matter of mileage and the amount due therefor to each member, report the following, as corrected—having taken the legal distances from the county seat of each county to the Capital of the State, as the basis of our calculations, and added to the same, or deducted therefrom, as the member lives a greater or less distance than his county seat from the Capital:

Names.	Miles.	Amount.
Amerige	248	$49 60
Ames	510	102 00
Avery	144	28 80
Barstow	234	46 80
Barton of Sacramento		
Barton of San Bernardino	1,200	240 00
Battles	234	46 80
Bell	254	50 80
Benton	52	10 40
Bigelow	234	46 80
Brown	300	60 00
Campbell	124	24 80
Cunnard	200	40 00
Collins	150	30 00
Cot	490	98 00
Dana	718	143 60
Davis	660	132 00
Dean	230	46 00
Dennis	150	30 00
Dore	234	46 80
Dow	292	58 40
Dudley of Placer	130	26 00
Dudley of Solano	144	28 80
Eagar	510	102 00
Eliason	260	52 00

Names.	Miles.	Amount.
Evey	192	38 40
Fay	234	46 80
Ferguson		
Frazier	150	30 00
Griswold	160	32 00
Hillyer	70	14 00
Hoag		
Hoffman	1,500	300 00
Irwin	716	143 20
Jackson	100	20 00
Kendall	230	46 00
Lane	240	48 00
Leach	124	24 80
Loewy	234	46 80
Love	236	47 20
Machin	650	130 00
Matthews	490	98 00
McAllister	270	54 00
Maclay	300	60 00
McCullough	290	58 00
Meyers	104	20 80
Moore	314	62 80
Morrison	1,100	220 00
O'Brien	190	38 00
Parker	100	20 00
Pemberton	500	100 00
Porter	220	44 00
Printy	150	30 00
Reed	260	52 00
Reese	234	46 80
Reeve	234	46 80
Sargent	86	17 20
Saul	36	7 20
Sears	150	30 00
Seaton	94	18 80
Shannon	274	54 80
Smith of Fresno	440	88 00
Smith of Sierra	228	45 60
Teegarden	100	20 00
Thompson of Tehama	170	34 00
Thompson of San Joaquin	54	10 80
Thornbury	666	133 20
Tilton of San Francisco	234	46 80
Tilton of San Mateo	264	52 80
Van Zandt	234	46 80
Waddell	120	24 00
Warwick		
Watson	1,124	224 80
Werk	800	160 00
Woodman	420	84 00

Names.	Miles.	Amount.
Wilcoxon	100	20 00
Wright	930	186 00
Yule	130	26 00
Zuck	336	73 20

I. N. HOAG, Chairman.

Adopted.

At a quarter past one o'clock, P. M., on motion of Mr. Tilton of San Francisco, the House adjourned until Tuesday, January twenty-first, at eleven o'clock, A. M.

IN ASSEMBLY

HOUSE OF ASSEMBLY,
Tuesday, January 21st, 1862.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

The Journal of Tuesday, January fourteenth, read and approved.

Messrs Campbell, Maclay, Dean, Dow, and Thompson of San Joaquin, had indefinite leave of absence.

CONCURRENT RESOLUTION.

Mr. Hoffman, by leave, introduced a concurrent resolution relative to the temporary adjournment of the present session of the Legislature to San Francisco.

Mr. Saul offered the following substitute:

Resolved, By the Assembly, the Senate concurring, that when the two Houses adjourn this day, they do so to meet again at the call of the Governor of the State.

Mr. Bell raised the point that the resolution and substitute were not in order, for the reason that they were substantially the same as the resolution rejected by the House.

The Speaker ruled the point of order not well taken.

Mr. Bell appealed.

Upon which, Messrs Bell, Shannon, and Loewy, demanded the ayes and noes, and the decision of the Chair was sustained, by the following vote:

AYES—Messrs. Ames, Avery, Battles, Bigelow, Brown, Cot, Collins, Cunnard, Dana, Dore, Dudley of Placer, Dudley of Solano, Eagar, Evey, Fay, Frazier, Griswold, Hillyer, Hoffman, Irwin, Jackson, Kendall,

Leach, Loewy, Love, Matthews, McCullough, Meyers, Moore, O'Brien, Porter, Reed, Reeve, Sears, Shannon, Smith of Sierra, Thornbury, Tilton of San Francisco, Werk, Woodman, Wilcoxon, Wright, Yule, and Zuck—43

NOES—Messrs. Amerige, Barton of Sacramento, Bell, Benton, Davis, Dennis, Eliason, Ferguson, Hoag, Machin, McAllister, Parker, Pemberton, Saul, Seaton, Smith of Fresno, Thompson of Tehama, Waddell, and Warwick—19.

On the adoption of the substitute, Messrs. Saul, Warwick, and Parker, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Barton of Sacramento, Parker, Saul, and Warwick—4.

NOES—Messrs. Amerige, Ames, Avery, Battles, Bigelow, Brown, Cot, Collins, Cunnard, Dana, Davis, Dennis, Dore, Dow, Dudley of Placer, Dudley of Solano, Eagar, Eliason, Evey, Fay, Frazier, Griswold, Hillyer, Hoag, Hoffman, Irwin, Jackson, Loewy, Love, Machin, Matthews, McCullough, Meyers, Moore, O'Brien, Pemberton, Porter, Printy, Reed, Reeve, Sears, Seaton, Shannon, Smith of Fresno, Thompson of Tehama, Thornbury, Tilton of San Francisco, Waddell, Woodman, Wilcoxon, Wright, Yule, and Zuck—53.

Mr Fay moved to lay the resolution on the table temporarily.

Upon which, Messrs. Hoffman, Battles, and Reed, demanded the ayes and noes, and the motion prevailed, by the following vote:

AYES—Messrs Amerige, Ames, Avery, Barton of Sacramento, Bell, Benton, Bigelow, Cot, Cunnard, Davis, Dennis, Dore, Eliason, Fay, Ferguson, Frazier, Griswold, Hillyer, Hoag, Kendall, Love, Machin, Matthews, McAllister, McCullough, Meyers, O'Brien, Parker, Pemberton, Porter, Reeve, Sargent, Saul, Sears, Seaton, Shannon, Smith of Fresno, Smith of Sierra, Teegarden, Thompson of Tehama, Waddell, Warwick, Woodman, Wilcoxon, and Yule—44.

NOES—Messrs Battles, Collins, Dana, Dudley of Placer, Evey, Hoffman, Irwin, Jackson, Leach, Loewy, Moore, Reed, Sargent, Thornbury, Tilton of San Francisco, Werk, and Wright—17.

Mr. Shannon offered the following resolution:

WHEREAS, there are legal questions involved in the adjournment of the Legislature to any place other than the Capital, by concurrent resolution, therefore,

Resolved, That the Attorney-General be requested to examine and report the law upon this question, and, if possible, either by agreed case or otherwise, to obtain the opinion of the Supreme Court thereon, on or before Thursday next, the twenty-third instant.

Mr. Hillyer moved to amend, by striking out all after the word "question."

Lost.

The resolution was then adopted.

On motion of Mr. Ames, at three o'clock, P. M., the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, January 22d, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present
Journal of yesterday read and approved.
Mr. Reese had indefinite leave of absence.
Mr. Fay offered the following resolution:

WHEREAS, a resolution was adopted by this Assembly yesterday, asking the Attorney-General to examine the law, and, if possible, to obtain the opinion of the Supreme Court, as to the legality of an adjournment to some other place than the Capital; and whereas, the opinion of the Supreme Court cannot be obtained within the time contemplated by such resolution, therefore,

Resolved, That the Sergeant-at-Arms be and he is hereby directed to wait upon the Attorney-General immediately, and ask him to communicate to this House the law and his opinion, at twelve o'clock to-day.

Mr. Saul moved to lay on the table.
Lost.
Mr. Eagar moved the previous question, which was sustained
Upon which, Messrs. Bell, Warwick, and Dennis, demanded the ayes and noes, and the resolution was adopted, by the following vote:

AYES—Messrs Amerige, Ames, Avery, Bigelow, Brown, Cot, Collins, Cunnard, Dana, Dore, Dow, Dudley of Placer, Eagar, Evey, Fay, Griswold, Hillyer, Hoffman, Irwin, Jackson, Leach, Loewy, Love, McCullough, Meyers, Moore, O'Brien, Porter, Printy, Reed, Reeve, Sargent, Sears, Seaton, Tcegarden, Thompson of Tehama, Thornbury, Tilton of San Francisco, Van Zandt, Watson, Werk, Woodman, Wright, Yule, and Zuck—16

NOES—Messrs. Barton of Sacramento, Bell, Benton, Dennis, Eliason, Ferguson, Frazier, Hoag, Kendall, Machin, McAllister, Parker, Pemberton, Saul, Smith of Fresno, Waddell, Warwick, and Wilcoxon—18.

MESSAGE FROM THE GOVERNOR.

The following communication was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, January 11th, 1862.

To the Honorable the Assembly of the State of California:

I have this day appointed William E Brown Private Secretary to the Governor.

All communications from this department will be presented to your honorable body through him.

LELAND STANFORD, Governor.

Mr. Yule offered the following resolution:

Resolved, That the Sergeant-at-Arms of the Assembly be and is hereby authorized and empowered to employ a Clerk, at a salary of six dollars per day

Mr. O'Brien moved to amend by inserting the name of John H. Finnegan

Upon which, Messrs. Saul, Griswold, and McAllister, demanded the ayes and noes, and the amendment was adopted, by the following vote:

AYES—Messrs. Amerige, Barton of Sacramento, Barton of San Bernardino, Cunnard, Davis, Dennis, Eliason, Ferguson, Frazier, Griswold, Hoffman, Jackson, Kendall, Matthews, McAllister, O'Brien, Parker, Porter, Printy, Shannon, Thompson of Tehama, Thornbury, Van Zandt, Waddell, Warwick, Watson, Woodman, Wilcoxon, and Wright—30.

NOES—Messrs. Avery, Bigelow, Brown, Collins, Dore, Fay, Hillyer, Irwin, Leach, Loewy, Machin, McCullough, Meyers, Moore, Reed, Reeve, Sargent, Sears, Teegarden, Yule, and Zuck—21.

Mr Avery moved to lay the resolution on the table.

Upon which, Messrs. Saul, Wilcoxon, and Davis, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Avery, Battles, Brown, Collins, Dore, Fay, Hillyer, Leach, Loewy, Moore, Reed, Reeve, Sargent, Sears, and Zuck—15

NOES—Messrs. Ames, Barton of Sacramento, Barton of San Bernardino, Cot, Cunnard, Davis, Dennis, Dudley of Placer, Eliason, Ferguson, Frazier, Griswold, Hoag, Hoffman, Irwin, Jackson, Kendall, Love, Machin, Matthews, McAllister, McCullough, Meyers, O'Brien, Parker, Pemberton, Porter, Printy, Saul, Seaton, Shannon, Smith of Fresno, Teegarden, Thompson of Tehama, Thornbury, Tilton of San Francisco, Van Zandt, Waddell, Warwick, Watson, Woodman, Wilcoxon, and Wright—43.

The resolution as amended was adopted.

ATTORNEY-GENERAL'S OPINION.

On motion of Mr. Shannon, Mr. Pixley, the Attorney-General, was invited to read the opinion prepared by him under the resolution adopted on yesterday.

Mr. Pixley appeared and read his opinion, as follows:

ATTORNEY-GENERAL'S OFFICE,
Sacramento City, January 22d, 1862.

To the Honorable the Members of the Assembly of the State of California:

In response to the resolution of your honorable body, and in reply to the communication addressed me through your Clerk, bearing date of January twenty-first, I respectfully beg leave to submit the following:

The first question which seems to present itself in this investigation is, as to the extent and character of the power with which you are vested in the discharge of your legislative duties

The case of The People against Coleman and others, (4th California Reports, page 46,) involved the constitutionality of certain provisions of the Revenue Act of eighteen hundred and fifty-three.

The question came up on demurrer, the defendants assigning as error that the whole Revenue Act of eighteen hundred and fifty-three was in

direct conflict with the provisions of the Constitution of the State of California.

The Court, (Chief Justice Murray delivering the opinion, with the concurrence of Mr. Justice Heydenfeldt,) as preliminary to the discussion of the questions involved in that case, lay down the following rules:

First—"That each State is supreme within its own sphere as an independent sovereignty.

Second—"That the Constitution of this State is not to be considered as a grant of power, but rather as a restriction upon the powers of the Legislature; and that it is competent for the Legislature to exercise all powers not forbidden by the Constitution of the State, or delegated to the General Government, or prohibited by the Constitution of the United States."

The same doctrine is held by Mr. Justice Heydenfeldt and Mr. Justice Terry, case of Thompson *vs.* Williams.—(6th Cal. R. pp 88, 89.)

The Court, in People against Coleman, comes to the conclusion that the power of the Legislature to tax trades, professions and occupations, is a matter completely within the control, and unless inhibited by the Constitution, eminently belonging to and resting in the sound discretion of the Legislature. Or, in other words, that the Legislature, in the exercise of its legislative functions, and within the scope of its constitutional limitations, has an absolute right to perform any act not actually, or by implication, forbidden by the organic law of the State.

All political power is inherent in the people, so declared by the Constitution, and the people have vested the exercise of this power in the Senate and Assembly, together, constituting the Legislature of the State of California.—(Article IV, Section 1, Constitution.)

Article IV of the Constitution contains numerous provisions, directing what the Legislature shall do, and what it shall be unlawful for it to permit, in express terms.

The sessions of the Legislature shall be annual.

Each House shall choose its own officers, and judge of the qualification of its own members.

A majority shall constitute a quorum to do business.

Each House shall determine the rules of its proceedings, and may, with the concurrence of two thirds of its members, expel a member.

Either House may, where secrecy requires it, sit with closed doors.

The Article inhibits a member from accepting any office of civil profit, created, or the emoluments of which have been increased, during his term.

No money shall be drawn from the Treasury but in consequence of appropriations by law.

No increase of compensation to members shall be made during their term of office.

No law shall embrace more than one object, and that shall be expressed in its title.

No divorce shall be granted by the Legislature.

Lotteries, and the sale of lottery tickets, are not allowed.

Corporations can only exist of a certain character, and with certain limitations.

No bank charter shall be granted, nor paper money be put in circulation.

Thus, the Constitution directs certain things to be done by the Legisture, restricts it from doing certain things, and by implication, leaves to the judgment and conscience of the two bodies composing the Legisla-

ture, the performance of all other acts, and themselves to be the judges of the proper mode of conducting their business, and carrying into effect the will of the people, whose immediate agents and direct representatives they (its members) are.

The Legislature is an independent branch of the State Government, and perhaps the most responsible, important, and dignified of any of the departments of Government. It is clothed with more important duties; it is nearest to the people as their representative, and with it rests the obligation of making laws, while to the co-ordinate departments is left the interpretation and execution of the laws.

There is no provision in the Constitution declaring it necessary for the Legislature to meet at any given *place*, while it does fix the annual sessions, and the time of meeting on the first Monday of January

The Constitution directs the passage of a law fixing the terms and place of holding the Supreme Court.—(Article VI. Section 10.)

The Legislature of eighteen hundred and fifty-four did, by law, declare that the terms of the Supreme Court should be held at "The Capital of the State."—(Wood's Digest, page 149.)

The Legislature has also declared, by an Act passed May fifteenth, eighteen hundred and fifty-four, that the Governor, Secretary of State, State Treasurer, State Controller, and other officers, shall reside and keep their offices at the City of Sacramento —(Wood's Digest, page 564.)

There is no law and no requirement of the Constitution rendering it imperative for the Legislature to meet at any particular place within the boundary of this State Usage has very properly established the legislative body at the seat of government, where it can act in harmony with the other branches of government and the State officers, and where the archives are kept; where every consideration of convenience and propriety would seem to indicate that the Legislature should convene and transact its business.

But while the executive and judicial officers of State are required to reside and have their offices at the Capital, there is no such provision of law in reference to the Legislature.

Section 15, Article IV, of the Constitution, thus reads: "Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting." Properly construing this provision of the law, and giving to it an interpretation most in consonance with the ordinary meaning and acceptation of the language used, can we arrive at any other conclusion than that, by direct implication, the converse may hold good? That is, changing this language from its negative character, and giving it an affirmative rendition, and it means, that the Legislature may, with the concurrence of both Houses, adjourn for more than three days, and to any other place than that in which they may be sitting.

I am struck with the significant and peculiar wording of the clause referred to The term "capital," or "seat of government," is seemingly avoided, and the expression "any other place than that in which they may be sitting" would imply the possible contingency of a sitting of the two Houses at a place other than the capital or seat of government.

The case of The People *ex rel* Thomas Vermule against John Bigler *et al*, 5th California Reports, page 23, referred to as authority in this debate, (as I am informed,) involves the question of the constitutionality of the removal of the Capital of the State from the Pueblo de San José to the Town of Vallejo, and to determine judicially whether Sacramento or San José was the then Capital of the State.

The Constitution declared the Pueblo de San José the "permanent seat of government," unless removed by the passage of a law concurred in by two thirds of the members of both Houses.

During the first session of the Legislature, General Vallejo submitted a proposition to give the State of California certain lands and houses as an inducement for the removal of the Capital to the town bearing his name. This proposition was submitted to the people at the next general election, and Vallejo selected; at the session of the Legislature following, an Act was passed removing the seat of government to the town of Vallejo. It was contended that the Act was void upon its face, because certain conditions were annexed to the removal, amounting in fact, to a sale of the seat of government, and also because the conditions were not complied with.

As to the question of inducement, Judge Murray held the following language:

"What provision is there in our Constitution to prohibit such a bargain?" and then continues—"I understand the rule of construction to be that the Legislature may exercise *all powers not prohibited to them by the Constitution;* except, perhaps, in the single case of acts contrary to natural justice, and even this exception has more foundation in the speculation of moralists than the decision of wise jurists."

Affirming the doctrine asserted in The People against Coleman and others, as to the right of the Legislature to exercise all powers not forbidden by the Constitution of the State, delegated to the General Government, or prohibited by the Constitution of the United States.

Mr. Justice Bryan, who writes a concurring opinion in the case of Vermule against Bigler, also says:

"I deem it a sound rule of construction, to hold no act of the Legislature entirely void unless plainly repugnant to the Constitution."

Chief Justice Murray says "that unless the Act removing the Capital (February fourth, eighteen hundred and fifty-one.) was unconstitutional, the legislation at the place to which the Capital was so removed would be a dead letter on the statute book, and holds that the *place* is an essential ingredient to correct legislation, as much so as it is to a proper administration of justice, and if a decision would be *coram non judice* because the Court was not holden at the place appointed by law, by a parity of reasoning the acts of a legislative body, done at any other place than the one appointed, must be equally void. That there can be a *de facto* seat of government, or that the reason which would operate to cause and render obligatory the acts of a *de facto* officer, can apply in this case, is a proposition I cannot assent to."

While I am not prepared to admit to their full extent the legal conclusions arrived at by the learned Judge in this dicta, I am not called upon to discuss the propositions therein involved, as I deem them entirely foreign to the question upon which I am called to give opinion.

It is not with us a matter of inquiry whether the acts of this Legislature would be valid if passed at a place where the Legislature had no right to assemble by law, but whether, by a concurrent resolution of both Houses, they may properly meet and deliberate at a place other than the present established seat of government

This question, thus referred to by Mr. Justice Murray, was not properly in the case, was not argued before him, and I should not feel compelled to regard it as an adjudication of the question, even if I deemed it pertinent to this inquiry.

The magnitude of the interests involved, the peculiar and most unfor-

tunate condition of the State, rendering it most probable that legislative action will be required to relieve our people from the embarrassments of the wide-spread calamity with which the whole State seems to have been visited, the fact that very important amendments to the Constitution will claim your consideration at this session, impress me with the conviction that you should act with great deliberation in this matter, and that no consideration of mere personal convenience should weigh against the possibility of the commission of an error fraught with such serious results as would be a mistake in this matter.

I regret that an opinion cannot, in advance of the final disposition of this question, be obtained from the Supreme Court of this State, and it is a matter of personal concern to myself that I have had so limited an opportunity for the investigation of a question so new to me, and of so grave and important a character.

I have endeavored, however, to perform the duty required of me by your resolution in fidelity to the duties of my office and to the law, and it is my opinion that, in view of the absence of any provision of the Constitution inhibiting a legislative removal, or any law declaring that the Legislature shall hold its session at the Capital, with my understanding and interpretation of Section 15, Article IV., of the Constitution; in view of the absolute powers of the Legislature to control and direct their own movements; knowing that in the history of the past the Legislatures of several of the States have been temporarily removed, and on one occasion the National Capital has been driven by foreign invasion to seek safety for its members and its archives; reasoning from the philosophy and the principle involved in this discussion, I can come to no other conclusion than that the Legislature may, by concurrent resolution of a majority of both Houses, adjourn for more than three days, and to any place within the boundaries of this State, other than the present established seat of government, and that in event of such adjournment, the fact would not affect the validity of any laws which might be passed at such place of temporary adjournment.

All of which is respectfully submitted.

FRANK M. PIXLEY,
Attorney-General.

TEMPORARY REMOVAL.

Mr. Shannon moved to take up the concurrent resolution, offered on yesterday by Mr. Hoffman, in relation to a temporary removal of the session of the Legislature.

Mr. Fay demanded the previous question.

Upon which, Messrs Bell, Warwick, and Saul, demanded the ayes and noes, and the motion prevailed, by the following vote:

AYES—Messrs. Ames, Avery, Barton of San Bernardino, Bigelow, Brown, Cunnard, Collins, Cot, Dana, Dore, Dudley of Placer, Eagar, Evey, Fay, Hoffman, Irwin, Jackson, Leach, Loewy, Love, Matthews, McCullough, Meyers, Moore, Reed, Sargent, Sears, Shannon, Smith of Sierra, Teegarden, Thornbury, Tilton of San Francisco, Werk, Woodman, Wright, Yule, Zuck, and Mr Speaker—38.

NOES—Messrs Amerige, Barton of Sacramento, Bell, Benton, Davis, Dennis, Eliason, Ferguson, Frazier, Hoag, Kendall, Machin, McAllister, O'Brien, Parker, Pemberton, Porter, Reeve, Saul, Seaton, Smith of Fresno, Thompson of Tehama, Van Zandt, Waddell, Warwick, Watson, and Wilcoxon—27.

The Speaker (Mr. Avery in the Chair) having ruled that the previous question extended to the final adoption or rejection of the resolution, Mr. Bell appealed; and, on the question "Shall the decision of the Chair stand as the judgment of the House?" Messrs. Bell, Saul, and Warwick, demanded the ayes and noes, and the Chair was sustained, by the following vote:

AYES—Messrs. Ames, Barton of San Bernardino, Benton, Bigelow, Brown, Cunnard, Collins, Cot, Dana, Dore, Dudley of Placer, Eagar, Evey, Fay, Griswold, Hillyer, Hoffman, Irwin, Leach, Loewy, Love, Matthews, Meyers, Moore, Printy, Reed, Reeve, Sargent, Sears, Teegarden, Thornbury, Tilton of San Francisco, Van Zandt, Wright, Yule, Zuck, and Mr. Speaker—37.

NOES—Messrs. Amerige, Barton of Sacramento, Bell, Dennis, Ferguson, Frazier, Hoag, Kendall, Machin, McAllister, Parker, Porter, Saul, Seaton, Shannon, Smith of Sierra, Thompson of Tehama, Waddell, Warwick, Watson, and Wilcoxon—21.

On the adoption of the resolution, Messrs. Jackson, Brown, and Warwick, demanded the ayes and noes, and the resolution was adopted, by the following vote:

AYES—Messrs. Ames, Barton of Sacramento, Barton of San Bernardino, Bigelow, Brown, Cunnard, Cot, Dana, Dore, Dudley of Placer, Eagar, Evey, Griswold, Hoffman, Irwin, Jackson, Leach, Loewy, Love, Matthews, McCullough, Meyers, Moore, Reed, Sargent, Sears, Shannon, Teegarden, Thornbury, Tilton of San Francisco, Werk, Woodman, Wright, Yule, Zuck, and Mr. Speaker—37.

NOES—Messrs. Amerige, Bell, Benton, Collins, Davis, Dennis, Eliason, Ferguson, Frazier, Hoag, Kendall, Machin, McAllister, Parker, Pemberton, Porter, Reeve, Saul, Seaton, Smith of Fresno, Teegarden, Thornbury, Tilton of San Francisco, Van Zandt, Waddell, Warwick, Watson, and Wilcoxon—26.

Mr. Barton of Sacramento gave notice of reconsideration.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 22d, 1862.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have concurred in Assembly concurrent resolution No. 6, relative to adjournment to San Francisco, and have appointed Messrs. De Long, Soule, and Porter, a committee, in accordance therewith

A. A. DE LONG,
Assistant Secretary.

The Speaker appointed Messrs. Hoffman, O'Brien, and Fay, a committee on the part of the House.

At half-past one o'clock, P. M., on motion of Mr. Tilton of San Francisco, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, January 24th, 1862.

House met pursuant to adjournment, at the Merchants' Exchange, in the City of San Francisco.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of Wednesday last, the twenty-second instant, was read and approved.

COMMUNICATIONS.

Communications were received as follows:

From the Trustees of the San Francisco Protestant Orphan Asylum.

Referred to the Hospital Committee.

From the Sisters of Charity of the Roman Catholic Asylum, relating to an appropriation made by the Act of April fourth, eighteen hundred and sixty-one.

Referred to the Hospital Committee.

Messrs. Wilcoxon, Teegarden, Lane, Ferguson, Bell, and Sargent, had indefinite leave of absence.

Mr. Hoffman, from the Special Committee appointed to make arrangements under the resolution of adjournment to San Francisco, asked for time, until to-morrow at eleven o'clock, to make a report

Granted

Mr. Reed offered the following resolution:

Resolved, That the resolution passed by the Assembly on the fourteenth instant, creating a commission to take testimony in the Marin County contested election case, be and is hereby rescinded, and that the said commission, from and after the adoption of this resolution, be and is hereby abolished.

At forty minutes past twelve o'clock, M., on motion of Mr Shannon, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, January 25th, 1862.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Hoffman, from the Joint Committee in relation to procuring a suitable place for the Legislature to meet in, made the following report:

Mr. SPEAKER:—We, a majority of your Joint Committee appointed and authorized to procure and cause to be fitted up proper apartments for this Legislature and the attachés thereof, and to remove thereto all the property and appurtenances belonging to this honorable body, respectfully beg leave to report—that they have visited and examined the several places in this city where the Legislature can be convened, and respectfully recommend the second story of the building now occupied by this body, to be the most safe and convenient location in the City of San Francisco, or vicinity, for the accommodation of this Legislature. The above mentioned apartments can be had for one thousand dollars per month, for the balance of the present session of this Legislature. Said apartments consist of Senate and Assembly chambers, of ample dimensions for the accommodation of this Legislature; also, two rooms, fourteen by twenty-seven, together with sundry stands, desks, chairs, carpets, etc., appertaining and belonging therein and thereto, with twenty-one rooms, fourteen by nineteen, which can be had for and as committee rooms, or otherwise, as occasion or necessity may require. The whole of the above mentioned rooms are well supplied with all the most recent improvements of gas fixtures for lighting the same, and with good stoves, pipes, chimneys, etc., for warming them. They are also well supplied with water, and the necessary conveniences.

The situation of these apartments is also very desirable, being located in a central point of the city, convenient to the post office, custom house, library, and other public buildings, which makes it particularly well adapted to the convenience and comfort of the members of this Legislature.

A majority of your Joint Committee would further respectfully report to this honorable body, that they have been generously tendered, by Mr. Hayes, the use of his building, known as Hayes' Pavilion, and transit thereto and therefrom for this honorable body for this session, free of charge or expense; but as the said building is constructed wholly of wood and other combustible material, and being situated remotely from the centre of the city, and not having or being supplied with the convenient apartments mentioned, a majority of your Joint Committee do not think it a proper, convenient, or safe place to convene this Legislature in, for the balance of this session

A majority of your Joint Committee would further respectfully report to this honorable body, that, in accordance with the resolution authorizing them to remove the furniture, etc., of this Legislature from Sacramento to this place, they have done and accomplished the same, for a sum not to exceed, in amount, one thousand dollars. Said Committee further report to this honorable body, that the said furniture, etc., is here in this place, and that it is at your disposal and disposition.

Said Committee further report to this honorable body, that they have not made any permanent arrangement for these apartments, in which we are now convened for this session, in consequence of opposition and division of the members of which your Committee is composed.

D. B. HOFFMAN,
Chairman.

Mr. Hoag offered the following resolution:

Resolved, That so much of the Governor's Message, as relates to Agriculture, be referred to the Committee on Agriculture, with instructions to report, within ten days, a bill, to carry into effect the recommendations therein contained, with reference to legal fences and herding of stock; and, as soon as practicable, to report upon such other matters as are in that part of the message suggested.

Adopted.

Mr. O'Brien, from the Committee on Arrangements for the temporary removal of the Legislature, made a minority report, recommending that Hayes' Pavilion be selected as the place in which to hold the session of the Legislature.

On the adoption of the majority report, Messrs. O'Brien, Avery, and Griswold, demanded the ayes and noes, and the House agreed, by the following vote:

AYES—Messrs. Amerige, Ames, Avery, Barton of Sacramento, Battles, Bell, Benton, Bigelow, Brown, Collins, Cot, Dean, Dennis, Dore, Dudley of Solano, Eagar, Eliason, Evey, Fay, Frazier, Hillyer, Hoag, Irwin, Leach, Loewy, Matthews, McAllister, McCullough, Meyers, Moore, Morrison, Parker, Porter, Printy, Reed, Reeve, Sears, Shannon, Smith of Sierra, Thornbury, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Wright, Yule, and Zuck—46.

NOES—Messrs. Barton of San Bernardino, Davis, Dudley of Placer, Griswold, Jackson, Kendall, Lane, Love, Machin, O'Brien, Pemberton, Seaton, Smith of Fresno, Thompson of Tehama, Waddell, and Watson —17.

RESOLUTIONS.

Mr. Hoag offered the following resolutions:

Resolved, That so much of the Governor's Message as relates to Common Schools, be referred to the Committee on Education, with instructions to report to this House, at their earliest convenience, what disposition has been made of the funds arising from the sale of the five hundred thousand acres of land, and the sixteenth and thirty-sixth sections of all the public lands in this State, heretofore donated to this State by Congress; and particularly whether any of the said funds have been used for any other purpose than educational, and if so, how much, and for what other purpose.

Adopted.

Resolved, That the report of S. B. Smith, one of the Commissioners of the California War Debt, be referred to the Committee on Judiciary, with instructions to report to this House their opinion of the proper course for the Legislature to pursue to put an end to the difficulty existing in that Commission, and to facilitate the completion of the objects for which that Commission was created; said report to be made within ten days.

Adopted.

Resolved, That so much of the Governor's Message as relates to the direct tax levied by the Federal Government for the purpose of defraying the expenses of putting down the rebellion, be referred to the Committee of Ways and Means, with instructions to report, by the fifth day of February next, a bill providing for the collection of the said tax by the State, or for the issuance of State bonds in an amount sufficient to cover the same, as they may deem advisable; and also to report whether such bonds, when issued, cannot be turned in as an offset to the balance due this State by the General Government, upon what is known as the California War Debt.

Adopted.

Resolved, That so much of the Governor's Message as relates to a Seminary of Learning, or University, be referred to a Select Committee, composed of one member from each Judicial District in the State, with instructions to report a bill to this House, as soon as practicable, for the purpose of carrying into effect the intention of Congress in donating land to the State for such Seminary, and as far as may be, the recommendation of the message in this respect.

Laid on the table.

Mr. Barton of Sacramento offered the following resolution:

Resolved, That the Committee on Ways and Means be and are hereby authorized to employ a Clerk, at a salary of six dollars per day.

Lost.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 25th, 1862.

Mr. SPEAKER:—The Senate, on the twenty-second instant, concurred in Assembly concurrent resolution No. 6, relative to the establishment of a Daily Mail between Carson, Nevada, and Aurora, California.

Also, on yesterday, passed Senate substitute for bill No. 16, an Act to fix the residence of the State officers of this State, and to repeal all laws in conflict therewith.

A. A. DE LONG,
Assistant Secretary.

Senate bill No. 16, above reported, was read first and second times, and referred to Committee on Ways and Means, with instructions to report on Monday, at eleven o'clock.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Tilton of San Francisco, for an Act granting further powers to the Board of Supervisors of the City and County of San Francisco.

By Mr. Morrison, for an Act for the reclamation of the Swamp and Overflowed Lands of this State; the construction of levees, canals, and

flood gates, for the protection of the Sacramento Valley, and its tributaries; and the employment of convict labor.

By Mr. Shannon, for an Act to amend the present Attachment Law.

By Mr Ames. for an Act to fund the debt of Mendocino County.

By Mr. Dudley of Solano, for an Act to authorize the Board of Supervisors of Solano County to set apart a portion of the licenses collected, and to create a Sinking Fund.

INTRODUCTION OF BILL.

Mr. Saul introduced a bill for an Act to pay a balance due for copying done in the Assembly of eighteen hundred and sixty-one.

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

Mr. Barton of Sacramento offered the following resolution:

Resolved, That the Committee on Ways and Means be and are hereby authorized and empowered to employ a Clerk, as soon as is necessary in the opinion of said committee, at the salary provided for by law.

Laid on the table.

At forty minutes past twelve o'clock. P. M., on motion of Mr. Shannon, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, January 27th, 1862

The House met pursuant to adjournment.

The Speaker in the Chair.

Roll called.

Quorum present.

Journal of Saturday read and approved.

Messrs. Hoag. and Barton of Sacramento, had indefinite leave of absence.

The Committee on Ways and Means had leave until to-morrow morning to report on the bill for the removal of the State officers.

RESOLUTIONS.

Mr. Ames offered the following resolution:

Resolved, That Lewis Alpey be and he is hereby appointed a Porter, to superintend the committee rooms of the various committees of this House, at a per diem equal to that allowed to other Porters of this House, to be paid out of the Contingent Fund of the Assembly.

Laid on the table.

Mr. Eagar offered the following resolution:

Resolved, That the Sergeant-at-Arms be and is hereby instructed to transfer all bills in his possession for boat-hire to the Committee on Public Expenditures and Accounts.

Adopted.

RESOLUTIONS IN MEMORY OF EDWARD D. BAKER.

Mr. Warwick offered the following preamble and resolutions:

WHEREAS, It hath pleased Almighty God to call to his reward his servant, Col. E. D. Baker; and whereas, the late Col. E. D. Baker fell gallantly battling for the sacred Union of these States, sealing with his blood the glorious promise of his life; therefore, be it

Resolved, That in the late Col. E. D. Baker we recognize one of Liberty's sternest and most uncompromising champions, a gallant soldier and an accomplished gentleman.

Resolved, That we mourn his loss with unfeigned sorrow, as a serious national calamity; and, as a mark of respect to his distinguished memory, we will wear the usual badge of mourning for thirty days.

Resolved, That a copy of these resolutions be forwarded to the family of the deceased.

Referred to a Select Committee of five.

The Speaker appointed Messrs. Bell, Yule, Sargent, Thompson of San Joaquin, and Werk, such committee.

Mr. Tilton of San Francisco offered the following resolution:

Resolved, That so much of the Governor's Message as relates to Swamp and Overflowed Lands be referred to the Committee on Swamp and Overflowed Lands, with instructions to report, at an early day, the expediency of repealing the law of eighteen hundred and sixty-one, providing for the reclamation of such lands, and the enactment of a law enabling owners of such lands to draw from the State Treasury the amount of moneys paid in by them for the purchase of the same, whenever satisfactory evidence is presented by them that they have thoroughly reclaimed the same by the construction of the necessary embankments to protect them from overflow.

Mr. Shannon offered the following amendment: "If in their judgment they deem it expedient."

Mr. Ferguson offered the following resolution:

Resolved, That so much of the Governor's Message as relates to the Swamp and Overflowed Lands of this State be referred to the Swamp and Overflowed Land Committee, with instructions to report, at an early day, a bill to meet the prospective wants of that class of our fellow citizens who have purchased to settle upon those lands.

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

Mr. Yule offered the following resolution:

Resolved, That the Committees of the Assembly be allowed but one Porter to perform the duties of the several committees.

Mr. Ferguson offered the following substitute:

Resolved, That ——— Toll be appointed by the Assembly as Porter, to perform the duties as such to all the committee rooms of this House, at a per diem of three dollars, to hold position during faithful performance of duty.

Laid on the table.

Mr. O'Brien offered amendments to the Standing Rules, which were referred to the Committee on Rules

Mr. Hoffman offered the following resolution:

Resolved, By the Assembly, the Senate concurring, that the clergymen of this city be and hereby are requested to officiate as Chaplains of the respective bodies of this Legislature, for the balance of the session. They are to make such arrangements among themselves as will be agreeable and suitable to them, in the manner in which this service shall be performed, and to receive the per diem of a member of the Legislature.

Laid on the table.

Mr. Saul offered the following resolution:

Resolved, That Mr. Eliason and Mr. Hoag be added to the Committee on Swamp and Overflowed Lands.

Laid over, under the rules.

Mr Warwick offered the following resolution:

Resolved, That a committee of three be appointed to act in concert with the Senate State Library Committee, to examine into the extent of its damages by the late overflow, and to report to this Assembly.

Adopted

The Speaker appointed Messrs. Warwick, Tilton of San Mateo, and Wright, such committee.

Mr. Kendall was excused from serving on the Committee on Ways and Means, and Mr. Woodman appointed in his place.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
January 14th, 1862

Mr SPEAKER:—I am directed to inform the Assembly that the Senate have passed Senate bill No. 7, to direct the State Controller to draw his warrants on the State Treasury.

A. A. DE LONG,
Assistant Secretary.

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

SENATE CHAMBER,
January 21st, 1862.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have passed Senate bill No 8, an Act to legalize the levy of State and County Taxes, for the year eighteen hundred and sixty-two, in the County of San Luis Obispo;

Also, have appointed Messrs Heacock, Perkins, and Shurtleff, a Committee of Conference on the part of the Senate, on the disagreeing vote of the two Houses, on Senate concurrent resolution No 3, relative to appointment of extra Porter.

A A. DE LONG,
Assistant Secretary.

Senate bill No. 8, above reported, read first and second times, and referred to San Luis Obispo and Santa Cruz delegation.

SENATE CHAMBER,
January 22d, 1862.

MR. SPEAKER:—I am directed to inform the Assembly that the Senate have adopted Senate concurrent resolution No. 11 relative to memorializing Congress to create a new Collection District, in the northern part of this State;

Also, have passed Senate bill No. 14, an Act to authorize Charles Lindley to sell and convey, at private sale, all property, real and personal, situated in the State of California, in which his children, Matilda S. Lindley, Curtis H. Lindley, and Josephine Lindley, have or possess any interest;

Also, have passed Senate bill No 13, an Act to authorize the District Attorney of Mariposa County to appoint a Deputy

A. A. DE LONG,
Assistant Secretary.

Senate concurrent resolution No. 11, above reported, referred to the Committee on Commerce and Navigation.

Senate bill No. 13, above reported, read first and second times, and referred to Mariposa delegation.

Senate bill No 14, above reported, read first and second times, and referred to Judiciary Committee.

SENATE CHAMBER,
January 27th, 1862.

MR. SPEAKER:—The Senate have this day adopted Senate concurrent resolution No. 12, relative to the erection of a flag staff on the capitol building;

Also, on the twenty-second, passed Senate bill No. 24, an Act amendatory of an Act entitled an Act to grant the right to construct a Turnpike Road between the Town of Jackson and Ione City, in the County of Amador, approved April fifth, eighteen hundred and sixty-one.

A. A. DE LONG,
Assistant Secretary

Senate bill No 24, above reported, read first and second times, and referred to the Amador delegation.

The House concurred in Senate concurrent resolution No. 13, above reported.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr Moore, for an Act for the encouragement of the importation of blood stock into this State;

Also, for an Act in relation to the regulation of fences in the agricultural districts of this State.

By Mr. Ferguson, for an Act to prevent competition of Mongolian and Chinese labor with the labor of the white race in the State of California.

By Mr. Sears, for an Act for the taxing of Chinese of this State.

By Mr. Eagar, for an Act to regulate fees of jurors and witnesses in criminal cases.

By Mr. Wright, for an Act for the relief of Dennis Tryon

By Mr. Evey, for an Act to amend the law concerning the election of Supervisors in Napa County;

Also, for an Act to amend the revenue law of this State.

By Mr. Printy, for an Act to define the boundaries of Butte County.

By Mr Reed, for an Act to regulate the fees of the county officers of Sonoma County.

INTRODUCTION OF BILLS

Bills were introduced as follows:

By Mr Jackson, for an Act to repeal an Act entitled an Act for the better observance of the Sabbath.

Read first and second times, and referred to the Committee on Public Morals

By Mr. Dennis, for an Act to authorize the removal of human remains in Placer County.

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

By Mr. Tilton of San Francisco, for an Act supplementary to an Act conferring further powers upon the Board of Supervisors of the City and County of San Francisco, approved April twenty-third, eighteen hundred and fifty-eight.

Read first and second times, and referred to the San Francisco delegation.

Mr. Bell offered the following resolution:

Resolved, That the Sergeant-at-Arms be and he is hereby authorized to receipt to the Controller for the mileage and per diem of the members and attachés of the Assembly.

Adopted.

At half past one o'clock, P. M., on motion of Mr. Tilton of San Francisco, the House adjourned.

IN ASSEMBLY

HOUSE OF ASSEMBLY,
Tuesday, January 28th, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present
Journal of yesterday read and approved.
Mr. Thompson of Tehama was excused from serving on the Committee on Federal Relations.

PETITIONS

Mr Loewy presented a petition of cigar and tobacco dealers;
Also, of citizens of San Francisco for a repeal of the Sunday Law
Referred to the Committee on Public Morals.

REPORTS.

Mr Tilton of San Francisco, from the Committee on Ways and Means, made the following report:

Mr. SPEAKER:—The undersigned, a majority of the Committee on Ways and Means, to whom was referred substitute for Senate bill No. 16, an Act to fix the temporary residence of the State officers of this State, and to repeal all laws in conflict therewith, have given the same a careful consideration, and made certain amendments thereto, and beg leave to report the bill back and recommend its passage as amended.

TILTON of San Francisco,
BIGELOW,
TEEGARDEN,
EAGAR,
ELIASON.

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

Mr. SPEAKER:—The Judiciary Committee, having had under consideration Assembly bill No. 6, entitled an Act concerning mining associations and companies, beg leave to report—that having made certain alterations not affecting the merits of the bill, they respectfully recommend that it be referred to the Committee on Mines and Mining Interests.

BELL, Chairman

Mr. Barton of Sacramento, from the Committee on Ways and Means, made the following report:

Mr SPEAKER:—The Committee on Ways and Means, to whom was referred Senate bill No. 16, entitled an Act to fix the temporary residence of the State officers of this State, and to repeal all laws in conflict therewith, and have had the same under consideration, and beg leave to make the following report:

Prompted by an anxious desire to obtain the most reliable data upon which to estimate the expense of removing the archives and furniture

appertaining to the different State officers from the Capitol of the State, at Sacramento, to San Francisco, one of the members of said Committee has visited Sacramento, and conferred in person with each of the State officers herein enumerated, in regard to the probable expense incident upon such removal: and their statements, together with the opinion of the ex-Controller, are herewith respectfully submitted for the consideration of the Assembly.

The Secretary of State authorizes the Committee to say, that in his opinion, the cost of moving the appurtenances of his office to and from the place designated in Senate bill No. 10, would amount to but little, if anything, under five thousand dollars; while the expense attending the transmission and execution of all business between the Legislature and his office for the entire session would not exceed in the aggregate the sum of two hundred and fifty dollars; and that he therefore recommends that no action be taken in regard to the removal of his office, either on the ground of economy or expediency.

The Controller, whom it is known expresses himself in favor of removal, gives it as his opinion that the expense attendant upon the removal of his office would probably not exceed five hundred dollars, while the ex-Controller, Mr. Gillan, who has been officially connected with the office for the past four years and a half, expresses the confident belief that the expense of moving to and from the places designated, will equal, if not exceed, the sum of two thousand dollars; and also, that if said office was removed, it would require the service of an expert for fifteen or twenty days to rearrange the contents of said office in such manner as would make it readily accessible for legislative reference

The Surveyor-General's office, from the most reliable data the committee has been enabled to obtain, will be attended with an expense of removal alone of about two thousand dollars, and require at least one week to fit up office and arrange papers previous to the transaction of business.

The Adjutant-General's office, while of very trivial importance to the action of the Legislature, would cost, from the best information obtained by the committee, about the sum of one hundred and fifty dollars.

From the exhibit thus made, this committee are justified in the expression of their belief that the removal of the officers specified would be attended with an expense to the State of about dollars, without any corresponding benefit.

The Committee deem it unnecessary to remind the Assembly of the present financial embarrassment of the State; the immense destruction of property throughout every subdivision of the same; demonstrating the lamentable fact, that our assessment for taxable purposes, for the present, will fall short of the aggregate assessments of the past fiscal year, in amount approximating one third.

Independent of the existing State indebtedness, the present Legislature will be required to impose additional taxation for the support of the General Government

In view of the considerations thus briefly alluded to, and the constitutionality of the bill being, at least, questionable, your Committee would earnestly recommend that the same be indefinitely postponed.

BARTON of Sacramento,
Chairman.
PARKER,
DUDLEY of Placer.

Mr. Hillyer, from the Committee on Public Expenditures and Accounts, made the following report:

Mr. SPEAKER:—Your Committee on Public Expenditures and Accounts, to whom were referred the accounts of the boatmen employed by the Sergeant-at-Arms, during the flood at Sacramento, report—that they have examined and allowed a portion of the accounts presented, as follows, to wit:

Name.	Amount Claimed.	Amount Allowed.
John Shed	$110 00	$93 00
Henry Bude	10 50	10 50
H. A. Benjamin	125 00	75 00
N. L. Lenner	3 00	3 00
J. McMillen	15 00	15 00
Thomas Coleman	100 00	60 00
B. F Shirley	4 00	4 00
Price & Green	42 00	21 00
H. McCluskey	8 00	8 00
Frederick Brewer	8 00	8 00
D. McLaughlin & R Lindsay	210 00	140 00
E. J. McIntyre	525 00	420 00
Hunt & Co	31 00	22 50
John Byrne	8 00	8 00
J. H. Housman	120 00	75 00
H. Pease	39 00	39 00
Thomas Ackerson	80 00	80 00
Owen Hanna	7 00	7 00
W. H Barton & J E. Benton	15 00	15 00
Totals	$1,460 50	$1,104 00

Your Committee recommend the allowance and payment of the above accounts, as reduced, and the passage of the following resolution:

Resolved, That the Controller of State be and is hereby authorized to draw his warrant in favor of H. J Clayton, Sergeant-at-Arms of the Assembly, for the sum of eleven hundred and four dollars, payable out of the Contingent Fund of the Assembly; and that the Sergeant-at-Arms be instructed, upon receipt of said sum, to pay each of the above named claimants the amount allowed him by your Committee

HILLYER, Chairman.

On the adoption of the resolution, Mr Ames moved the previous question, which was sustained, and the resolution was adopted

Mr. Dudley of Placer verbally reported, with amendments, Assembly bill No. 12, an Act to authorize the removal of human remains in Placer County, and recommended its passage as amended

RESOLUTIONS

Mr. Griswold offered the following resolution:

Resolved, That the Speaker be and he is hereby authorized to appoint an extra Porter to attend to and keep in order the different committee rooms, occupied by the committees of the Assembly, at a per diem equal to that of the other Porters of this House, to be paid out of the Contingent Fund of the Assembly.

Mr Eagar offered the following substitute:

Resolved, That the chairmen of the several committees be and are hereby empowered to employ one Porter for the several committees, at a per diem not to exceed four dollars per day.

Laid on the table

Mr. Bell offered the following resolution:

Resolved, That the Judiciary Committee, the Committee on Ways and Means, and the Committee on Claims, be empowered to employ a Porter to serve them jointly.

Mr. Ames moved the previous question, which was sustained, and the resolution adopted

Mr Shannon offered the following resolution:

Resolved, That the Joint Committee on Printing be authorized to have printed the Reports of the Superintendent of Public Instruction, Insane Asylum, the Controller, Secretary of State, Treasurer, and the Reports of the several benevolent institutions that may have been made to this Legislature; also, the Report of the Commissioners of the Swamp and Overflowed Lands.

Adopted.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr Tilton of San Francisco, for an Act to repeal an Act entitled an Act to provide for the sale of the Marsh and Tide Lands in this State, approved March fourteenth, eighteen hundred and sixty-one

By Mr Tilton of San Mateo, for an Act to provide for the collection of the delinquent road poll tax in the County of San Mateo;

Also, for an Act to provide for the levying and collection of a special road tax in the County of San Mateo

By Mr. Dudley of Placer, for an Act to amend an Act to regulate the settlement of the estates of deceased persons, passed May twentieth, eighteen hundred and sixty-one.

By Mr Dudley of Solano, for an Act to authorize the construction and maintenance of a wharf in the County of Solano

By Mr. Morrison, for an Act repealing sections four and five of an Act, approved May fourteenth, eighteen hundred and sixty-one, entitled an Act amendatory of and supplementary to an Act entitled an Act concerning marks and brands, passed May first, eighteen hundred and fifty-one, so far as the same is applicable to the County of Los Angeles.

INTRODUCTION OF BILLS

Bills were introduced as follows:

By Mr Fay, for an Act to grant to certain persons therein named the right of way for a railroad track, and to construct and maintain a railroad within the limits of the City and County of San Francisco, and to run horse cars thereon

Read first and second times and referred to the San Francisco delegation.

By Mr Machin, for an Act to amend an Act entitled an Act to authorize Thomas Cutler, Administrator of the estate of Albert Cutler, deceased, to sell real estate at private sale, approved February eleventh, eighteen hundred and sixty-one.

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

By Mr Amerige, for an Act to change the name of George W. Briggs.

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

GENERAL FILE.

Senate bill No. 16, an Act to fix the temporary residence of the State officers of this State, and to repeal all laws in conflict therewith—was taken up.

Mr Shannon offered the following amendments:

Strike out all after the enacting clause, and insert as follows:

SECTION 1. The Governor of this State is hereby authorized and required to reside and hold his office at the City of San Francisco, during the thirteenth session of the Legislature.

SEC 2. All laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3 This Act shall take effect from and after its passage.

Mr. Dudley of Solano demanded the previous question, which was sustained.

On the adoption of the amendment, Messrs Shannon, Saul, and Smith of Sierra, demanded the ayes and noes, and the amendment was adopted, by the following vote:

AYES—Messrs. Amerige, Avery, Barton of Sacramento, Benton, Campbell, Collins, Davis, Dean, Dennis, Dudley of Placer, Evey, Ferguson, Frazier, Griswold, Hoag, Irwin, Kendall, Love, Machin, Matthews, McAllister, Morrison, O'Brien, Parker Pemberton, Printy, Reeve, Saul, Seaton, Shannon, Smith of Fresno, Smith of Sierra, Thompson of Tehama, Thornbury Waddell, Warwick, Werk, and Wilcoxon—38

NOES—Messrs. Ames, Barton of San Bernardino, Battles, Bigelow, Brown, Cunnard, Cot, Dana, Dore, Dow, Dudley of Solano, Eliason, Fay, Hillyer, Hoffman, Jackson, Lane, Leach, Loewy, Maclay, McCullough, Meyers, Moore, Porter, Reed, Sargent, Sears, Teegarden, Thompson of San Joaquin, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Woodman, Wright, Yule, Zuck, and Mr. Speaker—37.

On the passage of the bill as amended, Messrs. Saul, Wilcoxon, and Love, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Amerige, Barton of Sacramento, Benton, Campbell, Collins, Davis, Dean, Dennis, Dudley of Placer, Evey, Ferguson, Frazier, Griswold, Hoag, Irwin, Jackson, Kendall, Love, Machin, Matthews, McAllister, Morrison, O'Brien, Parker, Pemberton, Porter, Printy, Reeve, Saul, Seaton, Shannon, Smith of Fresno, Smith of Sierra, Thompson of Tehama, Thornbury, Waddell, Warwick, and Wilcoxon—39.

NOES—Messrs Ames, Barton of San Bernardino, Battles, Bigelow, Brown, Cunnard, Dana, Dore, Dow, Dudley of Solano, Eliason, Fay, Hillyer, Hoffman, Lane, Leach, Loewy, Maclay, McCullough, Meyers, Moore, Reed, Sargent, Sears, Teegarden, Thompson of San Joaquin, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Werk, Woodman, Wright, Yule, Zuck, and Mr. Speaker—35.

The title was amended by striking out "State officers," and inserting "Governor"

At forty-five minutes past two o'clock, P. M., on motion of Mr Tilton of San Francisco, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, January 29th, 1862.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Brown presented a petition of citizens of Santa Clara County, for repeal of Sunday Law.

Referred to Committe on Public Morals.

REPORTS.

Mr Fay, from the Committee on Commerce and Navigation, made the following report:

MR SPEAKER:—The Committee on Commerce and Navigation have examined the joint resolutions, memoralizing Congress to create a new Collection District in the the northern part of the State, and return the same, recommending their adoption.

FAY, Chairman.

Mr. McCullough, from Mariposa, reported Senate bill No. 13, an Act to authorize the District Attorney of Mariposa County to appoint a Deputy, with amendments, and recommended its passage as amended.

On motion of Mr. Fay, Assembly resolution No. 4, relative to the appointment of a committee to revise the Salary Laws, was made the special order for this day, at one o'clock.

Mr. Bell offered the following resolution:

Resolved, That the Act providing for the publication and reference to the Legislature of the State of California for the year eighteen hundred and sixty-two, of the amendments to the Constitution, proposed by the Legislature of the year eighteen hundred and sixty-one, approved May twentieth, eighteen hundred and sixty-one, together with the other proposed amendments to the Constitution of this State, be referred to the Judiciary Committee, and that said Committee be hereby instructed to report, by bill or otherwise, as the necessity and importance of the matter demand.

Adopted.

Mr. Dudley of Placer, offered the following resolution:

WHEREAS, at the close of every session of the Legislature, a system or practice has existed, of passing through the Assembly extra resolutions, allowing extra compensation to its officers and attachés, notwithstanding the pay of such officers and attachés having been fixed by law or resolution, at the time of their election or appointment, therefore.

Resolved, That no extra compensation shall be allowed to any officer or attaché of the Assembly, during this session, except where extra services are rendered by order of the Assembly

Adopted

Mr Cunnard offered the following resolution:

Resolved, That a committee of three be appointed by the Speaker to act in conjunction with a like committee of the Senate, to report some concurrent resolution in regard to the removal of the State officers from Sacramento to San Francisco.

Laid on the table.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
January 28th, 1862

Mr. SPEAKER:—The Senate have this day adopted Senate concurrent resolution No. 14, relative to informing the Secretary of the Treasury of the United States that the State of California will assume collect, and pay the direct tax.

A. A. DE LONG,
Assistant Secretary.

On concurring in the resolution above reported, Messrs. Fay, Printy, and Griswold, demanded the ayes and noes, and the resolution was concurred in, by the following vote:

AYES—Messrs. Amerige, Ames, Avery, Barton of Sacramento, Barton of San Bernardino, Battles, Bell, Benton, Bigelow, Brown, Campbell,

Cunnard, Collins, Cot. Dana, Davis. Dean. Dennis, Dore, Dow, Dudley of Placer, Dudley of Solano, Eagar. Elliason, Evey, Fay, Ferguson, Frazier, Griswold, Hillyer, Hoag. Hoffman. Irwin, Jackson, Kendall, Lane, Leach, Loewy. Love, Machin, Matthews, McAllister, Maclay, McCullough, Meyers, Moore, O'Brien, Parker, Pemberton. Porter Printy, Reed, Reeve, Sargent. Saul. Sears Seaton, Shannon, Smith of Fresno, Teegarden, Thompson of San Joaquin. Thompson of Tehama, Thornbury, Tilton of San Francisco. Tilton of San Mateo. Van Zandt, Waddell, Warwick. Woodman, Wilcoxon, Wright, Yule, Zuck. and Mr. Speaker—74.

SENATE CHAMBER,
January 28th, 1862

Mr. SPEAKER:—The Senate on yesterday adopted Senate concurrent resolution No. 15, relative to locating certain sections of public lands;

Also, adopted Senate concurrent resolution No 16, relative to mail route from San Francisco to China and Japan

A A. DE LONG,
Assistant Secretary.

The House concurred in Senate concurrent resolution No 15, above reported.

SENATE CHAMBER,
January 29th, 1862

Mr. SPEAKER:—The Senate have this day refused to concur in Assembly amendment to Senate bill No. 16, and ask the Assembly to recede therefrom.

A. A DE LONG.
Assistant Secretary.

On adhering to Assembly amendment to Senate bill No 16. above reported. Messrs. Eagar. Tilton of San Francisco and Battles, demanded the ayes and noes, and the House adhered. by the following vote:

AYES—Messrs. Amerige, Avery. Barton of Sacramento, Benton, Campbell. Collins, Dana. Dean. Dennis. Dudley of Placer. Evey, Ferguson, Frazier, Griswold. Hoag. Irwin, Kendall, Leach. Loewy. Love. Machin, Matthews, McAllister, Morrison, O'Brien, Parker, Pemberton, Porter, Printy, Reeve, Saul. Seaton, Shannon. Smith of Fresno, Smith of Sierra, Thompson of Tehama. Thornbury, Waddell Warwick. and Wilcoxon—40.

NOES—Messrs Ames, Barton of San Bernardino, Battles. Bigelow, Brown. Cunnard, Cot, Dana. Dore, Dow, Dudley of Solano. Eagar. Eliason, Fay. Hillyer, Hoffman, Jackson. Lane. Maclay, McCullough. Meyers. Moore. Reed. Sargent Sears Teegarden. Thompson of San Joaquin, Tilton of San Francisco Tilton of San Mateo, Van Zandt, Woodman. Wright, Yule. Zuck, and Mr. Speaker—35.

The Chair appointed Messrs Ames, Maclay, and Meyers, a Committee of Free Conference on the part of the House on the disagreeing vote on Senate bill No. 16

Mr. Tilton of San Francisco offered the following resolution:

Resolved. That the contestants for seats in this House, from the County

of Mono, be and are hereby invited to take seats within the bar while their cases are pending.

Adopted.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Dudley of Placer, for an Act to amend an Act for the incorporation of water companies

By Mr. Hillyer, for an Act to amend an Act concerning District Court Reporters for the Fourth, Sixth, Tenth, Twelfth, and Fifteenth Judicial Districts, approved May seventeenth, eighteen hundred and sixty-one

By Mr Teegarden, for an Act to amend the law defining the duties and salaries of Tax Collectors of Yuba County;

Also, for an Act to amend an Act entitled an Act for the better observance of the Sabbath.

By Mr. Reed, for an Act concerning estrays in the Counties of Sonoma, Napa, Mendocino, and Marin

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr Ames, for an Act appropriating money for the benefit of the Ladies' Seamen's Friend Society of the port of San Francisco

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

By Mr. Moore, for an Act for the repeal of all Acts in relation to fences within certain districts of this State

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

By Mr. Wright, for an Act for the relief of Dennis Tryon.

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

By Mr. Warwick, for an Act to regulate the appointment of Pilots, and to regulate the port and harbor of San Francisco.

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

By Mr. Tilton of San Mateo, for an Act to provide for the collection of the delinquent road poll tax in the County of San Mateo;

Also, an Act to provide for the levying and collection of a special road tax in the County of San Mateo

Read first and second times, and referred to the Committee on Roads and Highways

By Mr. Dudley of Solano, for an Act to authorize the construction and maintenance of a wharf in the County of Solano.

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

By Mr. Love, for an Act to create the County of Alturas

Read first and second times and referred to the Committee on Counties and County Boundaries.

By Mr. Loewy, for an Act to amend an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, and other Acts amendatory thereto.

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

By Mr. Morrison, for an Act to repeal sections four and five of an Act approved May fourteenth, eighteen hundred and sixty-one, entitled an Act amendatory of and supplementary to an Act entitled an Act concerning marks and brands, passed May first, eighteen hundred and fifty-one.

Read first and second times, and referred to Los Angeles delegation.

RESOLUTIONS.

Mr Shannon offered the following resolution:

Resolved, That a committee of three be appointed to examine and audit all copying done for the Assembly subsequent to the adjournment of the twelfth session of the Legislature.

Adopted.

Messrs. Shannon, Tilton of San Francisco, and ———, were appointed such committee.

Mr. Brown offered the following resolution:

Resolved, That the Committee on Mileage be instructed to report the names of members to whom mileage is due on account of the removal of the Legislature to San Francisco, and the several amounts.

Mr. Avery moved the indefinite postponement of the resolution.

Upon which, Messrs. Dudley of Placer, Ames, and Battles, demanded the ayes and noes, and the motion prevailed, by the following vote:

AYES—Messrs. Amerige, Ames, Avery, Barton of San Bernardino, Bigelow, Cunnard, Collins, Cot, Dana, Dore, Dow, Dudley of Placer, Dudley of Solano, Eagar, Evey, Fay, Hillyer, Hoag, Irwin, Jackson, Lane, Loewy, Machin, Matthews, Maclay, McCullough, Meyers, Moore, Morrison, Pemberton, Porter, Printy, Reed, Sargent, Sears, Shannon, Smith of Sierra, Thompson of San Joaquin, Thornbury, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Waddell, Werk, Wilcoxon, Wright, Yule, and Zuck—49

NOES—Messrs. Benton, Campbell, Ferguson, Griswold, Kendall, McAllister, O'Brien, Reese, Reeve, Saul, Seaton, Teegarden, and Thompson of San Joaquin—13

Mr Shannon introduced the following bill:

For an Act to authorize the Supreme Court to admit William M. Pierson an Attorney of said Court.

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

GENERAL FILE.

Assembly bill No. 12, an Act to authorize the removal of human remains in Placer County—committee amendments adopted, rules suspended, considered engrossed, bill read third time, and passed.

Senate concurrent resolution No 11, relative to memoralizing Congress to create a new Collection District in the northern part of this State—was concurred in.

Mr. Avery offered the following resolution:

Resolved, That the Clerk be and he is hereby instructed to procure, without delay, printed lists of the various committees of this House, for the use of the members.

Adopted.

Mr Tilton of San Francisco, made the following report:

Mr. SPEAKER:—The Committee of Conference upon the disagreeing vote of the two Houses, upon Senate concurrent resolution No 3, have adopted Assembly amendment, striking out Louis Callish, and inserting John Clark; and ask the adoption of this report

TILTON of San Francisco,
O'BRIEN,
IRWIN,
House Committee.

Adopted.

SPECIAL ORDER.

Assembly resolution No. 4, relative to the appointment of a committee to revise the Salary Laws, (the special order of the day,) was taken up, and adopted.

VACANCIES ON COMMITTEES.

The Speaker announced the following appointments to fill vacancies on Committees:

On Federal Relations—Mr Evey

On Indian Affairs—Mr. Meyers.

At half past one o'clock, P M, on motion of Mr. Love, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, January 30th, 1862.

House met pursuant to adjournment.

Speaker in the Chair

Roll called.

Quorum present.

Journal of yesterday read and approved.

Messrs. Thompson of San Joaquin and Reed had leave of absence.

Mr Smith of Sierra had leave to record his vote in the affirmative on the question of assuming the war debt.

Mr. Davis was excused from serving on the Committee on Mines and Mining Interests.

Mr. Dennis was appointed in his place.

On motion of Mr. Eagar, Mr. Griswold was excused from serving on the Committee of Free Conference on Senate bill No. 16.

Mr. Kendall was appointed in his place.

Mr. Love presented a petition of citizens of Sierra, Yuba, and Plumas, relative to the division of Sierra County.

Referred to the Committee on Counties and County Boundaries.

REPORTS.

Mr. Porter, from the Committee on Roads and Highways, made the following report:

Mr SPEAKER:—The Committee on Roads and Highways, to whom was referred Assembly bills Nos. 20 and 21, have had the same under consideration, and ask leave to report the same back, with an amendment to bill No 21, an Act to provide for the levying and collection of a special road tax in the County of San Mateo, and to recommend their passage with the amendment as reported.

PORTER, Chairman.

The rules were suspended, and Assembly bill No. 20, above reported, was considered engrossed, read third time, and passed.

Assembly bill No. 21, above reported, was taken up, committee amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Mr Seaton, of the Amador delegation, made the following report:

Mr. SPEAKER:—The Amador delegation, to whom was referred Senate bill No. 24, an Act entitled an Act amendatory of and supplemental to an Act entitled an Act to grant the right to construct a turnpike road between the Town of Jackson and Ione City, in the County of Amador, approved April fifth, eighteen hundred and sixty-one, beg leave to report the same back, and recommend its passage.

G W. SEATON,
W. A. WADDELL.

Mr. Dana, of the Santa Cruz and San Luis Obispo delegation, made the following report:

Mr. SPEAKER:—The Santa Cruz and San Luis Obispo delegation, to whom was referred Senate bill No. 8, have carefully examined the same, and beg leave to report it back, and recommend that it pass

CHAS. W. DANA,
THOS. EAGAR.

Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined Assembly bill No 12 entitled an Act to authorize the removal of human remains in Placer County, and report the same correctly engrossed.

WM. LOEWY, Chairman.

RESOLUTIONS.

Mr. Hoag offered the following resolutions:

Resolved, That the Trustees of the State Reform School be requested to furnish to the Speaker of this House, for the use of the same, on or before the fifteenth day of February next, a full and complete report of the present condition of said school buildings and improvements; making an exhibit of all moneys received and disbursed, and for what purpose,

or purposes; amount of appropriations unexpended and on hand, if any, and amount of present indebtedness; amount of current monthly expenses, and probable amount in detail that will be required to meet current expenses during the present year; the probable amount in detail necessary to make required repairs and improvements, either on buildings or premises.

Resolved, That said Trustees also be requested to furnish a statement of any work or business now in progress upon the premises of said school, or anticipated, and repairs necessary to immediately provide for the same; also, to furnish to this body a statement of the manner in which they propose to employ the inmates of said school, and a copy of the rules and regulations adopted by them; also, a copy of all the title papers by which the lands of the State Reform School are held by the State.

Resolved, That the Superintendent of the State Reform School be requested to communicate to this House any facts or suggestions which he may deem of importance concerning the present condition and future management of said school.

Resolved, That the Trustees of the City of Benicia be requested to inform this body, at their earliest convenience, if they desire to still extend to the State the proposition made by them during the last session of the Legislature, in regard to the gratuitous use of the building known as the Old Capitol, for the use of the State Reform School, or other State Institution.

Resolved, That the Managers of the Industrial School of the City of San Francisco be requested to inform this body whether they desire to renew the first, second, and third propositions made by them to the last Legislature, in regard to the use or sale of their premises for a State Reform School

Resolved, That the Clerk of this House be directed to forward to the Trustees of the State Reform School, to the Superintendent of the same, to the Trustees of the City of Benicia, and the Managers of the Industrial School of the City of San Francisco, a copy of the above resolutions.

Adopted.

Mr. O'Brien offered the following resolution:

Resolved, That the Controller of State be and is hereby requested to inform the Assembly of the amount of money derived from the sale of stamps issued to the agents of insurance companies, from the adoption of the Stamp Act until said Act was declared unconstitutional by the Supreme Court of the United States, and, also, of the amount received from such sources since said decision was rendered.

Adopted.

Mr Tilton of San Francisco offered the following resolution:

Resolved That the Committee on Elections be and they are hereby allowed a Clerk, at the usual per diem of five dollars, to date from the twenty-ninth of January, and to cease upon the final determination by the Assembly of the contested cases before it.

Adopted.

Mr. Avery offered the following resolution:

Resolved, That the Clerk of this House be and he is hereby authorized to furnish the State Printer with the Journal and Appendix of this House, for the purpose of having the same printed.

Adopted

Mr Hillyer offered the following resolution:

Resolved, That the thanks of this House be and are hereby given to the Mercantile Library Association of San Francisco, for the admission of the members to the valuable privileges of its reading room during the present session of the Legislature.

Adopted.

Mr Hoag offered the following resolution:

Resolved, That the Committees on Judiciary, Ways and Means, and Claims, be authorized and empowered each to appoint a Clerk whenever such appointment becomes necessary, at the salary specified by law

Adopted.

Mr. O'Brien offered a resolution that an additional Standing Committee be appointed, to be known as the "Committee on Appropriations," to consist of five members.

Referred to the Committee on Rules

Mr Hoag offered the following resolution:

Resolved, That the Sergeant-at-Arms be authorized to purchase ten copies of Wood's Digest, third edition, eighteen hundred and sixty, and place them upon the Speaker's desk for the use of members of the Assembly, paying for the same out of the Contingent Fund of the Assembly.

Laid on the table.

Mr Hoag offered the following resolution:

Resolved, That so much of the Governor's Message as relates to the Seminary of Learning, or University, be referred to a Select Committee composed of a member from each Judicial District in the State, with instructions to report a bill to this House, as soon as practicable, for the purpose of carrying into effect the intention of Congress in donating land to the State for such Seminary, and, as far as may be, the recommendations of the message in this respect.

Adopted.

Mr. Smith of Sierra offered the following resolution:

Resolved, That the Engrossing Clerk be empowered to employ an Assistant, whenever, in the opinion of the Engrossing Committee the business of his office may make it necessary to do so.

Referred to the Engrossing Committee

Mr. Dore offered the following resolution:

Resolved, That the thanks of this House be tendered to Messrs. Bancroft & Co., for their useful present of Bancroft's Hand-Book.

Adopted.

Mr. Porter, from the Committee on Standing Rules, made the following report:

Mr SPEAKER:—Your Special Committee, appointed to prepare and report Rules for the government of the Assembly, and to act with a committee of the Senate on Joint Rules, ask leave to report, and recommend the adoption of the Rules of the last Session, with amendments, as herewith returned:

STANDING RULES AND ORDERS OF THE ASSEMBLY.

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 a 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 be 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 DOORKEEPER.

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 travelling 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 Doorkeeper 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 seven members.
2. A Committee on Corporations, to consist of seven members.
3. A Committee on Public Printing, to consist of seven members.
4. A Committee on Claims, to consist of five members
5. A Committee on Ways and Means, to consist of nine members
6. A Committee on Judiciary, to consist of eleven members.
7. A Committee on Military Affairs, to consist of five members.
8. A Committee on Counties and County Boundaries, to consist of seven members.
9. A Committee on Commerce and Navigation, to consist of five members.
10. A Committee on Education, to consist of five members.
11. A Committee on Agriculture, to consist of five members.
12. A Committee on Internal Improvements, to consist of five members.

13. A Committee on Public Buildings and Grounds, to consist of five members.
14. A Committee on Public Expenditures and Accounts, to consist of five members.
15. A Committee on Mines and Mining Interests, to consist of seven members
16. A Committee on Public Lands, to consist of seven members.
17. A Committee on Federal Relations, to consist of seven members.
18. A Committee on Engrossment, to consist of five members.
19. A Committee on Enrolment, to consist of three members.
20. A Committee on State Prison, to consist of seven members.
21. A Committee on Mileage, to consist of five members.
22. A Committee on Public Morals, to consist of five members.
23. A Committee on State Hospitals, to consist of five members.
24. A Committee on Indian Affairs, to consist of five members.
25. A Committee on Swamp and Overflowed Lands, to consist of eleven members.
26. A Committee on Roads and Highways, to consist of five 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 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; 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; and to report from time to time the character and amount of the various appropriations made by the Legislature.

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.

It shall be the duty of the Committee on the Culture and Improvement of the Grape Vine to consider and report upon all matters relating to the culture of the grape and the production of wine in this State.

XXXII.

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.

XXXIII.

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.

XXXIV

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.

XXXV.

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.

XXXVI.

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

XXXVII.

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.

XXXVIII.

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

XXXIX.

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.

XL.

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.

XLI.

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.

XLII.

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 succeeding day shall be permitted again to speak, without leave of two-thirds of the House.

XLIII.

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.

XLIV.

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 Journal the name of any member moving an adjournment, and also the hour at which the motion was made.

XLV

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.

XLVI.

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.

XLVII.

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

XLVIII.

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

XLIX.

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

L.

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.

LI.

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.

LII.

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.

LIII.

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.

LIV.

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

LV.

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

LVI.

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

LVII.

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.

LVIII.

When a question on a motion, or on the final 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, if such notice for reconsideration the succeeding day shall be offered by any member who voted in the majority on the question. The motion to reconsider may be made by any member of the House, and shall have precedence over every other motion, except a motion to adjourn But there shall be no reconsideration of a motion of indefinite postponement.

LIX.

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

LX.

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.

LXI.

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.

LXII.

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

LXIII.

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

LXIV.

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

LXV.

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

LXVI.

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.

LXVII.

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.

LXVIII.

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.

LXIX.

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

LXX.

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.

LXXI.

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

LXXII.

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 travelling home when the witness has been summoned at the place of trial No mileage shall be paid except where the witness has actually travelled for the purpose of giving testimony.

LXXIII.

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

LXXIV.

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.

JOINT RULES.

I.

In every case of an amendment of a bill agreed to in one House and dissented from in the other, if either House shall request a conference and appoint a committee to confer, the other House shall appoint a like committee; and such committees shall meet at a convenient hour to be agreed upon by their respective Chairmen, and shall confer upon the differences between the two Houses, and shall report as early as convenient the result of their conference to their respective Houses for their action

II.

When a message shall be sent from either House, it shall be announced at the door by the Doorkeeper, 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.

Notice of the action of either House to the other shall be on paper, and under the signature of the Secretary or Clerk of the House from which such notice is to be conveyed.

V.

After a bill shall have passed both Houses, it shall be duly enrolled by the Enrolling Clerk of the Assembly or 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 by the Enrolling Committee of the House in which they originate, who shall carefully compare the enrolment with the engrossed bill, as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bill, make their report forthwith to the House in which the bill originated.

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 Enrolling Committee of the House in which it originated, to the Governor of the State, for his approval, (it being first indorsed on the back of the roll by the Secretary or Clerk, as the case may be, certifying in which House the bill originated.) The said Committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journals of the House in which the bill originated.

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 spiritous liquors shall be offered for sale or introduced within any portion of the building which is used for State purposes, or is under the control of this Legislature.

XX.

No increase of the pay of any officer or attaché of the Senate or Assembly shall be made by resolution except by unanimous consent.

XXI.

All Concurrent or Joint Resolutions which relate to or contain communications to the Federal Government, shall be treated in all respects as Bills.

Your Committee would also report that they have had under consideration the amendments offered by Mr. O'Brien to Rule 1, and Rule 38, and do not deem it advisable, in the present stage of the business of the session, to adopt the amendment proposed to Rule 1, relative to the hour of meeting; but with respect to the amendment offered to Rule 38, limiting the privilege of speaking, your Committee are of the opinion that the rule may be amended with advantage to the public interests, and recommend the adoption of the amendment herewith reported.

The present condition of the large interest involved in the policy to be adopted with reference to the Swamp and Overflowed Lands of the State, justify your Committee in recommending an enlargement of the Committee on Swamp and Overflowed Lands to the full number of the largest Standing Committee of this body.

Your Committee having had the resolution which has been referred to them, proposing to add a "Committee on Appropriations," to the Standing Committees of the Assembly, under consideration, would recommend the adoption of the resolution and a rule defining the duties of said Committee.

PORTER,
WARWICK,
SHANNON.

Referred to Committee on Rules, with special instructions.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Dudley of Placer, for an Act to amend an Act entitled an Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, and other Acts amendatory thereto, approved May twentieth, eighteen hundred and sixty-one.

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

By Mr. Love, for an Act to grant the right to construct a bridge, or bridges, across the Stanislaus River, to the Stanislaus Bridge and Ferry Company.

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

By Mr Dean, for an Act for the protection of trout in Lake Bigler and its tributaries and outlets.

Read first and second times, and referred to the El Dorado and Placer delegations.

By Mr. Battles, for an Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the grade of a certain street in said city.

Read first and second times, and referred to the San Francisco delegation.

GENERAL FILE.

Senate bill No. 13, an Act authorizing the District Attorney of Mariposa County to appoint a Deputy—committee amendment adopted, bill read third time, and passed.

Mr. Morrison gave notice of a bill for an Act to repeal an Act entitled an Act supplementary to an Act to prevent the trespassing of animals

upon private property, approved March thirty-first, eighteen hundred and fifty-five, approved seventeenth May, eighteen hundred and sixty-one, so far as the same is applicable to the County of Los Angeles only.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER.
January 30th, 1862.

Mr. SPEAKER:—The Senate yesterday adopted Senate concurrent resolution No. 17, relative to printing reports of State officers.

A. A. DE LONG,
Assistant Secretary.

Senate concurrent resolution No. 17, above reported, was taken up, amended, and concurred in as amended.

At two o'clock, P. M., on motion of Mr Fagar, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, January 31st, 1862

House met pursuant to adjournment.
The Speaker in the Chair.
Roll called.
Quorum present.
Journal of yesterday read and approved.
Mr. Watson had indefinite leave of absence.

PETITIONS.

Mr. Tilton of San Francisco presented a petition of citizens of San Francisco, for a Sunday law.

Referred to the Committee on Public Morals.

Mr. Morrison presented a petition of marketmen and butchers of the City of San Francisco, to prohibit the opening of the markets on Sunday;

Also, presented a bill for an Act to prohibit the keeping open of markets, and the vending of meats, game, vegetables, or other market products, in the City of San Francisco on the Sabbath day.

Read first and second times, and, with petition, referred to the Committee on Public Morals.

Mr. Ames presented a petition of citizens of Mendocino County, for side boom on the Navarro river.

Mr. Loewy, from the Committee on Engrossments, made the following report:

Mr. SPEAKER:—The Committee on Engrossments have examined Assembly bill No. 20, entitled an Act to provide for the collection of the

delinquent road poll tax in the County of San Mateo, and report the same correctly engrossed;

Also, have examined Assembly bill No. 21, entitled an Act to provide for the levying and collection of a special road tax in the County of San Mateo, and report the same correctly engrossed.

LOEWY, Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
January 31st, 1862.

Mr. SPEAKER:—The Senate on yesterday adopted Senate concurrent resolution No. 19, concerning index to Journals;

Also, adopted Senate concurrent resolution No. 18, concerning the Alcalde grant bill, approved March fourteenth, eighteen hundred and sixty-one;

Also, on the twenty-eighth instant passed Senate bill No. 35, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to procure chambers for the Judges of certain Courts, passed April fifteenth, eighteen hundred and sixty-one.

A. A. DE LONG,
Assistant Secretary.

The House concurred in Senate concurrent resolutions Nos. 18 and 19, above reported.

Senate bill No. 35, above reported, read first and second times, rules suspended, read third time, and passed.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Hillyer, for an Act concerning roads and streets in the Town of Auburn

By Mr. Tilton of San Francisco, for an Act for the relief of William P. Sayward.

By Mr. O'Brien, for an Act to provide for the purchase and preservation of newspapers in the several counties of this State.

By Mr. Morrison, for an Act to authorize the Mayor and Common Council of the City of Los Angeles to borrow money for municipal improvements;

Also, for an Act to authorize the corporation of the City of Los Angeles to fund the debt of said city;

Also, for an Act supplementary to an Act to incorporate the City of Los Angeles;

Also, for an Act to authorize the Guardian of certain minor children to convey their real estate.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Tilton of San Francisco, for an Act to provide for the inspec-

tion and sealing of gas metres, and for the protection of consumers of illuminating gas.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Hillyer, for an Act to amend an Act entitled an Act concerning District Court Reporters for the Fourth, Sixth, Seventh, Tenth, Twelfth, and Fifteenth Judicial Districts, approved May seventeenth, eighteen hundred and sixty-one.

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

GENERAL FILE.

Senate bill No. 8, an Act to legalize the levy of State and county taxes for the year eighteen hundred and sixty-two, in the County of San Luis Obispo—was read third time and passed.

Senate bill No. 24, an Act amendatory of and supplementary to an Act entitled an Act to grant the right to construct a turnpike road between the Town of Jackson and Ione City, in the County of Amador, approved April fifth, eighteen hundred and sixty-one — was read third time and passed.

Mr. Tilton of San Francisco offered the following resolution:

Resolved, That the Sergeant-at-Arms be authorized to furnish the Newspaper Reporters in the Assembly with all necessary stationery and other conveniences for writing and taking notes; and that he be also authorized to furnish to the Reporters two copies each of all such documents as are ordered printed for the use of the House.

Adopted.

At twelve o'clock, M., on motion of Mr. O'Brien, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, February 1st, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.
Journal of yesterday read and approved.

PETITION.

Mr. Zuck presented a petition of citizens of Mendocino County, against granting the right of construction of side boom in the Navarro River.

Referred to Committee on Commerce and Navigation.

REPORTS.

Mr. Dean made the following report:

Mr. SPEAKER :—The delegations from El Dorado and Placer Counties, to whom was referred Assembly bill No. 38, an Act concerning the protection of trout in Lake Bigler and its tributaries and outlets, report the same back, with amendments, and respectfully recommend its passage.

DEAN.

Mr. Moore, from the Committee on Agriculture, made the following report:

Mr. SPEAKER :—The majority of the Committee on Agriculture, to whom was referred a bill entitled an Act to amend an Act entitled an Act to restrict the herding of sheep, approved May eighteenth, eighteen hundred and sixty-one, respectfully report the bill back, and recommend its passage.

MOORE,
EAGAR,
AMES.

Mr. Ames made the following report:

Mr. SPEAKER :—The undersigned, members of your Committee of Free Conference, to whom was referred the disagreement of the two Houses on substitute for Senate bill No. 16, have had the same under consideration, and report as follows:

Whenever a disagreement occurs between two Houses of Legislature, the continuance of which is likely to embarrass their action, retard legislation, and operate to the prejudice and injury of the people, whose representatives they are, it is customary, and certainly proper, that such subject of dispute should be referred to a Committee of Conference, with a view to its adjustment, and a reconcilement of difference of opinion, upon a basis of mutual compromise and the best interests of the State.

It was in this spirit that your Committee entered upon the performance of their duties in this instance. The entire absence of any political question, and the fact that this was one purely of policy, involving only considerations of convenience, economy, and dispatch, in the legislation of the session, would seem to have rendered the question one of easy solution, when tested by the rules of ordinary business common sense

Whatever may be the opinion of any member as to the propriety of the past action of the two Houses, we are now in this anomalous position. The seat of government is located at Sacramento, and the Legislature is now in session at the City of San Francisco. It is found that legislation under these circumstances is difficult, seemingly impossible, and attended with many and serious embarrassments.

Your Committee are of the opinion that these difficulties and embarrassments may all be removed by bringing certain of the State officers temporarily to this city.

While your Committee sympathize with the calamities that have befallen the citizens of nearly the whole State, and while our deepest commiseration is excited for the citizens of Sacramento, who seem to regard the temporary continuance of the State officers at their city as of such vital importance to their interest, involving in the opinion of many, their municipal existence, and the maintenance of their municipal credit, we are not unmindful that as representatives of the State at large, we cannot ignore our duty to the whole people, and do not believe we are called upon by any considerations of pity, sympathy, or charity, to sacrifice a State's welfare to the advancement of any locality. Nor can we

deem this question of a temporary removal of a portion only of the State officers to this city, as a question of such importance as many would seem to consider.

In our opinion it is absolutely essential that the Governor, the Secretary of State, the State Treasurer, the State Controller, the Attorney-General, the Adjutant and Surveyor Generals, should be in the vicinity of the Legislature, when in session.

We do not believe legislation can be honestly, intelligently, and properly conducted without having these officers within the reach of the members of the Assembly, for conference and consultation with heads of departments, and for inspection and examination of the books, papers, records, vouchers, and accounts of those departments.

It is not only the privilege, but, in the opinion of your Committee, it is the duty, of every member of both Houses to make himself familiar with the operations of our State Government, in all its ramifications; and this can only be done by a careful examination of the detailed workings of departments, and a careful investigation of their archives.

It was proposed by the Senate to bring most of the State officers to this city. It was proposed by the Assembly to bring none but the Governor. In the opinion of your Committee, there exist such intimate relations between these officers, each with the other, and with the Legislature, that all, as reported by your Joint Committee, should be removed, or none.

Let us give a few examples, to illustrate our meaning and demonstrate how intimately the duties of these officers are blended.

The Governor, Secretary of State, and Attorney-General, comprise the Board of Examiners, to examine the books of the Controller and Treasurer; to count monthly the moneys in the Treasury, filing a monthly statement thereof in the office of the Secretary of State. This Board is required to approve all claims and demands against the State, (except salaries of officers,) before the Controller may draw his warrant on the Treasurer for the payment of the same.

The Private Secretary of the Governor is the Clerk of the Board. If, then, the views, as expressed by a majority of the Assembly, prevail, the Chairman of the Board of Examiners, with its Clerk and all its records, would be in San Francisco; while the majority of that Board—the Secretary of State and the Attorney-General—would remain at Sacramento; and would there not be a legal question as to the validity of their acts, even if the Board, thus divided, should agree to meet and act at either city?

The Governor is authorized to issue land warrants for sale, to be countersigned by the Controller, to be deposited in the State Treasurer's office; the Controller to keep an account of the quantity disposed of.

The Governor, Treasurer, and Attorney-General, compose the Board of Stamp Commissioners. The Secretary of State keeps the stamp seals, records, devices, paper, parchment, and material used, concerning the stamps, and when stamps are executed they are delivered to the Controller, who keeps a record as a counter check, etc.

The Governor, Superintendent of Public Instruction, and Surveyor-General, constitute a Board of Education. The accounts and moneys are kept with the Controller and Treasurer.

The Controller is required, on the last Saturday of every month, to report to the Stamp Commissioners, Governor, Attorney-General, and Treasurer. He must report to the Governor a full and detailed statement of all the affairs of his office. He is to inform the Legislature, when required, of all the fiscal affairs of the State.

The Treasurer and Controller are each required to keep open books for the inspection of all

The Treasurer must exhibit to the Governor, on the fifteenth day of each month, an exhibit of all moneys received and paid out by him

He must give information to either House of the Legislature, whenever required, keeping his books and papers subject to the convenient inspection of the Legislature and the committees thereof.

He is compelled to report to the Controller, within the first three days of each month, the complete operations of the Treasury for the preceding month

The Surveyor-General keeps in his office all the plots, surveys, and records, of school, swamp, and public lands, matters of continual inquiry from all our constituents, as to forfeiture payments issuance of patents; information which cannot be acquired except by visiting the Surveyor's office, and personal conference with himself or his Clerks.

Deeds of swamp lands issuing from the Surveyor's office must be signed by the Governor.

The Adjutant-General must make his report to the Governor; must keep on file in his office, returns, reports, military correspondence, and an account of all arms, accoutrements, ammunition, ordnance stores, and all military property, to whom issued, etc; the number, strength, and condition of the militia of the State, matters of deepest importance at this time, and which our body may be referred to by important legislation during this session.

All this confusion, embarrassment, and difficulty, may be obviated by the temporary removal of certain State officers to San Francisco

The cost is not to exceed $2,000 for coming and returning; to argue against any possible extravagance of expenditure is simply to fight a phantom conjured up by the opponents of this measure, in want of better reasons and more consistent excuse.

In conclusion, your Committee deem this measure of importance to the interests of the whole State; think it calculated to expedite legislative action, to curtail the length of the session, and necessary for the convenience of members, and intelligent, practical legislation. We also regard it as a measure of economy, and if there be any political or sinister motive in it, it is without our knowledge, and belongs to the lobby. We therefore recommend:

First.—That the Assembly recede from amendments to sections one, two, and three, marked, respectively, A. B, and C.

Second.—That the Senate concur in Assembly proviso to section three, marked D.

Third.—That the Assembly recede from amendment to title.

Fourth.—Your Committee recommend that the Senate and Assembly amend section one of the original bill, by inserting the words "Attorney-General" after the words "Adjutant-General," in line three, section one, of the original bill.

A majority of your Committee deem it indispensable, as a source of information to correct and speedy legislation, that the offices of the State officers should be near and accessible to the Legislature

T. M. AMES,
Chairman of Assembly Committee
C. MACLAY.
G. K PORTER,
Chairman of Senate Committee,
LEWIS SHURTLEFF,
SAMUEL MERRITT.

The Speaker having decided that the motion to adopt the report was in order, Mr Shannon appealed.

Mr Sears moved the previous question.

Sustained

On the question, "Shall the decision of the Chair stand as the judgment of the House?" Messrs Shannon, Hoag, and Wilcoxon, demanded the ayes and noes, and the Chair was sustained, by the following vote:

AYES—Messrs. Amerige, Ames, Avery, Barton of San Bernardino, Battles, Bigelow, Brown, Cunnard, Collins, Dana, Dore, Dow, Dudley of Placer, Dudley of Solano, Eagar, Hillyer, Hoffman, Irwin, Jackson, Lane, Leach, Loewy, Love, Maclay, McCullough, Meyers, Moore, O'Brien, Reese, Reeve, Sargent, Sears, Seaton, Smith of Sierra, Teegarden, Thompson of San Joaquin, Thornbury, Tilton of San Francisco, Van Zandt, Werk, Woodman, Wright, Yule, and Zuck—44.

NOES—Messrs. Barton of Sacramento, Bell, Campbell, Davis, Dean, Dennis, Evey, Ferguson, Frazier, Griswold, Hoag, Kendall, Machin, McAllister, Parker, Saul, Shannon, Smith of Fresno, Waddell, and Wilcoxon—20.

On the adoption of the report, Messrs. Maclay, Hoffman, and Brown, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs Battles, Bigelow, Brown, Cunnard, Cot, Dana, Dore, Dow, Eagar, Hillyer, Hoffman, Jackson, Lane, Loewy, Maclay, Meyers, Moore, Reese, Sargent, Sears, Thompson of San Joaquin, Thornbury, Van Zandt, Wright, and Yule—25

NOES—Messrs Ames, Avery, Barton of Sacramento, Barton of San Bernardino, Bell, Campbell, Collins, Davis, Dean, Dennis, Dudley of Placer, Ferguson, Frazier, Griswold, Hoag, Kendall, Machin, McAllister, Morrison, O'Brien, Parker, Pemberton, Printy, Saul, Seaton, Smith of Fresno, Smith of Sierra, Thompson of Tehama, Waddell, and Wilcoxon —32.

Mr. Ames gave notice of reconsideration.

Mr. Dana offered a concurrent resolution providing for the appointment of a committee to examine into and receive proposals for the translation of the laws of eighteen hundred and sixty-two into the Spanish language.

Laid on the table.

Mr Hoag offered a series of resolutions relative to fixing the marks of high water in the overflowed districts of the State.

Mr. Tilton of San Francisco moved to refer the resolutions to the Committee on Swamp and Overflowed Lands, with instructions to report a bill directing the Boards of County Supervisors to direct the Surveyors of such counties as have been overflowed, to erect permanent monuments at such points as they may direct, showing the highest point reached by the flood of eighteen hundred and sixty-two

Mr O'Brien moved to amend the instruction, by striking out all after the word "instructions," and insert "to consider the expediency of reporting a bill on the subject."

Carried.

The resolution as amended was referred to the Committee on Swamp and Overflowed Lands.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
February 1st, 1862.

Mr SPEAKER:—The Senate have passed Senate bill No. 44, an Act granting the right to construct and maintain a bridge across the American River, near Folsom, in the County of Sacramento;

Also, have passed Senate bill No. 41, an Act to authorize the Warden of the county jail of the City and County of Sacramento to appoint Deputies, and to provide for the payment of the salaries thereof;

Also, have passed Senate bill No. 9, an Act relating to the payment of the Assistant or Deputy Clerk of the Clerk of the Board of Supervisors of the City and County of Sacramento;

Also, have passed substitute for Senate bill No. 32, an Act supplemental to an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, and the several Acts amendatory thereof and supplemental thereto.

A. A. DE LONG,
Assistant Secretary.

SENATE CHAMBER,
February 1st, 1862.

Mr. SPEAKER:—The Senate on yesterday adopted the majority report of the Joint Committee of Free Conference, relative to substitute for Senate bill No. 16.

A. A. DE LONG.
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate bill No. 46, above reported, read first and second times, and referred to the Committee on Corporations, with instructions to report on February third, at eleven o'clock, A M.

Senate bill No 32, above reported, read first and second times, and referred to the Committee on Corporations.

Senate bill No. 41, above reported, read first and second times, and referred to the Sacramento delegation.

Senate bill No. 9, above reported, read first and second times, and referred to the Sacramento delegation

Substitute for Senate bill No. 16, above reported, was taken up.

Mr. Shannon moved to lay the bill on the table

Upon which, Messrs. Ames, Maclay, and Shannon, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Amerige, Avery, Barton of Sacramento, Bell, Campbell, Davis, Dean, Dudley of Placer, Ferguson, Frazier, Griswold, Hoag, Kendall, Machin, McAllister, Morrison, O'Brien, Parker, Porter, Printy, Saul, Seaton, Shannon, Smith of Fresno, Smith of Sierra, Teegarden, Thompson of Tehama, Waddell, and Wilcoxon—29.

NOES—Messrs. Ames, Barton of San Bernardino, Battles, Bigelow, Brown, Cunnard, Collins, Cot, Dana, Dennis, Dore, Dow, Dudley of Solano, Eagar, Hillyer, Hoffman, Jackson, Lane, Leach, Loewy, Love, Matthews, Maclay, McCullough, Meyers, Moore, Reeve, Sears, Thompson of

San Joaquin, Thornbury, Tilton of San Francisco, Van Zandt, Werk, Woodman, Wright, Yule, and Zuck—37.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr Pemberton, for an Act to regulate the collection of delinquent taxes for eighteen hundred and sixty-one, in the Counties of Tulare and Fresno;

Also, for an Act granting to certain parties the right to construct a wagon road from Visalia to the Valley of Owen's River.

By Mr. Dennis, for an Act concerning the roads and Road Fund in El Dorado County.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Porter, for an Act to authorize the Contra Costa Coal Mine and Railroad Company to use any suitable description of rails.

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

Also, an Act to authorize Lewis E. Morgan, his successors or assigns, to construct and maintain a wharf in Contra Costa County.

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

By Mr Bell, for an Act concerning the Swamp and Overflowed and Marsh Lands on the Encinal of San Antonio, Alameda County.

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

By Mr. Fay, for an Act to authorize the Administrator of the estate of Joseph B. Wells to sell real estate at private sale;

Also, an Act to modify the grade of Second street, in the City and County of San Francisco

Read first and second times, and referred to the San Francisco delegation.

By Mr. Tilton of San Francisco, for an Act for the relief of William P Sayward.

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

By Mr. Morrison, for an Act to authorize the Mayor and Common Council of the City of Los Angeles to borrow money for municipal improvements;

Also, for an Act to authorize the corporation of the City of Los Angeles to fund the debt of said city;

Also, for an Act supplementary to an Act to incorporate the City of Los Angeles;

Also, for an Act to repeal an Act approved May seventeenth, eighteen hundred and sixty-one, entitled an Act supplementary to an Act to prevent the trespassing of animals upon private property, approved March thirty-first, eighteen hundred and fifty-five, so far as the same applies to the County of Los Angeles.

Read first and second times, and referred to the Los Angeles delegation.

Also, for an Act to authorize the Guardian of certain minor children to convey their real estate.

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

By Mr Hillyer, for an Act concerning roads and streets in the Town of Auburn.

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

By Mr Dana, for an Act supplementary to an Act entitled an Act concerning the Board of Supervisors of Placer County, approved February fourth, eighteen hundred and fifty-seven, and to the Act of March thirty-first, eighteen hundred and fifty-seven, supplementary thereto, and to extend their provisions to other counties herein named.

Read first and second times, and referred to San Luis Obispo and Santa Barbara delegations

By Mr. Dudley of Solano, for an Act to grant to Joseph Bruning the privilege to build a wharf on the Sacramento River, on his land, below Rio Vista

Read first and second times, and referred to the Committee on Commerce and Navigation, with petition

Mr Teegarden gave notice of the introduction of a bill for an Act granting the privilege to construct a plank road from Marysville to the foot hills in Yuba County.

At half past two o'clock, P. M., on motion of Mr. Tilton of San Francisco, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, February 3d, 1862.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of Saturday read and approved.

Messrs Dana, Porter, and Reed, had leave of absence.

The Speaker presented the testimony taken in the contested election case of Gordon and McAllister.

Referred to Committee on Elections.

Also, announced Select Committee on Retrenchment, (Fay's resolution:)

Twelfth District—Mr. Fay.
Thirteenth District—Mr. Pemberton.
Fourteenth District—Mr. Avery
Fifteenth District—Mr. Cunnard.
Sixteenth District—Mr. Seaton.
Seventeenth District—Mr. Smith of Sierra.
First District—Mr. Hoffman.
Second District—Mr. Dana.
Third District—Mr Zuck.
Fourth District—Mr. Van Zandt.
Fifth District—Mr. Thompson of San Joaquin.

PETITIONS.

Mr. Dore presented a petition of barbers, hairdressers, and proprietors of bathing houses, for amendment to Sunday Law.

Referred to Committee on Public Morals.

Mr. Dudley of Solano presented a petition of citizens of Solano County, for repeal of Sunday Law.

Referred to Committee on Public Morals.

REPORTS.

Mr. Machin, from the Committee on Corporations, made the following report:

Mr. SPEAKER:—Your Committee on Corporations, to whom was referred Senate bill No 46, an Act granting the right to construct and maintain a bridge across the American River, near Folsom, in the County of Sacramento, have had the same under consideration, and would most respectfully report the bill back, and recommend its passage.

MACHIN, Chairman.

The rules were suspended, and Senate bill No. 46, above reported, read third time, and passed.

Mr. Morrison made a verbal report, recommending the passage of Assembly bill No. 44, an Act supplementary to an Act to incorporate the City of Los Angeles.

The rules were suspended, and Assembly bill No. 44, above reported, was considered engrossed, read third time, and passed.

Also, reported and recommended the passage of Assembly bill No 43, an Act to authorize the corporation of the City of Los Angeles to fund the debt of said city.

The rules were suspended, and Assembly bill No. 43, above reported, was considered engrossed, read third time, and passed.

Also, reported and recommended the passage of Assembly bill No. 41, an Act to authorize the Mayor and Common Council of the City of Los Angeles to borrow money for municipal improvements.

Mr Saul verbally reported and recommended the passage of Senate bill No 41, an Act to authorize the Warden of the county jail of the City and County of Sacramento to appoint Deputies, and to provide for the payment of the salaries thereof.

Rules suspended, bill read third time, and passed.

Mr. Wilcoxon offered a concurrent resolution, granting leave of absence to J. C. McQuaid, District Attorney of Sutter County.

Referred to the Judiciary Committee.

RESOLUTIONS.

Mr. Saul offered the following resolution:

Resolved, That the Journal Clerk be and is hereby authorized to appoint an Assistant

Mr. Fay offered the following substitute:

Resolved, That Fred. Brewer be and he is hereby appointed Assistant

Journal Clerk of this House, during the remaining term of this session, with a per diem the same as Committee Clerk, to be paid out of the Contingent Fund of the Assembly.

Mr. Eagar moved to lay on the table
Lost.
Mr. Bell moved to refer to the Enrolling Committee.
Lost
Mr. Dudley of Placer moved to refer to the Judiciary Committee.
Mr Saul moved to refer to a Special Committee of three.
Carried.
Messrs. Saul, Eagar, and Bell, were appointed such committee.
Mr. Maclay offered the following resolution:

Resolved, That the Judiciary Committee be instructed to examine as to the constitutionality of an Act to equalize the assessment of taxes by levying taxes on mining claims for State purposes, and report the result of their investigation to this House as soon as practicable.

Mr. Irwin moved to lay on the table.
Upon which, Messrs Bell, Griswold, and Zuck, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Cunnard, Collins, Davis, Dean, Dennis, Dudley of Placer, Frazier, Griswold, Irwin, Lane, Leach, Love, Machin, Matthews, O'Brien, Parker, Printy, Sears, Seaton, Shannon, Smith of Sierra, Thornbury, Tilton of San Mateo, Waddell, Woodman, Wright, and Yule—27.
NOES—Messrs. Amerige, Ames, Avery, Barton of Sacramento, Barton of San Bernardino, Bell, Bigelow, Brown, Cot, Dore, Dow, Dudley of Solano, Eagar, Evey, Hillyer, Hoag, Loewy, Maclay, Myers, Moore, Morrison, Reeve, Sargent, Teegarden, Tilton of San Francisco, Watson, Werk, Wilcoxon, and Zuck—29.

The resolution was withdrawn.
Mr. Maclay gave notice that he would, at an early day, introduce a bill for an Act on the subject of the taxing of mining claims.
Mr. Ames offered the following resolution:

Resolved, That the Judiciary Committee be and they are hereby instructed to inquire into the constitutionality of an Act to make the bonds or Treasury notes of the United States Government a legal tender for all State dues.

Laid on the table.
Mr Ames moved to reconsider the vote by which, on Saturday last, the House refused to adopt the report of the Committee of Free Conference on Senate bill No. 16.
Mr Eagar moved the previous question.
Upon which, Messrs. Saul, Dennis and Ferguson, demanded the ayes and noes, and the motion prevailed, by the following vote:

AYES—Messrs Avery, Battles, Bigelow, Brown, Collins, Cot, Dore, Dow, Eagar, Hillyer, Hoffman, Jackson, Lane, Leach, Loewy, Matthews, McCullough, Moore, Sargent, Sears, Teegarden, Thompson of Tehama, Thompson of San Joaquin, Thornbury, Tilton of San Francisco,

Tilton of San Mateo, Van Zandt, Watson, Werk, Wright, Yule, and Zuck—34.

NOES—Messrs. Amerige, Ames, Barton of San Bernardino, Bell, Campbell, Cunnard, Davis, Dean, Dennis, Dudley of Solano, Ferguson, Frazier, Griswold, Hoag, Irwin, Kendall, Love, Machin, McAllister, Morrison, O'Brien, Parker, Pemberton, Reeve, Saul, Seaton, Shannon, Smith of Fresno, Smith of Sierra, Waddell, and Wilcoxon—32.

On reconsidering the vote, Messrs. Shannon, Saul, and Frazier, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Ames Barton of San Bernardino, Battles, Bigelow, Brown, Cot, Dore, Dow, Dudley of Solano, Eagar, Hoffman, Irwin, Jackson, Lane, Loewy, Matthews, Maclay, McCullough, Meyers, Moore, Sargent, Sears, Teegarden, Thompson of San Joaquin, Thornbury, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Watson, Werk, Wright, and Zuck—32.

NOES—Messrs. Avery, Barton of Sacramento, Bell, Campbell, Cunnard, Collins, Davis, Dean, Dennis, Dudley of Placer, Ferguson, Frazier, Griswold, Hillyer, Hoag, Kendall, Love, Machin, McAllister, Morrison, O'Brien, Parker, Pemberton Printy, Reeve, Saul, Seaton, Shannon, Smith of Fresno, Smith of Sierra, Thompson of Tehama, Waddell, Woodman, Wilcoxon, and Yule—35.

Mr. McAllister moved to adjourn.

Lost.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 3d, 1862.

Mr. SPEAKER:—The Senate have adopted the following Joint Rules of the Senate and Assembly, and ask the concurrence of the Assembly.

(For Joint Rules, see Journal, *ante*.)

Also, on the first instant adopted Senate concurrent resolution No. 20, relative to Indian affairs;

Also, refused to concur in Assembly amendments to Senate concurrent resolution No. 17, and ask the Assembly to recede from said amendments;

Also, have concurred in Assembly amendment to Senate bill No 13;

Also, have passed Senate bill No. 26, an Act defining the boundaries of Humboldt County;

Also, Senate bill No. 59, an Act providing for the holding of a special term of the District Court in the First Judicial District, in and for the County of San Diego.

A. A. DE LONG,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate bill No. 59, above reported, read first and second times, and placed on file.

Senate bill No. 26, above reported, read first and second times, and referred to the Committee on Counties and County Boundaries.

The House concurred in Senate concurrent resolution No. 20, above reported.

The House refused to recede from Assembly amendments to Senate concurrent resolution No 17, above reported, and appointed Messrs. Shannon. Eagar, and Battles, a Committee of Free Conference, on the part of the House.

The Chair appointed Messrs. Tilton, Avery, and Ames, a committee, on the part of the House, to investigate and report concerning the enactment of the provision relating to Alcalde grants, referred to in Senate concurrent resolution No. 18.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr Evey. for an Act to amend the Attachment Law of this State;

Also, for an Act changing the fees of the County Surveyor of Napa, Lake, and San Mateo Counties.

By Mr Cot, for an Act supplementary to an Act, approved May fourteenth. eighteen hundred and sixty-one, entitled an Act amendatory of and supplementary to an Act concerning marks and brands, passed May first, eighteen hundred and fifty-one

By Mr. Smith of Sierra, for an Act to amend an Act entitled an Act in relation to county officers of Sierra County, approved May seventeenth, eighteen hundred and sixty-one;

Also, for an Act to amend an Act for the protection and preservation of trout.

By Mr Dore, for an Act to secure liens for mechanics and others.

Mr. O'Brien introduced a bill for an Act for the purchase and preservation of public newspapers printed and published in the several counties of this State.

GENERAL FILE.

Assembly bill No. 30, an Act for the protection of trout in Lake Bigler and its tributaries and outlets—recommitted to the Placer and El Dorado delegations.

At thirty-five minutes past one o'clock, P. M., on motion of Mr. Watson, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, February 4th, 1862.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present

Journal of yesterday read and approved.

The Speaker communicated to the House, on behalf of the San Fran-

cisco Orphan Asylum, an invitation to attend the eleventh anniversary of their Society, for this evening, at Platt's Hall.

Mr. Worthington, member elect from San Francisco County, appeared, and was sworn in.

The Speaker announced the following Committees:

Select Committee on that portion of the Governor's Message relating to the State University—

Eleventh Judicial District—Mr. Hoag
First Judicial District—Mr. Barton of San Bernardino.
Second Judicial District—Mr Dana.
Third Judicial District—Mr. Maclay
Fourth Judicial District—Mr. Loewy.
Fifth Judicial District—Mr. Meyers.
Sixth Judicial District—Mr. Warwick.
Seventh Judicial District—Mr. Ames.
Eighth Judicial District—Mr. Werk.
Ninth Judicial District—Mr. Thornbury.
Tenth Judicial District—Mr Sargent.
Twelfth Judicial District—Mr. Reese
Thirteenth Judicial District—Mr. McCullough.
Fourteenth Judicial District—Mr Sears.
Fifteenth Judicial District—Mr. Cunnard.
Sixteenth Judicial District—Mr. Waddell.
Seventeenth Judicial District—Mr. Love.

Select Committee to examine into the claims for copying for the last session—

Messrs. Shannon, Tilton of San Francisco, and Dore.

PETITIONS.

Mr. Bell presented a petition of citizens of Oakland, for repeal of Sunday Law.

Referred to the Committee on Public Morals.

Mr. Reed presented a petition of citizens of Petaluma, against repeal and for amendments to Sunday Law

Referred to the Committee on Public Morals.

Mr. Ehason presented a petition of citizens of Petaluma, for repeal of Sunday Law.

Referred to the Committee on Public Morals.

Mr Teegarden presented a petition of citizens of Marysville, for continuance of Sunday Law.

Referred to the Committee on Public Morals.

REPORTS.

Mr. Bell, from the Committee on the Judiciary, made the following report:

Mr. SPEAKER:—Your Committee on the Judiciary, to whom was referred Assembly bill No. 32, entitled an Act to amend an Act entitled an Act concerning District Court Reporters for the Fourth, Sixth, Seventh, Tenth, Twelfth, and Fifteenth Judicial Districts, approved May seventeenth, eighteen hundred and sixty-one, respectfully report the bill back to the Assembly, and recommend its passage;

Also, Assembly bill No. 14, entitled an Act to amend an Act entitled

an Act to authorize Thomas Cutler, Administrator of the estate of Albert Cutler, deceased, to sell real estate at private sale, approved February eleventh, eighteen hundred and sixty-one, respectfully report the bill back to the Assembly, and recommend its passage;

Also, Assembly bill No. 18, entitled an Act for the relief of Dennis Tryon, beg leave to report the bill back to the House, and would respectfully recommend its passage;

Also, Senate bill No. 7, entitled an Act to authorize the State Controller to draw his warrants on the State Treasury, would respectfully report the bill back to the House, and recommend its passage;

Also, Assembly bill No 1, entitled an Act concerning witnesses in criminal cases, beg leave to report the bill back to the Assembly, and would respectfully recommend that it do not pass.

BELL, Chairman.

Mr. Hillyer made the following report:

Mr. SPEAKER:—The Placer delegation, to whom was referred Assembly bill No. 34, report the same back, without any recommendation.

HILLYER, Chairman.

Mr. Loewy offered a concurrent resolution providing for the adjournment, *sine die*, of the Legislature, on the first day of March next.

Mr. Van Zandt moved to lay the resolution on the table

Upon which, Messrs. Loewy, Shannon, and Collins, demanded the ayes and noes, and the motion prevailed, by the following vote:

AYES—Messrs Ames, Avery, Barton of Sacramento, Barton of San Bernardino, Bell, Benton, Brown, Campbell, Cunnard, Dean, Dennis, Dow, Dudley of Placer, Eagar, Eliason, Evey, Ferguson, Frazier, Griswold, Hillyer, Hoag, Hoffman, Irwin, Jackson, Lane, Matthews, McCullough, Moore, Morrison, O'Brien, Parker, Pemberton, Porter, Reed, Saul, Sears, Thompson of Tehama, Thornbury, Tilton of San Francisco, Tilton of San Mateo, Waddell, Warwick, Watson, Werk, Woodman, Worthington, Wright, and Yule—48.

NOES—Messrs. Amerige, Battles, Bigelow, Collins, Cot, Dore, Dudley of Solano, Fay, Kendall, Loewy, Machin, McAllister, Maclay, Meyers, Reeve, Sargent, Seaton, Shannon, Smith of Sierra, Thompson of San Joaquin, Van Zandt, Wilcoxon, Zuck, and Mr. Speaker—25.

Mr. Eagar offered a concurrent resolution providing for the appointment of a committee to confer with Wells, Fargo & Co., in reference to carrying dispatches to and from the Governor of the State, and other State officers

Mr. Dennis offered the following substitute:

Resolved, That Philip H. Patten and George T. Boulden be and are hereby appointed Messengers of this House, at a per diem of eight dollars, (said Messengers to pay their own travelling expenses,) to travel daily between this place and Sacramento, and transact the business of this House, its committees, and of its members, with the various officers; and said Messengers, before entering upon the discharge of their duties, shall be sworn to the faithful performance of said duties.

On motion of Mr. Van Zandt, it was laid on the table.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 4th, 1862.

Mr. SPEAKER:—The Senate, on the first instant, passed Senate bill No. 15, an Act to amend an Act entitled an Act supplementary to an Act concerning Courts of Justice and judicial officers, passed May nineteenth, eighteen hundred and fifty-three, approved May eighteenth, eighteen hundred and sixty-one;

Also, passed Senate bill No. 18, an Act for the payment of expenses incurred in the suppression of Indian hostilities in the County of Humboldt, in this State;

Also, on the thirty-first ultimo passed substitute for Senate bill No. 38, an Act to authorize the State Treasurer to issue certain War Bonds;

Also, on the twenty-ninth ultimo passed Senate bill No. 45, an Act for the relief of Peter Lothian, former Sheriff of Humboldt County;

Also, on yesterday, adopted Senate concurrent resolution No. 22, relative to examining proposals for translating laws;

Also, have adopted the report of the Committee of Free Conference, on Senate concurrent resolution No. 3, relative to the appointment of extra Porter for rear of State House.

A. A. DE LONG,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate bill No. 15, above reported, read first and second times, and referred to the Judiciary Committee.

Senate bill No. 18, above reported, read first and second times, and referred to Committee on Claims.

Senate bill No. 38, above reported, read first and second times, and referred to Committee on Claims

Senate bill No. 45, above reported, read first and second times, and referred to Committee on Claims.

The House concurred in Senate concurrent resolution No 22, above reported.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Reed, for an Act to provide for a registry law, and to otherwise regulate the holding of elections

By Mr. Maclay, for an Act for the equalization of taxes in the State of California, by providing for the levy of a miners' income tax;

Also, for an Act amendatory of the Revenue Law of the State, so as to extend the provisions concerning foreign miners' licenses to all miners, citizens as well as foreigners.

By Mr. Brown, for an Act concerning the boundaries of Mexican land grants.

By Mr. Cot, for an Act concerning salaries and fees of office in the County of Monterey.

By Mr. Hoffman, for an Act to amend an Act entitled an Act to create a Board of Supervisors for the County of San Diego, and to define their

duties, approved May third, eighteen hundred and fifty-two, and amended April fifteenth, eighteen hundred and sixty-one;

Also, for an Act to amend an Act, approved April nineteenth, eighteen hundred and sixty-one, entitled an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State;

Also, for an Act to reduce the salary of county officers in the County of San Diego

By Mr Ferguson, for an Act making appropriation for the payment of boatmen employed by the Sergeant-at-Arms of the Assembly during the flood at the Capital.

By Mr. Warwick, for an Act to amend section five hundred and forty of the Practice Act

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Yule, for an Act repealing an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to authorize the Board of Supervisors of Placer County to levy a special tax, approved March eleventh, eighteen hundred and fifty-six, approved February seventh, eighteen hundred and fifty-six, and to provide for the transfer of certain moneys to the General Fund of said county

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

By Mr. Fay, for an Act to quiet titles to real estate in the City and County of San Francisco

Read first and second times, referred to San Francisco delegation, and ordered printed.

By Mr. Smith of Sierra, for an Act to amend an Act entitled an Act for the preservation and protection of trout.

Read first and second times, and placed on file.

By Mr. Eagar, for an Act to appropriate money to Colleges in the State of California.

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

SPECIAL ORDER.

Assembly bill No. 3, (special order for twelve o'clock, M., this day,) was postponed until one o'clock, P. M.

Mr. Tilton of San Francisco presented an account for taking testimony in the contested election case of McAllister and Gordon, which was referred to Committee on Judiciary.

FURTHER INTRODUCTION OF BILLS.

By Mr. Van Zandt, for an Act to amend an Act entitled an Act for the observance of the Sabbath, approved May twentieth, eighteen hundred and sixty-one.

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

By Mr. Cot, for an Act supplementary to an Act, approved May fourteenth, eighteen hundred and sixty-one, entitled an Act amendatory of and supplementary to an Act entitled an Act concerning marks and brands, passed May first, eighteen hundred and fifty-one.

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

By Mr Maclay, for an Act amendatory of an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one

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

GENERAL FILE.

Assembly bill No. 41, an Act to authorize the Mayor and Common Council of the City Los Angeles to borrow money for municipal improvements — amendments adopted, rules suspended, considered engrossed, read third time, and passed.

SPECIAL ORDER.

Assembly bill No 3, an Act to amend an Act entitled an Act to restrict the herding of sheep, approved May eighteenth, eighteen hundred and sixty-one, (the special order of the day,) was taken up.

Mr. Tilton of San Mateo made the following minority report on the bill:

Mr. SPEAKER:—The minority of the Committee on Agriculture respectfully report, that they have had under consideration Assembly bill No. 3, entitled an Act to amend an Act to restrict the herding of sheep, passed May eighteenth, eighteen hundred and sixty-one, and respectfully recommend its indefinite postponement

STEPHEN TILTON,
JAS. B. SAUL.

The bill was recommitted to the Committee on Agriculture.

GENERAL FILE RESUMED.

Senate bill No. 59, an Act providing for the holding of a special term of the District Court in the First Judicial District, in and for the County of San Diego—was read third time, and passed.

Mr. Bell introduced a resolution relative to ventilation of the Assembly Chamber.

Pending the consideration of which, at forty minutes past one o'clock, P. M., on motion of Mr. Ames, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, February 5th, 1862.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Messrs. Wilcoxon, Leach, Benton of Sacramento, and Pemberton, had leave of absence.

Mr. Waddell was excused from serving on the Committee on the University, and Mr. Campbell appointed in his place.

REPORTS.

Mr. Porter, from the Committee on Roads and Highways, made the following report:

Mr. SPEAKER:—Your Committee on Roads and Highways, to whom was referred Assembly bill No. 29, an Act to grant the right to construct a bridge or bridges across the Stanislaus River to the Stanislaus Bridge and Ferry Company, find that the bill proposes a grant of corporation privileges, and that its consideration more properly belongs to the Committee on Corporations, to which Committee they would recommend that it be referred.

PORTER, for the Committee.

Assembly bill No. 29, above reported, was referred to the Committee on Corporations.

Mr. Hillyer, from the Committee on Accounts and Expenditures, made the following report:

Mr. SPEAKER:—Your Committee on Accounts and Expenditures have had under consideration some additional accounts for boat hire, and certain other accounts, which they have examined and corrected, where necessary, and now recommend that the same be allowed, and paid out of the Contingent Fund of the Assembly, viz:

BOAT BILLS.

Names.	Am't Claimed.	Am't Allowed.
A. Clary	$147 00	$90 00
W. H. Watson, Jr. & Co	60 00	60 00
Byington & Hamlin	56 00	56 00
J. T. Enwright	100 00	100 00
Boyle & Adams	40 00	40 00
John Gallager	17 25	15 50
Henry Pearse	20 00	20 00
A. Dallis	20 00	20 00
W. Kirby	5 50	5 50
Thomas Ackerson	50 00	50 00
H. J. Clayton	11 00	11 00
A. E. Meade	39 00	39 00
William Wilson	60 00	40 00
Total	$625 75	$547 00

Also, the following accounts:

Bill of J. H. Finnegan, for cash paid out for stamps, expressage, and freight	$12 75
Bill of P. H. Russell, for three brooms, three whisks, one large cedar bucket, two maps, and two cedar buckets	9 75
Bill of —— O'Brien, for one four-light billiard pendant and two feet of gas pipe	15 50
Bill of Thomas Fitch & Co, for eleven copies of the Placerville Republican	33 00
Bill of N. G. Sawyer & Co., for fourteen copies of the Calaveras Chronicle	42 00
Bill of J. Anthony & Co., for forty-five copies of the weekly, and ninety-four of the daily, Union, furnished to members for four weeks	233 50
Total	$346 50

HILLYER, Chairman.

Adopted.

Mr. Smith of Sierra, from the Committee on Counties and County Boundaries, made the following report:

Mr. SPEAKER:—The Committee on Counties and County Boundaries, to whom was referred Senate bill No. 26, an Act defining the boundaries of Humboldt County, have had the bill under consideration, and beg leave to report the same back, and recommend its passage.

SMITH of Sierra, Chairman.

Mr. Saul verbally reported, with amendments, Senate bill No. 9, and recommended its passage.

Rules suspended, amendments adopted, bill read a third time, and passed.

Mr. Dennis moved to take from the table the concurrent resolution, offered by him on yesterday, relative to the appointment of Messengers between this city and the Capital.

On taking the resolution from the table, Messrs Campbell, Griswold, and Dennis, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Barton of San Bernardino, Benton, Campbell, Davis, Dean, Dennis. Evey, Ferguson, Frazier, Griswold, Hoag, Irwin, Jackson, Kendall, Matthews, McAllister, Morrison, O'Brien, Parker, Porter, Reeve, Sargent, Saul, Seaton, Shannon, Smith of Fresno, Thompson of Tehama, Thornbury, Waddell, Warwick, Watson, Werk, Woodman, Wright, and Yule—35

NOES—Messrs. Amerige, Ames, Avery, Battles. Bell, Bigelow, Brown, Collins, Cot, Cunnard, Dore, Dow, Dudley of Solano, Eagar, Fay, Hillyer, Hoffman, Lane, Leach, Loewy, Love, Machin, Maclay, McCullough, Meyers, Moore, Printy, Reed, Reese, Sears, Smith of Sierra, Thompson of San Joaquin, Tilton of San Mateo, Van Zandt, Worthington, and Zuck—36.

RESOLUTIONS.

Mr. Irwin offered the following resolution :

Resolved, That a committee of five be appointed, whose duty it shall be to inquire into the necessity of appointing Messengers to transact business between this House and the State officers in Sacramento City; and also to inquire and report whether the object can be reached in any manner involving less expense. Said committee to report to this House on Friday next.

Adopted.
Mr. Machin offered the following resolution :

Resolved, That the Chairman of the Judiciary Committee be directed to communicate with the State Librarian, and request him to forward copies of all the statutes and Supreme Court reports of the State of California, to be kept in the room of said Judiciary Committee, for the use of members of this House.

Mr. Watson moved to lay on the table.
Lost.
Mr. Watson moved the previous question.
Lost, and the resolution adopted.
Mr. Frazier offered the following resolution :

Resolved, That the thanks of this House be and they are hereby tendered to the Young Men's Christian Association, for the generous offer of the free use of their library during the present session of the Legislature.

Adopted.
Mr. Eagar offered a concurrent resolution relative to improvements and repairs to coast defences of this State.
Made special order for February twelfth, eighteen hundred and sixty-two, at twelve o'clock, M
Mr. Shannon offered a concurrent resolution relative to appointment of a commission to represent this State, at Washington, upon swamp lands.
Adopted

MESSAGES FROM THE SENATE.

The following messages were received from the Senate :

SENATE CHAMBER,
February 5th, 1862.

Mr. SPEAKER :—The Senate has passed substitute for Senate bill No. 11, an Act to amend an Act to provide revenue for the support of the Government of this State. approved May seventeenth, eighteen hundred and sixty-one ;

Also, have appointed Messrs Powers, Denver, and Heacock, a Committee of Conference on the part of the Senate on the disagreeing vote on Senate concurrent resolution No. 17, relative to printing reports of State officers.

A. A. DE LONG,
Assistant Secretary.

Senate bill No. 11, above reported, read first and second times, and referred to Judiciary Committee.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr Dudley of Placer, for an Act authorizing the Governor of the State to have and keep his office in the City of San Francisco during the thirteenth session of the Legislature

By Mr. Wright, for an Act to authorize Horace Cole and his associates to construct a way over waters in the City and County of San Francisco.

By Mr. Worthington, for an Act to provide for the appointment of Notaries Public, and to define their duties.

By Mr Tilton of San Mateo, for an Act giving the election of Superintendent of Common Schools to the legal voters of San Mateo County at their annual elections.

By Mr. Brown, for an Act requiring the Marshal of each School District to take the census of School Districts at the residence of their parents or guardians.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Kendall, for an Act to amend an Act entitled an Act to make certain offices in the County of Tuolumne salaried offices, approved February twenty-first, eighteen hundred and sixty-one.

Read first and second times, and placed on file

By Mr. Moore, for an Act to amend an Act entitled an Act in relation to the militia of the State

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

By Mr. Machin, for an Act to protect the creditors of corporations.

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

By Mr. Dudley of Solano, for an Act to authorize the Benicia Cemetery Association to close certain streets and alleys.

Read first and second times, and placed on file.

By Mr. Amerige, for an Act to establish pilot regulations of the port and harbor of San Francisco.

Read first and second times, and referred to San Francisco delegation

By Mr. Fay, for an Act to authorize William H. Gauley to construct a wharf in the City and County of San Francisco.

Read first and second times, and referred to San Francisco delegation.

By Mr. Warwick, for an Act to authorize the State Librarian to have certain books in the State Library repaired.

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

Mr. Warwick made the following report:

Mr. SPEAKER:—Your Committee, in the performance of the duty assigned them, have visited Sacramento, and, after a careful examination of the State Library, beg leave to report as follows:

The entire number of volumes injured is one thousand and forty-six, (1,046.) Some of these are rare and costly works, the value of which it

would be difficult to estimate; others are of such a character that they would scarcely pay for the cost of binding, (at least in California)

Among the injured works are a great many National and State documents, which can be replaced by application to the different States or departments by which they have been issued, without any cost to the State of California except the cost of transportation.

Among the most valuable works which have been injured, are to be found—

Title of Work.	No. Vols.
Johnson's Dictionary published 1773	2
Fabon Basillu, published 1749	2
Herodotus, published 1703	1
Lengua Perscorum, published 1684	1
Harrington's Oceana, published 1700	3
Hawksworth's Voyages, published 1773	3
Hammond's Paraphrases, published 1702	1
History of England, published 1744	2
Barbatrae's Ancient History, published 1739	
Heylyn's Cosmography, published 1657	1
Doomsday Book, probably the edition of 1508	1
Niles' Register	36
Edinburgh Encyclopedia	21
Executive Documents	50
Historical	186
Voyages and Travels	110
Biographical	192
Miscellaneous	274
Natural History and Philosophy	82
Army Meteorological Survey	1
Owen's Geological Survey	1
Schoolcraft's Indian Nations	2
Explorations	4
Natural History of New York	12
Documentary	23
Geology—Iowa and Indiana	3
Geology—New York	1
Ichnology—New England	1
Ethnological Researches	1
Historical Curiosities	1
Congressional Globe	19
Illustrated London News	21
Total	1,046

With regard to the unfortunate destruction of so many valuable works, your Committee are compelled to exonerate the State Librarian from all blame in the premises The causes which led to the disaster were as follows:

The first flood in Sacramento, in December, eighteen hundred and sixty-one, was supposed to fix the highest mark that the water could possibly reach.

Every reasonable precaution that the most watchful care could possibly suggest, was taken, but the second flood rising some two feet higher than the first, reached the lower shelves; the swelling of the wet books burst the uprights from the shelving, and, as a consequence, the books above were precipitated into the water. After a most careful review of the circumstances, your Committee are of opinion that the Librarian used every reasonable precaution.

Your Committee further recommend that the Librarian be authorized to contract for the rebinding of such works as, in his judgment, may be worth it, and to sell such as he may think will not pay for the binding.

Your Committee, in order to further the interests of the State, respectfully recommend the passage of the accompanying bill.

WARWICK, Chairman.

GENERAL FILE.

Assembly bill No. 14, an Act to amend an Act entitled an Act to authorize Thomas Cutler, Administrator of the estate of Albert Cutler, deceased, to sell real estate at private sale, approved February eleventh, eighteen hundred and sixty-one—ordered engrossed

Assembly bill No. 53, an Act to amend an Act entitled an Act for the preservation and protection of trout—recommitted to delegations from Placer, Nevada, and Sierra.

Assembly bill No. 34, an Act concerning roads and streets in the Town of Auburn—was ordered engrossed.

Assembly bill No. 18, an Act for the relief of Dennis Tryon—was ordered engrossed.

Assembly bill No. 32, an Act to amend an Act entitled an Act concerning District Court Reporters for the Fourth, Sixth Seventh, Tenth, Twelfth, and Fifteenth Judicial Districts, approved May seventeenth, eighteen hundred and sixty-one—was ordered engrossed.

Assembly bill No. 1, an Act concerning witnesses in criminal cases—indefinitely postponed.

Senate bill No. 7, an Act to direct the Controller of State in relation to drawing his warrants on the State Treasury—amended by adding the enacting clause, read third time, and passed.

Senate bill No 26, an Act defining the boundaries of Humboldt County—read third time, and passed

Mr. Ferguson, by leave, introduced a bill for an Act making appropriations for the payment of boatmen employed by the Sergeant-at-Arms of the Assembly, during the flood at the Capital—read first and second times, and referred to the Committee on Accounts and Expenditures.

On motion of Mr. Wright, at twenty minutes past two o'clock, P. M. the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, February 6th, 1862.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.
Quorum present
Journal of yesterday read and approved.

PETITIONS.

Mr. Loewy presented a petition of Israelites of San Francisco, for amendment of Sunday Law.

Referred to Committee on Public Morals.

Mr. Tilton of San Mateo presented a petition of citizens of Redwood City, for repeal of Sunday Law.

Referred to Committee on Public Morals

Mr. Hillyer presented a petition of residents of Placer County, to prohibit Chinamen from mining on agricultural lands.

Referred to Committee on Mines and Mining Interests.

Also of citizens of Placer County, relative to hogs running at large.

Referred to Placer delegation.

Mr. Dennis presented a remonstrance of citizens of Lake Valley, against the passage of the bill for the protection of trout.

Referred to the Placer and El Dorado delegations.

Mr. Porter presented a petition of citizens of Martinez, for repeal of Sunday Law.

Referred to Committee on Public Morals.

REPORTS.

Mr. Hillyer, from the Committee on Accounts and Expenditures, made the following report:

Mr. SPEAKER:—Your Committee on Accounts and Expenditures, to whom was referred Senate bill No. 61, have examined the same, compared the appropriations therein made with the accounts of the boatmen, as reported by your Committee heretofore, and approved by the Assembly, and find them correct.

Your Committee report the bill back, with one slight amendment, and recommend its passage as amended.

HILLYER, Chairman.

Mr. Machin, from the Committee on Corporations, made the following report:

Mr. SPEAKER:—Your Committee on Corporations, to whom was referred Senate bill No 32, an Act supplemental to an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, and the several Acts amendatory thereof and supplemental thereto, have carefully examined the same, and would respectfully report the same back, and recommend its passage;

Also, have examined Assembly bill No. 29, an Act to grant the right to construct a bridge or bridges across the Stanislaus River, to the Stanislaus Bridge and Ferry Company, and do not find it consistent with the general laws governing corporations Your Committee therefore offer the annexed substitute, and recommend its passage;

Also, have examined Assembly bill No. 35, an Act to authorize the Contra Costa Coal Mine and Railroad Company to use any suitable description of rails, and would most respectfully report—that the provi-

sions of said bill are in conflict with the provisions of the general Railroad Incorporation Act of this State, and therefore recommend that the bill do not pass.

MACHIN, Chairman.

Mr. Saul made the following report:

Mr. SPEAKER:—The Select Committee to whom was referred the matter of appointing an Assistant Journal Clerk, respectfully report—that they have had the matter under careful consideration, and find the facts to be as follows:

Up to the twelfth session of the Legislature, the Journal Clerk was paid by the folio for his labors, and when his work exceeded his own ability to perform it, he sub-let it by the folio to others. At the last session, the Journal Clerk received a per diem, and when his labors increased so much as to require assistance to enable him to have the Journal properly written up, that the previous day's proceedings may be read from the Journal each morning, he was allowed an Assistant.

It is the duty of the Journal Clerk to be in attendance all day, to attend on the call of the Chief Clerk of the House for any reference required to matters in the Journal; and after thus being in attendance all day, his labors in writing up the Journal do not commence until after the day's adjournment.

The minutes of each day's session vary from twenty to forty pages of foolscap, all of which must be carefully and neatly copied into the Journal, as a record for all time; and as the business of the session accumulates, the labors of the Journal Clerk become too great for the physical endurance of one man.

Believing that every member is desirous of having the Journals written up each day, and that it should be done in a creditable manner, your Committee recommend the appointment of an Assistant Journal Clerk.

SAUL,
BELL,
EAGAR.

Mr. Ames demanded the previous question, which was sustained.

On the adoption of the report, Messrs. Hillyer, Tilton of San Mateo, and Matthews, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Bell, Benton, Campbell, Cunnard, Dennis, Eagar, Eliason, Fay, Frazier, Hoag, Jackson, Kendall, Loewy, McAllister, Moore, O'Brien, Parker, Reeve, Saul, Seaton, Smith of Fresno, Thornbury, Warwick, Woodman, and Worthington—25.

NOES—Messrs. Amerige, Ames, Avery, Barton of San Bernardino, Battles, Bigelow, Brown, Collins, Dean, Dore, Dow, Dudley of Solano, Evey, Hillyer, Hoffman, Lane, Love, Machin, Maclay, Matthews, McCullough, Meyers, Printy, Reed, Sargent, Sears, Shannon, Smith of Sierra, Teegarden, Thompson of San Joaquin, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Waddell, Watson, Wright, Yule, and Zuck—38.

Mr Shannon made the following report:

Mr. SPEAKER:—The Committee of Free Conference on the disagreement between the two Houses as to the number of copies of reports of various State officers to be ordered printed, recommend that the Assem-

bly recede from the fourth amendment, and that "4,800" in thefirst amendment be stricken out, and "2,400" inserted, and that "3,600" be substituted for "4,800" in the second amendment, and that when so amended the Senate and Assembly agree thereto

Also, that the following proviso be added to the resolution: "Provided, that four hundred copies of the report of the Resident Physician of the Insane Asylum be furnished to the Trustees of the Insane Asylum."

J. B POWERS,
Chairman on part of Senate.
T. B. SHANNON,
Chairman on part of House.

Adopted.

RESOLUTIONS.

Mr. Dore offered a concurrent resolution providing for the appointment by the presiding officers of both Houses of Messengers to the Capital.

Referred to Special Committee of five.

Mr. Griswold offered a concurrent resolution relative to mail routes.

Adopted.

Mr. Dean offered the following resolution:

Resolved, That the privileges of the floor of the House be and the same are hereby extended to the members and officers of the Legislature of the Territory of Nevada, during their stay in this city.

Adopted.

Mr Smith of Sierra, offered the following resolution:

Resolved, That the Copying Clerks of this House be required to do any copying from the Journal that may be wanted by the officers or members of this House.

Laid on the table.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 6th, 1862.

Mr. SPEAKER:—The Senate, on yesterday, passed Senate bill No 62, an Act to amend an Act entitled an Act concerning agricultural societies, approved March twelfth, eighteen hundred and fifty-nine;

Also, adopted Senate concurrent resolution No. 24, relative to coast defences;

Also, this day passed Senate bill No. 95, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of Sutter County to construct a bridge across Feather River, approved April eleventh, eighteen hundred and fifty-nine, and to repeal section second of an Act amendatory and supplementary thereto.

A. A. DE LONG,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate bill No. 62, above reported, read first and second times, and referred to Committee on Agriculture.

On concurring in Senate concurrent resolution No. 24, above reported, Mr. Wright demanded the previous question, which was sustained, and the resolution concurred in.

Senate bill No. 95, 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. Morrison, for an Act for the establishment and maintenance of a State Military Academy.

By Mr. Parker, for an Act amendatory of an Act concerning Coroners, approved April nineteenth, eighteen hundred and fifty.

By Mr. Teegarden, for an Act creating a Branch Insane Asylum.

By Mr. Dow, for an Act in reference to the pay of members of the Legislature in the case of contested seats.

By Mr. Maclay for an Act for the repeal of the law by which Notaries Public are appointed.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Sears, for an Act to tax the Chinese residents of this State.

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

By Mr. Ames, for an Act to authorize and empower William H. Kelly to construct and maintain booms on Gaspar creek, in Mendocino County.

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

By Mr. Reed, for an Act to regulate elections, and to prevent fraudulent and illegal voting.

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

GENERAL FILE.

Assembly bill No. 56, an Act to amend an Act entitled an Act to make certain offices in the County of Tuolumne salaried offices, approved February twenty-first, eighteen hundred and sixty-one—ordered engrossed.

Assembly bill No. 59, an Act to authorize the Benicia Cemetery Association to close certain streets and alleys—ordered engrossed.

Assembly bill No. 61, an Act making appropriation for the payment of boatmen employed by the Sergeant-at-Arms of the Assembly during the flood in the City of Sacramento, January, eighteen hundred and sixty-two—considered in Committee of the Whole, Mr. Shannon in the Chair, reported with amendments, amendments adopted, rules suspended, considered engrossed, and read third time.

On the passage of the bill, Messrs Dudley of Placer, Hillyer, and Ames, demanded the ayes and noes, and the bill passed, by the following vote:

AYES—Messrs. Amerige, Ames, Avery, Bell, Bigelow, Brown, Campbell, Collins, Cunnard, Davis, Dennis, Dore, Eliason, Fay, Ferguson, Frazier, Griswold, Hillyer, Hoag, Irwin, Jackson, Kendall, Lane, Loewy,

Love, Machin, Matthews, McAllister, McCullough, Meyers, Moore, O'Brien, Parker, Porter, Printy, Reese, Reeve, Sargent, Saul, Sears, Seaton, Shannon, Smith of Fresno, Smith of Sierra, Teegarden, Thompson of Tehama, Thompson of San Joaquin, Thornbury, Tilton of San Francisco, Tilton of San Mateo, Waddell, Warwick, Werk, Woodman, Worthington, and Wright—56.

NOES—Messrs. Dudley of Placer, Maclay, and Yule—3.

At forty minutes past one o'clock, P. M., on motion of Mr. Saul, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, February 7th, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.
Journal of yesterday read and approved.
Mr. Ferguson had two days leave of absence.

PETITIONS.

Mr. Frazier presented a petition of citizens of El Dorado County, for amendment of Sunday Law.

Referred to Committee on Public Morals.

Mr. Dean presented a petition of citizens of El Dorado County, for amendment to Road Laws.

Referred to El Dorado delegation.

RESOLUTIONS.

Mr. Yule offered a concurrent resolution, indorsing the policy of the present National Administration.

Mr. O'Brien offered an additional resolution.

Ruled out of order.

Mr. Dudley of Placer moved to refer the resolution to the Committee on Federal Relations

Mr. Printy moved the previous question.

Sustained.

On the reference, Messrs. Hillyer, Battles, and O'Brien, demanded the ayes and noes, and the House refused to refer, by the following vote:

AYES—Messrs Campbell, Cot, Dennis, Dudley of Placer, Frazier, Griswold, Irwin, Kendall, Matthews, O'Brien, Parker, Seaton, Shannon, Thompson of San Joaquin, Thornbury, Waddell, Watson, Woodman, and Wright—19.

NOES—Messrs. Amerige, Avery, Barton of Sacramento, Battles, Bell, Benton, Bigelow, Brown, Collins, Cunnard, Dore, Dow, Dudley of So-

lano, Eagar, Eliason, Evey, Fay, Hillyer, Hoag, Jackson, Lane, Loewy, Love, Machin, Maclay, McAllister, McCullough, Meyers, Moore, Porter, Printy, Reed, Reese, Reeve, Sears, Smith of Sierra, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Warwick, Worthington, Yule, and Zuck—43.

On the adoption of the resolution, Messrs. Yule, Battles, and Sears, demanded the ayes and noes, and the motion prevailed, by the following vote:

AYES—Messrs Amerige, Ames, Avery, Barton of Sacramento, Battles, Bell, Benton, Bigelow, Brown, Campbell, Collins, Cunnard, Dean, Dennis, Dore, Dow, Dudley of Placer, Dudley of Solano, Eagar, Eliason, Evey, Fay, Frazier, Griswold, Hillyer, Hoag, Jackson, Loewy, Love, Machin, Maclay, Matthews, McAllister, McCullough, Meyers, Moore, O'Brien, Porter, Printy, Reed, Reese, Reeve, Sargent, Saul, Sears, Seaton, Shannon, Smith of Sierra, Tecgarden, Thompson of San Joaquin, Thornbury, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Waddell, Warwick, Werk, Woodman, Worthington, Wright, Yule, Zuck, and Mr. Speaker—63.

NOES—Messrs. Lane, Pemberton, Smith of Fresno, Thompson of Tehama, and Watson—5.

INTRODUCTION OF BILLS.

Mr. Shannon, by leave, introduced a bill for an Act amendatory of and supplementary to an Act to regulate proceedings in civil cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereto.

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

Mr. Saul, by leave, introduced a bill for an Act for the better protection of farmers, and for regulating the herding of stock.

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

On motion of Mr. Reed, Assembly bill No. 64 was ordered printed

Mr. Porter mdae the following report:

Mr. SPEAKER:—Your Committee to whom was recommitted a former report on Rules and Joint Rules, have had the same under consideration, together with the Joint Rules adopted in the Senate and referred to your Committee, and they ask leave now to report, and recommend the adoption of the Assembly Rules herewith returned, and a concurrence upon the Joint Rules adopted by the Senate.

PORTER, for Committee.

Report adopted, and ordered printed.

Mr. Thompson of Tehama offered a bill for an Act to authorize the Board of Supervisors of Colusa County to levy a special tax in said county, creating a Sinking Fund.

Read first and second times, and placed on file.

At three o'clock, P. M., Mr Shannon moved to adjourn.

Upon which, Messrs. O'Brien, Griswold, and Wright, demanded the ayes and noes, and the motion prevailed, by the following vote:

AYES—Messrs. Ames, Barton of Sacramento, Battles, Bigelow, Dean,

Dennis, Dore, Dow, Dudley of Placer, Dudley of Solano, Irwin, Jackson, Love, Machin, McAllister, McCullough, Reed, Reese, Reeve, Saul, Sears, Shannon, Smith of Sierra, Thompson of Tehama, Thompson of San Joaquin, Thornbury, Werk, Woodman, Worthington, and Zuck—30.

NOES—Messrs. Amerige, Avery, Benton, Brown, Cot, Eagar, Eliason, Frazier, Griswold, Hillyer, Hoffman, Loewy, Meyers, Moore, O'Brien, Parker, Sargent, Teegarden, Tilton of San Mateo, Van Zandt, Warwick, Wright, and Yule—23.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, February 8th, 1862

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.
Journal of yesterday read and approved.
The Speaker announced the following Committees:

Standing Committee on the Culture of the Vine—Messrs. Brown, Watson, Thompson of San Joaquin, Saul, Teegarden, Dow, and Evey.

Addition to Standing Committee on Swamp and Overflowed Lands—Messrs. Hoag, Eliason, Bigelow, and Eagar.

Select Committee on Messengers—Messrs. Irwin, Dennis, Campbell, Sargent, and Tilton of San Francisco.

Joint Committee on Translating Laws into Spanish—Messrs. Dana, Cot, and Loewy.

A communication was received from the Industrial School Department.

Referred to the Committee on Education.

Also, a communication from the Comptroller of State.

Referred to the Committee on Ways and Means.

REPORTS.

Mr. Yule, from the Committee on Mines and Mining Interests, made the following report:

Mr. SPEAKER:—Your Committee on Mines and Mining Interests, to whom was referred Assembly bill No. 6, an Act concerning mining associations and companies, have had the same under consideration, beg leave to report the same back, with a substitute, recommend the passage of the substitute, and ask that the usual number of copies be printed. Your Committee would further state that the substitute does not materially differ from the original bill, but as there were a large number of amendments made by the Committee, and, in order to prevent confusion in their reading, we concluded to copy the original bill, with the amendments, and present the copy as a substitute.

YULE, Chairman.

The bill above reported was ordered printed.

Mr. Moore, from the Committee on Agriculture, made the following report:

Mr. SPEAKER:—The Committee on Agriculture, to whom was referred Assembly bill No. 68, an Act for the better protection of farmers, report the same back, with amendments, and recommend its passage.

MOORE, for Committee.

The bill above reported was ordered printed.

Mr. Bell made a verbal report on the resolutions of respect to the memory of Colonel Baker.

The resolutions were made the special order for Monday, February tenth, eighteen hundred and sixty-two, at twelve o'clock, M

Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined the following Assembly bills, and report the same correctly engrossed:

No. 14, entitled an Act to amend an Act entitled an Act to authorize Thomas Cutler, Administrator of the estate of Albert Cutler, deceased, to sell real estate at private sale, approved February eleventh, eighteen hundred and sixty-one;

No. 18, entitled an Act for the relief of Dennis Tryon;

No. 33, entitled an Act to amend an Act entitled an Act concerning District Court Reporters for the Fourth, Sixth, Seventh, Tenth, Twelfth, and Fifteenth Judicial Districts, approved May seventeenth, eighteen hundred and sixty-one;

No 34, entitled an Act concerning roads and streets in the Town of Auburn;

No. 41, entitled an Act to authorize the Mayor and Common Council of the City of Los Angeles to borrow money for municipal improvements;

No. 56, entitled an Act to amend an Act entitled an Act to make certain offices in the County of Tuolumne salaried offices, approved February twenty-first, eighteen hundred and sixty-one;

No. 59, entitled an Act to authorize the Benicia Cemetery Association to close certain streets and alleys;

No. 61, entitled an Act making appropriations for the payment of boatmen employed by the Sergeant-at-Arms of the Assembly during the flood at the Capital.

WM. LOEWY, Chairman.

Mr. Cot made the following report:

Mr. SPEAKER:—The Monterey delegation, to whom was referred Assembly bill No 54, an Act supplementary to an Act, approved May fourteenth, eighteen hundred and sixty-one, entitled an Act amendatory of and supplementary to an Act concerning marks and brands, passed May first, eighteen hundred and fifty-one, report the bill back, and respectfully recommend its passage.

COT.

Mr. Van Zandt offered the following resolution:

Resolved, That this House do tender their thanks to the Board of Di-

rectors of the Odd Fellows' Library Association of this city, for their invitation to use their library during the present session.

Adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

SENATE CHAMBER,
February 7th, 1862.

Mr SPEAKER :—The Senate, on the fifth instant, passed Senate bill No. 28, an Act to repeal certain Acts ;

Also, on yesterday adopted Senate concurrent resolution No. 25, relative to the erection of a State Capitol ;

Also, Senate concurrent resolution No. 12, relative to spoliations by Indians in this State ;

Also, concurred in Assembly amendments to Senate bill No. 7, an Act to direct the Controller of State in relation to drawing his warrants on the State Treasurer ;

Also, adopted report of Committee of Free Conference on Senate concurrent resolution No 17, relative to printing reports of State officers ;

Also, this day refused to concur in Assembly concurrent resolution No 10, relative to a tri-weekly mail route between Sacramento and Lancha Plana, and the establishment of post offices

A A DE LONG.
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate bill No. 28, above reported, read first and second times, and referred to Select Committee on Retrenchment.

Senate concurrent resolution No. 12, above reported, referred to Committee on Indian Affairs

Senate concurrent resolution No. 25, above reported, referred to Committee on Public Buildings.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows :

By Mr. Saul, for an Act to extend the time for recording homesteads.

By Mr. Hoffman, for an Act to repeal an Act approved May twentieth, eighteen hundred and sixty-one, entitled an Act for the observance of the Sabbath.

By Mr. McAllister, for an Act to prevent prisoners working outside the prison walls, in the County of Marin on and after a certain date.

By Mr. Hoag, for an Act to extend and define the duties of the owners of public ferries, toll bridges, and toll roads.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Hoffman, for an Act amendatory of and supplementary to an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the several Acts amendatory thereof and supplementary thereto.

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

By Mr. Wright, for an Act to authorize Horace Cole and his associates to construct a way over waters in the County and City of San Francisco

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

By Mr. Thompson of San Joaquin, for an Act amendatory of an Act entitled an Act concerning the Courts of Justice of this State, and judicial officers, passed May nineteenth, eighteen hundred and fifty-three.

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

By Mr. Brown, for an Act to prohibit actions to recover the possession of real property by virtue of Spanish or Mexican grants, until after a final confirmation of the boundaries of such grants by the proper authorities of the United States.

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

By Mr. Dennis, for an Act in relation to public roads in the County of El Dorado, and to the Road Fund of said County

Read first and second times, and placed on file.

By Mr. Maclay, for an Act concerning the organization of the militia

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

By Mr. Smith of Sierra, for an Act authorizing the Board of Supervisors of Sierra County to levy certain taxes for county purposes for the year eighteen hundred and sixty-two;

Also, for an Act changing the time of meeting of the Board of Supervisors in and for the County of Sierra

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

By Mr. Bigelow, for an Act to provide revenue for the support of the Government of this State from a tax from foreign and inland bills, passengers, insurance companies, and other matters;

Also, for an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May ninth, eighteen hundred and sixty-one.

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

By Mr. Yule, for an Act amendatory of and supplemental to an Act entitled an Act concerning the Courts of Justice of this State, and judicial officers, passed May nineteenth, eighteen hundred and fifty-three.

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

GENERAL FILE.

Assembly bill No. 29, an Act to grant the right to construct a bridge or bridges across the Stanislaus River. Substitute Assembly bill No. 66—adopted and referred to the delegations from Stanislaus, Tuolumne, San Joaquin, and Calaveras.

Substitute for Senate bill No. 32, an Act supplemental to an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, and the several Acts amendatory thereof and supplemental thereto—read third time, and passed.

Senate bill No. 95, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of Sutter County to construct a bridge across Feather River, approved April eleventh, eighteen hundred and fifty-nine, and to repeal section second of an Act amendatory and supplementary thereto—referred to the Committee on Commerce and Navigation, with

instructions to report February tenth, eighteen hundred and sixty-two.

Assembly bill No 35, an Act to authorize the Contra Costa Coal Mine and Railroad Company to use any suitable description of rails—indefinitely postponed.

Assembly bill No 69. an Act to authorize the Board of Supervisors of Colusa County to levy a special tax in said county, creating a Contingent Fund—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No 14, an Act to amend an Act entitled an Act to authorize Thomas Cutler, Administrator of the estate of Albert Cutler, deceased, to sell real estate at private sale, approved February eleventh, eighteen hundred and sixty-one—read third time, and passed

Assembly bill No 18, an Act for the relief of Dennis Tryon—read third time, and passed.

Assembly bill No. 56, an Act to amend an Act entitled an Act to make certain offices in the County of Tuolumne salaried offices, approved February twenty-first, eighteen hundred and sixty-one—read third time, and passed.

Assembly bill No 34, an Act concerning roads and streets in the Town of Auburn—read third time, and passed.

Assembly bill No. 59, an Act to authorize the Benicia Cemetery Association to close certain streets and alleys—read third time, and passed.

Assembly bill No. 33, an Act to amend an Act entitled an Act concerning District Court Reporters for the Fourth, Sixth, Seventh, Tenth, Twelfth, and Fifteenth Judicial Districts, approved May seventeenth, eighteen hundred and sixty-one—made special order for February twelfth, eighteen hunnred and sixty-two, at twelve o'clock, M.

The following communication was received from the Adjutant-General, and the invitation therein contained was, on motion of Mr. Ames, accepted:

STATE OF CALIFORNIA—HEADQUARTERS MILITIA,
OFFICE ADJUTANT-GENERAL,
Sacramento, February 8th, 1862.

To the Speaker of the Assembly of the State of California:

Sir:—The troops of the Second Brigade, Second Division, organized militia, will parade for review and inspection. on Washington Square, in the City of San Francisco, on the twenty-second instant, at ten o'clock, A M.

General Doane. on behalf of himself and his command, has requested me to extend an invitation to the Honorable the Speaker and Members of the Assembly, to honor the Brigade with their presence on that occasion.

I have the honor to be,
Your obedient servant,
WILLIAM C. KIBBE,
Adjutant-General, State of California.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 8th, 1862.

Mr. SPEAKER:—The Senate have this day passed Senate bill No. 110,

an Act to grant the right to construct a bridge across the Mokelumne River, at Middle Bar, to Adam Denzler.

A. A. DE LONG,
Assistant Secretary.

Senate bill No. 110, above reported, read first and second times, and referred to the delegations from Amador and Calaveras.

At fifty minutes past one o'clock, P. M., on motion of Mr. Ames, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, February 10th, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.
Journal of Saturday read and approved.
Mr Saul had indefinite leave of absence.

PETITIONS.

Mr. Love presented a petition of citizens of Sierra, Yuba, and Plumas Counties, for the organization of a new county, to be called Alturas County.

Referred to Committee on Counties and County Boundaries.

Mr Dean presented a petition of citizens of Diamond Springs, for amendments to Sunday Law.

Referred to Committee on Public Morals.

REPORTS.

Mr Fay, from the Committee on Commerce and Navigation, made the following report:

Mr. SPEAKER:—The Committee on Commerce and Navigation have had under consideration Senate bill No. 95, entitled an Act to amend an Act entitled an Act to authorize the Board of Supervisors of Sutter County to construct a bridge across Feather River, approved April eleventh, eighteen hundred and fifty-nine, and repeal section second of an Act amendatory and supplemental thereto, and recommend its passage.

C. T. FAY, Chairman.

Mr. Kendall made the following report:

Mr. SPEAKER:—The delegation from Calaveras, Tuolumne, Mono, Stanislaus, Merced, and San Joaquin, to whom was referred substitute to Assembly bill No. 29, entitled an Act to grant the right to construct a bridge or bridges across the Stanislaus River, to the Stanislaus Bridge

and Ferry Company, report—that the delegations from all the above counties, with the exception of Calaveras, concur in returning said bill to this House, with the recommendation that it pass.

C. W. KENDALL, Chairman.

Mr. O'Brien made the following minority report:

Mr. SPEAKER:—A minority of your Select Committee, to whom was referred Assembly substitute for Assembly bill No. 29, have had the same under consideration, report it back, with amendments, and ask the concurrence of the Assembly.

O'BRIEN,
GRISWOLD.

Mr Griswold, from the Calaveras and Amador delegations, made the following report:

Mr. SPEAKER:—The Calaveras and Amador delegations, to whom was referred Senate bill No. 110, an Act to grant the right to construct a bridge across the Mokelumne River, at Middle Bar, to Adam Denzler and associates, have had the same under consideration, beg leave to report the same back, with an amendment, and recommend its passage.

GRISWOLD, for Delegations.

Mr. Smith, from the Sierra delegation, made the following report:

Mr SPEAKER:—The Sierra delegation, to whom was referred Assembly bill No 80, an Act authorizing the Board of Supervisors of Sierra County to levy certain taxes for county purposes for the year eighteen hundred and sixty-two;

Also, an Act changing the time of meeting of the Board of Supervisors in and for the County of Sierra;

Have had the same under consideration, and beg leave to report said bills back, and recommend their passage.

SMITH, for Delegation.

Mr. Love, from the Committee on Public Buildings and Grounds, made the following report:

Mr. SPEAKER:—The Committee on Public Buildings and Grounds, to whom was referred Senate concurrent resolution No. 25, relative to the erection of a State Capitol, have had the same under consideration, and report it back, and recommend its immediate passage.

LOVE, Chairman.

On motion of Mr. Tilton of San Francisco, the Committee on Agriculture had leave to withdraw their report on Assembly bill No. 68, and the bill recommitted.

Mr. Ames presented a concurrent resolution relative to transfer of specie in the Treasurer's office for the purchase of Treasury Notes.

Mr. O'Brien moved to lay the resolution on the table.

Upon which, Messrs. Ames, Dennis, and Love, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Barton of San Bernardino, Campbell, Cot, Davis, Dow,

Eagar, Griswold, Jackson, Lane, Matthews, Meyers, Morrison, O'Brien, Pemberton, Seaton, Smith of Fresno, Teegarden, Thompson of Tehama Thompson of San Joaquin, Waddell, Watson, Werk, Wilcoxon, and Woodman—24.

NOES—Messrs. Amerige, Ames, Avery, Barton of Sacramento, Battles, Benton, Bigelow, Brown, Collins, Cunnard, Dean, Dennis, Dore, Dudley of Placer, Dudley of Solano, Eliason, Fay, Frazier, Hillyer, Hoag, Irwin, Kendall, Loewy, Love, Machin, Maclay, McAllister, McCullough, Moore, Parker, Porter, Printy, Reese, Reeve, Sargent, Sears, Shannon, Smith of Sierra, Thornbury, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Worthington, Wright, Yule, Zuck, and Mr. Speaker—47.

On motion of Mr. Avery, the resolution was referred to the Committee on Ways and Means.

Mr. Fay offered a resolution relating to amendment of the Act for the incorporation of towns, passed April nineteenth, eighteen hundred and fifty-six

Referred to the Committee on Retrenchment.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 10th, 1862

MR. SPEAKER:—The Senate, on the fifth instant, passed substitute for Senate bill No. 4, an Act to authorize William McInturf to construct a wharf, mooring piles, and a chute or dry sluice, at Port McInturf, in Mendocino County;

Also, on the sixth, passed Senate bill No. 100, an Act to legalize and provide for the collection of delinquent taxes in the County of Solano, due the City of Benicia;

Also, on the eighth, passed Assembly bill No 69, an Act to authorize the Board of Supervisors of Colusa County to levy a special tax in said county, creating a Contingent Fund

A. A. DE LONG,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Substitute for Senate bill No. 4, above reported, read first and second times, and referred to Committee on Commerce and Navigation.

Senate bill No. 100, above reported, read first and second times, and referred to the Solano delegation.

Mr. Brown gave notice of a bill for an Act to quiet the titles to real estate in the County of Santa Clara.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Yule, for an Act amendatory of an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty.

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

By Mr. Benton, for an Act making an appropriation for the payment of the claim of J. C. Doherty, for services and sundries furnished the Assembly, seventh session.

Read first and second times and referred to the Committee on Claims.

By Mr. Ames, for an Act for the relief of the tax payers of Mendocino County.

Read first and second times, and placed on file.

By Mr Morrison, for an Act to provide for the reclamation of Swamp and Overflowed Lands of this State, by the construction of levees, canals, etc , and the employment of convict labor.

Read first and second times, referred to the Committee on Swamp and Overflowed Lands, and ordered printed.

By Mr. Hoag, for an Act to extend and define the duties of the owners of public ferries, toll bridges, and toll roads in this State.

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

By Mr Wilcoxon, for an Act to authorize the Board of Supervisors in and for Sutter County to levy a special tax for the repair of the Court House in said county

Read first and second times, and placed on file.

By Mr Dudley of Solano, for an Act to authorize the Board of Supervisors of Solano County to levy an additional road tax

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

By Mr Avery, for an Act amendatory of an Act entitled an Act for securing liens to mechanics and others passed March eighteenth, eighteen hundred and fifty-seven

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

GENERAL FILE.

Assembly bill No 54, an Act supplementary to an Act, approved May fourteenth, eighteen hundred and sixty-one, entitled an Act amendatory of and supplementary to an Act entitled an Act concerning marks and brands, passed May first, eighteen hundred and fifty-one—ordered engrossed

Senate bill No 95, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of Sutter County to construct a bridge across Feather River, approved April eleventh, eighteen hundred and fifty-nine—read third time and passed

Assembly bill No 74, an Act in relation to public roads in the County of El Dorado, and to the Road Fund of said county—rules suspended, considered engrossed, read third time, and passed.

At half past twelve o'clock, P M., on motion of Mr. Shannon, the House took a recess until five minutes before one o'clock, P. M.

The House reassembled at five minutes before one o'clock, P. M.

Quorum present.

SPECIAL ORDER.

Resolutions of respect to the memory of Col. E D Baker, (the special order of the day,) were taken up, and the resolutions reported by the committee unanimously adopted

At fifteen minutes after three o'clock, P. M., on motion of Mr. Love, the House, in memory of the dead, adjourned.

IN ASSEMBLY

HOUSE OF ASSEMBLY,
Tuesday, February 11th, 1862.

House met pursuant to adjournment
Speaker in the Chair.
Roll called.
Quorum present
Journal of yesterday read and approved.

PETITIONS.

Mr Hoag presented a petition of citizens of Yolo County, for change of county seat to Woodland.

Referred to Committee on Counties and County Boundaries.

Mr. Worthington presented a petition of citizens of San Francisco, against Sunday Law.

Referred to Committee on Public Morals.

Mr. Maclay presented a petition of citizens of Santa Clara for amendment to Sunday Law.

Referred to Committee on Public Morals.

REPORTS.

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

Mr. SPEAKER:—The Judiciary Committee, to whom was referred the following bills, have had the same under consideration, report upon them favorably, and most respectfully recommend their passage:

Senate bill No 15, entitled an Act to amend an Act entitled an Act supplementary to an Act concerning Courts of Justice and judicial officers, passed May nineteenth, eighteen hundred and fifty-three, approved May eighteenth, eighteen hundred and sixty-one;

Assembly bill No. 48, entitled an Act for the purchase and preservation of public newspapers printed and published in the several counties of this State, with amendments;

Also, Assembly bill No 82, entitled an Act amendatory of and supplementary to an Act concerning the Courts of Justice in this State, and judicial officers, passed May nineteenth, eighteen hundred and fifty-three, approved April nineteenth, eighteen hundred and fifty-six, and recommend that it do not pass.

S. B. BELL, Chairman.

Mr. Dudley of Solano made the following report:

Mr. SPEAKER:—The undersigned, to whom was referred Senate bill No. 100, an Act to legalize and provide for the collection of delinquent taxes in the County of Solano, due the City of Benicia, reports the same back, without amendments, and recommends its passage.

DUDLEY of Solano.

Mr. Irwin made the following report:

Mr. SPEAKER:—Your Select Committee on the subject of the appoint-

ment of Messengers to transact the business of this House with the State offices in the City of Sacramento, and also to inquire whether some more economical method for accomplishing the object can not be adopted, have had the matter under consideration, and beg leave to report as follows:

We took into consideration the concurrent resolution referred to us, which proposes to give to the Speaker of this House and the President of the Senate, power to appoint two Messengers, with the pay of eight dollars per day, when the business of the two Houses with the State offices shall demand their services — but cannot recommend to this House its adoption.

We also applied to Messrs. Wells, Fargo & Co., and ascertained from them that they will undertake to transact the business of this House, its committees and members, with the public offices and Library in Sacramento, for the sum of three hundred and fifty dollars ($350) per month. Their messengers to be placed under oath whenever the House or committees shall so desire

We have also considered the proposition to appoint Messengers of this House to transact its business, and that of its committees and members with the State offices and Library in Sacramento, and are of the opinion that this method has advantages over the facilities offered by Wells, Fargo & Co., which more than compensate for the difference in the expense Two Messengers, at eight dollars per day, will cost four hundred and eighty dollars ($480) per month. Wells, Fargo & Co.'s proposition is to perform the service for three hundred and fifty dollars ($350) per month; one hundred and thirty dollars less than the employment of Messengers will cost. But it is thought that the superior attention which Messengers will be able to give to our business, having nothing else to attend to, and being therefore able to spend their whole time, while in this city, in this building, where members may have access to them at all times, is a consideration which more than makes up for the additional expense involved in their employment.

Your Committee therefore recommend to this House that it select two persons to act as Messengers; that said persons be required to give bonds in the penal sum of ten thousand dollars—conditioned for the faithful performance of all duties imposed on them by this House, its committees and members—their bonds to be approved by the Speaker of this House.

W. IRWIN,
JOHN H. DENNIS,
THOS. CAMPBELL,
S. S. TILTON,
J. C. SARGENT.

Mr. Brown moved the indefinite postponement of the report.

Mr. Watson demanded the previous question.

Sustained.

On the indefinite postponement, Messrs. Griswold, Dennis, and Frazier, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES.—Messrs. Amerige, Ames, Avery, Barton of San Bernardino, Battles, Bigelow, Brown, Collins, Cot, Cunnard, Dore, Dow, Eagar, Hillyer, Lane, Love, Machin, Meyers, Moore, Pemberton, Porter, Printy, Reed, Reese, Smith of Fresno, Smith of Sierra, Thompson of San Joaquin, Van Zandt, Watson, Yule, Zuck, and Mr. Speaker—32.

NOES—Messrs. Barton of Sacramento, Bell, Benton, Campbell, Dean, Dennis, Dudley of Solano, Eliason, Fay, Ferguson, Frazier, Griswold, Hoag, Irwin, Jackson, Loewy, Maclay, Matthews, McAllister, McCullough, O'Brien, Parker, Reeve, Sargent, Seaton, Shannon, Thompson of Tehama, Thornbury, Tilton of San Francisco, Waddell, Warwick, Werk, Wilcoxon, Woodman, Worthington, and Wright—36.

Mr. Fay offered the following resolution:

Resolved, That the report of the Committee on Messengers be recommitted, with instructions to employ Wells, Fargo & Co. to do the messenger business of the Legislature.

Mr. Bell offered the following amendment:

Special instructions—that the committee be instructed to report a joint resolution requiring the Senate and Assembly to appoint two Messengers to serve both Houses in common.

The amendment was lost.

Mr. Griswold demanded the previous question, which was sustained, and the House refused to recommit with special instruction.

On the adoption of the report, Messrs Avery, Watson, and Hillyer, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Campbell, Dean, Dennis, Frazier, Griswold, Kendall, McAllister, O'Brien, Parker, Reeve, Sargent, Shannon, Smith of Sierra, Teegarden, Thornbury, Waddell, Wilcoxon, Woodman, and Worthington—19.

NOES—Messrs. Amerige, Ames, Avery, Barton of Sacramento, Barton of San Bernardino, Battles, Bigelow, Brown, Collins, Cot, Cunnard, Dow, Dudley of Placer, Dudley of Solano, Eagar, Fay, Hillyer, Hoag, Hoffman, Jackson, Loewy, Love, Maclay, Meyers, Moore, Morrison, Porter, Printy, Reed, Reese, Seaton, Smith of Fresno, Thompson of Tehama, Thompson of San Joaquin, Van Zandt, Watson, Wright, Yule, and Zuck—39.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 11th, 1862.

MR. SPEAKER:—The Senate, on yesterday, passed Senate bill No 83, an Act to provide for transcribing certain records in the Recorder's office of Sonoma County, pertaining to lands in Mendocino County.

I am also directed to inform the Assembly that the Senate have this day received from his Excellency, the President of the Board of State Prison Directors, a report of said Board.

A. A. DE LONG,
Assistant Secretary.

Senate bill No. 83, above reported, was read first and second times, and referred to the delegations from Sonoma and Mendocino.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Watson, for an Act to amend an Act to regulate fees of office in the Counties of Los Angeles and Santa Barbara, approved April sixth, eighteen hundred and sixty-one

By Mr Campbell, for an Act in relation to public roads in the County of Calaveras, and the Road Fund of said county.

By Mr. Hoag, for an Act concerning publications in Yolo County;

Also, an Act to divide the Eleventh Judicial District, and to reorganize the Sixth District.

By Mr. Ferguson, for an Act to allow the Board of Supervisors of Sacramento County to levy a special tax.

By Mr. Dean, for an Act to amend sections thirty-two, thirty-eight, and thirty-nine, of an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one

By Mr. Reed, for an Act for the relief of J. G. Wickersham.

By Mr Porter, for an Act to authorize the transfer of surplus moneys in the Gilman Judgment Fund of Contra Costa County;

Also, an Act to enable the Board of Supervisors of Contra Costa County to levy a special property poll tax for the repair of roads and bridges in said county.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Dudley of Solano, for an Act to authorize the parties therein named to construct and maintain a wharf.

Read first and second times, and referred to the Committee on Commerce and Navigation

By Mr. Tilton of San Mateo, for an Act to fix the terms of the different Courts in the County of San Mateo.

Read first and second times, and placed on file.

By Mr. Maclay, for an Act to amend an Act entitled an Act to provide revenue for the support of the Government of the State, approved May seventeenth, eighteen hundred and sixty-one.

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

By Mr Cot, for an Act concerning certain salaries and fees of office in the County of Monterey.

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

By Mr. Morrison, for an Act authorizing B B. Lee, Guardian of certain minors, to sell and dispose of their real estate.

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

By Mr. Dudley of Placer, for an Act to authorize the Governor of the State to reside and keep his office in the City of San Francisco during the thirteenth session of the Legislature, of the year eighteen hundred and sixty-two, and to fix his place of residence and office thereafter.

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

By Mr. Ames, for an Act to authorize Joseph B. Price and his associates to construct and maintain a turnpike road, from Cloverdale to Sanel, and to charge and collect toll for travel thereon.

Read first and second times, and referred to delegations from Sonoma and Mendocino.

GENERAL FILE.

Senate bill No. 110, an Act to grant the right to construct a bridge across the Mokelumne River, at Middle Bar, to Adam Denzler—the Committee amendments adopted.

Mr. Hoag offered the following amendment to the first section:

Provided, that the Board of Supervisors who by this Act are authorized and empowered, annually, to fix the rates of toll to be collected on said bridge, shall also have authority to impose a license yearly, upon said company; such license not to exceed the sum of one hundred dollars per month, and not to be less than five dollars per month; and, *provided*, also, that until said license be paid to the County Treasurer of the county whose Board of Supervisors are required to impose said license, and the receipt therefor be filed with the Clerk of said Board of Supervisors, said company or corporation shall not have authority to collect any toll for the use of said bridge.

Lost.

Mr Seaton offered to amend section two by striking out the words "its construction," and inserting the words "the same."

Adopted

Mr. Campbell moved to amend section four by striking out the word "fixed," and inserting the words "determined upon."

Adopted.

Mr. Hoag offered the following amendment to section four:

Provided, said Board of Supervisors shall have authority to impose an annual license, to be paid by said company, in the discretion of said Supervisors; and, *provided*, also, that until said license be paid to the County Treasurer of the same county whose Board of Supervisors impose said license, and the receipt therefor be filed with the Clerk of said Board of Supervisors, said company or incorporation shall not have authority to collect any toll.

Lost.

Bill read third time.

Mr. Ames moved the previous question.

Upon which, Messrs. Hoag, Avery, and Tilton of San Mateo, demanded the ayes and noes, and the motion prevailed, by the following vote:

AYES—Messrs. Ames, Battles, Campbell, Cunnard, Dennis, Dow, Dudley of Placer, Eagar, Eliason, Ferguson, Frazier, Griswold, Hillyer, Irwin, Kendall, Lane, Loewy, Love, Machin, Maclay, Matthews, McAllister, Meyers, Moore, O'Brien, Parker, Seaton, Shannon, Smith of Fresno, Thompson of Tehama, Thompson of San Joaquin, Thornbury, Waddell, Woodman, Worthington, and Wright—36.

NOES—Messrs. Amerige, Avery, Barton of Sacramento Bell, Benton, Bigelow, Collins, Cot, Dean, Dore, Fay, Hoag, McCullough, Porter, Printy, Reese, Reeve, Sargent, Smith of Sierra, Teegarden, Tilton of San Mateo, Van Zandt, Warwick, Yule, and Zuck—25.

And the bill was passed.

Assembly bill No. 72, substitute for Assembly bill No 6, an Act concerning mining associations and companies—substitute adopted, and ordered engrossed.

Assembly bill No. 66, substitute for Assembly bill No. 29, an Act to grant the right to construct a bridge across the Stanislaus River to the Stanislaus Bridge and Ferry Company.

On motion of Mr. Maclay, at three o'clock, P. M. the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, February 12th, 1862

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Messrs Barton of San Bernardino, and Jackson, had leave of absence.

A communication was received from the Trustees of the City of Benicia.

Referred to the Committee on Education.

REPORTS.

Mr. Tilton of San Francisco, from the Committee on Elections, made a report on the contested election of Orr and Davis.

(For report, see Appendix.)

Mr. Tilton offered the following resolution:

Resolved, That the contestant and respondent in the contested election case of Orr *vs.* Davis be and are hereby allowed to appear by Counsel, at the bar of the Assembly to-morrow, at twelve o'clock, M., and that the report of the Committee be made the special order at that hour.

Adopted.

Mr. Shannon presented a petition of certain officers of the Nevada Legislature, relative to the passage of an Act for the protection of trout in Lake Bigler.

Referred to Placer and El Dorado delegations.

Mr. Moore, from the Committee on Agriculture, made the following report:

MR. SPEAKER:—Your Committee on Agriculture have had Senate bill No. 62 under consideration, and have examined the same carefully, and respectfully report the same back, with the recommendation that the same do pass;

Also, your Committee have carefully examined Assembly bill No. 68, and most respectfully report the same back, without recommendation.

MOORE, for Committee

Mr Fay, from the Committee on Commerce and Navigation, made the following report:

Mr. SPEAKER:—The Committee on Commerce and Navigation have had under consideration Assembly bill No. 36, entitled an Act to authorize Lewis E. Morgan and his associates or assigns to construct and maintain a wharf in Contra Costa County. They beg to report the bill back, with the recommendation that it pass.

FAY, Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 11th, 1862.

Mr. SPEAKER:—The Senate this day passed Assembly bill No. 41, an Act to authorize the Mayor and Common Council of the City of Los Angeles to borrow money for municipal improvements;

Also, Assembly bill No. 43, an Act to authorize the Corporation of the City of Los Angeles to fund the debt of said city;

Also, Assembly bill No. 44, an Act supplementary to an Act to incorporate the City of Los Angeles;

Also, this day passed Senate bill No. 34, an Act to amend an Act entitled an Act authorizing and empowering 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, approved March sixteenth, eighteen hundred and fifty-nine;

Also, Senate bill No. 96, an Act for the relief of holders of stamps heretofore issued for bills of lading;

Also, on the eighth instant passed Senate bill No. 66, an Act to grant the right to construct a turnpike road from the Great Bend of the Mohave River, in the County of San Bernardino, through Williamson's Pass, to the Pacific Coast, at or near the Town of Buenaventura, in the County of Santa Barbara

A. A. DE LONG,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate bill No 34, above reported, read first and second times, and placed on file

Senate bill No. 96, above reported, read first and second times, and referred to the Committee on Ways and Means.

Senate bill No. 66, above reported, read first and second times, and referred to the Committee on Roads and Highways.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Hoffman, for an Act authorizing the Auditor and Board of Supervisors of San Diego County to settle semi-annually with the County

Treasurer of said county, instead of the State Controller, as heretofore. And that the said Auditor and Board of Supervisors be authorized and required to remit the State's part or portion of taxes or revenue from said county, by express, to the Treasurer of this State, and that the usual amount of mileage heretofore paid to the County Treasurer for going to and from the Capital twice a year, be, after paying the express charges on said funds, given and applied to the County General Fund for county purposes.

By Mr. Reed, for an Act to divide the Seventh Judicial District, and the erection of a new Judicial District, including the Counties of Sonoma, Marin, and Mendocino

By Mr. Morrison, for an Act amendatory of an Act amendatory of and supplemental to an Act entitled an Act to provide for the location and sale 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, eighteen hundred and fifty-eight, and an Act amendatory thereof, approved February eighteenth, eighteen hundred and fifty-nine, and an Act amendatory thereof, approved April twenty-second, eighteen hundred and sixty-one.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Hoag, for an Act concerning publications in Yolo County.

Read first and second times, and placed on file.

SPECIAL ORDER.

Assembly concurrent resolution No. 8, relative to the military defence of the State, (special order for this day,) was referred to the Committee on Military Affairs.

Assembly bill No. 33, an Act to amend an Act entitled an Act concerning District Court Reporters, approved May seventeenth, eighteen hundred and sixty-one, (also special order for this day,) consideration continued until half past one P. M. this day.

INTRODUCTION OF BILLS, RESUMED.

By Mr Hoag, for an Act to divide the Eleventh Judicial District of this State, and reorganize the Sixth.

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

By Mr. Watson, for an Act to amend an Act entitled an Act to regulate fees of office in the Counties of Los Angeles and Santa Barbara, approved April sixth, eighteen hundred and sixty-one.

Read first and second times, and referred to the Los Angeles delegation

By Mr. Porter, for an Act to authorize the Board of Supervisors of the County of Contra Costa to transfer surplus moneys remaining in the Gilman Judgment Fund of the said county.

Read first and second times, and referred to the Contra Costa delegation.

Also, an Act to authorize the levy of a special property and poll tax in the County of Contra Costa, for the establishment and maintenance of roads and bridges.

Read first and second times. and referred to the Committee on Roads and Highways.

GENERAL FILE.

Assembly bill No. 80, an Act authorizing the Board of Supervisors of Sierra County to levy certain taxes for county purposes, for the year eighteen hundred and sixty-two—was ordered engrossed.

Assembly bill No. 81, an Act changing the time of meeting of the Board of Supervisors in and for the County of Sierra—was ordered engrossed.

Assembly bill No. 88, an Act to authorize the Board of Supervisors in and for Sutter County to levy a special tax for the repair of the Court House in said county—was ordered engrossed

Assembly bill No 92, an Act to fix the terms of the different Courts in the County of San Mateo—was ordered engrossed.

Assembly bill No. 86, an Act for the relief of the tax payers of Mendocino County—referred to the Judiciary Committee, with instructions to report February thirteenth, at eleven o'clock, A. M.

Assembly bill No. 82, an Act amendatory of and supplemental to an Act entitled an Act concerning the Courts of Justice of this State, and judicial officers, passed May nineteenth, eighteen hundred and fifty-three, approved April nineteenth, eighteen hundred and fifty-six.

On the indefinite postponement of the bill, Messrs. Wright, Dudley of Placer, and Machin, demanded the ayes and noes, and the bill was indefinitely postponed, by the following vote:

AYES—Messrs. Amerige, Avery, Barton of Sacramento, Battles, Bell, Benton, Bigelow, Brown, Campbell, Collins, Cot, Cunnard, Dean, Dow, Eagar, Eliason, Fay, Frazier, Hillyer, Hoag, Irwin, Lane, Loewy, Machin, Maclay, McCullough, Meyers, Moore, Morrison, O'Brien, Parker, Printy, Reed, Reese, Saul, Seaton, Shannon, Smith of Fresno, Smith of Sierra, Teegarden, Thompson of Tehama, Thompson of San Joaquin, Thornbury, Tilton of San Mateo, Van Zandt, Waddell, Warwick, Wilcoxon, Worthington, and Wright—50.

NOES—Messrs. Porter, and Yule—2.

On motion of Mr. Worthington, two hundred and forty copies of Assembly bill No. 76 were ordered printed.

Senate bill No.15, an Act to amend an Act entitled an Act to amend an Act supplementary to an Act concerning Courts of Justice and judicial officers, passed May nineteenth, eighteen hundred and fifty-three, approved May eighteenth, eighteen hundred and sixty-one—read third time, and passed.

Senate bill No 100, an Act to legalize and provide for the collection of delinquent taxes in the County of Solano, due the City of Benicia—read third time, and passed.

Assembly bill No. 48, an Act for the purchase and preservation of public newspapers printed and published in the several counties of this State—amendments adopted, and ordered engrossed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 12th, 1862.

Mr. SPEAKER:—The Senate have this day adopted Senate concurrent resolution No. 27, relative to overland mail service.

A. A. DE LONG,
Assistant Secretary.

Senate concurrent resolution No. 27, above reported, was concurred in.

FURTHER SPECIAL ORDER.

Assembly bill No. 33, an Act to amend an Act entitled an Act concerning District Court Reporters, approved May seventeenth, eighteen hundred and sixty-one.

Mr. Dudley of Placer moved to recommit the bill to the Judiciary Committee, with special instructions.

Mr. Hillyer moved the previous question.

Sustained, and bill referred to the Judiciary Committee, with special instructions.

UNFINISHED BUSINESS.

Assembly bill No 66, an Act to grant the right to construct a bridge or bridges across the Stanislaus River to the Stanislaus Bridge and Ferry Company.

Committee amendments rejected.

Mr. Shannon moved to suspend the rules, consider the bill engrossed, and put upon its passage.

Mr. Ames demanded the previous question.

Sustained, rules suspended, and bill read third time.

On its passage, Messrs. Hoag, Collins, and O'Brien, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Amerige, Ames, Avery, Barton of Sacramento, Bell, Benton, Cot, Dore, Dudley of Placer, Dudley of Solano, Eliason, Fay, Ferguson, Frazier, Hillyer, Irwin, Kendall, Lane, Loewy, Love, Machin, McAllister, McCullough, Meyers, Moore, Reese, Reeve, Saul, Shannon, Smith of Fresno, Thompson of Tehama, Thompson of San Joaquin, Tilton of San Francisco, Waddell, Wilcoxon, Woodman, Worthington, and Yule—38.

NOES—Messrs. Bigelow, Collins, Dean, Dow, Hoag, O'Brien, Parker, Printy, Sargent, and Seaton—10.

At forty-five minutes past three o'clock, P. M., on motion of Mr. Shannon, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, February 13th, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.
Journal of yesterday read and approved.

PETITIONS.

Mr. Love presented a petition of citizens of Sierra County, for repeal of Sunday Law.

Referred to the Committee on Public Morals.

Mr Worthington presented petitions of citizens of Alameda, Shasta, Calaveras, Yuba, Nevada, Sierra, Contra Costa, Tuolumne, El Dorado, and San Francisco, for repeal of Sunday Law.

Referred to the Committee on Public Morals.

Mr. Avery presented a petition of citizens of Nevada, for amendment of Sunday Law.

Referred to Committee on Public Morals.

REPORTS.

Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—Your Committee on Engrossment, to whom was referred a resolution relating to the appointment of an Assistant for the Engrossing Clerk, beg leave to report that it has now become necessary to employ an Assistant.

LOEWY, Chairman.

Adopted.

Mr. Barton of Sacramento, from the Committee on Ways and Means, made the following report:

Mr. SPEAKER:—The Committee on Ways and Means, to whom was referred Senate bill No. 96, an Act for the relief of holders of stamps heretofore issued for bills of lading, have had the same under consideration, and beg leave to return it to the Assembly, and recommend its passage, without amendment.

BARTON, Chairman.

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

Mr. SPEAKER:—The Committee on Judiciary, to whom was referred the following bills, have had the same under consideration, beg leave to report them back to the Assembly, and most respectfully recommend their passage, without amendment:

Assembly bill No. 7, an Act to extend the time for collecting delinquent taxes in the County of San Diego;

Assembly bill No. 86, an Act for the relief of the tax payers of Mendocino County;

Also, in the matter of fees, in the contested election case of Gordon *vs.* McAllister, that the following sums be allowed, and no more:

COMMISSIONERS' FEES.

62 Subpœnas	$31 00
39 Oaths administered	9 50
3 Attachments	3 00
34 Certificates	34 00
228 Folios	68 00
Witnesses' attendance and mileage	187 25
Sheriff's fees	103 80
Total	$436 55

And respectfully recommend that the above amount be allowed and paid;

Also, they report back Assembly bill No. 94, an Act concerning certain salaries and fees of office in the County of Monterey, with a recommendation that it be referred to the Monterey delegation, with instructions to confer with the Committee on Retrenchment and Reform;

Also, report favorably on the resolution granting leave of absence from the State, for three months, to I. C. McQuaid, District Attorney of Sutter County.

BELL, Chairman.

RESOLUTIONS.

Mr. Maclay offered the following resolution:

Resolved, That Charles H. Hopkins be appointed Assistant Engrossing Clerk of the Assembly, at a compensation of six dollars per diem.

Mr. Shannon moved to insert the name of Howard Whitbeck.

Mr. Warwick moved to amend by inserting R. H. Daley.

Mr. Ames demanded the previous question.

Sustained.

The amendment to the amendment was lost.

The amendment was adopted.

On the adoption of the resolution as amended, Messrs. O'Brien, Warwick, and Smith of Sierra, demanded the ayes and noes, and the resolution as amended was adopted by the following vote:

AYES—Messrs Ames, Battles, Bigelow, Cunnard, Davis, Dennis, Dore, Dudley of Placer, Eliason, Fay, Frazier, Hoag, Irwin, Kendall, Lane, Love Machin, Matthews, McAllister, McCullough, Meyers, Moore, Morrison, Parker, Pemberton, Porter, Printy, Reeve, Sargent, Saul, Seaton, Shannon, Smith of Fresno, Thompson of Tehama, Thompson of San Joaquin, Thornbury, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Waddell, Werk, Wilcoxon, Woodman, Worthington, and Wright—45.

NOES—Messrs. Amerige, Avery, Bell, Benton, Brown, Collins, Eagar, Leach, Loewy, Maclay, O'Brien, Reese, Smith of Sierra Warwick, Yule, and Zuck—16.

Mr Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined Assembly bills as follows, and report them correctly engrossed, viz.:

No. 80, entitled an Act authorizing the Board of Supervisors of Sierra County to levy certain taxes for county purposes, for the year eighteen hundred and sixty-two;

No. 81, entitled an Act changing the time for meeting of the Board of Supervisors in and for the County of Sierra;

No. 88, entitled an Act to authorize the Board of Supervisors in and for Sutter County to levy a special tax for the repair of the Court House in said county.

WM. LOEWY, Chairman.

RESOLUTIONS CONTINUED.

Mr. Porter offered the following resolution:

WHEREAS, While the burdens of taxation for the support of Government should be made to bear at all times as equally and proportionately as possible upon the people, there is at this time an especial need that no class of our people should be permitted to evade payment of their fair and full proportion; be it therefore

Resolved, That the Committee on Ways and Means of this Assembly be instructed to inquire and report by bill or otherwise whether it is practicable and proper to adopt a provision in the revenue law of this State, subjecting to forfeiture on discovery any and all property which may have been concealed, removed, or wilfully misrepresented, to avoid taxation.

Adopted.

SPECIAL ORDER.

The contested election case of Orr *vs.* Davis, (the special order of the day,) was taken up.

Mr. Shannon moved to postpone the consideration of the special order until the twentieth instant, at twelve, M.

Mr. Maclay moved the previous question.

Sustained.

On the postponement, Messrs. Hoffman, Benton, and Yule, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Campbell, Dudley of Placer, Ferguson, Frazier, Griswold, Hoffman, Irwin, Kendall, Lane, Matthews, McAllister, Morrison, O'Brien, Pemberton, Saul, Shannon, Smith of Fresno, Thompson of Tehama, Thornbury, Waddell, Werk, Wilcoxon, Woodman, and Wright—24.

NOES—Messrs. Amerige, Ames, Avery, Barton of Sacramento, Battles, Bell, Benton, Bigelow, Brown, Collins, Cot, Cunnard, Dore, Dow, Dudley of Solano, Eagar, Eliason, Hillyer, Hoag, Leach, Loewy, Machin, Maclay,

McCullough, Meyers, Moore, Porter, Printy, Reed, Reese, Reeve, Sargent, Smith of Sierra, Teegarden, Thompson of San Joaquin, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Warwick, Worthington, Yule, and Zuck—42

On motion of Mr. Shannon, the Counsel for the parties were invited to come forward and be heard

On the question that N. M Orr be declared a duly elected member of the Assembly from the Counties of Mono and Tuolumne, and entitled to the seat now occupied by Mr. Davis, as recommended by the Committee on Elections, Mr Parker moved the previous question.

Upon which, Messrs Meyers, Hillyer, and Dudley of Placer, demanded the ayes and noes, and the motion prevailed, by the following vote:

Ayes—Messrs. Amerige, Ames, Battles, Bell, Benton, Bigelow, Brown, Collins, Cunnard, Dennis, Dore, Dow, Dudley of Solano, Eagar, Eliason, Fay, Hoag, Leach, Loewy, Love, Machin, Maclay McCullough Meyers, Moore, Parker, Porter, Printy, Reed, Reese, Reeve, Shannon, Smith of Sierra, Teegarden, Tilton of San Francisco Tilton of San Mateo, Van Zandt, Warwick, Watson Worthington, and Zuck—41

Noes—Messrs Avery, Cot Dudley of Placer, Griswold Hillyer, Hoffman, Kendall, Matthews, O'Brien, Saul, Seaton, Thornbury, Wilcoxon, Woodman, and Wright—15

On the adoption of the recommendation of the Committee on Elections, Messrs. Dudley of Solano, Yule, and Porter, demanded the ayes and noes, and the recommendation was adopted, by the following vote:

Ayes—Messrs. Amerige, Ames, Avery, Barton of Sacramento, Battles, Bell, Benton, Bigelow, Brown, Collins, Cunnard, Dore, Dow, Dudley of Solano, Eagar, Eliason, Fay, Hillyer, Hoag, Irwin, Kendall, Leach, Loewy, Love, Machin, Maclay, McCullough, Meyers, Moore, Parker, Porter, Reed, Reese, Reeve, Sargent, Seaton, Shannon, Smith of Sierra, Thompson of San Joaquin, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Warwick, Wilcoxon, Woodman, Worthington, Yule, and Zuck—48

Noes—Messrs. Ferguson, Hoffman, Saul, and Watson—4.

Mr. Tilton of San Francisco offered the following resolution:

Resolved, That N M Orr be and he is hereby declared entitled to his seat in this Assembly as a Representative of the Counties of Tuolumne and Mono, now occupied by B. K. Davis.

Mr. O'Brien asked to have the paper, purporting to be the resignation of Mr. Davis read.

Upon which, Messrs. O'Brien, Dudley of Solano, and Cot, demanded the ayes and noes, and the House refused, by the following vote:

Ayes—Messrs. Barton of Sacramento, Cot, Dean, Dennis, Dudley of Placer, Ferguson, Frazier, Griswold, Hoffman, Irwin, Kendall, Loewy, Matthews, McAllister, Morrison, O'Brien, Parker, Pemberton, Printy, Saul, Seaton, Shannon, Smith of Fresno, Smith of Sierra, Thompson of San Joaquin, Thornbury, Waddell, Watson, Wilcoxon, Woodman, Worthington, and Wright—32.

NOES—Messrs. Amerige, Ames, Avery, Battles, Bell, Benton, Brown, Collins, Cunnard, Dore, Dow, Dudley of Solano, Eagar, Eliason, Fay, Hillyer, Hoag, Leach, Machin, Maclay, McCullough, Meyers, Moore, Porter, Reed, Reese, Reeve, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Warwick, Yule, and Zuck—33.

Mr. Porter moved the previous question.

Upon which, Messrs. Dudley of Placer, Battles, and Love, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Amerige, Ames, Battles, Bell, Bigelow, Brown, Collins, Cunnard, Dore, Dow, Eliason, Fay, Loewy, Machin, Maclay, Moore, Porter, Reese, Reeve, Sargent, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Warwick, Watson Yule, and Zuck—27.

NOES—Messrs. Avery, Barton of Sacramento, Cot, Dana, Dean, Dennis, Dudley of Placer, Dudley of Solano, Ferguson, Frazier, Griswold, Hillyer, Hoffman, Irwin, Kendall, Leach, Love, Matthews, Meyers, Morrison, O'Brien, Parker, Pemberton, Printy, Saul, Seaton, Shannon, Smith of Fresno, Smith of Sierra, Thompson of San Joaquin, Thornbury, Waddell, Wilcoxon, and Woodman—34.

The resolution was then read.

Mr. Eagar demanded the previous question.

Sustained.

On the adoption of the resolution, Messrs Printy, Battles, and Yule, demanded the ayes and noes, which were taken, with the following result:

AYES—Messrs. Amerige, Ames, Avery, Barton of Sacramento, Battles, Bell, Benton, Bigelow, Brown, Collins, Cot, Cunnard, Dore, Dow, Dudley of Solano, Eagar, Eliason, Fay, Ferguson, Hillyer, Hoag, Irwin, Kendall, Leach, Loewy, Love, Machin, Maclay, McCullough, Meyers, Moore, Parker, Porter, Printy, Reese, Reeve, Seaton, Shannon, Smith of Sierra, Thompson of San Joaquin, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Warwick, Woodman, Worthington, Yule, and Zuck—48.

NOES—Messrs. Hoffman Saul, Thornbury, and Watson—4.

And so the resolution was adopted.

Mr. Orr appeared, and was sworn in.

Mr. Ames offered the following resolution:

Resolved, That in commemoration of the glorious news, just received, of the surrender of the rebel, General Price, together with all the Confederate forces under his command, that this House do now adjourn.

Mr. Irwin moved to lay on the table.

Lost.

At fifty minutes past two o'clock, P. M., on motion of Mr. O'Brien, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, February 14th, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.
Journal of yesterday read and approved.
Messrs. Printy, Sears, and Sargent, had leave of absence.

PETITIONS.

Mr. Evey presented a petition of citizens of Napa, for Sunday Law, with amendments.

Referred to Committee on Public Morals.

Mr. Reed presented a petition of citizens of Sonoma County, for continuance of Sunday Law.

Referred to Committee on Public Morals

Mr. Thompson of San Joaquin presented a petition of citizens of San Joaquin, for continuance of Sunday Law.

Referred to Committee on Public Morals.

Mr Warwick presented a communication from the Wool Growers' Association.

Referred to Committee on Agriculture.

Mr. Barton of Sacramento presented a petition of citizens of Sacramento, for continuance of Sunday Law.

Referred to Committee on Public Morals.

REPORTS.

Mr. Fay, from the Committee on Retrenchment, made the following report:

Mr. SPEAKER:—The Committee on Retrenchment have considered Senate bill No 28, entitled an Act to repeal certain Acts, and respectfully report the bill back, and recommend its passage.

FAY, Chairman.

Mr Porter, from the Committee on Roads and Highways, made the following report:

Mr. SPEAKER:—The Committee on Roads and Highways, to which was referred Assembly bill No 90, an Act to authorize the Board of Supervisors of Solano County to levy an additional road tax;

Also, Assembly bill No. 102, an Act to authorize the levy of a special property and poll tax in the County of Contra Costa, for the establishment and maintenance of roads and bridges, ask leave to report the same back, with amendments, and recommend their passage as amended.

PORTER, for Committee.

Mr Hoffman made a report from the Special Committee on removal of Legislature.

Mr. Yule made the following report:

Mr. SPEAKER :—The Placer delegation, to whom was referred Assembly bill No. 49, report it back, with a substitute, and recommend the passage of the substitute.

YULE, Chairman.

Mr. Shannon made a report from the Special Committee on copying for last session.

Referred to Committee on Claims.

Mr. Loewy, from the Committee on Engrossment, made the following report :

Mr. SPEAKER :—The Committee on Engrossment have examined Assembly bill No. 66, entitled an Act to grant to the Stanislaus Bridge and Ferry Company the right to construct and maintain a bridge or bridges across the Stanislaus River, and report the same correctly engrossed.

LOEWY, Chairman.

RESOLUTIONS.

Mr. Wright offered a concurrent resolution relative to bills printed for the use of both Houses.

Adopted.

Mr. Saul offered concurrent resolution providing for the appointment of a committee to visit the vineyard of Colonel Haraszthy.

Mr Porter moved to lay the resolution on the table.

Lost.

Mr. Zuck moved the previous question.

Sustained.

The resolution was adopted.

Mr. Dean offered the following resolution :

Resolved, That the Committee on Ways and Means be and are hereby instructed to report to-morrow, upon a bill now in their possession, entitled an Act to authorize the Governor of this State to reside and keep his office in San Francisco, during the present session of the Legislature.

Adopted.

Mr. Morrison offered the following resolution :

Resolved, That a Select Committee of five be appointed by the Speaker, to take into consideration that portion of Governor Downey's message relating to the balance due on account of the Indian War Debt, incurred prior to eighteen hundred and fifty-four, and which, by the ruling of the Secretary of War, has not been allowed, and for which the Bonds of this State, maturing in eighteen hundred and sixty-two, are now outstanding and unprovided for.

Adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

SENATE CHAMBER,
February 14th, 1862.

Mr. SPEAKER :—The Senate, on the eleventh instant, passed substitute

for Senate bill No. 81, an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one;

Also, on the twelfth passed Senate bill No. 25, an Act to repeal an Act entitled an Act for the protection of fisheries;

Also, on yesterday passed Assembly bill No 12, an Act to authorize the removal of human remains in Placer County;

Also, Assembly bill No. 59, an Act to authorize the Benicia Cemetery Association to close certain streets and alleys;

Also, this day adopted Senate concurrent resolution No. 32, relative to appointing Delegates to World's Fair;

Also, on the twelfth instant passed Senate bill No. 138, an Act providing for the transcribing of the records of surveys of Sonoma County;

Also, on the sixth instant passed Senate bill No. 70, an Act concerning chattel mortgages;

Also, adopted Senate concurrent resolution No. 30, relative to Clerk for Special Committee;

Also, the Senate have concurred in Assembly amendments to Senate bill No. 110, an Act to grant the right to construct a bridge across the Mokelumne River, at Middle Bar, to Adam Denzler.

A. A DE LONG,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE

The House concurred in Senate concurrent resolution No. 30, above reported.

Senate bills Nos. 70 and 81, above reported, read first and second times, and referred to the Judiciary Committee.

Senate bill No 138, above reported, read first and second times, and referred to the delegate from Sonoma

Senate bill No 25, above reported, read first and second times, and referred to Committee on Commerce and Navigation.

Senate concurrent resolution No. 32, above reported, was, on motion of Mr. Porter, laid on the table.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Evey, for an Act to prevent animals from running at large in Napa City.

By Mr. Porter, for numerous Acts to authorize the construction of wharves in the County of Contra Costa

By Mr. O'Brien, for an Act to authorize the Board of Supervisors of Calaveras County to issue bonds, to the amount of six thousand dollars, for road purposes

By Mr Wright, for an Act amendatory to an Act entitled an Act to authorize the location of the town site of Crescent City, approved February twelfth, eighteen hundred and fifty-nine.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Cunnard, for an Act to create the County of Chico, to define its boundaries, and to provide for its organization.

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

By Mr. Campbell, for an Act in relation to public roads in the County of Calaveras, and to the Road Fund of said county.

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

By Mr. Benton, for an Act to authorize the Administrator of the estate of Francis Tribon, deceased, to sell real estate at public or private sale.

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

By Mr. Dudley of Placer, for an Act to authorize the United States and the State of California to occupy lands for certain purposes for a term of years.

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

By Mr. Reed, for an Act creating the Eighteenth Judicial District of this State, and providing for the holding of Courts therein.

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

By Mr. Bigelow, for an Act to provide for a railroad within the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation, together with remonstrance.

By Mr. Wilcoxon, for an Act concerning the State Reform School, and the Industrial School of the City of San Francisco, and the Industrial School Department.

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

By Mr. Teegarden, for an Act conferring further powers upon the Trustees of the City of Benicia.

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

By Mr. Shannon, for an Act to authorize the Executors of John Wilson, late of San Luis Obispo County, deceased, to sell personal property to pay debts

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

By Mr. Warwick, for 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. Teegarden, for an Act concerning the State Reform School, providing for the removal of same, and for other purposes

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

Also, an Act creating a Branch Insane Asylum of California.

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

By Mr. Porter, for an Act for the construction and maintenance of a wharf in Contra Costa County.

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

By Mr. Saul, for an Act to amend an Act amendatory of and to extend the provisions of an Act entitled an Act to amend an Act to exempt the homestead and other property from forced sale in certain cases, approved April twenty-fourth, eighteen hundred and sixty-one.

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

By Mr. Morrison, for an Act amendatory of and supplemental to an Act amendatory of and supplemental to an Act entitled an Act to provide for the location and sale of the five hundred thousand acres of land granted to this State for school purposes.

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

SPECIAL ORDER.

Assembly bill No. 68, an Act for the better protection of farmers, and for regulating the herding of stock, (the special order of the day,) was taken up, considered in Committee of the Whole, Mr. Tilton of San Francisco in the Chair, reported without recommendation.

Referred to the delegations from Yuba, Sacramento, San Joaquin, Yolo, Alameda, Amador, and Solano.

GENERAL FILE.

Senate concurrent resolution No 25, relative to the erection of a State Capitol—was concurred in.

Assembly bill No 80, an Act to authorize the Board of Supervisors of Sierra County to levy certain taxes for county purposes, for the year eighteen hundred and sixty-two—was read third time, and passed.

Assembly bill No. 81, an Act changing the time for meeting of the Board of Supervisors in and for the County of Sierra—was read third time, and passed

Assembly bill No. 88, an Act to authorize the Board of Supervisors in and for Sutter County to levy a special tax for the repair of the Court House in said county—was read third time, and passed.

Senate bill No 34, an Act to amend an Act entitled an Act authorizing and empowering the Board of Supervisors of Butte County to levy a special tax—was read third time, and passed.

Senate bill No 62, an Act to amend an Act entitled an Act concerning Agricultural Societies, approved March twelfth, eighteen hundred and fifty-nine—was read third time, and passed.

Assembly bill No. 98, an Act concerning publications in Yolo County—was indefinitely postponed.

Assembly bill No. 86, an Act for the relief of the tax payers of Mendocino County.

On the indefinite postponement of the bill, Messrs. Ames, Bell, and McAllister, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Amerige, Avery, Collins, Dennis, Dudley of Solano, Matthews, McCullough, Porter, Reese, Seaton, Shannon, Thompson of San Joaquin, Thornbury, Woodman, Zuck, and Mr. Speaker—16.

NOES—Messrs. Ames, Barton of Sacramento, Bell, Cot, Dana, Dean, Dore, Dow, Ehasen, Evey, Ferguson, Frazier, Griswold, Hillyer, Hoag, Hoffman, Irwin, Kendall, Lane, Leach, Loewy, Machin, Maclay, McAllister, Meyers, Moore, O'Brien, Pemberton, Reeve, Saul, Smith of Fresno, Smith of Sierra Thompson of Tehama, Tilton of San Mateo, Warwick, Werk, Worthington, Wright, and Yule—39.

And the bill was ordered engrossed, and made special order for February fifteenth, eighteen hundred and sixty-two, at one o'clock, P. M.

The bill for fees in the contested election case of Gordon *vs.* McAllister was recommitted to the Judiciary Committee, with instructions to bring in a bill.

Assembly bill No. 7, an Act to extend the time for collecting delinquent taxes in the County of San Diego—made special order for February seventeenth, at one o'clock, P. M.

At forty minutes past three o'clock. P. M., on motion of Mr Saul, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, February 15th, 1862.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called

Quorum present.

Journal of yesterday read and approved.

Messrs. Brown, Teegarden, Hillyer, Benton, Saul, Irwin, Bigelow, Reed, and Griswold, had leave of absence.

Mr. Tilton of San Francisco presented a petition of citizens of San Francisco, for amendment of Sunday Law

Referred to Committee on Public Morals.

REPORTS.

Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined the following bills, and report the same correctly engrossed:

Assembly bill No. 48, entitled an Act for the purchase and preservation of public newspapers printed and published in the several counties of this State;

Also, Assembly bill No. 54, entitled an Act supplementary to an Act approved May fourteenth, eighteen hundred and sixty-one, entitled an Act amendatory of and supplementary to an Act entitled an Act concerning marks and brands, passed May first, eighteen hundred and fifty-one;

Also, Assembly bill No. 72, entitled an Act concerning mining associations and companies;

Also, Assembly bill No. 86, entitled an Act for the relief of the tax payers of Mendocino County;

Also, Assembly bill No. 92, entitled an Act to fix the terms of the different Courts in the County of San Mateo;

Also, Assembly bill No 74, entitled an Act in relation to public roads in the County of El Dorado, and to the Road Fund of said county.

LOEWY, Chairman

Mr. Fay, from the Committee on Commerce and Navigation, made the following report:

MR. SPEAKER :—The Committee on Commerce and Navigation have had under consideration Assembly bill No. 115, entitled an Act for the construction of a wharf in Contra Costa County, report the same back, and recommend its passage, without amendment;

Also, Assembly bill No 91, entitled an Act to authorize the parties therein named to construct and maintain a wharf, report the same back, amended, and recommend its passage, as amended.

FAY, Chairman.

Mr. Fay, from the Special Committee on Retrenchment, made the following report:

MR. SPEAKER :—Your Special Committee on Retrenchment beg leave to report that the offices of Beef and Pork Inspector, Sealer of Weights and Measures, in San Francisco, Fish Tax Collector, and Commissioner of Immigrants, ought to be abolished, and therefore respectfully recommend the passage of a law abolishing the above named offices.

FAY, Chairman.

Mr. Leach offered the following resolution:

Resolved, By the Assembly, the Senate concurring, That this Legislature will adjourn *sine die* on Monday, March thirty-first, eighteen hundred and sixty-two, at twelve o'clock at noon of that day.

Mr Wright moved to lay on the table

Upon which, Messrs. Eagar, Shannon, and Yule, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Ames, Bell, Campbell, Cunnard, Dean, Dennis, Ferguson, Frazier, Hoag, Hoffman, Lane, Matthews, Morrison, O'Brien, Parker, Porter, Seaton, Thompson of Tehama, Thornbury, Waddell, Werk, Worthington, and Wright—23

NOES—Messrs. Amerige, Avery, Battles, Cot, Dore, Dudley of Placer, Dudley of Solano, Eagar, Eliason, Evey, Fay, Kendall, Leach, Loewy, Machin, Maclay, McCullough, Myers, Orr, Reese, Reeve, Shannon, Smith of Fresno, Smith of Sierra, Thompson of San Joaquin, Tilton of San Francisco, Van Zandt, Warwick, Wilcoxon, Woodman, Yule, Zuck, and Mr Speaker—33.

Mr. O'Brien moved to strike out "thirty-first of March," and insert "fourteenth of April."

Mr. Seaton moved to refer the whole matter to the Committee on Retrenchment.

Mr. Campbell moved to refer to the Judiciary Committee.

Mr. Love demanded the previous question.

Sustained.

The motions of Mr. Campbell, Mr. Seaton, and Mr. O'Brien, were lost.

On the adoption of the resolution, Messrs. O'Brien, Yule, and Barstow, demanded the ayes and noes, and the resolution was adopted by the following vote:

AYES—Messrs. Amerige, Avery, Barton of Sacramento, Barton of San Bernardino, Battles, Cot, Cunnard, Dore, Dudley of Placer, Dudley of

Solano, Eagar, Eliason, Evey, Fay, Kendall, Lane, Leach, Loewy, Love, Machin, Maclay, McAllister, McCullough, Meyers, Morrison, Orr, Parker, Porter, Reese, Reeve, Sears, Seaton, Shannon, Smith of Sierra, Thompson of San Joaquin, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Waddell, Warwick, Watson, Werk, Wilcoxon, Woodman, Wright, Yule, Zuck, and Mr Speaker—48

NOES—Messrs. Ames, Bell, Campbell, Dean, Dennis, Ferguson, Frazier, Hoag, Hoffman, Matthews, O'Brien, Thornbury, and Worthington—13.

RESOLUTIONS.

Mr. Leach introduced a resolution for amendment to the Standing Rules.

Laid over for one day.

Mr Porter offered the following preamble and resolution :

WHEREAS, The importance of the Geological Survey instituted by the State, in its bearing upon the development of all her great material interests, as well as the advancement of science, renders it proper and desirable that the representatives of the people should improve all opportunities of information respecting its progress and results; it is therefore

Resolved, That the use of this Assembly Chamber be tendered, and an invitation extended to Professor Whitney, the State Geologist, to meet the members of this Legislature, and address them upon subjects relating to the Geological Survey of the State.

Adopted.

Mr. Fay offered the following resolution :

Resolved, That the Committee on Retrenchment are hereby allowed a Clerk, to be appointed by their own body, with a salary of five dollars per day, for such time as may be necessary.

Adopted.

Mr. Cunnard gave notice for amendment of Standing Rules.

Laid over for one day.

REPORTS.

Mr. Barton of Sacramento, from the Committee on Ways and Means, made the following reports :

Mr. SPEAKER :—The Committee on Ways and Means, to whom was referred Assembly bill No. 96, an Act to authorize the Governor of the State to reside and keep his office in the City of San Francisco, have had the same under consideration, and beg leave to report—that a portion of your Committee have had conference with the Governor in regard to the subject-matter contained in the bill aforesaid, from whom they learn as follows :

That he has already signed bills, and performed other Executive duties in San Francisco, and that he will continue to perform such duties during the session without regard to legislative action, either by bill or resolution ; therefore the Committee herewith return the bill, and recommend that the same be indefinitely postponed.

BARTON, Chairman.

Mr. SPEAKER:—The Committee on Ways and Means, to whom was referred Assembly resolution, adopted January twenty-fifth, which requires "That so much of the Governor's Message as relates to the direct tax levied by the Federal Government to defray the expenses of putting down the Rebellion, with instructions to report a bill providing for the collection of the said tax by the State, or for the issuance of State Bonds, in an amount sufficient to cover the same, as they may deem advisable," beg leave to report the accompanying bill, and have deemed it advisable to submit the same without recommendation for the present, and for the following reasons:

They have been advised that there is a bill in progress before the Senate, providing for the collection of the amount levied upon and assessed to the State of California, by direct taxation.

In order, therefore, that each proposition may be fairly considered, as touching their relative merits, your Committee would respectfully ask that the usual number of copies of the bill herewith submitted be printed, and the same be made the special order for Friday next, at twelve o'clock, M.

Your Committee have also considered the last clause of the resolution touching the offsetting of such amount as may be due from the Federal Government on account of the Indian War Debt, and would respectfully recommend that no such demand be made.

BARTON, Chairman.
EAGAR,
PARKER,
ELIASON,
TILTON.

The bill above reported, read first and second times, ordered printed, and made special order for February twenty-first, at twelve o'clock, M.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 15th, 1862.

Mr. SPEAKER:—The Senate, on the twelfth instant, passed substitute for Senate bill No. 99, an Act to provide for the collection and payment of the quota of the direct tax apportioned to this State by an Act of Congress, entitled an Act to provide for increased revenue from imports, to pay interest on the public debt, and for other purposes, passed sixth of August, eighteen hundred and sixty-one;

Also, on yesterday passed substitute for Senate bill No. 55, an Act to grant the right to construct a bridge across the Mokelumne River, etc., to Louis Soher and others;

Also, substitute for Senate bill No. 121, an Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one;

Also, adopted Assembly concurrent resolution No. 14, concerning the distribution of printed bills, with an amendment;

Also, have adopted Assembly concurrent resolution No 15, relative to the appointment of a committee to visit the vineyard of Col. Haraszthy, and have appointed Messrs. Hill, Irwin, and Chamberlain, a committee, in accordance therewith;

Also, have passed Senate bill No. 48, an Act to authorize B. F. Washington to dispose of certain interests in a homestead in San Francisco;

Also, have this day adopted Senate concurrent resolution No. 33, relative to printing report of State Prison Directors.

A. A. DE LONG,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate bill No. 99, above reported, read first and second times, referred to the Committee on Ways and Means, and ordered printed.

Senate bill No. 48, above reported, read first and second times, and referred to Judiciary Committee.

Senate bill No. 121, above reported, read first and second times, and referred to Judiciary Committee.

Senate bill No. 55, above reported, read first and second times, and referred to delegations from Calaveras and Amador.

The House concurred in Senate amendments to Assembly concurrent resolution No 14, above reported.

The House concurred in Senate concurrent resolution No. 33, above reported.

Mr. Warwick introduced a concurrent resolution providing for the appointment of a committee to wait on Dr. Whitney.

Adopted.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Maclay, for an Act to establish a State University.

By Mr. Seaton, for an Act to abolish the offices of Beef and Pork Inspector, Sealer of Weights and Measures, in San Francisco, Fish Tax Collector, and Commissioner of Immigrants

Mr. Eagar gave notice of amendment to Standing Rule No. 6.

Laid over.

By Mr. Porter, for an Act to authorize County Judges to hold Courts in all the counties of this State.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. O'Brien, for an Act to authorize the Board of Supervisors of Calaveras County to issue bonds, in a sum not to exceed six thousand dollars, and to dispose of the same for road purposes.

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

By Mr. Kendall, for an Act relative to the office of Superintendent of Common Schools in the County of Tuolumne.

Read first and second times, and referred to the Tuolumne and Mono delegations.

By Mr. Wright, for an Act to provide for Public Administrators in the Counties of Del Norte and Klamath.

Read first and second times, and placed on file.

By Mr. Evey, for an Act to prevent certain animals from running at large in Napa City.

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

SPECIAL ORDER.

Assembly bill No. 86. an Act for the relief of the tax payers of Mendocino County, (the special order of the day,) was taken up, and recommitted with special instructions.

Mr Bell introduced a bill for an Act to amend an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty one.

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

GENERAL FILE.

Assembly concurrent resolution No. 13, concerning leave of absence to I C. McQuaid, District Attorney of Sutter County.

Mr. Barstow moved to indefinitely postpone the resolution, and demanded the previous question.

Sustained.

The indefinite postponement was lost.

On the adoption of the resolution, Messrs. Battles, Yule, and Avery, demanded the ayes and noes, and the House agreed, by the following vote:

AYES—Messrs Avery, Barton of Sacramento, Barton of San Bernardino, Campbell, Cot, Dean, Dudley of Placer, Ferguson, Frazier, Hoag, Kendall, Lane, Matthews, McAllister, O'Brien, Parker, Pemberton, Reese, Seaton, Shannon, Smith of Fresno, Smith of Sierra, Thompson of Tehama, Thompson of San Joaquin, Thornbury, Tilton of San Francisco, Waddell, Watson, Wilcoxon, Woodman, and Wright—31.

NOES—Messrs. Amerige, Ames, Battles, Dore, Dudley of Solano, Eagar, Eliason, Evey, Leach, Loewy, Machin, Maclay, McCullough, Meyers, Orr, Porter, Van Zandt, Warwick, Worthington, Yule, Zuck, and Mr. Speaker—22.

Mr. Avery gave notice of reconsideration.

Senate bill No. 96, an Act for the relief of holders of stamps heretofore issued for bills of lading—read third time, and passed.

Senate bill No. 28, an Act to repeal certain Acts—read third time, and passed.

Assembly bill No 49, an Act repealing an Act to authorize the Board of Supervisors of Placer County to levy a special tax, approved March eleventh, eighteen hundred and fifty-six—substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 90, an Act to authorize the Board of Supervisors of Solano County to levy an additional tax—amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 102, an Act to authorize the levy of a special property and poll tax in the County of Contra Costa, for the establishment and maintenance of roads and bridges—amendments adopted, rules suspended, considered engrossed, read third time, and passed

The report of the Special Committee on Removal was adopted.

Mr Ames verbally reported Assembly bill No 86, an Act for the relief of tax payers of Mendocino County, with amendment; amendment adopted, bill read third time, and passed.

Mr. Barton of Sacramento offered a concurrent resolution relative to a foundry at Benicia

Referred to Committee on Military Affairs

At fifty minutes past two o'clock, P. M., on motion of Mr. Battles, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, February 17th, 1862.

House met pursuant to adjournment

Speaker in the Chair

Roll called.

Quorum present.

Journal of Saturday read and approved.

Messrs. Tilton of San Mateo, Waddell, Barton of Sacramento, Benton, and Saul, had leave of absence.

PETITIONS.

Mr. Yule presented a petition of citizens of Placer County, for amendment of Sunday Law.

Referred to Committee on Public Morals.

Mr. Tilton of San Francisco presented a petition of citizens of San Francisco, for amendment of Sunday Law.

Referred to Committee on Public Morals

Mr Irwin presented a petition of Supervisors of Siskiyou County, for a law to allow payment of Deputies of County Assessor.

Laid on table.

Mr. Ferguson presented a petition of mechanics and miners of California, relative to appointment of Delegates to the World's Fair.

Placed on file.

Mr. Matthews presented a petition of citizens of Trinity County, for change of law in relation to pay of County Treasurer.

Placed on file.

REPORTS.

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

Mr. SPEAKER:—The Judiciary Committee, having had under consideration Senate bill No. 48, entitled an Act to authorize Benjamin F. Washington to dispose of certain interests in a house and lot in San Francisco, beg leave to report the same back to the House, and most respectfully recommend its passage;

Also, an Act to authorize the Supreme Court to admit William M. Pierson as an Attorney of said Court, and most respectfully recommend its passage.

BELL, Chairman.

Mr. Fay, from the Committee on Commerce and Navigation, made the following report:

Mr. SPEAKER:—The Committee on Commerce and Navigation have had under consideration Assembly bill No. 22 and Assembly bill No. 47, relative to establishing wharves at Rio Vista, in Solano County. They hereby report the bills back, with a substitute for both bills, and recommend the passage of the substitute.

FAY, Chairman

Mr Machin, from the Committee on Corporations, made the following report:

Mr. SPEAKER:—Your Committee on Corporations, to whom was referred Assembly bill No. 58, entitled an Act to protect the creditors of corporations, have carefully examined the same, and would most respectfully report the same back to the House, and recommend that the bill be indefinitely postponed.

MACHIN, Chairman.

Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined Assembly bill No. 90, entitled an Act to authorize the Board of Supervisors of Solano County to levy an additional road tax, and report the same correctly engrossed.

LOEWY, Chairman.

Mr Cot made the following report:

Mr. SPEAKER.—The Monterey delegation, to whom was referred Assembly bill No 94, an Act concerning certain salaries and fees of office in the County of Monterey, with recommendation to confer with the Committee on Retrenchment, report that the conference was had, and that, after duly considering the bill, both the Committee on Retrenchment and the Monterey delegation agreed to report the same back, and recommend its passage.

Enclosed you will find the report of the Chairman of the Committee on Retrenchment.

J. Y. COT.

Mr. Fay, from the Committee on Retrenchment, made the following report:

Mr. SPEAKER:—The Committee on Retrenchment have had under consideration Assembly bill No. 94, regulating salaries and fees of officers in Monterey County, and respectfully recommend its passage.

FAY, Chairman

Mr. Reeve, from the San Francisco delegation, made the following report:

Mr. SPEAKER:—The San Francisco delegation, to whom was referred Assembly bill No 38, an Act to authorize the Administrator of the estate of Joseph B. Wells to sell real estate at private sale, have had the same under consideration, and report it back to the House, and recommend its reference to the Judiciary Committee.

REEVE, Chairman.

Assembly bill No. 38, above reported, referred to the Judiciary Committee.

Mr. Dana, from the Santa Barbara and San Luis Obispo delegation, made the following report:

Mr. SPEAKER:—The Santa Barbara and San Luis Obispo delegation, to whom was referred Assembly bill No. 46, have carefully examined the same, and strongly recommend its passage.

CHARLES W. DANA.

Mr. Frazier offered the following resolution:

Resolved, That the thanks of this House be and are hereby tendered to the Mechanics' Institute of the City of San Francisco, for the kind invitation to use their library during the present session of the Legislature.

Adopted.

Mr. Avery moved to reconsider the vote by which the House on Saturday last adopted Assembly concurrent resolution No. 13, granting leave of absence to I. C. McQuaid, District Attorney of Sutter County.

Mr. Shannon moved the previous question.

Sustained.

The House refused to reconsider.

On motion of Mr. Ferguson, Senate concurrent resolution No. 32, relative to appointing Delegates to World's Fair, was taken from the table.

Mr. Avery moved to indefinitely postpone the resolution.

Mr. Hoag moved to amend by inserting after the word "Delegates," the words, "in addition to those already appointed."

Mr. Dudley of Solano moved the previous question.

Sustained.

The amendment was lost.

On the indefinite postponement of the resolution, Messrs. Avery, Dudley of Placer, and Reed, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Amerige, Ames, Avery, Barton of San Bernardino, Battles, Campbell, Collins, Cot, Cunnard, Dana, Dore, Dudley of Placer, Dudley of Solano, Eagar, Eliason, Fay, Love, Maclay, Meyers, Orr, Reed, Reese, Reeve, Van Zandt, Watson, Werk, Yule, and Zuck—28.

NOES—Messrs. Dean, Dennis, Evey, Ferguson, Frazier, Hillyer, Hoag, Hoffman, Irwin, Jackson, Kendall, Lane, Leach, Loewy, Machin, Matthews, McAllister, McCullough, Morrison, O'Brien, Parker, Pemberton, Porter, Sears, Seaton, Shannon, Smith of Fresno, Smith of Sierra, Thompson of Tehama, Thompson of San Joaquin, Tilton of San Francisco, Warwick, Wilcoxon, Woodman, Worthington, and Wright—36.

On concurring in the resolution, Messrs. Avery, Dudley of Placer, and Leach, demanded the ayes and noes, and the House concurred, by the following vote:

AYES—Messrs. Barton of San Bernardino, Dean, Dennis, Evey, Ferguson, Frazier, Hillyer, Hoag, Hoffman, Irwin, Jackson, Kendall, Lane, Leach, Loewy, Love, Machin, Matthews, McCullough, Meyers, Morrison, O'Brien, Parker, Porter, Sears, Seaton, Shannon, Smith of Fresno, Smith of Sierra, Thompson of Tehama, Thompson of San Joaquin,

Thornbury, Tilton of San Francisco, Warwick, Wilcoxon, Woodman, Worthington, and Wright—38.

NOES—Messrs. Amerige, Ames, Avery, Battles, Campbell, Collins, Cot, Cunnard, Dana, Dore, Dudley of Placer, Dudley of Solano, Eagar, Eliason, Fay, Maclay, Orr, Reed, Reese, Reeve, Van Zandt, Watson, Werk, Yule, and Zuck—25.

Mr. Meyers gave notice of reconsideration.

Mr. Fay offered the following resolution:

Resolved, That the Governor be and is hereby requested to appoint W. P. Blake as the representative of the mineral interests of the State.

Mr. Wilcoxon moved to lay on the table.

Lost.

The resolution was made the special order for February eighteenth, at half past eleven o'clock, A. M.

The amendment to the Standing Rules, offered by Mr. Cunnard, on Saturday last, changing the order of business so that motions and resolutions will be last on the list, was adopted.

The resolution offered by Mr. Leach, on Saturday last, "that no bill shall be introduced into this House after the twentieth day of March next, during the present session of this Legislature," was taken up.

Pending the consideration of the resolution, the hour arrived for taking up the special order.

SPECIAL ORDER.

Assembly bill No 7, an Act to extend the time for collecting delinquent taxes in the County of San Diego, (the special order of the day,) was taken up.

Mr. Fay moved to indefinitely postpone the bill.

Mr. McCullough moved the previous question.

Sustained.

The bill was indefinitely postponed.

The resolution offered by Mr. Leach amending the Rules, was laid on the table.

Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No 102, an Act to authorize the levy of a special property and poll tax in the County of Contra Costa, for the establishment and maintenance of roads and bridges;

Also, Assembly bill No. 119, an Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to authorize the Board of Supervisors of Placer County to levy a special tax, approved March eleventh, eighteen hundred and fifty-six, approved February seventh, eighteen hundred and fifty-seven.

LOEWY, Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 17th, 1862.

Mr. SPEAKER:—The Senate have this day passed Senate bill No. 148, an Act to provide for the collection of delinquent taxes in the City of San José;

Also, Senate bill No. 114, an Act to fix the salary of the County Judge of Placer;

Also, Senate bill No. 155, an Act to amend an Act entitled an Act to incorporate the Town of Eureka, approved April ninth, eighteen hundred and fifty-nine;

Also, on the fifteenth instant, passed Assembly bill No. 14, an Act to amend an Act entitled an Act to authorize Thomas Cutler, Administrator of the estate of Albert Cutler, deceased, to sell real estate at private sale, approved February eleventh, eighteen hundred and sixty-one

A. A. DE LONG,
Assistant Secretary

CONSIDERATION OF SENATE MESSAGE.

Senate bill No. 155, above reported, read first and second times, and referred to Committee on Corporations.

Senate bill No 114, above reported, read first and second times, and referred to Placer delegation.

Senate bill No. 148, above reported, read first and second times, and referred to Santa Clara delegation.

Mr. Yule gave notice of a bill for an Act prohibiting Chinese, or Mongolians, from holding or working mining claims.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr Matthews, for an Act making the office of County Treasurer of Trinity County a salaried office.

Read first and second times, and placed on file

By Mr. Maclay, for an Act instituting the University of the State of California.

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

By Mr. Porter, for an Act to authorize County Judges to hold terms of the County Court, Court of Sessions, and Probate Court, in any county of this State.

Read first and second times, and referred to Judiciary Committee

By Mr. Wright, for an Act amendatory of an Act entitled an Act to authorize the location of the town site of Crescent City, approved February twelfth, eighteen hundred and fifty-nine.

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

GENERAL FILE.

Senate bill No. 48, an Act to authorize Benjamin F. Washington to dispose of certain interests in a house and lot in San Francisco—was read third time, and passed

Assembly bill No. 72, an Act concerning mining associations and companies—was read third time, and passed.

Assembly bill No 48, an Act for the purchase and preservation of pub-

lic newspapers printed and published in the several counties of this State —was read third time, and passed.

Assembly bill No. 54, an Act supplementary to an Act, approved May fourteenth, eighteen hundred and sixty-one, entitled an Act amendatory of and supplementary to an Act entitled an Act concerning marks and brands, passed May first, eighteen hundred and fifty-one—was read third time, and passed.

Assembly bill No 92, an Act to fix the terms of the different Courts in the County of San Mateo—was read third time, and passed

Assembly bill No. 96, an Act to authorize the Governor of the State to reside and keep his office in the City of San Francisco.

On the indefinite postponement of the bill, Messrs. Dudley of Placer, Ames, and Matthews, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Amerige, Avery, Bell, Dore, Eliason, Evey, Ferguson, Hillyer, Hoag, Irwin, Kendall, Lane, Loewy, Love, Maclay, Meyers, Orr, Tilton of San Francisco, Warwick, and Woodman—20.

NOES—Messrs. Ames, Battles, Collins, Dennis, Dudley of Placer, Dudley of Solano, Eagar, Griswold, Leach, Machin, Matthews, O'Brien, Parker, Pemberton, Porter, Reese, Sears, Shannon, Smith of Fresno, Thompson of Tehama, Thompson of San Joaquin, Van Zandt, Werk, Wilcoxon, and Yule—25.

Mr. Ames moved to amend, by adding after the word "Governor," the words "Controller and State Treasurer"

At twenty-five minutes past two o'clock, P. M., on motion of Mr. Eagar, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, February 18th, 1862.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

The State Prison Committee, and Messrs Griswold, Thornbury, and Dow, had indefinite leave of absence

Mr. McAllister had leave of absence for one day.

REPORTS.

Mr. Porter, from the Committee on Roads and Highways, made the following report:

MR SPEAKER:—Your Committee on Roads and Highways, to whom was referred Senate bill No 66, an Act to grant the right to construct a turnpike road from the Great Bend of the Mohave River, in the County

of San Bernardino, through Williamson's Pass, to the Pacific Coast, at or near the Town of Buenaventura, in the County of Santa Barbara, find that it is intended to grant a moderate and well guarded franchise for a work of apparent public utility, and the Committee therefore ask leave to report it back without amendment, and recommend its passage.

PORTER, for the Committee.

The bill above reported was referred to the delegations from Santa Barbara, San Bernardino, and Los Angeles, with instructions to report on the twentieth instant.

Mr. Smith of Sierra, from the Committee on Counties and County Boundaries, made the following report:

Mr. SPEAKER:—The undersigned, a majority of the Committee on Counties and County Boundaries, to whom was referred Assembly bill No. 23, an Act to create the County of Alturas, define the boundaries, and provide for the organization thereof, have had the same under consideration, and beg leave to report—

That an abstract of the books of the Treasurer and Auditor of Sierra County, shows an existing debt, funded and in outstanding warrants, amounting to over eighty-five thousand dollars, ($85,000,) to be paid by the citizens of Sierra County.

Said abstract, to which attention was especially called in committee, shows that the taxes levied and collected in Sierra County, were last year two dollars and forty-five cents ($2 45) on each one hundred dollars worth of property; also, one dollar additional to the poll tax paid by other counties on each poll tax receipt, which is collected and paid in to what is known as the Sinking Fund, and though this rate of taxes was levied for the year eighteen hundred and sixty-one, there was an excess of expenditures over the revenue of the county of more than nine thousand dollars.

It also appeared, from said abstract, that the taxable property of the county in eighteen hundred and sixty, was two million seven hundred and four thousand four hundred and twenty-two dollars, ($2,704,422,) while in eighteen hundred and sixty-one, it was only two million three thousand and sixty-five dollars, ($2,003,065.) showing a decrease of seven hundred and one thousand three hundred and fifty-seven dollars, ($701,357.)

It will be observed that the county, as it now stands, is largely in debt, and, though paying a high rate of taxes, the county debt has been from year to year increasing, and that the taxable property has been decreasing in value.

To meet these facts, and to remedy the evils arising therefrom, an Act was passed at the last session of the Legislature, reorganizing the county government of Sierra, and making all the county officers salaried, and providing for the payment of all fees into the County Treasury, which, it is believed, will effect a large saving to the county.

These county officers have just been elected for terms of two years, so that Sierra County cannot reduce her expenses materially within that time

As shown, the county debt has been increasing under the county government and one set of officers, under the old system. The people have adopted a new system, (which has yet not had sufficient time to test its workings,) in order to relieve themselves from indebtedness and lower their taxes.

Your Committee therefore submit that it would not only be ruinous and impolitic, but unjust, in this Legislature to entail upon them the expense of two county governments, and we can discover in such a course nothing save increase of indebtedness and increased taxation.

We therefore beg leave to report the bill back, and recommend that it do not pass.

All of which is respectfully submitted.

JOHN H. DENNIS, Chairman,
J. M. DUDLEY,
E. B. SMITH.

Together with the facts herein stated, I cannot, upon inquiry, learn that it is the desire of any considerable portion of the citizens residing in the counties from which it is proposed to form that of Alturas; nor do I believe it necessary at this time to increase the county representation, and thus incur, what it appears to me, further State indebtedness.

All of which is respectfully submitted.

JOHN W. VAN ZANDT.

Mr. Matthews, from the Committee on Counties and County Boundaries, made the following report:

Mr. SPEAKER:—The Committee on Counties and County Boundaries, to whom was referred Assembly bill No. 23, an Act to create the County of Alturas, having given the subject a careful and thorough examination, respectfully report back the same, and recommend its passage

The bill provides for the formation of a new county out of portions of Sierra, Yuba, and Plumas Counties. A petition in favor of the measure, signed by nearly all the voters within the boundaries of the proposed new county, is now before this body, and we find that the following reasons exist for the creation of a new county, as proposed in this bill:

The centre of population, within the proposed new county, is twenty-two miles from Downieville, the county seat of Sierra County, and thirty-three miles from Quincy, the county seat of Plumas County, and is separated from these two places by a succession of lofty ridges running at right angles to the main chain of the Sierra Nevada Mountains, which, during a period of about six months in the year, are rendered impassable by any ordinary mode of conveyance, the snows which cover them seldom being less than six or eight feet, and often fifteen feet in depth, and during the greater portion of that time are utterly impassable in any way. That during this period no communication between the inhabitants of the proposed new county and the county seats of Plumas and Sierra, except by the way of Marysville, the county seat of Yuba County, can be safely held—a distance of one hundred and thirty miles; that all communications on legal or other business must go over this circuitous route, requiring at least eight days for the people of the proposed new county to communicate to, and get a response from, their respective county seats, a longer time by two days than would be required to transact the same business with the City and County of San Francisco; that there is no road from the proposed new county to the county seat of either Sierra or Plumas Counties, if we except one among the very worst of the mountain trails of our State; that there is no trade or business of any sort, other than the indispensable legal and county business, carried on between the people of the proposed new county and the Towns of Downieville and Quincy, the trade of Northern Sierra and

Southern Plumas being in another direction entirely; and that, apart from the mining interest, they have no interest in common with the other portions of said counties

We deem it, however, unnecessary to dwell further upon the many necessities which, in our judgment, really exist for the creation of this new county, as the fact that they do exist is scarcely denied by any intelligent and fair-minded opponent of the measure; and we feel in duty bound to state, in this connection, that no opposition to the creation of the new county has been made by either Yuba or Plumas Counties, but, as your Committee are informed and believe, that the representatives of these counties admit that it will work no hardship or injury to either; that the entire opposition to this measure comes from that portion of Sierra County lying outside of the proposed boundaries of the new county, and who, virtually admitting the necessity of its creation, affect to place their opposition thereto on the ground that they will be unable to carry on a County Government. And that, in fact, is about the only question as yet presented for our consideration, and the only or principal objection urged against granting the prayer of the petitioners, which, as an earnest of its sincerity, has been steadily presented before the Legislature of this State at every session since eighteen hundred and fifty-five; in answer to which, your Committee would respectfully submit the following facts, as an evidence that their fears, pretended or otherwise, are wholly unfounded:

As to population; we find that Sierra, as at present organized, has a greater population than thirty-six other counties in our State, and that after the creation of Alturas, Sierra will still have left a population of seven thousand five hundred and ninety-three, exceeding that of thirty of the counties of the State, and will have left a voting population of about three thousand.

As to taxable property; we find that on the organization of the County of Sierra, the assessed value of all the property within her limits was but six hundred and fifty-seven thousand nine hundred and seventy-six dollars, and that there has been a steady increase in value of the taxable property therein, until it now amounts to two millions five hundred and eighty thousand seven hundred and five dollars, exceeding that of twenty-nine other counties, and that if the County of Alturas is created, it will take from the County of Sierra only about seven hundred and thirty thousand dollars, still leaving her, of taxable property, one million eight hundred and fifty thousand seven hundred and five dollars—an amount greater than that of twenty-two of the counties in the State.

As to the revenue of Sierra County; we find that the net revenue thereof, in eighteen hundred and sixty-one, exceeded fifty-four thousand six hundred and seventy-two dollars; but the amount of the excess your Committee—not having the means of access to the proper source from which the amount collected from delinquents, fines, etc.—cannot definitely state, but they do find, that after the creation of Alturas County, Sierra will still have a net revenue exceeding thirty-six thousand four hundred and forty-eight dollars.

And your Committee would further state that they have taken upon themselves the task in the discharge of their duty of ascertaining the annual expenses of the counties of the State, and find that there are thirty-two counties therein, the annual expenses of which, including the interest paid on their indebtedness, fall short of twenty-nine thousand dollars, and they are clearly of opinion that the revenue of Sierra

County, after the creation of the County of Alturas, will be amply sufficient to meet the most exorbitant drafts that can be reasonably made upon her treasury, and think it will so appear to your honorable body.

Again, the opponents of this measure urge that Sierra County is in debt. True, but this bill makes the most ample provisions for the speedy payment of Alturas' just proportion of that debt—such provisions that the opponents of this bill acknowledge their inability to improve upon—setting aside an ample fund for that purpose—which arrangement effectually disposes of all objections arising from that source.

Alturas County, if created, will contain a population of about four thousand three hundred; a voting population of about two thousand; taxable property to the amount of one million dollars, and will have an annual net revenue of over twenty-two thousand dollars, an amount amply sufficient to carry on a County Government, and to meet all demands upon her treasury.

Wherefore, your Committee can see no reason why the wishes of so large a number of the people of our State should be thwarted, and they denied that relief their situation imperatively demands—the creation of a separate County Government.

MATTHEWS,
THOMPSON,
LANE.

Mr. Avery, from the Committee on Enrolment, made the following report:

Mr. SPEAKER:—The Committee on Enrolment have examined, and found correctly enrolled, Assembly bill No. 69, an Act to authorize the Board of Supervisors of Colusa County to levy a special tax in said county, creating a Contingent Fund;

Also, Assembly bill No. 12, an Act to authorize the removal of human remains in Placer County;

Also, Assembly bill No. 14, an Act to amend an Act entitled an Act to authorize Thomas Cutler, Administrator of the estate of Albert Cutler, deceased, to sell real estate at private sale, approved February eleventh, eighteen hundred and sixty-one;

Also, Assembly bill No 59 an Act to authorize the Benicia Cemetery Association to close certain streets and alleys;

Also, Assembly bill No. 44, an Act supplementary to an Act to incorporate the City of Los Angeles;

Also, Assembly bill No 41, an Act to authorize the Mayor and Common Council of the City of Los Angeles to borrow money for municipal improvements.

AVERY, Chairman.

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

Mr. SPEAKER:—The undersigned, a minority of the Committee on the Judiciary, respectfully report—that they dissent from the report of the majority of said Committee recommending the passage of an Act to authorize the Supreme Court to admit William M. Pierson as an Attorney of said Court—and recommend that the same be indefinitely postponed.

G. W. REED,
THOS. O'BRIEN,
JNO. M. AVERY,
WM. S. REESE.

SPECIAL ORDER

The resolution offered on yesterday, by Mr. Fay, requesting the Governor to appoint W. P. Blake as a representative to the World's Fair, (the special order of the day,) was taken up.

On motion of Mr. O'Brien, laid on the table.

Mr. Kendall, from the Tuolumne and Mono delegation, made the following report:

Mr. SPEAKER:—The delegation from Tuolumne and Mono, to whom was referred Assembly bill No. 123, an Act relative to the office of Superintendent of Common Schools in the County of Tuolumne, have had the same under consideration, and herewith beg leave to report a substitute for said bill.

KENDALL, for Delegation.

Mr Morrison gave notice of a bill for an Act for the general protection of growing timber on all possessory claims, as well as other lands which are private property in this State.

Mr. Benton introduced a bill for an Act providing for the better preservation of the records of the Supreme Court.

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

GENERAL FILE.

Assembly bill No. 115, an Act for the construction and maintenance of a wharf in Contra Costa—ordered engrossed.

Assembly bill No. 91, an Act to authorize the parties therein named to construct and maintain a wharf—amendments adopted, and recommitted to the Committee on Commerce and Navigation

Assembly bill No. 121, an Act to provide for Public Administrators in the Counties of Del Norte and Klamath—amended and ordered engrossed.

Assembly bill No. 24, an Act to authorize the Supreme Court to admit William M. Pierson as an Attorney of said Court.

Mr. Reed moved to indefinitely postpone the bill.

Mr. Ferguson moved the previous question, which was sustained.

The motion to indefinitely postpone was lost, and the bill ordered engrossed.

Assembly bill No. 125, an Act to authorize the construction and maintenance of a wharf on the Sacramento River, in the County of Solano—adopted as substitute for Assembly bills Nos. 22 and 47, and ordered engrossed.

Assembly bill No. 46, an Act supplementary to an Act entitled an Act concerning the Board of Supervisors of Placer County, and to extend its provisions to other counties herein named—was ordered engrossed.

Assembly bill No. 128, an Act making the office of County Treasurer of Trinity County a salaried office—was ordered engrossed.

Assembly bill No. 94, an Act concerning certain salaries and fees of office in the County of Monterey—was ordered engrossed.

Assembly bill No. 58, an Act to protect the creditors of corporations—indefinitely postponed

Assembly bill No. 96, an Act to authorize the Governor of the State to reside and keep his office in the City of San Francisco.

Mr. Shannon moved to strike out the enacting clause.

Carried.

Mr. Avery, from the Committee on Enrolment, made the following report:

Mr. SPEAKER:—Your Committee on Enrolment have examined, and found correctly enrolled, Assembly bill No. 43, entitled an Act to authorize the Corporation of the City of Los Angeles to fund the debt of said city.

AVERY, Chairman.

RESOLUTIONS.

Mr. Worthington offered the following resolutions:

Resolved, That, as American citizens, we rejoice at the recent glorious triumphs of our national arms over rebel traitors in Tennessee and Georgia, in which Fort Donelson and fifteen thousand secession renegades were captured, and the City of Savannah made to acknowledge the dominion of the American flag, and that we regard it as prophetic of the final termination of this wicked rebellion.

Resolved, That, in common with all loyal American citizens, our hearts are filled with gratitude for and admiration of the heroic services of all who contributed towards these brilliant victories.

Mr. Worthington moved the previous question.

Sustained.

On the adoption of the resolution, Messrs. Seaton, Saul, and Worthington, demanded the ayes and noes, and the resolution was adopted, by the following vote:

AYES—Messrs. Amerige, Ames, Avery, Battles, Bell, Benton, Bigelow, Collins, Cot, Cunnard, Dana, Dore, Dudley of Placer, Dudley of Solano, Eagar, Eliason, Evey, Fay, Ferguson, Frazier, Hillyer, Hoag, Irwin, Jackson, Kendall, Leach, Loewy, Love, Machin, Maclay, Matthews, McAllister, McCullough, Meyers, Moore, O'Brien, Orr, Porter, Reed, Reese, Reeve, Sargent, Saul, Sears, Seaton, Shannon, Smith of Sierra, Thompson of San Joaquin, Tilton of San Francisco, Van Zandt, Waddell, Warwick, Woodman, Worthington, Wright, Zuck, and Mr. Speaker—57.

NO—Mr. Watson—1.

Mr. Irwin offered the following resolutions:

Resolved, That in the judgment of this House, California should raise her portion of the direct tax imposed by the Federal Government, in the following manner, to wit: One hundred thousand dollars by the imposition of a per capita tax, and the residue by an assessment on the real and personal property of the State.

Resolved, That the Committee on Ways and Means be and they are hereby instructed to report to this House, on Friday next, a bill in accordance with this plan.

Mr. Dudley of Placer moved to lay on the table.

Carried

Mr. Avery offered the following resolution:

Resolved, That the Enrolling Committee be and they are hereby authorized to appoint an Assistant Enrolling Clerk.

Mr. Smith of Sierra moved to amend by inserting the name of R. H. Daly.

Lost.

Mr. Benton moved to lay on the table.

Lost.

Mr. Eagar moved the previous question.

Sustained.

The resolution was adopted.

Mr. Bell introduced a bill for an Act to provide for the submission of the proposed amendments to the Constitution of the State, as proposed by the Legislature of eighteen hundred and sixty-one, to the votes of the qualified electors at the next general election.

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

On ordering the bill printed, Mr. Bigelow demanded the previous question, which was sustained, and the motion to print, lost.

Mr. Shannon offered the following resolution:

Resolved, That the Committee on Ways and Means be requested to incorporate a capitation tax provision in the Federal Tax Bill.

Mr. Watson moved a call of the House.

Lost.

The resolution was adopted.

Mr. Meyers moved to reconsider the vote by which the House on yesterday concurred in Senate concurrent resolution No. 32.

Mr. Watson moved the previous question, which was sustained, and the House refused to reconsider.

On motion of Mr. Maclay, at five minutes before two o'clock, P. M. the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, February 19th, 1862.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Saul had indefinite leave of absence.

The Speaker announced the following Committees:

On Geological Lecture—Messrs. Warwick, Orr, and Worthington.

On Public Morals—Mr. Orr in place of Mr. Davis.

On that portion of Governor Downey's Message relating to balance due on account of the Indian War Debt—Messrs. Morrison, Machin, McCullough, Worthington, and Hillyer.

PETITIONS.

Messrs. Hoffman, Sargent, Benton, Kendall, Love, Evey, and Dudley of Solano, presented petitions on the subject of the Sunday Law.

Referred to the Committee on Public Morals.

Mr. Reed presented a petition of citizens of Sonoma County, for a law regulating the price for grinding grain.

Referred to the Committee on Agriculture.

Mr. Hoag presented a petition of citizens of Yolo County, relative to county seat.

Referred to the Committee on Counties and County Boundaries.

REPORTS

Mr. Machin, from the Committee on Corporations, made the following report:

Mr. SPEAKER:—Your Committee on Corporations, to whom was referred Senate bill No. 155, an Act entitled an Act to amend an Act entitled an Act to incorporate the Town of Eureka, approved April ninth, eighteen hundred and fifty-nine, have carefully examined the same, and would most respectfully report the same back to the House, and recommend its passage;

Your Committee have also had under consideration Assembly bill No. 87, entitled an Act to extend and define the duties of the owners of public ferries, toll bridges, and toll roads in this State. A majority of said Committee have directed me to report the same back to the House, with sundry amendments, and recommend its passage as amended.

MACHIN, Chairman.

Mr. Machin also made the following report:

Mr. SPEAKER:—The undersigned, members of your Committee on Corporations, beg leave to offer the following minority report in relation to Assembly bill No. 87:

That the said bill, if it become a law, will impose onerous duties and inconveniences upon all ferrymen, toll bridge and toll road keepers, without producing any corresponding benefit to the public, and therefore recommend that the same be indefinitely postponed.

MACHIN,
McALLISTER.

Mr. Maclay, from the Committee on Claims, made the following report:

Mr. SPEAKER:—The Committee on Claims, to whom was referred substitute for Senate bill No 38, entitled an Act to authorize the State Treasurer to issue certain War Bonds, having had the same under consideration, beg leave to report it back to the House, and recommend that it pass;

Also, Senate bill No. 45, an Act for the relief of Peter Lothian, former Sheriff of Humboldt County, having had the same under consideration, beg leave to recommend that it pass;

Also, Assembly bill No. 9, an Act to pay a balance due for copying done in the Assembly of eighteen hundred and sixty-one, having duly con-

sidered the same, beg leave to report it back, and recommend that it be indefinitely postponed.

MACLAY,
For a majority of the Committee.

Mr. Hoag made a minority report on Assembly bill No. 9, above reported.

(For report, see Appendix.)

Mr. Hillyer, from the Committee on Public Expenditures and Accounts, made the following report:

Mr. SPEAKER:—Your Committee on Public Expenditures and Accounts, having examined the following accounts and found them correct, so report, and recommend their payment from the Contingent Fund of the Assembly, to wit:

Solano Herald	$ 8 00
Baum & Brothers	38 75
Butte Democrat	8 00
Thomas Reynolds	19 00
William T. Porter	50 00
Hiram Clock	32 00
San Francisco Gas Company	33 05
A. F. Bell	94 25
Heuston, Hastings & Co	24 00
Gallagher & Weed	32 25
J. P. Muldron	60 50
Weekly Pacific	72 00
J. Walter Walsh	6 00
Thomas Ackerson	4 00
Total	$481 80

HILLYER, Chairman.

Mr. Tilton of San Francisco, from the Committee on Elections, made a report on the contested election case of Gordon *vs.* McAllister.

(For report, see Appendix.)

Mr. Tilton also offered the following resolution:

Resolved, That the contestant and respondent in the contested election case of Gordon *vs.* McAllister, be and they are hereby allowed to appear by Counsel before the bar of the Assembly on to-morrow, the twentieth instant, at one o'clock, P. M., and that the report of the Committee be made the special order for that hour.

Adopted.

REPORTS.

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

Mr. SPEAKER:—The Committee on Judiciary, to whom was referred

Assembly bill No 45, an Act to authorize the Guardian of certain minor children to convey their real estate, report the same back, and recommend its passage;

Also, Assembly bill No. 76, an Act to prohibit actions to recover the possession of real property by virtue of Spanish or Mexican grants, until after a final confirmation of the boundaries of such grant by the proper authorities of the United States, with an amendment proposed by the Committee, and recommend its passage;

Also, Assembly bill No 79, an Act amendatory of an Act concerning the Courts of Justice of this State and judicial officers, passed May nineteenth, eighteen hundred and fifty-three, with certain amendments recommended by the Committee, and recommend its passage;

Also, Assembly bill No 126, an Act to authorize County Judges to hold terms of the County Court, Court of Sessions, and Probate Court, in any county of this State, and recommend its passage;

Also, Senate bill No 81, an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one, and recommend its passage;

Also, substitute for Senate bill No 121, an Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty one, and recommend its passage;

Also, Assembly bill No. 27, an Act to amend an Act entitled an Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, and other Acts amendatory thereto, passed May twentieth, eighteen hundred and sixty-one, and recommend that it be indefinitely postponed;

Also, Assembly bill No 112, an Act amendatory of an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice in this State, report the same back, and recommend that it do not pass;

Also, Assembly bill No 130, an Act providing for the preservation of the records of the Supreme Court, and recommend that it be referred to the Committee on Public Expenditures and Accounts.

All of which is respectfully submitted.

S. B. BELL, Chairman.

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

Mr. SPEAKER:—A minority of your Judiciary Committee, to whom was referred Assembly bill No 27, dissent from the majority report, and recommend the passage of the bill. The bill alters the law regulating the estates of deceased persons so as to permit sureties on the bond of an Executor or Administrator to justify before any person authorized to administer oaths. It is believed that the present bill, without in any degree diminishing the security afforded by the bond, will promote the convenience and lessen the expense of administration.

HILLYER.

Mr. Reed made the following report:

Mr SPEAKER:—The Sonoma delegation, to whom was referred Senate bill No. 138, have had the same under consideration and report the same back, with a recommendation that it pass.

REED,
ELIASON.

Mr. Dean made the following report:

Mr SPEAKER :—The Select Committee to whom was recommitted Assembly bill No 30. respecting the preservation of trout, report the same back. with a substitute, and respectfully recommend the passage of the substitute.

DEAN, for the Committee.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate :

SENATE CHAMBER,
February 19th, 1862

Mr. SPEAKER :—The Senate, on yesterday, passed Assembly bill No. 34, an Act concerning roads and streets in the Town of Auburn ;

Also, Assembly bill No. 56, an Act to amend an Act entitled an Act to make certain offices in the County of Tuolumne salaried offices, approved February twenty-first, eighteen hundred and sixty-one ;

Also. Assembly bill No 66. an Act to grant to the Stanislaus Bridge and Ferry Company the right to construct and maintain a bridge or bridges across the Stanislaus River ;

Also, Assembly bill No. 88, an Act to authorize the Board of Supervisors in and for Sutter County to levy a special tax for the repair of the Court House in said county ;

Also, indefinitely postponed Assembly bill No. 61, an Act making appropriations for the payment of boatmen employed by the Sergeant-at-Arms of the Assembly during the flood at the Capital.

A. A. DE LONG,
Assistant Secretary.

SENATE CHAMBER,
February 18th, 1862.

Mr SPEAKER :—The Senate, on yesterday, passed Assembly bill No. 80, an Act authorizing the Board of Supervisors of Sierra County to levy certain taxes, for county purposes, for the year eighteen hundred and sixty-two ;

Also Assembly bill No. 81, an Act changing the time for meeting of the Board of Supervisors in and for the County of Sierra ;

Also, adopted Senate concurrent resolution No 31, relative to mineral lands ;

Also, concurred in Assembly concurrent resolution No. 16, relative to a committee to wait on the State Geologist.

A. A. DE LONG,
Assistant Secretary.

Senate concurrent resolution No. 31, above reported, was concurred in.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows :

By Mr. Love, for an Act to amend an Act in relation to the county officers of Sierra County.

By Mr. Collins, for an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.

By Mr. Hillyer, for an Act transferring certain funds from the General Fund of the County of Placer to the District Road Fund.

By Mr. Dudley of Placer, for an Act relating to the indigent sick of the County of Placer.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Worthington, for an Act to provide for the appointment of Notaries Public, and defining their duties

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

By Mr. Ames, for an Act for the improvement of the water front of the City and County of San Francisco, and for the accommodation of the shipping and commerce of the port of San Francisco.

Read first and second times, and referred to Committee on Commerce and Navigation.

By Mr Dana, for an Act amendatory of and supplementary to an Act entitled an Act to incorporate the City of Santa Barbara, approved May eighteenth, eighteen hundred and sixty-one.

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

By Mr. Morrison, for an Act for the protection of growing timber on all possessory claims and other private property in this State, and on or along public streets or highways, and on public grounds.

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

By Mr. Orr, for an Act amendatory of and supplementary to an Act defining the Senatorial and Assembly Districts of this State, and apportioning the representation thereof.

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

By Mr. Amerige, for an Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning forcible entries and unlawful detainers, passed April twenty-second, eighteen hundred and fifty

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

By Mr. Van Zandt, for an Act to amend an Act entitled an Act to define the duties and liabilities of pawn brokers and pledgees, approved April seventeenth, eighteen hundred and sixty-one.

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

Mr. Bell, by leave, made the following report:

Mr. SPEAKER:—The Judiciary Committee, to whom was referred, by recommitment with special instructions, Assembly bill No 53, entitled an Act to amend an Act concerning District Court Reporters for the Fourth, Sixth, Seventh, Tenth, Twelfth, and Fifteenth Judicial Districts, approved May seventeenth, eighteen hundred and sixty-one, most respectfully recommend the passage of the substitute herewith submitted, embodying the special instructions.

BELL, Chairman.

GENERAL FILE.

Assembly bill No. 123, an Act relative to the office of the Superintendent of Common Schools in the County of Tuolumne—referred to the Committee on Education.

Assembly bill No. 23, an Act to create the County of Alturas, define the boundaries, and provide for the organization thereof.

Mr. Smith of Sierra moved to indefinitely postpone the bill.

Mr. Ames moved the previous question.

Sustained.

On the indefinite postponement, Messrs. Love, Smith of Sierra, and Cunnard, demanded the ayes and noes, and the motion prevailed, by the following vote:

AYES—Messrs. Amerige, Ames, Avery, Barton of Sacramento, Barton of San Bernardino, Bell, Benton, Bigelow, Dennis, Dudley of Solano, Eliason, Evey, Fay, Ferguson, Frazier, Hillyer, Hoag, Jackson, Leach, Loewy, Machin, Meyers, Orr, Pemberton, Printy, Sargent, Sears, Smith of Fresno, Smith of Sierra, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Warwick, Watson, Wilcoxon, and Worthington—36.

NOES—Messrs. Battles, Collins, Cot. Cunnard, Dana, Dudley of Placer, Eagar, Lane, Love, Maclay, Matthews, McAllister, Moore, O'Brien, Porter, Reed, Reeve, Seaton, Shannon, Thompson of Tehama, Thompson of San Joaquin, Thornbury, Waddell, Woodman, Wright, and Zuck—26.

Senate bill No. 121, an Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one—read third time, and passed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 19th, 1862.

Mr. SPEAKER:—The Senate, on the fourteenth instant, passed Senate bill No. 97, an Act for the relief of John T. Carey, late Treasurer of Klamath County;

Also, February fourteenth passed Senate bill No. 86, an Act to transfer certain funds;

Also, Senate bill No. 127, an Act to pay the Board of Managers of State Institution for Indigent Deaf, Dumb and Blind;

Also, have this day passed Senate bill No. 159, an Act to amend an Act entitled an Act authorizing the Board of Supervisors of Tehama County to remove the remains from the old graveyard, in Red Bluffs, to the new cemetery, and to levy a tax to pay the cost of the same, passed April eighth, eighteen hundred and sixty-one.

A. A. DE LONG,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate bill No. 97, above reported, read first and second times, and referred to the Committee on Claims.

Senate bill No. 127, above reported, read first and second times, and referred to the Committee on Claims.

Senate bill No. 86, above reported, read first and second times, and referred to the Military Committee.

Senate bill No. 159, above reported, read first and second times, rules suspended, read third time, and passed.

On motion of Mr. Shannon, two hundred and forty copies of Assembly bill No 131 were ordered printed.

Mr Woodman offered a concurrent resolution, granting John Anderson, Clerk of Shasta County, leave of absence.

Mr Evey moved to lay on the table.

Lost.

The resolution was adopted.

On motion of Mr. Reed, Assembly bill No. 132, concerning the water front of San Francisco, was ordered printed

At forty minutes past two o'clock, P. M., on motion of Mr. Parker, the House adjourned.

IN ASSEMBLY

HOUSE OF ASSEMBLY,
Thursday, February 20th, 1862.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

A communication was received from the Trustees of the State Reform School.

Referred to Committee on Education.

PETITIONS.

Mr. Ames presented a petition of citizens of Mendocino County, for funding of county debt.

Referred to Committee on Ways and Means.

Mr. Wright presented a petition of citizens of Klamath County, for repeal of Road Law

Referred to Committee on Roads and Highways.

Mr Worthington presented a petition of citizens of Sierra County, for repeal of Sunday Law.

Referred to Committee on Public Morals.

Mr Love presented a petition of ladies of Sierra County, for continuance of Sunday Law.

Referred to Committee on Public Morals.

REPORTS.

Mr. Machin, from the Committee on Corporations, made the following report:

Mr. SPEAKER:—Your Committee on Corporations, to whom was referred Assembly bill No 134, an Act amendatory of and supplemental to an Act entitled an Act to incorporate the City of Santa Barbara, approved May eighteenth, eighteen hundred and sixty-one, have carefully

considered the same, and would most respectfully report the same back to the House, and recommend its passage.

MACHIN, Chairman.

Mr. Reed, from the Committee on Education, made the following report:

Mr. SPEAKER:—The Committee on Education, to whom was referred Assembly bill No. 123, an Act relating to the office of Superintendent of Common Schools in the County of Tuolumne, beg leave to report the same back, with amendments, and recommend its passage;

Also, have considered Assembly bill No. 15, an Act to change the name of George W Briggs, and report the same back, with a recommendation that it do not pass.

REED, Chairman.

Mr. Barton of Sacramento, from the Committee on Ways and Means, made the following report:

Mr. SPEAKER:—The Committee on Ways and Means, to whom was referred Assembly bill No. 52, an Act to appropriate moneys to colleges in the State of California, beg leave to return the same to the House, with the recommendation that it be referred to the Committee on Education, and that after their report it may again be referred to this Committee.

BARTON, Chairman.

Mr. Collins, from the Committee on Military Affairs, made the following report:

Mr. SPEAKER:—Your Committee on Military Affairs, to whom was referred Senate bill No. 86, an Act to transfer certain funds, have had the same under consideration, and have directed me to report it back, with a recommendation that it pass.

COLLINS, Chairman.

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

Mr. SPEAKER:—The Judiciary Committee, to whom was recommitted the account of the Commissioners and others, for fees, in the Marin contested election case of Alex. Gordon *vs.* A. C. McAllister, with instructions to report a bill for the amount formerly allowed by the Committee, beg leave to say that they have had the same under consideration, and report—that inasmuch as the Commission was authorized by this House, touching a matter in which this House was alone interested, the Committee recommend that the amount be allowed by resolution out of the Contingent Fund of the Assembly. We therefore report the account back, with the accompanying resolution, and recommend the adoption of the same.

BELL, Chairman.

Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 24, an Act to authorize the

Supreme Court to admit William M. Pierson as an Attorney of said Court;

Also, Assembly bill No. 46, an Act supplementary to an Act concerning the Board of Supervisors of Placer County, approved February fourth, eighteen hundred and fifty-seven, and to the Act of March thirty first, eighteen hundred and fifty-seven, supplementary thereto, and to extend their provisions to other counties herein named;

Also, Assembly bill No. 121, an Act to provide for Public Administrators in certain counties;

Also, Assembly bill No. 125, an Act to authorize the construction and maintenance of a wharf on the Sacramento River, in the County of Solano;

Also, Assembly bill No. 128, an Act making the office of County Treasurer of Trinity County a salaried office;

Also, Assembly bill No 115, an Act to authorize the construction and maintenance of a wharf in Contra Costa County;

Also, Assembly bill No. 94, an Act concerning certain salaries and fees of office in the County of Monterey.

LOEWY, Chairman.

Mr. O'Brien made the following report:

Mr. SPEAKER:—The Select Committee, comprising the Amador and Calaveras delegations, to whom was referred Senate bill No 55, an Act granting to Louis Soher, and others, the right to construct a bridge across the Mokelumne River, at a point known as Big Bar, beg leave to report that they have had the same under consideration, report it back with sundry amendments, and recommend its passage as amended.

O'BRIEN, for the Committee.

Mr. Maclay made the following report:

Mr. SPEAKER:—The Committee to whom was referred Senate bill No. 148, an Act to provide for the collection of delinquent taxes in the City of San José, having had the same under consideration, respectfully beg leave to report the same back, and recommend its passage.

MACLAY, for Delegation.

Mr. Morrison made the following report:

Mr. SPEAKER:—The undersigned, to whom was referred Senate bill No. 66, an Act to grant the right to construct a turnpike road from the Great Bend of the Mohave River, in the County of San Bernardino, through Williamson's Pass, to the Pacific Coast, at or near the Town of Buenaventura, in the County of Santa Barbara, beg leave to report the same back, with a recommendation that it do not pass.

WATSON,
MORRISON.

Mr. Eagar, from the Committee on Ways and Means, made the following report:

Mr. SPEAKER:—The Committee on Ways and Means, to whom was referred Assembly bill No 16, an Act appropriating money for the benefit of the Ladies' Seamen's Friend Society of the port of San Francisco, have had the same under consideration

The majority of your Committee would respectfully recommend the

passage of said bill, with the following amendment to section one, by striking out the word "ten" in fourth line, and inserting "three."

THOMAS EAGAR,
GEORGE WOODMAN,
W. A. ELIASON,
S S. TILTON,
SAMUEL C. BIGELOW.

Mr. Barton of Sacramento. from the Committee on Ways and Means, made the following report:

Mr. SPEAKER:—We, the minority of the Committee on Ways and Means, to whom was referred Assembly bill No. 16, asking for an appropriation of ten thousand dollars for the benefit of the Ladies' Seamen's Friend Society of the port of San Francisco, have had the same under consideration, and beg leave to report the following:

While we deeply sympathize with the unfortunate and distressed seamen, and view with the most favorable consideration the efforts being put forth for their amelioration, we are compelled, from a sense of public justice, to dissent from the views of a majority of the Committee, wherein they recommend an appropriation of moneys from the Treasury of the State for their relief; believing that such recommendation is antagonistic to the best interests of the State. and violative of the trust committed to our care.

We cannot, as guardians of the people's interests, consent to any appriation of the public moneys for an object which has no legitimate claim upon the State, nor any precedent in the history of State appropriations anywhere; particularly while the burthen of taxation is pressing heavily upon us for the support of the State and Federal Governments, and with the prospect of an increased tax for the defence of our coast, and the protection of our cities.

It would seem that the sentiment of love for the general weal would be sufficiently strong among all classes of our citizens at this time of our financial embarrassment and great need of pecuniary means for coast and other defences, to induce private interests to give way to the public good. We therefore recommend an indefinite postponement of the bill.

W. H. BARTON, Chairman,
H. G. PARKER,
E TEEGARDEN,
CHARLES C. DUDLEY.

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

Mr. SPEAKER:—The minority of the Judiciary Committee, to whom was referred Assembly bill No. 79, an Act amendatory of an Act entitled an Act concerning Courts of Justice in this State. and judicial officers, passed May nineteenth. A. D eighteen hundred and fifty-three, dissent from the majority report, and would recommend that the bill be indefinitely postponed.

AVERY, of Committee.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 19th, 1862.

To the Honorable the Assembly of California:

I have to inform your honorable body that I have approved Assembly bill No. 12, an Act to authorize the removal of human remains in Placer County;

Also, Assembly bill No. 14, an Act to amend an Act entitled an Act to authorize Thomas Cutler, Administrator of the estate of Albert Cutler, deceased, to sell real estate at private sale;

Also, Assembly bill No. 43, an Act to authorize the Corporation of the City of Los Angeles to fund the debt of said city;

Also, Assembly bill No. 69, an Act to authorize the Board of Supervisors of Colusa County to levy a special tax in said county, creating a Contingent Fund;

Also, Assembly bill No. 44, an Act supplementary to an Act to incorporate the City of Los Angeles;

Also, Assembly bill No. 59, an Act to authorize the Benicia Cemetery Association to close certain streets and alleys;

Also, Assembly bill No. 41, an Act to authorize the Mayor and Common Council of the City of Los Angeles to borrow money for municipal improvements

LELAND STANFORD, Governor.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Barton of San Bernardino, for an Act to fund the debt of the County of San Bernardino.

Also, for an Act to make certain offices salaried offices in San Bernardino County.

By Mr. Porter, for an Act to provide, that in future, all laws which may have been amended, shall be published entire, as amended, in the statutes of the session.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Tilton of San Francisco, for an Act authorizing Charles G. Shipman, his associates and assigns, to lay down gas pipes in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

Also, for an Act to authorize P. C. Lander, and his associates and assigns, to build a wharf at Point Avisadero, in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Moore, for an Act for the encouragement of the importation and raising of blood and thoroughbred stock.

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

By Mr. Kendall, for an Act for the relief of George W Nixsen.

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

By Mr. Fay, for an Act to amend section three hundred and ninety-four of the Civil Practice Act.

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

Also, an Act to amend an Act concerning crimes and punishments.

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

By Mr. Eagar, for an Act amendatory of the Act to regulate proceedings in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

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

By Mr. Teegarden, for an Act concerning the Government of the City of Marysville.

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

By Mr. Reed, for an Act providing for the construction of a public road from Petaluma to Bloomfield, in Sonoma County.

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

By Mr. Seaton, for an Act to extend the provisions of the Act concerning hogs running at large to Townships Numbers Two and Five, in the County of Amador.

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

Mr Dennis presented a petition of citizens of El Dorado County, for the passage of a law for the relief of W. D. Shirley.

Referred to El Dorado delegation.

GENERAL FILE.

Assembly bill No. 79, an Act amendatory of an Act concerning the Courts of Justice of this State, and judicial officers, passed May nineteenth, eighteen hundred and fifty-three.

Pending consideration of the bill, the House took a recess until five minutes before one o'clock, P. M.

HOUSE REASSEMBLED.

House reassembled at five minutes before one o'clock, P. M.

Quorum present.

The special order of the day, the contested election case of Gordon *vs.* McAllister, was taken up.

Mr. Reed moved a call of the House.

Lost.

Mr. Tilton of San Francisco moved to postpone the farther consideration of the special order until half past eleven o'clock, to-morrow morning.

Lost.

Mr. Seaton moved to postpone until seven o'clock this evening.

Lost.

At five minutes before four o'clock, P. M., on motion of Mr. Ames, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, February 21st, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.
Journal of yesterday read and approved
Mr. Bell, by leave, offered the following resolution:

Resolved, That when this Assembly adjourn this day, it adjourn to meet in this chamber to-morrow, the Twenty-Second of February, at eleven o'clock, A. M., for the purpose of hearing the Farewell Address of George Washington read by the Speaker of the Assembly, and that we meet for no other purpose.

Adopted.
Mr. Avery, from Committee on Enrolment, made the following report:

Mr. SPEAKER:—Your Committee on Enrolment have examined, and found correctly enrolled, the following Assembly bills:
No. 66, entitled an Act to grant the Stanislaus Bridge and Ferry Company the right to construct and maintain a bridge or bridges across the Stanislaus River;
Also, bill No. 80, entitled an Act authorizing the Board of Supervisors of Sierra County to levy certain taxes for county purposes, for the year eighteen hundred and sixty-two;
Also, bill No. 56, an Act entitled an Act to make certain offices in the County of Tuolumne salaried offices, approved February twenty-first, eighteen hundred and sixty-one;
Also, bill No. 88, an Act to authorize the Board of Supervisors in and for Sutter County to levy a special tax for the repair of the Court House in said county;
Also, bill No. 81, an Act changing the time for meeting of the Board of Supervisors in and for the County of Sierra;
Also, bill No. 34, an Act concerning roads and streets in the Town of Auburn.
AVERY, Chairman.

On motion, the contested election case of Gordon *vs.* McAllister, was taken up.
After hearing the Counsel of the respective parties, Mr. Tilton of San Francisco offered the following resolution:

Resolved, That Alexander Gordon be and he is hereby declared elected to the seat in this Assembly, as a Representative from the County of Marin, now occupied by A. C. McAllister.

Mr. Watson demanded the previous question.
Upon which, Messrs. Dudley of Placer, Hoffman, and Cot, demanded the ayes and noes, and the House agreed, by the following vote:

AYES—Messrs Amerige, Avery, Barton of Sacramento, Barton of San Bernardino, Battles, Bell, Benton, Bigelow, Brown, Campbell, Collins,

Dore, Dudley of Solano, Eliason, Evey, Fay, Hillyer, Hoffman, Jackson, Kendall, Lane, Leach, Loewy, Love, Machin, Maclay, McCullough, Meyers, Moore, Orr, Parker, Printy, Reed, Reese, Reeve, Sears, Teegarden, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Watson, Wilcoxon, Worthington, Yule, and Zuck—45.

NOES—Messrs Cot, Dennis, Dudley of Placer, Hoag, Matthews, Morrison, O'Brien, Seaton, Shannon, Smith of Sierra, Thompson of Tehama, Thompson of San Joaquin, Thornbury, Waddell, Werk, Woodman, and Wright—17.

On adopting the resolution, Messrs. Frazier, Collins, and Matthews, demanded the ayes and noes, and the resolution was adopted, by the following vote:

AYES—Messrs. Amerige, Avery, Battles, Bell, Benton, Brown, Collins, Dennis, Dore, Dudley of Solano, Eagar, Eliason, Evey, Fay, Hillyer, Hoag, Leach, Loewy, Machin, Maclay, McCullough, Meyers, Moore, Orr, Porter, Printy, Reed, Reese, Reeve, Sargent, Sears, Seaton, Smith of Sierra, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Yule, Zuck, and Mr. Speaker—39.

NOES—Messrs. Barton of Sacramento, Barton of San Bernardino, Campbell, Cot, Dean, Dudley of Placer, Frazier, Hoffman, Irwin, Jackson, Kendall, Lane, Love, Matthews, Morrison, O'Brien, Parker, Pemberton, Shannon, Smith of Fresno, Teegarden, Thompson of Tehama, Thompson of San Joaquin, Thornbury, Waddell, Watson, Werk, Wilcoxon, Woodman, Worthington, and Wright—31.

Mr. Dennis gave notice of reconsideration.

Mr Battles moved that Mr. Gordon be now sworn in.

Mr. Gordon appeared and was sworn in.

Mr. O'Brien offered the following preamble and resolution:

WHEREAS, The annual recurrence of the twenty-second day of February, the natal day of him who is justly termed the Father of his Country, recalls to the minds and hearts of all true, loyal, and Union-loving American citizens, the hallowed memory of the immortal Washington, his eminent wisdom, heroic patriotism, purity of purpose, and wise and exemplary administration of the Government, as first President of the United States, wherefrom we have in a great measure secured the blessings of life, liberty, and the pursuit of happiness; and to whom we are in a similar degree indebted for a system of Government which is the envy of the civilized world; and,

WHEREAS, It is meet and proper that the birthday of him who was "first in war, first in peace, and first in the hearts of his countrymen," should be commemorated as a great and national holiday, and more particularly at this time and at this crisis in the affairs of the Nation, of which he, through the instrumentality of Divine Providence, was the Architect—at a time when it is menaced by rebels and traitors at home, and envious foes abroad; therefore, be it

Resolved, That we hereby renew our firm devotion to our country, our unfaltering purpose to uphold, maintain, and perpetuate our glorious Union and its institutions, and our respect and veneration for the illustrious character, services, and memory of George Washington.

Adopted.

At four o'clock, P. M., on motion of Mr. Watson, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, February 22d, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.
Reading of the Journal of yesterday dispensed with.
Messrs. Maclay, Ferguson, and Lane, had indefinite leave of absence, and Mr. Wilcoxon for three days.
The Farewell Address of George Washington to the American People, was read to the Assembly by the Speaker.
At twelve o'clock, M., on motion of Mr. Battles, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, February 24th, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.
Journal of Friday and Saturday read and approved.
A communication was received from the Superintendent of the State Reform School, which was referred to the Committee on Education.

PETITIONS.

Mr. Worthington presented a petition of merchants and business men of San Francisco, relative to Attachment Law.
Referred to Judiciary Committee.
Mr. Smith of Fresno, presented a petition of the citizens of Fresno County, relative to Teachers of Common Schools.
Referred to Committee on Education.
Mr Reeve presented a petition of tax payers and citizens of San Francisco, for an appropriation to support a mounted battery of artillery.
Referred to Committee on Military Affairs.
Messrs Thompson of Tehama, Hoffman, Dudley of Placer, and Warwick, had indefinite leave of absence.

REPORTS.

Mr. Smith of Sierra, from the Committee on Counties and County Boundaries, made the following report:

Mr. SPEAKER:—The Committee on Counties and County Boundaries, to whom was referred the petitions of citizens of Yolo County, praying

for the removal of the county seat from Washington to Woodland, having had the same under consideration, beg leave to report—

That they find, upon examination, that said petition is signed by a majority of the voters of said county; and the representative from that county states to us, that under the circumstances in which he is placed, he is bound to and does regard such petition as a direct instruction upon the subject matter therein contained, and is ready to act in accordance therewith.

On the other hand, we believe it to be better policy that all questions of such a character should be left to a direct vote of the people, and especially so in this case, as many of the people in this county, living in the flooded district, could not be reached with this petition, and might claim that advantage had been taken of their misfortune by people in the other section of the county, to remove the county seat while they were in a condition which did not allow them a voice in the matter.

Your Committee have therefore decided to report in favor of submitting the question to a vote of the people at a special election to be held for that purpose, and the representative from Yolo has prepared a bill in accordance with this decision, which he will present at an early day.

Your Committee would further state that they have obtained the consent and approval of the Committee specially delegated by the petitioners to secure the accomplishment of their object.

All of which is respectfully submitted.

E. B. SMITH, Chairman.

Mr Moore, from the Committee on Agriculture, made the following report:

Mr. SPEAKER:—Your Committee on Agriculture have carefully examined Assembly bill No. 123, and Assembly bill No. 135, and most respectfully recommend the passage of the same;

Also, have carefully examined the petition of citizens of the County of Sonoma, in reference to fixing the toll for the grinding of grain, and most respectfully recommend that the House take no action on the same.

MOORE, Chairman.

Mr. Seaton, from the Amador delegation, made the following report:

Mr. SPEAKER:—The Amador delegation beg leave to report back, with an amendment, the bill entitled an Act to extend the provisions of 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, eighteen hundred and fifty-six, and the amendments thereto, approved April eighteenth, eighteen hundred and fifty-nine, and recommend the passage of the same, as amended.

G. W. SEATON,
W. A. WADDELL.

Mr. Porter, from the Contra Costa delegation, made the following report:

Mr SPEAKER:—The Contra Costa delegation, to whom was referred Assembly bill No. 101, an Act to authorize the Board of Supervisors of the County of Contra Costa to transfer surplus moneys remaining in the

Gilman Judgment Fund of the said county, ask leave to report the same back, and recommend its passage.

PORTER, for Delegation.

Mr. Teegarden, from the Yuba delegation, made the following report:

Mr. SPEAKER:—The Yuba delegation, to whom was referred Assembly bill, an Act concerning the Government of the City of Marysville, have had the same under consideration, and beg leave to report the same back and recommend its passage.

TEEGARDEN, for Delgation.

Mr. Bell, from the Committee on the Judiciary, made the following report:

Mr. SPEAKER:—The Committee on the Judiciary, to whom was referred Assembly bill No. 145, an Act to amend section three hundred and ninety-four of an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-eighth, eighteen hundred and fifty-one, as amended by an Act entitled 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 May fifteenth, eighteen hundred and fifty-four—after having amended the same, a majority of the Committee recommend its indefinite postponement;

Also, Assembly bill No. 144, an Act to amend an Act entitled an Act concerning crimes and punishments, passed April tenth, eighteen hundred and fifty, and recommend its indefinite postponement;

Also, Assembly bill No. 143, an Act amendatory of an Act to regulate proceedings in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and recommend its indefinite postponement;

Also, Assembly bill No. 99, an Act to divide the Eleventh Judicial District of this State and reorganize the Sixth, and recommend its passage;

Also, Assembly bill No. 40, an Act for the relief of William P. Sayward—its passage recommended by a majority of the Committee, the minority dissenting;

Also Assembly bill No. 55, an Act amendatory of an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one—a majority of the Committee recommend its indefinite postponement, the minority dissenting;

Also, substitute to Senate bill No. 11, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one, and recommend its indefinite postponement.

S. B. BELL, Chairman.

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

Mr. SPEAKER:—A minority of the Judiciary Committee dissent from the majority report of said Committee on Assembly bill No. 40, entitled

an Act for the relief of William Sayward, and recommend its indefinite postponement.

G. W. REED.
J. M. AVERY.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
February 21st, 1862.

Mr. SPEAKER:—The Senate, on yesterday, passed Senate bill No. 152, an Act to transfer certain funds;

Also, on the eighteenth instant passed Senate bill No. 161, an Act to transcribe certain records in the County of Shasta;

Also, on the fourteenth instant passed Senate bill No. 158, 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-eighth, eighteen hundred and fifty-one;

Also, on yesterday passed Senate bill No. 73, an Act amendatory of an Act entitled an Act amendatory of an Act and supplementary to an Act entitled an Act, passed May fourth, eighteen hundred and fifty-two, approved April thirtieth, eighteen hundred and fifty-five;

Also, on yesterday concurred in Assembly concurrent resolution No. 13, granting leave of absence to I. C. McQuaid, District Attorney of Sutter County;

Also, adopted Senate concurrent resolution No. 35, granting leave of absence to County Clerk of Del Norte County;

Also, Senate concurrent resolution No 36, relative to Indian war claims;

Also, Senate concurrent resolution No. 37, relative to the finances of the State.

A. A. DE LONG,
Assistant Secretary.

SENATE CHAMBER,
February 20th, 1862.

Mr. SPEAKER:—The Senate, on yesterday, passed Assembly bill No. 74, an Act in relation to public roads in the County of El Dorado, and to the Road Fund of said county;

Also, on the thirteenth instant passed Senate bill No 119, an Act to authorize the Board of Supervisors of the County of San Joaquin to issue certain bonds, and to provide for the payment of the principal and interest thereof;

Also, on the fifteenth instant passed Senate bill No. 90, an Act to fix the salary of the County Judge of Solano County;

Also, on the seventeenth instant passed Senate bill No. 163, an Act to provide for the construction of a wagon road from the Town of Visalia, in Tulare County, across the Sierra Nevada Mountains;

Also, on the eighteenth passed Senate bill No. 107, an Act concerning evidence in certain cases;

Also, on the nineteenth instant passed Assembly bill No 90, an Act to authorize the Board of Supervisors of Solano County to levy an additional road tax;

Also, passed Senate bill No. 111, an Act to grant the right to construct

a bridge across the Stanislaus River, at a place known as Byrne's Ferry, to certain persons therein named.

A. A. DE LONG,
Assistant Secretary.

SENATE CHAMBER,
February 24th, 1862.

Mr. SPEAKER:—The Senate on the eighteenth instant passed Senate bill No. 47, an Act in relation to public roads in the County of Amador, and to the Road Fund of said county.

THOMAS HILL,
Secretary of Senate.

CONSIDERATION OF SENATE MESSAGE.

The House concurred in Senate concurrent resolutions Nos. 35, 36, and 37.

The House concurred in Senate amendments to Assembly bills Nos. 90 and 74, above reported.

Senate bill No. 111, above reported, read first and second times, and referred to Tuolumne and Calaveras delegations.

Senate bill No. 90, above reported, read first and second times, and referred to Solano delegation.

Senate bill No. 163, above reported, read first and second times, and referred to the Committee on Roads and Highways.

Senate bill No. 107, above reported, read first and second times, and referred to Committee on Public Morals.

Senate bill No. 119, above reported, read first and second times, and referred to the San Joaquin delegation.

Senate bill No. 161, above reported, read first and second times, and referred to the Shasta delegation.

Senate bills Nos. 73 and 158, above reported, were read first and second times, and referred to the Judiciary Committee.

Senate bill No. 152, above reported, read first and second times, and referred to Committee on Ways and Means, with instructions to report to-morrow.

Senate bill No. 47, above reported, read first and second times, and referred to Amador delegation.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Yule, for an Act to submit the present Sunday Law to a vote of the people at the next general election.

By Mr. Porter, for an Act to provide for payment, by the County of Alameda, of a portion of the interest paid by the County of Contra Costa on the claim of J. C Gilman.

By Mr. Bigelow, for Acts to enable certain Guardians to sell and dispose of the real estate of their wards at private sale.

By Mr. Avery, for an Act to fix the compensation of the County Judge of the County of Nevada.

By Mr Dennis, for an Act to provide for the licensing of gambling houses and the repeal of all laws conflicting therewith;

Also, an Act for the relief of W. D. Shirley.

By Mr. Irwin, for an Act concerning roads and highways in the County of Siskiyou.

By Mr. Hoag, for an Act to submit the question of the removal of the county seat of Yolo County to the qualified voters thereof

By Mr. Jackson, for an Act to prohibit the game of props.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr Benton, for an Act concerning husband and wife permanently separated by reason of settlement and residence in this State.

Read first and second times, and referred to the Committee on Public Morals

By Mr. Tilton of San Mateo, for an Act to provide for the election of a Board of Supervisors in the County of San Mateo.

Read first and second times, and placed on file.

By Mr. Machin, for an Act to grant the right to construct a turnpike road between the Town of Sonora, in Tuolumne County, and the Town of Aurora, in Mono County.

Read first and second times, and referred to delegations from Tuolumne, Stanislaus, and San Joaquin.

Also, for an Act to amend an Act for the incorporation of railroad companies.

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

By Mr. Dana, for an Act supplementary to an Act to legalize certain grants and sales made by the Ayuntamiento of the Pueblo, and by the Mayor and Common Council of the City, of Santa Barbara.

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

By Mr. Battles, for an Act to establish the line and grades of streets in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Porter, for an Act to annex the County of Contra Costa to the Fourth Judicial District.

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

By Mr. Barton of Sacramento, proposed amendments to the Constitution.

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

By Mr. Fay, for an Act to regulate the interest of money.

Read first and second times, referred to Committee of the Whole, made special order for February twenty-eighth, at one o'clock, P. M., and ordered printed.

By Mr. Reeve, for an Act to appropriate money to sustain a mounted battery of artillery in the City and County of San Francisco.

Read first and second times, and referred to Committee on Military Affairs.

By Mr. Bell, for an Act to provide for the reading of the Farewell Address of George Washington in the public schools of the State.

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

By Mr. Brown, for an Act to amend an Act entitled an Act to estab-

lish, support, and regulate, common schools, passed May third, eighteen hundred and fifty-five

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

By Mr. Dore, for an Act in relation to liens of mechanics and others.

Read first and second times, referred to a committee of five, and ordered printed.

GENERAL FILE.

Assembly bill No 33, an Act to amend an Act entitled an Act concerning District Court Reporters—amendments adopted, and ordered engrossed

Assembly bill No. 126, an Act to authorize County Judges to hold terms of the County Court, Court of Sessions, and Probate Court, in any county of this State—ordered engrossed.

Assembly bill No 134, an Act amendatory of and supplementary to an Act entitled an Act to incorporate the City of Santa Barbara, approved May eighteenth, eighteen hundred and sixty-one—ordered engrossed.

Assembly bill No. 30, an Act for the protection of trout in Lake Bigler and its tributaries and outlets—substitute adopted, and ordered engrossed.

Senate bill No. 38, (substitute,) an Act to authorize the State Treasurer to issue certain War Bonds—read third time, and passed.

Senate bill No. 45, an Act for the relief of Peter Lothian, formerly Sheriff of Humboldt County—read third time, and passed.

Senate bill No. 81, (substitute,) an Act to amend an Act to regulate proceedings in civil cases, passed May first, eighteen hundred and fifty-one—read third time, and passed.

Senate bill No. 138, an Act to provide for the transcribing of the records of surveys in Sonoma County—read third time, and passed.

Senate bill No. 155, an Act to amend an Act entitled an Act to incorporate the Town of Eureka, approved April ninth, eighteen hundred and fifty-nine—read third time, and passed.

Assembly bill No. 24, an Act to authorize the Supreme Court to admit William M. Pierson as an Attorney of said Court—read third time, and passed.

Assembly bill No. 46, an Act supplementary to an Act concerning the Board of Supervisors of Placer County, approved February third, eighteen hundred and fifty-seven—read third time, and passed.

Assembly bill No. 94, an Act concerning certain salaries and fees of office in the County of Monterey—read third time, and passed.

Assembly bill No. 115, an Act for the construction and maintenance of a wharf in Contra Costa County—read third time, and passed.

Assembly bill No. 121, an Act to provide for Public Administrator in certain counties—read third time, and passed.

Assembly bill No 125, an Act to authorize the construction and maintenance of a wharf on the Sacramento River, in the County of Solano—read third time, and passed.

Assembly bill No. 128, an Act making the office of County Treasurer of Trinity County a salaried office—read third time, and passed.

Senate bill No. 66, an Act to grant the right to construct a turnpike road from the Great Bend of the Mohave River, to the Town of Buenaventura, in the County of Santa Barbara.

Mr. Watson moved to make the bill the special order for Thursday, at twelve o'clock.

Lost.

Mr. McCullough moved the previous question.

Sustained.

Bill read third time, and on its passage, the ayes and noes were demanded, by Messrs. Watson, Collins, and Sears, and the bill passed, by the following vote:

AYES—Messrs. Ames, Avery, Barton of Sacramento, Battles, Benton, Brown, Campbell, Cot, Cunnard, Dana, Dennis, Eagar, Eliason, Fay, Frazier, Griswold, Hillyer, Hoag, Jackson, Kendall, Leach, Loewy, Love, Machin, McCullough, Orr, Pemberton, Porter, Reese, Reeve, Sears, Shannon, Smith of Fresno, Smith of Sierra, Teegarden, Thompson of San Joaquin, Tilton of San Francisco, Tilton of San Mateo, Werk, and Mr. Speaker—40.

NOES—Messrs. Amerige, Bell, Bigelow, Collins, Dudley of Solano, Evey, Gordon, Irwin, Lane, Matthews, Moore, Morrison, O'Brien, Reed, Saul, Seaton, Thornbury, Van Zandt, Watson, Woodman, Wright, and Zuck —22.

Mr. Ames gave notice of reconsideration.

Assembly bill No. 76, an Act to prohibit actions to recover the possession of real property by virtue of Spanish grants—was made special order for February twenty-sixth, at twelve o'clock, M.

Mr. Hillyer offered the following resolution:

Resolved, That the Controller of State be and is hereby authorized to draw his warrants on the Contingent Fund of the Assembly in favor of the following persons and for the following sums, respectively, to wit:

Solano Herald	$8 00
Bowen & Brothers	38 75
Butte Democrat	8 00
Thomas Reynolds	19 00
William T. Porter	50 00
Hiram Clock	32 00
San Francisco Gas Company	33 05
A. F. Bell	94 25
Heuston, Hastings & Co	24 00
Gallagher & Weed	32 25
J. P. Muldrow	60 50
Weekly Pacific	72 00
J. Walter Walsh	6 00
Thomas Ackerson	4 00

Adopted.

Mr. Eagar offered a resolution providing for the pay of the boatmen at Sacramento.

Referred to the Committee on Accounts and Expenditures.

At half past three o'clock, P. M., on motion of Mr. Saul, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, February 25th, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.
Journal of yesterday read and approved.

PETITIONS.

Mr. Tilton of San Mateo presented a petition of tax payers of San Mateo County, in relation to additional Supervisors.
Placed on file, with bill.

REPORTS.

Mr. Machin, from the Committee on Corporations, made the following report:

Mr. SPEAKER:—Your Committee on Corporations, to whom was referred Assembly bill No. 157, entitled an Act to amend an Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one, have carefully examined the same, and would most respectfully report the same back to the House, and recommend its passage.

MACHIN, Chairman.

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

Mr. SPEAKER —Your Committee on the Judiciary, to whom was referred Assembly bill No. 8, an Act to create the office of State Historiographer, have had the same under consideration, and recommend that it be referred to the Committee on Ways and Means;

Also, Assembly bill No. 133, an Act to provide for the appointment of Notaries Public, and defining their duties, and report that they have amended the same, and recommend that it pass;

Also, Senate bill No 70, an Act concerning chattel mortgages, and report the same to the House, without recommendation.

BELL, Chairman.

Mr. McCullough, from the Committee on Public Lands, made the following report:

Mr. SPEAKER:—The Committee on Public Lands, to whom was referred Assembly bill No 117, an Act to amend an Act amendatory of and to extend the provisions of an Act entitled an Act to amend an Act to exempt the homestead and other property from forced sale in certain cases, approved April twenty-fourth, eighteen hundred and sixty-one, have had the same under consideration, and ask leave to report it back, and recommend that it be indefinitely postponed

McCULLOUGH, Chairman.
BATTLES,
PEMBERTON,
THOMPSON.

Mr. Tilton of San Francisco, from the Committee on Public Lands, made the following report:

Mr. SPEAKER:—The Committee on Public Lands, to whom was referred Assembly bill No. 117, *an Act to extend the time for recording* homesteads, beg leave to make a minority report.

We believe there are hundreds, and perhaps thousands, in this State, who are not acquainted with the provisions of the Act to which this bill is amendatory, and if an extension of the time for recording the homestead be not granted, from their ignorance of the law in this case, their families become exposed to some remorseless creditors, or limb of the law.

In consideration of these facts, and as an act of justice to numberless poor families, who would thus become exposed, a minority of your Committee recommend the passage of the bill.

TILTON,
TEEGARDEN,
MATTHEWS.

Mr. Hillyer, from the Committee on Public Expenditures and Accounts, made the following report:

Mr. SPEAKER:—The Committee on Public Expenditures and Accounts, having examined the following bills, and found them correct, so report—to wit:

Accounts.	Amount.
Account of Spirit of the Times and Fireman's Journal, for fifty-four copies of that paper, furnished members of the Assembly	$162 00
Account of Philip Lynch, for fourteen copies of the Placer Courier	42 00
Account of T. A. Springer, for five copies of the Amador Weekly Ledger	15 00
Account of Yreka Journal, for one copy	1 50
Total	$220 50

Your Committee recommend the passage of the following resolution:

Resolved, That the Controller of State be and is hereby authorized and directed to draw his warrant on the Contingent Fund of the Assembly in favor of the persons and for the sums following, to wit: In favor of Spirit of the Times and Fireman's Journal, for the sum of one hundred and sixty-two dollars; in favor of Philip Lynch, for the sum of forty-two dollars; in favor of T A. Springer, for the sum of fifteen dollars; and of the Yreka Journal, for one dollar and a half.

HILLYER, for Committee.

Adopted.

Mr. Barton of Sacramento, from the Committee on Ways and Means, made the following report:

Mr. SPEAKER:—The Committee on Ways and Means, to whom was referred substitute for Senate bill No. 99, an Act to provide for the collection and payment of the quota of the direct tax apportioned to this State, etc., have had the same under consideration, and recommend that the said bill be amended by striking out all after the enacting clause, and inserting the sections accompanying the bill;

Also, Assembly bill No. 118, which they propose shall be amended by filling the blanks in sections one and four with "March;" first blank in section seven with "four;" second blank with "May;" third blank with "November;" and fourth blank with "ten;" and for section nine the section in lieu thereof accompanying said bill.

The Committee respectfully beg leave to report the foregoing bills without further recommendation.

They have also had under consideration Senate bill No. 152, an Act to transfer certain funds, and recommend its passage with the following amendment: strike out "November," and insert "August"

All of which is respectfully submitted.

BARTON, Chairman.

Mr. Reed made the following report:

Mr. SPEAKER:—The Sonoma delegation, to whom was referred Assembly bill No. 147, entitled an Act providing for the construction of a public road from Petaluma to Bloomfield, in Sonoma County, have had the same under consideration, and report the same back, with a recommendation that it pass.

REED, for the Delegation.

Mr Machin, from the delegations from Tuolumne, Stanislaus, and San Joaquin, made the following report:

Mr. SPEAKER:—The delegations from Tuolumne, Stanislaus, and San Joaquin, to whom was referred Assembly bill No. 151, entitled an Act to grant the right to construct a turnpike road between the Town of Sonora, in Tuolumne County, and the Town of Aurora, in Mono County, have examined the same, and would report the same back to the House, and recommend its passage.

MACHIN, for the Delegations.

Mr. Reed verbally reported and recommended that the communication of the Superintendent of the State Reform School be printed.

So ordered.

Mr. Dennis, of the El Dorado delegation, made the following report:

Mr. SPEAKER:—The El Dorado delegation, to whom was referred the petition for the passage of an Act for the relief of William D Shirley, and others, respectfully report that they have had said petition under consideration, and do unanimously report to the House a bill for an Act granting the relief asked in the petition, and recommend the passage of the bill.

DENNIS, for the Delegation.

Mr. Waddell, of the Amador delegation, made the following report:

Mr. SPEAKER:—The Amador delegation, to whom was referred Senate bill No. 47, an Act in relation to public roads of the County of Amador, and to Road Fund of said county, beg leave to report that they have carefully considered the provisions of said Act, and hereby report back the bill, and recommend its passage.

SEATON,
WADDELL.

Mr Warwick made the following report:

Mr SPEAKER:—Your Committee, in the performance of the duty assigned them, waited on Professor Whitney, who at once accepted the invitation extended to him, and expressed his willingness to deliver a lecture on Geology before the Legislature on Thursday evening next, February twenty-seventh.

WARWICK,
WORTHINGTON.

Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and find correctly engrossed, Assembly bill No. 126, an Act to authorize County Judges to hold terms of the County Court, Court of Sessions, and Probate Court, in any county of this State;

Also, Assembly bill No. 134, an Act amendatory of and supplementary to an Act entitled an Act to incorporate the City of Santa Barbara, approved the eighteenth day of May, eighteen hundred and sixty-one.

LOEWY, Chairman.

Mr. Meyers made the following report:

Mr. SPEAKER:—The San Joaquin delegation, to whom was referred Senate bill No. 119, an Act to authorize the Board of Supervisors of San Joaquin County to issue certain bonds, and to provide for the payment of the principal and interest thereof, have had the same under consideration, and beg leave to report said bill with an amendment, and that said bill pass as amended.

MEYERS,
THOMPSON.

Mr. Dudley of Solano, made the following report:

Mr. SPEAKER:—The Solano delegation, to whom was referred Senate bill No. 90, report the same back, and recommend its passage as amended.

DUDLEY.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 25th, 1862.

Mr. SPEAKER:—The Senate on yesterday passed Senate bill No. 184, an Act to authorize the Governor of this State to convey certain lands;

Also, Senate bill No. 84, an Act to amend an Act to prevent the tres-

passing of animals on private property, approved March thirty-first, eighteen hundred and fifty-five;

Also, adopted Senate concurrent resolution No. 40, relative to the militia of the State;

Also, concurred in Assembly concurrent resolution No. 19, relative to leave of absence of Clerk of Shasta County;

Also, passed Assembly bill No 92, an Act to fix the terms of the different Courts of the County of San Mateo;

Also, have this day passed Senate bill No 185, an Act to authorize the Board of Supervisors of Amador County to levy a special tax, and create a Redemption Fund, for the payment of outstanding road warrants in said county;

Also, on the twenty-first instant passed Assembly bill No. 102, an Act to authorize the levy of a special property and poll tax in the County of Contra Costa, for the establishment and maintenance of roads and bridges;

Also, concurred in Assembly concurrent resolution No. 18, relative to adjournment *sine die*.

Also, on the fourteenth instant passed substitute for Senate bill No. 29, an Act to amend an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, and the several Acts amendatory thereof and supplemental thereto;

Also, on the twenty-fourth instant adopted Senate concurrent resolution No. 39, relative to the appointment of a committee to confer with Chinese merchants in relation to the Chinese population of this State, and have appointed Messrs. Perkins, Harvey, and Porter, as such committee on the part of the Senate.

THOMAS HILL,
Secretary of Senate.

CONSIDERATION OF SENATE MESSAGE.

Substitute for Senate bill No. 29, above reported, read first and second times, and referred to the Committee on Corporations.

Senate amendment to Assembly bill No. 102, above reported, was laid on the table.

Senate bill No. 84, above reported, read first and second times, and referred to the Committee on Agriculture.

Senate bill No 184, above reported, read first and second times, and referred to the Committee on Public Lands.

Senate bill No. 185, above reported, read first and second times, and referred to the Amador delegation.

The House concurred in Senate concurrent resolution No. 40, above reported.

Senate concurrent resolution No. 39, above reported, was taken up.

Mr. O'Brien moved its indefinite postponement.

Mr. Sears moved to amend by striking out "ten days," and inserting "three days."

Mr. Avery moved the previous question.

Sustained.

The motions of Messrs. O'Brien and Sears were lost, and the House concurred in the resolution.

Mr. Dean gave notice of the introduction of a bill for an Act to authorize the Board of Supervisors of El Dorado County to lease the Sacramento and El Dorado wagon road for a term of years.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Bigelow, for an Act to authorize the Guardian of Stephen C. Powell to sell and convey certain real estate.

Read first and second times, and referred to the San Francisco delegation.

Also, for an Act to authorize the Guardian of Francis W. Grimes to sell and convey real estate.

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

By Mr. Dennis, for an Act for the relief of William D. Shirley and others.

Read first and second times, and placed on file.

By Mr. Irwin, for an Act concerning roads and highways in the County of Siskiyou.

Read first and second times, and placed on file.

By Mr. Hoag, for an Act to submit the question of the removal of the county seat of Yolo County to the qualified voters thereof.

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

By Mr. Porter, for an Act to provide for the adoption of Washington's Farewell Address as a text book for the reading classes in the public schools in this State.

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

By Mr. Avery, for an Act to fix the compensation of the County Judge of Nevada County.

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

GENERAL FILE.

The resolution that the Controller draw his warrants on the Contingent Fund of the Assembly for fees in the Marin contested election case of Gordon *vs.* McAllister, was adopted.

Assembly bill No. 45, an Act to authorize the Guardian of certain minor children to convey their real estate—ordered engrossed.

Assembly bill No. 87, an Act to extend and define the duties of the owners of public ferries, toll bridges, and toll roads, in this State—amendments adopted.

SPECIAL ORDER.

Senate bill No. 99, an Act to provide for the collection and payment of the quota of the direct tax, apportioned to this State by an Act of Congress, entitled an Act to provide for increased revenue from imports, to pay interest on the public debt, and for other purposes, passed August sixth, eighteen hundred and sixty-one;

Also, Assembly bill No. 118, an Act to provide for the payment of the direct tax, apportioned to and assessed upon the State of California by an Act passed by the Thirty-Ninth Congress of the United States of America, and approved on the fifth of August, eighteen hundred and sixty-one, (the special order of the day,) were taken up.

On motion of Mr. Shannon, the House took under consideration the Assembly amendments to Senate bill No. 99.

The House resolved itself into Committee of the Whole.

Mr. Tilton of San Francisco in the Chair.

After considering the bill for some hours, the Committee rose.

Committee had leave to sit again to-morrow, at half past eleven o'clock, A. M.

The bill was ordered printed as amended.

At ten minutes past five o'clock, P. M., on motion of Mr. Ames, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, February 26th, 1862.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called

Quorum present.

Journal of yesterday read and approved.

Mr. Evey had indefinite leave of absence.

The Speaker announced the following Committees:

On Corporations—Mr Gordon.

Select Committee on Lien Law—Messrs Printy, Dore, Kendall, Eagar, and Worthington

Select Committee on Senate concurrent resolution relative to the Chinese—Messrs. Benton, Seaton, and Battles.

PETITIONS.

Mr. Loewy presented a petition of citizens and tax payers of San Francisco, relative to outside lands.

Referred to the San Francisco delegation.

Mr. Meyers offered a resolution relative to W. P. Tilden, Resident Physician of the State Insane Asylum.

Mr Meyers also introduced the following resolution:

Resolved, That to enable the Committee on Hospitals to make full inquiry into the past and present administration of the affairs of the State Lunatic Asylum at Stockton, the said Committee be and are hereby authorized to administer oaths, and send for persons and papers, and that they be specially instructed to make inquiry into any charge or charges which have been or may be made for malfeasance in office, against Dr. William P. Tilden, present Resident Physician.

Lost.

On motion of Mr. Shannon, the amendments to substitute for Senate bill No. 99 were referred to a Select Committee of five, with instructions to report at half past one o'clock, P M., this day

The Speaker appointed Messrs. Shannon, Bigelow, Hoag, Machin, and McCullough, such committee.

Mr. Smith of Sierra, from the Committee on Counties and County Boundaries, made the following report:

Mr SPEAKER:—The Committee on Counties and County Boundaries, to whom was referred Assembly bill No. 162, an Act to submit the question of the removal of the county seat of Yolo County to the qualified voters thereof, have had the same under consideration, and beg leave to report it back, and recommend its passage.

SMITH of Sierra, Chairman.

Mr. Battles, from the Committee on Public Lands, made the following report:

Mr. SPEAKER:—The Committee on Public Lands, to whom was referred Senate bill No. 184, entitled an Act to authorize the Governor of this State to convey certain lands, have had the same under consideration, and beg leave to report the same back, and recommend its passage.

McCULLOUGH,
PEMBERTON,
THOMPSON,
TEEGARDEN,
BATTLES,
TILTON.

Mr. Collins, from the Committee on Military Affairs, made the following report:

Mr SPEAKER:—Your Committee on Military Affairs, in accordance with the requirements of a concurrent resolution, instructing the Military Committees of the two Houses to take joint action upon the subject of the present condition of the militia of this State, and, if deemed necessary, report such amendments to the present law as will adapt the system to the exigencies of the present crisis in the affairs of our country, have given the subject their most careful consideration, and have instructed me to report, by bill, which is herewith most respectfully submitted.

COLLINS, Chairman.

Bill above reported, read first and second times, and placed on file

Mr. Maclay, from the Committee on Claims, made the following reports:

Mr SPEAKER:—The Committee on Claims, to whom was referred Assembly bill No 85, an Act making an appropriation for the payment of the claim of J. C. Doherty, for services and sundries furnished the Assembly, seventh session, have duly considered the same, and respectfully report adversely, and recommend that it do not pass

MACLAY, for Committee.

Mr SPEAKER:—The Committee on Claims, to whom was referred Senate bill No 18, an Act for the payment of expenses incurred in the suppression of Indian hostilities in the County of Humboldt, in this

State, have given the same such consideration as its importance seemed to demand.

Section three of the Act provides that "This Act shall be exempt from the provisions of 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, eighteen hundred and fifty-eight."

It appears in evidence, by papers before the Committee, that these claims have passed before the Committee or Board of Military Auditors, as provided by Act of May ninth, A. D. eighteen hundred and sixty-one, and hence it seems not necessary that they be again submitted to examination

Therefore, your Committee respectfully ask leave to make their report in favor of the passage of said Act, without amendment.

MACLAY, for Committee.

Mr. SPEAKER:—The Committee on Claims, to whom was referred Senate bill No. 97, an Act for the relief of John T. Carey, late Treasurer of Klamath County, have duly considered the same, and respectfully beg leave to report it back, without amendment, and recommend that it pass.

MACLAY, for Committee.

Mr. Fay, from the Committee on Commerce and Navigation, made the following report:

Mr. SPEAKER:—The Committee on Commerce and Navigation have farther considered Assembly bill No. 91, recommitted to them, entitled an Act to authorize the parties therein named to construct and maintain a wharf, and hereby report the bill back, with a recommendation that it be indefinitely postponed.

FAY, Chairman.

Assembly bill No. 76, an Act to prohibit actions to recover possession of real property by virtue of Spanish or Mexican grants, (the special order for twelve o'clock, M., this day,) was postponed until twelve o'clock, M., to-morrow.

Messrs. Benton, Loewy, and Orr, of the Committee on Public Morals, severally made reports on Assembly bill No. 11, an Act to repeal an Act for the better observance of the Sabbath.

(For reports, see Appendix.)

Mr. Benton introduced a bill, with his report, for an amendment to the Sunday Law.

Read first and second times, and referred to Committee on Public Morals.

Mr. Orr also introduced a bill, with his report, for an amendment to the Sunday Law.

Read first and second times, and placed on file.

The whole subject was made the special order for March sixth, eighteen hundred and sixty-two, at twelve o'clock, M.

Mr. Collins, from the Committee on Military Affairs, made the following report:

Mr. SPEAKER:—The Committee on Military Affairs, to whom was referred Assembly bill No. 57, an Act to amend an Act entitled an Act in

relation to the militia of the State, and Assembly bill No. 78, an Act concerning the organization of the militia, have availed themselves of the provisions of these bills in the preparation of a bill upon that subject, which has been reported for the consideration of this House, which we deem will render the consideration of these bills unnecessary. I am therefore directed by the Committee to report them back, without recommendation.

COLLINS, Chairman.

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

Mr. SPEAKER:—The Judiciary Committee, to whom was referred Assembly bill No. 142, an Act for the relief of George W. Nixsen, have examined the same, and recommend its passage;

Also, Senate bill No. 73, an Act amendatory of an Act entitled an Act amendatory of an Act and supplementary to an Act entitled an Act concerning escheated estates, passed May fourth, eighteen hundred and fifty-two, approved April thirtieth, eighteen hundred and fifty-five; the majority of the Committee recommend its passage, the minority dissenting.

All of which is most respectfully submitted.

BELL, Chairman.

Mr. Seaton made the following report:

Mr. SPEAKER:—The Amador delegation, to whom was referred Senate bill No. 185, an Act to authorize the Board of Supervisors of Amador County to levy a special tax and create a Redemption Fund for the payment of outstanding road warrants in said county, beg leave to report that they have considered the provisions of said Act, and report back the same, and recommend its passage.

SEATON, for the Delegation.

The rules were suspended, and the bill above reported considered engrossed, read third time, and passed.

Mr. Woodman made the following report:

Mr. SPEAKER:—The delegation to whom was referred Senate bill No. 161, an Act to transcribe certain records of Shasta County, have had the same under consideration, report it back, without amendment, and recommend its passage.

WOODMAN.

The rules were suspended, and the bill above reported was read third time, and passed.

Mr. Morrison made the following report:

Mr. SPEAKER:—The delegation to whom was referred Assembly bill No. 26, respectfully report the same back, with amendments, and request that the same may pass, as amended

MORRISON,
WATSON.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 25th, 1862.

To the Honorable the Assembly of California:

I have to inform your honorable body that I have approved Assembly bill No 56, an Act to amend an Act entitled an Act to make certain offices in the County of Tuolumne salaried offices, approved February twenty-first, eighteen hundred and sixty-one;

Also, Assembly bill No. 34, an Act concerning roads and streets in the Town of Auburn;

Also, Assembly bill No. 66, an Act to grant the Stanislaus Bridge and Ferry Company the right to construct and maintain a bridge or bridges across the Stanislaus River;

Also, Assembly bill No. 81, an Act changing the time for meeting of the Board of Supervisors in the County of Sierra;

Also, Assembly bill No. 80, an Act authorizing the Board of Supervisors of Sierra County to levy certain taxes, for county purposes, for the year eighteen hundred and sixty-two.

LELAND STANFORD, Governor.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
February 26th, 1862.

Mr. SPEAKER:—The Senate, on the seventeenth instant, passed Senate bill No. 113, an Act to amend an Act entitled an Act to authorize the Guardian of Minna C. Buchanan to sell and dispose of her real estate and chattels real, passed March fourteenth, eighteen hundred and fifty-six;

Also, on the eighteenth, passed Senate bill No. 69, an Act for the punishment of contempts and trespassers;

Also, Senate bill No. 167, an Act to amend an Act entitled an Act to fix the terms of the County Court and Court of Sessions of the County of El Dorado, approved April twelfth, eighteen hundred and fifty-nine;

Also, on yesterday adopted amendments to Articles five, nine, four, and six, of the Constitution, as proposed by the Legislature of eighteen hundred and sixty-one, and embraced in Senate bill No 20;

Also, this day passed Senate bill No. 209, an Act relating to the interest tax of Siskiyou County.

THOMAS HILL, Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate bill No. 20, above reported, was read first and second times, and referred to Judiciary Committee.

Senate bill No 69, above reported, was read first and second times, and referred to Judiciary Committee.

Senate bill No. 113, above reported, was read first and second times, and referred to Judiciary Committee.

Senate bill No. 167, above reported, was read first and second times, and placed on file.

Senate bill No. 209, above reported, was read first and second times, rules suspended, read third time, and passed.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Worthington, for an Act to quiet land titles in the City and County of San Francisco.

By Mr Ferguson, for an Act for the relief of P. Della Torre.

By Mr. Teegarden, for an Act to provide means to pay the Federal tax on the first day of June, eighteen hundred and sixty-two, which will save to the State thirty-three thousand nine hundred and forty-four dollars.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Benton, for an Act amendatory of an Act passed February nineteenth, eighteen hundred and fifty-one, concerning Attorneys and Counsellors at law.

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

By Mr. Worthington, for an Act to authorize Priscilla H. Denham to sell certain real estate belonging to her minor children.

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

By Mr. Meyers, for an Act to authorize the Trustees of the Stockton Rural Cemetery to remove human remains from graveyards in the City of Stockton and vicinity.

Read first and second times, and placed on file.

By Mr. Collins, for an Act to amend an Act, approved May eleventh, eighteen hundred and sixty-one, entitled an Act to provide revenue for the support of the Government of this State.

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

By Mr. Parker, for an Act amendatory of section two of an Act in relation to common schools in this State, approved April twenty-sixth, eighteen hundred and fifty-eight

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

On motion of Mr. Reed, the rules were suspended, and Assembly bill No. 123, an Act relative to the office of Superintendent of Common Schools in the County of Tuolumne, was taken from the general file.

Amendments adopted, rules suspended, considered engrossed, read third time, and passed, and title amended.

On motion of Mr. Jackson, the rules were suspended, and Senate bill No. 152, an Act to transfer certain funds, was also taken from the general file.

Mr Fay moved to amend by adding, after the word "Assembly," in the twelfth line, the words, "State Printer."

Carried

Mr. Watson moved the previous question.

Lost.

Mr. Shannon moved to amend by adding, after the word "Assembly," in the twelfth line, the words "and State officers"

Ruled out of order by the Speaker. (Mr. Tilton of San Francisco, in the Chair.)

Mr. Shannon appealed.

The decision of the Chair was sustained.

On motion of Mr. Shannon, the third reading of the bill was reconsidered.

Mr. Shannon moved to recommit the bill, with special instructions to insert, after the word "Assembly," the words "and State officers," with instructions to report immediately.

Carried.

The rules were again suspended, and Assembly bill No. 146, an Act concerning the Government of the City of Marysville, considered engrossed, read third time and passed.

The rules were again suspended, and Senate bill No. 47, an Act in relation to public roads in the County of Amador, and to the Road Fund of said county, was taken from the general file

Read third time, and passed.

The rules were again suspended, and Assembly bill No. 102, an Act to authorize the levy of a special property and poll tax in the County of Contra Costa, for the establishment and maintenance of roads and bridges, was taken from the file

The Senate amendments were concurred in.

GENERAL FILE.

Senate bill No. 70, an Act concerning chattel mortgages—referred to Committee on Agriculture

Mr. Shannon verbally reported amendments to Senate bill No. 99—made special order for February twenty-seventh, at half past eleven o'clock.

Mr Barton, from the Committee on Ways and Means, made the following report:

Mr. SPEAKER:—Your Committee on Ways and Means have had Senate bill No. 152 under consideration, and beg leave to report the same back, with the following amendment, according to special instruction of the House, to wit: That "State officers" be inserted in the twelfth line, after the word 'Assembly."

BARTON, Chairman.

Mr. Collins moved the previous question.

Sustained

The amendment was adopted, and bill read a third time.

Upon its passage, Messrs. Saul, Barton of Sacramento, and Smith of Sierra, demanded the ayes and noes, and the bill passed, by the following vote:

AYES—Messrs. Ames, Avery, Barton of San Bernardino, Bell, Bigelow, Brown, Campbell, Collins, Cot, Dean, Dore, Fay, Ferguson, Gordon, Hillyer, Irwin, Jackson, Lane, Leach, Loewy, Matthews, Moore, O'Brien, Orr, Reed, Reese, Sargent, Sears, Seaton, Teegarden, Thornbury, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Watson, Worthington, and Wright—37.

NOES—Messrs. Barton of Sacramento, Benton, Dana, Dennis, Dow, Dudley of Solano, Ehason, Frazier, Griswold, Hoag, Kendall, Machin, McCullough, Morrison, Parker, Pemberton, Porter, Printy, Reeve, Saul Shannon, Smith of Fresno, Smith of Sierra, Thompson of San Joaquin, Warwick, Werk, Woodman, and Yule—29.

At forty minutes past four o'clock, P. M., on motion of Mr. Bell, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, February 27th, 1862.

House met pursuant to adjournment.
Speaker in the Chair
Roll called.
Quorum present.
Journal of yesterday read.
Mr. Warwick moved to amend the minutes by inserting a notice of reconsideration of the vote by which the House passed Senate bill No. 152, on yesterday.
Lost.
The Journal was approved.
Mr Sears offered the following resolution:

Resolved, By the Assembly, the Senate concurring, That the Chairman of the committee appointed to wait upon Professor Whitney, be and is hereby authorized to procure Platt's Hall, or some other suitable room, for the geological lecture, this evening, the expense to be paid out of the Contingent Funds of both Houses.

Mr Campbell moved to lay the resolution on the table
Carried
Mr. Ferguson had leave to change his vote from aye to no, on the passage yesterday on Senate bill No. 152, an Act to transfer certain funds.

SPECIAL ORDERS.

Assembly bill No. 76, an Act to prohibit actions to recover the possession of real property by virtue of Spanish grants, (special order for twelve o'clock, this day,) was continued until February twenty-eighth, at twelve o'clock, M.

Senate bill No. 73, an Act amendatory of an Act concerning escheated estates (also special order for this day.) was continued until February twenty-eighth, at half past one o'clock, P. M.

Senate bill No. 99, an Act to provide for the collection and payment of the quota of the direct tax apportioned to this State by an Act of Congress entitled an Act to provide for increased revenue from imposts to pay interest on the public debt, and for other purposes, passed August fifth, eighteen hundred and sixty-one, (also special order of the day.)

The substitute reported by the Special Committee was adopted.

The House resolved itself into Committee of the Whole, Mr. Benton in the Chair.

Committee reported bill, with amendments, and recommended the passage of bill as amended.

On adopting the amendment to the first section, by striking out "fifteen," and inserting "twenty," Messrs. Tilton of San Francisco, Yule, and Shannon, demanded the ayes and noes, and the amendment was lost, by the following vote:

AYES—Messrs. Barton of San Bernardino, Bell, Bigelow, Campbell, Cunnard, Dore, Dudley of Solano, Ferguson, Frazier, Griswold, Hoag,

Irwin, Jackson, Kendall, Leach, Loewy, Love, Matthews, McCullough, Meyers, Printy, Reese, Sargent, Saul, Shannon, Smith of Sierra, Teegarden, Thompson of Tehama, Thompson of San Joaquin, Thornbury, Warwick, Watson, and Yule—33.

NOES—Messrs Amerige, Ames, Avery, Battles, Benton, Brown, Collins, Cot, Dana, Dean, Dennis, Dow, Eagar, Eliason, Gordon, Hillyer, Hoffman, Lane, Machin, Maclay, Moore, O'Brien, Orr, Parker, Pemberton, Porter, Reed, Reeve, Sears, Seaton, Smith of Fresno, Tilton of San Francisco, Tilton of San Mateo, Waddell, Wilcoxon, Woodman, Worthington, Wright, Zuck, and Mr. Speaker—40.

The other amendments were adopted, the bill read third time, and passed, and the title amended.

Mr Avery, from the Committee on Enrolment, made the following report:

Mr. SPEAKER:—Your Committee on Enrolment have examined, and found correctly enrolled, the following bills:

Assembly bill No. 90, an Act to authorize the Board of Supervisors of Solano County to levy an additional road tax;

Also, Assembly bill No. 92, an Act to fix the terms of the different Courts in the County of San Mateo;

Also, Assembly bill No. 74, an Act in relation to public roads in the County of El Dorado, and to the Road Fund of said county;

And also, that the above bills were delivered to the Governor at quarter past twelve o'clock, this day.

AVERY, Chairman.

Mr. Brown moved that the House adjourn.

Upon which, Messrs. O'Brien, Shannon, and Brown, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs Campbell, Dow, Hillyer, Hoffman, Maclay, Reese, Teegarden, Watson and Yule—9.

NOES—Messrs. Amerige, Ames, Avery, Bigelow, Collins, Cot, Cunnard, Dana, Dennis, Dore, Dudley of Solano, Eagar, Frazier, Griswold, Hoag, Irwin, Jackson, Kendall, Lane, Loewy, Machin, McCullough, Meyers, Moore, O'Brien, Parker, Pemberton, Porter, Printy, Reeve, Sargent, Saul, Sears, Seaton, Shannon, Smith of Fresno, Smith of Sierra, Thompson of San Joaquin, Tilton of San Francisco, Waddell, Wilcoxon, Woodman, Worthington, and Wright—44.

Mr. O'Brien offered the following resolution:

Resolved, That the Committee on the lecture of Professor Whitney, State Geologist, be and they are hereby authorized to engage Platt's Hall, for the purpose of having said lecture delivered there this evening; provided, that the expense shall not exceed the sum of fifty dollars.

Laid on the table.

At four o'clock, P. M., on motion of Mr. Ames, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, February 28th, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.
Journal of yesterday read and approved.
A communication was received from the Roman Catholic Male Orphan Asylum, San Rafael.
Referred to Committee on Ways and Means.

PETITIONS.

Mr. Collins presented a petition of First Regiment California Militia.
Referred to Military Committee.
Mr Meyers presented a petition of citizens of San Joaquin County, for amendments to Sunday Law.
Referred to Committee on Public Morals.
Mr. Moore presented a petition of citizens of Alameda County, for amendments to Sunday Law.
Referred to Committee on Public Morals
Mr Leach presented a petition of tax payers of Grass Valley, for increase of salary of Town Marshal.
Referred to delegation from Nevada.

REPORTS.

Mr. Maclay, from the Committee on Claims, made the following report:

Mr. SPEAKER:—The Committee on Claims, to whom was referred the report of the Auditing Committee upon a claim of J. H. Sullivan for copying done for the Assembly after the adjournment of the twelfth session, respectfully report:

Said Auditing Committee estimated the unpaid work of Sullivan as follows:

Copying Journal, two thousand four hundred and fifty-seven folios;

Copying Appendix, seventeen thousand two hundred and nineteen folios;

Being a total of nineteen thousand six hundred and seventy-six folios; and that the State is liable therefor in the sum of one thousand nine hundred and sixty-seven dollars and sixty cents.

The Committee on Claims were advised by Sullivan that these items do not include his entire claim, and he thereupon furnished the following bill of particulars:

To copying Journal from February twelfth to May twentieth, inclusive, two thousand four hundred and fifty-seven folios;

To copying Appendix from page two hundred, and containing one thousand one hundred and twenty-three pages, sixteen thousand eight hundred and forty-five folios;

To copying part of Appendix for Printer, amounting to six thousand seven hundred and thirty folios;

And that the aggregate number of folios is twenty-six thousand and thirty-two, and the amount due therefor is two thousand six hundred and three dollars and twenty cents.

There was also presented to your Committee a power of Attorney, executed by E C. Cromwell and J. H. Sullivan to William Dexter, of date July twenty-ninth, eighteen hundred and sixty-one, authorizing said Dexter to receive payment on their account for copying Assembly Journal for State Printer, from February twelfth to May twentieth, five thousand six hundred and sixteen folios;

Record book for twelfth session, four thousand one hundred and sixty folios, in the aggregate amounting to nine thousand seven hundred and seventy-six folios.

Also, a power of Attorney, executed by James H. Sullivan to William Dexter, of date October fifteenth, eighteen hundred and sixty-one, authorizing said Dexter, on his account, to receive payment for copying reports for Assembly Appendix for printing, and Assembly Appendix of record, to the amount of six hundred and twenty-five dollars.

It appears, by the examination of your Committee, that the copying of the Assembly of twelfth session was, by law, in the hands of and under the control of its Chief Clerk, J M. Anderson. That on the eighteenth day of May, eighteen hundred and sixty-one, a resolution was introduced into the House, authorizing J. H. Sullivan and E C Cromwell to finish all copying for the State Printer, and to prepare the Appendix, etc., but the resolution was laid on the table, and was not subsequently taken therefrom. Hence it appears, that if any copying was done for the Assembly, after its adjournment, it was done by J. M. Anderson, or by others under him.

In view of these facts, your Committee have thought it necessary to examine the accounts of J M Anderson, with reference to this subject.

It appears that at various times during the session of the twelfth Assembly, there was audited and paid to him, and on his account, for copying, an aggregate of seven thousand six hundred and twenty-one dollars and eighty cents.

The particular kind of copying for which the larger proportion of this enormous sum was paid, does not appear; but it does appear, by special mention, that eleven thousand four hundred and sixty-one folios is on account of the Appendix.

The Committee, by a careful estimate, find the Appendix and the Record book, or supplement thereto, to contain only four thousand one hundred and three folios. But it is claimed that this work was necessarily twice done—first as a record, and then a second time, for the State Printer.

But it appears by the testimony of B. H. Munson, given before your Committee, that fully one half of the printed Appendix was set up from the original reports and documents

Assuming, therefore, that an additional credit should be made to the amount of one half of said Appendix, the aggregate is increased to six thousand one hundred and fifty-five folios, only.

The Journal also shows, by special mention, that there was paid to Mr. Anderson, on account of copying the Journal for the Printer, eight hundred and sixty-one dollars and ninety cents, at an estimate of eight thousand six hundred and nineteen folios.

The Committee find the entire contents of the Journal to be only

three thousand and fifty-six folios, and of this it is evident that seven hundred and eighty-four folios were set up by the Printer from the original scrolls—no copy having been made—hence the copying of Journal is reduced to two thousand two hundred and seventy-two folios, making it manifest that this work has been already paid for *four* times

If possible to bring the matter more clearly before you, we will add that the amounts already audited and paid to J M Anderson would pay for copying nineteen volumes like the Journal of the Assembly of eighteen hundred and sixty-one, of one thousand pages each. And if we include the sum now claimed the number would be increased to twenty-six.

Your Committee therefore desire most emphatically to declare, that in this claim they can discover a basis of neither law nor equity, and respectfully recommend that the resolution do not pass.

MACLAY,
HOAG,
WARWICK,
DUDLEY,
BIGELOW.

Adopted.

Mr. Barton of Sacramento, from the Committee on Ways and Means, made the following report :

Mr. SPEAKER :—The Committee on Ways and Means, to whom was referred Assembly bill No. 107, an Act creating the Eighteenth Judicial District of this State, and providing for the holding of Courts therein, beg leave to return the same to the Assembly, and recommend that it be referred to the Judiciary Committee.

BARTON, Chairman.

The bill above reported was referred to the Judiciary Committee.

Mr. Moore, from the Committee on Agriculture, made the following report :

Mr SPEAKER :—Your Committee on Agriculture have carefully examined Senate bill No 70, and most respectfully report the same back, with amendments, and recommend its passage.

MOORE, Chairman.

Mr. Matthews, from the Committee on Counties and County Boundaries, made the following report :

Mr. SPEAKER :—Your Committee on Counties and County Boundaries, to whom was referred the petition, and Assembly bill No. 103, praying and providing for the organization of the County of Chico, to be taken from the western side of the County of Butte, report that they have carefully considered the subject, and, after hearing the remonstrances and objections of persons residing in that part of Butte County which will remain after the organization of the contemplated new county, would beg leave to report a substitute to said bill, and recommend its passage.

Some of the causes which have induced your Committee to make this recommendation are :

First—That near twelve hundred persons, who have urgently petitioned for this change, are directly interested, and all reside in the portion

to be set off from Butte County. They constitute the great mass of the voters in the intended new county, and their nearly unanimous desire to be set off from Butte County shows that they feel this action to be a great public want.

Second—The new county will embrace about eight hundred square miles of territory, and will leave to Butte County over one thousand square miles remaining, and both portions will be in convenient forms for separate counties.

Third—The people in the proposed new county follow almost exclusively agricultural pursuits, whilst those of the remaining portion of Butte County are engaged in mining They appear to differ widely in their views of county management and economy

Fourth—The present County of Butte is largely in debt, and although nearly one hundred thousand dollars of revenue, from all sources, is annually collected, the debt has been annually increasing—which creates great dissatisfaction to that portion of the county which seeks a separate organization. The present debt and liabilities of Butte County are near three hundred and thirteen thousand dollars, and whilst the people of the proposed new county are willing to assume their proportion of this, they represent that their only hope of getting out of debt is a separation and a management for themselves The bill herewith returned provides for a fair and just apportionment and liquidation of the present county debt and liabilities; provides for low salaries in the proposed new county, and prohibits the creation of new debts for the future in said new county.

Fifth—The population of the proposed new county would be about five thousand, leaving a remaining population in Butte of about nine thousand

MATTHEWS,
DENNIS,
LANE,
DUDLEY,
THOMPSON.

Mr. Smith of Sierra, from the Committee on Counties and County Boundaries, made the following minority report:

Mr. SPEAKER:—The undersigned, a minority of the Committee on Counties and County Boundaries, to whom was referred Assembly bill No 103, an Act to create the County of Chico, to define its boundaries and provide for its organization, in dissenting from the decision of the majority, desire briefly to direct attention to a few of the facts upon which this opinion has been based

First—The county as it now exists is compact in form, and the county seat is easy of access from all parts of the county, or as much so as three fourths of the counties in the State.

Second—It was claimed that the portion proposed to be set off, paid a tax disproportionate to the balance of the county, but from the evidence presented to your Committee, it does not appear that the portion proposed to be set off, pays any more tax in proportion to the population than does that portion that would be left of Butte, and therefore they have as much voice in the distribution of the revenue, as does the same amount of property and population in any other portion of the county.

Third—This division would take from Butte the greater portion of her property, which has a permanent or increasing value, and would

leave to her a mining section, the character of which makes it almost certain that they must constantly diminish in value, causing a diminution of taxable property and population

Your Committee do not hesitate to admit that this division would eventually prove a benefit to that portion of the county from which it is proposed to make the County of Chico, but, at the same time, it is believed that the injury it would do to the people that would remain in Butte, and the injustice that would be done to its creditors, would be greater than the benefits that would accrue to Chico.

Much stress was laid by the advocates of this bill on the difference of pursuits in the two sections of the county, and the different interests existing between those sections.

Your Committee do not subscribe to the idea that there need be a difference of interests between agricultural and mining sections, but rather believe that the interests of one are identical with the other, and that what tends to benefit the one, also benefits the other.

In consideration of which reasons we can see no necessity for this division, and therefore recommend that the bill do not pass.

All of which is respectfully submitted.

SMITH, of Sierra.

The bill above reported was made special order for March fifth, eighteen hundred and sixty-two, at one o'clock P. M.

Mr Loewy, from the Committee on Engrossment, made the following report:

Mr SPEAKER:—The Committee on Engrossment have examined the following bills, and report them correctly engrossed, viz:

Assembly bill No 146, an Act concerning the Government of the City of Marysville;

Also, Assembly bill No. 171, an Act to amend an Act entitled an Act concerning District Court Reporters for the Fourth, Sixth, Seventh, Tenth, Twelfth, and Fifteenth, Judicial Districts, approved May seventeenth, eighteen hundred and sixty-one;

Also, Assembly bill No 123, an Act relative to the office of Superintendent of Common Schools in the Counties of Tuolumne and Mono;

Also, Assembly bill No. 170, an Act amendatory of and supplementary to an Act for the preservation of trout;

Also, Assembly bill No 45, an Act to authorize the Guardian of certain minor children to convey their real estate.

LOEWY, Chairman.

Mr. Porter, from the Committee on Roads and Highways, made the following report:

Mr SPEAKER:—The Committee on Roads and Highways have had under consideration Senate bill No. 163, an Act to provide for the construction of a wagon road from the Town of Visalia, in Tulare County, across the Sierra Nevada Mountains, in the direction of the Coso mining district, and have adopted several amendments thereto, which they have incorporated, and report back in the form of a substitute, and recommend that the original bill be amended by striking out all after the enacting clause, and adopting the amendments as herewith returned.

PORTER, for the Committee.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, February 27th, 1862.

To the Honorable the Assembly of California:

I have to inform your honorable body that I have approved Assembly bill No. 74, an Act in relation to public roads in the County of El Dorado, and to the Road Fund in said county.

LELAND STANFORD, Governor.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
February 26th, 1862

Mr. SPEAKER:—The Senate, on the nineteenth instant, passed Senate bill No. 135, an Act to enable the Mayor and Common Council of the City of Placerville to pay certain claims of Wm. J. Lewis against said city.

THOMAS HILL, Secretary.

Senate bill No. 135, above reported, read first and second times, and referred to the El Dorado delegation.

SENATE CHAMBER,
February 27th, 1862.

Mr. SPEAKER:—The Senate, to-day, refused to concur in Assembly amendments to Senate bill No. 152, an Act to transfer certain funds.

D. J. HOWE,
Assistant Secretary.

The House refused to recede from its amendments to Senate bill No. 152, and appointed Messrs. Tilton of San Francisco, Shannon, and Hillyer, a Committee of Free Conference

The Hospital Committee had indefinite leave of absence.

Substitute for Senate bill No. 99 was ordered printed.

Mr Loewy offered a concurrent resolution, calling upon the Secretary of State for the bids for translating the laws into Spanish.

Adopted.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Sears, for an Act to provide for the erection of guide boards at road crossings.

By Mr. Orr, for an Act appropriating money for the purpose of constructing a building to be used as a Home and Hospital for the Inebriate.

By Mr. Bigelow, for an Act to authorize the Commissioners of the Funded Debt of the City of San Francisco to convey certain real estate.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Tilton of San Francisco, for an Act concerning the salary and fees of the Coroner of the City and County of San Francisco

Read first and second times and placed on file

Also, for an Act to authorize the Board of Supervisors of the City and County of San Francisco to appropriate the sum of thirteen hundred dollars to Volunteer Engine Company No 7, of said city and county.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Leach, for an Act to amend an Act to incorporate the Town of Grass Valley, approved April fifteenth, eighteen hundred and fifty-one.

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

By Mr. Shannon, for an Act to provide for the election of Supervisors in the County of Napa.

Read first and second times, and placed on file

By Mr. Dean, for an Act to authorize the Board of Supervisors of El Dorado County to lease the Sacramento and El Dorado Wagon Road for a term of years.

Read first and second times, and referred to the Sacramento and El Dorado delegations.

By Mr. Kendall, for an Act to grant the right to construct a railroad from Aurora, in Mono County, to Walker's River, to certain parties therein named.

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

By Mr. Machin, for an Act to amend an Act entitled an Act to amend an Act concerning jurors, passed May third, eighteen hundred and fifty-two, approved May sixteenth, eighteen hundred and sixty-one.

Read first and second times, and placed on file.

By Mr. Jackson, for an Act to prohibit the game of props.

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

By Mr. Teegarden, for an Act to provide for the issuance of bonds upon which to raise money for the payment of the quota of Federal tax apportioned to this State, on or before the first day of June, eighteen hundred and sixty-two

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

By Mr. Wright, for an Act to provide means to pay the indebtedness of Del Norte County to Klamath County.

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

By Mr. Morrison, for an Act to appropriate money to pay Counsel employed by the Board of Commissioners appointed to settle with John F. McCauley and Lloyd Tevis

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

Also, for an Act to authorize the Administrator of the estate of Daniel B Mosby, deceased, to sell and convey real estate.

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

By Mr. Seaton, for an Act to amend an Act entitled an Act to regulate the settlement of estates of deceased persons, passed May first, eighteen hundred and fifty-one, and other Acts amendatory thereto

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

By Mr. Barton of Sacramento, for an Act to provide money for school purposes in the City of Sacramento

Read first and second times, and referred to the Sacramento delegation

Also, for an Act concerning fees of certain officers of the City and County of Sacramento

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

By Mr Ferguson, for an Act making an appropriation for the payment of the per diem and mileage of Presidential Electors.

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

By Mr. Yule, for an Act to take the sense of the people of this State for and against a Sunday Law.

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

By Mr. Dudley of Solano, for an Act concerning hogs running at large in the County of Solano.

Read first and second times, and placed on file

By Mr. Amerige, for an Act amendatory of an Act entitled an Act to provide revenue for the support of the Government of this State, approved April twenty-ninth, eighteen hundred and fifty-seven, and the Act supplementary thereto and amendatory thereof.

Read first and second times, and referred to the San Francisco delegation.

Mr. Meyers offered the following resolution:

WHEREAS, By the report of the Special Senate Committee, appointed May ninth, eighteen hundred and sixty-one, to investigate the condition of the State Lunatic Asylum, it appears that all the books, containing statements of the doings at the Asylum previous to the administration of Doctors Tilden and Clark, (except the book of admissions of the last year,) have been removed by former officers; therefore, be it

Resolved, That the Hospital Committee be and are hereby authorized and empowered to administer oaths, and to send for persons and papers.

Adopted.

SPECIAL ORDER.

Assembly bill No. 76, an Act to prohibit actions to recover the possession of real property, by virtue of Spanish or Mexican grants, until after a final confirmation of the boundaries of such grants by the proper authorities of the United States, (the special order of the day,) was taken up.

Committee amendments adopted.

Mr. Morrison offered the following amendment:

Add to section one, "Or where the claim of title of both plaintiff and defendant is derived from the same source"

Withdrawn

Mr. Battles offered the following amendment:

Amend the seventh line of section one, so as to read as follows: "*Provided*, that nothing in this Act contained shall prohibit a party claiming title, by virtue of a Spanish or Mexican grant, from maintaining an action to recover possession of any real property, not exceeding the quantity granted, and situated within the boundaries of such grant, or of which he may have been in actual possession and occupation."

Mr. Hoag offered the following amendment to the amendment:

Strike out all after the word "States" in line ten, and insert: "And recorded in the Recorder's office of the county in which said real property is located; *provided*, that nothing in this Act contained shall prohibit a party from maintaining an action for the possession of real property, when the plaintiff and defendant claim under the same title or grant."

Mr. Watson moved to strike out the enacting clause, and moved the previous question.

Lost.

On striking out, Messrs. Watson, Hillyer, and Dudley of Placer, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Barton of San Bernardino, Bigelow, Cot, Dana, Dore, Dudley of Placer, Gordon, Hoffman, Irwin, Jackson, Kendall, Lane, Leach, Machin, Morrison, Orr, Parker, Pemberton, Reeve, Smith of Fresno, Thompson of San Joaquin, Waddell, Watson, and Worthington —24.

NOES—Messrs. Amerige, Avery, Barton of Sacramento, Battles, Bell, Benton, Brown, Campbell, Collins, Cunnard, Dow, Dudley of Solano, Eagar, Eliason, Ferguson, Frazier, Hoag, Moore, O'Brien, Porter, Reese, Sargent, Saul, Sears, Seaton, Shannon, Tilton of San Mateo, Warwick, Wilcoxon, Woodman, Wright, Yule, and Mr. Speaker—33.

The question on the amendment by Mr. Hoag was divided. The first proposition was adopted.

On adopting the second proposition, commencing with the word "provided," Messrs. Ferguson, Bell, and Yule, demanded the ayes and noes, and the proposition was lost, by the following vote:

AYES—Messrs. Battles, Benton, Brown, Cot, Dana, Dudley of Placer, Hillyer, Hoffman, Irwin, Lane, Parker, Reese, Reeve, Seaton, Shannon, Smith of Fresno, Thompson of San Joaquin, Waddell, Wilcoxon, Wright, Zuck, and Mr Speaker—22.

NOES—Messrs Amerige, Barton of Sacramento, Barton of San Bernardino, Bell, Bigelow, Collins, Dore, Dow, Dudley of Solano, Eliason, Ferguson, Frazier, Hoag, Kendall, Machin, Moore, O'Brien, Porter, Sargent, Saul, Sears, Tilton of San Mateo, Warwick, and Yule—24.

Mr Bigelow offered the following amendment:

"*Provided*, that all lands within the limits of the City and County of San Francisco shall be exempted from the provisions of this Act."

Lost.

Mr. Bigelow also offered the following amendment:

"*Provided*, also, that this Act shall not apply to any suit which has already been commenced."

Lost

Mr. Battles offered the following amendment:

Amend the seventh line of section one so as to read as follows: "*Provided*, that nothing in this Act contained shall prohibit a party claiming title by virtue of a Spanish or Mexican grant from maintaining an action to recover possession of any real property not exceeding the quantity granted, and situated within the boundaries of such grant, or of which he may have been in actual possession and occupation"

Lost.

Mr. Porter offered the following amendment:

"Unless the complaint on which the suit is commenced defines the boundaries and quantity of such grant."

Lost.

Bill ordered engrossed.

Senate bill No. 73, (also special order for this day,) made special order for half past twelve o'clock, P. M., to-morrow.

Assembly bill No. 152, (also special order for this day,) was made special order for half past twelve o'clock, P. M., March third, eighteen hundred and sixty-two.

On motion of Mr. Saul, at five minutes past five, P. M., the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, March 1st, 1862.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present

Journal of yesterday read and approved.

The Speaker presented a communication from the Board of Supervisors of the City and County of San Francisco, in relation to street railroads.

Referred to the San Francisco delegation.

Mr Bell offered the following resolution:

Resolved, That Dr J. N. Hume be and he is hereby employed to assist at the Clerk's desk, as a Copying Clerk, at the per diem allowed by law to Copying Clerks.

Mr. Griswold moved to amend by inserting the name of Martin Rowan.

Mr. Dudley of Placer, moved to lay the resolution on the table.

Lost

Mr. Warwick demanded the previous question.

Sustained.

Upon adopting the amendment, Messrs. Bell, Wright, and Hoffman, demanded the ayes and noes, and the amendment was adopted, by the following vote:

AYES—Messrs. Avery, Barton of Sacramento, Barton of San Bernardino, Campbell, Cot. Cunnard, Dana, Dean, Dennis, Dudley of Placer, Ferguson, Frazier, Griswold, Hillyer, Hoffman, Irwin, Jackson, Kendall, Lane, Love, Machin, Morrison, O'Brien, Parker, Pemberton, Saul, Seaton, Shannon, Smith of Fresno, Thompson of Tehama, Thompson of San Joaquin, Tilton of San Mateo, Waddell, Wilcoxon, Woodman, and Worthington—36

NOES—Messrs. Amerige, Battles, Bell, Brown, Collins, Dore, Dow, Eagar, Fay, Leach, Moore, Porter, Printy, Reeve, Sargent, Sears, Thornbury, Wright, Yule, and Zuck—20.

On adopting the resolution as amended, Messrs. Collins, Dudley of Placer, and Yule, demanded the ayes and noes, and the resolution as amended was adopted, by the following vote:

AYES—Messrs. Barton of Sacramento, Benton, Campbell, Cot, Cunnard, Dana, Dean, Dennis, Ferguson, Frazier, Griswold, Hillyer, Hoffman, Jackson, Kendall, Loewy, Love, Machin, Morrison, O'Brien, Parker, Pemberton, Saul, Seaton, Shannon, Smith of Fresno, Thompson of Tehama, Thompson of San Joaquin, Tilton of San Francisco, Waddell, Warwick, Woodman, Worthington, and Wright—34.

NOES—Messrs. Amerige, Avery, Barton of San Bernardino, Battles, Brown, Collins, Dore, Dow, Dudley of Placer, Eagar, Eliason, Fay, Hoag, Lane, Leach, Moore, Orr, Printy, Reese, Sargent, Sears, Smith of Sierra, Thornbury, Tilton of San Mateo, Wilcoxon, Yule, and Zuck—27.

REPORTS

Mr. Frazier made the following report:

Mr. SPEAKER:—Your Committee, to whom was referred Assembly bills Nos. 160 and 167, have had the same under consideration, and beg leave to report the same back, with a substitute, and recommend the passage of the substitute.

FRAZIER, for the Committee.

Mr. Moore, from the Committee on Agriculture, made the following report:

Mr. SPEAKER:—Your Committee on Agriculture have examined Senate bill No. 84, and beg leave to report the same back, and recommend its passage.

MOORE, Chairman.

Mr. Fay, from the Committee on Commerce and Navigation, made the following report:

Mr. SPEAKER:—The Committee on Commerce and Navigation have had under consideration Assembly bill No. 73, entitled an Act to authorize Horace Cole and his associates to construct a way over waters in the City and County of San Francisco, and they report the bill back, with a substitute for the same, and with the recommendation of the San Francisco delegation, advise the passage of the substitute.

FAY, Chairman.

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

Mr. SPEAKER:—Your Committee on the Judiciary, to whom was referred substitute for Assembly bill No. 127, an Act amendatory of an Act entitled an Act to authorize the location of the town site of Crescent City, approved February twelfth, eighteen hundred and fifty-nine, have had the same under consideration, and recommend its passage;

Also, Assembly bill No. 105, an Act to authorize the Administrator of the estate of Francis Tribon to sell real estate at public or private sale, and report it back, without recommendation;

Also, Assembly bill No. 190, an Act to authorize the Administrator of

the estate of Daniel B. Mosby, deceased, to sell and convey real estate, and recommend its passage;

Also, Assembly bill No. 38, an Act to authorize the Administrator of the estate of Joseph B. Wells to sell real estate at private sale, and recommend that it do not pass;

Also, Assembly bill No. 159, an Act to annex the County of Contra Costa to the Fourth Judicial District, and recommend its passage;

Also, Senate bill No. 14, an Act to empower Charles Lindley to sell and convey, at private sale, all property, real and personal, situated in the State of California, in which his children, Metella S. Lindley, Curtis H. Lindley, and Josephine Lindley, have or possess any interest, and report the same back, without recommendation;

Also, Senate bill No 113, an Act to amend an Act to authorize the Guardian of Minna C. Buchanan to sell and dispose of her real estate and chattels real, passed March fourteenth, eighteen hundred and fifty-six, and recommend its indefinite postponement;

Also, Senate bill No. 158, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice in this State, passed April twenty-eighth, eighteen hundred and fifty-one, and recommend its passage.

BELL, Chairman.

Mr. Machin, from the Committee on Corporations, made the following report:

Mr Speaker:—Your Committee on Corporations, to whom was referred Senate bill No. 29, an Act to amend an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, and the several Acts amendatory thereof and supplemental thereto, have carefully examined the same, and report it back to the House, and recommend its passage.

MACHIN, Chairman.

Mr Avery, from the Committee on Enrolment, made the following report:

Mr Speaker:—Your Committee on Enrolment have examined, and found correctly enrolled, Assembly bill No. 102, an Act to authorize the levy of a special property and poll tax in the County of Contra Costa, for the establishment and maintenance of roads and bridges;

Also, Assembly bill No. 146, an Act concerning the Government of the City of Marysville; and delivered the same to the Governor this day, at ten o'clock and fifty-five minutes, A. M.

AVERY, Chairman.

On motion of Mr Tilton of San Francisco, the rules were suspended, and Assembly bill No. 156, an Act to provide for the election of a Board of Supervisors in the County of San Mateo, was taken from the file, the bill considered engrossed, read third time, and passed.

Also, Assembly bill No. 162, an Act to submit the question of the removal of the county seat of Yolo County to the qualified voters thereof —amended, rules suspended, considered engrossed, read third time, and passed.

SPECIAL ORDER.

Senate bill No. 73, an Act amendatory of an Act entitled an Act amendatory of an Act concerning escheated estates, passed May fourth, eighteen hundred and fifty-two, approved April thirtieth, eighteen hundred and fifty-five.

Mr. Kendall offered the following amendment:

Add to section fourth: "*Provided*, that nothing contained in this Act shall in any manner affect any action or proceeding now pending in any of the Courts of this State, or any estates now in course of settlement."

Mr. Bell offered the following amendment to the amendment:

Add to section fourth: "*Provided*, that should the State of California recover any escheated estate under the provisions of this Act, that any innocent purchaser or purchasers shall be indemnified out of the proceeds of such estate, for the amount of purchase money actually paid out by such purchaser or purchasers, or for which he or they is or are lawfully bound to pay."

Mr. Bell moved to adjourn.

Lost.

Mr. Parker moved the previous question.

Sustained.

On adopting the amendment to the amendment, Messrs McCullough, Bell, and Collins demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs Bell, Dennis, Irwin, McCullough, Shannon, Smith of Fresno, and Thompson of San Joaquin—7.

NOES—Messrs Amerige, Avery, Barton of Sacramento, Barton of San Bernardino, Brown, Collins, Dore, Dow, Dudley of Placer, Eagar, Eliason, Fay, Ferguson, Hillyer, Hoag, Hoffman, Jackson, Lane, Loewy, Machin, Moore, O'Brien, Orr, Porter, Printy, Reeve, Sargent, Sears, Seaton, Smith of Sierra, Thompson of Tehama, Tilton of San Mateo, Waddell, Wilcoxon, Worthington, Yule, and Zuck—37.

On adopting the amendment offered by Mr. Kendall, Messrs Irwin, Seaton, and Kendall, demanded the ayes and noes, and the amendment was lost, by the following vote:

AYES—Messrs. Barton of San Bernardino, Bell, Dean, Dennis, Frazier, Irwin, Lane, Machin, McCullough, Morrison, Pemberton, Shannon, Smith of Fresno, Smith of Sierra, Thompson of San Joaquin, Tilton of San Francisco, Wilcoxon, and Woodman—18

NOES—Messrs Amerige, Avery, Barton of Sacramento, Battles, Brown, Campbell, Collins, Dore, Dow, Dudley of Placer, Eagar, Eliason, Fay, Ferguson, Griswold, Hillyer, Hoag, Hoffman, Jackson, Leach, Loewy, Moore, O'Brien, Orr, Porter, Printy, Reeve, Sargent, Sears, Seaton, Thompson of Tehama, Tilton of San Mateo, Waddell, Worthington, Yule, and Zuck—36.

The bill was read a third time, and on its passage, Messrs. O'Brien, Battles, and Avery, demanded the ayes and noes, which were taken, with the following result:

AYES—Messrs. Amerige, Avery, Barton of Sacramento, Battles, Brown, Collins, Dow, Dudley of Placer, Eagar, Ferguson, Frazier, Gris-

wold, Hillyer, Hoag, Hoffman, Jackson, Leach, Loewy, Moore, O'Brien, Orr, Porter, Printy, Reeve, Sargent, Sears, Seaton, Thompson of Tehama, Tilton of San Mateo, Waddell, Werk, Worthington, and Yule—33.

NOES—Messrs. Barton of San Bernardino, Dean, Dennis, Dore, Eliason, Fay, Irwin, Lane, Machin, McCullough, Morrison, Pemberton, Shannon, Smith of Fresno, Smith of Sierra, Thompson of San Joaquin, Tilton of San Francisco, Wilcoxon, Woodman, and Zuck—20.

And so the bill was passed.

At twenty minutes past four o'clock, P. M., on motion of Mr. O'Brien, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, March 3d, 1862.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of Saturday read and approved.

Messrs. Dudley of Solano, and Gordon, had indefinite leave of absence, and Messrs. Thornbury, Warwick, and Benton, for one day each.

Mr. Smith of Sierra offered the following resolution:

Resolved, That the Committee on Counties and County Boundaries be authorized to purchase a large map of the State of California, for the use of said Committee and this Assembly; the same to be paid for out of the Contingent Fund of the Assembly.

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

Lost.

The resolution was adopted.

On motion of Mr. Hillyer, the rules were suspended, and the report and resolution offered by the Committee on Accounts and Expenditures on Saturday last, to pay the boatmen at Sacramento, taken from the table.

The report and resolution were as follows:

Mr. SPEAKER:—Your Committee on Public Expenditures and Accounts, to whom was referred a resolution in relation to the pay of certain boatmen, beg leave to report as follows:

That in January they reported a resolution for the purpose of authorizing the Controller of State to draw his warrant in favor of the Sergeant-at-Arms of the Assembly for the sum of eleven hundred and four dollars, in payment of a portion of the claims for boat hire included in the resolution referred to us, which resolution directed the Sergeant-at-Arms to pay the money to the claimants therein named. A bill having been introduced for an appropriation to pay all the claims for boat hire, no action was taken upon the first resolution.

The bill having failed to become a law, your Committee have drawn a

resolution, herewith submitted, which includes all the claims for boat hire not before provided for, and recommend its passage, together with another, rescinding the first resolution passed in January, eighteen hundred and sixty-two.

All of which is respectfully submitted.

HILLYER, Chairman.

Resolved, That the Controller of State be and is hereby directed and authorized to draw his warrant on the Contingent Fund of the Assembly in favor of the following persons, and for the following sums, respectively, to wit: In favor of John Shed, for the sum of ninety-three dollars; of Henry Bude, for ten dollars and fifty cents; of H. A. Benjamin, for seventy-five dollars; of N. L. Lenner, for three dollars; of J. McMillen, for fifteen dollars; of Thomas Coleman, for sixty dollars; of B. F Shirley, for four dollars; of Price and Green, for twenty-one dollars; of Henry McClusky, for eight dollars; of Fred. Brewer, for eight dollars; of D. McLaughlin and R. Lindsey, for one hundred and forty dollars; of E. J. McIntyre, for four hundred and twenty dollars; of Hunt & Co., for twenty-two dollars and fifty cents; of John Byrne, for eight dollars; of John H Houseman, for seventy-five dollars; of H. Pease, for thirty-nine dollars; of Thomas Ackerson, for one hundred and thirty dollars; of Owen Hannah, for seven dollars; of Wm H. Barton and J. E. Benton, for fifteen dollars; of A. Clary, for ninety dollars; of Wm. H. Watson & Co., for sixty dollars; of Byington and Hamlin, for fifty-six dollars; of J. T Enwright, for one hundred dollars; of Boyle & Adams, for forty dollars; of John Gallagher, for fifteen dollars and fifty cents; of Henry Pearce, for twenty dollars; of A Dallis, for twenty dollars; of W. Kirby, for five dollars and fifty cents; of H J. Clayton, for eleven dollars; of A. E. Meade, for thirty-nine dollars; and of William Wilson, for forty dollars. And be it further

Resolved, That the resolution of this House, authorizing the Controller of State to draw his warrant in favor of the Sergeant-at-Arms for the sum of one thousand one hundred and four dollars, in payment of a portion of the above accounts, be and the same is hereby rescinded.

Adopted.

REPORTS.

Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No 76, an Act to prohibit actions to recover the possession of real property by virtue of Spanish or Mexican grants, until after a final confirmation of the boundaries of such grants by the proper authorities of the United States;

Also, Assembly bill No. 162, an Act to submit the question of the removal of the county seat of Yolo County to the qualified voters thereof.

LOEWY, Chairman.

Mr. Parker made the following report:

Mr. SPEAKER:—The El Dorado delegation, to whom was referred Senate bill No 135, an Act to enable the Mayor and Common Council of the City of Placerville to pay a certain claim of William J. Lewis against

said city. have had the same under consideration, and beg leave to repor the same back, without amendments, and recommend its passage.

PARKER,
FRAZIER,
DEAN,
DENNIS.

Mr. Collins made the following report:

Mr. SPEAKER:—The Nevada delegation, to whom was referred Assembly bill No 181, an Act to amend an Act entitled an Act to incorporate the Town of Grass Valley, approved April fifteenth, eighteen hundred and sixty-one, have considered the same, and have instructed me to report a substitute for the bill, and recommend its passage.

COLLINS, for Delegation

Mr. Porter made the following report:

Mr. SPEAKER:—The Contra Costa delegation, to whom was referred Assembly bill No. 36, an Act to authorize Lewis E. Morgan, his associates or assigns, to construct and maintain a wharf in Contra Costa County. ask leave to report the same back, with an amendment, and recommend its passage as amended.

PORTER, for Delegation.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
March 1st, 1862.

Mr. SPEAKER:—The Senate this day concurred in Assembly concurrent resolution No. 20;

Also, passed Assembly bill No. 119, an Act to amend an Act entitled an Act amendatory of and supplementary to an Act to authorize the Board of Supervisors of Placer County to levy a special tax, approved February seventh, eighteen hundred and fifty-seven;

Also, passed Assembly bill No. 156, an Act to provide for the election of a Board of Supervisors in the County of San Mateo;

Also, on the eighteenth of February passed Senate bill No. 118, an Act concerning roads and highways in the County of Alameda;

Also, on the twenty-seventh of February passed Senate bill No. 169, an Act to submit the location of the county seat of Stanislaus County to the qualified electors thereof;

Also, have this day appointed Messrs. De Long, Gaskill, and Merritt, a Committee of Free Conference, on the part of the Senate, on the disagreement of the two Houses on Senate bill No. 152, an Act to transfer certain funds;

Also, on this day passed Senate bill No. 64, an Act to authorize the Governor to convey certain real estate;

Also, passed Senate bill No. 131, an Act to amend an Act entitled an Act to legalize and provide for the collection of delinquent taxes in the counties of this State;

Also, passed Senate bill No. 174, an Act for the relief of E. B. Ryan, Assessor of the City and County of Sacramento;

Also, amended and passed Assembly bill No. 115, an Act relative to the construction of a wharf in Contra Costa County.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
February 28th, 1862.

Mr. SPEAKER:—The Senate, to-day, passed Assembly bill No. 146, an Act concerning the Government of the City of Marysville;

Also, on February twenty-first passed Senate bill No. 168, an Act to transcribe certain records in the Recorder's office of Napa County, pertaining to Lake County;

Also, on February nineteenth passed Senate bill No. 101, an Act amendatory of an Act to authorize married women to transact business in their own names as sole traders;

Also, on February twentieth passed Senate bill No. 143, an Act to authorize the sale of real estate belonging to the estate of H. P. Haun, deceased, at public or private sale;

Also, on February twenty-first passed Senate bill No. 182, an Act concerning hogs running at large in the County of El Dorado;

Also, on February twenty-first passed Senate bill No 170, an Act concerning the sale of certain school lands in Tulare County;

Also, on February twenty-fourth passed Senate bill No. 68, an Act to authorize the rebinding of books of the State Library;

Also, on February twenty-sixth passed Assembly bill No 54, an Act supplementary to an Act, approved May fourteenth, eighteen hundred and sixty-one, amendatory of an Act concerning marks and brands, passed May first, eighteen hundred and fifty-one;

Also, on February twentieth passed Senate bill No. 60, an Act supplemental to an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty;

Also, on February twenty-sixth passed Senate bill No. 212, an Act amendatory of an Act to provide for funding the indebtedness of Yuba County, approved March twenty-sixth, eighteen hundred and fifty-seven;

Also, passed Senate bill No. 213, an Act amendatory of an Act authorizing the County of Yuba to take and subscribe two hundred thousand dollars to a railroad company, etc.;

Also, on February twenty-seventh adopted Senate concurrent resolution No. 42, requesting the Governor to transmit to the Senate substitute for Senate bill No. 121;

Also, on February twenty-seventh passed Senate bill No. 153, an Act to authorize James Craig, Guardian of the infant heirs of Michael Flannigan, deceased, to sell property in Tuolumne County;

Also, on same day, refused to order a third reading of Assembly bill No. 18, an Act for the relief of Dennis Tryon.

DELOS J. HOWE,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate bills Nos 60, 64, 101, 131, and 143, above reported, read first and second times, and referred to the Judiciary Committee.

Senate bill No. 118, above reported, read first and second times, and referred to the Alameda delegation.

Senate bill No. 182, above reported, read first and second times, and referred to the El Dorado delegation.

Senate bills Nos 212 and 213, above reported, read first and second times, and referred to the Yuba delegation.

Senate bill No. 68, (substitute,) above reported, read first and second times, and referred to the Special Library Committee.

Senate bill No. 153, above reported, read first and second times, and referred to delegation from Tuolumne and Mono.

Senate bill No 170, above reported, read first and second times, and referred to Committee on Public Lands.

Senate bill No. 168, above reported, read first and second times, and referred to Napa delegation.

Senate bill No 174, above reported, read first and second times, and referred to Sacramento delegation

Senate bill No. 169, above reported, read first and second times, and referred to the Committee on Counties and County Boundaries.

The House concurred in Senate amendments to Assembly bill No. 115, above reported.

Senate concurrent resolution No. 42, above reported, was taken up, and on motion of Mr Fay, was laid on the table.

On motion of Mr Waddell, the rules were suspended, and Assembly bill No 148, an Act to extend the provisions of 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, eighteen hundred and fifty-six, and the amendments thereto, was taken from the file

Admendments adopted, rules further suspended, considered engrossed, read third time, and passed.

On motion of Mr. Irwin, the rules were again suspended, and Assembly bill No. 166, an Act concerning roads and highways in the County of Siskiyou, was also taken from the file.

Amended, rules suspended again, considered engrossed, read third time, and passed.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr Bell, for an Act to regulate fees for printing legal notices.

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

By Mr. Fay, for an Act amendatory of and supplementary to an Act to provide for the construction of a Macadamized road within the limits of the City and County of San Francisco, which became a law on the twelfth day of April, eighteen hundred and sixty-one.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Eagar, for an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

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

By Mr. Irwin, for an Act to protect free white labor against competition with Chinese coolie labor, and to discourage the immigration of the Chinese into the State of California.

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

By Mr. Tilton of San Mateo, for an Act to provide for the election of a Superintendent of Common Schools in the County of San Mateo.

Read first and second times, and placed on file.

By Mr. Yule, for an Act to prohibit mining by the Chinese, or Mongolians, on lands in this State occupied by white persons for agricultural or grazing purposes.

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

By Mr. Sears, for an Act for the erection of guide boards at road crossings.

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

By Mr. Barton of Sacramento, for an Act to pay the claim of W. P. Michener.

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

By Mr. Hoag, for an Act to legalize the assessment for taxes, made in the County of Yolo, for the fiscal year ending on the first day of March, eighteen hundred and sixty-two

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

By Mr. Shannon, for an Act supplementary to and amendatory of an Act to provide for the formation of corporations for certain purposes approved April fourteenth, eighteen hundred and fifty-three.

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

By Mr. Dudley of Placer, for an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved April thirtieth, eighteen hundred and sixty.

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

Also, an Act to repeal an Act entitled an Act to amend an Act entitled an Act concerning the indigent sick in the County of Placer, approved April twenty-seventh, eighteen hundred and fifty-seven, approved May second, eighteen hundred and sixty-one, and to revive a former Act.

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

By Mr. Machin, for an Act to legalize roads in Tuolumne County.

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

Also, for an Act to district the County of Tuolumne into Supervisor Districts.

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

By Mr. Porter, for an Act to authorize Jacob M. Tewksbury and his associates to build a wharf in Contra Costa County.

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

Also, for an Act to authorize William O'Connell and John Fay, and their assigns, to build a wharf at or near Slaughter House Point, in Contra Costa County, now in possession of William O'Connell.

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

By Mr. Orr, for an Act appropriating money for the erection of a building in the City of San Francisco, to be used as a Home for the Inebriate.

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

By Mr. Bigelow, for an Act to authorize the Commissioners of the funded debt of the City of San Francisco to compromise and settle certain claims to real estate, and to convey such real estate, pursuant thereto.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Reed, for an Act to amend the charter of the City of Petaluma.

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

On motion of Mr. Bell, Senate bill No. 70, an Act concerning chattel mortgages, was made the special order for March fourth, at twelve o'clock, M.

Mr. Dean, by leave, introduced the following resolution :

Resolved, That nine hundred and sixty copies of the several reports made by the Committee on Public Morals, respecting the Sunday Law, and two hundred and fifty copies of Assembly bill No 87, an Act to extend and define the duties of the owners of toll bridges, be printed.

The question was divided.

Pending the consideration of the subject, the hour arrived for the special order, Assembly bill No 152, an Act to regulate the interest of money.

Mr. Morrison moved to strike out the enacting clause.

Mr Hillyer moved to indefinitely postpone.

Mr Hillyer moved the previous question.

Sustained

On the motion of Mr Morrison, Messrs Brown, Fay, and Reed, demanded the ayes and noes, which were taken, with the following result :

AYES—Messrs. Avery, Barton of Sacramento, Barton of San Bernardino, Battles, Bigelow, Campbell, Cot, Dana, Dean, Dore, Dudley of Placer, Eagar, Ferguson, Frazier, Gordon, Griswold, Hillyer, Hoffman, Irwin, Jackson, Kendall, Leach, Loewy, Machin, Matthews, McCullough, Morrison, O'Brien, Reeve, Sears, Smith of Sierra, Thompson of Tehama, Thornbury, Tilton of San Francisco, Woodman, Worthington, Wright, and Yule—38

NOES—Messrs. Amerige, Bell, Brown, Collins, Dow, Eliason, Fay, Hoag, Lane, Moore, Orr, Pemberton, Porter, Reed, Sargent, Saul, Seaton, Shannon, Tilton of San Mateo, and Zuck—20.

So the enacting clause was stricken out.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

SENATE CHAMBER,
March 3d, 1862.

MR SPEAKER :—The Senate have this day adopted the report of the Committee of Free Conference on the disagreeing vote of the two Houses on Senate bill No. 152, an Act to transfer certain funds ;

Also, have to-day passed Assembly bill No. 125, an Act to authorize

the construction and maintenance of a wharf on the Sacramento River, in the County of Solano;

Also, to-day passed Senate bill No 238, an Act to grant to James H. Deering and Charles Deering the right to construct a bridge across the Tuolumne River;

Also, this day passed Assembly bill No. 162, an Act to submit the question of the removal of the county seat of Yolo County to the qualified voters thereof;

Also, to-day passed Assembly bill No. 123, an Act concerning the office of Superintendent of Common Schools of the Counties of Tuolumne and Mono;

Also, on February twenty-sixth passed Senate bill No. 187, an Act for the relief of W. C. Stokes, C. Covillaud, and the estate of James Simpson;

Also, on February twenty-sixth passed Senate bill No. 164, an Act to amend an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty;

Also, on February twenty-sixth passed Senate bill No. 199, an Act to grant to E. P. Bowman and his associates the right to construct a bridge across the Cosumnes River, in the Counties of Amador and El Dorado;

Also, on same day passed Senate bill No. 177, an Act to repeal an Act entitled an Act for the relief of purchasers of real estate at sales made by Public Administrators, approved February seventh, eighteen hundred and sixty.

DELOS J. HOWE,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate bill No. 164, above reported, read first and second times, and referred to Committee on Corporations

Senate bill No. 199, above reported, read first and second times, and referred to Amador delegation.

Senate bill No. 177, above reported, read first and second times, and referred to the Judiciary Committee.

Senate bill No. 187, above reported, read first and second times, and referred to the Yuba delegation.

Senate bill No. 238, above reported, read first and second times, and referred to the Tuolumne delegation

The House adopted the report of the Committee of Free Conference on Senate bill No. 152, above reported.

GENERAL FILE.

Senate bill No. 86, an Act to transfer certain funds—read third time, and passed.

Assembly bill No. 165, an Act for the relief of William D. Shirley and others—rules suspended, considered engrossed, read third time, and passed.

Senate bill No 148, an Act to provide for the collection of delinquent taxes in the City of San José—was read third time, and passed.

Assembly bill No. 87, an Act to extend and define the duties of the owners of public ferries, toll bridges, and toll roads, in this State.

Mr. Machin moved to indefinitely postpone the bill

Mr. Machin demanded the previous question.

Sustained.

The bill was then indefinitely postponed.

Substitute for Senate bill No. 55, an Act to grant the right to construct a brige across the Mokelumne River—amendments adopted, read third time, and passed.

Assembly bill No. 151, an Act to grant the right to construct a turnpike road between the Town of Sonora, in Tuolumne County, and the Town of Aurora, in Mono County—was ordered engrossed.

Assembly bill No. 16, an Act appropriating money for the benefit of the Ladies' Seamen's Friend Society of the port of San Francisco—was recommitted to the Committee on Ways and Means.

Assembly bill No. 15, an Act to change the name of George W. Briggs —was indefinitely postponed.

Senate bill No. 11, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one—was indefinitely postponed.

Assembly bill No. 9, an Act to pay a balance due for copying done in the Assembly of eighteen hundred and sixty-one—was indefinitely postponed.

Assembly bill No. 40, an Act for the relief of William P. Sayward—was referred to the San Francisco delegation

Assembly bill No. 55, an Act amendatory of an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one;

On the indefinite postponement of the bill, Messrs. Griswold, Reed, and Collins, demanded the ayes and noes, and the bill was indefinitely postponed, by the following vote:

AYES—Messrs. Avery, Barton of Sacramento, Barton of San Bernardino, Battles, Collins, Dennis, Dudley of Placer, Frazier, Griswold, Hillyer, Hoag, Irwin, Jackson, Kendall, Lane, Leach, Loewy, Machin, Matthews, McCullough, O'Brien, Orr, Pemberton, Saul, Sears, Seaton, Shannon, Smith of Sierra, Thompson of Tehama, Thompson of San Joaquin, Thornbury, Waddell, Woodman, Wright, and Yule—35.

NOES—Messrs. Amerige, Bell, Bigelow, Brown, Cot, Dow, Eagar, Gordon, Moore, Reed, Reese, Reeve, and Worthington—13.

At thirty-five minutes past four o'clock, P. M., the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, March 4th, 1862.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

PETITIONS.

Mr. Maclay presented a petition of citizens of Santa Clara County, for amendments of Sunday Law.

Referred to the Committee on Public Morals.

Mr. Reed presented a petition of citizens of Sonoma County, for a law in relation to tenants in common.

Referred to the Judiciary Committee.

Mr. O'Brien presented a petition of citizens of Tenth Township, Calaveras County, for repeal of special law for building bridge

Referred to Calaveras delegation.

Mr. Moore presented a petition of residents of School District No. 4, Alameda County, against a repeal of the Sunday Law.

Referred to the Committee on Public Morals.

REPORTS.

Mr. Benton, from the Committee on Public Morals, made the following report:

Mr. SPEAKER:—The Committee on Public Morals, to whom was referred Assembly bill No. 138, an Act to amend an Act to define the duties and liabilities of pawnbrokers and pledgees, approved April seventeenth, eighteen hundred and sixty-one, report the same back, without recommendation.

BENTON, for Committee.

Mr. Avery, from the Committee on Enrolment, made the following report:

Mr. SPEAKER:—Your Committee on Enrolment have examined, and found correctly enrolled, the following bills.

Assembly bill No. 54, an Act supplementary to an Act, approved May fourteenth, eighteen hundred and sixty-one, entitled an Act amendatory of and supplementary to an Act entitled an Act concerning marks and brands, passed May first, eighteen hundred and fifty-one;

Also, Assembly bill No. 156, an Act to provide for the election of a Board of Supervisors in the County of San Mateo; and delivered the same to the Governor, at eleven o'clock A. M., this day.

AVERY, Chairman.

Mr. Hoag, from the Committee on Mileage, made the following report:

Mr. SPEAKER:—Your Committee on Mileage beg leave to report that A. Gordon and N. M. Orr, members of Assembly, respectively occupying the seats formerly held by McAllister and Davis, are entitled to the following sums for mileage:

Gordon, miles	290	$58 00
Orr, miles	258	47 60

HOAG, Chairman.

Adopted.

Mr Dudley of Placer verbally reported and recommended the passage of Assembly bill No 210.

Mr. O'Brien made the following report:

Mr. SPEAKER:—The Calaveras delegation, to whom was referred Assembly bill No 122, have had the same under consideration, report the same back, with an amendment, and recommend the adoption and passage of the bill as amended

O'BRIEN, for Delegation.

The rules were suspended, the amendment to Assembly bill No. 122 adopted, bill considered engrossed, read third time, and passed.

Mr. Machin made the following report:

Mr SPEAKER:—The Mono and Tuolumne delegation respectfully report back Assembly bill No. 208, and Senate bills Nos. 153 and 238, and recommend their passage.

MACHIN, for Delegation.

Mr. Jackson made the following report:

Mr. SPEAKER:—The Yuba delegation, to whom was referred Senate bills Nos 212 and 213, report the same back, and recommend their passage.

JACKSON, for Delegation.

Mr. Warwick made the following report:

Mr. SPEAKER:—Your Committee, to whom was referred Senate bill No. 68, an Act to authorize the rebinding of books in the State Library beg leave to report it back, and recommend its passage.

WARWICK.
TILTON,
WRIGHT.

The rules were suspended, and the bill above reported read third time.

Mr. Ames moved to recommit, with the following special instructions:

Add to section two: "*Provided*, That the number of volumes ordered bound or repaired by this Act, shall not exceed three hundred, and the cost of the same not to exceed the sum of four hundred dollars"

Pending which, the time for taking up the special order arrived, being Senate bill No. 70, an Act concerning chattel mortgages.

Mr. Reed moved to indefinitely postpone the bill.

Mr. Dow moved the following amendment:

"The provisions of this Act shall not apply to the Counties of Sonoma, Santa Clara, Mendocino, Placer, Calaveras, El Dorado, and Amador."

Mr. Ames moved the previous question.

Sustained, and the amendment lost

On the indefinite postponement of the bill, Messrs. Watson, Eagar, and Woodman, demanded the ayes and noes, and the bill was indefinitely postponed, by the following vote:

AYES—Messrs. Ames, Avery, Barton of Sacramento, Barton of San Bernardino, Brown, Campbell, Dennis, Dow, Dudley of Placer, Fay, guson, Frazier, Griswold, Hillyer, Irwin, Jackson, Kendall, Lane, Leach,

Machin, Maclay, Matthews, McCullough, Meyers, O'Brien, Orr, Parker, Pemberton, Porter, Reed, Sargent, Sears, Smith of Fresno, Smith of Sierra, Thompson of Tehama, Thornbury, Tilton of San Francisco, Van Zandt, Waddell, Watson, Werk, Wilcoxon, Woodman, Wright, and Yule —45.

NOES—Messrs. Amerige, Battles, Bell Benton, Bigelow, Collins, Cot, Cunnard, Dean, Dore, Eagar, Eliason, Gordon, Hoag, Loewy, Love, Moore, Morrison, Printy, Reeve, Saul, Seaton, Tecgarden, Tilton of San Mateo, Warwick, Worthington, and Mr. Speaker—27.

The House resumed the consideration of Senate bill No. 68, an Act to authorize the rebinding of books of the State Library.

The bill was recommitted, with the special instructions offered by Mr. Ames.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 4th, 1862.

Mr. SPEAKER:—The Senate to day passed Senate bill No. 198, an Act to authorize Charles Clapp, Guardian of Lorenzo Dorente, a minor, to sell certain real estate belonging to said minor;

Also, passed Senate bill No. 246, an Act to authorize Charles H Brindley, Andres Pico, and James Vineyard, to build a turnpike road from the ex-Mission of San Fernando, across the Mountains of San Fernando, to the Arroyo de Santa Clara, in Los Angeles County;

Also, have concurred in Assembly amendments to substitute for Senate bill No. 55, an Act to grant to Louis Soher and others the right to construct a bridge across the Mokelumne River;

Also, on the first instant passed substitute for Senate bill No. 87, an Act to provide for the construction of a wharf at a point on the southerly bank of the San Joaquin River;

Also, Senate bill No. 194, an Act supplementary to 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, approved April twenty-first, eighteen hundred and fifty-eight;

Also, on the twenty-sixth ultimo passed Senate bill No 203, an Act to authorize Visalia Lodge of Free and Accepted Masons to sell and convey certain property belonging to said lodge;

Also, on the third instant passed Senate concurrent resolutions relative to the overland mail service.

DELOS J. HOWE,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate bill No. 198, above reported, read first and second times, and referred to the San Francisco delegation.

Senate bill No. 246, above reported, read first and second times, and referred to the Los Angeles delegation

Senate bill No. 203, above reported, read first and second times, and referred to the Tulare delegation

Senate bill No. 194, above reported, read first and second times, and referred to the Santa Clara delegation.

Substitute for Senate bill No. 87, above reported, read first and second times, and referred to the Committee on Commerce and Navigation.

Senate concurrent resolution No. 34, above reported, read first and second times, and referred to the Committee on Federal Relations.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA. EXECUTIVE DEPARTMENT,
Sacramento, March 4th, 1862.

To the Honorable the Assembly of California:

I transmit herewith to your honorable body the following claims, which have been approved by the Board of Examiners, together with the papers and decisions of the Board:

Wm P. Michener, Agent, *vs.* The State, for four thousand and seventy-two dollars and forty-one cents.

W. D. Sawyer, by E. D. Wheeler, *vs.* The State, for two hundred and eighty dollars and thirty-six cents.

LELAND STANFORD,
President Board of Examiners.

The claims above reported were referred to the Committee on Claims.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 3d, 1862

To the Honorable the Assembly of California:

I have to inform your honorable body that I have approved Assembly bill No 88, an Act to authorize the Board of Supervisors in and for Sutter County to levy a special tax for the repair of the Court House in said county.

LELAND STANFORD, Governor.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Battles, for an Act providing for the revision and codification of the statutes of this State.

By Mr. Frazier, for an Act to amend an Act to regulate the fees of certain officers, and witnesses, and jurors, in the County of El Dorado

By Mr. Tilton of San Francisco, for an amendment to the Thirty-Ninth Rule of the Assembly

By Mr. Maclay, for an Act providing for the issuance of marriage license by the County Clerks of the several counties of this State.

By Mr Warwick, for an amendment to the Thirty-Ninth Rule of the Assembly

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Meyers, for an Act to authorize the issuance of a patent to Maurice J. Dooly, for certain lands in San Joaquin County.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Yule, for an Act amendatory of an Act entitled an Act de-

fining the time of commencing civil actions, approved April twenty-second, eighteen hundred and fifty.

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

By Mr. Kendall, for an Act relative to certain outstanding warrants of Tuolumne County.

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

By Mr Reese, for an Act to amend an Act entitled an Act to amend an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and sixty-one.

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

By Mr Cot, for an Act concerning public roads and highways in the County of Monterey.

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

By Mr. Ames, for an Act to authorize and empower Frederick Brown to construct and maintain booms and piers on Garcia Creek, in the County of Mendocino.

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

Mr. Tilton of San Francisco offered the following resolution:

Resolved, That the Sergeant-at-Arms of the Assembly be and he is hereby required to draw his warrants upon the Controller for the mileage and per diem of N. M Orr, admitted to a seat in the Assembly as a member from the Counties of Tuolumne and Mono; and also for the per diem and mileage of Alexander Gordon, admitted to a seat in the Assembly as a member from the County of Marin, and that the same date from the commencement of the session; and the Controller of State is hereby authorized to draw his warrants on the Treasurer for the payment of the same.

Adopted.

The resolution offered by Mr. Dean, on yesterday, to print nine hundred and sixty copies of the report of the Committee on Public Morals, on the Sunday law, came up for consideration.

Mr. Porter offered the following substitute:

Resolved. That leave be granted to the gentlemen composing the Committee on Public Morals, to use the originals for the purpose of printing and distributing their reports at their own expense.

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

FURTHER INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Morrison, for an Act to legalize the assessment roll of the City of Los Angeles.

Read first and second times, and referred to the Los Angeles delegation.

Also, for an Act to provide for the payment of the sum of two hundred dollars to each of the six Locating Agents of the State of California.

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

Mr Campbell, by leave, offered the following resolution:

Resolved, That John H. Finnegan, Clerk to the Sergeant-at-Arms of the Assembly, (the Sergeant-at-Arms being confined by illness,) be and he is hereby authorized to proceed to Sacramento, and receipt to the Controller of State for warrants for the per diem of members and attachés of this House.

Adopted.

On motion of Mr. Collins, Assembly bill No. 169, an Act in relation to the militia of the State, was recommitted to the Committee on Military Affairs.

GENERAL FILE.

Assembly bill No. 101, an Act to authorize the Board of Supervisors of the County of Contra Costa to transfer surplus moneys remaining in the Gilman Judgment Fund of the said county—was, the rules being suspended, considered engrossed, read third time, and passed.

Assembly bill No. 142, an Act for the relief of George W Noxsen—was, the rules being suspended, considered engrossed, read third time, and passed.

Assembly bill No. 147, an Act providing for the construction of a public road from Petaluma to Bloomfield, in Sonoma County—was, the rules being suspended, considered engrossed, read third time, and passed.

Assembly bill No. 99, an Act to divide the Eleventh Judicial District of this State, and reorganize the Sixth—was ordered engrossed.

Assembly bill No 124, an Act to prevent certain animals from running at large in Napa County—was ordered engrossed.

Assembly bill No 135, an Act for the protection of growing timber on all possessory claims, and other private property in this State, and on, or along, public streets, or highways, and on public grounds—recommitted to Committee on Public Lands

Assembly bill No. 112, an Act amendatory of an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice in this State—recommitted to the Judiciary Committee.

Assembly bill No 143, an Act amendatory of an Act to regulate proceedings in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one—indefinitely postponed

Assembly bill No. 134, an Act amendatory of and supplementary to an Act entitled an Act to incorporate the City of Santa Barbara, approved May eighteenth, eighteen hundred and sixty-one—read third time, and passed.

Assembly bill No. 126, an Act to authorize County Judges to hold terms of the County Court, Court of Sessions, and Probate Court, in any county of this State—laid on the table

At half past four o'clock, P. M., on motion of Mr. Frazier, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, March 5th, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.
Journal of yesterday read and approved.
Mr. Shannon offered the following resolution:

Resolved, That on and after Monday, the tenth instant, two hours per day be exclusively set apart for the consideration of bills on the general file, commencing immediately after the reading of the Journal; and this rule shall not be suspended for any purpose, either by unanimous consent or otherwise.

Adopted.
Mr. Tilton of San Francisco offered the following amendment to the rules:
Add to Rule Thirty-Ninth, the following: "And no member shall speak at any one time, upon any question, for a longer time than twenty minutes, without unanimous consent."
Adopted.

PETITIONS.

Mr. Bell presented a petition of citizens of Alameda County, for law to remunerate Hiram Thorn.
Referred to Contra Costa and Alameda delegation.
Mr Lane presented a petition of citizens of Stanislaus County, in favor of Sunday Law.
Referred to Committee on Public Morals.
Mr. Dow presented a petition of ladies of Healdsburg, in favor of Sunday Law
Referred to Committee on Public Morals.
Mr. Parker presented a petition of citizens of El Dorado County, for a Hog Law.
Referred to El Dorado delegation.
Mr. Ames presented a petition of members of the County Government of Mendocino County, relative to the finances of the county.
Referred to Mendocino delegation.
Also, a petition of stock raisers in Mendocino County, relative to stallions.
Referred to Committee on Agriculture.
Mr. Cot presented a petition of citizens of Monterey, relative to roads in Monterey County.
Referred to Committee on Roads and Highways.

REPORTS.

Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER :—The Committee on Engrossment have examined. and found correctly engrossed. Assembly bill No 148. an Act to extend the provisions of 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, eighteen hundred and fifty-six, and the amendments thereto, approved April eighteenth, eighteen hundred and fifty-nine ;

Also, Assembly bill No. 166, an Act concerning roads and highways in the Counties of Siskiyou, Klamath, and Del Norte

LOEWY, Chairman.

Mr. Benton, from the Committee on Public Morals, made the following report :

Mr. SPEAKER :—The Committee on Public Morals have had Assembly bill No 31, an Act to prohibit the keeping open of markets and the vending of meats, vegetables, or other market products, in the City of San Francisco on the Sabbath day, under consideration, report the same back, and recommend its passage.

BENTON,
MOORE,
ORR

Mr. Loewy, from the Committee on Public Morals, made the following minority report :

Mr. SPEAKER :—A minority of your Committee on Public Morals most respectfully beg leave to dissent from the above report of the majority of said Committee, and recommend that said Assembly bill No. 31 be indefinitely postponed ; and in support of this recommendation, briefly submit the following reasons :

First—We have, in a former report, stated somewhat at length the arguments that compel us to oppose any attempt whatsoever, on the part of the civil power, to enforce Sunday observance.

Second—Even admitting, for the sake of argument, that compulsory Sunday observance may be, in some cases, defensible, we submit that the bill under consideration can, by no manner of means, present such a case as will justify the interference of this Legislature. The title of this bill is, an Act to prohibit the keeping open of markets and the vending of meats. vegetables, or other market products. in the City of San Francisco, on the Sabbath day Admitting that a Sunday Law, or a Sabbath Law, as this bill would imply, is right or desirable in the City of San Francisco, its enactment belongs to the Municipal Government, rather than to the Legislature of the whole State.

For these considerations, we recommend, as above stated, that the bill be postponed.

LOEWY.
KENDALL.

Mr. Brown, from the Committee on Enrolment, made the following report :

Mr. SPEAKER :—Your Committee on Enrolment have examined, and found correctly enrolled, the following bills :

Assembly bill No 125, an Act to authorize the construction and maintenance of a wharf on the Sacramento River, in the County of Solano;

Also, Assembly bill No 119 an Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to authorize the Board of Supervisors of Placer County to levy a special tax, approved March eleventh, eighteen hundred and fifty-six, approved February seventh, eighteen hundred and fifty-seven;

Also, Assembly bill No 115, an Act for the construction and maintenance of a wharf in Contra Costa County;

Also, Assembly bill No 162, an Act to submit the question of the removal of the county seat of Yolo County, to the qualified voters thereof;

And delivered the same to the Governor, this day, at eleven o'clock and ten minutes, A M.

BROWN, for the Committee.

Mr. Maclay, from the Committee on Claims, made the following report:

Mr. SPEAKER:—The Committee on Claims, to whom was referred Assembly bill No. 194, an Act making an appropriation for the payment of the per diem and mileage of Presidential Electors, have had the same under consideration, and respectfully report it back, without amendment, and recommend that it pass.

MACLAY, for Committee.

Mr Hillyer, from the Committee on Public Expenditures and Accounts, made the following report:

Mr. SPEAKER:—Your Committee on Public Expenditures and Accounts, having examined and found correct, the following accounts, beg leave to report the same, and recommend their payment from the Contingent Fund of the Assembly, by the adoption of the resolution accompanying this report, to wit:

To whom due.	Amount
Account of Daniel H. Mitchell, for altering Clerk's desk and ventilating dome, etc	$210 00
Account of "Monitor," for twenty-one copies	63 00
Account of "Northern Argus," one copy	3 00
Account of Sherburne Moore, for water	6 00
Account of Kennedy & Bell, for one hundred and twenty-two yards of matting, and labor	51 85
Account of Charles E. Barry, for six globes, etc	13 00
Total	$346 85

Resolved, That the Controller of State be and is hereby directed to draw his warrant in favor of the following persons, and for the following sums payable out of the Contingent Fund of the Assembly, to wit: In favor of Daniel H Mitchell, for the sum of two hundred and ten dollars; of the "Monitor," for sixty-three dollars; of the "Northern Argus," for three dollars; of Sherburne Moore, for six dollars; of Ken-

nedy & Bell, for fifty-one dollars and eighty-five cents; and of Charles E Barry, for the sum of thirteen dollars.

Adopted.

Mr. Machin, from the Committee on Corporations, made the following report:

Mr SPEAKER:—Your Committee on Corporations, to whom was referred Senate bill No. 164, entitled an Act to amend an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, and Assembly bill No. 209, entitled an Act supplemental to and amendatory of an Act to provide for the formation of corporations for certain purposes, passed April thirteenth, eighteen hundred and fifty-three, would most repectfully report the same back to the House, and recommend their indefinite postponement.

MACHIN, Chairman.

Mr. Collins, from the Committee on Military Affairs, made the following report:

Mr. SPEAKER:—The Committee on Military Affairs, to whom was recommitted Assembly bill No. 169, an Act in relation to the militia of the State, have carefully considered the same, and report it back, and recommend its passage.

COLLINS, Chairman

Mr Ames made the following report:

Mr. SPEAKER:—The delegation from the Counties of Sonoma and Mendocino, to whom was referred Assembly bill No. 97, an Act to authorize Joseph B. Price to construct a turnpike road, report the same back, and recommend its passage.

AMES, for the Delegation.

Mr. Wright made the following report:

Mr SPEAKER:—Under a resolution passed by the Judiciary Committee, which is in words as follows:

Resolved, By the Judiciary Committee, that a sub committee of three be appointed by the Chairman pro tem., to investigate and inquire into the action of Hon. S. B. Bell, Chairman of the Judiciary Committee, certifying as to one Dorsay being Clerk, and receiving a warrant for pay, and report to the House to-morrow the facts, together, if necessary, with a resolution, notifying the Controller of State not to issue his warrant for the same—

We find the facts to be, that S B. Bell, as Chairman of the Judiciary Committee, did certify to the Sergeant-at-Arms of the House that said Dorsay was Clerk of the Judiciary Committee, and that said Dorsay, under that certificate, received a warrant, drawn upon the Controller of State, for the sum of two hundred and thirty-five dollars; whereas, in truth, there has been no Clerk elected by said Judiciary Committee until March fourth, eighteen hundred and sixty-two, and one Donovan was elected; that said Dorsay has never acted as Clerk in said Judiciary Committee, but the Hon. J. M. Avery and the Hon G. W. Reed have acted as Clerk alternately when said Committee were in session

We also find that the Sergeant-at-Arms is not culpable, or interested

in any way in issuing said warrant, or Mr. Speaker in approving the same.

We believe, taking all the facts into consideration, it was a gross wrong, and one at least that calls upon all honorable men to condemn.

We therefore send up a resolution notifying the Controller not to issue his warrant on the Treasurer of State.

S P. WRIGHT,
J. M. AVERY,
M. MORRISON,
Sub Committee.

The resolution above reported was temporarily laid on the table.

Mr. Reeve, of the San Francisco delegation, made the following report:

Mr. SPEAKER:—The San Francisco delegation, to whom was referred Assembly bill No. 199, an Act amendatory and supplementary to an Act to provide for the construction of a Macadamized road within the limits of the City and County of San Francisco, which became a law on the twelfth day of April, eighteen hundred and sixty-one, have had the same under consideration, report it back, and recommend its passage.

REEVE, for the Delegation.

Mr. Maclay, of the Santa Clara delegation, made the following report:

Mr. SPEAKER:—The Santa Clara delegation, to whom was referred Senate bill No. 194, entitled an Act supplementary to an Act entitled an Act authorizing the funding of the unfunded debt of the City of San José, and to provide for the payment of the same, approved April twenty-first, eighteen hundred and fifty-eight, have had the same under consideration, and respectfully recommend its passage.

MACLAY, for Delegation.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Hoffman, for an Act to regulate the proceedings of the Board of Supervisors for the County of San Diego, and to define their duties;

Also, for an Act concerning the duties of the County Treasurer of the County of San Diego.

Read first and second times, and referred to the San Diego delegation.

By Mr Moore, for an Act to amend an Act entitled an Act to establish, support, and regulate common schools, passed May third, eighteen hundred and fifty-five, approved March twenty-eighth, eighteen hundred and fifty-seven.

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

By Mr. Amerige, for an Act to authorize John A. Cardinell and his associates and assigns to lay down water pipes in the streets of the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

Mr. Wright made the following report:

Mr. SPEAKER:—The Committee to whom was recommitted Senate bill

No. 68, an Act to authorize the rebinding of books in the State Library, having made the amendment in accordance with special instructions, beg leave to report it back, and recommend its passage

WARWICK, Chairman,
TILTON,
WRIGHT.

Senate bill No. 68, above reported, rules suspended, amendment concurred in, read third time, and passed.

GENERAL FILE.

Assembly bill No. 27, an Act to amend an Act entitled an Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, and other Acts amendatory thereto, passed May twentieth, eighteen hundred and sixty-one—ordered engrossed.

On motion of Mr. O'Brien, the resolution introduced this morning by the Special Committee of the Judiciary Committee, was taken up.

Mr. Worthington moved that a committee of five be appointed to examine into and report upon the subject.

Adopted.

The Speaker appointed Messrs. Worthington, Maclay, Campbell, Orr, and Gordon, such committee.

SPECIAL ORDER.

Assembly bill No. 103, an Act to create the County of Chico, to define its boundaries, and to provide for its organization, (the special order of the day,) was taken up, substitute adopted, and further amended.

Mr. Shannon moved to indefinitely postpone.

Mr Bigelow moved the previous question.

Sustained.

On the indefinite postponement, Messrs. Shannon, Cunnard, and Love, demanded the ayes and noes, and the motion prevailed, by the following vote:

AYES—Messrs. Amerige, Avery, Collins, Dore, Dow, Dudley of Placer, Ferguson, Gordon, Griswold, Hillyer, Jackson, Leach, Loewy, McCullough, Meyers, Orr, Parker, Printy, Reed, Reeve, Sargent, Saul, Sears, Shannon, Smith of Sierra, Teegarden, Tilton of San Francisco, Van Zandt, Warwick, Worthington, Yule, Zuck, and Mr. Speaker—33.

NOES—Messrs Ames, Barton of San Bernardino, Battles, Bigelow, Campbell, Cot, Cunnard, Dana, Fay, Frazier, Hoag, Hoffman, Irwin, Lane, Love, Machin, Matthews, Morrison, O'Brien, Pemberton, Seaton, Smith of Fresno, Thompson of San Joaquin, Thornbury, Tilton of San Mateo, Waddell, Watson, Wilcoxon, Woodman, and Wright—30.

Mr. Ames moved that the House adjourn.

Upon which, Messrs. Yule, Avery, and Shannon, demanded the ayes and noes, which were taken, with the following result:

AYES—Messrs. Ames, Barton of San Bernardino, Battles, Bell, Benton, Campbell, Cot, Cunnard, Dana, Dudley of Placer, Ferguson, Frazier, Gordon, Griswold, Irwin, Lane, Love, Machin, Matthews, Meyers, Mor-

rison, O'Brien, Printy, Reed, Reeve, Saul, Shannon, Smith of Fresno, Thompson of San Joaquin, Thornbury, Waddell, Warwick, Watson, Wilcoxon, and Woodman—35.

NOES—Messrs. Amerige, Avery, Bigelow, Brown, Collins, Eliason, Hillyer, Kendall, Leach, Loewy, McCullough, Orr, Parker, Pemberton, Sargent, Sears, Seaton, Teegarden, Tilton of San Mateo, Van Zandt, Worthington, Wright, Yule, Zuck, and Mr Speaker—25.

And so, at twenty minutes past four o'clock, P. M., the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY.
Thursday, March 6th, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called
Quorum present.
Journal of yesterday read and approved.

PETITIONS

Mr. Morrison presented a petition of the Catholic Priest and Vicar-General of the Diocese of Los Angeles and Monterey, relative to Indians.

Referred to the Committee on Indian Affairs.

Mr. Brown presented a petition of citizens of San José, for continuance of Sunday Law.

Referred to Committee on Public Morals.

Mr. Printy presented a petition of citizens of Butte County, for continuance of Sunday Law.

Referred to Committee on Public Morals.

Mr. Tilton of San Francisco presented a petition of two hundred and eight ladies and gentlemen of San Francisco, for continuance of Sunday Law.

Referred to Committee on Public Morals.

Mr Dudley of Solano presented a petition of citizens of Solano County, in relation to salary of County Judge.

Placed on file, with bill

Mr. Ferguson presented a petition of farmers and residents of Sacramento County, relative to Assembly bill No. 68.

Referred to Sacramento delegation.

REPORTS.

Mr. Brown, from the Committee on Enrolment, made the following report:

Mr. SPEAKER:—Your Committee on Enrolment have examined, and found correctly enrolled, Assembly bill No. 123, an Act relative to the

office of Superintendent of Common Schools of the Counties of Tuolumne and Mono;

And delivered the same to the Governor, this day, at eleven o'clock, A. M.

BROWN, for Committee

Mr. Smith of Sierra, from the Committee on Counties and County Boundaries, made the following report:

Mr. SPEAKER:—The Committee on Counties and County Boundaries, to whom was referred Senate bill No 169, an Act to submit the location of the county seat of Stanislaus County to the qualified voters thereof, have had the same under consideration, and beg leave to report it back, and recommend its passage.

E. B. SMITH, Chairman.

I dissent from the opinion of the majority, and respectfully recommend the indefinite postponement of the bill.

JOHN H. DENNIS.

Mr. McCullough, from the Committee on Public Lands, made the following report:

Mr. SPEAKER:—The Committee on Public Lands beg leave to report that they have had under consideration Senate bill No. 170, an Act concerning certain school lands in Tulare County, and report the same back, with the recommendation that it pass;

Also, Assembly bill No. 135, an Act for the protection of growing timber on all possessory claims, etc., and recommend that it be indefinitely postponed.

McCULLOUGH, for Committee.

Mr Fay, from the Committee on Commerce and Navigation, made the following report:

Mr. SPEAKER:—Your Committee on Commerce and Navigation have considered Senate bill No 87, an Act to provide for the construction of a wharf at a point on the southerly bank of the San Joaquin River;

Also, Senate bill No. 4, an Act to authorize Wm McInturf and associates to construct a wharf, mooring piles, and chute, or dry sluice, at Port McInturf, in Mendocino County;

Also, Assembly bill No 67, an Act to authorize and empower William H Kelly to construct and maintain booms on Gaspar creek, in Mendocino County;

And we hereby report the same back, and respectfully recommend the passage of Senate bill No. 87, without amendment; we also recommend the passage of Senate bill No. 4, and Assembly bill No 67, as amended.

FAY, Chairman

Mr. Benton, from the Committee on Public Morals, made the following report:

Mr. SPEAKER:—The Committee on Public Morals, to whom was referred Assembly bill No 51, an Act to amend an Act entitled an Act for the observance of the Sabbath, approved May twentieth, eighteen hun-

dred and sixty-one, have had the same under consideration, and beg leave to report it back, without recommendation.

BENTON, for Committee

Mr Shannon, from the Committee on Federal Relations, made the following report:

Mr. Speaker:—The Committee on Federal Relations, to whom was referred Senate concurrent resolution No. 34, relative to Overland Mail, have had the same under consideration, and recommend its adoption.

SHANNON, for Committee.

The resolution above reported, was taken up, and concurred in.

Mr. Moore made the following report:

Mr Speaker:—The Alameda delegation, to whom was referred bill No. 118, respectfully report it back, with amendments, and recommend that it do pass.

MOORE, for Delegation.

The rules were suspended, bill above reported taken up, amendments adopted, read third time, and passed.

On motion of Mr. Ames, the consideration of the special order of the day—the consideration of the Sunday Law bills—was continued to March twelfth, at half past one o'clock, P. M.

Mr Hoffman verbally reported and recommended the passage of Assembly bill No. 225, an Act to regulate the proceedings of the Board of Supervisors of the County of San Diego, and to define their duties;

Also, Assembly bill No 226, an Act concerning the duties of the Treasurer of the County of San Diego.

Mr Morrison verbally reported and recommended the passage of Assembly bill No. 221, an Act legalizing the assessment roll of the City of Los Angeles for the fiscal year commencing May, eighteen hundred and sixty, and for other purposes

Mr. Pemberton made the following report:

Mr. Speaker:—The Tulare delegation, to whom was referred Senate bill No. 203, an Act to authorize the officers of Visalia Lodge, No. 128, of Free and Accepted Masons, to sell and convey certain property belonging to said Lodge, have had the same under consideration, and ask leave to report the same back, and recommend its passage.

PEMBERTON, for Delegation.

Mr. Reed made the following report:

Mr. Speaker:—The Sonoma delegation, to whom was referred Assembly bill No. 216, an Act to amend the charter of the City of Petaluma, report the same back, with a recommendation that it pass

REED, for Delegation.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 5th, 1862.

To the Honorable the Assembly of California:

I have to inform your honorable body that I have approved Assembly bill No 54, an Act supplementary to an Act approved May fourteenth, eighteen hundred and sixty-one, entitled an Act amendatory of and supplementary to an Act entitled an Act concerning marks and brands, passed May first, eighteen hundred and fifty-one;

Also, Assembly bill No. 156, an Act to provide for the election of a Board of Supervisors in the County of San Mateo;

Also, Assembly bill No. 92, an Act to fix the terms of the different Courts in the County of San Mateo;

Also, Assembly bill No. 90, an Act to authorize the Board of Supervisors of Solano County to levy an additional road tax;

Also, Assembly bill No. 146, an Act concerning the Government of the City of Marysville;

Also, Assembly bill No. 102, an Act to authorize the levy of a special property and poll tax in the County of Contra Costa, for the establishment and maintenance of roads and bridges.

LELAND STANFORD, Governor.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 5th, 1862.

Mr. SPEAKER:—The Senate, on February twenty-seventh, eighteen hundred and sixty-two, passed Senate bill No. 142, an Act to provide for the formation of corporations for the accumulation and investment of funds and savings;

Also, on March first, eighteen hundred and sixty-two, passed Senate bill No. 179, an Act to amend an Act creating a Board of Commissioners in each township of the several counties of this State, to regulate water courses within their several limits, passed May fifteenth, eighteen hundred and fifty-four.

DELOS J. HOWE,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate bill No. 142, above reported, read first and second times, referred to Committee on Corporations, and ordered printed.

Senate bill No. 179, above reported, read first and second times, and referred to Committee on Mines and Mining Interests.

Mr. O'Brien gave notice of the introduction of a bill for an Act to repeal an Act to authorize the Board of Supervisors of Calaveras County to levy a special tax, and to provide for building a bridge in said county.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Frazier, for an Act to amend an Act entitled an Act to regu-

late the fees of certain officers and witnesses in the County of El Dorado, approved April nineteenth, eighteen hundred and fifty-nine.

Read first and second times, and placed on file

By Mr. Reed, for an Act to regulate the fees of officers in the County of Sonoma.

Read first and second times, and placed on file.

By Mr Maclay, for an Act to amend an Act regulating marriages, passed April twenty-second, eighteen hundred and fifty.

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

By Mr. Brown, for an Act amendatory of an Act relative to the issuance of certificates to exempt Firemen within the State, approved May twentieth, eighteen hundred and sixty-one

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

By Mr. Avery, for an Act to change the name of Anna Eliza Weir.

Read first and second times, and referred to the Committee on Public Morals

By Mr. Machin, for an Act authorizing William H. Dixon, J. W. Pugh, and their associates, to construct and maintain a toll road in the County of Mono.

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

Also, for an Act amendatory of and supplemental to an Act to create the County of Mono, to define its boundaries, and provide for its organization, approved April twenty-fourth, eighteen hundred and sixty-one.

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

By Mr. Bell, for an Act to amend an Act to regulate proceedings in civil cases in the Courts of Justice of this State.

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

By Mr. Teegarden, for an Act amendatory of an Act entitled an Act for the erection of a building for a State Reform School, and for the regulation of the same, approved April eighteenth, eighteen hundred and sixty.

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

Also, for an Act to regulate fees in office in the County of Yuba.

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

By Mr. Tilton of San Francisco, for an Act to amend an Act entitled an Act relating to the rights and duties of landlords and tenants, approved May eighteenth, eighteen hundred and sixty-one.

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

By Mr. Dore, for an Act to give further powers to the Board of Supervisors of the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

Also, for an Act to provide for the collection of the taxes on personal property in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

Also, for an Act supplementary to and amendatory of an Act entitled an Act concerning County Recorders, passed March twenty-sixth, eighteen hundred and fifty-one.

Read first and second times, and referred to the San Francisco delegation.

Also, for an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one.

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

On motion of Mr. Tilton of San Francisco, the resolution adopted on yesterday, directing the Clerk of the Sergeant-at-Arms to proceed to Sacramento to receipt for the pay of members, was rescinded.

GENERAL FILE.

Senate bill No. 119, an Act to authorize the Board of Supervisors of the County of San Joaquin to issue certain bonds, and to provide for the payment of the principal and interest thereof—recommitted to the San Joaquin delegation.

Assembly bill No 157, an Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one—ordered engrossed

Assembly bill No. 117, an Act to amend an Act amendatory of and to extend the provisions of an Act entitled an Act to amend an Act to exempt the homestead and other property from forced sale in certain cases, approved April twenty-fourth, eighteen hundred and sixty-one.

Mr. McCullough moved to indefinitely postpone the bill.

Mr. Worthington moved the previous question.

Sustained.

On the motion to postpone, Messrs. Collins, Reed, and Matthews, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Avery, Bigelow, Cot, Dana, Dore, Fay, Hillyer, Irwin, Jackson, Leach, Loewy, McCullough, Pemberton, Sears, Smith of Sierra, Werk, Wright, and Zuck—18

NOES—Messrs. Amerige, Barton of San Bernardino, Bell, Brown, Collins, Cunnard, Dean, Dennis, Dow, Dudley of Solano, Frazier, Gordon, Griswold, Hoag, Hoffman, Lane, Maclay, Matthews, Meyers, Moore, O'Brien, Orr, Parker, Printy, Reed, Reese, Reeve, Sargent, Saul, Scaton, Shannon, Smith of Fresno, Teegarden, Thompson of Tehama, Thornbury, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Waddell, Warwick, Watson, Wilcoxon, Woodman, and Worthington—44.

The bill was ordered engrossed.

Assembly bill No. 133, an Act to provide for the appointment of Notaries Public, and defining their duties.

Amendments adopted.

On its engrossment, Messrs. Dudley of Placer, Griswold, and Thornbury, demanded the ayes and noes, and the bill was ordered engrossed, by the following vote:

AYES—Messrs. Amerige, Avery, Bell, Bigelow, Brown, Collins, Cot,

Dana. Dean, Dore, Dow. Dudley of Solano, Fay, Frazier. Gordon, Hillyer, Hoag, Irwin, Jackson, Kendall, Lane, Leach, Loewy, Machin, Maclay, McCullough, Meyers, O'Brien, Orr. Parker, Printy, Reed, Reese, Reeve, Sargent. Saul, Sears. Smith of Sierra, Teegarden. Thompson of San Joaquin, Thornbury, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Warwick, Worthington, Wright, Yule, Zuck, and Mr Speaker—50.

NOES—Messrs. Ames, Barton of San Bernardino. Dennis, Matthews, Pemberton, Smith of Fresno, Thompson of Tehama. Waddell, Watson, Wilcoxon, and Woodman—11.

Assembly bill No. 45, an Act to authorize the Guardian of certain minor children to convey their real estate—was read third time, and passed.

Senate bill No. 90, an Act to fix the salary of the County Judge of Solano County—was laid on the table

Assembly bill No. 170, an Act amendatory of and supplementary to an Act for the preservation of trout—was read third time, and passed.

Assembly bill No. 91, an Act to authorize the parties therein named to construct and maintain a wharf—amendment adopted, and ordered engrossed.

Senate bill No. 184, an Act to authorize the Governor of this State to convey certain lands—was read third time, and passed.

Senate bill No. 13, an Act for the payment of expenses incurred in the suppression of Indian hostilities in the County of Humboldt, in this State—was considered in Committee of the Whole, reported and recommended, read third time, and passed

At seven minutes past four o'clock, P. M., on motion of Mr. Morrison, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, March 7th, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.
Journal of yesterday read and approved.

PETITIONS.

Mr. Benton presented a petition of three hundred and twenty-two citizens of San Francisco, for a continuance of the Sunday Law, with amendments.

Referred to Committee on Public Morals

Mr. Machin presented a petition of citizens of Stanislaus County, against the law relating to the county seat.

REPORTS.

Mr. Maclay, from the Committee on Claims, made the following report:

Mr. SPEAKER:—The Committee on Claims, to whom was referred Senate bill No 127, entitled an Act to pay the Board of Managers of the State Institution for the Indigent Deaf. Dumb, and Blind, have had the same under consideration, and respectfully report, that, in our judgment, it ought to pass;

Also, Assembly bill No. 203, entitled an Act to pay the claim of William P. Michener, have maturely considered the same, and a majority respectfully report it back, without amendment, with our recommendation that it pass.

MACLAY, for Committee.

Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined Assembly bills as follows, and report them correctly engrossed, viz.:

Assembly bill No. 99, an Act to divide the Eleventh Judicial District of this State, and reorganize the Sixth;

Assembly bill No. 101, an Act to authorize the Board of Supervisors of the County of Contra Costa to transfer surplus moneys remaining in the Gilman Judgment Fund of the said county;

Assembly bill No. 124, an Act to prevent certain animals from running at large in Napa City;

Assembly bill No. 151, an Act to grant the right to construct a turnpike road between the Town of Sonora, in Tuolumne County, and the Town of Aurora, in Mono County;

Assembly bill No. 165, an Act for the relief of William D. Shirley and others

LOEWY, Chairman.

Mr. Benton, from the Committee on Public Morals, made the following report:

Mr. SPEAKER:—The Committee on Public Morals report a substitute for Assembly bill No. 184, an Act to prohibit the game of props. The substitute proposes to amend section first of the general law against gaming, so as to include the game of props. The Committee believe that the penalties of the general law, though not so severe as those proposed in bill No 184, are yet sufficient to prohibit it, and they recommend the passage of the substitute;

Also, report back Assembly bill No. 232, an Act to change name of Anna Eliza Weir, and recommend its passage.

BENTON, Chairman.

Mr. Dudley of Solano, from the Committee on Swamp and Overflowed Lands, made the following report:

Mr. SPEAKER:—The Committee on Swamp and Overflowed Lands, to whom was referred Assembly bill No. 220, have had the same under con-

sideration, and respectfully report the same back, and recommend that it pass, as amended.

DUDLEY, Chairman.

Mr. Dean made the following report:

Mr. SPEAKER:—The Sacramento and El Dorado delegations, to whom was referred Assembly bill No. 183, entitled an Act to authorize the Board of Supervisors of El Dorado County to lease the Sacramento and El Dorado wagon road for a term of years, have had the same under consideration, and beg leave to report the same back, with amendments, and respectfully recommend its passage, as amended.

DEAN, for Committee.

Mr. Fay, from the Committee on Retrenchment, made the following report:

Mr. SPEAKER:—The Committee on Retrenchment have had under consideration Assembly bill No. 168, entitled an Act to fix the compensation of the County Judge of Nevada County. They hereby report the bill back, and respectfully recommend its passage.

FAY, Chairman.

Mr. Reeve made the following report:

Mr SPEAKER:—The San Francisco delegation, to whom was referred Assembly bill No 180, an Act to authorize the Board of Supervisors of the City and County of San Francisco to appropriate the sum of thirteen hundred dollars to Volunteer Engine, No 7, of said city and county, have had the same under consideration, report it back, and recommend its passage.

REEVE, for Delegation.

Mr. Printy, by leave, introduced the following resolution:

Resolved, that two members be added to the Select Committee on the Lien Law.

Adopted

The Speaker appointed Messrs. Parker and Leach on such committee

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 6th, 1862

Mr. SPEAKER:—The Senate to-day refused to concur in Assembly amendments to Senate bill No. 68, an Act to authorize the rebinding of books of the State Library

DELOS J. HOWE,
Assistant Secretary.

The House refused to recede from its amendment to Senate bill No. 68, above reported, and Messrs. Ames, Shannon, and Tilton of San Francisco, were appointed a Committee of Free Conference.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Griswold, for an Act to repeal an Act entitled an Act creating the Sixteenth and Seventeenth Judicial Districts of this State, and providing for the holding of Courts therein, approved January twenty-seventh, eighteen hundred and fifty-nine, so far as said Act relates to the Counties of Amador and Calaveras; and to reattach said counties to the Fifth Judicial District.

By Mr. Cot, for an Act to amend an Act to incorporate the City of Monterey;

Also, for an Act to establish the boundary line between the Counties of Monterey and San Luis Obispo

By Mr Parker, for an Act to repeal an Act to provide for the appointment of Commissioners in equity, approved April seventeenth, eighteen hundred and sixty one

By Mr. Campbell, for an Act for the maintenance and government of the State Prison.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr O'Brien, for an Act to repeal an Act entitled an Act to authorize the Supervisors of Calaveras County to levy a special tax, and to provide for building a bridge in said county, approved April fifteenth, eighteen hundred and sixty-one, and to dispose of the fund accumulated under said Act.

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

By Mr. Ames, for an Act to regulate the fees of the County Surveyor of Napa County.

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

By Mr. Wright, for an Act to authorize the Board of Supervisors of Klamath County to levy a special tax, and create a Redemption Fund for the payment of county indebtedness

Read first and second times, and placed on file.

By Mr Dudley of Placer, for an Act to amend an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.

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

By Mr Maclay, for an Act amendatory of and supplementary to an Act entitled an Act amendatory of an Act entitled an Act for the government and protection of Indians, passed April twenty-second, eighteen hundred and fifty, approved April eighteenth, eighteen hundred and sixty.

Read first and second times, and referred to the Committee on Indian Affairs

By Mr Orr, for an Act to provide for the construction of a turnpike road in Mono County.

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

Also, for an Act concerning the foundation of academies, and their support by the counties in which they are situated.

Read first and second times, and referred to the Committee on Education

By Mr. Sargent, for an Act supplementary to and amendatory of an Act entitled an Act to amend an Act entitled an Act to authorize the formation of corporations for the construction of plank or turnpike roads, passed May twelfth, eighteen hundred and fifty-three, approved April twenty-eighth, eighteen hundred and fifty-seven

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

GENERAL FILE.

Senate bill No. 97, an Act for the relief of John T. Carey, late Treasurer of Klamath County—considered in Committee of the Whole, reported and recommended, read third time, and passed.

Senate bill No. 87, (substitute) an Act to provide for the construction of a wharf at a point on the southerly bank of the San Joaquin River—was read third time, and passed.

Senate bill No. 167, an Act to amend an Act entitled an Act to fix the terms of the County Court and Court of Sessions of the County of El Dorado, approved April twelfth, eighteen hundred and fifty-nine—was read third time, and passed.

Assembly bill No. 171, an Act to amend an Act entitled an Act concerning District Court Reporters, approved May seventeenth, eighteen hundred and sixty-one—was read third time, and passed.

Assembly bill No 26, an Act to repeal sections four and five of an Act, approved May fourteenth, eighteen hundred and sixty-one, entitled an Act amendatory of and supplementary to an Act entitled an Act concerning marks and brands, passed May first, eighteen hundred and fifty-one—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 176, an Act to authorize the Trustees of the Stockton Rural Cemetery to remove human remains from graveyards in the City of Stockton and vicinity—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 179, an Act concerning the salary and fees of the Coroner of the City and County of San Francisco—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 113, an Act to amend an Act entitled an Act to authorize the Guardian of Minna C. Buchanan to sell and dispose of her real estate and chattels real, passed March fourteenth, eighteen hundred and fifty-six—was recommitted to the Judiciary Committee.

Senate bill No. 135, an Act to enable the Mayor and Common Council of the City of Placerville to pay a certain claim of William J. Lewis against said city—was read third time, and passed.

Assembly bill No. 182, an Act to provide for the election of Supervisors in the County of Napa—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 186, an Act to amend an Act entitled an Act to amend an Act concerning jurors, passed May third, eighteen hundred and fifty-two, approved May sixteenth, eighteen hundred and sixty-one—ordered engrossed.

Assembly bill No. 196, an Act concerning hogs running at large in the County of Solano—ordered engrossed.

Senate bill No. 84, an Act to amend an Act supplementary to an Act to prevent the trespassing of animals on private property, approved March thirty-first, eighteen hundred and fifty-five—read third time, and passed.

Assembly bill No. 85, an Act making an appropriation for the payment

of the claim of J. C. Dougherty for services and sundries furnished the Assembly during seventh session—indefinitely postponed.

Senate bill No. 29, an Act to amend an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, and the several Acts amendatory thereof and supplemental thereto—recommitted to Committee on Corporations

Senate bill No. 163, an Act to provide for the construction of a wagon road from the Town of Visalia, in Tulare County, across the Sierra Nevada Mountains—amendments adopted, read third time, and passed.

Senate bill No. 14, an Act to empower Charles Lindley to sell and convey certain property—referred to the Yuba delegation.

Senate bill No. 158, 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-eighth, eighteen hundred and fifty-one—amended by striking out section four, read third time, and passed

Assembly bill No. 38, an Act to authorize the Administrator of the estate of Joseph B. Wells to sell real estate at private sale—indefinitely postponed.

Assembly bill No. 127, an Act amendatory of an Act entitled an Act to authorize the location of the town site of Crescent City, approved February twelfth, eighteen hundred and fifty-nine—recommitted to Judiciary Committee.

Assembly bill No 159, an Act to annex the County of Contra Costa to the Fourth Judicial District—ordered engrossed.

Assembly bills Nos. 160 and 167, to provide for the reading of Washington's Farewell Address in the public schools of this State—substitute adopted.

Mr. Irwin moved to lay on the table.

Upon which, Messrs. Bell, Shannon, and Bigelow, demanded the ayes and noes, and the bill was laid on the table, by the following vote:

AYES—Messrs. Ames, Avery, Barton of Sacramento, Barton of San Bernardino, Brown, Collins, Cunnard, Dennis, Dow, Eliason, Ferguson, Irwin, Jackson, Kendall, Love, Machin, Matthews, Meyers, O'Brien, Orr, Pemberton, Saul, Sears, Seaton, Shannon, Smith of Sierra, Thompson of San Joaquin, Thornbury, Tilton of San Francisco, Tilton of San Mateo, Warwick, Werk, Wilcoxon, and Woodman—34

NOES—Messrs. Amerige, Bell, Benton, Bigelow, Cot, Dana, Dore, Dudley of Placer, Dudley of Solano, Fay, Frazier, Griswold, Hoag, Leach, Loewy, Maclay, Moore, Morrison, Printy, Reed, Reeve, Sargent, Teegarden, Van Zandt, Waddell, Watson, Worthington, Yule, and Zuck—29.

Assembly bill No. 190, an Act to authorize the Administrator of the estate of Daniel B. Mosby, deceased, to sell and convey real estate—was ordered engrossed.

Assembly bill No. 73, an Act to authorize Horace Cole and his associates to construct a way over waters in the City and County of San Francisco—substitute adopted, read first and second times, and recommitted to the San Francisco delegation.

Assembly bill No. 181, an Act to amend an Act to incorporate the Town of Grass Valley, approved April fifteenth, eighteen hundred and sixty-one—amendments adopted, and ordered engrossed.

Assembly bill No. 36, an Act to authorize Lewis E. Morgan to construct a wharf in Contra Costa County—was ordered engrossed.

The House ordered two hundred and forty copies printed of Assembly bill No. 114.

Mr. Reed, from the Judiciary Committee, made the following minority reports:

Mr SPEAKER:—A minority of the Judiciary Committee, to whom was referred Assembly bill No 145, dissent from the report of the majority, and recommend the passage of the bill, with amendments.

REED,
AVERY.

Mr. SPEAKER:—A minority of the Judiciary Committee, to whom was referred Assembly bill No. 144, beg leave to dissent from the majority report, and recommend its passage

REED,
AVERY.

On motion of Mr Seaton, at fifteen minutes of three o'clock, P. M. the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, March 8th, 1862.

House met pursuant to adjournment.
Speaker in the Chair
Roll called
Quorum present.
Journal of yesterday read and approved.

PETITIONS.

Mr Worthington presented a petition of citizens of Sierra County, against the Sunday Law

Referred to Committee on Public Morals.

Mr. Fay presented a petition of citizens of Sonora, for amendments to the Sunday Law.

Referred to Committee on Public Morals.

REPORTS.

Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and report correctly engrossed, the following bills:

Assembly bill No. 27, an Act to amend an Act entitled an Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, and other Acts amendatory thereto, passed May twentieth, eighteen hundred and sixty-one;

Also, Assembly bill No 117, an Act to amend an Act amendatory of and to extend the provisions of an Act entitled an Act to amend an Act to exempt the homestead and other property from forced sale in certain cases, approved April twenty-fourth, eighteen hundred and sixty-one;

Also, Assembly bill No 133, an Act to provide for the appointment of Notaries Public, and defining their duties;

Also, Assembly bill No. 147, an Act providing for the construction of a public road from Petaluma to Bloomfield, in Sonoma County;

Also, Assembly bill No. 157, an Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one;

Also, Assembly bill No 91, an Act to authorize the parties therein named to construct and maintain a wharf;

Also, Assembly bill No. 182, an Act to provide for the election of Supervisors in the County of Napa.

LOEWY, Chairman.

Mr. Benton, from the Committee on Public Morals, made the following report:

Mr. SPEAKER:—The Committee on Public Morals have considered Senate bill No. 107, an Act concerning evidence in certain cases, report it back, and recommend its passage.

BENTON, for Committee.

Mr Collins, from the Committee on Military Affairs, made the following report:

Mr SPEAKER:—The Committee on Military Affairs, acting in conjunction with the Committee of the Senate, as directed by concurrent resolution, have taken action upon the subject of coast defences, and, after a careful collection of all the information and facts on the subject within their power to procure, have prepared a report, accompanied by bills, which will this day be made in the Senate.

COLLINS, for Committee

Mr. Barton of Sacramento, from the Committee on Ways and Means, made the following report:

Mr. SPEAKER:—The Committee on Ways and Means, to whom was referred Assembly bill No 188, an Act to provide means to pay the indebtedness of Del Norte County to Klamath County, have had the same under consideration, and beg leave to report the same, and recommend its passage, without amendment.

BARTON, Chairman.

Mr. Bell, from the Judiciary Committee, made the following report.

Mr. SPEAKER:—The Judiciary Committee, to whom was referred Assembly bill No 71, an Act amendatory of and supplementary to an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the several Acts amendatory thereof and supplementary thereto, have

had the same under consideration, and report the bill back, and recommend its passage;

Your Committee have also had under advisement Senate bill No. 64, an Act to authorize the Governor of the State of California to convey certain real estate, and report the bill back, and recommend its passage;

Your Committee have also had under advisement Assembly bill No. 207, an Act to legalize the assessment of taxes made in the County of Yolo for the fiscal year ending on the first day of March, eighteen hundred and sixty-two, and report the bill back, with amendments, and recommend its passage as amended;

Your Committee have also had under consideration Assembly bill No. 137, an Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning forcible entries and unlawful detainers, passed April twenty-second, eighteen hundred and fifty, and report the bill back, with a substitute, and recommend the passage of the substitute;

Your Committee have also had under advisement substitute for Senate bill No. 69, an Act for the punishment of contempts and trespasses, and report the substitute back, with amendment that the third and last section be struck out, and recommend its passage as amended;

Your Committee have also had under advisement Assembly bill No. 161, entitled Proposed Amendments to the Constitution, and report the bill back, with recommendation that it do not pass;

Your Committee have also had under advisement Assembly bill No. 107, an Act creating the Eighteenth Judicial District of this State, and providing for the holding of Courts therein, and report the bill back, and recommend its indefinite postponement.

BELL, Chairman.

Mr Yule, from the Committee on Mines and Mining Interests, made the following report:

Mr. SPEAKER:—Your Committee on Mines and Mining Interests, to whom was referred Assembly bill No. 177, an Act to amend an Act, approved May seventeenth, eighteen hundred and sixty-one, entitled an Act to provide revenue for the support of the Government of this State, have had the same under consideration, and report the same back, with amendments, and recommend its passage as amended.

YULE, Chairman.

Mr. Reeve, from the San Francisco delegation, made the following report.:

Mr. SPEAKER:—The San Francisco delegation, to whom was referred Assembly bill No. 163, an Act to authorize the Guardian of Stephen C. Powell to sell and convey certain real estate, report the accompanying substitute, and recommend its passage;

Also, Assembly bill No. 73, and substitute, an Act to authorize Horace Cole, and his associates, to construct a way over waters in the City and County of San Francisco, have had the same under consideration, report them back, and recommend the passage of the substitute.

REEVE, for Delegation.

Mr. Worthington made the following report:

Mr. SPEAKER :—Your Special Committee, appointed to investigate concerning the appointment of one J T. Dorsay, as Clerk of Judiciary Committee of the Assembly, and to whom was referred the resolution presented to this body by Mr. Wright, have carefully examined the matter referred to them, and beg leave to present the following report :

Your Committee have called before them several gentlemen, among whom were, the Chairman of the Judiciary Committee, Mr. Bell ; Messrs. Wright and Avery, of the Judiciary Committee ; Mr. Sedgwick, the Clerk of the Assembly ; Mr. Finnegan, the Clerk of the Sergeant-at-Arms ; Mr. Hill, assignee of said Dorsay ; and Hon. Mr. Barstow, Speaker of the Assembly ; and from the statements made by such gentlemen, your Committee find the facts to be as follows :

That upon the fourteenth day of January last, Mr. Bell, Chairman of the Committee on the Judiciary, gave to the said J. T. Dorsay a certificate, setting forth that he, Bell, had appointed the said Dorsay as Clerk of the Judiciary Committee ; that upon the ——— a resolution passed the Assembly, empowering the Committee on the Judiciary, and some other Committees, to appoint Clerks whenever it became necessary. At the first meeting of the Judiciary Committee after the passage of said resolution, the question of the election of such Clerk was discussed in the Committee, and upon the first ballot being taken, it was found that no election could be had, as the members of the Committee, each having their particular favorites, whom they wished to see elected, could not agree, and thus a factious contest was made for several of the succeeding meetings.

In the meantime two of the members of the Committee volunteered to keep the records of the proceedings of the Committee, which, at the adjournment of each session, were placed in the hands of the Chairman of the Committee, who passed them over to Dorsay, who transcribed them into a book, in which is kept a record of the proceedings of said Committee.

Your Committee also find that all the reports of the Committee on the Judiciary have been made out by the said Dorsay, who, it seems, has performed all the clerical labors of such Committee, with the exception of keeping the rough minutes of the proceedings of the Committee during its sessions.

Your Committee also find that the Chairman of the Judiciary Committee has given a certificate to the Sergeant-at-Arms, that the said Dorsay has performed the duties of Clerk of the Judiciary Committee from the fourteenth of January last until the first of the present month, and that from such certificate the Clerk of the Sergeant-at-Arms has made out his certificate of money due the said Dorsay as per diem for that time ; although it appears in evidence that the Chairman did caution the Clerk of the Sergeant-at-Arms not to draw the certificate for the whole time until it was decided whether he would be entitled to it or not. Unfortunately, however, the certificate was drawn for the whole amount specified in the certificate of the Chairman of the Committee, and the said Dorsay has already disposed of the claim against the State, to third parties.

In consideration of the facts above presented, your Committee have come to the following conclusions in the matter :

First—That although the Chairman of the Judiciary Committee has assumed to himself powers that may not have been accorded to him by the rules of this body, it is the opinion of your Committee that such power was not assumed with the intention of defrauding the State, or of

pecuniarily benefiting any of his personal friends, but only acted from a mistaken idea of his power as Chairman of said Committee

Second—That the course pursued by the Committee, in refusing to elect a Clerk to perform the necessary clerical labors of said Committee, necessarily must have thrown a large amount of labor upon the Chairman of said Committee, unless he had employed assistance.

Third—That as this Assembly did grant to the several more important committees of this body the power to appoint Clerks, and, as it seems by the record of the proceedings of the Committee of the Judiciary, that it was considered necessary by the members of said Committee to have a Clerk, provided each member could have his particular favorite appointed, and also, as it seems, that while the Committee were wrangling over such appointment, Mr. Dorsay was performing the duties of Clerk to said Committee; therefore your Committee recommend that the resolution presented for the consideration of this body by Mr. Wright, be not adopted.

WORTHINGTON,
ORR,
GORDON,
MACLAY,
CAMPBELL.

The report was considered.

Mr Saul moved the previous question.

Sustained.

On the adoption of the report, Messrs Wilcoxon, Dow, and Seaton, demanded the ayes and noes, and the report was adopted, by the following vote:

AYES—Messrs. Amerige, Barton of Sacramento, Barton of San Bernardino, Battles, Benton, Brown, Campbell, Cot, Dana, Dean, Dennis, Dore, Eliason, Fay, Ferguson, Frazier, Griswold, Hillyer, Hoag, Jackson, Lane, Loewy, Machin, Maclay, Meyers, Moore, Orr, Parker, Printy, Reeve, Sargent, Saul, Seaton, Shannon, Smith of Sierra, Thompson of Tehama, Thompson of San Joaquin, Thornbury, Tilton of San Francisco, Van Zandt, Watson, Woodman, Worthington, and Yule—44

NOES—Messrs. Collins, Cunnard, Dow, Leach, Matthews, Pemberton, Sears, Smith of Fresno, Waddell, Wilcoxon, and Wright—11

On motion of Mr Morrison, the vote by which the House, on yesterday passed Senate bill No. 84, an Act to amend an Act supplementary to an Act to prevent the trespassing of animals on private property, approved March thirty-first, eighteen hundred and fifty-five, was reconsidered, and bill referred to delegations from Monterey and San Luis Obispo.

On motion of Mr. Dudley of Solano, Senate bill No. 90, an Act to fix the salary of the County Judge of Solano County, was taken from the table, and placed on file

Mr Sargent made the following report:

Mr. SPEAKER:—The delegation to whom was referred Assembly bill No. 250, have had the same under consideration, respectfully report the same back, and unanimously recommend its passage.

SARGENT for the Delegation.

The rules were suspended, and the bill above reported considered engrossed, read third time, and passed.

Mr. Hoffman offered the following resolution :

Resolved, By the Assembly, That two hundred and forty copies of Professor Whitney's lecture, delivered a few days ago before the members of this House, be printed, for the use of the members of this Legislature.

Adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

SENATE CHAMBER,
March 8th, 1862

Mr. SPEAKER :—The Senate, on March first, eighteen hundred and sixty-two, passed Senate bill No. 109, an Act to provide for the construction of a wharf at a point designated on the southerly bank of the San Joaquin River ;

Also, on the same day passed Senate bill No 147, an Act to amend an Act to provide revenue for the support of the Government of this State ;

Also, on the same day passed Senate bill No 192 an Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one ;

Also, on March seventh passed Senate bill No. 258, an Act to authorize the Attorney-General to employ a Clerk ;

Also, on the same day passed Senate bill No 259, an Act to establish Pounds in the County of Santa Clara ;

Also, on March first passed Senate bill No. 191, an Act to amend an Act entitled an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one ;

Also, on the same day passed Senate bill No. 190, an Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one ;

Also, on the same day passed Senate bill No. 197, an Act to amend section twenty-seven of an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one ;

Also, on the same day passed Senate bill No 227, an Act to authorize José Lorenzo de Jesus Maria Piña to sell real estate.

DELOS J. HOWE,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE

Senate bill No 192, above reported, read first and second times, and referred to Judiciary Committee.

Senate bill No 250, above reported, read first and second times, and referred to Judiciary Committee

Senate bill No 190, above reported, read first and second times, and referred to Judiciary Committee.

Senate bill No. 191, above reported, read first and second times, and referred to Judiciary Committee

Senate bill No. 197, above reported, read first and second times, and referred to Judiciary Committee.

Senate bill No. 109, above reported, read first and second times, and referred to Committee on Commerce and Navigation

Senate bill No. 259, above reported, read first and second times, and referred to Santa Clara delegation

Senate bill No. 147, above reported, read first and second times, and referred to Committee on Ways and Means.

Senate bill No 227, above reported, read first and second times, and referred to Committee on Agriculture.

Assembly bill No. 169, an Act in relation to the militia of the State, was made the special order for March thirteenth, at half past one o'clock, P. M., and ordered printed

Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr SPEAKER:—The Committee on Engrossment have examined Assembly bill No. 190, an Act to authorize the Administrator of Daniel B. Mosby, deceased, to sell and convey real estate, and report the same correctly engrossed.

LOEWY, Chairman.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr Shannon, for an Act to authorize Catharine Myers, Administratrix of the estate of Christopher Myers, deceased, to dispose of real estate at public or private sale.

Read first and second times, and placed on file

By Mr. Dennis, for an Act to license gaming and gaming houses.

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

Also, for an Act amendatory of an Act entitled an Act prescribing Rules for the Government of the State Library.

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

By Mr. Hoffman, for an Act concerning salaries of certain county offices in the County of San Diego.

Read first and second times, and placed on file.

By Mr. Barton of Sacramento, for an Act to amend an Act amendatory of and supplementary to an Act to establish, support, and regulate common schools.

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

By Mr. Machin, for an Act to reincorporate the City of Sonora.

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

By Mr. Cot, for an Act to establish the boundary line between the Counties of Monterey and San Luis Obispo.

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

Also, for an Act to amend an Act, approved March fourteenth, eighteen hundred and fifty-seven, entitled an Act to amend an Act to incorporate the City of Monterey approved May eleventh, eighteen hundred and fifty-three.

Read first and second times, and placed on file.

By Mr. Dudley of Solano, for an Act to amend an Act entitled an Act to repeal the several Acts incorporating the City of Benicia, and to pro-

vide for the government thereof, approved April eighteenth, eighteen hundred and fifty-nine.

Read first and second times, and placed on file.

REPORTS.

Mr. Warwick made the following report:

Mr. SPEAKER:—Your Committee to whom was referred Assembly bill No. 193, an Act concerning fees of certain officers of the City and County of Sacramento, beg leave to report it back, and respectfully recommend its passage.

WARWICK,
FERGUSON.

Mr. Saul made the following report:

Mr. SPEAKER:—A minority of the Sacramento delegation, to whom was referred Assembly bill No 193, respectfully report, that said bill, inasmuch as it provides for setting apart certain fees of certain county officials for the exclusive payment of the salaries of certain county officials and their deputies, thereby making them preferred creditors of the county, and believing that the people of Sacramento County have no desire to make a certain set of men pets in office, to the injury of certain other funds, and thereby doing great injustice to other city and county officers, by reason of diverting said fees from the funds as now justly provided for by law, therefore the undersigned would respectfully recommend the indefinite postponement of the bill.

SAUL.

Mr. Cunnard offered the following resolution:

Resolved, That the Journal Clerk of the Assembly be and he is hereby authorized to appoint an Assistant, at the same per diem as allowed to Journal Clerk.

Mr. Tilton of San Francisco moved to insert the name of R. H. Daley.

Mr. Collins moved to indefinitely postpone.

Mr. Ferguson moved the previous question.

Sustained.

The motion of Mr. Collins was lost

On the adoption of the resolution as amended, Messrs. Wilcoxon, Collins, and Jackson, demanded the ayes and noes, which were taken, with the following result:

AYES—Messrs. Amerige, Ames, Barton of Sacramento, Battles, Bell, Benton, Bigelow, Brown, Cunnard, Dana, Dennis, Dudley of Placer, Dudley of Solano, Eliason, Fay, Ferguson, Frazier, Gordon, Hillyer, Hoag, Leach, Loewy, Maclay, Moore, O'Brien, Orr, Printy, Reeve, Saul, Sears, Seaton, Shannon, Smith of Sierra, Thompson of San Joaquin, Tilton of San Francisco, Warwick, Woodman, Worthington, Zuck, and Mr. Speaker—40.

NOES—Messrs. Collins, Dow, Irwin, Jackson, Matthews, Pemberton, Thornbury, Waddell, Watson, Wilcoxon, Wright, and Yule—12.

So the resolution was adopted.

Mr. Dudley of Placer gave notice of reconsideration.

Mr Seaton offered the *following resolution*:

WHEREAS, under a misapprehension of the facts, a warrant has been drawn by the Sergeant-at-Arms, and signed by the Speaker of this Assembly, in favor of one Dorsay, for the sum of two hundred and thirty-five dollars, therefore

Resolved, That the Controller of State is hereby directed and required not to draw his warrant on the State Treasurer in favor of one Dorsay, for the sum of two hundred and thirty-five dollars, or any other sum of money, for services as Clerk of the Assembly Judiciary Committee.

Mr. Watson moved to lay the resolution on the table.
Carried.

GENERAL FILE

Assembly bill No. 105, an Act to authorize the Administrator of the estate of Francis Tribon to sell real estate at public or private sale—ordered engrossed.

Assembly bill No. 205, an Act to provide for the election of a Superintendent of Common Schools in the County of San Mateo—ordered engrossed.

Assembly bill No. 76, an Act to prohibit actions to recover the possession of real property by virtue of Spanish or Mexican grants, until after a final confirmation of the boundaries of such grant by the proper authorities of the United States

Mr. Bigelow moved to recommit to the Judiciary Committee, with the following special instructions:

"*Provided*, That this Act shall not apply to actions brought for the recovery of real property within this State held under Alcalde grants"

On recommitting, Messrs. Loewy, Cot, and Bigelow, demanded the ayes and noes, and the motion prevailed, by the following vote:

AYES—Messrs. Amerige, Ames, Bigelow, Dow, Dudley of Placer, Dudley of Solano, Ferguson Hoffman, Loewy Machin, McCullough, Meyers, Reese, Reeve, Sargent, Saul, Sears, Seaton, Shannon, Smith of Fresno, Thompson of San Joaquin, Tilton of San Francisco, Warwick, Yule, and Zuck—25

NOES—Messrs Battles, Brown, Collins, Cot, Dean, Dore, Griswold, Hoag, Kendall, Lane, Leach, Maclay, Moore, O'Brien, Pemberton, Printy, Smith of Sierra, Thompson of Tehama, Wilcoxon, Worthington, and Wright—21.

Mr. Bell, from the Judiciary Committee, verbally reported the bill back, with amendment made as specially instructed

Bill was read third time, and amended.

On its passage, Messrs. Dudley of Placer, Leach, and Cot, demanded the ayes and noes, and the bill passed, by the following vote:

AYES—Messrs. Amerige, Ames, Barton of Sacramento, Battles, Bell, Brown, Collins, Dean, Dow, Dudley of Solano, Eliason, Ferguson, Griswold, Hoag, Maclay, Meyers, Moore, O'Brien, Printy, Sargent, Saul, Sears, Shannon, Smith of Sierra, Thompson of San Joaquin, Thornbury, Van Zandt, Waddell, Warwick, Wilcoxon, Wright, Yule, and Zuck—33.

NOES—Messrs. Barton of San Bernardino, Bigelow, Cot, Dana, Dore, Dudley of Placer, Hoffman, Irwin, Jackson, Kendall, Lane, Leach,

Loewy, Machin, McCullough, Pemberton, Reeve, Seaton, Smith of Fresno, Thompson of Tehama, Watson, and Worthington—22.

Mr Battles gave notice of reconsideration

Assembly bill No. 208, an Act legalizing roads in Tuolumne County

Rules suspended, considered engrossed, read third time, and passed.

On motion of Mr. Watson, at half past two o'clock, P. M. the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, March 10th, 1862.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called

Quorum present

Journal of Saturday read and approved.

Messrs. Saul and Warwick had indefinite leave of absence, and Mr. Collins for one day

GENERAL FILE.

Assembly bill No. 210, an Act to repeal an Act entitled an Act to amend an Act entitled an Act concerning the indigent sick in the County of Placer, approved May second, eighteen hundred and sixty-one, and to revive a former Act—rules suspended, considered engrossed, read third time, and passed.

Senate bill No 153, an Act to authorize James Craig, Guardian of the infant heir of Michael Flanigan, deceased, to sell property in Tuolumne County—read third time, and passed.

Senate bill No 194, an Act supplementary to 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, approved April twenty-first, eighteen hundred and fifty-eight—read third time, and passed.

Senate bill No 212, an Act amendatory of an Act to provide for funding the indebtedness of Yuba County, approved March twenty-sixth, eighteen hundred and fifty-seven—read third time, and passed.

Senate bill No. 213, an Act amendatory of an Act authorizing the County of Yuba to take and subscribe two hundred thousand dollars to a railroad company—read third time, and passed.

Senate bill No. 238, an Act to grant to James H. and Charles J. Deering the right to construct and maintain a bridge or bridges across the Tuolumne River—read third time, and passed

Assembly bill No. 99, an Act to divide the Eleventh Judicial District of this State, and to reorganize the Sixth—read third time, and passed.

Assembly bill No 199, an Act amendatory of and supplementary to an Act to provide for the construction of a Macadamized road within the limits of the City and County of San Francisco, which became a law on the twelfth day of April, eighteen hundred and sixty-one—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 97, an Act to authorize Joseph J. Price, and his

associates, to construct and maintain a turnpike road from Cloverdale to Sanel, and to charge and collect tolls for travel thereon—referred to Committee on Roads and Highways

Assembly bill No. 31, an Act to prohibit the keeping open of markets, and the vending of meats, vegetables, or other market products, in the City of San Francisco, on the Sabbath day.

Mr. Reeve moved to lay on the table.

Lost.

Bill recommitted to San Francisco delegation.

Senate bill No. 164, an Act to amend an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty—referred to Judiciary Committee.

Assembly bills Nos. 57 and 78, relative to the militia of the State—were continued until the special order on the military bill.

Assembly bill No. 209, an Act supplementary to and amendatory of an Act to provide for the formation of corporations for certain purposes, passed April thirteenth, eighteen hundred and fifty-three—indefinitely postponed

Senate bill No. 90, an Act to fix the salary of the County Judge of Solano County—amendment adopted

Mr. Fay moved to indefinitely postpone the bill.

Mr. Ames moved the previous question.

Bill read third time, and on its passage, Messrs. Dow, Wilcoxon, and Thompson of San Joaquin, demanded the ayes and noes, and the bill passed, by the following vote:

AYES—Messrs. Ames, Avery, Barton of San Bernardino, Battles, Benton, Bigelow, Cunnard, Dennis, Dore, Dudley of Solano, Eliason, Hillyer, Hoag, Jackson, Lane, Loewy, Machin, Moore, Parker, Pemberton, Printy, Reeve, Sargent, Shannon, Smith of Sierra, Thompson of Tehama, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Watson, Werk, Woodman, and Wright—33.

NOES—Messrs. Amerige, Barton of Sacramento, Campbell, Dana, Dow, Dudley of Placer, Fay, Frazier, Griswold, Irwin, Leach, Maclay, Matthews, McCullough, Meyers, O'Brien, Reed, Sears, Seaton, Smith of Fresno, Thompson of San Joaquin, Thornbury, Waddell, Wilcoxon, and Zuck—25.

REPORTS.

Mr Meyers made the following report:

Mr SPEAKER:—Your Committee to whom was recommitted Senate bill No. 119, an Act to authorize the Board of Supervisors of the County of San Joaquin to issue certain bonds, and to provide for the payment of the principal and interest thereof, have had the same under consideration, and report it back, with appended amendments, and recommend its passage, as amended.

JOHN THOMPSON,
SAMUEL MEYERS.

Mr. Moore, from the Committee on Agriculture, made the following report:

Mr. SPEAKER:—Your Committee on Agriculture, to whom was re-

ferred Senate bill No. 227, have had said bill under consideration, and beg leave to report the same back, and recommend its passage.

MOORE, Chairman,
TILTON of San Mateo,
AMES.

Mr. Jackson made the following report:

Mr. SPEAKER:—The Yuba delegation, to whom was referred Senate bill No. 14, an Act to empower Charles Lindley to sell personal property and real estate, report the same back, and recommend its passage

JACKSON, for the Delegation.

Mr. Zuck made the following report:

Mr. SPEAKER:—The Santa Clara delegation, to whom was referred Senate bill No. 259, an Act to establish Pounds in the County of Santa Clara, have had the same under consideration, report the bill back, and recommend its passage.

ZUCK.

Mr. Barton of Sacramento, from the Committee on Ways and Means, made the following report:

Mr. SPEAKER:—The Committee on Ways and Means, to whom was referred Assembly bill No 75, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May ninth, eighteen hundred and sixty-one, have had the same under consideration, and beg leave to report the same back, with amendments, and recommend its passage.

BARTON of Sacramento, Chairman.

Mr. Machin, from the Tuolumne and Mono delegation, made the following report:

Mr. SPEAKER:—The Tuolumne and Mono delegation, to whom was referred Assembly bill No 211, an Act to district the County of Tuolumne into Supervisor Districts, have had the same under consideration, and would respectfully report the same back, with an amendment, and recommend its passage.

MACHIN, for Delegation.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 8th, 1862.

Mr. SPEAKER:—The Senate on this day concurred in Assembly amendments to Senate bill No. 118, an Act concerning roads and highways in the County of Alameda;

Also, concurred in Assembly amendments to Senate bill No. 163, providing for the construction of a wagon road in Tulare County;

Also, concurred in Assembly amendments to Senate bill No. 158, an Act amendatory of an Act regulating proceedings in civil cases, passed April twenty-eighth, eighteen hundred and fifty-one.

DELOS J. HOWE,
Assistant Secretary.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Fay, for an Act to organize townships and regulate their powers and duties.

Read first and second times placed on file and ordered printed.

By Mr. Hillyer, for an Act in relation to the militia of the State.

Read first and second times, made special order for Thursday, at half past one o'clock, P. M., and ordered printed

By Mr. Griswold, for an Act concerning trade marks

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

By Mr. Barton of San Bernardino, for an Act to authorize the construction of a wagon road from the City of San Bernardino, through Devil Cañon, to the Mohave River, in San Bernardino County

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

Also, for an Act for the repeal of an Act, approved May seventeenth, eighteen hundred and sixty-one, entitled an Act supplementary to an Act entitled an Act to provide for the collection of delinquent taxes in the County of San Bernardino, approved March twenty-ninth, eighteen hundred and sixty-one

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

GENERAL FILE RESUMED

Assembly bill No. 163, an Act to authorize the Guardian of Stephen C. Powell to sell and convey certain real estate—substitute adopted, and ordered engrossed

Assembly bill No 71, an Act amendatory of and supplementary to an Act to regulate proceedings in civil cases—was ordered engrossed.

Assembly bill No. 194, an Act making an appropriation for the payment of the per diem and mileage of Presidential Electors—was ordered engrossed.

Assembly bill No 221, an Act legalizing the assessment roll of the City of Los Angeles—was ordered engrossed

Assembly bill No. 229, an Act to regulate the fees of officers in the County of Sonoma—was ordered engrossed.

Assembly bill No. 230, an Act to amend an Act entitled an Act to regulate the fees of certain officers, witnesses and jurors in the County of El Dorado, approved April nineteenth, eighteen hundred and fifty-nine—was ordered engrossed.

Assembly bill No. 67, an Act to authorize and empower William H. Kelly to construct and maintain booms on Gaspar creek, in Mendocino County—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 216, an Act to amend the charter of the City of Petaluma—rules suspended considered engrossed, read third time, and passed

Assembly bill No 225, an Act to regulate the proceedings of the Board of Supervisors of the County of San Diego, and to define their duties—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 226, an Act concerning the duties of the Treasurer of the County of San Diego—recommitted to the San Diego delegation.

Assembly bill No. 233, an Act amendatory of the Act relative to exempt Firemen—referred to the Committee on Ways and Means.

On motion of Mr. Shannon, the Constitutional Amendments were made the special order for Friday, March fourteenth, at half past one o'clock, P. M.

At fifty minutes past two o'clock, P M., on motion of Mr. Shannon, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, March 11th, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.
Journal of yesterday read and approved.

GENERAL FILE.

Assembly bill No. 75, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of the State, approved May ninth, eighteen hundred and sixty-one—amendments adopted, and bill ordered engrossed.

Assembly bill No 77, an Act to provide revenue for the support of the Government of this State, from a tax upon foreign and inland bills, passengers, insurance companies, and other matters—amendments adopted, and bill ordered engrossed.

Assembly bill No. 27, an Act to amend an Act entitled an Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, and other Acts amendatory thereto, passed May twentieth, eighteen hundred and sixty-one—read third time, and passed.

Assembly bill No. 91, an Act to authorize the parties therein named to construct and maintain a wharf—read third time, and passed.

Assembly bill No. 117, an Act to amend an Act amendatory of and to extend the provisions of an Act entitled an Act to amend an Act to exempt the homestead and other property from forced sale in certain cases, approved April twenty-fourth, eighteen hundred and sixty-one

Mr. Wright moved to indefinitely postpone the bill.

Upon which, Messrs Wilcoxon, Reed, and Bell, demanded the ayes and noes, and the House refused to postpone indefinitely, by the following vote:

AYES—Messrs Avery, Battles, Bigelow, Brown, Dow, Dudley of Placer, Dudley of Solano, Hillyer, Jackson, Kendall, Leach, Loewy, Love, Machin, Maclay, McCullough, Orr, Sears, Smith of Sierra, Thompson of San Joaquin, Warwick, and Wright—22.

NOES—Messrs Amerige, Ames, Barton of San Bernardino, Bell, Dean, Dennis, Ferguson, Frazier, Griswold, Hoag, Hoffman, Lane, Matthews, Meyers, Moore, O'Brien, Parker, Printy, Reed, Reeve, Sargent, Saul,

Seaton, Shannon, Smith of Fresno, Thompson of Tehama, Thornbury, Tilton of San Francisco, Tilton of San Mateo, Waddell, Watson, Werk, Wilcoxon, Woodman, Worthington, and Yule—36.

The bill was read a third time.

On the question, "Shall the bill pass?" Messrs. Bell, Seaton, and Hillyer, demanded the ayes and noes, which were taken, with the following result:

AYES—Messrs. Amerige, Ames, Barton of San Bernardino, Bell, Dean, Dennis, Ferguson, Frazier, Griswold, Hoag, Hoffman, Lane, Matthews, Meyers, Moore, Morrison, O'Brien, Parker, Printy, Reed, Reeve, Sargent, Saul, Seaton, Shannon, Smith of Fresno, Thompson of Tehama, Thornbury, Tilton of San Francisco, Tilton of San Mateo, Waddell, Warwick, Watson, Werk, Wilcoxon, Woodman, and Yule—37.

NOES—Messrs. Avery, Battles, Benton, Bigelow, Cot, Dow, Dudley of Placer, Dudley of Solano, Hillyer, Kendall, Leach, Loewy, Love, Machin, Maclay, McCullough, Orr, Sears, Thompson of San Joaquin, and Wright —20.

And so the bill was passed.

A communication was received from the Controller, and two hundred and forty copies ordered printed.

PETITIONS.

Mr. Ames presented a petition of citizens of Mendocino County, for repeal of Sheep Law.

Mr. Cot presented a petition of citizens of Monterey, for repeal of Sunday Law.

Referred to Committee on Public Morals.

Mr Love presented a petition of citizens of Sierra County, for amendment of Sunday Law.

Referred to Committee on Public Morals.

Mr. Cot presented a petition of citizens of Monterey, for amendment of Sunday Law.

Referred to Committee on Public Morals

Mr. Benton presented a petition of citizens of Sacramento, relative to county officers.

Referred to Sacramento delegation

Mr. Saul presented a petition of citizens of Sacramento, relative to fences

Referred to Sacramento delegation.

Mr. Hoag presented a petition of citizens of Yolo County, relative to fences.

Referred to Committee on Agriculture.

REPORTS.

Mr. Brown, from the Committee on Roads and Highways, made the following report:

Mr. SPEAKER:—Your Committee on Roads and Highways, to whom was referred Assembly bills Nos. 97, 263, and 217, beg leave to report favorably, and recommend their passage.

BROWN, for Committee.

Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined the following bills, and report them correctly engrossed, viz:

Assembly bill No. 26, an Act to repeal sections four and five of an Act, approved May fourteenth, eighteen hundred and sixty-one, entitled an Act amendatory of and supplementary to an Act entitled an Act concerning marks and brands, passed May first, eighteen hundred and fifty-one;

Assembly bill No. 105, an Act to authorize the Administrator of the estate of Francis Tribon to sell real estate at public or private sale;

Assembly bill No. 159, an Act to annex the County of Contra Costa to the Fourth Judicial District;

Assembly bill No 176, an Act to authorize the Trustees of the Stockton Rural Cemetery to remove human remains from graveyards in the City of Stockton and vicinity;

Assembly bill No. 179, an Act concerning the salary and fees of the Coroner of the City and County of San Francisco;

Assembly bill No. 181, an Act to amend an Act to incorporate the Town of Grass Valley, approved April fifteenth, eighteen hundred and sixty-one;

Assembly bill No. 196, an Act concerning hogs running at large in the County of Solano;

Assembly bill No. 208, an Act legalizing roads in Tuolumne County;

Assembly bill No. 250, an Act supplementary to and amendatory of an Act entitled an Act to amend an Act entitled an Act to authorize the formation of corporations for the construction of plank or turnpike roads, passed May twelfth, eighteen hundred and fifty-three, approved April twenty-eighth, eighteen hundred and fifty-seven;

Assembly bill No. 205, an Act to provide for the election of a Superintendent of Common Schools in the County of San Mateo.

LOEWY, Chairman.

Mr Fay, from the Committee on Commerce and Navigation, made the following report:

Mr. SPEAKER:—The Committee on Commerce and Navigation have had under consideration Senate bill No. 109, entitled an Act to provide for the construction of a wharf at a point designated upon the southerly bank of the San Joaquin River;

Also, Assembly bill No. 218, entitled an Act to authorize and empower Frederick Brown to construct and maintain booms and piers on Garcia creek, in the County of Mendocino.

We hereby report the same back, and respectfully recommend their passage.

FAY, Chairman.

Mr. Reeve, from the San Francisco delegation, made the following report:

Mr. SPEAKER:—The San Francisco delegation, to whom was referred Assembly bill No. 40, an Act for the relief of William P. Sayward, have had the same under consideration, report it back, and recommend its passage.

REEVE, for the Delegation.

Mr Brown, from the Committee on Enrolment, made the following report:

Mr SPEAKER:—Your Committee on Enrolment have examined, and found correctly enrolled, the following Assembly concurrent resolutions:

Concurrent resolution No 1, appointing a committee of three from each House to wait on the Governor, and inform him of the organization of the Legislature, and that they are ready to receive any communication he may be pleased to make;

Also, concurrent resolution No. 6, in relation to the establishment of a daily mail between Carson, Nevada, and Aurora, California;

Also, concurrent resolution No. 14, concerning the distribution of printed bills;

Also, concurrent resolution No. 20, relative to bids for the translation of the laws into Spanish;

Also, concurrent resolution No. 18, relative to adjourning *sine die*;

Also, concurrent resolution No. 10, relative to a tri-weekly mail route between Sacramento and Lancha Plana, and the establishment of a post office;

Also concurrent resolution No. 15, relative to a committee to visit the vineyard of Colonel Haraszthy;

Also, concurrent resolution No. 19, relative to leave of absence to the County Clerk of Shasta County;

Also, concurrent resolution No. 13, concerning leave of absence to I. C McQuaid, District Attorney of Sutter County;

Also, concurrent resolution No 16, relative to a committee to wait on the State Geologist;

And this day, March eleventh, eighteen hundred and sixty-two, delivered the same to the Secretary of State

BROWN, for the Committee.

Mr. Watson made the following report:

Mr. SPEAKER:—The delegation from Los Angeles, to whom was referred Assembly bill No 100, report the same back to the House, with amendments, and recommend its passage

WATSON,
MORRISON.

Mr. O'Brien made the following report:

Mr. SPEAKER:—The Calaveras delegation, to whom was referred Assembly bill No. 245, an Act to repeal an Act entitled an Act to authorize the Board of Supervisors of Calaveras County to levy a special tax and to provide for building a bridge in said county, approved April fifteenth, eighteen hundred and sixty-one, and to dispose of the fund accumulated under said Act, have had the same under consideration, report it back, with amendments, and recommend its passage, as amended.

O'BRIEN, for the Delegation.

The rules were suspended the amendments to the bill above reported adopted bill considered engrossed, read third time, and passed

Mr. Morrison made the following report:

Mr. SPEAKER:—Your Committee to whom was referred that part of

Governor Downey's Message, relating to the balance due on account of Indian War Debt, report:

That they find that there is now outstanding about two hundred and twenty thousand dollars of the old Indian War Debt, consisting of war bonds, coupons, etc., for the payment of which the faith and credit of the State has been pledged, as will appear by an Act passed May second, eighteen hundred and fifty-two, and other Acts supplementary thereto, under which said bonds were issued.

That said bonds become due and payable on the second day of May, eighteen hundred and sixty-two, and no provision has been made for the payment thereof

That they have conferred with some of the holders of the aforesaid indebtedness, who claim they are entitled to the money, when the same becomes due; but knowing that, from the present condition of State finances it is impossible to meet this indebtedness with cash, they are willing to accept bonds of the State therefor.

That your Committee recommend, as the best mode of settling the aforesaid indebtedness, that bonds of the State be issued, drawing interest at the rate of seven per centum per annum, payable in ten or twenty years, or out of any appropriation that may be made by the Federal Government before the lapse of said term, and respectfully submit the accompanying Act, for that purpose, for your consideration.

MORRISON,
MACHIN,
McCULLOUGH,
HILLYER,
WORTHINGTON,
Special Committee.

The bill above reported was read first and second times, referred to the Committee on Ways and Means, with instructions to report at an early day, and ordered printed.

Mr Barton of Sacramento, from the Committee on Ways and Means, made the following report:

Mr Speaker:—The Committee on Ways and Means, to whom was referred substitute for Senate bill No. 147, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one, have had the same under consideration, and beg leave to report the same, and recommend its passage, without amendment.

BARTON, Chairman.

Mr Kendall verbally reported a substitute for Assembly bill No. 224, an Act relative to certain outstanding warrants of Tuolumne County.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

Senate Chamber,
March 11th, 1862

Mr. Speaker:—The Senate, on March first, eighteen hundred and sixty-two, passed Senate bill No. 208, an Act to authorize Joshua Hendy

and R. G. Byxbee to construct booms on the Navarro River, in Mendocino County;

Also, on March third passed Senate bill No. 165, an Act concerning roads and highways in the County of Mariposa;

Also, on March fourth passed Senate bill No. 237, an Act relative to the construction of a wharf at the mouth of the Navarro River, in Mendocino County;

Also, on March seventh passed Senate bill No. 178, an Act relative to the segregation and reclamation of the Swamp and Overflowed Lands of this State;

Also, on March eighth passed Senate bill No. 67, an Act to provide for an Attorney and Counsellor in and for the City and County of San Francisco;

Also, on March eighth passed Assembly bill No. 148, relative to hogs found running at large in certain counties in this State;

Also, on March tenth passed Assembly bill No. 24, to admit William Pierson as an Attorney and Counsellor to the Supreme Court;

Also, on March tenth passed Senate bill No. 226, an Act relative to fees of office in certain counties of this State;

Also, on same day passed Senate bill No. 253, an Act relative to the fire department of San Francisco;

Also, on same day passed Senate bill No. 180, an Act to repeal an Act for the protection of actual settlers;

Also, on same day amended and passed Assembly bill No. 121, an Act to provide for Public Administrators in certain counties of this State;

Also, on same day passed Senate bill No. 207, an Act to amend an Act to regulate proceedings in civil cases, passed April twentieth, eighteen hundred and fifty-seven;

Also, on same day passed Senate bill No. 200, an Act making an appropriation for the payment of the claim of James Whitney and others;

Also, on same day passed Senate bill No. 172, an Act for the relief of purchasers of Swamp and Overflowed, Salt Marsh, and Tide Lands;

Also, on same day passed Senate bill No. 268, an Act granting certain privileges to the citizens of Grass Valley;

Also, on same day passed Assembly bill No. 122, an Act to authorize the Board of Supervisors of Calaveras County to issue certain bonds;

Also, on March seventh passed Senate bill No. 26, an Act amendatory of and supplementary to an Act to provide revenue for the support of the Government of this State, approved April twenty-fifth, eighteen hundred and fifty-seven.

DELOS J. HOWE,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate bill No. 205, above reported, read first and second times, and referred to Committee on Commerce and Navigation.

Senate bill No. 237, above reported, read first and second times, and referred to Committee on Commerce and Navigation.

Senate Bill No. 165, above reported, read first and second times, and referred to Mariposa delegation.

Senate bill No. 67, above reported, read first and second times, and placed on file.

Senate bill No. 178, above reported, read first and second times, and placed on file.

Senate bill No. 253, above reported, read first and second times, and placed on file.

Senate bill No. 226, above reported, read first and second times, and referred to the Committee on Retrenchment and Reform.

The House concurred in Senate amendment to Assembly bill No. 121, above reported

Senate bill No. 207, above reported, read first and second times, and referred to Judiciary Committee.

Senate bill No. 180, above reported, read first and second times, and referred to Judiciary Committee.

Senate bill No. 200, above reported, read first and second times, and referred to Committee on Claims.

Senate bill No. 172, above reported, read first and second times, and referred to Committee on Swamp and Overflowed Lands.

Senate bill No. 268, above reported, read first and second times, and referred to Nevada delegation.

Senate bill No. 261, above reported, read first and second times, rules suspended, read third time, and passed.

Mr. Shannon gave notice of a reconsideration.

NOTICES OF BILLS.

Notices of the introduction of bills were given as follows:

By Mr. Bigelow, for an Act authorizing the Supervisors of the City and County of San Francisco to sell at public auction the right, title, and interest of said city, or city and county, to certain lands, and to convey the same.

By Mr O'Brien, for an Act granting to M G. Sawyer, his associates and assigns, the right to construct a bridge across the South Fork of the Mokelumne River, in Calaveras County;

Also, for an Act to amend an Act entitled an Act abolishing the office of County Assessor, and establishing the office of Township Assessors, in the County of Calaveras, approved April twenty-eighth, eighteen hundred and sixty, and to define their duties, and the duties of the other officers connected with the collection and disbursement of the revenue of said county more clearly.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr Watson, for an Act concerning the office of District Attorney of Los Angeles County.

Read first and second times, and referred to the San Diego delegation.

Also, for an Act to authorize Feliciana Girado de Tapia to sell the real estate of her deceased husband.

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

By Mr. Shannon, for an Act to provide for arranging and indexing the papers in the office of the Secretary of State of this State

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

By Mr. Hoag, for an Act regulating actions affecting titles or possession of real estate.

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

By Mr. Hillyer, for an Act to authorize Robert G. Arthur to construct a Macadamized road.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Campbell, for an Act to provide for the maintenance and government of the State Prison of this State

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

By Mr. Worthington, for an Act in relation to lands in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

Also, for an Act to quiet land titles in the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

By Mr. Hillyer, for an Act to authorize the County of Placer to loan its credit

Read first and second times, and referred to the Placer delegation

By Mr. Yule, for an Act to provide for the survey of Placer County.

Read first and second times, and referred to the delegations from Placer and El Dorado.

Mr. Ames made the following report:

Mr SPEAKER:—The Committee of Free Conference, appointed on the disagreeing vote of the two Houses on substitute for Senate bill No 68, recommend the adoption of the following proviso to section two of said bill, in lieu of the Assembly amendment: "Provided, the same shall not exceed five hundred dollars"

AMES.
Chairman of Assembly Committee
DENVER.
Chairman of Senate Committee

Adopted.

FURTHER MESSAGE FROM THE SENATE

The following message was received from the Senate:

SENATE CHAMBER.
March 11th, 1862

Mr. SPEAKER:—The Senate have this day passed, by the necessary constitutional vote, Senate bill No 152 an Act to transfer certain funds, notwithstanding the objections of the Governor.

DELOS J HOWE,
Assistant Secretary

The bill above reported, was taken up

On the question: "Shall the bill pass, notwithstanding the objections of the Governor?" Messrs. Saul Meyers, and Warwick, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Ames, Avery, Benton, Brown, Campbell, Collins, Cot, Cunnard, Dana, Dean, Dore Dow, Eliason, Frazier, Gordon, Griswold, Hillyer, Hoffman, Irwin, Jackson, Lane, Leach, Love, Maclay, Matthews, Moore, O'Brien, Orr, Parker, Reed, Reeve, Sargent, Sears, Seaton, Thomp-

son of Tehama, Thornbury, Tilton of San Francisco, Van Zandt, Waddell, Watson, Werk, Woodman, and Wright—43.

Noes—Messrs. Amerige, Dennis, Dudley of Placer, Hoag, Kendall, Loewy, Machin, Meyers, Pemberton, Saul, Shannon, Warwick, Wilcoxon, Worthington, and Yule—15.

At five o'clock, P. M., on motion of Mr. Ames, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, March 12th, 1862

House met pursuant to adjournment.

Speaker in the Chair

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. O'Brien moved to reconsider the vote by which the House on yesterday passed Senate bill No 261, an Act to amend an Act amendatory of and supplementary to an Act to provide revenue for the support of the Government of this State, approved April twenty-fifth, eighteen hundred and fifty-seven.

Carried.

Mr. O'Brien moved to recommit the bill to the San Francisco delegation, with the following special instructions:

In Section 1 Amend by striking out the word "third," and inserting the word "two," in first line

"Sec 3. This Act shall apply only to the City and County of San Francisco"

Carried

GENERAL FILE

Assembly bill No. 124, an Act to prevent certain animals from running at large in Napa City—read third time, and passed.

Assembly bill No 159, an Act to annex the County of Contra Costa to the Fourth Judicial District—read third time, and passed.

Mr. Reeve, from the San Francisco delegation, made the following report:

Mr. SPEAKER:—The San Francisco delegation, to whom was referred Senate bill No 261, report the same back, with two amendments, and recommend its passage

REEVE, for Delegation

The bill above reported was taken up, amendments adopted, read third time, and passed.

GENERAL FILE RESUMED.

Assembly bill No. 157, an Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of

the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one—read third time, and passed.

Assembly bill No 190, an Act to authorize the Administrator of the estate of Daniel B. Mosby, deceased, to sell and convey real estate—read third time, and passed.

Senate bill No 169, an Act to submit the location of the county seat of Stanislaus County to the qualified electors thereof—read third time, and passed.

Senate bill No. 170, an Act concerning the sale of certain school lands in Tulare County—read third time, and passed.

Senate bill No. 4, an Act to authorize William McInturf and associates to construct a wharf, mooring piles, and a chute, or dry sluice, at Port McInturf, in Mendocino County—amendments adopted, read third time, and passed, and title amended.

Senate bill No. 203, an Act to authorize the officers of Visalia Lodge of Free and Accepted Masons to sell and convey certain property belonging to said Lodge—read third time, and passed.

Assembly bill No. 203, an Act to pay the claim of William P Michener—considered in Committee of the Whole, reported and recommended, rules suspended, considered engrossed, read third time, and passed.

Mr. Dudley of Placer made the following report on the preceding bill:

Mr. SPEAKER:—A minority of the Committee on Claims, to whom was referred Assembly bill No. 203, dissent from the report of the majority of the Committee recommending the passage of said bill, and ask to present this their minority report:

The said bill appropriates the sum of four thousand and seventy-two dollars and fifty-one cents to pay W. P. Michener for material furnished and labor done in fitting up the Supreme Court rooms. It appears from the evidence before the Committee, that the Sheriff of the County of Sacramento, acting under the direction of Chief Justice Field and Associate Justice Cope, employed Mr. Michener to perform the labor and furnish the material for refitting the said Court rooms. There was also produced before the Committee a bill of items of the materials furnished, accompanied by proper vouchers, and from the very liberal, if not extravagant quantity, and the exceedingly variegated if not gaudy character of the material therein set forth, we cannot hesitate to conclude that the Supreme Court rooms aforesaid have been refitted and furnished in a style of magnificence only equalled by regal splendor.

In order that the Assembly be enabled to act intelligently, we deem it proper to state that the said bill was submitted to the Board of Examiners, composed of His Excellency the Governor, the Secretary of State, and the Attorney-General, and its payment recommended in full. The Board also saw proper to state their conclusions in a somewhat lengthened report, the conclusion of which is in words and figures following, to wit:

"But whatever opinion we may have entertained as to the necessity of the work or the extent of renovation required in this department of the State Government, we cannot hesitate to recommend that the bill of W. P. Michener is entitled in justice and equity to prompt payment for the amount claimed, (four thousand and seventy-two dollars and forty-one cents,) and so recommend"

It is assumed that the Judges of the Supreme Court acted, in their order to the Sheriff, under and by virtue of authority derived from sec-

tion eleven of an Act, passed May nineteenth, eighteen hundred and fifty-three, entitled an Act concerning the Courts of Justice of this State and judicial officers, which section reads as follows:

"The terms of this Court shall be held at the Capital of the State. If a room in which to hold the Court be not provided by the State, together with the attendance, fuel, lights, and stationery, suitable and sufficient for the transaction of business, the Court may direct the Sheriff of the county in which it is held to provide such room, attendance, fuel, lights, and stationery, and the expenses thereof shall be paid out of the State Treasury."

The same section occurs in the Act concerning District and County Courts. With due deference to what would seem to be an advanced opinion of the Supreme Court, of the extent of its own powers in the premises, we must most respectfully submit that it is our impression that said section was intended to provide a suitable room for the Court at the time of its organization, and was not intended and ought not to be construed as conferring unbounded powers upon Judges, for an unlimited time, and upon matters which they may and are likely to be called upon to adjudicate.

It cannot be urged that "a room in which to hold the Court has not been provided by the State," for the State has leased the apartments occupied by the Court and Judges for the term of two years from the first of January last, and it is not pretended that ample provisions have not been made by the State, "suitable and sufficient for the transaction of business," for it will be seen by reference to section two of the general Appropriation Act of eighteen hundred and sixty-one, that the Secretary of State is directed "to furnish all stationery, blank books, lights, and fuel, required by the Supreme Court, upon the order of the Judges requiring the same."

"Refitting and renovation" are, therefore, left as the basis of further expenditures, and the sum of four thousand and seventy-two dollars and forty-one cents, the amount required therefor, while the length of time secured by the State for the enjoyment, use, and benefit, of said "renovation and refitting," is less than two years.

The minority of your Committee consider that to allow said claim would establish a bad precedent; but, as to the fact of whether or not it would be economy for the State to contest the same, under the existing circumstances, is left to the judgment of the Assembly. And in this connection, we submit one of the ingenious arguments urged by some who favor the payment of the claim at once: "That, in case of its rejection, and resort to legal enforcement, the case would unquestionably be tested by the highest legal tribunal of the State, and the result, in that event, may be anticipated from 'previous intimations.'"

With this statement, we most respectfully submit the claim for the action of the Assembly, without recommendation.

DUDLEY of Placer,
BIGELOW.

Assembly bill No. 248, an Act to authorize the Board of Supervisors of Klamath County to levy a special tax and to create a Redemption Fund for the payment of county indebtedness—rules suspended, considered engrossed, read third time, and passed.

PETITIONS.

Mr Ames presented a petition for a railroad from the Haystack to Petaluma, in Sonoma County.

Referred to Sonoma and Mendocino delegations.

Mr Ferguson presented a petition of merchants and traders, concerning Attachment Law.

Referred to Judiciary Committee.

REPORTS.

Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and report correctly engrossed, the following bills:

Assembly bill No 75, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of the State, approved May ninth, eighteen hundred and sixty-one;

Also, Assembly bill No 77, an Act to provide revenue for the support of the Government of this State, from a tax upon foreign and inland bills, passengers, insurance companies, and other matters;

Also, substitute for Assembly bill No 163, an Act to authorize the Guardian of Stephen C. Powell to sell and convey certain real estate.

LOEWY, Chairman.

Mr. Fay, from the Committee on Commerce and Navigation, made the following report:

Mr SPEAKER:—The Committee on Commerce and Navigation have have had under consideration Assembly bill No. 213, an Act to authorize William O'Connell and John Fay, and their assigns, to build a wharf at or near Slaughter-house Point, in Contra Costa County, now in the possession of William O'Connell, and hereby report the bill back, amended, and respectfully recommend its passage.

FAY, Chairman.

Mr Brown, from the Committee on Enrolment, made the following report:

Mr. SPEAKER:—Your Committee on Enrolment have examined, and found correctly enrolled, the following bills:

Assembly bill No. 24, an Act to authorize the Supreme Court to admit William M. Pierson as an Attorney of said Court;

Also, Assembly bill No 148, an Act to extend the provisions of 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, eighteen hundred and fifty-six, and the amendments thereto, approved April eighteenth, eighteen hundred and fifty-nine;

Also Assembly bill No 122, an Act to authorize the Board of Supervisors of Calaveras County to issue bonds, in a sum not to exceed six thousand dollars, and to dispose of the same for road purposes;

And delivered the same to the Governor, this day, March twelfth, at eleven o'clock, A. M

BROWN, for Committee.

Mr. Yule, from the Committee on Mines and Mining Interests, made the following report:

Mr. SPEAKER:—Your Committee on Mines and Mining Interests, to whom was referred Senate bill No. 179, an Act to amend an Act entitled an Act creating a Board of Commissioners in each township of the several counties of this State, to regulate water courses within their several limits, passed May fifteenth, eighteen hundred and fifty-four, have had the same under consideration, and report it back, and recommend its passage.

YULE, Chairman.

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

Mr. SPEAKER:—The Judiciary Committee, to whom was referred Assembly bill No. 164, an Act to authorize the Guardians of Francis W. Grimes to sell and convey certain real estate, have had the same under consideration, and report the bill back, with the recommendation that it do not pass;

Also, Senate bill No. 101, an Act amendatory of and supplementary to an Act entitled an Act to authorize married women to transact business in their own names, as sole traders, passed April twelfth, eighteen hundred and fifty-eight, and report the bill back, amended, by striking out the year "eighteen hundred and fifty-eight," in fifth line, and inserting, in lieu thereof, "eighteen hundred and fifty-two," and recommend its passage, as amended;

Also, substitute for Assembly bill No. 127, an Act amendatory of an Act entitled an Act to authorize the location of the town site of Crescent City, approved February twelfth, eighteen hundred and fifty-nine, the substitute having been referred back to the Committee, for the correction of errors, report the same back, as corrected, and recommend its passage;

Also, Assembly bill No. 222, an Act amendatory of an Act entitled an Act defining the time of commencing civil actions, approved April twenty-second, eighteen hundred and fifty, and report the bill back, and recommend its indefinite postponement

BELL, Chairman

Mr. Smith of Sierra, from the Committee on Counties and County Boundaries, made the following report:

Mr. SPEAKER:—The Committee on Counties and County Boundaries, to whom was referred Assembly bill No. 209, an Act to establish the boundary line between the Counties of Monterey and San Luis Obispo, having considered the same, beg leave to report it back, and recommend that it do not pass.

SMITH of Sierra, Chairman.

SPECIAL ORDER.

Assembly bills Nos. 11, 51, 172, and 173, relative to the Sunday Law, (the special order of the day,) were taken up.

Mr Benton moved to first consider Assembly bill No. 172.

Mr. Shannon moved to amend by taking up Assembly bill No 11.

Upon which, Messrs. Shannon, Avery, and Dudley of Placer, demanded

the ayes and noes, and the amendment was lost, by the following vote:

AYES—Messrs. Ames, Barton of San Bernardino, Battles, Cot, Dana, Dean, Dennis, Eagar, Fay, Hoffman, Irwin, Jackson, Kendall, Loewy, Matthews, Morrison, O'Brien, Pemberton, Printy, Reeve, Sargent, Saul, Sears, Shannon, Smith of Fresno, Thornbury, Waddell, Warwick, Watson, Werk, Woodman, and Worthington—32.

NOES—Messrs Amerige, Avery, Barton of Sacramento, Benton, Bigelow, Brown, Collins, Dore, Dow, Dudley of Placer, Dudley of Solano, Eliason, Frazier, Gordon, Hillyer, Hoag, Lane, Love, Machin, Maclay, McCullough, Meyers, Moore, Orr, Parker, Porter, Reed, Seaton, Smith of Sierra, Teegarden, Thompson of Tehama, Thompson of San Joaquin, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Wilcoxon, Wright, Yule, and Zuck—39.

Mr. Shannon moved to amend the motion of Mr. Benton so as to take up Assembly bill No. 173.

Upon which, Messrs. Meyers, Amerige, and Eagar, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Ames, Barton of San Bernardino, Battles, Dana, Dean, Dennis, Eagar, Fay, Frazier, Hoffman, Irwin, Jackson, Kendall, Loewy, Matthews, Morrison, O'Brien, Orr, Pemberton, Printy, Reeve, Sargent, Saul, Sears, Shannon, Smith of Fresno, Thornbury, Waddell, Warwick, Watson, Werk, Woodman, Worthington, and Mr. Speaker—34.

NOES—Messrs. Amerige, Avery, Barton of Sacramento, Benton, Bigelow, Brown, Collins, Cunnard, Dore, Dow, Dudley of Placer, Dudley of Solano, Eliason, Gordon, Hillyer, Hoag, Lane, Leach, Love, Machin, Maclay, McCullough, Meyers, Moore, Parker, Porter, Reed, Seaton, Smith of Sierra, Teegarden, Thompson of Tehama, Thompson of San Joaquin, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Wilcoxon, Wright, Yule, and Zuck—39.

Mr. Kendall moved to postpone the further consideration of the whole subject until Wednesday, March nineteenth, at half past one o'clock, P. M., and that the Committee on Public Morals be instructed to report Mr. Yule's bill, to be considered with the others at that time.

Ruled out of order.

Mr. Sears moved to postpone until Saturday next, at half past one o'clock, P. M., with instructions to Committee on Public Morals to report Mr Yule's bill.

Mr. Benton asked leave to report Assembly bill No. 195.

Refused.

On adopting the motion of Mr. Sears, Messrs. Watson, Tilton of San Francisco, and Wilcoxon, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Ames, Cot, Dana, Dean, Dennis, Eagar, Irwin, Jackson, Kendall, Loewy, Matthews, McCullough, Morrison, O'Brien, Parker, Printy, Reeve, Sargent, Saul, Sears, Shannon, Smith of Fresno, Thornbury, Waddell, Warwick, Watson, Werk, Woodman, Worthington, and Yule—30.

NOES—Messrs. Amerige, Avery, Barton of Sacramento, Barton of San Bernardino, Benton, Bigelow, Brown, Collins, Cunnard, Dore, Dow,

Dudley of Placer, Dudley of Solano, Eliason, Fay, Gordon, Hillyer, Hoag, Hoffman, Lane, Leach, Love, Machin, Maclay, Meyers, Moore, Orr, Porter, Reed, Seaton, Smith of Sierra, Teegarden, Thompson of Tehama, Thompson of San Joaquin, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Wilcoxon, Wright, and Zuck—40.

So the substitute bill offered by Mr. Benton, No. 172, was taken up and adopted.

Mr. Sears offered the following amendment:

"Sec. 4. This law shall be submitted to the people of this State at the next general election, for their approval or rejection, before it shall be in force; those desiring it will vote 'Sunday Law, Yes;' those opposed, 'Sunday Law, No.'"

The bill was considered in Committee of the Whole.

Committee rose.

Mr. Cunnard moved to adjourn.

Upon which, Messrs. Avery, Tilton of San Francisco, and Brown, demanded the ayes and noes, and the House agreed, by the following vote:

AYES—Messrs. Ames, Barton of Sacramento, Campbell, Cot, Cunnard, Dana, Dean, Dennis, Dudley of Placer, Hoag, Hoffman, Jackson, Kendall, Lane, Loewy, Love, Matthews, O'Brien, Pemberton, Reeve, Sargent, Saul, Sears, Shannon, Smith of Fresno, Thompson of Tehama, Thompson of San Joaquin, Thornbury, Waddell, Warwick, Watson, Werk, Woodman, Worthington, and Mr. Speaker—35.

NOES—Messrs. Amerige, Avery, Barton of San Bernardino, Benton, Bigelow, Brown, Collins, Dow, Dudley of Solano, Eliason, Fay, Frazier, Gordon, Irwin, Leach, Machin, Maclay, McCullough, Meyers, Orr, Parker, Reed, Reese, Seaton, Smith of Sierra, Teegarden, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Wilcoxon, Wright, Yule, and Zuck—33.

So at five o'clock, P. M., the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, March 13th, 1862.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Mr. Kendall had leave of absence for one day.

GENERAL FILE.

Assembly bill No. 168, an Act to fix the compensation of the County Judge of Nevada County—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 232, an Act to change the name of Anna Eliza Weir —rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 227, an Act to authorize José Lorenzo de Jesus Maria Piña to sell real estate—read third time, and passed.

Assembly bill No. 220, an Act to authorize the issuance of a patent to Maurice J. Dooley for certain lands in San Joaquin County—amendments adopted, rules suspended, considered engrossed, read third time, and passed

Assembly bill No. 180, an Act to authorize the Board of Supervisors of the City and County of San Francisco to appropriate the sum of thirteen hundred dollars to Volunteer Engine Company No. 7, of said city and county—rules suspended, bill considered engrossed.

Mr. Amerige moved to recommit, with special instructions.

Lost

Mr. Eagar moved the previous question.

Sustained.

Bill read third time, and on its passage, Messrs. Battles, Dow, and Ames, demanded the ayes and noes, and the bill passed, by the following vote:

AYES—Messrs Ames, Battles, Bell, Benton, Brown, Campbell, Cot, Dana, Dennis, Dore, Eagar, Eliason, Fay, Frazier, Gordon, Griswold, Hillyer, Hoffman, Irwin, Jackson, Loewy, Maclay, McCullough, Moore, Morrison, O'Brien, Orr, Parker, Printy, Reeve, Sears, Shannon, Smith of Fresno, Teegarden, Thompson of Tehama, Thompson of San Joaquin, Thornbury, Tilton of San Francisco, Van Zandt, Warwick, Watson, Wilcoxon, Worthington, and Wright—44.

NOES—Messrs. Amerige, Barton of Sacramento, Bigelow, Collins, Dow, Dudley of Solano, Machin, Meyers, Porter, Reese, Seaton, Waddell, and Zuck—13.

Assembly bill No. 183, an Act to authorize the Board of Supervisors of El Dorado County to lease the Sacramento and El Dorado wagon road for a term of years—amendments adopted, and ordered engrossed.

REPORTS

Mr. Fay, from the Committee on Commerce and Navigation, made the following report:

MR SPEAKER:—The Committee on Commerce and Navigation, to whom was referred Assembly bill No. 132, have considered the same, report the bill back, with a substitute, and respectfully recommend the passage of the substitute.

FAY, Chairman.

The bill above reported was made the special order for Wednesday, March nineteenth, at half past one o'clock, P. M., and ordered printed.

Mr. Dudley of Solano offered the following resolution:

Resolved, That the Sergeant-at-Arms is hereby authorized and instructed to place a shade or curtain over the skylight in this hall.

Adopted.

Mr. Machin, from the Committee on Corporations, made the following report:

Mr. SPEAKER:—Your Committee on Corporations, to whom was referred substitute for Senate bill No. 142, an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, have examined the same, and report the bill back, with several amendments, and recommend its passage, as amended;

Also, substitute for Senate bill No 29, an Act to amend an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, and the several Acts amendatory thereof and supplemental thereto, respectfully report the same back, and recommend its passage.

MACHIN, Chairman.

Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No 36, an Act to authorize Lewis E. Morgan, his associates or assigns, to construct and maintain a wharf in Contra Costa County;

Also, Assembly bill No. 67, an Act to authorize and empower William H. Kelly to construct and maintain booms on Gaspar creek, in Mendocino County;

Also, Assembly bill No. 71, an Act amendatory of and supplementary to an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the several Acts amendatory thereof and supplementary thereto;

Also, Assembly bill No. 186, an Act to amend an Act entitled an Act to amend an Act concerning jurors, passed May third, eighteen hundred and fifty-two, approved May sixteenth, eighteen hundred and sixty-one;

Also, Assembly bill No. 199, an Act amendatory of and supplementary to an Act to provide for the construction of a Macadamized road within the limits of the City and County of San Francisco, which became a law on the twelfth day of April, eighteen hundred and sixty-one;

Also, Assembly bill No. 210, an Act to repeal an Act entitled an Act to amend an Act entitled an Act concerning the indigent sick in the County of Placer, approved May second, eighteen hundred and sixty-one, and to revive a former Act;

Also, Assembly bill No. 216, an Act to amend the charter of the City of Petaluma;

Also, Assembly bill No. 203, an Act to pay the claim of William P. Michener.

LOEWY, Chairman.

Mr. Seaton made the following report:

Mr. SPEAKER:—The Amador and El Dorado delegations, to whom was referred Senate bill No. 199, beg leave to report the same back, with amendments, and recommend its passage, as amended.

SEATON, for the Delegations

Mr. Worthington, not being in his seat when the presentation of petitions was in order, had leave to present the following petitions:

Petition of Charles Hall and others, for repeal of law relative to licensing intelligence offices.

Referred to Judiciary Committee.

Also, a petition of citizens of southern portions of the City of San Francisco, for appropriation for roads

Referred to the San Francisco delegation.

Mr. Morrison made the following report:

Mr. SPEAKER:—The Special Committee to whom Assembly bill No 42 was referred, report the same back, with a substitute, and respectfully recommend the passage of the substitute.

MORRISON,
WATSON.

Mr. Reeve made the following report:

Mr SPEAKER:—The San Francisco delegation, to whom was referred Senate bill No 198, an Act to authorize and empower Charles S. Clapp, Guardian of Albert Dorente, a minor, to sell certain real estate belonging to said minor, report the same back, and recommend its passage.

REEVE, for Delegation.

Mr. McCullough made the following report:

Mr. SPEAKER:—The Mariposa delegation, to whom was referred Senate bill No. 165, beg leave to report the same back, and recommend its passage.

McCULLOUGH, for the Delegation.

Mr. Campbell made the following report:

Mr. SPEAKER:—The Calaveras delegation, to whom was referred Assembly bill No. 104, report the same back, with amendments, and recommend the passage of the bill, as amended.

CAMPBELL, for the Delegation.

The rules were suspended, amendments to the bill above reported adopted, considered engrossed, read third time, and passed.

Mr. Cot made the following report:

Mr SPEAKER:—The delegations from Monterey and San Luis Obispo, to whom was referred Senate bill No. 84, beg leave to report the bill back, with amendments, and recommend its passage, as amended

DANA,
COT.

Mr. Brown, from the Committee on Enrolment, made the following report:

Mr. SPEAKER:—Your Committee on Enrolment have examined, and found correctly enrolled, the following bills:

Assembly bill No. 165, an Act for the relief of Wm. D. Shirley and others;

Also, Assembly bill No. 101, an Act to authorize the Board of Supervisors of the County of Contra Costa to transfer certain surplus moneys remaining in the Gilman Judgment Fund of the said county;

Also, Assembly bill No. 121, an Act to provide for Public Administrators in certain counties;

And delivered the same to the Governor, this day, March thirteenth, at eleven o'clock A. M., eighteen hundred and sixty-two.

BROWN, for the Committee.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 13th, 1862

Mr. SPEAKER:—The Senate, on the third of March, amended and indefinitely postponed Assembly bill No. 86, an Act for the relief of the tax payers of Mendocino County;

Also, on March tenth indefinitely postponed Assembly bill No. 72, an Act concerning mining associations and companies;

Also, on March eleventh passed Assembly bill No. 165, an Act for the relief of W. D. Shirley;

Also, on the same day passed Assembly bill No. 101, authorizing the Supervisors of Contra Costa County to transfer certain moneys remaining in the Gilman Judgment Fund;

Also, on the same day amended and passed Assembly bill No. 128, relative to the office of County Treasurer in Trinity County;

Also, on same day passed Senate bill No. 272, for the government and protection of the Indians of this State;

Also, on same day passed Senate bill No. 278, for the construction of a bridge across the American River;

Also, on same day the Senate concurred in Assembly amendments to Senate bill No. 90, an Act to fix the salary of the County Judge of Solano County;

Also, on the seventh of March, eighteen hundred and sixty-two, passed Senate bill No. 222, an Act relative to fees of office in certain cases in the County of Tehama;

Also, on same day passed Senate bill No. 256, an Act to pay the claim of Eugene Lies;

Also, on March eleventh the Senate adopted the report of Committee of Free Conference on the disagreeing vote of the two Houses, on Senate bill No. 68, an Act relative to the rebinding of books of the State Library;

Also, on this day concurred in Assembly amendments to Senate bill No. 261, an Act amendatory of and supplementary to an Act to provide revenue for the support of the Government of this State, approved April nineteenth, eighteen hundred and fifty-nine;

Also, on March tenth passed Senate bill No. 175, an Act in relation to the Register of the State Land Office;

Also, passed Senate bill No. 234, an Act to authorize the construction of a marine railway on the western shore of the bay of San Francisco;

Also, on March eighth passed Senate bill No. 279, an Act relating to the City Cemetery of Sacramento.

DELOS J HOWE,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate bill No. 175, above reported, read first and second times, and referred to Committee on Public Lands.

Senate bill No. 222, above reported, read first and second times, and referred to Tehama delegation.

Senate bill No. 234, above reported, read first and second times, and referred to Committee on Commerce and Navigation.

Senate bill No. 256, above reported, read first and second times, and referred to Committee on Claims.

Senate bill No. 273, above reported, read first and second times, and referred to El Dorado delegation.

Senate bill No. 279, above reported, read first and second times, and referred to Sacramento delegation.

Senate bill No 272, above reported, read first and second times, and referred to Committee on Indian Affairs

The House concurred in Senate amendments to Assembly bill No. 128, above reported.

Mr Shannon gave notice of an amendment to the Standing Rules, providing that the House meet at ten o'clock, A. M., instead of eleven o'clock, A. M.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr Bell, for an Act to direct and empower the Supervisors of Alameda and Contra Costa Counties to pay for the opening, grading, and building, a certain road between the two counties.

Read first and second times, and referred to delegations from Contra Costa and Alameda.

Also, for an Act to exclude traitors and alien enemies from Courts of Justice, in civil cases

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

By Mr. Ames, for an Act to provide for funding the indebtedness of the County of Mendocino.

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

By Mr. O'Brien, for an Act to grant to M G Sawyer the right to construct and maintain a toll bridge across the South Fork of the Mokelumne River, in Calaveras County.

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

Also, for an Act to amend an Act creating Township Assessors in Calaveras County, and for other purposes.

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

Also, for an Act to authorize the Board of Supervisors of Calaveras County to employ a competent person to examine the records, and ascertain the existing debt of said county.

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

By Mr. Benton of Sacramento, for an Act to incorporate the City of Sacramento.

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

Also, for an Act to regulate fees in office in the County of Sacramento.

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

Also, for an Act to repeal an Act entitled an Act to repeal an Act, passed March twenty-sixth, eighteen hundred and fifty-one, entitled an Act to incorporate the City of Sacramento.

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

By Mr. Watson, for an Act to authorize Rita de la Osa to sell the real estate of her deceased husband, Vicente de la Osa.

Read first and second times, and referred to the Los Angeles delegation.

Also, for an Act concerning the Board of Supervisors of the County of San Bernardino.

Read first and second times, and referred to San Bernardino delegation, with instructions to confer with Retrenchment Committee.

By Mr. Teegarden, for an Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty.

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

By Mr. Hoag, for an Act to correct a clerical error in an Act entitled an Act to transfer certain funds, passed March eleventh, eighteen hundred and sixty-two.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Also, for an Act concerning fees of witnesses in criminal cases in the Counties of Yolo, Butte, Marin, Trinity, San Bernardino, Alameda, Humboldt, Calaveras, Santa Clara, Placer, Los Angeles, Sonoma, San Luis Obispo, Santa Barbara, Fresno, Tulare, San Joaquin, Tehama, Colusa, Contra Costa, and Solano.

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

By Mr. Seaton, for an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.

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

Also, for an Act to extend an Act entitled an Act to grant the right to construct a turnpike road between the Town of Jackson and Ione City, in the County of Amador, approved April fifth, eighteen hundred and sixty-one

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

By Mr. Saul, for an Act for the better protection of farmers in certain portions of Sacramento County, and for regulating the herding of stock within the same.

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

Also for an Act to appropriate money to pay the claim of Philip Caduc, for coal furnished the Supreme Court and State Library, in the year eighteen hundred and sixty.

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

By Mr Porter, for an Act to provide for the payment by Alameda County of a portion of the interest paid by Contra Costa County on the claim of J. C. Gilman.

Read first and second times, and referred to a Special Committee of five.

SPECIAL ORDER.

Assembly bills Nos. 57, 78, 169, and 262, in relation to the militia of this State, (the special order of the day,) were taken up.

On motion of Mr. Maclay, Assembly bill No. 169 was first considered.

The House resolved itself into Committee of the Whole, Mr. Tilton of San Francisco, in the Chair, for the consideration of the bill.

After considering the bill for some hours, the Committee rose, and had leave to sit again on Tuesday next, at half past one o'clock, P. M.

The following communication was received:

To the Honorable the Members of the Assembly:

GENTLEMEN:—The Board of Trustees of the University of the Pacific hereby tender an invitation to the members of the Assembly to be present at the commencement exercises of the medical department of the University, to take place at Tucker's Academy of Music, this evening, commencing at a quarter to eight o'clock.

M. C. BRIGGS, Secretary pro tem.

At five minutes before five o'clock, on motion of Mr. Ames, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, March 14th, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.
Journal of yesterday read and approved.

REPORTS.

Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined the following Assembly bills, and report them correctly engrossed, viz:

Assembly bill No. 194, an Act making an appropriation for the payment of the per diem and mileage of Presidential Electors;

Assembly bill No. 221, an Act legalizing the assessment roll of the City of Los Angeles for the fiscal year commencing May, eighteen hundred and sixty, and for other purposes;

Assembly bill No. 229, an Act to regulate the fees of officers in the County of Sonoma;

Assembly bill No. 230, an Act to amend an Act entitled an Act to regulate the fees of certain officers, and witnesses and jurors, in the County of El Dorado, approved April nineteenth, eighteen hundred and fifty-nine;

Assembly bill No. 245, an Act to repeal an Act entitled an Act to

authorize the Board of Supervisors of Calaveras County to levy a special tax, and to provide for building a bridge in said county, approved April fifteenth, eighteen hundred and sixty-one, and to dispose of the fund accumulated under said Act;

Assembly bill No. 248, an Act to authorize the Board of Supervisors of Klamath County to levy a special tax, and to create a Redemption Fund for the payment of county indebtedness.

LOEWY, Chairman.

Mr. Reeve, of the San Francisco delegation, made the following report:

Mr. SPEAKER:—I am instructed by a majority of the San Francisco delegation to report favorably and recommend the passage of Assembly bill No. 31, an Act to prohibit the keeping open of markets, and the vending of meats, vegetables, and other market products, in the City of San Francisco, on the Sabbath day.

REEVE, Chairman.

GENERAL FILE.

Assembly bill No. 75, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May ninth, eighteen hundred and sixty-one—read third time, and passed.

Assembly bill No. 77, an Act to provide revenue for the support of the Government of this State, from a tax upon foreign and inland bills, passengers, insurance companies, and other matters.

Mr. Shannon moved to indefinitely postpone the bill.

Withdrawn.

Mr. Warwick moved to recommit the bill, with the following special instructions:

"*Provided*, that all foreign companies investing in the State of California the sum of one hundred thousand dollars, be placed on the same basis as domestic companies."

Mr. Ames moved the previous question.

Sustained.

The motion of Mr. Warwick was lost.

The bill was read a third time, and on its passage, Messrs. Dudley of Placer, Warwick, and Loewy, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Ames, Avery, Barton of Sacramento, Battles, Bell, Benton, Bigelow, Brown, Dana, Dore, Dow, Dudley of Solano, Eagar, Eliason, Fay, Frazier, Gordon, Griswold, Hoag, Irwin, Lane, Leach, Machin, Maclay, Matthews, McCullough, Meyers, Moore, Morrison, O'Brien, Orr, Parker, Pemberton, Printy, Sargent, Saul, Sears, Seaton, Smith of Fresno, Teegarden, Thompson of Tehama, Thompson of San Joaquin, Thornbury, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Wilcoxon, Woodman, Wright, Yule, and Zuck—51.

NOES—Messrs. Collins, Cot, Dennis, Dudley of Placer, Hillyer, Hoffman, Loewy, Love, Porter, Reed, Shannon, Smith of Sierra, Waddell, and Warwick—14.

Mr. Tilton of San Francisco had leave to insert the enacting clause in Assembly bill No. 180.

Assembly bill No. 71, an Act amendatory of and supplementary to an Act to regulate proceedings in civil cases—read third time, and passed

Assembly bill No. 123, an Act to authorize the Guardian of Stephen C. Powell to sell and convey certain real estate—read third time, and passed.

Assembly bill No. 73, an Act to authorize D. B. Northrop and others to construct a plank road over the waters of Mission Bay, in the City and County of San Francisco—amendments adopted, and ordered engrossed.

Assembly bill No. 137, an Act to amend an Act amendatory of and supplementary to an Act entitled an Act concerning forcible entries and unlawful detainers, passed April twenty-second, eighteen hundred and fifty—substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 145, an Act to amend section three hundred and ninety-four of an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-eighth, eighteen hundred and fifty-one, as amended by an Act entitled 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 May fifteenth, eighteen hundred and fifty-four—committee amendment adopted.

Pending the consideration of the bill, Mr. Worthington announced a victory by the Federal troops at Manassas.

Mr O'Brien moved that the House now adjourn, in honor of the victory at Manassas.

Upon which, Messrs. Eagar, Watson, and Porter, demanded the ayes and noes, which were taken, with the following result:

AYES—Messrs. Barton of Sacramento, Battles, Bell, Benton, Collins, Cot, Cunnard, Dana, Dean, Dennis, Dow, Eagar, Eliason, Ferguson, Frazier, Gordon, Griswold, Hillyer, Hoffman, Irwin, Jackson, Kendall, Loewy, Love, Machin, Maclay, Matthews, Meyers, Moore, O'Brien, Reed, Reeve, Saul, Seaton, Teegarden, Thompson of San Joaquin, Thornbury, Tilton of San Francisco, Van Zandt, Waddell, Warwick, Watson, Werk, Wilcoxon, and Woodman—45.

NOES—Messrs. Avery, Bigelow, Dudley of Placer, Dudley of Solano, Fay, Hoag, Lane, Leach, Parker, Pemberton, Porter, Printy, Sears, Shannon, Smith of Fresno, Smith of Sierra, Thompson of Tehama, Tilton of San Mateo, Worthington, Wright, Yule, Zuck, and Mr. Speaker—23.

And so, at six minutes before one o'clock, P. M., the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, March 15th, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.

On motion of Mr. Seaton, the rules were suspended, and Assembly bill No. 261 placed on the top of the file.

Mr. Hoag moved to suspend the rules for the purpose of introducing resolutions.

Lost.

Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined Assembly bill No. 180, an Act to authorize the Board of Supervisors of the City and County of San Francisco to appropriate the sum of fifteen hundred dollars to Volunteer Engine Company, No. 7, of said city, and report the same correctly engrossed.

LOEWY, Chairman.

The Journal of yesterday was then read and approved.

The Speaker announced the following Special Committee on Assembly bill No. 284: Messrs. Seaton, Orr, Gordon, Shannon, and Meyers.

GENERAL FILE.

Assembly bill No. 261, an Act to organize townships and to define their powers and duties—considered in Committee of the Whole. Mr. O'Brien in the Chair; Committee reported; bill recommitted to Special Committee of three, with instructions to report on Thursday, March twentieth.

Assembly bills Nos. 144 and 145, amending law in relation to testimony—were made special order for March eighteenth, at three o'clock. P. M.

Assembly bill No. 193, an Act concerning fees of certain officers of the City and County of Sacramento—returned to file; the minority of delegation had leave to withdraw report.

Assembly bill No. 31, an Act to prohibit the keeping open of markets, and the vending of meats, vegetables, and other market products, in the City of San Francisco, on the Sabbath day—rules suspended, considered engrossed, read third time, and passed.

PETITIONS.

Mr. Hillyer presented a petition of citizens of Placer County, for amendments to Sunday Law.

Referred to Committee on Public Morals.

Mr. Worthington presented a petition of citizens of San Francisco, for roads.

Referred to the San Francisco delegation.

REPORTS.

Mr. Porter, from the Committee on Swamp and Overflowed Lands, made the following report:

Mr. SPEAKER:—I am directed by the Committee on Swamp and Overflowed Lands, to whom was referred Assembly bill No. 288, an Act to correct a clerical error in an Act entitled an Act to transfer certain

funds, passed March eleventh, eighteen hundred and sixty-two, to report the same back, without amendment, and recommend its passage.

PORTER, for the Committee.

The rules were suspended, and the bill above reported considered engrossed, read third time, and passed.

Mr. McCullough, from the Committee on Public Lands, made the following report:

Mr. SPEAKER:—The Committee on Public Lands, to whom was referred Assembly bill No. 116, an Act amendatory of an Act to provide for the sale of the five hundred thousand acres, etc., have had the same under consideration, and beg leave to report the same back, without any recommendation;

Also, Senate bill No. 175, an Act in relation to the Register of the State Land Office, and as the same refers only to the salaries of officers, ask leave to report the same back, and recommend that the same be referred to the Special Committee on Retrenchment.

McCULLOUGH, Chairman.

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

Mr. SPEAKER:—The Judiciary Committee, to whom was referred Senate bill No 164, an Act to amend an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, have had the same under consideration, and report the bill, with amendment, and recommend its passage, as amended.

Your Committee have also had under advisement Senate bill No. 20, proposed amendments to the Constitution. The original bill, as passed by the last session of the Legislature, being on file in the office of the Secretary of State, and the possession of the same being very necessary to enable the Committee to act with correctness on the bill now before them, the Chairman was, by motion, authorized to state the facts to the House, and ask further time, as also the passage of a resolution requesting the Secretary of State to deliver into the possession of the Committee the original amendments.

Your Committee have also had under consideration Assembly bill No. 219, an Act to amend an Act entitled an Act to amend an Act to regulate the estates of deceased persons, passed May first, eighteen hundred and sixty-one, and report the bill back, and recommend its passage.

Your Committee have also had under advisement Assembly bill No. 191, an Act to amend an Act entitled an Act to regulate the settlement of estates of deceased persons, passed May first, eighteen hundred and fifty-one, and other Acts amendatory thereto, report the bill back, with recommendation that it do not pass.

Your Committee have also had under consideration Assembly bill No. 264, an Act concerning trade marks, report the same back, with a substitute, and recommend the passage of the substitute.

Your Committee have also had under consideration Senate bill No. 258, an Act to enable the Attorney-General to employ a Clerk, report the same back, and recommend its passage.

Your Committee have also had under advisement Senate bill No 177, an Act to repeal an Act entitled an Act for the relief of purchasers of real estate at sales made by Public Administrators, approved February

seventh, eighteen hundred and sixty, report the same back, and recommend its indefinite postponement.

Your Committee have also had under consideration Assembly bill No. 289, an Act concerning fees of witnesses in criminal cases in certain counties therein named, report the same back, with a substitute, and recommend the passage of substitute.

Your Committee have also had under consideration Senate bill No. 190, 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, eighteen hundred and fifty-one, report the same back, and recommend its passage.

Your Committee have also had under advisement Assembly bill No. 278, an Act to exclude traitors and alien enemies from Courts of Justice, in civil cases, report the same back, with an amendment, and without recommendation.

BELL, Chairman.

Mr. Reed, from the Committee on Education, made the following report:

Mr. SPEAKER:—The Committee on Education, to whom was referred Assembly bill No. 227, an Act to amend an Act entitled an Act to establish, regulate, and support common schools, passed May third, eighteen hundred and fifty-five, approved March twenty-eighth, eighteen hundred and fifty-seven, have had the same under consideration, and report the same back, with a recommendation that it do not pass.

REED, Chairman.

Mr. Hillyer, from the Committee on Public Expenditures and Accounts, made the following report:

Mr. SPEAKER:—Your Committee on Public Expenditures and Accounts, having examined and found correct, the following accounts, beg leave to report the same, and recommend their payment from the Contingent Fund of the Assembly, by the adoption of the resolution accompanying this report:

To whom due.	Amount.
San Francisco Gas Company, for gas furnished Senate and Assembly from February 1, to March 1, 1862	$176 80
Alta California, for daily and weekly	221 36
El Dorado Times	39 00
Yreka Union	18 00
Trinity Journal	10 00
Evening Mirror, for four copies furnished to Members of the Assembly of 1861	10 25
Total	$475 41

In regard to the bill of the Evening Mirror, for four copies furnished to the Assembly of eighteen hundred and sixty-one, your Committee

have ascertained that the paper was so furnished, and was not paid last session, because not presented in time.

Resolved, That the Controller of State be and is hereby authorized and directed to draw his warrants on the Contingent Fund of the Assembly, as follows:

In favor of the San Francisco Gas Company, for the sum of one hundred and seventy-six dollars and eighty cents.

In favor of the El Dorado Times, for the sum of thirty-nine dollars.

In favor of the Alta California, for the sum of two hundred and twenty-one dollars and thirty-six cents.

In favor of the Yreka Union, for the sum of eighteen dollars.

In favor of the Trinity Journal, for the sum of ten dollars.

In favor of the Evening Mirror, for the sum of ten dollars and twenty-five cents.

HILLYER, for Committee.

Adopted.

Mr. Barton of Sacramento, from the Committee on Ways and Means, made the following report:

Mr. SPEAKER:—The Committee on Ways and Means, to whom was referred Assembly bill No. 269, an Act to provide for paying certain demands, issued on the faith and credit of the State, which become due and payable on the second day of May, eighteen hundred and sixty-two, and to contract a funded debt for that purpose, have had the same under consideration, beg leave to report the same back, and recommend that it be referred to the Committee on Claims.

BARTON, Chairman.

Mr. Machin made the following report:

Mr. SPEAKER:—The Tuolumne and Mono delegation, to whom was referred Assembly bill No. 260, an Act to reincorporate the City of Sonora, have examined the same, and would most respectfully report it back to the House, and recommend its passage;

The delegation have also considered Assembly bill No. 234, an Act authorizing William H. Dixon, J. W. Pugh, and their associates, to construct and maintain a toll road in the County of Mono, have examined the same, and report it back, with a substitute, the passage of which is hereby recommended;

And, also, have considered Assembly bill No. 251, an Act to provide for the construction of a turnpike road in Mono County, would most respectfully report the same back, with several amendments, and recommend its passage as amended.

MACHIN, for the Delegation.

Mr. Leach made the following report:

Mr. SPEAKER:—The Nevada delegation, to whom was referred Senate bill No. 268, report the same back, with amendments, and recommend its passage.

LEACH, for the Delegation.

The rules were suspended, the amendments to the bill above reported concurred in, bill read third time, and passed.

Mr. Griswold made the following report:

Mr. SPEAKER:—The Calaveras delegation, to whom was referred Assembly bill No. 286, an Act to authorize the Board of Supervisors of Calaveras County to employ a competent person to examine the records and ascertain the debts of said county, and to allow a reasonable compensation for the same, having had the same under consideration, beg leave to report the same back, and recommend its passage.

GRISWOLD, for Delegation.

Rules suspended, bill above reported considered engrossed, read third time, and passed.

Mr. Thompson of Tehama made the following report:

Mr. SPEAKER:—The delegation from Tehama, to whom was referred Senate bill No. 222, concerning fees of office in Tehama County, have had the same under consideration, and beg leave to report the same back, with amendments, and recommend the adoption of the amendments, and the passage of the bill.

THOMPSON, for Delegation.

Rules suspended, amendments to bill above reported concurred in, bill read third time, and passed.

Mr. Parker made the following report:

Mr. SPEAKER:—The El Dorado delegation, to whom was referred Senate bill No. 182, an Act concerning hogs running at large in the County of El Dorado, have had the same under consideration, report it back, and recommend its passage.

PARKER, for Delegation.

Rules suspended, bill above reported read third time, and passed.

Mr Dennis made the following report:

Mr. SPEAKER:—The El Dorado delegation, to whom was referred Senate bill No. 278, an Act granting the right to construct and maintain a bridge across the South Fork of the American River, at or near Coloma, in the County of El Dorado, beg leave to report the same back, and recommend its passage.

DENNIS, for Delegation.

Rules suspended, bill above reported read third time, and passed.

Mr. Fay, from the Committee on Retrenchment and Reform, made the following report:

Mr. SPEAKER:—The Committee on Retrenchment and Reform have had under consideration Assembly bill No. 246, an Act to regulate the fees of the County Surveyor of Napa County, and recommend that it pass;

Also, Assembly bill No. 239, an Act to regulate fees in office in the County of Yuba, and recommend its indefinite postponement;

Also, Senate bill No. 226, an Act to amend an Act entitled an Act to regulate fees in office in certain counties of this State, and recommend that it pass.

FAY, Chairman.

Mr. Morrison made the following report:

Mr. SPEAKER:—The undersigned Special Committee, to whom was referred Assembly bill No. 294, an Act to authorize Rita de la Osa to sell the real estate of her deceased husband, Vicente de la Osa, respectfully report, that some time ago Vicente de la Osa died, seized of certain real estate in Los Angeles County; that the said deceased left little or no property of any value, save the said real estate; that the same is encumbered almost to its full value by mortgages drawing a high rate of interest; that he left a wife and several children, who are poor, and whose only hope of saving anything is, that this Legislature will permit the widow to sell, as speedily as possible, that the mortgages may be paid off, and the interest stopped. Believing, therefore, that proceedings to sell, under the existing laws, will lead to great expense, and that a long time must elapse before the same can be done, and that in the meantime the interest will swallow everything up, your Committee do therefore report said Assembly bill back to the House, and respectfully recommend its passage.

MORRISON,
WATSON.

Mr. Barton, from the Sacramento delegation, made the following report:

Mr. SPEAKER:—The Sacramento delegation, to whom was referred Senate bill No. 279, an Act relating to the City Cemetery of the City of Sacramento, have had the same under consideration, and beg leave to report the same, with an amendment to section three, and recommend its passage.

BARTON, for Delegation.

The rules were suspended, the amendment to the bill above reported concurred in, read third time, and passed.

Mr. Hoag made the following report:

Mr. SPEAKER:—The delegations to whom was referred Assembly bill No. 68, entitled an Act for the better protection of farmers, and for regulating the herding of stock, report the same back, with a substitute, and recommend the passage of the substitute.

HOAG, for Delegations.

Mr. Reeve, from the San Francisco delegation, made the following report:

Mr. SPEAKER:—The San Francisco delegation, to whom was referred Assembly bill No. 214, an Act to authorize the Commissioners of the Funded Debt of the City of San Francisco to compromise and settle certain claims to real estate, and convey such real estate pursuant thereto, report the same back, with amendments, and recommend its passage.

REEVE, for Delegation.

Mr. Love, from the Committee on Public Grounds and Buildings, made the following report:

Mr. SPEAKER:—Your Committee on Public Grounds and Buildings, to whom was referred Assembly bill No. 237, an Act amendatory of an Act entitled an Act for the erection of a building for a State Reform School,

and for the regulation of the same, approved April eighteenth, eighteen hundred and sixty, have had the same under consideration, and beg leave to report it back, without recommendation, and ask that it may be referred to the Committee on Education.

LOVE, for Committee.

The bill above reported was referred to the Committee on Education.

On motion of Mr. Wright, Assembly bill No. 188, an Act to provide means to pay the indebtedness of Del Norte County to Klamath County, was taken up

The rules were suspended, bill considered engrossed, read third time, and passed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 13th, 1862.

To the Honorable the Assembly of California:

I have to inform your honorable body that I have approved Assembly bill No. 148, an Act to extend the provisions of 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, eighteen hundred and fifty-six, and the amendments thereto, approved April eighteenth, eighteen hundred and fifty-nine;

Also, Assembly bill No. 122, an Act to authorize the Board of Supervisors of Calaveras County to issue bonds, in a sum not to exceed the sum of six thousand dollars, and to dispose of the same for road purposes;

Also, Assembly bill No. 125, an Act to authorize the construction and maintenance of a wharf on the Sacramento River, in the County of Solano;

Also, Assembly bill No. 123, an Act relative to the office of Superintendent of Common Schools in the Counties of Tuolumne and Mono;

Also, Assembly bill No. 121, an Act to provide for Public Administrators in certain counties;

Also, Assembly bill No. 115, an Act to authorize the construction and maintenance of a wharf in Contra Costa County;

Also, Assembly bill No. 101, an Act to authorize the Board of Supervisors of the County of Contra Costa to transfer surplus moneys remaining in the Gilman Judgment Fund of the said county;

Also, Assembly bill No. 165, an Act for the relief of William D. Shirley and others;

Also, Assembly bill No. 119, an Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to authorize the Board of Supervisors of Placer County to levy a special tax, approved March eleventh, eighteen hundred and fifty-six, approved February seventh, eighteen hundred and fifty-seven;

Also, Assembly bill No. 162, an Act to submit the question of removal of the county seat of Yolo County to the qualified voters thereof.

LELAND STANFORD, Governor.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 15th, 1862.

Mr. SPEAKER :—The Senate on this day received from His Excellency, the Governor, a communication, accompanied by the report of the Board of State Capitol Commissioners;

Also, on this day the Senate refused to concur in Assembly amendments to Senate bill No 4, an Act to authorize William McInturf to construct a wharf, mooring piles, and a chute, or dry sluice, at Port McInturf, in Mendocino County;

Also, passed Assembly bill No. 166, an Act concerning roads and highways in the Counties of Siskiyou, Klamath, and Del Norte;

Also, passed Senate bill No. 293, an Act to grant the right to construct a bridge across the Pajaro River;

Also, on March eleventh passed Senate bill No. 239, an Act for the relief of the legatees of A. De Leeur, deceased;

Also, passed Senate bill No. 265, an Act to authorize J. W. B. Reynolds to dispose of certain real estate;

Also, passed Senate bill No. 195, an Act to authorize Mary Comstock, and her minor children, John Felt Comstock, and George Comstock, to sell their homestead;

Also, passed Senate bill No 63, an Act for the relief of W. D. Sawyer;

Also, passed Senate bill No. 262, an Act to amend an Act entitled an Act concerning the officers of Calaveras County, and the collection of poll taxes, license taxes, and foreign miners' licenses, in said county, approved February twenty-sixth, eighteen hundred and fifty-nine;

Also, on March fourth, Senate amended and passed Assembly bill No. 147, an Act providing for the construction of a public road from Petaluma to Bloomfield, in Sonoma County

DELOS J. HOWE,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate bill No. 195, above reported, read first and second times, and referred to Judiciary Committee.

Senate bill No. 239, above reported, read first and second times, and referred to Judiciary Committee.

Senate bill No 265, above reported, read first and second times, and referred to Judiciary Committee.

Senate bill No 262, above reported, read first and second times, and referred to Calaveras delegation.

Senate bill No. 63, above reported, read first and second times, and referred to Committee on Claims.

Senate bill No. 293, above reported, read first and second times, rules suspended, read third time, and passed

The House refused to recede from their amendments to Senate bill No. 4, above reported, and appointed Messrs Warwick, Ames, and Smith of Sierra, a Committee of Free Conference.

The House refused to concur in Senate amendments to Assembly bill No. 147, above reported.

Mr. O'Brien offered the following resolution:

Resolved, That the Committee on Mileage are hereby directed to report the amount of mileage due the members of the different committees of this House, who have visited State institutions.

Adopted.

Mr. Shannon moved to amend the First Standing Rule of the House, by striking out "eleven," and inserting "ten."

Upon which, Messrs. Dudley of Solano, Wright, and Sears, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Amerige, Bigelow, Dore, Dudley of Solano, Fay, Hillyer, Lane, Loewy, McCullough, Meyers, Morrison, Orr, Pemberton, Porter, Printy, Reeve, Sargent, Sears, Seaton, Shannon, Thompson of San Joaquin, Tilton of San Mateo, Warwick, Wright, Yule, Zuck, and Mr. Speaker—27.

NOES—Messrs. Avery, Barton of Sacramento, Barton of San Bernardino, Bell, Benton, Cot, Cunnard, Dana, Dean, Dennis, Dudley of Placer, Ferguson, Gordon, Griswold, Hoag, Irwin, Kendall, Love, Machin, Maclay, Matthews, Moore, O'Brien, Parker, Reed, Reese, Smith of Fresno, Smith of Sierra, Thompson of Tehama, Thornbury, Tilton of San Francisco, Van Zandt, Waddell, Watson, Werk, Woodman, and Worthington—37.

Mr. Barton had leave to record his vote in the negative, on the bill transferring certain funds.

Mr. Meyers gave notice of a bill for an Act giving the Supervisors of San Joaquin County certain powers to regulate water courses in said county.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Loewy, for an Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, passed April fourteenth, eighteen hundred and fifty-three.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Tilton of San Francisco, for an Act for the relief of the indigent sick, and to confer further powers upon the Board of Supervisors of the City and County of San Francisco.

Read first and second times, rules suspended, considered engrossed, read third time and passed.

By Mr. Bell, for an Act to amend an Act entitled an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four.

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

By Mr Moore, for an Act to regulate the fees of jurors and witnesses in the County of Alameda.

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

By Mr. Maclay, for an Act to deprive traitors and aiders of treason of the rights of citizens in this State.

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

By Mr. Watson, for an Act to extend the time for the construction of the second telegraph line between California and the Eastern States.

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

By Mr. Porter, for an Act to grant to William H. Tillinghast, and his

associates and assigns, the right to construct a wharf at a place called "New York, on the Pacific," in the County of Contra Costa.

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

By Mr. Dean, for an Act to amend section three of an Act entitled an Act amendatory of and supplementary to an Act to establish, support, and regulate common schools.

Read first and second times, and referred to the El Dorado and Amador delegations.

By Mr. Bell, for an Act concerning conveyances.

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

Also, for an Act to authorize Charles C. Bowman and his associates to construct a wharf at the western end of the Encinal of San Antonio, in Alameda County.

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

By Mr. Printy, for an Act to authorize the Coroner of Butte County to remove the bodies of deceased persons

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

By Mr. Parker, for an Act granting the right to keep and maintain a bridge across the North Fork of the American River, near Carrolton, in the Counties of Placer and El Dorado.

Read first and second times, and referred to the Placer and El Dorado delegations.

By Mr Smith of Fresno, for an Act to amend an Act entitled an Act supplementary to an Act entitled an Act concerning the Board of Supervisors of Placer County, approved February fourth, eighteen hundred and fifty-seven.

Read first and second times, and placed on file.

By Mr. Fay, for an Act requiring compensation for causing death by wrongful act, neglect, or default

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

Also, for an Act to authorize Almira Ingram, parent and guardian of Janetta M. Ingram, a minor, to sell the real estate of said minor at private sale.

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

By Mr. Meyers, for an Act to grant the right to construct a bridge across the Mokelumne River, to certain parties therein named.

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

By Mr. Dana, for an Act to repeal an Act entitled an Act to repeal so much of an Act entitled an Act supplementary to an Act for the protection of game, passed May thirteenth, eighteen hundred and fifty-four, as relates to the County of San Luis Obispo, passed April thirteenth, eighteen hundred and sixty, approved March twenty-third, eighteen hundred and sixty-one.

Read first and second times, and placed on file.

By Mr. Dore, for an Act to authorize the Mayor and Board of Supervisors of the City and County of San Francisco to construct a sewer in Fifth street.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Ferguson, for an Act to allow the Board of Supervisors of Sacramento County to levy a special tax

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

On motion of Mr. Seaton, the rules were suspended, and Senate bill No. 199, an Act to grant to C. P. Bowman, and his associates, the right to construct a bridge across the Cosumnes River, in the Counties of Amador and El Dorado, was taken up, amendments adopted, read third time, and passed.

Mr. Hoag introduced the following resolutions:

Resolved, That the Surveyor-General and Register of the State Land Office be and he is hereby requested to report to this House, as soon as practicable, how much of the Swamp and Overflowed, and Swamp, Marsh, and Tide Lands, donated to this State by Congress, have been sold?

How much of the five hundred thousand acres; how much of the sixteenth and thirty-sixth sections; how much of the seventy-two sections, and of the ten sections, donated to this State for certain purposes in the Acts of donation named, now remain unsold? And as to the sixteenth and thirty-sixth sections, how much has been sold, and located, in each of the land districts of the State; and how much remains in each of said districts, now subject to location and sale?

If there are districts, and if so, what districts, which contain reserved or granted lands in which the State is entitled to other lands in lieu of the sixteenth and thirty-sixth sections, and for which there are no vacant lands, within the district or districts from which to make such selection?

What is the aggregate amount of Swamp Land returned by each County Surveyor, under the Act of May thirteenth, eighteen hundred and sixty-one?

How much of it is returned as Swamp Land by the United States Surveyors?

How much of it has been sold by the State?

How much of the land sold by the State is claimed by the United States?

How much of the land sold by the State, and claimed by the United States, has been proved as Swamp Land by the affidavits returned by the County Surveyors?

What is the length of the line of segregation, including the meanders of navigable streams?

What portion of the line of segregation was established by the United States Surveyors, including the line of grants as surveyed by the United States, and as appears on the County Surveyors' returns of Swamp Land?

What number of affidavits have been filed by the County Surveyors to prove up the Swamp Land return, and how many names are used as witnesses?

What number of affidavits have been returned, exclusively covering lands already awarded to the State as Swamp Land, by the United States Surveyors?

Adopted.

Resolved, That the State Treasurer be and he is hereby requested to report to this House, as early as practicable, whether he has in his pos-

session any bonds of the Civil Funded Debt of the State, marked "School Fund," credited to the Common School Fund; and, if so, what amount?

Whether he has in his possession any of such bonds marked "Seminary Fund;" and, if so, what amount?

How much money is now in his possession belonging to the above named Funds? Also, to the Swamp and Overflowed Land Fund? And to the credit of sales of the ten sections of land donated to the State for the erection of public buildings?

Adopted.

Resolved, That the Controller of State be and he is hereby requested to report to this House, at as early a day as practicable—

How much money has been received into the State Treasury from the sale of Swamp and Overflowed Land in this State, since the passage of the Act to provide for the sale of the same, on April twenty-eighth, eighteen hundred and fifty-five?

How much of the money so received has been transferred and paid into the Swamp Land Fund, or credited to the same, in accordance with an Act, approved April twenty-first, eighteen hundred and fifty-eight?

How much of such Fund has been used or drawn therefrom in any manner, and for what purpose or purposes, in detail?

How much money now remains in said Fund?

How much money has been received into the State Treasury from the sale of the five hundred thousand acres of land granted to this State by Act of Congress, and appropriated by our Constitution and laws to school purposes?

How much of the money received from such sale has been used by the Board of Examiners in the purchase of bonds of the Civil Funded Debt of the State, as required by an Act, approved March sixteenth, eighteen hundred and fifty-nine?

How much money now remains in said Fund?

How much money has been received and paid into the State Treasury from the sale of the seventy-two sections of land donated to this State for the use of a Seminary of Learning?

How much of the money so received from such sale has been used by the Board of Examiners in the purchase of bonds of the Civil Funded Debt of the State, as required by the Act of March sixteenth, eighteen hundred and fifty-nine?

How much money now remains in said Fund?

How much money has been received and paid into the State Treasury from the sale of the sixteenth and thirty-sixth sections of land donated to the State for school purposes?

How much of the money so received from such sale has been used by said Board of Examiners in the purchase of bonds of the Civil Funded Debt of the State, as required by an Act of April twenty-second, eighteen hundred and sixty-one?

How much money now remains in said Fund?

How much money has been received and paid into the State Treasury from the sale of the ten sections of land donated to the State for the erection of public buildings?

What has been done with the same?

Adopted.

Mr. Ferguson offered the following resolution:

Resolved, By the Assembly, that Benjamin A. Deros be and is hereby appointed as one of the Pages of this body, at the same salary as other Pages, said appointment to date from the first day of the present month.

Mr. Tilton offered the following substitute:

Resolved, That the Speaker be and he is hereby allowed and requested to appoint one additional Page and one Assistant Paper Folder.

Mr. Porter moved that the subject be laid on the table.

Upon which, Messrs. Yule, Brown, and Warwick, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Amerige, Avery, Battles, Bigelow, Brown, Dore, Dow, Dudley of Placer, Hillyer, Irwin, Love, Maclay, Matthews, Meyers, Moore, Orr, Porter, Reed, Reese, Sears, Warwick, Yule, and Zuck—23.

NOES—Messrs. Barton of San Bernardino, Cot, Cunnard, Dana, Dennis, Dudley of Solano, Ferguson, Frazier, Griswold, Hoag, Kendall, Lane, Leach, Loewy, Machin, McCullough, O'Brien, Parker, Pemberton, Printy, Reeve, Saul, Seaton, Shannon, Smith of Sierra, Thompson of Tehama, Thompson of San Joaquin, Thornbury, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Watson, Werk, Worthington, and Wright—35.

The Speaker decided the subject out of order.

From which, Mr. Tilton of San Francisco appealed.

On the question, "Shall the decision of the Chair stand as the judgment of the House?" Messrs. Dudley of Placer, Yule, and Brown, demanded the ayes and noes.

At twenty minutes past four o'clock, P. M., on motion of Mr. Love, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, March 17th, 1862.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of Saturday read and approved.

Messrs. Benton, Saul, and Yule, had leave of absence.

Mr Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined Assembly bills as follows, and report them correctly engrossed, viz.:

Assembly bill No. 104, an Act in relation to public roads in the County of Calaveras, and to the Road Fund of said County;

Assembly bill No. 168, an Act to fix the compensation of the County Judge of Nevada County;

Assembly bill No. 183, an Act to authorize the Board of Supervisors of El Dorado County to lease the Sacramento and El Dorado wagon road for a term of years;

Assembly bill No. 220, an Act to authorize the issuance of a patent to Maurice J. Dooley, for certain lands in San Joaquin County;

Assembly bill No. 232, an Act to change the name of Anna Eliza Weir;

Assembly bill No. 288, an Act to correct a clerical error in an Act entitled an Act to transfer certain funds, passed March eleventh, eighteen hundred and sixty-two;

Assembly bill No. 296, an Act for the relief of the indigent sick, and to confer further powers upon the Board of Supervisors of the City and County of San Francisco.

LOEWY, Chairman.

Mr. Dennis moved that the House adjourn.

Upon which, Messrs. Love, Dudley of Solano, and Bigelow, demanded the ayes and noes, which were taken, with the following result:

AYES—Messrs. Ames, Bell, Brown, Cunnard, Dana, Dean, Dennis, Dow, Eagar, Evey, Fay, Ferguson, Frazier, Gordon, Griswold, Hoffman, Kendall, Lane, Machin, Maclay, Moore, Morrison, O'Brien, Parker, Reed, Reeve, Seaton, Smith of Fresno, Thompson of Tehama, Thornbury, Tilton of San Francisco, Waddell, Watson, Werk, Worthington, and Wright—36.

NOES—Messrs. Amerige, Avery, Barton of Sacramento, Barton of San Bernardino, Bigelow, Cot, Dore, Dudley of Placer, Dudley of Solano, Eliason, Hillyer, Leach, Love, Matthews, McCullough, Meyers, Orr, Pemberton, Porter, Sears, Shannon, Smith of Sierra, Thompson of San Joaquin, Tilton of San Mateo, Zuck, and Mr. Speaker—26.

And so, at thirty-five minutes past eleven o'clock, A. M., the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, March 18th, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.
Journal of yesterday read and approved.

GENERAL FILE.

Assembly bill No. 107, an Act creating the Eighteenth Judicial District of this State, and providing for the holding of Courts therein—indefinitely postponed.

Senate bill No. 127, an Act to pay the Board of Managers of the State

Institution for the Deaf, Dumb, and Blind—considered in Committee of the Whole, reported, and recommended; read third time, and passed.

Assembly bill No. 207, an Act to legalize the assessment of taxes made in the County of Yolo for the fiscal year ending on the first day of March, eighteen hundred and sixty-two—amendments adopted, and bill ordered engrossed.

Senate bill No. 69, an Act for the punishment of contempts and trespasses—amendment adopted, bill read third time, and passed.

Senate bill No. 107, an Act concerning evidence in certain cases—consideration postponed until March nineteenth.

Assembly bill No 133, an Act to provide for the appointment of Notaries Public, and defining their duties—read third time.

On its passage, Messrs. Griswold, O'Brien, and Dudley of Placer, demanded the ayes and noes, which were taken, and the bill passed, by the following vote:

AYES—Messrs. Amerige, Avery, Barton of Sacramento, Bell, Benton, Bigelow, Brown, Collins, Cot, Dana, Dore, Dow, Dudley of Solano, Eliason, Evey, Fay, Gordon, Griswold, Hillyer, Hoag, Kendall, Leach, Loewy, Machin, Maclay, McCullough, Meyers, Moore, O'Brien, Orr, Porter, Printy, Reed, Reeve, Saul, Sears, Shannon, Smith of Fresno, Smith of Sierra, Teegarden, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Warwick, Worthington, and Zuck—46.

NOES—Messrs Ames, Barton of San Bernardino, Dennis, Frazier, Hoffman, Irwin, Lane, Matthews, Morrison, Parker, Pemberton, Thompson of Tehama, Thompson of San Joaquin, Thornbury, Waddell, Watson, and Woodman—17.

Assembly bill No. 258, an Act to amend an Act, approved March fourth, eighteen hundred and fifty-seven, entitled an Act to amend an Act to incorporate the City of Monterey—ordered engrossed.

Assembly bill No. 256, an Act to authorize Catharine Meyers, Administratrix of the estate of Christopher Meyers, deceased, to dispose of real estate at public or private sale—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 257, an Act concerning salaries of certain county officers in the County of San Diego—referred to Committee on Retrenchment.

Senate bill No. 64, an Act to authorize the Governor of the State of California to convey certain real estate—recommitted to the San Francisco delegation, with instructions to report on March twentieth, eighteen hundred and sixty-two.

Assembly bill No. 161, proposed amendments to the Constitution.

Mr. Ames moved to recommit to the Judiciary Committee.

Mr. Wright moved to indefinitely postpone.

Mr. Eagar moved the previous question.

Sustained.

Mr. Ames' motion to recommit was lost.

On the indefinite postponement of the bill, Messrs. Bigelow, Ames, and Watson, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Ames, Avery, Barton of San Bernardino, Battles, Collins, Dana, Dudley of Placer, Evey, Griswold, Hoffman, Irwin, Leach, Matthews, Moore, Morrison, O'Brien, Reeve, Sears, Seaton, Smith of

Sierra, Thompson of Tehama, Thornbury, Waddell, Watson, Werk, Woodman, Worthington, and Wright—28.

Noes—Messrs. Amerige, Barton of Sacramento, Bell, Benton, Bigelow, Brown, Cot, Dean, Dennis, Dore, Dow, Dudley of Solano, Eagar, Eliason, Fay, Ferguson, Frazier, Gordon, Hillyer, Hoag, Kendall, Loewy, Love, Machin, Maclay, McCullough, Meyers, Orr, Parker, Porter, Printy, Reed, Shannon, Teegarden, Thompson of San Joaquin, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Warwick, and Zuck—40.

And the bill was ordered engrossed.

Assembly bill No. 211, an Act to district the County of Tuolumne into Supervisors' Districts—amendments adopted, rules suspended, bill considered engrossed, read third time, and passed.

PETITIONS.

Mr. Barstow presented a petition of citizens of Klamath County, for amendments to Sunday Law.

Referred to Committee on Public Morals.

Mr. Dow presented a petition of citizens of Sonoma, for amendments to Sunday Law.

Referred to Committee on Public Morals.

REPORTS.

Mr. Brown, from the Committee on Enrolment, made the following report:

Mr. Speaker:—Your Committee on Enrolment have examined, and found correctly enrolled, the following bills:

Assembly bill No. 128, an Act making the office of County Treasurer of Trinity County a salaried office;

Also, Assembly bill No. 166, an Act concerning roads and highways in the Counties of Siskiyou, Klamath, and Del Norte;

Also, concurrent resolution No. 17, relative to adjournment to the City of San Francisco; and delivered the same to the Governor, this day, at ten minutes past eleven o'clock, A. M.

BROWN, of Committee.

Mr. Machin, from the Committee on Corporations, made the following report:

Mr Speaker:—Your Committee on Corporations, to whom was referred Assembly bill No. 300, entitled an Act to grant the right to construct a bridge across the Mokelumne River to certain parties therein named, have examined the same, and would most respectfully report back the bill, with a substitute, the passage of which is hereby recommended.

MACHIN, Chairman.

Mr. Fay, from the Committee on Commerce and Navigation, made the following report:

Mr. Speaker:—The Committee on Commerce and Navigation have considered Senate bill No. 237, an Act to authorize Joshua Hendy, H. B.

Tichenor, and Robert G. Byxbee, to construct and maintain a wharf at the mouth of the Navarro River, in Mendocino County;

Also, Senate bill No 205, an Act to authorize and empower Joshua Hendy, H. B. Tichenor, and Robert G. Byxbee, to construct and maintain booms on the Navarro River, in Mendocino County;

Also, Assembly bill No 212, an Act to authorize Jacob M Tewksbury, and his associates, to build a wharf in Contra Costa County;

We hereby report the bills back, and respectfully recommend the passage of Senate bill No. 237, as amended in section two;

We also recommend the passage of Senate bill No 205, and Assembly bill No. 212, without amendments.

FAY, Chairman.

Mr. Frazier, from the Committee on Education, made the following report:

Mr. SPEAKER:—Your Committee on Education, to whom was referred Assembly bill No. 150, with an accompanying petition, have had the same under consideration, and beg leave to report the same back, with a substitute, and recommend the passage of the substitute.

FRAZIER, for Committee.

Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined the following Assembly bills, and report them correctly engrossed, viz.:

No. 31, an Act to prohibit the keeping open of markets, and the vending of meats, game, vegetables, and other market products, in the City and County of San Francisco, on the Sabbath Day;

No. 73, an Act to authorize D. B. Northrop, Horace Cole, and E. B. Goddard, and their associates, to construct a plank road or bridge over the waters of Mission Bay, in the City and County of San Francisco;

No. 137, an Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning forcible entries and unlawful detainers, passed April twenty-second, eighteen hundred and fifty;

No. 188, an Act to provide means to pay the indebtedness of Del Norte County to Klamath County;

No. 286, an Act to authorize the Board of Supervisors of Calaveras County to employ a competent person to examine the records, and ascertain the present existing debt of said County, and to allow a reasonable compensation for the same, and also to allow a reasonable compensation for the examination already made of the tax rolls of said county, for the years eighteen hundred and fifty-eight, eighteen hundred and fifty-nine, and eighteen hundred and sixty.

LOEWY, Chairman.

Mr. Hillyer made the following report:

Mr. SPEAKER:—The Placer delegation, to whom was referred Assembly bill No 275, report the same back, with amendments, and recommend its passage as amended.

HILLYER, for Delegation.

Mr. Moore made the following report:

Mr. SPEAKER:—The Alameda County delegation, to whom was referred Assembly bill No 301, an Act to amend an Act entitled an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, and repealing certain other Acts in relation to said city, beg leave to report that they have had the same under consideration, and recommend its passage,

They have also considered Assembly bill No. 306, an Act to authorize Charles C. Bowman and his associates to construct a wharf at the western end of the Encinal of San Antonio, Alameda County, and recommend its passage.

MOORE, for Delegation.

Mr. Dean made the following report:

Mr. SPEAKER:—The delegations from El Dorado, Placer, and Amador, to whom was referred Assembly bill No. 304, respecting County Superintendents of Common Schools, have had the same under consideration, and report it back, with amendments, and respectfully recommend its passage as amended.

DEAN, for Delegations.

Mr. Fay, from the Committee on Retrenchment, made the following report:

Mr SPEAKER:—The Committee on Retrenchment have considered Assembly bill No. 295, an Act concerning the Board of Supervisors of the County of San Bernardino;

Also, Senate bill No. 175, an Act in relation to the Register of the State Land Office;

The Committee report the above bills back, and recommend their passage.

FAY, Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 18th, 1862.

Mr SPEAKER:—The Senate on this day received from His Excellency, the Governor, a memorial from James W. Nye, Isaac Roop, and R. M. Ford, Commissioners on the part of Nevada Territory, to determine the boundary line between the State of California and said Territory;

On March fifteenth, Senate passed Senate bill No. 87, an Act to divide the State into Congressional Districts, and to fix the time for electing Representatives to Congress;

Also, passed Senate bill No. 248, an Act to provide for the construction of a wagon road from Red Bluff to the eastern boundary line of this State, near Honey Lake;

Also, on March fifteenth passed Senate bill No. 315, an Act supplementary and amendatory of an Act in relation to public roads in the County of El Dorado, and the Road Fund of said county, approved February twenty-seventh, eighteen hundred and sixty-two;

Also, on March seventeenth passed Senate bill No 225, an Act for the relief of W J. Paugh, late Sheriff of the County of Amador;

Also, passed Senate bill No. 317, an Act to amend an Act to fix the terms of the District Court in the County of Mono;

Also, passed Senate bill No. 318, an Act to amend an Act to incorporate the City of San José, passed March sixteenth, eighteen hundred and fifty-nine;

Also, passed Senate bill No. 319, an Act to provide for the retention of the hides of cattle killed in San Mateo.

DELOS J. HOWE,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate bill No. 37, above reported, read first and second times, and referred to the Committee on Counties and County Boundaries.

Senate bill No. 315, above reported, read first and second times, and referred to the El Dorado delegation.

Senate bill No. 228, above reported, read first and second times, and referred to the Amador delegation.

Senate bill No. 317, above reported, read first and second times, and refered to the delegations from Calaveras, Tuolumne, Mono, and Amador.

Senate bill No. 318, above reported, read first and second times, and referred to the Santa Clara delegation.

Senate bill No. 319, above reported, read first and second times, and referred to the San Mateo delegation.

Senate bill No. 248, above reported, read first and second times, and referred to the Committee on Roads and Highways.

On motion of Mr. Meyers, the rules were suspended, and Assembly bill No. 300, an Act to grant the right to construct a bridge across the Mokelumne River, to certain parties therein named, was taken up—substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Mr. Ferguson gave notice of a bill for an Act in relation to suits brought for the collection of delinquent taxes.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Dudley of Solano, for an Act to better define the boundary line between Solano and Napa Counties.

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

By Mr Dow, for an Act for the relief of W. L. Van Doren, G. B. Williams, and the estate of S. W. Brown.

Read first and second times, and referred to the Committee on Education

Also, for an Act to grant to T. S. Benoist and his associates the right to construct a wagon road in Sonoma County.

Read first and second times, and placed on file.

Also, for an Act to authorize the people of Sonoma County to vote upon the division of the county, and providing for the organization of a new county.

Read first and second times, and referred, with petition, to Committee on Counties and County Boundaries.

By Mr Smith of Sierra, for an Act to change the time of assessing the value of real and personal estate in the County of Sierra.

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

By Mr. Dudley of Placer, for an Act to amend an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.

Read first and second times, and placed on file.

Also, for an Act to provide for the collection of delinquent taxes in the County of Placer.

Read first and second times, and placed on file.

By Mr. Griswold, for an Act repealing an Act entitled an Act creating the Sixteenth and Seventeenth Judicial Districts of this State.

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

By Mr. Gordon, for an Act to authorize William N. Wade, J. L. Smith, and their associates, to construct and maintain a wharf at San Quentin, in the County of Marin.

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

By Mr. Matthews, for an Act concerning the county records of the County of Trinity.

Read first and second times, and placed on file.

By Mr. Morrison, for an Act to provide for the registration of marriageable persons.

Read first and second times, and referred to Committee on Public Morals.

Also, for an Act to amend an Act entitled an Act to regulate proceedings in civil cases.

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

Also, for an Act to amend an Act, approved February nineteenth, eighteen hundred and sixty-two, entitled an Act to authorize the Mayor and Common Council of the City of Los Angeles to borrow money for municipal purposes.

Read first and second times, and referred to the Los Angeles delegation.

By Mr. Sears, for an Act supplemental to an Act entitled an Act to create the office of State Geologist, and to define the duties thereof, approved April twenty-first, eighteen hundred and sixty-one.

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

By Mr. Fay, for an Act fixing the salaries of State officers, members of the Legislature, Supreme Judges, and Clerks.

Read first and second times, placed on file, and ordered printed.

By Mr. Eagar, for an Act to fix the salary of the County Judge of the County of Santa Cruz.

Read first and second times, and referred to the Santa Cruz delegation.

By Mr. Dana, for an Act to amend an Act for the protection of game, passed May thirteenth, eighteen hundred and fifty-four.

Read first and second times, and placed on file.

By Mr. Irwin, for an Act to authorize the issuance of a certain duplicate bond to Iredell M. Hart.

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

By Mr. Woodman, for an Act for the payment of Oliver and Lewis.

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

By Mr. O'Brien, for an Act to authorize the Executor of the estate of Samuel Criswell, deceased, to sell real estate at public or private sale.

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

By Mr. Yule, for an Act to provide for the revision and classification of the statutes of this State.

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

By Mr. Porter, for an Act to provide for the construction of a public wagon and stage road in Contra Costa County.

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

By Mr. Meyers, for an Act to authorize the Board of Supervisors of San Joaquin County to appropriate money.

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

By Mr. Battles, for an Act to provide for a Commission to revise the statutes of the State of California.

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

Also, for an Act for the relief of Charles B. Young.

Read first and second times, and referred to the San Francisco delegation.

Mr. Benton offered the following resolution:

Resolved, That the Sergeant-at-Arms be directed to furnish the Assistants, and Minute Clerks of this House, the usual amount of postage stamps allowed to members, payable out of the Contingent Fund of the Assembly.

Adopted.

SPECIAL ORDER.

Assembly bill No. 169, an Act in relation to the militia of the State, (the special order of the day,) was taken up, and considered in Committee of the Whole, Mr. Avery in the Chair.

After considering the bill for some time, the Committee rose, and had leave to sit again on Thursday, at half past one o'clock, P M.

At half past four o'clock, P. M, on motion of Mr Watson, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, March 19th, 1862.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Messrs. Cunnard, Waddell, and Wilcoxon, had leave of absence.

REPORT.

Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined the following bills, and report them correctly engrossed, viz:

Assembly bill No. 161, proposed amendments to the Constitution;

Assembly bill No. 207, an Act to legalize the assessment of taxes for the fiscal year ending on the first of March, eighteen hundred and sixty-two, in the several counties of this State;

Assembly bill No. 211, an Act to district the the County of Tuolumne into Supervisor Districts;

Assembly bill No. 256, an Act to authorize Catherine Meyers, Administratrix of the estate of Christopher Meyers, deceased, to dispose of real estate at public or private sale;

Assembly bill No. 258, an Act to amend an Act approved March fourth, eighteen hundred and fifty-seven, to incorporate the City of Monterey, approved May eleventh, eighteen hundred and fifty-three;

Assembly bill No. 300, an Act to grant the right to construct and maintain a bridge across the Mokelumne River, to certain parties therein named.

LOEWY, Chairman.

Journal of yesterday read and approved.

GENERAL FILE.

Senate bill No. 107, an Act concerning evidence in certain cases—was read third time.

On its passage, Messrs. Sears, Griswold, and Maclay, demanded the ayes and noes, and the bill was lost, by the following vote:

AYES—Messrs. Amerige, Benton, Bigelow, Brown, Collins, Dennis, Dudley of Placer, Dudley of Solano, Eliason, Evey, Gordon, Griswold, Hillyer, Hoag, Maclay, McCullough, Moore, Orr, Pemberton, Porter, Reed, Sears, Smith of Fresno, Teegarden, Thompson of Tehama, Thompson of San Joaquin, Tilton of San Francisco, Tilton of San Mateo, Wright, and Zuck—30.

NOES—Messrs. Ames, Avery, Barton of Sacramento, Barton of San Bernardino, Battles, Dean, Eagar, Fay, Frazier, Hoffman, Irwin, Kendall, Lane, Leach, Loewy, Love, Machin, Matthews, Meyers, O'Brien, Parker, Printy, Reeve, Sargent, Saul, Seaton, Smith of Sierra, Thornbury, Warwick, Watson, Werk, Woodman, and Worthington—33.

Assembly bill No. 177, an Act to amend an Act, approved May eleventh, eighteen hundred and sixty-one, entitled an Act to provide revenue for the support of the Government of this State.

On motion of Mr. Shannon, laid on the table.

Senate bill No. 119, an Act to authorize the Board of Supervisors of the County of San Joaquin to issue certain bonds, and to provide for the payment of the principal and interest thereof—amendments adopted, read third time, and passed.

Senate bill No 67, an Act providing for an Attorney and Counsellor in and for the City and County of San Francisco.

Mr. Amerige moved to recommit the bill, with special instructions to amend by striking out the second section of the bill.

Mr Shannon moved the previous question.

Sustained.

On recommitting, Messrs Amerige, Watson, and Bigelow, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs Amerige, Barton of San Bernardino, Bigelow, Campbell, Dana, Dennis, Dore, Griswold, Hoffman, Irwin, Kendall, Leach, Loewy, Matthews, McCullough, Morrison, O'Brien, Orr, Porter, Printy, Reese, Smith of Fresno, Teegarden, Thompson of Tehama, Thompson of San Joaquin, Thornbury, Warwick, Watson, Werk, and Woodman —30.

NOES—Messrs. Ames, Barton of Sacramento, Battles, Benton, Brown, Cot, Cunnard, Dean, Dudley of Placer, Eagar, Eliason, Fay, Ferguson, Gordon, Hillyer, Hoag, Love, Machin, Maclay, Meyers, Moore, Reed, Reeve, Saul, Sears, Seaton, Shannon, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Worthington, Wright, and Zuck—33.

The bill was read a third time, and on its passage, Messrs. O'Brien, Benton, and Battles demanded the ayes and noes, and the bill passed, by the following vote:

AYES—Messrs. Ames, Barton of Sacramento, Battles, Benton, Brown, Cunnard, Dean, Dennis, Dore, Dudley of Placer, Dudley of Solano, Eagar, Eliason, Fay, Gordon, Hillyer, Hoag, Machin, Maclay, Matthews, McCullough, Moore, O'Brien, Orr, Reese, Reeve, Sargent, Saul, Sears, Seaton, Shannon, Smith of Sierra, Teegarden, Thornbury, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Worthington, Wright, and Zuck—40.

NOES—Messrs. Amerige, Barton of San Bernardino, Bigelow, Campbell, Cot, Dana, Griswold, Hoffman, Kendall, Leach, Loewy, Love, Meyers, Morrison, Pemberton, Printy, Thompson of Tehama, Thompson of San Joaquin, Warwick, Watson, and Werk—21.

Assembly bill No 135, an Act for the protection of growing timber on all possessory claims and other private property in this State, and on or along public streets or highways, and on public grounds.

Mr. Shannon moved to recommit.

Lost

Mr. Dudley of Placer moved to lay on the table.

Lost.

The following counties were, on motion, excepted from the operation of the bill, viz:

Plumas, Nevada, Amador, Del Norte, Klamath, Trinity, Sierra, El Dorado, Tuolumne, Mono, Shasta, Calaveras, Placer, Yuba, San Diego, Siskiyou, Tulare, Tehama, Colusa, Mariposa, Butte, and Fresno.

Pending the consideration of excepting Sacramento County, the hour arrived for taking up the special order.

SPECIAL ORDER.

Assembly bill No. 132, an Act in relation to the water front of the City of San Francisco.

The bill having been mislaid, or taken from the Clerk's desk, Mr. Fay moved to suspend the rules, and that a printed copy of the bill be considered.

Upon which, Messrs. O'Brien, Griswold, and Matthews, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Ames, Barton of Sacramento, Barton of San Bernardino, Battles, Bell, Benton, Bigelow, Dean, Dennis, Dore, Dudley of So-

lano, Eagar, Eliason, Fay, Gordon, Hillyer, Hoag, Loewy, Maclay, Meyers, Moore, Morrison, Orr, Porter, Printy, Reese, Reeve, Sargent, Seaton, Smith of Sierra, Thompson of Tehama, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Warwick, Watson, Worthington, and Zuck —38.

NOES—Messrs. Amerige, Avery, Campbell, Dudley of Placer, Evey, Ferguson, Frazier, Griswold, Hoffman, Irwin, Kendall, Lane, Leach, Machin, Matthews, McCullough, O'Brien, Pemberton, Reed, Saul, Shannon, Teegarden, Thompson of San Joaquin, Thornbury, Werk, Woodman, and Wright—27.

REPORTS.

Mr Fay verbally reported substitute for Assembly bill No. 132, an Act for the improvement of the water front of the City and County of San Francisco, and recommended the passage of the substitute.

Report withdrawn.

Mr Benton, from the Committee on Public Morals, made the following report:

Mr SPEAKER:—The Committee on Public Morals, to whom was referred Assembly bill No 195, an Act to take the sense of the people of this State for and against a Sunday Law, have considered the same, and report it back, without recommendation;

Also, Assembly bill No. 231, an Act to amend an Act regulating marriages passed April twenty-second, eighteen hundred and fifty, and report it back, without recommendation.

BENTON, for Committee.

Mr. Barton of Sacramento, from the Committee on Ways and Means, made the following report:

Mr. SPEAKER:—The Committee on Ways and Means, to whom was referred the following bills, have had the same under consideration, and beg leave to report:

Assembly bill No. 8, an Act to create the office of State Historiographer—recommend its indefinite postponement;

Also, Assembly bill No 201, an Act to protect free white labor against competition with Chinese coolie labor, and to discourage the immigration of the Chinese into the State of California—and propose accompanying amendment to section one, and report the same, without recommendation;

Also, Assembly bill No 233, an Act amendatory of an Act entitled an Act relative to the issuance of certificates to exempt Firemen within the State—offer amendments accompanying the bill, and recommend its passage;

Also, Assembly bill No. 270, an Act to provide for arranging and indexing the papers in the office of the Secretary of State of this State—with amendment to section two, striking out "three," and inserting "two," and recommend its passage.

BARTON, Chairman.

Mr. Dudley of Placer, from the Committee on Ways and Means, made the following report:

Mr SPEAKER:—The undersigned, majority of the Committee on Ways

and Means, to whom was referred Assembly bill No 189, an Act to appropriate money to pay Counsel employed by the Board of Commissioners appointed to settle with John F. McCauley and Lloyd Tevis, have considered the same, and beg leave to return it, with our recommendation that said bill be indefinitely postponed.

DUDLEY,
PARKER,
WOODMAN,
BIGELOW.

Mr Barton of Sacramento, from the Committee on Ways and Means, made the following report:

Mr. SPEAKER:—The undersigned, a minority of the Committee on Ways and Means, to whom was referred Assembly bill No. 189, an Act to pay the claim of A C. Munson, having carefully considered the same, and believing, from information in possession of the Committee, that the claim is an equitable one, the services upon which the claim is based having been rendered, and no compensation therefor having been made; and it further appearing to the undersigned that said services were rendered by request of a majority of the Board of State Prison Commissioners, at a time when the public interests seemed to demand it, beg leave to report the bill, and recommend its passage

BARTON of Sacramento,
ELIASON,
TILTON of San Francisco.

Mr. Sears, from the Committee on Mines and Mining Interests, made the following report:

Mr. SPEAKER:—The Committee on Mines and Mining Interests have had under consideration Assembly bill No. 324, an Act supplemental to an Act to create the office of State Geologist, and report the same back, and recommend its passage.

SEARS, for Committee.

The rules were suspended, and the bill above reported considered in Committee of the Whole, reported and recommended, considered engrossed, read third time, and passed.

Mr. Seaton made the following report:

Mr. SPEAKER:—The Amador delegation, to whom was referred Senate bill No. 225, an Act for the relief of W. J. Paugh, late Sheriff of the County of Amador, beg leave to report the same back, and recommend its passage.

SEATON, for Delegation.

The rules were suspended, and the bill above reported read third time, and passed.

Mr. Frazier made the following report:

Mr. SPEAKER:—The El Dorado delegation, to whom was referred Senate bill No. 315, an Act supplementary to and amendatory of an Act in relation to public roads in the County of El Dorado, and the Road Fund

of said county, have had the same under consideration, and beg leave to report the same back, without amendment, and recommend its passage.

FRAZIER, for Delegation.

The rules were suspended, and the bill above reported read third time, and passed.

Mr. Smith of Sierra made the following report:

Mr. SPEAKER:—The Sierra delegation, to whom was referred Assembly bill No. 319, an Act changing the time of assessing the value of real and personal property, and collecting the taxes levied thereon for State and county purposes, in the County of Sierra, beg leave to report it back, and recommend its passage.

SMITH, for Delegation.

The rules were suspended, the bill above reported considered engrossed, read third time, and passed.

Mr. Tilton of San Mateo made the following report:

Mr. SPEAKER:—The San Mateo delegation, to whom was referred Senate bill No. 319, an Act for the retention of hides of cattle killed or slaughtered in San Mateo County, have considered the same, and report in favor of its passage, without amendment.

TILTON of San Mateo.

The rules were suspended, bill above reported read third time, and passed.

Mr. Machin made the following report:

Mr. SPEAKER:—The Tuolumne, Mono, Amador, and Calaveras delegations, to whom was referred Senate bill No. 317, an Act to amend an Act to fix the terms of the District Court of the County of Mono, have had the same under consideration, and would most respectfully report the same back to the House, with an amendment, inserting an enacting clause, and recommend the adoption of the amendment, and passage of the bill.

MACHIN, for Delegations.

The rules were suspended, and the bill above reported taken up, amendment adopted, read third time, and passed.

Mr. Brown, from the Santa Clara delegation, made the following report:

Mr. SPEAKER:—The Santa Clara delegation, to whom was referred Senate bill No. 318, an Act to amend the city charter of San José, beg leave to report the same back, and recommend its passage.

BROWN, for Delegation.

The rules were suspended, and the bill above reported read third time, and passed

Mr. Eagar made the following report:

Mr. SPEAKER:—Your Committee, to whom was referred Assembly bill No. 329, an Act to fix the salary of the County Judge of Santa Cruz County, beg leave to report the same back, and recommend its passage.

EAGAR, for Committee.

The rules were suspended, and the bill above reported considered engrossed, read third time, and passed.

A communication was received from the State Treasurer, which was referred to the Committee on Ways and Means.

On motion of Mr. Wright, the rules were suspended, and Assembly bill No. 127, an Act amendatory of an Act entitled an Act to authorize the location of the town site of Crescent City, approved February twelfth, eighteen hundred and fifty-nine, was taken up substitute adopted, considered engrossed, read third time, and passed.

RESOLUTIONS

Mr. Dudley of Solano offered the following resolution:

Resolved, That each member of this House be required to subscribe to the following affirmation:

"I do hereby affirm, before Almighty God and this honorable House, that neither myself, nor any other, to my knowledge, have taken away, or do at this present time conceal, a bill entitled 'An Act for the improvement of the Water Front of the City and County of San Francisco, and for the accommodation of the Shipping and Commerce of the Port of San Francisco.'"

Mr Bigelow offered the following substitute:

Resolved, That a Special Committee of five be appointed by the Chair, to investigate and report to the House, as early as possible, the circumstances and facts relating to the abstracting from the files of the House, and improperly retaining therefrom, of House bill No. 132, and the substitute for the same, reported by the Committee on Commerce and Navigation; and that the Committee have power to send for persons and papers, and administer oaths.

Mr. Zuck moved the previous question.
Sustained.
Substitute adopted.
Mr Watson moved to adjourn.
Lost.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 19th, 1862.

Mr. SPEAKER:—The Senate on this day passed Assembly bill No 296, an Act for the relief of the indigent sick, and to confer further powers upon the Board of Supervisors of the City and County of San Francisco;

Also, on March eighteenth the Senate receded from its amendments to Assembly bill No. 147, an Act providing for the construction of a public road from Petaluma to Bloomfield, in Sonoma County;

Also, amended and passed Assembly bill No. 180, an Act to authorize the Board of Supervisors of the City and County of San Francisco to appropriate the sum of thirteen hundred dollars to Volunteer Engine Company, No. 7, of said city and county;

Also, on March fifteenth the Senate passed Senate bill No. 251, an Act concerning the repair and construction of levees in the County of Sacramento, and the mode of raising revenue therefor;

Also, on this day the Senate adopted Senate concurrent resolution No. 45, requesting Governor Nye, ex-Governor Roop, and Mr. Ford, Commissioners from Nevada Territory, to appear before the two Houses of this Legislature on Friday evening next, in the Assembly Chamber, and address them relative to the establishment of a boundary line between California and Nevada Territory;

Also, on this day adopted Senate concurrent resolution No. 46, directing the State Printer to deliver to the Adjutant-General, for distribution, five hundred copies of his annual report, out of the number now being printed under and by virtue of a concurrent resolution of the two Houses.

DELOS J. HOWE,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate bill No. 251, above reported, read first and second times, and referred to the Sacramento delegation.

The House concurred in Senate amendments to Assembly bill No. 147, above reported.

The House concurred in Senate amendments to Assembly bill No 180, above reported.

The House concurred in Senate concurrent resolution No. 45, above reported.

The House concurred in Senate concurrent resolution No. 46, above reported.

Mr. Bigelow gave notice of an Act for the improvement of the water front of the City and County of San Francisco, and for the accommodation of the shipping and commerce of the port of San Francisco.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Thompson of San Joaquin, for an Act to provide for the construction of a railroad from Mokelumne City, to the Town of Woodbridge, in San Joaquin County.

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

By Mr. Eliason, for an Act to construct a turnpike road between the City of Petaluma and the Town of Santa Rosa, in Sonoma County.

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

By Mr. Smith of Sierra, for an Act to amend an Act entitled an Act in relation to the county officers of Sierra County, approved May seventeenth, eighteen hundred and sixty-one.

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

Also, for an Act concerning the collection of poll taxes and foreign miners' licenses, in the County of Sierra

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

Also, for an Act for the relief of J. C. Langton.

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

At twenty-five minutes past four o'clock, P. M., on motion of Mr. Morrison, the House adjourned

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, March 20th, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.
Journal of yesterday read and approved.

GENERAL FILE.

Assembly bill No. 196, an Act concerning hogs running at large in the County of Solano—read third time, and passed.

Assembly bill No. 36, an Act to authorize Lewis E. Morgan, his associates or assigns, to construct and maintain a wharf in Contra Costa County—read third time, and passed.

Assembly bill No 151, an Act to grant the right to construct a turnpike road between the Town of Sonora, in Tuolumne County, and the Town of Aurora, in Mono County—read third time, and passed.

Assembly bill No. 105, an Act to authorize the Administrator of the estate of Francis Tribon, to sell real estate at public or private sale—read third time, and passed.

Assembly bill No. 205, an Act to provide for the election of a Superintendent of Common Schools in the County of San Mateo—read third time, and passed.

Assembly bill No 186, an Act to amend an Act entitled an Act concerning jurors, passed May third, eighteen hundred and fifty-two, approved May sixteenth, eighteen hundred and sixty-one—read third time, and passed.

Assembly bill No. 181, an Act to amend an Act to incorporate the Town of Grass Valley, approved April fifteenth, eighteen hundred and sixty-one—read third time, and passed

Assembly bill No. 257, an Act to amend an Act entitled an Act to repeal the several Acts incorporating the City of Benicia, and to provide for the government thereof, approved April eighteenth, eighteen hundred and fifty-nine—ordered engrossed.

Senate bill No. 14, an Act to empower Charles Lindley to sell and convey, at private sale, all property, real and personal, situate in the State of California, in which his children have or possess any interest.

Mr. Hillyer moved to indefinitely postpone the bill.

Lost.

Bill read third time, and passed.

Senate bill No. 259, an Act to establish Pounds in the County of Santa Clara—read third time, and passed.

Senate bill No. 253, an Act amendatory of and supplemental to an Act to regulate the fire department of the City and County of San Francisco, passed March twenty-fifth, eighteen hundred and fifty-seven, and the several Acts amendatory thereof—read third time, and passed.

Assembly bill No. 218, an Act to authorize and empower Frederick Brown to construct and maintain booms and piers on Garcia creek, in the County of Mendocino—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 147, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one—recommitted, with special instructions to strike out "one dollar," in sixth class, and insert "three dollars."

Senate bill No. 178, an Act supplemental to an Act entitled an Act to provide for the reclamation and segregation of Swamp and Overflowed, and Salt Marsh, and Tide Lands, donated to the State of California by Act of Congress, approved May thirteenth, eighteen hundred and sixty-one—recommitted to Committee on Swamp and Overflowed Lands, with instruction to amend by striking out the word "all," in the thirteenth line of section fourth, and insert the word "any,"—reported as amended, amendment adopted, read third time, and passed.

Assembly bill No. 40, an Act for the relief of William P. Sayward—ordered engrossed.

Senate bill No. 258, an Act to enable the Attorney-General to employ a Clerk—read third time, and passed.

Mr. Barton, from the Committee on Ways and Means, made the following report:

Mr. SPEAKER:—Your Committee on Ways and Means have had Senate bill No. 147, amending revenue law, under consideration, and beg leave to report the same back, amended, in accordance with special instructions.

BARTON, Chairman.

Bill above reported read third time, and passed.

GENERAL FILE RESUMED.

Assembly bill No. 97, an Act to authorize Joseph Price and his associates to construct and maintain a turnpike road from Cloverdale to Sanel, and to charge and collect toll for travel thereon—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 109, an Act to provide for the construction of a wharf at a point designated upon the southerly bank of the San Joaquin River—placed at top of the file for to-morrow, March twenty-first.

Assembly bill No. 214, an Act to authorize the Commissioners of the Funded Debt of the City of San Francisco to convey real estate—placed at top of the file for to-morrow, March twenty-first.

Assembly bill No. 100, an Act to amend an Act to regulate fees in office in the Counties of Los Angeles and Santa Barbara, approved April sixth, eighteen hundred and sixty-one—amendments adopted, and bill ordered engrossed.

Assembly bill No. 217, an Act concerning roads and highways in the County of Monterey—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 224, an Act relative to certain outstanding warrants of Tuolumne County—substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 213, an Act to authorize William O'Connell and John Fay, and their assigns, to build a wharf at or near Slaughter-house Point, in Contra Costa County, now in the possession of William O'Connell—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 263, an Act authorizing the construction of a wagon

road from the City of San Bernardino, through Devil Cañon, to the Mohave River, in the County of San Bernardino—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No 259, an Act to establish the boundary line between the Counties of Monterey and San Luis Obispo—recommitted to the Committee on Counties and County Boundaries

Assembly bill No. 164, an Act to authorize the Guardian of Francis W Grimes to sell and convey certain real estate—indefinitely postponed.

Mr Reed presented a petition of citizens of Santa Rosa Township, relative to floating Mexican grants.

Referred to the Judiciary Committee.

REPORTS

Mr. Maclay, from the Committee on Claims, made the following reports:

Mr. Speaker:—The Committee on Claims, to whom was referred Assembly bill No. 269, an Act to provide for paying certain demands issued on the faith and credit of the State, which become due and payable on the second day of May, eighteen hundred and sixty-two, and to contract a funded debt for that purpose, have had the same under consideration, and beg leave to report that, in our judgment, the bill should be considered by the Committee on Ways and Means. We therefore respectfully recommend that it be referred to that committee.

MACLAY, for Committee.

The bill above reported was made the special order for Tuesday, March twenty-fifth, at half past one o'clock, P. M

Mr Speaker:—The Committee on Claims, to whom was referred Senate bill No 63, an Act for the relief of W D. Sawyer, have had the same under consideration, together with the accompanying vouchers, and recommend that an allowance of two hundred and eighty dollars and thirty-six cents be made to said W. D Sawyer, and that the bill be amended so as to cover only that amount

MACLAY, for Committee

Mr Speaker:—The Committee on Claims, to whom was referred Senate bill No. 256, an Act to pay the claim of Eugene Lies, for translating the State laws of the twelfth session of the Legislature, have had the same under consideration, and respectfully report in favor of its passage;

Also, Assembly bill No. 312, an Act for the relief of Oliver and Lewis, and recommend that it pass;

Also, Senate bill No 200, an Act making an appropriation for the payment of the claim of James Whitney and others, for the transportation of the property and appurtenances of the Legislature to San Francisco, and for fitting up apartments for the same, and recommend that it pass;

Also, Assembly bill No. 283, an Act to appropriate money to pay the claim of Philip Cadue, for coal furnished the Supreme Court and State Library in the year eighteen hundred and sixty, and recommend that it pass.

MACLAY, for Committee.

Mr. SPEAKER:—The Committee on Claims, to whom was referred Assembly bill No. 340, an Act for the relief of J. C. Langton, have examined the same, and beg leave to report in favor of its passage.

MACLAY, for Committee.

Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined Assembly bills, as follows, and report them correctly engrossed, viz:

Assembly bill No. 324, an Act supplemental to an Act entitled an Act to create the office of State Geologist, and to define the duties thereof, approved April twenty-first, eighteen hundred and sixty-one;

Also, Assembly bill No. 329, an Act to fix the salary of the County Judge of the County of Santa Cruz.

LOEWY, Chairman.

Mr. Hillyer, from the Committee on Public Expenditures, made the following report:

Mr. SPEAKER:—Your Committee on Public Expenditures and Accounts, having examined and found correct the following accounts, so report, and recommend the passage of the accompanying resolution:

Account of S. G. Whipple, for two copies of the Humboldt Times	$6 00
Account of A. T. Dewey, for three copies of the Mountain Messenger	9 00
Account of M. Davis, for putting in three lights of glass in dome	1 50
Account of John Sedgwick, for furnishing State Printer with copy of Assembly Journals, (six hundred and seventy-two folios, at ten cents,) under a resolution of the Assembly, passed January thirtieth, eighteen hundred and sixty-two	67 20
Account of Daniel H. Mitchell, for ninety-five and three-quarters yards of ticking, and making and putting up cover for dome	60 91
Total	$144 61

Resolved, That the Controller of State be and is hereby authorized and directed to draw his warrant on the Contingent Fund of the Assembly, in favor of S. G. Whipple, for the sum of six dollars; in favor of A. T. Dewey, for the sum of nine dollars; in favor of M. Davis, for the sum of one dollar and a half; in favor of John Sedgwick, for the sum of sixty-seven dollars and twenty cents; and in favor of Daniel H. Mitchell, for the sum of sixty dollars and ninety-one cents.

HILLYER, Chairman.

Adopted.

SPECIAL ORDER.

Assembly bill No. 169, an Act in relation to the militia of the State,

(the special order for this day,) was taken up and considered in Committee of the Whole, Mr. O'Brien in the Chair.

After considering the bill, the Committee rose and reported the bill back, with amendments.

Amendments concurred in.

Mr. Dudley of Placer moved to substitute Assembly bill No 262 in place of Assembly bill No. 169.

Upon which, Messrs. Collins, Watson, and Dudley of Placer, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Barton of San Bernardino, Benton, Bigelow, Dudley of Placer, Eliason, Hillyer, Kendall, Machin, Orr, Parker, Sargent, Watson, and Wright—13.

NOES—Messrs. Amerige, Avery, Battles, Collins, Cot, Dean, Dore, Eagar, Irwin, Leach, Loewy, Love, Maclay, Matthews, McCullough, Moore, O'Brien, Printy, Reese, Reeve, Saul, Sears, Seaton, Smith of Sierra, Thornbury, Tilton of San Mateo, Van Zandt, Werk, Woodman, Worthington, and Zuck—31.

Mr. Irwin offered the following amendment:

Strike out section twenty-two, and insert as follows: "It shall be the duty of the Board of Supervisors of each county in which there shall be one or more organized volunteer companies, upon application of the Captain, or commanding officer of the same, to provide for each company in said county, an armory, safe and suitable for keeping the arms and uniform of said company, if the company have the same, and also suitable for the drill of squads, in the School of the Soldier, and an Armorer, to take charge of the same; and said Board shall also, at each of its sessions, audit and allow, and cause to be paid, the necessary incidental expenses of said company previously incurred; *provided*, that the total amount for all the purposes above mentioned shall not exceed fifty dollars in money per month for each company. All moneys which shall be expended by any county in compliance with the provisions of this section, shall become a charge against the State; and it shall be the duty of the State Board of Military Auditors to audit all accounts for moneys so expended, and the duty of the Controller of State to draw his warrants for all such audited accounts on the General Fund in favor of the counties respectively entitled to the same. And all sums which have been expended by counties of this State, under the provisions of section twenty-second of an Act entitled an Act in relation to the militia of the State, approved May ninth, eighteen hundred and sixty-one, are he eby declared a charge against the State; and accounts therefor shall be audited by the State Board of Military Auditors, and the Controller of State shall draw his warrants for the same on the General Fund of the State"

Adopted.

Mr. Bigelow offered the following amendment:

Add to section thirty-six, as follows: "*Provided*, nothing herein contained shall be construed to give any officer authority to call out troops for service against Indians in this State, until the senior officer of the United States Government on service at the headquarters of the United States troops in this State shall be officially notified by the Governor, Major-General, or some Brigadier-General, of the necessity for the service of troops against Indians, and shall have refused or declined to order out the United States troops for said service."

On adopting the amendment, Messrs. Van Zandt, Ames, and Hillyer,

demanded the ayes and noes, and it was adopted, by the following vote:

AYES—Messrs. Amerige, Ames, Barton of Sacramento, Benton, Bigelow, Cot. Cunnard, Dow, Dudley of Placer, Dudley of Solano, Eagar, Gordon, Hillyer, Loewy, Machin, Maclay, McCullough, Meyers, Orr, Parker, Porter, Printy, Reed, Sargent, Shannon, Smith of Sierra, Teegarden, Thompson of San Joaquin, Van Zandt, and Warwick—30.

NOES—Messrs. Avery, Bell, Collins, Dean Dore, Ferguson, Frazier, Irwin Leach, Love, Matthews, Moore, O'Brien, Sears, Seaton, Thompson of Tehama, Thornbury, Tilton of San Mateo, Werk, Woodman, Worthington, and Wright—22

Mr. Worthington offered the following amendment: Strike out section eighty seven, and insert as follows:

"Section 87. Horses, arms, equipments, and uniforms, and all other property, of all officers, non-commissioned officers, and privates, used for military purposes in the organized or enrolled militia of the State, shall be exempt from execution."

Adopted

The bill was then ordered engrossed.

The Enrolling Clerk was authorized to amend the title to Assembly bill No 218.

REPORTS.

Mr. Reese, from the Committee on Federal Relations, made the following report:

Mr. SPEAKER:—The undersigned, a majority of the Committee on Federal Relations, to whom was referred Assembly concurrent resolution No 5, relative to the prevention, by Congress, of the further immigration of Chinese, either by prohibition or by taxation, respectfully report —that they have had said concurrent resolution under consideration, and recommend that the same be not adopted

REESE.
SHANNON,
BENTON.
LEACH.

Mr. Hoag made the following report:

Mr. SPEAKER:—Your Select Committee, to whom was referred Assembly bill No. 261, an Act to organize townships, and regulate their powers and duties, beg leave to report the same back, with amendments, and recommend its passage, as amended.

HOAG, for Committee.

Mr Reeve, from the San Francisco delegation, made the following report:

Mr. SPEAKER:—The San Francisco delegation, to whom was referred Assembly bill No 240, an Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco, have had the same under consideration, report it back, with amendments, and recommend its passage;

Also, Assembly bill No. 238, an Act to give further powers to the Board

of Supervisors of the City and County of San Francisco, have had the same under consideration, report it back, with amendments, and recommend its passage.

REEVE, for Delegation.

Mr Printy made the following report:

Mr Speaker:—The majority of your Select Committee, appointed to examine Assembly bill No. 149, have carefully considered the same, and beg leave to report the same back, with amendments, and recommend its passage

PRINTY,
EAGAR,
DORE.
KENDALL,
WORTHINGTON.

Mr. Parker made the following report:

Mr Speaker:—The undersigned, members of the Special Committee to whom was referred Assembly bill No. 149, an Act in relation to liens of mechanics and others, respectfully beg leave to offer a minority report:

We have thoroughly examined the above mentioned bill, and by a comparison, find it greatly inferior to the present existing law; therefore, we earnestly recommend its indefinite postponement.

PARKER,
LEACH.

Mr. Smith of Sierra made the following report:

Mr. Speaker:—The Sierra delegation, to whom was referred Assembly bill No 341, an Act concerning the collection of poll taxes, license taxes, and foreign miners' licenses, in the County of Sierra, and Assembly bill No. 342, an Act to amend an Act entitled an Act in relation to the county officers of the County of Sierra, approved May seventeenth, eighteen hundred and sixty-one, have considered the same, and beg leave to report them back, and recommend their passage.

SMITH, for Delegation

The rules were suspended, and Assembly bills Nos. 341 and 342, above reported, considered engrossed, read third time, and passed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

Senate Chamber,
March 20th, 1862.

Mr. Speaker:—The Senate, on March nineteenth, concurred in Assembly amendments to Senate bill No. 69, an Act for the punishment of contempts and trespasses;

Also, on March twentieth amended and passed Assembly bill No. 300 an Act granting the right to construct and maintain a bridge across the Mokelumne River, to certain parties therein named;

Also, on March nineteenth passed Assembly bill No. 170, an Act

amendatory of and supplementary to an Act for the preservation of trout.

DELOS J. HOWE,
Assistant Secretary.

The House concurred in Senate amendments to Assembly bill No. 300, above reported.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Ferguson, for an Act in relation to suits brought for the collection of delinquent taxes.

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

Also, for an Act to liquidate an equitable claim against the City and County of Sacramento.

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

Also, for an Act to provide for holding an election in the City of Sacramento.

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

By Mr. Dore, for an Act to amend the Consolidation Bill of San Francisco.

Read first and second times, and referred to San Francisco delegation.

By Mr. Dudley of Solano, for an Act to authorize the parties therein named to establish and maintain a ferry.

Read first and second times, and referred to Committee on Commerce and Navigation.

By Mr. Hoag, for an Act for the relief of Joseph Kem.

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

By Mr. Tilton of San Mateo, for an Act to grant the right to construct a turnpike road between Searsville, in San Mateo County, to Pescadero, in Santa Cruz.

Read first and second times, and referred to the delegations from San Mateo and Santa Cruz.

Mr. Maclay moved to adjourn.

Upon which, Messrs. Shannon, Wright, and Warwick, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Ames, Bell, Bigelow, Dana, Dudley of Placer, Frazier, Gordon, Griswold, Hillyer, Hoffman, Irwin, Loewy, Love, Maclay, Moore, O'Brien, Parker, Pemberton, Reed, Reese, Teegarden, Werk, Woodman, and Zuck—24.

NOES—Messrs. Amerige, Avery, Benton, Dore, Dudley of Solano, Eliason, Ferguson, Leach, Machin, Matthews, McCullough, Orr, Porter, Reeve, Sargent, Sears, Seaton, Shannon, Thompson of Tehama, Thompson of San Joaquin, Tilton of San Mateo, Van Zandt, Warwick, and Wright—24.

Assembly bill No. 222 was placed at the bottom of the file.

On motion of Mr. Ferguson, the rules were suspended, and the resolution offered by him, appointing Benjamin A. Deros an additional Page, was taken up.

Mr. Maclay moved to adjourn.

Lost.

On adopting the resolution, Messrs. Maclay, Dow, and Porter, de-

manded the ayes and noes, and the resolution was adopted, by the following vote:

AYES—Messrs. Ames, Avery, Barton of San Bernardino, Benton, Cot, Dana, Dudley of Solano, Eliason, Ferguson, Frazier, Griswold, Hillyer, Hoffman, Loewy, Love, Machin Matthews, McCullough, O'Brien, Parker, Pemberton, Reeve, Seaton, Shannon, Smith of Fresno, Thompson of Tehama, Thompson of San Joaquin, Thornbury, Warwick, Werk, Woodman, Worthington, and Wright—33.

NOES—Messrs Bigelow, Collins, Dow, Irwin, Leach, Maclay, Meyers, Moore, Porter, Reese, Sears, Tilton of San Mateo, and Zuck—13

At twenty minutes past four o'clock, P. M., on motion of Mr. Bigelow, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, March 21st, 1862.

House met pursuant to adjournment.

Speaker in the Chair

Mr Lane had leave of absence.

Roll called.

Quorum present.

On motion of Mr. Tilton of San Francisco, Assembly bills Nos. 144 and 145 were made the special order for this day, at half past one o'clock, P. M.

Mr. Barton of Sacramento verbally reported, with amendments, Assembly bill No. 351, an Act for holding an election in the City of Sacramento, and recommended its passage.

Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No 127, an Act amendatory of an Act entitled an Act to authorize the location of the town site of Crescent City, approved February twelfth, eighteen hundred and fifty-nine.

LOEWY, Chairman.

Journal of yesterday read and approved.

GENERAL FILE.

Senate bill No. 109, an Act to provide for the construction of a wharf at a point designated upon the southerly bank of the San Joaquin River—read third time, and passed.

Assembly bill No. 214, an Act to authorize the Commissioners of the Funded Debt of the City of San Francisco to compromise and settle certain claims to real estate, and to convey such real estate pursuant thereto—amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 164, an Act to amend an Act concerning corporations—amendments adopted, read third time and passed

Assembly bill No. 194, an Act making an appropriation for the payment of the per diem and mileage of Presidential Elector—read third time, and passed

Assembly bill No. 221, an Act legalizing the assessment roll of the City of Los Angeles for the fiscal year commencing May, eighteen hundred and sixty, and for other purposes—read third time, and passed.

Assembly bill No. 229, an Act to regulate the fees of officers in the County of Sonoma—read third time, and passed

An Act to amend an Act entitled an Act to regulate the fees of certain officers and witnesses and jurors in the County of El Dorado, approved April nineteenth, eighteen hundred and fifty-nine—read third time, and passed.

Senate bill No. 179, an Act to amend an Act entitled an Act creating a Board of Commissioners in each township of the several counties of this State, to regulate water courses within their several limits, passed May fifteenth, eighteen hundred and fifty-four—read third time, and passed

Senate bill No 101, an Act amendatory of and supplementary to an Act entitled an Act to authorize married women to transact business in their own names, as sole traders, passed April twelfth, eighteen hundred and fifty-eight—placed at top of file for March twenty-second, eighteen hundred and sixty-two.

Assembly bill No. 42, an Act to amend an Act, approved May seventeenth, eighteen hundred and sixty-one, entitled an Act supplementary to an Act to prevent the trespassing of animals upon private property, approved March thirty-first, eighteen hundred and fifty-five—substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 246, an Act to regulate the fees of the County Surveyor of Napa County—rules suspended considered engrossed, read third time, and passed.

Assembly bill No 320, an Act to amend an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one—rules suspended, considered engrossed, read third time, and passed

Assembly bill No. 321 an Act to provide for the collection of delinquent taxes in the County of Placer—rules suspended, considered engrossed, read third time, and passed.

Senate bill No 198, an Act to authorize and empower Charles S Clapp, Guardian of Albert Dorente, a minor, to sell certain real estate belonging to said minor—read third time, and passed.

Senate bill No 142, an Act to provide for the formation of corporations for the accumulation and investment of funds and savings—amendments adopted, read third time and passed.

Senate bill No. 84, an Act to amend an Act supplementary to an Act to prevent the trespassing of animals on private property, approved March thirty-first, eighteen hundred and fifty-five—placed at top of file for to-morrow.

Assembly bill No. 275, an Act to authorize the County of Placer to loan its credit to the Sacramento, Placer, and Nevada Railroad Company, to the amount of one hundred thousand dollars—amendments adopted, rules suspended, considered engrossed, read third time, and passed.

On motion of Mr Benton, the rules were suspended, and Assembly bill No 351, an Act to provide for holding an election in the City of Sacramento, was taken up.

Mr. Ferguson offered a substitute, which was adopted—rules suspended, considered engrossed, read third time, and passed.

Mr. Brown, from the Committee on Enrolment, made the following report:

Mr Speaker:—Your Committee on Enrolment have examined, and found correctly enrolled, Assembly bills as follows:

Assembly bill No. 296, an Act for the relief of the indigent sick, and to confer further powers upon the Board of Supervisors of the City and County of San Francisco;

Also, Assembly bill No 180, an Act to authorize the Board of Supervisors of the City and County of San Francisco to appropriate the sum of thirteen hundred dollars to Volunteer Engine Company, No 7, of said City and County;

Also, Assembly bill No. 300, an Act to grant the right to construct and maintain a bridge across the Mokelumne River to certain parties therein named;

Which were presented to the Governor, for his approval, at eleven o'clock and fifty minutes, A. M.

AVERY, Chairman.

Mr. Ames moved to suspend the rules, for the purpose of introducing a resolution to rescind the resolution fixing the thirty-first instant as the day of adjournment *sine die*.

Upon which, Messrs. Collins, Ames, and Sears, demanded the ayes and noes, which were taken, with the following result.

Ayes—Messrs Ames, Barton of San Bernardino, Battles, Campbell, Cunnard, Dean, Eagar, Evey, Ferguson, Frazier, Griswold, Hillyer, Hoag, Jackson, Love, Matthews, Morrison, O'Brien, Pemberton, Saul, Smith of Fresno, Thompson of Tehama, Watson, Wilcoxon, Woodman, and Worthington—25.

Noes—Messrs Amerige, Avery, Barton of Sacramento, Benton, Bigelow, Brown, Collins, Cot, Dennis, Dore, Dudley of Solano, Eliason, Gordon, Irwin, Leach, Loewy, Machin, Maclay, McCullough, Meyers, Moore Orr, Porter, Sears, Seaton, Shannon Smith of Sierra, Van Zandt, Wright, Zuck, and Mr. Speaker—31.

So the rules were not suspended

Mr. Eliason presented a petition of citizens of Sonoma County, relative to locating school lands

Referred to the Committee on Public Lands.

REPORTS

Mr Porter, from the Committee on Roads and Highways, made the following report:

Mr. Speaker:—The Committee on Roads and Highways find that Assembly bill No. 343, an Act to provide for the construction of a railroad from Mokelumne City to the Town of Woodbridge, in San Joaquin County, relates to matters provided for in the general Railroad Incor-

poration Law of the State, and they therefore ask leave to report it back, with a recommendation that it be referred to the Committee on Corporations.

PORTER, for Committee.

The bill above reported was referred to the Committee on Corporations.

Mr. Hoag made a report from the Committee on Mileage.

Mr. Warwick moved to recommit the report, with special instructions to amend.

Upon which, Messrs. Sears, Collins, and Irwin, demanded the ayes and noes, and the motion prevailed, by the following vote:

AYES—Messrs Barton of Sacramento, Barton of San Bernardino, Benton, Campbell, Cot. Cunnard, Dana, Dudley of Placer, Dudley of Solano, Eliason, Evey, Hillyer, Leach, Loewy, Machin, Maclay, Moore, Orr, Pemberton, Printy, Reeve, Saul, Shannon, Smith of Fresno, Smith of Sierra, Thompson of Tehama, Thompson of San Joaquin, Van Zandt, Watson, Woodman, and Worthington—31

NOES—Messrs. Amerige, Bigelow, Brown, Collins, Dean, Dennis, Frazier, Griswold, Hoag, Irwin, Love, Matthews, O'Brien, Reese, Sears, Thornbury, and Zuck—17

Mr. O'Brien, *from the Judiciary Committee, made the following report:*

Mr. SPEAKER:—The Judiciary Committee, to whom was referred Senate bill No. 135, an Act to authorize Mrs. Mary Comstock, and her minor children, Bertha Comstock, John Felt Osgood Comstock, and George Comstock, to sell their homestead, have had the same under consideration, and report the bill back, and recommend its passage;

Also, Assembly bill No. 280, an Act to amend an Act entitled an Act to provide revenue for the support of this State, approved May seventeenth, eighteen hundred and sixty-one, and report the bill back, and recommend its passage;

Also, Assembly bill No. 334, an Act to authorize the Executors of the estate of Samuel Criswell, deceased, to sell real estate at public or private sale, report the bill back, and recommend its passage;

Also, Assembly bill No. 346, an Act in relation to suits brought for the collection of delinquent taxes, and report the same back, with the recommendation that it do not pass.

BELL, Chairman.

The rules were suspended, and Assembly bill No. 334, above reported, was considered engrossed, read third time, and passed.

Mr. Eliason, from the Committee on Federal Relations, made the following minority report:

Mr. SPEAKER:—A minority of the Committee on Federal Relations beg leave to submit the following report on Assembly concurrent resolution No. 5, relative to the immigration of the Chinese:

After a careful and mature consideration of the question, a minority of your Committee would urge upon the Assembly the necessity of the adoption of concurrent resolution No. 5, for the following reasons:

First—That the interests and dignity of free white labor demand pro-

tection against the inroads and competition of the immense surplus population of the Chinese Empire.

Second—That all history establishes the fact, that the Caucasian and colored races cannot inhabit the same soil on terms of equality, either socially or politically.

Third—That it is antagonistic to the spirit of our Republican form of government to tolerate the presence and increase of a large servile or inferior class, who can never become citizens.

Fourth—That the arguments used by those who favor the immigration of the Chinese, to the effect that they furnish cheap labor, and thus tend to the wealth of the State, could have been, and probably was, used, eighty years ago, in favor of the importation of the African races.

Fifth—That unless this evil is abated, either by State or Congressional enactments, the people will be compelled to protect themselves; which course must lead to acts of violence and oppression, greatly against the peace and dignity of the State.

Sixth—That because the Legislatures of this State have adopted similar resolutions, and because our Members in Congress have refused to attend to the call of free white labor, can be no excuse for us to neglect our duty, or to suppose that our present Representatives in Congress will not respond to the express wish of the people of this State.

Seventh—That neither the dictates of humanity or philanthropy can call upon us to engraft this cancerous ulcer upon the body politic; that the Chinese, with their degrading and loathsome personal habits, can only be a social pest; and that while we would not oppress any man whom God has created, charity does not demand that we take the beggar into our family, or even into the servants' quarters, when he is afflicted with the small pox.

Eighth—That to obtain final and permanent relief from this great and growing evil, Congressional interference is absolutely necessary.

Firmly impressed with the conviction that this question is of vast importance to this State, we have felt compelled to present this report

ELIASON,
EVEY,
COLLINS.

Mr. Moore, from the Committee on Agriculture, made the following report:

Mr. SPEAKER:—The Committee on Agriculture, to whom was referred Assembly bill No 337, an Act to authorize the Board of Supervisors of San Joaquin County to appropriate money, have carefully examined the same, and beg leave to report the same back, with the recommendation that it pass.

MOORE, Chairman.

Mr. Collins, from the Committee on Military Affairs, made the following report:

Mr. SPEAKER:—The Committee on Military Affairs, to whom was referred Assembly bill No. 331, an Act to authorize the issuance of a certain bond to Iredell M Hart, have had the same under consideration, beg leave to report it back, and recommend its passage.

COLLINS, Chairman.

Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and report correctly engrossed, Assembly bill No. 213, an Act to authorize William O'Connell and John Fay, and their assigns, to build a wharf at or near Slaughter-house Point in Contra Costa County, now in possession of William O'Connell.

LOEWY Chairman.

Mr. Machin, from the Committee on Corporations, made the following report:

Mr. SPEAKER:—The Committee on Corporations, to whom was referred Assembly bill No 303, an Act to extend the time for the construction of the second telegraph line between California and the Eastern States, have examined the same, and would most respectfully report it back to the House, and recommend its passage:

They have also examined Assembly bill No 281, an Act to extend an Act entitled an Act to grant the right to construct a turnpike road between the Town of Jackson and Ione City, in the County of Amador, approved April fifth, eighteen hundred and sixty-one, and would most respectfully report it back to the House, and recommend its passage.

MACHIN, Chairman.

SPECIAL ORDER.

Assembly bill No 144, an Act to amend an Act entitled an Act concerning crimes and punishments, passed April tenth eighteen hundred and fifty, (the special order of the day,) was taken up.

Mr Wright offered the following amendment: "The credibility of the testimony of negroes and Mongolians shall be left to the jury."

Pending the discussion of the bill, Mr Dean moved to postpone the further consideration thereof until to-morrow, at three o'clock, P. M.

Upon which, the ayes and noes were demanded, by Messrs. Wilcoxon, Yule, and Seaton, and the motion prevailed, by the following vote:

AYES—Messrs. Amerige, Barton of Sacramento, Barton of San Bernardino, Benton, Bigelow, Brown, Campbell, Collins, Cot, Cunnard, Dana, Dean, Dennis, Eliason, Evey, Ferguson, Gordon, Hillyer, Hoag, Hoffman, Leach, Loewy, Love, Maclay, Meyers, Morrison, Parker, Reese, Reeve, Sargent, Saul, Seaton, Shannon, Teegarden, Thompson of San Joaquin, Tilton of San Francisco, Warwick, Watson, Woodman, Wright, and Mr. Speaker—41.

NOES—Messrs. Avery, Dore, Dudley of Placer, Dudley of Solano, Irwin, Machin, Matthews, Moore, O'Brien, Orr, Porter, Printy, Sears, Smith of Fresno, Thompson of Tehama, Thornbury, Van Zandt, Werk, Wilcoxon, Yule, and Zuck—22.

At twenty-one minutes past five o'clock, P. M., on motion of Mr. Love, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, March 22d, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.
Messrs. Moore, Pemberton, Dore, Dow, Tilton of San Mateo, and Bigelow, had leave of absence
Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined the following bills, and report them correctly engrossed, viz:

Assembly bill No. 40, an Act for the relief of William P. Sayward;

Assembly bill No. 97, an Act to authorize Joseph B. Price, and his associates, to construct and maintain a turnpike road from Cloverdale to Sanel, and to charge and collect tolls for travel thereon;

Also, Assembly bill No. 218, an Act to authorize and empower Frederick Brown, or his assigns, to construct and maintain booms and piers on Garcia creek, in the County of Mendocino;

Also, Assembly bill No. 224, an Act relative to certain outstanding warrants of Tuolumne County;

Also, Assembly bill No. 342, an Act to amend an Act entitled an Act in relation to the county officers of the County of Sierra, approved May seventeenth, eighteen hundred and sixty-one.

LOEWY, Chairman.

Journal of yesterday read and approved.

GENERAL FILE.

Senate bill No. 84, an Act to amend an Act supplementary to an Act to prevent the trespassing of animals on private property, approved March thirty-first, eighteen hundred and fifty-five—amendments adopted, read third time, and passed.

Senate bill No. 101, an Act amendatory of and supplementary to an Act entitled an Act to authorize married women to transact business in their own names, as sole traders.

Mr Porter offered the following amendment:

Strike out, in section first, where they occur, the following words: "But the insolvency of the husband, apart from other causes tending to prevent his supporting his family, shall not be deemed to be sufficient cause for granting this application."

Lost.

Mr. Porter also offered the following amendment:

Amend section second, by striking out the following words, where they occur, beginning in the seventeenth line: "But nothing contained in this Act shall be deemed to authorize a married woman to carry on business in her own name, when the same is managed or superintended by her husband."

Lost.

Mr. McCullough offered the following amendment:

Strike out "thirty days," in the eighth line, section first, and insert "four successive weeks."

Adopted.

Bill read third time, and passed.

Senate bill No. 165, an Act concerning roads and highways in the County of Mariposa—read third time, and passed.

Assembly bill No. 270, an Act to provide for reorganizing and indexing the papers in the office of the Secretary of State of this State—amendment adopted, and considered in Committee of the Whole.

Reported and recommended, rules suspended, considered engrossed, and read third time.

On its passage, Messrs. Dudley of Placer, Wilcoxon, and Collins, demanded the ayes and noes, and the bill passed, by the following vote:

AYES—Messrs. Amerige, Ames, Avery, Barton of Sacramento, Barton of San Bernardino, Benton, Brown, Campbell, Cot, Cunnard, Fay, Leach, Meyers, O'Brien, Sargent, Seaton, Shannon, Smith of Sierra, Teegarden, Tilton of San Francisco, Warwick, Watson, Werk, Woodman, and Zuck —25.

NOES—Messrs. Collins, Dennis, Dudley of Placer, Evey, Ferguson, Frazier, Griswold, Hillyer, Hoag, Irwin, Jackson, Love, Machin, Matthews, McCullough, Printy, Smith of Fresno, Thompson of Tehama, Thornbury, Waddell, Wilcoxon, and Worthington—22.

Assembly bill No. 40, an Act for the relief of William P. Sayward—was read third time, and passed.

Senate bill No. 29, an Act to amend an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, and the several Acts amendatory thereof and supplemental thereto—was read third time, and passed.

Assembly bill No 312, an Act to repeal an Act entitled an Act to repeal so much of an Act entitled an Act supplementary to an Act for the protection of game, passed May thirteeenth, eighteen hundred and fifty-four, as relates to the County of San Luis Obispo, passed April thirteenth, eighteen hundred and sixty, approved March twenty-third, eighteen hundred and sixty-one—was ordered engrossed

Assembly bill No. 195, an Act to take the sense of the people of this State for and against a Sunday law—was laid on the table.

Assembly bill No. 233, an Act amendatory of an Act entitled an Act relative to the issuance of certificates to exempt Firemen within this State, approved May twentieth, eighteen hundred and sixty-one—amendments adopted, and ordered engrossed.

Assembly bill No. 8, an Act to create the office of State Historiographer—was indefinitely postponed.

Assembly bill No. 189, an Act to appropriate money to pay Counsel employed by the Board of Commissioners appointed to settle with J. F. McCauley and Lloyd Tevis—was referred to the Committee on Claims.

RESOLUTIONS.

Mr. Loewy offered the following resolution:

Resolved, That the Engrossing Clerk be and he is hereby authorized to employ an additional Assistant, from this day, at the usual per diem allowed by law.

Mr. Avery offered the following substitute:

Resolved, That the Engrossing Clerk be and he is hereby empowered to employ such assistance as may be necessary to do all the copying which such Clerk and his Assistant are unable to perform; that he shall be directed to keep an accurate account of all copying performed in accordance with this resolution; and that he be allowed for such copying at a rate not exceeding twelve and one half cents per folio, subject to the revision and control of the Engrossing Committee, and to be audited and allowed by them.

The substitute was lost, and the resolution offered by Mr. Loewy was adopted.

On motion of Mr. Seaton, the rules were suspended, and Assembly bill No. 280, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one, was taken up, considered engrossed, read third time, and passed.

REPORTS.

Mr. Avery, from the Committee on Enrolment, made the following report:

Mr. SPEAKER:—Your Committee on Enrolment have examined, and found correctly enrolled, Assembly bill No. 351, an Act to provide for holding an election in the City of Sacramento, and delivered the same to the Governor, at twenty-one minutes past one o'clock, P. M., this day, for his approval.

AVERY, Chairman.

Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 275, an Act to authorize the County of Placer to loan its credit to the Sacramento, Placer, and Nevada Railroad Company, to the amount of one hundred thousand dollars.

LOEWY, Chairman.

Mr. Fay, from the Commitee on Commerce and Navigation, made the following report:

Mr. SPEAKER:—The Committee on Commerce and Navigation, to whom was referred Assembly bill No. 298, an Act granting to William H. Tillinghast, his associates and assigns, the right to construct a wharf at a place called "New York, on the Pacific," in the County of Contra Costa, have had the same under consideration, report the same back, and respectfully recommend its passage.

FAY, Chairman.

Mr. Campbell, from the Committee on Education, made the following report:

Mr. SPEAKER:—The Committee on Education report back Assembly

bill No. 255, an Act amendatory of an Act entitled an Act prescribing rules for the government of the State Library, with amendments, and recommend the passage of the bill as amended.

CAMPBELL.

Mr. Porter, from the Committee on Swamp and Overflowed Lands, made the following report:

Mr. SPEAKER:—Your Committee on Swamp and Overflowed Lands, without such consideration as will warrant a specific recommendation, ask leave to report back Assembly bill No. 83, an Act to provide for the reclamation of Swamp and Overflowed Lands of this State, by the construction of levees, canals, etc., and the employment of convict labor.

PORTER, for Committee.

Assembly bill No. 83, above reported, was made the special order for Friday next, at one and a half o'clock, P. M.

Mr. Collins, from the Committee on Military Affairs, made the following report:

Mr. SPEAKER:—Your Committee on Military Affairs, to whom was referred Assembly bill No. 153, an Act to appropriate money to sustain a mounted battery of artillery in the City and County of San Francisco, have considered the same, and have directed me to report it back, with an amendment, and recommend its passage as amended

COLLINS, Chairman.

Mr. Machin, from the Committee on Corporations, made the following report:

Mr. SPEAKER:—Your Committee on Corporations, to whom was referred Assembly bill No. 343, an Act to provide for the construction of a railroad from Mokelumne City to the Town of Woodbridge, in San Joaquin County, have considered the same, and would most respectfully report the same back, and recommend its passage.

MACHIN, Chairman.

Mr. Saul, from the Sacramento delegation, made the following report:

Mr. SPEAKER:—The Sacramento delegation, to whom was referred Assembly bill No. 282, an Act for the better protection of farmers in certain portions of Sacramento County, and for regulating the herding of stock within the same, respectfully report the same back, with amendments, and recommend its passage.

SAUL, for Delegation.

Mr. Saul moved to suspend the rules, for the purpose of considering the bill above reported.

Upon which, Messrs. Wilcoxon, Dudley of Placer, and Thompson of San Joaquin, demanded the ayes and noes, and the motion prevailed, by the following vote:

AYES—Messrs. Amerige, Barton of Sacramento, Benton, Brown, Dana, Dean, Dennis, Fay, Ferguson, Frazier, Hoag, Loewy, Matthews, McCullough, Meyers, O'Brien, Reese, Reeve, Sargent, Saul, Seaton, Shannon,

Smith of Sierra, Teegarden, Tilton of San Francisco, Van Zandt, Waddell, Warwick, Watson, and Zuck—30.

NOES—Messrs. Barton of San Bernardino, Collins, Cot, Dudley of Placer, Dudley of Solano, Eagar, Griswold, Hillyer, Machin, Sears, Smith of Fresno, Thompson of Tehama, Thompson of San Joaquin, Wilcoxon, and Worthington—15.

The bill was made the special order for March twenty-fifth, at two o'clock, P. M.

Mr. Morrison made the following report:

Mr. SPEAKER:—The Select Committee to whom was referred Assembly bill No. 328, an Act to amend an Act, approved February nineteenth, eighteen hundred and sixty-two, entitled an Act to authorize the Mayor and Common Council of the City of Los Angeles to borrow money for municipal purposes, having examined the same, report the same back, and respectfully recommend its passage.

MORRISON,
WATSON.

The rules were suspended, and the bill above reported considered engrossed, read third time, and passed.

Mr. Watson, from the Los Angeles delegation, made the following report:

Mr. SPEAKER:—The delegation from Los Angeles, to whom was referred Senate bill No. 246, beg leave to report the same back to the House, with amendment, and recommend its passage.

WATSON,
MORRISON.

Mr. McCullough, from the Tuolumne and Mono delegation, made the following report:

Mr. SPEAKER:—The delegation from Tuolumne and Mono have had under consideration Assembly bill No. 185, an Act to grant the right to construct a railroad from Aurora, in Mono County, to Walker's River, to certain parties therein named, and a minority of said delegation report a substitute for said bill, with the recommendation that it pass.

KENDALL, for Delegation.

Mr. O'Brien, from the Calaveras delegation, made the following report:

Mr. SPEAKER:—The Calaveras delegation, to whom was referred Senate bill No 262, an Act entitled an Act concerning the officers of Calaveras County, and the collection of poll taxes, license taxes, and foreign miners' license taxes, in said county, approved February twenty-sixth, eighteen hundred and fifty-nine, have had the same under consideration, beg leave to report it back, without amendment, and recommend its passage.

O'BRIEN, for Delegation.

The rules were suspended, and the bill above reported read third time, and passed.

Mr. Eagar made the following report:

Mr. SPEAKER:—Your Select Committee to whom was referred Assembly bill No. 348, an Act to grant the right to construct a turnpike road between Searsville, San Mateo County, and Pescadero, Santa Cruz County, have carefully examined the same, and beg leave to report the same back, with the recommendation that it pass.

EAGAR, Chairman.

Mr. Reeve, from the San Francisco delegation, made the following report:

Mr. SPEAKER:—The San Francisco delegation, to whom was referred Senate bill No. 64, an Act to authorize the Governor of the State of California to convey certain real estate, have had the same under consideration, report it back, and recommend its passage;

Also, have had under consideration Assembly bill No. 154, an Act to establish the line and grades of streets in the City and County of San Francisco, report it back, with amendments, and recommend its passage.

REEVE, for Delegation.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 21st, 1862.

To the Honorable the Assembly of California:

I have to inform your honorable body that I have approved Assembly bill No. 128, an Act making the office of County Treasurer of Trinity County a salaried office;

Also, Assembly bill No. 166, an Act concerning roads and highways in the Counties of Siskiyou, Klamath, and Del Norte;

Also, Assembly bill No. 296, an Act for the relief of the indigent sick, and to confer further powers upon the Board of Supervisors of the City and County of San Francisco;

Also, Assembly bill No. 180, an Act to authorize the Board of Supervisors of the City and County of San Francisco to appropriate the sum of thirteen hundred dollars to Volunteer Engine Company, No. 7, of said city and county;

Also, Assembly bill No. 24, an Act to authorize the Supreme Court to admit William M. Pierson as an Attorney of said Court.

LELAND STANFORD, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 22d, 1862.

To the Honorable the Assembly of California:

I have to inform your honorable body that I have approved Assembly bill No. 351, an Act to provide for holding an election in the City of Sacramento.

LELAND STANFORD, Governor.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 22d, 1862.

Mr. SPEAKER:—The Senate on yesterday passed Assembly bill No. 181, an Act to amend an Act to incorporate the Town of Grass Valley, approved April fifteenth, eighteen hundred and sixty-one;

Also, passed Assembly bill No. 31, an Act to prohibit the keeping open of markets, and the vending of meats, vegetables, and other market produce, in the City and County of San Francisco, on the Sabbath day;

Also, passed Assembly bill No. 329, an Act to fix the salary of the County Judge of Santa Cruz County;

Also, on the nineteenth instant passed Senate bill No. 157, an Act to provide for binding minors as apprentices, clerks, and servants, by the San Francisco Protection and Relief Society;

Also, passed Senate bill No. 339, an Act to incorporate the City of Sacramento;

Also, on this day passed Assembly bill No. 351, an Act to provide for holding an election in the City of Sacramento;

Also, on March twenty-first passed Senate bill No. 342, an Act to grant the right of way to construct a toll bridge across the Yuba River, near Parks' Bar, in Yuba County;

Also, on March nineteenth Senate amended Assembly amendments to Senate bill No. 199, an Act to grant to E. P. Bowman, and his associates, the right to construct a bridge across the Cosumnes River, in the Counties of Amador and El Dorado, and concurred in Assembly amendments as amended by Senate;

Also, concurred in Assembly amendments to Senate bill No. 119, an Act to authorize the Board of Supervisors of the County of San Joaquin to issue certain bonds, and to provide for the payment of the principal and interest thereof;

Also, passed Senate bill No. 281, an Act granting to H. J. May, Charles M. Baxter, William Kohl, and others, the right to lay a railroad track along certain streets in the City of Petaluma, and through a public road in the County of Sonoma;

Also, on March twentieth concurred in Assembly amendments to Senate bill No. 268, an Act to grant certain privileges to the citizens of Grass Valley, Nevada County;

Also, concurred in Assembly amendments to Senate bill No. 279, an Act relating to the City Cemetery of the City of Sacramento;

Also, on March fifteenth passed Senate bill No. 314, an Act to fund the outstanding indebtedness of the County of Mariposa now existing in the form of County Auditor's warrants drawn on the Indigent Sick Fund, and which may be outstanding on the first day of September, A. D. eighteen hundred and sixty-two;

Also, on March twentieth passed Senate bill No. 46, an Act supplementary to an Act entitled an Act concerning the Board of Supervisors of Placer County, approved February fourth, eighteen hundred and fifty-seven, and of the Act of March thirty-first, eighteen hundred and fifty-seven, supplementary thereto, and to extend their provisions to other counties herein named;

Also, on March twenty-first concurred in Assembly amendments to Senate bill No. 178, an Act supplemental to an Act entitled an Act to provide for the reclamation and segregation of Swamp and Overflowed, and Salt Marsh and Tide Lands, donated to the State of California by

Act of Congress, approved May thirteenth, eighteen hundred and sixty-one;

Also, passed Senate bill No. 344, an Act for the payment of the salary of the County Judge of Sacramento County;

Also, passed Senate bill No. 120, an Act to release certain claims on the part of the State;

Also, on March twentieth passed Senate bill No. 288, an Act to repeal an Act to incorporate the City of Sonoma, passed April fourth, eighteen hundred and fifty, and other matters relating thereto.

DELOS J. HOWE,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate bill No. 314, above reported, read first and second times, rules suspended, amended, read third time, and passed.

Senate bill No. 120, above reported, read first and second times, and referred to Committee on Ways and Means.

Senate bill No. 344, above reported, read first and second times, and referred to Sacramento delegation.

Senate bill No. 339, above reported, read first and second times, and referred to Sacramento delegation.

Senate bill No. 281, above reported, read first and second times, and referred to Sonoma delegation.

Senate bill No. 288, above reported, read first and second times, and referred to Sonoma delegation.

Senate bill No. 342, above reported, read first and second times, and referred to Yuba delegation.

Senate bill No. 157, above reported, read first and second times, and referred to Committee on Public Morals.

The House concurred in Senate amendment to Assembly amendment to Senate bill No 199, above reported.

Mr. Porter gave notice to amend Rule One, by striking out the word "eleven," and substituting the word "ten," changing the hour of meeting from eleven o'clock to ten o'clock.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Campbell, for an Act to create and organize a fire department for the Town of Mokelumne Hill, in Calaveras County.

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

By Mr. Meyers, for an Act to provide for the construction of a railroad from the City of Stockton, San Joaquin County, to Copperopolis, Calaveras County—read first and second times, and referred to San Joaquin and Calaveras County delegations.

By Mr. Hoag, for an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.

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

By Mr. Worthington, for an Act to authorize Henry A. Osborn to construct and maintain a wharf in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Smith of Fresno, for an Act to authorize the Superintendent of Common Schools in the County of Fresno to teach school.

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

By Mr. Battles, for an Act for the relief of L. H. Robie.

Read first and second times, and referred to the San Francisco delegation

Mr. O'Brien offered the following resolution:

Resolved, That Master James Brower be and he is hereby appointed Assistant Paper Folder to the Assembly, at the same per diem allowed the Paper Folder, to date from March first, eighteen hundred and sixty-two.

Adopted.

SPECIAL ORDER.

Assembly bill No. 144, an Act to amend an Act entitled an Act concerning crimes and punishments, passed April tenth, eighteen hundred and fifty, (the special order for this day,) was considered.

On motion of Mr. Watson, the further consideration of the bill was postponed until Monday next, at half past seven o'clock, P. M.

On motion of Mr. Ames, at twenty-minutes past five o'clock, P. M., the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, March 24th, 1862.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Messrs. Dean, Gordon, Ames, Ferguson, Warwick, and Orr, had leave of absence.

Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 270, an Act to provide for arranging and indexing the papers in the office of the Secretary of State of this State;

Also, Assembly bill No. 341, an Act concerning the collection of poll taxes, license taxes, and foreign miners' licenses, in the County of Sierra.

LOEWY, Chairman.

Journal of Saturday read and approved.

GENERAL FILE.

Assembly bill No. 260, an Act to reincorporate the City of Sonora—amended, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 183, an Act to authorize the Board of Supervisors of El Dorado County to lease the Sacramento and El Dorado wagon road for a term of years—read third time, and passed.

Assembly bill No. 332, an Act for the relief of Oliver and Lewis—considered in Committee of the Whole, reported, recommended, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 294, an Act to authorize Rita de la Osa to sell the real estate of her husband, Vicente de la Osa—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 251, an Act to provide for the construction of a turnpike road in Mono County—amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 239, an Act to regulate fees in office in the County of Yuba—indefinitely postponed

Senate bill No. 226, an Act to amend an Act entitled an Act to regulate fees in office in certain counties of this State—read third time, and passed.

Assembly bill No. 68, an Act for the better protection of farmers, etc. —placed at top of file for Friday, twenty-eighth instant.

Assembly bill No. 278, an Act to exclude traitors and alien enemies from the Courts of Justice, in civil cases.

Mr. Hillyer moved to indefinitely postpone the bill.

Upon which, Messrs. Eagar, Maclay, and Shannon, demanded the ayes and noes, and the motion prevailed by the following vote:

AYES—Messrs. Avery, Battles, Campbell, Cot, Dudley of Placer, Frazier, Griswold, Hillyer, Kendall, Machin, Matthews, McCullough, Morrison, O'Brien, Pemberton, Printy, Seaton, Shannon, Smith of Fresno, Smith of Sierra, Thompson of Tehama, Thornbury, Waddell, Watson, Werk, Wilcoxon, and Zuck—27.

NOES—Messrs. Amerige, Bell, Benton, Bigelow, Collins, Dana, Dudley of Solano, Eagar, Eliason, Hoag, Leach, Loewy, Maclay, Meyers, Porter, Sears, Teegarden, Tilton of San Francisco, Van Zandt, Worthington, and Yule—21.

Assembly bill No. 234, an Act authorizing William H. Dixon, J. W. Pugh, and their associates, to construct and maintain a toll road in the County of Mono—substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 161, proposed amendments to the Constitution.

Mr. Griswold moved to indefinitely postpone the bill.

Mr. Shannon moved the previous question.

Sustained.

On the motion to indefinitely postpone, Messrs. Hillyer, Barton of Sacramento, and Griswold, demanded the ayes and noes, and the motion prevailed, by the following vote:

AYES—Messrs. Avery, Barton of San Bernardino, Battles, Campbell, Collins, Cunnard, Dudley of Placer, Eagar, Evey, Frazier, Griswold, Hoffman, Kendall, Leach, Loewy, Matthews, Meyers, Morrison, O'Brien, Pemberton, Reeve, Sears, Seaton, Smith of Fresno, Smith of Sierra, Thompson of San Joaquin, Thornbury, Waddell, Watson, Werk, Wilcoxon, Woodman, Worthington, Wright, and Yule—35.

NOES—Messrs. Amerige, Barton of Sacramento, Benton, Bigelow, Cot, Hillyer, Hoag, Maclay, Printy, Sargent, Shannon, Teegarden, and Zuck —13.

Assembly bill No. 227, an Act to amend an Act entitled an Act to establish, regulate, and support common schools, passed May third, eighteen hundred and fifty-five, approved March twenty-eighth, eighteen hundred and fifty-seven—indefinitely postponed.

Senate bill No. 190, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of this State, passed April twenty-ninth, eighteen hundred and fifty-one—read third time, and passed.

Assembly bill No. 343, an Act to provide for the construction of a rail road from Mokelumne City to the Town of Woodbridge, in San Joaquin County—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 219, an Act to amend an Act entitled an Act to amend an Act to regulate the estates of deceased persons, passed May first, eighteen hundred and sixty-one—ordered engrossed.

Assembly bill No. 201, an Act to protect free white labor against competition with Chinese coolie labor, and to discourage the immigration of Chinese into the State of California.

Mr. Seaton moved to lay the bill on the table.

Upon which, Messrs. Campbell, Griswold, and Yule, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Amerige, Avery, Barton of Sacramento, Barton of San Bernardino, Battles, Bell, Benton, Bigelow, Cot, Hillyer, Leach, Maclay, Porter, Reese, Teegarden, Tilton of San Francisco, Van Zandt, and Zuck—18.

NOES—Messrs. Brown, Campbell, Collins, Cunnard, Dudley of Placer, Dudley of Solano, Eliason, Evey, Fay, Frazier, Griswold, Hoag, Irwin, Jackson, Kendall, Loewy, Love, Machin, Matthews, McCullough, Morrison, O'Brien, Pemberton, Printy, Reed, Reeve, Sargent, Sears, Seaton, Shannon, Smith of Fresno, Smith of Sierra, Thompson of Tehama, Thompson of San Joaquin, Thornbury, Waddell, Watson, Werk, Wilcoxon, Woodman, Worthington, Wright, and Yule—43.

Mr. Brown moved to suspend the rules, to consider the bill engrossed.

Mr. Watson moved to postpone the further consideration of the bill until Wednesday evening, at seven and a half o'clock.

Carried.

A communication was received from the State Treasurer.

On motion of Mr. O'Brien, the communication was rejected.

Mr. Porter offered a bill for an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one

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

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
March 24th, 1862.

Mr. SPEAKER:—The Senate have this day amended and concurred in Assembly amendments to substitute for Senate bill No. 99, an Act to provide for the collection and payment of the quota of the direct tax apportioned to this State by an Act of Congress entitled an Act to

provide for increased revenue from imposts, to pay interest on the public debt, and for other purposes, passed August sixth, eighteen hundred and sixty-one.

DELOS J. HOWE,
Assistant Secretary.

The House concurred in Senate amendment to Assembly bill No. 99, above reported.

On motion of Mr. O'Brien, at five minutes past five o'clock, the House took a recess until half past seven o'clock, this evening.

EVENING SESSION.

The House reassembled at half past seven o'clock, P. M.
Speaker in the Chair.
Roll called.
Quorum present.

SPECIAL ORDER.

Assembly bill No. 144, an Act to amend an Act entitled an Act concerning crimes and punishments, passed April tenth, eighteen hundred and fifty, (the special order,) was considered.

Mr. Wright moved the previous question.

Upon which, Messrs. Watson, Wright, and Brown, demanded the ayes and noes, and the motion prevailed, by the following vote:

AYES—Messrs. Amerige, Avery, Barton of Sacramento, Barton of San Bernardino, Battles, Benton, Brown, Campbell, Dudley of Placer, Eliason, Evey, Frazier, Griswold, Hillyer, Irwin, Matthews, McCullough, Meyers, Pemberton, Porter, Printy, Reed, Reese, Reeve, Sears, Seaton, Shannon, Thompson of Tehama, Thornbury, Tilton of San Francisco, Van Zandt, Waddell, Werk, Wilcoxon, Wright, and Mr. Speaker—36.

NOES—Messrs. Bell, Bigelow, Collins, Cot, Cunnard, Dana, Dennis, Dudley of Solano, Eagar, Fay, Hoag, Hoffman, Jackson, Kendall, Leach, Loewy, Love, Machin, Maclay, O'Brien, Sargent, Smith of Sierra, Teegarden, Thompson of San Joaquin, Watson, Woodman, Worthington, and Zuck—29.

The amendment of Mr. Machin was lost.

On the amendment offered by Mr. Wright, Messrs. Wright, Matthews, and Watson, demanded the ayes and noes, and the amendment was lost, by the following vote:

AYES—Messrs. Barton of San Bernardino, Battles, Bell, Dudley of Placer, Frazier, Hoffman, Jackson, Leach, Machin, Morrison, Pemberton, Printy, Smith of Fresno, Thompson of Tehama, Thompson of San Joaquin, Thornbury, Waddell, Watson, Werk, Wilcoxon, Woodman, and Wright—22.

NOES—Messrs. Amerige, Avery, Barton of Sacramento, Benton, Bigelow, Brown, Campbell, Collins, Cot, Cunnard, Dana, Dennis, Dudley of Solano, Eagar, Eliason, Evey, Fay, Griswold, Hillyer, Hoag, Kendall, Loewy, Love, Maclay, Matthews, McCullough, Meyers, O'Brien, Porter, Reed, Reese, Reeve, Sargent, Sears, Seaton, Shannon, Smith of Sierra, Teegarden, Tilton of San Francisco, Van Zandt, Worthington, Zuck, and Mr. Speaker—43.

On ordering the bill engrossed, Messrs. Collins, Matthews, and Griswold, demanded the ayes and noes, and the bill was ordered engrossed, by the following vote:

AYES—Messrs. Amerige, Avery, Barton of Sacramento, Battles, Bell, Benton, Bigelow, Brown, Campbell, Cunnard, Dudley of Solano, Eagar, Eliason, Fay, Hoag, Leach, Loewy, Love, Maclay, McCullough, Meyers, Porter, Reed, Reese, Reeve, Sargent, Sears, Seaton, Shannon, Smith of Sierra, Teegarden, Tilton of San Francisco, Van Zandt, Worthington, Zuck, and Mr. Speaker—36.

NOES—Messrs. Barton of San Bernardino, Collins, Cot. Dana, Dennis, Dudley of Placer, Evey, Frazier, Griswold, Hoffman, Irwin, Jackson, Kendall, Machin, Matthews, Morrison, O'Brien, Pemberton, Printy, Smith of Fresno, Thompson of Tehama, Thompson of San Joaquin, Thornbury, Waddell, Watson, Werk, Wilcoxon, Woodman, and Wright —29.

At ten minutes past eleven o'clock, P. M., on motion of Mr. O'Brien, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, March 25th, 1862.

House met pursuant to adjournment.

Speaker in the Chair.

Messrs. Gordon and Dean had indefinite leave of absence.

The reading of the Journal of yesterday was dispensed with.

Mr. Loewy, from the Committee on Engrossment, made the following report:

MR. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 214, an Act to authorize the Commissioners of the Funded Debt of the City of San Francisco to compromise and settle certain claims to real estate, and to convey such real estate pursuant thereto;

Also, Assembly bill No. 246, an Act to regulate the fees of the County Surveyor of Napa County;

Also, Assembly bill No. 217, an Act concerning public roads and highways in the County of Monterey;

Also, Assembly bill No. 257, an Act to amend an Act entitled an Act to repeal the several Acts incorporating the City of Benicia, and to provide for the government thereof, approved April eighteenth, eighteen hundred and fifty-nine;

Also, Assembly bill No. 263, an Act to authorize the construction of a wagon road from the City of San Bernardino, through Devil's Cañon, to the Mojave River, in San Bernardino County;

Also, Assembly bill No. 100, an Act to amend an Act entitled an Act to regulate fees of office in the Counties of Los Angeles and Santa Barbara, approved April sixth, eighteen hundred and sixty-one.

LOEWY, Chairman.

Assembly bill No. 191, an Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, and other Acts amendatory thereto—indefinitely postponed.

Senate bill No. 177, an Act to repeal an Act entitled an Act for the relief of purchasers of real estate at sales made by Public Administrators, approved February seventh, eighteen hundred and sixty—indefinitely postponed.

Assembly bill No. 73, an Act to authorize D. B. Northrop, Horace Cole, and E. B. Goddard, and their assigns, to construct a plank road or bridge over the waters of Mission Bay, in the City and County of San Francisco—read third time, and passed.

Assembly bill No 298, an Act granting to William H. Tillinghast, his associates and assigns, the right to construct a wharf at a place called "New York of the Pacific," in the County of Contra Costa—ordered engrossed.

Assembly bill No. 264, an Act concerning trade marks—substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No 289, an Act concerning fees of witnesses in criminal cases, in certain counties therein named—substitute adopted.

Mr. Campbell moved to lay on the table.

Lost

Mr. Zuck moved to strike out Santa Clara County.

Mr. Campbell moved to strike out all of the first section down to and including Amador.

Mr. O'Brien moved the previous question.

Sustained.

The motions of Mr. Campbell and Mr. Zuck were lost.

Bill ordered engrossed.

Assembly bill No. 193, an Act concerning fees in office in the City and County of San Francisco—ordered engrossed

Assembly bill No. 303, an Act to extend the time for the construction of the second line of telegraph between California and the Eastern States—rules suspended, considered engrossed, read third time, and passed

Assembly bill No. 116, an Act amendatory of and supplemental to an Act entitled an Act to provide for the location and sale 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, eighteen hundred and fifty-eight, and an Act amendatory thereof, approved February eighteenth, eighteen hundred and fifty-nine, and an Act amendatory thereof, approved April twenty-second, eighteen hundred and sixty-one—considered in Committee of the Whole, reported without recommendation, and referred to the Committee on Education.

Assembly bill No. 309, an Act to amend an Act entitled an Act supplementary to an Act entitled an Act concerning the Board of Supervisors of Placer County, approved February fourth, eighteen hundred and fifty-seven, and to extend its provisions to other counties herein named, approved March thirty-first, eighteen hundred and fifty-seven—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No 231, an Act to amend an Act regulating marriages,

passed April twenty-second, eighteen hundred and fifty—placed at top of file for March twenty-sixth, eighteen hundred and sixty-two.

Senate bill No. 175, an Act in relation to the Register of the State Land Office—read third time, and passed.

Senate bill No. 205, an Act to authorize and empower Joshua Hendy, H. B. Tichenor, and Robert G. Byxbee, to construct and maintain booms on the Navarro River, in Mendocino County—read third time, and passed.

Senate bill No. 237, an Act authorizing Joshua Hendy, and others, to construct a wharf at the mouth of the Navarro River—amendments adopted, read third time, and passed.

Assembly bill No. 301, an Act to amend an Act to incorporate the City of Oakland—recommitted to delegation from Alameda County.

Assembly bill No. 150, an Act to amend an Act entitled an Act to establish, regulate, and support common schools, passed May third, eighteen hundred and fifty-five—substitute adopted, and ordered engrossed.

Assembly bill No. 304, an Act to amend an Act to establish, support, and regulate common schools—referred to Committee on Education, with instructions to report to-morrow.

Assembly bill No. 212, an Act authorizing Jacob M. Tewksbury, and his associates, to build a wharf in Contra Costa County—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 295, an Act concerning the Board of Supervisors of the County of San Bernardino—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 306, an Act to authorize Charles C. Bowman, and his associates, to construct a wharf at the western end of the Encinal of San Antonio, Alameda County—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 325, an Act concerning the County Recorder of the County of Trinity—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 317, an Act to grant to T. S. Benoist, and his associates, the right to construct a wagon road in Sonoma County—ordered engrossed.

Assembly bill No 316, an Act for the relief of W. L. Van Doren, G. B. Williams, and the estate of S. W. Brown—referred to the Committee on Education.

Assembly bill No. 330, an Act to amend an Act for the protection of game, passed May thirteenth, eighteen hundred and fifty-four—placed second on file for March twenty-sixth.

Assembly bill No. 340, an Act for the relief of J. C. Langton—considered in Committee of the Whole, reported without recommendation, and recommitted to Committee on Claims.

PETITIONS.

Mr. Dudley of Placer presented a petition of citizens of Placer County, against amendment to Attachment Law.

Referred to Judiciary Committee.

Mr. Tilton of San Francisco presented a petition of citizens of San Francisco, for continuance of Sunday Law.

Referred to Committee on Public Morals.

Mr. Worthington presented a petition of citizens of Stockton, for repeal of Sunday Law.

Referred to Committee on Public Morals.

Mr. Ames presented a petition of residents of Mendocino County, for Act funding debt of county.

Placed on file, with bill.

REPORTS.

Mr. Porter, from the Committee on Roads and Highways, made the following report:

Mr. SPEAKER:—Your Committee on Roads and Highways, having had under consideration Senate bill No 248, an Act to provide for the construction of a wagon road from Red Bluff to the eastern boundary line of this State, near Honey Lake, ask leave to report the same back, with an amendment, and recommend its passage as amended.

PORTER, for Committee.

The rules were suspended, the amendments to the bill above reported adopted, bill read third time, and passed

Mr. Benton, from the Committee on Public Morals, made the following report:

Mr. SPEAKER:—The Committee on Public Morals report back Senate bill No. 157, an Act to provide for binding minors as apprentices, clerks, and servants, by the San Francisco Protection and Relief Society, and recommend its passage;

Also, Assembly bill No. 326, an Act to provide for the registration of marriageable persons, and recommend that it do not pass.

BENTON, for Committee.

Mr. Bell made the following report:

Mr. SPEAKER:—Your Committee to whom was referred Senate bill No. 20, amendments to the Constitution, beg leave to report that the Chairman, according to the instructions of the Committee, communicated with the Secretary of State, who waited on the Committee in person, with original enrolled amendments to the Constitution on file in his office, and the amendments in the bill were found to agree in every particular with the original enrolled amendments, and recommend the passage of the same;

Your Committee have also had under consideration Assembly bill No. 111, an Act to authorize the Executors of the will of John Wilson, late of San Luis Obispo County, deceased, to sell personal property, to pay debts, discharge the current expenses attendant upon the administration of his estate, and to support testator's family, report the bill back, and recommend the passage of the same;

Also, Assembly bill No. 174, an Act amendatory of an Act, passed February nineteenth, eighteen hundred and fifty-one, concerning Attorneys and Counsellors at Law, report the bill back, and a majority of the Committee recommend that it do not pass;

Also, Assembly bill No 310, an Act requiring compensation for causing death by wrongful act, neglect, or default, report the bill back, with amendments, and recommend its passage, as amended;

Also, Senate bill No. 143, an Act to authorize the sale of real estate belonging to the estate of Henry P. Haun, deceased, at public or private sale, report the bill back, and recommend its passage;

Also, substitute for Senate bill No. 60, an Act supplementary to an Act

entitled an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty, report it back, with recommendation that it be indefinitely postponed;

Also, Assembly bill No. 279, an Act to provide for the indebtedness of the County of Mendocino, report it back, and recommend its reference to the Mendocino delegation;

Also, Assembly bill No. 37, an Act concerning the Swamp, Overflowed, and Marsh Lands on the Encinal of San Antonio, Alameda County, report the bill back, with recommendation that the same be referred to the Alameda delegation;

Also, Assembly bill No. 395, an Act concerning conveyances, report it back, with recommendation that the same pass;

Also, Assembly bill No 158, an Act supplementary to an Act entitled an Act to legalize certain grants and sales made by the Ayuntamiento of the Pueblo, and by the Mayor and Common Council of the City, of Santa Barbara, of lands belonging to the said pueblo and city, approved the fourteenth of May, eighteen hundred and sixty-one, report it back, with recommendation that it pass;

Also, Assembly bill No 307, an Act to authorize the Coroner of Butte County to remove bodies of deceased persons, report it back, with a substitute, and the passage of the substitute recommended

BELL, Chairman.

The rules were suspended, and Assembly bills Nos. 111, 279, 307, and 310, above reported, were considered engrossed, read third time, and passed.

SPECIAL ORDER.

Assembly bill No 269 an Act to provide for paying certain demands issued on the faith and credit of the State, which become due and payable on the second day of May, eighteen hundred and sixty-two, and to contract a funded debt for that purpose, (the special order of the day,) was taken up, and recommitted to the Committee on Ways and Means

Mr. Barton of Sacramento offered the following resolution:

Resolved, That the Adjutant-General of this State be requested to furnish this House with information relative to the present condition of the War Debt of eighteen hundred and fifty and eighteen hundred and fifty-one, viz: How much of the appropriation by Congress for the settlement of the War Debt of eighteen hundred and fifty and eighteen hundred and fifty-one remains to the credit of the State? What amount of interest, represented by coupons attached to said bonds, is yet unpaid and now due the State of California, in accordance with the provisions of the Acts of Congress of eighteen hundred and fifty-four and eighteen hundred and fifty-six, making this appropriation? What is the amount of bonds and interest of this War Debt yet unpaid, and why has the unexpended balance not been paid? Also, the amount of bonds issued by the Treasurer of State upon the audit of the Board of War Examiners, under the Act of the Legislature of eighteen hundred and fifty-seven, and amendatory Acts thereto, the payment of which has not been assumed by Congress, and why the same has not been assumed?

Adopted.

A communication was received from the Governor, asking for increase of salary of Private Secretary and Clerk.

Referred to the Committee on Retrenchment.

Mr. Barton of Sacramento, from the Committee on Ways and Means, made the following report:

Mr. SPEAKER:—The Committee on Ways and Means, to whom was referred Treasurer's report, beg leave to return the same, and recommend that the usual number of copies be printed.

BARTON, Chairman.

Two hundred and forty copies of the report of the Treasurer, above reported, were ordered printed.

Mr. Wright gave notice that he would, on to-morrow, move to reconsider the vote by which the House, this day, passed Assembly bill No. 303.

FURTHER SPECIAL ORDER.

Assembly bill No. 149, an Act in relation to liens of mechanics and others, (also the special order of the day,) considered in Committee of the Whole.

Reported, and made the special order for March twenty-sixth, eighteen hundred and sixty-two, at half past two o'clock, P. M.

Assembly bill No. 282, an Act for the better protection of farmers in certain portions of Sacramento County, and for regulating the herding of stock within the same, (also the special order of the day,) was taken up

Mr. Wilcoxon offered the following amendment:

Add to section eight the following: "This Act shall not apply to that portion of Sacramento County lying north of the American River, and west of the road leading from the City of Sacramento to the City of Marysville."

Upon which, Messrs. Wilcoxon, Dudley of Placer, and Yule, demanded the ayes and noes, and the amendment was lost, by the following vote:

AYES—Messrs. Ames, Collins, Dennis, Dudley of Placer, Dudley of Solano, Griswold, Hillyer, Jackson, Lane, Matthews, Orr, Pemberton, Sears, Seaton, Smith of Fresno, Thompson of Tehama, Thompson of San Joaquin, Tilton of San Mateo, Waddell, Wilcoxon, Wright, and Yule—22.

NOES—Messrs. Amerige, Avery, Barton of Sacramento, Benton, Campbell, Fay, Ferguson, Frazier, Gordon, Hoag, Loewy, Meyers, Moore, O'Brien, Porter, Reeve, Sargent, Saul, Shannon, Smith of Sierra, Van Zandt, and Warwick—22

Mr Saul moved to suspend the rules, to consider the bill engrossed and put upon its passage.

Mr. Dudley of Solano offered the following amendment:

Strike out, in line twenty-five, section eight, the word "two" after the word "than," and insert the words "three and a half;" and after the word "deep," in line twenty-six, insert "the bank of which shall not be less than two and a half feet high."

The Speaker (Mr. Bell in the Chair) having decided that the amendment was in order, Mr. Tilton of San Francisco appealed, on the ground that the bill was considered engrossed, and that the bill could not be amended except upon recommitting the bill with special instructions.

Mr. Saul moved the previous question.

Carried.

The decision of the Chair was sustained.

The amendment of Mr. Dudley was adopted, the bill considered engrossed, and read third time.

On its passage, Messrs. Ferguson, Yule, and Hillyer, demanded the ayes and noes, and the bill passed, by the following vote:

AYES—Messrs Amerige, Ames, Barton of Sacramento, Bell, Benton, Campbell, Collins, Dennis, Dudley of Placer, Eagar, Eliason, Fay, Ferguson, Frazier, Gordon, Hoag, Loewy, Moore, O'Brien, Parker, Porter, Printy, Reeve, Sargent, Saul, Shannon, Smith of Fresno, Smith of Sierra, Tilton of San Francisco, Van Zandt, Waddell, and Warwick—32.

NOES—Messrs. Dudley of Solano, Hillyer, Lane, Machin, Sears, Thompson of Tehama, Thompson of San Joaquin, Wilcoxon, and Yule—9.

Mr. Dudley of Placer gave notice of reconsideration.

Mr. Ames offered the following resolution:

Resolved, That all bills hereafter considered engrossed and passed, shall be transmitted to the Senate without engrossment, except such as are written in an illegible hand, or defaced by amendments.

Laid on the table.

Mr Campbell, from the Committee on Education, made the following report:

Mr. SPEAKER:—The Committee on Education, to whom was referred Assembly bill No. 357, an Act to authorize the Superintendent of Common Schools in the County of Fresno to teach school, report the same back, and recommend its passage;

Also, Assembly bill No. 253, an Act to amend an Act amendatory of an Act to establish, support, and regulate common schools, and to repeal former Acts concerning the same, approved April twenty-eighth, eighteen hundred and sixty, and recommend its indefinite postponement;

Also, the report of the Trustees of the Reform School, and recommend the same be referred to Committee on Ways and Means.

CAMPBELL, for Committee.

At twenty minutes past five o'clock, P. M., on motion of Mr. Eagar, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, March 26th, 1862.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Mr. Dore had indefinite leave of absence.

Mr. Porter introduced a concurrent resolution, asking the Secretary of

State to transmit the Journals of both Houses, of the session of eighteen hundred and sixty-one.

Adopted.

REPORTS.

Mr. Brown, from the Committee on Enrolment, made the following report:

Mr. SPEAKER:—Your Committee on Enrolment have examined and found correctly enrolled, Assembly bill No. 159, an Act to annex the County of Contra Costa to the Fourth Judicial District;

Also, Assembly bill No. 31, an Act to prohibit the opening of markets in the City and County of San Francisco on Sunday;

Also, Assembly bill No. 329, an Act to fix the salary of County Judge of Santa Cruz County;

Also, Assembly bill No. 147, an Act providing for the construction of a public road from Petaluma to Bloomfield, in Sonoma County;

Also, Assembly bill No. 181, an Act to amend an Act to incorporate the Town of Grass Valley, approved April fifteenth, eighteen hundred and sixty-one;

Also, Assembly bill No. 170, an Act amendatory of and supplementary to an Act for the preservation of trout;

Also, Assembly bill No. 224, an Act relative to certain outstanding warrants in Tuolumne County;

Also, Assembly bill No. 205, an Act to provide for the election of a Superintendent of Common Schools in the County of San Mateo;

Also, Assembly bill No. 288, an Act to correct a clerical error in an Act entitled an Act to transfer certain funds, passed March eleventh, eighteen hundred and sixty-two;

And delivered the same to the Governor this day, at eleven o'clock, A. M., for his approval.

BROWN, for Committee.

Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 144, an Act to amend an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty;

Also, Assembly bill No. 233, an Act amendatory of an Act entitled an Act relative to the issuance of certificates to exempt Firemen within this State, approved May twentieth, eighteen hundred and sixty-one;

Also, Assembly bill No. 251, an Act to provide for the construction of a turnpike road in Mono County;

Also, Assembly bill No 280, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one;

Also, Assembly bill No 294, an Act to authorize Rita de la Osa to sell the real estate of her deceased husband, Vicente de la Osa;

Also, Assembly bill No. 298, an Act granting to William H. Tillinghast, and his associates and assigns, the right to construct a wharf at the place called "New York, on the Pacific," in the County of Contra Costa;

Also, Assembly bill No. 312, an Act to repeal an Act entitled an Act to repeal so much of an Act entitled an Act supplementary to an Act for

the protection of game, passed May thirteenth, eighteen hundred and fifty-four, as relates to the County of San Luis Obispo, passed April thirteenth, eighteen hundred and sixty, approved March twenty-third, eighteen hundred and sixty-one;

Also. Assembly bill No. 320, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one;

Also, Assembly bill No. 321, an Act to provide for the collection of delinquent taxes in the County of Placer;

Also, Assembly bill No. 334, an Act to authorize the Executor of the estate of Samuel Criswell, deceased, to sell real estate at public or private sale;

Also. Assembly bill No. 234, an Act to authorize William H. Dickson, J. E Clayton, and J. W. Pugh, and their associates, to construct and maintain a toll road, in the County of Mono;

Also, Assembly bill No. 260, an Act to reincorporate the City of Sonora.

LOEWY, Chairman.

COMMUNICATION FROM THE DASHAWAY ASSOCIATION.

The following communication was received from the Dashaway Association:

SAN FRANCISCO, March 24th, 1862.

Hon. George Barstow, Speaker of the Assembly:

DEAR SIR:—Your honorable body is respectfully invited to attend the dedication of the new Dashaway Hall, on Sunday afternoon, March thirtieth, at half past two o'clock, P. M

Please communicate this to the House, and oblige

Yours, respectfully,

F. E. R. WHITNEY,
JAS. T. HOYT.
JAS. J. BOWEN,
Committee of Arrangements.

The Journal of Monday and yesterday read and approved.

The Speaker appointed the following members as a Committee on Lost Bills: Messrs. Bigelow, Shannon, O'Brien, Orr, and Gordon.

GENERAL FILE.

Assembly bill No. 231, an Act to amend an Act regulating marriages, passed April twenty-second, eighteen hundred and fifty.

Mr Sears moved to indefinitely postpone the bill.

Mr. Smith of Sierra offered the following amendment:

Strike out "Clerk of the County Court," and insert "County Clerk of the county where such marriage is to take place, or the Township Clerk in the township where such marriage is to take place, where such an officer exists."

The following amendment was offered by Mr. Hoag:

Strike out "on indictment," in section eight, and insert "before any Court of competent jurisdiction," in each section. In section nine, strike out "within one month after receiving the same."

Mr. Bigelow moved the previous question.

Sustained

Amendments lost.

Upon the indefinite postponement of the bill, Messrs. Yule, Wilcoxon, and Printy, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Bell, Benton, Campbell, Dennis, Frazier, Jackson, Matthews, O'Brien, Printy, Sears, Werk, Woodman, Wright, and Yule —14.

NOES—Messrs. Amerige, Avery, Barton of San Bernardino, Battles, Bigelow, Brown, Collins, Cot, Cunnard, Eagar, Evey, Fay, Gordon, Griswold, Hillyer, Hoag, Irwin, Lane, Leach, Loewy, Machin, Maclay, Meyers, Moore, Morrison, Pemberton, Porter, Reed, Reeve, Sargent, Saul, Seaton, Shannon, Smith of Fresno, Smith of Sierra, Teegarden, Thompson of Tehama, Thompson of San Joaquin, Thornbury, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Waddell, Warwick, Watson, Wilcoxon, Worthington, and Zuck—48.

The bill was ordered engrossed.

Assembly bill No. 330, an Act to amend an Act for the protection of game, passed May thirteenth, eighteen hundred and fifty-four—laid on the table.

Assembly bill No. 258, an Act to amend an Act, approved March fourth, eighteen hundred and fifty-seven, entitled an Act to amend an Act to incorporate the City of Monterey, approved May eleventh, eighteen hundred and fifty-three—read third time, and passed.

Assembly bill No. 207, an Act to legalize the assessment of taxes for the fiscal year ending on the first day of March, eighteen hundred and sixty-two, in the several counties of this State—postponed until March thirty-first.

Assembly bill No. 333, an Act fixing the salaries of State officers Members of the Legislature, Supreme Judges, District Judges, and Clerks.

Mr. Fay offered the following amendment:

Add to section one, "To the Sheriffs of Counties, actual travelling expenses to and from the State Prison and the State Insane Asylum, and five dollars per diem for actual travelling time on official business for the State."

Adopted.

Mr. Wright offered the following amendment:

Amend section five by striking out in first line, after the word "pay," the words "except the State Librarian;" and in the second line, after the word "all," the words "but the State Librarian."

Adopted.

Mr. Shannon moved to lay on the table.

Upon which, Messss Benton, Wright, and Shannon, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Ames, Bell, Campbell, Eagar, Frazier, Hillyer, Hoffman, Irwin, Jackson, O'Brien, Orr, Parker, Saul, Shannon, Thornbury, Watson, Werk, Woodman, and Worthington—19.

NOES—Messrs. Amerige, Avery, Barton of Sacramento, Barton of San Bernardino, Battles, Benton, Brown, Collins, Cot, Dennis, Ehason, Evey, Fay, Gordon, Hoag, Loewy, Machin, Maclay, Matthews, McCullough,

Moore, Porter, Printy, Reed, Sargent, Sears, Seaton, Smith of Fresno, Smith of Sierra, Teegarden, Tilton of San Mateo, Van Zandt, Waddell, Wilcoxon, Wright, and Yule—36.

Bill made special order for March twenty-seventh, at half past one o'clock, P. M.

Mr. Saul made the following report:

Mr. SPEAKER:—The Sacramento delegation, to whom was referred Senate bill No. 344, an Act to provide for the payment of the salary of the County Judge of Sacramento County, respectfully report the same back, and recommend its passage.

SAUL, for the Delegation.

The rules were suspended, and the bill above reported read third time, and passed.

Mr. Campbell offered the following resolution:

Resolved, That a Select Committee of five be appointed by the Speaker, to inquire and consider whether Articles of Impeachment shall be presented by this House, against James H Hardy, Judge of the Sixteenth Judicial District of the State of California, for high crimes and misdemeanors in office; said Committee to have power to send for persons and papers, and report to this House Articles of Impeachment against said James H. Hardy, if warranted by the evidence before them.

Unanimously adopted.

Mr. Fay offered the following resolution:

Resolved, By the Assembly, the Senate concurring, That the resolution fixing the time for the final adjournment of this Legislature for the thirty-first day of March instant, is hereby rescinded, and the day for the adjournment *sine die* fixed for the twenty-first day of April, eighteen hundred and sixty-two.

Mr. Tilton of San Francisco moved to amend by striking out "twenty-first," and inserting "fourteenth."

On the amendment, Messrs Wilcoxon, Leach, and Watson, demanded the ayes and noes, and the amendment was adopted, by the following vote:

AYES—Messrs. Amerige, Avery, Battles, Benton, Bigelow, Brown, Collins, Cot. Dore, Dow, Dudley of Placer, Eagar, Eliason, Evey, Gordon, Hillyer, Lane, Leach, Loewy, Machin, Matthews, McCullough, Meyers, Orr, Porter, Sargent, Sears, Shannon, Teegarden, Thompson of San Joaquin, Tilton of San Francisco, Warwick, Wilcoxon, Wright, Yule, Zuck, and Mr. Speaker—37.

NOES—Messrs. Ames, Barton of San Bernardino, Bell, Campbell, Cunnard, Dennis, Ferguson, Frazier, Griswold, Hoag, Hoffman, Irwin, Jackson, Love, Maclay, Moore, O'Brien, Parker, Printy, Reed, Reeve, Saul, Seaton, Smith of Fresno, Smith of Sierra, Thompson of Tehama, Thornbury, Van Zandt, Waddell, Watson, Werk, Woodman, and Worthington—33.

On the adoption of the resolution as amended, Messrs Wilcoxon,

Tilton of San Francisco, and Thompson of San Joaquin, demanded the ayes and noes, and the House agreed, by the following vote:

AYES—Messrs. Ames, Barton of Sacramento, Bell, Benton, Bigelow, Campbell, Cunnard, Dennis, Dore, Dudley of Placer, Eagar, Eliason, Evey, Fay, Ferguson, Gordon, Griswold, Hillyer, Hoag, Jackson, Lane, Loewy, Love, Machin, Matthews, Meyers, Moore, O'Brien, Orr, Parker, Porter, Reeve, Sargent, Saul, Shannon, Smith of Sierra, Teegarden, Warwick, Werk, Worthington, Wright, Yule, Zuck, and Mr. Speaker —44.

NOES—Messrs Amerige, Avery, Barton of San Bernardino, Battles, Collins, Frazier, Hoffman, Irwin, Leach, Maclay, McCullough, Pemberton, Printy, Reed, Sears, Seaton, Smith of Fresno, Thompson of Tehama, Thompson of San Joaquin, Thornbury, Tilton of San Francisco, Van Zandt, Waddell, Watson, Wilcoxon, and Woodman—26.

Mr Ames gave notice of reconsideration.

Withdrawn.

PETITIONS.

Mr. Thornbury presented a petition of hunters and dealers in game, for amendment of Game Law.

Referred to Committee on Agriculture.

Mr. Meyers presented a petition of certain persons, relative to snags in San Joaquin River

Referred to Committee on Commerce and Navigation.

REPORTS.

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

Mr SPEAKER:—The Judiciary Committee, to whom was referred Assembly bill No. 292, an Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, report the bill back, with amendment, and recommend its passage as amended;

Also, Senate bill No. 113, an Act to amend an Act to authorize the Guardian of Minna C Buchanan to sell and dispose of her real estate and chattels real, passed March fourteenth, eighteen hundred and fifty-six, report the bill back, with amendment, and recommend the passage of the same, as amended;

Also, Assembly bill No. 299 an Act to deprive traitors and aiders of treason, of the rights of citizenship in this State, for the confiscation of the property of such traitors, and for the surrender of their persons and property on requisition by the Federal authorities, report the bill back, without recommendation;

Also, Senate bill No. 239, an Act for the relief of the legatees of A. De Leeur, deceased, report the same back, with a substitute, and recommend the passage of substitute;

Also, Senate bill No. 131, an Act to amend an Act entitled an Act to legalize and provide for the collection of delinquent taxes in the counties of this State, passed May seventeenth, eighteen hundred and sixty-one, report the bill back, with recommendation that the same pass;

Also, Senate bill No. 180, an Act to repeal an Act for the protection of actual settlers, approved March twenty-sixth, eighteen hundred and

fifty-six, report the bill back, and recommend its indefinite postponement;

Also, Assembly bill No. 359, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one, report the bill back, and recommend its passage.

BELL, Chairman.

Mr Porter, from the Committee on Roads and Highways, made the following report:

Mr SPEAKER:—Your Committee on Roads and Highways ask leave to report, and recommend the passage, of Assembly bill No. 344, an Act to construct a turnpike road between the City of Petaluma and the Town of Santa Rosa, in Sonoma County, with the amendments reported herewith.

PORTER, for Committee.

Mr. Porter, from the Committee on Swamp and Overflowed Lands, made the following report:

Mr. SPEAKER:—Your Committee on Swamp and Overflowed Lands ask leave to report upon Assembly bill No. 297, an Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, passed April fourteenth, eighteen hundred and fifty-three, and recommend that it be referred to the Committee on Corporations.

PORTER, for Committee.

Bill above reported referred to Committee on Corporations.

Mr. Reed, from the Committee on Education, made the following reports:

Mr. SPEAKER:—The Committee on Education, to whom was referred Assembly bill No. 110, entitled an Act conferring further powers upon the Trustees of the City of Benicia, report the bill back, with the accompanying document, without recommendation;

Also, Assembly bill No. 109, entitled an Act concerning the State Reform School, and the Industrial School of the City and County of San Francisco, and the Industrial School Department, report the bill back, and recommend that it do not pass;

Also, Assembly bill No. 113, report the same back, and recommend its indefinite postponement;

Also, Assembly bill No. 237, report the same back, and recommend its indefinite postponement;

Also, Assembly bill No. 52, report the same back, and recommend it do not pass.

REED, Chairman.

Mr. SPEAKER:—The Committee on Education, to whom was referred the consideration of the various bills and propositions relating to the State Reform School, beg leave to make the following report:

In the judgment of the Committee, no proposition for the removal of the school from its present location, or its use for any other purpose, should be entertained by this Legislature

TheCommittee recommend an appropriation of fifteen thousand dol-

lars to defray the expenses of carrying on the school for the next fiscal year, and the sum of one thousand dollars for the repair of the walls round the yard and ground; also the sum of two hundred and fifty dollars for the purpose of digging a well, purchase of a pump, etc.

SARGENT,
FRAZIER.
CAMPBELL,
BENTON.

I dissent from the amount of the appropriations.

REED, Chairman.

Mr. Fay, from the Committee on Commerce and Navigation, made the following report:

Mr. SPEAKER:—The Committee on Commerce and Navigation have had under consideration Assembly bill No 19, an Act to regulate the appointment of Pilots, and to regulate the pilotage of the port and harbor of San Francisco;

Also, Assembly bill No 62, an Act to establish pilot regulations for the port and harbor of San Francisco, and hereby report the same back, with a substitute, and respectfully recommend the passage of the substitute.

FAY, Chairman.

Mr. Barton of Sacramento, from the Committee on Ways and Means, made the following report:

Mr. SPEAKER:—The Committee on Ways and Means, to whom were referred sundry bills, have had the same under consideration, and beg leave to report as follows:

Assemby bill No. 93, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one, return the same, and recommend that it be referred to the Judiciary Committee;

Also, Assembly bill No. 60, an act to authorize the State Librarian to have certain books in the State Library repaired, and recommend that it be indefinitely postponed.

BARTON, Chairman.

Mr. Bell made the following report:

Mr. SPEAKER:—Your Select Committee, the delegation from Alameda, to whom was referred Assembly bill No 301, an Act to amend an Act entitled an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, and repealing certain other Acts in relation to said city, have had the same under consideration, and report it back, with amendments, and recommend its passage, as amended.

BELL,
MOORE.

Rules suspended, and amendments to Assembly bill No. 301, above reported, adopted, bill considered engrossed, read third time, and passed.

Mr. Warwick made the following report:

Mr. SPEAKER:—The Sacramento delegation, to whom was referred Senate bill No. 174, an Act for the relief of E. B. Ryan, Assessor of the City and County of Sacramento, beg leave to report it back, and respectfully recommend its passage.

WARWICK, for Delegation.

Mr. O'Brien made the following report:

Mr SPEAKER:—The Calaveras delegation, to whom was referred Assembly bill No. 287, an Act to amend an Act entitled an Act abolishing the office of County Assessor, and establishing the office of Township Assessors, in the County of Calaveras, approved April twenty-eighth, eighteen hundred and sixty, and to define their duties and the duties of the other officers connected with the collection and disbursement of the revenue of said county more clearly, have had the same under consideration, report it back to the House, without amendment, and recommend its passage.

O'BRIEN, for Delegation.

Rules suspended, bill above reported considered engrossed, read third time, and passed.

Mr. Reeve, from the San Francisco delegation, made the following report:

Mr. SPEAKER:—The San Francisco delegation, to whom was referred Assembly bill No. 272, an Act to authorize Robert G. Arthur, his associates or assigns, to construct and keep in repair certain roads upon the San Miguel ranch, and adjoining property, in the City and County of San Francisco, and to levy and collect tolls thereon, have had the same under consideration, report it back, and recommend its passage;

Also, have had under consideration Assembly bill No. 140, an Act to authorize P. C. Lander, and his associates and assigns, to build a wharf at Point Avisadero, in the City and County of San Francisco, report it back, and recommend its passage;

Also, have had under consideration Assembly bill No. 108, an Act to provide for a railroad within the City and County of San Francisco, report it back, with a substitute, and recommend the passage of the substitute;

Also, report back Assembly bill No. 13, an Act to grant certain persons, therein named, the right of way for a railroad track, and to construct and maintain a railroad within the corporate limits of the City and County of San Francisco, and run cars thereon, report it back, and recommend its indefinite postponement.

REEVE, for Delegation.

The rules were suspended, and Assembly bill No. 272, above reported, considered engrossed, read third time, and passed.

Mr. Battles, from the San Francisco delegation, made the following report:

Mr SPEAKER:—The undersigned, a member of the San Francisco delegation, to whom was referred Assembly bills Nos. 13 and 108, granting certain parties therein named the right to construct railroads along certain streets in the City of San Francisco, have had the same under consideration, report the same back, and recommend that they be indefi-

nitely postponed; and that we have examined the substitute recommended by a majority of the delegation, and recommend that it also be indefinitely postponed.

BATTLES.

Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, the following bills, viz:

Assembly bill No. 150, an Act to amend an Act approved April twenty-eighth, eighteen hundred and sixty, 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, eighteen hundred and fifty-five;

Also, Assembly bill No 289, an Act concerning fees of witnesses in criminal cases, in certain counties therein named.

LOEWY, Chairman.

Mr. Bell made the following report:

Mr. SPEAKER:—Your Special Committee, the delegations from Contra Costa and Alameda, have had under consideration Assembly bill No 277, an Act to direct and empower the Supervisors of Alameda and Contra Costa Counties to pay for the opening, grading, and building a certain road between the two counties, and report back a substitute, and unanimously recommend the passage of the substitute.

BELL, for Committee.

Mr. Campbell, from the Calaveras delegation, made the following report:

Mr. SPEAKER:—The Calaveras delegation, to whom was referred Assembly bill No. 353, an Act to create and organize a fire department in the Town of Mokelumne Hill, in Calaveras County, report the same back, with amendments, and recommend its passage, as amended.

CAMPBELL, for Delegation.

The rules were suspended, and the amendments to Assembly bill No. 353, above reported, adopted, read third time, and passed.

Mr. O'Brien, from the Calaveras delegation, made the following report:

Mr. SPEAKER:—The Calaveras delegation, to whom was referred Assembly bill No. 288, an Act granting to M. G. Sawyer, and associates, the right to construct a bridge across the South Fork of the Mokelumne River, in Calaveras County, have had the same under consideration, report it back, without amendment, and recommend its passage.

O'BRIEN, for Delegation.

Mr. Reed, from the Sonoma delegation, made the following report:

Mr. SPEAKER:—The Sonoma delegation, to whom was referred Senate bill No. 281, an Act to grant to H. J May, Charles M. Baxter, William Kohler, and others whom they may associate with them, and their assigns, the right to lay a railroad track along certain streets in the City

of Petaluma, and through a public road in the County of Sonoma, have considered the same, and recommend its passage.

REED, for Delegation.

Mr. Eliason, from the Sonoma delegation, made the following report:

Mr. SPEAKER:—The Sonoma delegation, to whom was referred Senate bill No. 288, an Act to repeal an Act entitled an Act to incorporate the City of Sonoma, passed April fourth, eighteen hundred and fifty, and other matters relating thereto, return the same, and respectfully recommend its passage.

ELIASON, for Delegation.

Mr. Bell made the following report:

Mr. SPEAKER:—Your Special Committee, the delegation from Alameda, have had under consideration the bill entitled an Act concerning the Swamp, Overflowed and Marsh Lands on the Encinal of San Antonio, Alameda County, and having amended the same, report it back, with an amendment, and recommend its passage, as amended.

BELL,
MOORE.

Mr. Meyers, from the San Joaquin and Calaveras delegations, made the following report:

Mr. SPEAKER:—The San Joaquin and Calaveras delegations, to whom was referred Assembly bill No. 354, an Act to provide for the construction of a railroad from the City of Stockton, in San Joaquin County, to the Town of Copperopolis, in Calaveras County, have had the same under consideration, report it back, with a substitute, and recommend the passage of the substitute.

MEYERS, for the Delegations.

Mr. Fay, from the Committee on Retrenchment, made the following report:

Mr SPEAKER:—The Committee on Retrenchment have considered Assembly bill No. 257, entitled an Act concerning salaries of certain county offices in the County of San Diego, and respectfully report the bill back, with amendment, and recommend its passage, as amended.

FAY, Chairman.

The rules were suspended, the amendments to the bill, above reported, adopted, considered engrossed, read third time, and passed.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
March 26th, 1862

Mr. SPEAKER:—The Senate on the twenty-fourth instant passed Senate bill No. 168, an Act to authorize the Executrix and Executor of the estate of John Frye, deceased, to sell real estate of deceased at private sale;

Also, passed Senate bill No 357, an Act granting the right to construct a bridge across the South Fork of the American River, at or near Salmon Falls, in the County of El Dorado;

Also, passed Senate bill No. 282. an Act supplementary to an Act for the protection of game, passed May thirteenth, eighteen hundred and fifty-four.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
March 26th, 1862.

Mr. SPEAKER:—The Senate this day passed Senate bill No. 373, an Act to pay the claim of Charles S. Fairfax for costs in cases where the State was interested;

Also, passed Senate bill No. 36. an Act to create a Contingent Fund in the County of Solano;

Also, concurred in Assembly concurrent resolution No. 21, relative to transmission of official Journals of twelfth session of the Legislature.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
March 26th, 1862.

Mr. SPEAKER:—The Senate on yesterday passed Assembly bill No. 182, an Act to provide for the election of Supervisors in the County of Napa, with amendments.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
March 26th, 1862.

Mr. SPEAKER:—The Senate on yesterday concurred in Assembly amendments to Senate bill No. 314. an Act to fund the outstanding indebtedness of the County of Mariposa;

Also, concurred in Assembly amendments to Senate bill No. 237, an Act to authorize Joshua Hendy and others to construct a wharf at the mouth of the Navarro River, in Mendocino County;

Also, passed Assembly bill No. 111. an Act to authorize the Executors of the will of John Wilson, late of San Luis Obispo County, deceased, to sell personal property, to pay debts, discharge the current expenses attendant upon the administration of his estate, and to support testator's family.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
March 25th, 1862.

Mr. SPEAKER:—The Senate on the twenty-first instant passed Senate bill No. 350, an Act to amend an Act entitled an Act to incorporate the City of Placerville, approved March seventh, eighteen hundred and fifty-nine;

Also, on the twenty-second instant passed Senate bill No. 217, an Act to appoint Commissioners to adjust the affairs of San Joaquin and Stanislaus Counties;

Also, on yesterday passed Senate bill No. 371, an Act concerning the patenting of certain swamp and overflowed lands;

Also, concurred in Assembly amendments to Senate bill No. 101, an Act amendatory of and supplementary to an Act entitled an Act to authorize married women to transact business in their own names, as sole traders, passed April twelfth, eighteen hundred and fifty-eight;

Also, passed Assembly bill No. 97, an Act to authorize Joseph B. Price, and his associates, to construct and maintain a turnpike road from Cloverdale to Sanel, and to charge and collect tolls for travel thereon;

Also, passed Assembly bill No. 288, an Act to correct a clerical error in an Act entitled an Act to transfer certain funds, passed March eleventh, eighteen hundred and sixty-two.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
March 24th, 1862.

Mr. SPEAKER:—The Senate on the twenty-second instant passed Assembly bill No. 159, an Act to annex the County of Contra Costa to the Fourth Judicial District;

Also, passed Assembly bill No 224, an Act relative to certain outstanding warrants of Tuolumne County;

Also, passed Senate bill No. 103, an Act concerning jury trials in the County of Butte;

Also, concurred in Assembly amendments Nos. 1, 3, and 4, to Senate bill No 142, an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, and refused to concur in Assembly amendment No. 2, of said bill;

Also, concurred in Assembly amendments to Senate bill No. 179, an Act to amend an Act entitled an Act creating a Board of Commissioners in each township of the several counties of this State, to regulate water courses within their several limits, passed May fifteenth, eighteen hundred and fifty-four;

Also, concurred in Assembly amendments to Senate bill No. 164, an Act to amend an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
March 24th, 1862.

Mr. SPEAKER:—The Senate on March twenty-first passed Senate bill No. 273, an Act to reincorporate the City of Stockton;

Also, this day amended Assembly amendment to Senate bill No. 222, an Act concerning fees of office in certain cases in the County of Tehama;

Also, amended and passed Assembly bill No. 342, relative to the county officers of Sierra County;

Also, passed Assembly bill No. 205, an Act to provide for the election of a Superintendent of Common Schools in San Mateo County.

DELOS J. HOWE,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

The House concurred in Senate amendments to Assembly bill No. 182, above reported.

The House concurred in Senate amendments to Assembly bill No. 342, above reported.

Senate bill No. 103, above reported, read first and second times, and referred to the Judiciary Committee.

Senate bill No. 368, above reported, read first and second times, and referred to the Judiciary Committee

Senate bill No. 350, above reported read first and second times, and referred to the El Dorado delegation.

Senate bill No. 357, above reported, read first and second times, and referred to the El Dorado delegation.

Senate bill No. 371, above reported, read first and second times, and referred to the Committee on Public Lands.

Senate bill No. 217, above reported, read first and second times, and referred to the delegation from Stanislaus and San Joaquin.

Senate bill No. 273, above reported read first and second times, rules suspended, read third time, and passed.

The House receded from its amendment to section eighth of Senate bill No 142, above reported.

Senate bill No. 282, above reported, read first and second times, and referred to the Committee on Agriculture.

Senate bill No. 36, above reported, read first and second times, and referred to the Solano delegation

Senate bill No 373, above reported, read first and second times, and referred to the Committee on Claims.

SPECIAL ORDER.

Assembly bill No 149, an Act in relation to liens of mechanics, (the special order of the day,) was postponed until March twenty-seventh, at two o'clock P. M.

Mr. Bell, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 282, an Act for the better protection of farmers in certain portions of Sacramento County, and for regulating the herding of stock within the same.

BELL, of Committee.

Mr. Dudley moved to reconsider the vote by which the House on yesterday passed Assembly bill No. 282, an Act for the better protection of farmers in certain portions of Sacramento County, and for regulating the herding of stock within the same.

Upon which, Messrs. Dudley of Placer, Yule, and Love, demanded the ayes and noes, and the motion prevailed, by the following vote:

AYES—Messrs. Ames, Barton of San Bernardino, Bigelow, Collins, Dow, Dudley of Placer, Evey, Hillyer, Irwin, Jackson, Lane, Leach, Machin, Matthews, Morrison, Orr, Printy, Reese, Smith of Fresno, Thompson of Tehama, Thompson of San Joaquin, Thornbury, Waddell, Werk, Wilcoxon, Woodman, Wright, and Yule—28.

NOES—Messrs. Amerige, Barton of Sacramento, Benton, Brown, Cunnard, Eagar, Eliason, Fay, Ferguson, Hoffman, Loewy, Love, Meyers, Moore, O'Brien, Reeve, Shannon, Smith of Sierra, and Warwick—19.

Mr. Dudley of Placer moved to recommit the bill to the Sacramento delegation, with instructions to amend as follows:

Add to section eight the following: "This Act shall not apply to that portion of Sacramento County lying north of the American River, and west of the road leading from the City of Sacramento to the City of Marysville."

Mr. Barton of Sacramento offered the following substitute:

To amend the bill by exempting all lands in the County of Sacramento north of the American River, now unoccupied and unimproved, from the provisions of this Act.

Mr. Bigelow moved the previous question.

Sustained.

The substitute offered by Mr. Barton was lost.

On the motion of Mr. Dudley, to recommit with special instructions, Messrs. Wilcoxon, Yule, and Thompson of San Joaquin, demanded the ayes and noes, and the motion was adopted, by the following vote.

AYES—Messrs Ames, Barton of San Bernardino, Collins, Dow, Dudley of Placer, Dudley of Solano, Evey, Frazier, Hillyer, Hoffman, Irwin, Jackson, Lane, Leach, Machin, Matthews, Orr, Pemberton, Sears, Smith of Fresno, Thompson of Tehama, Thompson of San Joaquin, Wilcoxon, Wright, and Yule—25.

NOES—Messrs. Amerige, Avery, Barton of Sacramento, Benton, Bigelow, Campbell, Fay, Ferguson, Hoag, Loewy, McCullough, Meyers, O'Brien, Reese, Reeve, Shannon, Smith of Sierra, Warwick, Werk, and Mr. Speaker—20.

The Speaker announced the following Committee:

Committee on Articles of Impeachment — Messrs Campbell, Seaton, Shannon, Gordon, and McCullough

On motion of Mr. Shannon, the special order for this evening was discharged, and the bill returned to the file.

On motion of Mr. Avery, the bills in the order of unfinished business were put at foot of the general file.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr Teegarden, for an Act to amend an Act entitled an Act to confer upon the San Francisco and Marysville Railroad Company, incorporated under the laws of this State, certain rights and privileges.

Read first and second times, and referred to Yuba and Solano delegations

By Mr Hillyer, for an Act concerning roads and highways in the County of Placer

Read first and second times, and placed on file.

By Mr Fay, for an Act to repeal an Act entitled an Act for the protection of fisheries, passed April twentieth, eighteen hundred and sixty

Read first and second times, and placed on file.

Also, for an Act to provide for the appointment of Measurer of Wood in and for the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

Mr. Sargent made the following report:

Mr. SPEAKER:—The delegation to whom was referred Senate bill No. 342, an Act to grant the right of way to construct a toll bridge across the Yuba River, near Parks' Bar, in Yuba County, have had the same under consideration, and unanimously agree to report it back, and most respectfully recommend its passage.

SARGENT, for Delegation.

The rules were suspended, and the bill above reported read third time, and passed.

Mr. Dudley of Solano gave notice that he would, on to-morrow, move to reconsider the vote by which Assembly bill No. 282 was recommitted to the Sacramento delegation.

At five o'clock, P. M., on motion of Mr Bell, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, March 27th, 1862

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.

REPORTS.

Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, the following bills:

Assembly bill No. 212, an Act authorizing Jacob M. Tewksbury, and his associates, to build a wharf in Contra Costa County;

Also, Assembly bill No. 231, an Act to amend an Act regulating marriages, passed April twenty-second, eighteen hundred and fifty.

LOEWY, Chairman.

Mr. Avery, from the Committee on Enrolment, made the following report:

Mr. SPEAKER:—The Committee on Enrolment have examined, and found correctly enrolled, the following bills:

Assembly bill No 343, an Act to provide for the construction of a railroad from Mokelumne City to the Town of Woodbridge, in San Joaquin County;

Also, Assembly bill No 111, an Act to authorize the Executors of the will of John Wilson, late of San Luis Obispo County, to sell personal property;

And this day, at eleven o'clock, A. M., delivered the same to the Governor, for his approval.

AVERY, Chairman.

Journal of yesterday read and approved

The Speaker announced the following Committee on Amendments to the Constitution :

Messrs. McCullough, Machin, O'Brien, Porter, and Avery.

COMMUNICATION FROM THE ADJUTANT-GENERAL.

The following communication was received from the Adjutant-General :

STATE OF CALIFORNIA, ADJUTANT-GENERAL'S OFFICE,
San Francisco, March 27th, 1862.

To the Honorable the Speaker of the Assembly :

SIR :—I have the honor to transmit herewith a statement of the present condition of the War Debt of this State, in response to the inquiries propounded in Assembly resolution passed on the twenty-fifth instant

Very respectfully,
Your obedient servant,
WILLIAM C. KIBBE,
Adjutant-General.

Two hundred and forty copies of the statement above referred to were ordered printed.

GENERAL FILE.

Assembly bill No. 201, an Act to protect free white labor against competition with Chinese coolie labor, and to discourage the immigration of the Chinese into the State of California—considered in Committee of the Whole, amended, reported with amendments, and passage recommended.

Mr Hoag offered the following amendment :

Add to section one : "*Provided*, that all Mongolians engaged in the production and manufacture of the following articles shall be exempt from the provisions of this Act, viz : sugar, rice, coffee, and tea."

On the adoption of the amendment, Messrs. Benton, Hoag, and Seaton, demanded the ayes and noes, and the amendment was adopted, by the following vote :

AYES—Messrs. Amerige, Avery, Barton of Sacramento, Barton of San Bernardino, Battles, Bell, Benton, Bigelow, Brown, Dean, Dennis, Dore, Gordon, Hillyer, Hoag, Hoffman, Leach, Love, Maclay, Moore, Morrison, Pemberton, Reed, Reese, Sargent, Seaton, Smith of Fresno, Smith of Sierra, Thompson of Tehama, Thompson of San Joaquin, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Warwick, Watson, and Zuck —36.

NOES—Messrs. Ames, Collins, Dow, Dudley of Solano, Eliason, Evey, Frazier, Griswold, Irwin, Lane, Loewy, Machin, Matthews, McCullough, Meyers, O'Brien, Orr, Parker, Porter, Printy, Reeve, Sears, Teegarden, Thornbury, Waddell, Woodman, Worthington, Wright, and Yule—29.

Mr. Avery moved to add the word "exclusively," after the word "engaged."

Adopted.

On ordering the bill engrossed, Messrs Bigelow, Griswold, and Battles, demanded the ayes and noes, and it was so ordered, by the following vote:

AYES—Messrs. Ames, Avery, Battles, Brown, Collins, Dean, Dennis, Dow, Dudley of Placer, Dudley of Solano, Eliason, Evey, Frazier, Griswold, Hillyer, Hoag, Irwin, Lane, Leach, Loewy, Love, Machin, Matthews, McCullough, Meyers, O'Brien, Orr, Parker, Printy, Reeve, Sargent, Sears, Smith of Sierra, Teegarden, Thompson of Tehama, Thornbury, Waddell, Warwick, Werk, Woodman, Worthington, Wright, and Yule—43.

NOES—Messrs. Amerige, Barton of Sacramento, Barton of San Bernardino, Bell, Benton, Bigelow, Dore, Gordon, Hoffman, Maclay, Moore, Pemberton, Porter, Reese, Smith of Fresno, Thompson of San Joaquin, Tilton of San Mateo, Van Zandt, Watson, and Zuck—20.

On motion of Mr. Tilton of San Francisco, at ten minutes before five o'clock, P. M., the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, March 28th, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.

REPORTS.

Mr. Brown, from the Committee on Enrolment, made the following report:

Mr. SPEAKER:—Your Committee on Enrolment have examined, and found correctly enrolled, Assembly bill No. 203, an Act to pay the claim of William P. Michener;

And delivered the same to the Governor this day, at one o'clock and twenty minutes, P. M., for his approval.

BROWN, for Committee.

Mr Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, the following bills, viz:

Assembly bill No. 193, an Act concerning fees of certain officers of the City and County of Sacramento;

Also, Assembly bill No. 219, an Act to amend an Act entitled an Act to amend an Act to regulate the estates of deceased persons, passed May first, eighteen hundred and sixty-one;

Also, Assembly bill No. 264, an Act concerning trade marks;

Also, Assembly bill No. 310, an Act requiring compensation for causing death by wrongful act, neglect, or default;

Also, Assembly bill No. 317, an Act to grant to J. S. Benoist, and his associates, the right to construct a wagon road in Sonoma County, in this State.

LOEWY, Chairman.

Journal of yesterday read and approved.

A communication was received from the Surveyor-General.

Referred to the Committee on Swamp and Overflowed Lands, and ordered printed.

GENERAL FILE.

Assembly bill No. 68, an Act for the better protection of farmers, and for regulating the herding of stock—placed at top of file for Tuesday, April first, eighteen hundred and sixty-two.

Assembly bill No. 281, an Act to extend an Act entitled an Act to grant the right to construct a turnpike road between the Town of Jackson and Ione City, in the County of Amador, approved April fifth, eighteen hundred and sixty-one—laid on table.

Senate bill No. 200, an Act making an appropriation for the payment of the claim of James Whitney and others, for the transportation of the property and appurtenances of the Legislature to San Francisco, and for fitting up apartments for the same—considered in Committee of the Whole, reported, recommended, and recommitted to the Committee on Public Expenditures and Accounts.

Assembly bill No. 283, an Act to appropriate money to pay the claim of Philip Caduc, for coal furnished to the Supreme Court and State Library in the year eighteen hundred and sixty—considered in Committee of the Whole, reported, recommended, and ordered engrossed.

Senate bill No 256, an Act to pay the claim of Eugene Lies, for translating the laws of the twelfth session of the Legislature—considered in Committee of the Whole, reported, recommended, read third time, and passed.

Senate bill No. 63, an Act for the relief of W. D. Sawyer—considered in Committee of the Whole, reported, recommended, read third time, and passed.

Assembly concurrent resolution No 5, relative to immigration of Chinese.

Mr. Shannon moved to refer the resolution to a Special Committee of three, to draw a memorial to Congress.

Mr. Worthington moved the previous question.

Sustained.

On the adoption of Mr. Shannon's motion, Messrs Battles, Avery, and Brown, demanded the ayes and noes, and the motion prevailed, by the following vote:

AYES—Messrs. Amerige, Ames, Avery, Barton of Sacramento, Brown, Campbell, Collins, Cunnard, Dennis, Dore, Dow, Dudley of Solano, Eagar, Eliason, Evey, Fay, Frazier, Gordon, Griswold, Hillyer, Hoag, Irwin, Jackson, Lane, Leach, Loewy, Love, Matthews, Meyers, Moore, Morrison, O'Brien, Orr, Porter, Printy, Reeve, Sargent, Sears, Seaton, Shannon, Smith of Fresno, Smith of Sierra, Teegarden, Thompson of Tehama, Thompson of San Joaquin, Tilton of San Francisco, Waddell, War-

wick, Watson, Werk, Wilcoxon, Woodman, Worthington, Wright, Yule, and Zuck—56.

NOES—Messrs. Barton of San Bernardino, Battles, Bell, Benton, Bigelow, Dean, Maclay, Pemberton, Tilton of San Mateo, and Van Zandt —10.

Assembly bill No. 238, an Act to give further powers to the Supervisors of the City and County of San Francisco—amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 240, an Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco—amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 261, an Act to organize townships, and regulate their powers and duties—amended, and made special order for March twenty-ninth, at two o'clock, P. M.

The rules were suspended to enable Mr. Brown to move that all engrossed bills be placed at top of the file.

Motion laid on the table.

PETITIONS.

Mr. Dean presented a petition of citizens of the United States, against the Chinese.

Referred to the Special Committee of three.

Mr. Ames presented a petition of Supervisors of Sonoma County.

Referred to the Committee on Claims.

Also, claim of Alameda County.

Referred to the Alameda delegation.

REPORTS.

Mr. Avery, from the Committee on Enrolment, made the following report:

Mr. SPEAKER:—The Committee on Enrolment have examined, and found correctly enrolled, the following bills:

Assembly bill No. 342, an Act in relation to county officers in Sierra;

Also, Assembly bill No. 46, an Act concerning the Board of Supervisors of Placer County;

Also, Assembly bill No. 97, an Act to authorize Joseph B. Price, and his associates, to construct a turnpike road from Cloverdale to Sanel;

And delivered the same to the Governor, at eleven o'clock and twenty-five minutes, A. M., this day, for his approval.

AVERY, Chairman.

Mr. McCullough, from the Committee on Public Lands, made the following report:

Mr. SPEAKER:—The Committee on Public Lands, to whom was referred Senate bill No. 371, an Act concerning the locating and patenting of certain Swamp and Overflowed Lands, have had the same under consideration, and beg leave to report the same back, and recommend its passage.

McCULLOUGH, Chairman.

On motion of Mr McCullough, Senate bill No 20, amendments to the Constitution, was referred to the Special Committee on the Constitution.

Mr. Porter, from the Committee on Swamp and Overflowed Lands, made the following report:

Mr. SPEAKER:—Your Committee on Swamp and Overflowed Lands, ask leave to report back substitute for Senate bill No. 172, an Act for the relief of purchasers of Swamp and Overflowed, Salt Marsh, and Tide Lands, without amendment, and recommend its passage.

PORTER, for Committee.

Mr. Hillyer, from the Committee on Public Expenditures and Accounts, made the following report:

Mr. SPEAKER:—Your Committee on Public Expenditures and Accounts having had under examination, and found correct, the following accounts, beg leave to report them, and recommend their payment, and the adoption of the accompanying resolution:

Account of E. B. Smith, for sixteen copies of the Sierra Democrat	$48 00
Account of T. & C. H. Mitchell, for six copies of the Placer Herald	18 00
Account of Colusa Sun, for seven copies same	21 00
Account of A S Randall, for twenty-five copies of the Daily Appeal, and three copies of Weekly	119 63
Account of E. R. Budd, for nine copies of the Mendocino Herald	18 00
Account of James Anthony & Co., for eighty-nine copies Daily Union, four weeks, and three hundred and forty-four copies of Weekly	221 00
Account of Gelwicks & January, for eleven copies of the Mountain Democrat (two months)	11 00
Account of Frederick MacCrellish, for nine hundred and forty-four copies Daily Alta California, at seven and a half cents, and forty-two Weeklies, at twelve and a half cents	72 68
Account of Evening Bulletin, for Dailies and Weeklies furnished seventy-two members, to thirty-first March	346 25
Account of Herald and Mirror, for copies of same, furnished members to March thirty-first, eighteen hundred and sixty-two	86 53

Resolved, That the Controller of State be and is hereby authorized and directed to draw his warrants on the Contingent Fund of the Assembly in favor of E. B Smith for the sum of forty-eight dollars, in favor of T. and C. H. Mitchell for the sum of eighteen dollars, in favor of the Colusa Sun for the sum of twenty-one dollars, in favor of A S. Randall for the sum of one hundred and nineteen dollars and sixty-three cents, in favor of E. R. Budd for the sum of eighteen dollars, in favor of James Anthony & Co. for the sum of two hundred and twenty-one dollars, in favor of Gelwicks & January for eleven dollars, in favor of Frederick MacCrellish for the sum of seventy-two dollars and sixty-eight cents, in favor of

Evening Bulletin for three hundred and forty-six dollars and twenty-five cents, and in favor of the Herald and Mirror for the sum of eighty-six dollars and fifty-three cents.

HILLYER, Chairman.

Adopted.

Mr. Dennis, from the Committee on Counties and County Boundaries, made the following report:

Mr. SPEAKER:—The Committee on Counties and County Boundaries, to whom was referred Senate bill No. 37, an Act to divide the State into Congressional Districts, and to fix the time for electing Representatives to Congress, having had the same under consideration, respectfully beg leave to report the same back, with a recommendation that it pass.

DENNIS,
THOMPSON,
LANE,
MATTHEWS

Mr. Smith of Sierra, from the Committee on Counties and County Boundaries, made the following reports:

Mr. SPEAKER:—The undersigned, a minority of the Committee on Counties and County Boundaries, to whom was referred Senate bill No. 37, an Act to divide the State into Congressional Districts, beg leave to report a substitute to said bill, and recommend the passage of the substitute.

SMITH, Chairman,
DUDLEY of Solano,
VAN ZANDT.

Mr SPEAKER:—The undersigned, of the Committee on Counties and County Boundaries, to whom was referred Assembly bill No. 315, an Act to better define the boundary line between Solano and Napa Counties, having considered the same, beg leave to report:

That by an Act, passed April fourth, eighteen hundred and fifty-five, the object of which was to define the boundaries of Napa County, the starting point was described as follows: "Commencing at a point where Guichica creek empties into San Pablo bay, thence running due east, etc." It is claimed by Solano County that no such point exists, because Guichica creek does not empty into San Pablo bay, but empties into Napa slough.

In eighteen hundred and fifty-seven, a Commission was established to adjust the indebtedness due from Napa to Solano County, and by the action of said Commission and the Surveyor of Napa County, the initial point was fixed at the junction of Guichica creek with Napa slough, and the indebtedness was adjusted on the basis of said line.

It appears, in evidence before the Committee, that since that time the property south of said line has been assessed and the taxes paid in Solano, and that the inhabitants have voted in Solano County.

In the Fall of eighteen hundred and sixty-one, the County of Napa employed the Surveyor-General to run and establish the dividing line between the counties and in doing so he decided that Guichica creek did empty into San Pablo bay, thus fixing the line about three miles south of the line fixed upon by the Commission, and upon which the indebtedness was adjusted, thus taking off from Solano County a large amount

of taxable property to which she thinks she is rightfully entitled, and over which she has always held jurisdiction.

The bill under consideration proposes to re-establish the line fixed by the Commission, and in this we cannot perceive that it works any injustice to Napa County, but, on the other hand, is a measure eminently just and due to the County of Solano, and we therefore recommend that the bill should pass, as amended by us.

SMITH, Chairman,
DUDLEY of Solano.

Mr. Matthews, from the Committee on Counties and County Boundaries, made the following report:

Mr. SPEAKER:—The undersigned, members of the Committee on Counties and County Boundaries, to whom was referred Assembly bill No. 315, an Act entitled an Act to better define the boundaries of Solano and Napa Counties, have had the same under consideration, and after a careful examination, are of opinion that said bill should not pass.

We find that the Act of eighteen hundred and fifty-five, fixing the boundary line between said counties, made the initial point where Guichica creek enters San Pablo bay; and, in accordance with that law, the Surveyor-General, the proper officer to survey and mark county lines, has run the line between the said counties. The bill, should it pass, would take from Napa County a valuable portion of her territory, which we believe it is justly entitled to by the existing law defining the boundary line of said counties.

LANE,
MATTHEWS.

The bill above reported was recommitted to Committee on Counties and County Boundaries.

Mr. Barton of Sacramento, from the Committee on Ways and Means, made the following report:

Mr. SPEAKER:—The Committee on Ways and Means, to whom was referred substitute for Senate bill No. 120, an Act to release certain claims on the part of the State, have had the same under consideration, and a majority of the Committee beg leave to report the same, and recommend its passage.

BARTON, for majority of Committee.

The rules were suspended, and the bill above reported read third time, and passed

Mr. Seaton gave notice of reconsideration.

Mr. Hoag, from the Committee on Mileage, made the following report:

Mr. SPEAKER:—Your Committee on Mileage beg leave to report, that the various Assembly Committees on State Institutions have, by direction of the House, visited said institutions, and that the members of said Committees are entitled to mileage as follows:

State Prison Committee.

Names.	Miles.	Amount.
Reeve	260	$52 00
Parker	260	52 00
Yule	260	52 00
Campbell	260	52 00

Also, same Committee, from San Francisco to San Quentin.

Names.	Miles.	Amount.
Reeve	24	$4 80
Parker	24	4 80
Yule	24	4 80
Campbell	24	4 80
Warwick	24	4 80
Dore	24	4 80
Ames	24	4 80

State Library.

Name.	Miles.	Amount.
Warwick	234	$46 80

Committee on Education, for visiting State Reform School at Marysville.

Names.	Miles.	Amount.
Campbell	334	$66 80
Sargent	334	66 80

And, in accordance with the instruction of the House, upon recommitment, we add mileage for the following members of the State Prison Committee, from Sacramento to State Prison:

Names.	Miles.	Amount.
Warwick	260	$52 00
Ames	260	52 00
Dore	260	52 00

Names.	Miles.	Amount.
Ames	234	$46 80
Van Zandt	234	46 80
Teegarden	234	46 80
Maclay	234	46 80
Meyers	234	46 80

Your Committee also report, that Dr. May, Clerk of the Committee on Claims, is entitled to the following mileage for travel to Sacramento, on business connected with claims for copying for last Legislature: two hundred and thirty-four miles, forty-six dollars and eighty cents.

We, the members of the Committee, desire to state to the House that we are still of the firm opinion that our first report does equal and exact justice as between the State and all the members of the State Prison Committee; and that the addition is, to say the least, paying for constructive services, or for travelling never performed for the State.

HOAG.
IRWIN,
LOVE.
O'BRIEN,
ZUCK.

Resolved, That the Controller of State be and is hereby authorized to draw his warrants in favor of the several persons named in the above report, for the several sums set opposite their names respectively, payable out of the Contingent Fund of the Assembly.

Adopted.

Mr. Barton of Sacramento made a verbal report, introducing two bills, as follows:

For an Act making appropriation for the support of the Civil Government of this State, for the fourteenth fiscal year, commencing on the first day of July, eighteen hundred and sixty-two, and ending on the thirtieth day of June, eighteen hundred and sixty-three, inclusive.

Read first and second times, and placed at top of file, and ordered printed.

Also, for an Act making appropriation for deficiencies in the appropriations made for the thirteenth fiscal year, ending on the thirtieth day of June, eighteen hundred and sixty-two.

Read first and second times, and made the special order for March thirty-first, at one and a half o'clock, P. M.

Mr Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 201, an Act to protect free white labor against competition with Chinese coolie labor, and to discourage the immigration of the Chinese into the State of California.

LOEWY, Chairman.

Mr. Seaton made the following report:

Mr. SPEAKER :—Your Special Committee, to whom was referred Assembly bill No. 284, an Act to provide for the payment by Alameda County of a portion of the interest paid by Contra Costa County on the claim of J. C. Gilman, beg leave to report that they have carefully considered the provisions of said bill, and herewith report the same back, with substitute for the bill, and recommend the passage of the substitute.

SEATON,
GORDON,
SHANNON,
ORR.

Mr. Dudley of Solano made the following report:

Mr. SPEAKER :—The Solano delegation, to whom was referred Senate bill No. 36, an Act to create a Contingent Fund in the County of Solano, have had the same under consideration, report the same back, and recommend its passage

DUDLEY, for Delegation.

The rules were suspended, and the bill above reported read third time, and passed.

Mr. Frazier made the following report:

Mr. SPEAKER :—The El Dorado delegation, to whom was referred Senate bill No. 350, an Act to amend an Act entitled an Act to incorporate the City of Placer, approved March seventh, eighteen hundred and fifty-nine, have had the same under consideration, report it back, and recommend its passage;

Also, have considered Senate bill No. 357, an Act granting the right to construct and maintain a bridge across the South Fork of the American River, at or near Salmon Falls, in the County of El Dorado, report it back, and recommend its passage.

FRAZIER, for Delegation.

Mr. Reeve made the following report:

Mr. SPEAKER :—The San Francisco delegation, to whom was referred Assembly bill No. 313, an Act to authorize the Mayor and Board of Supervisors of the City and County of San Francisco to construct a sewer in Fifth street, and for that purpose to have surveys made to make necessary alterations in the grade of the streets to be drained thereby, and to assess certain lands to pay the expense incidental thereto, have had the same under consideration, report it back, with amendments, and recommend its passage;

Also, Assembly bill No. 339, an Act for the relief of Charles B. Young, report it back, and recommend its passage.

REEVE, for Delegation.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
March 28th, 1862.

Mr. SPEAKER :—The Senate on yesterday passed Senate bill No. 372, an Act for the collection of taxes on consigned goods;

Also, passed Assembly bill No. 45, an Act to authorize the Guardian of certain minor children to convey their real estate;

Also, passed Assembly bill No. 176, relative to the removal of human remains from the graveyards in the City of Stockton and vicinity;

Also, passed Assembly bill No. 213, an Act to authorize William O'Connell and others to build a wharf at or near Slaughter-house Point, in Contra Costa County;

Also, passed Assembly bill No 163, an Act to authorize the Guardian of Stephen C Powell to sell and convey certain real estate;

Also, passed Assembly bill No. 245, an Act to repeal an Act entitled an Act to authorize the Board of Supervisors of Calaveras County to levy a special tax, and to provide for building a bridge in said county, approved April fifteenth, eighteen hundred and sixty-one;

Also, passed Assembly bill No 190, an Act to authorize the Administrator of the estate of Daniel Mosby to sell and convey certain real estate;

Also, amended and passed Assembly bill No. 179, an Act concerning the salary and fees of the Coroner of the City and County of San Francisco;

Also, passed Assembly bill No. 234, an Act to authorize William Dickson and others to maintain a toll road in the County of Mono;

Also, passed Assembly bill No. 221, an Act concerning the assessment roll of the City of Los Angeles;

Also, passed Assembly bill No. 216, an Act to amend the charter of the City of Petaluma.

DELOS J HOWE,
Assistant Secretary.

SENATE CHAMBER,
March 25th, 1862.

Mr SPEAKER:—The Senate, on the twenty-fifth day of March, concurred in Assembly amendment to Senate bill No. 248, an Act to provide for the construction of a wagon road from Red Bluff to the eastern boundary of the State; also, amended title of said bill

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
March 26th, 1862.

Mr. SPEAKER:—The Senate, on the twenty-sixth of March, passed Assembly bill No. 343, an Act to provide for the construction of a railroad from Mokelumne City to the Town of Woodbridge, in San Joaquin County;

Also, concurred in Assembly amendments to Senate bill No. 147, an Act to provide revenue for the support of the Government of this State;

Also, passed Senate concurrent resolution No. 47, relative to the publication of the number, description, and date, of all patents issued by the United States, in some scientific journal published in this State.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
March 26th, 1862.

Mr. SPEAKER:—The Senate on this day passed Senate bill No. 313, an Act relative to the transmission of telegraphic messages.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
March 27th, 1862.

Mr. SPEAKER :—The Senate, on the twenty-sixth instant, passed Senate bill No. 57, an Act appropriating money for the benefit of certain Orphan Asylums in this State;

Also, on the twenty-sixth instant passed Senate bill No. 377, an Act to provide for the collection of taxes on personal property in the City and County of San Francisco;

Also, passed Senate bill No. 156, an Act to amend an Act to fix the fees and salaries of officers in the City and County of San Francisco;

Also, passed Senate bill No. 220, an Act concerning the offices of Sheriff, etc., in El Dorado County;

Also, passed Senate bill No. 235, an Act in relation to a Board of Supervisors in Butte County, and concerning their powers;

Also, passed Senate bill No. 333, an Act granting the right to construct a turnpike road from Murphy's, in Calaveras County, to the eastern boundary of the State;

Also, passed Senate bill No. 241, an Act for the relief of destitute females in the State of California;

Also, passed Senate bill No. 310, an Act to authorize Henry Owens to construct a marine railway in the City and County of San Francisco;

Also, passed Assembly bill No. 203, an Act to pay the claim of William P. Michener;

Also, passed Assembly bill No. 341, an Act concerning the collection of poll taxes, license taxes, and foreign miners' licenses, in the County of Sierra;

Also, passed Senate bill No. 387, an Act to appropriate money to the Ladies' Relief Society of San Francisco;

Also, concurred in Assembly concurrent resolution No. 22, relative to adjournment.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
March 27th, 1862.

Mr. SPEAKER :—The Senate, on the twenty-fourth instant, passed Senate bill No. 340, an Act to provide for the construction of a wagon road from Antelope Springs, in the County of Amador, to Hope Valley, on the eastern slope of the Sierra Nevada Mountains;

Also, on this day passed Senate bill No. 40, an Act granting to certain persons the right to construct and maintain a railroad through certain streets in the City and County of San Francisco;

Also, adopted Senate concurrent resolution No. 49, relative to the introduction of new business after the eighth proximo;

Also, adopted Senate concurrent resolution No. 48, relative to Indian Affairs.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
March 27th, 1862.

Mr. SPEAKER :—The Senate, on the 27th of March, passed Senate bill No. 303, an Act to create a Contingent Fund in the County of Contra Costa;

Also, passed Assembly bill No. 199, an Act to provide for the con-

struction of a Macadamized road in the City and County of San Francisco.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
March 28th, 1862.

Mr. SPEAKER:—The Senate this day passed Assembly bill No. 275, an Act to authorize the County of Placer to loan its credit to the Sacramento, Placer, and Nevada Railroad Company, to the amount of one hundred thousand dollars;

Also, adopted Senate substitute to Assembly bill No. 307, an Act to authorize the Coroner of Butte County to remove the bodies of deceased persons;

Also, passed Assembly bill No. 280, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State;

Also, passed Assembly bill No. 295, an Act concerning the Board of Supervisors of the County of San Bernardino;

Also, passed Assembly bill No. 212, an Act authorizing Jacob M. Tewksbury, and his associates, to build a wharf in Contra Costa County;

Also, on the twenty-seventh instant passed Senate bill No. 243, an Act to define the boundaries of Sutter County;

Also, on the twenty-sixth instant passed Senate bill No 355, an Act making appropriations for the support of the Civil Government of this State, for the fourteenth fiscal year, commencing on the first day of July, A. D. eighteen hundred and sixty-two, and ending on the thirtieth day of June, A. D. eighteen hundred and sixty-three.

DELOS J. HOWE,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate bill No. 40, above reported, read first and second times, and referred to the San Francisco delegation.

Senate bill No. 156, above reported, read first and second times, rules suspended, read third time, and passed.

Senate bill No. 220, above reported, read first and second times, rules suspended, read third time, and passed.

Senate bill No. 313, above reported, read first and second times, and referred to the Judiciary Committee.

Senate bill No. 310, above reported, read first and second times, and referred to the San Francisco delegation.

Senate bill No. 377, above reported, read first and second times, and referred to the San Francisco delegation.

Senate bill No. 57, above reported, read first and second times, and referred to the Committee on Ways and Means.

Senate bill No 241, above reported, read first and second times, and referred to the Committee on Ways and Means.

Senate bill No. 355, above reported, read first and second times, and referred to the Committee on Ways and Means.

Senate bill No. 372, above reported, read first and second times, and referred to the Committee on Ways and Means.

Senate bill No. 387, above reported, read first and second times, and referred to the Committee on Ways and Means.

Senate bill No. 235, above reported, read first and second times, and referred to the Butte delegation.

Senate bill No. 333, above reported, read first and second times, and referred to the Calaveras delegation

Senate bill No. 340, above reported, read first and second times, and referred to the Amador delegation.

Senate bill No. 303, above reported, read first and second times, and placed on file.

Senate bill No. 243, above reported, read first and second times, and referred to the Committee on Counties and County Boundaries

The House concurred in Senate amendments to Senate bill No. 248, above reported

The House concurred in Senate amendments to Assembly bill No 179, above reported.

The House concurred in Senate amendments to Assembly bill No. 307, above reported.

The House concurred in Senate concurrent resolution No. 47, above reported.

The House concurred in Senate concurrent resolution No. 48, above reported.

The House concurred in Senate concurrent resolution No. 49, above reported.

Mr. Morrison was excused from serving on the Committee on Engrossment.

The Committee on Constitutional Amendments had leave of absence, to visit Sacramento, with power to send for persons and papers.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 27th, 1862.

To the Honorable the Assembly of California:

I have to inform your honorable body that I have approved Assembly bill No. 203, an Act to pay the claim of William P. Michener;

Also, Assembly bill No. 147, an Act providing for the construction of a public road from Petaluma to Bloomfield, in Sonoma County;

Also, Assembly bill No. 31, an Act to prohibit the keeping open of markets and the vending of meats, game, vegetables, and other market products, in the City and County of San Francisco, on the Sabbath day.

LELAND STANFORD, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 28th, 1862.

To the Honorable the Assembly of California:

I have to inform your honorable body that I have approved Assembly bill No. 181, an Act to amend an Act to incorporate the Town of Grass Valley, approved April fifteenth, eighteen hundred and sixty-one;

Also, Assembly bill No. 159, an Act to annex the County of Contra Costa to the Fourth Judicial District;

Also, Assembly bill No. 343, an Act to provide for the construction of a railroad from Mokelumne City to Woodbridge, in the County of San Joaquin;

Also, Assembly bill No. 224, an Act relative to certain outstanding warrants of Tuolumne County;

Also, Assembly bill No. 205, an Act to provide for the election of a Superintendent of Common Schools in the County of San Mateo;

Also, Assembly bill No. 170, an Act amendatory of and supplementary to an Act for the preservation of trout;

Also, Assembly bill No. 329, an Act to fix the salary of the County Judge of the County of Santa Cruz;

Also, Assembly bill No. 111, an Act to authorize the Executors of the will of John Wilson, late of San Luis Obispo County, deceased, to sell personal property, to pay debts, discharge the current expenses attendant upon the administration of his estate, and to support testator's family;

Also, Assembly bill No. 288, an Act to correct a clerical error in an Act entitled an Act to transfer certain funds, passed March eleventh, eighteen hundred and sixty-two.

LELAND STANFORD, Governor.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Van Zandt, for an Act to amend an Act, approved April seventeenth, eighteen hundred and sixty-one, entitled an Act to amend an Act entitled an Act for the protection of game, passed May thirteenth, eighteen hundred and fifty-four.

Read first and second times, and placed on file.

By Mr. Lane, for an Act to authorize the construction of a wagon road from Wood's Bar to Highland Flat, in the County of Stanislaus.

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

By Mr Wilcoxon, for an Act to exempt a certain portion of Sutter County from the operation of an Act concerning hogs running at large, approved April twenty-first, eighteen hundred and fifty-six.

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

By Mr Ames, for an Act to authorize David J. Beasley to construct and maintain a wharf in the County of Mendocino.

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

By Mr. Jackson, for an Act to prohibit the game of props.

Read first and second times, and placed on file.

By Mr. Worthington, for an Act to provide compensation for the Board of Supervisors of the City and County of San Francisco

Read first and second times, and referred to the San Francisco delegation.

By Mr. Meyers, for an Act to provide for the construction of a railroad from the City of Stockton, San Joaquin County, to French Camp, in the same county.

Read first and second times, and referred to the San Joaquin delegation

By Mr. Hoag, for an Act for the encouragement of agriculture and manufactures in California.

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

Also, for an Act to grant the right to construct a toll bridge across Cache Creek, in Yolo County, at the Town of Cacheville, to certain parties therein named.

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

By Mr. Dow, for an Act granting to John H. Johnson, and his associates, the right to construct a bridge across Russian River, in the County of Sonoma.

Read first and second times, and placed on file.

On motion of Mr. Morrison, Assembly bill No. 83, an Act to provide for the reclamation of Swamp and Overflowed Lands, was made the special order for March twenty-ninth, at half past one o'clock, P. M.

Mr. Brown, from the Committee on Enrolment, made the following report:

Mr SPEAKER:—Your Committee on Enrolment have examined, and found correctly enrolled, Assembly bill No. 234;

And delivered the same to the Governor, this day, at three o'clock and eighteen minutes, P. M., for his approval.

BROWN, for Committee.

On motion of Mr. Seaton the House took under consideration Assembly bill No. 149, an Act in relation to liens of mechanics and others.

Mr. Parker offered the following amendment:

In section two, strike out all after the word "otherwise," in the third line, and insert: "Any stipulation or agreement as to the price or value of the work done, or to be done, or the material furnished, or to be furnished, shall be void; and the person furnishing material, or performing labor, shall have a lien for, and may recover the actual value of, the work done, or material furnished, and may enforce said lien in the manner provided in this Act."

Lost.

Mr. Parker offered the following amendment:

In section seven, twenty-third line, after the word "therein," insert: "*Provided*, however, that whenever such transfer shall be made, all lienholders shall have twenty days after the time of such transfer to present their claims to the District Court and become parties to the suit therein."

Adopted

Mr. Dore offered the following amendment:

In section nineteen, third line, after the word "thereof," insert: "Unless suit be brought in a proper Court, within that time, to enforce the same."

Adopted.

The rules were suspended, and the bill considered engrossed.

Upon its passage, Messrs. Leach, Hillyer, and Shannon, demanded the ayes and noes, and the bill passed, by the following vote:

AYES—Messrs. Amerige, Ames, Barton of Sacramento, Battles, Bell, Benton, Bigelow, Brown, Cunnard, Dean, Dore, Eagar, Eliason, Evey, Fay, Ferguson, Frazier, Gordon, Hoag, Irwin, Loewy, Love, Matthews, Moore, Orr, Printy, Reeve, Sargent, Sears, Seaton, Shannon, Teegarden, Thompson of Tehama, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Waddell, Warwick, Woodman, Worthington, and Yule—41.

NOES—Messrs. Barton of San Bernardino, Collins, Griswold, Hillyer, Lane, Leach, Smith of Sierra, Werk, Wilcoxon, and Wright—10.

At ten minutes before five o'clock, P. M., on motion of Mr. Ames, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, March 29th, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.
Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, the following bills:
Assembly bill No. 109, an Act in relation to the militia of this State;
Also, Assembly bill No. 239, an Act concerning salaries of certain county officers in the County of San Diego;
Also, Assembly bill No. 287, an Act to amend an Act entitled an Act abolishing the office of County Assessor, and establishing the office of Township Assessors, in the County of Calaveras, approved April twenty-eighth, eighteen hundred and sixty, and to define their duties, and the duties of the other officers connected with the collection and disbursement of the revenue of said county, more clearly.

LOEWY, Chairman.

Journal of yesterday read and approved.
The Speaker announced the following:
Select Committee, to prepare a memorial to Congress relative to the Chinese—Messrs Loewy, Campbell, and Benton.
To fill vacancy on Committee on Engrossment—Mr. Amerige.

GENERAL FILE.

Assembly bill No. 253, an Act to amend 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 April twenty-eighth, eighteen hundred and sixty.
Mr Dow moved to indefinitely postpone the bill
Lost.
Mr. Barton of Sacramento moved to amend by striking out section two
Mr Parker moved the previous question.
Sustained.
The amendment was adopted, and the bill ordered engrossed.
Senate bill No 64, an Act to authorize the Governor of the State of California to convey certain real estate—read third time, and passed.
Assembly bill No. 364, an Act making appropriations for the support of the Civil Government of this State for the fourteenth fiscal year, commencing on the first day of July, eighteen hundred and sixty-two, and ending on the thirtieth day of June, eighteen hundred and sixty-three, inclusive—considered in Committee of the Whole, reported with amendments, recommended, and amendments adopted.
Mr Benton offered the following amendment:
"For the support of the State Reform School, sixteen thousand two hundred and fifty dollars."

Mr. Ames moved to strike out "sixteen thousand two hundred and fifty dollars," and insert "ten thousand dollars."

Adopted.

And the amendment as amended was adopted.

Mr Kendall offered the following amendment:

"For State Geological Survey, fifteen thousand dollars, which sum the State Treasurer shall set apart as a special fund for that purpose."

Adopted

Mr. Irwin moved to strike out, "For salary of Clerk in Governor's office, eighteen hundred dollars."

Upon which, Messrs. Griswold, Irwin, and Dudley of Placer, demanded the ayes and noes, and the amendment was lost, by the following vote:

AYES—Messrs Campbell, Dean, Dennis, Dow, Dudley of Placer, Fay, Frazier, Griswold, Irwin, Jackson, Kendall, Lane, Matthews, Printy, Sears, Smith of Fresno, Smith of Sierra, Thompson of San Joaquin, Thornbury, Waddell, Woodman, Wright, and Yule—23.

NOES—Messrs. Amerige, Ames, Barton of Sacramento, Barton of San Bernardino, Battles, Bell, Benton, Bigelow, Brown, Collins, Dore, Dudley of Solano, Eagar, Eliason, Gordon, Hillyer, Leach, Loewy, Maclay, Moore, Morrison, Orr, Parker, Reed, Reeve, Sargent, Seaton, Shannon, Teegarden, Thompson of Tehama, Tilton of San Francisco, Van Zandt, Warwick, Watson, Worthington, and Mr Speaker—36.

The rules were suspended, bill considered engrossed, read third time, and passed.

Mr. Ames gave notice of reconsideration.

SPECIAL ORDERS.

Assembly bill No. 83, an Act to provide for the reclamation of Swamp and Overflowed Lands of this State by the construction of levees, canals, etc., and the employment of convict labor, (the special order of the day,) was considered in Committee of the Whole, and its indefinite postponement recommended.

Bill indefinitely postponed

Mr. Parker moved to adjourn.

Lost.

Assembly bill No. 261, an Act to organize townships, and regulate their powers and duties, (also special order of the day,) was taken up.

Mr. Fay offered the following amendment:

"Section 22. The Boards of Supervisors of the several counties in this State shall submit this Act to the people of their respective counties, at the next general election, and the people are hereby authorized to vote on the same by ballot, upon which shall be written or printed—'Township Law, Yes.' 'Township Law, No.' And in those counties in which the affirmative have the majority, the law shall be in force from and after the second Tuesday of April, eighteen hundred and sixty-three; but in those counties in which the negative have the majority, this Act shall not apply or be in force; *provided*, that in all the counties in which this Act is not submitted, as in this section provided, the Act shall go into operation and be in force from and after the first Tuesday of April, eighteen hundred and sixty-three."

Mr. Griswold moved the indefinite postponement of the bill.

On motion of Mr. Cunnard, at twenty minutes past four o'clock, P. M. the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, March 31st, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.
Messrs. Smith of Sierra, Benton, Teegarden, and Collins, had leave of absence.

REPORTS.

Mr. Brown, from the Committee on Enrolment, made the following report:

Mr. SPEAKER:—The Committee on Enrolment have examined, and found correctly enrolled, the following bills:
Assembly bill No 199, an Act in relation to a Macadamized road in the City and County of San Francisco;
Also, Assembly bill No. 182, an Act to provide for the election of Supervisors in Napa County;
And delivered the same to the Governor, for his approval, this day, at eleven o'clock and twenty minutes, A. M.
Also, Assembly concurrent resolution No. 21, relative to the transmission of official Journals of the twelfth session;
Also, Assembly concurrent resolution No. 22, relative to adjournment *sine die* on the fourteenth of April;
And delivered the same to the Secretary of State this day, March twenty-ninth, at eleven o'clock and twenty minutes, A. M.

BROWN, for Committee.

Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 272, an Act to authorize Robert G. Arthur, his associates or assigns, to construct and keep in repair certain roads upon the San Miguel Rancho and adjoining property, in the City and County of San Francisco, and to levy and collect tolls thereon;
Also, Assembly bill No. 353, an Act to create and organize a fire department in the Town of Mokelumne Hill, in Calaveras County.

LOEWY, Chairman.

Journal of Saturday read and approved.

GENERAL FILE.

Assembly bill No. 207, an Act to legalize the assessment of taxes for the fiscal year ending the first day of March, eighteen hundred and sixty-two, in the several counties of this State—placed at bottom of the file.
Assembly bill No. 222, an Act amendatory of an Act entitled an Act

defining the time of commencing civil actions, approved April twenty-second, eighteen hundred and fifty—indefinitely postponed.

Assembly bill No. 348, an Act to grant the right to construct a turnpike road between Searsville, in San Mateo County, and Pescadero, in Santa Cruz County—placed at top of file for April first, eighteen hundred and sixty-two.

Assembly bill No. 185, an Act to grant the right to construct a railroad from Aurora, in Mono County, to Walker's River, to certain parties therein named—placed at foot of file.

Assembly bill No. 150, an Act to amend an Act, approved April twenty-eighth, eighteen hundred and sixty, 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, eighteen hundred and fifty-five—read third time, and passed.

Senate bill No. 195, an Act to authorize Mrs. Mary Comstock and her minor children, Bertha Comstock, John F. O. Comstock, and George Comstock, to sell their homestead—read third time, and passed.

Assembly bill No. 233, an Act amendatory of an Act entitled an Act relative to the issuance of certificates to exempt Firemen in this State, approved May twentieth, eighteen hundred and sixty-one—read third time, and passed.

Assembly bill No. 331, an Act to authorize the issuance of a certain duplicate bond to Iredell M Hart—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 337, an Act to authorize the Board of Supervisors of San Joaquin County to appropriate money—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 154, an Act to establish the line and grade of streets in the City and County of San Francisco—amendments adopted, rules suspended, considered engrossed, read third time, and passed

Assembly bill No. 344, an Act to construct a turnpike road between the City of Petaluma and the Town of Santa Rosa, in Sonoma County—amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 153, an Act to appropriate money to sustain a mounted battery of artillery in the City and County of San Francisco—amendments adopted, considered in Committee of the Whole, reported and recommended, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 255, an Act amendatory of an Act entitled an Act prescribing rules for the government of the State Library.

Mr Campbell moved the previous question.

Sustained.

The amendments of the Committee were adopted.

On ordering the bill engrossed, Messrs Campbell, Dennis, and Parker, demanded the ayes and noes, and the bill was ordered engrossed, by the following vote:

AYES—Messrs. Amerige, Barton of Sacramento, Bigelow, Brown, Campbell, Cunnard, Dudley of Solano, Eagar, Eliason, Gordon, Griswold, Hillyer, Hoag, Irwin, Jackson, Loewy, Love, Machin, Maclay, Meyers, Moore, O'Brien, Orr, Reed, Reese, Reeve, Sargent, Sears, Seaton, Tilton of San Francisco, Tilton of San Mateo, Waddell, Warwick, Worthington, Yule, and Zuck—36.

NOES—Messrs. Ames, Dennis, Dudley of Placer, Evey, Frazier, Hoff-

man, Morrison, Parker, Pemberton, Printy, Shannon, Smith of Fresno, Thompson of Tehama, Thompson of San Joaquin, Van Zandt, Watson, Wilcoxon, Woodman, and Wright—19.

Assembly bill No. 346, an Act in relation to suits brought for the collection of delinquent taxes—amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 346, an Act in relation to suits brought for the collection of delinquent taxes—amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 246, an Act to amend an Act entitled an Act authorizing Charles H. Brinley, Andres Pico, and James R. Vineyard, to build a turnpike road from the ex-Mission of San Fernando, across the Mountains of San Fernando, to the Arroyo de Santa Clara, in Los Angeles County, approved May seventh, eighteen hundred and sixty-one—amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 100, an Act to amend an Act entitled an Act to regulate fees of office in the Counties of Los Angeles and Santa Barbara, approved April sixth, eighteen hundred and sixty-one—read third time, and passed

Assembly bill No. 257, an Act to amend an Act entitled an Act to repeal the several Acts incorporating the City of Benicia, and to provide for the government thereof, approved April eighteenth, eighteen hundred and fifty-nine—read third time, and passed.

Senate bill No 157, an Act to provide for binding minors as apprentices, clerks, and servants, by the San Francisco Protection and Relief Society—recommitted to the Committee on Public Morals, with the following special instructions:

"The Boards of Supervisors of the several counties of this State shall have similar powers to indenture all children within their respective counties who are destitute of parent, or guardian, or means of support."

Assembly bill No. 174—ordered to bottom of file.

Assembly bill No. 326—ordered to bottom of file.

Assembly bill No. 158, an Act supplementary to an Act entitled an Act to legalize certain grants and sales made by the Ayuntamiento of the Pueblo of Santa Barbara, approved May fourteenth, eighteen hundred and sixty-one—ordered engrossed.

Assembly bill No. 305, an Act concerning conveyances—ordered engrossed.

Senate bill No. 143, an Act to authorize the sale of real estate belonging to the estate of Henry P Haun, deceased, at public or private sale—read third time, and passed

Senate bill No. 200, an Act making an appropriation for the payment of the claim of James Whitney and others—read third time, and passed.

Senate bill No. 60, an Act supplementary to an Act entitled an Act defining the time of commencing civil actions—indefinitely postponed.

Assembly bill No. 357, an Act to authorize the Superintendent of Common Schools in the County of Fresno to teach school—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No 299, an Act to deprive traitors of citizenship—amendments adopted, and placed at top of file for Thursday, April third, at two o'clock, P M., and ordered printed.

Assembly bill No. 277, an Act to direct and empower the Supervisors

of Contra Costa County to pay for opening a road—substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 261, an Act to organize townships, and regulate their powers and duties—made special order for this day, at half past two o'clock, P. M.

REPORTS.

Mr. Hillyer, from the Committee on Public Expenditures and Accounts, made the following report:

Mr. SPEAKER:—The Committee on Public Expenditures and Accounts, having examined the following accounts, and found them correct, so report, and recommend their payment, and the adoption of the accompanying resolution:

To Whom Due.	Amount.
Account of John Gordon & Co., for one stove, zinc, stovepipe, labor, etc.	$74 87
Account of John Sedgwick, for transcript of House Journal, reports, and communications, for State Printer, to February 1st, 1862, 1,140 folios, at ten cents per folio	114 00
Account of Gallagher & Weed, for six locks, night latches, and labor	15 50
Total	$204 37

Your Committee further report, that they have had under consideration Senate bill No. 200, an Act making an appropriation for the payment of the claim of James Whitney and others, and report the same back, and recommend its passage.

Resolved, That the Controller of State be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Assembly, in favor of John Gordon & Co., for the sum of seventy-four dollars and eighty-seven cents; in favor of John Sedgwick, for the sum of one hundred and fourteen dollars; and in favor of Gallagher & Weed, for fifteen dollars and fifty cents.

HILLYER, Chairman.

Adopted

Mr. Maclay, from the Committee on Claims, made the following report:

Mr. SPEAKER:—The Committee on Claims, to whom was referred Assembly bill No 189, entitled an Act to appropriate money to pay Counsel employed by the Board of Commissioners appointed to settle with J. F. McCauley and Lloyd Tevis, can find no authority of law for the employment of Counsel in said case; therefore, the Committee respectfully recommend that the bill be indefinitely postponed.

MACLAY, Chairman

Mr. Hoag, from the Committee on Mileage, made the following report:

Mr. SPEAKER:—The Committee on Mileage report the following sums due for mileage to the Select Committee on Constitutional Amendments, who visited Sacramento on official business connected with the duties of said committee, to wit:

Names.	Miles.	Amount.
McCullough	234	$46 80
Porter	234	46 80
Machin	234	46 80
Avery	234	46 80
O'Brien	234	46 80

The Committee report the accompanying resolution, and recommend its passage.

Resolved, That the Controller of State be and is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, for the different sums allowed the members of the Select Committee on Constitutional Amendments, as per accompanying report.

HOAG,
ZUCK,
IRWIN,
O'BRIEN,
LOVE.

Adopted.

Mr. Fay, from the Committee on Commerce and Navigation, made the following report:

Mr. SPEAKER:—The Committee on Commerce and Navigation have had under consideration Assembly bill No. 369, an Act to authorize David J. Beasly to construct and maintain a wharf, at a point known as McComb's Landing, and now owned by the said David J. Beasly, in the County of Mendocino, five and one half miles south of Fish Rock, report the bill back, and recommend its passage.

FAY, Chairman.

The rules were suspended, the bill above reported considered engrossed, read third time, and passed.

Mr Seaton made the following report:

Mr. SPEAKER:—The Amador delegation, to whom was referred Senate bill No. 340, an Act to provide for the construction of a wagon road, commencing at Antelope Springs, in the County of Amador, and running thence by the Safford Survey to Hope Valley, on the eastern slope of the Sierra Nevada Mountains, beg leave to report the same back, and recommend that the bill pass.

SEATON,
WADDELL,
Amador Delegation.

The rules were suspended, and the bill above reported read third time, and passed.

Mr. O'Brien, from the Calaveras delegation, made the following report:

Mr. SPEAKER:—The Calaveras delegation, to whom was referred Senate bill No 333, have had the same under consideration, and beg leave to report it back, with amendments and recommend its passage, as amended.

O'BRIEN, for Delegation.

The rules were suspended, the amendments to the bill above reported adopted, read third time, and passed, and title amended.

SPECIAL ORDER.

Assembly bill No. 365, deficiency appropriation bill, (the special order for this day,) was continued until to-morrow, at half past one, P. M., and ordered printed.

On motion of Mr. Ames, the vote by which Assembly bill No. 364—appropriation bill—was passed on Saturday last, was reconsidered, and recommitted to the Committee on Ways and Means.

FURTHER REPORTS

Mr. Fay, from the Committee on Retrenchment, made the following report:

Mr. SPEAKER:—The Committee on Retrenchment have had under consideration Assembly bill No. 302, an Act to regulate the fees of jurors and witnesses, in the County of Alameda, and recommend its indefinite postponement;

Also, a communication from the Governor, in relation to the increase of pay to his Private Secretary, and for an additional Office Clerk; the Committee would respectfully recommend that no additional pay, or Clerk, be allowed;

They have also had under consideration, in Committee, the following bills, which they beg leave to introduce, and have placed on file and pass:

An Act to regulate fees of office in several counties throughout the State.

An Act to repeal an Act entitled an Act to regulate proceedings in civil cases, approved April second, eighteen hundred and fifty-nine.

An Act to authorize the Board of Supervisors, in each of the several counties throughout the State, to issue proposals and receive bids for the feeding of prisoners, and for other purposes.

An Act concerning the indebtedness of San Bernardino County.

An Act fixing the salaries of the County Judge, and District Attorney, for the County of Klamath.

An Act fixing the salaries of the County Judge, and District Attorney, for the County of Sutter.

An Act fixing the salary of the County Judge of the County of San Luis Obispo.

FAY, Chairman.

The several bills above reported were read first and second times, and placed on file.

Mr. Sargent made the following report:

Mr. SPEAKER:—The Special Committee to whom was referred Assembly bill No. 360, an Act to amend an Act entitled an Act to confer upon the San Francisco and Marysville Railroad Company, incorporated under the laws of this State, certain rights and privileges, passed April twenty-fourth, eighteen hundred and fifty-eight, have had the same under consideration, report it back, with amendments, and recommend its passage.

SARGENT,
DUDLEY of Solano.

Mr. Saul, from the Sacramento delegation, made the following report:

Mr. SPEAKER:—The Sacramento delegation, to whom was referred substitute for Senate bill No. 251, an Act concerning the repair and construction of levees in the County of Sacramento, and the mode of raising revenue therefor, respectfully report the same back, with amendments, and recommend its passage.

SAUL, for Delegation.

The bill above reported was taken up.

Mr. Ames moved a call of the House.

Lost.

Mr Benton moved to recommit.

Lost

On adopting the amendment, Messrs. Ferguson, Griswold, and Ames, demanded the ayes and noes, and the amendment was adopted by the following vote:

AYES—Messrs. Barton of Sacramento, Battles, Bell, Bigelow, Dean, Dennis, Dore, Dudley of Placer, Fay, Hillyer, Hoag, Irwin, Jackson, Kendall, Loewy, Love, Meyers, Moore, O'Brien, Orr, Parker, Printy, Reeve, Sargent, Saul, Sears, Shannon, Thornbury, Warwick, Woodman, Wright, and Mr. Speaker—32.

NOES—Messrs. Amerige, Ames, Barton of San Bernardino, Brown, Cunnard, Ferguson, Griswold, Lane, Leach, Matthews, Morrison, Reese, Seaton, Thompson of Tehama, Tilton of San Francisco, Van Zandt, Waddell, and Watson—18.

The bill was then ordered engrossed, read third time, and passed.

Mr Parker, from the El Dorado delegation, made the following report:

Mr. SPEAKER:—The El Dorado and Placer delegations, to whom was referred Assembly bill No. 308, an Act granting the right to keep and maintain a toll bridge across the North Fork of the American River, in the Counties of Placer and El Dorado, have examined the same, and recommend its passage.

PARKER, for Delegations.

The rules were suspended, the bill above reported considered engrossed, read third time, and passed.

Mr. Hoag, from the Committee on Mileage, made the following report:

Mr. SPEAKER:—Your Committee on Mileage report that H. J. Clayton, Sergeant-at-Arms of the Assembly, has made two trips to Sacramento, in accordance with the instruction of the House, and is entitled to mileage for the same as follows: miles, four hundred and sixty-eight, ninety-three dollars and sixty cents We would therefore recommend the adoption of the following resolution:

Resolved, That the Controller of State be and is hereby authorized to draw his warrant in favor of H J. Clayton, for the sum of ninety-three dollars and sixty cents, payable out of the Contingent Fund of the Assembly.

HOAG,
O'BRIEN,
ZUCK,
LOVE,
IRWIN.

Adopted.

FURTHER SPECIAL ORDER.

Assembly bill No. 261, an Act to organize townships, and regulate their powers and duties, (the special order of the day,) was taken up.

Mr. O'Brien moved to lay the bill on the table.

Upon which, Messrs Wright, Watson, and Ames, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Barton of San Bernardino, Campbell, Dennis, Griswold, Lane, Matthews, Morrison, O'Brien, Orr, Parker, Pemberton, Thompson of Tehama, Waddell, Watson, and Wilcoxon—15.

NOES—Messrs. Amerige, Bigelow, Brown, Cunnard, Dean, Dow, Dudley of Solano, Evey, Fay, Ferguson, Gordon, Hillyer, Hoag, Irwin, Maclay, Meyers, Moore, Printy, Reed, Sargent, Sears, Seaton, Shannon, Smith of Fresno, Thompson of San Joaquin, Thornbury, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Warwick, Woodman, Worthington, Wright, and Zuck—34.

On adopting the amendment offered by Mr. Fay on Saturday last, with the proviso stricken out, Messrs. Wright, Seaton, and Hoag, demanded the ayes and noes, and the motion prevailed, by the following vote:

AYES—Messrs. Bigelow, Cunnard, Dean, Dennis, Dudley of Solano, Evey, Fay, Gordon, Hoag, Irwin, Lane, Loewy, Love, Maclay, Matthews, Moore, Morrison, O'Brien, Orr, Parker, Pemberton, Porter, Printy, Sargent, Saul, Sears, Smith of Fresno, Thompson of Tehama, Thompson of San Joaquin, Thornbury, Tilton of San Francisco, Tilton of San Mateo, Waddell, Warwick, Watson, Woodman, Worthington, Yule, and Mr. Speaker—39.

NOES—Messrs. Amerige, Ames, Avery, Barton of San Bernardino, Brown, Campbell, Dow, Dudley of Placer, Eliason, Griswold, Hillyer, Leach, Meyers, Reed, Seaton, Shannon, Van Zandt, Wilcoxon, Wright, and Zuck—20.

Mr. Orr offered the following amendment:

"The provisions of this Act shall not apply to the Counties of Tuol-

umne, Mono, Los Angeles, San Bernardino, Trinity, Fresno, Tulare, Sutter, Plumas, Calaveras, Placer, Tehama, Colusa, and Nevada."

Adopted

Mr. Irwin moved to reconsider the vote by which the House adopted the amendment of Mr. Fay, submitting the provisions of the bill to the people.

Lost.

Mr. Dennis moved to recommit the bill to the Committee on Retrenchment.

Carried.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 29th, 1862.

To the Honorable the Assembly of California:

I have to inform your honorable body that I have approved Assembly bill No 300, an Act to grant the right to construct and maintain a bridge across the Mokelumne River to certain parties therein named.

LELAND STANFORD, Governor.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
March 31st, 1862.

Mr. SPEAKER:—The Senate, on March twenty-seventh, eighteen hundred and sixty-two, passed Senate bill No. 292, an Act to pay the claim of Paul R. Hunt;

Also, passed Senate bill No. 224, an Act to appropriate money for the erection of a building for the Home of the Inebriate;

Also, passed Senate bill No. 306, an Act to appropriate certain funds;

Also, passed Senate bill No 305, an Act to amend an Act in relation to trial jurors in the Court of Sessions and County Courts of certain counties in this State;

Also, passed Senate bill No. 321, an Act to authorize the Administrator of the estate of George S. Steere, and Guardian of the minor heirs of said Steere to sell certain real estate;

Also, passed Senate bill No. 232, an Act to confer further powers upon the Board of Education of the City and County of San Francisco;

Also, passed Senate bill No. 320, an Act to amend an Act concerning jurors, passed May third, eighteen hundred and fifty-two, approved May sixteenth, A. D. eighteen hundred and sixty-one.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
March 31st, 1862.

Mr. SPEAKER:—The Senate this day passed Senate bill No 345, an Act to provide for the redemption of bonds issued for expenses incurred in the suppression of Indian hostilities in certain counties of this State.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
March 29th, 1862

Mr. SPEAKER :—The Senate on this day passed Senate bill No. 396, an Act to provide for the care of the indigent sick of Tehama County ;

Also, passed Senate bill No. 397, an Act to grant the right of way to construct a toll bridge across Bear River, at or near McCourtney's Crossing, in the County of Nevada ;

Also, passed Assembly bill No. 309, an Act to amend an Act supplementary to an Act concerning the Board of Supervisors of Placer County, and to extend its provisions to other counties herein named ;

Also, amended and passed Assembly bill No 183, an Act to authorize the Board of Supervisors of El Dorado County to lease the Sacramento and El Dorado wagon road for a term of years.

DELOS J HOWE,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

The House concurred in Senate amendment to Assembly bill No. 183, above reported.

Senate bill No. 396, above reported, read first and second times, rules suspended, read third time, and passed.

Senate bill No 397, above reported, read first and second times, and referred to the Nevada delegation.

Senate bill No. 321, above reported, read first and second times, and referred to the Judiciary Committee.

Senate bill No. 320, above reported, read first and second times, and referred to the Judiciary Committee.

Senate bill No. 292, above reported, read first and second times, and referred to the Committee on Claims.

Senate bill No 345, above reported, read first and second times, and referred to the Committee on Claims.

Senate bill No. 306, above reported, read first and second times, and referred to the Committee on Ways and Means

Senate bill No 224, above reported, read first and second times, and referred to the Committee on Ways and Means.

Senate bill No. 305, above reported, read first and second times, rules suspended, read third time, and passed.

Senate bill No. 232, above reported, read first and second times, and referred to the San Francisco delegation.

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr Tilton of San Francisco, for an Act to regulate the fees of the Surveyor of the City and County of San Francisco, and prescribing certain duties for such Surveyor.

Read first and second times, and referred to the San Francisco delegation.

Also, for an Act for the relief of William W. Lombard.

Read first and second times, and referred to the San Francisco delegation.

Also, for an Act to provide for the payment of postage stamps, stamped envelopes, and the payment of postage bills of the present session of the Legislature.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr Thompson of San Joaquin, for an Act to grant the right to construct a toll bridge across the Mokelumne River to P. A. Athearn and associates.

Read first and second times, and referred to the San Joaquin, Calaveras, and Amador delegations.

By Mr. Maclay, for an Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, passed May twentieth, eighteen hundred and sixty-one.

Read first and second times, and placed on file.

Mr. Saul verbally reported Assembly bill No 282, which was heretofore recommitted to the Sacramento delegation with special instructions.

By Mr Dean, for an Act to amend sections thirty-two and thirty-eight of an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.

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

By Mr. Ames, for an Act to provide for the appointment of a Resident Physician and Chaplain of the State Prison, and to fix their compensation.

Read first and second times, and referred to the State Prison Committee.

By Mr. Fay, for an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, passed May fifteenth, eighteen hundred and fifty-four.

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

Also, for an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, passed May seventeenth, eighteen hundred and sixty-one.

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

By Mr Reed, for an Act relating to acknowledgments heretofore taken by Justices of the Peace.

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

By Mr. Hoag, for an Act to return to the Swamp Land Fund of the State, certain moneys belonging thereto, now in the General Fund.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands

Assembly bill No. 282, an Act for the better protection of farmers in certain portions of Sacramento County, and for regulating the herding of stock within the same.

The Speaker (Mr. Shannon in the Chair,) ruled that the question before the House was the adoption of the report of the Committee.

Mr. Dudley of Placer appealed.

The decision of the Chair was sustained.

Mr. Dudley moved a call of the House.

Lost.

Mr. Hillyer moved to adjourn.

Lost.

Mr. Yule moved that the further consideration of the bill be postponed, and the bill placed at top of file for to-morrow, April first

Adopted.

On motion of Mr. Ames, at ten minutes past five o'clock, P. M. the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, April 1st, 1862.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, the following bills:

Assembly bill No. 253, an Act to amend 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 April twenty-eighth, eighteen hundred and sixty;

Also, Assembly bill No. 153, an Act to appropriate money to sustain a mounted battery of artillery in the City and County of San Francisco;

Also, Assembly bill No 331, an Act to authorize the issuance of a certain duplicate bond to Iredell M. Hart;

Also, Assembly bill No. 305, an Act concerning conveyances;

Also, Assembly bill No. 344, an Act to grant the right to construct a turnpike road between the City of Petaluma and the Town of Santa Rosa, in Sonoma County;

Also, Assembly bill No. 238, an Act to give further powers to the Board of Supervisors of the City and County of San Francisco;

Also, Assembly bill No. 240, an Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco;

Also, Assembly bill No. 283, an Act to appropriate money to pay the claim of Philip Caduc, for coal furnished the Supreme Court and State Library in the year eighteen hundred and sixty.

LOEWY, Chairman.

Journal of yesterday read and approved.

GENERAL FILE

Assembly bill No. 348, an Act to grant the right to construct a turnpike road between Searsville, in San Mateo County, and Pescadero, in Santa Cruz County—amended, and ordered engrossed.

Assembly bill No. 298, an Act granting to William H. Tillinghast, his associates and assigns, the right to construct a wharf at the place called "New York, on the Pacific," in the County of Contra Costa—read third time, and passed

Assembly bill No. 282, an Act for the better protection of farmers in

certain portions of Sacramento County, and for regulating the herding of stock within the same.

The question was on the adoption of the report of the Committee on special instruction.

Mr. Wright moved the previous question.

Sustained.

On the adoption of the report, Messrs. Yule, Dudley of Placer, and Thompson of Tehama, demanded the ayes and noes, and the amendment was adopted, by the following vote:

AYES—Messrs. Ames, Barton of San Bernardino, Battles, Bigelow, Dow, Dudley of Placer, Evey, Frazier, Griswold, Hillyer, Jackson, Lane, Leach, Maclay, Matthews, Orr, Pemberton, Reed, Sears, Smith of Fresno, Thompson of Tehama, Waddell, Worthington, Wright, and Yule—25.

NOES—Messrs. Amerige, Barton of Sacramento, Benton, Brown, Campbell, Dean, Ferguson, Gordon, Hoag, Meyers, Moore, Reeve, Saul, Shannon, Smith of Sierra, Tilton of San Mateo, Van Zandt, and Warwick—18.

The bill was read third time, and passed.

Assembly bill No 169, an Act in relation to the militia of the State—read third time, and passed.

Assembly bill No. 231, an Act to amend an Act regulating marriages, passed April twenty-second, eighteen hundred and fifty.

Mr Yule moved to indefinitely postpone the bill.

Mr Maclay moved the previous question.

Sustained.

On the indefinite postponement of the bill, Messrs. Bell, Brown, and Dean, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Ames, Bell, Benton, Campbell, Dennis, Frazier, Jackson, Matthews, Parker, Saul, Sears, Woodman, Wright, and Yule—14.

NOES—Messrs. Amerige, Barton of Sacramento, Barton of San Bernardino, Bigelow, Brown, Dean, Dore, Dow, Dudley of Solano, Eliason, Evey, Fay, Ferguson, Gordon, Hillyer, Hoag, Irwin, Lane, Leach, Loewy, Maclay, Meyers, Moore, Orr, Pemberton, Reed, Reeve, Sargent, Seaton, Shannon, Smith of Sierra, Thompson of Tehama, Thornbury, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Waddell, Warwick, Watson, and Worthington—40.

The bill was then read third time, and passed.

Assembly bill No. 312, an Act to repeal an Act entitled an Act to repeal so much of an Act entitled an Act supplementary to an Act for the protection of game, passed May thirteenth, eighteen hundred and fifty-four, as relates to the County of San Luis Obispo, passed April thirteenth, eighteen hundred and sixty, approved March twenty-third, eighteen hundred and sixty-one—read third time, and passed.

Assembly bill No 68, an Act for the better protection of farmers, and for regulating the herding of stock—substitute adopted, amended, rules suspended, considered engrossed, read third time, and passed, and title amended.

Assembly bill No. 144, an Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty—read third time.

Mr. Wright moved the previous question

Sustained

On the passage of the bill, Messrs. Wright, Brown, and Griswold, demanded the ayes and noes, and the bill passed, by the following vote:

AYES—Messrs. Amerige, Avery, Barton of Sacramento, Battles, Bell, Benton, Bigelow, Brown, Campbell, Cunnard, Dean, Dore, Fay, Gordon, Hillyer, Hoag, Leach, Love, Maclay, McCullough, Meyers, Moore, Orr, Porter, Reed, Reeve, Sargent, Sears, Seaton, Shannon, Smith of Sierra, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Warwick, Worthington, Zuck, and Mr Speaker—38

NOES—Messrs Ames, Barton of San Bernardino, Dennis, Dow, Dudley of Placer, Ferguson, Frazier, Griswold, Hoffman, Irwin, Jackson, Kendall, Lane, Loewy, Machin, Matthews, Morrison, O'Brien, Parker, Pemberton, Printy, Saul, Smith of Fresno, Thompson of Tehama, Thompson of San Joaquin, Thornbury, Waddell, Watson, Woodman, Wright, and Yule—31.

Assembly bill No. 145, an Act to amend section three hundred and ninety-four of an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-eighth, eighteen hundred and fifty-one, as amended by an Act entitled 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 May fifteenth, eighteen hundred and fifty-four.

Mr. Fay offered the following amendment:

Strike out section three of bill No. 145, and insert the following:

"Section 3. Indians, but persons of white descent, having one half or more of Indian blood, shall not be deemed Indians."

Mr Ames moved the previous question.

Sustained.

On adopting Mr. Fay's amendment, Messrs. Griswold, Dennis, and Watson, demanded the ayes and noes, and the amendment was lost, by the following vote:

AYES—Messrs. Amerige Barton of Sacramento, Jackson, Kendall, Leach, Orr, Printy, Smith of Fresno, Thornbury, Tilton of San Francisco, Van Zandt, Woodman, and Yule—13

NOES—Messrs. Ames, Avery, Barton of San Bernardino, Benton, Bigelow, Brown, Cunnard, Dean, Dennis, Dore, Dow, Dudley of Placer, Dudley of Solano, Evey, Fay, Frazier, Griswold, Hillyer, Hoffman, Lane, Loewy, Love, Machin, Maclay, Matthews, Meyers, Moore, O'Brien, Parker, Pemberton, Porter, Reed, Reeve, Sargent, Saul, Sears, Seaton, Shannon, Smith of Sierra, Thompson of Tehama, Thompson of San Joaquin, Tilton of San Mateo, Waddell, Watson, Wright, and Zuck—46.

On ordering the bill engrossed, Messrs. Watson, Matthews, and Yule, demanded the ayes and noes, and the House so ordered, by the following vote:

AYES—Messrs. Amerige, Ames, Avery, Barton of Sacramento, Bell, Benton, Bigelow, Brown, Dean, Dore, Dudley of Solano, Eliason, Fay, Gordon, Hillyer, Hoag, Leach, Love, Maclay, McCullough, Meyers, Moore, Orr, Porter, Reed, Reeve, Sargent Sears, Seaton, Shannon, Smith

of Sierra, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Warwick, Worthington, Zuck, and Mr Speaker—38.

Noes—Messrs. Barton of San Bernardino. Dennis, Dow, Dudley of Placer. Frazier, Griswold, Hoffman, Irwin, Jackson, Kendall, Lane, Loewy, Machin, Matthews, O'Brien, Parker, Pemberton, Printy, Saul, Smith of Fresno, Thompson of Tehama, Thompson of San Joaquin, Thornbury, Waddell, Watson, Woodman, Wright, and Yule—28.

REPORTS.

Mr. Brown, from the Committee on Enrolment, made the following report:

Mr. Speaker:—Your Committee on Enrolment have examined, and found correctly enrolled, the following bills:

Assembly bill No. 163, an Act to authorize the Guardian of Stephen C. Powell, to sell and convey certain real estate;

Also, Assembly bill No 245, an Act in relation to the Board of Supervisors of Calaveras County;

Also, Assembly bill No. 307, an Act to authorize the removal of human remains in Placer County;

Also, Assembly bill No 309, an Act in relation to the Board of Supervisors of Placer County;

Also, Assembly bill No. 280, an Act to provide revenue for the support of the Government of this State;

Also, Assembly bill No. 295, an Act concerning the Board of Supervisors of San Bernardino County;

And delivered the same to the Governor, this day, at twelve o'clock, M., for his approval.

BROWN, for Committee.

Mr. Reed presented a petition for turnpike road in Sonoma County.

Referred to the Committee on Roads and Highways.

SPECIAL ORDER.

Assembly bill No 365, an Act making appropriations for deficiencies in the appropriations made for the thirteenth fiscal year, ending the thirtieth day of June, eighteen hundred and sixty-two, (the special order of the day.) was considered in Committee of the Whole, reported with amendments, recommended, rules suspended, amendments adopted, considered engrossed, read third time, and passed.

PETITIONS.

Mr. Hoag presented a petition of residents of Yolo County, for amendments to Swamp Land Law

Referred to Committee on Swamp and Overflowed Lands.

Mr Bell presented a petition of the Philomathian Society of Oakland, for donation of books

The petition was accompanied by a resolution, which was laid on the table

FURTHER REPORTS.

Mr. Fay, from the Committee on Commerce and Navigation, made the following report:

Mr. SPEAKER:—The Committee on Commerce and Navigation, to whom was referred Assembly bill No. 350, an Act to authorize parties therein named to establish and maintain a ferry, have had the same under consideration, report the same back, and recommend its passage;

Also, report a bill authorizing C. J Collins, or assigns, to maintain a wharf in Solano County, and recommend its passage.

FAY, Chairman.

Mr. Benton, from the Committee on Public Morals, made the following report:

Mr. SPEAKER:—The Committee on Public Morals report back Senate bill No. 157, an Act for binding minors as apprentices, clerks, and servants, by the San Francisco Protection and Relief Society, with the amendment, according to special instructions;

Also, Assembly bill No. 155, an Act concerning husbands and wives permanently separated by reason of settlement and residence in this State, and offer a substitute for the same.

BENTON, Chairman.

Mr. Barton of Sacramento, from the Committee on Ways and Means, made the following report:

Mr. SPEAKER:—The Committee on Ways and Means, to whom was referred Assembly bill No 364, an Act making appropriations for the support of the Civil Government of this State for the fourteenth fiscal year, report the same back, with the following amendments, and recommend its passage, as amended:

Strike out the word "one," in line fifty-two, and insert the word "two." Between lines one hundred and twenty-one and one hundred and twenty-two, insert: "For State Agricultural Society, five thousand dollars"

Also Assembly bill No. 254, an Act to license gaming and gaming houses, report the same back, with amendments, and recommend its passage;

Also, report a bill for an Act to amend an Act entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties on the Controller and Treasurer, approved April twenty-first, eighteen hundred and fifty-eight.

BARTON, Chairman.

On motion of Mr. Campbell, Assembly bill No. 254 was placed at top of file for Friday next.

Assembly bill No 364 was made special order for April second, at half past one o'clock.

Mr Leach made the following report:

Mr. SPEAKER:—The Nevada delegation, to whom was referred Senate bill No. 397, an Act to grant the right of way to construct a toll bridge across Bear River, at or near McCourtney's Crossing, in the Counties of Nevada and Placer, report the same back, and recommend its passage.

LEACH, for Delegation.

The rules were suspended, and the bill above reported read third time, and passed.

Mr. Sears gave notice of reconsideration.

Mr. Sargent made the following report:

Mr SPEAKER:—The delegation to whom was referred Senate bill No. 187, an Act for the relief of W. C Stokes, C. Covillaud, and the estate of James Simson, have considered the same, and beg leave to submit the following report:

Notwithstanding the very respectable petition accompanying the bill under consideration, and our high esteem for the parties to be relieved, we deem it unadvisable and dangerous to establish such a precedent, more especially when we take into consideration the large number in the county which we represent that could with equal propriety ask for the same relief hereafter, and believing, as we do, that the passage of this Act would have a tendency to impair the confidence of the people in their public servants, encourage extravagance in office, and carelessness on the part of sureties, we most respectfully recommend that the bill do not pass.

SARGENT,
TEEGARDEN,
JACKSON

Mr Reeve made the following report:

Mr. SPEAKER:—The San Francisco delegation, to whom was referred Senate bill No 377, an Act to provide for the collection of taxes on personal property in the City and County of San Francisco, have had the same under consideration, report it back, and recommend its passage;

Also. Assembly bill No. 363, an Act to provide for the appointment of a Measurer of Wood in and for the City and County of San Francisco, report the same back, with amendments, and recommend its passage;

Also, Assembly bill No. 242, an Act supplementary to and amendatory of an Act entitled an Act concerning County Recorders, passed March twenty-sixth, eighteen hundred and fifty-one, report the same back, with an amendment, and recommend its passage.

REEVE.

Mr. Fay, from the Committee on Retrenchment, made the following report:

Mr. SPEAKER:—The Committee on Retrenchment would respectfully recommend that Assembly bill No. 261, which was referred to them, pass, with the amendments to strike out the amendment to the Act submitting it to the people of the respective counties; also, to strike out section twelve; also, to strike out the amendment to section eighteen; also, add El Dorado to the excepted list of counties; also, add Siskiyou and Butte to the excepted counties.

FAY, Chairman

Mr. Printy, of the Butte delegation, made the following report:

Mr. SPEAKER:—The undersigned, one of the Butte delegation, to whom was referred Senate bill No. 235, an Act in relation to the Board of Supervisors in and for Butte County, and concerning their powers, reports it back to the House, and, as it would justly equalize representation in accordance with population and taxation, and as it would also lessen the county expenses, respectfully recommends its passage.

PRINTY, of Delegation

Mr. Cunnard, of the Butte delegation, made the following report:

Mr. SPEAKER:—The undersigned, one of the Butte delegation, to whom was referred Senate bill No. 235, an Act in relation to the Board of Supervisors of Butte County, and concerning their powers, has examined the same, and recommends that it do not pass, for the reason that the inhabitants of the Townships of Hamilton and Chico, which the bill proposes to constitute a new Supervisoral District, do not want it; and for the reason that there are now three Supervisors in the County of Butte, and that they have proven themselves amply competent and willing to squander the money of the county, without adding an additional member to the Board.

CUNNARD, *of Delegation*

Mr. Fay, from the Committee on Retrenchment, made the following report:

Mr. SPEAKER:—The Committee on Retrenchment have had under consideration, and beg leave to report, the following bills, and recommend their passage:

An Act fixing the salaries of the County Judge, District Attorney, County Clerk, and Sheriff, for the County of Alameda;

Also, an Act to fix and regulate the fees and salaries of officers in the County of Santa Barbara;

Also, an Act fixing the salary of the District Attorney of the County of Marin;

Also, an Act fixing the salaries of the County Judge, District Attorney, County Clerk, Deputies, and ex officio officers Sheriff, Under Sheriff, Deputy Sheriff, Superintendent of Schools, and Treasurer, for the County of Napa;

Also, an Act fixing the salaries of the County Clerk, Deputy Clerk, and Treasurer for the County of Mendocino;

Also, an Act fixing the salaries of the County Judge, District Attorney, County Clerk and Deputies, ex officio Auditor, and Clerk of the Board of Supervisors, and all other offices which he now fills, and Treasurer, for the County of Trinity;

Also, an Act to separate the office of County Recorder, County Auditor, and Clerk of the Board of Supervisors, from the office of County Clerk, in the County of Los Angeles;

Also, an Act to separate the office of County Superintendent of Common Schools from the office of County Clerk, in the County of Los Angeles.

The last two Acts, in relation to Los Angeles County, are accompanied with a petition, signed by respectable citizens of said county, praying for a division of said offices in the said county.

FAY, Chairman.

The bills above reported were read first and second times, and referred.

Mr Bell, from the Judiciary Committee, made the following report:

Mr. SPEAKER:—The Judiciary Committee have had under consideration Senate bill No 313, an Act for the regulation of the telegraph, and to secure secrecy and fidelity in the transmission of telegraphic messages, report it back, and recommend its passage;

Also, Assembly bill No. 93, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of the State, approved May seventeenth, eighteen hundred and sixty-one, and a majority of the Committee recommend its indefinite postponement;

Also, Senate bill No 103, an Act concerning jury trials in Butte County, and recommend its indefinite postponement;

The Committee also report a bill for an Act entitled an Act to amend an Act entitled an Act to regulate proceedings in civil cases, approved April twenty-ninth, eighteen hundred and fifty-one, and recommend its passage;

Also, Senate bill No 368, an Act to authorize the Executrix and Executor of the estate of John Frye, deceased, to sell the real estate of deceased at private sale, and recommend its passage

BELL, Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
April 1st, 1862.

Mr. SPEAKER:—The Senate on March thirty-first passed Assembly bill No. 48, an Act for the purchase and preservation of public newspapers in the several counties of this State;

Also, passed Senate bill No. 54, an Act relative to the location and sale of certain lands granted to this State for school purposes;

Also, passed Senate bill No 216, an Act to regulate proceedings in civil cases in the Courts of Justice of this State;

Also, on March twenty-eighth passed Senate bill No. 284, relative to passengers arriving in the ports of this State;

Also, on March thirty-first passed Senate bill No. 402, an Act to provide for the payment of certain claims against the city of Sacramento.

DELOS J. HOWE,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate bill No. 54, above reported, read first and second times, and referred to the Committee on Public Lands.

Senate bill No 216, above reported, read first and second times, and referred to the Judiciary Committee.

Senate bill No 284, above reported, read first and second times, and referred to the Committee on Commerce and Navigation.

Senate bill No. 402, above reported, read first and second times, and referred to the Sacramento delegation.

GENERAL FILE RESUMED.

Assembly bill No. 201, an Act to protect free white labor against competition with Chinese coolie labor, and to discourage the immigration of the Chinese into the State of California—read third time, and passed.

Senate bill No. 357, an Act granting the right to construct and maintain a bridge across the South Fork of the American River, at or near Salmon Falls, in the County of El Dorado—read third time, and passed

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Fay, for an Act appropriating money for the improvement of the navigation of the San Joaquin River.

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

By Mr Ames, for an Act to restrict the herding of sheep in certain counties of this State

Read first and second times, and placed on file.

By Mr Benton, for an Act to change the name of Lake Bigler.

Read first time, and on motion of Mr Shannon, rejected.

By Mr. Dow, for an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one

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

By Mr Worthington, for an Act to authorize the manufacturing of signs for the streets in San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Meyers, for an Act to permit C C. Castle to construct a canal from Castle slough, in San Joaquin County, to the San Joaquin River, in the same county.

Read first and second times, and referred to the San Joaquin delegation.

By Mr. Hoffman, for an Act in relation to the office of Superintendent of Common Schools in the County of San Diego.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

By Mr. Printy, for an Act to define the boundaries of Butte County.

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

UNFINISHED BUSINESS.

Assembly bill No. 333, an Act fixing the salaries of State officers, members of the Legislature, Supreme Judges, District Judges, and Clerks.

Mr. Wright moved to strike out "eight dollars," and insert "ten dollars," as the per diem of members of the Legislature.

Mr. Machin moved to strike out the enacting clause.

Mr. Shannon moved to adjourn.

Upon which, Messrs. Brown, Fay, and Seaton, demanded the ayes and noes, and the motion prevailed by the following vote:

AYES—Messrs Ames, Barton of San Bernardino, Battles, Bell, Benton, Campbell, Cunnard, Dennis, Dudley of Placer, Eliason, Ferguson, Frazier, Griswold, Hillyer, Hoag, Hoffman, Irwin, Jackson, Kendall, Lane, Love, Morrison, O'Brien, Orr, Pemberton, Reeve, Saul, Shannon, Smith of Sierra, Thompson of Tehama, Thornbury, Waddell, Watson, Woodman, Wright, and Yule—36.

NOES—Messrs. Amerige, Avery, Barton of Sacramento, Bigelow, Brown, Dore, Dow, Dudley of Solano, Evey, Fay, Gordon, Leach, Loewy, Machin, Maclay, Matthews, Meyers, Porter, Printy, Reed, Reese, Sargent,

Sears, Seaton, Smith of Fresno, Thompson of San Joaquin, Tilton of San Mateo, Van Zandt, Warwick, Worthington, and Zuck—31.

So, at forty-five minutes past four o'clock, P. M., the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, April 2d, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.
Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, the following bills:
Assembly bill No. 149, an Act in relation to liens of mechanics and others;
Also, Assembly bill No. 158, an Act supplementary to an Act entitled an Act to legalize certain grants and sales made by the Ayuntamiento of the Pueblo, and by the Mayor and Common Council of the City, of Santa Barbara, of lands belonging to the said pueblo and city, approved May fourteenth, eighteen hundred and sixty-one;
Also, Assembly bill No 337, an Act to authorize the Board of Supervisors of San Joaquin County to appropriate money;
Also, Assembly bill No. 357, an Act to authorize the Superintendent of Common Schools in the County of Fresno to teach school.

LOEWY, Chairman.

Journal of yesterday read and approved.
Leave of absence, for one day, was granted to the Committee on Ways and Means.

GENERAL FILE.

Assembly bill No. 412, an Act to amend an Act entitled an Act to regulate proceedings in civil cases, approved April twenty-ninth, eighteen hundred and fifty-one.
Mr. Wright offered the following amendment:
"And, *provided*, further, that no more than one change of venue shall be had in the same suit."
On motion of Mr. Maclay, the whole subject-matter was laid on the table.
Assembly bill No. 403, an Act to restrict the herding of sheep in certain counties of this State.
Mr Saul moved to indefinitely postpone the bill
Mr. Porter moved the previous question
Sustained.
On the indefinite postponement, Messrs. Ames, Reed, and Dow, de-

manded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Amerige, Avery, Barton of San Bernardino, Cunnard, Dudley of Solano, Hoffman, Jackson, Lane, Leach, Meyers, O'Brien, Pemberton, Saul, Seaton, Smith of Fresno, Smith of Sierra, Thompson of San Joaquin, Tilton of San Mateo, Waddell, Warwick, and Wright—21.

NOES—Messrs Ames, Battles Bigelow, Dennis, Dow, Evey, Fay, Ferguson, Frazier, Gordon, Hillyer, Hoag, Kendall, Loewy, Maclay, Matthews, Moore, Orr, Porter, Printy, Reed, Reeve, Sargent, Sears, Shannon, Watson, Worthington, and Zuck—28.

On ordering the bill engrossed, Messrs. Ames, Battles, and Reed, demanded the ayes and noes, and the House so ordered, by the following vote:

AYES—Messrs Ames, Battles, Bigelow, Dow, Evey, Fay, Ferguson, Frazier, Gordon, Hillyer, Hoag, Kendall, Loewy, Machin, Maclay, Matthews, Moore, Morrison, Orr, Porter, Printy, Reed, Reeve, Sargent, Sears, Shannon, Tilton of San Francisco, Watson, Worthington, and Mr. Speaker—30.

NOES—Messrs. Amerige, Avery, Barton of San Bernardino, Benton, Cunnard, Dean, Dennis, Hoffman, Jackson, Lane, Leach, Meyers, O'Brien, Pemberton, Saul, Seaton, Smith of Fresno, Smith of Sierra, Thompson of San Joaquin, Tilton of San Mateo, Van Zandt, Waddell, Warwick, and Wright—24.

Senate bill No. 235, an Act in relation to the Board of Supervisors of Butte County, and concerning their powers.

Mr. Cunnard moved to indefinitely postpone the bill.

Mr. Avery moved the previous question

Sustained.

Motion of Mr. Cunnard lost

Bill read third time, and passed.

Assembly bill No. 361, an Act to repeal an Act entitled an Act for the protection of fisheries, passed April twentieth, eighteen hundred and sixty.

Mr. Watson moved the previous question.

Sustained.

On the indefinite postponement, Messrs. Battles, Van Zandt, and Matthews, demanded the ayes and noes, and the motion prevailed by the the following vote:

AYES—Messrs. Ames, Avery, Bell, Dean, Dennis, Dow, Dudley of Placer, Dudley of Solano, Griswold, Hillyer, Irwin, Kendall, Loewy, Love, Machin, Matthews, Meyers, Moore, Morrison, O'Brien, Orr, Pemberton, Saul, Sears, Smith of Fresno, Teegarden, Thompson of San Joaquin, Thornbury, Waddell, Warwick, Watson, Woodman, Worthington, and Wright—34.

NOES—Messrs. Amerige, Barton of Sacramento, Barton of San Bernardino, Battles, Benton, Bigelow, Brown, Eliason, Evey, Fay, Ferguson, Maclay, Porter, Reed, Reese, Sargent, Smith of Sierra, Tilton of San Francisco, Tilton of San Mateo, and Van Zandt—20.

Mr. Brown, from the Committee on Enrolment, made the following report:

Mr. SPEAKER:—Your Committee on Enrolment have examined, and found correctly enrolled, the following bills:

Assembly bill No. 163, an Act to authorize the Guardian of S C. Powell to sell real estate;

Also, Assembly bill No. 176, an Act to authorize the removal of human remains in Stockton Rural Cemetery:

Also, Assembly bill No. 341, an Act concerning the collection of poll taxes, etc., in the County of Sierra;

And this day, at eleven o'clock and fifty minutes, A. M., delivered the same to the Governor, for his approval.

BROWN, for Committee.

SPECIAL ORDER.

Assembly bill No 364, an Act making an appropriation for the support of the Civil Government of this State for the fourteenth fiscal year, commencing on the first day of July, eighteen hundred and sixty-two, and ending on the thirtieth day of June, eighteen hundred and sixty-three, inclusive—considered in Committee of the Whole, reported, with amendments, and recommended, rules suspended, amendments adopted, considered engrossed, read third time, and passed.

Mr Loewy, from the Committee on Engrossment, made the following report:

Mr SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, the following bills:

Assembly bill No 145, an Act to amend section three hundred and ninety-four of an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-eighth, eighteen hundred and fifty-one, as amended by an Act entitled 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 May fifteenth, eighteen hundred and fifty-four;

Also, Assembly bill No. 255, an Act amendatory of an Act entitled an Act prescribing Rules for the Government of the State Library, approved March eighth, eighteen hundred and sixty-one.

LOEWY, Chairman.

FURTHER SPECIAL ORDER.

Senate bill No. 37, an Act to divide the State into Congressional Districts, and to fix the time for electing Representatives to Congress, (also special order of the day,) was taken up.

On the adoption of the substitute, Messrs Bell, Woodman, and Dennis, demanded the ayes, and noes, and the substitute was adopted, by the following vote:

AYES—Messrs Amerige, Avery, Battles, Bell, Benton, Bigelow, Brown, Dore, Dudley of Solano, Eagar, Eliason, Fay, Gordon, Hillyer, Hoffman, Leach, Loewy, Machin, Maclay, Meyers, Moore, Morrison, Orr, Porter, Reed, Reese, Reeve, Sargent, Sears, Smith of Sierra, Teegarden, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Warwick, Watson, Yule, and Zuck—38.

NOES—Messrs. Ames, Dean, Dennis, Dow, Dudley of Placer, Evey, Frazier, Griswold, Irwin, Jackson, Kendall, Lane, Matthews, O'Brien, Parker, Pemberton, Saul, Seaton, Shannon, Thornbury, Waddell, Woodman, Worthington, and Wright—24.

The substitute was read first and second times.

On ordering it engrossed, Messrs. Dennis Griswold, and Matthews, demanded the ayes and noes, and the House so ordered, by the following vote:

AYES—Messrs. Amerige, Avery, Barton of Sacramento, Battles, Bell, Benton, Bigelow, Brown, Dennis, Dore, Dudley of Solano, Eagar, Eliason, Fay, Gordon, Hillyer, Hoffman, Leach, Maclay, Meyers, Moore, Morrison, Orr, Porter, Reed, Reese, Reeve, Sargent, Sears, Shannon, Smith of Sierra, Teegarden, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Warwick, Watson, Yule, and Zuck—39

NOES—Messrs. Ames, Dean, Dudley of Placer, Evey, Frazier, Griswold, Hoag, Irwin, Jackson, Kendall, Lane, Matthews, O'Brien, Parker, Pemberton, Printy, Saul, Seaton, Smith of Fresno, Thompson of San Joaquin, Thornbury, Waddell, Woodman, Worthington, and Wright—25.

Mr. Dennis gave notice of reconsideration.

Assembly bill No. 207, an Act to legalize the assessment of taxes for the fiscal year ending on the first day of March, eighteen hundred and sixty-two, in the several counties of this State—read third time, and passed.

PETITIONS.

Mr. Worthington presented a petition of shopkeepers on Montgomery street, San Francisco, against a railroad.

Referred to San Francisco delegation.

Mr. Bell presented a petition of employés at State Prison, for increase of wages.

Referred to Committee on Retrenchment.

Mr. Fay presented a petition of citizens of Los Angeles County, for separation of county offices.

Referred to Los Angeles delegation

Mr. Hoffman presented a petition of certain persons, asking that all lands be taxed at ten dollars per acre.

Referred to the Committee on Swamp and Overflowed Lands.

REPORTS

Mr. Seaton, from the Committee on Corporations, made the following report:

Mr. SPEAKER:—Your Committee on Corporations, to whom was referred Assembly bill No. 373, an Act to grant the right to construct a toll bridge across Cache creek, in Yolo County, at the Town of Cacheville, to certain parties therein named, have examined the same, and would most respectfully report the bill back to the House, and recommend its passage;

Your Committee have also examined Assembly bill No 297, an Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, passed April fourteenth, eighteen hundred

and fifty-three, and would report the same back, without recommendation.

MACHIN, Chairman.

The rules were suspended, and Assembly bill No. 373, above reported, considered engrossed, read third time, and passed.

Mr Dennis, from the Committee on Counties and County Boundaries, made the following report:

Mr. SPEAKER:—Your Committee on Counties and County Boundaries, to whom was recommitted Assembly bill No. 315, entitled an Act to better define the boundary line between Solano and Napa Counties, respectfully report the same back to the House, with a recommendation that it do not pass

DENNIS,
MATTHEWS,
LANE,
VAN ZANDT,
THOMPSON.

Mr Smith of Sierra, from the Committee on Counties and County Boundaries, made the following report:

Mr SPEAKER:—The undersigned, of the Committee on Counties and County Boundaries, to whom was referred Assembly bill No. 315, an Act to better define the boundary between Solano and Napa Counties, beg leave to report it back, with amendments, and recommend its passage, as amended.

SMITH, Chairman,
DUDLEY of Solano.

Mr. Reed, from the Committee on Education, made the following report:

Mr. SPEAKER:—The Committee on Education, to whom were referred sundry bills and propositions, beg leave to submit the following report:

The Committee have had under consideration Assembly bill No 304, an Act to amend section three of an Act entitled 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, eighteen hundred and fifty-five, so far as relates to the County of El Dorado, and recommend its passage;

Also, Assembly bill No 178, an Act amendatory of section two of an Act in relation to common schools in this State, approved April twenty-sixth, eighteen hundred and fifty-eight, and report the same back, with a substitute, and recommend its adoption;

Also, Assembly bill No. 252, an Act concerning the foundation of academies, and their support by the counties in which they are situated, and recommend that it do not pass;

Also, report the accompanying bill, an Act to provide for the maintenance and government of the State Reform School, and recommend its passage.

REED, Chairman.

Mr. Ames made a report from the Committee on Hospitals, which was ordered printed.

(For report, see Appendix.)

Mr. Barton of Sacramento, from the Committee on Ways and Means, made the following reports:

Mr. SPEAKER:—The Committee on Ways and Means, to whom was referred Senate bill No. 306, an Act to appropriate certain funds, have had the same under consideration, and beg leave to report, the same back, and recommend that it be referred to the delegation from Butte County.

BARTON, Chairman.

Mr SPEAKER:—The Committee on Ways and Means, to whom was referred Assembly bill No. 355, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-two, have had the same under consideration, and beg leave to report the accompanying as a substitute, and recommend its passage.

BARTON, Chairman.

Mr. Meyers, of the San Joaquin delegation, made the following report:

Mr. SPEAKER:—The Committee—the San Joaquin, Calaveras, and Amador delegations—to whom was referred Assembly bill No 389, an Act to grant the right to construct and maintain a bridge across the Mokelumne River, to P. A. Athearn and associates, have given the same their careful consideration, and report it back, and recommend its passage.

MEYERS, for Delegations.

Rules suspended, bill above reported considered engrossed, read third time, and passed.

Mr. Evey of the Napa and Lake delegation made the following report:

Mr. SPEAKER:—The Napa and Lake County delegation, to whom was referred Senate bill No. 168, an Act to provide for transcribing certain records in the Recorder's office of Napa County pertaining to Lake County, have duly considered the same, and respectfully ask leave to report it back, and recommend that it pass.

EVEY, for Delegation.

Mr. Meyers, of the San Joaquin delegation, made the following report:

Mr. SPEAKER:—Your Committee—the Stanislaus and San Joaquin delegations—to whom was referred substitute for Senate bill No. 217, an Act to appoint Commissioners to adjust the affairs of the Counties of San Joaquin and Stanislaus, have had the same under consideration.

In line fourteenth of section fourth, there is a clerical error—the word "county" being omitted near the middle of the line, between the words "the" and "he"

Your Committee recommend that the error be corrected, and further recommend that the bill pass

MEYERS, for Delegations.

I concur in the above, but shall at the proper time make a motion to have the word "interest" stricken out where it occurs in section second of this bill.

LANE, of Stanislaus Delegation.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
April 2d, 1862.

Mr. SPEAKER:—The Senate, on April first, concurred in Assembly amendments to Senate bill No 251, an Act concerning the repairs of levees in the County of Sacramento, and the mode of raising revenue therefor;

Also, passed Senate bill No. 271, an Act to authorize the reissue of a certain land warrant No. 53, the original of which has been burnt;

Also, passed Assembly bill No. 325, an Act concerning the county records of Trinity County;

Also, passed Assembly bill No. 217, an Act concerning roads and highways in the County of Monterey;

Also, passed Assembly bill No. 263, an Act to authorize the construction of a wagon road in San Bernardino County;

Also, passed Assembly bill No. 385, an Act to provide for the payment of postage stamps, stamped envelopes, and the payment of postage bills of the present Legislature;

Also, passed Assembly bill No. 229, an Act to regulate the fees of officers in Sonoma County;

Also, passed Assembly bill No. 256, an Act to authorize Catharine Meyers, Administratrix of the estate of Christopher Meyers, to dispose of real estate at public or private sale;

Also, concurred in Assembly amendments to Senate bill No. 246, an Act to authorize Charles H. Brindley, Andres Pico, and James R. Vineyard, to build a turnpike road in Los Angeles County;

Also, passed Senate bill No 366, an Act for the establishment of public and private roads in the County of Santa Cruz;

Also, adopted Senate concurrent resolution No. 50, relative to Joint Convention, on Thursday, April third, for the purpose of electing two Trustees of the State Insane Asylum;

Also, passed Senate bill No. 404, an Act in relation to public streets in the City of Sacramento;

Also, passed Senate bill No. 405, an Act to regulate artesian wells in Santa Clara County;

Also, passed Assembly bill No. 298, an Act granting to certain persons the right to construct a wharf in Contra Costa County.

DELOS J HOWE,
Assistant Secretary.

SENATE CHAMBER,
April 2d, 1862.

Mr. SPEAKER:—The Senate on this day amended and passed Assembly

bill No. 77, an Act to provide revenue for the support of the Government of this State, from a tax on foreign and inland bills, passengers, insurance companies, and other matters;

Also, amended and passed Assembly bill No. 75, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May ninth, eighteen hundred and sixty-one;

Also, passed Senate bill No. 384, an Act to tax foreign insurance companies doing business in this State.

DELOS J. HOWE.
Assistant Secretary.

SENATE CHAMBER,
April 1st, 1862.

Mr. SPEAKER:—The Senate this day passed Senate bill No. 401, an Act to empower José Lorenzo de Jesus Maria Peña, a minor, to dispose of his interest in certain real estate;

Also, passed Senate bill No. 250, an Act to appropriate money to pay the claim of James W. Hawkins;

Also, passed Senate bill No. 301, an Act for the relief of Dr. Paul d'Hierry, for services as Surgeon of the State Prison.

DELOS J. HOWE,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate bill No. 384, above reported, referred to Committee on Ways and Means

Assembly bill No. 75, above reported, referred to Committee on Ways and Means.

Assembly bill No. 77, above reported, referred to Committee on Ways and Means.

Senate bill No 250, above reported, read first and second times, and referred to Committee on Claims.

Senate bill No. 301, above reported, read first and second times, and referred to Committee on Claims.

Senate bill No 401, above reported, read first and second times, rules suspended, read third time, and passed

Senate bill No. 405, above reported, read first and second times, rules suspended, read third time, and passed

Senate bill No 366, above reported, read first and second times, and referred to the Santa Cruz delegation

Senate bill No. 404, above reported, read first and second times, and referred to the Sacramento delegation.

Senate bill No. 271, above reported, read first and second times, and referred to the Committee on Public Lands

The House concurred in Senate concurrent resolution No. 50, above reported.

Also, concurred in Senate amendments to Assembly bill No. 229, above reported.

Also, concurred in Senate amendments to Assembly bill No. 325, above reported.

GENERAL FILE RESUMED.

Assembly bill No. 285, an Act to grant to M. G. Sawyer, and his asso-

ciates and assigns, the right to construct and maintain a toll bridge across the South Fork of the Mokelumne River in Calaveras County—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 305, an Act concerning conveyances—read third time, and passed.

Mr. Ames gave notice that on to-morrow he would introduce an amendment to the Rules of this House, so as to make Senate messages the second order of business.

Mr. Avery offered the following resolution:

Resolved, That the Enrolling Clerk be and is hereby authorized to procure assistance, at the usual per diem allowed by law, whenever the Enrolling Committee think him in need of assistance.

Adopted.

Assembly bill No. 261, an Act to organize townships, and regulate their powers and duties—amendments adopted, rules suspended, considered engrossed, read third time, passed, and title amended.

Mr Ames introduced a concurrent resolution relative to pay of Clerk of Committee on Hospitals.

Referred to Committee on Claims.

Mr. Machin introduced a resolution relative to mileage of witnesses in contested election case of Orr *vs.* Davis.

Referred to Committee on Elections.

At half past four o'clock, P. M., on motion of Mr. Hillyer, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, April 3d, 1862

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

REPORTS.

Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, the following bills:

Assembly bill No. 154, an Act to establish the lines and grades of streets in the City and County of San Francisco;

Also, Assembly bill No. 407, an Act in relation to the office of Superintendent of Common Schools in the County of San Diego.

LOEWY, Chairman.

Journal of yesterday read and approved.

Mr. Avery, from the Committee on Enrolment, made the following report:

Mr SPEAKER:—Your Committee on Enrolment have examined, and found correctly enrolled, the following bills:

Assembly bill No. 45, an Act to authorize the Guardian of certain minor children to convey real estate;

Also, Assembly bill No 275, an Act authorizing Placer County to loan its credit to the Sacramento, Placer, and Nevada Railroad Company, to the amount of one hundred thousand dollars;

And this day, April third, eighteen hundred and sixty-two, at ten o'clock and ten minutes, A. M., delivered the same to the Governor, for his approval.

AVERY, Chairman.

GENERAL FILE.

Assembly bill No 299, an Act to deprive traitors, and the aiders of treason, of the rights of citizenship in this State; for the confiscation of the property of such traitors; and for the surrender of their persons and property on requisition by the Federal authorities—ordered engrossed.

Assembly bill No. 172, an Act amendatory of an Act entitled an Act for the observance of the Sabbath, approved May twentieth, eighteen hundred and sixty-one.

Mr. Wright moved the previous question.

Upon which, Messrs. Sears, Wright, and Ames, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Amerige, Ames, Avery, Barton of Sacramento Barton of San Bernardino, Benton, Bigelow, Brown, Dennis, Dore, Dow, Eagar, Evey, Lane, Maclay, Meyers, Moore Orr, Porter, Reese, Sargent Seaton, Teegarden, Thompson of San Joaquin, Tilton of San Mateo, Van Zandt, Waddell, and Wright—28.

NOES—Messrs. Battles, Cunnard, Dean, Dudley of Placer, Fay, Frazier, Gordon, Griswold, Hillyer, Hoag, Hoffman, Irwin, Jackson, Kendall, Leach, Loewy, Love, Matthews, O'Brien, Parker, Pemberton, Reed, Reeve, Saul, Sears, Smith of Fresno, Smith of Sierra, Thornbury, Tilton of San Francisco, Warwick, Watson, Woodman, Worthington, and Yule —34.

The House took a recess until twelve o'clock, for the purpose of meeting the Senate in Joint Convention, to elect Trustees for the State Insane Asylum.

IN JOINT CONVENTION.

Hon. J. McM. Shafter, President pro tem of the Senate, and Hon. George Barstow, Speaker of the House, presiding.

Senate roll called.

Absent—Messrs. De Long, Heacock, Hill, Merritt, Pacheco, Thomas, and Vineyard.

House roll called.

Absent—Messrs. Avery, Bell, Campbell, Collins, Cott, Cunnard, Dana, Dudley of Solano, Elliason, Jackson, Machin, McCullough, Morrison, Thompson of Tehama, Werk, and Yule.

The Secretary read the resolution under which the Convention assembled.

The Convention decided to elect the two Trustees together.

Mr. Thompson of San Joaquin nominated Austin Sperry.

Mr Meyers nominated H. B. Underhill.

There being no further nominations, the Secretary called the roll, with the following result:

Names.	Sperry.	Underhill.
Baker	1	1
Banks	1	1
Bogart	1	1
Burnell	1	1
Chamberlain	1	1
Crane	1	1
Denver	1	1
Doll	1	1
Gallagher	1	1
Gaskill	1	1
Harvey	1	1
Harriman	1	1
Hathaway	1	1
Holden	1	1
Irwin	1	1
Kimball	1	1
Kutz	1	1
Lewis	1	1
Nixon	1	1
Oulton	1	1
Parks	1	1
Perkins	1	1
Porter	1	1
Powers	1	1
Quint	1	1
Rhodes	1	1
Shafter	1	1
Soule	1	1
Shurtleff	1	1
Van Dyke	1	1
Warmcastle	1	1
Watt	1	1
Amerige	1	1
Ames	1	1
Avery	1	1
Barton of Sacramento	1	1
Barton of San Bernardino	1	1
Battles	1	1
Benton	1	1
Bigelow	1	1
Brown	1	1
Cunnard	1	1
Dean	1	1
Dennis	1	1
Dore	1	1
Dow	1	1
Dudley of Placer	1	1
Eagar	1	1

Names.	Sperry.	Underhill.
Eliason	1	1
Evey	1	1
Fay	1	1
Frazier	1	1
Gordon	1	1
Griswold	1	1
Hillyer	1	1
Hoag	1	1
Hoffman	1	1
Irwin	1	1
Jackson	1	1
Kendall	1	1
Lane	1	1
Leach	1	1
Loewy	1	1
Love	1	1
Maclay	1	1
Matthews	1	1
Meyers	1	1
Moore	1	1
O'Brien	1	1
Orr	1	1
Parker	1	1
Pemberton	1	1
Porter	1	1
Printy	1	1
Reed	1	1
Reese	1	1
Sargent	1	1
Saul	1	1
Sears	1	1
Seaton	1	1
Shannon	1	1
Smith of Sierra	1	1
Teegarden	1	1
Thompson of San Joaquin	1	1
Thornbury	1	1
Tilton of San Francisco	1	1
Tilton of San Mateo	1	1
Van Zandt	1	1
Waddell	1	1
Warwick	1	1
Watson	1	1
Woodman	1	1
Worthington	1	1
Wright	1	1
Yule	1	1
Zuck	1	1
Mr. Speaker	1	1
Totals	97	97

H. B. Underhill and Austin Sperry, having received all the votes cast, were declared duly elected Trustees of the Insane Asylum.

The objects of the Convention having been accomplished, the Convention adjourned *sine die*.

IN ASSEMBLY.

The House reassembled.

Quorum present.

GENERAL FILE RESUMED.

The consideration of Assembly bill No. 172 was resumed.

Mr. Loewy moved to strike out the enacting clause, and moved the previous question

Sustained.

On striking out the enacting clause, Messrs. Maclay, Tilton of San Francisco, and Wright, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs Ames, Barton of San Bernardino, Battles, Cunnard, Dean, Dennis, Eagar, Fay, Ferguson, Griswold, Hoffman, Irwin, Jackson, Kendall, Loewy, O'Brien, Orr, Pemberton, Printy, Reeve, Sargent, Saul, Sears, Shannon, Smith of Fresno, Thornbury, Waddell, Warwick, Watson, Woodman, and Worthington—31

NOES—Messrs. Amerige, Avery, Barton of Sacramento, Bell, Benton, Bigelow, Brown, Dore, Dow, Dudley of Placer, Eliason, Evey, Frazier, Gordon, Hillyer, Hoag, Lane, Leach, Love, Maclay, Meyers, Moore, Parker, Porter, Reed, Reese, Seaton, Smith of Sierra, Teegarden, Thompson of San Joaquin, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Wright, Yule, and Zuck—36.

On the amendment of Mr. Sears, providing for the submission of the law to the people, Messrs. Tilton of San Francisco, Wright, and Sears, demanded the ayes and noes, and the amendment was lost, by the following vote:

AYES—Messrs. Ames, Barton of San Bernardino, Battles, Bell, Cunnard, Dean, Dennis, Eagar, Fay, Ferguson, Griswold, Hoffman, Irwin, Jackson, Kendall, Lane, Loewy, Matthews, O'Brien, Pemberton, Printy, Reeve, Sargent, Saul, Sears, Shannon, Smith of Fresno, Thornbury, Waddell, Warwick, Watson, Woodman, and Worthington—33.

NOES—Messrs. Amerige, Avery, Barton of Sacramento, Benton, Bigelow, Brown, Dore, Dow, Dudley of Placer, Eliason, Evey, Frazier, Gordon, Hillyer, Hoag, Leach, Love, Maclay, Meyers, Moore, Orr, Parker, Porter, Reed, Reese, Seaton, Smith of Sierra, Teegarden, Thompson of San Joaquin, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Wright, Yule, and Zuck—35.

On ordering the bill engrossed, Messrs. Battles, Worthington, and Loewy, demanded the ayes and noes, and the House so ordered, by the following vote:

AYES—Messrs. Amerige, Avery, Barton of Sacramento, Bell, Benton, Bigelow, Brown, Dore, Dow, Dudley of Placer, Eliason, Evey, Frazier, Gordon, Hillyer, Hoag, Lane, Leach, Love, Maclay, Meyers, Moore,

Parker, Porter, Reed, Reese, Seaton, Smith of Sierra, Teegarden, Thompson of San Joaquin, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Wright, Yule, and Zuck—36.

Noes—Messrs. Ames, Barton of San Bernardino, Battles, Cunnard, Dean, Dennis, Eagar, Fay, Ferguson, Griswold, Hoffman, Irwin, Jackson, Kendall, Loewy, Matthews, O'Brien Orr, Pemberton, Printy, Reeve, Sargent, Saul, Sears, Shannon, Smith of Fresno, Thornbury, Waddell, Warwick, Watson, Woodman, and Worthington—32.

Assembly bill No. 51, an Act to amend an Act entitled an Act for the better observance of the Sabbath, approved May twentieth, eighteen hundred and sixty-one—was laid on the table

Assembly bill No. 173, an Act amendatory of an Act entitled an Act for the better observance of the Sabbath, approved May twentieth, eighteen hundred and sixty-one—was laid on the table.

Assembly bill No. 11, an Act to repeal an Act entitled an Act for the better observance of the Sabbath, approved May twentieth, eighteen hundred and sixty-one.

Mr. Tilton of San Francisco moved to lay the bill on the table.

Upon which, Messrs. O'Brien, Worthington, and Battles, demanded the ayes and noes, and the motion prevailed, by the following vote:

Ayes—Messrs. Amerige, Avery, Barton of Sacramento, Benton, Bigelow, Brown, Dore, Dow, Dudley of Placer, Eliason, Evey, Frazier, Gordon, Hillyer, Hoag, Lane, Leach, Maclay, Meyers, Moore, Orr, Parker, Porter, Reed, Reese, Seaton, Smith of Sierra, Teegarden, Thompson of San Joaquin, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Wright, Yule, and Zuck—35.

Noes—Messrs Ames, Barton of San Bernardino, Battles, Cunnard, Dean, Dennis, Eagar, Fay, Ferguson, Griswold, Hoffman, Irwin, Jackson, Kendall, Loewy, Matthews, Morrison, O'Brien, Pemberton, Printy, Reeve, Sargent, Saul, Sears, Shannon, Smith of Fresno, Thornbury, Waddell, Watson, Woodman, and Worthington—31

Assembly bill No. 135, an Act for the protection of growing timber on all possessory claims and other private property in this State, and on or along public streets or highways, and on public grounds.

Mr Maclay offered the following amendment:

Amend section one, line two, by inserting after the word "shall," the words "wilfully commit any trespass," and add "ing" to "cut," "carry," and "girdle."

Adopted

Mr. Kendall offered the following amendment:

"*Provided*, that the provisions of this Act shall not apply to the Counties of Tuolumne, Mono, Placer, Nevada, San Bernardino, Calaveras, El Dorado, Plumas, Sierra, Shasta, Trinity, Butte, Tulare, Fresno, Mariposa, Siskiyou, Tehama, Colusa, Del Norte and Klamath"

Adopted.

The rules were suspended, bill considered engrossed, read third time, passed, and title amended

Mr. Bigelow, from the Committee on Ways and Means, made the following report:

Mr. Speaker:—The Committee on Ways and Means, to whom was

referred Senate bill No. 384, an Act to tax foreign insurance companies doing business in this State, report it back, and recommend its passage;

Also, report back Assembly bill No 75, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May ninth, eighteen hundred and sixty-one, and recommend that the Assembly concur in Senate amendments;

Also, report back Assembly bill No 77, an Act to provide revenue for the support of the Government of this State from a tax upon foreign and inland bills, passengers, insurance companies, and other matters, and recommend that the Assembly concur in Senate amendments.

BARTON, Chairman

The House concurred in Senate amendments to Assembly bill No. 75, above reported.

The House concurred in Senate amendments to Assembly bill No. 77, above reported

The rules were suspended, and Senate bill No. 384, above reported, read third time, and passed.

Assembly bill No. 355, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one—substitute adopted, and recommitted to Committee on Ways and Means, with instructions to report to-morrow morning.

RESOLUTIONS.

Mr. Ames offered the following resolution :

Resolved, That the Rules of this House be so changed as to make Messages from the Senate second in the order of business.

Adopted

Mr. Dudley of Placer, introduced a concurrent resolution, relative to United States Income Tax.

Referred to Committee on Federal Relations.

Mr. Warwick introduced a concurrent resolution relative to indebtedness of the Federal Government to this State for State prisoners.

Referred to Committee on Federal Relations

REPORTS

Mr. Hoag made the following report :

Mr. SPEAKER :—Your Committee, to whom was referred the petition of citizens of Yolo County, praying for an amendment of the Swamp Land Law, so as to protect them in their actual possessions, as against outside speculators, would respectfully report, that in their opinion, such protection should at once be granted They would therefore recommend the immediate passage of the accompanying bill

PORTER, for Committee

The rules were suspended, bill above reported read third time, and passed.

Mr. Ames, from the Mendocino delegation, made the following report :

Mr. SPEAKER:—Your Committee to whom was referred Senate bill No. 83, report it back, and recommend that it do not pass.

AMES, for Delegation.

Mr Amerige, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 365, an Act making appropriations for deficiencies in the appropriations made for the thirteenth fiscal year, ending the thirtieth day of June, eighteen hundred and sixty-two

AMERIGE, for Committee.

Mr. Reeve, from the San Francisco delegation, made the following report:

Mr. SPEAKER:—The San Francisco delegation, to whom referred Assembly bill No. 352, an Act amendatory of article four 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 the nineteenth day of April, eighteen hundred and fifty-six, etc., have had the same under consideration, report it back, with a substitute, and recommend the passage of the substitute

They have also had under consideration Senate bill No 310, an Act to authorize Henry Owens to construct a marine railway in the City and County of San Francisco, report it back and recommend its passage.

REEVE, for Delegation.

Mr. Eagar made the following report:

Mr. SPEAKER:—Your Special Committee to whom was referred Senate bill No 366, an Act to provide for the establishment, maintenance, and protection of public and private roads in the County of Santa Cruz, have carefully examined the same, and most respectfully recommend that the same do pass.

EAGAR, for Committee.

The rules were suspended, bill above reported read third time, and passed.

Mr McCullough, from the Committee on Constitutional Amendments, made a report, with amendments, which were ordered printed.

(For report, see Appendix.)

Mr. Printy, from the Butte delegation, made the following report:

Mr SPEAKER:—The Butte delegation, to whom was referred Senate bill No. 306, an Act to appropriate certain funds, report it back to the House, and respectfully recommend its passage.

PRINTY,
CUNNARD.

The rules were suspended, bill above reported read third time, and passed.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
April 3d, 1862.

Mr. SPEAKER:—The Senate on April first, eighteen hundred and sixty-two, indefinitely postponed Assembly bill No. 142, an Act for the relief of George W. Nixsen.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
April 2d, 1862.

Mr. SPEAKER:—The Senate, this day, amended and passed Senate bill No. 218, an Act to authorize the State Capitol Commissioners to cancel and annul the contract for building the foundation and basement walls of the State Capitol building, at Sacramento;

Also, passed Senate bill No. 214, an Act to prevent non-residents from selling goods without a license;

Also, passed Assembly bill No. 344, an Act to construct a turnpike road in Sonoma County;

Also, adopted Senate concurrent resolution No. 51, relative to allowing Senator Banks mileage for services on Joint Committee of Investigation, concerning an alleged interpolation in the Marsh Land Bill of last session;

Also, on April first passed Senate bill No. 338, providing for the construction of canals for draining and reclaiming certain Swamp and Overflowed Lands in Tulare Valley;

Also, on same day passed Senate bill No. 295, an Act relative to fees in office in Yuba County;

Also, passed Senate bill No. 395, an Act concerning public ferries and toll bridges.

DELOS J. HOWE,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate bill No. 395, above reported, read first and second times, and referred to Committee on Corporations

Senate bill No. 338, above reported, read first and second times, and referred to Committee on Swamp and Overflowed Lands.

Senate bill No 295, above reported, read first and second times, and referred to Yuba delegation.

Senate bill No 214, above reported, read first and second times, and referred to Judiciary Committee.

Senate bill No. 218, above reported, read first and second times, and referred to Committee on Public Lands.

The House concurred in Senate concurrent resolution No. 51, above reported.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr Battles, for an Act to amend an Act concerning District Reporters.

Read first and second times, and referred to San Francisco and San Mateo delegation.

By Mr. Bigelow, for an Act amendatory of an Act concerning crimes and punishments.

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

Mr. Bell, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment, have examined, and found correctly engrossed, Assembly bill No. 277, an Act to authorize Hiram Thorne, and others, to reconstruct and make a wagon road in the Counties of Contra Costa and Alameda.

BELL, for Committee.

GENERAL FILE RESUMED.

Senate bill No. 172, an Act for the relief of purchasers of Swamp and Overflowed, Salt Marsh, and Tide Lands—read third time, and passed.

Senate bill No. 174, an Act for the relief of E B Ryan, Assessor for the City and County of Sacramento—read third time, and passed

Senate bill No. 350, an Act to amend an Act entitled an Act to incorporate the City of Placerville, approved March seventh, eighteen hundred and fifty-nine—read third time, and passed

Assembly bill No 362, an Act concerning roads and highways in the County of Placer—rules suspended considered engrossed, read third time, and passed

Assembly bill No. 359, an Act to amend an Act entitled an Act to provide revenue for the Government of this State, approved May seventeenth, eighteen hundred and sixty-one—rules suspended, considered engrossed, read third time, and passed

Assembly bill No 377, an Act concerning the indebtedness of San Bernardino County—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 333, an Act fixing the salaries of State officers, members of the Legislature, Supreme Judges, District Judges, and Clerks.

On the motion of Mr. Machin to strike out the enacting clause, Messrs Tilton of San Francisco, Teegarden, and Dow, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Ames, Barton of San Bernardino, Battles, Bell, Dudley of Placer, Eagar, Ferguson, Frazier, Griswold, Hillyer, Hoffman, Irwin, Machin, Morrison, O'Brien, Orr, Reese, Saul, Smith of Fresno, Thornbury, Van Zandt, Watson, and Woodman—23.

NOES—Messrs. Amerige, Avery, Barton of Sacramento, Benton, Brown, Dore, Dow, Dudley of Solano, Eliason, Evey, Fay, Gordon, Hoag, Kendall, Leach, Matthews, Meyers, Moore, Porter, Printy, Reeve, Sargent, Sears, Seaton, Shannon, Smith of Sierra, Teegarden, Thompson of San Joaquin, Tilton of San Francisco, Tilton of San Mateo, Waddell, Worthington, Wright, Zuck, and Mr. Speaker—35.

On the adoption of the amendment of Mr Wright, to strike out "eight dollars" and insert "ten dollars," Messrs. Shannon, Thompson of San Joaquin, and Hoag, demanded the ayes and noes, and the amendment was adopted, by the following vote:

AYES—Messrs. Ames, Avery. Barton of Sacramento. Barton of San Bernardino. Battles, Bell, Benton, Dudley of Placer. Eagar, Ferguson. Frazier, Griswold, Hillyer, Hoffman, Irwin. Morrison, O'Brien, Pemberton, Printy. Reese, Reeve, Saul, Smith of Fresno. Thornbury, Van Zandt, Watson, Woodman, Worthington, and Wright—29.

NOES—Messrs. Amerige, Bigelow, Brown, Dore, Dow, Dudley of Solano. Evey. Fay. Gordon. Hoag, Kendall, Leach. Machin, Maclay. Matthews, Meyers, Porter, Sargent, Sears, Seaton, Shannon, Teegarden, Thompson of San Joaquin. Tilton of San Francisco. Tilton of San Mateo. Waddell, Zuck, and Mr. Speaker—28.

Mr. Irwin moved to amend by striking out "five thousand dollars." in line three, and inserting "seven thousand dollars."

Upon which Messrs Saul, Irwin, and Frazier, demanded the ayes and noes, and the amendment was lost. by the following vote:

AYES—Messrs. Barton of Sacramento, Barton of San Bernardino, Battles, Dudley of Placer. Eagar, Frazier, Griswold, Hillyer, Hoffman, Irwin, Leach. O'Brien, Reese, Saul, Thornbury. Van Zandt, Warwick, Watson, and Woodman—19

NOES—Messrs Amerige, Brown. Dore. Dow, Dudley of Solano, Eliason, Evey. Fay. Gordon, Hoag. Kendall, Machin, Maclay, Matthews. Meyers, Moore. Morrison. Orr, Porter, Reeve, Sargent. Sears, Seaton, Shannon, Smith of Fresno. Teegarden, Thompson of San Joaquin, Tilton of San Francisco, Tilton of San Mateo, Waddell, Worthington, Wright, Zuck. and Mr Speaker—34.

Mr. Shannon offered the following amendment:

Strike out "five thousand dollars," and insert "six thousand dollars."

Upon which, Messrs Worthington, Brown. and Evey, demanded the ayes and noes. and the amendment was adopted, by the following vote:

AYES—Messrs Ames, Avery, Battles. Bell, Benton, Bigelow. Cunnard, Dudley of Placer. Eagar, Eliason, Frazier, Gordon. Griswold, Hoffman, Irwin. Leach, O'Brien, Porter, Reese, Reeve. Saul, Sears, Seaton, Shannon, Smith of Fresno. Thornbury, Tilton of San Francisco, Van Zandt. Warwick. Watson. Woodman, and Worthington—32

NOES—Messrs Amerige, Barton of San Bernardino. Brown. Dore. Dudley of Solano, Evey, Fay, Hillyer, Hoag, Kendall, Machin, Maclay, Matthews, Meyers, Moore. Orr, Sargent, Teegarden, Thompson of San Joaquin, Tilton of San Mateo, Waddell. Wright, Zuck, and Mr. Speaker —24

Mr Eagar offered the following amendment.

Strike out "three" and insert "four," as salary for the State Treasurer.

Upon which. Messrs. Fay. Hillyer. and Hoffman, demanded the ayes and noes, and the amendment was lost, by the following vote:

AYES—Messrs. Ames, Battles. Bell, Benton. Eagar, Frazier, Griswold, Hillyer. Hoffman, Irwin, O'Brien. Reese. Reeve, Smith of Fresno, Thornbury, Warwick, and Watson—17.

NOES—Messrs Amerige. Avery. Barton of San Bernardino, Bigelow, Brown, Dore, Dow, Dudley of Placer, Dudley of Solano. Evey, Fay, Ferguson, Gordon, Kendall. Leach, Machin, Maclay, Matthews, McCul-

lough, Orr, Porter, Sargent, Sears, Seaton, Shannon, Thompson of San Joaquin, Tilton of San Mateo, Van Zandt, Waddell, Wright, Zuck, and Mr. Speaker—32.

Mr. Fay offerred the following amendment:

Amend section two, by inserting in line seventh, after the word "Treasury," the words, "quarterly, accompanied by a sworn statement of all fees collected during the quarter."

Adopted.

Mr Dudley of Placer offered the following amendment:

In line nine, strike out "five," and insert "three."

Adopted.

Mr. Dudley of Solano offered the following amendment:

Strike out "four," and insert "three," in the nineteenth line of the printed copy.

Mr. Worthington moved to indefinitely postpone.

Mr. Shannon moved the previous question.

Sustained.

On the amendment of Mr. Dudley of Solano, Messrs. Dudley of Placer, Dudley of Solano, and Evey, demanded the ayes and noes, and the amendment was lost, by the following vote:

Ayes—Messrs. Amerige, Barton of San Bernardino, Battles, Bigelow, Brown, Dow, Dudley of Placer, Dudley of Solano, Evey, Fay, Hillyer, Hoag, Kendall, Maclay, Orr, Reed, Sargent, Tilton of San Francisco, Tilton of San Mateo, Wright, and Zuck—21.

Noes—Messrs Ames, Avery, Bell, Benton, Eagar, Frazier, Gordon, Griswold, Hoffman, Irwin, Machin, Matthews, Meyers, Moore, Morrison, O'Brien, Porter, Reese, Reeve, Sears, Shannon, Smith of Fresno, Teegarden, Thompson of San Joaquin, Van Zandt, Warwick, Watson, Woodman, Worthington, and Yule—30.

Upon the indefinite postponement of the bill, Messrs. O'Brien, Thompson of San Joaquin, and Griswold, demanded the ayes and noes, and the motion was lost, by the following vote:

Ayes—Messrs. Barton of San Bernardino, Bell, Eagar, Frazier, Griswold, Hoffman, Irwin, Machin, Morrison, O'Brien, Orr, Pemberton, Reese, Shannon, Smith of Fresno, Watson, Woodman, and Worthington—18.

Noes—Messrs Amerige, Ames, Avery, Barton of Sacramento, Benton, Bigelow, Brown, Dennis, Dow, Dudley of Placer, Dudley of Solano, Eliason, Evey, Fay, Gordon, Hillyer, Hoag, Kendall, Maclay, Matthews, Meyers, Moore, Porter, Printy, Reed, Reeve, Sargent, Sears, Teegarden, Thompson of San Joaquin, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Warwick, Wright, Yule, Zuck, and Mr. Speaker—38.

On ordering the bill engrossed, Messrs. Watson, Yule, and Hoag, demanded the ayes and noes, and the House so ordered, by the following vote:

Ayes—Messrs. Amerige, Avery, Barton of San Bernardino, Benton, Bigelow, Brown, Dennis, Dow, Dudley of Placer, Dudley of Solano, Evey, Fay, Gordon, Hoag, Kendall, Maclay, Matthews, Meyers, Moore, Porter, Printy, Reed, Reeve, Sargent, Sears, Seaton, Teegarden, Thompson of

San Joaquin, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Waddell, Warwick, Wright, Yule, Zuck, and Mr. Speaker—37.

NOES—Messrs. Ames, Bell, Dean, Frazier, Griswold, Hillyer, Hoffman, Irwin, Machin, O'Brien, Orr, Pemberton, Reese, Shannon, Smith of Fresno, Thornbury, Watson, Woodman, and Worthington—19.

At four o'clock P. M., on motion of Mr. Fay, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, April 4th, 1862.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read.

Mr. Orr asked to have his vote recorded in the negative on the amendment to Assembly bill No. 333, offered by Mr. Wright, striking out "eight dollars," and inserting "ten dollars," as the per diem of members of the Legislature

Mr Machin moved that Mr. Orr have leave to record his vote, and that the Journal be corrected

The Speaker ruled the motion out of order, the bill being out of the possession of the House, and that by recording his vote the result would be changed.

Mr. Campbell appealed.

Mr. O'Brien moved to lay the appeal on the table.

Upon which, Messrs Bigelow, Worthington, and Zuck, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Amerige, Avery, Barton of San Bernardino, Bell, Benton, Dean, Eagar, Frazier, Hoffman, Irwin, Jackson, Leach, O'Brien, Parker, Reed, Smith of Fresno, Smith of Sierra, Thompson of Tehama, Thompson of San Joaquin, Thornbury, Watson, and Wright—22

NOES—Messrs Battles, Bigelow, Brown, Campbell, Cunnard, Dore, Eliason, Evey, Fay, Ferguson, Gordon, Griswold, Hillyer, Hoag, Loewy, Love, Machin, Maclay, Matthews, Moore, Pemberton, Porter, Printy, Sargent, Saul, Sears, Seaton, Shannon, Teegarden, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Waddell, Warwick, Woodman, Worthington, Yule, and Zuck—38.

Mr. Campbell demanded the previous question.

Sustained

On the question, "Shall the decision of the Chair stand as the judgment of the House?" Messrs Campbell, Worthington, and Ferguson, demanded the ayes and noes, and the House refused to sustain the Chair, by the following vote:

AYES—Messrs. Amerige, Barton of San Bernardino, Battles, Bell, Ben-

ton, Campbell, Dean, Eagar, Frazier, Griswold, Hoffman, Irwin, Jackson, Love, Moore, Parker, Reed, Seaton, Smith of Sierra, Teegarden, Thompson of Tehama, Thompson of San Joaquin, Thornbury, Van Zandt, Watson, and Wright—26.

NOES—Messrs Avery, Barton of Sacramento, Bigelow, Brown, Cunnard, Dow, Dudley of Placer, Dudley of Solano, Evey, Fay, Ferguson, Gordon, Hillyer, Hoag, Loewy, Machin, Maclay, Matthews, Porter, Sargent, Saul, Sears, Shannon, Tilton of San Francisco, Waddell, Warwick, Woodman, Worthington, Yule, and Zuck—30.

On the motion of Mr. Machin, Messrs. O'Brien, Yule, and Griswold, demanded the ayes and noes, and the motion prevailed by the following vote:

AYES—Messrs Avery, Barton of Sacramento, Benton, Bigelow, Brown, Cunnard, Dore, Dow, Dudley of Solano, Eliason, Evey, Fay, Ferguson, Frazier, Gordon, Hillyer, Hoag, Loewy, Love, Machin, Maclay, Matthews, Moore, O'Brien, Parker, Porter, Printy, Sargent, Saul, Sears, Seaton, Shannon, Smith of Sierra, Teegarden, Tilton of San Francisco, Waddell, Warwick, Worthington, Yule, and Zuck—40

NOES—Messrs Amerige, Barton of San Bernardino, Battles, Bell, Dean, Griswold, Hoffman, Jackson, Leach, Pemberton, Thornbury, Van Zandt, Watson, and Wright—14

Mr. O'Brien moved that Messrs Jackson, Dean, and Parker, have leave to record their votes.

Ruled out of order

Mr. O'Brien appealed.

Mr Brown moved the previous question.

Carried.

On the question "Shall the decision of the Chair stand as the judgment of the House?" Messrs. Campbell, Griswold, and Bell, demanded the ayes and noes, and the Chair was sustained, by the following vote:

AYES—Messrs. Amerige, Avery, Barton of Sacramento, Battles, Bigelow, Brown, Campbell, Cunnard, Dore, Dow, Dudley of Placer, Dudley of Solano, Eliason, Evey, Fay, Griswold, Hillyer, Hoag, Irwin, Loewy, Love, Machin, Maclay, Moore, Porter, Reed, Reeve, Sargent, Sears, Seaton, Smith of Sierra, Teegarden, Thompson of San Joaquin, Tilton of San Francisco, Waddell, Warwick, Watson, Werk, Worthington, and Zuck—40

NOES—Messrs. Bell, Benton, Dean, Hoffman, Leach, Morrison, O'Brien, Pemberton, and Woodman—9.

Mr. Orr then recorded his vote in the negative.

Mr. Tilton of San Francisco offered the following amendment to the Journal:

Amend the Journal, page 704, line 12, by striking out "adopted" and inserting "lost."

Mr. O'Brien moved to lay the amendment on the table.

Lost.

The amendment of Mr. Tilton was adopted.

The Journal, as amended, was approved.

Assembly bill No 254, an Act to license gaming and gaming houses—placed at top of file for April fifth, eighteen hundred and sixty-two

Assembly bill No. 79, an Act amendatory of an Act concerning Courts of Justice of this State and judicial officers, passed May nineteenth, eighteen hundred and fifty-three—indefinitely postponed.

Assembly bill No. 132, an Act for the improvement of the water front of the City and County of San Francisco, and for the accommodation of the shipping and commerce of the port of San Francisco—substitute adopted.

Mr. Avery moved to lay on the table.

Upon which, Messrs. Shannon, Avery, and Loewy, demanded the ayes and noes, and the motion prevailed, by the following vote:

AYES—Messrs. Amerige, Avery, Barton of Sacramento, Barton of San Bernardino, Benton, Campbell, Dudley of Placer, Eagar, Griswold, Hillyer, Hoag, Irwin, Jackson, Kendall, Leach, Machin, Matthews, McCullough, Meyers, Moore, Morrison, O'Brien, Orr, Pemberton, Reed, Reese, Sears, Seaton, Shannon, Smith of Fresno, Smith of Sierra, Thompson of San Joaquin, Thornbury, Van Zandt, Waddell, Woodman, Wright, and Yule—38

NOES—Messrs. Battles, Bigelow, Brown, Dean, Dennis, Dore, Dow, Eliason, Evey, Fay, Frazier, Hoffman, Loewy, Love, Parker, Porter, Reeve, Teegarden, Tilton of San Francisco, Warwick, Watson, and Worthington—22.

Assembly bill No. 108, an Act to provide for a railroad within the City and County of San Francisco—substitute adopted, and read first and second times.

Mr. Sears moved to recommit to San Francisco delegation.

Lost.

Pending the consideration, the hour arrived for considering the special order of the day.

Mr. Fay moved to postpone the special order for five minutes.

Lost

The Committee on Public Buildings and Grounds had indefinite leave of absence.

Mr. Avery, from the Committee on Enrolment, made the following report:

MR SPEAKER:—The Committee on Enrolment have examined, and found correctly enrolled, the following bills:

Assembly bill No 48, an Act for the purchase and preservation of public newspapers printed in the several counties of this State;

Also, Assembly bill No. 190, an Act authorizing the Administrator of Daniel Mosby to sell real estate;

Also, Assembly bill No. 212, an Act authorizing Jacob M. Tewksbury to build a wharf in Contra Costa County;

Also, Assembly bill No. 216, an Act to amend the charter of the City of Petaluma;

Also, Assembly bill No. 217, an Act concerning public roads in Monterey County;

Also, Assembly bill No. 179, an Act concerning the salary and fees of Coroner of the City and County of San Francisco;

Also, Assembly Bill No 213. an Act authorizing William O'Connell, and others, to build a wharf in Contra Costa County;

And, at eleven o'clock and thirty minutes, A. M., this day, April fourth, eighteen hundred and sixty-two, delivered the same to the Governor, for his approval.

AVERY, Chairman.

SPECIAL ORDER

Senate bill No. 20, amendments to the Constitution, (special order,) was taken up.

Assembly substitute read first and second times, and adopted.

Mr Avery moved a call of the House.

Carried

Absent—Messrs. Ames, Barton of Sacramento, Campbell, Collins, Dore, Eliason, Ferguson, Hoffman, Jackson, Lane, Love, Morrison, Printy, Sears, Thompson of Tehama, Tilton of San Mateo, Warwick, Werk, Wilcoxon, and Mr. Speaker.

Mr. Warwick appeared at the bar of the House, and was excused.

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

AMENDMENTS TO THE CONSTITUTION.

The Legislature of the State of California, at its thirteenth session, commencing on the sixth day of January A D. eighteen hundred and sixty-two, adopt and agree to the following amendments to sections two, three, five, six, thirty, and thirty-nine, of Article four of the Constitution: (which said amendments were heretofore proposed and adopted by the Legislature of said State at its twelfth session.)

ARTICLE FOUR—LEGISLATIVE DEPARTMENT.

Section 2. The sessions of the Legislature shall be biennial, and shall commence on the first Monday of December next ensuing the election of its members, unless the Governor of the State shall in the interim convene the Legislature by proclamation. No session shall continue longer than one hundred and twenty days.

Section 3 The members of the Assembly shall be chosen biennially by the qualified electors of their respective districts on the first Wednesday in September, unless otherwise ordered by the Legislature, and their term of office shall be two years.

Section 5. Senators shall be chosen for the term of four years at the same time and places as members of the Assembly; and no person shall be a member of the Senate or Assembly who has not been a citizen and inhabitant of the State, and of the county or district for which he shall be chosen, one year next before his election.

Section 6. The number of Senators shall not be less than one third, nor more than one half, of that of the members of the Assembly; and at the first session of the Legislature after this section takes effect, the Senators shall be divided by lot, as equally as may be, into two classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, so that one half shall be chosen biennially.

Section 30. When a Congressional, Senatorial, or Assembly district shall be composed of two or more counties, it shall not be separated by any county belonging to another district. No county shall be divided in forming a Congressional, Senatorial, or Assembly district, so as to

attach one portion of a county to another county; but the Legislature may divide each county into as many Congressional, Senatorial, or Assembly districts, as such county may by apportionment be entitled to

Section 39 In order that no inconvenience may result to the public service from the taking effect of the amendments proposed to article four by the Legislature of eighteen hundred and sixty-one, no officer shall be suspended or superseded thereby until the election and qualification of the several officers provided for in said amendments.

On the adoption of the preceding amendments to Article four, of the Constitution, the roll was called, with the following result:

AYES—Messrs. Amerige, Avery, Barton of San Bernardino, Battles, Bell, Benton, Bigelow, Brown, Cunnard, Dean, Dennis, Dow, Dudley of Placer, Dudley of Solano, Eagar, Eliason, Evey, Frazier, Gordon, Griswold, Hillyer, Irwin, Kendall, Leach, Loewy, Machin, Maclay, Matthews, McCullough, Moore, Morrison, O'Brien, Orr, Parker, Pemberton, Porter, Reed, Reese, Reeve, Sargent, Saul, Seaton, Shannon, Smith of Fresno, Smith of Sierra, Teegarden, Thompson of San Joaquin, Thornbury, Tilton of San Francisco, Van Zandt, Waddell, Warwick, Watson, Werk, Woodman, Worthington, Wright, Yule, Zuck, and Mr Speaker—60.

NOES—Messrs. Fay and Hoag—2.

So the amendments were adopted.

The Legislature of the State of California, at its thirteenth session, commencing on the sixth day of January, A. D. 1862, adopt and agree to the following amendments to sections two, eighteen and nineteen, of Article five of the Constitution: (which said amendments were heretofore proposed and adopted by the Legislature of said State at its twelfth session.)

ARTICLE FIVE—EXECUTIVE DEPARTMENT.

Section 2. The Governor shall be elected by the qualified electors at the time and places of voting for members of the Assembly, and shall hold his office four years from and after the first Monday in December subsequent to his election, and until his successor is elected and qualified.

Section 18. A Secretary of State, a Controller, a Treasurer, an Attorney-General, and a Surveyor-General, shall be elected at the same time and places and in the same manner as the Governor and Lieutenant-Governor, and whose term of office shall be the same as the Governor.

Section 19 The Secretary of State shall keep a fair record of the official acts of the Legislative and Executive Departments of the Government, and shall, when required, lay the same and all matters relative thereto before either branch of the Legislature, and shall perform such other duties as may be assigned him by law; and in order that no inconvenience may result to the public service from the taking effect of the amendments proposed to said Article five by the Legislature of eighteen hundred and sixty-one, no officer shall be superseded or suspended thereby until the election and qualification of the several officers provided for in said amendments.

On the adoption of the amendments to Article five of the Constitution, the roll was called, with the following result:

AYES—Messrs. Amerige, Avery, Barton of San Bernardino, Battles, Bell, Benton, Bigelow, Brown, Campbell, Cunnard, Dean, Dow, Dudley of Placer, Dudley of Solano, Eagar, Eliason, Evey, Frazier, Gordon, Griswold, Hillyer, Irwin, Kendall, Leach, Loewy, Machin, Maclay, Matthews, McCullough, Moore, Morrison, O'Brien, Orr, Parker, Pemberton, Porter, Reed, Reese, Reeve, Sargent, Saul, Seaton, Shannon, Smith of Fresno, Smith of Sierra, Teegarden, Thompson of San Joaquin, Thornbury, Tilton of San Francisco, Van Zandt Waddell, Warwick, Watson, Werk, Woodman, Worthington, Wright, Yule, Zuck, and Mr. Speaker —60.

NOES—Messrs. Dennis, Fay, and Hoag—3.

And so the amendments to Article five were adopted.

The Legislature of the State of California, at its thirteenth session, commencing on the sixth day of January, A. D. eighteen hundred and sixty-two, adopt and agree to the following amendments to Article six of the Constitution: (which said amendments were heretofore proposed and adopted by the Legislature of said State at its twelfth session.)

ARTICLE SIX.—JUDICIAL DEPARTMENT.

Section 1. The Judicial power of this State shall be vested in a Supreme Court, in District Courts, in County Courts, in Probate Courts, and in Justices of the Peace, and in such Recorders' and other inferior Courts as the Legislature may establish in any incorporated city or town.

Section 2. The Supreme Court shall consist of a Chief Justice and four Associate Justices. The presence of three Justices shall be necessary for the transaction of business, excepting such business as may be done at chambers, and the concurrence of three Justices shall be necessary to pronounce a judgment

Section 3. The Justices of the Supreme Court shall be elected by the qualified electors of the State at special elections to be provided by law, at which elections no officer other than judicial shall be elected, except a Superintendent of Public Instruction. The first election for Justices of the Supreme Court shall be held in the year eighteen hundred and sixty-three. The Justices shall hold their offices for the term of ten years from the first day of January next after their election, except those elected at the first election, who at their first meeting shall so classify themselves by lot, that one Justice shall go out of office every two years. The Justice having the shortest term to serve shall be the Chief Justice.

Section 4. The Supreme Court shall have appellate jurisdiction in all cases in equity; also in all cases at law which involve the title or possession of real estate, or the legality of any tax, impost, assessment, toll, or municipal fine, or in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars; also in all cases arising in the Probate Courts; and also in all criminal cases amounting to felony, on questions of law alone. The Court shall also have power to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and also all writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the Justices shall have power to issue writs of habeas corpus to any part of the State, upon petition on behalf of any person held in actual custody, and may make

such writs returnable before himself, or the Supreme Court, or before any District Court, or any County Court, in the State, or before any Judge of said Courts.

Section 5. The State shall be divided by the Legislature of eighteen hundred and sixty-three, into fourteen Judicial Districts, subject to such alteration from time to time, by a two thirds vote of all the members elected to both Houses, as the public good may require; in each of which there shall be a District Court, and for each of which a District Judge shall be elected by the qualified electors of the district, at the special judicial elections to be held as provided for the election of Justices of the Supreme Court by section three of this Article. The District Judges shall hold their offices for the term of six years from the first day of January next after their election. The Legislature shall have no power to grant leave of absence to a judicial officer, and any such officer who shall absent himself from the State for upwards of thirty consecutive days, shall be deemed to have forfeited his office.

Section 6. The District Courts shall have original jurisdiction in all cases in equity; also in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars; and also in all criminal cases not otherwise provided for. The District Courts and their Judges shall have power to issue writs of habeas corpus on petition by or on behalf of any person held in actual custody in their respective districts.

Section 7. There shall be in each of the organized counties of the State a County Court, for each of which a County Judge shall be elected by the qualified electors of the county, at the special judicial elections to be held as provided for the election of Justices of the Supreme Court by section three of this Article. The County Judges shall hold their offices for the term of four years from the first day of January next after their election. Said Courts shall also have power to issue naturalization papers. In the City and County of San Francisco the Legislature may separate the office of Probate Judge from that of County Judge, and may provide for the election of a Probate Judge, who shall hold his office for the term of four years.

Section 8. The County Courts shall have original jurisdiction of actions of forcible entry and detainer, of proceedings in insolvency, of actions to prevent or abate a nuisance, and of all such special cases and proceedings as are not otherwise provided for; and also such criminal jurisdiction as the Legislature may prescribe; they shall also have appellate jurisdiction in all cases arising in Courts held by Justices of the Peace, and Recorders, and in such inferior Courts as may be established in pursuance of section one of this Article, in their respective counties. The County Judges shall also hold in their several counties Probate Courts, and perform such duties as Probate Judges as may be prescribed by law. The County Courts and their Judges shall also have power to issue writs of habeas corpus on petition by or on behalf of any person in actual custody in their respective counties.

Section 9. The Legislature shall determine the number of Justices of the Peace to be elected in each city and township of the State, and fix by law their powers, duties, and responsibilities; *provided*, such powers shall not in any case trench upon the jurisdiction of the several Courts of Record. The Supreme Court, the District Courts, County Courts, the

Probate Courts, and such other Courts as the Legislature shall prescribe, shall be Courts of Record.

Section 10. The Legislature shall fix by law the jurisdiction of any Recorder's or other inferior municipal Court which may be established in pursuance of section one of this Article, and shall fix by law the powers, duties, and responsibilities of the Judges thereof.

Section 11. The Legislature shall provide for the election of a Clerk of the Supreme Court, County Clerks, District Attorneys, Sheriffs, and other necessary officers, and shall fix by law their duties and compensation. County Clerks shall be ex officio Clerks of the Courts of Record in and for their respective counties. The Legislature may also provide for the appointment by the several District Courts of one or more Commissioners in the several counties of their respective districts, with authority to perform chamber business of the Judges of the District Courts and County Courts, and also to take depositions and to perform such other business connected with the administration of justice as may be prescribed by law.

Section 12. The times and places of holding the terms of the several Courts of Record shall be provided for by law.

Section 13. No judicial officer, except Justices of the Peace, Recorders, and Commissioners, shall receive to his own use any fees or per quisites of office.

Section 14. The Legislature shall provide for the speedy publication of such opinions of the Supreme Court as it may deem expedient; and all opinions shall be free for publication by any person.

Section 15. The Justices of the Supreme Court, District Judges, and County Judges, shall severally, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected; *provided*, that County Judges shall be paid out of the county treasury of their respective counties.

Section 16. The Justices of the Supreme Court, and the District Judges, and the County Judges, shall be ineligible to any other office than a judicial office, during the term for which they shall have been elected.

Section 17. Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.

Section 18. The style of all process shall be "The People of the State of California," and all prosecutions shall be conducted in their name and by their authority.

Section 19. In order that no inconvenience may result to the public service from the taking effect of the amendments proposed to said Article six by the Legislature of eighteen hundred and sixty one, no officer shall be superseded thereby, nor shall the organization of the several Courts be changed thereby, until the election and qualification of the several officers provided for in said amendments.

On the adoption of the amendments to Article six of the Constitution, the roll was called, with the following result:

AYES—Messrs. Amerige, Avery, Barton of San Bernardino, Battles, Bell, Benton, Bigelow, Brown, Campbell, Cunnard, Dean, Dennis, Dow, Dudley of Solano, Eagar, Eliason, Evey, Fay, Frazier, Gordon, Griswold, Hillyer, Hoag, Hoffman, Irwin, Kendall, Leach, Loewy, Machin, Maclay, Matthews, McCullough, Meyers, Moore, Morrison, O'Brien, Orr, Parker,

Porter, Reese, Reeve, Sargent, Seaton, Shannon, Smith of Fresno, Smith of Sierra, Teegarden, Thompson of San Joaquin, Thornbury, Tilton of San Francisco, Van Zandt, Waddell, Warwick, Werk, Woodman, Worthington, Wright, Yule, Zuck, and Mr Speaker—60.

NOES—None.

And so the amendments to Article six of the Constitution, were adopted.

The Legislature of the State of California, at its thirteenth session, commencing on the sixth day of January, A. D. eighteen hundred and sixty-two, adopt and agree to the following amendment to Article nine, section one, of the Constitution: (which said amendment was heretofore proposed and adopted by the Legislature of said State at its twelfth session.) Said section of said article shall read as follows:

ARTICLE NINE—EDUCATION.

Section 1. A Superintendent of Public Instruction shall, at the special election for judicial officers to be held in the year eighteeen hundred and sixty-three, and every four years thereafter at such special elections, be elected by the qualified voters of the State, and shall enter upon the duties of his office on the first day of December next after his election.

On the adoption of the amendment to Article nine of the Constitution, the roll was called, with the following result:

AYES—Messrs. Amerige, Avery, Barton of San Bernardino, Battles, Bell, Benton, Bigelow, Brown, Campbell, Cunnard, Dean, Dennis, Dow, Dudley of Placer, Dudley of Solano, Eagar, Eliason, Evey, Fay, Frazier, Gordon, Griswold, Hillyer, Hoag, Irwin, Kendall, Leach, Loewy, Machin, Maclay, Matthews, McCullough, Moore, Morrison, O'Brien, Orr, Parker, Pemberton, Porter, Reese, Reeve, Sargent, Saul, Seaton, Shannon, Smith of Fresno, Smith of Sierra, Teegarden, Thompson of San Joaquin, Thornbury, Tilton of San Francisco, Van Zandt, Waddell, Warwick, Werk, Woodman, Worthington, Wright, Yule, Zuck, and Mr Speaker—61.

NOES—None.

Mr. Loewy offered the following resolution:

Resolved, That the Engrossing Clerk be and is hereby authorized to procure Assistants, at the usual per diem allowed by law, whenever the Engrossing Committee think him in need of assistance.

Adopted

Mr. Seaton, from the Committee on Elections, made the following report:

Mr. SPEAKER:—The Committee on Elections have had under consideration Assembly bill No. 84, an Act amendatory of an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and sixty, and beg leave to report the same back, and recommend that it pass;

Also, have considered Assembly bill No. 64, an Act to regulate elec-

tions and to prevent illegal voting, and report back the same, and recommend that it do not pass ;

Also, have considered Assembly bill No. 345, an Act amendatory of and supplementary to an Act to regulate elections, approved March twenty-third, eighteen hundred and fifty, and beg leave to report back the same, without any recommendation.

SEATON, for Committee.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate :

SENATE CHAMBER,
April 4th, 1862.

Mr. SPEAKER :—The Senate, on April the third, refused to pass Assembly bill No. 246, an Act to regulate the fees of the County Surveyor of Napa County ;

Also, on same day, passed Senate bill No. 266, an Act authorizing the Board of Supervisors of the City and County of San Francisco to examine certain claims ;

Also, passed Assembly bill No. 211, an Act to district the County of Tuolumne into Supervisor Districts ;

Also, passed Assembly bill No. 286, an Act to authorize the Board of Supervisors of Calaveras County to employ a person to examine the records of said county ;

Also, passed Assembly bill No. 208, an Act legalizing roads in Tuolumne County ;

Also, passed Assembly bill No. 104, an Act in relation to public roads in the County of Calaveras ;

Also, passed Assembly bill No. 36, an Act to authorize Lewis E. Morgan, and others, to construct a wharf in Contra Costa County ;

Also, passed Assembly bill No. 196, an Act concerning hogs found running at large in the County of Solano ;

Also, passed Assembly bill No. 105, an Act to authorize the Administrator of the estate of Francis Tribon, to sell real estate ;

Also, passed Assembly bill No. 67, an Act to empower W. H. Kelly to construct booms on Gaspar Creek, in Mendocino County ;

Also, passed Assembly bill No. 91, an Act to authorize certain parties therein named to construct and maintain a wharf ;

Also, passed Assembly bill No. 218, an Act to authorize F. Brown to construct booms and pier on Garcia creek, in the County of Mendocino ;

Also, passed Assembly bill No. 319, an Act relative to the time of assessing the value of real estate and personal property in the County of Sierra ;

Also, amended and passed Assembly bill No 188, an Act relative to the indebtedness of Del Norte County to Klamath County ;

Also, amended and passed Assembly bill No. 248, an Act relative to special tax and Redemption Fund in the County of Klamath ;

Also, passed Senate bill No 348, an Act to authorize the Registrar of the State Land Office to issue duplicate certificates to School or Swamp Lands where the originals have been lost ;

Also, amended and passed Assembly bill No. 124, an Act to prevent certain animals from running at large in Napa City ;

Also, amended and passed Assembly bill No. 168, an Act to fix the compensation of the County Judge of Nevada County ;

Also, passed Senate bill No. 388, an Act relative to a turnpike road between the Town of Grass Valley, in Nevada County, and a point on Bear River, known as McCourtney's Crossing;

Also, on March thirty-first passed Senate substitute for Assembly concurrent resolution No. 11, relative to sustaining the National Government in its efforts to suppress the existing rebellion.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
April 3d, 1862.

Mr SPEAKER:—The Senate this day reconsidered the vote by which Assembly amendments to Senate bill No. 251, an Act concerning the repair and construction of levees in the County of Sacramento, and the mode of raising revenue therefor, were concurred in, and disagreed in the amendments;

Also, passed Senate bill No. 145, an Act relative to the duties and compensation of the officers of Butte County;

Also, passed Senate bill No. 307, an Act relative to the estate of G. A. Grant, deceased;

Also, passed Senate bill No. 275, an Act authorizing Philip G Galpin to compromise claims and convey certain real estate;

Also, passed Senate bill No. 349, an Act relative to the estate of Minerva E. Haun.

DELOS J. HOWE,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

The House concurred in Senate amendments to Assembly bill No. 124, above reported.

The House concurred in Senate amendments to Assembly bill No. 168, above reported

The House concurred in Senate amendments to Assembly bill No. 248, above reported.

The House concurred in Senate amendments to Senate bill No. 251, above reported.

Senate bill No 275, above reported, read first and second times, and referred to the Judiciary Committee.

Senate bill No. 349, above reported, read first and second times, and referred to the Yuba delegation

Senate bill No 145, above reported, read first and second times, rules suspended, read third time, and passed.

Senate bill No. 307, above reported, read first and second times, and referred to the San Francisco delegation.

Senate bill No. 266, above reported, read first and second times, and referred to the San Francisco delegation.

The amendments to Senate bill No. 222, above reported, relative to fees in office in Tehama County, was referred to the Tehama delegation.

Senate bill No. 388, above reported, read first and second times, and referred to the Nevada delegation.

Senate bill No. 348, above reported, read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Senate substitute for Assembly concurrent resolution No. 11, above reported, was taken up

Mr. Benton moved the previous question

Upon which, Messrs. Smith of Sierra, Kendall, and Woodman, demanded the ayes and noes, and the motion prevailed, by the following vote:

AYES—Messrs. Amerige, Avery, Barton of Sacramento, Battles, Benton, Bigelow, Brown, Eliason, Gordon, Hoag, Leach, Machin, Maclay, McCullough, Moore, Orr, Reese, Reeve, Sargent, Saul, Seaton, Shannon, Smith of Fresno, Smith of Sierra, Teegarden, Tilton of San Francisco, Van Zandt, Waddell, and Wright—29.

NOES—Messrs. Bell, Dean, Dennis, Dudley of Solano, Evey, Fay, Griswold, Irwin, Kendall, Loewy, Matthews, Meyers, O'Brien, Parker, Pemberton, Porter, Thornbury, Warwick, Werk, Woodman, Worthington, Yule, and Zuck—23.

On the adoption of the resolution, Messrs. Shannon, Smith of Sierra, and Griswold, demanded the ayes and noes, and the House concurred, by the following vote:

AYES—Messrs. Amerige, Avery, Barton of Sacramento, Battles, Bell, Benton, Bigelow, Brown, Campbell, Dean, Dennis, Dow, Dudley of Solano, Eliason, Evey, Fay, Frazier, Gordon, Griswold, Hoag, Hoffman, Irwin, Kendall, Leach, Loewy, Machin, Maclay, Matthews, McCullough, Meyers, Moore, O'Brien, Orr, Parker, Porter, Reese, Reeve, Sargent, Saul, Seaton, Shannon Smith of Sierra, Teegarden, Thornbury, Tilton of San Francisco, Van Zandt, Waddell, Warwick, Werk, Woodman, Worthington, Wright, Yule, and Zuck—54.

NOES—Messrs. Pemberton, and Smith of Fresno—2.

REPORTS.

Mr. Moore made the following report:

Mr. SPEAKER:—Your Committee to whom was referred Assembly bill No. 372, *an Act for the encouragement of agriculture and manufactures in California*, beg leave to report—that they have examined said bill, in connection with the Agricultural Committee of the Senate, and the Joint Committee report a substitute for the Senate and Assembly bills, under the same title as the bill considered.

Your Committee beg leave to state that they consider the measure presented in the bill of vital importance to the agricultural and other business interests of the State That in their opinion its effect will be to secure to our farmers a greater diversity of crop, to our business men more extent and variety of trade, and will provide new avenues of employment to the industrious workingmen of California. That no appropriation under this bill will be called for until, in each case, a new element of taxable wealth has been introduced. That no payment will be made by the State until our own capability of production is demonstrated.

We recommend its passage, and in so doing, beg leave to express our opinion that it is a measure pregnant with benefit to the entire population of our State.

J. H. MOORE,
Chairman Assembly Committee.
C. H. CHAMBERLAIN,
Chairman Senate Committee.

Bill and report ordered printed.

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

Mr. SPEAKER:—The Judiciary Committee have had under consideration Assembly bill No. 311, an Act to authorize Almira Ingram, the parent and guardian of Janetta M. Ingram, a minor, to sell the real estate of said minor at private sale, report it back, and recommend its passage;

Also, Assembly bill No. 25, an Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, and other Acts amendatory thereto, report it back, with amendments, and recommend its passage as amended;

Also, Senate bill No. 321, an Act to authorize William Sherman, Administrator of the estate of George S. Steere, deceased, and Guardian of the minor heirs of said Steere, to sell the real estate of said Steere at public or private sale. report it back, and recommend its passage;

Also, Assembly bill No. 418, an Act amendatory of and supplementary to an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, have amended its title, report the same back, and recommend its passage, as amended;

Also, Senate bill No. 214, an Act to prevent non-residents of this State from selling goods without a license, report the same back, and recommend its passage;

Also, report back Assembly bill No. 243, an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and recommend its passage.

BELL, Chairman.

Mr. Amerige, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, the following bills:

Assembly bill No. 135, an Act for the protection of growing timber on all possessory claims and other private property in certain counties in this State, and on or along public streets or highways, and on public grounds;

Also, Assembly bill No. 172, an Act amendatory of an Act entitled an Act for the observance of the Sabbath, approved May twentieth, eighteen hundred and sixty-two;

Also. Assembly bill No. 261, an Act to organize townships, and regulate their powers and duties;

Also, Assembly bill No. 359, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one;

Also, Assembly bill No. 68, an Act concerning the trespassing of stock;

Also, Assembly bill No. 346, an Act in relation to suits brought for the collection of delinquent taxes.

AMERIGE, for Committee.

Mr. Saul, from the Sacramento delegation, made the following report:

Mr. SPEAKER:—The Sacramento delegation, to whom was referred Assembly bill No. 290, an Act to incorporate the City of Sacramento, having had the same under consideration, beg leave to report it back,

and recommend its passage, in accordance with special instructions, by a vote of the people of the City of Sacramento.

SAUL,
BARTON,
BENTON,
FERGUSON.

The bill above reported was placed at top of file for Monday, April seventh.

At twenty minutes past five o'clock, P. M., on motion of Mr. Thornbury, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, April 5th, 1862.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Mr. Porter verbally reported the correct engrossment on the Journal of the constitutional amendments.

Messrs. Matthews, Reed, Hoffman, and the Committee on Ways and Means, had leave of absence

Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and find correctly engrossed, Assembly bill No. 364, an Act making appropriations for the support of the Civil Government of this State for the fourteenth fiscal year, commencing on the first day of July, A. D. eighteen hundred and sixty-two, and ending on the thirtieth day of June, A. D. eighteen hundred and sixty-three, inclusive.

LOEWY, Chairman.

GENERAL FILE.

Assembly bill No. 108, an Act to provide for a railroad within the City and County of San Francisco—recommitted to San Francisco delegation

Assembly bill No. 248, an Act to license gaming and gaming houses.

Mr. Brown moved to recommit the bill to the Committee on Public Morals.

Lost.

Amendments adopted.

Mr. Wright offered the following amendment to section seven:

"Fifty per cent. shall go to the county for general purposes, and fifty per cent to the State."

Adopted.

Mr. Avery moved to add the game of "rondo," in section five

Lost.

On ordering the bill engrossed, Messrs. Avery, Watson, and Amerige,

demanded the ayes and noes, and the House so ordered, by the following vote:

AYES—Messrs. Ames, Barton of San Bernardino, Campbell, Dean, Dennis, Dudley of Solano, Evey, Frazier, Gordon, Griswold, Hoag, Irwin, Jackson, Lane, Machin, Matthews, O'Brien, Parker, Pemberton, Porter, Sargent, Saul, Smith of Fresno, Smith of Sierra, Thompson of Tehama, Thompson of San Joaquin, Thornbury, Tilton of San Francisco, Waddell, Werk, Wilcoxon, Woodman, Wright, and Yule—34.

NOES—Messrs. Amerige, Avery, Benton, Brown, Collins, Dow, Fay, Hillyer, Kendall, Loewy, Maclay, McCullough, Meyers, Moore, Orr, Reeve, Teegarden, Van Zandt, Watson, Worthington, and Zuck—21.

Assembly bill No. 255, an Act amendatory of an Act entitled an Act prescribing rules for the government of the State Library, approved March eighth, eighteen hundred and sixty-one—read third time, and passed.

Senate bill No. 281, an Act to grant to H. J. May, Charles M. Baxter, William Kohl, and others who may associate with them, and their assigns, the right to lay a railroad track along certain streets in the City of Petaluma, and through a public road in the County of Sonoma—read third time, and passed.

Assembly bill No 311, an Act to authorize Almira Ingram, the parent and guardian of Janetta M. Ingram, a minor, to sell the real estate of said minor at private sale—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 239, an Act for the relief of the legatees of A. de Leeur, deceased—read third time, and passed.

Senate bill No. 131, an Act to amend an Act entitled an Act to legalize and provide for the collection of delinquent taxes in the counties of this State, passed May seventeenth, eighteen hundred and sixty-one—read third time, and passed.

Senate bill No. 113, an Act to amend an Act entitled an Act to authorize the guardian of Minna C. Buchanan to sell and dispose of her real estate and chattels real, passed March fourteenth, eighteen hundred and fifty-six—amendments adopted, read third time, and passed

Senate bill No. 180, an Act to repeal an Act entitled an Act for the protection of actual settlers, approved March twenty-sixth, eighteen hundred and fifty-six—indefinitely postponed.

Assembly bill No. 19, an Act to regulate the appointment of pilots, and to regulate the pilotage of the port and harbor of San Francisco; and Assembly bill No 62, an Act to establish pilot regulations for the port and harbor of San Francisco.

The substitute reported, for both the above bills, came up for consideration.

Mr Dennis moved the previous question.

Sustained.

On the adoption of the substitute, Messrs. Fay, Watson, and Dennis, demanded the ayes and noes, and the House refused by the following vote:

AYES—Messrs. Avery, Barton of San Bernardino, Benton, Bigelow, Brown, Dennis, Dudley of Solano, Fay, Frazier, Gordon, Hoag, Lane, Loewy, Maclay, Orr, Reeve, Watson, Zuck, and Mr. Speaker—19.

NOES—Messrs. Ames, Campbell, Dean, Griswold, Hillyer, Irwin, Ken-

dall, Leach, Matthews, Morrison, O'Brien, Porter, Saul, Shannon, Smith of Fresno, Smith of Sierra, Teegarden, Thompson of Tehama, Thompson of San Joaquin, Van Zandt, Waddell, Warwick, Werk, Wilcoxon, and Wright—25.

The House refused to order to engrossment Assembly bills Nos. 19 and 62.

Mr. Ames gave notice of reconsideration.

REPORTS.

Mr. Campbell made the following report:

Mr. SPEAKER:—The Special Committee in the matter of the Impeachment of James H. Hardy, report progress, and inform the Assembly that they have had before them, as a witness, duly summoned, one Allan P. Dudley, who, appearing, has wilfully refused to answer questions pertinent to the matter of inquiry in consideration before the Committee, and recommend that said Allan P. Dudley be committed by this Assembly for contempt, and that such witness be imprisoned until he shall comply with the order of the Assembly, and your Committe recommend the passage of the accompanying resolution:

Resolved, That the Sergeant-at-Arms of this Assembly be and is hereby directed to arrest, and bring before the bar of this Assembly, Allan P. Dudley, to show cause why he, the said Allan P. Dudley, should not be committed for contempt.

CAMPBELL, Chairman.

Adopted.

A communication was received from the Controller of State, relative to the Contingent Fund of the Assembly.

Referred to Committee on Ways and Means, with instructions to bring in a bill.

Mr. Avery, from the Committee on Enrolment, made the following report:

Mr. SPEAKER:—The Committee on Enrolment have examined, and found correctly enrolled, the following bills:

Assembly bill No. 183, an Act to authorize the Board of Supervisors of El Dorado County to lease the Sacramento and El Dorado wagon road for a term of years;

Also, Assembly bill No. 221, an Act legalizing the assessment rolls of the City of Los Angeles;

Also, Assembly bill No. 344, an Act to grant the right to construct a turnpike road between the City of Petaluma, and the town of Santa Rosa, in Sonoma County;

Also, Assembly bill No. 263, an Act to authorize the construction of a wagon road from the City of San Bernardino, through Devil's Cañon, to the Mojave River, in said county;

Also, Assembly bill No. 256, an Act to authorize Catharine H. Myers, Administratrix of the estate of Christopher Myers, deceased, to sell real estate;

Also, Assembly bill No. 325, an Act concerning the county records of Trinity County;

And this day, at eleven o'clock and fifty minutes, A. M., delivered the same to the Governor, for his approval.

AVERY, Chairman.

Mr. A. P. Dudley voluntarily appeared at the bar of the House and explained the reason why he had declined to answer certain questions put to him by the Special Committee to investigate charges against J. H. Hardy.

Mr. Barstow offered the following resolution:

Resolved, That Hon. Allan P. Dudley be exonerated from the charge of contempt, implied in the report of the Committee, and that he be required to answer the questions, and all similar questions, which he declined to answer before the Committee.

Adopted.

Whereupon Mr. Dudley was duly purged of the contempt.

Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 299, an Act to deprive traitors and aiders of treason of the rights of citizenship in this State; for the confiscation of the property of such traitors; and for the surrender of their persons and property to the United States, on requisition by the Federal authorities.

LOEWY, Chairman.

Mr. Amerige, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 311, an Act to authorize Almira Ingram, the parent and guardian of Janetta M. Ingram, a minor, to sell the real estate of said minor at private sale.

AMERIGE, for Committee.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
April 5th, 1862.

Mr. SPEAKER:—The Senate, on April fourth, amended and passed Assembly bill No. 169, an Act in relation to the militia of the State, and and ask your concurrence in said amendments;

Also, passed Senate bill No. 415, an Act to provide for the government of common schools in the City of Sacramento;

Also, passed Assembly bill No. 260, an Act to reincorporate the City of Sonora;

Also, on April third passed Senate bill No. 324, an Act to grant the right of way to construct a toll bridge across Bear River to certain parties therein named;

Also, passed Senate bill No. 352, an Act to authorize John S. Rutherford and George E Webber, to construct a railroad and railroad wharf in Mendocino County;

Also, passed Senate bill No. 330, an Act fixing the salary of the County Auditor of Tulare County;

Also, passed Senate bill No. 334, an Act concerning hogs found running at large in Tulare County;

Also, passed Senate bill No. 329, an Act to make county warrants receivable in payment of taxes in Tulare County;

Also, passed Senate bill No. 134, an Act relative to the claim of George E. Drew;

Also, on April fourth passed Senate bill No. 210, providing revenue for the support of the Government of this State;

Also, passed Senate bill No. 419, to define the meaning of certain terms in the Revenue Laws of this State;

Also, adopted Senate concurrent resolution No. 54, relative to granting leave of absence for the period of four months to County Judge of Contra Costa County;

Also, this day passed Senate bill No. 422, an Act making appropriations for deficiencies in appropriations made for the thirteenth fiscal year, ending June thirtieth, A. D. eighteen hundred and sixty-two.

DELOS J. HOWE,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate bill No. 210, above reported, read first and second times, and referred to the Committee on Ways and Means.

Senate bill No. 422, above reported, read first and second times, and referred to the Committee on Ways and Means.

Senate bill No. 419, above reported, read first and second times, rules suspended, read third time, and passed.

Senate bill No. 134, above reported, read first and second times, and referred to the Committee on Counties and County Boundaries.

Senate bill No. 329, above reported, read first and second times, and referred to the Tulare delegation.

Senate bill No 330, above reported, read first and second times, and referred to the Tulare delegation.

Senate bill No 334, above reported, read first and second times, and referred to the Tulare delegation.

Senate bill No. 324, above reported, read first and second times, and referred to the Placer and Nevada delegations.

Senate bill No. 347, above reported, read first and second times, and referred to the San Francisco delegation.

Senate bill No. 415, above reported, read first and second times, and referred to the San Francisco delegation

Senate bill No. 352, above reported, read first and second times, and referred to the Mendocino delegation.

The House concurred in Senate amendments to Assembly bill No. 169, above reported.

Also, adopted Senate concurrent resolution No. 54, above reported.

PETITIONS.

Mr. Loewy presented a petition of property owners on Kearny street, between Vallejo and Green streets, relative to change of grade.

Referred to the San Francisco delegation.

Mr. Fay presented a petition of Myron Norton, for payment due him for balance of salary as Stamp Inspector.

Referred, with accompanying bill, to Committee on Claims.

Mr. Dow presented a petition of citizens of Sonoma, against bill submitting division of county.

Referred to the Committee on Counties and County Boundaries.

FURTHER REPORTS.

Mr. Maclay, from the Committee on Claims, made the following reports:

Mr. SPEAKER:—The Committee on Claims, to whom was referred a concurrent resolution allowing mileage to G. T. Boulden, acting as Clerk of the Assembly and Senate Committees on Hospitals, (jointly,) on their visit from San Francisco to Stockton, and for per diem from and including the first day of March, have fully considered the same, and respectfully report, that the services were rendered as charged, but it does not appear that the said Committees had any authority to employ a Clerk. We therefore lay the facts before you, without recommendation;

Also, examined Senate bill No. 292, an Act to pay Paul R. Hunt the sum therein mentioned, and respectfully report—that it appears the said Paul R. Hunt was employed by John G. Downey, then Governor of California, to visit Mexico as bearer of dispatches to Brigadier-General Jas. Shields; that he successfully performed the duty assigned him; but it also appears he was so appointed without authority of law, and that the claim is not a legal one against the State of California. But your Committee think the claim is a legal and equitable one against the Federal Government, and therefore beg leave to recommend the indefinite postponement of the bill, and also to report and recommend the passage of the accompanying concurrent resolution.

MACLAY, for Committee.

The concurrent resolution above reported read first and second times.

Mr. SPEAKER:—The Committee on Claims, to whom was referred Senate bill No. 345, an Act to provide for the redemption of bonds issued for expenses incurred in the suppression of Indian hostilities in certain counties of this State, have had the same under careful consideration, and believing, as we do, from evidence before us, that the bill will save a large sum to the State, and that it is at the same time both equitable and just, we therefore recommend that it pass.

MACLAY, for Committee.

The rules were suspended, and the bill above reported, read third time, and passed.

Mr. SPEAKER:—The Committee on Claims, to whom was referred Senate bill No. 301, an Act for the relief of Dr. Paul d'Heirry, for services as Surgeon of the State Prison, have examined the same, and most respectfully recommend that it pass.

The Committee have also considered Assembly bill No. 223, an Act to provide for the payment of the sum of two hundred dollars to each of the six Locating Agents of the State of California, and find that the present law affords an ample remedy. We therefore recommend that it be indefinitely postponed.

MACLAY, for Committee.

Mr. SPEAKER:—The Committee on Claims, to whom was referred Senate bill No. 373, an Act to appropriate money to pay the claim of Charles S. Fairfax, for costs in certain suits where the State was interested, have given the same a close examination, and now respectfully recommend that it pass.

MACLAY, for Committee.

The rules were suspended and the bill above reported read third time, and passed.

Mr. Evey, from the Committee on Elections, made the following report:

Mr. SPEAKER:—The Committee on Elections, to whom was referred a resolution authorizing the Controller to draw his warrants on the Contingent Fund, in favor of Benjamin S. Mason and William E. Johnson, for the sum of four hundred dollars each, and John Ross, for the sum of one hundred dollars, for attendance and mileage, in the contested election case of Orr *vs.* Davis, have examined the same, and respectfully report, and recommend that the resolution be amended by striking out "four hundred dollars," and inserting in the place thereof, "three hundred dollars," and when so amended, that it pass

EVEY, for Committee.

The resolution above reported was adopted, as amended.

Mr. Machin, from the Committee on Corporations, made the following report:

Mr. SPEAKER:—Your Committee on Corporations, to whom was referred Senate bill No. 395, an Act supplemental to an Act concerning public ferries and toll bridges, passed April twenty-eighth, eighteen hundred and fifty-five, and the several Acts amendatory thereof and supplemental thereto, have examined the same, and would most respectfully report the same back to the House, and recommend its passage.

MACHIN, Chairman.

The rules were suspended, and the bill above reported read third time, and passed.

Mr. Reeve, from the State Prison Committee, made a report, which was ordered printed.

(For report, see Appendix.)

Mr. O'Brien, from the Judiciary Committee made the following report:

Mr. SPEAKER:—The Judiciary Committee, to whom was referred Senate bill No. 275, ask leave to report the same back, and most respectfully recommend its passage.

BELL,
AVERY,
WRIGHT,
HILLYER,
MORRISON,
O'BRIEN,
KENDALL.

The rules were suspended, and the bill above reported read third time, and passed.

Mr. McCullough, from the Committee on Public Lands, made the following report:

Mr. SPEAKER:—The Committee on Public Lands have had under consideration substitute for Senate bill No. 54, an Act amendatory of an Act to amend an Act, etc., to provide for the sale and location of the five hundred thousand acres of land granted to this State for school purposes, etc, approved May twenty-second, eighteen hundred and sixty-one, and recommend its passage;

Also, Senate bill No. 271, an Act to authorize the reissue of a certain land warrant No. 53, in lieu of the original, which has been burnt, and report it back, with a recommendation that it pass

McCULLOUGH, Chairman.

The rules were suspended, and Senate bill No. 271, above reported, read third time, and passed.

Mr. Reese, from the Committee on Federal Relations, made the following report:

Mr. SPEAKER:—Your Committee on Federal Relations, to whom was referred Assembly concurrent resolution No. 23, relative to certain indebtedness of the United States to the State of California, to the effect that the State of California assume and pay the sum of nine hundred and seven dollars, stated to be due from the Government of the United States, for the sustenance of certain prisoners in the State Prison, at Point San Quentin, have had the same under consideration, and recommend that it be not adopted;

Also, Assembly concurrent resolution No. 24, relative to collection of the income tax, to the effect that Congress be urged to pass a law authorizing the State of California, through the revenue officers, to assess, collect, and pay out, to the appointed officers of the United States, the income tax levied by the Act of Congress of August sixth, eighteen hundred and sixty-one, respectfully report that they have had the same under their consideration, and recommend that said resolution be not adopted.

REESE, Chairman.

Mr. Porter, from the Committee on Swamp and Overflowed Lands, made the following report:

Mr. SPEAKER:—Your Committee on Swamp and Overflowed Lands ask leave to report Senate bill No. 338, an Act amendatory of and supplementary to 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, passed April eleventh, eighteen hundred and fifty-seven, with certain amendments thereto, and recommend the passage of the bill, with the amendments as reported.

PORTER, for Committee.

The rules were suspended, amendments to the bill above reported adopted, read third time, and passed

Mr. Ames, from the Mendocino delegation, made the following report:

Mr. SPEAKER:—The Mendocino delegation report back a substitute for Assembly bill No. 402, an Act fixing the salary of the County Clerk,

Deputy Clerk, and Treasurer, of the County of Mendocino, and recommend the passage of the substitute.

AMES. for Delegation.

Mr. Reeve, from the San Francisco delegation, made the following report:

Mr SPEAKER:—The San Francisco delegation, to whom was referred Senate bill No 40, an Act granting certain persons the right to construct and maintain a railroad through certain streets in the City and County of San Francisco, report the same back, and recommend its indefinite postponement.

REEVE, for Delegation.

On motion of Mr. O'Brien, the bill above reported was indefinitely postponed.

Mr. Evey, from the Napa delegation, made the following report:

Mr SPEAKER:—The Napa delegation, to whom was referred Assembly bill No 401, an Act fixing the salaries of certain officers therein named, have had the same under consideration, and report back a substitute therefor, and recommend the passage of said substitute.

EVEY, for Delegation.

Mr. Maclay offered a resolution on the subject of the general file.

Laid over for one day.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 3d, 1862.

To the Honorable the Assembly of California:

I have to inform your honorable body that I have approved Assembly bill No. 342, an Act to amend an Act entitled an Act in relation to the county officers of the County of Sierra, approved May seventeenth, eighteen hundred and sixty-one;

Also, Assembly bill No. 234, an Act authorizing William H. Dickson, J. E Clayton, and J W Pugh, and their associates, to construct and maintain a toll road in the County of Mono;

Also, Assembly bill No. 46, an Act supplementary to an Act entitled an Act concerning the Board of Supervisors of Placer County, approved February fourth, eighteen hundred and fifty-seven, and to the Act of March thirty-first, eighteen hundred and fifty-seven, supplemental thereto, and to extend their provisions to other counties herein named;

Also, Assembly bill No. 97, an Act to authorize Joseph B. Price, and his associates, to construct and maintain a turnpike road from Cloverdale to Sanel, and to charge and collect toll for travel thereon

LELAND STANFORD, Governor.

Mr. Battles gave notice of a motion to rescind the Sixty-Ninth Rule of the House.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Shannon, for an Act to provide for the appointment of Commissioners to obtain from the Land Department, at Washington, a cession of the lands donated to the State of California by various Acts of Congress.

Read first and second times, and placed at the top of the file for April eighth.

By Mr Fay, for an Act to prevent the granting of charters and franchises, and the repeal of the same

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

Also, for an Act to amend an Act entitled an Act in relation to the Probate Court in the City and County of San Francisco, approved May eighteenth, eighteen hundred and fifty-one.

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

By Mr. Teegarden, for an Act creating a State Infirmary for California.

Read first and second times, and referred to a Special Committee of Five.

By Mr Ames, for an Act to annex a portion of Solano County to the County of Napa, and to adjust the indebtedness thereof.

Read first and second times, and referred to the Solano and Napa delegations.

By Mr. Worthington, for an Act amendatory of the Consolidation Act of the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Maclay, for an Act to give to the Supervisors of the County of Santa Clara control over certain rivers therein named.

Read first and second times, and referred to the Santa Clara delegation.

Also, for an Act to appropriate money for the improvement of the State Insane Asylum.

Read first and second times, and placed second on the file for Monday.

By Mr. Porter, for an Act to provide for the collection of road poll taxes in the County of Contra Costa.

Read first and second times, rules suspended, read third time, and passed.

By Mr. Tilton of San Francisco, for an Act to amend an Act entitled an Act to fix and regulate the fees and salaries of officers in the City and County of San Francisco, approved May seventeenth, eighteen hundred and sixty-one.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Meyers, for an Act to appropriate money for the maintenance and support of the district agricultural and mechanical societies.

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

By Mr. Yule, for an Act concerning the office of Constable, Tax Collector, and Assessor, in the County of Placer.

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

By Mr. Saul, for an Act granting the right to construct and maintain a bridge across the American River, at Twentieth street, in the City and County of Sacramento

Read first and second times, and placed third on the file for Monday.

Senate concurrent resolution No. 49 was amended, and concurred in.

Mr. Worthington introduced a concurrent resolution, providing for the appointment of W. H Parks, as Commissioner, to proceed to Washington on Swamp Lands.

Mr. O'Brien moved to lay the resolution on the table.

Upon which, Messrs. Fay, Pemberton, and Thompson of San Joaquin, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Amerige, Ames, Dow, Eagar, Eliason, Griswold, Hillyer, Meyers, Morrison, O'Brien, Orr, Reese, Tilton of San Francisco, Watson, Yule, Zuck, and Mr. Speaker—17.

NOES—Messrs. Avery, Barton of Sacramento, Barton of San Bernardino, Battles, Bigelow, Campbell, Dean, Dennis, Dudley of Solano, Fay, Frazier, Hoag, Irwin, Jackson, Kendall, Lane, Machin, Maclay, Moore, Pemberton, Porter, Reeve, Saul, Smith of Fresno, Teegarden, Thompson of Tehama, Thompson of San Joaquin, Thornbury, Van Zandt, Wilcoxon, Woodman, and Worthington—32.

On motion of Mr. Campbell, the further consideration of the resolution was postponed until April eighth, at half past one o'clock, P. M.

On motion of Mr. Maclay, at four o'clock, P. M. the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, April 7th, 1862.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Messrs. Warwick, Benton, and Ferguson, had leave of absence.

Mr. Amerige, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrosssment have examined and find correctly engrossed the following bills:

Assembly bill No. 308, an Act granting the right to keep and maintain a bridge across the North Fork of the American River, near Carrolton, in the Counties of Placer and El Dorado;

Also, Assembly bill No. 348, an Act to grant the right to construct a turnpike road between Searsville, in San Mateo County, and Pescadero, in Santa Cruz County;

Also, Assembly bill No. 373, an Act to grant the right to construct a toll bridge across Cache creek, in Yolo county, at the Town of Cacheville, to certain parties therein named;

Also, Assembly bill No. 413, substitute for Senate bill No. 37, an Act to divide the State into Congressional Districts, and to fix the time of electing Representatives to Congress.

AMERIGE, for Committee.

Journal of Saturday read and approved.

The Speaker announced as Select Committee on Assembly bill No. 427, an Act creating a State Infirmary for California, Messrs. Worthington, Porter, Seaton, Thompson of Tehama, and Evey.

GENERAL FILE.

Assembly bill No. 290, an Act to incorporate the City of Sacramento —considered in Committee of the Whole, reported with amendments, without recommendation.

Mr Tilton of San Francisco moved to recommit to the Sacramento delegation. with special instructions to strike out the sections of the bill known as the financial scheme, and report such amendments as may be required to do away with the provisions of the bill relating to repudiation, (so called,) and such other amendments as the delegation may require.

Mr. Hoag moved to recommit, with special instructions to amend section twenty-nine, by striking out the special tax of twenty-five cents on the one hundred dollars; also, amend by striking out sections thirty-one to thirty-nine, inclusive.

Lost.

The instructions of Mr. Tilton were adopted.

Mr. Ames moved to reconsider the vote by which the House on Saturday last refused to order to engrossment Assembly bill No. 62, an Act to establish pilot regulations for the port and harbor of San Francisco.

Mr. O'Brien moved to indefinitely postpone the motion to reconsider.

Mr. Wright moved the previous question

Sustained.

On the motion to indefinitely postpone, Messrs. Reed, Wilcoxon, and Dow, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Amerige, Avery, Frazier, Griswold, Hoag, Irwin, Leach, O'Brien, Saul, Seaton. Teegarden, Van Zandt, Waddell, Werk, and Wright—15.

NOES—Messrs. Ames, Barton of Sacramento, Barton of San Bernardino, Battles, Bigelow, Brown, Cot, Dore, Dow, Dudley of Solano, Eliason, Evey, Fay, Gordon, Hillyer, Hoffman, Jackson, Lane. Machin, Maclay, McCullough, Meyers, Morrison, Orr, Pemberton, Porter, Printy, Reed, Reese, Reeve, Sargent, Smith of Fresno, Smith of Sierra, Thompson of Tehama. Thompson of San Joaquin, Tilton of San Francisco, Watson, Wilcoxon, Worthington, Yule, and Mr Speaker—41.

On reconsidering, Messrs. Ames, Tilton of San Francisco, and Battles, demanded the ayes and noes, and the motion prevailed, by the following vote:

AYES—Messrs. Ames. Barton of San Bernardino, Battles, Bigelow, Brown. Dore, Dow, Dudley of Solano, Eagar, Eliason, Fay, Gordon, Hillyer, Hoffman, Jackson, Lane, Love, Machin, Maclay, McCullough,

Meyers, Moore, Morrison, Pemberton, Porter, Printy, Reed, Reese, Reeve, Smith of Fresno, Smith of Sierra, Thompson of Tehama, Tilton of San Francisco, Watson, Wilcoxon, Yule, and Mr. Speaker—37.

NOES—Messrs Amerige, Avery, Dean, Frazier, Griswold, Hoag, Irwin, Leach, O'Brien, Saul, Teegarden, Thompson of San Joaquin, Van Zandt, Waddell, Werk, Worthington, and Wright—17.

Mr. Fay offered the following amendments:

Strike out all after the enacting clause, and insert as follows:

SECTION 1. Section six of an Act entitled an Act to establish Pilots and Pilot Regulations for the Port of San Francisco, approved May twentieth, eighteen hundred and sixty-one, shall read as follows:

Section 6. Immediately upon the passage of this Act, it shall be the duty of the Board of Pilot Commissioners to proceed, in the manner prescribed in this Act, to appoint such number of Pilots for the port of San Francisco, as they may deem necessary.

SEC. 2. Section seven of said Act shall read as follows:

Section 7. The Pilots appointed under this Act shall be American citizens, and over twenty-one years of age, and after a rigid examination by the Commissioners, if deemed qualified, shall receive a license for the term of twelve months.

SEC. 3. Section twenty-four of said Act shall read as follows:

Section 24. The following shall be the rates of pilotage into or out of the port of San Francisco: All vessels under eight hundred tons, eight dollars per foot draft; and all vessels over eight hundred tons, nine dollars per foot draft, except all vessels in the coasting trade between United States ports on the Pacific Coast; all vessels engaged in the whaling trade, one dollar per foot draft; when a vessel is spoken, and the service of a Pilot is declined, one half the rates shall be paid, except when a vessel is in tow of a steam tug outward bound, and all vessels in the United State coasting trade of the Pacific, in which cases no charge for pilotage shall be made unless a Pilot be actually employed; all Government vessels, ten dollars per foot draft.

Mr. Wright moved to lay on the table.

Upon which, Messrs Wright, Wilcoxon, and Hoffman, demanded the ayes and noes, and the motion was lost by the following vote:

AYES—Messrs. Dean, Dennis, Frazier, Griswold, Hoag, Irwin, Kendall, Leach, Love, O'Brien, Parker, Saul, Seaton, Teegarden, Thompson of San Joaquin, Thornbury, Waddell, Werk, Woodman, Worthington, and Wright—21.

NOES—Messrs. Amerige, Ames, Avery, Barton of San Bernardino, Battles, Bigelow, Brown, Dore, Dow, Dudley of Solano, Eagar, Eliason, Evey, Fay, Gordon, Hillyer, Hoffman, Jackson, Lane, Loewy, Machin, Maclay, Meyers, Morrison, Orr, Pemberton, Porter, Prinity, Reed, Reese, Reeve, Sears, Smith of Fresno, Smith of Sierra, Thompson of Tehama, Tilton of San Francisco, Van Zandt, Watson, Wilcoxon, Yule, Zuck, and Mr. Speaker—42.

Mr. O'Brien moved to strike out the enacting clause.

Lost.

Mr. Dean moved to amend by striking out the first section of the amendments.

The Speaker, (Mr. Ames in the Chair,) ruled the motion out of order.

From which, Mr. Avery appealed.

The House sustained the Chair.

Mr. Griswold moved the previous question.

Sustained.

Mr. Dean's amendment was lost.

On the adoption of Mr. Fay's amendment, Messrs. O'Brien, Teegarden, and Griswold, demanded the ayes and noes, and the amendments were adopted, by the following vote:

AYES—Messrs. Ames, Barton of San Bernardino, Battles, Bigelow, Brown, Dore, Dow, Dudley of Solano, Eliason, Fay, Gordon, Hillyer, Jackson, Lane, Maclay, Moore, Pemberton, Porter, Printy, Reed, Reese, Reeve, Smith of Fresno, Thompson of Tehama, Tilton of San Francisco, Watson, Yule, Zuck, and Mr. Speaker—29.

NOES—Messrs. Amerige, Avery, Dean, Dennis, Frazier, Griswold, Hoag, Hoffman, Irwin, Kendall, Leach, O'Brien, Parker, Sears, Seaton, Smith of Sierra, Teegarden, Thompson of San Joaquin, Thornbury, Van Zandt, Waddell, Werk, Woodman, and Wright—24.

On ordering the bill engrossed, Messrs. O'Brien, Griswold, and Saul, demanded the ayes and noes, and the House so ordered, by the following vote:

AYES—Messrs. Ames, Barton of San Bernardino, Battles, Bigelow, Brown, Dore, Dow, Dudley of Solano, Eagar, Eliason, Fay, Gordon, Hillyer, Jackson, Lane, Loewy, Maclay, Moore, Pemberton, Porter, Printy, Reed, Reese, Reeve, Smith of Fresno, Thompson of Tehama, Tilton of San Francisco, Watson, Yule, Zuck, and Mr. Speaker—31.

NOES—Messrs. Amerige, Avery, Dean, Dennis, Dudley of Placer, Frazier, Griswold, Hoag, Hoffman, Irwin, Leach, O'Brien, Parker, Sargent, Saul, Sears, Seaton, Smith of Sierra, Teegarden, Thornbury, Van Zandt, Waddell, Werk, Woodman, and Wright—25.

Mr. Irwin offered the following resolution:

Resolved, That a Committee of Three be appointed by the Speaker, whose duty it shall be to institute an inquiry as to what has become of Senate bill No. 419, passed Senate April fourth, reported to Assembly April fifth, passed Assembly April fifth. Said committee to report to the Assembly at the earliest date possible.

Adopted.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
April 7th, 1862.

Mr. SPEAKER:—On April fifth the Senate concurred in Assembly amendments to Senate bill No. 113, an Act to authorize the Guardian of Minna C. Buchanan to dispose of real estate and chattels real;

Also, on April fourth passed Senate bill No. 286, an Act to amend an Act for the protection of harbors;

Also, on April fifth passed Senate bill No. 351, an Act amendatory of and supplementary to an Act to create the County of Mono, approved April twenty-fourth, eighteen hundred and sixty-one;

Also, amended and passed Assembly bill No. 186, an Act to amend an Act entitled an Act concerning jurors, passed May third, eighteen hundred and fifty-two;

Also, amended and passed Assembly bill No. 127, an Act relative to the location of the Town of Crescent City;

Also, passed Assembly bill No 257, an Act to repel the several Acts incorporating the City of Benicia, and to provide for the government thereof.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
April 5th, 1862.

Mr. SPEAKER:—The Senate, on the twenty-ninth of March, passed Senate bill No. 394, an Act to grant the right to construct a turnpike road from the Town of La Porte, in Sierra County, through or near the Beckwith Pass, to the eastern boundary line of this State;

Also, this day passed Assembly bill No. 377, an Act concerning the indebtedness of San Bernardino County;

Also, concurred in Assembly amended amendments to Senate bill No. 251, an Act concerning the repair of levees in the County of Sacramento.

DELOS J. HOWE,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES

The House concurred in Senate amendments to Assembly bill No. 127, above reported.

Also, concurred in Senate amendments to Assembly bill No. 186, above reported.

Senate bill No. 351, above reported, read first and second times, and referred to Tuolumne and Mono delegation.

Senate bill No. 286, above reported, read first and second times, and referred to Committee on Commerce and Navigation.

Senate bill No. 394, above reported, read first and second times, and referred to Committee on Roads and Highways.

REPORTS.

Mr Avery, from the Committee on Enrolment, made the following report:

Mr. SPEAKER:—The Committee on Enrolment have examined, and found correctly enrolled, the following bills:

Assembly bill No. 77, an Act to provide revenue for the support of the Government of this State from a tax upon foreign miners, inland bills, passengers, insurance companies, etc;

Also, Assembly bill No. 124, an Act to prevent certain animals from running at large in Napa City;

Also, Assembly bill No. 75, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May ninth, eighteen hundred and sixty-one;

Also, Assembly bill No. 36, an Act to authorize Lewis E. Morgan, his

associates or assigns, to construct and maintain a wharf in Contra Costa County;

Also, Assembly bill No. 385, an Act to provide for the payment of postage stamps for the thirteenth session of the Legislature;

Also. Assembly bill No. 105, an Act to authorize the Administrator of the estate of Francis Tribon to sell real estate;

Also, Assembly bill No. 229, an Act to regulate fees of office in Sonoma County;

Also. Assembly bill No. 298, an Act granting to William H. Tillinghast, his associates and assigns, the right to construct a wharf at a place called "New York, on the Pacific," in the County of Contra Costa;

Also. Assembly bill No 67, an Act to authorize and empower William H. Kelly to construct and maintain booms on Gaspar creek, in Mendocino County;

Also, Assembly bill No. 377, an Act concerning the indebtedness of San Bernardino County;

Also, Assembly bill No. 208, an Act legalizing roads in Tuolumne County;

Also, Assembly bill No. 168, an Act to fix the compensation of the County Judge of Nevada County;

Also, Assembly bill No. 211, an Act to district the County of Tuolumne into Supervisor Districts;

Also, Assembly bill No. 196, an Act concerning hogs running at large in the County of Solano;

Also. Assembly bill No. 91, an Act to authorize the parties therein named to construct and maintain a wharf;

And this day, at two o'clock, P. M., delivered the same to the Governor, for his approval.

AVERY, Chairman.

Mr. Meyers presented petitions of citizens of San Joaquin County, relative to proposed canal.

Referred to San Joaquin delegation.

Mr. Bigelow, from the Committee on Ways and Means, made the following reports:

Mr. SPEAKER:—The Committee on Ways and Means, to whom was referred Senate bill No. 422, an Act making appropriations for deficiencies in the appropriations made for the thirteenth fiscal year, ending June thirtieth, eighteen hundred and sixty-two, have had the same under consideration, and beg leave to report it back, and recommend its passage.

BARTON, Chairman.

Rules suspended, bill above reported considered in Committee of the Whole, reported and recommended, amended, read third time, and passed.

Mr. SPEAKER:—The Committee on Ways and Means, to whom was referred sundry bills, have had the same under consideration, and beg leave to make the following report:

Assembly bill No. 409, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one, and recommend its indefinite postponement;

Also, Senate bill No. 284, an Act amendatory of and supplemental to an Act entitled an Act concerning passengers arriving in the ports of this State, approved May third, eighteen hundred and fifty-two, report it back, with an amendment, and recommend its passage as amended.

BARTON, Chairman.

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

Mr. SPEAKER:—The Judiciary Committee, to whom was referred Assembly bill No. 265, an Act for the repeal of an Act, approved May seventeenth, eighteen hundred and sixty-one, entitled an Act supplementary to an Act entitled an Act to provide for the collection of delinquent taxes in the County of San Bernardino, approved March twenty-seventh, A. D. eighteen hundred and sixty-one, beg leave to report the same back, and recommend its passage.

BELL,
MORRISON,
HOFFMAN,
HILLYER,
REED,
AVERY,
KENDALL,
REESE,
WRIGHT,
CUNNARD.

Rules suspended, bill above reported considered engrossed, read third time, and passed.

Mr. Smith of Sierra, from the Committee on Counties and County Boundaries, made the following report:

Mr. SPEAKER:—The Committee on Counties and County Boundaries, to whom was referred Assembly bill No. 318, an Act authorizing the people of Sonoma County to vote upon the division of the county, and providing for the organization of a new county, having considered the same, beg leave to report it back, and recommend that it do not pass.

SMITH, Chairman.

Mr. Porter, from the Committee on Swamp and Overflowed Lands, made the following report:

Mr. SPEAKER:—Your Committee on Swamp and Overflowed Lands, ask leave to report and recommend the passage of Assembly bill No. 387, an Act to refund to the Swamp Land Fund of the State certain moneys belonging thereto, now in the General Fund.

PORTER, for Committee.

Mr. Maclay, from the Santa Clara delegation, made the following report:

Mr. SPEAKER:—The Santa Clara delegation, to whom was referred Assembly bill No. 430, an Act to give the Supervisors of the County of Santa Clara control over certain rivers therein named, have examined the same, and respectfully report it back, without amendment, and recommend that it pass.

MACLAY, for Delegation.

Rules suspended, bill above reported considered engrossed, read third time, and passed.

Mr. Hoffman made the following report:

Mr SPEAKER:—Your Select Committee, to whom was referred Assembly bill No. 268, respectfully report the bill back, with the recommendation that it pass. As instructed, I conferred with the Committee on Retrenchment, who do not agree with me in the above recommendation.

HOFFMAN, for Committee

Rules suspended, bill above reported considered engrossed, read third time, and passed.

Mr. Meyers made the following report:

Mr. SPEAKER:—Your Special Committee, to whom was referred Assembly bill No. 426, an Act to provide for the construction of a railroad from the City of Stockton, San Joaquin County, to French Camp, in the same county, have had the same under consideration, and report it back, and recommend that the three amendments appended be adopted, and that the bill thus amended may pass.

MEYERS,
THOMPSON.

Rules suspended, the amendments to the bill above reported adopted, considered engrossed, read third time, and passed.

Mr. Pemberton, from the Tulare delegation, made the following report:

Mr. SPEAKER:—The Tulare delegation, to whom was referred Senate bill No. 334, an Act concerning hogs found running at large in Tulare County, having had the same under consideration, beg leave to report it back, and recommend its passage;

Also, Senate bill No. 329, an Act to make county warrants receivable in payment of taxes in Tulare County, report the same back, and recommend its passage;

Also, Senate bill No 330, an Act fixing the salary of the County Auditor of Tulare County, report the same back, and recommend its passage.

PEMBERTON, for Delegation.

Rules suspended, bill above reported read third time, and passed.

Mr. Yule verbally reported and recommended the passage of Senate bill No. 324, an Act to grant the right of way to construct a toll bridge across Bear River, to certain parties therein named.

Rules suspended, read third time, and passed.

On motion of Mr. Tilton of San Francisco, Assembly bill No. 352, an Act amendatory of article four of an Act entitled an Act to repeal the several charters of the City of San Francisco, was taken up, amendments adopted, considered engrossed, read third time, and passed.

Mr. Machin offered the following resolution:

Resolved, That the Committee of Ways and Means be instructed to report to this House, on the opening of the Assembly to-morrow morning, Assembly bill No. 269, an Act to provide for paying certain demands issued on the faith and credit of the State, which became due and paya-

ble on the second day of May, eighteen hundred and sixty-two, and to contract a funded debt for that purpose.

Lost.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Seaton, for an Act appropriating money to pay the cost of removing the State Printing office to and from San Francisco.

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

By Mr. Teegarden, for an Act to remove the State Reform School in the City and County of San Francisco.

Read first and second times, and referred to a Special Committee of Five.

By Mr. Tilton of San Francisco, for an Act to authorize John S Williams, and his associates, to construct a wharf at the foot of Franklin Street and Van Ness Avenue, in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation

By Mr. Dudley of Solano, for an Act to provide for the better care of the indigent sick in the County of San Bernardino.

Read first and second times, and referred to the San Bernardino delegation.

Also, for an Act to amend an Act entitled an Act to provide for the establishment, maintenance, and protection of public and private roads, approved May sixteenth, eighteen hundred and sixty-one.

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

By Mr. Hoffman, for an Act to appropriate fifteen thousand dollars for the construction of a wagon road through the County of San Diego.

Read first and second times, and placed on file.

By Mr. Frazier, for an Act to grant the right to construct a bridge across the Cosumnes River.

Read first and second times, and referred to the Sacramento and El Dorado delegations.

By Mr. Fay, for an Act to authorize the Board of Supervisors of the City and County of San Francisco to appropriate money for the construction of two wharves upon the water front of said city.

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

By Mr. Eliason, for an Act to detach the Counties of Marin, Contra Costa, and Solano, from the Seventh, and annex them to the Fourth, Fifth, and Sixth Judicial Districts.

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

By Mr Hoag, for an Act to create a University Fund.

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

Also, for an Act supplementary to an Act entitled an Act to provide for the collection and payment of the quota of the direct tax apportioned to this State by Act of Congress.

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

Also, for an Act to provide for the publication and distribution of the laws of eighteen hundred and sixty-two, relating to revenue, and to call meetings of the Boards of Supervisors of the several counties.

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

By Mr. Sargent, for an Act supplementary to an Act to establish, support, and regulate common schools, and to repeal former Acts concerning the same, approved May third, eighteen hundred and fifty-five

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

Also, for an Act to establish and maintain a State Normal School.

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

By Mr. Dow, for an Act empowering John A. Rudesill and his associates to construct a turnpike road in Sonoma County.

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

By Mr. Meyers for an Act making certificates of purchase or of location prima facie evidence of title.

Read first and second times, and referred to the Committee on Public Lands

Mr. Battles, pursuant to notice, called up the resolution offered by him on Saturday, to rescind the Sixty-Ninth Rule.

Pending which, on motion of Mr. Morrison, at forty-five minutes past four o'clock, P. M. the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, April 8th, 1862.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Messrs Thompson of San Joaquin, and Smith of Sierra, had indefinite leave of absence.

Journal of yesterday read and approved.

REPORTS.

Mr. Amerige, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, the following bills:

Assembly bill No 362, an Act concerning roads and highways in the County of Placer;

Also, Assembly bill No. 403, an Act to restrict the herding of sheep in certain counties of this State;

Also, Assembly bill No. 425, an Act to provide for the collection of road poll taxes in the County of Contra Costa.

AMERIGE, for Committee.

Mr. Dean, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 254, an Act to license gaming and gaming houses.

DEAN, for Committee.

The Speaker announced the following Select Committee on Lost Bill: Messrs. Irwin, Orr, and Gordon.

GENERAL FILE.

Assembly bill No. 420, an Act to provide for the appointment of Commissioners to obtain from the Land Department, at Washington, a cession of the lands donated to the State of California by various Acts of Congress.

Mr. Avery moved to place the bill, together with Assembly concurrent resolution No. 27, on the top of the file for to-morrow

Carried.

Assembly bill No 424, an Act to appropriate money for the improvement of the State Insane Asylum—considered in Committee of the Whole, and reported, rules suspended, considered engrossed, read third time, and passed

Assembly bill No. 421, an Act granting the right to construct and maintain a bridge across the American River at Twentieth street, in the City and County of Sacramento—recommitted to the Sacramento delegation.

Assembly bill No. 299, an Act to deprive traitors and aiders of treason of the rights of citizenship in this State, for the confiscation of the property of such traitors, and for the surrender of their persons and property to the United States on requisition by the Federal authorities.

Mr. Irwin moved to recommit, with special instructions, as follows:

First, strike out the preamble;

Second, in section two, strike out all after the word "State," in line twelve, and insert the following:

"*Provided*, that property held in trust for heirs or assigns shall not be subject to confiscation under the provisions of this Act, except on proof of the disloyalty of such heirs or assigns."

Third, strike out section two.

Mr. Griswold moved to strike out the enacting clause.

On striking out the enacting clause, Messrs. Maclay, Eagar, and Worthington, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Barton of San Bernardino, Cot, Dudley of Solano, Frazier, Griswold, Hoffman, Irwin, Kendall, Lane, Matthews, Morrison, O'Brien, Parker, Pemberton, Smith of Fresno, Thompson of Tehama, Thornbury, Watson, Wilcoxon, and Woodman—20.

NOES—Messrs. Amerige, Avery, Barton of Sacramento, Battles, Benton, Bigelow, Brown, Collins, Cunnard, Dean, Dennis, Dow, Eagar,

Eliason, Evey, Fay, Gordon, Hillyer, Hoag, Leach, Loewy, Love, Machin, Maclay, Meyers, Moore, Orr, Porter, Printy, Reed, Reese, Reeve, Sargent, Saul, Sears, Seaton, Smith of Sierra, Teegarden, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Waddell, Warwick, Worthington, Wright, Yule, Zuck, and Mr. Speaker—48.

Mr. Maclay moved to substitute the following special instructions, in place of those proposed by Mr. Irwin:

Add to section first—

"*Provided*, that property held in trust for heirs or assigns, residents of this State, loyal to the Government, shall not be subject to confiscation under the provisions of this Act."

Withdrawn.

Mr. Avery offered the following amendment to section first:

In first line, strike out the words, "has heretofore taken up," and insert the words "is now in."

Mr. Wright offered the following substitute instructions:

Amend by striking out all after the enacting clause, and insert—

"Section 1. All the property, both real and personal, of any person owing allegiance to this State, who shall be convicted of treason, or misprision of treason, against this State, shall be confiscated to this State.

"Section 2. This Act shall take effect from and after its passage."

On adopting the substitute, Messrs. Hoffman, Wright, and Watson, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Dudley of Placer, Dudley of Solano, Frazier, Irwin, Loewy, Meyers, O'Brien, Parker, Printy, Seaton, Smith of Sierra, Thompson of Tehama, Waddell, Werk, Woodman, and Wright—16.

NOES—Messrs. Amerige, Ames, Avery, Barton of Sacramento, Barton of San Bernardino, Battles, Bell, Benton, Bigelow, Brown, Collins, Cot, Cunnard, Dean, Eagar, Eliason, Evey, Fay, Griswold, Hillyer, Hoag, Hoffman, Lane, Machin, Maclay, Moore, Morrison, Orr, Reed, Reese, Reeve, Saul, Smith of Fresno, Teegarden, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Warwick, Watson, Worthington, Yule, Zuck, and Mr. Speaker—43.

Mr. Loewy offered to substitute the word "treason" in place of the word "disloyal," in the instructions offered by Mr. Irwin.

Lost.

Mr. Avery offered the following special instructions as a substitute for those offered by Mr. Irwin.

Strike out all after the enacting clause, and insert as follows:

SECTION 1. Section seventeen of said Act is hereby amended so as to read as follows:

"Section 17 Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason unless on the evidence of two witnesses to the same overt act, or confession in open Court. The punishment of treason shall be death, and the confiscation to the State of all the property, both real and personal, of every kind and nature in this State, of the person convicted, whether the property be in his possession or held in trust for him. When the overt act of treason shall be com-

mitted without the limits of this State, the person charged therewith may be arrested and tried and punished in any county of this State within the limits of which he may be found, and the offence may be charged to have been committed in the county where he may be arrested. The taking up of arms against the Government of the United States, or giving aid and comfort to persons who now are or who may hereafter be in arms against the Government of the United States, shall be deemed adhering to the enemies of this State, and giving the enemies of this State aid and comfort."

On the adoption of the substitute for the special instructions, Messrs. Watson, Brown, and Wilcoxon, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Ames, Avery, Dean, Dudley of Placer, Dudley of Solano, Frazier, Griswold, Hillyer, Hoag, Hoffman, Irwin, Orr, Porter, Printy, Sargent, Seaton, Smith of Sierra, Thornbury, Waddell, Warwick, and Yule—21.

NOES—Messrs. Amerige, Barton of San Bernardino, Battles, Bell, Benton, Bigelow, Brown, Cot, Cunnard, Eagar, Eliason, Fay, Gordon, Kendall, Lane, Leach, Loewy, Machin, Maclay, Matthews, Moore, Parker, Pemberton, Reed, Reese, Reeve, Smith of Fresno, Teegarden, Thompson of Tehama, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Watson, Werk, Wilcoxon, Woodman, Worthington, and Zuck—37.

Mr. Brown demanded the previous question.

Sustained.

On the adoption of the motion of Mr. Irwin to recommit with special instructions, Messrs. Watson, Wilcoxon, and Matthews, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Dean, Dudley of Placer, Dudley of Solano, Griswold, Hillyer, Irwin, Kendall, Loewy, Matthews, O'Brien, Parker, Printy, Saul, Seaton, Teegarden, Thornbury, and Waddell—17.

NOES—Messrs. Amerige, Ames, Avery, Barton of San Bernardino, Battles, Bell, Benton, Bigelow, Brown, Cot, Cunnard, Dow, Eagar, Eliason, Evey, Fay, Frazier, Gordon, Hoag, Hoffman, Lane, Leach, Machin, Maclay, Orr, Pemberton, Reese, Reeve, Sargent Smith of Fresno, Thompson of Tehama, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Watson, Wilcoxon, Woodman, Worthington, Yule, Zuck, and Mr. Speaker—41.

On the passage of the bill, Messrs, Brown, Watson, and Griswold, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Amerige, Ames, Avery, Battles, Bell, Benton, Bigelow, Brown, Cunnard, Dore, Dow, Eagar, Eliason, Evey, Fay, Hillyer, Hoag, Leach, Machin, Maclay, Moore, Orr, Reed, Reese, Reeve, Sargent, Saul, Sears, Seaton, Teegarden, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Warwick, Worthington, Yule Zuck, and Mr Speaker—38.

NOES—Messrs. Barton of San Bernardino, Cot, Dean, Dudley of Placer, Dudley of Solano, Frazier, Griswold, Hoffman, Irwin, Kendall, Lane, Loewy, Matthews, Morrison, O'Brien, Parker, Pemberton, Printy, Smith

of Fresno, Smith of Sierra, Thompson of Tehama, Thornbury, Waddell, Watson, Werk, Wilcoxon, Woodman, and Wright—28.

Mr. Bell, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined and found correctly engrossed. Assembly bill No 301, an Act to amend an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, and repealing certain other Acts in relation to said city.

BELL, for Committee.

SPECIAL ORDER.

Assembly bill No. 372, an Act for the encouragement of agriculture and manufactures in California.

Substitute adopted.

Mr. Moore offered the following amendments:

On page two, between lines forty-five and forty-six, insert as follows: "For the first one hundred pieces of hemp carpeting, colored, of forty yards each, two hundred dollars; for the first one thousand pieces of forty yards each, one thousand dollars."

On page three, between lines sixty-three and sixty-four, insert as follows: "For the first one hundred pieces of ingrain carpet, of sixty yards each, two hundred dollars; for the first one thousand pieces of ingrain carpet, of sixty yards each, one thousand dollars; for the first one hundred pieces of Brussels carpet, of sixty yards each, two hundred dollars; for the first one thousand pieces of Brussels carpet, of sixty yards each, one thousand dollars."

Adopted.

The following amendment was offered by Mr. Kendall:

"*Provided*, that no premium shall be awarded for any article herein enumerated, unless it shall be made to appear satisfactorily to the Board of Judges that such has been grown or manufactured within the State of California, and by the labor of free white persons."

Upon which, Messrs. Irwin, Griswold, and Wilcoxon, demanded the ayes and noes, and the amendment was lost, by the following vote:

AYES—Messrs Brown, Cunnard, Dow, Dudley of Placer, Dudley of Solano, Ferguson, Frazier, Griswold, Hoffman, Irwin, Kendall, Lane, Loewy, Love, Machin, McCullough, Morrison, O'Brien, Orr, Parker, Pemberton, Porter, Reeve, Seaton, Smith of Fresno, Thompson of Tehama, Thornbury, Waddell, Werk, Wilcoxon, Woodman, Worthington, Wright, and Yule—34.

NOES—Messrs. Amerigo, Ames, Avery, Barton of Sacramento, Barton of San Bernardino, Battles, Bell, Benton, Bigelow, Cot, Dean, Dore, Eagar, Eliason, Evey, Fay, Gordon, Hillyer, Hoag, Leach, Maclay, Moore, Reed, Reese, Sargent, Saul, Sears, Smith of Sierra, Teegarden, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Warwick, Watson, and Mr. Speaker—35.

Mr. Thompson of Tehama, by leave, introduced a bill for an Act to consolidate certain offices in Tehama County.

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

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
April 8th, 1862.

Mr. SPEAKER:—The Senate, on April seventh, passed Senate bill No. 403, an Act to audit and allow the claim of T. J. A. Chambers;

Also, concurred in Assembly amendment to Senate concurrent resolution No. 49, relative to new business introduced after April eighth.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
April 8th, 1862.

Mr. SPEAKER:—The Senate, on April seventh, passed Senate bill No. 343, proposed amendments to the Constitution of the State of California;

Also, this day passed Senate bill No. 428, an Act to amend an Act entitled an Act defining the time of commencing civil actions.

DELOS J. HOWE,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate bill No 403, above reported, read first and second times, and referred to Committee on Claims.

Senate bill No. 343, above reported, read first and second times, and placed second on file for April ninth.

Senate bill No. 428, above reported, read first and second times, and referred to Judiciary Committee.

Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 62, an Act to establish Pilot regulations for the port of San Francisco.

LOEWY, Chairman.

PETITIONS.

Mr. Dudley of Placer presented a petition relative to division line between Placer and Sutter Counties.

Placed on file.

Mr. Evey presented a petition of citizens of Vallejo, in relation to county lines.

Referred to Solano and Napa delegations.

Mr. Wilcoxon presented a petition of citizens of Placer County, for change of boundary line.

Placed on file.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 8th, 1862.

To the Honorable the Assembly of California:

I have to inform your honorable body that I have approved Assembly

bill No. 179, an Act concerning the salary and fees of the Coroner of the City and County of San Francisco;

Also, Assembly bill No. 275, an Act to authorize the County of Placer to loan its credit to the Sacramento, Placer, and Nevada Railroad Company, to the amount of one hundred thousand dollars;

Also, Assembly bill No. 212, an Act authorizing Jacob M. Tewksbury, and his associates, to build a wharf in Contra Costa County;

Also, Assembly bill No. 213, an Act to authorize William O'Connell and John Fay, and their assigns, to build a wharf at or near Slaughter-house Point, in Contra Costa County, now in the possession of William O'Connell;

Also, Assembly bill No. 295, an Act concerning the Board of Supervisors of the County of San Bernardino;

Also, Assembly bill No. 176, an Act to authorize the Trustees of the Stockton Rural Cemetery to remove human remains from graveyards in the City of Stockton and vicinity;

Also, Assembly bill No. 48, an Act for the purchase and preservation of public newspapers printed and published in the several counties in this State;

Also, Assembly bill No 217, an Act concerning public roads and highways in the County of Monterey;

Also, Assembly bill No. 216, an Act to amend the charter of the City of Petaluma;

Also, Assembly bill No. 182, an Act to provide for the election of Supervisors in the County of Napa.

LELAND STANFORD, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 8th, 1862

To the Honorable the Assembly of California:

I herewith transmit to your honorable body a copy of the correspondence between the Executive of this State and the Secretary of State of the United States, relative to the harbor defences of the City of San Francisco.

[Telegraphic.]

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, March 25th, 1862.

To Hon. Wm. H. Seward, Secretary of State, Washington, D. C.:

DEAR SIR:—I am directed by a concurrent resolution of the Legislature, to transmit to you the following resolution:

"*Resolved*, That the Governor be and he is hereby requested, immediately to telegraph to the Secretary of State of the United States, to ascertain whether, in the opinion of the Federal Administration, our foreign relations are at present such as to make it necessary or expedient that California should take active measures towards putting the harbor of San Francisco in a state of defence."

LELAND STANFORD, Governor.

[Answer.]

WASHINGTON, April 2d,
Received April 8th, 1862.

To His Excellency, Leland Stanford, Governor of California:

The present aspect of our foreign relations is pacific, but the President remains of the opinion heretofore so often expressed, that while this civil war actively continues, there may be foreign aggressions. No important

part or portion of the United States ought to be left exposed. One or two iron-clad steamers at San Francisco, would assure its safety at small expense.

WM. H. SEWARD.

The above correspondence is respectfully submitted to your honorable body.

LELAND STANFORD, Governor.

Referred to Committee on Military Affairs with instructions to bring in a bill, and ordered printed.

REPORTS.

Mr. Hillyer, from the Committee on Public Expenditures and Accounts, made the following report:

Mr. SPEAKER:—Your Committee on Public Expenditures and Accounts, having examined the following accounts, and found them correct, so report, and recommend their payment from the Contingent Fund of the Assembly, and the adoption of the accompanying resolution.

The accounts are as follows:

To Whom Due.	Amount.
Account of the San Francisco Gas Company, for gas furnished Senate and Assembly during the month of March	$181 35
Account of the "San José Mercury," for two copies of the same	6 00
Account of N. P. Brown & Co., for five copies of the 'Nevada Daily Transcript"	17 50
Account of the "Stockton Daily Independent," for fourteen copies daily, and six copies weekly	61 00
Account of J. C. Gilfillan & Co., for water (two months.)	12 00
Account of the "Shasta Courier," for eleven copies of the same	22 00
Account of McElroy & Blakesly, for one copy of the "Pacific Sentinel."	3 00
Account of Charles E. Fisher, for four copies of the "Red Bluff Beacon."	12 00
Account of the "Union Democrat," for three copies of the same	9 00
Account of T. E. Jones, for one copy of the "Douglas City Gazette."	2 00
Account of James Findla, for three tons of hard, and eight and a half tons of soft coal, furnished for Senate and Assembly during the session	306 75
Account of J. P. Muldrow, for putting up and repairing gas fixtures in House and committee rooms	26 50
Account of Dennis Murphy, for repairing water closets of Senate and Assembly	15 00
Account of Thomas Reynolds, for eighty-nine pounds of lead discharge pipe, nine pounds of solder, and five days' work	52 30
Total	$726 40

Resolved, That the Controller of State, be and he is hereby authorized and directed to draw his warrant upon the Contingent Fund of the Assembly, as follows:

In favor of the San Francisco Gas Company, for the sum of one hundred and eighty-one dollars and thirty-five cents.

In favor of the "San José Mercury," for six dollars.

In favor of N. P. Brown & Co., for seventeen dollars and fifty cents.

In favor of the "Stockton Daily Independent," for the sum of sixty-one dollars.

In favor of J. C Gilfillan & Co, for twelve dollars.

In favor of the "Shasta Courier," for twenty-two dollars.

In favor of McElroy & Blakesly, for three dollars.

In favor of Charles E. Fisher, for twelve dollars.

In favor of the "Union Democrat." for nine dollars.

In favor of T. E. Jones, for two dollars.

In favor of James Findla, for three hundred and six dollars and seventy-five cents.

In favor of J. P. Muldrow, for twenty-six dollars and fifty cents.

In favor of Dennis Murphy, for fifteen dollars.

In favor of Thomas Reynolds, for fifty-two dollars and thirty cents.

HILLYER, Chairman

Adopted.

Mr. Barton of Sacramento, from the Committee on Ways and Means, made the following report:

Mr. SPEAKER:—The Committee on Ways and Means, to whom was referred sundry bills, have had the same under consideration, and beg leave to report as follows:

Senate bill No. 57, an Act appropriating moneys for the benefit of certain orphan asylums in this State, and recommend its passage;

Also, Senate bill No. 241, an Act to appropriate money for the relief of destitute females in the State of California, with amendment to section one, and recommend its passage;

Also, Senate bill No. 387, an Act to appropriate money to the Ladies' Relief Society of San Francisco, with substitute for section one, and recommend its passage;

Also, Asembly bill No. 215, an Act appropriating money for the erection of a building in the City of San Francisco, to be used as a Home for the Care of the Inebriate, with amendment to section one, and recommend its passage;

Also, Assembly bill No. 16, an Act appropriating money for the benefit of the Ladies' Seamen's Friend Society of the port of San Francisco, and recommend that the bill be indefinitely postponed;

Also, Assembly bill No. 392, an Act to amend sections thirty-two and thirty-eight of an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one, with accompanying amendment to section two, and recommend its passage;

Also, Assembly bill No. 269, an Act to provide for paying certain demands, issued on the faith and credit of the State, which become due and payable on the second day of May, eighteen hundred and sixty-two, and to contract a funded debt for that purpose, and beg leave to return the same, without recommendation;

Also, Assembly bill No. 438, an Act supplementary to an Act entitled an Act to provide for the collection and payment of the quota of the

direct tax apportioned to this State by Act of Congress, and recommend its passage;

Also, Assembly bill No. 439, an Act to provide for the publication and distribution of the laws of eighteen hundred and sixty-two relating to revenue, and to call meetings of the Boards of Supervisors of the several counties, and recommend its passage.

BARTON, Chairman.

The rules were suspended, and Assembly bill No. 438, above reported, was considered engrossed, read third time, and passed.

The rules were suspended, and Assembly bill No. 439, above reported, was considered engrossed, read third time, and passed

The other bills above reported were ordered to top of file.

Mr Sargent made the following report:

Mr SPEAKER:—The Committee to whom was referred Assembly bill No. 446, an Act to establish and maintain a State Normal School, report the same back, and recommend its passage;

Also, Assembly bill No. 445, an Act supplementary to an Act to establish, support, and regulate common schools, and to repeal former Acts concerning the same, approved May third, eighteen hundred and fifty-five, report the same back, and recommend its passage.

SARGENT, for Committee.

Mr. Bigelow, from the Committee on Ways and Means, made the following report:

Mr. SPEAKER:—The Committee on Ways and Means, to whom was referred Assembly bill No. 355, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and fifty-one, have had the same under consideration, and ask leave to report the accompanying substitute, and recommend its passage

BIGELOW, for Committee.

The rules were suspended, and the bill above reported considered engrossed, read third time, and passed.

Mr. Smith of Sierra, from the Committee on Counties and County Boundaries, made the following report:

Mr. SPEAKER:—The Committee on Counties and County Boundaries, to whom was referred Senate bill No. 243, an Act to define the boundaries of Sutter County, have considered the same, and beg leave to report it back, without recommendation.

SMITH, Chairman.

Mr. Fay, from the Committee on Commerce and Navigation, made the following report:

Mr. SPEAKER:—The Committee on Commerce and Navigation have had under consideration Senate bill No. 286, an Act for the protection of harbors, approved April twenty-third, eighteen hundred and sixty-one;

Also, substitute for Senate bill No. 234, an Act to authorize the construction of a marine railway on the western shore of the bay of San Francisco;

Also, Assembly bill No. 437, an Act to authorize the Board of Supervisors of the City and County of San Francisco to appropriate money for the construction of two wharves upon the water front of said city.

They hereby report the bills back, and respectfully recommend their passage.

FAY, Chairman

Mr. Love, from the Committee on Public Grounds and Buildings, made the following report:

Mr. SPEAKER:—The Committee on Public Grounds and Buildings, to whom was referred Senate substitute bill No. 218, an Act to authorize and direct the State Capitol Commissioners to cancel and annul the contract for building the foundation and basement walls of the State Capitol building, at Sacramento, and to settle with the Contractors therefor, have had the same under consideration, beg leave to report it back, with amendments, and recommend its passage.

LOVE,
FERGUSON,
DORE,
SEARS.

Mr. Porter, from the Committee on Swamp and Overflowed Lands, made the following reports:

Mr SPEAKER:—The Committee on Swamp and Overflowed Lands, to whom was referred substitute for Senate bill No. 348, an Act to authorize the Register of the State Land Office to issue duplicate certificates to School or Swamp Lands and Marsh or Tide Lands, whenever originals have been lost or destroyed, ask leave to report the same back, without amendment, and recommend its passage.

PORTER, for Committee.

The rules were suspended, the bill above reported read third time, and passed.

Mr. SPEAKER:—The Committee on Roads and Highways, to whom was referred Assembly bill No. 367, an Act to authorize the construction of a wagon road from Wood's Bar to Highland Flat, in the County of Stanislaus, ask leave to report the same back, with an amendment to section two, and recommend its passage, with the proposed amendment;

Also, Assembly bill No. 440, an Act to amend an Act entitled an Act to provide for the establishment, maintenance, and protection of public and private roads, approved May sixteenth, eighteen hundred and sixty-one, and recommend that it pass;

Also, Senate bill No. 394, an Act to grant the right to construct a turnpike road from the Town of La Porte, County of Sierra, through or near the Beckwith Pass, to the eastern boundary of the State, with a recommendation that it also pass. PORTER, for Committee.

The rules were suspended, and Assembly bill No. 440, above reported, considered engrossed, read third time, and passed.

Mr. Reeve, from the State Prison Committee, made the following report:

Mr. SPEAKER :—The State Prison Committee, to whom was referred Assembly bill No. 391, an Act to provide for the appointment of a Resident Physician and Chaplain of the State Prison, and to fix their compensation, report it back, and recommend its passage.

REEVE, for Committee.

Mr. Frazier, from the El Dorado delegation, made the following report:

Mr. SPEAKER :—The Select Committee, consisting of the Sacramento and El Dorado delegations, to whom was referred Assembly bill No. 442, an Act granting the right to construct and maintain a bridge across the Cosumnes River, about one mile below the Town of Live Oak, in the County of Sacramento, have had the same under consideration, and respectfully beg leave to report the same back and recommend its passage.

FRAZIER, for Delegations.

Mr. Reeve, from the San Francisco delegation, made the following report:

Mr. SPEAKER :—The San Francisco delegation, to whom was referred Assembly bill No. 429, an Act to amend an Act to fix and regulate the fees and salaries of officers in the City and County of San Francisco, approved May seventeenth, eighteen hundred and sixty-one, report it back, and recommend its passage;

Also, that they have considered Senate bill No. 232, an Act to confer further powers upon the Board of Education of the City and County of San Francisco, and for other purposes, and recommend its passage;

Also, the same delegation recommend the passage of Senate bill No. 307, an Act to amend an Act authorizing the Administrators of the estate of G. A. Grant, deceased, to sell real estate at private sale, approved April fourteenth, eighteen hundred and sixty-one;

Also, they report back, with amendments, and recommend the passage of Assembly bill No 417, an Act to amend an Act entitled an Act concerning District Court Reporters, for the Fourth, Sixth, Seventh, Tenth, Twelfth, and Fifteenth Judicial Districts, approved May seventeenth, eighteen hundred and sixty-one, in so far as it relates to the Fourth and Twelfth Judicial Districts;

Also, the same delegation report back Senate bill No. 266, an Act to authorize the Board of Supervisors of the City and County of San Francisco to examine certain claims, with amendments, and recommend its passage;

I am also instructed, by a majority of the delegation, to report back Assembly bill No. 108, an Act to provide for a railroad in the City and County of San Francisco, with amendments, and recommend its passage;

Also, the same delegation report back, with amendments, Assembly bill No. 443, an Act to authorize John S. Williams, and his associates, to construct a wharf in the City and County of San Francisco, and recommend its passage.

REEVE, for Delegation.

The rules were suspended, and Assembly bill No. 417, above reported, considered engrossed, read third time, and passed.

Mr. Battles, from the San Francisco delegation, made the following minority report:

Mr. SPEAKER:—A minority of the San Francisco delegation, to whom was recommitted Assembly bill No. 108, granting certain parties the right to construct a railroad through certain streets in San Francisco, have had the same under consideration, and report the same back, and recommend that it be indefinitely postponed.

BATTLES, for Minority of Delegation.

Mr. Kendall, from the Tuolumne and Mono delegation, made the following report:

Mr. SPEAKER:—A majority of the delegation from Tuolumne and Mono, to whom was referred Senate bill No. 351, an Act amendatory of and supplementary to an Act to create the County of Mono, to define its boundaries, and provide for its organization, approved April twenty-fourth, eighteen hundred and sixty-one, have had the same under consideration, and herewith report it back, with the recommendation that it pass.

KENDALL, for Majority of Delegation.

Mr. Orr, from the Tuolumne and Mono delegation, made the following minority report:

Mr. SPEAKER:—A minority of the Tuolumne and Mono delegation, to whom was referred Senate bill No. 351, an Act amendatory of and supplementary to an Act to create the County of Mono, to define its boundaries, and provide for its organization, approved April twenty-fourth, eighteen hundred and sixty-one, have considered the same, and, finding it to be an Act to provide for the making of the County Judge of said county the preferred creditor of the county, and believing the bill to be wrong in principle, and beneficial only to the County Judge, at the expense of the other creditors of said county, would recommend the indefinite postponement of said bill.

ORR, of Delegation.

Mr. Meyers, from the San Joaquin delegation, made the following report:

Mr. SPEAKER:—The San Joaquin delegation, to whom was referred Assembly bill No. 406, an Act to permit C. C. Castle to construct a canal from Castle slough, in San Joaquin County, to the San Joaquin River, in the said county, have had the same under consideration, and report it back, with amendments, and recommend that the bill do pass as amended.

MEYERS,
THOMPSON.

Mr Amerige, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 268, an Act concerning the District Attorney of Los Angeles County.

AMERIGE, for Committee.

Mr McCullough offered a concurrent resolution relative to appointment of a Committee on Amendments to the Constitution.

Adopted.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Warwick, for an Act to regulate or abolish certain contracts for convict labor entered into between the several parties therein named, and the State of California, as represented by John G. Downey, Pablo de la Guerra, and Johnson Price, State Prison Directors of the said State.

Read first and second times, and placed second on file for April tenth.

Also, for an Act to appropriate money for certain purposes therein mentioned.

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

By Mr. Saul, for an Act to amend an Act to prohibit the erection of weirs or other obstructions to the run of salmon.

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

Also, for an Act to amend an Act to repeal the charter of the City of Sacramento.

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

The Speaker announced the Select Committee on enrolling Amendments to Constitution. Messrs. McCullough and Machin.

By Mr. Matthews, for an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.

Read first and second times, and placed on file.

By Mr. Hoag, for proposed Amendments to the Constitution of the State of California.

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

By Mr. Eliason, for an Act to appropriate money for the procurement of a suit of flags to be presented to the California Regiment, commanded by Colonel Roderick Matthewson, and now in the service of the United States.

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

By Mr. Meyers, for an Act to provide a special appropriation for the support of the Insane Asylum.

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

By Mr. Tilton of San Francisco, for an Act to grant the right of way for a railroad within the City of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Worthington, for an Act directing the payment of a certain claim.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Cot, for an Act to declare Uldarico Hartnell, a minor, of lawful age.

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

By Mr. Fay, for an Act to provide for the payment of the rent of apartments occupied by the Legislature at its thirteenth session.

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

RESOLUTIONS.

Mr. Reeve offered a concurrent resolution relative to granting the Sheriff of San Francisco leave of absence.

Adopted.

Mr. Tilton of San Francisco offered a concurrent resolution relative to printing State officers' reports

Adopted.

Also. offered a concurrent resolution relative to testing timber.

Mr. O'Brien moved to lay on the table.

Carried

At thirty minutes past five o'clock, P. M., on motion of Mr. O'Brien, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, April 9th, 1862.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

GENERAL FILE.

Senate bill No. 57, an Act appropriating money for the benefit of certain orphan asylums in this State—considered in Committee of the Whole, reported and recommended, read third time, and passed.

Assembly bill No. 16, an Act appropriating money for the benefit of the Ladies' Seamen's Friend Society of the Port of San Francisco—considered in Committee of the Whole, and reported.

Mr. O'Brien moved to indefinitely postpone the bill.

Mr. Ames moved the previous question.

Sustained.

The amendment of the Committee on Ways and Means, striking out "ten," and inserting "three," was adopted.

On the indefinite postponement of the bill, Messrs. Wilcoxon, Worthington, and Fay, demanded the ayes and noes, and the motion prevailed, by the following vote:

AYES—Messrs. Ames, Avery, Barton of Sacramento, Barton of San Bernardino, Brown, Campbell, Cot, Cunnard, Dean, Dennis, Dow, Dudley of Placer, Dudley of Solano, Eagar, Evey, Frazier, Hillyer, Hoffman, Irwin, Kendall, Lane, Love, Maclay, Matthews, Morrison, O'Brien, Parker, Pemberton, Reed, Smith of Fresno, Teegarden, Thompson of Tehama, Thornbury, Watson, Werk, Wilcoxon, Woodman, and Zuck—38.

NOES—Messrs. Amerige, Bell, Benton, Bigelow, Collins, Dore, Eliason, Fay, Ferguson, Hoag, Jackson, Leach, Loewy, Meyers, Moore, Orr, Por-

ter, Printy, Reeve, Sargent, Saul, Sears, Smith of Sierra, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Waddell, Warwick, Worthington, Wright, Yule, and Mr. Speaker—32.

Assembly bill No. 215, an Act appropriating money for the erection of a building in the City of San Francisco to be used as a Home for the Care of the Inebriate—considered in Committee of the Whole, and reported.

Mr. Printy moved the previous question.

Sustained.

On the amendments of the Committee on Ways and Means, to strike out the word "ten" and insert the word "five," Messrs. O'Brien, Wilcoxon, and Avery, demanded the ayes and noes, and the amendment was adopted, by the following vote:

AYES—Messrs. Ames, Avery, Barton of Sacramento, Barton of San Bernardino, Benton, Bigelow, Dore, Dudley of Placer, Evey, Fay, Frazier, Hillyer, Hoag, Irwin, Kendall, Leach, Loewy, Love, Machin, Matthews, Morrison, O'Brien, Parker, Pemberton, Porter, Printy, Reese, Sargent, Saul, Thompson of Tehama, Thornbury, Van Zandt, Waddell, Woodman, Yule, and Zuck—36.

NOES—Messrs. Amerige, Bell, Cot, Cunnard, Dean, Dennis, Dow, Dudley of Solano, Hoffman, Jackson, Maclay, Meyers, Moore, Orr, Reed, Reeve, Sears, Smith of Sierra, Teegarden, Tilton of San Francisco, Tilton of San Mateo, Warwick, Watson, Werk, Wilcoxon, Worthington, Wright, and Mr. Speaker—28.

On ordering the bill engrossed, Messrs. Wilcoxon, Watson, and Matthews, demanded the ayes and noes, and the House so ordered by the following vote:

AYES—Messrs. Amerige, Avery, Barton of Sacramento, Barton of San Bernardino, Bell, Benton, Bigelow, Brown, Dean, Dennis, Dore, Dow, Dudley of Solano, Eagar, Evey, Fay, Frazier, Hillyer, Hoffman, Jackson, Loewy, Maclay, Meyers, Moore, Orr, Parker, Porter, Reese, Reeve, Sargent, Sears, Smith of Sierra, Teegarden, Thompson of Tehama, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Waddell, Warwick, Worthington, Wright, Yule, Zuck, and Mr Speaker—44.

NOES—Messrs Ames, Cot, Cunnard, Dudley of Placer, Eliason, Irwin, Kendall, Lane, Leach, Love, Machin, Matthews, O'Brien, Pemberton, Printy, Thornbury, Watson, Werk, Wilcoxon, and Woodman—20.

Mr. Loewy made the following report:

Mr. SPEAKER:—In accordance with the instructions of the House, a memorial to Congress, on the dangers of Chinese immigration, has been prepared by the Special Committee appointed for that purpose, and is respectfully submitted to the House for its consideration.

MEMORIAL.

The Legislature of the State of California, at its thirteenth session, respectfully represents to the Senate and House of Representatives in Congress assembled, as follows:

A perfect equality of political rights, and a universal co-operation of the entire people, or at least its moral capability of co-operating in the

making and administering the laws, being the corner-stone of the permanence of every republic, your memorialists deem it of the most vital importance that we should not invite a national element into our midst whose social character and moral relations are so repulsive to those fundamental principles upon which our society, and indeed every civilized society, is founded, that we can neither socially amalgamate with it, nor entrust it with the prerogatives and duties of participation in the administration of our Government. It is neither a short-sighted policy of national exclusiveness, nor a lack of charity for inferior nationalities, that impels California to lift her voice against the unrestricted influx of a race in every respect more undesirable than that population, for the absolute exclusion of which, the National Administration and Congress have already manifested their willingness to co-operate with those States which desire to rid themselves of this element of national discord.

In appealing to Congress for protection against the contingency of an overwhelming immigration of Mongolians, the Legislature of California is solely actuated by the love and care for the safety and maintenance of our institutions, and the consciousness that a condition of slavery in our midst must unavoidably be the result of an unrestrained immigration of Mongolians. The Representatives of the people of California deem it a solemn duty to manifest to the National Congress the conviction that, if this immigration be not discouraged, the time is not far when degraded labor will have become as identified with the pecuniary interests of a portion of the people of this State, and as inimical to the fundamental principles of a democratic government, as negro labor in the now rebellious States.

Even the position of the small number of free negroes in the free States teaches us that no republican government ought to suffer the presence of a race which must, socially and politically, be always separate and distinct, and the antipathy to which is stronger in regulating its position and disabilities in society than the laws of the land. In the conviction of your memorialists, it is not alone a legalized state of slavery, which undermines the foundation of a republic, but that social relation which is the necessary consequence of the settlement in *one* community of two entirely uncongenial races, and which tends to produce, though the inferior race may be nominally free, the respective positions of a governing and a servile class, is just as dangerous to the permanence of republican institutions and ought to be as much guarded against as slavery itself.

Your memorialists assert that California is in a position far different from that of her sister States in regard to the settlement within the United States of races which, as long as self-respect and conservatism govern the Anglo-Saxon race in America, can never be admitted to social amalgamation or political equality. The free States in the East could only then fully appreciate the evils and complications which threaten the social system of California, if they were as much exposed to the danger of becoming colonies of free negroes as California to the immigration of millions of Mongolians. Though the free negro speaks our language, though he grows up among us, worships the same God as ourselves, and is accustomed to our institutions, yet the free States find the presence of a comparatively small population of this race exceedingly annoying, and fraught with dangers not only to the peace of their own community, but to the harmony between their laws and the constitutional policy of the National Legislature. What may be the difficul-

ties and dangers which California will have to encounter, if she is not to be protected from the unlimited influx of a race which already comprises the eighth part of her entire population, which is utterly a stranger to our language, to the fundamental principles of enlightened religion, to our consciousness of moral obligations, and, with a few individual exceptions, even to a sense of the most common proprieties of life. Does it not deserve the serious consideration of the National Legislature and of the treaty-making power, that not the slightest barrier exists for the protection of California against immigration from a contiguous semi-civilized empire, which counts its slaves by hundreds of millions?

The Congress of seventeen hundred and ninety and seventeen hundred and ninety-five, when no American statesman had the slightest anticipation that the domain of the Union would stretch to the Pacific Ocean, and when the people of the United States came but little into personal contact with the nations of Asia, believed sufficiently to provide against the contingency of other than congenial and desirable immigration, by excluding from the rights of citizenship all but free white aliens. It is due to the wisdom of our forefathers and to the care and foresight with which they planted institutions intended to be permanent and beyond contingencies which human sagacity might provide against, that they would have put other restrictions upon the immigration of inferior races, besides the disability of acquiring the rights of citizenship, could they have but anticipated so near a geographical relation between the United States and China, that the former would be liable to a continual and unlimited influx of population from the latter. It is, therefore, in the belief of your memorialists, no extravagant hope which California entertains, that at the present time the same Congress and the same Administration, which believe it to be their duty to offer the Federal aid to States desirous to entirely exclude negroes from their soil, will not refuse to her the same co-operation against a race much more uncongenial to us than the other, and much more dangerous on account of the facility with which countless millions may at any time be thrust upon us by the pleasure of a barbarian potentate.

Whilst the influence of slavery is losing territory in our Eastern sister States, the unrestrained settlement of Mongolians in California is slowly but surely building up such social relations as will soon place the two races practically in the position of masters and unfree servants. A race so degraded, that it is stated by the committee of this Legislature appointed to confer with the Chinese companies at San Francisco, that according to the information from these leaders of the Chinese, there are but one hundred respectable families (i. e., married women with children,) among a population of fifty thousand Chinese, a large proportion of which number consists of females—a race so devoid of a sense of truth and veracity that the testimony of ever so many individuals to the same facts has no weight upon the minds of our juries—such a race can certainly not reside long in our midst without awakening all those selfish interests which desire the introduction of cheap labor, and the immediate cultivation of articles heretofore produced by slave labor in the South, even at the cost of an irradicable system of involuntary servitude.

Degradation of labor and the impoverishment of the laboring classes are poisons which destroy the life-blood of a republic. There are enough resources in the almost unbounded domains of the Union to support the dignity of labor for centuries, unless it is brought into competition with slave labor. Chinese labor ranks no higher in the public respect than

slave labor. Its compensation is so low in proportion to the necessities of life in California, that the white laborer cannot compete with the Chinaman, who needs neither a civilized abode, nor decent clothing, nor education for his children. The larger portion of the Chinese has been engaged in mining. During the early years after the discovery of gold in this State, when our population was sparse, and when there was no lack of rich surface mines, the American and European miner experienced no hardship from the presence of the Chinese; but, as in the course of time, the rich surface diggings became more and more exhausted, and the chances of generous reward for individual labor in mining claims became rare, the antipathies of our own race against the Mongolians were aroused, and grew daily stronger in proportion as the mines occupied by Mongolians became of increasing importance to American citizens or Europeans, who sought the means of a modest and toilsome subsistence for a permanent settlement upon our soil.

As a natural consequence, California has witnessed those collisions of races which are deplorable, but which will always manifest themselves between a superior and an inferior race, which are forced into permanent contact, and whose mutual antipathies are strengthened by a conflict of pecuniary interests In many mining sections, organizations were formed for the purpose of forcibly preventing Chinese from working in places where they had not yet made their appearance, and to eject them from districts where the mineral would reward the labor of white persons. These arbitrary mining regulations were enforced by the miners, and as the Executive authorities of the State were not desirous to produce civil strife by forcibly resisting the popular will, laws have existed and still exist in this State, outside of the legal power, in restriction of the right of Chinese to work the mines

By such treatment, and by such oppressive and tyrannical bearing, as the rude and passionate classes of a superior race will always assume towards a race residing among them, whose settlement is highly undesirable, a large portion of the Chinese in the mines was induced to resort to our towns and cities, whereby the share of the latter in the great social evil—for as such we consider the settling of the Chinese among us —has been disproportionally increased. Although the Chinese in the cities have so far not met with that spirit of persecution which discouraged their settlement in the mines, yet it is manifest that a bitter hostility against them is a marked and growing feeling among the laboring classes of our cities. This feeling is mainly due to the intrusion of the Chinese into several branches of industry, to the serious detriment of the white working-men heretofore engaged in them The latter, being unable to maintain a decent and civilized subsistence upon wages which afford the Chinaman a comfortable living, were compelled, in every case where Chinese competition made its appearance, to retire from their profession, and abandon its exercise to their Chinese competitors. Several of our industrial professions, which but a few years ago afforded a profitable employment to a large number of persons of our own race, and which were yearly growing in importance and in their capacity of employing white working-men and their families, are now monopolized by Chinese, to the exclusion of our own citizens Our working classes look, therefore, anxiously into the future, for they feel that the Chinese, with their skill for mechanical imitation, will slowly but surely push themselves into one profession after another, and reduce the value of labor to the level which it occupies in monarchies, and which makes it equivalent to pauperism and degradation. This apprehension is well founded, if

the success heretofore enjoyed by Chinese competition with our working classes may be considered as a fair criterion of the position of Chinese labor to white labor in the future.

Your memorialists are aware that the Legislature of a republic ought always to encourage rather than discourage competition of labor, so long as this labor emanates from congenial or homogeneous races; but if her working classes are forced to compete with a race entirely foreign to all our moral, social, and political interests, and independent of the necessities which a civilized life imposes, then it becomes certainly the duty of the Governmet to shield the labor of her citizens, and to anticipate, by wise legislation, the violent collision which must be the unavoidable result of an unrestricted encroachment of an inferior race upon the self-respect, the dignity, and, above all, upon the indispensable resources of the working classes of the governing race. California needs population, but it would be far better for her future prosperity—aye, for her safety—to be content with her present population, than to increase it manifold by inviting Chinese immigration.

The Mongolian is not only by degrees diminishing the means of subsistence of our white working-men, but he is a serious impediment in the way of the immigration of the poor and humble classes of our own race from the Eastern States and Europe. As labor is undignified and despised in the slave States, because it is performed by a race which is inferior in nature and in social standing, the unrestrained immigration of Mongolians to this State, and their intrusion into every mechanical profession, will have the same humiliating and demoralizing influence upon the working classes of our citizens. No American or European workman, even if he could work for the wages of the Mongolian, will work with him at the same work-bench, in the same work-shop, or, in those branches which the Chinaman does succeed in monopolizing, even in the same profession. The Chinese will infinitely more degrade labor than the negro in the slave States has done The statement of the Chinese companies themselves, that there are but one hundred respectable families in the State, among fifty thousand Chinese, is a correct guide to their moral condition—if such a term can be at all applied to a people who have not the least consciousness of truth and veracity, and whose entire female population (with the exception of one hundred, according the statement of the Chinese,) are engaged in the business of prostitution .

The social habits and customs of the Chinese, if we except the merchants, are so loathsome that even the atmosphere becomes pregnant with the effluvia of their abodes, and that entire streets in which they have settled—some of which in the speedy course of California progress have become most eligible business sites—are held in disrepute, and prevent the natural growth of commercial thoroughfares and of wholesome traffic.

Such, with the exception of some respectable Chinese merchants in our larger cities, is the character of the Chinese who are in our midst and who continue to come. The Chinese population among us forms a State within a State; they are under the secret control of the five organizations which are known as companies, whose orders and decisions they implicitly obey. All indications tend to show that there exists between themselves a relation of involuntary servitude, but the slavish subjection of the Mongolian to his social system, and the fear of the revenge of his superiors, are so great, that nothing can induce him to disclose the nature of the power which holds him to strict obedience, even against the

police and judicial authorities of this State. The presence of hordes of Mongolians would at present undoubtedly be advantageous to the capitalist and the manufacturer These classes, although very necessary to the development of a young State, are generally not as careful of the preservation of the principles of freedom and of the exclusion of every element dangerous to the maintenance and the purity of republican institutions, as they are anxious of reaping immediate and unusual profits. Better, far better, that our manufacturing interests should sleep a few years longer, until the natural decrease of the value of labor will make the employment of white laborers profitable, than to develop them by a race which we shall not be able to exclude when the time will have arrived when white workmen will gladly co-operate with the capitalists who desire to experiment in this State with the cultivation of Southern products.

But your memorialists assert that even the *present* value of the labor of our own working-men is not in the way of the profitable development of new resources in this State. Laborers of our own race have been successfully and profitably employed in experiments of manufacture. Only, then, when a capitalist, desiring to underbid his competitors, introduced Chinese labor—only then it became impossible for others engaged in the same business to continue employing the labor of our own citizens

It is only lately that it has become known to the people of Europe that California has all the necessary elements to become one of the richest vineyards in the world. The efforts which have been made to attract the vine-growing people of Europe to the reward which their labor and skill would reap in the southern portion of our State, are just beginning to be successful. The question arises—Shall the State invite to its shores thousands of families from the wine-growing borders of the Rhine, which will be a valuable addition to the intelligent, liberty-loving, congenial population of the State, and which will, in developing the resources of our soil, build up homesteads for themselves, or shall we have hordes of Mongolians create large plantations for a few owners of immense tracts of land, and thus, in enriching a few, degrade the value and dignity of labor, and keep away from our shores the desirable working classes of Europe?

It is as well for the protection of the Chinese who reside among us, as for our own protection, that we earnestly urge the Congress to put some barrier in the way of Chinese immigration. We entreat the National Congress to consider that antipathies of races cannot be equalized or counteracted by police laws The law has not the power of preventing the innumerable acts of brutality and violence which the lower classes of our own population exercise toward the Chinese whenever a favorable opportunity offers itself; for Chinese cannot testify against white persons, and, for fear of the revenge of their persecutors, do not dare to seek the protection of the Courts. These evils, so dangerous as well in their existing force as in their prospective consequences, call certainly for the serious consideration of the power which regulates our intercourse with foreign nations.

The Congress will in its wisdom determine whether the existing treaties interfere with such relief as California expects. If such obstacles exist, the Legislature of California begs to submit that such a revision of the treaties as would protect California from the unlimited influx of Mongolian hordes, is most essential to her safety and welfare. All real advantages to be derived from a mutual intercourse of commerce

with China may be enjoyed without encouraging any longer the immigration of the lowest and most degraded population of China. If the United States will henceforth admit but those Chinese who are engaged in mercantile pursuits, and either entirely exclude other Mongolians, the commercial intercourse with China, as far as it is of genuine and permanent value to California, would, in our opinion, be by no means depreciated. The Mongolians in California subsist largely on the imported products of their native country. Of our products they consume none but the most indispensable. But whatever pecuniary profits the presence of a large population of Mongolians might offer, California is willing to forego them; for she values the safety of her social and political institutions higher than the immediate cultivation upon her soil of sugar, rice, tea, and cotton.

Former Legislatures of California have also felt the greatness of the evil against which your memorialists urgently solicit the aid and cooperation of the National authorities. They repeatedly instructed their Senators and their Representatives to lay this important matter before the Congress, and invite its attention to the dangers which threaten the welfare, perhaps the existence, of the Caucasian race in the States bordering upon the Pacific. Yet, heretofore, the wishes of California have in this respect been wholly neglected by her representatives in Congress.

Trusting in the sincerity and zeal with which our present Senators and Representatives will submit to Congress the evils but imperfectly indicated in this memorial, the State of California entertains the strong hope that the care and solicitude of Congress for the welfare of every part of the Nation will be directed to the earnest consideration of the great social danger upon the Pacific coast.

LOEWY,
CAMPBELL.

A communication was received from the Controller, which was referred to the Committee on Education, and ordered printed.

(For report, see Appendix.)

Pending the reading of the memorial, Mr. Watson moved a call of the House.

Carried.

The following members were absent: Messrs. Amerige, Battles, Collins, Dana, Dennis, Dore, Dow, Dudley of Placer, Dudley of Solano, Eagar, Evey, Hoag, Jackson, Lane, Leach, Love, Machin, Maclay, Meyers, Parker, Pemberton, Porter, Smith of Sierra, Thompson of Tehama, Thompson of San Joaquin, Woodman, Worthington, Yule, and Zuck.

Further proceedings under the call were dispensed with.

Mr. O'Brien offered a concurrent resolution, authorizing and requesting the Governor to transmit a copy of the memorial on the dangers of Chinese immigration to our Senators and Representatives in Congress.

Mr. Reed moved to indefinitely postpone the whole matter.

Mr. Ames moved the previous question.

Lost.

On the indefinite postponement, Messrs. Ames, Brown, and Wright, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Barton of Sacramento, Barton of San Bernardino, Battles, Benton, Bigelow, Cot, Maclay, Reed, Reese, Tilton of San Francisco, and Tilton of San Mateo—11.

NOES—Messrs. Amerige, Ames, Avery, Brown, Cunnard, Dennis, Dore, Dow, Dudley of Placer, Dudley of Solano, Eliason, Evey, Frazier, Griswold, Hillyer, Hoffman, Irwin, Kendall, Lane, Leach, Love, Machin, Matthews, Moore, O'Brien, Orr, Parker, Porter, Printy, Reeve, Sargent, Saul, Sears, Smith of Fresno, Teegarden, Thompson of Tehama, Thornbury, Van Zandt, Warwick, Watson, Werk, Wilcoxon, Woodman, Worthington, and Wright—45.

The resolution offered by Mr. O'Brien was then adopted.

REPORTS.

Mr. Amerige, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, the following bills:

Assembly bill No. 333, an Act fixing the salaries of State officers, Members of the Legislature, Supreme Judges, District Judges, and Clerks;

Also, Assembly bill No. 426, an Act to provide for the construction of a railroad from the City of Stockton, San Joaquin County, to French Camp, in the same county;

Also, Assembly bill No. 430, an Act to give the Supervisors of Santa Clara County control over certain rivers therein named;

Also, substitute for Assembly bill No. 372, and Senate bill No. 375, an Act for the encouragement of agriculture and manufactures in California;

Also, Assembly bill No. 355, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.

AMERIGE, for Committee.

Mr. Avery, from the Committee on Enrolment, made the following report:

Mr. SPEAKER:—The Committee on Enrolment have examined, and found correctly enrolled, the following bills:

Assembly bill No. 248, an Act to authorize the Board of Supervisors of Klamath County to levy a special tax, and to create a Redemption Fund, for the payment of County indebtedness;

Also, Assembly bill No. 246, an Act to regulate the fees of the County Surveyor of Napa County;

Also, Assembly bill No. 260, an Act to reincorporate the City of Sonora;

Also, Assembly bill No. 218, an Act to authorize and empower Frederick Brown, or his assigns, to construct and maintain booms and piers on Garcia creek, in the County of Mendocino;

Also, Assembly bill No 104, an Act in relation to public roads in the County of Calaveras, and to the Road Fund of said county;

Also, Assembly bill No. 232, an Act to change the name of Anna Eliza Weir;

Also, Assembly bill No. 286, an Act to authorize the Board of Supervisors of Calaveras County to employ a competent person to examine the records, and ascertain the present existing debt of said county, and

to allow a reasonable compensation for the examination already made of the tax rolls of said county, for the years eighteen hundred and fifty-eight, eighteen hundred and fifty-nine, and eighteen hundred and sixty;

Also, Assembly bill No. 319, an Act changing the time of assessing the value of real and personal property, and collecting taxes, for State and county purposes, in Sierra County;

Also, Assembly bill No. 257, an Act to amend an Act entitled an Act to repeal the several Acts incorporating the City of Benicia, and to provide for the government thereof, approved April eighteenth, eighteen hundred and fifty-nine;

Also, Assembly bill No. 186, an Act to amend an Act entitled an Act concerning jurors, passed May third, eighteen hundred and fifty-two, approved May sixteenth, eighteen hundred and sixty-one;

Also, Assembly bill No. 188, an Act to provide means to pay the indebtedness of Del Norte County to Klamath County;

Also, Assembly bill No. 127, an Act amendatory of an Act entitled an Act to authorize the location of the town site of Crescent City, approved February twelfth, eighteen hundred and fifty-nine;

Also, Assembly concurrent resolution No. 11, relative to sustaining the Federal Government;

And delivered the same to the Governor, for his approval, at eleven o'clock and thirty-five minutes, A. M., this day, April eighth, eighteen hundred and sixty-two.

AVERY, Chairman.

Mr. Brown, from the Committee on the Culture and Improvement of the Grape-Vine, made a report.

(For report, see Appendix.)

RESOLUTIONS.

Mr. Brown offered the following resolution:

Resolved, That the thanks of this Assembly be tendered to Colonel A. Haraszthy, for the able and efficient manner in which he has performed his duties as Commissioner on the growth, culture, and improvement of the grape-vine in California.

Adopted.

Mr. Wright offered the following resolution:

Resolved, That the Special Committee of this Assembly, known as the Hardy Impeachment Committee, is hereby directed to report as early as convenient the per diem and mileage to which the several witnesses who have been examined before said Committee are entitled.

Adopted.

Mr. Barton offered the following resolution:

Resolved, That the Porter and Watchman of this House be and are hereby held, from the passage of this resolution, personally liable to the censure of this body for the loss of all books, papers, and stationery, from the desks of members.

Laid on the table.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
April 9th, 1862.

Mr. SPEAKER:—The Senate, on the eighth instant, passed Senate bill No. 412, an Act to authorize the County Auditor of the Counties of Mono, Tuolumne, and San Joaquin, to issue certain bonds, and provide for the construction of a road herein named.

THOMAS HILL, Secretary.

SENATE CHAMBER,
April 9th, 1862.

Mr. SPEAKER:—The Senate, on yesterday, passed Senate bill No. 437, an Act to define the meaning of certain terms used in the revenue laws of this State;

Also, passed Senate bill No. 438, an Act to require the Board of Supervisors of the County of Alameda to pay certain claims;

Also, passed Senate bill No. 439, an Act to amend an Act to extend the provisions of an Act concerning hogs found running at large in certain counties;

Also, passed Senate bill No. 146, an Act providing for the condemnation of certain lands in the City and County of Sacramento for public use.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
April 9th, 1862.

Mr. SPEAKER:—The Senate this day passed, with amendments, Assembly bill No. 154, an Act to establish the lines and grades of streets in the City and County of San Francisco;

Also, amended and adopted Assembly concurrent resolution No. 25, relative to payment of the claim of G. T. Bouldin;

Also, passed Senate bill No. 410, an Act to extend the time for the completion of the California Northern Railroad;

Also, passed Senate bill No. 254, an Act authorizing J. M. Woods, and others, to build a wharf in the City and County of San Francisco;

Also, passed Senate bill No. 440, an Act to change the name of Meyer Ciechanowiechi, and confer upon that individual the name of Charles Meyer.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
April 8th, 1862.

Mr. SPEAKER:—The Senate, on yesterday, passed Assembly bill No. 272, an Act to authorize Robert G. Arthur, his associates, or assigns, to construct and keep in repair certain roads upon the San Miguel Rancho and adjoining property, in the City and County of San Francisco, and to levy and collect tolls thereon;

Also, Assembly bill No. 238, an Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco;

Also, Assembly bill No. 225, an Act to regulate the proceedings of the

Board of Supervisors of the County of San Diego, and to define their duties;

Also, Assembly bill No 332, an Act for the relief of Oliver & Lewis;

Also, Assembly bill No. 328, an Act to amend an Act. approved February nineteenth. eighteen hundred and sixty-two, entitled an Act to authorize the Mayor and Common Council of the City of Los Angeles to borrow money for municipal improvements;

Also, Assembly bill No. 389, an Act to grant the right to construct and maintain a toll bridge across the Mokelumne River, to P. A. Athearn and his associates;

Also, Assembly bill No. 277, an Act to authorize Hiram Thorne and others to reconstruct and make a wagon road in the Counties of Contra Costa and Alameda, with an amendment.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
April 8th, 1862.

Mr. SPEAKER:—The Senate this day amended and passed Assembly bill No. 210, an Act relative to the indigent sick of Placer County;

Also on April seventh passed Assembly bill No. 100, an Act regulating fees of office in the Counties of Los Angeles and Santa Barbara;

Also, on this day amended and passed Assembly bill No. 308, an Act granting the right to construct a bridge across the American River, near Carrolton;

Also, passed Assembly bill No. 359. an Act to provide revenue for the support of the Government of this State;

Also, on April seventh passed Senate bill No. 429, an Act to authorize the Board of Supervisors of Siskiyou County to audit the claim of Robert Nixsen;

Also, on April third passed Senate bill No. 338, an Act to pay the claim of Eugene Lies;

Also, on April fourth passed Senate bill No. 240, an Act to provide revenue for the support of the Government of this State;

Also, on this day passed Senate bill No. 407, an Act to amend an Act entitled an Act to create a Board of Examiners, to define their duties, and to impose certain duties upon the Controller and Treasurer, approved April twenty-first. eighteen hundred and fifty-eight;

Also, on this day passed Assembly substitute for Senate bill No. 20, proposing amendments to the Constitution of this State.

DELOS J. HOWE,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate bill No. 254, above reported, read first and second times, rules suspended, read third time. and passed.

Senate bill No. 412, above reported, read first and second times, rules suspended, read third time, and passed.

Senate bill No. 437, above reported, read first and second times, rules suspended, read third time, and passed.

Senate bill No. 428. above reported, read first and second times, rules suspended, read third time, and passed.

Senate bill No. 440, above reported, read first and second times, rules suspended, read third time, and passed.

The House concurred in Senate amendments to Assembly bill No. 210, above reported.

The House concurred in Senate amendments to Assembly bill No 308, above reported.

The House concurred in Senate amendments to Assembly bill No. 154, above reported.

The House concurred in Senate amendments to Assembly bill No. 477, above reported.

The House concurred in Assembly concurrent resolution No. 25, above reported.

The House reconsidered the vote by which Senate amendments to Assembly bill No. 154 were concurred in, and it was placed at top of file for April tenth.

Senate bill No. 240, above reported, read first and second times, and referred to Committee on Ways and Means.

Senate bill No. 407, above reported, read first and second times, and referred to Committee on Ways and Means.

Senate bill No. 146, above reported, read first and second times, and referred to Sacramento delegation.

Senate bill No. 439, above reported, read first and second times, and referred to Amador delegation.

Senate bill No. 438, above reported, read first and second times, and referred to the Alameda delegation.

Senate bill No 410, above reported, read first and second times, and referred to the Committee on Corporations.

Senate bill No. 338, above reported, read first and second times, and referred to the Committee on Claims.

On motion of Mr. Watson, Senate bill No 310, an Act to authorize Henry Owens to construct a marine railway in the City and County of San Francisco, was taken up.

Mr. Van Zandt moved to indefinitely postpone.

Lost.

Read third time, and passed.

Mr. Van Zandt gave notice of reconsideration.

FURTHER REPORTS.

Mr. Saul, from the Sacramento delegation, made the following report:

Mr. SPEAKER:—The Sacramento delegation, to whom was referred Assembly bill No 290, an Act to incorporate the City of Sacramento, with special instructions to strike out the financial scheme, and report such amendments as may be required to do away with the provisions of the bill relating to repudiation, (so called,) and such other amendments as the delegation may require, report back the bill, with a rewritten copy of the same, in exact accordance with the instructions of the House, and recommend its passage, as a substitute for Assembly bill No. 290.

BENTON,
SAUL.

Also, Senate bill No. 404, an Act in relation to public streets in the City of Sacramento, and recommend its passage

BENTON.
FERGUSON,
SAUL,
WARWICK.

Mr. Ferguson, from the Sacramento delegation, made the following report:

Mr. SPEAKER:—The Sacramento delegation have had under consideration Assembly bill No. 290, an Act to incorporate the City of Sacramento, and, in consonance with the special instructions of the House, have amended the same, by changing the apportionment of the Revenue Fund in section thirtieth of said Act, by appropriating fifty-five per cent to the Interest Fund, fifteen per cent. to the Salary Fund, eight per cent to the School Fund, and the remaining twenty-two per cent. to be applied to the Contingent Fund, and amended other sections to make them harmonize with said section, and recommend the same back, together with the amendments published and voted upon by the citizens of Sacramento City at the late election, and recommend the passage of the same

FERGUSON.

SPECIAL ORDER.

Senate bill No. 218, an Act authorizing and directing the State Capitol Commissioners to cancel and annul the contract for building the foundation and basement wall of the State Capitol building at Sacramento, and to settle with the contractors therefor.

Mr. Ames moved the previous question.

Sustained.

On concurring in the amendments reported by the Committee on Public Buildings, Messrs. O'Brien, Ames, and Ferguson, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Amerige, Avery, Bigelow, Cot, Cunnard, Dore, Dow, Fay, Ferguson, Love, McCullough, Printy, Reed, Sargent, Sears, Teegarden, Werk, Wilcoxon, Yule, and Zuck—20.

NOES—Messrs. Ames, Barton of Sacramento, Barton of San Bernardino, Battles, Bell, Benton, Brown, Campbell, Dean, Dennis, Dudley of Placer, Dudley of Solano, Eagar, Eliason, Evey, Frazier, Griswold, Hillyer, Hoag Hoffman, Irwin, Kendall, Lane, Leach, Loewy, Machin, Maclay, Matthews, Meyers, O'Brien, Orr, Parker, Pemberton, Porter, Reese, Reeve, Saul, Smith of Fresno, Smith of Sierra, Thompson of Tehama, Van Zandt, Waddell, Warwick, Watson, Woodman, Worthington, and Mr. Speaker—47.

On the passage of the bill, Messrs. Brown, Battles, and Ames, demanded the ayes and noes, and the bill passed, by the following vote:

AYES—Messrs. Ames, Avery, Barton of Sacramento, Barton of San Bernardino, Battles, Bell, Benton, Bigelow, Brown, Campbell, Dean, Dennis, Dore, Dudley of Placer, Dudley of Solano, Eagar, Eliason, Evey, Ferguson, Frazier, Hillyer, Hoag, Hoffman, Irwin, Kendall, Lane, Leach, Loewy, Machin, Maclay, Matthews, Meyers, O'Brien, Orr, Parker, Pemberton, Porter, Reese, Reeve, Saul, Sears, Smith of Fresno, Smith of Sierra, Thompson of Tehama, Thornbury, Van Zandt, Waddell, Warwick, Watson, Wilcoxon, Woodman, Worthington, Yule, and Zuck—54.

NOES—Messrs. Amerige, Dow, Reed, and Teegarden—4.

Mr. Sears gave notice of reconsideration.

Mr. O'Brien moved to suspend the rules, for the purpose of transmitting the bill to the Senate.

Upon which, Messrs. McCullough, Porter, and Avery, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Barton of Sacramento, Battles, Benton, Dean, Dennis, Eagar, Eliason, Evey, Frazier, Griswold, Hoag, Hoffman, Irwin, Lane, Matthews, Meyers, Moore, O'Brien, Parker, Pemberton, Reese, Saul, Smith of Sierra, Thompson of Tehama, Waddell, Warwick, Wilcoxon, Woodman, Worthington, and Mr. Speaker—30.

NOES—Messrs. Amerige, Avery, Barton of San Bernardino, Bigelow, Brown, Cot, Cunnard, Dow, Dudley of Placer, Dudley of Solano, Fay, Gordon, Hillyer, Kendall, Leach, Loewy, Love, Machin, Maclay, McCullough, Orr, Porter, Printy, Reed, Reeve, Sargent, Sears, Smith of Fresno, Teegarden, Van Zandt, Watson, Werk, Wright, Yule, and Zuck—35.

Mr. Ames moved to adjourn.

Upon which, Messrs. Porter, Watson, and Yule, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs Ames, Barton of Sacramento, Battles, Dean, Fay, Hoffman, Kendall, Lane, Machin, Pemberton, Reese, Saul, Thompson of Tehama, and Warwick—14.

NOES—Messrs. Amerige, Avery, Barton of San Bernardino, Benton, Bigelow, Brown, Cot, Cunnard, Dennis, Dore, Dow, Dudley of Placer, Dudley of Solano, Ferguson, Frazier, Gordon, Griswold, Hillyer, Hoag, Irwin, Leach, Loewy, Love, Maclay, Matthews, McCullough, Meyers, Moore, O'Brien, Orr, Parker, Porter, Printy, Reed, Reeve, Sears, Smith of Fresno, Smith of Sierra, Teegarden, Thornbury, Van Zandt, Watson, Wilcoxon, Worthington, Yule, Zuck, and Mr. Speaker—47.

Mr. Smith of Sierra moved to make Assembly bill No. 108 the special order for three o'clock to-morrow.

Carried.

On motion of Mr. Dudley of Placer, the bill relating to the claim of Paul R Hunt was recommitted to the Committee on Claims, with instructions to report as soon as possible.

On motion of Mr. Worthington, the bill for a Sunday Law was made special order for Friday evening, at half past seven o'clock.

At fifty-five minutes past five o'clock, P. M., on motion of Mr. Maclay, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, April 10th, 1862.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Mr. Porter offered the following preamble and resolution:

WHEREAS, It is currently reported that the Speaker of this House, during the hours of its session, while temporarily out of the Chair, has been held to account for his action while presiding over its deliberations, and a personal assault made upon the said officer by a member of this House; and, *whereas*, the dignity of this body and the freedom of its privileges require an investigation of this report—it is therefore

Resolved, That Messrs. Dean of El Dorado, Saul of Sacramento, Hoag of Yolo, Barton of Sacramento, and Moore of Alameda, are hereby appointed a Committee to inquire into the facts of the above reported occurrence, and to report to this House the action proper to be taken thereon; and the said Committee is hereby authorized to send for and examine all witnesses required in the investigation.

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

Lost.

The resolution was then adopted.

Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No 417, an Act to amend an Act entitled an Act concerning District Court Reporters for the Fourth, Sixth, Seventh, Tenth, Twelfth, and Fifteenth Judicial Districts, approved May seventeenth, eighteen hundred and sixty-one, in so far as it relates to the Fourth and Twelfth Judicial Districts;

Also, Assembly bill No. 215, an Act appropriating money for the erection of a building in the City of San Francisco, to be used as a Home for the care of the Inebriate.

LOEWY, Chairman.

Journal of yesterday read and approved.

GENERAL FILE.

Senate bill No. 387, an Act to appropriate money to the Ladies' Relief Society of San Francisco, and other benevolent societies—amendments adopted, considered in Committee of the Whole, reported, read third time, and passed, and title amended.

Senate bill No. 241, an Act to appropriate money for the relief of destitute females in the State of California—amendment lost, considered in Committee of the Whole, reported, read third time, and passed.

Assembly bill No. 154, an Act to establish the lines and grades of streets in the City and County of San Francisco—the House adopted second Senate amendment, and refused to concur in all the others.

Assembly bill No. 254, an Act to license gaming and gaming houses.

Mr. Shannon moved the previous question.

Sustained.

The bill was read a third time

Upon its passage, Messrs. Avery, Watson, and Love, demanded the ayes and noes, and the bill passed, by the following vote:

AYES—Messrs. Barton of Sacramento, Barton of San Bernardino, Bigelow, Cunnard, Dean, Dennis, Dudley of Solano, Evey, Gordon, Griswold, Hoag, Hoffman, Irwin, Jackson, Lane, Machin, Maclay, Matthews, O'Brien, Parker, Pemberton, Porter, Sargent, Saul, Smith of Sierra,

Thompson of Tehama, Thornbury, Tilton of San Francisco, Tilton of San Mateo, Waddell, Wilcoxon, Woodman, Wright, and Yule—34.

Noes—Messrs. Amerige, Avery, Benton, Brown, Cot, Dore, Dow, Eagar, Eliason, Hillyer, Kendall, Loewy, Love, Meyers, Moore, Printy, Reed, Reeve, Sears, Seaton, Shannon, Teegarden, Van Zandt, Watson, and Zuck—25.

Mr. Maclay gave notice of reconsideration.

Assembly bill No. 420, an Act to provide for the appointment of Commissioners to obtain from the Land Department at Washington a cession of the lands donated to the State of California by various Acts of Congress.

Mr. Avery moved to suspend the rules, for the purpose of considering the bill engrossed.

Upon which, Messrs. Dudley of Placer, Yule, and Dow, demanded the ayes and noes, and the House refused, by the following vote:

Ayes—Messrs Amerige, Avery, Battles, Bell, Bigelow, Brown, Cunnard, Dean, Dennis, Dudley of Solano, Frazier, Gordon, Griswold, Hillyer, Hoffman, Jackson, Kendall, Leach, Machin, Maclay, Meyers, Moore, O'Brien, Orr, Parker, Porter, Reeve, Saul, Sears, Shannon, Tilton of San Mateo, Van Zandt, Warwick, Watson, Woodman, and Wright—36.

Noes—Messrs. Barton of Sacramento, Benton, Campbell, Cot, Dore, Dow, Dudley of Placer, Eliason, Fay, Ferguson, Hoag, Irwin, Loewy, Matthews, Pemberton, Reed, Smith of Fresno, Smith of Sierra, Teegarden, Thompson of Tehama, Thornbury, Waddell, Wilcoxon, Worthington, and Yule—25.

Mr. Dudley of Placer moved to amend by striking out "two Commissioners," and inserting "one Commissioner."

Lost

On ordering the bill engrossed, Messrs. Fay, Dow, and Watson, demanded the ayes and noes, and the House so ordered, by the following vote:

Ayes—Messrs. Amerige, Avery, Battles, Bell, Bigelow, Dennis, Dudley of Solano, Evey, Frazier, Gordon, Griswold, Hillyer, Kendall, Leach, Loewy, Machin, Maclay, Meyers, Moore, O'Brien, Orr, Parker, Porter, Printy, Reeve, Saul, Sears, Seaton, Shannon, Smith of Sierra, Tilton of San Francisco, Tilton of San Mateo, Waddell, Warwick, Woodman, Wright, Yule, and Zuck—38.

Noes—Messrs. Barton of Sacramento, Barton of San Bernardino, Benton, Brown, Campbell, Cot, Cunnard, Dore, Dow, Dudley of Placer, Eagar, Eliason, Fay, Hoag, Jackson, Lane, Love, Matthews, Pemberton, Smith of Fresno, Teegarden, Thompson of Tehama, Watson, Wilcoxon, and Worthington—25.

The bill was made the special order for half past one o'clock, P. M., tomorrow.

Mr Campbell made the following report:

Mr Speaker:—The Special Committee to whom was referred the resolution adopted by the Assembly on the twenty-sixth day of March, eighteen hundred and sixty-two, a copy of which is hereto annexed, relative

to the charges made against James H. Hardy, District Judge of the Sixteenth Judicial District, beg leave to submit:

That, with much labor, they have investigated said charges, and during the investigation have taken the testimony herewith presented.

There were also laid before the Committee a number of *ex parte* affidavits, which are herewith presented.

The Committee, having now placed in possession of the Assembly the testimony, and having duly weighed the same, do recommend that the said James H. Hardy be impeached for misdemeanors in office, and the adoption, by the House, of the following resolution:

Resolved, That James H. Hardy, District Judge of the Sixteenth Judicial District of the State of California, be impeached, for misdemeanors in office.

All of which is respectfully submitted.

CAMPBELL,
SHANNON,
GORDON,
McCULLOUGH.

Mr. Seaton made the following minority report:

Mr. SPEAKER:—As one of the Committee appointed to investigate the charges against James H. Hardy, Judge of the Sixteenth Judicial District in this State, I beg leave to submit the following brief minority report:

I have attentively heard and weighed the testimony which came before your Committee, and while I believe the evidence is ample to justify suspicion of corruption, on the part of Judge Hardy, in office, I do not think the evidence is sufficient to warrant this Assembly in impeaching said Hardy, with any fair hope of a conviction by the Senate.

I believe the evidence before your Committee has been as strong as can be procured against said Hardy, and that while it clearly proves that he has acted unwisely and indiscreetly in office, it does not prove him to have acted corruptly, or with criminality of intention.

SEATON,
Minority of Committee.

SPECIAL ORDER.

Assembly bill No. 108, an Act to provide for a railroad within the City and County of San Francisco, (special order for this day,) was continued until April eleventh, at three o'clock, P. M.

Assembly bill—Sacramento charter—(also special order for this day,) was ordered at top of file for to-morrow, April eleventh.

The testimony in the Hardy Impeachment Case was then read.

(For testimony, see Appendix.)

Mr. Wright moved to take a recess until half past seven o'clock this evening.

Lost.

The Clerk then proceeded to read the affidavits mentioned in the report of the Committee.

Mr. Bell moved that the House adjourn.

Lost.

Mr. Irwin moved that the House take a recess until half past seven o'clock, P. M.

Lost.

Mr. Campbell moved that the further reading of the affidavits be dispensed with.

Lost.

On the adoption of the report of the Committee, Messrs. Campbell, Shannon, and Dow, demanded the ayes and noes, and the report was adopted, by the following vote:

AYES—Messrs. Amerige, Ames, Avery, Barton of Sacramento, Bell, Benton, Bigelow, Campbell, Cunnard, Dean, Dore, Dow, Dudley of Placer, Dudley of Solano, Eliason, Fay, Ferguson, Gordon, Griswold, Hillyer, Hoag, Irwin, Kendall, Leach, Loewy, Maclay, Matthews, McCullough, Meyers, Moore, O'Brien, Orr, Parker, Porter, Printy, Reese, Sargent, Saul, Sears, Shannon, Smith of Sierra, Teegarden, Thornbury, Tilton of San Francisco, Van Zandt, Waddell, Warwick, Worthington, Wright, Yule, Zuck, and Mr. Speaker—51.

NOES—Messrs. Lane, Pemberton, Seaton, and Thompson of Tehama —4.

RESOLUTIONS.

Mr. Campbell offered the following resolution:

Resolved, That Messrs. McCullough and Worthington be and they are hereby constituted a Committee, to go to the Senate to-morrow, and at the bar thereof, in the name of the Assembly, and of The People of the State of California, to impeach James H. Hardy, District Judge of the Sixteenth Judicial District of the State of California, of misdemeanors in office, and to acquaint the Senate that this Assembly will, in due time, exhibit particular Articles of Impeachment against him, and make good the same; and that the said Committee demand that the Senate take order for the appearance of said James H. Hardy, to answer to said Impeachment.

Adopted.

Mr. O'Brien offered the following resolution:

Resolved, That Messrs. Campbell, McCullough, Machin, Shannon, and Worthington, be appointed a Committee to prepare Articles of Impeachment against James H. Hardy, District Judge of the Sixteenth Judicial District of the State of California; and it shall be the duty of said Committee to manage the conduct of said Impeachment, and to manage the same before the Senate; and they are hereby declared to have power to administer oaths and send for persons and papers, and to employ Counsel to assist in said management.

Adopted.

Mr. Van Zandt was granted leave to make his motion to reconsider the vote by which the Assembly on yesterday passed Senate bill No. 310, to-morrow.

At fifteen minutes past seven o'clock, P. M., on motion of Mr. Eagar, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, April 11th, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.
On motion of Mr Brown, it was ordered that nine hundred and sixty copies of the report of the Committee on the Culture of the Grape-Vine be printed.
Mr. Amerige, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, the following bills:
Assembly bill No. 420, an Act to provide for the appointment of Commissioners to obtain from the Land Department, at Washington, a cession of the lands donated to the State of California by various Acts of Congress;
Also, Assembly bill No. 442, an Act to grant the right to construct a bridge across the Cosumnes River;
Also, Assembly bill No 352, an Act amendatory of Article four 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, eighteen hundred and fifty-six, repealing sections thirty-six to sixty-four, inclusive, and all Acts, and parts of Acts, amendatory thereto and supplementary thereof, and substitute this Act for Article four.

AMERIGE, for Committee.

Journal of yesterday read and approved.
Assembly bill No. 290, an Act to incorporate the City of Sacramento.
On the adoption of the substitute offered by Mr. Benton, Messrs Tilton of San Francisco, Warwick, and Barton of Sacramento, demanded the ayes and noes, and it was adopted, by the following vote:

AYES—Messrs. Ames, Battles, Bell, Benton, Bigelow, Campbell, Cot, Eagar, Fay, Frazier, Griswold, Hoffman, Irwin, Jackson, Kendall, Matthews, Meyers, O'Brien, Orr, Parker, Pemberton, Printy, Reed, Sargent, Saul, Sears, Shannon, Smith of Fresno, Tilton of San Francisco, Tilton of San Mateo, Wright, and Yule—32.
NOES—Messrs Amerige, Avery, Barton of Sacramento, Barton of San Bernardino, Dean, Dow, Dudley of Placer, Evey, Ferguson, Hillyer, Lane, Leach, Love, Machin, Maclay, Moore, Morrison, Reeve, Seaton, Teegarden, Thompson of Tehama, Warwick, Wilcoxon, and Woodman —24.

The rules were suspended, the bill considered engrossed, and read third time.
On its passage, Messrs. Barton of Sacramento, Warwick, and Loewy, demanded the ayes and noes, and the bill passed, by the following vote:

AYES—Messrs. Ames, Avery, Barton of Sacramento, Battles, Bell, Benton, Bigelow, Cot, Dore, Eagar, Eliason, Fay, Frazier, Griswold, Hoffman, Irwin, Jackson, Kendall, Love, Matthews, Meyers, O'Brien, Orr, Parker, Printy, Sargent, Saul, Sears, Shannon, Smith of Fresno, Teegarden, Tilton of San Francisco, Tilton of San Mateo, Wright, Yule, and Zuck—36.

NOES—Messrs. Amerige, Barton of San Bernardino, Collins, Dean, Dudley of Placer, Evey, Ferguson, Hillyer, Leach, Loewy, Machin, Maclay, Moore, Porter, Reeve, Seaton, Van Zandt, Waddell, Warwick, Wilcoxon, and Woodman—21.

Mr. Barton of Sacramento gave notice of reconsideration.

Mr. Avery, from the Committee on Enrolment, made the following report:

Mr. SPEAKER:—The Committee on Enrolment have examined, and found correctly enrolled, the following bills:

Assembly bill No. 308, an Act granting the right to keep and maintain a bridge across the North Fork of the American River, near Carrolton, in the Counties of Placer and El Dorado;

Also, Assembly bill No. 272, an Act to authorize Robert G. Arthur, his associates or assigns, to construct and keep in repair certain roads upon the San Miguel Rancho and adjoining property, in the City and County of San Francisco, and to levy and collect tolls thereon;

Also, Assembly bill No. 309, an Act to grant the right to construct and maintain a toll bridge across the Mokelumne River, to P. A. Athearn, and associates;

Also, Assembly bill No. 328, an Act to amend an Act entitled an Act to authorize the Mayor and Common Council of the City of Los Angeles to borrow money for municipal improvements, approved February nineteenth, eighteen hundred and sixty-two;

Also, Assembly bill No. 359, an Act to amend an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one;

Also, Assembly bill No. 238, an Act to give further powers to the Board of Supervisors of the City and County of San Francisco;

Also, Assembly bill No. 325, an Act to regulate the proceedings of the Board of Supervisors for the County of San Diego, and to define their duties;

Also, Assembly bill No. 210, an Act to repeal an Act entitled an Act to amend an Act entitled an Act concerning the indigent sick in the County of Placer, approved May second, eighteen hundred and sixty-one, and to revive a former Act;

Also, Assembly bill No. 277, an Act to authorize Hiram Thorne, and others, to reconstruct and make a wagon road in the Counties of Contra Costa and Alameda;

Also, Assembly bill No. 332, an Act for the relief of Oliver and Lewis;

Also, Assembly concurrent resolution No. 25, relative to payment for services of G. T. Bouldin;

Also, Assembly concurrent resolution No. 29, relative to granting three months leave of absence to John S. Ellis, Sheriff of the City and County of San Francisco;

Also, Assembly concurrent resolution No. 31, relative to public printing;

Also, Assembly concurrent resolution No 28, relative to enrolment of Constitutional Amendments;

And delivered the same to the Governor, for his approval, at fifty-five minutes past eleven o'clock, A. M., this day, April eleventh, eighteen hundred and sixty-two.

AVERY, Chairman.

SPECIAL ORDER.

Assembly bill No. 420, an Act to provide for the appointment of Commissioners to obtain from the Land Department, at Washington, a cession of the lands donated to the State of California by various Acts of Congress, (special order of the day,) was taken up, read third time, and passed

Assembly concurrent resolution No. 27, relative to the appointment of a Commissioner to visit Washington, was taken up.

Mr. Avery moved to recommit, with special instructions.

Mr. Wilcoxon moved the previous question.

Sustained.

The motion of Mr. Avery was lost.

On the adoption of the resolution, Messrs. Sears, Yule, and Leach, demanded the ayes and noes, and the resolution was adopted, by the following vote:

AYES—Messrs. Barton of San Bernardino, Battles, Bell, Bigelow, Brown, Campbell, Cot, Dean, Dennis, Dudley of Solano, Fay, Ferguson, Frazier, Hoag, Irwin, Jackson, Kendall, Lane, Maclay, Meyers, O'Brien, Parker, Porter, Saul, Seaton, Shannon, Smith of Sierra, Teegarden, Thompson of Tehama, Thornbury, Tilton of San Francisco, Tilton of San Mateo, Watson, Wilcoxon, Woodman, Worthington, and Wright —37

NOES—Messrs. Amerige, Ames, Avery, Collins, Cunnard, Dow, Dudley of Placer, Eagar, Eliason, Gordon, Hillyer, Hoffman, Leach, Loewy, Love, Moore, Orr, Printy, Reed, Sears, Warwick, Yule, and Zuck—23.

Mr. Brown gave notice of reconsideration.

Mr. Shannon offered the following resolution:

Resolved, That the Committee on Mileage be directed to report the several amounts due witnesses summoned before the Committee, in the matter of the Impeachment of Judge Hardy, as mileage, and for attendance on said Committee.

Adopted.

On motion of Mr. Teegarden, the rules were suspended, and Assembly bill No. 360, an Act to amend an Act entitled an Act to confer upon the San Francisco and Marysville Railroad Company, incorporated under the laws of this State, certain rights and privileges—amendments lost, bill considered engrossed, read third time, and passed.

Mr. McCullough made the following report:

Mr. SPEAKER:—The Special Committee appointed for that purpose, beg leave to report, that upon this day they have acquainted the Senate that the Assembly, in the name of themselves and The People of the State of California, have impeached James H. Hardy, District Judge of

the Sixteenth Judicial District of the State of California, of misdemeanors in office, and that in due time the Assembly would exhibit particular Articles of Impeachment against said James H. Hardy, and make good the same; and that the Assembly did demand of the Senate that the Senate would take order for the appearance of said James H. Hardy to answer to said Impeachment.

And the Committee further delivered to the Senate, in the name of the Assembly, a certified copy of the resolution of the Assembly, impeaching said James H. Hardy.

All which is submitted, and your Committee ask to be discharged.

McCULLOUGH,
WORTHINGTON

Mr. O'Brien offered a concurrent resolution rescinding the resolution to adjourn *sine die*.

On the adoption of the resolution, Messrs. Teegarden, Collins, and Wilcoxon, demanded the ayes and noes.

Mr. Reed offered a substitute, extending the session to Tuesday, April fifteenth, at noon.

Withdrawn.

The resolution was adopted, by the following vote:

AYES—Messrs. Ames, Avery, Barton of Sacramento, Battles, Bell, Benton, Bigelow, Campbell, Cot, Cunnard, Dean, Dore, Dudley of Placer, Dudley of Solano, Eagar, Eliason, Fay, Ferguson, Frazier, Gordon, Griswold, Hillyer, Hoag, Hoffman, Irwin, Jackson, Kendall, Lane, Loewy, Love, Machin, Maclay, Matthews, McCullough, Meyers, Moore, O'Brien, Orr, Parker, Pemberton, Porter, Reed, Reese, Reeve, Sargent, Saul, Sears, Seaton, Shannon, Smith of Sierra, Tilton of San Mateo, Waddell, Warwick, Woodman, Worthington, Wright, Yule, and Zuck—58.

NOES—Messrs. Amerige, Barton of San Bernardino, Collins, Dennis, Dow, Evey, Leach, Printy, Smith of Fresno, Teegarden, Thompson of Tehama, Thornbury, Van Zandt, and Wilcoxon—14.

FURTHER SPECIAL ORDER.

Assembly bill No. 108, an Act to provide for a railroad within the City and County of San Francisco.

Mr. Bigelow offered a substitute for section one.

Mr. Watson moved to strike out the enacting clause.

Mr. Parker moved the previous question.

Lost.

On striking out the enacting clause, Messrs. Battles, Matthews, and Wilcoxon, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Battles, Cot, Frazier, Griswold, Kendall, Lane, Matthews, Morrison, Parker, Pemberton, Printy, Sargent, Seaton, Thornbury, Van Zandt, Waddell, Watson, Wilcoxon, Woodman, and Wright—20.

NOES—Messrs. Amerige, Ames, Benton, Bigelow, Cunnard, Dore, Dow, Evey, Fay, Ferguson, Hillyer, Hoag, Hoffman, Leach, Loewy, Love, Maclay, McCullough, Meyers, Moore, Orr, Reed, Reese, Reeve, Sears, Shannon, Smith of Sierra, Tilton of San Francisco, Tilton of San Mateo, Worthington, Zuck, and Mr. Speaker—32.

The substitute for section first was adopted.

The amendments of the Committee were then adopted.

Mr Ames offered the following amendment:

Amend by adding to section first: "*Provided*, that the grantees named in this Act, their associates or assigns, shall not have or hold any franchise or right to construct and lay down such railroad along the route herein before described, until they shall first have obtained the consent, in writing, of the owners of two thirds of the property of each street along those parts of said streets on which said route runs, within one year from the passage of this Act."

Mr Sears offered the following substitute for Mr Ames' amendment.

"And, *provided*, further, that the railroad contemplated in this Act, shall not run through any street in the City of San Francisco, without the consent of two thirds of the property owners on said street But in any street where said railroad does not run a distance of more than two blocks, then such consent shall not be necessary."

Lost.

The amendment offered by Mr. Ames was then adopted.

Mr. Reeve moved to amend section one, as follows:

"So much of the road running through Washington and Dupont streets, shall be by single track only."

Adopted.

Mr Battles offered the following amendment:

"*Provided*, that this franchise shall be subject to the approval of the Board of Supervisors of the City and County of San Francisco; and until such approval shall be obtained, this Act shall be of no effect"

On the adoption of Mr Battles' amendment, Messrs. Battles, Watson, and Griswold, demanded the ayes and noes, and the amendment was lost, by the following vote:

AYES—Messrs. Amerige, Avery, Barton of San Bernardino, Battles, Cot, Dean, Dennis, Fay, Irwin, Lane, Leach, Loewy, Matthews, Moore, Parker Pemberton, Printy Sargent Seaton, Smith of Fresno, Thornbury, Waddell, Watson, Wilcoxon, Woodman, and Wright—26.

NOES—Messrs Benton, Bigelow, Cunnard, Dore, Dow Dudley of Solano, Eagar, Eliason, Evey, Frazier, Gordon, Griswold, Hillyer, Hoag, Hoffman, Love, Maclay, McCullough, Meyers, Orr, Reed, Reese, Reeve, Sears, Shannon, Smith of Sierra Teegarden, Tilton of San Francisco, Worthington, Zuck, and Mr Speaker—31.

And the bill was ordered engrossed.

Mr. McCullough, Chairman of the Committee appointed to present Articles of Impeachment against James H Hardy, Judge of the Sixteenth Judicial District of this State, reported the same as follows:

ARTICLES OF IMPEACHMENT,

Exhibited by the Assembly of the State of California, against James H. Hardy, Judge of the Sixteenth Judicial District of said State.

The Assembly of the State of California, in the name of themselves and of all the People of said State, do hereby impeach James H. Hardy, District Judge of the Sixteenth Judicial District, of High Misdemeanors, and Wilful and Corrupt Misconduct in his said office, and wilful neglect

of the duties thereof, and exhibit against the said James H. Hardy, District Judge, as aforesaid, the following Articles of Impeachment:

ARTICLE I.

At the May term, A. D. eighteen hundred and fifty-nine, of the District Court of the Sixteenth Judicial District, in and for the County of Calaveras, the said James H. Hardy, being then and there the District Judge of said District Court, a certain suit was pending and at issue therein before the said James H. Hardy, District Judge, as aforesaid, wherein one Gerrish Foster was plaintiff, and one Fritz and others were defendants—that said cause came on for trial before said Hardy, District Judge, as aforesaid, at Mokelumne Hill, the county seat of said county, at said May term, viz: on or about the fourteenth day of May, A. D eighteen hundred and fifty-nine; that at the trial of said cause the said James H Hardy, District Judge, as aforesaid, unlawfully, corruptly, wilfully, fraudulently, and with intent to perpetuate and lengthen litigation between the parties aforesaid, did deny a certain motion for a nonsuit then and there made by the Counsel for the defendants in said action.

ARTICLE II.

At the November term, A. D. eighteen hundred and fifty-nine, of the Court in the last Article mentioned, viz: on or about the twenty-sixth day of November, A. D. eighteen hundred and fifty-nine, a motion for a new trial in said case in the first Article mentioned came on for hearing before the said James H Hardy, District Judge, as aforesaid, at the Court House in said County of Calaveras, and the said James H. Hardy, being and acting as such District Judge, did then and there, unlawfully, corruptly, wilfully, fraudulently, and with intent to perpetuate and lengthen litigation between the parties to said suit, grant to the defendants therein a new trial of said cause.

ARTICLE III.

On or about the first day of April, eighteen hundred and fifty-nine, a certain case, wherein The People of the State of California, on the relation of the Attorney-General of the State, were plaintiffs, and one Hill Squires was defendant, was pending in the District Court of said Sixteenth Judicial District, in and for the County of Calaveras aforesaid, before the said James H. Hardy, District Judge—at which time, in the Court House, in the County of Calaveras, said cause came up for hearing and trial before said Hardy, as such Judge and in which cause, after the hearing and trial thereof, the said James H Hardy, as such Judge, at the county aforesaid, on or about the first day of June, A. D. eighteen hundred and fifty-nine, did, unlawfully, wilfully, corruptly, and fraudulently, render judgment in favor of said Hill Squires, the defendant in said cause.

ARTICLE IV.

That, at the February term, A. D. eighteen hundred and sixty-two, of the District Court of the Sixteenth Judicial District, in and for the County of Calaveras, a certain suit was pending and at issue in said Court, before the said James H. Hardy, District Judge, as aforesaid, wherein one E. Mercier and another, were plaintiffs, and W. C. Denny and others, were defendants; that it was important for the interests of

the plaintiffs therein that said cause should not be tried at said February term, but should be continued to the next term of said Court, and the said James H Hardy, being then and there such District Judge, and well knowing the premises, on the twenty-fifth day of February, eighteen hundred and sixty-two, as yet of said February term, wilfully, unlawfully, corruptly, and in violation of his official duty, and for the purpose of effecting such continuance, and favoring, and benefiting the plaintiffs in said action at Mokelumne Hill in said County of Calaveras, solicited and urged one William L. Dudley, who was then engaged as Counsel in another case on trial before said Hardy, to consume as much time as possible in such trial, and in the trial of other cases in which said Dudley was engaged in said Court, so as to prevent the trial of said suit of E Mercier and another, against W C Denny and others, at said last mentioned term

ARTICLE V

At the February term, A. D eighteen hundred and sixty-two, of the District Court of the said Sixteenth Judicial District, in and for the County of Calaveras, a certain case was pending and at issue in said Court, the said James H Hardy being then and there Judge thereof, as aforesaid, between J R Robinson and others plaintiffs, and one George Leger and another, defendants, and the said James H. Hardy, acting as such Judge, then and there did, unlawfully, wilfully, and corruptly, continue and cause to be continued, the said case to the next term of said Court, with intent to hinder, delay, and defraud the plaintiffs in said suit.

ARTICLE VI

That at the August term, A. D. eighteen hundred and sixty-one, of the District Court of the said Sixteenth Judicial District, in and for the County of Calaveras, a certain cause was pending and at issue in said Court, the said James H. Hardy being then and there Judge as aforesaid, between one E. Mercier and another, plaintiffs, and W C Denny and others, defendants, and that on the fifteenth day of said August, a motion was there made by the plaintiffs in said case to change the place of trial of said case to some other county in said State of California, which said motion was made at the Court House in said County of Calaveras, where the term of said Court was being held by the said James H Hardy, District Judge, as aforesaid, and that the said James H. Hardy, then and there, wilfully, unlawfully, and corruptly, refused to decide, and abstained from deciding, the said motion.

ARTICLE VII

The said James H. Hardy, District Judge of said Sixteenth Judicial District, at the February term, A. D eighteen hundred and sixty-two, of his said Court, held in and for the said County of Calaveras, while presiding as such Judge in a certain action then and there tried before him as such Judge, wherein one W. F. McDermott was plaintiff, and one William Higby was defendant, did, falsely, wilfully, unlawfully, and corruptly, find for the plaintiff, and against the defendant, and render judgment for the plaintiff upon the issues raised by a certain answer in abatement filed by the defendant in said suit, to which the plaintiff in said suit had replied, the said Hardy then and there well knowing said decision and finding to be unjust and unlawful.

ARTICLE VIII

On or about the first day of July, A D eighteen hundred and sixty a certain case, wherein W F McDermott was plaintiff, and S W. Burke, et al., were defendants, was pending in the District Court of said Sixteenth Judicial District, in and for said County of Calaveras, before the said James H. Hardy, District Judge, in which case, Joseph P Vaughn had been appointed Receiver, previous thereto, by said Hardy, to take charge of, and have the care and custody of, certain property in litigation, in said case, and said James H Hardy, District Judge, as aforesaid did, at the Court House in said county, on or about the day last aforesaid, wilfully, unlawfully, and corruptly, refuse to hear, and abstain from hearing, a motion, on the part of the defendants in said case, to remove said Joseph P. Vaughn Receiver as aforesaid, and did, then and there, wilfully, unlawfully, and corruptly, continue said Joseph P. Vaughn, such Receiver, in said action, to the great prejudice and injury of the rights of the defendants in said action

ARTICLE IX

At the May term, A. D. eighteen hundred and sixty-one, viz: on the thirty-first of May, A. D eighteen hundred and sixty-one, of the District Court of the Sixteenth Judicial District, in and for the County of Calaveras, held at Mokelumne Hill, in said county, a certain suit, wherein J. R. Robinson et al. were plaintiffs, and George Leger et al were defendants, came on before the said James H. Hardy, District Judge, as aforesaid, for trial, and the said James H. Hardy, District Judge, as aforesaid, then and there, wiltully, corruptly, and with intent to oppress the plaintiffs in said cause, of his own motion and without any objection to such evidence on the part of the defendants, refused to admit, and ruled out, certain evidence then and there upon said trial offered by the plaintiffs in said suit, for the purpose of proving that, in consequence of a certain injunction theretofore granted by the said James H Hardy, as District Judge, said plaintiffs were prevented from running water through a certain ditch for mining purposes; and the said James H Hardy afterwards, viz: on or about the first day of June, A. D. eighteen hundred and sixty-one, upon the settlement of a statement presented before him, the said Hardy, as such District Judge, by the defendants, for the purpose of obtaining a new trial in said cause, did, at the County of Calaveras, aforesaid, falsely, fraudulently, corruptly, and for the purpose of benefiting the defendants in said suit, insert, in said statement, language to the effect that such evidence had been offered at the trial by the plaintiffs, etc , that the admission thereof was objected to by the defendants; that the Court admitted the evidence; and that the defendants then and there excepted to such last mentioned ruling of the Court

ARTICLE X

That, at the February term, A. D. eighteen hundred and sixty-two, of the District Court of the Sixteenth Judicial District, in and for the County of Calaveras, and on the seventeenth day of said month of February, eighteen hundred and sixty-two, at Mokelumne Hill, in said county, the said James H Hardy, then and there being District Judge, as aforesaid, and acting and holding said term in such capacity, did, unlawfully, wilfully, corruptly, and for the purpose of injuring the defendants

in a certain cause, then and there pending and at issue before him in said Court wherein E. Mercier et al were plaintiffs, and W. C. Denny et al were defendants and, in violation of the rules of said Court, continue said cause from the said seventeenth day of February, A. D. eighteen hundred and sixty-two, to the twenty-seventh day of February, A. D. eighteen hundred and sixty-two.

ARTICLE XI

The said James H. Hardy, District Judge, as aforesaid, at divers times, within two years now last past, to the great scandal and detriment of the administration of justice, has frequently appeared upon the bench and presided in Court, in his said District, and in the County of Calaveras, when in a state of gross intoxication; and especially did preside at said County of Calaveras, at the trial of said case of McDermott *vs.* Higby, at the February term, A. D. eighteen hundred and sixty-two, of said District Court of the Sixteenth Judicial District, in and for the County of Calaveras, as Judge thereof, when so drunk as to be scarcely able to articulate.

ARTICLE XII.

The said James H. Hardy, District Judge, as aforesaid, at the February term, A. D. eighteen hundred and sixty-two, of said District Court, in and for the County of Calaveras, held by him at Mokelumne Hill, aforesaid, did, wilfully, unlawfully, and corruptly, delay the business of said Court, to the great prejudice and injury of parties litigant in said Court at the term aforesaid.

ARTICLE XIII.

The said James H. Hardy, for two years now last past, he being during the whole of said period District Judge of the said Sixteenth Judicial District, has wilfully neglected to perform the duties of said office with reasonable diligence, thereby causing great delays in the transaction of the judicial business of said District, and causing great loss, damage, and inconvenience to suitors before the District Court of said District, especially at the August term, eighteen hundred and sixty-one, held in and for said County of Calaveras.

ARTICLE XIV.

At the July term of the District Court of the Seventh Judicial District, in and for the County of Marin, the said James H. Hardy did preside over and hold said Court, as Judge. Among other cases then pending before said Court, was a certain prosecution against one David S. Terry, for having feloniously killed one David C. Broderick, in a duel between them; that in said case the said David S. Terry had theretofore pleaded Not Guilty to the indictment found against him for such offence; that said case was duly set for trial on the sixth day of July, A. D. eighteen hundred and sixty, and that at the time fixed for the commencement of the trial of said cause, the witnesses for the prosecution were on their way from San Francisco, where they all resided, to the county seat of Marin County, where said Court was held, (the distance between the two places being about fifteen miles,) and the said James H. Hardy, acting as such District Judge, then and there, viz: at San Rafael, in said County of Marin, well knowing the premises, and desiring and fraudu-

lently intending and contriving to prevent a fair trial of said cause, and the due and proper administration of justice therein, unlawfully, corruptly, and wickedly, before said witnesses were able to arrive at said Court, (they having been detained by a calm while attempting to reach Marin County by water, as the said James H. Hardy then and there well knew,) did, on the said sixth day of July A. D. eighteen hundred and sixty, aforesaid, at the said County of Marin, cause a jury to be empanelled with indecent haste in said cause, before the hour of ten A M. of that day, and then and there forced on the trial of said cause and caused the same to be submitted to the jury without any testimony on the part of the prosecution, and in the absence of said witnesses, or any of them, to the great scandal and disgrace of the administration of the law in the State of California.

ARTICLE XV.

The said James H. Hardy, at various times within one year last past, and especially at the times and places hereinafter mentioned, while holding the office of District Judge, as aforesaid, and bound by his official oath to support the Constitution of the United States, has, in violation of his oath of office, and his duty and obligations as a Judge, publicly used seditious and treasonable language of and concerning the Constitution and Government of the United States, and aided, and abetted, and given comfort to, the enemies of said Constitution and Government, as follows, viz:

First. On or about the twenty-fifth day of June, A. D. eighteen hundred and sixty-one, at the Town of Jackson, County of Amador, in the State aforesaid, he, the said James H. Hardy, then being Judge of the Sixteenth Judicial District, as aforesaid, and divers States of the United States of America, and divers of the people thereof, being then in open rebellion against the Government, Constitution, and laws, thereof, and then seeking to subvert the same by force of arms, and then actually in arms for that purpose, the said James H. Hardy, well knowing the premises, did, then and there, viz: at the said Town of Jackson, County of Amador, in violation of his official oath and duty as such District Judge, openly give aid and comfort to the enemy, and wilfully, treasonably, and corruptly, aid and abet their treasonable purposes and practices, by openly and publicly declaring, in the presence and hearing of divers citizens of the State of California, and giving a toast in substance as follows: "Here is to Jeff. Davis, (meaning one Jefferson Davis, then a leader of said rebels, and engaged in said rebellion,) and the Southern Confederacy." (meaning a certain pretended Government which said rebels had set up in opposition to and defiance of the Constitution of the United States.)

Second On the same day, and at the same town and county, at a late hour of the night, the said James H Hardy, District Judge, as aforesaid, disturbed the public peace by shouting huzzas for said Davis

Third. On the twenty-sixth day of June, A. D. eighteen hundred and sixty-one, at or near the Town of Angel, in the County of Calaveras, the said James H. Hardy, then Judge, as aforesaid, in violation of his official oath and duty aforesaid, seeing the American flag waving from a flag-staff, declared, in the presence and hearing of divers good citizens of the State of California, referring to said flag, substantially as follows: "That is an old woman's rag, and ought to be torn down."

Fourth. That on or about the twentieth day of August, eighteen hun-

dred and sixty-one, the said James H. Hardy, then District Judge, as aforesaid, at said Mokelumne Hill, in a public bar room, offered substantially the following toast: "Here is to the stars and stripes; as to the Constitution, there is none—the Constitution is gone to hell."

Fifth. On the first day of March, A. D. eighteen hundred and sixty-two, at said Mokelumne Hill, and immediately after the adjournment of the February term of the District Court of the Sixteenth Judicial District, in and for said County of Calaveras the said James H. Hardy, then District Judge, as aforesaid, used substantially the following language, in presence of divers citizens of said county: "My Court has adjourned, and I am now off the bench; my mother was born in the South, and I am a rebel, and I don't care a damn who knows it."

Sixth. That at the City and in the County of Sacramento, on or about the second day of April, A. D. eighteen hundred and sixty-one, the said James H. Hardy, being then such District Judge, as aforesaid, in violation of his said official oath and duty, offered, in a public bar room, substantially the following toast: "Gentlemen, I will give you the perpetuation of a Southern Confederacy and the sovereignty of Jeff. Davis; and may his name be perpetuated in the same light they hold the immortal Washington."

Seventh. That on or about the twenty-sixth of June, eighteen hundred and sixty-one, the said James H. Hardy, then being District Judge, as aforesaid, at Chile Gulch, in Calaveras County, in further violation of his official oath and duty, drank to the health of said Jeff Davis and said Southern Confederacy.

Eighth. That on or about the first day of September, A. D. eighteen hundred and sixty-one, the said James H. Hardy, at Mokelumne Hill, in said County of Calaveras, being then and there District Judge of said Sixteenth Judicial District, as aforesaid, did, in violation of his said oath of office and duty as aforesaid, publicly declare, in the presence and hearing of divers good citizens of this State, and say, in substance, as follows: That he was a Secessionist, and that if a foreigner should come before him, holding the same sentiments that he, the said Hardy, entertained, as a man, towards the Constitution and Government of the United States, and applied for citizenship, he, the said Hardy, as a Judge, would not admit him to citizenship.

And the Assembly, by protestation, saving to themselves the liberty of exhibiting at any time hereafter, any further Articles, or other accusation, or impeachment, against the said James H. Hardy, and of replying to his answers which he shall make unto the Articles herein preferred against him, and of offering proof to the same, and every part thereof, and to all and every other Article, accusation, or impeachment, which shall be exhibited by them, as the case shall require, demand the said James H. Hardy may be put to answer the misdemeanors in office herein charged against him, and that such proceedings, examinations, trials, and judgments, may be thereupon had as may be according to law and justice.

On the adoption of the Articles of Impeachment, the roll was called and they were adopted, by the following vote:

AYES—Messrs. Amerige, Ames, Avery, Barton of Sacramento, Benton, Bigelow, Campbell, Cot. Dean, Dore, Dow, Dudley of Solano, Eagar, Eliason, Evey, Fay, Ferguson, Frazier, Gordon, Griswold, Hillyer, Hoag, Irwin, Kendall, Leach, Machin, Maclay, Matthews, McCullough, Meyers,

Moore, O'Brien, Orr, Parker, Porter, Printy, Reed, Reese, Reeve, Sargent, Sears, Seaton, Shannon, Smith of Sierra, Teegarden, Thornbury, Tilton of San Francisco, Van Zandt, Waddell, Warwick, Woodman, Worthington, Wright, Yule, Zuck, and Mr. Speaker—56.

NOES—Messrs Watson and Wilcoxon—2.

Mr Van Zandt moved to reconsider the vote by which the House passed Senate bill No. 310, an Act to authorize Henry Owens to construct a marine railway in the City and County of San Francisco.

Made special order for to-morrow, at half past one o'clock

Mr. Maclay moved to reconsider the vote by which the House passed Assembly bill No 254, an Act to license gaming and gaming houses.

Mr. Dennis moved to lay the motion on the table

Upon which, Messrs. Avery, Amerige, and Hillyer, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Ames, Barton of Sacramento, Barton of San Bernardino, Dean, Dennis, Dudley of Solano, Evey, Ferguson, Frazier, Griswold, Hoag, Irwin, Lane Machin, Matthews, Parker, Smith of Sierra, Thornbury, Waddell, Wilcoxon, Woodman, Wright, and Yule—23.

NOES—Messrs Amerige, Avery Benton, Cot, Dore, Dow, Dudley of Placer, Eagar, Fay, Hillyer, Kendall, Maclay, McCullough, Meyers, Moore, O'Brien, Printy, Reed, Reese, Reeve, Sears, Seaton, Shannon, Teegarden, Tilton of San Francisco, Van Zandt, Warwick, Watson, and Zuck—29

Motion to reconsider made special order for to-morrow, at two o'clock, P. M.

FURTHER SPECIAL ORDER.

Assembly bill No 172, Sunday law, (special order for this evening at half past seven o'clock,) was discharged, and placed at top of file for to-morrow morning

At fifteen minutes past six o'clock, P. M., on motion of Mr. Teegarden, the House adjourned

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IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, April 12th, 1862.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called

Quorum present.

The Committee of Investigation relative to the alleged assault upon the Speaker, were granted further time.

Messrs. Thornbury and Love had one day leave of absence, and Messrs Thompson of Tehama, and Waddell, had indefinite leave.

Mr. McCullough offered the following resolution:

Resolved, That the Articles agreed on by this Assembly to be exhibited, in the name of themselves and of all the People of the State of California, against James H. Hardy, District Judge of the Sixteenth Judicial District of said State, in maintenance of the Impeachment against him for misdemeanors in office, be carried to the Senate by the Managers appointed to conduct said Impeachment

Rules suspended, and resolution adopted.

Journal of yesterday read and approved.

The Speaker announced that he would order the Clerk to place engrossed bills at top of the file, and that such order would take effect on Monday, the fourteenth.

GENERAL FILE

Assembly bill No. 172, an Act amendatory of an Act entitled an Act for the observance of the Sabbath, approved May twentieth, eighteen hundred and sixty-one.

Mr. Maclay moved to recommit the bill, with the following special instructions:

"*Provided*, that nothing in this Act shall be construed to repeal or in any manner affect the provisions of an Act entitled an Act to prohibit the keeping open of markets, and the vending of meats, game, vegetables, and other market products, in the City and County of San Francisco, on the Sabbath Day, approved March twenty-seventh, eighteen hundred and sixty-two"

Mr. Worthington offered the following substitute for the special instructions:

Strike out all after the enacting clause, and insert as follows:

"Section 1. An Act entitled an Act for the better observance of the Sabbath, approved May twentieth, eighteen hundred and sixty-one, is hereby repealed.

"Section 2. This Act shall take effect and be in force from and after its passage."

On the adoption of the substitute, Messrs. Worthington, Dow, and Shannon, demanded the ayes and noes, and it was lost, by the following vote:

AYES—Messrs. Ames, Barton of San Bernardino, Battles, Campbell, Cot, Cunnard, Dean, Dennis, Eagar, Fay, Ferguson, Griswold, Hoffman, Irwin, Kendall, Lane, Loewy, Matthews, Morrison, O'Brien, Pemberton, Printy, Reeve, Sargent, Saul, Sears, Shannon, Warwick, Werk, Woodman, and Worthington—31.

NOES—Messrs. Amerige, Avery, Barton of Sacramento, Bell, Benton, Bigelow, Brown, Collins, Dore, Dow, Dudley of Placer, Eliason, Gordon, Hillyer, Hoag, Machin, Maclay, McCullough, Meyers, Moore, Orr, Parker, Porter, Reed, Reese, Seaton, Smith of Sierra, Teegarden, Tilton of San Mateo, Van Zandt, Wright, Yule, and Zuck—33.

Mr. Sears offered the following amendment to the instructions offered by Mr. Maclay:

"Section 4. Before this Act shall become a law, it shall be submitted to a vote of the people of this State at the next general election. Those in favor of this Act, shall deposit a paper ticket, on which shall be written or printed, 'Sunday Law, Yes;' those opposed to this Act, shall deposit a paper ticket, on which shall be written or printed, 'Sunday Law,

No.' The votes shall be counted as provided for in the election laws of this State, and if a majority of votes so cast shall be in favor of this Act, then it shall become a law, and be in force; but if a majority of the votes so cast shall be against this Act, then it shall be declared null and void Any tickets which shall not have 'Yes' or 'No' on them, after the words 'Sunday Law,' shall be considered as blanks."

Mr. Shannon demanded the previous question.

Lost.

Mr. Hillyer moved the previous question.

Sustained.

On the adoption of the amendment offered by Mr Sears, the ayes and noes were demanded, by Messrs Worthington, Matthews, and Seaton, and taken, with the following result:

AYES—Messrs. Ames, Battles, Bell, Brown, Cot, Cunnard, Dean, Dennis, Dudley of Placer, Eagar, Fay, Ferguson, Griswold, Hoffman, Irwin, Kendall, Lane, Loewy, Matthews, Morrison, O'Brien, Orr, Parker, Pemberton, Reeve, Sargent, Saul, Sears, Shannon, Warwick, Watson, Werk, Woodman, and Worthington—34

NOES—Messrs. Amerige, Avery, Barton of Sacramento, Barton of San Bernardino, Benton, Bigelow, Collins, Dow, Eliason, Gordon, Hillyer, Hoag, Leach, Machin, Maclay, Meyers, Moore, Porter, Reed, Reese, Seaton, Smith of Sierra, Teegarden, Van Zandt, Wright, Yule, and Zuck—27.

So the amendment was adopted.

Mr. Maclay's motion to recommit, with special instructions, as amended, was adopted.

The bill was reported back from the Committee, amended as specially instructed by the House, and the special amendments were adopted.

Mr Tilton of San Francisco, (the hour of the second special order of the day having arrived,) moved that Assembly bill No 254, (one of the special orders,) be continued until Tuesday, the fifteenth instant, at half past two o'clock, P. M.

Mr. Ames moved to amend, by ordering the same to head of file for Monday, fourteenth instant.

Mr. Dennis moved to further amend, by postponing the same to three o'clock to-day.

Adopted.

Mr Ames moved the previous question.

Lost.

The first special order of the day, the motion of Mr. Van Zandt to reconsider the vote whereby the House passed Senate bill No 310, was continued until Monday, April fourteenth, at half past one o'clock. P. M.

Mr. Shannon demanded the previous question.

Sustained

On the passage of the bill, the ayes and noes were demanded by Messrs Shannon, Reed, and Watson, and the bill was lost, by the following vote:

AYES—Messrs. Ames, Barton of San Bernardino, Bell, Benton, Brown, Campbell, Cot, Dean, Dudley of Placer, Eagar, Ferguson, Griswold, Kendall, Maclay, Matthews, O'Brien, Parker, Reese, Saul, Sears, Shannon, Werk, Woodman, and Zuck—24.

NOES—Messrs. Amerige, Avery, Battles, Bigelow, Collins, Cunnard, Dennis, Dore, Dow, Eliason, Fay, Hillyer, Hoag, Hoffman, Irwin, Leach, Loewy, Machin, McCullough, Meyers, Moore, Morrison, Orr, Pemberton, Porter, Reed, Reeve, Seaton, Smith of Sierra, Teegarden, Thornbury, Tilton of San Francisco, Van Zandt, Warwick, Watson, Wilcoxon, Worthington, Wright, and Yule—39.

Mr. Dennis moved to suspend the rules, to take up Assembly bill No. 11, an Act to repeal the present Sabbath Law.

Upon which, Messrs. Benton, Reed, and Maclay, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Battles, Cot, Cunnard, Dean, Dennis, Ferguson, Hoffman, Jackson, Kendall, Loewy, Morrison, O'Brien, Reeve, Saul, Sears, Thornbury, Warwick, Watson, Werk, Woodman, and Worthington—21

NOES—Messrs Amerige, Avery, Barton of San Bernardino, Bell, Benton, Bigelow, Brown, Collins, Dow, Dudley of Placer, Eagar, Eliason, Evey, Fay, Frazier, Griswold, Hillyer, Hoag, Irwin, Leach, Machin, Maclay, McCullough, Meyers, Moore, Orr, Parker, Porter, Reed, Reese, Seaton, Smith of Sierra, Teegarden, Van Zandt, Wilcoxon, Wright, Yule, and Zuck—38.

RESOLUTIONS.

Mr. Kendall offered the following resolution:

Resolved, That His Excellency the Governor be and he is hereby requested to communicate to this House such knowledge as he may possess, if any, touching any charges which the Overland Telegraph Company may have made for transmitting dispatches for the State to Washington, or elsewhere.

Adopted.

Mr. Seaton offered the following resolution:

Resolved, That the Controller of State be and is hereby authorized and directed to draw his warrant in favor of William M. Cutter, for services as Phonographic Reporter and Clerk of the House Special Investigation Impeachment Committee, in the sum of ten dollars per day, for each and every day from March twenty-sixth to April tenth, inclusive, payable out of the Contingent Fund of the Assembly.

Adopted.

Mr Matthews asked a suspension of the rules, to take up Assembly bill No 458, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one

The bill was taken up, read third time, and passed.

Mr. Avery, from the Committee on Enrolment, made the following report:

Mr. SPEAKER:—The Committee on Enrolment have examined, and found correctly enrolled, the following bills:

Assembly bill No. 439, an Act to provide for the publication and distribution of the laws of eighteen hundred and sixty-two, relating to reve-

nue, and to call meetings of the Boards of Supervisors of the several counties;

Also, Assembly bill No. 425, an Act to provide for the collection of road poll taxes in the County of Contra Costa;

Also, Assembly bill No. 258, an Act to amend an Act, approved March fourth, eighteen hundred and fifty-seven, entitled an Act to incorporate the City of Monterey, approved May eleventh, eighteen hundred and fifty-three;

Also, Assembly bill No. 40, an Act for the relief of William P. Sayward;

Also, Assembly bill No. 100, an Act to amend an Act entitled an Act to regulate fees of office in the Counties of Los Angeles and Santa Barbara, approved April sixth, eighteen hundred and sixty-one;

And delivered the same to the Governor, for his approval, at eleven o'clock, A. M. this day

AVERY, Chairman.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
April 10th, 1862

Mr. SPEAKER:—The Senate this day passed Assembly bill No 214, an Act to authorize the Commissioners of the Funded Debt of the City of San Francisco to compromise and settle certain claims to real estate.

THOMAS HILL,
Secretary.

SENATE CHAMBER
April 10th, 1862

Mr. SPEAKER:—The Senate this day passed Assembly bill No. 362, an Act concerning roads and highways in the County of Placer;

Also, Senate bill No. 441, an Act to provide for the submission of the proposed Amendments to the Constitution etc, to the qualified electors at the next general election;

Also, Senate bill No. 442, an Act amendatory of an Act, passed May eighteenth, eighteen hundred and sixty-one, entitled an Act concerning roads and highways in the County of Sacramento;

Also, concurred in Assembly amendment to Senate bill No. 147, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one;

Also, passed Assembly bill No. 425, an Act to provide for the collection of road poll taxes in the County of Contra Costa.

THOMAS HILL,
Secretary.

SENATE CHAMBER.
April 10th, 1862.

Mr. SPEAKER:—The Senate this day passed Assembly bill No. 301, an Act to amend an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, and repealing certain other Acts in relation to said city;

Also, on April ninth concurred in Assembly concurrent resolution

No. 28, relative to Joint Committee on Enrolment of the Amendments to the Constitution of the State; and Messrs. Crane and Rhodes were appointed said Committee. on the part of the Senate;

Also, on same day concurred in Assembly concurrent resolution No. 29, granting leave of absence to John S. Ellis, Sheriff of the City and County of San Francisco. for the period of three months;

Also, concurred in Assembly concurrent resolution No 31, relative to public resolution.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
April 11th. 1862

Mr. SPEAKER:—The Senate, on yesterday. amended and passed Assembly bill No. 240, an Act conferring further powers upon the Board of Supervisors of the City and County of San Francisco;

Also, on this day passed Assembly bill No 99. an Act to divide the Eleventh Judicial District of this State. and reorganize the Sixth;

Also, indefinitely postponed Assembly bill No. 250, an Act relative to the formation of corporations for the construction of plank and turnpike roads;

Also, passed Assembly bill No. 439. an Act to provide for the publication and distribution of the laws of eighteen hundred and sixty-two, relative to the revenue, and to provide for calling meetings of the Boards of Supervisors of the several counties;

Also, passed Assembly bill No. 488, an Act to provide for the collection of the quota of the direct tax apportioned to this State by Act of Congress.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
April 11th, 1862.

Mr. SPEAKER:—I am directed to inform the Assembly that the Senate, on this day. unanimously adopted the following resolution:

WHEREAS, a Committee of the Assembly of this State, has appeared at the bar of this Senate, and impeached James H. Hardy, the District Judge of the Sixteenth Judicial District of the State of California, and demanded that the Senate take order for the appearance of said party to answer the Impeachment; therefore, be it

Resolved, That the Senate will take such order, and will issue such process against said James H Hardy, the District Judge of the Sixteenth Judicial District of the State of California. upon presentation of Articles of Impeachment.

DELOS J. HOWE.
Assistant Secretary.

SENATE CHAMBER,
April 11th, 1862.

Mr. SPEAKER:—The Senate. on April ninth. amended and passed Assembly bill No. 201, to protect white labor against competition with Chinese and Coolie labor, and ask the concurrence of the Assembly in said amendments.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
April 11th, 1862.

MR. SPEAKER:—The Senate this day concurred in Assembly concurrent resolution No. 32 relative to adjournment on the fourteenth instant.

DELOS J. HOWE,
Assistant Secretary

SENATE CHAMBER,
April 11th, 1862.

MR. SPEAKER:—The Senate this day refused to recede from its amendments to Assembly bill No 154, and appointed Messrs Banks, Soule, and Hathaway, a Committee of Free Conference, on the part of the Senate, to confer with a similar committee on the part of the House.

DELOS J HOWE,
Assistant Secretary.

SENATE CHAMBER,
April 11th, 1862.

MR SPEAKER:—The Senate on yesterday amended and passed Assembly bill No 153, an Act appropriating money to sustain a mounted battery of artillery in the City and County of San Francisco, and ask the concurrence of your body in said amendments;

Also, passed Assembly bill No. 268, an Act concerning the office of District Attorney of Los Angeles County;

Also, passed Assembly bill No 331, an Act to authorize the issuance of a certain duplicate bond to Iredell M Hart;

Also, on same day, indefinitely postponed Assembly bill No. 334, relative to the estate of Samuel Croswell;

Also, indefinitely postponed Assembly bill No. 294, to authorize Rita de la Osa to sell the real estate of her deceased husband;

Also, passed Assembly bill No. 258, relative to the incorporation of the City of Monterey;

Also, passed Assembly bill No 287, relative to Township Assessors in Calaveras County;

Also passed Assembly bill No. 40, for the relief of William P. Sayward;

Also, passed Assembly bill No 337, an Act to authorize the Board of Supervisors of San Joaquin County to appropriate money;

Also, amended and passed Assembly bill No. 94, concerning salaries and fees of office in the County of Monterey;

Also, on same day, indefinitely postponed Assembly bill No. 20, for the collection of delinquent poll and road tax in the County of San Mateo;

Also, indefinitely postponed Assembly bill No. 21, an Act to provide for the collection of a special road tax in the County of San Mateo;

Also, amended and passed Assembly bill No 279, an Act to provide for the funding of the indebtedness of the County of Mendocino, and ask your concurrence in said amendments;

Also, amended and passed Assembly bill No. 194, an Act for the payment of the per diem and mileage of Presidential Elector, and ask your concurrence in the amendment;

Also, amended and passed Assembly bill No. 306, granting to E. P. Bowman and his associates the right to construct a wharf at a certain point in Alameda County, and ask your concurrence in the amendment;

Also, passed Assembly bill No. 353, relative to the Fire Department of the Town of Mokelumne Hill, in Calaveras County;

Also, passed Assembly bill No 73, to authorize D. B. Northrop and others to construct a plank road or bridge over the waters of Mission Bay;

Also, passed Senate bill No. 393, an Act to authorize the Board of Supervisors of Contra Costa County to audit and allow the claim of M R Barber;

Also, passed Senate bill No 420 to regulate fees of officers in Calaveras County;

Also, passed Senate bill No 311, an Act concerning the duties of County Treasurers;

Also, passed Senate bill No. 117, to audit and allow the claim of J. C. Dougherty;

Also, adopted Senate concurrent resolution No. 55, relative to granting leave of absence for the period of four months to E. J. Curtis, County Judge of Trinity County;

Also, adopted Senate concurrent resolution No. 56, conveying certain instructions to the Adjutant-General.

DELOS J. HOWE,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate bill No. 442, an Act amendatory of an Act, passed May eighteenth, eighteen hundred and sixty-one, entitled an Act concerning roads and highways in the County of Sacramento, above reported, read first and second times, and referred to the Sacramento delegation

Senate bill No. 441, above reported, an Act to provide for the submission of the proposed amendments to the Constitution of the State, as proposed by the Legislature of eighteen hundred and sixty-one, and adopted by the Legislature of eighteen hundred and sixty-two, to the qualified electors at the next general election, read first and second times, and referred to the Judiciary Committee

Substitute for Senate bill No. 311, above reported, an Act concerning the duties of County Treasurers, read first and second times, and referred to Committee on Ways and Means

Substitute for Senate bill No. 117, above reported, an Act to audit and allow the claim of J C Doherty, read first and second times, and referred to Committee on Claims

Senate bill No 393, above reported, an Act to authorize the Board of Supervisors of Contra Costa County to audit and allow the claim of M. R. Barber, and to levy a special tax, read first and second times, rules suspended, read third time and passed.

Senate bill No 420, above reported, an Act to repeal an Act to regulate fees of certain officers in Calaveras County, read first and second times, and referred to Calaveras delegation.

The House concurred in Senate amendments to Assembly bill No. 194, above reported, an Act making an appropriation for the payment of the per diem and mileage of Presidential Elector.

The House concurred in Senate amendments to Assembly bill No. 279, above reported, an Act to provide for funding the indebtedness of the County of Mendocino.

The House concurred in Senate amendments to Assembly bill No 306, above reported, an Act to authorize Charles C. Bowman and his associates to construct a wharf at the western end of the Encinal of San Antonio, Alameda County.

The House refused to concur in Senate amendments to Assembly bill No 153, above reported, an Act to appropriate money to sustain a mounted battery of artillery in the City and County of San Francisco.

Mr. Maclay, according to notice, moved to reconsider the vote whereby the House, on Thursday last, passed Assembly bill No. 254, an Act to license gaming and gaming houses.

Mr. Worthington moved the previous question

Ordered.

On the motion to reconsider, Messrs. Maclay, Brown, and Dennis, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs Amerige, Avery, Brown, Collins, Cot, Dore, Dow, Eliason, Fay, Hillyer, Kendall, Leach, Loewy, Maclay, McCullough, Meyers, Moore, Printy, Reed, Reese, Reeve, Sears, Seaton, Shannon, Teegarden, Van Zandt, Warwick, Watson, Zuck, and Mr. Speaker—30.

NOES—Messrs. Ames, Barton of San Bernardino, Bigelow, Cunnard, Dean, Dennis, Dudley of Placer, Dudley of Solano, Evey, Ferguson, Frazier, Griswold, Hoag, Hoffman, Jackson, Lane, Machin, Matthews, O'Brien, Parker, Pemberton, Porter, Sargent, Saul, Smith of Fresno, Smith of Sierra, Thornbury, Werk, Wilcoxon, Woodman, Wright, and Yule—32.

Mr. Hoag, under suspension of the rules, introduced the following report, and accompanying resolution:

Mr. SPEAKER:—Your Committee on Mileage find that the Committee on Public Grounds and Buildings having visited Sacramento on business of importance to the State, are entitled to mileage as follows:

Names.	Miles.	Amount.
Love	234	$46 80
Ferguson	234	46 80
Dore	234	46 80
Printy	234	46 80
Sears	234	46 80

Your Committee also report that William May, Clerk of the Committee on Claims, for going to Sacramento to search the records of the Supreme Court for evidence in a case before that Committee, is entitled to the sum of twenty dollars.

Resolved, That the Controller of State is hereby required to draw his warrant in favor of the persons named in the above report, for the amounts severally allowed them.

HOAG,
ZUCK,
O'BRIEN,
IRWIN.

Resolution adopted.

Mr. Hoag also offered the following report:

Mr Speaker:—The Committee on Mileage, to whom was referred a resolution relative to the per diem and mileage of the witnesses summoned to give testimony before the Assembly Committee on the Impeachment of James H. Hardy, have had the same under consideration, and report a bill to pay mileage and per diem to the said witnesses, and recommend its passage.

HOAG,
ZUCK,
O'BRIEN.
IRWIN.

The bill above reported was read first and second times, considered in Committee of the Whole, rules suspended, reported, read third time, and passed.

Mr. Amerige, from the Committee on Engrossment, made the following report:

Mr. Speaker:—The Committee on Engrossment have examined, and found correctly engrossed, the following bills:

Assembly bill No. 108, an Act to provide for a railroad within the City and County of San Francisco;

Also, Assembly bill No. 360, an Act to amend an Act entitled an Act to confer upon the San Francisco and Marysville Railroad Company, incorporated under the laws of this State, certain rights and privileges, passed April twenty-fourth, eighteen hundred and fifty-eight.

AMERIGE, for Committee.

On motion of Mr. Shannon, Assembly bill No. 108 was ordered to top of file for Monday, April fourteenth.

The Assembly also concurred in Senate amendments to Assembly bill No. 94, above reported, an Act concerning certain salaries and fees of office in the County of Monterey.

On the disagreement between the two Houses on amendments to Assembly bill No. 154, above reported, an Act to establish the lines and grades of streets in the City and County of San Francisco, a Committee of Free Conference was ordered.

The Assembly concurred in the first and third Senate amendments, and refused to concur in the second and fourth amendments, to Assembly bill No. 240, above reported, an Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco.

The Assembly also concurred in Senate amendments to Assembly bill No. 201, above reported, an Act to protect free white labor against competition with Chinese coolie labor, and to discourage the immigration of the Chinese into the State of California.

Also, adopted Senate concurrent resolution No. 56, above reported, relative to instructions to Adjutant-General.

Also, adopted Senate concurrent resolution No. 55, above reported, relative to the County Judge of Trinity.

Mr. Shannon offered the following resolution:

Resolved, That the Controller of State be and is hereby authorized and directed to draw his warrant in favor of Philip H. Patten, for services as officer of the Special Impeachment Committee, in the sum of three hundred dollars, payable out of the Contingent Fund of the Assembly.

Adopted.

Mr. Seaton, from the Amador delegation, made the following report:

Mr. SPEAKER:—The Amador delegation, to whom was referred Senate bill No. 439, an Act to amend an Act to extend the provisions of an Act concerning hogs found running at large in certain counties, beg leave to report it back, and recommend its passage.

SEATON,
WADDELL.

The bill above referred to was taken up, read third time, and passed.

On motion of Mr. Warwick, Assembly bill No. 214 was ordered third on file for Monday, April fourteenth.

Mr. Ferguson, from the Sacramento delegation, made the following reports:

Mr. SPEAKER:—The Sacramento delegation have had under consideration Assembly bill No. 314, an Act to allow the Board of Supervisors of Sacramento City and County to levy a special tax, beg leave to report the same back, and recommend its passage.

FERGUSON,
WARWICK,
SAUL,
BENTON.

The rules were suspended, and the bill above reported taken up, read third time, and the House refused to pass.

Mr. SPEAKER:—The Sacramento delegation have had under consideration Assembly bill No 347, an Act to liquidate an equitable claim against the City and County of Sacramento, beg leave to report the same back, and recommend its passage.

FERGUSON,
BENTON,
BARTON.

At ten minutes past six o'clock, P. M., on motion of Mr. O'Brien, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, April 14th, 1862.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Mr. Gordon had indefinite leave of absence.

Messrs. Barton of Sacramento, Moore, and Dudley of Placer, had leave of absence for one day each.

Journal of Saturday read and approved.

Assembly bill No. 372, an Act for the encouragement of agriculture and manufactures in California, was taken up

Mr. Wright moved to recommit, with the following special instructions:

"*Provided*, this Act shall not apply to Mongolians."

Withdrawn.

Mr. Kendall offered to recommit, with the following special instructions:

"*Provided*, that no premium shall be awarded for any article herein enumerated, if it shall be made to appear to the Board of Judges that such article has been grown, produced, or manufactured, either wholly, or in part, by the employment of Chinese labor."

Mr. Tilton of San Francisco demanded the previous question.

Sustained.

On the adoption of the amendment, Messrs. Worthington, Ames, and Dudley of Solano, demanded the ayes and noes, and the amendment was lost, by the following vote:

AYES—Messrs. Brown, Campbell, Collins, Cunnard, Dow, Dudley of Placer, Dudley of Solano, Eliason, Frazier, Irwin, Jackson, Kendall, Lane, Love, Machin, Matthews, O'Brien, Orr, Parker, Porter, Printy, Reeve, Sears, Thornbury, Waddell, Werk, Wilcoxon, Woodman, Worthington, Wright, and Yule—31.

NOES—Messrs. Amerige, Ames, Avery, Barton of San Bernardino, Battles, Bell, Benton, Bigelow, Cot, Dana, Dean, Dore, Evey, Fay, Ferguson, Hillyer, Hoag, Hoffman, Leach, Maclay, Meyers, Morrison, Pemberton, Reed, Sargent, Seaton, Shannon, Smith of Fresno, Smith of Sierra, Teegarden, Tilton of San Francisco, Van Zandt, Warwick, Watson, and Zuck—35.

The bill was then read third time.

On its passage, Messrs. Printy, Collins, and Dudley of Solano, demanded the ayes and noes, and the bill passed, by the following vote:

AYES—Messrs. Amerige, Ames, Avery, Barton of San Bernardino, Battles, Bell, Benton, Bigelow, Brown, Campbell, Cot, Cunnard, Dana, Dean, Dore, Eliason, Evey, Fay, Frazier, Hillyer, Hoag, Hoffman, Irwin, Jackson, Kendall, Lane, Leach, Love, Machin, Maclay, McCullough, Meyers, Morrison, O'Brien, Orr, Parker, Pemberton, Reed, Reeve, Sargent, Sears, Seaton, Shannon, Smith of Fresno, Smith of Sierra, Teegarden, Thornbury, Tilton of San Francisco, Van Zandt, Warwick, Watson, Wilcoxon, Yule, and Zuck—54.

NOES—Messrs. Collins, Dow, Dudley of Placer, Dudley of Solano, Matthews, Porter, Waddell, Werk, and Worthington—9.

Assembly bill No 269, an Act to provide for paying certain demands, issued on the faith and credit of the State, which become due and payable on the second day of May, eighteen hundred and sixty-two, and to contract a funded debt for that purpose, was taken up.

Mr. Hoag moved to amend section one by striking out the words "Two hundred and twenty," and inserting the word "Forty."

Mr. Dudley of Solano moved the previous question.

Sustained.

On the adoption of the amendment, Messrs. Worthington, Hillyer, and Morrison, demanded the ayes and noes, and the amendment was adopted, by the following vote:

AYES—Messrs. Amerige, Avery, Brown, Collins, Cot, Cunnard, Dana, Dore, Dow, Dudley of Solano, Eliason, Evey, Fay, Hoag, Irwin, Leach, Loewy, Maclay, Meyers, Moore, Orr, Porter, Printy, Reed, Reese, Reeve, Sargent, Sears, Shannon, Teegarden, Tilton of San Francisco, Van Zandt, Warwick, Woodman, Wright, and Zuck—36.

NOES—Messrs. Ames, Barton of San Bernardino, Battles, Bell, Benton, Dean, Frazier, Griswold, Hillyer, Hoffman, Jackson, Kendall, Lane, Machin, McCullough, Morrison, O'Brien, Parker, Seaton, Thornbury, Waddell, Watson, Wilcoxon, Worthington, and Yule—25.

On ordering the bill engrossed, Messrs Worthington, Wilcoxon, and Yule, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Amerige, Bell, Brown, Collins, Dore, Dudley of Solano, Irwin, Leach, Loewy, McCullough, Meyers, Orr, Reese, Sargent, Sears, Seaton, Shannon, Teegarden, Van Zandt, Warwick, Werk, Woodman, Wright, Yule, and Zuck—25.

NOES—Messrs Ames, Avery, Barton of San Bernardino, Battles, Benton, Cot, Dean, Dow, Frazier, Griswold, Hillyer, Hoag, Hoffman, Jackson, Kendall, Lane, Maclay, Moore, Morrison, O'Brien, Parker, Printy, Reed, Smith of Fresno, Thornbury, Waddell, Watson, Wilcoxon, and Worthington—29.

Mr. Hoag gave notice of reconsideration.

Mr. Van Zandt moved to reconsider the vote by which the House passed Senate bill No. 310, an Act to authorize Henry Owens to construct a marine railway in the City and County of San Francisco.

Carried.

Mr Van Zandt moved to recommit the bill, with special instructions.

Carried.

The bill was recommitted, reported, special amendment adopted, read third time, and passed.

Mr. Fay moved to suspend the rules, to take up Senate bill No 234.

Lost.

Mr Dennis asked for and obtained leave to introduce the following resolution:

WHEREAS, Doubts exist as to the legality of the Assembly's right to adjourn *sine die* while the Senate may continue in session, therefore—

Resolved, That the Attorney-General be and is hereby requested to submit, without delay, his opinion, in writing, touching the subject referred to, to the Assembly.

Adopted.

Mr. Avery, from the Committee on Enrolment, made the following report:

MR. SPEAKER:—Your Committee on Enrolment have examined, and found correctly enrolled, the following bills:

Assembly bill No. 268, an Act concerning the office of District Attorney of Los Angeles County;

Also, Assembly bill No 99, an Act to divide the Eleventh Judicial District of this State, and reorganize the Sixth;

Also, Assembly bill No. 337, an Act to authorize the Board of Supervisors of San Joaquin County to appropriate money;

Also, Assembly bill No 73, an Act to authorize D. B. Northrop, Horace Cole, and E. B. Goddard, and their associates, to construct a plank road, or bridge, over the waters of Mission Bay, in the City and County of San Francisco;

Also, Assembly bill No. 214, an Act to authorize the Commissioners of the Funded Debt of the City of San Francisco to compromise and settle certain claims to real estate, and to convey such real estate pursuant thereto;

Also, Assembly bill No. 331, an Act to authorize the issuance of a certain duplicate bond to Iredell M. Hart;

And delivered the same to the Governor, for his approval, at five minutes past eleven o'clock, A. M., this fourteenth day of April, eighteen hundred and sixty-two

AVERY, Chairman.

Mr. Cunnard moved to suspend the rules, to take up Assembly bill No. 434.

Lost.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
April 12th, 1862.

Mr. SPEAKER:—The Senate, on this day, made the following order, in the matter of the Impeachment of James H. Hardy, District Judge of the Sixteenth Judicial District:

WHEREAS, Articles of Impeachment have been presented by the Assembly against James H. Hardy, District Judge of the Sixteenth Judicial District of the State of California, now, therefore, it is hereby

Ordered, By this, the Senate of said State, that Monday, the twenty-eighth day of April, A. D. eighteen hundred and sixty-two, at eleven o'clock, A. M., be and the same is hereby assigned as the day and time of hearing and proceeding upon the trial of said James H. Hardy upon said Articles of Impeachment, at the Senate Chamber, in the City and County of San Francisco; and that said Assembly and said James H. Hardy be duly notified of this order.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
April 14th, 1862.

Mr. SPEAKER:—The Senate, on this day, amended and passed Assembly bill No. 364, an Act making appropriations for the support of the Government of this State for the fourteenth fiscal year, commencing on the first day of July, A. D. eighteen hundred and sixty-two;

Also, amended and passed Assembly bill No 365, an Act making appropriations for deficiencies in the appropriations made for the thirteenth

fiscal year, ending the thirtieth day of June, eighteen hundred and sixty-two;

And ask your concurrence in the above named amendments.

On the eleventh instant, passed Senate bill No. 336, an Act concerning mileage.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
April 14th, 1862.

Mr. SPEAKER:—The Senate, on April twelfth, amended and passed Assembly bill No. 357, an Act to authorize the Superintendent of Common Schools, in the County of Fresno, to teach school;

On April eleventh, indefinitely postponed Assembly bill No. 76, an Act to prohibit actions to recover the possession of real property, by virtue of Spanish or Mexican grants, until after a final confirmation of the boundaries of such grants by the authorities of the United States;

Also, on same day, indefinitely postponed Assembly bill No. 117, an Act to extend the provisions of an Act entitled an Act to amend an Act to exempt the homestead and other property from forced sale in certain cases;

On April twelfth, passed Assembly bill No. 407, relative to office of Superintendent of Common Schools in the County of San Diego;

On April eleventh, concurred in Assembly amendments to Senate bill No. 387, an Act to appropriate money to the Ladies' Relief Society of San Francisco;

On April twelfth, passed Senate bill No. 444, an Act to provide for issuing arms and accoutrements to colleges and academies, for the use of the students, and prescribe the tactics to be used by them.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
April 14th, 1862.

Mr. SPEAKER:—The Senate, on April twelfth, eighteen hundred and sixty-two, passed Senate bill No. 304, an Act to confer certain powers upon the Board of Supervisors of the City and County of San Francisco;

Also, this day indefinitely postponed Assembly bill No. 420, an Act to provide for the appointment of Commissioners to obtain from the Land Department of Washington a cession of the lands donated to the State of California by various Acts of Congress.

DELOS J. HOWE,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate bill No. 444, above reported, an Act to provide for issuing arms and accoutrements to colleges and academies, for the use of the youth, and to prescribe the tactics to be used by them, read first and second times, and referred to the Committee on Military Affairs.

Senate bill No. 336, above reported, an Act concerning mileage, read first and second times, and referred to Committee on Mileage.

Assembly bill No 357, above reported, an Act to authorize the Superintendent of Common Schools in the County of Fresno to teach school, with amendments to bill and title, in both of which the House concurred.

Assembly bill No. 364, an Act making appropriations for the support of the Civil Government of this State for the fourteenth fiscal year, commencing on the first day of July, A D eighteen hundred and sixty-two, and ending on the thirtieth day of June, A. D. eighteen hundred and sixty-three, inclusive, above reported with Senate amendments, was ordered to top of file for Tuesday, April fifteenth.

Assembly bill No. 365, an Act making appropriations for deficiencies in the appropriations for the thirteenth fiscal year, ending the thirtieth day of June, eighteen hundred and sixty-two, above reported with Senate amendments, was ordered to the top of the file for Tuesday, April fifteenth.

Senate bill No. 304, above reported, an Act to confer certain powers on the Board of Supervisors of the City and County of San Francisco, read first and second times, and referred to San Francisco delegation.

At twenty minutes before five o'clock, P. M., on motion of Mr. Reed, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, April 15th, 1862.

House met pursuant to adjournment
Speaker in the Chair
Roll called.
Quorum present.
Journal of yesterday read and approved.

GENERAL FILE.

Assembly bill No. 364, an Act making appropriations for the support of the Civil Government of this State for the fourteenth fiscal year, commencing on the first day of July, eighteen hundred and sixty-two, and ending on the thirtieth day of June, eighteen hundred and sixty-three, inclusive—House refused to concur in Senate amendments.

Assembly bill No 365, an Act making appropriations for deficiencies in the appropriations made for the thirteenth fiscal year, ending the thirtieth day of June, eighteen hundred and sixty-two—House refused to concur in Senate amendments.

Senate bill No. 343, proposed amendments to the Constitution of the State of California—referred to Committee on the Judiciary, with instructions to report to-morrow morning

Senate bill No 214, an Act to prevent non-residents of this State from selling goods without a license—read third time, and passed.

Assembly bill No 108, an Act to provide for a railroad within the City and County of San Francisco.

Mr. Battles moved to recommit the bill with special instructions to strike out section twelve of the bill.

Mr. Shannon demanded the previous question.

Sustained.

On the adoption of Mr. Battles' motion, Messrs. Battles, Wright, and

Matthews, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Battles, Dean, Dennis, Evey, Frazier, Griswold, Irwin, Lane, Matthews, Morrison, Parker, Pemberton, Sargent, Seaton, Smith of Fresno, Teegarden, Thornbury, Waddell, Watson, Wilcoxon, Woodman, and Wright—22

NOES—Messrs. Amerige, Avery, Barton of Sacramento, Bell, Benton, Bigelow, Brown, Cot, Cunnard, Dana, Dore, Dudley of Solano, Eliason, Hillyer, Hoag, Hoffman, Kendall, Loewy, Maclay, Meyers, Moore, Orr, Printy, Reed, Reese, Sears, Shannon, Smith of Sierra, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Warwick, Worthington, Yule, and Zuck—35.

The bill was read a third time.

On its passage, Messrs Battles, Wright, and Matthews, demanded the ayes and noes, and the bill passed, by the following vote:

AYES—Messrs. Amerige, Ames, Battles, Bell, Benton, Bigelow, Brown, Cot, Cunnard, Dana, Dore, Dudley of Solano, Eliason, Fay, Ferguson, Hillyer, Hoag, Hoffman, Jackson, Loewy, Machin, Maclay, McCullough, Meyers, Moore, Orr, Reed, Reese, Sears, Shannon, Smith of Sierra, Tilton of San Francisco, Tilton of San Mateo, Warwick, Worthington, Yule, and Mr. Speaker—37.

NOES—Messrs. Avery, Collins, Dennis, Dow, Frazier, Griswold, Irwin, Lane, Matthews, Morrison, O'Brien, Parker, Pemberton, Sargent, Seaton, Smith of Fresno, Teegarden, Thornbury, Van Zandt, Waddell, Watson, Wilcoxon, Woodman, and Wright—24.

Mr. Battles gave notice of reconsideration.

Assembly bill No. 363, an Act to provide for the appointment of a Measurer of Wood in and for the City and County of San Francisco—amendments adopted.

Mr. O'Brien moved to strike out the enacting clause.

Mr. O'Brien demanded the previous question.

Sustained.

On striking out the enacting clause, Messrs. Worthington, Shannon, and Fay, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Amerige, Avery, Collins, Cot, Dana, Dow, Eagar, Frazier, Irwin, Jackson, Kendall, Loewy, Matthews, McCullough, Morrison, O'Brien, Orr, Parker, Porter, Reed, Sargent, Sears, Seaton, Shannon, Thornbury, Warwick, Wilcoxon, Woodman, Wright, and Zuck—30.

NOES—Messrs. Ames, Barton of Sacramento, Battles, Bell, Benton, Bigelow, Brown, Cunnard, Dean, Dennis, Dore, Dudley of Solano, Eliason, Evey, Fay, Griswold, Hillyer, Hoag, Hoffman, Lane, Love, Maclay, Moore, Pemberton, Printy, Reese, Reeve, Smith of Fresno, Smith of Sierra, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Watson, Worthington, and Mr. Speaker—35.

On ordering the bill engrossed, Messrs. Battles, Worthington, and Fay, demanded the ayes and noes, and the House so ordered, by the following vote:

AYES—Messrs. Ames, Barton of Sacramento, Barton of San Bernardino, Battles, Bell, Benton, Bigelow, Brown, Cunnard, Dean, Dore, Dudley of Solano, Eliason, Evey, Fay, Griswold, Hillyer, Lane, Love, Machin, Maclay, Moore, Reese, Reeve, Seaton, Smith of Fresno, Smith of Sierra, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Worthington, Yule, and Mr. Speaker—33

NOES—Messrs. Amerige, Avery, Collins, Cot, Dow, Eagar, Frazier, Irwin, Jackson, Kendall, Loewy, Matthews, McCullough, O'Brien, Orr, Parker, Porter, Reed, Sears, Shannon, Warwick, Wilcoxon, Woodman, Wright, and Zuck—25.

Assembly bill No. 433, an Act to authorize John S. Williams and his associates to construct a wharf in the City and County of San Francisco—amendments adopted, rules suspended, considered engrossed, read third time, and passed

Senate bill No. 351, an Act amendatory of and supplemental to an Act to create the County of Mono and provide for its organization, approved April twenty-fourth, eighteen hundred and sixty-one—indefinitely postponed

Senate bill No. 288, an Act to repeal an Act entitled an Act to incorporate the City of Sonoma, passed April fourth, eighteen hundred and fifty, and other matters relating thereto.

Mr. Ames offered the following amendment:

Strike out "April," and insert "May," in line three, section two.

Adopted

Bill read third time, and passed

Assembly bill No. 392, an Act to amend sections thirty-two and thirty-eight of an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one—amendment adopted, rules suspended, considered engrossed, read third time, and passed.

Mr. Avery, from the Committee on Enrolment, made the following report:

Mr. SPEAKER:—Your Committee on Enrolment have examined, and found correctly enrolled, Assembly bill No 169, an Act in relation to the militia of this State, and delivered the same to the Governor, at half past twelve o'clock this day.

AVERY, Chairman.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
April 15th, 1862.

Mr. SPEAKER:—The Senate this day passed Senate bill No. 123, an Act to authorize the construction of a wharf at the foot of Townsend street, in the City and County of San Francisco;

Also, passed Senate bill No. 435, an Act to extend the provisions of a law restricting the herding of sheep to the County of Klamath;

Also, passed Senate bill No. 233, an Act to authorize the San Francisco and Oakland Railroad Company to build a wharf and slip in the City and County of San Francisco;

Also, passed Senate bill No. 411, making certain offices in Calaveras county salaried offices;

Also, passed Senate bill No. 183, to authorize the Treasurer to issue war bonds to A. W. Bee.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
April 15th, 1862.

Mr. SPEAKER:—The Senate this day passed Assembly bill No 311, an Act to authorize Almira Ingram, the parent and guardian of Jonetta M. Ingram, a minor, to sell the real estate of said minor, at private sale;

Also, amended and passed Assembly bill No. 135, an Act for the protection of growing timber on all possessory claims and other private property in certain counties in this State, and on or along public streets or highways, and on public grounds;

Also, amended and passed Assembly bill No. 321, an Act to provide for the collection of delinquent taxes in the County of Placer;

Also, amended and passed Assembly bill No. 373, an Act to grant the right to construct a toll bridge across Cache Creek, in Yolo County, at the Town of Cacheville, to certain parties therein named.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
April 15th, 1862.

Mr. SPEAKER:—The Senate on yesterday passed Senate bill No. 423, an Act to authorize the Board of Managers of the Industrial School Department of the City and County of San Francisco to grant and convey to the San Francisco and San José Railroad Company the right of way over certain lands belonging to said Industrial School;

Also, concurred in Assembly concurrent resolution No. 27, relative to the appointment of a Commissioner to visit Washington, and confer with the Secretary of the Interior on the subject of lands donated to this State by Congress.

DELOS J. HOWE,
Assistant Secretary

CONSIDERATION OF SENATE MESSAGES.

Senate bill No. 123, above reported, read first and second times, and referred to the San Francisco delegation.

Senate bill No. 233, above reported, read first and second times, and referred to the San Francisco delegation.

Senate bill No. 423, above reported, read first and second times, rules suspended, read third time, and passed.

Senate bill No 435, above reported, read first and second times, and referred to the Klamath delegation

Senate bill No. 183, above reported, read first and second times, and referred to the Committee on Ways and Means.

Senate bill No. 411, above reported, read first and second times, and referred to the Tuolumne delegation.

The House concurred in Senate amendments to Assembly bill No. 373, above reported.

The House concurred in Senate amendments to Assembly bill No. 321, above reported.

The House concurred in Senate amendments to Assembly bill No. 135, above reported.

REPORTS.

Mr. Amerige, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined Assembly bill No. 290, an Act to incorporate the City of Sacramento, and found the same correctly engrossed.

AMERIGE, for Committee.

Mr. Hillyer, from the Committee on Public Expenditures and Accounts, made the following report:

Mr. SPEAKER:—Your Committee on Public Expenditures and Accounts beg leave to report in favor of the payment of the following accounts, and the adoption of the accompanying resolution:

To Whom Due.	Amount.
James Anthony & Co	$117 91
San Francisco Bulletin	65 50
F. MacCrellish & Co	71 50
Alameda County Gazette	6 00
San Joaquin Republican	24 37
California Christian Advocate	76 00
Herald and Mirror	2 75

Resolved, That the Controller of State be and is hereby authorized and directed to draw his warrants on the Contingent Fund of the Assembly, as follows:

In favor of James Anthony & Co., for one hundred and seventeen dollars and ninety-one cents.

In favor of the San Francisco Bulletin, for sixty-five dollars and fifty cents.

In favor of Frederick MacCrellish & Co., for seventy-one dollars and fifty cents.

In favor of Alameda County Gazette, for six dollars.

In favor of Conley & Patrick, for twenty-four dollars and thirty-seven cents.

In favor of California Christian Advocate, for seventy-six dollars.

In favor of Herald and Mirror, for two dollars and seventy-five cents.

HILLYER, Chairman.

Adopted.

Mr. Collins, from the Committee on Military Affairs, made the following report:

Mr. SPEAKER:—The Committee on Military Affairs, to whom was referred Senate bill No. 444, an Act to provide for issuing arms and accou-

trements to colleges and academies, for the use of the youth, and to prescribe the tactics to be used by them, have had the same under consideration, report it back, and recommend its passage.

COLLINS, Chairman.

Mr. McCullough, from the Committee on Public Lands, made the following report:

Mr. SPEAKER:—The Committee on Public Lands, to whom was referred Assembly bill No. 448, an Act making certificate of purchase prima facie evidence of title, have had the same under consideration, and report the same back, and recommend its indefinite postponement, for the reason that it proposes to do indirectly what should be done directly, if done at all, though it is not clear that more injury than benefit would not result from the Act; the good is negatively the evil.

McCULLOUGH, Chairman.

The bill above reported was taken up and indefinitely postponed.

Mr. Smith of Sierra, from the Committee on Counties and County Boundaries, made the following report:

Mr. SPEAKER:—The Committee on Counties and County Boundaries, to whom was referred Senate bill No 143, an Act to authorize the Board of Supervisors of San Joaquin and Stanislaus Counties to pay George E. Drew for running boundary lines, beg leave to report the same back, with amendments, and recommend its passage as amended.

SMITH, Chairman.

Mr. Machin, from the Committee on Corporations, made the following report:

Mr SPEAKER:—Your Committee on Corporations, to whom was referred substitute for Senate bill No. 410, an Act to extend the time for the completion of the California Northern Railroad Company's road, have had the same under consideration, and would most respectfully report it back, and recommend its passage

MACHIN, Chairman.

The bill above reported was taken up, read third time, and passed.

Mr. Dudley of Placer, from the Committee on Ways and Means, made the following reports:

Mr. SPEAKER:—The Committee on Ways and Means, to whom was referred Senate bill No. 372, an Act for the collection of taxes due on consigned goods, have had the same under consideration, and a majority of the Committee report the same back, and recommend that it do not pass.

BARTON, Chairman.

Mr. SPEAKER:—The undersigned, a minority of the Committee on Ways and Means, dissent from the report of the majority of said Committee, on Senate bill No. 372, an Act for the collection of taxes due on consigned goods, and recommend the passage of the same. The bill provides for a Board of Commissioners, composed of the Attorney-General and two other parties, whose duty it is made to ascertain the sums of money due the State for taxes on consigned goods, wares, and

merchandise, sold in this State, under an Act passed May fifteenth, eighteen hundred and fifty-four, and for that purpose provides additional power in sending for books and papers, examining accounts, and attaching, without bond or affidavit

From a careful examination, we find that an Act similar to the Act of eighteen hundred and fifty-four was passed in the Legislature of eighteen hundred and fifty-three, taxing consigned goods sixty cents upon the one hundred dollars, which was resisted by the commission merchants of San Francisco, and the matter carried to the Supreme Court of the State, on the ground that it was unconstitutional It was there decided, in the case of the State of California *vs.* Coleman and others, (See 4th California Reports,) by Chief Justice Murray, Heydenfeldt concurring, "that the Act of May, eighteen hundred and fifty-three, is neither in derogation of the Constitution of this State or the Constitution of the United States." At the time the decision was rendered by the Supreme Court, the Legislature was then in session, and passed an Act annulling the Act of eighteen hundred and fifty-three, upon the representations of the commission merchants that they had not, up to that time, collected the tax of sixty cents on the one hundred dollars The Legislature, upon the repealing of the Act of eighteen hundred and fifty-three, passed that of eighteen hundred and fifty-four, which is now a law of this State. This bill (Senate, No 372,) is for the purpose of empowering the parties named in it to collect and pay over to the Treasurer of the State all moneys that have been collected by the different commission merchants of this State, under the Act of eighteen hundred and fifty-four.

The minority of the Committee on Ways and Means, in making this report, have done so after a careful examination.

We find but a bare moiety of the tax has ever found its way to the State Treasury, and that there is now due, under the Act of eighteen hundred and fifty-four, some three hundred thousand dollars, from the commission merchants of this city, to the State of California

In presenting this report, we are firmly of the opinion that the bill ought to pass, in justice to the State

DUDLEY of Placer,
WOODMAN,
TEEGARDEN,
PARKER.

Mr. Reese, from the Committee on Federal Relations, made the following report:

Mr. SPEAKER:—Your Committee on Federal Relations respectfully report that the correspondence between the Hon William H. Seward, Secretary of State of the United States, and His Excellency John G. Downey, Governor of California, in relation to coast and harbor defences, was heretofore referred to them; and, subsequently, the whole subject of coast and harbor defences was specially referred to a Joint Committee, composed of the Committees on Military Affairs of the Senate and Assembly, respectively, and has been acted on by them; and your Committee on Federal Relations therefore beg leave to return the said correspondence, and be discharged from the further consideration thereof.

REESE, Chairman.

Mr. Porter, from the Committee on Roads and Highways, made the following report:

Mr. SPEAKER:—Your Committee on Roads and Highways, to whom was referred Assembly bill No 447, an Act empowering John A. Ramsdell and his associates to construct a turnpike road in Sonoma county, ask leave to report the same back, and recommend its passage.

PORTER, for Committee.

Mr. Fay, from the Committee on Indian Affairs, made the following report:

Mr. SPEAKER:—The Committee on Indian Affairs have had under consideration Senate concurrent resolution No. 12, praying Congress to create a Commission for the purpose of taking testimony in relation to losses sustained by Indian depredations in this State. They report the resolution back, accompanied by two bills, drawn by the Committee, and respectfully recommend their passage.

WERK, Chairman.

Mr. Fay, from the Committee on Commerce and Navigation, made the following report:

Mr. SPEAKER:—The Committee on Commerce and Navigation have had under consideration Assembly bill No. 451, an Act entitled an Act to amend an Act to prohibit the erection of weirs or other obstructions to the run of salmon, and report the bill back, and respectfully recommend that it be indefinitely postponed.

FAY, Chairman.

Mr. Leach, from the Nevada delegation, made the following report:

Mr. SPEAKER:—The undersigned, members of the Nevada delegation, beg leave to report back to the House, Senate bill No. 388, an Act to grant the right to construct a turnpike road between the Town of Grass Valley, in Nevada County, and a point on Bear River, at or near McCourtney's Crossing, with an amendment, and recommend its passage.

LEACH,
SEARS,
COLLINS.

The rules were suspended, and the amendments to the bill, above reported, adopted.

Bill read third time, and passed.

Mr. Thompson, from the Colusa and Tehama delegation, made the following report:

Mr. SPEAKER:—The Colusa and Tehama delegation, to whom was referred Assembly bill No. 449, an Act to consolidate certain offices in Tehama County, have had the same under consideration, beg leave to report the same back, and recommend its passage.

THOMPSON, for Delegation.

Mr. Griswold, from the Calaveras delegation, made the following report:

Mr. SPEAKER:—The Calaveras delegation, to whom was referred Senate bill No. 420, an Act to repeal an Act to regulate fees of certain offi-

cers in Calaveras County, beg leave to report that they have had the same under consideration, and report the same back and recommend its passage.

GRISWOLD, for Delegation

The rules were suspended, and the bill above reported read third time, and passed.

Mr. Sargent, from the Yuba delegation, made the following report:

Mr. SPEAKER:—The Yuba delegation, to whom was referred Senate bill No. 295, an Act to amend an Act to regulate fees of office in the County of Yuba, approved April twenty-first, eighteen hundred and sixty, report the same back, and most respectfully recommend its passage.

SARGENT, for Delegation.

The rules were suspended, and the bill above reported read third time, and passed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 9th, 1862.

To the Honorable the Assembly of California:

I have to inform your honorable body that I have approved Assembly bill No 45, an Act to authorize the Guardian of certain minor children to convey their real estate;

Also, Assembly bill No. 163, an Act to authorize the Guardian of Stephen C. Powell to sell and convey certain real estate;

Also, Assembly bill No. 190, an Act to authorize the Administrator of the estate of Daniel B. Mosby, deceased, to sell and convey real estate;

Also, Assembly bill No. 199, an Act amendatory of and supplementary to an Act to provide for the construction of a macadamized road within the limits of the City and County of San Francisco, which became a law on the twelfth day of April, eighteen hundred and sixty-one;

Also, Assembly bill No. 341, an Act concerning the collecting of poll taxes, license taxes, and foreign miners' licenses, in the County of Sierra;

Also, Assembly bill No. 105, an Act to authorize the Administrator of the estate of Francis Tribon, deceased, to sell real estate at public or private sale.

LELAND STANFORD, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 12th, 1862.

To the Honorable the Assembly of California:

I have to inform your honorable body that I have approved Assembly bill No. 439, an Act to provide for the publication and distribution of the laws of eighteen hundred and sixty-two, relating to revenue, and to call meetings of the Board of Supervisors of the several counties;

Also, Assembly bill No. 319, an Act changing the time of assessing the value of real and personal property, and collecting the taxes levied thereon for State and county purposes, in the County of Sierra;

Also, Assembly bill No. 104, an Act in relation to public roads in the County of Calaveras, and to the Road Fund of said county.

LELAND STANFORD, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 11th, 1862.

To the Honorable the Assembly of California:

I have to inform your honorable body that I have approved Assembly bill No. 183, an Act to authorize the Board of Supervisors of El Dorado County to lease the Sacramento and El Dorado wagon road for a term of years;

Also, Assembly bill No. 229, an Act to regulate the fees of officers in the County of Sonoma;

Also, Assembly bill No. 75, an Act amendatory of and supplemental to an Act entitled an Act to provide revenue for the support of the Government of this State, approved May ninth, eighteen hundred and sixty-one;

Also, Assembly bill No. 385, an Act to provide for the payment of postage stamps, stamped envelops, and the payment of postage bills of the present session of the Legislature;

Also, Assembly bill No. 280, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May twentieth, eighteen hundred and sixty-one;

Also, Assembly bill No. 221, an Act legalizing the assessment rolls of the City of Los Angeles for the fiscal year commencing May, eighteen hundred and sixty, and ending May, A. D. eighteen hundred and sixty-one, and of the fiscal year commencing May, A. D. eighteen hundred and sixty-one, and ending May, A D eighteen hundred and sixty-two, and that the delinquent taxes therein may be collected in the same manner as delinquent taxes are for State and county purposes;

Also, Assembly bill No. 325, an Act concerning the county records of the County of Trinity;

Also, Assembly bill No. 256, an Act to authorize Catherine Myers, Administratrix of the estate of Christopher Myers, deceased, to dispose of real estate at public and private sale;

Also, Assembly bill No 344, an Act to grant the right to construct a turnpike road between the City of Petaluma and the Town of Santa Rosa, in the County of Sonoma;

Also, Assembly bill No. 211, an Act to district the County of Tuolumne into Supervisor districts;

Also, Assembly bill No 36, an Act to authorize Lewis E. Morgan, his associates or assigns, to construct and maintain a wharf in Contra Costa County;

Also, Assembly bill No. 245, an Act to repeal an Act entitled an Act to authorize the Board of Supervisors of Calaveras County to levy a special tax, and to provide for building a bridge in said county, approved April fifteenth, eighteen hundred and sixty-one, and to dispose of the fund accumulated under said Act;

Also, Assembly bill No. 307, an Act to authorize the removal of human remains in Butte County;

Also, Assembly bill No. 309, an Act to amend an Act entitled an Act supplementary to an Act entitled an Act concerning the Board of Supervisors of Placer County, approved February fourth, eighteen hundred and fifty-seven, and to extend its provisions to other counties herein named, approved March thirty-first, eighteen hundred and fifty-seven, approved April fifth, eighteen hundred and sixty-one.

LELAND STANFORD, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 14th, 1862.

To the Honorable the Assembly of California:

I have to inform your honorable body that I have approved Assembly bill No. 196, an Act concerning hogs running at large in the County of Solano;

Also, Assembly bill No. 91, an Act to authorize the parties therein named to construct and maintain a wharf;

Also, Assembly bill No. 298, an Act granting to William H. Tillinghast, and his associates and assigns the right to construct a wharf at the place called "New York, on the Pacific," in Contra Costa County;

Also, Assembly bill No. 208, an Act to legalize the declaration of roads and public highways made by the Board of Supervisors of Tuolumne County;

Also, Assembly bill No. 377, an Act concerning the indebtedness of San Bernardino County;

Also, Assembly bill No 168, an Act to fix the compensation of the County Judge of Nevada County;

Also, Assembly bill No. 67, an Act to authorize and empower William H. Kelly to construct and maintain booms on Gaspar creek, in Mendocino County;

Also, Assembly bill No. 124, an Act to prevent certain animals from running at large in Napa City;

Also, Assembly bill No. 188, an Act to provide means to pay the indebtedness of Del Norte County to Klamath County;

Also, Assembly bill No. 186, an Act to amend an Act entitled an Act to amend an Act concerning jurors, passed May third, eighteen hundred and fifty-two, approved May sixteenth, eighteen hundred and sixty-one;

Also, Assembly bill No. 286, an Act to authorize the Board of Supervisors of Calaveras County to employ a competent person to examine the records and ascertain the present existing debt of said county, and to allow a reasonable compensation for the same, and also to allow a reasonable compensation for the examination already made of the tax polls of said county for the years eighteen hundred and fifty-eight, eighteen hundred and fifty-nine, and eighteen hundred and sixty;

Also, Assembly bill No. 232, an Act to change the name of Anna Eliza Weir;

Also, Assembly bill No 214, an Act to authorize the Commissioners of the Funded Debt of the City of San Francisco to compromise and settle certain claims to real estate, and to convey such real estate pursuant thereto;

Also, Assembly bill No. 248, an Act to authorize the Board of Supervisors of Klamath County to levy a special tax and to levy a redemption fund for the payment of county indebtedness;

Also, Assembly bill No. 127, an Act amendatory of an Act entitled an Act to authorize the location of the town site of Crescent City, approved February twelfth, eighteen hundred and fifty-nine;

Also, Assembly bill No. 260, an Act to reincorporate the City of Sonora;

Also, Assembly bill No. 246, an Act to regulate the fees of the County Surveyor of Napa County;

Also, Assembly bill No. 257, an Act to amend an Act entitled an Act to repeal the several Acts incorporating the City of Benicia, and to provide for the government thereof, approved April eighteenth, eighteen hundred and fifty-nine;

Also, Assembly bill No. 218, an Act to authorize and empower Frederick Brown, or his assigns, to construct and maintain booms and piers on Garcia creek, in the County of Mendocino;

Also, Assembly bill No. 263, an Act to authorize the construction of a wagon road from the City of San Bernardino, through Devil's Cañon, to the Mojave River, in San Bernardino County.

LELAND STANFORD, Governor

PETITIONS.

Mr. Seaton presented a petition of citizens of the County of Amador, for repeal of law relating to Supervisors of Amador County.

Referred to the Committee on Retrenchment.

Mr. Meyers presented a petition of the Trustees of the State Insane Asylum.

Referred to the Committee on Ways and Means.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Machin, by leave, for an Act to cede certain territory of the State of California to the Territory of Nevada.

Read first and second times, and referred to a Special Committee, consisting of one member from each of the following counties: Shasta, Plumas, Sierra, Nevada, Placer, El Dorado, Calaveras, Tuolumne, and Mono.

By Mr. Morrison, for an Act to authorize John B. Trudell and others to convey real estate in the City of Los Angeles

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

By Mr Ames, for an Act to amend an Act entitled an Act to regulate elections, approved March twenty-third, eighteen hundred and fifty.

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

By Mr Zuck, for an Act to prevent and punish fraudulent entries in books of account.

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

RESOLUTIONS.

Mr. Battles offered the following resolution:

Resolved, That the Controller of State be and is hereby authorized and directed to draw his warrant, in favor of William Kirby, for an amount equal to two dollars per day during the present session of the Legislature, for extra services.

On the adoption of the resolution, Messrs. Hoag, Sears, and Irwin, demanded the ayes and noes, and the resolution was adopted, by the following vote:

AYES—Messrs. Ames, Avery, Barton of Sacramento, Barton of San Bernardino, Battles, Benton, Bigelow, Brown, Cot, Dana, Dennis, Dore, Eliason, Evey, Fay, Frazier, Griswold, Hillyer, Hoffman, Lane, Loewy, Love, Machin, Matthews, McCullough, Meyers, Morrison, O'Brien, Orr,

Parker, Pemberton, Printy, Reed, Reese Sargent, Seaton, Shannon, Smith of Fresno, Teegarden, Thornbury, Tilton of San Francisco, Van Zandt, Waddell, Warwick, Watson, Wilcoxon, Woodman, Worthington, Wright, Yule, and Mr. Speaker—51.

NOES—Messrs. Amerige, Collins, Dow, Dudley of Solano, Hoag, Irwin, Leach, Moore, Porter, Sears, Smith of Sierra, and Zuck—12.

Mr. Avery gave notice of reconsideration

Mr. Brown offered a concurrent resolution, granting L. C. Bostwick, Recorder of Santa Clara County, leave of absence.

On the adoption of the resolution, Messrs. Yule, Ames, and Collins, demanded the ayes and noes, and the resolution was adopted, by the following vote:

AYES—Messrs Barton of Sacramento, Benton, Brown, Campbell, Dennis, Dudley of Placer, Fay, Frazier, Griswold, Hoag, Hoffman, Irwin, Jackson, Kendall, Lane, Leach, Maclay, Moore, Morrison, O'Brien, Parker, Pemberton, Printy, Reese, Reeve, Shannon, Smith of Fresno, Thornbury, Tilton of San Francisco, Van Zandt, Waddell, Warwick, Werk, Woodman, Worthington, Wright, and Zuck—37.

NOES—Messrs. Amerige, Ames, Avery, Barton of San Bernardino, Battles, Collins, Dow, Dudley of Solano, Eliason, Evey, Loewy, Love, McCullough, Myers, Orr, Sears, Seaton, Teegarden, Tilton of San Mateo, Watson, and Yule—21.

Mr. Moore offered the following resolution:

Resolved, That the Controller of State be and he is hereby empowered and directed to draw his warrant in favor of the Porters appointed by the Speaker of this House, for the sum of two dollars per day, each, from the commencement of the session to the termination of the same, for extra services rendered by them.

Laid on the table

Assembly bill No. 429, an Act to amend an Act to fix and regulate the fees and salaries of officers in the City and County of San Francisco, passed May seventeenth, eighteen hundred and sixty-one—rules suspended, considered engrossed, read third time, and passed.

Mr. Saul had indefinite leave of absence.

Assembly bill No. 292, an Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty—amendments adopted rules suspended, considered engrossed, read third time, and passed

Senate bill No. 284, an Act amendatory of and supplemental to an Act concerning passengers arriving in the ports of this State, approved May third, eighteen hundred and fifty-two—amendments adopted, read third time, and passed.

Assembly bill No. 253, an Act to amend 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 April twenty-eighth, eighteen hundred and sixty—read third time, and passed.

The motion to reconsider the vote by which the House, on yesterday, refused to engross Assembly bill No. 269, was made special order for April sixteenth, at two o'clock, P. M.

At half past four o'clock, P. M., on motion of Mr. Maclay, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, April 16th, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.
Messrs. Morrison and Frazier had one day leave of absence each.
Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, the following bills:
Assembly bill No 429, an Act to amend an Act entitled an Act to fix and regulate the fees and salaries of officers in the City and County of San Francisco, approved May seventeenth, eighteen hundred and sixty-one;
Also, Assembly bill No. 449, an Act to consolidate certain offices in Tehama County;
Also, Assembly bill No. 292, an Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty.

LOEWY, Chairman.

The Speaker announced the following Select Committee on cession of territory to Nevada Territory: Messrs. Machin, O'Brien, Dean, Hillyer, Shannon, Love, Woodman, and Sears.
Journal of yesterday read and approved.

GENERAL FILE.

Senate bill No. 372, an Act for the collection of taxes due on consigned goods.
Mr. Kendall moved the previous question
Sustained.
Mr. Shannon demanded the ayes and noes.
The Speaker pro tem. decided that the call was too late, as a result of a division of the House had been announced.
Mr. Shannon appealed.
On the question of appeal, Messrs. Shannon, Fay, and Smith of Sierra, demanded the ayes and noes, and the House refused to sustain the decision of the Chair, by the following vote:

AYES—Messrs. Collins, Cunnard, Dore, Dow, Dudley of Placer, Evey, Jackson, Kendall, Lane, Love, Machin, McCullough, Parker, Reese, Sears, Tecgarden, Thornbury, Tilton of San Mateo, Watson, and Yule —20.
NOES—Messrs. Amerige, Avery, Barton of Sacramento, Bell, Benton, Bigelow, Campbell, Cot, Dana, Dean, Dennis, Dudley of Solano, Eliason, Fay, Hillyer, Hoag, Loewy, Maclay, Matthews, Meyers, Moore, O'Brien, Orr, Printy, Reed, Reeve, Sargent, Shannon, Smith of Fresno, Smith of Sierra, Woodman, Wright, and Zuck—33.

On ordering the previous question, Messrs. Shannon, Worthington, and Smith of Sierra, demanded the ayes and noes, and the House refused so to order, by the following vote:

AYES—Messrs. Amerige, Ames, Barton of San Bernardino, Campbell, Collins, Cunnard, Dow, Dudley of Placer, Dudley of Solano, Evey, Ferguson, Hillyer, Jackson, Kendall, Lane, Love, Machin, McCullough, O'Brien, Parker, Reese, Sears, Teegarden, Thornbury, Tilton of San Francisco, Tilton of San Mateo, Wilcoxon, Worthington, Wright, and Yule—30.

NOES—Messrs. Avery, Barton of Sacramento, Benton, Bigelow, Cot, Dana, Dean, Dennis, Dore, Eliason, Fay, Hoag, Hoffman, Irwin, Maclay, Matthews, Meyers, Moore, Orr, Pemberton, Printy, Reed, Reeve, Sargent, Shannon, Smith of Fresno, Smith of Sierra, Waddell, Woodman, and Zuck—30.

And the Speaker pro tem. voting in the negative, the previous question was not sustained.

Mr. Fay moved to indefinitely postpone the bill.

Mr. O'Brien moved the previous question

Sustained.

On the motion of Mr. Fay, the ayes and noes were demanded, by Messrs. Cot, Bigelow, and Fay, and taken, with the following result:

AYES—Messrs. Barton of Sacramento, Bigelow, Brown, Cot, Fay, and Loewy—6.

NOES—Messrs. Amerige, Ames, Avery, Barton of San Bernardino, Bell, Benton, Campbell, Collins, Cunnard, Dean, Dennis, Dow, Dudley of Placer, Dudley of Solano, Eliason, Evey, Griswold, Hillyer, Hoag, Hoffman, Irwin, Jackson, Kendall, Lane, Love, Maclay, Matthews, Meyers, Moore, Morrison, O'Brien, Orr, Parker, Pemberton, Porter, Printy, Reese, Sargent, Seaton, Shannon, Smith of Fresno, Smith of Sierra, Teegarden, Thornbury, Waddell, Watson, Wilcoxon, Woodman, Wright, Yule, and Zuck—51.

So the House refused to indefinitely postpone the bill.

The bill was then read third time, and passed.

Senate bill No. 404, an Act in relation to public streets in the City of Sacramento—read third time, and passed.

Assembly bill No. 313, an Act to authorize the Mayor and Board of Supervisors of the City and County of San Francisco to construct a sewer in Fifth street, and for that purpose to have surveys made, to make necessary alterations in the grade of the streets to be drained thereby, and to assess certain lands to pay the expenses incident thereto—amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 445, an Act supplementary to an Act to establish, support, and regulate common schools, and to repeal former Acts concerning the same, approved May third, eighteen hundred and fifty-five—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 446, an Act to establish and maintain a State Normal School—considered in Committee of the Whole, reported, with amendments, and recommended, amendments adopted, rules suspended, considered engrossed, read third time, and passed.

REPORTS.

Mr. Bell, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined Assembly bill No. 363, entitled an Act to provide for the appointment of a Measurer of Wood in and for the City and County of San Francisco, and report the same correctly engrossed;

Also, Assembly bill No. 433, entitled an Act to authorize John S. Williams and his associates to construct a wharf at the foot of Franklin street and Van Ness avenue, in the City and County of San Francisco.

BELL, of Committee.

Mr. Brown, from the Committee on Enrolment, made the following report:

Mr. SPEAKER:—Your Committee on Enrolment have examined, and found correctly enrolled, the following bills:

Assembly bill No. 194, an Act making an appropriation for the payment of the per diem and mileage of Presidential Elector;

Also, Assembly bill No. 357, an Act to authorize the Superintendent of Common Schools, in the County of Fresno, to teach school;

Also, Assembly bill No 362, an Act concerning roads and highways in the County of Placer;

Also, Assembly bill No. 287, an Act to amend an Act entitled an Act abolishing the office of County Assessor, and establishing the office of Township Assessors, in the County of Calaveras, approved April twenty-eighth, eighteen hundred and sixty, and for other purposes;

Also, Assembly bill No. 353, an Act to create and organize a fire department in the Town of Mokelumne Hill, in Calaveras County;

Also, Assembly bill No. 306, an Act to authorize Charles C Bowman and his associates to construct a wharf at the western end of the Encinal of San Antonio, Alameda County;

Also, Assembly bill No. 301, an Act to amend an Act entitled an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, and repealing certain other Acts in relation to said city;

And delivered the same to the Governor this day, at ten minutes past two, P. M.;

Also, Assembly concurrent resolution No. 33, rescinding resolution to adjourn *sine die* on April fourteenth, eighteen hundred and sixty-two, which was delivered to the Secretary of State this day, at ten minutes past two, P. M.

BROWN, for the Committee.

GENERAL FILE RESUMED.

Senate bill No. 232, an Act to confer further powers upon the Board of Education of the City and County of San Francisco, and for other purposes therein mentioned—read third time, and passed.

Assembly bill No. 317, an Act to grant to J S. Benoiste and his associates the right to construct a wagon road in Sonoma County, in this State—read third time, and passed.

Mr. Barton of San Bernardino verbally reported and recommended the

passage of Assembly bill No. 436, an Act to provide for the care of the indigent sick of the County of San Bernardino—rules suspended, bill considered engrossed, read third time, and passed.

Senate bill No 243, an Act to define the boundaries of Sutter County.

Mr. Dudley of Placer moved to indefinitely postpone the bill.

Upon which, the ayes and noes were demanded, and taken, with the following result:

AYES—Messrs. Amerige, Avery, Bigelow, Brown, Collins, Cot, Dana, Dennis, Dow, Dudley of Placer, Evey, Fay, Hillyer, Leach, Love, Maclay, Moore, O'Brien, Orr, Parker Printy, Reed, Reese, Reeve, Sears, Seaton, Shannon, Van Zandt, Woodman, Wright, and Yule—31.

NOES—Messrs. Benton, Ferguson, Hoag, Kendall, Lane, Machin, Pemberton, Porter, Sargent, Teegarden, Tilton of San Francisco, Tilton of San Mateo, and Wilcoxon—13.

And the bill was indefinitely postponed

SPECIAL ORDER.

Assembly bill No. 463, an Act to repeal an Act amendatory of an Act entitled an Act for the government and protection of Indians, passed April twenty-fourth, eighteen hundred and fifty, approved April eighteenth, eighteen hundred and sixty, (special order of the day)—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 464, an Act to amend an Act for the government and protection of Indians, passed April twenty-second, eighteen hundred and fifty, (also special order of the day)—rules suspended, considered engrossed, read third time and passed

Senate concurrent resolution No. 12, in regard to spoliations by Indians in this State—adopted

Assembly bill No. 269, an Act to provide for paying certain demands issued on the faith and credit of the State, which became due and payable on the second day of May, eighteen hundred and sixty-two, and to contract a funded debt for that purpose, came up on motion to reconsider the vote by which the House refused to order the bill engrossed.

On reconsidering, Messrs. Reed, Hillyer, and Jackson, demanded the ayes and noes, and the House agreed, by the following vote:

AYES—Messrs. Amerige, Ames, Avery, Barton of San Bernardino, Benton, Cunnard, Dennis, Dudley of Solano, Fay, Hoag, Hoffman, Jackson, Kendall, Lane, Loewy, Love, Matthews, McCullough, Meyers, Morrison, O'Brien, Parker, Porter, Reese, Sargent, Sears, Shannon, Smith of Sierra, Teegarden, Tilton of San Francisco, Van Zandt, Waddell, Watson, Woodman, Wright, and Yule—36.

NOES—Messrs Brown, Collins, Cot, Dow, Eliason, Evey, Hillyer, Leach, Maclay, Moore, Orr, and Reeve—12.

And the bill was placed at top of file for April eighteenth

Mr Avery moved to reconsider the vote by which the House on yesterday adopted a resolution providing for extra pay to William Kirby.

Mr. O'Brien moved to indefinitely postpone the motion to reconsider.

Mr. McCullough moved to lay both motions on the table.

Upon which, Messrs. Avery, Maclay, and Porter, demanded the ayes and noes, and the motion prevailed, by the following vote:

AYES—Messrs. Ames, Barton of San Bernardino, Battles, Bell, Benton, Bigelow, Collins, Cot, Dana, Dennis, Dow, Evey, Ferguson, Hoffman, Jackson, Lane, Loewy, Matthews, McCullough, O'Brien, Reed, Seaton, Shannon, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Waddell, Watson, Woodman, Worthington, and Mr. Speaker—31.

NOES—Messrs. Amerige, Avery, Barton of Sacramento, Dean, Dudley of Solano, Fay, Hoag, Irwin, Kendall, Love, Machin, Maclay, Meyers, Moore, Orr, Parker, Porter, Printy, Reese, Reeve, Sears, Smith of Sierra, and Teegarden—23.

Mr. Battles moved to reconsider the vote by which the House on yesterday passed Assembly bill No. 108, an Act to provide for a railroad within the City and County of San Francisco.

Mr. Worthington moved to lay the motion to reconsider on the table.

Upon which, Messrs. Battles, Wright, and Printy, demanded the ayes and noes, and the House agreed, by the following vote:

AYES—Messrs. Amerige, Ames, Barton of San Bernardino, Bell, Benton, Bigelow, Collins, Cunnard, Dana, Dean, Dore, Dudley of Solano, Eliason, Fay, Ferguson, Hoag, Hoffman, Jackson, Loewy, Love, Maclay, McCullough, Meyers, Moore, Orr, Reed, Reese, Reeve, Sears, Shannon, Smith of Sierra, Tilton of San Francisco, Tilton of San Mateo, Worthington, Zuck, and Mr. Speaker—36.

NOES—Messrs. Avery, Battles, Cot, Dennis, Dow, Evey, Frazier, Irwin, Kendall, Matthews, Morrison, O'Brien, Printy, Sargent, Seaton, Waddell, Watson, Woodman, and Wright—19.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
April 15th, 1862.

Mr. SPEAKER:—The Senate this day amended and passed Assembly bill No. 417, an Act relative to District Court Reporters in certain districts of this State, and ask the concurrence of the Assembly in said amendments;

Also, on this day, Senate refused to order to a third reading Assembly bill No. 426, an Act to provide for the construction of a railroad from the City of Stockton to French Camp, in San Joaquin County;

Also, passed Senate bill No. 416, an Act authorizing Adam G. Muirhead, Executor of the estate of John Muirhead, deceased, to sell real estate;

Also, passed Assembly bill No. 265, an Act to provide for the collection of delinquent taxes in the County of San Bernardino;

Also, passed Assembly bill No. 320, an Act providing revenue for the support of the Government of this State;

Also, passed Assembly bill No. 442, an Act to grant the right to construct a bridge across Cosumnes River.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
April 16th, 1862.

Mr. SPEAKER:—The Senate on this day concurred in Assembly amend-

ments to Senate bill No. 288, an Act to repeal an Act entitled an Act to incorporate the City of Sonoma, passed April fourth, eighteen hundred and fifty;

Also, passed Senate bill No 323, relative to conveyances;

Also, concurred in Assembly amendments to Senate bill No. 388, an Act granting the right to construct a turnpike road from the Town of Grass Valley, in Nevada County, to McCourtney's Crossing;

Also, passed Senate bill No. 445, an Act to provide for holding terms of the District Court of the Sixteenth Judicial District;

Also, passed Senate bill No. 446, an Act supplementary to an Act to change the time of holding municipal elections in the City and County of San Francisco;

Also, passed Senate bill No. 370, an Act to prevent the adulteration of food and liquors;

Also, amended and passed Assembly bill No. 27, an Act to regulate the estates of deceased persons, and ask your concurrence in the amendments;

Also, passed Senate bill No. 108, relative to exempting the homestead and other property from sale in certain cases;

Also, concurred in Assembly amendments to Senate bill No. 284, concerning passengers arriving in different ports of this State;

Also, amended and passed Assembly bill No. 26, an Act to repeal certain sections of an Act concerning marks and brands, and ask your concurrence in said amendment;

Also, passed Senate bill No. 211, an Act defining the rights of husband and wife.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
April 16th, 1862.

Mr. SPEAKER:—The Senate, on yesterday, April fifteenth, refused to recede from its amendments to Assembly bill No. 364, an Act to make appropriations for the support of the Civil Government of this State for the fourteenth fiscal year, commencing on the first day of July, eighteen hundred and sixty-two, and Messrs. Denver, Pacheco, and Porter, appointed a Committee of Free Conference on part of the Senate, to confer with a similar Committee of the Assembly;

Also, refused to recede from its amendments to Assembly bill No. 365, an Act making appropriations for the thirteenth fiscal year, commencing on the thirtieth day of June, eighteen hundred and sixty-two, and appointed Messrs. Denver, Holden, and Shurtleff, a Committee of Free Conference on the part of the Senate, to confer with a similar Committee on the part of the Assembly;

Also, refused to recede from its amendments to Assembly bill No. 240, an Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco, and appointed Messrs Perkins, Denver, and Kimball, a Committee of Free Conference on the part of the Senate, to confer with a similar Committee on part of the Assembly;

Also, refused to recede from its amendments to Assembly bill No 153, an Act to appropriate money to sustain a mounted battery of artillery in the City and County of San Francisco;

Also, same day, passed Assembly bill No. 360, an Act to confer certain powers and rights upon the San Francisco and Marysville Railroad Company;

Also, passed Assembly bill No. 290, an Act to incorporate the City of Sacramento.

DELOS J. HOWE,
Assistant Secretary

SENATE CHAMBER,
April 16th, 1862.

Mr. SPEAKER :—The Senate yesterday passed Senate bill No. 294, an Act to authorize Eugene L. Sullivan, and others. to lay down gas pipes in the City and County of San Francisco.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
April 16th, 1862.

Mr. SPEAKER :—The Senate yesterday indefinitely postponed Assembly bill No. 254, an Act to license gaming and gaming houses.

DELOS J. HOWE,
Assistant Secretary.

Senate bill No. 294, above reported, read first and second times, and referred to the San Francisco delegation.

At half past four o'clock, P. M., on motion of Mr. Maclay, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, April 17th, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.
Journal of yesterday read and approved.
Messrs. Matthews and Warwick had indefinite leave of absence.

GENERAL FILE.

Assembly bill No 414, an Act to provide for the maintenance and government of the State Reform School—placed at top of file for to-morrow morning.

Assembly bill No. 460, an Act to regulate or abolish certain contracts for convict labor, entered into by the late State Prison Directors—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 223, an Act to provide for the payment of the sum of two hundred dollars to each of the six Locating Agents of the State of California—considered in Committee of the Whole, reported and recommended, laid on the table.

Assembly bill No. 219, an Act to amend an Act entitled an Act to amend an Act to regulate the estates of deceased persons, passed May

first, eighteen hundred and sixty-one—recommitted, with special instructions to change the order of Public Administrator to the ninth order.

Senate bill No. 444, an Act to provide for issuing arms and accoutrements to colleges and academies, for the use of the youth, and to prescribe the tactics to be used by them—read third time, and passed.

Assembly bill No. 289, an Act supplementary to an Act entitled an Act to regulate fees in office, approved April tenth, eighteen hundred and fifty-five.

Mr. Smith of Sierra moved to recommit, with instructions to strike out "Humboldt and San Joaquin," and insert "Sierra."

Carried.

Bill reported as amended, read third time, and passed.

Assembly bill No 283, an Act to appropriate money to pay the claim of Philip Caduc for coal furnished the Supreme Court and State Library in the year eighteen hundred and sixty—read third time, and passed.

Assembly bill No. 62, an Act to establish pilot regulations for the port and harbor of San Francisco.

Mr. O'Brien moved to indefinitely postpone the bill.

Mr. Ames moved the previous question.

Sustained.

On indefinite postponement, Messrs. Tilton of San Francisco, Watson, and O'Brien, demanded the ayes and noes, and the motion prevailed, by the following vote:

AYES—Messrs. Amerige, Avery, Barton of Sacramento, Collins, Cot, Cunnard, Dean, Dennis, Eliason, Evey, Ferguson, Griswold, Hillyer, Hoag, Irwin, Kendall, Love McCullough, Meyers, Morrison, O'Brien, Parker, Reed, Sears, Seaton, Shannon, Smith of Sierra, Teegarden, Thornbury, Van Zandt, Waddell, Werk, Woodman, Worthington, and Wright—35.

NOES—Messrs Ames, Barton of San Bernardino, Battles, Bell, Benton, Bigelow, Dore, Dudley of Placer, Dudley of Solano, Eagar, Fay, Hoffman, Jackson, Lane, Machin, Maclay, Moore, Orr, Pemberton, Reese, Sargent, Smith of Fresno, Tilton of San Francisco, Tilton of San Mateo, Watson, Yule, Zuck, and Mr. Speaker—28.

Assembly bill No. 367, an Act to authorize the construction of a wagon road from Wood's Bar to Highland Flat, in the County of Stanislaus —amendments adopted, rules suspended, considered engrossed, read third time, and passed.

CONSIDERATION OF SENATE MESSAGES.

Senate bill No. 211, reported from Senate on yesterday, read first and second times, and referred to the Judiciary Committee.

Senate bill No. 108, also reported, read first and second times, and referred to the Judiciary Committee.

Senate bill No 343, also reported, read first and second times, and referred to the Judiciary Committee.

Senate bill No. 445, also reported, read first and second times, rules suspended, read third time, and passed

Senate bill No. 446, also reported, read first and second times, rules suspended, read third time, and passed

Senate bill No. 370, also reported, read first and second times, and referred to the Committee on Public Morals.

The House concurred in Senate amendments to Assembly bill No 26, also reported.

The House concurred in Senate amendments to Assembly bill No. 27, also reported.

The House concurred in Senate amendments to Assembly bill No. 417, also reported.

Committees of Free Conference were ordered on the disagreeing votes of the two Houses on Assembly bills Nos. 364, 365, 240, and 153, also reported.

OPINION OF THE ATTORNEY-GENERAL.

The Attorney-General of the State appeared and delivered the following opinion:

To the Honorable the House of Assembly of the State of California:

Your resolution of inquiry, and the communication from your Clerk, questioning as to your right to adjourn *sine die*, leaving the Senate in session for the trial of a case of Impeachment, was received by me on the day before yesterday. The very brief time afforded me for the investigation of a question so novel, and, so far as I am able to ascertain, without precedent; has much embarrassed me; I shall not therefore, claim, for the opinion I render in this case, that weight or influence which I should desire to attach to one, when, by reference to authority I might have walked in the light of past experience, and brought to my guidance the adjudications of Courts and Judges learned in the law. In the absence, therefore, of precedent, I will ask your indulgence, while, from the analogies of history and a resort to general principles, I endeavor to evolve an argument justifying me in the conclusion to which I have arrived.

For all purposes of legislation, I think there can be no doubt that the Senate and Assembly together compose one body, under the title of "The Legislature;" though divided into two parts, and of different terms of office, different powers, sitting in separate chambers, yet they are but two parts of one whole, each body acting in harmony with the other, each to the other acting as a balance wheel to govern the eccentric movements of the Legislative machinery; the acts of one of no binding force without the co-operation and sanction of the other, and the one not permitted to adjourn to place other than "that in which they may be sitting, or for a time more than three days, without the consent of the other."

If this question involved the right of either body to continue in session for any Legislative purpose after the other had adjourned *sine die*, I should think there could be no difference of opinion as to the conviction that such act would be impossible, and that any legislation, under such circumstances, would be absolutely void.

But the Constitution of this State has clothed the Legislature with other than Legislative functions; the Legislature has had imposed upon it the additional authority to make and try impeachments; to each body is assigned its particular duty in this respect; each has a particular office to perform. To the Assembly is given the sole power of impeachment; to the Senate, the exclusive right of trial of impeachment Your respective duties are regulated by statute, and there are no acts required of joint co-operation.

The Assembly lays the information, prepares the Articles of Impeachment, appoints the Managers, arraigns the accused at the bar of the Sen-

ate for trial, and then its functions, as a body, cease. Then the Senate acquires jurisdiction, and enters upon the discharge of its duties as a Court.

I was, at first, embarrassed with the suggestion that the Managers so appointed by you were members of Assembly, and quære—should you adjourn *sine die*, would they not cease to have official life, and would not their right as Managers at the bar of the Senate lapse? But to that question there is this ready answer; while you adjourn *sine die*, you are still members of Assembly until the convention of your successors, and may, under certain "extraordinary circumstances," be convened by Executive proclamation. Again, it is not an uncommon circumstance to appoint committees *ad interim*, as in the case of a Senator dispatched to Washington to protect the State's interest in lands. Why, therefore, may not these Managers perform the duties which, by your resolution, you confer upon them, even after your adjournment?

Embarrassments might arise in event of your Managers needing any instructions from your honorable body pending the trial in the Senate; this would, however, be but embarrassment, and would not in any degree affect the validity of any finding or judgment pronounced by the Senate.

The Senate of the State of New York, under the old Constitution, was clothed with judicial powers, and sat as a Court of Errors; the Chancellor and other Judges were constituted members of that body, and when in session as a Court, participated in its deliberations. As a Court of Errors, it was as distinct in its session, and as independent in the exercise of its legal jurisdiction, as though it had been constituted for the sole purpose of an appellate tribunal.

Our Senate, to the extent of its jurisdiction, that is, for the trial of impeachments, has the same power. The Assembly sits as a grand inquest, and presents the indictment. When the Articles of Impeachment reach the Senate, all further control by it over the proceedings is lost, and like a Grand Jury, having presented a bill, may be discharged, while the Courts are invested with the further conduct of the trial.

Senators cease to act as Legislators, and, under a new obligation, become Judges; Parliamentary rules give way to the rules of pleading and evidence which govern Courts of law; the Senate issues its subpœnas, hears evidence; your Managers, ceasing to act as Legislators, become Advocates, and the Law Officer of the State is required to assist them in the trial. The Senate declares judgment of acquittal or conviction, passes its sentence—and all this is done without the aid or the participation of the Assembly.

If I entertained any serious doubt upon this question, I think I should find its solution in the doctrine announced in my opinion given your honorable body upon the question of removal from the Capital of the State to San Francisco. I then held, and have not since changed my opinion, that as our Supreme Court has declared, and rightly, "that our Constitution is not a *grant*, but a *limitation* of *power*," the Legislature have a right now to adjourn, either body, (by joint co-operation of the two Houses,) as they then had to remove to a place other than the Capital of the State.

That the Legislature is clothed with sovereign power to do anything not at variance with the Constitution and laws of the United States, not inhibited by the Constitution of the State of California, and not repugnant to the laws of natural justice.

Who, in this case, shall controvert that right? or who shall question your exercise of this power? Certainly not the Supreme Court of this

State; and if they were so disposed, how could the question reach that tribunal? That Court has no appellate jurisdiction over the Senate, sitting as a Court of Impeachment; it would have no power, and certainly no inclination, to interfere with the Legislature in the exercise of the duties conferred upon it by the Constitution of the State.

Neither can I conceive of any possible contingency in which the accused could, by your adjournment, be deprived of any rights belonging to him, or prejudiced in the trial of his cause, or denied the enjoyment of any privilege to which, by law, he is entitled.

And should the honorable Judge who now stands arraigned at the bar of the Senate, charged, by the deliberate conviction of this House, in the name of The People of this State, with high crimes and misdemeanors—should he desire your body to remain idle spectators of his trial, at the expense of a burdened State Treasury, he would deserve, for this alone, impeachment, for so wanton a disregard of the best interests of the people of the State.

My opinion, therefore, is, that you may safely adjourn, with the consent of the Senate, *sine die*, without peril to the trial of the case of Impeachment, and without prejudice to the interests of the State, as soon as you may find it convenient.

FRANK M. PIXLEY,
Attorney-General.

San Francisco, April 10, 1862.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

State of California, Executive Department,
Sacramento, April 16th, 1862.

To the Honorable the Assembly of California:

I have to inform your honorable body that I have approved Assembly bill No. 277, an Act to authorize Hiram Thorne and others to reconstruct and make a wagon road in the Counties of Contra Costa and Alameda;

Also, Assembly bill No. 389, an Act to grant the right to construct and maintain a toll bridge across the Mokelumne River, to P. A. Athearn and associates;

Also, Assembly bill No 425, an Act to provide for the collection of road poll taxes in the County of Contra Costa;

Also, Assembly bill No. 337, an Act to authorize the Board of Supervisors of San Joaquin County to appropriate money;

Also, Assembly bill No. 331, an Act to authorize the issuance of a certain duplicate bond to Iredell M. Hart;

Also, Constitutional amendments;

Also, Assembly bill No. 77, an Act to provide revenue for the support of the Government of this State from a tax upon foreign and inland bills, passengers, insurance companies, and other matters

LELAND STANFORD, Governor.

REPORTS.

Mr. Brown, from the Committee on Enrolment, made the following report:

Mr. SPEAKER:—Your Committee on Enrolment have examined, and found correctly enrolled, the following bills:

Assembly bill No. 279, an Act to provide for funding the indebtedness of the County of Mendocino;

Also, Assembly bill No 94, an Act concerning certain salaries and fees of office in the County of Monterey;

Also, Assembly bill No. 321, an Act to provide for the collection of delinquent taxes in the Counties of Placer and Tuolumne;

Also, Assembly bill No. 311, an Act to authorize Almira Ingram, the parent and guardian of Jonetta M. Ingram, a minor, to sell the real estate of said minor at private sale;

Also, Assembly bill No. 265, an Act for the repeal of an Act, approved May seventeenth, eighteen hundred and sixty-one, entitled an Act supplementary to an Act to provide for the collection of delinquent taxes in the County of San Bernardino, approved March twenty-seventh, eighteen hundred and sixty-one;

Also, Assembly bill No. 407, an Act in relation to the office of Superintendent of Common Schools in the County of San Diego;

Also, Assembly bill No. 442, an Act to grant the right to construct a bridge across the Cosumnes River;

Also, Assembly bill No. 320, an Act to amend an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one;

Also, Assembly bill No 135, an Act for the protection of growing timber on all possessory claims, and other private property, in certain counties in this State, and on or along public streets or highways, and on public grounds;

Also, Assembly bill No. 417, an Act to amend an Act entitled an Act concerning District Court Reporters for the Fourth, Sixth, Seventh, Tenth, Twelfth, and Fifteenth Judicial Districts, approved May seventeenth, eighteen hundred and sixty-one, in so far as it relates to the Fourth and Twelfth Judicial Districts;

And delivered the same to the Governor this day, at eleven o'clock and thirty-five minutes, A. M.

BROWN, for Committee.

Mr Bigelow, from the Committee on Ways and Means, made the following report:

Mr. SPEAKER:—Your Committee on Ways and Means, to whom was referred Senate bill No. 224, an Act to appropriate money for the erection of a building for the use of the Home for the Inebriate, have had the same under consideration, and beg leave to report it back, with an amendment, and recommend its passage.

BIGELOW, for Committee.

The rules were suspended, and the bill above reported taken up.

Mr. Maclay moved the previous question.

Sustained.

On adopting the amendment, Messrs. Smith of Sierra, Ames, and Jackson, demanded the ayes and noes, and the amendment was adopted, by the following vote:

AYES—Messrs. Ames, Avery, Barton of Sacramento, Battles, Benton, Bigelow, Brown, Campbell, Collins, Cot, Cunnard, Dana, Dudley of

Placer, Dudley of Solano, Eliason, Evey, Fay, Hillyer, Hoag, Irwin, Kendall, Loewy, Love, Machin, Maclay, McCullough, Moore, O'Brien, Parker, Pemberton, Printy, Reese, Sears, Smith of Fresno, Teegarden, Thornbury, Tilton of San Mateo, Watson, Werk, Woodman, Yule, and Zuck—42.

NOES—Messrs. Bell, Dean, Dennis, Griswold, Jackson, Orr, Reeve, Seaton, Smith of Sierra, Tilton of San Francisco, Van Zandt, and Worthington—12.

Bill read third time, and passed.

Assembly bill No. 215, an Act appropriating money for the erection of a building in the City of San Francisco, to be used as a Home for the care of the Inebriate.

Indefinitely postponed.

Mr Maclay, from the Committee on Claims, made the following report:

MR. SPEAKER:—The Committee on Claims, to whom was referred Senate bill No. 250, an Act to appropriate money to pay the claim of James W. Hawkins, find that the bill is based upon a demand of said Hawkins for services rendered by him as Stamp Inspector, from the first day of July, eighteen hundred and sixty-one, to February first, eighteen hundred and sixty-two, and we also find that he performed the said duties without authority of law—the Act by which his office was created having been repealed on the ninth day of May, eighteen hundred and sixty-one—the Stamp Commissioners, however, continued to pay him his former salary until the month of July. It appeared, in evidence before the Committee, that the said Hawkins has discharged his supposed duties, or a portion of them. But we desire to call your attention to the fact that the State Treasurer's report shows but one payment by James W. Hawkins into the Treasury during the entire year eighteen hundred and sixty-one, to wit: eight dollars, on the sixteenth day of January of that year; while during the year eighteen hundred and sixty the monthly settlements show an average of eighty-four dollars, and the last one reached one hundred and ten dollars.

We have also considered Assembly bill No. 419, an Act to appropriate money to pay Myron Norton, for services as State Stamp Inspector; this is a claim similar to the one above reported, with the important exception that the duties seem not to have been performed.

Also, Senate bill No. 117, an Act to audit and allow the claim of J. C. Doherty—in this case there was no evidence before the Committee touching the claim.

We, therefore, for the reasons heretofore stated, most respectfully recommend that the said bills be indefinitely postponed.

We have also examined Senate bill No. 358, an Act appropriating money to pay the claim of Eugene Lies, for translating State documents, and recommend that it pass.

MACLAY, for Committee.

Mr. O'Brien, from the Judiciary Committee, made the following report:

MR. SPEAKER:—The Judiciary Committee, to whom was referred Assembly bill No. 423, an Act to amend an Act in relation to the Probate Court in the City and County of San Francisco, approved May eighteenth

eighteen hundred and sixty-one, report the bill back, and recommend its passage;

Also, Assembly bill No. 267, an Act to authorize Feliciana Girardo de Tapia to sell the real estate of her deceased husband, report the bill back, and recommend its passage;

Also, Senate bill No. 207, an Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one, approved February twentieth, eighteen hundred and fifty-seven, report the bill back, and recommend its passage;

Also, Senate bill No. 197, an Act to amend section twenty-seven of an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, report the bill back, and recommend its passage;

Also, Senate bill No. 192 an Act to amend an Act entitled an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one, report the bill back, and recommend its passage;

Also, Senate bill No. 191, 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, eighteen hundred and fifty-one, report the bill back, and recommend its passage;

Also, Senate bill No. 205, an Act to authorize J. W. B. Reynolds to dispose of certain real estate, report the bill back, and recommend its passage;

Also, Assembly bill No. 202, an Act to prohibit mining by the Chinese, or Mongolians, on lands in this State occupied by white persons for agricultural or grazing purposes, report the bill back, without recommendation;

Also, Assembly bill No. 335, an Act to provide for the revision and classification of the statutes of this State, report the bill back, and recommend that it do not pass.

All of which is respectfully submitted.

BELL, Chairman.

Mr. Moore, from the Committee on Agriculture, made the following report:

Mr. SPEAKER:—Your Committee on Agriculture, to whom was referred Assembly bill No. 426, an Act to appropriate money for the maintenance and support of district agricultural and mechanical societies, report back a substitute for the same, and respectfully recommend its passage.

MOORE, for Committee.

Mr. Barton of Sacramento, from the Committee on Way and Means, made the following report:

Mr. SPEAKER:—The Committee on Ways and Means, to whom was referred substitute for Senate bill No. 311, an Act concerning the duties of County Treasurers, have had the same under consideration, report it back, and recommend its passage with the amendments attached to section two;

Also, Assembly bill No. 452, an Act to provide a special appropriation for the State Insane Asylum, and recommend its passage;

Also, Assembly bill No 437, an Act to appropriate money for the procurement of a suit of flags to be presented to the California regiment,

commanded by Col. Roderick Matthewson, and now in the service of the United States, and recommend its passage;

Also, Assembly bill No 398, an Act appropriating money for the improvement of the San Joaquin River, which they ask to return, without recommendation;

Also, Senate bill No. 210. an Act to amend an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one, and recommend that it be indefinitely postponed.

BARTON, Chairman.

Senate bill No. 311, above reported, was taken up, read third time, and passed.

Mr. Dennis offered the following resolution:

Resolved, That the balance of the delegations from the Assembly Districts bordering on Nevada Territory be added to the Committee appointed to consider the bill entitled an Act to define the boundary line between this State and Nevada Territory.

Mr. O'Brien offered the following substitute:

Resolved, That Tuolumne and Siskiyou be each allowed a member on the Committee on the cession of territory to Nevada.

Mr. McCullough moved the previous question.

Sustained

The substitute was lost, and the resolution adopted.

REPORTS.

Mr. O'Brien, from the Committee on the Judiciary, made the following report:

Mr. SPEAKER:—The Judiciary Committee have had under consideration Senate bill No. 441, an Act submitting the constitutional amendments to a vote of the people, and recommend its passage.

O'BRIEN, for the Committee.

Senate bill No. 441, above reported, read third time, and passed.

Assembly bill No. 452, an Act to provide a special appropriation for the State Insane Asylum—rules suspended, considered engrossed, read third time, and passed.

Mr. Smith of Sierra, from the Committee on Counties and County Boundaries, made the following report:

Mr. SPEAKER:—The Committee on Counties and County Boundaries, to whom was referred Assembly bill No. 259, an Act to establish the boundary line between the Counties of Monterey and San Luis Obispo, beg leave to report a substitute, and recommend the passage of the substitute.

SMITH, Chairman

Mr. Wright made the following report:

Mr. SPEAKER:—The delegation to whom was referred Senate bill No.

435, in regard to the herding of sheep in the County of Klamath, have examined the same, and respectfully report the same back, with the recommendation that it pass.

WRIGHT, for Delegation.

Rules suspended, Senate bill No. 435, above reported, read third time, and passed.

Mr. Moore made the following report:

Mr. SPEAKER:—Your Committee would respectfully report back Senate bill No. 438, and recommend its passage

MOORE, for Delegation

Senate bill No. 438, above reported, placed at top of file for April eighteenth.

Mr. McCullough made the following report:

Mr. PRESIDENT, and Mr. SPEAKER:—Your Joint Special Committee, appointed by concurrent resolution for that purpose, have had enrolled a perfectly correct copy of the amendments to the Constitution, proposed by the Legislature at its twelfth session, and adopted and agreed to by the present Legislature, as compared with the Journals of the two Houses and the engrossed copy, and the said enrolled copy, signed by the President of the Senate and the Speaker of the Assembly, and attested by the Secretary of the Senate and the Clerk of the Assembly, the Committee have placed in the hands of the Governor, to be attested by him, and deposited among the archives of the State in the office of the Secretary of State.

RHODES,
CRANE,
Senate Committee.
MACHIN,
McCULLOUGH,
Assembly Committee.

The Speaker announced the following Committees of Free Conference:

On Assembly bill No. 364, Messrs. Barton of Sacramento, Shannon, and Tilton of San Francisco.

On Assembly bill No. 365, Messrs Barton of Sacramento, Shannon, and Tilton of San Francisco.

On Assembly bill No. 153, Messrs Reeve, Collins, and Dore.

On Assembly bill No. 240, Messrs, Reese, Bigelow, and Van Zandt.

FURTHER REPORTS.

Mr. Reeve, from the San Francisco delegation, made the following report:

Mr. SPEAKER:—A majority of the San Francisco delegation, to whom was referred Senate bill No. 294, an Act to authorize Eugene L. Sullivan, Nathaniel Holland, John Benson, their associates and assigns, to lay down gas pipes in the streets of the City and County of San Francisco, have had the same under consideration, report it back, with amendments, and recommend its passage; and in support of these recommendations they would state that the price of gas in this city is far above that of any

other city in the Union. In New York it is two dollars and fifty cents per thousand feet. In Boston it is two dollars and fifty cents per thousand feet. In Philadelphia it is two dollars and twenty-five cents per thousand feet. In Baltimore it is two dollars and fifty cents per thousand feet. In this city it is now six dollars and fifty cents, and until recently has been eight dollars per thousand feet. We have now but one gas company in this city; it was started some ten years since, with a nominal capital of five hundred thousand dollars, and has been paying for many years three quarters to one per cent. per month, and has doubled its capital twice, and its stock is now two millions. The consumption of gas in the city is enormous, and there is nothing to regulate the price but the will and caprice of the present company, and it is impossible to impose any restriction upon them under their charter. The only way, in the opinion of your Committee, to place any check upon said company, so as to prevent the gas consumers of this city from being at their mercy, is to grant such charters to other companies as will enable them successfully to compete with the present one.

REEVE,
FAY,
LOEWY,
BIGELOW,
AMERIGE,
REESE.
BARSTOW.

Mr. Reeve moved to suspend the rules to take up Senate bill No. 294, above reported.

Mr. Seaton called for the previous question.

Sustained.

On the question of suspending the rules, Messrs. O'Brien, Worthington, and Griswold, demanded the ayes and noes, and the motion of Mr. Reeve was lost, by the following vote:

AYES—Messrs. Amerige, Bigelow, Collins, Dana, Dean, Dudley of Solano, Fay, Griswold, Hoag, Hoffman, Irwin, Jackson, Kendall, Loewy, McCullough, Moore, Orr, Printy, Reese, Reeve, Sargent, Sears, Seaton, Smith of Sierra, Waddell, Yule, and Mr. Speaker—27.

NOES—Messrs Ames, Avery, Barton of Sacramento, Barton of San Bernardino, Battles, Benton, Cot, Cunnard, Dore, Eagar, Elhason, Ferguson, Hillyer, Lane, Love, O'Brien, Parker, Shannon, Smith of Fresno, Teegarden, Thornbury, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Watson, Werk, Woodman, Worthington, and Wright—29.

Mr. Avery moved to recommit the bill, with special instructions to report to-morrow.

Mr. Seaton moved to refer to the Committee on Corporations.

Mr. Worthington demanded the previous question.

Sustained.

On the question of reference to the Committee on Corporations, Messrs. Van Zandt, Hillyer, and Printy, demanded the ayes and noes, and the bill was so referred, by the following vote:

AYES—Messrs. Amerige, Barton of San Bernardino, Bigelow, Campbell, Dennis, Dore, Dudley of Solano, Fay, Griswold, Hoag, Irwin, Jackson, Kendall, Lane, Loewy, Love, McCullough, Moore, Morrison,

O'Brien, Orr, Pemberton, Porter, Reed, Reese, Reeve, Sargent, Sears, Seaton, Smith of Fresno, Smith of Sierra, Teegarden, Thornbury, Waddell, Watson, Werk, and Wright—37.

NOES—Messrs. Ames, Avery, Battles, Benton, Collins, Cot, Cunnard, Dana, Dean, Eagar, Eliason, Evey, Ferguson, Frazier, Hillyer, Hoffman, Parker, Printy, Shannon, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Woodman, Worthington, Yule, and Mr Speaker—26.

Mr. Sears moved to suspend the rules, to allow him to introduce a motion relative to the bill last under consideration.

Mr. Benton demanded the previous question.

Sustained.

Thereupon, Messrs. O'Brien, Eagar, and Battles, demanded the ayes and noes, and the rules were suspended, by the following vote:

AYES—Messrs. Amerige, Avery, Barton of Sacramento, Bigelow, Brown, Collins, Cunnard, Dean, Dennis, Dore, Dudley of Solano, Eliason, Evey, Fay, Ferguson, Frazier, Griswold, Hoag, Hoffman, Irwin, Kendall, Lane, Loewy, Love, Maclay, McCullough, Meyers, Moore, Orr, Parker, Pemberton, Porter, Printy, Reese, Reeve, Sargent, Sears, Seaton, Shannon, Smith of Fresno, Smith of Sierra, Teegarden, Thornbury, Waddell, Woodman, Worthington, Yule, Zuck, and Mr. Speaker—49.

NOES—Messrs. Barton of San Bernardino, Battles, Eagar, Hillyer, Machin, Morrison, O'Brien, Van Zandt, Watson, and Wright—10.

Mr. Sears moved that the Committee on Corporations be instructed to report back the bill to-morrow.

Mr. Jackson moved to amend the motion by substituting the day after *to-morrow*.

Mr. Worthington demanded the previous question.

Sustained.

On a division of the House, the motion of Mr. Sears prevailed.

Mr. O'Brien moved that the House adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Kendall, Benton, and Porter, and taken, with the following result:

AYES—Messrs. Ames, Avery, Barton of Sacramento, Battles, Brown, Cot, Cunnard, Dana, Dennis, Eagar, Evey, Fay, Ferguson, Gordon, Griswold, Hillyer, Hoffman, Jackson, Loewy, Machin, Maclay, O'Brien, Orr, Parker, Pemberton, Reed, Reeve, Sargent, Seaton, Shannon, Smith of Fresno, Thornbury, Tilton of San Mateo, Van Zandt, Watson, Woodman, Worthington, and Wright—37

NOES—Messrs. Amerige, Benton, Bigelow, Collins, Dean, Dore, Dudley of Solano, Eliason, Frazier, Hoag, Irwin, Kendall, McCullough, Moore, Porter, Printy, Reese, Sears, Smith of Sierra, Teegarden, Waddell, Yule, Zuck, and Mr. Speaker—24.

So, at fifteen minutes before five o'clock, P. M., the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, April 18th, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.
Messrs. Barton of San Bernardino, Eagar, Wilcoxon, and Leach, had indefinite leave of absence.
Mr. Amerige, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, the following bills:
Assembly bill No. 445, an Act supplementary to an Act to establish, support, and regulate common schools, and to repeal former Acts concerning the same, approved May third, eighteen hundred and fifty-five;
Also, Assembly bill No. 392, an Act to amend sections thirty-two and thirty-eight of an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one;
Also, Assembly bill No 463, an Act to repeal an Act amendatory of an Act entitled an Act for the government and protection of Indians, passed April twenty-second, eighteen hundred and fifty, approved April eighteenth, eighteen hundred and sixty;
Also, Assembly bill No. 464, an Act to amend an Act for the government and protection of Indians, passed April twenty-second, eighteen hundred and fifty;
Also, Assembly bill No 313, an Act to authorize the Mayor and Board of Supervisors of the City and County of San Francisco to construct a sewer in Fifth street, and for that purpose to have surveys made, and to assess certain lands to pay the expenses incident thereto;
Also, Assembly bill No. 446, an Act to establish and maintain a State Normal School.

AMERIGE, for Committee.

Mr. Collins asked for a suspension of the rules, to enable him to introduce a resolution relative to adjournment *sine die*
Upon which, Messrs. Collins, Yule, and Eagar, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Avery, Campbell, Collins, Dana, Dennis, Dow, Dudley of Placer, Dudley of Solano, Evey, Frazier, Griswold, Hoag, Lane, Loewy, Machin, Moore, O'Brien, Reed, Reese, Sears, Seaton, Smith of Sierra, Teegarden, Thornbury, Waddell, Worthington, Yule, and Zuck —28.
NOES—Messrs. Ames, Barton of Sacramento, Bell, Benton, Cot, Dean, Dore, Eliason, Fay, Ferguson, Hoffman, Kendall, Love, Meyers, Morrison, Orr, Parker, Pemberton, Porter, Printy, Sargent, Shannon, Smith of Fresno, Tilton of San Francisco, Tilton of San Mateo, Warwick, Watson, Werk, Woodman, and Wright—30.

Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined Assembly bill No. 452, an Act to provide a special appropriation for the support of the Insane Asylum, and report the same correctly engrossed.

LOEWY, Chairman.

Journal of yesterday read and approved.

GENERAL FILE.

Senate bill No. 438, an Act to authorize and require the Board of Supervisors of the County of Alameda to pay certain claims—was recommitted to the Alameda delegation.

Assembly bill No. 414, an Act to provide for the maintenance and government of the State Reform School

Mr Teegarden moved to postpone the consideration of the bill until to-morrow.

Lost.

The bill was considered in Committee of the Whole, and reported, with amendments.

The House adopted the first amendment of the Committee.

On adopting the second amendment, Messrs. Collins, Dow, and Avery, demanded the ayes and noes, and the amendment was adopted, by the following vote:

AYES—Messrs. Amerige, Ames, Battles, Bigelow, Campbell, Cot, Dana, Dudley of Solano, Eliason, Evey, Fay, Ferguson, Hoag, Jackson, Kendall, Loewy, Morrison, O'Brien, Pemberton, Reese, Sargent, Shannon, Smith of Fresno, Teegarden, Thornbury, Tilton of San Francisco, Van Zandt, Watson, Werk, Worthington, and Mr. Speaker—31.

NOES—Messrs Avery, Barton of Sacramento, Bell, Benton, Brown, Collins, Dean, Dennis, Dow, Dudley of Placer, Frazier, Griswold, Hillyer, Irwin, Maclay, McCullough, Meyers, Moore, Orr, Parker, Porter, Printy, Reed, Sears, Seaton, Smith of Sierra, Waddell, Warwick, Woodman, and Zuck—30.

The other amendments were adopted.

The rules were suspended, the bill considered engrossed, and read third time.

On its passage, Messrs. Bell, Dow, and Campbell, demanded the ayes and noes, and the bill passed, by the following vote:

AYES—Messrs. Ames, Avery, Battles, Benton, Bigelow, Campbell, Collins, Cot, Dana, Dean, Dennis, Dudley of Solano, Eliason, Evey, Fay, Ferguson, Frazier, Griswold, Hoag, Jackson, Kendall, Loewy, Maclay, McCullough, Meyers, Moore, O Brien, Orr, Parker, Printy, Sargent, Sears, Shannon, Tilton of San Francisco, Waddell, Warwick, Watson, and Worthington—38.

NOES—Messrs Amerige, Barton of Sacramento, Bell, Cunnard, Dow, Dudley of Placer, Hillyer, Irwin, Love, Morrison, Pemberton, Porter, Reed, Reese, Seaton, Teegarden, Thornbury, Van Zandt, and Yule —19.

Mr. Campbell moved to reconsider.

Mr. O'Brien moved to indefinitely postpone the motion to reconsider.

Adopted.

The Speaker presented a communication from the Supervisors of Tehama County, relative to Senate bill No. 222.

Mr. Campbell offered the following resolution:

WHEREAS, This Assembly desires to adjourn *sine die* at an early day, provided such action will not invalidate the proceedings to be had by the Senate in the matter of the Impeachment of James H. Hardy, now pending before that body; and *whereas*, grave doubts exist as to the power of the Senate to continue in session for the trial of said Impeachment, after the final adjournment of the Assembly;

Resolved, That the Senate be and is hereby respectfully requested to determine whether or not the adjournment of the Assembly would be any barrier to the trial of the said Impeachment case, and to make known its determination in the premises to this body.

Mr. Cunnard offered the following substitute:

Resolved, By the Assembly, with the consent of the Senate, that the Legislature shall adjourn *sine die* on the nineteenth day of April, eighteen hundred and sixty-two, at twelve o'clock, M., and that the Senate shall have leave to sit as a High Court of Impeachment for the trial of James H. Hardy, District Judge of the Sixteenth Judicial District of this State, upon the indictments impeaching the said James H. Hardy, Judge of the Sixteenth Judicial District, presented by the Assembly.

Withdrawn.

Mr. Collins offered the following substitute:

Resolved, That the Assembly, the Senate consenting thereto, do adjourn *sine die* on Monday, April twenty-first, A. D. eighteen hundred and sixty-two, at the hour of one o'clock, P. M.

Mr. Maclay moved the previous question.

Sustained.

By the direction of the Speaker, the roll was called, with the following result:

AYES—Messrs. Avery, Battles, Collins, Cot, Dow, Dudley of Placer, Evey, Hillyer, Lane, Loewy, Orr, Reed, Sears, Seaton, Smith of Fresno, Teegarden, Thornbury, Tilton of San Francisco, Van Zandt, Waddell, Watson, Yule, and Zuck—23.

NOES—Messrs. Amerige, Ames, Barton of Sacramento, Bell, Bigelow, Brown, Cunnard, Dana, Dean, Dennis, Dore, Dudley of Solano, Eliason, Fay, Ferguson, Frazier, Griswold, Hoag, Hoffman, Irwin, Jackson, Kendall, Love, Machin, Maclay, Moore, O'Brien, Parker, Pemberton, Porter, Printy, Reese, Reeve, Saul, Shannon, Warwick, Woodman, Worthington, and Wright—39.

So the substitute was lost.

On the adoption of the resolution offered by Mr. Campbell, Messrs. Wright, Collins, and Watson, demanded the ayes and noes, and the resolution was adopted, by the following vote:

AYES—Messrs. Amerige, Ames, Battles, Bell, Bigelow, Brown, Cunnard, Dana, Dennis, Dore, Dow, Dudley of Solano, Ferguson, Frazier, Griswold, Hoag, Hoffman, Irwin, Jackson, Kendall, Love, Maclay, O'Brien, Orr, Parker, Pemberton, Porter, Printy, Reed, Reese, Sargent, Saul, Shannon, Teegarden, Tilton of San Francisco, Zuck, and Mr. Speaker—37

NOES—Messrs. Avery, Barton of Sacramento, Collins, Cot, Dean, Dudley of Placer, Elmason, Evey, Fay, Hillyer, Lane, Loewy, Machin, Moore, Sears, Seaton, Smith of Fresno, Thornbury, Van Zandt, Waddell, Warwick, Watson, Werk, Woodman, Worthington, Wright, and Yule—27.

Mr. Brown, from the Committee on Enrolment, made the following report:

Mr. SPEAKER:—Your Committee on Enrolment have examined, and found correctly enrolled, Assembly bill No. 290, an Act to incorporate the City of Sacramento, and delivered the same to the Governor, this day, at two o'clock, P. M.

BROWN, for Committee.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
April 18th. 1862.

Mr. SPEAKER:—The Senate on April seventeenth adopted and passed, as a substitute for Assembly bill No. 424, an Act to appropriate money for the improvement of the State Insane Asylum, Senate bill No. 221, an Act supplemental to an Act to establish an Asylum for the Insane of California, approved May seventeenth, eighteen hundred and fifty-three, approved April sixteenth, eighteen hundred and fifty-eight, approved April thirtieth, eighteen hundred and sixty, approved March thirteenth, eighteen hundred and sixty-one.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
April 18th, 1862.

Mr. SPEAKER:—I am instructed by the Senate to present to the Assembly a memorial of the Board of Supervisors of Tehama County, praying that a certain bill, (Senate bill No. 222,) relative to fees of office in certain cases in said county, and now in the possession of the Assembly, may pass, as amended by the Senate

DELOS J. HOWE,
Assistant Secretary

SENATE CHAMBER,
April 18th, 1862.

Mr. SPEAKER:—The Senate on this day amended and passed Assembly bill No. 352, an Act amendatory of Article four of an Act entitled an Act to repeal the several charters of the City of San Francisco, and to establish the boundaries of the City and County of San Francisco, and ask the concurrence of the Assembly in said amendments;

Also, passed Assembly bill No. 317, an Act to grant to T. S. Benoiste and his associates, the right to construct a wagon road in Sonoma County;

Also, on yesterday passed Assembly bill No 133, an Act providing for the appointment of Notaries Public, and defining their duties;

Also, on this day concurred in Assembly amendments to Senate bill No. 224, an Act appropriating money for the erection of a building for the use of the Home for the Inebriate;

Also, on this day amended and passed Assembly bill No. 137, an Act relative to forcible entries and unlawful detainers.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
April 18th, 1862.

Mr. SPEAKER:—The Senate this day, by unanimous consent, further amended Senate bill No. 441, an Act providing for the submission of the proposed amendments to the Constitution of the State of California to a vote of the people, and ask the concurrence of the Assembly in said amendment;

Also, amended and passed Assembly bill No. 372, an Act for the encouragement of agriculture and manufactures in California, and ask your concurrence in said amendment;

Also, yesterday, adopted Senate concurrent resolution No. 57, relative to the appointment of an Assistant Fireman;

Also, on April sixteenth, passed Assembly bill No. 324, an Act supplemental to an Act entitled an Act to create the office of State Geologist, and to define the duties thereof, approved April twenty-first, eighteen hundred and sixty-one.

DELOS J. HOWE,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

The House concurred in Senate amendments to Assembly bill No. 352, above reported

The House also concurred in Senate amendments to Assembly bill No. 137, above reported.

The House refused to concur in Senate amendments to Assembly bill No. 372, above reported.

Senate bill No 221, substitute for Assembly bill No. 424, above reported, read first and second times, and referred to the Committee on Hospitals

The House concurred in Senate amendments to Senate bill No. 441, above reported.

Senate concurrent resolution No. 57, above reported, was taken up.

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

Upon which, Messrs. Loewy, O'Brien, and Shannon, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Amerige, Avery, Bigelow, Brown, Collins, Dean, Dow, Hillyer, Lane, Loewy, Love, Machin, Maclay, Meyers, Parker, Sears, Smith of Sierra, Warwick, and Yule—19.

NOES—Messrs. Ames, Bell, Benton, Campbell, Cot, Cunnard, Dennis, Eliason, Ferguson, Griswold, Hoffman, Irwin, Kendall, Moore, O'Brien,

Pemberton, Porter, Reeve, Sargent, Saul, Seaton, Shannon, Smith of Fresno, Teegarden, Thornbury, Tilton of San Francisco, Van Zandt, Watson, Werk, Woodman, Wright, and Zuck—32

The resolution was referred to the Committee on Accounts and Expenditures

Mr. Kendall introduced a concurrent resolution relative to iron-clad gunboats for the protection of the harbor of San Francisco.

Referred to Committee on Military Affairs.

Mr. Orr, by leave, introduced a bill for an Act to transfer and legalize certain records in the County of Mono.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Mr Bell also had leave to introduce a bill for an Act to prevent the destruction and fencing of fords on roads and public highways.

Read first and second times, and referred to Committee on Roads and Highways.

REPORTS.

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

Mr. SPEAKER:—The Judiciary Committee, to whom was referred Assembly bill No. 465, an Act to authorize John B. Trudell, and others, to convey real estate in the City of Los Angeles, report the same back, and recommend its passage;

Also, Assembly bill No 200, 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, eighteen hundred and fifty-one, report the bill back, and recommend its passage.

BELL, Chairman.

Mr Machin, from the Committee on Corporations, made the following report:

Mr. SPEAKER:—Your Committee on Corporations, to whom was referred Senate bill No 294, an Act to authorize Eugene L. Sullivan, Nathaniel Holland, and John Benson, and their associates and assigns, to lay down gas pipes in the City and County of San Francisco, have carefully considered the same, and would most respectfully report the bill back to the House, with several amendments, and recommend its passage as amended.

MACHIN, Chairman.

Mr. Reed, of said Committee, dissents from the recommendation contained in the above report.

Mr. Benton, from the Committee on Public Morals, made the following report:

Mr. SPEAKER:—The Committee on Public Morals, to whom was referred Senate bill No. 370, an Act to prevent the adulteration of food and liquors, have had the same under consideration, report it back, and unanimously recommend its passage.

BENTON, Chairman.

Senate bill No. 370, above reported, was taken up, read third time, and passed.

Mr. Moore, from the Committee on Agriculture, made the following report:

Mr. SPEAKER:—Your Committee on Agriculture, to whom was referred Senate bill No. 282, an Act supplementary to an Act for the protection of game, passed May thirteenth, eighteen hundred and fifty-four, have had the same under consideration, and report the same back, and respectfully recommend its passage.

MOORE, for Committee.

Mr. Worthington presented a petition of the barbers and hairdressers of San Francisco, for a law, closing places of business on Sundays.

Referred to Committee on Public Morals.

Mr. Maclay, from the Committee on Claims, made the following report:

Mr. SPEAKER:—The Committee on Claims, to whom was referred Assembly bill No. 349, an Act for the relief of Joseph Kern, have had the same under consideration, and have received no evidence upon which they could base a favorable report; we therefore respectfully recommend that it be indefinitely postponed;

Also, Senate bill No. 403, an Act to audit and allow the claim of T. J. A. Chambers, which they report back, with amendments, and recommend that it pass, as amended.

MACLAY, for Committee.

Senate bill No. 403, above reported, taken up, amendments adopted, read third time, and passed.

Mr. Maclay, from the Committee on Claims, made the following report:

Mr. SPEAKER:—The Committee on Claims, to whom was referred Senate bill No. 292, an Act to pay Paul R Hunt the sum therein mentioned, have had the same under consideration. This is a claim of said Hunt for payment of his services as Messenger from John G. Downey, then Governor of this State, to James Shields, in Mazatlan, Mexico.

We had heretofore considered this claim, and reported a concurrent resolution recommending the payment by the United States, but the Committee desire to state that said report was based upon the positive assurance of Hunt that he had been paid no part of his claim by any person or in any manner, to which he offered to swear.

It now appears, that on the thirtieth day of September last, at which time he received his commission, he was paid, on account of said service, the sum of two hundred and fifty dollars, out of the Governor's "Special Contingent Fund," and that on his return, in the month of December next succeeding, there was paid to him the additional sum of two hundred dollars, out of the same fund, and on the same account. We therefore respectfully recommend the indefinite postponement of said bill, and that copies of this report, and the action of the House thereon, be forwarded by the Clerk to our Senators and Representatives in Congress.

MACLAY, for Committee.

Mr. Reeve, from the San Francisco delegation, made the following report:

Mr. SPEAKER:—The San Francisco delegation, to whom was referred Assembly bill No. 450, an Act to grant the right of way for a railroad within the City and County of San Francisco, report the same back, and recommend its passage;

Also, report back Assembly bill No. 386, an Act for the relief of William Lombard, and recommend its passage;

Also, recommend the passage of Assembly bill No. 428, an Act amendatory of an Act to repeal the several charters of the City and County of San Francisco, and establish the boundaries of the City and County of San Francisco, and to consolidate the government, approved April nineteenth, eighteen hundred and fifty-six.

REEVE, for Delegation.

The rules were suspended, and Assembly bill No 386, above reported, taken up, considered engrossed, read third time, and passed.

Mr. Reese, from the Committee of Free Conference, made a report on Assembly bill No. 240, which was adopted.

Mr. Worthington made the following report:

Mr. SPEAKER:—Your Special Committee, to whom was referred Assembly bill No. 435, an Act to remove the State Reform School to the City and County of San Francisco, and to unite the same with the Industrial School of said city and county, report the same back, and recommend its passage, with amendments

WORTHINGTON,
EVEY,
PORTER,
SEATON.

RESOLUTIONS.

Mr. Tilton of San Francisco offered a concurrent resolution relative to vote of thanks to Major-General H. W. Halleck.

Adopted.

Mr. Hoag offered the following resolution:

Resolved, That the delegations from each county be requested to furnish the Chairman of the Committee on Mileage with a statement of the fare, by the ordinary conveyance, from their county seat to the State Capital, and the time necessarily employed in making the trip.

Pending the consideration of the foregoing resolution, on motion of Mr. Bell, by a division vote, the House, at twelve minutes to five o'clock, adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, April 19th, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.

Messrs. Maclay, Seaton, and Tilton of San Mateo, had indefinite leave of absence.

Mr. Kendall had leave to introduce amendments to the Constitution.

Read first and second times, placed at top of file for Monday, April twenty-first, and ordered printed.

Journal of yesterday read and approved

GENERAL FILE.

Senate bill No. 266, an Act authorizing the Board of Supervisors of the City and County of San Francisco to examine certain claims—amendments adopted, read third time, and passed.

Assembly bill No. 269, an Act to provide for paying certain demands issued on the faith and credit of the State, which become due and payable on the second day of May, eighteen hundred and sixty-two, and to contract a funded debt for that purpose—amended, rules suspended, considered engrossed.

Mr. Worthington asked for the reading of the bill, as amended.

After the Clerk had proceeded with the reading, Mr. Eagar moved to dispense with the further reading of the bill, and moved the previous question.

Upon which, Messrs. Worthington, Bell, and Dennis, demanded the ayes and noes, and the motion was carried, by the following vote:

AYES—Messrs. Amerige, Avery, Barton of Sacramento, Brown, Campbell, Collins, Dana, Doro, Dudley of Solano, Eagar, Eliason, Evey, Fay, Gordon, Griswold, Hoag, Irwin, Meyers, Moore, Orr, Porter, Reed, Reeve, Sargent, Sears, Shannon, Smith of Sierra, Teegarden, Thornbury, Warwick, Wright, and Zuck—32.

NOES—Messrs. Ames, Battles, Bell, Benton, Cot, Cunnard, Dean, Dennis, Dudley of Placer, Ferguson, Frazier, Hillyer, Hoffman, Kendall, Lane, Loewy, Love, Machin, Morrison, O'Brien, Parker, Pemberton, Printy, Smith of Fresno, Tilton of San Francisco, Waddell, Watson, Werk, and Worthington—29.

The further reading of the bill was proceeded with, Mr. Eagar having withdrawn his objection

On the passage of the bill, Messrs Worthington, Hillyer, and Morrison, demanded the ayes and noes, and the bill passed, by the following vote:

AYES—Messrs. Amerige, Avery, Barton of Sacramento, Brown, Campbell, Collins, Cot, Cunnard, Dana, Dow, Dudley of Solano, Eagar, Eliason, Evey, Fay, Ferguson, Frazier, Gordon, Griswold, Hoag, Irwin, Loewy, Love, Meyers, Moore, O'Brien, Orr, Pemberton, Porter, Reed, Reese, Reeve, Sargent, Sears, Shannon, Smith of Sierra, Teegarden, Thornbury, Warwick, Werk, Woodman, Wright, and Zuck—43

NOES—Messrs. Ames, Battles, Bell, Benton, Dean, Dennis, Dudley of Placer, Hillyer, Hoffman, Kendall, Lane, Machin, Morrison, Parker, Printy, Tilton of San Francisco, Van Zandt, Waddell, Watson, and Worthington—20.

Assembly bill No. 284, an Act to provide for the payment, by Alameda County, of a portion of the interest paid by Contra Costa County on the

claim of T. C. Gilman—substitute adopted, rules suspended, considered engrossed, read third time, and passed.

At five minutes past three o'clock, P. M., on motion of Mr. Cunnard, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, April 21st, 1862.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Messrs. Thornbury, Teegarden, Barton of Sacramento, Benton, Warwick, Maclay, and Hillyer, had leave of absence.

The rules were suspended, and Assembly bill No 223, an Act to provide for the payment of the sum of two hundred dollars to each of the Locating Agents of the State of California, was taken up, considered engrossed, read third time, and passed.

REPORTS.

Mr. Amerige, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, the following bills:

Assembly bill No. 414, an Act to provide for the maintenance and government of the State Reform School;

Also, Assembly bill No. 367, an Act to authorize the construction of a wagon road from Wood's Bar to Highland Flat, in the County of Stanislaus;

Also, Assembly bill No. 469, an Act to transfer and legalize certain records in the County of Mono.

AMERIGE, for Committee.

Mr. Avery, from the Committee on Enrolment, made the following report:

Mr. SPEAKER:—Your Committee on Enrolment have examined, and found correctly enrolled, the following bills:

Assembly bill No 373, an Act to grant the right to construct a toll bridge across Cache Creek, in Yolo County, at the Town of Cacheville, to certain parties therein named.

Also, Assembly bill No. 360, an Act to amend an Act entitled an Act to confer upon the San Francisco and Marysville Railroad Company, incorporated under the laws of this State, certain rights and privileges, passed April twenty-fourth, eighteen hundred and fifty-eight;

Also, Assembly bill No. 201, an Act to protect free white labor against competition with Chinese Coolie labor, and discourage the immigration of Chinese into the State of California;

Also, Assembly concurrent resolution, relative to the appointment of a Commissioner to visit Washington;

And delivered the same to the Governor, at twenty-eight minutes past twelve o'clock on Friday, the eighteenth instant.

AVERY, Chairman.

Mr. Dow, from the Committee on Enrolment, made the following report:

Mr. SPEAKER:—Your Committee on Enrolment have examined, and found correctly enrolled, the following bills:

Assembly bill No. 26, an Act to repeal sections four and five of an Act, approved May fourteenth, eighteen hundred and sixty-one, entitled an Act amendatory of and supplementary to an Act concerning marks and brands, passed May first, eighteen hundred and fifty-one;

Also, Assembly bill No. 324, an Act supplemental to an Act entitled an Act to create the office of State Geologist, and to define the duties thereof, approved April twenty-first, eighteen hundred and sixty-two;

Also, Assembly bill No. 27, an Act to amend an Act entitled an Act to amend an Act entitled an Act to regulate the settlement of the estate of deceased persons, passed May first, eighteen hundred and fifty-one, and the Acts amendatory thereof, passed May twentieth, eighteen hundred and sixty-one;

And delivered the same to the Governor, at fifteen minutes past eleven o'clock, A. M.

DOW, for Committee.

The Journal of Saturday last was read and approved.

GENERAL FILE.

Assembly bill No. 471, proposed amendments to the Constitution—placed at top of file for April twenty-second.

Senate bill No 294, an Act to authorize Eugene L. Sullivan, Nathaniel Holland, and John Benson, and their associates and assigns, to lay down gas pipes in the City and County of San Francisco.

Mr. Battles moved to strike out "five," and insert "four," in the proviso to section two.

Mr Yule demanded the previous question.

Sustained.

On the adoption of the amendment, Messrs. Battles, Dudley of Placer, and Griswold, demanded the ayes and noes, and the amendment to the amendment was lost, by the following vote:

AYES—Messrs. Ames, Battles, Cunnard, Dennis, Dudley of Placer, Frazier, Jackson, Kendall, Love, O'Brien, Parker, Pemberton, Smith of Fresno, Tilton of San Francisco, Van Zandt, Watson, Woodman, and Worthington—18.

NOES—Messrs. Amerige, Avery, Bigelow, Brown, Campbell, Collins, Dana, Dean, Dore, Dudley of Solano, Eliason, Fay, Gordon, Griswold, Hoag, Hoffman, Irwin, Loewy, Machin, Maclay, McCullough, Meyers, Moore, Morrison, Orr, Porter, Printy, Reese, Reeve, Sargent, Saul, Sears, Seaton, Shannon, Smith of Sierra, Waddell, Wright, Yule, and Zuck—39.

And the amendment was adopted.

The amendments of the Committee were then adopted.

Bill read third time.

On its passage, Messrs. Avery, Battles, and Ames, demanded the ayes and noes, and the bill passed, by the following vote:

AYES—Messrs. Amerige, Avery, Bell Bigelow, Brown, Campbell, Collins, Dana, Dean, Dore, Dudley of Solano, Eliason, Fay, Ferguson, Gordon, Griswold, Hoag, Hoffman, Irwin, Jackson, Kendall, Lane, Loewy, Machin, Maclay, McCullough, Meyers, Moore, O'Brien, Orr, Porter, Printy, Reed, Reese, Reeve, Sargent, Saul, Sears, Seaton, Shannon, Smith of Sierra, Tilton of San Francisco, Waddell, Worthington, Wright, Yule, and Zuck—47.

NOES—Messrs. Ames, Battles, Cunnard, Dennis, Dudley of Placer, Frazier, Love, Parker, Pemberton, Smith of Fresno, Van Zandt, and Watson—12.

Mr Tilton of San Francisco gave notice of reconsideration.

The Speaker directed the notice of Mr Tilton of San Francisco to be entered on the Journal, it having been given after the previous question had been exhausted

Mr. Sears raised a point of order, that the notice of Mr. Tilton was not in time.

The Speaker decided the point of order not well taken.

Mr. Sears appealed from the decision of the Chair.

On the question, "Shall the decision of the Chair stand as the judgment of the House?" it was decided in the affirmative.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
April 19th, 1862.

Mr. SPEAKER:—The Senate, on April eighteenth, eighteen hundred and sixty-two, amended and passed Assembly bill No. 220, an Act to authorize the issuance of a patent to Maurice J. Dooly, for certain lands in San Joaquin County, and ask the concurrence of the Assembly in said amendment;

Also, amended and passed Assembly bill No. 282, an Act for the better protection of farmers in certain portions of Sacramento County, and for regulating the herding of stock within the same, and ask the concurrence of the Assembly in said amendments;

Also, passed Assembly bill No. 207, an Act to legalize the assessment of taxes for the fiscal year ending on the first day of March, eighteen hundred and sixty-two;

Also, passed Senate bill No. 448, an Act to legalize the assessment and levy of city taxes and authorize the collection of the same in the City of Oakland;

Also, passed Senate bill No. 376, an Act concerning the redemption of county and city bonds;

Also, passed Senate bill No. 346, an Act supplementary to an Act concerning lawful fences, approved April twenty-seventh, eighteen hundred and fifty-five;

Also, passed Senate bill No. 392, an Act fixing the salary of the Governor's Private Secretary;

Also, passed Senate bill No. 432, an Act concerning the office of Surveyor-General;

Also, passed Senate bill No. 447, an Act to provide for the appointment of an Inspector and Gauger for San Francisco;

Also, passed Senate bill No. 449, an Act relative to filing a list of lands claimed by the State under certain Acts of Congress donating lands to this State.

DELOS J HOWE,
Assistant Secretary

SENATE CHAMBER,
April 21st, 1862.

MR SPEAKER:—The Senate on the nineteenth instant, passed Senate bill No. 454, an Act to define the time for holding terms of Court in the Thirteenth Judicial District;

Also, passed Senate bill No. 453, an Act to fix the terms of the Court of Sessions, Probate, and County Courts, in Contra Costa County;

Also, amended and passed Assembly bill No. 157, an Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and ask the concurrence of the Assembly in said amendment;

Also, this day receded from its amendments to Assembly bill No. 372, an Act for the encouragement of agriculture and manufactures.

DELOS J. HOWE,
Assistant Secretary

CONSIDERATION OF SENATE MESSAGES

Senate bill No. 448, above reported, read first and second times, rules suspended, read third time, and passed.

Senate bill No. 453, above reported, read first and second times, rules suspended, read third time, and passed.

Senate bill No. 454, above reported, read first and second times, rules suspended, read third time, and passed.

Senate bill No. 392, above reported, read first and second times, and referred to the Committee on Ways and Means.

Senate bill No 432, above reported, read first and second times, and referred to the Committee on Ways and Means.

Senate bill No. 449, above reported, read first and second times, and referred to the Committee on Public Lands.

Senate bill No. 346, above reported, read first and second times, and referred to the Committee on Agriculture.

Senate bill No. 376, above reported, read first and second times, and referred to the Committee on Corporations.

The House concurred in Senate amendments to Assembly bill No. 157, above reported

The House concurred in Senate amendments to Assembly bill No. 220, above reported.

The House concurred in Senate amendments to Assembly bill No. 282, above reported.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 18th, 1862.

To the Honorable the Assembly of California:

I have to inform your honorable body that I have approved Assembly bill No. 328, an Act to amend an Act, approved February nineteenth, eighteen hundred and sixty-two, entitled an Act to authorize the Mayor and Common Council of the City of Los Angeles to borrow money for municipal improvements;

Also, Assembly bill No. 272, an Act to authorize Robert G. Arthur, his associates or assigns, to construct and keep in repair certain roads upon the San Miguel rancho, and adjoining property, in the City and County of San Francisco, and to levy and collect tolls thereon;

Also, Assembly bill No. 210, an Act in relation to the indigent sick of the County of Placer;

Also, Assembly bill No. 238, an Act to give further powers to the Board of Supervisors of the City and County of San Francisco;

Also, Assembly bill No. 359, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one;

Also, Assembly bill No. 225, an Act to regulate the proceedings of the Board of Supervisors for the County of San Diego, and to define their duties;

Also, Assembly bill No. 332, an Act for the payment of Oliver and Lewis;

Also, Assembly bill No. 320, an Act to amend an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one;

Also, Assembly bill No. 321, an Act to provide for the collection of delinquent taxes in the Counties of Placer and Tuolumne;

Also, Assembly bill No. 417, an Act to amend an Act entitled an Act concerning District Court Reporters for the Fourth, Sixth, Seventh, Tenth, Twelfth, and Fifteenth Judicial Districts, approved May seventeenth, eighteen hundred and sixty-one, in so far as it relates to the Fourth and Twelfth Judicial Districts.

LELAND STANFORD, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 19th, 1862.

To the Honorable the Assembly of California:

I have to inform your honorable body that I have approved Assembly bill No. 308, an Act granting the right to keep and maintain a bridge across the North Fork of the American River, near Carrolton, in the Counties of Placer and El Dorado;

Also, Assembly bill No. 258, an Act to amend an Act, approved March fourth, eighteen hundred and fifty-seven, entitled an Act to amend an Act to incorporate the City of Monterey, approved May eleventh, eighteen hundred and fifty-three;

Also, Assembly bill No 268, an Act concerning the office of District Attorney of Los Angeles County;

Also, Assembly bill No. 40, an Act for the relief of William P. Sayward;

Also, Assembly bill No. 73, an Act to authorize D. B. Northrop, Horace Cole, and E B. Goddard, and their associates, to construct a plank road, or bridge. over the waters of Mission Bay, in the City and County of San Francisco;

Also, Assembly bill No. 100, an Act to amend an Act entitled an Act to regulate fees of office in the Counties of Los Angeles and Santa Barbara, approved April sixth, eighteen hundred and sixty one.

LELAND STANFORD, Governor.

REPORTS.

Mr. Sargent, from the Committee on Public Expenditures and Accounts, made the following report:

Mr. SPEAKER:—Your Committee on Public Expenditures and Accounts beg leave to report that they have examined, and found correct, the following accounts:

Account of the Appeal Association, for twenty-five copies Daily, and three copies Weekly Marysville Appeal	$19 50
Account of the Express Printing Company, for fourteen copies of the Daily and Weekly Express	72 50
Account of Sacramento Daily Bee, for eight copies of same	30 50
Total	$122 50

Also, that they have examined Senate concurrent resolution No. 57, relative to appointing Assistant Fireman, and after a careful inquiry into all the circumstances, recommend the passage of the resolution.

Also, that they have considered Assembly bill No. 130, an Act providing for the better preservation of the records of the Supreme Court, which was referred to them, and recommend its indefinite postponement.

HILLYER, Chairman.

Senate concurrent resolution No. 57, above reported, was adopted

Mr. Evey gave notice of reconsideration.

Mr. Porter offered the following resolution:

Resolved, That the Controller of State be and is hereby authorized and directed to draw his warrants on the Contingent Fund of the Assembly, in favor of the Appeal Association, for the sum of nineteen dollars and fifty cents, in favor of the Express Printing Company, for the sum of seventy-two dollars and fifty cents; and in favor of the Daily Bee, for the sum of thirty dollars and fifty cents.

Adopted.

Mr. Porter, from the Contra Costa and Alameda delegations, made the following report:

Mr. SPEAKER:—The Contra Costa and Alameda delegations ask leave to report back, with amendments, and recommend the passage there-

of, of Assembly bill No. 336, an Act to provide for the construction of a public wagon and stage road in Contra Costa County to the summit of the Divide on the Alameda County line.

MOORE,
BELL,
PORTER.

The rules were suspended, and the bill above reported, amendments adopted, considered engrossed, read third time, and passed

Mr. Kendall, from the Tuolumne delegation, made the following report:

Mr. SPEAKER:—The Tuolumne delegation, to whom was referred Senate bill No. 411, an Act to amend an Act to make certain offices in Tuolumne County salaried offices, have had the same under consideration, and a minority report the same back, with the recommendation that it pass.

KENDALL, of Delegation.

The rules were suspended, and the bill above reported read third time.

On its passage, Messrs. Orr, Amerige, and Evey, demanded the ayes and noes, and the bill passed, by the following vote:

AYES—Messrs. Ames, Bell, Brown, Dean, Dennis, Dore, Dudley of Placer, Dudley of Solano, Griswold, Hoffman, Irwin, Kendall, Lane, Loewy, Moore, Morrison, Pemberton, Reeve, Saul, Sears, Shannon, Smith of Sierra, Tilton of San Francisco, Van Zandt, Werk, and Woodman—26.

NOES—Messrs. Amerige, Avery, Collins, Dow, Eliason, Evey, Fay, Gordon, Hoag, Maclay, Meyers, Orr, Porter, Printy, Reed, Sargent, Seaton, and Wright—18.

Mr. Reeve made a report from the Committee of Free Conference on Assembly bill No. 153, adopting Senate amendments;

Also, report of the Committee of Free Conference on Assembly bill No. 154.

Reports adopted.

Mr. Dean made the following report:

Mr. SPEAKER:—The Select Committee appointed by resolution of this House to ascertain the truth or fallacy of a reported assault upon its Speaker by one of its members, have given the matter that investigation and consideration which they think its importance demands, and respectfully submit the following report:

From the evidence adduced in this case, it appears to the Committee that Mr. Ferguson, a member of this body, did deliberately assault its presiding officer while in an adjacent apartment of this building, and during the session of the Assembly, because, as is alleged, of the ruling of that officer while presiding over its deliberations. Independently of the well settled parliamentary rule that no member shall be held answerable in any other place for words spoken in debate while the House is in session, the Committee are of opinion, that while the presiding officer of this body is but its servant, to declare its will and to obey implicitly all its commands, they nevertheless believe him entitled, on all occasions, to

be treated with attention and respect, because the power and dignity and honor of the Assembly are embodied in his person.

The Committee are not permitted to doubt that any member of this House can obtain ample redress for all infringements of his rights through the erroneous or arbitrary ruling of its presiding officer, by a proper and timely assertion of those rights on the floor of the House, under its established rules. The Committee believe in the entire efficiency of well digested parliamentary rules to insure complete protection, not only to the rights of individual members, but also to the dignity and honor of every deliberative body.

We are therefore of the opinion, that Mr. Ferguson, by committing an assault upon the Speaker of this House because of his rulings while in the discharge of his duty, trespassed upon the personal rights of that officer, in disregard of the dignity and honor of this Assembly.

The Committee therefore respectfully recommend the adoption of the following resolution:

Resolved, That Mr. Ferguson be required to render, forthwith, an ample apology to the House, for the assault on its presiding officer.

DEAN, Chairman.
HOAG,
BARTON,
MOORE.

Mr. Morrison moved to lay on the table.

Upon which, Messrs. Maclay, Tilton of San Francisco, and Brown, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Ames, Bell, Cunnard, Dana, Dennis, Dudley of Placer, Griswold, Hoffman, Irwin, Jackson, Kendall, Lane, Love, Morrison, Pemberton, Sears, Smith of Sierra, Waddell, Werk, and Woodman—20.

NOES—Messrs Amerige, Avery, Battles, Bigelow, Brown, Collins, Dore, Dow, Dudley of Solano, Elhason, Evey, Fay, Gordon, Hoag, Loewy, Maclay, Meyers, Moore, Orr, Porter, Reed, Reese, Sargent, Seaton, Tilton of San Francisco, Van Zandt, Worthington, Wright, and Zuck—29.

Mr Watson moved the previous question.

Sustained

On the adoption of the resolution, Messrs. Bell, Maclay, and Dennis, demanded the ayes and noes, and the resolution was adopted, by the following vote:

AYES—Messrs. Amerige, Ames, Avery, Bigelow, Brown, Collins, Dow, Dudley of Solano, Elhason, Fay, Gordon, Hoag, Loewy, Maclay, Meyers, Moore, Orr, Porter, Reese, Sargent, Tilton of San Francisco, Van Zandt, and Zuck—23.

NOES—Messrs. Bell, Cunnard, Dennis, Dudley of Placer, Frazier, Griswold, Hoffman, Irwin, Kendall, Lane, Love, Morrison, Pemberton, Saul, Sears, Waddell, Watson, Woodman, Worthington, and Wright—20.

Mr. Bigelow gave notice that he would to-morrow move a reconsideration of the vote by which the House this day concurred in Senate amendments to Assembly bill No. 157.

At twenty minutes past four o'clock, P. M., on motion of Mr. Cunnard, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, April 22d, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.
Messrs Cunnard, Smith of Fresno, O'Brien, and Eagar, had leave of absence.
Journal of yesterday read and approved.

GENERAL FILE

Assembly bill No. 471, proposed amendments to the Constitution, was taken up.
Mr. Fay moved the previous question.
Sustained.
On the engrossment of the bill, Messrs. Collins, Griswold, and Dudley of Placer, demanded the ayes and noes, and the House so ordered, by the following vote:

AYES—Messrs. Amerige, Ames, Avery, Bigelow, Campbell, Collins, Cot, Dana, Dennis, Dore, Dow, Dudley of Solano, Eagar, Eliason, Evey, Fay, Ferguson, Frazier, Gordon, Griswold, Hoffman, Irwin, Kendall, Loewy, Love, Maclay, Meyers, Porter, Printy, Sargent, Saul, Sears, Shannon, Smith of Sierra, Tilton of San Francisco, Tilton of San Mateo, Waddell, Warwick, Werk, Worthington, Wright, and Zuck—42.
NOES—Messrs. Benton, Dean, Dudley of Placer, Hoag, Jackson, Lane, Moore, Parker, Pemberton, Thompson of Tehama, and Watson—11.

Mr. Dudley of Placer asked leave to explain his vote.
Upon which, Messrs Watson, Parker, and Dudley of Solano, demanded the ayes and noes, and leave was granted, by the following vote:

AYES—Messrs Avery, Barton of Sacramento, Bigelow, Campbell, Collins, Cot, Dennis, Dore, Dudley of Solano, Eliason, Evey, Ferguson, Frazier, Griswold, Hoag, Irwin, Jackson, Kendall, Lane, Loewy, Love, Maclay, Moore, Parker, Pemberton, Printy, Reed, Sargent, Saul, Sears, Thompson of Tehama, Tilton of San Francisco, Waddell, Woodman, Worthington, and Wright—36.
NOES—Messrs. Amerige, Benton, Dean, Shannon, Smith of Sierra, Tilton of San Mateo, Watson, Werk, and Zuck—9.

Assembly bill No. 387, an Act to return to the Swamp Land Fund of the State certain moneys belonging thereto, now in the General Fund.
Mr. Tilton of San Francisco moved to indefinitely postpone the bill.
Mr. Shannon moved the previous question.
Sustained.
On the indefinite postponement of the bill, Messrs. Hoag, Saul, and Benton, demanded the ayes and noes, and the motion prevailed, by the following vote:

AYES—Messrs. Ames, Avery, Benton, Bigelow, Collins, Cot, Dore, Eagar, Eliason, Evey, Fay, Frazier, Gordon, Kendall, Love, Machin, Maclay, Moore, Reese, Shannon, Smith of Sierra, Tilton of San Francisco, Tilton of San Mateo, Waddell, Warwick, Watson, Woodman, Worthington, Wright, and Zuck—30.

NOES—Messrs. Amerige, Barton of Sacramento, Dennis, Dudley of Solano, Ferguson, Hillyer, Hoag, Hoffman, Loewy, Pemberton, Porter, Printy, Saul, and Sears—14.

Senate bill No. 358, an Act appropriating money to pay the claim of Eugene Lies for translating State documents—considered in Committee of the Whole, reported and recommended, read third time, and passed.

Assembly bill No. 158, an Act supplementary to an Act to legalize certain grants and sales made by the Ayuntamiento of the Pueblo, and by the Mayor and Common Council of the City, of Santa Barbara—read third time, and passed

Assembly bill No. 145, an Act to amend section three hundred and ninety-four of an Act entitled an Act to regulate proceedings in civil cases, passed April twenty-eighth, eighteen hundred and fifty-one.

Mr. Dudley of Placer moved to indefinitely postpone the bill.

Upon which, Messrs. Wright, Dudley of Placer, and Kendall, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Ames, Collins, Cot, Dennis, Dudley of Placer, Evey, Ferguson, Frazier, Griswold, Hoffman, Irwin, Jackson, Kendall, Lane, Loewy, Machin, Parker, Pemberton, Printy, Saul, Thompson of Tehama, Waddell, Warwick, Watson, Werk, Woodman, and Wright—27.

NOES—Messrs. Amerige, Avery, Battles, Benton, Bigelow, Dana, Dudley of Solano, Eagar, Eliason, Fay, Gordon, Hillyer, Hoag, Love, Maclay, McCullough, Moore, Orr, Porter, Reed, Reese, Reeve, Sargent, Sears, Shannon, Smith of Sierra, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Worthington, and Zuck—31.

On the passage of the bill, Messrs. Wright, Dudley of Placer, and Watson, demanded the ayes and noes, and the bill passed, by the following vote:

AYES—Messrs. Amerige, Avery, Barton of Sacramento, Battles, Benton, Bigelow, Brown, Campbell, Dudley of Solano, Eagar, Eliason, Fay, Gordon, Hillyer, Hoag, Maclay, McCullough, Meyers, Moore, Orr, Porter, Reed, Reese, Reeve, Sargent, Sears, Seaton, Shannon, Smith of Sierra, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Warwick, Worthington, and Zuck—35.

NOES—Messrs. Ames, Collins, Cot, Dennis Dudley of Placer, Evey, Ferguson, Frazier, Griswold, Hoffman, Irwin, Jackson, Kendall, Lane, Loewy, Love, Machin, Parker, Pemberton, Printy, Saul, Thompson of Tehama, Waddell, Watson, Werk, Woodman, and Wright—27.

Assembly bill No. 413, an Act to divide the State into Congressional Districts, and to fix the time of electing Representatives to Congress—read third time, and passed.

Assembly bill No 363, an Act to provide for the appointment of a Measurer of Wood in and for the City and County of San Francisco.

Mr. Avery moved to indefinitely postpone
Mr. Ames moved the previous question.
Sustained.
On the indefinite postponement, Messrs. Watson, Smith of Sierra, and Battles, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Amerige, Avery, Campbell, Collins, Cot, Dana, Eagar, Evey, Irwin, Jackson, Loewy, Machin, McCullough, Moore, Parker, Pemberton, Porter, Printy, Saul, Sears, Seaton, Waddell, Watson, Werk, Woodman, Wright, and Zuck—27.
NOES—Messrs. Ames, Barton of Sacramento, Battles, Benton, Bigelow, Brown, Dean, Dennis, Dudley of Solano, Eliason, Fay, Ferguson, Frazier, Gordon, Griswold, Hillyer, Hoag, Hoffman, Lane, Love, Maclay, Reese, Reeve, Smith of Sierra, Thompson of Tehama, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, and Worthington—29.

The bill was read a third time
On its passage, Messrs. Avery McCullough, and Dana, demanded the ayes and noes, and the bill passed, by the following vote:.

AYES—Messrs. Ames, Barton of Sacramento, Battles, Benton, Bigelow, Brown, Dean, Dennis, Dudley of Solano, Eliason, Fay, Frazier, Gordon, Griswold, Hillyer, Hoag, Hoffman, Jackson, Lane, Maclay, Moore, Reese, Reeve, Smith of Sierra, Thompson of Tehama, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, and Worthington—29.
NOES—Messrs. Amerige, Avery, Campbell, Collins, Cot, Dana, Dudley of Placer, Evey, Irwin, Loewy, Machin, McCullough, Meyers, Parker, Pemberton, Porter, Printy, Sears, Seaton, Waddell, Warwick, Watson, Woodman, Wright, and Zuck—25.

Mr. Brown, from the Committee on Enrolment, made the following report:

Mr. SPEAKER:—Your Committee on Enrolment have examined, and found correctly enrolled, the following bills:
Assembly bill No. 317, an Act to grant to T. S. Benoiste and his associates the right to construct a wagon road in Sonoma County, California;
Also, Assembly bill No. 240, an Act to confer further powers on the Board of Supervisors of the City and County of San Francisco;
Also, Assembly bill No. 207, an Act to legalize the assessment of taxes for the fiscal year ending on the first day of March, eighteen hundred and sixty-two, in the several counties of this State;
Also, Assembly bill No. 137, an Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning forcible entries and unlawful detainers, passed April twenty-second, eighteen hundred and fifty;
Also, Assembly bill No. 133, an Act to provide for the appointment of Notaries Public, and defining their duties.
And delivered the same to the Governor this day, at twenty-five minutes past eleven o'clock, A. M.

BROWN, for the Committee.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
April 21st, 1862.

Mr. SPEAKER:—The Senate, this day, amended and passed Assembly bill No. 433, an Act to authorize John S. Williams and his associates to construct a wharf in San Francisco, and ask the concurrence of the Assembly in said amendments

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
April 21st, 1862.

Mr. SPEAKER:—The Senate, this day, passed Senate bill No. 382, an Act to regulate proceedings in civil cases in the Courts of Justice of this State;

Also, concurred in Assembly amendments to Senate bill No. 84, an Act to amend an Act supplementary to an Act to prevent the trespassing of animals;

Also, amended and passed Assembly bill No. 310, an Act requiring compensation for causing death by wrongful act, neglect, or default;

Also, passed Senate bill No. 378, an Act regulating proceedings in civil cases;

Also, passed Senate bill No. 173, an Act to authorize the incorporation of canal companies;

Also, concurred in Assembly amendments to Senate bill No. 266, authorizing the Board of Supervisors of San Francisco to examine certain claims;

Also, passed Senate bill No 365, an Act to amend an Act concerning Coroners, passed April nineteenth, eighteen hundred and fifty;

Also, passed Senate bill No. 176, an Act relative to proceedings in criminal cases;

Also, passed Senate bill No. 260, an Act concerning the amendment and repeal of statutes;

Also, passed Senate bill No. 247, an Act to amend an Act entitled an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one;

Also, this day, indefinitely postponed Assembly bill No. 42, an Act relative to trespassing of animals upon private property;

Also, indefinitely postponed Assembly bill No. 71, relative to proceedings in civil cases in the Courts of Justice of this State;

Also, passed Senate bill No 450, an Act to create the offices of Township Collectors and Assessors in El Dorado County;

Also, concurred in Assembly amendments to Senate bill No. 403, an Act to audit and allow the claim of T. J. A. Chambers;

Also, indefinitely postponed Assembly bill No. 171, an Act relative to District Court Reporters;

Also, concurred in Assembly concurrent resolution No. 35, complimentary to General H. W. Halleck;

Also, concurred in Assembly concurrent resolution No. 34, granting leave of absence to the County Recorder of Santa Clara County.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
April 22d. 1862.

Mr. SPEAKER:—The Senate, on the twenty-first instant, amended and passed Assembly bill No. 233, ar Act amendatory of an Act relative to the issuing of certificates to exempt firemen within this State, approved May twentieth, eighteen hundred and sixty-one, and ask the concurrence of the Assembly in said amendments.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
April 22d, 1862

Mr. SPEAKER:—The Senate, on this day, passed Assembly bill No. 108, an Act to provide for a railroad within the City and County of San Francisco.

DELOS J. HOWE,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate bill No. 447, an Act for the appointment of an Inspector and Gauger for San Francisco, read first and second times, and referred to Committee on Ways and Means.

Senate bill No. 176, above reported, read first and second times, and referred to Judiciary Committee

Senate bill No. 365, above reported, read first and second times, and referred to Judiciary Committee.

Senate bill No. 378, above reported, read first and second times, and referred to Judiciary Committee.

Senate bill No. 382, above reported, read first and second times, and referred to Judiciary Committee.

Senate bill No 260, above reported, read first and second times, and referred to Judiciary Committee.

Senate bill No. 247, above reported, read first and second times, and referred to Judiciary Committee.

Senate bill No. 173, above reported, read first and second times, and referred to Committee on Corporations.

Senate bill No. 450, above reported, read first and second times, and referred to delegations from El Dorado and Amador.

Senate amendments to Assembly bill No. 233, above reported, were concurred in.

Senate amendments to Assembly bill No. 433, above reported, were concurred in.

Senate amendments to Assembly bill No. 310, above reported, were concurred in.

REPORTS

Mr. Ames, from the Committee on Hospitals, made the following report:

Mr. SPEAKER:—Your Committee on Hospitals would respectfully report back Senate bill No. 221, substitute for Assembly bill No. 424, and recommend that the House do not concur in the substitute of the Senate.

AMES, for Committee.

The House refused to adopt Senate bill No 221, above reported.

Mr. Benton, from the Committee on Public Morals, made the following report:

Mr. SPEAKER:—The Committee on Public Morals, to whom was referred a petition from bath-house keepers, barbers, and hairdressers, beg leave to report a bill, in accordance with the petition, and ask its passage.

BENTON, Chairman.

On suspending the rules, to enable the Committee to introduce the bill above reported, Messrs. Hoffman, Worthington, and Ames, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Amerige, Ames, Avery, Barton of Sacramento, Benton, Bigelow, Brown, Collins, Cot, Dore, Dudley of Placer, Eliason, Evey, Fay, Frazier, Gordon, Griswold, Hoag, Jackson, Lane, Maclay, McCullough, Moore, Orr, Parker, Pemberton, Porter, Printy, Reese, Seaton, Smith of Sierra, Thompson of Tehama, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Warwick, Wright, and Zuck—38.

NOES—Messrs. Battles, Dana, Dean, Dennis, Ferguson, Irwin, Kendall, Loewy, Reed, Reeve, Saul, Sears, Shannon, Watson, Werk, Woodman, and Worthington—17.

Mr. Tilton of San Francisco moved to reconsider the vote by which Senate bill No. 294, an Act to authorize Eugene L. Sullivan, Nathaniel Holland, and John Benson, and their associates and assigns, to lay down gas pipes in the City and County of San Francisco, was passed on Saturday.

Mr. McCullough moved to lay the motion to reconsider on the table.

Upon which, Messrs. Tilton of San Francisco, Battles, and Dudley of Placer, demanded the ayes and noes, and the motion to lay on the table was carried, by the following vote:

AYES—Messrs. Amerige, Avery, Barton of Sacramento, Bigelow, Brown, Collins, Cot, Dana, Dore, Fay, Gordon, Griswold, Hoag, Irwin, Kendall, Lane, Loewy, Machin, Maclay, McCullough, Moore, Printy, Reese, Saul, Sears, Seaton, Shannon, Smith of Sierra, Warwick, Werk, Wright, and Zuck—32.

NOES—Messrs. Ames, Battles, Benton, Dean, Dennis, Dudley of Placer, Dudley of Solano, Eliason, Evey, Ferguson, Frazier, Hoffman, Jackson, Morrison, Orr, Parker, Pemberton, Reed, Sargent, Thompson of Tehama, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Watson, Woodman, and Worthington—26.

Mr. Bigelow moved to reconsider the vote by which the House on yesterday concurred in Senate amendments to Assembly bill No. 157.

Carried.

The bill and amendments were recommitted to the San Francisco delegation.

Mr. Ferguson verbally reported and recommended the passage of Senate bill No. 415, an Act to provide for the government of the common schools in the City of Sacramento.

Bill read third time, and passed.

Mr. Jackson had leave to introduce a bill for an Act to organize the fire department of the Town of Timbuctoo, Yuba County.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Mr. Moore verbally reported, with amendments, and recommended the passage of Senate bill No 438, an Act to authorize and require the Board of Supervisors of the County of Alameda to pay certain claims.

Amendments adopted, bill read third time, and passed.

Mr. Hoag made the following report:

Mr. SPEAKER:—Your Select Committee, to whom was referred so much of the Governor's message as relates to a State University, and also two bills, to wit: Assembly bill No. 129, an Act instituting the University of the State of California, and Assembly bill No. 444, an Act creating a University Fund, beg leave to report the two bills back to the House, and recommend that the former be indefinitely postponed, and that the latter be passed.

Your Committee would here remark, that they hoped to have been able to recommend some plan for the immediate institution of a State University, which should be at the same time useful and honorable, not only to the State of California, but to the whole Pacific coast, and bear a favorable comparison with the renowned Universities of the old world; but we find the funds at our command so small, and the State Government in so embarrassed a condition at present, that we think it more wise to loan the University Fund to the State, thus accumulating by interest, and adding other sources of revenue, until the fund shall be sufficient to found a University that shall meet the expectations of Congress, by whom the land was donated, and of the framers of our State Constitution, who very wisely provided in that instrument that the funds received from the sale of the lands donated, and from all other sources, shall be inviolably set apart for the endowment and support of a University; by which, we understand, a separate and distinct institution, which shall give the most complete instruction in all the principal sciences, and shall prepare the student for immediate entrance upon the practice of any of the learned professions, which shall *really* be a University in the proper sense of the term, a worthy rival of the world-renowned European Universities, placing California where she should be, at the educational centre of the States bordering on the Pacific.

To this end, we hope that future Legislatures, when the State finances shall be in a more favorable condition, may appropriate the means and mature the plan for so desirable an object; and, as an initiatory step thereto, we recommend the passage of the bill herewith reported, the object of which is to separate the funds already accumulated, from the Common School Fund, by transferring bonds in that fund to the University Fund.

All of which is most respectfully submitted.

HOAG, Chairman.	DANA,
SEARS.	MEYERS,
LOEWY,	SARGENT,
REESE,	WERK,
LOVE.	

We concur in the conclusion of this report.

McCULLOUGH,
AMES.

Mr. Brown offered the following resolution:

WHEREAS, Certain proposed amendments to the Constitution, which passed the Senate with but one dissenting vote, came into this body, were referred to the Judiciary Committee, with the understanding that a report would be made at an early day; and, *whereas*, such amendments have been retained by such Committee more than one week; therefore—

Resolved, That the Judiciary Committee be instructed to report, tomorrow, Senate bill No 343, proposed amendments to the Constitution of the State of California.

Adopted.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 21st, 1862.

To the Honorable the Assembly of the State of California:

I have to inform your honorable body that I have approved Assembly bill No 407, an Act in relation to the office of Superintendent of Common Schools in the County of San Diego;

Also, Assembly bill No. 279, an Act to provide for funding the indebtedness of the County of Mendocino;

Also, Assembly bill No. 99, an Act to divide the Eleventh Judicial District of this State, and reorganize the Sixth;

Also, Assembly bill No. 94, an Act concerning certain salaries and fees of office in the County of Monterey;

Also, Assembly bill No. 135, an Act for the protection of growing timber on all possessory claims and other private property in certain counties in this State, and on or along public streets and highways and on public grounds;

Also, Assembly bill No. 265, an Act for the repeal of an Act, approved May seventeenth, eighteen hundred and sixty-one, entitled an Act supplementary to an Act entitled an Act to provide for the collection of delinquent taxes in the County of San Bernardino, approved March twenty-seventh, A. D. eighteen hundred and sixty-one.

LELAND STANFORD, Governor.

On motion of Mr. Ames, the reports and testimony in the alleged fraud in the Tide and Marsh Land bill of last winter, were ordered printed.

Mr. Seaton, from the El Dorado and Amador delegations, made the following report:

Mr. SPEAKER:—The El Dorado and Amador delegations, to whom was referred Senate bill No. 450, an Act creating the offices of Township Collectors and Assessors in the County of El Dorado, recommend its passage as amended.

WADDELL, for Delegations.

The rules were suspended, the amendments to the bill above reported adopted, read third time, and passed.

GENERAL FILE RESUMED.

Assembly bill No. 428, an Act to amend an Act to repeal the several charters of the City of San Francsico—rules suspended, amendment adopted, considered engrossed, read third time, and passed.

Senate bill No. 377, an Act to provide for the collection of taxes on personal property in the City and County of San Francisco—read third time, and passed.

Senate bill No 347. an Act to pay certain warrants of the City of Sacramento, herein mentioned—read third time, and passed.

Senate bill No. 234, an Act to authorize the construction of a marine railway on the western shore of the Bay of San Francisco—amended, read third time. and passed.

Senate bill No. 394, an Act to grant the right to construct a turnpike road from the Town of La Porte. County of Sierra, to the eastern boundary of the State—read third time, and passed.

Assembly bill No. 185, an Act to grant the right to construct a railroad from Aurora, in Mono County. to Walker's River, to certain parties therein named—indefinitely postponed.

Assembly bill No. 350. an Act to authorize the parties therein named to establish and maintain a ferry—read third time, and passed.

Mr. Morrison, by leave, introduced a bill for an Act to prohibit the keeping open of bath houses, barber shops, and hairdressing saloons, in the City of San Francisco during certain hours of the first day of the week. known as the Sabbath Day—read first and second times, and placed on file.

Assembly bill No. 339, an Act for the relief of Charles B. Young.

Mr. Fay moved to indefinitely postpone.

Upon which, Messrs. Loewy, Fay, and Amerige, demanded the ayes and noes.

Pending preparations for calling the roll, on further motion of Mr. Fay, at twenty minutes past four o'clock, P. M., the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, April 23d, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.

REPORTS.

Mr. Amerige, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined Assembly bill No. 269, an Act to provide for paying certain demands issued on the faith and credit of the State, which become due and payable on the second day of May, A. D. eighteen hundred and sixty-two, and to con-

tract a funded debt for that purpose, and report the same correctly engrossed.

AMERIGE, for Committee.

Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, the following bills:

Assembly bill No. 350, an Act to authorize the parties therein named to establish and maintain a ferry;

Also, Assembly bill No 471, proposed amendments to the Constitution.

LOEWY, Chairman.

Journal of yesterday read and approved.

The Speaker announced the name of Mr. Hoag to fill vacancy on the Committee of Free Conference on the appropriation and deficiency bills.

GENERAL FILE.

Assembly bill No 348, an Act to grant the right to construct a turnpike road between Searsville, in San Mateo County, and Pescadero, in Santa Cruz County—read third time, and passed.

Assembly bill No. 403, an Act to restrict the herding of sheep in certain counties of this State—read third time, and passed.

Assembly bill No. 471, proposed amendments to the Constitution—Mr. Watson moved to lay on the table.

Upon which, Messrs. Watson, Kendall, and Dudley of Placer, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs Barton of Sacramento, Benton, Dean, Dudley of Placer, Eliason, Lane, Morrison, Pemberton, Reed, Thompson of Tehama, Waddell, Watson, Werk, Wright, Yule, and Zuck—16.

NOES—Messrs. Amerige, Avery, Collins, Cot, Dana, Dudley of Solano, Fay, Ferguson, Hoag, Irwin, Jackson, Kendall, Loewy, Moore, O'Brien, Parker, Printy, Reese, Reeve, Sargent, Saul, Sears, Smith of Sierra, Tilton of San Francisco, Van Zandt, and Warwick—26.

Mr Watson moved the previous question.

Sustained.

On the amendment offered by Mr. Avery, Messrs. Watson, Maclay, and Kendall, demanded the ayes and noes, and the amendment was lost, by the following vote:

AYES—Messrs Amerige, Avery, Benton, Bigelow, Dean, Dudley of Solano, Gordon, Hoag, Maclay, McCullough, Moore, Orr, Porter, Reed, Sargent, Sears, Tilton of San Francisco, Van Zandt, Yule, and Zuck—20.

NOES—Messrs Brown, Collins, Cot, Irwin, Jackson, Kendall, Lane, Loewy, Love, O'Brien, Parker, Pemberton, Printy, Reese, Reeve, Saul, Smith of Sierra, Thompson of Tehama, Waddell, Watson, Werk, and Worthington—22.

Mr. Kendall offered the following instructions to amend: "Except that the Legislature may prescribe a further additional oath to those engaged in the military service of the State."

Adopted.

Assembly bill No. 444, an Act to create a University Fund—was recommitted to the Committee on Education.

Assembly bill No. 333, an Act fixing the salaries of State Officers, Members of the Legislature, Supreme Judges, District Judges, and Clerks

The Clerk was instructed to correct a clerical error, by striking out the word "ten," and inserting the word "eight," in the pay of the members of the Legislature.

Mr. Bell moved to recommit the bill to the Committee on Retrenchment, with instructions to strike out the word "eight," and insert the word "ten."

Upon which, Messrs. Shannon, Bell, and Fay, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Ames, Barton of Sacramento, Battles, Bell, Brown, Dean, Dennis, Dudley of Placer, Ferguson, Frazier, Griswold, Irwin, Lane, Morrison, Parker, Pemberton, Printy, Reed, Reese, Reeve, Saul, Thompson of Tehama, Watson, Werk, Woodman, and Wright—26.

NOES—Messrs. Amerige, Avery, Benton, Bigelow, Collins, Cot, Dana, Dudley of Solano, Eliason, Fay, Gordon, Hoag, Kendall, Loewy, Love, Maclay, McCullough, Meyers, Moore, Orr, Porter, Sargent, Sears, Shannon, Smith of Sierra, Tilton of San Francisco, Tilton of San Mateo, Warwick, Worthington, Yule, and Zuck—31

The bill was read third time

On its passage, Messrs Bell, Battles, and Dean, demanded the ayes and noes, and the bill passed, by the following vote:

AYES—Messrs. Amerige, Avery, Bell, Benton, Bigelow, Brown, Collins, Cot, Cunnard, Dana, Dudley of Solano, Eliason, Fay, Gordon, Griswold, Hoag, Jackson, Kendall, Loewy, Love, Maclay, McCullough, Meyers, Moore, Morrison, Orr, Porter, Printy, Reed, Reese, Reeve, Sargent, Sears, Seaton, Shannon, Smith of Sierra, Thompson of Tehama, Tilton of San Francisco, Tilton of San Mateo, Waddell, Warwick, Werk, Worthington, Wright, Yule, and Zuck—46.

NOES—Messrs Barton of Sacramento, Battles, Dean, Dennis, Frazier, Irwin, Lane, Parker, Pemberton, Saul, and Watson—11.

Mr. Bell gave notice of reconsideration.

After the roll had been called, Mr. Bell desired to have his name called.

The Speaker (Mr. Collins in the Chair) decided it was not in order, his name having already been called twice.

Mr. Bell appealed.

The House refused to sustain the Chair.

FURTHER REPORTS.

Mr. Brown, from the Committee on Enrolment, made the following reports:

Mr. SPEAKER:—Your Committee on Enrolment have examined, and found correctly enrolled, the following bill:

Assembly bill No. 433, an Act to authorize John S. Williams and his

associates to construct a wharf in the City and County of San Francisco;

And delivered the same to the Governor, this day, at twelve o'clock and forty-five minutes.

BROWN, for Committee

Mr. SPEAKER:—Your Committee on Enrolment have examined, and found correctly enrolled, the following bills:

Assembly bill No. 282, an Act for the better protection of farmers in the County of Sacramento;

Also, Assembly bill No. 352, an Act amendatory of Article four 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, eighteen hundred and fifty-six, repealing sections thirty-six to sixty-four, inclusive, and all Acts and parts of Acts amendatory and supplementary thereof, and substituting this Act for said Article four;

And delivered the same to the Governor, this day, at twelve o'clock, noon.

BROWN, for Committee.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
April 22d, 1862.

Mr SPEAKER:—The Senate, this day, amended and passed Assembly bill No 346, an Act in relation to suits brought for the collection of delinquent taxes, and ask the Assembly to concur in the amendment;

Also, passed Assembly bill No. 313, an Act relative to a sewer on Fifth street, in the City and County of San Francisco.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
April 22d, 1862.

Mr. SPEAKER:—The Senate, this day, indefinitely postponed Assembly bill No. 264, an Act concerning trade marks;

Also, indefinitely postponed Assembly bill No. 429, an Act to amend an Act entitled an Act to regulate the fees and salaries of officers in the City and County of San Francisco;

Also, this day passed Assembly bill No. 231, an Act regulating marriages, passed April twenty-second, eighteen hundred and fifty;

Also, passed Assembly bill No. 150, relative to establishment and support of common schools;

Also, passed Senate bill No. 426, an Act relative to the terms of holding Court in the Seventh Judicial District.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
April 23d, 1862.

Mr. SPEAKER:—The Senate on the twenty-second instant amended and passed Assembly bill No. 305, an Act concerning conveyances;

Also, passed Senate bill No. 424, an Act granting certain lands to the United States;

Also, on the same day, indefinitely postponed Assembly bill No. 415, an Act relative to the reclamation of Swamp and Overflowed Lands;

Also, indefinitely postponed Assembly bill No. 255, an Act prescribing rules for the government of the State Library.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
April 23d, 1862.

Mr. SPEAKER:—The Senate respectfully represent, that having adopted a substitute for Assembly bill No. 424, they deem that by such adoption such substitute became, and has all the qualities of, an original bill, and that such act of adoption was equivalent to a vote to "lay aside," or to "proceed no further with," the said Assembly bill.

They therefore respectfully represent, that they do not deem it in accordance with parliamentary practice to "recede" from the vote by which they passed Senate bill No. 221, but if the bill does not receive the approval of the Assembly, the same is subject, in that body, to all action to which any Senate bill is, or can be, properly subjected.

DELOS J. HOWE,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Mr. Shannon moved that the Clerk be instructed to transmit to the Senate, Senate bill No. 221, above reported, without further action thereon by the House.

Carried.

Mr. Watson moved that the special message accompanying said bill also be sent back.

Lost.

Mr. Shannon moved to reconsider the vote whereby Senate bill No. 221 was ordered transmitted to the Senate.

Carried.

Mr. Ames moved to strike out all after the enacting clause of Senate bill No. 221, and insert all after enacting clause of Assembly bill No. 424.

Carried, and title amended.

Senate bill No. 426, above reported, read first and second times, and referred to Judiciary Committee.

Senate bill No. 424, above reported, read first and second times, and referred to Committee on Indian Affairs.

The House concurred in Senate amendments to Assembly bill No. 305, above reported.

The House refused to concur in Senate amendments to Assembly bill No. 346, above reported.

FURTHER REPORTS.

Mr. McCullough, from the Committee on Public Lands, made the following report:

Mr. SPEAKER:—The Committee on Public Lands, to whom was referred Senate bill No. 449, an Act to provide for filing a list of the lands claimed

by the State under the provisions of the various Acts of Congress making donations to the State, have had the same under consideration, and report it back, with a recommendation that it pass

McCULLOUGH, Chairman.

Mr. Bigelow made the following report:

Mr. SPEAKER:—Your Committee, to whom was referred Assembly bill No. 157, an Act to amend an Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one, report the same back, and recommend that the House do not concur in the Senate amendment to the same.

BIGELOW, for Committee.

Mr. Kendall made the following report:

Mr. SPEAKER:—The undersigned, to whom was referred Assembly bill No. 471, with special instructions, herewith begs leave to report back the same, as directed.

C. W. KENDALL.

Mr. McCullough moved a call of the House.

Carried

Absent—Messrs. Barton of San Bernardino, Brown, Campbell, Dow, Eagar, Evey, Leach, Machin, Matthews, Meyers, Parker, Porter, Reed, Reeve, Seaton, Smith of Fresno, Smith of Sierra, Teegarden, Thompson of San Joaquin, Thornbury, Wilcoxon, and Zuck.

The Sergeant-at-Arms was dispatched for the absentees.

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

Lost.

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

Mr. Watson moved that the House adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Yule, Fay, and McCullough, and taken, with the following result:

AYES—Messrs. Amerige, Ames, Benton, Dana, Dean, Dennis, Dudley of Placer, Frazier, Hillyer, Hoag, Hoffman, Jackson, Lane, Machin, Morrison, Parker, Pemberton, Porter, Thompson of Tehama, Tilton of San Francisco, Van Zandt, Waddell, Watson, Werk, Woodman, and Wright—26.

NOES—Messrs. Avery, Battles, Bell, Bigelow, Collins, Cot, Dore, Dudley of Solano, Eliason, Fay, Griswold, Irwin, Kendall, Loewy, Love, McCullough, Moore, Orr, Printy, Reese, Sargent, Saul, Sears, Shannon, Smith of Sierra, Tilton of San Mateo, Warwick, Worthington, Yule, and Mr. Speaker—30.

PROPOSED AMENDMENTS TO THE CONSTITUTION.

On the adoption of the proposed amendments to the Constitution, the roll was called, with the following result:

AYES—Messrs. Amerige, Avery, Barton of Sacramento, Bell, Bigelow, Collins, Dennis, Dore, Dudley of Solano, Eliason, Fay, Frazier, Gordon, Griswold, Hoag, Hoffman, Irwin, Jackson, Kendall, Loewy, Love,

Maclay, McCullough, Meyers, Moore, Orr, Parker, Porter, Printy, Reese, Sargent, Saul, Sears, Shannon, Smith of Sierra, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Waddell, Warwick, Werk, Worthington, Yule, and Mr Speaker—44.

NOES—Messrs. Benton, Hillyer, Lane, Pemberton, Thompson of Tehama, and Watson—6.

And so the following proposed amendments to the Constitution were adopted by the constitutional vote:

The Legislature of the State of California, at its thirteenth session, commencing on the sixth day of January, eighteen hundred and sixty-two, propose the following amendment to section three of Article eleven of the Constitution:

ARTICLE ELEVEN.—MISCELLANEOUS PROVISIONS.

SEC. 3. Members of the Legislature, and all persons elected or appointed to any office created by the Constitution, or by law, or by any municipal ordinance, shall, before they enter on the duties of their respective offices, and all Attorneys and Counsellors at law, before they are admitted to practice in any Court, and all members of the uniformed militia at the time they enroll themselves as such, shall take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be,) that I will support the Constitution of the United States, and hold my allegiance to the United States paramount to any other allegiance whatever. That in case of invasion, or insurrection, or rebellion against the United States or its authority, I will, if required, assist to repel such invasion, or put down such insurrection or rebellion. That I will, in no case, help, aid, assist, or comfort, any foe of the United States, or any person in insurrection or rebellion against its authority, or attempting to overthrow the same. That I will support the Constitution of the State of California, and will faithfully discharge the duties of ———— according to the best of my ability."

And the Legislature may, by law, require litigants to take and subscribe this oath, and may close the Courts of the State against such plaintiffs as neglect or refuse to take it; but no other oath, declaration, or test, shall be required as a qualification for any office or public trust, except that the Legislature may prescribe a further or additional oath to those engaged in the military service of the State.

FURTHER REPORTS.

Mr. Hillyer, from the Placer delegation, made the following majority report:

Mr. SPEAKER:—The Placer delegation, to whom was referred Senate bill No. 114 an Act to fix the salary of the County Judge of the County of Placer, report the same back, and a majority of said delegation recommend its passage

HILLYER,
DUDLEY.

Mr. Yule, from the Placer delegation, made the following minority report:

Mr. SPEAKER:—A minority of the Placer delegation, to whom was referred Senate bill No. 114, an Act to fix the salary of the County Judge of Placer County, dissent from the report of a majority of the delegation, and recommend that the bill be indefinitely postponed.

YULE.

The rules were suspended, and the bill above reported taken up, and read third time.

Mr. Yule moved its indefinite postponement.

Lost.

On the passage of the bill. Messrs. Yule. Fay, and Barton of Sacramento, demanded the ayes and noes, and the bill passed, by the following vote:

AYES—Messrs. Battles, Bigelow, Brown, Dennis. Dudley of Placer, Ferguson, Frazier, Griswold, Hillyer, Hoag, Hoffman, Irwin. Jackson, Kendall. Lane, Loewy. Love, Machin, Parker, Pemberton, Reese. Saul, Sears, Tilton of San Francisco, Van Zandt, Warwick, Watson, Woodman, Worthington, and Yule—30.

NOES—Messrs. Amerige, Barton of Sacramento, Collins, Cot, Dana, Dore. Dudley of Solano, Fay, Maclay, Printy, Shannon, Thompson of Tehama, Tilton of San Mateo, Waddell, and Zuck—15.

Mr. Yule gave notice of reconsideration.

At forty minutes past three o'clock, P. M., on motion of Mr. Maclay, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, April 24th, 1862.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Messrs. Cunnard, Dennis, and Hillyer, had leave of absence.

Mr. Amerige, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, the following bills:

Assembly bill No. 336, an Act to provide for the construction of a public wagon and stage road in Contra Costa County, to the summit of the Divide on the Alameda County line;

Also, Assembly bill No. 428, an Act amendatory of an Act to repeal the several charters of the City of San Francisco.

AMERIGE, for Committee.

Journal of yesterday read and approved.

Mr. Kendall verbally reported the Constitutional amendment, adopted yesterday, correctly engrossed on the Journal.

GENERAL FILE.

Assembly bill No. 379, an Act authorizing the Board of Supervisors in each of the several counties throughout the State to issue proposals and receive bids for the feeding of prisoners and for other purposes—placed at top of file for April twenty-fifth.

Assembly bill No. 376, an Act to regulate the fees of office in the several counties of this State—laid on the table.

Senate bill No. 371, an Act concerning the locating and patenting of certain Swamp and Overflowed Lands—read third time, and passed.

Mr. Benton gave notice of reconsideration.

Assembly bill No. 411, an Act to amend an Act entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties on the Controller and Treasurer, approved April twenty-first, eighteen hundred and fifty-eight—ordered engrossed.

Assembly bill No. 110, an Act conferring further powers upon the Trustees of the City of Benicia—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 109, an Act concerning the State Reform School and the Industrial School of the City and County of San Francisco, and the Industrial School Department—indefinitely postponed.

Assembly bill No. 297, an Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, passed April fourteenth, eighteen hundred and fifty-three

Mr. Dudley of Solano moved to indefinitely postpone the bill.

Lost.

The bill was ordered engrossed.

Senate bill No. 321, an Act to authorize William Sherman, Administrator of the estate of George S Steere, deceased, and Guardian of the minor heirs of said Steere, to sell the real estate of said Steere at public or private sale—read third time, and passed.

Assembly bill No. 113, an Act concerning the State Reform School, providing for the removal of the same, and for other purposes—indefinitely postponed.

Assembly bill No. 237, an Act amendatory of an Act entitled an Act for the erection of a building for a State Reform School, and for the regulation of the same, approved April eighteenth, eighteen hundred and sixty—laid on the table.

Mr. Brown, from the Committee on Enrolment, made the following report:

Mr. SPEAKER:—Your Committee on Enrolment have examined, and found correctly enrolled, the following bills:

Assembly bill No 372, an Act for the encouragement of agriculture and manufactures in California;

Also, Assembly bill No. 108, an Act to provide for a railroad in the City and County of San Francisco;

And delivered the same to the Governor this day, at seven minutes past eleven o'clock, A. M.

BROWN, for Committee.

Mr Machin presented the following additional and supplemental Articles of Impeachment against James H Hardy, District Judge of the Sixteenth Judicial District of the State of California.

SUPPLEMENTAL ARTICLES OF IMPEACHMENT.

The Assembly of the State of California, in the name of themselves, and of all the People of the State of California, do hereby present additional and supplemental Articles of Impeachment against James H. Hardy, District Judge of the Sixteenth Judicial District of said State, for High Misdemeanors and Wilful and Corrupt Misconduct in his said office, and wilful neglect of the duties thereof, and exhibit against the said James H. Hardy, District Judge, as aforesaid, the following additional and supplemental Articles of Impeachment:

ARTICLE XVI.

On or about the first day of April, eighteen hundred and fifty-nine, a certain case, wherein The People of the State of California on the relation of the Attorney-General of the State, were plaintiffs, and one Hill Squires was defendant, was pending in the District Court of said Sixteenth Judicial District, in and for the County of Calaveras, aforesaid, before the said James H. Hardy, District Judge, at which time, in the Court House, in the County of Calaveras, said cause came up for hearing and trial before said Hardy, as such Judge, and in which cause, after the hearing and trial thereof, the said James H. Hardy, as such Judge, at the county aforesaid, on or about the first day of June, A. D. eighteen hundred and fifty-nine, did, unlawfully, wilfully, corruptly, and fraudulently, render judgment in favor of said Hill Squires, the defendant in said cause, for the unlawful and corrupt purpose of securing his nomination and election to the office of District Judge of the Sixteenth Judicial District of said State, at the general election, A. D eighteen hundred and fifty-nine.

ARTICLE XVII.

At the February term, A. D. eighteen hundred and sixty-two, of the District Court of the said Sixteenth Judicial District, in and for the County of Calaveras, a certain case was pending and at issue in said Court, the said James H. Hardy being then and there the Judge thereof, as aforesaid, between J. R Robinson and others, plaintiffs, and one George Leger and another, defendants, and the said James H. Hardy, acting as such Judge, then and there did, unlawfully, wilfully, and corruptly, continue, and cause to be continued, the said case to the next term of said Court, then and there well knowing that there was no legal or sufficient cause for such continuance, with intent to hinder, delay, and defraud the plaintiffs, and out of favor and partiality to the defendants in said suit.

ARTICLE XVIII.

That, at the August term, A. D. eighteen hundred and sixty-one, of the District Court of the said Sixteenth Judicial District, in and for the County of Calaveras, a certain cause was pending and at issue in said Court, the said James H. Hardy being then and there Judge, as aforesaid, between one E. Mercier and another, plaintiffs, and W. C. Denny and others,

defendants; and that on the fifteenth day of said August a motion was there made by the plaintiffs in said action to change the place of trial of said case to some other county in said State of California, which said motion was made at the Court House, in said County of Calaveras, where the term of said Court was being held by the said James H. Hardy, District Judge, as aforesaid, and that the said James H. Hardy, then and there, wilfully, unlawfully, and corruptly, refused to decide, and abstained from deciding, the said motion, for the unlawful and corrupt purpose of influencing and securing the votes of certain naturalized citizens residing in Calaveras County, and certain voters therein residing, at the then next ensuing general election to be held in this State, to the support of the candidates of a certain political party commonly known as the Breckinridge party, of which party the said James H. Hardy was then and there a member

ARTICLE XIX.

The said James H. Hardy, District Judge of said Sixteenth Judicial District, at the February term, A. D. eighteen hundred and sixty-two, of his said Court, held in and for the said County of Calaveras, while presiding as such Judge in a certain action then and there tried before him, as such Judge, wherein one W. F. McDermott was plaintiff, and one William Higby was defendant, did, falsely, wilfully, unlawfully, and corruptly, find for the plaintiff, and against the defendant, and render judgment for the plaintiff upon the issues raised by a certain answer in abatement filed by the defendant in said suit, to which the plaintiff in said suit had replied, the said Hardy then and there well knowing said decision and finding to be unjust and unlawful, which said judgment was so rendered and decision made for the unlawful and corrupt purpose of bringing said cause to trial upon complaint, answer, and replication, on the merits thereof, thereby to consume and occupy the time of said Court, so as to prevent the trial of a certain other suit then at issue and before said Court and on the calendar thereof for trial, wherein E. Mercier et al. were plaintiffs, and W C Denny et al. were defendants, it being then and there important for the interests of said E. Mercier et al., plaintiffs, as aforesaid, that they should have a continuance of said cause until the then next term of said Court, and they having no sufficient or legal ground for such continuance—all of which he, the said James H. Hardy, then and there well knew, and all of which the said James H. Hardy, then and there acting as such District Judge, as aforesaid, unlawfully and corruptly did, out of favor and partiality to the plaintiffs in said last mentioned cause.

ARTICLE XX.

The said James H. Hardy, at the August term of the District Court of the said Sixteenth Judicial District, held in and for the County of Calaveras, aforesaid, in the year of our Lord one thousand eight hundred and sixty-one, he being District Judge of said District, and presiding at the said term, did, wilfully, corruptly, and in gross violation of his duty as said Judge, neglect and omit to perform his duties of said office, and cause great delays in the business of said Court, then and there pending therein, and great cost, trouble, and inconvenience to suitors then and there before said Court, and great detriment to the public welfare, by abandoning his said official duties on the thirtieth day of August, A. D. eighteen hundred and sixty-one, and going to divers places in said Cala-

veras County, for the purpose of making political speeches, and failing and neglecting to appear in, or to hold said Court, during the remainder of said term, there being several suits set and ready for trial on that day, and the succeeding day of said term, and a jury being then and there in attendance, whereby said suits were necessarily continued until the next term of said Court.

ARTICLE XXI.

That, unmindful of the solemn duties of his office, and contrary to the same obligations by which he stood bound to discharge them faithfully and impartially, and without respect to persons, and in utter contempt of his judicial character as District Judge of the Sixteenth Judicial District, as aforesaid, he, the said James H. Hardy, while District Judge, aforesaid, at a term of the District Court, held in and for said Calaveras County, in the month of May, A. D. eighteen hundred and fifty-nine, and at other times, as hereinafter set forth, was guilty of unlawful and wilful misconduct, in his said office committed, as follows, to wit:

First The said James H. Hardy, at the term of said Court last above mentioned, to wit: in said County of Calaveras, on or about the fourteenth day of May, A. D. eighteen hundred and fifty-nine, did, as such Judge, as aforesaid, scandalously exhibit an indecent solicitude for the interests of the defendants in the suit of Foster *vs.* Fritz et al, mentioned in the first Article of this Impeachment, unbecoming and highly disgraceful to the character of a Judge, as it was subversive of justice.

Second. The said James H Hardy, at the term of said Court, and on the day and year aforesaid, in said County of Calaveras, did, indecently and scandalously, and of his own motion, advise one S W. Brockway, then and there an Attorney of said Court, and of Counsel for defendant in said last mentioned suit, to file a statement for a new trial in said cause. (judgment having previously, at said term, been rendered against the defendants therein,) and did then and there, prior to the filing of such statement, and in advance of the hearing of said motion, promise said Brockway that he would grant a new trial in said cause.

Third. That subsequently, at the term of said Court, held in and for said County of Calaveras, in the month of November, A. D. eighteen hundred and fifty-nine, the said James H. Hardy, District Judge, as aforesaid, a motion for a new trial having been made and a statement filed in said last mentioned cause, did, scandalously and indecently, confidentially, privately, and aside, advise and direct one Allan P. Dudley, then and there an Attorney of said Court, and of Counsel for the plaintiff in said cause, not to file a brief on said motion for a new trial, and that he was going to decide said motion in his (the said Dudley's) favor, in consequence of which, said Dudley omitted to file said brief and to argue said motion, and did, then and there, at said term of said Court, decide said motion for a new trial in favor of the defendants in said cause, and against said Dudley, granting, by his said decision, a new trial in said cause; all of which the said Hardy, then and there, did, wilfully and unlawfully, and with the intent to deceive and mislead the said A. P Dudley, Counsel, as aforesaid.

Fourth. That the said James H. Hardy, while District Judge, as aforesaid, has indecently and scandalously, and with corrupt intent, heretofore, to wit: in said Calaveras County, on or about the fourteenth day of May, A. D. eighteen hundred and fifty-nine, and at other times, while such District Judge, told and advised the said A. P. Dudley, and the said

S. W. Brockway, and one William L. Dudley, practising Attorneys before said Court, that whenever he had any discretion to use, as such Judge, he should use such discretion for his friends.

Fifth. That, at the February term of said Court, held in and for the County of Calaveras, aforesaid, A D. eighteen hundred and sixty-two, the said James H. Hardy, being then and there District Judge of said District, and presiding at said term of said Court, did, indecently and scandalously, and out of wilful and unlawful favoritism and partiality for the plaintiffs in a certain cause then and there pending in said Court, wherein one E. Mercier and another were plaintiffs, and one W. C. Denny and others were defendants, unlawfully urge and solicit one William L. Dudley, then and there a practising Attorney in said Court, and engaged as Counsel in other causes then and there pending, to expend and consume as much time as possible in the trial of such causes, in order, unlawfully, wrongfully, and fraudulently to effect the continuance of said cause, E. Mercier et al. *vs.* W C. Denny et al. *until the then next* term of said Court, it being important to the interests of the said E. Mercier et al., plaintiffs in said cause, that the same should be continued until the said next term of said Court, and they having no sufficient or legal ground for such continuance; all which the said James H. Hardy then and there well knew, and all of which he then and there did, for the unlawful and corrupt purpose of subserving the private interests of said E. Mercier et al., to the great wrong and injury of the public welfare, and to the great oppression of the defendants in said cause; all of which is to the great scandal and disgrace of the dignity and purity of said office, of great detriment to the public good, and of corrupt and evil example.

ARTICLE XXII.

The said James H. Hardy, in entire disregard of his duty as such Judge, as aforesaid, and in violation of public decency, order, and good morals, has, during two years now last past, and while holding said office, been in the frequent and common habit, while holding the terms of the District Court of the Sixteenth Judicial District, in and for the County of Calaveras, and in and for the County of Amador, of becoming grossly intoxicated, and exhibiting himself to the public, as well by day as by night, in a state of gross drunkenness.

The roll was called, and the additional and supplemental Articles of Impeachment were adopted, by the following vote:

AYES—Messrs. Amerige, Avery, Barton of Sacramento, Bell, Benton, Brown, Campbell, Collins, Cot, Cunnard, Dean, Dore, Dudley of Solano, Eagar, Eliason, Evey, Fay, Frazier, Gordon, Griswold, Hoag, Hoffman, Irwin, Jackson, Love, Machin, Maclay, McCullough, Meyers, Orr, Parker, Printy, Reed, Reese, Reeve, Sargent, Saul, Sears, Seaton, Shannon, Smith of Sierra, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Warwick, Werk, Worthington, Wright, and Yule—49.

NOES—Messrs. Lane, Pemberton, and Watson—3.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
April 24th, 1862.

MR. SPEAKER:—The Senate, on the twenty-third instant, concurred in Assembly amendments to Senate bill No. 438, an Act to authorize the Board of Supervisors of Alameda County to pay certain claims;

Also, concurred in Assembly amendments to Senate bill No. 234, an Act for the construction of a marine railway on the western shore of the Bay of San Francisco;

Also, passed Senate bill No. 458, an Act relative to the Controller of State;

Also, passed Assembly bill No. 472, an Act to organize the fire department of the Town of Timbuctoo, in Yuba County;

Also, passed Assembly bill No. 149, an Act in relation to liens of mechanics and others;

Also, adopted the report of the Committee of Free Conference on the disagreeing vote of the two Houses on the Senate amendment to Assembly bill No. 154, an Act relative to grades of certain streets in San Francisco;

Also, passed Senate bill No. 456, an Act to authorize Rita de la Osa to sell certain real estate;

Also, passed Senate bill No. 359, relative to bonds for the suppression of Indian hostilities;

Also, passed Senate bill No. 421, an Act to provide for the procuring testimony in certain cases;

Also, passed Senate bill No. 459, an Act amendatory of and supplementary to an Act entitled an Act concerning the construction and repair of levees in the County of Sacramento;

Also, refused to concur in Assembly amendments to Senate bill No. 311, an Act concerning the duties of County Treasurers, and appointed Messrs Parks, Perkins, and Van Dyke, a Committee of Free Conference on the part of the Senate.

DELOS J. HOWE,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate bill No 459, above reported, read first and second times, rules suspended, read third time, and passed.

Senate bill No 456, above reported, read first and second times, rules suspended, read third time, and passed.

Senate bill No. 359, above reported, read first and second times, and referred to the Committee on Ways and Means.

Senate bill No. 458, above reported, read first and second times, and referred to the Committee on Ways and Means.

Senate bill No. 421, above reported, read first and second times, and referred to the Judiciary Committee.

The House refused to recede from its amendment to Assembly bill No. 311, above reported. Messrs. Hoffman, Bigelow, and Morrison, were appointed a Committee of Free Conference.

Assembly bill No. 473, an Act to prohibit the keeping open of bath houses, barber shops, and hairdressing saloons, in the City of San Francisco, during certain hours of the first day of the week, known as the Sabbath Day—rules suspended, considered engrossed, read third time, and passed.

Mr. Machin, from the Committee on Corporations, made the following report:

Mr. SPEAKER:—Your Committee on Corporations, to whom was referred substitute for Senate bill No. 173, an Act to authorize the incorporation of canal companies and the construction of canals, have examined the same, and would most respectfully report the bill back to the House, with amendments, and recommend its passage, as amended.

MACHIN, Chairman.

The rules were suspended, amendments to the bill above reported, adopted, and bill placed second on file for April twenty-fifth.

Mr. Yule moved to reconsider the vote by which the House, on yesterday, passed Senate bill No. 114, an Act to fix the salary of the County Judge of the County of Placer

Upon which, Messrs Dudley of Placer, Battles, and Yule, demanded the ayes and noes, and the House agreed, by the following vote:

AYES—Messrs. Amerige, Avery, Bell, Bigelow, Collins, Cot, Cunnard, Dana, Dore, Dudley of Solano, Eagar, Fay, Gordon, Jackson, Love, Machin, Moore, Reed, Reeve, Sargent, Shannon, Smith of Sierra, Thompson of Tehama, Tilton of San Mateo, Waddell, Wright, Yule, and Zuck—28.

NOES—Messrs. Battles, Brown, Dennis, Dudley of Placer, Eliason, Hoag, Irwin, Lane, Loewy, Parker, Reese, Saul, Sears, Van Zandt, Warwick, Watson, Woodman, and Worthington—18.

Mr. Yule moved to indefinitely postpone the bill.

Upon which, Messrs. Watson, Dudley of Placer, and Pemberton, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Amerige, Avery, Bigelow, Collins, Cot, Cunnard, Dana, Dore, Dudley of Solano, Eagar, Fay, Gordon, Griswold, Jackson, Maclay, Moore, Printy, Reed, Reeve, Sargent, Shannon, Thompson of Tehama, Tilton of San Mateo, Waddell, Werk, Wright, Yule, and Zuck—28.

NOES—Messrs. Battles, Benton, Brown, Dean, Dennis, Dudley of Placer, Eliason, Frazier, Hillyer, Hoag, Irwin, Kendall, Lane, Loewy, Love, Machin, McCullough, Meyers, Morrison, Orr, Parker, Pemberton, Reese, Saul, Sears, Seaton, Tilton of San Francisco, Van Zandt, Warwick, Watson, and Woodman—31.

On the passage of the bill, Messrs Brown, Yule, and Fay, demanded the ayes and noes, and the bill was passed, by the following vote:

AYES—Messrs. Battles, Brown, Dean, Dennis, Dudley of Placer, Eliason, Ewey, Frazier, Griswold, Hillyer, Hoag, Irwin, Kendall, Lane, Loewy, Love, Machin, McCullough, Orr, Parker, Pemberton, Reese, Saul, Sears, Seaton, Tilton of San Francisco, Van Zandt, Warwick, Watson, Woodman, and Worthington—31.

NOES—Messrs. Amerige, Avery, Bigelow, Collins, Cot, Cunnard, Dana, Dore, Dudley of Solano, Eagar, Fay, Gordon, Jackson, Maclay, Moore, Reed, Reeve, Sargent, Shannon, Tilton of San Mateo, Waddell, Werk, Wright, Yule, and Zuck—25.

Mr. Sargent, from the Committee on Public Expenditures and Accounts, made the following report:

Mr. SPEAKER:—Your Committee on Public Expenditures and Accounts have examined the following accounts, and found them correct, and beg leave to report that the accompanying resolution be adopted:

In favor of.	Amount.
John Sedgwick, for	$319 00
Butte Record, for	9 00
Semi-Weekly Independent, for	5 00
Petaluma Argus, for	10 50
Marysville Appeal, for	9 75

Resolved, That the Controller of State be and is hereby authorized to draw his warrants on the Contingent Fund of the Assembly for the following amounts, and the Treasurer of State is hereby authorized to pay the same:

In favor of John Sedgwick, for copying Journal for State Printer, three hundred and nineteen dollars.

In favor of Butte Record, nine dollars.

In favor of Semi-Weekly Independent, five dollars.

In favor of Petaluma Argus, ten dollars and fifty cents.

In favor of Marysville Appeal, nine dollars and seventy-five cents.

SARGENT, for Committee.

Adopted.

Mr. Bell moved to reconsider the vote by which the House on yesterday passed Assembly bill No. 333, an Act fixing the salaries of State Officers, Members of the Legislature, Supreme Judges, District Judges, and Clerks.

Mr Fay moved to indefinitely postpone the motion to reconsider.

Upon which, Messrs. Bell, Watson, and Dennis, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Amerige, Avery, Bigelow, Brown, Cot, Cunnard, Dore, Evey, Fay, Gordon, Jackson, Loewy, Maclay, Reese, Shannon, Tilton of San Mateo, Warwick, and Zuck—18.

NOES—Messrs. Battles, Bell, Benton, Collins, Dean, Dennis, Dudley of Solano, Eliason, Ferguson, Frazier, Griswold, Irwin, Love, Meyers, Moore, Morrison, Orr, Parker, Porter, Reeve, Sargent, Saul, Seaton, Smith of Sierra, Thompson of Tehama, Tilton of San Francisco, Van Zandt, Watson, Werk, Woodman, Wright, and Mr. Speaker—32.

On reconsidering the vote, Messrs. Fay, Dana, and Zuck, demanded the ayes and noes, and the House agreed, by the following vote:

AYES—Messrs. Amerige, Battles, Bell, Benton, Collins, Dean, Dennis, Dudley of Solano, Eagar, Ferguson, Frazier, Griswold, Irwin, Jackson, Lane, Meyers, Moore, Morrison, Orr, Parker, Pemberton, Porter, Printy, Reeve, Sargent, Saul, Seaton, Thompson of Tehama, Tilton of San Francisco, Van Zandt, Waddell, Warwick, Watson, Woodman, and Wright—35.

NOES—Messrs. Avery, Bigelow, Brown, Cot, Cunnard, Dana, Dore, Evey, Fay, Gordon, Kendall, Loewy, Love, Maclay, Reed, Reese, Shannon, Smith of Sierra, Tilton of San Mateo, Werk, Worthington, Zuck, and Mr. Speaker—23.

Mr. Wright moved to recommit the bill, with the following special instructions:

Amend section one by striking out in the tenth and eleventh lines of printed copy, the words "To the State Gauger, twenty-five hundred dollars per annum."

Amend section seven by striking out in first and second lines the words "The State Gauger shall employ two assistants at a salary of twelve hundred dollars per annum, each."

Mr. Bell moved to amend the special instructions as follows:

Strike out in section one, page two, the words "eight dollars per diem," and insert therefor, "one thousand dollars per annum, and no other compensation whatever."

Mr. Irwin moved further to amend by striking out what relates to the mileage of Lieutenant-Governor and members of the Legislature.

Mr. Shannon moved to lay the whole subject matter on the table.

Upon which, Messrs. Brown, Collins, and Zuck, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Barton of Sacramento, Battles, Bell, Dean, Dennis, Eagar, Ferguson, Frazier, Griswold, Irwin, Jackson, Lane, Love, Meyers, Orr, Parker, Pemberton, Printy, Saul, Shannon, Van Zandt, Warwick, Watson, Werk, Woodman, and Wright—26.

NOES—Messrs. Amerige, Bigelow, Brown, Collins, Cot, Dana, Dore, Dudley of Solano, Eliason, Evey, Fay, Gordon, Kendall, Loewy, Maclay, Porter, Reed, Reese, Reeve, Sargent, Sears, Seaton, Smith of Sierra, Thompson of Tehama, Tilton of San Francisco, Tilton of San Mateo, Waddell, Zuck, and Mr. Speaker—29.

The amendment offered by Mr. Irwin was lost.

The amendment offered by Mr. Bell was lost.

The instructions and amendments offered by Mr. Wright were adopted, and the bill recommitted.

REPORTS.

Mr. Barton of Sacramento, from the Committee on Ways and Means, made the following report:

Mr. SPEAKER:—Your Committee on Ways and Means, to whom was referred sundry bills, have had the same under consideration, and beg leave to report as follows:

Assembly bill No. 434, an Act appropriating money to pay the cost of removing the State Printing Office to and from San Francisco—returned to the House without recommendation;

Also, substitute for Senate bill No. 183, an Act to authorize the Treasurer to issue war bonds to A. W. Bee, and recommend its passage;

Also, Senate bill No. 432, an Act supplemental to an Act concerning the office of Surveyor-General, approved April seventeenth, eighteen hundred and fifty, and recommend its passage;

Also, Senate bill No. 392, an Act fixing the salaries of the Governor's

Private Secretary, and of the Clerk in the Executive Department, with accompanying amendments to section one, and recommend its passage;

Also, Assembly bill No. 459, an Act to appropriate money for certain purposes therein mentioned, and recommend its passage

BARTON, Chairman.

Mr Werk made the following report:

Mr. SPEAKER:—Your Committee, to whom was referred Senate bill No. 424, an Act granting certain lands to the United States, have had the same under consideration, and would respectfully beg leave to report the same back, and recommend its passage as amended.

WERK,
SARGENT,
MEYERS,
FAY.

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

Mr. SPEAKER:—The Judiciary Committee, to whom was referred Senate bill No. 426, an Act to fix the times of holding the terms of the District Court of the Seventh Judicial District, in Solano County, report the bill back, and recommend its passage;

Also, Senate bill No 323, an Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty, report the bill back and recommend the passage of the same;

Also, Senate bill No. 343, proposed amendments to the Constitution of the State of California, report the same back, and recommend its passage;

Also, Senate bill No. 108, an Act amendatory of and supplementary to an Act passed April twenty-eighth, eighteen hundred and sixty, entitled an Act to amend an Act to exempt the homestead and other property from forced sale in certain cases, passed April twenty-first, eighteen hundred and fifty-one, report the same back, with recommendation that the bill pass;

Also, Senate bill No. 211, an Act to amend an Act entitled an Act defining the rights of husband and wife, passed April seventeenth, eighteen hundred and fifty, report the same back, and recommend its passage;

Also, Senate bill No. 216, an Act amendatory of an Act to regulate proceedings in civil cases in the Courts of Justice of this State, report the bill back, and recommend its indefinite postponement;

Also, Senate bill No. 365, an Act to amend an Act concerning Coroners, passed April nineteenth, eighteen hundred and fifty, report the bill back, and recommend the passage of the same;

Also, Senate bill No 378, 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, eighteen hundred and fifty-one, report the bill back, and recommend the passage of the same.

BELL, Chairman.

Mr Moore, from the Committee on Agriculture, made the following report:

Mr. SPEAKER:—Your Committee on Agriculture, to whom was referred Senate bill No. 346, an Act supplementary to an Act concerning lawful

fences, approved April twenty-seventh, eighteen hundred and fifty-five, have had the same under consideration, and respectfully report the same back, and recommend its passage.

MOORE, for Committee.

Mr. Brown, from the Committee on Enrolment, made the following report:

Mr Speaker:—Your Committee on Enrolment have examined, and found correctly enrolled, Assembly bill No. 438, an Act supplementary to an Act entitled an Act to provide for the collection of the quota of the direct tax apportioned to this State by Act of Congress, and delivered the same to the Governor this day, at three o'clock and five minutes.

BROWN, for Committee.

Mr. Sears offered a concurrent resolution providing for the adjournment *sine die* on Tuesday, April twenty-ninth, at twelve o'clock, noon

Made special order for April twenty-fifth, at half past one o'clock, P. M.

Mr Tilton of San Francisco, from the Committee on Elections, made the following report:

Mr. Speaker:—The Committee on Elections have considered Assembly bill No. 468, an Act in amendment of an Act to regulate elections, passed March twenty-third, eighteen hundred and fifty, and recommend its passage.

TILTON, for Committee.

Mr. Fay made a verbal report on Assembly bill No. 333, fixing salaries of State officers, etc.

Mr. Hoffman, from the Committee of Free Conference on Senate bill No. 311, an Act concerning the duties of County Treasurers, reported, and the report was adopted.

Mr. Reeve, from the San Francisco delegation, made the following report:

Mr. Speaker:—The San Francisco delegation, to whom was referred Senate bill No. 233, an Act to grant the San Francisco and Oakland Railroad Company the right to construct a wharf and slip in the City and County of San Francisco, report the same back, without recommendation.

REEVE, for Delegation.

Assembly bill No. 459, an Act to appropriate money for certain purposes therein mentioned.

Mr. Warwick moved to amend as follows:

"That the sum of five hundred dollars be and is hereby appropriated to furnish the officers' quarters at the State Prison at Point San Quentin."

Upon which, Messrs. Brown, Warwick, and Collins, demanded the ayes and noes, and the amendment was lost, by the following vote:

Ayes—Messrs. Barton of Sacramento, Battles, Bell, Bigelow, Col. Dana, Dennis, Dore, Gordon, Hoag, Loewy, Parker, Porter, Printy,

Reese, Reeve, Saul, Seaton, Tilton of San Mateo, Waddell, Warwick, and Wright—22.

NOES—Messrs. Amerige, Avery, Brown, Collins, Dean, Dudley of Placer, Dudley of Solano, Eliason, Evey, Fay, Griswold, Irwin, Kendall, Lane, Maclay, McCullough, Moore, Reed, Sargent, Sears, Shannon, Smith of Sierra, Thompson of Tehama, and Zuck—24.

Mr. Warwick offered to amend by inserting "three hundred dollars."

Mr. Collins moved to lay on the table.

Lost.

Mr. Warwick's amendment was adopted.

The bill as amended was ordered engrossed.

At ten minutes past four o'clock, P. M., on motion of Mr. Reed, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, April 25th, 1862.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

REPORTS.

Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, the following bills:

Assembly bill No. 411, an Act to amend an Act entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties on the Controller and Treasurer, approved April twenty-first, eighteen hundred and fifty-eight;

Also, Assembly bill No. 459, an Act to appropriate money for certain purposes therein mentioned;

Also, Assembly bill No. 110, an Act conferring further powers upon the Trustees of the City of Benicia;

Also, Assembly bill No. 297, an Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three.

LOEWY, Chairman.

The rules were suspended, and Assembly bill No. 459, above reported, read third time, and passed.

Mr. Barton of Sacramento made the following report:

Mr. SPEAKER:—Your Committee of Free Conference, who were appointed to confer with a like Committee on the part of the Senate, to consider Assembly bill No. 365, have acted in accordance with your instructions, and beg leave to report, that, although we have had two con-

ferences with the Senate Committee, for the consideration of said bill, we have thus far been unable to agree so as to make a favorable return of our proceedings, to this House. We therefore most respectfully recommend that your Committee be discharged from further duty, and another appointed.

BARTON of Sacramento,
HOAG,
TILTON of San Francisco.

The Committee was discharged, and Messrs. Barton of Sacramento, Hoag, and Tilton of San Francisco, appointed a new Committee of Free Conference.

Mr. Benton had leave to introduce a bill for an Act concerning the funded debt of the City of Sacramento

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Journal of yesterday read and approved.

Mr. Ames had indefinite leave of absence.

GENERAL FILE.

Senate bill No. 343, proposed amendments to the Constitution of the State of California, was taken up.

On the adoption of the first Assembly amendment, striking out the word "granting," and inserting the word "and," in the twenty-ninth line, Messrs. Wright, Yule, and Brown, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Bell, Bigelow, Leach, Reese, Wright, and Yule—6.

NOES—Messrs. Amerige, Avery, Barton of Sacramento, Brown, Campbell, Collins, Cot, Dean, Dennis, Dudley of Placer, Dudley of Solano, Eliason, Evey, Fay, Ferguson, Gordon, Hoag, Irwin, Jackson, Kendall, Lane, Loewy, Machin, Maclay, McCullough, Moore, Pemberton, Printy, Reeve, Saul, Sears, Seaton, Smith of Sierra, Teegarden, Thompson of Tehama, Tilton of San Mateo, Waddell, Woodman, and Zuck—39.

On adopting the second Assembly amendment, Messrs. Wright, Avery, and Maclay, demanded the ayes and noes, and the House agreed, by the following vote:

AYES—Messrs. Amerige, Avery, Barton of Sacramento, Battles, Bell, Benton, Collins, Cunnard, Dean, Dennis, Dudley of Placer, Dudley of Solano, Eliason, Evey, Ferguson, Griswold, Hoag, Hoffman, Irwin, Jackson, Lane, Leach, Love, Machin, Matthews, Moore, Morrison, Orr, Parker, Pemberton, Porter, Reed, Sargent, Saul, Sears, Seaton, Shannon, Smith of Sierra, Teegarden, Thompson of Tehama, Tilton of San Francisco, Waddell, Watson, Werk, Woodman, Wright, and Yule—47.

NOES—Messrs. Ames, Bigelow, Brown, Campbell, Cot, Dana, Dore, Kendall, Loewy, Maclay, McCullough, Meyers, Printy, Reese, Reeve, Tilton of San Mateo, Worthington, Zuck, and Mr. Speaker—19.

Mr. Kendall moved to amend by striking out line twenty, "Regulating county business."

Lost.

The bill was read a third time.

On its passage the roll was called, with the following result:

AYES—Messrs. Amerige, Avery, Battles, Bell, Benton, Bigelow, Brown, Collins, Cot, Cunnard, Dana, Dean, Dennis. Dore, Dudley of Solano, Eagar, Eliason, Fay, Ferguson, Frazier, Gordon, Hoag, Hoffman, Irwin, Jackson, Kendall. Lane, Loewy, Machin, McCullough, Meyers, Moore, Orr, Parker, Printy, Reed, Reese, Reeve, Sargent, Saul. Sears, Seaton, Shannon, Teegarden, Thompson of Tehama, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Woodman, Wright, Yule, and Zuck—52.

NOES—Messrs. Ames, Evey, Griswold, Leach, Matthews, Smith of Sierra, Watson, and Werk—8.

(For Senate bill No. 343, "Proposed Amendments to Article Four of the Constitution," see proceedings of May fifth.)

Mr. Avery offered a concurrent resolution requesting the Secretary of State to return to the Assembly Assembly bill No. 246, an Act to regulate the fees of the County Surveyor of Napa County.

Adopted.

The Speaker (Mr. Shannon in the Chair) appointed Messrs. Morrison, Kendall, and Ferguson, a Committee of Free Conference on the disagreeing vote of the two Houses on Assembly bill No 346

SPECIAL ORDER.

Assembly concurrent resolution No. 36, providing for the adjournment of the Assembly *sine die*, (the special order for the day,) was taken up.

Mr. Brown offered the following substitute:

Resolved, By the Assembly, the Senate concurring, That this Legislature do adjourn *sine die* on Tuesday, the twenty-ninth day of April, eighteen hundred and sixty-two, at twelve o'clock, noon.

Mr. Dennis moved the previous question.

Sustained.

On the adoption of the substitute, Messrs. Wright, Hoffman, and Morrison, demanded the ayes and noes, and the substitute was lost, by the following vote:

AYES—Messrs Ames, Battles, Bigelow, Cot, Dudley of Placer, Evey, Loewy, Reed, Sargent, Shannon, Teegarden, Yule, and Zuck—13.

NOES—Messrs. Amerige, Avery, Barton of Sacramento, Benton, Brown, Collins, Cunnard, Dean, Dennis, Dore, Dudley of Solano, Eagar, Eliason, Fay, Ferguson, Frazier, Gordon, Griswold, Hoag. Hoffman, Irwin, Kendall, Lane, Leach, Maclay, Matthews, Meyers, Moore, Morrison, Orr, Parker, Pemberton, Porter, Printy, Reese, Reeve, Saul, Sears, Seaton, Smith of Sierra, Thompson of Tehama, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Waddell, Warwick, Watson, Woodman, and Wright—49

On the adoption of the original resolution, Messrs. Wright, Sears, and Griswold, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Battles, Bigelow, Collins, Dudley of Placer, Loewy, Sears, Teegarden, Van Zandt, Waddell, Yule, and Zuck—11.

NOES—Messrs. Amerige, Ames, Avery, Barton of Sacramento, Benton, Brown, Campbell, Cot, Cunnard, Dean, Dennis, Dore, Dudley of Solano, Eagar, Eliason, Evey, Fay, Ferguson Frazier, Gordon, Griswold, Hoag, Hoffman, Irwin, Kendall, Lane, Leach, Maclay, Matthews, Meyers, Moore, Morrison, Orr, Parker, Pemberton, Porter, Printy, Reed, Reese, Reeve, Sargent, Saul, Seaton, Shannon, Smith of Sierra, Thompson of Tehama, Tilton of San Francisco, Tilton of San Mateo, Warwick, Watson, Woodman, and Wright—52.

At forty-seven minutes past three o'clock, P. M., on motion of Mr. Hoffman, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, April 26th, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.
Mr. Van Zandt, by leave, introduced a bill, for an Act to authorize the Board of Trustees of the Society of California Pioneers of San Francisco to sell, mortgage, and convey, certain real estate.
Read first and second times, rules suspended, considered engrossed, read third time, and passed.
Mr. Saul, from the Sacramento delegation, had leave to make the following report:

Mr. SPEAKER:—The Sacramento delegation, to whom was referred Assembly bill No. 291, an Act to regulate fees of office in the County of Sacramento, report the same back, with an amendment, and respectfully recommend its passage.

SAUL, for Delegation.

The rules were suspended, the amendment to the bill above reported adopted, rules suspended, considered engrossed, read third time, and passed.
Messrs. Dennis and Fay had leave of absence.
Journal of yesterday read and approved.
Mr. Avery, from the Committee on Enrolment, made the following report:

Mr. SPEAKER:—Your Committee on Enrolment have examined, and found correctly enrolled, the following bills:
Assembly bill No 313, an Act to authorize the Mayor and Board of Supervisors of the City and County of San Francisco to construct a sewer in Fifth street, and, for that purpose, to have surveys made, and to assess certain lands to pay the expenses incident thereto;
Also, Assembly bill No. 231, an Act to amend an Act regulating marriages, passed April twenty-second, eighteen hundred and sixty-two;

Also, Assembly bill No. 153, an Act to appropriate money to sustain a mounted battery in the City and County of San Francisco;

Also. Assembly bill No. 310. an Act requiring compensation for causing death by wrongful act, neglect, or default;

Also. Assembly bill No. 220, an Act to authorize the issuance of a patent to Maurice J. Dooly for certain lands in San Joaquin County;

And delivered the same to the Governor, at twelve o'clock, M., on yesterday.

AVERY, Chairman.

GENERAL FILE.

Senate bill No. 217. an Act to appoint Commissioners to adjust the affairs of the Counties of San Joaquin and Stanislaus—amendments adopted, bill read third time, and passed.

Senate bill No. 323, an Act to amend an Act concerning conveyances. passed April sixteenth, eighteen hundred and fifty—read third time, and passed.

Senate bill No. 211, an Act to amend an Act entitled an Act defining the rights of husband and wife, passed April seventeenth, eighteen hundred and fifty—read third time, and passed.

Senate bill No 157, an Act to provide for binding minors, as apprentices, clerks, and servants, by the San Francisco Protection and Relief Society—amendment adopted, bill read third time and passed, and title amended.

Senate bill No. 108, an Act amendatory of and supplemental to an Act, passed April twenty-eighth, eighteen hundred and sixty, entitled an Act to amend an Act to exempt the homestead and other property from forced sale in certain cases, passed April twenty-first, eighteen hundred and fifty-one—read third time, and passed.

Senate bill No. 250, an Act to appropriate money to pay the claim of James W. Hawkins

On the indefinite postponement of the bill, Messrs. Battles, Amerige, and Warwick, demanded the ayes and noes, and the bill was indefinitely postponed, by the following vote:

AYES—Messrs. Amerige, Avery. Battles, Bigelow, Brown, Campbell. Collins, Dana. Dore, Dudley of Placer. Eliason. Evey, Gordon. Leach. Loewy, Love, Machin. Maclay, McCullough, Meyers, Moore. Porter. Printy, Reese, Reeve, Sargent. Sears. Smith of Sierra. Teegarden, Warwick, Yule, Zuck, and Mr Speaker—34.

NOES—Messrs Bell, Benton. Dean. Frazier. Irwin, Jackson, Kendall, Lane, Matthews, Parker, Pemberton. Saul. Seaton, Shannon. Van Zandt. Watson, Werk, Wilcoxon, Woodman, Worthington, and Wright—21.

Senate bill No. 292, an Act to pay Paul R. Hunt the sum therein mentioned.

Mr. Watson moved to postpone the consideration of the bill until Monday, April twenty-eighth, at two o'clock, P. M.

Upon which, Messrs. Battles, Pemberton, and Watson, demanded the ayes and noes, and the House agreed, by the following vote:

AYES—Messrs. Battles, Bell, Benton, Bigelow, Collins, Cunnard. Dean, Dudley of Solano. Ferguson. Frazier, Jackson, Kendall, Lane, Leach. Love, Matthews. Parker. Pemberton, Sargent, Seaton, Thompson of Tehama, Van Zandt, Waddell, Watson, Woodman, and Wright—26.

NOES—Messrs. Amerige, Avery, Brown, Campbell, Dana, Dore, Dudley of Placer, Eliason, Evey, Gordon, Loewy, Maclay, Meyers, Moore, Printy, Reese, Saul, Sears, Shannon, Smith of Sierra, Teegarden, Warwick, Zuck, and Mr. Speaker—24

Senate bill No. 301, an Act for the relief of Paul d'Heirry, for services as Surgeon of the State Prison—read third time, and passed.

Assembly bill No. 349, an Act for the relief of Joseph Kem—was indefinitely postponed.

Assembly bill No. 419, an Act to appropriate money to pay Myron Norton for services as State Stamp Inspector—was indefinitely postponed.

Senate bill No. 117, an Act to audit and allow the claim of J. C. Dougherty—was indefinitely postponed.

Assembly bill No. 243, 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, eighteen hundred and fifty-one—rules suspended, considered engrossed, read third time, and passed.

Mr. Bigelow, of the Committee of Free Conference, reported on Assembly bill No. 157.

Report adopted.

Mr. Ferguson, of the Committee of Free Conference on Assembly bill No. 346, made a report, which was adopted.

Assembly bill No. 450, an Act to grant the right of way for a railroad within the City and County of San Francisco, was taken up.

Mr. Amerige moved to lay on the table.

Lost.

Mr. Battles moved to strike out the name of John L. Williams, and insert the names of George D. Nagle, B. C. Horn, and I. Ward Eaton.

Mr. Bigelow offered a substitute for the first section.

Mr. McCullough moved the previous question.

Sustained.

The amendment of Mr. Battles was lost.

The amendment of Mr. Bigelow was adopted.

The rules were suspended, the bill considered engrossed, read third time, and passed.

Mr. Maclay offered the following resolution:

Resolved, That the extra Clerks of the Assembly, the Committee Clerks, and all other employés of the Assembly, not provided for by the Act entitled an Act to fix the number of officers and employés of the Senate and Assembly, to define their duties and establish their pay, approved May twentieth, eighteen hundred and sixty-one, are hereby relieved from further service, their per diem to cease from and after this day; *provided*, that this resolution shall not apply to any officers chosen by joint action of the Senate and Assembly.

Mr. Campbell offered the following substitute:

Resolved, That when this Assembly adjourn, this day, it adjourn until Wednesday, the thirtieth day of April, eighteen hundred and sixty-two, at eleven o'clock, A. M.

Mr. Maclay offered the following resolution:

Resolved, By the Assembly, the Senate concurring, that no Legislative business shall be transacted after Monday, April twenty-eighth, eighteen hundred and sixty-two, except by unanimous consent of both Houses.

Mr. Love moved to lay the whole matter on the table.
Carried.
Mr. Bell, from the Judiciary Committee, made the following report:

Mr SPEAKER:—Your Committee on the Judiciary have had under consideration Senate bill No. 428, an Act entitled an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty, and a majority most respectfully recommend its passage, a minority dissenting.

BELL, Chairman.

The bill above reported made special order for Tuesday, April twenty-ninth, at two o'clock, and ordered printed.
Mr. Moore had leave to introduce a bill for an Act to provide for the printing and distribution of the Monthly Journal of the State Agricultural Society.
Read first and second times, and referred to the Committee on Ways and Means.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
April 25th, 1862.

Mr. SPEAKER:—The Senate, on yesterday, passed Assembly bill No. 350, an Act to authorize the parties therein named to establish a ferry;
Also, passed Assembly bill No. 348, an Act relative to a turnpike road, from Searsville, in San Mateo County, to Pescadero, in Santa Cruz County;
Also, on the twenty-fourth instant passed Assembly bill No 284, relative to the debt of Alameda County to Contra Costa County;
Also, this day the Senate refused to recede from its amendments to Assembly bill No. 157, relative to the incorporation of railroad companies, and management of the affairs thereof, and appointed Messrs. Banks, Shafter, and Rhodes, a Committee of Free Conference on the part of the Senate;
Also, passed Assembly bill No. 403, an Act to restrict the herding of sheep in certain counties of this State;
Also, passed Assembly bill No. 473, relative to closing of bath houses, and barber shops, on the Sabbath, in the City of San Francisco;
Also, passed Assembly bill No. 110, an Act conferring further powers upon the Trustees of the City of Benicia;
Also, passed Assembly bill No. 474, an Act concerning the funded debt of Sacramento;
Also, refused to concur in Assembly amendments to Senate bill No. 221, relative to the establishment of an Asylum for the Insane of the State of California, and appointed Messrs. Harvey, Harriman, and Rhodes, a Committee of Free Conference on the part of the Senate;
Also, on this day appointed Messrs. Baker, Hathaway, and Gaskill,

a Committee of Free Conference on the disagreeing vote of the two Houses on Assembly bill No. 365, an Act relative to appropriations for deficiencies in the appropriations made for the thirteenth fiscal year.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
April 25th, 1862.

Mr. SPEAKER:—The Senate this day amended and passed Assembly bill No. 223, an Act to provide for the payment of a certain sum to each of the six Locating Agents of the State of California, and request the Assembly to concur in said amendment

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
April 25th, 1862.

Mr. SPEAKER:—The Senate this day refused to recede from its amendments to Assembly bill No. 346, an Act relative to suits brought for the collection of delinquent taxes, and appointing Messrs Heacock, Shurtleff, and Parks, a Committee of Free Conference on the part of the Senate, and ask the appointment of a similar Committee on the part of the Assembly;

Also, passed Senate bill No. 460, an Act supplementary to an Act entitled an Act to empower M. G. Vallejo to convey certain real estate.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
April 25th, 1862.

Mr. SPEAKER:—The Senate this day passed Assembly bill No. 261, an Act to organize townships, and regulate their powers and duties, and to submit the same to the vote of the people, with amendments.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
April 26th, 1862.

Mr. SPEAKER:—The Senate, this day, passed Senate bill No. 461, an Act to repeal an Act, approved April tenth, eighteen hundred and sixty-two, entitled an Act to regulate the fees of County Surveyor of Napa County, and laid on the table Assembly concurrent resolution No. 37, relative to the same subject matter.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
April 26th, 1862.

Mr. SPEAKER:—The Senate on the twenty-fourth instant refused to pass Assembly bill No. 144, an Act to amend an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty;

On this day passed Assembly bill No. 158, an Act relative to sales and grants made by the Mayor and Common Council of the City of Santa Barbara;

Also, amended and passed Assembly bill No. 436, an Act to provide for the indigent sick in San Bernardino County;

Also, amended and passed Assembly bill No. 430, an Act to give the Supervisors of the County of Santa Clara control over certain rivers therein named, and ask the concurrence of the Assembly in said amendments.

DELOS J. HOWE,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate bill No. 461, above reported, read first and second times, and referred to the Committee on Ways and Means.

Senate bill No. 460, above reported, read first and second times, rules suspended, read third time, and passed.

The House concurred in Senate amendments to Assembly bill No. 430, above reported.

The House concurred in Senate amendments to Assembly bill No. 436, above reported.

The Senate amendments to Assembly bill No. 223, above reported, referred to Committee on Ways and Means.

The House refused to recede from its amendment to Senate bill No. 221, and refused to concur in Senate amendments to Assembly bill No. 261, and ordered Committees of Free Conference.

On the disagreeing vote on Assembly bill No. 261, the Speaker appointed Messrs. Sears, Irwin, and Benton, a Committee of Free Conference.

Senate bill No. 392, an Act fixing the salaries of the Governor's Private Secretary and the Clerk of the Executive Department—placed at top of file for April twenty-eighth.

Senate bill No. 173, an Act to authorize the incorporation of canal companies and the construction of canals—recommitted to the Committee on Corporations, with special instructions.

REPORTS.

Mr. Parker, from the Committee on Ways and Means, made the following reports:

Mr. SPEAKER:—Your Committee on Ways and Means, to whom was referred Senate bill No. 447, an Act to provide for the appointment of an Inspector and Gauger for San Francisco, have had the same under consideration, and beg leave to report the same, and recommend that it be indefinitely postponed.

BARTON, Chairman,
PARKER,
WOODMAN,
TEEGARDEN,
CHAS. C. DUDLEY,
TILTON of San Francisco.

Senate bill No. 447, above reported, was taken up and made special order for April twenty-eighth, at three o'clock, P. M.

Mr. SPEAKER:—Your Committee on Ways and Means, to whom was

referred Senate bill No. 359, an Act to amend an Act authorizing the Treasurer of State to issue bonds for payment of expenses in the suppression of Indian hostilities, have had the same under consideration, and beg leave to report, and recommend its passage.

BARTON,
CHAS. C. DUDLEY,
WOODMAN,
TEEGARDEN,
ELIASON,
PARKER,
BIGELOW.

Mr. Brown, from the Committee on Enrolment, made the following report:

Mr. SPEAKER:—Your Committee on Enrolment have examined, and found correctly enrolled, the following bills:

Assembly bill No. 149, an Act in relation to liens of mechanics and others;

Also, Assembly bill No. 154, an Act to establish the lines and grades of streets in the City and County of San Francisco;

Also, Assembly bill No. 233, an Act amendatory of an Act entitled an Act relative to the issuance of certificates to exempt firemen within the State, approved May twentieth, eighteen hundred and sixty-one;

Also, Assembly bill No. 472, an Act to organize the fire department of the Town of Timbuctoo, Yuba County;

Also, Assembly bill No. 284, an Act to provide for an equitable adjustment of claims arising from indebtedness of the County of Contra Costa outstanding at the date of the organization of the County of Alameda, and for apportioning any award made thereon;

And delivered the same to the Governor, for his approval, this day, at two o'clock and forty-five minutes, P. M.

BROWN, for Committee.

Mr. Tilton of San Francisco made the following report:

Mr. SPEAKER:—The Committee of Free Conference appointed upon the disagreeing vote of the two Houses upon Assembly bill No. 365, an Act making appropriations for deficiencies in the appropriations made for the thirteenth fiscal year, ending the thirtieth day of June, eighteen hundred and sixty-two, beg leave to report that the Committee recommend that the Senate recede from substitute to Assembly bill, and agree to the Assembly bill as amended by the Committee of Free Conference.

BARTON of Sacramento,
TILTON of San Francisco,
HOAG,
Assembly Committee.
BAKER,
GASKILL,
HATHAWAY,
Senate Committee.

Adopted.

Assembly bill No 267, an Act to authorize Feliciana Girado de Tapia to sell the real estate of her deceased husband—rules suspended, considered engrossed, read third time, and passed.

FURTHER REPORTS.

Mr. Reeve, from the San Francisco delegation, made the following report:

Mr. SPEAKER:—The San Francisco delegation, to whom was referred Assembly bill No. 456, an Act directing the payment of a certain claim, report the same back, with an amendment, and recommend its passage;

Also, report back Senate bill No. 304, an Act to confer certain powers on the Board of Supervisors of the City and County of San Francisco, with amendments, and recommend its passage.

REEVE, for Delegation.

Assembly bill No. 418, an Act to prevent nuisances on water courses and aqueducts supplying cities, towns, villages, or neighborhoods, within this State—rules suspended, considered engrossed, read third time, and passed

Mr Saul, from the Sacramento delegation, made the following report:

Mr. SPEAKER:—The Sacramento delegation, to whom was referred Senate bill No 442, an Act amendatory of an Act, passed May eighteenth, eighteen hundred and sixty-one, entitled an Act concerning roads and highways in the County of Sacramento, report the same back, and respectfully recommend its passage.

SAUL, for Delegation.

Senate bill No. 442, above reported, rules suspended, read third time, and passed.

Senate bill No. 426, an Act to fix the times of holding the terms of the District Court of the Seventh Judicial District, in Solano County—rules suspended, read third time, and passed.

Senate bill No. 359, an Act to amend an Act authorizing the Treasurer of State to issue bonds for the suppression of Indian hostilities—rules suspended, read third time, and passed.

Assembly bill No. 375, an Act granting John H. Johnston, and his associates, the right to construct a bridge across Russian River—rules suspended, read third time, and passed.

Senate bill No. 303, an Act to create a Contingent Fund for the County of Contra Costa—rules suspended, read third time, and passed.

Assembly bill No. 193, an Act concerning fees of certain officers of the City and County of Sacramento—rules suspended, read third time, and passed.

At eighteen minutes past three o'clock, P. M., on motion of Mr. Morrison, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, April 28th, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.

REPORTS.

Mr. Collins, from the Committee on Military Affairs, made the following report:

Mr. SPEAKER:—Your Committee on Military Affairs, to whom was referred a resolution instructing our Senators and requesting our Representatives, in Congress, to use all proper efforts to secure the construction of two iron-clad steamers, or gunboats, for the protection of the harbor of San Francisco; also, a resolution directing your Committee to report to this House what action should be taken upon the recent correspondence of the Executive of this State with the Secretary of State of the United States, upon the necessity of providing coast and harbor defences—have carefully considered the resolutions, together with the correspondence referred to, and find the following state of facts touching the subject:

Mr. Seward, Secretary of State of the United States, some months since issued a circular letter to the Governors of the various loyal States, calling upon such States to place their coasts and harbors in a state of defence; as, in the opinion of the Government, we were liable, so long as our domestic difficulties should continue, to suffer a rupture, at any time, of our friendly relations with foreign powers; and intimating, as his opinion, that the Federal Government would reimburse to the States whatever sums they might expend in prosecuting the objects specified in the letter. After this Legislature had been some months in session, the subject of coast and harbor defences came before the Senate, on the proposition to appropriate the sum of one hundred thousand dollars for that object. Thereupon the Governor of this State was directed, by concurrent resolution of the Legislature, to transmit to the Secretary of State of the United States a resolution, asking of him whether, in the opinion of the Federal Administration, our foreign relations are at present such as to make it necessary or expedient that *California* should take active measures toward putting the harbor of San Francisco in a state of defence. To this interrogatory Mr. Seward responds: "The present aspect of our foreign relations is pacific, but the President remains of the opinion, heretofore so often expressed, that while this civil war actively continues, there may be foreign aggressions. No important part or portion of the United States ought to be left exposed. One or two iron-clad steamers at San Francisco, would insure its safety, at small expense."

The facts in the case are, then, briefly these:

First. Secretary Seward asks the loyal States, California among the others, to put their coasts and harbors in a state of defence.

Second. The Legislature of California, after the lapse of some months, applies to Secretary Seward for information as to whether our foreign

relations are such as to render it expedient and necessary that California shall proceed to carry out the recommendations contained in his circular letter

Third. In reply, Secretary Seward says: "No important part or portion of the United States ought to be left exposed. One or two ironclad steamers at San Francisco, would insure its safety, at small expense."

Your Committee, in the light of the preceding correspondence, are unable to see, in this reply of the Secretary of State, any other than a very decided expression of opinion on the part of the Federal Government, that it is expedient and necessary that *California* should proceed to place the harbor of San Francisco in a state of defence; and, further, the Government, alive to every improvement in the art of war, whether offensive or defensive, and the great naval battle in Hampton Roads, between the Monitor and Merrimac, having taken place during the interval which elapsed between the first and second communications of the Secretary of State of the United States to the Executive of this State, indicates the way in which expenditures may be made most effective in rendering defences. Instead of hundreds of thousands for Lime Point and other points, and, afterwards, millions to be expended in the construction of works thereon, the results of a two days naval encounter have taught us that our appropriations should be for batteries cased in iron, and floating on the "briny deep."

Viewing the resolution of instruction to our delegation in Congress in the light of the facts above recited, your Committee cannot recommend to this House its adoption, believing, as your Committee does, that it would not comport with the dignity of this State, nor be compatible with her own self-respect, which on no pretext should be sacrificed, that she now, when asked by the Federal Government to contribute something toward her own defence, should coolly turn round and ask the Federal Government to do it for her. California, by her vote, by resolution of her Legislature, by her press, and by the loud acclaim of the great mass of her population, has proclaimed her loyalty to the National Government, and expressed her determination to prosecute to the "bitter end" the war now waging for the suppression of insurrection and rebellion. But would it quite harmonize with those loud and emphatic declarations and protestations, that now, while the Federal Government is marshalling every resource and straining to its utmost tension every nerve to meet its enemies, arrayed in flagrant, deadly war against it on the Atlantic slope and in the great Valley of the Mississippi—California, whose contributions to the support of the Government have been lighter than those of any other loyal State, should decline to make the appropriations *indispensable to her own safety* in the event of a foreign war?

But, has California no interest in protecting the harbor of San Francisco against the possible entrance of a hostile fleet? It requires no great perspicacity, no great military talent, to comprehend the fact that the bay and harbor of San Francisco are the key of California, and, in fact, of the entire possessions of the United States on the Pacific coast. No person who has paid any attention to the history of the conflicts of our Navy with the land fortifications of the rebels since the commencement of the present war, can doubt, for a moment, but a hostile fleet could enter the Heads, pass Fort Point, sail through Raccoon Straits, around Angel Island, and appear in front of this city, without suffering the slightest damage. Further, an armed fleet once in this harbor, this city would be entirely at its mercy. It would be compelled to capitulate

on such terms as the enemy might dictate, or submit to demolition by their shot and shell. And, as already stated, the possession of San Francisco by an enemy, is the possession of the State by the same power.

The position of California is remote from the Central Government, and from the points where men and the munitions of war are massed. In the event of a rupture with a foreign naval power, the first point on which a demonstration would be attempted, would, probably, be San Francisco; and, before aid could reach us from the Atlantic side, we would be compelled to succumb. But, with the means of holding the Bay of San Francisco, California would be able, without aid from the other side, to meet and repel any enemy that could set foot on our shores.

Nor should the movements of the great naval powers of the world permit a sense of security to lull us into apathy. Our ancestral enemy, known by the proud cognomen of Mistress of the Seas, holds her possessions to the north of us, where she is building up towns, establishing manufactures, developing the mineral and agricultural resources of the country, and where she has, what to her is a matter of the first moment, a place where she can man and equip fleets.

Again, we find her, in conjunction with the Emperor, and the Government of Spain, operating in a neighboring republic on our south. All these movements, added to the low but clearly audible mutterings that come up from all manufacturing districts in England and from the one side of the continent to the other—mutterings of deep discontent at the continuance of the blockade—are sufficient to suggest that it is just possible that our present satisfactory relations with Foreign Powers may not continue *in perpetuam*. It is the opinion of your Committee—in view of our remote position from the densely populated portions of the United States; of the length of time that must elapse, in the event of a foreign war, before aid could reach us; of the temptation which our vulnerable position would offer to an enemy, as the point of his first attack; and the value of the prize, if he succeeded in grasping it; of the general condition of international relations in Europe and America—that it is not the part of wisdom for California to allow herself to feel secure, without further defences.

Accordingly, while we cannot concur in thinking it fit or proper that California should call on Congress at this time for aid, it is our opinion that our security, in the event of foreign difficulties, demands further defences.

We therefore, in accordance with these views, beg leave to report a bill, making an appropriation of five hundred thousand dollars, to be expended in the construction of one or two iron-clad gunboats. The bill we report proposes to raise the money by the issuance of bonds of the State of California, and provides that it shall be expended by the State of California, in conjunction with properly constituted agents of the National Government. If Congress also shall make an appropriation for the defence of this harbor, and proceed to build the proper "boats or batteries," then our bonds need not be placed in the market, and no harm will have been done. But it is the opinion of this Committee, that this Legislature will have failed to fill the full measure of its duty, if it shall adjourn before having provided for the defence of the State, beyond a peradventure.

COLLINS, Chairman.

The bill above reported was read first and second times, placed at top of file for April twenty-ninth, and ordered printed.

Messrs. Yule, Barton of Sacramento, Warwick, and Waddell, had indefinite leave of absence.

Mr Amerige, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined Assembly bill No. 267, entitled an Act to authorize Feliciana Girado de Tapia to sell the real estate of her deceased husband, and report the same correctly engrossed.

AMERIGE, for Committee.

Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER.—The Committee on Engrossment have examined Assembly bill No. 375, an Act granting John H. Johnson and his associates the right to construct a bridge across Russian River, in the County of Sonoma, and report the same correctly engrossed;

Also, Assembly bill No 418, an Act to prevent nuisances on water courses and aqueducts supplying cities, towns, villages, or neighborhoods, within this State

LOEWY, Chairman.

Journal of Saturday last read and approved.

GENERAL FILE.

An Act to amend an Act authorizing the Administrators of the estate of G. A. Grant, deceased, to sell real estate at private sale, approved April fourteenth, eighteen hundred and sixty one—read third time, and passed.

Assembly bill No. 242, an Act supplementary to and amendatory of an Act entitled an Act concerning County Recorders, passed March twenty-sixth, eighteen hundred and fifty-one—amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 392, an Act fixing the salaries of the Governor's Private Secretary, and of the Clerk in the Executive Department.

Mr. Sears moved to indefinitely postpone the bill.

Upon which, Messrs. Wright, Sears, and Dudley of Placer, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Amerige, Dennis, Dudley of Placer, Dudley of Solano, Evey, Griswold, Irwin, Kendall, Lane, Love, Matthews, Morrison, Pemberton, Printy, Sargent, Sears, Thompson of Tehama, Werk, Wilcoxon, Wright, and Zuck—21.

NOES—Messrs. Ames, Avery, Bell, Benton, Bigelow, Collins, Cot, Cunnard, Dean, Dore, Eagar, Elhason, Ferguson, Gordon, Hoag, Hoffman, Leach, Loewy, Machin, Maclay, Meyers, Moore, Orr, Parker, Reeve, Saul, Seaton, Shannon, Smith of Sierra, Teegarden, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Watson, and Worthington—35.

Mr. Irwin moved to recommit to the Committee on Ways and Means, with instructions to strike out the salary for the Clerk of Executive Department.

Mr. Bigelow demanded the previous question.

Sustained.

On recommitting, Messrs. Irwin, Sears, and Dudley of Placer, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Dennis, Dudley of Placer, Dudley of Solano, Evey, Griswold, Irwin, Kendall, Lane, Love, Matthews, Pemberton, Printy, Sargent, Sears, Thompson of Tehama, Werk, Wilcoxon, and Wright—18.

NOES—Messrs. Amerige, Ames, Avery, Benton, Bigelow, Cot, Cunnard, Dore, Eagar, Eliason, Ferguson, Hoag, Leach, Loewy, Machin, Maclay, Meyers, Moore, Orr, Parker, Porter, Reeve, Saul, Seaton, Shannon, Smith of Sierra, Teegarden, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Watson, and Worthington—32.

On the passage of the bill, Messrs. Love, Dudley of Placer, and Watson, demanded the ayes and noes, and the bill passed, by the following vote:

AYES—Messrs. Amerige, Ames, Avery, Bell, Benton, Bigelow, Cot, Cunnard, Dudley of Placer, Eagar, Eliason, Ferguson, Hoag, Leach, Loewy, Machin, Maclay, Meyers, Moore, Orr, Parker, Reeve, Saul, Seaton, Shannon, Smith of Sierra, Teegarden, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Watson, and Worthington—32.

NOES—Messrs. Campbell, Dean, Dennis, Dudley of Solano, Evey, Griswold, Kendall, Lane, Love, Matthews, Morrison, Pemberton, Printy, Sears, Thompson of Tehama, Werk, Wilcoxon, and Wright—18.

Mr. Dudley of Placer gave notice of reconsideration.

Assembly bill No. 426, an Act to appropriate money for the maintenance and support of the district agricultural and mechanical societies—substitute adopted, considered in Committee of the Whole, reported and recommended, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 304, an Act to amend section three of an Act entitled an Act amendatory of and supplementary to an Act to establish, support, and regulate common schools, and to repeal former acts concerning the same, passed May third, eighteen hundred and fifty-three, so far as the same relates to the County of El Dorado—amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 432, an Act supplemental to an Act concerning the office of Surveyor-General, approved April seventeenth, eighteen hundred and fifty—read third time, and passed.

Assembly bill No. 140, an Act to authorize P. C. Lander, and his associates and assigns, to build a wharf at Point Avisadero, in the City and County of San Francisco.

Mr. Tilton of San Francisco offered an additional section to the bill

Mr. Love moved to indefinitely postpone the consideration of the bill.

Without final action on either proposition, the House directed that the bill be made the special order for three o'clock, on Tuesday, April twenty-ninth.

Assembly concurrent resolution No. 24, relating to the collection of the income tax.

On the adoption of the resolution, Messrs. Dudley of Placer, Thompson of Tehama, and Ames, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Ames, Dean, Evey, Frazier, Griswold, Kendall, Lane, Moore, Pemberton, Printy, Thompson of Tehama, Wilcoxon, and Wright—13.

NOES—Messrs. Amerige, Avery, Battles, Benton, Bigelow, Brown, Collins, Dudley of Placer, Dudley of Solano, Eliason, Ferguson, Gordon, Hoag, Irwin, Jackson, Leach, Meyers, Orr, Parker, Porter, Reese, Reeve, Sargent, Saul, Sears, Shannon, Teegarden, Tilton of San Francisco, Tilton of San Mateo, and Woodman—30.

Mr. Dudley of Placer gave notice of reconsideration.

Senate bill No. 449, an Act to provide for the filing of a list of the lands claimed by the State under the provisions of the various Acts of Congress making donations to the State—read third time, and passed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 28th, 1862.

To the Honorable the Assembly of California:

I herewith return to your honorable body, without my approval, Assembly bill No 290, an Act to incorporate the City of Sacramento.

This bill is entirely local in its character, and should only become a law for the benefit of those it is designed especially to affect; and they should be permitted to judge of its character as a beneficial and necessary act of legislation. I am entirely satisfied, from petitions and representations made to me by those in whom I have confidence, that this bill is not considered either necessary or beneficial, by the citizens of the City of Sacramento; on the contrary, that it is repugnant to the wishes of almost the entire community immediately interested.

With this conviction, without passing upon the special provisions of the bill, I am impelled to withhold my approval of the Act.

LELAND STANFORD, Governor.

The consideration of the above message was made the special order for May first, at two o'clock, P. M.

Assembly bill No. 279, an Act to authorize the Board of Supervisors in each of the several counties throughout the State to issue proposals and receive bids for the feeding of prisoners and for other purposes—laid on table.

Senate bill No. 297, an Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three—laid on table.

Mr. Orr, by leave, introduced a bill for an Act to grant the right to construct a turnpike road between the Town of Columbia and the City of Sonora, in the County of Tuolumne.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Mr. Amerige, by leave, introduced a bill for an Act to amend an Act entitled an Act to provide revenue for the support of the Government

of this State, approved May seventeenth, eighteen hundred and sixty-one.

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

Mr. Avery offered the following resolution:

Resolved, That the Managers of the Hardy Impeachment case, appointed by this Assembly, be directed to report the number of lawyers employed, and the price to be paid to them for services in prosecuting said case.

On its adoption, Messrs. Watson, Dudley of Placer, and Wright, demanded the ayes and noes, and the resolution was adopted, by the following vote:

AYES—Messrs. Ames, Avery, Brown, Collins, Dudley of Placer, Evey, Ferguson, Griswold, Kendall, Lane, Matthews, Moore, Morrison, Orr, Pemberton, Porter, Printy, Sargent, Thompson of Tehama, Van Zandt, Watson, Wilcoxon, Wright, and Zuck—24.

NOES—Messrs. Amerige, Benton, Bigelow, Dore, Eliason, Gordon, Hoag, Irwin, Jackson, Leach, Love, Parker, Reese, Reeve, Saul, Shannon, Smith of Sierra, Teegarden, Woodman, and Mr. Speaker—20.

Mr. Irwin had leave to introduce a bill for an Act to submit the claim of William Martin against the County of Siskiyou to the voters of said county.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Mr. Tilton of San Francisco offered the following resolution:

Resolved, That all Clerks of Committees employed by the Assembly be and they are hereby discharged from further service, and the Sergeant-at-Arms is hereby notified to draw no warrants as compensation for said Clerks after this date.

Adopted.

Mr. Benton had leave to introduce a bill for an Act concerning the School Fund of the State of California.

Read first and second times, and placed on file.

Mr. Smith of Sierra, from the Committee on Corporations, made the following report:

Mr. SPEAKER:—Your Committee on Corporations, to whom was referred substitute for Senate bill No. 173, an Act to authorize the incorporation of canal companies and the construction of canals, would respectfully report the same back, amended, as per instructions from the House.

MACHIN, Chairman.

The rules were suspended, and the amendments to the bill above reported adopted, bill read third time, and passed.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
April 28th, 1862.

Mr. SPEAKER:—I am directed to inform the Assembly that the Senate is organized as a Court of Impeachment, and is ready to proceed upon the Impeachment of James H. Hardy in the Senate Chamber.

THOMAS HILL,
Secretary.

SENATE CHAMBER,
April 28th, 1862.

Mr. SPEAKER:—On the twenty-sixth instant, the Senate passed Assembly bill No. 363, an Act to provide for the appointment of a Measurer of Wood in and for the City and County of San Francisco;

Also, on same day refused to concur in Assembly amendments to Senate bill No. 343, proposed amendments to the Constitution of the State of California;

Also, passed Senate bill No. 427, an Act relative to the estates of deceased persons;

Also, passed Senate bill No. 267, an Act relative to the incorporation of railroad companies, and the management of the affairs thereof;

Also, passed Senate bill No. 462, an Act to authorize the Administrators of the estate of L. R Buckley to sell and convey certain real estate;

Also, passed Senate bill No. 434, an Act to amend an Act to regulate descents and distributions;

Also, passed Assembly bill No. 336, an Act to provide for the construction of a public wagon road in Contra Costa County;

Also, passed Senate bill No 455, an Act to confirm and legalize a certain instrument, recorded in the Recorder's office of San Francisco, and to authorize Obed Alley Palmer to convey certain lands;

Also, refused to pass Assembly bill No. 355, an Act to provide revenue for the support of the Government of this State;

Also, concurred in Assembly amendments to Senate bill No. 217, an Act to appoint Commissioners to adjust the affairs of San Joaquin County;

Also, concurred in Assembly amendments to Senate bill No. 157, an Act relative to apprentices;

Also, refused to pass Assembly bill No. 469, an Act to transfer and legalize certain records in the County of Mono;

Also, adopted the report of the Committee of Free Conference on the disagreeing vote of the two Houses, on Assembly bill No. 157, an Act relative to the incorporation of railroad companies;

Also, on the twenty-fifth instant adopted Senate concurrent resolution No. 59, relative to printing three thousand copies of the Agricultural Report.

DELOS J. HOWE.
Assistant Secretary.

SENATE CHAMBER,
April 24th, 1862

Mr. SPEAKER:—The Senate this day adopted the accompanying resolution:

Resolved, That it is the opinion and judgment of this Senate, that the House of Assembly may, with the concurrence and consent of the Senate, legally and constitutionally adjourn *sine die*, leaving the Senate in

session as a Court for the trial of the Impeachment of James H. Hardy, now pending, and that the validity of the proceedings on such trial will be in no way impaired thereby.

THOMAS HILL,
Secretary of Senate.

SENATE CHAMBER,
April 26th, 1862.

MR. SPEAKER:—The Senate on this day adopted the report of the Committee of Free Conference on the disagreeing vote of the two Houses on Assembly bill No. 346, an Act in relation to suits brought for the collection of delinquent taxes;

Also, passed Assembly bill No. 291, an Act to regulate fees in office in the County of Sacramento.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
April 26th, 1862.

MR. SPEAKER:—The Senate on this day passed Assembly bill No. 475, an Act to authorize the Trustees of the Society of California Pioneers to sell and convey certain real estate;

Also, amended and passed Assembly bill No. 446, an Act to establish and maintain a State Normal School.

DELOS J. HOWE.
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate bill No. 462, above reported, read first and second times, rules suspended, read third time, and passed.

Senate bill No. 434, above reported, read first and second times, and referred to the Judiciary Committee.

Senate bill No. 267, an Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, above reported, read first and second times, rules suspended, read third time, and passed.

Senate bill No. 455, above reported, read first and second times, rules suspended, read third time, and passed.

Senate bill No. 427, above reported, read first and second times, and referred to Judiciary Committee.

Senate bill No. 343, above reported, with the non-concurrence of the Senate in the Assembly amendment thereof—on the question of the adherence of the Assembly to their previous action, Messrs. Wright, Benton, and Bell, demanded the ayes and noes, and the House refused to recede, by the following vote:

AYES—Messrs. Amerige, Avery, Battles, Bigelow, Brown, Dore, Gordon, Griswold, Loewy, Maclay, McCullough, Reese, Reeve, Tilton of San Francisco, and Zuck—15.

NOES—Messrs. Ames, Bell, Benton, Collins, Cunnard, Dana, Dean, Dudley of Placer, Dudley of Solano, Eliason, Evey, Frazier, Hoag, Hoffman, Irwin, Jackson, Kendall, Love, Machin, Matthews, Meyers, Moore, Morrison, Orr, Parker, Porter, Sargent, Saul, Seaton, Shannon, Thompson of Tehama, Watson, Werk, Woodman, and Wright—35.

Assembly bill No. 446, above reported, with an amendment, in which the House concurred.

REPORTS.

Mr. Avery, from the Committee on Enrolment, made the following report:

Mr. SPEAKER:—Your Committee on Enrolment have examined, and found correctly enrolled, the following bills:

Assembly bill No. 158, an Act supplementary to an Act entitled an Act to legalize certain grants and sales made by the Ayuntamiento of the Pueblo, and by the Mayor and Common Council of the City, of Santa Barbara, of lands belonging to the said pueblo and city, approved May fourteenth, eighteen hundred and sixty-one;

Also, Assembly bill No. 350, an Act to authorize the parties therein named to establish and maintain a ferry;

Also, Assembly bill No. 150, an Act in relation to the support and regulation of common schools, and to repeal former Acts concerning the same;

Also, Assembly bill No. 110, an Act conferring further powers on the Trustees of the City of Benicia;

Also, Assembly bill No. 403, an Act to restrict the herding of sheep in certain counties;

Also, Assembly bill No. 305, an Act concerning conveyances;

Also, Assembly bill No. 436, an Act to provide for the better care of the indigent sick in San Bernardino County;

Also, Assembly bill No 474, an Act concerning the funded debt of Sacramento;

Also, Assembly bill No. 430, an Act to give the Supervisors power to subscribe two hundred thousand dollars to the capital stock of the San Francisco and San José Railroad Company, and other matters relating thereto;

Also, Assembly bill No 475, an Act to authorize the Board of Trustees of the Society of California Pioneers of San Francisco to sell, mortgage, and convey, certain real estate;

Also, Assembly bill No 473, an Act to prohibit the keeping open of bath houses, barber shops, etc., after one o'clock, P. M., on the Sabbath;

Also, Assembly bill No. 348, an Act to grant the right to construct a turnpike road between Searsville, in San Mateo County, and Pescadero, in Santa Cruz;

Also, Assembly bill No. 363, an Act to provide for the appointment of a Measurer of Wood in and for the City and County of San Francisco

And delivered the same to the Governor, at thirteen minutes past two o'clock, this day, April twenty-eighth, eighteen hundred and sixty-two.

AVERY, Chairman.

Mr. Tilton of San Francisco, from the Committee on Ways and Means, made the following report:

Mr SPEAKER:—The Committee on Ways and Means, to whom was referred Assembly bill No. 223, an Act to provide for the payment of the sum of two hundred dollars to each of the six Locating Agents of the State of California, as amended by the Senate, have considered the said amendment, and recommend the concurrence of the Assembly in Senate amendment.

TILTON, for Committee.

The amendment to the bill above reported was adopted, and the bill read third time, and passed.

Mr. Evey, from the Napa delegation, made the following report:

Mr. SPEAKER:—Your Committee, the Napa delegation, to whom was referred Senate bill No. 461, an Act to repeal an Act approved April tenth, eighteen hundred and sixty-two entitled an Act to regulate the fees of the County Surveyor of Napa County, report the same back, with amendments, and recommend its passage.

With regard to the bill as it came from the Senate, your Committee would further report as follows:

First—The bill assumed that a certain bill which passed the Assembly, but did not pass the Senate, is an *Act* of this Legislature; which is untrue.

Second—It assumed that if said bill is not a law *de jure*, the enrolled copy is prima facie evidence that it is a law *de facto*, and that therefore it must be treated as such; a conclusion your Committee believe to be erroneous, because the bill (miscalled an Act) has not yet appeared among the published statutes of the State, and, so far as the present knowledge of the people extends, there is no evidence of the existence of such a statute.

Third—While it is true that the enrolled copy bears the signatures of a bona fide law, which to the Secretary of State may be prima facie evidence of its genuineness, the original bill, indorsed "Lost," by the Secretary of the Senate, is to this House decisive evidence to the contrary.

EVEY, for Delegation.

The amendments to the bill above reported were adopted, the bill read third time, and passed, and title amended.

Senate bill No. 428, an Act to amend an Act entitled an Act defining the time for commencing civil actions, passed April twenty-second, eighteen hundred and fifty, (the special order) was read third time, and passed.

Mr. Bigelow moved that the House adjourn to meet on Thursday next.

Mr. Collins moved to adjourn.

Lost.

Mr. Watson moved the previous question.

Sustained.

Messrs. Griswold, Irwin, and Benton, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Ames, Battles, Bigelow, Brown, Campbell, Dana, Dean, Dore, Dudley of Placer, Evey, Ferguson, Hoffman, Loewy, Maclay, Matthews, Moore, Morrison, Reeve, Thompson of Tehama, Tilton of San Francisco, Watson, and Werk—22.

NOES—Messrs. Amerige, Avery, Benton, Collins, Dennis, Dudley of Solano, Eliason, Frazier, Griswold, Hoag, Irwin, Leach, Love, Orr Porter, Reese, Sargent, Saul, Sears, Seaton, Shannon, Teegarden, Van Zandt, Woodman, Worthington, Wright, and Zuck—27.

SPECIAL ORDER.

Senate bill No. 292, an Act to pay Paul R. Hunt the sum therein mentioned. (special order for this day,) was taken up.

Mr. Campbell moved to lay on the table.

Upon which, Messrs. Watson, Leach, and Maclay, demanded the ayes and noes, and the bill was laid on the table, by the following vote:

AYES—Messrs. Amerige, Avery, Bell, Benton, Bigelow, Brown, Campbell, Dean, Dudley of Placer, Eliason, Evey, Gordon, Hoag, Leach, Love, Maclay, Moore, Orr, Parker, Printy, Reese, Reeve, Sargent, Sears, Smith of Sierra, Teegarden, Tilton of San Francisco, Werk, and Zuck—29.

NOES—Messrs. Ames, Collins, Dennis, Ferguson, Frazier, Griswold, Hoffman, Matthews, Morrison, Saul, Seaton, Shannon, Thompson of Tehama, Van Zandt, Watson, Wilcoxon, Woodman, and Wright—18.

Mr. Morrison moved that the House adjourn to Thursday, at eleven o'clock

Upon which, Messrs. Benton, Smith of Sierra, and Saul, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Ames, Battles, Bell, Bigelow, Campbell, Cunnard, Dana, Dean, Dennis, Dore, Dudley of Placer, Gordon, Hoffman, Lane, Moore, Morrison, Parker, Pemberton, Printy, Reeve, Thompson of Tehama, Tilton of San Francisco, Watson, Werk, and Wilcoxon—25

NOES—Messrs. Amerige, Avery, Benton, Brown, Collins, Eliason, Evey, Ferguson, Frazier, Griswold, Hoag, Irwin, Leach, Loewy, Love, Maclay, Matthews, Meyers, Orr, Porter, Reese, Sargent, Saul, Sears, Seaton, Shannon, Smith of Sierra, Teegarden, Van Zandt, Woodman, Worthington, Wright, and Zuck—33.

Senate bill No. 447, an Act to provide for the appointment of an Inspector and Gauger of wines and liquors in the port of San Francisco, and to prescribe his duties.

Mr Worthington moved the previous question.

Upon which, Messrs. Dennis, Griswold, and Smith of Sierra, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Ames, Battles, Bell, Brown, Cunnard, Dore, Dudley of Placer, Ferguson, Hoag, Loewy, Love, Machin, Maclay, McCullough, Moore, Morrison, Parker, Printy, Reeve, Saul, Thompson of Tehama, Tilton of San Francisco, Watson, Wilcoxon, Worthington, and Zuck —26.

NOES—Messrs. Amerige, Avery, Benton, Bigelow, Collins, Dennis, Dudley of Solano, Eliason, Evey, Gordon, Griswold, Hoffman, Irwin, Leach, Matthews, Meyers, Orr, Porter, Reese, Sargent, Sears, Seaton, Shannon, Smith of Sierra, Teegarden, Van Zandt, Werk, Woodman, and Wright—29.

Mr. Hoffman moved to adjourn.

Lost

Mr. Cunnard moved the previous question.

Carried.

On the indefinite postponement of the bill, Messrs. Worthington, Wat-

son, and Loewy, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES — Messrs. Ames, Battles, Bigelow, Campbell, Cunnard, Dean, Dudley of Placer, Ferguson, Griswold, Hoag, Irwin, Loewy, Love, McCullough, Morrison, Parker, Pemberton, Printy, Reeve, Saul, Thompson of Tehama, Tilton of San Francisco, Watson, Werk, Woodman, and Worthington—26.

NOES—Messrs. Amerige, Avery, Bell, Benton, Brown, Collins, Dennis, Eliason, Evey, Frazier, Gordon, Hoffman, Leach, Machin, Maclay, Matthews, Meyers, Moore, Orr, Porter, Reese, Sargent, Sears, Seaton, Shannon, Teegarden, Van Zandt, Wilcoxon, Wright, and Zuck—30.

On the passage of the bill, Messrs. Watson, Brown, and Benton, demanded the ayes and noes, and the bill passed, by the following vote:

AYES—Messrs. Amerige, Avery, Bell, Benton, Bigelow, Brown, Collins, Eliason, Gordon, Griswold, Hoffman, Leach, Machin, Maclay, Matthews, Meyers, Moore, Orr, Porter, Reese, Sargent, Sears, Seaton, Shannon, Teegarden, Van Zandt, Wilcoxon, Wright, and Zuck—29.

NOES—Messrs. Ames, Battles, Campbell, Cunnard, Dean, Dudley of Placer, Ferguson, Hoag Irwin, Loewy, Love, McCullough, Morrison, Parker, Printy, Reeve, Saul, Thompson of Tehama, Tilton of San Francisco, Watson, Woodman, and Worthington—22.

Mr. Griswold gave notice of reconsideration

Mr. Maclay moved to adjourn.

Upon which, Messrs. Sears, Benton, and Amerige, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Ames, Benton, Collins, Dean, Dore, Evey, Ferguson, Hoag, Hoffman, Irwin, Leach, Parker, Sears, Seaton, Shannon, Smith of Sierra, Teegarden, Woodman, Wright, and Zuck—20.

NOES—Messrs. Amerige, Avery, Battles, Bell, Bigelow, Brown, Campbell, Cunnard, Dennis, Dudley of Placer, Eliason, Gordon, Loewy, Love, Maclay, Matthews, Moore, Morrison, Orr, Porter, Printy, Reeve, Sargent, Thompson of Tehama, Tilton of San Francisco, Van Zandt, Watson, and Wilcoxon—28.

Mr. Brown moved that when this House adjourn, it adjourn to Thursday, May first, at eleven o'clock, A. M.

Mr Campbell moved the previous question.

Sustained.

Upon the motion of Mr. Brown, Messrs Benton, Loewy, and Maclay, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Battles, Bell, Brown, Campbell, Cunnard, Dennis, Dudley of Placer, Evey, Gordon, Loewy, Maclay, Matthews, Moore, Morrison, Printy, Reeve, Thompson of Tehama, Tilton of San Francisco, Watson, Werk, and Wilcoxon—21.

NOES—Messrs. Amerige, Ames, Avery, Benton, Bigelow, Collins, Dean, Dore, Eliason, Frazier, Griswold, Hoag, Irwin, Leach, Love, Machin, Meyers, Orr, Parker, Porter, Reese, Sargent, Saul, Sears, Seaton, Shan-

non, Smith of Sierra, Teegarden, Van Zandt, Woodman, Wright, and Zuck—32.

On motion of Mr. Maclay, at five minutes past four o'clock, P. M., the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, April 29th, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present
Messrs. Brown, Lane, Dudley of Solano, Tilton of San Mateo, and Pemberton, had leave of absence.
Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, the following bills:
Assembly bill No. 242, an Act supplementary to and amendatory of an Act entitled an Act relative to County Recorders, passed March twenty-sixth, eighteen hundred and fifty-one;
Also, Assembly bill No 426, an Act to appropriate money for the maintenance and support of district and county agricultural and mechanical societies.

LOEWY, Chairman.

Journal of yesterday read and approved.

GENERAL FILE

Assembly bill No. 456, an Act directing the payment of a certain claim—amendment adopted, rules suspended, considered engrossed, read third time, and passed, and title amended.
Assembly bill No. 477, an Act to provide for the defence of the harbor of San Francisco—placed at top of file for April thirtieth.
Assembly bill No. 311, an Act to provide for the appointment of a Resident Physician and Chaplain of the State Prison, and to fix their compensation.
Mr. Benton moved to strike out "ten hundred dollars," and insert "twelve hundred dollars."
Mr. Warwick moved to strike out section two, and insert:
"That the State Prison Directors be directed to engage two Christian Ministers, one of the Catholic, and one of the Protestant Church"
Mr. Bell moved to further amend by inserting, after the word "appoint:"
"Two Chaplains, one Catholic, the other Protestant, whose joint compensation is hereby fixed at twelve hundred dollars per annum, one half to each Chaplain."
Mr. Bigelow moved the previous question.
Not sustained.

On the adoption of the amendment offered by Mr. Bell, Messrs Printy, Shannon, and Morrison, demanded the ayes and noes, and the amendment was adopted, by the following vote:

AYES—Messrs. Amerige, Battles, Bell, Cot, Dana, Dean, Dennis, Dudley of Placer, Ferguson, Kendall, Leach, Loewy, Matthews, Moore, Morrison, Parker, Porter, Printy, Reeve, Sargent, Saul, Shannon, Thompson of Tehama, Warwick, Watson, Woodman, Worthington, and Wright—28.

NOES—Messrs. Ames, Avery, Benton, Bigelow, Collins, Cunnard, Dore, Eliason, Evey, Frazier, Gordon, Love, Meyers, Orr, Reese, Sears, Seaton, Smith of Sierra, Tilton of San Francisco, Van Zandt, Wilcoxon, and Zuck—22.

Mr Dudley of Placer moved to lay the bill on the table.

Upon which, Messrs. Watson, Dudley of Placer, and Saul, demanded the ayes and noes, and the House so ordered, by the following vote:

AYES—Messrs. Amerige, Battles, Benton, Bigelow, Collins, Cunnard, Dean, Dudley of Placer, Eliason, Gordon, Griswold, Jackson, Leach, Love, Machin, Meyers, Orr, Reed, Reese, Sargent, Sears, Seaton, Tilton of San Francisco, Van Zandt, Wilcoxon, Woodman, Wright, and Zuck—28.

NOES—Messrs. Ames, Avery, Bell, Cot, Dana, Dennis, Dore, Eagar, Evey, Ferguson, Hoffman, Kendall, Loewy, Matthews, Moore, Morrison, Parker, Porter, Printy, Reeve, Saul, Shannon, Smith of Sierra, Thompson of Tehama, Warwick, Watson, and Worthington—27.

Assembly bill No. 411, an Act to amend an Act entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties on the Controller and Treasurer, approved April twenty-first, eighteen hundred and fifty-eight—read third time, and passed.

Assembly bill No 60, an Act to authorize the State Librarian to have certain books repaired—indefinitely postponed.

The Speaker announced as a Committee of Free Conference on disagreeing vote on Senate bill No. 343, proposed amendments to the Constitution, Messrs. Benton, Irwin, and Reeve.

Assembly bill No. 37, an Act concerning the swamp, overflowed, and marsh lands, on the Encinal of San Antonio, Alameda County—laid on the table.

Senate bill No. 216, an Act amendatory of an Act to regulate proceedings in civil cases in the Courts of Justice of this State

Mr. Benton moved to postpone the further consideration of the bill until to-morrow.

Lost.

Mr Wright moved the indefinite postponement of the bill.

Upon which, Messrs. Love, Sears, and Wilcoxon, demanded the ayes and noes, and the House so ordered, by the following vote:

AYES—Messrs. Amerige, Bell, Collins, Cot, Dennis, Dore, Eagar, Eliason, Evey, Frazier, Griswold, Hoffman, Jackson, Kendall, Machin, Meyers, Moore, Orr, Parker, Reed, Reese, Sargent, Seaton, Smith of Sierra, Tilton of San Francisco, Van Zandt, Watson, Werk, Woodman, Worthington, Wright, and Yule—32.

NOES—Messrs Avery. Benton. Cunnard, Dean, Ferguson, Love, Porter, Printy, Sears, Warwick, and Wilcoxon—11.

Assembly bill No. 378, an Act fixing the salaries of the County Judge and District Attorney for the County of Sutter—indefinitely postponed.

Assembly bill No 380, an Act fixing the salaries of the County Judge and District Attorney for the County of Klamath—read third time, and passed.

Assembly bill No. 381, an Act fixing the salary of the County Judge of the County of San Luis Obispo—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 393, an Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, passed May twentieth, eighteen hundred and sixty-one—on motion of Mr. Leach, laid on the table.

Mr Dudley of Placer, according to notice, moved to reconsider the vote whereby the House, on yesterday, passed Senate bill No 392, an Act fixing the salaries of the Governor's Private Secretary and the Clerk in the Executive Department.

Mr Bigelow moved the previous question.

Sustained.

On reconsidering, Messrs. Dudley of Placer, Love, and Matthews, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Dennis, Dudley of Placer, Evey, Frazier, Griswold, Irwin, Kendall, Love, Matthews, Morrison, Printy, Saul, Thompson of Tehama, Wilcoxon, and Woodman—15.

NOES—Messrs. Amerige, Ames, Avery, Barton of Sacramento, Battles, Bell, Benton. Bigelow, Cot, Cunnard, Dana, Eagar, Eliason, Ferguson, Gordon, Hoag, Jackson, Leach, Loewy, Machin, Meyers, Orr, Parker, Porter, Reed, Reese, Reeve, Seaton, Shannon, Smith of Sierra, Teegarden, Tilton of San Francisco, Warwick, Watson, Worthington, Zuck, and Mr. Speaker—37.

Mr. Griswold moved to reconsider the vote by which the House on yesterday passed Senate bill No. 447, an Act to provide for the appointment of an Inspector and Gauger of wines and liquors in the port of San Francisco, and to prescribe his duties.

Mr. Ames moved the previous question.

Sustained.

On reconsidering, Messrs. Seaton, Gordon, and Griswold, demanded the ayes and noes, and the motion prevailed, by the following vote:

AYES—Messrs. Ames. Barton of Sacramento, Battles, Cot, Cunnard, Dana, Dean. Dennis, Dudley of Placer, Eagar. Evey, Ferguson, Frazier, Griswold, Hoffman, Irwin, Kendall, Loewy, Love, McCullough, Morrison, Parker, Printy, Reeve, Saul, Thompson of Tehama, Warwick, Watson, Woodman, and Worthington—30.

NOES—Messrs. Amerige, Avery, Benton, Gordon, Leach, Machin, Maclay, Myers, Moore, Orr, Porter, Reed, Reese, Sargent, Seaton, Van Zandt, and Zuck—17.

Mr. Morrison moved to indefinitely postpone the bill.

Mr. Barstow moved the previous question.

Sustained.

Upon the indefinite postponement, Messrs. Seaton, Morrison, and Gordon, demanded the ayes and noes, and the bill was indefinitely postponed, by the following vote:

AYES—Messrs. Ames, Barton of Sacramento, Battles, Cot, Cunnard, Dana, Dean, Dennis, Dudley of Placer, Eagar, Evey, Ferguson, Frazier, Griswold, Hoffman, Irwin, Kendall, Loewy, Love, McCullough, Morrison, Parker, Printy, Reeve, Saul, Thompson of Tehama, Warwick, Watson, Woodman, Worthington, and Mr Speaker—31.

NOES—Messrs. Amerige, Avery, Benton, Collins, Gordon, Leach, Machin, Maclay, Meyers, Moore, Orr, Porter, Reed, Reese, Sargent, Seaton, Smith of Sierra, Van Zandt, and Zuck—19.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
April 29th, 1862.

Mr. SPEAKER:—The Senate on this day adopted Senate concurrent resolution No. 60, to authorize the Enrolling Clerk of the Senate to alter a certain letter in Senate bill No. 234, an Act relative to a marine railway in the City and County of San Francisco.

DELOS J. HOWE,
Assistant Secretary.

The House concurred in Senate concurrent resolution No. 60, above reported.

Assembly bill No. 140, an Act to authorize P. C. Lander, and his associates and assigns, to build a wharf at Point Avisadero, in the City and County of San Francisco—amended, rules suspended, considered engrossed, and read third time.

On its passage, Messrs. Matthews, Leach, and Wilcoxon, demanded the ayes and noes, and the bill passed, by the following vote:

AYES—Messrs. Amerige, Avery, Barton of Sacramento, Battles, Bell, Benton, Campbell, Cot, Cunnard, Dana, Dean, Dore, Eagar, Evey, Frazier, Gordon, Griswold, Hoag, Hoffman, Kendall, Loewy, Love, Maclay, Moore, Orr, Porter, Printy, Reed, Reese, Reeve, Sargent, Thompson of Tehama, Tilton of San Francisco, Van Zandt, Warwick, and Mr. Speaker—35.

NOES—Messrs. Collins, Dudley of Placer, Leach, Matthews, Saul, Watson, Wilcoxon, and Zuck—8.

Mr. Barton of Sacramento, by leave, introduced a bill for an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.

Read first and second times, and placed second on file for April thirtieth.

Mr. Avery gave notice that to-morrow he would offer a resolution to rescind the rule whereby two hours are set apart for consideration of general file.

At ten minutes to four o'clock, P. M., on motion of Mr. Ames, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, April 30th, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.
Messrs. Morrison, Sears, Love, Moore, and Cunnard, had leave of absence.
Mr. Shannon asked leave to introduce a resolution.
Refused.
Mr. Avery moved to rescind the rule by which two hours are devoted to the consideration of the general file immediately after reading the Journal.
Carried.
Journal of yesterday read and approved.
Mr. Benton, from the Sacramento delegation, made the following report:

Mr. SPEAKER:—The Sacramento delegation report back Assembly bill No. 421, an Act to grant the right to construct and maintain a bridge across the American River, at Twentieth street, in the City and County of Sacramento, and recommend its passage.

BENTON, of Delegation.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 23d, 1862.

To the Honorable the Assembly of California:

I have to inform your honorable body that I have approved Assembly bill No. 311, an Act to authorize Almira Ingram, the parent and guardian of Jonetta M. Ingram, a minor, to sell the real estate of said minor at private sale;

Also, Assembly bill No. 287, an Act to amend an Act entitled an Act abolishing the office of County Assessor, and establishing the office of Township Assessors in the County of Calaveras, approved April twenty-eighth, eighteen hundred and sixty, and to define their duties, and the duties of the other officers connected with the collection and disbursement of the revenue of said county, more clearly;

Also, Assembly bill No 194, an Act making an appropriation for the payment of the per diem and mileage of Presidential Elector;

Also, Assembly bill No. 357, an Act supplemental to an Act entitled an Act amendatory of and supplemental to an Act to establish, support, and regulate, common schools, and to repeal former Acts concerning the same, approved March twenty-eighth, eighteen hundred and fifty-seven;

Also, Assembly bill No. 306, an Act to authorize Charles E. Bowman and his associates to construct a wharf at the western end of the Encinal of San Antonio, Alameda County;

Also, Assembly bill No. 353, an Act to create and organize a fire department for the Town of Mokelumne Hill, in Calaveras County;

Also, Assembly bill No 301, an Act to amend an Act entitled an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, and repealing certain other Acts in relation to said city;

Also, Assembly bill No. 362, an Act concerning roads and highways in the County of Placer;

Also, Assembly bill No. 169, an Act in relation to the militia of this State.

LELAND STANFORD, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 26th, 1862.

To the Honorable the Assembly of California:

I have to inform your honorable body that I have approved Assembly bill No. 352, an Act amendatory of Article fourth 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 the nineteenth day of April, eighteen hundred and fifty-six, repealing sections thirty-six to sixty-four, inclusive, and Acts and parts of Acts amendatory and supplementary thereof, and substituting this Act for said Article four;

Also, Assembly bill No. 108, an Act to provide for a railroad within the City and County of San Francisco;

Also, Assembly bill No 133, an Act to provide for the appointment of Notaries Public, and defining their duties;

Also, Assembly bill No. 372, an Act for the encouragement of agriculture and manufactures in California;

Also, Assembly bill No 317, an Act to grant to T. S. Benoiste, and his associates or assigns, the right to construct and maintain a wagon road in Sonoma County, in this State;

Also, Assembly bill No 373, an Act to grant the right to construct a toll bridge across Cache Creek, in Yolo County, at or near the town of Cacheville, to certain parties therein named;

Also, Assembly bill No. 433 an Act to authorize John S. Williams and his associates to construct a wharf at the foot of Franklin street and Van Ness avenue, in the City and County of San Francisco;

Also, Assembly bill No. 282, an Act for the better protection of farmers in certain portions of Sacramento County;

Also, Assembly bill No. 438, an Act supplementary to an Act entitled an Act to provide for the collection and payment of the quota of the direct tax apportioned to this State, by Act of Congress entitled an Act to provide for increased revenue from imposts to pay interest on the public debt and for other purposes, passed the sixth of August, eighteen hundred and sixty-one, approved April twelfth, eighteen hundred and sixty-two;

Also, Assembly bill No. 27, an Act to amend an Act entitled an Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, and other Acts amendatory thereto, approved May twentieth, eighteen hundred and sixty-one;

Also, Assembly bill No 26, an Act to repeal sections four and five of an Act, approved May fourteenth, eighteen hundred and sixty-one, entitled an Act amendatory of and supplementary to an Act entitled

an Act concerning marks and brands, passed May first, eighteen hundred and fifty-one;

Also, Assembly bill No. 324, an Act supplemental to an Act entitled an Act to create the office of State Geologist, and to define the duties thereof, approved April twenty-first, eighteen hundred and sixty-one;

Also, Assembly bill No. 442, an Act granting the right to construct and maintain a bridge across the Cosumnes River, about one mile below the town of Live Oak, in the County of Sacramento;

Also, Assembly bill No 207, an Act to legalize the assessment for taxes for the fiscal year ending on the first day of March, A. D. eighteen hundred and sixty-two, in the several counties of this State;

Also, Assembly bill No. 360, an Act to amend an Act entitled an Act to confer upon the San Francisco and Marysville Railroad Company, incorporated under the laws of this State, certain rights and privileges, passed April twenty-fourth, eighteen hundred and fifty-eight;

Also, Assembly bill No. 137, an Act to amend an Act entitled an Act concerning forcible entries and unlawful detainers, passed April twenty-second, eighteen hundred and fifty, and an Act amendatory of and supplemental to said Act, approved May twentieth, eighteen hundred and sixty-one.

LELAND STANFORD, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, April 28th, 1862.

To the Honorable the Assembly of California:

I have to inform your honorable body that I have approved Assembly bill No 153, an Act to appropriate money to sustain a mounted battery of artillery in the City and County of San Francisco;

Also, Assembly bill No. 310, an Act requiring compensation for causing death by wrongful act, neglect, or default;

Also, Assembly bill No. 231, an Act to amend an Act regulating marriages, passed April twenty-second, eighteen hundred and fifty;

Also, Assembly bill No. 220, an Act to authorize the issuance of a patent to Maurice J. Dooly, for certain lands in San Joaquin County;

Also, Assembly bill No 313, an Act to authorize the Mayor and Board of Supervisors of the City and County of San Francisco to construct a sewer in Fifth street, and for that purpose to have surveys made, and to assess certain lands to pay the expenses incident thereto;

Also, Assembly bill No. 201, an Act to protect free white labor against competition with Chinese coolie labor, and to discourage the immigration of the Chinese into the State of California;

Also, Assembly bill No. 233, an Act amendatory of an Act entitled an Act relative to the issuance of certificates to exempt firemen within the State, approved May twentieth, eighteen hundred and sixty-one;

Also, Assembly bill No. 472, an Act to organize the fire department of the Town of Timbuctoo;

Also, Assembly bill No. 154, an Act to establish the lines and grades of streets in the City and County of San Francisco;

Also, Assembly bill No 284, an Act to provide for an equitable adjustment of claims arising from indebtedness of the County of Contra Costa, outstanding at the date of the organization of the County of Alameda, and for apportioning any award made thereon;

Also, Assembly bill No. 149, an Act in relation to liens of mechanics, and others;

Also, Assembly bill No 240, an Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco.

LELAND STANFORD, Governor.

GENERAL FILE.

Assembly bill No. 477, an Act to provide for the defence of the harbor of San Francisco—considered in Committee of the Whole, and reported, with amendments.

Mr. Benton moved a call of the House.

Carried.

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

The amendments reported by the Committee were adopted, down to striking out section ten

On striking out section ten, Messrs Irwin, Woodman, and Benton, demanded the ayes and noes, and the House agreed, by the following vote:

AYES—Messrs. Amerige, Ames, Avery, Bigelow, Cot, Dudley of Placer, Eliason, Ferguson, Griswold, Hoffman, Leach, Matthews, Meyers, O'Brien, Orr, Printy, Reed, Reese, Sargent, Shannon, Teegarden, Thompson of Tehama, Tilton of San Francisco, Van Zandt, Warwick, Wilcoxon and Wright—27.

NOES—Messrs. Barton of Sacramento, Benton, Collins, Dean, Dennis, Dore, Eagar, Evey, Gordon, Hoag, Irwin, Kendall, Love, Parker, Reeve Smith of Sierra, and Woodman—17.

The blank in section eleven was filled with the word "fifteen"

The words "and five thousand dollars" were stricken out of the eleventh section.

On striking out the remainder of the section, Messrs Irwin, Benton, and Ames, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Barton of Sacramento, Benton, Bigelow, Cot, Dean, Kendall, Reed, Teegarden, Tilton of San Francisco, Warwick, and Mr Speaker—11.

NOES—Messrs. Amerige, Ames, Collins, Cunnard, Dore, Eagar, Eliason, Evey, Ferguson, Frazier, Gordon, Griswold, Hoag, Hoffman, Irwin, Jackson, Loewy, Love, Matthews, O'Brien, Parker, Porter, Printy, Reese, Reeve, Sargent, Smith of Sierra, Thompson of Tehama, Van Zandt, Wilcoxon, Woodman, and Wright—32.

Mr. Irwin offered the following amendment: Insert between sections eight and nine:

"It shall be the duty of the Treasurer to pay the interest on said bonds, when the same shall fall due, out of said Interest Fund, except as otherwise provided in section seven of this Act, if sufficient; and if said fund be not sufficient, then to pay the deficiency out of the General Fund; *provided*, that the Controller of State shall first draw his warrant on the Treasurer, payable to the order of said Treasurer, for the amount of interest money about to become due, which said interest

warrant shall be drawn at least one month previous to the maturing of the interest."

Adopted.

Mr. Irwin offered the following amendment:

"SEC 10. Whenever there shall remain, on the first day of January or July in any year, after the payment of the interest, as herein before provided, in the Interest and Sinking Fund in this Act created, a surplus of ten thousand dollars or upwards, it shall be the duty of the Treasurer to advertise for the period of one month in one daily newspaper, published in the English language, at the State Capital, for sealed proposals, to be opened one month after the expiration of such publications, by the Treasurer, in presence of the Governor and Controller, at the State Capital, for the surrender of bonds issued under this Act, which advertisement shall state the amount of money on hand for the purpose of redemption, and they shall accept such proposals as offer to surrender bonds at the lowest rate, till the whole amount of cash on hand for the purpose of redemption shall be exhausted; but no bonds shall be redeemed at a rate above par."

Adopted.

On motion of Mr. Bigelow, the bill was placed at top of file for May first.

REPORTS.

Mr. Avery, from the Committee on Enrolment, made the following report:

Mr. SPEAKER:—The Committee on Enrolment have examined, and found correctly enrolled, the following bills:

Assembly bill No. 223, an Act to provide for the payment of two hundred dollars to each of the six Locating Agents of the State of California, and Committee to Washington;

Also, Assembly bill No. 157, an Act to provide for the incorporation of railroad companies, and other matters relating thereto;

Also, Assembly bill No. 446, an Act to establish and maintain a State Normal School;

Also, Assembly bill No. 336, an Act to provide for the construction of a public wagon road in Contra Costa County to the summit of the Divide on the Alameda County line;

Also, Assembly bill No. 291, an Act to regulate fees in office in the County of Sacramento;

Also, Assembly concurrent resolution No. 35, complimentary to General H. W. Halleck;

Also, Assembly concurrent resolution No. 34, granting leave of absence to the County Recorder of Santa Clara from the State during a portion of his term of office;

And this day, at thirty-five minutes after twelve o'clock, M., delivered the same to the Governor, for his approval.

AVERY, Chairman.

Mr. Barton of Sacramento, from the Committee on Ways and Means, made the following reports:

Mr. SPEAKER:—Your Committee on Ways and Means, to whom was referred Assembly bill No. 476, an Act to provide for the printing and distribution of the Monthly Journal of the State Agricultural Society, have had the same under consideration, beg leave to report it back, with an amendment, and recommend its passage.

BARTON, Chairman.

Mr. SPEAKER:—The Committee on Ways and Means, to whom was referred Assembly bill No. 479, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one, have had the same under consideration, report it back, with an amendment, and recommend its passage, as amended.

BARTON, Chairman.

The rules were suspended, amendment to bill above reported adopted, bill considered engrossed, read third time, and passed.

Assembly bill No. 482, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one—rules suspended, considered engrossed, read third time, and passed.

Mr. Porter offered the following resolution:

Resolved, That the Committee on Public Expenditures and Accounts be directed to report to this House, as early as possible, the amount and character of the various appropriations made by this Legislature, up to date of the said report.

Adopted.

Assembly bill No 481, an Act concerning the School Fund of the State of California—placed second on file for May first, eighteen hundred and sixty-two.

Mr. Parker moved to adjourn.

Lost.

Mr. Tilton of San Francisco offered a concurrent resolution relative to adjourning from the first to the seventh of May.

At half past four o'clock, P. M., on motion of Mr. Zuck, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, May 1st, 1862.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Messrs. Avery, Thompson of Tehama, Leach, Eagar, and Bigelow, had indefinite leave of absence.

Messrs. Love and Parker had each one day leave of absence.

Mr. Tilton of San Francisco was excused from serving on the Committee of Free Conference on the disagreeing vote of the two Houses on Assembly bill No. 364.

Mr Porter was appointed in his place.

Mr. Amerige, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, the following bills:

Assembly bill No. 140, an Act to authorize P. C. Lander, and his associates and assigns, to build a wharf at Point Avisadero, in the City and County of San Francisco;

Also, Assembly bill No. 456, an Act authorizing the payment of a certain claim;

Also, Assembly bill No. 478, an Act to grant the right to construct a turnpike road between the Town of Columbia and the City of Sonora, in the County of Tuolumne;

Also, Assembly bill No. 304, an Act to amend section three of an Act entitled 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, eighteen hundred and fifty-five so far as relates to the County of El Dorado

AMERIGE, for Committee.

Mr. Dudley of Placer presented a petition of Farman A. Stevens, relative to Mechanics' Lien Law.

Placed on file.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
April 30th, 1862.

Mr. SPEAKER:—The Senate on this day appointed Messrs. Shafter, Banks, and Rhodes, a Committee of Free Conference, on the part of the Senate, on the disagreeing vote of the two Houses on Senate bill No. 343, proposed amendments to the Constitution of the State of California.

DELOS J. HOWE,
Assistant Secretary.

SENATE CHAMBER,
April 30th, 1862.

Mr. SPEAKER:—The Senate on the twenty-ninth instant adopted Senate concurrent resolution No. 61, discharging Horace Lovely, Fireman, and —— Clark, Porter, from the service of the Legislature.

DELOS J. HOWE,
Assistant Secretary.

The resolution above reported was taken up, amended, by striking out the name of Horace Lovely, and adopted as amended.

Assembly bill No. 477, an Act to provide for the defence of the harbor of San Francisco—considered engrossed, read third time, and passed.

Assembly bill No. 481, an Act concerning the School Fund of the State of California—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 447, an Act empowering John A. Rudesell and his associates to construct a turnpike road in Sonoma County—rules suspended, considered engrossed, read third time, and passed.

Senate bill No. 365, an Act to amend an Act concerning Coroners, passed April nineteenth, eighteen hundred and fifty—read third time, and passed.

Assembly bill No. 315, an Act to better define the boundary line between Solano and Napa Counties—laid on table.

Senate bill No. 183, an Act to authorize the Treasurer to issue war bonds to A. W. Bee—read third time, and passed.

Assembly bill No. 189, an Act to appropriate money to pay Counsel employed by the Board of Commissioners appointed to settle with John F. McCauley and Lloyd Tevis—indefinitely postponed.

Assembly bill No. 434, an Act appropriating money to pay the cost of removing the State Printing Office to and from San Francisco—considered in Committee of the Whole, reported, recommended, rules suspended, considered engrossed, read third time, and passed

Assembly bill No. 437, an Act to authorize the Board of Supervisors of the City and County of San Francisco to appropriate money for the construction of two wharves upon the water front of said city.

Mr. Fay moved to suspend the rules, to consider the bill engrossed.

Upon which, Messrs. Dudley of Placer, Wilcoxon, and Wright, demanded the ayes and noes, and the rules were suspended, by the following vote:

AYES—Messrs. Barton of Sacramento, Benton, Bigelow, Campbell, Collins, Dana, Dean, Dore, Eliason, Fay, Frazier, Gordon, Griswold, Hoag, Irwin, Kendall, Loewy, McCullough, Printy, Reeve, Sargent, Saul, Seaton, Smith of Sierra, Warwick, Werk, Woodman, Worthington, and Mr. Speaker—29.

NOES—Messrs. Amerige, Ames, Battles, Dudley of Placer, Hoffman, Matthews, Meyers, O'Brien, Porter, Shannon, Van Zandt, Wilcoxon, and Wright—14.

Mr. Van Zandt moved to lay on the table.

Lost.

Mr. Wilcoxon moved to make the bill the special order for Tuesday next, at one o'clock.

Upon which, the ayes and noes were demanded, and taken, with the following result:

AYES—Messrs. Amerige, Ames, Battles, Benton, Campbell, Dean, Dudley of Placer, Evey, Ferguson, Hoffman, Irwin, Kendall, Matthews, Meyers, Orr, Porter, Reed, Sargent, Saul, Seaton, Shannon, Smith of Sierra, Teegarden, Tilton of San Francisco, Van Zandt, Werk, Wilcoxon, Woodman, and Wright—29.

NOES—Messrs. Bigelow, Collins, Dore, Eliason, Fay, Gordon, Gris-

wold, Hoag, Loewy, Printy, Reeve, Warwick, Worthington, Zuck, and Mr. Speaker—15.

So the bill was made the special order.

Mr. Sargent, from the Committee on Public Expenditures and Accounts, made the following report:

Mr. SPEAKER:—The Committee on Public Expenditures and Accounts have examined the following accounts, found them correct, and recommend their payment, and the adoption of the accompanying resolution:

Account of the Tuolumne Courier, for newspapers furnished....	$9 00
Account of the American Flag, for newspapers furnished.....	36 00
Account of John Sedgwick, for copies of Assembly Journals and documents ordered printed.....	417 00
Total.....	$462 00

Resolved, That the Controller of State draw his warrants on the Contingent Fund of the Assembly, in favor of the Tuolumne Courier, for the sum of nine dollars; in favor of the American Flag, for thirty-six dollars; and in favor of John Sedgwick, for four hundred and seventeen dollars.

SARGENT, for Committee.

Adopted.

Mr. Matthews moved that the House adjourn until Monday, May fifth, at eleven o'clock, A. M.

The Governor's veto message of the Sacramento charter bill was made the special order for Tuesday next, at two o'clock, P. M.

On the motion to adjourn, Messrs. Collins, Smith of Sierra, and Benton, demanded the ayes and noes, and the House agreed, by the following vote:

AYES—Messrs. Ames, Battles, Bigelow, Campbell, Cot, Dore, Dudley of Placer, Eliason, Evey, Frazier, Gordon, Hoag, Hoffman, Irwin, Matthews, O'Brien, Printy, Reed, Sargent, Saul, Shannon, Teegarden, Tilton of San Francisco, Van Zandt, Warwick, Werk, Wilcoxon, Woodman, Wright, and Mr. Speaker—30.

NOES—Messrs. Amerige, Barton of Sacramento, Benton, Collins, Dean, Dennis, Ferguson, Griswold, Kendall, Loewy, Meyers, Orr, Reeve, Smith of Sierra, and Zuck—15

So the House adjourned till Monday, May fifth.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, May 5th, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.
Journal of Thursday last, May first, read and approved.
Messrs. Sargent, Worthington, Werk, Cot, Watson, Thompson of Tehama, Moore, Evey, and Wilcoxon, had leave of absence.
Mr. McCullough offered the following resolution:

Resolved, That the Chief Clerk of the Assembly be instructed to spread at large upon the Journals the proposed Amendments to Article Four of the Constitution, known as Senate bill No. 343, as amended and adopted by the Assembly, and as concurred in by the Senate, and also the names of the ayes and noes upon the adoption of the said amendments, and that Mr. Shannon be appointed a Committee to see that this resolution be carried out.

Adopted.

The amendments to the Constitution, as amended and finally adopted by both Houses, are as follows:

PROPOSED AMENDMENTS TO THE CONSTITUTION OF THE STATE OF CALIFORNIA.

The Legislature of the State of California, at its thirteenth session, commencing on the sixth day of January, A D. eighteen hundred and sixty-two, propose the following Amendments to section twenty-six of Article four of the Constitution:

ARTICLE FOUR.

SEC. 26. The Legislature shall not pass special or local laws in any of the following enumerated cases, that is to say:
For the punishment of crimes or misdemeanors.
Regulating the practice in Courts of Justice.
Regulating the jurisdiction and duties of Justices of the Peace, or Constables.
Changing, or providing for changing, the venue in civil or criminal actions
Granting divorces.
Changing the names of persons, companies, or corporations.
For laying out, establishing, or opening, roads, streets, or alleys.
For vacating roads, streets, alleys, or public squares.
Providing for selecting, summoning, or empanelling, grand or trial juries.
Regulating county business.
For the assessment or collection of taxes for State or county purposes.

For supporting Common Schools

Providing for opening or conducting elections of State or county officers, or designating the places of voting.

Granting the right to maintain a ferry.

Granting the right to construct or maintain a bridge, except across waters that have been declared to be navigable.

Granting the right to use or occupy, for a railroad, or other purposes, a street, or alley, in any city or town

Providing for the sale of the real or personal property belonging to any minor, or other person, laboring under a legal disability, or to the estate of a deceased person, by an Executor, Administrator, Guardian, Trustee, or other person.

In all the cases enumerated in this section, and in all other cases where general laws can be applicable, all laws shall be general, and have a uniform operation throughout the State.

REPORT.

Mr. Avery, from the Committee on Enrolment, made the following report:

Mr. SPEAKER:—Your Committee on Enrolment have examined, and found correctly enrolled, Assembly bill No 346, an Act in relation to suits brought for the collection of delinquent taxes, and delivered the same to the Governor, for his approval, at ten o'clock and fifty minutes, this day.

AVERY, Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
May 1st. 1862.

Mr. SPEAKER:—The Senate, on the thirtieth ultimo, concurred in Assembly amendments to Senate bill No. 461, an Act to repeal an Act, approved April tenth, eighteen hundred and sixty-two, entitled an Act to regulate the fees of the County Surveyor of Napa County.

THOMAS HILL, Secretary.

Mr Ames made a verbal report, without recommendation, of Senate bill No. 352, relative to railroad in Mendocino County.

Mr. Smith of Sierra, by leave, introduced a bill for an Act to require the Secretary and Controller of State to turn over all vouchers and certificates representing unpaid claims for Indian war indebtedness now on file in their respective offices, to the Board of Examiners of War Claims of this State.

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

GENERAL FILE.

Senate bill No. 54, an Act amendatory of and supplemental to an Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to provide for the locating and sale of the five

hundred thousand acres of land granted to the 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, eighteen hundred and fifty-eight, and to the Act amendatory thereof, approved February fifteenth, eighteen hundred and fifty-nine, approved April twenty-second, eighteen hundred and sixty-one—indefinitely postponed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
May 5th, 1862.

MR. SPEAKER:—The Senate, on the second instant, passed Assembly bill No. 380, an Act fixing the salaries of County Judge and District Attorney for the County of Klamath;

Also, passed Assembly bill No. 381, an Act to fix the salary of County Judge of San Luis Obispo County;

Also, passed Assembly bill No. 440, relative to public and private roads;

Also, amended and passed Assembly bill No. 193, an Act concerning fees of certain officers of the City and County of Sacramento;

Also, passed Assembly bill No. 478, relative to a turnpike road in the County of Tuolumne;

Also, passed Assembly bill No. 480, an Act relative to the claim of William Martin against the County of Siskiyou;

Also, refused to adopt the report of the Committee of Free Conference on Assembly bill No. 365, an Act appropriating for deficiencies for the thirteenth fiscal year;

Also, on May second refused to concur in Assembly amendments to Senate bill No. 173, an Act relative to incorporation of canal companies, and appointed Messrs. Oulton, Parks, and Harvey, a Committee of Free Conference on the part of the Senate, and ask the appointment of a similar Committee on the part of the Assembly;

Also, indefinitely postponed Assembly bill No. 447, an Act relative to turnpike roads in Sonoma County;

Also, indefinitely postponed Assembly bill No. 375, an Act granting to John H. Johnson and his associates, the right to construct a bridge across Russian River, in the County of Sonoma;

Also, indefinitely postponed Assembly bill No. 460, an Act to abolish certain contracts for convict labor;

Also, passed Senate bill No. 464, an Act to authorize the Board of Supervisors of Yuba County to issue bonds of said county to the California Central Railroad Company, to the amount of one hundred thousand dollars;

Also, passed Senate bill No. 465, an Act conferring further powers upon the Board of Supervisors of the City and County of San Francisco;

Also, on this day adopted Senate concurrent resolution No 62, to authorize the Enrolling Clerk to insert an enacting clause in Senate bill No. 428.

DELOS J. HOWE,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

The House concurred in Senate concurrent resolution No. 62

The Chair appointed another Committee of Free Conference on Assembly bill No. 365, viz: Messrs. Eliason, Eagar, and Warwick.

The House concurred in Senate amendments to Assembly bill No. 193, above reported.

Senate bill No. 465, above reported, read first and second times, rules suspended, read third time, and passed

At ten minutes before twelve o'clock, on motion of Mr. Dudley of Placer, the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, May 6th, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.
Journal of yesterday read and approved.
Mr. Woodman had leave of absence.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
May 5th, 1862

Mr. SPEAKER:—The Senate, on the second instant, passed Senate bill No. 22, an Act to authorize Joseph Galloway to construct a wharf in the City and County of San Francisco.

THOMAS HILL,
Secretary.

Senate bill No. 22, above reported, read first and second times, and referred to the Committee on Commerce and Navigation.

Senate bill No 464, an Act to authorize the Board of Supervisors of the County of Yuba to issue bonds of said county to the California Central Railroad Company, to the amount of one hundred thousand dollars—read first and second times, and referred to the Yuba delegation, with instructions to report to-morrow.

REPORTS.

Mr Machin, from the Committee on Corporations, made the following report:

Mr. SPEAKER:—Your Committee on Corporations, to whom was referred Senate bill No. 376, an Act concerning the redemption of county

and city bonds, have examined the same, and would most respectfully report the bill back, with an amendment, and recommend its passage, as amended.

MACHIN, Chairman.

The rules were suspended, the amendment to the bill above reported adopted, the bill read third time, and passed

Mr. Dean, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined Assembly bill No. 434, an Act appropriating money to pay the cost of removing the State Printing Office to and from San Francisco, and report the same correctly engrossed;

Also, Assembly bill No. 477, an Act to provide for the defence of the harbor of San Francisco.

DEAN, for Committee.

Mr. Hoag made the following report:

Mr. SPEAKER:—Your Committee, to whom was referred Senate bill No. 336, an Act fixing the pay for mileage of State, county, township, city, and city and county officers, in certain cases, beg leave to report that they have carefully considered the same, and, having amended it, recommend its passage as amended.

HOAG, Chairman.
O'BRIEN,
IRWIN.

GENERAL FILE.

Senate bill No. 424, an Act granting certain lands to the United States.

Mr. Ames moved to indefinitely postpone the bill.

Lost.

The bill was read a third time.

On its passage, Messrs. Ames, Battles, and Matthews, demanded the ayes and noes, and the bill passed, by the following vote:

AYES—Messrs. Amerige, Avery, Benton, Bigelow, Campbell, Dean, Dennis, Dore, Eliason, Fay, Ferguson, Griswold, Hoag, Irwin, Jackson, Leach, Loewy, Meyers, O'Brien, Orr, Porter, Printy, Reese, Sargent, Seaton, Shannon, Smith of Sierra, Teegarden, Van Zandt, Warwick, Wilcoxon, Worthington, Wright, and Yule—34.

NOES—Messrs. Ames, Battles, Brown, Dana, Dudley of Placer, Frazier, Kendall, Machin, Matthews, Reed, Tilton of San Francisco, and Tilton of San Mateo—12.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
May 6th, 1862.

MR. SPEAKER:—The Senate this day passed Senate bill No. 466, an Act amendatory of and supplementary to an Act concerning salaries and fees of office in Monterey County, approved April nineteenth, eighteen hundred and sixty-two.

THOMAS HILL,
Secretary of Senate.

Senate bill No. 466, above reported, read first and second times, rules suspended, read third time, and passed.

GENERAL FILE RESUMED.

Assembly bill No. 421, an Act granting the right to construct and maintain a bridge across the American River, at Twentieth street, in the City and County of Sacramento.

Mr. O'Brien moved that the House adjourn.

Upon which, Messrs. Smith of Sierra, Worthington, and Hoag, demanded the ayes and noes, which were taken, with the following result:

AYES—Messrs. Amerige, Ames, Avery, Battles, Benton, Brown, Campbell, Dana, Dudley of Placer, Eagar, Eliason, O'Brien, Orr, Seaton, Shannon, Tilton of San Francisco, Tilton of San Mateo, and Wright—18.

NOES—Messrs. Dean, Dennis, Dore, Ferguson, Frazier, Griswold, Hoag, Irwin, Kendall, Loewy, Matthews, Morrison, Parker, Porter, Printy, Reese, Reeve, Sargent, Saul, Smith of Sierra, Teegarden, Warwick, Wilcoxon, Worthington, and Yule—25.

So the House refused to adjourn.

Mr. Benton moved the previous question.

Sustained.

The bill was indefinitely postponed.

Assembly bill No. 178, an Act amendatory of section two of an Act in relation to common schools in this State, approved April twenty-sixth, eighteen hundred and fifty-eight—amendments adopted, rules suspended, considered engrossed, read third time, and passed.

The Speaker announced the following Committees of Free Conference:

On Assembly bill No. 364, making appropriations, Messrs Bigelow, Parker, and Collins;

On Senate bill No. 173, Messrs. Smith of Sierra, Dean, and Hoag.

Mr. Ferguson, by leave, introduced a bill for an Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act concerning the construction and repair of levees in the County of Sacramento, and the mode of raising revenue therefor, approved April ninth, eighteen hundred and sixty-two, approved April twenty-sixth, eighteen hundred and sixty-two.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Mr. Reed moved that the House adjourn.

Upon which, Messrs. Worthington, Fay, and Warwick, demanded the ayes and noes, and at one o'clock, P. M., the House adjourned, by the following vote:

AYES—Messrs. Amerige, Ames, Avery, Barton of Sacramento, Battles, Brown, Dana, Dean, Dow, Dudley of Placer, Eagar, Hoffman, Kendall, Love, Matthews, Orr, Pemberton, Reed, Shannon, Smith of Sierra, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Warwick, Wilcoxon, and Wright—26

NOES—Messrs. Bell, Benton, Bigelow, Collins, Dennis, Dore, Eliason, Fay, Ferguson, Frazier, Griswold, Hoag, Loewy, Machin, Meyers, O'Brien, Parker, Printy, Reese, Reeve, Sargent, Saul, and Worthington—23.

IN ASSEMBLY

HOUSE OF ASSEMBLY,
Wednesday, May 7th, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.
Journal of yesterday read and approved.
Messrs. Morrison, Machin, and Evey, had leave of absence.

REPORTS.

Mr. Fay, from the Committee on Commerce and Navigation, made the following report:

Mr. SPEAKER:—The Committee on Commerce and Navigation have had under consideration Assembly bill No. 63, and report the same back, without recommendation.

FAY, Chairman.

Assembly bill No. 63, above reported, made special order for May eighth, at twelve o'clock, M.

Mr. Avery, from the Committee on Enrolment, made the following report:

Mr. SPEAKER:—The Committee on Enrolment have examined, and found correctly enrolled, the following bills:

Assembly bill No. 380, an Act fixing the salaries of the County Judge and District Attorney of the County of Klamath;

Also, Assembly bill No. 480, an Act to submit the claim of William Martin against the County of Siskiyou to the voters of said county;

Also, Assembly bill No. 440, an Act to amend an Act entitled an Act to provide for the establishment, maintenance, and protection of public and private roads, approved May sixteenth, eighteen hundred and sixty-one;

Also, Assembly bill No. 381, an Act fixing the salary of the County Judge of the County of San Luis Obispo;

Also, Assembly bill No. 478, an Act to grant the right to construct a turnpike road between the Town of Columbia and the City of Sonora, in the County of Tuolumne;

Also, Assembly bill No. 193, an Act concerning fees of certain officers of the City and County of Sacramento;

And this day, at ten minutes to eleven o'clock, A. M., delivered the same to the Governor, for his approval.

AVERY, Chairman.

Mr. Smith of Sierra made the following report:

Mr. SPEAKER:—The Committee of Free Conference on the disagreeing vote of the two Houses on substitute for Senate bill No. 173, an Act to authorize the incorporation of canal companies and the construction of

canals, recommend that the Senate concur in Assembly amendment, adding additional section, five, to the bill; also recommend the adoption of the following amendments:

Amend section one, by inserting in last line, after the word "power," the words "or for the conveyance of water for mining or manufacturing purposes."

Amend section two, by inserting in ninth line of said section, after the word "waters," the words "not previously appropriated;" also, by striking out all after the word "company," in the fourth line of said section, to the word "to," at the commencement of the sixth line.

OULTON,
Chairman Senate Committee.
SMITH of Sierra,
Chairman Assembly Committee.

Mr. Collins moved to lay on the table.

Lost.

Mr. Sears moved to make the report the special order for to-morrow, at half past eleven o'clock, A. M.

Carried.

Mr. Eagar moved that the House adjourn.

Upon which, Messrs. Wilcoxon, Dennis, and Worthington, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Amerige, Avery, Barton of Sacramento, Brown, Dow, Eagar, Eliason, Gordon, Griswold, Hoag, Hoffman, Maclay, Matthews, O'Brien, Orr, Pemberton, Porter, Reed, Seaton, Shannon, Tilton of San Francisco, Van Zandt, Waddell, Wright, and Zuck—25.

NOES—Messrs. Ames, Battles, Benton, Campbell, Collins, Cunnard, Dean, Dennis, Dore, Dudley of Placer, Fay, Frazier, Irwin, Kendall, Loewy, Love, Moore, Parker, Printy, Reeve, Sargent, Saul, Sears, Smith of Sierra, Teegarden, Tilton of San Mateo, Warwick, Wilcoxon, Worthington, and Yule—31.

The Yuba delegation had leave until to-morrow to make a report.

Mr. Dudley of Placer had leave to introduce a bill for an Act to amend an Act entitled an Act to authorize the County of Placer to loan its credit to the Sacramento, Placer, and Nevada Railroad Company, to the amount of one hundred thousand dollars, approved April eighth, eighteen hundred and sixty-two.

Read first and second times, and referred to the Placer delegation

Mr. Tilton of San Francisco introduced a bill for an Act to provide for building roads and highways in San Mateo County.

Read first and second times, rules suspended, considered engrossed, read third time, and passed, and title amended.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, May 5th, 1862.

To the Honorable the Assembly of California:

I herewith transmit to your honorable body the following claims against the State of California, together with the decision of the Board of Examiners in each case:

Claim of F. F. Fargo, Clerk of the Supreme Court	$121 00
Claim of John D. Goodwin, Clerk of Plumas County	137 35
Claim of R. C. Chambers, Sheriff of Plumas County	53 60
Total	$311 95

LELAND STANFORD,
President Board of Examiners.

The claims above referred to were referred to the Committee on Claims.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, May 5th, 1862.

To the Honorable the Assembly of California:

I have to inform your honorable body that I have approved Assembly bill No. 473, an Act to prohibit the keeping open of bath houses, barber shops, and hair-dressing saloons, in the City of San Francisco, during certain hours of the first day of the week, known as the Sabbath Day;

Also, Assembly bill No. 446, an Act to establish and maintain a State Normal School;

Also, Assembly bill No 363, an Act to provide for the appointment of a Measurer of Wood, in and for the City and County of San Francisco;

Also, Assembly bill No 475, an Act to authorize the Board of Trustees of the Society of California Pioneers, of San Francisco, to sell, mortgage, and convey certain real estate;

Also, Assembly bill No. 223, an Act to provide for the payment of the sum of two hundred dollars to each of the six Locating Agents of the State of California, and to pay expenses of the Committee appointed to confer with the Land Department of the General Government concerning lands donated to this State;

Also, Assembly bill No 430, an Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of Santa Clara to take and subscribe two hundred thousand dollars to the capital stock of the San Francisco and San José Railroad Company, and to provide for the payment of the same, and other matters relating thereto, approved April ninth, eighteen hundred and sixty-one;

Also, Assembly bill No. 305, an Act concerning conveyances;

Also, Assembly bill No. 110, an Act conferring further powers upon the Trustees of the City of Benicia;

Also, Assembly bill No. 403, an Act to restrict the herding of sheep in certain counties of this State;

Also, Assembly bill No 350, an Act to authorize the parties therein named to establish and maintain a ferry;

Also, Assembly bill No. 150, an Act to amend an Act, approved April

twenty-eighth, eighteen hundred and sixty, 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, eighteen hundred and fifty-five;

Also, Assembly bill No. 158, an Act supplementary to an Act entitled an Act to legalize certain grants and sales made by the Ayuntamiento of the Pueblo, and by the Mayor and Common Council of the City, of Santa Barbara, of lands belonging to the said pueblo and city, approved May fourteenth, eighteen hundred and sixty-one;

Also, Assembly bill No. 348, an Act to grant the right to construct a turnpike road between Searsville, in San Mateo County, and Pescadero, in Santa Cruz;

Also, Assembly bill No. 436, an Act to provide for the better care of the indigent sick in the County of San Bernardino.

LELAND STANFORD, Governor.

GENERAL FILE.

Assembly bill No. 402, an Act fixing the salary of the County Clerk, Deputy Clerk, and Treasurer, of the County of Mendocino—substitute adopted, rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 84, an Act amendatory of an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and sixty—referred to Judiciary Committee, with instructions to report to-morrow.

Mr. Kendall, by leave, introduced a bill for an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one—read first and second times, rules suspended, considered engrossed, read third time, and passed.

Mr. Bell, from the Judiciary Committee, had leave to offer the following report:

Mr. SPEAKER:—Your Committee on the Judiciary have had under consideration Assembly bill No. 483, an Act to require the Secretary and Controller of State to turn over all vouchers and certificates representing unpaid claims for Indian war indebtedness, now on file in their respective offices, to the Board of Examiners of War Claims of this State, and most respectfully recommend its passage.

BELL, Chairman.

The rules were suspended, and the bill above reported considered engrossed, read third time, and passed.

GENERAL FILE RESUMED.

Assembly bill No. 25, an Act to amend an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, and other Acts amendatory thereto—amendments adopted, rules suspended, considered engrossed, read third time, and passed.

Mr. Battles moved that the House adjourn.

Upon which, Messrs. Benton, Parker, and Yule, demanded the ayes and noes, and the House agreed, by the following vote:

AYES—Messrs. Amerige, Ames, Avery, Barton of Sacramento, Battles, Bell, Bigelow, Brown, Dean, Dennis, Dow, Dudley of Placer, Eagar, Gordon, Griswold, Hoffman, Irwin, Maclay, Matthews, Moore, O'Brien, Orr, Porter, Reed, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Waddell, Wright and Zuck—30.

NOES—Messrs. Benton, Collins, Dore, Eliason, Frazier, Hoag, Kendall, Leach, Loewy, Love, Parker, Printy, Reese, Sargent, Saul, Sears, Smith of Sierra, Teegarden, Warwick, Wilcoxon, Worthington, and Yule—22.

And at fifteen minutes past twelve o'clock, P. M., the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, May 8th, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.
Journal of yesterday read and approved.
Mr. Porter, by leave, introduced the following resolution:

Resolved, By the Assembly, that the Senate be requested to order their Sergeant-at-Arms to furnish the members of Assembly with copies of the report of the testimony taken in the Impeachment trial, in compliance with the Joint Rules of the Senate and Assembly, relating to the distribution of matter ordered printed by either House.

Adopted.

REPORTS.

Mr. Eliason, from the Committee of Free Conference, made the following report:

Mr. SPEAKER:—Your Committee of Free Conference, appointed on Assembly bill No. 365, an Act making appropriations for deficiencies in the appropriations made for the thirteenth fiscal year, ending the thirtieth day of June, eighteen hundred and sixty-two, beg leave to report:

Your Committee recommend that the Senate recede from its amendment, and amend Assembly bill by striking out all after the word "dollars," in the seventh line, to the word "for," in the twelfth line, being an appropriation "for Special Contingent Fund of the Governor's office, one thousand dollars." "Also, for salary of Governor, as member of the Board of Examiners, two hundred and fifty dollars;" and strike out all after the word "dollars," in the twenty-first line, to the word "for," in twenty-third line, it being an appropriation "for salary of Controller,

as member of the Board of War Examiners, three hundred dollars," and amend by adding the following: "For salary of the Register of the State Land Office, one hundred and eighty-eight dollars and sixty-nine cents For salary of Adjutant-General, one hundred and eighty-three dollars and thirty-three cents."

W. H. PARKS,
Chairman of Senate Committee.
W. A. ELIASON,
Chairman of Assembly Committee.

Mr. Dudley, from the Placer delegation, made the following report:

Mr. SPEAKER:—The Placer delegation, to whom was referred Assembly bill No. 485, an Act to amend an Act entitled an Act to authorize the County of Placer to loan its credit to the Sacramento, Placer, and Nevada Railroad Company, to the amount of one hundred thousand dollars, approved April eighth, eighteen hundred and sixty-two, now report the same back, and recommend its passage

DUDLEY, for Delegation.

Mr. Saul moved to strike out the enacting clause of the bill above reported.

Lost.

The rules were suspended, the bill considered engrossed, read third time, and passed.

Mr Jackson, from the Yuba delegation, made the following majority report:

Mr. SPEAKER:—A majority of the Yuba delegation, to whom was referred Senate bill No. 464, an Act to authorize the County of Yuba to issue bonds of said county to the California Central Railroad Company, to the amount of one hundred thousand dollars, have carefully considered the same, and beg leave to report the bill back to the House, and recommend its indefinite postponement.

The reasons which induce us to make the above recommendation are:

The legitimate effect of the proposition contained in the bill, though carefully concealed in its wording, is to withhold bonds, to the amount of one hundred thousand dollars, contracted to be issued to the San Francisco and Marysville Railroad Company, and to give to the California Central Railroad Company the moral or speculative support of a mere proposition to issue the same amount of bonds to that company, contrary to the expressed wish of a large majority of the citizens of Yuba County, and against the real interests of said county.

We are decidedly of the opinion that if the bill should pass and become a law, the County of Yuba, as a consequence, would be involved in a disastrous litigation, for the reason it does not propose a settlement with the San Francisco and Marysville Railroad Company, but attempts to violate a specific and bona fide contract with said company—in other words, to repudiate the payment of a legitimate debt.

And not only would the county be involved in litigation, but the county would be the loser by the procrastination of the completion of the San Francisco and Marysville Railroad, and the company be injured and put to great inconvenience by being disabled to fulfil contracts entered into by them.

The past acts of the California Central Railroad Company, to obtain the transfer proposed in the bill, convince us that they do not hope or expect to obtain the bonds, but to embarrass and disable the other company, thereby to gain an improper and unfair advantage over them.

The whole subject has been once submitted to a vote of the people of Yuba County, under the Act of eighteen hundred and fifty-seven. The proposition then was—Shall the county subscribe two hundred thousand dollars to either railroad company? and if so, to which? The people decided, by a very large majority, to take such subscription, and to take it in the San Francisco and Marysville Company. And in accordance with such decision of the people, the Board of Supervisors subscribed to said company two hundred thousand dollars, thereby solemnly covenanting and agreeing with said company to issue to them bonds to said amount. It is, therefore, impossible now, in law or equity, or good conscience, to violate said contract by withholding said bonds, and issuing them to an opposition company.

After the stock was legally subscribed to the San Francisco and Marysville Railroad Company, and before any bonds of the county were issued, the friends of the Northern Central Railroad Company, in order to prevent such issuance, commenced suit by injunction against the Board of Supervisors, involving the county in a long and disastrous litigation, which lasted one whole year, stopping all work on the road, and preventing all contracts for furnishing material for the same. This was the first cause of delay; and just at the time when final and successful arrangements had been made, for putting the road into operation, with capitalists in England, upon very advantageous terms, the present unfortunate rebellion in our country was inaugurated, the effect of which is to delay, but not to defeat, its final and successful consummation at an early day after such rebellion shall have been subdued.

We hope, therefore, the Legislature will adhere to principles of justice and equity, consult the wishes and interests of the people of Yuba County, and promote an important enterprise for the internal improvement of the State, by indefinitely postponing the bill herewith reported.

JACKSON,
TEEGARDEN.

Mr. Sargent made a verbal minority report, recommending the passage of the bill.

Mr. Jackson moved to indefinitely postpone the bill.

At this stage of the bill, and while Mr. Dudley of Solano was addressing the House, Mr Bell asked to have the rules suspended, for the purpose of introducing the following resolution of thanks to one of the Porters of the House.

The rules were suspended.

Resolved, That the thanks of this House are hereby tendered to William Kirby, for the faithful and efficient manner in which he has discharged his duties during the present session

Adopted.

Mr. Dudley of Solano then resumed his argument on the bill

Mr. Cunnard moved the previous question.

Upon which, Messrs. Bell, Worthington, and Hoffman, demanded the ayes and noes, and the motion prevailed, by the following vote:

AYES—Messrs. Ames. Avery, Benton, Bigelow, Brown, Cunnard, Dow, Dudley of Placer, Dudley of Solano, Eagar, Eliason, Evey. Griswold, Jackson, Kendall, Leach, Machin, Matthews, Orr, Pemberton, Porter, Printy, Tilton of San Mateo, Van Zandt, Wilcoxon, Wright, Yule, Zuck, and Mr. Speaker—29.

NOES—Messrs. Amerige, Battles, Bell, Collins, Dean, Ferguson, Hoffman, Loewy, O'Brien, Parker, Reeve, Sargent, Saul, Sears, Seaton, Shannon, Smith of Sierra, Teegarden, Waddell, Warwick, and Worthington—21.

On the indefinite postponement of the bill, Messrs. Dudley of Placer, Collins, and Teegarden, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Amerige, Ames, Avery, Bigelow, Brown, Dow, Dudley of Solano, Evey, Griswold, Hoag, Jackson, Love, Machin, Matthews, Orr, Porter, Teegarden, Tilton of San Mateo, Van Zandt, Waddell, Wright, Zuck, and Mr Speaker—23.

NOES—Messrs Battles, Benton, Collins Cunnard, Dana, Dean, Dudley of Placer, Ferguson, Frazier, Hoffman, Leach, Loewy, O'Brien, Parker, Pemberton, Printy, Sargent, Saul, Sears, Seaton, Shannon, Smith of Sierra, Warwick, Wilcoxon, Worthington, and Yule—26.

The bill was read a third time.

On its passage, Messrs. Shannon, Dudley of Placer, and Dudley of Solano, demanded the ayes and noes, and the bill passed, by the following vote:

AYES—Messrs. Battles, Benton, Collins, Cunnard, Dean, Dudley of Placer, Ferguson, Frazier, Hoffman, Leach, Loewy, McCullough, O'Brien, Parker, Pemberton, Porter, Printy, Sargent, Saul, Sears, Seaton, Shannon, Smith of Sierra, Waddell, Warwick, Wilcoxon, Worthington, and Yule—28.

NOES—Messrs. Amerige, Ames, Avery, Bigelow, Brown, Dana, Dow, Dudley of Solano, Evey, Griswold, Hoag, Irwin, Jackson, Love, Machin, Matthews, Orr, Teegarden, Tilton of San Mateo, Van Zandt, Wright, Zuck, and Mr. Speaker—23.

Mr Porter gave notice of reconsideration.

At five minutes past one o'clock, P. M., the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Friday, May 9th, 1862.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

Messrs Bigelow and Barton of Sacramento had leave of absence.

Rules suspended.

Mr. Warwick had leave to introduce a bill for an Act providing for free bridges across J and K streets, in the City of Sacramento.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

The House took up the report of the Committee of Free Conference on the disagreeing vote of the two Houses on Senate bill No. 173, an Act to authorize the incorporation of canal companies and the construction of canals.

Adopted.

Mr Sargent had leave to introduce a concurrent resolution providing for a Joint Convention of the two Houses on Saturday, May tenth, at ten o'clock, for the purpose of electing Trustees of the State Reform School.

Adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
May 9th, 1862.

Mr SPEAKER:—The Senate, on the eighth instant, passed Assembly bill No. 485, an Act to amend an Act to authorize the County of Placer to loan its credit to the Sacramento, Placer, and Nevada Railroad Company, to the amount of one hundred thousand dollars, approved April eighth, eighteen hundred and sixty-two;

Also, on this day amended and passed Assembly bill No. 304, an Act to amend section three of an Act entitled an Act amendatory of and supplementary to an Act to establish and regulate common schools, and to repeal former Acts concerning the same, approved May third, eighteen hundred and fifty-five, so far as relates to the County of El Dorado;

Also, on April twenty-third indefinitely postponed Assembly bill No. 303, an Act to extend the time for the construction of the second line of telegraph between California and the Eastern States;

Also, on May seventh amended and passed Assembly bill No. 484, an Act relative to levees in the County of Sacramento;

Also, amended and passed Assembly bill No. 464, an Act relative to the government and protection of Indians;

Also, indefinitely postponed Assembly bill No. 463, an Act relative to the same matter;

Also, on same day, Senate concurred in Assembly amendments to Senate bill No. 376, an Act relating to the redemption of city and county bonds;

Also, on this day, adopted the report of the Committee of Free Conference on the disagreeing vote of the two Houses on Assembly bill No. 365, an Act making appropriations for deficiencies in the appropriations made for the thirteenth fiscal year;

Also, on the sixth instant appointed Messrs Gaskill, Powers, and Heacock, a Committee of Free Conference on the disagreeing vote of the two Houses on Senate amendments to Assembly bill No 364, an Act making appropriations for the support of the Civil Government of this State for the fourteenth fiscal year;

Also, appointed Messrs. Parks, Kutz, and Hathaway, a Committee of

Free Conference on the disagreeing vote of the two Houses on Senate amendments to Assembly bill No 365, an Act making appropriations for the deficiencies in the appropriations for the thirteenth fiscal year.

DELOS J. HOWE,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

The House concurred in Senate amendments to Assembly bill No. 304, above reported.

The House concurred in Senate amendments to Assembly bill No. 484, above reported.

The amendment to Assembly bill No. 464, above reported, was referred to the Committee on Indian Affairs, with instructions to report to-morrow.

INTRODUCTION OF BILLS.

Mr. Worthington had leave to introduce a bill, for an Act to amend an Act entitled an Act to fix and regulate the fees and salaries of officers in the City and County of San Francisco, approved May seventeenth, eighteen hundred and sixty-one.

Read first and second times, and placed at top of file for May tenth.

Mr. Ferguson had leave to introduce a bill, for an Act providing for the payment for certain school property in the City of Sacramento.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Mr. Avery also had leave to introduce a bill, for an Act legalizing acknowledgments of deeds and other conveyances of real estate taken before Clerks of record.

Read first and second times, and placed second on file for May tenth.

Mr. Porter moved to reconsider the vote by which the House on yesterday passed Senate bill No. 464, an Act to authorize the Board of Supervisors of the County of Yuba to issue bonds of said county to the California Central Railroad Company, to the amount of one hundred thousand dollars

Mr. Sears moved to lay the motion on the table.

Upon which, Messrs. Wright, Porter, and Hoag, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Battles, Bell, Benton, Campbell, Dean, Dudley of Placer, Eliason, Ferguson, Hoffman, Leach, O'Brien, Sargent, Saul, Sears, Shannon, Smith of Sierra, Tilton of San Francisco, Waddell, Warwick, and Wilcoxon—20.

NOES—Messrs. Amerige, Avery, Brown, Collins, Dana, Dennis, Dow, Dudley of Solano, Evey, Gordon, Griswold, Hoag, Jackson, Loewy, Machin, Matthews, Moore, Orr, Porter, Reed, Reese, Seaton, Teegarden, Tilton of San Mateo, Van Zandt, Wright, and Mr. Speaker—27.

On reconsidering, Messrs. Hoag, Brown, and Jackson, demanded the ayes and noes, and the motion prevailed, by the following vote:

AYES—Messrs. Amerige, Avery, Brown, Dana, Dennis, Dow, Dudley of Solano, Evey, Gordon, Griswold, Hoag, Jackson, Loewy, Matthews, Moore, Orr, Porter, Reed, Reese, Seaton, Teegarden, Tilton of San Mateo, Van Zandt, Wright, Zuck and Mr. Speaker—26.

NOES—Messrs. Battles, Bell, Benton, Campbell, Collins, Dean, Dudley of Placer. Eliason, Ferguson, Hoffman, Leach, McCullough, Morrison, O'Brien, Printy, Sargent, Saul, Sears, Shannon, Smith of Sierra, Tilton of San Francisco, Waddell, Warwick, Wilcoxon, and Worthington—25.

Mr. Hoag moved to indefinitely postpone the bill.

Mr Shannon moved to make the bill the special order for to-morrow, at half past eleven o'clock, A. M.

Carried.

Mr. Brown moved that the House adjourn.

Lost.

REPORTS.

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

Mr. SPEAKER:—The Judiciary Committee, to whom was referred Senate bill No. 427, an Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, report back the bill, amended, and recommend the passage of the same, as amended;

Also, Senate bill No. 434, an Act to amend an Act entitled an Act to regulate descents and distributions, passed April thirteenth, eighteen hundred and fifty, report the bill back, and recommend its passage;

Also, Assembly bill No 84, an Act amendatory of an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and sixty, report back the bill, and recommend the passage of the same, as amended;

Also, Senate bill No. 421, an Act to provide for procuring testimony in certain cases, and having amended the same, most respectfully recommend its passage, as amended.

BELL, Chairman.

Mr. Maclay, from the Committee on Claims, made the following report:

Mr. SPEAKER:—The Committee on Claims, to whom was referred the claim of R. C. Chambers, Sheriff of Plumas County, versus the State of California, report back the same, and recommend its passage.

Your Committee, to whom was referred the claim of F. F. Fargo, Clerk of the Supreme Court, versus the State of California, report the same back, with the recommendation that it pass.

Your Committee also report back the claim of John D. Goodwin, Clerk of Plumas County, versus the State of California, and recommend the passage of the same.

MACLAY, Chairman.

Mr. Loewy offered the following resolution:

Resolved, That all Assistants of the Enrolling and Engrossing Clerks, not appointed by the House, are discharged.

Adopted.

Mr. Brown moved that the House adjourn.

Upon which, Messrs. Sears, Teegarden, and Leach, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Avery, Battles, Brown, Dow, Dudley of Placer, Eagar, Evey, Gordon, Irwin, Jackson, Love, Matthews, Meyers, Morrison, Orr, Reed, Shannon, Smith of Sierra, Tilton of San Francisco, Van Zandt, Wright, and Zuck—22.

NOES—Messrs. Amerige, Ames, Bell, Benton, Campbell, Collins, Cunnard, Dana, Dean, Dennis, Dore, Dudley of Solano, Eliason, Ferguson, Frazier, Griswold, Hoag, Hoffman, Kendall, Leach, Loewy, Machin, Moore, O'Brien, Parker, Porter, Printy, Reese, Sargent, Saul, Sears, Seaton, Teegarden, Warwick, Werk, Wilcoxon, Worthington, and Yule—38.

Mr. Teegarden had leave to introduce a bill for an Act to provide for the selection of a site for the permanent location of the Capitol of this State.

Read first and second times.

Mr. Sears moved to adjourn.

Upon which, the ayes and noes were called, with the following result:

AYES—Messrs. Avery, Battles, Benton, Campbell, Dean, Dudley of Placer, Evey, Gordon, Hoag, Hoffman, Irwin, Jackson, Loewy, Love, Meyers, Morrison, Reed, Reeve, Sears, Shannon, Smith of Sierra, Tilton of San Francisco, Waddell, Warwick, Werk, Wright, and Yule—27.

NOES—Messrs. Amerige, Ames, Collins, Cunnard, Dana, Dore, Dow, Dudley of Solano, Eagar, Eliason, Ferguson, Frazier, Griswold, Kendall, Leach, Machin, Matthews, Moore, O'Brien, Orr, Parker, Printy, Reese, Saul, Seaton, Teegarden, Van Zandt, Wilcoxon, and Zuck—29

And so the House refused to adjourn.

The bill introduced by Mr. Teegarden was referred to the Committee on Public Buildings and Grounds.

Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, Assembly bill No. 488, an Act providing for free bridges across J and K streets, in the City of Sacramento.

LOEWY, Chairman.

Mr. Tilton of San Francisco moved that the House adjourn.

Upon which, the ayes and noes were demanded, and taken, with the following result:

AYES—Messrs. Ames, Avery, Battles, Cunnard, Dana, Dean, Dore, Dow, Dudley of Placer, Eagar, Evey, Ferguson, Gordon, Griswold, Hoag, Irwin, Jackson, Loewy, Love, Matthews, Moore, Morrison, O'Brien, Orr, Reed, Reese, Reeve, Sargent, Sears, Seaton, Shannon, Tilton of San Francisco, Van Zandt, Waddell, Warwick, Wright, Yule, and Zuck—37

NOES—Messrs. Amerige, Bell, Benton, Collins, Dudley of Solano, Elia-

son, Fay, Kendall, Leach, Parker, Porter, Printy, Saul, Teegarden, Werk, and Wilcoxon—17.

So at half past one o'clock, P. M., the House adjourned to ten o'clock to-morrow morning.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Saturday, May 10th, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.
Mr. Smith of Sierra had indefinite leave of absence.
Mr. Orr had indefinite leave of absence.
The Clerk was directed to inform the Senate that the House was ready to receive the Senate, to meet in Joint Convention, for the purpose of electing Trustees of the State Reform School.

IN JOINT CONVENTION.

Hon. J. McM. Shafter, President pro tem. of the Senate, and Hon. George Barstow, Speaker of the Assembly, presiding.
Senate roll called.
Absent — Messrs. Bogart, Burnell, Denver, Doll, Harriman, Heacock, Holden, Merritt, Pacheco, Thomas, Vineyard, Warmcastle, and Watt.
House roll called.
Absent—Messrs. Barton of Sacramento, Barton of San Bernardino, Bell, Col. Dana, Eagar, Ferguson, Hillyer, Kendall, Lane, Machin, Maclay, McCullough, Morrison, Orr, Smith of Fresno, Thompson of Tehama, Thompson of San Joaquin, Thornbury, Van Zandt, Waddell, Watson, and Woodman.
On motion of Mr. Campbell, the Joint Convention proceeded first to elect two Trustees from Yuba County.

NOMINATIONS.

Mr. Sargent of Yuba nominated Messrs. William Hawley, C. M. Gorham, and W. C. Belcher, of Yuba County.
Mr. Battles nominated Jacob Deeth of San Francisco.
Mr. Powers nominated Samuel C. Gray.
Mr Gaskill nominated J A. Watson of Butte County.
Mr. Williamson nominated John Lowery of Marysville.
Mr. Merritt nominated Nelson Wescoatt of Yuba.
The rolls of the Senate and Assembly were called, with the following result:

Names.	Hawley.	Gorham.
Baker	1	1
Banks	1	1
Chamberlain	1	1
Crane	1	1
De Long	1	1
Gallagher	1	1
Gaskill	1	1
Harvey	1	1
Hathaway	1	1
Hill	1	1
Irwin	1	1
Kimball	1	1
Nixon	1	1
Oulton	1	1
Parks	1	1
Porter	1	1
Powers	1	1
Quint		1
Rhodes	1	1
Shafter	1	1
Soule	1	1
Shurtleff	1	1
Van Dyke	1	1
Amerige	1	1
Ames	1	1
Avery	1	1
Battles	1	1
Benton	1	1
Bigelow	1	1
Campbell	1	1
Collins	1	1
Cunnard	1	1
Dean	1	1
Dennis		1
Dore	1	1
Dudley of Placer	1	1
Dudley of Solano	1	1
Eliason	1	1
Evey	1	1
Fay	1	1
Frazier	1	1
Gordon	1	1
Griswold	1	1
Hoag	1	1
Irwin	1	1
Jackson	1	1
Kendall	1	1
Leach	1	1
Loewy	1	1
Love	1	1
Matthews		1

Names.	Hawley.	Gorham.
Meyers	1	1
Moore	1	1
O'Brien	1	1
Parker	1	1
Porter	1	1
Printy	1	1
Reed	1	1
Reese	1	1
Reeve	1	1
Sargent	1	1
Saul	1	1
Sears	1	1
Seaton	1	1
Shannon	1	1
Teegarden	1	1
Tilton of San Francisco	1	1
Tilton of San Mateo	1	1
Waddell	1	1
Warwick	1	1
Werk	1	1
Worthington	1	1
Wright	1	1
Yule	1	1
Zuck	1	1
Mr. Speaker	1	1
Totals	73	76

Those who voted for Mr. Lowery were—
Messrs. Merritt, Quint, Vineyard, Williamson, Dennis, and Wilcoxon.

Those who voted for Mr. Belcher were—
Messrs. Vineyard, Matthews, and Wilcoxon.

Those who voted for Mr. Wescoatt were—
Messrs. Merritt and Williamson.

Whole number of votes.....80
Necessary to a choice.....41

Mr. Gorham received seventy-six votes.
Mr. Hawley received seventy-three votes.
Mr. Wescoatt received two votes
Mr. Belcher received three votes.
Mr. Lowery received six votes.

Messrs. Gorham and Hawley, having received a majority of all the votes cast, were declared duly elected as two of the Trustees of the State Reform School.

The rolls of the Senate and Assembly were called, for the election of the third Trustee, with the following result:

Names.	Deeth.	Belcher.	Watson.
Baker		1	
Banks	1		
Chamberlain	1		
Crane	1		
De Long		1	
Gallagher	1		
Gaskill			1
Harvey	1		
Hathaway	1		
Hill	1		
Irwin			1
Kimball			1
Nixon		1	
Oulton		1	
Parks		1	
Perkins	1		
Quint			1
Rhodes	1		
Shafter	1		
Soule	1		
Shurtleff			1
Van Dyke	1		
Vineyard		1	
Williamson			1
Amerige	1		
Ames	1		
Avery	1		
Battles	1		
Bell	1		
Benton		1	
Bigelow	1		
Brown	1		
Campbell	1		
Collins		1	
Cunnard			1
Dean	1		
Dennis	1		
Dore	1		
Dow	1		
Dudley of Placer		1	
Eliason	1		
Evey	1		
Fay	1		
Ferguson	1		
Frazier	1		
Gordon	1		
Griswold	1		
Hoag	1		
Hoffman	1		
Irwin		1	
Jackson		1	

Names.	Deeth.	Belcher.	Watson.
Kendall			1
Leach		1	
Loewy	1		
Love			1
Machin	1		
Matthews		1	
Meyers	1		
Moore	1		
O'Brien	1		
Parker	1		
Pemberton		1	
Porter	1		
Printy			1
Reed		1	
Reese	1		
Reeve	1		
Sargent		1	
Saul	1		
Sears		1	
Seaton	1		
Shannon			1
Teegarden		1	
Tilton of San Francisco	1		
Tilton of San Mateo	1		
Van Zandt	1		
Waddell	1		
Warwick		1	
Werk		1	
Wilcoxon		1	
Worthington	1		
Wright		1	
Yule		1	
Zuck	1		
Mr. Speaker	1		
Totals	51	23	11

Messrs. Powers, and Dudley of Solano, voted for Mr. Gray.

Whole number of votes..... 87
Necessary to a choice..... 44

Mr. Deeth received fifty-one votes.
Mr. Belcher received twenty-three votes.
Mr. Watson received eleven votes.
Mr. Gray received two votes.

Mr. Deeth having received a majority of all the votes cast, was declared duly elected a Trustee of the State Reform School.

The object of the Convention having been accomplished, the President pro tem. declared the Convention dissolved.

The Senators then proceeded to the Senate Chamber.

IN ASSEMBLY.

Journal of yesterday read and approved.

Mr. Saul had leave to introduce a bill for an Act fixing the fund out of which the salary of the Watchman and Porter of the Court House of the County of Sacramento shall be paid.

Read first and second times, and placed first on file for Monday, May twelfth, eighteen hundred and sixty-two.

Mr Brown, from the Committee on Enrolment, made the following report:

Mr. SPEAKER:—Your Committee on Enrolment have examined, and found correctly enrolled, the following bills:

Assembly bill No. 304, an Act to amend section three of an Act entitled 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, eighteen hundred and fifty-five, so far as relates to the Counties of El Dorado and Contra Costa;

Also, Assembly bill No. 484, an Act to amend an Act amendatory of and supplementary to an Act entitled an Act concerning the construction and repair of levees in the County of Sacramento, and the mode of raising revenue therefor, approved April ninth, eighteen hundred and sixty-two, approved April twenty-sixth, eighteen hundred and sixty-two;

Also, Assembly bill No. 485, an Act to amend an Act entitled an Act to authorize the County of Placer to loan its credit to the Sacramento, Placer, and Nevada Railroad Company;

Also, Assembly bill No. 365, an Act making appropriations for deficiencies in the appropriations made for the thirteenth fiscal year, ending June thirtieth, eighteen hundred and sixty-two;

And delivered the same to the Governor, this day, at fifty minutes past ten o'clock.

BROWN, for Committee.

Mr. Reed moved that the House adjourn until Tuesday next, at eleven o'clock, A. M.

Mr. Ferguson moved to amend, by adding "that when this House adjourn, it adjourn to Tuesday next."

Amendment adopted.

Pending the consideration of the adoption of the resolution, as amended, the hour for the special order arrived.

SPECIAL ORDER.

Senate bill No. 464, an Act to authorize the Board of Supervisors of the County of Yuba to issue bonds of said county to the California Central Railroad Company, to the amount of one hundred thousand dollars.

Mr. O'Brien moved the previous question.

Lost.

Mr. Jackson moved to indefinitely postpone the bill.

Upon which, Messrs. Hoag, Brown, and Jackson, demanded the ayes and noes.

The Speaker did not order the roll called.

Mr. Teegarden moved to recommit the bill to the Yuba delegation, with special instructions to amend by inserting, after the word "Act" and before the word "until," near the close of the first section, "until the Directors of the San Francisco and Marysville Railroad Company shall have released, in writing, the County of Yuba from her obligations to issue any more bonds to said Railroad Company."

Mr. Ferguson moved the previous question.

Sustained.

On the adoption of the motion, Messrs. Ames, Leach, and Dudley of Solano, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Amerige, Avery, Brown, Dow, Dudley of Solano, Griswold, Hoag, Irwin, Jackson, Loewy, Machin, Matthews, Porter, Reese, Seaton, Teegarden, Tilton of San Mateo, Van Zandt, Worthington, Wright, Zuck, and Mr Speaker—22.

NOES—Messrs. Ames, Battles, Bell, Benton, Campbell, Collins, Cunnard, Dean, Ferguson, Frazier, Hoffman, Leach, Love, Meyers, Morrison, O'Brien, Pemberton, Printy, Reeve, Sargent, Saul, Sears, Shannon, Warwick, Wilcoxon, and Yule—26.

On the indefinite postponement of the bill, Messrs. Avery, Dow, and Dudley of Solano, demanded the ayes and noes, and the House refused, by the following vote:

AYES—Messrs. Amerige, Avery, Dow, Dudley of Solano, Griswold, Hoag, Irwin, Jackson, Loewy, Machin, Matthews, Porter, Reese, Seaton, Teegarden, Van Zandt, Wright, Zuck, and Mr. Speaker—18.

NOES—Messrs. Battles, Bell, Benton, Collins, Cunnard, Dana, Dean, Ferguson, Frazier, Hoffman, Leach, Love, Meyers, Morrison, O'Brien, Pemberton, Printy, Reeve, Sargent, Saul, Sears, Shannon, Warwick, Worthington, and Yule—25.

On the passage of the bill, Messrs. Avery, Wright, and Amerige, demanded the ayes and noes, and the bill passed, by the following vote:

AYES—Messrs. Battles, Bell, Benton, Collins, Cunnard, Dean, Ferguson, Frazier, Hoffman, Leach, Love, Morrison, O'Brien, Pemberton, Printy, Reeve, Sargent, Saul, Sears, Shannon, Warwick, Worthington, and Yule—23.

NOES—Messrs. Amerige, Avery, Brown, Dow, Dudley of Solano, Griswold, Hoag, Irwin, Jackson, Loewy, Machin, Matthews, Porter, Reese, Seaton, Teegarden, Van Zandt, Wright, Yule, and Zuck—20.

INTRODUCTION OF BILLS.

Mr. Shannon introduced, in behalf of the Committee on Claims, a bill for an Act to appropriate money to pay the claims of R. C. Chambers, John D. Goodwin, and F. F. Fargo.

Read first and second times, considered in Committee of the Whole, rules suspended, considered engrossed, read third time, and passed.

Mr. O'Brien had leave to introduce a bill for an Act to amend an Act to support and regulate common schools.

Read first and second times, and referred to the Committee on Education, with instructions to report on Monday.

Mr. O'Brien also introduced a resolution relative to removal of furniture to Sacramento.

Referred to the Committee on Accounts and Expenditures, with instructions to report on Tuesday.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

SENATE CHAMBER,
May 10th, 1862.

Mr. SPEAKER :—The Senate this day adopted Senate concurrent resolution No. 67, relative to the adjournment of the Legislature on the fifteenth instant.

DELOS J. HOWE,
Assistant Secretary.

The House concurred in Senate concurrent resolution, above reported.

Mr. Reed moved that the House adjourn to Wednesday, fourteenth of May.

Lost.

Mr. O'Brien moved that the House adjourn.

Upon which, Messrs. Yule, Worthington, and Wilcoxon, demanded the ayes and noes, and the House agreed, by the following vote :

AYES—Messrs. Amerige, Ames, Battles, Bell, Brown, Collins, Cunnard, Dore, Dudley of Placer, Eagar, Evey, Hoffman, Irwin, Jackson, Leach, Matthews, McCullough, Meyers, Morrison, O'Brien, Pemberton, Printy, Reed, Reese, Reeve, Sargent, Saul, Shannon, Teegarden, Tilton of San Francisco, Tilton of San Mateo, and Werk—32.

NOES—Messrs. Avery, Benton, Dennis, Dudley of Solano, Eliason, Fay, Ferguson, Frazier, Gordon, Griswold, Kendall, Loewy, Love, Parker, Seaton, Warwick, Wilcoxon, Worthington, Yule, and Zuck—20.

And at five minutes before two o'clock, P. M., the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Monday, May 12th, 1862.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of Saturday read and approved.

Messrs. Benton, Waddell, and Love, had leave of absence.

On motion of Mr. Tilton of San Francisco, the rules were suspended for the purpose of going into the election of a Speaker pro tem.

Mr. Dudley of Placer nominated Mr. Tilton of San Francisco.

Mr. Avery nominated T. B Shannon.

Mr. Campbell nominated Mr. Parker.

Mr. Cunnard nominated Mr. Avery

Mr. Ames nominated Mr. Morrison.

Mr. Saul nominated Mr O'Brien.

Messrs. Tilton, O'Brien, and Morrison, declined.

The roll was called, with the following result:

Names.	O'Brien.	Shannon.
Ames	1	
Avery		1
Brown		1
Dennis	1	
Dow		1
Dudley of Placer	1	
Dudley of Solano		1
Eliason		1
Evey		1
Fay		1
Frazier	1	
Gordon		1
Griswold	1	
Hoag		1
Irwin	1	
Jackson		1
Kendall	1	
Leach		1
Loewy		1
Matthews	1	
Meyers		1
Morrison	1	
Parker	1	
Pemberton	1	
Porter		1
Printy		1
Reed		1
Reese		1
Reeve		1
Sargent		1
Saul	1	
Sears		1
Seaton	1	
Shannon	1	
Smith of Sierra		1
Teegarden		1
Thompson of San Joaquin		1
Tilton of San Francisco		1

Names.	O'Brien.	Shannon.
Tilton of San Mateo		1
Van Zandt		1
Warwick		1
Worthington		1
Wright		1
Zuck		1
Mr. Speaker		1
Totals	14	31

Messrs. Cunnard and Yule voted for Mr. Avery.
Mr. Campbell voted for Mr. Parker.
Mr. Bell voted for Mr. Ames.
Messrs. Dean and O'Brien voted for Mr. Bell.
Mr. Wilcoxon voted for Mr. Dennis

Whole number of votes cast.....52
Necessary to a choice.....27

Mr. Shannon received thirty-one votes.
Mr. O'Brien received fourteen votes.
Mr. Bell received two votes.
Mr. Ames received one vote.
Mr Avery received two votes.
Mr. Dennis received one vote.
Mr. Parker received one vote.

Mr. Shannon, having received a majority of all the votes cast, was declared duly elected Speaker pro tem. of the Assembly.
Mr. Shannon appeared, and was sworn in.

The rules were suspended, and Assembly bill No. 84, an Act amendatory of an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and sixty, taken up—amendments adopted, considered engrossed, read third time, and passed.
Mr. Sears, made the following report:

Mr. SPEAKER:—We, the Committee of Free Conference, appointed on the disagreeing vote to the Senate amendments to Assembly bill No. 261. an Act to organize townships and regulate their powers and duties, beg leave to report, and recommend that the Assembly concur in the Senate amendments.

CRANE,
Chairman of Senate Committee.
SEARS,
Chairman of Assembly Committee.

Adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
May 12th, 1862.

MR. SPEAKER:—The Senate on the tenth instant passed Assembly bill No. 494, an Act to appropriate money to pay the claims of R. C Chambers, J D. Goodwin, and F. F Fargo;

Also, Assembly bill No. 434, an Act appropriating money to pay the cost of removing the State Printing Office to and from San Francisco;

Also, Assembly bill No. 283, an Act to appropriate money to pay the claim of Philip Caduc, for coal furnished the Supreme Court and State Library, in eighteen hundred and sixty;

Also, Assembly bill No 183, an Act to require the Secretary and Controller of State to turn over all vouchers and certificates respecting unpaid claims for Indian war indebtedness, now on file in their respective offices, etc.,

Also, Senate bill No. 471, an Act making appropriation for a Contingent Fund of the Senate;

Also, to-day passed Senate bill No. 470, an Act relating to the levying of taxes;

Also, Senate bill No. 472, an Act to authorize the payment of the rent of the building now occupied by the Legislature;

Also, passed Assembly bill No 490, an Act providing for the payment for certain school property in the City of Sacramento;

Also, on the tenth instant, Senate bill No. 468, an Act concerning the office of County Clerk of the City and County of San Francisco;

Also passed Senate bill No. 469, an Act to grant the right of way to construct a bridge across Bear River, at or near McCourtney's, and to repeal a certain Act relative thereto;

Also, on the ninth instant passed Assembly bill No. 488, an Act providing for free bridges across J and K streets, in the City of Sacramento;

Also, passed Assembly bill No. 479, an Act to amend an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one;

Also, passed Assembly bill No 486, an Act to levy a special tax for road purposes in San Mateo County;

Also, on the ninth instant concurred in Assembly concurrent resolution No 38, relative to Joint Convention for electing Trustees of State Reform School;

Also, on the ninth instant passed Assembly bill No. 487, an Act to amend an Act to regulate proceedings in criminal cases;

Also passed Assembly bill No. 140, an Act to authorize P. C. Lander, and his associates and assigns, to build a wharf at Point Avisadero, in the City and County of San Francisco;

Also, adopted Senate concurrent resolution No 63, tendering the thanks of the Legislature and people of the State to the officers and men in the Army and Navy of the United States, for the recent brilliant victories won by their valor and skill;

Also, adopted Senate concurrent resolutions No 52 and No 65, relative to claims of Tuttle, Garvey, and Williamson;

Also, adopted Senate concurrent resolution No 64, tendering the thanks of the State of California to Lieutenant-General Winfield Scott, for the numerous and patriotic services rendered to his country.

DELOS J. HOWE,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate bill No. 471 above reported, read first and second times, and placed at top of file for May thirteenth.

Senate bill No. 472. above reported, read first and second times, considered in Committee of the Whole, and referred to Committee on Accounts and Expenditures.

Senate bill No 468. above reported, read first and second times, rules suspended, read third time, and passed.

Senate bill No. 470, above reported, read first and second times, rules suspended, read third time and passed

Senate bill No. 469, above reported, read first and second times, and placed second on file for May thirteenth.

Senate concurrent resolution No. 52, above reported, was referred to Committee on Claims, with instructions to report to-morrow.

Senate concurrent resolution No. 65, above reported, was referred to Committee on Claims, with instructions to report to-morrow.

Senate concurrent resolution No. 63, above reported, was concurred in.

Senate concurrent resolution No. 64. above reported, referred to Committee on Military Affairs

The rules were suspended, and Assembly bill No 491, an Act legalizing acknowledgments of deeds and other conveyances of real estate taken before Clerks of Courts of record, amended, rules suspended, considered engrossed, read third time, and passed.

The Committee of Free Conference on Assembly bill No. 364, an Act making appropriations for the support of the Government of this State for the fourteenth fiscal year, made a report, which was adopted

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
May 12th, 1862

Mr. SPEAKER:—The Senate this day adopted the report of the Committee of Free Conference on the disagreeing vote of the two Houses on Assembly bill No. 364, an Act making appropriations for the fourteenth fiscal year.

DELOS J. HOWE,
Assistant Secretary.

FURTHER REPORTS.

Mr. Amerige, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined the following bills, and report them correctly engrossed.

Assembly bill No. 178, an Act amendatory of section two of an Act in relation to common schools in this State, approved April twenty-sixth, eighteen hundred and fifty-eight;

Also, Assembly bill No. 486, an Act to levy a special tax for road purposes in San Mateo County;

Also, Assembly bill No 25, an Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed

May first, eighteen hundred and fifty-one, and other Acts amendatory thereto;

Also, Assembly bill No. 490, an Act providing for the payment for certain school property in the City of Sacramento.

AMERIGE, for Committee.

Mr. Bell, from the Committee on Judiciary, made the following report:

Mr. SPEAKER:—Your Committee on Judiciary have had under consideration Senate bill No. 416, an Act authorizing Adam G. Muirhead, Executor of the estate of John Muirhead, deceased, to sell the real estate belonging to the estate of the said John Muirhead, deceased, at public or private sale, and recommend its passage.

BELL, Chairman.

Mr. Fay, from the Committee on Commerce and Navigation, made the following report:

Mr SPEAKER:—The Committee on Commerce and Navigation have had under consideration Senate bill No. 22, an Act to authorize Joseph Galloway to construct a wharf in the City and County of San Francisco. They hereby report the bill back, and respectfully recommend that it be indefinitely postponed

The Committee desire to add, by way of explanation, that, although satisfied the construction of additional wharves is necessary for the economical accommodation of trade and commerce, they believe it is better to forego temporarily these necessary accommodations, rather than grant any more private wharf franchises within the central water front limits of the city. Our investigations have satisfied us that granting wharf franchises to private parties for purposes of public revenue has been a practical failure, fully illustrated by the fact that the City of San Francisco now realizes only about fifteen thousand dollars per annum from the entire water front, whereas the great bulk of the profit arising from the collection of wharfage and dockage, amounting to hundreds of thousands of dollars per annum, goes into the pockets of private wharf companies. A plan should speedily be adopted, by which this large revenue, that now goes to private parties, can be appropriated to the legitimate purpose of improving the water front

The Committee reported a bill some weeks since, which would have accomplished this purpose, dedicating, as it did, the revenues forever to their proper purpose, namely, the improvement of the wharves and docks, and the consequent eventual reduction of tolls upon imports and exports. But the combined influence of private wharf companies, together with the silly outcry of "Bulkhead!" defeated the bill. This influence of private companies, now so hostile to a general and judicious disposition of the water front for public use and benefit, should not be allowed to go on increasing in strength year by year, through the granting of new franchises.

Your Committee are therefore of opinion that no bill should pass this Legislature granting to private parties the right to construct wharves at any point between North Point Dock and Rincon Point, but that the next Legislature should be looked to for maturing an Act for the general disposition of the entire water front, upon a basis of sound public policy. No disagreement need be anticipated between city and country as to the

measure, for their interests are identical. The idea, however, of raising revenue from such a source should be at once and forever abandoned, either for State or city purposes; for revenue thus collected is simply a tax upon consumers and producers of the entire State, the classes least able to bear taxation, and consequently, a corresponding relief of property holders from taxation, the class, of all others, most able to bear the burthens of supporting the Government. The revenues collected from the water front should be used to meet necessary expenditures upon the same, and a sufficient amount should be raised for all such legitimate purposes, but none other.

FAY, Chairman.

Laid on the table.

Mr. Dudley of Placer moved to make the bill above reported the special order for Saturday, May seventeenth, at one o'clock, P. M.

Mr Yule moved to adjourn.

Lost.

Mr. Ferguson moved the previous question.

Sustained

On Mr Dudley's motion, Messrs. Ames, Battles, and Loewy, demanded the ayes and noes, and the motion prevailed, by the following vote:

AYES—Messrs. Avery, Brown, Cunnard, Dennis, Dow, Dudley of Placer, Dudley of Solano, Fay, Ferguson, Frazier, Griswold, Hoag, Hoffman, Kendall, Loewy, Love, Matthews, Meyers, O'Brien, Parker, Printy, Reed, Reese, Reeve, Sargent, Saul, Sears, Shannon, Teegarden, Thompson of San Joaquin, Warwick, Wilcoxon, Worthington, Wright, Yule, and Zuck —36.

NOES—Messrs Amerige, Ames Bell, Dean, Dore, Eliason, Evey, and Werk—8.

Mr. Dow, from the Committee on Enrolment, made the following report:

Mr. SPEAKER:—Your Committee on Enrolment have examined Assembly bill No. 488, and beg leave to report that the same is correctly enrolled, and delivered the same to the Governor, for his approval, May tenth, at forty-five minutes past one o'clock, P. M.

DOW, for Committee

Mr. Reeve, from the San Francisco delegation, made the following reports:

Mr. SPEAKER:—The San Francisco delegation, to whom was referred Assembly bill No 32, an Act to provide for the inspection and sealing of gas metres, and for the protection of consumers of illuminating gas, report the same back, with amendments.

REEVE, for Delegation.

Mr. SPEAKER:—The undersigned, members of the San Francisco delegation, report back Senate bill No. 123, an Act to authorize the construction of a wharf at the foot of Townsend street, in the City and County of San Francisco, and recommend its indefinite postponement.

REEVE,
DORE,
LOEWY,
BIGELOW,
AMERIGE,
VAN ZANDT.

Mr. Battles. from the San Francisco delegation, made the following report:

Mr. SPEAKER:—The San Francisco delegation, to whom was referred Senate bill No. 123, an Act to authorize the construction of a wharf at the foot of Townsend street, in the City and County of San Francisco, report the same back, and recommend its passage.

BATTLES,
TILTON,
FAY.
WORTHINGTON.

Mr Seaton moved to suspend the rules to take up Assembly bill No. 63.

Upon which, Messrs. Ferguson, Ames, and Fay, demanded the ayes and noes, and the House refused. by the following vote:

AYES—Messrs Ames, Bell, Brown. Dean. Dennis, Eliason, Ferguson, Frazier, Griswold. Hoag, Hoffman, Kendall, Morrison. Parker. Pemberton, Sargent, Saul. Seaton. Tilton of San Francisco, Werk, Wilcoxon, Worthington, and Yule—23.

NOES—Messrs. Amerige. Avery, Battles, Cunnard, Dore, Dow, Dudley of Placer. Dudley of Solano. Evey, Fay, Gordon, Jackson, Loewy, Love, Meyers, Porter, Printy, Reed. Reese. Reeve Sears, Shannon, Teegarden, Thompson of San Joaquin, Van Zandt, Warwick, and Zuck—27.

Mr. Frazier asked to have the rules suspended to introduce a resolution.

Upon which, the ayes and noes were demanded, and the House refused, by the following vote:

AYES—Messrs Bell, Brown. Campbell. Cunnard, Dean, Dennis, Dore, Frazier, Griswold, Hoag. Jackson, Kendall, Love, O'Brien, Parker, Pemberton, Reese, Saul, Seaton, Smith of Sierra, Teegarden, Warwick, and Wilcoxon—23.

NOES—Messrs. Amerige, Avery, Battles, Collins, Dow, Dudley of Solano, Eliason, Fay, Gordon, Hoffman. Loewy, Machin, Matthews, Meyers, Morrison. Porter. Printy, Reed, Reeve, Sears, Shannon. Thompson of San Joaquin, Tilton of San Francisco, Yule, and Zuck—26.

Mr Yule moved to adjourn.

Upon which, Messrs. O'Brien, Love, and Campbell, demanded the ayes and noes, and at forty minutes past one o'clock, P. M., the House adjourned. by the following vote:

AYES—Messrs. Amerige, Brown, Collins, Cunnard. Dean, Dore, Dow, Dudley of Placer, Eliason, Evey, Fay, Frazier, Gordon, Hoag. Hoffman, Loewy, Matthews, Pemberton, Porter. Printy. Reed, Reeve, Saul, Sears, Seaton, Shannon, Smith of Sierra, Thompson of San Joaquin, Van Zandt, Yule, and Zuck—31

NOES—Messrs Battles. Bell, Campbell, Dennis. Dudley of Solano, Griswold. Love. Meyers, O'Brien, Parker, Reese, Sargent, Teegarden, Warwick, and Wilcoxon—15.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Tuesday, May 13th, 1862.

House met pursuant to adjournment.
Speaker in the Chair.
Roll called.
Quorum present.
Journal of yesterday read and approved.
Mr. Irwin introduced a resolution relative to the copying of the Assembly.
Referred to the Committee on Claims, with instructions to report to-morrow.
Mr. Brown introduced a resolution relative to pay of Assistant Enrolling Clerk
Referred to the Committee on Claims, with instructions to report to-morrow.
Mr. Eagar introduced a resolution relative to mileage to Clerk and Assistant Clerk on delivering the books and papers to the Secretary of State
Adopted.
Mr. Loewy, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined, and found correctly engrossed, the following bills:
Assembly bill No 84, an Act amendatory of an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and sixty;
Also, Assembly bill No. 491, an Act legalizing acknowledgments of deeds and other conveyances of real estate before Clerks of Courts of record, and before Justices of the Peace in certain cases.

LOEWY, Chairman.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
May 13th, 1862.

Mr. SPEAKER:—The Senate this day passed Assembly bill No 450, an Act to grant the right to construct a railroad within the City and County of San Francisco;
Also, passed Senate bill No. 473, an Act amendatory of and supplementary to an Act entitled an Act to provide revenue for the support of the Government of this State from a tax on foreign and inland bills, etc., approved April fifteenth, eighteen hundred and sixty-two;
Also, passed Assembly bill No. 392, an Act to amend certain sections of the Revenue Act.

DELOS J. HOWE,
Assistant Secretary.

Senate bill No. 473, above reported, read first and second times, rules suspended, read third time, and passed.

GENERAL FILE

Senate bill No. 191, an Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one—read third time, and passed.

Senate bill No. 192, an Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one—read third time, and passed.

Senate bill No. 197, an Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one—read third time, and passed

Senate bill No. 207, an Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one—read third time, and passed.

Senate bill No. 378, an Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one—read third time, and passed.

Senate bill No. 434, an Act to amend an Act entitled an Act to regulate descents and distributions, passed April thirteenth, eighteen hundred and fifty—read third time, and passed.

Senate bill No. 352, an Act to authorize John S. Rutherford and George E. Webber to construct a railroad and railroad wharf in Mendocino County—read third time, and passed.

Assembly bill No. 339, an Act for the relief of Charles B. Young—rules suspended, considered engrossed, read third time, and passed.

Assembly bill No. 423, an Act to amend an Act entitled an Act in relation to the Probate Court in the City and County of San Francisco, approved May eighteenth, eighteen hundred and sixty-one—rules suspended, considered engrossed, read third time, and passed.

Mr. Dow, from the Committee on Enrolment, made the following report:

Mr. SPEAKER:—The Committee on Enrolment have examined, and found correctly enrolled, the following bills:

Assembly bill No. 494, an Act to appropriate moneys to pay the claims of R. C. Chambers, John D Goodwin, and F. F. Fargo;

Also, Assembly bill No. 140, an Act to authorize P. C. Lander and his associates to build a wharf at Point Avisadero, in the City and County of San Francisco;

And delivered the same to the Governor, this day, at fifteen minutes past eleven o'clock, A. M.

DOW, for Committee.

Assembly bill No. 63, an Act to authorize the construction of a wharf in the City and County of San Francisco, was taken up.

Mr. Yule moved to lay on the table.

Upon which, Messrs. Campbell, Griswold, and Frazier, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Amerige, Collins, Dore, Dow, Dudley of Placer, Dudley of Solano, Eagar, Evey, Gordon, Leach, Loewy, Matthews, Meyers,

Porter, Printy, Reed, Reese, Reeve, Sears, Shannon, Thompson of San Joaquin, Van Zandt, Wright, Yule, and Zuck—25.

NOES—Messrs. Ames, Avery, Battles, Bell, Benton, Bigelow, Brown, Campbell, Cunnard, Dean, Dennis, Eliason, Ferguson, Frazier, Griswold, Hoag, Hoffman, Irwin, Jackson, Kendall, Love, Moore, Morrison, Orr, Parker, Pemberton, Sargent, Saul, Seaton, Smith of Sierra, Teegarden, Tilton of San Francisco, Warwick, Werk, and Worthington—35.

Mr. Irwin moved the following amendment:

Amend section two, by striking out all after the word "Act," in line eight, and insert the following: "*Provided*, that the rates of charges shall not at any time exceed the rates charged at the same time on wharves leased of the City of San Francisco, and that the proprietors shall pay monthly into the Treasury of the City and County of San Francisco, ten per cent. of the gross earnings of said wharf, one half of which ten per cent. shall be for the use and benefit of said City and County of San Francisco, and one half thereof for the use of the general School Fund of the State, and the Treasurer of said city and county shall set apart all moneys accruing to the School Fund under this Act, and pay the same into the State Treasury at the same times and in the same manner that he is required by law to pay into the Treasury State taxes."

Mr. Battles offered to amend by substituting all after the enacting clause of Senate bill No. 22.

Mr. Dudley of Placer moved to make the bill the special order for Saturday next, at two o'clock, P. M.

Mr Sears offered the following amendment:

Amend section three, by striking out in line seven all after the word "years," and insert the following: "Said wharf, with all the rights and appurtenances thereunto belonging, shall become the property of the State of California, free of charges; *provided*, that the State of California may at any time take possession of said wharf, with all rights and appurtenances thereunto belonging, on the payment to the owner or owners thereof the appraised value of said wharf, rights and appurtenances, at the time when it shall be proposed to take such possession."

On making the bill the special order for Saturday next, Messrs. Fay, Matthews, and Loewy, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs Amerige, Avery, Collins, Dore, Dow, Dudley of Placer, Dudley of Solano, Eagar, Evey, Fay, Leach, Loewy, Matthews, Meyers, Porter, Printy, Reed, Reese, Reeve, Thompson of San Joaquin, Van Zandt, and Zuck—23.

NOES—Messrs. Ames, Battles, Bell, Benton, Bigelow, Campbell, Cunnard, Dean, Dennis, Eliason, Ferguson, Frazier, Griswold, Hoag, Hoffman, Irwin, Jackson, Love, Morrison, Parker, Pemberton, Sargent, Saul, Sears, Seaton, Shannon, Smith of Sierra, Warwick, Werk, Wilcoxon, and Worthington—30.

Mr. Warwick moved the previous question.

Sustained

The amendment offered by Mr. Irwin was adopted.

The amendment offered by Mr. Battles was lost.

On adopting the amendment offered by Mr. Sears, Messrs. Ferguson,

Battles, and Fay, demanded the ayes and noes, and the amendment was adopted, by the following vote:

AYES—Messrs. Amerige, Avery, Benton, Dean, Dennis, Dow, Dudley of Placer, Dudley of Solano, Evey, Frazier, Griswold, Hoag, Irwin, Jackson, Leach, Love, Matthews, Meyers, Moore, Parker, Printy, Reed, Sargent, Saul, Sears, Seaton, Shannon Wilcoxon, Wright, Yule, and Zuck—31.

NOES—Messrs Ames, Battles, Bigelow, Dore, Fay, Ferguson, Hoffman, Loewy, Pemberton, Reese, Reeve, Van Zandt and Waddell—13.

On suspending the rules, for the purpose of considering the bill engrossed, Messrs. Dudley of Placer, Battles, and Matthews, demanded the ayes and noes, and the motion was lost, by the following vote:

AYES—Messrs. Ames, Bell, Benton, Bigelow, Brown, Campbell, Cunnard, Dean, Dennis Eliason, Ferguson, Frazier, Griswold, Hoag, Hoffman, Irwin, Jackson, Love, Machin, Morrison, Parker, Pemberton, Sargent, Saul, Sears, Seaton, Smith of Sierra, Werk, Wilcoxon, and Worthington—30.

NOES—Messrs. Amerige, Avery, Battles, Collins, Dore, Dow, Dudley of Placer, Dudley of Solano, Eagar, Evey, Fay, Gordon, Leach, Loewy, Matthews, McCullough, Meyers, Moore, Porter, Printy, Reed, Reese, Reeve, Thompson of San Joaquin, Tilton of San Francisco, Van Zandt, Warwick, Wright, Yule, and Zuck—30

On ordering the bill engrossed, Messrs. Dudley of Placer, Battles, and Matthews, demanded the ayes and noes, and the House so ordered, by the following vote:

AYES—Messrs. Ames, Bell, Benton, Bigelow, Brown, Campbell, Cunnard, Dean, Dennis, Eliason, Ferguson, Frazier, Griswold, Hoag, Hoffman, Irwin, Jackson, Love, Morrison, Parker, Pemberton, Sargent, Saul, Sears, Seaton, Smith of Sierra Werk, Wilcoxon, and Worthington—29.

NOES—Messrs. Amerige, Avery, Battles, Collins, Dore, Dow, Dudley of Placer, Eagar, Evey, Fay, Gordon, Leech, Loewy, Matthews, Meyers, Porter, Printy, Reed, Reese, Reeve, Shannon, Thompson of San Joaquin, Tilton of San Francisco, Van Zandt, Warwick, Wright, Yule, and Zuck—28.

Mr. Collins, from the Committee on Military Affairs, made the following report:

MR. SPEAKER:—Your Committee on Military Affairs, to whom was referred Senate resolution No. 64, tendering thanks to Lieutenant-General Winfield Scott, have given it their careful consideration, and have unanimously directed me to report a substitute, the adoption of which is respectfully recommended.

COLLINS, Chairman.

The substitute above reported was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
May 13th, 1862.

Mr. SPEAKER:—The Senate this day passed Assembly bill No 493, an Act fixing the fund out of which the salary of the Watchman and and Porter of the Court House of the County of Sacramento shall be paid;

Also, passed Senate bill No. 473, an Act to amend an Act entitled an Act in relation to the Board of Supervisors of the County of Butte;

Also, passed Senate bill No 474, Senate substitute for Assembly bill No. 462, an Act to appropriate money to pay the expenses of the trial of the case of Impeachment of James H. Hardy;

Also, passed Senate bill No 467, an Act to provide for the removal of furniture, etc., to the Capitol at Sacramento;

Also, passed Senate bill No. 474, an Act to appropriate money to pay the expenses incurred in the trial of the Impeachment case of James H. Hardy;

Also, passed Assembly bill No 462, an Act to appropriate money to pay the witnesses summoned to testify in the Hardy Impeachment case.

DELOS J. HOWE,
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate bill No. 467, above reported, read first and second times, and referred to Committee on Accounts and Expenditures

Senate bill No. 474, above reported, read first and second times, considered in Committee of the Whole, reported and recommended, and referred to the Committee on Claims.

Senate bill No. 473, above reported, read first and second times, rules suspended, read third time, and passed.

Senate bill No. 469, an Act to grant the right of way to construct a bridge across Bear River, at or near McCourtney's Crossing, etc., and to repeal a certain Act—read third time, and passed.

Mr. Eliason, by leave, introduced a bill for an Act to legalize the delinquent tax list of the County of Sonoma for the fiscal years eighteen hundred and fifty-nine, eighteen hundred and sixty, eighteen hundred and sixty-one, and eighteen hundred and sixty-two.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Mr. Sears introduced a concurrent resolution relative to furnishing copies of the testimony, etc, in the Hardy Impeachment case.

Adopted.

Mr. Hoag, from the Committee on Claims, made the following report:

Mr. SPEAKER:—Your Committee on Claims, to whom was referred Senate concurrent resolution No. 65, relative to the claims of Tuttle, Williamson, and Garvey, report the same back, and recommend its passage.

HOAG, for Committee.

The resolution above reported was adopted.

Senate bill No. 123, an Act to authorize the construction of a wharf at the foot of Townsend street, in the City and County of San Francisco, was taken up.

Pending the consideration of the bill, Mr. Loewy moved that the House adjourn.

Upon which, Messrs. Worthington, Battles, and Smith of Sierra, demanded the ayes and noes, and the motion prevailed, by the following vote:

AYES—Messrs. Amerige, Avery, Brown, Collins, Dore, Dudley of Placer, Eagar, Evey, Fay, Gordon, Irwin, Kendall, Loewy, Matthews, Moore, Porter, Printy, Reed, Reese, Reeve, Shannon, Thompson of San Joaquin, Warwick, Wright, Yule, and Zuck—26.

NOES—Messrs. Ames, Battles, Bell, Benton, Cunnard, Dean, Dennis, Dudley of Solano, Ferguson, Hoag, Hoffman, Jackson, Leach, Love, Meyers, Morrison, O'Brien, Orr, Pemberton, Sargent, Smith of Sierra, Tilton of San Francisco, Van Zandt, and Worthington—24.

And, at forty minutes past two o'clock, P. M., the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Wednesday, May 14th, 1862.

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Mr. Hoffman had leave of absence.

Mr. Ames moved that the House take a recess until one o'clock, P. M., this day

Upon which, Messrs. O'Brien, Shannon, and Loewy, demanded the ayes and noes, which were taken, with the following result:

AYES—Messrs. Ames, Avery, Bigelow, Dore, Dudley of Placer, Evey, Fay, Gordon, Hoag, Irwin, Loewy, Matthews, Moore, Morrison, Printy, Reed, Reeve, Smith of Sierra, Tilton of San Francisco, Warwick, and Werk—21

NOES—Messrs. Barton of Sacramento, Benton, Dean, Dennis, Eliason, Frazier, Meyers, O'Brien, Orr, Parker, Shannon, Teegarden, Tilton of San Mateo, and Mr. Speaker—14.

Mr. Parker moved a call of the House.

Lost.

Mr. Shannon moved that the House adjourn until one o'clock, P. M., this day.

Carried.

HOUSE REASSEMBLED.

The House reassembled at one o'clock, P M.
Quorum present.
Journal of yesterday read and approved.

REPORTS.

Mr. Dean, from the Committee on Engrossment, made the following report:

Mr. SPEAKER:—The Committee on Engrossment have examined Assembly bill No. 63, an Act authorizing the construction of a wharf in the City and County of San Francisco, and report the same correctly engrossed.

DEAN, for Committee.

Mr. Avery, from the Committee on Enrolment, made the following report:

Mr. SPEAKER:—Your Committee on Enrolment have examined the following bills, and found them correctly enrolled:
Assembly bills Nos. 364, 283, 479, 434, 490, 483, 486, 392, 493, 450, 462, and 487;
And delivered the same to the Governor, at ten o'clock and forty-five minutes, this day.

AVERY, Chairman.

Mr. Sargent, from the Committee on Public Expenditures and Accounts, made the following reports:

Mr. SPEAKER:—The Committee on Public Expenditures and Accounts have examined the following bills, and found them correct, and recommend their payment, and the adoption of the accompanying resolution:

To Whom Due.	Amount.
California Express	$24 00
Armor & Clayes, Stockton Independent	25 50
Herald and Mirror	37 50
Conley & Patrick, San Joaquin Republican	7 50
J. C. Gilfallan & Co., for water	6 00
Total	$100 50

Resolved, That the Controller of State draw his warrants on the Contingent Fund of the Assembly, in favor of the California Express, for twenty-four dollars; in favor of the Stockton Independent, for twenty-five dollars and fifty cents; in favor of the Herald and Mirror, for thirty-seven dollars and fifty cents; in favor of the San Joaquin Republican, for seven dollars and fifty cents; in favor of J. C. Gilfallan & Co., for six dollars; and the Treasurer of State is hereby directed to pay the same.

The Committee also recommend the adoption of the following concurrent resolution, authorizing the payment of an account for gas furnished for the use of the present Legislature

SARGENT, for Committee.

The resolutions above reported were adopted.

Mr. SPEAKER :—The Committee on Public Expenditures and Accounts have examined the following bills, also, and found them correct, and recommend their payment, and the adoption of the accompanying resolution:

To Whom Due.	Amount.
Placer Daily News	$4 00
Gelwicks & January, Mountain Messenger	33 00
F. MacCrellish & Co	172 97
J. C Gilfallan & Co., for water	3 00
Express Printing Company	28 00
Solano Herald	4 00
Brooks & Lawrence, Golden Era	75 00
H. J. Clayton, expressage, etc	14 70
Herald and Mirror	3 12
Total	$337 79

Resolved, That the Controller of State draw his warrants on the Contingent Fund of the Assembly, in favor of the California Express Printing Company, for the sum of twenty-eight dollars; in favor of Yarnell & Fumerton, Placerville Daily News, for four dollars; in favor of Gelwicks & January, Mountain Democrat, for thirty-three dollars; in favor of F MacCrellish & Co, Alta California, for one hundred and seventy-two dollars and ninety-seven cents; in favor of J. C. Gilfallan & Co., for three dollars; in favor of Solano Herald, for four dollars; in favor of Brooks & Lawrence, Golden Era, for seventy-five dollars; in favor of H. J Clayton, expressage, etc., for fourteen dollars and seventy cents; and in favor of the Herald and Mirror, for three dollars and twelve cents; and the Treasurer of State is hereby directed to pay the same.

[Resolution adopted.]

The Committee also recommend the adoption of the resolution, with amendments, to authorize H. J. Clayton, Sergeant-at-Arms, to reconvey to Sacramento the furniture, etc, in this Chamber, and for such service pay him the sum therein mentioned;

Also, they have considered Senate bill No. 472, an Act to authorize the payment of the rent of the building known as the Merchants' Exchange, in the City of San Francisco, now occupied by the Legislature, and recommend its passage, with accompanying amendment;

Also, they recommend the indefinite postponement of Assembly bill No. 453, as the object thereof will be best achieved by the passage of Senate bill No. 472.

SARGENT, for Committee.

Senate bill No. 467, an Act to provide for the removal of the furniture, books, and stationery, to the Capitol at Sacramento, was taken up.

Mr. Sears moved to amend by striking out the name of T. E. Mitchell and inserting John Moran.

Mr Tilton of San Francisco moved to amend by inserting the name of H. J. Clayton in place of John Moran.

Upon which, Messrs. Seaton, Sears, and Warwick, demanded the ayes and noes, and the amendment was adopted, by the following vote:

AYES—Messrs. Amerige, Ames, Avery, Battles, Bell, Benton, Bigelow, Dore, Dow, Dudley of Solano, Eagar, Eliason, Evey, Gordon, Kendall, Leach, Loewy, Love, Moore, Orr, Reed, Reese, Reeve, Sargent, Shannon, Teegarden, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, and Yule—30.

NOES—Messrs. Collins, Dennis, Matthews, Pemberton, Printy, Sears, Seaton, Smith of Sierra, Waddell, Warwick, and Wilcoxon—14.

Bill read third time, and passed.

Mr Sargent, from the Committee on Public Expenditures and Accounts, made the following reports:

MR. SPEAKER:—The Committee on Public Expenditures and Accounts further report, that they have examined and allowed the following accounts, and finding them correct, recommend their payment, and the adoption of the following resolution:

To Whom Due.	Amount.
Marysville Appeal	$24 38
Sacramento Union	243 25
Daily Bee	10 00
Daily and Weekly Bulletin	144 80
Daily Morning Call	50 00
L. Callish, window glass	1 50
John Sedgwick, copies of Journal and documents for State Printer	562 50
Martin Rowan, special services rendered this Committee	75 00
Total	$1,111 43

Resolved, That the Controller of State draw his warrants on the Contingent Fund of the Assembly, in favor of the Marysville Appeal, for the sum of twenty-four dollars and thirty-eight cents; in favor of the Sacramento Union, for the sum of two hundred and forty-three dollars and twenty-five cents; in favor of the Daily Bee, for the sum of ten dollars; in favor of the Daily and Weekly Bulletin, for one hundred and forty-four dollars and eighty cents; in favor of the Morning Call, for the sum of fifty dollars; in favor of L Callish, for the sum of one dollar and fifty cents; in favor of John Sedgwick, for the sum of five hundred and sixty-two dollars and fifty cents; and in favor of Martin Rowan, for seventy-five dollars.

[Resolution adopted.]

The Committee have also had under consideration Senate bill No. 467, an Act to provide for the removal of the furniture, books, and stationery, to the Capitol, at Sacramento, report the same back, and recommend that it do not pass; and recommend further, that the Assembly make their own arrangements for the removal of their own fixtures.

SARGENT, Chairman.

Mr. SPEAKER:—The Committee on Public Expenditures and Accounts, as by resolution, ordered by the Assembly, present the following report of the several Acts for the appropriation of money, passed by the Legislature, at the thirteenth session, up to the thirteenth instant:

Bills originating in the Assembly appropriate the following amounts:

No.	Purpose.	Amount.
153	Appropriation for Mounted Rangers	$6,000 00
194	Appropriation for pay of Presidential Elector	66 00
203	Appropriation for claim of William P. Michenor	4,072 51
223	Appropriation for pay of Locating Agents	1,200 00
223	Appropriation for pay of Commissioner to Washton City	5,000 00
283	Appropriation for claim of P. Caduc	93 00
332	Appropriation for claim of Oliver & Lewis	295 00
385	Appropriation for postage and stamps	750 00
494	Appropriation for claims of F. F. Fargo, et als	301 95
462	Appropriation for witnesses in Hardy case	1,603 60
364	Appropriation for support of the Government for fiscal year 1862–3	610,520 00
365	Appropriation for deficiencies in appropriations for fiscal year ending 1861–2	71,903 90
	Total appropriations by Assembly	$701,805 96

Bills originating in the Senate appropriate the following amounts:

No.	Purpose.	Amount.
1	Appropriation for postage and stamps	$3,125 00
3	Appropriation to pay claim of P. de la Guerra	236 00
57	Appropriation for certain Orphan Asylums	13,000 00
63	Appropriation for relief of W. D. Sawyer	280 00
68	Appropriation for rebinding books in State Library	500 00
127	Appropriation for relief of Managers of Deaf and Dumb Asylum	1,447 94
200	Appropriation for expenses of removal of the Legislature to San Francisco	1,330 00
224	Appropriation for Home of the Inebriate	5,000 00
241	Appropriation for relief of Destitute Females	5,000 00
358	Appropriation for pay of Eugene Lies	650 00

No.	Purpose.	Amount.
373	Appropriation for pay of claim of C S. Fairfax.....	2,199 20
402	Appropriation for pay of claim of T J. A Chambers	1,152 25
422	Appropriation for Contingent Funds of Senate and Assembly	11,000 00
472	Appropriation for rent of temporary Capitol.....	4,047 00
474	Appropriation for witnesses in Impeachment Trial.	17,751 00
	Total appropriations by Senate bills.....	$66,738 39
	Total appropriations by Assembly bills.....	701,805 96
	Total appropriations of the Session.....	$768,544 35

The total amount of appropriations, exclusive of the appropriations for deficiencies of the last fiscal year, and appropriations for the support of the Government for the fiscal year 1862–3, are	$86,120 45
Assembly bill No. 372, an Act for the encouragement of Agriculture, appropriates the sum of $105,600, which is not included in the foregoing summary, as the appropriation is wholly contingent, and may never be disbursed	105,600 00
If added to the above amount, the total appropriation to May 13, 1862, excepting as above stated, is.....	$191,720 45

The Committee also report that the Contingent Fund of the Assembly, so far as the same has been disbursed by their order and recommendation, has been appropriated for the following purposes:

Purpose	Amount.
Newspapers furnished the Assembly.....	$3,746 50
Boat hire in Sacramento, during flood.....	1,701 00
Furniture, and repairs to temporary Capitol.....	778 53
Stove and coal for Assembly Chamber and committee rooms.	306 75
Gas and gas fixtures.....	437 40
Sundries	1,479 70
Extra pay for Committee Clerks and special services.....	5,685 00
Mileage for Special and Visiting Committees appointed by the Assembly.....	1,326 80
Total.....	$15,461 68

The foregoing shows that a deficit exists in the Contingent Fund of the Assembly, to supply which, and provide for the limited additional

demands on said fund for services during the present session, we respectfully recommend that Senate bill No. 471, an Act making appropriation for a Contingent Fund of the Senate, be amended by inserting therein the sum of eight thousand dollars for the Contingent Fund of the Assembly, which will obviate the necessity of including the same in a deficiency bill hereafter, and enable our employés, and others immediately interested, to be paid within a more reasonable period than they otherwise would be

SARGENT, for Committee.

SPECIAL BILLS.

Senate bill No. 472, an Act to authorize the payment of the rent of the building known as the Merchants' Exchange, in San Francisco, now occupied by the Legislature—considered in Committee of the Whole, reported with amendments, rules suspended, read third time, and passed

Senate bill No. 474, an Act to appropriate money to pay expenses incurred in the trial of the Impeachment Case of James H. Hardy—considered in Committee of the Whole, reported, and recommended.

Mr Campbell moved the previous question.

Sustained.

The bill was read a third time

On its passage, Messrs Yule, Brown, and Campbell, demanded the ayes and noes, and the bill passed, by the following vote:

AYES—Messrs. Amerige. Ames, Avery, Barton of Sacramento, Battles, Benton, Bigelow, Campbell, Collins, Cunnard, Dennis, Dore, Ehason, Evey, Fay, Frazier, Gordon, Griswold, Hoag, Irwin, Kendall, Leach, Love, Machin, Matthews, Morrison, O'Brien, Parker, Porter, Printy, Reese, Reeve, Saul, Sears, Seaton, Shannon, Smith of Sierra, Teegarden, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Waddell, Warwick, and Worthington—45

NOES—Messrs. Brown, Dow, Dudley of Placer, Moore, Yule, and Zuck—6.

Mr. Hoag, from the Committee on Claims, made the following report:

Mr. SPEAKER:—Your Committee on Claims, to whom was referred Senate bill No. 474, an Act to appropriate money to pay expenses incurred in case of the trial of the Impeachment of James H. Hardy before the Senate of the State of California, beg leave to report the same back, and recommend its passage;

Also, recommend the passage of the resolution to pay Mr. Dodge, Assistant Enrolling Clerk of the Assembly;

Also, report the resolution in relation to copying Appendix, back, with a substitute, and recommend the passage of the substitute, for the reason that the law makes it the duty of the Copying Clerks to do the work contemplated, and they should be required to do the same.

HOAG,
WARWICK,
BIGELOW, as to resolutions,
C. C. DUDLEY, as to resolutions.

On considering the further report of the Committee on Claims, Mr. Ames demanded the previous question.

Sustained.

The House refused to adopt the following substitute, offered by the Committee:

Resolved, That Charles T. Jennings and George C. Hough, Copying Clerks, be and they are hereby directed to write up the Appendix to the Journal of the Assembly, upon the adjournment of the present session, at ten cents per folio, to be audited by the Board of Examiners, and the Controller is hereby authorized to draw his warrant for the same out of the Contingent Fund of the Assembly, upon the production of the certificate of the said Board of Examiners, auditing the amount.

The House then adopted the following resolution:

Resolved, That William G. Wood, the Minute Clerk, be and he is hereby employed to finish the copying of the Appendix of the Assembly, and such other copying as may not be completed upon the adjournment of the Legislature, at ten cents per folio, to be audited by the Secretary of State; and the Controller is hereby authorized to draw his warrant for the same out of the Contingent Fund of the Assembly, upon the production of the certificate of the Secretary of State, auditing the amount.

Also, the following:

Resolved, That J. W. Dodge, Assistant Enrolling Clerk of the Assembly, be and is hereby allowed, from the date of his appointment, the same per diem as the other Assistant Enrolling and Engrossing Clerks have received, payable out of the fund from which members and attachés receive their pay.

Mr. Hoag, from the Committee on Mileage, made the following report:

Mr. SPEAKER:—Your Committee on Mileage find H. J. Clayton, Sergeant-at-Arms of the Assembly, is entitled to the sum of forty-six dollars and eighty cents, as mileage, for one trip to Sacramento, on business connected with this House, and we recommend the adoption of the following resolution:

Resolved, That the Controller of State be and he is hereby authorized to draw his warrant, in favor of H. J. Clayton, for the sum of forty-six dollars and eighty cents, payable out of the Contingent Fund of the Assembly.

HOAG,
ZUCK,
O'BRIEN,
IRWIN.

Adopted.

RESOLUTIONS.

Mr. Morrison offered the following resolution:

Resolved, That the sum of two dollars per diem is hereby allowed to John H. Finnegan, as extra pay for his services as Clerk to Sergeant-at-

Arms of the Assembly, during the present session, to be drawn out of the Contingent Fund of the Assembly.

Mr. Barton of Sacramento offered the following amendment:

Insert, after the word session, "and J Powell, Clerk of the Committee on Ways and Means, two dollars per day for extra services during the present session."

Mr. Dow moved to lay the whole subject matter on the table.

Lost.

Mr. Ames moved the previous question.

Sustained.

The amendment offered by Mr Barton of Sacramento was then adopted.

On the adoption of the original resolution, Messrs. Collins, Dow, and Avery, demanded the ayes and noes, and the resolution was adopted, by the following vote:

AYES—Messrs. Ames, Barton of Sacramento, Bell, Benton, Campbell, Cunnard, Dennis, Eliason, Evey, Frazier, Griswold, Hoag, Jackson, Kendall, Machin, Matthews, Moore, Morrison, O'Brien, Parker, Reese, Saul, Seaton, Teegarden, and Waddell—25.

NOES—Messrs. Amerige, Avery, Bigelow, Brown, Collins, Dore, Dow, Dudley of Solano, Gordon, Irwin, Leach, Meyers, Orr, Porter, Printy, Reed, Reeve, Sears, Shannon, Smith of Sierra, Tilton of San Mateo, Warwick, Yule, and Zuck—24.

Mr. Reed asked leave to introduce a resolution awarding extra pay to John H. Donovan, Clerk to Committee on Judiciary.

Not granted.

Mr. Seaton also asked leave to introduce a resolution.

Not granted.

Mr. Sears moved to adjourn.

Lost.

Mr. Avery offered the following resolution:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant on the Treasurer, for the amount of thirty-two dollars, in favor of Robert P Smith, Assistant Enrolling Clerk, payable out of the Contingent Fund of the Assembly.

Mr. Dow offered to amend by inserting twenty-four dollars instead of thirty-two dollars.

Lost.

Mr. Hoag offered the following substitute:

Resolved, That H S. Whitbeck, First Assistant Engrossing Clerk, be allowed the same pay, from the date of his appointment, as all the other Engrossing Clerks have been allowed, payable out of the fund appropriated for the pay of members and attachés of the Assembly.

Mr. Campbell moved the previous question.

Lost.

Mr. Hoag moved the previous question.

Sustained.

The substitute of Mr. Hoag was lost, and the original resolution of Mr. Avery adopted

Mr. Ferguson, by leave, offered the following resolution :

Resolved, By the Assembly, the Senate concurring, that Horace Lovely be allowed two dollars per day, for extra services, from the date of his appointment, as Fireman of both Houses; that the Controller of State is hereby authorized to draw his warrant for the same, payable out of the Contingent Fund of the two Houses.

Mr. Reed offered the following amendment, which was accepted by the mover :

"And that the Controller of State is hereby authorized and directed to draw his warrant in favor of John H. Donovan, for services as Clerk of Judiciary Committee, from the date of the passage of the resolution allowing Committee Clerks, to March fourth, eighteen hundred and sixty-two."

Mr. Sears moved to adjourn.

Lost.

Mr Dudley of Placer moved that when the House adjourn, it adjourn until to-morrow, at nine o'clock.

Adopted.

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

Lost.

On the adoption of the resolution as amended, Messrs. Dudley of Placer, Matthews, and Collins, demanded the ayes and noes, and the resolution was lost, by the following vote :

AYES—Messrs. Cunnard, Dennis, Ferguson, Frazier, Jackson, Kendall, O'Brien, Reed, Reese, Reeve Saul, and Seaton—12.

NOES—Messrs. Amerige, Ames, Avery, Bigelow, Brown, Collins, Dean, Dow, Dudley of Placer, Dudley of Solano, Eagar, Evey, Fay, Gordon, Irwin, Leach, Love, Matthews, Meyers, Moore, Orr, Parker, Porter, Printy, Sears, Shannon, Smith of Sierra, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Waddell, Warwick, Yule, and Zuck—34.

Senate bill No 471, an Act making appropriation for a Contingent Fund of the Senate—considered in Committee of the Whole, reported with amendments, read third time, and passed.

On motion of Mr. Reed, at half past three o'clock, P M , the House adjourned.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,
Thursday, May 15th, 1862

House met pursuant to adjournment.

Speaker in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

The Speaker presented the following communication:

INDUSTRIAL SCHOOL DEPARTMENT,
San Francisco, May 12th, 1862.

To the Honorable the Speaker and Members of the Assembly of the State of California:

You are respectfully invited to attend the third anniversary exercises of this Institution, to be held on Saturday, May seventeenth, eighteen hundred and sixty-two, at eleven o'clock, A. M., at the School, Ocean House road

There will be an examination of the boys and girls in their studies.

Addresses may be expected from the Reverend John Kimball, Doctor F. Tuthill, and Reverend D. B. Cheney.

Omnibuses will leave the Plaza at nine and nine and a half o'clock, A. M., punctually.

In behalf of the Board of Managers,
C. O. GERBERDING,
President and Chairman.
A. C NICHOLS,
JACOB DEETH,
W. R. WADSWORTH,
Committee of Arrangements.

COMPLIMENTARY RESOLUTIONS.

Mr. O'Brien offered the following resolutions:

Resolved, That the thanks of this Assembly be and the same are hereby tendered to the Reporters of the Press on this floor, for the faithful and impartial manner in which they have reported the proceedings of the Assembly. If they erred, "it was an error of the head, and not of the heart."

Adopted

Resolved, That all the 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 members had obtained leave of absence in the usual way, and the Clerk immediately inform the Controller of State of the passage of this resolution.

Adopted.

Resolved, That the thanks of this Assembly be and the same are hereby tendered to the Chief Clerk, John Sedgwick; to his Assistants, W. N Slocum, W. G. Wood, and Martin Rowan; to the Sergeant-at-Arms, H J. Clayton; to Assistant, J. Watts; to the Clerk, John H. Finnegan; to the Journal Clerk, H. H Fellowes, and his Assistant, R H. Daley; to the Enrolling Clerk, S. Allen, and his Assistants; to the Engrossing Clerk, G A. Hill, and his Assistants; to the Copying Clerks, Porters, Watchmen, and all other attachés, for the faithful performance of their respective duties.

Adopted.

Mr. Reed offered the following resolution:

Resolved, That the thanks of this body be and are hereby tendered to the Hon George Barstow, for the ability, fidelity, and impartiality, with which he has discharged the duties of Speaker of this House.

Adopted.

REPORT.

Mr. Dow, from the Committee on Enrolment, made the following report:

Mr SPEAKER:—Your Committee on Enrolment have examined, and found correctly enrolled, the following bills:

Assembly bill No. 261, an Act to organize townships and regulate their powers and duties, and submit the same to vote of the people;

Also, Assembly bill No. 496, an Act to legalize the delinquent tax lists of the County of Sonoma, for the fiscal years eighteen hundred and fifty-nine, eighteen hundred and sixty, eighteen hundred and sixty-one, and eighteen hundred and sixty-two;

And delivered the same to the Governor, at twelve minutes past eight o'clock, P. M., May fourteenth, eighteen hundred and sixty-two.

DOW, for the Committee.

ADDITIONAL RESOLUTION.

Mr Dennis offered the following resolution:

Resolved, That the Controller of State be and he is hereby authorized and required to draw his warrant on the Treasurer of State, for the sum of forty-six and eighty one-hundredths dollars, payable out of the Contingent Fund of the Assembly, in favor of each of the following named persons, for mileage as members of the Assembly, viz.: J. M. Avery, W. H Barton, J. E. Benton, Thomas Campbell, J. M. Cunnard, James Collins, S Dean, J. H. Dennis, C. C. Dudley, R. D. Ferguson, John Frazier, J W Griswold, E W. Hillyer, J N Hoag, William Irwin, T. O. Jackson, R. Leach, David Love, J. H. Matthews, Thomas O'Brien, H. G. Parker, G. W Printy, J C. Sargent, James B. Saul, W. H. Sears, G. W. Seaton, T B. Shannon, E B. Smith, Eli Teegarden, J W. Thompson, C. N. Thornbury, W. A. Waddell, J. H. Warwick, George Woodman, C. E. Wilcoxon, and John Yule.

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

Upon which, Messrs. Avery, Dow, and O'Brien, demanded the ayes and noes, and the House agreed, by the following vote:

AYES—Messrs. Amerige, Avery, Benton, Campbell, Collins, Dore, Dow, Dudley of Solano, Eliason, Evey, Gordon, Irwin, Loewy, Matthews, Meyers, Orr, Porter, Printy, Reed, Sears, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Wilcoxon, Wright, Yule, and Zuck—27.

NOES—Messrs. Ames, Bell, Brown, Cunnard, Dean, Dennis, Dudley of Placer, Ferguson, Frazier, Griswold, Kendall, Love, Moore, O'Brien, Parker, Pemberton, Reese, Reeve, Sargent, Saul, Shannon, Smith of Sierra, Thompson of San Joaquin, Waddell, and Werk—25.

ERROR CORRECTED.

Mr. Parker introduced a bill for an Act to correct a clerical error in the general Appropriation Act.

Read first and second times, rules suspended, considered engrossed, read third time, and passed.

Mr. O'Brien introduced a concurrent resolution, rescinding Joint Rule Number Fifteen.

Adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,
May 15th, 1862.

Mr. SPEAKER:—The Senate, on May fourteenth, adopted Senate concurrent resolution No. 68, granting leave of absence to Morris F. Griffin, County Clerk of Trinity County;

Also, on yesterday passed Assembly bill No. 496, relative to delinquent taxes in the County of Sonoma;

Also, indefinitely postponed Assembly concurrent resolution No. 39, relative to distribution of testimony in the Impeachment trial.

THOMAS HILL,
Secretary.

The House concurred in Senate concurrent resolution No. 68, above reported.

Senate concurrent resolution No 59, relative to printing three thousand copies of the Annual Report of the Agricultural Society for the year eighteen hundred and sixty-one.

Mr Ames moved to lay on the table.

Lost.

Mr. Sears moved to strike out "three thousand," and insert "fifteen hundred."

Lost.

Mr. Yule moved to strike out "three thousand," and insert "two thousand."

Lost.

Mr. Saul moved the previous question.

Upon concurring, Messrs Brown, Yule, and Dow, demanded the ayes and noes, and the House concurred, by the following vote:

AYES—Messrs Barton of Sacramento, Bell, Benton, Campbell, Cunnard, Dean, Dennis, Dore, Eliason, Evey, Ferguson, Frazier, Gordon, Griswold, Hoag, Hoffman, Irwin, Kendall, Loewy, Love, Machin, Moore, O'Brien, Parker, Pemberton, Porter, Printy, Reese, Reeve, Saul, Shannon, Smith of Sierra, Teegarden, and Warwick—34

NOES—Messrs. Amerige, Ames, Avery, Battles, Brown, Collins, Dow, Dudley of Placer, Dudley of Solano, Eagar, Leach, Matthews, Meyers, Reed, Sargent, Sears, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Waddell, Werk, Worthington, Wright, Yule, and Zuck—25.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, May 8th, 1862.

To the Honorable the Assembly of California:

I have to inform your honorable body that I have approved Assembly bill No. 157, an Act to amend an Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one;

Also, Assembly bill No. 291, an Act to regulate fees in office in the City of Sacramento;

Also, Assembly bill No. 474, an Act concerning the funded debt of the City of Sacramento;

Also, Assembly bill No. 336, an Act to provide for the construction of a public wagon and stage road in Contra Costa County, to the summit of the Divide, on the Alameda County line.

LELAND STANFORD, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, May 9th, 1862.

To the Honorable the Assembly of California:

I have to inform your honorable body that I have approved Assembly bill No. 193, an Act concerning fees of certain officers of the City and County of Sacramento.

LELAND STANFORD, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, May 12th, 1862.

To the Honorable the Assembly of California:

I have to inform your honorable body that I have approved Assembly bill No. 346, an Act in relation to suits brought for the collection of delinquent taxes;

Also, Assembly bill No 478, an Act to grant the right to construct a turnpike road between the Town of Columbia and the City of Sonora, in the County of Tuolumne;

Also, Assembly bill No. 381, an Act fixing the salary of the County Judge of the County of San Luis Obispo;

Also, Assembly bill No 440, an Act to amend an Act entitled an Act to provide for the establishment, maintenance, and protection, of public and private roads, approved May sixteenth, eighteen hundred and sixty-one;

Also, Assembly bill No. 480, an Act to submit the claim of William Martin, against the County of Siskiyou, to the voters of said county;

Also, Assembly bill No. 380, an Act fixing the salaries of the County Judge and District Attorney of the County of Klamath.

LELAND STANFORD, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, May 14th, 1862.

To the Honorable the Assembly of California:

I have to inform your honorable body that I have approved Assembly bill No 304, an Act to amend section three of an Act entitled 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, eighteen hundred and fifty-five, so far as relates to the Counties of El Dorado and Contra Costa;

Also, Assembly bill No. 450, an Act to grant the right of way for a railroad track within the corporate limits of the City and County of San Francisco;

Also, Assembly bill No. 365, an Act making appropriations for deficiencies in the appropriations made for the thirteenth fiscal year, ending the thirtieth day of June, eighteen hundred and sixty-two;

Also, Assembly bill No 494, an Act to appropriate moneys to pay the claims of R. C. Chambers, John D Goodwin, and F. F. Fargo;

Also, Assembly bill No. 485, an Act to amend an Act entitled an Act to authorize the County of Placer to loan its credit to the Sacramento, Placer, and Nevada Railroad Company, to the amount of one hundred thousand dollars, approved April eighth, A. D. eighteen hundred and sixty-two;

Also, Assembly bill No 479, an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one;

Also, Assembly bill No 462, an Act to appropriate money to pay the witnesses summoned to testify in the Hardy Impeachment case;

Also, Assembly bill No. 487, an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one;

Also, Assembly bill No. 483, an Act to require the Secretary and Controller of State to turn over all the vouchers and certificates representing unpaid claims for Indian war indebtedness, now on file in their respective offices, to the Board of Examiners of War Claims in this State;

Also, Assembly bill No 434, an Act appropriating money to pay the cost of removing the State Printing Office to and from San Francisco;

Also, Assembly bill No. 490, an Act providing for the payment of certain school property in the City of Sacramento;

Also, Assembly bill No. 486, an Act to levy a special tax for road purposes in San Mateo County;

Also, Assembly bill No. 283, an Act to appropriate money to pay the claim of Philip Caduc, for coal furnished the Supreme Court and State Library, in the year eighteen hundred and sixty;

Also, Assembly bill No 392, an Act to amend sections thirty-two and thirty-eight of an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one;

Also, Assembly bill No. 493, an Act fixing the fund out of which the salary of Watchman and Porter of the Court House, in the County of Sacramento, shall be paid;

Also, Assembly bill No. 364, an Act making appropriations for the support of the Civil Government of this State for the fourteenth fiscal year, commencing on the first day of July, A. D. eighteen hundred and sixty-two, and ending on the thirtieth day of June, A. D. eighteen hundred and sixty-three, inclusive.

LELAND STANFORD, Governor.

STATE OF CALIFORNIA. EXECUTIVE DEPARTMENT,
Sacramento, May 15th, 1862.

To the Honorable the Assembly of California:

I have to inform your honorable body that I have approved Assembly bill No. 484, an Act to amend an Act entitled an Act amendatory of and supplemental to an Act entitled an Act concerning the construction and repair of levees in the County of Sacramento, and the mode of raising

revenue therefor, approved April ninth, eighteen hundred and sixty-two, approved April twenty-sixth, eighteen hundred and sixty-two;

Also, Assembly bill No 496, an Act to legalize the delinquent tax lists of the County of Sonoma for the fiscal years eighteen hundred and fifty-nine, eighteen hundred and sixty, eighteen hundred and sixty-one, and eighteen hundred and sixty-two;

Also, Assembly bill No 261, an Act to organize townships, and regulate their proceedings and duties, and submit the same to a vote of the people.

LELAND STANFORD, Governor.

Mr Campbell made the following report:

Mr. SPEAKER:—The Committee of Managers, appointed by the Assembly to conduct the Impeachment of James H Hardy at the bar of the Senate, beg leave to report—that in accordance with the resolution of this House, they employed as Counsel on the part of the State, Messrs. Alexander Campbell, Henry Edgerton, and William Higby, to whose fidelity and zeal in the prosecution of the case the Managers call the particular attention of the Assembly; that with said Counsel they have, from day to day, attended in the conduct and prosecution of said Impeachment; that the said James H. Hardy was found by the Court to be not guilty of all the original and supplemental Articles of Impeachment, except the Fifteenth Article, of which said Fifteenth Article he was found guilty; that the result of the trial is, that the said James H. Hardy was, on May the fourteenth, eighteen hundred and sixty-two, removed from his office of District Judge of the Sixteenth Judicial District of the State, by the High Court of Impeachment, the Senate of the State of California.

CAMPBELL,
McCULLOUGH,
SHANNON,
MACHIN,
WORTHINGTON

RESOLUTIONS.

The following resolution was offered:

Resolved, That the Controller of State be directed to draw his warrant for forty-six dollars and eighty cents, in favor of H. J. Clayton, Sergeant-at-Arms of the Assembly, for mileage in going to and returning from the Capitol.

Laid on the table.

Mr. Hoffman offered the following resolution:

Resolved, That the State Controller is hereby authorized and required to draw his warrant, in favor of E. W. Bush, Postoffice Page of the Assembly, for the sum of one dollar per day, from the commencement of the session; and that he be required to remain here ten days after the close of the session, at the usual per diem, for the purpose of sending our letters and papers that may arrive here after our return home.

Mr. Yule offered the following substitute:

Resolved, That the Postmaster of the Assembly be allowed five days to forward letters and papers to the members after the adjournment of the Legislature.

Adopted.

Mr. McCullough offered a concurrent resolution, relative to furnishing four copies of the printed proceedings of the Hardy Impeachment trial.

Adopted.

Mr. Reed offered the following resolution:

Resolved, That the Controller of State is hereby authorized and directed to draw his warrant, in favor of John H. Donovan, for services as Clerk of the Judiciary Committee of the Assembly, from the date of the passage of the resolution allowing Committee Clerks, to March fourth, eighteen hundred and sixty-two.

Laid on table.

Mr. Leach offered the following resolution:

WHEREAS, It would be ungracious for this body to adjourn without testifying to the eminent and constant services of that ancient and honorable institution, known as the "Third House," and particularly is such acknowledgment due to those distinguished members of the institution who have been invested with its perpetual franchises; to whose disinterested attentions we would here commend our successors, trusting that if any of them should be caught "Nap"-ping, they will be subjected to all "Bell"-igerent consequences, and, if any goose among them needs a "Berry," somebody will be "Nye" to "Schell" out.

Resolved, That this testimonial of appreciation and good "Will"-son be immediately transmitted to the "Clark"-son of the "Third House"

Mr. Meyers offered the following amendment:

WHEREAS, The financial collapse under which the members of this body are now and for some time past have been so acutely suffering, warrants a resort to desperate remedies, it is therefore—

Resolved, That a Committee of one from each county, be appointed to confer with the "Clark"-son and "Steward" of the Lobby House, for the purpose of ascertaining upon what terms a dispensation from their fund can be obtained; no doubt existing of their disposition to "Schell" out liberally.

Mr. Dennis offered the following substitute:

Resolved, That the thanks of this House be and are hereby tendered to the boy who keeps the apple stand in the hall of this building, for the liberal credit extended upon various occasions to the members of this House, after the exhaustion of the Swamp Land Fund.

Ruled out of order.

Mr. Bell offered the following resolution:

Resolved, That the unanimous thanks of the Assembly are hereby tendered to the Committee of Managers in the Hardy Impeachment case, for their very vigilant, able, and successful prosecution of that important trial.

Adopted.

Mr. Barton of Sacramento, from the Committee on Ways and Means, made the following report:

Mr. SPEAKER:—Your Committee on Ways and Means, to whom was referred bills Nos. 186, 240. 251, 247, 384, 407, and 458, have had the same under consideration, and beg leave to report them back, with sundry resolutions, without recommendation.

BARTON, Chairman.

Mr. Ames offered the following resolution:

Resolved, That the Controller of State be and he is hereby authorized and required to draw his warrant on the Treasurer, in favor of Richard Kennedy, for the sum of fifty dollars, for services rendered as Page of this Assembly, said amount to be paid from the Contingent Fund of the Assembly.

Laid on the table.

Mr. Teegarden offered the following resolution:

Resolved, That the Controller of State be and he is hereby authorized and directed to draw his warrant, in favor of Daniel O'Connor, for the sum of one dollar per day, for this session, for extra services by him rendered.

Laid on the table.

Mr. Barton of Sacramento offered the following resolution:

Resolved, That the additional sum of one dollar per diem be allowed to L. Callish, as Porter to the Committee rooms, from the commencement of the time his services began; said amount to be paid out of the Contingent Fund of the Assembly.

Laid on the table.

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

Mr. SPEAKER:—Your Committee on the Judiciary have had under careful consideration various bills, which, not meeting with any considerable approval by the Committee, beg leave to report the same back, without any recommendation.

BELL, Chairman.

Mr. Benton offered the following resolution:

Resolved, That the Controller of State be authorized to draw his warrant, in favor of R. H. Daly, for services rendered as Assistant Engrossing Clerk, from the twenty-seventh of January to the fourteenth of February, at the per diem of the Engrossing Clerk.

Laid on the table.

Mr. O'Brien offered the following resolution:

Resolved, That H. T. Whitbeck, First Assistant Engrossing Clerk, be allowed the same pay, from the day of his appointment, that the other Engrossing and Enrolling Clerks have been allowed, payable out of the same fund that the members and attachés are paid from.

Laid on the table.

Mr. Barton of Sacramento offered the following resolution:

Resolved, That the Controller be and is hereby authorized to draw his warrant, in favor of Louis Callish, for one dollar per day for the term of service.

Laid on the table.

Mr. Reed, from the Committee on Education, made the following report:

Mr. SPEAKER:—The Committee on Education have considered sundry bills, and report them back to the House, without recommendation

REED, Chairman.

Mr. Jackson, from the Yuba delegation, made the following report:

Mr. SPEAKER:—The Yuba delegation, to whom was referred Senate bill No. 349: an Act to authorize the Administrator of the estate of Minerva E. Haun to sell and dispose of real estate and chattels real of said estate, beg leave to report the same back, without recommendation.

JACKSON,
SARGENT,
TEEGARDEN.

Mr. Bell offered the following resolution:

Resolved, That Horace Lovely be hereby allowed two dollars per day, extra pay, for his faithful services as Fireman of the Legislature. The said pay to be drawn from the Contingent Fund of the Assembly, and the Controller is hereby requested to draw his warrant for the same.

Laid on the table.

Mr Sears offered the following resolution:

WHEREAS, J. Watt, Assistant Sergeant-at-Arms, has, by his gentlemanly conduct and strict attention to the duties of his office, won the esteem of the members of this House; therefore, be it

Resolved, That the Controller of State be authorized to draw his warrant, in favor of J Watt, for two dollars per day, extra pay, out of the Contingent Fund of the Assembly, from the first day of the session to the present.

Laid on the table.

Mr. Seaton offered the following resolution:

Resolved, That when we leave this House for home, we go with a purpose of uniting all loyal men in a grand rally for the Constitution, the Union, and Government of the United States; for "our souls are marching on."

Adopted.

Mr. Bell presented the following communication and resolution:

To the Assembly of California:

The undersigned respectfully states, that during the recess of the Legislature, he was employed by J. H. Sullivan, who, it was understood,

had been authorized, by a resolution of the Assembly, to finish the copying of the Appendix and Record Book of eighteen hundred and sixty-one, to assist in such copying; that the undersigned in good faith undertook and was employed in assisting to copy the Appendix for a number of months, and did actually copy between three and four thousand folios of the Appendix and Record Book, with the understanding and agreement that he should be paid out of the amount to be allowed to said Sullivan. That, in consequence of the disallowance of the claim of Sullivan, by the Committee on Claims, he is left without any remuneration whatever for his services as aforesaid. The undersigned, therefore, asks that the Assembly will grant him such relief as he may be equitably entitled to.

JOHN T. DIOSSY.

Subscribed and sworn to before me, this fourteenth day of May, A. D. eighteen hundred and sixty-two.

ALFRED BARSTOW, Notary Public.

Resolved, By the Assembly, that the Controller of State be and he is hereby authorized and required to draw his warrant, in favor of John T. Diossy, for copying, done under the direction of J. H. Sullivan, in the Appendix and Record Book of the Assembly for the session of eighteen hundred and sixty-one, for the amount that may be certified and audited by the Secretary of State as having been copied by said Diossy; and the Treasurer of State is hereby authorized and directed to pay the amount of such warrant out of the Contingent Fund of the Assembly.

Adopted.

On motion, the Speaker appointed Messrs. Ames, O'Brien, and Tilton of San Francisco, a Committee to wait upon the Governor, and ask whether he has anything further to communicate to the Assembly.

Mr. Eliason offered the following resolution:

Resolved, That Horace Lovely be allowed two dollars per day, from the commencement of the session, for extra services as Fireman of the Legislature; the said pay to be drawn from the Contingent Fund of the Assembly; and the Controller is hereby required to draw his warrant for the same.

On adopting the resolution, Messrs. Wright, Leach, and Ames, demanded the ayes and noes, and the resolution was adopted, by the following vote:

AYES—Messrs. Ames, Avery, Battles, Bell, Benton, Cunnard, Dennis, Eagar, Eliason, Evey, Ferguson, Frazier, Love, O'Brien, Orr, Parker, Pemberton, Reese, Saul, Seaton, Teegarden, Thompson of San Joaquin, Tilton of San Francisco, Van Zandt, Waddell, Worthington, and Yule—28.

NOES—Messrs. Amerige, Barton of Sacramento, Brown, Campbell, Collins, Dean, Dore, Dow, Dudley of Placer, Dudley of Solano, Gordon, Irwin, Leach, Loewy, Matthews, Meyers, Moore, Morrison, Porter, Printy, Reed, Sargent, Sears, Smith of Sierra, Warwick, Wright, and Zuck—27.

REPORTS CONTINUED

Mr. Avery, from the Committee on Enrolment, made the following report:

Mr. SPEAKER:—Your Committee on Enrolment have examined, and found correctly enrolled, Assembly bill No 497, an Act to correct a clerical error, etc., and delivered the same to the Governor, at thirty minutes past eleven o'clock.

AVERY, Chairman.

Mr. Ames made the following report:

Mr. SPEAKER:—Your Committee, appointed to wait upon the Governor, would respectfully report that they have visited him, and he informs the Assembly, through your Committee, that he has no further messages to communicate to the House.

AMES, for Committee.

RESOLUTION OF CENSURE.

Mr. Dow introduced the following resolution:

Resolved, That R. D. Ferguson merits the censure of this House for his ungentlemanly and insulting conduct towards the Speaker of this House.

On adopting the resolution, Messrs Brown, Parker, and Collins, demanded the ayes and noes, and the resolution was adopted, by the following vote:

AYES—Messrs. Amerige, Avery, Battles, Bigelow, Brown, Campbell, Collins, Dore, Dow, Dudley of Solano, Eagar, Eliason, Evey, Gordon, Griswold, Irwin, Loewy, Love, Meyers, Moore, Orr, Porter, Printy, Reed, Reese, Reeve, Sargent, Shannon, Smith of Sierra, Tilton of San Francisco, Tilton of San Mateo, Van Zandt, Worthington, Yule, and Zuck—35.

NOES—Messrs. Bell, Cunnard, Dennis, Dudley of Placer, Frazier, Jackson, Kendall, Matthews, Morrison, Parker, Pemberton, Sears, Thompson of San Joaquin, Werk, Wilcoxon, and Wright—16.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,
May 15th, 1862.

Mr. SPEAKER:—The Senate, on the fourteenth instant, concurred in Assembly amendments to Senate bill No. 467, an Act providing for the removal of the furniture, books, and stationery, to the Capitol at Sacramento;

Also, concurred in Assembly amendments to Senate bill No. 472, relative to payment of the rent of the building known as the Merchants' Exchange, in San Francisco, now occupied by the Legislature;

Also, concurred in Assembly amendments to Senate bill No. 471, an Act making appropriations for a Contingent Fund of the Senate;

Also, this day passed Assembly bill No. 497, an Act to correct a clerical error.

THOMAS HILL,
Secretary.

SENATE CHAMBER,
May 15th, 1862.

Mr. SPEAKER:—I am directed to inform the Assembly that the Senate is now ready to adjourn *sine die*.

THOMAS HILL,
Secretary of Senate.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,
Sacramento, May 15th, 1862.

To the Honorable the Assembly of California:

I have to inform your honorable body that I have approved Assembly bill No. 497, an Act to correct a clerical error in the Act entitled an Act making appropriations for the support of the Civil Government of this State, for the fourteenth fiscal year, commencing on the first day of July, A. D. eighteen hundred and sixty-two, and ending on the thirtieth day of June, A. D. eighteen hundred and sixty-three;

Also, Assembly bill No. 488, an Act providing for free bridges across J and K streets, in the City of Sacramento

LELAND STANFORD, Governor.

The hour fixed for the adjournment of the Legislature having arrived the Speaker delivered the following

VALEDICTORY ADDRESS.

GENTLEMEN OF THE ASSEMBLY:—The hour for the adjournment of this body *sine die* has now arrived. As we are about to separate, the great question whether the virtues of our ancestors survive in us, as a nation, or are buried with them in their graves, draws near to a solution. When we met, on the morning of the sixth of January, the black cloud of war hung gloomily over the country. Day by day, during our deliberations, that cloud has been lifted up, and the news of victory after victory to the national banner has been brought to our ears. The cheering prospect now is that the Constitution will be maintained in its complete integrity, and the nation restored to unity, peace, and concord.

They who rose in arms, to dash madly to pieces the Union of our fathers, are dwindling to a piratical horde, whose only bond of union is a sense of common guilt and common danger. Against the sentiment of the whole civilized world, they fight to extend and perpetuate a system whose corner stone is human slavery. They hold out against reverses, and continue to shed blood in hopes to extort conditions of peace disgraceful to the nation, and dangerous to the future tranquillity of the Republic. Be our plain answer this: Peace without concessions, or war with unsparing rigor. The nation cannot treat with traitors in arms. But if they are overthrown, and the day comes when a brave people return from the war path, exulting in victory, and crowned with imperisha-

ble glory, they will remember that moderation in triumph and mercy in the dispensation of justice are ever to be included among the attributes of true greatness. We ask no other revenge for the past than that which shall afford us the best guarantee for the future. We seek no other suppression of the power of the enemies of the Republic than that which shall render them powerless for mischief hereafter. Sound policy requires the warning to go forth, for all future time, that they who kindle the torch of civil discord, shall be consumed in the conflagration There can be no amnesty to such traitors. While the poor soldiers in the ranks and the unfortunate dupes of crime may be permitted to find a sanctuary in the clemency of their country, the execution of guilty conspirators is the melancholy sacrifice which the nation must lay upon the altar of liberty. The nation wants peace. It loves peace. But it does not want peace at the sacrifice of the Union. It demands, that when the contest is once settled, it shall be settled forever. It will not accept of peace at the risk of leaving to posterity another outpouring of blood and treasure to quell a causeless and infamous rebellion. The only practicable Peace Convention now is the Federal Army.

When a nation wantonly challenges a trial of physical strength, it may wisely recede from its error through the back door of compromise But when forced to try itself by the ordeal of battle, if it falters, or fails to put forth its power and crush all opposing powers, it is from that hour a doomed nation, and its actual downfall is only a question of time. To waive or avoid the conflict is just as fatal as overwhelming rout on the field of combat. If this be not so, all history is a mistake

When the people are led to the field of slaughter by a master, to kill each other for him, they are debased in their very victories. But there is one thing which ennobles war, and that is a just cause. As, in fire, gold finds its purifier, so, through the flames and woes of war, when waged for noble ends, a nation finds its permanent regeneration. When the people feel that a war which costs anything costs more than it is worth, they are fit only to be enslaved. This war will be worth all that it costs, if thereby we can prove to the world, and to ourselves, that a government of the people neither possesses any inherent weakness nor carries in its bosom the seeds of dissolution.

War never brings unmitigated evil. When a nation has grown puerile in the lap of peace, it revivifies its torpid dust, and rekindles its martial fire at the bloody shrine of war Even degenerate sons, goaded by shame at witnessing the degradation of their country, arouse themselves at last, and draw the swords of their fathers. Bad as war is, there is one thing worse than war, and it is that depth of moral degradation which a nation reaches when it considers that it has nothing worth fighting for.

Representatives of the People! If this land cannot be freedom's home, let us swear to each other, by the sacred ashes of our sires, that it shall be glory's grave. The Republic is making history now, and it will be full of honor, or full of shame, according to the measure of national wisdom and valor.

At the breaking out of this rebellion, California, though abounding in traitors and malcontents, rejected alike the seductive proposal of a Pacific Republic, and the infamous and monstrous project of a Southern Confederation, formed avowedly for the propagandism of slavery. Conceding the paramount sovereignty of the General Government, and the paramount allegiance due to it, we felt ourselves attacked by whatever attacks that central Union, which stands, in its relation to the States,

as the sun in heaven to the stars of the firmament. We say now, to our brethren of the Atlantic States, as we have said from the first, that we will prove true to the flag of the Union.

From the cradle of our country in the East, we have wandered to a point where the star of empire is stayed in its course by the ocean, and the sun seems to set in the western waves. But, as we have not outrun the benefits of that free Government, which has carried us under its shield along its career of advancement, from ocean to ocean, so we will never harbor the base thought of escaping from the obligations imposed upon us, in return for the benefits which the Union confers. That parent Government, under which we have lived and grown great, we will maintain and defend to the last. In peace, we have never attempted anything which the Constitution forbids. We have not seized the critical moment of national peril for the discussion of extreme opinions. But we know, that in war, the law of inexorable necessity is supreme over all. The Republic must be saved at all hazards; and, for that end, the emergency, which calls for the exercise of the war power, alone measures and limits the extent of it.

I regard this war as only one form of that conflict, between right and wrong, which is ever renewing itself upon the earth, and into which, if a nation be forced, it must do battle for the right, or invite its own overthrow, and consent to its own ruin. The energy manifested by the American people, and the ability displayed by the present National Administration during this contest, have few if any parallels in history. A war gigantic in its proportions—an army vast in numbers and material—but no going into foreign markets for loans, no murmurs among the people at taxation, no shock to the national credit, no irreparable derangement of business, no dearth of provisions—men, munitions, and money, nearly all furnished at home, and the people willing to furnish more—all this, to say nothing of that prodigious power, and that amazing stride in discovery and invention, now indicated to the world by the word "Monitor"—all this, I say, goes far, very far, to stamp this war as the most wonderful of wars, and the United States of America as the most wonderful of nations.

If, in former times, we have been justly censured as a vainglorious and boastful people, surely the time has now come when each one of us may be *proud* to say: "I *am* an American citizen." When this contest closes, as close it will, victoriously for us, let us hope that the nation, bounding up from the depression of war, will enter upon a career of prosperity to which the mind of man can assign no limits. It is the fondest hope of my life to see American institutions make the circuit of the globe.

I desire the building of the Pacific Railroad, not only as a military necessity—not only as an iron band, binding the Republic together and making us more and more one nation and one people, with one interest and one destiny, but as the means by which we can ultimately carry our arts, our language, and our power, along in the wake of our commerce, to the uttermost bounds of the earth. To me the grandest of all material conquests are the conquests of the plough over the solitudes of nature, and of the swift ships over the billows of the ocean.

I hail the telegraph, the steamship, the railway, as the mighty agents by which the ends of the earth are to be brought together, and nations are to learn that simple lesson, which kings and conquerors never have taught and never will, that man is to man a brother, the whole earth over. These are the triumphs which, in my judgment, eclipse all the

triumphs of war. The American Union, rightly interpreted, is Peace and Progress.

Gentlemen of the Assembly, I congratulate you that several bills have passed this House, during the present session, which involve, in their passage, the triumph of humanity and justice over wrong and error. They mark an epoch in the history of the State. Each one of them is a step forward, which never can be retraced It is a noticeable fact that this Assembly of eighteen hundred and sixty-two is the first one ever convened in this State, containing a majority of men willing to admit the almost self-evident truth that fidelity to freedom is consistent with constitutional obligations.

I congratulate you that a majority of us, taking for our motto, "Union and Progress," have stood together for the Constitution and the National Administration, against all their enemies, and that we have done this in harmony with the well-known wishes of the loyal people of the State.

I believe that our legislation has had no tendency to show that the people are incapable of self-government It is most gratifying to me, and must be so to the people whom we represent, to see that their agents have acted with so much unanimity upon all questions relating to the rebellion and its suppression. I believe that a majority of us have done all that we could, in our sphere of action, to enhance the value and prolong the duration of national liberty.

Gentlemen of the Assembly, I tender you my grateful acknowledgments for the kind resolution which you have adopted, as well as for the generous manner in which you have sustained me in the discharge of my duties; and now, with my warmest wishes for your happiness, I declare this Assembly adjourned *sine die.*

The Assembly then, at twenty minutes past twelve o'clock, P. M. on Thursday, May fifteenth, adjourned *sine die*